Seven Steps to Solving Tenancy Problems

Halton Tenant School

Learning Law for Everyday Life

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Seven Steps to Solving Tenancy Problems was adapted from Advicenow's Seven Steps to Solving a Problem Guide http://www.advicenow.org.uk/how-to/seven-steps-to-solving-a-problem/

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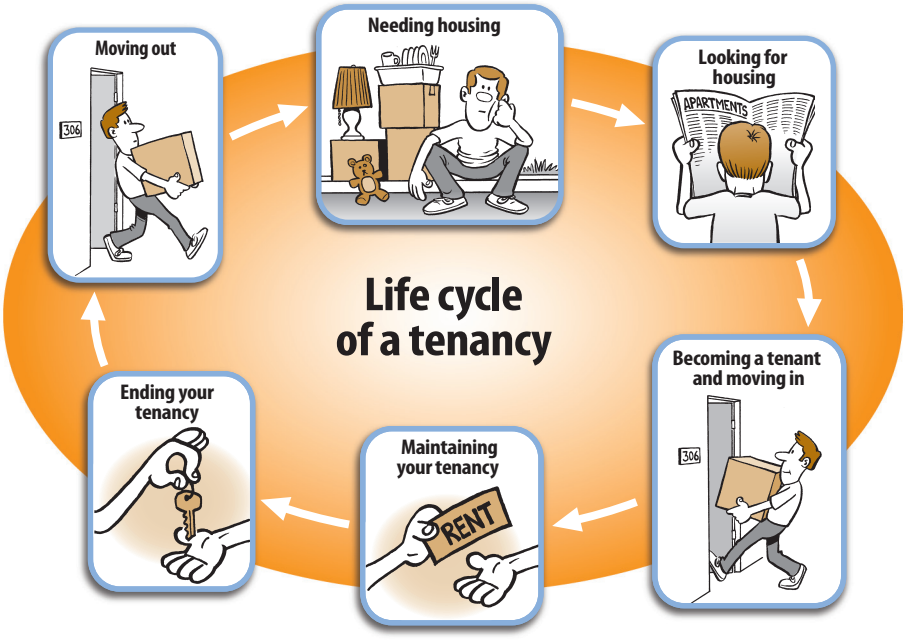
Halton Community Legal Services

Tenancy problems... where do I start?

Halton is a great place to call home, but finding and keeping a rental unit that is affordable and in a good state of repair is a challenge.

Every tenancy has a life cycle. Legal problems can arise at any stage. When they do, can you stand up for yourself?



While there are laws that protect tenants from being treated unfairly, it's often hard to know **who** is in the right, **where** to start or **what** to do.

The way to begin to solve tenant problems is to follow the steps in this guide. If you feel overwhelmed or do not know what to do, Halton Community Legal Services can help.

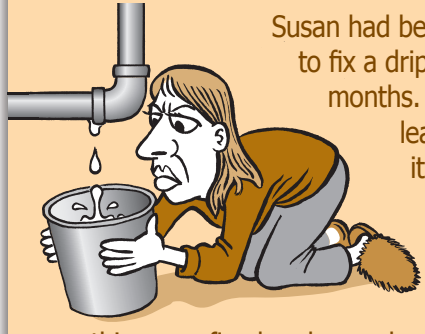
Seven steps to solving tenancy problems

Use these seven steps to help you recognize and deal with tenancy problems. The examples show how each step can be used. Remember, if at any time you feel unsure or need help, you can seek legal advice.

1 Discover your problem

You will need to figure out what your problem is. Often the problem is clear but sometimes many problems can add up. It is best to deal with each problem separately. Dealing with all your problems at once can be overwhelming and makes it difficult to figure things out.

