

Brendon Hewitt – How to Win against the RTDRS

Presented April 2011 Exclusively to the Members of REIN™

WINNING AT THE RESIDENTIAL TENANCY DISPUTE RESOLUTION SERVICE (RTDRS)

CHANGES TO THE EVICTION PROCESS – BID FAREWELL TO WRITS OF POSSESSION

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INTRODUCTION

- A show of hands.
 - Who wants to win at the RTDRS!
- Put proven success strategies to work for you.
- Changes to the eviction process – no more Writs of Possession.

Previous to Filing at the RTDRS – Notices to Terminate

- Termination of Tenancy for Substantial Breach - 14 Day Notice.
- 24 Hour Notice to Terminate.
- Notices to Terminate NOT necessary at RTDRS for Orders of Possession.
- To serve or not to serve?

Previous to Filing at the RTDRS - A Fresh Face

- Bringing in someone to deal with your tenant allows:
 - A fresh start to initiate communication.
 - A new perspective.
 - The tenant to save face.

The tenant may open the door for a stranger!

Filing at the RTDRS

- Just file already!
- Paperwork should be complete and immaculate.
- Include all issues, not just rental arrears.
- An application may force communication.
- Tenants often leave before the hearing .

Filing at the RTDRS - Pictures

- Pictures really are worth a thousand words.
- Ensure that your pictures are in colour!
- Include pictures to prove:
 - Damages to the property.
 - Cleanliness issues.
 - Bug infestation.
 - Pet stains and other leavings

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Filing at the RTDRS – Abridged Time for Service

- Apply for abridged (shortened) time for service when initially filing your application for:
 - significant damage.
 - assault and/or threat of assault.
 - Grievous illegal activity.

Filing at the RTDRS – Counter-Applications

- File a counter-application:
 - If a tenant has filed an application against you while in breach of a tenant covenant.
 - If the tenant is filing an application for return of the security deposit that they are not entitled to.

Prior to the Hearing - Communication

- Keep an open mind.
 - Make the first move.
 - Tenants may feel intimidated or ashamed.
- Negotiating may lead to a CONSENT ORDER.

Prior to the Hearing – Turn it Off, Spit it Out, Take it Off!

- Turn off ALL electronics.
 - Refrain from texting during the hearing.
- Get rid of your gum.
- Take off your hat.
- Dress appropriately.

The Hearing at the RTDRS – Focus & Respect

- Focus on the contents of your application .
- Address the Tenancy Dispute Officer Directly.
- Use the Honorific Sir, Ma'am and/or surname.
- Wait your turn to speak.
- Do not bring beverages or food into the hearing.

The Hearing at the RTDRS – Cross-Examination

- Take notes.
- Take the opportunity to cross-examine.
- You may need to remind a TDO of your right.

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The Hearing at the RTDRS - Witnesses

- Witnesses = Increased Success
- Witness examples include:
 - Other tenants.
 - Resident managers/other employees.
 - Expert witnesses.
 - Government official/employee.
- Witnesses can attend by telephone!
- Notices to Attend.

The Hearing at the RTDRS - Adjournments

- A delay is better than losing!
- Ask for an adjournment when:
 - A tenant brings new evidence to the hearing.
 - A hearing is running over time.
 - Additional preparation time seems necessary.

Resources

- Residential Tenancies Act of Alberta.
- Residential Tenancies Ministerial Regulation.
- Residential Tenancy Dispute Resolution Service Regulation.
- Residential Tenancy Dispute Resolution Service Rules of Practice and Procedure.
- Voluntary Code of Practice.

Good-Bye to Writs of Possession

- No more Writs of Possession.
- The change is going through the spring sitting.
- It may still take several months for Service Alberta to implement the changes.

What Changes?

- Straight Orders of Possession will be enforced by Civil Enforcement Agencies as long as Affidavits of Service are filed at Q.B. proving service of tenants.

Notices of Default

- Notices of Default will be served by Landlords to Tenants who default on a Conditional (Cinderella) Order.
- The Notice of Default template will be determined by Service Alberta.
- The Notice of Default will likely have to be filed at Q.B. prior to enforcement.

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Need more Information?

- Reference Card includes Tips To Win at the RTDRS.
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