

Residential Tenancies Act, 2006

S.O. 2006, CHAPTER 17

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PART I **INTRODUCTION**

Purposes of Act

1 The purposes of this Act are to provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential landlords and tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes. 2006, c. 17, s. 1.

Exception, Part V.1

(2) Subsection (1) does not apply to Part V.1. The purpose of Part V.1 is to provide protection to members of non-profit housing co-operatives from unlawful evictions under this Act and to allow non-profit housing co-operatives and their members access to the framework established under this Act for the adjudication of disputes related to the termination of occupancy in a member unit of a non-profit housing co-operative. 2013, c. 3, s. 20.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 20 - 01/06/2014

Interpretation

2 (1) In this Act,

“Board” means the Landlord and Tenant Board; (“Commission”)

“care home” means a residential complex that is occupied or intended to be occupied by persons for the purpose of receiving care services, whether or not receiving the services is the primary purpose of the occupancy; (“maison de soins”)

“care services” means, subject to the regulations, health care services, rehabilitative or therapeutic services or services that provide assistance with the activities of daily living; (“services en matière de soins”)

“guideline”, when used with respect to the charging of rent, means the guideline determined under section 120; (“taux légal”)

“land lease community” means the land on which one or more occupied land lease homes are situate and includes the rental units and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord; (“zone résidentielle à baux fonciers”)

“land lease home” means a dwelling, other than a mobile home, that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling; (“maison à bail foncier”)

“landlord” includes,

- (a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent; (“locateur”)

“member unit” has the same meaning as in the *Co-operative Corporations Act*; (“logement réservé aux membres”)

“Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom responsibility for the administration of this Act, or any Part or provision of this Act, may be assigned or transferred under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“mobile home” means a dwelling that is designed to be made mobile and that is being used as a permanent residence; (“maison mobile”)

“mobile home park” means the land on which one or more occupied mobile homes are located and includes the rental units and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord; (“parc de maisons mobiles”)

“municipal taxes and charges” means taxes charged to a landlord by a municipality and charges levied on a landlord by a municipality and includes taxes levied on a landlord’s property under Division B of Part IX of the *Education Act* and taxes levied on a landlord’s property in unorganized territory, but “municipal taxes and charges” does not include,

- (a) charges for inspections done by a municipality on a residential complex related to an alleged breach of a health, safety, housing or maintenance standard,
- (b) charges for emergency repairs carried out by a municipality on a residential complex,
- (c) charges for work in the nature of a capital expenditure carried out by a municipality,
- (d) charges for work, services or non-emergency repairs performed by a municipality in relation to a landlord’s non-compliance with a by-law,
- (e) penalties, interest, late payment fees or fines,
- (f) any amount spent by a municipality under subsection 219 (1) or any administrative fee applied to that amount under subsection 219 (2), or
- (g) any other prescribed charges; (“redevances et impôts municipaux”)

“non-profit housing co-operative” means a non-profit housing co-operative under the *Co-operative Corporations Act*, and “co-operative” has the same meaning; (“coopérative de logement sans but lucratif”, “coopérative”)

“person”, or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or an individual in his or her capacity as a trustee, executor, administrator or other legal representative; (“personne”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“rent” includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or the landlord’s agent for the right to occupy a rental unit and for any services and facilities and any privilege, accommodation or thing that the landlord provides for the tenant in respect of the occupancy of the rental unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing, but “rent” does not include,

- (a) an amount paid by a tenant to a landlord to reimburse the landlord for property taxes paid by the landlord with respect to a mobile home or a land lease home owned by a tenant, or
- (b) an amount that a landlord charges a tenant of a rental unit in a care home for care services or meals; (“loyer”)

“rental unit” means any living accommodation used or intended for use as rented residential premises, and “rental unit” includes,

- (a) a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and
- (b) a room in a boarding house, rooming house or lodging house and a unit in a care home; (“logement locatif”)

“residential complex”, except in Part V.1, means,

- (a) a building or related group of buildings in which one or more rental units are located,
- (b) a mobile home park or land lease community,
- (c) a site that is a rental unit,
- (d) a care home, and,

includes all common areas and services and facilities available for the use of its residents; (“ensemble d’habitation”)

“residential unit” means any living accommodation used or intended for use as residential premises, and “residential unit” includes,

- (a) a site for a mobile home or on which there is a land lease home used or intended for use as a residential premises, and
- (b) a room in a boarding house, rooming house or lodging house and a unit in a care home; (“habitation”)

“Rules” means the rules of practice and procedure made by the Board under section 176 of this Act and section 25.1 of the *Statutory Powers Procedure Act*; (“règles”)

“services and facilities” includes,

- (a) furniture, appliances and furnishings,
- (b) parking and related facilities,
- (c) laundry facilities,
- (d) elevator facilities,
- (e) common recreational facilities,
- (f) garbage facilities and related services,
- (g) cleaning and maintenance services,
- (h) storage facilities,
- (i) intercom systems,
- (j) cable television facilities,
- (k) heating facilities and services,
- (l) air-conditioning facilities,
- (m) utilities and related services, and
- (n) security services and facilities; (“services et installations”)

“spouse” means a person,

- (a) to whom the person is married, or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*; (“conjoint”)

“subtenant” means the person to whom a tenant gives the right under section 97 to occupy a rental unit; (“sous-locataire”)

“superintendent’s premises” means a rental unit used by a person employed as a janitor, manager, security guard or superintendent and located in the residential complex with respect to which the person is so employed; (“logement de concierge”)

“tenancy agreement” means a written, oral or implied agreement between a tenant and a landlord for occupancy of a rental unit and includes a licence to occupy a rental unit; (“convention de location”)

“tenant” includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant’s heirs, assigns and personal representatives, but “tenant” does not include a person who has the right to occupy a rental unit by virtue of being,

- (a) a co-owner of the residential complex in which the rental unit is located, or
- (b) a shareholder of a corporation that owns the residential complex; (“locataire”)

“utilities” means heat, electricity and water; (“services d’utilité publique”)

“vital service” means hot or cold water, fuel, electricity, gas or, during the part of each year prescribed by the regulations, heat. (“service essentiel”) 2006, c. 17, s. 2 (1); 2013, c. 3, s. 21.

Interpretation, sublet

(2) For the purposes of this Act, a reference to subletting a rental unit refers to the situation in which,

- (a) the tenant vacates the rental unit;
- (b) the tenant gives one or more other persons the right to occupy the rental unit for a term ending on a specified date before the end of the tenant’s term or period; and
- (c) the tenant has the right to resume occupancy of the rental unit after that specified date. 2006, c. 17, s. 2 (2).

Interpretation, abandoned

(3) For the purposes of this Act, a tenant has not abandoned a rental unit if the tenant is not in arrears of rent. 2006, c. 17, s. 2 (3).

Rental unit, clarification

(4) A rented site for a mobile home or a land lease home is a rental unit for the purposes of this Act even if the mobile home or the land lease home on the site is owned by the tenant of the site. 2006, c. 17, s. 2 (4).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 21 - 01/06/2014

Application of Act

3 (1) This Act, except Part V.1, applies with respect to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary. 2013, c. 3, s. 22 (1).

Conflicts, non-profit housing co-operatives

(1.1) In interpreting a provision of this Act with respect to a member unit of a non-profit housing co-operative, if a provision in Part V.1 conflicts with a provision in another Part of this Act, the provision in Part V.1 applies. 2013, c. 3, s. 22 (2).

Conflicts, care homes

(2) In interpreting a provision of this Act with regard to a care home, if a provision in Part IX conflicts with a provision in another Part of this Act, the provision in Part IX applies. 2006, c. 17, s. 3 (2).

Conflicts, mobile home parks and land lease communities

(3) In interpreting a provision of this Act with regard to a mobile home park or a land lease community, if a provision in Part X conflicts with a provision in another Part of this Act, the provision in Part X applies. 2006, c. 17, s. 3 (3).

Conflict with other Acts

(4) If a provision of this Act conflicts with a provision of another Act, other than the *Human Rights Code*, the provision of this Act applies. 2006, c. 17, s. 3 (4).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 22 - 01/06/2014

Provisions conflicting with Act void

4 (1) Subject to subsection 12.1 (11) and section 194, a provision in a tenancy agreement that is inconsistent with this Act or the regulations is void. 2006, c. 17, s. 4; 2017, c. 13, s. 1.

Same, Part V.1

(2) Subject to section 194, in any proceeding under Part V.1, a provision in an occupancy agreement in respect of a member unit or a provision in a by-law of a non-profit housing co-operative that is inconsistent with Part V.1, or with a provision in another Part of this Act that applies to non-profit housing co-operatives and member units, does not apply, and the provision in this Act applies. 2013, c. 3, s. 23.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 23 - 01/06/2014

2017, c. 13, s. 1 - 30/05/2017

Exemptions from Act

5 This Act does not apply with respect to,

- (a) living accommodation intended to be provided to the travelling or vacationing public or occupied for a seasonal or temporary period in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast vacation establishment or vacation home;
- (b) living accommodation whose occupancy is conditional upon the occupant continuing to be employed on a farm, whether or not the accommodation is located on that farm;
- (c) living accommodation that is a member unit of a non-profit housing co-operative, except for Part V.1, and except for those provisions in other Parts that are needed to give effect to Part V.1;
- (d) living accommodation occupied by a person for penal or correctional purposes;
- (e) living accommodation that is subject to the *Public Hospitals Act*, the *Private Hospitals Act*, the *Fixing Long-Term Care Act, 2021*, the *Ministry of Correctional Services Act* or the *Child, Youth and Family Services Act, 2017*;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 5 (e) of the Act is amended by striking out “Ministry of Correctional Services Act” and substituting “Correctional Services and Reintegration Act, 2018”. (See: 2018, c. 6, Sched. 3, s. 12)

- (f) short-term living accommodation provided as emergency shelter;
- (g) living accommodation provided by an educational institution to its students or staff where,
 - (i) the living accommodation is provided primarily to persons under the age of majority, or all major questions related to the living accommodation are decided after consultation with a council or association representing the residents, and
 - (ii) the living accommodation does not have its own self-contained bathroom and kitchen facilities or is not intended for year-round occupancy by full-time students or staff and members of their households;
- (h) living accommodation located in a building or project used in whole or in part for non-residential purposes if the occupancy of the living accommodation is conditional upon the occupant continuing to be an employee of or perform services related to a business or enterprise carried out in the building or project;
- (i) living accommodation whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner’s spouse, child or parent or the spouse’s child or parent, and where the owner, spouse, child or parent lives in the building in which the living accommodation is located;
- (j) premises occupied for business or agricultural purposes with living accommodation attached if the occupancy for both purposes is under a single lease and the same person occupies the premises and the living accommodation;
- (k) living accommodation occupied by a person for the purpose of receiving rehabilitative or therapeutic services agreed upon by the person and the provider of the living accommodation, where,
 - (i) the parties have agreed that,
 - (A) the period of occupancy will be of a specified duration, or
 - (B) the occupancy will terminate when the objectives of the services have been met or will not be met, and
 - (ii) the living accommodation is intended to be provided for no more than a one-year period;
- (l) living accommodation in a care home occupied by a person for the purpose of receiving short-term respite care;
- (m) living accommodation in a residential complex in which the Crown in right of Ontario has an interest if,
 - (i) the living accommodation or residential complex was forfeited to the Crown in right of Ontario under any Ontario statute or the *Criminal Code* (Canada),
 - (ii) possession of the living accommodation or residential complex has been or may be taken in the name of the Crown in right of Ontario under the *Escheats Act, 2015*, or
 - (iii) the living accommodation or residential complex is forfeited corporate property to which the *Forfeited Corporate Property Act, 2015* applies; and
- (n) any other prescribed class of accommodation. 2006, c. 17, s. 5; 2007, c. 8, s. 226; 2007, c. 13, s. 48; 2008, c. 14, s. 58 (2, 4); 2009, c. 33, Sched. 18, s. 30; 2013, c. 3, s. 24; 2015, c. 38, Sched. 7, s. 60; 2017, c. 14, Sched. 4, s. 33; 2021, c. 4, Sched. 11, s. 31 (2); 2021, c. 39, Sched. 2, s. 24.

Section Amendments with date in force (d/m/y)

2007, c. 8, s. 226 - 01/07/2010; 2007, c. 13, s. 48 - 4/06/2007

2008, c. 14, s. 58 - 01/01/2011

2009, c. 33, Sched. 18, s. 30 - 15/12/2009

2013, c. 3, s. 24 - 01/06/2014

2015, c. 38, Sched. 7, s. 60 - 10/12/2016

2017, c. 14, Sched. 4, s. 33 - 30/04/2018; 2017, c. 25, Sched. 9, s. 116 - no effect - see 2023, c. 4, Sched. 1, s. 67 - 18/05/2023

2018, c. 6, Sched. 3, s. 12 - not in force

2021, c. 4, Sched. 11, s. 31 (2) - 19/04/2021; 2021, c. 39, Sched. 2, s. 24 - 11/04/2022

Other exemption from Act

5.1 (1) This Act does not apply with respect to living accommodation provided to a person as part of a program described in subsection (2) if the person and the provider of the living accommodation have entered into a written agreement that complies with subsection (3). 2017, c. 13, s. 2.

Program requirements

(2) A program referred to in subsection (1) is a program that meets all of the following requirements:

1. The program consists of the provision of living accommodation and accompanying services where,
 - i. the living accommodation is intended to be provided for no more than a four-year period, and
 - ii. the accompanying services include one or more of the following services, regardless of where and by whom the services are provided:
 - A. rehabilitative services,
 - B. therapeutic services,
 - C. services intended to support employment, or
 - D. services intended to support life skills development.
2. The program is intended to support the occupant of the living accommodation in subsequently obtaining and maintaining more permanent living accommodation.
3. All or part of the program is,
 - i. provided by, or funded under an agreement with,
 - A. the Crown in right of Canada or in right of Ontario,
 - B. an agency of the Crown in right of Canada or in right of Ontario,
 - C. a municipality, or
 - D. a service manager as defined in the *Housing Services Act, 2011*, or
 - ii. provided or funded by a registered charity within the meaning of the *Income Tax Act* (Canada). 2017, c. 13, s. 2.

Agreement between the provider and the occupant of the living accommodation

(3) The agreement between the provider of the living accommodation and an occupant of the living accommodation must meet all of the following requirements:

1. The agreement must state that the provider of the living accommodation intends that the living accommodation be exempt from this Act and must also state that the occupant may apply to the Board under section 9 of this Act for a determination of whether this Act applies with respect to the living accommodation.
2. The agreement must set out the following:
 - i. the legal name and address of the provider of the living accommodation,
 - ii. the maximum period of the occupant's occupancy of the living accommodation,
 - iii. the circumstances under which and the process by which the occupant's occupancy of the living accommodation may be terminated by the provider of the living accommodation,
 - iv. the occupant's rights and responsibilities in respect of the occupant's occupancy of the living accommodation,
 - v. the rules that apply to the occupant's occupancy of the living accommodation,
 - vi. the amount of any consideration required to be paid by the occupant for the right to occupy the living accommodation, and
 - vii. the amount of any other charges to be paid by the occupant in conjunction with the living accommodation.
3. The agreement must set out a process to address disputes between the occupant and the provider of the living accommodation which must,
 - i. include a reasonable method by which either party may initiate the process,
 - ii. provide for the involvement of an individual not otherwise involved in the dispute, to assist the parties in resolving the dispute, and
 - iii. meet such other requirements as may be prescribed.
4. Unless the information is set out in a separate agreement under subsection (4), the agreement must set out the following information in respect of the program under which the living accommodation is provided to the occupant:
 - i. the occupant's rights and responsibilities in respect of the occupant's participation in the program, other than the rights and responsibilities described in subparagraph 2 iv,

- ii. the rules that apply to the occupant's participation in the program, other than the rules described in subparagraph 2 v,
- iii. the amount of any charges to be paid by the occupant in conjunction with the program, other than the charges referred to in subparagraphs 2 vi and vii,
- iv. the policy of the provider of the living accommodation or the administrator of the program, as applicable, with respect to securing alternate living accommodation for an occupant whose participation in the program or whose occupancy of the living accommodation is terminated, and
- v. the policy of the provider of the living accommodation or the administrator of the program, as applicable, with respect to readmission into the program.

5. The agreement must meet such other requirements as may be prescribed. 2017, c. 13, s. 2.

Requirements in subpars. 4 i to v of subs. (3)

(4) Where the provider of the living accommodation and the administrator of the program under which the living accommodation is provided to the occupant are not the same person or entity, any information required by subparagraph 4 i, ii, iii, iv or v of subsection (3) may be set out in the agreement in respect of the occupant's participation in the program entered into between the occupant and the administrator of the program, if the agreement,

- (a) sets out the legal name and address of the administrator of the program; and
- (b) meets such other requirements as may be prescribed. 2017, c. 13, s. 2.

No limitation

(5) Nothing in this section limits the availability of other exemptions under this Act. 2017, c. 13, s. 2.

Existing tenancy

(6) For greater certainty, nothing in this section exempts living accommodation that is subject to a tenancy to which this Act applies, unless the tenancy has first been terminated in accordance with this Act. 2017, c. 13, s. 2.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 2 - 01/01/2018

Other exemption from Act, site for land lease home

5.2 (1) This Act does not apply with respect to a rental unit that is a site on which a land lease home is located, if all of the following requirements are met:

- 1. The rental unit is owned by an employer and is provided to an employee, or to an employee and the employee's spouse, in connection with the employee's employment.
- 2. The rental unit is subject to a tenancy in respect of which a tenancy agreement is first entered into on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent between,
 - i. the employer, as landlord, and the employee, as tenant, or
 - ii. the employer, as landlord, and the employee and the employee's spouse, as joint tenants. 2020, c. 16, Sched. 4, s. 1.

Application of exemption

(2) The exemption under subsection (1) applies with respect to a rental unit until the tenancy is terminated. 2020, c. 16, Sched. 4, s. 1.

Same

(3) Subsection (2) applies with respect to a rental unit even if,

- (a) the employee ceases to be employed before the tenancy is terminated; or
- (b) the employee dies before the tenancy is terminated, provided the employee's spouse is a tenant of the rental unit. 2020, c. 16, Sched. 4, s. 1.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 1 - 21/07/2020

Other exemptions

Homes for special care, developmental services

6 (1) Paragraphs 6, 7 and 8 of subsection 30 (1) and sections 48.1, 49.1, 51, 52, 54, 55, 56, 104, 111 to 115, 117, 119 to 134, 136, 140 and 149 to 167 do not apply with respect to,

- (a) accommodation that is subject to the *Homes for Special Care Act*; or
- (b) accommodation that is a supported group living residence or an intensive support residence under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*. 2006, c. 17, s. 6 (1); 2008, c. 14, s. 58 (5); 2009, c. 33, Sched. 8, s. 15; 2017, c. 13, s. 3 (1); 2020, c. 16, Sched. 4, s. 2.

(2) REPEALED: 2017, c. 13, s. 3 (2).

Section Amendments with date in force (d/m/y)

2008, c. 14, s. 58 (5) - 01/01/2011

2009, c. 33, Sched. 8, s. 15 - 01/01/2011

2017, c. 13, s. 3 (1) - 01/09/2017; 2017, c. 13, s. 3 (2) - 30/05/2017

2020, c. 16, Sched. 4, s. 2 - 21/07/2020

Exemptions from rules relating to rent

6.1 (1) In this section,

“addition” means, with respect to a mobile home park or land lease community, an expansion beyond the boundaries of the mobile home park or land lease community; (“rajout”)

“commencement date” means the day section 1 of Schedule 36 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force. (“date d’entrée en vigueur”) 2018, c. 17, Sched. 36, s. 1.

Buildings, etc., not occupied on or before November 15, 2018

(2) Sections 120, 121, 122, 126, 127, 129, 131, 132, 133, 165 and 167 do not apply on and after the commencement date with respect to a rental unit if the requirements set out in one of the following paragraphs are met:

1. The rental unit is located in a building, mobile home park or land lease community and no part of the building, mobile home park or land lease community was occupied for residential purposes on or before November 15, 2018.
2. The rental unit is entirely located in an addition to a building, mobile home park or land lease community and no part of the addition was occupied for residential purposes on or before November 15, 2018. 2018, c. 17, Sched. 36, s. 1.

Rental units in detached houses, semi-detached houses or row houses

(3) Sections 120, 121, 122, 126, 127, 129, 131, 132 and 133 do not apply on and after the commencement date with respect to a rental unit if all of the following requirements are met:

1. The rental unit is located in a detached house, semi-detached house or row house which, on or at any time before November 15, 2018, contained not more than two residential units.
2. The rental unit is a residential unit that meets all of the following requirements:
 - i. The unit has its own bathroom and kitchen facilities.
 - ii. The unit has one or more exterior or interior entrances.
 - iii. At each entrance, the unit has a door which is equipped so that it can be secured from the inside of the unit.
 - iv. At least one door described in subparagraph iii is capable of being locked from the outside of the unit.
3. The rental unit became a residential unit described in paragraph 2 after November 15, 2018.
4. One or both of the following circumstances apply:
 - i. At the time the rental unit was first occupied as a residential unit described in paragraph 2, the owner or one of the owners, as applicable, lived in another residential unit in the detached house, semi-detached house or row house.
 - ii. The rental unit is located in a part of the detached house, semi-detached house or row house which was unfinished space immediately before the rental unit became a residential unit described in paragraph 2. 2018, c. 17, Sched. 36, s. 1.

Non-application of exemption under subs. (2) or (3)

(4) Subject to subsection (5), the exemption under subsection (2) or (3) does not apply with respect to a rental unit that is subject to a tenancy in respect of which a tenancy agreement was entered into on or before November 15, 2018. 2018, c. 17, Sched. 36, s. 1.

Application of subs. (4)

(5) Subsection (4) applies only with respect to the tenancy described in that subsection and does not apply with respect to any subsequent tenancy. 2018, c. 17, Sched. 36, s. 1.

Burden of proof

(6) For greater certainty, in an application to the Board in which the application of subsection (2) or (3) is at issue, the onus is on the landlord to prove that the subsection applies. 2018, c. 17, Sched. 36, s. 1.

Transition rules

(7) The following rules apply on and after the commencement date with respect to a rental unit, if subsection (2) or (3) applies to the rental unit and the unit is subject to a tenancy in respect of which a tenancy agreement was entered into before that date but after November 15, 2018:

1. Despite subsections (2) and (3), sections 121 and 122 continue to apply with respect to an agreement that was entered into between the landlord and the tenant of the rental unit under section 121 before the commencement date.
2. Despite subsections (2) and (3), section 132 continues to apply with respect to an application that was made by the landlord or the tenant of the rental unit under that section before the commencement date and was not finally determined before that date.
3. Despite subsections (2) and (3), section 133 continues to apply with respect to an application that was made by the tenant of the rental unit under that section before the commencement date and was not finally determined before that date.
4. Despite subsection (2), section 165 continues to apply with respect to an assignment of the rental unit for which the landlord granted consent under section 95 before the commencement date or which was authorized by the Board under section 98 before that date. 2018, c. 17, Sched. 36, s. 1.

Section Amendments with date in force (d/m/y)

2018, c. 17, Sched. 36, s. 1 - 06/12/2018

Exemptions related to social, etc., housing

7 (1) Paragraphs 6, 7 and 8 of subsection 30 (1), sections 48.1, 49.1, 51, 52, 54, 55, 56 and 95 to 99, subsection 100 (2) and sections 101, 102, 104, 111 to 115, 117, 120, 121, 122, 126 to 133, 140, 143, 149, 150, 151, 159, 165 and 167 do not apply with respect to a rental unit described below:

1. A rental unit located in a residential complex owned, operated or administered by or on behalf of the Government of Canada or an agency of the Government of Canada.
2. A rental unit in a designated housing project as defined in the *Housing Services Act, 2011* that is owned, operated or managed by a service manager or local housing corporation as defined in that Act.
3. A rental unit located in a non-profit housing project or other residential complex, if the non-profit housing project or other residential complex was developed or acquired under a prescribed federal, provincial or municipal program and continues to operate under,
 - i. Part VII of the *Housing Services Act, 2011*,
 - ii. a pre-reform operating agreement as defined in the *Housing Services Act, 2011*, or
 - iii. an agreement made between a housing provider, as defined in the *Housing Services Act, 2011*, and one or more of,
 - A. a municipality,
 - B. an agency of a municipality,
 - C. a non-profit corporation controlled by a municipality, if an object of the non-profit corporation is the provision of housing,
 - D. a local housing corporation as defined in the *Housing Services Act, 2011*, or
 - E. a service manager as defined in the *Housing Services Act, 2011*.
4. A rental unit that is a non-member unit of a non-profit housing co-operative.
5. A rental unit provided by an educational institution to a student or member of its staff and that is not exempt from this Act under clause 5 (g).

6. A rental unit located in a residential complex owned, operated or administered by a religious institution for a charitable use on a non-profit basis. 2006, c. 17, s. 7 (1); 2006, c. 32, Sched. E, s. 7 (4); 2011, c. 6, Sched. 1, s. 188 (1); 2017, c. 13, s. 4; 2020, c. 16, Sched. 3, s. 12 (1); 2020, c. 16, Sched. 4, s. 3 (1).

Exemption re 12-month rule

(2) Section 119 does not apply with respect to,

- (a) a rental unit described in paragraph 1, 2, 3 or 4 of subsection (1) if the tenant occupying the rental unit pays rent in an amount geared-to-income due to public funding; or
- (b) a rental unit described in paragraph 5 or 6 of subsection (1). 2006, c. 17, s. 7 (2).

Exemption re notice of rent increase

(3) Sections 116 and 118 do not apply with respect to increases in rent for a rental unit due to increases in the tenant's income if the rental unit is as described in paragraph 1, 2, 3 or 4 of subsection (1) and the tenant pays rent in an amount geared-to-income due to public funding. 2006, c. 17, s. 7 (3).

Exception, subs. (1), par. 1

(4) Despite subsection (1), the provisions of this Act set out in that subsection apply with respect to a rental unit described in paragraph 1 of that subsection if the tenant occupying the rental unit pays rent to a landlord other than the Government of Canada or an agency of the Government of Canada. 2020, c. 16, Sched. 3, s. 12 (2).

Same, subs. (1), par. 2

(5) Despite subsection (1), the provisions of this Act set out in that subsection apply with respect to a rental unit described in paragraph 2 of that subsection if the tenant occupying the rental unit pays rent to a landlord other than a service manager or local housing corporation as defined in the *Housing Services Act, 2011* or an agency of either of them. 2006, c. 17, s. 7 (5); 2011, c. 6, Sched. 1, s. 188 (2); 2020, c. 16, Sched. 4, s. 3 (2).

Same, subs. (1), par. 5

(6) Despite subsection (1), the provisions of this Act set out in that subsection apply with respect to a rent increase for rental units described in paragraph 5 of that subsection if there is a council or association representing the residents of those rental units and there has not been consultation with the council or association respecting the increase. 2006, c. 17, s. 7 (6).

Section Amendments with date in force (d/m/y)

2006, c. 32, Sched. E, s. 7 (4, 5) - 31/01/2007

2011, c. 6, Sched. 1, s. 188 (1, 2) - 01/01/2012

2017, c. 13, s. 4 - 01/09/2017

2020, c. 16, Sched. 3, s. 12 (1, 2) - 31/03/2021; 2020, c. 16, Sched. 4, s. 3 (1) - 21/07/2020; 2020, c. 16, Sched. 4, s. 3 (2) - 01/09/2021

Rent geared-to-income

8 (1) If a tenant pays rent for a rental unit in an amount geared-to-income due to public funding and the rental unit is not a rental unit described in paragraph 1, 2, 3 or 4 of subsection 7 (1), paragraph 6 of subsection 30 (1) and Part VII do not apply to an increase in the amount geared-to-income paid by the tenant. 2006, c. 17, s. 8 (1).

Same, assignment, subletting

(2) Sections 95 to 99, subsection 100 (2), sections 101 and 102, subsection 104 (3) and section 143 do not apply to a tenant described in subsection (1). 2006, c. 17, s. 8 (2).

Application to determine issues

9 (1) A landlord or a tenant may apply to the Board for an order determining,

- (a) whether this Act or any provision of it applies to a particular rental unit or residential complex;
- (b) any other prescribed matter. 2006, c. 17, s. 9 (1).

Order

(2) On the application, the Board shall make findings on the issue as prescribed and shall make the appropriate order. 2006, c. 17, s. 9 (2).

PART II TENANCY AGREEMENTS

Selecting prospective tenants

10 In selecting prospective tenants, landlords may use, in the manner prescribed in the regulations made under the *Human Rights Code*, income information, credit checks, credit references, rental history, guarantees, or other similar business practices as prescribed in those regulations. 2006, c. 17, s. 10.

Information to be provided by landlord

11 (1) If a tenancy agreement is entered into, the landlord shall provide to the tenant information relating to the rights and responsibilities of landlords and tenants, the role of the Board and how to contact the Board. 2006, c. 17, s. 11 (1).

Form

(2) The information shall be provided to the tenant on or before the date the tenancy begins in a form approved by the Board. 2006, c. 17, s. 11 (2).

Non-application

- (3) This section does not apply with respect to a tenancy if,
- (a) the tenancy begins on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent; and
 - (b) section 12.1 applies with respect to the tenancy agreement entered into in respect of the tenancy. 2020, c. 16, Sched. 4, s. 4.

Transition, subs. (3)

(4) Subsection (3) applies with respect to a tenancy agreement referred to in that subsection even if the agreement was entered into before the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent. 2020, c. 16, Sched. 4, s. 4.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 4 - 21/07/2020

Tenancy agreement

Name and address in written agreement

12 (1) Every written tenancy agreement entered into on or after June 17, 1998 shall set out the legal name and address of the landlord to be used for the purpose of giving notices or other documents under this Act. 2006, c. 17, s. 12 (1).

Copy of tenancy agreement

(2) If a tenancy agreement entered into on or after June 17, 1998 is in writing, the landlord shall give a copy of the agreement, signed by the landlord and the tenant, to the tenant within 21 days after the tenant signs it and gives it to the landlord. 2006, c. 17, s. 12 (2).

Notice if agreement not in writing

(3) If a tenancy agreement entered into on or after June 17, 1998 is not in writing, the landlord shall, within 21 days after the tenancy begins, give to the tenant written notice of the legal name and address of the landlord to be used for giving notices and other documents under this Act. 2006, c. 17, s. 12 (3).

Failure to comply

- (4) Until a landlord has complied with subsections (1) and (2), or with subsection (3), as the case may be,
- (a) the tenant's obligation to pay rent is suspended; and
 - (b) the landlord shall not require the tenant to pay rent. 2006, c. 17, s. 12 (4).

After compliance

(5) After the landlord has complied with subsections (1) and (2), or with subsection (3), as the case may be, the landlord may require the tenant to pay any rent withheld by the tenant under subsection (4). 2006, c. 17, s. 12 (5).

Tenancy agreement in respect of tenancy of a prescribed class

12.1 (1) Every tenancy agreement that is entered into in respect of a tenancy of a prescribed class on or after the date prescribed for that class of tenancies shall comply with the following requirements:

1. The tenancy agreement shall be in the form prescribed for that class of tenancies.
2. The tenancy agreement shall comply with the requirements prescribed for that class of tenancies. 2017, c. 13, s. 5.

Time of signature

(2) Every tenancy agreement referred to in subsection (1) shall be signed by the landlord and the tenant on or before the day the tenant is entitled to occupy the rental unit under the tenancy agreement. 2017, c. 13, s. 5.

Non-application

(3) This section does not apply with respect to a tenancy agreement entered into in respect of a tenancy of a prescribed class referred to in subsection (1), if the tenancy agreement is entered into before the applicable prescribed date referred to in that subsection, and even if the tenancy agreement is renewed or deemed to be renewed under section 38 on or after that date. 2017, c. 13, s. 5.

Application of subs. (5) to (10)

(4) Subsections (5) to (10) apply with respect to a tenancy agreement referred to in subsection (1) that does not comply with that subsection. 2017, c. 13, s. 5.

Demand for proposed tenancy agreement that complies with subs. (1)

(5) The tenant of a rental unit who is a party to a tenancy agreement described in subsection (4) may, once during the tenancy, demand in writing that the landlord provide to the tenant, for the tenant's signature, a proposed tenancy agreement that,

- (a) complies with subsection (1);
- (b) is for the occupancy of the same rental unit; and
- (c) is signed by the landlord. 2017, c. 13, s. 5.

Withholding of rent payments

(6) If at least 21 days have elapsed since the day the tenant made the demand and the landlord has not complied with the demand, the tenant may, subject to subsections (7) and (8), withhold rent payments that become due after the expiry of that 21-day period. 2017, c. 13, s. 5.

Same

(7) The maximum total amount of rent payments that a tenant may withhold under subsection (6) is an amount equal to one month's rent. 2017, c. 13, s. 5.

Same

(8) The tenant may not withhold rent payments under subsection (6) on or after the day the landlord complies with the demand. 2017, c. 13, s. 5.

Requirement to pay withheld rent payments

(9) The landlord may require the tenant to pay to the landlord any rent payment withheld under subsection (6) only if the landlord complies with the tenant's demand for a proposed tenancy agreement no later than 30 days after the date of the first rent payment withheld under that subsection. 2017, c. 13, s. 5.

Same

(10) The landlord may require the tenant to pay withheld rent payments under subsection (9) even if the tenant does not enter into the proposed tenancy agreement provided to the tenant by the landlord. 2017, c. 13, s. 5.

Tenancy agreement not void

(11) For greater certainty, a tenancy agreement is not void, voidable or unenforceable solely by reason of not complying with subsection (1) or (2). 2017, c. 13, s. 5.

Operation of s. 12 not affected

(12) For greater certainty, nothing in this section affects the operation of section 12. 2017, c. 13, s. 5.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 5 - 30/05/2017

Commencement of tenancy

13 (1) The term or period of a tenancy begins on the day the tenant is entitled to occupy the rental unit under the tenancy agreement. 2006, c. 17, s. 13 (1).

Actual entry not required

(2) A tenancy agreement takes effect when the tenant is entitled to occupy the rental unit, whether or not the tenant actually occupies it. 2006, c. 17, s. 13 (2).

“No pet” provisions void

14 A provision in a tenancy agreement prohibiting the presence of animals in or about the residential complex is void. 2006, c. 17, s. 14.

Acceleration clause void

15 A provision in a tenancy agreement providing that all or part of the remaining rent for a term or period of a tenancy or a specific sum becomes due upon a default of the tenant in paying rent due or in carrying out an obligation is void. 2006, c. 17, s. 15.

Minimize losses

16 When a landlord or a tenant becomes liable to pay any amount as a result of a breach of a tenancy agreement, the person entitled to claim the amount has a duty to take reasonable steps to minimize the person’s losses. 2006, c. 17, s. 16.

Covenants interdependent

17 Except as otherwise provided in this Act, the common law rules respecting the effect of a serious, substantial or fundamental breach of a material covenant by one party to a contract on the obligation to perform of the other party apply with respect to tenancy agreements. 2006, c. 17, s. 17.

Covenants running with land

18 Covenants concerning things related to a rental unit or the residential complex in which it is located run with the land, whether or not the things are in existence at the time the covenants are made. 2006, c. 17, s. 18.

Frustrated contracts

19 The doctrine of frustration of contract and the *Frustrated Contracts Act* apply with respect to tenancy agreements. 2006, c. 17, s. 19.

PART III RESPONSIBILITIES OF LANDLORDS

Landlord’s responsibility to repair

20 (1) 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. 2006, c. 17, s. 20 (1).

Same

(2) Subsection (1) applies even if the tenant was aware of a state of non-repair or a contravention of a standard before entering into the tenancy agreement. 2006, c. 17, s. 20 (2).

Landlord’s responsibility re services

21 (1) A landlord shall not at any time during a tenant’s occupancy of a rental unit and before the day on which an order evicting the tenant is executed, withhold the reasonable supply of any vital service, care service or food that it is the landlord’s obligation to supply under the tenancy agreement or deliberately interfere with the reasonable supply of any vital service, care service or food. 2006, c. 17, s. 21 (1).

Non-payment

(2) For the purposes of subsection (1), a landlord shall be deemed to have withheld the reasonable supply of a vital service, care service or food if the landlord is obligated to pay another person for the vital service, care service or food, the landlord fails to pay the required amount and, as a result of the non-payment, the other person withholds the reasonable supply of the vital service, care service or food. 2006, c. 17, s. 21 (2).

Landlord not to interfere with reasonable enjoyment

22 A landlord shall not at any time during a tenant’s occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household. 2006, c. 17, s. 22.

Landlord not to harass, etc.

23 A landlord shall not harass, obstruct, coerce, threaten or interfere with a tenant. 2006, c. 17, s. 23.

Changing locks

24 A landlord shall not alter the locking system on a door giving entry to a rental unit or residential complex or cause the locking system to be altered during the tenant’s occupancy of the rental unit without giving the tenant replacement keys. 2006, c. 17, s. 24.

Privacy

25 A landlord may enter a rental unit only in accordance with section 26 or 27. 2006, c. 17, s. 25.

Entry without notice

Entry without notice, emergency, consent

26 (1) A landlord may enter a rental unit at any time without written notice,

- (a) in cases of emergency; or
- (b) if the tenant consents to the entry at the time of entry. 2006, c. 17, s. 26 (1).

Same, housekeeping

(2) A landlord may enter a rental unit without written notice to clean it if the tenancy agreement requires the landlord to clean the rental unit at regular intervals and,

- (a) the landlord enters the unit at the times specified in the tenancy agreement; or
- (b) if no times are specified, the landlord enters the unit between the hours of 8 a.m. and 8 p.m. 2006, c. 17, s. 26 (2).

Entry to show rental unit to prospective tenants

(3) A landlord may enter the rental unit without written notice to show the unit to prospective tenants if,

- (a) the landlord and tenant have agreed that the tenancy will be terminated or one of them has given notice of termination to the other;
- (b) the landlord enters the unit between the hours of 8 a.m. and 8 p.m.; and
- (c) before entering, the landlord informs or makes a reasonable effort to inform the tenant of the intention to do so. 2006, c. 17, s. 26 (3).

Entry with notice

27 (1) A landlord may enter a rental unit in accordance with written notice given to the tenant at least 24 hours before the time of entry under the following circumstances:

1. To carry out a repair or replacement or do work in the rental unit.
2. To allow a potential mortgagee or insurer of the residential complex to view the rental unit.
3. To allow a person who holds a certificate of authorization within the meaning of the *Professional Engineers Act* or a certificate of practice within the meaning of the *Architects Act* or another qualified person to make a physical inspection of the rental unit to satisfy a requirement imposed under subsection 9 (4) of the *Condominium Act, 1998*.
4. To carry out an inspection of the rental unit, if,
 - i. the inspection is for the purpose of determining whether or not the rental unit is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards, consistent with the landlord's obligations under subsection 20 (1) or section 161, and
 - ii. it is reasonable to carry out the inspection.
5. For any other reasonable reason for entry specified in the tenancy agreement. 2006, c. 17, s. 27 (1).

Same

(2) A landlord or, with the written authorization of a landlord, a broker or salesperson registered under the *Trust in Real Estate Services Act, 2002*, may enter a rental unit in accordance with written notice given to the tenant at least 24 hours before the time of entry to allow a potential purchaser to view the rental unit. 2006, c. 17, s. 27 (2); 2020, c. 1, s. 36.

Contents of notice

(3) The written notice under subsection (1) or (2) shall specify the reason for entry, the day of entry and a time of entry between the hours of 8 a.m. and 8 p.m. 2006, c. 17, s. 27 (3).

Section Amendments with date in force (d/m/y)

2020, c. 1, s. 36 - 01/12/2023

Entry by canvassers

28 No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material. 2006, c. 17, s. 28.

Tenant applications

29 (1) A tenant or former tenant of a rental unit may apply to the Board for any of the following orders:

1. An order determining that the landlord has breached an obligation under subsection 20 (1) or section 161.
 2. An order determining that the landlord, superintendent or agent of the landlord has withheld the reasonable supply of any vital service, care service or food that it is the landlord's obligation to supply under the tenancy agreement or deliberately interfered with the reasonable supply of any vital service, care service or food.
 3. An order determining that the landlord, superintendent or agent of the landlord has substantially interfered with the reasonable enjoyment of the rental unit or residential complex for all usual purposes by the tenant or a member of his or her household.
 4. An order determining that the landlord, superintendent or agent of the landlord has harassed, obstructed, coerced, threatened or interfered with the tenant during the tenant's occupancy of the rental unit.
 5. An order determining that the landlord, superintendent or agent of the landlord has altered the locking system on a door giving entry to the rental unit or the residential complex or caused the locking system to be altered during the tenant's occupancy of the rental unit without giving the tenant replacement keys.
 6. An order determining that the landlord, superintendent or agent of the landlord has illegally entered the rental unit.
- 2006, c. 17, s. 29 (1).

Time limitation

(2) No application may be made under subsection (1) more than one year after the day the alleged conduct giving rise to the application occurred. 2006, c. 17, s. 29 (2).

Order, repair, comply with standards

30 (1) If the Board determines in an application under paragraph 1 of subsection 29 (1) that a landlord has breached an obligation under subsection 20 (1) or section 161, the Board may do one or more of the following:

1. Terminate the tenancy.
2. Order an abatement of rent.
3. Authorize a repair or replacement that has been or is to be made, or work that has been or is to be done, and order its cost to be paid by the landlord to the tenant.
4. Order the landlord to do specified repairs or replacements or other work within a specified time.
5. Order the landlord to pay a specified sum to the tenant for,
 - i. the reasonable costs that the tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the tenant that was damaged, destroyed or disposed of as a result of the landlord's breach, and
 - ii. other reasonable out-of-pocket expenses that the tenant has incurred or will incur as a result of the landlord's breach.
6. Prohibit the landlord from charging a new tenant under a new tenancy agreement an amount of rent in excess of the last lawful rent charged to the former tenant of the rental unit, until the landlord has,
 - i. completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard, and
 - ii. completed the specified repairs or replacements or other work ordered under paragraph 4 found by the Board to be related to a serious breach of the landlord's obligations under subsection 20 (1) or section 161.
7. Prohibit the landlord from giving a notice of a rent increase for the rental unit until the landlord has,
 - i. completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard, and
 - ii. completed the specified repairs or replacements or other work ordered under paragraph 4 found by the Board to be related to a serious breach of the landlord's obligations under subsection 20 (1) or section 161.
8. Prohibit the landlord from taking any rent increase for which notice has been given if the increase has not been taken before the date an order under this section is issued until the landlord has,
 - i. completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard, and

- ii. completed the specified repairs or replacements or other work ordered under paragraph 4 found by the Board to be related to a serious breach of the landlord's obligations under subsection 20 (1) or section 161.

9. Make any other order that it considers appropriate. 2006, c. 17, s. 30 (1).

Advance notice of breaches

(2) In determining the remedy under this section, the Board shall consider whether the tenant or former tenant advised the landlord of the alleged breaches before applying to the Board. 2006, c. 17, s. 30 (2).

Other orders re s. 29

31 (1) If the Board determines that a landlord, a superintendent or an agent of a landlord has done one or more of the activities set out in paragraphs 2 to 6 of subsection 29 (1), the Board may,

- (a) order that the landlord, superintendent or agent may not engage in any further activities listed in those paragraphs against any of the tenants in the residential complex;
- (b) order that the landlord, superintendent or agent pay a specified sum to the tenant for,
 - (i) the reasonable costs that the tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the tenant that was damaged, destroyed or disposed of as a result of the landlord, superintendent or agent having engaged in one or more of the activities listed in those paragraphs, and
 - (ii) other reasonable out-of-pocket expenses that the tenant has incurred or will incur as a result of the landlord, superintendent or agent having engaged in one or more of the activities listed in those paragraphs;
- (c) order an abatement of rent;
- (d) order that the landlord pay to the Board an administrative fine not exceeding the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court;
- (e) order that the tenancy be terminated;
- (f) make any other order that it considers appropriate. 2006, c. 17, s. 31 (1).

Same

(2) If in an application under any of paragraphs 2 to 6 of subsection 29 (1) it is determined that the tenant was induced by the conduct of the landlord, the superintendent or an agent of the landlord to vacate the rental unit, the Board may, in addition to the remedies set out in subsection (1), order that the landlord pay a specified sum to the tenant for,

- (a) all or any portion of any increased rent which the tenant has incurred or will incur for a one-year period after the tenant has left the rental unit; and
- (b) reasonable out-of-pocket moving, storage and other like expenses which the tenant has incurred or will incur. 2006, c. 17, s. 31 (2).

Order, s. 29 (1), par. 5

(3) If the Board determines, in an application under paragraph 5 of subsection 29 (1), that the landlord, superintendent or agent of the landlord has altered the locking system on a door giving entry to the rental unit or the residential complex, or caused the locking system to be altered, during the tenant's occupancy of the rental unit without giving the tenant replacement keys, and if the Board is satisfied that the rental unit is vacant, the Board may, in addition to the remedies set out in subsections (1) and (2), order that the landlord allow the tenant to recover possession of the rental unit and that the landlord refrain from renting the unit to anyone else. 2006, c. 17, s. 31 (3).

