

RESIDENTIAL TENANCIES ACT

Claim and Notice of Hearing

Application No. : _____

Counter Claim: Yes No File #: _____

Receipt #: _____

(Office use Only)

BETWEEN: (1) _____
(2) _____
(3) _____

Applicant(s) Landlord Tenant

Address/Postal Code/Phone

AND: (1) _____
(2) _____
(3) _____

Respondent(s) Landlord Tenant

Address/Postal Code/Phone

Address of Rental Unit: _____
Number
Street
City/Town
Postal Code

A security deposit in the amount of \$ _____ was paid on the above property on _____
(Date paid)

What date did your tenancy terminate (date you moved out) _____

Claim

The applicant is seeking the following plus allowable hearing expenses and any other Order as appropriate:

- Vacant Possession of Property/Validity of Notice- *(Copy of Notice Required)*
 - Application/Refund of Security Deposit
 - Repairs (Rent to be paid in trust) - *Attach request for repairs*
 - Compensation for Inconvenience - *Provide details on a separate sheet* \$ _____
 - Compensation for Work Completed- *Provide itemized list* \$ _____
 - Compensation for Damages - *See completing your application* \$ _____
 - Return of Possessions - *Provide an itemized list of Possessions* \$ _____
 - Payment or Rebate of Rent - *Itemize monthly rent amounts* \$ _____
 - _____ \$ _____
 - Payment of Utilities -*Provide details* \$ _____
 - _____ \$ _____
 - Other: _____ \$ _____
- Total Claim:** \$ _____

Date

Applicant (Print)

Applicant (Sign)

Applicant (Print)

Applicant (Sign)

For each item claimed above, please provide a detailed breakdown of how the claim amount was reached.

Appl. #: _____

Notice of Hearing

(This section for office use only)

THIS CLAIM WILL BE HEARD ON _____ at _____ am pm
(Date) (Time)

PLACE:

Today's Date _____ Residential Tenancies Section _____

A copy of your Claim and Notice of Hearing must be served on the respondent(s) not less than 10 days before the above scheduled hearing date. An Affidavit of Service must be completed, sworn or affirmed and forwarded to the Residential Tenancies Office where you filed the claim.

Mediation Services

Staff are available to assist parties if they wish to attempt to settle this matter before the hearing date. If both parties consent to mediation, a mediator is assigned to help the parties try to reach an agreement on the claim. The landlord and tenant will discuss the problems, think of possible solutions and reach their own agreement. Information exchanged during mediation is confidential and cannot be used as evidence at a hearing. If an agreement is reached and one of the parties does not comply, an Order may be issued which is enforceable in the Sheriff's Office. These orders **CANNOT** be appealed.

The applicant consents to Mediation: YES NO

If the respondent(s) wishes to attempt mediation please contact **The Residential Tenancies Section at the telephone numbers indicated on page 4 of this form**. Please refer to your application number when dealing with Residential Tenancies Officers.

DISCONTINUANCE OF CLAIM 2010 No. _____

I/We, _____ the applicant(s) in the above matter agree to fully discontinue this claim as of the below signed date.

DATE

APPLICANT SIGNATURE

APPLICANT SIGNATURE

IMPORTANT INFORMATION

ALL FOUR (4) OF THESE PAGES MUST BE SERVED TO THE OTHER PARTY.

NOTICE OF HEARING

The applicant must serve a copy of this application on the respondent by

1. giving it to the respondent;
2. sending it by registered mail, express post or courier service to the respondent; or
3. giving it to an adult sixteen years or older who apparently lives with the respondent.

If the respondent does not attend the hearing or contact the Section, the applicant will be asked to prove that the respondent was properly served the application not less than ten (10) days before the hearing date. Proof of service may include an affidavit by the person who delivered the notice and/or the delivery confirmation from the post office.

An applicant who is unable to serve the notice as required is asked to contact the Section before the hearing date. The alternatives are:

1. An applicant may apply in writing for a new hearing date if more time is required to give notice to the respondent.
2. An applicant who believes that the notice of a hearing can be given to the respondent by an alternative method may apply in writing for approval of substituted service.

If both the applicant and respondent do not attend the scheduled hearing, contact the Section, or apply in writing for a new hearing date or approval of substituted service before the hearing date, the Section will assume the matter settled and the application will be dismissed.

COUNTERCLAIM BY RESPONDENT

Where the tenant applies to have the security deposit returned, the landlord has 10 days from the date the landlord is served with the tenant's application to file an application requesting permission to apply the security deposit toward their claim.

A respondent who believes that he or she has a claim against the applicant may make a counterclaim. The counterclaim is made on an application form provided by the Section and submitted with a \$20.00 application fee (where applicable). A copy of the claim must be served as indicated above. If both parties appear at the hearing, the counterclaim will be considered at that time unless the adjudicator grants a request for an postponement. All parties are to show proper proof of service for a claim to proceed.

EVIDENCE, WITNESS AND HEARING PROCEDURES:

Applicants and respondents must bring witnesses whom they wish to provide evidence to the hearing. Witnesses are people who can support your case. Parties (applicants, respondents and witnesses) **must bring all documents** to be submitted into evidence **plus two (2) additional copies**, to the hearing. Examples of evidence are rental records, tenancy agreements, conditions reports, bills, notices, cancelled cheques, photographs, videos. **(Rental Records are required for all claims of rent owing)**.

Please note the following:

1. A request for a postponement must be in writing. Please contact Residential Tenancies for more information.
2. All hearings are recorded and evidence will be taken under oath or affirmation.
3. Applicants and respondents will receive an Order of the Director by express post. This order is considered served on the fifth day after mailing. The applicant is required to provide the Section with a current address for all parties.
4. When an applicant or respondent requires a subpoena to be issued to a witness, a **Request for Subpoena** form which is available from the Section, must be completed. Once issued, a subpoena must be delivered at least 5 working days before the hearing.
5. If a party requires the return of their exhibits, a written request must be received within 90 days of the order being issued. All exhibits may be destroyed after this time frame.

HEARING EXPENSES

Expenses may include application fees, costs for registered mail, costs for service of documents etc.

APPLICATION FEES

There is no fee for claims up to and including the amount of the security deposit. All other claims cost \$20.00. Cheques and money orders should be made payable to the **Newfoundland Exchequer Account**.

**Consumer Affairs Division
Residential Tenancies Section**

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P.O. Box 8700
St. John's, Newfoundland
A1B 4J6

133 Riverside Drive, The Noton Building
P.O. Box 2006
Corner Brook, Newfoundland
A2H 6J8

Fraser Mall, 230 Airport Blvd.
P.O. Box 2222
Gander, Newfoundland
A1V 2N9

Telephone: (709) 729-2608,
(709) 729-2610,
(709) 729-5829

Telephone: (709) 637-2445

Telephone: (709) 256-1019

Fax: (709) 729-6998

Fax: (709) 637-2905

Fax: (709) 256-1438

**Individuals can call TOLL FREE from all areas of the Province by dialing
1-877-829-2608**

Our website:

<http://www.gs.gov.nl.ca/cca/tp/residential-tenancies/>

**(We avoid scented products in government to provide employees, clients and
visitors with a healthy and safe environment.)**