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# Service of Documents

## The Residential Tenancies Act:

- Outlines the methods in which an Application to Director must be served.
- Outlines the methods in which all other documents, except an appeal to the Small Claims Court, must be served.
- Requires that an appeal to Small Claims Court be served by personal service, or any other manner of service or substituted service permitted under the *Small Claims Court Act*;

## Reference:

*Residential Tenancies Act*: Sections 13, 15, 17C

## Details:

After an Application to Director is served on the responding party by one of the methods permitted in Section 13 of the *Residential Tenancies Act* (Act), the applicant must complete a Certificate of Service Form L1 or an Affidavit of Service Form L and return it to the Residential Tenancies Program within 7 days of the date the Application to Director has been made.

If the Certificate of Service is not returned to the Program within 7 days of the date the Application to Director has been made the Residential Tenancy Officer may close the file.

“Closing the file” permitted under subsection 13(3A) of the Act is covered by our policy Unreturned Certificate of Service.

After a document, other than Application to Director, is served by one of the methods permitted in Section 15 of the Act, the serving party does not have to confirm service to the Residential Tenancies Program. However, the serving party should keep proof that the document was served.

If a party chooses to serve a document in a way not specified in the Act, does not submit a Form L or Form L1 when required, or retain/submit proof a document was served, a Residential Tenancy Officer will hear arguments from an opposing party that the documents were not received.

“Alternative acceptable methods of service” permitted under subsection 13(3) of the Act are covered by our policy Alternative Methods of Service.

Methods for Service of Applications to Director		
Method of Service	To Tenant	To Landlord
Personal Service	Personally, hand the documents to the tenant. You can also have someone else do this for you.	Personally, hand the documents to the landlord or an agent of the landlord, the property manager, or the superintendent. You can also have someone else serve this for you.
Sending documents by pre-paid registered mail, express post or courier service	<ul style="list-style-type: none"> <li>The address of the residential premises listed in the lease <b>if the tenant still lives there</b>, or</li> <li>A forwarding civic address <b>provided by the tenant</b></li> </ul>	<ul style="list-style-type: none"> <li>The address:               <ul style="list-style-type: none"> <li>stated in the lease,</li> <li>where the landlord carries on business as a landlord, or</li> <li>where the rent is payable</li> </ul> </li> </ul>
Electronic service(email)	A tenant or a landlord can serve electronically, <b>only if the other party has provided an email address and consent for email service in their lease or in an addendum to their existing lease.</b> Documents served by email must be sent from the email address where the sender has agreed to receive service. The electronic copy must be substantially the same as the original and capable of being retained by the other party so that they can use for later reference.	

Requirements for Service of Applications to Director		
Method of Service	Deemed Served	Requirements
Personal Service	Same date as personally served.	Complete details and submit the Certificate of Service to the program.
Sending documents by pre-paid registered mail, express post or courier service	Date served is the 3rd day after the date mailed (i.e., if mailed on the 17th, deemed successfully served on the 20th.)	A copy of evidence (generally receipts) <b>that provides proof of payment and date sent</b> must be included when submitting the Certificate of Service to the program.
Electronic service(email)	<p>If sent before 4:00 pm on any day other than a Saturday, Sunday, or holiday, it is deemed to have been served on the day sent.</p> <p>If sent after 4:00 pm on any day, it is deemed to have been served <b>on the next day</b> that is not a Saturday, Sunday, or holiday.</p> <p>If sent on a Saturday, Sunday, or holiday, it is deemed to have been served <b>on the next day</b> that is not a Saturday, Sunday or holiday.</p>	<p>A copy of the email and notice must be retained for the duration of the tenancy and one year after the end of the tenancy.</p> <p>A copy of the email showing the date and time it was sent <b>must be included</b> when submitting the Certificate of Service to the program.</p>

If you have made reasonable efforts to serve the respondent and have been unsuccessful, you may request an Order for Alternative Service. Information can be found here

<https://beta.novascotia.ca/documents/alternative-methods-service-policy-residential-tenancies>

A Certificate of Service and supporting documents (if applicable) can be returned to the Residential Tenancies Program by either:

- uploading to the evidence portal, or
- returning at an Access Nova Scotia Centre

Receipts showing proof that an Application to Director or other documents were prepaid and sent will depend on delivery method. The receipt **must provide proof of payment and date sent.**

<b>Methods for Service of documents other than an Application to Director</b>		
<b>Method of Service</b>	<b>To Tenant</b>	<b>To Landlord</b>
<b>Personal Service</b>	Personally, hand the documents to the tenant or an adult who lives with the tenant. You can also have someone else do this for you.	Personally, hand the documents to the landlord or an agent of the landlord, the property manager, or the superintendent. You can also have someone else serve this for you.
<b>Leaving a copy</b>	Leaving a copy in the tenant’s mailbox or mail slot at the residential premises listed in the lease if the tenant currently resides there.	Leaving a copy in the landlord’s mailbox or mail slot at an address listed in the lease for the landlord, property manager or superintendent
<b>Sending documents by pre-paid registered mail, express post or courier service</b>	<ul style="list-style-type: none"> <li>• The address of the residential premises listed in the lease <b>if the tenant still lives there</b>, or</li> <li>• A forwarding civic address <b><u>provided by the tenant</u></b></li> </ul>	The address: <ul style="list-style-type: none"> <li>○ stated in the lease,</li> <li>○ where the landlord carries on business as a landlord, or</li> <li>○ where the rent is payable</li> </ul>
<b>Electronic service(email)</b>	A tenant or a landlord can serve electronically, <b>only if the other party has provided an email address and consent for email service in their lease or in an addendum to their existing lease.</b> Documents served by email must be sent from the email address where the sender has agreed to receive service. The electronic copy must be substantially the same as the original and capable of being retained by the other party so that they can use for later reference	

Requirements for Service of documents other than an Application to Director		
Method of Service	Deemed Served	Requirements
Personal Service	Same date as personally served.	
Leaving a copy	Same date as date copy was left.	
Sending documents by pre-paid registered mail, express post or courier service	Date served is the 3rd day after the date mailed (i.e., if mailed on the 17th, deemed successfully served on the 20th.)	Keep a copy of evidence (generally receipts) <b>that provides proof of payment and date sent.</b>
Electronic service(email)	<p>If sent before 4:00 pm on any day other than a Saturday, Sunday, or holiday, it is deemed to have been served on the day sent.</p> <p>If sent after 4:00 pm on any day, it is deemed to have been served <b>on the next day</b> that is not a Saturday, Sunday, or holiday.</p> <p>If sent on a Saturday, Sunday, or holiday, it is deemed to have been served <b>on the next day</b> that is not a Saturday, Sunday, or holiday.</p>	A copy of the email and notice must be retained for the duration of the tenancy and one year after the end of the tenancy.