



Rules of Procedure

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Part I – Definitions and Introduction

1.1 – Objective and Disclaimer

The Rules of Procedure are established by the authority of the Director pursuant to subsection 15(3) of *The Residential Tenancies Act, 2006* (Act).

The Rules of Procedure are designed to provide a set of consistent, efficient, fair, and transparent procedures for resolving disputes between landlords and tenants within the jurisdiction of the Office of Residential Tenancies (ORT).

The Act and *The Residential Tenancies Regulations, 2007* (Regulations) govern the relationship between a landlord and a tenant, and the process through which residential tenancy disputes in Saskatchewan are resolved. If any section of the Rules of Procedure conflicts with a provision in the Act or the Regulations, the provision in the Act or the Regulations will prevail.

1.2 – Definitions

Act	<i>The Residential Tenancies Act, 2006</i>
Adjournment	Determination by a hearing officer, or the Director, that a hearing will be reconvened at a later date, either on their own initiative, or at the request of one or both of the parties
Agent	A person appointed to act on a party's behalf
Business Day	A day other than a Saturday, Sunday or holiday
Certificate of Service	Document outlining the date(s) and method(s) of service of any notice required under the Act, completed by the individual server
Claim	Initiation of proceedings pursuant to the Act by a claimant, filed with the ORT in the prescribed manner
Claimant	The party who applies for a hearing by completing an application for a claim, and pays the filing fee or obtains a fee waiver certificate if required
Decision	Written record of the findings of a hearing officer following a hearing, outlining the facts and conclusions of the claim, and the evidence presented by all parties, including any order(s) made by the hearing officer

Director	The Director of Residential Tenancies appointed pursuant to section 14 of the Act and including any deputy directors as relevant
Evidence	Any type of proof presented by the parties for a hearing in support of their claim or defense including: <ul style="list-style-type: none"> • written documents (e.g. tenancy agreement, letters, receipts, photographs, printed copies of electronic communication, signed witness statements) • Video and audio recordings, and other physical evidence
Ex Parte	Decision made in absence of a hearing of the parties
Fee Waiver Certificate	A certificate granted to a claimant satisfying criteria pursuant to <i>The Fee Waiver Act</i> allowing for the waiver of the prescribed filing fee
Hearing	The procedure in which parties are called together and given an opportunity to present evidence, give testimony, submit arguments, and question the evidence and testimony of the other party or parties before a hearing officer
Hearing Notice	Documents required to be served by the claimant on the respondent in the prescribed manner to make the respondent aware of proceedings initiated by a claim filed pursuant to the Act
Hearing Officer	Individual appointed by The Lieutenant Governor in Council to hear matters that may be the subject of an order pursuant to the Act
Jurisdiction	The authority conferred by the Act and Regulations for the ORT to hear a claim
Party	The claimant(s) or respondent(s) to a claim or added to the claim by a hearing officer, and any agents(s) representing an incorporated business named in the claim, not including witnesses, family members and other persons not named on the claim
Personal Information	Information submitted to the ORT about an identifiable individual including: <ul style="list-style-type: none"> • name, mailing and electronic addresses, or telephone numbers • medical, financial and employment information • age, gender, gender identity, gender expression, race, national or ethnic origin, religious or political beliefs, sexual orientation, marital status or family status

Power of Attorney	Resident of Saskatchewan appointed by a non-resident landlord to be the attorney and representative in Saskatchewan of the non-resident landlord for the purpose of receiving service of notices pursuant to the Act
ORT	The Office of Residential Tenancies, including employees, deputy directors, hearing officers, and the Director
Regulations	<i>The Residential Tenancies Regulations, 2007</i>
Reschedule	The act of the ORT re-designating a time, date and place for a hearing
Respondent	The party against whom an application has been made
Schedule	The act of the ORT designating a time, date and place for a hearing
Serve	The formal legal manner of giving a party required documents as set out in the Act
Summons	Document issued by the ORT at the request of the claimant or respondent to compel a person to appear as a witness at a hearing or to produce documents for use as evidence at a hearing
Testimony	Oral statements of the parties or witnesses
Withdrawal	Discontinuance of a claim at the initiative of the claimant prior to a hearing or the issuance of a decision by a hearing officer
Witness	An individual who provides direct testimony of events or produces documents at a hearing

1.3 – Introduction

The ORT is an agency independent of government that provides information about the rights and responsibilities of landlords and tenants in Saskatchewan. When landlords and tenants cannot resolve disputes on their own, both have the right to apply to the ORT to make rulings and settle the dispute. The ORT is independent, free from outside influence, and impartially decides applications without favour to either landlords or tenants.

By law, the ORT must provide a fair hearing and comply with the rules of natural justice. The rules of natural justice may be summarized as follows:

- Prior notice of hearing – parties need to know when and where the hearing will be conducted and what it is about;
- An impartial and unbiased adjudicator (hearing officer);
- An opportunity to see and to respond to everything considered by the hearing officer;

- An opportunity to be heard, that is, to present evidence and to advocate for an outcome that they seek;
- A decision with reasons that explain the outcome;
- A complete record of the hearing for the purpose of review by a court, including records of contact with the parties.

1.4 – Mandate

The ORT is responsible for the administration of the Act and the Regulations. Under this mandate the ORT may:

- Provide information to landlords and tenants about their rights and obligations pursuant to the Act;
- Help landlords and tenants resolve any dispute that can be or is the subject of an application made to the ORT;
- Publish, or otherwise make available to the public, decisions or summaries of decisions made from a hearing.

