



LANDLORD TOOLKIT

INFORMATION FOR LANDLORDS

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LANDLORD TOOLKIT

This toolkit has been created as a resource for all landlords in Simcoe County. The purpose of the toolkit is to educate, inform, and provide resources that will help you to become a successful landlord. You will find references for common legislation and rules surrounding tenancies, and your rights and obligations as a landlord. All the web addresses described in this toolkit are listed at the end of this document.

PART 1 - HOW TO BECOME A LANDLORD:

There are a number of questions you need to ask yourself before becoming a landlord. Some of these questions may include:

- What type of rental property are you interested in?
- Will you have to do renovations or repairs?
- Will you need to obtain a permit?
- How do you protect your investment?
- What do you need to do to prepare yourself and your tenant(s) for an emergency?

Below are some helpful links and resources that will help to answer these questions.

WHAT TYPE OF RENTAL PROPERTY ARE YOU INTERESTED IN?

CANADA MORTGAGE AND HOUSING CORPORATION (CMHC): CMHC has a great guide on renting a home, with worksheets, sample letters and helpful hints.

SECONDARY SUITES: Secondary Suites are second dwelling units that are typically found in basements of single dwelling units. They can also be found in detached garages that have been converted into a dwelling unit. Legislation in Ontario recently changed, with respect to the Affordable Housing Act, which requires municipalities to amend their planning documents to allow for the creation of second suites. The purpose of the amendment is to allow for the creation of more affordable housing while also benefitting the existing home owner.

Secondary Suites will help to maintain a healthy vacancy rate in Simcoe County and will also help to cover some of the expenses of home ownership. More information can be found at the websites below.

LANDLORD SELF HELP CENTRE: The Landlords Self-help Centre is primarily funded by Legal Aid Ontario, and has some informative information about becoming a landlord in Ontario.

THE RESIDENTIAL TENANCIES ACT (RTA): The purpose of this Act is to provide protection for residential tenants from unlawful rent increases and unlawful evictions; to establish a framework for the regulation of residential rents; to balance the rights and responsibilities of residential landlords and tenants; and to provide for the adjudication of disputes and other processes to informally resolve disputes.

WILL I HAVE TO DO RENOVATIONS OR REPAIRS?

CANADA MORTGAGE AND HOUSING CORPORATION (CMHC): Provides helpful information on the ins and outs of renovations in Ontario.

CITY OF BARRIE: RENOVATIONS & ADDITIONS: Provides information on the documentation required when submitting an application for a building permit for a renovation or addition. It also details other information that may need to be considered depending on the type of land/dwelling you own.

CITY OF BARRIE: AFFORDABLE HOUSING INITIATIVE: Provides information on the new Affordable Housing Initiative, and provides links to resources to help you understand the initiative, and how to become a part of it.

CANADIAN HOME BUILDERS ASSOCIATION: Association for those in the residential construction industry.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION (MPAC): MPAC is an independent, not-for-profit corporation, funded by Ontario municipalities. They assess and classify all properties in Ontario in compliance with the *Assessment Act* and its regulations.

HOW DO I PROTECT MY INVESTMENT?

INSURANCE BUREAU OF CANADA: National industry association representing Canada's private home, car and business insurers.

CITY OF BARRIE: SMOKE ALARMS: Safety and Fire prevention information.

CITY OF BARRIE: CARBON MONOXIDE DETECTORS: Carbon monoxide, detection information.

ELECTRICAL SAFETY AUTHORITY (ESA): Information on electrical safety, as well as the Electrical Safety Code, and requirements for your residential property.

ONTARIO FIRE SAFETY (OFS): Information pertaining to the installation and maintenance of your fire safety equipment, as well as emergency lighting, PA systems and more.

PART 2 – RULES AND RESPONSIBILITIES:

Knowing your rights and responsibilities as a landlord is a crucial part of having a successful tenancy. There are many resources available to help you better understand your role as a landlord, as well as helping to understand the role of your tenant(s).

