



Ending Fixed-Term Tenancy Confirmation Statement

#RTB - 49

The *Residential Tenancy Act* allows for the early termination of a fixed-term tenancy, commonly known as a lease, by a tenant who needs to end a fixed-term tenancy because of family violence or who has been accepted into a long-term care facility. The purpose of this form is to confirm the tenant's eligibility to end a fixed-term tenancy under section 45.1 of the *Residential Tenancy Act*. The confirmation statement in this form is completed by an authorized third-party verifier under Section 39 (family violence) or Section 40 (long-term care) of the *Residential Tenancy Regulation*. Contact information for the third-party verifier is necessary to confirm they are authorized to make a confirmation statement. Fraud used in completion of this form may result in a decision under the *Residential Tenancy Act* that the tenant's early termination is not valid.

Confidentiality: In accordance with the *Personal Information Protection Act*, a landlord must not use or disclose this form or its contents to any person without the consent of the tenant named below. A landlord must refuse to provide access to the tenant's personal information if: it would threaten someone's life or security; it would reveal someone else's personal information; or, it would reveal the identity of someone who provided personal information about someone else.

Unauthorized use or disclosure may subject the landlord to investigation by the Office of the Information and Privacy Commissioner. **See Important Information on next page.**

TENANT INFORMATION

first and middle name(s) last name

RENTAL UNIT ADDRESS

BC
unit/site # street number and street name city province postal code

SIGNATURE:

(tenant or legal representative)

DATE:

day month year

THIRD-PARTY VERIFIER CONFIRMATION STATEMENT

I, , know the tenant identified above in my professional capacity as a(n) authorized third-party verifier first and last name

and confirm that this tenant is eligible to end a fixed-term tenancy position

under section 45.1 of the *Residential Tenancy Act*. I confirm that I am authorized under section 39 (family violence) or 40 (long-term care) of the *Residential Tenancy Regulation* to make this statement and that I have assessed the tenant and the tenant's circumstances in accordance with section 41 (assessments) of the *Regulation*.

I understand that, in making this statement, I may be required to provide information in a proceeding under the *Residential Tenancy Act* but only regarding the following matters:

- (a) evidence as to my authority to complete this statement under the *Residential Tenancy Regulation*;
- (b) evidence as to the authenticity of my signature on this statement.

SIGNATURE:

(authorized third-party signature)

DATE:

day month year

CONTACT INFORMATION (may be third-party verifier or an authorized representative from the agency)

first and last name position

agency phone number

email

FOR MORE INFORMATION

RTB website: www.gov.bc.ca/landlordtenant

Public Information Lines 1-800-665-8779 (toll-free) Greater Vancouver 604-660-1020 Victoria 250-387-1602

Residential Tenancy Branch

Office of Housing and Construction Standards

#RTB-49 (2017/01)

IMPORTANT INFORMATION

PURPOSE OF FORM

The *Ending Fixed-Term Tenancy Confirmation Statement* (form RTB-49) is used by an authorized third-party verifier to confirm a tenant's eligibility to end a fixed-term tenancy agreement early under specific circumstances.

AUTHORIZED THIRD-PARTY VERIFIERS

Only those persons listed in sections 39 and 40 of the Residential Tenancy Regulation are authorized to make this confirmation statement. A person who makes a confirmation statement may be compelled in a proceeding under the *Residential Tenancy Act* to disclose or provide evidence of their authority to make the statement or the authenticity of the signature appearing on the statement.

TENANT ELIGIBILITY

A tenant is eligible to end a fixed-term tenancy under section 45.1 of the Residential Tenancy Act if they are named on the tenancy agreement and an authorized third-party verifier confirms one of the following:

- A. if the tenant remains in the rental unit, the safety and security of either the tenant or a dependent of the tenant who lives in the rental unit is or is likely at risk from family violence carried out by a family member of the tenant as defined in the Family Law Act;
- B. the tenant has been assessed as requiring long-term care; or,
- C. the tenant has been admitted to a long-term care facility.

