

Table of Contents

CHAPTER 1. RESIDENTIAL TENANCY LAW IN ONTARIO — A HISTORICAL PERSPECTIVE AND RECENT DEVELOPMENTS

- § 1:1 Security of Tenure
- § 1:2 Brief Historical Overview
- § 1:3 *The Tenant Protection Act, 1997*
- § 1:4 *The Residential Tenancies Act, 2006*
- § 1:5 Legislative Framework
- § 1:6 Recent Developments and Emerging Issues
- § 1:7 —Covid-19 Pandemic
- § 1:8 —Housing Crisis
- § 1:9 —Erosion of Rent Control and Security of Tenure
- § 1:10 —Significant Amendments to R.T.A. (2018 - 2022)
- § 1:11 —Proposed Amendments to R.T.A. (Bill 97)
- § 1:12 —Procedural Changes at the LTB
- § 1:13 —Shift to Electronic Hearings
- § 1:14 —Other Issues Related to Use of Technology
- § 1:15 —Backlogs and Delays at the Landlord and Tenant Board (LTB)
- § 1:16 —Novel Tactics by Tenants
- § 1:17 —Lack of Transparency
- § 1:18 —Erosion of Public Confidence in Administrative Justice

CHAPTER 2. THE LANDLORD AND TENANT BOARD

I. INTRODUCTION

- § 2:1 General
- § 2:2 Nature of the Board

II. JURISDICTION OF THE BOARD

- § 2:3 General
- § 2:4 Residential Tenancies
- § 2:5 Monetary Jurisdiction

- § 2:6 Constitutional Questions
- § 2:7 Human Rights
- § 2:8 In Possession
- § 2:9 Small Claims Court

III. POWERS OF THE BOARD

- § 2:10 Introduction
- § 2:11 Jurisdictional Powers
- § 2:12 Procedural Powers—General
- § 2:13 —Adding and Removing Parties
- § 2:14 —Joining and Severing Applications
- § 2:15 —Amending Applications
- § 2:16 —Permitting Withdrawal of Applications
- § 2:17 —Extending and Shortening Time
- § 2:18 —Controlling the Proceedings
- § 2:19 —Disclosure
- § 2:20 —Compelling and Admitting Evidence
- § 2:21 —Granting Adjournments
- § 2:22 —Ordering and Permitting Payment into the Board
- § 2:23 —Interim Orders
- § 2:24 —Pre-hearing Conferences and Case Management Hearings
- § 2:25 —Refusal to Accept or Continue to Process an Application
- § 2:26 —Pre-screening of Applications
- § 2:27 Investigative Powers
- § 2:28 Fact-Finding Powers
- § 2:29 Substantive Powers—Declaratory Relief
- § 2:30 —Monetary Compensation
- § 2:31 —Administrative Fines
- § 2:32 —Termination of the Tenancy
- § 2:33 —Eviction
- § 2:34 —Injunctive Relief
- § 2:35 —Equitable Remedies
- § 2:36 —Costs
- § 2:37 —Other Terms and Conditions
- § 2:38 —Transferring a Tenancy
- § 2:39 —Preventing Abuse of Process (Including, But Not Limited to, the Power to Put a Tenant Back into Possession)
- § 2:40 —Granting Relief from Forfeiture
- § 2:41 —Correcting Errors
- § 2:42 —Power to Review Decisions
- § 2:43 —Order Prohibiting a Rent Increase (OPRI)

TABLE OF CONTENTS

IV. PRINCIPLES OF NATURAL JUSTICE

- § 2:44 Introduction
- § 2:45 Bias
- § 2:46 Language
- § 2:47 Right to be Represented
- § 2:48 Procedural Fairness
- § 2:49 Persons under a Disability

V. RES JUDICATA

- § 2:50 Introduction
- § 2:51 Cause of Action Estoppel
- § 2:52 Issue Estoppel
- § 2:53 Abuse of Process by Re-litigation

VI. CHOICE OF FORUM

- § 2:54 General

**VII. APPLICATIONS TO DETERMINE WHETHER
THE ACT APPLIES (S. 9)**

- § 2:55 General

VIII. ACCESS TO BOARD DECISIONS

- § 2:56 General

IX. SERVICE STANDARDS

- § 2:57 General

CHAPTER 3. LANDLORDS AND TENANTS

- § 3:1 Introduction
- § 3:2 Landlord
- § 3:3 Tenant
- § 3:4 Tenant “in Possession”
- § 3:5 Protection for the Spouse of a Tenant
- § 3:6 Roommates
- § 3:7 Sublets and Assignments—General
- § 3:8 —Sublets
- § 3:9 —Assignments
- § 3:10 Superintendents and Other Employees of the
Landlord
- § 3:11 Boarders/Lodgers
- § 3:12 Condominium Purchasers

