



Housing Provider Information

BILL 184 CHANGES TO THE *RESIDENTIAL TENANCIES ACT, 2006*

September 15, 2020

Bill 184, the *Protecting Tenants and Strengthening Community Housing Act, 2020*, received Royal Assent on July 20, 2020. Bill 184 makes amendments to several pieces of legislation, including the *Residential Tenancies Act, 2006* (RTA) and the *Housing Services Act, 2011* (HSA). This document provides an overview of key changes to the RTA for community housing providers.

Summary

- The amendments to the RTA include new rules intended to prevent evictions that are used to increase rents beyond the guidelines, extend compensation for tenants who are evicted for renovations, repair or a homebuyer's own use, increase compensation for tenants who are evicted in bad faith, and encourage alternatives to Landlord and Tenant Board (LTB) hearings.
- At this time, most of the amendments explicitly apply to non-profit providers, unless otherwise noted in the section below.

Key changes for community housing providers

- **Streamlining LTB processes**
 - Non-profit and cooperative housing providers, tenants and members will be able to mediate or use alternate dispute resolution processes to reach an agreement that can be enforced by the LTB (section 194). For example, a landlord and tenant could negotiate a rent repayment plan prior to an LTB hearing, and file this agreement with the LTB. If the tenant does not meet the terms of the agreement, the housing provider could apply for an eviction order without notice under section 78(1) (non-profit providers) or 94.11(1) (co-operative providers).
 - To raise new issues at LTB eviction hearings, tenants must provide advance written notice of their intent or a satisfactory reason for why the requirement was not met. (Not applicable to co-operatives).

Community and Health Services
Housing Services

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York Region

The logo for York Region, featuring a stylized white bird or wing shape above the text "York Region" in a white serif font, all set against a green and teal background.

- **Rent arrears that arise during the COVID-19 state of emergency.** Under a new section 83(6), before deciding whether or not to allow an eviction application for non-payment of rent, the LTB shall consider whether the landlord has attempted to negotiate a repayment agreement for the period between March 17, 2020 and a date to be set out in regulations. (Not applicable to co-operatives).
- **Landlords will be able to pursue costs from former tenants through the LTB.** Once this rule is proclaimed and comes into force, landlords will be able to apply to the LTB for compensation for rental arrears, unit damage, and utility costs from tenants who have moved out. Previously compensation from former tenants had to be pursued through venues such as Small Claims Court. The application must be made within one year of the date the tenant left the unit, and is contingent on having a forwarding address. The landlord must provide the former tenant with a copy of the application and a copy of any notice of hearing issued by the LTB, and will be required to file a certificate of service with the LTB. (Not applicable to co-operatives).
- **New rule for rent increases deemed not void.** A new section, 135.1, states that a rent increase that would otherwise be void because the landlord did not provide 90 days written notice as required under section 116(1) will be considered not void, if the tenant has paid the increased rent for at least 12 months and did not make an application challenging the validity of the increase within one year after the date the first increase was charged. (Not applicable to co-operatives).
- **New rules relating to offences under the RTA**
 - Once this rule is proclaimed and comes into force, when investigating a suspected offence under the RTA, a provincial judge or justice of the peace may issue a production order for documents, copies or data to a person, other than a person under investigation for an offence.
 - The maximum fines for offences under the RTA will be increased.

Impacts for community housing providers

- Housing providers acting in good faith and using eviction prevention strategies to assist tenants and cooperative members who experience challenges such as a loss of income are not expected to be significantly impacted by these changes.
- Housing providers may wish to review existing policies and procedures for negotiating rent repayment agreements with tenants and members to ensure they are aligned with the updated LTB mediation and dispute resolution rules.
- Housing providers may want to consider when or if they will pursue compensation from former tenants for rent arrears, unit damage, or utility costs through the LTB and update their procedures if necessary.
- In updating their procedures, housing providers are encouraged to seek legal advice and/or advice from their sector organizations as required.

Additional information

Housing providers are encouraged to contact the [Ontario Non-Profit Housing Association](#) or the [Co-operative Housing Federation](#) for additional information about the impacts of Bill 184 on the RTA.

This notice will be available in an accessible format or with communication supports upon request from
1-877-464-9675 or 905-830-4444 ext. 72119

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