

OFFICE CONSOLIDATION

WARTIME PRICES AND TRADE BOARD

Orders Respecting

MAXIMUM RENTALS AND TERMINATION OF LEASES FOR HOUSING ACCOMMODATION AND SHARED ACCOMMODATION

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OFFICE CONSOLIDATION WARTIME PRICES AND TRADE BOARD

ORDER No. 294

Respecting Maximum Rentals and Termination of Leases
for Housing Accommodation and Shared Accommodation

As Amended by Orders

No. 320 made September 23, 1943. Effective October 1, 1943,
No. 358 made January 4, 1944. Effective January 6, 1944,
No. 459 made November 29, 1944. Effective November 30, 1944,
No. 485 made February 6, 1945. Effective February 28, 1945,
No. 487 made February 12, 1945. Effective February 12, 1945,
No. 582 made November 29, 1945. Effective December 1, 1945,
No. 686 made February 17, 1947. Effective March 1, 1947,
No. 707 made April 3, 1947. Effective April 7, 1947,
No. 742 made June 18, 1947. Effective June 19, 1947,
and
No. 771 made October 24, 1947. Effective October 24, 1947.

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WARTIME PRICES AND TRADE BOARD

Order No. 294

Respecting Maximum Rentals and Termination of Leases for Housing Accommodation and Shared Accommodation

(As amended by Orders Nos. 320, 358, 459, 485, 487, 582, 686, 707, 742 and 771)
made pursuant to authority conferred by Order in Council P.C. 9029, dated the 21st day of November, 1941, and amendments thereto. This Board orders as follows:

Definitions

1. For the purposes of this Order,

- (a) "Board" means the Wartime Prices and Trade Board;
- (b) "clubhouse" means the clubhouse of a club incorporated for the purpose of carrying on its objects without pecuniary gain and which restricts the occupancy of rooms in the clubhouse to members of the club;
- (c) "commercial accommodation" means
 - (i) any vacant land;
 - (ii) any land used for commercial purposes and let upon a ground lease;
 - (iii) any place of business;
 - (iv) any structure or part of a structure used for combined business and dwelling purposes under a lease that is made to one tenant or two or more tenants jointly and the rental payable under which has not been apportioned in respect of that part used for business purposes and that part used as a place of dwelling;
 - (v) any real property of which His Majesty in right of Canada or of any province thereof is tenant;
 and, for the purposes of this clause, "business" shall include the practice of any profession but shall not include the letting of rooms with or without board,

(Clause (c) as substituted by Order No. 742)

- (d) "Court of Rental Appeals" means any judge, judicial officer or barrister designated as such, for any particular area, by the Board;
- (e) "demand for renewal" means a demand for renewal conforming to the provisions of this Order and given by the landlord to the tenant in accordance with the provisions of this Order;
- (f) "hotel" means any establishment the operator of which
 - (i) in one or more buildings, furnishes sleeping and living accommodation, with or without meals, to the travelling public for remuneration; and
 - (ii) receives and lodges for remuneration all persons seeking shelter, unless there is reasonable ground for refusal; and
 - (iii) keeps a register in which the guests, on arrival, record their names and addresses; and
 - (iv) assumes responsibility for the goods and chattels of the guests in accordance with the law of the province in which the hotel is situated; and
 - (v) filed his maximum rates or obtained fixation of his maximum rates in accordance with the provisions of Order No. 316 of the Board or holds a certificate issued by the Regional Rentals Officer under the provisions of subsection (3) of Section 2 of this Order;

(Clause (f) as substituted by Order No. 742).

- (g) "housing accommodation" means any place of dwelling and any land upon which a place of dwelling is situated, but shall not include commercial accommodation, shared accommodation or any room in a hotel or clubhouse;

- (h) "landlord" means any person of whom another holds any right to the possession of any place of dwelling and the heirs, executors, administrators and assigns of such person and, without restricting the generality of the foregoing, includes any person who lets or sub-lets or grants any leave and licence for the possession of any housing accommodation or shared accommodation, any person entitled to possession under any judgment or order of a Court or under any statute and any mortgagee or chargee in possession;
- (i) "lease" means any enforceable contract for the letting or sub-letting of any housing accommodation or shared accommodation or any leave and licence for the use of any housing accommodation or shared accommodation, whether such contract or leave and licence is made orally or in writing; and each of the verbs "let", "rent" and "sub-let" shall have a corresponding extended meaning;
- (j) "notice of renewal" means a notice of renewal conforming to the provisions of this Order and given by the tenant to the landlord in accordance with the provisions of this Order;
- (k) "province" includes the North West Territories and Yukon Territory;
- (l) "rent" or "rental" or "rate" means any payment or consideration, including any bonus or gratuity to or for the benefit of the landlord, for the possession of any housing accommodation or shared accommodation by the day, week, month, year or other period of time;
- (m) "Rentals Administrator" means a person appointed as such by the Board and includes any person similarly appointed as a deputy Rentals Administrator;
- (n) "Rentals Appraiser" means any person appointed as such by the Board or by a Rentals Administrator;
- (o) "shared accommodation" means any room or rooms forming part of the residence of the landlord or of his agent and of which the entrance and any facility are used in common by the landlord or his agent and the occupant or occupants of the room or rooms;
- (p) "tenant" means any person who holds possession of any housing accommodation or shared accommodation under any lease;
- (q) "term certain" means a period of possession of housing accommodation, the right to which possession, according to the law of the province in which the accommodation is situated, would terminate at the end of the period without notice by either landlord or tenant were it not for the provisions of this Order.

PROPERTY AND LEASES NOT AFFECTED BY THIS ORDER

Exemptions from Order

- 2. (1) The provisions of this Order shall not apply to
 - (a) any living or sleeping room in an educational, religious, philanthropic, charitable, scientific, artistic, professional, social or sporting institution, or in any hospital or convalescent or nursing home, or in any clubhouse;
 - (b) any real property let (with or without a place of dwelling) solely for the purposes of husbandry, agriculture or horticulture;
 (Clause (b) as substituted by Order No. 686)
 - (c) any lease of any housing accommodation in which lease His Majesty in right of Canada is landlord and Wartime Housing Limited or Central Mortgage and Housing Corporation is his agent;
 (Clause (c) as substituted by Order No. 771)
 - (d) any living or sleeping room in a seasonal boarding house which, for purposes of this clause, means a boarding house which caters chiefly to persons who are on vacation or holidays and in which sleeping accommodation and three meals per day are made available to the guests by the operator, and includes a group

of buildings so operated by the same operator in some of which sleeping accommodation is supplied to the guests and in one or more of which three meals per day are made available by him to such guests.

(Clause (d) as added by Order No. 686)

- (e) any vacant land;
 - (f) any building in course of construction on January 1, 1947, and completed after that date and any building the construction of which was commenced after that date;
 - (g) any garage that is appurtenant to any housing accommodation and that is let to some person other than the tenant of such housing accommodation;
- (Clauses (e), (f) and (g) as added by Order No. 742)
- (h) any lease of any housing accommodation in which lease Central Mortgage and Housing Corporation is the landlord; or in which lease Housing Enterprises of Canada Limited or any subsidiary company thereof is the landlord;
- (Clause (h) as added by Order No. 771)
- (i) any room or rooms in a boarding house which, for the purposes of this clause, means a boarding house the operator of which serves two or more meals daily to the occupant of the room or rooms in question.
- (Clause (i) as added by Order No. 771)

all of which are hereby exempted from the provisions of Section 5 of the Wartime Leasehold Regulations.

(2) In any case in which a Rentals Administrator has exempted any real property or any transaction or person from any provisions of any previous Order of the Board, such property, transaction or person shall to the extent of such exemption be exempt from the corresponding provision of this Order unless and until a Rentals Administrator otherwise directs in writing.

(3) No real property shall be deemed to be a hotel unless the operator thereof filed his maximum rates or obtained fixation of his maximum rates under the provisions of Order No. 316 of the Board while that Order was in force or unless such operator, upon application to the Regional Rentals Officer, obtains from such officer a certificate designating such real property as a hotel.

(Subsection (3) as added by Order No. 742)

PART I—MAXIMUM RENTALS FOR HOUSING ACCOMMODATION

Fixed maximum rentals

3. Maximum rentals that have been fixed for housing accommodation before October 1, 1943 or under this Order shall not be varied except in accordance with the provisions of this Order.

4. (1) Maximum rentals that have been fixed before October 1, 1943, are the following:

- (a) a maximum rental fixed before October 11, 1941, for any housing accommodation by any Order of the Board referred to in the Appendix to this Order (subject to the latest conclusive variation of such maximum rental heretofore made under the authority of the Board);
- (b) the rental lawfully payable under a lease in effect on October 11, 1941, for any housing accommodation or, if there was no lease in effect for the accommodation on that date but there was a lease in effect for the accommodation at some time or times since January 1, 1940, the rental lawfully payable under the latest lease in effect between January 1, 1940, and October 11, 1941 (subject to the latest conclusive variation of such maximum rental heretofore made under the authority of the Board);
- (c) the rental lawfully payable under the first lease made between October 11, 1941, and December 10, 1942, for any housing accommodation for which no

maximum rental had been fixed on or before October 11, 1941 (subject to the latest conclusive variation of such maximum rental heretofore made under the authority of the Board);

- (d) the maximum rental conclusively fixed under the authority of the Board for any housing accommodation that was rented for the first time on December 10, 1942, or between December 10, 1942, and October 1, 1943.

Particular fixed maximum rentals

(2) Maximum rentals payable under any lease referred to in clause (b) of subsection (1) preceding shall include the following:

- (a) a rental which is subject to seasonal variation during year-round possession, in which case the rental payable in each season shall be the maximum rental payable in any corresponding season;
- (b) a rental payable under a sub-lease made between a tenant and a sub-tenant and in effect at the same time as the lease referred to; in which case a lease may be made or renewed at the rental payable under the sub-lease if the same housing accommodation, appurtenances, furniture, furnishings, equipment, fixtures, services and facilities are supplied as were supplied under the sub-lease;
- (c) an altered rental payable upon the exercise of an option contained in the lease; but, unless the option is exercised, such altered rental shall not constitute a maximum rental;
- (d) a rental payable for any housing accommodation customarily rented only for a season or part of a season; in which case the maximum daily, weekly, monthly and seasonal rentals in each season shall be the respective daily, weekly, monthly and seasonal rentals payable in the last corresponding season before October 11, 1941.

(3) In any case in which there is a fixed maximum daily rental and a fixed maximum weekly rental for any housing accommodation customarily rented only for a season or part of a season and the accommodation is occupied by the same tenant for seven consecutive days or longer, the maximum rental that may be charged, demanded, received, collected or paid for such occupancy shall be the maximum weekly rental.

