

Getting Repairs Done

A Self Help Kit for Tenants

**THE FEDERATION
OF METRO TENANTS ASSOCIATIONS**

www.torontotenants.org

Federation of Metro Tenants' Associations

27 Carlton Street, Suite 500, Toronto, ON M5B 1L2

Tenant Hotline: 416-921-9494

February 2007

Getting Repairs Done

Getting management to do repairs is not always easy. The Residential Tenancies Act says that property managers or property owners are legally responsible for repairs and maintenance. Sometimes, however, they are slow to respond.

This guide outlines the steps necessary to enforce your legal rights to good repair. You will find out:

- ✓ What first steps to take to get repairs done
- ✓ How to write a letter to management about repairs
- ✓ How to make an application to the Landlord and Tenant Board if management doesn't respond to you; and
- ✓ Tips on how to represent yourself at a hearing

At any time during the process you may call our Tenant Hotline at:

416-921-9494

Tenants may feel that the easiest way to get repairs done is to withhold their rent. The difficulty with withholding rent is that the property owner can apply to evict you for non-payment of rent. Even though the Landlord and Tenant Board is obliged to hear all the circumstances regarding an eviction application (including repair and maintenance issues) withholding rent is a risky choice. Before you decide to withhold rent, seek legal advice.

What to do first

What is disrepair?

Disrepair can be:

- holes in your walls, floor or ceilings
- broken or leaking sinks, faucets or toilet
- broken stoves or refrigerators
- broken windows
- broken closet doors
- electrical problems
- insect or rodent infestation (i.e. cockroaches, mice, etc.)
- lack of heat or hot water
- broken intercom system
- and so on

Note: Management has to fix these problems even if the problems were there when you agreed to rent the apartment.

- ✓ **Step 1 – Submit your request in writing to the property owner or property manager.**

Submit the problem in writing and ask that it be fixed. If management uses written work orders, fill out the work order and if possible, get a copy for yourself. If this is not possible, make a note for yourself of the date you filled out the work order and what repairs you asked for. Keep a copy of this information.

If the repair is done promptly, congratulations. You're done!

But what if you haven't heard anything from management after a reasonable amount of time?

- ✓ **Step 2 – Send management a letter (see the example on the next page 6).**

The Residential Tenancies Act requires that tenants inform the property owner or manager in writing. Write a letter (see page 6) and keep a copy of it for yourself.

9 Things to Remember

(when writing a letter to management)

1. You want management to read your letter, so type it or print clearly.
2. Put the date on the letter.
3. Put your apartment number, as well as your street address, on the letter. Try to keep the letter short and to the point.
4. Tell management exactly what needs to be repaired.
5. Tell management about any extra expenses you have because of the disrepair.
6. Ask management for an immediate response or give a deadline for repairs to be done.
7. Tell management how to contact you: your full name, address and phone number.
8. Keep a copy of the letter (get it photocopied before you send it to management). You need to keep a copy of your letter as proof that you told management about your repair problems.
9. It is also a good idea to send a copy of your letter to the City Inspectors at the appropriate Municipal Licensing and Standards Office listed on page 13 of this package.

Sample Letter to Management

(In this example the tenant has leaky taps, mice, cockroaches and a broken fridge. You may have different problems.)

Date

Name of property manager or owner
Address of property manager or owner
City, Province and Postal Code

Dear Management

I am the tenant of Apt. 888, 246 Your Street. A week ago I filled out a work order asking for repairs to be done in my apartment. I have not heard from you.

These are the repair problems:

1. The kitchen sink taps are always leaking and water runs onto the counter top. As a result the counter is getting damaged.
2. There are large holes under the kitchen sink. Cockroaches and mice are getting into my apartment through these holes.
3. The refrigerator needs repair or replacement. The sealer strip around the doors is coming apart. The fridge does not keep food cold. Yesterday, I had to throw out \$50.00 worth of groceries because they spoiled.

The Landlord and Tenant Board has told me that if you do not respond in a reasonable time to my repair requests, I may apply to the Board for an order that the repairs be done, for an abatement of rent and for compensation for my losses.

Please contact me right a way to tell me when you will do these repairs. My telephone number is 416-123-4567.

Yours truly,

Tenant

Why do you have to write the letter?

