



Tip Sheet for Tenants

HOW TO FILL OUT THE “REQUEST TO EXTEND OR SHORTEN TIME” FORM

Prepared by the Tenant Duty Counsel Program and funded by Legal Aid Ontario

This publication contains general information intended to assist the public at large. It is not legal advice about your situation. You should consult a lawyer or legal worker for advice on your particular situation.

WHAT IS A “REQUEST TO EXTEND OR SHORTEN TIME” FORM?

This is a Landlord and Tenant Board (the “Board”) form that must be filled in if:

- You have run out of time to file a form with the Board and need more time; OR
- You are in an emergency situation and need to shorten the period of time to schedule a hearing and serve your landlord with a copy of the Notice of Hearing and application.

WHEN MIGHT I NEED AN EXTENSION OF TIME?

There are three (3) times when you may want to ask the Board to “extend time” for a hearing. This means you need extra time to file one of these forms:

1. A **“Motion to Set Aside an *Ex Parte* Order”** form. It must be given to the Board within 10 calendar days (including weekends and holidays) of the date the *ex parte* order was issued (**not** 10 days from the date that you receive the *ex parte* order). Check the date at the bottom of the last page of the order to find out when it was written.
2. A **“Request to Review an Order”** form. It must be given to the Board within 30 calendar days of the date the order was issued (**not** 30 days from the date that you receive the order). Check the date at the bottom of the last page of the order to find out when it was written.

3. A **“Request to Re-open an Application”** form. If the application was resolved by a mediated agreement at the Board, it must be given to the Board within 1 year of the day of the mediated agreement. If the landlord’s application for arrears of rent was resolved by a consent order, without a hearing at the Board, it must be given to the Board within 30 days of the date of the consent order or within 30 days after a breach of the consent order

WHEN MAY I NEED TO SHORTEN TIME?

You may need to shorten the time to schedule a hearing and serve your landlord with documents if any of the following apply to you:

1. Your landlord has **changed the locks** and not given you a new set of keys.
2. Your landlord is **harassing, threatening or coercing you**.
3. Your landlord is **entering your unit illegally**.
4. Your landlord is **interfering with vital services** (for example, your landlord has shut off the heat in winter or shut off the water supply to your apartment).
5. Your landlord is **not allowing you to pick up your property** within 72 hours after you were evicted by the Sheriff.
6. Any other **emergency** situation. Talk to a lawyer or legal worker about what the Board will see as an “emergency situation.”

PROCEDURE

The following is some information to help you with the Board process.

STEP 1: WHERE CAN I GET THIS FORM?

You can get this form at:

- the Board;
- online at www.ltb.gov.on.ca;
- your local ServiceOntario Centre; or
- your local Community Legal Aid Clinic.

STEP 2: FILLING IN THE “REQUEST TO EXTEND OR SHORTEN THE TIME” FORM

How do I make my request? Your request must be made in writing.

When do I have to do this by? There is no deadline. But you should do this as soon as possible.

How do I fill in the form?

Part (a)

- **File Number:** This is the number on the top right corner of your order.
- **Requesting Party:** Your name goes here, as you are the “party” asking for this decision from the Board.
- **Landlord’s Name:** The order will give your landlord’s name.
- **Mailing Address:** Print your current address.
- **Unit, Building or Complex Covered By The Application:** Fill in the address covered by the application.

Part (b)

- In the part that says: “**I am requesting that the Board shorten:**” or “**I am requesting that the Board extend the deadline to:**” you must check the box that applies to you.

For example:

- If you want to **set aside an *ex parte* order** and more than 10 days have passed since the date the *ex parte* order was issued, then you must ask the Board to extend the deadline to file a “**Motion to Set Aside an *Ex Parte* Order**” .
- If you want to **review** an order and more than 30 days have passed since the date the order was issued, then you must ask the Board to extend the deadline to file a “**Request to Review an Order.**”
- If you want to **re-open an issue that was dealt with by mediation** and more than 30 days have passed since the date the landlord failed to live up to the agreement, then you must ask the Board to extend the deadline to file a “**Request to Re-open a mediated Application**”,

<p>TIP FOR TENANTS: If you want to “request a hearing as soon as possible” because of an emergency situation, check off the box which says “the time for serving a Notice of Hearing and schedule an early hearing for my application”.</p>

Part (c)

You must explain why you believe the Board should extend or shorten the time for your hearing. You can add extra pages if you run out of space on the form.

