



BILL NO. 467

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
3 Charles III, 2024*

**An Act to Amend Chapter 22
of the Acts of 2021,
the Interim Residential Rental Increase Cap Act,
and Chapter 401 of the Revised Statutes, 1989,
the Residential Tenancies Act**

CHAPTER 12
ACTS OF 2024

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
SEPTEMBER 20, 2024**

The Honourable Colton LeBlanc
Minister of Service Nova Scotia

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

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**An Act to Amend Chapter 22
of the Acts of 2021,
the Interim Residential Rental Increase Cap Act,
and Chapter 401 of the Revised Statutes, 1989,
the Residential Tenancies Act**

Be it enacted by the Governor and Assembly as follows:

INTERIM RESIDENTIAL RENTAL INCREASE CAP ACT

1 Subsection 4(1) of Chapter 22 of the Acts of 2021, the *Interim Residential Rental Increase Cap Act*, as amended by Chapter 7 of the Acts of 2023, is further amended by

- (a) striking out the comma at the end of clause (c) and substituting a semicolon; and
- (b) adding immediately after clause (c) the following clauses:
 - (d) from January 1, 2026, to December 31, 2026, inclusive, five per cent;
 - (e) from January 1, 2027, to December 31, 2027, inclusive, five per cent,

2 (1) Subsection 7(1) of Chapter 22, as amended by Chapter 7 of the Acts of 2023, is further amended by striking out “2025” and substituting “2027”.

(2) Subsection 7(2) of Chapter 22, as amended by Chapter 7 of the Acts of 2023, is further amended by striking out “2026” and substituting “2028”.

RESIDENTIAL TENANCIES ACT

3 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 10 of the Acts of 2002, Chapter 72 of the Acts of 2010, Chapter 64 of the Acts of 2012, Chapter 34 of the Acts of 2014, Chapter 41 of the Acts of 2018, Chapter 36 of the Acts of 2021 and Chapter 22 of the Acts of 2023, is further amended by adding immediately after clause (a) the following clause:

- (aa) “day” means a calendar day;

4 (1) Subsection 7(2) of Chapter 401 is amended by striking out “as prescribed by regulation” and substituting “in the form prescribed by the Director”.

- (2) Subsection 7(6) of Chapter 401 is repealed.

5 Chapter 401 is further amended by adding immediately after Section 7 the following Sections:

7A (1) A landlord shall, in the lease, provide the tenant with the name, civic address, mailing address and telephone number of

- (a) the landlord;
- (b) the agent of the landlord, if any;
- (c) the property manager of the premises, if any; and
- (d) the superintendent of the premises, if any.

(2) Where there is a change in the information provided by the landlord under subsection (1), the landlord shall, within thirty days after the change, serve the tenant with written notice of the change using a method of service set out in subsection 15(2).

(3) Where a lease existing on the coming into force of this Section does not provide all of the information required under subsection (1), the landlord shall, within thirty days after this Section comes into force, serve the tenant with written notice of the information using a method of service set out in subsection 15(2).

7B (1) Where a tenant has provided, in the lease, an electronic address for the tenant to receive documents, the landlord shall provide, in the lease, an electronic address for the landlord to receive documents.

(2) Where a lease existing on the coming into force of this Section provides an electronic address for the tenant to receive documents but does not provide an electronic address for the landlord to receive documents, the landlord shall, within thirty days after this Section comes into force, serve the tenant with written notice of an electronic address for the landlord to receive documents using a method of service set out in subsection 15(2).

7C (1) A tenant may change an electronic address provided in a lease for the tenant to receive documents by serving written notice of the new electronic address to the landlord using a method of service set out in subsection 15(1).

(2) A landlord may change an electronic address provided in a lease for the landlord to receive documents by serving written notice of the new electronic address to at least one tenant listed on the lease using a method of service set out in subsection 15(2).

6 (1) Section 8 of Chapter 401 is amended by adding immediately after subsection (2) the following subsection:

(2A) The Director may prescribe a standard form of lease which must be used by all landlords and tenants and which must include

- (a) a description of the parties to the lease;
- (b) a description of the premises leased;
- (c) the term of the lease;
- (d) the rent payable under the lease;

- (e) whether or not a security deposit is required;
- (f) the statutory conditions;
- (g) the terms under which the lease may be terminated;
- (h) a larger type notice to tenants that the lease will automatically renew if the tenant does not give a notice to quit within the time period set out in Section 10; and
- (i) such additional provisions as the Director may prescribe.

(2) Subsection 8(3) of Chapter 401 is amended by striking out “is required by regulation” and substituting “prescribed by the Director is required”.

7 Clause 8A(1)(c) of Chapter 401, as enacted by Chapter 41 of the Acts of 2018, is amended by striking out “prescribed form” and substituting “form required by the Director”.

