

RESIDENTIAL TENANCIES ACT

RENTAL ARREARS

Section 18 - Rental Arrears

In a monthly or term agreement, if the rent is in arrears for 15 days, the landlord can give the tenant a 10 day written notice of termination. The notice should be signed by the landlord or agent of the landlord, identify the residential premises and state the date on which the tenancy terminates.

The notice may be served personally to the tenant, given to a person 16 years of age or older who apparently lives with the tenant, posting it in a conspicuous place on the rental unit, placing it in the tenant's mailbox or under the door, sending it by registered mail, or express post at an address provided by the tenant or where the tenant carries on business, sent by courier or another method authorized by the Director of Residential Tenancies.

Example: the rent is due the 1st day of each month. The landlord can give a termination notice to the tenant after the rent has been in arrears for 15 days. The landlord would start counting on the 2nd, which is the first day the tenant is in rental arrears, and count out 15 days which would be midnight on the 16th. The termination notice can then be given on the 17th as the tenant has now been in arrears for a full 15 days. The earliest the tenant could be required to vacate the rental unit is a full 10 days after the notice has been issued. That is, there must be 10 full days between the day the landlord issues the termination notice (the 17th) and the day the tenant is required to vacate. In this example, the earliest the tenant could be required to vacate is the 28th.

NOTE: If the rental arrears, plus any assessed late fees, are paid in full before the effective date of the notice of termination, the notice to terminate is void.

However, when a notice of termination has been given more than twice in a twelve month period, the notice to terminate is valid.

(See other side for an illustration on counting days)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 Rent is due. No payment received.	2 1 st day in arrears. Start counting. (1)	3 (2)	4 (3)	5 (4)	6 (5)	7 (6)
8 (7)	9 (8)	10 (9)	11 (10)	12 (11)	13 (12)	14 (13)
15 (14)	16 15 days in arrears at the <u>end</u> of this day. (15)	17 Serve Notice of Termination. Tenant has 10 days <u>before</u> he has to vacate.	18 Start Counting. (1)	19 (2)	20 (3)	21 (4)
22 (5)	23 (6)	24 (7)	25 (8)	26 (9)	27 (10)	28 Tenant has to vacate before the <u>end</u> of this day
29	30	31				

Section 13 – Late Payment Fee

When rent is not paid on time, a landlord can charge a late payment fee in an amount set by the minister as follows:

\$5.00 for the first day rent is in arrears and \$2.00 for each additional day that the full rent remains unpaid in any consecutive number of rental periods up to a maximum of \$75.00.

Revised May 2015. This information has been summarized and, therefore, is not necessarily quoted directly from the Residential Tenancies Act. Please see Act for further clarification and detail.

For further information visit our web site <http://www.servicenl.gov.nl.ca/landlord/index.html>

or phone St. John's 709-729-2610, 2608 or 5829; OR phone our toll free number 1-877-829-2608

Gander 709-256-1019; Corner Brook 709-637-2445