

# TENANT DISPUTE RESOLUTION REPAIRS AND CLEANLINESS

## IMPORTANT

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

## DISPUTE RESOLUTION

This is the preferred dispute resolution process for tenants who need their landlord to do repairs or maintenance to their premises. Tenants are responsible for initiating steps 1 to 3. If tenants choose to leave before this process has been followed, they are still under the obligations of the lease.

Problems/Steps	Preferred Course of Action
<p><b>Step 1 - Dialogue</b> Repairs and maintenance required</p>	<p><b>The tenant</b> should discuss with the landlord the repairs to be done, and whether or not the issue is an emergency repair or simply normal maintenance and repairs. See <a href="#">Repairs and Maintenance</a> and <a href="#">Respective Responsibilities</a>.</p>
<p><b>Step 2 - Formal Complaint</b>  Repairs and maintenance not completed</p>	<p><b>The tenant</b> must <u>write</u> to the landlord, stating the problem and requesting the repair be completed within seven days for normal repairs or immediately for emergency repairs.</p> <p>The letter to the landlord should contain the following: date, landlord's and tenant's full name and address, specific details of the repair requested, time when the requested repair is to be completed and signature of the tenant.</p> <p>The landlord should provide the following notice for repairs and maintenance:</p> <ul style="list-style-type: none"> <li>• <u>Without notice</u>: If tenant agrees to it or within two working days after receipt of the tenant's written request for repairs.</li> <li>• <u>At least 24 hours notice</u>: If it is past two working days after receipt of the tenant's written request for repairs.</li> <li>• <u>At least 7 days notice</u>: For normal repairs and maintenance.</li> </ul> <p>The tenant can give the written request directly to the landlord or send it by regular mail. If sending the request by mail, add three days to the time allotments. Keep proof that you sent the letter, such as a registered mail receipt, or ensure a witness is with you when you serve the formal complaint.</p>
<p><b>Step 3 - Tenant's Application for Assistance</b>  Repair still not completed</p>	<p><b>The tenant</b> can submit an <a href="#">Application for Assistance</a>. This application will require the following evidence to fully describe your case and ensure that a Rentalsman can start an investigation:</p> <p><b>Required evidence:</b> (The burden of proof is on the tenant.)</p> <ul style="list-style-type: none"> <li>• a copy of the lease</li> <li>• a copy of the written request to your landlord</li> </ul> <p><b>Optional evidence:</b></p> <ul style="list-style-type: none"> <li>• a copy of the accommodation inspection report (if one was completed)</li> <li>• proof that you delivered the written request to the landlord</li> <li>• a professional estimate to have the repair fixed</li> <li>• any picture or other evidence that would help state your case</li> <li>• witnesses statements, including telephone numbers</li> </ul>
<p><b>Step 4 - Rentalsman's Investigation</b></p>	<p>The Office of the Rentalsman may contact your landlord to try to solve the repairs and maintenance issue.</p> <p>The Office of the Rentalsman will assign a Rentalsman to investigate the tenancy dispute. The assigned Rentalsman is required to <u>establish the following relevant</u></p>

Problems/Steps	Preferred Course of Action
	<p><u>facts:</u></p> <ul style="list-style-type: none"> <li>• the validity or grounds of the claim based on the landlord's obligations</li> <li>• the nature and level of work required</li> <li>• a determination of the landlord's responsibilities</li> </ul> <p>If required, a <b>Rentalsman</b> will send a letter to your landlord informing him/her of the issue. Your landlord will have an opportunity to provide his/her point of view. Your landlord must reply within 7 days (+ 6 days for mailing back and forth).</p> <p>During this investigation period, a Rentalsman may conduct an inspection of your premises and advise other stakeholders, if required.</p>
<p><b>Step 5 - Dispute Resolution</b></p> <p>Repair still not completed</p> <p>Landlord fails to comply with Rentalsman's Order</p>	<p>The assigned <b>Rentalsman</b> will make a decision based on the law and the evidence provided by the tenant and the landlord. The Rentalsman may send a Compliance Order to your landlord stating what the landlord must do to sort out the issue. You will receive a copy of this Compliance Order for your information within 30 days of your application.</p> <p>If the landlord doesn't follow the orders in the Compliance Order, the Rentalsman may order the tenant to pay the rent directly to the Office of the Rentalsman so that the Office of the Rentalsman can use the rent to cover the cost of repairs contracted on behalf of the landlord.</p> <p>In extreme cases, the Rentalsman may give the landlord and the tenant a Notice of Termination if the Rentalsman feels the landlord is not willing to live up to his/her obligations or is not financially capable of doing so. The Rentalsman may possibly order the landlord to pay the tenant a financial compensation, up to a month's rent, for any reasonable expenses or reimbursement for rent.</p> <p>Based on a tenant's Application for Assistance, a Rentalsman may give the tenant and landlord a Notice of Termination after conducting an investigation and based on doctor's advice and a health inspection of the premises, if the Rentalsman is satisfied that continuing the tenancy would cause <u>extreme hardship</u> to the tenant because of a deterioration in the tenant's health.</p> <p>The Rentalsman's decision can be appealed. To do so, submit 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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