

Provincial Eviction Processes

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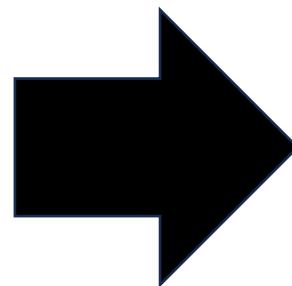
Provincial Overview

Provinces	Governing Statute	Dispute Resolution Body	Filed centrally or directly to tenant?
British Columbia	Residential Tenancy Act [SBC 2002] CHAPTER 78	Residential Tenancy Branch (RTB)	Directly to tenant except termination pursuant to s 49.
Alberta	Residential Tenancies Act, SA 2004, c R-17.1	Residential Tenancy Dispute Resolution Service (RTDRS)	Directly to tenant.
Saskatchewan	The Residential Tenancies Act, 2006 , and The Residential Tenancies Regulations, 2007	Office of Residential Tenancies (ORT)	Directly to tenant.
Manitoba	The Residential Tenancies Act, C.C.S.M. c. R119,	Residential Tenancy Branch (RTB)	Directly to tenant.
Ontario	Residential Tenancies Act, 2006, S.O. 2006, c. 17	Landlord and Tenant Board (LTB)	Initial notice goes directly to tenant, followed by notice to evict which must first go to LTB.
Quebec	Civil Code of Québec, CQLR c CCQ-1991 (Article 1959)	Tribunal administratif du logement (TAL)	Direct to tenant for notices including personal use or renovations; application to TAL for others.
Newfoundland and Labrador	Residential Tenancy Act, 2018 CHAPTER R-14.2	Residential Tenancies Office	Directly to tenant.
Nova Scotia	Residential Tenancies Act, R.S., c. 401	Residential Tenancy Director	Directly to tenant except terminations due to sale of property (require authorization by Residential Tenancy Director)
Prince Edward Island	Residential Tenancies Act, CHAPTER R-13.11v	Residential Tenancies Office	Directly to tenant except for early termination.
New Brunswick	The Residential Tenancies Act, CHAPTER R-10.2	Landlord Application for Assistance to the Tenant and Landlord Relations Office (ATLRO)	Directly to tenant except for notice of termination due to renovations and repairs.

British Columbia Evictions Process

Notice of termination given to tenant by landlord:

- #RTB-30 - [10 Day Notice for Unpaid Rent or Utilities](#)
- #RTB-33 - [One Month Notice for Cause](#)
- #RTB-33s - [One Month Notice for Cause by a Strata Corp](#)
- #RTB-32q - [Two Month Notice Does Not Qualify for Subsidized Rent](#)
- #RTB-31 - [12 Month Notice for Conversion of Manufactured Home](#)



Dispute Period

- 5 days - for notice of termination for non-payment of rent
- 10 days - for notice of termination for cause
- 15 days - for notice of tenant ceasing to qualify for property
- 30 days - for notice of landlord's use of property

*If tenant does not dispute in this period they forfeit their tenancy

Notice of termination filed centrally

- #RTB-29 - [Four Month Notice for Demolition or Conversion of the Rental Unit to Another Use](#)
- #RTB-32L - [Three Month Notice to End Tenancy For Landlord's Use of Property](#)
- #RTB-32P - [Three Month Notice to End Tenancy For Purchaser's Use of Property](#)

Permits and Approvals

For termination pursuant of s. 49 for demolition/conversion of unit; landlord must provide [necessary information](#) before giving notice.

Tenancy Terminated

Steps for enforcing an eviction

1. Apply for an Order of Possession
2. Wait for expiration of two day review period
3. If tenant has not vacated, take Order of Possession to BC Supreme Court for [Writ of Possession](#)
4. Use the [Writ of Possession](#) to hire a court-approved bailiff to remove tenant

Compensation

Demolition or conversion: Landlord must compensate tenant one months rents payable.

Conversion of Manufactured Home Park: Landlord must compensate tenant \$20,000.

Personal use: Landlord must compensate tenant one months rents payable.

Order Issued

Within 30 days RTB gives order.