(4) In any case in which there is a fixed maximum weekly rental and a fixed maximum monthly rental for any housing accommodation customarily rented only for a season or part of a season and the accommodation is occupied by the same tenant for one month or longer, the maximum rental that may be charged, demanded, received, collected or paid for such occupancy shall be the maximum monthly rental.

Lessening accommodation or services, etc.

5. (1) Housing accommodation for which there is a fixed maximum rental shall include all appurtenances, furniture, furnishings, equipment, fixtures, services and facilities that were supplied or were to be supplied by the landlord for such maximum rental.

(2) During the term of any lease now or hereafter in effect for any housing accommodation or during any period of renewal or extension of such lease, no person shall, in the absence of an agreement between the landlord and tenant to the contrary, discontinue or lessen any heating, lighting or cold or hot water service supplied or to be supplied by the landlord unless he obtains from the Rentals Appraiser a written permit so to do and complies with the terms of such permit or unless such discontinuance or lessening is due to governmental order or fuel not being available.

(3) An application for a permit shall be made on a form provided by the Board; and the Rentals Appraiser may grant or refuse a permit.

(4) If the landlord of any housing accommodation for which there is a fixed maximum rental lessens the amount of the accommodation or of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities which were supplied or to be supplied for the maximum rental, whether or not a permit has been granted

under this Section, he shall either before or within thirty days after the date of such lessening, make an application in accordance with Section 9 to the Rentals Appraiser for a variation of the maximum rental; provided that nothing in this subsection shall be deemed to authorize a landlord to break the conditions of any lease in effect for the accommodation.

Increasing accommodation or services, etc.

6. If the landlord of any housing accommodation, since the date on which the maximum rental therefor was last fixed, increases the amount of such accommodation or supplies any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were not supplied for the rental fixed on such date, he shall not collect or receive any rental in excess of the maximum rental unless, upon application by him, the maximum rental is varied under the provisions of Section 7 and he complies with the provisions of Section 8.

Variation of fixed maximum rentals

7. (1) An application may be made by the landlord of any housing accommodation to the Rentals Appraiser for a variation of the fixed maximum rental for the accommodation by reason of any of the following special circumstances affecting such accommodation:

- (a) an increase in the taxes or water rates payable by the landlord since the date on which the maximum rental was last fixed and resulting otherwise than from a structural alteration, addition or improvement; in which case, the Rentals Appraiser may increase the maximum rental by an amount which is commensurate with the amount of such increase in taxes or water rates;
- (b) an increase in the amount of the accommodation or the supplying of appurtenances, furniture, furnishings, equipment, fixtures, services or facilities that were not supplied or to be supplied for the maximum rental; in which case, the Rentals Appraiser may increase the maximum rental by an amount which is commensurate with the increased rental value of the accommodation, but in no event shall the maximum rental be increased to an amount that is higher than the rental generally prevailing on October 11, 1941, for similar accommodation in the neighbourhood;
- (c) renovation of the accommodation involving an expenditure of an amount not less than ten per cent of the assessed value of the accommodation; in which case the Rentals Appraiser may increase the maximum rental by an amount which is commensurate with the increased rental value of the accommodation, but in no event shall the maximum rental be increased to an amount that is higher than the rental generally prevailing on October 11, 1941, for similar accommodation in the neighbourhood;
- (d) the maximum rental for the accommodation is lower than the rental generally prevailing on October 11, 1941, for similar accommodation in the vicinity or in a similar residential district of the same municipality; in which case, the Rentals Appraiser may increase the maximum rental to an amount not exceeding such generally prevailing rental; provided that, notwithstanding the provisions of Section 25, this clause shall not apply to any shared accommodation.

(Clause (d) as substituted by Order No. 707)

- (e) the maximum rental for one year for the accommodation is less than twice the total of the taxes and water rates payable by the landlord; in which case the Rentals Appraiser may increase the maximum rental to an amount equal to twice such total but in no event shall the maximum rental be increased to an amount that is higher than the rental generally prevailing on October 11, 1941, for similar accommodation in the neighbourhood;
- (f) the tenant at the date of the application is sub-letting three or more rooms in the accommodation under two or more separate sub-leases, and the maximum rental has not been increased under any previous Order of the Board by reason of increased wear and tear caused by the tenant or under the provisions

of the clause which was replaced by this clause by Order No. 707 of the Board; in which case, the Rentals Appraiser may increase the maximum rental by ten per cent.

(Clause (f) as substituted by Order No. 707)

and the maximum rental has not been increased under any previous order of the Board by reason of increased wear and tear caused by the tenant; in which case, the Rentals Appraiser may increase the maximum rental by ten per cent.

(2) An application may be made by a tenant of any housing accommodation to the Rentals Appraiser for a variation of the fixed maximum rental of the accommodation by reason of the circumstance that

(Clause (a) deleted by Order No. 707)

(b) since the date on which the maximum rental for the accommodation was last fixed, there has been a lessening of the amount of the accommodation or of any appurtenances, furniture, furnishings, equipment, fixtures, services, or facilities that were supplied or to be supplied for the maximum rental; in which case, the Rentals Appraiser may decrease the maximum rental by an amount which is commensurate with the decreased rental value of the accommodation.

(3) No application by a landlord or a tenant for a variation of a fixed maximum rental shall be considered by a Rentals Appraiser unless it is by reason of one or more of the special circumstances set forth in this Section or in Section 5.

(4) Any variation of the maximum rental for any housing accommodation under this Order shall be deemed to be the fixation of the maximum rental for such accommodation.

When an increased or decreased maximum rental may be charged

8. (1) If a fixed maximum rental has been increased under subsection (1) of Section 7 and the tenant has not agreed to pay any increased rental, the increased maximum rental shall not be charged, demanded, received, collected or paid until the requirements of Section 17 have been fulfilled.

(Subsection (1) as substituted by Order No. 707)

(2) When the fixed maximum rental for any housing accommodation has been increased under the provisions of this Order,

(a) by reason of any increase in the taxes or water rates referred to in clause (a) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected to the extent of and in accordance with the agreement; or

(b) by reason of an increase in the amount of the accommodation or the supplying of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities referred to in clause (b) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected as from the date of such supplying to the extent of and in accordance with the agreement, or

(c) by reason of the renovation referred to in clause (c) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected as from the date of such renovation to the extent of and in accordance with the agreement, or

(d) by reason of the circumstances referred to in clause (d) or clause (e) or clause (f) of subsection (1) of Section 7 and the tenant has agreed to pay an increased rental for that reason, the increased maximum rental may be collected as from the date on which the landlord's application was filed to the extent of and in accordance with the agreement.

(Clause (d) as substituted by Order No. 707)

provided that the right to collect, receive or pay any such increased rental shall be postponed until the date on which such maximum rental has been conclusively increased under the provisions of this Order.

(Subsection (3) deleted by Order No. 707)

(4) When the fixed maximum rental for any housing accommodation has been decreased under this Order

(Clause (a) deleted by Order No. 707)

(b) by reason of the lessening of any appurtenances, furniture, furnishings, equipment, fixtures, services or facilities, the decreased maximum rental shall take effect from the date on which the lessening occurred;

and the lease in effect for such accommodation shall be deemed to have been amended accordingly.

(5) Notwithstanding the provisions of the Wartime Leasehold Regulations prohibiting the charging, demanding, receiving, collecting and paying of any rental in excess of the maximum rental, in any case in which the landlord of any housing accommodation is entitled under this Order to make an application for an increased maximum rental for the accommodation, a lease may be made which provides for a rental higher than the fixed maximum rental subject to the maximum rental being varied under the provisions of this Order; but the right to collect, receive or pay any rental in excess of the fixed maximum rental shall be postponed until the date on which the maximum rental has been conclusively increased under the provisions of this Order.

Procedure for application for variation of maximum rentals

9. (1) An application to a Rentals Appraiser for the variation of a fixed maximum rental shall be made in the following manner:

(a) a form of application provided by the Board shall be completed in duplicate by the applicant and all information required by such form shall be given;

(b) both copies of the completed application shall be filed with the Rentals Appraiser;

(c) the Rentals Appraiser shall forward a copy of the application to the opposite party by mail;

(d) the opposite party to the application may, within ten days after the date on which it was mailed to him, forward or give to the Rentals Appraiser any written statement that he desires to make.

(2) The Rentals Appraiser may require such additional information from either party as he may direct, may conduct a hearing if he desires and may adopt such procedure as he deems proper.

(3) The Rentals Appraiser may require the evidence of the parties to be given under oath or affirmation and may administer such oath or affirmation, and may inspect the accommodation but no expense shall be incurred without the written authorization of a Rentals Administrator.

(4) The Rentals Appraiser may fix or vary the maximum rental of the accommodation described in the application or may dismiss the application.

(5) If the application is by reason of a sub-letting referred to in clause (f) of subsection (1) of Section 7, the Rentals Appraiser may refer the application to the Court of Rental Appeals for decision; in which case, the provisions of Section 11 shall apply as if the reference were an appeal.

(6) A Rentals Appraiser, of his own motion, may vary the maximum rental for any housing accommodation by reason of the existence of any circumstance referred to in Section 7.

(7) Any decision by a Rentals Appraiser shall be on a form provided by the Board and the decision shall continue in effect until varied by a decision made by the Court of Rental Appeals or by a Rentals Administrator.

(Subsection (7) as substituted by Order No. 485).

(8) On any application, no costs shall be awarded to either party.

Fixation of maximum rental not previously fixed

10. (1) The landlord of any housing accommodation described in subsection (2) following shall, before or within thirty days after making a lease therefor, make an

application to the Rentals Appraiser to fix the maximum rental for the accommodation and if an application is made the landlord may collect the rental payable under the lease until the maximum rental is fixed but, if the landlord does not make the application within such thirty days the tenant, on notifying the Rentals Appraiser of such failure, may thereafter withhold payment of all rental until he has been notified by the Rentals Appraiser that an application has been made.

(Subsection (1) as substituted by Order No. 487).

(2) Housing accommodation to which this Section applies shall be:

(a) that for which there is no maximum rental.

(Clause (a) as substituted by Order No. 485).

(b) that which has been altered since the date on which the maximum rental therefor was last fixed, resulting in substantially different accommodation;

(c) that which has been customarily rented for a season or seasons only, if rented for any period not included in such season or seasons;

(d) that which has been converted from commercial accommodation;

(e) that for which the maximum rental is not ascertainable by the landlord.

(3) If there is no lease in effect for the housing accommodation at the time of the application, the landlord shall complete a form of application provided by the Board and shall furnish such information as the Rentals Appraiser may require and the provisions of subsections (2), (3), (4) and (7) of Section 9 shall apply to the application.

