

# THE ORDER

## Residential Tenancy Dispute Resolution Service (RTDRS)

### ORDER GRANTED BY TENANCY DISPUTE OFFICER (TDO)

The Order is binding on the Applicant and Respondent unless it is set aside or varied through an appeal to the Court of Queen's Bench. No RTDRS staff member or government official can change or cancel the decision of a TDO. If your Order contains a clerical error, provide the RTDRS with a written request for correction. The TDO will review your request.

#### ORDER FOR POSSESSION and /or JUDGMENT

- File the Order at the Court of Queen's Bench.
- The Respondent may pay the judgment amount to the Court or directly to the Applicant.

#### CONDITIONAL ORDER

Page 2 of the Order lists the dates and amounts of payments.

- The Respondent must make all of the payments on time. If the order is fully complied with, it is no longer of any force or effect.
- The Respondent and Applicant should keep all records of agreements and payment receipts.

- If the Respondent fails to comply with the terms of the Order, serve the Respondent with a notice of default as written on the RTDRS Order. This form is on our website.
- This step is not necessary if the Order does not have a notice of default clause.

- If the Respondent fails to vacate or pay the judgment amount, the Applicant may enforce the Order at the Court of Queen's Bench. The Applicant will need to contact a Civil Enforcement Agency to enforce possession.
- Affidavits of service must be filed with the Court of Queen's Bench, as instructed by Court staff, to commence enforcement action.

For information on enforcing the Order at the Court of Queen's Bench, see *Getting and Enforcing your Judgment in Alberta* at [www.albertacourts.ca](http://www.albertacourts.ca).

For more information on the RTDRS see the *RTDRS Rules of Practice and Procedure*.

#### DISMISSED ORDER

The matter is concluded. No steps need to be taken by either party.

#### APPEAL

If the Applicant or Respondent believes that there was an error in law or jurisdiction they may appeal to the Court of Queen's Bench within 30 days of the date that the Order is given.

File and then serve the Court of Queen's Bench *Notice of Appeal* on

- the other parties,
- the RTDRS and
- as directed by the Court of Queen's Bench.

- Obtain a transcript of the RTDRS hearing. Appellants must pay for and arrange the transcript through a private transcription business. See the *Transcript Request Form* for more information.
- This step is not necessary if the Court of Queen's Bench orders that a transcript is not needed for your appeal.

File at the Court of Queen's Bench:

- An *Affidavit of Service* of the *Notice of Appeal*, and
- A copy of the requisition to the RTDRS for a transcript, together with a receipt for payment of the transcript.

Commencing an appeal does not stop the order from taking effect, except when directed by the Court. Visit your local Courthouse for detailed information on the appeal process and filing fees. You may wish to obtain legal advice on your options.