



45 Day Notice of Availability

Of an Extensively Repaired or Renovated Rental Unit

Residential Tenancy Act, s. 51.2 (2)

This form is used by a landlord to notify a tenant who has exercised their right of first refusal under section 51.2 (1) of the Residential Tenancy Act of the date of availability of the rental unit.

#RTB – 35

To the tenant (full names are required)

Use Schedule of Parties (RTB-26) to list additional tenants.

first and middle name(s)

last name

first and middle name(s)

last name

Tenant Address (address where documents will be given personally, left for, faxed, or mailed to the tenant for service)

unit/site #

street number and street name

city

province

postal code

daytime phone

other phone

fax number for document service

From the landlord (full names are required)

Use Schedule of Parties (RTB-26) to list additional landlords.

first and middle name(s)

last name or full legal business name

unit/site #

street number and street name

city

province

postal code

daytime phone

other phone

fax number for document service

I am notifying you that the following rental unit will be made available to rent on:

day month year

unit number

street number and street name

city

B.C.

province

postal code

I have prepared and enclosed a tenancy agreement to sign.

Landlord or Agent
Signature: _____

Landlord or Agent
Name (print or type): _____

Date
signed: _____

day month year

Service Details. Complete below at time of service.

Notice served: In person On the door or in mail box or mail slot By mail By fax Other (e.g. director's order for substituted service): _____

on: day month year

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-35 (2018/05)

IMPORTANT INFORMATION FROM THE RESIDENTIAL TENANCY BRANCH

1. RIGHT OF FIRST REFUSAL

If you received a notice to end tenancy for repairs or renovations and you gave your landlord notice to exercise your right of first refusal (form RTB-28) before vacating the rental unit and the rental unit is in a residential property containing 5 or more rental units, your landlord must give you:

1. A Notice of Availability (form RTB-35) at least 45 days before the date the rental unit will be available to rent.
2. A tenancy agreement to commence on that date.

2. FAILURE TO ENTER INTO A NEW TENANCY AGREEMENT

You have until the availability date to enter into a tenancy agreement in respect of the rental unit.

If you do not enter into a tenancy agreement on or before that date, you will have no further rights in respect of the rental unit, and your landlord may rent the unit to another tenant.

3. COMPENSATION

If your landlord does not comply with these obligations, the law requires your landlord to compensate you in the amount of 12 months' rent payable under the current tenancy agreement unless there were extenuating circumstances that prevented your landlord from complying.

4. WHEN YOU ARE CONSIDERED TO HAVE RECEIVED THIS NOTICE

You are considered to have received this Notice on the day it is given to you in person (or to an adult (19+) who appears to live with you)

If you were not personally served with this Notice, you are considered to have received the Notice, unless there is evidence to the contrary, on the following:

- 3 days after the landlord either leaves the Notice in the mailbox or in mail slot; posts it on the door or a noticeable place at the address where you live; or faxes it to a number you have provided as an address for service; or
- 5 days after the landlord sends the Notice by registered or regular mail to the address where you live.

Note: The date a person receives documents is what is used to calculate the time to respond; the deeming provisions do not give you extra time to respond

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