

WHAT TENANTS NEED TO KNOW DURING THE COVID-19 PANDEMIC

WHAT YOU SHOULD DO IF YOUR LANDLORD...

...gives you an N4 Notice because you didn't pay the rent



You don't have to move out. This notice is a warning, but it is only the first step of the eviction process. The N4 notice states that if you do not pay the money you owe the landlord by the termination date on the notice that the landlord can apply to the Landlord and Tenant Board (LTB) for an eviction hearing. In Toronto hearings are typically scheduled 4 to 6 weeks after the landlord files an application. At a hearing, the landlord will make arguments about why they believe you owe them money and why you should be evicted, and you will have an opportunity to make counter-arguments about why you should not be evicted. If you receive a Notice of Hearing from the LTB, you should contact your local community legal clinic immediately to get legal advice.

Due to the COVID-19 pandemic the LTB is not scheduling eviction hearings or issuing eviction orders at this time other than in "exceptional circumstances" – generally this means they may still schedule eviction hearings for situations involving illegal acts and safety issues (for ex. guns, criminality, or violence). Even if an eviction order is issued by the LTB, the Ontario Superior Court has temporarily suspended enforcement of those orders. For the time being, tenants cannot be lawfully evicted just for failing to pay rent.

...harasses or threatens you



Threats and harassment are unacceptable. The Residential Tenancies Act is the law that governs residential tenancies in Ontario. It provides protection for tenants to live free from harassment and threatening behaviour from their landlord and their landlord's representatives. If your landlord is harassing or threatening you, you should contact your local community legal clinic for legal advice about your rights. You may be able to file a tenant application against your landlord at the LTB.

The LTB is not currently scheduling hearings for most issues, including most tenant applications (although there are some limited exceptions). If your landlord is harassing you, you should document your landlord's behaviour and keep a copy of any written correspondence, such as emails or texts, with your landlord.

...shows up at your unit

Unless there is an emergency, there is no reason for a landlord to show up to your unit without 24 hours written notice.

If your landlord insists on showing up at your unit, record any interactions where it's possible to do so safely. If your landlord calls the police, do not be afraid or intimidated. Police have no right to intervene in landlord-tenant matters (a civil matter), unless there is criminal conduct taking place.

...locks you out of your home



The only way a landlord can legally remove you from your home is with an order from the Landlord Tenant Board and the only person with the power to enforce that order is a Sheriff (a government official). Only the Sheriff has the legal authority to remove you or your property from your home if you do not want to move out. Police, special constables, private security, and your landlord cannot lock you out of your home. Any attempt to remove you or your property, or change the locks without an order from the LTB, is illegal. However, while it is illegal it is not unheard of and most often happens when a small landlord is involved. If this happens to you or someone you know, you should contact your local community legal clinic for legal advice as soon as possible.

If you believe you may be at risk of illegal lockout, there are a few things you may want to consider doing:

1. Inform those that live around you that this may happen. Share a description of your landlord with them and give them your contact information. If they see your landlord or anyone else doing anything suspicious around your home ask them to contact you immediately.
2. Carry all important documentation or medications with you at all times while outside the home. This includes identification, passport, credit and debit cards, immigration or legal documents etc.
3. Carry proof of residence with you. Ideally you have a copy of your lease agreement but you can also prove your residence with a piece of registered mail with your name and address on it.

If you are illegally locked out of your unit, you may be able to file an application at the LTB and ask to be allowed to return to your home. The LTB may schedule a telephone hearing for these matters, so you could receive a telephone hearing date despite the COVID-19 pandemic.

...is a social housing provider and your income changes

If your landlord is a social housing provider and the amount of your rent is determined by your income (RGI), you must tell your landlord if your income changes. For example, if you or someone in your household loses their job due to COVID-19 or begins to receive EI or CERB, you must report the change to your landlord within 30 days. If you do not report these changes, you could be charged for back rent and/or lose your RGI subsidy.

If you do not receive an RGI subsidy, you do not have to provide your landlord with information about changes in your income, including your application for, or receipt of, EI, CERB, or social assistance.

CALL YOUR LOCAL COMMUNITY LEGAL CLINIC IF YOU HAVE QUESTIONS

Mississauga Community Legal Services

Phone: 905-896-2050

130 Dundas Street East, Suite 504

Mississauga, Ontario L5A 3V8

www.mississaugalegalclinic.ca

Individuals who reside outside Mississauga can find their local community legal clinic at:

<https://www.legalaid.on.ca/legal-clinics/>

This is a general information sheet to answer questions amidst the ongoing COVID-19 pandemic.

The information provided is subject to change as the situation surrounding COVID-19 develops.

This information sheet provides legal information only and does not constitute legal advice.