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c 26 Rental Housing Protection Act, 1986

Ontario

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CHAPTER 26

**An Act respecting the
Protection of Rental Housing**

Assented to July 10th, 1986

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

1. In this Act,

~ Definitions

“co-operative” means a rental residential property other than a condominium, that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person, where any owner or lessee has the right to present or future exclusive possession of a unit in the rental residential property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental residential property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*;

R.S.O. 1980,
c. 452

“Minister” means the Minister of Housing;

“municipality” means a city, town, village, improvement district or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units but does not include a condominium;

“rental unit” means any living accommodation which is used as rented residential premises and includes a room in a boarding house or lodging house.

Application
of Act

2. This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Exemption
from Act

3. This Act does not apply to a rental residential property exempted by the regulations or located in a municipality that is exempted by the regulations.

Prohibition

4.—(1) No rental residential property, or part thereof, shall be,

- (a) demolished;
- (b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use, or any other use for a purpose other than rental residential property;
- (c) renovated or repaired if a tenant is in possession of a rental unit and vacant possession of the rental unit would be required or if the rental unit has been vacant for less than one year; or

1983, c. 1

- (d) severed under section 52 of the *Planning Act, 1983*,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair, renovation or severance.

Power of
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

R.S.O. 1980,
c. 84

Prohibition

5.—(1) No person shall sell, lease for a term of twenty-one years or more, or enter into an agreement to sell or lease an interest or share in a co-operative or in a corporation owning or leasing any interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption
re:
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.

(3) An agreement or conveyance entered into in contravention of subsection (1) is void and any amount paid thereunder is recoverable by the purchaser.

Consequences
of
contravention

(4) An instrument or notice respecting the sale, lease or agreement for sale of a share or interest in a co-operative may contain a statement by the vendor that an agreement or conveyance does not contravene this section and such statement is deemed to be sufficient proof that the agreement or conveyance does not contravene this section.

Statement

6.—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained and a copy of the certificate under subsection 7 (16) is attached to the notice.

Prohibition
respecting
notices of
termination
R.S.O. 1980,
c. 232

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Consequences
of
contravention

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act, notwithstanding that the notice of termination was served or application made for a writ of possession prior to the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

Restriction
re: writ of
possession

7.—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be prescribed by regulation.

Application
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to
tenants

(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection
and report

(4) For the purposes of an inspection under subsection (3), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon written notice to the tenant specifying the time of entry at least twenty-four

Entry for
inspection

hours before the time of entry, and a tenant shall permit the entry of such person during that time.

Copy of report made available

(5) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Power of council

(6) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed by the regulations are met.

Information and public meeting

(7) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Time for meeting, etc.

(8) The meeting mentioned in subsection (7) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Agreements

(9) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980, cc. 445, 230

Notice of decision

(10) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to O.M.B.

(11) Where the council refuses or neglects to make a decision on the application filed in accordance with this Act within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of decision to O.M.B.

(12) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with

the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection.

(13) If an application respecting a matter set out in section 4 or 5 has been made to the Ontario Municipal Board prior to the coming into force of this Act, this Act applies unless the Board has issued its decision. Transition

(14) The clerk of the municipality, upon receipt of a notice of appeal under subsection (11) or (12), shall compile a record and forward the notice of appeal and the record to the secretary of the Board and shall provide such information or material as the Board may require in respect of the appeal. Record

(15) The Board shall hold a hearing and has the same authority as the council under subsection (6) but if all appeals have been withdrawn prior to the hearing, the decision of the council is final and binding and the secretary of the Board shall notify the clerk of the municipality who in turn shall notify the applicant. Hearing

(16) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with, and after the certificate has been given no action may be maintained to question the validity of the approval, but where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Certificate that approval given

(17) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any decision of the Board, the Lieutenant Governor in Council may, L. G. in C. may confirm, vary or rescind orders

- (a) confirm, vary or rescind the whole or any part of such decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the

Board upon which such decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

Withdrawal
of petition

(18) Any party who has filed a petition under subsection (17) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

When
certificate
of approval
to be issued

(19) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.

Fees

8. The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) exempting a municipality, or part thereof, from this Act;
- (b) exempting rental units or rental residential properties, or categories thereof, from this Act;
- (c) prescribing the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (7), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (16);

- (h) exempting sales of co-operative units, or any category thereof, from any of the provisions of this Act.

10.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained prior to the coming into force of this Act, the approval of council under subsection 4 (1) is not required and section 6 does not apply.

Transition
R.S.O. 1980,
c. 51
1983, c. 1

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem.
condominium
conversion
R.S.O. 1980,
c. 84

11. Every person who contravenes section 4 or 5 or subsection 6 (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention of section 4 or 5 or subsection 6 (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Offence

12.—(1) Subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

14. The provision of section 5 of the *Rental Housing Protection Act, 1986*.

1986, c. 26

(2) Paragraph 14 of subsection 47 (1) of the said Act, as enacted by subsection (1), is repealed on the 30th day of June, 1988.

13. This Act, except subsection 12 (2), is repealed on the 30th day of June, 1988.

Repeal

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

Commence-
ment

15. The short title of this Act is the *Rental Housing Protection Act, 1986*.

Short title

