

Residential Tenancies Hearings **(Procedures & Conduct)**

The Residential Tenancies Act:

- establishes the powers and duties of the Director of Residential Tenancies; these powers and duties are then delegated to Residential Tenancy Officers
- the performance of duties are determined by policy.

Reference:

Residential Tenancies Act: Sections 13 & 19A

Details:

Residential Tenancy Officers must show neutrality when dealing with residential tenancy matters. There can be no doubt as to their professionalism and ability to perform their duties.

Procedure:

During hearings, Officers will:

- maintain neutrality in fact and appearance; for example, the Officer:
 - is never alone with one party;
 - never speaks to one party if the other is absent;
 - always addresses both parties in the same appropriate manner;
 - never addresses one party while excluding the other; and
 - does not comment on a party's presentation;
- communicate clearly and deal professionally with the varied personalities and experiences of the parties;
- ensure that all parties focus on the issue(s) to be decided;
- control the hearing;
- listen and ask questions to learn enough facts to permit the rendering of a fair and reasonable decision;
- treat all matters during the hearing as confidential;
- ensure that he/she has a good working knowledge of the *Residential Tenancies Act*, its regulations and the Standard Form of Lease.

Guidelines:

- every hearing should be conducted impartially, respectfully, fairly and expeditiously;
- in conducting a hearing, the Officer is committed to uphold the principles of natural justice and procedural fairness;
- the Officer must be objective and free from bias or the appearance of bias;
- smoking, eating or drinking (other than water) is not acceptable;
- the Officer is not expected to tolerate offensive behaviour by tenants, landlords or witnesses—if there is evidence of unruly behaviour, drug or alcohol use, the Officer may decide to adjourn the hearing.