



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an Application for Dispute Resolution filed on November 25, 2013, by the Tenant to obtain a Monetary Order for \$3,172.60.

Issue(s) to be Decided

1. Has the Application been filed in accordance with the *Residential Tenancy Act*?

Background and Evidence

At the outset of this proceeding the parties were asked to take an affirmation. It was apparent that English was a second language for the Tenant as he had difficulty expressing his answer to the affirmation so I asked the Tenant if he would tell the truth and he answered yes.

The Landlord confirmed receipt of the Tenant's Application for Dispute Resolution and Monetary Order Worksheet, and questioned what the \$3,172.00 claim was for as there was no description provided in the details of the dispute.

Upon review of the file before me I asked the Tenant if he submitted evidence to support his claim. The Tenant did not understand what I had asked him. He stated that he did not have anyone there that could assist him with English and he requested that he be provided an interpreter because he had already filed two previous applications that did not proceed.

Analysis

The hearing package contains information for Landlords and Tenants about The Hearing Process on fact sheet # RTB 114. This fact sheet provides the following under the heading "At the Hearing":

Parties may have agents or lawyers to represent them or advocates to assist them. Parties may also use interpreters or any other person whose assistance

the party requires in order to make their presentation. Parties using agents, lawyers, advocates or interpreters are responsible for any related fees.

The *Residential Tenancy Branch Rules of Procedure* 8.3 also provides that a party may be represented by an interpreter at the hearing.

While I commend the Tenant for his attempts at seeking a resolution to his dispute on his own, it was apparent to me during this proceeding that he was not able to understand the Dispute Resolution Process or present the merits of his claim in English. Therefore, I declined to proceed with his application until he gained the assistance of an interpreter.

Section 59 (2)(b) of the Act stipulates that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

Section 59 (5)(c) of the Act states that the director may refuse to accept an application for dispute resolution if the application does not comply with subsection (2).

Although the Tenant submitted a monetary order worksheet listing amounts claimed, there was no clear description or details of his claim provided to the Landlord. Therefore, I find this application does not meet the requirements set out in section 59(2)(b) of the Act, and the application is dismissed, with leave to reapply.

This application was not heard, therefore, I decline to award recovery of the filing fee.

Conclusion

I HEREBY DISMISS the Tenant's application, with leave to reapply with the assistance of an interpreter.

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 14, 2014

Residential Tenancy Branch

