

Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL	
Section: I. Community Housing	Effective Date: July 1, 2021
Topic: I.4. Tenant Policies	Replaces: Dec. 1, 2020
Subject: 4.6. Notice to Vacate	
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POLICY

Tenants residing in **Community** Housing units must still adhere to rules governing tenancies as covered by the Residential Tenancies Act. The purpose of the act is to define the roles and responsibilities of tenants and landlords and to outline remedies in dispute.

The Manitoulin-Sudbury DSB is a landlord to the tenants in our subsidized housing units and as such, when tenants wish to terminate their tenancy proper notice must be provided to the landlord. Subsequently, when the landlord opts to terminate a tenancy, they too have notice periods to which they must adhere.

All of the tenancy agreements (leases) are month to month and therefore require 60 days written notice to vacate by the tenant. The notice period begins at the end of the term (month).

PROCEDURE

Tenant Notice

Tenants must give notice to vacate in writing. The Manitoulin-Sudbury DSB does not accept verbal notice to vacate, nor do we accept notice from anyone other than the tenant except where a power of attorney is on file.

When a tenant gives notice to vacate the following process should be followed:

1. The notice is date stamped when received.
2. The Property Management system is updated to change the status of the tenant to “notice”, and the date of the notice.
3. Enter the expiry date of the notice (2 months is required, except for medical reasons – refer to the Program Supervisor if in doubt).
4. Update the “Vacant Units listing” on Sharepoint in the housing section.
5. Prepare a reply letter to the tenant. The letter should include acknowledgement of the notice; the responsibility of the tenant for the rental period (2 months); authorization to enter form. The reply letter is given to the Housing Program Supervisor for signature.
6. File the original notice from the tenant and the acknowledgement letter in the tenant’s file.
7. Refer to the waitlist to determine the start of tenant selection (refer to Tenant Selection Policy).

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Landlord Notice

Certain situations require landlord intervention, and on occasion tenancies must be terminated. It is our intention to work with our tenants as much as possible to avoid termination of tenancy.

Occasionally however situations present themselves, and despite our best efforts, the last option is termination. The most common form of termination is that of non-payment of rent, followed by reasonable interference with other tenants.

In all cases of termination of tenancy, we must adhere to the format and timelines as specified by the Landlord and Tenant Board. Failure to thoroughly read the instructions for the notice you are serving could result in award to the tenant and payment of the filing fee.

Once a notice is prepared, the following steps must be followed.

- Ensure that if there is a remedy period for the tenant, that you b/f the file for the day following the last day of remedy. Some notices are void if there is no further incident within the notice period. Notices do not require a fee. You must complete a certificate of service and keep on file.
- After this period has lapsed refer to the Landlord and Tenant Board website www.ltb.gov.on.ca to determine the next step. If further action is required **any** fee required to process an application to terminate.
- Once the application is sent to the board with the fee, the Board will process the documents and send you a Notice of Hearing. Normally, the instructions include direction to provide the tenant with the Notice of Hearing and a copy of the application. A certificate of service must be completed and sent to the Board.
- The date of the hearing is scheduled and method (telephone, in person). Advise all staff, witnesses of the date and time.
- Always request a summons (Board form) for witness – Especially Police to ensure witnesses required will be present. Witness fees are paid + travel – refer to the LTB website for amounts

NOTE: In all cases, the method by which you serve a notice will determine the expiry date of the notice. i.e., if you mail a document, you must add 5 days to the date of expiry. This information can be found in the notice instructions on the website.

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Cases involving non-payment are straightforward a tenant ledger showing the outstanding amounts will suffice. A positive order will grant the landlord the filing fee and hence an adjustment will need to be completed to charge this to the tenant ledger.

Cases involving excessive noise (interfere with reasonable enjoyment); interference with landlord's lawful rights, illegal act on the property, etc., will require that substantial proof that the tenant in fact committed the act is required and commands further preparation and witness testimony. The filing fee in this case will only be awarded with a positive order to the landlord. Damage claims require invoices or quotes, photos, initial move in inspection report, etc.

Any file terminated with arrears is turned over to the Program Supervisor for processing.