(4) If there is a lease in effect for the housing accommodation at the time of the application, all of the provisions of Section 9 (except subsection (5)) shall apply as if the application were for variation of a fixed maximum rental.

(5) If a lease for any housing accommodation the maximum rental for which is fixed under this Section has been in effect at any time within a period of six months prior to the date on which the decision is made, such maximum rental shall, to the extent of such six months' period only, take effect and apply to any such lease.

(Subsection (5) as substituted by Order No. 771)

(6) The maximum rental for any housing accommodation completed by original construction or structural alteration on or after January 1, 1944, shall be fixed at an amount which, in the opinion of the Rentals Appraiser or of the Court of Rental Appeals in the event of appeal, will yield a fair return, based on prevailing costs of land, labour and material.

(Subsection (6) as substituted by Order No. 707)

(7) A Rentals Appraiser may, of his own motion, fix the maximum rental for any housing accommodation referred to in this Section.

(8) Any decision by a Rentals Appraiser shall be on a form provided by the Board and the decision shall continue in effect until varied by a decision made by the Court of Rental Appeals or by a Rentals Administrator.

(Subsection (7) as substituted and subsection (8) as added by Order No. 485).

(9) In the case of any housing accommodation referred to in subsection (2) preceding and completed by original construction or by structural alteration before January 1, 1944, the Rentals Appraiser shall fix the maximum rental therefor, at an amount that, in his opinion, is 10 per cent higher than the rental generally prevailing on October 11, 1941, for similar accommodation in the vicinity or in a similar residential district of the same municipality; provided however, that in the case of shared accommodation the Rentals Appraiser shall fix the maximum rental thereof at the amount generally prevailing on October 11, 1941, for similar accommodation in the vicinity or a similar residential district in the same municipality.

(Subsection (9) as substituted by Order No. 771)

(10) In any case in which the maximum rental for any housing accommodation completed by original construction or structural alteration on or after January 1, 1944, and before the 31st day of March, 1947, was fixed under this Section by a decision dated prior to March 31, 1947, at an amount which does not yield a fair return

based on prevailing costs of land, labour and material, the landlord of such accommodation may make application to the Court of Rental Appeals for an Order and that Court may make an order fixing the maximum rental for such accommodation in accordance with the provisions of subsection (6) of this Section, notwithstanding that the maximum rental for the accommodation had been previously fixed by a Court of Rental Appeals. The procedure on any such application shall be that prescribed by Section 11 following as if such application were an appeal.

(11) If the maximum rental for any housing accommodation is increased by a decision made by the Court of Rental Appeals under the provisions of subsection (10) preceding, such increased maximum rental shall not take effect earlier than the date on which the landlord filed the application with the Rentals Appraiser.

(Subsections (10) and (11) added by Order No. 707)

Appeal from Rentals Appraiser

11. (1) The decision of a Rentals Appraiser fixing or varying the maximum rental for any housing accommodation or dismissing an application for a fixation or variation of the maximum rental for any housing accommodation may be appealed by either party to the Court of Rental Appeals.

(Subsection (1) as substituted by Order No. 485).

(2) An appeal shall be made in the following manner:

(a) a notice of appeal provided by the Board shall be completed in duplicate by the party who is appealing;

(b) the party who is appealing shall, within thirty days after the date of the Rentals Appraiser's decision,

(i) serve one copy of the notice of appeal on the opposite party, if any, by personal service or by prepaid registered mail;

(ii) file the other copy and proof of service on any opposite party with the Rentals Appraiser or other officer designated by the Rentals Administrator;

(Clause (b) as substituted by Order No. 485).

(c) the Rentals Appraiser shall ascertain from the Court of Rental Appeals the date of the hearing of the appeal and shall forward to each of the parties by mail a notice stating the date of hearing unless such Court itself sends such notice;

(d) the Rentals Appraiser shall forward to the Court of Rental Appeals a copy of his decision, all material filed on the application and a memorandum setting forth such additional facts as were established before him; and such material and memorandum shall be open to inspection by either party;

(e) on the appeal, any relevant evidence may be submitted by either party.

(3) The Court of Rental Appeals may require such information in such manner as it may direct, may adopt such procedure at the hearing as it deems proper, may inspect the accommodation and, for the purpose of informing itself in the execution of its powers and duties, shall have the powers of a commissioner appointed under the Inquiries Act (R.S.C. 1927, Chapter 99); but no expense shall be incurred without the written authorization of a Rentals Administrator.

(4) The said Court may confirm or revoke the decision of the Rentals Appraiser or make such variation or fixation of the maximum rental as could be made by the Rentals Appraiser under the provisions of this Order.

(5) The decision of the said court shall be on a form provided by the Board, shall be conclusive, and shall take effect as if it were the decision of the Rentals Appraiser.

(Subsection (5) as substituted by Order No. 485).

(6) On any appeal under this Section, no costs shall be awarded to either party.

PART II—TERMINATION OF LEASES AND SPECIAL PROVISIONS CONCERNING
HOUSING ACCOMMODATION

(Heading as substituted by Order No. 707)

Dispossession prohibited under Order

12. Except as provided in Sections 13, 14 and 16, no tenant of any housing accommodation shall be dispossessed of such accommodation or be evicted therefrom and no landlord shall demand that any tenant vacate or deliver up possession of any housing accommodation.

(Section 12 as substituted by Order No. 686).

Dispossession under provincial law

13. The landlord may recover possession of the accommodation in accordance with the law of the province in which it is situated if the tenant

- (a) is in default in payment of rent for fifteen days or longer, but if the maximum rental for the accommodation has been increased by a decision made under the authority of the Board and the tenant has agreed to pay an increased rental, such increase in the maximum rental shall, with respect to accrued instalments of rental, become due and payable as of the date of such decision;

(Clause (a) as substituted by Order No. 485).

- (b) is breaking any material provision of his lease, other than a provision to vacate, unless the breach is permitted under any Order of the Board; provided that the landlord, before exercising his rights under this Section by reason of this clause, shall inform the tenant in writing of the nature of the alleged breach; or

- (c) is in possession under a lease for a term certain of five months or less made on or after October 1, 1943, provided that this clause shall only apply to the first such lease made in any period of twelve months; or

- (d) is, or was at the time of making the lease for the accommodation, the landlord's employee, servant or agent; or

(Clause (d) as substituted by Order No. 485).

- (e) must vacate in order to enable the landlord to comply with the order of any duly constituted authority under the law of the province or municipality in which the accommodation is situated, declaring such accommodation as unfit for human habitation; or

- (f) has given to the landlord, after the making of the lease for the accommodation but not as a term of the lease or a condition of obtaining it, a written notice of his intention to vacate the accommodation on a stated date and has failed to so vacate; or

(Clause (g) deleted by Order No. 707).

- (h) is in occupation under a lease that is not for a term certain, has received from the landlord a notice in accordance with Section 17 and has not given to the landlord a notice in accordance with such Section; or

- (i) is in occupation of housing accommodation that is customarily let for a season or seasons and his lease is for a season or a part thereof; or

- (j) is a tenant in respect of whom an order has been made by the Court of Rental Appeals under Section 14; or

- (k) has been given a notice to vacate in accordance with Section 16 of this Order;

(Clause (k) as substituted by Order No. 686).

- (l) is a tenant of His Majesty in right of Canada or of any province thereof; or

- (m) with whom the lease was made under which possession of the accommodation is held has ceased to occupy the accommodation as his personal residence for a period exceeding five months.

(Clause (m) as substituted by Order No. 686).

- (n) is a tenant of any municipal corporation.

(Clause (n) as added by Order No. 582).

- (o) is a tenant of a farm-house or other place of dwelling adjunct or appurtenant to any real property which is being used, or was formerly used and is again intended for use, solely for the purpose of husbandry, agriculture or horticulture or for the keeping or breeding of horses, dogs, livestock, poultry, fur bearing animals or bees and such farm-house or other place of dwelling has been let separately from such real property and possession thereof is necessary for the efficient operation of such real property.

(Clause (o) added by Order No. 686).

- (p) has not accepted the landlord's offer of the lease referred to in Section 18.

(Clause (p) added by Order No. 707)

Dispossession of obnoxious tenants

14. (1) If the landlord of any housing accommodation wishes to terminate the tenant's lease because the conduct of the tenant or his sub-tenant or someone living with the tenant or sub-tenant is obnoxious to the other occupant or occupants of the building in which the accommodation is situated, or tends to harm its character, or because the tenant or his sub-tenant or someone living with the tenant or sub-tenant is damaging the accommodation or because the tenant or sub-tenant by not taking reasonable care of it is causing it to deteriorate, the landlord may apply to the Court of Rental Appeals for an order exempting the lease from the provisions of this Part.

- (2) The application shall be made in the following manner:

- (a) a form of application provided by the Board shall be completed in duplicate by the landlord and all information required by such form shall be given;

- (b) both copies of the application shall be filed with the Rentals Appraiser;

- (c) the Rentals Appraiser shall ascertain from the Court of Rental Appeals the date of the hearing of the application;

- (d) the Rentals Appraiser shall forward by registered mail

- (i) to the tenant a copy of the application and a notice stating the date on which the Court of Rental Appeals will hear the application, and

- (ii) to the landlord a notice stating the date on which the Court of Rental Appeals will hear the application.

(Clause (d) as substituted by Order No. 485).

- (e) the Rentals Appraiser shall forward to the Court of Rental Appeals all material filed on the application.

(Clause (f) relettered (e) by Order No. 485).

(3) On the hearing of the application, the Court of Rental Appeals may require such information in such manner as it may direct, may adopt such procedure as it deems proper and may grant or refuse the order; but no costs shall be awarded to either party.

(Sections 15A, 15B, 15C, 15D which were substituted for Section 15 by Order No. 358 and 15E which was added by Order No. 485—deleted by Order No. 686).

Dispossession for purposes of sub-division

16. (1) If the landlord of any housing accommodation desires possession of the accommodation for the purpose of dividing it by means of structural alteration into two or more accommodations, each having a floor area of not less than 500 square feet and each consisting of at least two rooms in addition to a kitchen or kitchenette, private bath and private toilet, he may make an application to the Rentals Appraiser for a permit to give a notice to vacate to the tenant.

(Subsection ① as substituted by Order No. 485).

- (2) The application shall be on a form provided by the Board and all information required by the form shall be given.

(3) The landlord shall file with the application his plans of the proposed division and shall satisfy the Rentals Appraiser that

- (a) he has obtained or is able to obtain from all proper authorities any necessary permits for the division, and
- (b) the total number of persons that may reasonably be expected will occupy the proposed accommodations will exceed the number of persons presently occupying the accommodation.

