

# TENANT'S GUIDE

Keep  
This Guide!

To  
**New and Stronger Tenant Protection**  
The Residential Tenancies Act  
**2006**



Ontario

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**“STANDING UP FOR YOU AT QUEEN'S PARK”**

# Stronger Protection for Tenants

## The New Residential Tenancies Act 2006

*Dear constituent of Eglinton-Lawrence,*

Your provincial government is committed to ensuring Ontarians have a safe, secure and affordable place to live, that's why we've passed legislation that is balanced and fair and will give tenants, more protection while keeping our rental housing market strong.

The Residential Tenancies Act, 2006 will provide stronger protection for tenants, ensure fairer rent increases and promote investment in rental housing.

Please read and save this Tenant's Guide so that you know both your rights and your responsibilities as a tenant. If this guide doesn't provide the answers you are looking for, please contact my office for further advice and we will provide any assistance we can.

Sincerely,



**Mike Colle, M.P.P.**  
Eglinton-Lawrence

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# STRONGER RENT CONTROLS

The province of Ontario has a new law for rental housing in the province.

The **Residential Tenancies Act** replaces legislation that left tenants vulnerable. The new law ensures all tenants are better protected.

## The new law will

- **Eliminate the unfair eviction process**, so that every tenant will have an opportunity to go to a hearing or mediation
- **Base the annual rent increase guideline** on a real cost indicator - the **Consumer Price Index**
- **Require rent reductions** for sitting tenants when a capital expenditure such as a new roof has been paid for
- **Disallow all rent increases** if a landlord has failed to maintain his/her building
- **Require rent reductions for tenants when utility costs go down**, if a unit's rent had been increased to reflect high utility prices
- **Reform the Tribunal** and establish a fairer and more tenant friendly Board
- **Ensure tenants receive the benefit of their energy conservation** by enabling Smart Meter installation so tenants can control their own energy usage and save energy costs.



Mike Colle attends Café Europa at the Wagman Centre, Baycrest

# IMPORTANT QUESTIONS AND ANSWERS FOR ALL TENANTS

## **Q) How will the new law protect me from rent increases?**

**A)** Under the new law, tenants will be protected from unfair rent increases by basing the rent increase guideline on the Consumer Price Index, and not a complicated formula. Rent increases will reflect only real increases in cost.

## **Q) I'm moving into a new apartment. Can the landlord charge me more than the previous tenant?**

**A)** When you first move into an apartment or rental home, your landlord is allowed to charge more. After your new rent is set, the new law sets limits for future rent increases.

## **Q) My landlord increased the rent for repairs that were completed last year. Will I have to keep paying the higher rent forever?**

**A)** The law now requires rent reductions for capital costs when they are paid off, and for reduced utility costs if they go down.

**The new law limits the capital expenditures that landlords can pass on to tenants.**

Under the new law, the percentage of capital costs that could be passed onto a tenant would be reduced from 4% to 3% and could be carried forward for no more than 3 years.

## **Q) I've been living in my apartment for six months. When can the landlord increase my rent?**

**A)** Once you are in your apartment, your landlord can increase the lawful rent once every 12 months. Your landlord must give you written notice at least 90 days before your rent goes up.

**Q) My rent increased by more than the guideline amount last year-how did my landlord get away with that?**

A) Landlords can apply to the mediating body for an increase above the rent guideline, if

- They have made repairs or renovations;
- They have had higher than average increases in property taxes, heating or hydro costs;
- Or, they have set up a new security service.

**Under the new law, reasons for Above Guideline Increases (AGIs) must be clear and transparent.**

Landlords asking for AGIs will also have to pass a stricter test for the Board to determine whether the expenditure is necessary. Your landlord must give you written notice when he or she is applying.

**Q) I use less energy than my neighbours. Can't I pay less?**

A) **The new law promotes energy conservation** by allowing a system for tenants to be billed directly for their own electrical consumption. This will make sure you are not paying for your neighbours' bad habits.

**Q) If I'm going to pay for electricity separately do I get a break in my rent?**

A) Under the old act, tenants had to appeal to the Tribunal for rent relief when the cost of electricity was changed to separate billing.

**Under the new law,** tenants will receive an **automatic rent reduction** to remove electricity costs from their rent, so they won't pay twice when the system is changed.



