

Tip Sheet for Tenants

What can I do if my landlord does not do repairs or respect my legal rights?

This tip sheet contains general information on what to do if your landlord is not keeping the place you rent in good repair or if your landlord does not respect your legal rights.

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This tip sheet contains general information. It is not a substitute for getting legal advice about your particular situation.

Prepared by the Tenant Duty Counsel Program and funded by Legal Aid Ontario. To download this and other tip sheets for tenants, go to <http://www.acto.ca>

The law that applies to most rental housing in Ontario is known as the Residential Tenancies Act or RTA. It sets the rules that tenants and landlords must follow. If you rent an apartment, room, or house and you do not use the same kitchen or bathroom as the owner or a close relative of the owner, the RTA probably applies to you.

If you believe that your landlord is not following the rules in the RTA or not respecting your legal rights, you can ask for a hearing before a special court called the Landlord and Tenant Board. In this tip sheet, “Board” means the Landlord and Tenant Board.

This tip sheet is divided into four parts:

Part 1: tells you what to do if your landlord is not keeping your place in good repair. See pages 3 to 15.

Part 2: tells you what to do if your landlord is not respecting your legal rights. See pages 16 to 24.

Part 3: explains what you can expect after you file an application to the Board. See pages 25 to 30.

Part 4: tells you where to get more help and information. See pages 31 to 32.

Part 1: If your landlord is not keeping your place in good repair

The RTA says that your landlord is responsible for keeping the place you rent

- in good repair,
- in a state fit for you to live in, and
- in a state that complies with health, safety, housing, and maintenance standards.

Your landlord is responsible for this even if you rented the place knowing that repairs were needed.

If the place you rent is not in good repair, tell your landlord about the problems and ask the landlord to fix them. It is best to do this by writing a letter to your landlord. Make sure you keep a copy of the letter.

If your landlord does not respond to your letter or does not fix the problems, you can apply to the Landlord and Tenant Board for a remedy. A “remedy” is something the Board can order the landlord to do to fix the problems or to make up for not following the law.

To ask the Board to hear your case, you must fill out a form called a **Tenant Application about Maintenance - Form T6** and give it to the Board. It costs \$50 to apply, but you may not have to pay if you can get a fee waiver. To find out if you qualify, fill in a **Fee Waiver Request** and give it to the Board with your application.

You can get the Tenant Application about Maintenance - Form T6, **T6 Instructions**, and the Fee Waiver Request from a Board office or a ServiceOntario Centre. These forms are also available to download from the Board's website at www.sjto.gov.on.ca/ltb.

When you have completed your application, hand it to the staff at the front counter of a Board office or a ServiceOntario Centre. This is called "filing" your application. You can also file using **LTB e-file**. If you use LTB e-file, the filing fee is \$45. You can get more information on how to use LTB e-file at www.sjto.gov.on.ca/ltb.

When should I file a Tenant Application about Maintenance – Form T6?

To ask the Board for a hearing, you must file your application **within 1 year** of when the maintenance problem happened. If the problem is ongoing, you can apply even if the problem started over 12 months ago. If you are applying about a problem that began within the last 12 months and has been fixed, the Board will only consider the time up to when the landlord fixed the problem.

You can apply even if you have moved out of the place.

How do I fill out Form T6?

Before you begin, read Form T6 and the T6 Instructions carefully. The T6 Instructions tell you how to fill out Form T6.

When you have completed your application, go over it carefully. Make sure that it is complete and correct. **The Board may dismiss or delay your hearing if it finds serious mistakes in your application.**

If you are having trouble completing the form, talk to a lawyer or legal worker before you give it to the Board. At the end of this tip sheet, you will find information about getting legal help.

When you fill out your Form T6, be sure to print:

- your first and last name
- the address where you want the Board to send your mail
- a phone number where you can be reached
- the address of the place you are applying about. This is especially important if you moved out before filing your Form T6.
- your landlord's full legal name, address, and phone number. Sometimes the landlord is a company, and sometimes there is more than 1 landlord. One way to find the legal name and address of the landlord is to look on your lease. Another way is to contact the Municipal Property Assessment Corporation Office or visit the Registry Service at your local City Hall or Civic Centre.

