

Northumberland Community Legal Centre

The Fleming Building, Suite 301
1005 Elgin Street West
Cobourg, Ontario K9A 5J4
Phone (905) 373-4464 Fax (905) 373-4467
1-800-850-7882

Deborah O'Connor, Community Legal Worker
Teresa Williams, Community Legal Worker

Lois Cromarty, Executive Director
Sarah Cooling, Staff Lawyer
Christine Burns, Office Manager

Dear Tenant:

Re: Maintenance and Repair Application

The Northumberland Community Legal Centre has put together a package to assist tenants who are experiencing maintenance and repair problems within their individual apartments and apartment complexes.

If you are a tenant living in an apartment that has serious maintenance and disrepair problems then you will want to read the enclosed information outlining the proper steps to follow in having these problems fixed. You will also want to phone the Northumberland Legal Centre at 1-800-850-7882 for free legal advice about your situation.

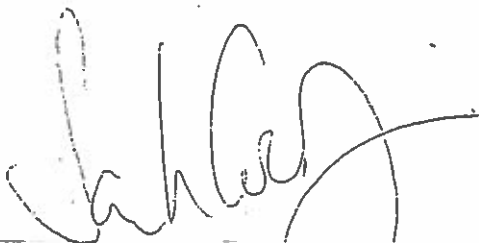
Please find enclosed within this package a "Demand Letter to the Landlord". This letter should be filled out and sent to your landlord. Make sure that you list all of the maintenance and repair problems that you are experiencing. It is very important that you sign, date and keep a copy of this letter.

If your landlord does not fix the problems within 14 days, you will want to fill out the "Request Letter to the Enforcement Agencies". You will send this letter to your Building Inspector, and/or Health Unit, and/or Fire Department. Please find the addresses and telephone numbers of those agencies attached to this letter. Attach to this letter a copy of the letter you sent to your landlord.

It is important that you request a copy of the completed report done by the Enforcement Agency. If your landlord has still not fixed the repair problems then you may wish to fill out a Maintenance and Repair Application to the Landlord-Tenant Board. Please find information on "Maintenance and Repairs" and "How to Make an Application to the Board" enclosed.

If you have any questions about your rights under the *Residential Tenancies Act* please don't hesitate to call us. Our services are free and confidential. Please find a copy of our pamphlet enclosed.

Yours Truly,



**YOU CANNOT
WITHHOLD RENT
BECAUSE OF
MAINTENANCE
ISSUES AND
DISREPAIR.**

HOW TO ADDRESS MAINTENANCE AND REPAIR PROBLEMS

1. Complete the enclosed demand letter to your landlord.
2. Make 2 copies, one for your landlord and one for yourself.
3. Deliver it to your landlord.
4. If your landlord does not fix the problems then fill out the letter to the:
 - A. Building Inspector- if the problem is general maintenance and repair such as windows, doors, stairs, lack of heat, leaky roof, structural problems, rats, mice, cockroaches, etc.;
 - B. Health Unit- if the problem is mould, rats, mice, cockroaches, unsafe drinking water or lack of heat;
 - C. Fire Department- if the problem deals with smoke detectors, fire extinguishers, sparking wires,
5. Make 2 copies, one for the Building Inspector and/or Fire Department and/or Health Unit and one for yourself.
6. Deliver the letter to the Building Inspector and/or Health Unit and/or Fire Department (the address is enclosed)
7. Fill out the Maintenance and Repair Application, and attach to it, copies of all reports you have received. You can call the Legal Centre for assistance with filling out the Maintenance and Repair Application.
8. File your Maintenance and Repair Application with the Landlord and Tenant Board.

ENFORCEMENT AGENCIES

COBOURG

Town of Cobourg
Municipal Office, Victoria Hall
Building and Planning Department
55 King Street West
Cobourg, Ontario Canada,
K9A 2M2

Phone (905) 372-4301
Fax (905) 372-7421

PORT HOPE

BUILDING INSPECTOR

Mr. Mark Perkin
Building Inspector,
Property Standards Officer
P.O. Box 117
Port Hope, Ontario
L1A 3V9

Phone: (905) 885-4544
Fax: (905) 885-7698

FIRE DEPARTMENT

Cobourg Fire Department
55 King Street West
Cobourg, Ontario
K9A 2M2

Phone: 905-372-9789
Fax - 905-372-0869

Port Hope Fire Department
245 Ontario Street
Port Hope, Ontario
L1A 2V9

Phone: (905) 885-5323

HEALTH UNIT

Haliburton, Kawartha, Pine Ridge District Health Unit
200 Rose Glen Road
Port Hope, Ontario
L1A 3V6
Canada

Tel : 905-885-9100
Fax : 905-885-9551

Request Letter to Enforcement Agencies

(Name and Address of Enforcement Agency)

(Date)

Dear Sir/Madam:

Re: _____
(Name and Address of Tenant(s))

Request for Inspection/Enforcement

I/We am/are the tenant(s) at _____ (Address of Rental Unit)
and our landlord(s) is/are _____ (name of landlord(s). They can
be contacted at _____ (address and telephone number of
landlord(s).