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

Tenant doesn't dispute termination

Tenant disputes termination

Steps for disputing an eviction

1. [Apply for dispute resolution](#) and pay application fee
2. Look at [online dispute calculator](#) to confirm timeline
3. [Prepare evidence](#)
4. Oversee application [status online](#)



Hearing

Tenant and landlord may get a notice of either:

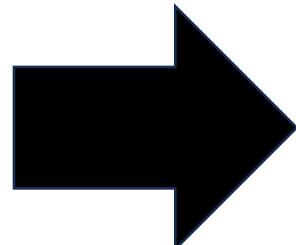
1. [Participatory Hearing](#)
 - Standard hearing between landlord and tenant sharing testimony to arbitrator who makes binding decision
 - No set timeline
2. [Expedited hearing](#)
 - For emergencies issues where it is unfair for applicant to wait for participatory hearing
 - RTB attempts to schedule within 12 days and 6 days for urgent situations.
3. [Direct Request](#)
 - Available in specific situations where issues are resolved through written submissions without hearing

Get detailed instructions for the hearing [here](#)

Alberta Eviction Process

Notice of termination given to tenant by landlord:

RTA s.30(1) - 24 Hours Notice For Damage Or Assault
RTA s.29 - [Landlord's Application for Damages](#), or [Landlords Application for Termination of Tenancy and Unpaid Rent](#) including:
a. Non-payment of rent/utilities
b. Damage to the rental premises
c. Loss of rental income
d. Compensation for over-holding tenant
e. Damages for breach of tenancy agreement
RTA s.12 - 365 Days Notice for Condominium Conversion
RTA s.11 - Fixed Period of Notice For End Of Employment



Dispute Period

Response to notice
RTA s.30(1): Tenant cannot object.

RTA s.29: Provide written objection to the landlord before 14 day period. For nonpayment of rent: tenant can void the notice by paying all rent before the date specified on notice

Tenant doesn't respond

Tenant responds

After tenant objects notice or doesn't leave at the end of 14 days; landlord can apply to [RTDRS](#) to terminate the tenancy, including details of breach and requesting a termination date.

Tenancy Terminated

Steps for enforcing an eviction

1. File a court order
2. Serve court order through process server (To see list contact Office of the Sheriff)
3. If the tenant remains landlord can hire an agency for [bailiff services](#).

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

Order Issued

Takes effect once/when it is filed at the King's Bench and served to the tenant.

Hearing

Landlord must give tenant notice of hearing as soon as possible

- Tenant and landlord have hearing at date, time and location written on hearing notice conducted by Tenancy dispute officer.
- Affidavit of Service is sworn/affirmed.

Get detailed instructions for the hearing [here](#)

[Landlord supporting affidavit](#): if a landlord is also making claim for compensation for the use and occupation of the premise of an overholding tenant; they must include the amount of compensation claimed.

Saskatchewan Eviction Process

Notice of termination given to tenant by landlord:

RTA 57 ([Form 7](#)) – Immediate Notice to Vacate for rent or utilities arrears

RTA 58 ([Form 8](#)) – One month notice for cause, including:

- Unreasonable number of occupants in the rental unit
- Tenant has put the landlords property at significant risk
- Tenant has breach a material term of the tenancy agreement
- Tenant or guest is engaging in illegal activity

RTA 59 ([Form 8a](#)) – One month notice for end of employment

RTA 60(4), (5) ([Form 8b](#)) – Two month notice so Owner can occupy

RTA 60(6) ([Form 8c](#)) – One month notice to vacate so purchaser can occupy

RTA 60(7) ([Form 8d](#)) – Two month notice for specified use

Tenancy Terminated

If tenant still remains in the rental unit, landlord may give the Write of Possession made by the ORT to the Sheriff to evict the tenant.

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

Eviction Resources:

Guiding Documents

- [Resources for Tenants Facing Eviction \(2023\)](#)

Legal Assistance

- Pro Bono Law Saskatchewan
- CLASSIC Law

Legal information

- Office of Residential Tenancies

Dispute Period

Tenant can dispute by filling out bottom of notice and returning it to the landlord within 15 days of receiving the notice, except for Form 7 which is effective immediately if rent or utilities in unpaid for 15 days (s. 57(1)).

Tenant doesn't respond

Tenant responds

Landlord may apply for possession

By making an application through the [ORT's online portal](#).

Hearing

Landlord must give tenant notice of hearing

- ORT hearings take place over the phone.
- At the hearing each party will have an opportunity to speak to claims brought forward.

Decision

Hearing officer will issue a written decision, which will be mailed or emailed to both parties by the ORT.

