

**IN THE COURT OF APPEAL**

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**BETWEEN:**

An intended appeal of David Smith from an Order of the Chief Commissioner of the Residential Tenancies Commission under Order No. ABC123 made on the 20th day of April, 2005.

Richard Roe,  
(Landlord) Respondent,

- AND -

David Smith,  
(Tenant) Applicant.

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**NOTICE OF MOTION**

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Name: David Smith  
Address: #1-55 Smith Street  
Winnipeg, MB R2P 1L3

Phone #: (204) 555-0000

**IN THE COURT OF APPEAL**

BETWEEN:

Richard Roe,  
(Landlord) Respondent,

- AND -

David Smith,  
(Tenant) Applicant.

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TAKE NOTICE that a motion will be made on behalf of the Applicant, David Smith, before the Honourable Chambers Judge at the Law Courts Complex, Old Law Courts Building, Courtroom 130, Broadway and Kennedy Street, Winnipeg, Manitoba on THURSDAY, the 12th day of May, 2005 at the hour of 10:00 o'clock in the morning or so soon thereafter as the matter can be heard for an order that the Applicant, David Smith, be granted leave to appeal to this Court from the Order of the Chief Commissioner of the Residential Tenancies Commission, namely, Order No. 2005xxxx made the 20th day of April, 2005.

AND TAKE NOTICE that the grounds for the motion and the grounds of the intended appeal are as follows:

The Residential Tenancies Branch did not properly apply Section 1(1) of The Residential Tenancies Act.

On such further grounds as may be advised and the Court will allow.

AND FURTHER TAKE NOTICE that in support of such motion will be read the Affidavit of David Smith to be filed, and Order No. ABC 123 of The Residential Tenancies Commission and such other material as counsel may advise and this Honourable Court may permit.

DATED at Winnipeg, Manitoba this 29<sup>th</sup> day of April, 2005.

Applicant's Signature

TO: THE REGISTRAR OF THE COURT OF APPEAL

AND TO:

THE DIRECTOR

Residential Tenancies Branch  
302-254 Edmonton Street  
Winnipeg, Manitoba R3C 3Y4

CHIEF COMMISSIONER A.L. KUSSIN

Residential Tenancies Commission  
Consumer and Corporate Affairs  
211 – 254 Edmonton Street  
Winnipeg, Manitoba R3C 3Y4

T.D. GISSER - CROWN COUNSEL

DEPARTMENT OF JUSTICE  
7<sup>TH</sup> Floor - 405 Broadway Avenue,  
Winnipeg, Manitoba

AND TO THE RESPONDENT: Richard Roe

#2-555 Carlton Street  
Winnipeg MB R2N 4H3