

Eviction Prevention & Navigating the Landlord and Tenant Board for Community Workers



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement

About Centre for Equality Rights in Accommodation

Table of Contents

About the Centre for Equality Rights in Accommodation	3
Introduction & Background	4
The Importance of Eviction Prevention in the Current Context	4
This Project: Eviction Prevention & Navigating the Landlord and Tenant Board for Community Workers	4
Eviction Prevention Tools for Community Workers	6
The Residential Tenancies Act and Eviction	7
Helping Clients Navigate the Eviction Process in Ontario: A Step-by-Step Guide	8
Repayment Plan Template	16
An Important Note on Legal Information versus Legal Advice	18
Information on Section 83	19
Requesting Accommodation	20
A Guide to Eviction Forms	21
A Guide to Forms for Tenants	23
Resources to Help Tenants Facing Eviction	24

Acknowledgements

CERA would like to thank our project partners Dixon Hall and LAMP Community Health Centre, and the legal experts who agreed to be interviewed to inform this toolkit. A special thank you to the Law Foundation of Ontario for funding this initiative.



CERA is one of Canada's oldest not-for-profit charities working to advance the right to adequate housing. Founded in 1987 by a small group of Ontarians who were deeply concerned about discrimination in housing, CERA has worked tirelessly for over thirty years at the intersection of human rights and housing and is one of Canada's leading NGOs working in the area of social and economic rights. CERA works to advance the right to adequate housing by:

1. Serving clients to help them stay housed

CERA provides free services to tenants facing eviction and human rights violations in their housing, and we are experts in these fields. Each year we provide services to over a thousand tenants and we are highly effective in ensuring that some of the most vulnerable Ontario tenants remain in their homes.

2. Providing education and training about housing rights

CERA provides intensive training sessions on housing rights and human rights in housing to diverse groups across Ontario, reaching approximately 1,000 people annually. We work with community partners to train individuals and communities about their housing rights and how to assert them, and we engage with landlords to educate them about their obligations as housing providers.

3. Advancing progressive housing policy

CERA advances progressive housing policy through research, policy development, advocacy and litigation. Notable achievements include setting a legal precedent preventing landlords from discriminating against tenants who receive social assistance, launching a constitutional challenge against the federal government for failing to take action against homelessness, and coordinating the Right to Housing Toronto Campaign (R2HTO). Over the years, CERA has assisted governments and policymakers in identifying causes of and solutions to homelessness or inadequate housing. CERA has provided evidence and expertise to courts, tribunals, human rights bodies, parliamentary and legislative commissions and other bodies on issues of housing, homelessness and human rights. We have also participated in international human rights processes to enhance compliance with international human rights in Ontario and in Canada and to promote the right to adequate housing.

CERA is recognized internationally as a world leader in promoting and protecting human rights in housing and in applying both domestic and international human rights law to address issues of homelessness and poverty. CERA is an accredited Non-Governmental Organization with special consultative status with the United Nations, having been recognized for its expertise in human rights and housing.

For more information please visit us on our website at equalityrights.org

Introduction & Background

The Importance of Eviction Prevention in the Current Context

Eviction prevention is crucial to ensuring Ontarians can maintain affordable and adequate housing. Over the past decade, the situation for tenants in Ontario has become progressively challenging. Tenants are paying an unsustainable amount of their income on housing at an increasing rate, and demand far exceeds supply at almost every level of housing need. The inability to find and remain in safe, secure and adequate housing is one of the biggest human rights challenges of our time. In Toronto, where uneven access to housing is well-documented and is perhaps most visible, 10,000 people sleep in shelters or on the streets, and thousands more are counted among the hidden homeless.

For over 20 years, CERA has provided eviction prevention services to Ontario tenants. In that time, we have helped thousands of tenants navigate the housing services system and housing-related legal processes. From this work and from research, we know that the most common reason people face eviction is because they have experienced hardship and have fallen behind on their rent. We also know

that very few low-income people facing legal problems are able to access a lawyer because of the high demand on Legal Aid Ontario's services and the high cost of accessing independent legal advice.

Hiring legal representation is also increasingly outside the means of even middle-income Canadians and this reality, combined with rapidly rising rental rates, means that an increasing number of tenants are being evicted and then facing enormous barriers to getting re-housed. Many long-term tenants in Ontario would not be able to rent their current home in today's rental market. Therefore, if they are evicted, they may be forced to leave the city and their community.

The need to ensure that tenants in Ontario can retain their housing could not be more urgent than it is right now. We hear this from our clients, and increasingly CERA has been hearing from social services sector workers that maintaining stable housing is one of the biggest challenges facing their clients.

This Project: Eviction Prevention & Navigating the Landlord and Tenant Board for Community Workers

In response to the demonstrated need for increased assistance for people facing eviction in Ontario, in 2019 CERA received funding from the Law Foundation of Ontario to study service

gaps at the Landlord and Tenant Board (LTB) and to identify strategic responses to these gaps for non-legal workers and advocates. This toolkit is the practical application of our findings.



The key findings from CERA's ten days observing eviction hearings at the Landlord and Tenant Board were that:

- The most common reason tenants faced eviction was for non-payment of rent (N4), with 57% of all eviction hearings focused on this issue
- The second most common reason for eviction was for consistent late payment of rent (N8)
- The majority of tenants were self-represented, with only 16% benefitting from legal representation
- Landlords had legal representation in 68% of cases
- Seniors were the second largest age group facing eviction.

