



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACIFICA HOUSING ADVISORY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, MNRT, MNDCT, AAT, LRE, OLC, OT

### Introduction

This hearing dealt with the tenant's application, filed on February 21, 2023, pursuant to the *Residential Tenancy Act* ("Act"), for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47;
- a monetary order for the cost of emergency repairs and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation"), or tenancy agreement, pursuant to section 67;
- an order allowing access to the rental unit for the tenant or the tenant's guests, pursuant to section 70;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70;
- an order requiring the landlord to comply with the *Act*, *Regulation*, or tenancy agreement, pursuant to section 62;
- other relief, identified as "[J] engages in sexual relations with my neighbour/at the time [JG]. for that reason doesn't like me."

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. and ended at 11:08 a.m. The tenant called in late at 11:03 a.m., claiming that his clock said it was 10:58 a.m. I did not discuss any evidence in the absence of the tenant.

Both parties confirmed their names and spelling. Both parties provided their email addresses for me to send copies of this decision to them after this hearing.

The landlord's agent confirmed that he is the resident services coordinator, employed by the landlord company ("landlord") named in this application. He said that he had permission to represent the landlord. He stated that the landlord owns the rental unit. He provided the rental unit address and the legal name of the landlord.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") does not permit recordings of any RTB hearings by any participants. At the outset of this hearing, both parties separately affirmed, under oath, that they would not record this hearing.

Neither party made any adjournment or accommodation requests.

#### Preliminary Issue – Inappropriate Behaviour by the Tenant 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.*

From the outset of this hearing, the tenant was upset and agitated. When I asked him to confirm the claims in his application, he became upset, even after I repeated my question because he claimed he did not hear me. When I asked him twice whether he had his application in front of him during this hearing, he refused to answer me. When I asked whether he knew what he applied for, he was unsure. The tenant filed this application but did not know what he applied for.

The tenant was given ample time during this hearing, to search for his application and confirm the claims he made.

During this hearing, the tenant yelled at me, argued with me, spoke at the same time as me, interrupted me, and called me a "bitch." He asked for a different Arbitrator. I informed him that he could not have another Arbitrator, as I was the only Arbitrator scheduled to conduct this hearing.

I repeatedly warned the tenant that I would mute his telephone and disconnect him from this hearing, if he continued with his inappropriate behaviour. He claimed that he was not behaving badly. He continued with this behaviour, so I informed him that his application was dismissed, and I disconnected him from this hearing and ended the conference.

### 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: June 22, 2023

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Residential Tenancy Branch