



## Residential Tenancies Program

### Policy and Procedure Guide

**Policy Number:** 07-004

**Subject:** Breach of Material Term

**Chapter:** Notice of Termination

|                           |  |
|---------------------------|--|
| <b>Legislation</b>        | s. 20  |
| <b>Definitions</b>        | <b>Material term:</b> any condition which is of specific relevance to the rental agreement.  |
| <b>Purpose</b>            | The purpose of this policy is to outline options for a landlord and a tenant where a breach of a material term or condition occurs.  |
| <b>Policy</b>             | <p>A landlord or tenant who commits a material breach may be given written notice of the breach by the other party and identify a reasonable time for the breach to be corrected.</p> <p>Where the landlord or tenant fails to remedy the breach within a reasonable time after receiving the notice, the other party may terminate the rental agreement early for cause.</p> <p>Where the premises are rented monthly, or for a fixed term or are a site for a mobile home, not less than one month before the end of the rental period;</p> <p>Where the premises are rented weekly, not less than one week before the end of the rental period. (Refer to legislation).</p> |
| <b>Procedure Overview</b> | <p>A material term or condition may include but is not limited to the following examples:</p> <ul style="list-style-type: none"><li>• No smoking;</li><li>• No pets;</li><li>• Pay own utilities;</li><li>• Internet included in rent</li><li>• Washer and dryer included in rent</li></ul> <p>A breach of a material term or condition occurs when either the landlord or the tenant fails to abide by the term or condition of the rental agreement. Where a landlord or a tenant commits a material breach, the other party may give written notice of the breach and identify a reasonable time for the breach to be remedied.</p>   |



## Residential Tenancies Program

### Policy and Procedure Guide

|                                 |   |
|---------------------------------|---|
|                                 | <p>If the party fails to remedy the breach, the other party may give notice to terminate the rental agreement for cause as follows:</p> <ul style="list-style-type: none"><li>• not less than one month before the end of the rental period where the premises are rented from month to month or for a fixed term or a site for a mobile home; or</li><li>• not less than one week before the end of the rental period. where the premises are rented week to week.</li></ul> |
| <b>Forms &amp; Form Letters</b> |   |
| <b>X-Reference</b>              | See Service of Termination Notice - section 5-2 of this manual.   |
| <b>Policy Developed</b>         | September, 2000   |
| <b>Policy Revised</b>           | January, 2002<br>August, 2021   |
| <b>Other Resources</b>          |   |