

Behaviour
(Reasons for Notice to Quit/Terminate Tenancy)

The Residential Tenancies Act:

- provides guidance towards termination of tenancy if behaviour related problems cannot be resolved.

Reference:

Residential Tenancies Act: Section 9(1) Statutory Condition (3), 10(7A)

Details:

Landlords and tenants can expect good behaviour of other tenants residing in the same building and tenants can expect good behaviour from their landlords. The tenancy may be ended if the behaviour of either the landlord or the tenant negatively affects the other party to the lease or other tenants.

Where a tenant's behaviour poses a risk to safety or security of the landlord or other tenants, the landlord may serve the tenant with a five day written Notice to Quit, may file an Application to the Director seeking termination of the tenancy, or both.

Where a tenant's behaviour interferes with the landlord's or other tenant's occupancy, the landlord may file an Application to the Director seeking termination of the tenancy.

Where a landlord's behaviour interferes with the tenant's occupancy, the tenant may file an Application to the Director seeking termination of the tenancy.

Where a landlord fails to address an offending tenant's behaviour, the offended tenant may file an Application to the Director seeking termination of the tenancy.

Procedure:

In all cases, landlords and tenants are encouraged to discuss any behaviour-related concerns among themselves prior to beginning an action.

If the concerned parties have been unable to reach an understanding among themselves, either party may file an Application to the Director asking to have the matter investigated, and must serve the other party with a copy of the application.

The Officer will try to have the tenant and landlord reach an acceptable agreement (mediate) or, failing that, hold a hearing, determine the facts and then issue an Order.