

Counting Days and Determining Notice Periods

The Residential Tenancies Act:

- Outlines when days are to be included and not to be included for time periods specified.
- Outlines when a notice must be given when the period is based on one or more months.

Reference:

Residential Tenancies Act: Sections 2(aa) and 2A

Details:

The Act outlines various required notice periods, stated in days or months, for actions that a tenant or landlord wishes or may be required to perform.

In order for a landlord or tenant to comply with the Act, notice periods must be followed.

If notice periods are not followed, a tenant or landlord may take action for non-compliance or notices may not be valid.

The Act defines day as "calendar day"

Procedure:

Months

Where a notice is to be given based on a period of one or more months, the notice must be given before the day of the month that rent is payable under the lease. Months are not counted in days. If the Act requires a specific number of months' notice for a requirement, tenants and landlords are to serve the notice the specific number of months beforehand.

For example:

If a tenant wants to give a 1-month notice to quit for their month-to-month tenancy to be terminated effective December 31, they must give a 1 full months' notice. If the lease specifies rent is due on the first of each month, the tenant would be required to give the 1-month notice on or before November 30. The month of December is considered the 1-month notice, and the effective date of notice would be December 31.

Days

The Act may require a notice or action to be given or completed **after** a specified number of days or **within** a specified number of days.

When a period of time is calculated from a given day, act or event, the period of time does not include the day on which the act or event occurred.

You must start counting the number of days **after** the triggering event.

Examples: The date rent was due or the date you received a notice.

Determining the Date after a Specified Number of Days Have Passed

Where the Act requires a number of days to pass before a notice is given or an action is taken, use the following process to determine the date:

- Start counting on the day **AFTER** the event
- Count out the required number of days
- The notice can be given, or the action can be taken on the **NEXT** day.

For Example:

A landlord wants to give a notice to quit for rental arrears for rent due on January 1. The Act allows the landlord to give the notice when the rent is in arrears for 3 days. The landlord would start counting on January 2 and count out 3 days which would be January 4. The notice to quit can be given on January 5. The rent was then in arrears for 3 days after it was due.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Rent is Due	2 Start Counting (1)	3 (2)	4 (3)
Serve the Notice to Quit 5	6	7	8	9	10	11
12	13	14	15	16	17	18

Important Points:

- Start counting the day **AFTER** rent is due
- Include weekends in your counting
- Deliver the Notice to Quit the day **AFTER** the counting period has ended
- A Notice to Quit can be delivered on a weekend

Determining the Date within a Specified Number of Days

Where the Act requires a notice to be given or an action taken **WITHIN** a specific number of days, use the following process to determine the date:

- Start counting on the day **AFTER** the event
- Count out the required number of days
- The action must be taken **ON OR BEFORE** that day.

For Example:

A tenant received a notice to quit for rental arrears on January 5. The tenant wishes to pay their rent in full within the 10-day period of receiving a notice to quit to void the notice. The tenant would start counting on January 6 and count out 10 days, which would be January 15. The tenant would be required to pay their rent in full on or before January 15 for the notice to quit to be void.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Rent is Due	2	3	4
Received 5 Notice to Quit	6 Start Counting (1)	7 (2)	8 (3)	9 (4)	10 (5)	11 (6)
12 (7)	13 (8)	14 (9)	15 (10)	16	17	18

Important Points:

- Start counting the day **AFTER** the Notice is received
- The rent is due **WITHIN** the 10 days, so if rent is delivered on the 11th day, it is late
- Even if the last day lands on a weekend, the rent is still due on that day

Important:

Holidays may be counted as part of notice periods.

If a landlord or tenant is required to submit something to the Residential Tenancies Program and the last day of the period occurs on a day in which their local Access Centre is closed, the period is extended to the first day the Access Centre is open.