(Subsection (3) as substituted by Order No. 485.)

(4) The Rentals Appraiser may require any additional information, may inspect the accommodation and may grant or refuse the permit.

(5) If the Rentals Appraiser refuses to grant a permit under this Section, the landlord may appeal to the Court of Rental Appeals; in which case, the Rentals Appraiser shall forward to the Court all material filed with him and a memorandum of any additional information obtained by him and the Court shall have all the powers conferred on the Rentals Appraiser by this Section.

(6) If a permit is granted under this Section, the landlord may give to the tenant a notice to vacate which shall be on a form provided by the Board or in the form set forth in the Appendix to this Order as Form No. 2.

(7) Unless the lease provides for a longer notice, at least three months' notice to vacate shall be given directing the tenant to vacate

- (a) in the case of a monthly lease, at the end of a lease month or, in the case of a weekly lease, at the end of a lease week, but in neither case between September 30 and the following April 30;
- (b) in the case of any other lease not for a term certain, at the end of the term or, if the unexpired portion of the term is less than three months, at the end of the following term;
- (c) in the case of a lease for a term certain, at the end of the term, but if the unexpired portion of the term is less than three months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 20 shall apply.

(8) If a tenant is required to vacate any housing accommodation under this Section, the accommodation shall not, without a permit in writing of the Rentals Appraiser, be rented in whole or in part to another tenant or be sold to any person until the division specified in the application is completed. This subsection shall not prevent a landlord from making a lease of any family unit referred to in subsection (1) preceding for occupation by the tenant after completion of the unit.

Increasing rental to maximum rental

17. (1) If the rental for any housing accommodation payable under a lease that is not for a term certain is less than the fixed maximum rental for the accommodation, the landlord may give to the tenant a notice which shall be on a form provided by the Board or in the form set forth in the Appendix to this Order as Form No. 3, requiring the tenant to pay a specified increased rental not exceeding the fixed maximum rental for the accommodation.

(2) The notice referred to in subsection (1) shall be given not later than the time prescribed by the law of the province in which the accommodation is situated for the giving of a notice to vacate, and shall require payment of the increased rental from the date on which the tenant would have been required to vacate had the notice been a notice to vacate under such law.

(3) Unless the tenant, within 30 days after receipt of the notice, gives to the landlord a notice in writing agreeing to pay such increased rental, the notice given by the landlord shall be deemed to have terminated the lease and the landlord may recover possession of the accommodation in accordance with the law of the province in which it is situated.

(Section 17 as substituted by Order No. 707).

Maximum rental increased

18. (1) Notwithstanding anything contained in this Order or in Section 5 of the Wartime Leasehold Regulations, the maximum rental for any housing accommodation other than

- (i) that completed by original construction or by structural alteration on or after January 1, 1944; or
- (ii) that for which the maximum rental is fixed pursuant to subsection (9) of Section 10 of this Order;

is hereby increased by an amount not exceeding 10 per cent provided the landlord offers to the tenant thereof, on a form provided by the Board, a lease for a term certain of two years on the same terms and conditions except as to the altered rental permitted by this Section, the length of tenancy and except as provided in subsection (4) following.

(2) If the tenant fails or refuses to accept the landlord's offer referred to in subsection (1) preceding, within 30 days after receipt of such offer, the tenant's right of occupancy of the accommodation shall terminate.

- (a) in the case of a lease for a term certain, at the end of the current term of his lease; or
- (b) in the case of a lease not for a term certain on the date on which the tenancy would terminate had such offer been a notice to vacate given in accordance with the law of the province in which the accommodation is situated.

(3) The two-year term of the term certain lease referred to in subsection (1) preceding shall not commence earlier than

- (i) the end of the term of the tenant's lease if he is in possession of the accommodation under a lease for a term certain; or
- (ii) the date on which (were it not for the provisions of this Order), the tenant could be required to vacate pursuant to a notice to vacate given in accordance with the law of the province in which the accommodation is situated, if the tenant is in possession of the accommodation under a lease that is not for a term certain.

(4) The term certain lease referred to in subsection (1) preceding shall not contain any provision for its termination, on notice by the landlord, before the end of the term thereof, but shall contain provision that the lease shall terminate at the expiration of thirty days after the tenant gives to the landlord a written notice of such termination.

(5) In any case in which there is no lease in effect for any housing accommodation for which there is a fixed maximum rental, the landlord of such accommodation may charge, demand and receive from any future tenant thereof the increased maximum rental permitted by this Section unless the maximum rental for the accommodation has been previously increased as prescribed by this Section.

(Section 18 as substituted by Order No. 707).

(Section 19 deleted by Order No. 707):

Overholding in absence of demand for renewal

20. (1) If a lease for any housing accommodation for a term certain contains no provision for renewal by the tenant and the provisions of Section 13 do not apply to the lease, the tenant may, at his option, vacate the accommodation at the end of the term certain or remain in possession of the accommodation; but if he remains in possession, the tenancy shall be deemed to be that which, under the law of the province in which the accommodation is situated, would arise as if the tenant had offered and the landlord had accepted rental at the rate stipulated in the lease; provided that, if the landlord, before accepting payment of rental for any period of occupancy after the end of the term certain, notifies the tenant in writing that he requires the tenancy to be from month to month after such term certain, the tenancy shall be from month to month accordingly, and the conditions of the lease shall continue to apply in so far as they are applicable to a tenancy from month to month and are not inconsistent with this Order.

(2) Notwithstanding anything contained in this Order, if a lease for any housing accommodation

(a) for a term certain contains a provision that, in case of the occurrence of a specified event, the lease may be terminated before the end of the term by notice to the tenant, the landlord shall be entitled at any time after the occurrence of such event to give to the tenant a notice in writing informing the tenant that, on and after the date specified in the notice, the tenancy shall be from month to month; provided that, the length of the notice given under the authority of this subsection shall not be shorter than that prescribed by the lease;

(b) is not for a term certain, is not a monthly lease and contains no provision that the tenant may renew the lease, the landlord shall be entitled to give to the tenant a notice in writing informing the tenant that, on and after the date specified in the notice, the tenancy shall be from month to month; provided that the date specified in the notice shall not be earlier than the date on which the landlord, were it not for this Order, could terminate the lease by notice under the law of the province in which the accommodation is situated;

If a notice is given that is in accordance with this subsection in all respects, the tenancy of the accommodation shall be deemed to be from month to month commencing on the date specified in the notice; and the tenant shall be entitled to remain in possession of the accommodation as a tenant from month to month, and the conditions of the lease in regard to which the notice was given shall continue to apply in so far as they are applicable to a tenancy from month to month and are not inconsistent with this Order.

(Section 20 as substituted by Order No. 686).

Landlord's right of inspection

21. (1) In the absence of agreement with the tenant to the contrary, the landlord of any housing accommodation shall be entitled to show or have his agent show prospective buyers through the accommodation at all reasonable times.

(Subsection (1) as substituted by Order No. 485).

(2) If the tenant refuses to permit the inspection, the landlord may apply to the Rentals Appraiser for a notice by such Appraiser directing the tenant to permit any person specified in the notice to inspect the accommodation at a time specified in the notice and informing the tenant that, if he fails to permit such inspection, the landlord may apply to the Court of Rental Appeals for an order exempting the lease from the provisions of this Part.

(3) If, after receipt of the notice by the Rentals Appraiser, the tenant fails to permit the inspection, the landlord may make an application to the Court of Rental Appeals for an order exempting the lease from the provisions of this Part; in which case the provisions of subsections (2) and (3) of Section 14 shall apply.

Rights of sub-tenants

22. Notwithstanding anything contained in this Order

(1) no act of surrender by any tenant of housing accommodation shall enable any sub-tenant holding of such tenant to remain in occupation of the accommodation after the sub-lease has expired by effluxion of time or has been lawfully terminated; and

(2) whenever a tenancy has been lawfully terminated by surrender or otherwise, no sub-tenant of the whole or any part of the accommodation may remain in occupation thereof after the date of such termination and such sub-tenant may be given notice to vacate in accordance with the law of the province in which the accommodation is situated.

(Section 22 as substituted by Order No. 771).

PART III—SHARED ACCOMMODATION

Shared accommodation in designated area

23. With the exception of Section 24, the provisions of this Part shall not apply to any accommodation to which the provisions of Administrator's Order No. A-421 or No. A-488 apply.

(Section 23 as substituted by Order No. 485).

Dispossession of tenants of shared accommodation

24. Except as provided in Order No. 428 of the Board, no tenant of any shared accommodation, other than a boarder, shall be dispossessed of such accommodation or be evicted therefrom and no landlord shall demand that any tenant vacate or deliver up possession of any shared accommodation.

(Section 24 as substituted by Order No. 686).

Shared accommodation when let as a unit

25. The provisions of Parts I, II and IV of this Order, except Sections 14, 16 and 18 shall apply to all shared accommodation as if it were housing accommodation.

(Section 25 as substituted by Order No. 742).

Shared accommodation let at a rate per person

26. No person shall let any shared accommodation at a rate per person unless the accommodation is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant. For the purposes of this Part, when shared accommodation is let at a rate per person the occupant of the accommodation shall be deemed to be a roomer (or a boarder if any meals are supplied to him for an inclusive rate).

Maximum rate per person

27. (1) If any shared accommodation is equipped and furnished (including bedding, linen and the laundering thereof) for the sleeping accommodation of each occupant,

(a) the maximum rate per person at which the landlord of such accommodation may let it to any number of occupants shall be the rate per person that he had in effect for that number of occupants on July 1, 1943;

(b) the maximum rate per person at which the landlord may let such accommodation to a number of occupants, for which number he had no rate per person in effect on July 1, 1943, shall be the rate per person first charged by him after July 1, 1943, for that number of occupants.

(2) No person shall charge, demand, receive, collect or pay for any shared accommodation a rate per person that is higher than the maximum rate per person fixed for the accommodation under this Section, except to the extent that it is varied under Section 28.

Variation of per person rates

28. (1) An application may be made by the landlord of any shared accommodation to the Rentals Appraiser to increase the maximum rate per person for the accommodation by reason of either of the following special circumstances:

(a) the maximum rate per person is lower than the rate per person generally prevailing for similar occupancy of similar accommodation in the neighbourhood;

(b) the supplying of any furniture, furnishings, equipment, fixtures, services, meals or facilities that were not supplied or to be supplied for such maximum rate;

in either of which cases, the Rentals Appraiser, if satisfied that such maximum rate per person is lower than the rate generally prevailing for similar accommodation in the neighbourhood, may increase it to an amount not exceeding such generally prevailing rate.

