



Notice No: 21-02

APPLICABLE TO:

<input checked="" type="checkbox"/>	Municipal & Private Non Profit
<input checked="" type="checkbox"/>	Co-operative
<input checked="" type="checkbox"/>	Federal Non Profit
<input type="checkbox"/>	OCHAP/CSHP
<input checked="" type="checkbox"/>	Rent Supplement

DATE: February 17, 2020 **Mandatory** **For Information**

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

On July 20, 2020, the *Protecting Tenants and Strengthening Community Housing Act, 2020* was passed in the Ontario legislature. This Act amends several pieces of legislation including portions of the *Residential Tenancies Act, 2006* (RTA) and portions of the *Housing Services Act, 2011* (HSA).

The amendments to the RTA include new rules that are intended to prevent evictions that are used to increase rents that are beyond guidelines, extend compensation to tenants who were evicted for renovations, repair or home owners' own use, increase compensation for tenants who are evicted in bad faith and encourage alternatives to Landlord and Tenant Board (LTB) hearings.

This notice will provide an overview of the changes that will be applicable to social housing providers (with some exceptions to co-operative housing).

- Section 206 of the RTA has amended rules regarding repayment agreements. After a housing provider has issued an N4 notice to a tenant and filed an L1 application, the housing provider can then create a repayment agreement and have the tenant sign it without attending an LTB hearing (should the tenant choose to sign it). This agreement does not need to be created in the presence of a mediator (as would normally occur at a case management hearing), and it can include a clause under section 78. A section 78 clause allows a housing provider to make an application to the LTB for an eviction without further notice to the tenant if the repayment agreement is breached. The LTB will send a copy of the application to the tenant, and the tenant will have 10 days to file a motion to dismiss the application, otherwise they may be evicted. This allows for an expedited, streamlined process without having to attend a hearing at the LTB. The L1 form on the LTB website has been updated to reflect the new legislation and now includes a clause that discusses payment agreements.

- Section 82(1) of the RTA sets out that tenants who wish to raise additional issues at an LTB hearing are now required to submit advance notice in writing of their intent to do so, or provide an explanation satisfactory to the board, why advance notice was not provided. *(Does not apply to co-ops.)*
- Under a new section of the RTA, section 83(6), before the LTB will decide whether or not to allow an eviction application for rent arrears incurred during the Covid-19 state of emergency, the housing provider must have first attempted to negotiate a repayment agreement. *(Does not apply to co-ops)*
- Amendments have been made to rules regarding compensation for landlords. Housing providers are now able to apply for compensation for rent arrears, damages, unpaid utilities and compensation for interference for reasonable enjoyment or another lawful right, privilege, or interest of the landlord, from tenants who have moved out. Applications may be made up to one year after the unit was vacated. Housing providers must provide a copy of notice and hearing to the former tenants and file a certificate of service *(Does not apply to co-ops)*
- Under a new section of the RTA, Section 135.1, a rent increase that would normally be void because 90 days' notice was not provided, is no longer considered void if the tenant has paid the increased rent for 12 months and had not made an application to challenge the increase *(Does not apply to co-ops)*
- New legislation under the HSA provides a streamlined, legislative framework to encourage housing providers who reach the end of their operating agreement to stay in the community housing system. The legislative amendments are broad and enabling and will come into effect incrementally over time.

Housing Providers Role

Housing providers must ensure that staff and boards are provided with the information regarding Bill 184.

Housing providers should review their repayment agreement policies and ensure they align with the amended legislation.

Housing providers may wish to pursue compensation for rent arrears, damages and utility costs from former tenants. Arrears collection policies should be reviewed to ensure they align with the updated LTB rules.

If you have questions or concerns about this notice please contact your Housing Administrator at 905-682-9201.

Donna Woiceshyn, Chief Executive Officer

Enclosure:

Appendix A: Overview of Legislative Changes for Community Housing: Bill 184: Protecting Tenants and Strengthening Community Housing Act