

Waterloo Region Community Legal Services (Legal Clinic) – Newsletter Dec. 2006  
**NEW LANDLORD-TENANT LEGISLATION IS COMING ON JANUARY 31, 2007!**

In June, the Provincial government passed the new *Residential Tenancies Act* (RTA) which is to come into force January 31, 2007. While much of the current *Tenant Protection Act* (TPA) will be carried over to the new Act, there are some significant changes:

**1. No need to file a Dispute – all matters will go to a hearing.**

Under the TPA, tenants had to file a Dispute with the Ontario Rental Housing Tribunal within 5 calendar days of getting their Notice of Hearing from the landlord. This often was not done for many reasons including language problems or misunderstanding the forms. As a result, a Default Order of eviction would be obtained without any hearing. Almost 60% of all applications filed went this way. Under the new RTA, all matters will go to a hearing. We have yet to be told how this will be done – it may mean more hearings officers and rooms will be required. There will still be a procedure for people to use if they were not able to attend the hearing due to reasons beyond their control to try to get any Order made at the hearing set aside. However, it may now cost money to ask for this set aside.

**2. Defences on arrears applications have expanded.**

Tenants will be able to raise their concerns about their landlord’s breach of his obligations at the hearing of the landlord’s arrears application and get some relief without filing their own application as was required under the TPA. This means tenants and landlords must prepare to have evidence at the arrears hearing about maintenance concerns, for example. The new Board will have the power to order work to be done or rent to be reduced, for example, without having the tenant file his own application.

**3. Tenants can ask for an Order Prohibiting Rent Increase (OPRI).**

There is now a new remedy for tenants on their maintenance applications. A landlord can be ordered not to increase rent until repairs are done. This is in addition to all the current remedies such as rent reductions or work orders. This is also available to tenants on Above Guideline Increase applications by landlords if there are serious maintenance issues or work orders outstanding. New tenants will have to be told by landlords about any OPRI’s.



**WE DO:**

- Landlord/Tenant
- Ontario Works/ Ontario Disability Support Program
- Workplace Safety and Insurance
- Canada Pension Plan
- Criminal Injuries Compensation
- Employment Insurance

Call us: (519) 743-0254

**LEGAL AID DOES:**

- Family Law
- Criminal Law
- Immigration

Call Legal Aid: (519) 743-4306

**LEGAL CLINIC CONTACT:**

**Kitchener** - (519) 743-0254

170 Victoria Street South

Kitchener, ON, N2G 2B9

Fax: 519-743-1588

Hours: 9 am to 5 pm Mon to Fri

**Cambridge**

At the Cambridge Self Help Food Bank - 54 Ainslie Street South

Hours: Mon 1:30 to 4:30 pm

Fri 9:30 am to 12:30 pm

Visit our web site: [www.wrcls.ca](http://www.wrcls.ca)

This newsletter is written and produced by Legal Clinic staff and volunteers. It only contains general information and may not reflect the views of the membership or Board of Directors. Please be aware that the law and policies may change.

For further information on the new RTA by the Provincial Government visit: <http://www.mah.gov.on.ca> and click on “Residential Tenancies”.

**4. One-time payment to avoid eviction to be available.**

Tenants who have been evicted by an Order of the new Landlord and Tenant Board and have reached the date that the Order can be enforced through the Sheriff's office will be able to pay all outstanding rent arrears and related costs to the Board up to the date the locks are actually to be changed by the Sheriff. This can only be done once during the tenancy, however.

**5. New grounds for eviction added.**

There are new and shorter eviction processes for tenants who cause willful or excessive damage to a rental unit or building **or** who substantially interfere with the landlord's enjoyment of his own unit in a building of no more than 3 units. A landlord will also be able to evict a tenant for personal use to accommodate a caregiver for the landlord or certain members of his family.

**6. Other changes too.**

Landlords under the new RTA must give all new tenants an information form on the responsibilities of landlords and tenants, the new Board and contact information. Interest on the last month rent deposit will now be the same as the annual provincial rent increase guideline based on the Ontario Consumer Price Index. Landlords will have the right to inspect a unit for repair problems upon giving 24-hour written notice to do so. Tenants who are evicted will now have 72 hours after the locks are changed to get the rest of their things and can take the landlord to the new Board if their things are not kept safe and accessible in that time.

**One thing that has not changed is Vacancy Decontrol. This means that landlords can continue to set the rent at whatever level they wish for new tenants.**

**Also, tenants who live in buildings that were not used for residential purposes before November 1, 1991 or which buildings were not used for any purpose before June 17, 1998 will still not be subject to rent control. The provincial guideline will not apply to them to control rent increases.**

**CONTACT OUR LEGAL CLINIC FOR MORE INFORMATION!**

**Useful Links:**

<http://www.hhug.ca>

The Homeless and Housing Umbrella Group is a local non-partisan group consisting of concerned individuals, including those with lived experience, and agencies and groups committed to preventing and reducing homelessness in Waterloo Region. The HHUG has just recently launched their new website and invite anyone to visit to learn about groups within our Region trying to address these issues, community events and initiatives concerning housing and keep current with changes in this area.

The HHUG is currently contacting the federal government to request ongoing funding for new housing unit and housing services to help people find and keep safe and affordable housing.

VISIT OUR CLINIC  
WEBSITE AT  
[WWW.WRCLS.CA](http://WWW.WRCLS.CA)  
TO LEARN MORE  
ABOUT US AND FOR  
MORE USEFUL LINKS  
TO OTHER AGENCIES  
AND INFORMATION!

Relevant legislation: *Residential Tenancy Act, 2006*  
You can find the Act on [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) under Statutes and Regulations, under "R".