



A Landlord's Self-Help Centre Publication

Ontario Housing Affordability Task Force Report

The provincially appointed Task Force has released its report, *Report of the Ontario Affordability Task Force*. It offers close to 60 recommendations aimed at jumpstarting the creation of the 1.5 million homes in the next ten years. Task Force Chair Jake Lawrence says the mandate of the Task Force was to “deliver concrete, actionable recommendations that will make housing more affordable”.

Appointed in the Fall of 2021, the Task Force turned around their report in just two months after meeting with municipal leaders, planners, unions, developers and builders, the financial sector, academics, think tanks and housing advocates from across the province. Stakeholders were invited to provide feedback on specific consultation questions seeking input to identify barriers to developing the housing supply; the role government can play at all three levels; how government can support innovation and modernization; and identification of risks and opportunities.

LSHC participated in the process and prepared a written submission that was framed with the small landlord community in mind and advocated for a ready-made solution that would further expand the secondary housing market and leverage existing neighbourhoods and housing with the necessary community infrastructure to create second suites, laneway suites and garden suites.

The Task Force Report offers a blueprint for the creation of 1.5 million homes in the next ten years, and includes recommendations to:

- Increase housing density everywhere
- Scrap exclusionary rules that block or delay new housing
- Depoliticize the housing approvals process
- Prevent abuse of the housing appeals system
- Support municipalities that create housing

The report includes a recommendation to **“Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.”** The report also references the ‘missing middle’ – **“The missing middle” is often cited as an important part of the housing solution. We define the missing middle as mid-rise condo or rental housing, smaller houses on subdivided lots or in laneways and other additional units in existing houses.”**

“Everyone has a role to play in addressing the housing supply crisis,” said Steve Clark, Ontario’s Minister of Municipal Affairs and Housing. “As our government consults with municipalities, the public, and industry leaders and experts, we are balancing these perspectives to develop practical, forward-thinking policies that unlock and fast-track all types of housing for all types of Ontarians.”

Let’s hope the momentum is not derailed by the Provincial Election on June 2nd! Find the Report at <https://www.ontario.ca/page/housing-affordability-task-force-report>.

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

Offences and Penalties

The *Residential Tenancies Act* is an Ontario law that sets out rules that apply to residential tenancies. An offence can be committed by any person, such as a landlord, tenant, subtenant, or a person who acts on behalf of a landlord or a tenant. It is an offence to break certain rules established under the *RTA*. If convicted of an offence committed under the *RTA*, you can be fined up to **\$50,000** for an individual and up to **\$250,000** for a corporation. The following are the most **common offences**:

Entering the Rental Unit - It is an offence for,

- the landlord to enter a rental unit, except in those situations allowed by the *RTA*. If the *RTA* requires prior notice to the tenant or restricts entry to certain hours, it is an offence to break those rules.
- a tenant to stop the landlord from entering the unit when **proper notice** has been given.

Changing locks - It is an offence for a tenant to change the locks on doors to the rental unit or building without the landlord's consent, or for the landlord to do so without giving a copy of the new keys to the tenant.

Vital Services - It is an offence if the person knowingly withholds or interferes with the reasonable supply of a vital service, which includes hot or cold water, fuel, electricity, natural gas and heat.

Eviction - It is an offence to,

- lock a tenant out of a rental unit without following the rules;
- make a tenant move out of a rental unit by giving the tenant a notice of termination for a reason that the landlord knew was untrue;
- evict a tenant so that major repairs or renovations can be made to the rental unit without compensating the tenant or offering them another acceptable place to live;
- fail to offer a tenant the right of first refusal after major repairs or renovations;
- recover possession of a rental unit without complying with the requirements for compensation pursuant to sections 48.1, 49.1, 52, 54 or 55;
- dispose of a tenant's possessions without following the rules;
- fail to make an evicted tenant's property available for 72 hours after the order to evict is

enforced by the sheriff between the hours of 8 a.m. and 8 p.m.

Harassment - It is an offence to,

- try to stop a tenant from filing an application under the Act or from taking part in a hearing;
- try to prevent a tenant from forming a tenants' association or taking part in one;
- threaten a tenant, interfere with a tenant, or pressure a tenant to move out of a rental unit.

It is also an offence,

- for a landlord or someone acting on behalf of a landlord, to do anything that would prevent a tenant from being able to **enjoy living in their rental unit**;
- for a tenant to interfere with or try to prevent a landlord from filing an application under the Act, exercising their rights, or from taking part in a hearing.

The offences section of the *RTA* includes other issues such as maintenance and repair obligations, rent deposits and increases, key or damage deposits, rent receipts and providing false or misleading information to the Ministry of Municipal Affairs and Housing.

