Residential Tenancies Guides

After the Hearing: What Now?

Residential Tenancies Program
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NOVA SCOTIA

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When you receive an Order of the Director

A Residential Tenancy Officer will issue an Order in response to an Application to Director. When you read the decision you will have two choices.

If you were not successful, you can:
• Accept the decision and take any action you are ordered to take
• Appeal the decision to Small Claims Court within 10 days if you disagree with it

If you were successful, you can:
• Enforce the decision after the appeal period has passed
• Appeal the decision within 10 days if you disagree with it

How to Accept the Decision

If you are willing to meet the requirements of a Director's Order, you can contact the other party to carry out the terms of the order.

How to Enforce the Decision
If no appeal has been filed within 10 days of the Director's Order being issued, you may wish to have the order enforced. You can:

- Request that the Director's Order be made an Order of the Small Claims Court. This request goes to the Residential Tenancy Officer, and there is no charge for this.
- Inform the Small Claims Court what enforcement actions are necessary. You can do this by contacting Small Claims Court directly.

Depending on the issue, you may need an Execution Order, a Certificate of Judgement, or an Order for Vacant Possession. These orders will be issued by the Small Claims Court. There are fees for some services provided by the Sheriff's Office.

How to Appeal the Decision

Each party has 10 days from the date of the Director's Order to file an appeal with Small Claims Court. An appeal results in a new hearing at Small Claims Court. You can find information about Small Claims Court online at http://www.courts.ns.ca/smallclaims/index_claims.htm.

To file an appeal you will need to get and complete a Notice of Appeal form from

the Small Claims Court. On the form you must explain why you are appealing the Director's Order and attach a copy of the Director's Order.

At the appeal, be aware that this is a completely new hearing. Both parties will need to present their cases again and both parties can introduce new or different evidence at this time. Do not assume that the Small Claims Court adjudicator will decide one way or another based on the outcome of the previous Residential Tenancies hearing decision. The appeal hearing is a brand new hearing, so be prepared to present your case accordingly.

Where to file an appeal

You must file your appeal with the Small Claims Court that serves your area.

Duty to serve the other party and the Director

The person filing the appeal must also serve the appeal form on both the other party and the Director of Residential Tenancies by personal service. This means that you must give it to the other party and the Director, and prove that each party received it. You cannot send it by mail. Serving a staff person at the Access Centre where the original Application to Director was heard is the most efficient way to meet the requirement of service on the Director. Make sure you get the person's name, as you need it when you file your paperwork at Small Claims Court.

Evidence can be used again

Written evidence that was submitted for the Director's Hearing will be available at the Small Claims Court hearing to be re-submitted. You and the respondent may also submit new evidence.

What is the cost?

You must pay filing fees when you file an appeal, and the cost varies depending on the amount or type of claim. Low income earners may be able to have this fee waived. Please contact Small Claims Court for details.

You may also have to pay fees to serve documents and fees for witnesses and their mileage. Win or lose, no lawyer's fees will be awarded. If you win, it may cost you to take steps to collect. It also costs money to register your judgement. If you must involve the Sheriff's Office, there is a fee for that service.

Lawyer not required

Lawyers are not needed for Small Claims Court, but you may wish to talk to a lawyer about the claim or court procedure. The Legal Information Society of

Nova Scotia (LISNS) has a lawyer referral service. They can give you the name of a lawyer who will discuss your situation with you for a half hour for a set fee of $20 (plus taxes). LISNS also has a book on preparing for Small Claims Court. For a referral, to order the book, or to reach their information line, call 455-3135 within the Halifax Regional Municipality or outside Metro call toll free at 1-800-665-9779.

Small Claims Court Locations in Nova Scotia

To find a Small Claims Court office in your area, please visit their website at http://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm