

## Conflict of Interest

### **The Residential Tenancies Act:**

- requires that every Residential Tenancy Officer declare any interest they hold in residential rental premises.

### **Reference:**

*Residential Tenancies Act: Section 19A*

### **Details:**

Where evidence of bias exists, or a reasonable apprehension of bias exists, a Residential Tenancy Officer should disqualify themselves from the matter.

- Bias can be evidenced where an Officer has a material interest in the outcome, where an Officer has had prior contact or association with one of the parties outside of the Residential Tenancies process, or where the Officer has made up their mind on the outcome of the case before hearing all of the parties.

### **Procedure:**

- if a party suspects bias on the part of a Residential Tenancy Officer, they should make their concerns known to the Officer;
- the Officer should then carefully assess the concerns and decide whether to proceed or disqualify themselves;
- an allegation of bias should not stop or delay a process unless that allegation is deemed to be reasonable or well founded;
- if a Residential Tenancy Officer is aware of a circumstance that could lead to the perception of bias, details of the circumstances should be disclosed to the parties and their consent sought to proceed.
- Parties who wish to challenge an Officer's decision to continue hearing the matter should be referred to the Director of Residential Tenancies.