If you think the tenant has committed an offence you may choose to:

- Report the offence to the Rental Housing Enforcement Unit; and/or
- Apply to the Landlord and Tenant Board.

Rental Housing Enforcement Unit

The Rental Housing Enforcement Unit (RHEU) is part of the Ministry of Municipal Affairs and Housing, it is not part of the Landlord and Tenant Board. A landlord or a tenant can report an offence to the RHEU by calling **416-585-7214** or toll-free **1-888-772-9277**.

Join us on March 23, 2022 as LSHC partners with the Rental Housing Enforcement Unit to provide an informational presentation on the mandate and operation of the RHEU. We'll also discuss how the RHEU can assist if a tenant has changed the locks without the landlord's consent and has not provided a key; and if a tenant refuses to give access to the rental unit after the required notice of entry has been given.

Register in advance at: https://us02web.zoom.us/meeting/register/tZcvf-yvpi0oHdI2AliF6KE_dBsNwvcyhe3l.
For details about this educational presentation: <https://landlordselfhelp.com/landlord-education-series/>

Fire Safety

Before becoming a landlord, we strongly recommend that you do your research and familiarize yourself with the various rules and obligations related to maintenance and safety regulations. When it comes to fire safety, the onus is on the landlord to ensure that the rental unit complies with the provisions set out in the Fire Code.

Section 20 of the *Residential Tenancies Act* states the following:

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. 2006, c. 17, s. 20 (1).

We recommend that you contact the local Fire Department to conduct an inspection before a tenant moves in. The Fire Code rules and regulations differ depending on the type of rental property.

Small landlords in particular may not always be aware of the various rules and only find out if the tenant complains to the municipality about a fire code violation. There are penalties if a landlord is found to be renting out units that are not in compliance with the *Fire Protection and Prevention Act, 1997* requirements, the landlord may face financial consequences such as fines which can be up to \$50,000 for individuals and \$100,000 for corporations.

Landlords are urged to conduct routine inspections of their rental units to review the condition of the units and in particular the life safety systems such as the smoke alarms and carbon monoxide detectors. It is the landlord's responsibility to provide smoke detectors for the rental unit which must be located on every level of the home and a minimum of a 2A portable fire extinguisher must also be provided. Anyone with concerns as to whether a rental unit is legal or safe can report it to the local authorities. It is against the law for tenants to remove the batteries or tamper with the alarms in any way.

There are requirements for containment, means of egress, detection and early warning, suppression and emergency planning.

- **Containment:** includes creating a box around the unit incorporating horizontal and vertical fire separations as well as making sure fire doors are installed and equipped with self-closing and latching devices. The containment feature prevents smoke and fire from spreading and allows the occupants time to evacuate the unit safely.
- **Means of Egress:** providing an acceptable and adequate way to get outside of the home is a key safety feature if a fire occurs. Ensuring that access to these exits is clear and unobstructed at all times allows the occupants a safe path for evacuation. Having a smoke alarm system in the home will allow occupants to know that there is danger by providing an early warning of smoke and fire, and enables homeowners and tenants to evacuate safely.
- **Detection and Early Warning:** Interconnected smoke alarms are required when a common exit is shared. If a rental unit is accessed through another unit, the smoke alarms are required to be interconnected in addition to a smoke alarm being placed in the hallways outside the bedrooms. For optimal protection, smoke alarms should be installed inside each individual bedroom. Carbon monoxide detectors are mandatory and must be installed in each dwelling unit that contains a fuel-burning appliance, fireplace or attached garage. It is the landlord's responsibility to install and maintain all detection devices to ensure they are in good working order.

Landlords should also have a home escape plan that fits the needs of the rental property keeping in mind any accommodations and in all cases minimum fire requirements must be met.

For more information about the Fire Code requirements contact the Fire Marshall's office at 416-326-5000 or toll free at 1-866-517-0571 or visit <https://www.ontario.ca/page/fire-safety-home> .

LSHC has produced a Fire Safety video at <https://www.youtube.com/watch?v=a5KRI4zZVa4>. The Creating a Second Suite: Information Guide for Homeowners found at https://secondsuites.info/wp-content/uploads/2020/12/NEW_Dec-18-2020_Creating-Guide.pdf also includes Fire Code information.

Self-Help TIPS

This issue of the **Self-Help Tips** will focus on how to collect monies from a tenant post-tenancy. This process was changed when the remaining *Bill 184, the Protecting Tenants and Strengthening Community Housing Act, 2020* provisions were proclaimed on September 1, 2021. This Act amended the *Residential Tenancies Act, 2006*, (RTA), to allow for the collection of monies owed after the tenant has vacated the rental unit.

Where does the former tenant work or live?

