

# OPEN DOORS

A publication of the Residential Tenancies Branch

Issue 8, April 2007



## Informal Resolution More Effective for Clients

**T**he Residential Tenancies Branch helps resolve thousands of client disputes informally every year, thanks in part to an improved client service plan.

“When the Branch’s planning team first began to think about ways to improve its client services,” says RTB director Roger Barsy, “one idea struck a universal chord – a one stop shop.”

“By selecting the right people, giving them the necessary resources and locating them right up front, we can give clients faster, more effective service,” he says. “Often, client services staff can resolve a dispute over the phone and both landlord and tenant are satisfied.”

The system helps clients who come to the Branch with a problem, leave it with a solution. If both parties agree on a

solution, a Client Services Officer (CSO) can prepare a mediated agreement outlining what is required from both of them. If no

immediate agreement is reached, the clients have other options – they may decide to go to a hearing or the Branch may investigate further.

“Our CSOs take every reasonable step to help landlords and tenants resolve their differences quickly,” says Barsy. “I congratulate and thank our CSO staff.” Client Services Officers have informally resolved almost 10,000 disputes since

the new system was launched in February 2005.

.....  
CSOs HAVE INFORMALLY  
RESOLVED ALMOST  
10,000 DISPUTES  
.....

To subscribe to Open Doors, give us your comments, or get more information, call 945-2476 in Winnipeg, toll-free 1-800-782-8403 or visit [www.manitoba.ca/rtb](http://www.manitoba.ca/rtb)

# Giving Evidence: Advice for Landlord and Tenants



“Evidence is a critical part of making official decisions,” says RTB director Roger Barys. “While both parties tell their sides of the story, supporting evidence helps prove or disprove the positions put forward.”

The Branch suggests that anyone giving evidence at a hearing:

- be clear and straightforward
- show evidence that directly supports their cases
- avoid giving evidence that isn't relevant to the case
- don't assume the hearing officer knows anything about the case that has not been presented at the hearing

At a hearing, each party provides evidence for consideration. This might include tenancy agreements, condition reports, photographs or videos, rent ledgers, letters, receipts or witnesses. After one party has given evidence, the other party can dispute it and present other information and evidence. When the hearing is over, the hearing officer will make a decision and issue an order.

**W**hen landlords and tenants disagree, the Residential Tenancies Branch staff tries to help resolve the dispute by mediating an agreement. If the parties can't agree, the Branch can hold a hearing to decide on a solution. At a hearing, the hearing officer will consider *The Residential Tenancies Act*, the tenancy agreement and evidence presented by both parties. The officer evaluates the evidence, based on relevance, reasonableness and credibility.

## INFORMATION FOR LANDLORDS

### Changes to Some Familiar Forms

Some of the forms required under the Residential Tenancies Regulation have been changed:

#### Form 1

Standard Residential  
Tenancy Agreement

#### Form 1.1

Standard Residential  
Tenancy Agreement  
(Mobile Homes and  
Sites)

#### Form 2

Renewal of Tenancy  
Agreement

#### Form 7

Notice of Termination  
for Non-Payment of  
Rent

Landlords can call the Branch for these new forms or download them from the RTB website at [www.manitoba.ca/rtb](http://www.manitoba.ca/rtb). Follow the links from *What's New*.

# RTBFACTS

1. Last year, RTB staff made presentations to over 1,600 landlords, tenants and others, through the branch's speaker program.
2. Anyone can calculate the interest on a security deposit by going to the Branch's website.
3. All final orders issued under Parts 1 to 8 of *The Residential Tenancies Act* are available to the public, for a nominal fee, through the Residential Tenancies Branch Order Registry.
4. Since the government amended legislation on abandoned personal property in 2004, the caseload for these types of files has been reduced 90 per cent.
5. Tenants and landlords can ask RTB staff to help resolve a dispute through mediation. Of the thousands of agreements mediated by RTB staff, 73% require no further involvement by the Branch and are assumed to have been honoured by both parties.
6. The RTB holds over 3,000 hearings each year.



## What You Should Know about Rent-to-Own Agreements

*To ensure they are protected, landlords and tenants should carefully read a rent-to-own agreement and get proper legal advice before signing it.*

**R**ent-to-own agreements state the terms for a tenant to rent a unit and then buy it sometime in the future. Usually, the tenant pays the landlord rent plus an additional amount towards the purchase price each month. The purchase portion of the agreement is not part of the Residential Tenancies Branch's jurisdiction. The Branch suggests both parties:

- Get appropriate legal advice before making or signing a rent-to-own agreement.
- Make sure the agreement is in writing.
- Include all important information:
  - State the amount of the monthly payment that applies to the purchase.
  - What happens if the tenant breaches the tenancy agreement and the landlord terminates the tenancy.
  - What happens if the tenant decides not to purchase the property.

- Make the agreement clear and complete.
- Include all conditions.

Most rent-to-own agreements are residential tenancies unless all of the money paid is applied to the purchase. Where a tenancy does exist, the RTB has authority only over the conditions that relate to the tenancy. For example, if the tenant doesn't make the required monthly payment and the landlord files a claim against the tenant, the Branch would only deal with the portion of the claim that is rent.

As long as the tenant is paying rent, all conditions of a tenancy agreement and *The Residential Tenancies Act* apply. For example, the landlord is still required to make all necessary and reasonable repairs, even if the tenant intends to buy the unit later.

Contact the Branch with any questions about the tenancy portion of an agreement.

---

# Tenants Can Check for Money Held in Trust

If a landlord owes a security deposit to a tenant whose whereabouts is unknown, the landlord must send the money to the Residential Tenancies Branch (RTB) for safe-keeping. The money is held in trust for two years. Other money held in trust by the Branch

includes rent overpayments that have been recovered on a tenant's behalf.

Tenants who believe there is money owed to them, can now check the Branch's website ([www.manitoba.ca/rtb](http://www.manitoba.ca/rtb)) and follow the links to

*What's New* and *Unclaimed Security Deposits and Rent Refunds*, or call the Branch at 945-2476 in Winnipeg; toll free in Manitoba at 1-800-782-8403.

To make a claim, tenants can apply in person or complete the application form found online. Tenants must provide proof of their identity. For rent overpayments, tenants may need to provide proof they lived at the address in question and when.

Money unclaimed after two years is deposited to an educational fund the Branch uses to provide resources for landlords, tenants and others.



## Need information?

### ONLINE

[www.manitoba.ca/rtb](http://www.manitoba.ca/rtb)

### OFFLINE

in person or by phone

Visit your branch office Monday to Friday  
from 8:30 a.m. to 4:30 p.m.

**Winnipeg** at 302-254 Edmonton Street  
or call **945-2476**

**Brandon** at 157-340 9th Street  
or call **726-6230**

**Thompson** at 113-59 Elizabeth Drive  
or call **667-6496**

Toll-free **1-800-782-8403**

**Manitoba** 

Publications Mail Agreement No. 40065629  
Return Undeliverable Canadian Addresses to  
Residential Tenancies Branch  
302-254 Edmonton St  
Winnipeg MB R3C 3Y4