

BILL 60, SCHEDULE 12
RESIDENTIAL TENANCIES ACT, 2006

1. PRESCRIBED NOTICES

Subsection 43 (1) of the *Residential Tenancies Act, 2006* is amended by striking out the portion before clause (a) and substituting the following:

Notice of termination

(1) Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board, unless the form of the notice is prescribed in which case the notice shall be in the prescribed form, and shall,

Change 1 will modify the section as follows and will simply deal with circumstances where the Regulations detail the content of the notices:

Notice of termination

43 (1) Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board, unless the form of the notice is prescribed in which case the notice shall be in the prescribed form, and shall,

- (a) identify the rental unit for which the notice is given;
- (b) state the date on which the tenancy is to terminate; and
- (c) be signed by the person giving the notice, or the person's agent. 2006, c. 17, s. 43 (1).

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2. WHEN COMPENSATION FOR LANDLORD'S USE NOT REQUIRED

2 (1) Section 48.1 of the Act is amended by adding "Subject to subsection (2)" at the beginning.

(2) Section 48.1 of the Act is amended by adding the following subsection:

Same

(2) The requirement to compensate a tenant or to offer the tenant another rental unit under subsection (1) does not apply if a landlord gives notice to a tenant under section 48 that meets the following criteria:

- 1. The notice is given on or after the day subsection 2 (2) of Schedule 12 to the *Fighting Delays, Building Faster Act, 2025* comes into force.
- 2. The date for termination specified in the notice is at least 120 days after the notice is given.

3. The date for termination specified in the notice is the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.

Change 2 will modify the section as follows and will allow landlords, on landlord's own use notices (s.48 notices) to avoid paying the 1 month compensation under circumstances where the notice is deemed served at least 120 days prior to the termination date in the N12.

Compensation, notice under s. 48

48.1 Subject to subsection (2), a landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48. 2017, c. 13, s. 8.

Same

(2) The requirement to compensate a tenant or to offer the tenant another rental unit under subsection (1) does not apply if a landlord gives notice to a tenant under section 48 that meets the following criteria:

1. The notice is given on or after the day subsection 2 (2) of Schedule 12 to the *Fighting Delays, Building Faster Act, 2025* comes into force.

2. The date for termination specified in the notice is at least 120 days after the notice is given.

3. The date for termination specified in the notice is the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.

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3. DEFINING PERSISTENT LATE PAYMENT BY REGULATION

Section 58 of the Act is amended by adding the following subsection:

Persistent late payment

(1.1) For the purposes of paragraph 1 of subsection (1), what constitutes a persistent failure to pay rent on the date it becomes due and payable shall be determined in accordance with the regulations, if any.

Change 3 will modify the section as follows and will allow the government to include, by way of Regulation, a definition of what persistent late payment looks like. This may be an effort to curtail poor decision-making by adjudicators, for instance, making a finding that paying no rent does not equate to late payment.

Notice at end of term or period, additional grounds

58 (1) A landlord may give a tenant notice of termination of their tenancy on any of the following grounds:

1. The tenant has persistently failed to pay rent on the date it becomes due and payable.
2. The rental unit that is the subject of the tenancy agreement is a rental unit described in paragraph 1, 2, 3 or 4 of subsection 7 (1) and the tenant has ceased to meet the qualifications required for occupancy of the rental unit.
3. The tenant was an employee of an employer who provided the tenant with the rental unit during the tenant's employment and the employment has terminated.
4. The tenancy arose by virtue of or collateral to an agreement of purchase and sale of a proposed unit within the meaning of the *Condominium Act, 1998* in good faith and the agreement of purchase and sale has been terminated. 2006, c. 17, s. 58 (1).

(1.1) For the purposes of paragraph 1 of subsection (1), what constitutes a persistent failure to pay rent on the date it becomes due and payable shall be determined in accordance with the regulations, if any.

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4. CHANGE FROM 14 TO 7 DAYS FOR FILING RENT APPLICATION

Subsection 59 (1) of the Act is repealed and the following substituted:

Non-payment of rent

(1) If a tenant fails to pay rent lawfully owing under a tenancy agreement, the landlord may give the tenant notice of termination of the tenancy effective not earlier than the 7th day after the notice is given.

Change 4 will amend the section to read as above, and will change the 14 day voiding period for an N4 notice for a monthly tenancy, to 7 days, after which the L1 application may be filed..

