

**Form 27:**

**Notice of Appeal of Decision of Condominium Dispute Officer**  
(under Section 33 of the *Condominium Act* and Section 82D of the *Condominium Regulations*)

File No. \_\_\_\_\_

<b>Important dates for applicant:</b>	
Decision of condominium dispute officer ( <i>date and file number</i> ):	
Date appeal filed: ( <i>date notice of appeal is submitted</i> )	
Deadline for delivering notice of appeal and supporting documents to respondent: ( <i>10 days after date appeal filed</i> )	
Deadline for returning affidavit of service to condominium appeals officer:	10 days after notice of appeal delivered to respondent
Hearing date: ( <i>if necessary</i> )	

<b>Appellant and respondent contact information:</b>	
<input type="checkbox"/> Appellant <input type="checkbox"/> Respondent	_____ County Condominium Corporation No. _____  contact person: address: phone number: e-mail address:
<input type="checkbox"/> Appellant <input type="checkbox"/> Respondent	Name: _____, owner of Unit No. _____ in _____ County Condominium Corporation No. _____  address: phone number: e-mail address:

<b>Hearing location:</b>
<i>(to be filled in by Office of Service Nova Scotia)</i>

**To the respondent:**

**Take notice that** the appellant is appealing the attached decision of the condominium dispute officer. The applicant's reasons for appealing are set out in this notice and in the attached information. If you want to respond to the appeal, you must send the condominium appeals officer a written response and deliver it to the hearing location no later than 10 days after the date you receive this notice, and give a copy of your response to the appellant. If you do not respond, an order can be made without your input.

Information on the powers of the condominium appeals officer are listed on this notice. For further information on the process, please contact Office of Service Nova Scotia at:

*(contact information for Department)*

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**Reasons for the appeal:**

The appellant says that the decision of the condominium dispute officer must be varied or rescinded because the condominium dispute officer made an error of *(check any applicable box)*

- jurisdiction
- law

In particular, *(Set out details of reasons for appeal. Use a separate piece of paper if necessary.)*

Supporting documentation *(list below and attach copies)*

*(You must include copies of documentation filed in the application, including application and attachments, response, and decision of condominium dispute officer)*

<b>Powers of the condominium appeals officer</b>
<p>A condominium appeals officer can hear appeals of condominium dispute officers' decisions on disputes between a condominium corporation and a unit owner.</p> <p>A condominium appeals officer may decide an appeal based on the written submissions of the parties without holding an oral hearing. A condominium appeals officer cannot hear the entire dispute again and can only hear appeals of decisions on the basis of an error of law or jurisdiction.</p> <p>A condominium appeals officer has the power to make an order, and may do any of the following in the order:</p> <ul style="list-style-type: none"><li>• confirm the condominium dispute officer's decision, if no error of law or jurisdiction is found</li><li>• vary the condominium dispute officer's decision, based on an error of law or jurisdiction, and make any order that the condominium dispute officer could have made</li><li>• rescind the condominium dispute officer's decision, if an error of jurisdiction is found</li><li>• split the fees charged for the appeal between the appellant and respondent (maximum fees are \$1000/day for the hearing and \$150/hour for writing the decision)</li></ul>

A condominium appeals officer's order can be made an order of the Supreme Court of Nova Scotia and enforced as an order of the court.

(See Section 33 of the *Condominium Act* and Sections 82D and 82E of the *Condominium Regulations*)

**Affidavit of Service:**

I, \_\_\_\_\_ (name), of \_\_\_\_\_ (civic address), make oath/affirm that I served \_\_\_\_\_ (name of person served) on \_\_\_\_\_ (date) with a true copy of the attached Notice of Appeal and the supporting documentation by \_\_\_\_\_ (details of personal service or registered mail).

Sworn to/Affirmed at \_\_\_\_\_ ) \_\_\_\_\_ (signature)  
\_\_\_\_\_ ) \_\_\_\_\_ (printed name)  
on \_\_\_\_\_ (date), before \_\_\_\_\_ )  
\_\_\_\_\_ )  
Commissioner of the Supreme Court of Nova Scotia )  
Scotia

[Note: The references to the Department of Service Nova Scotia and Municipal Relations has been updated in accordance with Order in Council 2014-71 under the *Public Service Act*, R.S.N.S. 1989, c. 376, effective April 1, 2014.]