These were sobering observations. In order to be able to effectively address the systemic issues we observed at eviction hearings, CERA also interviewed both legal and non-legal housing experts. To inform this toolkit, we spoke with

leading housing advocates, Legal Aid Ontario lawyers, and Tenant Duty Council members to identify the main challenges that tenants face when facing an eviction threat, and what could help them most. We heard that:

- When tenants are forced to self-represent in the unfamiliar tribunal setting, they are at a marked disadvantage due to their emotional involvement in the matter
- A large number of tenants who cannot access legal support feel intimidated and do not show up on the day of their hearing
- LTB hearings are highly technical and complex legal processes, and when tenants are inexperienced with the process they are at a gross disadvantage. Common examples of areas of confusion are: the purpose and procedure for cross-examinations, how to determine what evidence is relevant, and the need to speak only to matters related to the eviction during the hearing.

Eviction Prevention Tools for Community Workers

In 2019, CERA increasingly heard from community workers across sectors that securing and maintaining adequate housing was one of the biggest challenges currently faced by their clients. We created this resource in response to that identified need.

In recent years, eviction prevention has become recognized as one of the most important strategies available to curb rates of homelessness and rising

rental housing costs globally. Keeping people housed can involve a range of interventions and, in Ontario, it requires engagement with various legal processes and provincial tribunals.

Building on our 20 years of work, and data collected as part of this project, this toolkit was developed to provide front-line, community and social services workers in Ontario with the information they need to effectively help



people they work with stabilize their housing and avoid eviction.

Please be aware that the information provided in this resource is legal information only; it is not legal advice and is not a substitute for legal

advice. If a client requires legal advice, they must contact a lawyer or a local community Legal Aid clinic. CERA, its funders, and the authors of this document will not be held responsible for any loss or damage caused by reliance on this resource.

The Residential Tenancies Act and Eviction

The Residential Tenancies Act (RTA) is a provincial law that sets out the rights and responsibilities of landlords and tenants in Ontario. When an issue arises under the RTA, the Landlord and Tenant Board is the tribunal responsible for resolving all of these types of disputes. The RTA also sets the parameters of the eviction process in Ontario, including the reasons that a person can be evicted. It is important to know that a person cannot be evicted for a reason not covered by the RTA.

Reasons for Eviction in Ontario

These are the only reasons that people can be legally evicted from their homes in Ontario, as defined by the RTA:

- Arrears of rent
- Persistent late payment
- Damage
- Substantial interference
- Impairing safety
- Overcrowding
- Misrepresentation of Income (if tenant pays Rent Geared to Income)
- Landlord's own use
- Purchaser's own use
- Demolition or conversion
- Illegal Act

The most common reason that people in Ontario face eviction is economic, with most eviction hearings happening due to rent arrears and late payment of rent.

Landlords Must Follow the Legal Process

In Ontario, landlords must follow the legal process set out in the Residential Tenancies Act in order to evict their tenants. The process begins with the issuance of a formal Notice of Eviction form from the Landlord and Tenant Board (LTB) and continues through to a hearing at the LTB.

It is important to note that until a landlord issues an official Notice of Eviction, the eviction process does not begin. If a landlord verbally asks a tenant to leave or writes them an email or note asking them to leave, this does not begin the formal eviction process.

At no point is a landlord ever permitted to lock a tenant out of their rental unit. Even after a hearing at the LTB, it is the Court Enforcement (or Sheriff's) Office that must legally lock tenants out of a unit. Any time a party other than the Court Enforcement Office locks a tenant out, it is illegal. If a tenant is facing an illegal lockout, they should reach out for assistance. Please see the resources at the back of this toolkit.

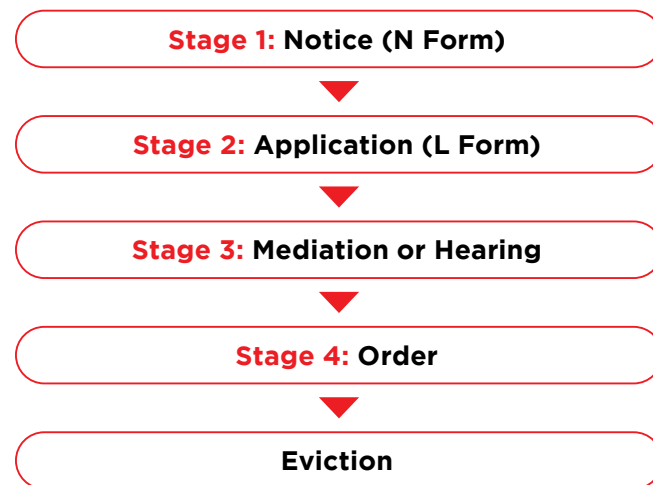
Important Exception: If a tenant shares a kitchen or a bathroom with their landlord or a member of the landlord's immediate family, they are not protected by the Residential Tenancies Act. In this situation, the landlord does not need to follow the legal eviction process. They may ask a tenant to leave at any time and the tenant has little recourse. In a situation like this, they should reach out to CERA or a legal clinic for assistance.

Helping Clients Navigate the Eviction Process in Ontario: A Step-by-Step Guide

STEP 1 Identify where your client is in the eviction process

The first step to helping a client facing eviction is to identify where they are in the process. Landlords must follow the legal process which is made up of the five stages outlined above. In Ontario, the legal eviction process will take several weeks to several months. At each stage of the eviction process, there are opportunities for tenants to take action to preserve their housing. What actions they can take will depend on where they are in the process. To start helping your client fight an eviction, you need to identify whether they have received an informal eviction threat, a Notice of Hearing, an Application for a hearing, or whether they already had a hearing date and have an Order from the LTB.

