

The Residential Tenancies Branch

Notice of Termination – Serious Breach of Obligation:

The Residential Tenancies Branch is concerned that Landlords may not be aware of the ability to terminate tenancies under certain circumstances including criminal behavior in rented premise.

Termination for criminal behavior, including the sale of illicit drugs, is covered by the information below. Please consult with a Residential tenancies branch staff person for details on utilizing this notice of Termination.

A landlord may give a tenant a Notice of Termination without first giving them a warning letter to stop the behavior if the tenant (or the tenant's guests) poses an immediate risk to the health or safety of, or substantially interferes with the rights of, other tenants, occupants or the landlord of a complex by violating:

- Section 70 (obligation to keep unit clean),
- Section 74 (duty not to impair safety or interfere with rights),
- Section 74.1 (unlawful activity by tenant),
- Subsection 72(1) (obligation to take care and repair damage) that resulted in extraordinary damage, or
- Section 73 (duty not to disturb others) that resulted in an extraordinary disturbance.

If the tenant does not leave, or if the landlord believes the tenant will not leave by the date on the notice of termination, the landlord can apply for an Order of Possession (OP) at the RTB. An OP is a document the landlord will need to regain lawful possession of the rental unit. Once a landlord applies for an OP at the RTB, a hearing is scheduled.

If the landlord can show the RTB that these serious concerns exist, the RTB will try to schedule a hearing within five working days, giving the landlord five days to serve the tenant with the notice of hearing.

There is legislation that allows, in exceptional circumstances, a landlord to give the tenant **less than five days' notice** of a hearing for an OP. In these exceptional cases, the branch would schedule the hearing within two business days.

Landlords must use the RTB Notice of Termination **Form 10** for this reason.

Landlords who have questions about the Order of Possession process and what is required should contact the RTB at (204) 945-2476 or visit our website at www.manitoba.ca/rtb and go into the Landlords portal, then Claims and Orders of Possession.