1.5 – Jurisdiction

The jurisdiction of the Act, Regulations, and the ORT to hear claims is limited to residential tenancy agreements. Under the Act a residential tenancy agreement means an agreement, whether written or oral, that is between a landlord and a tenant respecting possession of a rental unit and the use of any common areas and services or facilities that are subject to the agreement where the tenant agrees to pay rent to possess the rental unit and use any common areas and services or facilities included in the agreement.

Pursuant to section 5 of the Act and 3 of the Regulations, the jurisdiction of the Act, Regulations, and the ORT does not apply to any of the following:

- Living accommodation included with premises that are occupied for business purposes;
- Living accommodation in a hotel, a motel, a motor hotel, a resort, a lodge or tourist camp, a cottage, a cabin, a trailer, a tourist home, a bed and breakfast establishment, a farm vacation home or a hostel, if a person resides there for less than six consecutive months;
- Living accommodation provided for crisis or emergency shelters;
- Living accommodation in a hospital, health centre, addiction treatment centre, special-care home, residential treatment centre, any other facility designated pursuant to *The Regional Health Services Act*, a personal care home licensed pursuant to *The Personal Care Homes Act*, or a facility or an approved home as defined in *The Mental Health Services Act*;
- Living accommodation that is located on property that is being farmed if the living accommodation is being rented by the person engaged in farming that property;
- Living accommodation provided by the Young Men’s Christian Association, the Young Women’s Christian Association, The Salvation Army, or the Oxford House Society of Regina Inc.;
- Living accommodation rented under a tenancy agreement that grants a right of occupancy for the life of the tenant, or for a fixed period of not less than 20 years;
- Living accommodation owned or operated by an educational institution provided to its students or employees.

Part 2 – Rules for Filing an Application for a Claim

2.1 – Filing an Application for a Claim to the ORT

Either a landlord or tenant, or an authorized agent or power of attorney may make an application for a claim to the ORT respecting any residential tenancy dispute in Saskatchewan between a tenant and a landlord. Applications for a claim must be made in the form and manner that the Director and ORT may direct. Any application for a claim may currently be filed with the ORT in person at either the Regina or Saskatoon office, by mail to either the Regina or Saskatoon office, by email, or by fax. The ORT may refuse an application for a claim if the required components below are not filed by a claimant.

2.1.1 – Filing a Claim for an Order of Possession

Claims for an Order of Possession must be made by filing:

- Form 9a – Landlord Application for Possession or Form 9b – Landlord Application for Possession (Urgent Matters);
- If applicable, a true copy of the Notice to Vacate in approved Forms 7 (and Form 7a if applicable), 8, 8a, 8b, 8c, 8d or 8e exactly as it was served on the Tenant(s);
- If applicable, a Certificate of Service on a Current Tenant explaining how the Notice to Vacate was served on the Tenant;
- The prescribed filing fee or a completed application for a fee waiver certificate;
- A copy of any written tenancy agreement;
- A copy of the rent ledger if the claim for an Order of Possession is based on rent arrears or repeated late payments of rent.

2.1.2 – Filing a Claim for Breach of Tenant’s Rights

Claims for Breach of Tenant’s Rights must be made by filing:

- Form 9 – Tenant Application for a Claim;
- The prescribed filing fee or a completed application for a fee waiver certificate;
- A copy of any written tenancy agreement.

2.1.3 – Filing a Claim for a Landlord Monetary Award

Claims for a Landlord Monetary Award must be made by filing:

- Form 9c – Landlord Application – Monetary Claim;
- The prescribed filing fee or a completed application for a fee waiver certificate;
- A copy of any written tenancy agreement.

2.1.4 – Filing a Claim for a Property Disposition Order

Claims for a Property Disposition Order must be made by filing:

- Form 2 – Application for Property Disposition;
- The prescribed filing fee or a completed application for a fee waiver certificate;
- A copy of any written tenancy agreement.

2.1.5 – Filing a Tenant Dispute of a Landlord Notice of Claim on a Security Deposit or Social Services’ Security Deposit Guarantee

Disputes of a Landlord Notice of Claim on a Security Deposit or Social Services’ Security Deposit Guarantee must be made by filing:

- A true copy of the Form 13 – Notice of Landlord’s Claim for Security Deposit (old form), Form 14 – Notice of Claim-Social Services’ Security Deposit Guarantee (old form), or the Form 13/14 – Notice of Landlord’s Claim for Security Deposit, with the completed tenant’s dispute notice;
- A copy of any written tenancy agreement.

2.1.6 – Filing a Claim for Return of Security Deposit and Interest

Claims for the Return of Security Deposit and Interest must be made by filing:

- Form 12 – Tenant Application for Return of Security Deposit and Interest;
- A copy of any written tenancy agreement.

2.2 – Filing of Evidence with an Application for a Claim

A claimant must file any available evidence they wish to use to support and prove their claim with the ORT at the time an application for a claim is filed. Additional evidence may be submitted following the filing of the application in a timely manner.

2.3 – Inclusion of Legal Names on Applications

Proper legal names must be used to indicate all parties to a claim on an application including the proper name of any individual tenant(s) or landlord(s), or if the landlord is a corporation or public housing authority, the proper name of the corporation ending in one of “Limited,” “Limitée,” “Incorporated,” “Incorporée,” “Corporation” or “Housing Authority,” or the abbreviation “Ltd.,” “Ltée,” “Inc.” or “Corp.”

2.4 – Forms for Applications Approved by Director

The Director may approve forms for the purposes of the administration of the Act and the filing of applications for claims. Only approved forms, or deviations of those forms that do not affect the substance or mislead or invalidate an approved form may be used.

2.5 – Monetary Limit for Applications

Any application for a claim made to the ORT seeking a monetary award must not exceed the prescribed awardable monetary limit as established in the Regulations, currently \$30,000. A claimant may abandon the amount of the claim that is in excess of the monetary limit in order to proceed to a hearing with the ORT by filing a completed Form 10.

