



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

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

- an early end to tenancy and an order of possession, pursuant to section 56.

The applicant and the respondent 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 24 minutes.

This hearing began at 1:30 p.m. with only me and the respondent present. The applicant called in late at 1:36 p.m., claiming that his notice of hearing was "buried in a PDF" and he was searching for it for 20 minutes. I informed the applicant that no evidence was discussed with the respondent in his absence. This hearing ended at 1:54 p.m.

The applicant confirmed that he co-owned the rental unit with his mother. He said that he had permission to represent his mother at this hearing. He confirmed the rental unit address. He provided his email address for me to send this decision to him after the hearing.

The respondent confirmed his name and spelling and provided an email address for me to send this decision to him after the hearing.

At the outset of this hearing, I informed both 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"). The applicant and respondent both separately affirmed, under oath, that they would not record this hearing.

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

Preliminary Issue – Inappropriate Behaviour by the Applicant during this 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.*

Throughout this hearing, the applicant was angry, upset, and argumentative. He repeatedly interrupted me, argued with me, asked me the same questions repeatedly, and asked me to look up his documents submitted to the online RTB system and read the information to him.

I repeatedly read out information contained on the applicant's notice of dispute resolution hearing proceeding form and informed him of the evidence received from him on the online RTB system. Despite this, the applicant continued to ask the same repeated questions about his own application, continued to argue with me when I attempted to answer his questions, and became upset when I informed him that I could not provide legal advice to him. I notified him that he could retain a lawyer to obtain legal advice, as my role as an Arbitrator was to make a decision regarding his application, not provide legal advice to him.

I repeatedly cautioned the applicant, but he continued with his inappropriate behaviour. However, I allowed the applicant to attend the full hearing, despite his inappropriate behaviour, in order to allow him to explain his application and ask questions about my decision. This hearing lasted 24 minutes because of the applicant's repeated arguments and inappropriate behaviour.

At the end of this hearing, I informed the applicant that I could no longer keep explaining the same information to him repeatedly and endure his repeated arguments and interruptions each time I spoke.

### Preliminary Issue – The Applicant's Application

At the outset of this hearing, the applicant stated that he was not a landlord. He said that the RTB did not have jurisdiction to hear this matter because he was a roommate of the respondent. He explained that he had a criminal matter that was urgent, so jurisdiction had to be decided. He maintained that he did not go to Court for a determination, even though he believes the RTB does not have jurisdiction, because he does not know which Court to go to for relief.

The applicant claimed that he did not want an early end to tenancy or an order of possession against the respondent. He said that he did not know he applied for this relief. He explained that he only wanted a determination regarding jurisdiction, as to whether the respondent is a tenant or a roommate under the *Act*. He stated that since his criminal issue was an urgent matter, it had to be heard by the RTB right away.

I informed the applicant that he applied for an early end to tenancy and an order of possession only. I notified him that he did not file an application for a determination regarding jurisdiction, which is a separate and specific application. I notified the applicant that his application for an early end to tenancy and an order of possession was dismissed without leave to reapply.

The following RTB *Rules* state (my emphasis added):

#### *2.3 Related issues*

*Claims made in the application must be related to each other. **Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.***

#### *6.2 What will be considered at a dispute resolution hearing*

*The hearing is limited to matters claimed on the application unless the arbitrator allows a party to amend the application.*

*The arbitrator may refuse to consider unrelated issues in accordance with Rule 2.3 [Related issues]. **For example, if a party has applied to cancel a Notice to End Tenancy or is seeking an order of possession, the arbitrator may decline to hear other claims that have been included in the application and the arbitrator may dismiss such matters with or without leave to reapply.***

The above *Rules* state that an Arbitrator may refuse to consider unrelated issues in an application. In this case, the applicant did not file any other claims or applications, aside from an early end to tenancy and an order of possession. I did not amend the applicant's application to add a claim to determine jurisdiction at this hearing. The applicant did not request to amend his application at this hearing, and he did not file the required amendment form at the RTB. The applicant had ample time to do so, given that he filed this application on December 8, 2021, and this hearing occurred on March 25, 2022, over 3.5 months later. I find that the respondent would not have proper notice to respond and provide evidence regarding this new claim, as it is not related to the applicant's claim for ending a tenancy early and an order of possession, as the applicant did not require this relief in the first place.

I informed the applicant that he was provided with a priority hearing date, due to the urgent nature of his application for an early end to tenancy and an order of possession. I informed him that this was the only urgent issue to be dealt with at this hearing and the only application that was before me.

I notified the applicant that he could retain a lawyer for legal advice regarding jurisdiction and which venue to pursue his claims, whether at the RTB or a Court of competent jurisdiction. I informed him that the RTB does not have jurisdiction to deal with criminal matters.

### Conclusion

The applicant's application for an early end to tenancy and an order of possession 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: March 25, 2022

---

Residential Tenancy Branch