I/we have requested that the landlord(s) complete the repairs on the attached letter. The response has been inadequate and I/we are therefore requesting an inspection be completed as soon as possible. If the landlord(s) fail to complete the repairs upon your request, I/we would ask that you exercise your powers of enforcement as soon as possible.

The landlord(s) has/have responsibility for the completion of repairs under section 20 of The Residential Tenancies Act. It states:

Landlord's responsibility to repair

Section 20 (1) A landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation for complying with health, safety, housing and maintenance standards.

Section (2)

Subsection (1) applies even if the tenant was aware of the state of non-repair or a contravention of a standard before entering into the tenancy agreement.

Thank you in advance for your assistance. I/We can be reached at the following address or phone number.

Please send me/us a copy of the report.

Yours truly

(Name(s) and Signature of Tenant(s))

(Address and Phone Number of Tenant(s))

Demand Letter to Landlord

(Name and Address of Landlord)

(Date)

Dear _____
(Name of Landlord)

Re: _____
(Name and Address of Tenant(s))

Repair and Maintenance Issues

I / we are writing to inform you of the following repair and maintenance problems I / we are experiencing at my/our rental unit. I/We are requesting your prompt attention to these concerns as the completion of the repairs are your responsibility under s.20 of The Residential Tenancies Act, which states:

Landlord's responsibility to repair
20. (1) A landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation for complying with health, safety, housing and maintenance standards.

(2) Subsection (1) applies even if the tenant was aware of the state of non-repair or a contravention of a standard before entering into the tenancy agreement.

The repairs which need to be addressed are:

Please make arrangements for the repairs to be completed on or by _____ (insert a date 14 days from the mailing of the letter) or I / we will be contacting the appropriate enforcement agencies in order to have the repairs addressed.

Please contact me/us if there are any questions or concerns.

Yours truly

(Name(s) and signature of Tenant(s) and Telephone Number)

Part 1: General Information (Cont'd)

Information about the Tenancy When did you move into the rental unit covered by this application? / /
dd mm yyyy

Do you still live in the rental unit? Yes No

If not, when did you move out? / /
dd mm yyyy

Part 2: Reason for Your Application

I am applying because the landlord has not repaired or maintained the rental unit or the residential complex, or has not complied with health, safety, housing or maintenance standards.

Describe the problem, the date it began and whether it is ongoing.

Indicate when you first informed the landlord about the problem: / /
dd mm yyyy

Part 3: Remedies

Shade the appropriate box to indicate which of the following orders you want the Board to make. Note: If the Board decides in your favour, it may decide to make a different order than what you chose below.

1. Order that the landlord must pay me a rent abatement of \$, .

My current rent is \$, . per Week Month Other (specify) _____

Explain how you determined the amount you are asking for:

Part 3: Remedies (Cont'd)

If your property was damaged, destroyed or disposed of because of the landlord's failure to repair or maintain the rental unit or the complex, you can also ask the Board to include remedy 2 in the order.

2. Order that the landlord must pay me compensation of \$, . for my repair or replacement costs.

Describe how your property was damaged, destroyed or disposed of and explain how you determined the amount you are asking for:

If you had expenses because the landlord did not repair or maintain the rental unit or the complex, you can also ask the Board to include remedy 3 in the order.

3. Order that the landlord must pay me compensation of \$, .

Explain how you determined the amount you are asking for:

4. Authorize the repair, replacement or other work I did and order the landlord to pay me \$, . for the costs.

Describe the work you did and explain how you determined the amount you are asking for:



Part 4: Signature

Tenant's/Agent's Signature Tenant Agent

Date

dd	mm	/		yy	yy

If you are an agent, you must provide the following information:

First Name

Last Name

Company Name (if applicable)

Mailing Address

Unit/Apt./Suite	Municipality (city, town, etc.)	Province
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Postal Code	Phone Number ()	Fax Number ()
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E-mail Address

- Important Information**
1. Once the tenant files this application with the Board, the Board will give the tenant a Notice of Hearing. The tenant must give the landlord a copy of the application and the Notice of Hearing at least 10 calendar days before the hearing.

Once the tenant has given the landlord a copy of the application and the Notice of Hearing, the tenant must file a Certificate of Service with the Board showing how and when the tenant gave the documents to the landlord, within five days of when they served these documents.
 2. It is an offence under the *Residential Tenancies Act* to file false or misleading information with the Landlord and Tenant Board.
 3. The Board can order either the landlord or the tenant to pay the other's cost related to the application.
 4. The Board has Rules of Practice that set out rules related to the application process, and Interpretation Guidelines that explain how the Board might decide specific issues that may arise in an application. You can purchase a copy of the Rules and Guidelines from your local Board office or view them online at www.LTB.gov.on.ca.
 5. For further information you may contact the Landlord and Tenant Board at 416-645-8080 or toll-free at 1-888-332-3234. Or, you may visit the Board's website at www.LTB.gov.on.ca.

Tenant Application About Maintenance

Form T6

Instructions

Use this form to apply for an order determining that the landlord failed to repair or maintain the rental unit or complex or failed to comply with health, safety, housing or maintenance standards.

