



Quarterly News

A Landlord's Self-Help Centre Publication

More Homes Built Faster Act, 2022

In This Issue:

Mississauga Apartment
Rental Compliance..... 2
Safety and Maintenance
Inspection 3
LTB Updates3
Self-Help TIPS..... 4
Did You Know? 5
Bedbugs..... 6
Can I evict during wintertime
in Ontario? 6
LSHC Holiday Closure..... 7
Congratulations Silvana and
Alda 7

Landlord's Self Help Centre
15th Floor- 55 University Ave.
Toronto, Ontario, M5J 2H7
Tel: 416-504-5190
Toll free: 1-800-730-3218

Disclaimer

The material contained in this publication is intended for information purposes only, it is not legal advice.



Legal Aid Ontario
provides core funding to
Landlord's Self-Help Centre.

The views expressed here are those of the clinic and do not necessarily reflect those of Legal Aid Ontario.

On October 25, 2022 the Ontario government introduced the *More Homes Built Faster Act*. It will support Ontario's newest Housing Supply Action Plan, More Homes Built Faster. The plan takes action to address the housing crisis by building 1.5 million homes over the next 10 years. The Ford government states that, "Ontario's Housing Supply Action Plan 2022–2023 is the next step to getting there."

The plan addresses the crisis by reducing government fees and fixing development approval delays that slow housing construction and increase costs. They intend to reform these processes at the provincial and municipal levels to ensure all Ontarians can find a home that meets their needs and budgets.

Highlights in the plan include:

Addressing the Missing Middle- Ontario is proposing changes to the *Planning Act* to create a new province-wide standard threshold for what's allowed to be built by strengthening the additional residential unit framework.

Supporting the Growth and Standardization of Affordable and Rental Housing- Ontario is creating the conditions for building more affordable and purpose-built rental housing across the province. **Reducing Taxes on Affordable Rental Housing-** Ontario is calling on the federal government to work with the province on potential GST/HST incentives, including rebates, exemptions and deferrals, to support new ownership and rental housing development.

Promoting Fairness to Support Affordable and Other Rental Housing- Ontario will explore potential refinements to the assessment method used to assess affordable rental housing so that it better reflects the reduced rents that are received by these housing providers. Ontario will also consult with municipalities on potential methods to reduce the current property tax burden on multi-residential apartment buildings in the province.

Helping Homebuyers and Renters: Addressing Vacant Homes- There will be a consultation on a policy framework setting out the key elements of local vacant home taxes. A provincial-municipal working group will be established to consult on this framework, and to facilitate sharing of information and best practices. For more information please visit <https://news.ontario.ca/en/backgrounder/1002422/more-homes-built-faster-act-2022#topics>.

Mississauga Apartment Rental Compliance (MARC)

According to section 20 (1) of the *Residential Tenancies Act (RTA)*, residential landlords in Ontario are “...responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards.”

This requirement applies even to situations where the tenants were made aware of a maintenance issue within the rental unit as it is stipulated in section 20 (2) of the RTA.

Following the RTA, the City of Mississauga introduced MARC which is a 5 year pilot program to ensure that residential landlords of apartment buildings are providing maintenance to their properties. The City approved this program in December 2021 and it came into effect on July 4, 2022.

Mississauga also passed the Rental Apartment Buildings By-law 0089-2022. This mandates that residential landlords in Mississauga must have buildings that meet MARC’s criteria registered on an annual basis. Residential buildings that have 2 or more storeys and 6 or more units that share a common area are the ones being regulated under the program. However, condominiums are not within the jurisdiction of this by-law.

These buildings must meet minimum maintenance standards and requirements. Failing to register buildings is an offence under the by-law and landlords could face a penalty of up to \$100,000.

As per the by-law, landlords must comply with the following:

- Tenant service request processes
- Waste management planning
- Cleaning and state of good repair planning
- Electrical maintenance planning
- Vital services disruption planning
- Tenant assistance documentation
- Tenant notification boards
- Preventative pest management inspection practices
- Use of certified tradespersons
- Record-keeping

In order to register a building, landlords must file the Apartment Building Registration Form and pay \$18.25 per residential unit. The fee will change every year. Once the registration form and payment are processed, landlords will receive a certificate. This certificate has to be posted in a visible area to tenants and potential tenants.

Please remember that this has to be done every year and the City of Mississauga will send out a reminder to building owners before July 31st of each year.