Example



Susan had been asking her landlord to fix a dripping tap for over two months. Then a pipe started to leak too. Not only was it causing a mess, it damaged some of her belongings. Last month, she decided not to pay rent until everything was fixed and now she has received an eviction notice for non-payment of rent. Susan got legal advice and found out that she still needed to pay her rent even if the landlord hadn't fixed her leaking pipe and dripping tap. She paid her rent and avoided eviction. She then applied to the Landlord and Tenant Board and got an order for her landlord to do the necessary repairs and to reimburse her for her costs from the leaking pipe

2 Know your rights

Knowing your rights is important. There are many great information resources in your community and on the Internet to help you discover your rights. It is best to rely on reputable sources. We have listed some of them for you on page 9. A friend or co-worker may have great intentions but their advice may be more of a legal myth than fact.

Example

Jacob rented a basement apartment in a house. The landlord owned the house and lived on the main floor. The landlord told Jacob that he had to leave at the end of the month because one of the landlord's friends needed a place to stay. The landlord didn't think that he needed to give Jacob any notice because it was his house. Jacob did some research and found out that he could not be evicted by the landlord on such short notice just because it was the landlord's house. Since Jacob had his own kitchen and bathroom that he did not share with the landlord, he had rights under the Residential Tenancies Act and the landlord had to give him the notice required by law. When he showed the landlord information about the Residential Tenancies Act, the landlord apologized; even landlords can get confused about the law.

3 Know what you want

Be clear about what you want. Are you looking for a refund, a repair, or something else? If you don't know what you are entitled to as a remedy, you should seek legal advice or look up your rights. Don't simply trust the other party to tell you your rights or what you might get if you win your case at the Landlord and Tenant Board.

Example

José decided to rent an apartment. When José arrived to sign the lease, the landlord told him that he needed to give him a damage deposit of $1,000 in addition to a last month's rent deposit. José had already given notice to leave his current apartment and he needed a place to stay. He felt that he had no choice but to give the landlord the damage deposit even though he would have little money left to live on that month. A short time later, José talked with a lawyer who told him that asking for a damage deposit was illegal and he could apply to the Landlord and Tenant Board to make the landlord return his damage deposit. José told the landlord that the damage deposit was an illegal charge but the landlord wouldn't return the money. José filed an application for the return of the deposit at the Landlord and Tenant Board. On the day of the hearing, José and the landlord agreed to meet with a mediator and the landlord agreed to give him back his damage deposit.

4 Know who to speak to

Find out who you need to talk to in order to resolve your issue and try to talk or write to that person each time. It may be your landlord, a neighbour, a board/tribunal, police, or another party. If there is a set process to follow, become familiar with it to strengthen your position.

Example

Lena's neighbour seemed to be a nice guy, but he played his stereo loudly until all hours of the night. Lena couldn't sleep because of the noise. A few times Lena asked him to turn down the music but eventually it would get loud again. Lena didn't want to call the police about the noise problem and she didn't want to get her neighbour into trouble. Lena complained to the landlord and her landlord took steps to make sure that Lena's neighbour kept the music down.

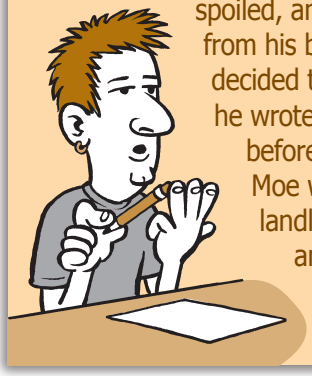
5 Communicate clearly

Communication is key to ensuring that your problems are heard and taken seriously. Here are a few tips for effective communication:

- Prepare by making notes of the key points you want to cover in your conversation and then tick them off as you cover them. This will help ensure that you do not miss any of your issues, and help you keep calm and stay organized.
- If you are writing a letter, double check to make sure you covered all your points. Try to stick to your points and have someone proof read your letter to make sure your point is coming across clearly. It can be difficult to put what is in your mind on paper.
- If you know the law supports your claim, let the other party know.

Example

Moe has a tendency to get upset when trying to resolve issues. Once he gets upset he has trouble focusing on his problem. In the last few months, Moe has become frustrated with the state of his apartment: he rarely has enough hot water to shower in the morning, his refrigerator stopped working twice last week and some of his food spoiled, and water leaks into his living room from his balcony whenever it rains. Moe decided to complain to his landlord and he wrote out a checklist of his complaints beforehand and brought it with him. Moe went over the checklist with his landlord and managed to remain calm and focused. His landlord understood Moe's complaints and agreed to fix the problems within a week.



