

# Tenant Rights Workshop

*Toronto ACORN and Neighbourhood Legal Services*



# Introductions

- We will do a quick round of introductions
- Please make sure to sign in if you haven't already
- All information for today's workshop can be shared via email!

# What is ACORN?

- We're a community union made up of low and moderate income people
- We work on a lot of issues like tenants rights, payday lending, affordable housing, disability justice and a whole lot more!
- 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 are 130,000 strong across Canada

# What is Neighbourhood Legal Services?

- Neighbourhood Legal Services is a non-profit and independent community legal clinic that has been serving the community since 1973.
- We provide free legal services and assistance to low income individuals who live within our catchment area and qualify for our services.
- As one of the first community legal clinics in Ontario, NLS has a long and proud history within the clinic movement and in being a leader in delivering poverty law services!

# **Section 1: Evictions**

# What to Know about Evictions

- Your landlord can only evict you in specific situations and must give you written notice using the proper form provided by the Landlord and Tenant Board (LTB), an independent tribunal with the authority to resolve residential tenancy disputes in Ontario.
- The form must give the reason for eviction.
- Even if your landlord gives you written notice, **you don't have to move out.**
- Your landlord must first apply for and receive an eviction order from the LTB.
- **You have the right to go to a hearing and explain why you should not be evicted.**
- **If you're low income, contact your local community legal clinic right away**
- Chances are if the landlord is trying to evict you, they're probably doing the same thing to your neighbours. **Contact ACORN to help organize tenants in your building!**

<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 <a href="#">exception to this</a> )  <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>

Source: <https://www.cleo.on.ca/en/publications/tenantsaccess/eviction>

# Currently the Landlord Tenant Board is:

- Is back in full swing, and eviction enforcements have resumed.
- Hearings are held more or less exclusively by Zoom teleconferences or (in the case of AGI hearings) in writing.
- Case Management Hearings are not regularly scheduled
- Parties can request an in-person hearing with the Request for Additional Services form to accommodate disabilities, **although the LTB does not widely publicize this option and very rarely grants these requests** (the clinic system knows of approximately 2 requests that have been granted since the beginning of the pandemic).
- Despite this, Tribunals Ontario relies on how rarely in-person hearings are requested to support a claim that most people prefer online hearings.



# 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?**

An N4 notice is the 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 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.
  - 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 proper legal help immediately to get legal advice.

# Help with paying your rent

- ACORN fought for and won the new rent grant program with the City of Toronto
- The city's Rent Bank program has switched from giving loans to giving rent relief grants.
- This means tenants won't have to go more into debt to cover the costs of paying for rent
- **As of March 2022:** 1,744 households were able to avoid eviction by receiving a grant since the pilot began on May 1, 2021.
- This was an increase of 52% or an additional 594 households who were able to avoid eviction as compared to 2020 when only 1,150 households received a loan.



# Help with paying your rent

## How to apply?

- Call 311 and ask to be connect to the Rent Grant
- OR you can contact them directly at 416-397-7368 from Monday to Friday between 9 a.m. and 4:30 p.m
- Check to see if you are eligible for the grant.
- You must be considered low income and :
  - are behind on rent
  - currently live in or are moving to Toronto
  - pay market rent for a rental unit covered by the Residential Tenancies Act
  - can provide proof of current or pending employment and are not currently in receipt of social assistance such as Ontario Works (OW) or Ontario Disability Support Program (ODSP)
  - are the sole applicant for their household are on the lease as a lease holder or an occupant to qualify, however, if this is not the case, applicants may still apply and an intake worker can assist applicants meet this requirement

\*Tenants using OW and ODSP may qualify for the **Housing Stabilization Fund.**

# 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 proper 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 the following number:
- Toll Free Phone Line: 1-888-772-9277

# Re-Open the LTB Application decision

- Tenants can request that the LTB re-open an application decision that was reached by the Board on an application filed by the landlord.
- You can indicate here why you believe the LTB should re-open the file. Some of these reasons can include: the party forced me to enter into an agreement or gave me false information, the party making the request lacked the capacity to enter into a mediated agreement.
- You must include additional information and explanation to illustrate the reason you are requesting the application to be re-opened.

# **Section 2: Harassment, lockouts, and more**

# 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

# 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 respect 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 is 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

# 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 and you're low income, 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.

# Landlords charging late payment or late fees on unpaid rent

- **Landlords are not allowed to charge interest or late fees on unpaid rent.**
- 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](#).

