

RESIDENTIAL TENANCIES ACT (RTA)

WHO IS PROTECTED?

The RTA applies to people who rent and live in apartments, houses, care homes, trailers, condominiums, rooming houses, nonprofit housing, and, in some cases, commercial units, hotels and motels. Some exclusions:

- People who are required to share a bathroom or kitchen with the owner, the owner's spouse, child or parent or the spouse's child or parent; and,
- A roommate of a tenant, i.e. a person who rents from the tenant, not from the landlord

Note that tenancy agreements can be written, verbal or implied.

EVICCTIONS

A tenant cannot be evicted unless the landlord obtains an Eviction Order from the Landlord and Tenant Board (the Board), even if the landlord and tenant had agreed to terminate the tenancy. This also applies even where the unit is "illegal".

Only the Sheriff can enforce an Eviction Order. The landlord cannot put the tenant out and change the locks alone or with the assistance of the Police. Landlords cannot change the locks until after an Eviction Order is enforced by the Sheriff.

It is an **offence** under the RTA to illegally evict a tenant.

TENANTS' BELONGINGS

The tenant has seventy-two hours to get his/her personal belongings from the premises after the Eviction Order has been enforced by the Sheriff. The landlord must give the tenant a reasonable opportunity to do this (between 8 am and 8 pm). A landlord cannot hold a tenant's belongings because of rent owed.

If a unit is abandoned, a landlord cannot dispose of the remaining property unless they first obtain an Order from the Board terminating the tenancy or give 30 days notice to the tenant and to the Board of their intention to dispose of the property.

ABANDONMENT

A unit is not abandoned, and cannot be repossessed by a landlord if:

- a) there are no arrears of rent or
- b) there is no substantial evidence of abandonment (e.g. the tenant's possessions are there)

If the tenant denies that they abandoned the unit then it may not be abandoned.

VITAL SERVICES

A landlord cannot interfere with fuel, electricity, gas, heat (during the prescribed times), or cold or hot water, regardless of who is responsible for payment of service – even if the tenant has not paid rent.

ENTRY/PRIVACY

A landlord must give 24 hours WRITTEN NOTICE, specifying the date, time and reason of entry (between 8am and 8pm) including when a tenant asks for repairs. The exceptions are in cases of obvious emergency (no notice required) or to show the unit to a new tenant after notice of termination has been given by the tenant or the landlord (but reasonable efforts must be made to inform tenant of entry).

OFFENCES (LAYING CHARGES)

Police can lay charges under Part III of the Provincial Offences Act where an offence is committed under sections 233 to 237 of the Residential Tenancies Act, 2006.

For information and advice, call the Investigation and Enforcement Unit, Ministry of Municipal Affairs and Housing at **1-888-772-9277**.

A person who is found guilty of an offence is liable upon conviction to a fine of not more than **\$25,000**. If a Corporation is found guilty of an offence, it is liable on conviction to a fine of not more than **\$100,000**.

RESOURCES

Investigation & Enforcement Unit:	1-888-772-9277 or 416-585-7214 www.mah.gov.on.ca/ieu
Landlord and Tenant Board:	1-888-332-3234 or 416-645-8080
Citizen's Inquiry Bureau: <i>(to get # of local Legal Aid clinic)</i>	1-800-267-8097 or 416-326-1234
Landlord's Self Help Centre	1-800-730-3218 or 416-504-5190

This sheet contains general information only. Each situation is unique. If you are in doubt, reference should be made to the provisions of the RTA or you can contact the IEU or other available resources.

This card is produced jointly by:

The Ministry of Municipal Affairs and Housing Investigation and Enforcement Unit, the Ministry of Community Safety and Correctional Services, Community Legal Aid Clinics, the Ontario Police College, the Ontario Provincial Police, the Ontario Association of Chiefs of Police and various municipal police services.