



BILL NO. 41

Government Bill

*3rd Session, 62nd General Assembly
Nova Scotia
65 Elizabeth II, 2016*

An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act

CHAPTER 27
ACTS OF 2016

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 10, 2016**

The Honourable Mark Furey
Minister of Service Nova Scotia

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 401
of the Revised Statutes, 1989,
the Residential Tenancies Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 7 of Chapter 401 of the Revised Statutes, 1989, the *Residential Tenancies Act*, as amended by Chapter 31 of the Acts of 1992, Chapter 7 of the Acts of 1997 and Chapter 72 of the Acts of 2010, is further amended by adding immediately after subsection (1A) the following subsection:

(1B) For the purpose of subsection (1),

(a) the copy or reproduction of this Act provided by a landlord may be in paper or electronic form; and

(b) a landlord is deemed to have provided the tenant with a copy or reproduction of this Act if the landlord provides the tenant with a hyperlink to, or the web address (uniform resource locator) for, a copy of this Act published online

(i) by the Queen's Printer, or

(ii) by authority of the Speaker of the Assembly.

2 (1) Subsection 13(2) of Chapter 401, as enacted by Chapter 7 of the Acts of 1997, is amended by striking out the period at the end of the last line and adding the following clauses:

(a) within such period as the Director may specify;

(b) where the Director does not specify a period for service, within the period prescribed by regulation; or

(c) where the Director does not specify a period for service and the regulations do not prescribe a period for service, within seven days.

(2) Section 13, as enacted by Chapter 7 of the Acts of 1997, is further amended by adding immediately after subsection (3) the following subsections:

(3A) Where an applicant fails to serve a copy of the application on any of the other parties within the period prescribed by subsection (2), the Director may dismiss the application without prejudice.

(3B) For greater certainty, where an application has been dismissed under subsection (3A) and the applicant makes a new application in respect of the same subject matter as the dismissed application, the new application must be accompanied by the fee prescribed by regulation.

3 (1) Subsection 17(1) of Chapter 401, as enacted by Chapter 7 of the Acts of 1997, is amended by striking out “, within fourteen days, make an order in accordance with Section 17A” in the fourth and fifth lines and substituting “hold a hearing”.

(2) Section 17 of Chapter 401, as enacted by Chapter 7 of the Acts of 1997, is further amended by adding immediately after subsection (1) the following subsections:

(1A) Where two or more applications are filed in respect of disputes between the same landlord and tenant, the Director may hear the applications together.

(1B) The Director may hold a hearing in person, in writing or by telephone, video conference or other electronic means, or by any combination of the foregoing.

(1C) Subject to the regulations, the Director may conduct a hearing in any manner the Director considers appropriate.

(1D) Within fourteen days of concluding a hearing, the Director shall make an order in accordance with Section 17A.

(3) Subsection 17(2) of Chapter 401, as enacted by Chapter 7 of the Acts of 1997, is amended by adding “holding a hearing or” immediately after “from” in the first line.

4 Subsection 26(1) of Chapter 401, as amended by Chapter 31 of the Acts of 1992, Chapter 40 of the Acts of 1993, Chapter 7 of the Acts of 1997, Chapter 10 of the Acts of 2002, Chapter 72 of the Acts of 2010 and Chapter 70 of the Acts of 2011, is further amended by adding immediately after clause (cn) the following clauses:

(co) prescribing the period following the making of an application within which a copy of the application must be served on the other parties;

(cp) respecting the practice and procedure for hearings under Section 17;

(cq) respecting procedures for submitting evidence for use at hearings, including

(i) timelines for submitting evidence to the Director and to the other parties before a hearing commences,

(ii) the types of evidence a party may submit, and

(iii) the participation of witnesses at a hearing;

5 Section 27 of Chapter 401, as enacted by Chapter 31 of the Acts of 1992 and amended by Chapter 10 of the Acts of 2002, is further amended by

(a) adding “(1)” immediately after the Section number;

(b) striking out “Minister” in the last line and substituting “Director”; and

(c) adding the following subsection:

(2) Notwithstanding subsection 18A(2), the Director may not authorize a residential tenancies officer to waive an application fee.

6 Sections 2 to 4 come into force on such day as the Governor in Council orders and declares by proclamation.
