

Tip Sheet for Tenants Who Owe Rent to Their Landlord Due to the COVID-19 Pandemic

Are you experiencing financial difficulty because of Covid-19? Do you owe rent to your landlord? This tip sheet provides you with information about your rights and obligations when it comes to paying rent during the pandemic. **This tip sheet is for information purposes only. For legal advice and more detailed information please contact a local community legal clinic.** In Ottawa:

**Community Legal Services of
Ottawa**

(West) **613-596-1641**
(South) **613-733-0140**
(Downtown) **613-241-7008**

**Clinique juridique francophone
d'Ottawa**

613-744-2892



My landlord gave me a notice saying I owe rent and need to move out: do I have to move out?

Answer - When a tenant owes rent, a landlord will usually give them a N4 "Notice to End your Tenancy Early for Non-payment of Rent". This notice is not an eviction order and you do not have to move out by the termination date listed in the notice. Your landlord cannot evict you themselves and they cannot get the police to evict you. There is a process landlords have to follow to evict tenants. While there **was** a suspension of all non-urgent eviction matters for several months, **on August 1, 2020 the eviction moratorium was lifted and the Landlord and Tenant Board has now started to schedule non-urgent eviction matters, which includes applications for non-payment of rent.** For more information on what to do if your landlord has filed an application, please see "Tip Sheet for Tenants Who Have a Hearing at the Landlord and Tenant Board Because They Owe Rent to Their Landlord due to the COVID-19 Pandemic".

What Should I do - You can cancel this notice by paying your landlord the rent you owe within 14 days of receiving it. If you make a payment make sure to get and keep the receipt from your landlord.

If you cannot pay the rent you owe within the 14 days, your landlord is then able to make an application to the Landlord and Tenant Board asking for a hearing. In their application landlords can ask for the rent to be paid, you to be evicted, or both. Keep the N4 Notice and bring it to your hearing.

Can I get help to repay my landlord for the rent I owe?

Answer - In certain circumstances you may be able to apply to the City of Ottawa for help paying your landlord the outstanding rent. If you qualify, the City may assist with paying your landlord all or part of the rent owed.

What Can I do - To contact City of Ottawa to see if you qualify for help dial: 311, choose your language, choose option 4, and then choose option 3. When you are speaking to a representative ask for help paying "rental arrears". If you are currently receiving social benefits (either Ontario Works or Ontario Disability Support Program Benefits) you should contact your worker to let them know that you owe your landlord rent and ask how you can get help.

This information sheet has been prepared by Community Legal Services of Ottawa to assist tenants who are facing eviction due to arrears directly related to the impact of COVID-19. It is meant to provide information to tenants about their rights, rules, and obligations regarding rent.

This information sheet provides legal information only and does not constitute legal advice. Prepared July 23, 2020. Updated August 13, 2020.

Can I make a new agreement with my landlord to pay less rent each month?

Answer - You should be extremely careful about signing any kind of agreement with your landlord. It is important that you seek legal advice before agreeing to or signing anything. If both you and your landlord agree, you can make an agreement to lower your monthly rent. However, your landlord does not have to agree to reduce your rent.

What should I do - Contact a community legal clinic in Ottawa to get legal advice about any agreement to lower your rent. Communicate with your landlord in writing so that you have proof of what you agreed to and if you sign an agreement make sure your landlord signs the agreement too and that you keep a copy.

My landlord wants me to sign a payment plan: what is that?

Answer - A payment plan, or repayment plan, lets you pay your landlord the rent owing in smaller amounts spread over time. Usually, you must make these payments on top of your regular monthly rent. Make sure you agree to amounts that are within your budget. A payment plan will usually include the amount of money you have agreed to pay and the dates you will pay these amounts.

You should be extremely careful about signing any kind of payment agreement with your landlord. It is important that you seek legal advice before agreeing to or signing anything. A new rule is being added to the law through Bill 184, which allows a landlord to evict a tenant for arrears without ever having a hearing at the Landlord and Tenant Board if a tenant misses a payment from a payment plan they have signed.