According to the changes made to the RTA, landlords have up to one year (365 days) to file a post tenancy application from the date the tenant vacated the rental unit. Unlike other LTB applications, landlords will have to serve a copy of the *L10-Application to Collect Money a Former Tenant Owes* and a notice of hearing package to the former tenant at least 30 days prior to the hearing date. In order to do this, landlords will have to know their former tenant's new residential address in order to file with the Landlord and Tenant Board (LTB). If this information is not readily available, you may need to hire the services of a private investigator or skip trace agency in order to continue with this process.

L10 - Application to Collect Money a Former Tenant Owes

The former tenant must have vacated the rental unit on or after September 1, 2021 in order for the landlord to be able to file the L10 application.

This application can be filed with the LTB to collect:

- rent arrears and/or compensation,
- charges related to NSF cheques,
- unpaid utility bills,
- damages to the rental unit, and
- charges related to substantial interference with reasonable enjoyment or lawful right, privilege or interest from a former tenant or their guest(s).

Compensation for Failure to Pay Utility Costs

Landlords are now able to file an application at the LTB against their former tenants for compensation for failure to pay utility costs. Until this change, the LTB only had the power to terminate the tenancy and not order the tenant to pay a monetary amount to the landlord.

Compensation for Costs Related to Substantial Interference

Landlords are also able to file applications against their former tenants to recover costs incurred for substantial interference with reasonable enjoyment, lawful right, privilege or interest. Some examples of interference captured by this change include pulling a false fire alarm which may have led to the landlord being fined by the fire department, and where the tenant failed to allow entry (after proper notice was provided) or prepare the unit for pest control treatment.

Certificate of Service, Post Tenancy

Once the landlord has provided their former tenant with a copy of the L10 application and notice of hearing package, 30 days before the hearing date, the landlord will then have to fill out a *Certificate of Service- L10 Serving a Former Tenant or Tenant No Longer in Possession of the Rental Unit* form to prove that copies of these documents were given to the tenant in question. A copy of this form must be provided to the Landlord and Tenant Board.

Approved Methods of Service

When serving the former tenant with a copy of the L10 and notice of hearing package, it is important to deliver these documents according to the Landlord and Tenant Board Rules.

The most common methods of service are:

- delivery in person to the former tenant,
- sliding it underneath the unit door of the former tenant's current residence, or
- putting it in the mailbox of the former tenant's current residence.

Tips

- **DO NOT** show up to your former tenant's place of work and announce that you are there to serve them with legal documents. Be discreet and keep privacy laws in mind.
- Landlord and Tenant Board's Interpretation Guideline 11 provides additional information about collecting rent arrears and can be found at www.tribunalsontario.ca.
- If a tenant vacated the rental unit before September 1, 2021, landlords will have to file a Claim in Small Claims Court to pursue the recovery of monies owed by the former tenant.
- To collect monies owed by a tenant, the landlord can file the L2 application while the tenant is residing at the rental unit, or the L10 application for a former tenant who vacated the rental unit on or after September 1, 2021.

Did You Know?

Q: I have heard that the Landlord and Tenant Board launched a new platform for filing documentation online but I cannot find it. Could you direct me to it?

On December 8, 2021, the Landlord and Tenant Board launched their new platform for online filing called Tribunals Ontario Portal which can be accessed by visiting the Landlord and Tenant Board's website. However, this is the link to the portal in order to access it directly <https://tribunalsontario.ca/en/tribunals-ontario-portal/>



Q: I created my account through the Tribunals Ontario Portal and uploaded my documents but when I reviewed them, I noticed some incorrect information that I did not fill out myself. I believe this is a glitch with the website. Who do I contact if I have technical difficulties?

If you are experiencing technical difficulties when using the Tribunals Ontario Portal, you can visit their website for Frequently Asked Questions at <https://tribunalsontario.ca/en/tribunals-ontario-portal/help/> or if you have a more specific question or concern about the portal contact their technical support at <https://tribunalsontario.ca/en/tribunals-ontario-portal/contact/>



Q: I am having financial difficulties and I have decided to sell my rental property. My tenants' lease is about to end so I think this is a good time for me to sell it. I told my tenants about my plans and they told me that I must give them an N12 notice to end their tenancy and pay them 3 months' rent as compensation. Is this true?

The N12 notice to end the tenancy can only be given to them on behalf of a purchaser who wants to live in the rental property. Once you have a purchase and sale agreement signed with a buyer who intends to live in the rental unit, the RTA requires that you can give your tenants the N12 notice and pay them one month's rent as compensation on or before the termination date of the notice.



Q: I am the landlord and I live in a triplex in Toronto. My tenants occupying the other two units do not seem to be getting along. I do not want to get involved, but both of them keep sending me complaints about each other. What should I do in this scenario?