Effect of order allowing tenant possession

(4) An order under subsection (3) shall have the same effect, and shall be enforced in the same manner, as a writ of possession. 2006, c. 17, s. 31 (4).

Expiry of order allowing tenant possession

(5) An order under subsection (3) expires,

- (a) at the end of the 15th day after the day it is issued if it is not filed within those 15 days with the sheriff who has territorial jurisdiction where the rental unit is located; or
- (b) at the end of the 45th day after the day it is issued if it is filed in the manner described in clause (a). 2006, c. 17, s. 31 (5).

Eviction with termination order

32 If the Board makes an order terminating a tenancy under paragraph 1 of subsection 30 (1) or clause 31 (1) (e), the Board may order that the tenant be evicted, effective not earlier than the termination date specified in the order. 2006, c. 17, s. 32.

PART IV RESPONSIBILITIES OF TENANTS

Tenant's responsibility for cleanliness

33 The tenant is responsible for ordinary cleanliness of the rental unit, except to the extent that the tenancy agreement requires the landlord to clean it. 2006, c. 17, s. 33.

Tenant's responsibility for repair of damage

34 The tenant is responsible for the repair of undue damage to the rental unit or residential complex caused by the wilful or negligent conduct of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant. 2006, c. 17, s. 34.

Changing locks

35 (1) A tenant shall not alter the locking system on a door giving entry to a rental unit or residential complex or cause the locking system to be altered during the tenant's occupancy of the rental unit without the consent of the landlord. 2006, c. 17, s. 35 (1).

Landlord application

(2) If a tenant alters a locking system, contrary to subsection (1), the landlord may apply to the Board for an order determining that the tenant has altered the locking system on a door giving entry to the rental unit or the residential complex or caused the locking system to be altered during the tenant's occupancy of the rental unit without the consent of the landlord. 2006, c. 17, s. 35 (2).

Order

(3) If the Board in an application under subsection (2) determines that a tenant has altered the locking system or caused it to be altered, the Board may order that the tenant provide the landlord with keys or pay the landlord the reasonable out-of-pocket expenses necessary to change the locking system. 2006, c. 17, s. 35 (3).

Tenant not to harass, etc.

36 A tenant shall not harass, obstruct, coerce, threaten or interfere with a landlord. 2006, c. 17, s. 36.

Note: On a day to be named by proclamation of the Lieutenant Governor, Part IV of the Act is amended by adding the following section: (See: 2023, c. 10, Sched. 7, s. 1)

Air conditioning

36.1 (1) A tenant may install and use a window or portable air conditioner in a rental unit for which the landlord does not supply air conditioning, unless prohibited from doing so by the landlord under subsection (2), and subject to the conditions set out in subsection (3). 2023, c. 10, Sched. 7, s. 1.

Exception

(2) The landlord may, in the prescribed circumstances, prohibit a tenant from installing an air conditioner. 2023, c. 10, Sched. 7, s. 1.

Conditions

(3) The installation and use of a window or portable air conditioner under subsection (1) is subject to the following conditions:

1. Before installing the air conditioner, the tenant must notify the landlord in writing.
2. If subsection (5) may apply in the circumstances, the notice must include any information available to the tenant about the energy efficiency of the air conditioner, and information about the tenant's anticipated usage of the air conditioner.
3. The tenant shall ensure that the air conditioner, including its installation and operation, does not damage the rental unit or residential complex.
4. The air conditioner must be installed safely and securely.
5. The installation of the air conditioner is not prohibited by any applicable municipal property standards by-law or other applicable law, and the air conditioner is installed and maintained in accordance with any applicable laws.
6. Any other prescribed conditions. 2023, c. 10, Sched. 7, s. 1.

Reasonable inspection

(4) For greater certainty, a reasonable inspection by a landlord for the purpose of determining compliance with paragraph 3, 4 or 5 of subsection (3) is a circumstance for which a landlord may enter a rental unit under paragraph 4 of subsection 27 (1) of the Act. 2023, c. 10, Sched. 7, s. 1.

Rent increase

(5) If, on or after the day section 1 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, a tenant installs and uses a window or portable air conditioner in a rental unit to which the landlord is obligated under the tenancy agreement to supply electricity, the landlord may increase the rent charged to the tenant. 2023, c. 10, Sched. 7, s. 1.

Exception

(6) Subsection (5) does not apply if the tenancy agreement expressly provides that the tenant may install a window or portable air conditioner without any increase of rent. 2023, c. 10, Sched. 7, s. 1.

Maximum

(7) An increase under subsection (5) shall not exceed the actual cost to the landlord of the electricity supplied for the operation of the air conditioner or, where the actual cost cannot be established, a reasonable estimate based on the information provided by the tenant under paragraph 2 of subsection (3). 2023, c. 10, Sched. 7, s. 1.

Rent decrease, removal

(8) If a tenant who is subject to a rent increase under subsection (5) removes the air conditioner, the landlord shall decrease the rent charged to the tenant by the amount of the increase. 2023, c. 10, Sched. 7, s. 1.

Rent decrease, seasonal use

(9) If a tenant who is subject to a rent increase under subsection (5) seasonally ceases to use the air conditioner, the landlord shall decrease the rent charged to the tenant by the amount of the increase. 2023, c. 10, Sched. 7, s. 1.

Same, resumption of use

(10) If the tenant seasonally resumes using the air conditioner, the landlord may increase the rent charged to the tenant, and subsections (7) to (9) apply with necessary modifications with respect to the rent increase. 2023, c. 10, Sched. 7, s. 1.

Application

(11) Sections 110, 116, 119 and 120 and any order under paragraph 6 of subsection 30 (1) do not apply with respect to a rent increase under this section. 2023, c. 10, Sched. 7, s. 1.

Application to existing air conditioners

(12) Subsection (3), other than paragraphs 1 and 2, applies with necessary modifications with respect to a window or portable air conditioner installed by a tenant in a rental unit before the day section 1 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, subject to subsection (13). 2023, c. 10, Sched. 7, s. 1.

Non-application

(13) This section does not apply with respect to rental units in a mobile home park or land lease community. 2023, c. 10, Sched. 7, s. 1.

Section Amendments with date in force (d/m/y)

2023, c. 10, Sched. 7, s. 1- not in force

PART V**SECURITY OF TENURE AND TERMINATION OF TENANCIES****SECURITY OF TENURE****Termination only in accordance with Act**

37 (1) A tenancy may be terminated only in accordance with this Act. 2006, c. 17, s. 37 (1).

Termination by notice

(2) If a notice of termination is given in accordance with this Act and the tenant vacates the rental unit in accordance with the notice, the tenancy is terminated on the termination date set out in the notice. 2006, c. 17, s. 37 (2).

Termination by agreement

(3) A notice of termination need not be given if a landlord and a tenant have agreed to terminate a tenancy. 2006, c. 17, s. 37 (3).

When notice void

(4) A tenant's notice to terminate a tenancy is void if it is given,

- (a) at the time the tenancy agreement is entered into; or
- (b) as a condition of entering into the tenancy agreement. 2006, c. 17, s. 37 (4).

When agreement void

- (5) An agreement between a landlord and tenant to terminate a tenancy is void if it is entered into,
- (a) at the time the tenancy agreement is entered into; or
 - (b) as a condition of entering into the tenancy agreement. 2006, c. 17, s. 37 (5).

Application of subss. (4) and (5)

- (6) Subsections (4) and (5) do not apply to rental units occupied by students of one or more post-secondary educational institutions,
- (a) in a residential complex owned, operated or administered by or on behalf of the post-secondary educational institutions; or
 - (b) in a residential complex where a non-profit housing co-operative provides housing units primarily for post-secondary students. 2013, c. 3, s. 25.

Same

- (7) Subsections (4) and (5) do not apply to rental units in a residential complex with respect to which the landlord has entered into an agreement with one or more post-secondary educational institutions providing,
- (a) that the landlord, as of the date the agreement is entered into and for the duration of the agreement, rents the rental units which are the subject of the agreement only to students of the institution or institutions;
 - (b) that the landlord will comply with the maintenance standards set out in the agreement with respect to the rental units which are the subject of the agreement; and
 - (c) that the landlord will not charge a new tenant of a rental unit which is a subject of the agreement a rent which is greater than the lawful rent being charged to the former tenant plus the guideline. 2006, c. 17, s. 37 (7).

Same

- (8) The maintenance standards set out in the agreement and referred to in clause (7) (b) shall not provide for a lower maintenance standard than that required by law. 2006, c. 17, s. 37 (8).

Same

- (9) If the landlord breaches any of clauses (7) (a), (b) and (c), the agreement referred to in subsection (7) is terminated and the exemption provided by subsection (7) no longer applies. 2006, c. 17, s. 37 (9).

Same

- (10) The landlord shall be deemed to have not breached the condition in clause (7) (a) if,
- (a) upon a tenant ceasing to be a student of a post-secondary educational institution that is a party to the agreement with the landlord, the landlord takes action to terminate the tenancy in accordance with an agreement with the tenant to terminate the tenancy or a notice of termination given by the tenant; or
 - (b) a tenant sublets the rental unit to a person who is not a student of a post-secondary educational institution that is a party to the agreement with the landlord. 2006, c. 17, s. 37 (10).

Same

- (11) Either party to an agreement referred to in subsection (7) may terminate the agreement on at least 90 days written notice to the other party and, upon the termination of the agreement, the exemption provided by subsection (7) no longer applies. 2006, c. 17, s. 37 (11).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 25 - 01/06/2014

Deemed renewal where no notice

38 (1) If a tenancy agreement for a fixed term ends and has not been renewed or terminated, the landlord and tenant shall be deemed to have renewed it as a monthly tenancy agreement containing the same terms and conditions that are in the expired tenancy agreement and subject to any increases in rent charged in accordance with this Act. 2006, c. 17, s. 38 (1).

Same

- (2) If the period of a daily, weekly or monthly tenancy ends and the tenancy has not been renewed or terminated, the landlord and tenant shall be deemed to have renewed it for another day, week or month, as the case may be, with the same terms and conditions that are in the expired tenancy agreement and subject to any increases in rent charged in accordance with this Act. 2006, c. 17, s. 38 (2).

Same

(3) If the period of a periodic tenancy ends, the tenancy has not been renewed or terminated and subsection (2) does not apply, the landlord and tenant shall be deemed to have renewed it as a monthly tenancy, with the same terms and conditions that are in the expired tenancy agreement and subject to any increases in rent charged in accordance with this Act. 2006, c. 17, s. 38 (3).

Restriction on recovery of possession

39 A landlord shall not recover possession of a rental unit subject to a tenancy unless,

- (a) the tenant has vacated or abandoned the unit; or
- (b) an order of the Board evicting the tenant has authorized the possession. 2006, c. 17, s. 39.

Distress abolished

40 No landlord shall, without legal process, seize a tenant's property for default in the payment of rent or for the breach of any other obligation of the tenant. 2006, c. 17, s. 40.

Disposal of abandoned property if unit vacated

41 (1) A landlord may sell, retain for the landlord's own use or otherwise dispose of property in a rental unit or the residential complex if the rental unit has been vacated in accordance with,

- (a) a notice of termination of the landlord or the tenant;
- (b) an agreement between the landlord and the tenant to terminate the tenancy;
- (c) subsection 93 (2); or
- (d) an order of the Board terminating the tenancy or evicting the tenant. 2006, c. 17, s. 41 (1).

Where eviction order enforced

(2) Despite subsection (1), where an order is made to evict a tenant, the landlord shall not sell, retain or otherwise dispose of the tenant's property before 72 hours have elapsed after the enforcement of the eviction order. 2006, c. 17, s. 41 (2).

Same

(3) A landlord shall make an evicted tenant's property available to be retrieved at a location close to the rental unit during the prescribed hours within the 72 hours after the enforcement of an eviction order. 2006, c. 17, s. 41 (3).

Liability of landlord

(4) A landlord is not liable to any person for selling, retaining or otherwise disposing of a tenant's property in accordance with this section. 2006, c. 17, s. 41 (4).

Agreement

(5) A landlord and a tenant may agree to terms other than those set out in this section with regard to the disposal of the tenant's property. 2006, c. 17, s. 41 (5).

Enforcement of landlord obligations

(6) If, on application by a former tenant, the Board determines that a landlord has breached an obligation under subsection (2) or (3), the Board may do one or more of the following:

1. Order that the landlord not breach the obligation again.
2. Order that the landlord return to the former tenant property of the former tenant that is in the possession or control of the landlord.
3. Order that the landlord pay a specified sum to the former tenant for,
 - i. the reasonable costs that the former tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the former tenant that was damaged, destroyed or disposed of as a result of the landlord's breach, and
 - ii. other reasonable out-of-pocket expenses that the former tenant has incurred or will incur as a result of the landlord's breach.
4. Order that the landlord pay to the Board an administrative fine not exceeding the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court.
5. Make any other order that it considers appropriate. 2006, c. 17, s. 41 (6).

Disposal of property, unit abandoned

42 (1) A landlord may dispose of property in a rental unit that a tenant has abandoned and property of persons occupying the rental unit that is in the residential complex in which the rental unit is located in accordance with subsections (2) and (3) if,

- (a) the landlord obtains an order terminating the tenancy under section 79; or
- (b) the landlord gives notice to the tenant of the rental unit and to the Board of the landlord's intention to dispose of the property. 2006, c. 17, s. 42 (1).

Same

(2) If the tenant has abandoned the rental unit, the landlord may dispose of any unsafe or unhygienic items immediately. 2006, c. 17, s. 42 (2).

Same

(3) The landlord may sell, retain for the landlord's own use or otherwise dispose of any other items if 30 days have passed after obtaining the order referred to in clause (1) (a) or giving the notice referred to in clause (1) (b) to the tenant and the Board. 2006, c. 17, s. 42 (3).

Tenant's claim to property

(4) If, before the 30 days have passed, the tenant notifies the landlord that he or she intends to remove property referred to in subsection (3), the tenant may remove the property within that 30-day period. 2006, c. 17, s. 42 (4).

Same

(5) If the tenant notifies the landlord in accordance with subsection (4) that he or she intends to remove the property, the landlord shall make the property available to the tenant at a reasonable time and at a location close to the rental unit. 2006, c. 17, s. 42 (5).

Same

(6) The landlord may require the tenant to pay the landlord for arrears of rent and any reasonable out-of-pocket expenses incurred by the landlord in moving, storing or securing the tenant's property before allowing the tenant to remove the property. 2006, c. 17, s. 42 (6).

Same

(7) If, within six months after the date the notice referred to in clause (1) (b) is given to the tenant and the Board or the order terminating the tenancy is issued, the tenant claims any of his or her property that the landlord has sold, the landlord shall pay to the tenant the amount by which the proceeds of sale exceed the sum of,

- (a) the landlord's reasonable out-of-pocket expenses for moving, storing, securing or selling the property; and
- (b) any arrears of rent. 2006, c. 17, s. 42 (7).

No liability

(8) Subject to subsections (5) and (7), a landlord is not liable to any person for selling, retaining or otherwise disposing of the property of a tenant in accordance with this section. 2006, c. 17, s. 42 (8).

NOTICE OF TERMINATION – GENERAL**Notice of termination**

43 (1) Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board and shall,

- (a) identify the rental unit for which the notice is given;
- (b) state the date on which the tenancy is to terminate; and
- (c) be signed by the person giving the notice, or the person's agent. 2006, c. 17, s. 43 (1).

Same

(2) If the notice is given by a landlord, it shall also set out the reasons and details respecting the termination and inform the tenant that,

- (a) if the tenant vacates the rental unit in accordance with the notice, the tenancy terminates on the date set out in clause (1) (b);
- (b) if the tenant does not vacate the rental unit, the landlord may apply to the Board for an order terminating the tenancy and evicting the tenant; and
- (c) if the landlord applies for an order, the tenant is entitled to dispute the application. 2006, c. 17, s. 43 (2).

Period of notice

Period of notice, daily or weekly tenancy

44 (1) A notice under section 47, 58 or 144 to terminate a daily or weekly tenancy shall be given at least 28 days before the date the termination is specified to be effective and that date shall be on the last day of a rental period. 2006, c. 17, s. 44 (1).

Period of notice, monthly tenancy

(2) A notice under section 47, 58 or 144 to terminate a monthly tenancy shall be given at least 60 days before the date the termination is specified to be effective and that date shall be on the last day of a rental period. 2006, c. 17, s. 44 (2).

Period of notice, yearly tenancy

(3) A notice under section 47, 58 or 144 to terminate a yearly tenancy shall be given at least 60 days before the date the termination is specified to be effective and that date shall be on the last day of a yearly period on which the tenancy is based. 2006, c. 17, s. 44 (3).

Period of notice, tenancy for fixed term

(4) A notice under section 47, 58 or 144 to terminate a tenancy for a fixed term shall be given at least 60 days before the expiration date specified in the tenancy agreement, to be effective on that expiration date. 2006, c. 17, s. 44 (4).

Period of notice, February notices

(5) A tenant who gives notice under subsection (2), (3) or (4) which specifies that the termination is to be effective on the last day of February or the last day of March in any year shall be deemed to have given at least 60 days notice of termination if the notice is given not later than January 1 of that year in respect of a termination which is to be effective on the last day of February, or February 1 of that year in respect of a termination which is to be effective on the last day of March. 2006, c. 17, s. 44 (5).

Effect of payment

45 Unless a landlord and tenant agree otherwise, the landlord does not waive a notice of termination, reinstate a tenancy or create a new tenancy,

- (a) by giving the tenant a notice of rent increase; or
- (b) by accepting arrears of rent or compensation for the use or occupation of a rental unit after,
 - (i) the landlord or the tenant gives a notice of termination of the tenancy,
 - (ii) the landlord and the tenant enter into an agreement to terminate the tenancy, or
 - (iii) the Board makes an eviction order or an order terminating the tenancy. 2006, c. 17, s. 45.

Where notice void

46 (1) A notice of termination becomes void 30 days after the termination date specified in the notice unless,

- (a) the tenant vacates the rental unit before that time; or
- (b) the landlord applies for an order terminating the tenancy and evicting the tenant before that time. 2006, c. 17, s. 46 (1).

Exception

(2) Subsection (1) does not apply with respect to a notice based on a tenant's failure to pay rent. 2006, c. 17, s. 46 (2).

NOTICE BY TENANT

Tenant's notice to terminate, end of period or term

47 A tenant may terminate a tenancy at the end of a period of the tenancy or at the end of the term of a tenancy for a fixed term by giving notice of termination to the landlord in accordance with section 44. 2006, c. 17, s. 47.

NOTICE BY TENANT BEFORE END OF YEARLY PERIOD OR FIXED TERM OF TENANCY REFERRED TO IN SUBS. 12.1 (1)

Notice to terminate before end of period or term, tenancy referred to in subs. 12.1 (1)

47.0.1 (1) Despite subsections 44 (3) and (4) and section 47, a tenant may terminate a tenancy referred to in subsection 12.1 (1) that is a yearly tenancy or a tenancy for a fixed term by giving notice of termination to the landlord in accordance with this section if,

- (a) the tenant has made a demand for a proposed tenancy agreement under subsection 12.1 (5) in respect of the tenancy; and
- (b) either one of the following applies,

- (i) at least 21 days have elapsed since the day the tenant made the demand and the landlord has not complied with the demand, or
- (ii) the landlord has complied with the demand and the tenant has not entered into the proposed tenancy agreement provided to the tenant by the landlord. 2017, c. 13, s. 6.

Limitation

(2) A tenant may give a notice under subsection (1) no later than 30 days after the day the landlord has provided the proposed tenancy agreement to the tenant. 2017, c. 13, s. 6.

Period of notice

(3) A notice under subsection (1) to terminate a yearly tenancy or a tenancy for a fixed term shall be given at least 60 days before the date the termination is specified to be effective and that date shall be on the last day of a rental period of the tenancy. 2017, c. 13, s. 6.

Form of notice

(4) A notice under subsection (1) shall comply with subsection 43 (1). 2017, c. 13, s. 6.

Application of subs. 44 (5)

(5) Subsection 44 (5) applies with necessary modifications with respect to a notice given under subsection (1). 2017, c. 13, s. 6.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 6 - 30/05/2017

NOTICE BY TENANT BEFORE END OF PERIOD OR TERM, TENANT OR CHILD DEEMED TO HAVE EXPERIENCED VIOLENCE
OR ANOTHER FORM OF ABUSE

Notice to terminate tenancy, before end of period or term

47.1 (1) Despite subsections 44 (2) to (4) and section 47, a tenant may terminate a monthly or yearly tenancy or a tenancy for a fixed term by giving notice of termination to the landlord in accordance with this section if,

- (a) the tenant is deemed under subsection 47.3 (1) to have experienced violence or another form of abuse; or
- (b) a child residing with the tenant is deemed under subsection 47.3 (1) to have experienced violence or another form of abuse. 2016, c. 2, Sched. 6, s. 1.

Same, joint tenants

(2) A joint tenant who meets the requirement in clause (1) (a) or (b) may,

- (a) give a notice of termination of the tenancy under subsection (1), provided the notice is given jointly with all the other joint tenants; or
- (b) give a notice of termination of his or her interest in the tenancy under subsection 47.2 (1). 2016, c. 2, Sched. 6, s. 1.

Period of notice

(3) A notice under subsection (1) shall be given at least 28 days before the date the termination is specified to be effective. 2016, c. 2, Sched. 6, s. 1.

Form and contents of notice

(4) A notice under subsection (1) shall,

- (a) comply with subsection 43 (1); and
- (b) be accompanied by,
 - (i) a copy of an order described in clause 47.3 (1) (a), (b) or (c) and issued not more than 90 days before the date the notice is given, or
 - (ii) a statement referred to in clause 47.3 (1) (d), (e) or (f). 2016, c. 2, Sched. 6, s. 1.

Entry to show unit to prospective tenants under s. 26 (3)

(5) The landlord to whom a notice is given with respect to a rental unit under subsection (1) may enter the unit in accordance with subsection 26 (3) only after the tenant or all the joint tenants, as applicable, have vacated the unit in accordance with the notice and, for that purpose, clause 26 (3) (c) does not apply. 2016, c. 2, Sched. 6, s. 1.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 6, s. 1 - 08/09/2016

Notice to terminate interest in joint tenancy

47.2 (1) A joint tenant may terminate his or her interest in a monthly or yearly tenancy or in a tenancy for a fixed term by giving notice of termination to the landlord in accordance with this section if,

- (a) the tenant is deemed under subsection 47.3 (1) to have experienced violence or another form of abuse; or
- (b) a child residing with the tenant is deemed under subsection 47.3 (1) to have experienced violence or another form of abuse. 2016, c. 2, Sched. 6, s. 1.

Notice given by some of the joint tenants

(2) A joint tenant who meets the requirement in clause (1) (a) or (b) may give a notice under subsection (1),

- (a) either solely; or
- (b) jointly with some but not all of the other joint tenants. 2016, c. 2, Sched. 6, s. 1.

Period of notice

(3) A notice under subsection (1) shall be given at least 28 days before the date the termination is specified to be effective. 2016, c. 2, Sched. 6, s. 1.

Form and contents of notice

(4) A notice under subsection (1) shall,

- (a) be in a form approved by the Board;
- (b) identify the rental unit for which the notice is given;
- (c) state the date on which the interest in the tenancy is to terminate;
- (d) be signed by the tenant or tenants giving the notice, or their agent; and
- (e) be accompanied by,
 - (i) a copy of an order described in clause 47.3 (1) (a), (b) or (c) and issued not more than 90 days before the date the notice is given, or
 - (ii) a statement referred to in clause 47.3 (1) (d), (e) or (f). 2016, c. 2, Sched. 6, s. 1.

Where notice void

(5) A notice given under subsection (1) becomes void with respect to a tenant who gave the notice, if the tenant does not vacate the rental unit on or before the termination date set out in the notice. 2016, c. 2, Sched. 6, s. 1.

Tenant vacating unit in accordance with notice

(6) A tenant who gave notice under subsection (1) and vacates the rental unit on or before the termination date set out in the notice ceases to be a tenant and a party to the tenancy agreement on the termination date, but this subsection does not affect any right or liability of the tenant arising from any breach of obligations that relates to the period before the termination. 2016, c. 2, Sched. 6, s. 1.

Not a notice of termination of tenancy

(7) For greater certainty, a notice under subsection (1) is not a notice of termination of the tenancy for the purposes of this Act, including without limiting the generality of the foregoing, for the purposes of subsections 37 (2) and (3), subsection 46 (1) and clause 77 (1) (b). 2016, c. 2, Sched. 6, s. 1.

Rent deposit

(8) Any rent deposit paid to the landlord or a former landlord in respect of the tenancy shall enure to the benefit of the tenant or tenants who did not give the notice under subsection (1) and any tenant in respect of whom the notice becomes void under subsection (5). 2016, c. 2, Sched. 6, s. 1.

Notice of termination of yearly tenancy or tenancy for fixed term

(9) Despite subsections 44 (3) and (4) and section 47, after a joint tenant has ceased to be a tenant and a party to the tenancy agreement in accordance with subsection (6), any tenant referred to in subsection (8) may terminate a yearly tenancy or a tenancy for a fixed term by giving notice of termination to the landlord in accordance with the following:

1. The notice shall be given at least 60 days before the date the termination is specified to be effective.
2. If there is more than one tenant, notice shall be given jointly by all of them.
3. The notice shall comply with subsection 43 (1). 2016, c. 2, Sched. 6, s. 1.

Application of s. 44 (5)

(10) Subsection 44 (5) applies with necessary modifications with respect to a notice given under subsection (9). 2016, c. 2, Sched. 6, s. 1.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 6, s. 1 - 08/09/2016

Tenant or child deemed to have experienced violence or another form of abuse

47.3 (1) For the purposes of sections 47.1 and 47.2, a tenant of a rental unit or a child residing with the tenant is deemed to have experienced violence or another form of abuse if,

- (a) an order has been made under subsection 810 (3) of the *Criminal Code* (Canada) against a person mentioned in subsection (4) and the order includes one or more conditions described in subsection 810 (3.2) of that Act relating to the tenant, the child or the rental unit;
- (b) an order has been made under section 46 of the *Family Law Act* against a person mentioned in subsection 46 (2) of that Act and the order includes one or more provisions described in subsection 46 (3) of that Act relating to the tenant, the child or the rental unit;
- (c) an order has been made under section 35 of the *Children's Law Reform Act* against a person mentioned in subsection (4) and the order includes one or more provisions described in subsection 35 (2) of that Act relating to the tenant, the child or the rental unit;
- (d) the tenant alleges that any of the following acts or omissions has been committed by a person mentioned in subsection (4) against the tenant or the child and the allegation is made in a statement that complies with the requirements in subsection (5):
 - (i) an intentional or reckless act or omission that caused bodily harm to the tenant or the child or damage to property,
 - (ii) an act or omission or threatened act or omission that caused the tenant or the child to fear for his or her own safety or the child's safety,
 - (iii) forced confinement of the tenant or the child, without lawful authority, or
 - (iv) a series of acts which collectively caused the tenant or the child to fear for his or her own safety or the child's safety, including following, contacting, communicating with, observing or recording the tenant or the child;
- (e) the tenant alleges that sexual violence has been committed against the tenant or the child and the allegation is made in a statement that complies with the requirements in subsection (5); or
- (f) the tenant alleges that an act or omission prescribed for the purposes of this clause has been committed against the tenant or the child and the allegation is made in a statement that complies with the requirements in subsection (5). 2016, c. 2, Sched. 6, s. 1.

Definition

(2) In this section,

“sexual violence” means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. 2016, c. 2, Sched. 6, s. 1.

Non-application of subs. (1)

(3) Subsection (1) does not apply with respect to,

- (a) an order described in clause (1) (b) that was made against the tenant; or
- (b) sexual violence or an act or omission referred to in clause (1) (f) that is alleged to have been committed by the tenant. 2016, c. 2, Sched. 6, s. 1.

Persons against whom order or allegation made

(4) The person against whom an order described in clause (1) (a) or (c) was made and the person who is alleged to have committed an act or omission described in clause (1) (d) must be,

- (a) a spouse or former spouse of the tenant;
- (b) a person other than a spouse or former spouse of the tenant, who is living with the tenant in a conjugal relationship outside marriage, or who has lived with the tenant in a conjugal relationship outside marriage for any period of time, whether or not they are living in a conjugal relationship at the time the tenant gives a notice under subsection 47.1 (1) or 47.2 (1);

- (c) a person who is or was in a dating relationship with the tenant; or
- (d) a person who resides in the rental unit and who is related, including through marriage, to the tenant or to a child who resides with the tenant. 2016, c. 2, Sched. 6, s. 1; 2016, c. 23, s. 66.

Statement by tenant

(5) A statement referred to in clause (1) (d), (e) or (f) shall comply with the following requirements:

1. The statement shall be in a form approved by the Board.
2. The statement shall identify the rental unit to which it relates.
3. The statement shall include an allegation that one or more of the following has occurred:
 - i. an act or omission described in clause (1) (d) has been committed against the tenant or a child residing with the tenant by a person mentioned in subsection (4),
 - ii. sexual violence, as defined in subsection (2), has been committed against the tenant or a child residing with the tenant, or
 - iii. an act or omission prescribed for the purposes of clause (1) (f) has been committed against the tenant or a child residing with the tenant.
4. The statement need not,
 - i. describe the circumstances of the sexual violence or of the act or omission,
 - ii. specify whether the occurrence is an occurrence of an act or omission referred to in subparagraph 3 i or iii or an occurrence of sexual violence referred to in subparagraph 3 ii,
 - iii. identify the person who is alleged to have committed the sexual violence or the act or omission, either by name or by the person's relationship to the tenant or the child residing with the tenant, or
 - iv. specify whether the sexual violence or the act or omission is alleged to have been committed against the tenant or a child residing with the tenant.
5. The statement shall include an assertion that, as a result of the sexual violence or the act or omission committed against the tenant or the child, the tenant believes that he or she or the child may be at risk of harm or injury, if he or she or the child continues to reside in the rental unit.
6. The statement shall be signed by the tenant. 2016, c. 2, Sched. 6, s. 1.

Board proceedings

(6) In any proceeding under this Act where one of the issues to be determined by the Board is whether a person is deemed under subsection (1) to have experienced violence or another form of abuse, the Board may inquire into and make a determination as to whether the documentation accompanying the notice is genuine and is a copy of an order described in clause (1) (a), (b) or (c) or is a statement referred to in clause (1) (d), (e) or (f), but the Board may not inquire into or make any determination as to the truth of or the belief in the truth of any allegation or assertion referred to in paragraph 3 or 5 of subsection (5). 2016, c. 2, Sched. 6, s. 1.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 6, s. 1 - 08/09/2016; 2016, c. 23, s. 66 - 01/01/2017

Confidentiality

47.4 (1) A landlord to whom a notice is given under subsection 47.1 (1) or 47.2 (1) shall keep confidential and shall not, except as provided in subsections (2) to (5), disclose to any person or entity the fact that the notice has been given, the notice or accompanying documentation or any information included in the notice or accompanying documentation. 2016, c. 2, Sched. 6, s. 1.

Disclosure by landlord

(2) Subsection (1) does not prevent the landlord to whom a notice is given under subsection 47.1 (1) or 47.2 (1) from disclosing the fact that the notice has been given, the notice or accompanying documentation or any information included in the notice or accompanying documentation,

- (a) to an employee in the Ministry, an investigator appointed under section 229 or any other representative of the Ministry, in connection with the investigation or prosecution of an alleged offence under this Act;
- (b) to a law enforcement agency, but only upon request made by the law enforcement agency in connection with an investigation;

- (c) to a person who is authorized under the *Law Society Act* to practise law or provide legal services in Ontario and who provides services to the landlord;
- (d) to the Board, an employee in the Board or an official of the Board, for the purposes of any proceeding under this Act where one of the issues to be determined by the Board is whether notice was properly given under subsection 47.1 (1) or 47.2 (1);
- (e) with the consent of the tenant who gave the notice and who meets the requirement in clause 47.1 (1) (a) or (b) or 47.2 (1) (a) or (b);
- (f) to the extent that the information is available to the public; or
- (g) as otherwise required by law. 2016, c. 2, Sched. 6, s. 1.

Disclosure to remaining joint tenants

(3) Subsection (1) does not prevent the landlord to whom a notice is given with respect to a rental unit under subsection 47.2 (1) from disclosing the following information to any tenant referred to in subsection 47.2 (8) after the termination date specified in the notice and after the joint tenant or tenants have vacated the rental unit in accordance with the notice:

- (a) the fact that a notice was given under subsection 47.2 (1); and
- (b) the termination date specified in the notice. 2016, c. 2, Sched. 6, s. 1.

Advertising unit for rent

(4) Subsection (1) does not prevent the landlord to whom a notice is given with respect to a rental unit under subsection 47.1 (1) from advertising the rental unit for rent,

- (a) during the notice period, but only if the rental unit is not mentioned in the advertisement and cannot otherwise be identified from the advertisement;
- (b) after the tenant or all the joint tenants, as applicable, have vacated the rental unit in accordance with the notice; or
- (c) if the tenant or joint tenants, as applicable, do not vacate the rental unit in accordance with the notice, after the tenancy has otherwise been terminated. 2016, c. 2, Sched. 6, s. 1.

Disclosure to superintendent, property manager, etc.

(5) Subsection (1) does not prevent the landlord to whom a notice is given with respect to a rental unit under subsection 47.1 (1) or 47.2 (1) from disclosing the fact that the notice has been given, the notice or accompanying documentation or any information included in the notice or accompanying documentation to a superintendent, property manager or any other person who acts on behalf of the landlord with respect to the rental unit, if the person needs to know that fact or requires the notice or accompanying documentation or the information for the purposes of performing the person's duties on behalf of the landlord with respect to the rental unit. 2016, c. 2, Sched. 6, s. 1.

Confidentiality, superintendent, property manager, etc.

(6) Subsections (1) to (4) apply with necessary modifications to a person to whom a landlord discloses, as provided in subsection (5), the fact that notice has been given with respect to a rental unit under subsection 47.1 (1) or 47.2 (1), the notice or accompanying documentation or any information included in the notice or accompanying documentation. 2016, c. 2, Sched. 6, s. 1.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 6, s. 1 - 08/09/2016

NOTICE BY LANDLORD AT END OF PERIOD OR TERM

Notice, landlord personally, etc., requires unit

48 (1) A landlord may, by notice, terminate a tenancy if the landlord in good faith requires possession of the rental unit for the purpose of residential occupation for a period of at least one year by,

- (a) the landlord;
- (b) the landlord's spouse;
- (c) a child or parent of the landlord or the landlord's spouse; or
- (d) a person who provides or will provide care services to the landlord, the landlord's spouse, or a child or parent of the landlord or the landlord's spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located. 2006, c. 17, s. 48 (1); 2017, c. 13, s. 7 (1); 2021, c. 4, Sched. 11, s. 31 (1).

Same

(2) The date for termination specified in the notice shall be at least 60 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 48 (2).

Earlier termination by tenant

(3) A tenant who receives notice of termination under subsection (1) may, at any time before the date specified in the notice, terminate the tenancy, effective on a specified date earlier than the date set out in the landlord's notice. 2006, c. 17, s. 48 (3).

Same

(4) The date for termination specified in the tenant's notice shall be at least 10 days after the date the tenant's notice is given. 2006, c. 17, s. 48 (4).

Application

(5) This section does not authorize a landlord to give a notice of termination of a tenancy with respect to a rental unit unless,

- (a) the rental unit is owned in whole or in part by an individual; and
- (b) the landlord is an individual. 2017, c. 13, s. 7 (2).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 7 (1, 2) - 01/09/2017

2021, c. 4, Sched. 11, s. 31 (1) - 19/04/2021

Compensation, notice under s. 48

48.1 A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48. 2017, c. 13, s. 8.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 8 - 01/09/2017

Notice, purchaser personally requires unit

49 (1) A landlord of a residential complex that contains no more than three residential units who has entered into an agreement of purchase and sale of the residential complex may, on behalf of the purchaser, give the tenant of a unit in the residential complex a notice terminating the tenancy, if the purchaser in good faith requires possession of the residential complex or the unit for the purpose of residential occupation by,

- (a) the purchaser;
- (b) the purchaser's spouse;
- (c) a child or parent of the purchaser or the purchaser's spouse; or
- (d) a person who provides or will provide care services to the purchaser, the purchaser's spouse, or a child or parent of the purchaser or the purchaser's spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located. 2006, c. 17, s. 49 (1); 2021, c. 4, Sched. 11, s. 31 (1).

Same, condominium

(2) If a landlord who is an owner as defined in clause (a) or (b) of the definition of "owner" in subsection 1 (1) of the *Condominium Act, 1998* owns a unit, as defined in subsection 1 (1) of that Act, that is a rental unit and has entered into an agreement of purchase and sale of the unit, the landlord may, on behalf of the purchaser, give the tenant of the unit a notice terminating the tenancy, if the purchaser in good faith requires possession of the unit for the purpose of residential occupation by,

- (a) the purchaser;
- (b) the purchaser's spouse;
- (c) a child or parent of the purchaser or the purchaser's spouse; or
- (d) a person who provides or will provide care services to the purchaser, the purchaser's spouse, or a child or parent of the purchaser or the purchaser's spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located. 2006, c. 17, s. 49 (2); 2021, c. 4, Sched. 11, s. 31 (1).

Period of notice

(3) The date for termination specified in a notice given under subsection (1) or (2) shall be at least 60 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 49 (3).

Earlier termination by tenant

(4) A tenant who receives notice of termination under subsection (1) or (2) may, at any time before the date specified in the notice, terminate the tenancy, effective on a specified date earlier than the date set out in the landlord's notice. 2006, c. 17, s. 49 (4).

Same

(5) The date for termination specified in the tenant's notice shall be at least 10 days after the date the tenant's notice is given. 2006, c. 17, s. 49 (5).

Section Amendments with date in force (d/m/y)

2021, c. 4, Sched. 11, s. 31 (1) - 19/04/2021

Compensation, notice under s. 49 (1) or (2)

49.1 (1) A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) the landlord gives the tenant a notice of termination of the tenancy on behalf of a purchaser under subsection 49 (1) or (2); and
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent. 2020, c. 16, Sched. 4, s. 5.

Obligation under subs. (1)

(2) Despite section 18, the obligation to compensate the tenant under subsection (1) remains an obligation of the landlord who gives the notice of termination of the tenancy on behalf of the purchaser and does not become an obligation of the purchaser. 2020, c. 16, Sched. 4, s. 5.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 5 - 21/07/2020

Notice, demolition, conversion or repairs

50 (1) A landlord may give notice of termination of a tenancy if the landlord requires possession of the rental unit in order to,

- (a) demolish it;
- (b) convert it to use for a purpose other than residential premises; or
- (c) do repairs or renovations to it that are so extensive that they require a building permit and vacant possession of the rental unit. 2006, c. 17, s. 50 (1).

Same

(2) The date for termination specified in the notice shall be at least 120 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 50 (2).

Same

(3) A notice under clause (1) (c) shall inform the tenant that if he or she wishes to exercise the right of first refusal under section 53 to occupy the premises after the repairs or renovations, he or she must give the landlord notice of that fact in accordance with subsection 53 (2) before vacating the rental unit. 2006, c. 17, s. 50 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 50 (3) of the Act is repealed and the following substituted: (See: 2023, c. 10, Sched. 7, s. 2)

Notice requirements, repairs or renovations

(3) A notice under clause (1) (c) shall,

- (a) inform the tenant that if the tenant wishes to exercise the right of first refusal under section 53 to occupy the premises after the repairs or renovations, the tenant must give the landlord notice of that fact in accordance with subsection 53 (2) before vacating the rental unit; and

(b) in the case of a notice under clause (1) (c) given on or after the day section 2 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, be accompanied by a report prepared by a person who has the prescribed qualifications and that,

- (i) states that the repairs or renovations are so extensive that they require vacant possession of the rental unit; and
- (ii) meets any other prescribed requirements. 2023, c. 10, Sched. 7, s. 2.

Same, report

(3.1) For greater certainty, a failure to meet the requirements of clause (3) (b) with respect to a notice renders the notice void. 2023, c. 10, Sched. 7, s. 2.

Earlier termination by tenant

(4) A tenant who receives notice of termination under subsection (1) may, at any time before the date specified in the notice, terminate the tenancy, effective on a specified date earlier than the date set out in the landlord's notice. 2006, c. 17, s. 50 (4).

Same

(5) The date for termination specified in the tenant's notice shall be at least 10 days after the date the tenant's notice is given. 2006, c. 17, s. 50 (5).

Section Amendments with date in force (d/m/y)

2023, c. 10, Sched. 7, s. 2 - not in force

Conversion to condominium, security of tenure

51 (1) If a part or all of a residential complex becomes subject to a registered declaration and description under the *Condominium Act, 1998* or a predecessor of that Act on or after June 17, 1998, a landlord may not give a notice under section 48 or 49 to a person who was a tenant of a rental unit when it became subject to the registered declaration and description. 2006, c. 17, s. 51 (1).

Proposed units, security of tenure

(2) If a landlord has entered into an agreement of purchase and sale of a rental unit that is a proposed unit under the *Condominium Act, 1998* or a predecessor of that Act, a landlord may not give a notice under section 48 or 49 to the tenant of the rental unit who was the tenant on the date the agreement of purchase and sale was entered into. 2006, c. 17, s. 51 (2).

Non-application

(3) Subsections (1) and (2) do not apply with respect to a residential complex if no rental unit in the complex was rented before July 10, 1986 and all or part of the complex becomes subject to a registered declaration and description under the *Condominium Act, 1998* or a predecessor of that Act before the day that is two years after the day on which the first rental unit in the complex was first rented. 2006, c. 17, s. 51 (3).

Assignee of tenant not included

(4) Despite subsection 95 (8), a reference to a tenant in subsection (1), (2) or (5) does not include a person to whom the tenant subsequently assigns the rental unit. 2006, c. 17, s. 51 (4).

Conversion to condominium, right of first refusal

(5) If a landlord receives an acceptable offer to purchase a condominium unit converted from rented residential premises and still occupied by a tenant who was a tenant on the date of the registration referred to in subsection (1) or an acceptable offer to purchase a rental unit intended to be converted to a condominium unit, the tenant has a right of first refusal to purchase the unit at the price and subject to the terms and conditions in the offer. 2006, c. 17, s. 51 (5).

Same

(6) The landlord shall give the tenant at least 72 hours notice of the offer to purchase the unit before accepting the offer. 2006, c. 17, s. 51 (6).

Exception

(7) Subsection (5) does not apply when,

- (a) the offer to purchase is an offer to purchase more than one unit; or
- (b) the unit has been previously purchased since that registration, but not together with any other units. 2006, c. 17, s. 51 (7).

Compensation, demolition or conversion

52 (1) A landlord shall compensate a tenant in an amount equal to three months rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;
- (b) the residential complex in which the rental unit is located contains at least five residential units; and
- (c) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act. 2006, c. 17, s. 52.

Same, fewer than five residential units

(2) A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent;
- (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
- (d) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act. 2020, c. 16, Sched. 4, s. 6.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 6 - 21/07/2020

Tenant's right of first refusal, repair or renovation

53 (1) A tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations may, in accordance with this section, have a right of first refusal to occupy the rental unit as a tenant when the repairs or renovations are completed. 2006, c. 17, s. 53 (1).

Written notice

(2) A tenant who wishes to have a right of first refusal shall give the landlord notice in writing before vacating the rental unit. 2006, c. 17, s. 53 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 53 of the Act is amended by adding the following subsections: (See: 2023, c. 10, Sched. 7, s. 3)

Requirements for landlord to notify

(2.1) In the case of notice given by a tenant on or after the day section 3 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, the following requirements apply:

1. The landlord shall, without delay after receiving the tenant's notice, notify the tenant in writing of the estimated date by which the rental unit is expected to be ready for occupancy following the repairs or renovations.
2. The landlord shall, without delay after becoming aware of any change in a previously-estimated date by which the rental unit is expected to be ready for occupancy following the repairs or renovations, notify the tenant in writing of the new estimated date.
3. The landlord shall, without delay after the rental unit is ready for occupancy, notify the tenant in writing. 2023, c. 10, Sched. 7, s. 3.

Time for tenant to reoccupy rental unit

(2.2) If a rental unit in respect of which the tenant has a right of first refusal becomes ready for occupancy on or after the day section 3 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, the landlord shall give the tenant at least 60 days after the day the rental unit is ready for occupancy to exercise the right of first refusal to occupy the unit. 2023, c. 10, Sched. 7, s. 3.

Rent to be charged

(3) A tenant who exercises a right of first refusal may reoccupy the rental unit at a rent that is no more than what the landlord could have lawfully charged if there had been no interruption in the tenant's tenancy. 2006, c. 17, s. 53 (3).

