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# Bill 205

**An Act to amend the Residential Tenancies Act, 2006 and other Acts with respect to certain categories of evictions and the provision of legal representation with respect to such evictions**

**Ms J. Bell**

**Private Member's Bill**

1st Reading      September 22, 2020

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill makes various amendments respecting notices of termination of a tenancy under the *Residential Tenancies Act, 2006* and related applications to the Landlord and Tenant Board where the grounds for the notice relate to the personal occupation of the rental unit in question by the landlord, a family member of the landlord or a person who purchases the rental unit or residential complex containing the rental unit or to the repair, renovation or demolition of the unit or its conversion to a non-residential use. The amendments include the following amendments to the *Residential Tenancies Act, 2006*:

1. Various timeframes respecting these types of notices and applications are modified.
2. The Act is amended to provide for the mandatory use of the forms approved by the Landlord and Tenant Board (the “Board”) when giving these types of notices.
3. In the case of notice due to repair, renovation, demolition or conversion, the Act is amended to require that the landlord provide the tenant with copies of necessary approvals for the repair, renovation, demolition or conversion.
4. In cases where the Board finds that a landlord gave any of these types of notices in bad faith, the remedies available to the Board are expanded. Notably, the Act is amended to require the Board to impose a monetary penalty in such cases.
5. The Act is amended to require the Board to maintain a registry of these types of applications and to provide notice of them to the Minister of Municipal Affairs and Housing.

In addition, the *Ministry of Municipal Affairs and Housing Act* is amended to require the Minister to take certain measures to confirm that these types of notices were given in good faith and to notify former tenants where the notices were presumptively given in bad faith. Statutes governing the provision of legal aid services are amended to require the mandatory provision of legal representation before the Board to individuals who have received notices terminating their tenancy for reasons unrelated to their conduct.

**An Act to amend the Residential Tenancies Act, 2006 and other Acts  
with respect to certain categories of evictions  
and the provision of legal representation with respect to such evictions**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 Section 43 of the *Residential Tenancies Act, 2006* is amended by adding the following subsections:**

**Content of form**

(3) If a landlord fails to use the form approved by the Board when giving a notice of termination under section 48 (Notice, landlord personally, etc., requires unit), 49 (Notice, purchaser personally requires unit) or 50 (Notice, demolition, conversion or repairs),

- (a) the landlord is considered not to have given a notice of termination for the purposes of this Act; and
- (b) the Board shall accordingly refuse to accept any application for an order terminating the tenancy and evicting the tenant.

**No deviations in form**

(4) Section 84 of the *Legislation Act, 2006* does not apply with respect to the notices referred to in subsection (3).

**2 (1) Subsection 48 (1) of the Act is amended by striking out “one year” in the portion before clause (a) and substituting “two years”.**

**(2) Subsection 48 (2) of the Act is amended by striking out “60 days” and substituting “six months”.**

**3 Section 48.1 of the Act is amended by striking out “one month’s rent” and substituting “three months rent”.**

**4 (1) Subsection 49 (1) of the Act is amended by adding “for a period of at least two years” after “for the purpose of residential occupation” in the portion before clause (a).**

**(2) Subsection 49 (3) of the Act is amended by striking out “60 days” and substituting “six months”.**

**5 (1) Section 50 of the Act is amended by adding the following subsection:**

**Same**

(1.1) The notice of termination must be accompanied by copies of all valid approvals necessary to demolish, convert, repair or renovate the rental unit, as the case may be, and, in the case of repairs or renovations to a rental unit, the approvals must authorize repairs or renovations that are so extensive that they require vacant possession of the rental unit.

**(2) Subsection 50 (2) of the Act is amended by striking out “120 days” and substituting “six months”.**

**6 Clauses 52 (1) (a) to (c) of the Act are repealed and the following substituted:**

- (a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use; and
- (b) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act.

**7 (1) Section 57 of the Act is amended by adding the following subsection:**

**Mandatory order for compensation**

(1.1) In addition to any of the orders referred to in subsection (3), if, on application by a former tenant of a rental unit, the Board determines that the landlord engaged in the bad faith conduct referred to in clause (1) (a), (b) or (c), the Board shall order that the landlord pay a sum equivalent to the greater of 12 months of the former tenant’s rent and \$35,000.

**(2) Subsection 57 (2) of the Act is amended by striking out “one year” and substituting “two years”.**

**(3) If this Act receives Royal Assent before subsection 9 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, subsection 9 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* is repealed.**

**(4) If subsection 9 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* is repealed by subsection (3), subsection 57 (3) of the Act is amended by repealing paragraph 1 and by adding the following paragraphs:**

- 2.1 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.
- 2.2 If the rental unit in question is vacant when the order is issued, an order allowing the former tenant to occupy the rental unit, on the same terms as set out in the tenancy agreement that was subject to termination.
- 2.3 An order requiring the landlord to provide the former tenant with the next rental unit owned in whole or in part by the landlord that becomes vacant at the same rent that the former tenant was previously paying, if the former tenant's rental unit is not vacant when the order is issued.
- 2.4 An order that the landlord charge to the new tenant of the former tenant's rental unit the last amount of rent legally charged to the former tenant, if the rental unit is not vacant when the order is issued.

