

# Tenant Rights Workshop

Peel ACORN



# Agenda

1. **Property Standards:** *Putting Financial and Legal Pressure on your Landlord to create property standard change*
1. **Evictions & Landlords:** Current status in ON; Challenging Evictions; Landlord “repayment” plans; & more
2. **Tips on Filing T2s/T6s:** Resources and Process – Full workshop on this coming in the future!
1. **Organizing During COVID-19**

# Part 1: Property Standards

1. Reporting Property Standards 101
2. Other ways to make change? Actions!
3. *RentSafe: Landlord Licensing*

# 1a. Reporting Property Standard 101

- If your unit or 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.**
- Take **photos** of the problem. Put the **date on the photos.**

# 1b. Reporting Property Standard 101

- Report unfixed problems to 311 after you already communicated to your landlords about the problem problems and ask for a property inspector to do an inspection
- 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 #.
- Sometimes By-law is insufficient, for a range of reasons, but there other options to put pressure on your landlord for property standard violations, including:
  - Peel Public Health Department (i.e. COVID-19 concerns): (905) 799-7700
  - Electrical Safety Authority: 1 877-372-7233
  - Brampton/Mississauga Fire Non-Emergency: 905-874-2700; 905-615-3777
  - Rental Housing Enforcement Unit (RHEU): 416-585-7214

# 1c. Reporting Property Standard 101

- **If there is still no change**, you can apply to the LTB, but your case won't be heard until after the pandemic.
- The Board will then schedule a hearing where **you and your landlord can each explain the problem to a Board member**
- 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 you must convince the Board member about the problem.
  - **Bring evidence:** witnesses, photos, audio or video recordings, inspectors reports, work orders, letters, notes, or anything else
    - If successful you could win some money back on your rent.
- ***For Faster results – Organize with your neighbours, do actions, and get press attention!***

# 2. Actions

- 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 few months!
- We are currently organizing to solve these problems with *Rent Safe: Landlord Licensing* to make it the *law* that landlords need fulfill work orders, do repairs, and abide by by-laws with greater fines and proactive inspections.

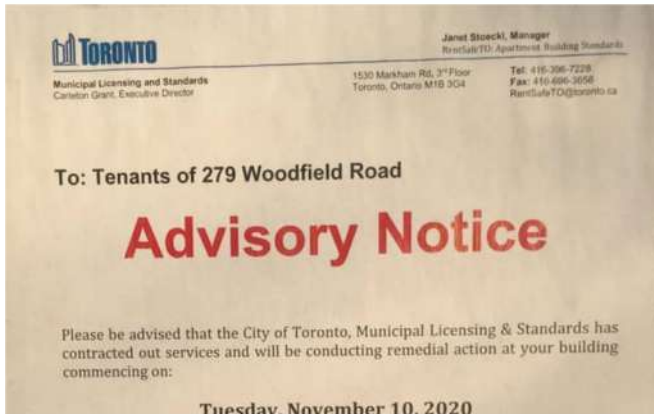




**BEFORE ACORN**



**ACORN MEMBERS FIGHT BACK**



**VICTORY - REMEDIAL ACTION**



**REPAIRS ARE UNDERWAY**



# 3. What is *RentSafe: Landlord Licensing?*

ACORN Toronto fought for and won RentSafeTO - a City bylaw program

- **Rating System** - A building rating system, like DineSafe, with signs on the front of the building clearly displaying the building grade and advertising 311 for any tenant issues
- **Engagement** - A tenant engagement system that involves boots on the ground, that tells tenants their rights, inquires about maintenance issues and directs any complaints to 311.
- **Enforcement** - An administrative monetary penalty system, so that property standards violations are penalized right away
- **Transparency** - Tenants and landlords need a straightforward process that is transparent about when inspections will be done, when orders will be issued, and when tickets/fines will be issued.

# Part 2: Evictions & Landlords:

1. N4 Notices
2. State of Evictions in Ontario
3. Challenging Eviction Orders
4. “Repayment” Agreements
5. Landlord Harassment & Corresponding Laws
6. What to do if Police Arrive / if Locked Out

# First of all: Reasons for Evictions & Minimum Notices

<b>If the reason for eviction is:</b>	<b>Your landlord must give you this much notice:</b>
owing rent	<b>14 days</b> (but only <b>7 days</b> if you pay your rent by the week or by the day)
causing damage by being careless, or disturbing the landlord or other tenants	<b>20 days</b> the first time (see above for the <u><a href="#">exception to this</a></u> ) <b>14 days</b> if it is the second notice within 6 months
making or selling an illegal drug	<b>10 days</b>
your landlord, your landlord's family member, or a caregiver wants to move in	<b>60 days</b>
your landlord wants to tear down the building or use it for something else	<b>120 days</b>

# Ontario has temporarily paused evictions during Stay-At-Home Order

- This change applies **only to the enforcement of eviction orders for tenants**
- The LTB continues to hear eviction applications and issue orders, but **the enforcement of eviction orders will be postponed during the emergency order**, except in urgent situations – **such as for illegal activity**.
- This includes orders issued, but not carried out, before the emergency order came into effect.
- **The LTB is STILL open and tenants are still receiving eviction orders.**

