

Many people believe that they cannot be evicted in the winter months. This is false! Ontario's *Residential Tenancies Act* (the *Act*) sets out rules that a landlord must follow to evict a tenant. As long as the landlord follows the rules set out in the *Act* and has a valid legal reason, you may be evicted at any time of year.

If your landlord wants to evict you, he must first give you a written notice telling you what the problem is. He cannot simply ask you to leave your unit. You must receive a written Notice to Terminate which will tell you the reason you are being asked to move out, if there are ways you can fix the problem and be allowed to stay, as well as the date you must move out by if you do not fix the problem.

If your landlord gives you a Notice to Terminate you should always get legal advice about the notice. Some reasons the landlord may give for wanting you to leave are:

- you did not pay your rent on time;
- you are doing something illegal or unsafe in your unit;
- you damaged the unit;
- you unreasonably interfered with the landlord's or another tenant's enjoyment;
- your landlord wants to move into your unit; or
- your landlord wants to tear down or do significant repairs to the unit or building.

The number of days notice that must be given will depend on the reason your landlord is asking you to move out.

You do not have to move out by the date given on the notice. If you disagree with the notice or want a chance to fix any problem you can have your case heard by the Landlord and Tenant Board. The landlord has to apply to the Landlord Tenant Board (LTB) and you can then go to attend a hearing. The LTB will decide whether or not the landlord has proved his case and if you should be evicted. The LTB will mail a written decision (or Eviction Order) to you and your landlord. If the landlord has won his case and you do not move out by that date in the Eviction Order, your landlord can ask the Court Enforcement Office (Sheriff) to remove you from the unit and change the locks. It is important to realize that it is only the Sheriff, and not your landlord or a security officer, who can physically remove you from your unit and change the locks. It is also important to note that a LTB decision can be appealed.

Tenants can also apply to the LTB for help enforcing their rights about things like disrepair, illegal rent, charges and deposits, and harassment by landlords. Tenants rights at the LTB are a topic for another column.

More free information is available at yourlegalrights.on.ca/housing-law and also on the legal clinic website at www.communitylegalcentre.ca. Tenants may get legal advice by calling the Community Advocacy & Legal Centre. For more information about the *Act*, you can contact the Board at 1-888-332-3234 (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. Contact the Community Advocacy & Legal Centre at 1-877-966-8686 for more information or visit www.communitylegalcentre.ca.

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