



Quarterly News

September 2024

In This Issue:

Multi-Tenant Houses Reno & Repair Program.....	2
Brampton's Rental Licensing Program.....	3
Self-Help TIPS.....	4
Did You Know?.....	5
2025 Rent Increase Guideline	6
LSHC's AGM & Landlord Learning Forum.....	6

Landlord's Self Help Centre
 15th Floor- 55 University Ave.
 Toronto, Ontario, M5J 2H7
 Tel: 416-504-5190
 Toll free: 1-800-730-3218
 info@landlordselfhelp.com

Disclaimer

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



Legal Aid Ontario provides core funding to Landlord's Self-Help Centre.

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

Toronto to Follow Hamilton's Lead in Creating Anti-Renoviction Bylaw

On June 26, 2024, Toronto City Council voted to create anti-renoviction bylaw to protect tenants following Hamilton's lead. The City Council considered "a growing trend of renovations in Toronto, where a landlord illegitimately evicts a tenant by alleging that vacant possession of a rental unit is needed to undertake renovations or repairs."

As part of the City Council's considerations for the vote in favour of the anti-renoviction bylaw, they reviewed the model in place by Hamilton's Renovation License and Tenant Relocation By-law. Hamilton's bylaw will come into effect on January 1, 2025 and will require residential landlords to obtain a renovation license within seven days after giving an eviction notice to a tenant. Landlords will be able to evict tenants to renovate their rental units as long as they have applied and obtained all required permits for the work. They also have to obtain an engineer's report stating that vacancy of the rental unit is required for the renovations to be completed. Lastly, landlords will have to comply with the right of first refusal by ensuring the tenants can come back to the rental unit once the renovations are done.

The Toronto City staff is currently working on Toronto's anti-renoviction bylaw and a report is expected to be provided by late-October 2024.

Although Toronto Council voted to create this bylaw, Councillor Stephen Holyday voted against it because housing and renoviction matters are within the jurisdiction of the province of Ontario through the *Residential Tenancies Act* (RTA). He stated that creating and enforcing an anti-renoviction bylaw will increase red tape and costs for landlords. Other councillors such as Councillor Gord Perks pointed out that renovations are one of the causes of the rise in the Toronto's encampments and increasing demand for shelters, which in turn requires additional city resources. He further stated that Toronto cannot afford to wait for provincial action as it lacks sufficient staff to enforce the RTA effectively and it fails to ensure the fundamental right to shelter.

Source: <https://www.cbc.ca/news/canada/toronto/toronto-city-council-meeting-items-rental-housing-renovictions-1.7246744>

Multi-Tenant Houses Renovation & Repair Program

The City of Toronto's new regulatory framework for multi-tenant houses (also known as rooming houses) came into effect on March 31, 2024, requiring all rooming house operators to obtain a license. The new framework will be gradually implemented over a period of three years. The City's new **Multi-Tenant Houses Renovation & Repair Program** will support existing property owners and operators retrofit and repair their rooming houses in order to comply with the new regulatory framework and obtain a license.

Housing Affordability & Tenant Support

The City has developed the new **Multi-Tenant Houses Renovation Program** to preserve and improve affordable multi-tenant houses and protect affordability for renters. The program provides grant funding and/or financial incentives to eligible property owners to address a wide range of costs directly related to improving safety and building conditions for tenants and bringing properties into compliance with the Zoning Bylaw, *Ontario Building Code* and *Ontario Fire Code*.

Who is Eligible to Apply for the Program?

The program is for existing Toronto properties with outstanding City work orders related to compliance with the multi-tenant houses framework, with the intention of using the program funding to fix the deficiencies in order to obtain a license. The following criteria below must be met to be eligible for the program:

Eligible Properties

- The program is for unlicensed multi-tenant (rooming) houses only.
- The multi-tenant house may be occupied or vacant.
- Tenancies or housing must be at-risk due to non-compliance with the regulatory framework, the condition of the property, or the potential for tenant eviction.

Eligible Applicants

- Applicants must have registered through the online [Multi-Tenant Houses License Application Portal](#) for an Operator License.
- Both non-profit and for-profit applicants will be eligible.
- The applicants must be a person who owns or controls the business of operating a Multi-Tenant House as defined by the Toronto Municipal Code Chapter 575 and the property must be a "multi-tenant house", as defined by Chapter 575.

