

Ending a Tenancy due to Domestic Violence, Sexual Violence or Stalking

Overview

Under *The Residential Tenancies Act*, tenants of a rental unit can end their tenancy (e.g. housing lease) if they have experienced domestic violence, sexual violence or stalking, and they currently feel unsafe in their home or believe there is a risk to their safety (including physical, emotional or psychological safety) or the safety of their children if they stay in the rental unit.

How to apply

1. Complete the form

A tenant can complete this form, and ask certain professionals to confirm that they have been the subject of domestic violence, sexual violence or stalking (see page 4 for more information, *including a list of professionals who may provide a written statement*).

Please note: if the tenant has made a complaint to local law enforcement authorities (police) about domestic or sexual violence or stalking, or has an order of protection issued by the courts, the tenant does NOT need to complete this form. They can contact Victim Services directly to request a certificate to end their tenancy.

2. Send the form to Victim Services

When all the sections of the form have been completed by the tenant and the certified professional, the form can be sent by email or mail or delivered in person to Manitoba Justice Victim Services:

Email address: VictimServicesCourtOrders@gov.mb.ca

Mailing address: Manitoba Justice Victim Services
1410-405 Broadway
Winnipeg, MB R3C 3L6

Phone number: 204-945-6851 OR 1-866-484-2846

3. Speak with Victim Services

The tenant will be contacted by a Manitoba Justice Victim Services worker to arrange a time to discuss the matter and provide the certificate to end the tenancy. The tenant should indicate on the form how they would prefer to be contacted by Manitoba Justice Victim Services.

4. Give your notice of termination and the certificate to the landlord

Tenants must provide their landlords with a notice of termination that is at least one rental payment period, effective on the last day of the rental payment period. The tenant can use [Form 7 – Notice of Termination by Tenant](#) to provide the required written notice to their landlord.

If you have questions about this process or need assistance, please contact Manitoba Justice Victim Services at 204-945-6851 or 1-866-484-2846. If you have questions or concerns about your lease, tenancy or landlord, please contact the Residential Tenancies Branch at 1-800-782-8403 or by email at rtb@gov.mb.ca.

Professional Statement

Section 1 – Tenant Information (tenant to complete this section)

First Name	Middle Name	Last Name
Address	City/town	Postal Code
Phone Number	Email Address	I prefer to be contacted by (phone or email):

Section 2 – Tenant Declaration and Consent (tenant to complete this section)

I declare that all information I have provided on this application and to the Certified Professional identified below is true and accurate to the best of my knowledge.

By signing my name below, I consent to the Certified Professional disclosing the personal information and personal health information I provided in support of ending my tenancy to Manitoba Justice Victim Services. I also consent to Manitoba Justice Victim Services collecting personal information and personal health information about me from the Certified Professional to confirm the information provided.

Name	Date	Signature
------	------	-----------

Section 3 – Certified Professional's Information (professional to complete this section)

A certified professional is someone who can confirm in their professional capacity that the tenant has been the subject of domestic violence, sexual violence or stalking. **Please see page 4 for more detailed information on the definition of domestic or sexual violence or stalking.**

Name of Certified Professional:	Occupation/Position:
Business Address:	City/Town:
Business Telephone:	Postal Code:
Email Address:	

Section 4 – Certified Professional Declaration (professional to complete this section)

In accordance with *The Residential Tenancies Act*, a certified professional, acting in their professional capacity, may provide a written statement (this form) indicating that in their opinion, the tenant has been the subject of domestic violence, sexual violence or stalking. Please note that as a certified professional you are not required to investigate or verify the information provided by the tenant, or assess the risk of safety for the tenant. You are confirming that the tenant has shared information with you in your professional capacity about their circumstances, and you believe the circumstances meet the definition of domestic violence, sexual violence or stalking.

I, _____ know the tenant identified above in my professional capacity as a _____ and in my opinion the tenant has experienced domestic violence, sexual violence or stalking as outlined. I confirm that I am authorized to make this statement and that I have assessed the tenant and the tenant's circumstances in accordance with the requirements in *The Residential Tenancies Act* as described on page 4 of this document.

