



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, RP, OT, RPP, DRI

### Introduction

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

- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to complete repairs to the rental unit, pursuant to section 32;
- other unspecified relief;
- an order requiring the landlord to return the tenant's personal property, pursuant to section 65; and
- an order regarding a disputed additional rent increase, pursuant to section 43.

The landlord, the landlord's agent, 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 began at 11:00 a.m. I ended the hearing at 11:04 a.m., after approximately 4 minutes.

Neither party made any adjournment or accommodation requests at this hearing.

The landlord confirmed his name and stated that he was the owner of the rental unit. He said that the landlord's agent was the building manager for the rental property. The landlord's agent stated and spelled her full name.

The tenant said that he wanted the landlord to state and spell his full name because he thought the landlord was using another name and his father was controlling things. I informed the tenant that the landlord already provided his name at the outset of this hearing. I notified the tenant that he named the landlord as a respondent in his application and he spelled the landlord's name in it. The tenant stated that maybe he could not hear the landlord properly over the phone but that he could hear me. I informed the tenant that he could disconnect and call back into the hearing if he was unable to hear the landlord properly. The tenant refused and said he wanted to continue with the hearing. I notified the tenant that if he could not hear the landlord, he would not be able to participate in this hearing. The tenant stated that he wanted to continue and refused to call back into the hearing. I asked the landlord to repeat his name and spelling for the tenant, which he did. The tenant confirmed that he could hear the landlord properly.

Rule 7.20 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") states the following:

*7.20 Exclusion of witnesses and others*

*The arbitrator may exclude witnesses from the dispute resolution hearing until called to give evidence.*

*The arbitrator may, when they consider it appropriate to do so, exclude any other person from the dispute resolution hearing.*

The tenant stated that he had a witness present with him during this hearing. I informed him that witnesses were required to be excluded from the outset of the hearing. The tenant argued that the landlord had his witness present with him. I notified the tenant that the landlord had an agent present, who is the building manager, so she was not a witness. The tenant said that his witness left the room during the hearing.

Rule 6.11 of the RTB *Rules* states the following:

*6.11 Recording prohibited*

*Persons are prohibited from recording dispute resolution hearings, except as allowed by Rule 6.12. Prohibited recording includes any audio, photographic, video or digital recording.*

The tenant stated that he was recording this hearing with a tape recorder. I notified him that recording of this hearing was not permitted by anyone. I asked the tenant to turn off his tape recorder. The tenant stated that he had to record this hearing. I informed him again that recording of this hearing was not allowed and that I could exclude him from the hearing or end the hearing. The tenant stated that I could not end the hearing. I informed the tenant that I could end this hearing if he was recording it. I notified him again that recording of this hearing was not permitted. The tenant said that he turned off his tape recorder. However, I informed both parties that I was unable to confirm whether the tenant stopped recording this hearing.

I informed both parties that I was ending the hearing because the tenant was recording the hearing, it was not permitted, and I could not confirm that the tenant stopped recording. I informed them that the tenant's entire application was dismissed with leave to reapply. I thanked both parties for attending and ended the hearing.

Rule 6.10 of the RTB *Rules* 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.*

I find that the tenant did not comply with Rules 6.10 and 6.11 of the RTB *Rules*, as noted above. I find that the tenant was recording this hearing, I informed him that it was not permitted, the tenant argued that he was entitled to record, and I could not confirm that the tenant stopped recording.

As the tenant was the applicant in this application, and the hearing did not proceed due to the tenant's non-compliance with the *Rules*, I dismissed the tenant's application with leave to reapply, so as not to prejudice the tenant's right to pursue his application. The tenant's application does not involve a notice to end tenancy or an order of possession. Therefore, I find that there is no prejudice to the landlord, who will have an opportunity to respond if the tenant reapplies.

Conclusion

The tenant's entire 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 *Residential Tenancy Act*.

Dated: September 20, 2021

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Residential Tenancy Branch