Mike Colle and Premier McGuinty visit the Villa Colombo

# DEPOSITS, CHARGES AND ILLEGAL RENTS

**Q) Before I moved in, my landlord asked for a deposit equal to a month's rent. Is this legal?**

**A)** Yes it is. However, a landlord cannot ask for any other deposit. Damage deposits or key deposits are against the law. It is also illegal for your landlord to require that you buy anything before renting a unit. If you paid an illegal extra charge and the landlord won't give it back, apply to the Board for a rent rebate.

**Q) Does the landlord have to pay me interest on my rent deposit? What are the rules about interest?**

**A)** Your landlord is required by law to pay you 6% interest once a year on your rent deposit. If your landlord doesn't pay you this interest, you have the right to deduct it from your rent.

**Q) Can the landlord ask me for more money for my deposit if my rent increases?**

**A)** Yes. The amount of the rent deposit can increase each year by the amount that the rent increases.

## PRIVACY ISSUES

**Q) Can my landlord enter my apartment when I'm not around?**

**A)** It depends. If you have requested some repairs then your landlord can only enter your apartment if he or she gives you written notice 24 hours in advance.

If you are planning to move out or the landlord has given you notice of eviction, the landlord can enter your apartment. This type of entry can only occur between 8 a.m. and 8 p.m.

The law allows a landlord to enter your apartment without written notice only:

- In case of an emergency, such as fire or water leak
- At any time with your consent, or to clean your apartment if the lease provides for cleaning

# EVICCTIONS

## **Q) My landlord has given me a notice of eviction. What happens now?**

A) Under the **new law**, all tenants who received an eviction application will automatically be given a hearing or proceed to mediation.

Tenants will be given the chance to void evictions by paying their rent arrears and applicable costs to the Board before the eviction order comes into effect once during the tenancy.

Valid reasons for eviction are very specifically laid out in the Tenant Protection Act.

They are:

- Tenant failed to pay their rent (referred to as in arrears)
- Tenant is consistently late paying the rent
- Tenant has damaged their unit
- Tenant has impaired the safety of others
- Tenant is disturbing the reasonable enjoyment of other residents
- Tenant is carrying on illegal activities in or around their apartment
- Tenant has overcrowded the apartment
- Tenant has misrepresented family income in subsidized housing
- Landlord wants to use the unit for his/her own use

These rules apply to both yourself and any of your guests.

## **Tenants in Special Circumstances**

The new law requires that the Landlord and Tenant Board consider any special circumstances of the tenant if these circumstances mean that eviction should be denied or delayed. This provides tenants with a better chance to ask the Board to deny or delay evictions in cases of hardship or for other valid reasons.

# RENEWING YOUR LEASE OR MOVING OUT

## **Q) My lease is almost up. Do I have to move?**

A) The end of a lease doesn't always mean you move out. If you and the landlord agree, a lease can be renewed, or a new lease made. If you don't renew or make a new lease, you can stay as a month-to-month tenant.

Keep in mind that when you renew your lease, your landlord could increase the rent by the guideline amount as long as 90 days written notice of the increase is given.

## **Q) How much time do I need to give my landlord to terminate my lease?**

A) If you rent by the month or have a fixed term, you must give **60 days written notice** to the landlord to terminate your agreement.

## **Q) I've switched jobs, can I end my lease early?**

- A) You can move out before the end of a lease in two cases:
- 1) You and the landlord agree to end the tenancy. You and the landlord should each have this in writing.
  - 2) You and the landlord agree to assign the tenancy to a new tenant.

## **Q) My friend wants to take over my apartment. Can she?**

A) If you want to assign your apartment to someone you know, your landlord can approve or reject your choice.

## **Q) I am going out of town for the summer. Can I let someone take over while I'm away?**

A) When you let another person live in the unit for a temporary period of time, but plan to return, you are subletting. You can only sublet with the approval of your landlord.

# REPAIRS AND MAINTENANCE

## **Q) Can I do anything about poor maintenance in my building?**

A) Under the new law the maximum penalties for maintenance offenses have increased from \$10,000 to \$25,000 for individuals and \$50,000 to \$100,000 for corporations.

If you have a maintenance or repair problem, inform the landlord in writing of the need for a repair. Keep a copy of your letter or note.

