

Updated: September 2016

The following is a short summary of information for tenants. Please see the last page for places where you can find more information.

If you need further information or legal advice, please contact us.

Are you a tenant? The Residential Tenancies Act (RTA) applies to most rental housing in Ontario. For more information and a tool to see if you are covered visit www.cleo.on.ca/roommates



WHAT TO KNOW ABOUT BEING A TENANT

The Landlord and Tenant Board is the name for the tribunal that settles disputes between landlords and tenants and enforces their rights. It is like a court, but less formal. For more information, please visit www.sjto.gov.on.ca/lrb/

Tenancy agreements: The term tenancy means your legal right to live in your place. Usually that right comes from an agreement (a legal contract) between you and your landlord. It can be in writing or it can be spoken (oral or verbal). If your tenancy agreement is in writing, read it carefully and make sure you understand it before signing it. Even if your tenancy is not in writing, it is still legal, and you and your landlord must follow it. So make sure you understand what you are agreeing to. For more information, please see the brochure called "*What Tenants Need to Know about the Law,*" available online at www.cleo.on.ca/en/publications/tenantsaccess

Information for new tenants: When you first move in, your landlord must give you a brochure from the Landlord and Tenant Board called "*Information for New Tenants*" that tells you about the Board and about your rights and responsibilities. This brochure is also on the Board's website at: www.sjto.gov.on.ca/documents/lrb/Brochures/Information%20for%20New%20Tenants.html

Setting the Rent: There is no limit on how much rent landlords can charge new tenants when they first move in. So your starting rent will be whatever you and the landlord agree on. After you agree on a starting rent, there are limits on how much and how often your rent can go up. For more information, please see the brochure called "*Rent Increases,*" available at www.cleo.on.ca/en/publications/rentincs.

www.communitylegalcentre.ca

158 George Street, Level 1
Belleville, ON K8N 3H2
Telephone: (613) 966 8686

Toll Free: 1 877 966 8686
Fax: (613) 966 6251
TTY: (613) 966 8714

Your community legal clinic



Community Advocacy & Legal Centre

WHAT TO KNOW ABOUT BEING A TENANT

(Page 2 of 5)

Deposits and Other Charges: Your landlord can make you pay a security deposit before you move in. This deposit cannot be more than one month's rent if you pay your rent by the month. This is often called a **last month's rent deposit** or **LMR**. If you pay your rent by the week, the deposit cannot be more than **one week's rent**. Your landlord can use this deposit **only** as a rent payment for your last month or week. Your landlord cannot keep it or use it for any other reason, such as paying for damage or cleaning. For more information, please see the brochure called "*What Tenants need to Know about the Law*," available at www.cleo.on.ca/en/publications/tenantsaccess.

Paying Your Rent: Be sure to get a receipt each time you pay your rent. The law says that your landlord must give you a receipt if you ask for one.

Always get a receipt when you pay a rent deposit or any other charge.

Discrimination: It is against the law for landlords to discriminate against you because of race, sex, age, sexual orientation, marital status, colour, nationality, religion, the country where you were born, a disability, receipt of social assistance, or children living with you. For more information, please see the brochure called "*Harassment and Discrimination*," available at www.cleo.on.ca/en/publications/harass-e. To make a complaint about discrimination, you can contact the Ontario Human Rights Commission at **1-800-387-9080** or **416-326-9511**, or visit www.ohrc.on.ca.

Rent Increases: There are **3 main rules** your landlord must follow to raise your rent: **there must be 12 months between rent increases; you must be given 90 days' written notice; and it must be the guideline amount.** The provincial government announces the guideline for rent increases each year. Your landlord has the right to raise your rent by this amount. **Exception:** If you live in rent-geared-to-income (RGI) or subsidized housing, these rules about rent increases do not apply to you. If you have a concern about your rent or your subsidy, get help from a community legal clinic. For more information, please see the brochure called "*Rent Increases*," available online at www.cleo.on.ca/en/publications/rentincs/types-rent-increases.

Interest on Your Rent Deposit: Your landlord must pay you interest on your rent deposit each year. But, if your rent goes up, your landlord can add this interest to your deposit to make your deposit the same amount as your new rent. For more information, please see the brochure called "*Rent Increases*," available at www.cleo.on.ca/en/publications/rentincs/types-rent-increases.

www.communitylegalcentre.ca

158 George Street, Level 1
Belleville, ON K8N 3H2
Tele: (613) 966 8686

Toll Free: 1 877 966 8686
Fax: (613) 966 6251
TTY: (613) 966 8714

Your community legal clinic

Repairs and Maintenance: Your landlord must keep your place in good condition and fit to live in. This is the law even if you knew about a problem before you rented the place, or if your lease says you took the place "as is." For more information, please see the brochure called "*Repairs and Maintenance*," available online at www.cleo.on.ca/en/publications/mainreps/maintenance-and-repairs.

Privacy: The place that you are renting is your home. The law says when your landlord has a right to come in. For more information, please see the brochure called "*Harassment and Discrimination*," available online at www.cleo.on.ca/en/publications/harass-e.

