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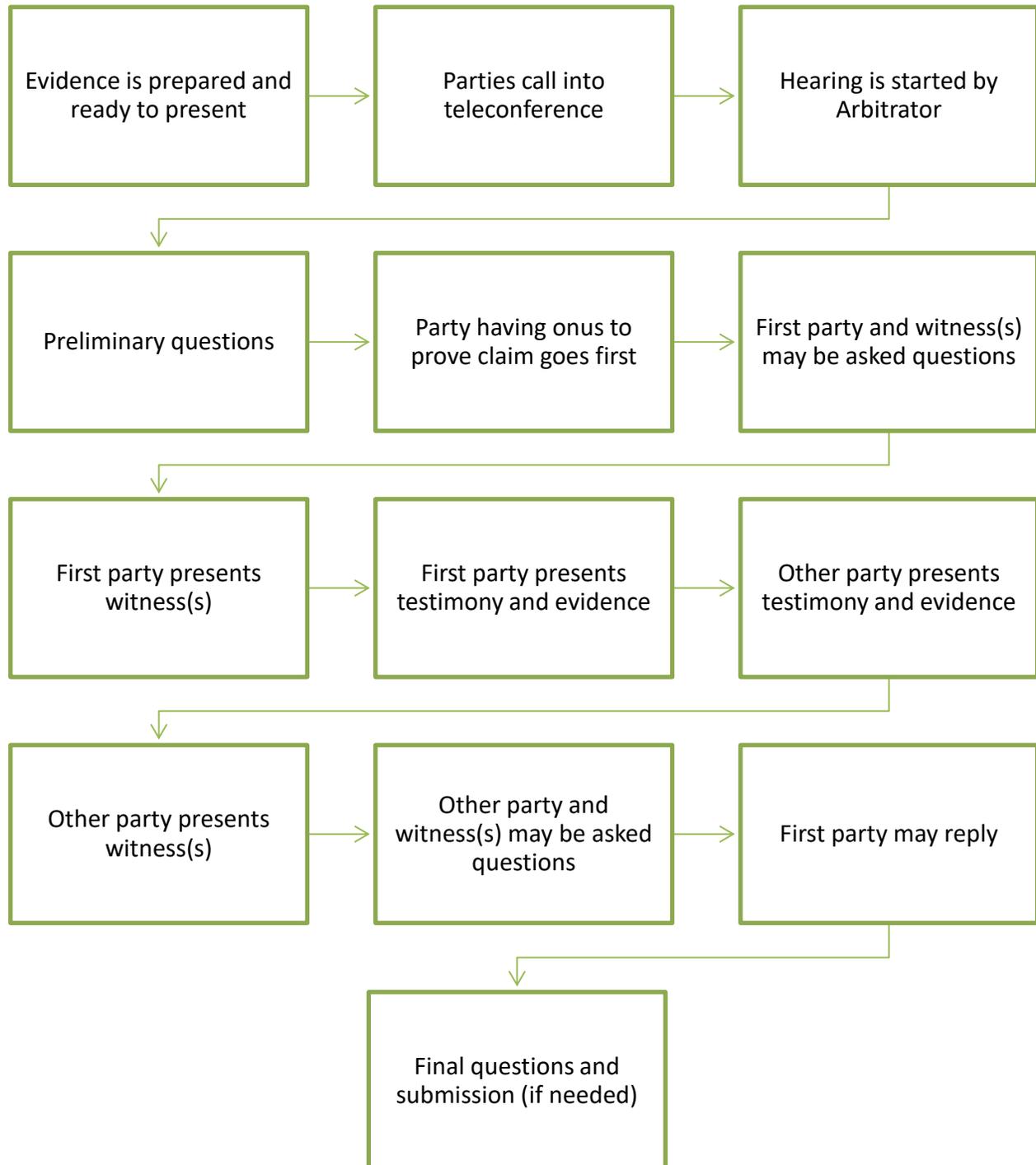
Residential Tenancy Branch

# Guide to the Dispute Resolution Process

**Guide Two:** *What to Expect at the Hearing*

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## Hearing Flowchart



## Calling into the Teleconference

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Each party is responsible to call into the hearing on time. The instructions are found on the Notice of Dispute Resolution Proceeding document.

The arbitrator will not call the parties or any witnesses. After the call-in procedures are followed, the parties must wait on the line until the arbitrator's voice comes over the line. The arbitrator will identify themselves, confirm the names of all parties in attendance, and the hearing will begin.

If the arbitrator's voice does not come over the line within five minutes of the scheduled start time, check the details on the notice of hearing document – if the date and time are correct and the hearing has not started, the party should hang up and follow the dial-in procedures again. If the arbitrator's voice still does not come over the line, please call the RTB's information line right away and ask for instructions.

