



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 11-002
Subject: Hearings- General Information
Chapter: Hearings

Legislation	s. 46
Definitions	N/A
Purpose	The purpose of this policy is to provide an overview of the general elements of a hearing so parties to the hearing may be adequately prepared.
Policy	<p>Hearing Methods</p> <p><u>Teleconference</u> - Hearings will take place using teleconference services. Parties will be provided with a toll-free conference number and conference ID to which the parties may call in.</p> <p><u>Written Submission</u> - Any party who is unable to participate by teleconference may request to appear by written submission. Requests to appear by written submission should be submitted in writing to the Residential Tenancies Office when the application package is submitted or immediately after the notice of the application and hearing are received. Page 3 of 4 The signed written submission must be received by the Residential Tenancies Office and provided to the other party at least 5 days prior to the scheduled hearing.</p> <p><u>In Person</u> - Hearings will take place in person only upon approval of the Director of Residential Tenancies where it is established that there are accessibility concerns, or where it would be impractical to conduct the hearing be teleconference or in writing. Where there are concerns for the safety of the parties or the safety of staff at Residential Tenancies, hearings will not be conducted in person.</p> <p>Representation</p> <p>Parties to a residential tenancies hearing most often represent themselves. However, parties to a dispute may authorize another person to represent them at a hearing. A representative can be a family member, a friend, or someone who works for an advocacy organization. An Authorized Representative form must be completed and submitted to the Residential Tenancies Office by a party to a hearing to authorize another person to represent them in a</p>



proceeding and to receive the applicant's case file. An authorized representative can provide argument at a hearing but cannot provide testimony on behalf of the represented party. An Authorized Representative form does not give the representative the authority to make decisions or sign documents on behalf of the party represented.

If a representative does not have a letter of authorization to represent a landlord or a tenant, the adjudicator may proceed with the hearing and request that authorization be filed within a reasonable period of time. The adjudicator will not issue an Order until the letter of authorization has been filed.

Witnesses

Witnesses may provide testimony for teleconference hearings but are not permitted to attend the entire hearing. Witnesses may only participate in the hearing to provide their testimony. Any party planning to call witnesses in a teleconference hearing should provide a Witness List to the Residential Tenancies Office no less than 3 days before the scheduled hearing date. This list should include the name, telephone number of the witness to be called. The Residential Tenancies Officer will then provide you with information about the procedure your witness will be required to follow on the date of the hearing.

A witness list may be provided to the other party but is not required by the Residential Tenancies Office.

Request for Subpoena

To ensure the attendance of a witness, or to compel the testimony of a witness who may have evidence to support their case, a party may apply to the Director of Residential Tenancies for a subpoena. It is the responsibility of the party requesting the subpoena to serve (deliver) it to the witness and to pay any fees and expenses involved. The Residential Tenancies Office is not responsible for serving the subpoena and does not pay for costs or expenses associated with the attendance of a party to the hearing such as travel expenses or professional fees.

Documentary or Recorded Exhibits

Documentary or recorded exhibits not provided or served with the application and notice of hearing may still be submitted. Any party planning to submit additional exhibits to be considered at the hearing must provide an Exhibit List to the Residential Tenancies Office. The



exhibits listed should be provided to the Residential Tenancies Office as well as to the other parties no less than 3 days before the scheduled hearing date.

Submission of Exhibits

Exhibits may be provided to the other party using the same methods of service permitted for serving an Application for Dispute Resolution. Each party to the application must be provided a copy of the exhibit being entered into evidence in the hearing process. Exhibits provided to the Residential Tenancies Office may be submitted by postal mail, email or facsimile:

Acceptable digital file formats include the following: doc, docx, pdf, jpg, tif, png, mpg, wmv, m4v, mp4, wav Exhibits stored on file sharing services such as Google Drive, Microsoft OneDrive, Dropbox etc. will not be accepted. Exhibits provided to the Residential Tenancies Office are not automatically entered into evidence. An exhibit is entered into evidence when you present the exhibit in the hearing to support your position or argument and it is accepted as evidence by the adjudicator. Exhibits provided to the Residential Tenancies Office but not presented to the adjudicator at the hearing may not be considered as evidence. Exhibits not provided to the other party may result in the exhibit not being entered into evidence by the adjudicator or considered in the decision-making process.

Failure to Attend

Adjudicators will provide a 15-minute grace period in the event that an applicant or respondent fails to call into the hearing at the scheduled time. If a telephone number has been provided on the application, the adjudicator will also attempt to telephone the absent party to determine if they wish to attend the hearing.

If the applicant does not attend the hearing, the hearing will be called and dismissed. Once the hearing has been dismissed, it cannot be reopened unless the applicant files a new Application for Dispute Resolution.

If the respondent does not attend the hearing, and if the adjudicator is satisfied that the respondent had been properly served with the application, the hearing will proceed after the 15-minute grace period.



	<p>Discontinuance of Application An application may be discontinued or withdrawn by the applicant upon by either sending an e-mail to the Residential Tenancies Office, or by filling out Part 14 on the Notice of Hearing.</p> <p>Request for Postponement Postponements will be granted at the discretion of the Director and only in extenuating circumstances. Requests for postponements should be submitted in writing at least 2 working days prior to the hearing, and should include supporting documentation such as the following:</p> <ul style="list-style-type: none">• Letter from medical service provider – confirming previously scheduled medical appointment• Letter from employer – confirming employment commitments• Travel confirmation - copy of airline tickets• Other extenuating circumstances will be considered. <p>When a respondent's request for postponement is approved, the respondent will be required to provide an address for service. Notice of the new hearing date will be served by the Residential Tenancies Office. Hearings will not be permitted to be postponed indefinitely. All cases will be issued a hearing date. Applications that are not served on the respondent(s) within 3 months will expire and may be dismissed by the Director.</p> <p>Interpreters Where a request is made, the division will provide an interpreter. An RTO will make arrangements to have the interpreter at the hearing. When engaging an interpreter, the hearing co-ordinator should make the interpreter aware that the hearing is a quasi-judicial proceeding.</p>
Procedure Overview	N/A
Forms & Form Letters	N/A
X-Reference	Hearing Guidelines - section 11-3 of this manual.
Policy Developed	September, 2000
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Other Resources	N/A
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