



Landlord and Tenant Board

What is the Landlord and Tenant Board?

The Landlord and Tenant Board is a quasi-judicial agency that determines issues and rules on disputes that arise between residential landlords and tenants.

The Board consists of several Members throughout Ontario and is led by one member as the Chair and one or more members as Vice Chairs. The Members are not judges, but do have the authority to rule on applications, and have been selected from the community by the Lieutenant Governor to serve a three-year term. The Members must have the ability to hold hearings, make reasonable decisions, deal effectively with landlord and tenant relationships, possess knowledge related to administrative justice and fairness, and follow an established Code of Conduct and Rules of Practice. The Board is required to report annually on its operations, business plans, service levels and performance.

How do I contact the Landlord and Tenant Board?

The Board has a central toll-free telephone number, **1-888-332-3234** (in the Toronto area call 416-645-8080). The Board has eight **Regional Offices** across the province located in London, Hamilton, Ottawa, Sudbury, Mississauga and three in Toronto. There are 9 **Customer Service Offices** and numerous **Government Information Centres** throughout the province. The Board has a web site that provides online information about the Board, makes forms available for downloading and allows you to check the status of your application - **www.sjto.gov.on.ca/ltb**.

What services are offered by the Board?

The Board's Regional Offices offer a full range of services that include hearings, mediation, processing applications, providing general information on the RTA and distributing printed material including forms. Client Service Offices offer similar services with the exception of hearings and mediation. Document Filing Centres receive applications and distribute printed material only.

What are the reasons a landlord would apply to the Board?

There are several reasons a landlord may make an application to the Board, they include:

- The tenant has failed to vacate the premises as mutually agreed with the landlord;
- The tenant has failed to vacate the premises according to his/her notice of termination;
- The landlord has issued a termination notice and the tenant has failed to comply;
- The tenant has failed to comply with the terms of the mediated settlement or previous order of the Board;
- The tenant appears to have abandoned the rented premises;
- The tenant has abandoned the premises and the landlord wishes to dispose of his/her property;
- The landlord requires an eviction order for superintendent's premises;
- The landlord has discovered an unauthorized occupant of a rental unit. (The landlord must apply within 60 days of discovery.);
- The landlord requires an eviction order for an overholding sub-tenant. (Must apply within 60 days of expiration of sublet agreement.);
- The landlord is seeking compensation for rent owing, damage caused to the rental unit or residential complex or as a result of a tenant of a Rent-Geared-to-Income unit misrepresenting their income or money owing as a result of an overholding tenant;
- The landlord is seeking an order for a rent increase above the guideline, etc.;
- The tenant has changed the locks without the landlord's consent;
- To determine whether the Act applies.

Do I need a lawyer or a paralegal to represent me?

A lawyer or paralegal is not required, landlords and tenants may represent themselves at the Board.

How does a landlord proceed with the Landlord and Tenant Board to terminate a tenancy?

A notice of termination must be issued. Once a notice has been issued and the appropriate time period, if any, has passed, the landlord may file an application with the Landlord and Tenant Board requesting an order to terminate the tenancy and evict the tenant.

What is the termination process at the Board?

When seeking an order to terminate a tenancy and evict a tenant, the landlord must file several documents with the Landlord and Tenant Board. The landlord is required to file an application (they vary depending on the reason for termination) and a Certificate of Service to prove that a notice has been issued. Usually, landlords must complete and file **one copy** of the following documents:

- Notice to Terminate a Tenancy;
- Certificate of Service of the Notice; and
- Application To Terminate a Tenancy and Evict a Tenant

Note: Additional documents such as an Affidavit or Statutory Declaration may be required depending on the nature of the application.

Where does the landlord file the application?

Applications and other documents may be filed at any of the Board's Regional Offices, Customer Service Centres or Government Information Offices. It is no longer necessary to file documents in person, the Board receives most applications and other filings by mail, fax or in person. The fee for filing an application with the Board is typically **\$190** and may be paid by cash, certified cheque, credit card, debit card or money order.

What happens after the application is filed?