(2) An application may be made by a roomer or a boarder to decrease the maximum rate per person for the shared accommodation which he occupies, by reason of either of the following special circumstances:

- (a) the maximum rate per person is higher than the rate per person generally prevailing for similar occupancy of similar accommodation in the neighbourhood;
- (b) the lessening of any furniture, furnishings, equipment, fixtures, services, meals or facilities that were supplied or to be supplied for such maximum rate;

in either of which cases, the Rentals Appraiser, if satisfied that such maximum rate per person is higher than the rate per person generally prevailing for similar occupancy of similar accommodation in the neighbourhood, may decrease it to the amount of such generally prevailing rate.

(3) An application shall be made by the landlord of any shared accommodation to decrease the maximum rate per person for the accommodation by reason of a lessening or discontinuance of the supply of any furniture, furnishings, equipment, fixtures, services, meals or facilities that were supplied or to be supplied for such maximum rate; in which case the Rentals Appraiser may decrease the maximum rate per person for the accommodation to an amount not lower than the rate per person generally prevailing for similar accommodation in the neighbourhood.

(4) Any decision of a Rentals Appraiser made under this Section may be appealed by the landlord to the Court of Rental Appeals and the provisions of Section 11 preceding shall apply to any such appeal.

(5) A Rentals Appraiser, of his own motion, may vary the maximum rate per person for any shared accommodation by reason of the existence of any circumstance referred to in this Section.

(Subsections (3), (4) and (5) as added by Order No. 485).

Posting up maximum rates

29. A Rentals Administrator may from time to time by notice published in Canadian War Orders and Regulations require landlords of any shared accommodation in any area designated in the notice to keep posted in a conspicuous place in the accommodation a maximum rate card on a form provided by the Board, or to complete any form designated in the notice and file it with such officer as the notice may direct.

PART IV—GENERAL PROVISIONS

All leases amended

30. All leases made before or after October 1, 1943, shall be deemed to be amended in so far as is necessary to give effect to the provisions of this Order.

Notices, etc., to and by wives, etc.

31. For the purposes of this Order,

- (a) any notice, demand or document that is required or permitted by this Order to be given by or to any person may be given by or to the husband, wife, widow, widower or personal representative of any such person.

(Clause (a) as substituted by Order No. 485).

- (b) any application, statement or other document that is required or permitted by this Order to be made, filed or posted by any person may be made, filed or posted by the widow, widower or legal representative of any such person or the wife or husband of any such person who is a member of His Majesty's Forces;

- (c) personal occupation of any housing accommodation by the wife, husband, widow or widower of the landlord or of the tenant of such accommodation shall be deemed to be personal occupation by such landlord or tenant.

False statement

32. (1) No person shall make any false or misleading statement or representation in or in respect of any notice, demand, application, return, receipt, statement or other document that is required or permitted by or under this Order to be given, made, filed or posted.

(2) No person shall dispossess or evict any tenant from any housing accommodation, or require any tenant to vacate or deliver up possession of any housing accommodation, under any false or misleading representation.

Agreement to waive rights

33. Any agreement in a lease under which the tenant agrees to waive any of his rights under this Order shall be null and void.

Sales and Collateral Transactions

34A. (1) Any agreement of sale of housing accommodation which provides for forfeiture in the event of default in payment of the purchase price without liability for the unpaid part of such price shall, for the purposes of this Order, be deemed to be a lease and any payments made thereunder shall be deemed to be rental.

(2) If any agreement between a landlord and a tenant of any housing accommodation provides for payment by the tenant, in addition to the stipulated rental, of any sum as consideration for an option granted to the tenant to purchase the accommodation, such sum shall be deemed to be rental.

34B. No person, in letting or offering to let any housing accommodation or shared accommodation, or in negotiating a lease or renewal of a lease for any such accommodation or for furnishing any information respecting such accommodation, shall directly or indirectly charge, demand, collect or receive from any tenant or prospective tenant of such accommodation any commission, bonus, gratuity, reward or premium in money or money's worth, and if any such commission, bonus, gratuity, reward or premium is paid it shall be recoverable by such tenant or prospective tenant from the person to whom it was paid.

34C. (1) No person in letting or offering to let any housing accommodation or shared accommodation, or in negotiating a lease or renewal of a lease for any such accommodation, shall require the tenant or prospective tenant

- (a) to purchase any goods from any person unless and until the maximum price for such goods has been fixed by the Rentals Appraiser; or
- (b) to rent any goods from any person other than the landlord of the accommodation unless and until the maximum rental for such goods has been fixed by the Rentals Appraiser.

(2) No landlord of any housing accommodation or shared accommodation and no person on behalf of such landlord, shall sell any goods to the tenant or prospective tenant of such accommodation unless and until the maximum price for such goods has been fixed by the Rentals Appraiser.

(3) An application for the fixation of a maximum price or maximum rental under this Section shall be made, on a form provided by the Board, by the owner of the goods or by the tenant or prospective tenant.

(4) If any sale or lease of goods is made in contravention of this Section a maximum price or maximum rental may be fixed by the Rentals Appraiser and such fixation shall be deemed to be effective as at the date of the sale or lease of such goods.

(5) Any fixation by the Rentals Appraiser shall be final and conclusive.

(6) For the purposes of this Section "goods" means any articles, commodities, substances or things including the personal or household effects of any person.

34D. No person shall require the tenant or prospective tenant of any housing accommodation or shared accommodation to pay more than one month's rental in advance or, if the rent is payable or to be payable by the week, more than one week's rental in advance.

34E. (1) Whenever it appears to the Rentals Administrator that any term or condition has been imposed on the tenant or prospective tenant of any housing accommodation or shared accommodation which, in the Administrator's opinion, is unreasonable or unjust or is designed to evade or has the effect of evading the spirit and intent of the Wartime Leasehold Regulations or of this or any other Order, the Rentals Administrator may determine that such term or condition was imposed as a term of the letting or of the offer to let any such accommodation and he may, with the approval of the Chairman, issue special directions in writing with respect thereto.

(2) Any determination by the Rentals Administrator as provided in subsection (1) preceding shall be final and conclusive.

(Sections 34A, 34B, 34C, 34D and 34E as substituted for Section 34, by Order No. 459).

(Section 35 deleted by Order No. 686).

Powers of Rentals Administrator

36. (1) Notwithstanding anything contained in this Order, a Rentals Administrator may

- (a) require any person to furnish any information in any specified form and manner;
- (b) enter or authorize any other person to enter any housing accommodation or shared accommodation to inspect it or to examine any books, records and documents relating thereto;
- (c) require any person to produce any or all books, records and documents relating to any housing accommodation or shared accommodation at any place before the Rentals Administrator or before any person appointed by him; and may take or authorize any person to take possession of any or all such books, records and documents;
- (d) exempt any lease from any provision of this Order, effective on and after such date as he may designate;
- (e) fix or vary the maximum rental for any housing accommodation or shared accommodation that is not the subject of a pending application or appeal;
- (f) refer to a Rentals Appraiser the fixation or variation of any maximum rental that has not been fixed or varied by a decision made under the authority of the Board;
- (g) vary any decision of a Rentals Appraiser that is not the subject of a pending appeal or, with the approval of the Chairman of the Board, vary any decision of a Court of Rental Appeals fixing or varying a maximum rental;
- (h) authorize the re-opening of any decision fixing or varying a maximum rental and the re-consideration of the matter as if the decision had not been made;
- (i) for any area, appoint any person as a Rentals Appraiser with such of the powers of a Rentals Appraiser under this Order as he may designate;
- (j) determine whether any particular real property is housing accommodation or commercial accommodation or shared accommodation or a hotel or any real property or accommodation referred to in subsection (1) of Section 2 and may direct that such real property shall be governed by the provisions of such Order of the Board as he may designate accordingly; and such determination and direction shall be conclusive.
- (k) exempt any person from compliance with the provisions of Section 34B preceding.

(Clause (k) as added by Order No. 485).

(2) A Rentals Administrator shall have the powers of a commissioner appointed under the Inquiries Act.

(3) The method and procedure of exercising his powers shall be such as a Rentals Administrator may adopt.

(4) The decision of a Rentals Administrator shall be final and conclusive

Area having no (1) Rentals Appraiser; (2) Court of Rental Appeals

37. (1) In any area in which no Rentals Appraiser is appointed, all applications under this Order shall be made to the Court of Rental Appeals for such area, in which case all of the provisions of this Order shall apply as if the application were made to a Rentals Appraiser and the decision of the Court shall be conclusive as between the parties.

(2) In any area in which no Court of Rental Appeals is appointed, all appeals under Sections 11 and 16 and all applications under Section 14 shall be made,

- (a) in all provinces except Quebec, to any Judge of the County or District Court of the county or district in which the accommodation concerned is situated and
- (b) in the cities of Quebec and Montreal in the province of Quebec, to the Court of Sessions of the Peace, and in other areas of that province, to the District Magistrate for the district in which the accommodation concerned is situated.

On any such appeal or application, all of the provisions of this Order shall apply and be construed as if such Judge, Court or Magistrate, as the case may be, were a Court of Rental Appeals.

(Subsection (2) added by Order No. 320).

Previous Orders

38. Orders Nos. 108 and 183 of the Board are hereby revoked and the provisions of this Order are substituted therefor; provided that

- (a) all applications received before October 1, 1943, by a Rentals Committee or by a Court under the provisions of Order No. 108, or required to be made under such provisions by reason of a notice to vacate given before October 1, 1943, shall be disposed of in accordance with that Order, and
- (b) the provisions of Order No. 108 shall govern all rights and obligations resulting from a notice to vacate, demand for renewal or notice of renewal given before October 1, 1943, in accordance with such provisions.

Effective date

39. This Order shall be effective on and after the 1st day of October, 1943.

Made at Ottawa, the 16th day of July, 1943.

D. GORDON,
Chairman.

APPENDIX

MAXIMUM RENTALS FIXED BEFORE OCTOBER 11, 1941

1. Before October 11, 1941, Order No. 7 of the Board was in effect in the following areas. Under that Order, the maximum rental for housing accommodation situated in any of those areas is as follows:

- (a) for any housing accommodation for which there was a lease in effect on January 2, 1940, the maximum rental is the rental in effect on that date;
- (b) for any housing accommodation for which there was no lease in effect on January 2, 1940, but for which there was a lease in effect at some time or times during 1939, the maximum rental is the rental payable under the latest lease in 1939.

AREAS

Alberta:

Calgary.

British Columbia:

Nanaimo and Districts of Nanaimo, Mountain and Wellington; New Westminster; Prince Rupert; Vancouver, North Vancouver; Victoria, Esquimalt, Saanich, Oak Bay and the district commonly known as View Royal and being those portions of Sections 3, 27, 8 and 92 in Esquimalt District lying to the northwest of the Island Highway.

