

# RESIDENTIAL TENANCY DISPUTE RESOLUTION SERVICE (RTDRS)

## CODE OF CONDUCT FOR TENANCY DISPUTE OFFICERS

This Code of Conduct (Code) specifically applies to Tenancy Dispute Officers (TDO) during their term of employment with the RTDRS. The people of Alberta have a right to fair and competent decision-making from the RTDRS. All TDO commit to act honourably, conscientiously, independently and without bias or conflict of interest. The Code is based on the RTDRS dedication to the following values in the decision-making process – integrity, honesty, accountability, fairness, excellence, transparency, respect, and co-operation. The standards of conduct set out in this Code are based on two fundamental essentials:

1. public confidence and trust in the impartiality of RTDRS proceedings must be conserved and enhanced; and
2. independence in decision-making is required.

This Code is a living document, which will be amended from time to time to ensure it remains current and relevant. To demonstrate commitment to transparency and accountability, this Code is available to the public on the RTDRS website.

### Preamble

1. This Code of Conduct for TDO establishes the standards of conduct for TDO as quasi-judicial decision-makers within the RTDRS. Although this Code cannot anticipate every possible situation, in all cases TDO are expected to act honestly and in good faith, in a professional and ethical manner.
2. This Code reflects a commitment to the RTDRS values and provides a framework to guide ethical and professional conduct.
3. This Code applies to all TDO. TDO conduct will align with this Code and they will exercise care and diligence in the course of their work with the RTDRS. The spirit and intent behind this Code will guide their conduct.
4. These standards address TDO responsibility to the RTDRS itself, including colleagues and staff, to the parties who appear before them, and to the public.
5. The Code of Conduct and Ethics for the Public Service of Alberta (Public Service Code) applies to all TDO and RTDRS employees. The provisions of the Public Service Code and this Code shall be read as harmonious and where in conflict, the more specific provisions shall apply.
6. This Code is in addition to any statute pertaining to actions of employees and to any instructions issued by the Government or Department Head.

7. This Code is prepared and published under regulation 5(b) of the *Residential Tenancy Dispute Resolution Service Regulation*.
8. The previous Code of Conduct is rescinded and replaced by this Code effective October 1, 2015.

## **Guiding Principles**

The following principles guide the conduct and decision-making process of the TDO.

1. TDO shall comply with the provisions of the *Residential Tenancies Act* and Regulations (the RTA), all applicable Rules of Practice and Procedure (Rules), legal precedents, the principles of administrative fairness and all other relevant legislation and policy instruments that apply to their work and the work of the RTDRS.
2. While the RTDRS has an institutional interest in consistency the importance of independent decision making is recognized. The TDO will hear the evidence and make a decision based upon the facts of each matter.
3. TDO conduct will maintain and enhance public confidence in the integrity, objectivity and independence of the RTDRS.
4. No government official or RTDRS staff person has the ability to change, vary, alter or interfere with a TDO decision. Only the Court of Queen's Bench can determine if there has been an error in law or jurisdiction.
5. Upon commencement of employment, and annually thereafter, TDO shall confirm their understanding of and commitment to the principles set out in this Code.

## **Professional Standards**

1. TDO shall commit to transparency, diligence, timeliness and administrative fairness in all proceedings and hearings.
2. TDO shall act impartially and independently. TDO should not conduct, or participate in deciding the outcome of any proceeding, in which their impartiality might be reasonably questioned.
3. TDO shall treat all participants with dignity, respect and fairness.
4. TDO shall disclose all matters that would create a reasonable apprehension of bias including real and apparent conflicts of interest.
5. TDO shall preside without bias or prejudice, and without discrimination on any prohibited basis, against any person involved in the proceeding and shall control the proceedings to prevent such discriminatory behavior by any other person involved.
6. The prospect of disapproval from any person, institution, media representative or community will not deter the TDO from making a decision which they believe to be correct based on the law and the evidence.
7. TDO shall maintain confidentiality to the extent provided by the RTDRS Rules and the Freedom of Information and Protection of Privacy legislation.
8. TDO shall not act as a professional or legal consultant in preparation of a case, provide legal advice to either party, appear before the RTDRS as an expert witness, act as agent or representative of a party, nor represent either party in any matter before the RTDRS or in any matter relating to the work of the RTDRS.

9. TDO shall not communicate with the media or publicly express any opinion regarding:
  - i. any matter relating to the work of the RTDRS; or
  - ii. any matter that may create a reasonable apprehension of bias.
10. TDO shall act with integrity. TDO shall not act in their self-interest or further their private interests by virtue of their position.
11. TDO shall not accept money, awards or gifts from persons who may be, or have been, affected by RTDRS decisions.
12. TDO shall maintain their expertise and professional competence and knowledge in dispute resolution, adjudication, relevant law and hearing procedure. The TDO shall remain current in the field by participating in RTDRS meetings or discussions and ongoing professional development.
13. TDO shall respect the opinions and decisions of their colleagues.

**Approvals**

Director, Residential Tenancies Dispute Resolution Service

\_\_\_\_\_ Date \_\_\_\_\_

Executive Director, Consumer Services

\_\_\_\_\_ Date \_\_\_\_\_

## Acknowledgement

I ACKNOWLEDGE that I have read and understand the Code of Conduct for Tenancy Dispute Officers of the Residential Tenancy Dispute Resolution Service and agree to conduct myself in accordance with this Code.

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Signature of TDO

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Signature of Witness

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Date

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Date