



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario

# FIGHTING AN EVICTION

## CANADIAN LANGUAGE BENCHMARK 3/4

This activity kit, designed to teach newcomers to Ontario in Adult ESL and LINC classes about their legal rights and responsibilities, includes:

<u>Introductory notes for instructors</u>	<u>1</u>
<u>Activities for learners</u>	<u>2-9</u>
<u>Teaching notes with answer keys and suggestions for using the kit</u>	<u>10-11</u>



Visit [cleoconnect.ca](http://cleoconnect.ca) to download these pages and to find other legal information.

Visit [stepstojustice.ca](http://stepstojustice.ca) for step-by-step information about common legal problems.

# FIGHTING AN EVICTION

## INTRODUCTORY NOTES

**Context outcomes** Recognize an eviction notice.  
Learn ways of responding to an eviction notice.  
Learn how to get legal help to fight an eviction.

**CLB outcomes**  Find information in forms and tables.  
 Get key information from booklet excerpts.

**Activities** Fighting an eviction  


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 Reasons for Eviction  


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 Warning: Notice to end a tenancy  


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 Where to get help and information  


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**Free companion resource**  
*Fighting an eviction*

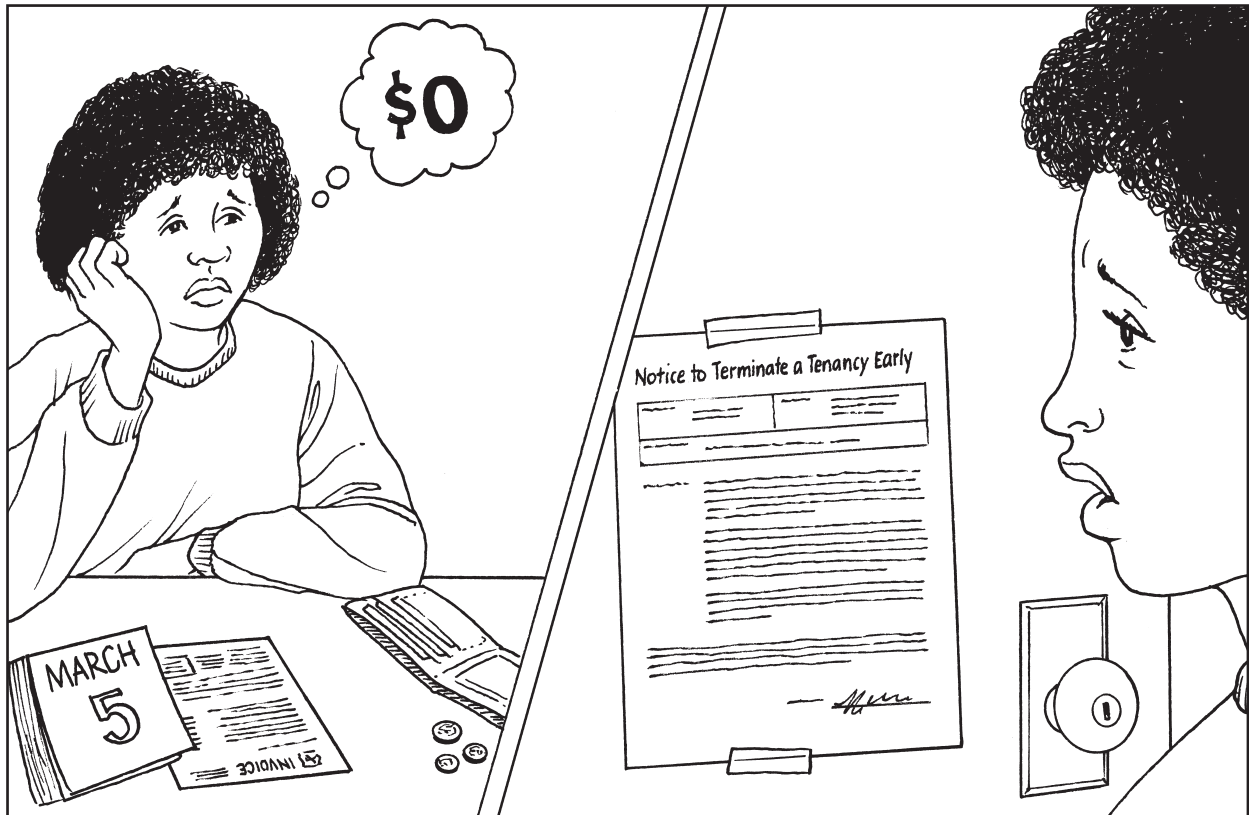
The information in this activity kit is based on the CLEO publication called *Fighting an eviction*. Read the publication before using the activity kit, and keep it on hand for reference as you guide learners through the activities. You can find it on CLEO's website at [www.cleo.on.ca](http://www.cleo.on.ca). To order free copies for your class, you can use the online order form.

