

Tenants Rights During COVID-19

OTTAWA ACORN



Introductions

- We will do a quick round of introductions
- Say your name and where in Ottawa you live
- If you are joining online, please add your name, number, and email in the chat!

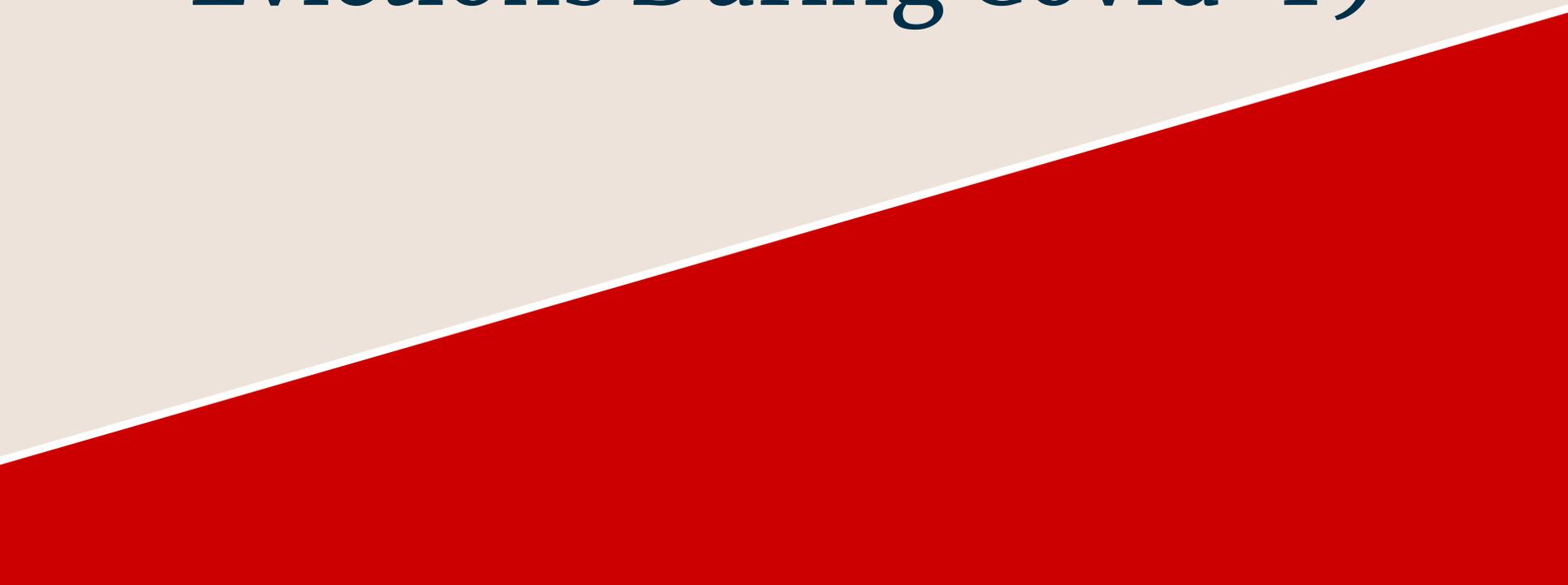
Zoom Ground Rules:

- To avoid background noise, we'll keep people on mute until there's group discussion
- If you are here online with Zoom, Please use the chat to let us know if you want to speak outside of the group discussion
- Will mute people if there's more than one person talking and then call on people to speak one at a time
- This is new for all of us so we thank everyone for their patience

What is ACORN

- We're a non-profit organization of low and moderate income families
- We work on a lot of issues like tenants rights, payday lending, affordable housing, disability and a whole lot more!
- We are a **local, national, and international** organization with groups across the country and beyond!
- We're a **member driven organization**, meaning we don't accept money from government or corporations so we can stay independent
- We rely on membership dues so we can support our campaigns, stay independent and hold governments accountable when we have to
- Membership dues gives you a say in what's important like what issues we work on and how
- We are **32,000 members strong in Ottawa and Gatineau** and **130,000 strong across Canada**
- If you're not members yet, join today! Let us know in the chat if you want to become a member!

