



Tip Sheet for Tenants

WHAT APPLICATIONS CAN I FILE AGAINST MY LANDLORD?

Prepared by the Tenant Duty Counsel Program & Funded by Legal Aid Ontario

This publication contains information to help the general public. It is not legal advice about your situation. You should talk to a lawyer or legal worker for advice on your particular situation.

This Tip Sheet will help you to decide which applications you should file against your landlord. In most cases there is a one year time limit to file an application, so if you are not sure which application to file, get legal advice right away or it may be too late.

WHAT APPLICATIONS MAY BE FILED BY TENANTS?

The eight applications that you will need to choose from are:

- Tenant Application for a Rebate – T1
- Application About Tenant Rights – T2
- Tenant Application for a Rent Reduction – T3
- Landlord did not Comply with an Agreement to Increase the Rent Above the Guideline – T4
- Landlord Gave a Notice of Termination in Bad Faith – T5
- Tenant Application About Maintenance – T6
- Application About Whether the Act Applies – A1
- Application About a Sublet or an Assignment – A2

TIP FOR TENANTS: You must file the correct application if you want the Landlord and Tenant Board (the “Board”) to help you. There are eight different applications to choose from. All of the Applications cost \$45 to file except for the T2 and the T5, which are free. A lot of tenants try to put all of their issues into a T2 but you will not get an order for any issues that do not belong in a T2. For example, maintenance and repairs will not be dealt with under a T2 since they belong in a T6 application.

You can file more than one application and you will only be charged one \$45 fee to cover all the applications if you file all of them at the same time. Therefore, file as

many of the applications as apply to your situation. As long as your applications are filed at the same time they will all be heard together at the same hearing.

Note: When the examples below say “landlord” this would also include any agent or employee of the landlord such as the superintendent or property manager, if they were involved in the problem you are complaining about.

1. T1 Application

File a T1 Application against your landlord if:

- The landlord has not paid you interest owed each year on your last month rent deposit.
- The last month rent deposit was not used for the last month you lived in the unit and the landlord will not return it to you.
- The landlord did not allow you to move into the unit and did not return your last month rent deposit.
- The landlord increased your rent without giving you a written 90-day notice.
- Your rent increased more than once in a year.
- Your rent increased more than the amount allowed by the guideline set by the government each year. For example, in 2005 the rent increase allowed was 1.5% and in 2006 it is 2.1%.
- The landlord has charged you an illegal charge such as an extra security or damage deposit in addition to your last month rent, or an amount for cleaning or repairing the unit.
- The landlord charged you a fee because you were late paying your rent.
- The landlord increased your rent because you got a pet, moved in a roommate or had a guest stay with you for a period of time.
- The landlord increased your rent to cover an increase in their utility charges.
- The landlord has not paid you compensation which is owed to you because you had to move out of the rental unit as the landlord intended to convert the unit to another use, demolish it or repair or renovate it.
- The landlord has not paid you the proceeds from the sale of your personal property.

2. T2 Application

File a T2 Application against your landlord if:

- The landlord has illegally entered your unit by not giving you 24 hours written notice or, even if they gave you notice, the number of times they enter or the reasons for the entry are not reasonable.
- The landlord has locked you out of your unit or evicted you without using the sheriff.
- The landlord has harassed, coerced or threatened you. Harassment would include:

- Refusing to give you receipts for the rent you paid
- Asking for the rent before it is due or demanding cash or post dated cheques for the rent payments
- Telling you not to have overnight guests or pets in the unit
- Talking to your employer, family or neighbours about your personal business
- Your vital services such as water, heat or electricity have been cut off, reduced or interfered with.
- Your reasonable enjoyment of your unit has been disturbed. Examples of interference with your enjoyment of your unit include:
 - Unreasonable noise at the property and, after you informed the landlord, they did nothing about it
 - Snow and ice are not cleared from the property making it difficult or unsafe to access your unit
 - Another tenant is harassing you or making noise and, after you informed your landlord, they did nothing about it
 - Lack of security in the building
 - There is no mail box or mail delivery
- The landlord did not give you 72 hours to pick up your property from your unit or from someplace close to it, after the Sheriff evicted you
- The landlord of your care home has not given you a written tenancy agreement or, the tenancy agreement does not set out the care services and meals and/or the charges for them that we agreed to

3. T3 Application

File a T3 Application against your landlord if:

- The landlord partially reduced or completely took away any service or facility that used to be included in your rent such as:
 - Parking spot or use of garage
 - Storage space
 - Balcony or yard
 - Laundry
 - Cable, phone or other utility
 - Pool, exercise or party room facilities
- There has been a decrease in the municipal taxes the landlord pays for the complex. (You would usually be mailed a notice from the City if this occurs which would tell you the amount your rent should be reduced)

4. T4 Application

This is a very specific application and is rarely used. You would only file a T4 Application against your landlord if:

- The landlord failed to do work or provide a service that they agreed to, in exchange for an increase in rent.