2.6 – Time Limit for Applications

Any application for a claim to the ORT must be made within two years after the date of the act or omission giving rise to the claim.

Part 3 – Rules for Scheduling a Claim for a Hearing

3.1 – Classification of Claims

All claims made to the ORT for scheduling of a hearing proceed on a basis of whether a claim is considered to be urgent. The ORT will take all reasonable steps to schedule urgent claims within one business day, and all other claims within 30-45 days of when they are filed.

3.1.1 – Urgent Claims

Claims that are considered to be urgent are all Order of Possession claims, and Breach of Tenant's Rights Claims for an illegal lock-out, urgent repairs needed to make the premises livable, or those that may be a defense to an existing application for possession pursuant to subsection 70(11) of the Act, as well as any other claim matter the ORT considers to be urgent.

3.1.2 – Other Claims

All other claims which are not considered urgent are all claims seeking a monetary award, all other Breach of Tenant's Rights claims, and claims for the return of a security deposit or dispute of a landlord's notice for claim on a security deposit or social services' guarantee.

3.2 – Selection of Hearing Date and Location

The ORT must schedule claims in the order in which they are filed, and to select a date which ensures the claimant is given a hearing date as soon as one is available, while being afforded a reasonable amount of time to serve a hearing notice. Claims will be assigned to a hearing officer, and a hearing is often scheduled in the judicial centre closest to the rental unit. Hearings are held regularly in Regina and Saskatoon, and in Estevan, Lloydminster, Moose Jaw, North Battleford, Prince Albert, Swift Current, and Yorkton as need be. Most hearings for urgent claims and claims for property disposition will take place in either Regina or Saskatoon given their time sensitivity.

3.3 – Scheduling of Security Deposit Claims

The ORT will take all reasonable steps to schedule claims for the return of security deposit and interest, and all disputed notices of claim for a security deposit or Social Services' guarantee within 30-45 days of when the claim or disputed notice of claim is received.

3.3.1 – Forward of Security Deposit Amount in Dispute to the ORT

If a landlord is in possession of any monetary amount representing a security deposit that is in dispute, the landlord must forward the specified amount in dispute to the ORT by a specified date in advance of the hearing. The ORT will hold the security deposit funds in trust pending the decision of a hearing officer to the entitlement of the security deposit.

3.4 – Scheduling of Property Disposition Claims

If the Director determines a Claim for Property Disposition should be heard before a hearing officer, the ORT must schedule a hearing date for the claim. At the discretion of the Director, claims for Property Disposition may be considered urgent.

3.5 – Scheduling of Related Claims

The Director may order that claims may be scheduled together if they are respecting related disputes with the same landlord. If required, the ORT may provide reasoning for the decision to schedule claims together in writing to each party.

3.6 – Issuance of Hearing Notice to Claimant

Once a hearing has been scheduled, the ORT must issue a blank Hearing Notice to the claimant for the purpose of it being completed and served on the respondent. The ORT will advise the claimant of the date and time of the hearing, and the manner in which the Hearing Notice must be completed and served on the respondent. The ORT may issue a Hearing Notice to a party either in person, by registered mail, by ordinary mail, or in electronic form including by email or fax. The Hearing Notice may be issued to the claimant according to their stated preference.

3.7 – Adjournments in Advance of a Hearing

Any party seeking an adjournment must first seek the written consent of the other party to a postponement in the hearing proceedings. If there is an agreement to consent, the ORT will adjourn the hearing to a mutually agreed upon date by the parties. If the parties cannot come to an agreement to adjourn a hearing, either party may request an adjournment in advance of a hearing for a valid reason. In determining to grant an adjournment in advance of a hearing, the ORT may request further explanation or supporting documentation from the requesting party. The ORT may deny a request for an adjournment if it is not reasonable, just or equitable to allow a postponement in hearing proceedings.

3.7.1 – Filing a Request for an Adjournment in Advance of a Hearing

Any party requesting an adjournment in advance of a hearing must advise the ORT as soon as possible, either in person or by writing by filing:

- A copy of the written consent of the parties to an adjournment; or
- A written submission outlining specifically why an adjournment is necessary with any supporting documentation as necessary, and the specific dates they would be available to attend a rescheduled hearing.

3.7.2 – Adjournments of Security Deposit Claims in Advance of a Hearing

If a landlord is requesting an adjournment of a security deposit claim, they must first forward the amount of the security deposit in dispute to the ORT to be held in trust pending the decision of a hearing officer if required, before the ORT will consider any adjournment request.

3.7.3 – Adjournment of Urgent Claims in Advance of a Hearing

The ORT will not adjourn an urgent claim in advance of a hearing unless exceptional circumstances are present, such as a documented medical emergency.

3.8 – Re-Hearing following Successful Appeal

Following a decision from the Court of Queen’s Bench or the Court of Appeal remitting a claim back to the ORT for a re-hearing, the ORT must schedule after the decision of the court is received. Re-hearings for urgent claims must be held at least two days after the Notice of Re-Hearing would be received by the parties, and re-hearings for all other claims must be held at least ten days after the Notice of Re-Hearing would be received by the parties.

3.9 – Withdrawal of Claim

At any moment before a hearing begins, a claimant may withdraw their claim by notifying the ORT either in person, or in writing of their intention to do so. The claimant must also notify the respondent of their intention to withdraw. Once withdrawn, any previously scheduled hearing for that claim is cancelled.

