



Request to Amend an Order

Under what circumstances would a Request to Amend an Order be made?

A Request to Amend an Order can be filed if you believe your order contains a clerical error (i.e., incorrect termination date, calculation error, etc.).

Is there a deadline for filing a Request to Amend an Order?

A Request to Amend an Order must be filed within **30-days** of the date the order was issued.

What happens if the landlord fails to file a Request to Amend an Order within 30 days?

The landlord may request, in writing, to extend the 30-day time limit. When considering such a request, the Landlord and Tenant Board Member will take into consideration factors such as the length of the delay, explanations for the delay and evidence of prejudice suffered by any person as a result of the order. However, in fairness to the other parties, requests should be filed as soon as possible.

If there is a clerical error on the order, does the landlord need to file a Request to Review as well?

No, a Request to Review may not be required. However if the landlord has filed a Request to Review or an Appeal to Divisional Court, they will have to state that under Part 3 of the Request to Amend an Order form.

Will there be a hearing for the Request to Amend an Order?

An amended order can be issued without holding a hearing. However, the Member may request a hearing to consider submissions from other parties before making a decision.

Would only the error pointed out by the party be amended or will the adjudicator review the entire order again?

Amendments may also be made to other parts of the order, such as the termination date and/or any amounts owing.

How long does it take to receive the amended order after the Request to Amend an Order is submitted?

It will depend on how busy the Landlord and Tenant Board is, generally it can take a week to receive the amended order.

What would happen if I do not amend my order and it has a clerical error?

If there is an incorrect termination date on the order, it could be a problem when filing with the Sheriff's office. If any changes are not requested to be amended within 30 days of receiving the order, it will limit the options the party has in the future.

Where can I go if I need additional information regarding the Request to Amend an Order?

Interpretation Guideline #15 provides additional information about Amending an Order if more clarification is needed. The Interpretation Guidelines can be found on the Landlord and Tenant Board website.

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.

© Landlord's Self-Help Centre - 2021

www.landlordselfhelp.com