

## What You Should Know About Tenancy Agreements



A tenancy agreement is an agreement between a landlord and a tenant for the right to occupy rental premises, whether written, oral or implied, including renewals of such an agreement. A tenancy agreement takes effect on the day a tenant is entitled to occupy the rental premises.

A tenancy agreement is contained in the Schedule to the *Residential Tenancies Act*. Although landlords and tenants are not required to use this tenancy agreement, all tenancy agreements are deemed to contain the provisions contained in the tenancy agreement set out in the schedule to the Act. A landlord and tenant may agree to include provisions in a tenancy agreement that are not contained in the schedule to the Act but such provisions must not be inconsistent with the schedule and must be reasonable in all circumstances. Provisions which are inconsistent with the schedule to the Act or are not reasonable are of no effect. A landlord or tenant may apply to a rental officer to determine whether an obligation or rule contained in a tenancy agreement is reasonable.

Where a tenancy agreement is made in writing, the landlord is required to deliver a signed copy of the agreement to the tenant within 60 days after it has been signed by the tenant and delivered to the landlord.

No tenancy agreement shall contain any provision to the effect that a breach of the tenant's obligation results in the whole or any part of the remaining rent becoming due and payable or results in a specific sum becoming due and payable.

Tenancy agreements may be made for a specific period of time (term) or run month-to-month or week-to-week (periodic). Term tenancy agreements begin on a specific date and end on a specific date while periodic agreements continue until they are terminated in accordance with the *Residential Tenancies Act*. Most term agreements are automatically renewed on a month-to-month basis unless the parties enter into a new tenancy agreement or the agreement is terminated in accordance with the Act. For details on the exceptions to the automatic renewal of term agreements see "*What You Should Know About Security of Tenure*".

*This is provided as information only and is not a statement of law. If you have any questions concerning abandoned premises or other landlord/tenant issues, contact the Rental Office at 920-8047 (in Yellowknife or toll-free at 1-800-661-0760).*