- If there is an obvious error or party would like clarification they can submit a Request to Correct or Clarify a Decision or Order by email to the ORT within 15 days of the decision date.
- Party who has the order granted in their favour is responsible for enforcement.

Appeal

All ORT decisions can be appealed to Court of King's Bench within 30 days of decision dates.

Manitoba Eviction Process

Notice of termination given to tenant by landlord:

RTA 95.1(1) (Form 8 or 8.1) – Notice for nonpayment for rent

RTA 96(1) (Form 10) – One Month Notice of Termination for cause other than nonpayment including breaches of:

- Duty not to disturb others (s. 73)
- Duty not to impair safety or interfere with rights (s. 74)
- Duty not to engage in unlawful activity in the residential complex that causes damage, interferes with enjoyment or adversely affects others (s. 74.1)
- Obligation to take care and repair damage (s. 72(1))

RTA 98(1) (Form 11 (A))– Fixed Period Notice (1-5 months) so owner can occupy.

RTA 99(1) (Form 11 (B)) - Fixed Period Notice (3-5 months) for demolition or conversion

RTA 99(1) (Form 11 (C)) - Fixed Period Notice (3-5 months) for extensive renovation's.

*Please find link to forms [here](#)

Dispute Period

RTA 95.1 – Tenant entitled to dispute. Full payment of rent voids the notice, unless landlord confirms termination in writing or rent habitually late.

RTA 96(1) – Termination may be voided if tenant complies with order in a “reasonable time,” except for in cases of “significant safety risk” where no prior written notice is required and landlord may give 5-days notice of termination.

Apply for Order of Possession

If a tenant does not move out by the date the landlord has given, the landlord can file an Application for [Order of Possession](#), which will lead to the scheduling of a hearing by the Residential Tenancy Branch.

Hearing

At the hearing; The Residential Tenancy Branch Officers will consider the testimony and evidence of each party to make a decision. Find more information about the hearing [here](#)

Note: Parties must submit evidence they wish to be considered at the hearing to both the other party and RTB at least 2 days before the hearing.

Decisions

Decision should be granted within **2 business days** of hearing.

Compensation and Residual Rights

If a landlord ends tenancy for reasons including personal use, renovations, demolitions, or changed use they are responsible for tenants moving expenses up to **a maximum of \$500**.

Also if the landlord ends tenancy for renovation, the tenant has the right to re-rent the unit after the renovations are done.

Tenancy Terminated

If officer rules in favour of landlord the tenant will then have **7 days to move out**, and if they do not the landlord must file a certified copy of an Order of Possession in the Court of Queen's bench to enforce the order.

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

Appeal: If landlord or tenant disagrees with the decision; they have 7 days to appeal to the Residential Tenancies Commission, and will later receive a Notice of Hearing and put the original decision on hold.

Ontario Eviction Process

Notice of termination (N form) given to tenant by landlord

Landlord must give notice and then file and application with the LTB

N4 – non-payment of rent

N5 – damages and interfering with others

N6 – illegal acts or misrepresenting income in subsidize housing

N7 – causing serious problems

N8 – predominantly used to evict for persistent late payment of rent

N12 – landlord, purchaser, or family member requires unit

N13 – landlord wants to demolish, repair, or convert unit

*Please find link to forms [here](#)

Fast tracked evictions: if tenant is on a previously ordered rent repayment plan and defaults within 30 days landlord may evict without notice or hearing.

Review or Appeal

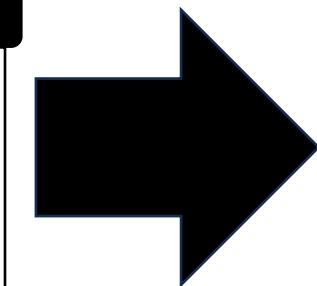
If a party disagrees with decision they can file a Request to Review with the LTB within 30 days of order and must pay a \$50 fee.

If party alleges a misapplication of law they may file an Appeal with Division Court.

Compensation

Landlord must compensate tenant for **one month rent for no-fault evictions (e.g., N12,N13).**

*Tenant may be entitled to compensation for bad faith evictions within 2 years of eviction.



Filing application with LTB

Landlord applies to Landlord and Tenant Board (LTB) to evict (L Form):

- L1 – Application to evict a tenant for non-payment of rent and to collect rent tenant owes
- L2 – Application to evict
- L4 – Tenant failed to meet condition of settlement/order

Notice of hearing

After landlord files application landlord and tenant will get a notice of hearing that sets out date, time, and location of hearing.

