

KNOW YOUR RIGHTS:

Repairs & Maintenance

Training handout

About the Canadian Centre for Housing Rights (CCHR)

CCHR is Canada's leading organization working to advance the right to housing.
We do this through:



SERVICES

Empowering renters to claim their rights and stay housed.



EDUCATION

Sharing knowledge and tools that transform lives.



POLICY ADVOCACY

Engaging with communities and proposing realistic solutions.



RESEARCH

Creating knowledge and informing evidence-based solutions.



LAW REFORM

Advancing housing rights legal frameworks.

About this handout

This handout was developed for participants of CCHR's training session "Know Your Rights: Repairs & Maintenance."

It is intended for use by renters in Ontario, to inform them about their rights in housing and to help them connect with resources to protect their rights.

This document is intended to be used for information purposes only.

© CCHR, 2024.

CCHR thanks the Law Foundation of Ontario for their generous support.

While financially supported by The Law Foundation of Ontario, CCHR is solely responsible for all content.



Table of contents

<u>Who is responsible for repairs?....</u>	5
<u>Who can ask for repairs?.....</u>	6
<u>How to make a formal complaint..</u>	7
<u>How to ask for repairs.....</u>	8
<u>Pests.....</u>	17
<u>Privacy.....</u>	21

<u>Appliances.....</u>	25
<u>Heating and cooling.....</u>	28
<u>Mould.....</u>	31
<u>Vital services.....</u>	33
<u>Getting help</u>	35
<u>Contact info for CCHR</u>	38

Who is responsible for repairs?

Landlord:

- The rental unit and things that came with it (heating, fridge, stove, etc.)
- Parking lots, elevators, laundry room, common rooms, hallways, cutting the lawn, shoveling snow (most of the time).

Tenant:

- Their personal property.

Who can ask for repairs?

Any tenant, even if they knew about the problem before they moved in.

This includes tenants living in social housing.

How to make a formal complaint

#1: Property Standards

- Can inspect and issue fines against landlords who don't maintain or repair property.

#2: Fire Marshal

- Can investigate the cause and circumstances of any fire or any explosion.

#3: Public Health Department

- Takes reports of health hazards (mould, in some places).

#4: Electrical Safety Authority

- Has authority over unsafe or unlicensed electrical work.

How to Ask for Repairs

A decorative vertical bar on the left side of the slide, featuring a repeating geometric pattern of interlocking hexagons and lines in various shades of blue and teal.

How to ask for repairs

- Always put request in writing.
- If you make your request verbally, send an email/letter/text confirming the conversation.

How to ask for repairs

What to put in a repair request

- The date.
- The tenant's name, exact address and unit number.
- A list of all repair issues.
- If they've already spoken to the landlord or super about the repairs, mention how many times and the approximate date.
- A reasonable date by which the tenant wants the repairs completed.
Consider what is urgent, and what is not urgent.

What if the landlord does nothing?

Tenants could:

- Write another letter with a deadline by which they reserve the right to take legal action.
- Call an inspector from Property Standards.
- Take legal action.

A decorative vertical panel on the left side of the slide, featuring a repeating geometric pattern of interlocking hexagons and lines in various shades of blue and teal.

Collect evidence

- Photographs/video recordings
- Inspection orders/reports, insurance reports
- Reports from tradespersons (if applicable)
- Copy of tenant's letters/maintenance request forms
- Tenant log/diary/calendar
- Receipts/invoices/estimates
- Breakdown of rent abatement calculations
- Copy of relevant notices posted by landlord in the building
- Witnesses (inspector, tradespersons, other tenants, etc.)

If you decide to take legal action

- Usually, you have 1 year from the date of the problem to bring an LTB application. For an ongoing problem, you may have more time to apply, so get legal advice.
- You can apply even if the problem has been fixed or you have moved out.
- You could use multiple application forms - a T2 and a T6 form (forms cost \$53/\$48 to file through the LTB Portal).
- LTB has an online portal for filing applications and submitting evidence.
- You will present your case at a virtual or telephone hearing.
- You may be able to resolve your problems through mediation.

What you need to prove

- 1) The problem existed (photographs, inspection reports, witnesses etc.)
- 2) The landlord was made aware of the problem (tenant's letter, work order, diary or calendar where you noted down your calls, etc.)
- 3) The landlord did not take reasonable steps to fix the problem or did not do enough.

If the LTB agrees with you

They can order the landlord:

- To do repairs within a certain time.
- To not raise your rent until repairs are done.
- To give back some of your rent.
- To pay you back if you paid for repairs or did them yourself.
- To pay for your reasonable expenses due to the problem.
- To pay for your property that was damaged, destroyed or thrown out because of the problem.
- To end your tenancy on a specific date.

