

Renting and Domestic Violence: Ending Your Lease Early

In August 2016 changes to the *Residential Tenancies Act* (the “Act”) were made, giving tenants who are experiencing domestic violence a way to end a lease early, without financial penalty. The tenant can apply to end a lease agreement if they are named on the lease agreement and their safety, or the safety of a dependent child or a protected adult, is at risk.

Who is a protected adult?

The *Adult Guardianship and Trusteeship Act* defines what it means to be a protected adult. A protected adult is an adult who has another person make decisions with, or for them, according to an agreement or a court order.

What is “domestic violence”?

The Act defines domestic violence as any action, or failure to act, that:

- causes injury or property damage that intimidates or harms;
- causes fear of injury or of property damage;
- would be considered psychological or emotional abuse;
- leads to forced confinement of a person;
- results in sexual contact of any kind that is forced, either by physical force or threat of force
- would be considered stalking;

If you are at risk of domestic violence, you do not need to wait for your certificate to move out!



- Call 911 if you're in immediate danger
- Call 310.1818 for information on emergency supports available to you such as food, shelter and transportation

The domestic violence must have been committed by a person named in the Act:

- spouse or former spouse;
- adult interdependent partner (current or former);
- someone you are dating or have dated;
- the parent of your child (or adoptive parent);
- someone you are related to by blood, marriage, adoption or through an adult interdependent relationship; or
- someone who lives with you and cares for you under court order.

For more information about the legislation and how it can help victims of domestic violence, see Service Alberta’s tipsheet found here: http://www.servicealberta.gov.ab.ca/pdf/tipsheets/RTA_Safer_Spaces.pdf

Information about Adult Interdependent Relationships can be found here: <http://www.law-faqs.org/alberta-faqs/family-law/adult-interdependent-relationships/>



I have experienced domestic violence. How can I end my lease?

First, you will need to get a Certificate Confirming Grounds to Terminate Tenancy (a “certificate”) that lets you end your lease.

Then, you must serve the certificate and written notice that you intend to end your lease on your landlord. The notice must be:

- in writing;
- signed by you, the tenant;
- accompanied by a certificate that was completed within 90 days before the date you give your notice; and
- served on the landlord at least 28 days before you intend to end the lease.

*See our sample notice letter on page 5



What is a certificate and how do I get one?

A certificate proves to your landlord that you are a victim of domestic violence and that you have legitimate grounds for terminating the tenancy.

You must apply to the Safer Spaces Processing Centre (a department of Alberta Human Services) for a certificate. The request must include either:

- A copy of a protection order granted to you by the court, such as an Emergency Protection Order, a Queen's Bench Protection Order, a Restraining Order, or a Peace Bond that is in effect

OR

- A statement from a professional stating that your safety, or the safety of your child or a protected adult that lives with you, is at risk. The professionals that can provide a statement are:
 - a doctor;
 - a nurse;
 - a registered social worker;
 - a registered psychologist;
 - a psychiatrist;
 - a police or RCMP officer;
 - anyone who works for an agency that provides support for victims of crime (like Victims Services); or
 - anyone who works for an agency that provides shelter for victims of abuse.

Send your contact information and a copy of your protection order, or your statement from a professional by email to HS.SaferSpaces@gov.ab.ca or, you can go in person with your documentation to an Alberta Supports Centre or Alberta Works.

The Safer Spaces Processing Centre can be reached at 780.422.4080

See www.humanservices.alberta.ca/offices for locations across the province.

More information on certificates can be found at <https://www.alberta.ca/safer-spaces-certificate-apply.aspx>

How long does it take to get a certificate?

It can take up to seven days.

How will I receive my certificate?

An advisor will contact you to determine which delivery option will work best for you. At this time, certificates cannot be emailed to you directly. You can receive your certificate by registered mail, fax, or in person at an Alberta Supports Centre or Alberta Works. You can also request that the certificate be sent to a support worker or the police.

How can I serve my certificate and my notice on my landlord?

If it is safe to do so, you can hand-deliver the certificate and notice to your landlord. If you are not comfortable doing this, you can have someone else serve the landlord on your behalf. You can also serve the notice and certificate on your landlord by registered mail. You must serve your landlord 28 days before you intend to end your lease.

