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The Residential Tenancies Branch

FACT SHEET

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

Hearings

Sometimes people have disputes they can't agree on. Some landlords and tenants use the mediation process at the Residential Tenancies Branch to come to an agreement (see fact sheet on Mediation). If mediation isn't used to settle the disagreement, tenants or landlords may decide to file a claim or an application for an Order of Possession at the branch. If this happens, the branch sets up a hearing.

A hearing is a formal process at the branch where landlords and tenants give evidence to a hearing officer. The hearing officer listens to the evidence that both sides present, and then makes a decision based on the evidence and *The Residential Tenancies Act*. The branch holds hearings to decide claims and applications for orders of possession. The branch also holds hearings to decide responsibilities, rights and whether the Act applies to situations.

Both parties should try to come to the hearing in person. If that isn't possible, there are other ways that a landlord or tenant can take part in a hearing. This includes sending a representative, sending in a written submission with your evidence or, where reasonable, requesting to participate in the hearing by teleconference. If you can come to the hearing, you need to bring:

- all the evidence that you think could help you (ex: if you are a landlord claiming damage to your unit, bring any pictures you have of the damage)
- any witnesses that you think need come (ex: if you are a tenant and the landlord is claiming cleaning costs against your deposit, you may want to bring anyone who helped you move out, if that person knows that you left the unit in good, clean condition)

After a hearing, the officers cannot look at any evidence you did not produce for the hearing. If a witness isn't able come to the hearing, you can have him or her write out the information and sign it. Then, you can bring that signed statement to the hearing.

At a hearing you can expect that:

1. A hearing officer will explain the hearing process. Both sides will be asked to speak only to the hearing officer.
2. The person making the claim or application (the claimant) will be asked to speak first and present his or her evidence. If there are witnesses, they will be called into the room, one at a time, to speak.
3. The person who the claim or application is against (the respondent) has a chance to reply to what is said and ask the claimant's witnesses questions.

(see over)

4. Both the claimant and the respondent will have a chance to talk at the end of the hearing.
5. The hearing officer may ask questions throughout the hearing.
6. After the hearing, the hearing officer will make a decision based on what he or she heard and both parties will receive a copy of the decision in the mail. It is important that you give the branch the most recent contact information for you. The branch tries to have decisions about Orders of Possession out within two to three business days and decisions about claims out within 10 business days.

If you are a tenant living in Winnipeg and need help with the hearing process, you may be able to get assistance:

- Contact 204-881-1714 in Winnipeg; email: tenant@legalaid.mb.ca.

Important Information about Orders of Possession for Non-Payment of Rent:

If a person does not take part in a hearing at the branch and the branch grants an order of possession for non-payment of rent, that person will need to apply for leave to appeal if they want to appeal the branch's order.

This means that if either a landlord or a tenant doesn't take part in the hearing, they have to get "permission", or leave to appeal, from the Residential Tenancies Commission to appeal the order.

If someone wants to apply for leave to appeal, they must take their evidence showing why they could not take part in the hearing to the Commission within the appeal deadline, and pay a filing fee. Leave to appeal may be granted if:

- the person can show why they were reasonably unable to take part in the hearing, or
- they can show that the order was based on false or misleading information.

If leave is granted, the person doesn't have to pay another filing fee.

This fact sheet is only a brief explanation. For more information about **hearings**, contact the Residential Tenancies Branch.

This information is available in multiple formats upon request.