

Tip Sheet for Tenants

What should I do if I am late to file a form with the Board or if I need a hearing quickly?

Contents

When might I need more time to file a form?.....	2
When might I need to shorten time?.....	5
How do I ask the Board for more time or to shorten time?.....	6
What should I say in my explanation?.....	7
What does the Board consider when deciding?.....	8
What if the Board denies my request to extend or shorten time?.....	9
Is there anything else I can do to challenge a Board decision?.....	10
What if the Board grants my request to extend or shorten time?.....	10
Where can I get help or more information?.....	11
Examples of explanations	12

This tip sheet contains general information. It is not a substitute for getting legal advice about your particular situation.

Prepared by the Tenant Duty Counsel Program and funded by Legal Aid Ontario. To download this and other tip sheets for tenants, go to <http://www.acto.ca>

Do you need to ask the Landlord and Tenant Board for more time because the deadline to file a form has passed? Or are you in a situation where you want to ask the Board to hold your hearing sooner? To make these kinds of requests, you need to use a form called **Request to Extend or Shorten Time**. This tip sheet talks about when this form must be used and explains how to fill it in.

When might I need more time to file a form?

There are many different deadlines for filing forms and other documents with the Board. Some of these deadlines cannot be changed. But the Board can extend the deadline to hand in certain forms.

You might need to ask the Board for extra time if you miss the deadline to file any of these 3 important forms:

1. Motion to Set Aside an Ex Parte Order,
2. Request to Review an Order, or
3. Request to Re-open an Application.

1. Motion to Set Aside an Ex Parte Order

In certain situations, your landlord does not have to give you notice and the Board can order your eviction without holding a hearing. This is an ex parte order. “Ex parte” means “without notice”.

The Board can make an ex parte order if the landlord reports that:

- You and your landlord made an agreement that you would move out of the place you rent, but you did not move out.
- You gave your landlord notice that you would move out of the place you rent, but you did not move out.

- You and your landlord worked out an agreement with the help of a Board mediator, but you did not do what you agreed to do.
- Your landlord applied to evict you in the past and the Board made an order allowing you to stay as long as you did certain things, but you have not followed the order.

If the Board makes an ex parte order and you want to stop the eviction, you must complete a form called **Motion to Set Aside an Ex Parte Order** and give it to the Board. You must do this within **10 days** from the date of the ex parte order. This is the date at the bottom of the last page of the order next to the signature.

2. Request to Review an Order

If you believe the Board made a serious error in making its decision or if you were not able to go to the hearing, you can apply to the Board to review the order that informed you of the Board's decision. In other words, you can ask the Board to look at your case one more time.

To do this, you must complete a form called **Request to Review an Order** and give it to the Board within **30 days** from the date of the eviction order. This is the date at the bottom of the last page of the order.

3. Request to Re-open an Application

The deadline for filing this form depends on how you and your landlord settled your case in the past when one of you filed an application at the Board. Did you settle directly with your landlord or with the help of a Board mediator?

If you settled directly with your landlord:

If your landlord applied to evict you in the past because you owed rent and the two of you settled by working out a payment plan and filing it with the Board, the Board would have made a “consent order”. It was based on the payment plan you and the landlord agreed to.

You can ask the Board to re-open your application if you believe that the landlord:

- forced you to agree to the payment plan, or
- gave you false or misleading information to make you agree to the payment plan or to the consent order.

To do this you must complete a form called **Request to Re-open an Application** and give it to the Board within **30 days** from the date of the consent order. This is the date at the bottom of the last page of the consent order.

If a Board mediator helped you and your landlord to settle:

If you or your landlord applied to the Board in the past and the two of you settled the case with the help of a Board mediator, the mediated agreement can include things that were not part of the original application. For example, if the original application was about evicting you because you owed money to the landlord, the mediated agreement can include repairs the landlord agreed to do.

You can ask the Board to re-open the application if you believe the landlord did not do something the landlord agreed to do. However, the Board will only consider things that are in the original application, not things that were added in the mediated agreement. In the example above, the Board can do nothing if the landlord did not do repairs that were included in the mediated agreement if the

original application was about evicting you because you owed money to the landlord.

