

STEPS TO JUSTICE

Housing Law Workshop

An OJEN facilitator's guide demonstrating a CLEO public legal information resource.



ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



About this workshop guide

This workshop guide is a collaboration between the **Ontario Justice Education Network (OJEN)** and **Community Legal Education Ontario (CLEO)**. OJEN's Steps to Justice workshops introduce audiences to common legal problems and familiarize them with a specific area of law. Using hypothetical scenarios, workshop participants explore a legal topic by navigating the practical step-by-step information on CLEO's Steps to Justice website. They learn how to use the website to find legal information, including the forms, self-help guides and referral information for legal and social services which may be helpful in working through a future legal problem.

This workshop guide was written for use in Ontario high school classrooms, but can be used (or modified) for other audiences. For more information on how to use this workshop guide, please check out our short training video available on the OJEN website ojen.ca/steps-to-justice-workshops-training-video.

OJEN is a charitable, non-profit, public legal education organization. We develop innovative educational tools that introduce young people to the justice system, help them understand the law, and build their legal capability. We partner with schools and community organizations across Ontario to prepare young people to manage the legal problems that will arise in their lives. For more information on OJEN, please visit ojen.ca.

We gratefully acknowledge the support of law students who have contributed to this workshop guide through the Osgoode Public Interest Requirement (OPIR) at Osgoode Hall Law School and through placements with Pro Bono Students Canada (PBSC). We would also like to thank the high school students who provide us with their perspectives and feedback on this resource as OJEN summer interns through the Law in Action Within Schools (LAWS) Summer Job Program.

Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind. Individuals seeking specific information about their legal problem should always consult a lawyer.

For over 45 years, **CLEO** has developed clear, accurate, and practical legal rights education and information to help people understand and exercise their legal rights. We produce print and online resources, including the Steps to Justice website, the Family Law Guided Pathways, and CLEO Connect which has information and supports for community organizations. For more information on CLEO, please visit cleo.on.ca.

STEPS TO JUSTICE HOUSING LAW OVERVIEW

Activity (minutes)	Content
Warm-up (5)	<ul style="list-style-type: none"> • Clarify differences between criminal and civil law. • Group quiz on housing law (Slides 2-6). • What are the major areas covered by housing law? (Slide 7).
Hook (5)	<ul style="list-style-type: none"> • Advance to Slide 8 and read the demonstration scenario out loud. • Encourage participants to identify potential legal issues in the scenario. • Advance to Slide 9 and briefly review the human rights information provided, giving examples of how it might be relevant to housing law. • Advance to Slide 10. Explain that the Steps to Justice website is a tool that can help people understand what they need to do when they have legal problems like this one. The group will next use the website to answer questions related to this scenario.
Introduce Steps to Justice (10)	<ul style="list-style-type: none"> • Distribute the participant handout, "Scenario 1: Demonstration". • Advance to Slide 11. Read the questions about the scenario out loud. • Pull up the Steps to Justice website on the display screen. • As a group, use Steps to Justice to find answers to the questions about the demonstration scenario on the slide. • Use different searching options (sub-topics, front page keyword search and header menu) and introduce the actual "steps" to follow. Use the presenter's notes on where to find the information included in this guide for support. • Ask if anyone has questions.
Group work (25)	<ul style="list-style-type: none"> • Advance to Slide 12. • Divide participants into groups and cue them to pull up Steps to Justice on their phones/computer and to start on "Housing Law" Topic. • Give each group a scenario worksheet (Scenarios 2-5). • Each group needs at least one device with internet to complete their worksheet. • Circulate and support groups as needed.
Discussion (15)	<ul style="list-style-type: none"> • Each group has 3-5 minutes to explain their scenario and what they have learned through their investigations. Participants should refer to the completed worksheet for support. • Address questions and issues arising from their reporting.
Application (Optional)	<ul style="list-style-type: none"> • Advance to slide 13. • Since the group has practiced using the Steps to Justice website, the presenter may introduce a more complex scenario. • Participants should comment on the scenario reflecting what they have just learned. • As a group, use the website to answer the scenario questions. • Facilitator's notes are included in this guide to support discussion.