Manitoba:

Brandon.

Nova Scotia:

Dartmouth and Woodside; Halifax, Armdale, Rockingham Station, Dutch Settlement, Fairview Station, Falkland, Jollimore and Melville; New Glasgow, Trenton, Stellarton and Westville; Sydney.

Ontario:

Barrie; Kingston, Portsmouth; Ottawa, Eastview, New Edinburgh, Overbrook, Rockcliffe, Westboro and Woodroffe; Parry Sound, Nobel and Townships of McDougall and Foley; Trenton; Windsor.

Quebec:

Brownsburg; Thetford Mines.

2. Before October 11, 1941, Order No. 33 of the Board was in effect in the following areas. Under that Order, the maximum rental for housing accommodation situated in any of those areas is as follows:

- (a) for any housing accommodation for which there was a lease in effect on January 2, 1941, the maximum rental is the rental in effect on that date;
- (b) for any housing accommodation for which there was no lease in effect on January 2, 1941, but for which there was a lease in effect at some time or times during 1940, the maximum rental is the rental payable under the latest lease in 1940.

AREAS

Alberta:

Camrose; Claresholm; Edmonton, including the area known as Dunvegan Yards, and the Town of Beverley; Lethbridge; Medicine Hat; Red Deer, the Village of North Red Deer and the District of Pine Lake.

British Columbia:

The area known as North Saanich.

Manitoba:

Dauphin.

New Brunswick:

Moncton, the Town of Sunny Brae, the Parish of Moncton in the County of Westmorland and the Parish of Coverdale in the County of Albert; Sussex.

Nova Scotia:

Truro; Yarmouth.

Ontario:

Alliston and the Township of Tosorontio; the Township of Essa including Cookstown; Stayner, the Village of Creemore and that part of the Township of Nottawasaga lying south of Provincial Highway Routes Nos. 26 and 91 and east of the Highway between Concessions 4 and 5 leading southward to the Village of Creemore; that part of the Township of Sunnidale lying south of Provincial Highway Route No. 26, including New Lowell; the Township of Vespra (all in the County of Simcoe).

Belleville.

Brockville.

Fort William and Port Arthur.

Goderich.

Hamilton; the Town of Dundas; that part of the Township of Ancaster lying north of Provincial Highway Route No. 53 and east of the line between Township lots 36 and 37; the Townships of Barton and Saltfleet; the Village of Stoney Creek, the Village of Waterdown; those parts of the Township of East Flamborough lying south and east of Provincial Highway Route No. 5; the town of Burlington; that part of the Township of Nelson lying south and east of Provincial Highway Route No. 5; Burlington Beach and Hamilton Beach.

Niagara Falls; the Township of Stamford, Fort Erie and Fort Erie North; the Village of Crystal Beach and the Township of Bertie.

Ojibway, Lasalle and the Township of Sandwich West; Riverside, Tecumseh and the Township of Sandwich East.

Oshawa, Whitby; the Townships of Whitby, Whitby East and Pickering.

Pembroke and the Townships of Pembroke, Stafford, Alice and Petawawa.

Peterborough; that part of the Township of North Monaghan bounded on the east and southeast by the Otonabee River, on the north by McKellar Street and on the west by Monaghan Road, including both sides of such streets; that part of said Township consisting of Kenneth Avenue, High Street, Frank Street, Chamberlain Street, Brown Street, Lundy's Lane, Romaine Street west and St. Mary's Street; that part of Smith Township consisting of Wolseley Street, Bennett Street and Bellevue Avenue; that part of Douro Township consisting of River Road and Leahy's Lane.

Prescott, and those parts of the Townships of Edwardsburg and Augusta lying south of the Canadian National Railway line to Montreal, west of Provincial Highway Route No. 16 and east of Conway's Creek.

Ontario—Con.

Sault Ste. Marie:

St. Catharines; Merriton; Port Dalhousie; that part of the Township of Grantham lying west of the New Welland Canal; the Township of Louth.

Those parts of the Townships of Gloucester and Nepean, in the County of Carleton, not included in the areas to which Order No. 7 applied.

Welland and the Township of Crowland; Thorold and the Township of Thorold; the Village of Fonthill and the Township of Pelham; Port Colborne, the Village and Township of Humberstone.

Quebec:

Arvida; Chicoutimi; the Towns of Jonquière and Kénogami; the Villages of Rivière-du-Moulin and Ste. Anne-de-Chicoutimi; the Parishes of Jonquière, Simard, Tremblay and Chicoutimi.

Lachute and the municipalities of Chatham and St. Jérusalem; the Town and municipality of Ste. Thérèse de Blainville, the Town of Ste. Rose; the municipality of St. Janvier; the Town of St. Jérôme.

Valleyfield; the Villages of Bellerive, Nouveau-Salaberry, Ste. Cécile and St. Timothée; the Parishes of Grand Ile, Ste. Cécile and St. Timothée (all in the County of Beauharnois).

Saskatchewan:

Regina; the Village of North Regina; those parts of Sections 29, 30, 31 and 32 in Township 17, Range 19, west of the second meridian, lying outside the city of Regina and including that area commonly known as North Annex.

Swift Current.

Yorkton.

FORMS

FORM No. 1

Deleted by Board Order No. 358.

FORM No. 2

Notice to Vacate for the purpose of sub-division.

Date.....

To (name and address of tenant)

Take notice that I require you to vacate housing accommodation known as, on the day of, 194 , next, as I desire possession of the accommodation for the purpose of dividing it by means of structural alteration into family units so as to accommodate more persons in the accommodation. Permit No. for the giving of this notice has been granted by the Rentals Appraiser.

.....
Landlord.

FORM No. 3

Notice to Tenant to Pay Increased Rental

(Lease not for a term certain)

Date.....

To (name and address of tenant)

1. Take notice that on and after the day of, 194 , next, I require you to pay a rental of \$..... per month, being a rental not in excess of the maximum rental for the housing accommodation of which you are my tenant.

2. And further take notice that unless you notify me in writing within thirty days after you receive this notice that you will pay a rental of \$..... per month, you must vacate the housing accommodation known as..... on the day of, 194 , next.

(fill in same date as in paragraph 1)

.....
Landlord.

(Form No. 3 as amended by Order No. 742).

(Forms Nos. 4, 5, 6, 7 and 8 deleted by Order No. 707).

OFFICE CONSOLIDATION

WARTIME PRICES AND TRADE BOARD

ORDER No. 428

Termination of Leases for Shared Accommodation

(Consolidated as amended by Orders Nos. 437, 477, 649, 713 and 770)

Since the requirements regarding dispossession of tenants of housing accommodation were removed from shared accommodation on October 1, 1943, by Order No. 294 of the Board, circumstances have developed that make it advisable in the national interest that those requirements be reinstated in regard to shared accommodation.

Therefore, under powers, given to the Board by the Wartime Leasehold Regulations, being Order in Council P.C. 9029, dated November 21, 1941, and amendments,

THE BOARD HEREBY ORDERS AS FOLLOWS:

1. For the purposes of this Order, unless the context otherwise requires, the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression contained in this Order.

2. (1) The provisions of Part II and Part IV of said Order No. 294, except the provisions of Sections 14, 16 and 18 thereof, shall apply to any shared accommodation as if the accommodation were housing accommodation, unless the tenant thereof is a boarder.

(Subsection (1) as substituted by Order No. 713).

(2) Any notice to vacate, however, given before July 29, 1944, to the tenant of any shared accommodation in accordance with the law of the province in which the accommodation is situated shall remain in full force and effect.

3. (1) Notwithstanding anything contained in any Order of the Board a landlord may terminate a lease of any shared accommodation by giving to the tenant thereof a notice to vacate on a form provided by the Board if the landlord

(a) desires the accommodation as an enlargement of his personal residence; or

(b) has made an agreement with his father, mother, son, daughter or daughter-in-law that the accommodation will be occupied as a personal residence by the person with whom the agreement has been made; and the notice shall contain a signed statement by the person with whom the agreement has been made that the accommodation will be so occupied by him and stating his name, address and relationship to the landlord;

(c) as personal representative of the deceased landlord, has made an agreement with the father, mother, son, daughter, daughter-in-law, widower or widow of the deceased landlord that the accommodation will be occupied as a personal residence by the person with whom the agreement has been made; and the notice shall contain a signed statement by the person with whom the agreement has been made that the accommodation will be so occupied by that person and stating his name, address and relationship to the landlord.

(2) Before giving any notice to vacate under this Section, the landlord shall file one copy of the notice with the Rentals Appraiser who shall record on the copy that is to be given to the tenant and on the copy that is to be retained by the landlord that the notice has been filed with him in accordance with this subsection.

(3) If the landlord gives to the tenant of any shared accommodation a notice to vacate in accordance with the provisions of this Order such notice shall be in substitution for any notice to vacate required by the law of the province in which the accommodation is situated and shall terminate the tenant's lease as of the date on which the tenant is directed to vacate by such notice and no further notice to vacate shall be required to be given by the landlord.

(Section 3 as substituted by Order No. 770).

4. Unless the lease provides for a longer notice, at least six months' notice to vacate shall be given directing the tenant to vacate

(a) in the case of a monthly lease, at the end of a lease month or, in the case of a weekly lease, at the end of a lease week;

(Clause (a) as substituted by Order No. 649).

(b) in the case of any other lease not for a term certain, at the end of a term or, if the unexpired portion of the term is less than six months, at the end of the following term;

(c) in the case of a lease for a term certain, at the end of the term; but, if the unexpired portion of the term is less than six months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 20 of Order No. 294 of the Board shall apply.

5. (1) This Section applies to shared accommodation instead of Section 14 of Order No. 294. If the landlord of any shared accommodation wishes to terminate the tenant's lease because the conduct of the tenant or his sub-tenant or someone living with the tenant or sub-tenant is incompatible or obnoxious to the other occupant or occupants of the building in which the accommodation is situated, or tends to harm its character, or because the tenant or his sub-tenant or someone living with the tenant or sub-tenant is damaging the accommodation or because the tenant or sub-tenant by not taking reasonable care of it is causing it to deteriorate, the landlord may apply to the Court of Rental Appeals for an order exempting the lease from the provisions of this Order.

(2) The application shall be made in the following manner:

(a) a form of application provided by the Board shall be completed in duplicate by the landlord and all information required by such form shall be given;

(b) both copies of the application shall be filed with the Rentals Appraiser;

(c) the Rentals Appraiser shall ascertain from the Court of Rental Appeals the date of the hearing of the application;

(d) the Rentals Appraiser shall forward by registered mail

(a) to the tenant a copy of the application and a notice stating the date on which the Court of Rental Appeals will hear the application, and

(b) to the landlord a notice stating the date on which the Court of Rental Appeals will hear the application;

(e) the Rentals Appraiser shall forward to the Court of Rental Appeals all material filed on the application.

