



## Tip Sheet for Tenants

# APPLICATION ABOUT TENANT RIGHTS (T2)

*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 T2?

You can use this form to ask for a hearing at the Landlord and Tenant Board (the “Board”) if your landlord:

- Entered your rental unit illegally.
- Changed the lock on your door and did not give you a new key.
- Seriously interfered with your ability to enjoy your unit/building.
- Failed to provide or interfered with (hydro, water or heating), care services or meals.
- Harassed, threatened or coerced you.
- Did not give you 72 hours to pick up your property after the Sheriff evicted you.
- Did not give you a written tenancy agreement or the tenancy agreement does not set out the care services or meals and/or charges agreed to (if you live in a care home).
- Illegally evicted you.

## 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](http://www.ltb.gov.on.ca), at a Board office, or at your local ServiceOntario Centre. The application is **free**.

## 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 year** of the time that the problems happened. However, if the problems are still ongoing and have been ongoing for over one

(1) year, you can still apply to the Board. If the problem has been solved, you must apply within **one (1) year** of when the problem was solved.

## **WHAT DO I DO WITH THE COMPLETED APPLICATION FORM?**

The completed 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 (one copy for you to give to your landlord and one copy for you to keep) telling you where and when the hearing will be. By filling in the T2 Scheduling Information Form (the last page of your T2 Application), you can choose how you want the Board to give you the Notice of Hearing.

## **WHAT HAPPENS IF I HAVE BEEN LOCKED OUT OR I DID NOT GET 72 HOURS TO PICK UP MY PROPERTY?**

If your landlord has changed your locks and has not given you the new key, or did not give you 72 hours to pick up your property after you were evicted by the Sheriff, you must give the landlord a copy of the application and Notice of Hearing at least five (5) calendar days before the hearing date (the 5 days includes weekends and holidays). This 5-day deadline may be shortened by filling out a “Request to Extend or Shorten Time” form.

In all other cases, you must give your landlord a copy of the Notice of Hearing and application at least 10 calendar days (including weekends and holidays) before the hearing date.

It is a good idea to give your landlord a copy of the documents as soon as possible. If you wait too long (i.e. very close to the hearing date), you could cause unnecessary delays in having your case heard. The amount of time you have to serve your landlord depends on the method you choose. If you have questions, get legal advice.

## **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 the superintendent).
- Leave them in the landlord’s mailbox.
- Put a copy under the landlord’s door or through the mail slot in the door.
- Courier the copies.

- Send them by mail.
- Hand them to the landlord's paralegal or lawyer.

After you give your landlord a copy of the Notice of Hearing and application form, you must fill out a Certificate of Service (a form, which lets you tell the Board when, and how you gave the papers to the landlord) and return it to the Board.

## 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 guidance.

## INSTRUCTIONS ON HOW TO COMPLETE THE FORM T2

Please print clearly. If there is not enough room on the form for your explanation, you can attach extra pages.

### PART 1: GENERAL INFORMATION

Print the name of the landlord and the tenant on the form. If you want to add extra people, such as the superintendent, 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

Write down when you moved into the unit relating to this application and if you still live there. If not, write down when you moved out. Also, if your landlord is bringing a case against you to the Board, include the file number(s) for the landlord's case. If you do not know the file number, ask at the counter at the Board or call the Board at 1-800-332-3234.

### PART 2: REASONS FOR YOUR APPLICATION

Check off the right box(es) . You must provide as much detail as possible for each reason you choose.

#### 1. **The landlord entered your rental unit illegally.**

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

- Who entered the unit?
- What date(s) and time(s) did the person(s) enter the unit?
- How and where did they enter?
- How do you know they entered your unit?

- What evidence do you have to prove your case against the landlord (witnesses, video camera, pictures etc.)?
- 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? If so, attach a copy to your application or bring it to the hearing.

**2. The landlord, landlord’s agent or the superintendent changed the locks without giving you replacement keys.**

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

- Who changed the locks?
- When were the locks changed?
- Did you ask your landlord why the locks were changed? If so, what reason(s) did she/he give?
- Did you ask the landlord for a new set of keys? What did your landlord say when you asked for the new set of keys?
- Did you call the Board to ask whether the landlord could legally ask the Sheriff to lock you out?