You can obtain this form at the Landlord and Tenant Board office in your area or from the Board's website at www.LTB.gov.on.ca.

January 4, 2010

A. How to apply...

Current and former tenants can make this application if the landlord has failed to repair or maintain the rental unit or complex or failed to comply with maintenance or property standards.

Step 1: Complete the form

Read the instructions carefully before completing the form.

Step 2: Complete the T6 Payment and Scheduling Information Form

You must complete the Payment and Scheduling Information Form which is attached behind the last page of the application form. Instructions for completing it are found at the end of these instructions.

Step 3: File the application and the Payment and Scheduling Information Form with the Landlord and Tenant Board

Filing your application and paying the fee

You can:

1. Bring the application to the nearest Board Office.

If you file your application in person, you can pay by cash, certified cheque, money order, American Express, Visa or MasterCard. You can also pay by debit card at most locations.

2. Fax your application to the Board Regional Office in your area.

If you fax your application, you must pay by Visa, American Express or MasterCard.

3. Mail your application to the Board Regional Office in your area.

If you mail your application, you must pay by certified cheque, money order, Visa, American Express or MasterCard.

Certified cheques and money orders must be made payable to the Minister of Finance.

Important:

Make sure that you have provided the necessary information about how you will pay the fee on the Payment and Scheduling Information Form. Your application will not be accepted if you do not pay the application fee at the time you file your application.

If you owe money to the Board as a result of failing to pay a fee, or any fine or costs set out in an order, your application may be refused or discontinued.

It is the applicant's responsibility to ensure that their application is correct and complete. Staff of the Landlord and Tenant Board will check applications for completeness; however, the Board Member who will make a decision on the application will ultimately determine whether or not it meets the requirements of the legislation. Where it does not, the application may be dismissed.

**Scheduling
the Hearing**

Once you have filed the application and paid the application fee, the Board will schedule a hearing and give you a Notice of Hearing. If you apply in person, the Board will normally schedule the hearing while you wait.

Generally, the Board will schedule an oral hearing. An oral hearing is a meeting between the landlord and the tenant before an adjudicator. However, in some circumstances the Board may decide it is appropriate to have a written, telephone or video conference hearing instead.

When the Board gives you a copy of the Notice of Hearing, the Board will also give you:

- a copy of the application to keep for yourself,
- a blank Certificate of Service form (see Step 5),
- a copy of the application and the Notice of Hearing for the landlord, and
- instructions for giving the application and the Notice of Hearing to the landlord.

This is called the application package.

Step 4: Give a copy of the application and the Notice of Hearing to your landlord

You must give the landlord a copy of the application and a copy of the Notice of Hearing at least 10 days before the hearing. There are many ways you can do this. You can:

- hand the copies directly to the landlord,
- hand the copies to an employee of the landlord, like the superintendent or property

manager,

- leave the copies in the landlord's mailbox or where mail is ordinarily delivered,
- send the copies by fax to a fax machine where the landlord carries on business or to a fax machine in their residence,
- send the copies by courier to the landlord (if you courier them, you must allow one business day for delivery),
- send the copies by mail to the landlord (if you mail them, you must allow five days for delivery),
- if the landlord has a lawyer or an agent, you can give the landlord's lawyer or agent the copies by mail, by hand delivery, courier or fax.

Keep a copy of the application and the Notice of Hearing for yourself.

Step 5: File a Certificate of Service with the Board

You must file a Certificate of Service with the Board showing when and how you gave a copy of the application and the Notice of Hearing to the landlord. You must file the certificate no later than five days after you give the landlord a copy of the application and the Notice of Hearing. The Certificate of Service form is included in the application package the Board will give you.

Step 6: The Board will process the application, hold a hearing and issue a written decision called an order

You should come to the hearing prepared to support your application. If there are any documents or other information that you will be relying on, you should bring them to the hearing. For example, if you kept a written record of when you contacted the landlord about maintenance problems, you should bring this record. Other documents that would help provide evidence of a maintenance problem include copies of work orders issued against the complex (if there are any). If you are relying on a municipal or provincial property standards by-law as evidence of a maintenance problem, bring a copy of that by-law to the hearing. You should make extra copies of any documents for the Board and the landlord. You should also bring any witnesses you may need to prove your claim. If you need to summon a witness, you can obtain a "Request for the Board to Issue a Summons" form from the Board.

B. How to complete this form...

The information you fill in on the form will be read electronically, therefore it is very important that you follow these instructions carefully. **Print in capital letters and do not touch the edges of the boxes.** If there are more boxes in a line than you need, leave the extra boxes blank. Do not fill in boxes that do not apply to you (for example, if you do not have a fax number, do not fill in boxes in the space marked "Fax Number"). If the instructions tell you to shade a box (for example, boxes marked "Yes" or "No"), shade the box completely. See the following example:

Read the instructions carefully before completing the Form. Print or Type in Uppercase.