Hearing

Hearings are held either in person or through video or teleconference; those who do not attend have a high likelihood of being evicted.



Decision

Decision will be sent by email or mail to both the landlord and tenant, typically within [30-60 days of the hearing](#).

Motion to Set Aside Order

A landlord can apply directly for an order terminating a tenancy, if notice has been given by the landlord or tenant. However, either party can make a motion to set aside the order, which stays the order until a hearing can be scheduled. The motion to set aside the order may be upheld, preserving the tenancy, or lifted, terminating the tenancy.

Quebec Eviction Process

Option 1: Notice of termination of lease

For some circumstances a landlord can direct notice for eviction or repossession:

Article 1959 (Eviction Form) - If landlord seeks to divide the dwelling, enlarge it, or substantially change its destination

Article 1957 (Repossession Form) – If landlord seeks to repossess the unit for their own personal use or that of a close family member.

*Please find link to forms [here](#).

Exceptions

Pursuant of [Article 1959.1](#) of the Quebec Civil Code, may not evict tenant if:

1. They are 65 years of age or older;
2. Has occupied in the unit for at least 10 years;
3. Has an income equal to or less than the maximum threshold qualifying the tenant for [low rental housing](#).

Time Limits

More than 6 months, notice must be at least 6 months

6 months or less, notice must be at least 1 month

No fixed term lease; notice must be at least 6 months

Objection to notice

After receiving notice, tenant has one month to accept or object the notice. If they **do not respond** to the notice is legally considered to have been **refused**.

Compensation and Residual Rights

Tenants may be awarded compensation by the TAL, particularly for act of bad faith evictions by landlords.

As of February 21st, 2024 it is up to the landlord to prove that they are acting in good faith.

Tenancy Terminated

Tenancy is terminated immediately or at a date defined by the TAL.

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

Option 2: Formal Notice

Landlord may also issue a [formal notice](#) warning of the potential application to the TAL to terminate the lease if the tenant breaches obligations including:

- Doesn't pay rent for [more than 3 weeks](#).
- Pay their rent late periodically
- Do not respect the rental agreement
- Endangers the safety or health of other tenants
- Disturbs the tenants of the other building.

Application to TAL

If landlord seeks to evict for reasons not addressed in option 1, they may file an application with TAL, either:

1. Online through the Province of Quebec's website;
2. By mailing form to TAL office;
3. Or in person at the TAL office by making an appointment

See options [here](#)

Nonpayment of rent: If tenant is over 3 weeks late in paying rent landlord can apply to terminate lease using [specific application form](#); termination [can be avoided](#) if tenant pays rent and interest provided for in [section 28](#) of the Tax Administration Act.

Hearing

Once application or objection is filed; tenant and landlord will receive notice with the date, time and place of the hearing.

At the hearing: the Administrative judge will listen to evidence of both landlord and tenant. More information can be found [here](#).

Decision

Decision will then be sent by mail to both the landlord and tenant. Decision to be rendered within 3 months unless extension granted by tribunal to deliberate longer

Prince Edward Island Eviction Process

Notice of termination given to tenant by landlord:

RTA 60 (Form 4(a) – One Month Notice For Cause, including:

- Unreasonable number of occupants in the rental unit
- Employment relationship has ended
- Tenant has sublet the rental unit without consent
- Tenant has breached a material term of the tenancy agreement
- Tenant or guest is engaging in illegal activity

RTA 61 (Form 4 (a)) – 20 days Notice of Termination for non-payment of rent

RTA 62 (Form 4 (b)) – Four Month Notice so owner can occupy

RTA 63 (Form 4 (b)) – Two Month Notice so purchaser can occupy or Four Months for purchaser's family or caretaker (If purchaser seeks to take possession: Landlord must have signed affidavit from the purchaser.)

RTA 64 (Form 4 (b)) – Six month's notice for demolition, conversion, repairs, or renovations. (Landlord must have evidence of details of the renovations.)

*Please find link to forms [here](#).

If the landlord thinks the tenant is of high risk of harm to other tenants; they may apply to the rental office for early eviction by filing **Form 5 – Application by Lessor for Early Termination**.

Appeal

If a party disagrees with decision they can file an appeal with Island Regulatory Appeals Commission (IRAC) within 20 days of receiving the decision or 7 days for eviction for non-payment or rent or cause.

