



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PROSPERO INTERNATIONAL
REALTY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes LRE, LAT, OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order restricting the landlord's right to enter the rental unit, pursuant to section 70;
- authorization to change the locks to the rental unit, pursuant to section 70; and
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62.

The landlord's two agents, "landlord LT" and "landlord RM," and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. This hearing lasted approximately 12 minutes. The hearing began at 11:00 a.m. and ended at 11:12 a.m.

At the outset of the hearing, I informed both parties that they were not permitted to record the hearing, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure*. During the hearing, the landlord's two agents and the tenant all affirmed under oath that they were not recording the hearing.

Landlord LT confirmed that she was the property manager and landlord RM confirmed that she was the building manager, both employed by the landlord company named in this application. Both landlord agents stated that they had permission to represent the landlord company at this hearing.

Landlord LT confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

At the outset of the hearing, the tenant confirmed that she vacated the rental unit. When I asked the tenant about the date she moved out of the rental unit, she refused to answer my question. I notified both parties that the tenant's application was dismissed without leave to reapply, as the relief in the tenant's application all related to an ongoing tenancy and the tenant moved out of the rental unit.

When I verbally announced my decision, the tenant yelled at me, interrupted me, and stated that I had a "moral obligation" to hear her application. I notified the tenant again that the relief claimed in her application all related to an ongoing tenancy and she moved out of the rental unit, so I was not required to conduct a full hearing on the merits of the tenant's application.

Preliminary Issue – Inappropriate Behaviour by the Tenant during the Hearing

Rule 6.10 of the 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 tenant yelled at me, interrupted me, and refused to answer my questions. When I asked the tenant repeatedly about the date she moved out of the rental unit, she refused to answer my questions. The tenant repeatedly stated that I had a "moral obligation" to decide her application and that it related to criminal claims. I repeatedly notified the tenant that the RTB did not deal with criminal matters and that she could contact the police and go through the Court system. The tenant asked for my name and I notified her that I announced my surname at the beginning of the hearing.

I cautioned the tenant multiple times that I would end the hearing if she did not allow me to speak and conduct the hearing. I informed the tenant that I muted her telephone line once because she continued yelling at me and interrupting me, while I was trying to speak to the landlord's agents. During this time, I confirmed with the landlord's agents that the tenant vacated the rental unit, that the landlord received the tenant's application, and I obtained landlord LT's email contact information to send a copy of my written decision to the landlord.

When I informed the tenant that I unmuted her telephone line to obtain her contact information to send her a copy of my decision, the tenant refused to provide me with an email address or mailing address. The tenant continued interrupting me and yelling at me, while I was speaking.

I informed both parties that I muted the telephone lines of both parties once, as I was unable to speak because the tenant kept interrupting me. I explained again that I needed to be able to speak without interruption, in order to conduct the hearing. I informed them again that I had already made a decision to dismiss the tenant's application and that I was not required to conduct a full hearing on the merits of the tenant's application because the tenant had already moved out and the tenant's claims related to an ongoing tenancy. I notified them again that the RTB did not deal with criminal matters and that the tenant could contact the police and go through the Court system. I informed them that the RTB only deals with residential tenancy matters. I stated again that I needed the tenant's contact information to send her a written copy of my decision. I provided my surname again, as per the tenant's request, and spelled my surname. I informed both parties that my surname would be on a copy of my written decision that would be sent to both parties after the hearing. I notified them that I was unmuteing both parties' telephone lines in order to obtain the tenant's contact information to send her a copy of my decision.

When I unmuted the telephone lines of both parties, the tenant asked for my name again. I informed her that I announced my surname twice, once at the beginning of the hearing and a second time with the spelling. I notified her again that my name would be on the written decision sent to both parties after the hearing. The tenant then asked for my first name. I explained to the tenant that for security and confidentiality reasons, Arbitrators were not required to provide their first names to parties. While I was speaking, the tenant continued yelling at me, interrupting me, and repeatedly stating that she would make a law society complaint against me. The tenant refused to provide an email or mailing address to me, in order for me to send my decision to her.

Throughout the hearing, the tenant continued with her inappropriate behaviour of interrupting me, yelling at me, refusing to answer my questions, and threatening to make law society complaints against me. At 11:12 a.m., I thanked both parties for attending the hearing and notified them that I was closing the hearing.

Conclusion

The tenant's entire application is dismissed without 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 *Residential Tenancy Act*.

Dated: April 26, 2021

Residential Tenancy Branch