8 Chapter 401 is further amended by adding immediately after Section 9A the following Section:

9AA (1) Where a landlord establishes or changes rules for a land-lease community, the landlord shall

- (a) establish a common anniversary date for all tenants for the implementation of the rules or changes by providing all tenants a notice in writing, at least four months prior to the common anniversary date on which the rules or changes take effect, stating the common anniversary date; and
- (b) at least four months prior to the common anniversary date on which the rules or changes take effect,
 - (i) post a written copy of the rules or changes in a common area accessible to all tenants, and
 - (ii) serve a written copy of the rules or changes on each tenant.

(2) Where the landlord has determined a date to be the rent increase date for all manufactured home spaces owned or managed by the landlord under subsection 11A(2), the common anniversary date under subsection (1) must be the same date.

(3) Where rules exist in a land-lease community on the coming into force of this Section, the landlord shall, within thirty days after this Section comes into force,

- (a) post a written copy of the existing rules in a common area accessible to all tenants; and
- (b) serve a written copy of the existing rules on each tenant.

(4) Where a landlord does not comply with the requirements of this Section, the rules for a land-lease community have no force or effect.

9 Section 9B of Chapter 401, as enacted by Chapter 41 of the Acts of 2018, is amended by adding immediately after subsection (5) the following subsection:

(6) Where a sublet agreement is entered into on or after the coming into force of this subsection, the tenant who sublets the residential premises shall not charge the subtenant a rent amount higher than the rent amount being lawfully charged by the landlord to the tenant.

10 (1) Subsection 10(5) of Chapter 401, as enacted by Chapter 72 of the Acts of 2010, is amended by striking out “prescribed by regulation” and substituting “required by the Director”.

(2) Subsection 10(6) of Chapter 401, as amended by Chapter 72 of the Acts of 2010 and Chapter 41 of the Acts of 2018, is further amended by

(a) striking out “fifteenth day after the rent is due, on or after the sixteenth day the rent is” and substituting “third day after the rent was due, then on any day on or after the fourth day after the rent was”; and

(b) striking out “fifteenth” the second time it appears and substituting “tenth”.

(3) Subsection 10(6A) of Chapter 401, as enacted by Chapter 72 of the Acts of 2010 and amended by Chapter 41 of the Acts of 2018, is further amended by striking out “fifteen” and substituting “ten”.

(4) Subsection 10(6D) of Chapter 401, as enacted by Chapter 70 of the Acts of 2011 and amended by Chapter 41 of the Acts of 2018, is further amended by

(a) striking out “fifteen” in clause (a) and substituting “ten”; and

(b) striking out “fifteen” in clause (c) and substituting “ten”.

(5) Subsection 10(7A) of Chapter 401 is repealed.

(6) Subsection 10(7D) of Chapter 401, as enacted by Chapter 72 of the Acts of 2010, is amended by striking out “, (7A)”.

11 Section 10AE of Chapter 401, as enacted by Chapter 36 of the Acts of 2021, is amended by striking out “prescribed by regulation” and substituting “required by the Director”.

12 Chapter 401 is further amended by adding immediately after Section 10AE the following Section:

10AF(1) A landlord may make an application to the Director under Section 13 for an order to terminate the tenancy if the landlord satisfies the Director that one or more of the following applies:

(a) the tenant is repeatedly late paying rent;

(b) the tenant or a person permitted on the residential premises by the tenant has

(i) significantly interfered with or unreasonably disturbed the landlord or another occupant of the premises,

(ii) seriously jeopardized the health or safety or lawful right or interest of the landlord or another occupant of the premises, or

(iii) put the landlord's property at significant risk;

(c) the tenant or a person permitted on the residential premises by the tenant has engaged in illegal activity that has

(i) caused or is likely to cause damage to the landlord's property,

(ii) adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the premises, or

(iii) jeopardized or is likely to jeopardize a lawful right or interest of the landlord or another occupant of the premises;

(d) the tenant or a person permitted on the residential premises by the tenant has caused extraordinary damage to the residential premises or the property on which the residential premises are located.

(2) Where the Director is determining whether to terminate a tenancy because the tenant is repeatedly late paying rent under clause (1)(a), the Director shall consider any guidelines prescribed by regulation.

13 Subsection 10B(1) 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

(a) striking out "prescribed by regulation" in clause (a) and in clause (b) and substituting in each case "required by the Director"; and

(b) striking out "prescribed in the regulations" in clause (c) and substituting "required by the Director".

14 Subsection 10C(1) of Chapter 401, as enacted by Chapter 40 of the Acts of 1993 and amended by Chapter 30 of the Acts of 2002 and Chapter 72 of the Acts of 2010, is further amended by

(a) striking out "prescribed in the regulations" in clause (a) and substituting "required by the Director"; and

(b) striking out "prescribed by regulation" in clause (b) and in clause (c) and substituting in each case "required by the Director".