Facilitator's Package: Housing Law

TRUE OR FALSE



- 1. As a landlord, I can increase the rent whenever I want! It's my property!**
F – The landlord can only increase the rent once every 12 months.
- 2. My roommate and I are fighting – it's a good thing I can report them to the Landlord & Tenant Board!**
F – The Landlord & Tenant Board (LTB) resolves disputes between landlords and tenants, not bickering housemates.
- 3. My potential landlord wants to know where I work, but it's none of his business! He can't demand that I tell him!**
F – A landlord can ask the person applying for a rental unit to provide information such as current residence, rental history, employment history, references, and income information to determine if they will be able to pay the rent.
- 4. I'm going to rent a place for \$1100/month, but my landlord wants an additional rent deposit for \$1000. I don't really want to pay, but it's totally legal.**
T – The rent deposit cannot equal more than one month's rent or the rent for one rental period, whichever is less.
- 5. Ugh, my bedroom window is broken. Whatever – it's my landlord's duty to repair it!**
T – It is the landlord's responsibility to maintain the unit in a good state of repair.



See <http://www.sjto.gov.on.ca/ltb/faqs/>

Facilitator's Package Scenarios



Start on the Steps to Justice question, “My landlord is harassing me. What can I do?” under **Laws that protect tenants**. Follow the steps from the landing page to answer the questions. The relevant steps are listed in brackets following the question.



Scenario 1: Demonstration

My landlord is very rude to me and the other students who live in the apartment building he owns. He routinely yells at us over the phone and sends us emails threatening to raise the rent or have us kicked out if we do not clean the place. He is especially mean to the younger students. Last week, he came into our unit without warning and screamed at my roommate for leaving her laundry lying around in the laundry room. She broke down crying. This is too much!

Start on the Steps to Justice topic, “Laws that Protect Tenants” with the question, “My landlord is harassing me. What can I do?”

- What are some examples of harassment? (*Landing page*)
- What should this person do when they talk to the landlord about this problem? (*Step 1*)
- Why should this person talk to their neighbours? (*Step 2*)
- What government agency could this person contact for help if the harassment continues? (*Step 3*)
- What are some other resources that are available to tenants who feel they are being harassed by a landlord? (*Steps 4 and 5*)

Discussion

There are many kinds of landlord behavior that can become harassment of tenants under the law. Among other things, this includes cutting off services like heat or electricity, entering the premises without the right to do so and discriminating against them because of personal characteristics like race or religion. If this happens, it is usually a good idea for the tenant to start by informing the landlord that what is happening is wrong, and that they want it to stop. If it continues, they should make notes about when and what kind of harassment has happened. They can write a letter explaining the details of the harassment and give a copy to the landlord as well as keeping a copy for their own records.

It is also wise to speak to other tenants to determine if the landlord is discriminating against a specific group of people in the building and to learn whether they are experiencing similar issues. If the problems continue, they can complain to the Rental Housing Enforcement Unit (RHEU). Some community legal clinics are able to provide legal support as well, and in cases of suspected discrimination, support may be available from the Centre for Equality Rights in Accommodation (CERA) or Human Rights Legal Support Centre (HRLSC). Depending on the severity of the harassment, tenants might consider applying to the Landlord and Tenant Board (LTB) to order the landlord to stop or contacting the police if they don't feel safe.



Scenario 2

I'm a student renting a room off-campus and I have been pretty good about making my payments on time. However, I made a few late payments in the last couple of months and I'm running low on the cash I saved from my summer job. My landlord is now threatening to evict me. What are my options and how will this affect me?

Start on the Steps to Justice topic, "Paying Rent" with the question, "What can happen if I'm behind in my rent?"

