

THE RESIDENTIAL TENANCIES ACT OFFENCES

There are 40 core offences listed in the *Residential Tenancies Act, 2006* (the Act) that apply to residential tenancies.

This pamphlet sets out how to report an offence, who to contact, and the available remedies.

Reporting an Offence

An offence may be reported to the Investigation & Enforcement Unit of the Ministry of Municipal Affairs and Housing by calling 416-585-7214 or toll-free 1-888-772-9277.

In some cases, the staff of the Investigation & Enforcement Unit will contact the alleged offender to try and resolve the problem.

In other cases, an investigator will investigate the complaint and may lay charges against the alleged offender, who will then have to appear before a Justice of the Peace in the Provincial Offences Court. The person who reported the offence may be required to attend as a witness.

Your Options

You may choose to:

- report an offence to the Investigation & Enforcement Unit;
and/or
- apply to the Landlord and Tenant Board (the Board).

These are two separate processes. The Investigation & Enforcement Unit is not part of the Board. Filing an application with the Board does not inform the Investigation & Enforcement Unit of the offence. Reporting an offence to the Investigation & Enforcement Unit does not make the Board aware that you wish to file an application.

If you feel you are owed money, you should apply to the Board whether or not you report the offence. It is the Board that can order payment of any money owed to you.

What Happens When I Report an Offence?

If you report an offence, the Investigation & Enforcement Unit will look into your complaint whether or not you apply to the Board. You do not have to pay a fee to report an offence to IEU.

For most, but not all offences, the Investigation & Enforcement Unit's first step is to discuss the issue with the parties and attempt to have the alleged offender comply with the requirements of the Residential Tenancies Act (the Act). A letter outlining the complaint and explaining the action required to correct the problem is mailed to the alleged offender. The maximum penalties set out by the legislation are also outlined in this letter. If a party refuses or fails to comply with the Investigation & Enforcement Unit's request, the case may be referred for further investigation.

Who Can Commit an Offence?

Some offences can be committed by any person, including a landlord, a tenant, a subtenant, a person who acts on behalf of a landlord (such as a superintendent, caretaker, property manager or agent), or a tenant's agent.

Some offences can be committed even if a person is not aware that what they did was against the law.

Overview of the Offences

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.
- It is an offence to try to prevent a tenant from forming a tenants' association or taking part in one.
- It is an offence to threaten a tenant, interfere with a tenant, or pressure a tenant to move out of a rental unit.
- It is 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.
- It is an offence 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.

Eviction

- It is an offence to lock a tenant out of a rental unit without following the rules.
- It is an offence to 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.
- It is an offence to take a tenant's possessions without following the rules.

- It is an offence to 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.

Vital Services

- It is an offence to withhold or interfere with the reasonable supply of a vital service, which includes hot or cold water, fuel, electricity, natural gas and heat (during the prescribed time).

Suite Meters

- It is an offence to terminate the obligation to supply electricity without the tenant's consent in contravention of subsection 137(3); under the Act.
- It is an offence to charge a tenant a portion of the cost of the utility without the consent of the tenant in contravention of subsection 138 (1); under the Act.

Entering a Rental Unit

- It is an offence for the landlord to enter a rental unit, except in those situations allowed by the Act. If the Act requires prior notice to the tenant or restricts entry to certain hours, it is an offence to break those rules.
- It is an offence for a tenant to interfere with or to try to stop a landlord from entering the unit when proper notice is given.

Rent and Extra Fees

- It is an offence to fail to give a new tenant the required notice that sets out the lawful rent to be charged, or give false information in the notice where the Landlord and Tenant Board has issued an Order prohibiting rent increases.
- It is an offence to fail to provide information on the total cost of utilities, which includes heat, electricity and water where required under the Act.
- It is an offence to charge more rent than is allowed under the Act.
- It is an offence to require payment of the rent asked for in an application for an above guideline increase filed with the Board before it has been approved.
- It is an offence to refuse to give a tenant a rent receipt when requested or refuse to give a rent receipt to a former tenant who asks for a receipt within 12 months after the tenancy is terminated.
- It is an offence to charge or attempt to charge a tenant, sub-tenant or prospective tenant any type of fee on top of the rent, such as a damage deposit.

