

NOTICE OF TERMINATION

ALL NOTICES OF TERMINATION MUST BE IN WRITING.

A LANDLORD MAY NOT REQUIRE A TENANT TO GIVE LONGER NOTICE THAN IS REQUIRED BY LEGISLATION.

MONTH TO MONTH TENANCIES:

- A month to month tenancy may be simply a verbal agreement or a signed written lease. It is always best to avoid dispute about the terms of the agreement by stating them in a written lease agreement, the Standard Form of Lease.
- A notice of termination on a month to month tenancy may be served by either the landlord or the tenant at least one month before the end of a month, to be effective on the last day of the month.

For example, if the rent is due on the 1st of each month, notice may be given anytime up to and including the 1st of a month to be effective for the last day of that month. If one party wants to give notice on the 20th of a month, the notice will still be effective for the last day of the next month. This means that a notice served on the 20th of a month to be effective for the 19th of the next month is not a proper notice. The effective date is always the last day of the rental period, in this example the last day of the month. Remember, it is a month's notice, not any 30 days' notice.

YEAR TO YEAR LEASES:

- A notice of termination on a year to year lease may be served by either party at least 3 months before the anniversary date of the lease, to be effective on the last day of the lease.

For example, on a lease that began on January 1, the last day of that lease would be December 31. Proper notice would have to be given on or before October 1, to be effective for December 31.

FIXED TERM LEASE:

- A fixed term lease is one which states the beginning and ending dates of the tenancy.

For example, the term could be for 6 months, 1 year or 2 years. Because the ending date is known, no notice is required. If a tenant continues to live there and pay rent without a new lease being signed, the tenancy becomes a month to month tenancy.

REMEMBER:

- Both the landlord and the tenant have an equal right to serve a notice.
- No reason is required to be stated for the notice. However, long term tenancies - those lasting 5 years or more - and mobile home parks have different rules. Contact the Office of the Rentalsman in these cases.
- There is no regulation that prevents a notice being issued and enforced in the winter months.
- A notice of termination must contain the following: *Date the notice is written, Landlord and tenant's full name and address, Date tenancy is to end, and Signature of the person giving the notice.*
- Week to week tenancies do exist, but are uncommon. Contact the Office of the Rentalsman in this case.

KEEP A PHOTOCOPY OR CARBON COPY OF YOUR NOTICE FOR YOUR RECORDS AND FOR ANY FUTURE ACTION REQUESTED OF THE RENTALS MAN

OFFICE OF THE RENTALS MAN

www.snb.ca/irent

City Centre
PO Box 1998
432 Queen St.
Fredericton, NB
E3B 5G4
Tel: 506-453-2557
Fax: 506-457-7289

King's Square North
PO Box 5001
15 King's Square
North
Saint John, NB
E2L 4Y9
Tel: 506-658-2512
Fax: 506-658-3096

Place 1604
200 Champlain St.
Dieppe, NB
E1A 1P1
Tel : 506-856-2330
Fax : 506-856-3177

Executive Tower
PO Box 5001
161 Main St.
Bathurst, NB
E2A 3Z9
Tel: 506-547-2162
Fax: 506-547-2106

City Centre Mall
PO Box 5001
157 Water St.
Campbellton, NB
E3N 3H5
Tel: 506-789-2362
Fax: 506-789-4866

Carrefour
Assomption
PO Box 5001
121 de l'Église St.
Edmundston, NB
E3V 3L3
Tel: 506-735-2000
Fax: 506-735-2382