Residential Tenancy Branch contact information:

- **Lower Mainland:** 604-660-1020
- **Victoria:** 250-387-1602
- **Elsewhere in BC and Canada:** 1-800-665-8779

The arbitrator will give instructions on how the hearing will be conducted. It is important to follow them so that the hearing will run smoothly and efficiently.

## Witnesses

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Each party must have any witnesses phone in at the beginning of the hearing. The arbitrator will ask each person to self-identify whether landlord, tenant, agent, advocate, or witness. The arbitrator will ask all witnesses to leave the hearing but remain available should the arbitrator decide to hear their testimony.

## Evidence Under Oath

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The arbitrator will have all parties and witnesses allowed to participate swear oaths or affirmations that they will tell the truth.

It is an offence to give false or misleading information in a dispute resolution hearing.

## Testimony and Presentation of Evidence

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The parties should follow their prepared outlines (as mentioned under Evidence in the first guide – Applying for Dispute Resolution and Preparing for the Hearing).

Testimony (what the person says) should be concise but thorough. Statements already made should not be repeated because the arbitrator may interrupt and require the person to proceed only with testimony not already given. During the testimony, it is important for the party to refer to their evidence, as they may not be permitted to present additional

testimony or refer to the evidence later.

Once the first party and witness(es) have presented their evidence, followed by cross-examination, the arbitrator will ask the other party to present their evidence, followed by their witness' evidence.

## **Cross-examination**

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When evidence at a hearing is being disputed by a party, the arbitrator may allow each party to cross-examine (meaning to *question*) the other party or witness' testimony and/or evidence after it has been presented. This can be done either directly or through the arbitrator. The other party's opportunity to cross-examine usually occurs immediately following the first party's testimony, as they will not normally be granted the opportunity to cross-examine later.

The other party's presentation of their testimony and evidence will then begin and follow the same process. After the second party and their witness(es) have given their testimony and submitted their evidence, the first party may cross-examine. An arbitrator will usually not permit new testimony or evidence to be presented at this stage.

If the hearing time ends and not all testimony and evidence has been presented, it may be necessary to reconvene (meaning *continue*) the hearing on another day. Any witness not heard must return to participate in the next hearing. If the witness isn't available for the next hearing, they may submit a sworn letter or sworn evidence.

## **Behaviour at the Hearing**

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The arbitrator will advise the parties on how the hearing will be conducted. All parties must maintain courteous and respectful conduct and composure throughout the hearing. Each party will be given the opportunity to speak and an opportunity to cross-examine the other party's evidence. No one should interrupt the arbitrator, the other party or witnesses. Yelling, threats, and interruptions will not be tolerated by the arbitrator and may result in the party being excluded from the rest of the hearing.

## **Recording a Hearing**

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The Residential Tenancy Branch's teleconference system automatically records all dispute resolution hearings. The RTB will use recordings for quality assurance and training purposes. A party may request a copy of their recording by contacting the RTB.

Personal recording of a hearing by any means is not permitted. Any unauthorized recording of a hearing will result in appropriate action by the Residential Tenancy Branch, including possible administrative penalties or other legal consequences against the party.

For more information see section 6.11 of the [RTB Rules of Procedure](#).

## **Arbitrator's Decision**

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Once the hearing is over, the arbitrator may deliver a decision orally or reserve the decision to review and consider the evidence. In either case, the arbitrator must deliver a written decision and the reasons for why it was made within 30 days.

If the arbitrator decides to deliver the decision orally, a party must not argue with the arbitrator. An arbitrator cannot alter a decision once it has been delivered, except under very limited circumstances.

If the decision and any orders need to be sent to a different email or physical address from what was included on the application, the parties must provide the arbitrator with the new information at this time.

The parties are expected to comply with the decision and any orders that are granted. Any party who chooses not to comply may face significant monetary penalties.

**For information about what to expect after the decision, see:**

**Guide Three: After the Decision**

## Residential Tenancy Branch contact information

For more information, including forms, information videos and other resources, please visit [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

If you need to discuss your matters with an information officer, you may contact the RTB by phone, email, or visit the Burnaby office in person.

- **Lower Mainland:** 604-660-1020
- **Victoria:** 250-387-1602
- **Elsewhere in BC and Canada:** 1-800-665-8779

Our call centre and offices are open Monday to Friday from 9 a.m. to 4 p.m., excluding statutory holidays.

Our call centre and offices are closed from 9 a.m. to 11 a.m. on the last Wednesday of each month.

**Email:** [HSRTO@gov.bc.ca](mailto:HSRTO@gov.bc.ca)

The Residential Tenancy Branch (RTB) office is located at:

400 - 5021 Kingsway  
Burnaby, V5H 4A5

Please check our website for the current office hours.

**TIP:** If calling or visiting an RTB location, please have your questions written down ahead of time or any documents relating to your tenancy issues with you. This will make the interview more efficient and will ensure that all your questions are answered.