Stages of the Eviction Process



STEP 2 Identify other supports and services available to your client

An important component of assisting clients is helping them explore what services and supports are available to them, such as funds and loans to help with rent, legal advice services, and organizations that provide food, childcare, and emotional support services. Being threatened

with eviction is a very serious event during which individuals may feel particularly vulnerable or scared. It is important to check into which services in your area might be available to help your client meet their immediate needs while they navigate the eviction process.

STEP 3 Develop a plan with your client, based on which stage of the eviction process they are in

Informal Eviction Threat

Landlords may informally ask tenants to leave their homes or threaten to lock them out of their units. They may do this in person, over the phone, over email, or over a chat interface. Unless your client shares a kitchen or bathroom with their landlord,

it is important to let them know that this is not an official eviction threat, and until they receive a Notice of Eviction form, there is not an immediate threat of eviction. However, this is still concerning and could mean that the official eviction process may start soon.



What you can do to support your client at this stage:

- Speak with them about why the landlord is threatening eviction;
- Connect them with a landlord-tenant mediation service;
- Encourage them to speak with the landlord to try to informally resolve outstanding issues or, if they feel unable to do this, offer to speak to the landlord on their behalf;
- Help them create a realistic repayment plan if the issue is arrears (see repayment plan template on page 17);
- If the issue is arrears, help connect them with financial assistance and encourage them to reach out to friends and family who may be able to provide help.

If the tenant shares a kitchen or bathroom with the landlord, they very well may need to leave the unit if the landlord asks them to. If this is the case, they should seek legal advice right away, and find a place to stay in the event that they must leave their unit on short notice.

Stage 1 The Eviction Notice or “N Form”

The landlord must give a Notice (or “N form”) from the Landlord and Tenant Board to start the eviction process. Each N form is issued for a different purpose, and you can see a summary of each type of N form in the Guide to Eviction Forms on page 21.

The Notice will explain the reason that the landlord wants to evict the tenant and provide a timeframe by which they must pay outstanding rent, change their behaviour, or leave the unit. It is crucial to let your client know that they do not need to leave their home by this deadline unless they decide to. For example, an N4 form gives 14 days by which the client must pay their arrears or vacate, but if they do not vacate by that date they cannot be evicted without a hearing.

The most common reasons landlords attempt to evict tenants are: N4: Non-payment of Rent, N8: Persistent Late Payment of rent, and N12: Landlord’s Own Use. Eviction Notices tell tenants

that they must move out of their homes, but in reality they do not have to vacate at this point unless they choose to.

If the issue can be resolved at this stage either by payment of rent or a change in behaviour, the process may be halted at this point if the landlord agrees not to take further steps.

What you can do to support your client when they have received a Notice of Eviction:

- Review the Notice to ensure they fully understand the reason that the landlord wants to evict them;
- Reassure your client that there are still several more stages of the process before they will have to leave their home, and there are opportunities to fight the eviction;
- Contact an organization like CERA to get detailed legal information about the type of Notice they have received and what they can do;

- Contact their Legal Aid Ontario community legal clinic to get legal advice if they qualify;
- If it is an arrears issue:
 - » Look into any funds that are available to assist with rent arrears in your municipality. If the tenant can pay the arrears in full by the deadline on the Notice, the eviction can be cancelled at this stage.
 - » If they cannot pay in full, you can assist the tenant to create a repayment plan, and depending on the circumstances, offer to speak to the landlord to try to resolve the issue before they take further steps to evict the tenant.
- If the landlord is threatening to evict because of a behavioural issue, contact a landlord-tenant mediation service and see whether the issue can be resolved prior to the landlord taking further steps.



Stage 2 The Eviction Application or “L Form”

If the tenant is unable to pay arrears they owe, set up a repayment plan, or correct their behaviour, following the Notice period (a time period outlined on the N form), the landlord can file an Application (or “L Form”) with the Landlord and Tenant Board to schedule an eviction hearing. The Landlord and Tenant Board will send a Notice of Hearing to the tenant by mail. At this point, if the tenant does not resolve the issue or attend the hearing, they are at high risk of being legally evicted.

What you can do to support your client at this stage:

- Impress upon the client the importance of attending their eviction hearing, and the high likelihood that they will be legally evicted if they do not attend. Clients may have to miss work, obtain childcare or rearrange other obligations to be there. (There are some circumstances under which they can request a hearing be rescheduled, and you can contact CERA or another support service to find out more information);
- If the client qualifies for Legal Aid Ontario, let them know that their best option is to seek legal advice and help them connect with their local community Legal Aid Clinic;
- Create a plan with your client about how they will prepare for their hearing, and what they can expect at the Landlord and Tenant Board (see next section of this guide);
- If the eviction is regarding arrears, let them know that if they can pay the full amount plus the fee that the landlord paid to apply for a hearing (in 2020 this fee is \$190), they can cancel their eviction at this point. If they are able to pay the arrears, it is important that they get documentation to prove they paid the amount and confirm that their landlord has cancelled the hearing.

Stage 3 The Eviction Hearing at the Landlord and Tenant Board

The Landlord and Tenant Board is a tribunal that operates like a less formal court. It is important to know that hearings at the Landlord and Tenant Board happen publicly, and if their matter goes to a hearing, your client should be prepared to represent themselves in front of an adjudicator in a room full of people. It is important to know that hearings are undertaken in blocks, so the time provided on a hearing application is not the time when the matter will be heard. Clients should expect to spend the day at the LTB and be prepared to present their case when the adjudicator calls them to the front of the room. This can happen at any time during the block.

