

DIDN'T PAY RENT? WHAT TO DO IF YOUR LANDLORD...

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1. Gives you an N4

Don't move out. The notice is a threat but it is only the first step of the eviction process. Threats of eviction against tenants are unacceptable, especially during a global pandemic. You're not alone.

Contact your neighbours and Keep Your Rent to plan a collective response against landlords who threaten tenants with eviction.

You will see on the N4, it states that if you do not pay the money you owe the landlord within 14 days of the date of the N4 that the landlord can apply to the Landlord and Tenant Board (LTB) for an eviction hearing. Hearings are typically scheduled 4-6 weeks later. At a hearing, the landlord will make their arguments about why they are owed the money and why the tenant should be evicted, and the tenant has an opportunity to make their counter-arguments (Note: if your matter proceeds to the point where you receive a Notice of Hearing from the LTB, contact your local community legal clinic immediately: <https://www.legalaid.on.ca/legal-clinics/>).

Due to the COVID-19 pandemic the LTB is currently not scheduling eviction hearings or issuing eviction orders at this time other than in "exceptional circumstances". Even if an eviction order is issued, the Ontario Superior Court has temporarily suspended enforcement of those orders. For the time being tenants cannot be lawfully evicted.

2. Doesn't give you an N4

Some landlords may not issue N4s if tenants agree to rent repayment. Or, they may wait to issue N4s later on. This is a set up. You are under no obligation to agree to repay now. Tenants who agree to rent repayment now may find it harder to obtain a cancellation of rent later.

Contact your neighbours and Keep Your Rent to plan a collective response to landlords who pursue collection of rent from tenants who can't afford it during a global pandemic. For tenants who feel they may be in a position to pay their rent – keep in mind the fluidity and constantly-changing nature of this issue. Money in hand today may be worth a lot more tomorrow.

3. Sends you harassing or threatening messages

Threats and harassment are unacceptable. We believe tenants have the right to their home free of any harassment from the landlord. The Residential Tenancies Act, provides protection from tenants to live free from harassing or threatening behaviour from their landlord and their landlord's representatives. That being said, as is discussed above, the LTB is not currently scheduling hearings. Therefore, for tenants who want to pursue legal remedies, this is unlikely to take place any time soon, and the results are often far less than what tenants hope for.

Contact your neighbours and Keep Your Rent to plan a rapid, collective response. Document your landlord's behaviour

4. Shows up at your unit

Barring some kind of emergency, there is no reason for a landlord to show up to your unit. By showing up at your unit the landlord is putting you at greater risk of exposure to COVID-19. If your landlord insists on showing up at your unit, contact your neighbours and Keep Your Rent to plan a rapid response. Record any interactions where it's possible to do so safely. If your landlord calls the police, do not be afraid or intimidated. Police have no right to intervene in landlord-tenant matters (a civil matter), unless there is otherwise criminal conduct taking place.

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5. Illegal Lockout

The only way a landlord can legally remove you from your home is with an order from the Landlord Tenant Board and the only person with the power to enforce that order is a Sheriff. Only you and the sheriff have the legal authority to

remove you or your property from your home. Not the police, not special constables, not private security, and certainly not your landlord themselves. Any attempt to remove you or your property or change the locks without an order from the Board is illegal.

But it happens. Tenants have come home to changed locks and their property on the curb. While this is illegal it is not unheard of, and almost only happens when a "small landlord" is involved.

So, what do you do if this happens to you or someone you know?

We understand that what we are about to say will be angering and even somewhat frightening, but please read through to the end.. Your legal options aren't great, but we'll lay them out for you anyways. You can contact your local Community Legal Clinic: <https://www.legalaid.on.ca/legal-clinics/>. They may advise you to call the police and ask for their assistance getting back in. It is common for police to decline this request. You can petition the LTB for an order to the landlord to allow you access to your home, but it is common for the LTB to only issue those orders after having conducted a hearing. And the LTB is mostly closed right now.

Tenants have a right to their homes, they have a right to safety from abuse and illegal acts from landlords. But the courts and police rarely act quickly if at all to protect those rights. So it may be left up to you and those you organize with to protect and defend those rights.

If you believe you may be at risk of illegal lockout, there are a few things you may want to consider doing:

- 1: Inform those that live around you that this may happen. Share with them a description of your landlord and give them your contact. If they see your landlord or anyone else doing anything suspicious around your home ask them to intervene and contact you.
- 2: Carry all important documentation with you at all times while outside the home. This includes identification, passport, credit and debit cards, immigration or legal documents etc.
- 3: Carry proof of residence. Ideally this would be your lease agreement but can also be registered mail with your name and address on it.
- 4: Leave yourself a way to re-enter your home or have a plan if locks are changed while you are out. A window or some other option may be necessary for you to be able to re-enter your home.

No matter which action you take if a landlord chooses to act illegally, the most important thing is to protect yourself. There is little better protection than the support of those you organize with. It is critical that we know all the possible outcomes and are prepared to respond accordingly.

6. Calls Police

There is nothing criminal about keeping your rent. There is also nothing criminal about organizing with your neighbours in support of keeping rent. What about taking direction against landlords? Is there something criminal about organizing phone zaps or protests outside landlords' homes?

The answer is no. The criminal law generally applies to conduct that causes harm to others. For example, if you punch someone you could be charged with assault. If you threaten to punch someone or to destroy their property you could be charged with uttering a threat. If you repeatedly say things to a person that makes them fear for their safety you could be charged with criminal harassment if that person's fear is "reasonable."

These examples share one common element – actual or threatened harm to another person. This element is missing from phone zaps, social media posts, and protests outside landlords' homes or businesses. Actions like these are exercises in free speech and free assembly. They publicize tenants' struggles while exposing landlords to the force of criticism and solidarity. There is nothing criminal about organizing or participating in these actions. So long as landlords are not threatened with harm the criminal law has no application.

Landlords or police officers who threaten tenants with criminal charges for taking nonviolent direct action are making a false threat. Those charges will not stick in court. Tenants should not be intimidated by them.