



April 30, 2026

The Honourable Rob Flack
Minister of Municipal Affairs and Housing

Re: Proposed Regulations for Bill 60 – *Fighting Delays, Building Faster Act, 2025*

To Whom it May Concern:

We are writing to you today on behalf of Mississauga Community Legal Services (MCLS) regarding proposed regulations under Bill 60, *Fighting Delays, Building Faster Act, 2025*.

MCLS is a non-profit community legal clinic that aims to protect the legal interests of low-income individuals living in Mississauga. We often work with low-income tenants, where we advocate for human rights and justice in housing through legal advice and test case litigation, law reform, and community organizing.

The following feedback is situated in the context of the growing housing crisis in Ontario. [In 2025, nearly 85 000 Ontarians experienced homelessness. This figure is up 8% since 2024 and has increased by 50% since 2021.](#) The rising cost of living and the financialization of housing necessitate a coordinated response from all levels of government.

Like many of the other 70 community legal clinics across Ontario, MCLS strongly opposes proposed regulations one through four as set out below. The changes proposed, viewed cumulatively, will: erode tenants' rights; reduce the ability of the LTB to make decisions that are responsive to the unique facts of each case; offend the *Human Rights Code* (the *Code*); and remove safeguards in the pathway to eviction of Ontario's most vulnerable tenants.

Moreover, the changes proposed are antithetical to the expressed goals of tenant protection and efficiency proscribed by the *Residential Tenancies Act, 2006* (RTA).

While we have proposed some measures to mitigate the harm to tenants resulting from the proposed changes, these recommendations should not be taken to detract from our fundamental opposition to Bill 60 as an attack on tenants' rights.

MCLS continues to call for the repeal of Bill 60.



1. Proposed Regulation – section 82

In order to raise issues at the rent arrears hearing, a tenant must pay, to the landlord, 50% of the arrears claimed in the landlord's application at least seven (7) days in advance of the hearing.

Submissions:

The proposed regulation threatens to erode a fundamentally important tenant right – the right to raise tenant issues at an arrears hearing.

By requiring tenants to pay half of the unproved arrears alleged by their landlord, the tenant assumes an unprecedented evidentiary burden. Nowhere else in the legal system are parties in a legal dispute required to pay money up front to present a response to a claim against them. For instance, even at the bail stage in the criminal trial process, sureties are not required to pay any portion of the money they pledge upfront.

Any applicant who files an application at the LTB bears the onus of proving the requirements of the RTA are met. In an L1 hearing, the quantum of arrears may be determined by several considerations such as: whether the base rent used in the calculation is correct; whether the building is exempt from rent control; whether utilities are included in the calculation of arrears; and the liability of tenants living jointly or in common. In addition to the quantum of arrears, the landlord must also prove lawful service of the N4 Notice. Requiring tenants to pay arrears that are not proven before they can raise a crucial legal defense creates a presumption that the landlord is correct before any evidence has been heard. This is antithetical to the presumption of innocence that is central to any adversarial legal process.

The proposed regulation creates a significant financial hurdle for tenants to exercise their rights. Low-income tenants, who [are more likely to live in substandard conditions](#) and [to belong to Code-protected groups](#), will be disproportionately impacted. In other words, the financial burden placed by the proposed regulation results in a tenant right that can only be exercised by wealthier tenants.

For tenants who are unable to afford to pay 50% of arrears up front, the alternate route to have their issues heard is to file their own tenant application. This requires tenant to have the requisite knowledge to complete and file the application, pay a filing fee if they do not qualify for a fee waiver, and to [face a disproportionately long wait to be heard](#). Many tenants are no longer residing in their units by the time their application is heard and abandon their applications and any abatements owed to them. The proposed change will exacerbate the existing power differential between landlords and tenants by allowing more landlords to evict



tenants before tenants have an opportunity to raise legitimate issues with respect to their housing.

