



**THE CENTRE FOR PUBLIC LEGAL
EDUCATION ALBERTA**

presents

IF YOUR EMPLOYMENT ENDS...

Laws for Tenants in Alberta

I just got laid off and I can't afford my rent. Can I just move out?

No. If you have a fixed-term lease, you cannot leave before the lease ends or you risk paying damages to the landlord for breaching your lease agreement.

If you have a periodic tenancy (which has no fixed end date), you still have to give the landlord notice before you leave. If you have a monthly tenancy, you must give written notice to your landlord at least one tenancy month in advance of when you plan to move out. If you have a weekly tenancy, you must give one tenancy week's notice.

How can I get out of my lease early?

Talk to your landlord about your situation. Find out if your landlord will allow you to break your lease early. Your landlord is under no obligation to agree to your request, but some landlords may be willing to do especially if your financial circumstances have changed.

If your landlord agrees to end your lease early, make sure any agreement you make is in writing and is signed by both you and your landlord.

If you can't break your lease, there are two other options to consider:

- Assigning your lease
- Subletting your property

PRO TIP

Speak to your landlord as soon as possible if you think you'll need to move out. Offer to help your landlord find a new tenant by advertising the unit online or in local community hubs. Your landlord may be more willing to let you leave early if you help search for a new tenant.

What is assignment?

Assignment is when you find someone to take over your lease agreement. It is a good option if you don't plan on returning to your rental home.

How do I assign my lease?

If you find someone who wants to take over your lease agreement, you must get written permission from the landlord to assign your lease.

Your landlord can only refuse your request to assign your lease if there are reasonable grounds (i.e. the new tenant refuses to fill out an application form or cannot pay the rent). If your landlord refuses your request, written reasons for the refusal must be provided.

If you get permission to assign your lease, make sure to get a release from your landlord. A release is a new agreement that discharges you from all of your obligations to the landlord. For example, a signed release would protect you from having to pay rent if the new tenant doesn't pay it in the future.

The benefit of assignment is that you are no longer responsible for anything to do with the rental unit once the lease has been assigned and a release has been signed between you and your landlord.

PRO TIP

If you don't hear from your landlord within 14 days of asking permission to sublet or assign your lease, the law says that you can assume the landlord has agreed to the sublet or assignment.

What is subletting?

Subletting is when you move out of your rental property and someone new moves in, but the original release stays in place. You remain legally responsible for all of the obligations under the lease and under the law. For example, if the person you find to sublet fails to pay rent, the landlord can come after you to collect the unpaid rent.

You can sublet your place for a fixed period of time (i.e. March 1 to June 30) or can make a periodic agreement (i.e. month-to-month, week-to-week). Subletting is a good option if you think you might want to return to your place in the future.

How do I sublet my place?

Like assignment, you need to get written permission from your landlord to sublet. Your landlord can only refuse your request if there are reasonable grounds and must provide written reasons for any refusal.

You should enter into a written, signed agreement with the person who sublets your place. The agreement should include all of the obligations from your original lease and any other extra terms you think are necessary, such as how and to whom the rent will be paid.

I just lost my job and I own my home. I want to rent a room to help pay my mortgage. What do I need to know?

Read CPLEA's free booklet *Renting Out a Room in Your Home*. Visit www.cplea.ca and click on Publications.

Where can I get more help?

- » Laws for Landlords and Tenants in Alberta
www.landlordandtenant.org
(New website launching in March 2015)
- » Residential Tenancy Dispute Resolution Service
www.servicealberta.ca/rtdrs
- » Lawyer Referral Service
1-800-661-1095
- » For a list of legal clinics, go to www.pbla.ca/gethelp