

Guide Form J: Application to Director

(Section 13 of the Residential Tenancies Act)



What is this form for?

Use this form if you are a landlord or tenant trying to resolve a dispute.

- If you are a landlord applying to end a tenancy for rental arrears and do not wish to attempt mediation or have a hearing held, use Form K.
- If you are a landlord of a land-lease community applying for a rental increase above the guideline amount, use Form M.
- If you are a landlord applying to retain all or some of the security deposit, use Form R.
- If you are a tenant seeking the return of your security deposit, use Form S.

How to complete these forms?

Filed by (page F1)

Complete this section with your information.

Name

Give your name as it appears on the lease. If you do not have a lease, use your company name, or, if you do not have a company name, use your full name.

If you are representing a landlord, give the landlord's company name or full name.

Street number and name

Give your full civic address as it appears on the lease.

Check the box that shows whether you are a tenant or a landlord.

Email Address

Give your email address if you want Service Nova Scotia staff to communicate with you by email.

Check the consent box if you give your email address.

Against (page F1)

Complete this section with the other party's information.

Name

Give the other party's name as it appears on your lease. If the other party is a landlord, this may be a company name rather than a person. If you do not have a lease, use the other party's full name.

Street number and name

Give the other party's full civic address and any phone numbers you have for them. Check the box that shows whether the other party is a tenant or a landlord.

Regarding (page F1)

Give the complete address of the place being rented as it appears on the lease. If you do not have a lease, give the full civic address, including the postal code.

Information about the lease (page F2)

If possible, use your lease to complete this information.

Has notice to quit been given?

Notice to Quit tells a tenant when they must leave their rental unit, or a landlord that a tenant is leaving. Notice to Quit may be given using forms C, D, E, F, or G.

Is there a written lease?

If you have a written lease, make a copy and attach it for the Residential Tenancy Officer's records.

What is the term of the lease?

Your lease will show what term the lease was signed for.
If there is no written lease, check month-to-month.

How much is the rent?

Give the current rent, not the amount in the lease, unless there have been no changes to the rent amount.

Did the landlord provide the tenant with a copy of the Act?

A landlord must give a tenant a copy of the Residential Tenancies Act when the tenant starts to rent the unit. If you don't remember, do not check a box.

Was a security deposit paid?

A security deposit must be held in trust and may not be more than ½ of 1 month's rent.

Details of application (pages F3 and F4)

Use this section to explain why you are applying for dispute resolution. At a hearing, only issues that are explained on the application (or in the other party's counter-application) can be discussed. If you need more space than what is provided, use an extra sheet.

There are 2 different sections, 1 for tenants and 1 for landlords, because there are different categories for tenants and landlords. Fill out the appropriate one.

...if the applicant is the tenant (page F3)

Termination of tenancy: Choose this option if you wish to end your lease and leave your apartment. Use the space below to explain when and why.

Compliance with a lease or the Act: Choose this option if your landlord is failing to follow the Act or your lease. Some examples might be raising the rent more than once a year, removing services, entering your unit without giving proper notice, or otherwise disturbing your quiet enjoyment of the space you rent. Use the space below to provide details.

Repairs: Choose this option if you need your landlord to repair something in your unit or building. Use the space below to provide details.

Setting aside a Notice to Quit given by the landlord: Choose this option if your landlord has given you a Notice to Quit (for example, for not paying rent, damaging the property, or bad behaviour) and you disagree with the reasons given. You must apply within 15 days of receiving the Notice to Quit. Use the space below to provide details.

Relief from rent owing or compensation for expenses incurred: Choose this option if you want to receive compensation for expenses because of damage or trouble in your unit. You may also choose this option if you would like to pay less rent until repairs are made. Use the space below to provide details.

Other: Choose this option if you would like to bring up any issues that do not fit the categories above. Provide full details in the space below.

...if the applicant is the landlord (page F4)

Termination of tenancy and vacant possession: Choose this option if you want to end the tenant's lease and have them leave your unit for the purpose of renovations or making repairs or demolition of the residential premises; or for any other reason. Use the space below to provide reasons and details.

Payment of money: Choose this option if you want the tenant to pay money owing to you. Check the box to show whether this money is unpaid rent, compensation for repairs you have made due to damage caused by the tenant, or other items (such as fees, fines, etc.). Use the space below to provide reasons and details.

Compliance with a lease or the Act: Choose this option if your tenant is failing to follow the Act or your lease. Some examples might be disturbing other tenants' quiet enjoyment of the space they rent or failure to follow rules. Use the space below to provide details.

Other: Choose this option if you would like to bring up any issues that do not fit the categories above. Provide full details in the space below.

Sign and date the form.

What do I do with the completed forms?

➡ Take the completed form to an Access Centre and make the application.

An application fee must be paid at that time to complete the application process.

You may be eligible to have the fee waived if

- you receive the Guaranteed Income Supplement, Income Assistance, or Family Benefits
- you believe your financial circumstance makes it difficult to pay the fee

For more information on the fee waiver process, visit <https://beta.novascotia.ca/apply-waive-fee-application-director-residential-tenancies>.

The staff person will create a hearing date.

The staff person will give you copies of the completed application, a Notice of Hearing and a Certificate of Service.

THEN formally serve the respondent with one of the copies of the application, a Notice of Hearing and the Hearing Information Sheet. Once successfully served, you must return a Certificate of Service to the Residential Tenancies Program within 7 days of making the application.

The method of service will depend on whether the respondent is a tenant or a landlord. If the respondent is a tenant, you can do this in several ways:

- 1 Hand the form in person to the tenant.

