

Guide Form D: Landlord's Notice to Quit for Rental Arrears

(subsection 10(6) of the Residential Tenancies Act)



What are these forms for?

Use this form to give a Notice to Quit when a tenant has failed to pay rent.

Important Information

Landlords can only serve a Form D after rent is 15 days overdue.

If rent was due on the 1st, you must count 15 days starting with the 2nd. Tenants have until the end of the 15 days (the 16th) to pay their rent and have the notice set aside. Where rent is due on the 1st, the earliest landlords can serve a Form D is the 17th.

How to complete this form?

To

Give the tenant's name as it appears in the lease. If you do not have a lease, use the tenant's full name.

Address of residential premises

Give the complete address of the place being rented as it appears on the lease. If you do not have a lease, give the full civic address, including the postal code.

Landlord's name

Give your name as it appears on the lease. If you do not have a lease, use your company name, or, if you do not have a company name, your full name. If you are representing a landlord, please give the landlord's company name or full name.

Street number and name

Give your full civic address as it appears on the lease.

Rental arrears

Give the date rent was 15 days overdue

If rent was due on the 1st, you must count 15 days starting with the 2nd. Tenants have until the end of the 15 days (the 16th) to pay their rent and have the notice set aside. Therefore, rent is 15 days overdue on the 17th. Where rent is due on the 1st, the earliest landlords can serve a Form D is the 17th. Give the monthly payment amount and due date as indicated in the lease.

Calculate the total rent owing using the grid.

From/to: For each rental period (week or month) that rent is overdue, give the beginning and end dates.

Rent owing: Show the amount that was due for each period.

Rent paid: Show how much (if any) was paid.

Rent arrears: Subtract the payment from the owing amount and fill in the arrears.

Total rental arrears owing: Add up the rental arrears column. Copy this amount to the line for total rental arrears.

Guide

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Methods of service

Form D must be served on the tenant in 1 of the following ways:

- 1** Hand the form to the tenant in person, or an adult who lives with the tenant. Form D is deemed successfully served on this date.
- 2** Leave a copy in the tenant's mailbox or mail slot at the residential premises listed in the lease if the tenant currently resides there.

Form D is deemed successfully served on this date.

- 3** Send it by pre-paid registered mail, express post, or courier service to
 - the address of the residential premises listed in the lease, if the tenant still lives there
 - a forwarding civic address provided by the tenant

Form D is deemed successfully served on the 3rd day after the date mailed (example: if mailed on the 17th, it is deemed successfully served on the 20th). Keep a copy of the receipt showing proof the notice was prepaid, properly addressed, and sent.

- 4** Send it electronically if the tenant has provided an electronic address in the lease to receive documents. The electronic copy must be substantially the same as the original and capable of being retained by the tenant so they can use it for later reference.

Date deemed successfully served depends on the time and the day sent as follows:

- If sent before 4:00 pm on any day other than a Saturday, Sunday, or holiday, Form D is deemed successfully served on this date.
- If sent after 4:00 pm on any day, Form D is deemed successfully served on the next day that is not a Saturday, Sunday, or holiday.
- If sent on a Saturday, Sunday, or holiday, Form D is deemed successfully served on the next day that is not a Saturday, Sunday, or holiday.

Your tenancy is terminated on

Give the date the tenant is to leave. This date can be no sooner than 15 days after Form D is successfully served. The date the form is successfully served will depend on the method of service as explained in the section above. You may want to complete this line just before serving the tenant.

If Form D was successfully served on the 17th, you must count 15 days starting with the 18th. The termination date is:

- the 2nd day of the following month if the month Form D was served in had 31 days
- the 3rd day of the following month if the month Form D was served in had 30 days
- The 5th day of March if Form D was served in February (4th day of March for a leap year)

Sign and date this form

This date is the date the form is completed and must be on or after the date that rent is 15 days overdue.

Guide

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What do I do with the completed forms?

➡ Formally serve the tenant with a copy of this form using one of the methods above.

Make a copy of this for your records.

IMPORTANT: If your tenant disputes this Notice to Quit, you will be served with an Application to Director. In order to have your claim for rental arrears, termination of tenancy, and vacant possession considered for an Order of the Director, you must file a counterclaim to that application.

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To (tenant's name) _____

Important Information for Tenants

No later than 15 days after receiving this Notice to Quit, you may

(a) pay the landlord the total rental arrears shown above. If you do so, this Notice to Quit is void and of no effect.

OR

(b) apply to the Director for an order setting aside this Notice to Quit by filing an **Application to Director in Form J**.

You may obtain a copy of the Application to Director form at an Access Nova Scotia office or on the Service Nova Scotia website novascotia.ca/rta.

If you do not pay the rental arrears or file an application by the end of the 15th day after receiving this Notice to Quit, your tenancy is terminated and you must vacate the premises by the termination date shown above, and your landlord may apply to the Director for any one or more of the following:

- an order for you to vacate the premises;
- an order requiring you to pay your landlord any rent owing for the month in which this Notice to Quit was given to you and any rental arrears for previous months;
- an order permitting your landlord to retain your security deposit and interest to be applied against any rent found to be owing and in arrears.

The Director is authorized to make the order without holding a hearing.

(See subsections 10(6A), 10(6B), 10(6C), 10(6D) and 10(6E) of the Act)

Address of residential premises

Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____



Your tenancy is terminated on _____ (termination date: YYYY MM DD) and you must vacate the residential premises by that date for the following reason:

Your rent was 15 days overdue as of _____.

Your monthly rent payment of \$_____ was due on _____.

You owe total rental arrears of \$_____ calculated as follows.

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Rental Arrears

Rent Period		Rent Owning \$	Rent Paid \$	Rental Arrears \$
From	To			
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Rental Arrears Owning \$				_____

➔ Sign and date this form

Landlord's name _____

Landlord's Street number and name (civic address) _____ Apartment _____

City or town _____ Province _____ Postal code _____

Landlord or representative's signature _____ Date (YYYY MM DD) _____

Tenants Please Note

If you make an Application to the Director for an order setting aside this Notice to Quit and the Director decides not to set aside this Notice to Quit, the Director may order one or more of the following:

- an order for you to vacate the premises;
- an order requiring you to pay your landlord any rent owing for the month in which this Notice to Quit was given to you and any rental arrears for previous months;
- an order permitting your landlord to retain your security deposit and interest to be applied against any rent found to be owing and in arrears.

(See subsections 10(6BA) of the Act)

Landlord: Keep a copy of this form for your records.