



## Tip Sheet For Tenants

# T2 APPLICATION ABOUT TENANT RIGHTS

*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.***

## WHAT IS THE ONTARIO RENTAL HOUSING TRIBUNAL?

It is a place you can go to deal with problems with your landlord.

## WHAT IS AN APPLICATION FORM T2?

You can use this form to ask for a hearing at the Ontario Rental Housing Tribunal (the “Tribunal”) if your landlord:

- Entered your rental unit illegally.
- Changed the lock on your door and did not give you a new key.
- Seriously interfered with your ability to enjoy your unit/building.
- Failed to provide or interfered with (hydro, water or heating), care services or meals.
- Harassed, threatened or coerced you.
- Illegally evicted you.

## WHERE CAN I GET THIS FORM AND HOW MUCH DOES IT COST?

All of the applications are available online at [www.orht.gov.on.ca](http://www.orht.gov.on.ca), at a Tribunal office, or at your local Government Information Centre (GIC). The application is free.

## WHO CAN APPLY?

You can apply if you are a tenant **now** or **were** a tenant of the rental unit in which you have or had problems. You **must** apply within one year of the time that the problems happened.

## WHAT DO I DO WITH THE APPLICATION FORM?

A filled-in form and evidence may be dropped off in person, by fax, or by mail to the nearest Tribunal office. But, if you want to take the form and evidence to your local GIC, they must be dropped off **in person**.

The Tribunal will schedule a hearing and give you two (2) copies of your application form and the Notice of Hearing telling you where and when the hearing will be. You **MUST** give your landlord one (1) copy and you should keep the other copy for yourself.

## WHAT HAPPENS IF I HAVE BEEN LOCKED OUT?

If your landlord has changed your locks and has not given you the new key, you must give the landlord a copy of the application and Notice of Hearing at least five (5) calendar days before the hearing date (the 5 days includes weekends and holidays). This 5-day deadline may be shortened by filling out a “Request to Extend or Shorten Time” form.

In all other cases, you must give your landlord a copy of the Notice of Hearing and application at least 10 calendar days (including weekends and holidays) before the hearing date.

## HOW DO I GIVE MY LANDLORD A COPY OF THE NOTICE OF HEARING AND APPLICATION?

You can do it one of these ways:

- Hand them to the landlord.
- Hand them to an “authorized employee of the landlord” (for example, the property manager or the superintendent).
- Leave them in the landlord’s mailbox.
- Put a copy under the landlord’s door or through the mail slot in the door.
- Courier the copies (give yourself an extra day for them to arrive).
- Send them by mail (give yourself an extra five [5] days for them to arrive).
- Hand them to the landlord’s paralegal or lawyer.

After you give your landlord a copy of the Notice of Hearing and application form, you must fill out a Certificate of Service (a form, which lets you tell the Tribunal when, and how you gave the papers to the landlord) and return it to the Tribunal.

## **HOW DO I PREPARE FOR MY HEARING?**

Focus on how you will prove your case. It can take a long time to gather evidence. See the attached “Gathering Evidence” tip sheet for guidance.

## **INSTRUCTIONS ON HOW TO COMPLETE THE FORM T2**

Please print clearly. If there is not enough room on the form for your explanation, you can attach extra pages.

### **PART 1: GENERAL INFORMATION**

Print the name of the landlord and the tenant on the form. If you want to add extra people, such as the super, use the Schedule of Parties form to do this.

If your mailing address is the same as the address of the unit covered in the application, leave the tenants’ mailing address section blank.

- Street Label: Street, Avenue, Crescent, Road etc.
- Direction: West, East, North, South

Write down when you moved into the unit relating to this application and if you still live there. If not, write down when you moved out. Also, if your landlord is bringing a case against you to the Tribunal, include the file number(s) for the landlord’s case. If you do not know the file number, ask at the counter at the Tribunal or call the Tribunal at 1-800-332-3234.

### **PART 2: REASONS FOR YOUR APPLICATION**

Check off the right box(es) . You must provide as much detail as possible for each reason you choose.

#### **1. The landlord entered your rental unit illegally.**

Give as much information as you can. Here are some tips:

- Who entered my unit?
- What date(s) and time(s) did the person(s) enter my unit?
- How and where did they enter?
- How do I know they entered my unit?

- What evidence do I have to prove my case against the landlord (witnesses, video camera, pictures etc.)?

**2. The landlord, landlord's agent or the superintendent changed the locks without giving you replacement keys.**

Give as much information as you can. Here are some tips:

- Who changed the locks?
- When were the locks changed?
- Did I ask my landlord why the locks were changed? If so, what reason(s) did she/he give?
- Did I ask the landlord for a new set of keys? What did my landlord say when I asked for the new set of keys?
- Did I call the Tribunal to ask whether the landlord could legally ask the Sheriff to lock me out?