A letter is written proof that you notified management. If you do not have written proof that you told management, you may not be able to get help later from the City's Property Standards office or from the Landlord and Tenant Board.

If your property manager fixes the problems after you write the letter and you haven't suffered any losses, you're done!

What if the property manager doesn't respond to your letter?

✓ Step 3 – Gather your evidence

Start a disrepair diary. Each day, write down the date and any problem that remains unfixed. If lack of heat is a problem, use a thermometer to take daily readings in the centre of your apartment. Write in your diary any action taken by management and when it was taken.

Photographs: If you can, take photographs of the disrepair from all angles. Write in your diary when and where you took the pictures. When you get the pictures developed, you can write this information on the back of the photographs and sign them. Keep the photographs in your diary.

✓ Step 4 – Municipal Licensing and Standards

Municipal Licensing and Standards enforces the City's property standards (they are also called Property Standards officers). Call the Municipal Licensing and Standards Office in your area (page 13). The office opens at 8:00 am, so try to call early in the morning. There is also an after-hours and weekend phone number for emergencies.

When you call, the inspector may ask if you have written to the property manager. You have, of course – see **Step 2** above. What will the inspector do? It depends on the nature of the problem. If it's a complaint about the lack of heat, sometimes the inspector will call management directly.

Sometimes the inspector will agree to come to your apartment to do an inspection. If the inspector finds that management is in breach of the by-law, they may issue an order for management to do the repairs within a certain time. How soon an inspector will come to your place depends on the nature of the problem. Make a note in your diary that you called Property Standards and write down who you spoke to and what was said.

Usually management will make the repairs when ordered to do so by an inspector. If this happens, and you are satisfied, then you're done!

What if management ignores me and the inspector can't come to my apartment for several weeks?

✓ **Step 5 – File a Tenant Application About Maintenance**

You may start legal proceedings against the property owner by submitting a **Tenant Application about Maintenance** at the Landlord and Tenant Board.

If you can prove that you have a disrepair problem and that management did not respond, then the Board has the legal power to make any order that it considers appropriate to make things better. Here are some examples. The Board can:

- ✓ Order the property owner to do the repairs;
- ✓ Order the property owner to give you a rent abatement (a reduction in your rent from the time the disrepair occurred until it is fixed);
- ✓ Order that your tenancy be terminated (if you request it) so that you can move out before your lease expires. **Note:** it is not easy to get an order terminating your tenancy. The Board would have to find that your living conditions are so bad that the place is practically uninhabitable. See **Step 4** above.
- ✓ Order the property owner to compensate you financially because the disrepair caused damage to your personal belongings (for example, your carpet got ruined because the plumbing broke – or you had to replace a week's worth of groceries after the refrigerator broke down);
- ✓ Authorize you to make the repairs and have the property owner reimburse you;
- ✓ Prohibit the property owner from raising the rent in your unit until they have made the repairs.

Note about Home Insurance: Tenants who do not have home insurance may have a problem getting awards for damaged items *if they have signed a lease that requires them to have home insurance.*

How do I make an application to the Board?

You need what is called a **T6 Form – Tenant’s Application About Maintenance**. If you have access to a computer, you can download the form from the Landlord and Tenant Board website at www.ltb.gov.on.ca

You can also get the application form and an instruction booklet at the nearest Board office. The three Board offices in Toronto are:

- **Toronto East**, 2275 Midland Avenue, Unit 2
- **Toronto North**, 47 Sheppard Avenue East 7th floor
- **Toronto South**, 79 St. Clair Avenue East, 2nd Floor.

First, fill out the application. If you need help filling out the application, call the **Tenant Hotline** at **416-921-9494**. Once you have filled out the application, you must take it to the Board. The Board charges \$45.00 to file the application – but if you are successful, the Board can order the property owner to pay the \$45.00 back to you as “costs”.

The Board will give you a document called a **Notice of Hearing** which states the date and time the Board will hear your case. You must serve management with a copy of your application and the Notice of Hearing at least 10 calendar days before the date of the hearing.

You should also get a document called a **Certificate of Service**. Once you have served management with the **Notice of Hearing** and a copy of your application, complete and sign the Certificate of Service and file it at the Board.

But what if management denies everything? Who will the Board believe?

