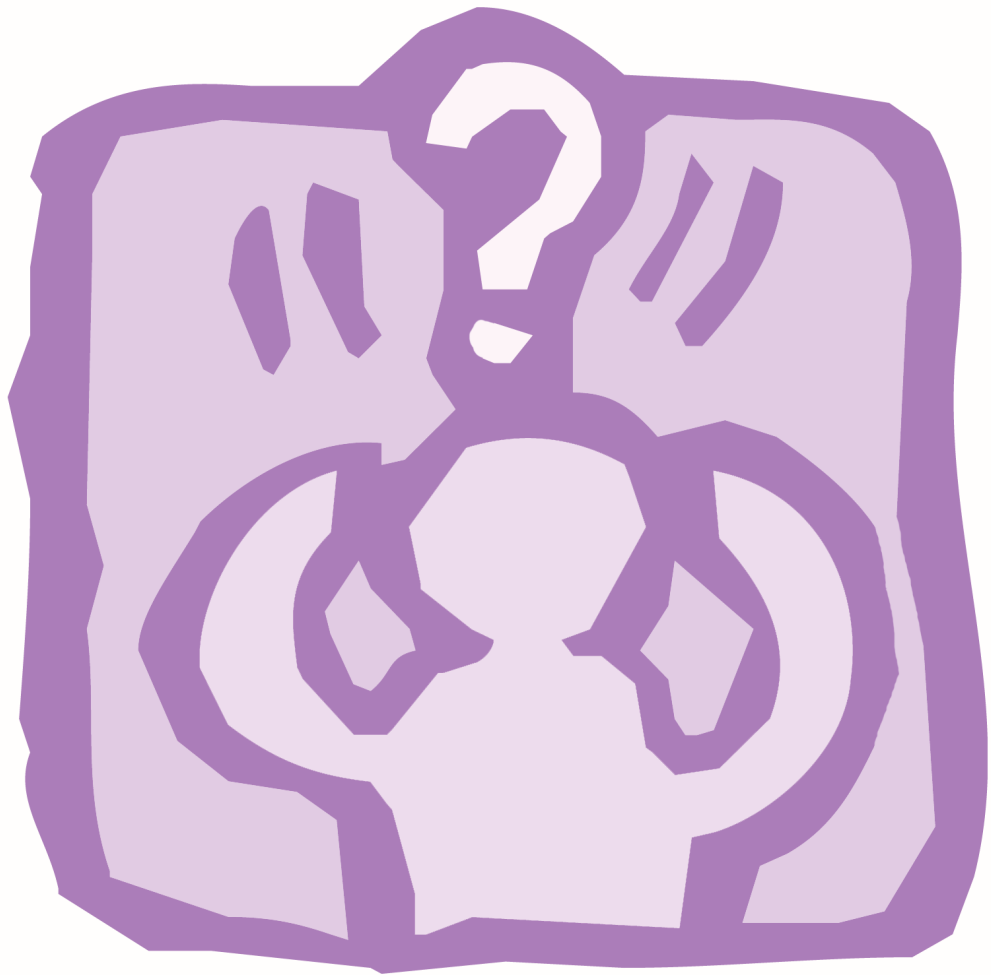


After the Hearing: *What Now?*



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: 667-2256
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 1HO
Phone: 485-6373
Fax: 485-6737

Small Claims Court

15 Kennedy Street, Suite 201
Port Hawkesbury, NS
B9A 2Y1
Phone: 625-4218
Fax: 625-4084

Small Claims Court

136 Charlotte Street
Suites 1 and 2, Harbour Place
Sydney, NS
B1P 1C3
Phone: 563-3590
Fax: 563-0510

Small Claims Court

1 Church Street
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 (Part-time)

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