



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **PRELIMINARY DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession – Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation for loss – Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

At the onset of the Parties were asked to identify themselves. After much confusion due to language difficulties, it was determined that the Tenant, the Landlord and the Landlord's Translator were all in the same room using the same phone, on speaker, for the Hearing. The Landlord's agent and son was on a separate line, did not have language difficulties, and stated that the Landlord was concerned that the Tenant would not appear at the Hearing so the Landlord and Translator were in the Tenant's unit for the Hearing. When the Tenant spoke, I was unable to understand the Tenant due to language difficulties nor could the Tenant's voice be distinguished from the Translator's voice. The apparent Translator offered to translate for the Tenant.

The Residential Tenancy Branch Rules provide that each party must be given an opportunity to provide evidence. As both the Landlord and Tenant were on the same phone and in the same room, given that the Tenant could not be understood due to language difficulties and considering that the use of the Landlord's translator as a translator for the Tenant would seriously prejudice the Tenant I find that this hearing must be adjourned to provide the Tenant with the opportunity to obtain a translator to

provide evidence and to attend the adjourned hearing on a phone line separate from the Landlord.

The adjourned hearing is scheduled for **Wednesday April 3, 2013 at 2:30 p.m.** and will be conducted by telephone conference call.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the Party in attendance at the hearing.

**Notices of the time and date of the hearing are included with this Preliminary Decision for the Landlord to serve on the Tenant within 3 days of receipt of this Decision.**

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 07, 2013

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Residential Tenancy Branch

