Renting and Ending Your Lease Early

Tenants experiencing domestic violence may be able to end their lease early, without financial penalty.

Alberta's *Residential Tenancies Act* says that tenants can end a lease IF ALL the following are true:

- ✓ The tenant is named on the lease agreement.
- ✓ The tenant, their dependent child or a protected adult living with them experience **domestic violence**.
- ✓ The safety of the tenant, their dependent child or a **protected adult** living with them is at risk if the lease continues.

What is domestic violence?

In Alberta's *Residential Tenancies Act*, domestic violence means:

- actions or lack of actions that injure someone or damage property AND that intimidate or harm someone
- any act or threat that intimidates a person by creating a reasonable fear of property damage or injury to someone
- psychological or emotional abuse
- forced confinement (such as being locked in a room with no way out)
- sexual abuse
- stalking (including repeated, harassing contact)



A **protected adult** is an adult who has another person make decisions with or for them, according to an agreement or court order. The term is defined in Alberta's *Adult Guardianship and Trusteeship Act*.

You should NOT rely on this booklet for legal advice. It provides general information on Alberta law only.

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Find more information about Adult Interdependent Relationships at **www.cplea.ca/family**

The person causing the domestic violence must be:

- someone you are or were married to
- someone you are or were in an adult interdependent relationship with
- someone you live with or have lived with in an intimate relationship
- someone you are or were dating, regardless of whether you have lived together
- a parent of your child, regardless of whether you have lived with that person
- someone you are related to by blood, marriage, adoption or an adult interdependent relationship (including adult children and in-laws)
- someone who lives with you and cares for you under a court order

In an emergency, you do not need a Certificate to move out!

- Call the police (911) if you are in danger.
- Call the Family Violence Info Line (310.1818) for information on emergency supports, such as food, shelter and transportation.

How do I end my lease?

You must get a **Certificate Confirming Grounds to Terminate Tenancy** and give it to your landlord. This certificate proves to your landlord that you are a victim of domestic violence and that you have legitimate reasons for ending the lease.

Once you get the Certificate, you must give it and a written notice to your landlord. The notice must:

- ✓ be in writing
- ✓ be signed by you (the tenant)
- ✓ say you are terminating your tenancy (ending your lease)
- ✓ say the termination date
- ✓ be given to the landlord no later than 90 days after the date on the Certificate
- ✓ be served on (given to) the landlord at least 28 days before you want to end the lease

SAMPLE NOTICE

[Date]

[Name and address of landlord]

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

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

Section 47.3(2) of Alberta's *Residential Tenancies Act* says I must give you 28 days' notice. Please accept this letter noting that I will be vacating the premises on [date].

I will contact you closer to this date to arrange a time when we can both inspect the premises and I can return the keys to you.

Yours sincerely,

[signature, name and address]

How do I get a Certificate Confirming Grounds to Terminate Tenancy?

1. Get your supporting document ready

You will need one of the following supporting documents:

- **Existing court order**, such as an Emergency Protection Order, King's Bench Protection Order, Restraining Order, Peace Bond or other court order prohibiting communication between you and the person causing harm.
- **Certified Professional Statement** – a signed statement from a certified professional declaring you to be a victim of domestic violence. **The following are certified professionals who can sign the statement:**
  - doctors
  - registered nurses or nurse practitioners
  - registered social workers
  - registered psychologists
  - psychiatric nurses
  - police or RCMP officers
  - anyone who works for an agency supporting victims of crime (such as Victims Services), OR
  - anyone who works for an agency providing shelter for victims of abuse



Find the Statement form online at **bit.ly/3CkKFA6**



Find an Alberta Supports Centre near you at **bit.ly/3CdUr77**

2. Send the document to Safer Spaces

Safer Spaces is a Government of Alberta office. You can submit the document by:

- email to **css.saferspaces@gov.ab.ca**
- fax to 1.800.666.5014, or
- in person to an Alberta Supports Centre.

