

THE HEARING

Residential Tenancy Dispute Resolution Service (RTDRS)

ATTEND THE HEARING

In-Person Hearing – Calgary or Edmonton:

- Arrive at the RTDRS office on the date and about 15 minutes before the time written on the *Notice of Hearing*.
- Upon arrival, check-in at the counter. *Affidavits of Service* can be commissioned by RTDRS staff.

Telephone Hearing:

- The Tenancy Dispute Officer (TDO) will call the Applicant and Respondent on the date and at the time written on the *Notice of Hearing*. They will use the telephone numbers the Applicant provided on the application form.
- For more information see *RTDRS Telephone Hearing Tips*.

INTRODUCTIONS BY TENANCY DISPUTE OFFICER

The TDO will introduce themselves, explain the hearing process and deal with preliminary issues such as service, adjournments, interpreters or disclosure of information. The TDO will clarify the question(s) that they are to decide in the hearing. The Applicant and Respondent will introduce themselves and their witnesses. Participants will be sworn or affirmed. Witnesses will be asked to wait outside of the hearing room until it is their turn to testify.

APPLICANT TELLS THEIR SIDE

The Applicant presents their case by explaining the information in their application package and by calling their witnesses to testify. The burden of proof is on the Applicant. The standard of proof is on a balance of probabilities. This means that it is up to the Applicant to prove the claims in their application so that the TDO believes their version of events over that of the Respondent. If the Applicant fails to do this, the TDO will dismiss the application.

The application package must contain all of the information and evidence that the Applicant intends to use at the hearing. For more information on evidence see the RTDRS *Evidence Tips*.

TENANCY DISPUTE OFFICER AND RESPONDENT ASK QUESTIONS

The Respondent can ask the Applicant and the Applicant's witnesses questions. The TDO may question the Applicant, Respondent and witnesses at any time during the hearing. Questions are asked to clarify something said or to get more details, not to testify or to argue with the Applicant.

RESPONDENT TELLS THEIR SIDE

The Respondent then presents their case by explaining their defence information or counter-application package and having their witnesses testify. The defence information and counter-application package must contain all information that the Respondent intends to use in the hearing. See *Evidence Tips* for more information.

TENANCY DISPUTE OFFICER AND APPLICANT ASK QUESTIONS

The Applicant can ask the Respondent and the Respondent's witnesses questions. The TDO may question the Applicant, Respondent and witnesses at any time during the hearing. Questions are asked to clarify something said or to get more details - it is not to testify or to argue with the Respondent.

APPLICANT AND RESPONDENTS BRIEFLY SUM UP THEIR CASES

THE TDO MAKES A DECISION

At the conclusion of most hearings, the TDO will give verbal reasons for their decision and a written Order. If the TDO decides to reserve their decision, they will provide the participating parties with either written or oral reasons for their decisions within 30 days of the conclusion of the hearing. See *After the Order* chart for information on what to do next.

The TDO manages the hearing process. All parties participating in the hearing are expected to conduct themselves in a courteous and respectful manner. Persons who display disruptive, disrespectful or threatening behaviour may be required to leave the hearing room. The TDO may also change the hearing process outlined above to suit the case before them. For more information see the *RTDRS Rules of Practice and Procedure*.