



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

Housing and tenants' rights during Covid-19

Hosted by CLEO in partnership with:

Caycie Soke, Kinna-aweya Legal Clinic

Sumaya Bauer, Tenant Duty Counsel and Advocacy Centre
for Tenants Ontario

Nov. 19, 2020

 **The Law
Foundation
of Ontario**
Advancing access to justice



Disclaimer

This webinar is for general information purposes only and is not legal advice. It is not intended to be used as legal advice for a specific legal problem. This webinar was recorded on Nov. 19, 2020 and reflects developments in the law before that date.



Land Acknowledgement

We acknowledge that the land from which we are presenting this webinar is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Indigenous Peoples are the first educators on this land.



Outline

1. Tenants' rights (Caycie Soke)

- When does the Residential Tenancies Act apply?
- Landlord obligations
- Evictions, lockouts, paying rent and rent freeze 2021
- Short Q & A

2. Legal process and legal services for eviction (Sumaya Bauer)

- Landlord and Tenant Board hearings by phone
- Referrals for legal advice and other supports
- Short Q & A

4. Phone support and other resources for tenants' during Covid-19

5. Longer Q & A



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



Steps to Justice

Your guide to law in Ontario



Justice pas-à-pas

Votre guide de droit en Ontario

COVID-19: Updates on the law and legal services



CLEO Connect

Training and tools
for community workers



TENANT RIGHTS AND COVID-19

CAYCIE SOKE, STAFF LAWYER,
KINNA-AWEYA LEGAL CLINIC,
THUNDER BAY, ONTARIO

TRUE OR FALSE?

- **Your landlord can evict you in the winter.**
- **Your landlord can evict you for letting a friend move in with you without their permission.**
- **Your landlord can charge you more rent because your partner moved in with you.**
- **Your landlord can evict you because you got a pet.**

WHEN DOES THE RESIDENTIAL TENANCIES ACT APPLY? (THE SHORT ANSWER)

- In your own unit with kitchen and bathroom **YES**
- Boarding house with shared bathroom and kitchen with other tenants **YES**
- Sharing a kitchen and bathroom with the owner or owner's family **NO**
- Staying at an emergency shelter or some residences with therapeutic/residential treatment elements **NO**
- Stay in a health care facility (nursing home, hospital) **NO**
- You move in with your friend, who is the lease-holder, and pay your rent to your friend, who in turn pays it to the Landlord **NO**

QUICK FACTS ABOUT THE TENANTS RIGHTS: WHAT YOUR LANDLORD'S OBLIGATIONS ARE!

- Cannot enter the rental unit illegally (24 Hours' Notice, Reason & Reasonable Time Frame).
- Cannot change the locks without giving replacement keys.
- Cannot interfere with vital services (i.e. hydro, heat, hot/cold water).
 - Heat is a vital service from September 1 to June 15 (minimum of 20° C)
- Provide and maintain a rental unit in a good state of repair, fit for habitation and in compliance with health, safety, housing and maintenance standards.
- Pay annual interest on tenant's last month's rent deposit.
- Provide rent receipts, if asked for by tenant.



EVICITION PROCESS

1. Receive a Notice from the Landlord (First Notice, Second Notice [depending on this allegation], often an opportunity to correct the behaviour [depending on the type of notice])
2. Landlord can apply to the LTB. You will receive a Notice with a date and time.
 - **Speak to your local legal clinic about representation!**
3. If you are evicted after a hearing an Order will be issued
4. Once the Order is issued the Sheriff can be called to change the locks if you have not vacated.
 - You then have 72 hours to remove the remainder of your belongings.

IF THESE STEPS ARE NOT TAKEN, THIS IS AN

ILLEGAL EVICTION.



COVID-19: WHAT TO DO IF YOU ARE ILLEGALLY LOCKED OUT

- Speak to your Landlord
- Call the Rental Housing Enforcement Unit (1-888-772-9277)
- Call your Community Legal Clinic
- Call the police (non-emergency line)
- File a T2 Application about Tenant Rights against your Landlord



COVID-19: WHAT TO DO IF YOU CANNOT PAY RENT

- **Don't delay.** If you owe money for rent, get help as soon as possible. Do not wait until the arrears have accumulated too high.
 - Local Ontario Works Providers often have funds available to assist in these situations.
 - In some cases Indigenous community member's bands have funds available.
 - Specific organizations may have specific funding.
- If you are having trouble paying the rent, **talk to your landlord.** You may be able to work out a repayment plan and avoid eviction and legal fees. Make sure it is reasonable, take into account what you need to meet your basic needs and go from there.
- Consider advising your Landlord to investigate **specific relief for landlords** during for COVID-19. (I.E. Mortgage Payment Deferral)
 - Landlords should contact the Landlord Self-Help Line.



