



# Quarterly News

## Rooming Houses Legal in Toronto!

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The material contained in this publication is intended for information purposes only, it is not legal advice.

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*The views expressed here are those of the clinic and do not necessarily reflect those of Legal Aid Ontario.*



**Starting March 31<sup>st</sup>, 2024**, multi-tenant houses commonly known as rooming houses will be permitted all across Toronto allowing for residential landlords to go through the licensing process to legally operate a rooming house. ***What is a rooming house?*** According to the City of Toronto, a rooming house is a house with four or more rooms that are usually rented out individually where tenants may share with one another the bathroom and kitchen facilities.

Currently, there are zoning bylaws that prohibit the legal existence of rooming houses in some parts of Toronto. For instance, they are not permitted in the Former Cities of East York, North York and Scarborough. In the Former City of Toronto, rooming houses are allowed as per zoning bylaws and licensing processes whereas in the Former City of York, rooming houses are allowed without a license to operate them.

**On December 14, 2022, Toronto City Council approved a new regulatory framework for rooming houses.** This new regulatory framework will establish standards, regulations, and enforcement processes to ensure residential landlords are operating rooming houses in a safe manner. Toronto will implement standards such as the maximum number of rooms allowed and parking requirements. For example, houses with up to six rooms will be permitted all across Toronto but depending on the specific area, houses will be allowed to have up to 12 or 25 rooms. Residential landlords will have to develop a maintenance plan that clearly outlines how tenants can make maintenance requests, pest control and waste management and collection while complying with the Ontario Building Code, Ontario Fire Code and the Ontario Electrical Safety Code. In order to ensure compliance with the new regulatory framework, there will be an enforcement team, annual inspections and the introduction of the Multi-Tenant House Licensing Tribunal, among other enforcement mechanisms.

For existing rooming houses operating outside of this new regulatory framework, Toronto is working on a program to help residential landlords to retrofit and repair their rooming houses so these landlords are able to comply with the new standards and regulations. More information on this program will be made available in spring 2024.

For more details about the new regulatory framework of rooming houses, visit the City of Toronto website at:

<https://www.toronto.ca/community-people/housing-shelter/multi-tenant-rooming-houses/new-framework-for-multi-tenant-rooming-houses/>

<https://www.toronto.ca/community-people/housing-shelter/multi-tenant-rooming-houses/multi-tenant-house-owners-operators/>

# Provincial Codes, Municipal By-Laws and Residential Tenancies

Landlords have many obligations and responsibilities to comply with throughout the tenancy. The *Residential Tenancies Act* (“RTA”) which is the Act that governs residential tenancies in Ontario sets out the responsibility of landlords to maintain a rental property. Specifically, section 20 of the RTA says: “A landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards.”

Aside from the RTA, there are other laws and bylaws that landlords need to be aware of, as they will have an impact on the tenancy. These outline further rights and responsibilities that landlords need to comply with to ensure that they are maintaining the property in accordance with local health, safety, housing and maintenance standards as set out in section 20 of the RTA. Provincial Codes (such as the *Ontario Human Rights Code*) and municipal By-laws are predominantly encountered by residential landlords in Ontario.

**Municipal by-laws** are laws that are passed by the City Council, and assist in regulating and outlining the rules of cities, towns, etc. Aside from by-laws, there are also Codes that fall under provincial legislation. Provincial codes include the ***Ontario Fire Code, Building Code and Electrical Safety Code***. These by-laws and codes assist landlords in various areas such as what constitutes a legal basement in a specific city, and assist in establishing residential property standards. Examples of how by-laws and provincial codes play a role in residential tenancies may include: what is the maximum occupancy of residents in a specific unit, rules surrounding fire alarms and CO detectors, minimum temperatures in a rental unit, and standards relating to the electrical safety and constructions of residential units or buildings, etc.

It is significant for landlords to be aware of the ***Ontario Human Rights Code (Code)***, which is defined as a “provincial law that gives everybody equal rights and opportunities without discrimination in areas such as jobs, housing and services.” The Code prevails over all provincial laws, including the *Residential Tenancies Act*. The Code identifies 16 grounds which individuals should not face discrimination. These 16 grounds are: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding), and sexual orientation. The reason that landlords need to be aware of the Code is to ensure that they do not discriminate against a tenant and/or a prospective tenant. If a landlord discriminates against a tenant throughout the tenancy, there may be remedies for the tenant to seek against the landlord for such actions.

Please be cautious that every situation is different and can come with its own challenges. It is important to seek legal advice before proceeding, to ensure that you are following the appropriate legislations and by-laws for your situation and jurisdiction.

Examples of by-laws and provincial codes:

[https://www.toronto.ca/legdocs/municode/1184\\_629.pdf](https://www.toronto.ca/legdocs/municode/1184_629.pdf)

<https://www.ontario.ca/laws/regulation/070213>

<https://www.ontario.ca/laws/regulation/120332>

<https://www.ontario.ca/laws/statute/90h19>

## Did You Know?

*Q: I obtained an Order from the Landlord and Tenant Board to evict my tenant based on nonpayment of rent and disturbances. I have filed with the Sheriff's office and they have scheduled a date to conduct the eviction. How do I prepare for the actual eviction and what happens if the tenant still refuses to leave?*

The Sheriff's office will provide you with instructions prior to attending at the property, specifically to have a locksmith to change the locks in the presence of the Sheriff. If there is a problem to remove the tenant, in some cases the police may be called to the property just to keep the peace. Once the eviction has taken place, the tenant will have 72 hours to remove their belongings. You cannot deny them access, it is an offence to deny a tenant access to their belongings after they have been evicted.

