

**Job Class Profile: Residential Tenancies Adjudicator****Pay Level: CG-37 Point Band: 814-847**

Factor	Knowledge	Interpersonal Skills	Physical Effort	Concentration	Complexity	Accountability & Decision Making	Impact	Development and Leadership	Environmental Working Conditions	Total Points
Rating	6	6	2	3	6	5	5	1	1	
Points	280	100	13	14	180	108	103	21	11	830

**JOB SUMMARY**

The Residential Tenancies Adjudicator performs responsible adjudication work within the jurisdiction of the Residential Tenancies Act and associated regulations.

**Key and Periodic Activities**

- Adjudicates matters of dispute between landlords and tenants.
- Prepares for hearings. Reviews files and identifies issues.
- Conducts hearings to hear testimony and gathers evidence from applicants, respondents and witnesses.
- Analyzes the testimony and evidence and makes decisions on each issue in dispute.
- Researches landlord and tenant case law to assist in deriving a resolution.
- Prepares detailed reports explaining reasoning for decisions.
- Prepares legal orders stating decisions.
- Discusses issues with colleagues and management.
- Reads/references related correspondence (i.e. decisions of other adjudicators).
- Attends staff meetings.

**SKILL****Knowledge****General and Specific Knowledge:**

- Specialized knowledge of the Residential Tenancies Act and Regulations, Public Enquiries Act, Public Investigations Evidence Act, Public Tribunals Act,
- Residential Tenancies Division Policy Manual
- Principles of Natural Justice, case law, and rules of evidence
- Considerable knowledge and experience in investigations, conciliations, mediation and negotiations with an understanding and involvement in the co-ordination of quasi-judicial proceedings.

**Formal Education and/or Certification(s):**

- Minimum: Undergraduate Degree in Social Sciences, Industrial Relations, or related field.

**Years of Experience:**

- Minimum: 3-4 years experience.

**Competencies:**

- Mediation, investigation, research, and negotiation skills
- Oral and written communication skills including report writing
- Strong analytical skills

**Interpersonal Skills**

- A range of interpersonal skills are used including listening to information from others, asking questions to gather information, providing routine and complex information/direction to others, conducting formal interviews, facilitating or moderating sessions, gaining the cooperation of others to complete work, dealing with angry or upset people, and resolving disputes between people.
- Individuals at hearings are often adversaries who are angry and upset with each other and may be very emotional. The Adjudicator must ensure that both parties have an opportunity to be heard and that a fair decision can be reached.
- Communications occur with employees within the immediate work area, Department including supervisor/manager and with members of the general public.
- The most significant contacts are with applicants, respondents, and witnesses from whom information and evidence is gathered at hearings; other adjudicators since it is helpful to discuss issues arising at the hearing with other colleagues to ensure decisions are fair and consistent even though it is the responsibility of the Adjudicator conducting the hearing to make the decision on the application and Residential Tenancies Officers and the Hearing Coordinator who deal with the clients before and after hearings.

**EFFORT****Physical Effort**

- The demands of the job occasionally result in fatigue, requiring periods of rest.
- There is an occasional requirement to lift objects less than 10 lbs. such as files.
- Sitting is constant during hearings and note taking.
- Occasional walking and standing are required to perform work tasks.
- Fine finger precision work is required for typing reports on a computer.

**Concentration**

- **Visual concentration** is required during hearings when evidence is being presented and testimony given. The parties at the hearing frequently submit documents and photos which must be scrutinized. After the hearing when the report is being prepared, evidence is carefully reviewed again. Once the report is completed, it is proofread before being released.
- **Auditory concentration** is required for listening attentively to the testimony of applicants, respondents and witnesses. Also when preparing the report after the hearing the Adjudicator may need to replay the audio file.
- **Exact results and precision** is required for accurate note taking during hearings and to compile the final report.
- **Time pressures and deadlines** exist although every effort is given to ensure all matters are heard on a timely basis, applications for vacant possession are given the highest priority and therefore it is necessary to have the hearing and issue an order in the shortest time frame

possible.

