

The Tenant



Summer 2003

*Federation of Metro Tenants' Associations
- Fighting for Tenants' Rights since 1974 -*

Success for Tenants on Lakeshore Blvd!

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- **Sure, You Can Afford the Rent, But Can Your Dog Afford It?**
- **Notes from a Messy Desk**
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- **Put on Your Orange Vest, We're Hunting for Apartments**

By Emmy Pantin & Michelle Mulgrave

Tenants of 2407 Lakeshore Blvd. went to the Ontario Rental Housing Tribunal determined to have their complaints heard. On March 14, 2003, having listened to all the testimony and evidence about the lack of repairs and maintenance, the adjudicator ruled in favor of the tenants!

Some of the issues the tenants were dealing with included: cracks in the ceiling, leaks, holes in the walls, water damage, lack of cleaning of

common areas and general lack of maintenance.

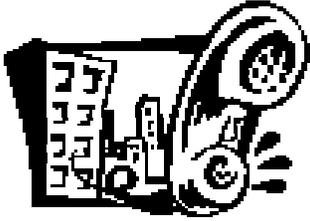
The tenants who were part of the application were each given a 5% abatement on rent for 12 months, plus some received additional amounts based on the repairs needed in their individual units. The landlord was also ordered to make necessary repairs in the building.

The key to success for these tenants was keeping a record of the maintenance and repair issues in the building and in their individual units, as well as contacting city inspectors. It cannot be stressed enough: if

repairs and maintenance are not getting done in your building, put your request to the landlord in writing, keep copies of all your requests, keep a record of the repair or maintenance issue by taking photographs, and contact the city inspector. You can find out who the city inspector for your area is by contacting your city Councillor. After all of this, if the repairs or maintenance still isn't done, you can file a T-6 (Tenant Application about Maintenance) with the Tribunal, like the tenants of 2407 Lakeshore Blvd did. The cost is \$45 for the first unit, and \$5 for each additional unit up to \$450.



Hotline Question of the Month



Q. I am currently looking for an apartment. I've had to fill out an application and give a deposit equal to two months rent. If we don't take the place, can I get my deposit back?

If you have any questions about your legal rights as a tenant, call the Tenant Hotline at 416-921-9494 Monday to Friday 8:30 am – 6:00 pm or email us at hotline@torontotenants.org

A. To save yourself a lot of hassle, never sign anything and never turn any money over to anyone unless you are sure. Often it is not clear what a tenant is doing when completing an application. This becomes even more complicated when landlords demand a certified cheque – equal to first and last month's rent – in order to "process" the application. The tenant believes that a rental application is just that: an application, a written demonstration of interest in a specific rental unit. A prospective tenant can apply to the Tribunal for a rebate if they paid a rent deposit for a unit, but the landlord never let them move in, and did not return the deposit.

From Underneath the Pile...

A collection of updates from the messy desk of Dan McIntyre

Landlords target their oldest tenants

There have been less applications for Above Guideline Increases this year. Landlords have been targeting those tenants that have lived there the longest but who are not paying the artificially ridiculous rents that new tenants have been forced to pay through vacancy decontrol. The Act permits them to apply for some or all of the rented units in the complex.

Or maybe you should be forced to live in a condominium

Tenants at 20 Carlton and 25 Wood are in imminent danger of having their building converted to condo. Why? Rents are too high on average although students and retail workers find it affordable to share. These buildings have insisted on a hearing at the Ontario Municipal Board notwithstanding a variety of legal and planning issues

yet to be resolved. The FMTA made an extensive presentation to the Board on June 11 and has been active in this hearing as we try to preserve true choice and supply for tenants.

But watch out if you have a dog!

Tenants of Briar Lane Management are shocked to hear about the latest landlord cash grab technique. They are charging rent to dogs at a rate of \$250 a month. Since dogs have no money, the tenant has to pay it. The charge only applies to new tenants and the FMTA is looking for a way to permanently stop this dog &%\$@ in its tracks.

It must be an election year

Landlord lobbyists are furiously trying to prevent real rent controls. They have created a misleading vacancy rate picture (they just priced out a whole lot of their potential market) to suggest

that times are good for tenants. Fortunately, they don't have the media all to themselves and we are able to paint the true picture of how unfair rents have become.

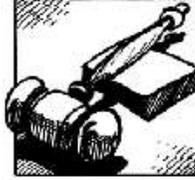
We are glad that its an election year

Tenants continue to mobilize for the "ernieknowswhen" election. The FMTA has now participated in 3 candidate events in the City and we will do more. We also have our election materials ready such as our "I am a tenant and I vote" buttons and flyers. More importantly, we have some amazing volunteers working for tenants.

Enjoy your summer

This is an extremely important year for tenants as we await the call of a Provincial election. But we hope all of you are able to enjoy the summer and have some time for yourselves ... we will need all of our collective energy in the Fall!

What is Tenant Duty Counsel?



FMTA Advice Lawyer

by Beth McNabb

by Gail Nyberg

Every day hundreds of tenants appear before the Ontario Rental Housing Tribunal (ORHT) in and around Toronto. Most of the tenants appearing before the Tribunal do so without Legal Counsel. Tenants can get some advice and basic legal information from the Tenant Duty Counsel. The service is provided by Legal Aid through the Advisory Centre for Tenants – Ontario (ACTO).

