

# Adult son's high-profile eviction would have been easier in Ontario

By AdvocateDaily.com Staff



Kicking family members out of your house is typically easier than getting rid of tenants, Toronto civil litigator [Sarah O'Connor](#) tells [AdvocateDaily.com](#).

News outlets around the world, including the CBC, [reported](#) on the court-ordered eviction of a 30-year-old upstate New York man from his parents' home.

According to the story, the parents turned to the courts after feeling like their son left them no choice by ignoring eviction letters, requests to get a job, and offers of limited financial help.

But O'Connor, principal of [O'Connor Richardson Professional Corporation](#), says the process would have been much more straightforward in Ontario because of the distinction the province's [Residential Tenancies Act](#) draws between tenants and boarders, who receive no protection under the law, even if they have an agreement to pay rent.

She explains that the main difference between the two is that boarders share a bathroom and kitchen with the owner of the house.

"If this happened in Ontario, you wouldn't have needed an eviction process. The parents could simply have given notice that they wanted him out and then changed the locks," O'Connor says.

"The only recourse he would have is that he's entitled to come in to retrieve his stuff, so the parents couldn't just box it up and throw it out on the lawn."

Although she hasn't come across any cases involving parents and children, O'Connor says it's more common for families to take action after falling out with in-laws who share their home. However, she says there are exceptions that prevent property owners from locking out minor children, or a married spouse if the house is the marital home.

"Most people think that they are tenants and that they can't be evicted," she says. "On occasion, the police will show up. Sometimes they are unwilling to get involved if they view it as a family issue, but most of the time they understand the difference between tenants and boarders.

"Most police departments have a property office that handles these things, so officers will show up to watch the person pack up their articles and then escort them out," O'Connor adds.

Still, she says the bad feeling that leads to the removal of a boarder will often ensure that the dispute is more prolonged.

"The owner is not allowed to damage a boarder's articles, so you might get a claim for liability if stuff was thrown out on the street, rained on, or damaged in some other way," O'Connor explains.

"There are also some cases where an evicted person sues and says they had cash or priceless belongings in their room which have now disappeared."