



## Residential Tenancies Program

### Policy and Procedure Guide

**Policy Number:** 05-002

**Subject:** Service of Termination Notices

**Chapter:** Service of Documents

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| <b>Legislation</b> | s. 35   |
| <b>Definitions</b> | <p><b>Rental Period:</b> means the weekly or monthly interval for which rent is payable under a rental agreement.</p> <p><b>Termination Notice:</b> a written notice by a landlord or a tenant to end a rental agreement.</p>   |
| <b>Purpose</b>     | The purpose of this policy is to outline the procedure for service of a termination notice.   |
| <b>Policy</b>      | <p>A termination notice or other document under this Act (except a notice of application) may be served by a tenant on a landlord by:</p> <ul style="list-style-type: none"><li>• giving it personally to the landlord;</li><li>• giving it to a person 16 years of age or older who apparently lives with the landlord;</li><li>• posting it in a conspicuous place on the landlord's premises;</li><li>• placing it in the landlord's mailbox or under a door in the landlord's premises;</li><li>• sending it to the landlord by prepaid registered mail or prepaid express post at an address: (i) where rent is payable; (ii) provided by the landlord); or (iii) where the landlord carries on business;</li><li>• sending it electronically where: (i) it is provided in the same or substantially the same form as the written notice or document; (ii) the landlord has provided an electronic address to receive documents, and (iii) it is sent to that electronic address; or</li><li>• sending it to the landlord by courier service</li></ul> <p>Where the landlord is a company, a notice under subsection (35) may be served by giving it personally to a director, manager or other officer of that company or by leaving it at, or sending it to the registered office of that company.</p> |



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|                                 | <p>A termination notice or other document (except an application under section 42) may be served by a landlord on a tenant by:</p> <ul style="list-style-type: none"><li>• giving it personally to the tenant;</li><li>• giving it to a person 16 years of age or older who apparently lives with the tenant;</li><li>• posting it in a conspicuous place on the tenant's residential premises;</li><li>• placing it in the tenant's mailbox or under a door in the tenant's residential premises;</li><li>• sending it to the tenant by prepaid registered mail or prepaid express post at an address: (i) provided by the tenant, or (ii) where the tenant carries on business;</li><li>• sending it electronically where: (i) it is provided in the same or substantially the same form as the written notice or document; (ii) the tenant has provided an electronic address for receipt of documents, and it is sent to that electronic address; or</li><li>• sending it to the tenant by courier service at an address set out in paragraph (e).</li></ul> <p>A tenant or landlord may apply to the director and the director may issue an order authorizing another method of service where, after making reasonable efforts: (a) a tenant has been unable to serve a landlord under the authorized methods of service; or a landlord has been unable to serve a tenant under the authorized methods of service.</p> <p>Where a notice or document is sent by registered mail or express post, it is considered served on the fifth day after mailing, and the service may be proved by providing evidence that the notice or document was prepaid and properly addressed and sent.</p> <p>Where a notice or document is sent electronically, it is considered served on the day it is sent, if the document is sent by 4 p.m., or the next day that is not a Saturday, Sunday or holiday, if the document is sent after 4 p.m.</p> |
| <b>Procedure Overview</b>       |  |
| <b>Forms &amp; Form Letters</b> | Landlord's Notice to Terminate Standard<br>Landlord's Notice to Terminate Early – Cause<br>Tenant's Notice to Terminate Standard<br>Tenant's notice to Terminate Early – Cause<br>Tenant's Notice to Terminate – Special Circumstances   |



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| <b>X-Reference</b>      |                               |
| <b>Policy Developed</b> | September, 2000               |
| <b>Policy Revised</b>   | January, 2002<br>August, 2021 |
| <b>Other Resources</b>  |                               |