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COMMUNITY ADVOCACY & LEGAL CENTRE

ACKNOWLEDGEMENT OF LAND

- We would like to begin by acknowledging that the traditional land upon which we are gathered is the unceded territory of the Huron-Wendat, Anishnaabe, and Haudenosaunee Peoples.
- Unjustly seized through Treaty # 27 & 27 1/4, the Rideau Purchase, in 1819 by representatives of the Crown, these lands represent Canada's colonial lineage. The colonial history of this land is not just a reflection of the past treatment of the Indigenous Peoples of Canada, but indicative of their ongoing struggle for truth and reconciliation.
- We recognize the importance of truth by sharing the history of the land, and reconciliation by acknowledging our presence on this land. We are grateful for the original caretakers of these lands and waters, as their efforts gave us the opportunity to work in this community together.

INTRODUCTION

- We are a non-profit community legal clinic and provide FREE legal advice, assistance and representation to people living on a low income. If we can't help we will provide referrals.
- We are funded by Legal Aid Ontario and other partners. There are no fees for our services.
- We are governed by a community-based Board of Directors.
- We can help with:
 - Income Security
 - Employment Rights
 - Human Rights & Vulnerable Communities
 - Education Law
 - Consumer Law
 - Housing Rights: Tenant Rights and Obligations

OUR MISSION

Vision

- We strive to achieve social justice with dignity by influencing change in our community, our institutions, and the law.

Mission statement

- CALC provides access to justice through quality legal services, advocacy, and information for people living on a low income or in poverty, while promoting legal empowerment and collaborating with community partners.

Values

- Justice is a right
- Client-centered and holistic
- Accessible
- Respect
- Community collaboration
- Innovative and effective services
- Early intervention and prevention

THE LAW

- The *Residential Tenancies Act* (RTA) governs most tenancies in Ontario. It came into force January 2007, replacing the *Tenant Protection Act*.
- If a provision in the RTA conflicts with a provision in another statute, the RTA provision prevails, with the only exception to this being the *Ontario Human Rights Code*.
- The Landlord and Tenant Board (LTB) has exclusive jurisdiction to determine if a tenancy is covered under the RTA and to enforce the statute.³⁽⁴⁾
- Under the RTA, tenancy agreements can be written, oral or implied.²⁽¹⁾

UNDERSTANDING TENANCY AGREEMENTS

- Both landlords and tenants have certain rights and obligations under the RTA. This can be difficult for both parties to understand. For example, landlords sometimes think that the fact they own the property means they can access it or evict tenants whenever they want.
- Both can forget that a tenancy agreement is a contract. By renting the unit or property, the landlord is contracting out the beneficial use of the place to the tenant. The landlord still has legal title but they've given up the benefits of using the place in exchange for rent.
- However, a tenant's failure to pay rent does not negate the rules a landlord must follow under the RTA.
- Landlords cannot repossess a unit as "abandoned" if there are no rent arrears or no strong evidence the tenant has abandoned the unit. They must still apply to the LTB to terminate the tenancy for abandonment.⁷⁹

WHO IS A LANDLORD?

- According to section 2 of the RTA, “landlord” includes:
- (a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent.

WHO IS A TENANT?

- According to section 2 of the RTA:
- “tenant” includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant’s heirs, assigns and personal representatives,
- but “tenant” does not include a person who has the right to occupy a rental unit by virtue of being,
 - (a) a co-owner of the residential complex in which the rental unit is located, or
 - (b) a shareholder of a corporation that owns the residential complex

TENANT RIGHTS AND RESPONSIBILITIES

- Tenants have a right to enjoy their home peacefully, without interference from the landlord or other tenants,^{22—23} for the landlord to keep the rental in a state of good repair,²⁰⁽¹⁾ to complain if their rights are violated without fear of being evicted as well as other protections under the RTA.
- Generally, tenants are obliged to pay rent (on time), not interfere with the quiet enjoyment of the landlord or other tenants,³⁶ not damage the rental,³⁴ cleanliness³³ and abide by the rules set out in the RTA. A tenant may not change the locks without the landlord's consent.³⁵⁽¹⁾

PROPERTY STANDARDS

- Every municipality has a Property Standards bylaw.
- These bylaws cover the minimum standards required for maintenance and living conditions.
- This include heating systems, windows, doors, etc. All components of the unit and complex are included.
- Failure to comply with these standards may result in the municipality issuing an Order which can lead to fines or other penalties.
- The provincial standard for room temperature is 20⁰C but local bylaws may be different.
- For example, Quinte West:
 - BY-LAW NO. 09-89 s. 4.23:
 - System capable of maintaining indoor ambient temp of min 21⁰C or 70⁰F in dwelling unit.

