

Due to the pandemic, the Landlord and Tenant Board has switched in-person hearings to digital hearings, held over Zoom. For more information on digital hearings please see the following guide: <https://www.acto.ca/documents/remotehearings/>  
Until further notice, reference to in-person hearings should be replaced with digital hearings.

The Board is making changes to how they deliver services, including how to file an application and disclose evidence. Thus, it is always important to carefully read the information that has been provided to you by the Board and to follow those instructions. Updates can also be found on the Board's website at [tribunalsontario.ca/ltb/](http://tribunalsontario.ca/ltb/).

## Tip Sheet for Tenants

# My landlord evicted me without following the law. What can I do?

This tip sheet contains general information on what to do if your landlord has made you leave or has locked you out of your place without getting an eviction order from the Landlord and Tenant Board.

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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 your 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.

When tenants and landlords have conflicts because the rules in the RTA are not followed, they can take the matter to a special tribunal called the Landlord and Tenant Board. In this tip sheet, “Board” means the Landlord and Tenant Board.

One of the rules in the RTA says that if a tenant wants to move out, the tenant must give the landlord at least 60 days notice before the end of the rental period.

## What is a “wrongful eviction”?

You have legal rights as a tenant, and your landlord must respect these rights.

Under the RTA, you have the right to live in your place unless you are legally evicted. Only the Board can order your eviction, and only a Sheriff can make you leave or lock you out.

A landlord who wants to evict a tenant must apply to the Board after following certain rules set out in the RTA. It is against the law for your landlord, a security guard, or anyone working for your landlord to make you leave or lock you out.

If your landlord has made you leave the place that you rent but has not followed the RTA rules, you may have been “wrongfully evicted”. For example, you may have been wrongfully evicted if

- Your landlord changed your locks and did not give you replacement keys, but did not obtain an eviction order from the Board.
- Your landlord moved your belongings out of your place without your permission.
- Your landlord moved someone else into the place that you rent.
- Your landlord has done something to prevent you from getting into your place. For example, your landlord has changed the locks to the main entrance of the building without giving you replacement keys or called the police to have you removed from the unit.
- You were not reasonably able to participate in the eviction hearing that the Board held before your locks were changed.

In most cases, **you have not been wrongfully evicted if your landlord obtained an eviction order from the Board and the Sheriff has evicted you.**

If you feel your eviction was wrong or if you did not know about the hearing, you need to act quickly. **Contact your local legal clinic for help right away.** At the end of this tip sheet, there is information about how to find the legal clinic for your area.

## What can I do to get back into my place if I am locked out?

There are steps you can take to get back into your place after a wrongful eviction. You can:

- Call the Rental Housing Enforcement Unit of the Ministry of Municipal Affairs and Housing. (Toronto: 416-585-7214; Toll Free: 1-888-772-9277).
- Call the police for help.

## Can I get back into my place by myself?

If you try to get into your place by yourself, your landlord may take action against you. **Get legal advice before you take any steps to get into the place yourself.**

- If you try to get back into your place by yourself, you can:
  - Hire a locksmith to change the lock. You must give a copy of the new key to your landlord.
  - Replace the lock on the door yourself. You must give a copy of the new key to your landlord.

Make sure that

- **You do not damage the rental property.** The landlord may sue you for the cost of repairing or replacing any damaged property.
- **You avoid any form of violence.** If anyone challenges you physically, leave the property immediately.

## What can I do if I cannot get back in by myself?

You can apply to the Board to order your landlord to let you back into your place. You can also apply to have your landlord pay you compensation for wrongfully evicting you. To do this, you must fill out a form called an [Application about Tenant Rights – Form T2](#) and send it to the Board. It costs \$53 (or \$48 if you use the Tribunals Ontario Portal) to apply, but you may not have to pay if you can get a [fee waiver](#).

To ask the Board to hear your case as soon as possible, complete a form called a [Request to Extend or Shorten Time](#). For more information on getting a hearing quickly, see the tip sheet *What should I do if I am late to file a form with the Board or if I need a hearing quickly?* It is available online at [www.acto.ca](http://www.acto.ca).

Please refer to the [T2 Instructions](#) from the LTB for further information on filling a T2 Application.

## How do I fill out an Application about Tenant Rights – 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.

On page 1 of 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 email address.

On page 2, print your landlord's full legal name, address, phone number and email address. Sometimes the landlord is a company, and sometimes there is more than one 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 one landlord or you want to include other people in your application such as the superintendent or someone else who works for your landlord.

