



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 09-006
Subject: Requirements for Application
Chapter: Claim Refusals

Legislation	s. 42, 43, 44, 46
Definitions	N/A
Purpose	The purpose of this policy is to outline the requirements for an Application for Dispute Resolution.
Policy	<p>Proper completion of the application and payment of the application fee is critical to having an application processed by the Residential Tenancies Office and minimizing delays through the dispute resolution process. It is the responsibility of the applicant to provide complete and accurate information about the parties and issues of dispute.</p> <p>The Application for Dispute Resolution is located on the webpage identified below:</p> <p>https://www.gov.nl.ca/dgsnl/files/landlord-dispute-resolution.pdf</p> <p>The application can be downloaded, completed and saved to a client's electronic device where the user can complete in their own time. Once the application package is complete, the applicant may organize all attachments to submit to the Residential Tenancies Office in one complete package.</p> <p>An Application for Dispute Resolution will not be processed until the application is properly completed and the application fee is paid. The application fee of \$20.00 applies to all applications except an application submitted by the tenant for return of the security deposit. The application fee can be paid online at the following link:</p> <p>Residential Tenancies Fees</p> <p>Once this fee is paid, the application as well as a copy of the receipt may be submitted to the Residential Tenancies Office by postal mail, email or facsimile.</p>
Procedure Overview	The division may refuse a claim that is substantially incomplete. The applicant must provide sufficient information and any required accompanying documentation. It is essential that there be enough



information provided on the application for the respondent to be able to understand the claim being made against them and to be able to prepare an adequate response. To accept a substantially incomplete application could prejudice the respondent. It is the sole responsibility of the applicant to ensure that the application is properly completed

The following sections of the application should be completed as follows:

Applicant Information

The full legal name of the applicant is required. If the applicant is a person or more than one person, 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, the legal name of the business as registered with the Registry of Companies or Revenue Canada Agency is required. If the applicant is a business, the name of an individual person representing the business must also be identified to whom communication from the Residential Tenancies Office will be directed.

A civic or mailing address is required to submit an application for dispute resolution. An application will not be accepted without a complete civic or mailing address including the postal code. Telephone numbers and email addresses should also be provided to ensure the Residential Tenancies Office are able to contact the individuals named on the application.

Respondent Information

The full legal name of the respondent is required. If the respondent is more than one person, the legal names of all individuals must be provided. If the respondent is a business, the legal name of the business must be provided. A civic or mailing address of the respondent must be provided. If the current address of the respondent is unknown, the last known address may be used. A telephone number and email address of the respondent should also be provided. It is the responsibility of the applicant to provide complete and accurate information about the respondent. If this information is deficient or inaccurate, any order awarded against the respondent may be unenforceable.

Security Deposit in Joint Tenancy

If one tenant in a joint tenancy has paid the full amount of the security deposit, and if the receipt for the security deposit is made out in that tenant's name only, then that tenant alone may make



	<p>application to this Division seeking a return of that deposit. Otherwise, all the tenants in the joint tenancy should be named on the application. In any counterapplication filed by a landlord, however, all of the joint tenants should be named and served, even if the security deposit was paid by only one tenant.</p> <p>Address of Rental Unit The full address of the rental unit, including the city or town and the postal code. If a security deposit was paid, enter the amount of the security deposit and date of payment, should be entered on the application.</p> <p>Application Details The application details section is where the substance of the dispute is identified 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. This section also lets the adjudicator know what outcome the applicant is seeking.</p> <p>Compensation for Damages A landlord would check this block when he/she believes the tenant is responsible for damages to the rental property. A breakdown of the damages and amount for each item is required. A claim total is also required.</p> <p>A tenant would check this box when he/she believes the landlord is responsible for damages to his/her personal property. A breakdown of the damages and amount of each item is required. A claim total is also required.</p> <p>Possessions Returned A tenant would check this box when seeking the return of personal property that was either seized by the landlord or left in the residential premises. A landlord would check this box when he/she wants to recover items which are believed to have been removed by the tenant from the rental premises. Attach a list of items being claimed.</p> <p>Future Rent A landlord cannot make a claim for rent that has not yet come due. After a hearing has been conducted, an adjudicator may only award rent up to the date of that hearing. E.g., if a tenant moves out before the expiry date in a fixed-term lease, that tenant may be responsible</p>
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for paying the rent for the remainder of the term if the landlord is unable to find new tenants. A landlord may only make a claim for a payment of the rent owing for the full remainder of the term if the hearing is held after the expiry date of the lease. If the hearing is held prior to that date, the landlord would only be awarded rent to the date of the hearing. A second application would have to be filed if the landlord seeks to recover any rent owing after that first hearing.

Hearing dates

An Application for Dispute Resolution, in which the landlord is seeking an order for vacant possession of the rented premises, may be filed prior to the termination date set out in the notice; however, the hearing date shall not precede the termination date. The applicant may serve the respondent with a copy of the application along with the notice of termination.

Where a tenant has filed an Application for Dispute Resolution seeking a return of security deposit, the hearing date shall not be scheduled for a date that precedes the 10 days the landlord has to return the security deposit, plus interest, to the tenant.

Rescheduled hearing dates

Where an applicant's request for a different hearing date has been approved, the Residential Tenancies Officer will draft a Notice of Rescheduled Hearing indicating the new date. It is the responsibility of the applicant to serve the respondent with the original Application for Dispute Resolution as well as with the Notice of Rescheduled hearing.

Where the Residential Tenancies office is responsible for the rescheduling of the hearing, if the respondent has already been served with the application, this office may serve the respondent with the Notice of the Rescheduled Hearing. If the respondent has not yet been served, the applicant would serve that notice.

Counterclaims

Where a claim is filed, the intake officer must determine if a claim has already been filed which would constitute the "counterclaim." If the application is determined to be a counterclaim, the Residential Tenancies Officer must ensure that the application is marked "counterclaim" and that the 2 applications/files are linked in the Dispute Resolution System. In the case file, the counterclaim is filed as a subfolder in the original application folder.



	<p>See section 09002 of this manual - Counterclaims.</p> <p>If the counterclaim is scheduled to be heard on the same date as the original claim, and if either of the parties have not been provided with the required 10-day period of notice, that party may either waive their right to that period of notice, or they may request that the hearing be postponed. If the party who had not received adequate notice does not attend the hearing, the hearing will be postponed.</p> <p>Where the counterclaimant does not want the same hearing date, or where the date of the first claim is not suitable, he or she must be provided with the same consideration as every other applicant by having the right to choose an alternate hearing date.</p> <p>Where this occurs, and with the consent of the original applicant, a different hearing date may be scheduled so both claims may be heard together. Otherwise, the claim and the counterclaim would be heard on separate dates. The Residential Tenancies Officer assigned the case file(s) should advise the parties that where there are 2 separate hearings, there will be 2 separate enforceable orders.</p> <p>Amendments</p> <p>If amendments are made to an application, the Residential Tenancies Officer must write "AMENDED" on the top of the application. If the application had already been served on the respondent prior to the amendment, the officer will instruct the applicant to re-serve the amended application.</p>
Forms & Form Letters	Notice of Rescheduled Hearing
X-Reference	<p>Application Refusal - section 09-001 of this manual.</p> <p>Counterclaims - section 09-002 of this manual.</p> <p>Compensation for Damages to Rental Premises - section 09-003 of this manual.</p> <p>Costs - section 12-001 of this manual.</p> <p>Rules of The Supreme Court, 1986</p>
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Other Resources	N/A
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