



Tip Sheet for Tenants

APPLICATION ABOUT MAINTENANCE (T6)

Prepared by the Tenant Duty Counsel Program and funded by Legal Aid Ontario

This publication contains general information intended to assist the public at large. It is not legal advice about your situation. You should consult a lawyer or legal worker for advice on your particular situation.

WHAT IS THE LANDLORD AND TENANT BOARD?

It is a place you can go to deal with problems with your landlord.

WHAT IS AN APPLICATION FORM T6?

You use an application Form T6 ("application") if your landlord:

- Did not repair or maintain your unit or the residential complex.
- Did not follow health, safety, housing or maintenance standards.

WHERE CAN I GET THIS FORM AND HOW MUCH DOES IT COST?

All of the applications are available online at www.ltb.gov.on.ca, at a Landlord and Tenant Board (the "Board") office, or at your local ServiceOntario Centre (SOC). There is a \$45 filing fee.

WHO CAN APPLY?

You can apply if you are a tenant **now** or **were** a tenant of the rental unit in which you have or had problems. You **must** apply within **one (1) year** of when the repair problem happened. If the problem has been fixed, you must apply within **one (1) year** of when the problem was fixed.

WHAT DO I DO WITH THE APPLICATION FORM?

The filled-in form and evidence may be dropped off in person, by fax, or by mail to the nearest Board office. But, if you want to take the form and evidence to your local ServiceOntario Centre, they must be dropped off **in person**.

The Board will schedule a hearing and give you two (2) copies of your application and the Notice of Hearing telling you where and when the hearing will be. By filling in the T6 Scheduling Information Form (the last page of your T6 Application), you can choose how you want the Board to give you the Notice of Hearing. You **MUST** give your landlord one copy and you must keep the other copy for yourself.

HOW DO I GIVE MY LANDLORD A COPY OF THE NOTICE OF HEARING AND APPLICATION?

You can do it one of these ways:

- Hand them to the landlord.
- Hand them to an “authorized employee of the landlord (for example, the property manager or superintendent).
- Leave them in the landlord’s mailbox.
- Put them under the landlord’s door or through the mail slot in the door.
- Courier them (give yourself an extra day for them to arrive).
- Send them by mail (give yourself an extra five [5] days for them to arrive).
- Hand them to the landlord’s agent (paralegal or lawyer).

Whoever gives your landlord a copy of the notice of hearing and application form must fill out a Certificate of Service and return it to the Board.

CAN I PAY MY RENT TO THE BOARD IF I HAVE MADE AN APPLICATION?

Yes, but only where the Board orders it. This request may be made at the time you file your application or at your hearing. The Board will likely allow you to pay your rent into the Board only where *special circumstances* exist. Special circumstances may include, for example, where you do not know who to pay or how to contact the landlord or if your landlord refuses to accept your rent.

HOW DO I PREPARE FOR MY HEARING?

Focus on how you will prove your case. It can take a long time to gather evidence. See the attached “**Gathering Evidence**” **Tip Sheet** for help.

INSTRUCTIONS ON HOW TO COMPLETE THE FORM T6

Please print clearly. If you need more room, add extra pages.

PART 1: GENERAL INFORMATION

Print the name of the landlord and the tenant on the form. If you want to add other people, like the super, use the Schedule of Parties form to do this.

If your mailing address is the same as the address of the unit covered in the application, leave the tenants' mailing address section blank.

- Street Label: Street, Avenue, Crescent, Road etc.
- Direction: West, East, North, South

PART 2: REASONS FOR YOUR APPLICATION

In as much detail as possible, you must describe how your landlord has not repaired or maintained your unit or the residential complex, or has not followed health, safety, housing or maintenance standards. You must indicate in the space provided when you **first** told the landlord about your maintenance problem(s).

The following is an example of a maintenance problem that may lead you to make an application at the Board.

1. **Mice and/or Rat Infestation**

Give as much information as you can. Here are some tips:

- When did you first notice you had mice and/or rats?
- Did you actually see the mice and/or rats or did you just see droppings?
- What did you do?
- Did you tell or write your landlord about the problem? (If yes, when?)
- How many times did you tell or write your landlord about this problem?
- Did you write to your landlord about this? (If yes, did you keep a copy of your letter/work order?)
- Did your landlord answer you? (If yes, when? And how?)
- If your landlord answered you in writing, do you have a copy of the letter (which you should attach to your application or bring to your hearing)?
- Did your landlord promise to get rid of the mice and/or rats within a reasonable amount of time?
- Has that date passed? Is your apartment still infested?
- Was there any damage to your belongings as a result of this problem? Please describe in detail