To re-open an application that was settled with the help of a Board mediator, you must complete the **Request to Re-open an Application** form and give it to the Board within **1 year** from the date of the mediated agreement.

When might I need to shorten time?

In certain situations it is important to present your case to the Board as soon as possible. When this happens, you may want to ask the Board to shorten the time to hold a hearing.

Here are some examples of when you might need to shorten the time before a hearing:

- Your landlord has changed the locks and not given you a new set of keys.
- Your landlord is harassing, threatening, or forcing you to do something.
- Your landlord is entering your place illegally.
- Your landlord is interfering with vital services. For example, your landlord has shut off the heat in winter or has shut off your water supply.
- Your landlord is not allowing you to pick up your property within 72 hours from the time the Sheriff evicted you.

- Any other emergency situation. Talk to a lawyer or legal worker about what the Board will see as an “emergency situation”.

How do I ask the Board for more time or to shorten time?

You must complete a form called **Request to Extend or Shorten Time**. You can get the form online from the Board’s website [at www.sjto.gov.on.ca/ltb](http://www.sjto.gov.on.ca/ltb), or you can pick it up at a Board office or at your local ServiceOntario Centre. The form is free. It is best to make this request to the Board as soon as possible even though there is no deadline.

On the Request to Extend or Shorten the Time form, mark the box that says you are a tenant. Then fill in:

- your Board file number,
- your first and last name,
- the address where you want to Board to send your mail,
- a phone number where you can be reached, and
- the address of the place the application is about.

If you want the Board to set up a hearing of your application as soon as possible, look under the heading “I am requesting that the Board shorten” and mark the box that says “the time for serving a Notice of Hearing and schedule an early hearing for my application.”

If you want the Board to give you more time to file a form because you missed the deadline, look under the heading “I am requesting that the Board extend the deadline to” and mark the box that applies to you.

What should I say in my explanation?

In your Request to Extend or Shorten Time, you will have to explain why you missed the deadline or why you need a hearing as soon as possible. You can add more pages if the space on the form is not enough.

The Board does not usually allow more time or early hearings, so it is important to include enough information to make your reasons clear to the Board. You should get legal advice before completing the form. Keep reading to find out where to get legal help.

The last page of this tip sheet gives some examples of what you might say in your explanation. If possible, include proof to support your reasons. For example, if you missed the deadline because you were ill or in hospital, include a letter from your doctor or a copy of the hospital admission record.

On the last page of the Request to Extend or Shorten Time form, mark the box that says you are a tenant and fill in your name and a phone number where you can be reached. Sign and date the form.

What should I do next?

Once you have filled in your form and attached proof, hand it in to the staff at the front counter of the Board or a ServiceOntario Centre. This is called “filing a Request to Extend or Shorten Time”.

If you are asking the Board for more time because you missed the deadline to file a form, you will need to fill in that form and hand it in at the same time. And you must pay any filing costs. For example, if you missed the 30-day deadline to file

a Request to Review an Order, you must file a Request to Extend or Shorten Time **and** a Request to Review an Order, and you must pay \$55 to file the Request to Review an Order. You may not have to pay the \$55 if you qualify for a fee waiver. Keep reading to find out how to apply for a fee waiver.

A Board member will review your request and decide whether you should get more time to file your form or an early hearing. If you file your Request to Extend or Shorten Time at the Board, you can wait for the Board member's decision or you can ask for the decision to be sent to you by mail. If you file at a ServiceOntario Centre, the decision will be sent to you by mail.

What does the Board consider when deciding whether to extend or shorten time?

The Board keeps these questions in mind when deciding whether to give you more time or allow an early hearing:

If you are asking for more time:

- How long did you take to make the request and why did it take that long?

If you are asking to shorten time:

- Why do you need a hearing as soon as possible?

In all cases:

- Would extending the time or having an early hearing harm your landlord?

What if the Board denies my request to extend or shorten time?

