

## **IS RESIDENTIAL EVICTION POSSIBLE DURING THE COVID-19 PANDEMIC?**

By: Amanda Miller-Fleming

Under normal circumstances, Landlords have the right to evict those that do not pay rent, but is that still the case during these unprecedented times of the Covid-19 Pandemic?

Many individuals have lost their main source of income or are earning significantly less due to interruptions in work, supply chains, and government orders requiring people to stay home. With that in mind, if you are currently renting and have lost your main source of income coming up with money for rent is going to be difficult for most. As we are starting to see, there is uncertainty for those who cannot afford their rent, even with the government stimulus programs providing a source of income support for those who are unemployed. The Government of Ontario has enacted measures to prevent the eviction process from unduly impacting tenants and provides relief for those that are unable to pay rent.

Typically, a landlord makes an application to the Landlord and Tenant Board (the "Board") to obtain an eviction notice from an Adjudicator. The notice outlines what the tenant must do to prevent an eviction, either by stopping certain behaviours referred to in the notice or by doing an act that the notice requests. The notice also provides a deadline for the tenant to comply.

If the tenant does not comply with the notice the Landlord must re-attend at the Board and receive an order evicting the tenant from the property. If the tenant does not leave the property by the date in the eviction order the Landlord can have the order enforced through the Court Enforcement Office.

Due to the current Pandemic, the normal Board procedures have changed. The Government of Ontario has implemented a number of measures to assist tenants during these unprecedented times.

One such measure is that the Board will not be issuing any new eviction orders until further notice. Further, all hearings related to eviction applications (except for urgent disputes) and enforcements of orders are suspended until further notice (unless the Ontario Superior Court of Justice orders otherwise). Although the Ontario Superior Court of Justice has suspended all regular court operations, it has maintained a process to ensure that urgent motions can still be heard. A Landlord may apply to the Ontario Superior Court of Justice to have an eviction order enforced only if the Court deems it urgent.

Although landlords are still allowed to give eviction notices to tenants, they are encouraged to work with tenants to come up with alternative arrangements to allow tenants to remain in their rentals. This might include deferring rent for a period of time or making other alternative payment arrangements.

As the Landlord and Tenant Board has closed their counter services due to the pandemic, most landlord applications can still be filed online through the Landlord and Tenant Board website. Although in person hearings have been suspended, the Board will consider written and telephone hearings where feasible, as long as they do not relate to evictions.

More information can be found on the Government of Ontario website: <https://www.ontario.ca/page/renting-changes-during-covid-19> and here <https://www.ontario.ca/page/covid-19-information-landlords>. As well at the Landlord and Tenant Board website: <http://www.sjto.gov.on.ca/lrb/>.



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