

RESIDENTIAL TENANCIES ACT

COMPLETING YOUR CLAIM APPLICATION

The following steps will assist you when completing your application:

- Applicant: Enter full **legal** names, addresses and telephone numbers of the person(s) making the claim. Please check the applicable box, landlord or tenant.
- Respondent: Enter full **legal** names, addresses and telephone numbers of the person(s) or business the claim is against. Please check the applicable box, landlord or tenant.

If the claim is not filed in the person's **legal** name, any order obtained could be ineffective.

If you are filing a claim against a company, the legal name may be obtained by performing a search at the Registry of Deeds and Companies at the East Block, Confederation Building, St. John's. Call 709-729-3317.

All tenants should be named in an application. If the tenants are applicants, each person named must sign the application.

The actual owner/s or Property Manager should be named as landlord.

A hearing date **cannot** be assigned and your application **cannot** be processed without all the necessary information.

Enter the full address of the rental unit, including the city or town.

If a security deposit was paid, enter the amount of the security deposit and date of payment. The adjudicator will deal with the return or application of the security deposit during the hearing as necessary.

CLAIM

Vacant Possession of Property

A landlord would check this block when he/she is requesting possession of his/her property (rental unit, apartment) based upon a notice of termination. A landlord should have a copy of the notice of termination with him when filing this type of application as this notice **must** be attached to the application.

Application/Refund of Security Deposit

The landlord would check this block if seeking permission to apply the security deposit toward any claim awarded.

The tenant would check this block when seeking a refund of the security deposit or a remaining balance of the security deposit.

Validity of Notice of Termination

The landlord or tenant would check this block when requesting a ruling on the validity of a notice of termination which was given by the landlord or tenant.

Repairs/Rent to be Paid in Trust

A tenant would check this block when he/she requires repairs to the rental unit. The tenant must be able to show that a notice has been given to the landlord (proof of service required) and a reasonable time given to the landlord to repair or correct a situation. Rent must be paid up-to-date. The tenant may request that rent be paid in trust to the Division until such time as the repairs are completed.

Compensation for Inconvenience

A tenant would check this block when he/she is seeking compensation for items payable for inconvenience. An example - the tenant is locked out of the rental premises by the landlord and has to pay money for accommodation elsewhere. Generally actual receipts are required at the hearing. A breakdown of the period being claimed and the claim amount is required.

Compensation for Work Completed

A tenant would check this block when he/she requests compensation for work completed on a rental premises which was part of an agreement between the landlord and tenant.

Compensation for Damages

A landlord would check this block when he/she believes the tenant is responsible for damages to the rental property. A breakdown of the damages and amount for each item is required. A claim total is also required.

A tenant would check this block when he/she believes the landlord is responsible for damages to his/her personal property. A breakdown of the damages and amount of each item is required. A claim total is also required.

It is very important to ensure the information provided on/with the claim is clear so that the respondent can tell what he/she is charged with damaging and the cost of materials and labour to repair. The respondent should have enough information to prepare for the hearing.

Example:

Tear in kitchen floor	
Materials	\$100.00
Repair floor (1 hour)	\$ 20.00
Hole in master bedroom wall	
Patch, plaster and repaint (4 hours)	\$50.00
Plaster & Paint	\$50.00
Apartment left dirty	
Cleaning (2 hours)	\$30.00

Actual receipts and/or estimates are required at the hearing. Rental premises condition reports, photographs, videos, witnesses etc. may be used as evidence at the hearing. The age of the flooring, painting etc. may be considered as awards are generally based on depreciation of items.

Return of Possessions

A tenant would check this block when he/she wants the return of possessions which were left on a landlord's property. Attach a list of possessions.

A landlord would check this block when he/she wants to recover items which are believed to have been removed by the tenant from the rental premises. Attach a list of items being claimed.

If possessions cannot be returned, the applicant may request compensation for possessions by attaching a list of the items, a breakdown of cost per item and a total amount being claimed.

Payment or Rebate of Rent

A landlord would check this block when it is believed the tenant owes money for rent. You must provide a breakdown of the rent periods claimed and a breakdown of the rent owing. A total claim amount is also required. The landlord is required to provide his/her complete rental records at the hearing.

A tenant would check this block when it is believed the landlord owes the tenant a rebate of rent paid. The period being claimed is required and a total claim amount.

Payment of Utilities - The tenant would check this block when it is believed that utility charges were paid which may have been the responsibility of the landlord.

The landlord would check this block when it is believed the tenant did not pay utility charges for which he/she was responsible.

In both cases, a breakdown of the period claimed and a total claim amount is required.

Other - The landlord or tenant would check this block and provide details of anything which they believe is not covered under the other claims eg. Compensation for possessions, late fees etc. A claim amount is required.

Mediation Services

The applicant would check "yes" to mediation if he/she would like to attempt to settle the dispute before the hearing date.

Discontinuance of Hearing

The applicant would complete this section if he/she would like to cancel the claim and a hearing is no longer required.

Application Fees

Free Applications up to the amount of the security deposit

\$20.00 All other applications

\$50.00 Reconsideration applications

Important Information

Once your application is completed it must be filed with the Residential Tenancies Section and will be assigned a Hearing date. Once the Hearing date is assigned we will provide you with a copy indicating the date of the Hearing which must be served upon the respondent(s).

Please read the "Important Information" section of the application as this section has valuable information for you regarding serving the application and information on the hearing.

**For further information visit our web site @ www.gs.gov.nl.ca/tp/
or phone St. John's 709-729-2608 or 2610; Gander 709-256-1019;
Corner Brook 709-637-2445 OR phone our toll free number 1-877-829-2608**

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