COVID-19: WHEN CAN MY LANDLORD ENTER MY HOME?

A landlord can only enter a tenant's unit in specific circumstances. In most cases, the landlord must:

- give the tenant 24 hours written notice
- state what day and time they will enter (between the hours of 8 a.m. and 8 p.m.)
- state the reason for entering the unit

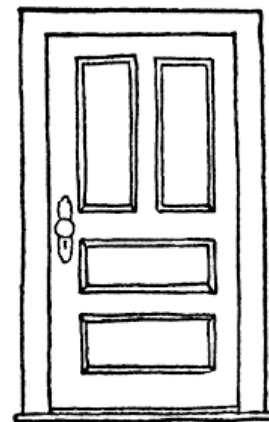
There are some exceptions to this requirement, for example, in case of emergency. If the landlord has a valid reason for entering the unit, a tenant cannot refuse to let the landlord in.

HOWEVER, DURING COVID-19:

Landlords are encouraged to **request entry only in urgent situations** and to follow physical distancing guidelines. (Government of Ontario Recommendation)

Landlords who are selling tenant-occupied homes are **strongly advised** to follow the guidance of the Real Estate Council of Ontario and **avoid in-person showings**.

Landlords are subject to the Human Rights Code and have a duty to accommodate tenants (i.e. if tenant is immuno-compromised or suffers from severe anxiety due to current state of public health), which may mean deferring non-urgent inspections.



RENT FREEZE - 2021

Every year, there is a “guideline amount of rent increase” that is prescribed by the Ontario Government. In 2020 it was 2.2%. This means that if you pay \$1,000 in rent for your apartment, your rent for 2020 could have been increased to \$1,022 legally.

Due to recent amendments to the *Residential Tenancies Act*, the guideline rent increase for 2021 has changed from 1.5% to 0%.

This means that a Landlord **cannot raise their** Tenants rent between January 1, 2021 and December 31, 2021, **even** if they provided paperwork prior to December 31, 2021 advising the Tenant that the rent will be raised.

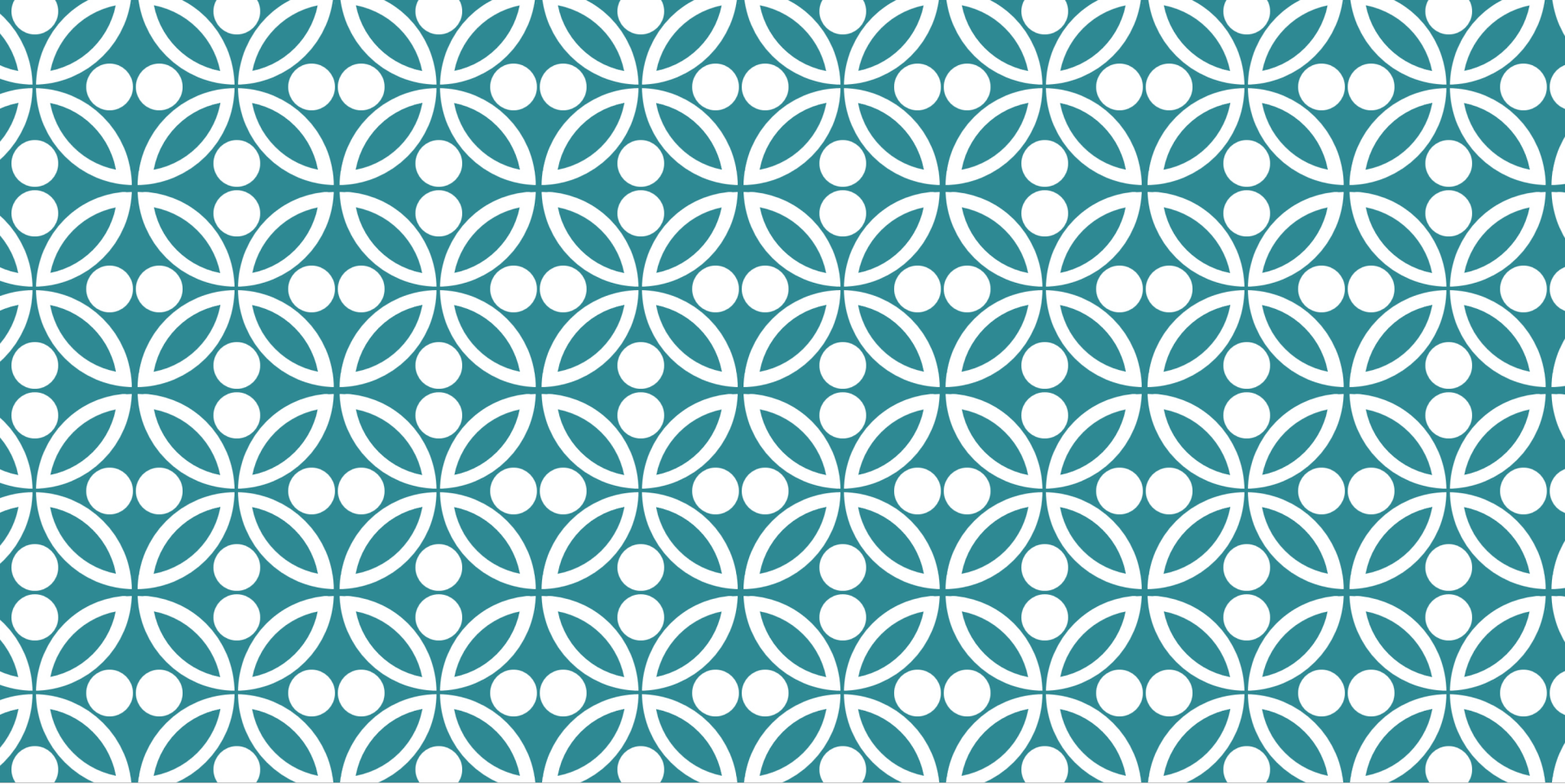
However, there are some exemptions.....