- § 3:13 Mortgagee in Possession
- § 3:14 Death of a Tenant
- § 3:15 Bankruptcy and Insolvency
- § 3:16 Guarantors
- § 3:17 Life Tenancy
- § 3:18 Co-Ownership

CHAPTER 4. RENTAL PREMISES GOVERNED BY THE RESIDENTIAL TENANCIES ACT

I. INTRODUCTION

- § 4:1 General

II. TWO-TIERED TENANCIES

- § 4:2 General

III. RESIDENTIAL RENTAL PREMISES ON INDIAN LANDS

- § 4:3 General

IV. CROWN LANDS

- § 4:4 General

V. COMPLETE EXEMPTIONS

- § 4:5 Introduction
- § 4:6 Non-Residential Use
- § 4:7 Vacation and Seasonal Accommodations
- § 4:8 Mixed Uses and Business/Agricultural Use with
Accommodation Attached
- § 4:9 Employees
- § 4:10 Institutional Accommodations—Accommodation for
Rehabilitative or Therapeutic Purposes
- § 4:11 —Emergency Shelter
- § 4:12 —Penal or Correctional Accommodation
- § 4:13 —Other Specified Institutions
- § 4:14 Non-Profit Co-Operative Housing Corporation
- § 4:15 Accommodations at Certain Educational Institutions
- § 4:16 Accommodations in Which the Tenant and Owner
Share a Kitchen or Bathroom
- § 4:17 Purchasers

TABLE OF CONTENTS

- § 4:18 Residential Complex in which the Crown has an Interest
- § 4:19 Section 5.1 — Supportive Housing
- § 4:20 Section 5.2 — Land Lease Site Provided by Employer

VI. PARTIAL EXEMPTIONS

- § 4:21 Introduction
- § 4:22 Homes for Special Care
- § 4:23 Other Supportive Housing
- § 4:24 “New” Units
- § 4:25 Subsidized and Non-profit Public Housing
- § 4:26 Non-Member Unit Provided by a Non-Profit Housing Co-operative
- § 4:27 Educational and Religious Institutions

VII. MISCELLANEOUS

- § 4:28 Tenancy at Will
- § 4:29 Mobile Homes and Land Lease Homes
- § 4:30 Diplomatic Immunity

CHAPTER 5. TENANCY AGREEMENTS

- § 5:1 Introduction
- § 5:2 Written Agreements—General
- § 5:3 —Prescribed Form — Section 12.1
- § 5:4 Oral Agreements
- § 5:5 Implied Agreements
- § 5:6 Waiver and Forbidden Terms (Sections 3 and 4 R.T.A.)
- § 5:7 Frustration of Contract (Section 19 R.T.A.)
- § 5:8 Information Provided to Tenant on Commencement of Tenancy—Requirements of Section 11
- § 5:9 —Requirements of Section 12
- § 5:10 Initial Term and Renewal (Sections 13 and 38 R.T.A.)
- § 5:11 Unilateral Change of Terms
- § 5:12 Fundamental Breach and Misrepresentation (Covenants Interdependent – Section 17 R.T.A.)
- § 5:13 Covenants Running with the Land (Section 18 R.T.A.)
- § 5:14 Duty to Mitigate (Section 16 R.T.A.)
- § 5:15 Interesse Termini
- § 5:16 Distress (s. 40 R.T.A.)
- § 5:17 Joint and Several Liability and the Evolution of a Tenancy

