



Fighting an eviction

It is against the law for your landlord to force you to move out without an order from the Landlord and Tenant Board. This booklet explains what your landlord must do to get an order and what you can do to stop it.



If you speak French

In many cases you have the right to government services and legal proceedings in French, including hearings before French-speaking decision-makers.

If you have a legal problem, you can ask a lawyer or a community legal clinic about your French language rights.

Si vous parlez français

Il existe de nombreuses situations où vous avez droit à des services gouvernementaux et à des procédures juridiques en français. Ainsi, vous pouvez avoir droit à ce qu'une audience à laquelle vous êtes partie soit tenue devant un décideur qui parle français.

Si vous avez un problème juridique, vous pouvez demander à un avocat ou à un intervenant d'une clinique juridique communautaire de vous informer des droits linguistiques liés au fait de parler français.

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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 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 14](#) to find out where to get legal advice.

III If your landlord wants to evict you

To evict you, your landlord must follow certain steps set out in the Residential Tenancies Act (RTA).

If you do not want to move out, your landlord will have to apply to the Landlord and Tenant Board (LTB). The LTB is like a court but less formal. It deals with conflicts between landlords and tenants.

III If your landlord gives you a notice

If your landlord wants to evict you, usually the first step is to give you a written notice. Your landlord can do this in a number of ways, for example, by putting it in your mailbox or handing it to you.

Usually the notice will have a name that starts with **Notice to End your Tenancy**. It may have one of these numbers at the top: N4, N5, N6, N7, N8, N12, or N13.

The notice must tell you the reason why your landlord wants you to leave and details about the reason. The reason must be one listed in the RTA.

The notice must tell you the date your landlord wants you to move. Your landlord must give you the notice a certain number of days before that date. The number of days depends on which reason for eviction your landlord has put on the notice. There are some examples in the chart on [pages 2 and 3](#).

<p>If the reason for your eviction is that your landlord claims:</p>	<p>Your landlord must give you this much notice:</p>
<ul style="list-style-type: none"> ● you owe rent 	<ul style="list-style-type: none"> ● 14 days (but 7 days if you pay your rent weekly or daily)
<ul style="list-style-type: none"> ● you often paid your rent late 	<ul style="list-style-type: none"> ● 60 days (but 28 days if you pay your rent weekly or daily)
<ul style="list-style-type: none"> ● you broke the law or ran an illegal business, caused damage by being careless, or disturbed others 	<ul style="list-style-type: none"> ● 20 days the first time ● 14 days if it is the second notice within 6 months
<ul style="list-style-type: none"> ● you seriously risked the safety of others in the building, or were making or selling an illegal drug 	<ul style="list-style-type: none"> ● 10 days

If the reason for your eviction is that your landlord claims:	Your landlord must give you this much notice:
<ul style="list-style-type: none"> ● your landlord or their family member or a caregiver wants to move into your unit and live there for at least one year 	<ul style="list-style-type: none"> ● 60 days
<ul style="list-style-type: none"> ● your landlord wants to tear down the building or use it for something else 	<ul style="list-style-type: none"> ● 120 days

In some cases, the notice must also tell you what you can do to cancel it. For example, if the notice says you owe rent, it must tell you exactly how much and when you must pay it to cancel the notice.

Even if you are not able to cancel the notice, that does not mean you have to move out. But it means your landlord might take the next step and apply to the LTB.

III If your landlord applies to the LTB

If you do not cancel the notice or move out, your landlord can apply to the LTB for an eviction order.

Your landlord does this by giving an application form to the LTB and paying a fee. The name of the form usually starts with **Application to End a Tenancy** or **Application to Evict a Tenant**. It may have one of these numbers at the top: L1, L2, L3, L4, L7, A1, or A2.

Usually the LTB emails you a copy of this form, together with a **Notice of Hearing**. In some situations, the LTB could order your landlord to give you these papers.

Getting these papers does not mean you have to leave. You can be evicted only if the LTB makes an eviction order after holding a hearing.

Exception: In some situations, your landlord can apply to the LTB without giving you any notices, and the LTB can order your eviction without holding a hearing. See **If there was no hearing** on [pages 12 and 13](#).

The **Notice of Hearing** tells you the date and time of your hearing and whether it is in person, by telephone, or by video conference. It could be as soon as 5 days after you get the Notice of Hearing.

It is **very important that you go to the hearing**, or send someone who can represent you. If you send someone, give them written permission to represent you and make sure they have your note with them.

If you do not go or send someone, the LTB will probably decide to evict you. This can happen even if you are only a few minutes late for the hearing.

