

## **DECISION**

**Dispute Codes**      ARI-C

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") and the *Residential Tenancy Regulation* (the "Regulation") for an additional rent increase for capital expenditure pursuant to section 23.1 of the Regulation.

A pre-hearing conference was held on December 15, 2022 which resulted in an Interim Decision dated December 15, 2022 (the "Interim Decision"). This Decision should be read in conjunction with the Interim Decision.

The landlord's agent (the "agent") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony and to make submissions.

The Interim Decision made the following order:

I order that the landlord serve each tenant with their respective copy of the Notice of Dispute Resolution Proceeding package, and with a copy this interim decision within three days of receiving them from the RTB.

The agent testified that he did not serve the tenants with the Notice of Dispute Resolution Proceeding package or a copy of the Interim Decision. I informed the agent that the landlord's application for dispute resolution is dismissed with leave to reapply for failure to serve in accordance with the Order set out in the Interim Decision.

The agent proceeded to impugn the Interim Decision and question me on it. I advised the agent that this hearing is not the correct forum to dispute the Interim Decision. The agent continued, with clear hostility, to impugn the Interim Decision despite my instruction to the contrary.

Rule 6.10 of the Residential Tenancy Branch Rules of Procedure (the "Rules") states:

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.

As I had already dismissed the landlord's application for dispute resolution for failure to serve, and the agent did not comply with the directions I made pursuant to Rule 6.10 of the Rules, I ended the hearing.

### Conclusion

The landlord's application for dispute resolution is dismissed with leave to reapply for failure to serve in accordance with my Interim Decision dated December 15, 2022.

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: April 27, 2023

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Residential Tenancy Branch