

# DISPUTE RESOLUTION PROCESS NON-RESPECT OF HEALTH, SAFETY, HOUSING AND BUILDING STANDARDS

## IMPORTANT

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

## DISPUTE RESOLUTION

Please follow the following five steps if you feel that your tenant or landlord is not respecting their obligations regarding health, safety, housing and building standards:

Problem/Steps	Preferred Course of Action
<p style="text-align: center;"><b>Step 1 - Dialogue</b></p>	<p>If you believe there is a health or safety issue on the rented premises, you should speak to your tenant or landlord about it.</p> <p>If a tenant fears retaliation from the landlord because of such a complaint, skip this step and go to Step 2.</p>
<p style="text-align: center;"><b>Step 2 - Written Complaint</b></p>	<p>If you believe there is a health or safety issue on the rented premises, you should notify your tenant or landlord in writing about it and ask that repairs be made.</p> <p>The letter should contain the following: date, landlord's and tenant's full names and addresses, specific details of the health and/or safety issue, time when action should be taken and signature.</p> <p>The <i>Residential Tenancies Act</i> provides protection against retaliation from the landlord for tenants who make a complaint.</p>
<p style="text-align: center;"><b>Step 3 - Application for Assistance to the Residential Tenancies Tribunal</b></p>	<p>The tenant or the landlord may submit a tenant <a href="#">Application for Assistance</a> or a landlord <a href="#">Application for Assistance</a> to the Residential Tenancies Tribunal.</p> <p>The Application for Assistance will require the following evidence to fully describe the case and allow for a Residential Tenancies Officer to start a proper investigation:</p> <p><b>Required evidence:</b></p> <ul style="list-style-type: none"> <li>• a copy of the lease</li> <li>• expert's reports</li> </ul> <p><b>Optional evidence:</b></p> <ul style="list-style-type: none"> <li>• a copy of the written complaint</li> <li>• any picture or other evidence that would help state the case</li> <li>• a witness list, including telephone numbers</li> </ul>
<p style="text-align: center;"><b>Step 4 - Residential Tenancies Officer's Investigation</b></p>	<p>The Residential Tenancies Tribunal will assign a Residential Tenancies Officer to the case. The assigned Residential Tenancies Officer should contact the other person (tenant or landlord) to try to solve the health and safety issue.</p> <p>If required, the Residential Tenancies Officer will send a letter to the other person to let him/her know about the issue and provide him/her with the opportunity to provide his/her point of view. This person must reply within 7 days (+ 6 days for mailing back and forth).</p>

Problem/Steps	Preferred Course of Action
<p align="center"><b>Step 4 - Rentalsman's Investigation (continued)</b></p>	<p>The Residential Tenancies Officer may investigate the complaint and will be required to establish the following facts:</p> <ul style="list-style-type: none"> <li>• the validity or grounds of the claim based on tenant's and landlord's obligations</li> <li>• the nature and extent of the issue</li> <li>• who has what issues</li> <li>• and possibly, costs for repairs or for tenants' reasonable expenses.</li> </ul> <p>During this period, the Residential Tenancies Officer may conduct an inspection of the premises and advise other stakeholders. Experts might be called in to provide an accurate description of the health and/or safety issue. Depending on the nature and complexity of the issue, delays can be expected.</p>
<p align="center"><b>Step 5 - Dispute Resolution</b></p>	<p>The Residential Tenancies Officer will make a decision based on the law and evidence provided by both the tenant and landlord. The Residential Tenancies Tribunal tries to make a decision within 30 days of an application.</p> <p>The Residential Tenancies Officer may issue a Compliance Order asking the responsible person (tenant or landlord) to fix the health, safety, housing and building standards issue.</p> <p>The Residential Tenancies Officer may ask the tenant to pay rent at the Residential Tenancies Tribunal so that the Residential Tenancies Officer can carry out repairs on behalf of the landlord.</p> <p>In extreme cases, the Residential Tenancies Officer may give a Notice of Termination to the tenant and the landlord, breaking the lease. The Residential Tenancies Officer may also order payment of reasonable out-of-pocket expenses to 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> <p>Prosecution in the Provincial Court of New Brunswick is also possible. A Residential Tenancies Officer can advise you on this process.</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](http://www.snb.ca/irent)  
**Email:** [irent@snb.ca](mailto:irent@snb.ca)  
**Phone:** 1-888-762-8600