CHAPTER 6. TERMINATION OF A TENANCY

I. INTRODUCTION

§ 6:1 General

II. DEATH OF THE TENANT

§ 6:2 General

III. TERMINATION BY AGREEMENT

§ 6:3 General

IV. TERMINATION BY NOTICE OF TERMINATION

A. FORM AND CONTENT, SERVICE, AND TIMING

§ 6:4 Form and Content

§ 6:5 Service of the Notice

§ 6:6 Timing

B. NOTICE OF TERMINATION FROM THE TENANT

§ 6:7 General

§ 6:8 Violence or Other Abuse—Introduction

§ 6:9 —Grounds

§ 6:10 —Procedure

§ 6:11 —Confidentiality

§ 6:12 —Rights and Duties of Remaining Joint Tenants

§ 6:13 —Other Issues

C. NOTICE OF TERMINATION FROM THE LANDLORD

§ 6:14 General

§ 6:15 Errors in the Name of the Tenant(s) or in the Address of the Rental Unit

§ 6:16 Choosing a Termination Date and Giving Adequate Notice

§ 6:17 Altering the Approved Forms

§ 6:18 Reasons and Details

§ 6:19 When Notice of Termination Becomes Void

TABLE OF CONTENTS

§ 6:20 Second Notices

V. TERMINATION BY ORDER

§ 6:21 General

CHAPTER 7. RENT AND OTHER CHARGES

- § 7:1 Definition of Rent
- § 7:2 Other Charges
- § 7:3 Charges for Utilities—General
- § 7:4 —Increasing the Rent Based on Utilities
- § 7:5 —Allocation of Utility Cost
- § 7:6 —Smart Meters
- § 7:7 Lawful Rent: How Much Can the Landlord Charge?
- § 7:8 —How is “Lawful Rent” Determined?
- § 7:9 —Deemed Lawful Rent
- § 7:10 —Determining the Amount of Rent Being Charged
- § 7:11 Discounts—Introduction
- § 7:12 —Discounts That Do Not Affect the Lawful Rent
- § 7:13 —Discounts that Affect the Calculation of the Lawful Rent
- § 7:14 Payment of Rent—Timing of Payment
- § 7:15 —Method of Payment
- § 7:16 —Proof of Payment
- § 7:17 Effect of Non-Delivery of Tenancy Agreement
- § 7:18 Subsidized Rent
- § 7:19 Is the Deposit Rent?
- § 7:20 Compensation When Premises Are Not Vacated
- § 7:21 Effect of Overholding Tenant Paying Rent
- § 7:22 Solicitors’ Duties Concerning Verification of Rent

CHAPTER 8. SECURITY DEPOSITS

- § 8:1 Introduction
- § 8:2 Pre-Payment of Rent
- § 8:3 Rent Deposits
- § 8:4 —Collection of the Rent Deposit
- § 8:5 —Amount of the Rent Deposit
- § 8:6 —“Topping Up” the Rent Deposit
- § 8:7 —Interest on the Rent Deposit
- § 8:8 —Applying or Refunding the Rent Deposit
- § 8:9 —Responsibility of Assignee of Landlord

CHAPTER 9. RENT INCREASES

I. INTRODUCTION AND OVERVIEW

- § 9:1 Introduction
- § 9:2 —History of Rent Control
- § 9:3 —Challenges to the Constitutionality of Rent Regulation
- § 9:4 Overview: When Can the Rent be Increased and by How Much?

II. EXEMPTION FROM RENT CONTROL

- § 9:5 General
- § 9:6 Social Housing Units
- § 9:7 Institutional Units
- § 9:8 New Units
- § 9:9 Mobile Homes

III. GUIDELINE INCREASE

- § 9:10 General

IV. ORDERS PROHIBITING RENT INCREASES

- § 9:11 General

V. NOTICE OF RENT INCREASE

- § 9:12 General

VI. AGREEMENT TO INCREASE RENT

- § 9:13 In Exchange for Capital Expenditure or New/Additional Service (s. 121)
- § 9:14 In Exchange for Parking Space or Addition of a Prescribed Service, Facility, Privilege, Accommodation or Thing (s. 123)
- § 9:15 Coerced Agreements (s. 124)

VII. LANDLORD'S APPLICATION FOR ABOVE-GUIDELINE INCREASE (S. 126)

A. GENERAL

- § 9:16 Grounds
- § 9:17 Changes Under the R.T.A. and Recent Developments
- § 9:18 2018 Amendments

TABLE OF CONTENTS

- § 9:19 Procedural Rules
- § 9:20 Tenants Who Are Not Affected
- § 9:21 Non-Arm's Length Transactions
- § 9:22 Allocation
- § 9:23 Rebates, Refunds, etc.
- § 9:24 Multiple Applications/Orders
- § 9:25 Contracting Out of the Act
- § 9:26 Serious Maintenance Problems and Orders Related to Elevators
- § 9:27 Other Considerations