SECTION A: Evictions During Covid-19

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Issues:

- Landlords serving N4 notices
- What's happening with my N-13 or AGI application during COVID-19?
- Harassment
- Landlords locking tenants out

MY LANDLORD JUST SERVED ME AN N4 NOTICE HELP!

- **You don't have to move out.** This notice is a warning, but it is only the first step of the eviction process.
- **What is a N4 notice?**

If you do not pay the money you owe the landlord by the termination date on the notice, the landlord can apply to the Landlord and Tenant Board (LTB) for an eviction hearing.
- **What happens at the hearing?**
 - At a hearing, the landlord will make arguments about why they believe you owe them money and why you should be evicted. Y
 - You will have an opportunity to make counter-arguments about why you should not be evicted.
 - If you receive a Notice of Hearing from the LTB, **you should contact your local community legal clinic immediately** to get legal advice.
- Due to the COVID-19 pandemic, **Tenants cannot be lawfully evicted.**
 - **Eviction hearings have been cancelled**
 - **NO Eviction Orders will be issued at this time** other than in “exceptional circumstances”
 - Even if an eviction order is issued by the LTB, the Ontario Superior Court has temporarily **suspended enforcement of those orders.**

What is happening with my N-13 or AGI application during COVID-19?

- If your landlord hasn't applied yet to the Board, they will still be able to do so, **but the Board will not schedule a hearing**
- If your landlord has applied to the Board and you received a Notice of Hearing, but the hearing hasn't happened yet, **it will likely be rescheduled to a later date**
- If you have already had your hearing and are waiting for a decision - **new eviction orders are not being written**
- To check the status of your application, look for the application # in the Notice of Hearing and call the Landlord Tenant Board

MY LANDLORD IS HARASSING ME HELP!

- Threats and harassment are **unacceptable**.
- The *Residential Tenancies Act* governs residential tenancies in Ontario. Provides protection for tenants to live free from harassment and threatening behaviour from their landlord and their landlord's representatives.
- If your landlord is harassing or threatening you, **ORGANIZE** - it's likely they're also harassing their other tenants. Let us know and we can help organize your building to fight back.
- If your landlord is harassing you:
 - **document your landlord's behaviour** and keep a copy of any written correspondence, such as emails or texts, with your landlord.
- Unless there is an emergency, the landlord should not show up at your unit without 24 hours written notice. If they insist on showing up, record any interactions where it's possible to do so safely.
- If your landlord calls the police, do not be afraid or intimidated.

Rights under the RTA:

Tenants have the right to reasonable enjoyment of the space including:
Environment free from harassment or threat of violence

Things your landlord is not allowed to do even if you owe rent

Even if you owe rent, it is against the law for your landlord to do, or threaten to do, any of these things:

- take or hold anything that belongs to you
- put your belongings out of your apartment
- change the locks to your apartment or to other areas of the building without giving you a new key right away
- cut off any important service, such as electricity, gas, water, or heat

If your landlord does or threatens to do any of these things, try to get legal help right away.

You could also call the Rental Housing Enforcement Unit (RHEU). The RHEU is part of the Ministry of Housing. Its job is to try to make sure landlords and tenants follow the law. You can call the RHEU at these numbers:

Toll Free Phone Line: 1-888-772-9277

WHAT IF THE POLICE SHOW UP? WHAT IF I'M LOCKED OUT?

- Your landlord can legally remove you from your home **ONLY with an order** from the Landlord Tenant Board.
- The only person with the power to enforce that order is a **Sheriff** (a government official).
- Only the Sheriff has the legal authority to remove you or your property from your home if you do not want to move out. **Police, special constables, private security, and your landlord cannot lock you out of your home.**
- Any attempt to remove you or your property, or change the locks without an order from the LTB, is **illegal**.
- However, if it still happens to you or someone you know, you should contact your **local community legal clinic for legal advice** as soon as possible.

WHAT IF THE POLICE SHOW UP? WHAT IF I'M LOCKED OUT?

