



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 01-003

Subject: Commonly Used Terms and Definitions

Section: General Issues

Legislation	s. 2
Definitions	<p>Adjournment: to postpone or suspend a hearing until a later date or time.</p> <p>Adjudication: a hearing process used by the division to resolve disputes. An adjudicator is assigned to hear the claim. Applicants are required to prove their case and an Order is issued based on evidence presented at the hearing. Respondents also have full opportunity to attend the hearing and present evidence in defence. Orders are binding and enforceable.</p> <p>Affidavit of Service: a form completed to show how and when a document was served. The affidavit must be sworn/affirmed and signed before a Commissioner of Oaths, a Justice of the Peace or notary public.</p> <p>Assignment: a tenant gives all obligations and rights in a rental agreement to another person. In an assignment, the original tenant will not return to the rental unit, and has given up all right to occupy the rental unit for the rest of the rental agreement.</p> <p>Exemptions: for the purpose of this manual, exemptions are situations that are excluded from the Residential Tenancies Act. (See section 1-5 of this manual).</p> <p>Holding Deposit: an amount of money received by a landlord from a prospective tenant until review of a tenancy application is completed and the application is approved or denied. If the application is approved, the holding deposit may be returned to the tenant or applied towards the security deposit. A tenant may also pay a holding deposit while deciding whether to accept the rental premises.</p> <p>Material Breach: a violation of a condition, activity or thing agreed upon in the rental agreement; includes an activity, work, project or thing that affects the integrity or value of a tenants' residential premises, or other residential premises in the residential complex in which the tenant's premises are located. (See sections 1-3, 2-5, and 7-4 of this manual).</p>



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Material Term: a condition, activity or thing agreed upon in a rental agreement.

Mediation: a confidential process used by the division to encourage and assist landlords and tenants to discuss problems, provide solutions and reach their own agreements. Mediation may take place in meetings, conference calls or separate telephone conversations prior to the hearing. Mediation agreements are binding and enforceable.

Mediator: a neutral third person who doesn't take sides or pass judgment, but helps the tenant and landlord reach their own agreement.

Rent-to-own agreement: a tenant agrees to pay the owner to live in a house, mobile home or other single family unit, with the understanding that the tenant holds an interest in the premises. Some or all of the money paid to the owner, is applied toward the purchase price of the unit and the equity interest of the tenant.

Rent with option to buy: a tenant agrees to rent the premises with an option of buying it at a later time. The tenant pays rent and, unless money is paid directly towards the purchase of the premises, the tenant does not hold an interest in the premises.

Rental Agreement: means a written, oral or implied agreement between a landlord and a tenant in which the tenant is granted the right to use or occupy a residential premises on the condition rent is paid.

Rental Period: means the weekly or monthly interval for which rent is payable under a rental agreement.

Rescheduled Hearing: a new hearing date, time and place, as issued through the Residential Tenancies Office.

Residential Complex: means (i) a building or part of a building or a related group of buildings in which one or more residential premises are located, and includes any lands, structures, services and facilities available for the use and enjoyment of a tenant; and (ii) a mobile home park;

Residential Premises: means (i) living accommodation that is rented and is used or occupied or intended for use or occupation by



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	<p>a tenant as a residence, including a house, apartment, room or similar place; and (ii) land rented by a tenant upon which the tenant locates a mobile home;</p> <p>Residential Tenancies Act: refers to the Residential Tenancies Act, 2018 which came in to effect on January 1, 2019.</p> <p>Respondent: a landlord or a tenant against whom an application for adjudication or mediation has been made, sometime referred to as “the other party.”</p> <p>Security Deposit: money or other value paid, or required to be paid under a rental agreement, by a tenant to a landlord to be held as security for the performance of an obligation or a liability of the tenant.</p> <p>Service: the formal process of giving a party required documents as stipulated in the Residential Tenancies Act, 2019.</p> <p>Subletting: when a person who rents a residential premises from the owner re-rents it, or parts of it, to other tenants. (See section 2-1 of this manual).</p>
Purpose	The purpose of this section is to provide clear meanings of words referred to throughout this manual.
Policy	The interpretation of the Residential Tenancies Act, 2018 will be guided the definitions provided in this section.
Procedure Overview	N/A
Forms & Form Letters	N/A
X-Reference	N/A
Policy Developed	September, 2000
Policy Revised	January, 2002 September, 2021
Other Resources	