**(5) If this Act receives Royal Assent after subsection 9 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, subsection 57 (3) of the Act is amended by repealing paragraphs 1 and 1.1 and by adding the following paragraphs:**

- 2.1 If the rental unit in question is vacant when the order is issued, an order allowing the former tenant to occupy the rental unit, on the same terms as set out in the tenancy agreement that was subject to termination.
- 2.2 An order requiring the landlord to provide the former tenant with the next rental unit owned in whole or in part by the landlord that becomes vacant at the same rent that the former tenant was previously paying, if the former tenant's rental unit is not vacant when the order is issued.
- 2.3 An order that the landlord charge to the new tenant of the former tenant's rental unit the last amount of rent legally charged to the former tenant, if the rental unit is not vacant when the order is issued.

**(6) Clause 57 (6) (b) of the Act is amended by striking out "one year" and substituting "two years".**

**(7) If this Act receives Royal Assent before subsection 9 (2) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, subsection 9 (2) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* is repealed.**

**(8) If this Act receives Royal Assent after subsection 9 (2) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, subsection 57 (8) of the Act is repealed.**

**8 The Act is amended by adding the following section:**

**Information respecting certain types of evictions**

**179.1** (1) The Board shall maintain a register of all applications for an order terminating a tenancy and evicting the tenant on the basis of a notice of termination under sections 48 (Notice, landlord personally, etc., requires unit), 49 (Notice, purchaser personally requires unit) and 50 (Notice, demolition, conversion or repairs) and notify the Minister of every such order that the Board issues.

**Reports**

(2) On or before April 1 in each year, the Board shall publish a report respecting the applications referred to in subsection (1) received during the previous year that includes,

- (a) the number of applications received, categorized by type of notice of eviction;
- (b) the addresses of the rental units associated with each application; and
- (c) the outcome of each application.

**Same**

(3) The report shall not include the names of any of the parties to an application.

***Legal Aid Services Act, 1998***

**9 Section 13 of the *Legal Aid Services Act, 1998* is amended by adding the following subsections:**

**Legal representation before the LTB**

(1.1) The Corporation shall provide legal aid services in the form of legal representation before the Landlord and Tenant Board to all individuals who have received a notice under the *Residential Tenancies Act, 2006* to terminate the individual's tenancy for a reason unrelated to the conduct of the individual and who request such legal representation.

### **Exception**

(1.2) The eligibility criteria set out in section 16 do not apply with respect to the provision of legal aid services under subsection (1.1) and the Corporation may not require an individual to contribute towards the costs for the legal aid services under section 40.

### ***Legal Aid Services Act, 2020***

**10 The *Legal Aid Services Act, 2020* is amended by adding the following section:**

#### **Legal representation before the LTB**

**4.1** (1) The Corporation shall provide legal aid services in the form of legal representation before the Landlord and Tenant Board to all individuals who have received a notice under the *Residential Tenancies Act, 2006* terminating the individual's tenancy for a reason unrelated to the conduct of the individual and who request such representation.

#### **Same**

(2) The conditions of eligibility to receive legal aid services referred to in section 7 do not apply with respect to the provision of legal aid services under subsection (1) and the Corporation may not require an individual to contribute towards the costs of providing the legal aid services under section 9.

### ***Ministry of Municipal Affairs and Housing Act***

**11 Section 4 of the *Ministry of Municipal Affairs and Housing Act* is amended by adding the following subsections:**

#### **Functions specific to no-fault evictions**

(1.1) As part of the Minister's responsibilities under subsection (1), the Minister shall, with respect to orders terminating tenancies of which the Minister is notified by the Landlord and Tenant Board under subsection 179.1 (1) of the *Residential Tenancies Act, 2006*, take such measures as he or she considers appropriate to confirm that the notices to terminate those tenancies were given in good faith.

#### **Same**

(1.2) In performing his or her functions under subsection (1.1), if the Minister learns that a landlord has done any of the things referred to in subsection 57 (5) of the *Residential Tenancies Act, 2006* during the period described in subsection 57 (6) of that Act, the Minister shall notify the former tenant of the rental unit in question that,

- (a) the landlord presumptively gave the notice of eviction in bad faith; and
- (b) the former tenant may make an application referred to in section 57 of the *Residential Tenancies Act, 2006* within two years following the day on which the former tenant vacated the rental unit.

#### **Commencement**

**12 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.**

**(2) Section 10 comes into force on the later of the day section 3 of Schedule 15 to the *Smarter and Stronger Justice Act, 2020* comes into force and the day this Act receives Royal Assent.**

#### **Short title**

**13 The short title of this Act is the *Protecting Renters from Illegal Evictions Act, 2020*.**