

DISPUTE RESOLUTION PROCESS NON-RESPECT OF HEALTH, SAFETY, HOUSING AND BUILDING STANDARDS

IMPORTANT

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

DISPUTE RESOLUTION

Please follow the following five steps if you feel that your tenant or landlord is not respecting their obligations regarding health, safety, housing and building standards:

Problem/Steps	Preferred Course of Action
<p style="text-align: center;">Step 1 - Dialogue</p>	<p>If you believe there is a health or safety issue on the rented premises, you should speak to your tenant or landlord about it.</p> <p>If a tenant fears retaliation from the landlord because of such a complaint, skip this step and go to Step 2.</p>
<p style="text-align: center;">Step 2 - Written Complaint</p>	<p>If you believe there is a health or safety issue on the rented premises, you should notify your tenant or landlord in writing about it and ask that repairs be made.</p> <p>The letter should contain the following: date, landlord's and tenant's full names and addresses, specific details of the health and/or safety issue, time when action should be taken and signature.</p> <p>The <i>Residential Tenancies Act</i> provides protection against retaliation from the landlord for tenants who make a complaint.</p>
<p style="text-align: center;">Step 3 - Application for Assistance to the Office of the Rentalsman</p>	<p>The tenant or the landlord may submit a tenant Application for Assistance or a landlord Application for Assistance to the Office of the Rentalsman.</p> <p>The Application for Assistance will require the following evidence to fully describe the case and allow for a Rentalsman to start a proper investigation:</p> <p>Required evidence:</p> <ul style="list-style-type: none"> • a copy of the lease • expert's reports <p>Optional evidence:</p> <ul style="list-style-type: none"> • a copy of the written complaint • any picture or other evidence that would help state the case • a witness list, 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. The assigned Rentalsman should contact the other person (tenant or landlord) to try to solve the health and safety issue.</p> <p>If required, the Rentalsman will send a letter to the other person to let him/her know about the issue and provide him/her with the opportunity to provide his/her point of view. This person must reply within 7 days (+ 6 days for mailing back and forth).</p>

Problem/Steps	Preferred Course of Action
<p align="center">Step 4 - Rentalsman's Investigation (continued)</p>	<p>The Rentalsman may investigate the complaint and will be required to establish the following facts:</p> <ul style="list-style-type: none"> • the validity or grounds of the claim based on tenant's and landlord's obligations • the nature and extent of the issue • who has what issues • and possibly, costs for repairs or for tenants' reasonable expenses. <p>During this period, the Rentalsman may conduct an inspection of the premises and advise other stakeholders. Experts might be called in to provide an accurate description of the health and/or safety issue. Depending on the nature and complexity of the issue, delays can be expected.</p>
<p align="center">Step 5 - Dispute Resolution</p>	<p>The Rentalsman will make a decision based on the law and evidence provided by both the tenant and landlord. The Office of the Rentalsman tries to make a decision within 30 days of an application.</p> <p>The Rentalsman may issue a Compliance Order asking the responsible person (tenant or landlord) to fix the health, safety, housing and building standards issue.</p> <p>The Rentalsman may ask the tenant to pay rent at the Office of the Rentalsman so that the Rentalsman can carry out repairs on behalf of the landlord.</p> <p>In extreme cases, the Rentalsman may give a Notice of Termination to the tenant and the landlord, breaking the lease. The Rentalsman may also order payment of reasonable out-of-pocket expenses to 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> <p>Prosecution in the Provincial Court of New Brunswick is also possible. A Rentalsman can advise you on this process.</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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