

Community Legal Services & Tenant's Rights Information



Waterloo Region
Community Legal Services

Presented by:

Veronica Jiminez Munoz

Licensed Paralegal

DISCLAIMER:



This presentation should not be interpreted as legal advice, but only as legal information.

Please note that the law is only current to the date of the presentation and may become out of date as the legislation changes..

What is a Community Legal Clinic?



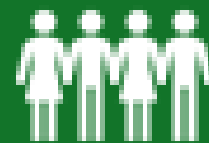
Funded by Legal Aid Ontario



79 CLCs across Ontario



17 specialty clinics in Toronto who each focus on a specific issue



Every community is serviced by a clinic



A non-profit governed by a Board of Directors composed of community folks.



Each Clinic offers a basic service of two areas of law – income support and residential tenancies



Our team: lawyers, paralegals, social workers, community development workers, and office admins



We offer free interpretation in any language (by appointment only)



We only provide services to low-income individuals and families who meet the financial eligibility.

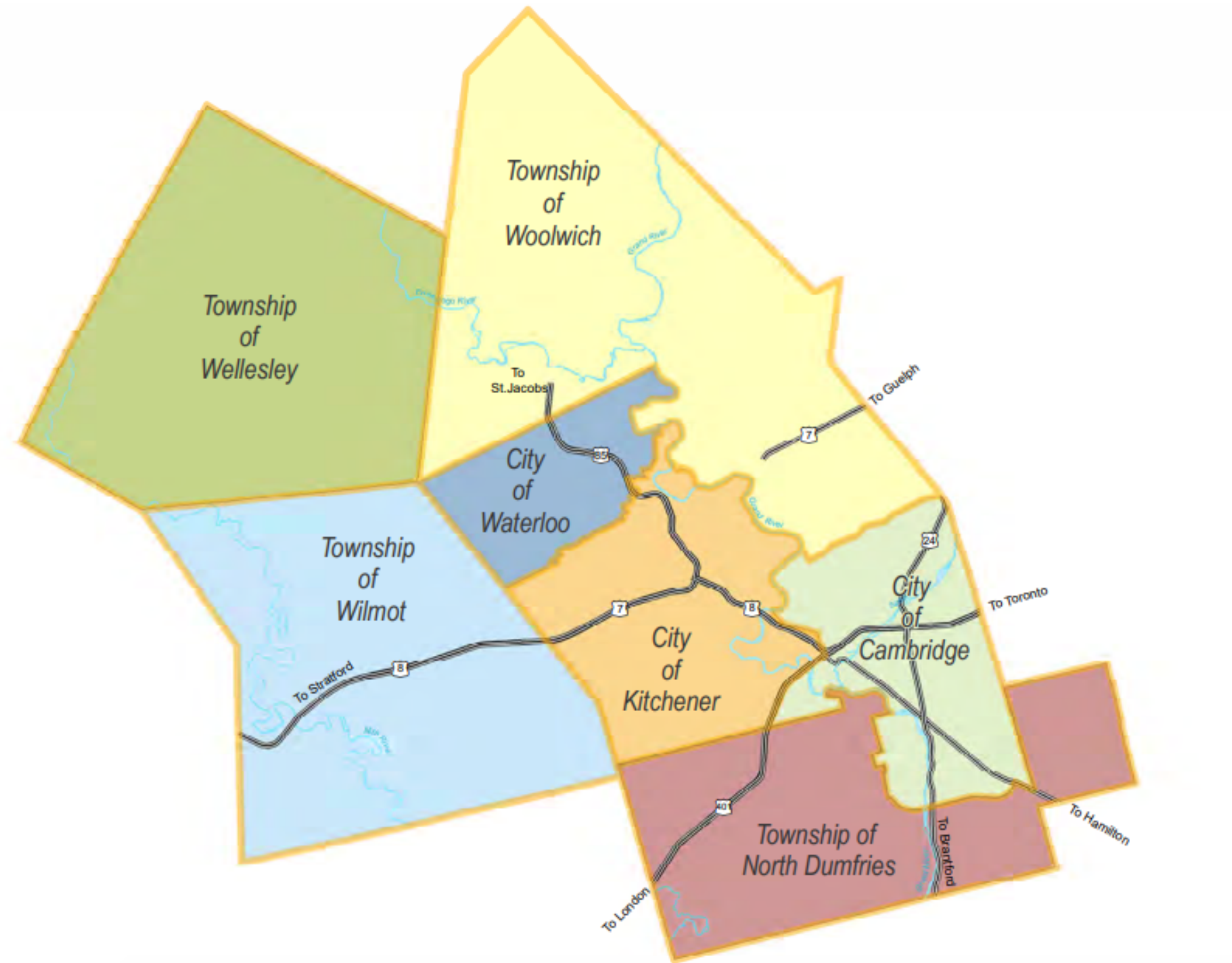
Main Office



Lang's (Cambridge)