2. Water Damage

Give as much information as you can. Here are some tips:

- When did the leak start?
- What did you do when you first noticed the leak?
- Is there still a leak?
- Where is the leak coming from?
- Does the leak happen only when it rains?
- Did you tell or write your landlord about this problem? (If yes, when?)
- How many times did you tell or write your landlord about this problem?
- Did you write to your landlord about this? (If yes, did you keep a copy of your letter?)
- Did your landlord answer you? (If yes, when? And how?)
- Did your landlord promise to stop the leak within a reasonable amount of time?
- Has that date passed? Is there still a leak in your apartment?
- Was there any damage to your belongings as a result of this problem? Please describe in detail.

PART 3: REMEDIES

What do you want the Board to do about your problem? If the Board member decides that your landlord did not live up to her/his maintenance obligations, you can ask the Board to compensate you (pay you money). The **maximum** amount of money the Board can give you is \$10,000.

You can ask for the following compensation:

1. Rent Abatement

A **rent abatement** is a reduction in the rent you have to pay for a period of time because you are not getting what you were promised, like a mouse-free apartment. In order to get a rent reduction, you will have to convince the Board member judging your case that you have a serious problem and deserve a break on your rent. There are no rules for how much the Board might lower your rent. Rent abatements can go from a few dollars per month up to 100% of your rent for a specific period of time. But the Board will rarely give you back 100% of the rent you have paid.

Rent abatements may be ordered in cases involving: mice and/or rat infestation, broken appliances, water damage and so on.

It can be very hard to get a rent reduction. The Board member will not want to accept just “your word.” You will usually need evidence such as witnesses, videotapes, an inspection report and so on to prove your case.

2. Compensation for the cost to repair or replace property which was damaged, destroyed or thrown away

The Board can tell your landlord to pay you what it cost you to repair or replace belongings, which have been damaged, ruined or thrown away because of your maintenance problems. You must describe in detail what happened to your belongings. It is a good idea to get estimates and keep receipts to prove the cost of repair or replacement.

In addition to filling in the dollar amount you are asking for, you must explain in detail what you have had or will have to spend and how the maintenance problem caused you spend this money.

3. Compensation for expenses

The Board can tell your landlord to pay you the reasonable out-of-pocket expenses (money you paid or will pay to others). For example, you may ask the Board to compensate you for spoiled food, the purchase of a space heater and so on.

In addition to filling in the dollar amount you are asking for, you must explain in detail what the money is for and how the maintenance problem caused or will cause you to spend this money.

4. Tell your landlord to pay you for the cost of repairs you did

The Board can tell your landlord to pay you for the cost of your repairs **only** if you have done the work yourself or have hired someone to do the work for you. Before you hire someone, make sure you get three (3) estimates. Again, you will need a receipt or invoice if you have paid money to someone to do the repairs.

In addition to filling in the total cost of the repairs, you must explain in detail how you added up the total cost. You should bring all your receipts to the hearing.

5. Tell your landlord to pay you for repairs you will do yourself

The Board can tell you to do the repairs if you are willing and able to pay for these repairs yourself. The Board could then tell your landlord to refund you the cost of the repair by a specific date or let you deduct the repair costs from future rent payments.

6. Tell your landlord to do the work

The Board can tell your landlord to do the work by a specific date. It is an offence for the landlord to disobey the Board order.

7. **Prohibiting rent increases**

If you can prove to the Board that the Landlord is in serious breach of their maintenance obligations, the Board may issue an order prohibiting a rent increase by the landlord until the work is done to fix the serious maintenance problem(s).

8. **End your tenancy**

If you do not want to live in the rental unit anymore because of the problems, you can ask the Board to let you leave without giving the proper legal notice. Your tenancy will be “terminated” or ended. If you have already moved out without giving notice, you would ask the Board to end your tenancy as of the day you moved out.

9. **Other**

You can ask the Board to make other Orders on this part of the form. If the remedy you want is not already listed, explain in detail here what else you want the Board to do.

PART IV: SIGNATURE

Please sign and date this form.

WHERE CAN I GET MORE INFORMATION?

Contact your local **Community Legal Clinic** for free advice on landlord and tenant matters. To find the telephone number for your clinic call Legal Aid Ontario at (416) 979-1446 or 1-800-668-8258.

You can also call the **Tenant Hotline** at 416- 921-9494 for free information and referrals to your local legal clinic.

You can find information on line at www.acto.ca or www.cleo.on.ca.