Part 1: General Information

Tenants' Names and Addresses (if there are more than 2 tenants, complete a Schedule of Parties form and file it with this application) Male Female

Tenant 1: First Name Male Female
 BOZENA

Tenant 1: Last Name
 YASKOVA

Tenant 2: First Name Male Female
 CHRISTOPHER

Tenant 2: Last Name
 RANDALL

Mailing Address (if different from the address of the rental unit covered by this application)
 635 CONTINENTAL DRIVE

Unit/Apt./Suite Municipality (city, town, etc.) Province Postal Code
 1063 LONDON ON N6A 5M7

Day Phone Number Evening Phone Number Fax Number
 (519) 555 3362 (519) 555 1784

E-mail Address

Rental Unit Covered by this Application

Street Number Street Name
 433 LAKEVIEW

Street Type (e.g. Street, Avenue, Road) Direction (e.g. East) Unit/Apt./Suite
 AVENUE WEST UPPER

Municipality (city, town, etc.) Province Postal Code
 ST. THOMAS ON N5P 2R3

Part 1: General Information

Tenant's Name and Address

Fill in your name. If two tenants live in the rental unit, fill in both your names. Shade in the correct box to show whether you are male or female.

If more than two tenants live in the rental unit, first complete Part 1 of the application form and then provide the names, addresses and telephone numbers of any additional tenants on the "Schedule of Parties" form which is available from the Board.

Fill in your mailing address if it is different from the address of the rental unit covered by this application. If your mailing address is the same as the address of the rental unit covered by this application, leave the section for the tenant's address blank. Provide your daytime and evening telephone numbers, fax number and e-mail address, if you have them.

Rental Unit covered by this Application

Fill in the address and unit number of the rental unit covered by this application.

If the name of the street is, for example, "Chestnut Road", you would fill in "Chestnut" under "Street Name" and "Road" under "Street Type".

If the street name includes a direction (such as "Chestnut Road North"), you would fill in "North" under "Direction". Where applicable, use the following abbreviated directions: "NW" for Northwest, "NE" for Northeast, "SW" for Southwest or "SE" for Southeast.

Landlord's Name and Address

Fill in the landlord's name and mailing address, and shade the correct box to indicate whether the landlord is male or female. If the landlord is a company, shade the box marked company and fill in the name of the company under "First Name". Provide the landlord's daytime and evening telephone numbers, fax number and e-mail address, if you know them.

If you are making a claim against more than one landlord (for example, if the building was sold within the last year), first complete Part 1 of the application, and then provide the names, addresses and telephone numbers of any additional landlords on the "Schedule of Parties" form which is available from the Board.

Related Applications

If there are any other applications to the Board that relate to the same rental unit, fill in the file numbers of those applications.

Information about your Tenancy

Fill in the date you moved into the rental unit. Shade in the appropriate box to indicate whether you still live in the rental unit. If you shaded "No", fill in the date you moved out of the rental unit.

Part 2: Reasons for Your Application

You can make this application if the landlord has not repaired or maintained the rental unit or the residential complex or has not complied with health, safety, housing and maintenance standards. If the problem has been fixed, you must apply within one year of the date the problem was fixed.

A landlord is responsible for maintaining a residential complex and the rental units in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards. The responsibilities of the landlord of a mobile home park or leasehold community also include maintaining the park roads in a good state of repair, removing snow and garbage and maintaining the water supply, sewage disposal, fuel, drainage and electrical systems in a good state of repair.

On the form, describe the problem in detail. Indicate the date the problem started and whether it is ongoing. If the problem was fixed within the last year, indicate the date it was fixed. If you are not sure of the exact dates, indicate you are unsure and provide approximate dates. Attach additional sheets if necessary.

Also, in the space provided fill in the date you informed the landlord of the problem.

Part 3: Remedies

There are nine different remedies that the Board can include in an order for this type of application.

If the Board issues an order in your favour, it may decide to order a different remedy or remedies than you request.

The most the Board can order based on this application is \$25,000. Once the Board issues an order, you no longer have any claim to amounts greater than \$25,000.

Shade the appropriate box(es) for the remedy(ies) you want the Board to include in its order. The Board can:

1. Order the landlord to pay you a rent abatement.

A rent abatement can relieve the tenant from their obligation to pay all or some portion of their rent for a specified period of time. If you want the Board to order a rent abatement, shade this box on the form.

If you choose this remedy, you must fill in the total dollar amount of the abatement you want the Board to order. Also, fill in your current rent amount and indicate whether you pay your rent on a weekly, monthly or other basis. If you select "other", specify the frequency of your rent payments in the space provided. In the box provided, explain in detail how you determined the amount of rent abatement you are asking for. Attach additional sheets if necessary.

2. Order the landlord to pay you compensation for the cost to repair or replace property which was damaged, destroyed or disposed of.

If the Board determines that your property was damaged, destroyed or disposed of as a result of the landlord's failure to repair or maintain the rental unit or residential complex, the Board can order the landlord to pay you the costs that you have paid or will pay to repair or replace your property.

If you want the Board to order the landlord to pay you compensation for your property which was damaged, destroyed or disposed of, shade this box on the form.

If you choose this remedy, you must fill in the dollar amount of the compensation you want the Board to order. In the box provided, explain in detail the costs you have incurred or will incur and how you arrived at the amount you are asking for. Describe how your property was damaged, destroyed or disposed of. Attach additional sheets if necessary.

