

Ending a tenancy – Tenants

When a tenant wants to end a tenancy, they need to follow the rules in the *Residential Tenancies Act* (RTA).

It is helpful to understand the two types of tenancy agreements.

Periodic tenancies

Tenancies that continue for a period of time – weekly, monthly, yearly or some other time. A periodic tenancy continues until the landlord or tenant ends it.

Fixed term tenancies

Tenancies that are in place for a fixed period of time. In a fixed term tenancy, the landlord and tenant agree on a start date and an end date at the beginning of the tenancy

If a fixed term tenancy agreement indicates the tenant must move out at the end of the tenancy, the tenant must move out on the end date of the tenancy.

If the tenancy agreement does not specify that the tenant must move out at the end of the tenancy and the tenancy continues beyond the end date without the parties entering into a new agreement, the tenancy automatically becomes a periodic monthly tenancy.

A tenancy can end any time if the landlord and tenant mutually agree in writing to an end date.

A condition inspection report must be done at the end of a tenancy.
The RTO recommends using the approved condition inspection report form.
This form can be used for move-in **and** move-out inspections.

How to calculate notice timelines for ending a periodic tenancy

Tenants must give the amount of notice depending on the tenancy period in place. Notice has to be given with a full and clear rental period for the tenancy to end the day before rent is next due.

Weekly periodic tenancy

The tenant must give one week's notice.

Example

If the rent is due on Friday, June 30, the tenant would have to serve the one-week notice on or before June 23.

Yearly periodic tenancy

In the case of a yearly tenancy, the tenant must give three (3) full rental months of notice.

Example

Rent is due on the 1st of the month. The tenant wants the tenancy to end at the end of September. The tenant must serve three (3) month's notice on or before June 30. The months of July, August and September would then represent the three full rental months of notice and the tenancy would end on September 30.

Month-to-month periodic tenancy and any other tenancy

In the case of a month-to-month tenancy or any other tenancy, the tenant must give one full rental month of notice.

Example

Rent is due on the 1st of the month. The tenant wants the tenancy to end on May 31. The tenant must serve one (1) month's notice on or before April 30. The month of May would then represent the one full rental month of notice, and the tenancy would end on May 31.

Fixed-term tenancies

If the tenancy agreement states that the tenant will vacate the unit on the end date, then the tenancy ends on that date. Neither the landlord nor the tenant is required to give any notice to end the tenancy because the parties agreed to the end date when the tenancy began.

If the tenancy agreement does not state the tenant is required to vacate the rental unit at the end of the fixed-term tenancy, and the tenant has not entered into a new tenancy agreement with the landlord and the tenancy continues they are deemed to have renewed the tenancy agreement as a month-to-month tenancy on the same terms.

The tenant must have the landlord's written consent to end a fixed-term tenancy on a date other than the agreed date.

The tenant could also ask the landlord for permission to sublet or assign the agreement.

Reasons to end a tenancy

Landlord's failure to follow the tenancy agreement

If a landlord does not follow the terms of the tenancy agreement, the tenant may end the tenancy agreement by giving the landlord a notice to end the tenancy effective fourteen (14) days after the date the landlord receives the notice.

The landlord may file for dispute resolution within seven (7) days after they receive the notice.

Before ending tenancy, the tenant must inform the landlord of the issue and give the landlord a reasonable amount of time to fix the situation, if it is possible to be fixed.

Tenant's notice for end of employment

If a tenant's employer provides their accommodation during their employment, a notice from the tenant to end their employment also ends their tenancy on their last day of work.

Tenant's notice for safety or security risk or admittance into long-term care

If the safety or security of a tenant or the safety or security of the tenant's dependant is at risk if they remain in the rental unit, the tenant may end a fixed-term tenancy early.

If the tenant is assessed as requiring long-term care, is admitted to a long-term care facility or enters into a tenancy agreement with the landlord of a long-term care facility, the tenant may end a fixed-term tenancy early.

A tenant who intends to end a fixed term tenancy due to a safety or security risk or a tenant who intends to end a fixed-term tenancy because they have been admitted to long-term care must:

- Provide at least one (1) months' notice
- Include a statement of eligibility confirming a tenant's eligibility to end a fixed term tenancy for safety or security risk or for admission to long-term care.

The RTO recommends using the statement of eligibility section provided in the approved Tenant's Notice for Safety or Security Risk form.

The landlord may file for dispute resolution within fourteen (14) days after they receive the notice.

How a tenant serves a notice to end tenancy

The tenant must ensure the landlord receives written notice in one of the following ways. This is called “serving” the notice.

- In person to the landlord or someone who acts as an agent for the landlord. The notice is considered served that day.
- Registered or regular mail. The notice is considered served five (5) full days after the tenant sent it.
- If both parties agree in writing to use email as an official way to communicate for tenancy agreements the tenant may send the notice by email. In this case, the notice is considered received the same day it was sent.
- The tenant can provide written notice in another way as ordered by the RTO. This is typically used in cases where it is not possible to serve the landlord in-person, through the mail or by email.

If the tenant chooses to mail the notice, the RTO strongly recommends the tenant send it by registered mail. Registered mail provides the tenant with a receipt to prove the date on which they mailed the notice.

The tenant should always keep a record of how the notice was served, including how, where and when it was delivered.

If a tenant chooses to only leave a copy of the written notice with the landlord, they must hand-deliver it to the landlord or the landlord’s agent.

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The tenant cannot only leave the notice in a mailbox or slip the notice under the landlord’s door.

Reason	Type of tenancy	Required notice period	Landlord period to dispute notice
Tenant's notice (no specific reason required)	Periodic a) Weekly b) Yearly c) Monthly and any other term	A) Tenancy ends one (1) week after the date the landlord receives the notice. B) Tenancy ends three (3) months after the date the landlord receives the notice. C) Tenancy ends one (1) month after the date the landlord receives the notice.	Fourteen (14) days after landlord receives notice
Landlord's failure to comply with the tenancy agreement	Periodic or fixed term	Tenancy ends fourteen (14) days after the date the landlord receives the notice. The tenant must give the landlord a reasonable amount of time to correct the problem	Seven (7) days after landlord receives notice
Safety or security risk A statement of eligibility is required	Fixed term	One (1) month after the date landlord receives the notice, and day before rent is payable under the tenancy agreement	Fourteen (14) days after landlord receives notice
Admittance into long-term care A statement of eligibility is required.	Fixed term	One (1) month after the date the landlord receives the notice, and day before rent is payable under the tenancy agreement	Fourteen (14) days after landlord receives notice
End of employment	Periodic or fixed term	Last day of employment	n/a