You will need to fill out a **Schedule of Parties** form and add it to your application if

- there are more than 2 tenants living in the place you rent and you want to include them in your application, or
- there is more than 1 landlord or you want to include other people in your application such as the superintendent or someone else who works for your landlord.

You can get a Schedule of Parties form from the Board, a ServiceOntario Centre, or the Board's website at www.sjto.gov.on.ca/ltb.

What should I say when I fill in the reasons for my application?

When you fill out your Form T6, include every maintenance problem that you want the Board to consider. If you forget to include something, the Board will not allow you to talk about it at your hearing. If you need more space, use a separate sheet of paper and attach it to your form.

Tell your story in your own words. Describe **each problem** in as much detail as you can.

- What is the problem and when did you first notice it?
- Did you try to do anything to fix the problem?
- Did you tell your landlord about the problem? How? When? How many times?
- Did your landlord answer you? When?
- Did your landlord do anything to fix the problem?
- Was the problem fixed? When?
- Did you report the problem to any authorities, such as the City or the Fire Marshall?
- Were any of your belongings damaged because of the problem? Give details.

It is important to include the dates when things happened. If you cannot remember the exact date, try to say what part of the month it was. For example, if

you asked your landlord to fix a leak in November, try to remember if it was at the beginning, middle, or end of the month.

If you can, attach evidence to prove what you say in your application.

What is evidence?

Evidence is any documents that you or landlord gives to the Board. Evidence is also what you, your landlord, or your witnesses say at the hearing.

Here are some examples of different kinds of evidence:

- photographs and videos
- letters, e-mails, and texts
- invoices and receipts
- bank statements
- medical records
- reports from building inspectors
- witnesses (for example, family, friends, social workers, police officers, or building inspectors).

What is a remedy?

When you file your application, you must ask the Board for a remedy. A remedy is something that the Board will order the landlord to do to make up for not keeping your place in good repair.

Form T6 lists many possible remedies. Think carefully about which ones apply to your situation, and choose all the remedies that you want the Board to consider.

If you do not choose a remedy, the Board will not choose one for you.

The Board can order any of the following remedies:

- **Remedy 1** (Rent abatement) – The Board can order your landlord to give you back some of the rent that you paid before a problem was fixed. For this, the Board will only go back 12 months from the date you filed your Form T6. If you still have repair problems on the date of your hearing, the Board can order your landlord to decrease your rent until all the problems are fixed. When you decide how much to ask for, consider how much the problem affected you and how long you had to put up with it.
- **Remedy 2** (Compensation) – The Board can order your landlord to pay to repair or replace your belongings if they were damaged or lost because your landlord did not fix the problems in your place. The Board will want proof of the damage or loss, of the value of the belongings at the time, and of the cost to fix or replace them. Make a list of what was damaged or lost, and get estimates of repair or replacement costs. Receipts are also helpful.
- **Remedy 3** (Other reasonable expenses) – If you had extra expenses because of problems your landlord did not fix, the Board can order the landlord to re- pay you. For example, you can ask for your landlord to pay for food that spoiled because of a broken fridge. If your landlord did not fix the furnace and you had to buy a space heater, you can ask the Board to order your landlord to pay for it. You will need receipts to prove how much you paid.
- **Remedy 4** (Cost of repairs you did) – If you fixed the problem yourself or hired someone to do the work for you, you can ask the Board to order your landlord to pay you for the work. If you paid someone else to do the work,

bring all the invoices and receipts to your hearing. It helps if you got 3 estimates before you hired someone to do the work.

