

COUNTER-APPLICATION

Residential Tenancy Dispute Resolution Service (RTDRS)

I've been served with a *Notice of Hearing*, what are my options?

If you are served with a *Notice of Hearing* you must attend the hearing at the date, time and location written in the notice. You may arrange to have an agent or representative attend the hearing on your behalf.

If you are unable to attend at the date and time scheduled, please contact the RTDRS at toll free 310-0000, then 780-644-3000 for other options which may be available. If you or your representative do not attend, an Order may be issued against you without further notice. The Order may have serious consequences for you.

You have these options:

- 1. You can defend against the application.** This means that you do not agree with the claims of the applicant and you want to bring evidence, witnesses and/or tell your side of the dispute. You must give your documents to the applicant and the RTDRS at least 24 hours before the hearing. If this is not done, your evidence may not be accepted at the hearing.
- 2. You can defend against the application and then file your own application at a later date if you have a claim against the applicant.** On the date of the hearing only the applicant's application will be heard. Any application made by you at a later date will be heard at a separate hearing. These two hearings will result in two decisions and two orders.
- 3. You can defend against the application and file a counter-application if you have a claim against the applicant.** If you file your own application against the applicant before the hearing date in the *Notice of Hearing* that was served on you, it is called a "counter-application."

How do I file a counter-application?

1. The steps for filing a counter-application are the same as for an application.
2. Complete the appropriate application form. Landlords use the *Landlord's Application for Termination of Tenancy and Rental Arrears* or *Landlord's Application for Damages*. Tenant's use the *Tenant's Application*. Follow the Instructions to Landlord or Tenant attached to the application forms.
3. At the beginning of the hearing, on the date in the *Notice of Hearing* that was served on you, the Tenancy Dispute Officer will decide how to proceed. They can decide to hear the application and counter-application in these ways:
 - together on that date.
 - together at a later date.
 - separately, usually on different dates.

The decision will depend on many factors including service requirements, time needed for the hearing and if the same evidence and witnesses are needed for the application and counter-application.

For further information on the RTDRS, please visit our website at www.rtdrs.alberta.ca. Click on *Rules of Practice and Procedure* for full details on how the RTDRS works.