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

If you believe you have been wrongfully evicted, check all the boxes on page 3 that best describes your landlord's behaviour:

- **Reason 1:** Entered my rental unit illegally.
- **Reason 2:** Changed the locks or the locking system to my rental unit or building without giving me replacement keys.
- **Reason 3:** Substantially interfered with my reasonable enjoyment of the rental unit or complex or with the reasonable enjoyment of a member of my household.
- **Reason 4:** Harassed, coerced, obstructed, threatened or interfered with me.
- **Reason 5:** Withheld or interfered with my:

- Vital services, which are heat from September 1 to June 15, fuel, electricity, gas, hot or cold water,
  - Care services and meals in my care home
- 
- **Reason 6:** Did not give me 72 hours to remove my property from the rental unit or from someplace close to it, after the Sheriff evicted me.
  
  - **Reason 7:** Did not give me a written tenancy agreement for my care home unit, or gave me an agreement that did not include information about my care services and meals and or the charges we agreed I would pay for them.

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 dates when things happened in your application and the name(s) of the person(s) who caused the problem. 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.

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, 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.
- **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 your 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 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 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. If you are worried your landlord will get rid of your belongings before the day of your hearing, you can ask the Board to order your landlord to keep your belongings safe.

Select every remedy that you want the Board to consider. At your hearing, the Board will not order a remedy that you have not selected.

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 French-Language Services or Request for Accommodation**:

- ✓ 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 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 disability that may affect your use of the Board’s services, you can ask the Board for special assistance. For more information please visit: <https://tribunalsontario.ca/en/accessibility-and-diversity/>

## What do I do with my completed application?

After you have filled out Form T2, a [Request to Extend or Shorten Time](#), and attached the documents you want the Board to consider, you are ready to file your paperwork with the Board.

The Board recently introduced the [Tribunals Ontario Portal](#) (the “Portal”). The Portal is one method you can use to file your documents with the Board. If you are filing your Form T2 and attached documents using the Portal, print copies of your completed documents **before** sending them.

Using the Portal is not the only way to file your forms. You can also submit to the LTB by Mail or Courier Mail or courier your application to the nearest LTB office.

To find a list of LTB office locations visit [www.tribunalsontario.ca/ltb](http://www.tribunalsontario.ca/ltb)

You can also call the LTB at 416-645-8080 or 1-888-332- 3234 (toll-free).

If you mail or courier your application, you can pay the application fee by certified cheque, money order, Visa or MasterCard. Certified cheques and money orders must be made payable to the Minister of Finance. If you are filing by mail or courier and paying by Visa or Mastercard, you must complete the Credit Card Payment Form and submit it with your application.

Do not include credit card information on the Form T2 if you are using the Tribunals Ontario Portal.

You may also be able to drop off your application in-person at a ServiceOntario Centre. Contact them first to ask if they accept Board forms.

After your application is accepted, the Board will set a date for your hearing and send both you and your landlord a copy of the Form T2 and the **Notice of Hearing** which tells you the date, time, and place of your hearing.

In some cases, the Board may ask you to give these documents to your landlord instead. The Board will tell you what documents you are responsible for giving to your landlord and when you must give them. Deliver the documents as soon as possible, but **no later than the deadline. If you do not follow the instructions, the Board may delay your hearing or dismiss your application.**

After you have delivered the documents, fill in the [Certificate of Service](#) and send it to the Board.

## How should I prepare and what should I expect at the hearing?

It is very important to organize your thoughts and evidence before your hearing. These are some steps that can help you prepare:

1. Write down everything that happened and when. You will need to explain your story.
2. Think about how you want to prove your case. You may have emails, pictures, receipts and so on that you want to present at your hearing. Make a list of the evidence you want to use at the hearing.
3. Make a list of any witnesses you want to speak at the hearing and think about what you want them to say.
  - a. Usually, the police, building inspectors, and other officials will need to be “summonsed” to come to a hearing. For information about how to summons a witness, contact the Board or your local community legal clinic.

Next, send your evidence to the Board along with your Form T2. Since the Board does not provide a copy of your evidence to your landlord, you will need to send your evidence to your landlord. Normally you have to disclose your evidence to your landlord at least 7 days before your hearing, but there are important exceptions, so please read and follow any instructions provided by the Board. You can also look at the Board's website for more information.

On your hearing day, 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 then be allowed to question you and your witnesses. This is called "cross-examination". The Board member may also ask questions.

After you are finished, your landlord, or your 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 evidence and the Board 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 may take some time to decide. This is called "reserving the decision". Either way, the Board will send 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 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 send it to the Board. You must request a review within 30 days from the date of the decision. It costs \$58 to file this request, but you may not have to pay if you can get a [fee waiver](#). For more information on what to do to request a review, see the tip sheet

*I think my order from the Landlord and Tenant Board is wrong and What should I do?*

You get only one chance to ask for a review of the decision, 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.

## Where can I get more help or information?

### Tip sheets for tenants

Free tip sheets and guides for tenants are available online at [www.acto.ca](http://www.acto.ca). They deal with many of the housing problems tenants face.

### Community legal clinics

Across Ontario, community legal clinics give free legal advice to people with low income. You can contact your local 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](http://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](http://www.yourlegalrights.on.ca) and at [www.stepstojustice.ca](http://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.