It is also important that tenants attend their hearing date, as there is a high likelihood they will be evicted if they do not appear. On the day of a hearing, the client will be leaving the Landlord and Tenant Board with either a decision about their eviction having been made by the adjudicator, or they will have been told to expect a decision in the mail. Once they receive the decision, they will either have been ordered to leave or permitted to remain in their home. This is a very high stakes process, and as such it is imperative that clients are well prepared and arrive at their hearing with necessary supports.

It is important for clients to know that on the day of their hearing there are Tenant Duty Counsel lawyers available to give them free legal advice, as well as mediation services available. Mediation is offered as an alternative to a hearing on the day of the hearing, if both the tenant and the landlord agree to it. During mediation, both parties sit down with mediator (a neutral third party) and attempt to reach a resolution between the two parties. If they cannot resolve the matter through the mediation process, the issue will be sent back to be resolved by way of a hearing.

Helping Clients Prepare for an Eviction Hearing or Mediation

Preparing Arguments and Evidence

Before a hearing date, it is important for tenants to consider what they want to say, and what evidence they want to give to back up what they say. It's really important that tenants provide evidence to support everything that they claim during their eviction hearing and are clear on the arguments they will make in favour of not being evicted. As a support person, it is important to remember that you are there to support them but that you cannot provide them with legal advice which would include telling them what to say at their hearing. In order to prepare, the client should be encouraged to gather and organize their arguments and evidence by:

- Writing down everything that happened and when;
- Making a list of the evidence they want to present;
- Making a list of any witnesses they want to speak at the hearing and think about what they want them to say;
- Gathering any relevant requests that have been made to the landlord;
- Gathering any relevant photos, videos, pictures, screenshots;
- Gathering any relevant letters from physicians, social workers, or caseworkers;
- Gathering any relevant letters, notes, or forms from the landlord.

It is very important that tenants bring three printed copies of any documents they will be presenting at their hearing: one copy is for the tenant, one is for the landlord, and one is for the adjudicator who is hearing the case. The tenant will not be permitted to present documentation at their hearing unless they have three printed copies.

It is very important that tenants bring physical copies of evidence as adjudicators will not accept images or text messages viewed from personal electronic devices such as phones or computers. If your client would like to show text messages, for example, it is best to take a screenshot of them and print off three copies.

What you can do to support your client at this stage:

- Help them gather and organize documentation to support their case and obtain three printed copies;
- Connect them with legal advice and representation services if possible;
- Remember that you cannot provide legal advice to the client (please see guidance on page 18)
- Offer to attend the hearing with them, or help them find a support person to attend with them;
- Review the Section 83 part of this guide on page 19 with them so they can determine whether they might want to raise an issue under this section in their statement;
- Help them go through the process to reschedule a hearing if they have a medical or other accepted reason to do so;
- Let them know that there are Tenant Duty Counsel lawyers stationed at the LTB and that they are entitled to get legal advice from them on the day of their hearing before they go before the adjudicator.

What to Expect at an Eviction Hearing at the Landlord and Tenant Board

The hearing date at the LTB can be exceptionally overwhelming if tenants do not know what to expect there. If a tenant must represent themselves, it's important that they know what to expect in advance so that they are not taken by surprise or overwhelmed. It is also important that they have a support person with them if they feel it would be helpful.

Below is a description of what they can expect on the day of the hearing and recommendations about what steps the client can take on the hearing day:

- 1) The day before the hearing, check in with your client to make sure they have prepared what they will say at the hearing, and that they have three printed copies of all documentation prepared;
- 2) Remind them that they will have an opportunity to get free summary legal advice from a Legal Aid lawyer on the day of their hearing, and also remind them that their landlord may be represented by a lawyer or a paralegal;
- 3) On the morning of the hearing, it is recommended that they arrive well in advance of the scheduled time of the hearing in order to have ample time to sign in at the front desk to indicate they have arrived;
- 4) Usually there is a computer station near the sign-in area where the client can enter their name to sign up to speak with Tenant Duty Counsel (a lawyer on site to provide free legal advice) before their matter is heard. This is highly recommended;
- 5) If the client is interested in mediation, they can ask the front desk how they can sign up for mediation (the landlord will then be asked if they agree to mediation or not);



- 6) If mediation is granted, they will proceed at some point to a private room where the mediation will take place and agreement will be issued or if an agreement cannot be reached, they will return into the hearing room;
- 7) The client will proceed to their assigned hearing room, where they will sit among the other individuals with hearings that day until the adjudicator calls them and their landlord (and possibly the landlord's legal representative) to the front of the room to hear their matter;
- 8) Once their matter is called by the adjudicator, they should be prepared to present their arguments and evidence as clearly as they can, and to ask relevant questions of their landlord or landlord's representative;
- 9) They should be prepared that the adjudicator may ask them clarifying questions, and keep in mind that their responses to the adjudicator should be respectful, relevant, and as clear as possible;
- 10) At the end of the hearing, they will have an opportunity to summarize their argument;
- 11) The adjudicator will either make a decision about the eviction matter on the spot or, more likely, they will reserve their judgement and the client will receive a decision in the mail within a few days.

What you can do to support your client at this stage if you are attending the hearing:

- This can be an overwhelming process and having to face off against their landlord's legal representative may be intimidating for your client. If your client would like you to attend as a support, being there to encourage them is a very important way to assist them in the process.
- Remind your client throughout the day of what they can expect using the list above;

- If a legal representative from the landlord attempts to speak with your client outside of the hearing room to make a deal, remind them that they are under no obligation to speak to the representative outside of mediation or the hearing;
- Ensure that, following their mediation or hearing, they have a safe and supportive place to go in order to decompress;
- If your client has been evicted at the hearing, check in to make sure that they are okay, and schedule an appointment with them in order to put a rehousing plan in place immediately.

