

DISPUTE RESOLUTION PROCESS EVICTION REQUEST

IMPORTANT

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

EVICTION

The preferred dispute resolution process for a landlord to evict a tenant follows these five steps. Landlords are responsible for initiating Steps 1 and 3.

| Problem/Steps | Preferred Course of Action |
|--|--|
| <p style="text-align: center;">Step 1 - Dialogue</p> <p>The tenant has already been asked by notice to move out of the premises</p> | <p>The landlord and tenant should make arrangements for the tenant to collect and remove his/her personal belongings from the premises before the tenant moves out.</p> |
| <p style="text-align: center;">Step 2 – Formal Complaint</p> | <p>Not applicable.</p> |
| <p style="text-align: center;">Step 3 - Landlord’s Application for Assistance</p> <p>The tenant has not moved out of the premises after receiving proper notice</p> | <p>The landlord can submit an Application for Eviction to the Office of the Rentalsman.</p> <p>The Rentalsman requires the following evidence:</p> <p>Required evidence:</p> <ul style="list-style-type: none"> • a copy of the lease • a copy of any notice given to the tenant. <p>Optional evidence:</p> <ul style="list-style-type: none"> • any other evidence, such as pictures, that could help state the case • witness statements, including telephone numbers. |
| <p style="text-align: center;">Step 4 – Rentalsman’s Investigation</p> | <p>The Office of the Rentalsman will assign a Rentalsman to the case and he/she will investigate the complaint. The Rentalsman is required to establish the following:</p> <ul style="list-style-type: none"> • the validity of the request based on at least one of the following: <ul style="list-style-type: none"> • a valid Notice to Vacate or a valid Final Notice to Vacate • a valid Notice to Quit • a valid Notice of Termination • a determination of the tenant’s refusal to vacate the premises in accordance with a notice properly served, including a fixed-term tenancy agreement (i.e. whether the tenant vacated when he/she was supposed to) |

| Problem/Steps | Preferred Course of Action |
|--|---|
| <p align="center">Step 5 - Dispute Resolution</p> | <p>The Rentalsman will make a decision based on the law and the evidence provided by both the landlord and tenant.</p> <p>After the Office of the Rentalsman has been paid \$75 at any SNB Service Center, the Rentalsman may issue an Eviction Order to a Sheriff who will evict the tenant.</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 or contact one of their offices.

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