

SUMMER LAW INSTITUTE

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Housing Law: COVID-19 Pandemic Edition

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With:



Residential Tenancies Act, 2006

- governs legal relationship between most tenants & their landlords in Ontario, with notable exceptions
- sets out rights & obligations, grounds for eviction & notice requirements
- includes offences enforceable under *Provincial Offences Act*
- establishes Landlord & Tenant Board (LTB)– Tribunal tasked with resolving disputes between landlords & tenants
- applications for eviction based on notice can be mediated or adjudicated
- includes some *ex parte* eviction applications



- LTB under review by Ombudsman of Ontario re: backlog in application processing
- hearings in person
- hearings by teleconference in some areas including Northern Ontario
- Tribunal Members appointed by Order in Council
- few renewals, re: appointments or new appointments under current government
- substantial backlog



Moratorium Eviction Enforcement & Issuance of Eviction Orders

- March 16 LTB closes offices to public cancels scheduled eviction hearings
- March 19 Chief Justice of Superior Court of Justice issues Order

On application by AG for “order suspending execution of all writs of possession to evict residents from their homes during the 2019 novel coronavirus (COVID-19) pandemic, and ancillary relief...”



Moratorium Eviction Enforcement & Issuance of Eviction Orders

Court ordered “that, during the suspension of regular court operations by the Chief Justice, the eviction of residents from their homes, pursuant to eviction orders issued by the Landlord and Tenant Board or writs of possession, are suspended unless the court orders otherwise upon leave being granted to a party by the court pursuant to the court’s procedures for urgent motions.”



Operations of LTB during Declared State of Emergency

- hearing tenant applications & eviction application where matter is urgent because there is a serious ongoing health concern or safety issue at the residential complex or a serious illegal act that occurred at the residential complex
- approx. per week 20 by teleconference, or in writing vs 300 per week in person & teleconference



Wrong Bill, Wrong Time

Bill 184 *Protecting Tenants and Strengthening Community Housing Act, 2020*

26 May introduced for 2nd reading without prior notice to the opposition

27 May passes second reading referred to Standing Committee on Social Policy

22-26 June Committee holds public hearings

2 & 3 July Committee reconvenes to consider amendments

July 21 passes 3rd reading

July 24 end of Declared State of Emergency – end of Moratorium



Wrong Time?

Among many things Bill 184

- creates an *ex parte* eviction application based on private rent repayment agreements;
- requires tenant to provide advance notice to raise s. 82 defence at their arrears hearing;
- landlords can bring former tenants to the LTB
- illegal rent increases become legal after 12 months
- increased compensation, disclosure, fines for no fault evictions



LTB | July 30, 2020

Landlord and Tenant Board Expanding Services While Keeping Ontarians Safe During COVID-19 Recovery

Today the Landlord and Tenant Board (LTB) announced it is gradually expanding services in August. However, all in-person service counters remain closed until further notice.

Effective August 1, 2020, the LTB will:

- **Begin to issue eviction orders that are pending;**
- Start to issue consent eviction orders which are based on landlord and tenants settling their dispute through an agreement;
- Continue to hear urgent eviction matters related to health and safety that are scheduled;
- **Start to schedule hearings for non-urgent evictions;** and
- **Conduct non-urgent eviction hearings starting in mid-August** and into the fall.

As services gradually resume, the LTB is strengthening its ability to deliver **fair, effective and timely services during the COVID-19 outbreak** by:

- Holding hearings by videoconference, phone or in writing.
- Encouraging landlords and tenants to discuss a settlement prior to an eviction application hearing with an adjudicator.
- Expanding the use of Case Management Hearings to include most eviction applications filed by landlords that do not include rent arrears.
- Recruiting and training adjudicators to resume full service.

“Today, we are announcing the expansion of services at the Landlord and Tenant Board **to address the effects of COVID-19** and the needs of tenants and landlords,” said Sean Weir, Executive Chair at Tribunals Ontario. “The impact of COVID-19 is resulting in a variety of challenges for Ontario’s families. While we do our part to provide efficient and effective dispute resolution services, we are asking landlords and tenants to work together to try to reach an agreement to settle their disputes.”

Thank you to the Law Foundation of Ontario for their support of the Summer Law Institute.