Part 4 – Rules for Service of a Hearing Notice and Evidence

4.1 – Timeframe for Serving a Hearing Notice

The respondent to a claim must receive proper and sufficient notice of a hearing in order for it to proceed on the scheduled date and time. When it is the responsibility of a claimant to serve a Hearing Notice, they must ensure the Hearing Notice is fully completed and properly served within the given timeframes.

4.1.1 – Service of a Hearing Notice for Urgent Claims

Any Hearing Notice for an urgent claim which must be served by a claimant upon the Respondent must be served at least two days before a hearing is scheduled to take place.

4.1.2 – Service of a Hearing Notice for all Other Claims

Any Hearing Notice for all other claims which must be served by a claimant upon the respondent must be served at least ten days before a hearing is scheduled to take place.

4.2 – Date when a Hearing Notice is Received

Any notice, including a Hearing Notice, when served personally is deemed received by the other party on the date and time it is given to them. Any notice delivered electronically is deemed received by the other party on the following business day from when it is sent. Any notice delivered by registered mail is deemed to be received on the following third business day from when it is sent or when it is signed for by the other party as the addressee. Any notice delivered by ordinary mail is deemed to be received on the following third business day from when it is sent to the other party as the addressee.

4.3 – Methods of Service of a Hearing Notice

A Hearing Notice must be served on the other party to a claim in the manner prescribed in the Act. Regardless of the method in which a Hearing Notice is served, it must come to the attention of all respondent parties to a claim.

4.3.1 – Service of a Hearing Notice on a Current Tenant

A Hearing Notice may be served on a current tenant within the prescribed timeframe by personal service. Or it may be served by posting the Hearing Notice on the front door of the rental unit while sending a second true copy of the Hearing Notice by registered mail, by ordinary mail or in electronic form.

4.3.2 – Service of a Hearing Notice on a Landlord

A Hearing Notice may be served personally on a landlord, the landlord's agent, the landlord's appointed power of attorney, or if the landlord is a corporation, on their registered office, within the prescribed timeframe by personal service. Service can also be made in electronic form, by ordinary mail addressed to the address which must be provided by the landlord pursuant to the Act, or by registered mail to the registered corporate office of the landlord if applicable.

4.3.3 – Service of a Hearing Notice on a Former Tenant

A Hearing Notice may be served on a former tenant within the prescribed timeframe by personal service, in electronic form, or by registered mail.

4.4 – Service of Hearing Notice for a Security Deposit Claim

The ORT will serve a Hearing Notice for any security deposit claim on both the claimant and respondent when a hearing is scheduled. The Hearing Notice will be served on the parties by ordinary mail.

4.4.1 – Service of Hearing Notice on the Ministry of Social Services

In the event that a security deposit claim hearing will decide entitlement of a party to a Social Services security deposit guarantee, the ORT must send a copy of the hearing notice to notify the relevant office within the Ministry of Social Services either by personal service, ordinary mail, fax or email.

4.5 – Service of Hearing Notice of Property Disposition Claim

The ORT will serve a Hearing Notice for any property disposition claim on both the claimant and respondent when the Director orders a hearing be scheduled. The Hearing Notice will be served on the parties by personal service, registered mail, ordinary mail, fax, or by electronic form.

4.6 – Service of Re-Hearing Notice of Successfully Appealed Claim

The ORT will serve a Re-Hearing Notice for any successfully appealed claim on both the claimant and respondent when the re-hearing has been scheduled. The Re-Hearing Notice will be served on the parties by personal service, registered mail, ordinary mail, fax, or by in electronic form.

4.7 – Service of an Amended Hearing Notice

A claimant may amend and re-serve a Hearing Notice as long as it is received by the respondent and a copy of the amended Hearing Notice is filed with the ORT in the prescribed timeframe in advance of the hearing.

4.8 – Service of a Hearing Notice on the Director

If the Director is satisfied by a tenant claimant that the tenant cannot reasonably locate the landlord, the landlord did not provide an address as required pursuant to the Act, or the landlord is a non-resident landlord and does not have a valid power of attorney, then the Director may allow that a tenant serve a Hearing Notice intended for the landlord on the Director.

4.8.1 – Method of Service of a Hearing Notice on the Director

If allowed, a Hearing Notice may be served on the Director by a given deadline in person at an office of the ORT, by registered mail addressed to an office of the ORT, by fax to the ORT, or by email to the ORT.

4.8.2 – Service of a Hearing Notice on the Landlord by the Director

If a Hearing Notice is served on the Director, the ORT will make every reasonable attempt to serve the Hearing Notice on the respondent landlord within the prescribed timeframe for a claim either by personal service, by registered mail or ordinary mail, or by electronic form.

4.9 – Order for Service of a Hearing Notice

The Director or a hearing officer may make any order they consider to be reasonable and in the interests of justice respecting the service of a Hearing Notice.

4.10 – Proof of Service

In order to prove that a Hearing Notice has been served on the responding party, the claimant, or the individual who completed service on their behalf, must complete the correct Certificate of Service, attach copies of the Hearing Notice and any other documents served and deliver the Certificate of Service and true copies of the Hearing Notice and all other documents to the ORT in advance of the hearing. If Proof of Service is not filed with the ORT at least one day before a hearing for an urgent claim, or nine days before a hearing for all other claims, the hearing may be cancelled for lack of proof of service.

4.10.1 – Additional Proof of Electronic Service

In addition to completing a Certificate of Service, additional proof is typically required when a Hearing Notice is served electronically including but not limited to copies of any emails or messages in which the Hearing Notice was attached, printed confirmation of any fax with the Hearing Notice included, and previous communication history with the responding party at the electronic address at which they were served.

4.10.2 – Hearing Officer May Request Additional Proof of Service

In any instance where a hearing officer considers it reasonable and just or equitable to do so, they may request the claimant party produce any other relevant evidence to prove service of a Hearing Notice.