The proposed regulation is counterproductive to the Board's objective of efficiency as tenants who are foreclosed from raising issues at their L1 hearing will add applications to the backlog at the LTB. This will compound the disproportionate delays to hear tenant applications compared to landlord applications at the Board, create a risk of incompatible findings, and offend section 183 of the RTA.

Furthermore, if a tenant must pay half of the unproven arrears prior to their hearing, they will not be able to have meaningful discussions about a repayment agreement before their hearing, adding to the backlog of contested applications before the Board.

The proposed regulation creates a logistical dilemma where tenants must entrust return of any undue payment to their landlord or to a dysfunctional LTB. Unanswered questions include:

- Is the landlord expected to hold the unproven amount of arrears in trust? Can the landlord use the funds before the Board issues a decision?
- If a tenant pays the unproven arrears required and their landlord is unsuccessful in proving the arrears, or the tenant is successful in their s 82 claim such that they are owed a balance of funds, who is responsible for enforcing the payment? Will the tenant be responsible of bringing an application against the landlord to collect the funds?
- How will interest on the 50% of arrears be calculated and attributed to the tenant?

The proposed change will exacerbate the existing power differential between landlords and tenants by allowing more landlords to evict tenants before tenants have an opportunity to raise legitimate issues with respect to their housing. By way of comparison, L1 applications frequently proceed even where the landlord has not provided the required L1/L9 update form in accordance with the LTB Rules.

The RTA is remedial in nature and has a tenant-protection purpose. It is meant to balance the rights and responsibilities of landlords and tenants and to efficiently resolve disputes. The change proposed will constructively remove a longstanding enshrined right and put in its place a barrier that is counterproductive to the purported objectives of Bill 60 and antithetical to the fundamental purpose of the RTA.

Harm Mitigation Measures:

- If a tenant responding to an L1 application contests the quantum of arrears in writing and with the support of evidence prior to the hearing date, the proposed regulation



- shall not apply and the tenant can raise their issues under section 82 without paying any arrears in advance of the hearing.
- Where a landlord has filed an L1 application without a ledger or another form of evidence to prove the arrears, the LTB should dismiss the application with prejudice before scheduling a hearing.
 - Where a tenant's application has not been scheduled by the time the landlord's application is set for a hearing, or where the landlord's application is scheduled for a date that precedes the hearing date for the tenant application, the applications shall automatically be joined and heard on the same date.
 - The RTA should expressly articulate that Adjudicators shall retain discretion to hear section 82 issues despite tenant non-adherence to limitation filing deadlines if there is no prejudice to the landlord. For instance, if a landlord is aware of maintenance issues that a tenant has complained of, hearing these issues at the L1 hearing would not prejudice the landlord and would increase the efficiency and procedural fairness of the hearing process.
 - Include a requirement in the RTA that landlords must provide the L1/L9 update sheet with an updated ledger well in advance of the L1 hearing (10 days for instance). If the update is not provided in time, adjudicators shall dismiss the application or adjourn the hearing.
 - Schedule tenant applications at the same speed as landlord applications.
 - Establish a provincial rent bank program to assist tenants struggling with arrears.

2. [Proposed Regulation – section 83\(1\)\(b\)](#)

For “no fault evictions,” postponement of eviction will only be granted if LTB finds that it would not be unfair to the LL and/or other tenants.

For “at fault evictions,” postponement will only be granted if LTB finds that it would not be unfair to the landlord and/or other tenants *and* that there are “compelling grounds to grant the postponement, after having taken into consideration all of the circumstances.”

Submissions:

The Ontario Rental Housing Tribunal, precursor to the LTB, was created to assume exclusive jurisdiction of residential tenancy matters from the Courts, with the goal of improving efficiency and access to justice. Section 83 of the *RTA* is derived from the Courts' longstanding power to provide relief against forfeiture. This discretion is a central and enduring pillar of justice, allowing adjudicators to consider a range of circumstances to ensure eviction is truly a measure of last resort. Section 83 currently allows the LTB to consider “all of the circumstances”, meaning that it can *already* consider unfairness to both parties and other



tenants. Adding language that specifically identifies potential unfairness to the landlord and/or other tenants shifts the focus away from the tenant facing eviction (and thereby the tenant-protection purpose of the *RTA*) and suggests that unfairness to the landlord and/or other tenants are the primary factors for consideration.