The following are some questions you may have when becoming a landlord:

- What type of tenant am I seeking?
- What questions would infringe on their rights under the Code?
- What kinds of deposits can I ask for?
- What do I do if my tenant doesn't pay their rent?
- How do I proceed if my tenant causes an issue, or has destroyed my unit?
- I want to do a credit check, can I ask for their Social Insurance Number (SIN) on the application?

- I am renting my unit all inclusive, the tenant lives in the basement apartment of my house and she is complaining about the temperature of their unit, what are my obligations?
- I am writing an ad for my rental, what information should I include? What should I omit?
- I am thinking about renting out a rooming house, how should I proceed?

WHAT TYPE OF TENANT AM I SEEKING?

HOW TO CHOOSE THE PERFECT TENANT: Often, when renting out a unit, you have a certain criteria in mind for your future tenant. However, you must proceed carefully in this situation. Sometimes without even realizing it, you are violating someone’s privacy, or even their human rights. Below are some questions that are ok to ask, as well as some that are not ok to ask:

✓ <u>OK</u>	✗ <u>NOT OK</u>
✓ <i>What is your income? Where do you work?</i>	✗ <i>Do you plan to have (more) children?</i>
✓ <i>How many people will be living with you and what are their names?</i>	✗ <i>What is your ethnic background, religion, or sexual preference?</i>
✓ <i>Do you have pets? Do you smoke?</i>	✗ <i>Will your family be visiting?</i>
✓ <i>Could you provide written permission for a credit check?</i>	✗ <i>What is your Social Insurance Number? If you don't provide your SIN, I won't rent to you.</i>
✓ <i>May I see your references, and their current contact information?</i>	✗ <i>Are you married, single, or divorced?</i>

You can ask questions that will help you to assess their suitability as a tenant, as long as you are not infringing on their rights under the Human Rights Code. Below you will find some examples of discrimination under prohibited grounds:

WHAT WOULD BE CONSIDERED DISCRIMINATION UNDER THE CODE?

Discrimination because of prohibited grounds under the **Code** may occur in a number of situations:

- Differential treatment in the application process (i.e. screening out an applicant on the basis of a racialized name)
- Outright denial of accommodation (i.e. refusal to rent to someone with children)
- Differential treatment relating to the statutory obligations of a landlord during occupancy (i.e. refusal to allow a tenant to sublet, refusal to do required repairs) that can be tied to a **Code** ground
- Differential treatment with regard to the amenities associated with some accommodation (i.e. inaccessible recreational facilities)
- Negative impact as a result of a seemingly neutral rule (i.e. an inflexible “no pets” policy that impacts on a person with a disability who uses a service animal)
- Differential treatment as a result of association (i.e. refusing to rent to someone because he or she is in an interracial relationship)
- Differential treatment as a result of income (i.e. refusing to rent to someone in receipt of social assistance)

THE ONTARIO HUMAN RIGHTS COMMISSION (OHRC): The code prohibits actions that discriminate against people based on a protected ground in a protected social area.

THE HUMAN RIGHTS COMMISSION OF CANADA (CHRC): The Canadian Human Rights Commission (Commission) is akin to an Agent of Parliament. It operates independently from government. As Canada’s human rights watchdog, the Commission is responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights.

CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION (CERA): Provides one-on-one advice and assistance to people who have experienced discrimination in their search for housing.

COMMUNITY LEGAL EDUCATION ONTARIO (CLEO): Find clear language publications on the rights of tenants in rental housing.

THE ONTARIO HUMAN RIGHTS CODE: Outlines the Code as it applies to Ontario.

THE CANADIAN HUMAN RIGHTS ACT: Outlines the Act as it applies to Canada.

WHAT KIND OF DEPOSITS CAN I ASK FOR?

DO'S AND DON'TS OF DEPOSITS: Many landlords ask for security deposits, key deposits, first and last, etc., but do you know which deposits are allowed to be requested and which are not?

✓ OK

- *Last month's rent deposit*

✗ NOT OK

- ✗ *Security Deposits*
- ✗ *Key Deposits*
- ✗ *Any other deposit*

Under the ***Residential Tenancies Act***, the only deposit permitted, is a rent deposit. Landlords can require a rent deposit up to one month's rent, but this deposit is not a security deposit.