Change of address

(4) It is a condition of the tenant's right of first refusal that the tenant inform the landlord in writing of any change of address. 2006, c. 17, s. 53 (4).

Section Amendments with date in force (d/m/y)

2023, c. 10, Sched. 7, s. 3 - not in force

Tenant's right to compensation, repair or renovation

54 (1) A landlord shall compensate a tenant who receives notice of termination of a tenancy under section 50 for the purpose of repairs or renovations in an amount equal to three months rent or shall offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant does not give the landlord notice under subsection 53 (2) with respect to the rental unit;
- (b) the residential complex in which the rental unit is located contains at least five residential units; and
- (c) the repair or renovation was not ordered to be carried out under the authority of this or any other Act. 2006, c. 17, s. 54 (1).

Same

(2) A landlord shall compensate a tenant who receives notice of termination of a tenancy under section 50 for the purpose of repairs or renovations in an amount equal to the rent for the lesser of three months and the period the unit is under repair or renovation if,

- (a) the tenant gives the landlord notice under subsection 53 (2) with respect to the rental unit;
- (b) the residential complex in which the rental unit is located contains at least five residential units; and
- (c) the repair or renovation was not ordered to be carried out under the authority of this or any other Act. 2006, c. 17, s. 54 (2).

Same, fewer than five residential units

(3) A landlord shall compensate a tenant who receives notice of termination of a tenancy under section 50 for the purpose of repairs or renovations in an amount equal to one month's rent or shall offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant does not give the landlord notice under subsection 53 (2) with respect to the rental unit;
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent and section 55 does not apply;
- (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
- (d) the repair or renovation was not ordered to be carried out under the authority of this or any other Act. 2020, c. 16, Sched. 4, s. 7.

Same

(4) A landlord shall compensate a tenant who receives notice of termination of a tenancy under section 50 for the purpose of repairs or renovations in an amount equal to the rent for the lesser of one month and the period the unit is under repair or renovation if,

- (a) the tenant gives the landlord notice under subsection 53 (2) with respect to the rental unit;
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent and section 55 does not apply;
- (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
- (d) the repair or renovation was not ordered to be carried out under the authority of this or any other Act. 2020, c. 16, Sched. 4, s. 7.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 7 - 21/07/2020

Tenant's right to compensation, severance

55 A landlord of a residential complex that is created as a result of a severance shall compensate a tenant of a rental unit in that complex in an amount equal to three months rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) before the severance, the residential complex from which the new residential complex was created had at least five residential units;
- (b) the new residential complex has fewer than five residential units; and
- (c) the landlord gives the tenant a notice of termination under section 50 less than two years after the date of the severance. 2006, c. 17, s. 55.

Compensation under ss. 48.1, 49.1, 52, 54 or 55

55.1 If the landlord is required to compensate a tenant under section 48.1, 49.1, 52, 54 or 55, the landlord shall compensate the tenant no later than on the termination date specified in the notice of termination of the tenancy given by the landlord under section 48, 49 or 50. 2017, c. 13, s. 9; 2020, c. 16, Sched. 4, s. 8.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 9 - 01/09/2017

2020, c. 16, Sched. 4, s. 8 - 21/07/2020

Security of tenure, severance, subdivision

56 Where a rental unit becomes separately conveyable property due to a consent under section 53 of the *Planning Act* or a plan of subdivision under section 51 of that Act, a landlord may not give a notice under section 48 or 49 to a person who was a tenant of the rental unit at the time of the consent or approval. 2006, c. 17, s. 56.

Former tenant's application where notice given in bad faith

57 (1) The Board may make an order described in subsection (3) if, on application by a former tenant of a rental unit, the Board determines that,

- (a) the landlord gave a notice of termination under section 48 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and no person referred to in clause 48 (1) (a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit;
- (b) the landlord gave a notice of termination under section 49 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and no person referred to in clause 49 (1) (a), (b), (c) or (d) or 49 (2) (a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit; or
- (c) the landlord gave a notice of termination under section 50 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and the landlord did not demolish, convert or repair or renovate the rental unit within a reasonable time after the former tenant vacated the rental unit. 2006, c. 17, s. 57 (1).

Time limitation

(2) No application may be made under subsection (1) more than one year after the former tenant vacated the rental unit. 2006, c. 17, s. 57 (2).

Orders

(3) The orders referred to in subsection (1) are the following:

1. An order that the landlord pay a specified sum to the former tenant for all or any portion of any increased rent that the former tenant has incurred or will incur for a one-year period after vacating the rental unit.
- 1.1 An order that the landlord pay a specified sum to the former tenant as general compensation in an amount not exceeding the equivalent of 12 months of the last rent charged to the former tenant. An order under this paragraph may be made regardless of whether the former tenant has incurred any actual expenses or whether an order is made under paragraph 2.
- 1.2 An order that the landlord pay a specified sum to the former tenant for reasonable out-of-pocket moving, storage and other like expenses that the former tenant has incurred or will incur.
2. An order for an abatement of rent.
3. An order that the landlord pay to the Board an administrative fine not exceeding the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court.
4. Any other order that the Board considers appropriate. 2006, c. 17, s. 57 (3); 2020, c. 16, Sched. 4, s. 9 (1).

Previous determination of good faith

(4) In an application under subsection (1), the Board may find that the landlord gave a notice of termination in bad faith despite a previous finding by the Board to the contrary. 2006, c. 17, s. 57 (4).

Presumption, notice under s. 48

(5) For the purposes of an application under clause (1) (a), it is presumed, unless the contrary is proven on a balance of probabilities, that a landlord gave a notice of termination under section 48 in bad faith, if at any time during the period described in subsection (6) the landlord,

- (a) advertises the rental unit for rent;
- (b) enters into a tenancy agreement in respect of the rental unit with someone other than the former tenant;
- (c) advertises the rental unit, or the building that contains the rental unit, for sale;
- (d) demolishes the rental unit or the building containing the rental unit; or
- (e) takes any step to convert the rental unit, or the building containing the rental unit, to use for a purpose other than residential premises. 2017, c. 13, s. 10.

Same

- (6) The period referred to in subsection (5) is the period that,
 - (a) begins on the day the landlord gives the notice of termination under section 48; and
 - (b) ends one year after the former tenant vacates the rental unit. 2017, c. 13, s. 10.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 57 of the Act is amended by adding the following subsection:
(See: 2023, c. 10, Sched. 7, s. 4 (1))

Presumption, prescribed period of time

(6.1) For the purposes of an application under clause (1) (a), if no person referred to in clause 48 (1) (a), (b), (c) or (d) occupied the rental unit within the prescribed period of time after the former tenant vacated the rental unit, it is presumed, unless the contrary is proven on a balance of probabilities, that,

- (a) the landlord gave the notice of termination under section 48 in bad faith; and
- (b) the rental unit was not occupied within a reasonable time after the former tenant vacated the rental unit. 2023, c. 10, Sched. 7, s. 4 (1).

Application of subs. (5) and (6)

(7) Subsections (5) and (6) apply with respect to an application under clause (1) (a) if the application is made on or after the day section 10 of the *Rental Fairness Act, 2017* comes into force and is based on a notice of termination given under section 48 on or after that day. 2017, c. 13, s. 10.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 57 (7) of the Act is repealed and the following substituted:
(See: 2023, c. 10, Sched. 7, s. 4 (2))

Application of subs. (6.1)

(7) Subsection (6.1) applies with respect to an application under clause (1) (a) if the application is made on or after the day subsection 4 (1) of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force. 2023, c. 10, Sched. 7, s. 4 (2).

Transition

(8) This section, as it read immediately before subsection 9 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, continues to apply with respect to an application under subsection (1) that is made before that day and has not been finally determined before that day, even if the hearing of the application is on or after that day. 2020, c. 16, Sched. 4, s. 9 (2).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 10 - 01/09/2017

2020, c. 16, Sched. 4, s. 9 (1, 2) - 01/09/2021

2023, c. 10, Sched. 7, s. 4 (1, 2) - not in force

Former tenant's application, failure to afford tenant right of first refusal

57.1 (1) The Board may make an order described in subsection 57 (3) if, on application by a former tenant of a rental unit, the Board determines that the landlord was required to afford the former tenant a right of first refusal under section 53 and failed to do so. 2017, c. 13, s. 11.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 57.1 of the Act is amended by adding the following subsection:
(See: 2023, c. 10, Sched. 7, s. 5 (1))

Deemed failure

(1.1) A landlord who fails to comply with the requirements of subsection 53 (2.1) or (2.2) is deemed, for the purposes of subsection (1) only, to have failed to afford a former tenant a right of first refusal. 2023, c. 10, Sched. 7, s. 5 (1).

Time limitation

(2) No application may be made under subsection (1) more than two years after the former tenant vacated the rental unit. 2017, c. 13, s. 11; 2020, c. 16, Sched. 4, s. 10 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 57.1 (2) of the Act is repealed and the following substituted: (See: 2023, c. 10, Sched. 7, s. 5 (2))

Time limitation

(2) No application may be made under subsection (1) after the later of the following days:

1. The second anniversary of the day the former tenant vacated the rental unit.
2. The day that is six months after the day the repairs or renovations are completed. 2023, c. 10, Sched. 7, s. 5 (2).

Transition, application pending

(2.1) An application that was made under subsection (1) before the day subsection 10 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force and was not finally determined before that day is deemed to comply with subsection (2), as it reads on that day, if the application was made more than one year, but not more than two years, after the former tenant vacated the rental unit. 2020, c. 16, Sched. 4, s. 10 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 57.1 (2.1) of the Act is repealed. (See: 2023, c. 10, Sched. 7, s. 5 (2))

Transition, previous application dismissed

(2.2) If a previous application made by the former tenant was dismissed before the day subsection 10 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force for failure to comply with subsection (2), as it read before that day, the former tenant may make another application under subsection (1) more than one year, but not more than two years, after the former tenant vacated the rental unit. 2020, c. 16, Sched. 4, s. 10 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 57.1 (2.2) of the Act is repealed. (See: 2023, c. 10, Sched. 7, s. 5 (2))

Transition

(3) An application may be made under subsection (1) regardless of whether the alleged failure to afford a right of first refusal on which it is based occurred before, on or after the day section 11 of the *Rental Fairness Act, 2017* comes into force. 2017, c. 13, s. 11.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 57.1 (3) of the Act is repealed and the following substituted: (See: 2023, c. 10, Sched. 7, s. 5 (2))

Transition, ongoing applications

(3) Subsection (2), as it reads on the day subsection 5 (2) of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, applies with respect to applications made but not finally determined before that day. 2023, c. 10, Sched. 7, s. 5 (2).

Transition, dismissed applications

(4) A former tenant whose application was dismissed before the day subsection 5 (2) of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force for a failure to comply with subsection (2) of this section may, subject to subsection (2) as it reads on that day, make a fresh application. 2023, c. 10, Sched. 7, s. 5 (2).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 11 - 01/01/2018

2020, c. 16, Sched. 4, s. 10 (1, 2) - 01/09/2021

2023, c. 10, Sched. 7, s. 5 (2) - not in force

Notice at end of term or period, additional grounds

58 (1) A landlord may give a tenant notice of termination of their tenancy on any of the following grounds:

1. The tenant has persistently failed to pay rent on the date it becomes due and payable.
2. The rental unit that is the subject of the tenancy agreement is a rental unit described in paragraph 1, 2, 3 or 4 of subsection 7 (1) and the tenant has ceased to meet the qualifications required for occupancy of the rental unit.
3. The tenant was an employee of an employer who provided the tenant with the rental unit during the tenant's employment and the employment has terminated.

4. The tenancy arose by virtue of or collateral to an agreement of purchase and sale of a proposed unit within the meaning of the *Condominium Act, 1998* in good faith and the agreement of purchase and sale has been terminated. 2006, c. 17, s. 58 (1).

Period of notice

(2) The date for termination specified in the notice shall be at least the number of days after the date the notice is given that is set out in section 44 and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 58 (2).

Rent-geared-to-income assistance

(3) For greater certainty, paragraph 2 of subsection (1) does not authorize a landlord to give a tenant notice of termination of the tenancy on the ground that the tenant has ceased to be eligible for, or has failed to take any step necessary to maintain eligibility for, rent-geared-to-income assistance as defined in section 38 of the *Housing Services Act, 2011*. 2016, c. 25, Sched. 5, s. 1.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 1 - 08/12/2016

NOTICE BY LANDLORD BEFORE END OF PERIOD OR TERM

Non-payment of rent

59 (1) If a tenant fails to pay rent lawfully owing under a tenancy agreement, the landlord may give the tenant notice of termination of the tenancy effective not earlier than,

- (a) the 7th day after the notice is given, in the case of a daily or weekly tenancy; and
- (b) the 14th day after the notice is given, in all other cases. 2006, c. 17, s. 59 (1).

Contents of notice

(2) The notice of termination shall set out the amount of rent due and shall specify that the tenant may avoid the termination of the tenancy by paying, on or before the termination date specified in the notice, the rent due as set out in the notice and any additional rent that has become due under the tenancy agreement as at the date of payment by the tenant. 2006, c. 17, s. 59 (2).

Notice void if rent paid

(3) The notice of termination is void if, before the day the landlord applies to the Board for an order terminating the tenancy and evicting the tenant based on the notice, the tenant pays,

- (a) the rent that is in arrears under the tenancy agreement; and
- (b) the additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given. 2006, c. 17, s. 59 (3).

Termination for cause, misrepresentation of income

60 (1) A landlord may give a tenant notice of termination of the tenancy if the rental unit is a rental unit described in paragraph 1, 2, 3 or 4 of subsection 7 (1) and the tenant has knowingly and materially misrepresented his or her income or that of other members of his or her household. 2006, c. 17, s. 60 (1); 2013, c. 3, s. 26.

Notice

(2) A notice of termination under this section shall set out the grounds for termination and shall provide a termination date not earlier than the 20th day after the notice is given. 2006, c. 17, s. 60 (2).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 26 - 01/06/2014

Termination for cause, illegal act

61 (1) A landlord may give a tenant notice of termination of the tenancy if the tenant or another occupant of the rental unit commits an illegal act or carries on an illegal trade, business or occupation or permits a person to do so in the rental unit or the residential complex. 2006, c. 17, s. 61 (1).

Notice

(2) A notice of termination under this section shall set out the grounds for termination and shall provide a termination date not earlier than,

- (a) the 10th day after the notice is given, in the case of a notice grounded on an illegal act, trade, business or occupation involving,

- (i) the production of an illegal drug,
 - (ii) the trafficking in an illegal drug, or
 - (iii) the possession of an illegal drug for the purposes of trafficking; or
- (b) the 20th day after the notice is given, in all other cases. 2006, c. 17, s. 61 (2).

Definitions

(3) In this section,

“illegal drug” means a controlled substance or precursor as those terms are defined in the *Controlled Drugs and Substances Act* (Canada); (“drogue illicite”)

“possession” has the same meaning as in the *Controlled Drugs and Substances Act* (Canada); (“possession”)

“production” means, with respect to an illegal drug, to produce the drug within the meaning of the *Controlled Drugs and Substances Act* (Canada); (“production”)

“trafficking” means, with respect to an illegal drug, to traffic in the drug within the meaning of the *Controlled Drugs and Substances Act* (Canada). (“trafic”) 2006, c. 17, s. 61 (3).

Termination for cause, damage

62 (1) A landlord may give a tenant notice of termination of the tenancy if the tenant, another occupant of the rental unit or a person whom the tenant permits in the residential complex wilfully or negligently causes undue damage to the rental unit or the residential complex. 2006, c. 17, s. 62 (1).

Notice

(2) A notice of termination under this section shall,

- (a) provide a termination date not earlier than the 20th day after the notice is given;
- (b) set out the grounds for termination; and
- (c) require the tenant, within seven days,
 - (i) to repair the damaged property or pay to the landlord the reasonable costs of repairing the damaged property, or
 - (ii) to replace the damaged property or pay to the landlord the reasonable costs of replacing the damaged property, if it is not reasonable to repair the damaged property. 2006, c. 17, s. 62 (2).

Notice void if tenant complies

(3) The notice of termination under this section is void if the tenant, within seven days after receiving the notice, complies with the requirement referred to in clause (2) (c) or makes arrangements satisfactory to the landlord to comply with that requirement. 2006, c. 17, s. 62 (3).

Termination for cause, damage, shorter notice period

63 (1) Despite section 62, a landlord may give a tenant notice of termination of the tenancy that provides a termination date not earlier than the 10th day after the notice is given if the tenant, another occupant of the rental unit or a person whom the tenant permits in the residential complex,

- (a) wilfully causes undue damage to the rental unit or the residential complex; or
- (b) uses the rental unit or the residential complex in a manner that is inconsistent with use as residential premises and that causes or can reasonably be expected to cause damage that is significantly greater than the damage that is required in order to give a notice of termination under clause (a) or subsection 62 (1). 2006, c. 17, s. 63 (1).

Notice

(2) A notice of termination under this section shall set out the grounds for termination. 2006, c. 17, s. 63 (2).

Non-application of s. 62 (2) and (3)

(3) Subsections 62 (2) and (3) do not apply to a notice given under this section. 2006, c. 17, s. 63 (3).

Termination for cause, reasonable enjoyment

64 (1) A landlord may give a tenant notice of termination of the tenancy if the conduct of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the landlord or another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or another tenant. 2006, c. 17, s. 64 (1).

Notice

(2) A notice of termination under subsection (1) shall,

- (a) provide a termination date not earlier than the 20th day after the notice is given;
- (b) set out the grounds for termination; and
- (c) require the tenant, within seven days, to stop the conduct or activity or correct the omission set out in the notice. 2006, c. 17, s. 64 (2).

Notice void if tenant complies

(3) The notice of termination under subsection (1) is void if the tenant, within seven days after receiving the notice, stops the conduct or activity or corrects the omission. 2006, c. 17, s. 64 (3).

Termination for cause, reasonable enjoyment of landlord in small building

65 (1) Despite section 64, a landlord who resides in a building containing not more than three residential units may give a tenant of a rental unit in the building notice of termination of the tenancy that provides a termination date not earlier than the 10th day after the notice is given if the conduct of the tenant, another occupant of the rental unit or a person permitted in the building by the tenant is such that it substantially interferes with the reasonable enjoyment of the building for all usual purposes by the landlord or substantially interferes with another lawful right, privilege or interest of the landlord. 2006, c. 17, s. 65 (1).

Notice

(2) A notice of termination under this section shall set out the grounds for termination. 2006, c. 17, s. 65 (2).

Non-application of s. 64 (2) and (3)

(3) Subsections 64 (2) and (3) do not apply to a notice given under this section. 2006, c. 17, s. 65 (3).

Termination for cause, act impairs safety

66 (1) A landlord may give a tenant notice of termination of the tenancy if,

- (a) an act or omission of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant seriously impairs or has seriously impaired the safety of any person; and
- (b) the act or omission occurs in the residential complex. 2006, c. 17, s. 66 (1).

Same

(2) A notice of termination under this section shall provide a termination date not earlier than the 10th day after the notice is given and shall set out the grounds for termination. 2006, c. 17, s. 66 (2).

Termination for cause, too many persons

67 (1) A landlord may give a tenant notice of termination of the tenancy if the number of persons occupying the rental unit on a continuing basis results in a contravention of health, safety or housing standards required by law. 2006, c. 17, s. 67 (1).

Notice

(2) A notice of termination under this section shall,

- (a) provide a termination date not earlier than the 20th day after the notice is given;
- (b) set out the details of the grounds for termination; and
- (c) require the tenant, within seven days, to reduce the number of persons occupying the rental unit to comply with health, safety or housing standards required by law. 2006, c. 17, s. 67 (2).

Notice void if tenant complies

(3) The notice of termination under this section is void if the tenant, within seven days after receiving the notice, sufficiently reduces the number of persons occupying the rental unit. 2006, c. 17, s. 67 (3).

Notice of termination, further contravention

68 (1) A landlord may give a tenant notice of termination of the tenancy if,

- (a) a notice of termination was given to the tenant under section 62, 64 or 67; and
- (b) more than seven days but less than six months after the notice mentioned in clause (a) was given to the tenant, an activity takes place, conduct occurs or a situation arises that constitutes grounds for a notice of termination under section 60, 61, 62, 64 or 67, other than an activity, conduct or a situation that is described in subsection 61 (1) and that involves an illegal act, trade, business or occupation described in clause 61 (2) (a). 2006, c. 17, s. 68 (1); 2017, c. 13, s. 12.

Same

(2) The notice under this section shall set out the date it is to be effective and that date shall not be earlier than the 14th day after the notice is given. 2006, c. 17, s. 68 (2).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 12 (1, 2) - 01/01/2018

APPLICATION BY LANDLORD – AFTER NOTICE OF TERMINATION

Application by landlord

69 (1) A landlord may apply to the Board for an order terminating a tenancy and evicting the tenant if the landlord has given notice to terminate the tenancy under this Act or the *Tenant Protection Act, 1997*. 2006, c. 17, s. 69 (1).

Same

(2) An application under subsection (1) may not be made later than 30 days after the termination date specified in the notice. 2006, c. 17, s. 69 (2).

Exception

(3) Subsection (2) does not apply with respect to an application based on the tenant's failure to pay rent. 2006, c. 17, s. 69 (3).

No application during remedy period

70 A landlord may not apply to the Board for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 62, 64 or 67 before the seven-day remedy period specified in the notice expires. 2006, c. 17, s. 70.

Immediate application

71 Subject to section 70 and subsection 74 (1), a landlord who has served a notice of termination may apply immediately to the Board under section 69 for an order terminating the tenancy and evicting the tenant. 2006, c. 17, s. 71.

Application based on certain notice

Affidavit under s. 72 (1)

71.1 (1) A landlord who, on or after the day subsection 11 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, files an application under section 69 based on a notice of termination given under section 48 or 49 shall file the affidavit required under subsection 72 (1) at the same time as the application is filed. 2020, c. 16, Sched. 4, s. 11 (1).

Non-compliance with subs. (1)

(2) The Board shall refuse to accept the application for filing if the landlord has not complied with subsection (1). 2020, c. 16, Sched. 4, s. 11 (1).

Previous use of notices under s. 48, 49 or 50

(3) A landlord who, on or after the day subsection 11 (2) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, files an application under section 69 based on a notice of termination given under section 48, 49 or 50 shall, in the application,

- (a) indicate whether or not the landlord has, within two years prior to filing the application, given any other notice under section 48, 49 or 50 in respect of the same or a different rental unit; and
- (b) set out, with respect to each previous notice described in clause (a),
 - (i) the date the notice was given,
 - (ii) the address of the rental unit in respect of which the notice was given,
 - (iii) the identity of the intended occupant in respect of whom the notice was given if the notice was given under section 48 or 49, and
 - (iv) such other information as may be required by the Rules. 2020, c. 16, Sched. 4, s. 11 (2).

Non-compliance with subs. (3)

(4) The Board shall refuse to accept the application for filing if the landlord has not complied with subsection (3). 2020, c. 16, Sched. 4, s. 11 (2).

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 11 (1, 2) - 01/09/2021

Landlord or purchaser personally requires premises

72 (1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on,

- (a) a notice of termination given under section 48 on or after the day section 13 of the *Rental Fairness Act, 2017* comes into force, unless the landlord has filed with the Board an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use for a period of at least one year; or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 72 (1) (a) of the Act is amended by striking out “on or after the day section 13 of the *Rental Fairness Act, 2017* comes into force”. (See: 2023, c. 10, Sched. 7, s. 6 (1))

- (b) a notice of termination under section 49, unless the landlord has filed with the Board an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use. 2017, c. 13, s. 13.

Same

(1.1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination given under section 48 before the day section 13 of the *Rental Fairness Act, 2017* comes into force, unless the landlord has filed with the Board an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use. 2017, c. 13, s. 13.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 72 (1.1) of the Act is repealed. (See: 2023, c. 10, Sched. 7, s. 6 (2))

Same

(2) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 48 or 49 where the landlord’s claim is based on a tenancy agreement or occupancy agreement that purports to entitle the landlord to reside in the rental unit unless,

- (a) the application is brought in respect of premises situate in a building containing not more than four residential units; or
- (b) one or more of the following people has previously been a genuine occupant of the premises:
 - (i) the landlord,
 - (ii) the landlord’s spouse,
 - (iii) a child or parent of the landlord or the landlord’s spouse, or
 - (iv) a person who provided care services to the landlord, the landlord’s spouse, or a child or parent of the landlord or the landlord’s spouse. 2006, c. 17, s. 72 (2); 2021, c. 4, Sched. 11, s. 31 (1).

Determination of good faith

(3) In determining the good faith of the landlord or the purchaser, as applicable, in an application described in subsection (1), (1.1) or (2), the Board may consider any evidence the Board considers relevant that relates to the landlord’s or purchaser’s previous use of notices of termination under section 48, 49 or 50 in respect of the same or a different rental unit. 2020, c. 16, Sched. 4, s. 12.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 72 (3) of the Act is amended by striking out “subsection (1), (1.1) or (2)” and substituting “subsection (1) or (2)”. (See: 2023, c. 10, Sched. 7, s. 6 (3))

Application of subs. (3)

(4) Subsection (3) applies with respect to any application described in subsection (1), (1.1) or (2) that,

- (a) is made on or after the day section 12 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; or
- (b) was made before that day and was not finally determined before that day. 2020, c. 16, Sched. 4, s. 12.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 72 (4) of the Act is amended by striking out “subsection (1), (1.1) or (2)” and substituting “subsection (1) or (2)”. (See: 2023, c. 10, Sched. 7, s. 6 (3))

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 13 - 01/09/2017

2020, c. 16, Sched. 4, s. 12 - 01/09/2021

2021, c. 4, Sched. 11, s. 31 (1) - 19/04/2021

2023, c. 10, Sched. 7, s. 6 (1-3) - not in force

Demolition, conversion, repairs

73 (1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 50 unless it is satisfied that,

- (a) the landlord intends in good faith to carry out the activity on which the notice of termination was based; and
- (b) the landlord has,
 - (i) obtained all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, or
 - (ii) has taken all reasonable steps to obtain all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, if it is not possible to obtain the permits or other authority until the rental unit is vacant. 2006, c. 17, s. 73.

Determination of good faith

(2) In determining the good faith of the landlord in an application described in subsection (1), the Board may consider any evidence the Board considers relevant that relates to the landlord's previous use of notices of termination under section 48, 49 or 50 in respect of the same or a different rental unit. 2020, c. 16, Sched. 4, s. 13.

Application of subs. (2)

- (3) Subsection (2) applies with respect to any application described in subsection (1) that,
- (a) is made on or after the day section 13 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; or
 - (b) was made before that day and was not finally determined before that day. 2020, c. 16, Sched. 4, s. 13.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 73 of the Act is amended by adding the following subsection: (See: 2023, c. 10, Sched. 7, s. 7)

Report re repairs, renovations

(4) In determining an application with respect to a notice of termination given under clause 50 (1) (c), the Board shall consider but is not bound by a report referred to in clause 50 (3) (b) stating that the repairs or renovations are so extensive that they require vacant possession of the rental unit. 2023, c. 10, Sched. 7, s. 7.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 13 - 01/09/2021

2023, c. 10, Sched. 7, s. 7 - not in force

Compensation under s. 48.1, 49.1, 52, 54 or 55

73.1 (1) If the landlord compensated the tenant under section 48.1, 49.1, 52, 54 or 55, as the case may be, in connection with a notice of termination under section 48, 49 or 50 and the Board refuses to grant an application under section 69 for an order terminating the tenancy and evicting the tenant based on the notice, the Board may order that the tenant pay back the compensation to the landlord. 2017, c. 13, s. 14; 2020, c. 16, Sched. 4, s. 14.

Transition

(2) The Board may make an order under subsection (1) on an application described in that subsection even if the application was made before the day section 14 of the *Rental Fairness Act, 2017* comes into force. 2017, c. 13, s. 14.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 14 - 01/09/2017

2020, c. 16, Sched. 4, s. 14 - 21/07/2020

Non-payment of rent

74 (1) A landlord may not apply to the Board under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 before the day following the termination date specified in the notice. 2006, c. 17, s. 74 (1).

Discontinuance of application

(2) An application by a landlord under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 shall be discontinued if, before the Board issues the eviction order, the Board is satisfied that the tenant has paid to the landlord or to the Board,

- (a) the amount of rent that is in arrears under the tenancy agreement;

- (b) the amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given; and
- (c) the landlord's application fee. 2006, c. 17, s. 74 (2).

Order of Board

(3) An order of the Board terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 59 shall,

- (a) specify the following amounts:
 - (i) the amount of rent that is in arrears under the tenancy agreement,
 - (ii) the daily amount of compensation that must be paid under section 86, and
 - (iii) any costs ordered by the Board;
- (b) inform the tenant and the landlord that the order will become void if, before the order becomes enforceable, the tenant pays to the landlord or to the Board the amount required under subsection (4) and specify that amount; and
- (c) if the tenant has previously made a motion under subsection (11) during the period of the tenant's tenancy agreement with the landlord, inform the tenant and the landlord that the tenant is not entitled to make another motion under that subsection during the period of the agreement. 2006, c. 17, s. 74 (3).

Payment before order becomes enforceable

(4) An eviction order referred to in subsection (3) is void if the tenant pays to the landlord or to the Board, before the order becomes enforceable,

- (a) the amount of rent that is in arrears under the tenancy agreement;
- (b) the amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given;
- (c) the amount of NSF cheque charges charged by financial institutions to the landlord in respect of cheques tendered to the landlord by or on behalf of the tenant, as allowed by the Board in an application by the landlord under section 87;
- (d) the amount of administration charges payable by the tenant for the NSF cheques, as allowed by the Board in an application by the landlord under section 87; and
- (e) the costs ordered by the Board. 2006, c. 17, s. 74 (4).

Notice of void order

(5) If, before the eviction order becomes enforceable, the tenant pays the amount specified in the order under clause (3) (b) to the Board, an employee in the Board shall issue a notice to the tenant and the landlord acknowledging that the eviction order is void under subsection (4). 2006, c. 17, s. 74 (5); 2013, c. 3, s. 27 (1).

Determination that full amount paid before order becomes enforceable

(6) If, before the eviction order becomes enforceable, the tenant pays the amount due under subsection (4) either in whole to the landlord or in part to the landlord and in part to the Board, the tenant may make a motion to the Board, without notice to the landlord, for an order determining that the tenant has paid the full amount due under subsection (4) and confirming that the eviction order is void under subsection (4). 2006, c. 17, s. 74 (6).

Evidence

(7) A tenant who makes a motion under subsection (6) shall provide the Board with an affidavit setting out the details of any payments made to the landlord and with any supporting documents the tenant may have. 2006, c. 17, s. 74 (7).

No hearing

(8) The Board shall make an order under subsection (6) without holding a hearing. 2006, c. 17, s. 74 (8).

Motion by landlord

(9) Within 10 days after an order is issued under subsection (6), the landlord may, on notice to the tenant, make a motion to the Board to have the order set aside. 2006, c. 17, s. 74 (9).

Order of Board

(10) On a motion under subsection (9), the Board shall hold a hearing and shall,

- (a) if satisfied that the tenant paid the full amount due under subsection (4) before the eviction order became enforceable, refuse to set aside the order made under subsection (6);

- (b) if satisfied that the tenant did not pay the full amount due under subsection (4) before the eviction order became enforceable but that the tenant has since paid the full amount, refuse to set aside the order made under subsection (6); or
- (c) in any other case, set aside the order made under subsection (6) and confirm that the eviction order is not void under subsection (4). 2006, c. 17, s. 74 (10).

Payment after order becomes enforceable

(11) A tenant may make a motion to the Board, on notice to the landlord, to set aside an eviction order referred to in subsection (3) if, after the order becomes enforceable but before it is executed, the tenant pays an amount to the landlord or to the Board and files an affidavit sworn by the tenant stating that the amount, together with any amounts previously paid to the landlord or to the Board, is at least the sum of the following amounts:

1. The amount of rent that is in arrears under the tenancy agreement.
2. The amount of additional rent that would have been due under the tenancy agreement as at the date of payment by the tenant had notice of termination not been given.
3. The amount of NSF cheque charges charged by financial institutions to the landlord in respect of cheques tendered to the landlord by or on behalf of the tenant, as allowed by the Board in an application by the landlord under section 87.
4. The amount of administration charges payable by the tenant for the NSF cheques, as allowed by the Board in an application by the landlord under section 87.
5. The costs ordered by the Board. 2006, c. 17, s. 74 (11); 2009, c. 33, Sched. 21, s. 11 (1).

Refusal to accept motion

(11.1) The Board shall refuse to accept for filing a motion under subsection (11), if the tenant has not complied with all the requirements of that subsection. 2017, c. 13, s. 15 (1).

Exception

(12) Subsection (11) does not apply if the tenant has previously made a motion under that subsection during the period of the tenant's tenancy agreement with the landlord. 2006, c. 17, s. 74 (12).

Motion under subs. (11) stays eviction order

(13) An order under subsection (3) is stayed when a motion under subsection (11) is accepted for filing by the Board and shall not be enforced under this Act or as an order of the Superior Court of Justice during the stay. 2006, c. 17, s. 74 (13); 2017, c. 13, s. 15 (2).

Application of subs. (13)

(13.1) For greater certainty, subsection (13) applies only if the affidavit filed by the tenant in support of the motion under subsection (11) complies with all the requirements of that subsection. 2017, c. 13, s. 15 (3).

Order of Board

- (14) Subject to subsection (15), if a tenant makes a motion under subsection (11), the Board shall, after a hearing,
- (a) make an order declaring the order under subsection (3) to be void, if the tenant has paid the amounts set out in subsection (11); or
 - (b) make an order lifting the stay of the order under subsection (3), if the tenant has not paid the amounts set out in subsection (11). 2006, c. 17, s. 74 (14).

Enforcement costs

(15) If, on a motion under subsection (11), the Board determines that the landlord has paid any non-refundable amount under the *Administration of Justice Act* for the purpose of enforcing the order under subsection (3), the Board shall specify that amount in the order made under clause (14) (a) and shall provide in the order that it is not effective unless,

- (a) the tenant pays the specified amount into the Board by a date specified in the order; and
- (b) an employee in the Board issues a notice under subsection (16). 2006, c. 17, s. 74 (15); 2013, c. 3, s. 27 (2).

Notice of payment

(16) If subsection (15) applies to an order made under clause (14) (a) and the tenant pays the amount specified in the order into the Board by the date specified in the order, an employee in the Board shall issue a notice to the tenant and the landlord acknowledging that the eviction order is void. 2006, c. 17, s. 74 (16); 2013, c. 3, s. 27 (3).

Failure to pay

(17) If subsection (15) applies to an order made under clause (14) (a) and the tenant does not pay the amount specified in the order into the Board by the date specified in the order, the stay of the order under subsection (3) ceases to apply and the order may be enforced. 2006, c. 17, s. 74 (17).

Order for payment

(18) If the Board makes an order under clause (14) (b), the Board may make an order that the tenant pay to the landlord any non-refundable amount paid by the landlord under the *Administration of Justice Act* for the purpose of enforcing the order under subsection (3). 2006, c. 17, s. 74 (18).

Transition, motions under subs. (11)

(19) This section, as it reads immediately before the day the *Rental Fairness Act, 2017* receives Royal Assent, continues to apply with respect to motions under subsection (11) that are received by the Board before that day. 2017, c. 13, s. 15 (4).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (1) - 15/12/2009

2013, c. 3, s. 27 - 01/06/2014

2017, c. 13, s. 15 (1-4) - 30/05/2017

Illegal act

75 The Board may issue an order terminating a tenancy and evicting a tenant in an application under section 69 based on a notice of termination under section 61 whether or not the tenant or other person has been convicted of an offence relating to an illegal act, trade, business or occupation. 2006, c. 17, s. 75; 2013, c. 3, s. 28.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 28 - 01/06/2014

Application based on animals

76 (1) If an application based on a notice of termination under section 64, 65 or 66 is grounded on the presence, control or behaviour of an animal in or about the residential complex, the Board shall not make an order terminating the tenancy and evicting the tenant without being satisfied that the tenant is keeping an animal and that,

- (a) subject to subsection (2), the past behaviour of an animal of that species has substantially interfered with the reasonable enjoyment of the residential complex for all usual purposes by the landlord or other tenants;
- (b) subject to subsection (3), the presence of an animal of that species has caused the landlord or another tenant to suffer a serious allergic reaction; or
- (c) the presence of an animal of that species or breed is inherently dangerous to the safety of the landlord or the other tenants. 2006, c. 17, s. 76 (1).

Same

(2) The Board shall not make an order terminating the tenancy and evicting the tenant relying on clause (1) (a) if it is satisfied that the animal kept by the tenant did not cause or contribute to the substantial interference. 2006, c. 17, s. 76 (2).

Same

(3) The Board shall not make an order terminating the tenancy and evicting the tenant relying on clause (1) (b) if it is satisfied that the animal kept by the tenant did not cause or contribute to the allergic reaction. 2006, c. 17, s. 76 (3).

APPLICATION BY LANDLORD – NO NOTICE OF TERMINATION

Agreement to terminate, tenant's notice

77 (1) A landlord may, without notice to the tenant, apply to the Board for an order terminating a tenancy and evicting the tenant if,

- (a) the landlord and tenant have entered into an agreement to terminate the tenancy; or
- (b) the tenant has given the landlord notice of termination of the tenancy. 2006, c. 17, s. 77 (1).

Same

(2) The landlord shall include with the application an affidavit verifying the agreement or notice of termination, as the case may be. 2006, c. 17, s. 77 (2).

Same

(3) An application under subsection (1) shall not be made later than 30 days after the termination date specified in the agreement or notice. 2006, c. 17, s. 77 (3).

Order

(4) On receipt of the application, the Board may make an order terminating the tenancy and evicting the tenant. 2006, c. 17, s. 77 (4).

Same

(5) An order under subsection (4) shall be effective not earlier than,

- (a) the date specified in the agreement, in the case of an application under clause (1) (a); or
- (b) the termination date set out in the notice, in the case of an application under clause (1) (b). 2006, c. 17, s. 77 (5).

Motion to set aside order

(6) The respondent may make a motion to the Board, on notice to the applicant, to have the order under subsection (4) set aside within 10 days after the order is issued. 2006, c. 17, s. 77 (6).

Motion stays order

(7) An order under subsection (4) is stayed when a motion to have the order set aside is received by the Board and shall not be enforced under this Act or as an order of the Superior Court of Justice during the stay. 2006, c. 17, s. 77 (7).

Order of Board

(8) If the respondent makes a motion under subsection (6), the Board shall, after a hearing,

- (a) make an order setting aside the order under subsection (4), if,
 - (i) the landlord and tenant did not enter into an agreement to terminate the tenancy, and
 - (ii) the tenant did not give the landlord notice of termination of the tenancy;
- (b) make an order setting aside the order under subsection (4), if the Board is satisfied, having regard to all the circumstances, that it would not be unfair to do so; or
- (c) make an order lifting the stay of the order under subsection (4), effective immediately or on a future date specified in the order. 2006, c. 17, s. 77 (8).

Application based on previous order, mediated settlement

78 (1) A landlord may, without notice to the tenant, apply to the Board for an order terminating a tenancy or evicting the tenant if the following criteria are satisfied:

1. The landlord previously applied to the Board for an order terminating the tenancy or evicting the tenant.
2. A settlement agreed to under section 194 or order made with respect to the previous application,
 - i. imposed conditions on the tenant that, if not met by the tenant, would give rise to the same grounds for terminating the tenancy as were claimed in the previous application, and
 - ii. provided that the landlord could apply under this section if the tenant did not meet one or more of the conditions described in subparagraph i.
3. The tenant has not met one or more of the conditions described in subparagraph 2 i. 2006, c. 17, s. 78 (1); 2020, c. 16, Sched. 4, s. 15 (1).

Same

(2) The landlord shall include with the application a copy of the settlement or order and an affidavit setting out what conditions of the settlement or order have not been met and how they have not been met. 2006, c. 17, s. 78 (2).

Order for payment

(3) In an application under subsection (1), the landlord may also request that the Board make an order for payment under subsection (7) if the following criteria are satisfied:

1. The landlord applied for an order for the payment of arrears of rent or compensation for the repair or replacement of damaged property when the landlord made the previous application described in paragraph 1 of subsection (1).
2. A settlement agreed to under section 194 or order made with respect to the previous application requires the tenant to pay rent or some or all of the arrears of rent or compensation for the repair or replacement of damaged property. 2006, c. 17, s. 78 (3); 2017, c. 13, s. 16 (1); 2020, c. 16, Sched. 4, s. 15 (2).

Affidavit

(4) If the landlord makes a request under subsection (3), the affidavit included with the application under subsection (2) must also provide the following information:

1. If the settlement or order requires the tenant to pay some or all of the arrears of rent, the amount of any additional arrears of rent arising after the date of the settlement or order.
2. The amount of NSF cheque charges, if any, claimed by the landlord that were charged by financial institutions after the date of the settlement or order in respect of cheques tendered to the landlord by or on behalf of the tenant, to the extent the landlord has not been reimbursed for the charges.
3. The amount of NSF administration charges, if any, claimed by the landlord in respect of NSF cheques tendered by or on behalf of the tenant after the date of the settlement or order, to the extent the landlord has not been reimbursed for the charges.
4. If a settlement was agreed to under section 194 with respect to the previous application,
 - i. the amount of compensation for damage payable to the landlord under the terms of the settlement,
 - ii. the amount of arrears of rent payable to the landlord under the terms of the settlement,
 - iii. the amount of NSF cheque charges payable to the landlord under the terms of the settlement,
 - iv. the amount of NSF administration charges payable to the landlord under the terms of the settlement, and
 - v. the amount that the terms of the settlement required the tenant to pay to the landlord as reimbursement for the fee paid by the landlord for the application referred to in paragraph 1 of subsection (1).
5. The amount of any rent deposit, the date it was given and the last period for which interest was paid on the rent deposit.
6. The amount and date of each payment made under the terms of the settlement or order and what the payment was for. 2006, c. 17, s. 78 (4); 2017, c. 13, s. 16 (2-4); 2020, c. 16, Sched. 4, s. 15 (3).

Time for application

(5) An application under this section shall not be made later than 30 days after a failure of the tenant to meet a condition described in subparagraph 2 i of subsection (1). 2006, c. 17, s. 78 (5).

Order terminating tenancy

(6) If the Board finds that the landlord is entitled to an order under subsection (1), the Board may make an order terminating the tenancy and evicting the tenant. 2006, c. 17, s. 78 (6).

Order for arrears

(7) If an order is made under subsection (6) and the landlord makes a request under subsection (3), the Board may order the payment of the following amounts:

1. The amount of any compensation payable under section 86.
2. If the settlement or order referred to in paragraph 2 of subsection (3) requires the tenant to pay some or all of the arrears of rent, the amount of arrears of rent that arose after the date of the settlement or order.
3. Such amount as the Board may allow in respect of NSF cheque charges claimed by the landlord that were charged by financial institutions, after the date of the settlement or order referred to in paragraph 2 of subsection (3), in respect of cheques tendered by or on behalf of the tenant and for which the landlord has not been reimbursed.
4. Such amount as the Board may allow in respect of NSF administration charges claimed by the landlord that were incurred after the date of the settlement or order referred to in paragraph 2 of subsection (3) in respect of NSF cheques tendered by or on behalf of the tenant and for which the landlord has not been reimbursed, not exceeding the amount per cheque that is prescribed as a specified amount exempt from the operation of section 134.
5. If a settlement was agreed to under section 194 with respect to the previous application,
 - i. the amount of arrears of rent payable under the terms of the settlement that has not been paid,
 - i.1 the amount of compensation for damage payable under the terms of the settlement that has not been paid,
 - ii. the amount payable under the terms of the settlement in respect of NSF cheque charges that were charged by financial institutions in respect of cheques tendered by or on behalf of the tenant and for which the landlord has not been reimbursed,

- iii. the amount payable under the terms of the settlement in respect of NSF administration charges for which the landlord has not been reimbursed, not exceeding the amount per cheque that is prescribed as a specified amount exempt from the operation of section 134, and
- iv. the amount payable under the terms of the settlement as reimbursement for the fee paid by the landlord for the previous application, to the extent that the amount payable did not exceed that fee and to the extent that the amount payable has not been paid. 2006, c. 17, s. 78 (7); 2017, c. 13, s. 16 (5, 6); 2020, c. 16, Sched. 4, s. 15 (4).

Cancellation of previous order

(7.1) If the Board makes an order under subsection (6), the Board may,

- (a) cancel a previous order referred to in paragraph 2 of subsection (3); and
- (b) order the payment of any amount payable under the cancelled order that has not been paid. 2017, c. 13, s. 16 (7).

Credit for rent deposit

(8) In determining the amount payable by the tenant to the landlord, the Board shall ensure that the tenant is credited with the amount of any rent deposit and interest on the deposit that would be owing to the tenant on the termination of the tenancy. 2006, c. 17, s. 78 (8).

