



CMHA HKPR Housing

Frequently Asked Questions



Q: The landlord is asking for first and last month's rent, as well as a security deposit. Do I have to provide all 3?

A: No. A landlord can ask for first and last month's rent from you before moving into a new unit and you will need to provide it if you are entering into that tenancy agreement. They could use the term 'last month's rent' or 'deposit', but they cannot ask for both together.

The money paid must be used to cover your last month's rent in the unit and cannot be used for anything else, such as repairing damage to the unit. Landlords also cannot ask for a deposit for damages or for pets. If the landlord gives you notice to increase your rent, the landlord can also ask the tenant to increase the rent deposit to the same amount.

Q: Is the landlord able to restrict where I am allowed to smoke?

A: Yes, the landlord is obligated to ensure personal safety of the building, and would be responsible for ensuring no smoking in units. The landlord is not required to see you smoking, and can initiate eviction based on smell, neighbor complaints, butts.

Q: I paid for last month's rent, what does that mean?

A: Your landlord must hold onto the last month's rent that you provided and add interest to it while they have it. They cannot use this deposit for anything other than your final month's rent, such as repairs or upgrades to the unit. You can ask your landlord for the interest to be paid to you yearly. If you are given notice that your rent is increasing by the landlord, they can also ask for you to top up the final rent deposit to equal your new rent amount, but nothing more.

Q: What do I do when someone is in my unit and is refusing to leave?

A: The person could be removed by police if you call them and tell them someone is in your unit that is refusing to leave. You can also talk to your landlord to have the locks changed to help prevent the person from coming back. Your landlord or your CMHA HKPR worker can help you in getting a no trespass order for that person. If you are in CMHA HKPR housing, talk to your worker and they will go through all your options with you to be able to remove the person.

Q: What will happen if I allow someone to live with me and they are not on my lease?

A: You are allowed to have people not on your lease move in with you as long as it is what you want. Your landlord could ask them to leave, but under the Residential Tenancy Act a landlord cannot force a guest to leave that is welcomed in the unit by the tenant. Landlords also cannot request or force that the guest be added to the lease. This does not include subletting the unit where you give the unit to someone and move out yourself. If you are in CMHA HKPR housing or other social housing, your rent could increase and/or your subsidy could end. As the tenant, you are then responsible for any issues and/or damages that the guest causes. If the guest is causing issues, then it could affect your tenancy in that unit.



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Q: My rent is late; will I be charged more for late fees?

A: No, a landlord cannot charge interest or late fees when rent is paid late. An exception is with bounced cheques. If you provided the landlord with a cheque for rent and there was not enough money in your account, it would result in extra charges to the landlord from the bank. In that case, your landlord can request that you pay for this fee on top of the rent that you owe. They can only charge up to the total of the fee from the bank, not more.

Q: My lease says no pets can I still get one?

A: Yes, landlords cannot refuse a person's right to own a pet. You must make sure you are able to take care of it though and it does not damage the property as you could be liable for the cost of repairs. Your tenancy could also be put at risk if the animal disturbs and/or interferes with other tenants and/or the landlord's reasonable enjoyment of the property.

Q: My landlord has entered my unit without giving me notice; what can I do?

A: Your landlord can only enter your unit with your permission. The only exception is if there is an emergency such as no power, a flood, or a medical emergency and emergency personnel need to access your unit. For all other entries, your landlord must provide you with 24 hours written notice prior to entry. If they have not done this and it is not an emergency, you can deny them access to your unit. You may tell them not to come in and close the door. If they have already done this, you can file a complaint with the Landlord Tenant Board. Talk to your worker for assistance in filling out the complaint form; T2 – Application about Tenant Rights. It would be helpful to track the dates, times, and reasoning (if known) as to when and why the landlord entered without permission or prior written notice.

Q: I have received an eviction notice. What does this mean?

A: This does not mean that you have to move right away. First, you want to look at the form given to you to make sure that it is a legal eviction notice signed by the Landlord Tenant Board such as an N5 or N12. You can call Legal Aid Ontario at 1-800-668-8258, visit <https://stepstojustice.ca/> and search "checklist: N5 notice" or "checklist: N12 notice", and/or talk to your worker for assistance.

Second, the form should outline the reason for eviction and the amount of time you have to correct the problem, in order for the eviction notice to no longer apply. For example, if the form stated that certain damages needed to be repaired, you can repair them and provide proof to the landlord and Landlord Tenant Board.

If you are unable or unwilling to fix what was asked on the form, then an eviction hearing will be scheduled with the Landlord Tenant Board. You can still stay in the unit during this time. At the hearing you can present any evidence that you think would help keep you in the unit and your landlord will present any evidence they have to request the eviction. The board will review everything and determine if you should be evicted or not. If they approve the eviction, a date will be given to you that you need to move out by. If the Landlord Tenant Board does not approve your landlord's request, then you are able to stay in the unit.



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Q: What is an N4 Notice?

A: An N4 Notice of eviction for nonpayment of rent. You do not have to move out if you disagree with this notice. You could talk to your landlord. You may also want to get legal advice. If you cannot work things out, the landlord may apply to the Board for an order to evict you. The Board will schedule a hearing where you can explain why you disagree.

Q: I live in a rooming home or with my landlord. Am I still covered under the Residential Tenancy Act (RTA) and can access the Landlord Tenant Board (LTB) for assistance?

A: You are covered under the RTA and LTB if you are in your own unit such as an apartment, townhome, or house. If you have roommates who do not own the property, and in a rooming house, you are not covered. If you rent a room and share space with the landlord or their immediate family, you are not covered. For example, you are not covered under the same laws if you rent a room in a home and share the kitchen with your landlord's child. Talk to your worker about your options and where you can find more information about your rights. You could also call or visit the resources below to find out more about your rights.

Q: Do I have to get Tenant Insurance?

A: There is a requirement in the Residential Tenancy Act that all tenants have insurance and the landlord is able to file for eviction if you, as the tenant, do not provide proof of insurance. Price for this will vary, contact any insurance company to compare pricing and coverage.

RESOURCES

REASON TO CONTACT

<p>Steps to Justice: https://stepstojustice.ca/</p>	<ul style="list-style-type: none"> - Information of COVID- 19 - Reviewing rental agreement - Privacy and harassment - Repair and maintenance - Ending tenancy - Discrimination and human rights - Eviction - Where to get legal help
<p>Legal Aid Ontario: 1-800-668-8258</p>	<ul style="list-style-type: none"> - Understanding rights and support through active tribunal - If renting a room and covered on Residential Tenancy Act



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Tribunals Ontario: https://tribunalsontario.ca/lrb/	<ul style="list-style-type: none"> - Information Landlord Tenant board - Forms to file complaints - Rent changes - Maintenance and repair - Landlord entering unit - Rent deposits and other charges - Pets and smoking - COVID -19 policies
Peterborough Community Legal Centre: 705-749-9355	<ul style="list-style-type: none"> - Free legal services for low income residence - Specific to tenant complaints to landlord not regarding other tenants whom the complaint would put at risk
Community Counselling and Resource Center: 540 George St N, Peterborough, ON K9H 3S2 (located at side of the church) Office: 705-743-2272 ext. 202 Mobile: 705-230-1046 (text or call) Fax: 705-742-3015	<ul style="list-style-type: none"> - Tenant tool kit (online resource) - Support finding housing - If renting a room and not covered under residential tenancy act
Social Services (OW) Ontario Works: 705-748-8830	<ul style="list-style-type: none"> - Housing stability funds - One time funding for utility arrears (LEAP) - Moving cost