



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.

What is social 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 arms lengths (approximately 2 meters) from others, as much as possible

How to practice social 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

Effective Wednesday, March 25, 2020, the Premier of Ontario also ordered all non-essential businesses to close for 14 days in an effort to encourage more social distancing and slow the

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

spread of this virus. More information about essential businesses that are allowed to remain open can be found at <https://www.ontario.ca/page/list-essential-workplaces>

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

The novel coronavirus has been deemed a worldwide pandemic and the province of Ontario has moved swiftly to stop evictions during this time of crisis. Unless there is a situation involving serious impairment of safety or an illegal act, the Landlord and Tenant Board is “suspending the issuance of eviction orders and all hearings related to eviction applications.”³ This means that tenants who have been laid off as a result of COVID-19 cannot be evicted from their homes for other reasons for termination like non-payment of rent, damages or own use.

Further to this, on March 20, 2020, the Ontario Government issued an Emergency Order (O.Reg. 73/20) which “suspends limitation periods and procedural time periods relevant to tribunal proceedings. The suspension is retroactive to March 16, 2020.”⁴ It is not quite clear if this order will affect the termination dates and time periods on the Landlord and Tenant Board notices.

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 or paying rent⁵, 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.”⁶

Landlords who continue to issue eviction notices and file applications will have to wait until the eviction restrictions have been lifted and hearings resume at the Landlord and Tenant Board. Hearings at the Landlord and Tenant Board are not currently being scheduled where eviction is sought, however you can still file the application. 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 for when this process resumes.

I obtained an eviction order before this was considered a pandemic, can I file this with the Sheriff and continue evicting my tenant?

No, evictions the Sheriff (Court Enforcement Office) have been suspended during this pandemic. An order has been issued by the Superior Court of Justice suspending evictions until

³ More information can be found on the Landlord and Tenant Board’s website at <http://www.sjto.gov.on.ca/ltb-march-19-2020landlord-and-tenant-board-suspends-issuing-new-eviction-orders/>

⁴ See more updates on the Landlord and Tenant Board website <http://www.sjto.gov.on.ca/ltb/>

⁵ Watch the Premier’s announcement here at <https://www.youtube.com/watch?v=5vHgPEfLO4k>

⁶ 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=AAggNb9>

future notice. Hold onto your order as you will be able to file with the Sheriff once the restrictions on evictions have been lifted. You can learn more about this at <https://www.ontariocourts.ca/scj/chief-justice-court-order-susp-resid-evict/>

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. Landlords are encouraged to try to negotiate a payment agreement with the tenant and to offer options for deferring rent payments until COVID-19 has been resolved. The Landlord and Tenant Board has a Payment Agreement form <http://www.sjto.gov.on.ca/ltb/forms/> which you can use as a model when creating your own payment plan agreement.

Landlords can still serve the *N4 - Notice to End your Tenancy Early for Non-payment of Rent*⁷ to start the clock with the first step and follow through with this process when the suspension is lifted. The Landlord and Tenant Board has said that all incoming applications will still be processed, but “hearings for matters not relating to evictions will process by the most appropriate means (telephone or written hearing) and orders for these matters will be issued.”⁸ Keep in mind that the Landlord and Tenant Board will not hold a hearing to deal with this issue during the COVID-19 pandemic and it may take months before you get to a hearing and/or obtain an eviction order.

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.⁹

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/department-finance/economic-response-plan.html>

⁷ Refer to Landlord’s Self-Help Centre’s Landlord Learning Modules for instructions on how to complete the forms.

⁸ More information can be found on the Landlord and Tenant Board’s website at <http://www.sjto.gov.on.ca/ltb-march-19-2020landlord-and-tenant-board-suspends-issuing-new-eviction-orders/>

⁹ 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

In Toronto, there are also payment deferral options for property taxes and a reduction in hydro charges for a minimum 45 day period beginning March 25, 2020. More information can be found at <https://www.toronto.ca/home/covid-19/economic-support-recovery/economic-support-recovery-for-individuals-families/>

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

If the maintenance inspections or minor repairs are not urgent in nature, it is best to wait until the COVID-19 pandemic has been resolved. In the best interest of everyone’s health, it is not advisable to enter the tenant’s unit during this time of social distancing. 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.

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

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

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

© **Landlord's Self-Help Centre - March 31, 2020**
www.landlordselfhelp.com