



Landlord
and
Tenant
Board

Commission
de la
location
immobilière

Landlord and Tenant Board

Part of:

Social Justice Tribunals Ontario

A decorative illustration at the bottom of the slide. On the left, there are several green houses of varying sizes and shapes, with some trees in front of them. On the right, there are grey buildings representing a city skyline, also with some trees in front. The style is flat and modern.

10/12/2015



Who We Are

The Landlord and Tenant Board (LTB) was created by the *Residential Tenancies Act* ([RTA](#)) on January 31, 2007.

The *RTA* gives residential landlords and tenants rights and responsibilities, and sets out a process for enforcing them. The *RTA* also sets out the process for resolving non-profit housing co-operative (“co-op”) eviction disputes.



The Role of the LTB

- Resolve disputes between landlords and tenants through mediation or adjudication
- Resolve eviction applications from co-ops
- Provide information to landlords and tenants about their rights and responsibilities under the *RTA*



New Tenancies

10/12/2015



Selecting a Tenant

A landlord can ask for:

- Credit checks
- Credit references
- Tenant's rental history
- Income information (in some cases)
...but a landlord **cannot** discriminate
- A landlord may also ask for a Guarantor

Tenancy Agreement

Can be oral, written or implied

Landlord must provide:

- Copy of tenancy agreement (if written) or,
- Legal name and address of landlord in writing (if no written tenancy agreement)
- Information about Board and Act

Tenancy Agreement

A tenancy agreement should **not** include:

- No pets clause
- Other provisions that conflict with the Act
- Requirement that tenant sign notice or agreement to terminate the tenancy at the beginning of the tenancy



When Does Tenancy Start?

The day the tenant is entitled to occupy the rental unit under the tenancy agreement whether or not the tenant actually occupies on that day.

Other Tenancy Issues

Rent deposit:

- When?
- What is it used for?
- How much?
- Interest paid?
- Updating the deposit?



Rent Rules

General Rules

- Rent deposit
- Interest on rent deposit
- Method of payment
- Receipts

Amount of Rent

- Lawful rent
- Rent Discounts
 - General discount
 - Prompt payment discount
 - Other prescribed discounts

Rent Increases

- Notice required
- Types of increases
 - Guideline – most rent increases limited to guideline
 - Above guideline - if Board approves in an order
 - Parties agree to add additional services or facilities

Agreement to Increase or Decrease Rent

- Capital expenditure work
- Additional Services
- Decrease Services



Privacy and the Right to Enter



Entry without Notice

- Emergency
- Consent at time of entry
- Clean the unit
- Show unit to prospective tenant if the current tenant has given notice to vacate

Entry with Notice

- Repair, replace or do work
- Allow potential mortgagee or insurer to view unit
- Qualified person to inspect
- Ensure unit in good state of repair
- Reasonable reason specified in tenancy agreement
- Real estate broker or sales person



Maintenance and Repair



Landlord Responsibilities

Provide and maintain the residential complex and rental units:

- in a good state of repair
- fit for habitation
- comply with health, safety, housing and maintenance standards

Tenant Responsibilities

- Ordinary cleanliness of the rental unit
- Repair any undue damage to the rental unit or residential complex caused by the wilful or negligent conduct of:
 - the tenant,
 - another occupant of the rental unit or
 - a person permitted in the residential complex by the tenant.



Forms for Landlords



Application Types

- L1: Application to evict a tenant for non-payment of rent and to collect rent the tenant owes
- L2: Application to End a Tenancy and Evict a Tenant
- L3: Application to End a Tenancy – Tenant Gave Notice or Agreed to Terminate the Tenancy
- L4: Application to End a Tenancy – Tenant Failed to Meet Conditions of a Settlement or Order
- L5: Application for an Above Guideline Increase
- L6: Application for Review of a Provincial Work Order
- L7: Application to Transfer a Care Home Tenant
- L8: Application Because the Tenant Changed the Locks
- L9: Application to Collect Rent the Tenant Owes

Application Types - Continued

- A1: Application about Whether the Act Applies
- [A2: Application about a Sublet or an Assignment](#)
- [A4: Application to Vary the Amount of a Rent Reduction](#)



L1: Application to Evict Tenant for Non-payment of Rent and Collect Rent the Tenant Owes

Use this application if the tenant owes you rent and you want to:

- end the tenancy **and**
- evict the tenant **and**
- collect the money the tenant owes you up to the date they move out of the rental unit.

You cannot file this application unless you gave the tenant a Notice to End your Tenancy Early for Non-payment of Rent (Form N4).

L1: Application to Evict Tenant for Non-payment of Rent and Collect Rent the Tenant Owes

- You cannot file this application if the tenant has moved out of the rental unit.
- If the tenant has already moved out, you can apply through small claims court or collections for the money the tenant owes you.



