

Instruction Sheet

for Landlord Claim/Notice of Hearing Form

Important:

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

It costs \$50.00 to file a claim. You can file a claim in person or by mail. If you are sending your claim 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 information on the back of the Landlord Claim/Notice of Hearing form.

To complete sections 1, 2, 3 and 4 of the **Landlord Claim/Notice of Hearing** form, follow these instructions. The Residential Tenancies Branch will complete section 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 Landlord/Tenant 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 each person (tenant, co-signer, guarantor) you are claiming against. 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 Additional Information

Fill in the amount of the security deposit and the date you received it.

Place a check mark (✓) in one of the boxes to show whether or not the tenant still lives in the rental unit.

4 Claim

Place a check mark (✓) in the boxes to show your claim. Fill in the amount you are claiming and give details (attach additional pages if needed). If you do not give enough detail, the Branch may not be able to accept your claim. Remember to total up your claim.

<u>Example</u>	<u>Amount</u>
<input checked="" type="checkbox"/> Rent	\$1,000.00
<input checked="" type="checkbox"/> Damages	\$ 350.00
<input checked="" type="checkbox"/> Cleaning	\$ 100.00

My total claim is: \$1,450.00

Details

Aug/02 \$500 + Sept/02 \$500
Replace living room window \$200; repair master bedroom door \$150
Carpet cleaning \$50; cleaning walls, fridge, stove, bathroom, kitchen
cupboards; 5 hrs. at \$10 per hour.
plus costs*

You can estimate for damages or cleaning, if you don't know the actual costs. You can reduce the estimated amount at the hearing, but you can only increase the amount you are claiming if the tenant agrees.

If claiming utility bills, only list the ones you may be responsible to pay (**for example:** an outstanding water bill applied to owner's property tax bill). If actual amounts are unknown, estimate the bill.

If claiming interest, place a check mark (✓) in the box beside Interest. The Residential Tenancies Branch will calculate any interest when making a decision on your claim.

***Costs:** may include reasonable charges for filing, serving and proving this claim.

Finally, **sign** and **date** the **Claim** section.

5 Hearing Date and Time

To be completed by the Residential Tenancies Branch.

Landlord Claim

THE RESIDENTIAL TENANCIES BRANCH

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

3 Additional Information	
The landlord/agent received a security deposit of \$ _____ on _____ (Amount) (Month, Day, Year)	
Is the tenant still living in the rental unit?	Yes <input type="checkbox"/> No <input type="checkbox"/>

4	Claim		
<p>Check (✓) any of the following boxes (include amounts and details, attach additional pages if needed):</p>			
		<u>Amount</u>	<u>Details</u>
<input type="checkbox"/> Rent	\$		
<input type="checkbox"/> Damages	+\$		
<input type="checkbox"/> Cleaning	+\$		
<input type="checkbox"/> Utility Bills	+\$		
<input type="checkbox"/> Late Payment Fees	+\$		
<input type="checkbox"/> NSF Charges	+\$		
<input type="checkbox"/> Other	+\$		
<input type="checkbox"/> Interest			
<p>My total claim is:</p>		\$	_____ plus costs
<p>_____</p> <p style="text-align: center;">Signature of Landlord/Agent</p>		<p>_____</p> <p style="text-align: center;">Date</p>	
<p>(See other side for Important Information)</p>			

Notice of Hearing

5		Hearing Date:			
Time:				<input type="checkbox"/> A.M.	Place:
				<input type="checkbox"/> P.M.	
<hr/>					
Authorized Signature, Residential Tenancies Branch				Date	
<p>If you want to respond to this claim, you or your representative should come to the hearing. If you can't come to the hearing, you can send a written response. All parties must receive your response two full business days before the hearing. If you do not come to the hearing, we may make a decision without you.</p> <p>If you have a general question about your hearing, you can call our information line at 204-945-2476 or toll-free at 1-800-782-8403.</p> <p>If you want to try to settle this claim before the hearing, you must provide your offer in writing on the attached "Offer to Settle" form. Once we receive your "Offer to Settle", a mediation officer will contact you to let you know if your offer has been accepted.</p> <p>The Branch offers service in French. If you require French language service at your hearing, please call 204-945-2476 or toll-free 1-800-782-8403 as soon as you receive this claim.</p>					

Important Information

The Residential Tenancies Branch will hear this claim under the authority of *The Residential Tenancies Act*.

Giving the tenant the claim and notice of hearing

A landlord must give this claim and notice of hearing by:

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

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If the tenant doesn't come to the hearing, the Branch will ask the landlord to show that the tenant received this claim at least five days before the hearing. We'll accept:

- ♦ a sworn declaration of service by the person who delivered the notice; or
- ♦ proof of delivery from the post office.

If a landlord has made a reasonable attempt to serve this claim to the tenant but has not been able to, they may call the Branch at 204-945-2476 or toll-free 1-800-782-8403 for information on other ways to serve the claim 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.
- 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 a claim 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. If you would like to try mediation, please complete the attached "Offer to Settle" and return it to the Branch.

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.

Attachment – Offer to Settle

Offer to Settle – Offre de règlement

Please print – Prière d'écrire en caractères d'imprimerie

Address of Rental Unit – Adresse de l'unité locative

Your Name – Votre nom

Address – Adresse

Postal Code – Code postal

Day-time telephone number –
Numéro de téléphone durant la journée

E-mail – Courriel

I offer to settle this matter as follows: (Please give as much detail as you can. If you are offering to pay money, please be specific about the amount(s) you are prepared to pay.)

J'offre de régler cette affaire comme suit : (Veuillez fournir autant de détails que vous le pouvez. Si vous offrez un règlement en argent, veuillez préciser les sommes que vous êtes disposé à payer.)

(Attach extra pages if necessary) – (Joindre des pages supplémentaires, si nécessaire.)

Date

Signature

Please return to ➡

Residential Tenancies Branch
1700 – 155 Carlton Street
Winnipeg MB R3C 3H8
Fax: 204-945-6273
E-mail: rtbevidence@gov.mb.ca

Veuillez renvoyer à ➡

Direction de la location à usage d'habitation
155, rue Carlton, bureau 1700
Winnipeg (Manitoba) R3C 3H8
Télécopieur : 204- 945-6273
Courriel : rtbevidence@gov.mb.ca