# LANDLORD 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 landlords whose tenants do not comply with their obligations to keep the premises clean or to repair any damage caused by the tenants or their guests. The dispute resolution process follows these five steps:

| Problems/Steps | Preferred Course of Action |
|---|---|
| **Step 1 - Dialogue**<br>Repair or cleaning required | **The landlord** should speak with the tenant about the repairs or cleaning that need to be done. See Landlord and Tenant Responsibilities: Repairs and Maintenance. |
| **Step 2 - Written Complaint**<br><br>Repairs or cleaning not completed | **The landlord** should write to the tenant, stating the problem and requesting the repairs or the cleaning be completed within seven days.<br><br>The letter to the tenant should contain the following: date, landlord's and tenant's full name and address, specific details of the requested repairs and/or cleaning, time when the requested repairs and /or cleaning is to be completed and signature of the landlord.<br><br>The landlord can give the written request directly to the tenant or send it by mail. When sending it by mail, add three days to the time allotment. Keep proof that you sent it, such as a registered mail receipt, or ensure you have a witness with you when you deliver the written request. |
| **Step 3 - Landlord's Application for Assistance to the Office of the Rentalsman**<br><br>Repairs or cleaning still not completed | **The landlord** can submit an Application for Assistance.<br><br>The Office of the Rentalsman will assign a Rentalsman to investigate the case. The application will require the following evidence to fully describe your case and ensure that a Rentalsman can start a proper investigation:<br><br>**Required evidence**: (The burden of proof lies with the landlord.)<br>• a copy of the lease<br>• a copy of the written complaint to your tenant (Step 2)<br><br>**Optional evidence:**<br>• a copy of the accommodation inspection report (if one was completed)<br>• proof that you delivered the written request to your tenant<br>• a professional estimate (if available)<br>• any picture or other evidence that would help state your case<br>• witnesses statement, including telephone numbers |

| Problems/Steps | Preferred Course of Action |
|---|---|
| **Step 4 - Investigation** | The **Office of the Rentalsman** will contact your tenant and try to solve the repairs and cleanliness issue.<br><br>The assigned Rentalsman will investigate the tenancy dispute and is required to establish the following facts:<br><br>• the validity or grounds of the claim based on the tenant's obligations<br>• the nature and level of work required<br>• a determination of the tenant's responsibilities in the dispute<br><br>If required, a Rentalsman will send a letter to the tenant on this issue. The tenant will have an opportunity to provide his/her point of view relating to the facts. The tenant has up to 7 days to reply (+ 6 days for mailing back and forth).<br><br>During this investigation period, a Rentalsman may conduct an inspection of the premises and advise other stakeholders, if required. |
| **Step 5 - Dispute Resolution** | The assigned **Rentalsman** will make a decision based on the law and the evidence provided by both the landlord and the tenant.<br><br>The Rentalsman may give a Compliance Order to the tenant stating what the tenant must do to sort out the issue. The landlord will receive a copy of this Compliance Order for his/her own information within 30 days of The Application for Assistance. |
| Tenant fails to comply with Rentalsman's Order | If the tenant fails to comply with Rentalsman's Compliance Order, the landlord can submit another Application for Assistance. After further investigation, the Rentalsman may give the tenant a Notice to Quit, which will specify a time when the tenant is required to move out of the premises. A Notice to Quit does not relieve tenants of their obligations under the lease. |
| Tenant fails to comply with Rentalsman's Notice to Quit | If the tenant fails to comply with the Rentalsman's Notice to Quit, the landlord can submit an Eviction Request to the Office of the Rentalsman. After investigation, the Rentalsman may serve the tenant with an Eviction Order. See Eviction Request. |

## ADDITIONAL INFORMATION

For additional information, 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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## TELESERVICES - 1-888-762-8600 (TOLL FREE)