**TIP FOR TENANTS:** By law, the **only** person who can change your locks is the Sheriff. If the landlord or super has changed your locks, this is an **illegal** lockout.

**3. The landlord, landlord's agent or superintendent substantially interfered with your reasonable enjoyment of the rental unit or complex.**

Give as much information as you can. Here are some tips:

- What happened and how did it stop you from enjoying your rental unit or the complex?
- When did the problems happen?
- Are the problems still happening?

**4. The landlord, landlord's agent or the superintendent withheld or interfered with vital services, cares services or food.**

Vital services include: fuel, hydro, gas, hot and cold water.

Care services include: health care services, rehabilitative or therapeutic services or services that help with daily living.

Give as much information as you can. Here are some tips:

- How many times has the landlord cut off vital services, care services or food?
- What was/were the service(s) that were cut off?
- How was/were the service(s) cut off?
- When did the problem begin?
- Is the problem still happening?

- What have you or your landlord done to deal with the problem?

**5. The landlord, landlord’s agent or superintendent harassed, interfered with, obstructed, coerced or threatened you.**

Give as much information as you can. Here are some tips:

- How many times has the landlord harassed you?
- How were you harassed etc.?
- Who harassed you?
- When did the problem begin?
- Is the problem still happening?
- What have you done to stop the problem?

### **PART 3: REMEDIES**

What do you want the Tribunal to do about your problem? If the Tribunal member decides that your landlord has broken the law, you can ask the Tribunal to compensate you (pay you money). The **maximum** amount of money the Tribunal can give you is \$10,000.

You can ask for the following compensation:

#### **1. Rent Abatement**

A **rent abatement** is a reduction in the rent you have to pay for because you are not getting what you were promised, like enjoyment of your apartment. In order to get a rent reduction, you will have to convince the Tribunal member judging your case that you have a serious problem and deserve a break in rent. There are no rules for how much the Tribunal might lower the rent.

Rent abatements may be ordered in cases involving: poor or no heating, exposed wiring, or stopping electricity and/or hot water service to the unit.

Rent abatements can go from a few dollars per month up to 100% of your rent for the time period that you had the problems.

It is very hard to get a rent reduction. The Tribunal member will not want to accept just “your word.” You will usually need evidence such as witnesses, videotapes, and/or an inspection report to prove your case.

**2. The landlord, landlord's agent or superintendent must stop the activity that led you to make this application.**

If your landlord has been entering your unit illegally (that is, without giving you the proper notice required by law), the Tribunal member can tell your landlord not to enter your unit, unless she/he gives notice.

**3. Fine against the Landlord**

The Tribunal member can tell the landlord to pay a fine of up to \$10,000 to the Tribunal.

**4. End the tenancy**

If you do not want to live in the rental unit any more because of the problems, you can ask the Tribunal to let you leave without giving the proper legal notice. Your tenancy will be "terminated" or ended. If you have already moved out without giving the required notice, you would ask to have the tenancy terminated as of the day you moved out.

**5. Compensation for the cost to repair or replace property that was damaged, destroyed or disposed of**

If your landlord has damaged your property, or deprived you of your property, the Tribunal member can give you some compensation for this.

If you want compensation for repairing or replacing your property, you must fill in a dollar amount on the form. Write down what you what you have spent or will spend and attach copies of all receipts.

**6. Compensation for the increased rent you had to pay or will have to pay for one year from the date you moved out of the rental unit**

If the Tribunal member decides that you were forced to move out of your unit because of what your landlord did, you can ask to be paid any portion of the extra rent you have paid or will have to pay for a one year period after you moved.

You must figure out how much you now pay in rent over what you would have paid at the address which is the subject of this application, for a one-year period.

**7. Compensation for your reasonable out-of-pocket expenses for moving, storage, etc.**

If the Tribunal member decides that you were forced to move out of your rental unit because of what your landlord did, you can ask to be paid for

moving, storage and other similar expenses. Keep all receipts and bring three (3) copies of each receipt to your hearing.

**8. Compensation for expenses resulting from the actions of your landlord.**

If the Tribunal member decides that what your landlord did caused you extra expenses, you may be able to be repaid for your reasonable out-of-pocket expenses (money you paid or will pay to others).

You must fill in the dollar amount of compensation you are asking for. Describe your expenses in detail. Explain how the landlord's actions caused (or will cause) you to spend this money. Keep all receipts and bring three (3) copies of each receipt to your hearing.

**9. The landlord must allow you to move back into the rental unit and must not rent the unit to anyone else.**

If the Tribunal member decides that your landlord changed the locks to your unit or building complex without giving you new keys, then she/he can tell the landlord to not rent the unit to anyone else and let you move back into the unit. But, if your landlord has already re-rented the unit, the Tribunal member will not likely let you move back into the unit.