Common Repair Issues

Pests

Do any alarms go off for you with this situation?

Ana finds cockroaches in her kitchen. She emails her landlord.

Ana's landlord says he will get a company in to spray her unit after:

- She pays him \$100 towards the service; and
- She moves her furniture away from the walls.

Ana cannot move the furniture because she has a wrist injury.

Pests

Pest control is a normal part of maintenance that all landlords must do.

All landlords are responsible for maintaining a unit and making sure it is free of pests, such as ants, cockroaches, bedbugs, spiders, mice and rats.

Pests

Tenant responsibility

Tenants must allow their landlord or a pest control company to do their job.

For instance, this might include moving furniture away from the wall or allowing in a pest control company.

If a tenant needs help to do this, they should tell their landlord. If they need help because of a disability, the landlord must accommodate them.

Pests

Key takeaways

Landlords must respond to complaints about pests and pay for the cost of treatment.

- Tenants can:
 - Complain to Property Standards
 - Bring an LTB application

Privacy

What are some alarms that go off for you with this scenario?

Gustav's landlord shows up at his apartment at 11pm.

He did not give Gustav any warning at all that he was coming.

He said he was there to do a "cleanliness inspection."

He says Gustav needs to let him in or he will evict him.

Privacy

A landlord's agent, superintendent or person hired by the landlord may also enter on the landlord's behalf.

To enter a unit for repairs or maintenance, a landlord must give the tenant with:

- 24 hours' notice in advance.
- The time they plan to enter (must be from 8 AM – 8PM). The window of entry must be reasonable, which depends on the circumstances.
- The reason why they are entering.

Privacy

Landlords may enter without notice:

- In cases of emergency.
- With the tenant's consent.
- If both landlord and tenant agree that the tenancy will be terminated, then the landlord may show the unit to prospective tenants from 8 AM – 8 PM, but they must make reasonable efforts to provide advance notice.

Privacy

Key takeaways

Landlords cannot enter without proper notice and a valid reason.

Tenants can refuse entry if a landlord hasn't followed the proper procedure.

Tenants can:

- Complain to the Rental Housing Enforcement Unit
- Bring an LTB application

Appliances

What are some alarms that go off for you with this scenario?

Sohrab's fridge stops working.

He tells his landlord. She says she will get around to it. Six weeks pass.

Finally, the landlord says she checked and she doesn't have a warranty on the fridge, so she cannot help him.

Sohrab decides to stop paying rent to make his landlord fix the fridge.

Appliances

Landlords have to maintain or replace appliances that come with the unit and they must respond promptly.

They may be responsible for expenses and losses you have while waiting for the repair.

It is not a good idea to stop paying rent as a way to force a landlord to do repairs.

- The landlord will likely apply to the LTB to evict you for rent arrears.
- You can raise disrepair issues as a defense, but the LTB could still evict you for arrears of rent.

Appliances

Key takeaways

Landlords must repair appliances that come with the unit, or replace them if necessary, at their own cost.

Tenants can:

- Complain to Property Standards
- Bring an LTB application

Heating and Cooling

What are some alarms that go off for you with this scenario?

It's December 1st and Ally's apartment is 17C.

They call their landlord, and he says that the common rooms are 20C; he can't help it if Ally's room is cooler.

Next year, in July, Ally is overheating. The air conditioning unit that was there when they moved in has broken, and the landlord tells them to buy a fan.

Heating and Cooling

There are rules about heat depending on the time of year. In most places it must be at least 20 degrees.

If your unit had air conditioning when you moved in, then the landlord must continue to maintain it.

Heating and Cooling

Key takeaways

Landlords must make sure your unit is heated properly.

Landlords must fix broken appliances that came with the unit, including air conditioning.

Tenants can:

- Complain to Property Standards
- Bring an LTB application

Mould

What are some alarms that go off for you with this scenario?

Sara notices mould in her bathroom.

She tells her landlord, who tells Sara that mould is unavoidable in an old apartment.

Shortly afterwards, Sara notices that her asthma is getting worse. Sara thinks it might be time to move.

Mould

Key takeaways

Landlords are responsible for cleaning mould.

Keep a record of symptoms and talk to a doctor.

Tenants can:

- Call Property Standards
- Call the Public Health
- Bring an LTB application

Vital Services

Do any alarms go off for you with this scenario?

Maxe is behind in rent and their landlord has given them an N4 notice to pay rent or move out in 14 days.