*Q: I have a rental property which has been rented to the same tenant for quite some time. A while back, the tenant approached me and asked me if I could lower the rent as he was having financial difficulties, he promised to pay the full amount once he got back on his feet again. I felt sorry for him so I agreed. It's now been more than a year and he's still paying the reduced rent. What can I do in this situation?*

In this situation you may be out of luck. If the tenant has been paying the reduced rent for more than a year, the rent paid is deemed to become lawful under Section 136 (1) of the *Residential Tenancies Act*.

*Q: I have just become aware that there is a cockroach infestation in the rental unit and apparently the tenant has been aware of it for quite sometime but never bothered to inform me of this problem. Can I hold the tenant responsible for the extermination costs since I was not informed of the problem?*

It is difficult to hold the tenant responsible for the costs of extermination. It is ultimately the landlord's responsibility to maintain the property and deal with any pest issues.

*Q: I have a triplex which has been occupied by tenants for quite sometime. The building is very old and I have decided to demolish the property. What are my obligations to the tenants?*

The notice of termination for this particular reason is the Form N13. If a tenant is given a notice because the rental unit is being demolished and is located in a residential complex that contains fewer than five residential units, the landlord must give the tenant an amount equal to one month's rent or offer the tenant another rental unit that is acceptable to the tenant. No compensation is required if the landlord has been ordered to demolish the residential complex.

*Q: I am an elderly person living in my home for many years, and I rent the basement to a couple who have been living there for a few years; they are very good tenants. However, I am in poor health and I now require someone to assist me on a full time basis. Is it possible to ask the tenants in the basement to move out in order for me to have a caregiver move in and live there on a full time basis?*

The law does permit a landlord to give a notice of termination (Form N12) to a tenant if the landlord in good faith requires the unit for residential occupation by a person who provides or will provide care services to the landlord or the landlord's spouse, child, parent or the spouse's child or parent. In this case, the termination date on the notice must be at least 60 days after the notice was given and must be the last day of the rental period or if there is a fixed term tenancy, on the last day of the term.

# LTB Updates

- **LTB Virtual Hearing Video Guides:** On November 14<sup>th</sup>, Tribunals Ontario launched the first two instructional video guides **to help landlords better understand what to expect when they attend an LTB hearing through the online platform Zoom**. These two video guides walk landlords through the hearing sign-in process, mediation, and what to expect at the hearing. These are available on the LTB's Videoconferencing webpage at <https://tribunalsontario.ca/en/videoconferencing/> and on Youtube in French and English.
- **Improvements to the Notice of Hearing (NOH):** The NOH generated by the portal now include information on the LTB's hearing technical support line, including the email address and phone number parties should use to reach technical support staff.
- **Improvements to PIN letters:** These provide the responding parties with the PIN number, which allows them to access online services and information for the LTB file they are responding to. It also outlines clear and concise information about how the portal can be used during the application process.
- **Improvements to Consent to Disclosure feature on the portal:** Upon logging into the portal, parties are asked to confirm if they consent to receiving documents through the portal or by email. **This feature now provides parties with a greater understanding as to what is being consented to and what to expect if consent is provided.** Further, the portal will clearly display the email address that is on record with the LTB and allow parties to provide an alternate email address for service, if the one on record is not accurate.
- **New Call Centre Platform:** The new platform includes a **call-back option** where instead of waiting on hold, a landlord can choose to leave their phone number and receive a return call while maintaining their spot in the queue. The **Interactive Voice Response System**, which allows landlords to navigate through pre-recorded information to address their questions, has been updated to provide user friendly information that is easier to navigate. It also provides landlords with an estimated wait time.
- **Filing in person at ServiceOntario:** The LTB is adding locations where landlords can file an LTB application in-person for those who do not have access to a computer.
- **Adjudicator Recruitment Update:** As of October 20, 2023, the LTB has hired 16 new full-time members with 12 of these expected to be fully deployed by the end of October, allowing for increased hearing capacity which will lead to a steady decline in the LTB backlog.

## LSHC Appointments

Please be advised that we offer appointments in person or through the online platform Zoom. To book an appointment, please email us at [info@landlordselfhelp.com](mailto:info@landlordselfhelp.com), or call us at 416-504-5190 or Toll-Free at 1-800-730-3218. Please note that the last appointment each day will be scheduled a half-hour before closing (at the latest).

## LSHC Upcoming Holiday Closures!

Please be advised that our office is closed on the following dates:

December 25<sup>th</sup>, 2023 to January 1<sup>st</sup>, 2024 for the Winter Holidays- Our regular business hours resume on Tuesday, January 2<sup>nd</sup> at 9:00 am.

February 19<sup>th</sup>, 2024 for the Family Day Holiday- Our regular business hours resume on Tuesday, February 20<sup>th</sup> at 9:00 am.

## LSHC's 2023 Landlord Learning Forum

### [Watch the Replay!](#)

Thank you for attending the Landlord's Self-Help Centre's 2023 Landlord Learning Forum that took place on Wednesday, October 11<sup>th</sup>, 2023. This was an online event. If you did not have the opportunity to attend, you can watch the replay by visiting <https://landlordselfhelp.com/2023-llf-replay/>

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