

# Landlord's Notice of Abandonment

Residential Tenancies Act 2018 – Section 31

## Instructions

- This notice must be issued by the landlord when the landlord believes the tenant abandoned the residential premises, before the landlord may enter and take possession of the residential premises.
- A tenant is considered to have abandoned a residential premises where
  - the tenant has vacated the residential premises;
  - the rental agreement is not terminated in accordance with this Act or the rental agreement; and
  - rent is overdue.
- Before entering a residential premises for the purpose of taking possession, the landlord must post a notice in an obvious place on the residential premises, not less than 24 hours before entering, stating the following:
  - the landlord's belief that the tenant has abandoned the residential premises;
  - the landlord's intention to enter the residential premises for the purpose of taking possession unless the tenant notifies the landlord, before the time set out in the notice, that the tenant has not abandoned the residential premises; and
  - the day and hour when the landlord will enter the residential premises.
- Where the tenant notifies the landlord that the residential premises has not been abandoned, the landlord may not enter the residential premises.

## Service Requirements (Section 35(2))

- The landlord's notice of abandonment may be delivered to the tenant by:
  - sending it electronically where: (i) it is provided in the same or substantially the same form as the written notice or document; (ii) the tenant has provided an electronic address to receive documents, and (iii) it is sent to that electronic address;
  - giving it personally to the tenant;
  - giving it to a person 16 years of age or older who apparently lives with the tenant;
  - posting it in an obvious place on the tenant's premises;
  - placing it in the tenant's mailbox or under a door in the tenant's premises;
  - sending it to the tenant by prepaid registered mail or prepaid express post or by courier service at an address (i) provided by the tenant or (ii) where the tenant carries on business.
- Where the landlord's notice of abandonment is sent electronically as indicated above, it will be considered served on the day it is sent if it is sent before 4pm. If the notice is sent after 4pm, it will be considered to be served on the next day which is not a weekend or statutory holiday.
- Where the landlord's notice of abandonment is sent by registered mail or express post, it will be considered to be served on the 5<sup>th</sup> day after mailing.

## Access to Information and Protection of Privacy

- Service NL collects personal information relating to landlords and tenants under the authority of the Residential Tenancies Act, 2018. Personal information collected by the Government of Newfoundland and Labrador is protected under Section 40(1) of the Access to Information and Protection of Privacy Act, 2015. If you require more information please contact the Director of Residential Tenancies at (709) 729-2660.

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Part 1 To: Tenant Information		
Name Tenant #1	Name Tenant #2	
Part 2 From: Landlord Information		
Landlord Name		
Part 3 Residential Premises Address		
Street Number and Name		Apartment Number
City or Town	Province NL	Postal Code
Part 4 Details		
<p>I hereby give you notice that I believe you have abandoned the residential premises identified above. Therefore, I intend to enter the residential premises on the date and time identified below, for the purpose of taking possession unless you notify me prior to this date and time that you have not abandoned the residential premises.</p> <p>Date: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM</p>		
Part 5 Landlord Signature		
Landlord Signature	Date (month day, year)	