B. INCREASE IN COST OF SECURITY SERVICES

- § 9:28 General

C. EXTRAORDINARY INCREASE IN OPERATING COSTS

- § 9:29 General

D. CAPITAL EXPENDITURES

- § 9:30 General
- § 9:31 Definition of "Capital Expenditure"
- § 9:32 Capital Work
- § 9:33 When Is the Work Complete?
- § 9:34 When Is the Expenditure "Incurred" By the Landlord?
- § 9:35 Reasonableness
- § 9:36 Apportionment of the Expenditure Amongst Tenants
- § 9:37 Useful Life

CHAPTER 10. RENT DECREASES AND THE RETURN OF AMOUNTS COLLECTED OR RETAINED ILLEGALLY

- § 10:1 Introduction
- § 10:2 Agreement to Decrease Rent (s. 125)
- § 10:3 Rent Reduction as a Result of a Property Tax Decrease—Automatic Rent Reduction (s. 131)
- § 10:4 —Notice of Automatic Rent Reduction
- § 10:5 —When Rent Reduction is Not Automatic (s. 133)
- § 10:6 —Calculating Rent Reduction
- § 10:7 —Application to Vary the Amount of the Rent Reduction (s. 132)—Introduction

- § 10:8 — —Other Charges
- § 10:9 — —20% Factor
- § 10:10 — —15% Factor
- § 10:11 — —Mistake in the Notice
- § 10:12 — —Change in Taxes after Notice Issued
- § 10:13 — —Procedure
- § 10:14 Reduction or Discontinuance of a Service or Facility (s. 130)
- § 10:15 Rent Reduction Related to an AGI Order (“Costs No Longer Borne”)—Introduction
- § 10:16 —Utilities (s. 128)
- § 10:17 —Capital Expenditures (s. 129)
- § 10:18 Tenant’s Application to Recover Money Collected or Retained Illegally

CHAPTER 11. MAINTENANCE OBLIGATIONS OF LANDLORDS

- § 11:1 Introduction
- § 11:2 Good State of Repair and Fit for Habitation
- § 11:3 Health, Safety, Housing and Maintenance Standards
- § 11:4 Common Maintenance Issues
- § 11:5 —Inadequate Heat
- § 11:6 —Leaks, Floods and Sewer Back-ups
- § 11:7 —Mould
- § 11:8 —Pests
- § 11:9 Maintenance Responsibilities in Mobile Home Parks and Land Lease Communities
- § 11:10 Limits on a Landlord’s Liability
- § 11:11 —Liability of a New Landlord
- § 11:12 —Tenant’s Responsibility for Cleanliness and Damage
- § 11:13 —Notification of the Landlord
- § 11:14 —Objective vs. Subjective Standard
- § 11:15 —Forseeability
- § 11:16 —Mitigation
- § 11:17 —Where Tenant Agrees to Perform Routine Maintenance
- § 11:18 —Delay in Commencing Application (i.e., limitation period)
- § 11:19 Procedure
- § 11:20 Remedies for Breach—General
- § 11:21 —Terminate the Tenancy
- § 11:22 —Withholding Rent
- § 11:23 —Abatement of Rent

TABLE OF CONTENTS

- § 11:24 —Authorize Repairs by Tenant
- § 11:25 —Order Landlord to Do Repairs
- § 11:26 —Compensation for Damage to Property and Out-of-pocket Expenses
- § 11:27 —Order Prohibiting a Rent Increase (OPRI)
- § 11:28 —Any Other Order the Board Considers Appropriate

CHAPTER 12. OTHER OBLIGATIONS OF LANDLORDS

- § 12:1 Introduction
- § 12:2 Tenant's Right to Privacy vs. Landlord's Right to Enter the Unit
- § 12:3 Obligation Not to Alter the Locking System Without Giving Keys to the Tenant (Illegal Lockouts)
- § 12:4 Obligation Not to Withhold or Interfere with the Supply of Vital Services
- § 12:5 Obligation Not to Interfere with the Reasonable Enjoyment of the Unit/Complex
- § 12:6 —Interference with Enjoyment Caused by Repairs/Maintenance
- § 12:7 Obligation Not to Harass, Obstruct, Coerce, Threaten or Interfere with a Tenant
- § 12:8 Obligation Not to Give a Notice of Termination in Bad Faith
- § 12:9 Obligation to Honour Tenant's Right of First Refusal
- § 12:10 Obligations with Respect to Evicted Tenant's Property
- § 12:11 Procedure
- § 12:12 Remedies—General—Remedies for Breach of Sections 21–27
- § 12:13 — —Special Provisions Relating to Illegal Lockouts
- § 12:14 — —Remedies for Bad Faith Notice (s. 57) and Failing to Honour Tenant's Right of First Refusal (s. 57.1)
- § 12:15 — —Remedies Where Evicted Tenant is Denied Access to Property (s. 41)
- § 12:16 — —Seeking Different Remedies than Those Listed in the Application
- § 12:17 —Terminate the Tenancy
- § 12:18 —Prohibit Conduct
- § 12:19 —Abatement of Rent
- § 12:20 —Damages—Introduction

