

DISPUTE RESOLUTION PROCESS REVISION OF A NOTICE OF TERMINATION

IMPORTANT

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

REVISION OF A NOTICE OF TERMINATION

Long-term tenants or mobile home site tenants who have received a Notice of Termination should follow these five steps. Tenants are required to initiate step 1 to 3.

Problem/Steps	Preferred Course of Action
<p style="text-align: center;">Step 1 –Dialogue</p> <p>Tenant receives a Notice of Termination he/she does not agree with</p>	<p>The tenant should talk to the landlord and tell the landlord that he/she does not agree with the notice. The tenant should try to understand the landlord’s position and arguments.</p>
<p style="text-align: center;">Step 2 - Formal (Written) Complaint</p> <p>Tenant still does not agree with the notice received</p>	<p>The tenant should write to the landlord stating that he/she does not accept the terms of the notice received.</p> <p>The letter should contain the following: date, landlord’s and tenant’s full names and addresses, specific details of the notice which the tenant does not agree to, time when a response is requested and signature of the tenant.</p>
<p style="text-align: center;">Step 3 - Tenant’s Application for Assistance to the Office of the Rentalsman</p> <p>No reply received from the landlord or no agreement</p>	<p>Within 15 days of receiving the notice, the tenant may submit an Application for Assistance to the Office of the Rentalsman.</p> <p>The Office of the Rentalsman will assign a Rentalsman to review the notice the tenant receives. The following evidence is required in the Application for Assistance to fully describe the case:</p> <p>Required evidence:</p> <ul style="list-style-type: none"> • a copy of the lease • a copy of the Notice of Termination from the landlord <p>Optional evidence:</p> <ul style="list-style-type: none"> • a copy of the written complaint to the landlord • any picture or other evidence that would help state the case • Witnesses statements, including telephone numbers
<p style="text-align: center;">Step 4 - Rentalsman’s Investigation</p>	<p>The Rentalsman will review the notice and ask the landlord to establish the following facts:</p> <ul style="list-style-type: none"> • whether the Notice of Termination was given as a retaliation against the tenant • the validity of the notice received (see directly below), including the reasons for ending the lease of long-term tenants and mobile home site tenants • landlords’ reasons to terminate the tenancy

Problem/Steps	Preferred Course of Action
<p align="center">Step 4 - Rentalsman's Investigation (Continued)</p>	<p>For long-term tenants: A Notice of Termination is valid for any of the following reasons:</p> <ul style="list-style-type: none"> • Landlord or immediate family intends to live at the premises • Premises will no longer be used as residential premises • Premises will be renovated extensively • Tenant manages and maintains the premises, and this job has ended. <p>For mobile home site tenants: A Notice of Termination is valid for any of the following reasons:</p> <ul style="list-style-type: none"> • Landlord or immediate family intends to live at the mobile home site • Mobile home site will no longer be used as a mobile home site • Mobile home site will be renovated extensively.
<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 the tenant. The Office of the Rentalsman tries to solve tenancy issues within 30 days.</p> <p>The Rentalsman 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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