

Evictions from a Housing Co-operative

*Using the Residential Tenancies Act
and the Co-operative Associations Act*




NOVA SCOTIA
Service Nova Scotia
and Municipal Relations

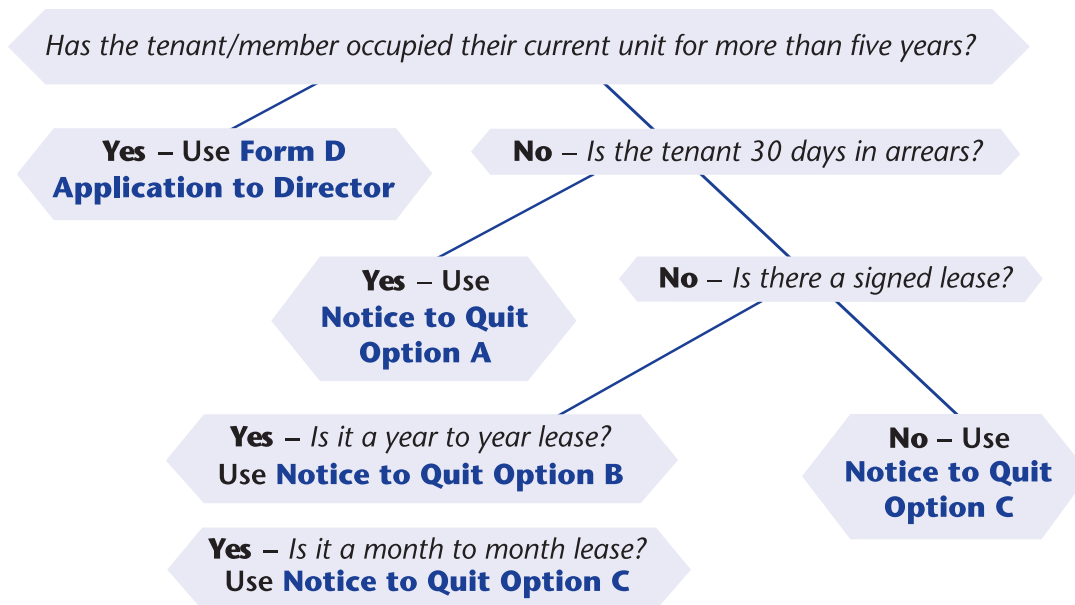
Evictions from a Housing Co-operative

To evict a tenant from a housing co-operative, the board of directors needs to know the following:

- Is the tenant a member of the co-operative?
- Has the tenant occupied their current unit for more than five years?
- Is the tenant 30 days in arrears on the rent?
- Does the tenant or the co-op have a signed copy of the lease?
- If a signed lease exists, is it year to year or month to month?

To evict a **member**, the board of directors must follow both the *Residential Tenancies Act* and the *Co-operative Associations Act*. That is, the board must terminate tenancy and exclude them from membership. Always use **Form 1** to exclude members and use the decision tree below to pick the proper form to terminate tenancy.

To evict a **non-member**, the board of directors must only follow the *Residential Tenancies Act*. It must give the tenant notice to quit. Use the decision tree below to pick the proper form to terminate tenancy.



Remember: If you are evicting a member, you must also use **Form 1**.

Form 1: Notice of Exclusion from Membership

Use for members of the co-operative

Delivered by registered mail to _____
(name of tenant / member)

In compliance with the *Co-operative Associations Act*, you are hereby given notice

that the board of directors of _____
Housing Co-operative Limited has voted to exclude you from membership in the
co-operative, because the board has determined that you have not complied with the

terms of the lease occupancy agreement by-laws

Please provide details

If you choose to appeal exclusion from membership, you must notify the board in writing within one month of the mailing date of this notice. In anticipation of a possible appeal, the board has scheduled a membership meeting where you will have the right to give reasons why you should not be excluded. The meeting will take place at:

(apartment, street address and town)

at 7:00pm on _____
(date)

If you choose to appear and if quorum exists at that time, the membership will vote on your appeal. If you do not appear or if quorum does not exist, the board decision will be upheld. The outcome of that meeting will be final.

Dated this _____ day of _____, 20_____
(day) (month) (year)

(representative of the board of directors)

Notice to Quit

Landlord: Choose the option that applies to your tenant, then fill-in the information required at the bottom of the form.

