

Application for Dispute Resolution

Residential Tenancies Act 2018 - Section 42



For Office Use Only		
Application No. _____ Receipt No. _____	Counter Claim <input type="checkbox"/> Yes <input type="checkbox"/> No Counter Claim No. _____	
Part 1 Applicant	<input type="checkbox"/> Landlord	<input type="checkbox"/> Tenant
Name #1		
Street Number and Name		Apartment Number
City or Town	Province	Postal Code
Email	Telephone	Cellular
Name #2		
Street Number and Name		Apartment Number
City or Town	Province	Postal Code
Email	Telephone	Cellular
Part 2 Respondent	<input type="checkbox"/> Landlord	<input type="checkbox"/> Tenant
Name #1		
Street Number and Name		Apartment Number
City or Town	Province	Postal Code
Email	Telephone	Cellular
Name #2		
Street Number and Name		Apartment Number
City or Town	Province	Postal Code
Email	Telephone	Cellular

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Part 3 Residential Premises	<i>Attach any written rental agreement, written notice of an oral or implied agreement, or complete and attach the standard form rental agreement</i>
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Street Number and Name		Apartment Number
City or Town	Province NL	Postal Code
Security Deposit Paid \$	Date (month day, year)	
Termination Date (month day, year)		

Part 4 Applicant is Seeking

<input type="checkbox"/> Validity of termination notice	
<input type="checkbox"/> Vacant possession	
<input type="checkbox"/> Repairs to be carried out	
<input type="checkbox"/> Return security deposit	\$ _____
<input type="checkbox"/> Keep security deposit	\$ _____
<input type="checkbox"/> Payment of rent	\$ _____
<input type="checkbox"/> Refund of rent	\$ _____
<input type="checkbox"/> Compensation for damage	\$ _____
<input type="checkbox"/> Compensation for inconvenience	\$ _____
<input type="checkbox"/> Payment of utilities	\$ _____
<input type="checkbox"/> Cleaning costs	\$ _____
<input type="checkbox"/> Late fees	\$ _____
<input type="checkbox"/> Other	\$ _____
 Total	
\$ _____	

Part 5 Applicant Signature

Signature #1	Date (month day, year)
Signature #2	Date (month day, year)

Notice of Hearing

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Part 1	Hearing Details	To be completed by Residential Tenancies Staff
Application No.		
Hearing Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Location:		
Residential Tenancies Officer	Date	
Part 2 Mediation Consent		
<p>Mediation services are available to assist parties in settling the dispute before the hearing date. Upon receiving consent from both parties, the Residential Tenancies Officer will be assigned to work with the parties to reach a mutually agreed solution. Information exchanged during mediation is confidential and cannot be used as evidence in a hearing. If a mediated agreement is reached and one of the parties does not comply, the other party may apply to have the agreement converted to an Order which is enforceable by the Office of the High Sheriff. Such Orders are not subject to appeal.</p>		
<p>Applicant consent to mediation <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>**Respondent(s) who wish to participate in mediation are required to contact the Residential Tenancies Office and reference the application number assigned to the file.</p>		
Part 3 Service Requirements		
<p>A copy of the following documents comprised of all seven (7) pages: (i) Application for Dispute Resolution; and (ii) Notice of Hearing must be served on each respondent not less than 10 clear days before the above scheduled hearing date. These ten (10) days do not include the day of service or the day of the hearing.</p>		
<p>The applicant is required to serve the required documents on each of the respondents named in the application by: (i) giving it to the respondent personally; (ii) sending it to the respondent by prepaid registered mail, express post or courier service to an address provided by the respondent; (iii) sending it to an electronic address provided by the respondent.</p>		

Part 4 Request to Discontinue Application

Application No.

Name Applicant #1

Name Applicant #2

I/We, the applicants referenced above agree to fully discontinue the application number referenced above as of the date signed below.

Signature Applicant #1

Date (month day, year)

Signature Applicant #2

Date (month day, year)

Part 5 Access to Information and Protection of Privacy

Service NL collects personal information relating to landlords and tenants under the authority of the *Residential Tenancies Act, 2018*. Personal information collected by the Government of Newfoundland and Labrador is protected under Section 40(1) of the Access to Information and Protection of Privacy Act, 2015. Proceedings of the Residential Tenancies office are open to the public. Hearings are recorded and maintained in a secure manner. To ensure transparency and accountability of the adjudication process, decisions of this office will be published with personal information of the parties removed. If you have any questions about the collection or use of this information, please contact the Residential Tenancies Office.

Proof of Service

Where a copy of the application is sent by registered mail or express post, it is considered to have been served on the fifth day after mailing, and the service may be proven by providing evidence that the mailing was prepaid, properly addressed and sent.

Where a copy of the application is sent electronically, it shall be considered to have been served on the day it is sent, if the document is sent before 4 pm, or the next day that is not a Saturday, Sunday or statutory holiday, if the copy of the application is sent after 4 pm.

The applicant may be required to submit proof that the respondent was properly served the application and other required documentation not less than ten (10) clear days before the hearing date. Proof of service may include: (i) an affidavit from the person who delivered the documents; and/or (ii) delivery confirmation from the postal or courier service.

Substituted Service

An applicant who is unable to serve the required documents as permitted under the *Act* may apply to the director of Residential Tenancies for authorization to serve the documents through an alternate method. Applicants applying for substituted service must demonstrate their failed attempts to serve the documents through the methods permitted and identify why the proposed method of service will be successful.

Counterclaim by Respondent

Application for Return of Security Deposit - Where a tenant applies to have a security deposit returned, the landlord has 10 days from the date the landlord is served with the tenant's application to file a separate application to keep the security deposit. Where the landlord does not file a separate application to keep the security deposit, the director of Residential Tenancies may make an order requiring the landlord to return the security deposit without conducting a hearing.

