

QUICKLAW

ANSWERS YOUR QUESTIONS

EVICCTIONS

What is a landlord?

A person who rents out a room or property to a tenant.

What is a tenant?

A person renting the property from the owner.

What is a dwelling?

Property that you can live or work in. For example, a house, room, a flat, office or a building.

What is a lease agreement?

A lease agreement is a binding contract between a tenant and a landlord.

When can a lease agreement be cancelled?

- The lease agreement can only be cancelled by the landlord if the tenant breaks the terms and conditions of the lease agreement.
- Unless the lease agreement states otherwise,

the landlord may not cancel the lease agreement simply because the tenant has failed to pay rent. The tenant must first be notified that, if the money is not paid within a specified and reasonable time, the lease agreement will be cancelled.

- The landlord may cancel the lease agreement if the tenant causes serious damage to the property, or if the tenant uses the property for purposes other than what was agreed in the lease agreement. For example, if the tenant runs a business from the property when the agreement states that he or she may not do so.
- The tenant also has the right to cancel the agreement if the landlord is in breach of the agreement.

When can a landlord evict a tenant?

- Tenants who refuse to move out of the dwelling cannot be evicted by the landlord without a court order.
- This court order is known as a "warrant of ejectment" and the eviction must be carried out by the Sheriff of the Court.
- Any clause in a lease agreement that says that a tenant may be evicted from the premises without a court order is illegal.
- If a landlord evicts a tenant because of such an

illegal clause the tenant can approach the court for help. The court will then order that the tenant be allowed to live at the premises again.

- Tenants can defend an application to remove them if they believe that there is no reason to evict them.

How do I obtain a "warrant of ejectment"?

- It is advisable to ask an attorney to assist you to obtain a warrant of ejectment.
- Your attorney will issue summons against the tenant and bring an application for eviction.
- A warrant of ejectment will be issued by the court and the Sheriff of the Court will be able to remove the tenants and their possessions from the leased premises.

KEY:

1. EVICTION - to be forced out of your house by a court order
2. INTIMIDATION - influence a person by frightening them with threats or force
3. NUISANCE - an annoying person or thing
4. SUMMONSED - a command to do something or appear in a court of law
5. RENTAL HOUSING TRIBUNAL - a board of officials appointed to make a judgment
6. DWELLING - house
7. LESSEE/ TENANT - a person renting the property from the owner
8. LESSOR/ LANDLORD - a person who rents a room or property to a tenant