

Guide Form K: Application to Director - Rental Arrears

(subsections 10(6D) and 10(6E) and Section 13 of the Residential Tenancies Act)



What is this form for?

Use this form

- If you are a landlord applying to end a tenancy for rental arrears and do not wish to have a hearing or attempt to mediate with your tenant.
- For all other disputes, use Form J to make an Application to Director.

Important Information

- You may only use this form after your tenant(s) have been served with a Form D: Notice to Quit for Rental Arrears. You or a representative must serve this form to the same tenant(s) served with the Form D.
- You or a representative may serve a Form D: Notice to Quit for Rental Arrears after the rent is in arrears for 15 days. See our Counting Days Policy at novascotia.ca/rta for more information.
- If Form D was successfully served on the 17th, you must count 15 days starting with the 18th. The date this Form K can be filed is:
 - the 2nd day of the following month if the month Form D was served in had 31 days
 - the 3rd day of the following month if the month Form D was served in had 30 days
 - The 5th day of March if Form D was served in February (4th day of March for a leap year)
- If the tenant pays the rent no later than 15 days after receiving the Notice to Quit, you may not use this form.
- If you wish to claim rental arrears for months after the Notice to Quit was given, or if you wish to make claims for damage, use Form J.
- Staff will check whether the tenant has applied to have the Notice to Quit set aside. If the tenant has, you may not use this form. The tenant will serve you with a Notice of Hearing (Application to Director). You may choose to wait for it to be served, or file a Form J at this time.

How to complete these forms?

Filed by

Complete this section with your information.

Name

Landlord, give the company name as it appears on your lease. If you are representing a landlord give the landlord's name.

Street number and name

Give your full civic address and any phone numbers we can use to reach you.

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Against

Complete this section with the tenant's information.

Give the tenant's name as it appears on the lease. If you do not have a lease, use the tenant's full name.

Give the tenant's full civic address and any phone numbers you have for them.

Regarding

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.

Details of application

You can choose any combination of these options.

Vacant possession: Choose this option if you wish the tenant(s) to leave the premises. If you do not choose this, the tenant(s) must pay, but will not be ordered to leave.

Payment of rent owing: Choose this option if you wish the tenant(s) to repay rent due before the notice was given. This includes the rent for the month that you gave the notice.

Retention of security deposit: Choose this option if you wish to keep the security deposit to compensate for rent owing. You must make a new application to claim for damages found once the unit is empty.

Additional information

Notice to Quit for Rental Arrears: Note the date you served the Notice to Quit and the last day of the tenancy you gave on that notice. See the Counting Days Policy at novascotia.ca/rta to ensure you are using the correct dates.

Specify the method of service used for the Notice to Quit. If you sent it by registered mail, prepaid express post, or courier service, attach a receipt as proof the notice was prepaid, and sent.

Attach a copy of the Form D: Notice to Quit served on the tenant(s).

Rental arrears: Show the term of the lease. If you do not have a written lease, choose month-to-month. Show the rental amount and how often it is due. Use the actual rent, not the amount given in the lease, unless there has been no rental increase.

Show the amount of rent that is overdue. This amount must match the amount on the Form D: Notice to Quit. If the tenant has paid part of the rent, or paid the rent after the 15-day window, show this amount.

You cannot claim for additional rental arrears not included on the Form D: Notice to Quit that was served on the tenant(s). To claim for additional rental arrears, damages, or other expenses incurred, file another Application to Director using Form J.

Security deposit: Show whether you collected a deposit. If yes, show how much, and when it was paid.

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Process for submitting Form K

- 1** Complete Form K and bring it and a copy of the Form D that was served on the tenant to an Access Centre. Page F5 must be signed in the presence of a lawyer or Commissioner of Oaths (many Service Nova Scotia staff are a Commissioner of Oaths).
- 2** The applicant, or individual who served the Form D on the tenant, must complete the Certificate of Service on page F4 of Form K.
 - If the tenant was served by prepaid registered mail, express post, or courier service, a copy of the Form D and a copy of the receipt showing proof the notice was prepaid, and sent is required.
 - If the tenant was served by email, a copy of the email showing the date and time the notice was sent is required.
- 3** Pay the Application to Director fee.
- 4** Access Centre staff will process the application and give the applicant a copy of the completed Form K to be served on the tenant.
- 5** The applicant, or a representative, must serve the same tenant that was served with the Form D with a copy of the Form K. (Form D does not have to be served again.)
- 6** After the tenant is served with a copy of Form K, the applicant is to return to the Access Centre.
- 7** The applicant, or individual who served Form K on the tenant, will be required to complete a Form L1: Certificate of Service or a Form L: Affidavit of Service.
 - If the tenant was served by prepaid registered mail, express post, or courier service, a copy of the receipt showing proof that the Form K was prepaid, and sent is required.
 - If the tenant was served by email, a copy of the email showing the date and time the notice was sent is required.

Access Centre staff will complete processing of the application and assign it to a Residential Tenancy Officer.

There is no hearing for a Form K: Application to Director–Rental Arrears.

The Residential Tenancy Officer will review the application and render an Order of the Director.

Keep a copy of all forms for your records.

Form K: Application to Director - Rental Arrears

(subsections 10(6D) and 10(6E) and Section 13 of the Residential Tenancies Act)



File number _____

Important Information

This form may be used only if all of the following apply:

- The landlord or a representative has served a Form D: Notice to Quit for Rental Arrears under subsection 10(6) of the Act on the tenant(s) after the rent was in arrears for 15 days (see our Counting Days Policy).
- 15 days have elapsed since the Notice to Quit was served.
- The tenant(s) has not paid the rental arrears.
- The tenant(s) has not applied to the Director to have the Notice to Quit set aside.

