

Tenant's Application to Terminate – Family Violence

Residential Tenancies Act 2018 - Sections 25, 26, 27

Instructions

- Use this form when you want to apply to the Director of Residential Tenancies to terminate a month to month or a fixed term rental agreement where because of family violence, the safety of the tenant or a child of a tenant is at risk if the tenancy continues as identified and permitted in the *Act*. All sections of this form are required to be completed. The tenant completing the form must place his/her signature at the bottom where required. Ending the rental agreement by one tenant named on the rental agreement ends the rental agreement for **all** tenants.

Authority and Notice Requirements

Section 25 Application for Certificate	<p>The tenant or a person on behalf of the tenant, with the tenant's consent, may apply to the Director of Residential Tenancies to for a certificate to terminate a rental agreement early where the tenant:</p> <ul style="list-style-type: none">believes that because of family violence his or her own safety or the safety of a child residing with the tenant is at risk if he or she continues to reside in the residential premises; andprovides an emergency protection order, restraining order, peace bond or other order, orprovides a statement from a professional authority confirming that in his/her opinion the tenant or a child residing with the tenant has been the subject of family violence.
Section 25.(3)(2)(ii) Opinion from Professional	<p>The following persons may provide a professional statement as identified in regulation:</p> <ul style="list-style-type: none">a medical practitioner registered and licensed under the Medical Act, 2011;a registered nurse or nurse practitioner registered and licensed under the Registered Nurses Act, 2008;a practical nurse licensed under the Licensed Practical Nurses Act, 2005;a social worker registered under the Social Workers Act;a psychologist registered under the Psychologists Act, 2005a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police; oran individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodations in an emergency or transitional shelter because of violence or abuse.
Section 26 Notice where tenant is a victim of family violence	<p>Where a tenant is issued a certificate by the Director of Residential Tenancies, the tenant may terminate a rental agreement by giving at least 30 days' notice to the landlord. In this situation, the tenant is responsible for the payment of rent only until the end of the notice period. The certificate will be valid for 90 days from the date of issuance. However, the applicant may reapply for another certificate.</p>
Section 27 Confidentiality	<p>A landlord is required to ensure that any information received in relation to a notice or certificate issued to terminate a tenancy for family violence is kept confidential unless the landlord is required by law to disclose the information.</p>

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Counting the days of notice required	This notice does not need to be aligned with the rental period. The notice is 30 days after the day notice is received by the landlord. The day the notice is received by the landlord and the day the tenant is required to move out are not included in counting the number days in the notice period required to be provided.
Signature	The tenant issuing the termination notice must place his/her signature on the form where required.

Service Requirements (Section 35(1))

- The tenant's notice to terminate may be delivered to the landlord by:
 - 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;
 - giving it personally to the landlord;
 - giving it to a person 16 years of age or older who apparently lives with the landlord;
 - posting it in a visible place on the landlord's premises;
 - placing it in the landlord's mailbox or under a door in the landlord's premises;
 - sending it to the landlord by prepaid registered mail or prepaid express post or by courier service at an address (i) where rent is payable; (ii) provided by the landlord or (iii) where the landlord carries on business.
 - Where the tenant's notice to terminate is sent electronically as indicated above, it will be considered served on the day it is sent if it is sent before 4pm. If the notice is sent after 4pm, it will be considered to be served on the next day which is not a weekend or statutory holiday.
 - Where the tenant's notice to terminate is sent by registered mail or express post, it will be considered to be served on the 5th day after mailing.

Access to Information and Protection of Privacy

- Service NL collects personal information relating to landlords and tenants under the authority of the Residential Tenancies Act, 2018. Personal information collected by the Government of Newfoundland and Labrador is protected under Section 40(1) of the Access to Information and Protection of Privacy Act, 2015. If you require more information please contact the Director of Residential Tenancies at (709) 729-2608.

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Part 1: Tenant Information

Name:

Part 2: Address of Residential Premises

Street Number and Name

Apartment Number

City or Town

Province
NL

Postal Code

Telephone/Cellular

Email

Part 3: Tenant Declaration

By signing my name below, I declare that because of family violence, I believe my safety or the safety of a child residing with me is at risk if I continue to reside in the residential premises (Section 25(1)(a)).

Tenant Signature

Date (month day, year)

SWORN OR AFFIRMED before me at _____ in the province of
(location)

Newfoundland and Labrador on _____
(month day, year)

Justice of the Peace;
Notary Public;
Commissioner for Oaths

Part 3: Professional Information

Name:

Profession/Position

Employer/Organization Name

Street Number and Name

City or Town

Province
NL

Postal Code

Telephone/Cellular

Email

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Part 4: Professional Opinion and Declaration

In accordance with the Residential Tenancies Act and the Family Violence Protection Act, family violence is defined as one or more of the following acts or omissions committed against an applicant or a child residing with the applicant: (i) an assault that consists of the intentional application of force that causes the applicant to fear for his or her safety but does not include an act committed in self-defense; (ii) an intentional, reckless or threatened act or omission that causes bodily harm or damage to property; (iii) an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property; (iv) forcible physical confinement without lawful authority; (v) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation; (vi) conduct that causes the applicant to reasonably fear for his or her safety, including following, contacting, communicating with, observing or recording a person; (vii) conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behaviour the purpose of which is to undermine the psychological or emotional well-being of the applicant or a child; (viii) conduct that controls, exploits or limits the applicant's access to financial resources for the purpose of ensuring the applicant's financial dependency; and (ix) the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

By signing my name below, I declare I am authorized to complete this form pursuant to the Residential Tenancies Regulations. I further declare in my professional capacity, I have assessed the information provided by the applicant and it is my opinion that the applicant or a child residing with the applicant has been the subject of family violence (Section 25.(3)(a)(ii)).

Signature of Professional

Date (month day, year)

SWORN OR AFFIRMED before me at _____ in the province of
(location)

Newfoundland and Labrador on _____
(month day, year)

Justice of the Peace;
Notary Public;
Commissioner for Oaths