My landlord wants me to sign a payment plan: should I sign it?

Answer - Your landlord cannot force you to agree to or sign a payment plan.

What should I do - You should also be careful to only agree to amounts you can afford on top of your monthly rent and agree to make payments on dates when you are certain you will be able to make those payments. If you agree to a payment plan and then you are a day late or a dollar short your landlord could use that missed payment and the payment plan you signed to possibly evict you. **You are encouraged to seek legal advice before agreeing to or signing any kind of payment arrangement with the landlord.**

Are there any online resources available for tenants?



Community Legal Education Ontario (CLEO) produces practical legal information to help people understand their legal rights.



Steps to Justice, provides step-by-step information about legal problems.



Advocacy Centre for Tenants Ontario (ACTO), has resources for tenants.

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Tip Sheet for Tenants Have a Hearing at the Landlord and Tenant Board Because They Owe Rent to Their Landlord due to the COVID-19 Pandemic

If you have faced financial difficulty because of Covid-19, owe rent to your landlord and your landlord has filed to evict you, then this tip sheet is meant to help you understand the hearing process at the Landlord and Tenant Board (the Board). **This tip sheet is for information purposes only. For legal advice and more detailed information please contact a local community legal clinic.** In Ottawa:

Community Legal Services of Ottawa

(West) **613-596-1641**
(South) **613-733-0140**
(Downtown) **613-241-7008**

Clinique juridique francophone d'Ottawa

613-744-2892

My landlord told me they have applied to evict me because I owe rent. How do I know if that is true?

Answer - If your landlord has filed an application to evict you, you will receive a Notice of Telephone Hearing from the Landlord and Tenant Board (the Board). The Notice of Telephone hearing will include the date and time of the hearing, call-in instructions and contact information along with a copy of your landlord's application.

TIP - If you are unable to call in to the hearing, notify the Board immediately. The Board is mostly communicating by email during the pandemic so check your email for the notice. You can also call the Board to ask if your landlord has filed an eviction application. The phone number is: **1-888-332-3234**

I have received a Notice of Telephone Hearing: how can I prepare for my hearing?

Answer - There are many ways to prepare for a hearing depending on your circumstances. It is best to contact your local community legal clinic to get legal advice about preparing for a hearing.



What is evidence and how do I submit evidence to the Landlord and Tenant Board?



What if my landlord says I owe more rent than I think I owe?

Answer - Evidence is what you, your landlord, and your witnesses say at the hearing. Evidence is also any documents that you or your landlord give to the Board. Evidence helps to support what you are arguing.

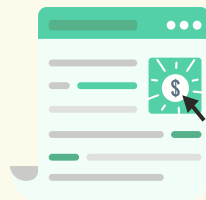
How should I submit my documents - At this time, hearings at the Board are being heard by telephone. You must submit your proof or evidence by email to both your landlord and the Board. The Notice of Telephone Hearing will include the Board's email address and your landlord's email address.

TIP - It can take time to collect documents, letters or records so it is best to start collecting evidence immediately.

TIP - If you cannot scan a document, you can take a photo of it from your cell phone.

Answer - At the hearing the landlord has to prove their application, including how much rent you owe. You have an opportunity to show that your landlord is wrong and that you owe a different amount of rent. The amount you owe should be: the rent you owe and the \$201 filing fee.

TIP - If you do not agree with the amount of rent the landlord is asking for, bring evidence to show why you think your landlord is wrong. Before your hearing make sure to collect proof of the rent you have paid (how much and when). Proof can include things like:



- rent receipts
- bank statements
- e-transfers
- emails or texts confirming you paid your rent
- paystubs
- monthly statements from OW or ODSP

TIP - Ask your landlord for a "rent ledger" so you can confirm all the payments you made are in the ledger.

What if I couldn't pay my rent because of the Covid-19 pandemic?



I can pay my landlord the rent I owe, I just need more time. Can I ask the Board for more time to pay?



