

No Bright Line Rule in Interpretation Cases

R. v. Rybak [1], a recent decision from the Ontario Court of Appeal, has clarified the Supreme Court's ruling in R. v. Tran (1994)[2] on the interpretation of section 14 of the Charter of Rights and Freedoms. This section of the Charter states that:

A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.[3]

Rybak argued that any language deficiency warrants the application of the criteria, laid out in Tran, for adequate interpretation. According to the accused, a right to "continuity, precision, impartiality, competency, contemporaneity"[4] is present in all cases, even when only a few words of no consequence are missed. The judge, however, viewed Tran as reading that interpreters must provide a plain English interpretation, or its equivalent.[5] The interpretation of proceedings could be different for each person, depending on their own abilities.[6] This part of the appeal was dismissed on the grounds that the trial record was silent on any problems arising from the interpretation of proceedings.[7] If accused persons want to complain that they did not understand the translator, they should do so at trial rather than after it.

[1] [R. v. Rybak](#), 2008 ONCA 354, online.

[2] [R. v. Tran](#) [1994] 2 S.C.R. 951, online.

[3] [Canadian Charter of Rights and Freedoms](#), Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11, online.

[4] Supra note 2 at para. 246.

[5] Supra note 1 at para. 100.

[6] Ibid.

[7] Ibid. at para. 95.