

Legislation:

Subsection 192(1) of the *Residential Tenancies Act, 2006* ('the RTA')

Related Rules:

Rules 4.1 to 4.5 (Computation of Time)

Subsection 192(1) of the RTA states that: "A notice or document is sufficiently given to the Board,

- (a) by hand delivering it to the Board at the appropriate office as set out in the Rules;*
- (b) by sending it by mail to the appropriate office as set out in the Rules; or*
- (c) by any other means allowed in the Rules."*

6.1 A document may be delivered in person to any Board office or to a ServiceOntario Centre that accepts service on behalf of the Board.

For example, an application may be filed in person with the Toronto South Regional Office, even if the address to which it relates falls within the area that is the responsibility of the Toronto North Regional Office. The offices at which filing is permitted include all Board offices.

A document delivered to a ServiceOntario Centre that accepts service on behalf of the Board is considered filed under section 185 (under the authority of clause 192(1)(c) of the RTA). A ServiceOntario Centre is an office of the Ontario government which provides a wide range of general information about many ministries in one location.

To determine if a ServiceOntario Centre accepts service on behalf of the Board, call 416-326-1234 or toll free at 1-800-267-8097. This information is also available online at www.Ontario.ca.

6.2 A document that is filed by mail, courier or fax shall be sent to the Regional Office responsible for the area in which the residential complex referred to in the document is located.

A party should send a document to the Board office that is processing or will process the application. Sending the document to any other office is sufficient

according to Rule 6.3, but the best practice is to send it to the correct office, avoiding possible delays or filing errors. This Rule recognizes courier and fax as acceptable methods of filing under clause 192(1)(c) of the RTA.

6.3 A document is sufficiently given if sent by mail, courier or fax to any other office of the Board, but not to a ServiceOntario Centre.

While the best practice, as contemplated by Rule 6.2, is to file documents with the office responsible for their processing, the Board will forward the documents to the responsible Regional Office as quickly as possible if they are sent to another office. Documents should not, however, be sent by mail, courier or fax to a ServiceOntario Centre.

When a Document is Considered Received

6.4 If a party files a document by mail addressed to a Board office, it is deemed to be filed on the fifth day following the day it was mailed or, if that is a non-business day, the next business day.

Subsection 192(2) of the RTA provides that a notice or document given by mail to the Board shall be deemed to have been given on the fifth day after mailing or, if earlier, the date it is actually received. A Member may not waive a provision in the RTA. For example, if a document was mailed to the Board on the 7th of the month, but was not delivered until the 20th, it is considered received on the 12th.

This Rule clarifies that the five days is computed taking into account whether or not the fifth day is a business day. A business day is a day that is not a weekend day or statutory holiday (see Rule 4.2). In the example, if the 12th was a Saturday, the document would be considered filed on the 14th (Monday). However, if the document was actually received earlier, it would be found to be received on the earlier date (see subsection 192(2) of the RTA).

6.5 If a document is filed by fax into a Board office, it will be considered received on the date imprinted by the fax machine.

For example, if a document was received by fax at 11:59 P.M. on March 3rd, it will be considered to be received on March 3rd. However, it is the responsibility of the person filing the document to ensure that the fax transmission was in fact received by the Board. No faxes should be sent to ServiceOntario Centres.