In my explanation, what factors will the board consider?

- The time it took to make your request and the reason(s) it took so long OR the reason why you need an immediate hearing for your application.
- Whether your landlord will have a hard time if the Board extends or shortens the time for a hearing.
- Whether this potential hardship is acceptable.
- Whether you are making the request “in good faith” and not just to hurt your landlord.
- Any other relevant factors.

The Board can decide whether or not to extend or shorten the time for a hearing. The most important things the Board member judging your case will look at are the time it took you to make the request, the reasons why it took so long and whether an extension would harm your landlord.

EXAMPLES of How to Fill in this Section:

1. At all relevant times I have intended to pursue this matter, and do so in good faith.

2. My application/motion is delayed because (copy the explanations that apply to your situation onto the form):

- My landlord told me not to worry and not to take further action in this
- matter.
- The first time I learned of proceedings to evict me was when I got the Sheriff's Notice.
- I paid all of the rent I owed and thought that ended the Board process.
- I voided the order pursuant to paragraph 8 by paying \$(insert dollar amount) on or before (insert date).
- I do not read very well.
- English is not my first language.
- I was ill and unable to act within the time limit.
- A member of my family was ill, I had to care for them and so I was unable to act within the time limit.
- I was away from home for an extended period.

- I did not understand the Board process.
- I did not get the documents in a timely way.
- I did not get the order in a timely way.

3. This extension will not cause prejudice to the landlord because:

- All of the rent owing is paid.
- All of the rent owing will be paid in a reasonable time.
- I deny the landlord’s allegation.
- The problems identified by the landlord have been fixed.
- It would be unfair to deny the extension because _____.
- I have children who would be harmed if made to move.
- I have dependents that would be harmed if made to move.

4. There has been an abuse of process.

5. If urgent (that is, if you have been locked out), ask for a hearing within 24 hours.

Part (d)

- Tenant: Tick off this box.
- Name: Spell out your first name and last name in the name boxes.
- Title: Mr., Ms, Miss, Mrs.
- Phone number: Fill in your phone number with area code.
- Signature and Date: Sign and date the form in the spaces at the bottom.

STEP 3: I HAVE FILLED IN THE FORM. WHAT NEXT?

Once you have filled in the “Request to Extend or Shorten Time” form, you must take it to the nearest Board or ServiceOntario Centre and give it to one of the counter staff. This is called “filing a Request to Extend or Shorten Time.”

At the same time, you must also give the counter staff a filled in copy of the form you were originally out of time to file.

The person at the counter will then give your request to the Board’s duty adjudicator. The duty adjudicator is the Board member who will look at your request and make one of three possible decisions:

- grant you an extension of time; OR
- grant you an shortening of time; OR
- refuse your request for an extension of time or shortening of time.

When handing your request to the person at the counter, ask whether you should wait for a response or whether they will notify you by phone.

STEP 4: WHAT IF MY REQUEST IS GRANTED?

If your request is granted, this means that the Board has given you an extension of time to file the form that you were originally out of time to file (or shorten the time to hold a hearing and serve the documents). The Board will then process this form and set a hearing date.

TIP FOR TENANTS: If you are asking for a set-aside hearing, to stop the Sheriff from changing your locks before your set-aside hearing, you **must** take one (1) copy of your set aside form and notice of hearing to the Sheriff's office **as soon as possible**.

STEP 5: WHAT IF MY REQUEST IS DENIED?

You have only one chance to make a request to extend or shorten time for a hearing at the Board. So it is very important to put in as much detail as possible on the form.

If your request is denied, the Board member must give a written explanation why the request was denied on the "Request to Extend or Shorten Time" form.

If the Board member makes a serious error, you could consider "reviewing" the decision not to extend or shorten time. A review costs \$50. Talk to a lawyer or legal worker!

WHERE CAN I GET MORE INFORMATION?

Contact your local **Community Legal Clinic** for free advice on landlord and tenant matters. To find the telephone number for your clinic call Legal Aid Ontario at (416) 979-1446 or 1-800-668-8258.

You can also call the **Tenant Hotline** at 416- 921-9494 for free information and referrals to your local legal clinic.

You can find information on line at www.acto.ca or www.cleo.on.ca.

You can call the Landlord and Tenant Board toll free at 416-645-8080 from within Toronto calling area or 1-888-332-3234 from outside Toronto. Their internet address is www.ltb.gov.on.ca