***Residential Tenancies Act, 2006,* S.O. 2006, c. 17**

**Purposes of the Act:**

1. The purposes of this Act are to provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential landlords and tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.

**DISCRETIONARY DECISIONS WHICH MUST BE EXERCISED REASONABLY IN CONFORMITY WITH INTERNATIONAL HUMAN RIGHTS AND CHARTER VALUES**

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| ***Decision/Right*** | ***Provisions:*** | ***Relevant International Human Rights/Principles*** |
| **Orders of the Landlord/**  **Tenant Board following a landlord’s breach** | 30.  (1)  If the Board determines in an application under paragraph 1 of subsection 29 (1) that a landlord has breached an obligation under subsection 20 (1) or section 161, the Board may do one or more of the following:  1. Terminate the tenancy.  2. Order an abatement of rent.  3. Authorize a repair or replacement that has been or is to be made, or work that has been or is to be done, and order its cost to be paid by the landlord to the tenant.  4. Order the landlord to do specified repairs or replacements or other work within a specified time.  5. Order the landlord to pay a specified sum to the tenant for,  i. the reasonable costs that the tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the tenant that was damaged, destroyed or disposed of as a result of the landlord’s breach, and  ii. other reasonable out-of-pocket expenses that the tenant has incurred or will incur as a result of the landlord’s breach.  6. Prohibit the landlord from charging a new tenant under a new tenancy agreement an amount of rent in excess of the last lawful rent charged to the former tenant of the rental unit, until the landlord has,  i. completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard, and  ii. completed the specified repairs or replacements or other work ordered under paragraph 4 found by the Board to be related to a serious breach of the landlord’s obligations under subsection 20 (1) or section 161.  7. Prohibit the landlord from giving a notice of a rent increase for the rental unit until the landlord has,  i. completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard, and  ii. completed the specified repairs or replacements or other work ordered under paragraph 4 found by the Board to be related to a serious breach of the landlord’s obligations under subsection 20 (1) or section 161.  8. Prohibit the landlord from taking any rent increase for which notice has been given if the increase has not been taken before the date an order under this section is issued until the landlord has,  i. completed the items in work orders for which the compliance period has expired and which were found by the Board to be related to a serious breach of a health, safety, housing or maintenance standard, and  ii. completed the specified repairs or replacements or other work ordered under paragraph 4 found by the Board to be related to a serious breach of the landlord’s obligations under subsection 20 (1) or section 161.  9. Make any other order that it considers appropriate.  31.  (1)  If the Board determines that a landlord, a superintendent or an agent of a landlord has done one or more of the activities set out in paragraphs 2 to 6 of subsection 29 (1), the Board may,  (a) order that the landlord, superintendent or agent may not engage in any further activities listed in those paragraphs against any of the tenants in the residential complex;  (b) order that the landlord, superintendent or agent pay a specified sum to the tenant for,  (i) the reasonable costs that the tenant has incurred or will incur in repairing or, where repairing is not reasonable, replacing property of the tenant that was damaged, destroyed or disposed of as a result of the landlord, superintendent or agent having engaged in one or more of the activities listed in those paragraphs, and  (ii) other reasonable out-of-pocket expenses that the tenant has incurred or will incur as a result of the landlord, superintendent or agent having engaged in one or more of the activities listed in those paragraphs;  (c) order an abatement of rent;  (d) order that the landlord pay to the Board an administrative fine not exceeding the greater of $10,000 and the monetary jurisdiction of the Small Claims Court;  (e) order that the tenancy be terminated;  (f) make any other order that it considers appropriate. | Rights: adequate standard of living, including housing.  Principles: inherent dignity of the human person; non-discrimination; equal rights of men and women; minimum core obligations; effectiveness. |