Our Catchment Area



Our Team Can Provide:

LEGAL INFORMATION



E.g. You want to know if your landlord is responsible for repairs

LEGAL SUPPORT OR ADVICE



E.g. You receive an eviction notice from your landlord for being in arrears and want to organize next steps

LEGAL REPRESENTATION



E.g. You are going to a hearing at the Housing Tribunal (Landlord and Tenant Board) and require legal representation



Ahwenehaode
INDIGENOUS JUSTICE PROGRAM

LEGAL AREAS

- Housing (Tenancy Issues)
 - OW/ODSP (appeals to the SBT, overpayments)
 - CPP-D (applications and appeals)
 - Employment Law & Employment Insurance
 - Immigration & Citizenship
 - Debt & Consumer Protection
 - Name Change & Gender Marker Change
 - Indigenous Justice Program
 - Notarization and Commissioning of documents
 - Sexual Harassment in the Workplace
 - Public Legal Education
-
- **We do not practice:** Family Law or Criminal Law
 - We can make referrals to other branches of legal aid for these types of issues

HOUSING LAW

- Introduction Residential Tenancies Act, 2006 (RTA) Basics
 - Terminology: Landlord, Tenant, Eviction
 - The right to an eviction hearing in front of the LTB
 - The right to enforce tenant issues in front of the LTB
 - Repairs & Maintenance
 - Unlawful entry
 - Harassment by another tenant or landlord
 - Illegal rent or charge
 - Arrears
 - Eviction notices
- Introduction to Landlord and Tenant Board (LTB)
- WRCLS only represents tenants



THINGS TO EXPECT BEFORE YOU RENT



- Credit check – Legal



- Key deposits – Legal



- As a tenant, if you want to end your tenancy you have to give 60 days notice to your landlord



- If you get evicted, the landlord has to go through the proper channels and only a sheriff can remove you/your belongings from your unit



- Before you move in to your unit, it is recommended that you take pictures in case of any allegations of damage



- The Provincial Government sets out the guideline increase % for residential units each year
 - The rent increase guideline cap for 2025 is 2.5%



- A legal rent increase:
 - Landlord must provide Notice of Rent Increase (N1) form
 - 90 days notice
 - Can only increase once every 12 months



QUIZ TIME



TRUE OR FALSE?

“It is legal to evict someone in the winter.”

TRUE

FALSE



TRUE OR FALSE?

“It is legal to evict someone in the winter.”

TRUE

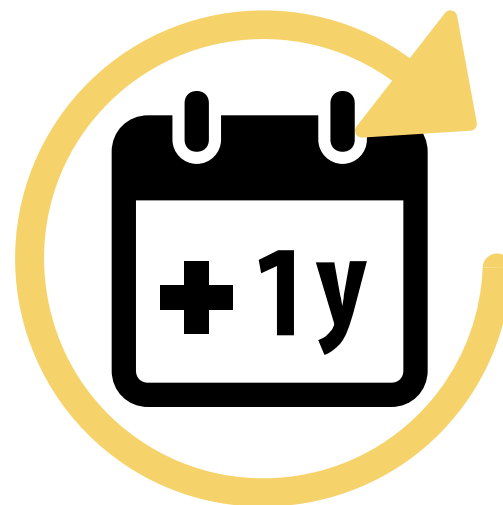


TRUE OR FALSE?

“Tenants are not required to sign a new lease annually.”

TRUE

FALSE



Residential Tenancy Agreement (Standard Form of Lease)

Note

This tenancy agreement (or lease) is required for tenancies entered into on **April 30, 2018 or later**. It does not apply to care homes, sites in mobile home parks and land lease communities, most social housing, certain other special tenancies or co-operative housing (see Part A of General Information).

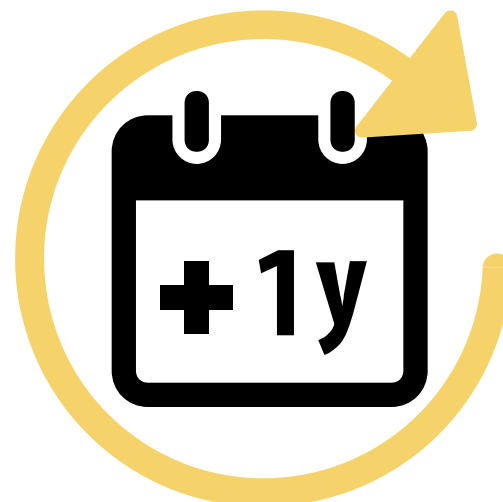
Residential tenancies in Ontario are governed by the *Residential Tenancies Act, 2006*. This agreement cannot take away a right or responsibility under the *Residential Tenancies Act, 2006*.

