



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 07-007

Subject: Failure to Pay Rent

Chapter: Notice of Termination

Legislation	s. 15, 19, 34, 35																					
Definitions	Rental Arrears: Rent not paid on the due date.																					
Purpose	The purpose of this section is to outline the procedure a landlord should follow when completing and issuing a notice of termination for failure to pay rent.																					
Policy	<p>Rent must be paid in full on the date it is due. Where rent due on the first day of the month and where no time is specified in the rental agreement, it is due by midnight on the first and is not overdue until the second day of the month.</p> <p>Where rent is not paid in full on the date it is due, a landlord may assess a late payment fee in the amount of \$5 for the first day and \$2 for each consecutive day afterward that rent is not paid, to a maximum of \$75.</p> <p>Where a cheque is returned for reason of "not sufficient funds", the landlord may charge the tenant a fee in the same amount as the fee charged to the landlord by the financial institution.</p>																					
Procedure Overview	<p>Week to Week Tenancy</p> <p>In a tenancy where rent is paid weekly, the rent must be overdue for 3 days or more before the landlord can issue a termination notice to the tenant to vacate the premises not less than 3 days after the notice is served on the tenant. The table below identifies the earliest date the notice of termination can be issued and the earliest date the tenant can be required to vacate the premises.</p> <table border="1"><thead><tr><th>MON</th><th>TUE</th><th>WED</th><th>THU</th><th>FRI</th><th>SAT</th><th>SUN</th></tr></thead><tbody><tr><td>1 Rent is due</td><td>2 Overdue 1 day</td><td>3 Overdue 2 days</td><td>4 Overdue 3 days</td><td>5 Earliest day notice of termination can be issued</td><td>6 1st day of notice</td><td>7 2nd day of notice</td></tr><tr><td>8 3rd day of notice</td><td>9 Earliest day tenant can be required to vacate</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td></tr></tbody></table>	MON	TUE	WED	THU	FRI	SAT	SUN	1 Rent is due	2 Overdue 1 day	3 Overdue 2 days	4 Overdue 3 days	5 Earliest day notice of termination can be issued	6 1 st day of notice	7 2 nd day of notice	8 3 rd day of notice	9 Earliest day tenant can be required to vacate	10	11	12	13	14
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Month to Month Tenancy							
In a tenancy where rent is paid monthly, the rent must be overdue for 5 days or more before the landlord can issue a termination notice to the tenant to vacate the premises not less than 10 days after the notice is served on the tenant. The table below identifies the earliest date the notice of termination can be issued and the earliest date the tenant can be required to vacate the premises.							
MON	TUE	WED	THU	FRI	SAT	SUN	
1 Rent is due	2 Overdue 1 day	3 Overdue 2 days	4 Overdue 3 days	5 Overdue 4 days	6 Overdue 5 days	7 Earliest day notice of termination can be issued	
8 1st day of notice	9 2nd day of notice	10 3rd day of notice	11 4th day of notice	12 5th day of notice	13 6th day of notice	14 7th day of notice	
15 8th day of notice	16 9th day of notice	17 10th day of notice	18 Earliest day tenant can be required to vacate	19	20	21	
<p>If rental arrears (plus a late fee if applied) are paid in full before the termination date the notice of termination is no longer valid and cannot be enforced. However, if a notice of termination for non-payment of rent is issued to the tenant more than twice within a 12 month period, payment of rent before the termination date will not invalidate the termination notice.</p> <p>A technically valid termination notice must be in writing and contain the same information identified in the form, Landlord's Notice to Terminate Early – Cause, where failure to pay rent (section 19) is indicated. To minimize the risk of error in writing the termination notice, landlords are encouraged to use the form provided by the Residential Tenancies Office.</p> <p>Instructions on how to properly deliver a termination notice to a tenant are provided in Policy 5-2 Service of Termination Notice.</p>							
Forms & Form Letters	<u>Landlord's Notice to Terminate Early - Cause</u>						



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X-Reference	Policy 5-2 Service of Termination Notice
Policy Developed	September, 2000
Policy Revised	January, 2002 August, 2021
Other Resources	