



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This matter was set for a hearing by telephone conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for money owed or compensation for loss under the *Residential Tenancy Act* (the “Act”), for the return of the Tenant’s security deposit, and to recover the filing fee.

The Tenant appeared late for the hearing but was unable to speak sufficient English that would enable me to conduct a proper hearing.

I make the following comments based on the small broken conversation I had with the Tenant and my interpretation of what the Tenant was trying to convey to me.

It appears as though the Tenant had assumed that the Residential Tenancy Branch would be providing an Interpreter for this hearing or had an expectation that I would be able to converse with the Tenant in the Chinese language.

When a party makes an Application and a hearing is scheduled, it is each party’s responsibility to have available a translator, agent or advocate with them in order to present their case and satisfy the burden of proof.

I attempted to see if the Tenant had anyone with her or someone who was available to assist her during this hearing in presenting her evidence. However, the Tenant indicated that she could not get anyone to help her who understood English.

The Tenant had submitted some documentary evidence which I had examined before this hearing took place. As I had several questions regarding this evidence, I determined that I would not be able to make a decision on the Tenant’s Application based on the documentary evidence alone.

Therefore, I find that I was unable to hear the Tenant's Application for the above reasons.

There was no appearance for the Landlord during the ten minute duration of the hearing. As a result, I provide the Tenant with leave to re-apply.

If the Tenant does make another Application, the Tenant is cautioned to ensure that she has a translator, agent or advocate present with her at the time of the scheduled hearing in order to present her evidence.

I was not convinced that the Tenant understood this outcome and I attempted to explain to the Tenant that I would send her this written decision and that she should provide this to a person that can explain it to her. Additional information may also be obtained from the Residential Tenancy Branch website or from an Information Officer using the contact information on the next page.

As a copy of this decision will also be sent to the Landlord in the mail, the Landlord is cautioned regarding the provisions of Section 38(6) of the Act. This states that if the Landlord fails to make an Application within 15 days of receiving the Tenant's forwarding address in writing, they must pay double the amount back to the Tenant.

Analysis & Conclusion

For the reasons set out above, I dismiss the Tenant's Application **with leave to reapply**.

I have made no findings of fact or law with respect to the merits of this Application. This file is now closed.

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: January 26, 2015

Residential Tenancy Branch

