

UPDATE ON LANDLORD AND TENANT LAW: EVICTION SUSPENSION LIFTED AND CHANGES TO EVICTION PROCESS

The COVID-19 pandemic eviction ban is being lifted in Ontario on August 4, 2020. This means that evictions can once again take place in Ontario. There remains a process for evictions, but for most evictions that process is now different due to recent changes to the [Residential Tenancies Act](#). Some of the changes related to evictions and other things are as follows:

- Evictions can now be fast tracked at the Landlord and Tenant Board (LTB) if a tenant agrees to a repayment plan with their landlord but then misses a payment. It is very important for tenants to get legal advice *before* agreeing to repayment plans because not following the terms of a plan could lead the landlord to get an eviction order without a hearing at the LTB. If a tenant receives an eviction order in these circumstances, they have only 10 days to request a hearing.
- Tenants facing eviction for rent owing must now provide written notice to their landlord if they want to raise various issues at the eviction hearing including issues related to repair problems in their units. Before the changes were made to the law, tenants could automatically raise these issues.
- If a tenant does not challenge an illegal rent increase within 12 months, the new rent now becomes legal and cannot be disputed.
- Landlords now have 12 months to bring former tenants to the LTB for issues such as rent owing. Before the changes were made to the law, landlords had to take former tenants to Small Claims Court. As Small Claims Court has much stricter rules than the LTB to ensure that tenants are made aware of hearings, there is concern that former tenants will not learn of the hearings at the LTB.

For more details about the changes to the [Residential Tenancies Act](#), see this [article](#) produced by the [Advocacy Centre for Tenants Ontario](#).

While the changes to the law are being challenged in court, the changes are currently in effect. We will provide an update when we have more information about the court challenge.

If you are living with HIV and have any tenancy-related issues (e.g., you owe rent, your unit needs repairs), please call [HALCO](#). If you are not living with HIV, you can call your [local community legal clinic](#).

July 30, 2020