**TIP FOR TENANTS:** The **only** person who can lock you out is the Sheriff. This is the law. If the landlord or superintendent has changed your locks and not provided you with keys, this is an **illegal** lockout.

**3. The landlord, landlord’s agent or superintendent substantially interfered with your reasonable enjoyment of the rental unit or complex.**

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

- What happened and how did it stop you from enjoying your rental unit or the complex?
- When did the problems happen?
- Are the problems still happening?
- 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? If so, attach a copy to your application or bring it to your hearing.

**4. The landlord, landlord’s agent or the superintendent withheld or interfered with vital services, care services or food.**

Vital services include: fuel, hydro, gas, hot and cold water.

Care services include: health care services, rehabilitative or therapeutic services or services that help with daily living.

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

- How many times has the landlord cut off vital services, care services or food?
- What was/were the service(s) that were cut off?
- How was/were the service(s) cut off?
- When did the problem begin?
- Is the problem still happening?
- What have you or your landlord done to deal with the 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? If so, attach a copy to your application or bring it to your hearing.

**5. The landlord, landlord's agent or superintendent harassed, interfered with, obstructed, coerced or threatened you.**

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

- How many times has the landlord harassed you?
- How were you harassed etc.?
- Who harassed you?
- When did the problem begin?
- Is the problem still happening?
- What have you done to stop the 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? If so, attach a copy to your application or bring it to your hearing.

**6. The landlord, landlord's agent or superintendent did not give you 72 hours to pick-up your property from your unit after the Sheriff evicted you.**

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

- When did the Sheriff come to evict you?
- When did you contact the landlord to pick up your stuff?
- How did you contact the landlord?
- Did the landlord respond to you? If so, what did the landlord say or do?
- What other steps did you take to get your property?

**PART 3: REMEDIES**

What do you want the Board to do about your problem? If the Board Member decides that your landlord has broken the law, you can ask the Board to compensate you (pay you money). The **maximum** amount of money the Board can give you is **\$25,000**.

You can ask for the following compensation:

**1. Rent abatement**

A **rent abatement** is a reduction in your rent because you are not or were not getting what you were promised or entitled to, for example enjoyment of your apartment. In order to get a rent reduction, you will have to convince the Board Member judging your case that you have, or have had, a serious problem.

There are no rules for how much the Board might lower the rent. Rent abatements can go from a few dollars per month up to 100% of your rent for the time period that you had the problems.

It is 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, photographs, videotapes, and/or an inspection report to prove your case.

**2. The landlord, landlord’s agent or superintendent must stop the activity that led you to make this application.**

For instance, if your landlord has been entering your unit illegally (that is, without giving you the proper notice required by law), the Board Member can tell your landlord not to enter your unit, unless she/he gives notice.

**3. Fine against the Landlord**

The Board Member can tell the landlord to pay a fine to the Board of up to \$25,000 for individuals or \$100,000 for corporations.

**4. End your tenancy**

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

**5. Compensation for the cost to repair or replace property that was damaged, destroyed or disposed of**

If your landlord has damaged your property, or deprived you of your property, the Board Member can give you some compensation.

If you want compensation for repairing or replacing your property, you must fill in a dollar amount on the T2 Form. Write down what you have spent or will spend and attach copies of all receipts.

**6. Compensation for the increased rent you had to pay or will have to pay for one year from the date you moved out of the rental unit**

If the Board Member decides that you were forced to move out of your unit because of what your landlord did, you can ask to be paid any portion of the extra rent you have paid or will have to pay for a one year period after you moved.

You must figure out how much you now pay in rent over what you would have paid at the address which is the subject of this application, for a one-year period.

**7. Compensation for your reasonable out-of-pocket expenses for moving, storage, etc.**

If the Board Member decides that you were forced to move out of your rental unit because of what your landlord did, you can ask to be paid for moving, storage and other similar expenses. Keep all receipts and bring three (3) copies of each receipt to your hearing.

