



# Management Job Description Management Job Evaluation Plan

Working Title TENANCY DISPUTE OFFICER	Name
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Position Number	Reports to Position No., Class & Level	Division, Branch/Unit	Ministry Service Alberta
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Present Classification	Requested Classification	Levels to Deputy Minister (Not including incumbent level)
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Dept ID	Program Code	Project Code (if applicable)
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Reason for Submission

Reclass Request

New Position Creation

**POSITION SUMMARY:** Briefly describe the main purpose of the position, and why it exists for the most part (See PP [Slides 28-32](#)).

Reporting to the Administrator of the Residential Tenancy Dispute Resolution Service (RTDRS), the Tenancy Dispute Officer will conduct impartial hearings and adjudicate conflicts arising from landlord/tenant disputes under the Alberta *Residential Tenancies Act* (RTA), the *Mobile Home Sites Tenancies Act* (MHSTA), and related regulations. The RTDRS will offer residential landlords and tenants an alternative to the court system for resolving RTA and MHSTA disputes.

The Tenancy Dispute Officer arranges and conducts hearings to obtain information and evidence relating to the disposition of tenancy disputes that arise under the RTA or MHSTA. The Tenancy Dispute Officer evaluates and analyzes evidence and applicable laws, regulations, policy and precedent decisions to determine conclusions. The Tenancy Dispute Officer informs parties on the nature of the proceedings to ensure there is a clear understanding of the process by those involved: questions witnesses to obtain information; rules on exceptions, motions and admissibility of evidence; obtains additional information to clarify evidence; provides parties with verbal/written decisions; and assesses costs (if any) as are appropriate to the circumstances and applicable legislation.

The Tenancy Dispute Officer will make use of a wide range of advanced skills in judgment and decision-making including the ability to assess the strengths and weaknesses of the information presented to choose the appropriate remedy; ability to communicate effectively with the parties involved in the dispute; the ability to interpret and understand applicable legislation; superior active listening, speaking and writing skills; and knowledge of related computer programs. The Tenancy Dispute Officer will work independently with minimal direct supervision. Established "Rules of Practice and Procedure" and "Code of Conduct for Tenancy Dispute Officers" define the operating guidelines for hearings and file handling. The Tenancy Dispute Officer may be required to act as Administrator of RTDRS on occasion.

Other responsibilities may include the promotion of consumer awareness about the service with stakeholders and organizations.

**SPECIFIC ACCOUNTABILITIES:** List the most important end results or outcomes (not duties) of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-6 core end results. For each end result approximately 4-6 major activities should be described (See PP [Slides 20-27](#)).

**1. Arrange hearings**

**Activities:**

- Co-ordinate assigned hearings.
- Arrange for resources required to facilitate the hearing process.

**2. Conduct hearings**

**Activities:**

- Ensure hearings are impartial and fair and conducted with due consideration to all the facts and the principles of natural justice, exercising due diligence and procedural fairness throughout the hearing process. Impartiality means freedom from favouritism or bias in word, action or appearance, and includes a commitment to assist all individuals as opposed to one individual.
- Evaluate and analyze evidence provided in relationship to applicable laws, regulations, policies and precedent decisions to determine conclusions. Question witnesses or obtain additional information to clarify evidence relating to the hearing.
- Rule on exceptions, motions and admissibility of evidence relating to the hearing.
- Maintain confidentiality to the extent provided by Rules of Practice and Procedure and the Freedom of Information and Protection of Privacy legislation.
- Consult with the Administrator of RTDRS during the course of the hearing if needed and appropriate.
- Complete hearings in a timely and thorough manner in accordance with RTDRS standards.

**3. Provide Decisions in the adjudication of disputes under the Act and regulations.**

**Activities:**

- Seek legal opinions on interpretation and application of legislation.
- Make appropriate recommendations for compliance to the RTA and MHSTA.
- Provide parties with verbal/written decisions.
- Issue judgments and orders. Write detailed reasons for decisions in cases of reserved decisions.
- Prepare required documents.
- Assess costs and damages (if any) as are appropriate to the circumstances and applicable legislation.
- Communicate results in a timely manner.

**4. Provide information**

**Activities:**

- Provide accurate information about the administrative hearing processes to stakeholders and consumers interested in using the service.
- Inform parties involved in the hearing on the nature of the RTDRS proceedings to ensure there is a clear understanding of the RTDRS process.
- Describe the obligations of the Tenancy Dispute Officer to uphold and abide by the RTA, MHSTA and regulations.
- Work with agencies/community groups to raise consumer awareness.
- Research assigned issues, creatively solve problems and obtain relevant information for preparing reports.

**5. Acts as a resource**

**Activities:**

- Assist in training of administrative staff by sharing knowledge and expertise.
- Consult on administrative hearing and court procedures.
- Participate in legislative, policy and program working committees and provide feedback as requested.
- Maintain appropriate network of contacts.
- Identify deficiencies in legislation administered by the department and may make recommendations for legislative amendments.
- Participate in the evaluation of any RTDRS pilot project.

