

Instruction Sheet

Notice of Appeal – Fine (Condominium) form – Brandon and Surrounding Area

Important :

It costs \$30.00 to file a Notice of Appeal. You can file the appeal in person or by mail. If you are sending your Notice of Appeal form by mail, please include a cheque or money order payable to the Minister of Finance. Don't send cash through the mail. The branch will charge a \$20.00 fee for any returned cheque it receives.

Our address is: **The Residential Tenancies Branch**
143-340 9th Street
Brandon, MB R7A 6C2

Be sure to read the information on the back of the Notice of Appeal – Fine form.

To complete sections 1-4 of the Notice of Appeal – Fines (Condominium) form, follow these instructions. The Residential Tenancies Branch will complete section 5, Notice of Hearing.

Please print all information.

1	Address of condominium unit
Fill in the address of the condominium unit you own, including the city/town and postal code.	

2	Unit Owner/Condominium Corporation
Fill in your name, mailing address (including postal code) and daytime phone number. Use your full legal name (do not use initials).	
Fill in the legal name of the condominium corporation. Include the business mailing address (including postal code) and daytime phone number for a director/contact person of the condominium corporation.	

3	Details of the fine(s)
Include information about the fine(s) that the condominium corporation has imposed. Be specific. Attach copies of written notices (warnings) you received from the condominium corporation.	

Example:	<u>Fine Date</u>	<u>Amount</u>	<u>Details</u>
	August 1, 2014	\$100.00	The fine was imposed because I have a satellite dish on the balcony
	August 8, 2014	\$100.00	Continuous breach – I didn't take down the dish
	August 15, 2014	\$100.00	Continuous breach – I didn't take down the dish

The total amount I am appealing is: \$ _____ plus costs*
***Costs:** You may ask for up to \$100.00 plus the filing fee and any costs you incurred in serving the notice of appeal on the condominium corporation.

Finally, **sign** and **date** the **Details of Appeal** section.

4	Reason for Appeal: Include your reasons for appealing the fine. Be specific. Example:
I, _____ disagree with the fine(s) imposed on me by condominium corporation _____ and want to appeal to the Residential Tenancies Branch for the following reasons: _____ _____ _____	

5	Notice of Hearing
This section is filled out by the Residential Tenancies Branch.	

Notice of Appeal – Fines (Condominium)

1	Address of Condominium Unit:	
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2	Unit Owner/Condominium Corporation Information (names in full, no initials)		
Unit Owner		Present or mailing address	city/town
		postal code	daytime phone number
Condominium Corporation		business address	city/town
Director or Contact Person		postal code	daytime phone number

3	Details of Fine(s)	
Provide details of the fine(s) that the condominium corporation has imposed (include the amount of each fine and details of the reasons). Attach additional pages if needed.		
<u>Date of Fine(s)</u>	<u>Amount</u>	<u>Details</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
The total amount I am appealing is: \$ _____ plus costs		
Signature	Date	

4	Reason for Appeal
I, _____ disagree with the fine(s) imposed on me by the condominium corporation and want to appeal to the Residential Tenancies Branch for the following reasons:	

5	Notice of Hearing		
Hearing Date:	Time:	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Place:
_____	_____		_____
Authorized Signature, Residential Tenancies Branch		Date	

If you want to respond to this Notice of Appeal, you or your representative should come to the hearing. If you can't come to the hearing, you can send a written response. We must receive your response at least two full business days before the date of the hearing. If you do not come to the hearing, we may make a decision without you.

If you have a question about your hearing, or you require French language service, you can call our information line in Brandon at 204-726-6230 or toll free in Manitoba at 1-800-656-8481.

Important Information

The Residential Tenancies Branch hears appeals of fines under section 218 of *The Condominium Act*.

Giving the Condominium Corporation the Notice of Appeal:

A unit owner must give the Notice of Appeal to the condominium corporation by:

- handing it to a director of the condominium corporation; or
- mailing it by ordinary mail to the condominium corporation at its most recent mailing address (note: the notice of appeal will be considered served on the fifth day after it is mailed); or
- faxing it to the condominium corporation at the fax number provided by the condominium corporation for receiving such notices; or
- by putting it through the mail slot or in the mailbox, if any, used by the corporation for receiving such notices.

The branch will not issue an Order against a Condominium Corporation that does not receive the Notice of Appeal at least five days before the hearing.

The unit owner must give the Condominium Corporation **all** of the following documents together:

1. Notice of Appeal
2. Important Information
3. Hearing and Mediation Fact Sheet
3. Offer to Settle

The branch will ask the unit owner to show that the condominium corporation received the Notice of Appeal at least five days before the hearing.

If a unit owner has made a reasonable attempt to serve this Notice of Appeal to the condominium corporation but has not been able to, they may call the Residential Tenancies Branch for information on other ways to serve the Notice of Appeal or to reschedule the hearing.

Evidence Requirements

If you have evidence you would like the RTB to consider at the hearing, at least two full business days before the hearing, you must submit:

- One copy to the RTB; this can be sent electronically to rtbbrandon@gov.mb.ca.
- One copy to the other party.

Evidence not received by the RTB or the other party at least two full business days prior to the hearing may not be accepted.

If you are the claimant or applicant, you must provide a completed Declaration of Service form to show that you served the other person at least five days before the hearing. A Commissioner for Oaths must witness the declaration.

Mediation

Mediation is a service the branch offers for people who want to try to settle the appeal without a hearing. Mediation is a confidential process that can take place in meetings, conference calls or separate telephone conversations with a mediator. For more information, please call the branch office nearest you or visit <http://www.gov.mb.ca/ccca/rtb/resource.html>.

Public Record

When the Residential Tenancies Branch holds a hearing, it issues an Order stating the reasons for the decision. This Order is a matter of public record. Mediated agreements are confidential and not a matter of public record.