Tenancy Terminated

Landlord can apply to the Director of the Residential Tenancy Office for an order to vacate - to be filed with the Supreme Court - for the Sheriff to enforce the eviction.

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

Eviction Resources:

Guiding Documents

- [Renting on PEI: A Guide for Tenants](#), Community Legal Information
- [Renting on PEI: A Guide for Land Lords](#), Community Legal Information

Legal Assistance

- Tenant Support Centre

Dispute Period

For non-payment of rent:

Tenant can void notice by paying rent within 10 days or dispute the notice within 10 days by filing Form 2(a)

For all other notices:

- Tenant can dispute notice by filling Form 2(a) within 20 days of receiving notice.

An application to the Director can also be made by either party or a representative within six months of the termination of a tenancy agreement to determine a question concerning whether the act or regulations were contravened.

Tenant Doesn't File Notice or Move Out

Tenant Does File Notice

Hearing

Once tenant files Form 2(a) a hearing will be scheduled by the Residential Tenancy Office: Parties will get an opportunity to submit evidence and give testimony on issues related to eviction.

Find more information about the hearing [here](#)

Decisions

A Rental Property Officer will oversee the hearing and make the decisions by providing parties with a written document called an order.

Remedies

If tenant is evicted because landlord is completing repairs or renovations, tenant must be compensated 1 months rent and reasonable moving expenses (ss 70(1)) OR provide similar unit.

*Note: Tenant also sustains right of first refusal.

Newfoundland and Labrador Eviction Process

Notice of termination given to tenant by landlord:

RTA 18 – Standard Notice of Termination

- Week to week agreement – 4 weeks notice
- Month to month agreement or fixed term– 3 months notice
- 6 months demotion/change of use/repairs (RTA 28)

RTA 19 - If tenant does not pay rent within the expected time.

- In a weekly rental period rent must be overdue at least 3 days; and notice must be no less than 3 days.
- In monthly rental period rent must be overdue at least 5 days; and notice must be no less than 10 days.

RTA 20 - If tenant breaches a material term of rental agreement and fails to remedy the breach within a reasonable time:

- 7 day's notice in weekly rental period.
- 1 month notice in monthly or fixed term rental period.

RTA 21 - Immediate termination if the premise is uninhabitable.

RTA 22 - If the tenant does not keep premise clean and repair damage beyond normal wear and tear; landlord can give notice requesting correction in 3 days, and if they fail to correct 5 day notice to vacate can be served.

RTA 24 - If breaches contravenes peaceful enjoyment and reasonable privacy landlord can serve 5 days notice of termination.

*Please find link to forms [here](#).

Eviction Resources:

Guiding Documents

- [Your Rights and Responsibilities as a Tenant](#), City of St. Johns.
- [A Guide for Landlords and Tenant in Newfoundland and Labrador](#), Residential Tenancies Office (January 2019).
- [Residential Tenancies in Newfoundland and Labrador](#), Public Legal Information Association of NL.

Appeal

A tenant or landlord may appeal the decision to the Supreme Court of Newfoundland within 30 days after the Director issues an order if the adjudicator was not impartial or made an error in following the rules of procedural fairness or error in applying the law.

Dispute Period

A tenant may dispute their notice of termination by applying for mediation services or adjudication by the Residential Tenancies Branch.



Application for dispute resolution

If tenant or landlord seeks form adjudication them must fill our [application for dispute resolution](#) and pay a \$20 fee.



Hearing

Once tenant or landlord applies for dispute resolution, a hearing will be scheduled by Residential Tenancies Office:

- A copy of the application package must be served to each respondent no less than 10 days before the hearing.
- Applicants must submit their relevant evidence and documents in advance to be considered by the courts.

Mediation

A Director may attempt to mediate a settlement of a matter where suitable (s. 45). Mediations are binding and the resulting order cannot be appealed to a court. If one or more of the parties does not comply with the settlement, the director may, without holding a hearing, issue an order.



Decisions

A Residential Tenancy Officer will oversee the hearing and review the rental agreement alongside the Residential Tenancies Act and Regulation prior to providing to written decision to both parties.

Tenancy Terminated

Tenancy Preserved

New Brunswick Eviction Process

Notice given to tenant by landlord:

RTA 19 (Notice to Vacate) – 15 days if tenant does not pay rent within the expected time. Given 7 days to pay total rent owed to void notice.

