



Entering the Rental Unit

Do you know and understand the rules for
entering a tenant occupied rental unit?

Entering the Rental Unit

At this Town Hall Meeting we will:

- Learn about the general rules for entering the rental unit;
- Discuss some of the reasons a landlord would have for entering the rental unit;
- Learn about the three situations that permit a landlord to enter the rental unit;
- Discuss the requirements related to each of the three situations that permit entry; and
- Examine what the landlord can do if the tenant does not allow entry.

When can the landlord enter the rental unit?



Sections 26 and 27 of the RTA establish the circumstances that allow a landlord to enter the rental unit and the notice requirements to inform the tenant of the entry.

These notice requirements vary as they depend on the reason for entry.

Depending on the reason, the landlord may enter the rental unit:

- Without Notice;
- With Verbal (or Oral) Notice; or
- With Written Notice.

Entry Without Notice



Entry Without Notice



Section 26 of the RTA allows landlords to enter the rental unit without notice if:

1. There is an emergency;
2. The tenant gives the landlord permission to enter the unit; or
3. The tenancy agreement requires the landlord to clean the rental unit.

Emergencies

The law allows a landlord to enter the rental unit without notice in emergency situations.

An emergency means that the landlord needs access to the rental unit immediately.

Examples include:

- Fire in the rental unit;
- Power outage; or
- Water leaking into the rental unit.



It is **not** an emergency when the tenant leaves the lights on.

Tenant Gives Permission

No notice is required to enter the unit if the tenant consents at the time of entry.

An example of tenant consent would include when a landlord is at the property for another reason and the tenant approaches to report a repair issue or problem.

The landlord asks to take a look and, if the tenant agrees, they have consented to the entry.



Cleaning the Unit

The landlord can enter the rental unit without written notice if the tenancy agreement requires the landlord to **clean the unit** at regular intervals and:



- The landlord enters the unit at times specified in the tenancy agreement; or
- If no times are specified, the landlord enters the unit between the hours of 8:00 am and 8:00 pm.

Entry With Verbal Notice



Entering With Verbal Notice

Section 26(3) of the RTA allows the landlord to enter the unit without written notice if:

- The landlord and the tenant have agreed that the tenancy will be terminated or one of them has given a notice of termination and the landlord wants to show the unit to prospective tenants; *and*
- The landlord enters the rental unit between the hours of 8 am and 8 pm



Although notice is not required, the landlord **MUST** make a reasonable effort to inform the tenant of the intention to enter the unit.

What is a reasonable effort?

Although the RTA does not require notice of entry when a termination notice has been given, it is required that a reasonable effort to inform the tenant of the intention to enter the unit be made.

The landlord should attempt to contact the tenant to advise of the entry.

If the landlord **cannot** reach the tenant, the landlord should leave a phone message, send a text or email message advising they intend to enter the unit with a prospective tenant.



Entry With 24 Hours Written Notice



24 Hours Written Notice

Section 27 of the RTA requires that a landlord must give 24 hours written notice to enter the rental unit to:

- Carry out a repair or replacement or do work in the rental unit;
- Allow a potential mortgagee or insurer of the residential complex to view the rental unit;
- Allow the physical inspection of the rental unit by a qualified person to satisfy a requirement imposed under the *Condominium Act*;
- Carry out an inspection of the rental unit, if:
 - The inspection is to determine that the unit is in a good state of repair, fit for habitation and complies with health, safety, housing and maintenance standards; and
 - It is reasonable to carry out the inspection.
- For any other reasonable reason for entry specified in the tenancy agreement; or
- Show the unit to prospective purchasers.

Carry out work in the Unit

The landlord may enter the unit to carry out a repair or replacement or do work in the unit.

Examples include:

- Repairing the air conditioning unit
- Fixing a leaky water pipe or
- Performing pest control activities



The landlord **MUST** provide at least 24 hours written notice to enter the unit.

Potential Mortgagee or Insurer Views the Unit

The landlord may need to allow a potential mortgagee or insurer of the rental unit or complex to view the unit.

Examples include:

The landlord has changed their insurance provider or mortgage holder and requires an appraisal of the unit.

The landlord **MUST** provide 24 hours written notice to allow the viewing of the unit.



Condominium Act Required Inspection

The landlord may need to allow the physical inspection of the rental unit by a qualified person to satisfy a requirement imposed under the *Condominium Act*.

Examples include having an engineer, architect or other qualified person inspect the property for a conversion of rented residential premises application.



The landlord **MUST** provide 24 hours written notice to allow the inspection.

Inspecting the Unit

The landlord can inspect the rental unit for the purpose of determining whether the unit is in a good state of repair, fit for habitation and complies with health, safety, housing and maintenance standards; and it is reasonable to carry out the inspection.

Examples include:

- Inspecting the smoke alarms twice a year;
- Investigating pest infestation complaints; or
- Ensuring that the heating unit is operating properly prior to the heating date.



The landlord **MUST** provide 24 hours written notice to carry out such an inspection.

Other Reasons for Entry

The landlord may enter the unit for any other reasonable reason for entry which has been specified in the tenancy agreement.

Examples include:

- The landlord has storage space at the property and reserved the right in the tenancy agreement to enter the unit and access it; or
- The landlord reserved the right in the tenancy agreement to enter the unit to take pictures if listing the unit for sale.



The landlord **MUST** provide 24 hours written notice to enter the unit for such reasons.