Motion to set aside orders

(9) The respondent may make a motion to the Board, on notice to the applicant, to have an order under subsection (6), and any order made under subsection (7) or (7.1), set aside within 10 days after the order made under subsection (6) is issued. 2006, c. 17, s. 78 (9); 2017, c. 13, s. 16 (8).

Motion stays orders

(10) When a motion under subsection (9) is received by the Board, an order under subsection (6), and any order made under subsection (7) or (7.1), are stayed and shall not be enforced under this Act or as an order of the Superior Court of Justice during the stay. 2017, c. 13, s. 16 (9).

Order of Board

(11) If the respondent makes a motion under subsection (9), the Board shall, after a hearing,

- (a) make an order setting aside the order under subsection (6), and any order made under subsection (7) or (7.1), if any of the criteria set out in subsection (1) are not satisfied;
- (b) make an order setting aside the order under subsection (6), and any order made under subsection (7) or (7.1), if the Board is satisfied, having regard to all the circumstances, that it would not be unfair to set aside the order under subsection (6); or
- (c) make an order lifting the stay of the order under subsection (6), and any order made under subsection (7) or (7.1), effective immediately or on a future date specified in the order. 2006, c. 17, s. 78 (11); 2017, c. 13, s. 16 (10).

Same

(12) In an order under clause (11) (b), the Board may amend a settlement agreed to under section 194 or an order made with respect to the previous application if it considers it appropriate to do so. 2009, c. 33, Sched. 21, s. 11 (2); 2020, c. 16, Sched. 4, s. 15 (5).

Transition

(13) This section, as it reads immediately before the day subsection 16 (11) of the *Rental Fairness Act, 2017* comes into force, continues to apply if the previous application referred to in paragraph 1 of subsection (1) is made before that day, regardless of whether the resulting settlement or order is mediated or made before, on or after that day. 2017, c. 13, s. 16 (11).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (2) - 15/12/2009

2017, c. 13, s. 16 (1-11) - 01/01/2018

2020, c. 16, Sched. 4, s. 15 (1-5) - 21/07/2020

Abandonment of rental unit

79 If a landlord believes that a tenant has abandoned a rental unit, the landlord may apply to the Board for an order terminating the tenancy. 2006, c. 17, s. 79.

EVICTION ORDERS

Effective date of order

80 (1) If a notice of termination of a tenancy has been given and the landlord has subsequently applied to the Board for an order evicting the tenant, the order of the Board evicting the tenant may not be effective earlier than the date of termination set out in the notice. 2006, c. 17, s. 80 (1).

Exception, notice under s. 63 or 66

(2) Despite subsection (1), an order evicting a tenant may provide that it is effective on a date specified in the order that is earlier than the date of termination set out in the notice of termination if,

- (a) the order is made on an application under section 69 based on a notice of termination under clause 63 (1) (a) and the Board determines that the damage caused was significantly greater than the damage that was required by that clause in order to give the notice of termination; or
- (b) the order is made on an application under section 69 based on a notice of termination under clause 63 (1) (b) or subsection 66 (1). 2006, c. 17, s. 80 (2).

Expiry date of order

81 An order of the Board evicting a person from a rental unit expires six months after the day on which the order takes effect if it is not filed within those six months with the sheriff who has territorial jurisdiction where the rental unit is located. 2006, c. 17, s. 81.

Tenant issues

82 (1) At a hearing of an application by a landlord under section 69 for an order terminating a tenancy and evicting a tenant based on a notice of termination under section 59, the Board shall permit the tenant to raise any issue that could be the subject of an application made by the tenant under this Act if the tenant,

- (a) complies with the requirements set out in subsection (2); or
- (b) provides an explanation satisfactory to the Board explaining why the tenant could not comply with the requirements set out in subsection (2). 2020, c. 16, Sched. 4, s. 16.

Requirements to be met by tenant

(2) The requirements referred to in subsection (1) are the following:

- 1. The tenant shall give advance notice to the landlord of the tenant's intent to raise the issue at the hearing.
- 2. The notice shall be given within the time set out in the Rules.
- 3. The notice shall be given in writing and shall comply with the Rules. 2020, c. 16, Sched. 4, s. 16.

Orders

(3) If a tenant raises an issue under subsection (1), the Board may make any order in respect of the issue that it could have made had the tenant made an application under this Act. 2020, c. 16, Sched. 4, s. 16.

Transition

(4) This section, as it reads on the day section 16 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, applies to any hearing held after that day that relates to an application that was filed before that day. 2020, c. 16, Sched. 4, s. 16.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 16 - 21/07/2020

Power of Board, eviction

83 (1) Upon an application for an order evicting a tenant, the Board may, despite any other provision of this Act or the tenancy agreement,

- (a) refuse to grant the application unless satisfied, having regard to all the circumstances, that it would be unfair to refuse; or
- (b) order that the enforcement of the eviction order be postponed for a period of time. 2006, c. 17, s. 83 (1).

Mandatory review

(2) If a hearing is held, the Board shall not grant the application unless it has reviewed the circumstances and considered whether or not it should exercise its powers under subsection (1). 2006, c. 17, s. 83 (2).

Circumstances where refusal required

- (3) Without restricting the generality of subsection (1), the Board shall refuse to grant the application where satisfied that,
- (a) the landlord is in serious breach of the landlord's responsibilities under this Act or of any material covenant in the tenancy agreement;
 - (b) the reason for the application being brought is that the tenant has complained to a governmental authority of the landlord's violation of a law dealing with health, safety, housing or maintenance standards;
 - (c) the reason for the application being brought is that the tenant has attempted to secure or enforce his or her legal rights;
 - (d) the reason for the application being brought is that the tenant is a member of a tenants' association or is attempting to organize such an association; or
 - (e) the reason for the application being brought is that the rental unit is occupied by children and the occupation by the children does not constitute overcrowding. 2006, c. 17, s. 83 (3).

No eviction before compensation, residential occupation, demolition, etc.

(4) The Board shall not issue an eviction order in a proceeding regarding termination of a tenancy for the purposes of residential occupation, demolition, conversion to non-residential rental use, renovations or repairs until the landlord has complied with section 48.1, 49.1, 52, 54 or 55, as the case may be. 2017, c. 13, s. 17; 2020, c. 16, Sched. 4, s. 17 (1).

No eviction before compensation, repair or renovation

(5) If a tenant has given a landlord notice under subsection 53 (2) and subsection 54 (2) or (4) applies, the Board shall not issue an eviction order in a proceeding regarding termination of the tenancy until the landlord has compensated the tenant in accordance with subsection 54 (2) or (4), as applicable. 2006, c. 17, s. 83 (5); 2020, c. 16, Sched. 4, s. 17 (2).

Refusal for certain arrears of rent

(6) Without restricting the generality of subsections (1) and (2), if a hearing is held in respect of an application under section 69 for an order evicting a tenant based on arrears of rent arising in whole or in part during the period beginning on March 17, 2020 and ending on the prescribed date, in determining whether to exercise its powers under subsection (1) the Board shall consider whether the landlord has attempted to negotiate an agreement with the tenant including terms of payment for the tenant's arrears. 2020, c. 16, Sched. 4, s. 17 (3).

Application of subs. (6)

- (7) Subsection (6) applies with respect to any application described in that subsection that,
- (a) is made on or after the day subsection 17 (3) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act*, 2020 comes into force; or
 - (b) was made before that day and was not finally determined before that day. 2020, c. 16, Sched. 4, s. 17 (3).

Same

(8) For greater certainty, subsection (6) applies whether or not a date has been prescribed for the purposes of that subsection. 2020, c. 16, Sched. 4, s. 17 (3).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 17 - 01/09/2017

2020, c. 16, Sched. 4, s. 17 (1-3) - 21/07/2020

Expedited eviction order

84 Subject to clause 83 (1) (b), the Board shall, in an order made under section 69 based on a notice given under subsection 61 (1) that involves an illegal act, trade, business or occupation described in clause 61 (2) (a) or based on a notice given under section 63, 65 or 66, request that the sheriff expedite the enforcement of the order. 2006, c. 17, s. 84.

Effect of eviction order

85 An order evicting a person shall have the same effect, and shall be enforced in the same manner, as a writ of possession. 2006, c. 17, s. 85.

COMPENSATION FOR LANDLORD

Compensation, unit not vacated

86 A landlord is entitled to compensation for the use and occupation of a rental unit by a tenant who does not vacate the unit after his or her tenancy is terminated by order, notice or agreement. 2006, c. 17, s. 86.

Applications

Application for arrears of rent

- 87** (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay arrears of rent if,
- (a) the tenant or former tenant did not pay rent lawfully required under the tenancy agreement; and
 - (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force. 2020, c. 16, Sched. 4, s. 18 (1).

Application under subs. (1)

- (1.1) An application under subsection (1) may be made,
- (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit. 2020, c. 16, Sched. 4, s. 18 (1).

Tenant issues

- (2) Section 82 applies, with necessary modifications, to an application under subsection (1). 2006, c. 17, s. 87 (2).

Application for compensation for use and occupation of unit

- (3) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay compensation for the use and occupation of the rental unit after a notice of termination or an agreement to terminate the tenancy has taken effect if,
- (a) the tenant or former tenant is or was in possession of the rental unit after the termination of the tenancy; and
 - (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force. 2020, c. 16, Sched. 4, s. 18 (1).

Application under subs. (3)

- (3.1) An application under subsection (3) may be made,
- (a) while the tenant or former tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit. 2020, c. 16, Sched. 4, s. 18 (1).

Amount of arrears of rent or compensation

- (4) In determining the amount of arrears of rent, compensation or both owing by a tenant in an order for termination of a tenancy and the payment of arrears of rent, compensation or both, the Board shall subtract from the amount owing the amount of any rent deposit or interest on a rent deposit that would be owing to the tenant on termination. 2006, c. 17, s. 87 (4); 2020, c. 16, Sched. 4, s. 18 (2).

NSF cheque charges

- (5) On an application by a landlord under this section, the Board may include the following amounts in determining the total amount owing to a landlord by a tenant or former tenant in respect of a rental unit:
1. The amount of NSF cheque charges claimed by the landlord and charged by financial institutions in respect of cheques tendered to the landlord by or on behalf of the tenant or former tenant, to the extent the landlord has not been reimbursed for the charges.
 2. The amount of unpaid administration charges in respect of the NSF cheques, if claimed by the landlord, that do not exceed the amount per cheque that is prescribed as a specified payment exempt from the operation of section 134. 2006, c. 17, s. 87 (5); 2020, c. 16, Sched. 4, s. 18 (3).

Application

- (6) This section applies with respect to,
- (a) arrears of rent described in subsection (1), even if the arrears accrued before the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force;
 - (b) the use and occupation of the rental unit described in subsection (3), even if the use and occupation occurred before that day; and
 - (c) charges described in subsection (5), even if the charges were incurred before that day. 2020, c. 16, Sched. 4, s. 18 (4).

Transition, court proceedings not affected

(7) Despite subsection 168 (2), the re-enactment of subsections (1) and (3) by subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of arrears of rent or compensation for the use and occupation of the rental unit, or for the payment of both, that is commenced before the day that subsection comes into force and has not been finally determined before that day. 2020, c. 16, Sched. 4, s. 18 (4).

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 18 (1-4) - 01/09/2021

Arrears of rent when tenant abandons or vacates without notice

88 (1) If a tenant abandons or vacates a rental unit without giving notice of termination in accordance with this Act and no agreement to terminate has been made or the landlord has not given notice to terminate the tenancy, a determination of the amount of arrears of rent owing by the tenant shall be made in accordance with the following rules:

1. If the tenant vacated the rental unit after giving notice that was not in accordance with this Act, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in the notice, had the notice been given in accordance with section 47, 96 or 145, as the case may be.
2. If the tenant abandoned or vacated the rental unit without giving any notice, arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in a notice of termination had the tenant, on the date that the landlord knew or ought to have known that the tenant had abandoned or vacated the rental unit, given notice of termination in accordance with section 47, 96 or 145, as the case may be. 2006, c. 17, s. 88 (1).

Where landlord has given notice under s. 48, 49 or 50

(2) If a notice of termination has been given by the landlord under section 48, 49 or 50 and the tenant vacates the rental unit before the termination date set out in the notice without giving a notice of earlier termination or after giving a notice of earlier termination that is not in accordance with subsection 48 (3), 49 (4) or 50 (4), as the case may be, a determination of the amount of arrears of rent owing by the tenant shall be made as if arrears of rent are owing for the period that ends on the earlier of the following dates:

1. The date that is 10 days after,
 - i. the date the tenant gave notice of earlier termination, if the tenant vacated the rental unit after giving a notice of earlier termination that was not in accordance with subsection 48 (3), 49 (4) or 50 (4), as the case may be, or
 - ii. the date the landlord knew or ought to have known that the tenant had vacated the rental unit, if the tenant vacated the rental unit without giving a notice of earlier termination.
2. The termination date set out in the landlord's notice of termination. 2006, c. 17, s. 88 (2).

New tenancy

(3) Despite subsections (1) and (2), if the landlord enters into a new tenancy agreement with a new tenant with respect to the rental unit, the tenant who abandoned or vacated the rental unit is not liable to pay an amount of arrears of rent that exceeds the lesser of the following amounts:

1. The amount of arrears of rent determined under subsection (1) or (2).
2. The amount of arrears of rent owing for the period that ends on the date the new tenant is entitled to occupy the rental unit. 2006, c. 17, s. 88 (3).

Minimization of losses

(4) In determining the amount of arrears of rent owing under subsections (1), (2) and (3), consideration shall be given to whether or not the landlord has taken reasonable steps to minimize losses in accordance with section 16. 2006, c. 17, s. 88 (4).

Application for compensation for interference with reasonable enjoyment, etc.

88.1 (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay costs described in subsection (4) if,

- (a) while the tenant or former tenant is or was in possession of the rental unit, the conduct of the tenant or former tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant or former tenant is or was such that it substantially interferes or interfered with,
 - (i) the reasonable enjoyment of the residential complex for all usual purposes by the landlord, or
 - (ii) another lawful right, privilege or interest of the landlord; and

- (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day section 19 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force. 2020, c. 16, Sched. 4, s. 19.

Application under subs. (1)

- (2) An application under subsection (1) may be made,
 - (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit. 2020, c. 16, Sched. 4, s. 19.

Same

- (3) If the Board makes an order requiring payment under subsection (1) and for the termination of the tenancy, the Board shall set off against the amount required to be paid by the tenant the amount of any rent deposit or interest on a rent deposit that would be owing to the tenant on termination. 2020, c. 16, Sched. 4, s. 19.

Compensation for interference with reasonable enjoyment, etc.

- (4) The costs referred to in subsection (1) are reasonable out-of-pocket expenses that the landlord has incurred or will incur as a result of an interference described in clause (1) (a) and do not include costs that the landlord may recover in an application under section 88.2 or 89. 2020, c. 16, Sched. 4, s. 19.

Application

- (5) This section applies with respect to,
 - (a) an interference described in clause (1) (a), even if the interference occurred before the day section 19 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; and
 - (b) out-of-pocket expenses described in subsection (4), even if the expenses were incurred before that day. 2020, c. 16, Sched. 4, s. 19.

Transition, court proceedings not affected

- (6) Despite subsection 168 (2), the enactment of this section by section 19 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of compensation for an interference described in clause (1) (a) that is commenced before the day that section comes into force and has not been finally determined before that day. 2020, c. 16, Sched. 4, s. 19.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 19 - 01/09/2021

Application for compensation for failure to pay utility costs

88.2 (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay costs described in subsection (4) if,

- (a) while the tenant or former tenant is or was in possession of the rental unit, the tenant or former tenant failed to pay utility costs that they were required to pay under the terms of the tenancy agreement; and
- (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day section 20 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force. 2020, c. 16, Sched. 4, s. 20.

Application under subs. (1)

- (2) An application under subsection (1) may be made,
 - (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit. 2020, c. 16, Sched. 4, s. 20.

Same

- (3) If the Board makes an order requiring payment under subsection (1) and for the termination of the tenancy, the Board shall set off against the amount required to be paid by the tenant the amount of any rent deposit or interest on a rent deposit that would be owing to the tenant on termination. 2020, c. 16, Sched. 4, s. 20.

Compensation for failure to pay utility costs

- (4) The costs referred to in subsection (1) are reasonable out-of-pocket expenses that the landlord has incurred or will incur as a result of a tenant's or former tenant's failure to pay utility costs that they were required to pay under the terms of the tenancy agreement. 2020, c. 16, Sched. 4, s. 20.

Application

(5) This section applies with respect to,

- (a) a failure described in clause (1) (a), even if the failure occurred before the day section 20 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; and
- (b) out-of-pocket expenses described in subsection (4), even if the expenses were incurred before that day. 2020, c. 16, Sched. 4, s. 20.

Transition, court proceedings not affected

(6) Despite subsection 168 (2), the enactment of this section by section 20 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of compensation for a tenant's or former tenant's failure to pay utility costs that is commenced before the day that section comes into force and has not been finally determined before that day. 2020, c. 16, Sched. 4, s. 20.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 20 - 01/09/2021

Application for compensation for damage

89 (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay reasonable costs that the landlord has incurred or will incur for the repair of or, where repairing is not reasonable, the replacement of damaged property if,

- (a) while the tenant or former tenant is or was in possession of the rental unit, the tenant or former tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant or former tenant wilfully or negligently causes or caused undue damage to the rental unit or the residential complex; and
- (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 21 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force. 2020, c. 16, Sched. 4, s. 21 (1).

Application under subs. (1)

(1.1) An application under subsection (1) may be made,

- (a) while the tenant is in possession of the rental unit; or
- (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit. 2020, c. 16, Sched. 4, s. 21 (1).

Same

(2) If the Board makes an order requiring payment under subsection (1) and for the termination of the tenancy, the Board shall set off against the amount required to be paid by the tenant the amount of any rent deposit or interest on a rent deposit that would be owing to the tenant on termination. 2006, c. 17, s. 89 (2); 2020, c. 16, Sched. 4, s. 21 (2).

Application

(3) This section applies with respect to,

- (a) damage described in clause (1) (a), even if the damage occurred before the day subsection 21 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; and
- (b) costs described in subsection (1), even if the costs were incurred before that day. 2020, c. 16, Sched. 4, s. 21 (3).

Transition, court proceedings not affected

(4) Despite subsection 168 (2), the re-enactment of subsection (1) by subsection 21 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of compensation for damage to the rental unit or the residential complex that is commenced before the day that subsection comes into force and has not been finally determined before that day. 2020, c. 16, Sched. 4, s. 21 (3).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 29 - 01/06/2014

2020, c. 16, Sched. 4, s. 21 (1-3) - 01/09/2021

Compensation, misrepresentation of income

90 If a landlord has a right to give a notice of termination under section 60, the landlord may apply to the Board for an order for the payment of money the tenant would have been required to pay if the tenant had not misrepresented his or her income

or that of other members of his or her household, so long as the application is made while the tenant is in possession of the rental unit. 2006, c. 17, s. 90; 2013, c. 3, s. 30.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 30 - 01/06/2014

DEATH OF TENANT

Death of tenant

91 (1) If a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed to be terminated 30 days after the death of the tenant. 2006, c. 17, s. 91 (1).

Reasonable access

(2) The landlord shall, until the tenancy is terminated under subsection (1),

- (a) preserve any property of a tenant who has died that is in the rental unit or the residential complex other than property that is unsafe or unhygienic; and
- (b) afford the executor or administrator of the tenant's estate, or if there is no executor or administrator, a member of the tenant's family reasonable access to the rental unit and the residential complex for the purpose of removing the tenant's property. 2006, c. 17, s. 91 (2).

Landlord may dispose of property

92 (1) The landlord may sell, retain for the landlord's own use or otherwise dispose of property of a tenant who has died that is in a rental unit and in the residential complex in which the rental unit is located,

- (a) if the property is unsafe or unhygienic, immediately; and
- (b) otherwise, after the tenancy is terminated under section 91. 2006, c. 17, s. 92 (1).

Same

(2) Subject to subsections (3) and (4), a landlord is not liable to any person for selling, retaining or otherwise disposing of the property of a tenant in accordance with subsection (1). 2006, c. 17, s. 92 (2).

Same

(3) If, within six months after the tenant's death, the executor or administrator of the estate of the tenant or, if there is no executor or administrator, a member of the tenant's family claims any property of the tenant that the landlord has sold, the landlord shall pay to the estate the amount by which the proceeds of sale exceed the sum of,

- (a) the landlord's reasonable out-of-pocket expenses for moving, storing, securing or selling the property; and
- (b) any arrears of rent. 2006, c. 17, s. 92 (3).

Same

(4) If, within the six-month period after the tenant's death, the executor or administrator of the estate of the tenant or, if there is no executor or administrator, a member of the tenant's family claims any property of the tenant that the landlord has retained for the landlord's own use, the landlord shall return the property to the tenant's estate. 2006, c. 17, s. 92 (4).

Agreement

(5) A landlord and the executor or administrator of a deceased tenant's estate may agree to terms other than those set out in this section with regard to the termination of the tenancy and disposal of the tenant's property. 2006, c. 17, s. 92 (5).

SUPERINTENDENT'S PREMISES

Termination of tenancy

93 (1) If a landlord has entered into a tenancy agreement with respect to a superintendent's premises, unless otherwise agreed, the tenancy terminates on the day on which the employment of the tenant is terminated. 2006, c. 17, s. 93 (1).

Same

(2) A tenant shall vacate a superintendent's premises within one week after his or her tenancy is terminated. 2006, c. 17, s. 93 (2).

No rent charged for week

(3) A landlord shall not charge a tenant rent or compensation or receive rent or compensation from a tenant with respect to the one-week period mentioned in subsection (2). 2006, c. 17, s. 93 (3).

Application to Board

94 The landlord may apply to the Board for an order terminating the tenancy of a tenant of superintendent's premises and evicting the tenant if the tenant does not vacate the rental unit within one week of the termination of his or her employment. 2006, c. 17, s. 94.

PART V.1 TERMINATION OF OCCUPANCY — NON-PROFIT HOUSING CO-OPERATIVES

INTERPRETATION

Interpretation

Definitions

94.1 (1) In this Part,

“housing charges” has the same meaning as in the *Co-operative Corporations Act*; (“frais de logement”)

“member”, except in the phrase, “members of his or her household”, means a member as defined in the *Co-operative Corporations Act* or a person whose membership and occupancy rights in a co-operative have terminated or expired in accordance with that Act; (“membre”)

“regular monthly housing charges” includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a member to a co-operative or the co-operative's agent for the right to occupy a member unit and for any services and facilities and any privilege, accommodation or thing that the co-operative provides for the member in respect of the occupancy of the member unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing, but does not include one-time, occasional or irregular charges, deposits, penalties or fines; (“frais de logement mensuels ordinaires”)

“residential complex” means a building or related group of buildings in which one or more member units are located and includes all common areas and services and facilities available for the use of its residents. (“ensemble d'habitation”) 2013, c. 3, s. 31.

Non-profit housing co-operative and member not a landlord-tenant relationship

(2) Nothing in this Part, and nothing elsewhere in this Act, shall be construed as altering the relationship between a non-profit housing co-operative and a member and, in particular, the relationship shall not be construed as being one of a landlord and tenant. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

NOTICE OF TERMINATION OF OCCUPANCY BY CO-OPERATIVE

Notice of termination of occupancy

94.2 (1) After terminating a member's membership and occupancy rights in a non-profit housing co-operative under section 171.8 of the *Co-operative Corporations Act*, the co-operative may give the member notice of termination of the member's occupancy of a member unit under this Act in any of the following circumstances:

1. The member has persistently failed to pay the regular monthly housing charges on the date they became due and payable.
2. The member unit is in a residential complex described in paragraph 1, 2 or 3 of subsection 7 (1) and the member has ceased to meet the qualifications required for occupancy of the member unit.
3. The member fails to pay the regular monthly housing charges lawfully owing with respect to the member unit.
4. The member unit is in a residential complex described in paragraph 1, 2 or 3 of subsection 7 (1) and the member has knowingly and materially misrepresented his or her income or that of other members of his or her household.
5. The member or another occupant of the member unit commits an illegal act or carries on an illegal trade, business or occupation or permits a person to do so in the member unit or the residential complex.
6. The member, another occupant of the member unit or a person whom the member permits in the member unit or the residential complex wilfully or negligently causes undue damage to the member unit or the residential complex.
7. The member, another occupant of the member unit or a person whom the member permits in the member unit or the residential complex,
 - i. wilfully causes undue damage to the member unit or the residential complex, or

- ii. uses the member unit or the residential complex in a manner that is inconsistent with use as residential premises and that causes or can reasonably be expected to cause damage that is significantly greater than the damage that is required in order to give a notice of termination under subparagraph i or paragraph 6.
- 8. The conduct of the member, another occupant of the member unit or a person permitted in the residential complex by the member is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the co-operative or another member of the co-operative or occupant of the residential complex or substantially interferes with another lawful right, privilege or interest of the co-operative or another such member or occupant.
- 9. An act or omission of the member, another occupant of the member unit or a person permitted in the residential complex by the member seriously impairs or has seriously impaired the safety of any person and the act or omission occurs in the residential complex.
- 10. The number of persons occupying the member unit on a continuing basis results in a contravention of health, safety or housing standards required by law.
- 11. A notice of termination was given to the member for a circumstance described in paragraph 6, 8 or 10 and more than seven days but less than six months after the notice was given, an activity takes place, conduct occurs or a situation arises that constitutes the same circumstance under which the previous notice of termination was given. 2013, c. 3, s. 31; 2017, c. 13, s. 18.

Deemed termination of membership and occupancy rights

(2) Despite subsections 171.8 (1) and 171.12.1 (2) of the *Co-operative Corporations Act*, where the circumstance described in paragraph 11 of subsection (1) exists, the member's membership and occupancy rights are deemed to have been terminated for the purpose of giving a notice of termination of the member's occupancy of a member unit under this section. 2013, c. 3, s. 31.

Rent-geared-to-income assistance

(3) For greater certainty, paragraph 2 of subsection (1) does not authorize a non-profit housing co-operative to give a member notice of termination of the member's occupancy of a member unit on the ground that the member has ceased to be eligible for, or has failed to take any step necessary to maintain eligibility for, rent-geared-to-income assistance as defined in section 38 of the *Housing Services Act, 2011*. 2016, c. 25, Sched. 5, s. 2.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

2016, c. 25, Sched. 5, s. 2 - 08/12/2016

2017, c. 13, s. 18 - 01/01/2018

Form, contents of notice of termination

94.3 (1) A notice of termination under section 94.2 shall be in a form approved by the Board and shall,

- (a) identify the member unit for which the notice is given;
- (b) state the date on which the occupancy is to terminate; and
- (c) be signed by a director of the co-operative giving the notice, a person authorized to act for the co-operative or the co-operative's agent. 2013, c. 3, s. 31.

Same

(2) The notice shall also set out the reasons for and details respecting the termination and inform the member that,

- (a) if the member vacates the member unit in accordance with the notice, the occupancy terminates on the date set out in clause (1) (b);
- (b) if the member does not vacate the member unit, the co-operative may apply to the Board for an order terminating the occupancy of the member unit and evicting the member; and
- (c) if the co-operative applies for an order, the member is entitled to dispute the application. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Termination date and other requirements in notice

Persistent non-payment or ceasing to meet qualifications

94.4 (1) In a circumstance described in paragraph 1 or 2 of subsection 94.2 (1), the notice of termination shall provide a termination date not earlier than the 60th day after the notice is given and the termination date shall be on the last day of a period of occupancy. 2013, c. 3, s. 31.

Non-payment of regular monthly housing charges

(2) In a circumstance described in paragraph 3 of subsection 94.2 (1), the notice of termination shall,

- (a) provide a termination date not earlier than the 14th day after the notice is given;
- (b) set out the amount of the regular monthly housing charges that is due; and
- (c) specify that the member may avoid the termination of the occupancy by paying, on or before the termination date specified in the notice, the amount as set out in the notice and any additional regular monthly housing charges that have become due as at the date of payment by the member. 2013, c. 3, s. 31.

Misrepresentation of income

(3) In a circumstance described in paragraph 4 of subsection 94.2 (1), the notice of termination shall provide a termination date not earlier than the 20th day after the notice is given. 2013, c. 3, s. 31.

Illegal act, etc.

(4) In a circumstance described in paragraph 5 of subsection 94.2 (1), the notice of termination shall provide a termination date not earlier than,

- (a) the 10th day after the notice is given, in the case of a notice grounded on an illegal act, trade, business or occupation involving,
 - (i) the production of an illegal drug,
 - (ii) the trafficking in an illegal drug, or
 - (iii) the possession of an illegal drug for the purposes of trafficking; or
- (b) the 20th day after the notice is given, in all other cases. 2013, c. 3, s. 31.

Damage

(5) In a circumstance described in paragraph 6 of subsection 94.2 (1), the notice of termination shall,

- (a) provide a termination date not earlier than the 20th day after the notice is given; and
- (b) require the member, within seven days,
 - (i) to repair the damaged property or pay to the co-operative the reasonable costs of repairing the damaged property, or
 - (ii) to replace the damaged property or pay to the co-operative the reasonable costs of replacing the damaged property, if it is not reasonable to repair the damaged property. 2013, c. 3, s. 31.

Damage, shorter notice period

(6) Despite subsection (5), in a circumstance described in paragraph 7 of subsection 94.2 (1), the notice of termination may provide a termination date not earlier than the 10th day after the notice is given and clause (5) (b) and subsection 94.5 (3) do not apply to this notice. 2013, c. 3, s. 31.

Interfering with reasonable enjoyment

(7) A notice of termination for a circumstance described in paragraph 8 of subsection 94.2 (1) shall,

- (a) provide a termination date not earlier than the 20th day after the notice is given; and
- (b) require the member, within seven days, to stop the conduct or activity or correct the omission set out in the notice. 2013, c. 3, s. 31.

Impairing safety

(8) In a circumstance described in paragraph 9 of subsection 94.2 (1), the notice of termination shall provide a termination date not earlier than the 10th day after the notice is given. 2013, c. 3, s. 31.

Too many occupants

(9) In a circumstance described in paragraph 10 of subsection 94.2 (1), the notice of termination shall,

- (a) provide a termination date not earlier than the 20th day after the notice is given; and

- (b) require the member, within seven days, to reduce the number of persons occupying the member unit to comply with health, safety or housing standards required by law. 2013, c. 3, s. 31.

Further contravention

(10) In a circumstance described in paragraph 11 of subsection 94.2 (1), the notice of termination shall provide a termination date not earlier than the 14th day after the notice is given. 2013, c. 3, s. 31.

Definitions

(11) In subsection (4),

“illegal drug” means a controlled substance or precursor as those terms are defined in the *Controlled Drugs and Substances Act* (Canada); (“drogue illicite”)

“possession” has the same meaning as in the *Controlled Drugs and Substances Act* (Canada); (“possession”)

“production” means, with respect to an illegal drug, to produce the drug within the meaning of the *Controlled Drugs and Substances Act* (Canada); (“production”)

“trafficking” means, with respect to an illegal drug, to traffic in the drug within the meaning of the *Controlled Drugs and Substances Act* (Canada). (“trafic”) 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Where notice void

94.5 (1) A notice of termination under subsection 94.2 (1), other than a notice of termination for a circumstance described in paragraph 3 of that subsection, becomes void 30 days after the termination date specified in the notice unless,

- (a) the member vacates the member unit before that time; or
- (b) the co-operative applies for an order terminating the occupancy of the member unit and evicting the member before that time. 2013, c. 3, s. 31.

Same, if member pays regular monthly housing charges

(2) The notice of termination for a circumstance described in paragraph 3 of subsection 94.2 (1) is void if, before the day the co-operative applies to the Board for an order terminating the occupancy of the member unit and evicting the member based on the notice, the member pays,

- (a) the regular monthly housing charges that are in arrears; and
- (b) the additional regular monthly housing charges that would have been due as at the date of payment by the member had notice of termination not been given. 2013, c. 3, s. 31.

Same, if member repairs, replaces or pays for damaged property

(3) The notice of termination for a circumstance described in paragraph 6 of subsection 94.2 (1) is void if the member, within seven days after receiving the notice, complies with the requirement referred to in clause 94.4 (5) (b) or makes arrangements satisfactory to the co-operative to comply with that requirement. 2013, c. 3, s. 31.

Same, if member stops conduct, etc.

(4) The notice of termination for a circumstance described in paragraph 8 of subsection 94.2 (1) is void if the member, within seven days after receiving the notice, stops the conduct or activity or corrects the omission. 2013, c. 3, s. 31.

Same, if member reduces number of persons in member unit

(5) The notice of termination for a circumstance described in paragraph 10 of subsection 94.2 (1) is void if the member, within seven days after receiving the notice, sufficiently reduces the number of persons occupying the member unit. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Effect of payment

94.6 Unless a non-profit housing co-operative and member agree otherwise, the co-operative does not waive a notice of termination or reinstate a member’s membership and occupancy rights by accepting arrears of the regular monthly housing charges or compensation for the use or occupation of a member unit after,

- (a) the co-operative gives a notice of termination of the occupancy under section 94.2; or
- (b) the Board makes an order terminating the member’s occupancy and evicting the member. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

APPLICATION BY CO-OPERATIVE — AFTER NOTICE OF TERMINATION

Application to Board, after notice is given to member

94.7 (1) If a non-profit housing co-operative gives a member notice of termination of occupancy of the member unit under section 94.2, the co-operative may apply to the Board for an order terminating the member's occupancy of the member unit and evicting the member. 2013, c. 3, s. 31.

Same

(2) An application under subsection (1) may not be made later than 30 days after the termination date specified in the notice, except where the application is based on a notice of termination for a circumstance described in paragraph 3 of subsection 94.2 (1). 2013, c. 3, s. 31.

No application during remedy period

(3) A co-operative may not apply to the Board for an order terminating the occupancy of a member unit and evicting the member based on a notice of termination for a circumstance described in paragraph 6, 8 or 10 of subsection 94.2 (1) before the seven-day remedy period specified in the notice expires. 2013, c. 3, s. 31.

When application can be made for non-payment of housing charges

(4) A co-operative may not apply to the Board for an order terminating an occupancy and evicting the member based on a notice of termination for a circumstance described in paragraph 3 of subsection 94.2 (1) before the day following the termination date specified in the notice. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Immediate application

94.8 Subject to subsections 94.7 (3) and (4), a co-operative that has given a member a notice of termination under section 94.2 may apply immediately to the Board under section 94.7 for an order terminating the occupancy of the member unit and evicting the member. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

No jurisdiction re *Co-operative Corporations Act*

94.9 In an application to the Board made under section 94.7 or 94.8, the Board shall not inquire into or make any determination as to whether the member's membership and occupancy rights were properly terminated under section 171.8 of the *Co-operative Corporations Act*. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

APPLICATION BY CO-OPERATIVE — NO NOTICE OF TERMINATION

Application to Board, without notice, based on member's withdrawal, consent or notice

94.10 (1) A co-operative may, without notice to the member, apply to the Board for an order terminating the member's occupancy of a member unit and evicting the member in any of the following circumstances:

1. The member gave written notice of his or her intention to terminate his or her membership and occupancy rights under section 171.8.1 of the *Co-operative Corporations Act* and the member has not withdrawn the notice under that section.
2. The member has consented in writing to the expiry of his or her membership and occupancy rights under subsection 171.9 (1) of the *Co-operative Corporations Act*.
3. The member has not given a written notice under paragraph 1 of subsection 171.9 (3) of the *Co-operative Corporations Act* that he or she wishes to continue his or her membership and occupancy rights.
4. The member gave notice to terminate his or her membership and occupancy rights under section 171.9.1 of the *Co-operative Corporations Act*. 2013, c. 3, s. 31.

Affidavit

(2) The co-operative shall include with the application an affidavit verifying,

- (a) the member's notice of intention to terminate his or her membership and occupancy rights under section 171.8.1 of the *Co-operative Corporations Act* and his or her failure to withdraw the notice under that section;
- (b) the member's consent in writing to the expiry of his or her membership and occupancy rights under subsection 171.9 (1) of the *Co-operative Corporations Act* or his or her failure to give a written notice under paragraph 1 of subsection 171.9 (3) of that Act that he or she wishes to continue his or her membership and occupancy rights; or
- (c) the member's notice to terminate his or her membership and occupancy rights under section 171.9.1 of the *Co-operative Corporations Act*. 2013, c. 3, s. 31.

Same

(3) An application under subsection (1) shall not be made later than 30 days after the date on which the membership and occupancy rights terminated or expired under section 171.8.1, 171.9 or 171.9.1 of the *Co-operative Corporations Act*, as the case may be. 2013, c. 3, s. 31.

Order

(4) On receipt of the application, the Board may make an order terminating the member's occupancy of the member unit and evicting the member. 2013, c. 3, s. 31.

Same

- (5) An order under subsection (4) is not effective before the later of,
 - (a) the date on which the co-operative applied to the Board under subsection (1); and
 - (b) the date on which the membership and occupancy rights terminated or expired under section 171.8.1, 171.9 or 171.9.1 of the *Co-operative Corporations Act*, as the case may be. 2013, c. 3, s. 31.

Motion to set aside order

(6) The member may make a motion to the Board, on notice to the co-operative, to have the order under subsection (4) set aside within 10 days after the order is issued. 2013, c. 3, s. 31.

Motion stays order

(7) An order under subsection (4) is stayed when a motion to have the order set aside is received by the Board and shall not be enforced under this Act or as an order of the Superior Court of Justice during the stay. 2013, c. 3, s. 31.

Order of Board

- (8) If the member makes a motion under subsection (6), the Board shall, after a hearing,
 - (a) make an order setting aside the order under subsection (4), if,
 - (i) the member did not give written notice of his or her intention to terminate his or her membership and occupancy rights under section 171.8.1 of the *Co-operative Corporations Act* or the member withdrew the notice of intention to terminate with the consent of the board of directors,
 - (ii) the member did not consent in writing to the expiry of his or her membership and occupancy rights under subsection 171.9 (1) of the *Co-operative Corporations Act*,
 - (iii) the member gave a written notice under subsection 171.9 (3) of the *Co-operative Corporations Act* that he or she wishes to continue his or her membership and occupancy rights, or
 - (iv) the member did not give notice to terminate his or her membership and occupancy rights under section 171.9.1 of the *Co-operative Corporations Act*;
 - (b) make an order setting aside the order under subsection (4), if the Board is satisfied, having regard to all the circumstances, that it would not be unfair to do so; or
 - (c) make an order lifting the stay of the order under subsection (4), effective immediately or on a future date specified in the order. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Application to Board, without notice, based on previous order, mediated settlement

94.11 (1) A non-profit housing co-operative may, without notice to the member, apply to the Board for an order terminating a member's occupancy of a member unit and evicting the member if the following criteria are satisfied:

1. The co-operative previously applied to the Board for an order terminating the member's occupancy of the member unit and evicting the member.
2. A settlement agreed to under section 194 or an order made with respect to the previous application,

- i. imposed conditions on the member that, if not met by the member, would give rise to the same grounds for terminating the member's occupancy of the member unit as were claimed in the previous application, and
 - ii. provided that the co-operative could apply under this section if the member did not meet one or more of the conditions described in subparagraph i.
3. The member has not met one or more of the conditions described in subparagraph 2 i. 2013, c. 3, s. 31; 2020, c. 16, Sched. 4, s. 22.

Deemed termination of membership and occupancy rights

(2) Despite subsections 171.8 (1) and 171.12.1 (2) of the *Co-operative Corporations Act*, where the criteria described in subsection (1) are satisfied, the member's membership and occupancy rights under that Act are deemed to have been terminated for the purpose of this section. 2013, c. 3, s. 31.

Application of s. 78 (2) to (12)

(3) Subsections 78 (2) to (12) apply with necessary modifications to an application under subsection (1), and for that purpose,

- (a) "tenant" shall be read as "member";
- (b) "landlord" shall be read as "non-profit housing co-operative";
- (c) "rental unit" shall be read as "member unit";
- (d) "tenancy" shall be read as "occupancy";
- (e) "rent",
 - (i) in paragraphs 1 and 2 of subsection 78 (3) and in paragraph 1 of subsection 78 (4) shall be read as "the regular monthly housing charges",
 - (ii) in subparagraph 4 ii of subsection 78 (4) and in subparagraph 5 i of subsection 78 (7) shall be read as "the regular monthly housing charges and other housing charges, other than any refundable amounts";
- (f) subsection 78 (4) shall be read as including the following paragraph:

3.1 If the settlement or order requires the member to pay some or all of the arrears of the regular monthly housing charges, the amount of any additional other housing charges, other than any refundable amounts, arising after the date of the settlement or order;
- (g) paragraph 5 of subsection 78 (4) shall be read as follows:

5. The amount of any damage deposit and other refundable amounts;
- (h) "section 86" in paragraph 1 of subsection 78 (7) shall be read as "section 94.13";
- (h.1) paragraph 2 of subsection 78 (7) shall be read as follows:

2. If the settlement or order requires the member to pay some or all of the arrears of the regular monthly housing charges, the amount of arrears of the regular monthly housing charges and other housing charges, other than any refundable amounts, that arose after the date of the settlement or order;
- (i) paragraph 4 and subparagraph 5 iii of subsection 78 (7) shall be read without "not exceeding the amount per cheque that is prescribed as a specified amount exempt from the operation of section 134" at the end;
- (j) "rent deposit and interest on the deposit that would be owing to the tenant on the termination of the tenancy" in subsection 78 (8) shall be read as "damage deposit and other refundable amounts owing to the member on the termination of the member's occupancy of the member unit"; and
- (k) the words and expressions that are the modifications in clauses (a) to (j) shall have the meanings given to them in this Part. 2013, c. 3, s. 31; 2017, c. 13, s. 19 (1-3).

Transition

(4) This section, as it reads immediately before the day subsection 19 (4) of the *Rental Fairness Act, 2017* comes into force, continues to apply if the previous application referred to in paragraph 1 of subsection (1) is made before that day, regardless of whether the resulting settlement or order is mediated or made before, on or after that day. 2017, c. 13, s. 19 (4).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

2017, c. 13, s. 19 (1-4) - 01/01/2018

2020, c. 16, Sched. 4, s. 22 - 21/07/2020

REFUSAL TO GRANT OR POSTPONEMENT OF TERMINATION OF OCCUPANCY AND EVICTION ORDERS

Power of Board to refuse order

94.12 (1) Upon an application under section 94.7, 94.8, 94.10 or 94.11 for an order terminating a member's occupancy of a member unit and evicting a member, the Board may, despite any other provision of this Act, the *Co-operative Corporations Act*, the by-laws of the co-operative or the occupancy agreement,

- (a) refuse to grant the application unless satisfied, having regard to all the circumstances, that it would be unfair to refuse; or
- (b) order that the enforcement of the order be postponed for a period of time. 2013, c. 3, s. 31.

Mandatory review

(2) If a hearing is held, the Board shall not grant the application unless it has reviewed the circumstances and considered whether or not it should exercise its powers under subsection (1). 2013, c. 3, s. 31.

Circumstances where refusal required

(3) Without restricting the generality of subsection (1), the Board shall refuse to grant the application where satisfied that,

- (a) the reason for the application being brought is that the member has attempted to secure or enforce his or her legal rights;
- (b) the reason for the application being brought is that the member belongs to or participates in a members' association or is attempting to organize such an association; or
- (c) the reason for the application being brought is that the member unit is occupied by children and the occupation by the children does not constitute overcrowding. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

COMPENSATION FOR CO-OPERATIVE

Compensation, member unit not vacated

94.13 A non-profit housing co-operative is entitled to compensation for the use and occupation of a member unit by a member who does not vacate the member unit after his or her membership and occupancy rights are terminated or expire under the *Co-operative Corporations Act*. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Application for arrears, compensation

Arrears

94.14 (1) If a non-profit housing co-operative makes an application under section 94.7 based on a notice of termination for a circumstance described in paragraph 3 of subsection 94.2 (1), the co-operative may at the same time also apply to the Board for an order for the payment of arrears of the regular monthly housing charges if,

- (a) the member has not paid the regular monthly housing charges lawfully owing by the member; and
- (b) the member is in possession of the member unit. 2013, c. 3, s. 31.

Compensation, overholding member

(2) If a non-profit housing co-operative makes an application under section 94.7, 94.8, 94.10 or 94.11, and the member is in possession of the member unit after the member's membership and occupancy rights have terminated or expired under the *Co-operative Corporations Act*, the co-operative may at the same time also apply to the Board for an order for the payment of compensation for the use and occupation of the member unit after that termination or expiry. 2013, c. 3, s. 31.

Amount of arrears of regular monthly housing charges or compensation

(3) In determining the amount of arrears of the regular monthly housing charges, compensation or both owing in an order for termination of a member's occupancy of a member unit and the payment of arrears of regular monthly housing charges, compensation or both, the Board shall subtract from the amount owing the amount of any damage deposit and other refundable amounts that would be owing to the member on termination. 2013, c. 3, s. 31.

