

# KEEPING YOUR RENT: WHAT YOU NEED TO KNOW (FAQ)

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## **Why keep my rent?**

You may need it. COVID-19 may be a long-term public health crisis. The number of people who have lost their jobs continues to grow. The pandemic is already making life harder for the majority of us, and we can't afford to assume it is going away anytime soon.

There is strength in numbers. Thousands of us deciding to keep our rent gives us the resources to better provide for the health and well-being of our families and communities. Social distancing helps stop the spread of COVID-19. It doesn't stop us from taking the collective action of keeping our rent.

## **Aren't there no more evictions?**

On March 19, in response to COVID-19, the Ontario Superior Court suspended all residential evictions "until otherwise ordered by the court". This means that until otherwise stated, the Sheriff will not participate in the forceful removal of tenants from their homes. In addition, the Toronto Landlord and Tenant Board (LTB) has cancelled all hearings until at least March 27, 2020. With the eviction system at a stand still, landlords cannot bring tenants to the LTB and they cannot enforce evictions against tenants.

## **When the eviction suspension ends, won't everyone get evicted?**

No. Only the LTB can order a tenant to move out and only the Sheriff can physically remove someone from their home. Landlords can apply to the LTB to evict a tenant who has not paid rent, but only after the 14-day notice period in a properly served N4 notice. A hearing at the LTB is usually scheduled in 3-6 weeks, and in light of the current crisis, potentially much longer, in advance.

At the LTB hearing the tenant can pay the rent owing and avoid eviction. However, the LTB may require the tenant to pay the landlord's filing fee of \$190. There are some exceptions to this that apply in a small minority of cases. If your landlord has taken you to the LTB before over rent, reach out to us for more information.

## **What if I can't afford the \$190 fee?**

Tenants do not automatically become responsible for a landlord's filing fees. Landlords apply for this and the tribunal then has to approve it. No-one should accept this outcome, for themselves or others. Attempts to force tenants to pay for their landlord's legal attacks can and should be fought.

During the 2017 MetCap rent strike, Parkdale Organize was able to fundraise a defense fund to help cover \$190 filing fees against tenants. The force of the rent strikers' actions defeated MetCap's attempt to evict them and the money was never used. This is because there were hundreds of tenants involved and MetCap was unable to pursue evictions against everyone at once. If necessary, that money will be made available and it is entirely possible that more money would be fundraised.

## **Keeping my rent could be riskier for me than for other people. Why should I take part?**

Keeping our rent might be riskier for some people than others. Especially if they are forced to go it alone. It's important to acknowledge that. This makes it especially important for tenants in more secure positions to not just participate but commit to defending one another down the road, if it comes to that. For the most marginalized among us, KeepYourRent is not a choice — it's a necessity. Either they need that money to feed their family, or they just don't have it to begin with. If you think you are in a position to choose, please choose to stand with others who aren't. Marginalized people are most at risk when singled out and isolated. KeepYourRent is about acting together, so that those who are most marginalized are not left to deal with this crisis alone.

## **What might my landlord do?**

### **1. Legal Action**

Landlords may issue an N8 eviction notice alleging the tenant frequently paid rent late. Again, the Landlord has to apply to the LTB. The risk of eviction at an N8 LTB hearing is lower than at an N4 hearing for non-payment of rent. At an N8 hearing the LTB could order the tenant to pay rent on time for the next year or be evicted without a hearing.

Landlords also have the option of applying to the LTB to order a tenant to pay the rent owing. In this case there is no eviction, only an order to pay the landlord.

## **2. Undermine organizing**

To undermine tenants collectively keeping our rent, big, corporate landlords will come out with rent deferral or rent relief schemes. These programs will not benefit tenants. Instead, they will put tenants into rent repayment agreements with their landlords. Tenants who make individual deals with landlords weaken the collective strength of keeping our rent.

Individual landlords may directly confront tenants who keep their rent. They may try and intimidate and harass tenants.

## **3. So, what can we do about that?**

Landlords are often real brave when dealing with individual tenants. Not so much when there's more of us. It's critical that the people around us know what is going on and that we support each other. Within buildings and on blocks people can keep in touch about what is going on and what landlords may be trying to do. Word can also be spread through social media. Landlord's phone numbers can be found, and their homes and businesses can be visited just as easily as our homes can be. This is not something they enjoy. But it is very much something we should be willing to do. Together.

## **My rent is paid directly by my bank or OW or ODSP. How can I keep my rent?**

Tenants whose rent is paid directly to the landlord can still keep their rent. Contact your bank online or by phone and cancel your landlord as a payee immediately. They can be reinstated at a later date.

Tenants on social assistance can contact their Ontario Works or ODSP caseworker to cancel their rent pay-direct. Tenants whose rent is paid directly to the landlord can still keep their rent. If your caseworker denies your request, contact us for support. Tenants can pressure the local Ontario Works or ODSP office to stop denying tenants' requests to cancel their rent pay-directs.

## **I live in a small building. Can I keep my rent?**

Tenants in small buildings or single units like basement apartments might feel isolated and less confident in keeping their rent. That's why we're creating ways for tenants to communicate online and by phone. Join in and stay in touch! By keeping your rent you make it possible for other tenants to feel more confident in keeping theirs. Ongoing communication will be critical for our ability to respond in cases requiring collective support.

## **The government has made lots of announcements. Can't we just wait for rent relief?**

The government has made a lot of announcements but they have not cancelled rent. We have no reason to believe they will. By keeping our rent, we take back authority over our lives and our families' futures.

## **Why aren't we pushing for stronger government action?**

The clock is ticking. April 1st is around the corner. We can make this decision now. This decision will put more pressure on the government than any petition or letter to the editor. AND we guarantee ourselves access to our own money. Two birds. One stone.

## **What about my Landlord?**

Landlords' resources will allow them to withstand the COVID-19 pandemic better than most, while tenants are more and more concerned with our daily survival. The government has already announced financial support and mortgage suspensions for businesses and landlords. By keeping our rent we will have more money for groceries, medicine, disinfectant supplies, and other basic necessities. Our landlords will be fine without our rent. We may not be.