- § 12:21 — —Compensation for Lost or Damaged Property and Out-of-Pocket Expenses
- § 12:22 — —Moving Expenses and the Difference in Rent
- § 12:23 — —Exemplary and Punitive Damages
- § 12:24 — —Aggravated Damages
- § 12:25 —General Compensation
- § 12:26 —Administrative Fine
- § 12:27 —Any Other Order the Board Considers Appropriate

CHAPTER 13. OBLIGATIONS OF TENANTS AND COMMON APPLICATIONS BY LANDLORDS

I. OBLIGATIONS OF TENANTS

- § 13:1 General

II. NON-EVICTION APPLICATIONS

- § 13:2 General
- § 13:3 To Determine if the R.T.A. Applies
- § 13:4 Tenant has Changed Locks
- § 13:5 Arrears of Rent (tenant still in possession)
- § 13:6 Compensation (tenant still in possession)
- § 13:7 Abandonment
- § 13:8 Compensation from Former Tenant

III. SELECTED EVICTION APPLICATIONS

A. OVERVIEW

- § 13:9 General

B. UNAUTHORIZED OCCUPANT

- § 13:10 General

C. “NO-FAULT” GROUNDS FOR TERMINATION OF THE TENANCY

- § 13:11 Landlord Requires Unit
- § 13:12 Purchaser Requires Unit
- § 13:13 Demolition, Conversion and Renovation
- § 13:14 —Demolition
- § 13:15 —Conversion to Non-Residential Use
- § 13:16 —Major Repairs or Renovations

TABLE OF CONTENTS

- § 13:17 Termination of Employment of Person Living in a Superintendent's Premises
- § 13:18 Agreement to Terminate or Tenant has Delivered a Notice of Termination (s. 77)
- § 13:19 Other "No-fault" Grounds (s. 58)
- § 13:20 —Tenant Ceases to Meet Qualifications for Government Housing
- § 13:21 —Employee No Longer Employed
- § 13:22 —Interim Occupancy of Condominium

D. "FAULT" GROUNDS FOR TERMINATION OF THE TENANCY

- § 13:23 Persistent Late Payment of Rent
- § 13:24 Non-payment of Rent
- § 13:25 Illegal Act
- § 13:26 Misrepresentation of Income
- § 13:27 Impaired Safety
- § 13:28 Undue Damage—Typical Case
- § 13:29 —Fast-Track
- § 13:30 Interference with Reasonable Enjoyment, etc.—Typical Case
- § 13:31 —Fast-Track
- § 13:32 Overcrowding
- § 13:33 Applications Based upon a Second Notice of Termination Within Six Months
- § 13:34 Applications Based upon the Presence of an Animal
- § 13:35 Breach of a Term of an Order or Mediated Agreement (s. 78)

CHAPTER 14. RELIEF FOR TENANTS (OR "HOW TO AVOID BEING EVICTED")

I. INTRODUCTION

- § 14:1 General

II. VOIDING A NOTICE TO TERMINATE

- § 14:2 By Compliance (Form N5)
- § 14:3 By Payment (Form N4)

III. VOIDING AN APPLICATION OR EVICTION ORDER (BASED UPON ARREARS OF RENT) BY PAYING ALL AMOUNTS OWING (S. 74)

- § 14:4 General

- § 14:5 Payment Before Eviction Order Becomes Enforceable
- § 14:6 Payment After Eviction Order Becomes Enforceable

IV. RELIEF FROM FORFEITURE

- § 14:7 General
- § 14:8 Waiver
- § 14:9 Section 83(1)
- § 14:10 —Refusal of Eviction
- § 14:11 —Terms and Conditions
- § 14:12 —Delay of Eviction
- § 14:13 Section 83(3)
- § 14:14 —Serious Breach by the Landlord (s. 83(3)(a))
- § 14:15 —Retaliatory Application (s. 83(3)(b), (c), (d))
- § 14:16 —Presence of Children (s. 83(3)(e))
- § 14:17 Section 83(4) and (5) — Relief When Compensation Has Not Been Paid
- § 14:18 Setting Aside *Ex Parte* Orders (made under s. 77 or s. 78)
- § 14:19 Preventing Abuses of Process
- § 14:20 *Courts of Justice Act*