Eligible Project

- The renovation and repair work must be required to comply with applicable laws in order to obtain a license from the City.

Funding

Applicants who are successful may receive up to \$50,000 per "multi-tenant house room" for eligible renovations costs, and /or City fee waivers needed to bring their multi-tenant house into compliance with the regulatory framework and obtain a license. Funding will be provided in the form of a forgivable loan. If conditions of the applicant's agreement with the City under the program are not met, the funding will be repayable.

How to Apply for Funding-The application package is available from the City of Toronto's Housing Secretariat. An introductory meeting between the City staff and the applicant is required before the application package will be provided. Contact Housing Secretariat staff to arrange for an introductory meeting by emailing MTHrenovationfund@toronto.ca

The City claims, "The program application process is competitive, and funding is limited. Only those applications that best meet the program's requirements will be eligible for funding and not all applicants will be successful. Successful applicants should not expect their entire funding request to be satisfied, and the final amount of funding provided to a successful applicant shall be at the City's sole discretion".

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

Brampton Relaunches Residential Rental Licensing Program

On January 1, 2024, the City of Brampton launched their two-year pilot **Residential Rental Licensing Program**, only to have it paused on January 25, 2024.

According to Councillor Rowena Santos, the purpose of the program was to address complaints "related to garbage, rodents, too many cars in the driveway, un kept property standards, and even more importantly, health and safety of the tenants with 15 to 20 people living in illegal dwellings." Santos claimed the program was paused because of "redundancy in paperwork," like having to resubmit electrical and HVAC certification.

Brampton relaunched their licensing project on March 28, 2024 with simpler application requirements. The Program requires landlords to pay an application fee of \$300. To encourage compliance, those who apply before September 30, 2024, will receive a 50% discount, bringing the application fee down to \$150.

Who is required to obtain a Residential Rental License?

- Rental properties that are operating in Brampton's Wards 1, 3, 4, 5, and 7
- Properties that are renting four (4) or less units
- Owners of rental housing units
- Operators of rental housing units
- Dwelling units used or intended to be used for a Rental Housing Unit

Please note condominium unit owners and landlords responsible to a condominium board or authority, are exempt from the pilot.

How do I obtain a Residential Rental License?

Landlords can obtain their license at

<https://workflow.brampton.ca/ApplicationBuilder/eFormRender.html?code=8106000D3AF3543011EE9E7B98E26FD4&Process=Residential%20Rental%20Licence%20Process> or in-person at Brampton's City Hall, located at 2 Wellington St W, Brampton, ON L6Y 4R2.

The Applicant will be required to provide the property owner's information, as well as fill out the following forms/declarations:

- Rental Unit Information (number of sleeping areas, bath tubs, showers, sinks, toilets and total number of rooms) (Form A)
- Property Owner Authorization and Declaration, specifically declaring compliance with the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, the *Electricity Act, 1998*, (Form B)
- Insurance Declaration (Form C)

What does this mean for landlords?

Rental units within the applicable wards will be subject to intelligence-led inspections. Currently, Brampton has not declared exactly what these inspections will include, and when they will start.

Are there penalties if I don't obtain a Residential Rental License?

Although the City of Brampton has not yet started administering fines for non-compliance, they have stated that the fines for failing to comply will be \$600 for first offence, \$900 for second offence and \$1200 for subsequent offence.

For more information, visit: <https://www.brampton.ca/EN/Business/Licensing/Residential-Rental-Licensing>

Source: https://www.bramptonguardian.com/news/brampton-landlords-now-face-fines-for-non-compliance-under-citys-new-licensing-program/article_f92e3990-f37f-5e0f-8f09-98c5fa401ca1.html

Self-Help TIPS

The Landlord and Tenant Board (LTB) has updated their practices and procedures since the COVID-19 pandemic such as implementing a digital first strategy that involves both virtual filing and hearings. In this edition of the Self-Help Tips, we will outline the new practices surrounding the virtual filing of an application.