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5. CHANGE FACTORS TO CONSIDER SETTING ASIDE N9 OR N11 ORDER

Clause 77 (8) (b) of the Act is repealed and the following substituted:

(b) make an order setting aside the order under subsection (4), if the prescribed circumstances, conditions or tests have been satisfied; or

Change 5 will modify the section as follows and will remove the option of setting aside an eviction order arising out of a N9 notice or N11 agreement based on fairness factors, and instead require the adjudicator to only use criteria found in the Regulations (other than the

notice or agreement not being signed). In other words the “*but I have no place to stay*” argument will not allow the order to be set aside.

Order of Board

77(8) If the respondent makes a motion under subsection (6), the Board shall, after a hearing,

(a) make an order setting aside the order under subsection (4), if,

(i) the landlord and tenant did not enter into an agreement to terminate the tenancy, and

(ii) the tenant did not give the landlord notice of termination of the tenancy;

~~(b) make an order setting aside the order under subsection (4), if the Board is satisfied, having regard to all the circumstances, that it would not be unfair to do so; or~~

(b) make an order setting aside the order under subsection (4), if the prescribed circumstances, conditions or tests have been satisfied; or

(c) make an order lifting the stay of the order under subsection (4), effective immediately or on a future date specified in the order. 2006, c. 17, s. 77 (8).

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6. CHANGE REQUIREMENTS FOR TENANT TO RAISE ISSUES AT RENT HEARING

6 (1) Subsection 82 (1) of the Act is repealed and the following substituted:

Tenant issues

(1) At a hearing of an application by a landlord under section 69 for an order terminating a tenancy and evicting a tenant based on a notice of termination under section 59, the Board shall permit the tenant to raise any issue that could be the subject of an application made by the tenant under this Act if the tenant complies with the requirements set out in subsection (2).

(2) Subsection 82 (2) of the Act is amended by adding the following paragraphs:

4. Unless the regulations provide otherwise, the tenant shall pay the following amounts to the landlord or, if the regulations so provide, into the Board:

i. Half of any rent arrears that were claimed in the application when it was filed.

ii. Such other amounts as may be prescribed.

5. The amounts specified in paragraph 4 shall be paid before the hearing and in accordance with any prescribed timelines.

Change 6 will amend the section to read as above. It will significantly tighten up the often-abused practice of raising issues, often frivolous issues at a rent hearing, without filing their own application, in an effort to delay the process by creating an adjournment. The repealed section is below for comparison purposes.

Tenant issues

~~82 (1) At a hearing of an application by a landlord under section 69 for an order terminating a tenancy and evicting a tenant based on a notice of termination under section 59, the Board shall permit the tenant to raise any issue that could be the subject of an application made by the tenant under this Act if the tenant,~~

~~(a) complies with the requirements set out in subsection (2); or~~

~~(b) provides an explanation satisfactory to the Board explaining why the tenant could not comply with the requirements set out in subsection (2). 2020, c. 16, Sched. 4, s. 16.~~

(3) Subsection 82 (4) of the Act is repealed and the following substituted:

Transition Provisions

(4) Section 82 of the Act is amended by adding the following subsection:

Transition Provisions

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7. SET LIMITATIONS IN REGULATION FOR DELAYING TERMINATION

Clause 83 (1) (b) of the Act is amended by adding “subject to any prescribed limitations or conditions” at the beginning.

Change 7 will make allow the government, through Regulation, to narrow the circumstances or conditions for delaying eviction after the Board has made a finding that there should be an eviction, but it should be delayed. The entire section is as follows:

Power of Board, eviction

83 (1) Upon an application for an order evicting a tenant, the Board may, despite any other provision of this Act or the tenancy agreement,

(a) refuse to grant the application unless satisfied, having regard to all the circumstances, that it would be unfair to refuse; or

(b) **subject to any prescribed limitations or conditions**, order that the enforcement of the eviction order be postponed for a period of time. 2006, c. 17, s. 83 (1)

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8-9-10. IDENTICAL CHANGES BUT FOR COOPERATIVES

8-9-10 Section 94.2, clause 94.10 (8) (b) and clause 94.12 (1) (b) of the Act are amended/replaced for cooperatives.

Changes 8, 9 and 10 deal with the same modification described above for defining persistent late payment, granting set-aside motions and delaying termination for cooperative housing.

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11. MODIFY POWER AND TIMING OF INTERNAL REVIEW REQUESTS

Subsection 209 (2) of the Act is repealed and the following substituted:

Power to review

(2) The power of the Board to review all or part of its decision or order under section 21.2 of the *Statutory Powers Procedure Act* is subject to any prescribed limitations or conditions.

