



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 07-006

Subject: Premises Uninhabitable

Chapter: Notice of Termination

Legislation	s. 21
Definitions	Uninhabitable: Not fit for habitation
Purpose	The purpose of this policy is to outline options for a landlord and a tenant where premises are uninhabitable.
Policy	Where a landlord fails to keep the premises fit for habitation, or where the tenant makes a premises unfit for habitation, a landlord or tenant may issue a Notice of Termination with immediate effect.
Procedure Overview	<p>A rental premises <u>may</u> be considered uninhabitable when any of the following occurs:</p> <ul style="list-style-type: none">• The landlord has not complied with laws respecting health, safety or housing applicable to the rental premises;• An authoritative body (municipal government) orders that the premises be shut down for safety purposes;• The landlord or the tenant causes utilities such as electrical power or water to be disconnected;• Premises become flooded or a sewage system backs-up causing the premises to become uninhabitable. <p>Residential properties are required to comply with the Occupancy and Maintenance Regulations under the Urban and Rural Planning Act. The enforcement authority for these regulation is most often identified as the municipal government. Where a landlord's compliance with laws regarding housing, health or safety conditions are questionable, the tenant contact the responsible authority (ie. municipal building inspector or Dept. of Health). If the unit is declared uninhabitable by a regulatory authority, the tenant may give notice to the landlord that the rental agreement is terminated and the tenant is vacating the rental premises immediately.</p> <p>In a case where an emergency situation arises and the party whose obligation it is to remedy the problem is taking steps to do so, a landlord or tenant may not be justified to give a notice of termination. (ie. where flooding occurs as a result of excessive rain and the landlord takes immediate steps to alleviate the problem and provides alternate living arrangements on a temporary basis during clean up).</p>



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	If an action of the tenant causes the premises to become uninhabitable (ie. due to non-payment of utilities, the electrical power to the premises is disconnected), the landlord may issue a termination notice that the rental agreement is terminated and the tenant is required to vacate the rental premises immediately.
Forms & Form Letters	
X-Reference	Frustrated Contracts Act Occupancy and Maintenance Regulations
Policy Developed	September, 2000
Policy Revised	January, 2002 August, 2021
Other Resources	