



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* ("Act") for:

- an early end to tenancy and an order of possession, pursuant to section 49; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The two tenants did not attend this hearing, which lasted approximately 11 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that she had permission to speak on behalf of the landlord owner, who was not named in this application, at this hearing.

The hearing began at 9:30 a.m. with the landlord and I present. The landlord disconnected from the hearing, without warning, at 9:40 a.m. I ended the conference at 9:41 a.m., as no parties were present.

### Preliminary Issue – Service of Landlord's Application

The landlord testified that the tenants were served with the landlord's application for dispute resolution by way of posting to their rental unit door on December 24, 2020. She claimed that the tenants were living at the rental unit, then stated that they were not, as squatters were there now, and then told me to "forget" what she said because it was a "small town" and she had heard things from other people. She then said that the tenants were still living at the rental unit.

Accordingly, I find that the landlord failed to prove service in accordance with section 89 of the *Act* and the tenants were not served with the landlord's application. The landlord maintained that the tenants were not living at the rental unit and there were squatters there instead. The tenants did not appear at this hearing to confirm receipt of the landlord's application.

The landlord further stated that she did not serve her three-page email evidence package to the tenants because she feared for the safety of the people who issued those email complaints. I notified the landlord that I could not consider this evidence at the hearing or in my decision because it was not served to the tenants, as required.

The landlord's application is dismissed with leave to reapply, except for the filing fee. The landlord is required to file a new application and pay a new filing fee, if the landlord wishes to pursue this matter further.

#### Preliminary Issue – Inappropriate Behaviour by the Landlord during the Hearing

Rule 6.10 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* states the following:

*6.10 Interruptions and inappropriate behaviour at the dispute resolution hearing*  
*Disrupting the hearing will not be permitted. The arbitrator may give directions to any person in attendance at a hearing who is rude or hostile or acts inappropriately. A person who does not comply with the arbitrator's direction may be excluded from the dispute resolution hearing and the arbitrator may proceed in the absence of that excluded party.*

Throughout the hearing, the landlord yelled at me and interrupted me. I asked the landlord to allow me to speak, so that I could ask questions in order to make a decision about her application. Every time I spoke, the landlord talked at the same time as me. When I asked the landlord to let me know when she was finished speaking, so I could respond to her questions, she continued to interrupt me. I notified the landlord that we could not properly hear each other if we were both talking at the same time. I informed the landlord that I could end the conference if she continued with her inappropriate behaviour, but she continued.

I informed the landlord that I had to ask questions about her application in order to make a decision. I only asked the landlord about service information, when the tenancy began and whether the tenants were residing in the rental unit. The landlord was angry

and upset with each question I asked, stating that she did not like the way I asked the questions.

The landlord was angry and upset whenever I asked her a question or explained information to her. The landlord was upset when I informed her that I could not consider her evidence package at the hearing. She asked if the hearing was being recorded and became angry when I notified her that hearings were not permitted to be recorded. She asked for my full name and I responded that for confidentiality reasons, Arbitrators did not release their full names to the public. I notified the landlord of my surname at the beginning of the hearing.

I was unable to inform the landlord about my decision during the hearing because she disconnected from the hearing, without warning. I was speaking to the landlord about whether the tenants were residing at the rental unit, when she began yelling at me, stating that she wanted a different Arbitrator. I informed her that I was the Arbitrator for this hearing. The landlord yelled that she would reapply for her application and then disconnected from the hearing.

I caution the landlord to not engage in the same inappropriate behaviour at any future hearings at the RTB, as this behaviour will not be tolerated, and she may be excluded from future hearings. In that case, a decision will be made in the absence of the landlord.

### Conclusion

The landlord's application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the landlord's application is dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: January 04, 2021

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Residential Tenancy Branch