If you believe you may be at risk of illegal lockout, there are a few things you may want to consider doing:

1. Inform those that live around you that this may happen.

- Share a description of your landlord with them and give them your contact information.
- If they see your landlord or anyone else doing anything suspicious around your home, ask them to contact you immediately.

2. Carry all important documentation or medications with you at all times while outside the home (passport, credit and debit cards, immigration or legal documents etc.)

3. Carry proof of residence (a copy of your lease agreement OR a piece of registered mail with your name and address on it)

4. Keep a copy of both of these items at a nearby neighbour's or trusted contact's place. Take a photo of them and keep them in your phone

5. You may be able to file an application at the LTB and ask to be allowed to return to your home. The LTB may schedule a telephone hearing for these matters, so you could receive a telephone hearing date despite the COVID-19 pandemic.

Other issues

- Landlord wants to enter into my unit
- Landlords charging late payment or late fees on unpaid rent
- Landlords offering “repayment agreement”
- General spread of misinformation

My landlord wants to enter into my unit

- Landlord has limited reasons for why they can enter the unit:
 - Repairs & Maintenance
 - Inspection
 - Showing etc.
- Minimum 24-hour notice
- Written notice (letter, text message)
- Between 8am-8pm; specific window of entry
- Entry without notice for emergency
- The Ontario government is encouraging landlords to observe physical distancing, and only enter units in the event of an emergency.
- Landlords are still obligated to abide by the regulations around entry per the RTA:
 - Proper written notice
 - No notice required for emergency entries
- Real Estate Council of Ontario recommends the suspension of in-person showings.

My landlord wants to enter my unit to do an inspection but I don't feel safe. What can I do?

- Proper notice still required
- Request that your landlord postpones non-essential entries, like inspections, to a later date when the situation is safer
- If your landlord still wants to enter your unit, you can either not be in the unit during the time of their entry, or you ask that they wear the proper protective gear and maintain physical distancing guidelines
- If you are: immunocompromised or have other disabilities that may make you more susceptible to COVID-19 illness, you could write a letter requesting accommodations during this time.

Landlords charging late payment or late fees on unpaid rent

- Landlords are not allowed to charge interest or late fees on unpaid rent. **These rules apply all the time, not just during the COVID-19 emergency.**
- But in some cases, you may have to pay some extra amount IF:
 - your rent cheque “bounced” or your payment didn’t go through because there wasn’t enough money to cover it, you might also have to pay the NSF fees charged by the landlord’s bank. The landlord can also charge you up to \$20 for “administrative” costs.
 - your landlord files an application for rent owing with the LTB, you’ll probably have to pay back the filing fee your landlord paid to the LTB (\$190 or \$175 if your landlord filed electronically).
 - your landlord sues you in small claims court for money you owe or if they get an order from the LTB, the order will usually say that you’ll be charged interest until you pay the money.
- Landlords are allowed to **offer discounts for paying your rent on time**. This type of discount means that you have to pay your full undiscounted rent if you pay late. If your rental agreement includes any discounts, make sure you understand how much rent you will really be paying.

Landlord is offering a “repayment agreement”

- **Don't feel pressured to sign something your landlord has written up.** It may be quite one-sided, and it may even create other problems for you.
- Some landlords have been asking tenants who are behind in their rent to **sign agreements** about how they will pay back the rent they owe. Tenants may feel they have to sign or risk being evicted.
- These agreements often ask you to agree to a payment schedule in exchange for the landlord not serving an eviction notice. **Usually the landlord is not offering any rent forgiveness** — just extra time to pay the full amount.
- The agreement may also ask for a lot of **personal financial or health information** to prove that your rent problems were caused by the COVID-19 emergency.
- **Before signing something like that, keep in mind that there is a freeze on evictions for non-payment of rent.** Your landlord can give you an N4 eviction notice, but you do not have to move because of it.
- Only an order of the LTB can legally force you to move out, and currently the Board is not dealing with cases about rent

Ottawa ACORN's Campaigns

- ACORN with allies, pushed for (and won!) a **halt on all evictions** in Ontario during COVID-19.
- Many provinces followed.
- We are calling for a **Rent Break, Rent Freeze, FULL Rent Control** including **Vacancy Control** and a **moratorium on notices of termination of tenancy** due to non-payment of rent during the pandemic. Also, **preventative action to protect tenants from getting evicted** as soon as the pandemic is over.
- Before COVID-19, ACORN has been fighting mass evictions in the city in neighbourhoods like Herongate.