- **Remedy 5** (Cost of repairs you will do yourself) – If you want, you can ask the Board to let you do the repairs yourself. The Board can order your landlord to pay you for the repairs or to deduct the amount from your rent.
- **Remedy 6** (Order your landlord to do repairs) – The Board can order your landlord to do the work by a specific date.
- **Remedy 7** (Freeze your rent) – The Board can order your landlord not to increase your rent until certain repairs have been completed.
- **Remedy 8** (End your tenancy) – The law usually requires tenants to give at least 60 days' notice before they can end their tenancy. But, if you do not want to stay in your place because of the maintenance problems, you can ask the Board to let you move without giving this notice. If the Board agrees, your tenancy will be “terminated” or ended. If you have already moved out without giving proper notice, you can ask the Board to end your tenancy on the day you moved.
- **Remedy 9** (Other) – In this section, you can ask for a remedy that is not listed. For example, if your landlord's behaviour caused you inconvenience or emotional stress, you can ask the Board to order your landlord to pay you money.

On page 7, mark the box that says you are a tenant, sign, and date the form. **The Board will not accept your application if you do not sign it.**

On the page called **Request for Accommodation or French Language Services**:

- If you want your hearing to be in French, check the box marked “French-Language Services”.
- If you have special needs, you can use this page to tell the Board what kind of help you need. If your special needs are related to grounds listed in the Ontario Human Rights Code, the Board must make special arrangements to help you use the Board’s services. For example, if you are not from Canada and have difficulty speaking or understanding English or French, you can ask the Board to provide an interpreter to help you participate in your hearing. Or, if you have a physical or mental disability that may affect your use of the Board’s services, you can ask the Board for special assistance.

On the page called **Payment and Scheduling Information Form**:

Fill in the box that says how you want to pay the filing fee. Remember, if you get a fee waiver, you will not have to pay.

List any days when you cannot attend a hearing. For example, list any days when you have medical appointments or will be out of town.

What do I do with my completed application?

When you have filled out Form T6 and attached the documents you want the Board to consider, hand your application and your Fee Waiver Request to the staff at the front counter of a Board office or a ServiceOntario Centre. The staff will stamp the date on your documents. **If you do not get a fee waiver, you will have to pay \$50 before the Board will accept your application.**

If you are filing your Form T6 and attached documents using LTB e-file, print copies of your completed documents **before** sending them online. Make sure all the pages you want to file are attached. You can get more information on how to use LTB e-file at www.sjto.gov.on.ca/ltb.

What happens next?

When your application is accepted, the Board will set a date for your hearing. The **Notice of Hearing** tells you the date, time, and place of your hearing. In most cases, the Board will mail copies of your Form T6 application and the Notice of Hearing to you and your landlord and anyone else listed in your application. In some cases, the Board may order you to deliver these documents instead.

If you have to deliver the documents, the Board will give you an **Order to Serve Documents**. It will tell you what documents you are responsible for delivering and when you must deliver them. Deliver the documents as soon as possible, but **no later than the deadline** listed in the Order to Serve Documents. **If you do not follow the instructions in the Order, the Board may delay your hearing or dismiss your application.**

After you have delivered the documents, fill in the **Certificate of Service** and give it to the Board.

Do I have to pay my rent if my landlord will not do repairs?

The law does not permit you to stop paying your rent because your landlord is not following the rules or making repairs.

If you are filing a Tenant Application about Maintenance - Form T6, you can ask to pay your monthly rent to the Board, in trust, until your application is decided. To do this, you must complete a **Request to Pay Rent to the Board on a Tenant Application about Maintenance** form. You can get this form from the Board, a ServiceOntario Centre, or the Board's website at www.sjto.gov.on.ca/lrb.

The Board will only grant your request if there are special circumstances that prevent you from paying rent to your landlord.

Here are some examples of special circumstances:

- you cannot contact your landlord or you do not know who to pay
- your landlord will not accept your rent
- you will be moving out and you may find it hard to collect money that the Board orders the landlord to pay.

You can file a Request to Pay Rent to the Board on a Tenant Application about Maintenance when you file your Form T6. If the Board agrees to your request, **you must pay all of your rent to the Board on time** until your case is decided. If you do not, the Board may decide not to hear your case.

How do I make a payment to the Board?

Follow these steps **each time** you make a payment to the Board.

