

Being evicted for renovations

The law says that you have the right to move back into your place after renovations or repairs have been completed. Sometimes landlords do not respect your rights and decide to rent the place to someone else, usually at a much higher rent.

Losing your place this way is sometimes called “renoviction”.

Is it legal for my landlord to make me move out to do renovations or repairs?

Some work that requires a building permit cannot be done while people are living there. If your landlord says you have to move out for this reason, they must give you at least **120 days’ notice** on a Landlord and Tenant Board (LTB) **Form N13**. If you get this notice, read the information at stepstojustice.ca/questions/housing-law/can-my-landlord-make-me-move-out-repairs-or-renovations.

Can I fight the notice to move out?

Yes. The landlord cannot force you out or start the work unless they get an **eviction order** from the LTB. They will have to prove that they have followed the law and that they have a legal reason to make you move out. You can tell the LTB why you think you should not be evicted.

Some reasons you might want to challenge the notice are:

- You do not believe your landlord is really going to do the work they say they are planning.
- The work can be done without you moving out.
- Your landlord will not be able to get a building permit.
- The work does not require a building permit.

Get legal help if you want to challenge the notice.

Do I have the right to move back in after the renovations are completed?

If you decide to move out or you are evicted by the Landlord and Tenant Board (LTB), you have the right to move back in once the work is finished. This is sometimes called the “right of first refusal”.

To have this right of first refusal, you must tell the landlord **in writing before you move out** that you want to move back in when the work is done. You must also give your landlord your new address in writing and any change of address after that. You should send these documents by registered mail and keep a copy. You can only send these documents by email if your landlord has said in writing that you can communicate this way.

You can use Steps to Justice’s letter-writing tool to make a letter to your landlord telling them you want to use your right of first refusal.

Do I get compensation if I move out or get evicted?

Yes. When the building has 5 residential units or more and:

- you want to move back in, your landlord must pay you the rent for the time it takes to complete the work, up to 3 months.

- you do not want to move back in, your landlord must pay you 3 months' rent or offer you another unit that is acceptable to you.

If the building has fewer than 5 residential units, the same rules apply but the most the landlord has to pay you is one month's rent.

They must pay you no later than the termination date on the **Form N13**.

My landlord is offering me extra money if I agree not to move back in. Is this legal?

This is legal, but only if you agree to it. You might want to think about how much rent you will have to pay somewhere else and how much extra rent your landlord might get from a new tenant.

Can my landlord charge me higher rent if I choose to move back in after the renovations?

Your landlord cannot charge you a higher rent than they could if you had stayed.

I told my landlord that I want to move back in but my place is now advertised for rent. What can I do?

If you find evidence that your landlord might be planning to not let you move back into your place you need to take action quickly to stop them from getting a new tenant. Get legal help right away.

What are my rights if my landlord does not let me move back in?

You might be able to get more compensation by applying to the Landlord and Tenant Board (LTB). You must apply within **two years** after the day you moved out.

The LTB can order the landlord to pay:

- your moving costs
- “general compensation” up to the value of your last year of rent
- the difference in rent for up to one year
- a fine to the government

And if the place has not yet been rented to someone else, the LTB can order your landlord to let you move back in.

Where can I get legal help?

If you have a low income, your community legal clinic can help. To find your local clinic, contact Legal Aid Ontario at **1-800-668-8258** or legalaid.on.ca.

You may also be able to get legal help from Pro Bono Ontario’s free legal advice hotline at **1-855-255-7256**.



Visit stepstojustice.ca for more information about housing problems. This is general information for people in Ontario, Canada. It is not intended to be used as legal advice.

Vous pourriez avoir droit à des services en français devant les tribunaux ou auprès d’organismes gouvernementaux.

Visitez justicepasapas.ca/droits-linguistiques-des-francophones.