**10. Other**

You can ask the Tribunal to make other Orders on this part of the form. If the remedy you want is not already listed, explain in detail here what else you want the Tribunal to do.

**Signature**

You must sign and date this form.

# SAMPLE LETTER

John Doe  
123 Yonge Street  
Toronto, Ontario M3H 9G3  
Phone: 416/333-4444

December 12, 2002

Mr. F. Landlord  
2345 Smallville Street  
Anywhere, Ontario K3H 9H4

Dear Mr. Landlord:

**Re: Entering my unit without giving me 24 hours written notice**

When I returned home from work today, my neighbour told me that she saw you entering my unit today at noon. She also told me that on October 10, 2002, she saw the Superintendent enter my apartment at approximately 8:30pm. I am very concerned about Management entering my unit without my consent or written notice.

At no time did I ever get written notice that you or anyone from Management required access to my unit. May I kindly remind you that according to the law, you must give me 24 hours written notice if you need to get into my unit, unless there is an emergency, or I consent at the time of entry. I would like to tell you that upon giving me 24 hours written notice, you may only enter my unit between 8:00am and 8pm.

I clearly did not consent for you to enter my unit at the alleged times. And, to the best of my knowledge, there was no emergency.

In the future I would greatly appreciate if, should you need to go into my unit, you give me 24 hours written notice, saying the date, time and reason for entry. Otherwise, I will have no choice but to resolve this matter at the Ontario Rental Housing Tribunal.

Thank you for your prompt attention to this matter.

Sincerely,

John Doe

CC Ontario Rental Housing Tribunal

## GATHERING EVIDENCE: HELPFUL HINTS

### INTRODUCTION

The key to winning at the Tribunal is proper preparation. Proper preparation means that you should know all of the facts of your case and that you should bring all the evidence you will need to prove those facts. It may be helpful to read the *Tenant Protection Act*, Regulations, Guidelines and Rules before going to your hearing (available online at [www.orht.gov.on.ca](http://www.orht.gov.on.ca)).

### START EARLY!

Start early! Do not wait! Getting evidence can take several months. It is probably best to start getting your evidence before you file your application at the Tribunal.

### WHAT KINDS OF EVIDENCE IS BEST?

It is important just to get the evidence that will prove your case. Always make sure you introduce relevant evidence. **Relevant evidence** is evidence related to a specific issue that you want to prove at the hearing. Limit the evidence you present to that which is most relevant to proving your case.

Here is a list of the kinds of evidence that may be most helpful at your hearing:

- Witnesses (friends, relatives, social worker); expert witnesses (such as a doctor, engineer etc.)
- Pictures (best to use a camera that puts a date on the picture)
- Videotapes (the Tribunal may be able to get a TV and VCR for you if you let them know before your hearing date)
- Letters (both letters you get from your landlord and letters you have sent to your landlord)
- Envelope your landlord sends you documents in (may help prove the date the letter was mailed to you)
- Lease
- Invoices/Receipts
- Purchase Orders
- Cancelled Cheques
- Rent Receipts
- Affidavits
- Private Agreements
- Bank Statements
- Medical Records
- Travel Documents
- Property Standards Reports
- Police Reports
- Phone Message Recordings

- Diary/Log Book of problems
- Estimates (for example, moving expenses etc.)

## **ORGANIZATION IS THE KEY!**

Bring three (3) copies of all documents that you want the Tribunal member to look at: one (1) copy for yourself, one (1) for the landlord and one (1) for the person who will be deciding your case.

If you have many documents, you may want to make a filing system so that you can find these documents easily during your hearing. You may need to buy a few file folders and label them.

## **WHEN DO I GIVE THE TRIBUNAL A COPY OF ALL THIS EVIDENCE?**

1. You can attach a copy of all the evidence you will be using to your application; OR
2. You can send the evidence to the Tribunal any time before your hearing; OR
3. You can give the evidence to the person deciding your case during your hearing.

## **WHEN DO I GIVE MY LANDLORD A COPY OF ALL THIS EVIDENCE?**

1. You can give your landlord a copy of the evidence when you serve her/him with a copy of your application and Notice of Hearing; OR
2. You can give your landlord a copy of the evidence anytime before your hearing; OR
3. You can give your landlord a copy of the evidence during your hearing.

**TIPS FOR TENANTS:** The **sooner** you give the Tribunal and your landlord a copy of the evidence you will be relying on the better. It is best to give the Tribunal and your landlord a copy of the evidence as soon as you can. Then, they will be able to look over the evidence and understand the issues. Also, if you have a lot of documents, your landlord may ask to have the hearing put off to another day so he/she can look over your evidence.