Under the *Ontario Human Rights Code*, everyone has the right to equal treatment in housing without discrimination or

TRUE OR FALSE?

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TRUE



Residential Tenancy Agreement (Standard Form of Lease)

Note

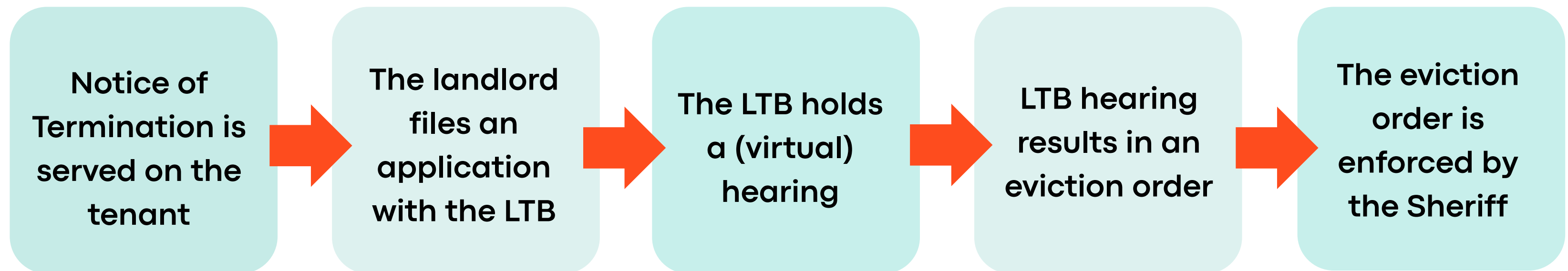
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Under the *Ontario Human Rights Code*, everyone has the right to equal treatment in housing without discrimination or

EVICTIION PROCESS: THE BASICS

- Tenants have security to tenure, meaning that unless the tenant has given notice, an agreement to end the tenancy has been reached, or an eviction order has been issued by the LTB, the tenancy will continue.
- A tenancy does not terminate at the end of the lease term. Neither is the tenant obligated to sign a new lease to stay in the unit. Once the lease term expires, the tenancy will continue on a monthly basis.



EXAMPLE OF AN EVICTION NOTICE

Notice to End your Tenancy
Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit
N12
 (Disponible en français)

To: (Tenant's name) include all tenant names	From: (Landlord's name)

Address of the Rental Unit:

This is a legal notice that could lead to you being evicted from your home.

The following information is from your landlord

I am giving you this notice because I want to end your tenancy. I want you to move out of your rental unit by the following termination date:.

dd/mm/yyyy

My Reason for Ending your Tenancy
 I have shaded the circle next to my reason for ending your tenancy.

☐ **Reason 1:** The following person intends to move into the rental unit and occupy it for at least one year:

☐ **Me**
☐ **My parent**

☐ **My spouse**
☐ **My spouse's child**

☐ **My child**
☐ **My spouse's parent**

Or ☐ **A person who provides or will provide care services to:**

☐ **Me**
☐ **My parent**

☐ **My spouse**
☐ **My spouse's child**

☐ **My child**
☐ **My spouse's parent**

☐ **Reason 2:** I have signed an Agreement of Purchase and Sale of the rental unit and the following person intends to move into the rental unit:

☐ **The purchaser**
☐ **The purchaser's parent**

☐ **The purchaser's spouse**
☐ **The purchaser's spouse's child**

☐ **The purchaser's child**
☐ **The purchaser's spouse's parent**

Or ☐ **A person who provides or will provide care services to:**

☐ **The purchaser**
☐ **The purchaser's parent**

☐ **The purchaser's spouse**
☐ **The purchaser's spouse's child**

☐ **The purchaser's child**
☐ **The purchaser's spouse's parent**

OFFICE USE ONLY:
 Delivery Method: ☐ In Person ☐ Mail ☐ Courier ☐ Email ☐ Efile ☐ Fax ☐ FL ☐ ☐

File Number

v. 26/07/2020

Page 1 of 2

HOW TO READ AN EVICTION NOTICE



If your landlord is attempting to evict you, they must first give you an LTB Notice. Please carefully read the LTB NOTICE. There are several types of notices with slightly different names but usually the form starts with Notice to Terminate or Notice to End a Tenancy. The form may have one of these numbers: N4, N5, N6, N7, N8, N12 or N13.

If you don't want to leave or you don't agree with the reasons in the notice, you do not have to move out. Call the property manager or landlord to talk about your options.

(Example of a NOTICE.)

The *type* of Notice you receive is found on the top right corner of the Notice.

The reason is indicated here

Notice to End your Tenancy
N13
(Disponible en français)

Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use

To: (Tenant's name) include all tenant names	From: (Landlord's name)

Address of the Rental Unit:

This is a legal notice that could lead to you being evicted from your home.

