

4 Claim

Place a check mark (✓) in the boxes to show your claim. Fill in the amount you are claiming and give details (attach additional pages if needed). If you do not give enough detail, the Branch may not be able to accept your claim. Remember to total up your claim.

<u>Example</u>	<u>Amount</u>	<u>Details</u>
<input checked="" type="checkbox"/> Rent	\$1,000.00	Aug/02 \$500 + Sept/02 \$500
<input checked="" type="checkbox"/> Damages	\$ 350.00	Replace living room window \$200; repair master bedroom door \$150
<input checked="" type="checkbox"/> Cleaning	<u>\$ 100.00</u>	Carpet cleaning \$50; cleaning walls, fridge, stove, bathroom, kitchen cupboards; 5 hrs. at \$10 per hour.
My total claim is:	<u>\$1,450.00</u>	plus costs*

You can estimate for damages or cleaning, if you don't know the actual costs. You can reduce the estimated amount at the hearing, but you can only increase the amount you are claiming if the tenant agrees.

If claiming utility bills, only list the ones you may be responsible to pay (**for example**: an outstanding water bill applied to owner's property tax bill). If actual amounts are unknown, estimate the bill.

If claiming interest, place a check mark (✓) in the box beside Interest. The Residential Tenancies Branch will calculate any interest when making a decision on your claim.

Fill in the amount of the security deposit, if any, and the date you received it.

***Costs:** may include reasonable costs for filing, serving and proving this claim as well as the costs for obtaining and enforcing a writ of possession.

Finally, **sign** and **date** the **Claim** section.

5 Hearing Date and Time

To be completed by the Residential Tenancies Branch.

6 Mediation Officer

To be completed by the Residential Tenancies Branch.

Important Information

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

Giving the tenant the Application for Order of Possession

A landlord 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.

If the tenant doesn't come to the hearing, the Branch will ask the landlord to show that the tenant 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 application.

If a landlord has made reasonable attempts to serve this application to the tenant 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 landlord must also bring their original evidence to the hearing. They must also bring copies for the Branch and for the tenant.

Examples of evidence:

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

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

Landlords and tenants may also bring witnesses to the hearing. If a witness cannot attend the hearing, a landlord or tenant 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.