Guidelines for Scheduling Early Hearing Dates

Early hearing dates are reserved for circumstances where there is an urgent situation that needs to be addressed as soon as possible and cannot wait for the regular scheduling timelines in place.

A landlord can receive an *Early Hearing Date* when they apply for an *Emergency End to Tenancy* (ET). Different circumstances that may fit within the parameters of an ET is where physical violence is being threatened or has taken place against the landlord, other tenants/occupants in neighboring units or against the property itself (threatening to burn the home down or causing excessive damage). Evidence should be provided at the time of the application or very shortly after due to the hearing date being earlier than a regularly scheduled hearing. The burden of proof is on the landlord to prove that the situation exists as described above and warrants an Emergency End to the Tenancy since no notice has been given that the tenant is able to dispute.

A **tenant** can receive an *Early Hearing Date* when they are making an application for Emergency Repairs to be done(**ERP**), requesting an Order of Possession due to being illegally evicted from their home(**OPT**) or if they need to have services or facilities provided which are required by law(no power or water)(**PSF**). Evidence should be provided at the time of the application or very shortly after due to the hearing date being earlier than a regularly scheduled hearing.

Be sure to caution the tenant that rent should continue to be paid.

When scheduling an Early Hearing Date, make sure to ask the client how they intend to serve the Notice of Hearing Documents to the other party and schedule the Early Hearing Date with that service in mind.

For example, if they are serving the NOH by posting it on the door, allow for the three days to be received and try to schedule the hearing at least 10 days from the current date to allow for evidence rules to be met. If the client is serving by registered mail then allow for the five days to be received and schedule the hearing at least 12 days from the current date.

If you are using one of the Early Hearing Dates for any reason other than for an emergency circumstance for a client, you should get authorization from your Supervisor or a Senior Information Officer and put notes in CMS regarding the details.

Please refer to the procedures for using the Early Hearing Schedule here.

SCHEDULING THE HEARING:

- At the end of the month, send an email to 'OHCS RTB Ops Staff All Locations' and to 'Catherine May'
 to inform everyone of what date we are scheduling OPs for and what date we are scheduling MNs for.
- Use all CAPS for scheduling.
- 1. Search cross applications (click on 'new search' (or F3)). The colour of the screen should be blue.
 - a. Enter components of the address in the dispute tab (e.g. suite number, street number and city).
 - b. Select 'search'.
 - c. Note down any cross applications.
- 2. To begin entering the new file, select 'new request' (or F2). The colour of the screen should be green.
- 3. Enter the file number and origin. Using the 'tab' key will take you to the next required field.
- 4. Tombstone all the information on the application as is. Enter the applicant, respondent and dispute information.
- 5. Additional rent increases are coded as 'O'. Ensure that the appropriate box is also checked off on the dispute tab.
- 6. Click 'Submit'. Ensure that the file number is correct before confirming as this cannot be changed later.
- 7. Click on the 'Dispute' tab
- 8. Click on the blue 'Check Cross Application' link. This is an important step, do not skip it.
 - a. When files appear in the pop up window, begin cross checking them by checking for a match by city, then address, and finally participant name. If there appears to be a match, search that file number by performing a 'New Search'. Here are some areas to consider prior to determining if the new application is a cross application:
 - If the orders requested are related or the same as those applied for by the other side, e.g. T has applied to cancel a NTE and the LL is applying for an OP.
 - When faced with an unusual situation or uncertainty, ask for direction. Note: Two or more applications by the **same** party may qualify as a Joiner, not a cross application.
 - Is there enough time for all processes to be completed prior to the scheduled hearing date? Can all deadlines from Rules of procedure be met e.g. enough time for the file to be scheduled, packages served, evidence exchanged and file received in time by the ARB?
 - If the application qualifies, see Cross Application instructions on page 2 to ensure file is correctly entered into the Hearing Manager
- 9. If the filing fee has been waived, ensure that the 'filing fee' and 'fee waiver requested' fields are completed. This is important for headquarters to gather statistics.
- 10. Click on 'Hearing' tab
- 11. On the right, click on the blue 'Hearing Manager' link
- 12. Based on dispute type, decide the timeframe within which the hearing should be heard (see Scheduling Reference Information). On hearing manager, click on the arrow to the right of the date to pull up the calendar. Choose a date, then select the first 'refresh' link. If no hearing slots are available, click on the Find 'first available date' button. Select the first available appropriate timeslot and Arbitrator. See Schedule A for listing of ARBs and their assigned region.