NSF cheque and other charges

(4) On an application by a co-operative under subsection (1), the Board may include the following amounts in determining the total amount owing to the co-operative by a member in respect of a member unit:

1. The amount of NSF cheque charges claimed by the co-operative and charged by financial institutions in respect of cheques tendered to the co-operative by or on behalf of the member, to the extent the co-operative has not been reimbursed for the charges.
2. The amount of unpaid administration charges in respect of the NSF cheques, if claimed by the co-operative.
3. The amount of other unpaid housing charges, other than any refundable amounts, lawfully owing by the member. 2013, c. 3, s. 31.

Same

(5) On an application by a co-operative under subsection (2), the Board may include the following amounts in determining the total amount owing to the co-operative by a member in respect of a member unit:

1. The amount of NSF cheque charges claimed by the co-operative and charged by financial institutions in respect of cheques tendered to the co-operative by or on behalf of the member, to the extent the co-operative has not been reimbursed for the charges.
2. The amount of unpaid administration charges in respect of the NSF cheques, if claimed by the co-operative. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

Compensation for damage

94.15 (1) If a non-profit housing co-operative makes an application under section 94.7 or 94.8 based on a notice of termination for a circumstance described in paragraph 6 or 7 of subsection 94.2 (1), the co-operative may at the same time also apply to the Board for an order requiring the member to pay reasonable costs that the co-operative has incurred or will incur for the repair or, where repairing is not reasonable, the replacement of damaged property, if the member is in possession of the member unit and if the member, another occupant of the member unit or a person whom the member permitted in the residential complex,

- (a) wilfully or negligently caused undue damage to the member unit or the residential complex where the notice of termination is based on a circumstance described in paragraph 6 of subsection 94.2 (1); or
- (b) wilfully caused undue damage to the member unit or the residential complex where the notice of termination is based on a circumstance described in paragraph 7 of subsection 94.2 (1). 2013, c. 3, s. 31.

Same

(2) If the Board makes an order requiring payment under subsection (1) and for the termination of the member's occupancy of the member unit and the eviction of the member, the Board shall set off against the amount required to be paid the amount of any damage deposit and other refundable amounts that would be owing to the member on termination. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

BOARD PROCEEDINGS

Application of ss. 74 to 90

94.16 (1) Subsections 74 (2) to (19) and sections 75, 76, 79 to 81, 84, 85 and 90 apply with necessary modifications to an application to and an order by the Board under this Part and for that purpose,

- (a) "tenant" shall be read as "member";
- (b) "landlord" shall be read as "non-profit housing co-operative";
- (c) "rental unit" shall be read as "member unit";
- (d) "residential complex" shall be read as it is defined in this Part;
- (e) "tenancy" shall be read as "occupancy" and "a tenancy" shall be read as "an occupancy";
- (f) "rent" shall be read as "the regular monthly housing charges";
- (g) "during the period of the tenant's tenancy agreement with the landlord" shall be read as "during the period of the member's membership in the co-operative" and "during the period of the agreement" shall be read as "during that period". 2013, c. 3, s. 31; 2017, c. 13, s. 20.

Same

(2) In addition to the necessary modifications in subsection (1),

(a) subsection 74 (4) shall be read as if “and” at the end of clause (d) were struck out, and with the following additional clause:

(d.1) the amount of unpaid housing charges, other than any refundable amounts, payable by the member as allowed by the Board in an application by the co-operative under section 94.14; and

(b) subsection 74 (11) shall be read as including the following paragraph:

4.1 The amount of unpaid housing charges, other than any refundable amounts, payable by the member as allowed by the Board in an application by the co-operative under section 94.14.

(c) a reference in subsection 76 (1) to the landlord or other tenants shall be read as referring to the co-operative or other members or occupants;

(d) section 90 shall be read as follows:

Compensation, misrepresentation of income

90. If a co-operative has given a notice of termination under paragraph 4 of subsection 94.2 (1), the co-operative may, at the same time as it makes an application to the Board to terminate the occupancy of the member unit and evict the member, also apply to the Board for an order for the payment of money the member would have been required to pay if the member had not misrepresented his or her income or that of other members of his or her family, so long as the application is made while the member is in possession of the member unit.

(e) a reference to section 69, 78, 83, 86 or 87 shall be read as referring, respectively, to section 94.7, 94.11, 94.12, 94.13 or 94.14;

(f) a reference to a notice of termination under section 59, 60 or 61, clause 61 (2) (a), section 62, clause 63 (1) (a) or (b) or section 64, 66 or 67 shall be read as referring to a notice of termination for a circumstance described in paragraph 3, 4 or 5 of subsection 94.2 (1), clause 94.4 (4) (a), or paragraph 6, subparagraph 7 i or ii or paragraph 8, 9 or 10 of subsection 94.2 (1), respectively; and

(g) the words and expressions that are the modifications in subsection (1) and in clauses (a) to (f) shall have the meanings given to them in this Part. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 31 - 01/06/2014

2017, c. 13, s. 20 - 30/05/2017

OFFENCES

Offences

Offences requiring knowledge

94.17 (1) A person is guilty of an offence if the person knowingly,

(a) harasses, hinders, obstructs or interferes with a member in the exercise of,

(i) securing a right or seeking relief under this Act in respect of a matter governed by this Part,

(ii) participating in a proceeding under this Act in respect of a matter governed by this Part, or

(iii) belonging to or participating in a members' association or attempting to organize a members' association;

(b) harasses, hinders, obstructs or interferes with a non-profit housing co-operative in the exercise of,

(i) securing a right or seeking relief under this Act in respect of a matter governed by this Part, or

(ii) participating in a proceeding under this Act in respect of a matter governed by this Part; or

(c) obtains possession of a member unit improperly by giving a notice under this Act to terminate in bad faith. 2013, c. 3, s. 31.

Other offences

(2) A person is guilty of an offence if the person recovers possession of a member unit in a manner not authorized or permitted under this Act or the *Co-operative Corporations Act*. 2013, c. 3, s. 31.

Attempts

(3) Any person who knowingly attempts to commit any offence referred to in subsection (1) or (2) is guilty of an offence. 2013, c. 3, s. 31.

Section Amendments with date in force (d/m/y)

PART VI
ASSIGNMENT, SUBLETTING AND UNAUTHORIZED OCCUPANCY

Assignment of tenancy

95 (1) Subject to subsections (2), (3) and (6), and with the consent of the landlord, a tenant may assign a rental unit to another person. 2006, c. 17, s. 95 (1).

Landlord's options, general request

- (2) If a tenant asks a landlord to consent to an assignment of a rental unit, the landlord may,
- (a) consent to the assignment of the rental unit; or
 - (b) refuse consent to the assignment of the rental unit. 2006, c. 17, s. 95 (2).

Landlord's options, specific request

- (3) If a tenant asks a landlord to consent to the assignment of the rental unit to a potential assignee, the landlord may,
- (a) consent to the assignment of the rental unit to the potential assignee;
 - (b) refuse consent to the assignment of the rental unit to the potential assignee; or
 - (c) refuse consent to the assignment of the rental unit. 2006, c. 17, s. 95 (3).

Refusal or non-response

- (4) A tenant may give the landlord a notice of termination under section 96 within 30 days after the date a request is made if,
- (a) the tenant asks the landlord to consent to an assignment of the rental unit and the landlord refuses consent;
 - (b) the tenant asks the landlord to consent to an assignment of the rental unit and the landlord does not respond within seven days after the request is made;
 - (c) the tenant asks the landlord to consent to an assignment of the rental unit to a potential assignee and the landlord refuses consent to the assignment under clause (3) (c); or
 - (d) the tenant asks the landlord to consent to an assignment of the rental unit to a potential assignee and the landlord does not respond within seven days after the request is made. 2006, c. 17, s. 95 (4).

Same

- (5) A landlord shall not arbitrarily or unreasonably refuse consent to an assignment of a rental unit to a potential assignee under clause (3) (b). 2006, c. 17, s. 95 (5).

Same

- (6) Subject to subsection (5), a landlord who has given consent to an assignment of a rental unit under clause (2) (a) may subsequently refuse consent to an assignment of the rental unit to a potential assignee under clause (3) (b). 2006, c. 17, s. 95 (6).

Charges

- (7) A landlord may charge a tenant only for the landlord's reasonable out-of-pocket expenses incurred in giving consent to an assignment to a potential assignee. 2006, c. 17, s. 95 (7).

Consequences of assignment

- (8) If a tenant has assigned a rental unit to another person, the tenancy agreement continues to apply on the same terms and conditions and,
- (a) the assignee is liable to the landlord for any breach of the tenant's obligations and may enforce against the landlord any of the landlord's obligations under the tenancy agreement or this Act, if the breach or obligation relates to the period after the assignment, whether or not the breach or obligation also related to a period before the assignment;
 - (b) the former tenant is liable to the landlord for any breach of the tenant's obligations and may enforce against the landlord any of the landlord's obligations under the tenancy agreement or this Act, if the breach or obligation relates to the period before the assignment;
 - (c) if the former tenant has started a proceeding under this Act before the assignment and the benefits or obligations of the new tenant may be affected, the new tenant may join in or continue the proceeding. 2006, c. 17, s. 95 (8).

Application of section

- (9) This section applies with respect to all tenants, regardless of whether their tenancies are periodic, fixed, contractual or statutory, but does not apply with respect to a tenant of superintendent's premises. 2006, c. 17, s. 95 (9).

Tenant's notice to terminate, refusal of assignment

96 (1) A tenant may give notice of termination of a tenancy if the circumstances set out in subsection 95 (4) apply. 2006, c. 17, s. 96 (1).

Same

(2) The date for termination specified in the notice shall be at least a number of days after the date of the notice that is the lesser of the notice period otherwise required under this Act and 30 days. 2006, c. 17, s. 96 (2).

Subletting rental unit

97 (1) A tenant may sublet a rental unit to another person with the consent of the landlord. 2006, c. 17, s. 97 (1).

Same

(2) A landlord shall not arbitrarily or unreasonably withhold consent to the sublet of a rental unit to a potential subtenant. 2006, c. 17, s. 97 (2).

Charges

(3) A landlord may charge a tenant only for the landlord's reasonable out-of-pocket expenses incurred in giving consent to a subletting. 2006, c. 17, s. 97 (3).

Consequences of subletting

(4) If a tenant has sublet a rental unit to another person,

- (a) the tenant remains entitled to the benefits, and is liable to the landlord for the breaches, of the tenant's obligations under the tenancy agreement or this Act during the subtenancy; and
- (b) the subtenant is entitled to the benefits, and is liable to the tenant for the breaches, of the subtenant's obligations under the subletting agreement or this Act during the subtenancy. 2006, c. 17, s. 97 (4).

Overholding subtenant

(5) A subtenant has no right to occupy the rental unit after the end of the subtenancy. 2006, c. 17, s. 97 (5).

Application of section

(6) This section applies with respect to all tenants, regardless of whether their tenancies are periodic, fixed, contractual or statutory, but does not apply with respect to a tenant of superintendent's premises. 2006, c. 17, s. 97 (6).

Tenant application

98 (1) A tenant or former tenant of a rental unit may apply to the Board for an order determining that the landlord has arbitrarily or unreasonably withheld consent to the assignment or sublet of a rental unit to a potential assignee or subtenant. 2006, c. 17, s. 98 (1).

Time limitation

(2) No application may be made under subsection (1) more than one year after the day the alleged conduct giving rise to the application occurred. 2006, c. 17, s. 98 (2).

Order re assignment, sublet

(3) If the Board determines that a landlord has unlawfully withheld consent to an assignment or sublet in an application under subsection (1), the Board may do one or more of the following:

1. Order that the assignment or sublet is authorized.
2. Where appropriate, by order authorize another assignment or sublet proposed by the tenant.
3. Order that the tenancy be terminated.
4. Order an abatement of the tenant's or former tenant's rent. 2006, c. 17, s. 98 (3).

Same

(4) The Board may establish terms and conditions of the assignment or sublet. 2006, c. 17, s. 98 (4).

Same

(5) If an order is made under paragraph 1 or 2 of subsection (3), the assignment or sublet shall have the same legal effect as if the landlord had consented to it. 2006, c. 17, s. 98 (5).

Eviction with termination order

(6) If an order is made terminating a tenancy under paragraph 3 of subsection (3), the Board may order that the tenant be evicted, effective not earlier than the termination date specified in the order. 2006, c. 17, s. 98 (6).

Tenant's notice, application re subtenant

99 The following provisions apply, with necessary modifications, with respect to a tenant who has sublet a rental unit, as if the tenant were the landlord and the subtenant were the tenant:

1. Sections 59 to 69, 87, 89 and 148.
2. The provisions of this Act that relate to applications to the Board under sections 69, 87, 89 and 148. 2006, c. 17, s. 99.

Unauthorized occupancy

100 (1) If a tenant transfers the occupancy of a rental unit to a person in a manner other than by an assignment authorized under section 95 or a subletting authorized under section 97, the landlord may apply to the Board for an order terminating the tenancy and evicting the tenant and the person to whom occupancy of the rental unit was transferred. 2006, c. 17, s. 100 (1).

Time limitation

(2) An application under subsection (1) must be made no later than 60 days after the landlord discovers the unauthorized occupancy. 2006, c. 17, s. 100 (2).

Compensation

(3) A landlord who makes an application under subsection (1) may also apply to the Board for an order for the payment of compensation by the unauthorized occupant for the use and occupation of the rental unit, if the unauthorized occupant is in possession of the rental unit at the time the application is made. 2006, c. 17, s. 100 (3).

Application of s. 87 (5)

(4) Subsection 87 (5) applies, with necessary modifications, to an application under subsection (3). 2006, c. 17, s. 100 (4).

Overholding subtenant

101 (1) If a subtenant continues to occupy a rental unit after the end of the subtenancy, the landlord or the tenant may apply to the Board for an order evicting the subtenant. 2006, c. 17, s. 101 (1).

Time limitation

(2) An application under this section must be made within 60 days after the end of the subtenancy. 2006, c. 17, s. 101 (2).

Compensation, overholding subtenant

102 A tenant may apply to the Board for an order for compensation for use and occupation by an overholding subtenant after the end of the subtenancy if the overholding subtenant is in possession of the rental unit at the time of the application. 2006, c. 17, s. 102.

Compensation, unauthorized occupant

103 (1) A landlord is entitled to compensation for the use and occupation of a rental unit by an unauthorized occupant of the unit. 2006, c. 17, s. 103 (1).

Effect of payment

(2) A landlord does not create a tenancy with an unauthorized occupant of a rental unit by accepting compensation for the use and occupation of the rental unit, unless the landlord and unauthorized occupant agree otherwise. 2006, c. 17, s. 103 (2).

Miscellaneous new tenancy agreements

Assignment without consent

104 (1) If a person occupies a rental unit as a result of an assignment of the unit without the consent of the landlord, the landlord may negotiate a new tenancy agreement with the person. 2006, c. 17, s. 104 (1).

Overholding subtenant

(2) If a subtenant continues to occupy a rental unit after the end of the subtenancy and the tenant has abandoned the rental unit, the landlord may negotiate a new tenancy agreement with the subtenant. 2006, c. 17, s. 104 (2).

Lawful rent

(3) Sections 113 and 114 apply to tenancy agreements entered into under subsection (1) or (2) if they are entered into no later than 60 days after the landlord discovers the unauthorized occupancy. 2006, c. 17, s. 104 (3).

Deemed assignment

(4) A person's occupation of a rental unit shall be deemed to be an assignment of the rental unit with the consent of the landlord as of the date the unauthorized occupancy began if,

- (a) a tenancy agreement is not entered into under subsection (1) or (2) within the period set out in subsection (3);

- (b) the landlord does not apply to the Board under section 100 for an order evicting the person within 60 days of the landlord discovering the unauthorized occupancy; and
- (c) neither the landlord nor the tenant applies to the Board under section 101 within 60 days after the end of the subtenancy for an order evicting the subtenant. 2006, c. 17, s. 104 (4).

PART VII RULES RELATING TO RENT

GENERAL RULES

Security deposits, limitation

105 (1) The only security deposit that a landlord may collect is a rent deposit collected in accordance with section 106. 2006, c. 17, s. 105 (1).

Definition

(2) In this section and in section 106,

“security deposit” means money, property or a right paid or given by, or on behalf of, a tenant of a rental unit to a landlord or to anyone on the landlord’s behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition. 2006, c. 17, s. 105 (2).

Rent deposit may be required

106 (1) A landlord may require a tenant to pay a rent deposit with respect to a tenancy if the landlord does so on or before entering into the tenancy agreement. 2006, c. 17, s. 106 (1).

Amount of rent deposit

(2) The amount of a rent deposit shall not be more than the lesser of the amount of rent for one rent period and the amount of rent for one month. 2006, c. 17, s. 106 (2).

Same

(3) If the lawful rent increases after a tenant has paid a rent deposit, the landlord may require the tenant to pay an additional amount to increase the rent deposit up to the amount permitted by subsection (2). 2006, c. 17, s. 106 (3); 2013, c. 3, s. 32 (1).

Qualification

(4) A new landlord of a rental unit or a person who is deemed to be a landlord under subsection 47 (1) of the *Mortgages Act* shall not require a tenant to pay a rent deposit if the tenant has already paid a rent deposit to the prior landlord of the rental unit. 2006, c. 17, s. 106 (4).

Exception

(5) Despite subsection (4), if a person becomes a new landlord in a sale from a person deemed to be a landlord under subsection 47 (1) of the *Mortgages Act*, the new landlord may require the tenant to pay a rent deposit in an amount equal to the amount with respect to the former rent deposit that the tenant received from the proceeds of sale. 2006, c. 17, s. 106 (5); 2013, c. 3, s. 32 (2).

Interest

(6) A landlord of a rental unit shall pay interest to the tenant annually on the amount of the rent deposit at a rate equal to the guideline determined under section 120 that is in effect at the time payment becomes due. 2006, c. 17, s. 106 (6).

Deduction applied to rent deposit

(7) The landlord may deduct from the amount payable under subsection (6) the amount, if any, by which the maximum amount of the rent deposit permitted under subsection (2) exceeds the amount of the rent deposit paid by the tenant and the deducted amount shall be deemed to form part of the rent deposit paid by the tenant. 2006, c. 17, s. 106 (7).

Transition

(8) Despite subsection (6), the first interest payment that becomes due under subsection (6) after the day this subsection comes into force shall be adjusted so that,

- (a) the interest payable in respect of the period ending before the day this subsection comes into force is based on the annual rate of 6 per cent; and
- (b) the interest payable in respect of the period commencing on or after the day this subsection comes into force shall be based on the rate determined under subsection (6). 2006, c. 17, s. 106 (8).

Deduction of interest from rent

(9) Where the landlord has failed to make the payment required by subsection (6) when it comes due, the tenant may deduct the amount of the payment from a subsequent rent payment. 2006, c. 17, s. 106 (9).

Rent deposit applied to last rent

(10) A landlord shall apply a rent deposit that a tenant has paid to the landlord or to a former landlord in payment of the rent for the last rent period before the tenancy terminates. 2006, c. 17, s. 106 (10).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 32 - 01/06/2014

Rent deposit, prospective tenant

107 (1) A landlord shall repay the amount received as a rent deposit in respect of a rental unit if vacant possession of the rental unit is not given to the prospective tenant. 2006, c. 17, s. 107 (1).

Exception

(2) Despite subsection (1), if the prospective tenant, before he or she would otherwise obtain vacant possession of the rental unit, agrees to rent a different rental unit from the landlord,

- (a) the landlord may apply the amount received as a rent deposit in respect of the other rental unit; and
- (b) the landlord shall repay only the excess, if any, by which the amount received exceeds the amount of the rent deposit the landlord is entitled to receive under section 106 in respect of the other rental unit. 2006, c. 17, s. 107 (2).

Post-dated cheques, etc.

108 Neither a landlord nor a tenancy agreement shall require a tenant or prospective tenant to,

- (a) provide post-dated cheques or other negotiable instruments for payment of rent; or
- (b) permit automatic debiting of the tenant's or prospective tenant's account at a financial institution, automatic charging of a credit card or any other form of automatic payment for the payment of rent. 2006, c. 17, s. 108; 2009, c. 33, Sched. 21, s. 11 (3, 4).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (3, 4) - 15/12/2009

Receipt for payment

109 (1) A landlord shall provide free of charge to a tenant or former tenant, on request, a receipt for the payment of any rent, rent deposit, arrears of rent or any other amount paid to the landlord. 2006, c. 17, s. 109 (1).

Former tenant

(2) Subsection (1) applies to a request by a former tenant only if the request is made within 12 months after the tenancy terminated. 2006, c. 17, s. 109 (2).

GENERAL RULES GOVERNING AMOUNT OF RENT**Landlord's duty, rent increases**

110 No landlord shall increase the rent charged to a tenant for a rental unit, except in accordance with this Part. 2006, c. 17, s. 110.

Landlord not to charge more than lawful rent

111 (1) No landlord shall charge rent for a rental unit in an amount that is greater than the lawful rent permitted under this Part. 2006, c. 17, s. 111 (1).

Lawful rent where prompt payment discount

(2) The lawful rent is not affected by a discount in rent at the beginning of, or during, a tenancy of up to 2 per cent of the rent that could otherwise be lawfully charged for a rental period if the discount is provided for paying rent on or before the date it is due and the discount meets the prescribed conditions. 2009, c. 33, Sched. 21, s. 11 (5).

Lawful rent where another discount

(2.1) The lawful rent is not affected if one of the following discounts is provided:

1. A discount in rent at the beginning of, or during, a tenancy that consists of up to three months rent in any 12-month period if the discount is provided in the form of rent-free periods and meets the prescribed conditions.
2. A prescribed discount. 2009, c. 33, Sched. 21, s. 11 (5).

Lawful rent where both discounts provided

(2.2) For greater certainty, the lawful rent is not affected if discounts described in subsections (2) and (2.1) are both provided. 2009, c. 33, Sched. 21, s. 11 (5).

Same

(3) Subject to subsections (2) and (2.1), where a landlord offers a discount in rent at the beginning of, or during, a tenancy, the lawful rent shall be calculated in accordance with the prescribed rules. 2006, c. 17, s. 111 (3); 2009, c. 33, Sched. 21, s. 11 (6).

Lawful rent where higher rent for first rental period

(4) Where the rent a landlord charges for the first rental period of a tenancy is greater than the rent the landlord charges for subsequent rental periods, the lawful rent shall be calculated in accordance with the prescribed rules. 2006, c. 17, s. 111 (4).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (5, 6) - 01/07/2010

Lawful rent when this section comes into force

112 Unless otherwise prescribed, the lawful rent charged to a tenant for a rental unit for which there is a tenancy agreement in effect on the day this section comes into force shall be the rent that was charged on the day before this section came into force or, if that amount was not lawfully charged under the *Tenant Protection Act, 1997*, the amount that it was lawful to charge on that day. 2006, c. 17, s. 112.

Lawful rent for new tenant

113 Subject to section 111, the lawful rent for the first rental period for a new tenant under a new tenancy agreement is the rent first charged to the tenant. 2006, c. 17, s. 113.

Notice to new tenant, order under par. 6, 7 or 8 of s. 30 (1) in effect

114 (1) If an order made under paragraph 6, 7 or 8 of subsection 30 (1) is in effect in respect of a rental unit when a new tenancy agreement relating to the rental unit is entered into, the landlord shall, before entering into the new tenancy agreement, give to the new tenant written notice about the lawful rent for the rental unit in accordance with subsection (3). 2006, c. 17, s. 114 (1).

Same

(2) If an order made under paragraph 6, 7 or 8 of subsection 30 (1) takes effect in respect of a rental unit after a new tenancy agreement relating to the rental unit is entered into but before the tenancy agreement takes effect, the landlord shall, before the tenancy agreement takes effect, give to the new tenant written notice about the lawful rent for the rental unit in accordance with subsection (3). 2006, c. 17, s. 114 (2).

Contents of notice

- (3) A notice given under subsection (1) or (2) shall be in the form approved by the Board and shall set out,
- (a) information about the order made under paragraph 6, 7 or 8 of subsection 30 (1);
 - (b) the amount of rent that the landlord may lawfully charge the new tenant until the prohibition in the order made under paragraph 6, 7 or 8 of subsection 30 (1) ends;
 - (c) the amount of rent that the landlord may lawfully charge the new tenant after the prohibition in the order made under paragraph 6, 7 or 8 of subsection 30 (1) ends;
 - (d) information about the last lawful rent charged to the former tenant; and
 - (e) such other information as is prescribed. 2006, c. 17, s. 114 (3).

Order takes effect after tenancy agreement

(4) If an order made under paragraph 6, 7 or 8 of subsection 30 (1) takes effect in respect of a rental unit after a new tenancy agreement relating to the rental unit takes effect, the landlord shall promptly give to the new tenant written notice about the lawful rent for the rental unit in accordance with subsection (5), unless the order was made on the application of the new tenant. 2006, c. 17, s. 114 (4).

Contents of notice

- (5) A notice given under subsection (4) shall be in the form approved by the Board and shall set out,
- (a) information about the order made under paragraph 6, 7 or 8 of subsection 30 (1); and
 - (b) such other information as is prescribed. 2006, c. 17, s. 114 (5).

Application by new tenant

115 (1) A new tenant who was entitled to notice under section 114 may apply to the Board for an order,

- (a) determining the amount of rent that the new tenant may lawfully be charged until the prohibition in the order made under paragraph 6, 7 or 8 of subsection 30 (1) ends;
- (b) determining the amount of rent that the new tenant may lawfully be charged after the prohibition in the order made under paragraph 6, 7 or 8 of subsection 30 (1) ends; and
- (c) requiring the landlord to rebate to the new tenant any rent paid by the new tenant in excess of the rent that the tenant may lawfully be charged. 2006, c. 17, s. 115 (1).

Time for application

(2) No order shall be made under subsection (1) unless the application is made not later than one year after the new tenancy agreement takes effect. 2006, c. 17, s. 115 (2).

Failure to comply with s. 114

(3) If, in an application under subsection (1), the Board finds that the landlord has not complied with section 114, the Board may order the landlord to pay to the Board an administrative fine not exceeding the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court. 2006, c. 17, s. 115 (3).

Information to be filed

(4) If an application is made under subsection (1), the landlord shall file with the Board information as prescribed within the time prescribed. 2006, c. 17, s. 115 (4).

Application of s. 135

(5) Section 135 does not apply to a new tenant with respect to rent paid by the new tenant in excess of the rent that the tenant could lawfully be charged if an application could have been made under subsection (1) for an order requiring the rebate of the excess. 2006, c. 17, s. 115 (5).

NOTICE OF RENT INCREASE**Notice of rent increase required**

116 (1) A landlord shall not increase the rent charged to a tenant for a rental unit without first giving the tenant at least 90 days written notice of the landlord's intention to do so. 2006, c. 17, s. 116 (1).

Same

(2) Subsection (1) applies even if the rent charged is increased in accordance with an order under section 126. 2006, c. 17, s. 116 (2).

Contents of notice

(3) The notice shall be in a form approved by the Board and shall set out the landlord's intention to increase the rent and the amount of the new rent. 2006, c. 17, s. 116 (3).

Increase void without notice

(4) An increase in rent is void if the landlord has not given the notice required by this section, and the landlord must give a new notice before the landlord can take the increase. 2006, c. 17, s. 116 (4).

Compliance by landlord, no notice required

117 (1) Despite section 116 but subject to subsections (3) and (4), if an order was issued under paragraph 6 of subsection 30 (1) and a new tenancy agreement was entered into while the order remained in effect, no notice of rent increase is required for the landlord to charge an amount that the landlord would have been entitled to charge in the absence of the order. 2006, c. 17, s. 117 (1).

Same

(2) Despite section 116 but subject to subsections (3) and (4), if an order was issued under paragraph 8 of subsection 30 (1), no notice of rent increase is required for the landlord to take a rent increase that the landlord would have been entitled to take in the absence of the order. 2006, c. 17, s. 117 (2).

Limitation

(3) Subsections (1) and (2) apply only where the landlord,

- (a) has completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard; and

- (b) has completed the specified repairs or replacements or other work ordered under paragraph 4 of subsection 30 (1) found by the Board to be related to a serious breach of the landlord's obligations under subsection 20 (1) or section 161. 2006, c. 17, s. 117 (3).

Effective date

(4) The authority under subsection (1) or (2) to take an increase or charge an amount without a notice of rent increase is effective on the first day of the rental period following the date that the landlord completed,

- (a) the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard; and
- (b) the specified repairs or replacements or other work ordered under paragraph 4 of subsection 30 (1) found by the Board to be related to a serious breach of the landlord's obligations under subsection 20 (1) or section 161. 2006, c. 17, s. 117 (4).

Date of annual increase

(5) In determining the effective date of the next lawful rent increase under section 119,

- (a) an amount charged under subsection (1) shall be deemed to have been charged at the time the landlord would have been entitled to charge it if the order under paragraph 6 of subsection 30 (1) had not been issued; and
- (b) an increase taken under subsection (2) shall be deemed to have been taken at the time the landlord would have been entitled to take it if the order under paragraph 8 of subsection 30 (1) had not been issued. 2006, c. 17, s. 117 (5).

Deemed acceptance where no notice of termination

118 A tenant who does not give a landlord notice of termination of a tenancy under section 47 after receiving notice of an intended rent increase under section 116 shall be deemed to have accepted whatever rent increase would be allowed under this Act after the landlord and the tenant have exercised their rights under this Act. 2006, c. 17, s. 118.

12-MONTH RULE

12-month rule

119 (1) A landlord who is lawfully entitled to increase the rent charged to a tenant for a rental unit may do so only if at least 12 months have elapsed,

- (a) since the day of the last rent increase for that tenant in that rental unit, if there has been a previous increase; or
- (b) since the day the rental unit was first rented to that tenant, if clause (a) does not apply. 2006, c. 17, s. 119 (1).

Exception

(2) An increase in rent under section 123 shall be deemed not to be an increase in rent for the purposes of this section. 2006, c. 17, s. 119 (2).

GUIDELINE

Guideline increase

120 (1) No landlord may increase the rent charged to a tenant, or to an assignee under section 95, during the term of their tenancy by more than the guideline, except in accordance with section 126 or 127 or an agreement under section 121 or 123. 2006, c. 17, s. 120 (1).

Guideline

(2) The Minister shall determine the guideline in effect for each calendar year as follows:

1. Subject to the limitation set out in paragraph 2, the guideline for a calendar year is the percentage change from year to year in the Consumer Price Index for Ontario for prices of goods and services as reported monthly by Statistics Canada, averaged over the 12-month period that ends at the end of May of the previous calendar year, rounded to the first decimal point.
2. The guideline for a calendar year shall be not more than 2.5 per cent. 2012, c. 6, s. 1.

Publication of guideline

(3) The Minister shall have the guideline for each calendar year published in *The Ontario Gazette* not later than August 31 of the preceding year. 2012, c. 6, s. 1.

Guideline for 2021

(3.1) The guideline for the calendar year 2021 is zero per cent, despite subsection (2) and despite the guideline published under subsection (3) in *The Ontario Gazette* for 2021. 2020, c. 23, Sched. 7, s. 1.

Same

(3.2) The Minister is not required to have the guideline for the calendar year 2021, as set out in subsection (3.1), published in *The Ontario Gazette*. 2020, c. 23, Sched. 7, s. 1.

Transition

(4) The guideline for the calendar year in which the commencement date occurs is the guideline established for that year under this section as it read immediately before the commencement date. 2012, c. 6, s. 1.

Same

(5) If the commencement date occurs on or after September 1 in a calendar year, the guideline for the following calendar year is the guideline established for that year under this section as it read immediately before the commencement date. 2012, c. 6, s. 1.

Review by Minister

(6) The Minister shall initiate a review of the operation of this section within four years after the commencement date and thereafter within four years after the end of the previous review. 2012, c. 6, s. 1.

Definition

(7) In subsections (4), (5) and (6),

“commencement date” means the day section 1 of the *Residential Tenancies Amendment Act (Rent Increase Guideline)*, 2012 comes into force. 2012, c. 6, s. 1.

Section Amendments with date in force (d/m/y)

2012, c. 6, s. 1 - 19/06/2012

2020, c. 23, Sched. 7, s. 1 - 01/10/2020

Application of guideline to previously exempt units

120.1 (1) This section applies to every rental unit that,

- (a) immediately before the exemption repeal date, was exempt from section 120 under subsection 6 (2), as that section read immediately before that date; and
- (b) on and after the exemption repeal date, is not exempt from section 120 under any provision of this Act or under the regulations. 2017, c. 13, s. 21.

Definitions

(2) In this section,

“exemption repeal date” means the date subsection 3 (2) of the *Rental Fairness Act, 2017* (which repeals subsection 6 (2) of this Act) comes into force; (“date d’abrogation de l’exclusion”)

“previously exempt rental unit” means a rental unit described in subsection (1). (“logement locatif antérieurement exclu”) 2017, c. 13, s. 21.

Transition rules

(3) One of the following sets of rules applies where the landlord of a previously exempt rental unit has given the tenant notice of a rent increase before the exemption repeal date and the amount of the rent increase provided for under the notice is more than the guideline:

1. If the notice of rent increase is given before April 20, 2017, the following rules apply:
 - i. Despite the repeal of subsection 6 (2), as it read immediately before the exemption repeal date, by subsection 3 (2) of the *Rental Fairness Act, 2017*, the previously exempt rental unit continues to be exempt from the application of section 120 of this Act for the purpose of that rent increase.
 - ii. The amount of the new rent shall be the amount set out in the notice.
2. If the notice of rent increase is given on or after April 20, 2017 and the new rent takes effect before the exemption repeal date, then, despite the rent increase having taken effect, the following rules apply:
 - i. The amount of new rent charged to the tenant for the rental unit after the exemption repeal date shall be decreased to an amount equal to the sum of,
 - A. the amount of rent that was charged to the tenant before the rent increase took effect, and
 - B. a rent increase equal to the guideline increase.

- ii. The amount of new rent paid before the exemption repeal date that is in excess of the amount that would have been paid if the rent increase had been equal to the guideline increase for the calendar year, together with any related amount collected under subsection 106 (3), is a debt owed by the landlord to the tenant and shall be refunded to the tenant by the landlord within 60 days after the exemption repeal date.
 - iii. If the landlord fails to refund the amount owing under subparagraph ii within 60 days after the exemption repeal date, the tenant may deduct the amount from a subsequent rent payment.
3. If the notice of rent increase is given on or after April 20, 2017 and the rent increase takes effect on or after the exemption repeal date, the following rules apply:
- i. The rent increase shall take effect on the date set out in the notice, subject to subparagraph ii.
 - ii. The amount of the new rent shall not be the amount set out in the notice but shall be equal to the sum of,
 - A. the amount of rent that was charged to the tenant before the rent increase took effect, and
 - B. a rent increase equal to the guideline increase. 2017, c. 13, s. 21.

Same

(4) For greater certainty, nothing in subsection (3) validates a notice of rent increase that did not comply with section 116 at the time the notice was given. 2017, c. 13, s. 21.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 21 - 30/05/2017

AGREEMENTS TO INCREASE OR DECREASE RENT

Agreement

- 121** (1) A landlord and a tenant may agree to increase the rent charged to the tenant for a rental unit above the guideline if,
- (a) the landlord has carried out or undertakes to carry out a specified capital expenditure in exchange for the rent increase; or
 - (b) the landlord has provided or undertakes to provide a new or additional service in exchange for the rent increase. 2006, c. 17, s. 121 (1).

Form

(2) An agreement under subsection (1) shall be in the form approved by the Board and shall set out the new rent, the tenant's right under subsection (4) to cancel the agreement and the date the agreement is to take effect. 2006, c. 17, s. 121 (2).

Maximum increase

(3) A landlord shall not increase rent charged under this section by more than the guideline plus 3 per cent of the previous lawful rent charged. 2006, c. 17, s. 121 (3).

Right to cancel

(4) A tenant who enters into an agreement under this section may cancel the agreement by giving written notice to the landlord within five days after signing it. 2006, c. 17, s. 121 (4).

Agreement in force

(5) An agreement under this section may come into force no earlier than six days after it has been signed. 2006, c. 17, s. 121 (5).

Notice of rent increase not required

(6) Section 116 does not apply with respect to a rent increase under this section. 2006, c. 17, s. 121 (6).

When prior notice void

(7) Despite any deemed acceptance of a rent increase under section 118, if a landlord and tenant enter into an agreement under this section, a notice of rent increase given by the landlord to the tenant before the agreement was entered into becomes void when the agreement takes effect, if the notice of rent increase is to take effect on or after the day the agreed to increase is to take effect. 2006, c. 17, s. 121 (7).

Tenant application

122 (1) A tenant or former tenant may apply to the Board for relief if the landlord and the tenant or former tenant agreed to an increase in rent under section 121 and,

- (a) the landlord has failed in whole or in part to carry out an undertaking under the agreement;
- (b) the agreement was based on work that the landlord claimed to have done but did not do; or

- (c) the agreement was based on services that the landlord claimed to have provided but did not do so. 2006, c. 17, s. 122 (1).

Time limitation

- (2) No application may be made under this section more than two years after the rent increase becomes effective. 2006, c. 17, s. 122 (2).

Order

- (3) In an application under this section, the Board may find that some or all of the rent increase above the guideline is invalid from the day on which it took effect and may order the rebate of any money consequently owing to the tenant or former tenant. 2006, c. 17, s. 122 (3).

Additional services, etc.

123 (1) A landlord may increase the rent charged to a tenant for a rental unit as prescribed at any time if the landlord and the tenant agree that the landlord will add any of the following with respect to the tenant's occupancy of the rental unit:

1. A parking space.
2. A prescribed service, facility, privilege, accommodation or thing. 2006, c. 17, s. 123 (1).

Application

- (2) Subsection (1) applies despite sections 116 and 119 and despite any order under paragraph 6 of subsection 30 (1). 2006, c. 17, s. 123 (2).

Coerced agreement void

124 An agreement under section 121 or 123 is void if it has been entered into as a result of coercion or as a result of a false, incomplete or misleading representation by the landlord or an agent of the landlord. 2006, c. 17, s. 124.

Decrease in services, etc.

125 A landlord shall decrease the rent charged to a tenant for a rental unit as prescribed if the landlord and the tenant agree that the landlord will cease to provide anything referred to in subsection 123 (1) with respect to the tenant's occupancy of the rental unit. 2006, c. 17, s. 125.

LANDLORD APPLICATION FOR RENT INCREASE

Application for above guideline increase

126 (1) A landlord may apply to the Board for an order permitting the rent charged to be increased by more than the guideline for any or all of the rental units in a residential complex in any or all of the following cases:

1. An extraordinary increase in the cost for municipal taxes and charges for the residential complex or any building in which the rental units are located.
2. Eligible capital expenditures incurred respecting the residential complex or one or more of the rental units in it.
3. Operating costs related to security services provided in respect of the residential complex or any building in which the rental units are located by persons not employed by the landlord. 2006, c. 17, s. 126 (1); 2017, c. 13, s. 22 (1).

Interpretation

- (2) In this section,

“extraordinary increase” means extraordinary increase as defined by or determined in accordance with the regulations. 2006, c. 17, s. 126 (2).

When application made

- (3) An application under this section shall be made at least 90 days before the effective date of the first intended rent increase referred to in the application. 2006, c. 17, s. 126 (3).

Summary of work yet to be completed relating to elevators

- (3.1) The landlord shall include with an application under this section a summary of each of the following, if applicable:

1. Any item in a work order that relates to one or more elevators in the residential complex and that has not yet been completed, regardless of whether or not the compliance period has expired.
2. Any item in an order made under section 21 of the *Technical Standards and Safety Act, 2000* that relates to one or more elevators in the residential complex and that has not yet been completed, regardless of whether or not the compliance period has expired and regardless of whether the order was made against the landlord or another person or entity.

3. Any specified repairs or replacements or other work ordered by the Board under paragraph 4 of subsection 30 (1) that relates to one or more elevators in the residential complex and that has not yet been completed, regardless of whether or not the compliance period has expired. 2017, c. 13, s. 22 (2).

Same

(3.2) A summary referred to in subsection (3.1) shall include the following information:

1. A description of the work that was ordered to be carried out.
2. The person or entity who was ordered to carry out the work and the time for compliance specified in the order.
3. The person or entity who made the order and the date the order was made.
4. Such additional information as may be prescribed. 2017, c. 13, s. 22 (2).

Information for tenants

(4) If an application is made under this section that includes a claim for capital expenditures, the landlord shall make information that accompanies the application under subsection 185 (1) available to the tenants of the residential complex in accordance with the prescribed rules. 2006, c. 17, s. 126 (4).

Rent chargeable before order

(5) If an application is made under this section and the landlord has given a notice of rent increase as required, until an order authorizing the rent increase for the rental unit takes effect, the landlord shall not require the tenant to pay a rent that exceeds the lesser of,

- (a) the new rent specified in the notice; and
- (b) the greatest amount that the landlord could charge without applying for a rent increase. 2006, c. 17, s. 126 (5).

Tenant may pay full amount

(6) Despite subsection (5), the tenant may choose to pay the amount set out in the notice of rent increase pending the outcome of the landlord's application and, if the tenant does so, the landlord shall owe to the tenant any amount paid by the tenant exceeding the amount allowed by the order of the Board. 2006, c. 17, s. 126 (6).

Eligible capital expenditures

(7) Subject to subsections (8) and (9) and except under the prescribed circumstances, a capital expenditure is an eligible capital expenditure for the purposes of this section if,

- (a) it is necessary to protect or restore the physical integrity of the residential complex or part of it;
- (b) it is necessary to comply with subsection 20 (1) or clauses 161 (a) to (e);
- (c) it is necessary to maintain the provision of a plumbing, heating, mechanical, electrical, ventilation or air conditioning system;
- (d) it provides access for persons with disabilities;
- (e) it promotes energy or water conservation; or
- (f) it maintains or improves the security of the residential complex or part of it. 2006, c. 17, s. 126 (7); 2017, c. 13, s. 22 (3).

Exception

(8) A capital expenditure to replace a system or thing is not an eligible capital expenditure for the purposes of this section if the system or thing that was replaced did not require major repair or replacement, unless the replacement of the system or thing promotes,

- (a) access for persons with disabilities;
- (b) energy or water conservation; or
- (c) security of the residential complex or part of it. 2006, c. 17, s. 126 (8).

Same

(9) A capital expenditure is not an eligible capital expenditure with respect to a rental unit for the purposes of this section if a new tenant entered into a new tenancy agreement in respect of the rental unit and the new tenancy agreement took effect after the capital expenditure was completed. 2006, c. 17, s. 126 (9).

Order

(10) Subject to subsections (11) to (13), in an application under this section, the Board shall make findings in accordance with the prescribed rules with respect to all of the grounds of the application and, if it is satisfied that an order permitting the rent charged to be increased by more than the guideline is justified, shall make an order,

- (a) specifying the percentage by which the rent charged may be increased in addition to the guideline; and
- (b) subject to the prescribed rules, specifying a 12-month period during which an increase permitted by clause (a) may take effect. 2006, c. 17, s. 126 (10).

Limitation

(11) If the Board is satisfied that an order permitting the rent charged to be increased by more than the guideline is justified and that the percentage increase justified, in whole or in part, by operating costs related to security services and by eligible capital expenditures is more than 3 per cent,

- (a) the percentage specified under clause (10) (a) that is attributable to those costs and expenditures shall not be more than 3 per cent; and
- (b) the order made under subsection (10) shall, in accordance with the prescribed rules, specify a percentage by which the rent charged may be increased in addition to the guideline in each of the two 12-month periods following the period specified under clause (10) (b), but that percentage in each of those periods shall not be more than 3 per cent. 2006, c. 17, s. 126 (11).

Application of subs. (13), serious breach

(12) Subsection (13) applies to a rental unit if the Board finds that,

- (a) the landlord,
 - (i) has not completed items in work orders for which the compliance period has expired and which are found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard,
 - (ii) has not completed specified repairs or replacements or other work ordered by the Board under paragraph 4 of subsection 30 (1) for which the compliance period has expired and which are found by the Board to be related to a serious breach of the landlord's obligations under subsection 20 (1) or section 161, or
 - (iii) is in serious breach of the landlord's obligations under subsection 20 (1) or section 161; and
- (b) the rental unit is affected by,
 - (i) one or more items referred to in subclause (a) (i) that have not been completed,
 - (ii) one or more repairs or replacements or other work referred to in subclause (a) (ii) that has not been completed, or
 - (iii) a serious breach referred to in subclause (a) (iii). 2006, c. 17, s. 126 (12); 2017, c. 13, s. 22 (4).

