



Policy Number: 08-008
Subject: Order of the Director
Chapter: Orders of Director

Legislation	s.14, 45.(3), 47, 48, 49, 50
Definitions	Order: The direction of the Director of Residential Tenancies, which commands a tenant or landlord to do, or not to do, something in particular.
Purpose	The purpose of this section is to outline when the director would make an order and to outline the various types of orders that may be made.
Policy	<p>After receiving an Application for Dispute Resolution, the director may:</p> <ul style="list-style-type: none"> (a) Refuse or dismiss that application, (b) Attempt to mediate the settlement of the matter identified in the application, (c) Require that a hearing be held concerning the matters identified in the application, or (d) Issue an order without a hearing. <p>Where the director mediates a settlement of an application, if any of the parties to that mediated agreement fail to comply with the terms of the agreement, the director may issue an order to comply.</p> <p>Where a hearing is held, and after considering the evidence presented at the hearing, the director may issue an order, accompanied by a written decision, outlining the reasons for the order.</p> <p>Where the matter in the application is urgent and involves the safety or security of a landlord or tenant, or, where the landlord’s property is at significant risk, the director may issue an order without holding a hearing.</p> <p>Where the application is made by a tenant, and the matter concerns the return of a security deposit, if the landlord does not file a counterapplication within 10 days after being served with the tenant’s application, the director may, without holding a hearing, make an order requiring that that deposit be returned to the tenant.</p>



Types of Orders

Section 47.(1) of the Residential Tenancies Act, 2018 outlines the different types of orders the director may make. It states:

After hearing an application the director may make an order

- (a) determining the rights and obligations of a landlord and tenant;
- (b) directing the payment or repayment of money from a landlord to a tenant or from a tenant to a landlord;
- (c) requiring a landlord or tenant who has contravened an obligation of a rental agreement to comply with or perform the obligation;
- (d) requiring a landlord to compensate a tenant or a tenant to compensate a landlord for loss suffered or expense incurred as a result of a contravention of this Act or the rental agreement;
- (e) directing a tenant to vacate the residential premises on a specified date;
- (f) directing a landlord to deliver to a tenant possession of personal property taken in contravention of this Act or the rental agreement or to compensate a tenant for the value of the personal property taken;
- (g) directing a tenant to deliver to a landlord possession of personal property taken in contravention of this Act or the rental agreement or to compensate a landlord for the value of the personal property taken;
- (h) directing a landlord to pay to a tenant an amount as compensation for inconvenience as a result of a contravention of this Act or the rental agreement, and authorizing the tenant to offset that amount against future rent;
- (i) authorizing a tenant to offset, in the manner specified in the order, money a landlord owes to the tenant against money the tenant owes to the landlord;



	<p>(j) authorizing a landlord to offset, in the manner specified in the order, money a tenant owes to the landlord against money the landlord owes to the tenant, other than a security deposit where the landlord has not made an application under subsection 14(10);</p> <p>(k) directing a tenant to pay rent or a specified amount of rent to the director;</p> <p>(l) determining the validity of a notice to terminate a rental agreement;</p> <p>(m) determining the disposition of a security deposit;</p> <p>(n) extending the notice period under subsection 18(4);</p> <p>(o) extending or reducing the notice period under subsection 28(9);</p> <p>(p) imposing terms and conditions the director considers appropriate, including terms and conditions to ensure compliance with this Act and the rental agreement; and</p> <p>(q) requiring an unsuccessful party to an application to pay costs to a successful party to an application.</p> <p>After the director makes an order, a copy of that order is to be served on all the parties identified in that order.</p> <p>Orders of the director may be enforced in the same manner as a judgement of the Supreme Court of Newfoundland and Labrador.</p> <p>An order of the director may be appealed to the Supreme Court of Newfoundland and Labrador on a question of law or jurisdiction. An appeal must be made within 30 days after being served with a copy of the order. Information about how to make an appeal to the Supreme Court may be found here: Civil Rules, Practice Notes and Forms – Appeals.</p>
<p>Procedure Overview</p>	<p>A party making application for one of the types of orders listed in s. 47.(1) must submit an Application for Dispute Resolution, checking the box indicating the sort of remedy they want ordered. More than one box may be checked. Where a tenant is only seeking an order for refund of the security deposit, no filing fee is required. For all other applications, a \$20.00 application fee is required. Once the</p>



	<p>application has been processed, if a hearing is required, a hearing date will be scheduled. The applicant is required to serve the respondent with the application and the notice of the hearing 10 clear days before the hearing date (see Policy 05-001).</p> <p>When accepting the application, the Residential Tenancies Officer must ensure that all the required accompanying documentation is also submitted, as required by the application. E.g., if a landlord is seeking an order for a payment of rent, the application requires that rent records be submitted; if a tenant is seeking a refund of a security deposit, the application requires that a receipt for that deposit also be submitted, etc.</p> <p>If a hearing is held, the adjudicator will address each of the items identified in the application. Besides the required accompanying documentation, the parties may present additional evidence at the hearing to assist the adjudicator in making a decision. The adjudicator will render a decision based on the totality of evidence, which may result in the issuance of an order.</p> <p>The requirements for applications for an Order of Possession or an Order for Repairs are found in sections 08-005 and 08-006 of this manual.</p>
Forms & Form Letters	N/A
X-Reference	<ul style="list-style-type: none">• Service or Orders (section 05-003 of this manual)• Mediation Agreement converted to an Order (section 08-004 of this manual).• Order of Possession (section 08-005 of this manual)• Order for Repairs (section 08-006 of this manual)• Order Without a Hearing - Urgent (section 08-007 of this manual).
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Other Resources	Civil Rules, Practice Notes and Forms – Appeals