

Form J Application to Director

(Section 13 of the Residential Tenancies Act)

What is this form for?

Use this form if you are a landlord or tenant trying to resolve a dispute.

- If you are a landlord applying to end a tenancy for rental arrears and do not wish to attempt mediation or have a hearing held, please use Form K.
- If you are a landlord of a land-lease community applying for a rental increase above the guideline amount, use Form M.

How to complete these forms?

Notice of hearing / Office use only (page F1)

Do not complete this section. Staff will fill in this information at the service desk.

When it is complete, it will give you and the party you are applying against information on where to attend your mediation/hearing. It also gives you information about the Residential Tenancy Officer who will hear your case.

Filed by (page F1)

Complete this section with your information.

Name

Give your name as it appears on the lease. If you do not have a lease, use your company name, or, if you do not have a company name, use your full name.

If you are representing a landlord, please give the landlord's company name or full name.

Street number and name

Please give your full civic address as it appears on the lease.

Be sure to check the box that shows whether you are a tenant or a landlord.

Against (page F2)

Complete this section with the other party's information.

Name

Give the other party's name as it appears on your lease. If the other party is a landlord, this may be a company name rather than a person. If you do not have a lease, use the other party's full name.

Street number and name

Please give the other party's full civic address and any phone numbers you have for them.

Be sure to check the box that shows whether the other party is a tenant or a landlord.

Regarding (page F2)

Give the complete address of the place that is being rented as it appears on the lease.

If you do not have a lease, give the full civic address, including the postal code.

Information about the lease (page F3)

If possible, use your lease to complete this information.

Has notice to quit been given?

Notice to quit tells a tenant when they must leave their rental unit, or a landlord that a tenant is leaving. Notice to quit may be given using forms C, D, E, F, G, or I.

Is there a written lease?

If you have a written lease or other written tenancy agreement, please make a copy and attach it for the Residential Tenancy Officer's records.

What is the term of the lease?

Your lease will show what term the lease was signed for. If there is no written lease, please check month-to-month.

How much is the rent?

Give the current rent, not the amount in the lease, unless there have been no changes to the rent amount.

Did the landlord provide the tenant with a copy of the lease?

A landlord must give a tenant a copy of the Residential Tenancies Act when the tenant starts to rent the unit. If you don't remember, please do not check a box.

Was a security deposit paid?

A security deposit must be held in trust and may not be more than one half (1/2) of one month's rent.

Details of application (pages F4)

Use this section to explain why you are applying for dispute resolution. At a hearing, only issues that are explained on the application (or in the other party's counter-application) can be discussed. If you need more space than what is provided, use an extra sheet.

There are two different sections, one for tenants and one for landlords, because there are different categories for tenants and landlords. Fill out the appropriate one.

...if the applicant is the tenant (page F4)

Termination of Tenancy: Choose this option if you wish to end your lease and leave your apartment. Use the space below to explain when, and why.

Return of Security Deposit: Choose this option if your landlord has not returned your security deposit, or if you cannot agree on the amount of the deposit that should be returned. Use the space below to provide details, if required.

Compliance with a lease or the Act: Choose this option if your landlord is failing to follow the Act or your lease. Some examples might be raising the rent more than once a year, removing services, entering your unit without giving proper notice, or otherwise disturbing your quiet enjoyment of the space you rent. Use the space below to provide details.

Repairs: Choose this option if you need your landlord to repair something in your unit or building. Use the space below to provide details.

Setting aside a notice to quit given by the landlord: Choose this option if your landlord has given you a notice to quit (for example, for not paying rent, damaging the property, or bad behaviour) and you disagree with the reasons given. You must apply within 15 days of receiving the notice to quit. The notice will be set aside after your mediation or hearing. Use the space below to provide details.

Relief from rent owing or compensation for expenses incurred: Choose this option if you want to receive compensation for expenses because of damage or trouble in your unit. You may also choose this option if you would like to pay less rent until repairs are made. Use the space below to provide details.

Other: Choose this option if you would like to bring up any issues that do not seem to fit the categories above. Provide full details in the space below.

...if the applicant is the landlord (page F4)

Termination of tenancy and vacant possession: Choose this option if you want to end the tenant's lease and have them leave your unit. Use the space below to provide reasons and details.

Payment of Money: Choose this option if you want the tenant to pay money owing to you. Check the box to show whether this money is unpaid rent, compensation for repairs you have made due to damage caused by the tenant, or other items (i.e. fees, fines, etc.). Use the space below to provide reasons and details.

Compliance with a lease or the Act: Choose this option if your tenant is failing to follow the Act or your lease. Some examples might be disturbing other tenant's quiet enjoyment of the space they rent or failure to follow rules. Use the space below to provide details.

Other: Choose this option if you would like to bring up any issues that do not seem to fit the categories above. Provide full details in the space below.

Sign and date the form.

What do I do with the completed forms?

- ➔ **Take the completed form to an Access Centre and make the application.**
The staff person will create a hearing date and complete the section marked **Notice of Hearing**.
The staff person will give you copies of the completed application.

THEN formally serve the tenant with one of the copies of the application.

