

## Claim and Notice of Hearing

**For Office Use Only**

Application No. _____
Receipt No. _____
Counter Claim: Yes <input type="checkbox"/> No <input type="checkbox"/>
Counter Claim No. _____

**BETWEEN**

<b>1</b>	<b>Applicant's Name</b>	<b>Address and Telephone Number</b>
	1. _____	_____
	2. _____	_____
	3. _____	_____
	Landlord <input type="checkbox"/> Tenant <input type="checkbox"/>	

**AND**

<b>2</b>	<b>Respondent's Name</b>	<b>Address and Telephone Number</b>
	1. _____	_____
	2. _____	_____
	3. _____	_____
	Landlord <input type="checkbox"/> Tenant <input type="checkbox"/>	

**Rental Unit Information**

<b>3</b>	Address of Rental Unit _____
	A security deposit in the amount of \$ _____ was paid on the above property on _____ Date paid
	What date did the tenancy terminate? _____ Date tenant moved out

**Claim**

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

<b>4</b>	<b>For each item claimed, please provide a detailed breakdown of how the claim amount was reached.</b>	
	<input type="checkbox"/> Vacant Possession of Property / Validity of Notice - copy of notice required	
	<input type="checkbox"/> Application / Refund of Security Deposit	\$
	<input type="checkbox"/> Repairs (Rent to be paid in trust) - attach request for repairs	\$
	<input type="checkbox"/> Compensation for Inconvenience - provide details on a separate sheet	\$
	<input type="checkbox"/> Compensation for Work Completed - provide itemized list	\$
	<input type="checkbox"/> Compensation for Damages - see Completing your Application/provide itemized list	\$
	<input type="checkbox"/> Return of Possessions - provide an itemized list of possessions and replacement costs	\$
	<input type="checkbox"/> Payment or Rebate of Rent - itemize monthly rent amounts on separate sheet	\$
	<input type="checkbox"/> Payment of Utilities - Provide details on separate sheet	\$
	<input type="checkbox"/> Late Fees	\$
	<input type="checkbox"/> Other (please indicate)	\$
	<b>TOTAL CLAIM</b>	<b>\$</b>

**Applicant's Name (Please Print)**

**Applicant's Signature**

**Applicant's Name (Please Print)**

**Applicant's Signature**

**Date**

**Mediation Services**

**5**

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 application. Please refer to your application number when communicating with Residential Tenancies.

**Notice of Hearing**

**This section is for OFFICE USE ONLY**

**6**

Application No. \_\_\_\_\_

THIS CLAIM WILL BE HEARD ON: \_\_\_\_\_ AT \_\_\_\_\_ am  pm

Place \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Residential Tenancies Section Representative

Date

**Note:**

A copy of your Claim and Notice of Hearing MUST be served on each respondent not less than 10 clear 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. These ten (10) days do not include the day of service or day of the hearing.

**Discontinuance of Claim**

**7**

Application Number \_\_\_\_\_

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

Applicant Signature

Applicant Signature

Date

**PRIVACY NOTICE**

Service NL collects personal information relating to landlords and tenants under the authority of the Residential Tenancies Act. Personal information collected by the Government of Newfoundland and Labrador is protected under the Access to Information and Protection of Privacy Act. If you have any questions about the collection or use of this information, please contact a Residential Tenancies representative.

## **IMPORTANT INFORMATION**

**All four (4) pages must be served to the other party when processed**

### **Notice of Hearing**

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

1. giving it to the respondent personally;
2. sending it by Registered Mail, Express Post or Courier Service to the respondent (proof of service required, ie. signature); or
3. giving it to a person sixteen years of age or older who apparently lives with the respondent.

If the respondent does not attend the hearing or contact Residential Tenancies, the applicant will be asked to prove that the respondent was properly served the application not less than ten (10) clear 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. These ten (10) days do not include the day of service or day of the hearing.

**An applicant who is unable to serve the notice as required is asked to contact Residential Tenancies 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 Residential Tenancies, or apply in writing for a new hearing date or approval of substituted service before the hearing date, we will assume the matter was settled and 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 Residential Tenancies 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 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, condition reports, bills, notices, cancelled cheques, photographs, videos. (Rental records are REQUIRED for all claims for rent owing). Evidence submitted via smartphone, laptop, iPad, etc. will not be accepted at the hearing. This sort of evidence would either have to be printed off or submitted on a CD-ROM or flashdrive, which would be kept with the case file after the hearing has concluded.

**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 Registered Mail. This order is considered served on the fifth day after mailing. The applicant is required to provide Residential Tenancies 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 Residential Tenancies, must be completed. Once issued, a subpoena must be delivered at least five (5) working days before the hearing. Certain fees may apply.
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.

**Conference Calls**

Should a party wish to participate in a hearing via conference call we ask that the following procedures be followed:

1. The landlord/tenant must contact the Residential Tenancies Section seeking approval to participate via conference call.
2. Any evidence to be presented at the hearing must be provided to the other party and our office 10 days prior to the hearing date.
3. The landlord/tenant must be in a location for the hearing without outside interference.
4. If a loss of connection occurs during the hearing, the Residential Tenancies Section will make every effort to establish another connection within 30 minutes. Should a connection not be established the hearing will be postponed and an officer from this office will contact all parties to inform them of a new date and time.
5. It is recommended that the landlord/tenant have an authorized representative at the hearing to enter all evidence.
6. Should it be determined that the matter is too complex to be heard by conference call, the hearing will be postponed to a date, time and location determined by the Residential Tenancies Section in an effort to have all parties present in a hearing room setting.

**Hearing Expenses**

Expenses may include application fees, costs for registered mail, costs for service of documents, etc. and must be presented at the hearing. Hearing expenses will not be accepted once the hearing is adjourned.

**Application Fees**

When filing there is no fee for claims against the security deposit. All other claims cost \$20.00. Cheques and money orders should be made payable to the Newfoundland Exchequer Account.

**Service NL  
Residential Tenancies Section**

**Motor Vehicle Registration Building**  
 149 Smallwood Drive  
 P. O. Box 8700  
 Mount Pearl, NL A1B 4J6  
 Phone: (709) 729-2610/2608/5829  
 Fax: (709) 729-6998

**Government Service Centre**  
 Fraser Mall, 230 Airport Blvd.  
 P. O. Box 2222  
 Gander, NL A1V 2N9  
 Phone: (709) 256-1019  
 Fax: (709) 256-1438

**Sir Richard Squires Bldg.**  
 84 Mt. Bernard Avenue  
 P. O. Box 2006  
 Corner Brook, NL A2H 6J8  
 Phone: (709) 637-2445  
 Fax: (709) 637-2498

**Individuals may also call us toll free at  
 1-877-829-2608  
 or contact us by email at [landlordtenant@gov.nl.ca](mailto:landlordtenant@gov.nl.ca)**

For more information about Residential Tenancies, copies of forms, etc. please visit our website at [www.servicenl.gov.nl.ca/landlord/index.html](http://www.servicenl.gov.nl.ca/landlord/index.html)

**WE AVOID SCENTED PRODUCTS IN GOVERNMENT  
 TO PROVIDE EMPLOYEES, CLIENTS AND VISITORS WITH A HEALTHY AND SAFE ENVIRONMENT.**