

Evictions can only happen if ordered by a Rentalsman.

An **eviction** is the process of removing a tenant from a rented property after the tenancy has been legally terminated but the tenant has not moved out as required. The landlord starts the process, the Office of the Rentalsman manages the process, and the Sheriff carries out the eviction.

The process of an eviction involves the following steps:

STEP	ACTION
1	The tenancy must be properly ended. This could be by a Notice of Termination from a landlord to a tenant or from a tenant to a landlord, a Notice to Vacate from the landlord, a Notice to Quit from a Rentalsman, or with a fixed term lease on the expiry date as no notice is required.
2	If the tenant does not move out by the required date on the notice, the landlord should confirm that the tenant has not left the property, and then may apply in writing to the Rentalsman requesting an Eviction Order be issued to have the tenant removed.
3	The Rentalsman will investigate the landlord's request and MAY issue an Eviction Order . As part of the investigation, the Rentalsman will contact the tenant by telephone or by letter notifying him or her that an eviction has been requested. Usually a date and time for response is provided. This gives the tenant an opportunity to present any defense he or she may have against the eviction proceeding. If the tenant does not respond to the Rentalsman's call or letter, the Rentalsman may prepare an Eviction Order .
4	The Rentalsman will determine if an eviction will take place and for what day the order will be effective. If an Eviction Order is issued, the Rentalsman will provide a Remittance Form which the landlord must deliver to any Service New Brunswick centre along with a \$75 (non-refundable) filing fee for the Sheriff. Once the Rentalsman receives confirmation that the \$75 has been paid he/she will deliver the confirmation of payment and the Eviction Order to the Sheriff.
5	When ready to proceed, the Sheriff will contact the landlord to set up the exact time. The landlord needs to have new locks ready and will change the locks to secure the property under the supervision of the Sheriff. If a tenant refuses to leave, the Sheriff has the authority to remove him or her.
6	The Sheriff will post a copy of the Eviction Order on the door, indicating that the landlord has been put in possession of the premises.

REMEMBER:

- In circumstances where the landlord is willing to accept rent and allow the tenancy to continue, the eviction process can be stopped if the parties agree or if the Rentalsman can mediate an acceptable solution between the landlord and the tenant.
- A landlord may not change locks on his own. Locks can only be changed if the Rentalsman gives written permission or in the presence of a sheriff during an eviction.
- Tenants must make an arrangement with the landlord to remove their belongings. If tenants reenter after the eviction without the landlord, they are trespassing.
- While the eviction is happening, the landlord should make an arrangement with the tenants to collect their belongings. This must be done as soon as possible, especially in cases at the end of a month when new tenants may be moving into that unit.
- A landlord may NOT hold a tenant's belongings until the tenant pays any outstanding rent. To recover this loss, the landlord may claim on a security deposit or use the courts.
- The time it takes to go through the steps of an eviction varies depending on such things as sheriff schedules, time of the week and month that the process is started by the landlord, and what defence or alternative solution a tenant may offer.

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