Building owners will be contacted to schedule inspections of their buildings. Inspections will be conducted at least once every 3 years based on the following: the state of repair, cleanliness, pest management, and compliance with all applicable standards. Buildings will be given a score once the inspections are completed.

Note: Tenants can file a complaint with the City if the landlord has not complied with a maintenance concern involving the external or internal common areas as well as their own rental units.

For more information about MARC, visit <https://www.mississauga.ca/services-and-programs/business/licences-and-permits/apartment-rental-compliance/>.

Safety and Maintenance Inspection

The end of Daylight Savings marks the start of the winter season. This is the perfect time for landlords to do a standard safety and maintenance inspection. These inspections are the responsibility of the landlord as outlined by the *Residential Tenancies Act, 2006 (RTA)*. It is recommended that landlords conduct these safety and maintenance inspections once every 3 to 4 months.

This inspection of smoke alarms and carbon monoxide detectors should happen at least twice a year and cover the testing of all alarms and detectors, replacing any batteries, along with inspecting and changing the furnace filter to prevent the water pipes from freezing over during the winter season.

Before entering any unit for inspection, a Notice of Entry must be given to the tenants. This can be done by posting the notice on the door of the unit, sliding it under the door, or handing it to the tenant. The notice must be given **at least 24 hours** prior to the inspection.

A Notice of Entry should include the date and time of entry, the reason for entry, and the exact address of the unit. In accordance to the RTA, the time of entry must be between 8am to 8pm. The Landlord and Tenant Board does not provide a standard form for the notice of entry. However, Landlord's Self-Help Centre (LSHC) members will have access to a standard form drafted by LSHC in the Member's section of the website.

Required repairs must be done within a reasonable time from the moment the issue is known to the landlord. Failure to do so may cause tenants to take action by reporting or filing with the LTB. For more information, please refer to the RTA <https://www.ontario.ca/laws/statute/06r17>

Landlord and Tenant Board UPDATES

- From the middle of November until the end of 2022, the LTB will only be scheduling matters that were previously adjourned and case management hearings for AGI applications. Urgent matters will continue to be scheduled on a priority basis.
- There will be no hearings scheduled at the LTB during the week of December 26th, hearings will resume again on January 4, 2023.
- Over the coming weeks, the LTB will be moving all applications over to the Tribunals Ontario Portal. Once this is complete, parties will be able to "view the case file and status online, upload and exchange documents...and receive decisions electronically."
- On December 8, the LTB will add to the Tribunals Ontario Portal a self-scheduling feature for hearings. The feature will allow applicants to pick their hearing date in the system. Applicants will get a notification from the system providing them with a few hearing date and timeslot options to choose from.
- As of December 8, the following additional applications may be filed online in the Tribunals Portal: L3, L4, L10 and C1.
- Early 2023 additional forms, including two tenant applications will be added to the TOP.

Visit <https://tribunalsontario.ca/ltb/> for more information.

Self-Help TIPS

In this issue of the Self-Help Tips we will discuss the rules a landlord must follow when serving notices or documents to a tenant and why it is essential that these rules be followed.

The **Residential Tenancies Act** establishes rules for the delivery of various notices and documents to a tenant. Documents such as notices of termination, notice of rent increase or notice to enter, must be served according to the rules. Section 191 of the **RTA** outlines the process for the delivery of notices or documents by both landlords and tenants. If a notice or document is served improperly it can be deemed null and void and must be re-served.

The **Residential Tenancies Act** subsection 191(1) sets out the following methods of service for a notice or a document to a tenant:

- handing it directly to the tenant;
- handing it to an apparently adult person in the rental unit;
- leaving it in tenant's mailbox, or place where mail is normally delivered;
- sending it by mail to the address where the tenant resides. If a document is sent by mail, it is considered served on the fifth day after mailing. A notice or document sent by Xpresspost is deemed to be given by mail; or
- any other means allowed in the Rules.

Section 191(1.0.1) A tenant or former tenant no longer in possession may be served by:

- Handing it directly to the tenant or former tenant;
- Mailing it to the address where the tenant or former tenant resides;
- Handing it to an apparently adult person where the tenant or former tenant resides; or
- Any other means allowed in the Rules.

Rule 3.1 of the **Landlord and Tenant Board's Rules of Practice** permits the additional methods of service for serving documents on a Person or Party. For additional methods of service visit the LTB website at <https://tribunalsontario.ca/lrb/>.

