



BILL NO. 150

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

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

CHAPTER 64
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 6, 2012**

The Honourable John M^{ac}Donell
Minister responsible for the Residential Tenancies Act

*Halifax, Nova Scotia
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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 Section 2 of Chapter 401 of the Revised Statutes, 1989, the *Residential Tenancies Act*, as amended by Chapter 31 of the Acts of 1992, Chapter 40 of the Acts of 1993, Chapter 30 of the Acts of 2002 and Chapter 72 of the Acts of 2010, is further amended by

(a) adding immediately after clause (ab) the following clauses:

(aba) “Director of Victim Services” has the same meaning as in the *Victims’ Rights and Services Act*, but includes a person authorized under Section 10G to exercise the powers and carry out the duties of the Director of Victim Services;

(abb) “domestic violence” has the same meaning as in the *Domestic Violence Intervention Act*;

(b) relettering clause (fa) as clause (fb);

(c) adding immediately after clause (f) the following clause:

(fa) “police agency” has the same meaning as “agency” in the *Police Act*;

and

(d) adding immediately after clause (j) the following clause:

(ja) “victim” has the same meaning as in the *Domestic Violence Intervention Act*;

2 (1) Chapter 401 is further amended by adding immediately after Section 10E the following Section:

10F (1) Notwithstanding Section 10, where a tenant in a year-to-year or fixed-term tenancy is a victim of domestic violence, the tenant may terminate the tenancy by giving the landlord

(a) one month’s notice to quit in the form prescribed by regulation; and

(b) a certificate issued by the Director of Victim Services confirming that one of the grounds to issue a certificate under subsection 10H(2) has been established,

no later than 60 days after the date the certificate is issued.

(2) The landlord shall ensure that information in a certificate received from the tenant pursuant to subsection (1) is kept confidential.

(3) The landlord may apply to the Director of Residential Tenancies under Section 13 for an order setting aside the notice to quit only on the

ground that the notice to quit and the certificate were not properly given to the landlord as required by subsection (1).

(4) Where a tenancy is terminated pursuant to subsection (1), the tenancy is terminated for all the tenants in the same residential premises but, for greater certainty, the other tenants and the landlord may agree to enter a new landlord and tenant relationship.

3 Chapter 401 is further amended by adding immediately after Section 10F the following heading and Sections:

CERTIFICATE CONFIRMING GROUNDS TO
TERMINATE TENANCY DUE TO DOMESTIC VIOLENCE

10G The Director of Victim Services may authorize one or more employees in the Department of Justice to exercise the powers and carry out the duties of the Director of Victim Services under Section 10H.

10H (1) Where a tenant in a year-to-year or fixed-term tenancy is a victim of domestic violence, the tenant or a person on behalf of the tenant and with the tenant's consent may apply to the Director of Victim Services, in the form and manner and including the information required by the Director of Victim Services, for a certificate confirming that one of the grounds to issue a certificate under subsection (2) has been established.

(2) The Director of Victim Services may issue a certificate to the tenant for the purpose of clause 10F(1)(b) if either of the following grounds is established:

(a) an emergency protection order relating to the tenant has been issued under Section 11 of the *Domestic Violence Intervention Act* and has not been revoked under clause 12(1)(c) of that Act, and the tenant made the application for the certificate no later than 90 days after the date of the order; or

(b) the Director of Victim Services is satisfied that all of the following requirements are met:

(i) a domestic violence complaint has been filed with a police agency identifying the tenant as the victim,

(ii) a peace bond or other order of a court has been issued that contains a condition that the person who is alleged to have committed the domestic violence have no contact with the tenant, and the peace bond or other court order is currently in force, and

(iii) after having completed an assessment, the Director of Victim Services has reason to believe the tenant is a victim of domestic violence for the purpose of the peace bond or order referred to in subclause (ii).

(3) For the purpose of this Section, the Director of Victim Services may request information from a police agency respecting a domestic violence complaint filed with the police agency, and, where requested, the police agency must provide the information.

(4) In considering an application under this Section, the Director of Victim Services is not required to hear or consider representations from the person who is alleged to have committed the domestic violence.

(5) Subject to subsection (6), the decision by the Director of Victim Services to issue or refuse to issue a certificate under this Section is final and not subject to review or appeal.

(6) A tenant who is refused a certificate under this Section may re-apply for a certificate under this Section if there is a change in circumstances.

10I The Director of Victim Services cannot be compelled in a court or other proceeding, including a proceeding before the Director of Residential Tenancies, to

(a) give evidence about information obtained for the purpose of Section 10H; or

(b) produce any document or thing obtained for the purpose of Section 10H.

4 Clause 17A(l) of Chapter 401, as enacted by Chapter 72 of the Acts of 2010, is amended by adding “or by a tenant under subsection 10F(1)” immediately after “(c)” in the third line.

5 Chapter 401 is further amended by adding immediately after Section 19A the following Section:

19B No action or proceeding may be brought against Her Majesty in right of the Province, the Director, a residential tenancy officer, the Director of Victim Services or any other employee or agent of Her Majesty for any act done or omitted to be done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this Act.

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