15 Subsection 10D(1) 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 striking out "prescribed by regulation" in clause (a) and in clause (c) and substituting in each case "required by the Director".

16 Clause 10F(1)(a) of Chapter 401, as enacted by Chapter 64 of the Acts of 2012, is amended by striking out “prescribed by regulation” and substituting “required by the Director”.

17 Subsection 11A(1) of Chapter 401, as enacted by Chapter 36 of the Acts of 2021, is amended by striking out “prescribed form” and substituting “form required by the Director”.

18 Subsection 12A(2) of Chapter 401, as enacted by Chapter 36 of the Acts of 2021, is amended by striking out “prescribed by regulation” and substituting “required by the Director”.

19 Subsection 12B(1) of Chapter 401, as enacted by Chapter 36 of the Acts of 2021, is amended by striking out “prescribed by regulation” and substituting “required by the Director”.

20 (1) Subsection 13(1) of Chapter 401, as enacted by Chapter 7 of the Acts of 1997 and amended by Chapter 41 of the Acts of 2018, is further amended by striking out “prescribed by regulation” the first time it appears and substituting “required by the Director”.

(2) Subclauses 13(2A)(e)(iii) and (iv) of Chapter 401 are repealed and the following subclauses substituted:

(iii) the other party has provided in the lease or in accordance with Section 7C, or in a guarantee agreement if the application is for a question or matter respecting a guarantee agreement, an electronic address to receive documents,

(iv) it is sent to the most-recently provided electronic address referred to in subclause (iii),

(v) the applicant has provided, in the lease or in accordance with Section 7C, an electronic address to receive documents, and

(vi) it is sent by the applicant from the most-recently provided electronic address referred to in subclause (v).

(3) Section 13 of Chapter 401, as enacted by Chapter 7 of the Acts of 1997 and amended by Chapter 27 of the Acts of 2016, Chapter 41 of the Acts of 2018 and Chapter 36 of the Acts of 2021, is further amended by adding immediately after subsection (2A) the following subsection:

(2AA) Proof of service of an application to the Director must be in the form required by the Director and filed with the Director within the time period specified by the Director.

21 (1) Subclauses 15(1)(e)(iii) and (iv) of Chapter 401 are repealed and the following subclauses substituted:

(iii) the landlord has provided, in the lease or in accordance with Section 7C, an electronic address for the landlord to receive documents,

(iv) it is sent to the most-recently provided electronic address referred to in subclause (iii),

(v) the tenant has provided, in the lease or in accordance with Section 7C, an electronic address for the tenant to receive documents, and

(vi) it is sent by the tenant from the most-recently provided electronic address referred to in subclause (v).

(2) Subclauses 15(2)(e)(iii) and (iv) of Chapter 401 are repealed and the following subclauses substituted:

(iii) the tenant has provided, in the lease or in accordance with Section 7C, an electronic address for the tenant to receive documents,

(iv) it is sent to the most-recently provided electronic address referred to in subclause (iii), and

(v) it is sent by the landlord from the most-recently provided electronic address for the landlord to receive documents that was provided by the landlord in the lease or in accordance with Section 7C.

(3) Subsections 15(5) and (6) of Chapter 401 are repealed.

22 Chapter 401 is further amended by adding immediately after Section 17A the following Section:

17AA The Director may publish or otherwise make available to the public some, all or portions of orders made by the Director, or summaries of orders made by the Director.

23 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, Chapter 72 of the Acts of 2010, Chapter 70 of the Acts of 2011, Chapter 27 of the Acts of 2016, Chapter 41 of the Acts of 2018 and Chapter 36 of the Acts of 2021, is further amended by

(a) striking out clauses (c) and (cea);

(b) adding immediately after clause (ceh) the following clause:

(cei) prescribing guidelines to be considered by the Director under clause 10AF(1)(a) in determining whether to terminate a tenancy because the tenant is repeatedly late paying rent;

and

(c) striking out clause (cm).

24 Subsection 27(1) of Chapter 401, as enacted by Chapter 31 of the Acts of 1992 and amended by Chapter 10 of the Acts of 2002 and Chapter 27 of the Acts of 2016, is further amended by striking out “, social assistance or family benefits” and substituting “or income assistance”.

25 Subsection 8(1) of Chapter 40 of the Acts of 1993, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, is repealed.

26 Chapter 66 of the Acts of 2008, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, is repealed.

27 Chapter 10 of the Acts of 1978, the *Mobile Homes Act*, is repealed.

28 Sections 1 and 2, 4 to 8 and 10 to 23 come into force on such day as the Governor in Council orders and declares by proclamation.
