

The Federation of
Metro Tenants'
Associations

GUIDE TO TENANT RIGHTS

THE RESIDENTIAL TENANCIES ACT

The Residential Tenancies Act (RTA) is the law that governs the relationship between most property owners and tenants in Ontario. The Landlord and Tenant Board (LTB) is the agency that resolves disputes between property owners and tenants.

Who is covered by the RTA?

Anyone in rental housing is covered by the RTA, as long as they do **not** share a kitchen or bathroom with the property owner. The RTA also covers people in non-profit and public housing.

The RTA does not cover:

- Residents of hospitals or nursing homes
- People in jail
- People staying in emergency shelters
- People living in student residences or other institutional facilities

YOUR RIGHTS

Leases and tenancy agreements:

Leases and tenancy agreements are contracts between a property owner and a tenant. They usually indicate the length of a tenancy (for example, 12 months), the amount of rent and the terms of the rental relationship, like whether the utilities are included in the rent, or if the property owner will provide an air-conditioner.

- Read your lease carefully before you sign it and **ask for help** if you do not understand it (you can call the Tenant Hotline at 416-921-9494)
- According to the Ontario Human Rights Code, it is **illegal** for a property owner to refuse to rent to you because of your: *race, colour, age, sex, sexual orientation, religion, ancestry, ethnic origin, family status, or your place of origin*
- You **are** allowed to have children in your apartment
- If you do not have a lease or a tenancy agreement, the RTA still covers you
- You **do not** have to renew your lease when it expires, you automatically become a month-to-month tenant
- All the terms of your original lease continue even if you do not sign a new lease

- Your lease cannot make you take an apartment 'as is' even if you knew about the maintenance issue before you moved in

Rules about rent:

- If you are a new tenant to the building, the property owner is allowed to charge whatever rent he or she wants
- *The only charge a property owner can ask from you when you move in is **first** and **last** month's rent.* A property owner may also ask for a key deposit, but it cannot be more than the cost of replacing the key. It is **illegal** for a property owner to charge a 'damage deposit' or other additional charges.
- Once you move in, the property owner is allowed to raise your rent by a guideline amount **once** per year
- The annual guideline amount is set by the Ontario government every year (for example, for 2007, it is 2.6%)
- If the property owner wants to increase your rent above the guideline amount, they must first apply to the Landlord and Tenant Board and notify you 90 days before the increase – if you have received a notice of an Above Guideline Increase, please call our Tenant Hotline at 416-921-9494 (the Federation of Metro Tenants' Associations also works with tenants facing Above Guideline Increases)

- If you want to move out, you must give the property owner 60 days (two *full* months) notice (in writing) before the end of your tenancy

Privacy:

The property owner can only enter your apartment between the hours of 8am and 8pm:

- ✓ If something needs to be fixed
 - ✓ To do a maintenance inspection
 - ✓ If you have given notice to move out, and the property owner is showing your apartment to new tenants
- If something needs to be fixed, the property owner must give you 24 hours written notice before entering your apartment (you *do not* have to be home for the property owner to enter)
 - The property owner must have a reasonable reason to do a maintenance inspection (they cannot do it to harass you) and they must give you 24 hours written notice
 - If the property owner is showing your apartment to new tenants, they must make a 'reasonable effort' to notify you

If there is an emergency (like a fire or flood) the property owner can enter at **any** time, without giving you notice.

REPAIRS AND MAINTENANCE

Property owner responsibilities:

- The property owner must clean and maintain all common areas (for example, cleaning the hallways, the laundry room, and shoveling snow)
- The property owner must keep the building (and your apartment) in a good state of repair
- The property owner must fix anything that breaks or does not work properly (for example, a broken refrigerator, a clogged drain, or leaking pipes)
- You must fix anything that *you* break
- The property owner must help you get rid of pests (like cockroaches and mice)
- The property owner must make sure that the temperature in your apartment is at least 21°Celsius between September 15th and May 31st according to City of Toronto by-laws

What to do if the property owner does not fix something:

- Ask for the repairs in writing (the City of Toronto's Municipal Licensing and Standards website, www.toronto.ca/apartmentstandards offers request-for-repair forms in many languages or call our Tenant Hotline at 416-921-9494 for help)

- Keep a record of your written requests (a photocopy or duplicate of the requests)
- If you can, take pictures
- Talk to your neighbours – see if they are having similar problems
- If the property owner still hasn't fixed the problem and you have written requests, contact your local Municipal Licensing and Standards office
- If you withhold your rent to get repairs done, the property owner may apply to evict you (If the property owner *has* filed an application against you, you may bring up any repair and maintenance issues at the hearing)

Many tenants in Toronto are concerned that their property owners do not properly maintain the building, or refuse to do repairs or remove pests. If you have **any** questions, call our Tenant Hotline at 416-921-9494.

EVICCTIONS

The property owner can apply to evict you **only** for the following reasons:

- Non-payment of rent
- Persistent (ongoing) late payment of rent
- If you cause damage to your building or apartment
- If you commit an illegal act in your building or apartment

- If you interfere with the reasonable enjoyment of the property owner or other tenants
- If the property owner, a member of the property owner's family, or a caregiver for the property owner wants to move into your apartment
- If the building is being converted to a condominium or is being demolished

You **cannot** be evicted if:

- Your children are noisy
- You ask for repairs
- You join a tenant association

The property owner must apply to the Landlord and Tenant Board (LTB) in order to evict you. There will be a hearing, and it is important that you go. The property owner **may not** change your locks or tell you to leave. The **only** person that can evict you is the Sheriff.

If you are concerned about an eviction or the property owner has threatened you with eviction, call our Tenant Hotline immediately at 416-921-9494.

RESOURCES FOR TENANTS

- ✓ **Tenant Hotline 416-921-9494** (if you are unable to speak English, we can provide interpreters in your language)
www.torontotenants.org
- ✓ **Centre for Equality Rights in Accommodation (CERA) 416-944-0087**
www.equalityrights.org/cera

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