III What you can do before the hearing

Whatever you decide to do, make sure to get more information and legal help. See the **Key Point** box on [page 9](#).

If you speak French, you might have the right to get services from the LTB in French or to have your hearing in French. To ask for this, you should tell the LTB in writing as soon as possible.

Stop the application by paying what your landlord says you owe

If your landlord has applied to evict you because you owe rent, you can stop the eviction if you pay what your landlord says you owe, before the hearing. The form your landlord gave you (usually a Form L1) should

have details about the amount you have to pay to stop the application. Usually this includes the fee your landlord paid to the LTB and charges for any bounced or NSF cheques.

You can pay the full amount to your landlord or to the LTB. Get a receipt. Send the receipt to your landlord and the LTB at least **7 days** before your hearing. And have the receipt at your hearing.

Get help paying the rent

If you can usually pay your rent but are having a problem right now, you might be able to get help.

Some communities have rent banks that lend people money to help pay their rent. Rent banks do not charge any fees or interest for these loans.

If you owe a small amount of rent, you might be able to get help from a homelessness prevention program.

Call 211 or check [211ontario.ca](https://www.211ontario.ca) to find programs in your area.

If you get assistance from the Ontario Disability Support Program or Ontario Works, ask your worker about how to get help paying your rent.

Make an agreement with your landlord

You can try to make an agreement with your landlord to stop or delay the eviction. This is sometimes called a **settlement agreement**.

The LTB has employees called mediators who can help you and your landlord reach an agreement. LTB mediators are also called Dispute Resolution Officers (DROs). A mediator might phone you before your hearing or speak to you on the day of your hearing. In some cases, it is up to you or your landlord to ask the LTB for a mediator if you want one.

You do not have to go to mediation. You and your landlord can try to work out an agreement with a mediator's help or without it. Either way, you can bring a lawyer or someone else to help you, such as a family member, a friend, or a social worker.

You do not have to make an agreement with your landlord. But sometimes making an agreement with your landlord is the best thing. For example, if you owe rent but cannot pay it before the hearing, an agreement might include a payment plan that gives you more time.

Be very careful about signing an agreement, especially in mediation. If you sign a **mediated agreement** but then do not follow it, your landlord might be able to

apply for an eviction order without giving you any notice and without you having a hearing.

Before you sign any settlement agreement, try to get legal advice, and make sure the agreement:

- says exactly what you agreed to, and
- does not include anything you think is not fair or that you will not be able to do.

If you sign an agreement, make sure you get a copy of it, and take it to the hearing.

Prepare for the hearing

If you cannot stop the application from going ahead, then you will have to prepare for the hearing. You might need to arrange for witnesses to come to the hearing. Or you might need to make copies of papers or photographs you want to use at the hearing.

To help you prove what you are saying, it is very important to bring evidence to your hearing, such as witnesses, photos, audio or video recordings, inspectors' reports, work orders, letters, or receipts. You must send any evidence you want to use to the landlord and the LTB at least **7 days** before your hearing day.

Key Point: There is important information about payment plans, mediation, preparing for a hearing, and other topics in the Tenant Tip Sheets produced by the Tenant Duty Counsel Program. To find them online, go to acto.ca, click on “**For Tenants**”, then on “**Tip Sheets**”.

III What happens at the hearing

If there is a hearing, an LTB member will listen to why your landlord wants to evict you and why you think you should not be evicted.

It is up to your landlord to prove to the LTB that there is a legal reason to evict you. You have the right to question or challenge any witnesses or evidence your landlord brings to the hearing. And you have the right to speak and to bring your own evidence and witnesses.

Even if the LTB member agrees that there is a legal reason to evict you, the member can still decide not to evict you. The LTB member must always look at all the facts, for example, how being evicted would affect you or your family.

In some situations, the LTB **must** let you stay even if there is a legal reason to evict you. This applies if the LTB member agrees that your landlord:

- has seriously failed to follow the law or the rental agreement, or
- is trying to evict you because you did something to protect your legal rights or because you have children.

So, at your hearing, make sure to tell the LTB member everything that you want the member to think about when deciding whether to evict you. You might want to make notes and take them to the hearing so you can remember everything you want to say.

If your landlord's application is about you owing rent and the LTB member decides that your landlord has not been following the law or the rental agreement, the member can make orders to deal with those problems. For example, if the LTB member decides that there are repair problems, they could order your landlord to fix the problems or cancel some of the rent that you owe.

The LTB will almost never cancel **all** the rent you owe. So, if you do owe rent, you should still try to suggest a payment plan that you think you will be able to follow.