After the 14 days have passed, Maxe's landlord still hasn't been paid so he comes and turns off Maxe's electricity.

When Maxe complains the landlord says they should just "move out".

Vital Services

Key takeaways

Landlords are not allowed to cut off or interfere with your supply of heat, electricity or water, even if you owe rent.

Tenants can:

- Complain to Property Standards
- Complain to the Rental Housing Enforcement Unit
- Bring an LTB application

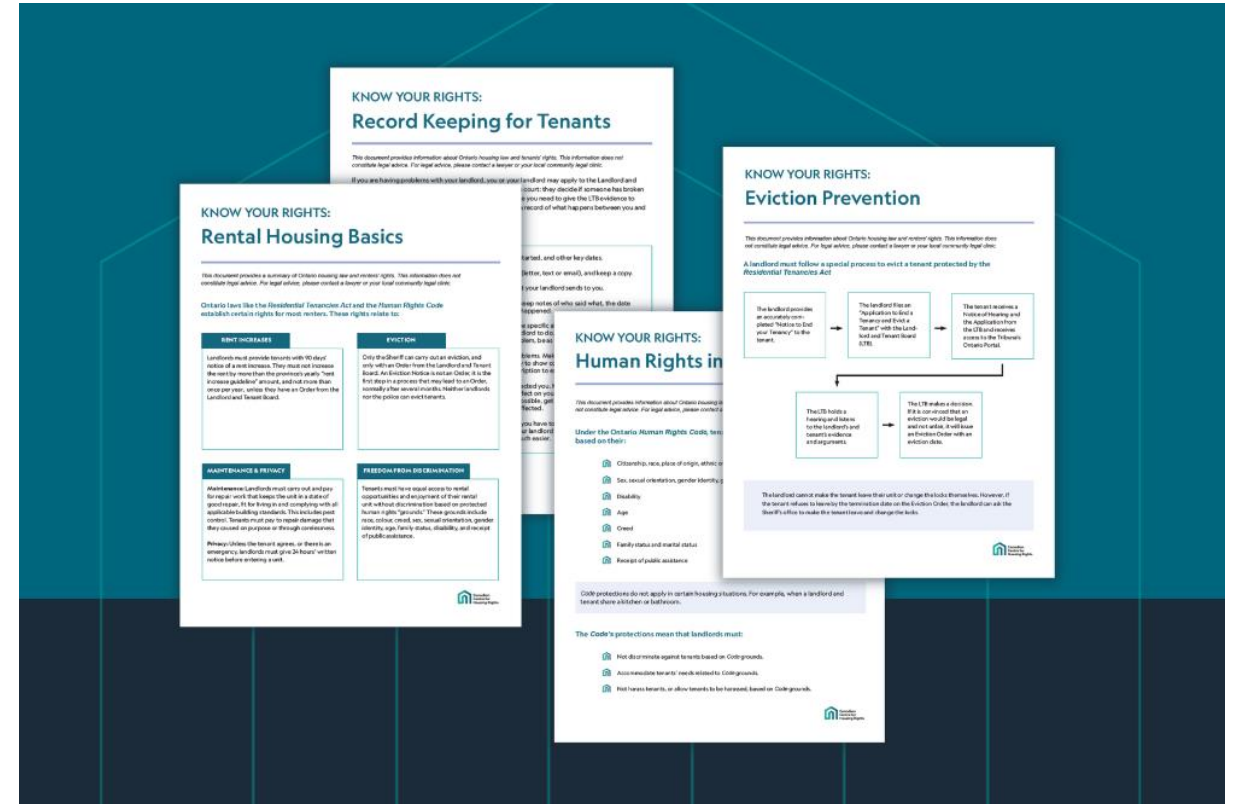


Getting help

Getting help

Our collection of printable resources provide basic information about Ontario housing law, human rights in rental housing, and renters' rights when facing eviction.

Get the resources



Getting help

Property Standards

- Phone: 311

Canadian Centre for Housing Rights

- Website: housingrightscanada.com
- Phone: 416-944-0087

Rental Housing Enforcement Unit

- Phone: 416-585-7214

Local legal clinic and resources

- Website: legalaid.on.ca/legal-clinics

Keep in touch



HousingRightsCanada.com



[@ HousingRightsCA](https://twitter.com/HousingRightsCA)



[@ CanadianCentreforHousingRights](https://facebook.com/CanadianCentreforHousingRights)



[@ CanadianCentreforHousingRights](https://linkedin.com/company/CanadianCentreforHousingRights)