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Bill 72

An Act to amend the Residential Tenancies Act, 2006

Ms S. Morrison

Private Member's Bill

1st Reading December 7, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Residential Tenancies Act, 2006* to do the following:

1. Require landlords of residential complexes with 10 or more residential units to maintain an account, at a financial institution, into which the prescribed percentage of the rents of the residential complex must be deposited. The money in the account can only be used for repairs to the complex.
2. Provide that any hearing of the Landlord and Tenant Board with respect to applications made by tenants under the Act should be a written hearing, if the tenant requests a written hearing, unless the landlord satisfies the Board that there is a good reason to hear oral evidence or submissions.
3. Provide that the Board must order an abatement of rent in certain situations in which the landlord fails to comply with their obligations under the Act or performs certain activities set out in the Act.
4. Provide that the changes referred to in paragraphs 1 and 3 do not apply to rental units referred to in subsection 7 (1) of the Act.

An Act to amend the Residential Tenancies Act, 2006

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

1 Subsection 7 (1) of the *Residential Tenancies Act, 2006* is amended by striking out the portion before paragraph 1 and substituting the following:

(1) Section 21.1, paragraphs 6, 7 and 8 of subsection 30 (1), subsections 30 (1.1), (1.2) and 31 (1.1), 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:

2 The Act is amended by adding the following section:

Maintenance accounts

21.1 (1) A landlord of a residential complex that contains 10 or more rental units shall,

- (a) maintain an account at a financial institution in respect of the complex; and
- (b) deposit into the account the prescribed percentage of any rent paid with respect to a rental unit in the complex within 30 days of receiving the rent payment.

Use of maintenance accounts

(2) A landlord shall use the money in an account maintained under subsection (1) solely for major repairs that are required to be made to,

- (a) a rental unit in the residential complex; or
- (b) a common area or facility in the residential complex that is available for the use of its residents.

Major repairs

(3) For the purposes of this section, a major repair does not include any of the following:

1. The routine maintenance of the residential unit.
2. The repair or replacement of any system or thing that is required to be repaired or replaced because it was not routinely maintained by the landlord.
3. The repair or replacement of any system or thing that is required to be repaired or replaced earlier than would be expected because it was not routinely maintained by the landlord.

3 Section 29 of the Act is amended by adding the following subsections:

Written hearing

(3) Any hearing of the Board with respect to an application made under this section shall be a written hearing if the tenant so requests unless the landlord satisfies the Board that there is a good reason to hear oral evidence or submissions.

Same

(4) The Board shall ensure that its rules made under section 25.1 of the *Statutory Powers Procedure Act* deal with written hearings under subsection (3).

4 (1) Paragraph 2 of subsection 30 (1) of the Act is repealed.

(2) Section 30 of the Act is amended by adding the following subsections:

Order, abatement of rent

(1.1) 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 shall, after considering the severity and duration of the breach, order an abatement of rent that is not less than the amount determined in accordance with the regulations, if any.

Same

(1.2) The Board shall order the abatement regardless of the degree to which the landlord was responsible for the breach.

5 (1) Clause 31 (1) (c) of the Act is amended by adding “in the case of the landlord, a superintendent or an agent of the landlord having illegally entered the rental unit” at the beginning.

(2) Section 31 of the Act is amended by adding the following subsection:

Same

(1.1) If the Board determines that a landlord, a superintendent or an agent of a landlord has done one or more activities set out in paragraphs 2 to 5 of subsection 29 (1), the Board shall, after considering the impact of the activities on the tenant and their duration, order an abatement of rent that is not less than the amount determined in accordance with the regulations, if any.

6 Paragraph 2 of subsection 126 (1) of the Act is amended by adding “but, in the case of a residential complex containing 10 or more rental units, only if the amount of those expenses exceeded the balance of the account referred to in section 21.1 at the time they were incurred and only with respect to the amount of the excess” at the end.

Commencement

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

(2) Section 2 comes into force three months after the day this Act receives Royal Assent.

Short title

8 The short title of this Act is the *St. James Town Act (Residential Tenancies Amendments), 2021*.