

# Instruction Sheet for Tenant Claim/Notice of Hearing Form

**Important:**

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

It costs \$20.00 to file a claim. You can file a claim in person or by mail. If you are sending your claim 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 information on the back of the Tenant Claim/Notice of Hearing form.**

To complete sections 1, 2, 3 and 4 of the **Tenant Claim/Notice of Hearing** form, follow these instructions. The Residential Tenancies Branch will complete section 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 Tenant/Landlord Information**

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

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

**3 Additional Information**

Place a check mark (✓) in one of the boxes to show whether or not you still live in the rental unit.

**4 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"/> Damage to personal property	\$ 200.00	Repair water damaged dresser \$200
<input checked="" type="checkbox"/> Loss of personal property	\$ <u>375.00</u>	Replace missing stereo \$375
<b>My total claim is:</b>	<b><u>\$1,575.00</u></b>	<b>plus costs*</b>

You can estimate if you don't know your actual costs. You can reduce the estimated amount at the hearing, but you can only increase the amount you are claiming if the landlord agrees.

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.

\***Costs:** may include reasonable charges for filing, serving and proving this claim.

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

**5 Hearing Date and Time**

To be completed by the Residential Tenancies Branch.

<b>1</b>	<b>Address of Rental Unit:</b>	
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<b>2</b>	<b>Tenant/Landlord Information</b> (Names in full, no initials)	
	<u>Present or Mailing Address</u>	<u>City/Town</u>
	<u>Postal Code</u>	<u>Daytime phone #</u>
	<u>Present or Mailing Address</u>	<u>City/Town</u>
	<u>Postal Code</u>	<u>Daytime phone #</u>
	<u>Present or Mailing Address</u>	<u>City/Town</u>
	<u>Postal Code</u>	<u>Daytime phone #</u>

<b>3</b>	<b>Additional Information</b>	
	Are you still living in the rental unit?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>4</b>	<b>Claim</b>	
Check (✓) any of the following boxes (include amounts and details). <b>Attach additional pages with details if necessary.</b>		
<b>Note:</b> The Residential Tenancies Branch cannot award compensation for damages for pain and suffering, personal injury or death.		
	<u>Amount</u>	<u>Details</u>
<input type="checkbox"/> Rent	\$	_____
<input type="checkbox"/> Damages to Personal Property	+\$	_____
<input type="checkbox"/> Loss of Personal Property	+\$	_____
<input type="checkbox"/> Utility Bills	+\$	_____
<input type="checkbox"/> Compensation for Moving Costs	+\$	_____
<input type="checkbox"/> Other	+\$	_____
<input type="checkbox"/> Interest	+\$	_____
<b>My total claim is:</b>	\$	<b>plus costs</b>
_____	_____	_____
Signature of Tenant		Date
(See other side for Important Information)		

## Notice of Hearing

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

If you want to respond to this claim, 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).

If you want to try to settle this claim before the hearing, you must provide your offer in writing on the attached "Offer to Settle" form. Once we receive your "Offer to Settle", a mediation officer will contact you to let you know if your offer has been accepted.

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 claim.

# Important Information

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

## Giving the landlord the claim and notice of hearing

A tenant must give this claim and notice of hearing by:

- ◆ handing it to the landlord; or
- ◆ sending it to the landlord by registered mail.

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Composez le (204) 945-2476.

If the landlord doesn't come to the hearing, the Branch will ask the tenant to show that the landlord received this claim at least five days before the hearing. We'll accept:

- ◆ a sworn declaration of service by the person who delivered the notice; or
- ◆ proof of delivery from the post office.

If a tenant has made a reasonable attempt to serve this claim to the landlord 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 claim or to reschedule the hearing.

## Evidence and Witnesses

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

Examples of evidence:

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

To respond to a claim, a landlord should bring two copies of their evidence to the hearing – one copy for the hearing officer and one copy for the tenant. If sending a written response to a claim, a landlord 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 a claim 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. If you would like to try mediation, please complete the attached "Offer to Settle" and return it to the Branch.

## 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.

Attachment – Offer to Settle

# Offer to Settle – Offre de règlement

Please print – Prière d'écrire en caractères d'imprimerie

Address of Rental Unit – Adresse de l'unité locative

Your Name – Votre nom

Address – Adresse

Postal Code – Code postal

Day-time telephone number –  
Numéro de téléphone durant la journée

E-mail – Courriel

**I offer to settle this matter as follows:** (Please give as much detail as you can. If you are offering to pay money, please be specific about the amount(s) you are prepared to pay.)

**J'offre de régler cette affaire comme suit :** (Veuillez fournir autant de détails que vous le pouvez. Si vous offrez un règlement en argent, veuillez préciser les sommes que vous êtes disposé à payer.)

(Attach extra pages if necessary) – (Joindre des pages supplémentaires, si nécessaire.)

Date

Signature

Please return to ↗

Residential Tenancies Branch  
302-254 Edmonton Street  
Winnipeg MB R3C 3Y4  
Fax: (204) 945-6273 E-mail: rtb@gov.mb.ca

Veillez renvoyer à ↗

Direction de la location à usage d'habitation  
254, rue Edmonton, bureau 302  
Winnipeg (Manitoba) R3C 3Y4  
Télécopieur : (204) 945-6273 Courriel : rtb@gov.mb.ca