**8. Compensation for expenses resulting from the actions of your landlord.**

If the Board Member decides that the actions of your landlord caused you to have extra expenses, you may be able to be repaid for your reasonable out-of-pocket expenses.

You must fill in the dollar amount of compensation you are asking for. Describe your expenses in detail. Explain how the landlord's actions caused (or will cause) you to spend this money. Keep all receipts and bring three (3) copies of each receipt to your hearing.

**9. The landlord must allow you to move back into the rental unit and must not rent the unit to anyone else.**

If the Board Member decides that your landlord changed the locks to your unit or building complex without giving you new keys, she/he can tell the landlord to not rent the unit to anyone else and to let you move back in. But, if your landlord has already re-rented the unit, the Board Member may not let you move back in.

**10. The landlord must return all of your property that they still have, as well as any of your property that they can ask other people to return.**

If the Board Member decides that your landlord prevented you from picking up your property, he/she can tell the landlord to return your property or ask other people to return your property. You can only request this remedy if you were evicted by the Sheriff and you were not able to get your property within 72 hours of being evicted.

**11. 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 4: SIGNATURE**

You must sign and date this form.

#### **WHERE CAN I GET HELP OR MORE INFORMATION?**

Contact your local **Community Legal Clinic** for free advice on landlord and tenant matters. Legal clinics give free legal advice to people with low incomes.

To find the nearest community legal clinic for your area, go to Legal Aid Ontario's web site at [www.legalaid.on.ca](http://www.legalaid.on.ca). Click on **CONTACT LAO** then **COMMUNITY LEGAL CLINICS**. Or call Legal Aid Ontario:

Toll-free	1-800-668-8258
In Toronto	416-979-1446
Toll-free TTY	1-866-641-8867
TTY in Toronto	1-416-598-8867

You can contact the **Landlord and Tenant Board** for application forms and for general information about landlord and tenant issues. The Board cannot give you legal advice. The Board's website address is [www.ltb.gov.on.ca](http://www.ltb.gov.on.ca). You can call the Board at 416-645-8080 or 1-888-332-3234.

You can find information online at [www.acto.ca](http://www.acto.ca) or [www.cleo.on.ca](http://www.cleo.on.ca).

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

## SAMPLE LETTER

December 12, 2010

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

Dear Mr. Landlord:

**Re: Entering my unit without giving me 24 hours written notice**

When I returned home from work today, my neighbour told me that she saw you entering my unit today at noon. She also told me that on October 10, 2010, she saw the Superintendent enter my apartment at approximately 8:30pm. I am very concerned about Management entering my unit without my consent or prior written notice.

At no time did I ever get written notice that you or anyone from Management required access to my unit. According to the law, you must give me 24 hours written notice if you need to get into my unit, unless there is an emergency or I consent at the time of entry. Upon giving me 24 hours written notice, you may only enter my unit between 8:00am and 8pm.

I clearly did not consent for you to enter my unit at the alleged times. And, to the best of my knowledge, there was no emergency.

In the future should you need to go into my unit, please give me 24 hours written notice with the date, time and reason for entry. Otherwise, I will have no choice but to resolve this matter at the Landlord and Tenant Board.

Thank you for your prompt attention to this matter.

Sincerely,

John Doe

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

## 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 read the *Residential Tenancies Act*, Regulations, Guidelines and Rules before going to your hearing (available online at [www.ltb.gov.on.ca](http://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 your evidence before you file your application at the Board.

### WHAT KINDS OF EVIDENCE ARE BEST?

It is important to gather 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 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)
- Video recordings (the Board may be able to get you the proper equipment so that you can play your recordings. Ask the Board in advance of your hearing date.)
- Letters or emails (both letters and emails you get from your landlord and letters and emails 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 problems
- Estimates (for example, moving expenses etc.)

## **ORGANIZATION IS KEY!**

On your hearing date, bring three (3) copies of all documents that you want the Board Member to look at: one (1) copy for yourself, one (1) for the 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 any time 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 your landlord a copy of the evidence during your hearing.

**TIPS FOR TENANTS:** Give the Board and your landlord a copy of all your evidence as soon as you can. This will help prevent a delay in the legal proceedings.