



## Housing Services Notice

**Date: January 8, 2018**

**HSN#: 2018-01**

This applicable legislation/policy is to be implemented effective this date by the housing provider(s) under the following programs:

Please note, if your program is **not checked**, this change is **not applicable** to your project.

- Federal Non-Profit Housing Program
- Federal Section 26/27 Housing Program
- Federal Urban Native Non-Profit Housing Program
- Private Non-Profit Housing Program
- Municipal Non-Profit Housing Program (Pre-1986)
- Local Housing Corporation
- Local Housing Corporation—Rent Supplement Programs
- Nipissing District Housing Registry

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**Subject:** Amendments to the Residential Tenancies Act, 2006

**Reference:** *Residential Tenancies Act, 2006*

**Background:**

Ontario has released amendments to the Residential Tenancies Act that came into effect on January 1, 2018. These include strengthened protections for tenants, new exemptions for transitional housing providers, and improved processes at the Landlord and Tenant Board (LTB).

These are the changes:

1. Landlords will no longer be able to apply for a rent increase above the guideline because utility costs have increased, and the LTB will be able to deny an application if a landlord has not complied with an order to fix an elevator.

2. If the tenant doesn't pay a landlord for damage they caused in the rental unit as required in a mediated agreement or order, landlords may be able to get an order terminating the tenancy and requiring the tenant to pay the unpaid damages. The LTB form *L4: Application to End a Tenancy – Tenant Failed to Meet Conditions of a Settlement or Order*, will be updated in February 2018 for landlords to make this request. This does not apply to mediated agreements or orders resulting from applications (L1 or L2) made before January 1, 2018. See section 78 of the RTA.
3. Landlords will be able to serve a second, non-voidable *N5: Notice to End your Tenancy for Interfering with Others, Damage or Overcrowding*, even if the tenant did not void the first N5 notice. (A tenant can "void" the N5 notice by correcting the behavior or paying for damages within 7 days.). Landlords can serve the second N5 notice between 7 days and six months after the first notice. See section 68 of the RTA.
4. If a landlord does not allow a former tenant to move back in after renovating the unit (after giving their tenant an *N13: Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use*), the tenant can now ask to be compensated for moving costs, higher rent or other costs related to being denied the unit. A new reason has been added to the *T5: Tenant Application – Landlord Gave a Notice of Termination in Bad Faith* for tenants to make this claim. See section 57.1 of the RTA.
5. The definition of supportive housing has changed. Supportive housing is exempt from the RTA. See section 5.1 of the RTA.

## Changes to Forms

The LTB has updated these forms to reflect the changes:

- *L5: Application for an Above Guideline Increase*
- *T5: Tenant Application – Landlord Gave a Notice of Termination in Bad Faith*
- *N5: Notice to End your Tenancy for Interfering with Others, Damage or Overcrowding*
- *N5C: Notice by the Co-op to End your Occupancy for Interfering with Others, Damage or Overcrowding*
- *N6: Notice to End your Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit*

## Action:

Housing providers must ensure that their policies and procedures conform to the Residential Tenancies Act as amended. Begin using the new forms immediately. Old versions of these forms will only be accepted until January 30, 2018.

You can call 1-888-332-3234 to speak to a customer service officer at the Landlord and Tenant Board, Monday to Friday from 8:30 a.m. to 5:00 p.m. Customer service officers can provide you with information about the Residential Tenancies Act and the LTB's processes but they cannot provide legal advice.

If you have any questions or concerns regarding this or any other Housing Services Notice, please contact the Housing Services Administrator assigned to your portfolio:

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