If your request is denied, the Board member who made the decision must explain why in writing on the Request to Extend or Shorten Time form. The Board will send you a copy of the form with the member's reasons.

If you believe the Board made a serious error in making its decision, you can apply to the Board to review the decision not to give you more time or an early hearing. In other words, you can ask the Board to look at your case one more time.

To request a review, complete a form called **Request to Review an Order** and give it to the Board. You must request a review within **30 days** from the date of the decision. It costs \$55 to file this request. You may not have to pay the \$55 if you qualify for a fee waiver. To find out whether you qualify, you must fill in a form called **Fee Waiver Request** and give it to the Board with your Request to Review an Order.

You can get both the Request to Review an Order form and the Fee Waiver Request form from the Board or a ServiceOntario Centre. These forms are also available to download from the Board's website at www.sjto.gov.on.ca/lrb.

You get only one chance to ask for a review of the decision not to extend or shorten time, so you should get legal advice before completing the request form. Keep reading to find out where to get legal help.

Is there anything else I can do to challenge a Board decision?

You have the right to appeal to the Divisional Court if you believe there is an **error of law** in the Board's decision. You have **30 days** from the date of the Board's decision to do this.

Going to Divisional Court can be very expensive. If you lose, you could be made to pay your landlord's legal costs. That could be thousands of dollars.

Get legal advice before going to court.

What if the Board grants my request to extend or shorten time?

If you asked for more time to file a form and your Request to Extend or Shorten Time is granted, it means that the Board has accepted the late form.

If the Board sets a hearing for your case, you will get a copy of the Notice of Hearing telling you the date and time of your hearing, and a copy of the form your hearing is about.

Where can I get help or more information?

Tip sheets for tenants

If you missed the deadline to file the Motion to Set Aside an Ex Parte Order – Form S2, see the tip sheet called *What should I do if I am late to file a form with the Board or if I need a hearing quickly?*

To find out more about payment plans, see the tip sheet called *My landlord wants to evict me because I owe rent.*

Are there mistakes in the Board’s decision? If so, you will find more information in the tip sheet called “I think my order from the Board is wrong. What should I do?”

These and other tip sheets for tenants are available online at www.acto.ca

Community legal clinics

Across Ontario, legal clinics give free legal advice to people with low incomes. Contact your local community legal clinic for help with landlord and tenant matters.

To find the community legal clinic for your area, go to Legal Aid Ontario’s website at www.legalaid.on.ca. Click on “Contact LAO” then on “Community legal clinics”.

Or call Legal Aid Ontario:

Toll-free. 1-800-668-8258

Toronto area..... 416-979-1446

Toll-free TTY..... 1-866-641-8867

TTY, Toronto area. 416-598-8867

Other sources of information

You can find information for tenants online at www.yourlegalrights.on.ca and at www.stepstojustice.ca.

In Toronto, you can also call the Tenant Hotline at 416-921-9494 for free information and referrals to your local legal clinic.

Examples of explanations

When you complete the Request to Extend or Shorten Time form, you need to explain why you missed the deadline or why you need a hearing as soon as possible. Below are some examples of what you might say. You can add more pages if the space on the form is not enough.

1. I have always intended to follow up on the matter and to be honest and fair. I am acting in good faith.
2. My form is delayed because:
 - My landlord told me not to worry and not to take further action in this matter.
 - The first time I learned the landlord had taken steps 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 eviction order by paying \$ (amount you paid) on or before (termination date in the eviction order)
 - 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 and I had to care for them, so I was unable to act within the time limit.
 - I was away from home for quite a long time.
 - 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 harm or cause prejudice to the landlord because:
- I have paid all the rent I owe.
 - I will pay all the rent I owe in a reasonable time.
 - The landlord's claim is false.
 - I have fixed the problems that the landlord mentioned.
 - It would be unfair to deny the extension because .
 - I have children who would be harmed if they had to move.
 - I have dependants who would be harmed if they had to move.
4. There has been an abuse of process because the landlord deliberately misused the Board's process or because the landlord deliberately misled the Board.

If you are in an urgent situation, for example, if you have been locked out, ask for a hearing at the earliest available date.