

1983

c 24 Landlord and Tenant Amendment Act, 1983

Ontario

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CHAPTER 24

**An Act to amend the
Landlord and Tenant Act**

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 107 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: s. 107,
amended

(7) A judge hearing an application under section 113 brought by a landlord under subsection (4) shall not direct the issue of a writ of possession where, Where writ
to be refused

- (a) the notice of termination was given under clause (1) (b); and
- (b) the landlord's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the landlord to reside in the residential premises.

unless,

- (c) the application is brought in respect of premises situate in a building containing not more than six dwelling units; or
- (d) the landlord, his spouse or a child or parent of his or his spouse has previously been a *bona fide* occupant of the premises.

2. Section 110 of the said Act is amended by adding thereto the following subsection: s. 110,
amended

(4) A judge hearing an application under section 113 brought by a landlord under subsection (1) shall not direct the issue of a writ of possession under clause (3) (a) where the landlord's claim is based on a tenancy agreement or occupancy Where writ
to be refused

agreement that purports to entitle the landlord to reside in the residential premises, unless,

- (a) the application is brought in respect of premises situate in a building containing not more than six dwelling units; or
- (b) the landlord, his spouse or a child or parent of his or his spouse has previously been a *bona fide* occupant of the premises.

Application

3. Sections 1 and 2 apply to a hearing commenced on or after the day this Act comes into force, whether the notice of termination giving rise to the application was served before, on or after that day.

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Landlord and Tenant Amendment Act, 1983*.