

Instruction Sheet

for Application for an Order of Possession - Condominium

Important:

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

It costs \$60.00 to file an Application for an Order of Possession. You can file an application in person or by mail. If you are sending your application 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
302-254 Edmonton Street
Winnipeg Manitoba R3C 3Y4

Be sure to read the **Important Information** on the back of the Application for an Order of Possession form.

To complete sections 1, 2 and 3 of the **Application for an Order of Possession** form, follow these instructions. The Residential Tenancies Branch will complete sections 4 and 5.

Please print all information.

1 Address of Rental Unit

Fill in the address of the rental unit, including city/town and postal code.

2 Condominium Corporation/Tenant/Landlord/Unit Owner Information

Fill in your name, or your agent's name, mailing address (including postal code) and daytime phone number. Do not use initials, full names only.

Fill in the name of the tenant(s) and the landlord/unit owner. Do not use initials, full names only. Give their present address, or mailing address (including postal code) and daytime phone number. Use additional pages if needed.

3 Reason for Application

Place a check mark (✓) in the boxes which best describe why the tenant was given a written notice to move. If none apply, place a check mark (✓) in the box beside **Other** and give your reason. Attach a copy of the notice, and any warnings, with the Application for an Order of Possession. The Branch may not be able to accept your application without copies of the relevant notices and warnings.

4 Hearing Date and Time

To be completed by the Residential Tenancies Branch.

5 Mediation Officer

To be completed by the Residential Tenancies Branch.

Application for an Order of Possession - Condominium

THE RESIDENTIAL TENANCIES BRANCH

1	Address of Rental Unit:	
---	-------------------------	--

2	Corporation/Tenant/Landlord/Unit Owner Information (Names in full, no initials)				
	_____	Mailing Address	_____	City/Town	
	Condominium Corporation	_____	Postal Code	_____	Daytime phone #
	_____	Present or Mailing Address	_____	City/Town	
	Tenant	_____	Postal Code	_____	Daytime phone #
	_____	Present or Mailing Address	_____	City/Town	
	Landlord/Unit Owner	_____	Postal Code	_____	Daytime phone #

3	Reason for Application (Attach a copy of the Notice and any warnings with this Application)				
The condominium corporation gave the tenant a written notice to move because of: (check (✓) any of the following boxes)					
<input type="checkbox"/>	Nuisance & Disturbance	<input type="checkbox"/>	Damage	<input type="checkbox"/>	Other _____
The tenant did not move. The condominium corporation applies for an order terminating the tenancy and requiring the tenant to move out of the rental unit.					
_____			_____		
Signature of Condominium Corporation Agent or Board Member			Date		
(See other side for Important Information)					

Notice of Hearing

4	Hearing Date:				
Time:		<input type="checkbox"/> A.M.	Place:		
		<input type="checkbox"/> P.M.			
_____			_____		
Authorized Signature, Residential Tenancies Branch			Date		
If you want to respond to this application, 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 by noon on the day before the hearing. If you do not come to the hearing, we may make a decision without you.					
If you have a general question about your hearing, you can call our information line at (204) 945-2476 or toll-free in Manitoba 1-800-782-8403.					
The Branch offers service in French. If you require French language service at your hearing, please call (204) 945-2476 or toll-free in Manitoba 1-800-782-8403 as soon as you receive this application.					

5	Mediation Officer:		Phone No.	
If you want to try to settle this application before the hearing, call the Mediation Officer at the above number or toll-free in Manitoba 1-800-782-8403 or by Fax at (204) 945-6273.				

Important Information

The Residential Tenancies Branch will hear this application under the authority of *The Residential Tenancies Act* and *The Condominium Act*.

Giving the tenant and the landlord/unit owner the Application for Order of Possession

A condominium corporation must give this application by:

- ◆ handing it to the tenant; or
- ◆ handing it to an adult at the tenant's home.

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

The corporation must also hand the application to the landlord/unit owner or their agent.

If the tenant and/or landlord/unit owner do not come to the hearing, the Branch will ask the condominium corporation to show that the tenant and/or landlord/unit owner received this Application for an Order of Possession at least five days before the hearing. We'll accept a sworn declaration of service by the person who delivered the applications.

If a condominium corporation has made reasonable attempts to serve this application to the tenant and/or landlord/unit owner but has not been able to, they may call the Residential Tenancies Branch at (204) 945-2476 or toll-free in Manitoba 1-800-782-8403 for information on other ways to serve the application or to reschedule the hearing.

Evidence and Witnesses

The corporation must bring their original evidence to the hearing. They must also bring copies for the Branch and for the tenant and landlord/unit owner.

Examples of evidence:

- tenancy agreements
- condition reports
- receipts or invoices
- notices
- cancelled cheques
- photographs
- video tapes

To respond to an application, a tenant or landlord/unit owner should bring two copies of their evidence to the hearing – one copy for the hearing officer and one copy for the condominium corporation. If sending a written response to a claim, a tenant or landlord/unit owner should also include two copies of any evidence.

The condominium corporation or the tenant or the landlord/unit owner may also bring witnesses to the hearing. If a witness cannot attend the hearing, the corporation or the tenant or landlord/unit owner may submit the witness's signed and dated written statement as evidence.

Mediation

Mediation is a service the Branch offers for people who want to try to settle an application without a hearing. Mediation is a confidential process that can take place in meetings, conference calls or separate telephone conversations. The Branch encourages people to try mediation, but no one is required to do so.

Public Record

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