In Ontario, security deposits may not be required. Last month's rent may be collected as a deposit, but it may not be required as security against damages. Landlords collect the last month's rent, or if rent is paid weekly the last week's rent, at the beginning of the

tenancy, and are required to pay the tenant interest. This deposit may only be applied to the last month's rent. It is not considered a damage or security deposit.

A key deposit may not be required. A landlord may not require a fee or similar charge from a tenant or a prospective tenant other than a rent deposit for the last month of the tenancy.

To sum it up, the **only** deposit you are allowed to ask for is last month's rent.

THE RESIDENTIAL TENANCIES ACT (RTA): The Residential Tenancies Act sets the rules for rent increases, evictions, repairs, deposits, pets and many other issues that affect tenants.

WHAT DO I DO IF MY TENANT DOESN'T PAY THEIR RENT?

A tenant has the right to pay rent all the way up to midnight of the day that rent is due. Once the rent is late, the landlord may issue a Form N4 (Notice of Termination for Non-Payment of Rent). The form is available at the Landlord and Tenant Board (LTB) office, or website, and is fairly straightforward to fill out.

The form states that the tenant has 14 days to pay their rent. If the tenant pays, the notice is void and the tenancy can continue as usual. If after the 14 days the tenant has not paid their rent in full, you can apply to the LTB using a form L1.

The Landlord and Tenant Board has a great and informative brochure, explaining the process of filing for eviction for non-payment of rent. They also explain other courses of action that can be taken if a tenant is consistently late paying rent. (The brochure has been added to the list of websites at the end of this toolkit).

THE RESIDENTIAL TENANCIES ACT (RTA): The Residential Tenancies Act sets the rules for rent increases, evictions, repairs, deposits, pets and many other issues that affect tenants.

EVICTION PREVENTION: There are many other ways to assist your tenant if non-payment becomes an issue. There are funds available to assist them with arrears, utilities, utility arrears and rent. Eviction is not your only option. Perhaps you have good tenants

who have had a job loss, or a new baby, and they are simply struggling at the moment. There are other ways to deal with non-payment, in a more constructive way that may be better for everyone involved. One way would be to refer them to a local housing retention program that may be able to help them pay down their rental arrears. Certain criteria must be met in order to qualify for this program.

HOUSING RETENTION PROGRAM: Assists tenants in paying down rental arrears using the housing retention fund. An N4 must be issued to the tenant in order to book an appointment.

LEAP PROGRAM: The LEAP program can assist tenants in paying down utility arrears (with the exception of a water bill); a disconnection notice is not required to be eligible.

The Housing Retention Program and the LEAP program are accessible in Simcoe County by contacting Simcoe Community Services Barrie Housing Support Services. The contact information is:

Simcoe Community Services
39 Fraser Court
Barrie, ON
L4N 5J5
(705) 739-0485
bhss@simcoecommunityservices.ca
(by appointment only)

I WANT TO DO A CREDIT CHECK; CAN I REQUIRE A PROSPECTIVE TENANT TO PROVIDE THEIR SOCIAL INSURANCE NUMBER (SIN) ON THE APPLICATION?

Simply put, no you can't. You cannot require someone to provide their SIN to you, nor can you refuse to rent to them because of this. A SIN is not required to complete a credit check. According to Equifax Canada, a credit check can be done using a person's full name, current address and birthdate. Just make sure that you let them know that they do not have to provide you this information - remember the Human Rights Code?

To be clear, you are able to ask for the SIN for the purpose of a credit check, but they are not required to give it to you; they can ask you to check their credit with the other information mentioned if that is more comfortable for them.

EQUIFAX CANADA: Credit Bureau of Canada.

I WANT TO MAKE SURE MY TENANT IS NOT GOING TO BE A PROBLEM; CAN I REQUIRE A CRIMINAL BACKGROUND CHECK BE PROVIDED?

