

# Tenant's Notice to Terminate – Special Circumstance

Residential Tenancies Act 2018 - Sections 18(8)

## Instructions

- Use this form when you want to inform the landlord that you are terminating the fixed term rental agreement due to special circumstances 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 18(8)(a)(9) Tenant's income is reduced as a result of ill health	Where the tenant's income is reduced as a result of ill health and evidence is provided to verify the tenant's reduction in income is provided, the tenant may terminate a rental agreement by giving notice of not less than one month's rental period.
Section 18(8)(b)(9) The person who has been providing financial assistance towards the payment of the rent is no longer able to provide financial assistance due to ill health	Where the person who has been providing financial assistance towards the tenant's rent is no longer able to provide financial assistance due to ill health and evidence is provided to verify the person's ill health, the tenant may terminate a rental agreement by giving notice of not less than one month's rental period.
Section 18(8)(c)(9) Tenant is required to live with a family member because of the ill health of the family member	Where the tenant is required to live with a family member because of the ill health of the family member and evidence is provided to verify the ill health of the family member, the tenant may terminate a rental agreement by giving notice of not less than one month's rental period.
Section 18(8)(d)(9) Tenant is admitted permanently into a home that provides personal care for the aged	Where the tenant is admitted permanently into a home that provides personal care for the aged and evidence is provided to verify the tenant's admission into the home, the tenant may terminate a rental agreement by giving notice of not less than one month's rental period.
Section 18(8)(e)(9) Tenant dies	Where the tenant dies and the notice to the landlord is accompanied by evidence of the tenant's death, the assigned representative of the tenant may terminate the rental agreement by giving notice of not less than one month's rental period.
Notice before the end of the rental period	The notice period must include a full rental period. For example, in a fixed term rental agreement where rent is paid monthly on 1st of each month, if rent is paid on January 1st, the landlord must receive the termination notice from the tenant on or before January 1st for the rental agreement to end on January 31st. If the tenant provided notice to the landlord on December 15th, the proper termination date would still be January 31st and not January 14th because rent is paid on the 1st of the month and the notice period must include a full rental period.

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Counting the days of notice required	The day the notice is received by the landlord and the day the tenant plans to move out are not included in counting the number of 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 conspicuous 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 5<sup>th</sup> day after mailing.

### \*Disclaimer:

This form has been developed by the Residential Tenancies Office for use by landlords and tenants in Newfoundland and Labrador. It is intended to assist parties in understanding and fulfilling their rights and obligations under the Residential Tenancies Act, 2018. While every effort has been made to ensure the accuracy and relevance of the information contained herein, users are encouraged to consult the Residential Tenancies Act, 2018 and seek advice where necessary. The Residential Tenancies Office assumes no responsibility for any errors or omissions, or for any outcomes resulting from the use of this form.

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<b>Part 1 To: Landlord Information</b>		
Landlord Name		
<b>Part 2 From: Tenant Information</b>		
Name Tenant #1	Name Tenant #2	
<b>Part 3 Address of Residential Premises</b>		
Street Number and Name		Apartment Number
City or Town	Province <b>NL</b>	Postal Code
<b>Part 4 Move Out Date</b>		
I am terminating the tenancy and moving out of the residential premises on:	Date (month day, year)	
<b>Part 5 Authority</b>		
<b>I am terminating the tenancy under the authority of the Residential Tenancies Act due to:</b> (check one of the following)		
<input type="checkbox"/> My income is reduced as a result of ill health (Section 18(8)(a)).		
<input type="checkbox"/> My financial assistance is discontinued due to the ill health of the person who provides financial assistance to me in paying my rent (Section 18(8)(b)).		
<input type="checkbox"/> I am required to live with a family member because of the family member's ill health (Section 18(8)(c)).		
<input type="checkbox"/> I have been admitted permanently into a seniors' personal care facility (Section 18(8)(d)).		
<input type="checkbox"/> Death of the tenant (Section 18(8)(e)).		
The sections referenced above allow the tenant (or the tenant's representative in the event of the tenant's death) to terminate the rental agreement with not less than 1 month notice before the end of the rental period. Verifying documentation must be attached to this notice.		
<b>Part 5 Tenant Signature</b>		
Tenant Signature	Date (month day, year)	