(3) On the hearing of the application, the Court of Rental Appeals may require such information in such manner as it may direct, may adopt such procedure as it deems proper and may grant or refuse the order; but no costs shall be awarded to either party.

(Section 5 as substituted by Order No. 477).

6. The Regional Rentals Officer, or such other person as the Rentals Administrator may appoint, may exempt any lease of any shared accommodation from the provisions of this Order, effective on and after such date as may be designated. For the purpose of this Section, "Regional Rentals Officer" means the person appointed as such by the Board for the area in which the accommodation is situated.

(Section 6 added by Order No. 437 as substituted by Order No. 477).

7. This Order shall come into force on July 29, 1944.

(Original Section 6 renumbered Section 7 by Order No. 437).

Dated at Ottawa, July 29, 1944.

D. GORDON,
Chairman.

OFFICE CONSOLIDATION

WARTIME PRICES AND TRADE BOARD

ORDER No. 511

Termination of Leases for Housing Accommodation and Shared Accommodation when possession is desired for a Discharged Member of the Forces

(Consolidated as amended by Order No. 534)

Made pursuant to powers given to the Board by the Wartime Leasehold Regulations, being Order in Council P.C. 9029, dated the 21st day of November, 1941, and amendments thereto.

THIS BOARD ORDERS AS FOLLOWS:

Definitions

1. For the purposes of this Order

(a) "discharged member of the forces" means any person who has been on service in any of the naval, military or air forces of His Majesty raised in Canada and who has been paid or is entitled to be paid a war service gratuity under The War Service Grants Act, Chapter 51 of the Statutes of Canada (1944), and shall include any person who was domiciled in Canada on or after the 10th day of September, 1939, and who, subsequent to that date, served on active service in any of the naval, military or air forces of His Majesty other than those raised in Canada and who has been paid or is entitled to be paid a gratuity under the provisions of Section 17 of the said The War Service Grants Act;

(b) unless the context otherwise requires, the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression contained in this Order.

Dispossession under provincial law

2. Notwithstanding anything contained in any other Order of the Board, the landlord of any housing accommodation or shared accommodation may recover possession of the accommodation in accordance with the law of the province in which it is situated if the tenant has been given a notice to vacate in accordance with Section 3, 4, 5, 6 or 7 of this Order and the tenant has failed to vacate on the date on which the notice directs him to vacate.

3. (1) A landlord of any housing accommodation owned by him at the date of his induction into any of His Majesty's Forces and who is a discharged member of the forces, may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section if he desires possession of the accommodation as a personal residence for himself for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

(2) The provisions of subsection (1) preceding shall apply when the landlord is the wife of a discharged member of the forces and the accommodation was owned by her at the date of her husband's induction into any of His Majesty's Forces and who desires possession of the accommodation as a personal residence for herself and her husband for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

4. A landlord of any housing accommodation occupied by his father, mother, son, daughter, son-in-law or daughter-in-law at the time of induction into any of His Majesty's Forces who desires possession of the accommodation for that former occupant who is a discharged member of the forces, may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section which form shall contain a statement signed by the person for whose occupancy the accommodation is desired that he has agreed with the landlord to occupy the accommodation for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

(Section 4 as amended by Order No. 534)

5. The personal representative of a deceased landlord of any housing accommodation occupied by the father, mother, son, daughter, son-in-law or daughter-in-law of the deceased landlord at the time of induction into any of His Majesty's Forces who desires possession of the accommodation for that former occupant who is a discharged member of the forces may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section which form shall contain a statement signed by the person for whose occupancy the accommodation is desired that he has agreed with the personal representative of the deceased landlord that the accommodation will be occupied by him for a period of at least one year from the date on which a notice given under this Order may direct the tenant to vacate.

(Section 5 as amended by Order No. 534)

6. A landlord of any shared accommodation may give to the tenant of that accommodation a notice to vacate which notice shall be on a form provided by the Board for use under this Section if the landlord

- (a) is a discharged member of the forces and desires the accommodation as an enlargement of his personal residence; or
- (b) is the wife of a discharged member of the forces and desires possession of the accommodation as an enlargement of her personal residence; or
- (c) has made an agreement with his father, mother, son, daughter, son-in-law or daughter-in-law who is a discharged member of the forces that the accommodation will be occupied as a personal residence by the person with whom the agreement has been made; and the notice shall contain a signed statement by the person with whom the agreement has been made that the accommodation will be so occupied by him.

(Section 6 as amended by Order No. 534)

7. (1) For the purposes of this Section, "multiple-family building" means a building containing two or more housing accommodations, but shall not include any semi-detached or attached house not containing more than one housing accommodation.

(2) A landlord of any housing accommodation situated in a multiple-family building owned by him who desires possession of the accommodation for his father, mother, son, daughter, son-in-law or daughter-in-law who is a discharged member of the forces, may give to the tenant of the accommodation a notice to vacate on a form provided by the Board for use under this Section which form shall contain a statement signed by

the person for whose occupancy the accommodation is desired that he has agreed with the landlord to occupy the accommodation for a period of at least one year from the date on which the tenant may be directed to vacate by a notice to vacate given under this Order.

(Section 7 as amended by Order No. 534)

8. If the notice to vacate is given under Section 3, 4, 5 or 6 of this Order, unless the lease provides for a longer notice, the length of notice

- (a) in the case of a monthly lease or a weekly lease shall be at least three months terminating at the end of a lease month or a lease week, as the case may be;
- (b) in the case of any other lease not for a term certain shall be that required by the law of the province in which the accommodation is situated and shall terminate at the end of the period of occupancy to which the tenant is then entitled under the terms of the lease or to which he is entitled by operation of law;
- (c) in the case of a lease for a term certain shall be at least three months, terminating at the end of the term, but if the unexpired portion of the term is less than three months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 20 of Order No. 294 shall apply.

9. If the notice to vacate is given under Section 7 of this Order, unless the lease provides for a longer notice, at least six months' notice to vacate shall be given directing the tenant to vacate

- (a) in the case of a monthly lease, at the end of a lease month, or, in the case of a weekly lease, at the end of a lease week, but in neither case between September 30 and the following April 30;
- (b) in the case of any other lease not for a term certain at the end of the term or, if the unexpired portion of the term is less than six months, at the end of the following term;
- (c) in the case of a lease for a term certain, at the end of the term; if the unexpired portion of the term is less than six months at the date on which the notice is given, the notice shall be null and void and the provisions of Section 20 of Order No. 294 of the Board shall apply.

10. Before any notice to vacate is given under this Order, the landlord shall file one copy of the notice with the Rentals Appraiser who shall indicate on the copy that is to be given to the tenant and on the copy that is to be retained by the landlord that the notice has been filed with him in accordance with this Section.

11. (1) Any notice to vacate given under Section 3, 4, 5 or 7 of this Order shall be null and void if the landlord, before the date on which the notice directs the tenant to vacate, has agreed in any manner that the accommodation may be occupied, at any time during a period of one year from the date on which the notice directs the tenant to vacate, by any person other than the person named in the notice for whose residence the accommodation was required. Any tenant who vacates pursuant to any such null and void notice shall be deemed to have been illegally dispossessed of or evicted from the accommodation.

(2) If the landlord of any housing accommodation has given to the tenant thereof a notice to vacate under Section 3, 4, 5 or 7 of this Order and the tenant has vacated, the landlord shall not, during a period of one year from the date on which the notice directed the tenant to vacate, sell or rent the accommodation in whole or in part, other than as shared accommodation, to any person other than the person named in the notice for whose residence the accommodation was required. If, however, after the tenant has vacated the accommodation, that person is prevented from occupying the accommodation for that period by reason of a circumstance beyond his control and beyond the control of the landlord, the landlord may apply to the Rentals Appraiser for a permit to sell the accommodation or rent it in whole or in part to another tenant. The Rentals Appraiser may grant or refuse such permit. For the purposes of this subsection, any occupation that is not under an agreement of sale shall be deemed to be under a lease.

12. For the purposes of this Order any notice to vacate or other document that is required by this Order to be given by or to any person may be given by or to the husband, wife, widow, widower or personal representative of any such person.

13. This Order shall come into force on the 31st day of May, 1945.

Made at Ottawa, this 14th day of May, 1945.

D. GORDON,
Chairman.

WARTIME PRICES AND TRADE BOARD

ORDER No. 688

Termination of Leases for Certain Housing Accommodation

Under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. This Order shall come into force on March 1, 1947.

2. For the purpose of this Order,

- (a) the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression wherever used in this Order;
- (b) "Court" means any judge, judicial officer or barrister appointed as a Court of Rental Appeals for any particular area.

3. Notwithstanding anything contained in any other Order of the Board, the landlord of any housing accommodation purchased by him after October 31, 1944, and before July 25, 1945, may make an application to the Court for an order permitting such landlord to recover possession of the accommodation in accordance with the provisions of Section 6 following.

4. (1) The procedure on such application shall be as follows:

- (a) the landlord shall file with the Rentals Appraiser a written statement in duplicate setting forth the material facts upon which he relies and the Rentals Appraiser shall forthwith forward one copy by registered mail to the tenant;
- (b) the Rentals Appraiser shall ascertain from the Court the date of the hearing of the application and shall forward to both landlord and tenant by registered mail a notice stating the date on which the Court will hear the application;
- (c) if the tenant desires to oppose the application, he may, at or before the hearing, give to the landlord and file with the Rentals Appraiser or Court a statement in writing setting forth the material facts upon which he relies;
- (d) the Rentals Appraiser shall forward to the Court all material filed on the application.

(2) Both landlord and tenant shall be entitled to be present at the hearing.

5. On the hearing, the Court may require such further information in such manner as it may direct, may adopt such procedure as it deems proper and, according to what it deems reasonable and just in the circumstances as established, having regard to the relative needs of the landlord and tenant for the accommodation and the relative hardship resulting from any Order that might be made by it, may make an Order permitting the landlord to recover possession of the accommodation in accordance with the provisions of Section 6 of this Order, or dismissing the application. No costs shall be awarded to either party and the decision of the Court shall be final and conclusive.

6. If the Court grants an Order permitting the landlord to recover possession of the accommodation, the landlord may recover it in accordance with the law of the province in which the accommodation is situated; provided that any notice to vacate given to recover such possession shall be given in accordance with such law, but in no event shall any such notice be shorter than three months.

Made at Ottawa, this 17th day of February, 1947.

