

SPECTRUM



Assignment and subletting

As the academic year comes to a close, you might realize that the lease you signed in September is for a full year and that you will not be using the apartment over the summer. One good method of ridding yourself of this problem is to assign your rights as tenant to another willing individual. Another solution is to sublet your apartment. This article will explain some of the implications of assigning or subletting your apartment.

Assignment

An assignment takes place when a second tenant takes over all of your rights, thereby releasing you permanently from your responsibilities as tenant. The new tenant

will become solely responsible for maintaining the premises and repairing any damage which may occur. The new tenant is also responsible for the rent. For example, if you have a lease running from September to September, you may want to leave the apartment permanently in May when school ends. By assignment, you and permanently release yourself from the leasing arrangement.

Unless the lease stipulates that no assignment is allowed, there should not be any difficulty in assigning your rights under a lease. There are leases that state the landlord must give his consent before you assign your rights. Assignment is not an automatic right when you rent an apartment. If your landlord must give consent

to assignment, you must notify your landlord of this in printed form. Your landlord then has seven days to respond. The landlord has the right to serve you a notice to quit or vacate the premises rather than give his or her consent.

Landlords are allowed to charge an administrative fee of a maximum of twenty dollars for giving their consent to an assignment. This fee is designed to cover reasonable expenses incurred by the landlord as result of the change in tenants.

All the necessary forms may be obtained from the Office of the Rentalsman.

Subletting

You can sublet your premises to a second tenant for a portion of the lease. For example, you can sublet

your apartment out for any number of months during the period in which you are renting the apartment from your landlord. Like assignment, subletting with relieve you of your responsibilities. In other words, you will not be responsible to the landlord during the period in which the second tenant is on the premises. Subletting is useful when you want to temporarily release yourself from the leasing arrangement. After the sublet, you will again assume the responsibilities of the leasing arrangement.

In a sublet, the landlord must inform the original tenant as well as the new tenant of any increases in the rent. The original tenant has a right to treat the notice as a notice to end the lease. Both the original

tenant and the new tenant may decide that they do not want to pay a higher rent, and choose instead to vacate the premises. If the new tenant fails to fulfil any obligations of a lease in a subletting arrangement, the landlord may take action against the new tenant only and not the original tenant.

THIS COLUMN IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT INTENDED AS A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE. IF YOU REQUIRE ADDITIONAL LEGAL INFORMATION OR LEGAL COUNSELLING, PLEASE CONTACT A LAWYER.

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