



Policy Number: 01-006
Subject: Application and General Inquiries
Chapter: General Issues

Legislation	s.42 (1), 45, 47
Definitions	<p>Adjudication: a hearing process used by the division to resolve disputes. An adjudicator is assigned to hear the claim. Applicants are required to prove their case and an Order is issued based on evidence presented at the hearing. Respondents also have full opportunity to attend the hearing and present evidence in defence. Orders are binding and enforceable.</p> <p>Mediation: a confidential process used by the division to encourage and assist landlords and tenants to discuss problems, provide solutions and reach their own agreements. Mediation may take place in meetings, conference calls or separate telephone conversations prior to the hearing. Mediation agreements are binding and enforceable.</p> <p>Residential Tenancies Act: a set of rules set down by legislation to govern and give direction to landlords and tenants. The current Act became effective January 1, 2018.</p>
Purpose	The purpose of this policy is to outline how inquiries are to be addressed. It also provides guidelines to how disputes between landlords and tenants may be settled in a fair and efficient way.
Policy	<p>In responding to inquiries from landlords or tenants, staff may provide information about the rights and responsibilities of landlords and tenants pursuant to the Residential Tenancies Act, 2018. Staff may also provide information about the dispute resolution process and any rules that are applicable. Staff are strictly prohibited from (i) providing any form of legal advice; (ii) speculating on the outcome of a hearing; or (iii) providing personal opinion.</p> <p>A properly completed application for dispute resolution, application for the disposal or sale of personal property and a receipt for payment of the application fee (where required) must be received and processed before any mediation or adjudication services are provided. Two methods of dispute resolution provided are available: (i) mediation; and (ii) adjudication.</p>



	<p>Mediation: is strictly voluntary and available when all parties are willing to reach a mutually agreed resolution to the dispute. If mediation is successful, a mediation agreement will be signed by all parties. This agreement may be enforced through The Office of the High Sherriff, Judgement Enforcement.</p> <p>Adjudication: may take place where mediation is unsuccessful or the parties are not willing to mediate. Adjudication results in an Order being issued which may be enforced through the Sheriff's Office (Refer to legislation)</p> <p>Decisions of previous cases are published with personal and identifying information of the parties redacted.</p>
Procedure Overview	<p>Proper completion of the application and payment of the application fee is critical to having an application processed by the Residential Tenancies Office and minimizing delays through the dispute resolution process. It is the responsibility of the applicant to provide complete and accurate information about the parties and issues of dispute.</p> <p>The Application for Dispute Resolution is located on the webpage identified below:</p> <ul style="list-style-type: none">• https://www.gov.nl.ca/dgsnl/files/landlord-dispute-resolution.pdf <p>The application can be downloaded, completed and saved to a client's electronic device where the user can complete in their own time. Once the application package is complete, the applicant may organize all attachments to submit to the Residential Tenancies Office in one complete package.</p> <p>Part 1: Applicant Type A party to an application can only be either a landlord or a tenant. In this section the applicant is required to check one box to indicate whether the applicant is the landlord or the tenant.</p> <p>Part 2: Applicant Information The full legal name of the applicant is required. If the applicant is a person or more than one person, the legal names of all individuals must be provided as registered on a birth certificate or driver's licence. If the applicant is a business, the legal name of the business as registered with the Registry of Companies or Revenue Canada Agency is required. If the applicant is a business, the name of an</p>



individual person representing the business must also be identified to whom communication from the Residential Tenancies Office will be directed.

A civic or mailing address is required to submit an application for dispute resolution. An application will not be accepted without a complete civic or mailing address including the postal code. Telephone numbers and email addresses should also be provided to ensure the Residential Tenancies Office are able to contact the individuals named on the application.

Part 3: Respondent Information

The full legal name of the respondent is required. If the respondent is more than one person, the legal names of all individuals must be provided. If the respondent is a business, the legal name of the business must be provided. A civic or mailing address of the respondent must be provided. If the current address of the respondent is unknown, the last known address may be used. A telephone number and email address of the respondent should also be provided. It is the responsibility of the applicant to provide complete and accurate information about the respondent. If this information is deficient or inaccurate, any order awarded against the respondent may be unenforceable.

Part 4: Residential Premises

Enter the full address of the rental unit, including the city or town and the postal code. If a security deposit was paid, enter the amount of the security deposit and date of payment. Check the box to indicate if the rental agreement was written or verbal and attach a copy of the written rental agreement or a copy of the written notification of a verbal agreement.

Part 5: Application Details

The application details section is where the substance of the dispute is identified as well as the resolution the applicant is seeking. Under the principles of natural justice, the respondent has a right to receive such details necessary to prepare a reasonable defence. This section also lets the adjudicator know what outcome the applicant is seeking.

