



# DISPUTE RESOLUTION PROCESS CONDUCT: NUISANCE AND DISTURBANCE

## IMPORTANT

The contents of this information bulletin are for information purposes only and do not replace the legislation.

## DISPUTE RESOLUTION

The preferred dispute resolution process for a landlord when a tenant or his/her guest is causing a nuisance or disturbance follows these five steps. Landlords are responsible for initiating steps 1 to 3.

Problems/Steps	Preferred Course of Action
<p style="text-align: center;"><b>Step 1 - Verbal Complaint</b></p> <p style="text-align: center;">Nuisance or disturbance observed</p>	<p>Depending on the problem, <b>the landlord</b> may wish to tell the tenant that he/she or his/her guests are creating a nuisance or disturbance, and ask them to immediately stop this behaviour.</p> <p>This step is optional; the landlord may wish to start the process at Step 2.</p>
<p style="text-align: center;"><b>Step 2 - Formal (Written) Complaint</b></p> <p style="text-align: center;">No change in the behaviour</p>	<p><b>The landlord</b> must write a letter to the tenant with specific details about the nuisance or disturbance, including instructions to stop the unacceptable behaviour. The landlord should keep a photocopy of this letter for his/her records.</p> <p>The letter should contain the following: date, landlord's and tenant's full names and addresses, specific details of the behaviour, instructions to stop the behaviour immediately and the signature of the landlord.</p> <p>The letter may be handed directly to the tenant, or it can be sent by regular mail. When sending the letter by mail, add three days to the time allotment. Keep proof of delivery by getting a registered mail receipt or having a witness with you when delivering the letter.</p> <p>Part 3 of the NB <a href="#">Residential Lease</a> provides more information on this.</p>
<p style="text-align: center;"><b>Step 3 - Landlord's Application for Assistance to the Office of the Rentalsman</b></p> <p style="text-align: center;">No change in the behaviour</p>	<p><b>The landlord</b> may submit an <a href="#">Application for Assistance</a> to the Office of the Rentalsman. The application will need the following evidence to fully describe the case:</p> <p><b>Required evidence:</b> (The burden of proof lies on the landlord.)</p> <ul style="list-style-type: none"> <li>• a copy of the written notice to the tenant</li> <li>• details of the latest disturbance</li> </ul> <p><b>Optional evidence:</b></p> <ul style="list-style-type: none"> <li>• any picture or other evidence that would help state the case</li> <li>• witnesses statements, including telephone numbers</li> <li>• a copy of any police reports, if available</li> </ul>
<p style="text-align: center;"><b>Step 4 - Rentalsman's Investigation</b></p>	<p>The assigned <b>Rentalsman</b> may conduct an investigation and may inspect the premises. In the investigation, the Rentalsman is required to establish the following:</p> <ul style="list-style-type: none"> <li>• whether or not there was inappropriate behavior from the tenant or his/her guests</li> <li>• the degree of nuisance or disturbance to the landlord, other tenants or neighbors, including any possible damages caused by the inappropriate behaviour</li> </ul>

Problems/Steps	Preferred Course of Action
<p><b>Step 5 - Dispute Resolution</b></p> <p>Tenant fails to obey the Rentalsman's Order</p> <p>Tenant fails to obey the Rentalsman's Notice to Quit</p>	<p>The <b>Rentalsman</b> will make a decision based on the law and evidence provided by both the landlord and the tenant. The <b>Rentalsman</b> may issue a Compliance Order as a final warning.</p> <p>If the tenant fails to obey the Compliance Order, the <b>Rentalsman</b> will investigate and may issue a Notice to Quit. Only a Rentalsman can issue this notice. It will specify a time for the tenant to vacate. A Notice to Quit does <u>not</u> relieve tenants of their obligations under the lease.</p> <p>If the tenant fails to obey the Rentalsman's Notice to Quit, the landlord can submit an Eviction request to the Office of the Rentalsman and the Rentalsman may give the tenant an Eviction Order. The landlord has to pay a \$75.00 non-refundable fee (payable in any SNB Service Center) for a Rentalsman or Sheriff to give the Eviction Order.</p> <p>The Rentalsman's decision can be appealed by submitting a Notice of Application to a judge of the Court of Queen's Bench of New Brunswick within seven days after being notified.</p>

### ADDITIONAL INFORMATION

For additional information, visit the Office of the Rentalsman website at [www.snb.ca/irent](http://www.snb.ca/irent) or contact one of their offices.

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