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Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement

The Residential Tenancies Act and Evictions



Important Information for Tenants Facing Eviction.

The Centre for Equality Rights in
Accommodation
Early Intervention Eviction
Prevention Program

CERA

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The Residential Tenancies Act

What is the Residential Tenancies Act and Who is Covered under the Act?

The Residential Tenancies Act (RTA) is the law that sets the rules for landlords and tenants in most residential rental housing in Ontario.

The **Landlord and Tenant Board** (The Board) uses the RTA to resolve disputes between landlords and tenants.

If your landlord is trying to evict you, or if you are having problems with your landlord, it is important to know your rights under the RTA.

Some tenants are not covered under the RTA, for example:

- If you live in a co-op. You can contact legal aid to find a lawyer who deals with co-op law.
- if you share a kitchen or bathroom with the landlord or a member of the landlord's immediate family
- if you pay rent to another tenant, you are not covered under the RTA.

This means that the landlord does not have to follow the rules under the RTA in order to evict you.

Eviction Myths

If my landlord doesn't do repairs, can I stop paying my rent? No. If you do not pay your rent, your landlord can file an application to evict you, even if the repairs have not been done.

If you have a maintenance issue, you should write a letter explaining the problems and give it to your landlord. Make sure you include the date and your signature. If your landlord does not respond or does not fix the problems, call the **City of Toronto Municipal Licensing and Standards Office at 416-395-7011**. You can also file a tenant application against your landlord at the Landlord and Tenant Board to try to get the repairs done and possibly a rent rebate.

Can my landlord evict me in the winter? Yes. Your landlord can file an application for eviction at anytime of the year.

Can my landlord evict me because I have a pet? No. However, you could be evicted if your pet is threatening other tenants or if you don't clean up after your pet.

Can my landlord evict me because it is the end of my lease? No. When your lease ends, you are still a tenant covered under the RTA even if you do not sign a new lease. You automatically become a month to month tenant. Your landlord can not force you to sign another lease if you choose not to.

Evictions

Evictions under the RTA

There is a legal process under the RTA which, in most cases, your landlord must follow in order to evict you. There are many points in this process at which you can try to fix the situation and/or pay arrears and have the eviction stopped.

Your landlord CANNOT change your locks to evict you. This can only be done by the Court Enforcement Office (the Sheriff) on the basis of an **order** from the Landlord and Tenant Board.

If your landlord changes your locks or is harassing you by telling you to leave your apartment call your local legal clinic for free legal services.

Reasons for Eviction

The RTA lists the reasons that a landlord can file for eviction. Some of them are:

- Not paying the rent in full
- Paying the rent late
- Disturbing the landlord or other tenants
- Causing damage to your apartment
- Illegal Activity in your apartment
- Risking other tenants' safety
- Landlord is doing major repairs or selling the building
- Landlord, landlord's family or caregiver is moving in

The Stages of the Eviction Process

The Eviction Process for Non-Payment of Rent

Stage 1: Eviction Notice

The landlord must give you a notice to start the eviction process. The notice will explain that the landlord believes you owe money and how much. It will say that you have 14 days to pay the arrears or move out. **Tenants do not have to move out at the end of the 14 days, even if they don't pay the arrears.**

If you can pay the arrears in full before the end of the 14 days, that will end the eviction process. No further steps can be taken by the landlord and you do not have to move out.

Stage 2: Eviction Application

If you do not pay your arrears in full before the end of the notice period (14 days), the landlord can file an application with the Landlord and Tenant Board to schedule a hearing and try to evict you. The landlord must give you a copy of the application and the Notice of Hearing at least 5 days before the hearing if it is delivered in person, and at least 10 days before the hearing if it is delivered by mail.

If you can pay your arrears before the hearing date (including the landlord's \$170 application fee), your landlord should cancel the hearing, which ends the eviction process.

Stage 3: The Hearing

The hearing is like an informal court where a board member listens to the tenant and the landlord explain their sides of the story and then decides if the eviction should proceed. The board member is obligated under the RTA to consider all aspects of your situation and try to avoid or postpone eviction whenever possible. **You should attend your hearing, whether or not you have the money to pay the arrears.**

On the day of the hearing, you should arrive early and speak to the **Tenant Duty Counsel**, a lawyer who can give you free advice. You will also have the option for mediation, which means you can work out a payment plan or some sort of agreement with your landlord instead of having a hearing.

At your hearing you can raise any maintenance or other issues you have at your building and try to get a rent rebate. You must be prepared with evidence in order to do this.

Stage 4: The Eviction Order

If the Landlord and Tenant Board orders an eviction, you will usually have 7 to 11 days from the date of the order to pay the arrears or move. After that day, the landlord can call the Sheriff's office to come and change your locks. If this happens, you will have only 72 hours to get your belongings.

Funds to Help Pay Your Rent

You can stop the eviction if you pay all of your arrears, including application and Sheriff fees, anytime up until the day the Sheriff comes. Call CERA or a legal clinic for more information.

Resources to Help Pay Arrears

The Toronto Rent Bank provides interest-free loans to help tenants pay arrears. You must have a steady source of income such as a job, Employment Insurance or a pension. You can not be receiving Social Assistance. And you must be less than 3 months in arrears. To find out if you qualify, call: **Neighbourhood Information Post at: 416-924-2543**

The Community Start Up and Maintenance Benefit is available for individuals and families receiving Ontario Works and Ontario Disability Support Program benefits. It can be used to help pay arrears.

For Community Start Up, individuals and couples without children are eligible for \$799 every 2 years. Families with children are eligible for up to \$1500 every two years.

Ask your worker for more information.