

Resolving a dispute

Landlords and tenants should always try to resolve disagreements before they become bigger problems.

When possible, put your concerns in writing to the other person and provide documentation. Keep in mind, the other person might need time to review the information and decide their position. If an agreement is reached, put it in writing and have both parties sign.

If a landlord and tenant cannot resolve an issue, either party can ask the Residential Tenancies Office (RTO) for assistance. The RTO can answer questions and provide information. If the disagreement still cannot be resolved, they can apply for dispute resolution.

The dispute resolution process

Dispute resolution is a formal process managed by the RTO. A landlord or tenant must file an application for dispute resolution with the RTO for the process to begin.

If the RTO accepts the application, the Office will open a case file and schedule a hearing. The hearing is an opportunity for both landlord and tenant to put their position and supporting evidence forward. A representative from the RTO will consider both sides of the dispute, weigh any evidence and make a binding decision that is in line with the law.

Examples of the types of issues that can go to dispute resolution include:

- a tenant seeking an order requiring a landlord to repair the rental unit
- a tenant requesting compensation from a landlord for a tenancy-related issue

a landlord applying for an order of possession when a tenant will not vacate the unit.

- A landlord seeking compensation from a tenant for unpaid rent or damages.

The dispute resolution process cannot be used when a dispute is between tenants or between occupants sharing a rental unit (i.e. roommates).

Mediation

At any time during the formal dispute resolution process, before the RTO makes a final decision, the parties involved can choose to settle the dispute. The parties can ask the RTO to act as a mediator in their discussions.

Mediation gives the parties more control over the process and outcome, and results in a consent order that is just as binding as the formal dispute process.

Administrative penalties

After the RTO makes a final dispute resolution decision, the parties involved must follow the decision. The RTO can impose an administrative penalty on landlords or tenants who repeatedly disregard an RTO decision or order, or who repeatedly violate the *Residential Landlord and Tenant Act*. This penalty can be up to \$250 per day, to a total of \$2500. The RTO will give notice of an administrative penalty and the landlord or tenant involved must then pay the penalty within 28 days.