1. Get a deposit slip from the Board.
 - Go to your nearest Board office and tell the staff at the front counter that you want to “make a payment into the Board, in trust”. These staff members are sometimes called Customer Service Representatives or CSRs.
 - Give your Board file number to the CSR. It is the number on the top right-hand corner of the Board order or Notice of Hearing. It looks something like this: EAL-12345-12, TNL-23456-11, or SOL 34567-13.
 - The CRS will give you a deposit slip to take to any branch of the Canadian Imperial Bank of Commerce (CIBC). You must pay at the CIBC. No other bank will accept these payments. The money goes into a special type of account called a trust account. The Board will pay your landlord from this account.
2. Take the deposit slip to any branch of the CIBC and make your payment.
 - Tell the bank teller that you want to “make a payment into the Board, in trust”.
 - Give the bank teller the deposit slip you got from the Board and say how much money you want to pay. The teller will fill in the deposit slip.
 - When you have paid, the teller will date and stamp the completed deposit slip and give it back to you. It is your proof of payment.
3. Return the completed deposit slip to the Board.
 - You **must** do this so that the Board has proof that you paid your rent. The deposit slip will go into your Board file.

- **Keep a copy** of the deposit slip for your own records.

Part 2: If your landlord is not respecting your legal rights

You have legal rights as a tenant, and your landlord must respect these rights. You can apply to the Board for a remedy if your landlord, or someone who works for your landlord, does any of these things:

- comes into your place without your permission or without giving you notice, in writing, 24 hours ahead of time, and it is not an emergency.
- changes the lock to your place and does not give you the key
- shuts off your water, heat, or electricity
- seriously interferes with your enjoyment of the place where you live
- harasses, threatens, or coerces you. (Coerce means to force you to do something.)
- does not give you the care services or meals that your landlord agreed to provide
- does not follow the proper procedures to evict you. (This is called “wrongful eviction”.)
- does not give you 72 hours to pick up your property after the Sheriff has evicted you.

To apply to the Board for any of these reasons, you must fill out a form called **Application about Tenants Rights – Form T2** and give it to the Board. To do this, you must fill out a form called an **Application about Tenant Rights – Form T2** and give it to the Board. It costs \$50 to apply, but you may not have to pay if you can get a fee waiver. To find out if you qualify, fill in a **Fee Waiver Request** and give it to the Board with your application.

You have other legal rights as well. If you think you have rights that your landlord is not respecting, get legal advice.

You can get the Application about Tenants Rights – Form T2, the **T2 Instructions** and the Fee Waiver Request from a Board office or a ServiceOntario Centre. These forms are also available to download from the Board’s website at www.sjto.gov.on.ca/ltb.

When you have completed your application, hand it to the staff at the front counter of a Board office or a ServiceOntario Centre. This is called “filing” your application. You can also file using **LTB e-file**. You can get more information on how to use LTB e-file at www.sjto.gov.on.ca/ltb.

When should I file an Application about Tenants Rights – Form T2?

To ask the Board for a hearing, you must file your application **within 1 year** of when the problem happened. If the problem is ongoing, you can apply even if the problem started over 12 months ago. If the problem happened within the last 12 months but has stopped, the Board will only consider the time up to when the problem stopped.

You can apply even if you have moved out of the place.

How do I fill out Form T2?

Before you begin, read Form T2 and the T2 Instructions carefully. The T2 Instructions show you how to fill out Form T2.

When you have completed your application, go over it carefully. Make sure that it is complete and correct. **The Board may dismiss or delay your hearing if it finds serious mistakes in your application.**

If you are having trouble completing the form, talk to a lawyer or legal worker before giving it to the Board. At the end of this tip sheet, you will find information about getting legal help.

When you fill out your Form T2, be sure to print:

- your first and last name
- the address where you want the Board to send your mail
- a phone number where you can be reached
- the address of the place you are applying about. This is especially important if you moved out before filing your Form T2.
- your landlord's full legal name, address, and phone number. Sometimes the landlord is a company, and sometimes there is more than 1 landlord. One way to find the legal name and address of the landlord is to look on your lease. Another way is to contact the Municipal Property Assessment Corporation Office or visit the Registry Service at your local City Hall or Civic Centre.