Questions?

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SECTION 2: MAINTENANCE, REPAIRS AND BYLAW

Issues:

- Landlords using COVID-19 as an excuse not to do any repairs and maintenance
- Lack of clear guidelines for what types of repairs/maintenance landlords should still be doing during COVID-19
- Issues that were not health issues before the pandemic can lead to serious health risks because of COVID-19

THE LAW AND YOUR RIGHTS

- If something in your unit or your building needs repair, make sure your landlord knows about it.
- It is always best to communicate with your landlord in **writing (either by text or email) so there is a paper trail.**
- It is sometimes helpful to take **photos** of the problem and put the **date on the photos.**
- **Housing is considered an essential service** during COVID 19 but landlords are restricted to only doing essential maintenance and upkeep.

THE LAW AND YOUR RIGHTS

City By-Law has defined **essential maintenance and upkeep** as:

- Common area cleaning to meet best practices for COVID-19
- Pest control treatment to address infestations
- Preventive pest treatment in common areas
- Work that is necessary to be done immediately to protect or restore the physical integrity of the residential complex or part of it (e.g. a leak in the roof, loose bricks at risk of falling off the building)
- Work that is necessary to be done immediately to maintain a plumbing, heating, mechanical, electrical, ventilation, or air conditioning system (e.g. fixing broken pipes, replacing a cracked boiler, electrical defects that could cause a fire, etc.)
- Work that is necessary to remove an imminent danger (e.g. removing a tree at risk of collapsing, patching or repairing holes that constitute significant tripping hazards)
- Repairing holes in walls
- Elevator maintenance and repairs.

THE LAW AND YOUR RIGHTS

- If your landlord hasn't fixed the problem, call the **City of Ottawa By-Law department** at **311** and ask for a property inspector to do an inspection of your unit or the building (wherever the problem is).
- If By-Law believes the landlord to be in violation, **they can issue an order to force the landlord to do the repair.**
- Take the **By-Law officer's name and reference #.**
- **During COVID 19**, City Bylaw is still responding to all property standards calls but they are only doing in unit inspections for **urgent issues** that affect the health and safety of tenants.
- Depending on the problem, you might also want to contact your **local Public Health department, or Fire Marshal's office.**
- If you think unsafe or unlicensed electrical work was done in your place, you can contact the province's **Electrical Safety Authority.**

THE LAW AND YOUR RIGHTS

- If your landlord **STILL does not fix the problem**, you can apply to the **Landlord and Tenant Board** though your case won't be heard until after the pandemic.
- When you apply, the Board will schedule a hearing where you and your landlord can each explain the problem to a member of the Board.
- Before the hearing, you and your landlord can try to settle your problems yourselves or with the help of a **Board employee**.
- At the hearing:
 - it is up to you to convince the Board member about the problem.
 - **very important** to bring evidence to your hearing (witnesses, photos, audio or video recordings, inspectors' reports, work orders, letters, notes, or anything else) that can help you prove your case to the Board member.
 - If successful you could win some money back on your rent.
- **For Faster results - Organize with your neighbours, do actions and get press attention!**

HEALTHY HOMES CAMPAIGN BIG WINS

Historically, in Ottawa the state of tenants' housing has been the **#1 issue** that ACORN members want to see changed.

In the past we have won:

- **In 2013, \$200,000 worth of rent abatements** for tenants in Herongate - this was money tenants got back for living in substandard housing
- **A 2015 municipal By-Law** to make appliances the responsibility of landlords (before, if your fridge or stove broke, you'd be responsible for replacing it!)
- **Hundreds of thousands of dollars** in repairs to apartment buildings across the city

Big Wins Continue

- Last November, ACORN members won the development of **two new bylaws: Pest Control Bylaw and a Rental Management Bylaw.**
 - Because of our pressure, the City has also hired **more Property Standards Inspectors**, increased **targeted proactive enforcement** of property standards and is exploring the creation of an **online database of property standards violations** - that way if you're looking at signing a lease in a new place you can see beforehand if it's up to code!
- Even currently, we're still organizing actions to protect our members living in unhealthy homes.