RENT FREEZE 2021- EXEMPTIONS



- Landlords can still apply for and collect above-guideline increases (AGIs).
- An AGI is a rent increase **that is more** than the permitted annual guideline increase, which is granted by the Landlord and Tenant Board (LTB) when the landlord applies based on their expenses for major repairs, renovations, replacements or additions that are not part of normal ongoing maintenance.
- Some above-guideline increases in rent, which allow landlords to invest in repairs and upgrades to their aging rental buildings, that are approved by the Landlord and Tenant Board; and
- Agreed upon rent increases - where a landlord and tenant agree upon an increase in rent in exchange for an extra service or facility, such as air conditioning or parking.



QUESTIONS?





Tenant's Rights Webinar

November 19, 2020

SUMAYA BAUER

TENANT DUTY COUNSEL

ADVOCACY CENTRE FOR TENANTS ONTARIO (ACTO)

TORONTO, ONTARIO



**LTB Hearings by
Videoconference /
Telephone**



Virtual Hearings: Pros

- Pros

- 😊 Less waiting time – hearing blocks are generally 2 hours long, so tenants don't have to sit around at the LTB waiting for their hearing to be called
- 😊 If you are unable to leave the home, have difficulty accessing transportation, have children at home and no access to childcare

Virtual Hearings: Cons

- Cons
 - ☹️ Biggest difference: Time spent with client
 - ☹️ Very limited when giving legal advice – usually unable to view documents
 - ☹️ Imbalance of power between parties
 - ☹️ No mediation available
 - ☹️ Technology issues
 - ☹️ Scheduling issues
 - ☹️ Issues with Notice of Hearing
 - ☹️ Majority of hearings scheduled now are L1 (arrears) – as of August 4, Sheriff can enforce evictions
 - ☹️ Tenants who have trouble reading English or French
 - ☹️ Section 82 arguments
 - ☹️ New processes at LTB prioritize some at the expense of others

CLIENT FACING EVICTION OR THREAT OF EVICTION?

- Refer to local community legal clinic
- <https://www.legalaid.on.ca/legal-clinics/>



AIDE JURIDIQUE ONTARIO

Search for services, clinics and more...

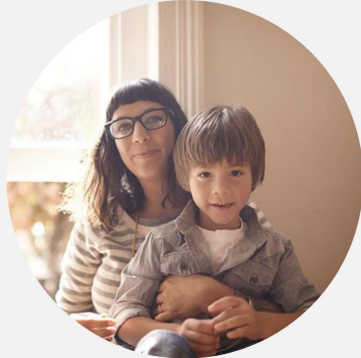
Find a Legal Clinic

If you have difficulties in finding a legal clinic using this directory, please contact the Client Service Centre at [416-979-1446](tel:416-979-1446) or toll-free [1-800-668-8258](tel:1-800-668-8258).

Note: If your search results in either 57 results or two results, [please see this page regarding an important service advisory](#).

Address or postal code

acto.ca



LEGAL ADVICE

Get free legal advice on the day of your scheduled phone hearing at the Landlord and Tenant Board.

