



Landlord and Tenant Board

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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 is one of thirteen adjudicative tribunals that form Social Justice Tribunals Ontario that aims to provide Ontarians with accessible and fair dispute resolution. The Board consists of full-time and part-time Members (adjudicators). 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 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 can be reached by calling their central toll-free telephone number, **1-888-332-3234** (in the Toronto area, call 416-645-8080) or by email at LTB@ontario.ca.

The Board's website also provides online information about the Board, your rights and responsibilities, makes forms available for downloading and allows filing applications on their Tribunals Ontario Portal (TOP). For more information on how to contact the Board, visit <https://tribunalsontario.ca/ltb/>.

What services are offered by the Board?

The Board offers a full range of services that include hearings, mediation, processing applications, providing general information to landlords and tenants about their rights and responsibilities under the *Residential Tenancies Act* and distributing printed material, including forms, guidelines, rules and practice directions. For more information on the Landlord and Tenant Board, visit <https://tribunalsontario.ca/ltb/>.

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

There are several reasons a landlord may make an application to the Board, which 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 misrepresenting their income in a Rent-Geared-to-Income unit or money owing as a result of an overholding tenant;
- The landlord is seeking compensation for the recovery of unpaid utilities, rent arrears and/or compensation, NSF charges, damages to the rental unit or collect costs that you incurred because the former tenant or someone else visiting or living in the rental unit substantially interfered with your reasonable enjoyment or lawful right, privilege or interest, **when a tenant is no longer in possession of the rental unit;**
- The landlord is seeking an order for a rent increase above the guideline;
- 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?

Tribunals Ontario has also introduced an online portal (TOP) to file applications and monitor the status of your application. The portal can be found at <https://tribunalsontario.ca/en/tribunals-ontario-portal/> Most LTB applications can be submitted via Tribunals Ontario Portal or email. When using the portal, the application fee is **\$186.00** and may be paid by debit or credit card. If you can't use the Tribunals Ontario Portal or email, you can send your application by mail to your LTB regional office. The fee for filing an application with the Board is typically **\$201.00** and may be paid by certified cheque, credit card payment form, or money order if you file by mail or courier.

If you wish to do your filing in person, applications and other documents may be filed at some Service Ontario Centres. To find the list of Service Ontario Centres that are currently accepting Landlord and Tenant Board applications please visit <https://www.services.gov.on.ca/sf/?en#/oneServiceDetail/13180/ip/sr/>

What happens after the application is filed?

The Board 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 and the landlord that a hearing has been scheduled; it specifies the type of application that has been filed, the date, time and type of hearing that will be held (videoconference or phone).

How is the tenant notified of the hearing date?

The Notice of Hearing package is emailed or mailed to all parties named in the application 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 an application for rent arrears?

If the tenant is disputing an arrears application, the tenant must give the landlord and the LTB a written description of each issue such as maintenance or harassment at least 7 days before the hearing, unless the LTB orders otherwise.

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 over the platform called Zoom, which is an online video program, which can also be accessed via telephone, 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 60 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 60 days of my hearing?

If an Order is not received within 60 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 the order becomes enforceable but before it is executed 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 party was unable to reasonably participate in the hearing. The Board requires a fee of **\$58.00** when filing a Request to Review an Order. Detailed information can be found in LSHC's Fact Sheet - Request to Review at <https://landlordselfhelp.com/rta-fact-sheets/>.

What is the process for filing an Appeal?

Any person who is affected by an order issued by the Board may appeal the order to the Divisional Court. Board orders may only be appealed to the Divisional 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 learn and understand their rights and responsibilities.

They provide general information not legal advice.

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