V. EXPIRATION OF AN EVICTION ORDER

- § 14:21 General

CHAPTER 15. HUMAN RIGHTS ISSUES IN RENTAL HOUSING

I. INTRODUCTION

- § 15:1 What is the *Human Rights Code*?
- § 15:2 2006 Amendments to the *Human Rights Code*
- § 15:3 2007 Housing Consultation
- § 15:4 Housing as a Human Right
- § 15:5 Human Rights in Rental Housing and the Role of the Landlord and Tenant Board

II. FREEDOM FROM DISCRIMINATION AND HARASSMENT IN HOUSING

- § 15:6 What is Discrimination in Rental Housing?
- § 15:7 What is “Harassment” Under the *Code*?
- § 15:8 Relevant Provisions of the *Code*
- § 15:9 Constructive Discrimination

TABLE OF CONTENTS

§ 15:10 Examples of Discrimination in Rental Housing

III. DISCRIMINATION IN THE SELECTION OF TENANTS

§ 15:11 General

IV. ACCOMMODATING TENANTS

§ 15:12 Duty to Accommodate

§ 15:13 Responsibilities of Person with a Disability

§ 15:14 Responsibilities of Landlord

§ 15:15 Effect of Failure to Accommodate

V. ROLE OF THE LANDLORD AND TENANT BOARD

§ 15:16 Jurisdiction

§ 15:17 Choice of Forum

§ 15:18 Onus of Proof

§ 15:19 Remedies

§ 15:20 Human Rights Issues and the Landlord and Tenant Board—Introduction

§ 15:21 —Human Rights Code Accommodations at Landlord and Tenant Board Proceedings

§ 15:22 —Human Rights Code Issues Raised by a Tenant during an Eviction Proceeding at the Board

§ 15:23 —Human Rights Code Issues Raised by a Tenant in the Tenant’s Application at the Board

§ 15:24 —Conflicts Between the Code and the R.T.A.

§ 15:25 Selected Cases

CHAPTER 16. PROCEEDINGS BEFORE THE LANDLORD AND TENANT BOARD

§ 16:1 Introduction

§ 16:2 Notices of Termination

§ 16:3 Service of Documents—Methods of Service

§ 16:4 Timing of Service of Notice of Termination

§ 16:5 Timing of Service of the Application and Notice of Hearing

§ 16:6 Proof of Service

§ 16:7 Filing Documents with the Board

§ 16:8 The Application

§ 16:9 Representation—Legal Representation and Self-representation

§ 16:10 —Litigation Guardians

- § 16:11 Preparing for the Hearing—General
- § 16:12 —Implications of Sections 82 and 87
- § 16:13 —Disclosure of Evidence
- § 16:14 —Pre-Hearing Conferences and Case Management Hearings
- § 16:15 Negotiation and Mediation
- § 16:16 Rescheduling and Adjournments
- § 16:17 The Hearing—Types of Hearings
- § 16:18 —Summons to Witnesses
- § 16:19 —Recording Proceedings
- § 16:20 —What to Expect on the Day of the Hearing
- § 16:21 Standard of Proof
- § 16:22 Orders and Reasons
- § 16:23 Reviews—Authority of the Board to Review its Decisions
- § 16:24 —Purpose
- § 16:25 —Who Can Request the Review of a Decision?
- § 16:26 —Time Limit
- § 16:27 —Procedure
- § 16:28 —Examples
- § 16:29 —Subsequent Requests for Review
- § 16:30 —Review after Eviction Order Enforced
- § 16:31 —Costs of the Review
- § 16:32 —Other Discretionary Relief
- § 16:33 Appeals—Right of Appeal
- § 16:34 —Time Limit
- § 16:35 —Automatic Stay
- § 16:36 —Question of Law
- § 16:37 —Appeals Brought for Improper Purposes and Motions to Quash an Appeal
- § 16:38 —Standard of Review on Appeals
- § 16:39 —Examples
- § 16:40 —Powers of Divisional Court
- § 16:41 Judicial Review

CHAPTER 17. ENFORCING AN EVICTION ORDER

- § 17:1 What Is Enforcement?
- § 17:2 When Can an Eviction Order be Enforced?
- § 17:3 Procedure
- § 17:4 Urgent Evictions
- § 17:5 One Last Chance to Save the Tenancy
- § 17:6 What Happens on the Day of the Eviction?
- § 17:7 What Happens to the Tenant’s Property after the Eviction?