Application of subs. (13), non-completion of work relating to elevators

(12.1) Subsection (13) applies to a rental unit in a residential complex if the Board finds that,

- (a) the landlord has not completed items in work orders for which the compliance period has expired and which relate to one or more elevators in the residential complex;
- (b) the landlord or another person or entity, as applicable, has not completed items in orders made under the section 21 of the *Technical Standards and Safety Act, 2000* for which the compliance period has expired and which relate to one or more elevators in the residential complex; or
- (c) the landlord has not completed specified repairs or replacements or other work ordered by the Board under paragraph 4 of subsection 30 (1) for which the compliance period has expired and which relates to one or more elevators in the residential complex. 2017, c. 13, s. 22 (5).

Same

(13) If this subsection applies to a rental unit, the Board shall,

- (a) dismiss the application with respect to the rental unit; or
- (b) provide, in any order made under subsection (10), that the rent charged for the rental unit shall not be increased pursuant to the order until the Board is satisfied, on a motion made by the landlord within the time period specified by the Board, on notice to the tenant of the rental unit, that,
 - (i) all items referred to in subclause (12) (a) (i) that affect the rental unit have been completed, if a finding was made under that subclause,

- (ii) all repairs, replacements and other work referred to in subclause (12) (a) (ii) that affect the rental unit have been completed, if a finding was made under that subclause,
- (iii) the serious breach referred to in subclause (12) (a) (iii) no longer affects the rental unit, if a finding was made under that subclause,
- (iv) all items referred to in clause (12.1) (a) have been completed, if a finding was made under that clause,
- (v) all items referred to in clause (12.1) (b) have been completed, if a finding was made under that clause, and
- (vi) all repairs, replacements and other work referred to in clause (12.1) (c) have been completed, if a finding was made under that clause. 2006, c. 17, s. 126 (13); 2017, c. 13, s. 22 (6).

Order not to apply to new tenant

(14) An order of the Board under subsection (10) with respect to a rental unit ceases to be of any effect on and after the day a new tenant enters into a new tenancy agreement with the landlord in respect of that rental unit if that agreement takes effect on or after the day that is 90 days before the first effective date of a rent increase in the order. 2006, c. 17, s. 126 (14).

Non-application

(15) Subsections (3.1), (3.2) and (12.1) and subclauses 126 (13) (b) (iv), (v) and (vi) do not apply with respect to an application under this section if the application was made before the day subsection 22 (7) of the *Rental Fairness Act, 2017* comes into force. 2017, c. 13, s. 22 (7).

Transition, utilities

(16) This section and any related regulations, as they read immediately before the day subsection 22 (1) of the *Rental Fairness Act, 2017* comes into force, continue to apply with respect to applications for an above-guideline rent increase due in whole or in part to an extraordinary increase in the cost for utilities that are made before that day and have not been finally determined before that day. 2017, c. 13, s. 22 (8).

Definition

(17) In this section,

“elevator” means an elevator intended for use by tenants. 2017, c. 13, s. 22 (9).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 22 (1-9) - 01/01/2018

Two ordered increases

127 Despite clause 126 (11) (b), if an order is made under subsection 126 (10) with respect to a rental unit and a landlord has not yet taken all the increases in rent for the rental unit permissible under a previous order pursuant to clause 126 (11) (b), the landlord may increase the rent for the rental unit in accordance with the prescribed rules. 2006, c. 17, s. 127.

REDUCTIONS OF RENT

Utilities

128 (1) This section applies with respect to an order issued under subsection 126 (10), on an application made under subsection 126 (1) before the day subsection 22 (1) of the *Rental Fairness Act, 2017* comes into force, permitting an increase in rent that is due in whole or in part to an extraordinary increase in the cost for utilities. 2017, c. 13, s. 23 (1).

Information for tenant

(2) If a landlord increases the rent charged to a tenant for a rental unit pursuant to an order described in subsection (1), the landlord shall, in accordance with the prescribed rules, provide that tenant with information on the total cost of utilities for the residential complex. 2006, c. 17, s. 128 (2).

Rent reduction

(3) If a landlord increases the rent charged to a tenant for a rental unit pursuant to an order described in subsection (1) and the cost of utilities for the residential complex decreases by more than the prescribed percentage in the prescribed period, the landlord shall reduce the rent charged to that tenant in accordance with the prescribed rules. 2006, c. 17, s. 128 (3).

Application

(4) This section ceases to apply to a tenant of a rental unit in respect of a utility if the landlord ceases to provide the utility to the rental unit in accordance with this Act or an agreement between the landlord and that tenant. 2006, c. 17, s. 128 (4).

Transition, subs. (1)

(5) Subsection (1), as it reads immediately before the day subsection 23 (1) of the *Rental Fairness Act, 2017* comes into force, continues to apply with respect to applications for an above-guideline rent increase due in whole or in part to an

extraordinary increase in the cost for utilities that are made before the day subsection 22 (1) of that Act comes into force and have not been finally determined before the day subsection 23 (1) of that Act comes into force. 2017, c. 13, s. 23 (2).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 23 (1, 2) - 01/01/2018

Capital expenditures

129 If the Board issues an order under subsection 126 (10) permitting an increase in rent that is due in whole or in part to eligible capital expenditures,

- (a) the Board shall specify in the order the percentage increase that is attributable to the eligible capital expenditures;
- (b) the Board shall specify in the order a date, determined in accordance with the prescribed rules, for the purpose of clause (c); and
- (c) the order shall require that,
 - (i) if the rent charged to a tenant for a rental unit is increased pursuant to the order by the maximum percentage permitted by the order and the tenant continues to occupy the rental unit on the date specified under clause (b), the landlord shall, on that date, reduce the rent charged to that tenant by the percentage specified under clause (a); and
 - (ii) if the rent charged to a tenant for a rental unit is increased pursuant to the order by less than the maximum percentage permitted by the order and the tenant continues to occupy the rental unit on the date specified under clause (b), the landlord shall, on that date, reduce the rent charged to that tenant by a percentage determined in accordance with the prescribed rules that is equal to or lower than the percentage specified under clause (a). 2006, c. 17, s. 129.

Reduction in services

130 (1) A tenant of a rental unit may apply to the Board for an order for a reduction of the rent charged for the rental unit due to a reduction or discontinuance in services or facilities provided in respect of the rental unit or the residential complex. 2006, c. 17, s. 130 (1).

Same, former tenant

(2) A former tenant of a rental unit may apply under this section as a tenant of the rental unit if the person was affected by the discontinuance or reduction of the services or facilities while the person was a tenant of the rental unit. 2006, c. 17, s. 130 (2).

Order re lawful rent

- (3) The Board shall make findings in accordance with the prescribed rules and may order,
- (a) that the rent charged be reduced by a specified amount;
 - (b) that there be a rebate to the tenant of any rent found to have been unlawfully collected by the landlord;
 - (c) that the rent charged be reduced by a specified amount for a specified period if there has been a temporary reduction in a service. 2006, c. 17, s. 130 (3).

Same

(4) An order under this section reducing rent takes effect on the day that the discontinuance or reduction first occurred. 2006, c. 17, s. 130 (4).

Same, time limitation

(5) No application may be made under this section more than one year after a reduction or discontinuance in a service or facility. 2006, c. 17, s. 130 (5).

Municipal taxes

131 (1) If the municipal property tax for a residential complex is reduced by more than the prescribed percentage, the lawful rent for each of the rental units in the complex is reduced in accordance with the prescribed rules. 2006, c. 17, s. 131 (1).

Effective date

(2) The rent reduction shall take effect on the date determined by the prescribed rules, whether or not notice has been given under subsection (3). 2006, c. 17, s. 131 (2).

Notice

(3) If, for a residential complex with at least the prescribed number of rental units, the rents that the tenants are required to pay are reduced under subsection (1), the local municipality in which the residential complex is located shall, within the

prescribed period and by the prescribed method of service, notify the landlord and all of the tenants of the residential complex of that fact. 2006, c. 17, s. 131 (3).

Same

- (4) The notice shall be in writing in a form approved by the Board and shall,
- (a) inform the tenants that their rent is reduced;
 - (b) set out the percentage by which their rent is reduced and the date the reduction takes effect;
 - (c) inform the tenants that if the rent is not reduced in accordance with the notice they may apply to the Board under section 135 for the return of money illegally collected; and
 - (d) advise the landlord and the tenants of their right to apply for an order under section 132. 2006, c. 17, s. 131 (4).

Same

- (5) A local municipality that gives a notice under this section shall, on request, give a copy to the Board or to the Ministry. 2006, c. 17, s. 131 (5).

Application for variation

132 (1) A landlord or a tenant may apply to the Board under the prescribed circumstances for an order varying the amount by which the rent charged is to be reduced under section 131. 2006, c. 17, s. 132 (1).

Same

- (2) An application under subsection (1) must be made within the prescribed time. 2006, c. 17, s. 132 (2).

Determination and order

- (3) The Board shall determine an application under this section in accordance with the prescribed rules and shall issue an order setting out the percentage of the rent reduction. 2006, c. 17, s. 132 (3).

Same

- (4) An order under this section shall take effect on the effective date determined under subsection 131 (2). 2006, c. 17, s. 132 (4).

Application, reduction in municipal taxes

133 (1) A tenant of a rental unit may apply to the Board for an order for a reduction of the rent charged for the rental unit due to a reduction in the municipal taxes and charges for the residential complex. 2006, c. 17, s. 133 (1).

Order

- (2) The Board shall make findings in accordance with the prescribed rules and may order that the rent charged for the rental unit be reduced. 2006, c. 17, s. 133 (2).

Effective date

- (3) An order under this section takes effect on a date determined in accordance with the prescribed rules. 2006, c. 17, s. 133 (3).

ILLEGAL ADDITIONAL CHARGES

Additional charges prohibited

- 134** (1) Unless otherwise prescribed, no landlord shall, directly or indirectly, with respect to any rental unit,
- (a) collect or require or attempt to collect or require from a tenant, prospective tenant or former tenant of the rental unit a fee, premium, commission, bonus, penalty, key deposit or other like amount of money whether or not the money is refundable;
 - (b) require or attempt to require a tenant or prospective tenant to pay any consideration for goods or services as a condition for granting the tenancy or continuing to permit occupancy of a rental unit if that consideration is in addition to the rent the tenant is lawfully required to pay to the landlord; or
 - (c) rent any portion of the rental unit for a rent which, together with all other rents payable for all other portions of the rental unit, is a sum that is greater than the rent the landlord may lawfully charge for the rental unit. 2006, c. 17, s. 134 (1); 2017, c. 13, s. 24 (1).

Same

(1.1) No landlord shall, directly or indirectly, with respect to any rental unit, collect or require or attempt to collect or require from a former tenant of the rental unit any amount of money purporting to be rent in respect of,

- (a) any period after the tenancy has terminated and the tenant has vacated the rental unit; or

- (b) any period after the tenant's interest in the tenancy has terminated and the tenant has vacated the rental unit. 2017, c. 13, s. 24 (2).

Same

(2) No superintendent, property manager or other person who acts on behalf of a landlord with respect to a rental unit shall, directly or indirectly, with or without the authority of the landlord, do any of the things prohibited under clause (1) (a), (b) or (c) or subsection (1.1) with respect to that rental unit. 2006, c. 17, s. 134 (2); 2017, c. 13, s. 24 (3).

Same

- (3) Unless otherwise prescribed, no tenant and no person acting on behalf of the tenant shall, directly or indirectly,
- (a) sublet a rental unit for a rent that is payable by one or more subtenants and that is greater than the rent that is lawfully charged by the landlord for the rental unit;
 - (b) collect or require or attempt to collect or require from any person any fee, premium, commission, bonus, penalty, key deposit or other like amount of money, for subletting a rental unit, for surrendering occupancy of a rental unit or for otherwise parting with possession of a rental unit; or
 - (c) require or attempt to require a person to pay any consideration for goods or services as a condition for the subletting, assignment or surrender of occupancy or possession in addition to the rent the person is lawfully required to pay to the tenant or landlord. 2006, c. 17, s. 134 (3).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 24 (1) - 01/01/2018; 2017, c. 13, s. 24 (2, 3) - 30/05/2017

MONEY COLLECTED ILLEGALLY

Money collected illegally

135 (1) A tenant or former tenant of a rental unit may apply to the Board for an order that the landlord, superintendent or agent of the landlord pay to the tenant any money the person collected or retained in contravention of this Act or the *Tenant Protection Act, 1997*. 2006, c. 17, s. 135 (1).

Failure to compensate under s. 48.1, 49.1, 52, 54 or 55

(1.1) Without limiting the generality of subsection (1), a landlord is deemed to have retained money in contravention of this Act, if the landlord is required to compensate a tenant under section 48.1, 49.1, 52, 54 or 55 and fails to compensate the tenant as required. 2017, c. 13, s. 25; 2020, c. 16, Sched. 4, s. 23.

Prospective tenants

(2) A prospective tenant may apply to the Board for an order under subsection (1). 2006, c. 17, s. 135 (2).

Subtenants

(3) A subtenant may apply to the Board for an order under subsection (1) as if the subtenant were the tenant and the tenant were the landlord. 2006, c. 17, s. 135 (3).

Time limitation

(4) No order shall be made under this section with respect to an application filed more than one year after the person collected or retained money in contravention of this Act or the *Tenant Protection Act, 1997*. 2006, c. 17, s. 135 (4).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 25 - 01/09/2017

2020, c. 16, Sched. 4, s. 23 - 21/07/2020

Rent increase deemed not void

135.1 (1) An increase in rent that would otherwise be void under subsection 116 (4) is deemed not to be void if the tenant has paid the increased rent in respect of each rental period for at least 12 consecutive months. 2020, c. 16, Sched. 4, s. 24.

Non-application

(2) Subsection (1) does not apply with respect to an increase in rent if the tenant has, within one year after the date the increase was first charged, made an application in which the validity of the rent increase is in issue. 2020, c. 16, Sched. 4, s. 24.

Deemed compliance with s. 116

(3) For greater certainty, if subsection (1) applies with respect to an increase in rent, section 116 is deemed to have been complied with. 2020, c. 16, Sched. 4, s. 24.

Application of s. 136

(4) For greater certainty, nothing in this section limits the application of section 136. 2020, c. 16, Sched. 4, s. 24.

Transition

(5) This section applies with respect to an increase in rent even if it was first charged before the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent, provided the validity of the rent increase was not finally determined by the Board before that day. 2020, c. 16, Sched. 4, s. 24.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 24 - 21/07/2020

Rent deemed lawful

136 (1) Rent charged one or more years earlier shall be deemed to be lawful rent unless an application has been made within one year after the date that amount was first charged and the lawfulness of the rent charged is in issue in the application. 2006, c. 17, s. 136 (1).

Increase deemed lawful

(2) An increase in rent shall be deemed to be lawful unless an application has been made within one year after the date the increase was first charged and the lawfulness of the rent increase is in issue in the application. 2006, c. 17, s. 136 (2).

s. 122 prevails

(3) Nothing in this section shall be interpreted to deprive a tenant of the right to apply for and get relief in an application under section 122 within the time period set out in that section. 2006, c. 17, s. 136 (3).

PART VII.1 RENT FREEZE, 2021

Rent freeze period

Definition

136.1 (1) In this section,

“rent freeze period” means the period that begins on January 1, 2021 and ends on December 31, 2021. 2020, c. 23, Sched. 7, s. 2.

Non-application, certain rent increases

(2) This section does not apply with respect to,

- (a) accommodation described in clause 6 (1) (a) or (b);
- (b) an increase in rent for a rental unit taken in accordance with an agreement under section 121 or 123;
- (c) an increase in rent for a rental unit permitted under subsection 126 (10) or section 127 for,
 - (i) an extraordinary increase in the cost for municipal taxes and charges as described in paragraph 1 of subsection 126 (1), if the increase in rent is permitted by an order of the Board that was issued before the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent,
 - (ii) eligible capital expenditures as described in paragraph 2 of subsection 126 (1), or
 - (iii) operating costs related to security services as described in paragraph 3 of subsection 126 (1); or
- (d) an increase in rent payable by an assignee under a tenancy agreement for a site for a mobile home or a site on which there is a land lease home in accordance with section 165. 2020, c. 23, Sched. 7, s. 2.

No rent increase during rent freeze period

(3) No landlord shall increase the rent charged to a tenant during the rent freeze period, even if notice of the increase was given before the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent. 2020, c. 23, Sched. 7, s. 2.

Clarification, notice during rent freeze period

(4) For greater certainty, nothing in subsection (3) prohibits a landlord from giving a notice during the rent freeze period of a rent increase that takes effect after the rent freeze period. 2020, c. 23, Sched. 7, s. 2.

Conflict, *Housing Services Act, 2011*, rent geared to income

(5) For greater certainty, in the event of a conflict between this section and a regulation made under section 50 of the *Housing Services Act, 2011*, this section prevails. 2020, c. 23, Sched. 7, s. 2.

Section Amendments with date in force (d/m/y)

PART VIII SUITE METERS AND APPORTIONMENT OF UTILITY COSTS

Suite meters

137 (1) In this section,

“meter” has the same meaning as in Part III of the *Energy Consumer Protection Act, 2010*; (“compteur”)

“suite meter” has the same meaning as in Part III of the *Energy Consumer Protection Act, 2010*; (“compteur individuel”)

“suite meter provider” has the same meaning as in Part III of the *Energy Consumer Protection Act, 2010*. (“fournisseur de compteurs individuels”) 2010, c. 8, s. 39 (1).

Interruption in supply

(2) A landlord who has the obligation under a tenancy agreement to supply electricity may interrupt the supply of electricity to a rental unit when a suite meter is installed if,

- (a) the suite meter is installed by a suite meter provider;
- (b) the supply of electricity is interrupted only for the minimum length of time necessary to install the suite meter; and
- (c) the landlord provides adequate notice to the tenant in accordance with the prescribed rules. 2010, c. 8, s. 39 (1).

Termination of obligation to supply electricity

(3) Subject to subsections (4) and (5), if a meter or a suite meter is installed in respect of a rental unit, a landlord who has the obligation under a tenancy agreement to supply electricity to the rental unit may terminate that obligation by,

- (a) obtaining the written consent of the tenant in the form approved by the Board;
- (b) providing adequate notice of the termination of the obligation to the tenant in accordance with the prescribed rules; and
- (c) reducing the rent, in the prescribed circumstances and in accordance with the prescribed rules, by an amount that accounts for the cost of electricity consumption and related costs. 2010, c. 8, s. 39 (1).

Information for tenants

(4) A landlord shall not terminate an obligation to supply electricity under subsection (3) unless, before obtaining the written consent of the tenant, the landlord has provided the tenant with the prescribed information. 2010, c. 8, s. 39 (1).

Limitation

(5) Where the primary source of heat in the unit is generated by means of electricity, a landlord may terminate an obligation to supply electricity under subsection (3) in the prescribed circumstances, solely if the landlord meets the prescribed conditions. 2010, c. 8, s. 39 (1).

Revising agreements

(6) The tenant may, within the prescribed time and in the prescribed circumstances, request that the landlord adjust the rent reduction provided under subsection (3) based on the prescribed rules and the landlord shall adjust the rent and provide a rebate based on the prescribed rules. 2010, c. 8, s. 39 (1).

(7), (8) REPEALED: 2020, c. 16, Sched. 4, s. 25 (1).

Electricity conservation and efficiency obligations

(9) If a suite meter is installed in respect of a rental unit and the obligation of the landlord to supply electricity has been terminated, the landlord shall, in accordance with the prescribed rules,

- (a) ensure that any appliances provided for the rental unit by the landlord satisfy the prescribed requirements relating to electricity conservation and efficiency;
- (b) ensure that other aspects of the rental unit satisfy the prescribed requirements relating to electricity conservation and efficiency; and
- (c) ensure that other prescribed requirements relating to electricity conservation and efficiency are complied with. 2010, c. 8, s. 39 (1).

Same, other prescribed circumstances

(10) If a meter or a suite meter is installed in respect of a rental unit, a landlord shall comply with the electricity conservation and efficiency obligations referred to in subsection (9) in such other circumstances as are prescribed. 2010, c. 8, s. 39 (1).

Tenant's application

(11) A tenant or a former tenant of a rental unit may apply to the Board in the prescribed circumstances for an order determining whether the landlord has breached an obligation under this section. 2010, c. 8, s. 39 (1).

Order, general

(12) If the Board determines in an application under subsection (11) that a landlord has breached an obligation under subsection (2), (6), (9) or (10), the Board may do one or more of the following:

1. Order an abatement of rent.
2. Authorize a repair or replacement that has been or is to be made, or work that has been or is to be done, and order its cost to be paid by the landlord to the tenant.
3. Order the landlord to do specified repairs or replacements or other work within a specified time.
4. Order that the rent charged be reduced by a specified amount and order the appropriate rebate.
5. Make any other order that it considers appropriate. 2010, c. 8, s. 39 (1); 2020, c. 16, Sched. 4, s. 25 (2).

Order, breach of subs. (3), (4) or (5)

(13) If the Board determines in an application under subsection (11) that a landlord has breached an obligation under subsection (3), (4) or (5), the Board may, in addition to the remedies set out in subsection (12), do one or more of the following:

1. Terminate the tenancy.
2. Order that the landlord assume the obligation to supply electricity to the rental unit and set the new rent that can be charged. 2010, c. 8, s. 39 (1).

Eviction with termination order

(14) If the Board makes an order terminating a tenancy under paragraph 1 of subsection (13), the Board may order that the tenant be evicted, effective not earlier than the termination date specified in the order. 2010, c. 8, s. 39 (1).

Determination re capital expenditures

(15) Except under the prescribed circumstances, for the purpose of section 126, a capital expenditure is not an eligible capital expenditure if,

- (a) a meter or a suite meter was installed in respect of a residential complex before the capital expenditure was made;
- (b) the capital expenditure failed to promote the conservation of electricity or the more efficient use of electricity; and
- (c) the purpose for which the capital expenditure was made could reasonably have been achieved by making a capital expenditure that promoted the conservation of electricity or the more efficient use of electricity. 2010, c. 8, s. 39 (1).

Charges, fees and security deposits

(16) Where a meter or suite meter is installed in respect of a rental unit and the tenant is responsible for the payment for the supply of electricity, sections 134 and 135 have no application to charges, fees or security deposits that are required to be paid for the supply of electricity and any amount paid for the supply of electricity shall not be considered to be an amount of consideration or a service that falls within the definition of "rent" in subsection 2 (1). 2010, c. 8, s. 39 (1).

Interference with a vital service, reasonable enjoyment

(17) Where a meter or a suite meter is installed in respect of a rental unit and the tenant is responsible for the payment for the supply of electricity and a landlord, landlord's agent or a suite meter provider is attempting to enforce the rights or obligations afforded them under this section or under section 31 of the *Electricity Act, 1998*, electricity is deemed not to be a vital service within the meaning of section 21 and any interference with the supply of electricity is deemed not to be an interference with the tenant's reasonable enjoyment within the meaning of sections 22 and 235. 2010, c. 8, s. 39 (1).

Lease provisions void

(18) A provision in a tenancy agreement which purports to provide that a tenant has consented or will consent to the termination of the obligation of the landlord to supply electricity to the rental unit on a future date or otherwise purports to provide terms which are inconsistent with the provisions contained in this section is void. 2010, c. 8, s. 39 (1).

Transition, *Protecting Tenants and Strengthening Community Housing Act, 2020*

(19) This section and any related regulations, as they read immediately before the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent, continue to apply with respect to tenancy agreements that were entered into before that day. 2020, c. 16, Sched. 4, s. 25 (3).

Section Amendments with date in force (d/m/y)

2010, c. 8, s. 39 (1) - 01/01/2011

2020, c. 16, Sched. 4, s. 25 (1-3) - 21/07/2020

Apportionment of utility costs

138 (1) A landlord of a building containing not more than six rental units who supplies a utility to each of the rental units in the building may, with the written consent of the tenant, charge the tenant a portion of the cost of the utility in accordance with the prescribed rules if,

- (a) the landlord provides adequate notice to the tenant in accordance with the prescribed rules; and
- (b) the rent for the rental unit is reduced in accordance with the prescribed rules. 2010, c. 8, s. 39 (1).

Not a service

(2) If a landlord charges a tenant a portion of the cost of a utility in accordance with subsection (1), the utility shall not be considered a service that falls within the definition of “rent” in subsection 2 (1). 2010, c. 8, s. 39 (1).

Termination of tenancy prohibited

(3) If a landlord charges a tenant a portion of the cost of a utility in accordance with subsection (1), the landlord shall not serve a notice of termination under section 59 or make an application to the Board for an order under section 69 or 87 if the notice or application is based on the tenant’s failure to pay the utility charge. 2010, c. 8, s. 39 (1).

Information for prospective tenants

(4) If a landlord charges tenants a portion of the cost of a utility, the landlord shall, before entering into a tenancy agreement with a prospective tenant, provide the prospective tenant with the following information:

1. The portion of the cost of the utility that is applicable to the rental unit that would be occupied by the prospective tenant, expressed as a percentage of the total cost of the utility.
2. The total cost of the utility for the building for the prescribed period for which the landlord has information on the cost of the utility.
3. If any part of the building was vacant during any part of the period to which the information referred to in paragraph 2 applies, a statement of which part of the building was vacant and of the period that it was vacant.
4. Such other information as is prescribed. 2010, c. 8, s. 39 (1).

Utility conservation and efficiency obligations

(5) If a landlord charges a tenant a portion of the cost of a utility, the landlord shall, in accordance with the prescribed rules,

- (a) ensure that any appliances provided by the landlord satisfy the prescribed requirements relating to conservation and efficient use of the utility;
- (b) ensure that other aspects of the rental unit satisfy the prescribed requirements relating to conservation and efficient use of the utility; and
- (c) ensure that other prescribed requirements relating to conservation and efficient use of the utility are complied with. 2010, c. 8, s. 39 (1).

Tenant’s application

(6) A tenant or a former tenant of a rental unit may apply to the Board in the prescribed circumstances for an order determining whether the landlord has breached an obligation under this section. 2010, c. 8, s. 39 (1).

Order, general

(7) If the Board determines in an application under subsection (6) that a landlord has breached an obligation under subsection (4) or (5), the Board may do one or more of the following:

1. Order an abatement of rent.
2. Authorize a repair or replacement that has been or is to be made, or work that has been or is to be done, and order its cost to be paid by the landlord to the tenant.
3. Order the landlord to do specified repairs or replacements or other work within a specified time.
4. Order that the rent charged be reduced by a specified amount and order the appropriate rebate.
5. Make any other order that it considers appropriate. 2010, c. 8, s. 39 (1).

Order, breach of subs. (1)

(8) If the Board determines in an application under subsection (6) that a landlord has breached an obligation under subsection (1), the Board may, in addition to the remedies set out in subsection (7), do one or more of the following:

1. Terminate the tenancy.
2. Order that the landlord assume the obligation to supply the utility to the rental unit and set the new rent that can be charged. 2010, c. 8, s. 39 (1).

Eviction with termination order

(9) If the Board makes an order terminating a tenancy under paragraph 1 of subsection (8), the Board may order that the tenant be evicted, effective not earlier than the termination date specified in the order. 2010, c. 8, s. 39 (1).

Determination re capital expenditures

(10) For the purpose of section 126, a capital expenditure is not an eligible capital expenditure if,

- (a) the landlord charged tenants a portion of the cost of a utility before the capital expenditure was made;
- (b) the capital expenditure failed to promote the conservation or more efficient use of the utility; and
- (c) the purpose for which the capital expenditure was made could reasonably have been achieved by making a capital expenditure that promoted the conservation or more efficient use of the utility. 2010, c. 8, s. 39 (1).

Section Amendments with date in force (d/m/y)

2010, c. 8, s. 39 (1) - 01/01/2011

PART IX CARE HOMES

RESPONSIBILITIES OF LANDLORDS AND TENANTS

Agreement required

139 (1) There shall be a written tenancy agreement relating to the tenancy of every tenant in a care home. 2006, c. 17, s. 139 (1).

Contents of agreement

(2) The agreement shall set out what has been agreed to with respect to care services and meals and the charges for them. 2006, c. 17, s. 139 (2).

Compliance

(3) If, on application by a tenant, the Board determines that subsection (1) or (2) has not been complied with, the Board may make an order for an abatement of rent. 2006, c. 17, s. 139 (3).

Information to tenant

140 (1) Before entering into a tenancy agreement with a new tenant in a care home, the landlord shall give to the new tenant an information package containing the prescribed information. 2006, c. 17, s. 140 (1).

Effect of non-compliance

(2) The landlord shall not give a notice of rent increase or a notice of increase of a charge for providing a care service or meals until after giving the required information package to the tenant. 2006, c. 17, s. 140 (2).

Tenancy agreement: consultation, cancellation

Tenancy agreement: right to consult

141 (1) Every tenancy agreement relating to the tenancy of a tenant in a care home shall contain a statement that the tenant has the right to consult a third party with respect to the agreement and to cancel the agreement within five days after the agreement has been entered into. 2006, c. 17, s. 141 (1).

Cancellation

(2) The tenant may cancel the tenancy agreement by written notice to the landlord within five days after entering into it. 2006, c. 17, s. 141 (2).

Entry to check condition of tenant

142 (1) Despite section 25, a landlord may enter a rental unit in a care home at regular intervals to check the condition of a tenant in accordance with the tenancy agreement if the agreement requires the landlord to do so. 2006, c. 17, s. 142 (1).

Right to revoke provision

(2) A tenant whose tenancy agreement contains a provision requiring the landlord to regularly check the condition of the tenant may unilaterally revoke that provision by written notice to the landlord. 2006, c. 17, s. 142 (2).

Assignment, subletting in care homes

143 A landlord may withhold consent to an assignment or subletting of a rental unit in a care home if the effect of the assignment or subletting would be to admit a person to the care home contrary to the admission requirements or guidelines set by the landlord. 2006, c. 17, s. 143.

Notice of termination

144 (1) A landlord may, by notice, terminate the tenancy of a tenant in a care home if,

- (a) the rental unit was occupied solely for the purpose of receiving rehabilitative or therapeutic services agreed upon by the tenant and the landlord;
- (b) no other tenant of the care home occupying a rental unit solely for the purpose of receiving rehabilitative or therapeutic services is permitted to live there for longer than the prescribed period; and
- (c) the period of tenancy agreed to has expired. 2006, c. 17, s. 144 (1).

Period of notice

(2) The date for termination specified in the notice shall be at least the number of days after the date the notice is given that is set out in section 44 and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 144 (2).

Termination, care homes

145 (1) Despite section 44, a tenant of a care home may terminate a tenancy at any time by giving at least 30 days notice of termination to the landlord. 2006, c. 17, s. 145 (1).

Care services and meals

(2) A tenant who terminates a tenancy under subsection (1) may require the landlord to stop the provision of care services and meals before the date the tenancy terminates by giving at least 10 days notice to the landlord. 2006, c. 17, s. 145 (2).

Same

(3) The tenant has no obligation to pay for care services and meals that would otherwise have been provided under the tenancy agreement after the date the landlord is required to stop the provision of care services and meals under subsection (2). 2006, c. 17, s. 145 (3).

Same

(4) The estate of a tenant has no obligation to pay for care services and meals that would otherwise have been provided under the tenancy agreement more than 10 days after the death of the tenant. 2006, c. 17, s. 145 (4).

Notice of termination, demolition, conversion or repairs

146 (1) A landlord who gives a tenant of a care home a notice of termination under section 50 shall make reasonable efforts to find appropriate alternate accommodation for the tenant. 2006, c. 17, s. 146 (1).

Same

(2) Sections 52 and 54 do not apply with respect to a tenant of a care home who receives a notice of termination under section 50 and chooses to take alternate accommodation found by the landlord for the tenant under subsection (1). 2006, c. 17, s. 146 (2); 2009, c. 33, Sched. 21, s. 11 (7).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (7) - 15/12/2009

External care providers

147 A landlord shall not,

- (a) do anything to prevent a tenant of a care home from obtaining care services from a person of the tenant's choice that are in addition to care services provided under the tenancy agreement; or
- (b) interfere with the provision of care services to a tenant of a care home, by a person of the tenant's choice, that are in addition to care services provided under the tenancy agreement. 2006, c. 17, s. 147.

TRANSFERRING TENANCY

Transferring tenancy

Application

148 (1) A landlord may apply to the Board for an order transferring a tenant out of a care home and evicting the tenant if,

- (a) the tenant no longer requires the level of care provided by the landlord; or

(b) the tenant requires a level of care that the landlord is not able to provide. 2006, c. 17, s. 148 (1).

Order

(2) The Board may issue an order under clause (1) (b) only if it is satisfied that,

(a) appropriate alternate accommodation is available for the tenant; and

(b) the level of care that the landlord is able to provide when combined with the community based services provided to the tenant in the care home cannot meet the tenant's care needs. 2006, c. 17, s. 148 (2).

Mandatory mediation

(3) If a dispute arises, the dispute shall be sent to mediation before the Board makes an order. 2006, c. 17, s. 148 (3).

Same

(4) If the landlord fails to participate in the mediation, the Board may dismiss the landlord's application. 2006, c. 17, s. 148 (4).

RULES RELATED TO RENT AND OTHER CHARGES

Rent in care home

149 If there is more than one tenancy agreement for a rental unit in a care home, the provisions of Part VII apply with respect to each tenancy agreement as if it were an agreement for a separate rental unit. 2006, c. 17, s. 149; 2017, c. 13, s. 26.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 26 - 30/05/2017

Notice of increased charges

150 (1) A landlord shall not increase a charge for providing a care service or meals to a tenant of a rental unit in a care home without first giving the tenant at least 90 days notice of the landlord's intention to do so. 2006, c. 17, s. 150 (1).

Contents of notice

(2) The notice shall be in writing in the form approved by the Board and shall set out the landlord's intention to increase the charge and the new charges for care services and meals. 2006, c. 17, s. 150 (2).

Effect of non-compliance

(3) An increase in a charge for a care service or meals is void if the landlord has not given the notice required by this section, and the landlord must give a new notice before the landlord can take the increase. 2006, c. 17, s. 150 (3).

Certain charges permitted

151 (1) Nothing in subsection 134 (1) limits the right of a landlord to charge a tenant of a rental unit in a care home for providing care services or meals to the tenant so long as the landlord has complied with the requirements of sections 140 and 150. 2006, c. 17, s. 151 (1).

Same

(2) Nothing in subsection 134 (3) limits the right of a tenant or a person acting on behalf of a tenant to charge a subtenant of a rental unit in a care home for providing care services or meals to the subtenant. 2006, c. 17, s. 151 (2).

PART X

MOBILE HOME PARKS AND LAND LEASE COMMUNITIES

GENERAL

Application

152 (1) This Part applies with respect to tenancies in mobile home parks. 2006, c. 17, s. 152 (1).

Same; land lease communities

(2) This Part applies with necessary modifications with respect to tenancies in land lease communities, as if the tenancies were in mobile home parks. 2006, c. 17, s. 152 (2).

Interpretation

153 A reference in this Part to a tenant's mobile home shall be interpreted to be a reference to a mobile home owned by the tenant and situated within a mobile home park of the landlord with whom the tenant has a tenancy agreement. 2006, c. 17, s. 153.

RESPONSIBILITIES OF LANDLORDS AND TENANTS

Park rules

154 (1) If a landlord establishes rules for a mobile home park,

- (a) the landlord shall provide a written copy of the rules to each tenant; and
- (b) the landlord shall inform each tenant in writing of any change to the rules. 2006, c. 17, s. 154 (1).

Failure to comply

(2) Until a landlord has complied with clause (1) (a) or (b), as the case may be,

- (a) the tenant's obligation to pay rent is suspended; and
- (b) the landlord shall not require the tenant to pay rent. 2006, c. 17, s. 154 (2).

After compliance

(3) After the landlord has complied with clause (1) (a) or (b), as the case may be, the landlord may require the tenant to pay any rent withheld by the tenant under subsection (2). 2006, c. 17, s. 154 (3).

Information about property assessment

155 (1) If a tenant is obligated to pay a landlord an amount to reimburse the landlord for property taxes paid by the landlord with respect to a mobile home owned by the tenant and the landlord obtains information from the Municipal Property Assessment Corporation with respect to the value of the mobile home for assessment purposes, the landlord shall promptly provide the tenant with a copy of that information. 2006, c. 17, s. 155 (1).

Suspension of tenant's obligation to pay

(2) A tenant's obligation to pay the landlord an amount to reimburse the landlord for property taxes paid by the landlord with respect to a mobile home owned by the tenant is suspended, and the landlord shall not require the tenant to pay that amount, if,

- (a) the landlord has failed to comply with subsection (1) with respect to the most recent information obtained by the landlord from the Municipal Property Assessment Corporation; or
- (b) the landlord has not, in the previous 12 months, obtained written information from the Municipal Property Assessment Corporation with respect to the value of the mobile home for assessment purposes. 2006, c. 17, s. 155 (2).

Exception

(3) Clause (2) (b) does not apply if the landlord has made reasonable efforts in the previous 12 months to obtain written information from the Municipal Property Assessment Corporation with respect to the value of the mobile home for assessment purposes but has been unable to obtain the information. 2006, c. 17, s. 155 (3).

After compliance

(4) The landlord may require the tenant to pay any amount withheld by the tenant under subsection (2) after,

- (a) complying with subsection (1), if clause (2) (a) applied; or
- (b) obtaining written information from the Municipal Property Assessment Corporation with respect to the value of the mobile home for assessment purposes and complying with subsection (1), if clause (2) (b) applied. 2006, c. 17, s. 155 (4).

Tenant's right to sell, etc.

156 (1) A tenant has the right to sell or lease his or her mobile home without the landlord's consent. 2006, c. 17, s. 156 (1).

Landlord as agent

(2) A landlord may act as the agent of a tenant in negotiations to sell or lease a mobile home only in accordance with a written agency contract entered into for the purpose of beginning those negotiations. 2006, c. 17, s. 156 (2).

Same

(3) A provision in a tenancy agreement requiring a tenant who owns a mobile home to use the landlord as an agent for the sale of the mobile home is void. 2006, c. 17, s. 156 (3).

Landlord's right of first refusal

157 (1) This section applies if a tenancy agreement with respect to a mobile home contains a provision prohibiting the tenant from selling the mobile home without first offering to sell it to the landlord. 2006, c. 17, s. 157 (1).

Same

(2) If a tenant receives an acceptable offer to purchase a mobile home, the landlord has a right of first refusal to purchase the mobile home at the price and subject to the terms and conditions in the offer. 2006, c. 17, s. 157 (2).

Same

(3) A tenant shall give a landlord at least 72 hours notice of a person's offer to purchase a mobile home before accepting the person's offer. 2006, c. 17, s. 157 (3).

Landlord's purchase at reduced price

(4) If a provision described in subsection (1) permits a landlord to purchase a mobile home at a price that is less than the one contained in a prospective purchaser's offer to purchase, the landlord may exercise the option to purchase the mobile home, but the provision is void with respect to the landlord's right to purchase the mobile home at the lesser price. 2006, c. 17, s. 157 (4).

Advertising a sale**For sale signs**

158 (1) A landlord shall not prevent a tenant who owns a mobile home from placing in a window of the mobile home a sign that the home is for sale, unless the landlord does so in accordance with subsection (2). 2006, c. 17, s. 158 (1).

Alternative method of advertising a sale

(2) A landlord may prevent a tenant who owns a mobile home from placing a for sale sign in a window of a mobile home if all of the following conditions are met:

1. The prohibition applies to all tenants in the mobile home park.
2. The landlord provides a bulletin board for the purpose of placing for sale advertisements.
3. The bulletin board is provided to all tenants in the mobile home park free of charge.
4. The bulletin board is placed in a prominent place and is accessible to the public at all reasonable times. 2006, c. 17, s. 158 (2).

Assignment

159 (1) If a tenant has sold or entered into an agreement to sell the tenant's mobile home and the tenant asks the landlord to consent to the assignment of the site for the mobile home to the purchaser of the mobile home,

- (a) clause 95 (3) (c) does not apply; and
- (b) the landlord may not refuse consent to the assignment unless, on application under subsection (2), the Board determines that the landlord's grounds for refusing consent are reasonable. 2006, c. 17, s. 159 (1).

Time for application

(2) The landlord may apply to the Board, within 15 days after the tenant asks the landlord to consent to the assignment, for a determination of whether the landlord's grounds for refusing consent are reasonable. 2006, c. 17, s. 159 (2).

Contents of application

(3) The landlord shall set out in the application the landlord's grounds for refusing consent. 2006, c. 17, s. 159 (3).

Deemed consent

(4) If the landlord does not apply to the Board in accordance with subsections (2) and (3), or the Board determines that the landlord's grounds for refusing consent are not reasonable, the landlord shall be deemed to have consented to the assignment. 2006, c. 17, s. 159 (4).

Restraint of trade prohibited

160 (1) A landlord shall not restrict the right of a tenant to purchase goods or services from the person of his or her choice, except as provided in subsection (2). 2006, c. 17, s. 160 (1).

Standards

(2) A landlord may set reasonable standards for mobile home equipment. 2006, c. 17, s. 160 (2).

Responsibility of landlord

161 In addition to a landlord's obligations under section 20, a landlord is responsible for,

- (a) removing or disposing of garbage or ensuring the availability of a means for removing or disposing of garbage in the mobile home park at reasonable intervals;
- (b) maintaining mobile home park roads in a good state of repair;

- (c) removing snow from mobile home park roads;
- (d) maintaining the water supply, sewage disposal, fuel, drainage and electrical systems in the mobile home park in a good state of repair;
- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment intended for the common use of tenants in a good state of repair; and
- (f) repairing damage to a tenant's property, if the damage is caused by the wilful or negligent conduct of the landlord. 2006, c. 17, s. 161.

TERMINATION OF TENANCIES

Mobile home abandoned

162 (1) This section applies if,

- (a) the tenant has vacated the mobile home in accordance with,
 - (i) a notice of termination of the landlord or the tenant,
 - (ii) an agreement between the landlord and tenant to terminate the tenancy, or
 - (iii) an order of the Board terminating the tenancy or evicting the tenant; or
- (b) the landlord has applied for an order under section 79 and the Board has made an order terminating the tenancy. 2006, c. 17, s. 162 (1).

Notice to tenant

- (2) The landlord shall not dispose of a mobile home without first notifying the tenant of the landlord's intention to do so,
 - (a) by registered mail, sent to the tenant's last known mailing address; and
 - (b) by causing a notice to be published in a newspaper having general circulation in the locality in which the mobile home park is located. 2006, c. 17, s. 162 (2).

Landlord may dispose of mobile home

(3) The landlord may sell, retain for the landlord's own use or dispose of a mobile home in the circumstances described in subsection (1) beginning 60 days after the notices referred to in subsection (2) have been given if the tenant has not made a claim with respect to the landlord's intended disposal. 2006, c. 17, s. 162 (3).

Same

- (4) If, within six months after the day the notices have been given under subsection (2), the tenant makes a claim for a mobile home which the landlord has already sold, the landlord shall pay to the tenant the amount by which the proceeds of sale exceed the sum of,
 - (a) the landlord's reasonable out-of-pocket expenses incurred with respect to the mobile home; and
 - (b) any arrears of rent of the tenant. 2006, c. 17, s. 162 (4).

Same

(5) If, within six months after the day the notices have been given under subsection (2), the tenant makes a claim for a mobile home which the landlord has retained for the landlord's own use, the landlord shall return the mobile home to the tenant. 2006, c. 17, s. 162 (5).

Same

(6) Before returning a mobile home to a tenant who claims it within the 60 days referred to in subsection (3) or the six months referred to in subsection (5), the landlord may require the tenant to pay the landlord for arrears of rent and any reasonable expenses incurred by the landlord with respect to the mobile home. 2006, c. 17, s. 162 (6).

No liability

(7) Subject to subsection (4) or (5), a landlord is not liable to any person for selling, retaining or otherwise disposing of a tenant's mobile home in accordance with this section. 2006, c. 17, s. 162 (7).

Death of mobile home owner

163 Sections 91 and 92 do not apply if the tenant owns the mobile home. 2006, c. 17, s. 163.

Termination under s. 50

164 (1) If a notice of termination is given under section 50 with respect to a tenancy agreement between the landlord and a tenant who owns a mobile home, the date for termination specified in the notice shall, despite subsection 50 (2), be at least

one year after the date the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 164 (1).

Same

(2) If a notice of termination is given under section 50 with respect to a tenancy agreement between the landlord and a tenant who owns a mobile home and the tenant is entitled to compensation under section 52, 54 or 55, the amount of the compensation shall, despite those sections, be equal to the lesser of the following amounts:

1. One year's rent.
2. \$3,000 or the prescribed amount, whichever is greater. 2006, c. 17, s. 164 (2).

RULES RELATED TO RENT AND OTHER CHARGES

Assignment of existing tenancy agreement

165 Despite subsection 95 (8), if a tenancy agreement for a site for a mobile home is assigned and the assignee purchases or enters into an agreement to purchase the former tenant's mobile home, the landlord may increase the rent payable by the assignee under the tenancy agreement by not more than the prescribed amount. 2006, c. 17, s. 165.

