



Residential Tenancies

Selling Residential Rental Properties
An Overview for RELANS

Agenda

- *Residential Tenancies Act*
- Leases, Service of Documents, Termination of Tenancies
- Sale of Rental Property
- Dispute Resolution and Enforcement

Residential Tenancies Act

Purpose

- To give tenants and landlords an efficient and cost-effective way to settle disputes

Scope

- Act applies when there is a landlord/tenant relationship
- A tenant has possession of a rental premises (i.e. an apartment, house, or manufactured home space) or an agreement to possess one

Applies to

- For-profit landlords
- Public Housing
- Co-operative Housing

Leases

- All residential tenancies have a lease
 - Signed or Unsigned Standard form of Lease
- All lease must comply with the RTA
 - You cannot contract out of RTA
 - Landlords can set reasonable rules
- Lease Types
 - Year-to-year
 - Month-to-month
 - Fixed-Term

Terminating a Tenancy

“Immediate Tenure”

- Landlords are no longer able to give notice that they are not renewing a lease under a:
 - Year-to-year, month-to-month, or week-to-week tenancy
 - Includes land-lease communities
- When signing a periodic lease, landlords must have cause to terminate a tenancy at any point during the tenancy
- Fixed-term leases are not subject to “immediate tenure”
- If a tenant does not comply with an eviction notice landlords must file an application with the Residential Tenancies Program for an eviction order

Service of Documents

Applications to Director

- Personal service on landlord or tenant listed within lease
 - On an agent of the landlord, the property manager or the superintendent
- By prepaid registered mail, express post or courier service:
 - to an address for the landlord stated in the lease, where they carry on business or where rent is payable
 - to the address of the unit if the tenant still resides there or a forwarding address provided by the tenant
- Electronically to an email address contained within the lease s.7 and s. 7A

Service of Documents

Service of Documents – Other Documents

- All types of service for applications to director
- Leaving a copy in the landlord's mailbox or mail slot at an address listed in the lease for the landlord, property manager or superintendent
- Personal service on an adult who lives with the tenant, an occupant
- Leaving a copy in the tenant's mailbox or mail slot at the residential premises if the tenant currently resides there

Sale of Rental Property

- Where residential rental property is sold, existing tenancies are deemed to be transferred to the new owner/landlord
- All security deposits paid by tenants are deemed to have been transferred to the new owner/landlord who is responsible for the security deposits
- Existing tenancies can not be terminated unless the new owner wishes to personally reside in the property
 - Only the tenancy for the unit the new owner wishes to reside in can be terminated
- This can be done by serving an eviction notice using Form DR2

Sale of Rental Property

- Eviction notice (Form DR2) can be given when:
 - Rental property contains 4 units or less
 - Landlord has entered into a purchase and sale agreement, in good faith, to sell the property
 - All the conditions of the sale have been satisfied, excluding the title of the property
 - The purchaser asks the landlord, in writing, to end the tenancy because they intend to occupy the premises
 - The purchaser provides the landlord an affidavit that states they intend, in good faith, to occupy the residential premises

Sale of Rental Property

- Eviction notice (Form DR2) is valid when:
 - Landlord provides tenant with a DR2
 - Landlord provides tenant a copy of the affidavit provided by the purchaser
 - Timing of notice:
 - The effective date must be no earlier than 2 months after the date the tenant receives the notice
 - Must be given on, or earlier than, the day before the day in the month that rent is due
 - For fixed-term leases, the effective date must be no earlier than the date specified as the end date in the lease agreement

Sale of Rental Property

- Tenant Rights
 - Once a tenant receives an eviction notice, they can end the tenancy at any time before the date specified in the notice
 - The termination date given by the tenant must be at least 10 days after the tenant gives notice to the landlord

Dispute Resolution

- Complaint driven
- Director's decisions are not public
- Approaches used:
 - Information
 - Mediation
 - Adjudication

Dispute Resolution Process

- Application to Director submitted – hearing scheduled
- Voluntary mediation attempted for each application
 - Can occur before hearing date or on day of hearing
 - Agreement cannot contravene the *Act*
- Hearing held if mediation unsuccessful
 - Adjudicator and mediator is the same tenancy officer
 - Evidence collected during the hearing
 - Decision rendered within 14 days of hearing
- Process can take between 4 and 8 weeks

Appeal and Enforcement

- Appeal
 - 10-day period after decision is issued
 - Appeal to Small Claims Court
 - Further appeal to Supreme Court
- Enforcement
 - If no appeal, decision can be converted into a Small Claims Court Order
 - SCC Order can be enforced as any other court order
 - Sheriff can enforce items in decision
 - i.e. eviction

Information

- Contact Centre
 - 902-424-5200 or 800-670-4357
 - Answer 25,000 inquiries each year
- Information Services Staff
 - Counter Staff at Access Centres
 - Process 5,000 applications per year
- Web Presence
 - www.novascotia.ca/rta
 - [@nsconsumers](https://twitter.com/nsconsumers) - [#nsrentchat](https://twitter.com/nsrentchat)

Questions? Comments?

Thank you!