

How to negotiate a repayment plan with your landlord

REQUIREMENTS AROUND NEGOTIATING WITH YOUR LANDLORD

If you are facing financial hardship and are unable to pay your rent, your landlord might try to push you to agree to a plan to repay the rent you owe. Your landlord cannot threaten or harass you into signing a repayment plan you cannot pay off. If you are being pressured into signing a repayment plan with terms you cannot meet, get legal advice from your community legal clinic before signing any documents. If you sign a plan that is unrealistic and cannot pay it, you can be evicted without notice.



DO NOT agree to a repayment plan that you do not understand.
DO NOT agree to a repayment plan you cannot pay off.
DO NOT agree to a repayment plan that is unfair.

“If I refuse to sign a repayment plan, can it be held against me?”

Under the new changes to the law (Bill 184), at a Landlord and Tenant Board (LTB) hearing related to rent arrears that arose in whole or in part after March 17, 2020, the LTB Member is required to consider whether your landlord attempted to negotiate a repayment plan. If your landlord proposes a reasonable repayment plan, consider it, although you are under no obligation to agree to it.

WHAT TO DO IF YOU HAVE SIGNED A REPAYMENT PLAN YOU CANNOT MEET

If you have agreed to a payment plan with your landlord but find yourself unable to meet the payments, your landlord can apply for an eviction order against you without a hearing at the LTB. This means that if you are even a day late or a dollar short on your payments, you can be evicted without a chance to explain your circumstances to an LTB Member. If this happens to you, do the following:

- * **Motion to Set Aside an Ex Parte Order (S2)** - If your landlord files an application to get an eviction order without a hearing, the LTB will send you a copy of the Order (i.e. Order of eviction). Your landlord can then file the Order with the Sheriff - the only person that can legally evict you. If you want a chance to have a hearing or to dispute this Order, **you must file a Motion to Set Aside an Ex Parte Order (S2) within 10 days** of the eviction order being ISSUED (not when you received the Order). The deadline to file this type of motion is usually indicated at the end of the eviction order.

TENANTS CAN REQUEST MEDIATION

Mediation is a settlement process offered by the LTB on or before the day of your hearing. In some cases, you may be required to participate in the mediation process, but you are never obliged to reach an agreement. During mediation, you and your landlord talk with a neutral third party (the mediator), whose role is to help the parties reach an agreement. Mediation may provide an opportunity to work out a reasonable repayment plan with your landlord.