3. Order the landlord to pay you compensation for expenses.

If the Board determines that you have experienced or will experience additional costs as a result of the landlord's failure to repair or maintain the rental unit or the residential complex, the Board may order the landlord to pay you the reasonable out-of-pocket expenses (actual costs you paid to third parties) that you have paid or will pay for.

If you want the Board to order the landlord to pay you compensation for additional expenses, shade this box on the form.

If you choose this remedy, you must fill in the dollar amount of the compensation you want the Board to order. In the box provided, explain in detail how you arrived at the amount you are asking for. Describe what the costs are for and how the landlord's failure to repair or maintain the rental unit or the residential complex caused or will cause you to pay for these expenses. Attach additional sheets if necessary.

4. Authorize the repair, replacement or other work you did and order the landlord to pay you for the costs.

You can choose this option if you did the repairs or other work yourself, or purchased a replacement at your own expense, and you want the landlord to pay you for these costs. For example, if you paid to have your refrigerator repaired, the Board could approve the

repair and order the landlord to refund you the cost by a specific date. The Board could also allow you to deduct the amount owing from future rent payments.

If you want the Board to approve the repair, replacement or other work you did and order the landlord to pay you for the costs, shade this box on the form. Indicate the total costs in the space provided. Describe the work you did or the item you purchased and provide a detailed explanation of how you determined the amount you are asking for. Attach additional sheets if necessary. You should bring proof of those costs to the hearing.

- 5. Authorize you to do the repair, replacement or other work and order the landlord to pay you for the costs.**

The Board can authorize you to do the repair or other work, or to purchase a replacement item and order the landlord to pay you for them. For example, if you are willing to pay to have your refrigerator fixed, the Board could approve the repair and order the landlord to refund you the cost of the repair by a specific date. The Board could also allow you to deduct the repair costs from future rent payments.

If you want the Board to allow you to do the repair, replacement or other work and order the landlord to pay you the cost, shade this box on the form.

- 6. Order the landlord to do the repair, replacement or other work.**

The Board can order the landlord to complete the repair, replacement or other work by a specific date. It is an offence for the landlord to contravene such an order.

If you want the Board to order the landlord to do the repair, replacement or other work, shade this box on the form and explain below what work you want the landlord to do.

- 7. Prohibit the landlord from increasing the rent for this rental unit, until the landlord completes the work necessary to fix any serious maintenance problems that the landlord has been or will be ordered to do.**

If you want the Board to stop the landlord from increasing the rent until the landlord has completed the repairs, replacements or other work necessary to fix any serious maintenance problems, shade this box on the form.

- 8. Order that the tenancy be terminated.**

The Board can order the termination of the tenancy. If you want the Board to terminate your tenancy, shade this box on the form and indicate the date you would like the tenancy to end.

If you ask for this remedy and the Board orders it, the Board may include provisions in its order to evict you if you do not move out by the termination date in the order. This means that if you do not move out, your landlord can file the order with the Sheriff to have you evicted.

9. Make another order

The Board can make any other order that it considers appropriate.

If you want the Board to issue an order that provides for remedies other than those listed above in numbers 1 through 8, shade this box on the form. You must explain in detail what order you would like the Board to make in the space provided. Attach additional sheets if necessary.

Signature Sign your name and include the date you are signing this form. If you are the tenant, shade the box marked "Tenant". If you are an agent for the tenant, shade the box marked "Agent".

If you are an agent, print your name below your signature. Also include your company name (if applicable), mailing address, telephone and fax number and e-mail address.

If an agent signs the form, the agent must have written authorization from the tenant. The agent should bring the authorization to the hearing.

C. How to fill out the Payment and Scheduling Information Form

You must complete the T6 Payment and Scheduling Information Form.

Part 1: Application Fee

How are You Paying the Application Fee?

On the Payment and Scheduling Information Form, shade the correct box to show whether you are paying by cash, debit card, certified cheque, money order, Visa, American Express or MasterCard (you cannot pay by cash or debit card if you are filing your application by fax or mail). If you are paying by Visa, American Express or MasterCard, include the cardholder's name and signature, the card number and expiry date. The information you fill in on this part of the form is confidential. It will be used to process your application, but will not be placed on the application file.

Important:

Your application will not be accepted if you do not pay the application fee at the time you file your application.

If you owe money to the Board as a result of failing to pay a fee, or any fine or costs set out in an order, your application may be refused or discontinued.

Part 2: Information Required To Schedule The Hearing

How do you want the Board to give you the application package?

If you file your application in person at a Board office, in most cases the Board will be able to schedule a hearing and prepare the application package while you wait. However, if you mail or fax your application, you must tell the Board whether you would like to pick up the application package at a Board office, have it mailed or faxed to you. Shade the correct box to show how you want to receive the application package.

If you want to pick up the application package at a Board office, also indicate what day and at what office you would like to pick it up. If you are mailing your application to the Board, the earliest day you can ask to pick up the package is six days after you mail it. If you are faxing your application, the earliest day you can ask to pick up the package is the day after you fax it. Call the Board before picking up the package to make sure it is ready.

When will you give the application package to the other party?

