

Changes to Eviction Process

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In the summer of 2015 the process followed by the Enforcement Office (Sheriff) in Hamilton and other areas changed significantly.

These changes affect the Central West Region of the Court Services Division. This is an area that includes Orangeville, Brampton, Milton, Halton, Hamilton, Brantford, Simcoe and all the Niagara peninsular.

In Hamilton, under the old system, when the Sheriff's Office received an eviction order along with the required form and fee, the Sheriff would visit the property. He would talk to the tenants if someone was at home; if no one answered the door he would post a notice. This notice informed the tenant that they had to be out by a certain date (which was usually in 7 days). This visit to the premises was typically within one to three days from the time his office receiving the order. This process resulted in the eviction taking place in about 8 to 10 days, from the time the Sheriff's Office received the Order. However, from the time the N4 (or similar notice) was served and the wait for the hearing and any delay in the order being written, it is a very, lengthy process. It could take 2 to 4 months. This process time was recently extended by the Landlord Tenant Board by mailing out the notice of hearing.



Under this new process which came into effect around August 2015, the Sheriff is now mailing out the notice to the tenants and allowing about 5 days for the mail to reach the tenant.

The new process creates some concerns:

- The first concern for many is the possible loss of revenue this extended process could create. Most people do not realize, nor care about the further loss of revenue for the Landlord. But the landlord has to be recoup the loss from someplace. Typically, it is through higher rents or less services to the tenant provided by the Landlord.
- Another issue with mailing out the notices is that some tenants may not receive their notice. Some tenants who are about to be evicted are often behind on their bills and may be avoiding checking their mail on a regular basis. It may be a surprise to them on the day they are being evicted. This would cause more tension for the tenant and the Sherriff, in an already stressful situation. Under the old process the Sheriff visited the rental unit and often collected valuable

information about the type of tenants he was dealing with. This enabled him (or her) to be prepared on the eviction day and create a safer environment.

More changes may be in store for the Sheriff department:

FRPO (Federation of Rental Housing Providers of Ontario) has been suggesting to the Government that changes should be made. An alternative should be available such as using private bailiffs for enforcement. Earlier this year the government carried out a consultation process on how a new system could work. They are considering alternatives beyond the current Sheriff's Office for evictions that could allow additional service provider options such as an off-duty police officer or a private bailiff to shorten the enforcement wait time.

Hopefully the recent public consultation will help housing providers with the needed additional options to enforce the lawful eviction orders issued by LTB. The current average time period to resolve a landlord tenant dispute is 90 days in Ontario. That is a long time to not receive income for an income producing property. The damage is compounded by having to pay non-refundable costs for the eviction process.

