

# Can your landlord take your stuff?

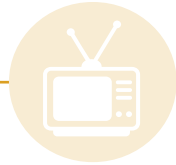
This booklet tells you what your landlord  
must do with any personal property you  
leave behind when you move or are evicted.





# Contents

Does this booklet apply to you? .....	next page
When is it against the law for my landlord to take my things? .....	1
When is it legal for my landlord to take my things? .....	1
What if I move because of a notice or agreement? .....	2
What if I am evicted by the Landlord and Tenant Board? .....	3
What if I move without giving or receiving a notice or making an agreement? .....	3
What happens if a tenant dies?.....	5
What if I live in a mobile home or land lease home?.....	6
What can I do to get my things back? .....	8
Where can I get help or more information? .....	9



## DOES THIS BOOKLET APPLY TO YOU?

This booklet is about tenants' rights under the **Residential Tenancies Act (RTA)**. The RTA applies to most rental housing in Ontario, such as rooms, apartments, houses, mobile home parks, and retirement homes.

But some rental housing is **not covered** by the RTA. For example, you might not be covered if you live in a place that is supposed to be used for business, share a kitchen or bathroom with the owner or a close family member of the owner, or live in some types of temporary or seasonal housing.

Also, the RTA does not cover some types of shared living. If you share rental housing or you rent from another tenant, we have an online tool at <[www.cleo.on.ca/roommates](http://www.cleo.on.ca/roommates)> that can help you find out if you are covered.

**If your housing is not covered by the RTA, the information in this booklet does not apply to you.** If you are not sure, see page 9 to find out [where to get legal advice](#).

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## When is it against the law for my landlord to take my things?

In most situations, it is against the law for your landlord to take your things. For example, it is against the law for your landlord to take any of your belongings just because you owe rent, caused damage, or broke a rule.

Also, your landlord cannot take anything from you or stop you from taking your belongings when you move out.

## When is it legal for my landlord to take my things?

If you leave things behind when you move, your landlord can sell them, keep them, or throw them away. This includes furniture, cars, appliances, clothing, food, or anything else you leave behind. It even includes a mobile home or land lease home.

This applies if:

- you move out after giving notice, after your landlord gave you notice, or after you made an agreement with your landlord to move out,
- you are evicted by an order of the Landlord and Tenant Board, or
- you move without any notice or agreement.

This booklet describes the laws that apply in each of these situations.

If you have things that you do not fully own, such as a rent-to-own appliance or a car that you are still making payments on, the situation can get complicated. If this applies to you, try to get legal advice.

Different rules also apply when a tenant dies. Please see page 5 [for more information](#).

## **What if I move because of a notice or agreement?**

If you move out:

- after you give your landlord a written notice to end your tenancy,
- after your landlord gives you a written notice to end your tenancy, or
- after you and your landlord agree to end your tenancy,

then your landlord can **immediately** keep, sell, or throw out anything you leave behind.

So, it is important to take all your belongings with you when you move out. Be sure you move your belongings on or before the date stated in the notice or agreement. Often this is the day before your rent would be due. Even if you plan to move your things the next day, it could be too late. Do not leave anything for later unless your landlord agrees in writing to save it for you.

## What if I am evicted by the Landlord and Tenant Board?

If the Landlord and Tenant Board makes an eviction order against you, you have 72 hours after the Sheriff evicts you to get your belongings. During this 72-hour period, your landlord must keep your things safe in your place or nearby, and must let you get them any time between 8 a.m. and 8 p.m.

It is against the law for your landlord **not** to do this.

You and your landlord can agree to different rules about this. This agreement should be in writing.

**NOTE** *Some non-profit landlords give tenants more than 72 hours to get their things after an eviction. If you live in non-profit housing, check your lease or ask what your landlord's rule is for this.*

## What if I move without giving or receiving a notice or making an agreement?

If your landlord thinks that you have moved without making an agreement, or giving or receiving notice, your place might be considered “abandoned”.

**IMPORTANT** *If you are going to be away for a long time, make sure it does not look like you have abandoned your place. The law says your place cannot be considered abandoned if your rent is paid up. Ask a friend or neighbour to check your mail in case you get a notice while you are away.*

If your landlord thinks you have abandoned your place, your landlord cannot just take your things. First, your landlord must either:

- apply to the Landlord and Tenant Board for an order ending your tenancy, or
- give a notice, to both you and the Board, stating that your landlord plans to get rid of your belongings in 30 days. Your landlord does not have to give you this notice in person but can leave it at your apartment.

Your landlord can get rid of any unsafe items right away. Your landlord can keep, sell, or throw out anything else 30 days after the Board made the order or your landlord gave you the notice.

If you contact your landlord within the 30 days and say that you want to pick up your things, your landlord must let you in to pick them up at a reasonable time. Your landlord must store them in your place or nearby.

If you owed any rent when you left, your landlord can make you pay the overdue rent, plus the cost of moving and storing your belongings. If you do not pay the money within the 30 days, you lose your right to get your things back. Remember, this is legal only if you have abandoned your place and your landlord has taken one of the steps mentioned above. In any other situation your landlord cannot take your things just because you owe rent.