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2020, c. 16, Sched. 4, s. 26)

Exclusion from rent

165.1 (1) This section applies with respect to an amount that a landlord charges a tenant under the terms of a written agreement for any prescribed services and facilities or any prescribed privilege, accommodation or thing that the landlord provides for the tenant in respect of the occupancy of the site for a mobile home. 2020, c. 16, Sched. 4, s. 26.

Not within the definition of "rent"

- (2) On and after the applicable prescribed date and if the prescribed circumstances apply,
- (a) the prescribed services and facilities or the prescribed privilege, accommodation or thing shall not be considered to be services and facilities or a privilege, accommodation or thing that fall within the definition of "rent" in subsection 2 (1); and
 - (b) the amount charged by the landlord for the prescribed services and facilities or the prescribed privilege, accommodation or thing shall not be included in the rent charged to the tenant. 2020, c. 16, Sched. 4, s. 26.

Reduction of rent

(3) If the rent charged to a tenant immediately before the applicable date referred to in subsection (2) includes an amount to which that subsection applies, the landlord shall reduce the rent charged to the tenant in accordance with the prescribed rules. 2020, c. 16, Sched. 4, s. 26.

Application

(4) For greater certainty, this section applies with respect to an agreement referred to in subsection (1) whether the agreement is a tenancy agreement or any other agreement entered into between a landlord and a tenant. 2020, c. 16, Sched. 4, s. 26.

Same

(5) For greater certainty, this section applies with respect to an agreement referred to in subsection (1) even if the agreement was entered into before the day section 26 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force. 2020, c. 16, Sched. 4, s. 26.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 26 - not in force

Entrance and exit fees limited

166 A landlord shall not charge for any of the following matters, except to the extent of the landlord's reasonable out-of-pocket expenses incurred with regard to those matters:

1. The entry of a mobile home into a mobile home park.
2. The exit of a mobile home from a mobile home park.
3. The installation of a mobile home in a mobile home park.
4. The removal of a mobile home from a mobile home park.
5. The testing of water or sewage in a mobile home park. 2006, c. 17, s. 166.

Increased capital expenditures

167 (1) If the Board finds that a capital expenditure is for infrastructure work required to be carried out by the Government of Canada or Ontario or a municipality or an agency of any of them, despite subsection 126 (11), the Board may determine the number of years over which the rent increase justified by that capital expenditure may be taken. 2006, c. 17, s. 167 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 167 (1) of the Act is repealed and the following substituted: (See: 2020, c. 16, Sched. 4, s. 27)

Increased capital expenditures

(1) If, on an application made under section 126 on or after the day section 27 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, the Board finds that a capital expenditure is for infrastructure work, the Board may, despite subsection 126 (11) but in accordance with the prescribed rules,

- (a) determine the number of years over which the rent increase justified by the capital expenditure may be taken; and
- (b) determine the percentage increase justified by the capital expenditure that may be taken in each year described in clause (a). 2020, c. 16, Sched. 4, s. 27.

Same

(1.1) For greater certainty, the number of years determined under clause (1) (a) may be less than, equal to or greater than three. 2020, c. 16, Sched. 4, s. 27.

Same

(1.2) For greater certainty, the percentage increase determined under clause (1) (b) may be less than, equal to or greater than 3 per cent in any given year and need not be the same for each year. 2020, c. 16, Sched. 4, s. 27.

Definition

(2) In this section,

“infrastructure work” means work with respect to roads, water supply, fuel, sewage disposal, drainage, electrical systems and other prescribed services and things provided to the mobile home park. 2006, c. 17, s. 167 (2).

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 27 - not in force

PART XI THE LANDLORD AND TENANT BOARD

Board

168 (1) The Ontario Rental Housing Tribunal is continued under the name Landlord and Tenant Board in English and Commission de la location immobilière in French. 2006, c. 17, s. 168 (1).

Board’s jurisdiction

(2) The Board has exclusive jurisdiction to determine all applications under this Act and with respect to all matters in which jurisdiction is conferred on it by this Act. 2006, c. 17, s. 168 (2).

Composition

169 (1) The members of the Board shall be appointed by the Lieutenant Governor in Council. 2006, c. 17, s. 169 (1).

Remuneration and expenses

(2) The members of the Board who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006* shall be paid the remuneration fixed by the Lieutenant Governor in Council and the reasonable expenses incurred in the course of their duties under this Act, as determined by the Minister. 2006, c. 17, s. 169 (2); 2006, c. 35, Sched. C, s. 118 (1).

Public servant members

(3) Members of the Board may be persons who are employed under Part III of the *Public Service of Ontario Act, 2006*. 2006, c. 17, s. 169 (3); 2006, c. 35, Sched. C, s. 118 (2).

Section Amendments with date in force (d/m/y)

2006, c. 35, Sched. C, s. 118 - 20/08/2007

Chair and vice-chair

170 (1) The Lieutenant Governor in Council shall appoint one member of the Board as Chair and one or more members as vice-chairs. 2006, c. 17, s. 170 (1).

Same

(2) The Chair may designate a vice-chair who shall exercise the powers and perform the duties of the Chair when the Chair is absent or unable to act. 2006, c. 17, s. 170 (2).

Chair, chief executive officer

(3) The Chair shall be the chief executive officer of the Board. 2006, c. 17, s. 170 (3).

Quorum

171 One member of the Board is sufficient to conduct a proceeding under this Act. 2006, c. 17, s. 171.

Conflict of interest

172 The members of the Board shall file with the Board a written declaration of any interests they have in residential rental property or in a non-profit housing co-operative, and shall be required to comply with any conflict of interest guidelines or rules of conduct established by the Chair. 2013, c. 3, s. 33.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 33 - 01/06/2014

Expiry of term

173 Despite section 4.3 of the *Statutory Powers Procedure Act*, if the term of office of a member of the Board who has participated in a hearing expires before a decision is given, the term shall be deemed to continue for four weeks, but only for the purpose of participating in the decision and for no other purpose. 2006, c. 17, s. 173.

Power to determine law and fact

174 The Board has authority to hear and determine all questions of law and fact with respect to all matters within its jurisdiction under this Act. 2006, c. 17, s. 174.

Members, mediators not compellable

175 No member of the Board or person employed as a mediator by the Board shall be compelled to give testimony or produce documents in a civil proceeding with respect to matters that come to his or her knowledge in the course of exercising his or her duties under this Act. 2006, c. 17, s. 175.

Rules and Guidelines Committee

176 (1) The Chair of the Board shall establish a Rules and Guidelines Committee to be composed of the Chair, as Chair of the Committee, and any other members of the Board the Chair may from time to time appoint to the Committee. 2006, c. 17, s. 176 (1).

Committee shall adopt rules

(2) The Committee shall adopt rules of practice and procedure governing the practice and procedure before the Board under the authority of this section and section 25.1 of the *Statutory Powers Procedure Act*. 2006, c. 17, s. 176 (2).

Committee may adopt guidelines

(3) The Committee may adopt non-binding guidelines to assist members in interpreting and applying this Act and the regulations made under it. 2006, c. 17, s. 176 (3).

Means of adoption

(4) The Committee shall adopt the rules and guidelines by simple majority, subject to the right of the Chair to veto the adoption of any rule or guideline. 2006, c. 17, s. 176 (4).

Make public

(5) The Board shall make its rules, guidelines and approved forms available to the public. 2006, c. 17, s. 176 (5).

Information on rights and obligations

177 (1) The Board shall provide information to landlords, tenants, non-profit housing co-operatives and members of non-profit housing co-operatives about their rights and obligations under this Act. 2013, c. 3, s. 34.

Definition

(2) In subsection (1),

“member” has the same meaning as in Part V.1. 2013, c. 3, s. 34.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 34 - 01/06/2014

Employees

178 Such employees as are considered necessary for the proper conduct of the affairs of the Board may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2013, c. 3, s. 35.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 35 - 01/06/2014

Professional assistance

179 The Minister may engage persons other than members of or employees in the Board to provide professional, technical, administrative or other assistance to the Board and may establish the duties and terms of engagement and provide for the payment of the remuneration and expenses of those persons. 2013, c. 3, s. 35.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 35 - 01/06/2014

Reports

180 The Minister may require the Board to provide reports to the Minister in addition to the annual report required by the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*. 2017, c. 34, Sched. 46, s. 50.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 46, s. 50 - 01/01/2018

Board may set, charge fees

181 (1) The Board, subject to the approval of the Minister, may set and charge fees,

- (a) for making an application under this Act or requesting a review of an order under section 21.2 of the *Statutory Powers Procedure Act*;
- (b) for furnishing copies of forms, notices or documents filed with or issued by the Board or otherwise in the possession of the Board; or
- (c) for other services provided by the Board. 2006, c. 17, s. 181 (1).

Same

(2) The Board may treat different kinds of applications differently in setting fees and may base fees on the number of residential units affected by an application. 2006, c. 17, s. 181 (2).

Make fees public

(3) The Board shall ensure that its fee structure is available to the public. 2006, c. 17, s. 181 (3).

Fee waiver or deferral for low-income individuals

181.1 (1) The Board may, in accordance with the Rules, waive or defer all or part of a fee charged under section 181. 2013, c. 3, s. 36.

Purpose

(2) The purpose of subsection (1) is to authorize the Board to waive or defer fees charged under section 181 for low-income individuals in appropriate circumstances. 2013, c. 3, s. 36.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 36 - 01/06/2014

Fee refunded, review

182 A fee paid for requesting a review of an order under section 21.2 of the *Statutory Powers Procedure Act* may be refunded if, on considering the request, the Board varies, suspends or cancels the original order. 2013, c. 3, s. 37.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 37 - 01/06/2014

Money appropriated by Legislature

182.1 The money required for the purposes of the Board shall be paid out of the money appropriated for that purpose by the Legislature. 2013, c. 3, s. 38.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 38 - 01/06/2014

Status of money paid to Board

Revenues paid into CRF

182.2 (1) The revenues of the Board, other than money that is paid to the Board in trust under this Act, shall be paid into the Consolidated Revenue Fund. 2013, c. 3, s. 38.

Trust money to Board paid to Minister

(2) Despite Part I of the *Financial Administration Act*,

- (a) the Board shall pay to the Minister money paid to the Board in trust under this Act; and
- (b) the Minister may maintain in his or her name one or more accounts with an entity referred to in subsection 2 (2) of the *Financial Administration Act*, and place the money paid to the Minister under clause (a) into any of those accounts, subject to the same trusts on which the money was paid to the Board. 2013, c. 3, s. 38.

Payment out of money held in trust

(3) Where money has been paid to the Board in trust and no provision is made for paying it out elsewhere in this Act, it shall be paid out to the person entitled to receive it, together with interest at the prescribed rate. 2013, c. 3, s. 38.

Surplus interest

(4) Interest earned on money paid to the Board in trust that exceeds the interest earned at the prescribed rate vests in the Crown and shall be deposited in the Consolidated Revenue Fund. 2013, c. 3, s. 38.

No liability re interest above prescribed rate

(5) No claim shall be made for or on account of interest earned on money paid to the Board in trust under this Act that exceeds the interest earned on that money at the prescribed rate. 2013, c. 3, s. 38.

Definition

(6) In this section,

“money paid to the Board in trust” does not include fines, fees or costs paid to the Board. 2013, c. 3, s. 38.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 38 - 01/06/2014

Delegation of powers

182.3 (1) Any power conferred on the Minister under section 179 or 182.2 may be delegated by the Minister to the Chair or to a public servant employed under Part III of the *Public Service of Ontario Act, 2006* and, when purporting to exercise a delegated power, the delegate shall be presumed conclusively to act in accordance with the delegation. 2013, c. 3, s. 38.

Subject to conditions, etc.

(2) A delegation under subsection (1) shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it. 2013, c. 3, s. 38.

Subdelegation

(3) In a delegation under subsection (1), the Minister may authorize a person to whom a power is delegated to delegate to others the exercise of the delegated power, subject to such limitations, conditions and requirements as the person may impose. 2013, c. 3, s. 38.

Deeds and contracts

(4) Despite section 6 of the *Executive Council Act*, a deed or contract signed by a person empowered to do so under a delegation or subdelegation made under this section has the same effect as if signed by the Minister. 2013, c. 3, s. 38.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 38 - 01/06/2014

PART XII BOARD PROCEEDINGS

Definitions

182.4 In this Part, “housing charges”, “member” and “regular monthly housing charges” have the same meanings as in Part V.1. 2013, c. 3, s. 39.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 39 - 01/06/2014

Expeditious procedures

183 The Board shall adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter. 2006, c. 17, s. 183.

SPPA applies

184 (1) The *Statutory Powers Procedure Act* applies with respect to all proceedings before the Board. 2006, c. 17, s. 184 (1).

Exception

(2) Subsection 5.1 (2) of the *Statutory Powers Procedure Act* does not apply with respect to an application under section 132 or 133 or an application solely under paragraph 1 of subsection 126 (1). 2006, c. 17, s. 184 (2).

Exception

(3) Subsection 5.1 (3) of the *Statutory Powers Procedure Act* does not apply to an application under section 126, 132 or 133. 2006, c. 17, s. 184 (3).

Form of application

185 (1) An application shall be filed with the Board in the form approved by the Board, shall be accompanied by the prescribed information and shall be signed by the applicant. 2006, c. 17, s. 185 (1).

Application filed by representative

(2) An applicant may give written authorization to sign an application to a person representing the applicant under the authority of the *Law Society Act* and, if the applicant does so, the Board may require such representative to file a copy of the authorization. 2006, c. 17, s. 261 (3).

Section Amendments with date in force (d/m/y)

2006, c. 17, s. 261 (3) - 01/05/2007

Combining applications

186 (1) A tenant may combine several applications into one application. 2006, c. 17, s. 186 (1).

Same

(2) Two or more tenants of a residential complex may together file an application that may be filed by a tenant if each tenant applying in the application signs it. 2006, c. 17, s. 186 (2).

Same

(3) A landlord or a non-profit housing co-operative may combine several applications relating to a given tenant or member into one application, but a landlord may not combine an application for a rent increase with any other application. 2013, c. 3, s. 40.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 40 - 01/06/2014

Parties

187 (1) The parties to an application are the landlord, or the non-profit housing co-operative, and any tenants, or members of the non-profit housing co-operative, or other persons directly affected by the application. 2013, c. 3, s. 41.

Add or remove parties

(2) The Board may add or remove parties as the Board considers appropriate. 2013, c. 3, s. 41.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 41 - 01/06/2014

Notice by Board

188 (1) The Board shall do the following with respect to an application made to the Board:

1. Give the parties other than the applicant a copy of the application within the time set out in the Rules.
2. In such circumstances as may be prescribed, give the prescribed parties such documents or information as may be prescribed. 2011, c. 6, Sched. 3, s. 1.

Exception

(2) This section does not apply with respect to an application that can be made without notice. 2011, c. 6, Sched. 3, s. 1.

Section Amendments with date in force (d/m/y)

2011, c. 6, Sched. 3, s. 1 - 01/07/2015

Notice from applicant

189 (1) Instead of doing what would otherwise be required under paragraph 1 of subsection 188 (1), the Board may, in the circumstances set out in the Rules, order the applicant to give a copy of the application to the other parties. 2011, c. 6, Sched. 3, s. 1.

Same

(2) Despite the *Statutory Powers Procedure Act*, the Board may, in the circumstances set out in the Rules, order the applicant to give a copy of any notice of hearing issued by the Board to the other parties. 2011, c. 6, Sched. 3, s. 1.

Certificate of service

(3) Where an order is made under subsection (1) or (2), the applicant shall, in the circumstances set out in the Rules, file with the Board a certificate of service in the form approved by the Board. 2011, c. 6, Sched. 3, s. 1.

Section Amendments with date in force (d/m/y)

2011, c. 6, Sched. 3, s. 1 - 01/07/2015

Application under s. 87, 88.1, 88.2 or 89

189.0.1 (1) This section applies with respect to an application under subsection 87 (1) or (3), 88.1 (1), 88.2 (1) or 89 (1) if, at the time the application is made, the tenant or former tenant who is a party to the application is no longer in possession of the rental unit. 2020, c. 16, Sched. 4, s. 28.

Notice from applicant

(2) The applicant shall, within the time set out in the Rules, give the tenant or former tenant,

- (a) a copy of the application; and
- (b) a copy of any notice of hearing issued by the Board in respect of the application. 2020, c. 16, Sched. 4, s. 28.

Certificate of service

(3) The applicant shall, in the circumstances set out in the Rules, file with the Board a certificate of service on the tenant or former tenant in the form approved by the Board. 2020, c. 16, Sched. 4, s. 28.

Application

(4) If this section applies with respect to an application,

- (a) paragraph 1 of subsection 188 (1) and section 189 do not apply with respect to the tenant or former tenant; and
- (b) clause (2) (b) applies despite the *Statutory Powers Procedure Act*. 2020, c. 16, Sched. 4, s. 28.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 28 - 01/09/2021

Application under s. 226

189.1 (1) For an application to the Board under section 226 for the review of a work order issued by an inspector appointed by a local municipality, the applicant shall, within the time set out in the Rules, give the local municipality,

- (a) a copy of the application; and
- (b) a copy of any notice of hearing issued by the Board in respect of the application. 2016, c. 25, Sched. 5, s. 3.

Certificate of service

(2) The applicant shall, in the circumstances set out in the Rules, file with the Board a certificate of service on the local municipality in the form approved by the Board. 2016, c. 25, Sched. 5, s. 3.

Application

(3) If the local municipality is a party to the application,

- (a) paragraph 1 of subsection 188 (1) and section 189 do not apply with respect to the local municipality; and
- (b) clause (1) (b) applies despite the *Statutory Powers Procedure Act*. 2016, c. 25, Sched. 5, s. 3.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 3 - 01/07/2018

Board may extend, shorten time

190 (1) The Board may extend or shorten the time requirements related to making an application under section 126, subsection 159 (2) or section 226 in accordance with the Rules. 2006, c. 17, s. 190 (1).

Same

(2) The Board may extend or shorten the time requirements with respect to any matter in its proceedings, other than the prescribed time requirements, in accordance with the Rules. 2006, c. 17, s. 190 (2).

How notice or document given

191 (1) A notice or document is sufficiently given to a person other than the Board,

- (a) by handing it to the person;
- (b) if the person is a landlord, by handing it to an employee of the landlord exercising authority in respect of the residential complex to which the notice or document relates;
- (c) if the person is a tenant, subtenant or occupant, by handing it to an apparently adult person in the rental unit;
- (d) by leaving it in the mail box where mail is ordinarily delivered to the person;
- (e) if there is no mail box, by leaving it at the place where mail is ordinarily delivered to the person;
- (f) by sending it by mail to the last known address where the person resides or carries on business; or
- (g) by any other means allowed in the Rules. 2006, c. 17, s. 191 (1).

Same, tenant or former tenant no longer in possession

(1.0.1) Despite subsection (1), a notice or document is sufficiently given to a tenant or former tenant who is no longer in possession of a rental unit,

- (a) by handing it to the tenant or former tenant;
- (b) by sending it by mail to the address where the tenant or former tenant resides;
- (c) by handing it to an apparently adult person where the tenant or former tenant resides; or
- (d) by any other means allowed in the Rules. 2020, c. 16, Sched. 4, s. 29.

Same, Part V.1

(1.1) Despite subsection (1), for the purposes of Part V.1, a notice or document is sufficiently given to a person other than the Board,

- (a) by handing it to the person;
- (b) by handing it to an apparently adult person in the member unit;
- (c) by leaving it in the mail box where mail is ordinarily delivered to the person;
- (d) if there is no mail box, by sliding it under the door of the member unit or through a mail slot in the door or leaving it at the place where mail is ordinarily delivered to the person;
- (e) by sending it by mail to the last known address where the person resides or carries on business;
- (f) if the person is a non-profit housing co-operative,
 - (i) by delivering it personally or sending it by mail to,
 - (A) the head office of the co-operative as shown on the records of the Ministry of Finance, or
 - (B) the co-operative's business office, or
 - (ii) by handing it to a manager or co-ordinator of the co-operative exercising authority in respect of the residential complex, as defined in Part V.1, to which the notice or document relates; or
- (g) by any other means allowed in the Rules. 2013, c. 3, s. 42.

When notice deemed valid

(2) A notice or document that is not given in accordance with this section shall be deemed to have been validly given if it is proven that its contents actually came to the attention of the person for whom it was intended within the required time period. 2006, c. 17, s. 191 (2).

Mail

(3) A notice or document given by mail shall be deemed to have been given on the fifth day after mailing. 2006, c. 17, s. 191 (3).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 42 - 01/06/2014

2020, c. 16, Sched. 4, s. 29 - 01/09/2021

How notice or document given to Board

192 (1) A notice or document is sufficiently given to the Board,

- (a) by hand delivering it to the Board at the appropriate office as set out in the Rules;
- (b) by sending it by mail to the appropriate office as set out in the Rules; or
- (c) by any other means allowed in the Rules. 2006, c. 17, s. 192 (1).

Same

(2) A notice or document given to the Board by mail shall be deemed to have been given on the earlier of the fifth day after mailing and the day on which the notice or the document was actually received. 2006, c. 17, s. 192 (2).

Alternatives to affidavits

192.1 Where a provision of this Act requires an affidavit from a person with respect to a specified statement or specified information, the Rules may,

- (a) authorize the use of another document, which may be unsworn, from that person with respect to that specified statement or specified information; and
- (b) require that the document may be used only if it is provided to the Board in accordance with the Rules. 2017, c. 13, s. 27.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 27 - 30/05/2017

Time

193 Time shall be computed in accordance with the Rules. 2006, c. 17, s. 193.

Mediation or other dispute resolution process

194 (1) The Board may attempt to settle through mediation or another dispute resolution process any matter that is the subject of an application or agreed upon by the parties. 2020, c. 16, Sched. 4, s. 30 (1).

Settlement may override Act

(2) Despite subsection 3 (1) and subject to subsection (3), a settlement agreed to under this section may contain provisions that contravene any provision under this Act. 2006, c. 17, s. 194 (2); 2020, c. 16, Sched. 4, s. 30 (2).

Restriction

(3) The largest rent increase that can be agreed to under this section for a rental unit that is not a mobile home or a land lease home or a site for either is equal to the sum of the guideline and 3 per cent of the previous year's lawful rent. 2006, c. 17, s. 194 (3); 2020, c. 16, Sched. 4, s. 30 (3).

Settlement

(4) If some or all of the issues with respect to an application are settled under this section, the Board shall dispose of the application in accordance with the Rules. 2020, c. 16, Sched. 4, s. 30 (4).

Hearing

(5) If there is no settlement, the Board shall hold a hearing. 2006, c. 17, s. 194 (5); 2020, c. 16, Sched. 4, s. 30 (5).

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 30 (1-5) - 21/07/2020

Money paid to Board

195 (1) Where the Board considers it appropriate to do so, the Board may, subject to the regulations,

- (a) require a respondent to pay a specified sum into the Board within a specified time; or
- (b) permit a tenant who is making an application for an order under paragraph 1 of subsection 29 (1) to pay all or part of the rent for the tenant's rental unit into the Board. 2006, c. 17, s. 195 (1).

Rules re money paid

(2) The Board may establish procedures in the Rules for the payment of money into and out of the Board. 2006, c. 17, s. 195 (2).

No payment after final order

(3) The Board shall not, under subsection (1), authorize or require payments into the Board after the Board has made its final order in the application. 2006, c. 17, s. 195 (3).

Effect of failure to pay under cl. (1) (a)

(4) If a respondent is required to pay a specified sum into the Board within a specified time under clause (1) (a) and fails to do so, the Board may refuse to consider the evidence and submissions of the respondent. 2006, c. 17, s. 195 (4).

Effect of payment under cl. (1) (b)

(5) Payment by a tenant under clause (1) (b) shall be deemed not to constitute a default in the payment of rent due under a tenancy agreement or a default in the tenant's obligations for the purposes of this Act. 2006, c. 17, s. 195 (5).

Board may refuse to proceed if money owing

196 (1) Upon receiving information that an applicant owes money to the Board as a result of having failed to pay any fine, fee or costs,

- (a) if the information is received on or before the day the applicant submits an application, an employee in the Board shall, in such circumstances as may be specified in the Rules, refuse to allow the application to be filed;
- (b) if the information is received after the application has been filed but before a hearing is held, the Board shall stay the proceeding until the fee, fine or costs have been paid and may discontinue the application in such circumstances as may be specified in the Rules;
- (c) if the information is received after a hearing with respect to the application has begun, the Board shall not issue an order until the fine, fee or costs have been paid and may discontinue the application in such circumstances as may be specified in the Rules. 2006, c. 17, s. 196 (1); 2013, c. 3, s. 43 (1).

Definition

(2) In subsection (1),

“fine, fee or costs” does not include money that is paid in trust to the Board pursuant to an order of the Board and that may be paid out to any party when the application is disposed of. 2013, c. 3, s. 43 (2).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 43 - 01/06/2014

Where Board may dismiss

197 (1) The Board may dismiss an application without holding a hearing or refuse to allow an application to be filed if, in the opinion of the Board, the matter is frivolous or vexatious, has not been initiated in good faith or discloses no reasonable cause of action. 2006, c. 17, s. 197 (1).

Same

(2) The Board may dismiss a proceeding without holding a hearing if the Board finds that the applicant filed documents that the applicant knew or ought to have known contained false or misleading information. 2006, c. 17, s. 197 (2).

Joinder and severance of applications

Applications joined

198 (1) Despite the *Statutory Powers Procedure Act*, the Board may direct that two or more applications be joined or heard together if the Board believes it would be fair to determine the issues raised by them together. 2006, c. 17, s. 198 (1).

Applications severed

(2) The Board may order that applications that have been joined be severed or that applications that had been ordered to be heard together be heard separately. 2006, c. 17, s. 198 (2).

Application severed

199 The Board may order that an application be severed and each severed part dealt with as though it were a separate application under this Act if,

- (a) two or more applications are combined under section 186 in the application;
- (b) the application is made by more than one tenant under subsection 186 (2); or

- (c) the Board believes it would be appropriate to deal separately with different matters included in the application. 2006, c. 17, s. 199.

Amendment and withdrawal of applications

Amend application

200 (1) An applicant may amend an application to the Board in accordance with the Rules. 2006, c. 17, s. 200 (1).

Withdraw application

(2) Subject to subsection (3), an applicant may withdraw an application at any time before the hearing begins. 2006, c. 17, s. 200 (2).

Same, harassment

(3) An applicant may withdraw an application under paragraph 4 of subsection 29 (1) only with the consent of the Board. 2006, c. 17, s. 200 (3).

Same

(4) An applicant may withdraw an application after the hearing begins with the consent of the Board. 2006, c. 17, s. 200 (4).

Other powers of Board

201 (1) The Board may, before, during or after a hearing,

- (a) conduct any inquiry it considers necessary or authorize an employee in the Board to do so;
- (b) request an employee in the Board to conduct any inspection it considers necessary;
- (c) question any person, by telephone or otherwise, concerning the dispute or authorize an employee in the Board to do so;
- (d) permit or direct a party to file additional evidence with the Board which the Board considers necessary to make its decision;
- (e) view premises that are the subject of the hearing; or
- (f) on its own motion and on notice to the parties, amend an application if the Board considers it appropriate to do so and if amending the application would not be unfair to any party. 2006, c. 17, s. 201 (1); 2013, c. 3, s. 44; 2016, c. 25, Sched. 5, s. 4.

Same

(2) In making its determination, the Board may consider any relevant information obtained by the Board in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it. 2006, c. 17, s. 201 (2).

Same

(3) If a party fails to comply with a direction under clause (1) (d), the Board may,

- (a) refuse to consider the party's submissions and evidence respecting the matter regarding which there was a failure to comply; or
- (b) if the party who has failed to comply is the applicant, dismiss all or part of the application. 2006, c. 17, s. 201 (3).

Parties may view premises with Board

(4) If the Board intends to view premises under clause (1) (e), the Board shall give the parties an opportunity to view the premises with the Board. 2006, c. 17, s. 201 (4).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 44 - 01/06/2014

2016, c. 25, Sched. 5, s. 4 - 01/07/2018

Findings of Board

202 (1) In making findings on an application, the Board shall ascertain the real substance of all transactions and activities relating to a residential complex or a rental unit and the good faith of the participants and in doing so,

- (a) may disregard the outward form of a transaction or the separate corporate existence of participants; and
- (b) may have regard to the pattern of activities relating to the residential complex or the rental unit. 2006, c. 17, s. 202.

Exception

(2) Subsection (1) does not apply to an application made under Part V.1. 2013, c. 3, s. 45.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 45 - 01/06/2014

Determinations related to housing assistance

203 The Board shall not make determinations or review decisions concerning,

- (a) eligibility for rent-geared-to-income assistance as defined in section 38 of the *Housing Services Act, 2011* or the amount of geared-to-income rent payable under that Act; or
- (b) eligibility for, or the amount of, any prescribed form of housing assistance. 2006, c. 17, s. 203; 2011, c. 6, Sched. 1, s. 188 (3).

Section Amendments with date in force (d/m/y)

2011, c. 6, Sched. 1, s. 188 (3) - 01/01/2012

Determinations related to non-profit housing co-operative housing charges

203.1 The Board shall not make determinations or review decisions in respect of non-profit housing co-operatives concerning,

- (a) housing charges that have been established by a resolution of the members of a non-profit housing co-operative or, where authorized by the by-laws of the co-operative, by the board of directors of the co-operative;
- (b) eligibility for, or the amount of, any subsidy established for the regular monthly housing charges; or
- (c) eligibility for, or the amount of, any subsidy awarded to a member. 2013, c. 3, s. 46.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 46 - 01/06/2014

Conditions in order

204 (1) The Board may include in an order whatever conditions it considers fair in the circumstances. 2006, c. 17, s. 204 (1).

Order re costs

(2) The Board may order a party to an application to pay the costs of another party. 2006, c. 17, s. 204 (2).

Same

(3) The Board may order that its costs of a proceeding be paid by a party or the party's paid representative. 2006, c. 17, s. 204 (3); 2006, c. 17, s. 261 (4).

Same

(4) The amount of an order for costs shall be determined in accordance with the Rules. 2006, c. 17, s. 204 (4).

Same

(5) Subsections (2) to (4) apply despite section 17.1 of the *Statutory Powers Procedure Act*. 2006, c. 17, s. 204 (5).

Section Amendments with date in force (d/m/y)

2006, c. 17, s. 261 (4) - 01/05/2007

Order payment

205 (1) The Board may include in an order one of the following provisions:

1. "The landlord or the tenant shall pay to the other any sum of money that is owed as a result of this order."
2. "The non-profit housing co-operative or the member shall pay to the other any sum of money that is owed as a result of this order." 2013, c. 3, s. 47.

Payment of order by instalments

(2) If the Board makes an order for a rent increase above the guideline and the order is made three months or more after the first effective date of a rent increase in the order, the Board may provide in the order that if a tenant owes any sum of money to the landlord as a result of the order, the tenant may pay the landlord the amount owing in monthly instalments. 2006, c. 17, s. 205 (2).

Same

(3) If an order made under subsection (2) permits a tenant to pay the amount owing by instalments, the tenant may do so even if the tenancy is terminated. 2006, c. 17, s. 205 (3).

Same

(4) An order providing for monthly instalments shall not provide for more than 12 monthly instalments. 2006, c. 17, s. 205 (4).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 47 - 01/06/2014

Agreement to settle matter

206 (1) Where a landlord has made an application under section 69 for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 59 or an application for payment of arrears of rent, or both, the Board may make an order including terms of payment without holding a hearing if,

- (a) the parties have reached a written agreement resolving the subject-matter of the application;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 206 (1) of the Act is amended by adding the following clause: (See: 2023, c. 10, Sched. 7, s. 8)

- (a.1) the agreement is in the form approved by the Board;

- (b) the agreement has been signed by all parties; and

- (c) the agreement is filed with the Board before the hearing has commenced. 2006, c. 17, s. 206 (1).

Contents of order

(2) In an order under subsection (1), the Board may, based on the agreement reached by the parties, order,

- (a) payment of any arrears and NSF cheque charges or related administration charges that are owing;

- (b) payment of the fee paid by the landlord for the application to the Board; and

- (c) payment of any rent that becomes due during the period in which the arrears are required to be paid. 2006, c. 17, s. 206 (2).

Restriction

(3) In an order under subsection (1) issued on or after the day subsection 31 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, the Board shall not order that the tenancy be terminated. 2020, c. 16, Sched. 4, s. 31 (1).

Application under s. 78

(3.1) In an order under subsection (1) issued on or after the day subsection 31 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, the Board may include a provision allowing a landlord to make an application under section 78 if the tenant fails to comply with one or more of the terms of the order. 2020, c. 16, Sched. 4, s. 31 (1).

Request by landlord

(4) A landlord may file a request to reopen the application if the tenant fails to comply with the terms of the order and shall, in the request, indicate which terms were not complied with and the manner in which the tenant failed to meet the terms of the order. 2006, c. 17, s. 206 (4).

Request by landlord or tenant

(5) A landlord or tenant may file a request to reopen the application within 30 days after the order was made on the basis that the other party coerced them or deliberately made false or misleading representations which had a material effect on the agreement and the order issued under subsection (1). 2006, c. 17, s. 206 (5).

Request under subs. (4) or (5)

(5.1) A landlord may file a request to reopen the application under subsection (4) or (5) even if the order includes a provision described in subsection (3.1). 2020, c. 16, Sched. 4, s. 31 (2).

Timing

(6) A request under subsection (4) shall not be made later than 30 days after a failure of the tenant to meet a term of the order. 2006, c. 17, s. 206 (6).

Copy of request, notice of hearing

(7) The party filing the request must give the other parties to the application a copy of the request to reopen the application and the notice of hearing within the time set out in the Rules. 2006, c. 17, s. 206 (7).

Condition

(8) If a request to reopen is made under subsection (4), the Board shall not proceed to hear the merits of the application unless the Board is satisfied that the tenant failed to comply with a term of the order. 2006, c. 17, s. 206 (8).

Same

(9) If a request to reopen is made under subsection (5), the Board shall not proceed to hear the merits of the application unless the Board is satisfied that there was coercion or deliberate false or misleading representations which had a material effect on the agreement and the order issued under subsection (1). 2006, c. 17, s. 206 (9).

Application to non-profit housing co-operatives

(10) Where a non-profit housing co-operative has made an application under section 94.7 for an order terminating the occupancy of a member unit and evicting the member based on a notice of termination under paragraph 3 of subsection 94.2 (1) or has made that application and has also applied at the same time for payment of arrears of regular monthly housing charges, the Board may make an order including terms of payment without holding a hearing if,

- (a) the parties have reached a written agreement resolving the subject matter of the application;
- (b) the agreement has been signed by all parties; and
- (c) the agreement is filed with the Board before the hearing has commenced. 2013, c. 3, s. 48.

Same

(11) Subsections (2) to (9) apply with necessary modifications to an application under subsection (10) and for that purpose,

- (a) “tenant” shall be read as “member”;
- (b) “landlord” shall be read as “non-profit housing co-operative”;
- (c) “tenancy” shall be read as “occupancy” and “a tenancy” shall be read as “an occupancy”;
- (d) “rent” shall be read as “the regular monthly housing charges”; and
- (e) “section 78” shall be read as “section 94.11”. 2013, c. 3, s. 48.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 48 - 01/06/2014

2020, c. 16, Sched. 4, s. 31 (1, 2) - 21/07/2020

2023, c. 10, Sched. 7, s. 8 - not in force

Hearing officers

206.1 (1) The Board may designate one or more employees in the Board as hearing officers for the purposes of this section to exercise the powers and duties of the Board as its delegate. 2011, c. 6, Sched. 3, s. 2; 2013, c. 3, s. 49.

Powers of hearing officer

(2) Subject to any restrictions in the regulations, a hearing officer may do the following with respect to an application described in subsection (3):

1. Hold a hearing.
2. Make an order that the Board could make, including an order made other than in connection with a hearing. 2011, c. 6, Sched. 3, s. 2.

Applications

(3) The applications with respect to which subsection (2) applies are the following:

1. An application for which the respondent does not appear at the time scheduled for the hearing.
2. An application specified in the Rules. 2011, c. 6, Sched. 3, s. 2.

Order of Board

(4) An order made by a hearing officer under paragraph 2 of subsection (2) is an order of the Board for the purposes of this Act. 2011, c. 6, Sched. 3, s. 2.

Section Amendments with date in force (d/m/y)

2011, c. 6, Sched. 3, s. 2 - 4/05/2011

2013, c. 3, s. 49 - 01/06/2014

Monetary jurisdiction; deduction of rent; interest

Monetary jurisdiction of Board

207 (1) The Board may, where it otherwise has the jurisdiction, order the payment to any given person of an amount of money up to the greater of \$10,000 and the monetary jurisdiction of the Small Claims Court. 2006, c. 17, s. 207 (1).

Same

(2) A person entitled to apply under this Act but whose claim exceeds the Board's monetary jurisdiction may commence a proceeding in any court of competent jurisdiction for an order requiring the payment of that sum and, if such a proceeding is commenced, the court may exercise any powers that the Board could have exercised if the proceeding had been before the Board and within its monetary jurisdiction. 2006, c. 17, s. 207 (2).

Same

(3) If a party makes a claim in an application for payment of a sum equal to or less than the Board's monetary jurisdiction, all rights of the party in excess of the Board's monetary jurisdiction are extinguished once the Board issues its order. 2006, c. 17, s. 207 (3).

Minimum amount

(4) The Board shall not make an order for the payment of an amount of money if the amount is less than the prescribed amount. 2006, c. 17, s. 207 (4).

Order may provide deduction from rent or regular monthly housing charges

(5) If a landlord or non-profit housing co-operative is ordered to pay a sum of money to a person who is a tenant of the landlord or a member of the co-operative at the time of the order, the order may provide that if the landlord or co-operative fails to pay the amount owing, the tenant or member may recover that amount plus interest by deducting a specified sum from the tenant's rent or the member's regular monthly housing charges paid to the landlord or co-operative for a specified number of rental periods or, in the case of a member, months. 2013, c. 3, s. 50 (1).

Same

(6) Nothing in subsection (5) limits the right of the tenant or member to collect at any time the full amount owing or any balance outstanding under the order. 2013, c. 3, s. 50 (1).

Post-judgment interest

(7) The Board may set a date on which payment of money ordered by the Board must be made and interest shall accrue on money owing only after that date at the post-judgment interest rate under section 127 of the *Courts of Justice Act*. 2006, c. 17, s. 207 (7).

Definition — "member"

(8) In subsections (5) and (6),

"member" means a member as defined in the *Co-operative Corporations Act*. 2013, c. 3, s. 50 (2).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 50 - 01/06/2014

Notice of decision

208 (1) The Board shall send each party who participated in the proceeding, or the person who represented the party, a copy of its order, including the reasons if any have been given, in accordance with section 191. 2006, c. 17, s. 208 (1); 2006, c. 17, s. 261 (5).

Same

(2) Section 18 of the *Statutory Powers Procedure Act* does not apply to proceedings under this Act. 2006, c. 17, s. 208 (2).

Section Amendments with date in force (d/m/y)

2006, c. 17, s. 261 (5) - 01/05/2007

Order final, binding

209 (1) Except where this Act provides otherwise, and subject to section 21.2 of the *Statutory Powers Procedure Act*, an order of the Board is final and binding. 2006, c. 17, s. 209 (1).

Power to review

(2) Without limiting the generality of section 21.2 of the *Statutory Powers Procedure Act*, the Board's power to review a decision or order under that section may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. 2006, c. 17, s. 209 (2).

Appeal rights

210 (1) Any person affected by an order of the Board may appeal the order to the Divisional Court within 30 days after being given the order, but only on a question of law. 2006, c. 17, s. 210 (1).

Board to receive notice

(2) A person appealing an order under this section shall give to the Board any documents relating to the appeal. 2006, c. 17, s. 210 (2).

Board may be heard by counsel

(3) The Board is entitled to be heard by counsel or otherwise upon the argument on any issue in an appeal. 2006, c. 17, s. 210 (3).

Powers of Court

(4) If an appeal is brought under this section, the Divisional Court shall hear and determine the appeal and may,

- (a) affirm, rescind, amend or replace the decision or order; or
- (b) remit the matter to the Board with the opinion of the Divisional Court. 2006, c. 17, s. 210 (4).

Same

(5) The Divisional Court may also make any other order in relation to the matter that it considers proper and may make any order with respect to costs that it considers proper. 2006, c. 17, s. 210 (5).

Board may appeal Court decision

211 The Board is entitled to appeal a decision of the Divisional Court on an appeal of a Board order as if the Board were a party to the appeal. 2006, c. 17, s. 211.

Substantial compliance sufficient

212 Substantial compliance with this Act respecting the contents of forms, notices or documents is sufficient. 2006, c. 17, s. 212.

Electronic documents

213 Any document referred to in this Act and specified in the regulations or in the Rules may be created, signed, filed, provided, issued, sent, received, stored, transferred, retained or otherwise dealt with electronically if it is done in accordance with the regulations or the Rules. 2006, c. 17, s. 213.

Contingency fees, limitation

214 (1) No agent who represents a landlord, tenant, non-profit housing co-operative or member of a non-profit housing co-operative in a proceeding under this Act or who assists a landlord, tenant, non-profit housing co-operative or member of a non-profit housing co-operative in a matter arising under this Act shall charge or take a fee based on a proportion of any amount which has been or may be recovered, gained or saved, in whole or in part, through the efforts of the agent, where the proportion exceeds the prescribed amount. 2013, c. 3, s. 51.

Same

(2) An agreement that provides for a fee prohibited by subsection (1) is void. 2006, c. 17, s. 214 (2).

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 51 - 01/06/2014

**PART XIII
MUNICIPAL VITAL SERVICES BY-LAWS**

Definition

215 In this Part,

“vital services by-law” means a by-law passed under section 216. 2006, c. 17, s. 215.

By-laws respecting vital services

216 (1) The council of a local municipality may pass by-laws,

- (a) requiring every landlord to provide adequate and suitable vital services to each of the landlord’s rental units;
- (b) prohibiting a supplier from ceasing to provide the vital service until a notice has been given under subsection 217 (1);
- (c) requiring a supplier to promptly restore the vital service when directed to do so by an official named in the by-law;

- (d) prohibiting a person from hindering, obstructing or interfering with or attempting to hinder, obstruct or interfere with the official or person referred to in subsection 218 (1) in the exercise of a power or performance of a duty under this section or sections 217 to 223;
- (e) providing that a person who contravenes or fails to comply with a vital services by-law is guilty of an offence for each day or part of a day on which the offence occurs or continues;
- (f) providing that every director or officer of a corporation that is convicted of an offence who knowingly concurs in the commission of the offence is guilty of an offence;
- (g) authorizing an official named in the by-law to enter into agreements on behalf of the local municipality with suppliers of vital services to ensure that adequate and suitable vital services are provided for rental units. 2006, c. 17, s. 216 (1).

Exception

(2) A vital services by-law does not apply to a landlord with respect to a rental unit to the extent that the tenant has expressly agreed to obtain and maintain the vital services. 2006, c. 17, s. 216 (2).

Contents of vital services by-law

- (3) A vital services by-law may,
- (a) classify buildings or parts of buildings for the purposes of the by-law and designate the classes to which it applies;
 - (b) designate areas of the local municipality in which the by-law applies;
 - (c) establish standards for the provision of adequate and suitable vital services;
 - (d) prohibit a landlord from ceasing to provide a vital service for a rental unit except when necessary to alter or repair the rental unit and only for the minimum period necessary to effect the alteration or repair;
 - (e) provide that a landlord shall be deemed to have caused the cessation of a vital service for a rental unit if the landlord is obligated to pay the supplier for the vital service and fails to do so and, as a result of the non-payment, the vital service is no longer provided for the rental unit. 2006, c. 17, s. 216 (3).

Notice by supplier

217 (1) A supplier shall give notice of an intended discontinuance of a vital service only if the vital service is to be discontinued for the rental unit because the landlord has breached a contract with the supplier for the supply of the vital service. 2006, c. 17, s. 217 (1).

Same

(2) The notice shall be given in writing to the clerk of the local municipality at least 30 days before the supplier ceases to provide the vital service. 2006, c. 17, s. 217 (2).

Inspection

218 (1) An official named in a vital services by-law or a person acting under his or her instructions may, at all reasonable times, enter and inspect a building or part of a building with respect to which the by-law applies for the purpose of determining compliance with the by-law or a direction given under subsection 221 (1). 2006, c. 17, s. 218 (1).

Same

- (2) Despite subsection (1), the official or person shall not enter a rental unit,
- (a) unless he or she has obtained the consent of the occupier of the rental unit after informing him or her that he or she may refuse permission to enter the unit; or
 - (b) unless he or she is authorized to do so by a warrant issued under section 231. 2006, c. 17, s. 218 (2).

Services by municipality

219 (1) If a landlord does not provide a vital service for a rental unit in accordance with a vital services by-law, the local municipality may arrange for the service to be provided. 2006, c. 17, s. 219 (1).

