



## Tip Sheet For Tenants

# AMENDING AN APPLICATION

*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.***

Have you filed an application against your landlord with the Landlord and Tenant Board (the “Board”) that is missing key information or contains an error?

If yes, you should take steps to amend (or change) your application. This tip sheet will explain what you have to do to amend your application.

### DO I NEED TO AMEND MY APPLICATION?

If your application has a very minor error, such as a spelling mistake, you can wait until your hearing and ask the adjudicator (the person that hears your case and makes a decision) **at the beginning of your hearing** whether the application can be amended (or changed).

If the error could confuse or mislead the parties, then you should follow the steps to amend your application as soon as possible – like when you first become aware of the need to make the change(s).

If you have forgotten to add a party to your application or have filed against the wrong party, then it is essential that you amend your application and give the new party a copy as soon as possible.

**TIP FOR TENANTS:** It is very important that you add all relevant facts and parties to your application. If you do not include something in your application that you wish to bring up at the hearing or have not included the proper individuals and corporations as parties, the adjudicator may adjourn your hearing (put your hearing off to another day) and order you to amend your application. If your hearing proceeds, you may not be allowed to discuss issues that you have not included in your application. In the worst case scenario, the adjudicator could dismiss your application.

## HOW DO I AMEND MY APPLICATION?

The Board has a procedure for amending an application once it has already been given to the Board and to the other parties. This procedure contains 5 steps and these steps are explained below.

### **1. You must put your request for an amendment in writing.**

You should request an amendment by writing a letter to the Board. In the letter, you should clearly state that you are requesting an amendment. List and describe the changes or additions you wish to make.

A sample request for amendment is attached to this tip sheet.

### **2. You must write “AMENDED” at the top of the first page of the application and you must clearly mark all the changes you have made.**

You can mark all of the changes to your application by putting an asterisk (\*) beside the changes you have made or by underlining the new information. It is a good idea to put your initials next to the changes.

### **3. You must give a copy of your letter and a copy of the amended application with Board.**

Once you have given both a copy of your letter and a copy of the amended application to the Board, the Board will process the information

### **4. You must give a copy of your letter requesting an amendment and a copy of your amended application to all parties.**

After the Board processes the information, the Board will give you enough copies of all the documents, so that you can give each party their own copy. If

the Board issues a **new notice of hearing**, you must also serve the notice on all parties. Once you have given all of the other parties a copy of the documents, you will then have to fill out a new **certificate of service**. The purpose of the certificate of service is to let the Board know how and when and what documents you served to the other party or parties. You must give a copy of this certificate of service to the Board.

You can give a copy of the documents to the other parties by :

- (a) handing it to the person or, in the case of a corporate landlord, by giving it to an employee of your landlord that has authority over your apartment building;
- (b) leaving it in the mail box where mail is ordinarily delivered to the person;
- (c) sending it by mail or courier to the last known address where the person resides or carries on business;
- (d) sending it by fax, if there is a fax where the person resides or carries on business; or
- (e) any other method that the Board has directed or permitted, in writing, for you to use.

#### **5. You must come to your hearing prepared to request the amendment from the adjudicator.**

**An amendment is not automatic.** The adjudicator will decide at the beginning of the hearing whether to grant or deny your request for an amendment. In making this decision, the adjudicator will consider:

- (a) whether you requested the amendment as soon as you realized it was necessary to do so;
- (b) any hardship a party may experience as a result of the amendment;
- (c) whether the amendment is significant enough so that the other parties may need to request that the matter be put off to another day so that they can prepare their case;
- (d) whether the amendment is necessary and was requested in good faith; and,
- (e) any other relevant considerations

## WHAT IF MY LANDLORD AND I SETTLE IN MEDIATION AND DON'T REQUIRE A HEARING? DO I STILL HAVE TO REQUEST AN AMENDMENT FROM THE ADJUDICATOR?

No. Advise the mediator and the landlord of the amendment in mediation. If the landlord consents to the amendment, the mediator will make note of the amendment in the Board's file. You will not need to request an amendment from an adjudicator.

## 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](http://www.acto.ca) or [www.cleo.on.ca](http://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](http://www.ltb.gov.on.ca)

**Sample Request for Amendment**

[date]

Landlord and Tenant Board  
[region]  
[address]

**RE: Request to Amend Application**  
**File No. [file number]**  
**[address that is subject of application]**

I am requesting that the application for File No. \_\_\_\_\_ be amended as follows:

- (a)
- (b)
- (c)

Thank you for your attention to this matter.

Sincerely,

Name of Tenant