RTA 5 (Notice to Vacate/Final Notice to Vacate) - If tenant does not comply with obligations under the Act or the tenancy agreement including:

- Causing extensive damage to the rental unit or property.
- Creating a health or safety risk.
- Conducting illegal activity on site.

RTA 24.12, 24.13 and 17.3 ([Notice of Termination](#)) – 1-3 months notice depending on type of tenancy:

- Landlord's use
- Conversion/end of employment/extensive renovations – landlords must apply to the ALTRO with permits before serving a notice of termination.

*Please find link to forms [here](#).

Notice of Termination Renovation or Repairs

Notice of Termination Renovation or Repairs

Once case has been processed and is ready for review landlord will be assigned an investigator to collect information and the landlord will have to show:

- a. They have all necessary permits and approvals required by law
- b. The landlord intends in good faith to renovate or repair the rental unit
- c. The renovation or repairs require the rental unit to be vacant
- d. The renovations or repairs are necessary to either prolong or sustain the use of the rental unit to be vacant
- e. The only reasonable way to have the necessary vacancy of the rental is to terminate the tenancy

If a tenant does not move out

If tenant does not move out of the rental unit following the notice; landlord can apply for eviction by [completing Landlord Application for Assistance to the Tenant and Landlord Relations Office](#) (ALTRO).

*Landlord must attach a copy of the Notice of Termination, Notice to Vacate, or Final Notice to Vacate previously served to tenant.

Investigation

After reviewing the application, the ALTRO will investigate whether the eviction will proceed.

Decisions

After investigation ALTRO will issue a decision whether eviction will proceed.

Tenancy Terminated

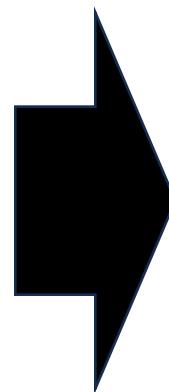
Tenancy Preserved

Nova Scotia Eviction

Notice of termination given to tenant by landlord:

1. **Rental arrears:** landlord may serve a tenant 15-day Form D if the tenant is 3 days late in paying their rent. Tenant has 10 days to either:
 - Pay outstanding rent in full (rendering notice void)
 - File a Form J: Application to Director disputing the notice at any Access Centre
2. **Breach of statutory condition:** landlord may serve a tenant 15-day Form E Notice to Quit – Breach of Statutory Condition if the tenant has breached terms 3 or 4 in subsection 9(1) of the act.
3. **New owner to occupy premise:** landlord who sells a rental property containing 4 units or fewer (see other conditions) may serve tenant Form DR2: Notice to Quit Purchaser to Occupy.
**Purchaser must have asked individual in writing to terminate tenancy for personal use.*
4. **Additional circumstances:** landlord may make an application to the Director in situations including:
 - a. The tenant poses a risk to safety and security of landlord or other tenant
 - b. Tenant is no longer an employee of landlord
 - c. The unit is uninhabitable due to a fire, flood, or other reasons
 - d. There has been a foreclosure
 - e. Risk to safety or security of landlord or other tenants
 - f. Repeated late rent (3+)

**Please find link to forms [here](#).*



Dispute Period

Tenant: Tenant can apply to dispute notice 1, 2, 4 by filing a Form J: Application to Director for a hearing. A tenant may void a notice to quit for non-payment of rent by paying the rent that is in arrears no later than 10 days after receiving notice.

Landlord: If tenant does not dispute, leave, or pay; landlord may also file a Form J: Application to Director for a hearing or apply for a non-hearing eviction notice and award of rent owing by using Form K.

**Cost for application is \$31.15; fee waiver available for those eligible.*



Notice of Hearing

Once Form J is filed RT will send hearing package by mail/email with:

- Copy of the application
- Notice of Hearing
- Certificate of Service
- And hearing information sheet.

Applicant must complete [Form L1: Certificate of Service](#) and drop off completed form at Access Nova Scotia.



Hearing

Residential tenancy officer will hold hearing and parties must be prepared to present their evidence.

Tenancy Terminated

If tenant still remains in the rental unit, landlord must obtain an Order of Vacant Possession, which is a Court Order to return rental unit to landlord, and requires assistance from the Sheriff's Office.

Tenancy Preserved

Tenancy is sustained and eviction notice is void.