This 28-day notice period applies to all types of tenancies. If you are the tenant and you are not the victim of domestic violence, but your child or a protected adult that lives with you is, you can still apply for a certificate to end the lease.

For more information on lease agreements and ending a tenancy under the *Residential Tenancies Act* (“RTA”) see: <http://www.landlordandtenant.org/leases-and-agreements/>

Will I have to pay rent for the month that I move out?



You will be responsible for paying rent for the 28-day notice period. You can ask your landlord to take rent out of your security deposit for payment of rent during the notice period.

Your landlord cannot charge you a fee for ending your lease early.

What about the other people on my lease? Do they have to move out?

If you give notice to end your lease, the lease also ends for everyone else who is on that lease. You don't have to tell the other tenant(s) that you have given notice, but if you feel safe telling them you can. Your landlord can sign a new lease with the other tenants.

Will my landlord tell anyone that I am experiencing domestic violence?

Your landlord can't tell anyone that you are a victim of domestic violence. This information is confidential. There are a few exceptions. For instance, your landlord can share your certificate with the police if they request it.

What if the person who is abusing me damages the property after I leave? Will I still get my damage deposit back?

If the damage occurs after your lease is terminated (after the 28-day notice period), you are not responsible for any damage to the property. If the damage occurs while you are still a tenant (before or within the 28-day notice period) you may be held responsible and the landlord may be able to make a deduction from your damage deposit to fix the damage.

See: <http://www.landlordandtenant.org/security-deposits/> for more information on security deposits.

What if I want to keep living where I am – can the landlord make my abuser leave and just keep me on the lease?

Unfortunately, the landlord is unable to evict just the abuser. However, you may be able to negotiate a new lease with your landlord if the abuser moves out.

You may wish to consult a lawyer or the Legal Aid Emergency Protection Order Program to talk about your options, such as criminal charges and protection orders.

I live on a First Nations Reserve. Can I apply for a certificate to end my lease early?

The RTA does not apply to leases on First Nations Reserves. See here for more information on when the RTA does not apply:

http://www.servicealberta.gov.ab.ca/pdf/RTA/RTA_Quick_Reference_Guide.pdf

<http://www.landlordandtenant.org/legislation/rta-apply/>

What if I am in immediate danger of domestic violence?

If you are at risk of domestic violence, you do not need to wait for your certificate to move out. Call 911 if you're in immediate danger. Call 310-1818 for information on emergency supports available to you such as food, shelter and transportation.

Sample notice letter:

[Date]

John Landlord
123, 4567 – 89 Street
Edmonton, AB
T1A 2B3

Dear Mr. Landlord,

Re: Termination of Tenancy Agreement at [your address], due to Domestic Violence

As you are aware, I was a co-tenant with [name] in the above premises. I must vacate the premises because of the violence of the other tenant, [name], towards me. I enclose the Certificate Confirming Grounds to Terminate Tenancy issued on [date].

As required under section 47.3(2) of the *Residential Tenancies Act*, I am writing to give you 28 days notice. I will be vacating the premises on [date].

I will be in contact with you closer to this date to arrange a time when we can both inspect the premises, complete an inspection report and I can return the keys to you.

Yours sincerely,

Jane Tenant

Jane Tenant
12, 345 Renter Road
Edmonton, AB
T4C 5D6

Resources and help:

Safer Spaces Processing Centre:

See www.humanservices.alberta.ca/offices for locations across the province or call 780.422.4080

Service Alberta Consumer Tips:

http://www.servicealberta.gov.ab.ca/pdf/tipsheets/RTA_Safer_Spaces.pdf

Help in finding a shelter:

<https://www.acws.ca/shelters>

Alberta Works – fleeing abuse supports:

<http://www.humanservices.alberta.ca/documents/supports-for-Albertans-fleeing-abuse-factsheet.pdf>

CPLEA Domestic Violence Series:

<http://www.cplea.ca/publications/> listed under Family Law

Family Violence Hotline: 310-1818

For help with protection orders:

Legal Aid Alberta (Emergency Protection Order Program): 1-866-845-3425

Resolution and Court Administration Services: 1-855-738-4747



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Education Alberta
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www.cplea.ca
www.willownet.ca

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You should not rely on this information sheet for legal advice.