Click on an available timeslot and then select the blue 'Book Hearing' link.

- 13. On the new pop-up screen:
 - a. enter 'End Time', ie: if scheduling an application for 10:00, end time would be 1 hour later at 11:00
 - enter 'Hearing Type': select either F/F or C/C Click "conference call " for hearing type, unless a face to face hearing has been requested by the applicant and approved.
 - b. Select 'Hearing Room Location' location where the ARB sits
 - c. Select the 'Update' button at the bottom of the screen.
 - d. Close hearing manager once the hearing has been scheduled. The CMS screen will remain up
- 14. Back in the main Case Manager screen, change the 'Status' field to 'Scheduled'. Click on the blue 'Modify' link to save the information. The Modify button is like a 'save' button anytime changes are made, click 'Modify' to save them. The system will also prompt you to save if you do not, before you can exit. Instead of clicking you can also use the keyboard shortcut ctrl+enter.
- 15. In pencil, complete the box on the front of the physical file folder titled RTO TO COMPLETE
- 16. Victoria office staff: If the hearing is three weeks or less, complete the orange slip by ticking off that you have typed in the Counter Dispute a note stating if the file was held in house or house mailed to the ARB.
- 17. When you a scheduling a F2F please email the Arbitrator with this information, since most Arbitrators are working from home now. If the hearing is in the Burnaby office, please also add this to the outlook calendar. See 'Face to Face hearings' on page 3 of this document for further instructions.

CREATING THE HEARING LETTER

- 18. On the 'hearing' tab, click on '*Create Hearing Package*' blue link on right side of screen of the Hearing tab. A pop up box should now appear. (If one does not, you may have forgotten step #14.)
- 19. In the pop up box:
 - a. select the option in the first box (*File Region*) based on file number: for files beginning with 7 or 8, select Burnaby. For files beginning with 2, select Victoria. For files beginning with 5, select Kelowna.
 - b. Under 'Applicants' or 'Agents': always select 'Applicants'.
 - c. click on the blue 'Continue' link
- 20. When the 'Report Preview' box appears, choose **one** of the following two options:

For same day letter:

- a. when hearing letters appears, click on 'Printer Report' button at the top left of screen (blue printer icon with red dot on it)
- b. when Printer Setup screen appears, select the number of desired copies and click 'PRINT'.

For future dated letter:

- a. click on Export Report (blue disk and paper icon)
- b. in 'Format': choose MS Word (RTF) from drop down menu
- c. in 'Destination': choose Application from drop down menu
- d. click on 'OK'.
- e. amend any dates or details that require change and expand any fields
- f. print the desired amount of copies.

- 21. Review printed hearing letter(s) for completeness and accuracy
- 22. Close the Report Preview screen and the system will take you back to the main screen. If there is more than one respondent, that hearing letter screen will show automatically; deal with it in the same manner as above (step 20).

CROSS APPLICATIONS

These instructions are to be followed when scheduling qualified cross applications – see step 8 above for qualification information.

The importance of the following these steps cannot be stressed enough. When the steps are not completed, the cross application does not appear on the ARB's hearing schedule and this starts a litany of compound errors. For example, if the file does not appear on the hearing schedule, the file is not pulled for or received by the appropriate ARB in time for the hearing. This generally leads to an adjournment requiring staff to enter additional information into the system resulting in new hearing letters to be mailed to parties, additional ARB and client time and often causing the clients additional anxiety while waiting for resolution and closure. In short, missing this step will inconvenience all involved and require additional RTB and ARB resources.

