

OFFENCES UNDER THE *RESIDENTIAL TENANCIES ACT*

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Do you know what to do or who to call if your rights are being violated under the *Residential Tenancies Act*? The purpose of this article is to provide some information about offences and how to report them.

The *Residential Tenancies Act* sets out the rules for most residential tenancies in Ontario, as well as some penalties for not abiding by the law. Residential tenancies include retirement homes, which are legally known as "care homes."

There are a total of 38 offences contained within the *Residential Tenancies Act*. All of the offences that apply to rental units also apply to care homes. But, there are also five special offences that apply only to care homes, which are listed below:

- Interfering with the provision of additional care services by an external care provider to a tenant;
- Doing anything that prevents a tenant from obtaining additional care services from a person of their choice;
- Withholding or interfering with the reasonable supply of a vital service, including care services or food;
- Giving a notice of rent increase or a notice of increase for a charge without first giving the tenant a care information package (this package sets out important details about the kinds and costs of rental units available at the care home, the types and costs of care services packages, optional services and their costs, staffing requirements and the qualifications of staff); and
- Increasing the cost for providing a care service or meals to a tenant without giving 90 days notice of the increase.

Offences can be committed by any person, including landlords, tenants, superintendents, caretakers and property managers.

If you think an offence has been committed, you have three possible options:

1. Report the offence to the Investigation and Enforcement Unit of the Ministry of Municipal Affairs and Housing;

2. Apply to the Landlord and Tenant Board; or
3. Report the offence to the Investigation and Enforcement Unit and apply to the Landlord and Tenant Board.

Keep in mind that there are no fees to report an offence to the Investigation and Enforcement Unit although there are fees to apply to the Landlord and Tenant Board.

If the Investigation and Enforcement Unit is called, it must first determine if it has authority to deal with a problem. In other words, the Unit must decide whether there is a possibility that an offence has been committed. If the matter falls within the Investigation and Enforcement Unit's mandate, it will then try to discuss the issue with the parties involved and have the alleged offender comply with the *Residential Tenancies Act*. A letter is usually sent to the alleged offender explaining what needs to be done to correct the problem and the penalties for failing to do so. If the issue cannot be resolved, it may be referred to an investigator who will review the file and, if necessary, collect evidence. The investigator may decide to lay charges against the alleged offender if there are reasonable and probable grounds to believe an offence has been committed. Once charges are laid, the alleged offender will have a trial at the Ontario Court of Justice (Provincial Offences Court) before a Justice of the Peace. If the alleged offender is found guilty of an offence, the maximum fine for an individual is \$25,000 per count and \$100,000 per count for a corporation.

For example, if you are notified by the landlord at your care home that he or she wants to increase your rent but you never received a care information package, you have certain legal rights. You could call the Investigation and Enforcement Unit to report this offence. The Unit would contact your landlord and explain that the notice of rent increase is null and void because you have not received a care information package. Or, you could file a Form 2 with the Landlord and Tenant Board to have the Board decide whether the landlord gave you a copy of the care information package. If the Board agrees with you, an order can be made for an "abatement" of rent. This means that you do not have to pay all or some portion of your rent.

For more information, the Investigation and Enforcement Unit can be contacted at (416) 585-7214 or 1-888-772-9277. Their website can also be visited at www.mah.gov.on.ca/ieu. The Landlord and Tenant Board can be reached at (416) 645-8080 or 1-888-332-3234. Their website is www.ltb.gov.on.ca.