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**Rule 10 Service of Application and Notice of Hearing**

10.1 The LTB will serve the Notice of Hearing together with an application, motion, or request, and any relevant information sheets attached to the Notice of Hearing, on all parties within the times in the Rules.

10.2 The LTB may order the party filing the application, motion or request to serve a copy of the document together with the Notice of Hearing and any attached information sheets, on all other parties, specifically each respondent and all other applicants, in the following circumstances:

1. the application asks for an above guideline rent increase;
2. the application asks to vary the amount of a rent reduction;
3. the application has been amended;
4. the LTB has granted the party’s request to shorten the time for service of the application, motion or request;
5. the issues in dispute on the application, motion or request are time sensitive;
6. the LTB is unable to send the application, motion or request to the other parties; or
7. the LTB determines that an order for service by the filing party is fair, just and expeditious.

**Time for LTB Ordered Service**

Applications

10.3 Unless the LTB directs otherwise, where a party is ordered to serve an application and Notice of Hearing, service must be done as soon as possible and, in any event, as required below:

1. an application for an above guideline rent increase, transfer of a care home tenant or varying the amount of a rent reduction must be served **at least 30 days** before the hearing date on the Notice of Hearing;
2. an application to end the tenancy and evict the tenant for any of the grounds listed below must be served **at least 5 days** before the hearing date on the Notice of Hearing:
3. impairing safety,
4. illegal act involving drugs,
5. wilful damage,
6. interference with reasonable enjoyment in a small building where the landlord lives in the building, or,
7. failure to vacate the superintendent unit.
8. a tenant’s rights application alleging illegal lockout or denial of access to possessions after eviction by the Sheriff must be served **at least 5 days** before the hearing date on the Notice of Hearing; or,

d) all other applications must be served **at least 10 days** before the hearing date on the Notice of Hearing.

Motions

10.4 Unless the LTB directs otherwise, service of a motion and Notice of Hearing must be done as soon as possible and, in any event, **at least** **10 days** before the hearing date on the Notice of Hearing except:

1. where the motion is for any of the following it must be served **at least** **48 hours** before the time and date on the Notice of Hearing:
2. tenant asking to set aside an *ex parte* order;
3. tenant asking to void an eviction order for arrears;
4. landlord asking to set aside an order voiding an eviction; or,
5. landlord asking to set aside a previously deferred rent increase above the guideline because repairs, replacements or other work have now been completed.

Requests

10.5 Unless the LTB orders otherwise, service of a request and Notice of Hearing must done as soon as possible and, in any event **at least** **10 days** before the hearing date on the Notice of Hearing except:

a) a request to re-open a mediated settlement or a consent order issued under s. 206 must be served **at least** **5 days** before the hearing date on the Notice of Hearing.

**Certificate of Service**

10.6 Where a party is ordered to serve a document and Notice of Hearing, a completed Certificate of Service must be filed with the LTB in accordance with the Rules unless the LTB amends the time for filing.

**Failure to Serve**

10.7 Where a party fails to the serve a document and the Notice of Hearing as ordered and on time the LTB may:

a) proceed with the hearing if satisfied there will be no prejudice to any party;

b) adjourn the hearing; or,

c) dismiss the application, motion or request.