



Coronavirus (COVID-19)

The information surrounding the Coronavirus (COVID-19) pandemic is quickly evolving, this Fact Sheet will be updated as necessary.

What is COVID-19?

The novel coronavirus disease, also known as COVID-19, is an infectious disease that spreads primarily through airborne droplets (saliva or discharge from the nose). It can cause mild to severe respiratory illnesses, with some symptoms which are similar to the common flu (runny nose, sore throat, cough, fever and difficulty breathing in severe cases). While many can recover from this virus, it may also lead to death. Those with underlying medical problems or weak immune systems are particularly more vulnerable. On March 17, 2020, the Premier of Ontario declared a state of emergency in the province due to COVID-19. To date, two further emergency orders have been implemented to stem and reduce the spread of COVID-19.

What is physical distancing?

The Government of Canada is requiring everyone to participate in social or physical distancing. Social distancing means minimizing your close contact with others by changing your daily routines. This means:¹

- avoiding crowded places and gatherings (other than immediate family)
- avoiding common greetings, such as handshakes
- limiting contact with people at higher risk (e.g. older adults and those in poor health)
- keeping a distance of at least 2 metres (approximately 2 arms lengths or the length of a hockey stick) from others, as much as possible

How to practice physical distancing?

In order to actively practice social distancing, everyone is encouraged to:²

- greet with a wave instead of a handshake, a kiss or a hug
- stay home as much as possible, including for meals and entertainment
- shop or take public transportation during off-peak hours
- conduct virtual meetings
- host virtual playdates for your kids
- use technology to keep in touch with friends and family
- work remotely where possible

^{1/2} Taken from the Government of Canada website <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/social-distancing.html>

How might COVID-19 affect your tenancy? Can you still serve Landlord and Tenant Board notices and file applications?

The novel coronavirus is a worldwide pandemic and the province of Ontario is revising and adjusting its plans as deemed necessary. During this time, the Landlord and Tenant Board is continuing to accept applications and schedule hearings. However, there is currently a delay of approximately 6 months for most applications. Unless there is a situation involving serious impairment of safety or an illegal act, the Landlord and Tenant Board is scheduling hearings based on the order in which applications have been filed.

To be clear, tenants are still responsible for paying their rent. However, in cases where the tenant needs to choose between putting food on the table and paying rent³, they can opt not to pay rent without fear of losing their housing. This does not mean that the rent is gone forever, it's more of a payment deferral option for the tenant until they become financially stable again. Ontario Premier Doug Ford "has said that no one will be evicted for their inability to pay rent, but the Ontario government has not waived rent for the province."⁴

Section 83(6) of the *Residential Tenancies Act*, now requires that landlords try to work with their tenants and attempt to negotiate a payment agreement. Any payment agreements that are successfully formed between landlords and tenants on their own can be documented using the Landlord and Tenant Board's Payment Agreement form which is found at <https://tribunalsontario.ca/lrb/forms/>

Hearings at the Landlord and Tenant Board are currently being scheduled for all applications virtually. The Landlord and Tenant Board is still processing incoming applications, so by serving notices now and filing applications, you are simply trying to secure your place in line.

What to do if your tenant stops paying rent?

If your tenant stops paying the rent, first try talking to the tenant to help get an understanding of what they are dealing with. However, you can start the process by serving proper legal notice of termination.

Landlords can still serve the *N4 - Notice to End your Tenancy Early for Non-payment of Rent*⁵ to start the clock with the first step and follow through with the L1 application at the appropriate time. Keep in mind that even though the Landlord and Tenant Board is continuing to hold hearings virtually during the COVID-19 pandemic, it may take months before you get to a hearing and/or obtain an eviction order.

³ Watch the Premier's announcement here at <https://www.youtube.com/watch?v=5vHgPEfL04k>

⁴ Found at <https://www.msn.com/en-ca/money/topstories/starting-to-panic-landlords-fear-they-wont-be-helped-if-tenants-dont-pay-rent-amid-covid-19/ar-BB11GdNN?li=AAgNb9>

⁵ Refer to Landlord's Self-Help Centre's Landlord Learning Modules for instructions on how to complete the forms.

Once you get your hearing date, you will have to comply with recent legislated requirements. Landlords are required by Section 83(6) of the *Residential Tenancies Act* to try to negotiate a payment agreement with the tenant and to offer options for deferring rent payments. The Landlord and Tenant Board has a Payment Agreement form <https://tribunalsontario.ca/lrb/forms/> which you can use to document your payment plan agreement. You have to show your attempts at reaching a payment plan during your arrears hearing.

How can I get an urgent hearing at the Landlord and Tenant Board?

If you have already filed an application or are in the process of filing an application based on a termination notice already served, and you think your matter is urgent in nature, the Landlord and Tenant Board has the *Request to Extend or Shorten Time* form on their website. The *Request to Extend or Shorten Time* form can be found at <https://tribunalsontario.ca/lrb/forms/>. If your request for an earlier hearing is denied, the Board will notify you of this along with reasons for the decision and a hearing will be scheduled for your application when possible.

If the Landlord and Tenant Board approves your request, an earlier hearing will be scheduled.

What financial help is available for landlords?

If landlords are struggling to pay their mortgage, the Federal Government has announced that the 6 major banks in Canada are allowing for mortgage deferral options:

Canada's Big Six banks announced last week they were prepared to provide personal and small business customers financial assistance "on a case-by-case basis" if consumers found themselves facing COVID-19-related problems. The largely unprecedented offer included up to a six-month payment deferral for mortgages, as well as other possible relief, with other, smaller lenders taking similar steps.⁶

Contact your bank for more information and to see if you qualify.

Small businesses (including small landlords) are also being offered financial assistance and support, more information can be found at <https://www.canada.ca/en/departement-finance/economic-response-plan.html>

Is it ok to do maintenance inspections and/or repairs during this time?

In the best interest of everyone's health, it is not advisable to enter the tenant's unit during this time of social distancing, unless it's necessary. Talk to your tenants and ask that they document minor maintenance requests and inform them that you will take care of them when it is safe to do so.

⁶ Read more at https://business.financialpost.com/news/fp-street/consumer-watchdog-keeping-close-eye-on-banks-offer-of-coronavirus-mortgage-relief?video_autoplay=true

If it is necessary to enter the rental unit to perform a major repair or to deal with an emergency, inform the tenant that you will contact a contractor about performing the repairs and identify potential delays due to COVID-19 and physical distancing. Also advise tenants that proper notice will be provided. See the *Entering the Rental Unit* fact sheet at <https://landlordselfhelp.com/media/Entering-Unit.pdf> for instructions on how to properly enter the rental unit.

Where to get more information?

The World Health Organization (WHO) has up-to-date information about the coronavirus, including prevention and symptoms, and situation updates from around the world. This information can be found at https://www.who.int/health-topics/coronavirus#tab=tab_1

Information specific to Ontario's zones and restrictions can be found at:
<https://covid-19.ontario.ca/zones-and-restrictions>
<https://covid-19.ontario.ca/index.html>

The **Residential Tenancies Act Fact Sheets** are intended to help landlords learn about and understand their rights and responsibilities.

This publication is not intended to provide legal advice but rather as general information.

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