

# LEARN LAW: ENDING A TENANCY EARLY BECAUSE OF DOMESTIC OR SEXUAL VIOLENCE

AUGUST 2017

If you are a tenant who has experienced sexual or domestic violence you may be able to give short notice to leave your rental unit. The *Residential Tenancies Act* (RTA) is the law that sets out the rules for residential tenancies in Ontario. Generally, a tenant must give 60 days notice to end a tenancy. Since 2016 some tenants are able to end their part of a tenancy with only 28 days notice.

## Who does this apply to?

You can give notice to end your tenancy early if any of the following describes your situation:

- 1) A court has issued a peace bond or a restraining order to protect you or your child, or
- 2) You fear for your safety if you continue to live in the rental unit because of sexual or domestic violence.
  - a. Sexual violence includes sexual harassment, stalking, and threats, as well as other forms of sexual assault and abuse.
  - b. Domestic violence includes threats, harassment, stalking, assault and other forms of violence by current or former partners, and family members who live with you.

The *Residential Tenancies Act* applies to most tenants. However, it may not apply to you if you share a kitchen or a bathroom with your landlord, or if you are a subtenant (a tenant who rents from a tenant). If you are confused about whether it applies to you, contact your local legal clinic.

## How do I give notice?

If your circumstances fall into these new RTA rules, you can give your landlord a Form N15 – Tenant’s Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse. With the notice, attach either: (a) the peace bond or restraining order, or (b) an N15 - Tenant Statement. The statement is easy to complete, and you don’t need any evidence other than your word. (Find the forms online at: <http://www.sjto.gov.on.ca/lrb/forms/>) Your landlord is not allowed to tell anyone that you have given this notice. They also cannot advertise the unit as “for rent” or show the unit to prospective tenants until after you have moved out. If you are worried, you can let your landlord know this.

## What if I have roommates?

Your roommates have a choice whether to stay in the unit or leave with you. If they want to leave, they can also sign the Form N15. If your roommates want to stay, they should not sign the notice. Their tenancies will not change.

## What happens to my last month’s rent deposit?

For most tenants, the last month’s rent deposit stays with the landlord to be used by the tenant(s) who stay in the unit. If you are the only tenant, in most cases you can get your last month’s rent back or use it for rent.

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## When can I move out?

If you give your landlord this 28 day notice you can move out at any time, but you have to move out on or before the date you put in the notice. If you do not move out on time, you will have to give the landlord a new notice in order to end your tenancy.

## What happens if I stay after giving the notice?

There are two situations, which are treated differently by the Landlord and Tenant Board:

- 1) All tenants have given notice together, but do not leave
  - a. After the 'termination date' (the day you said you would leave), the landlord can apply to the Landlord and Tenant Board to evict all of the tenants.
- 2) Some tenants have not given notice
  - a. If the tenant who gave notice decides to stay, the notice becomes void and the landlord cannot evict any of the tenants. Your landlord also cannot tell anyone that you gave the notice.

General free legal information is also available at:

- Steps to Justice  
<http://stepstojustice.ca/common-question-plus/housing-law/what-if-i-need-move-quickly-because-violence-or-abuse>
- Community Legal Education Ontario  
<http://us4.campaign-archive2.com/?u=acaace29df8d07c95ef84a763&id=9a24428255>
- Your Legal Rights  
<http://yourlegalrights.on.ca>

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This column, written by staff or volunteer lawyers with the Community Advocacy & Legal Centre (CALC), provides general legal information only about current laws. If you need legal advice you should contact a lawyer. If you are living on a low income you may be eligible for free legal help. Contact your local community legal clinic if you need help with income programs, workers' or tenants' rights, consumer problems, or human rights. Call CALC at 1-877-966-8686 or visit [www.communitylegalcentre.ca](http://www.communitylegalcentre.ca). If you have a criminal, family or immigration law problem, contact Legal Aid Ontario at 1-800-668-8258 or visit [www.legalaid.on.ca](http://www.legalaid.on.ca).

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