

Termination for Family Violence

RTA 2018: Sections 25, 26, 27

Application for Termination

A tenant may terminate a rental agreement with 30 days' notice where the tenant believes that because of family violence, the safety of the tenant or of a child living with the tenant is at risk.

In this type of situation, the tenant, or someone on the tenant's behalf is required to apply to the Director of Residential Tenancies using the form identified below and located in Appendix A of the Guide for Landlords and Tenants.

Form: [Tenant's Application to Terminate – Family Violence](#)

The application must be accompanied by a copy of protective order in effect or a statement verifying the family violence from a specified person.

Any one of the following protective orders identified below may be attached to the application to terminate for reasons of family violence:

- an emergency protection order;
- a restraining order;
- a peace bond; or
- other similar protective order.

A person working in any of the following capacities is authorized to verify the family violence in the application to be submitted to the Director of Residential Tenancies.

- a medical practitioner registered and licensed under the Medical Act, 2011;
- a registered nurse or nurse practitioner registered and licensed under the Registered Nurses Act, 2008;
- a practical nurse licensed under the Licensed Practical Nurses Act, 2005;
- a social worker registered under the social Workers Act;
- a psychologist registered under the Psychologists Act, 2005
- a member of the Royal newfoundland constabulary or the Royal Canadian Mounted Police; or
- an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodations in an emergency or transitional shelter because of violence or abuse.

No details specific to the Tenant's case of family violence is required to be disclosed in the application to the Director of Residential Tenancies.

Certificate and Termination Notice

Once submitted, the application will be reviewed by the director. If the director determines that there is a risk to the safety of the tenant or a child living with the tenant if the tenancy continues, the director will issue a certificate along with the notice of termination to the tenant.

The certificate will be valid for a period of 90 days from the date of issue. Within that time period, the tenant may provide the certificate along with the termination notice to the landlord to terminate a month to month or fixed term tenancy 30 days after the notice is issued to the landlord. If the 30 days do not cover a full rental period, the tenant will only be held responsible for rent to the end of the notice period.

If the certificate expires before the tenant issues the termination notice to the landlord, the tenant will need to re-apply for another certificate.

Once the landlord receives the termination notice, the rental agreement will be terminated for all the tenants in the rental unit and the landlord will be responsible to inform the tenants that the landlord has received and accepted a termination notice and the effective termination date.

The landlord is free to enter into a new rental agreement with any of the tenants.

Confidentiality

The landlord is required to keep confidential any information received in relation to the certificate and the notice of termination for reasons of family violence unless required by law to disclose.