

**CIRCULAR**

**Date: June 29, 2012**

**CIRCULAR NUMBER: 2012-34**

**Alternate Program(s):**

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**To:** Community Social Service Supervisors/Program Managers

**Subject: Residential Tenancies Branch –Claims for Compensation**

**Reference:** EIA Administrative Manual Section 19.1.2

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**Type:**  Policy

**Replaces:** #N/A

Procedure

Rate

Information Only

**Effective Date:** Immediately

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The Employment and Income Assistance (EIA) program is committed to assisting participants in seeking compensation from landlords, where it appears that the participant has reasonable grounds for the claim. The EIA Administrative Manual section 21.1.3 Allowable Items (special needs) has been amended to reflect this change. The cost for filing a claim for compensation with the RTB is \$20.

Participants will pay the \$20 fee out of exempted sources of income, and may bring the receipt to their EIA office for compensation. If the participant does not have the funds for the fee and no funds are available in the near future, EIA will issue the funds and request that the receipt be brought to the EIA office. When EIA participants require financial assistance to cover the cost of filing a claim special needs funds may be authorized for this purpose.

Participants must provide EIA with a copy of the decision of the Residential Tenancies Branch. If the \$20 fee is issued directly to the participant and proof of a claim is not provided, it is considered a resource and an overpayment is established.

If the decision from the claim results in a rent refund or compensation for utilities that were paid by EIA, and the participant is still living at the address, the participant should provide confirmation from the landlord regarding how the claim will be paid. If the agreement is to reduce the rent for a subsequent month(s), the participant's shelter assistance should NOT be adjusted if the participant has used their basic needs or exempted sources to pay the rent overage. Additionally, if shelter payments are paid directly to the landlord, shelter payments should be redirected to the participant for the months that the rent is reduced. This ensures that the participant is fairly compensated for their shelter needs.

If the money compensating for utilities is to be returned to the tenant in a lump sum payment, the participant is to be advised in writing that the money is considered a financial resource, and the following month the unearned income is to be applied to the budget, which will affect that month's financial assistance.

The tenant claim package to file a claim for compensation can be found on the RTB website under Forms & Fees or at: [http://www.gov.mb.ca/fs/cca/rtb/forms/instr\\_samples/tclaim.html](http://www.gov.mb.ca/fs/cca/rtb/forms/instr_samples/tclaim.html)

The RTB website at <http://www.gov.mb.ca/fs/cca/rtb/> advises that the initial step in resolving a problem or voicing a concern regarding a tenancy is to speak to an officer in the RTB Branch. The officer will attempt to solve the problem or address the complaint.

Section 19.1.2 of the EIA Administrative Manual will be updated to include the policy on fees for Residential Tenancies Branch (RTB) claims for compensation.