

Completing the Application

Only the the buyer or seller that signed the related Agreement of Purchase and Sale is entitled to file an Application for Real Estate Trust Account Dispute Resolution.

NOTE: If you have filed a claim in court for this dispute we are unable to accept an application. The court has already been requested to resolve the dispute.

It is the responsibility of the person/organization completing the application to ensure the application is fully and accurately completed.

The person/organization completing the application is the **Applicant** party to the hearing; the other party responding to the application is the **Respondent**. For example if the buyer completes the Application, the buyer is the applicant and the seller is the respondent.

The Application for Real Estate Trust Account Dispute Resolution is available on the Province's website:

- <https://www.gov.nl.ca/dgsnl/real-estate/>

The application can be submitted using the following methods.

- Emailed to FSRD@gov.nl.ca; with the subject line identified as:
Application for Real Estate Trust Account Dispute Resolution
- Sent by mail to:
Superintendent of Real Estate Brokers and Salespersons
Consumer and Financial Services Division
Digital Government and Service NL
PO Box 8700
St. John's, NL A1B 4J6
- Delivered or couriered to:
Superintendent of Real Estate Brokers and Salespersons
Consumer and Financial Services Division,
Digital Government and Service NL
149 Smallwood Drive, MRD Building
Mount Pearl, NL A1N 4B5

Part 1: Applicant Type

Check one box to indicate whether the applicant is the buyer or seller. Only a party of the purchase and sale agreement can submit an application for dispute resolution.

Part 2: Applicant Information

The applicant is required to ensure the application is fully completed and accurate. Applications that are not fully completed or will not be accepted. If information on the application is inaccurate, the application maybe rejected.

Provide the full legal name of all applicants.

- If the applicant is a person, or persons, the legal names of all individuals must be provided as registered on a birth certificate or driver's licence.
- If the applicant is a business,
 - provide the full the legal name of the business registered with the Registry of Companies or Revenue Canada Agency
 - the name of an individual person representing the business must also be identified.
 - A complete civic or mailing address is required to submit an Application for Resolution of a Trust Deposit Dispute
 - Include telephone numbers and email addresses of all applicants.

Part 3: Respondent Information

The respondent is the other party to the dispute. For example if the seller is completing the application, they are the applicant, the respondent is the purchaser.

It is the responsibility of the applicant to provide complete and provide accurate information about the respondent.

Required:

- The full legal name of all respondents. If the respondent is a business, the full legal name of the business registered with the Registry of Companies or Revenue Canada Agency is required.

- A civic or mailing address of all respondents must be provided. If the current address of the respondent is unknown, the last known address may be used.
- the telephone number and email address of all respondents.

Part 4: Trust Deposit Information

In this part of the application the applicant is required to

- provide the full legal name, address, and telephone number of the real estate broker holding the deposit.
- The the complete civic address of the property on the Purchase and Sale Agreement.
- Information about the amount of the deposit paid and the date on which it was paid.

Part 5: Application Details and Supporting Documentation

The applicant is required to provide material information about the dispute as well as the resolution the applicant is seeking. Under the principles of natural justice, the respondent has a right to receive such details necessary to prepare a reasonable defence.

With the application, the applicant is required to submit

- A copy of the receipt for the deposit held in trust;
- A brief summary of the dispute stating why the sale was not completed and indicating the resolution you are seeking;
- A list of the actions taken by the real estate broker to resolve the dispute;
- A copy of the signed Agreement of Purchase and Sale, as well as the receipt for the deposit held in trust; and
- Any additional documentation which will support your application (e.g., a home inspection report, a notice from lending institution, a property disclosure statement, location certificate, etc.). If the dispute concerns the results of a home inspection, the home inspection report should be submitted with the application, along with any correspondence concerning that matter. If the dispute concerns the purchasers inability to secure financing, a letter from the lending institution would be required, along with any correspondence concerning that matter.

Part 6: Statutory Declaration

This declaration must be completed and signed by the applicants and witnessed by a commissioner of oaths, a notary, or a justice of the peace. Electronic signatures are not acceptable.

Applicants are required to confirm that the the real estate broker holding the deposit has taken reasonable steps to resolve the dispute, prior to submitting an application to the Superintendent of Real Estate Brokers and Salespersons. Accordingly, applicants are required to document any and all actions taken by the broker to resolve the dispute.

If the real estate broker has not taken reasonable steps to resolve the dispute, the application may not be accepted. Please contact the broker holding the deposit and request the broker to take reasonable steps to resolve the dispute. If the broker has any questions on this requirement they can refer to [Section \(26\(6\) of the Real Estate Trading Act](#) or email the Superintendent at FSRD@gov.nl.ca.

Part 7: Applicant Signature

The application must be completed and signed by either the buyer or seller that signed the Purchase and Sale Agreement which resulted in a real estate broker holding funds in trust. An application signed by someone other than the buyer or seller identified on the purchase and sale agreement will not be accepted.

Electronic signatures are accepted.