

STREET LAW SMARTS #6

TENANT RIGHTS

Most rental units are covered by the *Residential Tenancies Act, 2006 (RTA)* and tenancy disputes will be dealt with by the Landlord and Tenant Board. The *RTA* sets out the rights and responsibilities of landlords and tenants.

Rental units that are not covered by the *RTA* are subject to contract law, (the agreed upon terms between the people signing or orally agreeing to the contract or lease agreement) and disputes can be dealt with in Small Claims Court.

Human rights complaints, depending on the circumstances, can be made to the Human Rights Tribunal of Ontario. The Landlord Tenant Board can address some human rights issues as well.

Getting housing

It is difficult finding affordable housing in Ontario. You should get the help of a housing worker to support you in your search, and explore options in supportive or co-op housing. The housing worker may also assist you to apply for different subsidized housing programs, depending on your needs.

Discrimination by potential landlords is a major barrier to getting housed. The Ontario Human Rights Code applies to landlord tenant relationships, including finding and keeping rental units.

The law prohibits landlords and potential landlords from discriminating on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, disability, or the receipt of public assistance. Age, for the purposes of housing, is defined as over age 16.

If you feel that you are being treated differently based on a protected ground, you and your housing worker can negotiate with the landlord, or speak to your local legal aid clinic, the Human Rights Legal Support Centre, or the Centre for Equality Rights in Accommodation for problem solving. See the resources section for contact information.

Is my rental unit covered by the *RTA*?

While most rental units are covered by the *RTA*, it does not apply in a number of situations, including, but not limited to where:

- you are required to share a bathroom and/or kitchen with the owner, or certain family members of the owner;
- your unit is used on a temporary or seasonal basis (e.g. motel);
- your unit is in a non-profit housing co-operative;

- your unit is provided by an educational institution; or
- your accommodation is short-term in an emergency shelter.

Co-ops are governed by the *Co-operative Corporations Act*. Non-profit or social housing is covered by the *RTA* but they are exempt from the rental increase provisions. Depending on the specific facility, a supported housing arrangement may or may not qualify as being governed by the *RTA*.

What are my landlord's responsibilities under the *RTA*?

A landlord must:

- supply vital services – fuel, hydro, gas, hot and cold water. In Toronto, units must be heated to a minimum of 21 degrees Celsius
- maintain residence in a good state of repair
- comply with local health, safety, and property standards and bylaws
- upon request, provide receipts for payment (free of charge)
- ensure you have the right to reasonable enjoyment of your unit

A landlord must NOT:

- Collect a deposit greater than one month's rent. The landlord must pay interest on the deposit, and apply the deposit to the tenant's last month's rent
- change locks without giving tenants a key
- enter the unit without permission or 24 hours notice, unless in an emergency
- harass tenants or interfere with their quiet enjoyment of their home
- raise rent improperly
- Seize a tenant's property. The landlord can remove property of the tenant under and eviction order (with the Sheriff) or if a tenant abandons a unit (and the landlord gives 30 days notice)
- stop tenants from sub-letting when the tenant has made a reasonable request in writing

What can I do if my landlord does not meet their responsibilities?

- 1) Collect any evidence of the wrong-doing that you have experienced, including any discriminatory conduct. See **Street Law Smarts #2: Evidence Tips**. If you are negotiating with your landlord, get the help of your housing worker, if you have one.
- 2) Make a report to the Inspection and Enforcement Branch of the Ministry of Housing. For some problems related to vital services and repairs, they should come and do an inspection.
- 3) Call your local legal aid clinic for assistance and advice. They will give you advice and may represent you if you go to the Landlord Tenant Board. See **Street Law Smarts #1 – Where to Get Legal Help**, for links to legal aid clinics in Toronto.

- 4) In urgent matters, you can telephone the police to ask if they will assist you to enter your unit (e.g. illegal lockout). Get a friend's or housing worker's help if you have one.
- 5) Make a T2 or T6 application to the Landlord Tenant Board. The Board can order the landlord to: repay rents, reduce rents, or give you compensation for loss or damages; order the landlord to stop the conduct that you are complaining about; fine the landlord; and/or terminate the tenancy.

What are my responsibilities under the RTA?