- It is an offence to make a tenant or prospective tenant buy anything from the landlord or an existing tenant to secure or keep a rental unit. For example, requiring a prospective tenant to buy drapes or furnishings in order to rent a unit.
- It is an offence to fail to return a security deposit to a prospective tenant if the landlord cannot give the tenant possession of the rental unit.

Maintenance and Repairs

- It is an offence for a landlord to fail to obey all or any part of a Provincial Work Order issued by the Investigation & Enforcement Unit.
- It is an offence for a landlord to fail to obey an Order of the Board to do repairs or work to a rental unit.
- It is an offence to stop an inspector or investigator from entering a building in order to carry out their duties under the Act.

False Information

- It is an offence for anyone to give a document containing false or misleading information to the Board or to an investigator or inspector with the Ministry of Municipal Affairs and Housing.

Other Offences

- It is an offence to fail to obey an order issued by the Board that orders a person not to do certain things.
- It is an offence to change the locks on doors to the rental unit or building without the landlord's approval.
- It is an offence to change the locks on doors to the rental unit or building without giving a copy of the new keys to the tenant.
- It is an offence to fail to apply the tenant's rent deposit to the rent for the last month of the tenancy.
- It is an offence to fail to pay the tenant interest on the rent deposit when required.
- It is an offence for an agent to charge a fee to a landlord or tenant based on more than the permitted percentage of the money ordered by the Board.
- It is an offence to stop political candidates or their agents from canvassing on the property.
- It is an offence to give a notice to end a tenancy for the landlord's own use of a rental unit converted to a condominium, where that is not permitted.

- It is an offence to fail to offer a tenant, where required, the right of first refusal when the building is changed to a condominium or after major repairs or renovations.
- It is an offence to evict a tenant from a rental unit that is to be demolished, renovated or changed to something other than a rental unit, and not give the tenant three months rent or offer the tenant another rental unit, where required.

Care Homes

All of the offences that apply to rental units also apply to care homes. In addition, there are other offences that only apply to care homes:

- It is an offence to interfere with the provision of additional care services by an external care provider to a tenant.
- It is an offence to do anything to prevent a tenant of a care home from obtaining additional care services from a person of their choice.
- It is an offence to withhold or interfere with the reasonable supply of a vital service, including care services or food.
- It is an offence to give a notice of rent increase or a notice of increase for a charge without first giving the tenant an information package.
- It is an offence to increase the cost for providing a care service or meals to a tenant without giving 90 days notice of the increase.

Mobile Home Parks and Land Lease Communities

All of the offences that apply to rental units also apply to Mobile Home Parks and Land Lease Communities. In addition, there are other offences that only apply to Mobile Home Parks and Land Lease Communities:

- It is an offence to interfere with a tenant trying to sell or lease a mobile home or land lease home.
- It is an offence to force a tenant to sign an agency agreement for the sale or lease of a mobile home or land lease home.
- It is an offence to stop a tenant from buying goods or services from any person.

Penalties

- If convicted for an offence committed under the Act, the penalty is a fine of up to \$25,000 for an individual and up to \$100,000 for a corporation.

Contact Information

- For more information or to report an offence, you may contact the Investigation & Enforcement Unit by calling 416-585-7214 or toll-free at 1-888-772-9277. Compliance/Customer Service Officers are available Monday to Friday, excluding holidays, from 8:30 a.m. to 5:00 p.m. You can also visit our website at www.mah.gov.on.ca/ieu.
- You may also write to the Unit at:
Investigation & Enforcement Unit
777 Bay Street, 14th Floor
Toronto, ON M5G 2E5
- You can contact the Landlord and Tenant Board by calling 416-645-8080 or toll free at 1-888-332-3234. Customer Service Representatives are available Monday to Friday, excluding holidays, from 8:30 a.m. to 5:00 p.m. You can also visit their website at www.LTB.gov.on.ca.
- A copy of the *Residential Tenancies Act, 2006*, can be ordered from Publications Ontario by calling 416-326-5300 or toll free at 1-800-668-9938, or by visiting their website at www.publications.gov.on.ca
- The text of the *Residential Tenancies Act, 2006*, can be viewed online at www.e-laws.gov.on.ca.