

## **RESIDENTIAL TENANCIES ACT**

### **PEACEFUL ENJOYMENT**

#### **Section 8(7) - Residential Tenancies Act**

##### **STATUTORY CONDITIONS- PEACEFUL ENJOYMENT**

(a) The tenant shall not unreasonably interfere with the rights of the landlord or other tenants in the premises, a common area or the property of which they are a part.

(b) The landlord shall not unreasonably interfere with the tenant's peaceful enjoyment of the premises, a common area or the property of which they are a part.

#### **Section 22- Residential Tenancies Act**

##### **NOTICE WHERE LANDLORD FAILS TO PROVIDE PEACEFUL ENJOYMENT**

If the landlord causes unreasonable interference with the tenant's peaceful enjoyment of the premises, common area, or the property of which the tenant is a part, the tenant may give a written Notice to Terminate to the landlord to take effect not less than 5 days, but not more than 14 days after the notice was given. That is, there have to be a full 5 clear days between the date the notice is given and the earliest effective termination date, and the latest effective termination date must be no later than the 14<sup>th</sup> day after the day the notice is issued. For example, if the Notice of Termination is given on the 1<sup>st</sup> of the month, the effective termination date must be a date between the 7<sup>th</sup> and the 16<sup>th</sup> of the month.

#### **Section 23- Residential Tenancies Act**

##### **NOTICE WHEN TENANT FAILS TO COMPLY WITH PEACEFUL ENJOYMENT**

If the tenant causes unreasonable interference with the landlord's and/or another tenant's peaceful enjoyment of the premises, common area, or the property of which they are a part, the landlord may give a written Notice to Terminate to the said tenant to take effect on the 5th day after the notice is given. That is, there have to be a full 5 clear days between the date the notice is given and the earliest effective termination date. For example, if the Notice of Termination is given on the 1<sup>st</sup> of the month, the effective termination date can be no earlier than the 7<sup>th</sup> of the month.

#### **Section 30- Residential Tenancies Act**

##### **SERVICE OF NOTICE**

**The notice must be served by a tenant or landlord under the following terms:**

- **given personally to the person being served**
- **given to a person 16 years or older who lives with the person being served**
- **posting it in a obvious place on the premises of the person being served**
- **placing it in the mailbox or under a door of the premises of the person being served**
- **sending it to the person being served by registered mail**

**NOTE: The notice must be in writing, signed by the person giving the notice, identifying the premises and stating the date of termination.**

Interference with peaceful enjoyment :

- is an ongoing disturbance
- may be caused by the tenant or someone permitted on the premises by the tenant
- may be caused by the landlord or someone permitted on the premises by the landlord
- disturbing activity that does not arise from the normal course of everyday living (for example, noise from children is not out of the ordinary)

Examples of types of conduct constituting interference with peaceful enjoyment include, but are not limited to the following:

- Excessive Noise (other than activity in the normal course of everyday living)
- Aggressive or Obnoxious Behaviour
- Alterations to the Premises

**NOTE: Tenants and landlords serving a notice under this section may be required to provide evidence of the interference of peaceful enjoyment. (i.e. documentation of occurrences, witnesses, copies of police reports, etc.)**

*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