

Alberta's Residential Tenancies Dispute Resolution Service has a Complaint Process

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Reports Commented On: [RTDRS Annual Report, 1st edition](#) (March 2020 – April 2021) and [RTDRS Annual Report, 2nd edition](#) (March 2021 – April 2022)

Alberta's Residential Tenancies Dispute Resolution Service (RTDRS) has a complaint process. It is almost a secret, and landlords and tenants can easily be unaware of its existence. The *Residential Tenancies Act*, [SA 2004, c R-17.1](#) (RTA) does not mention an RTDRS complaint process. Neither does the *Residential Tenancy Dispute Resolution Service Regulation*, [Alta Reg 98/2006](#) (Regulation). An RTDRS complaint process is not referred to in the RTDRS [Rules of Practice and Procedure](#) (April 2023). Nor is it commented upon in the [Code of Conduct](#) for Tenancy Dispute Officers, the persons who decide landlord-tenant disputes at the RTDRS. It is not mentioned in the [RTA handbook for landlords and tenants: Residential Tenancies Act and regulations \[2023\]](#), nor in the 2018 version of that handbook. I could not find any mention of the complaint process on the Government of Alberta's RTDRS [website](#). The only public mention of an RTDRS complaint process is in the two annual reports that have been made public – the [RTDRS Annual Report, 1st edition](#) (March 2020-April 2021) and the [RTDRS Annual Report, 2nd edition](#) (March 2021-April 2022).

Prior to March 2020, the RTDRS did not make annual, or any other type of report, public, although it appears from the annual reports of Service Alberta that the RTDRS did report some information to the government and that the government passed along some of that information to the public. For example, in the Service Alberta annual reports published for the two years prior to March 2020, we were told the following about the operation of the RTDRS:

- [Service Alberta Annual Report 2019-2020](#)
 - The RTDRS mandate was expanded to include the *Mobile Home Sites Tenancies Act*, [RSA 2000, c M-20](#) (at 16)
 - Service Alberta planned to modernize the requirements for service of documents to include electronic methods (at 17)
 - Some RTDRS written reasons for decision had been made publicly accessible on the CanLII database (at 21)
 - The *Consumer* and the *Residential Tenancies Act* call centres answered over 64,000 calls in 2019-2020 (at 34).
- [Service Alberta Annual Report 2018-2019](#)
 - RTDRS is part of the Consumer Services branch (at 9).

- RTDRS received 10,754 applications, a 3.1% increase over those received in 2017-2018 (at 10).
- The *Consumer* and the *Residential Tenancies Act* call centres answered over 64,000 calls in 2018-2019 (at 37).

Those few pieces of information about the operation of the RTDRS are typical of the type of information the public received before April 2020. And that is so despite the fact the RTDRS has been in operation since 2006 (*Residential Tenancies Amendment Act, 2005 (No. 2)*, [SA 2005, c 46](#)).

I am very much in favour of more transparency in government, especially when we are talking about a substitute for the courts that decides disputes between residential landlords and tenants. Shelter is a basic human need. The two RTDRS annual reports are welcome innovations, telling us much more about what the RTDRS does than we knew before.

Turning to the RTDRS complaint process itself, what do the two RTDRS annual reports have to say about the it? How can a landlord or tenant access it? Who do they complain to? What can they complain about? Based on the 2nd edition (at 10), complaints are limited to alleged contraventions by the Tenancy Dispute Officers of the *Rules of Practice and Procedure* or the *Code of Conduct*. Landlords and tenants who want to complain that the Tenancy Dispute Officer who heard their dispute did not follow the *Rules of Practice and Procedure* or the *Code of Conduct* are to contact the RTDRS Administrator. Presumably an email to the RTDRS email address (rtdrs@gov.ab.ca), a phone call to the RTDRS general line (780-644-3000), a fax to the RTDRS's fax number (780-644-2266), or the delivery of a letter to the front counter service at 180, 615 Macleod Trail SE in Calgary or to 44 Capital Boulevard, Main Floor, 10044 108 Street NW in Edmonton would all find their way to the Administrator.