You can reach out to York Region Housing Mediation Services which is a free mediation service that aims to facilitate discussion and solve issues between landlords and tenants. You can visit their website at <https://yrhms.ca/> to obtain more information about this program. If the issues among your tenants persist, you may have to start an eviction process and take them to the Landlord and Tenant Board. To learn more about evicting your tenants, review our RTA fact sheet called Ending a Tenancy at <https://landlordselfhelp.com/media/RTA-Ending-a-Tenancy-REV2021.pdf>



Q: My tenant and I would like to end the tenancy but my tenant would like me to sign an N11- Agreement to End the Tenancy and pay her 2 month's rent in compensation. I read the N11 and it does not say that I have to pay her this amount. What should I do?

The N11- Agreement to End the Tenancy does not require a party to pay compensation to the other party. However, if the tenancy is being terminated because both the landlord and the tenant wish to end it, both parties can sign the N11. Paying compensation is optional and both parties should end the tenancy because they are both comfortable doing so.



Q: I served my tenant with a notice of termination. I understand that once you give such a notice, the tenancy ends and he has to move out. My problem is that he is refusing to move out and wants me to take him to the Landlord and Tenant Board. Do I really have to go through the LTB process?

Yes, you have to go through the LTB process in order to evict your tenant legally. Remember that giving your tenant a notice of termination is only the first step in evicting a tenant. If he chooses to move out as per the notice, you are not required to file with the Board, but if he chooses to stay, you then have to file your notice with its corresponding application with the LTB and schedule your hearing to evict him.



Garden Suites Approved for Toronto

Toronto Council has approved the Feb. 2, 2022 meeting. A Garden Suite is a detached accessory dwelling unit located in the rear yard of a detached house, semi-detached house, townhouse or other low-rise dwelling. Typically smaller in scale than the main house and they tend to function as a separate rental housing unit. They promote the gradual expansion of housing options within low-rise neighbourhoods. New policies and zoning requirements will permit garden suites in most residential zones across Toronto.

Toronto homeowners can seek permits to add a secondary unit – a self-contained residential dwelling unit typically located in the basement or upper levels of the home, or a laneway suite - provided the property abuts to a public laneway. These changes are led by the City through its Expanding Housing Options in Neighbourhoods (EHON) initiative. The EHON initiative is working to facilitate more low-rise housing in residential neighbourhoods to meet the needs of our growing city. The City continues to expand housing forms in Toronto, ranging from laneway and garden suites to duplexes, triplexes, and low-rise walk-up apartments. The initiative is one solution among a range of City initiatives necessary to increase housing choice and access, and create a more equitable, sustainable city, <https://www.toronto.ca/news/city-council-gives-green-light-to-garden-suites-growing-housing-options-in-toronto/>

There is also a Multiplex Initiative underway and Planning officials have been directed to undertake a technical review and further stakeholder and community consultation on the Multiplex Study, also part of the Expanding Housing Options in Neighbourhoods initiative. This initiative aims to support the construction of a range of low-rise housing across the City's low-rise neighbourhoods, increasing both the variety and type of housing available in these areas and includes buildings with two, three, and four units - and low-rise apartment buildings. For more details <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH29.9>

Be sure to do your research! There are plenty of developers and builders that specialize in this area who have made learning materials publicly available on YouTube and other platforms.

DISCLAIMER

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Goodbye Susan

After more than four decades Susan Wankiewicz is leaving Landlord's Self-Help Centre!

Susan was one of the first employees hired when interim funding was received from the Ontario Legal Aid Plan. She started in 1977 when LSHC operated as Landlord Aid or Landl'Aid. Susan had only planned to stay until something better came along.



"I have seen a lot change during in my years at LSHC. However, I can't say that the operating environment for small landlords in Ontario is any better today than it was in 1977. It's different, but I'm not sure it's better."

Susan at 1990's word processor

The early years were very lean, the office was furnished with second hand furniture and items rescued from the garbage. We recycled paper and used the backside for taking and writing notes. We had one telephone line and two manual typewriters. The staff were paid \$140 weekly.

Susan has served as LSHC's Executive Director since 1985. During her time at the clinic she has developed and implemented a variety of initiatives and programs to support the small landlord community. Some of those programs included: The Quarterly Newsletter; Self-Help Kits; the Second Suites in Toronto and Second Suites in Ontario education projects; the first website in 1999 and every website iteration since; and the Landlord Learning and Networking Forum. She has also served as LSHC's rep on numerous outreach projects, including LandlordConnect and the Police Education Project, and has served on a variety of committees over the years.

"I'm taking a life time of experiences and memories with me from my time at LSHC. There are so many clients, volunteers, colleagues, co-workers and friends that I will always remember fondly."

Best wishes and Good luck!

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