You have a better chance of winning if you can back up what you are saying with proof. Make sure you know what you want to say and have your evidence ready before the hearing: copies of the letter(s) you sent to management asking for repairs; your diary; any pictures you have (dated and signed by the person who took them). Bring any witnesses you believe might be able to help support your case (for example, the Property Standards Inspector who documented the disrepair issues or the person who did the repairs.)

Prepare a checklist of the items and issues you want to bring up at the hearing to help you stay on track.

If you are asking for financial compensation for any extra expenses because of the disrepair, be sure to have receipts to prove your claim. Or, get at least 2 written estimates as to what it will cost you to get your belongings repaired, if you haven't already had them fixed. This type of evidence can be very important! If your case is successful, it can help the Board decide how much money the property owner should pay you.

How much rent abatement should I ask for?

The amount a tenant should ask for depends on: what the disrepair is; how it has affected you; how long it continued; what you did; and what management did or did not do. Here are three examples of possible situations and outcomes which the Board could order:

- For a tenant whose property manager ignores the tenant's many written requests for repairs to her laundry room ventilating system and for repairs to the fridge for 18 months, the Board could decide to order a rent abatement of: \$100.00 a month for three months for the faulty ventilation system; \$100.00 a month rent abatement for two and one half months for the lack of response to the fridge problem and \$15.00 as compensation for loss of food due to the non working fridge.
- If a property owner has not responded to a tenant's written requests for repairs to the following items: cracked window, broken light switch, defective oven, defective freezer, broken sliding doors and leaky radiator valve. The Board could order the tenant be given a one-time lump sum abatement of \$100; and for unsafe flooring on a patio deck which may have limited the tenant's use of it, the Board could give a 10% rent abatement over a nine month period.
- Suppose a tenant had complained many times in writing to a property manager about; a bathroom vanity cabinet and sink unit that were falling apart, a faulty air conditioner, a broken closet door, broken drawers in the fridge, a leaking dishwasher, the basement flooding when the rains were heavy causing mold and mildew, stained and worn out carpeting throughout the house which owner had promised to replace but never had. If the property owner did not respond to the tenant's complaints, the Board could award the tenant a one-time abatement of \$1200.00.

The Day of the Hearing – What Happens?

Make sure arrive at the Board early. This may give you a chance to watch a few hearings and see how the Board proceeds and how it deals with cases.

Voluntary Mediation

While you are waiting for your case to be heard, a Mediator (a member of the Board staff) might ask you and the property manager whether you would like to try to mediate the dispute. Mediation is an informal way to try to resolve a dispute without a hearing. Mediation is strictly voluntary. You do not have to agree to mediation.

If both you and the property manager agree to mediate, the mediator will try to help work out a mutually agreeable settlement. Sometimes the mediator works with each party separately and sometimes they work with both parties together. If you and the property manager reach an agreement through mediation, then a written agreement may be drawn up and the hearing will be cancelled. The written agreement is a legally binding contract. In some cases the parties may still wish to go to the hearing room and ask the Board Member to issue a consent order which outlines what you and the property manager have agreed to. If you can't reach an agreement, then the hearing proceeds. Nothing that is said in mediation can be brought up in the hearing

Tenant Duty Council

You may be able to consult with Tenant Duty Council. Tenant Duty Council are lawyers who provide free legal advice to tenants. They have offices at each of the Toronto Boards. Tenant Duty Council gives priority to tenants who are facing eviction, however they may be able to give you a few minutes for a consultation.

What do I do at the hearing?

A Member of the Board (referred to as a Member) will hear your application. When the Member calls your case – usually by your address – go to the front of the hearing room and sit at one of the two tables. The property owner will go to the other table.

If the Member has read the file before the hearing, they will know that this is a tenant application about maintenance. Since it is your application, you must be

heard first. If the Member asks you to tell your story, be brief and to the point. Have your evidence organized so you can present it easily and in an orderly way.

Speak to the Member – not to the property manager. If the property manager interrupts while you are talking, do not answer back. The Member is responsible for making sure the hearing is conducted properly.

Once you have told your story and presented all your evidence, the Member will give the property manager an opportunity to ask you questions. The Member may also ask you some questions and then ask the property manager some questions.

