***THE RESIDENTIAL TENANCIES ACT***
**HEARING NOTICE**

**TO LANDLORD:** _____Smith Rentals Ltd._____

Your tenant named below has made application against you in respect of the premises rented to him/her.
You are hereby notified that a hearing will be held February 21, 2007 at 10:30 am
At the following location: Main Floor, 122 – 3rd Avenue North
Saskatoon, Saskatchewan

(W)
(H)
(F)
Application Number 8591

At the appointed time and place, both parties will be given an opportunity to present their case. If you do not appear at the said time and place, or fail to make a submission by that time, an Order may be made against you in your absence.

Dated: February 18, 2007 The Office of Residential Tenancies

**TENANT'S CLAIM**

Address of Rental Property: 2287 Grant Street, Saskatoon, Saskatchewan

The tenant hereby claims that the landlord is liable for the following:
__X__ Order For Return of Security Deposit and Interest

__X___ Breach of Tenant's Rights in that Landlord
__Refused to call plumber to grind tree roots out of sewer._____

**ORDER REQUESTED**

Landlord do the following ____Pay cost of maintaining sewer_____ __ _____

Landlord to Return Security Deposit and Interest in the amount of $ __775.00_____
Landlord to pay Damages in the amount of $ ___210.00_____

I hereby certify this claim to be correct

_____
Signature of Tenant

The landlord and tenant hereby agree to the following apportionment of the security deposit.

Landlord $ _____ Tenant $ _____

_____ _____
Signature of Landlord Signature of Tenant

**SEE REVERSE FOR INFORMATION ABOUT HEARINGS**

SAMPLE

**INSTRUCTIONS FOR HEARING NOTICE AND CLAIM**

- Please print clearly or use a typewriter when filling out claim form. All information is open to the public.
- Fill in name of party (ies) that you are claiming against where indicated at top of Hearing Notice.
- Check off your claims. Give brief details regarding each claim.
- Please contact us if your claim is over $5,000.
- If you are making a claim for possession, a separate claim for losses will have to be made, after eviction, when the full extent of your losses are known.
- Serve a copy of the completed form (both sides) on the other party(ies), keep a copy, note when you served the notice and send a copy to us. If the parties are living together, you only have to serve one of the parties.
- If any claim needs to be heard sooner, we can set the hearing date and serving requirements to fit the circumstances.
- A landlord seeking the security deposit and losses over and above, must be prepared to pay in the security deposit at the hearing if the tenant disputes the claim.

**SERVING THIS FORM:** Notwithstanding that service of a notice or other document does not comply with this Act, the Director of Residential Tenancies may order that the service is sufficient if, in the opinion of the Director, the notice or other document came to the attention of the person to be served.

Service must be proved at the hearing. The person who served the notice, personally or by mail, can give evidence at the hearing or obtain an affidavit form proving service from our office to complete and present at the hearing.

Only an adult is allowed to serve a document. When serving personally, it is recommended that you advise them that it is a claim and notice of a hearing date. If they won't accept it, you can drop it at their feet if you told them what it is.

A landlord claim for possession must be served by either (a) personally serving the tenant(s), at least 2 days before the hearing, or (b) by posting a copy of the notice on the tenant's door and sending a copy by ordinary mail to the tenant(s), both at least 5 days before the hearing date.

A landlord claim for any other type of order must be served either (a) personally on the tenant(s) at least 10 days before the hearing or (b) by Registered Mail and obtaining a Delivery Confirmation (www.canadapost.ca) that clearly shows that the tenant(s) has signed for and accepted the notice at least 10 days before the hearing.

You can contact our office to discuss alternate means of service if none of the above is possible.

A tenant claim may be served on the landlord by either (a) sending it by ordinary mail at least 14 days before the hearing date, to an address that you can assure us where the landlord is present or (b) personally, at least 10 days before the hearing.

***"at least"** excludes the day served or mailed and the day of the hearing

**WHAT YOU SHOULD KNOW ABOUT THE HEARING**

- Attend in person if possible. The hearing is informal. You can represent yourself but are welcome to have someone appear with you.
- You can give a written statement with evidence attached. This should be provided at least 4 days before the hearing.
- You and your witnesses can give evidence by telephone. Call our office to arrange this ahead of time.
- The hearing usually proceeds like this:
    - The parties are introduced and the process explained. Witnesses may be sworn.
    - The party bringing the claim, the Applicant, gives their evidence first. The other party can ask questions.
    - The other party then gives their evidence and the Applicant can ask questions.
    - The hearing officer may also ask questions and will direct and control the hearing to keep the hearing focused.
    - After all evidence is presented, the parties may sum up their case, if they wish.
    - Decisions are not normally given at the hearing but will be provided by mail afterwards.

**THE EVIDENCE YOU PRESENT AT THE HEARING**

- You must be prepared to present all your evidence at the hearing. This is your only opportunity to tell your story
- The best evidence is in person or by telephone by those people who saw the events first hand.
- We will consider written statements by witnesses but it may not hold the same weight.
- Provide bills, estimates, move-in/ move-out reports, ledgers, copies of leases, photos, etc.
- You can show videotapes but you should advise us before the hearing so we can have a VCR available. No DVDs.

See www.justice.gov.sk.ca/ort

*March 2007*

SAMPLE