K. W. TAYLOR,
Deputy Chairman.

WARTIME PRICES AND TRADE BOARD

ORDER No. 753

Respecting Termination of Leases for Housing Accommodation

Under powers conferred by the Wartime Leasehold Regulations, Order in Council P.C. 9029 of November 21, 1941, as amended, the Board hereby orders as follows:

1. This Order shall come into force on August 14, 1947.

2. For the purposes of this Order,

- (a) the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression wherever used in this Order;
- (b) "Commissioner" means any person appointed as such for any particular area by the Rentals Administrator.

3. Notwithstanding anything contained in any other Order of the Board, the landlord of any housing accommodation owned by him prior to January 1, 1947, may make an application to a Commissioner for an order permitting the landlord to recover possession in accordance with the law of the province in which such accommodation is situated.

4. (1) The application shall be made in duplicate on a form provided by the Board, both copies shall be filed with the Rentals Appraiser and all information required by the form shall be given.

(2) The Rentals Appraiser with whom the application is filed shall forthwith forward one copy by registered mail to the tenant.

(3) The Rentals Appraiser shall ascertain from the Commissioner the date of the hearing of the application, and shall forward to the landlord and tenant by registered mail a notice stating the date on which the Commissioner will hear the application. The notice shall be mailed not less than fourteen days prior to the date of the hearing.

(4) If the tenant desires to oppose the application, he may, at or before the hearing, give to the landlord and file with the Rentals Appraiser a statement in writing setting forth the material facts upon which he relies.

(5) The Rentals Appraiser shall forward to the Commissioner all material filed on the application.

(6) The landlord and tenant shall be entitled to be present at the hearing.

(7) A Commissioner shall have the powers of a commissioner appointed under the Inquiries Act.

5. The landlord at the hearing shall establish that he has need of the accommodation as a residence for himself and members of his family and that he or members of his family will suffer grievous hardship if he be unable to obtain possession of the accommodation as a place of residence for himself and members of his family.

6. At the hearing, the Commissioner may require such further information in such manner as he may direct, may adjourn the hearing from time to time and may adopt such procedure as he deems proper and, according to what he deems reasonable and just in the circumstances as established, having regard to

- (a) the need of the landlord for the accommodation as a residence for himself and members of his family and the nature and degree of hardship which would be suffered by the landlord and his family if the application should be dismissed; and
- (b) the circumstances of the tenant and the nature and degree of hardship which would be suffered by the tenant and his family if the application was allowed; and
- (c) the availability or otherwise of alternative accommodation reasonably suitable to the needs and means of the tenant,

may make an Order effective on and after such date as he may designate, exempting the lease between the landlord and tenant from the provisions of Part II of Order No. 294 of the Board or dismissing the application. No costs shall be awarded to either party and the decision of the Commissioner shall be final and conclusive.

Made at Ottawa, August 6, 1947.

K. W. TAYLOR,
Chairman.

WARTIME PRICES AND TRADE BOARD

ORDER No. 425

Living Accommodation in Tourist Cabins and in Automobile-trailers

Explanatory Note:

Due to wartime restrictions, tourist trade has been substantially curtailed throughout Canada and in many areas in which there is an acute shortage of housing accommodation tourist accommodations have been rented at daily tourist rates to resident war-workers and other persons contemplating comparatively lengthy occupancy. As these tourist accommodations are no longer being used for the purpose for which they were originally intended, it is in the national interest that they be treated as housing accommodations and be let at rentals comparable to rentals generally prevailing in the same locality for other housing accommodation.

Under powers given to the Board by the Wartime Leasehold Regulations, being Order in Council P.C. 9029, dated November 21, 1941, and amendments thereto,

THIS BOARD ORDERS AS FOLLOWS:

1. For the purpose of this Order, unless the context otherwise requires, the definition of any expression contained in Order No. 294 of the Board shall extend and apply to the same expression in this Order.
2. Notwithstanding any definition to the contrary contained in any other Order of the Board, any accommodation in a tourist cabin or in any automobile-trailer shall be deemed to be housing accommodation for which no maximum rental has been fixed, as referred to in Section 10 of Order No. 294 of the Board, and to which the provisions of Order No. 294 relating to housing accommodation shall apply.
3. The Regional Rentals Officer may exempt any accommodation in a tourist cabin or in an automobile-trailer from the provisions of this Order if he is satisfied that the accommodation is kept available at all times for occupancy by bona fide tourists or travellers. For the purpose of this Section, "Regional Rentals Officer" means the person appointed as such by the Board for the area in which the accommodation is situated.
4. This Order shall apply to such areas as a Rentals Administrator may designate by notice published in Canadian War Orders and Regulations.
5. This Order shall come into force on the 29th day of July, 1944.

Made at Ottawa, this 26th day of July, 1944.

D. GORDON,
Chairman.

WARTIME PRICES AND TRADE BOARD

ORDER No. 200

Respecting Housing Accommodation in Congested Areas

made pursuant to authority conferred by Order in Council P.C. 9029, dated the 21st day of November, 1941.

Whereas, in the congested areas of Canada, there is insufficient housing accommodation available by ordinary means for the shelter of all who are in need of such accommodation;

And whereas, until the situation is rectified by other measures, emergency regulation is necessary to ensure the maximum and best possible use of available housing accommodation;

And whereas, it is deemed essential that surveys be made in such congested areas for the purpose of ascertaining the available housing accommodation and enlisting the co-operation of householders to share their accommodation as far as possible with those who lack shelter;

And whereas, in order to achieve the maximum use of available housing accommodation, it is in the public interest to temporarily suspend during wartime conditions, the provisions of by-laws, building restrictions or covenants in leases and conveyances which prohibit or limit such sharing of accommodation;

Therefore, it is ordered as follows:

1. For the purposes of this Order,

- (1) "Board", "housing accommodation", "landlord", "lease", and "tenant" shall have the same meaning, respectively, as that set forth in Section 1 of Order No. 108 of the Board, dated the 24th day of April, 1942;
- (2) "householder" means any person who occupies any housing accommodation as owner, tenant or sub-tenant;
- (3) "Real Property Administrator" means the person appointed as such by the Board with the approval of the Governor in Council and includes any Deputy of such Administrator.

2. The Real Property Administrator may from time to time, under the direction of the Board, cause surveys to be made of the availability of and demand for housing accommodation situated in any area of Canada in such manner and by such persons as he may appoint.

3. Every householder of any housing accommodation in any area of Canada shall furnish to the Real Property Administrator, or to such person or persons as he may from time to time designate, such information in such form and manner as such Administrator may prescribe.

4. (1) Notwithstanding the terms, provisions, covenants, or restrictions of any law, by-law, conveyance, deed, agreement or lease now or hereafter prevailing which in any way prohibits, limits or restricts the letting or subletting of the whole or any portion of any housing accommodation, every householder shall, with respect to housing accommodation situated in any of the areas named in the Schedule hereto, have the right subject to the provisions of any Order made by or under the authority of the Board,

- (a) to share the possession of such housing accommodation with such person or persons as he may see fit; and
- (b) to let or sublet such portion or portions of such housing accommodation as are not required by him and the members of his family, to such person or persons as he may see fit.

(2) The Real Property Administrator may, in his discretion, exempt or exclude any person or housing accommodation, or the whole or part of any area named in the Schedule hereto from the provisions of this Section, and may designate any additional municipality or part thereof as being subject to the provisions of this Section.

5. This Order shall be effective on and after the 4th day of November, 1942.

Made at Ottawa, the 20th day of October, 1942.

DONALD GORDON,
Chairman.

SCHEDULE

The following cities and towns and any town or village situated within a radius of twenty-five miles from the limits of any such city:

Alberta

Calgary
Camrose
Claresholm
Drumheller
Edmonton
Grande Prairie
Lethbridge
Medicine Hat
Red Deer

British Columbia

Esquimalt
Nanaimo
New Westminster
North Vancouver
Prince Rupert
Vancouver
Victoria

Manitoba

Brandon
Dauphin
St. Boniface

New Brunswick

Fredericton
Moncton
Saint John
Sussex

Nova Scotia

Dartmouth
Halifax
New Glasgow
Sydney
Truro
Yarmouth

Ontario

Barrie
Belleville and Trenton
Bowmanville
Brampton
Brantford
Brockville
Carleton Place
Chatham
Cornwall
Fort William and Port Arthur
Galt
Gananoque
Goderich
Guelph
Hamilton
Kingston
Kitchener and Waterloo

London
Midland
Niagara Falls, Fort Erie
Oshawa and Whitby
Ottawa
Parry Sound
Pembroke
Peterborough
Prescott
Sault Ste. Marie
St. Catharines
Smiths Falls
Stratford
Toronto
Welland
Windsor

Quebec

Arvida; Chicoutimi; Jonqui re and K nogui
Brownsburg; Thetford Mines
Cap de la Madeleine
Hull
Lachute; Ste. Th r se de Blainville; Ste. Rose; St. J r me
Montreal; Outremont; Westmount; Lachine; Verdun
Quebec
Sherbrooke
Three Rivers
Valleyfield

Saskatchewan

Regina
Saskatoon
Swift Current
Yorkton.

NOTE.—The provisions of Order No. 200 were extended to the following additional areas by the following Administrator's Orders:

<i>British Columbia:</i>	<i>Order No.</i>
Saanich, Oak Bay, Veddar Crossing, Cultus Lake; Sardis, Vernon..	A-520
<i>Manitoba:</i>	
Winnipeg	A-520
<i>Ontario:</i>	
Aylmer	A-664
Sudbury	A-520
Townships of Etobicoke, York, North York, East York, Scarboro..	A-875
<i>Quebec:</i>	
St. Joseph d'Alma	A-700
Saint Jean, Sorel	A-729

APPENDIX

Room Rates

1. Administrator's Order No. A-421 provides for maximum rates for rooms in Halifax, Armdale, Dartmouth, Fairview, Imperoyal and Woodside in Nova Scotia.

2. Administrator's Order No. A-488 provides for maximum rates for rooms in areas designated by the Rentals Administrator. The following areas were designated by the Rentals Administrator by the following Orders:

<i>Nova Scotia:</i>	<i>Order No.</i>
Sydney	A-627
<i>Ontario:</i>	
Trenton	A-590
Kingston	A-753
<i>Quebec:</i>	
Hampstead, Lachine, Montreal, Montreal East, Montreal West, Mount Royal, Outremont, Verdun, Village Cote St. Luc, Ville La Salle, Ville St. Laurent, Ville St. Pierre, Westmount.....	A-744
Lauzon, Levis, Quebec, Quebec West	A-1007

3. Administrator's Order No. A-861 provides for maximum rates for rooms in Vancouver and North Vancouver.