- What can a landlord do if rental payments are late? (*Landing page*)
- If a landlord issues the N-4 Notice to end tenancy, and the tenant wants to continue living in the house, what could they do? (*Landing page*)
- What can someone do if they are temporarily unable to pay their rent? (*Step 2*)
- What can a tenant do if their landlord applies to evict them? (*Step 3*)
- Can not paying rent impact your credit score? (*Landing page; Step 4*)

Discussion

Even if your rent is late by a single day a landlord has the right to issue a form called Form N4 - Notice to End your Tenancy Early for Non-payment of Rent. If the tenant wishes to stay in the unit, they can cancel the N4 by paying all the rent owed within 14 days of receiving the form (or 7 days if the rent is paid weekly). If they are unable to do so, they could seek interest-free loans from a rent bank or approach potential roommates to share the rent.

If a landlord applies to the LTB to have a tenant evicted, they can cancel the application by making the payment and covering the landlord's legal costs. They may also have to enter into an agreement with the landlord or attend a legal hearing. If they do nothing, the Board will probably make an eviction order against them. Non-payment of rent can be very serious. A landlord could report the overdue rent to a credit reporting agency. This can affect your credit rating and make it harder in the future for you to rent a place or get a loan.



Scenario 3

I own a house that I rent out to students. The school year is about to start and there are many interested students who want to see the house. My current tenant is being difficult and won't let me show his room to prospective tenants, even though he is moving out. It is my house, so I'm just going to enter the house and show it to them anyway.

Start on the Steps to Justice topic, "Privacy and Harassment" with the question, "Can my landlord come into my place whenever they want?"

- Can a landlord enter their tenant's unit whenever they want? (*Landing page*)
- Is a tenant entitled to know why the landlord is entering the premises? (*Step 1*)
- What if the landlord wants to enter the premises and provides the tenant with no notice? (*Step 2*)
- Under what circumstances can a landlord show a tenant's room to prospective tenants? (*Step 2*)
- What should you do if a landlord enters the premises illegally and invades your privacy? (*Steps 3-5*)

Discussion

Your landlord must respect your privacy, and repeated instances of invasion of privacy may constitute harassment. However, they do have the right to enter the unit if they have a legally valid reason, such as showing the space to potential tenants. Generally, even with a reason the landlord is required to give 24 hours' notice before entering, and even in situations where a landlord does not have to give 24 hours' written notice, a tenant still has the right to know why the landlord wants to come into their home.

There are some situations where entry without notice is allowed – like in the case of an emergency or, if it is part of the rental agreement, to clean the unit. A landlord can only show your room to prospective tenants between the hours of 8 am – 8 pm, and only after either you or your landlord has given notice or agreed that your tenancy will end. Although the 24 hour rule does not apply, they must try to let you know when they are coming.

If your landlord does not follow these rules and enters illegally, there are various steps you can take, including informing the landlord about your right to privacy, complaining to the RHEU, or applying to the LTB for illegal entry.



Scenario 4

I am a student looking to rent an apartment in an expensive area that is popular with young professionals. I've met with several landlords, but shortly after viewing their properties they each told me that it was no longer available. I am starting to think that these landlords are discriminating against me but I am not sure how.

Start on the Steps to Justice topic, "Renting a new place to live" with the question, "A landlord won't rent to me and I think it's because of discrimination. What can I do?"

- What are some examples of discrimination in housing? (*Landing page*)
- Are there situations where a landlord can refuse to rent to you for discriminatory reasons? (*Step 1*)
- How can a tenant know they are being discriminated against? (*Steps 1 and 2*)
- What if landlords are advertising their properties as "mainly suitable for young professionals"? (*Step 2*)
- What steps should a prospective tenant take if they feel that they are facing discrimination? (*Steps 3 and 4*)

Discussion

It is unfortunate that discrimination exists in rental housing. The law protects prospective tenants from being discriminated against because of protected social identities (like race or sexuality) and some kinds of life circumstances (like pregnancy or receiving social assistance). However, they can refuse to rent for any reason -including discriminatory reasons - if the tenant would be living in the same building as landlord or their family and would be sharing a kitchen or bathroom with them.

If you are not sure if you are being discriminated against, you can use an online tool available through the Human Rights Legal Support Centre to help figure it out. You can also try learning about whether the landlord has a history of behaving in discriminatory ways. Another strategy is to have someone who does not share your social characteristics try to rent the unit and see if the landlord treats them differently.

