

SHARING RENTAL HOUSING?

START OVER

Based on the answers you have given, you are probably a ...

Licensee

You are considered a "licensee" and the person who rents the place to you is a "licensor". The law of landlord and tenant does not apply. Neither the Commercial Tenancies Act nor the Residential Tenancies Act applies to you. The law about licensees is mostly judge-made law.

A licensee has a limited right to occupy the premises for a limited period of time. The courts will look at many factors to determine whether a person is in a landlord-tenant relationship or a licensor-licensee relationship. There is no simple test. Two common situations when you would likely be considered to be a licensee are:

- if you share a house or condominium unit (including a bathroom or kitchen) with the owner or their child, parent, spouse, or their spouse's child or parent
- if you rent a room in a house, apartment or condominium unit from a person who is a tenant living there, and you share the space with that person.

As a licensee you have very little legal protection. You can be evicted:

- without notice if you don't pay rent; or
- with notice for any reason or even for no reason. The amount of notice required is usually equal to your rental period (often one week or one month).

It is often a good idea to get a written agreement before moving in. You should include in this agreement what will happen if you want to move out or if the person you rent from wants you to leave. If there is a dispute between you and the person you rent from, and you cannot settle it between yourselves, you may have to go to court. Depending on the type of dispute, you may be able to go to Small Claims Court or the Superior Court. It is very unlikely the court would stop you from being evicted, but you may be entitled to monetary compensation in some situations.

NOTE: This area of the law is very complicated. You should get legal advice from a lawyer or legal clinic. For information on getting legal help, see the [Legal Resources](#) section of this web site.

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[Top of Page](#)