If you wish to claim for rental arrears for months after the month that the Form D: Notice to Quit for Rental Arrears was given, or for damage to the rental unit, you may not use this application form.

Complete an Application to Director using Form J.

Ensure that you attach the following to this application:

- A true copy of the Form D: Notice to Quit for Rental Arrears served on the tenant(s).
 - Form L1: Certificate of Service, completed by the individual that served Form D on the tenant(s).
- OR

Form L: Affidavit of Service, completed by the individual that served Form D on the tenant(s).

The applicant or a representative must serve the other named party(ies) on the application with a copy of this application and return to the Access Centre to file an Affidavit of Service in Form L or a Certificate of Service in Form L1 by (day of week) _____, (month/day) _____, 20_____.



Filed by (applicant—landlord)

Name (first name, initial, last name, OR company name)

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 _____

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➔ Against (respondent—tenant)

Name (first name, initial, last name OR company name)

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 (respondent—tenant)

Address of residential premises

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

➔ Details of application

This is an application for (check all that apply)

- Vacant possession
- Payment of rent owing for the month the Form D: Notice to Quit for Rental Arrears was given and any rent in arrears for months previous to that month
- Retention of security deposit and interest to be applied against rent found to be owing for the month that the Form D: Notice to Quit for Rental Arrears was given and any rent in arrears for months previous to that month

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Additional information

Notice to Quit for Rental Arrears

What date was the Notice to Quit served on the tenant(s)? (YYYY MM DD) _____

What is the effective date of termination of tenancy? (YYYY MM DD) _____

What method of service was used for the Notice to Quit?

- Personal service
- Leaving a copy in the tenant's mailbox or mail slot at the residential premises at (address) _____, and the tenant currently resides there
- Prepaid registered mail, prepaid express post or prepaid courier service
- Electronic service

Attach a copy of the Notice to Quit for Rental Arrears

Rental arrears

What is the term of lease? Year-to-year Month-to-month Fixed-term

How much is the rent? \$_____ due each Week Month
(must match amount shown on Notice to Quit for Rental Arrears)

How much rent has been paid since Notice to Quit for Rental Arrears given? \$_____

Information about the Lease

What date did the tenant move in? (YYYY MM DD) _____

What date did the tenant move out? (YYYY MM DD) _____

Is there a written lease? (Please attach a copy of the lease) Yes No

Did the landlord provide the tenant with a copy of the lease? Yes No

Did the landlord provide the tenant with a copy of the Residential Tenancies Act? Yes No

Security deposit

Was a security deposit paid?

- No
- Yes ➔ amount of deposit was \$_____
- ➔ deposit was paid on (YYYY MM DD) _____

➔ Sign and date this form

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

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Certificate of Service for Notice to Quit for Rental Arrears

I, (name) _____,

of (civic address) _____, **hereby certify**

that on (day of the week) _____, (month/day) _____, **20** ____ .

I served the Tenant (name of person served) _____ **with a Notice to Quit for Rental Arrears in Form D by** (check applicable box)

Personal service at (place of service) _____
at (time) _____ **am** **pm.**

OR

Leaving a copy in the tenant's mailbox or mail slot at the residential premises at (address) _____, **and the tenant currently resides there.**

OR

Prepaid registered mail, prepaid express post or prepaid courier service to (address) _____, **and the receipt is attached showing proof that the notice was prepaid and sent.**

OR

Sending it electronically to (electronic address) _____
at _____, **am** **pm and a copy of the email is attached showing the date and time the notice was sent.**

I further certify that I have attached a true copy of the Notice to Quit for Rental Arrears served on the Tenant.

Date _____ Signature _____

Print name _____

- This certificate must be completed by the person who served the Notice to Quit for Rental Arrears.
- If you served the Notice to Quit for Rental Arrears by registered mail, express post or courier service, it is deemed to have been served on the 3rd day after the day of mailing. Attach the receipt showing proof that the notice was prepaid and sent..
 - If you served the Notice to Quit for Rental Arrears electronically and it is sent by 4:00 pm, it is deemed to have been served on the day it was sent, unless
 - it is sent on a Saturday, Sunday or holiday, in which case it is deemed to have been served on the next day that is not a Saturday, Sunday or holiday; or
- it is sent after 4:00 pm on any day, in which case it is deemed to have been served on the next day that is not a Saturday, Sunday or holiday.
- If you served the Notice to Quit for Rental Arrears electronically, attach a copy of the email showing the date and time the notice was sent.
- Attach a true copy of the Notice to Quit for Rental Arrears served on the tenant.

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Affidavit in support of application

File number _____

I, (name) _____

of

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

make oath and say as follows

1 ➤ That I request an order for the Tenant to vacate the residential premises at

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

2 ➤ That the total rent owing for the month that the Form D: Notice to Quit for Rental Arrears was given is

\$ _____

3 ➤ That the total rent that is in arrears for months previous to that month is \$ _____

4 ➤ That since the Form D: Notice to Quit for Rental Arrears was given to the Tenant, I have received

(check one)

no rent from the Tenant
OR

rent in the amount of \$ _____ from the Tenant.

5 ➤ That (check one)

the Tenant has not vacated the premises
OR

the Tenant has vacated the premises as of (date) (YYYY MM DD) _____

Sign and date this form

Date (YYYY MM DD)

Applicant's signature

Print name

Sworn to before me at _____,
in the County of _____,
this _____ day of _____, 20____.

A Barrister or Commissioner of the
Supreme Court of Nova Scotia

* Sign in the presence of a lawyer or Commissioner of Oaths (many Service Nova Scotia staff are Commissioner of Oaths).