4.11 – Service of Evidence on Other Party

All documentary evidence must be disclosed and served on the other party by the claimant and respondent in advance of the hearing. All evidence for urgent claims must be disclosed and served so it is received at least two days before the hearing, and at least ten days before the hearing for all other claims. Respondents may be allowed additional time to serve their evidence in the event they were served the hearing notice by the claimant on one of the last permissible days. Evidence may not be considered by the hearing officer if it is not disclosed to the other party within the given timeframes.

4.12 – Filing of Evidence with the ORT

Any evidence not previously filed by a claimant with their application for a claim must be delivered to the ORT at least two days in advance of the hearing for urgent claims, and ten days before a hearing for all other claims. The respondent to a claim must file their evidence with the ORT within the same timeframe. Printed evidence may be filed in person or by mail to the Regina or Saskatoon offices, and electronic evidence may be filed with the ORT by email or fax. Any electronic evidence contained on a cell phone (such as pictures) must be sent to the ORT by email. USB Drives may only be used for video evidence.

4.13 – Summons

A claimant or respondent may request the ORT issue a Summons for a witness will not voluntarily attend a hearing to provide oral testimony, or to obtain a report or document, such as a police, fire marshal, health inspector, or building inspector report or any other relevant document from a public agency or corporation, if it would not be made available to them.

4.13.1 – Filing a Request for a Summons

Any party requesting a Summons must make the request of the ORT as soon as possible following any efforts to secure the participation of a witness or to obtain a report or document. All requests for a Summons must be made in person or in writing to the ORT by filing:

- For a Summons for a witness, the name and address of the individual, and the reason their testimony is relevant and/or;
- For a Summons for a report or document, the specific name and/or report number of the report or document, an individual to whom to direct a Summons, and the reason why the report or document is relevant.

4.13.2 – Service of a Summons

It is the responsibility of the requesting party to serve a Summons on a witness so it is received at least two days before a hearing for an urgent claim, or ten days before a hearing for all other claims. The ORT will serve a Summons on any police service, fire marshal, health region, municipal building inspector, or other relevant public agency.

4.13.3 – Non-compliance with a Summons

If a party does not comply with a Summons, or a report or other document is not produced in time for a hearing, a Hearing officer may consider an adjournment, if requested, to allow for further efforts to obtain the witness or evidence for the hearing. The hearing officer may also choose to continue with the hearing in the absence of the witness or evidence, if it is just and equitable to do so. Additionally, hearing officers may exercise any powers conferred on them through *The Public Inquiries Act, 2013* to secure compliance with a Summons.

Part 5 – Rules for the Conduct of a Hearing

5.1 – Purpose of the Hearing

A hearing is meant to enable a hearing officer to receive and assess the evidence presented and testimony given by each party and make an impartial and binding decision to resolve the dispute. A hearing may also provide an opportunity for a hearing officer to assist the parties in reaching a settlement to resolve the dispute.

5.2 – Role of Hearing Officer

The hearing officer will preside over the hearing process in accordance with the Act, the Regulations, the Rules of Procedure and the principles of fairness. A hearing officer must be independent of the parties and impartial. If a hearing officer becomes aware of any circumstances that may give rise to a reasonable apprehension of bias either before or during a hearing, they must disclose those circumstances to the parties. A hearing officer will adjourn a hearing if they cannot impartially proceed.

5.3 – Methods for Hearing Participation

Any party, including the claimant, the respondent, and any witness may appear at an ORT hearing at the appointed date, time and place in person or by telephone.

5.3.1 – Representation and Assistance

Any party may be represented by an agent or a lawyer and/or may be assisted by an advocate, an interpreter, or any other person whose assistance may be required to present their evidence or give testimony at the discretion of the hearing officer. A hearing officer may require an agent to provide proof they have been appointed to act on behalf of a party.

5.3.2 – Arrangements for Telephone Participation

Any party wishing to appear by telephone for a hearing must contact the ORT at least one hour before the commencement of the scheduled hearing, and provide their name and a telephone number where they may be contacted at the appointed hearing date and time.

5.3.3 – Written Statements

Any party may appear at a hearing by a signed written submission at the discretion of the hearing officer that must be received by the ORT before the commencement of the scheduled hearing. Any parties appearing by written statement will not be able to pose or respond to questions from any other party. Anonymous statements will not be accepted as testimony or evidence at a hearing unless it is considered reasonable, just and equitable by the hearing officer.

5.3.4 – Director may Specify Manner of Hearing

The Director may direct that a hearing be conducted by telephone or by electronic means. Any hearing conducted solely by telephone or by electronic means will be conducted in the same manner as an in-person hearing.

5.4 – Commencement of the Hearing

The hearing officer will commence the hearing at the appointed date and time. If the claimant is not present, the hearing officer may dismiss the claim with or without leave to re-apply. If the respondent is not present, and the hearing officer is satisfied that proper notice was served and the respondent has not made arrangements to appear by telephone, or cannot be reached at the telephone number previously provided, they may proceed with the hearing in their absence.

5.4.1 – Delay in the Commencement of a Hearing

In the event of a delay in the commencement of a hearing, all parties, including those appearing by telephone or by electronic means should remain available until the hearing commences, or until a decision is made by the hearing officer to grant an adjournment to a later date or time.

5.5 – Consideration of Preliminary Matters

At the onset of the hearing, the hearing officer should consider any relevant preliminary matters raised by the parties, including but not limited to questions of jurisdiction, service of the Hearing Notice and evidence, adjournment requests, hearing a related claim, amending the claim, and the summoning of a witness or admission of documents prior to the parties presenting any evidence or testimony.