Validity of Termination Notice Determined – A landlord or tenant would check this box when requesting a decision on the validity of a notice of termination given to the landlord or tenant. A copy of the termination notice in dispute **MUST** be attached to an application



seeking a decision on this matter.

Security Deposit Refunded - A tenant would check this box when seeking the return of all or part of a security deposit paid to the landlord. A copy of the receipt for payment of the security deposit, or a copy of the rental agreement confirming the amount of a security deposit paid by the tenant **MUST** be submitted with an application seeking this resolution.

Rent Refunded - A tenant would check this box when seeking financial compensation for actual costs incurred as a result of the landlord's violation of the rental agreement or the Residential Tenancies Act. A tenant would check this block when it is believed the landlord owes the tenant a rebate of rent paid. The period being claimed is required and a total claim amount. An itemized listing of inconvenience including dates for which the inconvenience was incurred, cost incurred as a result and receipts for costs incurred **MUST** be submitted with an application seeking this result.

Compensation Paid for Inconvenience – A tenant would check this box when seeking financial compensation for actual costs incurred as a result of the landlord's violation of the rental agreement or the Residential Tenancies Act. An itemized listing of inconveniences, including dates on which the inconveniences incurred, costs incurred as a result, and receipts for costs incurred **MUST** be submitted with an application seeking this result.

Repairs Made - A tenant would check this block when requesting an order for repairs be carried out by the landlord to the rental unit. A copy of the Tenant's Request for Repairs **MUST** be submitted with the application seeking this remedy. Rent must also be paid up to the current date. The tenant may further request that rent either be reduced or paid in trust to the Division until such time as the repairs are completed.

Possessions Returned - A tenant would check this box when seeking the return of personal property that was either seized by the landlord or left in the residential premises. A landlord would check this box when he/she wants to recover items which are believed to have been removed by the tenant from the rental premises. Attach a list of items being claimed.

An itemized listing of personal property must be attached to an application seeking this remedy. If possessions cannot be returned,



the applicant may request compensation for possessions by attaching a list of the items, a breakdown of cost per item and a total amount being claimed.

Premises Vacated - A landlord would check this block when he/she is requesting an order for the tenant to vacate the premises and possession of the rental premises returned to the landlord. A copy of the notice of termination **MUST** be submitted with an application seeking vacant possession.

Rent Paid - A landlord would check this box when it is believed the tenant owes money for rent. A listing of the rental periods and the rent owned for each period along with the total amount **MUST** be attached to the application. A tenant would check this block when it is believed the landlord owes the tenant a rebate of rent paid. The period being claimed is required and a total claim amount.

Compensation for Damages - A landlord would check this block when he/she believes the tenant is responsible for damages to the rental property. A breakdown of the damages and amount for each item is required. A claim total is also required.

A tenant would check this box when he/she believes the landlord is responsible for damages to his/her personal property. A breakdown of the damages and amount of each item is required. A claim total is also required.

Payment of Utilities – A tenant would check this box when the tenant paid for utilities that should have been paid by the landlord. A landlord would check this box when the landlord paid utilities that should have been paid by the tenant. A copy of the utility bill **MUST** be submitted with the application.

Late Fees – A landlord would check this box when seeking payment of late fees for rental arrears.

Security Deposit Applied Against Payments Owed - The landlord would check this block if seeking permission to apply the security deposit toward any claim awarded.

Other - The landlord or tenant would check this block and provide details of anything which they believe is not covered under the other claims, e.g. compensation for possessions, late fees etc. A claim amount is required.



	<p>Part 6: Mediation Consent The applicant is required to indicate consent to settle the issues identified in the application through the alternate dispute resolution process of mediation. Once the application is served to the respondent, the respondent will be instructed to contact the Residential Tenancies Office to express an interest in pursuing a mediated settlement to the application.</p> <p>Part 7: Applicant Signature The signature of each applicant identified in Part 2 of the application is required. An electronic signature is acceptable where the electronic information that a person has created or adopted in order to sign a document and that is contained in, attached to or associated with the document. The electronic signature may be accepted in the following formats: (i) a typed name or signature block in an email; (ii) a scanned hand-written signature on an electronic document; (iii) using a stylus on a tablet touchscreen to write a signature by hand and capture it in electronic form; or (iv) user authentication to an internal system.</p>
Forms & Form Letters	<ul style="list-style-type: none">• Application for Dispute Resolution
X-Reference	<p>See Mediation - section 1-7 of this manual. See Hearings - section 11 of this manual. See Requirements for Application - section 9-6 of this manual. See Fees, Costs and Interest - section 12-1 of this manual. See Related Legislation - (Limitations Act) section 14-9 of this manual.</p>
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Other Resources	