



Tip Sheet for Tenants

HOW TO USE SUBSECTION 83(1) TO REFUSE OR DELAY EVICTION

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.

IS THERE ANY WAY TO STOP OR DELAY AN EVICTION?

You can ask the Landlord and Tenant Board (the “Board”) to use subsection 83(1) of the *Residential Tenancies Act* to deny or delay your eviction based on compassionate grounds. The Board **must** consider relief from eviction in every landlord application seeking to evict a tenant.

WHEN WOULD SUBSECTION 83(1) APPLY?

Subsection 83(1) may apply to you if:

- You have a “reasonable explanation” for being behind in rent; and
- You can pay back the money you owe within a reasonable amount of time; and
- You will be able to pay your monthly rent at the same time as you pay off your arrears (back rent).

WHAT ARGUMENTS CAN I MAKE?

There are arguments you can make at an eviction hearing before the Board to stop or delay the eviction.

You may use the following checklist of possible arguments to prepare for your hearing. Check off the arguments that apply to you and read them to the Board Member or give the list to her/him to read aloud.

RELIEF FROM EVICTION CHECKLIST

1. I fell behind in my rent because:

- I am currently unemployed but about to find/just found work.
- I am on social assistance but about to get help from the welfare or disability office to pay the arrears.
- I recently had extra expenses due to _____ (i.e. funeral; accident).
- Other _____

2. I am able to repay the money I owe because:

- I qualify for a loan from the rent bank (say how much \$ _____).
- I have a child tax credit (say how much \$ _____).
- I recently found a job (my expected salary is \$ _____; the date of first pay is _____; the amount of first pay is \$ _____).
- I have a friend and/or family member who will loan me the money (say how much \$ _____).
- Other _____

3. Compassionate grounds:

- I live in rent-geared-to-income or social housing.
- I can arrange to pay the arrears within a “reasonable time” (within the next month or two).
- I am a single parent.
- I am recently separated/divorced/widowed.
- I have a young child/children living with me.
- My children attend school in the neighborhood and have friends who live close by.
- I have a dependent senior person living with me.
- I have a disability or chronic illness.
- I and/or my spouse/partner are on medication.
- Someone living with me has a disability or chronic illness.
- I use services in my neighborhood that I won’t be able to use if I have to move (for example, doctors or community centres where I can speak my own language).
- If I’m forced to move out of this neighborhood, I will be in danger of being harassed in public due to my sexual orientation, gender presentation or race.
- Other _____

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