In most circumstances, it is not allowed. However, there are situations that could be considered a "bona fide" reason to ask for a criminal background check, for example when the landlord is a single mother with children living alone in an adjacent unit. But a prospective tenant appearing as though they may have a criminal record is not grounds for asking for a criminal background check.

I AM RENTING MY UNIT ALL INCLUSIVE, THE TENANT LIVES IN THE BASEMENT UNIT OF MY HOUSE AND SHE IS COMPLAINING ABOUT THE TEMPERATURE OF HER UNIT, WHAT ARE MY OBLIGATIONS?

The temperature requirements are set under municipal bylaws. If your tenant is not the cause for the cold temperatures, such as by keeping their windows open, or setting a

thermostat to a lower temperature, then you, the landlord, have a responsibility to maintain a minimum temperature as set by the municipality/city in which you live.

In Barrie, ON, the regulated temperature is 20°C (68°F) year-round, according to the Barrie Apartment Heat Bylaw, 84-200 Section 32.

CITY OF BARRIE: BYLAWS: The Enforcement Services branch of the Legislative and Court Services department is located at 45 Cedar Pointe Drive.

WHAT ARE MY RESPONSIBILITIES IN REGARDS TO MAINTENANCE?

The Residential Tenancies Act (RTA) sets out the obligations landlords and tenants each have for the maintenance and repair of a rental property. There is a great brochure available online that explains some of these obligations (we have attached a link to the brochure in the *forms and documents* section of this report). These obligations apply to all rental agreements, even if:

- the rental agreement is not in writing
- terms in the rental agreement conflict with the RTA
- the rental unit was not in good condition and the tenant agreed to rent it anyway

PART 3 – FORMS AND DOCUMENTS:

Below you will find links to some commons forms and documents.

NEW TENANT BROCHURE: All Landlords **must** provide all new tenants with this information on or before the day tenancy begins:

New Tenant Brochure

STANDARD OREA (ONTARIO REAL ESTATE ASSOCIATION) LEASE: This is a link to the most common Lease available for download. It provides all the essential clauses, and is most recommended.

Lease

LANDLORD AND TENANT BOARD BROCHURE WITH REGARDS TO MAINTENANCE AND REPAIRS:

Repairs and maintenance brochure

COMMON LTB FORMS: These are some of the most common forms you may have to file with the landlord and tenant board.

N4: Notice to End a Tenancy Early for Non-payment of Rent. You can use this notice if the tenant has not paid the rent on the date it is due. (I.e. if the rental agreement requires the tenant to pay rent on the first day of each month, and the tenant does not give you the full rent payment on March 1st, the earliest day that you can give this notice is March 2nd.)

L1: Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes. You can use this application if the tenant owes you rent and you want to:

- end the tenancy and evict the tenant **and**
- collect the money the tenant owes you up to the date they move out of the rental unit

N8: Notice to End your Tenancy at the End of the Term. You can give this notice to the tenant for the following reasons:

- The tenant has been persistently late in paying the rent.
- Reason 2: The tenant no longer qualifies to live in public or subsidized housing.

N11: Agreement to End a Tenancy: Useful if a landlord and tenant have agreed to end the tenancy. A tenant cannot be required to sign this form, except under 2 exceptions:

- The tenant is a student living in accommodation provided by a post-secondary institution or by a landlord who has an agreement with the post-secondary school to provide the accommodation.
- The tenant is occupying a rental unit in a care home for the purposes of receiving rehabilitative or therapeutic services, **and**
 - the tenant agreed to occupy the rental unit for not more than 4 years
 - the tenancy agreement set out that the tenant can be evicted when the objectives of providing the care services have been met or will not be met, **and**
 - the rental unit is provided to the tenant under an agreement between the landlord and a service manager under the Housing Services Act, 2011.

