

Moving out: Subletting and assigning

You might want to move out before your tenancy is over and have someone else move in. You might be able to sublet or assign your unit to another tenant.

What does subletting mean?

Subletting means that you leave your place for a certain length of time while someone else moves in. When they leave, you move back in. The person who moves in temporarily is called your **subtenant**.

You are still responsible for what happens in the unit while you are away. For example, if your subtenant does not pay the rent, you will have to pay it. You are also responsible if your subtenant causes damage or any other problems.

There is a limit on how long you can sublet your place. The length of the sublet must be shorter than the length of your rental period. For example, if you rent month-to-month, the sublet must end at least a day before the end of one month. And there is a limit on how much rent you can charge. You cannot charge more rent than what the landlord charges you.

What does assigning mean?

Assigning means that a new tenant takes over your tenancy. The amount of rent and the terms of the rental agreement stay the same.

If you assign your tenancy, you do not have the right to move back in. And you are **not** responsible if the new tenant causes damage or owes rent.

Can all tenants sublet or assign their places?

No. You cannot assign or sublet if you live in:

- subsidized housing,
- a superintendent's unit, or
- housing provided by a school where you work or are a student.

Do I need my landlord's permission to sublet or assign?

Yes. It is best to ask in writing and keep a copy of your request. Make sure to write the date on your request.

Can my landlord charge me a fee if I want to sublet or assign my place?

Yes. If your landlord allows you to sublet or assign your place, they can charge you a fee. The fee cannot be more than the amount your landlord reasonably spent on things like a credit check, and advertising if the landlord found the new tenant.

Can my landlord refuse to let me sublet or assign?

Your landlord can refuse to let you sublet or assign to a particular person only if there is a good reason. For example, the person caused problems for a landlord in the past, such as damaging property or not paying rent. Or, the person has a poor credit history.

Your landlord can also decide not to let you assign **at all**, and they do not need to give a reason. This does not apply to subletting.

Landlords often do not allow any assigning because if they make a new agreement with a new tenant instead, they can charge a higher rent.

What can I do if my landlord refuses to let me assign at all or does not respond to me?

If your landlord will not let you assign at all or does not give you an answer within 7 days, you can move out with **30 days'** notice. If you have a weekly or daily tenancy, you can move out with **28 days'** notice.

You must give your notice using the form called the Tenant's Notice to Terminate the Tenancy (**Form N9**) from the Landlord and Tenant Board. You must give your landlord this notice form within **30 days** after the date you asked to assign the unit. You can get this form at tribunalsontario.ca/ltb or call **1-888-332-3234**.

What can I do if I have other problems with assigning or subletting?

You can apply to the Landlord and Tenant Board if your landlord:

- says that you cannot sublet **at all** to anyone or does not reply in a reasonable time to your sublet request
- rejects the people you want to sublet or assign to without giving you a good reason
- discriminates against people you want to assign or sublet to, for reasons such as race, religion, colour, sex, marital status, sexual orientation, being on social assistance, or having children
- charges you a sublet or assignment fee that is more than they had to spend on things like advertising and credit checks

Where can I get legal help?

A community legal clinic can help you talk to your landlord or apply to the Landlord and Tenant Board. To find your local clinic, contact Legal Aid Ontario at **1-800-668-8258** or legalaid.on.ca.

If the landlord is discriminating against you or the person you want to sublet or assign to, you can contact the Human Rights Legal Support Centre. Visit their website at hrlsc.on.ca or call them:

Toll-free: **1-866-625-5179**

Toronto area: **416-597-4900**

Toll-free TTY: **1-866-612-8627**

Toronto area TTY: **416-597-4903**



Visit stepstojustice.ca for more information about housing problems. This is general information for people in Ontario, Canada. It is not intended to be used as legal advice.

Vous pourriez avoir droit à des services en français devant les tribunaux ou auprès d'organismes gouvernementaux. Visitez justicepasapas.ca/droits-linguistiques-des-francophones.