| **Landlord/**  **Tenant Board orders to evict** | 32.  If the Board makes an order terminating a tenancy under paragraph 1 of subsection 30 (1) or clause 31 (1) (e), the Board may order that the tenant be evicted, effective not earlier than the termination date specified in the order.  77.  (1)  A landlord may, without notice to the tenant, apply to the Board for an order terminating a tenancy and evicting the tenant if,  (a) the landlord and tenant have entered into an agreement to terminate the tenancy; or  (b) the tenant has given the landlord notice of termination of the tenancy.  (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  (c) make an order lifting the stay of the order under subsection (4), effective immediately or on a future date specified in the order.  78.  (1)  A landlord may, without notice to the tenant, apply to the Board for an order terminating a tenancy or evicting the tenant if the following criteria are satisfied:  1. The landlord previously applied to the Board for an order terminating the tenancy or evicting the tenant.  2. A settlement mediated under section 194 or order made with respect to the previous application,  i. imposed conditions on the tenant that, if not met by the tenant, would give rise to the same grounds for terminating the tenancy as were claimed in the previous application, and  ii. provided that the landlord could apply under this section if the tenant did not meet one or more of the conditions described in subparagraph i.  3. The tenant has not met one or more of the conditions described in subparagraph 2 i. 2006, c. 17, s. 78 (1).  (6)  If the Board finds that the landlord is entitled to an order under subsection (1), the Board may make an order terminating the tenancy and evicting the tenant.  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) order that the enforcement of the eviction order be postponed for a period of time.  (2)  If a hearing is held, the Board shall not grant the application unless it has reviewed the circumstances and considered whether or not it should exercise its powers under subsection (1). | Rights: adequate standard of living, including housing.  Principles: inherent dignity of the human person; non-discrimination; equal rights of men and women; minimum core obligations. |
| **Landlord/**  **Tenant Board orders for payment of arrears** | 78. (7)  If an order is made under subsection (6) and the landlord makes a request under subsection (3), the Board may order the payment of the following amounts:  1. The amount of any compensation payable under section 86.  2. The amount of arrears of rent that arose after the date of the settlement or order referred to in paragraph 2 of subsection (3).  3. Such amount as the Board may allow in respect of NSF cheque charges claimed by the landlord that were charged by financial institutions, after the date of the settlement or order referred to in paragraph 2 of subsection (3), in respect of cheques tendered by or on behalf of the tenant and for which the landlord has not been reimbursed.  4. Such amount as the Board may allow in respect of NSF administration charges claimed by the landlord that were incurred after the date of the settlement or order referred to in paragraph 2 of subsection (3) in respect of NSF cheques tendered by or on behalf of the tenant and for which the landlord has not been reimbursed, not exceeding the amount per cheque that is prescribed as a specified amount exempt from the operation of section 134.  5. If a settlement was mediated under section 194 with respect to the previous application,  i. the amount of arrears of rent payable under the terms of the settlement that has not been paid,  ii. the amount payable under the terms of the settlement in respect of NSF cheque charges that were charged by financial institutions in respect of cheques tendered by or on behalf of the tenant and for which the landlord has not been reimbursed,  iii. the amount payable under the terms of the settlement in respect of NSF administration charges for which the landlord has not been reimbursed, not exceeding the amount per cheque that is prescribed as a specified amount exempt from the operation of section 134, and  iv. the amount payable under the terms of the settlement as reimbursement for the fee paid by the landlord for the previous application, to the extent that the amount payable did not exceed that fee and to the extent that the amount payable has not been paid.  87.  (1)  A landlord may apply to the Board for an order for the payment of arrears of rent if,  (a) the tenant has not paid rent lawfully required under the tenancy agreement; and  (b) the tenant is in possession of the rental unit.  (5)  On an application by a landlord under this section, the Board may include the following amounts in determining the total amount owing to a landlord by a tenant in respect of a rental unit:  1. The amount of NSF cheque charges claimed by the landlord and charged by financial institutions in respect of cheques tendered to the landlord by or on behalf of the tenant, to the extent the landlord has not been reimbursed for the charges.  2. The amount of unpaid administration charges in respect of the NSF cheques, if claimed by the landlord, that do not exceed the amount per cheque that is prescribed as a specified payment exempt from the operation of section 134. | Rights: adequate standard of living, including housing.  Principles: inherent dignity of the human person; non-discrimination; equal rights of men and women; minimum core obligations. |