

Residential Tenancies Act & Landlord Tenant Board Strategies to Assist your Client

Course Summary: This course will discuss recent changes at the Landlord Tenant Board in the Rules of Practice, the recent Bill 194 changes to the Act, and discuss some of the challenges and solutions to achieving the desired result for your clients.

Course Outline:

1. How COVID-19 changed everything at the LTB
 - Timing issues, delays
 - Hearing and technology issues, Zoom, EATS, electronic payment
 - Rules of Practice, disclosure of documents
 - Case management, Advanced Resolution
2. Bill 184 changes to the RTA
 - Tenant no-fault process
 - Compensation vs Rent
 - LTB as the One-Stop shop
 - Additional grounds for monetary relief
3. The complexities surrounding LTB eviction notices
 - Why we have them and why notices cannot be amended
 - L1's and L2's, differentiating eviction from the compensation
 - Strategies to push LTB members to consider accepting new behaviours
 - How "Landlord's Lawful Right, Interest and Privilege should be used
 - Substantial compliance with the form and content of notices
4. Case law – When it matters – When it doesn't
 - The sources of law – Statute, Regs., Rules, Guidelines, Case law
 - Binding vs persuasive law
 - The use of LTB decisions when tendered by the other side
 - Recognizing that deference is not the same as concurrence
 - What about common law principles – estoppel etc.

5. Hearing Tactics

- Preparation is the key – Know the key elements of the statute
- Putting the Member in a box
- Working backward from caselaw to the evidence
- Treating every hearing as preparation for Divisional Court

6. Caselaw Update

- New decisions from Divisional Court
- Everyday caselaw to keep on hand

7. Odds and Ends

- Relief from eviction – Understanding s.83 and s.78(11)
- Using s.207 for large rent or damages sums > \$35K
- Does an N11 protect a landlord from a T5 after N12 is served
- Does the lack of an N12 being served protect the landlord from a T5
- Broad compensatory remedies for tenant applications

8. Questions and answers