



Subletting and Assignment

Tenants sometimes need to move before their lease or tenancy agreement is up. A tenant must get the landlord's written permission to assign or sublet their place to another person. A landlord can't refuse without a good reason. The landlord has the right to charge a fee of up to \$75.00 for the assignment or sublet.

What is the difference between subletting and assignment?

Assignment

When there is an assignment, the first tenant does not plan to move back in. Here's what happens:

- the tenant finds a new tenant to take their place;
- the tenant must obtain the landlord's written approval for the new tenant; the landlord cannot unreasonably withhold consent;
- the landlord takes a new security deposit from the new tenant; the security deposit is not transferred from the first tenant to the new tenant;
- the landlord, new tenant and tenant, sign the "Assignment of Tenancy Agreement" part of the lease;
- the first tenant is no longer responsible for the lease once the new tenant takes over the lease;
- the landlord does an outgoing condition report with the first tenant;
- the landlord does an incoming condition report with the new tenant.

Sublet

A tenant who sublets moves out for a while and then moves back in. Here's what happens:

- the tenant gives another permission to live in their apartment or house for an agreed upon time;
- the tenant must obtain the landlord's written approval for the sub-tenant; the landlord cannot unreasonably withhold consent;
- the landlord, the subletting tenant and the tenant, sign the "subletting agreement" part of the lease;
- the first tenant is still responsible for the lease and any damage to the property, even though they are not living there;

(see over)

- the first tenant must charge the subletting tenant the same rent that they paid;
- the landlord keeps the security deposit in the name of the first tenant.

For more information:

This fact sheet is only a brief explanation. For more information contact the Residential Tenancies Branch or go to www.manitoba.ca/rtb.

Winnipeg Office

Residential Tenancies Branch

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This information is available in multiple formats upon request.

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