# Toronto ACORN's Campaigns

- In 2020, ACORN and allies, pushed for (and won!) a halt on all evictions in Ontario during the beginning of the pandemic. (This moratorium has ended)
- Many provinces followed.
- We were calling for Rent Relief, a Rent Freeze, FULL Rent Control including Vacancy Control
- ACORN has been fighting mass evictions and renovictions in the city by building power in our neighbourhoods



# **SECTION 3: MAINTENANCE, REPAIRS AND BYLAW**

# Issues:

- Landlords making excuses to not do any repairs and maintenance
- Lack of clear guidelines for what types of repairs/maintenance landlords are required by law to do

# 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. Put the date on the photos.



# THE LAW AND YOUR RIGHTS

- Your landlord must repair and maintain things that come with your place, such as appliances like a fridge or stove.
- Your landlord must also clean and maintain the common areas.
- These are areas both inside and outside the building that are not part of tenants' rental units.
- **For example, your landlord must:**
  - keep halls, elevators, stairways, and the lobby clean
  - keep laundry and garbage rooms clean, do yard work like cutting the lawn
  - shovel snow and keep ice off driveways and sidewalks.
- Your landlord can pay you or give you something else of value so that you do some of the maintenance work. But it must be clear what work you have agreed to do and what you are getting in return.
- You should get proper legal advice if your landlord is trying to make an agreement like this.
- It is your landlord's job to repair and maintain your rented home.
- **They must fix or replace anything that is in bad condition or does not work properly.**
- It does not matter if your rental agreement says something different or if you knew about the problem when you agreed to rent the place. **The law says your landlord is responsible.**

# THE LAW AND YOUR RIGHTS

## Illegal Charges

Some landlords try to charge tenants illegally. Tenants who are asked to pay for these charges can simply refuse. The following is a list of common illegal charges that tenants often face:

- Paying for garbage or garbage tags
  - Paying for basic maintenance or maintenance invoices
  - Seasonal air conditioning fees
  - Bills or invoices for services or work you have never agreed to pay for
  - Landlord taxes
  - Contents insurance
  - General Cleaning Fees
- 
- This information relates specifically to for-profit rental housing (renting from an individual or business corporation) in Ontario. This includes renting an apartment unit, a house, a rooming house, basement apartment, condo apartment, etc.
  - The rules for Social Housing (TCHC), Non-Profit housing, Co-operative housing, Student dormitories, shelters, jail/prison, care homes, renting from another renter (not a landlord), or renting a space where you share a kitchen or bathroom with the landlord can be different.

# THE LAW AND YOUR RIGHTS

- If your landlord hasn't fixed the problem, call the City of Toronto 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 #.
- 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
- 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.
- You can also **organize with your neighbours, do actions and get press attention!**

# Toronto ACORN - RentSafeTO

ACORN fought for and won a program called RentSafeTO. We are still fighting to improve this program.

ACORN members are fighting for:

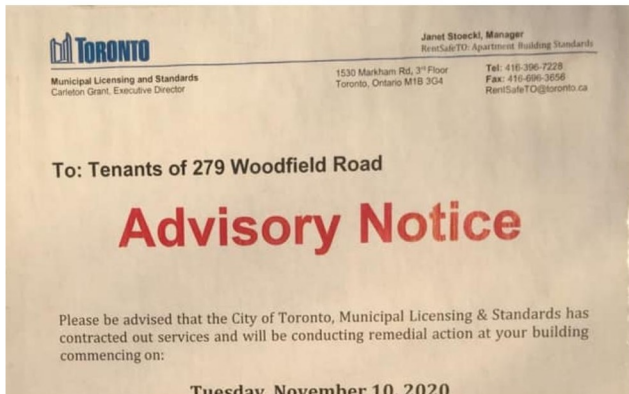
- **Rating System** - A building rating system, like DineSafe, with signs on the front of the building clearly displaying the building grade and advertising 311 for any tenant issues
- **Engagement** - A tenant engagement system that involves boots on the ground, that tells tenants their rights, inquires about maintenance issues and directs any complaints to 311.
- **Enforcement** – An administrative monetary penalty system, so that property standards violations are penalized right away. There currently is a fine system with RentSafe but we want to see higher fines on bad landlords.
- **Transparency** - Clear standards of service from MLS, so tenants are aware of the process after they call 311. 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/or AMPs will happen