Shade the correct box to indicate whether you will give the landlord the application package (their copy of the Notice of Hearing and the application) on the date you receive it from the Board or whether you will give the landlord the package on a different date. If you intend to give the application package to the landlord on a different date, fill in the date in the space provided. The Board must know this date in order to schedule the hearing.

How will you give the application package to the other party?

The Board also needs to know how you plan to give the application package to the landlord. Shade the correct box to indicate whether you will be mailing the package, sending it by courier or giving it some other way.

Part 3: Interpretation Services Required

Indicate whether you require interpretation services

If you require a French language services, shade the box for French language services. The Board will only provide French language services if you live in an area of the Province designated for French language services or if the rental unit or complex that is covered by the application is in an area designated for French language services. If you are not sure if you live in a designated area, you can contact the Board for more information.

If you require sign language services, shade the box for Sign language services. The Board will arrange for an interpreter to attend the hearing.

If you need more information...

The Board has Rules of Practice that set out procedural rules which may affect the outcome of your application. In addition, the Board has Interpretation Guidelines which explain how the Board might decide specific issues that could arise in your application. You can purchase a copy of the Rules and Guidelines from the Landlord and Tenant Board office in your area or view them online at the Board's website at www.LTB.gov.on.ca.

If you need more information or have any questions, call the Landlord and Tenant Board at 416-645-8080 or toll-free at 1-888-332-3234. You can also check the status of your application by visiting the Board's website at www.LTB.gov.on.ca.



Tip Sheet for Tenants

APPLICATION ABOUT MAINTENANCE (T6)

Prepared by the Tenant Duty Counsel Program and funded by Legal Aid Ontario

This publication contains general information intended to assist the public at large. It is not legal advice about your situation. You should consult a lawyer or legal worker for advice on your particular situation.

WHAT IS THE LANDLORD AND TENANT BOARD?

It is a place you can go to deal with problems with your landlord.

WHAT IS AN APPLICATION FORM T6?

You use an application Form T6 ("application") if your landlord:

- Did not repair or maintain your unit or the residential complex.
- Did not follow health, safety, housing or maintenance standards.

WHERE CAN I GET THIS FORM AND HOW MUCH DOES IT COST?

All of the applications are available online at www.ltb.gov.on.ca, at a Landlord and Tenant Board (the "Board") office, or at your local ServiceOntario Centre (SOC). There is a \$45 filing fee.

WHO CAN APPLY?

You can apply if you are a tenant now or were a tenant of the rental unit in which you have or had problems. You must apply within one (1) year of the time that the problems happened. However, if the problems are still ongoing and have been ongoing for over one (1) year, you can still apply to the Board. If the problem has been solved, you must apply within one (1) year of when the problem was solved.

WHAT SHOULD I DO AFTER COMPLETING THE APPLICATION FORM?

The completed form and evidence may be dropped off in person, by fax, or by mail to the nearest Board office. But, if you want to take the form and evidence to your local ServiceOntario Centre, they must be dropped off **in person**.

The Board will schedule a hearing and give you two (2) copies of your application and the Notice of Hearing (one copy for you to give to your landlord and one copy for you to keep) telling you where and when the hearing will be. By filling in the T6 Scheduling Information Form (the last page of your T6 Application), you can choose how you want the Board to give you the Notice of Hearing.

HOW DO I GIVE MY LANDLORD A COPY OF THE NOTICE OF HEARING AND APPLICATION?

You can do it one of these ways:

- Hand them to the landlord.
- Hand them to an "authorized employee of the landlord (for example, the property manager or superintendent).
- Leave them in the landlord's mailbox.
- Put them under the landlord's door or through the mail slot in the door.
- Courier them
- Send them by mail
- Hand them to the landlord's agent (paralegal or lawyer).

Whoever gives your landlord a copy of the notice of hearing and application form must fill out a Certificate of Service and return it to the Board.

It is a good idea to give your landlord a copy of the documents as soon as possible. If you wait too long (i.e. very close to the hearing date), you could cause delays in having your case heard. The amount of time you have to serve your landlord depends on the method you choose. If you have questions, get legal advice.

CAN I PAY MY RENT TO THE BOARD IF I HAVE MADE AN APPLICATION?

Yes, but only where the Board orders it. This request may be made at the time you file your application or at your hearing. The Board will likely allow you to pay your rent into the Board only where *special circumstances* exist. Special circumstances may include, for example, where you do not know who to pay or how to contact your landlord or if your landlord refuses to accept your rent.

HOW DO I PREPARE FOR MY HEARING?

Focus on how you will prove your case. It can take a long time to gather evidence. See the attached "Gathering Evidence" Tip Sheet for help.

INSTRUCTIONS ON HOW TO COMPLETE THE FORM T6

Print clearly. If you need more room, add extra pages.

PART 1: GENERAL INFORMATION

Print the name of the landlord and the tenant on the form. If you want to add other people, like the superintendent, use the **Schedule of Parties** form to do this.

If your mailing address is the same as the address of the unit covered in the application, leave the tenants' mailing address section blank.