You may do this in two ways:

- 1 Personally hand the form to the respondent or have someone else do so on your behalf
- OR**
- 2 Send the form by registered mail to the respondent – it is served once the respondent picks it up

If you have made several attempts to serve the respondent and have been unsuccessful, contact the Residential Tenancies Program.

THEN return to the Access Centre and complete an Affidavit of Service stating that you have served the other party.

The Residential Tenancy Officer will contact you to offer mediation. Both parties must agree in order for this to take place, if you do not mediate, attend the Residential Tenancies Hearing as specified on the application.

Make a copy of this for your records.

Form J

Application to Director

(Section 13 of the Residential Tenancies Act)

F1

File number _____

▶ Notice of Hearing / Office use only

You are required to attend the hearing to be held at

Street number and name (civic address)

City or town

_____, Nova Scotia

on (day of the week) _____, the (date) _____ day of (month) _____, 20____,
at _____ am pm.

You may inquire about this application by contacting

Residential Tenancy Officer's name (please print)

E-mail

Phone

Fax

_____-_____-_____

_____-_____-_____

▶ Filed by (applicant) landlord tenant

Name (first name, initial, last name OR company name)

Street number and name (civic address)

Apartment number

City or town

Postal code

Phone (home)

Phone (business / other)

_____-_____-_____

_____-_____-_____

E-mail

Mailing address, if different

Street number and name (civic address)

Apartment number

City or town

Postal code

➔ Against (respondent) landlord tenant

Name (first name, initial, last name OR company name)

Street number and name (civic address)

Apartment number

City or town

Postal code

Phone (home)

Phone (business / other)

E-mail

Mailing address, if different

Street number and name (civic address)

Apartment number

City or town

Postal code

➔ Regarding

Address of residential premises

Street number and name (civic address)

Apartment number

City or town

Postal code

Information about the lease

- 1 **What date did the tenant move in?** (YYYY MM DD)
- 2 **What date did the tenant move out?** (if applicable) (YYYY MM DD)
- 3 **Has notice to quit been given?**
 - No
 - Yes ➔ It was given by landlord tenant
 - ➔ Date notice given (YYYY MM DD)
 - ➔ It is effective on (YYYY MM DD)
- 4 **Is there a written lease?**
 - No
 - Yes (Please attach a copy of the lease.)
- 5 **What is the term of lease?**
 - Year-to-year
 - Month-to-month
 - Week-to-week
 - Fixed-term
- 6 **How much is the rent?** \$ due each Week Month
- 7 **Did the landlord provide the tenant with a copy of the lease?** No Yes
- 8 **Did the landlord provide the tenant with a copy of the Residential Tenancies Act?** No Yes
- 9 **Was a security deposit paid?**
 - No
 - Yes ➔ amount of deposit was \$
 - ➔ deposit was paid on (YYYY MM DD)
 - ➔ Is security deposit held in trust? No Yes

Details of application if the applicant is the tenant

This is an application for:

Please check all that apply. Please provide a full description of the reasons for your application.
Use an additional sheet if necessary.

- Termination of tenancy

- Return of security deposit

- Compliance with a lease or the Act

- Repairs

- Setting aside a notice to quit given by the landlord

- Payment of money
 - relief from rent owing

 - compensation for expenses occurred

- Requesting the award of the application fee

- Other

Sign and date this form

Applicant's signature

Date (YYYY MM DD)

| X | | | | | | | | | |

Details of application if the applicant is the landlord

This is an application for:

Please check all that apply. Please provide a full description of the reasons for your application.
Use an additional sheet if necessary.

- Termination of tenancy and vacant possession

- Payment of money

- unpaid rent

- damages to property

- other

- Retention of security deposit

- Compliance with a lease or the Act

- Requesting the award of the application fee

- Other

Sign and date this form

Applicant's signature

Date (YYYY MM DD)

| X | | | | | | | | | |

RESPONDENT PLEASE NOTE

This application has been filed with the Director of Residential Tenancies.

- The Director has authorized the Residential Tenancy Officer to investigate and attempt to mediate the dispute. **If there is no mediation, the Residential Tenancy Officer will make a decision within 14 days.**
- Mediation means that the parties discuss the dispute and come to an agreement on how best to resolve it. The Residential Tenancy Officer will encourage mediation and help you and the applicant discuss the matter so you may resolve the dispute.
- **If you come to an agreement, the Residential Tenancy Officer will prepare a written settlement for both parties to sign.** There can be no appeal of the settlement.
- **If you are not able to come to an agreement, the Residential Tenancy Officer will hold the hearing and decide the issue within 14 days.** See Notice of Hearing.
 - You should bring all information about the dispute to the hearing, for example, letters, receipts and photos (3 copies).
 - You may bring witnesses if you wish. Witnesses should have first-hand knowledge of the situation.
 - If you wish to show electronic evidence, you must bring the equipment needed to display it at the hearing.
- The Director's order that the Residential Tenancy Officer issues will be based on information obtained during the Officer's investigation, your mediation efforts and evidence presented at the hearing, if the hearing is necessary.
- **If you do not attend the hearing, the Residential Tenancy Officer is authorized to issue an order based on information obtained during the Officer's investigation and from the applicant.**