TABLE OF CONTENTS

- § 17:8 Is There Any Way a Tenant Can Legally Regain Possession Once an Eviction Order Has Been Enforced?

CHAPTER 18. DISPOSING OF ABANDONED PROPERTY

- § 18:1 Introduction
§ 18:2 Upon Death of Tenant (s. 92)
§ 18:3 When Unit Abandoned (s. 42)
§ 18:4 Mobile Homes and Land Lease Homes
§ 18:5 Sheriff Evicts Tenant
§ 18:6 in All Other Circumstances
§ 18:7 Remedies and the Expanded Jurisdiction of the Landlord and Tenant Board

CHAPTER 19. PENAL SANCTIONS

- § 19:1 Introduction—General
§ 19:2 —Purpose
§ 19:3 —Onus
§ 19:4 —Types of Offences
§ 19:5 —Attempts
§ 19:6 —Limitation Period
§ 19:7 —Evidence
§ 19:8 —Penalties and Factors Considered on Sentencing
§ 19:9 —Recent Developments
§ 19:10 —Trial Within a Reasonable Period of Time
§ 19:11 Illegal Change of Locks and Unlawful Recovery of Possession
§ 19:12 —Unauthorized Change of Locks by Tenant
§ 19:13 —Illegal Lockout or Illegal Eviction by Landlord
§ 19:14 Interference with Vital Services
§ 19:15 Interference by Tenant with Rights of Landlord
§ 19:16 Distress (Unlawful Seizure of Goods)
§ 19:17 Failure to Comply with Sections 48.1, 49.1, 52, 54 and 55
§ 19:18 Failure to Comply with Sections 51 and 53
§ 19:19 Furnishing False or Misleading Information
§ 19:20 —False or Misleading Information Given to Board by Landlord
§ 19:21 —False or Misleading Information Given to Board by Tenant
§ 19:22 Illegal Entry
§ 19:23 Failure to Do Work
§ 19:24 Offences Related to Security Deposits

- § 19:25 —Illegal Security Deposit (s. 234(d))
- § 19:26 —Failing to Repay Deposit (s. 234(g))
- § 19:27 Failure to Provide Receipt
- § 19:28 Charging Illegal Rent
- § 19:29 Harassing or Interfering with the Reasonable
Enjoyment of the Tenant
- § 19:30 Failing to Make an Evicted Tenant's Property
Available for Retrieval
- § 19:31 Offences Added under the R.T.A.—Generally
- § 19:32 —Offences Related to Non-profit Housing
Cooperatives

CHAPTER 20. MOBILE HOMES AND LAND LEASE HOMES

- § 20:1 Introduction—General
- § 20:2 —Definition of Mobile Home
- § 20:3 —Definition of Land Lease Home
- § 20:4 —Application of the R.T.A.
- § 20:5 Park/Community Rules
- § 20:6 Information About Property Assessment
- § 20:7 Tenant's Right to Sell—General
- § 20:8 —Landlord's Right of First Refusal
- § 20:9 —Advertising
- § 20:10 Assignment of the Site
- § 20:11 Restraint of Trade Prohibited
- § 20:12 Landlord's Additional Maintenance Obligations
- § 20:13 Disposal of the Tenant's Home and Personal
Property—On Termination of the Tenancy
- § 20:14 —On Death of the Owner
- § 20:15 Termination for Demolition, Conversion or Repairs
- § 20:16 Rent and Other Charges—Establishing the Rent
for a New Tenancy
- § 20:17 —Rent Increase Permitted on Assignment of Site
- § 20:18 —Permitted Charges
- § 20:19 —Exemption from Usual "Cap" on Rent Increase
Above Guideline Based upon Certain Types of
Capital Expenditures
- § 20:20 —Collecting Municipal or Local Services Taxes
- § 20:21 Renting a Mobile Home or Land Lease Home From
the Owner