5. T5 Application

File a T5 Application against your landlord if:

- Your landlord gave you a Notice of Termination claiming they or “approved family members” needed to move into your unit and, after you moved out, they did not move in or they re-rented your unit to another tenant (see Eviction for Landlord’s or Purchaser’s Own Use Tip Sheet)
- Your landlord gave you a Notice of Termination claiming that the purchaser of the unit or “approved family members”, intends to move in and, after you moved out, they did not move in or they re-rented your unit (see Eviction for Landlord’s or Purchaser’s Own Use Tip Sheet)
- Your landlord gave you a notice of termination claiming they were going to demolish, renovate or convert your unit and, after you moved out, they did not do what they claimed they were going to do.

6. T6 Application

A T6 Application is filed if your unit needs repairs or maintenance. File a T6 Application against your landlord if:

- The City has issued a work order against the landlord for failing to maintain the unit or property.
- The common areas of the property like the hallways, lobby, elevators, garage, laundry room or the lawn/garden are not being maintained.
- Your own unit needs maintenance work or repairs, you have notified the landlord about the problems and they are not fixing them.
 - Your unit has mould in it.
 - Your unit has cockroaches, insects or mice.
- Your belongings were damaged as a result of the landlord’s failure to repair your unit. For example, water damage or mould ruined your belongings.
- Before you moved into the unit the landlord promised certain repairs or improvements would be completed. After moving in you realized that some or all of the repairs were never done.
- The landlord says you are responsible for maintenance or repairs and made you do the work yourself or pay for it.

7. A1 Application

This is a very specific application and is used if you or your landlord are not sure whether the rights and obligations under the *Residential Tenancies Act* (the “Act”) apply to your living situation.

File an A1 if your landlord says that the Act does not apply to you. You can get an order from the Board that decides whether or not the Act applies to your living situation.

8. A2 Application

This is a very specific application and you would only file an A2 against your landlord if they have refused your request to sublet or assign your unit or are being unreasonable about your request or about the person you are trying to sublet or assign your unit to.

WHAT IF I NEED TO SHORTEN THE TIME TO FILE MY APPLICATION?

When you fill out the T6 or T2 (or whichever form(s) apply to your situation), you can submit them at the Board. Once they are submitted, the Board will schedule a hearing. You will likely get a hearing date one to two months after the date you file the application.

Sometimes, however, you will have an emergency situation and you will need a hearing date within a shorter period of time. For example, where you have been locked out of your unit illegally or your landlord is not making your belongings available for you to pick up after you have been evicted by the Sheriff. In these emergency situations you should file a form called a “Request to Extend or Shorten Time” at the same time as you file the form(s) that apply to your situation (i.e. T2, T6, T3).

You will be making the request so you need to put down your information (name, address, phone number, fax number and check the box that says “tenant”). You will then have to check the box that says, “I am requesting that the Board shorten the time for serving a Notice of Hearing and schedule an early hearing for my application”.

Next, there is a big blank box where the Board wants you to explain why you believe that your request should be granted – why you believe that the Board should schedule your hearing immediately. If you need additional space, you can attach more paper. Make sure you write your name and address on these additional papers.

On the second page, you need to check the box that says “tenant”. You will need to also write your name and phone number. Lastly, you will need to date the document and to sign it.

You should hand in the Request to Extend or Shorten Time form along with your T2, T6 (or whichever form you wish to file).

Once you have submitted the forms, the Board will make a decision whether to grant your request or whether to deny your request. Usually you will have an answer within a few hours. Ask the person at the Board approximately how much time it will take to give you an answer.

If your request is granted, you will likely get a hearing within about a week or two. If your request is denied, you will still get a hearing but it will probably be scheduled one to two months from the time you submitted your application.

If you have additional questions, see the Tenant Tip Sheet “How to Fill Out the Request to Extend or Shorten Time Form” or get legal advice.