



**Community Services  
Employment Standards & Residential Tenancies**



**Policy: RT-3620-005**

## **Policy and Procedure**

# **Format of Hearings**

*This policy provides guidance to staff at the Employment Standards and Residential Tenancies Branch and the public in understanding our internal processes. This policy is not law. To the extent that this policy conflicts with any federal or territorial legislation, the legislation prevails. This policy may be amended or revised by the Director of Employment Standards and Residential Tenancies. If you have questions about the policy, please contact the Employment Standards and Residential Tenancies branch by phone at (867) 667-5944 or email at [eso@yukon.ca](mailto:eso@yukon.ca) or [rto@yukon.ca](mailto:rto@yukon.ca).*

### **Purpose**

To describe the formats in which hearings may be conducted and the process for requesting another format.

### **Background**

The adjudicator assigned to hear a dispute has discretion to conduct the hearing in the manner they consider appropriate. Most disputes are determined through a written hearing, but the adjudicator may hold oral hearings.

Once an application is filed and an adjudicator is assigned, the adjudicator will set the matter down by preparing a Notice of Hearing that tells the parties if the hearing will be oral or if it will be in writing. The notice will provide the parties with the date and time submissions are due, or the date and time the matter will be heard, depending on the chosen format.

Adjudicators may proceed without holding a hearing for certain matters. For example, the *Residential Landlord and Tenant Act* allows adjudicators to grant an order of possession without holding a hearing in limited circumstances. Adjudicators may also grant emergency orders without holding a hearing.

## **Policy and Procedure**

The adjudicators have discretion to conduct hearings in the format they consider appropriate. However, a party may request that a hearing be held in a format other than that set by the adjudicator.

If a party wants to request a hearing in an alternate format, they must make the request as soon as possible. The applicant should make the request within 3 days of the Notice of Hearing being made available by the Residential Tenancies Office and before serving the hearing package. The respondent should make the request within 5 days of receiving, or being deemed to receive, the Notice of Hearing.

If a party requests an alternate hearing format after the deadlines provided above, they must include with their request, an explanation and supporting documentation for why the request is submitted late. Late requests will only be granted in exceptional circumstances since it could result in rescheduling the hearing, or otherwise disadvantage the other party.

An adjudicator reviewing a request for a hearing in an alternate format may consider the reason(s) for the request along with any circumstances they determine to be relevant in order to reach a fair conclusion. Examples of relevant circumstances include, but are not limited to, if:

- a. a party has a physical or mental disability that creates a barrier to participation in either an oral hearing or written hearing;
- b. there is a history of abusive interactions that may make an oral hearing an unsafe environment;
- c. there are language barriers for which either an oral hearing or a written hearing would result in prejudice to one or both parties; or
- d. there are physical or geographic barriers which make it more difficult for a party to participate in either an oral hearing or a written hearing.

The adjudicator will give the other party an opportunity to make submissions on the hearing format to ensure procedural fairness. Once they render a decision, they will notify both parties.

## **Additional information**

Parties may request an alternate hearing format by email at [rto@yukon.ca](mailto:rto@yukon.ca), by telephone at (867) 667 – 5944, in person at 307 Black Street in Whitehorse or by mail to:

Employment Standards and Residential Tenancies  
Government of Yukon (C-7)  
Box 2703  
Whitehorse, YT Y1A 2C6

## Policy history

Date	Version number	Description
June 11, 2024	1	Policy approved