Both annual reports tell us that the Administrator “will review the procedure and the hearing recording, and provide a response to the complainant, usually in writing” (1st edition at 13, 2nd edition at 10). This appears to be a substantial commitment, reviewing both the written and the oral record of the dispute from start to finish, although it could be clearer what it means to “review the procedure.”

What happens if a Tenancy Dispute Officer did *not* follow the *Rules of Practice and Procedure* or the *Code of Conduct*? We are told:

While the RTDRS Administrator does not have the authority to change or overturn the decision of a TDO, if her review identifies a breach of the Code of Conduct for TDOs, she may recommend the TDO set aside their order and schedule the matter for rehearing, depending upon the severity of the breach. The RTDRS Administrator can also address performance issues with the TDOs as their supervisor. (1st edition at 13; 2nd edition at 11).

We are also assured that the feedback provided through these complaints is considered when developing Tenancy Dispute Officer training (1st edition at 13)

The number of complaints is also reported. We are told that 73 complaints were filed in 2020-2021. That number was a significant increase over the 31 complaints in 2019-2020. The increase



was “attributed primarily to the added stresses brought on by the COVID-19 pandemic, and the heightened consequences of an RTDRS hearing for the parties” (1st edition at 13) – in other words, it was nothing the Tenancy Dispute Officers did or did not do. As for the following year – 2021-2022 – the Administrator reviewed and responded to only 56 complaints, or 23 per cent fewer complaints than the previous year (2nd report at 11). It is noted that this decrease took place despite a rise in the number of applications (2nd report at 11). The RTDRS received 12,872 applications in 2021-22, which was a 17 per cent increase over the 10,973 applications received in 2020-21 (2nd report at 5), a fiscal year that started with a four-and-one-half-month partial moratorium on evictions by landlords.

All we are told about the complaints is their number: 31 in 2019-2020, 73 in 2020-2021, and 56 in 2021-2022. We are not given any numbers relevant to what the RTDRS Administrator did with the complaints. We are not told, for example, how many complaints were made by landlords and how many by tenants. We are not told how many, if any, breaches of the *Rules of Practice and Procedure* or the *Code of Conduct* were identified by the Administrator. We are not told how many times, if any, the Administrator recommended a Tenancy Dispute Officer set aside their order and schedule the matter for rehearing. We are not told how many, if any, Tenancy Dispute Officers did set aside their orders and schedule a rehearing. We are not told how many, if any, times the Administrator addressed performance issues with a Tenancy Dispute Officer. And we are not told in what way, if any, the substance of complaints was incorporated into Tenancy Dispute Officer training.

The number of complaints made each year is far less meaningful than the missing information about what, if anything, was done with those complaints. For example, are we supposed to think that 73 complaints in the context of 10,973 applications received in 2020-21 is a low or high number?

More importantly, why are the number of complaints being reported and why should we or the government draw any conclusions from those numbers when they are the results of an almost-secret complaints process? It seems very odd to report on increases and decreases in complaints about Tenancy Dispute Officer conduct when there is no publicized process for complaining. If the possibility of a complaint was brought to people’s attention – if one of the RTDRS forms was a complaint form, for example – would the numbers go up?

There are meaningful ways to evaluate service providers. They usually involve research that includes the participation of users of the services and agreed-upon metrics. The RTDRS is a government service provider in a very significant area of human life. To my knowledge, the RTDRS has never been evaluated in its sixteen years of existence. Is the RTDRS doing good work? Maybe, but the number of complaints per year in an almost-secret process does not contribute to an answer to that question.

I welcome the annual reports and the greater transparency they bring to the RTDRS. I welcome news of a complaint process and the slightly greater accountability that might flow from it. But I think the RTDRS should reconsider what information they report about the complaint process, including what conclusions can validly be drawn from reporting the numbers of their unpublicized complaint process. The few details in the two annual reports about the complaints process might



give the impression to some readers that landlords and tenants are satisfied with the RTDRS, but that inference is not warranted.

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