

Multiple Tenants

The Residential Tenancies Act:

- Does not specifically state who is responsible for the rent when there are multiple tenants.

Reference:

Residential Tenancies Act - see Standard Form of Lease

Details:

- Multiple tenants of the same rental unit (for example, several students) and named on the lease, are jointly and severally liable for all of the obligations of the lease. Each tenant and/or all of the tenants as a group are responsible for the lease. The landlord may take action against all or any of the parties for their failure to meet the obligations, such as rent or repairs.
- Action may be taken against one of the parties without including the other parties who also might be liable. If action is taken against one and that party pays the entire debt, the individual has the right to take action against the others for their portion of the debt. This individual can seek compensation from their co-tenants through Small Claims Court.

The same principles apply to Director's Orders which become Orders of the Small Claims Court. The landlord may obtain an Order against one of the tenants for the full amount owing and then may act on the Order once it has been made a Small Claims Court Order. If the landlord then proceeds to obtain another Order for the same debt against the other tenants, the landlord may choose which Order is to be enforced. The landlord cannot collect, in total, more than the total debt owing and cannot collect the entire amount from each of the tenants.

Procedure:

Not applicable.