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The Residential Tenancies Branch

FACT SHEET

Hearings & Mediation

Notice of Hearing

The attached form is your notice to attend a hearing scheduled by the Residential Tenancies Branch. The date, time and location of the hearing are shown on the bottom of the attached form. It is important that you attend the hearing.

The Residential Tenancies Branch schedules a hearing when:

- A condominium unit owner files a Notice of Appeal – Fine.

Mediation

One way to resolve issues and problems between a unit owner and a condominium corporation is through mediation. In mediation, an impartial person called a mediator tries to help the parties reach agreement about the dispute. A mediator does not take sides or pass judgement.

A mediator is available to help you try to settle this matter before the hearing. On a **Notice of Appeal - Fine**, you may complete the Offer to Settle form attached to the claim and return it to the Branch. A mediator will then contact you to discuss your offer.

What does a mediator do?

A mediator will try to help a unit owner and condominium corporation reach an agreement. The mediator will usually speak to the unit owner and a representative of the condominium corporation on the telephone first. Sometimes mediation can take place at a face-to-face meeting. The mediator will decide which method to use.

What happens if an agreement is reached?

If a unit owner and condominium corporation reach an agreement, the mediator will put the agreement in writing and give the unit owner and condominium corporation a copy. If either party does not follow the terms of the agreement, the Residential Tenancies Branch will issue an order to enforce the agreement. The order cannot be appealed.

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

What happens if an agreement cannot be reached?

Sometimes unit owners and condominium corporations do not reach an agreement, even with the help of a mediator. In this case, a hearing will go ahead as scheduled.

Hearings

If mediation does not work, the branch will hold the hearing on the date and time shown on the Notice of Appeal – Fine form. A hearing officer conducts the hearing (the hearing officer and mediator are two different people). The hearing officer will make a decision based on the legislation, the condominium corporation's by-laws and rules, and the facts and evidence presented by both sides.

What happens at a hearing?

- The hearing officer will ask for the names of everyone who attends the hearing. The officer will also ask all witnesses to leave the room; they will be called in later to give evidence.
- When the hearing officer asks you to give information, you should speak directly to the hearing officer, not to the other person.
- The unit owner who filed the Notice of Appeal - Fine presents their information first. Any witnesses are called one at a time. The other person can question the witnesses.
- The condominium corporation representative then responds. Witnesses are called one at a time. The unit owner can question the witnesses.
- The unit owner and condominium corporation representative will each have another opportunity to speak at the end of the hearing to sum up their position.
- The hearing officer may ask questions during the hearing.
- The hearing officer will send a written decision to both the unit owner and condominium corporation after the hearing. Please make sure your correct address is on file.

If only one person attends the hearing, the hearing officer will:

- take any information that person has to give;
- let the person respond to any information the person not present provided before the hearing;
- issue a written decision to both the unit owner and condominium corporation.

What should you bring to the hearing?

You should bring your **original evidence*** to the hearing and two copies – one for the branch, one for the other party. If you are sending in a written response to a claim, you should also include two copies of any evidence.

Examples of evidence:

- written warnings
- written decisions from the board to impose fine
- any other evidence surrounding the fine (photographs, written statements from witnesses etc).

***The Branch will keep your evidence until the decision is made.**

If you are the person appealing, you must also bring a completed Declaration of Service form with you to show that you served the condominium corporation at least five days before the hearing. The declaration must be witnessed by a Commissioner for Oaths.

What if you can't come to the hearing?

If you can't come to the branch, there are other ways you can still take part in the hearing. You can send a person to represent you (make sure they bring your evidence with them and written permission from you authorizing them to represent you at the hearing), send in a written submission to the branch (this must be received by noon the day before the hearing), or where reasonable, you can ask to take part in the hearing by teleconference.

What happens if you don't take part in the hearing?

If you don't come to the branch or take part in another way, the hearing may be held without you.

What if you do not agree with the decision?

The decision by the branch is final and is not subject to appeal.

This information is available in multiple formats upon request.