If your landlord does not respond to your letter within a week, or directly refuses to do the repair, contact the Property Standards Department of the City of Toronto and ask for an inspection. Inspections are free.

## **Q) My landlord is trying to raise my rent, but still hasn't repaired something I got the city to inspect. Is there anything I can do?**

A) Under the new law, tenants will now be able to apply to stop all rent increases if there are serious outstanding maintenance issues/work orders.

# CONDO CONVERSION AND DEMOLITION

## **Q) What happens if my landlord wants to convert my apartment building to condominiums?**

A) If a landlord tries to convert your apartment building to a condominium, you cannot be evicted from your apartment because of the conversion. You must be given lifetime security of tenure and a right of first refusal to buy your unit.

If your landlord plans to demolish a building they must provide you with three months rent as a compensation or relocate you. The same rule applies if they choose to initiate repairs that require tenants to vacate.

# LANDLORD AND TENANT BOARD

## Q) Whom do I turn to if there is a problem with my landlord?

A) The **Ontario Rental Housing Tribunal** was the name given to the body that resolves disputes between landlords and tenants about rights and responsibilities, including rent increases, evictions and privacy issues.

The Ontario government is committed to making the hearing and resolution of tenancy disputes more fair and accessible.

The name of the Ontario Rental Housing Tribunal will **change** to the **Landlord and Tenant Board** to reflect this commitment.

Tenants and landlords can apply to the board to resolve certain types of disputes either through mediation or adjudication.

In **mediation**, a Board mediator will help a landlord and tenant to resolve a dispute and reach an agreement with which they are both satisfied.

In **adjudication**, a hearing is usually held. A Board member makes a decision based on the evidence examined and issues an "order".



Mike Colle celebrates the 25th Anniversary of the Lawrence Gardens Co-op with Members of the Board

# ALTERNATIVE HOUSING OPTIONS

## AHP Homeownership

The Homeownership component of Ontario's Affordable Housing Program will assist households moving from rental into newly built affordable homes. Currently this program is in its pilot project phase.

**For more information contact:**

### Options for Homes

468 Queen Street East, Suite 310,  
Toronto, ON  
M5A 1T7  
416-867-1501

## Toronto Community Housing

Toronto Community Housing is home to over 164,000 tenants living in communities across Toronto. The Toronto Community Housing Corporation includes more than 350 high-rise and low-rise apartment buildings, as well as about 800 houses and duplexes throughout the city.

**To rent a TCHC unit at market value please contact:**

Market Rent inquiries

### Market Rent Office

931 Yonge Street, 3rd Floor  
Toronto, ON M4W 2H2  
Tel: (416) 981-RENT (981-7368)

To apply for a subsidized TCHC unit please contact Housing Connections.

## Rent Geared-to-Income (RGI) Housing

Rent-geared-to-income housing means that tenants receive a subsidy so that their rent is equal to about 30% of their income before taxes. Rent-geared-to-income housing is also known as social housing or subsidized housing.

In Toronto, people who want to apply for rent-geared-to-income housing must contact Housing Connections.

### Housing Connections

176 Elm St.  
Toronto, ON M5T 3M4  
Tel: (416) 981-6111  
Fax: (416) 981-6112

# INDEPENDENT LIVING AND ASSISTED LIVING FOR SENIORS

**Independent Living** for seniors refers to residence in a compact, easy-to-maintain, private apartment or house within a community of seniors. Any housing arrangement designed exclusively for seniors (generally those age 55+; in some cases the age requirement is 62+) may be classified as an Independent Living community.

**Supportive Housing** is designed for people who only need minimal to moderate care – such as homemaking or personal care and support - to live independently. Accommodations usually consist of rental units within an apartment building. In a few cases, the accommodation is a small group residence.

Supportive housing buildings are owned and operated by municipal governments or non-profit groups including faith groups, seniors' organizations, service clubs, and cultural groups. Accommodations, on-site services, costs, and the availability of government subsidies vary with each building.

Eglinton-Lawrence is home to two leading culturally sensitive organizations that offer housing for seniors.

## Baycrest

The mission of Baycrest is to enrich the quality of life of the elderly guided always by the principles of Judaism.

