

Hamilton Community Legal Clinic
Clinique juridique communautaire de Hamilton

Your Tenant Rights: Air Conditioning Units

The following is legal information about your rights regarding air conditioner units, appliances and hydro charges at your rental unit.

Please contact HCLC for advice about your specific situation



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Can my landlord charge an additional cost/fee for the use of an air conditioner or another appliance?

If hydro is not included in your rent:

You will be responsible for the additional cost of hydro for the air conditioning unit, as you would normally be responsible for the cost of hydro.

If hydro is included in your rent, but your lease does not say that the landlord's permission is required to install/operate an A/C unit :

You will be responsible for this additional charge if you agree to pay an additional charge to your landlord (s. 123 of the Residential Tenancies Act).

If you do not agree to pay an additional charge and you use the air conditioner, you are not legally responsible for it.



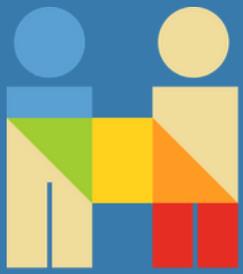
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If your lease states that you need permission from your landlord to install and use an air conditioner/ other appliances:

the landlord can legally hold you responsible for the additional charge(s). However, your landlord cannot charge you more than the actual cost to them or a reasonable amount based on the value of what is provided.

What if I refuse to pay the additional charge?

- Your landlord may file a notice of termination for interfering with their lawful right or privilege (N5 form).
- Your landlord may file an application for eviction with the Landlord and Tenant Board.
- You can challenge this by not complying with the notice or by arguing that the charge is illegal, and the landlord has not proven that it is the actual cost to them or that it is reasonable.



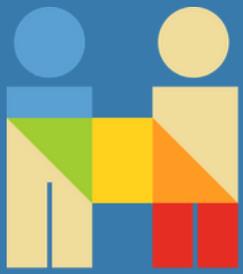
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Can my landlord demand when the air conditioner is to be removed?

The simple answer is no; however, the landlord may make a claim that their lawful right or privilege rights have been interfered with and will have to prove this.

What if I have a disability that requires a cooling system?

Under the Ontario Human Rights Code, a landlord cannot explicitly or implicitly discriminate against you. You must consult with your landlord and they have an obligation to co-operate with your proposed solution to ensure that their policy does not negatively impact you (to a point of undue hardship on their part).



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What if my landlord says I have to install a portable A/C unit instead of a window A/C unit, or tells me I have to follow certain installation guidelines, and I cannot afford to?

Write a letter to your landlord explaining how as a low-income person, or a person receiving social assistance, you are unable to purchase a portable A/C unit/ follow the installation policy because it is too expensive, and that this results in your unequal treatment. Provide a solution and request that the Landlord accommodate your needs.