5.5.1 – Order Respecting Service

A hearing officer may order that service of a Hearing Notice is sufficient if, in the opinion of the hearing officer, the notice came to the attention of the person served.

5.5.2 – Addition of a Related or Counter Claim

If a related or counter claim or matter not already scheduled to be heard at the time of a hearing is raised during the consideration of preliminary matters and the hearing officer makes the determination the related or counter claim should be heard at the same time, the hearing officer may adjourn a hearing to add the additional matter unless they are satisfied the responding party has had sufficient notice of the related or counter claim, or the responding party waives their right to prior notice and agrees to proceed.

5.6 – Presentation of Evidence and Testimony by the Parties

Following the consideration of any relevant preliminary matters, each party will have the chance to present their evidence and testimony to the hearing officer. It is up to the discretion of the hearing officer as to how the hearing will proceed, provided each party is made aware of the process. In the interest of fairness to all parties, every presiding hearing officer must ensure that:

- All parties are identified;
- The claimant, if present, is allowed to present their evidence in its entirety, including the participation of any witnesses;
- The respondent, if present, has the opportunity to pose questions to the claimant and any of their witnesses;
- The respondent is allowed to present their evidence in its entirety, including the participation of any witnesses;
- The claimant has the opportunity to pose questions to the respondent and any of their witnesses;
- Any other interested party, as the Hearing officer may determine, has the opportunity to present their evidence in its entirety, including the participation of any witnesses;
- The claimant and respondent have the opportunity to pose questions to any other interested party and any of their witnesses;

- The claimant, respondent, and any other interested party who has been allowed to participate by the hearing officer, are allowed the opportunity to present a summary of their position and evidence.

5.6.1 – Exclusion of Witnesses

A hearing officer may direct that witnesses be excluded from the hearing until it is their turn to present testimony and/or answer questions from another party.

5.6.2 – Questions Posed by the Hearing officer

At any time during the hearing, a hearing officer may pose questions to clarify, or to determine the relevancy of any evidence or testimony as presented to them.

5.7 – Relevance of Evidence Presented

Evidence presented by any party to a hearing must be relevant to the matters discussed at the hearing. A hearing officer may decide not to hear or consider evidence if it is determined by the hearing officer that it is not relevant.

5.7.1 – Consideration of Evidence Not Served on the Other Party

A hearing officer may refuse to consider any evidence not previously disclosed on the other party in a timely manner if there is not a valid reason why the evidence was not previously disclosed. If the hearing officer is satisfied there is no valid reason and/or that the failure to disclose the evidence was intended to willfully and unfairly disadvantage the other party, or that the other party will not have a sufficient opportunity to review and respond to the evidence submitted, the hearing officer may decline to accept that evidence, or adjourn the hearing as needed.

5.7.2 – Rules of Evidence do not apply

A hearing officer may admit as evidence any oral or written testimony, record or document, or thing they consider to be credible, trustworthy and relevant to the dispute whether or not it would be admissible under the laws of evidence.

5.8 – Conduct of all Participating Parties

All participating and observing parties are expected to conduct themselves in a courteous manner. If a party behaves in a manner which is rude, antagonistic or improper, including the use of profane language, a hearing officer may give a warning to proceed in a respectful manner, and if need be require any misbehaving party to end their participation in the hearing whether or not the hearing itself has concluded.

5.9 – Adjournment of Hearing Proceedings

After a hearing has commenced, either during the consideration of any preliminary matters, or the presentation of evidence and testimony, a hearing officer may adjourn a hearing to a later date or time on their own initiative or at the request of one of the parties if both parties consent, or it is just and equitable to do so.

5.9.1 – Notice of Adjourned Hearing Date and Time

Unless a hearing is adjourned without a specific date to come back, the hearing officer may serve each party written notice of the new date and time of the adjourned hearing. If the hearing officer does not serve notice on each party, the ORT must serve notice of the new date and time of the adjourned hearing on each party by registered mail, ordinary mail, or by electronic means.

5.10 – Conclusion of the Hearing

A hearing concludes once all parties have been given the opportunity to present a summary of their evidence, and the hearing officer declares the hearing concluded.

5.10.1 – Submission of Additional Evidence Following a Hearing

Additional evidence may only be submitted by either party following the conclusion of a hearing as may be approved by the hearing officer. Only evidence specified by the hearing officer will be accepted, and the hearing officer must provide an opportunity to the other party to respond to the evidence by a specified date and time. Following the specified deadline for a response to evidence, the hearing will be considered concluded and the hearing officer may proceed to issuing a written decision.

5.10.2 – Communication with a Hearing Officer Prohibited

All forms of communication by any party with a hearing officer outside of the hearing are prohibited.

5.11 – Accessibility, Interpretation and Translation of Hearing Proceedings

Hearings at the ORT are conducted in English, but may be conducted in any language if that language is fully understood by the hearing officer, the claimant, the respondent, and any other witnesses or participants provided that the written decision issued by the hearing officer is in English. It is the responsibility of a party to secure translation or interpretation services if they are needed for a hearing. The ORT will help a requesting party secure translation or interpretation services if it is unreasonable for a party to do so on their own initiative, or exceptional circumstances are present. Any party should ask the ORT well in advance for an adjournment of a hearing if it is needed to make reasonable efforts to secure accommodation.

5.12 – Recording of Hearing Proceedings

Audio, photographic and video recordings of a hearing either by a hearing officer, claimant, respondent, witness, or any other observer of the hearing are prohibited. The written decision issued by the hearing officer following a hearing is considered the official hearing record, along with any documents filed.