ORGANIZING DURING COVID-19

- During COVID-19 we have been pushing By-law to announce **clear guidelines for essential and urgent repairs**
- We have done many **phone blitz actions** to landlords and By-law which has won members meetings with city officials and decision makers over the past month!

Below is a video of a **CTV Ottawa news article on Maria Mendoza's fight against Timbercreek**, who wouldn't help clean her asbestos-contaminated apartment. This clip was the result of an ottawa ACORN phone action.

<https://ottawa.ctvnews.ca/single-mom-and-asthmatic-11-year-old-living-in-asbestos-contaminated-apartment-1.4914261>

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SECTION 3: RENT, SOCIAL HOUSING AND INCOME



Issues:

- Many tenants have been laid off from their jobs or are facing reduced hours and are struggling to pay rent
- People are being forced to make decisions about paying for food or rent
- Some tenants in social housing are experiencing a change in income because of COVID-19

ACORN CANADA COVID-19 RENTERS SURVEY RESULTS

Highlights of a recent ACORN Canada survey:

- 70% of respondents have been **impacted financially**, yet only 42% of people qualify for **government benefits such as the CERB or EI**.
- Almost **35% did not have enough money** to pay the rent on May 1st.
- 50% said they were **worried** to pay rent on May 1st
- 15% of respondents have been **threatened with eviction if rent is not paid**.

CTV News publicized the survey results.

<https://acorncanada.org/ctv-news-advocacy-group-says-cerb-not-enough>

THE LAW AND YOUR RIGHTS

- No financial support for tenants **who cannot afford rent**.
- You cannot be evicted for not paying rent during the pandemic , but no protections for once the **pandemic is over or restrictions are eased**.
- If you cannot pay your rent, the Province is advising tenants to **negotiate with their landlord** what they can pay.
- Landlord is a social housing provider and the amount of your rent is determined by your income (RGI):
 - You must tell your landlord if your income changes.
 - For example, if you or someone in your household loses their job due to COVID-19 or begins to receive EI or CERB, you must report the change to your landlord within 30 days.
 - If you do not report these changes, you could be charged for back rent and/or lose your RGI subsidy.
 - If you do not receive an RGI subsidy, you do not have to provide your landlord with information about changes in your income.

ACORN CANADA'S CAMPAIGN

- Prior to COVID 19, **ACORN has been fighting for:**
 - REAL rent control (including) Vacancy decontrol for full rent control. (200 people rallied at the Ministry of Housing and Queen's Park for this right before the pandemic hit!)
 - End above guideline rent increases that circumvent rent control laws in Ontario
- When it comes to affordable housing we've been able to win:
 - **Reducing AGIs** by organizing collectively, having actions, calling the media and filling the hearing room with tenants/supporters
 - **\$15 Million in the city budget in 2019 which was matched again in 2020** for building new affordable housing - this was the most amount of money the City has ever invested of its own dollars in affordable housing
 - **Pressuring the province to successfully give Cities the power to introduce inclusionary zoning** - every new development in the city there would have to be a percentage of affordable housing. **Doug Ford has made some changes to this recently but a bylaw is being drafted municipally.**

ACORN CANADA'S CAMPAIGN

- During COVID-19, ACORN is fighting for:
 - Rent Break
 - Rent Freeze
 - FULL Rent Control &
 - A Moratorium on notice of termination of tenancy and preventive action immediately after the pandemic is over or restrictions are eased
- No tenant should pay more than 30% of their income on rent.
- Remote actions have brought this issue to the attention of policy makers and recently phone blitz actions have won ACORN members a meeting with the Director of Policy at Minister Ahmed Hussen's office

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Announcements

- Virtual 50th Anniversary Celebration