



Who can represent the co-op at the Landlord Tenant Board?

This issue of *Evictions: What co-ops need to know* looks at who can represent co-ops at Landlord and Tenant Board (LTB) hearings and is based on an interpretation of Law Society rules by CHF Canada Ontario Region's legal counsel.

Evictions: What co-ops need to know is an educational series to help Ontario co-ops understand evictions and navigate the LTB eviction system. Most co-op evictions in Ontario are handled by the LTB which is part of Tribunals Ontario and plays an important role in the administration of justice. These tip sheets can be found in CHF Canada's online Member Resource Centre at chfcanada.coop/resources.

Who can represent the co-op?

If the grounds for eviction are not covered by the Residential Tenancies Act (RTA), then the co-op will have to go to court for the eviction and the co-op must use a lawyer.

The majority of co-op housing evictions are heard at the LTB. Co-ops can use:

- A lawyer.
- A licensed paralegal.
- A Full or part-time Co-op staff if the co-op is the staff's only employer.

Anytime the co-op is not represented by a lawyer or paralegal, the representative will need to provide an authorization form from the co-op and be prepared to identify the exemption under which they are permitted to provide the legal service.

Full or part time Co-op employees

Full-time employees of the co-op are allowed to represent the co-op at the LTB. The same goes for part-time co-op employees who do not work for any other employer. Part-time co-op employees who work somewhere else can probably represent the co-op if their other job does not involve going to the LTB.

Co-op management company staff

Property management company staff are not allowed to represent the co-op at the LTB.

Co-op board or other co-op members

Co-op directors or other co-op members are not allowed to represent the co-op at the LTB.

Hearings and filings

These above rules apply to case management and merits hearings at the LTB. The rules, however, do not apply to other parts of the process, such as issuing the RTA notices or filing the application to evict. Any employee can sign those documents if it is part of their normal occupation. The same is true of property management company staff.

Should co-op staff be going to the LTB by themselves to represent the co-op?

Whoever goes to the LTB hearings must have the right skills to represent the co-op and the time to do it. Therefore, it may be better for the co-op to pay legal representation rather than try to do it through staff—especially if the eviction is complicated and is based on something other than arrears.

Whoever the co-op uses, it is the responsibility of the board and staff to stay in contact with the representative to keep informed about the progress of the eviction. The LTB will only be communicating with the co-op through their representative.

Staff and directors usually attend the hearings with the co-op's representative.

More Tips:

The other tip sheets in this series give your board advice on specific issues that might come up as the co-op works on evictions. This information is provided to help the board do its job. While the manager will end up doing most of the eviction work referred to, it is important that the board works with staff as a team and provides clear direction. These tip sheets can be found in CHF Canada's online Member Resource Centre at chfcanada.coop/resources.

For more information on the eviction system please contact:

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For more resources in this series, visit chfcanada.coop/OntarioEvictionsSeries

*Disclaimer: The co-op should not use this information instead of legal advice. Co-ops and situations are different from each other and people understand things differently. This issue of *Evictions: What co-ops need to know* assumes things that may not be true of your co-op or your situation.*