The following information is from your landlord

I am giving you this notice because I want to end your tenancy. I want you to move out of your rental unit by the following termination date:

////////

 dd/mm/yyyy

My Reason for Ending your Tenancy

I have shaded the circle next to my reason for ending your tenancy.

☒ **Reason 1:** I intend to demolish the rental unit or the residential complex.

TRUE OR FALSE?

“My landlord can raise my rent to as much as they want and as often as they want.”

TRUE

FALSE



TRUE OR FALSE?

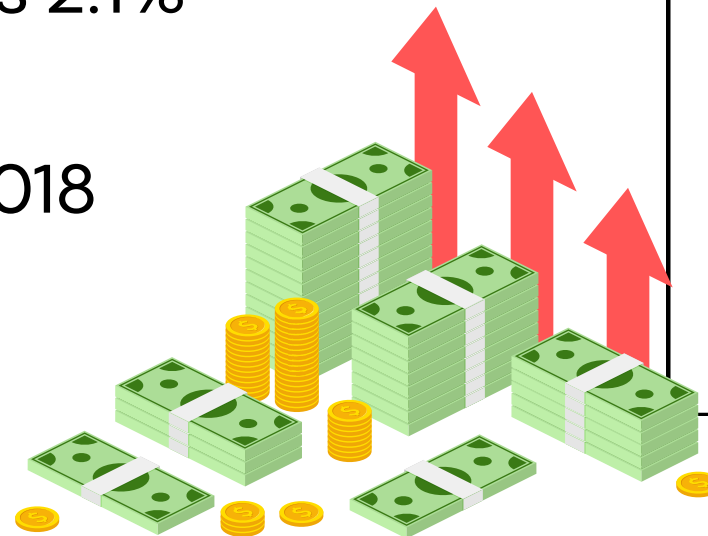
“My landlord can raise my rent to as much as they want and as often as they want.”

FALSE



RULES FOR RENT INCREASES

- A legal rent increase:
 - Landlord must provide Notice of Rent Increase (N1) form
 - Must give you 90 days notice
 - Can only increase once every 12 months
- Rent Increases are regulated by the RTA annually
 - The rent increase guideline for 2024 & 2025 was 2.5%
 - The rent increase guideline for 2026 is 2.1%
- New homes occupied for the first time for residential purposes after November 15, 2018 are exempt from rent control.



**Notice of Rent Increase
N1**
(Disponible en français)

Read the instructions carefully before completing this form.

To: (Tenant's name and address)	From: (Landlord's name and address)

Address of the Rental Unit:

Your New Rent On / / , your rent will increase to \$.
per ☐ month ☐ week ☐ other (specify) .

This rent includes the basic rent for your rental unit, plus any amount you pay separately to your landlord for services.

Explanation of the Rent Increase This is a rent increase of: \$.
per ☐ month ☐ week ☐ other (specify) or %.

Shade one of the following:

☐ This rent increase is less than or equal to the rent increase guideline and does not need approval by an order under the *Residential Tenancies Act, 2006*.

OR

☐ This rent increase is more than the rent increase guideline, but:

- ☐ The rent increase has been approved by an order under the *Residential Tenancies Act, 2006*.
- ☐ The rent increase must be approved by an order under the *Residential Tenancies Act, 2006*. I have applied to the Board for a Rent Increase Above the Guideline.

RENT INCREASES IN RESIDENTIAL UNITS

- Different rules apply for Social Housing and Care Homes
- No rent control for newly occupied units on or before November 15, 2018
- A rent increase above the guideline requires the LTB's approval:
 - Capital expenses
 - extraordinary increased in municipal taxes/charges or utilities
 - costs related to security services
- Tenants have 1 year to dispute illegal rent increases or illegal charges



TRUE OR FALSE?

“Your landlord can come into your unit whenever they want.”

TRUE

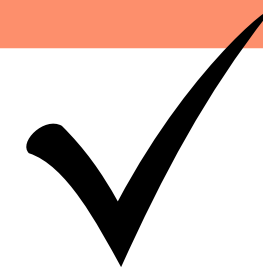
FALSE



TRUE OR FALSE?

“Your landlord can come into your unit whenever they want.”

FALSE

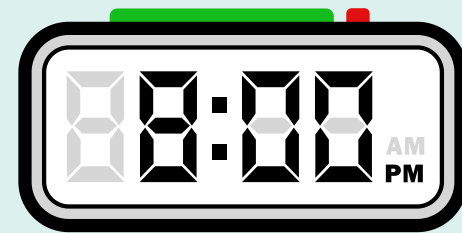


ENTRY INTO THE UNIT BY LANDLORD

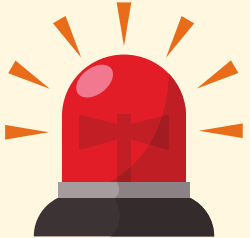


ENTRY WITH NOTICE

- Must be given to the tenant min 24hrs prior to the time of entry.
- Must indicate date/time/purpose of the entry.
- The time of the entry must be between the hours of 8am and 8pm.