VITAL SERVICES

- Landlords cannot interfere with fuel, electricity, gas, cold/hot water or heat, regardless of who is responsible for paying the utility or if the tenant owes money.²¹⁽¹⁾
- Under s. 216 of the RTA, municipalities have authority to enact Vital Services bylaws.
- Quinte West does not have one. However, other local municipalities do, including Belleville.
- These were created with the support of Hastings County.
- Vital Services bylaws allow municipalities to step in where a vital service was disconnected through no fault of the tenant.
- Loss of a Vital Service may mean displacement for a tenant. Having a Vital Service bylaw helps keep tenants in place, even if a landlord is having difficulty paying a utility bill.

EVICTION ORDER & ENFORCEMENT

- If a landlord wishes to evict a tenant, they **MUST** give the tenant the appropriate notice under the RTA. To continue with eviction, the landlord **MUST** file the notice with the LTB. The LTB processes the landlord's application and schedules a hearing to decide on eviction. There are few exceptions to the process which must be followed.
- If the LTB orders eviction at the hearing, the landlord must file the Eviction Order with the Sheriff within **6 months** of it taking effect or it expires.
- An eviction is illegal unless the Sheriff has an Eviction Order from the LTB. Only the Sheriff can enforce an Eviction Order.
- The landlord cannot change the locks until the Order is enforced.
- After an Eviction Order is enforced, the tenant has 72 hours to make arrangements.
- The landlord must give them a reasonable opportunity for this (between 8AM—8PM).
- The landlord cannot keep a tenant's belongings because they owe rent.

HOW WE CAN HELP

- Part of our philosophy is eviction prevention and housing retention.
- We believe education and being proactive is beneficial to all parties involved—landlords and tenants.
- Knowing the law and local resources available can help prevent situations from escalating and causing issues for both landlords and tenants.
- We may not give advice to landlords but we can offer helpful resources and referrals:
 - Landlord Tip Sheet
 - Landlord Self Help Centre
 - Government Funding
 - Utility and Rent Arrears Help for Tenants

CALC'S WEBSITE – HOUSING SECTION

The screenshot shows the CALC website's 'Housing law' page. The header includes the CALC logo, a search bar, and social media links. The main content area features a 'Housing law' section with a 'Print' icon. A highlighted box contains information about the Tenant Hotline. A sidebar on the right lists various services and resources.

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Home - Housing law

Housing law

Are you a **tenant** who needs information or help with a housing problem? [We can help.](#)

Housing problems are often linked to [low income](#), [discrimination](#), and [job loss](#). [Contact us](#) to find out about your legal rights.

If your problem is urgent, please call our **Tenant Hotline**. We have information if you are [homeless or have a housing emergency](#).

We also have information for [landlords](#) and [homeowners](#).

Tenants in Ontario are protected by the [Residential Tenancies' Act](#). But some tenants, such as those living on Tyendinaga Mohawk Territory or those who share a kitchen or bathroom with their landlord, are not protected by this law. [Contact us](#) to find out about your legal rights.

The [Steps to Justice](#) website offers step-by-step information about housing and other common legal problems.

How CALC can help

- More legal information (tenants)**
- Emergencies and homelessness**
- Other help for tenants**
- Help for homeowners**
- Help for landlords**
- Steps to Justice**

The screenshot shows the CALC website's 'Housing problems - Help for landlords' page. The header includes the CALC logo, a search bar, and social media links. The main content area features a 'Housing problems - Help for landlords' section with a 'Print' icon. A sidebar on the right lists various services and resources. A 'Tenant Hotline' box is located at the bottom right.

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Home - Housing law - Housing problems – Help for landlords

Housing problems – Help for landlords

Legal information and help

We do not represent landlords but offer our [Landlord Information Sheet](#), which summarizes helpful information/links for landlords, including [financial resources for tenants](#).

The [Landlord's Self-Help Centre](#) is a legal clinic that gives advice to small-scale landlords in Ontario.

The [Landlord and Tenant Board](#) has [information for landlords](#), including the [forms to use for landlord applications](#).

Other sources of information

The Hastings Housing Resource Centre has [information for landlords](#). Landlords can [advertise rental units for free](#).

The [Canada Mortgage and Housing Corporation](#) has [information on renting a home](#) and [the landlord/tenant relationship](#).

Rent Supplements – Ontario Affordable Housing Program

[Hastings County – Community and Human Services, Social Housing](#): Interested

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- More legal information (tenants)**
- Emergencies and homelessness**
- Other help for tenants**
- Help for homeowners**
- Help for landlords**
- Steps to Justice**

TENANT HOTLINE
613-966-8686 or
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Monday – Friday