Signature	Date
-----------	------

If you have questions about this process or need assistance, please contact Manitoba Justice Victim Services at 204-945-6851 or 1-866-484-2846. If you have questions or concerns about your lease, tenancy or landlord, please contact the Residential Tenancies Branch at 1-800-782-8403 or by email at rtb@gov.mb.ca.

For more information about Manitoba Justice Victim Services visit: www.gov.mb.ca/justice/crown/victims

For more information about The Residential Tenancies Branch visit: www.gov.mb.ca/cca/rtb

Your Personal Information

Manitoba Justice Victim Services is authorized to collect your personal information on this form by section 36(1)(a) and (b) of *The Freedom of Information and Protection of Privacy Act* (FIPPA), as we need this information in order to determine your eligibility for a certificate to end the tenancy under section 92.3 of *The Residential Tenancies Act*. We have limited the personal information we are collecting to the minimum amount necessary for this purpose.

You are providing your personal information to Manitoba Justice Victim Services in confidence. Your personal information is protected by FIPPA. We cannot use or disclose it for any other purpose, unless you consent or we are authorized or required to do so by FIPPA.

If you have any questions about your personal information, please contact the Assistant Director, Manitoba Justice Victim Services at 204-945-6851 or 1-866-484-2846.

Additional Information

What makes a tenant eligible to terminate their lease?

A tenant can end their tenancy in a rental unit under Section 92.3 of *The Residential Tenancies Act* if:

1. They are the subject of domestic violence, sexual violence or stalking (see definitions below), and they currently feel unsafe in their home or believe there is a risk to their safety, or the safety of their children, if they stay in the rental unit (this can include physical, emotional or psychological safety); AND
2. They have provided Manitoba Justice Victim Services with a written statement (this completed form); OR they have received an order issued by the court to protect them from domestic or sexual violence or stalking; OR they have made a complaint to local law enforcement authorities respecting domestic or sexual violence or stalking; AND
3. They have received a certificate from Manitoba Justice Victim Services which they provided to their landlord; AND
4. They provide their landlord with notice of termination that is not less than one rental payment period, effective on the last day of the rental payment period.

Who can be a certified professional?

According to Section 92.4 (3.1) - certified professionals who may complete the form include:

- (a) a physician;
- (b) a practising registered nurse under *The Regulated Health Professions Act*;
- (c) a registered psychiatric nurse registered under *The Registered Psychiatric Nurses Act*;
- (d) a psychologist registered under *The Psychologists Registration Act*;
- (e) a social worker registered under *The Social Work Profession Act*;
- (f) a member of the Royal Canadian Mounted Police or of a police service established or continued under *The Police Services Act*;
- (g) a person employed at an emergency or transitional shelter for persons who are at risk of homelessness or violence, if the person is authorized by their employer to provide statements under this section;
- (h) a person employed to provide support services for victims of domestic or sexual violence or stalking, if the person is authorized by their employer to provide statements under this section;

What are the definitions of domestic violence, stalking and sexual violence?

1. Definition of Domestic Violence (*The Domestic Violence and Stalking Act*)

Domestic violence includes:

- Causing harm to you or your property, or using threatening actions or behaviours that cause you to fear being harmed or fear your property will be damaged.
- Emotional abuse
- Forcing you to remain against your will
- Sexual abuse

To be considered domestic violence, the acts above must be committed by a person who:

- lives or did live with you as a spouse or intimate partner
- had a family relationship with you (whether or not you ever lived together)
- had a dating relationship with you (whether or not you ever lived together)
- is the biological or adoptive parent of your child, regardless of marital status or if you have ever lived together

2. Definition of Stalking (*The Domestic Violence and Stalking Act*):

Stalking occurs when a person who has no legal reason to contact you continues to bother you after you have said you want to be left alone. This repeated, unwanted contact can make you afraid for your personal safety.

Stalking may include:

- Following you from place to place or following your family or friends to get information about you.
- Communicating directly or indirectly with you or your family or friends to get information about you.
- Watching you in your home, workplace or any other place.
- Threatening and intimidating behaviour or comments directed at you.

3. Sexual Violence (*The Residential Tenancies Act*):

Sexual violence is defined as:

Any sexual act or act targeting a person's sexuality, gender identity or gender expression – whether the act is physical or psychological in nature – that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, indecent exposure, voyeurism and sexual exploitation.