



## PROCEDURES FOR SERVING

A

## NOTICE TO VACATE

FOR

## FAILURE TO PAY RENT

### Notice to Vacate

1. If a tenant does not pay the rent when it is due, the landlord may issue a Notice to Vacate **using the form provided by the Rentalsman.**
2. The date for the tenant to vacate must be **at least 20 days** from the date of service of the notice. If the notice is served ten days or more after the day on which the rent is due, the date to vacate shall be **at least 10 days** after the day it is served. **(See Counting the Days).** In both cases, if the notice is mailed to the tenant, **3 additional days** must be added.
3. The landlord **must serve** a copy of the notice on the Rentalsman **within 7 days** of service on the tenant.
4. The Notice to Vacate is cancelled if the tenant pays the total rent owed within 7 days of the date of service.
5. If the tenant fails to pay and does not vacate as required by the notice, the landlord may apply to the Rentalsman for an Eviction Order.

### Final Notice to Vacate

1. The landlord may elect to terminate a tenancy by way of a Final Notice to Vacate **using the form provided by the Rentalsman if:**
  - a) the tenant has been served **at least 1 previous** Notice to Vacate OR,
  - b) in the case of Mobile Home Sites, the tenant has been served **at least 3 previous** Notices to Vacate.
2. The landlord **must serve** a copy of the notice on the Rentalsman **within 7 days** of service on the tenant.
3. Payment of the total rent owed on the tenant will not cancel the Final Notice to Vacate.
4. If the tenant does not vacate the premises on the date required in the Final Notice to Vacate, the landlord may apply to the Rentalsman for an Eviction Order.

### Counting the Days

Rent is due on June 1 – 20 day Notice to vacate:

If the tenant does not pay rent on June 1, a Notice to Vacate can be served on June 2 which is the day following the day rent is due. Then the landlord must count **20 clear days** from the date of service, and cannot count the day of service. Therefore, service on June 2 with 20 clear days following takes the notice to the end of the day of June 22. An Eviction Order cannot be applied for before June 23.

Rent is due on June 1 – 10 day Notice to vacate:

If the tenant does not pay rent, and the landlord waits for 10 days **after** the day the rent was due, the Notice to Vacate can be served on June 12, and 10 clear days would then take the notice to the end of the day on June 22. An Eviction Order cannot be applied for before June 23.

### Note

Landlords can begin the process any time after rent is due, but would always have to count the same way. It is important to realize that one cannot count the day of service, and the notice must include all of the last day of the notice period.

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