



Hamilton Community Legal Clinic  
Clinique juridique communautaire de Hamilton

## KNOW YOUR TENANT RIGHTS

**CONTACT: The HAMILTON COMMUNITY LEGAL CLINIC for FREE legal advice**

**(905) 527-4572**

### ACTIONS YOUR LANDLORD MAY TAKE:

#### 1. Hand you a Notice of Termination (N4) for arrears in rent

##### ***What do I do?***

You are not required to move out by the termination date listed in the notice. Your landlord must file an application for eviction based on this notice which prompts a hearing at the Landlord and Tenant Board. ONLY the Landlord and Tenant Board has the authority to issue an eviction order against you. At the hearing you have an opportunity to present a repayment plan to maintain your tenancy.

COVID -19 \* **The Landlord and Tenant Board is not issuing eviction orders at this time**, save and except for those successful claims brought by landlords for illegal or serious acts.

IF YOU DEFAULT DURING COVID-19 crisis, you will have the opportunity to repay your landlord in order to maintain your tenancy. The Landlord and Tenant Board has the jurisdiction to provide tenants with an opportunity to enter into a repayment plan of arrears when they have defaulted for reasons beyond their control/in exceptional circumstances such as a loss of financial security caused by the impacts of COVID-19.

Tenants are encouraged to write their landlord and advise of their financial situation during the crisis in an effort to create a proposed resolution during the interim of this crisis. Contact the Legal Clinic if you would like assistance with this.

Eviction Order previously issued are NOT being enforced by the Sheriff at this time.

#### 2. Advise you that renovations are taking place and that it is in your best interest to move because of the inconvenience they cause (give you an N13 notice)

##### ***What do I do?***

- a. You are not required to move: your landlord must follow the legal process at the Landlord and Tenant Board by giving you a notice of termination form: Note, you do not have to move by the termination date. Instead await a hearing and contact the Legal Clinic for advice.
- b. Your landlord must refrain from harassing and intimidating you
- c. Consider the costs of a move which may be far greater than your current unit

#### 3. Ignore your maintenance requests

##### ***What do I do?***

- a. Keep your maintenance requests that have been made in writing
- b. Contact the Legal Clinic for assistance drafting forms to file against your landlord
- c. Your landlord is required by law to maintain your unit in compliance with health and safety standards and to keep it in a good state of repair

#### 4. Offer you a “buy out” to leave your unit

##### ***What do I do?***

It's worth doing the math before accepting the buyout. Will I be able to find another apartment at the same rent as I am paying now? Get legal advice before agreeing and signing anything. Contact the Hamilton Community Legal Clinic for assistance.

#### 5. Ask you to sign an N11 form to terminate your tenancy

##### ***What do I do?***

An N11: “Agreement to End the Tenancy” - is a form stating that the landlord and tenant both want to end a lease, and has to be signed by both of them. If you want to stay in your unit, you can refuse to sign the N11. If you do

agree to end your lease, you and your landlord together have to agree on a termination date, when you must move out. If you do not move out by this date, the landlord can apply to the Landlord and Tenant Board to evict you. Some landlords will negotiate a compensation scheme in exchange for signing the N11. If this is something you want to do, you should have the agreement in writing and attach it to the N11. It is advisable that you get legal advice before you sign anything.

**6. Give you a Notice of Termination that says you must move or stop a certain behaviour, pay “damages” or “arrears” by a certain date or your tenancy terminates:**

- A. You **DO NOT** have to move or pay by that date (unless you believe you owe rent arrears, pay it by this date)
- B. You can await a hearing at the Landlord and Tenant Board. Your landlord must file an application subsequent to the termination date listed and you will get a Notice of Hearing in the mail. Contact the Hamilton Community Legal Clinic for assistance.
- C. Attend your hearing with 3 copies of all documents you intend to rely on as evidence: photographs, receipts, letters, maintenance requests, your lease etc.
- D. Your landlord must prove their allegation to be true and you can defend it with your testimony, witness and your evidence. You can also ask the Board to consider your extenuating circumstances and why you cannot move.

**7. Say they or the purchaser want to move into your rental unit**

***What do I do?***

- a. You are not required to move: your landlord must follow the legal process at the Landlord and Tenant Board by giving you a notice of termination form: Note, you do not have to move by the termination date.
- b. Your landlord must refrain from harassing and intimidating you.
- c. In some circumstances, you are entitled to compensation.
- d. Contact the Hamilton Community Legal Clinic for assistance.