Discrimination in rental housing can happen in the way the property is advertised. To advertise that a unit is suitable for "young professionals" is a form of direct discrimination because it excludes people who are not young and employed. If you have been refused housing through illegal discrimination, you can approach the landlord first and inform them of their obligations under the Ontario Human Rights Code. If this does not work, you can apply to the Human Rights Tribunal of Ontario.



Scenario 5

I share a unit in an apartment building with my buddy Xavier and we like to party! The other tenants never complained before, but last Saturday we had a ton of people over and I guess it got loud. On Sunday, our cranky landlord showed up and said she wants to evict us for disturbing the other tenants.

Start on the Steps to Justice topic, “Eviction” with the question, “My landlord is trying to evict me for disturbing other people. What should I do?”

- Can a tenant be evicted for having loud parties at night? (*Landing page*)
- If Xavier continues to have parties and I do not participate, can the landlord still evict me?
(*Landing page; Step 1*)
- If I have disturbed the neighbours, can the landlord hand me an N5 form and evict me right then and there? (*Step 2*)
- If we give up our partying but I occasionally join Xavier for a glass of warm milk and a quiet late-night chat about world issues, can the landlord still say that we are causing a disturbance? (*Step 4*)
- If I continue to have parties with Xavier and the people living in the house across the street complain to my landlord, can I be evicted? (*Step 4*)

Discussion

Noise is the source of many complaints in housing. Tenants can be evicted over noise, but only if they have received written notice from the landlord and have failed to correct the behavior after 7 days. In most cases the written notice will be form N5 - Notice to End your Tenancy For Interfering with Others, Damage or Overcrowding. You cannot be evicted on the spot – the N5 must be delivered at least 20 days before the landlord wants you to move out. Even if someone else in your household is the source of the disturbance, you can be subjected to the eviction process. You should inform the landlord that you are not responsible in writing and keep a copy. If the landlord applies for an eviction hearing you will have a chance to have your say, and the record could help.

The law says you can be evicted for “substantial” interference with the “reasonable” enjoyment of other tenants or your landlord, and the Landlord and Tenant Board has ruled that sounds like normal conversation are not “substantial interference”. You also cannot be evicted over a complaint from someone in a different building- the law says it must be the landlord or other tenants of the same building or complex who are being disturbed.



Display: *Large Group Practice* Scenario 6

I have been renting in the same house for years. My landlord has always been super nice to me and the location is great: quiet, well-kept, and lots of pleasant neighbors. I am currently renting a room on the 2nd floor and I share the living room and kitchen with 3 other housemates.

A few months ago, I was hit by a car while crossing the street and suffered traumatic injuries to my back and tailbone. I am most likely going to be in a wheelchair for life. In order to enter the house, I would need the help of my housemates to lift me up the front and indoor stairs.

When I told the landlord what happened, he told me it would cost him too much money to put in ramps for my wheelchair. As a result, I used my own money to install a ramp on the front steps and an electronic stair lift that could bring me to the 2nd floor. The stair lift was quite expensive.

A few weeks ago, the landlord told me that some of my housemates have complained that the noise of my wheelchair on the ramp and the stair lift disturb their sleep. He said that he sympathizes with my disability, but he cannot allow my condition to interfere with my housemates' enjoyment of the home. He said if the disruption continues, he will evict me. This is causing me great anxiety – I do not want to be evicted for something I cannot control, especially from the home that I have grown so attached to.



Scenario 6: Focus Questions

Students can draw from their learning to identify potential legal issues and questions to investigate. The main issues here pertain to 1) accommodation of disability; 2) discrimination; and 3) eviction. Students should explore these issues separately in order to conclude that the landlord in this scenario must try to accommodate this person's disability (which they have failed to do) up until the point that accommodation is causing undue hardship. In the absence of undue hardship, it is likely that the landlord is discriminating against the tenant for forcing her to purchase the assistive devices herself. In addition, given that the "disturbances" the landlord is relying on to threaten the tenant with eviction stem from her disability, it is likely that the landlord does not have a good enough reason – legally speaking – to evict her.