The LTB member will make a decision either at the end of the hearing or later. The LTB will put this order in writing and send copies to you and your landlord.

If you want the LTB to make orders about problems you have been having with your landlord, you must tell them and your landlord about the problem in writing. You can do this using the LTB form **Issues a Tenant Intends to Raise at a Rent Arrears Hearing**. You must tell them at least **7 days** before your hearing day.

III If there is an eviction order

If you do not want to move, you must do something about the eviction order right away. What you must do depends on whether or not there was a hearing.

If there was a hearing

The LTB may have made the eviction order because the LTB member at the hearing agreed with your landlord or because you missed the hearing. If either of these things happened, you might be able to stop the eviction by asking the LTB to review the decision or by filing an appeal in court.

If the eviction is based on you owing rent, you might also be able to stop it by paying everything you owe plus certain additional costs. The additional costs you must pay are the ones listed in the LTB's eviction order. You can find them in the "Summary of Calculations" at the end of the order.

But you must act very quickly and you must follow exactly the right steps. So it is best to get more detailed information or legal help first. See **Where to get help and information** starting on [page 14](#).

If there was no hearing

In some situations, the LTB can make an eviction order without holding a hearing. This is called an “ex parte” order. Your landlord is allowed to apply for an ex parte order, without giving you any notices, if your landlord claims that:

- you and your landlord agreed that you would move out,
- you gave your landlord a written notice saying you would move out, or
- you have not followed an LTB order or mediated agreement related to an earlier eviction application, and that order or agreement says that your landlord can do this.

If your landlord applies for an ex parte order, you might not find out about it until the LTB sends you a copy of the order. You will then have to act very quickly to try to stop the eviction. You must file a **Motion to Set Aside an Ex Parte Order** with the LTB as soon as possible. But to be safer, you must do this within **10 days** after the date of the order.

You can get forms for filing this motion from the LTB. You might be able to get help from a community legal clinic.

III Enforcing an eviction order

If the eviction order is not stopped, the Sheriff is the official who is in charge of enforcing or carrying out the order.

If you have not moved out by the date the eviction order says you must move, the Sheriff can make you leave and can let your landlord change the locks. The law does not let your landlord, a private bailiff, or a security guard physically evict you or lock you out — only the Sheriff can do this. The police cannot evict you either. But the Sheriff can ask the police for help if the Sheriff thinks there might be violence.

III Your belongings

If you are evicted by the Sheriff, you have only **72 hours** or 3 full days to take your belongings. This rule applies even over a weekend or a holiday. During those 72 hours, your landlord must keep your things in or near your place, and must let you get them any time between 8 a.m. and 8 p.m.

But if you move out after the LTB makes an eviction order but before the Sheriff comes to change the locks,

the law is not clear about whether you have 72 hours to get your things out of your place. So try to take everything with you.

If you move out at any other time, for example, after getting a notice from your landlord, you must take all your things with you when you move. Your landlord can sell, keep, give away, or throw out anything you leave behind, even if you leave it behind for only one day.

III Where to get help and information

There are **community legal clinics** across Ontario that give free legal help to tenants who have low incomes.

You can find the community legal clinic for your area on Legal Aid Ontario's website at legalaid.on.ca or call:

Toll-free: **1-800-668-8258**

Toronto area: **416-979-1446**

TTY use Bell Relay Service: **1-800-855-0511**

There are **Tenant Duty Counsel** (TDC) at many LTB hearings. The TDC Program is paid for by Legal Aid Ontario. TDC are lawyers and community legal workers who can give basic advice, help work out settlements with landlords, and review and help fill out some forms and documents, especially ones related to eviction. Sometimes they can help at hearings with simple or emergency steps.

You can sign up for TDC services at tdc.acto.ca. You can also call your local community legal clinic to find out more about this service.

You can contact the **Landlord and Tenant Board** (LTB) for forms and for general information. The LTB cannot give you legal advice.

The LTB's website address is tribunalsontario.ca/ltb. You can call the LTB at **1-888-332-3234** or **416-645-8080**.

Pro Bono Ontario has a legal advice hotline at **1-855-255-7256**. You may be able to get up to 30 minutes of free legal advice.

CLEO's **Steps to Justice** is a website that gives step-by-step information about common legal problems, including housing law issues. Steps to Justice has practical tools like forms and checklists, and referral information for legal and social services. Visit stepstojustice.ca and see the information about eviction in the **Housing Law** section.

This booklet gives only general information. You should get legal advice about your own situation.

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