

# Small Claims Court Residential Tenancies Appeals Process



# How to Appeal

- You have 10 days from the date of the order of the Director of Residential Tenancies to file an appeal with the Small Claims Court. This will result in a hearing regarding the order.
- You will need to complete a Notice of Appeal form, which you can get from the Small Claims Court in your area. You will need to explain why you are appealing the decision, as well as a copy of the Director's order. You will file this at the Small Claims Court.
- This form will need to be personally served upon the other party as well as the Director of Residential Tenancies.



# Service of Documents

- The Notice of Appeal Form will need to be personally served upon the other party as well as the Director of Residential Tenancies
- Serving a staff person at the Access Centre where the original Application to Director was heard is the most efficient way to meet the requirement of service on the Director.
- Make sure you get the person's name, as you need it when you file your paperwork at Small Claims Court.



# Cost to Appeal

- You must pay filing fees when you file an appeal, and the cost varies 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 also costs money to register your judgement. If you must involve the Sheriff's Office, there is a fee for that service.



# Low Income Fee Assistance

- The court must waive the fee for filing a Notice of Appeal if the appellant meets the financial eligibility criteria set out
- If the appellant has no income, they may obtain a letter signed by their medical doctor or other official confirming that the appellant does not have an income.

Maximum Monthly Income per Number of Dependants					
One adult	-	\$1067.00	Two adults	-	\$1424.00
and 1 child	-	\$1416.00	and 1 child	-	\$1708.00
and 2 children	-	\$1700.00	and 2 children	-	\$1932.00
and 3 children	-	\$1924.00	and 3 children	-	\$2156.00
and 4 children	-	\$2148.00	and 4 children	-	\$2380.00
and 5 children	-	\$2372.00	and 5 children	-	\$2604.00



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# What Happens at the Hearing?

- You will need to keep in mind that this hearing is a new one; all evidence that you have provided at the Directors meeting will need to be provided again
- This is your chance to introduce your evidence to the court.
- This is also the time to introduce new evidence.
- Make sure you go over all the information you have as well as all evidence, such as paper work, pictures, documents.



# What Happens After the Hearing?

- The adjudicator has 14 days to give a decision
- The adjudicator will confirm, deny, or alter decision given by Director of Residential Tenancies
- The adjudicator can make any order that could be made by the Director of Residential Tenancies
- Win or lose, no lawyer's fees will be awarded
- **REVIEW: <http://novascotia.ca/sns/pdf/ans-residential-tenancies-after-hearing.pdf>**

