

Table of Changes to the
Residential Tenancies Act
Effective January 1, 2019

Consumer Affairs Division
P. O. Box 8700
St. John's, NL A1B 4J6
Tel: 877-968-2600
Fax: 709-729-6998
Email: landlordtenant@gov.nl.ca

New Section	Current Section	Issue	Current Requirement	New Change
2(c)	2(b)	Tenant Who Sub-Lets	Currently it was not clear that a tenant who sub-lets was a landlord under the Act.	Amended the definition of landlord to make it clear that sub-letters are landlords.
2(k)	2(k)	Residential Premises	Currently this definition does not give examples for clarity	Expanded to include a house, apartment, room or similar place
3	3(4)(j) and 3(4)(g)	Applicability	Boarding houses are excluded from the Act, as are living accommodations provided by a religious, charitable or non-profit organization.	Expanded the applicability of the Act to boarding houses, as well as to living accommodations provided by religious, charitable and non-profit organizations by removing references to exceptions under section 3. Transient accommodations provided by religious, charitable and non-profit organizations would remain excluded.
5(1)	31(1)	Appointing the Director of Residential Tenancies	Currently recruited through a merit based process and appointed by the Lieutenant-Governor in Council.	Changed the requirement to be appointed by the Lieutenant-Governor in Council to appointed by the Minister.
7(3)	N/A	Provision of Terms of Agreement	There is no requirement for landlords to give tenants terms of and conditions of the agreement in writing	Added a requirement that landlords give tenants information as contained in regulations. These regulations will contain required information to be contained in a standard rental agreement as well as the documentation of an oral or implied agreement.

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7(4)	5(3)	Provision of Rental Agreement and Information	It is unclear that the tenant must pay rent owing that they withheld because the landlord did not supply a copy of the lease.	Clarified that the tenant must pay the rent owing because of a landlord's failure to provide a copy of the rental agreement on receipt of a copy of the rental agreement.
10(1)(3)	8(1)(3)	Sub-Letting	It is currently not clear that approval to sublet must be in writing.	Clarified that a landlord's consent to a sublet is to be made in writing.
10(1)(7)	8(1)(7)	Peaceful Enjoyment and Reasonable Privacy	The tenant shall not unreasonably interfere with the rights of a landlord or other tenants in the premises; the landlord shall not unreasonably interfere with the tenant's peaceful enjoyment of the premises.	Added reference to "reasonable privacy" to address OIPC and public/media concerns related to property surveillance and to address situations where landlord and tenant reside in same premises.
12(2)	10(2)	Post-dated payment methods	Post-dated cheques are permitted	Expanded to include other forms of post-dated payment
14(6)	12(5)	Accounts for Security Deposits	Currently all landlords must have separate accounts for security deposits.	Changed requirement for landlords to establish a separate account for holding security deposits if they rent three or more residential premises.
14(9)	12(8)	Length of Time a Landlord Can Keep a Security Deposit	Currently a landlord can hold a deposit for 15 days after a tenant leaves.	Decreased the time a landlord can keep a security deposit from 15 days to 10 days.

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14(13)	N/A	Security Deposit Return	Currently, the landlord can delay the process; it is currently on the tenant to make the application and there is no power for the Director to issue an order to have the deposit returned. A hearing is required.	Made it easier to get a security deposit back by allowing an immediate order for its return without holding a hearing if the landlord does not file an application within the ten days.
15(2)	13(2)	Fees for Non-Sufficient Funds	The fees charged for failure to pay rent and fees charged for cheques returned for the "reason of not sufficient funds" are set by the Minister of Service NL, but are not explicitly stated in the Act. The Minister has set the fees for failure to pay rent at \$5.00 for the first day and \$2.00 for each day thereafter to a maximum of \$75.00 per late period. The Minister has set the fees for cheques returned for the "reason of not sufficient funds" to a maximum of \$25.00.	Removed the fee set by the Minister where cheques are returned to the landlord for non-sufficient funds, to allow the landlord to charge the tenant a fee in the same amount the landlord was charged by the financial institution (instead of charging a fee in an amount set by the Minister).
16(3)(b)	14(2)(b)	Notice of Rental Increase	Currently the notice period for rental increases is three months.	Increased the notice period from three months to six months.
17	15	Housekeeping / Clarifications	Rent, money and security deposit records are to be kept by the landlord.	Added requirement to identify the tenant and the residential premises to which the records relate.
17(3)	N/A	Receipts	Currently there is no requirement for landlords to provide a receipt of rent paid.	Required receipts (electronic allowed) for rent or other money, on the tenant's request.

