

## Resolving a dispute

A landlord and tenant should always try to resolve a disagreement before it becomes a bigger problem.

When trying to reach an agreement, it is helpful to put concerns in writing to the other person and provide any 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 it.

When a landlord or tenant cannot resolve an issue, either party can ask the Residential Tenancies Office (RTO) for assistance. The RTO can answer questions and provide additional information. If this approach does not resolve the disagreement, a person can apply for dispute resolution.

### The dispute resolution process

Dispute resolution is a formal process managed by the RTO. A landlord or tenant must first complete an application for dispute resolution and the RTO must accept the application before the formal process can begin. If the RTO accepts a dispute resolution application, the Office will open a case file. The RTO will then schedule a formal hearing with both parties. At the hearing, a representative from the RTO will hear both sides of the dispute, weigh any evidence and make a neutral, binding decision that is in line with the relevant law.

These are examples of the types of issues that can go to dispute resolution.

- A tenant requests an order requiring a landlord to repair the rental unit.
- A tenant requests monetary compensation from a landlord for a tenancy-related issue or debt.

- A landlord requests an order of possession when a tenant will not move on a specified date.
- A landlord requests monetary 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 themselves. If the parties involved decide to do this, they can ask the RTO to act as a mediator in their discussions. For the RTO to act as a mediator, both parties involved in the dispute must consent to and voluntarily participate in the mediation.

A mediated settlement is a binding agreement that allows the parties to influence the dispute resolution outcome, rather than leave the decision up to the RTO's office.

### 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* (RLTA). 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.