Following these steps will ensure that the file is pulled for and received by the appropriate ARB in time for the hearing.

- 1. Click on the 'Dispute' tab
- 2. Click on 'Check Cross Application' link in blue font on the 'dispute' tab.
- 3. Choose the correct file number and click 'Select'. A note will pop up saying that the cross application file number information has been updated.
- Click 'OK'.
- 5. Click on 'Hearing' Tab you will see the file number in the Cross Application File Number
- 6. Click 'Populate'.
- 7. While still in the 'Hearing' Tab, click on the blue 'Hearing Manager' link on the right hand side. Find the cross-app file number and click on it to highlight. Click on 'reschedule/modify hearing' link at the top. In the counterclaim box enter the file number of the file you are scheduling. Click 'update'.
- 8. Click 'OK'.
- 9. Close Hearing Manager
- 10. Change the status to 'Scheduled' from the ARBp down box
- 11. Select 'Modify'.
- 12. To produce hearing package (Create the Hearing Letter), complete steps 17-21.
- 13. Remember to complete the 'Related File Open' field on the front of physical file folder

NOTE: If hearing date is within 7 calendar days, the cross application cannot be scheduled to be heard at the same time. This is as per the Rules of Procedure (see rule 5.1 below):

"The minimum time before the scheduled dispute resolution proceeding date that a cross application may be filed in order to have both applications heard at the same time is five (5) days before the scheduled dispute resolution proceeding date for the first Application for Dispute Resolution, excluding weekends and holidays."

FACE TO FACE HEARINGS

Face-to-face hearings may only be booked with a valid reason (e.g. hearing impairment, and/or cognitive issues).

NOTE: ESL issues will not be accommodated with a F2F hearing. The client needs to obtain a translator to assist at the c/c hearing.

If a client is insistent on a F2F hearing, and you cannot determine that they are deaf or hard of hearing and/or have a cognitive issue, please schedule as c/c and ask them to put their request in writing to the director along with the reasons that they require the F2F hearing. If it is for the deaf and hard of hearing, please ask them to provide medical documentation to support the request unless you can determine by your own observation. When this type of letter is received, we will make a decision and contact the applicant by telephone.

Before scheduling a face-to-face hearing, the following steps must be taken:

- 1. Confirm that there are no other face-to-face hearings booked for that particular office on the day in question
 - a. In CMS, click on 'New Search'.
 - b. In the 'Hearing' tab, select the 'hearing date' and 'hearing type' (face-to-face). Click 'Search'.
- 2. Book the hearing. **Do not** book a contract Arbitrator for a face-to-face hearing. Ensure that the ARB you are booking is located at the correct office.
- 3. Book the hearing room by noting an appointment in the HSRTO calendar for a 1 hour hearing. Send Invite to Arbitrator to this appointment so they are aware of the F2F hearing OR, send separate email to the Arbitrator to advise them of the face-to-face hearing.
 - a. To add this calendar, open outlook, select 'calendar'. 'Add a shared calendar'. Type in hsrto@gov.bc.ca
- 4. Make audit notes on CMS providing the reason that a face-to-face hearing was booked. Also write this on the 'notes to file' sheet if it has not already been done.

Van Schalkwyk, Charlotte MTIC:EX

From: Lam, Jon S OHCS:EX

Sent: Wednesday, October 1, 2014 8:19 AM **To:** OHCS RTB Info Svcs Staff All Locations

Cc: Falck, Mary D OHCS:EX **Subject:** Hearing dates Oct 1, 2014

Oct 1, 2014 Hearing dates

Early Hearing Dates – Codes ET/OPT/ERP where the applicant has all the evidence available at the time of application. Check for cancellations and the Early Hearing Calendar on @RTB site:

Oct 20, 2014

Non Monetary - Codes OP/CN/OLC/ERP/RP/PSF/RPP/LRE/AAT/RR/LAT/AS (may include an MN code):

Nov 14, 2014

Monetary - MN codes only (may include FF)

Do not schedule MN hearings on Wednesdays. All other days PM times only:

More than 1 MN hearing per ARB is allowed as long as it is PM and not on a Wednesday (confirmed by Leadership Team)

Apr 15, 2015

Quarterly Activity Report: Residential Tenancy Branch, 2013-2014

	1:	st Quarte	r	1st Qtr	2r	nd Quarte	er	2nd Qtr	3rd Q	uarter		3rd Qtr	4	th Quarte	r	4th Qtr	
	Apr	May	June	Totals	July	Aug	Sep	Totals	Oct	Nov	Dec	Totals	Jan	Feb	Mar	Totals	YTD
SUMMARY - Client Contact		•	•		•												
Email	1,054	1,034	939	3,027	1,279	989	1,046	3,314	1,019	923	821	2,763	930	943	1,009	2,882	11,986
Walk-in (includes applications)																	
Victoria	978	924	810	2,712	823	748	772	2,343	951	761	495	2,207	765	706	735	2,206	9,468
Burnaby	1,974	1,558	1,627	5,159	1,703	2,252	1,758	5,713	2,421	1,941	1,707	6,069	2,418	2,232	2,123	6,773	23,714
390 Main Street (Pathways, 4 Directions)	131	99	120	350	121	116	139	376	128	18	78	224	175	128	156	459	1,409
Richards Street (Marble Arch)	49	41	51	141	54	76	57	187	74	5	29	108	50	49	54	153	589
(Subtotal Walk-in)	3,132	2,622	2,608	8,362	2,701	3,192	2,726	8,619	3,574	2,725	2,309	8,608	3,408	3,115	3,068	9,591	35,180
Website visits	86,319	86,600	85,917	258,836	91,598	90,632	88,127	270,357	82,629	74,596	63,771	220,996	83,061	76,375	87,444	246,880	997,069
Phone Calls (Call Centre Anywhere)	13,123		13,908		15,372	13,547	11,775	40,694	13,164	11,838	10,802	35,804	14,477	13,200	14,031		160,436
Total Contacts - all types	103,628	105,455	103,372	312,455	110,950	108,360	103,674	322,984	100,386	90,082	77,703	268,171	101,876	93,633	105,552	301,061	1,204,671
Applications for dispute resolution-1 st time, from clice In-person Burnaby	ent 620	673	712	2,005	772	710	668	2,150	727	714	591	2,032	699	655	693	2,047	8,234
390 Main Street (Pathways, 4 Directions)	17	14	12	43	18	22	23	63	25	131	11	167	31	27	31	89	362
Richards Street (Marble Arch)	5	3	2	10	2	3	5	10	5	62	2	69	7	1	6	14	103
Kelowna	5	17	8	30	1	1	0	2	1	1	0	2	1	0	1	2	36
Victoria	126	192	142	460	143	149	140	432	163	139	128	430	149	160	131	440	1,762
(Subtotal In-person)	773	899	876	2,548	936	885	836	2,657	921	1047	732	2,700	887	843	862	2,592	10,497
Online	292	330	326	948	304	347	296	947	397	357	307	1,061	350	330	355	1,035	3,991
GA	457	564	545	1,566	617	529	564	1,710	571	550	438	1,559	579	487	592	1,658	6,493
Total Applications for Dispute Resolution	1,522	1,793	1,747	5,062	1,857	1,761	1,696	5,314	1,889	1,954	1,477	5,320	1,816	1,660	1,809	5,285	20,981
Hearings Scheduled based on a 1 st application																	
Burnaby	591	638	603	1,832	614	628	549	1,791	591	381	467	1,439	587	502	559	1,648	6,710
Kelowna	13	5	5		1	1	0	2	1	0	0	1	1	0	0	1	4
Victoria	159	125	116	400	117	122	117	356	134	108	97	339	122	131	108	361	1,456
Online	292	289	301	882	270	322	272	864	358	318	276	952	322	291	315	928	3,626
GA	454	454	451	1,359	481	451	453	1,385	473	424	339	1,236	457	370	488	1,315	5,295
Main Street (Pathways, 4 Directions)	17	14	12	43	18	22	23	63	25	131	11	167	31	27	31	89	362
Richards Street (Marble Arch)	5	3	2	10	2	3	5	10	5	62	2	69	7	1	6	14	103