You must fill out a **Schedule of Parties** form and add it to your application if

- there are more than 2 tenants living in the place you rent and you want to include them in your application, or
- there is more than 1 landlord or you want to include other people in your application such as the superintendent or someone else who works for your landlord.

You can get a Schedule of Parties form from the Board, a ServiceOntario Centre, or the Board's website at www.sjto.ca/lfb.

What should I say when I fill in the reasons for my Application about Tenant Rights – Form T2?

On page 3 of Form T2, check the boxes that best describe the problems you are having with your landlord. Explain your story in your own words.

On page 4, explain each problem in as much detail as you can. For each problem, you should say

- what happened and when
- who caused the problem
- how often the problem happened
- how it affected you and your family
- who you spoke to or reported the problem to.

It is important to include the name of the person who caused the problem and the dates when things happened. If you cannot remember the exact date, try to say what part of the month it was. For example, if your landlord changed the lock on your door in November, try to remember if it was at the beginning, middle, or end of the month.

Your Form T2 must include every problem that you want the Board to consider. If you forget to include something in your application, the Board will not allow you to talk about it at your hearing. For example, if your application does not say that the landlord shut off the heat, you will not be able to talk about it at the hearing. If you need more space, use a separate sheet of paper and attach it to your form.

If you can, attach evidence to prove what you say in your application.

What remedies can I ask for in an Application about Tenant Rights – Form T2?

You can ask the Board to consider the following remedies:

- **Remedy 1** (Rent abatement) – If your landlord evicted you without following proper procedures or did not respect your legal rights, the Board can order your landlord to give you back some of the rent you paid while you were unable to live in your place.
- **Remedy 2** (Stop) – The Board can order your landlord or the superintendent to stop the activity that made you file this application.
- **Remedy 3** (Pay a fine) – The Board can order your landlord to pay a fine to the Board. The fine is to discourage the landlord from behaving in the same way again. The fine cannot be more than \$25,000. A high fine is very rare.
- **Remedy 4** (End your tenancy) – The law usually requires tenants to give at least 60 days' notice before they can end their tenancy. But, if you do not want to stay in your place because of the problems with your landlord, you can ask the Board to let you move without giving this notice. If the Board agrees, your tenancy will be “terminated” or ended. If you have already moved out without giving proper notice, you can ask the Board to end your tenancy on the day you moved.

- **Remedy 5** (Compensation) – The Board can order your landlord to pay to repair or replace your belongings if they were damaged or lost because of the landlord's behaviour. For example, if your landlord threw out your belongings after wrongfully evicting you, you can ask the landlord to pay for them. The Board will want proof of the damage or loss, of the value of the belongings at the time, and of the cost to fix or replace them. Make a list of what was damaged or lost and get estimates of repair or replacement costs. Receipts are also helpful.

- **Remedy 6** (Increased rent) – If you moved out because of your landlord's behaviour and the rent for your new place is higher, the Board can order the landlord to pay the difference in your rent for up to 1 year. You must provide proof of your new rent.

- **Remedy 7** (Moving and storage expenses) – If you moved out or want to move out because of your landlord's behaviour, the Board can order the landlord to pay your moving costs or the cost of storing your belongings after you moved. If you have not moved but are asking the Board to end your tenancy, get 3 estimates of moving and storage costs for the Board.

- **Remedy 8** (Other reasonable expenses) – If the landlord's behaviour created extra expenses for you, the Board can order the landlord to repay you. For example, if your landlord locked you out of your place and you had to stay at a motel, you can ask the landlord to pay the cost of your room and meals. Be sure to keep your receipts.

- **Remedy 9** (Move back) – If the landlord locked you out of your place, the Board can order the landlord to let you move back. However, the Board cannot do this if the landlord has rented the unit to someone else.

- **Remedy 10** (Return your property) – If the landlord did not give you 72 hours to pick up your belongings after you were evicted, the Board can order the landlord to return your property or to pay you for it.
- **Remedy 11** (Other) – In this section, you can ask for a remedy that is not listed. For example, if your landlord’s behaviour caused you inconvenience or emotional stress, you can ask the Board to order your landlord to pay you money.