Show to Prospective Purchasers

Section 27(2) of the RTA specifies that the landlord must provide 24 hours written notice of entry when:

- A landlord, or a broker or salesperson, registered under the *Real Estate Act*, with written authorization of the landlord, wants to enter the rental unit to allow a potential purchaser to view the rental unit.



For example, the landlord has listed the property for sale and needs to show it to prospective purchasers.

The landlord **MUST** provide 24 hours written notice to show the unit.

Written Notice Requirements

Section 27(3) of the RTA specifies that the notice of entry must:

- Be in writing;
- Specify the reason for entry (*to repair the air conditioning unit, for example*);
- Include the date of entry and the time of entry, which must be between 8:00 am and 8:00 pm; and
- Indicate a specific time of entry.

Landlords are encouraged to reserve a block of time of **not more than two hours** when a specific entry time is unknown.



IMPORTANT: Email and text messages are not considered proper written notice.

How to Give Notice of Entry

The landlord may give the tenant the written notice of entry by:

- Handing the notice to the tenant;
- Handing the notice to an apparent adult person in the rental unit;
- Placing the notice in the tenant's mailbox or where mail is usually delivered;
- Sliding the notice under the door of the rental unit; or
- Posting the notice on the tenant's door.

IMPORTANT: This is the only notice that can be posted to the tenant's door.

Other Methods of Giving Written Notice to Enter

The landlord may:

- Fax the notice to the tenant's residence or place of business
- Send the notice by courier or mail with additional time added to allow for delivery



IMPORTANT: One day must be added if delivered by courier and five days must be added for delivery by mail.

Tenant Refuses Entry

What can the landlord do when proper notice to enter the unit has been given and the tenant refuses access?



The landlord can contact the Investigation and Enforcement Unit (IEU) of the Ministry of Municipal Affairs and Housing.

IEU will contact the tenant and is often able to secure the tenant's co-operation without taking legal action.

The landlord may serve an N5 notice to terminate tenancy early for interference with the landlord's lawful right.

Tenant Changed Locks



The landlord has followed the rules and given proper notice for entry.

However, the landlord cannot obtain access to the unit because the locks have been changed or altered.

Tenant Changed Locks

Section 35(1) of the RTA specifies that the tenant does not have the right to change the locks without the landlord's consent. If the locks have been changed the landlord can:

- Contact the Investigation and Enforcement Unit of the Ministry of Municipal Affairs and Housing;
or
- File an L8 Application with the Landlord and Tenant Board requiring the tenant to provide the landlord with a replacement key or pay the cost of changing the lock.
Filing fee \$150



Ministry of Municipal Affairs and Housing

Investigation and Enforcement Unit (IEU)

Call Centre phone and fax numbers:

- Toll Free Phone Line: 1-888-772-9277
- 416/647 Dialing Area: 416-585-7214
- Fax: 416-585-6464
- Toll Free Fax Line: 1-866-321-4127

Failing to Give Proper Entry Notice

It is an offence for the landlord to enter the rental unit unless it is a situation allowed by the Act.

It is an offence to enter a rental unit without giving the required notice under the Act.

If found guilty of an offence under the *Residential Tenancies Act, 2006* the landlord can be fined up to \$25,000.

If the landlord is a corporation, the fine may be up to \$100,000.



Entering the Rental Unit

To review, at this Town Hall Meeting we have:

- ✓ Discussed the general rules for entering the rental unit and explained the reasons for entering the rental unit;
- ✓ Explained the three situations that permit a landlord to enter the rental unit;
- ✓ Outlined the requirements for each of the three situations that permit entry to the rental unit; and
- ✓ Discussed what the landlord can do if the tenant does not allow entry.
- ✓ Provided information about the Investigation and Enforcement Unit (IEU).

Questions



Resources

Entering the Rental Unit

Landlord's Self-Help Centre

- Sound Advice Podcast - Entering a Tenant's Rental Unit :
http://www.landlordselfhelp.com/sound_advice/scripts/entering_unit.htm
- FAQs - Index of Q and A's
http://www.landlordselfhelp.com/education/forum_q_a.asp?sub_id=13&sub_catid=1&sub_name=Entering%20the%20Rental%20Unit
- RTA FactSheets: Enter the Unit
http://www.landlordselfhelp.com/facts/2013_entering_unit.pdf

e-laws

- Search Residential Tenancies Act, 2006 - www.e-laws.on.ca

Resources

Entering the Rental Unit

Landlord and Tenant Board

- Frequently Asked Questions: Entering the Tenant's Unit - http://www.ltb.gov.on.ca/en/Key_Information/STEL02_111473.html
- A Guide to the Residential Tenancies Act - http://www.ltb.gov.on.ca/en/Key_Information/STEL02_111677.html
- Guide to the RTA in Multiple Languages - http://www.ltb.gov.on.ca/en/Key_Information/157371.html
- Interpretation Guideline #19 - A Landlord's Right of Entry into a Tenant's Rental Unit - http://www.ltb.gov.on.ca/en/Law/STDPROD_078964.html



TERMINATING A TENANCY: Landlord's Own Use Purchaser's Own Use

Ending a rental agreement because the landlord or purchaser requires the unit for their own use is a complicated process.

Join the next Town Hall Meeting to learn about the procedure and best practices:

Monday, December 15 @ 6 pm

<http://lshc-townhall11.eventbrite.com>