



Eviction by Sheriff

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At this Town Hall Meeting we will discuss:

- Important information about the new forms released by the LTB;
- The general rules for terminating a tenancy;
- Termination orders;
 - The definition of a termination order
 - How the landlord obtains a termination order from the Landlord and Tenant Board
- Enforcing an eviction order through the Court Enforcement Office;
 - What happens when the tenant is evicted?
 - Can the tenant stop the eviction?
 - What happens to pets left in the unit?
 - Tenant belongings
- Contacting the Enforcement Office

Residential Tenancies Act, 2006

The *Residential Tenancies Act, 2006* (RTA) is the provincial statute that governs most residential rental agreements in Ontario.



The RTA defines the rights and responsibilities of landlords and tenants.

The RTA includes provisions for the termination of a rental agreement. It defines circumstances under which a tenancy may be terminated and establishes notice requirements which vary depending on the reason for notice.

IMPORTANT!!!!

New forms...

ALL Landlord and Tenant Board forms (Notices and Applications) have been updated and are available on the Board's website at

<http://www.sjto.gov.on.ca/lrb/forms/>

Note: The old forms **should not** be used after May 31, 2015. The use of old forms may be harmful to your case and/or result in the dismissal of your application.

Ending a Tenancy

According to the *Residential Tenancies Act, 2006*, a tenancy may be terminated by one of three ways:



1. The tenant gives notice (Form N9);
2. An agreement to terminate between the landlord and tenant (Form N11); or
3. Notice from the landlord (under one or more of the fault or no-fault grounds).

NOTE: A landlord is only able to file for eviction with the Sheriff, if they have been granted a termination order by the LTB.

Obtaining an Eviction Order

Before applying for an eviction by Sheriff, a landlord must file an application with the LTB to obtain an order terminating the tenancy.

Applications commonly filed by landlords with the LTB that may result in an eviction order are:

A2- Application About a Sublet or an Assignment

L1- Application to evict a tenant for non-payment of rent and to collect rent the tenant owes

L2- Application to End a Tenancy and Evict a Tenant

L3- Application to End a Tenancy- Tenant Gave Notice or Agreed to Terminate the Tenancy

Eviction Order

An eviction order is an order from the Landlord and Tenant Board that outlines when a tenancy ends.

If the landlord is successful with an application to end a tenancy, they will receive an order for the following:

- Termination of the tenancy, and
- Permission for the landlord to file for eviction with the Court Enforcement Office (Sheriff), if the tenant does not move out by the termination date on the order.



Eviction Order

(continued)

LTB eviction orders will allow the landlord to file or enforce the eviction with the Sheriff:

- After the termination date specified on the Board order

or

- Immediately after the landlord receives the order

Note: Landlords should carefully read their LTB order to see when they are able to file for eviction with the Sheriff. An eviction **must** be scheduled within 6 months of the date the order to terminate is enforceable by the Sheriff.



Enforcement of Eviction Order



Enforcing Eviction Order

A landlord may only file for eviction through the Enforcement Office **after** they have gone through the Landlord and Tenant Board process of obtaining a termination order.

- If the landlord obtains a termination order from the Landlord and Tenant Board and the tenant does not vacate the unit as ordered, the landlord must file the LTB order with the Court Enforcement Office to schedule an eviction.



Contacting the Enforcement Office

In Toronto, the Enforcement Office is at 393 University Avenue, 19th Floor; (416) 327-5600. An online directory for court services and locations across Ontario can be found at:

<http://www.attorneygeneral.jus.gov.on.ca/english/courts/cadaddr.asp>

The documents must be filed with the Sheriff who has territorial jurisdiction where the rental unit is located.

For example: If the rental unit is in Hamilton, the documents must be filed with the Sheriff in Hamilton because that is where the rental unit is located.

Documents Required

When filing with the Enforcement Office, the landlord must:

- Present one certified order issued by the Landlord and Tenant Board, and one **copy** of the order together with a completed Eviction Information Request sheet (provided by the Enforcement Office).

Follow the instructions provided by the Enforcement Office, which will include the “vacate date” ordered by the Enforcement Office.



The Enforcement Office will send a **Notice to Vacate** to the tenant instructing the tenant to vacate by a specific date.

Cost for Enforcing an Eviction Order



The landlord will be required to pay:

- A **flat fee plus a mileage charge** for every kilometre the Enforcement Officer must travel from the courthouse to the tenant's address.
- The amount ranges from **\$318-\$333** and the amount of mileage charge will depend on which part of Ontario the unit is located in.

Sheriff's Notice to Vacate

- The Notice to Vacate from the Enforcement Office is sent to the tenants, through regular mail, and it instructs the tenants to vacate the premises on or before 8:30 am on a specific date.
- If the tenant does not leave according to the vacate date specified on the Sheriff's Notice to Vacate, the landlord **MUST** contact the Enforcement Office and schedule an eviction.
- If these instructions are not received by the Enforcement Office by 11:00 am on a specific date, the eviction will be cancelled and the landlord will be required to pay an **additional \$240** to reschedule.

Sheriff's Notice to Vacate

(continued)

- An Enforcement Officer will contact the landlord after 11:30 am on the same day to inform the landlord of the date and time the eviction will take place. Typically, the eviction will be scheduled 1-5 days from this date.

Note: The date and time provided by the Enforcement Office is an approximate date, delays may occur for various reasons. The landlord must be available to allow the Enforcement Officer into the unit when they arrive. The eviction may be cancelled if this access is not provided.



What happens when the tenant is evicted?

When the order is enforced and the tenant is evicted, the landlord regains possession of the rental premises.