CONNECT

Tenant Duty Counsel Program (TDCP)



- 8 full-time TDC in Toronto
- Summary advice for tenants with an upcoming hearing
- Tenants can sign up on our website: tdc.acto.ca

WHAT CAN FRONTLINE WORKERS DO TO HELP TENANTS?

- Document, document, document!
- Eviction: Refer to legal clinic
- Arrears: Help secure sources of funds
- Repair + other non-eviction issues: By-law inspectors, legal clinic advice



Bill 184: Wrong Bill, Wrong Time

- **Bill 184, Protecting Tenants and Strengthening Community Housing Act, 2020**
 - **Despite ACTO's campaign for Ontario to scrap Bill 184, it received Royal Assent July 21, 2020**
-
- **Implications:**
 - **Contrary to its title, Bill 184 is a collection of pro-landlord amendments that does not protect tenants from bad faith evictions**
 - **Payment Agreement: Makes it easier for landlords to evict tenants without a hearing and limits the tenant's ability to raise defences at arrear hearings**
 - **These changes will exacerbate the ongoing affordable housing crisis and make tenants more vulnerable to evictions and homelessness**
 - **Bill 184 was pushed through the legislative process, without meaningful consultation or consideration of the concerns raised by tenants, at a time when the health and livelihoods of tenants have been hit hard by COVID-19**

ACTO's Campaign to Stop Unfair Evictions

- Many clinics and organizations signed an open letter to the government voicing deep concerns with Bill 184, and recommendations. The Bill passed without any of the recommendations...
- Collectively, the clinic system and our advocates made a lot of noise to the media, politicians, etc., and changed the narrative of Bill 184 to highlight that it was not made to protect tenants, rather, **it will lead to more evictions.**
- Getting our concerns out there: Most recently, Media Advisory yesterday, "Disturbing Trend in Denying Tenants Access to Justice".
- We will continue to push for the protections that tenants need to access safe, secure and affordable homes.

Toronto Edition
CHANGE LOCATION

TORONTO STAR


HOME LOCAL CANADA POLITICS WORLD OPINION LIFE SPORTS ENTERTAINMENT BUSINESS STAR INVESTIGATIVE

Readers' Choice Awards

STAR

'The hearing went on without us': Legal clinics warn that emailed eviction hearing notices aren't reaching tenants

By [Victoria Gibson](#) Local Journalism Initiative Reporter
Fri., Nov. 6, 2020 | 4 min. read



When Angelica Donato was first notified about an eviction hearing against her at

Complaints – Where to go?



- LTB (<https://tribunalsontario.ca/en/complaints/>)
 - Executive Chair, Tribunals Ontario sean.weir@ontario.ca
 - Acting Associate Chair, Landlord and Tenant Board karen.restoule@ontario.ca
 - *In addition, can c.c.:
 - Steve Clarke, Minister of Housing steve.clark@pc.ola.org
 - Suze Morrison, Opposition Housing Critic SMorrison-QP@ndp.on.ca
 - Your local MPP
- Ombudsman Ontario (<https://ombudsman.on.ca/contact-us>)
- Some legal clinics have been collecting case examples of unfair experiences that tenants have experienced, along with procedure and process issues at LTB
- ACTO: Collecting stories of tenants willing to talk to the media
 - Bahar (Communications and Public Affairs Specialist) shadpob@lao.on.ca

Send an email!!

**if you feel comfortable doing so*

- Encourage the government to bring back the eviction moratorium!
- Who to email?
 - Doug Ford, Premier doug.fordco@pc.ola.org
 - Steve Clarke, Minister of Housing steve.clark@pc.ola.org
 - Suze Morrison, Opposition Housing Critic SMorrison-QP@ndp.on.ca
 - Local MPP
 - Use the “Find my MPP” feature by entering your postal code on <https://www.ola.org/en/members>

Find my MPP

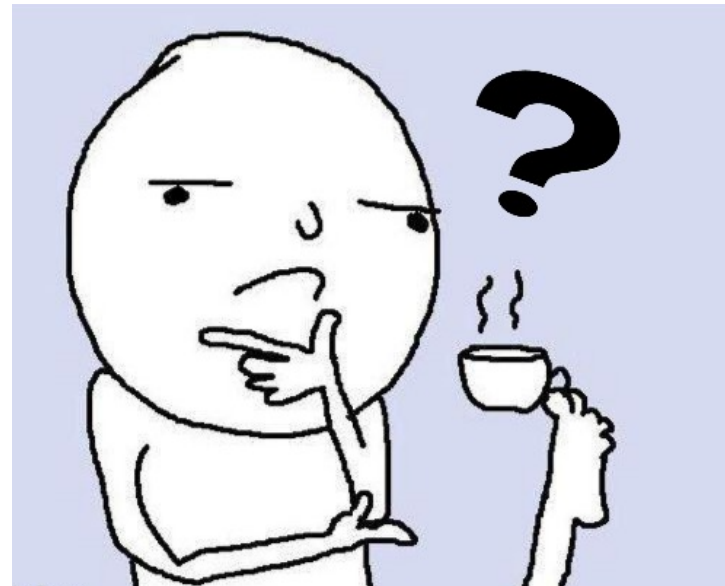
If you don't know your MPP's name or your riding, use the search tool below.

