



THE RESIDENTIAL TENANCIES ACT

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What is the Residential Tenancies Act?

- The *Residential Tenancies Act (RTA)* is a provincial law that sets out the rights and responsibilities of landlords and tenants in most types of rental situations. Other laws may also apply to rental situations, including municipal by-laws and common law rules.
- The *RTA* took effect on January 31, 2007 and replaces the *Tenant Protection Act (TPA)*.

How is the RTA different from the TPA?

- Default evictions have been eliminated – every tenant facing eviction will now be able to have either mediation or a hearing before the Landlord and Tenant Board (formerly the Ontario Rental Housing Tribunal). Tenants no longer have to file a written dispute to have a hearing as all eviction applications will proceed to a hearing regardless of whether or not a tenant disputes the application.
- The Board can prohibit landlords from raising the rent if there are serious outstanding work orders or maintenance concerns.
- The tenant may pay outstanding rent arrears and costs to void an eviction after it becomes enforceable (but only once per tenancy).
- Under the *TPA*, when the Sheriff enforced an eviction order, tenants had 48 hours to dispose of their property. Tenants now have 72 hours to do so under the *RTA*.
- The definition of “tenant” now includes spouses and immediate family members.
- There is a shorter eviction process for tenants who cause willful or excessive damage to a rent unit or building.

Am I covered by the rules in the RTA?

- The *RTA* applies to many types of rental situations. You may be covered by the *RTA* if you rent an apartment (whether it's in a building or a house) or if you rent a room in a boarding house, care home or retirement home.
- Some tenancies are not covered by the *RTA* – e.g., if you rent a room in your landlord's house and share the kitchen or bathroom with the landlord. If the *RTA* does not apply to you, there are still certain laws that may apply.

What types of issues are covered by the RTA?

- The *RTA* describes rules that apply to most areas of tenancies. Some examples of the areas covered are:
 - Rent – e.g., how much and how often a landlord can increase rent, post-dated cheques, rent receipts
 - Eviction – e.g., reasons to evict a tenant, the eviction process, notice periods
 - Repairs and maintenance – e.g., obligations of the landlord to make repairs, what a tenant can do to make sure the repairs are done
 - Privacy – e.g., when landlords can enter property without your consent, notice to tenants
 - Care homes

I live in subsidized housing. Does the RTA apply to me?

- Some aspects of the *RTA* apply to subsidized housing. But, the *RTA* does not allow the Board to make decisions about social housing subsidies or determinations concerning the amount of geared-to-income rent.
- The *Social Housing Reform Act* may also apply, particularly to issues about the amount of your subsidy and reporting requirements.

How do I find out information about my rights and obligations?

- Landlord and Tenant Board: The Board is an administrative tribunal that adjudicates disputes between landlords and tenants. The Board can give you information about the law and about how and where to make applications or defend applications. You may contact the Board at 1-888-332-3234 or within Toronto at (416) 645-8080. You may also access their website at: www.ltb.gov.on.ca.
- The Landlord and Tenant Board has a number of brochures that cover many common situations and explain legal rights and process. These may be accessed online at www.ltb.gov.on.ca/en/Key_Information/STEL02_111283.html. You can also ask your PPAO Patient Advocate to provide you with these brochures.
- Community Legal Clinics: Your PPAO Patient Advocate Office can provide you with the telephone number of your local community legal clinic. Clinics often provide information about the *RTA* and some clinics may be able to act on your behalf. To find your local clinic, contact Legal Aid Ontario toll free at 1-800-668-8258 or within Toronto at (416) 979-1446. Legal Aid resources specifically for

Landlord and Tenant matters is online at
www.legalaid.on.ca/en/getting/Landlord_Tenant.asp

Questions?

- If you have questions contact your local Patient Advocate or Rights Adviser or call the central Psychiatric Patient Advocate Office at 1-800-578-2343.