6 Be organized

Keeping records can be vital to successfully resolving your problem, especially when seeking advice or if the problem goes to the Landlord and Tenant Board or court.

- Keep letters you receive about the problem and copies of letters you send.
- If you provide any documents or evidence, get a receipt and keep it safe.
- Make notes of any discussions you had about your problem, what was discussed, what both parties will do next, and any deadlines set.

Example

Penelope faithfully paid her rent on the first of every month. She had receipts of her payments and had banking records to back it up. One day Penelope received a notice that her apartment building had been sold and she was told to pay her rent to the new landlord. About three months later, Penelope received a notice that she owed two months' rent from last year. Penelope immediately contacted her new landlord and showed him copies of her rent receipts and banking records for the last year. It was clear that the new landlord had made a mistake and he agreed that her rent was paid up.

7 Know when to get help

If your efforts to resolve the issues aren't going anywhere or if your issue seems too complicated and you feel overwhelmed, get help from a legal expert. They may step in to assist you, or help clarify your problem and point you in the right direction for a solution.

Example

When Sam changed jobs, his monthly payment schedule shifted from the last day of the month to the 15th. Rent was due at the beginning of the month, but Sam spoke to his landlord and the landlord said he would have no problem receiving the rent after the 15th. After several months, his landlord told him he was getting evicted for persistent late payment of rent. Sam felt overwhelmed and betrayed and did not know what to do. He called his local legal clinic and got the help and advice he needed to prevent eviction.

Important contacts

Halton Community Legal Services

Low income residents of Halton may qualify for advice and services through Halton Community Legal Services. Funded by Legal Aid Ontario, the clinic provides services, information, and advice for Ontario Works, Human Rights, Tenant's Rights, Disability Benefits, Government Pensions, Employment Insurance, and Employment standards.

http://www.haltonlegal.ca
Milton, Georgetown, Acton 905-877-5256
Burlington, Oakville 905-875-2069

Legal Aid Ontario

Legal Aid Ontario provides legal assistance for low-income people. Legal Aid Ontario can help you find a legal aid office or community legal clinic nearest you.

http://www.legalaid.on.ca
416 979-1466 or toll-free 1 800 668-8258

Landlord and Tenant Board

The Landlord and Tenant Board's role is to provide information about the Residential Tenancies Act and to resolve disputes between most residential landlords and tenants.

http://www.ltb.gov.on.ca
416 645-8080 or toll-free 1 888 332-3234

Advocacy Centre for Tenants Ontario

The Advocacy Centre for Tenants Ontario (ACTO) works to better the housing situation of Ontario residents who have low incomes including tenants, co-op members and people who are homeless. Their website has informative tenant tip sheets on a variety of tenant problems.

http://www.acto.ca

Community Legal Education Ontario – Your Legal Rights

A project of Community Legal Education Ontario (CLEO), Your Legal Rights is a website of free legal information for people in Ontario. This site has free, practical, and easy-to-find legal information produced by hundreds of organizations across Ontario.

http://yourlegalrights.on.ca/about-your-legal-rights

As well, CLEO produces clear, accurate, and practical legal information to help people understand and exercise their legal rights.

http://www.cleo.on.ca/en

The Law Society of Upper Canada – Lawyer Referral Service

A free public service of the Law Society offering up to 30 minutes of free legal consultation.

http://www.lsuc.on.ca
416 947-3330 or toll-free 1 800 268-8326

Property Standards By-Law Enforcement Officer

Oakville
905 845-6601

Burlington
905 335-7731

Milton
905 878-7211

Halton Hills
905 873-2600, extension 2334 or 2338

Region Health Department

Oakville, Milton, Halton Hills
905 825-6000 or toll-free 1 866 442-5866

Burlington
905 335-7777