On page 8, mark the box that says you are a tenant, sign, and date the form. **The Board will not accept your application if you do not sign it.**

On the page called **Request for Accommodation or French-Language Services:**

- If you want your hearing to be in French, check the box marked “French-Language Services”.
- If you have special needs, you can use this page to tell the Board what kind of help you need. If your special needs are related to grounds listed in the Ontario Human Rights Code, the Board must make special arrangements to help you use the Board’s services. For example, if you are not from Canada and have difficulty speaking or understanding English or French, you can ask the Board to provide an interpreter to help you participate in your hearing. Or, if you have a physical or mental disability that may affect your use of the Board’s services, you can ask the Board for special assistance.

What do I do with my completed application?

When you have filled out Form T2 and attached any documents you want the Board to consider, hand your application to the staff at the front counter of a

Board office or a ServiceOntario Centre. The staff will stamp the date on your documents.

If you are filing your Form T2 and attached documents using LTB e-file, print copies of your completed documents **before** sending them online. You can get more information on how to use LTB e-file at www.sjto.gov.on.ca/ltb.

What happens next?

When your application is accepted, the Board will set a date for your hearing. The **Notice of Hearing** tells you the date, time, and place of your hearing. In most cases, the Board will mail copies of your Form T2 application and the Notice of Hearing to you and your landlord and anyone else listed in your application. In some cases, the Board may order you to deliver these documents instead.

If you have to deliver the documents, the Board will give you an **Order to Serve Documents**. It will tell you what documents you are responsible for delivering and when you must deliver them. Deliver the documents as soon as possible, but **no later than the deadline** listed in the Order to Serve Documents. **If you do not follow the instructions in the Order, the Board may delay your hearing or dismiss your application.**

After you have delivered the documents, fill in the **Certificate of Service** and give it to the Board.

Part 3: After you file your Form T6 or Form T2 application

What if I need to make changes to my application AFTER I have filed it with the Board?

You may want to change something in your application after you have given it to the Board. This is called “amending” your application.

Some changes are minor, for example, correcting the spelling of someone’s name. You can ask the Board to make a minor change at your hearing. However, some changes are significant and may confuse your landlord, for example, changing your story or adding another remedy. If you want to make a significant change, you must ask the Board in writing.

You can follow these steps to change any type of application:

1. Write a letter to the Board asking to amend your application.
 - In your letter, list and describe the changes or additions you want to make.
2. Fill out a new application with the changes.
 - Write “AMENDED” at the top of the first page of the application.
 - Mark your changes by putting an asterisk (*) beside changes or underlining new information.
3. Give your letter and the amended application to the Board.

- The Board will give you copies of all the documents and may give you a **new** Notice of Hearing.

4. Give your landlord a copy of the amended application and, if necessary, the new Notice of Hearing. You must also give copies to anyone else included in your application.

5. Fill out a new Certificate of Service and give it to the Board.

- This will let the Board know how and when you gave the new documents to the landlord and anyone else included in your application.

The Board **may not agree** to let you amend your application. At the beginning of your hearing, you will have to explain why the Board should let you make the changes. The Board will consider these questions:

1. Did you ask for the amendment as soon as you realized you needed to make the change?
2. Will changing the application harm the landlord?
3. Will the Board have to change the date of the hearing to give the landlord more time to prepare?
4. Is the change necessary and did you ask for it in good faith?
5. Are there any other considerations?

If the Board does not agree to your request, the hearing will go ahead using your original application.

What if I have an emergency and need the Board to hear my application right away?

In some situations, you may need the Board to make a decision as soon as possible.

- For example, you may need to present your case right away if your landlord
 - has changed the locks and not given you a new set of keys
 - is harassing, threatening, or coercing you
 - is entering your place illegally
 - is interfering with vital services, such as your heat in winter or your water supply
 - is not allowing you to pick up your property within 72 hours of the Sheriff evicting you.

