

URGENT HOUSING UPDATE: BILL 184 AND REPAYMENT PLANS

IMPORTANT!

Eviction WITHOUT notice: A new law now in effect says that if you sign a **rent repayment agreement**, but cannot repay what you owe on time, your landlord can apply to evict you **without giving you notice**.

This makes it possible for landlords to evict you **without a proper hearing**. A landlord can apply to evict you even if you are only a day late or a dollar short of what you have agreed to pay.

Before you sign ANY agreement with your landlord about repaying rent, seek legal advice!

If you are a tenant, you can call or email SALCO for free legal advice at 416 487 6371

On July 22, 2020, Bill 184 was passed into law in Ontario. Now known as the *Protecting Tenants and Strengthening Community Housing Act, 2020*, this Act introduces several changes to the laws which govern tenants.

A summary of key changes that impact tenants:

1. Rent Repayment Agreements

A private rent repayment agreement between a landlord and a tenant can now be used **in place of a settlement** mediated by the Landlord and Tenant Board (LTB). If this private agreement is violated, the landlord can apply to the LTB for an order to evict the tenant. These types of evictions (called “*ex parte* evictions”) are *extremely hard for tenants to challenge*,

- It is alarming that the new law allows these evictions to be granted without also making sure that the settlements that a landlord and tenant agree on are mediated fairly
- When reviewing an application for an order to evict the LTB will look at whether the landlord tried to reach a settlement through a repayment plan, but there is no punishment for either the tenant or landlord for not agreeing on a repayment plan

2. Claims by and against Tenants and Former Tenants

(a) **More claims at the LTB:** Landlords can now make applications to the LTB for rent arrears and/or compensation for use and occupancy of a rental unit for up to one year after the tenant has left the unit. Before this, these claims were made at small claims court.

(b) **Advance notice:** Under the old rules, during a hearing of an application to evict for non-payment of rent, a tenant was allowed to bring up their own issues, such as the landlord’s failure to make repairs or harassment by the landlord. Under the new rules a tenant can only do this by following new requirements which includes giving advance written notice of intent to raise an issue or giving an accepted explanation to the LTB why the requirements could not be met.

(c) **Undue Damage:** Landlords can now make applications to the LTB for the cost of repairing damages or replacing property for up to one year after the tenant has left the unit. Before this, these claims were made at small claims court.

You can reach SALCO for housing related inquiries at:

(416)-487-6371

or

Find your local legal clinic at www.legalaid.on.ca/legal-clinics/ or

call: 416 979 1446