



DISPUTE RESOLUTION PROCESS FAILURE TO PAY RENT

IMPORTANT

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

FAILURE TO PAY RENT

Landlords with a tenant who has failed to pay the rent on time should follow this preferred dispute resolution process, which includes five steps:

Problems/Steps	Preferred Course of Action
<p style="text-align: center;">Step 1 - Dialogue</p> <p>Rent is late or is not paid on time</p>	<p>The landlord should talk to the tenant and remind him/her of the date when the rent is due.</p> <p>If the tenant and the landlord have agreed to a late payment fee in the lease, then the landlord may ask for a late payment fee.</p>
<p style="text-align: center;">Step 2 - Formal (Written) Complaint</p> <p>Rent is late or is still not paid</p>	<p>Even if a late payment fee has been paid, the landlord may issue a Notice to Vacate to the tenant. See the Failure to Pay Rent Information Bulletin.</p> <p>A Notice to Vacate can be cancelled if the tenant pays the total rent owed within seven days of receiving the notice.</p> <p>The landlord may decide to end the tenancy with a Final Notice to Vacate if:</p> <ul style="list-style-type: none"> • the tenant has been given <u>at least one previous</u> Notice to Vacate, or • in the case of mobile home sites, the tenant has been given <u>at least three</u> previous Notices to Vacate. <p>The landlord must give a copy of the notice to the Residential Tenancies Tribunal <u>within seven days</u> of giving the notice to the tenant.</p> <p>At this stage, even if the tenant pays all of the rent owed, it will not cancel a Final Notice to Vacate and the tenant will still have to move out.</p>
<p style="text-align: center;">Step 3 - Landlord's Application for Assistance to the Residential Tenancies Tribunal</p> <p>Rent is still late or is still not paid</p>	<p>The landlord may ask for help from the Residential Tenancies Tribunal by submitting an Application for Eviction. The application will require the following evidence to fully describe the case:</p> <p>Required evidence: (The burden of proof lies on the landlord.)</p> <ul style="list-style-type: none"> • a copy of the lease • a copy of previous Notice(s) to Vacate given to the tenant and the Residential Tenancies Tribunal • a copy of the Final Notice to Vacate given to the tenant and the Residential Tenancies Tribunal • If rent was paid, tenant's receipt for payment of rent. <p>Optional evidence:</p> <ul style="list-style-type: none"> • witness statements, including telephone numbers

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<p>Step 4 - Residential Tenancies Officer's Investigation</p>	<p>The Residential Tenancies Tribunal will assign a Residential Tenancies Officer to investigate the Application for Assistance. The Residential Tenancies Officer is required to establish the following:</p> <ul style="list-style-type: none"> • whether or not the tenant has failed to pay rent • whether or not the appropriate Notice to Vacate was given to the tenant and the Residential Tenancies Tribunal • whether or not the appropriate Final Notice to Vacate was given to the tenant and the Residential Tenancies Tribunal.
<p>Step 5 - Dispute Resolution</p> <p>Rent is still late or is still not paid</p>	<p>The assigned Residential Tenancies Officer will make a decision based on the law and the evidence provided by both the landlord and tenant. The Residential Tenancies Officer may ask that a Sherriff carry out an Eviction Order.</p> <p>The Residential Tenancies Officer's decision can be appealed by filing 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