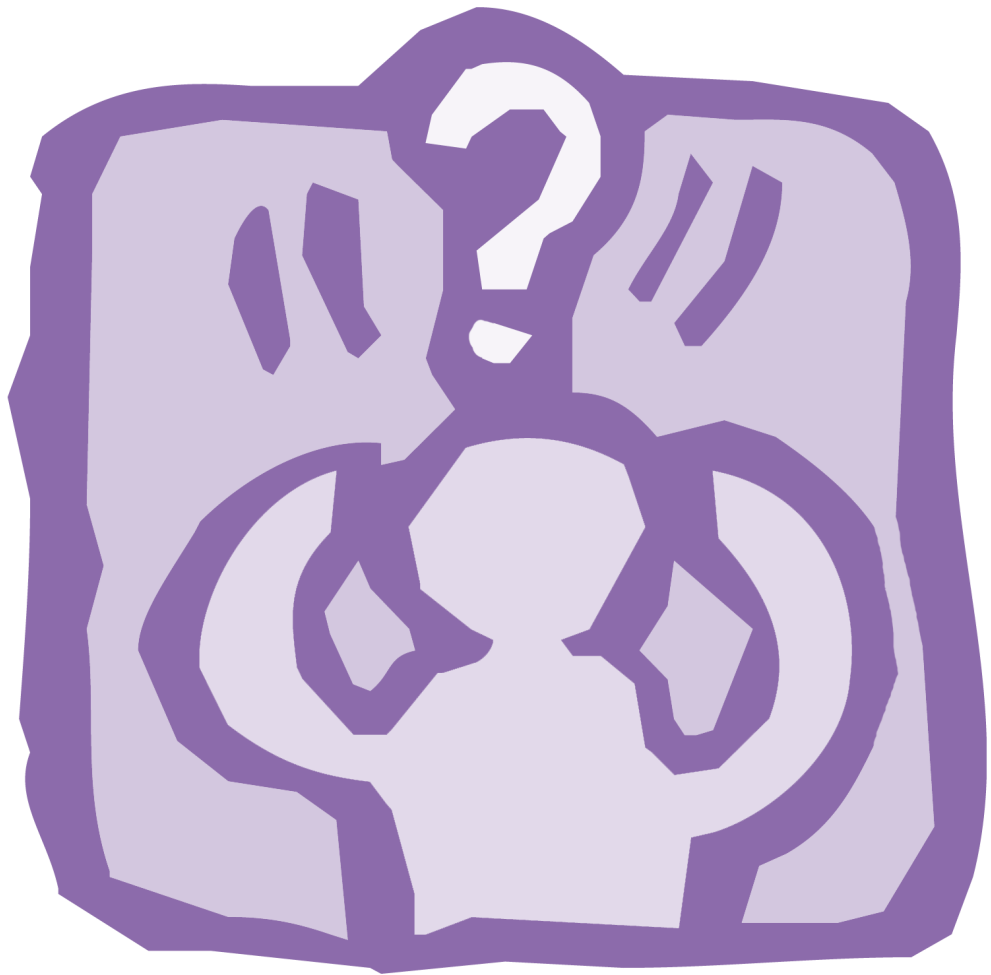


# After the Hearing: *What Now?*



## **After a Residential Tenancies Hearing**

A Residential Tenancy Officer will issue their written decision within 14 days of a hearing. 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 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. The first step is to 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. You will also need to tell the Small Claims Court what enforcement actions are necessary. You can do this using a form available from the Access NS Office, or 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. 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. Both parties will need to present their cases again. To file an appeal you will need to get and complete a Notice of Appeal form. On the form you must explain why you are appealing the Director's Order and attach a copy of the Director's Order.

## ***Where to file an appeal***

You must file your appeal with the Small Claims Court that serves your area. Contact information is attached.

### ***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 you did it. You cannot send it by mail. Serving a staff person at the office in which the original Application to Director was heard will meet the requirement to serve the Director.

### ***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 may also submit new evidence.

### ***What is the cost?***

You must pay filing fees when you file an appeal. These range from \$26.50 to \$160 depending on the amount or type of claim. Low income earners may be able to have this fee waived. 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 costs money to register your judgement. If you must involve the Sheriff's Office, there is a \$75 service fee.

### ***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

### *Small Claims Court*

3rd Floor  
16 Church Street  
**Amherst, NS**  
B4H 3A6  
Phone: 667-5576  
Fax: 667-1108

### *Small Claims Court*

11 James Street  
**Antigonish, NS**  
B2G 1R6  
Phone: 863-7300  
Fax: 863-7479

### *Small Claims Court*

Kings Court, Suite 201  
599 King Street  
**Bridgewater, NS**  
B4V 1B3  
Phone: 543-4679  
Fax: 543-0678

### *Small Claims Court*

The Law Courts  
87 Cornwallis Street  
**Kentville, NS**  
B4N 2E5  
Phone: 679-5540  
Fax: 679-6178

### *Small Claims Court*

5250 Spring Garden Road  
**Halifax, NS**  
B3J 1E7  
Phone: 424-8722  
Fax: 424-0551

### *Small Claims Court*

69 Water Street, P. O. Box 1750  
**Pictou, NS**  
BOK 1H0  
Phone: 485-6373  
Fax: 485-6737

### *Small Claims Court*

Provincial Building  
MacSween Street  
P.O. Box 909  
**Port Hawkesbury, NS**  
BOE 2V0  
Phone: 625-4218  
Fax: 625-4084

### *Small Claims Court*

136 Charlotte Street  
Suites 1 and 2, Harbour Place  
**Sydney, NS**  
B1P 1C3  
Phone: 563-3550  
Fax: 563-0510

### *Small Claims Court*

1 Church Street, P.O. Box 325  
**Truro, NS**  
B2N 3Z5  
Phone: 893-3953  
Fax: 893-6114

### *Small Claims Court*

403 Main Street, Courthouse  
**Yarmouth, NS**  
B5A 1G3  
Phone: 742-4142  
Fax: 742-0678

### *Small Claims Court*

377 St. George Street, Courthouse  
P.O. Box 129  
**Annapolis Royal, NS**  
BOS 1A0  
Phone: 532-5462  
Fax: 532-7225

### *Small Claims Court*

117 Queen Street  
**Digby, NS**  
BOV 1A0  
Phone: 245-4567  
Fax: 245-6722