- Street Label: Street, Avenue, Crescent, Road etc.
- Direction: West, East, North, South

Write down when you moved into the unit relating to this application and if you still live there. If not, write down when you moved out. Also, if your landlord is bringing a case against you to the Board, include the file number(s) for the landlord's case. If you do not know the file number, ask at the Board or call the Board at 1-800-332-3234 or 416-645-8080.

PART 2: REASONS FOR YOUR APPLICATION

In as much detail as possible, you must describe how your landlord has not repaired or maintained your unit or the residential complex, or has not followed health, safety, housing or maintenance standards. If you need more space to tell your story, you can add additional pages. You must also indicate on the form when you first told the landlord about your maintenance problem(s).

The following is an example of a maintenance problem that may lead you to make an application at the Board.

1. Mice and/or Rat Infestation

Give as much information as you can. Here are some tips:

- When did you first notice you had mice and/or rats?
- Did you actually see the mice and/or rats or did you just see droppings?
- What did you do?
- Did you tell your landlord about the problem? (If yes, when?)

- How many times did you tell or write your landlord about this problem?
- Did you write to your landlord about this? (If yes, did you keep a copy of your letter/work order?)
- Did your landlord answer you? (If yes, when? And how?)
- If your landlord answered you in writing, do you have a copy of the letter (which you should attach to your application or bring to your hearing)?
- Did your landlord promise to get rid of the mice and/or rats within a reasonable amount of time?
- Has that date passed? Is your apartment still infested?
- Was there any damage to your belongings as a result of this problem? Please describe in detail

2. Water Damage

Give as much information as you can. Here are some tips:

- When did the leak start?
- What did you do when you first noticed the leak?
- Is there still a leak?
- Where is the leak coming from?
- Does the leak happen only when it rains?
- Did you tell or write your landlord about this problem? (If yes, when?)
- How many times did you tell or write your landlord about this problem?
- Did you write to your landlord about this? (If yes, did you keep a copy of your letter?)
- Did your landlord answer you? (If yes, when? And how?)
- Did your landlord promise to stop the leak within a reasonable amount of time?
- Has that date passed? Is there still a leak in your apartment?
- Was there any damage to your belongings as a result of this problem? Please describe in detail.

PART 3: REMEDIES

What do you want the Board to do about the problem? If the Board Member decides that your landlord did not live up to her/his maintenance obligations, you can ask the Board to compensate you (pay you money). The maximum amount of money the Board can give you is \$25,000.

You can ask for the following compensation:

1. Rent Abatement

A rent abatement is a reduction in your rent because you are not or were not getting what you were promised and entitled to, for example a mouse free apartment.

In order to get a rent reduction, you will have to convince the Board Member judging your case that you have, or have had, a serious problem.

There are no rules for how much the Board might lower the rent. Rent abatements can go from a few dollars per month up to 100% of your rent for the time period that you had the problems.

It is very hard to get a rent reduction. The Board Member will not want to accept just "your word". You will usually need evidence such as witnesses, photographs, videotapes, and/or an inspection report to prove your case.

2. Compensation for the cost to repair or replace property which was damaged, destroyed or thrown away

The Board can tell your landlord to pay you what it cost to repair or replace belongings, which have been damaged, ruined or thrown away because of your maintenance problems. You must describe in detail what happened to your belongings. It is a good idea to get estimates and keep receipts to prove the cost of repair or replacement.

In addition to filling in the dollar amount you are asking for, you must explain in detail what you have had or will have to spend and how the maintenance problem caused you to spend this money.

3. Compensation for expenses

The Board can tell your landlord to pay you the reasonable out-of-pocket expenses (money you paid or will pay to others). For example, you may ask the Board to compensate you for spoiled food, the purchase of a space heater and so on.

In addition to filling in the dollar amount you are asking for, you must explain in detail what the money is for and how the maintenance problem caused or will cause you to spend this money.

4. Tell your landlord to pay you for the cost of repairs you did

The Board can tell your landlord to pay you for the cost of your repairs only if you have done the work yourself or have hired someone to do the work for you. Before you hire someone, make sure you get three (3) estimates. Again, you will need a receipt or invoice if you have paid money to someone to do the repairs.

In addition to filling in the total cost of the repairs, you must explain in detail how you added-up the total cost. You should bring all your receipts to the hearing.

5. Tell your landlord to pay you for repairs you will do yourself

The Board can tell you to do the repairs if you are willing and able to pay for these repairs yourself. The Board could then tell your landlord to refund you the cost of the repairs by a specific date or let you deduct the repair costs from future rent payments.

6. Tell your landlord to do the work

The Board can tell your landlord to do the work by a specific date. It is an offence for the landlord to disobey the Board order.

7. Prohibiting rent increases

If you can prove to the Board that the Landlord is in serious breach of their maintenance obligations, the Board may issue an order prohibiting a rent increase by the landlord until the repair work is done.

8. End your tenancy

If you do not want to live in the rental unit anymore because of the problems, you can ask the Board to let you leave without giving the proper legal notice. Your tenancy will be "terminated" or ended. If you have already moved out without giving notice, you would ask the Board to end your tenancy as of the day you moved out.

9. Other

You can ask the Board to make other Orders on this part of the form. If the remedy you want is not already listed, explain in detail here what else you want the Board to do.