If your landlord sells your things after the 30 days, your landlord can keep enough money from the sale to cover any unpaid rent and expenses. If there is any money left

over, you can claim it by contacting your landlord within 6 months from the day:

- the Board made its order, or
- your landlord gave you the notice about getting rid of your things.

If your landlord will not give you this money, or you believe that there was money left over and your landlord says there was not, contact a lawyer or community legal clinic. You can apply to the Board to get this money back. See page 9 [for more information](#).

## What happens if a tenant dies?

If a tenant dies and there are no other tenants in the apartment, the landlord can get rid of any unsafe items right away. The landlord must keep other belongings safe for 30 days so that the tenant’s relatives or “legal representative” can arrange to deal with them.

The legal representative is usually the person who is named in the will or by a court to look after the property (estate) of the person who died.

After the 30 days, the landlord can do whatever he or she wants with the person’s belongings.

If the landlord sells the things, the landlord can keep enough money from the sale to cover any unpaid rent and expenses. If there is any money left over, a family member or the legal representative can claim the money for the

estate. They must make this claim within 6 months after the tenant's death.

If the landlord keeps anything, and a family member or the legal representative shows up within the 6 months to claim it, the landlord has to give it back.

The landlord and the legal representative can agree to different terms about the property. This agreement should be in writing.

Some of the rules are different if the tenant was living in a mobile home that the tenant owned. If you are dealing with this situation, it is important to get legal advice.

## What if I live in a mobile home or land lease home?

If you live in a mobile or land lease home, most of the rules described so far in this booklet apply to your belongings. But there are different rules for your home itself, if your tenancy was ended by any of the following:

- a notice you gave your landlord,
- a notice your landlord gave you,
- an agreement between you and your landlord, or
- an order of the Landlord and Tenant Board.

If your tenancy was ended in one of the ways listed above and you leave behind your mobile or land lease home, your landlord must do all the following things before taking it:

- send you a notice by registered mail to your last known address, and
- have the notice published in any regular newspaper in your area, and then
- wait for 60 days to see if you contact your landlord.

If you contact your landlord to claim the home **before the 60 days are up**, your landlord must return it to you. But your landlord can first make you pay any unpaid rent and reasonable expenses.

If you do **not** contact your landlord within the 60 days, your landlord can then sell, keep, or get rid of the home.

But if you then contact your landlord **within 6 months** of when your landlord mailed and published the notice, your landlord must do one of the following:

- If your landlord has already **sold the home**, your landlord must give you the money from the sale, minus any unpaid rent and reasonable expenses.
- If your landlord **kept the home**, your landlord must return it to you. But your landlord can first make you pay any unpaid rent and reasonable expenses.

If you left your home behind without giving or getting any notice or making an agreement with your landlord, your landlord might think you abandoned it. If this

happens, your landlord can treat your home like any other abandoned property. To find out about the rules that apply to your home in this situation, please read the section called **What if I move without giving or receiving a notice or making an agreement?** on pages 3 to 5.

## What can I do to get my things back?

If your landlord has taken your belongings after following the legal rules described in this booklet, your landlord cannot be forced to return them. In that situation, you can try to make a deal with your landlord to get your things back.

But if your landlord takes or keeps your belongings **without** following the law, there are several things you can do. You can call the Ontario government's Investigation and Enforcement Unit (IEU) at **1-888-772-9277**. Or, you can call the police.

There are also some legal steps you might be able to take. Depending on the situation, you could:

- apply to the Landlord and Tenant Board to make your landlord return your things or pay you for them,
- go to a Justice of the Peace and charge your landlord with an offence, or
- sue in court to make your landlord return your things or pay you for having taken them.

**NOTE** Do not threaten to lay criminal charges, or say that you will withdraw any charges if your landlord returns your things. This could be considered “extortion” which is against the law. But, it is okay to threaten to sue, take your landlord to court, or apply to the Board.

Every situation is different. If you are thinking about taking legal action against your landlord, it is best to get legal advice first. See the next section for more information.

## Where can I get help or more information?

You can contact your community legal clinic or a lawyer for information or advice. Legal clinics give free legal advice to people with low incomes.

You can usually find the **community legal clinic** for your area by looking under “Legal Aid” in your phone book. You can also check Legal Aid Ontario’s web site at <[www.legalaid.on.ca](http://www.legalaid.on.ca)> or phone them:

Toll-free outside Toronto .....	1-800-668-8258
In Toronto .....	416-979-1446
Toll-free TTY .....	1-866-641-8867
TTY in Toronto.....	416-598-8867

You can contact the **Landlord and Tenant Board** for application forms and for general information about landlord and tenant issues. The Board cannot

give you legal advice. The Board's web site address is <[www.ltb.gov.on.ca](http://www.ltb.gov.on.ca)>. You can call the Board at 416-645-8080 or 1-888-332-3234.

The **Investigation and Enforcement Unit (IEU)** is a provincial government office set up to help make sure that landlords and tenants follow the Residential Tenancies Act. You can call the IEU at 1-888-772-9277 or visit their web site at <[www.mah.gov.on.ca/ieu](http://www.mah.gov.on.ca/ieu)>.

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**This publication** contains general information. It is not a substitute for getting legal advice for your particular situation.

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