- **Lack of control over the work pace and interruptions** occurs when hearings may run over their scheduled time either due to the complexity of the claim or the amount of testimony given or legal issues that may arise, all of which affect the pace of work. The hearing cannot be concluded until all the testimony and evidence has been heard.

### Complexity

- Problems, issues and challenges are broad in nature and may be resolved using established policies/procedures, however, they often require analysis of the issues and development of practical solutions. Solutions may occasionally be sought in a team setting.
- The Adjudicator is regularly presented with challenges, problems, and issues while conducting a hearing, and when preparing the decision following the hearing. At the hearing, a legal issue may be raised by one of the parties and the Adjudicator may have to make a decision on whether the hearing will proceed, be postponed, or if the application will be dismissed. During the hearing, the Adjudicator makes rulings on various matters such as whether evidence is admissible. Once the hearing has been adjourned, the Adjudicator must decide on matters such as: validity of notice, vacant possession of property, refund of security deposits, repairs, rent to be paid in trust, compensation for inconvenience, compensation for work completed, return of possessions, payment or rebate of rent, or payment of utilities.
- When addressing typical challenges or problems, reference can be made to the Residential Tenancies Act and Regulations, Public Enquiries Act, Public Investigations Evidence Act, and the Residential Tenancies Division Policy Manual.

## RESPONSIBILITY

### Accountability and Decision-Making

- Work tasks and activities are moderately prescribed or controlled.
- Supervisor approval is not required to address legal issues raised during the hearing such as whether the claim was properly served or requests for postponement.
- Orders are reviewed by the supervisor for thoroughness and accuracy before being released.
- A high level of discretion must be exercised when conducting hearings and writing decisions. Many decisions written by the Adjudicator require a high degree of independent discretion and judgement such as a claim for damages which necessitates that the Adjudicator take into consideration the following: the condition of the item at the beginning and end of the tenancy, the age of the item, depreciation, and whether or not to award the applicant anything, and if so, how much.

### Impact

- Generally has the most significant impact within the immediate work area, on clients/general public, and on processes and information.
- Once the Adjudicator issues an order it is processed by other residential tenancies staff that ensure the order is distributed to all parties involved and address any questions arising from it. If the parties feel that the Adjudicator has erred, they may file a Request for Reconsideration with the Residential Tenancies Section or an Appeal with the Supreme Court. Judgements are registered with the Sheriff's Office who enforces orders of possession.

- Errors or omissions in an order must be corrected before the order can be enforced. Delays in enforcing the order will be experienced, depending on when the error is detected. This may result in financial or other types of hardship for the applicant. A mistake or error in an order may prevent a landlord or tenant from enforcing their rights under the Residential Tenancies Act. This may be in the form of financial damages or failure to regain possession of property. The Residential Tenancies Section is responsible for dispute resolution on landlord/tenant matters and failure to carry out that mandate may result in a negative corporate image.
- If there was an error in a legal order, the order would have to be amended before it could be enforced. If the order was for vacant possession of property and not detected before being filed at the Sheriff's office, several weeks may have elapsed since the application was filed and the applicant would experience more delays before being able to enforce their rights.
- The Adjudicator conducts the hearing and prepares legal orders with accompanying comprehensive explanatory reports. Reports are reviewed for thoroughness and accuracy before being released to the parties involved.
- Resolution of errors normally occurs within a week of problem identification. The length of time to resolve an error is dependent upon which stage the processing of the order is in when the problem is discovered.

#### **Development and Leadership of Others**

- Not responsible for the supervision of staff.
- May provide occasional advice and/or guidance to new employees.

### **WORKING CONDITIONS**

#### **Environmental Working Conditions**

- There is no requirement for safety precautions or equipment.
- There is no likelihood of minor cuts, bruises, abrasions, injury, or illness causing disability
- There is no exposure to undesirable or adverse environmental conditions.