A Note on Tenant Duty Counsel

Tenant Duty Counsel (TDC) are lawyers and community legal workers from Legal Aid Ontario clinics that provide on the spot summary legal advice to tenants who have a hearing at the Landlord and Tenant Board. It is important that people who have not had access to legal support prior to their hearing speak to TDC before going into their hearing or mediation. In some exceptional circumstances, they will decide to represent a tenant on the day of their hearing but this is rare and cannot be expected.

Stage 4 The Eviction Order

If the Landlord and Tenant Board orders an eviction, a standard order gives 11 days from the date of the Eviction Order to pay arrears in full (if it is an eviction for arrears) or decide to move. After that date, the landlord can call the Court Enforcement (or Sheriff's) Office to come and change the locks. Once the locks have been changed, tenants have only 72 hours to arrange a time to enter and get any remaining belongings out of the unit. However, it is important for tenants to know that it generally takes a few weeks for the Court Enforcement Office to change the locks, and they may be able to contact the office to find out when they are scheduled to arrive at the unit and change the locks. This can give people time to find a new place to live.



What you can do to support your client at this stage:

- If it is an eviction for arrears, help the client decide if they are in a position to cancel the Eviction Order by obtaining the funds to pay:
 - » The arrears owed in full
 - » The filing fee at the Landlord and Tenant Board (\$190 in 2020)
 - » The Court Enforcement Office's fee (around \$350)
- If they are able to pay all of these amounts, contact CERA or another service for more information about paying the amount and ensuring the eviction is cancelled;
- If there is no opportunity to remedy the eviction or pay arrears, it is time to help your client accept that they are going to have to leave their home;
- Remind your client that their landlord is not legally allowed to change the locks and remove the tenant from the unit; only the Court Enforcement Officer may do this.
- Work with them to come up with a plan to obtain new housing as quickly as possible, and reach out to other services and supports available to them (see the list on page 24).

Repayment Plan Template

The most effective defense against an eviction for arrears or non-payment of rent is a detailed and realistic repayment plan. When tenants are being threatened with eviction because they haven't been able to pay their rent, the adjudicator at their eviction hearing is most interested in understanding: 1) whether they are capable of repaying their rent, 2) how quickly they will be able to repay their arrears, 3) that they will be able to continue paying their monthly rent on time as they repay the arrears, and 4) whether the tenancy is sustainable into the future.

A clear and effective payment plan is specific and backed up by evidence (pay stubs, bank statements, copies of cheques, etc.). It also demonstrates that the tenant has a reliable source of income and can afford to remain in their unit. Below you will find a sample payment plan as well as a template that you can use to help your clients create an effective repayment plan. Generally, adjudicators prefer that repayment plans do not exceed several months, however if that is not realistic for your client, create a plan that can work for them.

Example:

Arrears Repayment Plan

Total Amount Owing: \$1990 (This amount includes \$190 filing fee for the LTB hearing which the tenant is responsible for.)

Monthly Rent: \$900

Monthly Income: \$2000

Date	Income	Repayment Amount	Monthly Rent Payment	Total Arrears Remaining	New Arrears Amount
May 1	1,000.00 (bi-weekly pay - provide documentation)		900.00	1,990.00	1,990.00
May 15	1,000.00	300.00		1,990.00	1,690.00
June 1	1,000.00		900.00	1,690.00	1,690.00
June 8	\$500 (loan from family - provide documentation)	690.00		1,690.00	1,000.00
June 15	1,000.00	300.00		1,000.00	700.00
July 1	1,000.00		900.00	700.00	700.00
July 15	1,000.00	300.00		700.00	400.00
August 1	1,000.00		900.00	400.00	400.00
August 15	1,000.00	400.00		400.00	0.00

Template:

Date	Income	Repayment Amount	Monthly Rent Payment	Total Arrears Remaining	New Arrears Amount



An Important Note on Legal Information versus Legal Advice

As a person supporting your client during the eviction process, it is very important to understand the difference between legal information and legal advice. Only lawyers and paralegals are permitted to give legal advice in Ontario, and it is important to ensure that you do not provide your client with legal advice inadvertently.

What You Cannot Provide: Legal Advice

Legal advice is the interpretation and application of law to a particular situation. Legal advice is based on an assessment of how the law applies to a specific situation and it takes into account a person's goals. Examples of legal advice:

- Advising your client about what they should do in their particular situation;
- Giving advice about the legal interests, rights, or responsibilities of your client or someone else;
- Selecting, drafting, completing, or revising documents that affect their legal interests;

- Representing your client in a proceeding before an adjudicative body;
- Telling your client that a law applies to them, or what legal remedies they are entitled to.

What You Can Provide: Legal Information

Legal information is information regarding the law generally, the options available to an individual, and the legal procedures that are relevant to an individual's situation. Legal information is general and is not tailored to someone's specific circumstances. In this context examples of legal information are:

- The location of the Landlord and Tenant Board;
- The existence and role of Tenant Duty Counsel;
- Information about a Repayment Plan;
- Timelines for evictions and information about where they are in the process;
- That they have a right to negotiate to stay housed.

Information on Section 83

The LTB adjudicator (board member) is obligated under the RTA to consider all aspects of the tenant's situation and try to avoid or postpone eviction whenever possible.

Section 83 of the Residential Tenancies Act is referred to as Relief from Eviction, Refusing or Delaying an Eviction. When this section is raised, The Landlord and Tenant Board must review and consider the circumstances of each case to determine whether or not the eviction should be refused or delayed. In some cases, the Board must refuse the eviction. These powers are referred to as "relief from eviction."

