

# CANCEL LEASE EARLY

## LEGAL OPTIONS CONSUMER GUIDE



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## INTRODUCTION

The Legal Options Consumer Guide will assist you in navigating the dangerous legal grounds with the help of an experienced legal advisor. If you need to cancel your lease early and the landlord doesn't want to negotiate, you need legal advice.

By reading this guide, you can make informed, intelligent decisions. We have dedicated our business to educating consumers. We'll be happy to answer any questions you might have - [I need legal advice](#).

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## NEED TO CANCEL YOUR LEASE EARLY?

### Relocation

Are you worried because you've been transferred or simply need to relocate, but you signed a long-term lease? You've been transferred to another branch of your company. You are wondering:

- Am I entitled to cancel my lease agreement?
- Can I give early notice of termination?
- How much notice do I need to give, and how do I go about this process?

### Cannot afford the lease anymore

You signed a fixed-term lease. Circumstances changed, and you are in trouble...

- Your buddy moved out
- You are getting divorced, and your partner moved out
- You are going through a bad breakup
- You lost your job

You simply cannot afford to pay the rent. It is just too expensive!

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## CONSUMER PROTECTION ACT

### You have the right to give early notice of termination and cancel your lease

According to the CPA, some tenants have the RIGHT to give early notice of termination and to cancel their leases. **If they qualify to do so and do so while fulfilling ALL the legal cancellation criteria.** This is "an early termination of lease".

It is not a “breach of contract”. It is a formal legal process, and the lease must be signed by a natural person, i.e. an ordinary human being.

### **Cancellation penalty**

An early cancellation penalty may be applicable if you give early notice of termination, but this NOT always the case. It may include an admin fee and may consist of some financial relief for the landlord occasioned by the early notice of termination. There are no clear guidelines on what amounts to an early termination penalty and should not be agreed in advance. It will vary according to the facts from case to case.

Do not panic. Get professional legal advice to save costly mistakes.

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## **WHAT SHOULD I DO?**

### **How to request the early termination and cancellation of your lease**

If the CPA is applicable and you qualify; you can always give early notice of termination and cancel a fixed term agreement/contract. You must provide **20 business days’** written notice to your landlord. It’s about 30 calendar days.

Get help with the legal process. It will be well worth the cost involved. Have this ready to start your case:

- Landlords current contact details, or
- Current contact details of the agent, and
- A copy of the signed lease, and
- An email instruction to start the lease cancellation procedure if you need our legal assistance

### **Lease cancellation, the legal way**

The legal consultant will investigate the case by going through these steps:

- Study the lease agreement
- Determine if any Act or CPA is applicable
- Follow the formal legal process to make an early termination legal and enforceable
- Make sure the notice complies to the Act
- Negotiate the terms of exit and penalties, if needs be

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## CONTACT US

Both landlords and tenants must be aware of their legal rights. Know your legal rights.

Hugh Pollard is a Legal Consultant with a BA LLB. He has 41 years' legal experience in the legal field.

### **Call Hugh now for legal advice**

Hugh – 0820932304

Or email him at [info@legaladviceoffice.co.za](mailto:info@legaladviceoffice.co.za)