**KNOWLEDGE/EXPERIENCE:** Include a list of the most important knowledge factors, including knowledge about practical procedures, specialized techniques etc. not only diplomas and degrees. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (See PP [Slides 33-37](#)).

- University degree in a related field (Public Administration, Business, Commerce, Law) or equivalencies and minimum of 4 years experience on an administrative tribunal or in an adjudicative capacity is required. A graduate level degree in a behavioural or social science is an asset.
- An extensive knowledge of Alberta's residential tenancy legislation and other provincial and federal statutes that may impact the hearing process such as Charter of Rights and Freedoms, Provincial Offences Procedures Act, Alberta's Minimum Housing and Health Standards and the Civil Enforcement Act.
- Eligible to meet the requirements to become a Commissioner of Oaths.
- Formal training/certification in conflict resolution processes such as arbitration, mediation, and conciliation along with practical experience demonstrating these skills.
- Familiarity with administrative law and the operation and functioning of administrative tribunals in Alberta and/or other jurisdictions is required, as is knowledge of basic legal terminology.
- Strong abilities in verbal, non-verbal and written communications, listening, tact, problem solving, analysis, consulting, conflict resolution, and organizational skills are required to address the sensitivity and diversity of issues addressed by this position.
- Ability to work effectively in a team setting and also work independently.
- Broad-based computer literacy, including use of word processing, spreadsheet, database, case management, presentation and other software packages.
- Knowledge of business English including proper grammar, spelling and punctuation.
- May be required to travel to office location elsewhere in the province.
- Ability to develop rapport quickly and easily.
- Ability to demonstrate flexibility/adaptability.

**LEADERSHIP AND BUSINESS KNOW-HOW:** Specify the level of coordination, organization and leadership required to produce the results expected of the position. Provide recent examples (See PP [Slides 38-40](#)).

This position takes a leadership role in conducting and controlling the hearing process from start to finish. Must be able to initiate unbiased questioning of parties and witnesses. Must have a good understanding of general accounting practices in order to accurately determine arrears or damages awards. Should have knowledge of contract law and a general knowledge of the value of residential repair and materials.

**PROBLEM SOLVING:** Describe difficult or challenging situations the position is typically expected to solve and the assistance available (See PP [Slides 41-43](#)).

Must have the ability to sort through often complex and sometimes conflicting evidence, determine legal breaches and institute appropriate legal remedies.

**RELATIONSHIPS/CONTACTS:** Identify internal and/or external clients, partners and stakeholders with whom your position has the most influence and indicate the frequency, purpose and nature of the contact (i.e. how they are affected by recommendations, decision-making and action(s) taken) (See PP [Slides 44-46](#)).

Clients	Frequency	Nature and Purpose of Contact
Internal Staff lawyer Communications	As needed As needed	Obtain legal information Provide information for publication Adjudicate disputes and explain RTDRS role, clarify Orders
External Landlord and tenants and their associations Landlord and Tenancy Advisory Board	Daily As needed	Consultation

**IMPACT AND MAGNITUDE OF JOB (SCOPE):** Identify how the position directly affects results, and the extent to which stakeholders are affected by the outputs. Provide recent examples (See PP [Slides 47-49](#)).

- The Tenancy Dispute Officer adjudicates disputes under the RTA and MHSTA, similar to Provincial Court hearings;
- Rules on exceptions, requests to set aside or vary, requests for subservice or abridgment, and admissibility of evidence;
- Makes recommendations concerning the dispute being adjudicated;

**IMPACT AND MAGNITUDE OF JOB (SCOPE):** Identify how the position directly affects results, and the extent to which stakeholders are affected by the outputs. Provide recent examples (See PP Slides 47-49).

- Assesses costs (if any) as are appropriate; and
- Issues judgments and orders.
- The RTDRS impacts the number of RTA and MHSTA hearings held in Provincial Court. An effective RTDRS means consumers and businesses are able to access a less expensive and more timely alternative for resolving disputes.

**CHANGES SINCE LAST REVIEW:** What significant changes have occurred in your job, from the last review (See PP Slides 50-51).

**COMPARABLE POSITIONS:** List comparable GoA benchmarks.

**ORGANIZATION CHART:** A current organization chart that includes supervisor, peers and staff **MUST** be attached. Include whether employee is permanent, wage, temporary or contract and indicate position numbers (See PP Slide 53).

### Signatures

The signatures below indicate that the manager (incumbent) and division director/ADM have read, discussed and agreed that the information accurately reflects the work assigned (See PP Slide 54).

**Incumbent**

_____	_____	_____
Name	Signature	Date

**Administrator**

_____	_____	_____
Name	Signature	Date

**Executive Director**

_____	_____	_____
Name	Signature	Date

**ADM**

_____	_____	_____
Name	Signature	Date

*This information is being collected under the authority of Section 10 of the Public Service Act and will be used to allocate positions within a classification plan and to manage the Alberta government human resources program. If you have any questions about the collection of this information, contact the Classification Manager, 6<sup>th</sup> Floor, Peace Hills Trust Tower, 10011 - 109 Street, Edmonton, Alberta, T5J 3S8, phone 408-8445 or contact your Ministry Human Resource Office.*