

DISPUTE RESOLUTION PROCESS EVICTION REQUEST

IMPORTANT

The contents of this information bulletin are for information purposes only and do not replace the legislation.

EVICTION

The preferred dispute resolution process for a landlord to evict a tenant follows these five steps. Landlords are responsible for initiating Steps 1 and 3.

Problem/Steps	Preferred Course of Action
<p style="text-align: center;">Step 1 - Dialogue</p> <p>The tenant has already been asked by notice to move out of the premises</p>	<p>The landlord and tenant should make arrangements for the tenant to collect and remove his/her personal belongings from the premises before the tenant moves out.</p>
<p style="text-align: center;">Step 2 – Formal Complaint</p>	<p>Not applicable.</p>
<p style="text-align: center;">Step 3 - Landlord’s Application for Assistance</p> <p>The tenant has not moved out of the premises after receiving proper notice</p>	<p>The landlord can submit an Application for Eviction to the Residential Tenancies Tribunal.</p> <p>The Residential Tenancies Officer requires the following evidence:</p> <p>Required evidence:</p> <ul style="list-style-type: none"> • a copy of the lease • a copy of any notice given to the tenant. <p>Optional evidence:</p> <ul style="list-style-type: none"> • any other evidence, such as pictures, that could help state the case • witness statements, including telephone numbers.
<p style="text-align: center;">Step 4 – Residential Tenancies Officer’s Investigation</p>	<p>The Residential Tenancies Tribunal will assign a Residential Tenancies Officer to the case and he/she will investigate the complaint. The Residential Tenancies Officer is required to establish the following:</p> <ul style="list-style-type: none"> • the validity of the request based on at least one of the following: <ul style="list-style-type: none"> • a valid Notice to Vacate or a valid Final Notice to Vacate • a valid Notice to Quit • a valid Notice of Termination • a determination of the tenant’s refusal to vacate the premises in accordance with a notice properly served, including a fixed-term tenancy agreement (i.e. whether the tenant vacated when he/she was supposed to)

Problem/Steps	Preferred Course of Action
Step 5 - Dispute Resolution	<p>The Residential Tenancies Officer will make a decision based on the law and the evidence provided by both the landlord and tenant.</p> <p>After the Residential Tenancies Tribunal has been paid \$75 at any SNB Service Center, the Residential Tenancies Officer may issue an Eviction Order to a Sheriff who will evict the tenant.</p> <p>The Residential Tenancies Officer's decision can be appealed by submitting a Notice of Application to a judge of the Court of Queen's Bench of New Brunswick, within seven days after being notified.</p>

ADDITIONAL INFORMATION

For additional information visit the Residential Tenancies Tribunal website, call the toll free telephone number, or send an email.

Website: www.snb.ca/irent

Email: irent@snb.ca

Phone: 1-888-762-8600