Start from the topic "Laws that Protect Tenants – What are my rights as a tenant if I have a disability?" Consider question lines like:

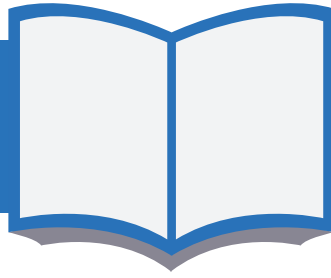
- What constitutes a disability? (*follow definitional link on Landing page*)
- What must a landlord do to accommodate a tenant with a disability?
 - Are there limits to what a landlord must do to accommodate a tenant with a disability?
- What if a landlord fails to accommodate a tenant with a disability? (*can also check topic – Discrimination and Human Rights*)

Start from the topic "Eviction – My landlord is trying to evict me for disturbing other people. What should I do?" Consider question lines like:

- What are examples of "disturbing other tenants"?
- What formal steps must a landlord take in order to evict a tenant?
- What constitutes a severe interference with tenants' right to enjoy the property?
- Should exceptions be made in the case where a disturbance is resulting from someone's disability?

Participant Handouts

Scenarios



Scenario 1 Worksheet: Demonstration

My landlord is very rude to me and the other students who live in the apartment building he owns. He routinely yells at us over the phone and sends us emails threatening to raise the rent or have us kicked out if we do not clean the place. He is especially mean to the younger students. Last week, he came into our unit without warning and screamed at my roommate for leaving her laundry lying around. She broke down crying. This is too much!

Start on the [Steps to Justice](#) topic, “[Laws that Protect Tenants](#)” with the question, “My landlord is harassing me. What can I do?”

- What are some examples of harassment?
- What should this person do when they talk to the landlord about this problem?
- Why should this person talk to their neighbours?
- What government agency could this person contact for help if the harassment continues?
- What are some other resources that are available to tenants who feel they are being harassed by a landlord?



Scenario 2 Worksheet

I'm a student renting a room off-campus and I have been pretty good about making my payments on time. However, I made a few late payments in the last couple of months and I'm running low on the cash I saved from my summer job. My landlord is now threatening to evict me. What are my options and how will this affect me?

Start on the Steps to Justice topic, "Paying Rent" with the question, "What can happen if I'm behind in my rent?"

- What can a landlord do if rental payments are late?
- If a landlord issues the N4 - Notice to end tenancy and the tenant wants to continue living in the house, what could they do?
- What can someone do if they are temporarily unable to pay their rent?
- What can a tenant do if their landlord applies to evict them?
- Can not paying rent impact your credit score?



Scenario 3 Worksheet

I own a house that I rent out to students. The school year is about to start and there are many interested students who want to see the house. My current tenant is being difficult and won't let me show his room to prospective tenants, even though he is moving out. It is my house, so I'm just going to enter the house and show it to them anyway.

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- What if the landlord wants to enter the premises and provides the tenant with no notice?
- Under what circumstances can a landlord show a tenant's room to prospective tenants?
- What should you do if a landlord enters the premises illegally and invades your privacy?



Scenario 4 Worksheet

I am a student looking to rent an apartment in an expensive area that is popular with young professionals. I've met with several landlords, but shortly after viewing their properties they each told me that it was no longer available. I am starting to think that these landlords are discriminating against me but I am not sure how.

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- What are some examples of discrimination in housing?
- Are there situations where a landlord can refuse to rent to you for discriminatory reasons?
- How can a tenant know they are being discriminated against?
- What if landlords are advertising their properties as "mainly suitable for young professionals"?
- What steps should a prospective tenant take if they feel that they are facing discrimination?



Scenario 5 Worksheet

I share a unit in an apartment building with my buddy Xavier and we like to party! The other tenants never complained before, but last Saturday we had a ton of people over and I guess it got loud. On Sunday, our cranky landlord showed up and said she wants to evict us for disturbing the other tenants.

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- If I continue to have parties with Xavier and the people living in the house across the street complain to my landlord, can I be evicted?