In this section, you will want to ask the Board to reimburse you the \$45 cost to file the T6 Form.

PART IV: SIGNATURE

Please sign and date this form.

WHERE CAN I GET HELP OR MORE INFORMATION?

Contact your local Community Legal Clinic for free advice on landlord and tenant matters. Legal clinics give free legal advice to people with low incomes.

To find the nearest community legal clinic for your area, go to Legal Aid Ontario's web site at www.legalaid.on.ca. Click on CONTACT LAO then COMMUNITY LEGAL CLINICS. Or call Legal Aid Ontario:

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

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 website address is www.ltb.gov.on.ca. You can call the Board at 416-645-8080 or 1-888-332-3234.

You can find information online at www.acto.ca or www.cleo.on.ca.

In Toronto you can also call the **Tenant Hotline** at 416- 921-9494 for free information and referrals to your local legal clinic.

SAMPLE LETTER

Dec. 12, 2011

Mr. F. Landlord
2345 Smallville Street
Anywhere, Ontario K3H 9H4

Dear Mr. Landlord:

Re: Mice Infestation

My family and I have been happily living at these premises for over 5 years. However, recently we have had some problems with mice in our apartment. On Dec. 1st, 2002, I noticed for the first time several mouse droppings in the kitchen directly in front of the refrigerator. On Dec. 2nd, I found a family of mice under a towel in our broom closet. And on Dec. 3rd, my daughter found a mouse that had been strangled to death by the telephone cord.

On Dec. 2nd, I contacted you in writing. You responded on Dec. 4th in writing, stating that you would have the Superintendent check the problem on Dec. 5th. No one came.

On Dec. 6, you assured me that you would have someone in to get rid of the mice on or before December 10th. Again, no one came.

As a result of your inaction, on December 11th, I resolved this matter by calling 1- 800-MR. MOUSE and had a representative come to our home. The cost for this service was \$550 (see enclosed bill and 3 other estimates).

I am kindly asking you to reimburse me for my costs by Jan. 31st. If I do not hear from you by then, I will have to resolve this matter at the Landlord and Tenant Board.

Thank you for your prompt attention to this matter.

Sincerely,

John Doe

123 Yonge Street
Toronto, Ontario M3H 9G3
Phone: 416/333-4444

GATHERING EVIDENCE: HELPFUL HINTS

INTRODUCTION

The key to winning at the Board is proper preparation. Proper preparation means that you know all of the facts of your case and bring all the evidence you will need to prove those facts. It may be helpful to look at the *Residential Tenancies Act*, Regulations, Guidelines and Rules before going to your hearing (available online at www.ltb.gov.on.ca).

START EARLY!

Start early! Do not wait! Getting evidence can take several months. It is probably best to start getting evidence (such as a City inspector's report) before you file your application at the Board.

WHAT KINDS OF EVIDENCE ARE BEST?

It is important to gather evidence that will prove your case. Always make sure you introduce relevant evidence. Relevant evidence is evidence related to a specific issue that you want to prove at the hearing. Limit the evidence you present to that which is most relevant to proving your case.

Here is a list of the kinds of evidence that may be helpful at your hearing:

- Witnesses (friends, relatives, social worker); expert witnesses (such as a doctor, engineer, plumber, electrician etc.)
- Pictures (best to use a camera that puts a date on the picture)
- Video recordings (the Board may be able to get you the proper equipment so that you can play your recordings. Ask the Board in advance of your hearing date.)
- Letters or emails (both letters or emails you get from your landlord and letters or emails you have sent to your landlord)
- Envelope your landlord sends you documents in (may help prove the date the letter was mailed to you)
- Lease
- Invoices/Receipts
- Purchase Orders
- Cancelled Cheques
- Rent Receipts
- Affidavits
- Private Agreements
- Bank Statements
- Medical Records
- Travel Documents
- Property Standards Reports

- Police Reports.
- Phone Message Recordings
- Diary/Log Book of incidents
- Estimates (for example, moving expenses etc.)

ORGANIZATION IS KEY!

On your hearing date, bring three (3) copies of all the documents you want the Board Member to look at: one (1) copy for yourself, one (1) for your landlord and one (1) for the person who will be deciding your case).

If you have many documents, you may want to make a filing system so that you can find these documents easily during your hearing. You may need to buy a few file folders and label them.

WHEN DO I GIVE THE BOARD A COPY OF ALL THIS EVIDENCE?

1. You can attach a copy of all the evidence you will be using to your application; OR
2. You can send the evidence to the Board anytime before your hearing; OR
3. You can give the evidence to the person deciding your case during your hearing.

WHEN DO I GIVE MY LANDLORD A COPY OF ALL THIS EVIDENCE?

1. You can give your landlord a copy of the evidence when you serve her/him with a copy of your application and Notice of Hearing; OR
2. You can give your landlord a copy of the evidence anytime before your hearing; OR
3. You can give you landlord a copy of the evidence during your hearing.

TIP FOR TENANTS: Give the Board and your landlord a copy of your evidence as soon as you can. This will help prevent a delay in the legal proceedings.