

Housing Law Fact Sheet -Covid19

Community Legal Clinics

During the Covid19 Pandemic all legal clinics in Ontario are still operating. However, most staff is working remotely and it is best to contact your legal clinic by phone. To find out where your local legal clinic is use the Legal Aid Ontario directory: <https://www.legalaid.on.ca/legal-clinics/>. If you're unable to search using the online directory you can call Legal Aid Ontario directly at the Client Service Centre at 416-979-1446 or toll-free 1-800-668-8258.

The Legal Clinic at Unison Health & Community Services can be reached at 416-653-5400 X1244 or by email at legal@unisonhcs.org. The phone will not be answered, but please leave a voicemail and legal clinic staff will return your call. Please be aware that your calls will likely be returned from a number that displays "No Caller ID."

If you already have a legal worker at the clinic working on an open file, you may reach them by leaving a voicemail at their regular extension. They will return your call within 1-2 business days. Please be aware that your calls will likely be returned from a number that displays "No Caller ID."

Non Payment of Rent

Many people have lost their income due to the COVID19 pandemic. Understandably, many are worried about not being able to pay their rent and/ or what steps the Landlord might take if they do not pay their rent. If you have questions about your legal rights please feel free to contact the clinic to speak to a legal worker. The following is legal information in regard to non-payment of rent during the pandemic:

- As described in more detail below, new eviction orders are not being enforced at this time and non-urgent Landlord and Tenant Board eviction hearings have been suspended.
- If you fail to pay your rent your Landlord can issue you an N4 Notice. This notice does not mean you have to leave your unit.
- The Landlord can file an application to evict you, but the Landlord and Tenant Board is not hearing most cases at this time.
- In many cases Tenants can work out a payment plan and if you're on social assistance or low income you may be able to access funding or a loan that could help you in the future.
- It is important to know that the Landlord is not allowed to change your locks. The Landlord may call the police, but the police should not get involved in eviction matters. Only the Landlord and Tenant Board (LTB) can issue an eviction orders and only the Sherriff can enforce eviction orders.
- To protect yourself, if you have a lease agreement, keep it in a safe place. Scanning or taking photos of each page and saving a digital copy somewhere safe is highly recommended.

****In some situations, for example if you share a kitchen or bathroom with your Landlord please note that the above does not apply because the Residential Tenancies Act does not apply.***

Landlord and Tenant Board

Hearings:

Since March 16, 2020, the LTB has suspended:

- All hearings related to eviction applications, unless the matter relates to an urgent issue such as an illegal act or serious impairment of safety; and
- The issuance of eviction orders, unless the matter relates to an urgent issue such as an illegal act or serious impairment of safety.

Hearing related to urgent issues and hearings for matters not relating to evictions may proceed by electronic means such as teleconference. A Notice of Hearing indicating an electronic hearing should be sent to all parties. Email is being utilized to deliver Notices of Hearing.

Evictions:

During the Covid19 Pandemic, no new eviction orders will be issued until further notice and sheriff's offices will postpone any scheduled enforcement of current eviction orders.

Updates can be found on the Government of Ontario Website: <https://www.ontario.ca/page/renting-changes-during-covid-19#section-0>

It is important to know that a landlord alone cannot force a tenant to move out. If this occurs, this is an illegal eviction, and a Tenant should contact their local Legal Clinic for legal advice immediately. Only the Landlord and Tenant Board (LTB) can issue an Eviction Order requiring that the tenant vacate the rental unit, and as written most eviction hearings have been suspended at this time.

A court enforcement officer, known as the "Sheriff", is the only party that can enforce an eviction order, which means ensuring a Tenant is removed from their former unit. This can only happen once the landlord obtains an Eviction Order from the LTB, a copy is given to the Sheriff's office, and a document known as a Writ of Possession requested. The Writ of Possession gives the Sheriff the legal power to enforce an eviction.

Submission of Applications or Documents

Due to the Covid19 Pandemic the Landlord and Tenant Board (LTB) is not accepting in-person submission of documents. Applications may be filed by fax and email is usually appropriate for correspondence in regard to ongoing matters (for example providing unavailable dates). To obtain the contact information for your area Landlord and Tenant Board Office visit: <http://www.sjto.gov.on.ca/ltb/contact/>. Some Applications, such as T2 and T6 applications, can be filed using e-file: <http://www.sjto.gov.on.ca/ltb/e-file/>

You may also contact LTB@ontario.ca or call 1 888 332-3234 or 416 645-8080 to inquire about submission of some documentation by email.

As of April 16, 2020 some Service Ontario Centres are will accept Landlord and Tenant Board applications under the following circumstances:

- the application represents an emergency situation

- the applicant has no access to a computer
- the applicant's only option for payment is by cash, certified cheque, or money order
- other limitations to applicant's alternate filing options.

You can find out which Service Ontario Centres are accepting applications here:

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

Other Resources

Federation of Metro Tenants Association:

https://www.torontotenants.org/covid_19_resources_for_renters

Tenant Duty Counsel/ ACTO: <https://www.acto.ca/>