1985

c 15 Residential Tenancies Amendment Act, 1985

Ontario
CHAPTER 15

An Act to amend certain Acts
respecting Residential Tenancies

Assented to December 20th, 1985

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

1. Section 125 of the Residential Tenancies Act, being chapter 452 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

125. Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit to take effect on or after the 1st day of August, 1985, by more than 4 per cent of the last rent that was charged for an equivalent rental period.

2. The said Act is amended by adding thereto the following sections:

125a. A notice of rent increase to increase the rent charged for a rental unit by more than 4 per cent of the last rent that was charged for an equivalent rental period given before this section comes into force to take effect on or after the 1st day of August, 1985 shall be deemed to be for an increase of 4 per cent except that, where an order of the Commission on an application under section 126 permits an increase other than 4 per cent, the notice of rent increase shall be deemed to be for the increase permitted by the order.

125b. A landlord who has increased the rent charged for a rental unit by more than 4 per cent effective on or after the 1st day of August, 1985, where that increase was not permitted by an order of the Commission, shall, on or before the 14th day of February, 1986,

(a) pay to the tenant of the rental unit the amount of the rent paid by the tenant that is in excess of a 4 per cent increase; or
(b) apply to the Commission under section 126 (whole building review) even though the time for making such an application set out in subsection 126 (3) has expired.

125c.—(1) Where,

(a) before the day this section comes into force the Commission has made an order setting the maximum rents that may be charged for rental units in a residential complex pursuant to an application under section 126; and

(b) in respect of one or more rental units in the residential complex, the order did not set the maximum rents that may be charged for those rental units because the monthly rental was $750 or more before the effective date of the first rent increase permitted by the order,

the landlord of the residential complex may apply to the Commission under section 126 only in respect of all the units described in clause (b), the rent for which was increased by more than 4 per cent on or after the 1st day of August, 1985 and before twelve months elapsed from the effective date of the first rent increase permitted by the order mentioned in clause (a) and the Commission has jurisdiction to consider the application and to set the maximum rents that may be charged notwithstanding that not all of the rental units in the residential complex are included in the application.

(2) In making an order setting the maximum rents that may be charged for the rental units included in an application made under subsection (1), the Commission shall apply the total rent increase percentage previously determined by the Commission and applied by it in setting the maximum rents in the order described in clause (1) (a).

125d. Where a landlord,

(a) has made an application under section 126 before the day this section comes into force and the effective date of the first rent increase applied for is after the 1st day of August, 1985; and

(b) has increased the rent charged for a rental unit in the residential complex that is the subject of the application to take effect on or after the 1st day of August, 1985, and before the effective date mentioned in clause (a) by more than 4 per cent of the
last rent charged for the rental unit and the rent increase was not permitted by an order of the Commission,

the Commission shall at any time before an order is made in respect of the application, at the request of the landlord, amend the application so that the effective date of the first rent increase applied for is the date of the earliest rent increase mentioned in clause (b).

**125e.** In an application under section 126, as provided for in clause 125b (b) or in an application amended under section 125d, the Commission, after apportioning the total rent increase justified in accordance with section 5 of the Residential Complexes Financing Costs Restraint Act, 1982, shall, in making an order under section 131, set the maximum rent that may be charged for each rental unit that is under review,

(a) in respect of a rental unit that, prior to the 1st day of August, 1985, was subject to Part XI, at an amount that does not exceed by more than 6 per cent the last rent that was charged for the rental unit; and

(b) in respect of a rental unit that, prior to the 1st day of August, 1985, was not subject to Part XI, at an amount that does not exceed the increased rent specified by the landlord in a notice of rent increase mentioned in section 125a.

**125f.** Where a landlord fails to comply with clause 125b (a) or (b) on or before the 14th day of February, 1986, the tenant may,

(a) deduct the amount of the rent paid by the tenant that is in excess of a 4 per cent increase from a subsequent rent payment and so continue until the full amount of the excess rent has been satisfied; or

(b) make an application to the Commission under subsection 129 (2).

3.—(1) Clauses 120 (b) and 134 (1) (e) of the said Act are repealed.

(2) Notwithstanding the previous operation of clause 134 (1) (e) of the Residential Tenancies Act as it read immediately before its repeal by subsection (1) of this section or of Regulation 900 of Revised Regulations of Ontario, 1980, made thereunder, Part XI of the Residential Tenancies Act applies to
a rental unit not otherwise exempt from that Part, irrespective of the monthly rental charged for the rental unit.

4.—(1) Subsection 7 (1) of the Residential Complexes Financing Costs Restraint Act, 1982, being chapter 59, as re-enacted by the Statutes of Ontario, 1984, chapter 65, section 1, is repealed and the following substituted therefor:

Repeal

(1) This Act is repealed on the 31st day of December, 1986.

(2) Subsection 7 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 69, section 1 and 1984, chapter 65, section 1, is further amended by striking out “1985” in the amendment of 1984 and inserting in lieu thereof “1986”.

Commen-

5.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

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(2) Sections 1 and 3 shall be deemed to have come into force on the 1st day of August, 1985.

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