

EVICCTIONS



WHAT CO-OPS NEED TO KNOW

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LTB termination and application dates

A new eviction system for housing co-ops came into force on June 1, 2014. The new law made changes to the *Co-operative Corporations Act* and the *Residential Tenancies Act (RTA)*. Most evictions will now be handled by the Landlord and Tenant Board (LTB) after the co-op's internal process is done. In a few cases where the grounds of eviction are not in the RTA, the courts will still hear the case.

Evictions: What co-ops need to know is an educational series to help Ontario co-ops understand and work with the new eviction system. Check other issues in the series for more details on the new system. Each issue is posted on the Ontario eviction system webpage on the Resource Centre. The page can be accessed from the Ontario Region homepage on the CHF Canada website (www.chfcanada.coop).

This issue of *Evictions: What co-ops need to know* looks at the termination dates used on the LTB termination notices and outlines when co-ops can file an application with the LTB.

LTB termination dates and opportunity to remedy

This chart sets out the grounds that each LTB termination notice is used for, the termination date for each ground and whether there is an opportunity for the member to correct the situation and avoid eviction (remedy). The co-op must serve the member with an LTB termination notice after the co-op's internal eviction process is completed and the member has not left the unit. The notices can be downloaded from the LTB website (www.ltb.gov.on.ca). The rules for termination dates are in the RTA s.94.4.

Notice	Grounds	Termination date	Chance to remedy?
N4C	Arrears of regular monthly housing charges	At least 14 days after notice	✓
N5C	<ol style="list-style-type: none"> Behaviour Willful or negligent damage Too many people 	At least 20 days after notice (14 days if it is the second notice within six months)	✓ ✗ if second notice in six months
N6C	<ol style="list-style-type: none"> Illegal act related to drug production or trafficking Other illegal act or business Misrepresentation of income 	Reason 1 – 10 days Reason 2 and 3 – 20 days	✗

Notice	Grounds	Termination date	Chance to remedy?
N7C	<ol style="list-style-type: none"> Behaviour seriously impairing safety Willful damage (provable) Use of the unit that is inconsistent with residential uses and caused damage 	10 days after notice	×
N8C	<ol style="list-style-type: none"> Persistent late payment No longer eligible for social housing 	60 days (at the end of a month) after notice	×

LTB application dates and forms

This chart sets out which LTB application form is used for each ground for eviction and the date when the co-op can apply to the LTB. The co-op cannot apply to the LTB until they have served an LTB termination notice and the application date in this chart has been reached. The forms can be downloaded from the LTB website (www.ltb.gov.on.ca). The rules about when a co-op can apply to the LTB are in the RTA s.94.7 and 94.8.

Notice form	Application Form	When to apply
N4C	Form C + C1	After the termination date in the N4C.
N5C	Form C + C2	Seven days after serving the N5C or immediately if it is the second offence within six months. The application must be filed no later than 30 days after the termination date.
N6C	Form C + C2	Anytime after serving the N6C and up to 30 days after the termination date.
N7C	Form C + C2	Anytime after serving the N7C and up to 30 days after the termination date.
N8C	Form C + C2	Anytime after serving the N8C and up to 30 days after the termination date.

Other application forms

There are two other LTB application forms that are used for other applications to the LTB. Form C3 is used when a member has tried to withdraw a notice to vacate. Form C4 is used when there is a breach of a previous LTB order.

For more information on the eviction system please contact **Diane Miles**, **Judy Shaw** or **Keith Moyer** at the Ontario Region office at 1-800-268-2537. Or email dmiles@chfcanada.coop, jshaw@chfcanada.coop or kmoyer@chfcanada.coop. In southwestern Ontario, call **Denise McGahan** at 1-800-644-3949, or email dmcgahan@chfcanada.coop.

Warning: The co-op should not use this information instead of legal advice. Co-ops and situations are different from each other and people understand things differently. This issue of *Evictions: What co-ops need to know* assumes things that may not be true of your co-op or your situation.