Rental housing off-reserve is governed by New Brunswick's *Residential Tenancies Act*. **A tenancy begins with a lease, but even without a signed lease, legal tenancy exists.** Security deposits cannot exceed one month's rent (or one week for week-to-week rentals).

Wolastoqey Tribal Council Inc.

New Brunswick Law Foundation
Fondation pour le droit au Nouveau-Brunswick

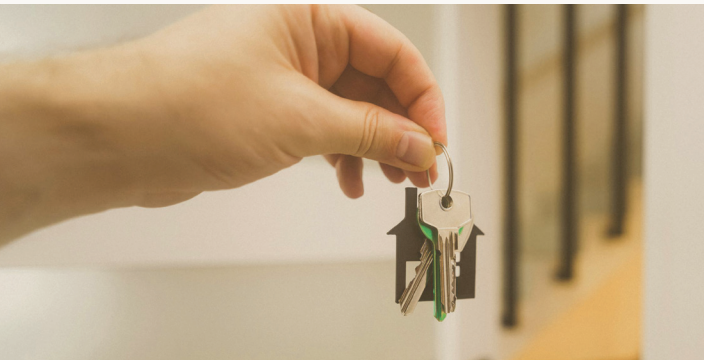
For more details on housing rights and associated programs and resources, visit our website.

Residential Tenancies Rules on and off Reserve

Rental Policies, Programs, and Resources

During the Tenancy

- Landlords must keep the unit clean, safe, and in good repair, while tenants must keep it reasonably clean, avoid damage, and respect neighbours.
- Rent cannot increase in the first year, and after that, only once per year with proper notice, up to three percent.
- If rent isn't paid, a landlord can issue a notice to vacate, which the tenant can cancel by paying what is owed within seven days (unless it keeps happening).
- Landlords may only enter with written notice — **seven days** for repairs and **24 hours** for inspections — unless it's an emergency or the tenant agrees.
- Neither landlords nor tenants can change the locks without permission or approval from a Residential Tenancies Officer.



Tenant-Landlord Disputes

- Try talking to the landlord first. If that fails, submit a written complaint and contact the Tenant and Landlord Relations Office for help.
- Only a Residential Tenancies Officer can issue an eviction order, and only a sheriff can enforce it. Landlords cannot evict tenants themselves.
- A landlord can only take back a unit if the tenant is leaving, has abandoned it, or has received a valid notice. Otherwise, the landlord cannot force the tenant out.

Ending the Tenancy

- A landlord can only end a tenancy for specific reasons (e.g. personal use or major changes to the property) and must give proper written notice.
- Ending a tenancy for renovations or major repairs requires approval from a Residential Tenancies Officer.
- Notice periods depend on the type of lease (year-to-year, month-to-month, or week-to-week).
- Tenants facing domestic or sexual violence, criminal harassment, or serious health issues can end their tenancy early without penalty.



Residential Tenancies on Reserve Lands

On reserve, provincial rental laws do not apply, and rental rules vary by community and must be gathered from multiple sources, such as:

- The *Indian Act;*
- A First Nation's *Indian Act* bylaws or laws under a Land Code; and
- Contracts between a landlord and tenant.

Under the Indian Act, reserve land is for the collective benefit of members, Band Councils control land use, non-members do not have automatic residency rights, and some members may hold exclusive possession proven by a Certificate of Possession.

These rules under the Indian Act may not apply if a community has passed a Land Code. As of late 2025, only Madawaska has an operational Land Code, and any lease must comply with either the Indian Act or the relevant First Nation law to be valid.

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