



Hearings & Mediation

Notice of Hearing

The attached form is your notice to attend a hearing scheduled by the Residential Tenancies Branch. The date, time and location of the hearing are shown on the bottom of the attached form. It is important that you attend the hearing.

The Residential Tenancies Branch schedules a hearing when:

- A condominium unit owner files a Notice of Appeal – Fine.

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 rtbevidence@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

One way to resolve issues and problems between a unit owner and a condominium corporation is through mediation. In mediation, an impartial person called a mediator tries to help the parties reach agreement about the dispute. A mediator does not take sides or pass judgement.

A mediator is available to help you try to settle this matter before the hearing. On a **Notice of Appeal - Fine**, you may complete the Offer to Settle form attached to the claim and return it to the Branch. A mediator will then contact you to discuss your offer.

What does a mediator do?

A mediator will try to help a unit owner and condominium corporation reach an agreement. The mediator will usually speak to the unit owner and a representative of the condominium corporation

on the telephone first. Sometimes mediation can take place at a face-to-face meeting. The mediator will decide which method to use.

What happens if an agreement is reached?

If a unit owner and condominium corporation reach an agreement, the mediator will put the agreement in writing and give the unit owner and condominium corporation a copy. If either party does not follow the terms of the agreement, the Residential Tenancies Branch will issue an order to enforce the agreement. The order cannot be appealed.

What happens if an agreement cannot be reached?

Sometimes unit owners and condominium corporations do not reach an agreement, even with the help of a mediator. In this case, a hearing will go ahead as scheduled.

Hearings

If mediation does not work, the branch will hold the hearing on the date and time shown on the Notice of Appeal – Fine form. A hearing officer conducts the hearing (the hearing officer and mediator are two different people). The hearing officer will make a decision based on the legislation, the condominium corporation's by-laws and rules, and the facts and evidence presented by both sides.

What happens at a hearing?

- The hearing officer will ask for the names of everyone who attends the hearing. The officer will also ask all witnesses to leave the room; they will be called in later to give evidence.
- When the hearing officer asks you to give information, you should speak directly to the hearing officer, not to the other person.
- The unit owner who filed the Notice of Appeal - Fine presents their information first. Any witnesses are called one at a time. The other person can question the witnesses.
- The condominium corporation representative then responds. Witnesses are called one at a time. The unit owner can question the witnesses.
- The unit owner and condominium corporation representative will each have another opportunity to speak at the end of the hearing to sum up their position.
- The hearing officer may ask questions during the hearing.
- The hearing officer will send a written decision to both the unit owner and condominium corporation after the hearing. Please make sure your correct address is on file.

If only one person attends the hearing, the hearing officer will:

- take any information that person has to give;
- let the person respond to any information the person not present provided before the hearing;
- issue a written decision to both the unit owner and condominium corporation.

What if you can't come to the hearing?

If you can't come to the hearing, there are other ways you can still take part. You can send a person to represent you (make sure to send them with written permission from you authorizing them to represent you at the hearing and in mediation, should you wish to mediate), send in a written submission to the RTB or where reasonable, you can ask to take part in the hearing by teleconference. All evidence and written submissions must be sent to the RTB and the other parties at least two full business days before the date of the hearing.

What happens if you don't take part in the hearing?

If you don't come to the branch or take part in another way, the hearing may be held without you.

What if you do not agree with the decision?

The decision by the branch is final and is not subject to appeal.

For more information:

This fact sheet is only a brief explanation. For more information about **hearings and mediation**, contact the Residential Tenancies Branch or go to www.manitoba.ca/rtb.

Winnipeg Office

Residential Tenancies Branch
1700 – 155 Carlton Street
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Telephone: 204-945-2476
Toll Free: 1-800-782-8403
Email: rtb@gov.mb.ca

Brandon Office

Residential Tenancies Branch
143-340 9th Street
Brandon MB R7A 6C2
Telephone: 204-726-6230
Toll Free: 1-800-656-8481
Email: rtbbrandon@gov.mb.ca

Thompson Office

Residential Tenancies Branch
113-59 Elizabeth Dr
Thompson MB R8N 1X4
Telephone: 204-677-6496
Toll Free: 1-800-229-0639
Email: rtbthompson@gov.mb.ca

This information is available in multiple formats upon request.

Cette information existe également en français. Composez le 204-945-2476.