A respondent is entitled to file a separate claim against the original applicant. This is called a counterclaim. A counterclaim is made on a separate Application for Dispute Resolution and follows all the same rules and requirements as the original application.

Every effort will be made to hear both the original application and the counterclaim at the same date and time.

Hearing Process

In Person - Hearings will take place in person unless otherwise indicated by the Director of Residential Tenancies. Where the Director of Residential Tenancies has indicated the hearing will take place by teleconference, parties will be provided with a toll free conference number and conference ID to which the parties may call in. Parties may also request to participate in the hearing process by teleconference or written submission.

Teleconference – Any party who is unable to appear in person at a hearing location may also request to participate by teleconference. Requests to appear by teleconference should be submitted in writing to the Residential Tenancies Office at the time of application or immediately after the notice of the application and hearing are received.

Written Submission - Any party who is unable to appear in person or by teleconference at the hearing location may request to appear by a signed written submission. Requests to appear by written submission should be submitted in writing to the Residential Tenancies Office at the time of application or immediately after the notice of the application and hearing are received. The signed written submission must be received by the Residential Tenancies Office and provided to the other party at least 3 days prior to the scheduled hearing. Any party appearing by written submission will not be able to pose or respond to questions from any other party. Witness statements may be submitted into evidence as sworn affidavits or unsworn statements provided the contact information of the witness is provided in the statement.

Evidence

Evidence can be any type of proof presented by the parties at a dispute resolution proceeding in support of the case including: (i) oral testimony of the parties or witnesses that may be given under oath or affirmation; (ii) written or printed documentation such as rental agreements, letters, printed copies of emails, receipts, photos, sworn or unsworn witness statements; (iii) electronic information such as digital photographs, audio or video recordings that are submitted on an electronic device such as a flash drive or disk.

If the hearing is scheduled to take place in person, evidence may be submitted at the commencement of the hearing. If the hearing is scheduled to take place by teleconference or written submission, all evidence must be received by the Residential Tenancies Office and provided to the other party at least 3 days prior to the hearing. Each party is responsible for providing the other party as well as the Residential Tenancies Office a copy of the information submitted into evidence. Evidence submitted to the Residential Tenancies Office must be in a manner that can be retained with the file. At the hearing, a person must be able to prove that they provided the other party with the evidence, including any digital evidence, and confirmed that the other party could gain access to it. If the evidence was not received by the parties in the time specified, the evidence may not be accepted.

Request for Postponement

Postponements will be granted at the discretion of the Director and only in extenuating circumstances. Requests for postponements should be submitted in writing at least two working days prior to the hearing, and should include supporting documentation such as the following:

- Letter from medical service provider – confirming previously scheduled medical appointment
- Letter from employer – confirming employment commitments
- Travel confirmation - copy of airline tickets
- Other extenuating circumstances will be considered.

When a respondent's request for postponement is approved, the respondent will be required to provide an address for service. Notice of the new hearing date will be served by the Residential Tenancies Office. Hearings will not be permitted to be postponed indefinitely. All cases will be issued a hearing date. Applications that are dormant for 3 months by the applicant will be considered abandoned and dismissed by the Director.

Request for Subpoena

In order to ensure the attendance of a witness, or to summon a witness who they believe may have evidence to support their case, a party may apply to the Director of Residential Tenancies for a subpoena. It is the responsibility of the party requesting the subpoena to serve (deliver) it to the witness and to pay any fees and expenses involved. The Residential Tenancies Office is not responsible for serving the subpoena and does not pay for costs or expenses associated with the attendance of a party to the hearing such as travel expenses or professional fees.

Notice of Hearing

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Authorized Representative

You are not required to have representation when participating in a Residential Tenancies hearing; however, you do have a right to be represented by another party if you choose to do so. The Residential Tenancies Office does not arrange or pay for your representation. When you retain a representative, an Authorized Representative form must be submitted to the Residential Tenancies Office before any information will be released concerning your Application for dispute Resolution. The Residential Tenancies Office will not discuss your application with anyone other than the parties identified on the application unless an Authorized Representative form has been submitted.

Failure to Attend

If both the applicant and respondent fail to attend the scheduled hearing without: (i) contacting the Residential Tenancies Office; (ii) applying in writing for a postponement; or (iii) applying for substituted service, the application will be dismissed.

Application and Fees

Applications for dispute Resolution may be obtained from one of our three regional locations identified below. Application may also be found on the Government Newfoundland and Labrador website at:

<http://www.servicenl.gov.nl.ca/landlord/>

There is no fee for filing an application for refund of the security deposit or to keep the security deposit. For all other issues, the application fee is \$20.

Payment may be made online at: <https://www.gov.nl.ca/pay-online/>

You may file the Application for Dispute Resolution and pay the fee at one of our regional locations or submit your completed application along with the receipt of payment to: landlordtenant@gov.nl.ca

Office Locations

Avalon Region

Motor Registration Building
149 Smallwood Drive,
Mount Pearl, NL
P.O. Box 8700
St. John's, NL
A1B 4J6

Eastern & Central Region

Government Service Centre
Fraser Mall
230 Airport Boulevard
Gander, NL
P.O. Box 2222
Gander, NL
A1V 2N9

Western Region

Sir Richard Squires Building
84 Mount Bernard Avenue
Corner Brook, NL
P.O. Box 2006
Corner Brook, NL
A2H 6J8

Telephone: 709-729-2608
Toll Free in NL: 1-877-829-2608

www.servicenl.gov.nl.ca/landlord/