If the changes proposed are implemented, tenants facing eviction will be burdened with demonstrating that postponement of their eviction *would not be unfair* to their landlord – a new and unnecessary test. A delay in eviction may mean the difference between being evicted into homelessness and being able to secure a new place. Accordingly, the LTB should retain its current practice of weighing the circumstances of the parties and postponing an eviction based on whether the tenants' household circumstances warrant additional time to move to mitigate harm to members of the household.

Furthermore, the proposed regulations create a false and harmful distinction between tenants facing “no fault” eviction applications versus those who face “at fault” applications. While tenants facing “no fault” evictions have the burden to show delaying the eviction would not be unfair to the landlord, tenants facing “at fault” eviction must also show there are compelling grounds to grant the postponement – in other words, tenants need to convince the Board that their lives are worthy of some form of mercy by the Board. The introduction of *compelling grounds* will introduce a high degree of subjectivity and variability in deciding who should be granted a postponement: is it children asking to finish the school year at their school? Is a person with terminal cancer or a caretaker for someone who is ill? Is a worker who has been laid off? Is it someone living in a rural community with little rental stock available? Is it a person with disability who needs an accessible building? The list of challenges that tenants face is infinite. They should all be considered compelling in this current housing climate. The additional evidentiary burden on tenants facing “at fault” eviction introduces anti-tenant bias in the test for relief for eviction where certain tenants are deserving of more robust protections than other.

Narrowing the possibility of being granted relief places tenants in a position of having to disclose deeply personal information or “bare their soul” in a public adversarial proceeding to compel the LTB to grant relief. This publicly disclosed information could hinder their ability to secure a new rental unit or impact their livelihoods and expose them to stigma or prejudice. In light of this, many tenants may forego sharing their circumstances in a public proceeding and forego their right to request a delay in eviction, exacerbating their hardships and putting them at increased risk of homelessness.

The inquiry under section 83 is distinct from the assessment of the merits of any application and it should not be contaminated with notions of fault. The casualties most harmed by fault-based evictions frequently include those who bear no fault, such as children or other dependents. Furthermore, most tenants are subject to an at-fault eviction after experiencing



some form of hardship beyond their control – ie. reduction in shifts, illness etc. – but otherwise were responsible tenants. These changes will disproportionately impact tenants from *Code*-protected groups who are already living with greater housing precarity.

Tenants in any eviction pay a high price of being forced out of their unit – including higher rents, moving expenses, disruption of their lives and even homelessness. The proposed regulation will put tenants in the position of showing demonstrating their circumstances are something more than the ordinary consequences that tenants routinely face when evicted. That these consequences are commonplace should not detract from the devastation that results from being forced from one's home.

Harm Mitigation Measures:

- Section 83 of the *RTA* should include an additional mandatory requirement that the LTB consider whether a tenant responding to an application for eviction is likely to be evicted into homelessness. If this threshold is met, the LTB shall grant relief from eviction.
- The *RTA* should include an express provision of the established principle that eviction is a measure of last resort.
- The proposed regulations should remove the harmful language of compelling grounds and unfairness to the landlord. Instead, the circumstances that should be assessed are the risk of homelessness of the tenant household, the local rental housing market and availability of comparable units, and other factors that might contribute to a delay in the tenant household finding another unit.
- The proposed regulations should move the distinction of at fault and no-fault and remove an assessment of blame from the section 83 analysis. In the alternative, the Board should also consider “compelling circumstances” for no-fault evictions, as there is no justifiable basis to prohibit the Board from considering the “compelling circumstances” of a tenant facing eviction under, for example, an N12 or N13 application.
- If the Board finds that there are “compelling circumstances”, there should be a minimum postponement of eviction of 90 days.
- The regulations should direct the Board to automatically grant tenant requests for a closed hearing to raise sensitive personal circumstances they do not want shared publicly.