Option A

Use when the tenant/member:

- is 30 days in arrears, and
- has not occupied their current unit for more than five years

In compliance with the Residential Tenancies Act, I hereby state that you are more than 30 days in arrears and I hereby give you 15 days notice to deliver up possession of the premises

Option B

Use when the tenant/member:

- is not in arrears, and
- has not occupied their current unit for more than five years, and
- there is a signed year to year lease

In compliance with the Residential Tenancies Act, I hereby give you three months notice to deliver up possession of the premises on the anniversary of the end of your year to year lease, as signed by you on

(dd/mm/yy)

Option C

Use when the tenant/member:

- is not in arrears, and
- has not occupied their current unit for more than five years, and
- there is not a signed lease **or** there is a signed month to month lease

In compliance with the Residential Tenancies Act, I hereby give you three months notice to deliver up possession of the premises

(description or address of premises)

which you hold as tenant, on the _____ day of _____ next.
(day) (month)

Dated this _____ day of _____, 20_____
(day) (month) (year)

(landlord or agent for the landlord or representative of the board of directors)

FILE NUMBER: _____

APPLICATION TO DIRECTOR

PLEASE PRINT

PLEASE PRINT

FILED BY: _____
 (Applicant) First name Initial Last name

 Street number Street name

 Municipality Postal Code

_____ Home Phone
 _____ Business Phone
 Landlord _____ Tenant _____

Mailing Address if different: _____

AGAINST: _____
 (Respondent) First name Initial Last name

 Street number Street name

 Municipality Postal Code

_____ Home Phone
 _____ Business Phone
 Landlord _____ Tenant _____

Mailing Address if different: _____

RE: _____
 Address of Rental Unit

THIS IS AN APPLICATION FOR:

- Termination of tenancy
- Disposition of a security deposit
- Payment of money
- Repairs
- Any action by landlord or tenant
- Payment of rent in trust
- Review of notice of rent increase and determination of appropriate rent increase (APPLIES TO MOBILE HOME PARKS ONLY)
- Compliance with a lease

DETAILS OF CLAIM:

 Continue on separate sheet if necessary

Applicant's Signature _____ Date _____

NOTICE OF HEARING

You are required to attend the hearing to be held at _____
 in _____, Nova Scotia on _____, the _____ day of
 _____, 20_____, at _____ am/pm.

**RESPONDENTS - - PLEASE NOTE
 IMPORTANT INFORMATION ON BACK**

IMPORTANT INFORMATION

This Application has been filed with the Director of Residential Tenancies.

- The Director has authorized me to investigate and attempt to mediate the dispute. If there is no mediation, I will make a decision within 14 days.
- Mediation means that the parties discuss the dispute and come to an agreement on how best to resolve it. I will encourage mediation and help you and the applicant discuss the matter so you may resolve the dispute.
- If you come to an agreement, I will prepare a written settlement for both parties to sign. There can be no appeal of the settlement.
- If you are not able to come to an agreement, I will hold the hearing and decide the issue within 14 days. See Notice of Hearing on front. You should bring all information about the dispute to the hearing. For example, letters, receipts and photos. You may bring witnesses if you wish. Witnesses should have first hand knowledge of the situation. If you want to show videotaped evidence, you must bring equipment needed to show it at the hearing.
- The Director's Order that I issue will be based on information obtained during my investigation, your mediation efforts and evidence presented at the hearing, if the hearing is necessary.
- If you do not attend the hearing, I am authorized to issue an Order based on information obtained during my investigation and from the Applicant.

You may inquire about this Application by contacting me by telephone at _____ or by fax at _____ .

Residential Tenancy Officer

Date

For more information on co-operatives:

Call	902-893-6190
Call within HRM	424-5200
Toll-free	800-670-4357
Fax	902-893-6108
Email	nscoop@gov.ns.ca askus@gov.ns.ca
Mail	Co-operatives Branch — Service Nova Scotia and Municipal Relations
Before Fall 2006	35 Commercial Street Truro, NS B2N 3H9
After Fall 2006	80 Walker Street Truro, NS B2N 4A7
Internet	www.gov.ns.ca/snsmr/coop

The *Co-operative Associations Act* is available online at:
www.gov.ns.ca/legislature/legc/statutes/coopassc.htm

See especially section 29(2) for exclusion of members and the appeal process.

For more information on residential tenancies:

Call within HRM	424-5200
Toll-free	800-670-4357
Fax	902-424-0720
Email	askus@gov.ns.ca
Mail	Public Enquiries — Service Nova Scotia and Municipal Relations
	8 South, Maritime Centre 1505 Barrington Street Halifax, NS B3J 3K5
Internet	www.gov.ns.ca/snsmr/consumer/resten
Visit	Your nearest Access Nova Scotia Centre

The *Residential Tenancies Act* is available online at:
www.gov.ns.ca/legislature/legc/statutes/resident.htm

See especially section 10 on the Notice to Quit, and section 17C on Appeals to Small Claims Court.

Copies of this brochure are available at: www.gov.ns.ca/snsmr/coop/forms
www.gov.ns.ca/snsmr/consumer/resten