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**Business Bulletin, April 2007**  
**The Changing Landscape of Residential Tenancy Law in Ontario**  
by Stanleigh Palka

The *Residential Tenancies Act, 2006* (RTA) came into effect on January 31, 2007, replacing the *Tenant Protection Act, 1997* (TPA). Affecting the 1.35 million renter households in Ontario, the new legislation changes the landscape of residential landlord-tenant law in Ontario.

The following highlights the major changes affecting landlords and tenants in the province:

**Landlord and Tenant Board:** *The Ontario Rental Housing Tribunal became the Landlord and Tenant Board when the RTA came into effect. Like the Tribunal, the Board is an independent administrative body that adjudicates legal disputes between landlords and tenants.*

**No More Default Evictions:** *The "default eviction" process is eliminated. Under the TPA, an eviction order was issued by default if the tenant did not dispute the landlord's eviction application in writing within five days. However, the Board can no longer make such eviction orders and must hold a hearing for every eviction application. It is anticipated that this will create backlog in the hearing system.*

**All Issues Considered at Eviction Hearings:** *Tenants now will be able to raise any and all issues at hearings without prior notice to the Board or landlord. In other words, tenants can seek and obtain relief for issues raised for the first time at the hearing itself without having to file a separate application in advance. This promises to be a controversial provision.*

**Payment to Avoid Eviction:** *Tenants who receive an eviction order can pay outstanding rent and related landlord costs to the Board, up until the Sheriff enforces the eviction. This provision stops the eviction and can only be used once during a tenancy.*

**Maintenance:** Where a landlord is in serious breach of maintenance obligations, the Board may freeze all rent increases for new and existing tenants.

**Distributing an Information Pamphlet:** Landlords must give new tenants a pamphlet with information on the responsibilities of landlords and tenants, the role of the Board, and contact details. This pamphlet is available through the Board.

**Rent Discounts:** Under the RTA, landlords can give up to three months' free rent to tenants. Landlords can use this as a way to attract new tenants, while still keeping the original rent in place.

*The foregoing is provided to you for information purposes only. We caution you to obtain legal advice specific to your situation in all circumstances.*

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