

Application to Director

The Residential Tenancies Act:

- Allows landlords and tenants to seek the resolution of disputes with assistance from a Residential Tenancy Officer. To have a dispute resolved, one or both parties must complete an Application to the Director and pay the application fee.

Reference:

Residential Tenancies Act: Sections 13, 15

Details:

Where a party applies to the Director to solve a dispute, by using one of the prescribed Application to Director forms and paying the fee set down by the regulations, the Director will begin the resolution process. Applications, except for Application to Director respecting rental arrears under subsections 10(6D) and (6E) and Section 13 of the Act using Form K, can be filed not more than one year after the termination of the tenancy. If you are the respondent, you may file your own application (counterclaim), at any time if the original application has not been withdrawn, settled by mediation or the hearing has concluded.

Procedure:

The Application to Director is the document which starts the mediation/hearing process. The filing fee is payable in cash, credit or debit card or money order to the Minister of Finance. The fee is non-refundable. Individuals receiving Guaranteed Income Supplement, Social Assistance, Income Assistance or experiencing financial hardship may be eligible to have the fee waived.

In all cases, landlords and tenants are encouraged to attempt to resolve any disputes between themselves. If this procedure is unsuccessful, then:

- Either party can make an Application to the Director asking for a resolution of the dispute;
- The party making the application should state all items they wish to address at the mediation/adjudication on the application form;
- A single appointment will be scheduled to carry out mediation and/or adjudication;

- The applying party must serve the other party with a copy of the application, including the Notice of Hearing within 7 days of making the application;
- A Certificate of Service must be returned to the Residential Tenancies Program within 7 days of making the application or the application may be closed.
- The dispute resolution process can only begin after the certificate has been returned;
- Evidence should be submitted to the program and respondent no later than 5 days before hearing
- A Residential Tenancy Officer will first attempt to reach an agreement between the two parties (mediate) and failing that, hold a hearing, to determine the facts and then issue an order;
- Parties may represent themselves or be represented by legal counsel or personal representative;
- The Application to the Director may be amended by the applicant, however, the amended application will need to be served on the respondent.

If a matter arises from a guarantee agreement and in the Director's opinion is complex, the Director may make a decision declining to determine it.

Processes for Different Application Forms:

Form J – Application to Director under Section 13 of Act:

- Landlords or tenants may use Form J to have issues resolved under the Residential Tenancies Act, except for those that use forms K and N.

Form K – Application to Director respecting rental arrears under subsections 10(6D) and (6E) and Section 13 of the Act:

- Landlord can use to request an expedited process for termination of tenancy for rental arrears after giving a Notice to Quit using Form D.

Form N – Application to Director under subsection 11B(2) of Act and Section 25D of regulations for permission to increase rent in land-lease community by amount greater than Annual Allowable Rent Increase Amount:

- Landlord can use to request an increase above the published Annual Allowable Rent Increase Amount. The landlord must complete:
 - Form O – Financial information in support of rent increase greater than Annual Allowable Rent Increase Amount under Section 25D of regulations.