5.13 – Hearings Open to the Public

Hearings are open to members of the public -individuals who are not party to a claim or a witness or otherwise directly involved in the hearing- to attend and observe. A hearing may be closed to the public by a hearing officer either on their own initiative, or at the request of any participating party, if it is considered reasonable, in the public interest, and just and equitable to deny the public access. A hearing officer may order that only portions of a hearing be closed to the public.

Part 6 – Rules for the Issuance of Decisions following a Hearing

6.1 – Decisions are not given at a Hearing

There are no instances in which a final decision will be given or issued at a hearing. Hearing officers will reserve their decision at the conclusion of a hearing, and produce a written decision to be given to the parties in a reasonable and timely manner.

6.1.1 – Settlement between Parties

If a settlement agreement is reached at a hearing that settles the dispute to the satisfaction of all parties to a claim, the hearing officer should issue a written decision including any orders if necessary, outlining the details of the parties' agreement.

6.2 – Decisions must be in Writing

All decisions from a hearing officer following a hearing must be in writing and consider the facts of the claim including any preliminary matters heard, the evidence presented and testimony given by all parties present, relevant provisions of the Act, Regulations or other applicable legislation, precedent and prior case law, and any other determining factors leading to their decision, providing full reasoning behind the reasons of their decision and any order made.

6.2.1 – Burden of Proof Considered

In making a decision following a hearing, a hearing officer must consider all evidence presented and testimony given at a hearing by the parties on a balance of probabilities. This means that, in order for a claimant to succeed with their claim, it must be more likely that the claimant's evidence overall represents the true version of events as opposed to the evidence of the respondent.

6.3 – Appeal and Clarification Information

Information of a party's right to appeal, or seek a correction or clarification of a decision will be attached as an appendix to every written decision.

6.4 – Service of Decisions on Parties

Once a decision is rendered by a hearing officer and signed either in pen, or by electronic means, the ORT will serve an original copy of the decision on the claimant, respondent, and any other materially affected third party as the hearing officer considers appropriate. Decisions may be served on the parties either by mail, or may be held for pickup at an ORT office.

6.4.1 – Service of Decisions on the Ministry of Social Services

In the event that all or a portion of a hearing officer's decision addresses entitlement of a party to a Social Services security deposit guarantee, the ORT must send a copy of the decision to the relevant office within the Ministry of Social Services either by personal service, ordinary mail, fax or email.

6.5 – Ex Parte Decisions

When allowed pursuant to the Act, and just and equitable, the Director or a hearing officer may make a decision on a claim based only on the application, without a hearing of the parties.

6.5.1 – Ex Parte Property Disposition Orders

The Director or a hearing officer may make an order regarding the disposition of property left behind by a tenant following the end of a tenancy without giving notice to the tenant or giving the tenant an opportunity to be heard at a hearing if it is found that the tenant cannot be contacted or located, or the tenant has not made or attempted to make reasonable arrangements to retrieve any property they have left behind.

6.5.2 – Ex Parte Security Deposit Orders

The Director or a hearing officer may make an order regarding the entitlement of a security deposit in the absence of notice to the landlord if a landlord has failed to forward the amount of the security deposit in dispute to be held in trust by the ORT pending a decision by a Hearing officer within the set timeframe as outlined by the notice of hearing letter sent to both parties by the ORT.

6.6 – Maintenance of Claim File

The ORT must maintain the entirety of the claim file following the issuance of a decision from a Hearing officer including the original forms used to file an application for a claim, any record of written or printed electronic communication between the ORT and the parties to a claim, copies of any evidence submitted by the parties, an original copy of the written decision of the hearing officer, and any other materials that may have been included on the file.

6.6.1 – Hearing Officer's Notes

Any personal notes made by a Hearing officer should not be included as part of the ORT claim file.

Part 7 – Rules for the Appeal, Clarification and Enforcement of a Decision

7.1 – Appeals of ORT Decisions

Any party who is aggrieved by a Decision of the ORT may appeal the decision on a question of law or jurisdiction pursuant to the provisions of Section 72 of the Act. Upon filing of a Notice of Appeal with the Court of Queen’s Bench, the ORT will send the complete ORT claim file to the court in a timely manner so that it is received before the appeal is set to be heard in chambers.

7.1.1 – Service of Notice of Appeal on Director

Any appellant may serve the Director with a Notice of Appeal or an Application for Leave to Appeal in the case of a proposed appeal to the Court of Appeal either in person at an office of the ORT in either Regina or Saskatoon, by registered mail, fax, or in electronic form.

7.1.2 – Director as a Respondent to an Appeal

The Director is named as a respondent to any appeal of an ORT decision, but, in practice, does not regularly have counsel appear at an appeal hearing. However, if the court requests that the Director be present, the ORT will accommodate any such request.

7.2 – Request of a Party to Re-Hear an Application

A party to a claim may bring in evidence to prove that they were not served notice, or were served on a later date than prescribed for a hearing. Upon receipt of any request, the Director or a hearing officer may order a re-hearing to establish whether service of the hearing notice was proper and sufficient. If the Director or a hearing officer makes the determination that service of a Hearing Notice may have been improper or insufficient, they may order the claim be reopened.

7.2.1 – Filing a Request of a Party to Re-Hear an Application

Any party wishing to have an application re-heard to resolve a question of service must appear in person, or submit in writing a full explanation outlining the reasons they believe they were not served proper or sufficient notice of hearing, including any evidence to satisfy the Director.

7.2.2 – Notice of a Re-Hearing

If it is decided that an application be re-heard to determine whether service at the initial hearing was proper or sufficient, notice must be served on both parties of the re-hearing’s date, time and location. Any notice served for this purpose by the ORT may be done in person, by registered mail, by ordinary mail, or by electronic means. Additionally, the ORT should notify the Sheriff or Registrar of the Court of Queen’s Bench to request the enforcement of any writs of possession or orders be withheld pending the re-hearing.

