

## RESOURCES FOR TENANTS

- ✓ **Tenant Hotline 416-921-9494** (if you are not comfortable speaking English, we can provide interpreters in your language)  
*www.torontotenants.org*
- ✓ **Centre for Equality Rights in Accommodation** (CERA) 416-944-0087  
*www.equalityrights.org/cera*

The Federation of  
Metro Tenants'  
Associations

# GUIDE TO TENANT RIGHTS

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## THE TENANT PROTECTION ACT

The Tenant Protection Act (TPA) is the law that governs the relationship between Landlords and Tenants in Ontario. The Ontario Rental Housing Tribunal (ORHT) is the agency that administers the Tenant Protection Act.

### Who is covered by the TPA?

Anyone in rental housing is covered by the TPA, as long as you do NOT share a kitchen or bathroom with your landlord.

The TPA also covers people in non-profit and public housing.

### The TPA does not cover:

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

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## YOUR RIGHTS

### Leases and tenancy agreements:

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

- Read your lease carefully before you sign it and ask for help if you do not understand it (you can call the Tenant Hotline at 416-921-9494)
- The TPA supersedes anything written in a lease (for example, even though your lease may say that you *cannot* have pets, the TPA says that you *can* have pets, unless the animal interferes with the reasonable enjoyment of other tenants)
- You **are** allowed to have children in your apartment
- If you do not have a lease or a tenancy agreement, the TPA still covers you
- You **do not** have to renew your lease when it expires
- All the terms of your original lease continue even if you do not sign a new lease
- Your lease cannot make you take an apartment 'as is' even if you knew about the maintenance issue before you moved in
- If you commit an illegal act in your building or apartment
- If you interfere with the reasonable enjoyment of other tenants
- If your landlord or a member of your landlord's family wants to move into your apartment
- If the your building is being converted to a condominium or is being demolished

You **cannot** be evicted if:

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

Your landlord must apply to the Ontario Rental Housing Tribunal (ORHT) in order to evict you. Your landlord **may not** change your locks or tell you to leave. The **only** person that can evict you is the Sheriff.

If you are concerned about an eviction or your landlord has threatened you with eviction, call our Tenant Hotline **immediately** at 416-921-9494.

*It is against the law in Ontario for anyone to treat you unfairly or refuse to rent you an apartment because of your: race, colour, age, sex, sexual orientation, religion, ancestry, ethnic origin, family status, or your place of origin.*

- Keep a record of your written requests (a photocopy or duplicate of the requests)
- If you can, take pictures
- Talk to your neighbors – see if they are having similar problems
- If your landlord still hasn't fixed the problem and you have written requests, contact your local Municipal Licensing and Standards office
- Do not withhold your rent! Your landlord can apply to evict you if you do not pay your rent on time

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

## EVICCTIONS

Your landlord can apply to evict you **only** for the following reasons:

- Non-payment of rent
- Persistent (ongoing) late payment of rent
- If you cause damage to your building or apartment

## Rules about rent:

- It is **illegal** for a landlord to charge a 'security deposit' or 'damage deposit' *The only charges a landlord can ask from you is **first** and **last** month's rent* (if you have been charged a 'deposit', please call our **Tenant Hotline** at 416-921-9494 or the Centre for Equality Rights in Accommodation (CERA) at 1-800-263-1139)
- If you are a new tenant to the building, your landlord is allowed to charge whatever rent he or she wants
- Every year, your landlord must pay you 6% interest on your last month's rent deposit (you can also deduct this amount from that month's rent)
- One you move in, your landlord is allowed to raise your rent by a guideline increase amount **once** per year
- The annual guideline increase amount is set by the Ontario government every August (for 2006, it is 2.1%)
- If your landlord wants to increase your rent above the guideline amount, they must first apply to the Ontario Rental Housing Tribunal and notify you of the rent increase – if you have received a notice of above guideline increase, please call our **Tenant Hotline** at 416-921-9494 – the Federation of Metro Tenant

Associations also works with tenants who are facing Above Guideline Increases

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

### **Privacy:**

Your landlord can only enter your apartment between the hours of 8am and 8pm

- Your landlord can enter:
  - ✓ If there is an emergency
  - ✓ If something needs to be fixed
  - ✓ If you have given notice to move out, and the landlord is showing your apartment to new tenants
- If something needs to be fixed, your landlord must give you 24 hours written notice before entering your apartment (you *do not* have to be home for your landlord to enter)
- If your landlord is showing your apartment to new tenants, they must make a 'reasonable effort' to inform you

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

## **REPAIRS AND MAINTENANCE**

### **Landlord responsibilities:**

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

### **What to do if your landlord does not fix something:**

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