1,503

4,549

1,549

1,419

4,471

1,587

1,424

1,192

4,203

1,527

1,322

1,507

4,356

1,528

1,490

1,531

Total Hearings Scheduled

17,579

Quarterly Activity Report: Residential Tenancy Branch, 2013-2014

	1:	st Quarte	r	1st Qtr	1st Qtr 2nd Quarter			2nd Qtr	3rd G	uarter		3rd Qtr	4	th Quarte	r	4th Qtr	
	Apr	May	June	Totals	July	Aug	Sep	Totals	Oct	Nov	Dec	Totals	Jan	Feb	Mar	Totals	YTD
DETAILED REPORT																	
Review Applications																	
Victoria	6	3	3	12	2	3	2	7	5	4	6	15	3	2	4	9	43
Burnaby	31	21	43	95	43	40	38	121	63	34	43	140	50	43	55	148	504
Kelowna	2	9	14	25	8	6	3	17	7	9	3	19	12	8	7	27	88
Total Review Applications Processed	39	33	60	132	53	49	43	145	75	47	52	174	65	53	66	184	635
Corrections/Clarifications	12	14	31	57	31	19	12		13	20	27	60	19	17	36	72	251
Adjournments	77	83	59	219	53	65	65	183	73	85	85	243	57	64	78	199	844
Scheduling Timelines																	
Application Type																	
End Tenancy Early (weeks)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	1.5	1.5	1.7	2.0	1.0	1.1	1.4	1.8
Order of Possession and																	
Cancellation of Notice to End Tenancy (weeks)	4.0	4.0	5.0	4.3	6.0	6.0	6.0	6.0	6.0	5.3	6.8	6.0	7.0	7.5	6.5	7.0	5.8
Emergency Repairs, Return of																	
Property and Access (weeks)	4.0	4.0	5.0	4.3	6.0	6.0	6.0	6.0	6.0	5.3	6.8	6.0	7.0	7.5	6.5	7.0	5.8
Monetary Order (weeks)	12.0	14.0	13.0	13.0	14.0	14.0	14.0	14.0	14.0	16.0	15.0	15.0	15.5	15.5	15.5	15.5	14.4

Telephone Details																	
Calls Abandoned	3,471	4,667	5,005	13,143	5,853	4,677	3,311	13,841	3,489	3,214	2,662	9,365	3,607	3,423	3,231	10,261	46,610
Total Telephone Calls	13,123	15,199	13,908	42,230	15,372	13,547	11,775	40,694	13,164	11,838	10,802	35,804	14,477	13,200	14,031	41,708	160,436
Average Telephone Wait Time																	
Average Wait Time (includes overnight queue)	0:25:18	0:33:16	0:37:17	0:31:57	0:50:42	1:06:00	0:52:17	0:56:20	0:45:53	1:32:00	1:14:00	1:10:38	0:31:58	0:34:24	0:32:13	0:32:52	0:47:57

Notes:

Changes were made to the call centre data in 2013/14:

- * beginning Aug. 2013, the number of callers in the queue was limited to 70 callers
- * beginning Aug. 2013, callers could access the callback queue after 4:00 p.m.
- * beginning in Dec. 2013, wait time data no longer includes callers who request callback the next business day
- * beginning Jan. 6, 2014, a new contact centre model was launched with changes to wait time reporting; the last quarter reflects this change