Tribunals Ontario Portal (TOP)

The vast majority of LTB applications can be filed online using the Tribunals Ontario Portal (TOP). This is the LTB's preferred method of filing. It is easily accessible at this link: <https://tribunalsontario.ca/ltb/> Every landlord who plans on managing their own eviction processes should have a Portal account and should be familiar with how to use it. Once you have an account, you can easily access all of your ongoing LTB matters at once. It also makes it extremely easy for you to file new applications. The following applications can be submitted via the Portal: **L1, L2, L3, L4, L9, & L10.**

Filing Outside of the Portal

The following forms currently cannot be filed using the Portal: **L5, L6, L7, L8, A1, A2, & A4.** You can file them via email. To start, you need to pay before you file by using the LTB's online payment portal located at: <https://www.efiling.ltb.sde.gov.on.ca/AltPay/AltPayForm.aspx>

Note that you only pay here if you are trying to file an application **THAT CANNOT BE FILED IN THE PORTAL.**

Once you have paid, you get a receipt emailed to you. Save that receipt. Enter the payment receipt number onto the designated spot on your application (usually it is the last page). Send a PDF copy of your application and receipt (along with any supporting documents such as the termination notice and certificate of service) to the LTB via email at ltbpayments@ontario.ca. Make sure that the subject line of your email contains the following:

- 1) The payment receipt number
- 2) The exact address of the rental unit
- 3) If you are filing multiple applications at once, include the phrase "BULK FILING" in the subject line

Also, make sure that the following documents are attached to your email:

- 1) The receipt
- 2) The application
- 3) All relevant supporting documentation (certificate of service, notice of termination, etc.)

Exact instructions can be found here:

<https://tribunalsontario.ca/ltb/online-payment/>.

You may also file applications in-person at certain Service Ontario locations. You can find which locations accept LTB filing here:

<https://www.services.gov.on.ca/sf/?en#/oneServiceDetail/13180/ip/ls>

TIPS

- 1) Consider filing on the portal as it is \$186.00 whereas filing in-person or via email costs \$201.00.
- 2) Before filing, make sure you have digital copies of your notice and certificate of service ready to upload as those are required by the LTB. They must be uploaded no later than five (5) days after your application has been submitted.
- 3) Be aware of additional steps after filing. The LTB has Online Dispute Resolution (ODR) available on the TOP. This process is not mandatory, but you may be able to negotiate a solution with the tenant without going to a hearing with the assistance of a Dispute Resolution Officer (DRO).
- 4) The LTB is beginning to roll out the process of self-scheduling, so once your application is filed, you will have to decide on a date when you want your hearing. Consider any important dates such as upcoming trips abroad or scheduled surgeries in order to select the appropriate date for your hearing.

Did You Know?

Q: I have heard from other landlords that they charge a cleaning deposit to be repaid to the tenant if the unit is left clean. Otherwise the landlord uses that money to pay someone to clean it. Is this a normal practice?

A cleaning deposit is not allowed under the *Residential Tenancies Act*. The only deposits allowed are the last month's rent equal to one month's rent and a refundable key deposit not greater than the expected direct replacement cost of the key.

Q: A few months ago, I served a Form N12 to one of my tenants so that I could move into the rental unit. How much time has to pass before I can issue another N12, this time for my son to move in?

The law does not set out how long you have to wait to issue another N12 notice. However, it may be more difficult to convince an adjudicator that it is being done in good faith. When filing the L2 application you will be asked if any N12 notices have been given in the past two years prior to filing the application and what were the circumstances then.

Q: I increased the rent twice in one year because the rent was very low and I could not afford to keep the tenant at the amount she was paying. The tenant has been paying it but she told me that she will be filing an application with the Landlord and Tenant Board claiming the rent increase is not legal. Can she do that?

Yes, she can do that if the rent is increased illegally. A tenant may apply for a rebate with a T1 Application, if they believe they have been charged an unlawful rent amount within a year from when the rent was first charged.

Q: I will be moving back to Canada after living abroad for some time, and I realize I have to give the tenant notice of at least 60 days. However, can I give more than 60 days to allow my tenant more time to move out?

Yes, it is ok to give more time to the tenant if you wish, just make sure that the termination date is the last day of the rental period or fixed term. If you state any other date, the notice is invalid and you will have to re-serve the notice.

Q: I served my tenant with the N12 notice so that I can move in. My tenant is refusing to move out by the termination date. Do I still have to give him the compensation?

