

## Early termination of a rental lease

Do you want to vacate your home before your rental agreement expires?

In our market characterized by a strong housing shortage and where obtaining a new home very often occurs at short notice, it is practically inconceivable to terminate your rental lease within the period specified in the contract:

the term hardly ever corresponds to the time limit within which you will access your new accommodation. Fortunately, the law allows early termination, also called the early return of the rented item, which offers more flexibility.

### Legal bases

Art. 264, al. 1 and 2 of the Code of Obligations

When the tenant returns the object without observing the deadline or the notice period, he is released from his obligations to the lessor only if he presents him with a new tenant who is solvent and that the lessor cannot reasonably refuse; the new tenant must also be prepared to take over the lease under the same conditions. Failing that, the tenant must pay the rent until the expiration of the term of the lease or until the next term of contractual or legal leave.



Art. 35 of the rental rules and uses of the Canton of Vaud (RULV)

When the tenant returns the thing without observing the period or term of notice, he must notify the lessor in writing indicating the date of return of the thing and he must present at least one solvent tenant who is willing to take over the lease from the same. conditions on the date of return of the item indicated by the tenant. If the lessor has well-founded objections against the candidate, he must immediately inform the lessee of the reasons for his refusal.

In such a case, the tenant must respect at least one month's notice for the fifteenth or the end of a month.

Under no circumstances can the lessor be required to agree to conclude with the person proposed by the lessee, it being specified that the latter is then released.

### Prior notice

In case of early termination, the notice is one month for the fifteenth or the end of a month.

- Example 1: I wish to cancel by May 15; the management must be in possession of my letter of termination no later than April 14 (beware of working days / holidays).

- Example 2: I wish to cancel by May 31; the management must be in possession of my letter of termination no later than April 29 (beware of working days / holidays).

Since the postage stamp is not authentic, it is the moment of receipt of the letter by your agency that is decisive. It must be sent by registered letter (see procedure below). It is therefore necessary to take into account the period of custody of the-

registered letter by post. If the notice is short, you have the option of bringing your letter by hand to the office of your agency, which will then sign an acknowledgment of receipt.

Note that most agencies do not accept a termination for December 31.

## Condition

Unless the management releases you from this obligation, you must present a suitable buyer agreeing to take over the contract under the same conditions.

The person must

- be solvent (no prosecution)
- have sufficient income to qualify for the rent of the apartment (generally accepted ratio: the rent including charges must not exceed one third of the person's net income)
- be of good character and enjoy a good reputation.

## Procedure for canceling

1. Send your cancellation to your agency by registered letter (see attached model). Please note: it must be signed by all the lessees of the lease and the married spouse if it is a family accommodation. Remember to terminate any annexes that are the subject of a second lease (eg parking space). Pay attention to the notice to be observed (see above).

2. If you already have a suitable buyer, you have the option of submitting his application to your agency simultaneously with your termination. However, it is not essential to do so at this time.

3. Your agency will promptly acknowledge receipt of your termination and tell you the process it wishes to apply:

To. The management releases you from your obligations on the desired date: you do not have to find a buyer. You must nevertheless accept a technical visit from the management (pre-inventory to determine if work is necessary) and accept that visits to your accommodation be organized by the management with a view to its relocation.



b. The management does not free you from your obligations: you must present a suitable buyer (see condition above). You must nevertheless accept a technical visit from the management (pre-inventory to determine if work is necessary, at the end of which you could still be released from your obligations) and schedule visits to your apartment (see below). below).

4. Visits to your accommodation will be organized in agreement with your management. The latter actively participates in the search for a new tenant by publishing your apartment on its website and on its rental listings. It may still ask you to post your own ads. In all cases, we advise you to coordinate with your agency. At the end of the visits, files are sent to the management. As soon as a tenant is chosen, the management informs you so as to stop visits. As long as you don't, you are still bound by your obligations.