

10 tips on the termination of lease contracts for housing

1. A termination of a lease agreement is a unilateral legal transaction. Anyone who is awaiting a confirmation, so that the declaration of consent is effective, is subject to an error of law
2. A termination shall always be subject to access, i.e. it must effectively reach the recipient in such a way that (based on normal circumstances) the recipient is able to take notice of it
3. For the delivery of the notice of termination of lease, the best option is to take a courier service whose delivery agent has previously made a note of the contents of the consignment. Or take an independent witness with you if you put the written notice into the mailbox by yourself. When mailing the letter, select normal registered mail. Taking registered mail / note of delivery, the letter might not be picked up actively by the recipient with the result that there's no access and an invalid termination
4. If nothing else is stipulated in the rental agreement, the rented property can be terminated with a notice period of three months at the end of the month. There are three days of grace period, but you should not cancel at the last minute
5. Temporary and fixed tenancy agreements cannot be properly terminated before their expiration date, as they are deemed to be fixed. In return the tenancy does not extend, if one simply remains in the property
6. If there are several, collaborative landlords with different addresses, the notice of termination of the flat must be declared to each of them. Also, all tenants must declare the termination, otherwise it is invalid
7. Tenancy notice letters must be made in writing and signed by all tenants. An e-mail or SMS is not enough. In the event of an authorization of a third party, an original of the certificate of power of attorney must be attached to the written notice
8. In principle, all provisions for the termination of a tenancy apply not only to unfurnished flats, but also to furnished apartments, temporary accommodation and houses
9. The day after the last day of the period of the rental contract is the last day for the timely return of the apartment (if it is not a national holiday). Therefore, the tenant should consider the time required for possible cosmetic repairs, renovation and a key handover in good time. The rent is due until the end of the rental contract and cannot be offset with the rental deposit

Errors and changes reserved. Does not replace legal advice. As of spring 2018