Timing of review

(3) A request to review all or part of a decision or order of the Board shall be submitted within 15 days of the issuance of the decision or order, unless the Board considers it just and appropriate in the circumstances to extend the time to request the review.

Transition

(4) Subsection (3) applies only to a decision or order that is made on or after the day section 11 of Schedule 12 to the *Fighting Delays, Building Faster Act, 2025* comes into force.

Change 11 will amend the section to read as above. The change will once again require an adjudicator to refer to the Regulations to follow the prescribed limits to conditions under which a request to review an order can be granted. It also caps at 15 days the limitation period for filing a request to review an order. The repealed section is below for comparison purposes.

Power to review

~~(2) Without limiting the generality of section 21.2 of the *Statutory Powers Procedure Act*, the Board's power to review a decision or order under that section may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. 2006, c. 17, s. 209 (2).~~

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12, 13, 14, 15 PROVIDE AUTHORITY TO MAKE REGULATIONS

Changes 12 through 15 are technical in nature and simply permit the government to now make Regulations based on the new provisions inserted into the Act in changes 1-11. Change 15 specifically defines “when” these changes will actually come into force which is a day to be named by order of the Lieutenant Governor in Council. When a provincial law is passed by the legislative assembly, sometimes the legislature decides that certain parts of the law shouldn't take effect immediately. Instead, they write a clause saying that those parts will "come into force on a day to be named by order of the Lieutenant Governor in Council."

12 (1) Subsection 241 (1) of the Act is amended by adding the following paragraph:

13.0.2 prescribing rules and guidelines for determining what constitutes a persistent failure to pay rent on the date it becomes due and payable for the purposes of paragraph 1 of subsection 58 (1.1);

(2) Subsection 241 (1) of the Act is amended by adding the following paragraph:

13.0.3 prescribing circumstances, conditions or tests for the purposes of clause 77 (8) (b);

(3) Subsection 241 (1) of the Act is amended by adding the following paragraph:

13.0.4 for the purposes of subsection 82 (2),

i. prescribing the circumstances in which paragraph 4 does not apply,

ii. prescribing the circumstances in which the tenant is permitted or required to provide payments described in paragraph 4 into the Board, including providing that the Board may make an order permitting or requiring the tenant to make such payments into the Board,

iii. prescribing additional amounts for the purposes of subparagraph 4 ii, and

iv. prescribing timelines for the purposes of paragraph 5.

(4) Subsection 241 (1) of the Act is amended by adding the following paragraph:

13.0.5 prescribing limitations or conditions for the purposes of clause 83 (1) (b), including setting out factors that the Board must consider in determining whether to exercise its power under that clause;

(5) Subsection 241 (1) of the Act is amended by adding the following paragraph:

13.2 prescribing rules and guidelines for determining what constitutes a persistent failure to pay the regular monthly housing charges on the date they became due and payable for the purposes of paragraph 1 of subsection 94.2 (1);

(6) Subsection 241 (1) of the Act is amended by adding the following paragraph:

13.3 prescribing limitations or conditions for the purposes of clause 94.12 (1) (b), including setting out factors that the Board must consider in determining whether to exercise its power under that clause;

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13 Subsection 241.1 (1) of the Act is amended by adding the following paragraphs:

3.0.1 prescribing forms of notices for the purposes of subsection 43 (1);

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3.3 prescribing limitations or conditions for the purposes of subsection 209 (2), including setting out factors that the Board must consider before it decides whether to conduct a review;

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14 The Act is amended by adding the following section:

Transition regulations, *Fighting Delays, Building Faster Act, 2025*

241.5 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 12 to the *Fighting Delays, Building Faster Act, 2025*.

Same

(2) A regulation made under subsection (1) may,

(a) provide that, despite the coming into force of a provision of this Act as enacted by Schedule 12 to the *Fighting Delays, Building Faster Act, 2025*, the provision does not take effect in all or part of the province until the date specified in the regulation;

(b) provide that a provision of this Act, as it reads immediately before the commencement date of its amendment, repeal or re-enactment by Schedule 12 to the *Fighting Delays, Building Faster Act, 2025*, continues to apply, for a specified period of time and with necessary modifications, to specified things or in specified circumstances;

(c) govern the application of provisions of this Act to proceedings before a court or the Board in which a claim is made relating to amendments to this Act made by Schedule 12 to the *Fighting Delays, Building Faster Act, 2025* and which were commenced before the commencement date of the amendment.

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Commencement

15 This Schedule comes into force on a day to be named by order of the Lieutenant Governor in Council.