

Consultation on Modernizing *The Residential Tenancies Act*

Submission from the Ombud for New Brunswick

May 2026

May 8, 2026

Hon. David Hickey
Minister responsible for the New Brunswick Housing Corporation
P.O. Box 6000
Fredericton NB E3B 5H1

Subject: Consultation on Modernizing *The Residential Tenancies Act*

Mr. Hickey,

I am pleased to provide you with my office's submission on the modernization of *The Residential Tenancies Act*.

As an independent oversight body, our office receives, reviews, and investigates complaints involving provincial public sector organizations. In this capacity, we receive complaints from both tenants and landlords regarding the administration of the residential tenancies system. The observations set out below are informed by the issues brought forward to us in complaints received under the *Ombud Act* and the *Right to Information and Protection of Privacy Act* between April 1, 2024, and March 31, 2026. Our submission is also informed by the experience acquired by our office in relation to these matters over the past several years.

Cordially,



Marie-France Pelletier
Ombud for New Brunswick

Table of Contents

Introduction	3
Observations related to fairness and access to justice.....	3
Accessibility and System Complexity.....	3
Appeal Mechanisms	3
Notices.....	4
Security Deposit Administration	4
Timeliness and Service Delivery.....	5
Observations related to access to information and privacy	5
Access to decisions and records	5
Information management and privacy practices	6
Conclusion	6





Introduction

Ombud NB receives and reviews complaints from individuals who believe they have been treated unfairly or that their rights to information and privacy have not been respected by a provincial public sector organization. We specialize in helping people and public organizations to resolve their disagreements where possible. We also conduct impartial investigations and make recommendations to ensure people are treated in a consistent, fair and reasonable manner and that their rights are respected.

Over the years, Ombud NB has received complaints involving the residential tenancies system. We have been able to help resolve most of these complaints informally, without the need for more in-depth investigations. However, the proposed modernization of *The Residential Tenancies Act* offers an opportunity to improve the system for all its users, current and future. The observations provided in this submission come from our experience in dealing with these matters, and the individuals who have contacted us for assistance, whether they be landlords or tenants.

Observations related to fairness and access to justice

Accessibility and System Complexity

We have observed that both tenants and landlords have trouble navigating the residential tenancies system at times. Rules related to evictions, notice requirements, appeal rights, and security deposit processes appear to be the most challenging to understand. These issues suggest that the system is not as accessible or intuitive as it could be, particularly for individuals without prior experience or legal support. Plain language guidance documents could assist in creating a more accessible system for all users.

In modernizing the Act, consider:

Removing and preventing barriers by making processes as straightforward and intuitive as possible.

Appeal Mechanisms

In relation to appeals mechanisms, our office has been informed that the only avenue of review is through the Court of King's Bench, and that appeals must be filed within seven days of receiving a decision. This creates a very narrow pathway, particularly for individuals who may not have the resources or knowledge required to pursue court proceedings within such a limited time period.



In modernizing the Act, consider:

Examining the current appeal framework, including the limitation period and the absence of an intermediate or internal review mechanism. Amendments could support clearer communication of appeal rights and more accessible review pathways.

Notices

Our office has received complaints indicating that decisions are sometimes made without adequate notice to affected parties, that individuals are not consistently informed of claims or outcomes, and that appeal rights are not always clearly communicated. In some cases, this has been linked to outdated or incomplete contact information, resulting in one party being unaware of proceedings that directly affect them.

In modernizing the Act, consider:

Strengthening statutory notice requirements to ensure that no decision affecting the rights, interests, or property of a party is made without prior notice and an opportunity to respond. This could include requirements for reasonable efforts to confirm delivery of notice and minimum response timelines, subject to clearly defined urgent circumstances.

Security Deposit Administration

Some complaints received by our office relate to the administration of security deposits. Individuals report delays in the processing of deposits and claims, instances where deposits are released without appropriate notice to affected parties, and errors in the sequencing of payments. There is also a level of misunderstanding among both landlords and tenants regarding how the process operates. These concerns may point not only to administrative inefficiencies, but also to gaps in procedural fairness.

In modernizing the Act, consider:

Clarifying and strengthening the administration of security deposits. This may include requirements for notification to all parties prior to release, safeguards to prevent release where a dispute is active or reasonably anticipated, and the establishment of clear processing timelines.

Timeliness and Service Delivery

Delays in service delivery are a consistent theme across complaints. These delays may affect responses to general enquiries, landlord applications, tenant eviction disputes, and the processing of notices to vacate. Given the essential nature of housing, such delays can have consequences, including financial hardship and housing instability.

In modernizing the Act, consider:

Supporting improved accountability by requiring the establishment of timelines and standards for key processes. Public reporting on performance against these standards should also be considered.

Also consider providing clearer direction regarding the identification and prioritization of urgent matters, including those involving health, safety, or risk of significant harm, to ensure timely and appropriate responses.

Observations related to access to information and privacy

Access to decisions and records

We have observed barriers to access to information, specifically when individuals have requested access to decisions or records but have been unable to obtain them. The current system is not equipped to conduct electronic searches for subject matter, requiring manual review of files, and decisions are not publicly available. This limits transparency and reduces the ability of individuals to understand how *The Residential Tenancies Act* is applied in practice. It also affects consistency and predictability in the system.

In modernizing the Act, consider:

Requiring the publication of all or some selected decisions to support transparency and predictability in the application of the Act.

Information management and privacy practices

Our office has received complaints related to the handling of personal information. There have been instances where personal information belonging to landlords or tenants has been disclosed inappropriately during file handling. These concerns point to the need for clearer safeguards governing the collection, use, and disclosure of personal information within the system.

In modernizing the Act, consider:

Clarifying requirements for the collection, use, and disclosure of personal information and ensuring privacy principles are embedded into processes and systems to reduce the risk of inappropriate disclosure.

Conclusion

Our office's observations suggest that modernization efforts should focus on strengthening timeliness, fairness, transparency, and accountability. Beyond legislative changes, modernization should also include investments in updated case management systems to support better record-keeping, electronic search capabilities, and more reliable communication with parties.

There is also an opportunity to improve public education and accessibility through plain-language guidance, standardized forms, and clearer communication of rights and obligations.

Modernizing *The Residential Tenancies Act* presents an important opportunity to strengthen public confidence in the residential tenancies system.





ombudnb.ca

Tel. • Tél.: (506) 453-2789 | 1-888-465-1100

Fax • Télécop.: (506) 453-5599

Email • Courriel: ombud@ombudnb.ca

P.O. Box 6000 • C. P. 6000

Fredericton NB E3B 5H1

Canada