

Residential Tenancies Hearings (Procedures & Conduct)

The Residential Tenancies Act:

- Establishes the powers and duties of the Director of Residential Tenancies; these powers and duties are then delegated to Residential Tenancy Officers
- The performance of duties is determined by policy.

Reference:

Residential Tenancies Act: Sections 13 & 19A

Details:

Residential Tenancy Officers must show neutrality when dealing with residential tenancy matters. There can be no doubt as to their professionalism and ability to perform their duties.

Procedure:

Guidelines:

- Every hearing should be conducted impartially, respectfully, fairly and expeditiously;
- In conducting a hearing, the Officer is committed to uphold the principles of natural justice and procedural fairness;
- The Officer must be objective and free from bias or the appearance of bias;
- The Officer is not expected to tolerate offensive behaviour by tenants, landlords or witnesses—if there is evidence of unruly behaviour, drug or alcohol use, the Officer may decide to adjourn the hearing.

Calling into Conference Call:

- Instructions for dialing into the hearing are listed on the Notice of Hearing forming part of the Application to Director.
- Parties to a hearing are expected to dial in on time. Failure to be present at time of hearing may result in the application being dismissed or proceeding in your absence.
- The Officer will dial in at the time of the hearing and advise parties connecting that they will be on mute until all parties are present or the appropriate amount of time has transpired.

If a party cannot connect to the conference call, i.e. having technical difficulties, advise the Residential Tenancy Officer directly by using their email address or phone number indicated in the Notice of Hearing section of the Application.

On occasion, hearings may run over their allotted time, thereby delaying the Officer from starting the next hearing on time. Parties are advised to stay on the line at least 15 minutes after the scheduled start time for the hearing. If the Officer is unable to make the hearing, they will contact you.

Starting the Hearing:

- The Officer will take a roll call to establish who is on the conference call and lock down the conference once all parties are present.
- The Officer will confirm the call quality for the participants and explain procedure if call quality degrades or if a call is dropped including:
 - Adjusting call volumes or microphones;
 - Minimize feedback and background noises;
 - Eliminate using Bluetooth device;
 - Eliminate using speaker phone;
 - Parties required to call back into hearing;
 - Officer calling party to reconnect;
 - Contacting Officer via email;
 - In extreme cases, adjourning hearing to another scheduled time.
- The Officer will explain the procedures and answer any relevant questions about the hearing process including:
 - Identifying parties on the call and confirming their contact information;
 - Reviewing the application;
 - Review the evidence log, ensuring both parties have received the other parties evidence
 - Explain order of presentation;
 - Confirm if witnesses will be heard from;
 - Witnesses should not be present or able to hear any of the proceedings except for when they are providing evidence;
 - Each party will have the opportunity to question or rebut the evidence provided by the other party.

During hearings, Officers will:

- Maintain neutrality in fact and appearance; for example, the Officer:
 - Never speaks to one party if the other is absent unless:
 - determining who is present on a conference call;
 - conducts a hearing when one party does not attend;
 - Always addresses both parties in the same appropriate manner;
 - Never addresses one party while excluding the other;
 - Does not comment on a party's presentation;

- Communicate clearly and deal professionally with the varied personalities and experiences of the parties;
- Ensure that all parties focus on the issue(s) to be decided;
- Listen and ask questions to learn enough facts to permit the rendering of a fair and reasonable decision;
- Treat all matters during the hearing as confidential;
- Ensure that he/she has a good working knowledge of the *Residential Tenancies Act*, its regulations and the Standard Form of Lease.
- Maintain control throughout the hearing

During hearings, participants should:

- Speak only when addressed by the Officer so that the identity of the person speaking is known;
- Only one person is permitted to speak at a time;
- Avoid interrupting other speakers;
- Not engage in side conversations;
- Limit excessive background noise.

Media Participation

- Members of the media are not permitted to attend Residential Tenancy Hearings.
- Documents related to a hearing can be accessed by the attending parties, after a Decision has been made.
- Document hearings can also be accessed through the *Freedom of Information and Protection of Privacy Act*.