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18(4)	17	Agreement to Terminate a Rental Agreement	Currently, a termination notice is required to be provided even when a landlord and tenant agree in writing to terminate on a specific date.	Removed the requirement for termination notices where a landlord and tenant agree in writing to terminate the rental agreement on a specific date (reduces red tape).
19(1)(b)(iii)	18(1)(a)(iii)	Notice Where Failure to Pay Rent	If the rent payable by a tenant is in arrears for 15 days, the landlord may give the tenant notice that the rental agreement is terminated and that the tenant is required to vacate the residential premises on a specified date not less than 10 days after the notice is served on the tenant.	Reduced the time it takes to evict a tenant in arrears in a month-to-month tenancy by decreasing the time the tenant must be in arrears before a ten day notice to evict can be given to five days from fifteen days.
25-27	N/A	Notice of Termination – Family Violence	There are currently no provisions that provide for early termination of a rental agreement in situations of family violence.	Provided for early termination of fixed term rental agreements without penalty by providing 30 days' notice in situations of family violence.
28(3)	24(5)	Grounds for Group Evictions	Subsection 24(5) of the existing Act states that, for the purpose of a group eviction, a landlord may give a tenant a notice to terminate where the landlord requires possession of the residential premises for the purpose of demolition; changing use to a use other than rented residential premises; and repairs or renovations so extensive they require vacant possession.	Clarified that group termination notices are limited to the grounds outlined in the Act (demolition; changing use to a use other than rented residential premises; and repairs or renovations so extensive they require vacant possession).

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28(4)	N/A	Group Eviction Notice Period	Currently, there is no specific notice period for group evictions of a residential complex.	In situations of a group eviction, required that all tenants (add tenants of residential complexes, in addition to tenants of mobile home parks) be given six months' notice.
28(9)	24	Group Evictions - Undue Hardship	The existing Act allows the landlord to apply to the Director for further consideration in situations where this six month notice period for mobile homes would place undue hardship on the landlord. There is no similar provision to allow a tenant to apply for further consideration, or a landlord to apply for further consideration in relation to residential complexes.	Empowered the Director to hear an application and determine that a six month notice period for a group eviction notice would result in undue hardship for the landlord or tenant and make an order reducing or extending that time period.
31(2) and (3)	27(2)	Housekeeping / Clarifications	Currently it is not clear when abandonment has or has not taken place.	Clarified when a tenant is considered to have abandoned the residential premises.
32(1)	28(1)	Storage of Abandoned Personal Property – Where It Can Be Stored	Current legislation indicates that the landlord shall remove personal property left on the premises by the tenant and immediately place it in safe storage.	Allowed landlords to securely store the personal property in/on the rental property, without requiring an agreement in writing.

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New Section	Current Section	Issue	Current Requirement	New Change
32(2)	28(2)	Storage of Abandoned Property - Timelines	Currently, a landlord has to store abandoned personal property for 60 days.	Reduced the time landlords have to store abandoned personal property from 60 to 30 days.
34	24, 35	Consistent Notice Requirements	Group termination notices and notices of application to the Director currently have requirements inconsistent with other notices.	Changed requirements for group termination notices and notices of application to the Director to be consistent with requirements for other types of notices.
34	17-25	Grounds for Notice Required	Currently there is no requirement that explicitly requires that notice include the section of the Act under which it is given.	Clarified that any notice indicates the section of the Act that gives grounds for the notice.
35, 42	N/A	Substituted Service	There is currently no provision made for substituted service	Changes have been made to allow a landlord or tenant who cannot serve a notice to apply to the Director who may issue an Order authorizing an alternate method of service.
35, 42 and 49	N/A	Electronic Documentation	Electronic documentation is not dealt with under current legislation.	Provided that documents can be delivered and served through electronic means.
39(3)	40(1)	Housekeeping / Clarifications	Currently, the Act in 40(1) places the onus on the Director to notify the other party of an application or hearing.	Shifted notification of application and hearing requirements from the Director to the applicant (Director would still notify of any change in hearing date, time or place).

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40	N/A	Housekeeping / Clarifications	Currently, there are no provisions for a telewarrant.	Provided that it can be filed as a telewarrant when a request for a warrant is filed,
42(1)	35(1)	Timeframes for Applications Under the Act	Currently an application to the Director can be made from two years from the termination of a rental agreement.	Reduced the period of time a landlord or tenant can make an application to the Director to one year from the termination of the rental agreement.
44	37	Housekeeping / Clarifications	Currently it is not specified that the request to withdraw an application to the Director be made in writing.	Clarified that withdrawal of applications must be made in writing (including electronic).
47(3) and (4)	43	Reconsideration to the Director	A landlord or tenant can make an application to the Director of Residential Tenancies for a reconsideration of an order made under section 41 by the staff of the division.	Eliminated the reconsideration of orders to the Director and allow parties to go straight through the court process, reducing the timeline by 17 days.
48	38(b)	Ex-Parte Orders	The Director has authority to make an ex-parte order (make an order without attempting to mediate or holding a hearing) where the matter is urgent and involves the safety or security of a landlord or tenant.	Expanded the Director's authority to make an ex parte order to include situations where the landlord's property is at significant risk (to be defined in policy).
49	N/A	Copies of Orders	Currently it is not noted in the Act that the Director is required to give copies of orders to the landlord or tenant.	Expressly required the Director to provide landlords and tenants with a copy of an order.

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51(1)	45(1)	Penalties	Maximum fines for contravening the Act are \$400.	Increased penalties for contravening Act from maximum of \$400 to maximum of \$10,000 for corporations and \$3,000 for individuals
All	All	Housekeeping / Clarifications	The Act had not been updated in some time and there was a great deal of unclear language.	Generally clarified the language.
N/A	19(5)	Definition of Material Breach	Currently, the definition of material breach is narrowly defined and the language may be confusing for landlords and tenants.	Removed the limiting, unclear, definition of material breach and define it in policy.