



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ABC REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed that the tenants served the landlord with the notice of hearing package via Canada Post Registered Mail on June 14, 2016. Both parties confirmed receiving the submitted documentary evidence of the other party. I note that the landlord's submitted documentary evidence was not present in the Residential Tenancy Branch File.

Preliminary Issue

This conference call hearing ended after 57 minutes where the tenants' son and the landlord assisted in translating English for the tenants. Multiple attempts proved unsuccessful as the tenants did not understand what they had applied for. Both the translation assistance of the landlord's agent and the tenants' son proved insufficient to proceed. The tenants were unable to effectively participate in the hearing or understand the proceedings. I find as the tenants were unable to properly present their application for dispute or understand the contents of their application that the hearing could not continue. The tenants' application is dismissed with leave to reapply.

It is the tenants' responsibility to understand what it is that they are applying for and to effectively communicate that with all of the parties. It would be in the tenants' favor to obtain a proper English translator to assist in the application as well as the hearing process.

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: July 20, 2016

Residential Tenancy Branch