

(7) The Registrar shall register the instrument granting the easement or covenant by noting it on the condominium plan in the manner prescribed by the regulations.

RSA 1980 cC-22 s43;1996 c12 s41

Rental of Units

Rental of units

53(1) An owner of a unit shall not rent the owner's unit until the owner has given written notice to the corporation of the owner's intention to rent the unit, setting out

- (a) the address at which the owner may be served with a notice given by the corporation under section 54 or an application or order referred to in section 55 or 56, and
- (b) the amount of rent to be charged for the unit.

(2) If an owner of a unit rents the owner's unit it is a condition of that tenancy, notwithstanding anything in the tenancy agreement, that any person in possession of that unit shall not

- (a) cause damage to the real or personal property of the corporation or the common property, or
- (b) contravene the bylaws.

(3) The corporation may require an owner who rents the owner's unit to pay to and maintain with the corporation a deposit that the corporation may use for

- (a) the repair or replacement of the real and personal property of the corporation or of the common property, and
- (b) the maintenance, repair or replacement of any common property that is subject to a lease granted to the owner of the unit under section 50,

that is damaged, destroyed, lost or removed, as the case may be, by any person in possession of the rented unit.

(4) A deposit referred to in subsection (3) shall not exceed one month's rent charged for the unit.

(5) The owner of a unit shall give the corporation written notice of the name of the tenant renting the unit within 20 days from the commencement of the tenancy.

(6) Within 20 days after ceasing to rent the owner's unit, the owner shall give the corporation written notice that the owner's unit is no longer rented.

- (7) A corporation shall, within 20 days after receiving a written notice under subsection (6),
- (a) return the deposit to the owner,
 - (b) if the corporation has made use of the deposit for one or more of the purposes referred to under subsection (3), deliver to the owner
 - (i) a statement of account showing the amount used, and
 - (ii) the balance of the deposit not used, if any,
- or
- (c) if the corporation is entitled to make use of the deposit but is unable to determine the amount of the deposit that it will use, deliver to the owner an estimated statement of account showing the amount it intends to use and, within 60 days after delivering to the owner the estimated statement of account, deliver to the owner
 - (i) a final statement of account showing the amounts used, and
 - (ii) the balance of the deposit not used, if any.

RSA 2000 cC-22 s53;2009 c53 s40

Notice to give up possession

54(1) The corporation may give a tenant renting a unit a notice to give up possession of that unit if any person in possession of the unit

- (a) causes damage, other than normal wear and tear, to the real or personal property of the corporation or to the common property, or
- (b) contravenes a bylaw.

(2) When the corporation gives a tenant a notice under subsection (1),

- (a) the tenant shall give up possession of the unit, and
- (b) notwithstanding the *Residential Tenancies Act* or anything contained in the tenancy agreement between the tenant and the tenant's landlord, the tenancy agreement terminates,

on the last day of the month immediately following the month in which the notice is served on the tenant.

(3) A notice given under subsection (1) shall be served on the tenant and the tenant's landlord.

RSA 1980 cC-22 s45;1983 c71 s15;1991 c18 s46;
1996 c12 s44

Application for order to give up possession

55(1) If a tenant is given notice under section 54(1) and does not give up possession, the corporation or the landlord may apply to the Court for an order requiring the tenant to give up possession of the unit.

(2) An application under this section shall be served on the tenant and the tenant's landlord not less than 3 days, exclusive of holidays and Saturdays, before the day scheduled for the hearing of the application.

(3) The application of the corporation shall be supported by an affidavit

- (a) establishing service of the notice under section 54 to give up possession,
- (b) stating the reasons for giving the tenant a notice to give up possession,
- (c) stating the failure of the tenant to give up possession and the reasons given, if any, for that failure, and
- (d) stating any other relevant facts.

(4) On hearing the application, the Court may order the tenant to give up possession of the unit by a date specified in the order and make any other order that it considers proper in the circumstances.

(5) If the corporation is granted an order under subsection (4), it shall serve a copy of that order on the landlord.

RSA 2000 cC-22 s55;2009 c53 s40

Application for order to give up possession

56(1) If any person in possession of a unit that is being rented

- (a) has caused or is causing excessive damage to the real or personal property of the corporation or to the common property, or
- (b) is a danger to or is intimidating the owners or any persons who are in possession of the other units located on the parcel,

the corporation may, notwithstanding that the tenant renting that unit has or has not been given a notice to give up possession of that unit under section 54 or by the landlord under the tenancy

agreement, apply to the Court for an order requiring the tenant to give up immediate possession of that unit.

(2) An application under this section shall be served on the tenant and the tenant's landlord not less than 3 days, exclusive of holidays and Saturdays, before the day scheduled for the hearing of the application.

(3) The application of the corporation shall be supported by an affidavit

(a) setting out

(i) the damage to the real or personal property of the corporation or the common property, and

(ii) the nature of the danger to or intimidation of persons who are owners or are in possession of the other units,

or either of them, and

(b) stating any other relevant facts.

(4) On hearing the application, the Court may make an order

(a) requiring the tenant to give up possession of the rented unit if the Court is satisfied that

(i) a person who is in possession of that unit has caused or is causing excessive damage to the real or personal property of the corporation or to the common property or is a danger to or is intimidating the owners or any persons who are in possession of the other units, and

(ii) there are reasonable and probable grounds to believe that further damage may be done or that the danger or intimidation will not cease if the tenant is allowed to remain in possession of the rented unit,

and

(b) fixing the day on which the tenant is required to give up possession of the rented unit,

and make any other order that it considers proper in the circumstances.

(5) The tenancy agreement between the tenant and the landlord terminates on the day that the tenant is required to give up

possession of the unit pursuant to an order made under subsection (4).

(6) The corporation shall serve a copy of an order made under subsection (4) on the landlord.

RSA 2000 cC-22 s56;2009 c53 s40

Residential Tenancies Act

57 Where a conflict arises between the operation of sections 53 to 56 of this Act and the provisions of the *Residential Tenancies Act*, sections 53 to 56 of this Act prevail.

1996 c12 s46

Administration of Corporation

Appointment of administrator

58(1) A corporation or a person having a registered interest in a unit may apply to the Court for appointment of an administrator.

(2) The Court may, on cause shown, appoint an administrator for an indefinite period or for a fixed period on any terms and conditions as to remuneration or otherwise that it thinks fit.

(3) The remuneration and expenses of an administrator appointed under this section are administrative expenses within the meaning of this Act.

(4) An administrator has, to the exclusion of the board and the corporation, those powers and duties of the corporation that the Court orders.

(5) An administrator may delegate any of the powers or duties so vested in the administrator.

(6) The Court may, on the application of an administrator or a person referred to in subsection (1), remove or replace the administrator.

RSA 2000 cC-22 s58;2008 c43 s2

Damage to Building

Settlement scheme for damage to building

59(1) If a building that is designated as a unit or part of a unit or that is divided into units is damaged but the condominium status is not terminated pursuant to section 60 or 61, an application to settle a scheme may be made to the Court by the corporation, an owner, a registered mortgagee of a unit or a vendor under an agreement for sale of a unit.

(2) On an application under this section, the Court may by order settle a scheme including provisions