

Tenant Dispute Resolution Options

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When resolving a tenancy law dispute (for example, you have a dispute over your lease, security deposit or eviction), the options you have in resolving your dispute are different than if you have a human rights complaint. The following information outlines some of your options.

Talk to your landlord

Most tenancy problems can be resolved by communicating about the situation with your landlord and trying to work out a solution that both sides can live with. If you reach an agreement with your landlord, make sure it is in writing. If an agreement cannot be reached, you should make sure the problem has been written down in a letter and given to the landlord. It is important to have problems documented because then you will be able to prove that the issue was brought to the landlord's attention.

The Residential Tenancy Dispute Resolution Service (RTDRS)

The RTDRS offers landlords and tenants an alternative means of resolving serious disputes outside of court. This service is designed to be faster, more informal, and less expensive than the courts. A tenant or a landlord who has concerns related to an eviction, unpaid rent/utilities, security deposit, damages, repairs, or other common disagreements may use the service.

To make an application, certain forms must be filled out, filed, and served on the landlord, who then has a chance to respond in writing. A hearing date will be set for the matter to be heard before a Tenancy Dispute Officer, who may make binding decisions on claims up to \$50,000.

Does the RTDRS hear human rights complaints?

No, the RTDRS cannot hear a matter if the dispute involves a determination of human rights. The RTDRS cannot deal with human rights issues because they are considered technical legal issues in which the RTDRS has no expertise.

If a tenancy dispute application is made to the RTDRS and a Tenancy Dispute Officer believes that there is a potential human rights issue, the Dispute Officer must make an Order saying so. The person who had applied to the RTDRS (the "applicant") must then choose to withdraw the application or designate the court (Provincial Court or Court of King's Bench) to which the matter is to be transferred. If the applicant designates a court, the RTDRS must send the following to the Clerk of that court:

- The record of any evidence in the form in which it was received.
- Any money paid into the Dispute Resolution Service.
- Any documents and materials in the possession of the Dispute Resolution Service.

If you are unsure if a dispute involves a human rights issue, you should contact the Alberta Human Rights Commission.

Provincial Court (Civil)

The Provincial Court of Alberta is available for landlords and tenants to apply for a remedy of up to \$50,000. To make an application to Provincial Court, certain forms must be filled out, filed, and served on the landlord, who then has an opportunity to respond in writing before a trial date will be set.

Court of King's Bench

The Court of King's Bench is the highest level of trial court in the province of Alberta. It is recommended that lawyers represent parties at this level of court. While landlords and tenants can use this court for disputes, it is more common for these applications to be heard in Provincial Court or the RTDRS.

Mediation Services

Mediation is a process where parties discuss problems and try to reach a solution with the help of a mediator. Tenants living in Edmonton or Fort McMurray may contact their local Landlord and Tenant Advisory Board (LTAB) for more information about this service. If a tenant is a party with a civil claim in Provincial Court, the Court may offer mediation through their Civil Claims Mediation Program.

Where to find more information

RTDRS

Edmonton: 780.644.3000
Outside of Edmonton: (toll-free) 310.0000 then
780.644.3000

<http://bit.ly/2WNPkRM>

Provincial Court (Civil)

<http://albertacourts.ca/pc>

Court of King's Bench

<http://albertacourts.ca/qb/home>

RCAS Contact Centre

RCAS is a group of programs and services offered by the Government of Alberta in collaboration with the courts of Alberta. It provides administrative support to the courts.
1.855.738.4747

For more information and suggested resources on courts/court services, refer to the Centre for Public Legal Education Alberta's resources:

<https://www.lawcentralalberta.ca/selfreplitigants>

<https://www.law-faqs.org/pretrialapps>

Mediation offered by local Landlord and Tenant Advisory Board (if you live in Edmonton or Fort McMurray)

Edmonton: 780.496.5959
Wood Buffalo (Fort McMurray): 780.743.7888

Provincial Court Civil Claims Mediation Program

<http://bit.ly/2WMd2m1>

You should not rely on this publication for legal advice. It provides general information on Alberta law only.

This publication acknowledges funding provided by the Alberta Human Rights Education and Multiculturalism Fund.



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