GUIDELINES FOR THIRD-PARTY VERIFIERS

A person making a confirmation statement must:

- be listed in section 39 (family violence) or section 40 (long-term care) of the Residential Tenancy Regulation;
- assess the tenant and the tenant's circumstances in accordance with section 41 of the Regulation;
- use the *Ending Fixed-Term Tenancy Confirmation Statement* (form RTB-49), completed in full and including contact information (may be third-party verifier or authorized representative from their agency);
- keep the confirmation statement, its contents and the tenant's circumstances confidential;
- provide the confirmation statement only to the tenant or to a person authorized to receive it in accordance with section 42(b) of the Regulation, either in person, by mail or by electronic means; and
- keep a copy of the form and any related records.

PROCESS FOR EARLY TERMINATION OF FIXED-TERM TENANCIES

An eligible tenant may end their fixed-term tenancy by providing the landlord with one rental month written notice, accompanied by a completed *Ending Fixed-Term Tenancy Confirmation Statement* (form RTB-49). All tenants subject to the same tenancy agreement will be required to vacate the rental unit when the tenancy ends, unless the remaining tenant(s) enter into a new tenancy agreement with the landlord.

RESIDENTIAL TENANCY BRANCH DISPUTE RESOLUTION

- A landlord cannot apply for dispute resolution if their claim is with respect to a tenant's eligibility to end their tenancy.
- A landlord can apply for dispute resolution if the basis of the claim is that the confirmation statement was made by a person who was not authorized under the regulations to do so.
- A landlord can apply for dispute resolution if the tenant's notice is not provided in accordance with the *Residential Tenancy Act* or if there are other claims unrelated to the tenant's notice to end tenancy.

TIMEFRAME FOR USE OF FORM

The *Ending Fixed-Term Tenancy Confirmation Statement* (form RTB-49) may only be used for the purpose set out in the *Residential Tenancy Act* and will be valid from the date it is signed by the third-party verifier and for:

- 90 days for the purpose of providing notice to end a tenancy for family violence
- 180 days for the purpose of providing notice to end a tenancy to move into long-term care

ADDITIONAL INFORMATION AND RESOURCES

- Visit the Residential Tenancy Branch website at www.gov.bc.ca/landlordtenant for more information and helpful resources.
- Visit the VictimLinkBC website at www.victimlinkbc.ca or call 1-800-563-0808 for confidential information, referral services and crisis support for victims of family violence and all other crimes.

Eligibility to confirm risk of family violence

39 The following persons may make a family violence confirmation statement:

- (a) a person who
 - (i) is an employee of an organization that receives funding, for the purpose of providing support or services, from either
 - (A) the department of the ministry of the minister responsible for the *Victims of Crime Act* that administers programs with respect to victim services, or
 - (B) the British Columbia Housing Management Commission, and
 - (ii) provides support or services to persons who are at risk of, are or may be, experiencing violence;
- (b) a person designated by a director under the *Child, Family and Community Service Act* to exercise duties in respect of child welfare;
- (c) a member of the provincial police force or a municipal police department in British Columbia;
- (d) an employee of the government who is responsible for duties as a victim court support caseworker;
- (e) an employee of an organization that receives funding from the government of British Columbia or of Canada for the purpose of providing settlement and integration services to permanent or temporary residents, or naturalized citizens;
- (f) a medical practitioner;
- (g) a nurse practitioner;
- (h) a registered nurse who is authorized by the British Columbia College of Nursing Professionals to practise nursing;
- (i) a registered psychiatric nurse or psychiatric nurse who is authorized by the British Columbia College of Nursing Professionals to practise psychiatric nursing;
- (j) a registered psychologist who is authorized by the College of Psychologists of British Columbia to practise psychology;

- a member of the BC Association of Clinical Counsellors
- (k) who is designated by that group as a Registered Clinical Counsellor;
- (l) a social worker who is authorized by the British Columbia College of Social Workers to practise social work;
- (m) a lawyer who is authorized by the Law Society of British Columbia to practise law;
- (n) an employee of an institution or a university within the meaning of the *College and Institute Act* who is responsible for providing counselling services to students;
- (o) an employee of
 - (i) an aboriginal organization who is responsible for duties as a family support worker, executive director, aboriginal court worker or aboriginal justice worker, or
 - (ii) a first nation or the Métis Nation British Columbia who is responsible for providing support or services in respect of children, families, justice, housing or health.

[en. B.C. Reg. 278/2016, Sch. s. 5; am. B.C. Reg. 152/2018, s. 7.]