Date served is the same date.

- 2 Send it by pre-paid registered mail, express post, or courier service to
 - the address of the residential premises listed in the lease if the tenant still lives there
 - a forwarding civic address provided by the tenant

Date served is the 3rd day after the date mailed. Keep a copy of the receipt showing proof the notice was prepaid and sent.

If the respondent is the landlord, you can do this in several ways:

- 1 Hand the form in person to the landlord, an agent of the landlord, the property manager, or the superintendent. You can also have someone else do this for you.

Date served is the same date.

- 2 Send it by pre-paid registered mail, express post, or courier service to an address
 - stated in the lease
 - where the landlord carries on business as a landlord
 - where the rent is payable

Date served is the 3rd day after the date mailed. Keep a copy of the receipt showing proof that the notice was prepaid and sent.

A tenant or a landlord can serve a copy of the application and the Notice of Hearing electronically, if the other party has provided in the lease an electronic address to receive documents. The electronic copy must be substantially the same as the original and capable of being retained by the other party so they can use for later reference.

Date served depends on the time and the day sent as follows:

- 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.
- If sent after 4:00 pm on any day, it is deemed to have been served on the next day that is not a Saturday, Sunday, or holiday
- If sent on a Saturday, Sunday, or holiday, it is deemed to have been served on the next day that is not a Saturday, Sunday, or holiday.

If you have made several attempts to serve the respondent and have been unsuccessful, contact the Residential Tenancies Program.

You must within 7 days of making the application, return a Certificate of Service to the Residential Tenancies Program by either:

- visiting an Access Nova Scotia Centre
- emailing the Residential Tenancy Officer assigned to the file

If the Certificate of Service is not returned to the Program within 7 days of the date of application, the Residential Tenancy Officer may close the file.

Make a copy of this for your records.

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Filed by (applicant) landlord tenant

Name (first name, initial, last name and company name if applicable)

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

Phone (home) _____ Phone (business/other) _____

Email _____

I hereby consent to staff of Service Nova Scotia communicating with me about this Application by e-mail.

Mailing address, if different

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

Against (respondent) landlord tenant

Name (first name, initial, last name and company name if applicable)

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

Phone (home) _____ Phone (business/other) _____

Email _____

Mailing address, if different

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

Regarding

Address of residential premises

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

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Information about the lease

- 1 **What date did the tenant move in?** (YYYY MM DD) _____
- 2 **What date did the tenant move out?** (if applicable) (YYYY MM DD) _____
- 3 **Has notice to quit been given?**
 - No
 - Yes ➔ It was given by landlord tenant
 - ➔ Date notice given (YYYY MM DD) _____
 - ➔ It is effective on (YYYY MM DD) _____
- 4 **Is there a written lease?**
 - No
 - Yes (Attach a copy of the lease.)
- 5 **What is the term of lease?**
 - Year-to-year
 - Month-to-month
 - Week-to-week
 - Fixed-term Beginning on (YYYY MM DD) _____
Ending on (YYYY MM DD) _____
- 6 **How much is the rent?** _____ due each Week Month
- 7 **Did the landlord provide the tenant with a copy of the lease?** No Yes
- 8 **Did the landlord provide the tenant with a copy of the Residential Tenancies Act?** No Yes
- 9 **Was a security deposit paid?**
 - No
 - Yes ➔ amount of deposit was _____
 - ➔ deposit was paid on (YYYY MM DD) _____
 - ➔ Is security deposit held in trust? No Yes

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Details of application if the applicant is the tenant

This is an application for:

Check all that apply. Provide a full description of the reasons for your application.
Use an additional sheet if necessary.

Termination of tenancy

Compliance with a lease or the Act

Repairs

Setting aside a notice to quit given by the landlord

Payment of money

relief from rent owing

compensation for expenses occurred

Requesting the award of the application fee

Other

Sign and date this form

Applicant's signature _____ Date (YYYY MM DD) _____

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Details of application if the applicant is the landlord

This is an application for:

Check all that apply. Provide a full description of the reasons for your application. Use an additional sheet if necessary.

- Termination of tenancy and vacant possession for the purpose of renovations or making repairs or demolition of the residential premises

- Termination of tenancy and vacant possession for any other reason (specify)

Payment of money

- unpaid rent

- damages to property

- other

- Compliance with a lease or the Act

- Requesting the award of the application fee

- Other

Sign and date this form

Applicant's signature _____ Date (YYYY MM DD) _____

Respondent Please Note

This application has been filed with the Director of Residential Tenancies.

- The Director has authorized the Residential Tenancy Officer to investigate and attempt to mediate the dispute. **If there is no mediation, the Residential Tenancy Officer will make a decision within 14 days.**
- Mediation means that the parties discuss the dispute and come to an agreement on how best to resolve it. The Residential Tenancy Officer will encourage mediation and help you and the applicant discuss the matter so you may resolve the dispute.
- **If you come to an agreement, the Residential Tenancy Officer will prepare a written settlement for both parties to sign.** There can be no appeal of the settlement.
- **If you are not able to come to an agreement, the Residential Tenancy Officer will hold the hearing and decide the issue within 14 days.** See Notice of Hearing.
- The Director's order that the Residential Tenancy Officer issues will be based on information obtained during the Officer's investigation, your mediation efforts and evidence presented at the hearing, if the hearing is necessary.
- **If you do not attend the hearing, the Residential Tenancy Officer is authorized to issue an order based on information obtained during the Officer's investigation and from the applicant.**