If the landlord is successful and shows that the tenant breached the RTA, section 83 requires the Board to consider all the circumstances before issuing an eviction order. Sometimes the Board will allow the tenancy to continue with conditions, or will provide more time for the tenant to move out of their home.

The Board will consider the following factors:

- The length of the tenancy
- If children reside in the unit
- The age of the tenant
- If the tenant has a disability
- If the tenant is low-income
- The tenant's connection to the community
- If conditions can be put in place to remedy the breach

If any of these apply to your tenant, they should consider citing Section 83 and raising the issue.

Helping People Navigate Accommodations and Accessibility at the Landlord and Tenant Board (LTB)

There are various reasons that someone might need an accommodation at the Landlord and Tenant Board on the day of their hearing. During CERA's research we found that although many people need accommodations, many are not aware that they can request them. Below are instructions about how tenants can request accommodation at their hearing if required. Requests should be made with as much advance notice as possible in order for the Board to make arrangements ahead of time.



Requesting Accommodation

Accommodations are arrangements that will allow everyone full participation in the tribunal process. The Landlord and Tenant Board will make accommodations in the hearing process for people who have needs related to grounds in the Ontario Human Rights Code. For example, tenants can ask for the Board to provide an interpreter to help them participate in the hearing. Or, if tenants have a physical, developmental or mental health-related disability that may affect their ability to participate in their hearing, they can ask the Board for accommodation.

It is best to make a request as soon as possible. There are multiple ways for people to request an accommodation or French Language Services at the LTB.

People can request accommodation:

- in person
- by telephone
- by mail or fax
- by e-mail to: ltb@ontario.ca

For more information, visit the Landlord and Tenant Board website.



A Guide to Eviction Forms

Below is a list of eviction forms in Ontario that housing providers may file against tenants, and possible remedies for these notice of eviction:

N4 - Eviction For Non-payment of Rent

Reason: rental arrears.

- An N4 provides a notice period of 14 days within which a tenant may pay arrears owed or decide to move out of the unit;
- If the N4 is not resolved, the landlord may follow up with an L1 form applying for a hearing at the LTB;
- Once a hearing date has been scheduled it is important for the tenant to attend or reschedule the hearing;
- If they can pay all arrears plus the filing fee the tenant can cancel the eviction in advance of their hearing.

Remedies: Pay the full amount owing or propose realistic payment plan.

N5 - Eviction For Interfering With Others, Damage Or Overcrowding

Reasons: interference with reasonable enjoyment or lawful rights, willful damage or overcrowding.

- The termination date for a first N5 is 20 days, and for a second N5 it is 14 days;
- An N5 provides 7 days to correct the behaviour or the landlord can file L2 form applying for a hearing;
- If the tenant receives a second N5 within six months, there is no opportunity to void the notice and the landlord can file an L2 for a hearing.

Remedies: Correct the behaviour and find a way to ensure it will not happen in the future.

N6 - Eviction For Illegal Acts Or Misrepresenting Income In A Rent-Geared-to-Income Rental Unit

Reasons: the tenant, occupant, or guest engaged in illegal activity, or the RGI tenant misrepresented their income.

- The termination date for a first N6 is 20 days, and for a second N6 it is 14 days;
- There is no opportunity to correct behavior and the landlord can file L2 for a hearing immediately.

Remedies: If the landlord is correct, there is no remedy. If the landlord is incorrect, the tenant should seek legal advice to prepare for their hearing.

N7 - Eviction For Causing Serious Problems

Reasons: serious impairment to safety, misuse of the unit, or the landlord lives in the building and their enjoyment or rights have been infringed.

- The termination date is ten days;
- There is no opportunity for the tenant to correct their behavior, and the landlord can file L2 application for a hearing immediately.

Remedies: If the landlord is correct, there is no remedy. If the landlord is incorrect, the tenant should seek legal advice to prepare for their hearing.

N8 – End Tenancy At The End Of The Term

Reasons: Persistent late payment, loss of subsidy, tenancy was attached to employment that has terminated, tenancy was attached to Agreement of Sale that was terminated.

- The termination date is 60 days or end of fixed term (end of lease);
- The landlord can apply to the board to evict a tenant immediately after serving the N8.

Remedies: For late payments, the tenant should demonstrate that they have funds to afford the rent, and are committed to paying on time in future.

N12 – Landlord’s Own Use

Reasons: landlord/purchaser, their spouse, child, parent, spouse’s child, spouse’s parent or caregiver wants to move in.

- The termination date for an N12 is 60 days, which cannot be earlier than the termination date of a fixed term (lease);
- The tenant can move out earlier if they would like to, giving 10 days’ notice;
- The Landlord can file L2 for a hearing immediately after issuing an N12;
- The landlord must prove in the hearing that they or a relative outlined above do intend to reside in the unit for at least 1 year;
- The landlord must either pay the tenant an amount equal to one month’s rent as compensation or offer the tenant another rental unit.

Remedies: If it is determined to be in good faith, there is no remedy. If the N12 has been issued in bad faith, the tenant should seek legal assistance.

N13 – Demolition or Conversion

Reasons: demolition, conversion or extensive renovations requiring a building permit and vacant unit (tenant has option to return to their unit after the renovation).

- The termination date is 120 days, which cannot be earlier the end of a fixed term (lease);
- If the tenant would like to, they can move out earlier, with 10 days’ notice;
- The Landlord issue L2 application for a hearing immediately;
- The landlord may be required to compensate tenant for 3 months’ rent depending on circumstances.

