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**IN THE COURT OF APPEAL**

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Richard Roe,  
(Landlord) Respondent,

- AND -

David Smith,  
(Tenant) Appellant.

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**NOTICE OF APPEAL**

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

Phone #: 204 555-0000

## IN THE COURT OF APPEAL

Richard Roe,  
(Landlord) Respondent,

- AND -

David Smith,  
(Tenant) Appellant.

### NOTICE OF APPEAL

TAKE NOTICE that a motion will be made on behalf of the Tenant, David Smith, before the Court of Appeal, as soon as the motion can be heard, by way of appeal from the Order of the Chief Commissioner of the Residential Tenancies Commission under Order No.2005xxxx made on the 20th day of April, 2005, the tenant having obtained leave to appeal by order of the Honourable *Justice's name here* pronounced on the 12<sup>th</sup> day of May, 2005, and signed on the 16th day of May, 2005.

On the appeal, this court will be asked to set aside the decision of the Commission and order that the tenant's action be allowed on the following question:

“Did the Residential Tenancies Commission err in law or act in excess of its jurisdiction in determining, pursuant to Section 1(1) of *The Residential Tenancies Act*, that a Tenancy Agreement must not be oral?”

Has a transcript of the evidence with respect to the judgment appealed from been ordered from transcription service?

Yes ☐

No ☐

Not required ☒

DATED at the City of Winnipeg, in the Province of Manitoba, this 16th day of May, 2005.

Signature of Appellant

TO: THE REGISTRAR OF THE COURT OF APPEAL

AND TO:

THE DIRECTOR

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

CHIEF COMMISSIONER A.L. KUSSIN

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

T.D. GISSER – CROWN COUNSEL

Department of Justice  
7<sup>TH</sup> Floor – 405 Broadway Avenue  
Winnipeg, MB

AND TO THE RESPONDENT:

Richard Roe  
#2-555 Carlton Street,  
Winnipeg MB R2N 4L3