Enter your postal code or address

FIND



Questions?



Support by phone for tenants:

- **Community legal clinics**
 - Find your local clinic at: legalaid.on.ca/legal-clinics/
- **Tenant Duty Counsel**
 - tdc.acto.ca/
 - 1-866-245-4182 or 416-597-5855
- **Federation of Metro Tenants Associations**
 - torontotenants.org/
 - Tenant Hotline - 416-921-9494

Support by phone for tenants:

- **Pro Bono Ontario**

- probonoontario.org
- Legal Advice Hotline – 1-855-255-7256

- **Rental Housing Enforcement Unit**

- <https://www.ontario.ca/page/solve-disagreement-your-landlord-or-tenant>
- 1-888-772-9277

- **Human Rights Legal Support Centre**

- hrlsc.on.ca
- 1-866-625-5179



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

stepstojustice.ca

COVID:19 Updates on the law and legal

The screenshot shows a web browser window displaying the homepage of stepstojustice.ca. A red banner at the top reads "COVID-19: Updates on the law and legal services". Below the banner is the site's logo, "Steps to Justice Your guide to law in Ontario", and a navigation menu with options like "Legal Topics", "About Steps to Justice", "Latest Updates", and "Embed & Share". A large hero image features a woman with curly hair, with the text "Steps to Justice Step-by-step information about legal problems. Reliable, practical, and easy to understand." and a search bar. A live chat window is visible in the bottom right corner.



CLEO's legal information & resources:

- **Steps to Justice and Justice pas-à-pas – housing law:**
 - [Covid-19 and Housing law](#) (En)
 - [Covid-19 and Housing law](#) (Fr)
- **CLEO's resources for tenants**
 - [Fighting an eviction](#)
- **Guided Pathways for tenants**
 - [T1 application for return of money from landlord](#)
 - [T6 application for repairs or maintenance](#)



I have an eviction hearing at the LTB because I owe rent

How will I know if my landlord has applied to the LTB to evict me?	The LTB will send you a Notice of Hearing and a copy of your landlord's L1 application by mail or email. During the COVID-19 pandemic, hearings are being held by telephone or video. The Notice will tell you the date and time of the hearing, and how to call in or connect.	Tip: You can also call the LTB at 1-888-332-3234 to ask if your landlord has filed an eviction application.
Can I stop the eviction process before the hearing?	You can stop the eviction by paying what you owe plus the filing fee your landlord paid to the LTB. Or you can make a repayment agreement with your landlord. The agreement will set out how much you have to pay, and when.	Be careful about what you agree to. If you make an agreement and then do not follow it, your landlord might be able to get an eviction order without a hearing .
How can I prepare for my hearing?	This depends on the issues in your case. You need to think about what you will say at the hearing, and to collect any evidence you want to use. It is best to get legal advice before your hearing.	Note: If you think you might have trouble calling in or connecting to the hearing, tell the LTB right away.
What is evidence and how do I submit it?	Evidence is what you and any witnesses say at the hearing. It's also any documents that help prove what you are saying is true. To use documents as evidence, you must send them to both your landlord and the LTB before the hearing. Their email addresses will be on the Notice of Hearing.	Tip: It can take time to collect documents, letters or records so it is best to start right away. Tip: If you can't scan a document, you can take a photo of it from your phone.
What if my landlord says I owe more rent than I think I owe?	If you don't agree with the amount the landlord is asking, get evidence to show why your landlord is wrong. For example: <ul style="list-style-type: none"> • rent receipts • bank statements • e-transfers • emails or texts confirming your payments 	Tip: Ask your landlord for a rent ledger, which is a record of all the rent payments made by date. Then you can check if all the payments you've made are written in the ledger.



Additional resources from community legal clinics

- ACTO [Tip Sheets for Tenants](#)
- Hamilton CLC "[Know Your Tenant Rights](#)" tip sheet



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

Thank you for joining us!

Subscribe – cleoconnect.ca/subscribe/

Steps to Justice – stepstojustice.ca/covid-19