Remedies: If it is determined to be in good faith, there is no remedy. If the N12 has been issued in bad faith, the tenant should seek legal assistance.

A Guide to Forms for Tenants

Below is a list of applications that tenants can file at the Landlord and Tenant Board against Landlords:

T1 – Tenant Application for a Rebate of Money the Landlord Owes

The landlord has charged:

- Illegal rent
- Illegal charge such as a damage deposit or cleaning fee

The landlord did not:

- use the rent deposit to credit the last month’s rent or give it back to the tenant
- pay tenant interest annually on rent deposit

T2 – Application About Tenant Rights

The landlord or their agent has:

- illegally entered the rental unit
- changed the locks without giving tenant replacement keys
- withheld or interfered with tenant’s care services, vital services or food in a care home
- interfered with tenant’s reasonable enjoyment of the rental unit
- harassed, coerced or threatened the tenant

T3 – Tenant Application for a Rent Reduction

The landlord has:

- reduced or discontinued a service or facility
- not reduced the rent when there was a decrease in municipal taxes and charges

T4 – Landlord did not Comply with an Agreement to Increase the Rent above the Guideline

The landlord and tenant entered into an “Agreement to Increase the Rent Above the Guideline” but the landlord did not do the work or provide the service agreed to.

T5 – Landlord Gave a Notice of Termination in Bad Faith

The landlord gave the tenant a notice of termination because:

- they, or a member of their family or their caregiver wanted to move in and they did not move in
- the purchaser, or a member of their family or their caregiver wanted to move in and they did not move in
- the landlord was going to demolish, convert or do extensive repairs and this did not happen.
- The landlord did not allow the tenant to move back into the rental unit after extensive repairs were completed.

T6 – Tenant Application About Maintenance

The landlord has not properly maintained or repaired the unit or the residential complex.

For maintenance issues, tenants must make the request to the landlord in writing before they file an application with the LTB.



Resources to Help Tenants Facing Eviction

Ontario-wide Resources

Centre for Equality Rights in Accommodation

CERA provides legal information and assistance to Ontario tenants who face eviction and/or human rights violations in their housing. Please note that these free services are telephone and e-mail based, and we are unable to meet in person or accept walk-ins.

Phone: 416-944-0087 | 1-800-263-1139

Email: cera@equalityrights.org

Website: <https://www.equalityrights.org>

Facebook: www.facebook.com/CERAOntario/

Landlord and Tenant Board

The LTB resolves disputes between residential landlords and tenants, and eviction applications filed by non-profit housing co-operatives. The LTB also provides information about its practices and procedures and the rights and responsibilities of landlords and tenants under the Residential Tenancies Act.

Phone: 1-888-332-3234

E-mail: ltb@ontario.ca

Website: <http://www.sjto.gov.on.ca/ltb>

Community Legal Education Ontario Website

CLEO provides clear, accurate and practical legal rights education and information to help people understand and exercise their legal rights.

Website: <https://www.cleo.on.ca/en>

Legal Aid Ontario

LAO gives low-income people access to a range of legal services to meet their legal needs, including legal advice and representation, duty counsel services (for people who arrive in criminal, family or youth courts without a lawyer), Community Legal Clinics, telephone and online help, resources and referrals.

Phone: 1-800-668-8258

Website: <https://www.legalaid.on.ca/legal-clinics/>

Human Rights Legal Support Center

The Human Rights Legal Support Centre offers human rights legal services to individuals throughout Ontario who have experienced discrimination. The Centre's services range from legal assistance in filing an application at the Tribunal to legal representation on human rights applications.

Phone: 1-866-625-5179

Website: <http://www.hrlsc.on.ca/en/welcome>

Pro Bono Ontario

PBO helps Ontarians that have legal problems but cannot afford a lawyer. They connect volunteer lawyers with people who need them.

Phone: 1-855-255-7256

Website: <https://www.probonoontario.org/housing/>

Advocacy Centre for the Elderly

ACE is a community based legal clinic for low income senior citizens. ACE is managed by a volunteer board of directors, at least half of whom are seniors. ACE is funded through Legal Aid Ontario and is the first legal clinic in Canada to specialize in the legal problems of seniors.

Phone: 1-855-598-2656

Website: <http://www.advocacycentreelderly.org>

Toronto Resources

Federation of Metro Tenants' Associations

The FMTA runs a tenant hotline that answers all questions related to tenant rights. They also help tenants to organize and create their own tenants' association within their building, and administer the Tenant Defense Fund that helps tenants fight Above Guideline Increases (AGIs).

Phone: 416-921-9494

Email: through their website

Website: <https://torontotenants.org/>

Central Shelter Intake

Shelters provide temporary accommodation and related support services that assist people to move into housing. To access a shelter in the City of Toronto, call the Central Shelter Intake Line.

Phone: 416-338-4766 or 1-877-338-3398 or 311

Website: <https://www.toronto.ca/community-people/housing-shelter/homeless-help/#shelters>

The Housing Help Centre

The Housing Help Centre assists tenants with finding affordable housing, filling out applications for subsidized housing, answering general questions about current housing, and offers mediation services between tenants and landlords and some financial assistance.

Phone: 416-285-8070 (head office)

Website: <http://www.shhc.ca/>

Housing Connections

Housing Connections is responsible for the waiting lists for Toronto subsidized housing. It also supports households on the waiting list by making referrals to other services and supports to help address immediate housing needs.

