

# Instruction Sheet

## for Application for an Order of Possession - Condominium

**Important:**

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

It costs \$60.00 to file an Application for an Order of Possession. You can file an application in person or by mail. If you are sending your application by mail, please include a cheque or money order payable to the Minister of Finance. Don't send cash through the mail. The Branch will charge a \$20.00 fee for any returned cheque it receives.

Our address is:     The Residential Tenancies Branch  
                          1700 – 155 Carlton Street  
                          Winnipeg Manitoba R3C 3H8

Be sure to read the **Important Information** on the back of the Application for an Order of Possession form.

To complete sections 1, 2 and 3 of the **Application for an Order of Possession** form, follow these instructions. The Residential Tenancies Branch will complete sections 4 and 5.

**Please print all information.**

**1     Address of Rental Unit**

Fill in the address of the rental unit, including city/town and postal code.

**2     Condominium Corporation/Tenant/Landlord/Unit Owner Information**

Fill in your name, or your agent's name, mailing address (including postal code) and daytime phone number. Do not use initials, full names only.

Fill in the name of the tenant(s) and the landlord/unit owner. Do not use initials, full names only. Give their present address, or mailing address (including postal code) and daytime phone number. Use additional pages if needed.

**3     Reason for Application**

Place a check mark (✓) in the boxes which best describe why the tenant was given a written notice to move. If none apply, place a check mark (✓) in the box beside **Other** and give your reason. Attach a copy of the notice, and any warnings, with the Application for an Order of Possession. The Branch may not be able to accept your application without copies of the relevant notices and warnings.

**4     Hearing Date and Time**

To be completed by the Residential Tenancies Branch.

**5     Mediation Officer**

To be completed by the Residential Tenancies Branch.

Application for an Order of Possession - Condominium

THE RESIDENTIAL TENANCIES BRANCH

1	Address of Rental Unit:	
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2	Corporation/Tenant/Landlord/Unit Owner Information (Names in full, no initials)		
<div></div>		<div>Mailing Address</div>	<div>City/Town</div>
<div>Condominium Corporation</div>		<div>Postal Code</div>	<div>Daytime phone #</div>
<div></div>		<div>Present or Mailing Address</div>	<div>City/Town</div>
<div>Tenant</div>		<div>Postal Code</div>	<div>Daytime phone #</div>
<div></div>		<div>Present or Mailing Address</div>	<div>City/Town</div>
<div>Landlord/Unit Owner</div>		<div>Postal Code</div>	<div>Daytime phone #</div>

3	Reason for Application (Attach a copy of the Notice and any warnings with this Application)		
The condominium corporation gave the tenant a written notice to move because of: (check (✓) any of the following boxes)			
<div><div><input type="checkbox"/> Disturbance</div><div><input type="checkbox"/> Damage</div><div><input type="checkbox"/> Contravention of Declarations, By-Laws or Rules</div><div><input type="checkbox"/> Impair safety / Interfere with rights</div><div><input type="checkbox"/> Cleanliness</div><div><input type="checkbox"/> Other: <div></div></div></div>			
<div></div>			
Signature of Condominium Corporation Agent or Board Member		Date	
(See other side for Important Information)			

Notice of Hearing

4	Hearing Date:				
Time:		<div><input type="checkbox"/> A.M.</div> <div><input type="checkbox"/> P.M.</div>	Place:		
<div></div>					
Authorized Signature, Residential Tenancies Branch			Date		
<div>If you want to respond to this application, you or your representative should come to the hearing. If you can't come to the hearing, you can send a written response. <b>All parties must receive your response two full business days before the hearing.</b> If you do not come to the hearing, we may make a decision without you.</div> <div>If you have a general question about your hearing, you can call our information line at 204-945-2476 or toll-free in Manitoba at 1-800-782-8403.</div> <div>The Branch offers service in French. If you require French language service at your hearing, please call 204-945-2476 or toll-free in Manitoba 1-800-782-8403 as soon as you receive this application.</div>					

5	Mediation Officer:		Phone No.	
<div>If you want to try to settle this application before the hearing, call the Mediation Officer at the above number or toll-free at 1-800-782-8403 in Manitoba or by Fax at 204-945-6273.</div>				

# Important Information

The Residential Tenancies Branch will hear this application under the authority of *The Residential Tenancies Act* and *The Condominium Act*.

## Giving the tenant and the landlord/unit owner the Application for Order of Possession

When tenants do not move out after receiving a notice of termination, the condominium corporation can apply for an order from the Branch requiring the tenants to move out of the rental unit. If the condominium corporation is successful, this order will also award costs as allowed under Section 4 of the Residential Tenancies Costs Regulation.

A condominium corporation must give this application by:

- ♦ handing it to the tenant; or
- ♦ handing it to an adult at the tenant's home.

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Composez le 204-945-2476.

The corporation must also hand the application to the landlord/unit owner or their agent.

The Branch will ask the condominium corporation to show that the tenant and/or landlord/unit owner received this Application for an Order of Possession at least five days before the hearing. We'll accept a sworn declaration of service by the person who delivered the applications.

If a condominium corporation has made reasonable attempts to serve this application to the tenant and/or landlord/unit owner but has not been able to, they may call the Residential Tenancies Branch at (204) 945-2476 or toll-free at 1-800-782-8403 for information on other ways to serve the application or to reschedule the hearing.

## Evidence Requirements

If you have evidence or a written submission you would like the RTB to consider at the hearing, at least **two full business days** before the hearing, you **must** submit:

- One copy to the RTB; this can be sent electronically to [rtbevidence@gov.mb.ca](mailto:rtbevidence@gov.mb.ca).
- One copy to any other party.

Evidence not received by the RTB or the other party at least two full business days prior to the hearing **may not** be accepted.

### Examples of evidence:

1. Condition Reports
2. Tenancy Agreements
3. Receipts/Invoices
4. Photos
5. Notices
6. USB, DVD's
7. Written statements from witnesses who can't attend the hearing

If you are the claimant or applicant, you must provide a completed Declaration of Service form to show that you served the other person at least five days before the hearing. A Commissioner for Oaths must witness the declaration.

## Mediation

Mediation is a service the Branch offers for people who want to try to settle an application without a hearing. Mediation is a confidential process that can take place in meetings, conference calls or separate telephone conversations. The Branch encourages people to try mediation, but no one is required to do so.

## Public Record

When the Residential Tenancies Branch holds a hearing, or makes a determination, it issues an Order stating the decision. This Order is a matter of public record. Mediated agreements are confidential and not a matter of public record.