



# Landlord and Tenant Fact Sheet

RTB-125

## Selling a Tenanted Residential Property

When a rental property is being sold, both the landlord and tenant have rights and responsibilities under the *Residential Tenancy Act* (RTA).

### Showing the property

s. 29 RTA

Before showing the rental unit, the landlord must have the tenant's agreement or give the tenant proper written notice that states the date, time and reason for entry. The tenant must receive the notice at least 24 hours, and not more than 30 days, before the time of entry.

Ideally, a tenant and landlord agree on a schedule of viewing times to include in a single notice. Otherwise, the landlord must give the tenant notice each time before showing the rental unit. When notice has been given, the landlord can show the rental unit even if the tenant is not home. A landlord may enter common areas of the property at any time without giving the tenant notice.

The landlord must keep in mind that a tenant is entitled to reasonable privacy and freedom from unreasonable disturbance. A notice indicating showings will take place daily from 9 a.m. to 9 p.m. for a three-week period would be unreasonable.

It is illegal to use a lockbox without the tenant's permission.

### Purchaser wants to live in the unit

When the new owner, or a close family member of the new owner, intends to live in the rental unit, the Two-Month Notice to End Tenancy can be served before the purchaser takes possession of the property, but only after all the conditions of sale have been removed (service of the notice should not be a condition of sale). The new owner must make the request in writing to the

landlord before notice can be served. A "close family member" is defined in the RTA and includes the father, mother or child of the landlord or the landlord's spouse. If a family corporation owns the rental unit, then a close family member would include an individual who owns, or whose close family member owns, all the voting shares.

### Purchaser wants to use the rental unit for another purpose

The tenant can be served a 2-Month Notice to End Tenancy after the title of the property has been transferred and all required government permits and approvals are in place when the purchaser intends to:

- Demolish the rental unit or do major repairs or renovations that require the building or rental unit be empty.
- Convert the rental unit to a strata property unit, a non-profit co-operative or society, or a not-for-profit housing co-operative under the *Cooperative Association Act*.
- Convert the rental unit to non-residential use, such as a shop.
- Convert the rental unit into a caretaker's premises.

### Giving notice on a periodic tenancy

For a month-to-month tenancy, or a periodic tenancy with a different period, the landlord must give the tenant a Two-Month Notice to End Tenancy. The tenant is also entitled to financial compensation equal to one-month's rent (s. 51, RTA).

A tenant can end the tenancy earlier by giving the landlord at least 10-days written notice and paying the rent up to, and including, the planned move-out date.

#### Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

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