Phone: 416-338-8888

Email: ask@housingconnections.ca

Website: <https://www.housingconnections.ca/>

Toronto Rent Bank

The Toronto Rent Bank program provides interest-free repayable loans to low-income households facing eviction due to short-term financial difficulties.

Phone: 416-397-7368 or 416-924-2543

Email: torontorentbank@nipost.org or nipost@nipost.org

Website: <http://www.nipost.org/toronto-rent-bank>

Housing Stabilization Fund

The HSF provides money for emergency housing needs to people receiving financial assistance through Ontario Works (OW) or income support through the Ontario Disability Support Program (ODSP) in the city of Toronto. Tenants must speak to an OW or ODSP caseworker to access these funds.

Website: <https://www.toronto.ca/community-people/employment-social-support/housing-support/financial-support-for-renters/housing-stabilization-fund/>

Select Specialty Legal Resources

Aboriginal Legal Services

ALS has Indigenous court workers and the Community Council diversion program in Toronto. They also write Gladue reports in various locations in Ontario.

Phone: 1-844-633-2886

Website: <https://www.aboriginallegal.ca/index.html>

Barbra Schlifer Commemorative Clinic

The Barbra Schlifer Clinic offers legal representation, professional counselling, and multilingual interpretation to women who have experienced violence.

Phone: 416-323-9149 ext. 234

Email: info@schliferclinic.com

Website: <https://schliferclinic.com/about-us/contact-us/>

Kingston Resources

Homelessness Prevention Fund

The HPF provides eligible individuals and families grants (non-repayable) to help them stay housed or secure housing. Funds may be used to prevent eviction or to assist people who are homeless to move to permanent housing.

Phone: 613-531-3379

Website: <https://www.cityofkingston.ca/residents/community-services/housing/programs/low-income-assistance>

Ottawa Resources

City of Ottawa Housing

The City of Ottawa provides different housing and home supports in Ottawa, including emergency shelter, programs for youth and community and social services.

Phone: 613-560-6000 or 866-261-9799

Website: <https://www.ementalhealth.ca/Ottawa-Carleton/Housing-and-Home-Supports/index.php?m=heading&ID=49>

South Western Ontario Resources

Financial Assistance for Rent and Utilities

The website below outlines a number of programs that provide financial assistance for low-income individuals and families to help pay rent so that people can stay in their homes, and cover utility fees (such as electricity and heating).

Website: <https://www.southwesthealthline.ca/listservices.aspx?id=10723>

Sudbury Area Resources

City of Greater Sudbury

For eviction prevention programs, emergency shelters and free meals contact the City of Greater Sudbury.

Phone: 705-618-8810 or 705-280-7888

Website: <https://www.greatersudbury.ca/live/employment-support-and-financial-assistance/emergency-housing-support-shelters-and-free-meals/>

The District of Thunder Bay Resources

Community Homelessness Prevention Initiative

The CHPI provides:

- Emergency Shelter Solutions (e.g. emergency shelter and/or safe bed)
- Housing and Related Supports (e.g. permanent housing, rental allowance)
- Services and Supports (e.g. street and housing outreach, food banks, housing search)
- Homelessness Prevention

Phone: 1-877-281-2958

Website: <https://www.tbdssab.ca/housing/homelessness-prevention/>

Ontario Renovates

Ontario Renovates assists low to moderate income homeowners so that they can make urgently needed home repairs to address health and safety issues, or to make housing modifications to accommodate individuals with disabilities.

Phone: 807-766-4091

Email: jennifer.jones@tbdssab.ca

Sault Ste. Marie Resources

John Howard Society of Sault Ste. Marie – Housing Stability Bank

The Housing Stability Bank offers services to people that are housed but facing an inability to pay either their rent and/or utilities. A repayment plan is developed along with the client for monies provided by the Housing Division of Sault Ste. Marie to be repaid. This service offers the benefit of people maintaining their housing along with case management to ensure they are able to manage their finances and referrals when other services are deemed necessary.

Phone: 705-759-3389

Email: slajambe@jhsossm.ca

Website: <https://johnhoward.on.ca/sault-ste-marie/services/housing-stability-bank/>

Homelessness Prevention Services

Emergency shelter services, housing and homelessness and homelessness prevention team to assist for wrap-around supports for people who are homeless or at risk of being homeless.

Phone: 1-866-363-6007

Website: <https://socialservices-ssmd.ca/housing/homelessness-prevention/>

North Bay Resources

The Crisis Centre

The Crisis Centre provides information about where to access meals, financial and housing assistance, counselling services and emergency shelter.

Phone: 705-472-6204

Website: <http://www.crisiscentre-nb.on.ca/services-and-programs/places-get-help/>

Kenora District Resources

Community Homelessness Prevention Initiative

The Community Homelessness Prevention Initiative assists individuals at risk of homelessness to remain housed through providing financial assistance for rental or mortgage arrears, energy or utility arrears, emergency home repairs moving or household items (exceptional circumstances).

Phone: 1-800-461-5766

Website: www.kdsb.on.ca

North West and Northern Ontario Resources

Financial Assistance for Rent and Utilities

The websites below outline programs that provide financial assistance for low-income individuals and families to help pay rent so that people can stay in their homes, and to cover utility fees (such as electricity and heating).

Website for North West: <https://www.northwesthealthline.ca/listServicesDetailed.aspx?id=10723>

Website for Northern: <https://www.northwesthealthline.ca/listServicesDetailed.aspx?id=10723®ion=Northern>



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement

Centre for Equality Rights in Accommodation

192 Spadina Ave Suite 427, Toronto, ON, Canada M5T 2C2

Phone: 416-944-0087 | 1-800-263-1139

Email: cera@equalityrights.org