Rule 3.2 permits a notice of entry under **section 27** of the **RTA** (24 hour notice of entry) may be served by posting it on the door of the rental unit or any other permitted method of service. **Note:** The 24 hour notice of entry is the **only** notice that can **be posted** on the door of the rental unit.

Rule 3.3 contains more information about how a document may be served on a former tenant or tenant no longer in possession of a rental unit. A party may request in writing prior to the hearing or at the time of the hearing that the LTB permit an alternative method of service including service by email or service on the party's representative. The request must be made at least 40 days before the hearing.

Service by Email

A tenant may consent in writing at any time to service by email. Landlords should also be aware that consent to service by email can be withdrawn at any time by giving notice in writing to the landlord.

TIPS

- Do not serve documents or notices by: registered mail; email if written consent is **not** provided by the tenant; entering the rental unit in order to place the notice or document in the rental unit; leaving the documents with the concierge at the condo building; or by opening the tenant's locked mailbox to deliver the notices.
- Although not required, try to obtain the tenant's signature acknowledging receipt of the documents.
- When serving a notice or document bring a witness with you.
- A landlord's application will be dismissed if the termination notice was served improperly.

Did You Know?

Q: I have been renting a property to a tenant for about 6 months, I told the tenant verbally at the beginning of the tenancy that I would be entering the rental unit every month for an inspection and he didn't object. However, the last few times I was there he was very rude and told me that I'm harassing him and his family by entering on a monthly basis. Can he do this?

The law doesn't state how many times the landlord can do a maintenance inspection, but the landlord should make reasonable efforts to limit the frequency of entries to the rental unit. If the tenant feels that the landlord is making unnecessary or unreasonable entries, the tenant can file an application with the Landlord and Tenant Board (LTB) claiming that the landlord is interfering with their reasonable enjoyment of the premises.

Q: I just discovered that my tenant has another person living with him. The rental agreement specifically states that only one person will be occupying the unit. I consider that person to be an unauthorized occupant, can I file an application to ask that person to leave?

No, as long as the tenant is still living in the unit he is allowed to have another person living with him even if the rental agreement stated that it would be only one person residing there. The additional person is not an unauthorized occupant in this case and therefore cannot be asked to leave. An unauthorized occupancy situation is only if the tenant moves out of the unit and leaves another person living there without the landlord's consent.

Q: I served my tenant with Form N6 and N7 because they are creating a lot of problems that impairs the safety of other tenants and there are illegal activities. I filed the L2 Application and am still waiting for a hearing to be scheduled. I heard that you can request an earlier hearing, how do I do this?

The landlord can file a request for an earlier hearing, but the Board will only grant this for cases involving illegal activities or if the tenant is seriously impairing the safety of other tenants on the premises. If that is the case, you can file a form called a Request to Extend or Shorten Time. You will have to explain in detail what the issues are and why it requires an urgent hearing. The form can be submitted to the Board by email or mailed to the nearest LTB Regional Office.

Q: The lease agreement I have with my tenants includes internet services. When the lease expires am I able to exclude that service since the lease is no longer in effect?

When a lease expires and is not renewed or terminated, the tenancy automatically renews on a month-to-month basis, under the same terms and conditions of the expired lease. Therefore, you would not be able to remove the internet service that was previously included in the lease even if the lease has expired. The only way this could be done is if the tenant agrees, however even if they do consent to it you would have to adjust the rent to compensate for the removal of a service that was previously included in the rent.

Q: My tenant moved out a few months ago but he still owes me rent and utilities. I heard that I can file an application with the LTB, but I was under the impression that once the tenant moves out I could only file a claim in Small Claims Court (SCC). Is that true?

No, because of Bill 184, landlords can now file an application with the LTB rather than SCC. Landlords Q apply to the Board for issues such as arrears of rent, damages, unpaid utility bills, costs incurred as a result of the tenant interfering with the landlord's reasonable enjoyment or lawful right, privilege or interest. The application is Form L10 (Application to Collect Money a Former Tenant Owes) and it must be filed no later than one year after the former tenant moved out of the rental unit.

Can I Evict During Wintertime in Ontario?

Many landlords mistakenly believe that a tenant cannot be evicted in the wintertime. This is a myth. A tenant can be evicted at any time of the year, as long as the landlord follows the proper legal procedures.

