



BILL NO. 110

Government Bill

*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act

CHAPTER 70
ACTS OF 2011

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 15, 2011**

The Honourable John M^{ac}Donell
Minister of Service Nova Scotia and Municipal Relations

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 401
of the Revised Statutes, 1989,
the Residential Tenancies Act**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 9(2) of Chapter 401 of the Revised Statutes, 1989, the *Residential Tenancies Act*, as amended by Chapter 66 of Acts of 2008 and Chapter 72 of the Acts of 2010, is further amended by

(a) striking out “Manufactured Homes” in the second line of the heading immediately following the sixth line and substituting “Lease of a Manufactured Home Space or a Manufactured Home in a Land-lease community”

(b) adding immediately after Statutory Condition 1. the following Statutory Conditions:

1A. Where a tenant wishes to sell or otherwise part with possession of a manufactured home, the tenant may apply in writing to the landlord on behalf of the person who wishes to acquire title to or possession of the manufactured home to become a tenant of the manufactured home space upon which the manufactured home is located.

1B. The consent of the landlord required by Statutory Condition 1A. will not arbitrarily or unreasonably be withheld.

1C. The landlord shall not charge a commission or fee for granting consent required by Statutory Condition 1A., other than the landlord’s reasonable expenses actually incurred in respect to the grant of consent.

1D. The landlord shall in writing, within ten days of receipt of the request made pursuant to Statutory Condition 1A., consent to the request or set out the reasons why consent is being withheld, failing which the landlord is deemed to have given consent to the request.

2 (1) Subsection 10(6D) of Chapter 401 is repealed and the following subsection substituted:

(6D) Where a notice to quit has been given by the landlord under subsection (6) and

(a) the notice to quit has not been voided under clause (6A)(a) by the tenant paying to the landlord the rent that is in arrears within fifteen days after receiving the notice to quit;

(b) the tenant has not disputed the notice by making an application to the Director under clause (6A)(b); and

(c) the fifteen day time period for making the application under subsection (6A) has expired,

the landlord may apply to the Director under Section 13 for any one or more of the following:

- (d) an order to vacate the residential premises;
- (e) an order requiring the tenant to pay to the landlord any rent owing for the month in which the notice to quit is given to the tenant and any rent in arrears for months previous to that month;
- (f) an order permitting the landlord to retain the tenant's security deposit and interest to be applied against any rent found to be owing for the month in which the notice to quit is given to the tenant and against any rent in arrears for months previous to that month.

(2) Subsection 10(6E) of Chapter 401 is repealed and the following subsection substituted:

(6E) Notwithstanding Sections 16 and 17, in the circumstances described in subsection (6D), the Director may, without investigating and endeavouring to mediate a settlement and without holding a hearing, order any one or more of the following:

- (a) that the tenant vacate the premises;
- (b) the tenant pay to the landlord all rent owing for the month in which the notice to quit was given and pay any rent in arrears for months previous to that month;
- (c) that the landlord retain the tenant's security deposit and interest to be applied against any rent found to be owing for the month in which the notice to quit was given and for any rent found to be owing and in arrears for months previous to that month.

3 Clause 11(2)(d) of Chapter 401, as enacted by Chapter 40 of the Acts of 1993 and amended by Chapter 72 of the Acts of 2010, is further amended by adding "space" immediately after "home" in the first line.

4 Subsection 26(1) of Chapter 401, as amended by Chapter 31 of the Acts of 1992, Chapter 40 of the Acts of 1993, Chapter 7 of the Acts of 1997, Chapter 10 of the Acts of 2002 and Chapter 72 of the Acts of 2010, is further amended by adding immediately after clause (ce) the following clauses:

(cea) requiring the tenant to provide information concerning the tenancy of the manufactured home space upon which the manufactured home is located to the person who wishes to acquire title or possession of the manufactured home for the purpose of Statutory Condition 1A. in subsection 9(2);

(ceb) respecting the form and contents of the tenant's written application to the landlord on behalf of the person who wishes to acquire title to or possession of the manufactured home to become a tenant of the manufactured home space upon which the manufactured home is located and information to be provided to the landlord for the purpose of Statutory Condition 1A. in subsection 9(2);

(cec) respecting the manner in which the landlord may respond to the tenant's written application on behalf of the person who wishes to acquire title to or possession of the manufactured home to become a tenant of the manufactured home space

for consent and setting out the permissible reasons for denying the requested consent for the purpose of Statutory Conditions 1B. and 1D. in subsection 9(2);

5 Chapter 66 of the Acts of 2008 is repealed.

6 For greater certainty, notwithstanding the repeal of subsection 11A(4) and of Section 14, both subsection 11A(4) and Section 14 continue to apply with respect to a tenant of a manufactured home space who received a notice of increase of rent before the repeal.

7 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