ENTRY WITHOUT NOTICE

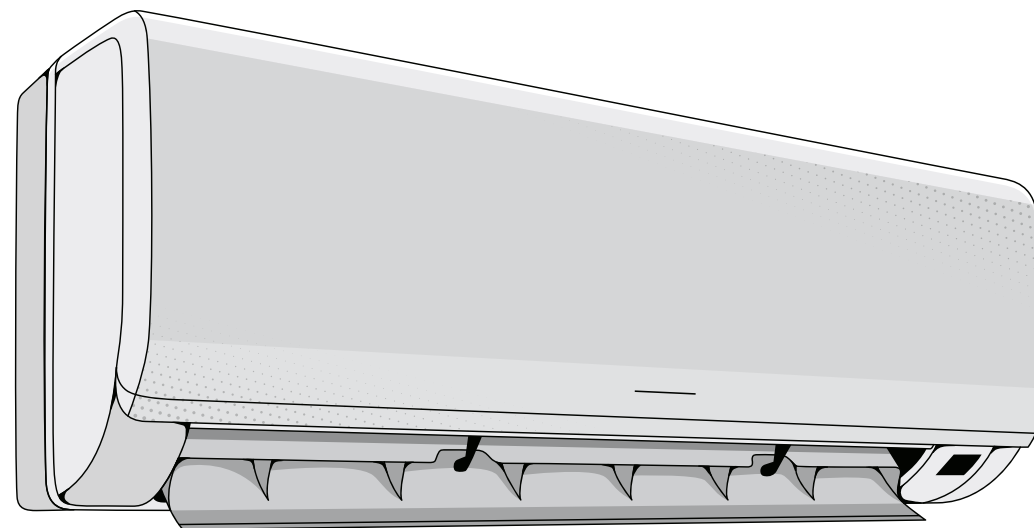
- Emergency situations.  
- With the tenant's consent at the time of the entry.
- To carry out housekeeping duties, if provided for in the tenancy agreement.
- To show the unit to prospective tenants, if parties have agreed to end tenancy or a notice of termination has been given (between 8am to 8pm).

TRUE OR FALSE?

“Your landlord can charge you extra for Air Conditioning.”

TRUE

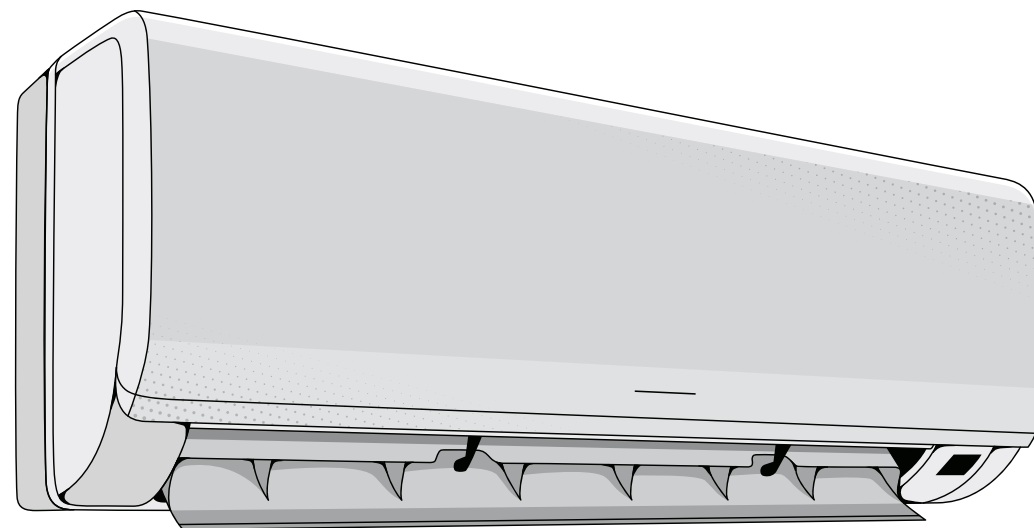
FALSE



TRUE OR FALSE?

“Your landlord can charge you extra for Air Conditioning.”

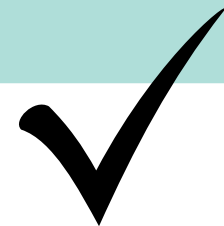
TRUE



TRUE OR FALSE?

“My lease expires in 8 months. I got a great job opportunity in Northern Ontario and need to relocate. I can end my tenancy immediately.”

TRUE



FALSE



TRUE OR FALSE?

“My lease expires in 8 months. I got a great job opportunity in Northern Ontario and need to relocate. I can end my tenancy immediately.”