If you have a valid, legal reason to provide your tenant with a Landlord and Tenant Board (LTB) termination notice, you should complete the form and provide it to the tenant as soon as legally allowed. Read the instructions on the notice served to determine when you can continue on to the next step of filing an application with the LTB.



Delays with evictions may be due to the backlog currently in place, or because the LTB and Sheriff offices close down for a few days during the Christmas season. However, there is nothing preventing a landlord from serving a legal notice and applying to the LTB to secure their place in line. Keep in mind that the current wait times for a LTB hearing are approximately 7-8 months.

Bedbugs... Who is Responsible for Treatment?



In early 2022, an Ottawa landlord was ordered by the Landlord and Tenant Board to pay the expenses of a former tenant. The landlord was found to have failed to “properly respond to the tenant’s complaints of a bed bug infestation.” An initial ruling was made in August 2020, but an appeal was filed and the application just recently completed that process. The ruling of the adjudicators noted that “it’s not good enough for a landlord to just keep spraying pesticide as the ‘cheapest’ option for bug control. If spray isn’t working, there has to be more effective action.”

As a result, the landlord was ordered to “pay the tenant \$2,515 in costs to cover hotel bills from when they had to leave the apartment [for] the pesticide treatments, medical treatment for their daughter, moving and legal costs.” You can read more about this story at

<https://ottawacitizen.com/news/local-news/ottawa-tenant-wins-landmark-ruling-on-bed-bug-treatment>

Dealing with Bedbugs

Take your Tenant’s Complaint Seriously-If your tenant complains to you or notifies you about a bed bug infestation in their unit, it’s your responsibility as the landlord to investigate it. Section 20(1) of the *Residential Tenancies Act, 2006* states that “a landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards.” Therefore treating bed bug infestations falls under the landlord’s responsibility to repair.

More information about Bedbugs and treatment options can be found at

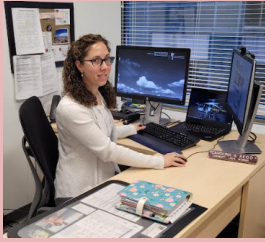
<https://www.canada.ca/en/health-canada/services/pest-control-tips/bedbugs-how-do-i-get-rid-them.html>

Congratulations Silvana and Alda!

Congratulations to Silvana Agostino (left) who is celebrating 40 years and Alda Pereira (right) who is celebrating 35 years at the Landlord's Self-Help Centre. Their continued work as Community Legal Workers has been invaluable to the many landlords they have assisted during their long careers at the Clinic. Thank you Silvana and Alda!



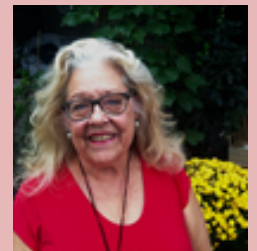
Goodbye Carolina



Best wishes to Carolina Rego who left Landlord's Self-Help Centre at the end of November after nearly 10 years as a Community Legal Worker at the Clinic. Good-bye and good luck as you begin a new chapter!

Goodbye Tory

Tory Sullivan served as a Director since 2007. We thank Tory for her dedicated service and many contributions to LSHC and wish her well.
Thank you for your service!



LSHC AGM- Landlord Learning Forum

The LSHC AGM- Landlord Learning Forum was held via Zoom on October 27th, 2022. Speakers included representatives from the Rental Housing Enforcement Unit (RHEU), paralegal Sharda Sankar Bickram Singh, Deputy Judge Besunder, and a Dispute Resolution Officer from the Landlord and Tenant Board. A recording of the event will be available in the members' area at <https://landlordselfhelp.com/members-lounge/>

LSHC HOLIDAY CLOSURE

Landlord's Self-Help Centre will be closed from December 26th until January 2nd, 2023. For immediate assistance during this time, please contact the Landlord and Tenant Board at 1-888-332-3234 or visit www.tribunalsofntario.ca/lfb/

**LSHC will re-open on
January 3, 2023 at 9 a.m.**

Happy Holidays!

CONGRATULATIONS!!!

Our AGM-Landlord Learning Forum Door Prize winners are:
Caroline Smith and George Werniuk.

*****New Office Hours!*****

As of December 5th, 2022, our office hours have changed!
Visit www.landlordselfhelp.com/contact-us/ for more details!

CONNECT WITH US ON SOCIAL

facebook.com/landlordselfhelp

