





# HOW TO PREPARE

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Keep in mind the substance of the dispute. Know all relevant facts and dates. If you are seeking a money award, know the actual amount in dispute. Present your facts in chronological order to minimize confusion. The Investigator has prepared a case file that includes all documents submitted to the Office during the investigation of the complaint. All parties will receive a copy of the case file prior to the hearing which will be entered into evidence at the hearing as Commission Exhibit #1. Have the case file with you at the hearing. At least five (5) full business days prior to the hearing you must submit any relevant receipts (originals where possible), photographs, and other evidence in the case, not contained in the case file, so all parties can examine the evidence. Please refer to the page numbers circled at the bottom of each page in the case file, when referring to particular information.

• e brief

Come prepared to present your case clearly and concisely. Do not discuss unrelated or irrelevant issues. Stay focused on the specifics of the case.

• " e thorough

The Commission will make its decision based on testimony and evidence presented at the hearing, so you need to give factual and thorough information and testimony. If you are submitting photographs select only photos that are clear, not fuzzy or grainy and provide a short label to identify the subject of each photo; identify the top of the photo if the angle is not obvious; use your camera's date and time stamp feature, if possible, to verify when photos were taken; do not submit multiple photos of the same subject; and use a ruler or other indicator (for example, a coin) to give an idea of size or distance.

• Stay focused

Do not become emotional or accusatory. A calm, factual presentation will keep the focus of the hearing on the facts, not personal opinions.

5. kequest accommodations

If needed, please contact the Commission in writing through the Investigator as soon as possible, but at least five (5) full business days prior to the hearing to request any reasonable accommodations to participate. This includes, but is not limited to, request for sign language interpreters and other auxiliary aids or services. In all situations, a good faith effort (up until the time of the event will be made to provide accommodations.

# THE HEARING



A hearing is like a trial, although it is less formal. You will be speaking to a panel of three Commissioners. A hearing is a fact-finding process and the Commission bases their decision solely on the record and the facts presented at the hearing, so it is important that you present your case thoroughly, submit any necessary evidence prior to the hearing and have witnesses available for the hearing.

Following is the order of presentation for the hearing and what is expected at each juncture.

## I. Chairperson's Introduction and Explanation

- Introduces the hearing, states who filed the Complaint (Complainant), who it was filed against (Respondent), and the case number.
- Advises that:
  - the hearing is open to the public;
  - parties have the right to present testimony and evidence under oath; and,
  - the Commission is not bound by the strict rules of evidence applicable to a judicial proceeding.
- Introduces the Commissioners.
- Identifies the parties and all other persons who will be making statements or offering testimony.
- Administers the oath to the parties and witnesses, with right hand raised: "Do you declare and affirm under the penalties of perjury that the testimony you are about to give is true to the best of your knowledge, information and belief?"

- Introduces into evidence the contents of the case file compiled by the Office of Landlord-Tenant Affairs (either party may object). This is referred to as Commission's Exhibit 1.
- Describes the order of events that will take place during the hearing.

## II. Calling Witnesses

- Both the Complainant and Respondent, as well as the Commissioners, can call witnesses.
- The Commissioners can call witnesses at any point during the hearing at their sole discretion.
- The Commissioners may ask questions, and the Complainant and Respondent may ask follow-up questions based on the Commissioners' inquiries.
- Witnesses are sworn in and promise to tell the truth. If you wish to have a witness subpoenaed, you must submit the witness' name, address and relevance of their testimony to the Investigator at least ten (10) days prior to the hearing. It is up to the discretion of the panel chair whether your witness will be subpoenaed; however, you are free to have available whatever witness you choose without benefit of a subpoena.
- The party who called the witness can ask questions during the presentation of their case. The questions can be very general or very specific. Confine your questions to facts concerning the complaint and the points you want to bring out.
- Property managers, trustees, agents, occupants and non leasehold tenants are witnesses, and cannot ask questions.
- It is helpful to prepare your questions in writing in advance. This will help you to remember all the questions you want to ask your witnesses.
- Once a witness has testified, they may be cross-examined by the other party and can be questioned by the Commissioners. If there is more than one witness, each witness will go through the same process.

## III. Opening Statements

- Each of the parties may make a brief opening statement outlining their case and what they intend to prove.
- Either party may waive making an opening statement.
- The Respondent has the additional option of making an opening statement after the Complainant presents their case.