Regardless of the fact that the tenant is not moving out, you still have to provide the compensation to the tenant by the termination date on the notice. If you fail to provide the compensation by the termination date, your case could be dismissed or rescheduled to a later date so that the payment can be provided to the tenant.

Q: Can you explain the Sheriff's procedure when it comes to the actual eviction?

After the hearing, the Landlord and Tenant Board will mail or email an eviction order to both parties. If your tenant doesn't move out by the date specified on the Order, you can file the day after the eviction date with the Sheriff's Office (Court Enforcement Office). The landlord will be required to pay a filing fee of \$75, enforcement fee of \$240.00 plus mileage charge for every kilometer the sheriff must travel from the courthouse to the eviction address. Please refer to our RTA Fact Sheet-Eviction by Sheriff-<https://landlordselfhelp.com/media/2024-Eviction-by-Sheriff.pdf>

Q: I have a hearing at the Landlord and Tenant Board and I'm having a couple of witnesses attending to help with my case. How long are the witnesses expected to be there?

Most hearings are conducted online, and therefore, it is difficult to know exactly when your case will be heard that day. You and your witnesses will have to be prepared to wait potentially all day.

2025 Rent Increase Guideline

The provincial government has determined that the 2025 Rent Increase Guideline will remain at 2.5%. Starting January 1st, 2025, Ontario landlords can increase the rent by 2.5% after providing the proper legal notice of rent increase without the approval of the LTB. The cap does not apply to rental units first occupied after November 15, 2018 for residential use. For more information, please visit our website at <https://landlordselfhelp.com/annual-rent-increase-guideline/>

LSHC Upcoming Holiday Closures!

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

October 14th for Thanksgiving- Our regular business hours will resume on Tuesday, October 15th at 9:00 a.m.

October 29th as the LSHC staff is attending a training conference.

November 11th for Remembrance Day - Our regular business hours will resume on Tuesday, November 12th at 9:00 a.m.

LSHC's Landlord Lunch & Learn Series!!!

If you were unable to attend our live free Landlord Lunch & Learn webinar on Tenant Applications, it is now available on our website on demand. Please visit <https://landlordselfhelp.com/lunchandlearn/> to watch the replay.

Upcoming Live Webinars

September 18th at 1:00 p.m.: Self-Representation at the LTB Hearing.

November 13th at 1:00 p.m.: Filing with the Sheriff – What to expect

Please register at <https://landlordselfhelp.com/lunchandlearn/>

2024 LSHC Quarterly Newsletter Survey

The Landlord's Self-Help Centre produces four issues of the Quarterly Newsletter throughout the year in March, June, September and December. We kindly invite you to fill out our Quarterly Newsletter survey to help us improve the newsletter. Visit

<https://www.surveymonkey.com/r/5QJPGCS> or scan the QR code to complete the survey.



Heat Reminder

If landlords are responsible for providing heating, a landlord must keep each room in a rental unit at a temperature of at least 20°C, except for locker rooms and garages, from September 1st to June 15th. If your municipality has a heat bylaw stating a different temperature or dates, you must follow it. Please contact your municipality for details. Also, remember to replace the furnace filter at least once a year or as frequently as recommended by an expert!

LSHC's 2024 AGM & Landlord Learning Forum - *Save the dates!*

The Landlord's Self-Help Centre's 2024 **Landlord Learning Forum** will be held in person on **October 10th** whereas the **Annual General Meeting** will be held online on **October 17th, 2024**. Visit our website for more details!

Tribunals Ontario Portal updates!

The Online Dispute Resolution (ODR) feature on the Tribunals Ontario Portal has been updated. One of the updates is renaming the *Agreement Reached* button to **Request for Mediation**.

Please be reminded that the purpose of using ODR is to communicate with the tenant to attempt to resolve the matter before the hearing date. By using the ODR feature on the Portal, landlords can either request mediation if they and their tenants have consented to use mediation with an LTB Dispute Resolution Officer, or request a Mediation Agreement or Consent Order if both parties have reached a solution to the matter in question. For more operational updates, visit <https://tribunalsontario.ca/lrb/operational-updates/>

CONNECT WITH US



facebook.com/landlordselfhelp



www.youtube.com/@landlordself-helpcentre7429