Answer - If you owe your landlord rent because you: lost your job due to Covid-19; you had to miss work because you are vulnerable to Covid-19; your hours and pay were reduced because of COVID-19; or for any other reason related to Covid-19, the Board must consider these circumstances at your hearing. The Board has to consider how you were affected by the Covid-19 pandemic with deciding what a fair payment plan should be.

TIP - Before your hearing collect evidence to show how you were financially affected by the Covid-19 pandemic. Evidence can include things like:

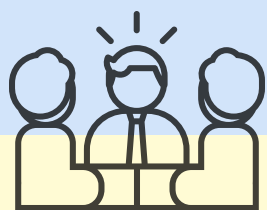
- A letter from your employer confirming you lost your job or your Record of Employment
- Financial information, such as: bank statements, pay stubs, benefit statements, etc
- Utility bills or receipts to show any increases in monthly expenses you experienced
- A doctor's letter or hospital records confirming your medical conditions, or confirmation that you had Covid-19 (if that applies to you)
- A letter from a support worker, like a social worker, explaining your situation
- A letter from your Ontario Works Worker or Ontario Disability Support Program Worker explaining any relevant facts about your benefits or circumstances
- Income statements confirming your pay was reduced, or confirmation you had to apply for the Federal CERB benefit

Answer - You can tell the Board if you need more time to pay the rent and why you need more time. You can propose a payment plan to the Board and they will consider it in their decision-making process.

TIP - If you are presenting a payment plan, bring evidence to show your financial situation and why you cannot pay more than you are currently proposing.

TIP - Make sure that your payment plan includes amounts you can actually afford and gives you enough time to pay your landlord. Keep in mind you will likely be required to pay rent in full along with your debt repayments. If you agree to a payment plan at the Board and then you are a day late or a dollar short in making your payments, your landlord will be able to apply to the Board to get an eviction order without having another hearing.

Will the Landlord and Tenant Board evict me at my hearing during the Covid-19 pandemic?



Are there any online resources available?

Answer - While there **was** a suspension of all non-urgent eviction matters for several months, **on August 1, 2020 the eviction moratorium was lifted and the Landlord and Tenant Board has now started to schedule non-urgent eviction matters, which includes applications for non-payment of rent.** This means that the Landlord and Tenant Board *can* order your eviction. In arrears cases, normally the worst case scenario is that the Landlord and Tenant Board orders the tenant to pay the amount owed, or vacate the unit, in 11 days. If the tenant does not pay the amount owed or vacate the unit in this time, on the 12th day the landlord can file the order with the Court Enforcement Officer (Sheriff). As of August 1, 2020 landlords no longer have to file at Superior Court to have the Sheriff enforce an eviction.

What Should I do - Contact the closest community legal clinic for legal advice:

Community Legal Services of Ottawa - Downtown

1 Nicholas Street,
Suite 422
Ottawa, ON, K1N 7B7

Tel: 613-241-7008

Community Legal Services of Ottawa - South

1355 Bank Street,
Suite 406 Ottawa,
ON K1H 8K7

Tel. 613-733-0140

Community Legal Services of Ottawa - West

1301 Richmond Road
Ottawa, ON,
K2B 7Y4

Tel. 613-596-1641

Clinique Juridique Francophone d'Ottawa

290 Dupuis Street
Ottawa, ON,
K1L 1A2

Tel: 613-744-2892



Community Legal Education Ontario (CLEO) produces clear, accurate and practical legal information to help people understand their legal rights.



Steps to Justice, provides step-by-step information about legal problems.



Advocacy Centre for Tenants Ontario (ACTO), has tip sheets and other resources for tenants.



Tenant Duty Counsel: If you are a tenant and have an upcoming hearing, you can also contact ACTO to receive a call back from Tenant Duty Counsel in your area before your hearing.

If you are concerned about upcoming changes to the Residential Tenancies Act, through Bill 184, or the lifting of the moratorium on evictions, or would like to know what the province is doing to assist tenants during the Covid-19 Pandemic, contact your local Member of Provincial Parliament:

<https://www.ola.org/en/members>

Also remember: It is really important to contact a legal clinic to get legal advice before signing anything or agreeing to anything with your landlord.



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