# Peel Region Supports for Avoiding Eviction

- Region of Peel is offering help with utility and rent if you are at immediate risk of losing housing or being homeless
- Apply in this two-step process here: [https://www.peelregion.ca/help/past-due-bills/?fbclid=IwAR0LMmlpiPNwfg\\_dlrXtC0gtWM4M9OPhNNIyhHIphyKm3af-ZIPpuz8tjvQ](https://www.peelregion.ca/help/past-due-bills/?fbclid=IwAR0LMmlpiPNwfg_dlrXtC0gtWM4M9OPhNNIyhHIphyKm3af-ZIPpuz8tjvQ)

# 1. MY LANDLORD JUST SERVED ME AN N4 NOTICE HELP!

- **You don't have to move out.** This notice is a warning. It is only the first step of the eviction process.
- **What is a N4 notice?**
  - N4 = start of the eviction process due to non-payment of rent.
    - If you do not pay the money you owe the landlord by the termination date on the notice, the landlord can apply to the LTB for an eviction hearing.
- **What happens at the hearing?**
  - You and your landlord exchange arguments about why you should / you should not be evicted
  - If you get to this stage, **you should immediately contact your local community legal clinic** to get legal advice.

# 2. Currently the Landlord Tenant Board is:

- Holding eviction hearings virtually
- Encouraging landlords and tenants to arrange a settlement prior to the hearing with an adjudicator

## Local Legal Clinics:

- Brampton: *North Peel & Dufferin Legal Clinic*: (905) 455-0160
- Mississauga: *Mississauga Community Legal Clinic*: (905) 896-2050

# Challenging An Eviction Order

- ★ You can challenge the Eviction Order if you believe it contains a serious error or if you were not able to reasonably participate in the proceeding
- 1. **Request to review an Order Form** and give to the LTB (\$58)
- 2. You must do this within 30 days from the date of the eviction order. This is the date at the bottom of the last page of the order.
- 3. You may not have to pay the fee if you qualify for a fee waiver. **To find out whether you qualify, fill out a form called Fee Waiver Request and give it to the LTB with your Request to Review an Order.**
- 4. These forms are available from the LTB and Service Ontario. These forms are also available to download from the LTB's website at [www.sjto.gov.on.ca/ltb](http://www.sjto.gov.on.ca/ltb).
- 5. To know more about how or when to challenge an eviction order, you can read ACTO's tipsheet here: <https://cleoconnect.ca/resource/yourlegalrights/i-think-my-order-from-the-landlord-and-tenant-board-is-wrong-what-should-i-do/>



# 3a. Motion to Set Aside: Tenants' Right to Challenge the Eviction Order

- If you receive an Eviction Order without notice or hearing, you have the right to file a document called **Motion to Set Aside**
- "Motion to Set Aside" document is on the **LTB website as Form S2**.
- You have **within 10 days of receiving the Eviction Order to file**. Once filed, there will be a "stay" of the Eviction Order and an emergency hearing will be scheduled to deal with the matter.
- **This will give you the potential to save your tenancy and organize your affairs**
- You must explain why you believe the Eviction Order should be set aside & provide all supporting document(s)
  - Attach any disability related accommodation requests and supporting documentation. If you require language interpretation in language that is not English or French, contact your local legal clinic.

# 4a. Bill 184: Repayment Agreements/Plans

- **Bill 184** changed the laws around repayment agreements made outside the LTB
- Now a landlord can give a tenant -- **without prior consent** -- a *take-it-or-leave-it* repayment plan, with terms that are unaffordable for the tenant
- It includes a clause that permits the landlord to seek an eviction order **without a hearing or notice if the tenant breaches the agreement.**
- If you have breached the repayment plan, **you can still file a motion to stay the Eviction Order up until the Sheriff enforces the eviction**

## 4b. Repayment Agreements – How You Can Oppose

- Tenants are not required to sign anything if they do not understand or cannot afford it.
- Tenants also have the right to present their own repayment plan to the landlord with terms they are confident they can meet on their income.
- Tenants who are offered repayment plans by their landlords should proceed with caution.
- Tenants should seek advice from their legal clinic or Tenant Duty Counsel.
- If an agreement on a reasonable repayment plan cannot be reached, the matter will be heard at the LTB. **There an adjudicator will evaluate the repayment plan and tenants should explain why they felt it was not fair or feasible for them to sign it.**

# 4d. Landlords cannot 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 through because of insufficient funds, and so you might also have to pay the fees charged by the landlord's bank. **These fees can be up \$20 for “administrative” costs.**
  - Your landlord files [an application for rent owing](#) with the LTB, you may 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.

