

September 2012

If you are thinking about renting a place to live, or becoming a landlord, you need to be informed about the law. The *Residential Tenancies Act (Act)* is a law that governs the relationship between residential landlords and tenants in Ontario. It sets out the rights and responsibilities of landlords and tenants, and establishes the Landlord and Tenant Board. The Board is responsible for informing landlords and tenants about the law, and for resolving landlord and tenant disputes through hearings and mediation.

The *Act* applies to most residential rentals including mobile homes, rooming houses, care homes, and in some cases, motel rooms. However, the *Act* does not apply to some living situations. For example, it doesn't apply if the tenant must share a kitchen or bathroom with the owner, or certain family members of the owner; or if the rental unit is only to be used on a seasonal or temporary basis. It also does not apply if you are a roommate who rents accommodation from a tenant instead of from the landlord of a rental property.

As a landlord or a tenant, you have a number of rights and obligations. As a landlord, you must keep the rental property in a state of good repair, and not interfere with a tenant's reasonable enjoyment of the property. As a tenant you must pay rent to the landlord, and must not interfere with the landlord's and other tenants' enjoyment of the property.

There are also important rules about things like rent increases and evictions. In most cases, a landlord can only increase the rent once a year by a percentage that is set each year by the government. The percentage for 2012 is 3.1% and 2.5% for 2013. To increase the rent, a landlord must also give tenants 90 days written notice.

The rules about eviction are very strict. As a landlord, you can only evict a tenant for a reason that is allowed in the *Act*. You must give tenants proper eviction notices (called "Notices of Termination") that explain the reason you want an eviction. If a tenant does not want to move out after getting an eviction notice, you must apply to the Board for an eviction order. The Board will schedule a hearing where you can each present your side of the story. Instead of having a hearing, you can also try to settle your dispute by making an agreement with the help of a mediator who works for the Board. If you cannot make an agreement, the Board will have a hearing and make a decision. Note that a tenant cannot be evicted without an eviction order.

Tenants can apply to the Board for help enforcing their rights about things like disrepair; illegal rent, charges and deposits; and harassment by landlords.

More free information is available online at [yourlegalrights.on.ca/housing-law](http://yourlegalrights.on.ca/housing-law). Tenants may get legal advice by calling the Community Advocacy & Legal Centre. Small landlords may contact the Landlord Self-Help Centre at 1-800-730-3218 ([www.landlordselfhelp.com](http://www.landlordselfhelp.com)). For more information about the *Act*, you can contact the Board at 1-888-332-3234 ([www.ltb.gov.on.ca](http://www.ltb.gov.on.ca)).

This column is not intended to provide legal advice. It provides general legal information and is written by the staff of community legal clinics, student legal aid societies, volunteer local lawyers and Legal Aid Ontario. The law can change. You should contact a lawyer to determine your legal rights and obligations. If you are living on a low income, you may be eligible for free legal help from Legal Aid Ontario (criminal, family or immigration) or your local community legal clinic (income security programs, employment law, tenants' rights, consumer law, or human rights). You can reach Legal Aid Ontario at 1-800-668-8258 or visit them online at [www.legalaid.on.ca](http://www.legalaid.on.ca). Contact the Community Advocacy & Legal Centre at 1-877-966-8686 for more information or visit [www.communitylegalcentre.ca](http://www.communitylegalcentre.ca).

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