
Rental Property Conversion

The Residential Tenancies Act:

- details the notice periods and procedures for giving a Notice to Quit; and
- does not specifically reference the *Rental Property Conversion Act*, although the requirements of this Act can apply to a landlord/tenant relationship concurrently with the requirements of the *Residential Tenancies Act*.

Reference:

Rental Property Conversion Act: Section 10

Details:

When a landlord is converting property to some use other than rental (usually to condominiums), the requirements of the *Rental Property Conversion Act* apply. As a result, in addition to the Notice to Quit requirements of the *Residential Tenancies Act*, the landlord must comply with the notification requirements of the *Rental Property Conversion Act*.

Where a landlord seeks termination of tenancy of a tenant as a result of a conversion of rental property, the Residential Tenancy Officer should seek verification from the landlord that the terms of the *Rental Property Conversion Act* have been complied with. No Order to terminate a tenancy should be issued arising from a conversion unless such verification is provided. This verification can be in the form of an affidavit, or a sworn oral statement that the requirements of the *Rental Property Conversion Act* have been met and must describe whether an offer to extend a tenancy for 12 months beyond the date of the proposed conversion was necessary, and whether the offer was accepted.

Procedure:

An Application to Director may identify that termination of tenancy is sought arising out of a conversion of rental property. If so, this procedure applies.

If an Application to Director does not reference the *Rental Property Conversion Act*, but the Residential Tenancy Officer suspects that a request for termination of tenancy arises out of a conversion, the Director of Residential Tenancies should be contacted to determine whether this procedure applies.

Before a hearing is held, the landlord should be contacted and advised that failing to comply with the terms of the *Rental Property Conversion Act* could be fatal to their Application to Director. The landlord should also be advised that they will need to verify through affidavit or sworn oral statement:

- that the requirements of the *Rental Property Conversion Act* have been met;
- whether an offer to extend the tenancy for 12 months beyond the proposed conversion date was required; and
- whether any offer to extend the tenancy was accepted or declined.

If the terms of the *Rental Property Conversion Act* have been satisfied, the Residential Tenancy Officer can proceed to determine whether the landlord is entitled to termination of tenancy pursuant to the *Residential Tenancies Act*. If the terms of the *Rental Property Conversion Act* have not been met, the Officer should not find in favour of the landlord.