

Support - Termination of lease

The execution of the notice of termination by the guardian requires the approval of the guardianship court.

Competent Department

- [Amtsgericht Bremen](#)
- [Amtsgericht Bremerhaven](#)
- [Amtsgericht Bremen-Blumenthal](#)

Basic information

- If the guardian wishes to declare the termination of the apartment on behalf of the person concerned, approval by the guardianship court is required before the declaration can be issued. The prerequisite is that the guardian is responsible for housing matters and that the guardian submits a written request to this effect. Without approval by the guardianship court, the termination is invalid. A subsequent cure is not possible.
- A medical certificate must be submitted with the application. This must show that it is no longer possible for the person concerned to live independently, even with the help of outpatient services. Furthermore, the certificate should contain a statement as to why a return is impossible. The guardianship court approves the concrete statements of the guardian, a blanket granting of approval is not possible.
- The court decides by order, which must become final. In addition to the application for approval by the guardianship court, an application must also be made for the issue of a copy of the decision with a certificate of res judicata.
- Provided that the person concerned is independently capable of making the termination and has an overview of the consequences of his/her actions, the granting of court approval is not mandatory. The court can only approve the declaration of the guardian. Independent termination by the person concerned, on the other hand, is not subject to approval. If in doubt, a doctor should be consulted to determine whether the person concerned is capable of overseeing his or her actions and the resulting consequences.

Requirements

Area of responsibility: housing matters; request of the guardian

What documents do I need?

- Medical certificate

A medical certificate is mandatory. This should not be older than one month before the application.

- Written request from the supervisor

The content of the application should provide information on whether the person concerned is mentally capable of carrying out the legal transaction independently.

Whether he or she can be heard on the application, this means to what extent he or she understands the facts. Could he or she appeal or make appropriate motions.

Which desires or viewpoint to the notice of termination has he or she to the apartment notice.

Procedure

- After receipt of the application, the case is submitted to the responsible legal officer for processing. As part of the approval procedure, the person concerned is given a personal hearing. This is carried out either by the court, or otherwise by a guardian ad litem appointed separately by resolution. The guardian ad litem checks compliance with the legal provisions and has an independent right of appeal. After receipt of a written statement from the guardian ad litem, the court shall decide by resolution.
- The decision is served on the parties to the proceedings so that the two-week appeal period can be set in motion. The order shall not take effect until it becomes final. If the guardian has filed an application for the issuance of a copy of the order with a certificate of res judicata, a corresponding copy shall be sent after the order has become res judicata. The legal force can be determined exclusively by the court.
- As a rule, after completion of the approval procedure, the court requires proof that the procedure has been carried out. This can be provided by submitting a confirmation of termination by the landlord.

Legal bases

- [§§ 1814 ff Bürgerliches Gesetzbuch \(BGB\)](#)

More information

A medical certificate must be submitted. This should not be older than one month before the application is made. In principle, statements, applications or other requests must be submitted to the court in writing.

There is no separate form. Corresponding applications can be made informally. However, the written form of the application is mandatory.

What are the costs?

With regard to the implementation of the approval procedure in the ongoing supervision procedure, there is no separate fee element. The ongoing fees already arise when the

proceedings are set up and are reviewed annually. If necessary, the costs of the guardian ad litem will be reclaimed as part of the annual review of costs.