

**Presented by:**



## **“Landlord & Tenant Disputes: What to do in Court” (Tips and Information)**

### **(Can be heard in both Masters’ Chambers and Provincial Court)**

There are several online resources that can provide you with additional information. We will have further information about those resources at the end of this film.

You might be here because you are a tenant and rent the property you live in. The landlord, who owns the place that you are living in is bringing you, the tenant to court, and asking the judge for an order.

#### **The Landlord can ask the Judge for an order when:**

##### **Reasons a landlord can request an order:**

- Tenant fails to pay the rent on time;
- Tenant does something illegal in the rental property;
- Tenant injures or threatens other tenants, the landlord or people living in the rental property;
- Tenant damages the rental property;
- Tenant does not keep the rental property clean; or
- Tenant does not leave the rental property at the end of the rental agreement.

Your landlord gave you two documents before this court date. One says what the landlord wants the judge to do. The other document, called an affidavit, gives the reasons why. You may not agree with what your Landlord will say, but you have the chance to tell the judge your side of the story.

Today, the judge wants to hear what happened between you and the Landlord before deciding what should be done and the judge will want to hear from both you and the landlord before making a decision.

In the Courtroom, the landlord will speak first. Once the landlord has finished speaking, it is the tenant’s turn to speak. After having heard from the tenant and the landlord, the judge can make several decisions.

##### **Possible Decisions a Judge Can Make:**

- The judge can order that rent must be paid and when it must be paid;
- The judge can order a tenant to leave the rental property and say how long a tenant has to move out – usually a judge will give between 10 to 14 days to move; or
- The judge can order the tenant to pay some of the Landlord’s costs of going to court.

**The most important thing you have to decide before you speak to the judge is:**

- What do you want the judge to do today?
- Do you want to stay in the property?
- If so, what are you prepared to do?
- Can you pay the unpaid rent?
- Can you fix the problem that led to the court hearing?

Maybe you just need some time to move your things or get caught up in your back rent. If you already know what you would like to do, you should speak to the Landlord or their lawyer before court and see if you can work out an agreement. If you cannot come to an agreement before going into court, a judge will make a decision about what is to happen.

When it is your time to speak, stand up, walk to the podium and tell your side of the story and explain what you want the judge to do.

Also, tell the judge about what your past relationship with the Landlord.

- Has the Landlord given you extra time to pay your rent before?
- If the Landlord is saying that you've done something wrong, has this happened before and what did the Landlord do then?
- Does the Landlord have anything that belongs to you?

Give the judge as much information as you can so that the judge has all the information to make the right decision.

The judge might ask you questions. Answer those questions as clearly and directly as you can.

The judge may also ask you to prepare an Affidavit, similar to the Affidavit prepared by your Landlord.

An **affidavit** is a voluntary, written statement of facts which you have to swear or affirm before a commissioner of oaths. There are clerks in the courthouse that can swear your affidavit and there might be people in the courthouse that can help you prepare an affidavit. When you prepare your affidavit, make sure that you include all of the facts that you can think of.

If the judge has more questions about what you have said in your affidavit or what you said in court, then the judge might ask that you tell more of your story. Answer any questions they may have for you. Once you have finished telling your side of the story and explained what you want to the judge to do, sit down and wait for the judge to make a decision. Don't argue with the judge once they have given a decision.

Thank you for watching this film.

**Supported by:**

Alberta **LAW**  
FOUNDATION

**Government**  
**of Alberta** ■

 alberta  
law  
libraries