

BREAKING A LEASE

If you have a written lease and you wish to give up the place that you rent before the lease expires, you are breaking your lease. A lease is simply a type of contract; you have agreed to stay in the unit for a certain amount of time and your landlord has agreed to charge you a certain amount of rent for that time. When you leave before the lease expires, you are, in effect, breaking a contract.

Always give your landlord seven days' written notice before you move out, and give your new address. The landlord must then send you a letter within 15 days after you move out, either returning your deposit to you, or explaining why it will not be refunded. If the landlord does not send the letter within 15 days, then the landlord loses the right to the deposit. In most cases the landlord will want to keep your security deposit and last month's rent. The landlord keeps that money as damages because you broke the lease. In some cases, if the landlord is unable to rent your place, you may be held responsible for rent for each month that your place remains vacant during the remaining time on your lease.

The following suggestions may help you avoid being held responsible for any money beyond the security deposit and last month's rent:

1. If not prohibited in your lease, find a responsible party to sublease your place. The landlord cannot unreasonably withhold his consent to such an arrangement.
2. Give the landlord as much notice as you can so that he/she will be able to try to find a new tenant without losing rent.
3. Allow the landlord to show the apartment at reasonable hours.

If there is no gap between when you leave and that of the new tenant you may be entitled to the return of your security deposit.

Sometimes tenants want to break a lease because conditions exist which make the apartment undesirable and the landlord refuses to correct them. Before you move out or attempt to withhold rent, consult an attorney as there are procedures you must follow in order to avoid legal action by the landlord.