You must also give your contact information so a Safer Spaces Advisor can contact you if they issue the Certificate.

3. Wait for your Certificate

Within seven days of submitting your request, a Safer Spaces Advisor will contact you. They will let you know if they issued the Certificate. If they issued the Certificate, they will discuss how to get it to you. If they do not issue the Certificate, you can reapply if your situation changes.

How do I serve my landlord with the notice and Certificate?

Options include:

- giving the documents to your landlord in person, if safe to do so
- having someone else give the documents to your landlord on your behalf
- mailing the documents to the landlord via registered mail

Remember, your landlord must receive the documents at least 28 days before you want to end the lease and move out.

What about other people living with me? Do they have to move out?

Once you give notice to your landlord to end the lease, the lease ends for everyone living in the space. However, the landlord can sign a new lease with the other tenants.

If safe to do so, you can tell the other tenants you have given notice.

If you live with the person causing harm, it is likely not safe to tell them you have given notice. You can move out right away and get to a safe place before the other tenant receives notice from Safer Spaces and the landlord that the lease is ending.

How long do I have to pay rent for?

Once your landlord receives your written notice and Certificate, you must pay rent for the next 28 days. This is the **notice period**. You can ask your landlord to pay the rent from your security deposit.

Your landlord cannot charge you a fee for ending your lease early if you have properly given them notice and the Certificate.

Can my landlord tell others I am ending my lease?

Your landlord cannot share any info they receive through the process and about you. They must keep this confidential. There are a few exceptions, such as your landlord sharing the Certificate with the police, if the police ask for it.

The landlord **can** disclose to other tenants that they received a notice to terminate tenancy.

What if the person causing harm damages the property after I leave? Will I get my security deposit back?

If the damage occurs after your lease ends (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 during the 28-day notice period), you may be responsible for the damage. The landlord may be able to deduct money from your security deposit to fix the damage.

Can my landlord evict the person causing harm so I can stay?

The landlord cannot evict just the person causing harm. You may be able to negotiate a new lease with your landlord if the person causing harm moves out.

Talk to a lawyer or Victims Services for more information about your options for staying safe.

Can I apply for a Certificate if I live on a First Nations Reserve?

Alberta's *Residential Tenancies Act* does not apply to First Nations Reserves in Alberta. This means the Certificate is not available for those living on a First Nations Reserve.

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About CPLEA

The Centre for Public Legal Education Alberta is dedicated to making the law understandable for Albertans. We provide legal information on a wide variety of topics through our websites, print resources, workshops and more. For more information, visit our website: www.cplea.ca

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Resources

Find more information about domestic violence and the other info sheets in this series on **WillowNet** – a CPLEA website about violence and abuse laws in Alberta. **www.willownet.ca**

- **Safer Spaces Alberta**
  https://www.alberta.ca/safer-spaces-certificate.aspx
  Info about Safer Spaces and getting a Certificate.
- **Family Violence Info Line: 310.1818**
  Get help anonymously. Available 24/7 in over 170 languages.
- **Victim Services Alberta: 780.427.3460 or**
  www.alberta.ca/victim-services-units.aspx
  Connect with local supports.
- **Court and Justice Services:**
  www.alberta.ca/court-and-justice-services.aspx
  Get help finding court forms or information on the court process.
- **Community Legal Clinics in Alberta:**
  www.lawcentralalberta.ca/clinics
  Get free legal advice if you earn a low income.
- **Legal Aid Alberta's Emergency Protection Order Program (EPOP): 1.780.422.9222 (Edmonton area) or 1.403.297.5260 (Calgary area) or**
  www.legalaid.ab.ca/services/family-violence-matters/
  Get free legal help applying for an EPO.
- **Laws for Landlords and Tenants in Alberta**
  www.landlordandtenant.org
  A CPLEA website with more information for landlords and tenants.

We want to know what you think!
To take our one minute survey:

- capture this QR code with your phone camera, or
- go to bit.ly/3g8tby9