

**APHAA Presentation  
Residential Tenancy Dispute  
Resolution Service (RTDRS)**

October 16, 2017

# Residential Tenancy Dispute Resolution Service (RTDRS)

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- RTDRS offers landlords and tenants an alternative means of resolving serious disputes outside of court
- The Service is designed to be faster, more informal and less expensive than the courts
- Quasi-Judicial Administrative Tribunal since 2006
- Service area: ALBERTA
- Tenancy Dispute Officers have the powers to adjudicate a matter and make a binding decision accompanied by an enforceable court order
- Monetary jurisdiction for claims of up to \$50,000

# What can be applied for?

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## **Landlords:**

- **Unpaid rent and/or utilities**
- **Ending the tenancy and obtaining possession of the premises**
- **Financial damages from a tenant's rental agreement breach**
- **Compensation for losses due to an overholding tenant**
- **Order for a non-tenant (not listed on the rental agreement) occupant to vacate the premises.**

# RTDRS Rules of Practice and Procedure

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- The RTDRS is governed by the *Residential Tenancies Act* and applicable regulations.
- The RTDRS adheres to the processes and procedures outlined in the *RTDRS Rules of Practice and Procedure*.
- Procedures covered include:
  - Applications (filing, format, process)
  - Service (as per RTA)
  - Adjournments (process to request an adjournment)
  - Conduct of the Hearing
  - Evidence (defence/additional)
  - Orders

# Types of Applications

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- **Landlord's Application for Termination of Tenancy and Unpaid Rent**
  - Landlords complete this application when the tenant is still living in the premises and the landlord wants to get possession of their premises back because the tenant substantially breached the lease agreement.
- **Landlord's Application for Damages**
  - Landlords complete this application when the tenant no longer resides in the premises but the landlord has a monetary claim against them (e.g. damages to the premises, unpaid rent, etc.)
- **Tenant's Application**
  - Tenants file this application when they have a claim against their landlord.

# Completing the Application

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- **Make sure to:**
  - **Provide the correct first and last names of all parties**
  - **Provide current address(es) for the respondent(s).**
- **Respondents may be tenants or non-tenant occupants.**
- **If incorrect or abbreviated names are used, it may cause problems for you in enforcing orders or judgments.**

# Filing your Application

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- **File the application form and pay \$75 filing fee**
- **Applications are accepted in person or by fax, depending on location of rental premises**
  - **Rental premises in or around Edmonton**
    - Application is filed in person at Edmonton office
    - Hearing is conducted in person at Edmonton office
  - **Rental premises in or around Calgary**
    - Application is filed in person at Calgary office
    - Hearing is conducted in person at Calgary office
  - **Rental premises in rest of Alberta**
    - Application is filed by fax.
    - Hearing is conducted by telephone conference

# Fax Filing

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- **If filing your application by fax, fax the entire application and the documented evidence to 780-644-2266.**
- **An Information Officer will contact you by telephone when processing your application.**

# Filed Application Package

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- **After you file your application with the RTDRS, you will be given an application package which includes:**
  - **The *Notice of Hearing*, indicating the date, time and location of the hearing**
  - **Application form**
  - **Evidence**
- **Filed Application Package must be served onto the Respondent**
- **Complete the Affidavit of Service**
  - **Must be commissioned and returned to our office prior to hearing.**

# Serving the Application

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- **You must serve the application package on the respondent(s) at least 3 clear days before the hearing date. This doesn't include:**
  - **date of service**
  - **date of hearing**
  - **weekends**
  - **statutory holidays**
- **Personal Service or Registered Mail**
  - **If reasonable attempts made can serve to an adult or post in plain sight**
- **Substitutional Service**
- **Abridgement of Service**
- **Affidavit of Service**

# RTDRS Hearings

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- **Hearings are recorded**
- **Witnesses are excluded until their testimony**
- **Additional/ Defence evidence disclosed in advance (24 hours)**
- **Applicant states their case and calls witnesses**
- **Respondent replies/asks questions**
- **Respondent states their case and calls witnesses**
- **Applicant replies/asks questions**
- **TDO may ask questions to clarify**
- **TDO makes decision (oral or reserved)**
- **TDO issues written order**

# Orders

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- **The Tenancy Dispute Officer may issue different orders to suit the situation:**
  - **Order for Possession and/or Judgment**
    - The Tenancy Dispute Officer has the option to make the order conditional or unconditional.
  - **Order for Judgment**
  - **Consent Order**
  - **Referral to Court Order**
  - **Dismissed Order**

# After the Hearing

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- **The Order granted must be filed at the Court of Queen's Bench and served to the respondent.**
- **Orders for judgment can be enforced at the Court of Queen's Bench.**
- **The applicant should also contact a Civil Enforcement Agency to enforce possession.**

# Stay, Set-Aside, Varying of an Order

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- In situations where the respondent was prevented from attending the hearing they can make an application to set-aside, vary and/or stay the order granted.
  - Stay- The Tenancy Dispute Officer put a “hold” on the original order so that it cannot be enforced until the matter is re-heard at which time the stay will be lifted or a new order will be granted.
  - Vary- The Tenancy Dispute Officer will change the terms of the order because they believe a party was prevented from attending the hearing.
  - Set-Aside- The Tenancy Dispute Officer will cancel the order because they believe that a party was prevented from attending the hearing.

# **Stay, Set-Aside, Varying of an Order continued...**

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- **20 days to file application.**
- **If application granted, RTDRS will issue a Notice of Re-hearing.**
- **Notice of Re-hearing must be served by party making the application.**
- **If stay order is granted, it must be filed at the Court of Queen's Bench.**

# RTDRS Updates

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- **The RTDRS Regulation successfully passed cabinet on April 20, 2017. The Order in Council has been signed by the Minister and the new regulation is available at the Queen's Printer website ([www.qp.gov.ab.ca](http://www.qp.gov.ab.ca))**
- **Major Changes:**
  - **Requests for clarification/correction of an order must be made within 30 days of the order being granted.**
  - **Set-aside, Vary and Stay procedure has been added to Regulation**
  - **Wording throughout the regulation is consistent with wording in Alberta Rules of Court**

# More Info

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**For more information go to the RTDRS website at [www.rtdrs.alberta.ca](http://www.rtdrs.alberta.ca) or call us at 780-644-3000 (for toll-free dial 310-0000, first).**

**Edmonton Office: Unit 112, 10025-102A Avenue, Main Floor, City Centre Mall**

**Calgary Office: 180, 615 Macleod Trail SE, Main Floor, Rocky Mountain Plaza**

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# QUESTIONS