



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RR, PSF, RP, MNDC, OLC, FF

### Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenants' application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act) for:

- a reduction in monthly rent;
- an order requiring the landlord to provide for services or facilities required by the tenancy agreement or the Act;
- an order requiring the landlord to make repairs to the rental unit;
- compensation for a monetary loss or other money owed;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement; and
- to recover the cost of the filing fee.

The tenants and the landlord attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process. The parties were affirmed.

The parties were informed at the start of the hearing that recording of the dispute resolution hearing is prohibited under the Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. All parties provided affirmed testimony they were not recording the hearing.

During this time, the tenants confirmed that the tenancy has ended as they vacated the rental unit on or about October 5, 2021, after filing this application for dispute resolution on or about August 20, 2021.

Shortly after the hearing began, loud voices were heard in the background. After asking the parties to quieten the background voices, I was informed by tenant MB that they were on a ferry and could do nothing about the voices. Additionally, when asked, the tenant AF confirmed she was using a speaker phone during the hearing. AF said she could go to her car to finish the hearing. However, it quickly became apparent that they did not either go to their car or stop using the speaker phone.

While I was speaking to the parties, tenant AF began laughing loudly, confirming upon my inquiry that she was laughing at their dog.

At that point, I determined that the hearing would not continue.

All parties are entitled to administrative fairness during dispute resolution hearings. Using those principles, I find it reasonable to conclude that the parties have a legitimate expectation of privacy during the hearing so that personal and private information is not shared with the public.

In this case, I find the parties would have no expectation of privacy during this hearing, due to the continued conduct of the tenants and find it would be prejudicial and procedurally unfair to the landlord to continue. As a result, I concluded the hearing, without hearing the merits of the tenants' application.

As to the tenants' application, due to the tenancy having ended, I **dismiss** the portions of the tenants' application for an order for a reduction in rent, an order requiring the landlord to provide for services or facilities, an order requiring the landlord to make repairs to the rental unit, and an order for the landlord to comply with the Act, **without leave to reapply**, as these issues relate to an ongoing tenancy.

As to the tenants' monetary claim, I advised them that part of their application did not comply with section 59(2)(b), as it did not provide sufficient particulars of their claim for compensation. Additionally, Rule 2.5 states that the applicant must submit a detailed calculation of any monetary claim being made and copies of all other documentary and digital evidence to be relied on in the proceeding.

While the tenants did provide a detailed breakdown in their evidence, that total did not match the total claim listed in their application. Additionally, the tenants, at the time of their filing date, would not have had proof of moving expenses, as the tenancy had not yet ended. Therefore, that part of their monetary claim was premature.

I therefore **dismiss** the tenants' monetary claim, **with leave to reapply**, but are reminded to provide full particulars of their monetary claim matching their application in the future.

As I did not hear the merits of the tenants' application, I **dismiss** their request to recover the filing fee, **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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: December 29, 2021

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Residential Tenancy Branch