



Residential Tenancies **Helpful Tips**

Contents

Pre-Application.....	1
Hearings & Appeals.....	1
First Meeting.....	1

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<http://www.dal.ca/faculty/law/dlas/public-legal-education.html>

Pre-Application

Prior to filing an Application to the Director of Residential Tenancies it is extremely important that a tenant document as much as possible any problems they are having with their rental unit.

A copy of any correspondence between the tenant and landlord should be saved for possible use at a hearing.

Prior to filing an Application it is good practice for a tenant to offer a landlord a final chance to remedy the problem. This can be done by sending a demand letter to the landlord. This letter should indicate that the tenant will be filing an Application if the issue is not remedied by a certain date.

Hearings & Appeals

It is important to remember that your client **must** prove all the elements of their case in order to be successful.

Your client should ensure that they have all the evidence necessary for their case. Evidence may include photos, documents, receipts, witnesses, etc... You should ensure you have three copies of all documentary evidence – one for you, one for the other side and one for the decision maker (i.e. the RTO or Adjudicator).

If a witness cannot be present at a hearing you can submit a sworn statement from them. However their evidence will be given more weight if they are present in person.

As mentioned previously RTO's set their own procedure. Nonetheless your client should be given the opportunity to ask the landlord, and any of their witnesses questions. You should insist upon this right being afforded to your client.

Depending on the complexity of the legal issue you may want to explain how you think the law applies to the issue. Don't worry about the format you choose for written submissions. The content is more important than the format! One option is to write a letter to the decision maker explaining the applicable law, and how courts have interpreted it. If you make written submissions make sure that you provide them to the decision maker and the other party in advance of the hearing.

Remember you can introduce **new evidence** at Small Claims Court even if you did not introduce it during your initial hearing.

Witnesses can be subpoenaed to attend a Small Claims Court hearing. A subpoena is a court document that requires a person to give evidence at a court hearing. A subpoena may require a witness to provide oral testimony, bring certain documents to court or both. A subpoena may be necessary if a witness is unwilling to attend a court hearing. Subpoena forms can be obtained from the Small Claims Court. In your binder you will find a detailed guide on how to use subpoenas in Small Claims Court.

First Meeting

Ensure that a potential residential tenancy client brings the following with them to the first meeting:

- i. A copy of their lease;
- ii. A copy of any Applications filed by either themselves or their landlord;
- iii. A copy of any Orders issued;
- iv. A copy of any relevant correspondence sent to or received from their landlord;
- v. Any relevant evidence pertaining to the issue.

You should obtain the following from your client during the first meeting:

- i. If applicable, a Notice of Representation form;
- ii. If applicable, a waiver of fees form for Small Claims Court; and
- iii. If your client is a public housing tenant you may wish to file a FOIPOP request to view their housing file with the local Housing Authority.

Should your client have already filed or been served with an Application to the Director you should contact the RTO assigned to the file, and advise them that you will be representing your client at their hearing.

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Disclaimer

This document contains general legal information and not legal advice. **If you need advice about a specific legal problem then you should contact a lawyer.** If you will have difficulty affording a lawyer then you should contact [Nova Scotia Legal Aid](#) or [the Legal Information Society of Nova Scotia's lawyer referral service](#).

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