The Board staff will issue a Notice of Hearing once the various documents have been filed and the fees paid. The Notice of Hearing is a document produced by the Board. It is notice for the tenant that a hearing has been scheduled; it specifies the date, time and location of the hearing. If the landlord requires additional documents, the staff will make copies at a cost to the landlord.

How is the tenant notified of the hearing date?

Unless the landlord is instructed by the Landlord and Tenant Board to serve the tenant, the Notice of Hearing package will be sent to the tenant directly by the board.

How does the tenant dispute the application?

The tenant is no longer required to file a dispute in advance of the hearing; he/she may simply show up at the hearing and say "**I dispute**".

Can the landlord and tenant make an agreement?

If the landlord and tenant can agree, it is advisable to involve the Board's Mediators. The Board may mediate a settlement of any matter that is the subject of an application if the parties consent. A settlement that is mediated by the Board is allowed to include terms that contradict the legislation. If there is no mediated settlement, the Board will hold a hearing.

What happens if a hearing is held?

The Board holds hearing in cases where there are questions respecting the application; questions about the service of documents; or if the application for termination involves safety issues. The Board's hearing rooms are set up like a courtroom with an adjudicator's desk, applicant and respondent tables, one

witness table and seats for the public. The proceedings are supposed to be informal, the adjudicator is not robed and tends to allow each party a significant amount of time to present their case. Witnesses are allowed to be seated and are not always required to swear or affirm an oath. Hearings are digitally recorded and a clerk is not usually present, however, two security guards watch over the proceedings. The adjudicator has the authority to hear the application on the date of the hearing and make a decision the same day. In some instances the adjudicator may reserve judgment and not immediately release his/her decision. The adjudicator has 30 days from the hearing date to issue an order.

What happens after the hearing?

The Board will prepare the order and mail it to the parties to the application within a few days of the hearing, together with the reasons for the decision. The tenant is not entitled to file a motion to have the order set aside when an order is issued as the result of a hearing being held. All parties have the right to request a review of the Order or file an appeal.

What happens if I do not get my order within 30 days of my hearing?

If an order is not received within 30 days of a hearing, a complaint can be filed with the vice-chair of the Landlord and Tenant Board. Further instructions regarding the complaints process can be found on <http://www.sjto.gov.on.ca/en/complaints/>.

How is the eviction scheduled?

If an eviction is required, it may not be effective earlier than the termination date on the notice of termination or, in the case of a default order, on the 11th day after the order is issued. The landlord is required to take the order to the Enforcement Office (Sheriff's Office) at the Ontario Court of Justice to schedule the eviction. The landlord will be required to pay a filing fee which ranges from \$318-\$333 (There is a flat fee **plus** mileage for every kilometre the Sheriff has to travel to the eviction address). The landlord will be given instructions from the Enforcement Office. If the tenant does not vacate on the date specified by the Sheriff's notice, the landlord **MUST** contact the Sheriff to schedule a date and time for the eviction. The Sheriff will send a Notice to Vacate to the tenant instructing the tenant to leave the rental unit on or before a specific date.

Can the tenant stop the order?

The *Residential Tenancies Act* now permits a tenant to have the eviction stopped at any point up to the enforcement of the order by the sheriff; this may be used only once in the life of the tenancy agreement.

What happens when a request is made for the Review of an Order?

A party to an order, any person directly affected by the outcome, or any Board Member may request the Review of an Order. The request to review an order must be made in writing by filling out a Request to Review form, and must be filed within 30 days of the date the order was issued. Requests to review an order are made for two reasons, either the order contains a serious error; or a serious error occurred in the proceeding.

The Board requires a fee of \$55 when filing a Request to Review an Order, detailed information can be found in LSHC's Fact Sheet - *Requesting a Review*.

What is the process for Appeal?

Any person who is affected by an order issued by the Board may appeal the order to the Superior Court. Board orders may only be appealed to the Superior Court on a point of law. The appeal must be filed within 30 days of the order being issued. The appeal process is costly and lengthy.

The **Residential Tenancies Act Fact Sheets** are aimed at helping landlords better understand their rights and responsibilities. They are not intended as legal advice but rather as general information.

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