PART 4 – WEBSITE LINKS:

BECOMING A LANDLORD

CMHC: BUYING A RESIDENTIAL PROPERTY IN CANADA

<https://www.cmhc-schl.gc.ca/en/co/reho/index.cfm>

GOVERNMENT OF ONTARIO: SECONDARY SUITES

<http://www.mah.gov.on.ca/Page9575.aspx>

COUNTY OF SIMCOE: SECONDARY SUITES

<http://www.simcoe.ca/ontariorenovates>

CITY OF BARRIE: SECONDARY SUITES

<http://www.barrie.ca/Living/Housing-and-Property/Documents/FAQs-Second-Suites.pdf>

LANDLORD SELF-HELP

<http://landlordselfhelp.com/>

RENOVATIONS AND REPAIRS

CMHC: REPAIRS & RENOVATIONS

https://www.cmhc-schl.gc.ca/en/co/buho/buho_002.cf

LTB MAINTENANCE AND REPAIRS BROCHURE

[http://www.sjto.gov.on.ca/documents/ltb/Brochures/Maintenance%20and%20Repairs%20o\(EN\).pdf](http://www.sjto.gov.on.ca/documents/ltb/Brochures/Maintenance%20and%20Repairs%20o(EN).pdf)

CITY OF BARRIE: RENOVATIONS & ADDITIONS

<http://www.barrie.ca/Living/Housing-and-Property/renovations-and-projects/Pages/default.aspx>

CITY OF BARRIE: AFFORDABLE HOUSING

<http://www.barrie.ca/Doing%20Business/PlanningandDevelopment/Policies-Strategies/Pages/Affordable-Housing.aspx>

CANADIAN HOME BUILDERS ASSOCIATION

<http://www.chba.ca/>

MUNICIPAL PROPERTY ASSESSMENT CORPORATION (MPAC)

https://www.mpac.ca/about/corporate_overview/default.asp

INVESTMENT PROTECTION

INSURANCE BUREAU OF CANADA

<http://www.ibc.ca/on/>

CITY OF BARRIE: SMOKE ALARMS

<http://www.barrie.ca/Living/Emergency%20Services/BarrieFire/Fire-Safety-Equipment/Pages/Smoke-Alarms.aspx>

CITY OF BARRIE: CARBON MONOXIDE DETECTORS

<http://www.barrie.ca/Living/Emergency%20Services/BarrieFire/Hazards/Pages/Carbon-Monoxide.aspx>

ELECTRICAL SAFETY AUTHORITY (ESA)

<https://www.esasafe.com/>

ONTARIO FIRE SAFETY (OFS)

<http://ofsgroup.com/>

HUMAN RIGHTS Q&A

THE ONTARIO HUMAN RIGHTS COMMISSION (OHRC)

<http://www.ohrc.on.ca/en/ontario-human-rights-code>

THE CANADIAN HUMAN RIGHTS COMMISSION (CHRC)

<https://www.canada.ca/en/human-rights-commission.html>

CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION

<http://www.equalityrights.org/cera/>

COMMUNITY LEGAL EDUCATION ONTARIO

http://www.cleo.on.ca/en/resources-and-publications/pubs?language=en&field_legal_topic_tid_i18n=89

THE HUMAN RIGHTS CODE OF ONTARIO

<https://www.ontario.ca/laws/statute/90h19>

THE CANADIAN HUMAN RIGHTS ACT

<http://laws-lois.justice.gc.ca/eng/acts/h-6/>

DEPOSITS

THE RESIDENTIAL TENANCIES ACT (RTA)

<https://www.ontario.ca/laws/statute/06r17>

TENANT FAILURE TO PAY RENT (LANDLORD BROCHURE)

[http://www.sjto.gov.on.ca/documents/lrb/Brochures/If%20a%20Tenant%20Does%20Not%20Pay%20Rent%20\(EN\)%20Revised_Bill140_Jan16_2017.pdf](http://www.sjto.gov.on.ca/documents/lrb/Brochures/If%20a%20Tenant%20Does%20Not%20Pay%20Rent%20(EN)%20Revised_Bill140_Jan16_2017.pdf)

NON-PAYMENT OF RENT AND EVICTIONS/EVICTION PREVENTION

EVICTION FLOWCHART

<http://www.equalityrights.org/cera/wp-content/uploads/2010/04/RTAevictionflowchartfinal.pdf>

SIMCOE COMMUNITY SERVICES

<http://www.simcoecommunityservices.ca>