L2: Application to End Tenancy and Evict Tenant

- [N5: Notice to End your Tenancy for Interfering with Others, Damage or Overcrowding](#)
- [N6: Notice to End your Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit](#)
- [N7: Notice to End your Tenancy for Causing Serious Problems in the Rental Unit or Residential Complex](#)
- [N8: Notice to End your Tenancy at the End of the Term](#)
- [N11: Agreement to End the Tenancy](#)
- [N12: Notice to End your Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit](#)
- [N13: Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use](#)

L3: Application to End a Tenancy – Tenant Gave Notice or Agreed to Terminate the Tenancy

Use this application to end the tenancy and evict the tenant if: the tenant gave you a *Notice to End the Tenancy (Form N9)* **or** you and the tenant agreed to end the tenancy. (*Form N11*)

You can apply to the LTB as soon as the tenant gives you the *Notice to End the Tenancy* or agrees to end the tenancy. You do not need to wait until after the date that the tenancy is supposed to end. However, the LTB will not end the tenancy before the termination date in the tenant's notice or the date that you and the tenant agreed to end the tenancy



L4: Application to End a Tenancy – Tenant Failed to Meet Conditions of a Settlement or Order

Use Form L4 to apply for an order to **end a tenancy** and **evict a tenant** where the tenant has not met the conditions in an order or mediated settlement.

L5: Application for an Above Guideline Increase

Use this form to apply to have the Landlord and Tenant Board issue an order allowing a rent increase of more than the guideline for any or all of the rental units in the residential complex. (In order for the landlord to collect the amount they are asking the Board to approve, they must have given the tenants notices of rent increase indicating this higher amount (form N1.) The tenants, do not have to pay this amount unless it is approved and the order is issued.

The landlord's costs for municipal taxes and/or utilities (heat, water and electricity combined) have increased by an “extraordinary” amount.

The landlord did extraordinary or significant renovations, repairs, replacements or new additions to the building or to individual units.

This type of work is called a “capital expenditure”.



Application for Review of a Provincial Work Order Form L6

Use this form to apply to review a provincial work order issued by the Investigation and Enforcement Unit of the Ministry of Municipal Affairs and Housing.

You must file this application no later than 20 days after the day the work order was issued.

L8: Application Because the Tenant Changed the Locks

Use this application if the tenant changed the locks to the rental unit or to the residential complex without your consent and you want the tenant to:

- give you a key to the new locking system **or**
- pay your costs to change the locking system
(no notice is required for this application)



L9: Application to Collect Rent the Tenant Owes

- Use this application if the tenant owes you rent and you want to collect the money the tenant owes but not to evict. (no notice is required for this application)
- You **cannot** file this application if the tenant has moved out of the rental unit.

A1: Application about Whether the Act Applies

- Use this application to have the LTB determine whether all or part of the *Residential Tenancies Act, (RTA)* applies to a rental unit or residential complex.
- Can be used by either the landlord or the tenant.
(no notice is required for this application)

A2: Application about a Sublet or an Assignment

- A landlord or a tenant can use this application to apply to the LTB because of issues related to assigning or subletting the rental unit.
- No notice is required for this application
- If you are a landlord you can file this application when:
 - you want the LTB to determine that your tenant transferred the tenancy to another person without your consent;
 - you want the LTB to evict the subtenant because the sub-tenancy has ended and the subtenant has not moved out; or you want the LTB to determine that your reasons for refusing consent to the tenant's request to assign their mobile home or land lease site were reasonable.



A4: Application to Vary the Amount of a Rent Reduction

Use this form to apply to the LTB to vary the amount of a rent reduction if:

- The landlord paid charges to the municipality that were not included in the municipal property taxes for the base year when the municipality calculated the percentage rent reduction, or
- The rent reduction should be calculated using a formula that takes into account the rent revenue for the residential complex, or

A4: Application to Vary the Amount of a Rent Reduction - Continued

- There is an error in the percentage rent reduction set out in the Notice of Rent Reduction, or
- The municipal property taxes were either increased or decreased after the municipality gave the Notice of Rent Reduction.



Disposal of Property



Unit Vacated

Tenant vacates the unit because:

- The landlord or tenant gave a notice of termination
- The landlord and tenant agreed to terminate tenancy
- Their employment as a superintendent has ended
- The Board orders termination of tenancy

Unit Vacated

- Landlord may dispose of property immediately
- Tenant has no right to reclaim property retained or sold

The parties may also make other arrangements

Unit Abandoned

Unit may be considered to be abandoned if tenant:

- moves out with no notice, agreement or Board order and, they owe the landlord rent.

Landlord may dispose of tenant's property if landlord:

- obtains an order terminating the tenancy or gives notice to the tenant of the rental unit and to the Board of the landlord's intention to dispose of the tenant's property



Unit Abandoned – continued

Landlord:

- Can dispose of unsafe or unhygienic property immediately
- May dispose of tenant's other property 30 days after the notice given or Board order issued

Tenant:

- May reclaim property within 30 days after notice or order
- May claim proceeds from sale property within 6 months after notice or order
- But...parties may also make other arrangements

Eviction Order Enforced

Landlord must make tenant's property available:

- for 72 hours after the eviction is enforced
- between 8:00 am and 8:00 pm
- in a safe location close to the unit
- Parties may also make other arrangements

If landlord doesn't make the property available, the tenant can:

- Call IEU (offence not to make property available)
- File an application with the Board

Tenant Dies

- Tenancy terminated 30 days after the death of the tenant (if no other tenants)
- Access to representative for 30 days after tenant's death to remove property

Tenant Dies

Landlord:

- Can dispose of unsafe or unhygienic property immediately
- Must preserve tenant's property for 30 days
- Must allow access to retrieve property

Tenant's executor/estate administrator:

- Can reclaim property within 30 days after death of tenant
- May claim property retained by landlord or proceeds of sale of property for 6 months
- No claim to property thrown out or given away

Frequently Asked Questions

- 1. Who is responsible for snow removal?**
- 2. When does a landlord have to turn the heat on? What temperature does my landlord have to keep my apartment at?**
- 3. What is the difference between assigning and subletting a unit?**



Tenant Applications



Application Types

- Tenant Application for a Rebate - Form T1
- Application About Tenant Rights - Form T2
- Tenant Application for a Rent Reduction - Form T3
- Tenant Application Landlord Gave a Notice of Termination in Bad Faith - Form T5
- Tenant Application About Maintenance - Form T6



Tenant Application for a Rebate – Form T1

A Tenant can use this form to apply for a rent rebate if their Landlord or someone acting on their behalf:

- charged an illegal rent
- collected an illegal charge
- did not pay money they owe a tenant under the *RTA*



Tenant Application for a Rebate - Form T1

The landlord:

- did not allow a tenant to move into the rental unit
- did not return the money they paid as a deposit.
- did not use the last months rent deposit for the last rental period and has not returned it to the tenant
- has not paid the interest owing on the last months rent deposit.
- has not paid compensation which is owed, because they had to move out of the rental unit because the landlord intended to convert, demolish, repair or renovate it.



Tenant Application for a Rebate – Form T1

- The landlord did not pay a tenant the proceeds from the sale of their personal property.
- The landlord did not give the tenant the required notice to notify them that there was an Order Prohibiting a Rent Increase affecting their rental unit.



Application About Tenant Rights – Form T2

A tenant can use this form to apply to have the Board determine whether the landlord, the landlord's agent or the superintendent has:

- entered their rental unit illegally
- change the locking system without giving them replacement keys
- seriously interfered with the reasonable enjoyment of the rental unit or the complex by the tenant or a member of their household
- withheld or interfered with vital services, care services, or meals
- harassed, interfered with, obstructed, coerced or threatened the tenant



Application About Tenant Rights – Form T2

The landlord, the landlord's agent or the superintendent:

- entered a tenant's unit illegally.
- changed the locking system without giving the tenant replacement keys.
- seriously interfered with a tenant's reasonable enjoyment of the rental unit or the complex.
- withheld or interfered with vital services, care services or meals (vital services are fuel, electricity, gas, hot or cold water, and the provision of heat from September 1st to June 15th).



Application About Tenant Rights – Form T2

The landlord, the landlord's agent or the superintendent:

- harassed, interfered with, obstructed, coerced or threatened the tenant.
- did not give the tenant 72 hours to pick up their property from their unit or from someplace close to it, after the Sheriff evicted them.
- of the tenant's care home has not given them a written tenancy agreement or, the tenancy agreement does not set out the care services and meals and/or the charges for them that they agreed to.

Tenant Application for a Rent Reduction – Form T3

This form is used to apply to the LTB for an order determining that the landlord:

- reduced or discontinued a service or facility
- experienced a decrease in municipal taxes and charges
- reduced or discontinued a service or facility
- there has been a decrease in municipal taxes and charges for the complex.



Tenant Application Landlord Gave a Notice of Termination in Bad Faith - Form T5

Use this form because the landlord gave a notice of termination in bad faith and the tenant moved out because one of the following people intended to move into the unit:

- the landlord or a member of the landlord's immediate family, or
- the purchaser or a member of the purchaser's immediate family, or
- a person who gives or will give care services to:
 - the landlord or a member of the landlord's immediate family, or
 - the purchaser or a member of the purchaser's immediate family.

Tenant Application Landlord Gave a Notice of Termination in Bad Faith - Form T5

The landlord can also give a notice of termination claiming that:

- the rental unit is to be repaired, renovated, converted to another non-residential use, or demolished.

A T5 application can be made if a tenant believes that their landlord gave a notice of termination in bad faith for any of these reasons and they moved out because of it.



Tenant Application About Maintenance - Form T6

Use this form to apply for an order determining that the landlord failed to repair or maintain the rental unit complex, or failed to comply with health, safety, housing or maintenance standards.



Where to Go...

- **For Information About The Law**
- **To Get Board Forms & Brochures**
- **To File Board Applications & Documents:**
 - **Call:** the Landlord and Tenant Board (LTB) at 416-645-8080 (GTA area) or toll-free at 1-888-332-3234
 - **Visit:** the LTB website at www.LTB.gov.on.ca.
an LTB office
- **To Get Board Forms & Brochures**
- **To File Board Applications & Documents**

Visit: any ServiceOntario Counters (check our website for the locations that provide these services)