FALSE



OPTIONS TO GIVE NOTICE OF TERMINATION

- You can negotiate early termination with your landlord
- Use the N9: Tenant's Notice to End the Tenancy
- Assign the rental unit to another person **with the landlord's consent**
- Consider subletting the unit **with the landlord's consent** (this doesn't end the tenancy but reduces expenses)
- Legal/financial consequence for vacating without notice/agreement

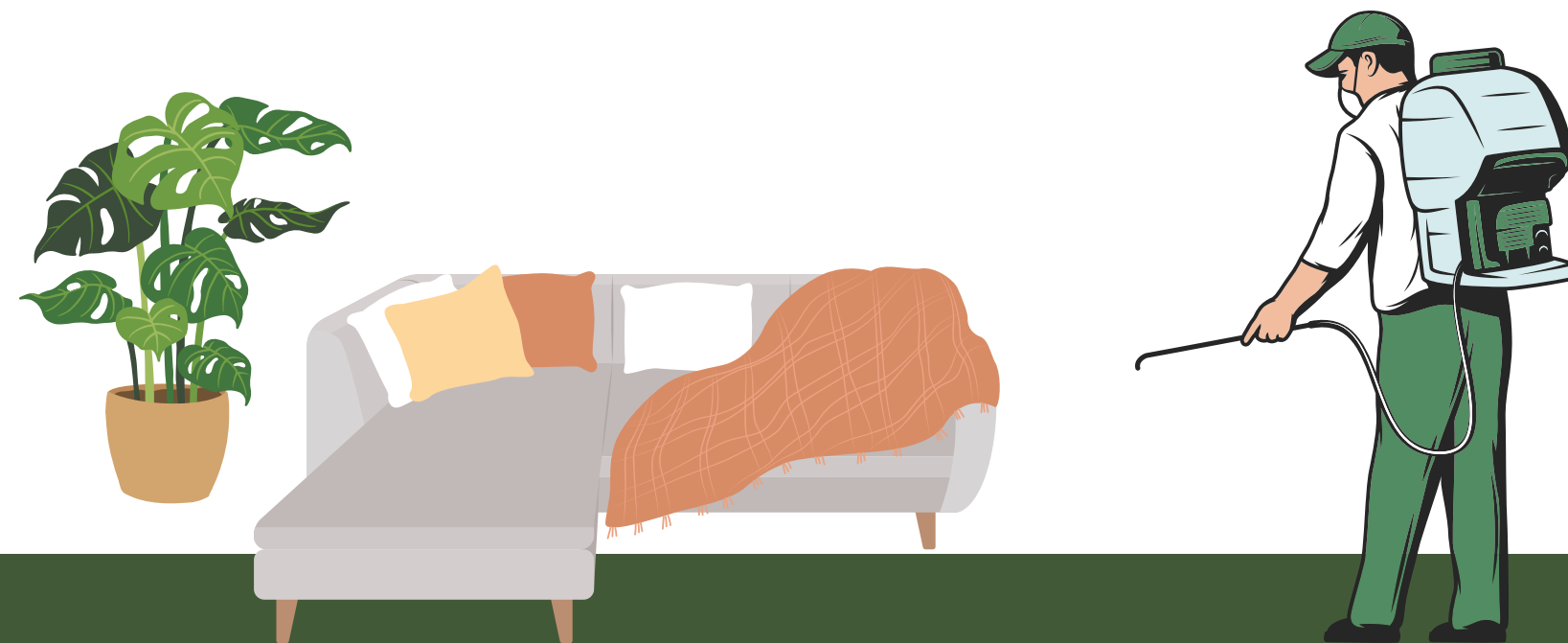


TRUE OR FALSE?

“Your landlord can charge you for bed bug treatments.”

TRUE

FALSE



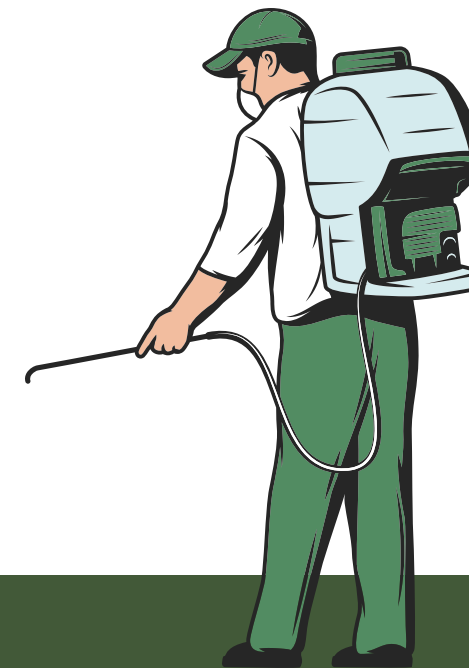
TRUE OR FALSE?

“Your landlord can charge you for bed bug treatments.”