3. **Proposed Regulation – section 58(1)**



If the Landlord and Tenant Board (LTB) determines that at least three of the rent payments were late within a 6-month period, the LTB shall find that a tenant/member of a non-profit co-operative has persistently paid late.

Submissions:

The hardline test that the Ministry is proposing is overbroad, capturing many instances where lateness is not sufficiently persistent to attract a severe penalty under the *RTA*. Whereas the definition of “persist” means “to go on resolutely or stubbornly in spite of opposition,” the proposed measure captures many scenarios that are not chronic, prolonged or unrelenting. For instance, relatively short interruptions in employment or delays in social assistance payments are transitory and often outside of the control of tenants. A tenant may be late, but they may not have the intention of being persistent – the proposed regulation conflates “persistent” and “late” rather distinguishing them.

Furthermore, the volatility of the current economic climate means that disruptions in income are frequently more commonplace. The LTB should not be fettered in their discretion to consider contextual realities, circumstances behind the lateness, and possible solutions to prevent late payments in determining whether the test for persistent late payment has been met.

There are many contextual factors that are relevant to whether a tenant has “persistently failed to pay rent on the date it becomes due and payable,” including:

- whether late payment is a temporary condition or a longstanding pattern over the length of a tenancy;
- whether the landlord acquiesced to late payment;
- whether the tenant’s reasons for late payment are due to factors outside of their control, such as being laid off, health or other type of emergency, or a delay in social assistance payments;
- whether the tenant made any attempt(s) to pay their rent on or before the date it became due;
 - whether the reason for late payment is that the landlord has unilaterally allocated rent monies to other debts owed by the tenant;
 - whether the rent payment was late due to a third party’s payment method (for instance, social assistance payment made directly by OW/ODSP to the landlord);
 - the amount by which the rent is late; .
 - the amount by which the rent is short;
 - Whether statutory holidays or weekends affect the date posted.



- Are there reasonable measures that can be put in place to address late payments.

Harm Mitigation Measures:

- If there is a bright line test for persistent late payment of rent, it should require a significantly longer time period as the baseline and situate that within the entire length of the tenancy.
- The Board should consider the actual prejudice on landlords. For example, a large, corporate landlord will not be impacted by late payments in the same manner as a small landlord.
- The test should not be absolute – it should be used as a guideline in the analysis and complemented with a contextual analysis and conditional measures that could be put in place to save a tenancy.
- The LTB should impose automatic sanctions on any landlord who has filed an N8/L2 application and is found to have intentionally cashed rent checks late. Sanctions should include a fine and a mandatory abatement of rent to the tenant.
- If a landlord who has filed an N8/L2 is found to have refused a tenant's method of payment of any rent that forms part of the pattern of persistent lateness alleged in the application, the LTB shall dismiss the application.
- Rent shall be considered to have been paid on the date the tenant actually paid it and not on the date that the money became available to the landlord. For greater clarity, rent is not late if paid on the first business day that it is due after a weekend or statutory holiday and any delay in processing or depositing a rent payment should not be considered to render it "late."
- A finding of persistent late payment should not lead to eviction. Instead, the Board should encourage parties to reach a consent for payment terms. In the absence of a consent, the Board should only make conditional orders, allowing tenants to preserve their tenancy if the conditions are met.

4. **Proposed Regulation – section 77(8)(b)**

The Landlord and Tenant Board (LTB) may only issue a set aside if satisfied, having regard to all the circumstances, that it would not be unfair to do so.

However, the LTB cannot consider a "change in the tenant's circumstances" as a reason to issue a set aside.

Submissions:



Tenants should not be foreclosed from arguing that a change in their circumstances justifies the setting aside of an *ex parte* order, particularly where there is no prejudice to their landlord in continuing the tenancy. Landlords are unlikely to be prejudiced by tenants continuing their tenancy so long as the unit has not been rented to a new tenant. Tenants, on the other hand, are greatly prejudiced when they are evicted without being able to raise these issues.