You can call the Landlord and Tenant Board toll free at 416-645-8080 from within Toronto calling area or 1-888-332-3234 from outside Toronto. Their internet address is www.ltb.gov.on.ca

SAMPLE LETTER

John Doe
123 Yonge Street
Toronto, Ontario M3H 9G3
Phone: 416/333-4444

Dec. 12, 2002

Mr. F. Landlord
2345 Smallville Street
Anywhere, Ontario K3H 9H4

Dear Mr. Landlord:

Re: Mice Infestation

My family and I have been happily living at these premises for over 5 years. However, recently we have had some problems with mice in our apartment. On Dec. 1st, 2002, I noticed for the first time several mouse droppings in the kitchen directly in front of the refrigerator. On Dec. 2nd, I found a family of mice under a towel in our broom closet. And on Dec. 3rd, my daughter found a mouse that had been strangled to death by the telephone cord.

On Dec. 2nd, I contacted you in writing. You responded on Dec. 4th in writing, stating that you would have the Superintendent check the problem on Dec. 5th. No one came.

On Dec. 6, you assured me that you would have someone in to get rid of the mice on or before December 10th. Again, no one came.

As a result of your inaction, on December 11th, I resolved this matter by calling 1- 800-MR. MOUSE and having a representative come to our home. The cost for this service was \$550 (see enclosed bill and 3 other estimates).

I am kindly asking you to reimburse me for my costs by Jan. 31st. If I do not hear from you by then, I will have to resolve this matter at the Landlord and Tenant Board.

Thank you for your prompt attention to this matter.

Sincerely,

John Doe

CC Landlord and Tenant Board

GATHERING EVIDENCE: HELPFUL HINTS

INTRODUCTION

The key to winning at the Board is proper preparation. Proper preparation means that you should know all of the facts of your case and that you should bring all the evidence you will need to prove those facts. It may be helpful to look at the *Residential Tenancies Act*, Regulations, Guidelines and Rules before going to your hearing (available online at www.ltb.gov.on.ca).

START EARLY!

Start early! Do not wait! Getting evidence can take several months. It is probably best to start getting evidence (such as a City inspector's report) before you file your application at the Board.

WHAT KINDS OF EVIDENCE ARE BEST?

It is important just to get the evidence that will prove your case. Always make sure you introduce **relevant evidence**. Relevant evidence is evidence related to a specific issue that you want to prove at the hearing. Limit the evidence you present to that which is most relevant to proving your case.

Here is a list of the kinds of evidence that may be most helpful at your hearing:

- Witnesses (friends, relatives, social worker); expert witnesses (such as a doctor, engineer etc.)
- Pictures (best to use a camera that puts a date on the picture)
- Videotapes (the Board may be able to get a TV and VCR for you if you let them know before your hearing date)
- Letters (both letters you get from your landlord and letters you have sent to your landlord)
- Envelope your landlord sends you documents in (may help prove the date the letter was mailed to you)
- Lease
- Invoices/Receipts
- Purchase Orders
- Cancelled Cheques
- Rent Receipts
- Affidavits
- Private Agreements
- Bank Statements
- Medical Records
- Travel Documents
- Property Standards Reports

- Police Reports
- Phone Message Recordings
- Diary/Log Book of incidents
- Estimates (for example, moving expenses etc.)

ORGANIZATION IS THE KEY!

Bring three (3) copies of all the documents you want the Board member to look at: one (1) copy for yourself, one (1) for your landlord and one (1) for the person who will be deciding your case).

If you have many documents, you may want to make a filing system so that you can find these documents easily during your hearing. You may need to buy a few file folders and label them.

WHEN DO I GIVE THE BOARD A COPY OF ALL THIS EVIDENCE?

1. You can attach a copy of all the evidence you will be using to your application; OR
2. You can send the evidence to the Board anytime before your hearing; OR
3. You can give the evidence to the person deciding your case during your hearing.

WHEN DO I GIVE MY LANDLORD A COPY OF ALL THIS EVIDENCE?

1. You can give your landlord a copy of the evidence when you serve her/him with a copy of your application and Notice of Hearing; OR
2. You can give your landlord a copy of the evidence anytime before your hearing; OR
3. You can give you landlord a copy of the evidence during your hearing.

TIP FOR TENANTS: The **sooner** you give the Board and your landlord a copy of the evidence you will be using the better. It is best to give the Board and your landlord a copy of the evidence as soon as you can. Then, they will be able to look over the evidence and understand the issues. Also, if you have a lot of documents, your landlord may ask to have the hearing put off to another day so he/she can look over your evidence.