



DISPUTE RESOLUTION PROCESS REVISION OF NOTICES: RENT INCREASE OR ALTERATION TO A TENANCY AGREEMENT

IMPORTANT

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

DISPUTE RESOLUTION

The preferred dispute resolution process for a long-term or a mobile home site tenant who has received a Notice of Rent Increase or any tenants who have Notice of Alteration of the lease should follow these five steps. Tenants are required to initiate steps 1 to 3.

Problem/Steps	Preferred Course of Action
<p>Step 1 – Dialogue Tenant received a Notice of Rent Increase or Notice of Alteration that he/she does not agree to</p>	<p>The tenant should talk to the landlord and let the landlord know that he/she does not agree with the notice received. The tenant should try to understand the landlord’s position and arguments.</p>
<p>Step 2 - Formal (Written) Complaint Tenant still does not agree with the notice received</p>	<p>The tenant should write to the landlord stating that he/she does not accept the terms of the Notice received.</p> <p>The letter to the landlord should contain the following: date, landlord’s and tenant’s full names and addresses, specific details of the Notice of Rent Increase or Notice of Alteration which the tenant does not agree to, the time when a confirmation is requested, and the signature of the tenant.</p>
<p>Step 3 - Tenant’s Application for Assistance to the Residential Tenancies Tribunal No reply received from the landlord or no agreement</p>	<p><u>Within 15 days of receiving the Notice, the tenant</u> may submit an Application for Assistance to the Residential Tenancies Tribunal.</p> <p>The Residential Tenancies Tribunal will assign a Residential Tenancies Officer to review the notice the tenant has received. In the Application for Assistance, the tenant will need to provide the following evidence to fully describe the case:</p> <p>Required evidence:</p> <ul style="list-style-type: none"> • a copy of the lease • a copy of either the Notice of Rent Increase or the Notice of Alteration <p>Optional evidence:</p> <ul style="list-style-type: none"> • a copy of the written complaint to your landlord • any pictures or other evidence that would help state the case • witnesses statements including telephone numbers
<p>Step 4 - Residential Tenancies Officer’s Investigation</p>	<p>The Residential Tenancies Officer will review the notice and ask the landlord for the following facts:</p> <p>For a Notice of Rent Increase:</p> <ul style="list-style-type: none"> • the notice was served, in writing, within the required period • the validity of the notice: <p><u>Fixed-Term Tenancies:</u> According to agreed terms under the lease</p>

Problem/Steps	Preferred Course of Action
<p>Step 4 - Residential Tenancies Officer's Investigation (continued)</p>	<p><u>Long-Term Tenancies:</u></p> <ul style="list-style-type: none"> • the Notice of Rent Increase is a document separate from any other notice or receipt given to the tenant • the requested rent increase is applied by the same percentage for each unit in the same building • the requested rent increase is reasonable in relation to rent charged for comparable units in the same geographic area <p><u>Mobile Home Sites:</u></p> <ul style="list-style-type: none"> • the Notice of Rent Increase is a document separate from any other notice or receipt given to the tenant • the requested rent increase is applied by the same percentage for each site in the mobile home park or in the same area of the park • the requested rent increase is comparable to sites in the same geographic region or area of the mobile home park <p>For a Notice of Alteration:</p> <ul style="list-style-type: none"> • The notice was served, in writing, identifying the terms that are to be changed and within the required period • The validity of the notice served do not conflict with any part of the Act <p><u>Long-Term Tenancies or Mobile Home Site Tenancies:</u></p> <ul style="list-style-type: none"> • the requested changes must be reasonable and fair
<p>Step 5 - Dispute Resolution</p>	<p>The assigned Residential Tenancies Officer will make a decision based on the law and the evidence provided by both parties. The Residential Tenancies Tribunal tries to solve tenancy disputes within 30 days.</p> <p>If a tenant is not satisfied with a Residential Tenancies Officer's decision, he/she can submit an appeal in writing to the Chief Residential Tenancies Officer, <u>within 7 days of receiving the Residential Tenancies Officer's decision</u>. The Chief Residential Tenancies Officer will review the case based on the same criteria.</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