

December 2012

Cold weather is on its way – what if your apartment is drafty because it isn't properly maintained? What does your landlord have to do about heating your apartment? What can you do about a cold apartment? What if you pay for heat but then can't afford your rent?

This article will look at these questions, using the law as it applies to most types of rental housing in Ontario. The relevant statute is the *Residential Tenancies Act*, which sets out the duties and obligations of landlords and tenants toward each other.

First, landlords must keep the housing unit properly maintained. If the windows or doors are old or broken so the cold air comes in easily, the landlord may be required to fix them. The tenant should first contact the landlord to explain the problem and ask that repairs be made (it is often best to do this in writing, and keep a copy of the letter). Of course, if the tenant or a guest of the tenant broke the window, the landlord may pursue the tenant for the cost of repairing the damage.

If the landlord does not fix the problem within a reasonable time, the tenant should contact the Property Standards Office in their area. A municipal worker will inspect the building, and if it is not up to standard, the worker can order the landlord to fix the problem.

The by-Law also requires that the housing unit can be heated to 21 degrees, and can stay at that temperature. Of course, if you as the tenant have to pay for the fuel to heat the unit, you may turn the thermostat below that at times!

Your landlord is not allowed to cut off the supply of fuel, but if you have a contract to pay the heating company and you miss a payment, the fuel company may threaten to cut you off. If you are having a hard time paying your bills because of high energy costs, you may qualify for assistance from various programs designed to help low-income people to pay for heat during the winter.

It is not a good idea to skip paying rent in order to pay utilities bills. Many people still believe that their landlord cannot evict them during the wintertime. Unfortunately this is not true, and if you do not pay your rent when it is due, your landlord can apply to the Landlord and Tenant Board to have you evicted. If you receive an eviction notice, you should get legal advice about your rights under the *Residential Tenancies Act*. A landlord cannot evict a tenant without an Order from the Landlord and Tenant Board. Where a landlord tries to evict a tenant for non-payment of rent, an eviction can often be stopped by paying the money owing or entering a payment plan. Again, if you are having trouble paying your rent because of high heating bills, you may be able to get rent assistance.

More free information is available at yourlegalrights.on.ca/housing-law. Information and phone numbers for local property standards offices can also be found on the Community Advocacy & Legal Centre website (http://www.communitylegalcentre.ca/legal_information/HSG/Tenants/FAQ.htm). Small landlords may contact the Landlord Self-Help Centre at 1-800-730-3218 (www.landlordselfhelp.com).

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. Contact the Community Advocacy & Legal Centre at 1-877-966-8686 for more information or visit www.communitylegalcentre.ca.

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