TRUE



FALSE



TRUE OR FALSE?

“Your landlord must go through the Landlord and Tenant Board to evict you.”

TRUE

FALSE



Tribunals Ontario

Landlord and Tenant Board

TRUE OR FALSE?

“Your landlord must go through the Landlord and Tenant Board to evict you.”

TRUE



Tribunals Ontario

Landlord and Tenant Board

OTHER LANDLORD'S OBLIGATIONS

Not to harass or threaten the tenant (some obligation applies to tenants with respect to the landlord).

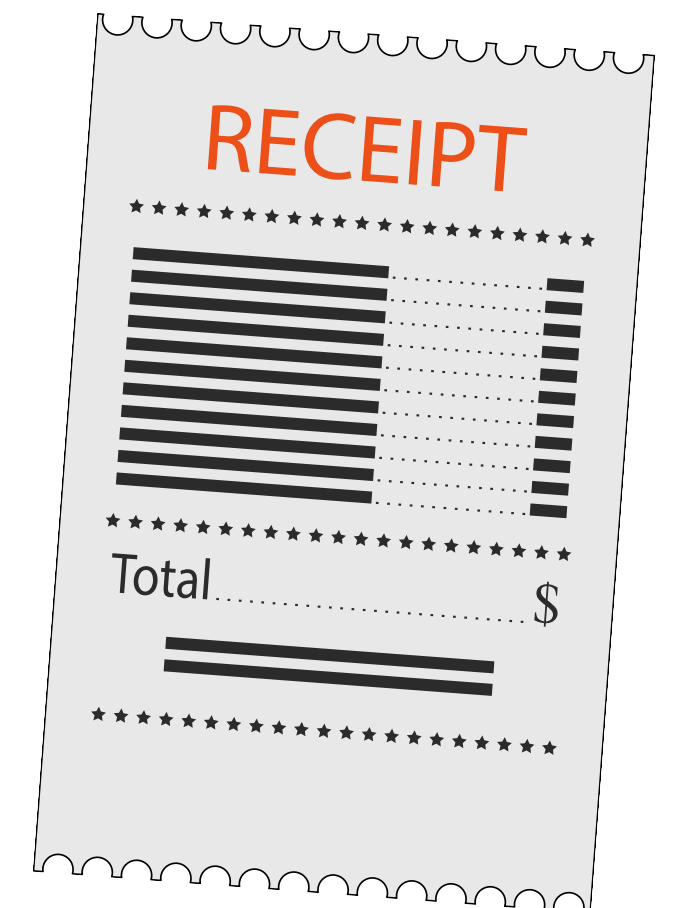
Cannot withhold or interfere with the reasonable supply of vital services (water, heat, hydro, gas, fuel, and food/care services when applicable).

Cannot change the locking system on a door giving entry to the unit or complex without giving the tenant the replacement key (this obligation also applies to tenants).

Not to interfere with the tenant's reasonable enjoyment of the rental unit.

TIPS FOR TENANTS WHEN DEALING WITH TENANCY ISSUES

- Let the landlord know about the problem promptly.
- Document each step taken to have the issue(s) addressed (gather evidence).
- Maintain a written communication with the landlord as much as possible.
- Keep receipts of expenses (duty to mitigate).
- Contact municipal/provincial authorities (i.e. By-Law Enforcement, Fire Dept., Police, RHEU).
- Advise the landlord if accommodation under the OHRC is needed.
- Seek help and legal advice – know your options and rights (a list of Housing Community Resources will be provided).



FREE TENANT TIP SHEETS & VIDEOS



N13

Notice to End Your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert It to Another Use

- The N13 is a legal notice that could lead to you being evicted from your rental unit.
- It is a notice from your landlord stating they want to end your tenancy and that they want you to move out by a certain date (called the termination date.)
- The landlord must state the reason for ending the tenancy from the 3 reasons below and must state whether they have obtained any necessary building permits.

Reason 1:

Your landlord intends to demolish the rental unit or the residential complex.

Reason 2:

Your landlord requires the rental unit to be vacant in order to do repairs or renovations so extensive that they are required to get a building permit and the rental unit must be vacant to do the work. The landlord must include details of the work they plan to do.

Note: You have the right to move back into the rental unit once the repairs or renovations are completed. Your landlord cannot increase the rent unless it has complied with the legal requirement regarding rent increases. If you want to move back in once the work is done, you must give written notice telling the landlord. Also, you must keep the landlord informed in writing any time your address changes.

Reason 3:

Your landlord intends to convert your rental unit or the residential complex to a non-residential use.