CHAPTER 21. CARE HOMES

- § 21:1 Introduction
- § 21:2 Definitions

TABLE OF CONTENTS

- § 21:3 Application of the R.T.A.
- § 21:4 Creating the Tenancy
- § 21:5 Tenant Privacy and Other Rights
- § 21:6 Assignment/Subletting
- § 21:7 External Care Providers
- § 21:8 Transferring the Tenant
- § 21:9 Rent and Charges for Care Services
- § 21:10 Terminating the Tenancy—Termination by the
Tenant
- § 21:11 —Termination on Death of Sole Tenant
- § 21:12 —Termination by the Landlord

**CHAPTER 22. SUITE METERS (SUB-
METERING OF ELECTRICITY) AND
APPORTIONMENT OF UTILITY COSTS**

- § 22:1 Suite Meters (s. 137)—Background
- § 22:2 —As of January 1, 2011
- § 22:3 Apportionment of Utility Costs (s. 138)—
Background
- § 22:4 —As of January 1, 2011

**CHAPTER 23. NON-PROFIT CO-
OPERATIVE HOUSING**

I. INTRODUCTION

- § 23:1 General

**II. SITUATION PRIOR TO PROCLAMATION OF
BILL 14**

- § 23:2 General

III. IMPETUS FOR CHANGE

- § 23:3 General

IV. EFFECTIVE JUNE 1, 2014

- § 23:4 General
- § 23:5 Overview of Procedures for Applications under Part
V.1—Introduction
- § 23:6 —Serving and Filing a Complete Application
- § 23:7 —Notice of Hearings
- § 23:8 —Service of Application and Notice of Hearings

RESIDENTIAL TENANCIES

- § 23:9 —Serving and Filing a Complete Response
- § 23:10 —The Case Management Hearing
- § 23:11 —The Merits Hearing
- § 23:12 —Rescheduling and Adjournment Requests
- § 23:13 —Representation at Hearings
- § 23:14 —Ex Parte Applications
- § 23:15 Service of Documents
- § 23:16 Applications Where Notice is Required—
Introduction
- § 23:17 —Persistently Late Payment of Housing Charges
- § 23:18 —Ceasing to Qualify for Specified Housing
- § 23:19 —Non-payment of Housing Charges
- § 23:20 —Material Misrepresentation of Income
- § 23:21 —Illegal Act
- § 23:22 —Undue Damage — Normal
- § 23:23 —Undue Damage—Fast-track
- § 23:24 —Substantial Interference with Reasonable
Enjoyment
- § 23:25 —Impaired Safety
- § 23:26 —Overcrowding
- § 23:27 —Second Notice
- § 23:28 Applications Made Without Notice to the Unit
Member—Introduction
- § 23:29 —Application under s. 94.10
- § 23:30 —Breach of Order or Mediated Agreement (s.
94.11)
- § 23:31 Relief from Eviction
- § 23:32 Powers of Board (remedies)

APPENDICES

Appendix A. Feldman’s Quick Reference Guide

Appendix B. *Residential Tenancies Act, 2006*

Appendix C. Regulations Made Under the *Residential Tenancies Act, 2006*

Appendix C1. Ont. Reg. 516/06 — General

Appendix C2. Ont. Reg. 517/06 — Maintenance Standards

Appendix C3. Ont. Reg. 394/10 — Suite Meters and
Apportionment of Utility Costs

Appendix C4. Ont. Reg. 9/18 — Tenancy Agreements for
Tenancies of a Prescribed Class

Appendix C5. O. Reg. 906/21 — Form of Production Order

Appendix D. Rules of Procedure

TABLE OF CONTENTS

Appendix E. Landlord and Tenant Board Interpretation
Guidelines and Practice Directions

Appendix F. *Statutory Powers Procedure Act*

Appendix G. *Mortgages Act*

Appendix H. Ont. Reg. 282/98 — General Regulation

Appendix I. Human Rights Code

Appendix I1. *Human Rights Code*

Appendix I2. Ont. Reg. 290/98 — Business Practices
Permissible to Landlords in Selecting
Prospective Tenants for Residential
Accommodation

Appendix J. Ont. Reg. 373/06 — Table of Operating Cost
Categories for 2007

Appendix K. Annual Rent Increase Guidelines: 1975 to
2024

Appendix L. *Parental Responsibility Act, 2000*

Appendix M. Standard Form of Lease

Appendix N. Tribunal Adjudicative Records Act, 2019

Appendix N1. Tribunal Adjudicative Records Act, 2019

Appendix N2. O. Reg. 211/19—Tribunal Adjudicative
Records Act, 2019

Table of Cases

Index