



# 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 they 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. The Board has a website that provides online information about the Board, makes forms available for downloading, allows e-filing of applications and allows you to check the status of your application - <https://tribunalsontario.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.

**Please note:** All front-line counter services and hearing centres are closed to the public until further notice. The LTB is not accepting any in-person submission of documents. For information on how to contact the Landlord and Tenant Board visit- <https://tribunalsontario.ca/ltb/contact/>.

## **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, NSF Charges, damage caused to the rental unit or residential complex, unpaid utilities, compensation for substantial interference, 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 compensation, post-tenancy, for the recovery of unpaid utilities, rent arrears and/or compensation, NSF charges, damages to the rental unit or to collect costs that they incurred because the former tenant or someone else visiting or living in the rental unit substantially interfered with the landlord's reasonable enjoyment or lawful right, privilege or interest;
- 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 or any Service Ontario Centres that are currently accepting Landlord and Tenant Board applications. It is no longer necessary to file documents in person. Most LTB applications can be submitted via the Tribunals Ontario Portal or by email. If you can't use the Tribunals Ontario Portal or email, send your application by mail to your LTB regional office. The fee for filing an application with the Board is typically **\$201** and may be paid by cash, certified cheque, credit card, debit card or money order.

**Please note:** All front-line counter services and hearing centres are closed to the public until further notice. The LTB is not accepting in-person submission of documents.

### **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?**

The Notice of Hearing package is emailed or mailed to all parties named in the applications once a hearing date has been determined by the board. Unless the landlord is instructed by the Landlord and Tenant Board to serve the tenants.

### **How does the tenant dispute the application?**

If the tenant is disputing an arrears application, the tenant must give the landlord and the LTB a written description of each issue at least 7 days before the hearing, unless the LTB orders otherwise. The landlord and tenant may agree to give each other all documents, evidence and submissions relating to their LTB file number by uploading them directly into the Tribunals Ontario Portal. Written consent must be obtained [the Consent to Disclosure through the Tribunals Ontario Portal form](#) can be used and uploaded on the portal at the same time they upload their evidence.

### **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?**

A hearing is held by a member of the LTB often called an adjudicator. The hearing is conducted online via the Zoom platform but it may be conducted in a different manner upon filing a Request for Accommodation form with the LTB.

During the hearing, landlords and tenants will have the opportunity to question witnesses, present evidence that is relevant to the application and make arguments about the facts and the law. The member will review the evidence that is presented and the law that applies to the case and make a legally enforceable decision. When the hearing is over, the member might tell you their decision right away or they might “reserve” the decision, which means they will take more time to consider your evidence and submissions. In either case, you will receive the decision in writing explaining the result. This decision is called an order. For more information about Landlord and Tenant Board hearings please visit our Landlord Learning Modules at- <https://landlordselfhelp.com/landlord-learning-modules/>

### **What happens after the hearing?**

The Board will prepare the order and send it by mail or email to all parties named in the application usually within 30 days of the hearing. 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 <https://tribunalsontario.ca/en/complaints/>

### **Can the tenant stop an order for arrears?**

Under subsection 74(11) of the Residential Tenancies Act, if the tenant pays to the landlord or to the LTB the full amount specified in the order and any additional rent owing after it becomes enforceable but before it is enforced by the Sheriff, the tenant may file a motion with the LTB, on notice to the landlord, to set aside the eviction order. This type of motion can only be made once during a tenancy.

### **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 \$58 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 intended to help landlords better understand their rights and responsibilities. They are not intended as legal advice but rather as general information.

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