IMPORTANT INFORMATION FROM THE LANDLORD AND TENANT BOARD (LTB)

- The termination date set out in this notice must be at least 120 days after the landlord gives you the N13.
- An N13 is a notice for the end of term. This means that if the tenancy is for a fixed term, the termination date cannot be earlier than the last day of the fixed term.
- The termination date must also be the last of the rental period. For example, if rent is due on the first of the month, the termination date must be the last day of the month.
- If you disagree with what the landlord has put on this notice, you don't have to move out by the termination date. Your landlord can apply to the LTB for your eviction. The LTB will schedule a hearing where you can explain why you disagree. You will receive a "Notice of Hearing" from the LTB.
- If you move out of the rental unit by the termination date, your tenancy ends on that date. If you want to leave earlier than the termination date, you can give 10 days notice to end your tenancy by using LTB Form N9 (Tenant's Notice to End the Tenancy.)
- You have the right to compensation. The amount of compensation depends on the reason on the notice. The compensation must be paid to you before the termination date.

Get **free** legal advice to see if your unit is covered under the RTA and how to enforce your right by contacting:



450 Frederick St. #101, Kitchener ON N2H 2P5

Phone: 519-743-0254 or Online Contact Form found at: www.wrcls.ca



WATERLOO REGION COMMUNITY LEGAL SERVICES

Tenant's Rights Series

THE EVICTION PROCESS

WATERLOO REGION COMMUNITY LEGAL SERVICES

Tenant's Rights Series

UNDERSTANDING AN N12 NOTICE



REPAIRS REQUEST FORM FOR TENANTS

Tenant's Name(s):	
Address:	Unit #:
Phone Number:	Date:
E-mail Address:	Landlord's Name:

- Is this matter urgent (e.g. flooding, burst pipes, risk of fire)? (Check box if yes) ☐
- Please contact me to arrange a time. My preferred date and times are: _____

Note: Landlords must give tenants a minimum of 24 hours' written notice before coming to make repairs, unless otherwise agreed upon by the tenant. These repairs must be done between the hours of 8:00am and 8:00pm.

Items that require repair/maintenance are marked with a checkmark ☒

Bathroom

☐ Shower Curtain & Bar	☐ Lights	☐ Window	☐ Fan
☐ Bathtub	☐ Mirror	☐ Towel Bar/Rack	☐ Toilet
	☐ Vanity/Sink	☐ Toilet Paper Holder	
☐ Flooring			

Kitchen

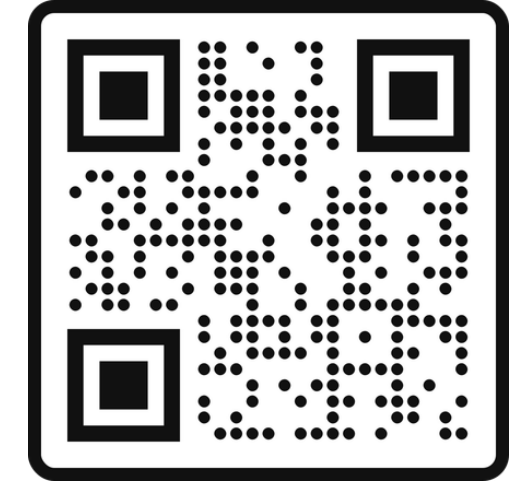
☐ Window	☐ Range Hood/Fan	☐ Cabinets	☐ Lights	☐ Refrigerator
☐ Dishwasher	☐ Stove/Oven	☐ Sink	☐ Countertop	☐ Drawers/Cabinets
☐ Flooring				

WRCLS CONTACT INFO



Website / Web Contact Form

- Visit: www.wrcls.ca/web-contact-form



Phone / Walk-in

- Phone: 519-743-0254
- Main Office: 450 Frederick St. Unit 101, Kitchener, ON
- Cambridge Office: Langs - 1145 Concession Rd, Cambridge, ON

Youtube Channel

- bit.ly/3Fd8EGG
- @WRlegalservices

Social Media (Facebook, Twitter, Instagram)



@wrlegalservices

OTHER LEGAL RESOURCES



CLEO - Community Legal Education Ontario

- CLEO produces clear, accurate, and practical information, guides and tools to help people understand the law and exercise their legal rights.
- Visit www.cleo.on.ca



STEPS TO JUSTICE

- Free, practical, and simple legal information for people in Ontario
- Visit www.stepstojustice.ca



LAW SOCIETY REFERRAL SERVICE (LSRS)

- The LSRS will connect you with a lawyer or licensed paralegal that will provide a free consultation of up to 30 minutes
- Visit www.lso.ca



LANDLORD AND TENANT BOARD

- Visit: tribunalsontario.ca/lrb/
- Website contains useful information such as LTB Rules & Guidelines, Forms, filing options, informative brochures on different housing topics



PRO BONO ONTARIO - Free Advice Hotline

- Support for civil matters (no family law or criminal law)
- Up to 30 minutes of free legal advice and assistance
- Call 1-855-255-7256 or visit www.probonoontario.org



Q



A

QUESTIONS?