

Indemnifiers and Co-signers

The Residential Tenancies Act:

- does not speak specifically about indemnifiers, guarantors or co-signers.

Reference:

Residential Tenancies Act: not applicable.

Details:

Landlords will occasionally require that a tenant obtain the signature of a guarantor or indemnifier. Sometimes these individuals are asked to sign the standard form of lease. Other times, they are asked to sign an indemnification agreement that is attached to a standard form of lease.

Based upon a 2002 Supreme Court Decision (Crowell vs. Larsen and Larsen), guarantors and indemnifiers of a lease are subject to the jurisdiction of Residential Tenancy Officers. In other words, guarantors and indemnifiers can be named as parties to an Application to Director and are subject to any subsequent enforcement proceedings.

Procedure:

- Applications to the Director can name guarantors and indemnifiers;
- for administrative purposes, these individuals can be named as tenants under the Section 2 definition of tenant.