

EVICTIION PROCESS



1. NOTICE OF TERMINATION

- The **first step in the legal eviction process** is for a landlord to serve a tenant with a Notice of Termination
- This Notice describes the reason the landlord wants to evict a tenant
- Certain types of Notices can be "voided" or cancelled if your client takes action to address the reason why the landlord wants to evict them (e.g. pays all outstanding rent)

2. APPLICATION TO EVICT A TENANT

- If the tenant does not cancel or "void" the Notice of Termination, the next step is for the landlord to file an Application to Evict a Tenant with the Landlord and Tenant Board and schedule an eviction hearing.
- The Application **must be served on the tenant**.
- The Application usually includes a Notice of Hearing that sets out the time, date and location of the the Eviction Hearing.

3. EVICTION HEARING

- Eviction Hearings take place at the Landlord and Tenant Board.
- It is **important that your client attend their eviction hearing**. If they do not, it is almost certain that an eviction order will be issued against them.

4. EVICTION ORDER

- Eviction Orders set out the reasons for eviction and **describe any available steps** a tenant might be able to take to stop the eviction.
- Whether your client can take steps to cancel or void the eviction order will be entirely dependent on the type of eviction order issued.
- **Always seek legal advice** for your client to figure out if/how an eviction order can be cancelled.

5. SHERIFF'S NOTICE TO VACATE

- Landlords must file an Eviction Order with the Court Enforcement Office (the Sheriff) before an eviction can take place.
- **Only a Sheriff is legally allowed to** execute the Eviction Order and **change the locks**.
- If your client has received a Sheriff's Notice to Vacate, it should provide the approximate date they will be evicted by the Sheriff. However, not all tenants will receive a Notice to Vacate.