

INFORMATION BULLETIN EVICTION

IMPORTANT

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

EVICTION

If a tenant is still occupying a premises even after the tenancy has been properly ended, an eviction is the process that is used to remove that tenant. To ask the Office of the Rentalsman to issue an Eviction Order to a Sheriff, a landlord must satisfy a Rentalsman that one of the following has occurred:

- the tenancy was ended properly with a **Notice of Termination** and the tenant has failed to move out
- the tenant received a **Notice to Vacate** or a **Final Notice to Vacate for Non-Payment of Rent**, and the tenant has failed to pay the rent due and owing and/or has failed to move out
- the tenant has received a **Notice to Quit** from a Rentalsman, and has failed to move out by the date in the notice
- the tenancy agreement between the landlord and tenant was for a **fixed term**, and the tenant has failed to move out.

EVICTION REQUEST

A landlord must wait to make a formal [Application for Eviction](#) to the Office of the Rentalsman until the day after the day the tenant was supposed to move out. Once the application is submitted, a Rentalsman will be assigned to the case and conduct an investigation. At the end of the investigation, a Rentalsman may issue a formal **Eviction Order** to a Sheriff who will ensure that the tenant moves out of the premises.

SHERIFF EVICTION FEE

The non-refundable fee due and payable to the Sheriff to carry out an Eviction Order is \$75.00. The Rentalsman will tell the landlord when this payment is due, and will give the landlord the appropriate remittance form to submit with the payment. Payment may be made at any Service New Brunswick Service Centre throughout New Brunswick. After the payment has been made, the Sheriff will carry out the Eviction Order.

STOPPING AN EVICTION

An Eviction Order is a last resort, and as such, the investigating Rentalsman will attempt to mediate a solution between the landlord and tenant, provided that both groups are willing to do so. The eviction process can be stopped at any time before the Eviction Order is issued to a Sheriff.

TENANT'S BELONGINGS AFTER AN EVICTION

Once a Sheriff carries out an Eviction Order, the tenant should no longer be on the premises. If a tenant re-enters a premises after the Eviction Order has been carried out, the tenant is trespassing and the landlord should contact police.

When the eviction takes place, the landlord is allowed to change the locks and secure the premises. The Sheriff does not give the tenant time to pack his/her belongings and move. Consequently, the landlord must provide the tenant with a notice providing contact information and arranging a time for the tenant to collect his/her belongings. If the tenant does not make arrangements to collect his/her belongings, the landlord may apply to the Office of the Rentalsman for permission to dispose of them. See the [Abandoned Chattels](#) Information Bulletin.

CAUTION

Only a Rentalsman or a Judge of the Court of Queen's Bench of New Brunswick has the authority to evict a tenant from any rented premises. A Sheriff will only act under the order of a Rentalsman or Judge to carry out an Eviction Order.

A landlord may file a claim against the security deposit with the Office of the Rentalsman or pursue a claim in the civil court system.

A landlord may not:

- change locks on his/her own. Locks can only be changed if a Rentalsman gives written permission or in the presence of a Sheriff during an eviction.
- hold a tenant's belongings until the tenant pays any outstanding rent. To recover this loss, the landlord may file a claim on a security deposit or use the civil court system.

These activities are [Offences under the Residential Tenancies Act](#).

ADDITIONAL INFORMATION

For additional information concerning evictions, visit the Office of the Rentalsman website at www.snb.ca/irent or contact one of their offices.

OFFICE OF THE RENTALSMAN

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Fax: 506-658-3096

Assumption Place
PO Box 5001
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Moncton, NB
E1C 8R3
Tel : 506-856-2330
Fax : 506-856-3177

Executive Tower
PO Box 5001
161 Main St.
Bathurst, NB
E2A 3Z9
Tel: 506-547-2522
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City Centre Mall
PO Box 5001
157 Water St.
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Assomption
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