



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, FF, OPR, MNR

This is a review hearing granted for the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for cause and/or unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing via conference call and provided testimony. The tenant was asked through the assistance of his translator how and when the landlord was served with a copy of the Review Decision and the Notice of a Review Hearing as per the Review Decision. The tenant answered that his dispute was served on June 1, 2017 after filing his application for review. It was clarified with the tenant that this was not possible as the review decision was granted on June 8, 2017. Over a 30 minute period this question was repeated and clarified with both parties who emphatically claimed that they understood, yet the tenant through his translator was emphatic with the same answer.

After 40 minutes, I found that the tenant through his translator still did not understand the same question even though it was repeated clarified to the translator and to the tenant.

Both parties were informed that it is each party's responsibility to be prepared for the hearing, be it with documents or being able to effectively communicate their submissions in English to the Arbitrator. As such, I find that the tenant was not able to even satisfy the basics of the service provisions through effective communications.

The landlord's amended application to a request for an order of possession and a monetary claim for unpaid rent is dismissed with leave to reapply.

The original decision dated May 18, 2017 is reinstated. In that decision the order of possession was effective on May 31, 2017 and as such, I order that the order of possession to be effective two days after it is re-served upon the tenant. The original monetary order of \$100.00 for recovery of the filing fee is also reinstated.

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: August 09, 2017

Residential Tenancy Branch