Baycrest accommodations offer a spectrum of care. For information about Independent Living at Baycrest call the property management office at 416-789-9317.

## Villa Charities

The mission of Villa Charities is to develop, administer, and co-ordinate projects in the health, social, cultural and educational fields which enrich and enhance the quality of life and honour the Italian heritage.

Villa Charities runs several facilities. For information, please contact the Housing Administrator, Villa Charities 416-789-7011



Mike Colle and Fergie Brown celebrate new Veterans Memorial at Queen's Park

# NEW INVESTMENTS IN AFFORDABLE HOUSING

Aside from the new Residential Tenancies Act, the Government of Ontario has also:

- 1) Established the Canada-Ontario Affordable Housing Program Agreement with the Government of Canada. This agreement will commit **\$602 million** (\$301M from each Government) over the next four years.
- 2) Seen the largest expansion of affordable housing in Ontario in a decade.
- 3) Created **15,000 new units** of affordable housing - including units targeted for victims of domestic violence and persons suffering from mental illness.
- 4) Committed **\$50 million** per year for the Strong Communities Rent Supplement Program.
- 5) Developed the **\$14M** Provincial Rent Bank program, administered through municipalities, which is working to ensure that people who are in crisis do not lose their homes.
- 6) Founded the Ontario Mortgage and Housing Initiative to provide competitive financing rates for non-profit, co-operative and commercial developers that want to build affordable housing in the province.

# IMPROVED TAX CREDIT FOR SENIORS

## Tenant Seniors can Benefit from the Credit

### Q) What is it?

A) The Ontario Property Tax Credit for Seniors was established in 1992 to provide assistance to seniors with low to modest incomes. Seniors who rent their residences are eligible for the tax credit. In the 2004 Budget, the Ontario government enhanced the program to reflect the circumstances facing seniors in Ontario today.

The "basic" property tax credit amount was increased by \$125, or 25%, to \$625. In addition, the maximum benefit available for the property and sales tax credits for seniors was increased from \$1,000 to \$1,125.

Approximately 33,000 **more families** have begun to receive the benefit from the credit. This improvement will deliver an estimated \$85 million in benefit to about 685,000 senior families.

### Q) How do I claim it?

A) Ontario tax credits are funded by the province. The Canada Revenue Agency (CRA) administers the program on behalf of Ontario through the federal income tax system.

Claim your tax credit on the ON 479 Ontario Credits form included in your federal T1-General income tax return.

You must file an Ontario tax return for the tax year and claim this refundable tax credit on form ON479, Ontario Credits.

# **Mike Colle**

M.P.P. Eglinton-Lawrence



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# KEEP THESE CONTACT NUMBERS HANDY!

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**Access Toronto** (General Inquiry)  
(416) 338-0338

## **Building Inspections**

North District (416) 395-7541  
Toronto Hydro (416) 222-3311

## **By-Law** (General Inquiries)

North York (416) 395-7000  
Toronto (416) 392-7042

## **Community Information Centre Hotline for Social Services and Government Programs**

(416) 392-0505

## **Consumer Gas Emergency**

(416) 447-4911

## **Fire Department**

(416) 338-9150

## **Hydro Emergency**

(416) 222-3300 (24 hrs)

## **Pest Control**

(416) 395-7011

## **Water Dept.**

(416) 338-8888

## **Toronto Police Department**

(416) 808-2222 (non emergency)

## **Toronto Transit Commission**

(416) 393-4000

## **Wheel-Trans**

(416) 393-4111

## **Federation of Metro Tenants Association**

(416) 921-9494

## **Housing Help Centre - COSTI Community Services**

North York (416) 244-0724

## **Ministry of Municipal Affairs and Housing**

Tel: (416) 585-7041

(General Inquiry)

<http://www.mah.gov.on.ca>

## **MAH Toronto Region Office**

(416) 314-7328

## **Ontario Human Rights Commission**

(issues of discrimination)

(416) 326-9511

## **Ontario Rental Housing Tribunal**

(24 hours) (416) 645-8080

[www.ORHT.gov.on.ca](http://www.ORHT.gov.on.ca)

## **Housing Connections-Toronto**

(coordinates applications from  
MTHA, MTHC, Co-op Homes)

(416) 981-6112

(416) 981-6112 fax

## **York Community Services**

(416) 653-5400