It is very important that you do not interrupt someone else when they are speaking. You may disagree with what management is saying – but you must let them finish, and then ask the Member for an opportunity to reply. Remember, although this is a somewhat informal hearing, it is still a legal proceeding and good manners are important.

In your concluding remarks, if you are asking for financial compensation in addition to a rent abatement, ask the Member to allow you to “collect” any money management may be found to owe you by deducting it from your rent. This is the simplest way to get paid.

How do you know if you have won your case?

The Member may choose to make a decision after having heard the evidence from both you and the property manager (and witnesses, if any). If not, the Member may also choose to “reserve” their decision. This means that the Member will think about the case before making an order. Either way, the Member must issue an Order in writing (including the reasons for their decision, if you asked for them), which the Board will mail to you and the property manager.

It may take a few days or a few weeks for the Order to be mailed to you. You can telephone the Board at 416-645-8080 or check on the Board’s website (www.ltb.gov.on.ca) to see whether an Order has been made in your case.

If you are dissatisfied with the Board’s decision, you can talk to a lawyer or a legal clinic. Appeals of Board decisions are possible, but are usually only based on an error or omission in law or procedure. A lawyer or legal clinic can advise you whether you have legal grounds to appeal the decision.

If you are satisfied with the decision, then congratulations! Please feel free to let us know how things went for you and if you found this kit to be helpful.

Municipal Licensing and Standards Offices and Telephone Numbers

Emergency After Hours Service 416-338-0338

East Division: Scarborough and East York
150 Borough Drive
Scarborough, ON M1P 4N7
416 396-7071

West Division: Etobicoke and York
2 Civic Centre Court
4th Floor
Etobicoke, ON M9C 5A3
416 394-2535

North Division: North York
5100 Yonge Street
North York, ON M2N 5V7
416 396-7011

South Division – (Toronto)
100 Queen Street West
Toronto, ON M5H 2N2
416 392-0885 – West of Bathurst
416 392-0827 – East of Sherbourne
416 392-6940 – All others between Bathurst and Sherbourne

Tenant Hotline
416-921-9494

Outreach and Organizing
416-413-9442

JOIN THE FMTA!

The Federation of Metro Tenants' Associations is the oldest and largest tenant federation in Canada. We provide a voice for tenants at Queen's Park, City Hall, and in our local communities. In addition to our efforts to influence policy and the portrayal of tenant issues in the media, we inform, educate and organize tenants.

- The **Tenant Hotline** is a free telephone information and referral service for tenants. The Tenant Hotline is funded by the City of Toronto. For information about your rights as a tenant, call 416-921-9494.
- The FMTA newsletter, **The Tenant**, brings you news and information about tenants. You can find it in your local branch of the Toronto Public Library or, as a member, you can receive it directly in the mail.
- The Federation publishes both the **Tenant Survival Manual** and the **Guide to Tenant Rights** plain language guides to the Residential Tenancies Act
- Our **Outreach and Organizing Team** helps groups of tenants organize to challenge rent increases and promote better maintenance in their buildings. The Outreach and Organizing Team is supported by the City of Toronto's Tenant Defence Fund.

Together We Are Strong!

www.torontotenants.org

Yes, I want to be part of the Tenants' Movement!

Please send me my membership card and information about the services that I receive as a member.

<p style="text-align: center;">I will pay my membership dues by:</p> <p><input type="checkbox"/> Cheque or money order (made out to FMTA) <input type="checkbox"/> Cash</p> <p>Please Print: Name: _____ Address: _____ Apt. #: _____ City: _____ Postal Code: _____ Telephone #: _____ (h) _____ (w) _____</p>	<p style="text-align: center;">I am joining as the following type of member:</p> <p><input type="checkbox"/> New Member <input type="checkbox"/> Renewal</p> <hr/> <p><input type="checkbox"/> Individual: \$15/year <input type="checkbox"/> Senior, student or unemployed: \$5/year <input type="checkbox"/> Sustaining Member: \$50/year <input type="checkbox"/> Homeowner (non-voting): \$25/year <input type="checkbox"/> Organization (non-voting): \$25/year <input type="checkbox"/> Tenants' Association: _____ units, \$10 per year per unit (minimum 3 units)</p>
---	--

Federation of Metro Tenants' Associations, 27 Carlton St., Suite 500, Toronto ON, M5B 1L2