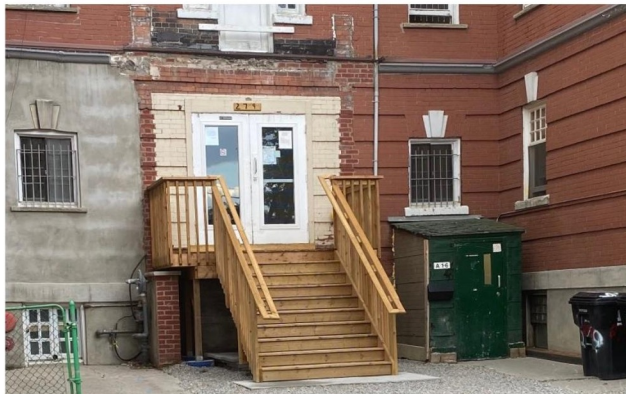
**BEFORE ACORN**



**ACORN MEMBERS FIGHT BACK**



**VICTORY - REMEDIAL ACTION**



**FRONT DOOR REPAIRED AND MANY REPAIRS  
DONE IN UNITS WITH MORE ON THE WAY!**

# **SECTION 4: Above the guideline rent increases (AGIs)**

# THE LAW AND YOUR RIGHTS

In addition to guideline rent increases, the law in Ontario also allows landlords to apply for “Above Guideline Rent Increases” or AGI’s.

Landlords are able to apply for a host of reasons including:

- Major capital work has been paid for and finished (balconies, elevators)
- Conservation programs have been paid for and finished (low energy lights, low-flow toilets)
- Safety elements have been paid for and finished (security cameras)
- Accessibility elements have been paid for and finished (wheel-chair ramps, automatic door openers)
- There’s been an extraordinary increase in the landlords property taxes

For items 1 – 4, the maximum increase a landlord could ask for is 9% in any one application, however the Landlord and Tenant Board (LTB) will also force a landlord to spread such an increase out over three years. The maximum a landlord can receive in any one year would be 3%.

For example, if a landlord received a 9% increase in 2019, they could raise rent by 4.8% in 2019 (guideline of 1.8% for 2019 plus 3%), 5.2% in 2020 (guideline of 2.2% for 2020 plus 3%), a rent freeze in 2021 (due to covid), 2022 was 1.2%, and 2023 is 2.5%!.

[https://www.torontotenants.org/above\\_guideline\\_rent\\_increases](https://www.torontotenants.org/above_guideline_rent_increases)



# THE LAW AND YOUR RIGHTS

- Landlords must be approved by the LTB for AGI in order to legally raise your rent, they cannot force you to pay for an AGI without an order from the LTB.
- An interesting element of the law around these increases is that landlords can ask for the money after they have applied to the LTB but before the increase has been approved. There's often a gap of several months in between applying and the hearing.
- Additionally, if the landlord asks for the increase but it hasn't been approved yet, the tenant doesn't have to pay the "Above Guideline" portion (only the guideline amount).
- The only issue with not paying is that if and when the increase is approved, the LTB could award back rent to your landlord for the period they asked but did not get the AGI.
- Some tenants prefer to pay for the AGI and see if they get money back after the increase has been approved. Other tenants prefer to not give the landlord a cent until it's legally owed. Ultimately the choice will be up to the tenant to decide when to pay or not.

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# THE LAW AND YOUR RIGHTS

## Rent Control Exemption

- If your rental unit was newly-created and not lived in until November 15, 2018 or later, your landlord may be able to legally increase your rent without a limit. If you cannot afford the rent increase, you would have to move out to avoid arrears.
- Rent control is building-wide for new buildings (i.e. if the building was completed in June 2018, and the first units were lived in starting July 2018, then units in the same building that were not lived in until after November 15, 2018 are still protected by rent control)
- The exemption also applies to new units in existing houses, such as newly-created additions or new units in previously-unfinished spaces like unfinished basements or attics.
- Your landlord must still follow other rules about rent increases, such as waiting at least 12 months between rent increases and providing at least 90 days' written notice of increase. The proper form for this type of increase is an N2 notice; however, a form or letter that contains all the same information as an N2 may be valid as well.
- If your rent increase is much higher than market rent for similar units in your area and your landlord has attempted to evict you in the past, consider gathering evidence of market rent and seeking legal advice.

# Resources for tenants:

## Where to get legal help

- If your household has low income, you may qualify for service from your local legal clinic!
- **Link to Neighbourhood Legal Services' online intake form:** <http://www.nlstoronto.org/online-intake.html>
- **Neighbourhood Legal Services** covers a catchment of approximately 120,000 people, including the highest level of people living below the Low Income Measure in the province. We have two (2) housing lawyers to serve this community.
- Currently, we are booking appointments with lawyers approximately 2-3 weeks out from registration.
- **Another great source of reliable legal information is Steps to Justice:** <https://stepstojustice.ca/legal-topic/housing-law/>
- **You can call the Pro Bono Ontario Legal Advice Hotline for up to 30 minutes of free legal advice at 1-855-255-7256**
- **If you do not qualify for legal services from your local legal clinic or Pro Bono Ontario, you can contact the Law Society Referral Service** to request a referral to appropriate legal counsel:  
<https://lsrs.lso.ca/lsrs/welcome>

# Questions?

**THANK YOU!**