A change of circumstances often leads to unfairness to the tenant and tenants should be allowed to explain the need to continue the tenancy. For example, a tenant may give notice and subsequently suffer a life-changing accident, have to care for a family member in crisis or an employment opportunity was cancelled. Preventing a tenant with a legitimate change in their circumstances from raising them as a basis to set aside an *ex parte* order for their eviction is procedurally unfair.

The proposed regulation appears to counter-intuitive – how does the Board intend to assess unfairness if it is precluded at considering the tenant’s circumstances.

Furthermore, Changes in tenants’ circumstances should be considered and given weight by an adjudicator given the real possibility of homelessness and circumstances that give rise to the duty to accommodate under the *Human Rights Code*.

Harm Mitigation Measures:

- LTB adjudicators should retain broad discretion to assess all the relevant factual circumstances surrounding agreements to terminate and notices of termination, including any risk of homelessness, any risk of negative health consequences as a result of eviction, implications for employment and education, among others.
- Eliminate sections 77(8)(b) and (c) altogether and stipulate that section 83 shall apply to motions to set aside under section 77(6).

5. **Proposed Regulation – section 48**

Establish a 60-day timeframe within which the landlord (or their close family member or caregiver) must move into the rental unit after the effective date of the notice or after the tenant vacates, whichever is later. If the landlord (or their close family member or caregiver) does not move into the rental unit within this timeframe, and the tenant makes an application to the Landlord and Tenant Board (LTB) for a remedy, the landlord would be presumed to



have acted in bad faith. However, the LTB would be able to make exceptions depending on the specific facts of the case.

Submissions:

The proposed change does nothing to prevent bad faith N12s at the front end. Relying on T5 applications to remedy landlords' bad faith does little to prevent harm to tenants, who bear the burden of investigating their landlord's post-eviction behaviour, adducing reliable evidence and waiting a lengthy period to have their application heard.

Moreover, relying on tenants to bring T5 applications after they are evicted contributes to the LTB backlog and decreases efficiency at the Board.

Remedies for successful T5s are very low given the resources they require from the tenant. Penalties against landlords for bad faith evictions are considered a cost of doing business and they are considered worth the risk landlords are willing to take given the financial windfall they received from pushing sitting tenants out of their unit.

Harm Mitigation Measures:

- Imposition of both mandatory minimum damage awards (\$25,000) and administrative fines (\$50,000) where a landlord fails to move into the unit with 60 days.
- The province/LTB should record the use of N12s at the front end in a public registry. This would allow tenants and the LTB to track patterns of misuse and to determine landlord compliance with section 71.1(3) of the *RTA*.
- The province should maintain a rental registry so tenants can see whether the prescribed person moved into their unit in the requisite timeframe and when renovations are completed.
- The legal test for "good faith" should be defined in the legislation. The "genuine intention" standard is too narrow to capture many incidences of bad faith. Legislation should clarify that "good faith" means a personal and pressing need and that a mere desire, preference or ulterior motive does not satisfy the "good faith" requirement.
- The onus must be on landlord to prove all grounds in a T5 application.
- Where a tenant is successful in their T5 application, the LTB shall implement mandatory compensation for the tenant no less than one year's rent, as well as a mandatory fine against the landlord.



Conclusion

Many of the changes entailed in Bill 60 are a part of a pattern characterized by the erosion of access to justice and procedural fairness for tenants. The regulations proposed herein entrench that pattern. Moreover, many of the proposals are antithetical to the purported goal of increasing efficiency and fairness at the LTB.

Based on the concerns expressed here, MCLS urges the Province to consider repealing Bill 60 in its entirety. We also call on the Province to implement the remaining Bill 97 provisions to mitigate harm to tenants.

As you consider our insights and recommendations, members of our team are open to meeting with you to further discuss our shared goals and work together to develop effective solutions with the best interests of Ontario's tenants in mind.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Crowe'.

Sharon Crowe
Director of Legal Services