Quarterly Activity Report: Residential Tenancy Branch, 2014-2015

ı	15	st Quarte	r	1st Qtr	2r	nd Quarte	r	2nd Qtr	3rd (Quarter		3rd Qtr		4th Quarte	er	4th Qtr	
ľ	Apr	May	June	Totals	July	Aug	Sep	Totals	Oct	Nov	Dec	Totals	Jan	Feb	Mar	Totals	YTD
SUMMARY - Client Contact	•	•														•	
Email	778	957	1,099	2,834	1,139	979						0					4,952
Walk-in (includes applications)																	
Victoria	721	813	755	2,289	786	691						0					3,766
Burnaby	1,886	1,767	1,798	5,451	1,949	1,555						0					8,955
390 Main Street (Pathways, 4 Directions)	148	148	187	483	140	122						0					745
Richards Street (Marble Arch)	41	65	47	153	48	46						0					247
(Subtotal Walk-in)	2,796	2,793	2,787	8,376	2,923	2,414						0					13,713
Website visits	85,923	87,163	85,239	258,325	91,409	90,632						0					440,366
Phone Calls	13,433		14,501		14,965	14,071						0					71,481
Total Contacts - all types	102,930	105,424	103,626	311,980	110,436	108,096						0					530,512
Applications for dispute resolution-1st time, from cli	ent																
In-person																	
Burnaby	733	821	729	2,283	776	700						0					3,759
390 Main Street (Pathways, 4 Directions)	29	37	35	101	26	24						0					151
Richards Street (Marble Arch)	2	8	3	13	5	6						0					24
Kelowna	0	2	1	3	3	0						0					6
Victoria	137	150	148	435	159	123						0					717
(Subtotal In-person)	870	973	878	2,721	938	823						0					4,657
Online	368	370	376	1,114	408	330						0					1,852
GA	514	628	533	1,675	664	656						0					2,995
Total Applications for Dispute Resolution	1,752	1,971	1,787	5,510	2,010	1,809						0					9,504
Hearings Scheduled based on a 1 st application																	
Burnaby	584	625	529	1,738	578	566						0					2,882
Kelowna	0	1	1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	2	0						0					2
Victoria	116	129	128	373	127	85						0					585
Online	319	322	322	963	334	306						0					1,603
GA	399	484	405	1,288	494	492						0					2,274
Main Street (Pathways, 4 Directions)	29	37	35	101	26	24						0					151
Richards Street (Marble Arch)	2	8	3	13	5	6						0					24
Total Hearings Scheduled	1,418	1,561	1,385	4,364	1,535	1,449						0					7,348

Quarterly Activity Report: Residential Tenancy Branch, 2014-2015

	1st Quarter			1st Qtr	21	nd Quarte	r	2nd Qtr	3rd (Quarter		3rd Qtr		Ith Quarte	er	4th Qtr	
	Apr	May	June	Totals	July	Aug	Sep	Totals	Oct	Nov	Dec	Totals	Jan	Feb	Mar	Totals	YTD
DETAILED REPORT										•	•						
Review Applications																	
Victoria	5	1	2	•	0	0						0					8
Burnaby	57	49	62	168	77	47						0					292
Kelowna	2			12	1	8						0					21
Total Review Applications Processed	64	56	68	188	78	55	0		0	0	0	0	0	0	0	0	321
Corrections/Clarifications	18	14	23	55	23	21						0					99
Adjournments	52				76							0					297
Adjournments	32	01	- 55	172	70	45						U U					237
Scheduling Timelines																	
Application Type																	
End Tenancy Early (weeks)	3.9	2.6	2.3	2.9	2.9	1.9						0.0				0.0	
Order of Possession and																	
Cancellation of Notice to End Tenancy (weeks)	7.0	6.6	8.6	7.4	8.9	7.6						0.0				0.0	
Emergency Repairs, Return of																	
Property and Access (weeks)	7.0	6.6	8.6	7.4	8.9	7.6						0.0				0.0	
Monetary Order (weeks)	17.1	16.4	19.4	17.6	25.1	26.3						0.0				0.0	
																	,
Telephone Details																	
Calls Abandoned	3,458	3,635	3,411	10,504	3,800	2,954						0				0	17,258
Total Telephone Calls	13,433		14,501	42,445	14,965	14,071						0				0	71,481
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Average Wait Time on CCA (h:mm:ss)	0:43:10	0:36:55	0:30:29	0:36:51	0:44:08	0:25:00						0:00:00				0:00:00	
Notes:																	