If you have any other type of emergency, talk to a lawyer or legal worker about what the Board will consider an “emergency situation”.

How do I ask the Board to shorten the time?

You must complete a form called **Request to Extend or Shorten Time**. You can get the form from the Board’s website at www.sjto.gov.on.ca/lfb, or you can pick it up at a Board office or a ServiceOntario Centre. File this request as soon as possible even though there is no deadline.

For more information, see the tip sheet called *What should I do if I am late to file a form with the Board or if I need a hearing quickly?* Part 4 tells you where to find this tip sheet and where to get legal help.

What should I expect at the hearing?

Before your hearing, you should think about what you want to say and what evidence you want to give.

To prepare:

1. Write down everything that happened and when.
2. Make a list of the evidence you want to present.
 - You must bring **3 copies** of any evidence you want to use at your hearing: one copy for you, one for your landlord, and one for the Board member who is hearing your case.
 - If your evidence is a still photo on your camera, phone, or computer, bring prints of the photo.
 - If your evidence is a video recording on a computer disc, bring your own laptop or ask the Board ahead of time to provide a computer at your hearing.
3. Make a list of any witnesses you want at the hearing and think about what you want them to say.
 - Usually police, building inspectors, and other officials cannot go to a hearing as witnesses unless they are “summonsed”. For information about how to summons a witness, contact the Board or your local community legal clinic.

Because this is your application, you will tell your story first. This is the time to show the Board your evidence and have your witnesses speak. The landlord, or

the landlord's representative, will be allowed to question you and your witnesses. This is called "cross-examination". The Board member may also ask questions.

After you are finished, the landlord, or the landlord's representative, will present their side of the story. You can then cross-examine the landlord and the landlord's witnesses. The Board member may also ask questions.

When everyone has finished giving their evidence and the Board member has no more questions, you must tell the Board what you want the Board to do, and why you should get what you ask for. The landlord is given the same opportunity.

The Board may make a decision right away, or the Board may take a few days to decide. This is called "reserving the decision". Either way, the Board will mail the final order to you and the landlord.

I think the Board's order is wrong. What should I do?

If you believe the Board has made a **serious error** in its order, you can apply for a review of the decision. In other words, you can ask the Board to look at your case one more time.

To request a review, fill out a **Request to Review an Order** form and give it to the Board. You must request a review within **30 days** from the date of the decision. It costs \$55 dollars to file this request, but you may not have to pay if you can get a fee waiver.

You get only one chance to ask for a review of the Board's order so you should get legal advice before completing the form. At the end of this tip sheet, there is information on where to find legal help.

Is there anything else I can do to challenge a Board decision?

You have the right to appeal to the Divisional Court if you believe there is an **error of law** in the Board's decision. You have **30 days** from the date of the Board's order to do this.

Going to Divisional Court can be very expensive. If you lose, you could be made to pay your landlord's legal costs. That could be thousands of dollars.

Get legal advice before going to court.

Part 4: Where can I get help or more information?

Tip sheets for tenants

If you missed the deadline to file the Motion to Set Aside an Ex Parte Order – Form S2, see the tip sheet called *What should I do if I am late to file a form with the Board or if I need a hearing quickly?*

To find out more about payment plans, see the tip sheet called *My landlord wants to evict me because I owe rent.*

Are there mistakes in the Board's decision? If so, you will find more information in the tip sheet called "I think my order from the Board is wrong. What should I do?" These and other tip sheets for tenants are available online at www.acto.ca

Community legal clinics

Across Ontario, legal clinics give free legal advice to people with low incomes. Contact your local community legal clinic for help with landlord and tenant matters.

To find the community legal clinic for your area, go to Legal Aid Ontario's website at www.legalaid.on.ca. Click on "Contact LAO" then on "Community legal clinics". Or call Legal Aid Ontario:

Toll-free. 1-800-668-8258
Toronto area..... 416-979-1446
Toll-free TTY..... 1-866-641-8867
TTY, Toronto area. 416-598-8867

Other sources of information

You can find information for tenants online at www.yourlegalrights.on.ca and at www.stepstojustice.ca.

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