# 5a. MY LANDLORD IS HARASSING ME - HELP!

- Threats and harassment are **unacceptable**.
- The *Residential Tenancies Act* 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 other tenants. Let ACORN 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.
- 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

# 5b. 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, **get legal help right away.**

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 the following number:

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

# 5.c My Landlord Wants to Enter My Unit

- Landlords has limited reasons for why they can enter the unit:
  - **Repairs & Maintenance**
  - **Inspection**
  - **Showing etc.**
- Landlords are still obligated to abide by the regulations around entry per the RTA: If they enter, they must provide
  - **Minimum 24-hour notice**
  - Written notice (letter, text message)
  - Between 8am-8pm, or a specific window of entry
- *Landlords can enter without notice only in an emergency*
- The Ontario government is encouraging landlords to respect physical distancing, and only enter units in the event of an **emergency**.
- Real Estate Council of Ontario recommends the suspension of in-person showings.

# 6a. What if Police Show Up?

- 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.



# 6b. What if I'm Locked Out?

If you believe you may be at risk of illegal lockout, you may want to consider doing:

**1. Informing** 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. Carrying 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. Carrying proof of residence** (a copy of your lease agreement OR a piece of registered mail with your name and address on it)

**4. Keeping 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. Report issue to LTB; Call RHEU and report;**

Part 3: Tips on Filling Out T2 &  
T6 Forms (a thorough  
workshop on this is coming  
soon!)



*Any questions!?*

# What Are T2s? They Enforce Your Tenant Rights!

T2 Form Available at: <https://tribunalsontario.ca/lrb/forms/#tenant-forms>

Use this form to apply to have the Board determine whether your landlord, the landlord's agent or the superintendent:

- Entered your rental unit illegally
- Changed the locks to your rental unit or building without giving you replacement keys
- Substantially interfered with your reasonable enjoyment of the rental unit or complex or with the reasonable enjoyment of a member of your household
- Harassed, coerced, obstructed, threatened or interfered with you
- Withheld or interfered with vital services, care services or meals.
- Did not give you 72 hours to remove your property from the rental unit or from somewhere close to it after the Sheriff evicted you

[https://tribunalsontario.ca/documents/lrb/Tenant%20Applications%20&%20Instructions/T2\\_Instructions\\_20200401.pdf](https://tribunalsontario.ca/documents/lrb/Tenant%20Applications%20&%20Instructions/T2_Instructions_20200401.pdf)

# What Are T6s? They Hold Landlord Accountable for Maintenance

Landlords are responsible for repairing:

- Your place, things that come with your place, appliances, common areas, elevators, parking lots, etc.
- But if you or your guests damage anything on purpose or accidentally, they're not responsible

Use T6s apply to the LTB to determine whether your landlord:

- has not repaired or maintained the rental unit or the residential complex, or
- has not complied with health, safety, housing or maintenance standards.

**If the problem has been fixed, you must apply within one year of the date the problem was fixed.** You can make this application if you are either a current or former tenant.

# Filing T6:

Contact the LTB about the problem within 1 year after it has started.

T6 Form Available at: <https://tribunalsontario.ca/ltb/forms/#tenant-forms>

If the LTB deems you to have been wronged, they can order any of the following Abatements:

- Your landlord must pay you back part of the rent you paid while the problem existed
- Your rent will stay at the lower amount until the problem is fixed
- The Landlord is ordered to make repairs
- The Landlord could repay money to you if you had to pay for repairs yourself

Rent abatements cannot exceed 100% of the rent paid during the period in question.

<https://tribunalsontario.ca/documents/ltb/Interpretation%20Guidelines/06%20-%20Tenants%20Rights.html>

[https://www.dcc.on.ca/en/publications/tenantsaccess/while\\_you\\_are\\_living\\_your\\_place#repairs](https://www.dcc.on.ca/en/publications/tenantsaccess/while_you_are_living_your_place#repairs)

# Payment

- T2s and T6s cost **\$53 each**
- **If you owe money to the LTB** as a result of failing to pay a fee or any fine or costs set out in an order, your application may be refused or discontinued.
- You may **request a fee waiver** if you meet the financial eligibility requirements set out by the LTB. You will need to complete the Fee Waiver Form which is available from the LTB website at <https://tribunalsontario.ca/ltb/forms/#tenant-forms>.
- For more information about fee waivers and the eligibility criteria, go to the fee waiver rules and practice direction on the Rules of Practice page of the LTB website.

[https://tribunalsontario.ca/documents/ltb/Tenant%20Applications%20&%20Instructions/T6 Instructions 20200401.pdf](https://tribunalsontario.ca/documents/ltb/Tenant%20Applications%20&%20Instructions/T6%20Instructions%2020200401.pdf)

# More Help:

## **FORM T2 Instructions:**

[https://tribunalsontario.ca/documents/lrb/Tenant%20Applications%20&%20Instructions/T2\\_Instructions\\_20200401.pdf](https://tribunalsontario.ca/documents/lrb/Tenant%20Applications%20&%20Instructions/T2_Instructions_20200401.pdf)

## **FORM T6 Instructions:**

[https://tribunalsontario.ca/documents/lrb/Tenant%20Applications%20&%20Instructions/T6\\_Instructions\\_20200401.pdf](https://tribunalsontario.ca/documents/lrb/Tenant%20Applications%20&%20Instructions/T6_Instructions_20200401.pdf)

## **Contact the Board:**

416-645-8080

1-888-332-3234 (toll free)

<https://tribunalsontario.ca/lrb>



# Discussion