

**Legislation:**

Section 193 of the *Residential Tenancies Act, 2006* ('the RTA')  
Sections such as 44, 59, 77 and 116 have deadlines for certain actions

**Related Rules:**

Many Rules have deadlines for which it is necessary to count days

*Section 193 of the RTA provides that: "Time shall be computed in accordance with the Rules." It is important that parties understand the way in which the Board will count days in order to know the deadlines for giving documents to other parties such as applications and motions, and filing other documents with the Board, etc. These Rules are also important for landlords to understand since they apply to deadlines not related to an application, such as the time for giving a notice of termination or a notice of rent increase.*

**4.1 Subject to Rule 1.2, the time between two events is computed by excluding the day on which the first event occurs and including the day on which the second event occurs.**

*For example, if a landlord is counting 14 days that are required between the date a notice of termination will be given to a tenant, and the date of termination to be set out in the notice, they would not count the date the notice will be given (the "first event") but will include the proposed date of termination (the "second event"). All weekend days and other holidays are counted. Thus, a notice given on the 10<sup>th</sup> of the month could be effective as early as the 24<sup>th</sup>.*

**"Business Days" and "Non-Business Days"**

**4.2 The following days are referred to as "non-business days" in these Rules:**

- (a) **Saturday or Sunday;**
- (b) **a day proclaimed by the Governor General or Lieutenant Governor as a public holiday;**
- (c) **New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the civic holiday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day;**

- (d) **if New Year's Day, Canada Day or Remembrance Day fall on a Saturday or Sunday, the following Monday; and**
- (e) **if Christmas Day falls on a Saturday or Sunday, then the following Monday and Tuesday, and if on a Friday, then the following Monday.**

*A "business day" is a day that the Board is open to the public for the filing of documents and conducting its business. This definition of "non-business days" is provided to assist the understanding of the following Rules.*

**4.3 If the time limit for filing a notice or document falls on a non-business day, the notice or document may be filed on the next business day.**

*For example, the deadline for filing a motion to set aside an ex parte order is ten days after the date the order is issued. Where the 10-day deadline falls on a Saturday or Sunday, the motion may be filed on the following Monday.*

**4.4 A notice or document may be given to another person on a non-business day and, in the case of a notice, it may become effective on a non-business day.**

*A party is permitted to give a document to another party on a non-business day. For example, a notice may be served on a Saturday, and days are counted from the Sunday. If the days counted to compute the effective date of a notice were to end on a Sunday, it would be effective on that day, even though it is a non-business day. This is somewhat different than the rules of court, but they recognize that some documents given under the RTA do not relate to proceedings, but to such situations as giving a notice of termination or a notice of rent increase.*

**4.5 Despite Rule 1.5, Rules 4.1 to 4.4 may not be waived or varied.**

*Rule 1.5 allows a Member to waive or vary any of these Rules in the circumstances of the application. However, the Rules concerning computation of time cannot be waived by the Member in any circumstances.*