

Subletting for the summer in Windsor

Living as a student doesn't come cheap; and sometimes your plans change. Don't let getting locked in a full-year lease prevent you from taking the semester abroad or taking a summer job in a different city. Assignment and subletting are two options available to you to relieve some of the financial burdens of paying for an apartment you don't plan on living in.

What is the difference between assignment and subletting?

Assignment: signing over the lease to a new candidate. Your name goes off the lease, the new tenant goes on. Once your name is off the lease you no longer have rights or responsibilities to the landlord or the unit. Think of assignment as a long-term decision to end your tenancy before the full-year term is over.

Subletting: someone stays in your unit and must leave when you get back. Your name stays on the lease and are still responsible and liable as if you were still living in the unit. There is no restriction on the time for you to sublet a unit but may be more worthwhile in the short-term because you remain responsible for the unit.

There are many things to consider when you are deciding whether either of these options are good for you. You don't need to be a lawyer or paralegal to get the ball rolling on your own.

Some tips before you sublet and/or assign:

1. Interview your candidate before bringing them to the landlord.
Is this a person you trust as a good tenant? Can they assure you that they will pay rent in full and on time? A landlord has the right to deny a sublet or assignment of a candidate if they can prove their reason for denying the candidate is reasonable.*
2. Have the contact information of the candidate.
You want to be able to get in touch with them if there are issues, or if you want to move back in sooner.
3. Make sure you have discussed the terms of the sublet with this new person.
Are utilities included? Are you living with other tenants and just subletting your room? Do they have to provide their own bed?
4. Take photos or a video of the unit before you hand over the keys.
It is good practice to keep a record of the state of the unit when you pass it over either to the new tenant or your subletter.
5. Try and keep communication in writing.
Either with the landlord or the candidate try to send emails back and forth or write down summaries of your phone calls. It can be helpful down the road to clarify confusion.

* Reasonableness is used here as a legal term on a sort of scale where for example: not being able to pay rent is a reasonable reason to deny a candidate and having rainbow coloured hair is unreasonable.

For more detailed information on getting out of your lease check out this article on Steps to Justices: <https://stepstojustice.ca/questions/housing-law/how-can-i-get-out-my-rental-agreement>

If you are having issues with your landlord regarding terminating your lease in the Winsdor-Essex area and think you may need some legal advice, please give Community Legal Aid a call 519-253-7150 to schedule an intake appointment.