

Shared accommodations

Subletting

When a tenant rents out their entire rental unit or rooms to one or more other tenants, this creates a sublet. The original tenant takes on many of the roles of a landlord for the subtenants.

The original tenant's tenancy agreement continues while the new subletting tenant lives there. There is no landlord/tenant relationship between the landlord and subletting tenant.

Subletting or assigning a tenancy

If a tenant wants to assign or sublet the tenancy or rental unit, they must obtain the landlord's consent in writing. The tenant must request to assign or sublet the rental unit at least one (1) month before they wish for the sublet or assignment to begin.

A landlord cannot unreasonably withhold their consent for the original tenant to sublet or assign a rental unit or tenancy. They cannot charge a fee to consider, investigate or consent to the sublet or assignment of a rental unit or tenancy.

If the original tenant does not get the landlord's consent before subletting or assigning the tenancy or rental unit, the landlord may end the tenancy.

Sublet agreement

A subtenancy (sublet) agreement is between the original tenant and one or more subtenants. This agreement should be in writing and signed by all parties. This agreement outlines the terms and can include:

- the start date of the tenancy;
- any deposit paid by the subtenant;
- the rent amount;
- any services and facilities included in the rent;
- the length of the tenancy;
- the areas of the unit the subtenant possesses or may use during the subtenancy; and
- other terms they have agreed to.

A subtenancy agreement cannot last longer than the original tenancy agreement. If a landlord ends the tenancy for the original tenant, the subtenant's agreement also ends.

Sublet rent

The original tenant who sublets cannot charge more rent to the subtenant or subtenants than they pay to the landlord each month.

**There is no direct relationship
between the landlord and the
subletting tenant**

Rights and obligations

Original tenant

During the subtenancy agreement, the original tenant remains entitled to the benefits of the tenancy agreement with their landlord. The original tenant is also responsible for obligations in the tenancy agreement they have with their landlord. The original tenant is liable for any breaches of the tenancy agreement they have with their landlord, regardless of whether they committed the breach or their subtenant committed the breach.

Subtenant

The subtenant is entitled to the benefits of the subtenancy agreement. They are also liable to the original tenant for any breaches of their obligations under the subtenancy agreement.

Once the subtenancy agreement or the original tenancy agreement has ended, the subtenant has no further right to occupy the rental unit.

The subtenant cannot sublet to anyone.

Assignment of a tenancy

Situations change sometimes and a tenant may have to leave their tenancy early. To avoid ending the tenancy early, the original tenant may find another person to take over their tenancy agreement. This is called an assignment of a tenancy.

If the landlord agrees in writing, then the new tenant takes over obligations of the tenancy agreement. The terms and conditions of the tenancy agreement do not change and the assigned tenant's rights and responsibilities are the same as the original tenant. The original tenant's obligation to the landlord ends.

The original tenant, the assigned tenant and the landlord must amend the original tenancy agreement to clearly indicate that the tenancy agreement continues, but that the parties have changed.

For example

John enters into a 12-month fixed term tenancy agreement for a rental unit. Three months into the tenancy, John is offered a promotion that takes him to Ontario. John wants to get out of his tenancy agreement early so he can move to Ontario. John finds Priyank who needs a place to live and can meet the same conditions in John's rental agreement with the landlord. If the landlord agrees in writing to assign John's tenancy agreement to Priyank, then Priyank will take over John's obligations for the remaining nine months of the agreement.

Owner-Occupied Living Accommodation

Except for rules about rent increases (see Rent Increase information sheet), The Residential Tenancies Act does not apply when a tenant shares a bathroom or a kitchen with the homeowner.

Multiple tenants on a single lease

More than one tenant can sign a tenancy agreement. Each tenant has the responsibility for paying the total rent each month on the day it is due.

Example

Three friends sign a tenancy agreement for an apartment. The rent is \$2,100 per month, so each pays \$700. One friend moves out. The two remaining tenants must pay the entire \$2,100 rent on time and in full.

Example

Four friends sign a tenancy agreement for an apartment. Among them, they each agree to pay one quarter of the rent. One month, one friend can't pay their share. Regardless of the friends' arrangement, the rent must be paid in full. The other three tenants must pay all the rent.