- Pay rent on time
- Keep your unit clean
- Report maintenance or repair problems
- Repair or pay for damage you caused in a timely way
- NOT to interfere with the reasonable enjoyment of the landlord's or other tenant's use of the property
- NOT to perform illegal actions on the premises

If you do not meet your responsibilities, you are at risk of being evicted. You are also at risk of eviction if the landlord needs the unit for their own use, or the use of their immediate family members, even if you have done nothing wrong.

Evictions

A landlord must follow certain rules and procedures for eviction. They must either reach an agreement with you, or get an order from the Landlord and Tenant Board. If a landlord wants to evict you, they must serve you with the proper notices. You have a right to remedy your wrongs or have a Tribunal hearing to explain your side of the story.

You do not have to move out just because you received a notice. In this circumstance, you should contact Legal Aid Ontario immediately to get the help of your local legal aid clinic.

What happens when my rental agreement ends?

Unless your landlord has grounds for an eviction, you do not have to move out or sign a new agreement at the end of the lease term. The rental agreement is automatically renewed on a month-to-month basis (if rent is paid monthly) or a week-to-week basis (if rent is paid weekly). The same terms of the former agreement apply to the tenancy, subject to any permitted rental increases. If you want to move out, usually you must give at least 60 days written notice.

Can my landlord lock me out or seize my belongings?

In most cases, it is illegal for your landlord to lock you out or take your belongings. Your landlord cannot lock you out or take your belongings even if you didn't pay your rent, broke a tenant law (e.g. you made excessive noise, dealt drugs in your unit) or broke one of the landlord's rules.

Even if you have been legally evicted (the Sheriff has changed your locks), you have the next 72 hours (between the hours of 8 a.m. and 8 p.m.) after the legal eviction to remove your belongings. If the landlord does not allow you to remove your belongings, you can make an urgent application to the Board. Seek legal advice.

However, if your landlord thinks that you have moved without giving notice or making an agreement, your place might be considered abandoned. In this case, the landlord may be able to dispose of your things after making an application to the landlord and Tenant Board and waiting 30 days. If you are going to be away for a long time, make sure that you let your landlord know that you have not moved out. If your rent has been paid, your place cannot be considered abandoned.

If your place is not covered by the *RTA* (e.g. you live in your parents' home, crashed with friends, or paid your rent to another tenant) and the person you were living with won't let you pick up your things, you can call the police for assistance and they should allow you in to retrieve your belongings.

If you have been assaulted by someone you were living with, you should call the police so that they can accompany you to pick up your things. The police are allowed to enter in an emergency situation to allow you to obtain your personal belongings.

Information and resources

It is important to act quickly in landlord tenant disputes. Remember to always collect evidence when you think you have a problem – from a leaky tap to being discriminated against to being locked out. **See Street Law Smarts #2 for Evidence Tips**. Knowing how the law applies to you and your options for problem solving and how to get help will assist you if you have any problems. Here are some further resources and contact information for help.

Advocacy Centre for Tenants of Ontario (ACTO) (416) 597-5855, Toll-free 1(866) 245-4182, www.acto.org Information and education on housing in Ontario

Centre for Equality Rights in Accommodation (CERA) (416) 944-0097 or 1-800-263-1139
<http://www.equalityrights.org/cera> Promoting human rights in housing and ending housing discrimination

Human Rights Legal Support Centre (HRLSC) (416) 597-4900 or 1-866-625-5179 Human rights legal services to individuals in Ontario

Investigation and Enforcement Unit of the Ministry of Municipal Affairs and Housing (IEU)
(416) 585-7214, Toll-free 1 (888) 772-9277

Landlord and Tenant Board (416) 645-8080 Toll-free 1 (888) 332-3234
All tenant application forms are available at: http://www.ltb.gov.on.ca/en/Forms/STEL02_111308.html

Step-by-step instructions and information on choosing the right application, filing the application, the hearing and the order can be found at: http://www.ltb.gov.on.ca/en/Application/STEL01_079130.html

Legal Aid Ontario (416) 598-0200 or 1-800-668-8258. www.legalaid.on.ca Call Legal Aid Ontario, they will redirect you to your local legal aid clinic.

Tenant Hotline (416) 921-9494 www.torontotenants.org By the Federation of Metro Tenants' Associations