Utilities and Vital Services: Your landlord cannot cut off or interfere with any vital services. This includes things like your supply of water, electricity or heat. It also includes food or care services if you get these from your landlord or another service provider. It also includes a vital service being cut off because your landlord did not pay for it if your landlord was supposed to pay for it. For more information, please see the brochure called "*Vital Services Tip Sheet for Tenants*," available online at www.communitylegalcentre.ca/legal_information/Tips/HSG/Vital-Services-Tip-Sheet-for-Tenants.pdf.

Moving Out: You do not have to move out just because your lease has expired. Your tenancy continues until you or your landlord do something to end it. If you want to move out, there are a few different ways to do this, including: you and your landlord can agree to end your tenancy; you can give your landlord proper notice (usually 60 days for a monthly tenancy); or you can find a new tenant to take over your place. For more information, please see the brochure called "*Moving Out*," available online at www.cleo.on.ca/en/publications/moving.

Tenant's Notice to Terminate: If you want to move out, give written notice to your landlord. The Landlord and Tenant Board has a form for this called **Form N9**. You can find this form online at: www.sjto.gov.on.ca/documents/lrb/Notices%20of%20Termination%20&%20Instructions/N9.pdf You do not have to use this form but if you do, it will be easier to make sure you include all the information that is required. If you leave without giving proper notice, you might have to pay rent for some of the time after you move out. For more information, please see the brochure called "*Moving Out*," available online at www.cleo.on.ca/en/publications/moving.

EVICTED BY LANDLORD

Notice of Eviction: It is against the law for your landlord to evict you or lock you out without first getting an order from the Landlord and Tenant Board. Usually, the first step in the eviction process is that your landlord gives you a written notice explaining the reason your landlord wants you to leave. For more information, please see the brochure called "*Fighting an Eviction*," available online at www.cleo.on.ca/en/publications/fightev

If you do not want to leave or if you do not agree with the reasons in the Notice, you do not have to move out, but **get legal advice** right away.

If You Do Not Move Out: If you decide not to move out after your landlord gives you a Notice, the next step is for your landlord to apply to the Landlord and Tenant Board for an eviction order. When your landlord applies, he/she must give you a **Notice of Hearing**, and an **Application** explaining what your landlord is asking the Board for.

It is very important to go to your hearing. If you do not go and you do not stop your landlord's application in some other way, the Board **can hold the hearing without you**. If that happens, the Board member may decide to evict you because they will not hear your side of the case.

It is also very important to bring evidence to your hearing, for example, witnesses, photos, audio or video recordings, inspectors' reports, work orders, letters, or anything else that can help you prove your case to the Board member. For more information, please see the brochure called "*Fighting an Eviction*," available online at www.cleo.on.ca/en/publications/fightev.

Tenant Duty Counsel Program: There are tenant duty counsel at many Landlord and Tenant Board locations, including Belleville. Tenant duty counsel are lawyers and community legal workers. Tenant duty counsel will help you for free if you cannot afford to pay for your own lawyer. Tenant duty counsel can give basic advice; help work out settlements with landlords; review and help fill out some forms and documents, especially ones related to eviction. For more information, please see our brochure called "*Tenant Duty Counsel Tip Sheet*," (and "*Tenant Map*") available on our website at www.communitylegalcentre.ca/legal_information/Tips/HSG/TENANT-DUTY-COUNSEL-Tip-Sheet.pdf www.communitylegalcentre.ca/legal_information/Tips/HSG/TenantMap.pdf

www.communitylegalcentre.ca

158 George Street, Level 1
Belleville, ON K8N 3H2
Tele: (613) 966 8686
Toll Free: 1 877 966 8686
Fax: (613) 966 6251
TTY: (613) 966 8714

Your community legal clinic

Your Personal Belongings: You must take everything with you on or before the day your tenancy ends. If you don't, your landlord may be able to get rid of things you leave behind.

If the Board ordered your eviction, you have 72 hours to take your belongings after the Sheriff comes and the locks get changed. During those 72 hours, your landlord must keep your things in or near your place, and let you get them any time between 8 a.m. and 8 p.m. For more information, please see the brochure called "*Can Your Landlord Take Your Stuff?*" available online at www.cleo.on.ca/en/publications/yourstuff.

PLACES TO FIND MORE INFORMATION:

- Advocacy Centre for Tenants Ontario, www.acto.ca (specifically www.acto.ca/en/tenant-info/tenant-tip-sheets.html), which has tip-sheets for common problems regarding tenancies.
- <http://yourlegalrights.on.ca/legal-topic/housing-law/other-legal-issues-in-housing>

If you need copies of any of the brochures discussed here, or if you have any questions, please contact the Community Advocacy & Legal Centre.

www.communitylegalcentre.ca

158 George Street, Level 1
Belleville, ON K8N 3H2
Tele: (613) 966 8686

Toll Free: 1 877 966 8686
Fax: (613) 966 6251
TTY: (613) 966 8714

Your community legal clinic