



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

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

- an order requiring the landlords to complete emergency repairs to the rental unit, pursuant to section 33; and
- authorization to recover the \$100.00 filing fee paid for this application, pursuant to section 72.

The two landlords and "tenant JY" did not attend this hearing, which lasted approximately 5 minutes. Tenant DM ("tenant") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 9:30 a.m. and ended at 9:35 a.m. The tenant left the hearing at 9:31 a.m. and returned at 9:33 a.m., to obtain a better phone connection, as I informed him that his teleconference line was cutting out and I could not hear him properly.

I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant and I were the only people who called into this teleconference.

The tenant confirmed that he had permission to represent tenant JY at this hearing (collectively "tenants").

The tenant did not make any adjournment or accommodation requests.

The tenant provided his email address for me to send a copy of this decision to the tenants after this hearing.

At the outset of this hearing, I notified the tenant that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("*Rules*").

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.

I asked the tenant to affirm, under oath, that he would not record this hearing. The tenant responded that he was already recording the hearing, as his phone automatically records everything. I again notified him that Rule 6.11 of the RTB *Rules*, which was available to him prior to this hearing, does not permit recording of this hearing and he was not allowed to record. The tenant said that he could not turn off his recording because it was automatic. The tenant claimed that he could delete the recording after the hearing was over. I informed him that I had no way to confirm whether he would delete the recording after the hearing was over.

I informed the tenant that I was ending the hearing. I informed him that the tenants' application for emergency repairs was dismissed with leave to reapply. I notified him that the tenants' application to recover the \$100.00 filing fee was dismissed without leave to reapply.

I informed the tenant that he was required to disable his automatic phone recording function prior to any future RTB hearing, as recording of any RTB hearing is not permitted by Rule 6.11 of the RTB *Rules*.

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

Conclusion

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

The remainder of the tenants' 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: November 19, 2021

Residential Tenancy Branch