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c 23 Landlord and Tenant Amendment Act, 1987

Ontario

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CHAPTER 23

An Act to amend the Landlord and Tenant Act

Assented to June 29th, 1987

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

1.—(1) Subclauses 1 (c) (i) and (iii) of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (i) any premises used or intended for use for residential purposes, including accommodation in a boarding house, rooming house or lodging house,

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- (iii) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the tenant occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed residential premises.

(2) Clause 1 (c) of the said Act is amended by adding thereto the following subclauses:

- (v) premises whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner's spouse, child or parent, or the spouse's child or parent, where the owner, spouse, child or parent lives in the building in which the premises are located,

- (vi) accommodation provided by an educational institution to its students or staff where,

- (A) the accommodation is provided primarily to persons under the age of majority, or

(B) all major questions related to the accommodation are decided after consultation with a council or association representing the residents,

unless the accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households,

(vii) accommodation provided to the travelling and vacationing public in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast establishment or farm vacation home,

(viii) accommodation that is subject to the *Public Hospitals Act*, the *Private Hospitals Act*, the *Community Psychiatric Hospitals Act*, the *Mental Hospitals Act*, the *Homes for Special Care Act*, the *Homes for the Aged and Rest Homes Act*, the *Homes for Retarded Persons Act*, the *Nursing Homes Act*, the *Ministry of Correctional Services Act*, the *Charitable Institutions Act*, the *Child and Family Services Act, 1984*, the *Developmental Services Act*, the *Ministry of Health Act* or the *Ministry of Community and Social Services Act*,

(ix) accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care,

(x) short term accommodation provided as emergency shelter, or

(xi) accommodation, whether situated on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm.

R.S.O. 1980,
cc. 410, 389,
79, 263, 202,
203, 201,
320, 275, 64,
118, 280,
273
1984, c. 55

2.—(1) Clause 81 (e) of the said Act is amended by adding at the end thereof “and includes a licence to occupy residential premises”.

(2) Section 81 of the said Act is amended by adding thereto the following clause:

- (f) “tenant” means a tenant as defined in clause 1 (e) and in addition includes a boarder, a roomer and a lodger.

3. Subsection 84 (1) of the said Act is repealed and the following substituted therefor:

(1) A landlord shall not require or receive a security deposit from a tenant under a tenancy agreement other than the rent for one rent period, but not in any event exceeding one month, which payment shall be applied in payment of the rent for the last rent period immediately preceding the termination of the tenancy. Security deposits

4. Section 93 of the said Act is amended by adding thereto the following subsection:

(2) Where a tenancy agreement requires the landlord to clean the rented premises at regular intervals, the landlord may enter the premises in order to perform that obligation in accordance with the tenancy agreement, without giving the notice referred to in subsection (1). Entry by landlord to clean premises

5. Subsection 96 (2) of the said Act is repealed and the following substituted therefor:

(2) The tenant is responsible for ordinary cleanliness of the rented premises, except to the extent that the tenancy agreement requires the landlord to clean them. Responsibility for cleanliness

(2a) The tenant is responsible for the repair of damage caused by the wilful or negligent conduct of the tenant or of persons who are permitted on the premises by the tenant. Tenant's responsibility for damage

6. Subsections 108 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

(1) Notwithstanding section 100, 101, 102, 103, 104 or 105, where a tenant fails to pay rent in accordance with a tenancy agreement, the landlord may serve on the tenant notice of termination of the tenancy agreement effective not earlier than, Early termination for non-payment of rent

- (a) in the case of a daily or weekly tenancy, the seventh day; and
- (b) in the case of a tenancy other than a daily or weekly tenancy, the twentieth day,

after the notice is given.

Notice to
specify right
of tenant

(2) The notice of termination shall specify the right of the tenant to avoid the termination of the tenancy by payment of the rent demanded,

- (a) in the case of a daily or weekly tenancy, within seven days; and
- (b) in the case of a tenancy other than a daily or weekly tenancy, within fourteen days,

of the tenant receiving the notice of termination.

Notice void
where rent
paid

(3) Where a tenant who received notice of termination under subsection (1) pays to the landlord the rent that is due in accordance with the tenancy agreement and within,

- (a) in the case of a daily or weekly tenancy, seven days; and
- (b) in the case of a tenancy other than a daily or weekly tenancy, fourteen days,

of the day the tenant receives the notice, the notice of termination is void and of no effect.

Application
by landlord
under s. 113

(4) Where a tenant fails to pay the rent demanded,

- (a) in the case of a daily or weekly tenancy, within the seven days mentioned in clause (2) (a); and
- (b) in the case of a tenancy other than a daily or weekly tenancy, within the fourteen days mentioned in clause (2) (b),

the landlord is entitled to make application forthwith under section 113.

7. Clause 121 (4) (a) of the said Act is amended by inserting after "water" in the second line "food".

Commence-
ment and
application

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor and applies to tenancies under tenancy agreements entered into or renewed before and subsisting on that day or entered into on or after that day.

Short title

9. The short title of this Act is the *Landlord and Tenant Amendment Act, 1987*.