- It is the landlord's responsibility to have the locks to the rental unit changed in the presence of the Enforcement Officer.
- If the landlord is unable to change the locks him or herself, a locksmith should be scheduled to attend at the time the order is executed by the Enforcement Officer.



Can the tenant stop the eviction?

If the order is based on arrears Sec (59) the tenant has the opportunity to make a motion to the Board to void the order after the termination date on the order, but before the Sheriff actually enforces the order *if the tenant*:



- Pays an amount to the Board; and
- Files a sworn affidavit stating that the amount paid to the Board, together with any amounts previously paid to the landlord, is at least the sum owing for rent arrears, additional rent or compensation owing, amounts for NSF cheque (financial institution) charges or (landlord's) administration charges, and, if ordered by the Board, Sheriff's fees.

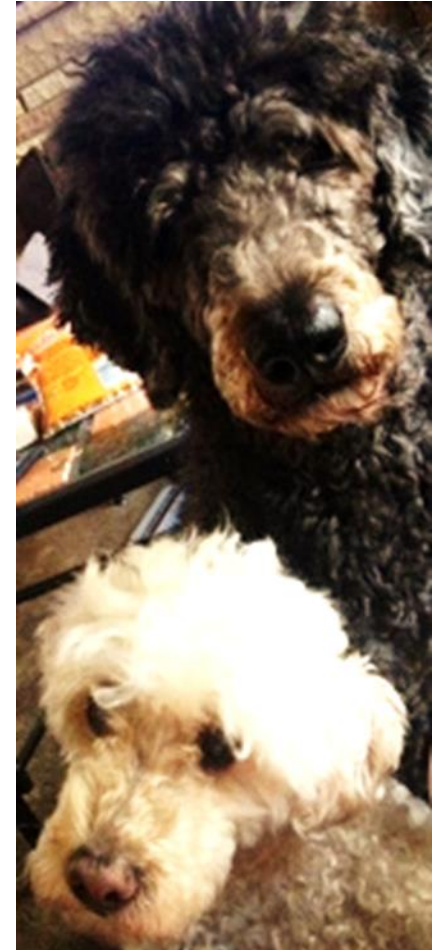
Note: This type of motion can only be granted once in any given tenancy agreement.

If the tenant has pets...

There are certain steps you must take when contacting the Enforcement Office to deal with the tenant's pets:

If you **are aware** that the tenant has pets, let the Enforcement Office know. They will contact the Humane Society or the SPCA if their Officer has concerns about the pets.

If you **were not aware** that the tenant had pets in the unit, or if the Enforcement Office has not made arrangements for the Humane Society or SPCA to remove the pets, and the Officer has safety concerns, you should contact the local authority.



What about the belongings?

The tenant has 72 hours after the eviction and the locks have been changed to retrieve their belongings.

- During the 72 hours, the landlord may leave the belongings in the rental unit, or move them to another location which must be close to the rental unit.
- The landlord must make the tenant's belongings available to be retrieved by the tenant between 8:00 a.m. and 8:00 p.m.



What happens after 72 hours?

If the tenant does not retrieve their belongings, the landlord may:

- sell the belongings;
- keep the belongings; or
- dispose of the belongings



Landlord fails to make belongings available...



The tenant has two options for legal action in situations where the landlord:

- Does not allow the tenant to retrieve their belongings during the 72 hour period, or
- Sells, keeps or disposes of the belongings **before** the 72 hours

The tenant can :

- 1) File a complaint with the Rental Housing Enforcement Unit (RHEU), or
- 2) File an application with the Landlord and Tenant Board

Important Things to Remember...



- As of June 1, 2015 , landlords should only be using the new Landlord and Tenant Board notices and applications. These forms can be found on the LTB website at <http://www.sjto.gov.on.ca/ltb/forms/>
- As of July 1, 2015, the Landlord and Tenant Board began serving the Notice of Hearing and package to all parties in most cases

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Resources: Eviction by Sheriff

Landlord's Self-Help Centre

- FAQs - Index of Q and A's
<https://landlordselfhelp.com/frequently-asked-questions/?faq-category=eviction>
- RTA Fact Sheets: Eviction by Sheriff
<https://landlordselfhelp.com/media/2017-Eviction-By-Sheriff.pdf>
- RTA Fact Sheets: Tenant Belongings
<https://landlordselfhelp.com/media/2017-tenants-belongings.pdf>

e-laws

- Search Residential Tenancies Act, 2006 - www.e-laws.on.ca

Resources: Eviction by Sheriff

Landlord and Tenant Board

- How a Landlord can End a Tenancy
[http://www.sjto.gov.on.ca/documents/lrb/Brochures/How%20a%20Landlord%20Can%20End%20a%20Tenancy%20\(EN\).pdf](http://www.sjto.gov.on.ca/documents/lrb/Brochures/How%20a%20Landlord%20Can%20End%20a%20Tenancy%20(EN).pdf)
- A Guide to the Residential Tenancies Act -
[http://www.sjto.gov.on.ca/documents/lrb/Brochures/Guide%20to%20RTA%20\(English\).pdf](http://www.sjto.gov.on.ca/documents/lrb/Brochures/Guide%20to%20RTA%20(English).pdf)
- Tenant's Affidavit and Motion to Void an Eviction Order for Arrears of Rent -
<http://www.sjto.gov.on.ca/documents/lrb/Other%20Forms/Tenant%27s%20Motion%20to%20Void%20an%20Eviction%20Order%20for%20Arrears%20of%20Rent.pdf>



The information offered in this presentation is intended as general information, it is not legal advice.

If you have a specific issue or situation, please contact a legal service provider.

