



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CENTURION PROPERTY ASSOCIATES
INC and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, PSF, OLC

Introduction

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

- a monetary order for \$6,207.26 for compensation under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65; and
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62.

The "male tenant" did not attend this hearing, which lasted approximately 15 minutes. The landlord's agent, the landlord's lawyer, and the female tenant ("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. The tenant intentionally disconnected from the hearing at 11:13 a.m. This hearing ended at 11:15 a.m.

The landlord's agent confirmed that he was the property manager for the landlord company ("landlord") named in this application and that he had permission to speak on its behalf. He confirmed the rental unit address. He said that his lawyer had permission to speak on his and the landlord's behalf.

The landlord's lawyer confirmed her name and spelling and provided her email address for me to send this decision to the landlord after the hearing.

The tenant confirmed that she has a “no contact order” against the male tenant, and she has not communicated with him, as she is not allowed to do so. She stated that she did not have permission to represent him at this hearing. She said that she thought he would appear at this hearing.

I informed the parties 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”). At the end of this hearing, the landlord’s agent and the landlord’s lawyer both separately affirmed, under oath, that they did not record this hearing.

I explained the hearing process to both parties. I informed both parties that I could not provide legal advice to them. Both parties had an opportunity to ask questions, which I answered. Neither party made any accommodation requests.

Preliminary Issue – Tenant’s Behaviour

Rule 6.10 of the RTB *Rules or 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 this hearing, the tenant was angry, upset, and argumentative. She repeatedly interrupted me, spoke at the same time as me, and would not allow me to speak or to answer her questions.

I repeatedly cautioned the tenant about her inappropriate behaviour and informed her that I needed to be able to speak, without interruption, to answer her questions and conduct the hearing.

I informed the tenant that I had to mute her telephone line one time because I was unable to speak without interruption, after I issued several warnings to her first. After I un-muted the tenant’s telephone line to answer any questions from her, she continued arguing with me, interrupting me, and speaking at the same time as me.

However, I allowed the tenant to attend this full hearing, in order to present her submissions. The tenant disconnected from this hearing, without warning, because she was angry and upset about my decision.

Preliminary Issue – Dismissal of Tenants' Application

At the outset of this hearing, the tenant confirmed that she did not move into the rental unit at any time. She confirmed the rental unit address during this hearing. She stated that she moved into a different rental unit in the same building.

I informed the tenant that the tenants' application for an order to comply and to provide services or facilities required by law, were claims related to an ongoing tenancy only. I notified her that these portions of the tenants' application were dismissed without leave to reapply.

The landlord's lawyer confirmed receipt of the tenant's application for dispute resolution and notice of hearing. She stated that the landlord did not receive any evidence from the tenants. She said that she was not prepared to proceed with this hearing because the landlord was not served with the tenants' evidence in support of their application.

The tenants filed this application on September 14, 2021. The tenants are required to serve the landlord with their evidence within 3 days of the application package being made available to them by the RTB on September 22, 2021, as per Rule 3.1 of the RTB *Rules of Procedure*. The tenants are required to serve any further evidence, no later than 14 days prior to this hearing, as per Rule 3.14 of the RTB *Rules of Procedure*.

I informed the tenant that the tenants received a priority hearing date for their application for an order to comply and provide services and facilities. I notified her that the tenants' monetary claim is a non-urgent lower priority issue, and it could be severed at a hearing, as per Rule 2.3 of the RTB *Rules of Procedure*.

Further, the tenants did not apply for the specific claim asking for the return of their security deposit in this application. However, they included this claim in the description details of their online RTB application.

For the above reasons, I informed the tenant that the tenants' monetary application was dismissed with leave to reapply. I notified her that the tenants could file a new application and pay a new filing fee, if they want to pursue this matter in the future.

The tenant was very angry and upset when I told her about my decision and she disconnected from the hearing at 11:13 a.m., without warning.

Conclusion

The tenants' application for an order requiring the landlord to provide services or facilities required by law and an order requiring the landlord to comply with the *Act, Regulation* or tenancy agreement is dismissed without leave to reapply.

The tenants' application for a monetary order for \$6,207.26 for compensation under the *Act, Regulation* or tenancy agreement 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: January 27, 2022

Residential Tenancy Branch