

LANDLORD LEGAL

Tenant Troubles? Landlord Legal is Coming!

Uh Oh! The Sheriff Is A Comin'!

What Can you Do If your Tenants Refuse to Leave?



It sounds a little “wild, wild, west, doesn’t it? Your problem tenants are finally going to leave...because the Landlord and Tenant Board directed them to do so. What do you do if they are directed to move out, and don’t? **Cue the music, kick the tumbleweed. It’s time for the Sheriff.**

I’m often asked about this stage of the process. “Is there actually a Sheriff”? Do you picture a leather-faced hombre with spurs, ten gallon hat and a spit-shined revolver in his holster? If so, you’ve got it all wrong.

Here’s the truth about enforcing Landlord and Tenant Board Orders. It’s not nearly as dramatic as you may think.

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Case Synopsis:

Tenant Jones receives a Landlord and Tenant Board Order directing him to vacate the rental unit on or before May 31, 2011. **On May 31, 2011, Tenant Jones decides to watch television instead.**

Landlord Smith knocks on the door at 7:00pm on May 31, 2011 and asks Jones what his intentions are. Tenant Jones shrugs, lights a smoke and says, "Do what you need to do."

Landlord Smith now needs to attend the Enforcement Office at the court house closest to the rental unit, armed with a certified copy of the LTB Order and between three and four hundred dollars.

The Enforcement Office gives Smith a requisition to complete, describing the rental unit and confirming the LTB Order, indicating if the Sheriff can expect to find large pets or any danger at the unit. Smith is sent away and told the date will be booked depending on their schedule, and he will be contacted. This particular process varies slightly by jurisdiction, but that's the general idea. It's at least a two week wait in most areas.

On enforcement day, Smith or his authorized representative must meet the Sheriff's officer(s) at the property, but **Smith should NOT, for any reason, approach the subject unit. Once the officer(s) arrive, they will greet Smith, confirm which door is the correct entry, and take his key.**

A lock smith arranged and paid for by the landlord is standing by to change the locks. The officer(s) will knock on the door, immediately enter with the key, and announce their presence: "SHERIFF'S OFFICE – IS ANYONE HOME?", and "clear" the premises, ensuring that no persons, animals or threats exist inside the unit.

What if someone is home? They will be given a brief period of time to grab some belongings, if the landlord agrees. If not, they will be told to leave immediately. Landlord Smith is still waiting out front.

Once the officers, who are employed by the Ministry of the Attorney General, determine that the unit is safe, they will invite the landlord inside to survey the damage and sign important documents giving possession back to the landlord.

Now what?

A notice will be posted on the door by the Sheriff's officers, directing the tenant(s) to contact the landlord or their authorized agent should they wish to pick up any remaining belongings. They will be given 72 hours within which to do so.

The landlord or their agent needs to be available during this critical period of time, but not for “cherry picking”. **There is nothing inappropriate about insisting that the tenant arrive by appointment, with enough people and vehicles to get the job done, and a representative for the landlord absolutely has the right to supervise this process.**

What if the LTB Order says May 31st, the landlord thinks the tenants are gone, but there is a ratty sofa, some boxes and a lamp inside the unit? I recommend that if anything of value is inside the unit, don't take a chance. Book the Sheriff, and don't leave yourself open to vexatious claims from bitter tenants later on. **The 72 hours is a black and white period of time. If you don't book the Sheriff, you run the risk that the evicted tenants will come back to haunt you, suing you for a two page list of belongings they fully intended to collect.**

As they say in the saloon, “It just ain't worth it”.

C. April Stewart, aka “the Terminator”
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