Lien

(2) The amount spent by the local municipality under subsection (1) plus an administrative fee of 10 per cent of that amount shall, on registration of a notice of lien in the appropriate land registry office, be a lien in favour of the local municipality against the property at which the vital service is provided. 2006, c. 17, s. 219 (2).

No special lien

(3) Subsection 349 (3) of the Municipal Act, 2001 and subsection 314 (3) of the City of Toronto Act, 2006 do not apply with respect to the amount spent and the fee, and no special lien is created under either subsection. 2006, c. 32, Sched. C, s. 56 (4).

Certificate

(4) The certificate of the clerk of the local municipality as to the amount spent is proof, in the absence of evidence to the contrary, of the amount. 2006, c. 17, s. 219 (4).

Interim certificate

(5) Before issuing a certificate referred to in subsection (4), the clerk shall send an interim certificate by registered mail to the registered owner of the property that is subject to the lien and to all mortgagees or other encumbrancers registered on title. 2006, c. 17, s. 219 (5).

Section Amendments with date in force (d/m/y)

2006, c. 32, Sched. C, s. 56 (4) - 31/01/2007

Appeal

220 An affected owner, mortgagee or other encumbrancer may, within 15 days after the interim certificate is mailed, appeal the amount shown on it to the council of the local municipality. 2006, c. 17, s. 220.

Payments transferred

221 (1) If the local municipality has arranged for a vital service to be provided to a rental unit, an official named in the vital services by-law may direct a tenant to pay any or all of the rent for the rental unit to the local municipality. 2006, c. 17, s. 221 (1).

Effect of payment

(2) Payment by a tenant under subsection (1) shall be deemed not to constitute a default in the payment of rent due under a tenancy agreement or a default in the tenant's obligations for the purposes of this Act. 2006, c. 17, s. 221 (2).

Use of money

222 (1) The local municipality shall apply the rent received from a tenant to reduce the amount that it spent to provide the vital service and the related administrative fee. 2006, c. 17, s. 222 (1).

Accounting and payment of balance

(2) The local municipality shall provide the person otherwise entitled to receive the rent with an accounting of the rents received for each individual rental unit and shall pay to that person any amount remaining after the rent is applied in accordance with subsection (1). 2006, c. 17, s. 222 (2).

Immunity

223 (1) No proceeding for damages or otherwise shall be commenced against an official or a person acting under his or her instructions or against an employee or agent of a local municipality for any act done in good faith in the performance or intended performance of a duty or authority under any of sections 215 to 222 or under a by-law passed under section 216 or for any alleged neglect or default in the performance in good faith of the duty or authority. 2006, c. 17, s. 223 (1).

Same

(2) Subsection (1) does not relieve a local municipality of liability to which it would otherwise be subject. 2006, c. 17, s. 223 (2).

PART XIV MAINTENANCE STANDARDS

Application of prescribed standards

Local municipalities

224 (1) The prescribed maintenance standards apply to a residential complex located in a local municipality and the rental units located in the residential complex if,

- (a) there is no municipal property standards by-law that applies to the residential complex; or
- (b) there is a municipal property standards by-law that applies to the residential complex and the prescribed circumstances apply. 2016, c. 25, Sched. 5, s. 5.

Unorganized territory

(2) The prescribed maintenance standards apply to a residential complex located in unorganized territory and the rental units located in the residential complex, but only for the purposes of a landlord's obligations under subsection 20 (1) with respect to maintenance standards. 2016, c. 25, Sched. 5, s. 5.

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (8) - 15/12/2009

2016, c. 25, Sched. 5, s. 5 - 01/07/2018

Local municipality to receive complaints

224.1 (1) If the prescribed maintenance standards apply to a residential complex located in a local municipality, the local municipality in which the residential complex is located shall receive any written complaint from a current tenant of a rental unit located in the residential complex respecting the standard of maintenance that prevails with respect to the rental unit or the residential complex. 2016, c. 25, Sched. 5, s. 5.

Complaints to be investigated

(2) Upon receiving a complaint under this section, the local municipality shall cause an inspector to make whatever inspection the local municipality considers necessary to determine whether the landlord has complied with the prescribed maintenance standards. 2016, c. 25, Sched. 5, s. 5.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 5 - 01/07/2018

Inspector's work order

225 (1) If an inspector is satisfied that the landlord of a residential complex has not complied with a prescribed maintenance standard that applies to the residential complex, the inspector may make and give to the landlord a work order requiring the landlord to comply with the prescribed maintenance standard. 2006, c. 17, s. 225 (1).

Same

(2) The inspector shall set out in the order,

- (a) the municipal address or legal description of the residential complex;
- (b) reasonable particulars of the work to be performed;
- (c) the period within which there must be compliance with the terms of the work order; and
- (d) the time limit for applying under section 226 to the Board for a review of the work order. 2006, c. 17, s. 225 (2).

Review of work order

226 (1) If a landlord who has received an inspector's work order is not satisfied with its terms, the landlord may, within 20 days after the day the order is issued, apply to the Board for a review of the work order. 2006, c. 17, s. 226 (1).

Order

(2) On an application under subsection (1), the Board may, by order,

- (a) confirm or vary the inspector's work order;
- (b) rescind the work order, if it finds that the landlord has complied with it; or
- (c) quash the work order. 2006, c. 17, s. 226 (2).

Inspectors

226.1 A local municipality may appoint inspectors for the purposes of sections 224.1 and 225. 2016, c. 25, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 6 - 01/07/2018

Duties of local municipality

226.2 A local municipality shall,

- (a) monitor compliance with the prescribed maintenance standards as they apply to residential complexes located in the local municipality;
- (b) investigate an alleged offence,
 - (i) under clause 234 (t) that is a failure to comply with a work order issued by an inspector appointed by the local municipality,
 - (ii) under clause 234 (u) that is the obstruction of, or interference with, an inspector appointed by the local municipality who is exercising a power of entry under section 230 or 231, and
 - (iii) under clause 234 (v) that is the furnishing of false or misleading information in any material provided to an inspector appointed by the local municipality; and
- (c) where the circumstances warrant, commence or cause to be commenced proceedings with respect to an alleged offence described in clause (b). 2016, c. 25, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 6 - 01/07/2018

Protection from personal liability

226.3 (1) No proceeding for damages shall be commenced against an inspector appointed by a local municipality under section 226.1 or an employee or agent of a local municipality for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Part or section 230 or 231 or for any neglect or default in the performance or exercise in good faith of such a duty or power. 2016, c. 25, Sched. 5, s. 6.

Liability of local municipality

(2) Subsection (1) does not relieve a local municipality of any liability to which it would otherwise be subject. 2016, c. 25, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 6 - 01/07/2018

Transition, complaints received before commencement date

226.4 (1) Sections 224 to 226, 227, 229 and 230, and paragraph 74 of subsection 241 (1), as they read immediately before the commencement date, and the regulations made under paragraph 74, as they read immediately before that date, continue to apply for the following purposes with respect to a complaint that was received by the Minister under section 224 before that date:

1. Investigating the complaint and issuing a work order with respect to it.
2. Ensuring compliance with a work order issued with respect to the complaint before, on or after the commencement date.
3. Making, continuing or finally disposing of an application under section 226 for the review of a work order issued with respect to the complaint before, on or after the commencement date.
4. Charging a municipality for the cost associated with an inspection related to the complaint and, if applicable, issuing a notice of payment due and filing the notice in the Superior Court of Justice.
5. Investigating, and commencing or causing to be commenced proceedings with respect to, an alleged offence under clause 234 (t), (u) or (v) that occurred before, on or after the commencement date, other than an offence described in clause 226.2 (b). 2016, c. 25, Sched. 5, s. 6.

Definition

(2) In this section,

“commencement date” means the day section 5 of Schedule 5 to the *Promoting Affordable Housing Act, 2016* comes into force. 2016, c. 25, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 6 - 01/07/2018

PART XV ADMINISTRATION AND ENFORCEMENT

Duties of Minister

227 Except for section 224 and except as otherwise provided in sections 224.1 and 226.2, the Minister shall,

- (a) monitor compliance with this Act;
- (b) investigate cases of alleged failure to comply with this Act; and
- (c) where the circumstances warrant, commence or cause to be commenced proceedings with respect to alleged failures to comply with this Act. 2006, c. 17, s. 227; 2016, c. 25, Sched. 5, s. 7.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 7 - 01/07/2018

Delegation

228 The Minister may in writing delegate to any person any power or duty vested in the Minister under this Act, subject to the conditions set out in the delegation. 2006, c. 17, s. 228.

Investigators

229 The Minister may appoint investigators for the purpose of investigating alleged offences under this Act, other than alleged offences described in clause 226.2 (b). 2016, c. 25, Sched. 5, s. 8.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 8 - 01/07/2018

Inspections by municipal inspectors

230 (1) Subject to subsection (6), an inspector appointed by a local municipality under section 226.1 may, at all reasonable times and upon producing proper identification, enter any property for the purpose of carrying out his or her duty under Part XIV and may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection;
- (d) be accompanied by a person who has special or expert knowledge in relation to the subject-matter of the inspection;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the landlord to take and supply at the landlord's expense such tests and samples as are specified in the order. 2006, c. 17, s. 230 (1); 2016, c. 25, Sched. 5, s. 9.

Samples

(2) The inspector shall divide the sample taken under clause (1) (e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 2006, c. 17, s. 230 (2).

Same

(3) If an inspector takes a sample under clause (1) (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 2006, c. 17, s. 230 (3).

Receipt

(4) An inspector shall provide a receipt for any documents or things removed under clause (1) (b) and shall promptly return them after the copies or extracts are made. 2006, c. 17, s. 230 (4).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 2006, c. 17, s. 230 (5).

Where warrant required

(6) Except under the authority of a warrant issued under section 231, an inspector shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant. 2006, c. 17, s. 230 (6).

Not applicable to non-profit housing co-operatives

(7) This section does not authorize an inspection in respect of the rights and duties of non-profit housing co-operatives or members of non-profit housing co-operatives. 2013, c. 3, s. 52.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 52 - 01/06/2014

2016, c. 25, Sched. 5, s. 9 - 01/07/2018

Warrant

231 (1) A provincial judge or justice of the peace may at any time issue a warrant authorizing a person named in the warrant to enter and search a building, receptacle or place if the provincial judge or justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that an offence has been committed under this Act and the entry and search will afford evidence relevant to the commission of the offence. 2006, c. 17, s. 231 (1).

Seizure

(2) In a warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize anything that, based on reasonable grounds, will afford evidence relevant to the commission of the offence. 2006, c. 17, s. 231 (2).

Receipt and removal

(3) Anyone who seizes something under a warrant shall,

- (a) give a receipt for the thing seized to the person from whom it was seized; and
- (b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law. 2006, c. 17, s. 231 (3).

Expiry

(4) A warrant shall name the date upon which it expires, which shall be not later than 15 days after the warrant is issued. 2006, c. 17, s. 231 (4).

Time of execution

(5) A warrant shall be executed between 6 a.m. and 9 p.m. unless it provides otherwise. 2006, c. 17, s. 231 (5).

Other matters

(6) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications with respect to any thing seized under this section. 2006, c. 17, s. 231 (6).

Production order

231.1 (1) A provincial judge or justice of the peace may at any time issue a production order in the prescribed form to a person, other than a person under investigation for an offence, requiring the person to,

- (a) produce documents or copies of documents, certified by affidavit to be true copies, or produce data; or
- (b) prepare a document based on documents or data already in existence and produce it. 2020, c. 16, Sched. 4, s. 32.

Contents of order

(2) A production order shall stipulate when, where and how the documents or data are to be produced and to whom they are to be produced. 2020, c. 16, Sched. 4, s. 32.

Grounds

(3) A provincial judge or justice of the peace may make a production order if the provincial judge or justice is satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data. 2020, c. 16, Sched. 4, s. 32.

Conditions

(4) A production order may contain such conditions as the provincial judge or justice of the peace considers advisable. 2020, c. 16, Sched. 4, s. 32.

Evidence

(5) A copy of a document produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in any prosecution of a person for an offence under this Act and has the same probative force as the original document would have if it had been proved in the ordinary way. 2020, c. 16, Sched. 4, s. 32.

No return of copies

(6) Copies of documents produced under this section are not required to be returned to the person who provided them. 2020, c. 16, Sched. 4, s. 32.

Compliance required

(7) A person to whom a production order is directed shall comply with the order according to its terms. 2020, c. 16, Sched. 4, s. 32.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 32 - 01/01/2022

Protection from personal liability

232 (1) No proceeding for damages shall be commenced against an investigator or inspector appointed by the Minister, against a member of the Board or against a public servant employed under Part III of the *Public Service of Ontario Act, 2006* for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or for any neglect or default in the performance or exercise in good faith of such a duty or power. 2013, c. 3, s. 53; 2016, c. 25, Sched. 5, s. 10.

Crown liability

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of any liability to which it would otherwise be subject. 2006, c. 17, s. 232 (2); 2019, c. 7, Sched. 17, s. 153.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 53 - 01/06/2014

2016, c. 25, Sched. 5, s. 10 - 01/07/2018

2019, c. 7, Sched. 17, s. 153 - 01/07/2019

PART XVI OFFENCES

Offences requiring knowledge

233 A person is guilty of an offence if the person knowingly,

- (a) withholds the reasonable supply of a vital service, care service or food or interferes with the supply in contravention of section 21;
- (b) alters or causes to be altered the locking system on any door giving entry to a rental unit or the residential complex in a manner that contravenes section 24 or 35;
- (c) restricts reasonable access to the residential complex by political candidates or their authorized representatives in contravention of section 28;
- (d) seizes any property of the tenant in contravention of section 40;
- (d.1) provides false or misleading information in connection with the giving of a notice under subsection 47.1 (1) or 47.2 (1);
- (e) fails to afford a tenant a right of first refusal in contravention of section 51 or 53;
- (f) recovers possession of a rental unit without complying with the requirements of section 48.1, 49.1, 52, 54 or 55;
- (g) coerces a tenant to sign an agreement referred to in section 121;
- (h) harasses, hinders, obstructs or interferes with a tenant in the exercise of,
 - (i) securing a right or seeking relief under this Act or in a court,
 - (ii) participating in a proceeding under this Act, or
 - (iii) participating in a tenants' association or attempting to organize a tenants' association;
- (i) harasses, coerces, threatens or interferes with a tenant in such a manner that the tenant is induced to vacate the rental unit;
- (j) harasses, hinders, obstructs or interferes with a landlord in the exercise of,
 - (i) securing a right or seeking relief under this Act or in a court, or
 - (ii) participating in a proceeding under this Act;
- (k) obtains possession of a rental unit improperly by giving a notice to terminate in bad faith; or
- (l) coerces a tenant of a mobile home park or land lease community to enter into an agency agreement for the sale or lease of their mobile home or land lease home or requires an agency agreement as a condition of entering into a tenancy agreement. 2006, c. 17, s. 233; 2016, c. 2, Sched. 6, s. 2; 2017, c. 13, s. 28; 2020, c. 16, Sched. 4, s. 33.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 6, s. 2 - 08/09/2016

2017, c. 13, s. 28 - 01/09/2017

2020, c. 16, Sched. 4, s. 33 - 21/07/2020

Other offences

234 A person is guilty of an offence if the person,

- (a) enters a rental unit where such entry is not permitted by section 26, 27 or 142 or enters without first complying with the requirements of section 26, 27 or 142;
- (b) fails to make an evicted tenant's property available for retrieval in accordance with subsection 41 (3);
- (b.1) contravenes subsection 47.4 (1);
- (c) gives a notice to terminate a tenancy under section 48 or 49 in contravention of section 51;
- (d) requires or receives a security deposit from a tenant contrary to section 105;
- (e) fails to pay to the tenant annually interest on the rent deposit held in respect of their tenancy in accordance with section 106;
- (f) fails to apply the rent deposit held in respect of a tenancy to the rent for the last month of the tenancy in contravention of subsection 106 (10);
- (g) fails to repay an amount received as a rent deposit as required by subsection 107 (1) or (2);
- (h) fails to provide a tenant or former tenant with a receipt in accordance with section 109;
- (i) fails to provide the notice in the form required under section 114 or gives false information in the notice;
- (j) requires a tenant to pay rent proposed in an application in contravention of subsection 126 (5);
- (k) fails to provide information on the total cost of utilities in accordance with subsection 128 (2);
- (l) charges or collects amounts from a tenant, a prospective tenant, a former tenant, a subtenant, a potential subtenant, an assignee or a potential assignee in contravention of section 134;
- (l.1) terminates the obligation to supply electricity without the tenant's consent in contravention of subsection 137 (3);
- (l.2) charges a tenant a portion of the cost of the utility without the consent of the tenant in contravention of subsection 138 (1);
- (m) gives a notice of rent increase or a notice of increase of a charge in a care home without first giving an information package contrary to section 140;
- (n) does anything to prevent a tenant of a care home from obtaining care services from a person of the tenant's choice contrary to clause 147 (a);
- (o) interferes with the provision of care services to a tenant of a care home contrary to clause 147 (b);
- (p) increases a charge for providing a care service or meals to a tenant in a care home in contravention of section 150;
- (q) interferes with a tenant's right under section 156 to sell or lease his or her mobile home;
- (r) restricts the right of a tenant of a mobile home park or land lease community to purchase goods or services from the person of his or her choice in contravention of section 160;
- (s) charges an illegal contingency fee in contravention of subsection 214 (1);
- (t) fails to comply with any or all of the items contained in a work order issued under section 225;
- (t.1) fails to comply with a production order issued under section 231.1;
- (u) obstructs or interferes with an inspector exercising a power of entry under section 230 or 231 or with an investigator exercising a power of entry under section 231;
- (v) furnishes false or misleading information in any material filed in any proceeding under this Act or provided to the Board, an employee in the Board, an official of the Board, an inspector, an investigator, the Minister or a designate of the Minister;
- (w) unlawfully recovers possession of a rental unit;
- (x) charges rent in an amount greater than permitted under this Act; or
- (y) contravenes an order of the Board that,
 - (i) orders a landlord to do specified repairs or replacements or other work within a specified time,
 - (ii) orders that a landlord, a superintendent or an agent of a landlord may not engage in any further activities listed in paragraphs 2 to 6 of subsection 29 (1) against any of the tenants in a residential complex, or

- (iii) orders a landlord not to breach an obligation under subsection 41 (2) or (3) again. 2006, c. 17, s. 234; 2009, c. 33, Sched. 21, s. 11 (9); 2010, c. 8, s. 39 (2); 2013, c. 3, s. 54; 2016, c. 2, Sched. 6, s. 3; 2017, c. 13, s. 29; 2020, c. 16, Sched. 4, s. 34.

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (9) - 15/12/2009

2010, c. 8, s. 39 (2) - 01/01/2011

2013, c. 3, s. 54 - 01/06/2014

2016, c. 2, Sched. 6, s. 3 - 08/09/2016

2017, c. 13, s. 29 - 30/05/2017

2020, c. 16, Sched. 4, s. 34 - 01/01/2022

Harassment, interference with reasonable enjoyment

235 (1) Any landlord or superintendent, agent or employee of the landlord who knowingly harasses a tenant or interferes with a tenant's reasonable enjoyment of a rental unit or the residential complex in which it is located is guilty of an offence. 2006, c. 17, s. 235 (1).

Exception

(2) For the purposes of subsection (1), the carrying out of repairs, maintenance and capital improvements does not constitute harassment or interference with a tenant's reasonable enjoyment of a rental unit or the residential complex in which it is located unless it is reasonable to believe,

- (a) that the date or time when the work is done or the manner in which it is carried out is intended to harass the tenant or interfere with the tenant's reasonable enjoyment; or
- (b) that the repairs, maintenance or capital improvements were carried out without reasonable regard for the tenant's right to reasonable enjoyment. 2006, c. 17, s. 235 (2).

Attempts

236 Any person who knowingly attempts to commit any offence referred to in section 233, 234 or 235 is guilty of an offence. 2006, c. 17, s. 236.

Directors and officers

237 Every director or officer of a corporation who knowingly concurs in an offence under this Act is guilty of an offence. 2006, c. 17, s. 237.

Penalties

238 (1) A person, other than a corporation, who is guilty of an offence under this Act is liable on conviction to a fine of not more than \$50,000. 2006, c. 17, s. 238 (1); 2020, c. 16, Sched. 4, s. 35 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 238 (1) of the Act is amended by striking out "\$50,000" and substituting "\$100,000". (See: 2023, c. 10, Sched. 7, s. 9 (1))

Same

(2) A corporation that is guilty of an offence under this Act is liable on conviction to a fine of not more than \$250,000. 2006, c. 17, s. 238 (2); 2020, c. 16, Sched. 4, s. 35 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 238 (2) of the Act is amended by striking out "\$250,000" and substituting "\$500,000". (See: 2023, c. 10, Sched. 7, s. 9 (2))

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 35 (1, 2) - 21/07/2020

2023, c. 10, Sched. 7, s. 9 (1, 2) - not in force

Limitation

239 (1) No proceeding shall be commenced respecting an offence under clause 234 (v) other than an offence described in subsection (1.1) more than two years after the date on which the facts giving rise to the offence came to the attention of the Minister. 2006, c. 17, s. 239 (1); 2016, c. 25, Sched. 5, s. 11 (1).

Same

(1.1) No proceeding shall be commenced respecting an offence under clause 234 (v) that is the furnishing of false or misleading information in any material provided to an inspector appointed by a local municipality under section 226.1, more

than two years after the date on which the facts giving rise to the offence came to the attention of the local municipality. 2016, c. 25, Sched. 5, s. 11 (2).

Same

(1.2) No proceeding shall be commenced respecting an offence under clause 234 (1) more than two years after the date on which the facts giving rise to the offence came to the attention of the Minister. 2020, c. 16, Sched. 4, s. 36.

Same

(2) No proceeding shall be commenced respecting any other offence under this Act more than two years after the date on which the offence was, or is alleged to have been, committed. 2006, c. 17, s. 239 (2).

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 5, s. 11 (1, 2) - 01/07/2018

2020, c. 16, Sched. 4, s. 36 - 21/07/2020

Evidence

Proof of filed documents

240 (1) The production by a person prosecuting a person for an offence under this Act of a certificate, statement or document that appears to have been filed with or delivered to the Board by or on behalf of the person charged with the offence shall be received as evidence that the certificate, statement or document was so filed or delivered. 2006, c. 17, s. 240 (1).

Proof of making

(2) The production by a person prosecuting a person for an offence under this Act of a certificate, statement or document that appears to have been made or signed by the person charged with the offence or on the person's behalf shall be received as evidence that the certificate, statement or document was so made or signed. 2006, c. 17, s. 240 (2).

Proof of making, Board or Minister

(3) The production by a person prosecuting a person for an offence under this Act of any order, certificate, statement or document, or of any record within the meaning of section 20 of the *Statutory Powers Procedure Act*, that appears to have been made, signed or issued by the Board, the Minister, an employee in the Board, an employee in the Ministry or an inspector appointed under section 226.1, shall be received as evidence that the order, certificate, statement, document or record was so made, signed or issued. 2006, c. 17, s. 240 (3); 2013, c. 3, s. 55; 2016, c. 25, Sched. 5, s. 12.

True copies

(4) Subsections (1) to (3) apply, with necessary modifications, to any extract or copy of a certificate, statement, document, order or record referred to in those subsections, if the extract or copy is certified as a true extract or copy by the person who made the extract or copy. 2006, c. 17, s. 240 (4).

Printout of electronic version

(5) Subsections (1) to (3) apply, with necessary modifications, to any printout of the electronic version of a certificate, statement, document, order or record referred to in those subsections that is stored or maintained by the Board in an electronic format, if the printout is certified as a true copy of the electronic version by the person who made the printout. 2020, c. 16, Sched. 4, s. 37.

Section Amendments with date in force (d/m/y)

2013, c. 3, s. 55 - 01/06/2014

2016, c. 25, Sched. 5, s. 12 - 01/07/2018

2020, c. 16, Sched. 4, s. 37 - 21/07/2020

PART XVII REGULATIONS

Regulations

241 (1) The Lieutenant Governor in Council may make regulations,

1. prescribing circumstances under which one or more rental units that form part of a residential complex, rather than the entire residential complex, are care homes for the purposes of the definition of "care home" in subsection 2 (1);
2. prescribing services that are to be included or not included in the definition of "care services" in subsection 2 (1);
3. prescribing charges not to be included in the definition of "municipal taxes and charges" in subsection 2 (1);
4. prescribing persons that are to be included or are not to be included in the definition of "tenant" in subsection 2 (1) and exempting any such persons from any provision of this Act specified in the regulation;

5. prescribing, for the purposes of the definition of “vital service” in subsection 2 (1), the part of each year during which heat is a vital service;
6. prescribing classes of accommodation for the purposes of clause 5 (n);
- 6.1 prescribing requirements that a dispute resolution process must meet for the purposes of subparagraph 3 iii of subsection 5.1 (3);
- 6.2 prescribing requirements that an agreement must meet for the purposes of paragraph 5 of subsection 5.1 (3) or clause 5.1 (4) (b);
7. prescribing federal, provincial or municipal programs for the purpose of paragraph 3 of subsection 7 (1);
8. providing that specified provisions of this Act apply with respect to any specified housing project, housing program, rental unit, residential complex, member unit of a non-profit housing co-operative or other residential accommodation or any class of them;
9. exempting any housing project, housing program, rental unit, residential complex as defined under Part I or V.1, member unit of a non-profit housing co-operative or other residential accommodation or any class of them from any provision of this Act;
10. prescribing grounds of an application for the purposes of clause 9 (1) (b);
11. respecting the rules for making findings for the purposes of subsection 9 (2);
12. prescribing for the purposes of section 22, paragraph 3 of subsection 29 (1) and subsection 31 (1),
 - i. standards and criteria to be applied by the Board in determining if a landlord, superintendent or agent of a landlord has substantially interfered with the reasonable enjoyment of a rental unit or residential complex in carrying out maintenance, repairs or capital improvements to the unit or complex, and
 - ii. criteria to be applied by the Board in determining whether to order an abatement of rent under subsection 31 (1) when a landlord, superintendent or agent of a landlord is found to have substantially interfered with the reasonable enjoyment of a rental unit or residential complex in carrying out maintenance, repairs or capital improvements to the unit or complex and rules for calculating the amount of the abatement;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 241 (1) of the Act is amended by adding the following paragraph: (See: 2023, c. 10, Sched. 7, s. 10)

- 12.1 for the purposes of section 36.1,
 - i. prescribing circumstances for the purposes of subsection 36.1 (2), and
 - ii. governing the installation, use and maintenance of window or portable air conditioners for the purposes of subsection section 36.1, including prescribing additional conditions for the purposes of subsection 36.1 (3);
13. prescribing the hours during which a landlord is required to make an evicted tenant’s property available to be retrieved under subsection 41 (3);
- 13.0.1 prescribing acts or omissions for the purposes of clause 47.3 (1) (f), and for greater certainty,
 - i. an act or omission that causes emotional or financial harm or the fear of such harm to a person or another person may be prescribed even if it does not cause bodily harm to a person or does not cause a person to fear for his or her own safety or someone else’s safety,
 - ii. an act or omission may be prescribed with or without a reference to the person who commits the act or omission, and
 - iii. a prescribed act or omission may include a threat or an attempt to commit the act or omission;
- 13.1 prescribing persons that are to be included or are not to be included in the definition of “member” in section 94.1 and exempting any such persons from any provision of this Act specified in the regulation;
14. prescribing conditions applicable to discounts referred to in subsection 111 (2) or paragraph 1 of subsection 111 (2.1);
15. prescribing discounts for the purpose of paragraph 2 of subsection 111 (2.1);
16. prescribing rules for the purpose of subsection 111 (3) for calculating the lawful rent which may be charged where a landlord provides a tenant with a discount in rent at the beginning of, or during, a tenancy, and prescribing different rules for different types of discounts;
17. prescribing rules for the purpose of subsection 111 (4) for the calculation of lawful rent where the rent a landlord charges for the first rental period of a tenancy is greater than the rent the landlord charges for any subsequent rental period;

18. prescribing the circumstances under which lawful rent for the purposes of section 112 will be other than that provided for in section 112 and providing the lawful rent under those circumstances;
19. prescribing information to be included in a notice under clause 114 (3) (e);
20. prescribing information to be filed and the time in which it is to be filed for the purposes of subsection 115 (4);
21. respecting rules for increasing or decreasing rent charged for the purposes of sections 123 and 125;
22. prescribing services, facilities, privileges, accommodations and things for the purposes of paragraph 2 of subsection 123 (1);
23. defining or describing the method for determining what constitutes “extraordinary increase” for the purpose of section 126;
- 23.1 prescribing information to be included in a summary for the purposes of paragraph 4 of subsection 126 (3.2);
24. prescribing rules governing making information available under subsection 126 (4);
- 24.1 prescribing circumstances under which a capital expenditure is not an eligible capital expenditure under subsection 126 (7);
25. prescribing the rules for making findings for the purposes of subsection 126 (10);
26. prescribing rules governing the time period to be specified in an order under clause 126 (10) (b);
27. prescribing rules for the purpose of clause 126 (11) (b);
28. prescribing rules for the purposes of section 127;
29. prescribing rules for the purposes of subsection 128 (2);
30. prescribing a percentage, a period and rules for the purposes of subsection 128 (3);
31. prescribing rules governing the determination of the date to be specified in an order under clause 129 (b);
32. prescribing rules governing the determination of the percentage by which rent is required to be reduced under subclause 129 (c) (ii);
33. prescribing the rules for making findings for the purposes of subsection 130 (3);
34. prescribing percentages and rules for the purposes of subsection 131 (1);
35. prescribing rules for the purposes of subsection 131 (2);
36. prescribing a number of rental units, a period and methods of service for the purposes of subsection 131 (3);
37. prescribing circumstances for the purposes of subsection 132 (1);
38. prescribing a period of time for the purposes of subsection 132 (2);
39. prescribing rules for the purposes of subsection 132 (3);
40. prescribing the rules for making findings for the purposes of subsection 133 (2) and for determining the effective date for an order under subsection 133 (3);
41. exempting specified payments from the operation of subsection 134 (1) or (3);
42. prescribing rules governing the provision of notice for the purposes of clause 137 (2) (c);
43. prescribing rules governing the provision of a notice for the purposes of clause 137 (3) (b);
44. prescribing the circumstances and the rules governing the reduction of rent for the purposes of clause 137 (3) (c);
45. prescribing the information to be provided to the tenant for the purposes of subsection 137 (4);
- 45.1 prescribing the circumstances and conditions to be met for the purposes of subsection 137 (5);
- 45.2 prescribing the time, the circumstances and the rules for the purposes of subsection 137 (6);
- 45.3-47 REPEALED: 2020, c. 16, Sched. 4, s. 38 (1).
48. prescribing the rules and the requirements for the purposes of clauses 137 (9) (a), (b) and (c);
- 48.1 prescribing other circumstances for the purposes of subsection 137 (10);
49. prescribing circumstances in which a tenant may apply to the Board under subsection 137 (11);
- 49.1 prescribing the circumstances under which subsection 137 (15) would not apply;

- 50. prescribing rules governing charging tenants a portion of the cost of a utility for the purposes of subsection 138 (1);
- 51. prescribing rules governing the provision of a notice for the purposes of clause 138 (1) (a);
- 52. prescribing rules governing the reduction of rent for the purposes of clause 138 (1) (b);
- 52.1 prescribing a period for the purposes of paragraph 2 of subsection 138 (4);
- 53. prescribing information to be provided to a prospective tenant for the purposes of paragraph 4 of subsection 138 (4);
- 54. prescribing the rules and the requirements for the purposes of clauses 138 (5) (a), (b) and (c);
- 55. prescribing circumstances in which a tenant may apply to the Board under subsection 138 (6);
- 56. prescribing the information that shall be contained in an information package for the purposes of section 140;
- 57. prescribing a period for the purpose of clause 144 (1) (b);
- 58. prescribing an amount for the purposes of paragraph 2 of subsection 164 (2);
- 59. prescribing an amount for the purposes of section 165;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 241 (1) of the Act is amended by adding the following paragraphs: (See: 2020, c. 16, Sched. 4, s. 38 (2))

- 59.1 prescribing services and facilities and privileges, accommodations and things for the purposes of subsection 165.1 (1);
- 59.2 for each of the prescribed services and facilities and prescribed privileges, accommodations and things, prescribing the applicable date and the circumstances governing the application of subsection 165.1 (2);
- 59.3 prescribing the rules governing the reduction of rent for the purposes of subsection 165.1 (3);
- 60. prescribing services and things for the purposes of section 167;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 60 of subsection 241 (1) of the Act is repealed and the following substituted: (See: 2020, c. 16, Sched. 4, s. 38 (3))

- 60. prescribing rules governing the determination of the number of years under clause 167 (1) (a);
- 61. prescribing rules governing the determination of the percentage increase under clause 167 (1) (b);
- 61.1 prescribing services and things for the purposes of subsection 167 (2);
- 61. REPEALED: 2013, c. 3, s. 56 (4).
- 62. prescribing information to be filed with an application to the Board for the purposes of subsection 185 (1);
- 63. for the purposes of paragraph 2 of subsection 188 (1), prescribing circumstances, parties, documents and information;
- 64. REPEALED: 2011, c. 6, Sched. 3, s. 3 (1).
- 65. prescribing time requirements that cannot be extended or shortened for the purposes of subsection 190 (2);
- 66. restricting the circumstances in which the Board may, under section 195, require a person to make a payment into the Board;
- 67. fixing the rate of interest to be paid on money paid to the Board in trust;
- 68. prescribing forms of housing assistance for the purposes of clause 203 (b);
- 68.1 prescribing restrictions for the purposes of subsection 206.1 (2);
- 69. prescribing an amount for the purposes of subsection 207 (4);
- 70. governing electronic documents for the purposes of section 213, including specifying the types of documents that may be dealt with electronically for the purposes of that section, regulating the use of electronic signatures in such documents and providing for the creating, filing, providing, issuing, sending, receiving, storing, transferring and retaining of such documents;
- 71. prescribing an amount for the purposes of subsection 214 (1);
- 72. prescribing maintenance standards for the purposes of section 224;
- 73. prescribing circumstances for the purposes of clause 224 (1) (b);
- 74. REPEALED: 2016, c. 25, Sched. 5, s. 13.
- 75. making a regulation made under paragraph 25, 26, 66 or 67 applicable, with necessary modifications, to an application to which subsection 242 (6) or (7) applies, and providing that the regulation applies despite any regulations made under the *Tenant Protection Act, 1997*;

76. defining “serious” as it is used in any provision of this Act and defining it differently for different provisions;
77. defining any word or expression used in this Act that has not already been expressly defined in this Act;
78. prescribing any matter required or permitted by this Act to be prescribed. 2006, c. 17, s. 241 (1); 2009, c. 33, Sched. 21, s. 11 (10); 2010, c. 8, s. 39 (3); 2011, c. 6, Sched. 3, s. 3; 2013, c. 3, s. 56; 2016, c. 2, Sched. 6, s. 4; 2016, c. 25, Sched. 5, s. 13; 2017, c. 13, s. 30 (1-4); 2020, c. 16, Sched. 4, s. 38 (1).

Same

(2) A regulation made under subsection (1) may be general or particular in its application. 2006, c. 17, s. 241 (2).

Regulation under subs. (1), par. 24.1

(3) A regulation made under paragraph 24.1 of subsection (1) may apply with respect to a capital expenditure incurred before the day the regulation comes into force. 2017, c. 13, s. 30 (5).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 21, s. 11 (10) - 01/07/2010

2010, c. 8, s. 39 (3) - 01/01/2011

2011, c. 6, Sched. 3, s. 3 (1) - 1/07/2015; 2011, c. 6, Sched. 3, s. 3 (2) - 04/05/2011

2013, c. 3, s. 56 - 01/06/2014

2016, c. 2, Sched. 6, s. 4 - 08/09/2016; 2016, c. 25, Sched. 5, s. 13 - 01/07/2018

2017, c. 13, s. 30 (1-3, 5) - 01/01/2018; 2017, c. 13, s. 30 (4) - 30/05/2017

2020, c. 16, Sched. 4, s. 38 (1) - 21/07/2020; 2020, c. 16, Sched. 4, s. 38 (2, 3) - not in force

2023, c. 10, Sched. 7, s. 10 - not in force

Regulations made by Minister

241.1 (1) The Minister may make regulations,

1. prescribing classes of tenancies for the purposes of subsection 12.1 (1);
2. with respect to each prescribed class of tenancies, prescribing,
 - i. a date for that class for the purposes of subsection 12.1 (1),
 - ii. the form of a tenancy agreement for that class for the purposes of paragraph 1 of subsection 12.1 (1);
3. with respect to each prescribed class of tenancies, prescribing the requirements for a tenancy agreement for that class for the purposes of paragraph 2 of subsection 12.1 (1), including,
 - i. providing that a tenancy agreement for that class may include additional terms but only if those terms are not inconsistent with the mandatory terms set out in the form of tenancy agreement prescribed for that class,
 - ii. providing that any additional term included in a tenancy agreement for that class that is inconsistent with the mandatory terms set out in the form of tenancy agreement prescribed for that class is void;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 241.1 (1) of the Act is amended by adding the following paragraph: (See: 2023, c. 10, Sched. 7, s. 11 (1))

- 3.1 prescribing qualifications and requirements for the purposes of clause 50 (3) (b);

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 241.1 (1) of the Act is amended by adding the following paragraph: (See: 2023, c. 10, Sched. 7, s. 11 (2))

- 3.2 prescribing a period of time for the purposes of subsection 57 (6.1), including prescribing different periods of time that apply in different circumstances;
4. prescribing the form of a production order for the purposes of subsection 231.1 (1). 2017, c. 13, s. 31; 2020, c. 16, Sched. 4, s. 39 (1).

Regulation under par. 2 ii of subs. (1)

(2) A regulation made under subparagraph 2 ii of subsection (1) may, with respect to a prescribed class of tenancies,

- (a) prescribe different forms of tenancy agreement depending on whether the tenancy agreements for that class are entered into before a date specified in the regulation or are entered into on or after that date; and
- (b) provide that for tenancy agreements that are entered into during a transition period specified in the regulation, either one of the forms described in clause (a) may be used for the purposes of compliance with paragraph 1 of subsection 12.1 (1). 2020, c. 16, Sched. 4, s. 39 (2).

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 31 - 30/05/2017

2020, c. 16, Sched. 4, s. 39 (1) - 01/01/2022; 2020, c. 16, Sched. 4, s. 39 (2) - 21/07/2020

2023, c. 10, Sched. 7, s. 11 (1, 2) - not in force

Transition regulations, *Rental Fairness Act, 2017*

241.2 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by the *Rental Fairness Act, 2017*. 2017, c. 13, s. 32.

Same

(2) A regulation made under subsection (1),

- (a) may provide that, despite the coming into force of a provision of this Act, as enacted by the *Rental Fairness Act, 2017*, the provision does not take effect in all or part of the province until the date specified in the regulations;
- (b) may provide that a provision of this Act, as it reads immediately before the commencement date of its amendment, repeal or re-enactment by the *Rental Fairness Act, 2017*, continues to apply for a specified period of time and with necessary modifications, to specified things or in specified circumstances;
- (c) may govern the application of provisions of this Act to proceedings before a court or the Board in which a claim is made relating to amendments to this Act made by the *Rental Fairness Act, 2017* and which were commenced before the commencement date of the amendment. 2017, c. 13, s. 32.

Section Amendments with date in force (d/m/y)

2017, c. 13, s. 32 - 30/05/2017

Transition regulations, *Protecting Tenants and Strengthening Community Housing Act, 2020*

241.3 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*. 2020, c. 16, Sched. 4, s. 40.

Same

(2) A regulation made under subsection (1),

- (a) may provide that, despite the coming into force of a provision of this Act, as enacted by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*, the provision does not take effect in all or part of the province until the date specified in the regulations;
- (b) may provide that a provision of this Act, as it reads immediately before the commencement date of its amendment, repeal or re-enactment by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*, continues to apply for a specified period of time and with necessary modifications, to specified things or in specified circumstances;
- (c) may govern the application of provisions of this Act to proceedings before a court or the Board in which a claim is made relating to amendments to this Act made by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* and which were commenced before the commencement date of the amendment. 2020, c. 16, Sched. 4, s. 40.

Section Amendments with date in force (d/m/y)

2020, c. 16, Sched. 4, s. 40 - 21/07/2020

Transition regulations, *Helping Tenants and Small Businesses Act, 2020*

241.4 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 7 to the *Helping Tenants and Small Businesses Act, 2020*. 2020, c. 23, Sched. 7, s. 3.

Same

(2) A regulation made under subsection (1) may govern the application of provisions of this Act to proceedings before a court or the Board in which a claim is made relating to amendments to this Act made by Schedule 7 to the *Helping Tenants and Small Businesses Act, 2020* and which were commenced before the commencement date of the amendment. 2020, c. 23, Sched. 7, s. 3.

Section Amendments with date in force (d/m/y)

[2020, c. 23, Sched. 7, s. 3](#) - 01/10/2020

PART XVIII TRANSITION

Applications made under *Tenant Protection Act, 1997*

242 (1) Despite the repeal of the *Tenant Protection Act, 1997* but subject to the other provisions of this section, that Act shall be deemed to be continued in force for the purpose only of continuing and finally disposing of applications that were made under that Act before that Act was repealed, including any appeals, motions or other steps in those applications. 2006, c. 17, s. 242 (1).

Default orders

(2) Sections 177 and 192 of the *Tenant Protection Act, 1997* do not apply to an application referred to in subsection 192 (1) of that Act unless, before that Act was repealed, an order was made with respect to the application without holding a hearing. 2006, c. 17, s. 242 (2).

Powers on eviction applications

(3) Section 83 of this Act applies, with necessary modifications, and section 84 of the *Tenant Protection Act, 1997* does not apply, to an application made under the *Tenant Protection Act, 1997* before that Act was repealed for an order evicting a tenant, unless the final order in the application was made before that Act was repealed. 2006, c. 17, s. 242 (3).

Eviction orders for arrears of rent

(4) If, pursuant to subsection (1), subsections 72 (4) to (10) of the *Tenant Protection Act, 1997* apply to an eviction order, subsections 74 (11) to (18) of this Act also apply, with necessary modifications, to the eviction order. 2006, c. 17, s. 242 (4).

Eviction and other orders for arrears of rent

(5) Section 82 of this Act applies, with necessary modifications, to an application by a landlord under section 69 of the *Tenant Protection Act, 1997* for an order terminating a tenancy and evicting a tenant based on a notice of termination under section 61 of that Act, and to an application by a landlord under subsection 86 (1) of that Act, unless the final order in the application was made before that Act was repealed. 2006, c. 17, s. 242 (5).

Breach of landlord's responsibility to repair

(6) Section 195 of this Act applies, with necessary modifications, and section 182 of the *Tenant Protection Act, 1997* does not apply, to an application made under subsection 32 (1) of that Act before it was repealed for an order determining that a landlord breached the obligations under subsection 24 (1) or 110 (1) of that Act, unless a final order was made under subsection 34 (1) or 110 (3) of that Act before it was repealed. 2006, c. 17, s. 242 (6).

Application for above guideline increase

(7) Subsections 126 (12) and (13) of this Act apply, with necessary modifications, to an application made under section 138 of the *Tenant Protection Act, 1997*, unless a final order was made under subsection 138 (6) or (10) of that Act before it was repealed. 2006, c. 17, s. 242 (7).

Proceedings before other bodies under earlier legislation

243 Section 223 of the *Tenant Protection Act, 1997* continues to apply, despite the repeal of that Act. 2006, c. 17, s. 243.

Orders, etc., under former Act

244 Subject to section 242, a reference in this Act to an order, application, notice, by-law or other thing made, given, passed or otherwise done under a provision of this Act includes a reference to an order, application, notice, by-law or thing made, given, passed or done under the corresponding provision of the *Tenant Protection Act, 1997*. 2006, c. 17, s. 244.

Information from former Rent Registry

245 (1) The Board shall provide any information it received under subsection 157 (3) of the *Tenant Protection Act, 1997* to members of the public on request. 2006, c. 17, s. 245 (1).

Application

(2) Subsection (1) does not apply after the first anniversary of the date this section comes into force. 2006, c. 17, s. 245 (2).

Use of certain forms

246 Despite the repeal of the *Tenant Protection Act, 1997*, the form of a notice of rent increase, notice of increased charges in a care home or notice of termination that could have been used under that Act may be used for the corresponding purpose under this Act any time within two months after this section comes into force. 2006, c. 17, s. 246.

247-260 OMITTED (AMENDS OR REPEALS OTHER ACTS). 2006, c. 17, s. 247-260.

261 OMITTED (PROVIDES FOR AMENDMENTS TO PROVISIONS OF THIS ACT). 2006, c. 17, s. 261.

262 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2006, c. 17, s. 262.

263 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2006, c. 17, s. 263.

Français

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