Advice is available on all aspects of the Tenant Protection Act and is intended to help tenants on the day of the hearing. Duty Counsel should not be used as a substitute for seeking legal advice in advance of the hearing.

The objectives of the Tenant Duty Counsel Program include providing summary legal advice to tenants in need and in some cases provide brief services, including appearances before adjudicators, in order to assist vulnerable tenants.

Priority goes to tenants with hearings that day or with emergency matters. The service is not operated on a “first come first serve basis”. Tenants who do not have a hearing should expect to go to the end of the line or be referred to community legal clinics.

Tenant Duty Counsel will spend approximately 15-20 minutes with tenants providing basic legal information and advice, providing necessary referrals and distributing pertinent written information.

Tenant Duty Counsel will, in some cases, help in the preparation of urgently required documents, advise tenants going into mediation, speak on consent matters and represent tenants on some motions for adjournments.

The Tenant Duty Counsel Program is a valuable service offered to tenants but it should not take the place of good preparation by the tenant.

Did you know we offer free legal advice at the Federation? If, during your conversation with a hotline counsellor, we feel you may need some more in-depth information, we can make an appointment with our Legal Aid lawyer, Doug Johnson. He is available one evening a week by **APPOINTMENT ONLY**. Doug **CANNOT** represent you at the Tribunal.

Doug graduated law from University of Western Ontario 12 years ago. While there he was a Director of a student run clinic primarily dealing with Landlord and Tenant Law at Community Legal Services of London. Doug also coordinated a tenant hotline at the clinic where he answered questions and concerns similar to the ones we answer every day on the Hotline.

During his four months with the Federation, Doug has seen 80 tenants with a variety of issues. In most cases people want help with evictions and maintenance issues. They also ask for legal advice in non-confrontational situations like assigning and subletting.

Doug helps tenants prepare cases against the Tribunal. He can help you organize your evidence, advise you how to present documents, how to address the Tribunal properly and how best to present yourself so you have a good chance of being heard at the Tribunal hearing. His best advice to tenants is **GET EVERYTHING IN WRITING**.

Doug has a wide variety of litigation experience, and has appeared before the following Tribunals; Social Benefits, Canada Pension, Workers Compensation and the Criminal Injuries Compensation Board to name a few. He also works as Duty Counsel representing children in domestic and child welfare matters, and as Advice Counsel for Scarborough and North York. He has volunteered at the Malvern Family Resource Centre in his community.

Federation of Metro Tenants' Associations

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FAX:
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We're on the Web!
www.torontotenants.org

E-MAIL:
fmta@torontotenants.org

Apartment Hunting

by Emmy Pantin

I keep hearing about how the Tenant Protection Act is working, how there is so much availability of rental units in the city of Toronto and how tenants have more choice than ever. Yet I spent last week desperately searching for a place to live for the first of next month. I saw 15 apartments in 5 days, the majority of them awful. One place I looked at was advertised as a two bedroom, but when I went to see it, I searched in vain for the second bedroom. I felt like I'd entered the twilight zone... I kept thinking, *for \$1200 a month, there must be a second bedroom around here somewhere!* But alas, it was no where to be found, because it was actually a one bedroom with a living room.

The other wonderful experience was the guy who lit a cigarette and flicked ashes on the floor as I looked at my new potential home. I inhaled the lovely smell of cat urine



that emanated from the carpet. When I commented on the disgusting carpet, the smokin' super dismissed me with a wave of his hand, declaring that the landlord will change the carpet before I move in. Uh huh. He then shoved an application at me and insisted I sign right then and there. I ran screaming from that building as if my hair was on fire.

Landlords behaved as if I should be clawing other tenants' eyes out to get their places. And that I should be grateful to rent a dingy basement with no windows for \$1100 a month. Looking for an apartment was frustrating and anxiety producing. I finally found something nice, accessible and relatively affordable. Now, if I can only survive the move, I'll be fine.

Yes, I want to be part of the Tenants' Movement!

Please send me my membership card and information about the services that I receive a member.

<p>I will pay my membership dues by:</p> <p><input type="checkbox"/> Cheque or money order (made out to FMTA) <input type="checkbox"/> Cash</p> <p>Please Print: Name: _____ Address: _____ Apt. #: _____ City: _____ Postal Code: _____ Telephone #: (h) _____ (w) _____ Fax: _____ e-mail: _____</p> <p>Yes! I would like to donate \$ _____ to the FMTA!</p>	<p>I am joining as the following type of member:</p> <p><input type="checkbox"/> New Member <input type="checkbox"/> Renewal</p> <hr/> <p><input type="checkbox"/> Individual: \$15/year <input type="checkbox"/> Senior, student or unemployed: \$5/year <input type="checkbox"/> Sustaining Member: \$50/year <input type="checkbox"/> Homeowner (non-voting): \$25/year <input type="checkbox"/> Organization (non-voting): \$25/year <input type="checkbox"/> Tenants' Association: _____ units, \$10 per year per unit (minimum 3 units)</p>
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Send to: Federation of Metro Tenants' Associations, 27 Carlton St., Suite 500, Toronto ON, M5B 1L2