7.3 – Corrections or Clarifications to a Decision

A hearing officer, on their own initiative, or upon the filing of a request by the claimant or respondent, may, with or without a hearing, correct any typographic, grammatical, arithmetic or other similar errors, clarify the decision, and deal with any errors or inadvertent omissions within the decision.

7.3.1 – Filing a Request to Correct or Clarify an Order

Requests to correct or clarify an order or obvious error must be made by filing:

- Form 11 – Request to Correct or Clarify Order or Obvious Error;
- Prescribed filing fee or a completed application for a fee waiver certificate;
- True copy of the decision for which the correction or clarification is sought.

7.3.2 – Time Limit to File a Request to Correct or Clarify an Order

Any request to correct or clarify an order or obvious error must be made within 15 days after the decision is received by a party to a claim.

7.3.3 – Notice to Parties of a Request to Correct or Clarify an Order

A request to correct or clarify an order or obvious error may be made without notice to another party unless a hearing officer or the Director orders that another party be given notice. Any notice given to another party by the ORT may be done in person, or by ordinary mail.

7.3.4 – Refund of Filing Fee

If the prescribed filing fee was paid to file the request to correct or clarify an order or obvious error, a Hearing officer may order the fee refunded to the claimant if they consider it appropriate and in the interests of justice to do so.

7.4 – Enforcing an ORT Decision

Any decision of the ORT ordering a monetary award that has not been appealed within the prescribed 30 day appeal period may be enforced through the Court of Queen’s Bench pursuant to section 77 of the Act if the other party does not voluntarily comply with a hearing officer’s order. The ORT does not directly enforce decisions

7.5 – Non-Compliance List

Following the expiry of the prescribed 30 day appeal period, if a landlord or tenant does not fully comply with an order of a hearing officer, including a landlord that does not forward a security deposit amount as requested to the ORT in advance of a dispute hearing, the Director may place a non-compliant landlord or tenant on the ORT’s Non-Compliance List. For the duration of the time a landlord or tenant is on the Non-Compliance List, the Director may refuse to issue them a written Hearing Notice, and a hearing officer may decline to make an order respecting them.

7.5.1 – Notice to Parties of Non-Compliance

When the Director orders a landlord or tenant be considered non-compliant and placed upon the non-compliance list, the ORT must advise the non-compliant party of this determination. This notice can be served on the non-compliant landlord or tenant either in person, by registered mail, by ordinary mail, by fax, or by electronic means. Any other related party, including the Sheriff if other enforcement proceedings have been initiated should also receive copy of the non-compliance notice.

7.5.2 – Removal from Non-Compliance List

Once placed on the non-compliance list, a landlord or tenant can only be removed at the discretion of the Director if they can prove the outstanding order has been complied with in full, or the other party advises the ORT of the landlord or tenant’s compliance.

7.6 – Direction for Payment

Following the expiry of the prescribed 30 day appeal period, if a landlord does not pay a security deposit to a tenant as ordered, the Director may direct one or more tenants of that landlord to pay an amount of rent, which would otherwise be payable to the landlord, to the Director, in an amount that equals the amount the landlord is ordered to pay. That amount will then be paid to the tenant in satisfaction of the outstanding security deposit order.

7.6.1 – Filing a Request for a Direction of Payment

To request the Director issue a direction for payment, a tenant must file a request in person, or in writing outlining the decision of which the landlord is in contravention, and the name(s) and address(es) of another tenant(s) of that same landlord to whom a direction for payment order could be directed.

7.6.2 – Notice to Parties of a Direction of Payment Order

Any Direction of Payment Order must be served on the tenant who made the request, the landlord, and any other tenant(s) required to pay an amount pursuant to the order. A Direction of Payment order may be served in person, by registered mail, by ordinary mail, by fax, or by electronic means.

7.7 – Disbursement of Security Deposit Monies Held in Trust

If a decision made by a hearing officer following a hearing directs the payment of a security deposit held in trust by the ORT, payment will be made to the entitled parties after the expiration of the prescribed 30 day appeal period.

7.7.1 – Disbursement of Security Deposit Monies Held in Trust after an Appeal

If an appeal is made to the Court of Queen’s Bench or subsequently the Court of Appeal, the ORT will continue to hold any security deposit monies held in trust for a further 30 days after a decision of the court is rendered if the appeal is dismissed. If an appeal is allowed and remitted to the ORT for a re-hearing or further consideration, the ORT will continue to hold any security deposit monies in trust until a decision is made, and a further 30 day appeal period has passed.

7.7.2 – Disbursement of Security Deposit Monies Held in Trust at the Parties Consent

If all parties to a claim agree in writing, the ORT may disburse security deposit monies held in trust prior to the expiry of the 30 day appeal period.

Part 8 – Rules for the Publication of Decisions

8.1 – Publication of ORT Decisions

Any decision may be published at the discretion of the ORT prior to, or following the expiry of the prescribed 30 day appeal period.

8.2 – Online Publication of ORT Decisions to CanLII

The venue for the online publication of ORT decisions is the Canadian Legal Information Institute (CanLII), with ORT decisions located at the following URL: <https://www.canlii.org/en/sk/skort/>

8.3 – Redaction of Personal Information from Published Decisions

All personal information present in a decision which could identify any individual will be redacted from any candidate decision for publication before it may be published online.

8.4 – Removal of ORT Decisions from Online Publication

At the discretion of the Director, any decision previously published online may be removed. Decisions that are removed may be replaced with another.



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