



## **Frustrated Tenancies – When a tenancy ends due to fire, flood or other occurrence**

### **What does it mean when a tenancy is frustrated?**

When a tenancy is frustrated, it means that a tenancy ends and tenants must leave their units, sometimes with little to no warning. A tenancy can become frustrated due to fire, flooding or other events that make it impossible for a tenant to remain living in the rental unit or return to the residential complex. The rental unit and/or the residential complex is made uninhabitable.

### **What are my rights as a tenant if my tenancy ends for this reason?**

#### **Rent:**

The responsibility to pay rent ends on the date the tenancy is frustrated. Tenants are entitled to any rent paid from the date the tenancy has been deemed frustrated until the end of the month. For example, if there is a fire in a building on May 10 and tenants can no longer live in their units, the landlord must return rent from May 11 to May 31.

#### **Deposits:**

Landlords may be required to return security deposits and pet damage deposits and, if applicable, tenant services security deposits after a tenancy has terminated for this reason. For example, if the rental units are destroyed and tenants are not the cause of this, any deposits held by the landlord should be returned. However, if the rental units are unliveable because the complex is uninhabitable, landlords may file a claim against deposits if there is tenant-caused damage to the rental unit.

#### **Right of first refusal:**

When a tenancy is frustrated, the tenant has the right to return to the rental unit once it is fit to live in, as long as this occurs within one year of the date the tenancy was terminated. If a tenant wants this option, they must tell their landlord in writing, within one month of the date the tenancy ends, that they wish to exercise their right of first refusal.

### **What can tenants do if this happens to them?**

Tenants who carry tenant insurance should contact their provider to see about coverage. Depending on the coverage purchased, many insurance plans will provide alternate accommodation and additional living expense coverage.

Tenants should speak to their landlord to find out:

- If tenants can go into the rental unit to get any belongings they had to leave behind. The landlord may need time to answer this because it is usually up to the authority who has declared the complex unliveable (for example, the fire commissioner).

**(see over)**

- How the landlord plans to return the rent owing.
- What process the landlord will follow to deal with tenant deposits. For example, if the building has been destroyed, the landlord should return the deposits in full. However, if the rental units are not destroyed but are unliveable, the landlord may have a claim against a deposit if they feel the tenants caused damage that would not need to be repaired because of the incident that has frustrated the tenancy. Should the landlord have a claim against the deposit and tenants disagree with the claim, they can contact the Residential Tenancies Branch (RTB) to discuss options available.

**IMPORTANT:**

Tenants should make sure they provide current contact information to the landlord and update this as needed.

**Do landlords have to rehouse tenants in these circumstances?**

No, landlords do not have to provide alternate housing to tenants however many landlords who have available units have made efforts to do so.

If tenants move into an empty unit supplied by the landlord, this creates a new tenancy. Tenants and landlords should fill out a new tenancy agreement and do a move-in condition report.

Tenants who have questions about their rights should contact the RTB:

**Winnipeg Office**  
**Residential Tenancies Branch**  
1700-155 Carlton Street  
Winnipeg MB R3C 3Y4  
Telephone: 204-945-2476  
Toll Free: 1-800-782-8403  
Email: [rtb@gov.mb.ca](mailto:rtb@gov.mb.ca)

**Brandon Office**  
**Residential Tenancies Branch**  
143-340 9th Street  
Brandon MB R7A 6C2  
Telephone: 204-726-6230  
Toll Free: 1-800-656-8481  
Email: [rtbbrandon@gov.mb.ca](mailto:rtbbrandon@gov.mb.ca)

**Thompson Office**  
**Residential Tenancies Branch**  
113-59 Elizabeth Dr  
Thompson MB R8N 1X4  
Telephone: 204-677-6496  
Toll Free: 1-800-229-0639  
Email: [rtbthompson@gov.mb.ca](mailto:rtbthompson@gov.mb.ca)

*This information is available in multiple formats upon request.*

*Cette information existe également en français. Composez le 204-945-2476.*