**Please take note**

The information in these activities applies to most but not all tenants. The *Residential Tenancies Act (RTA)* applies to most rental housing in Ontario. Some rental housing is not covered. For example, a tenant who shares a kitchen or bathroom with the owner or a close family member of the owner might not be covered.

The information in these activities is not a substitute for legal advice. Every situation is different so learners with concerns should get legal help. Tenants can contact their local community legal clinic. To find the nearest community legal clinic, go to Legal Aid Ontario's website at [legalaid.on.ca/legal-clinics](http://legalaid.on.ca/legal-clinics) or call Legal Aid Ontario toll-free at **1-800-668-8258**.

## Fighting an eviction



### Discuss these questions.

1. Describe what you see in the first half of the picture. What is the situation? Why do you think the woman is in this situation?
2. Describe what you see in the second half of the picture. What should the woman do next?
3. Look at the first half of the picture again. Imagine that today is March 5<sup>th</sup>. What can this person do?
4. Write a caption for the picture.

## Reasons for eviction

### A. Read the chart.

#### If your landlord gives you a notice

If the reason for eviction is that your landlord claims:	Your landlord must give you this much notice:
you owe rent	<b>14 days</b> (but <b>7 days</b> if you pay your rent by the week or by the day)
you often paid your rent late	<b>60 days</b> (but <b>28 days</b> if you pay your rent by the week or by the day)
you broke the law or ran an illegal business, caused damage by being careless, or disturbed other tenants	<b>20 days</b> the first time <b>14 days</b> if it is the second notice within 6 months
you seriously risked the safety of others in the building, or were making or selling an illegal drug	<b>10 days</b>
your landlord or your landlord's family member or a caregiver wants to move in OR a new owner of the building wants to move in	<b>60 days</b>
your landlord wants to tear down the building or use it for something else	<b>120 days</b>

**B. Vocabulary: Discuss the meaning of these words and phrases from the chart. Use a dictionary to check your understanding.**

owe _____	broke the law _____
damage _____	careless _____
disturbed _____	risk the safety of _____
caregiver _____	tear down _____

**C. Complete the conditional sentences about the information in the chart.**

1. If your landlord wants to evict you because you owe rent, and you pay rent monthly, your landlord must give you \_\_\_\_\_ days' notice.
2. If your landlord wants to evict you because his mother wants to move in, he must give you \_\_\_\_\_ days' notice.
3. Your landlord must give you 120 days' notice if she wants to \_\_\_\_\_  
\_\_\_\_\_.
4. If your landlord wants to evict you because you're too noisy, he must \_\_\_\_\_  
\_\_\_\_\_.
5. If your landlord wants to evict you because you left a tap running and there was a big flood in your neighbour's apartment, she must \_\_\_\_\_  
\_\_\_\_\_.

**D. Discuss the information in the chart.**

1. Do any of the reasons for eviction listed in the chart surprise you? If so, which ones? Why?
2. What do you think about the amount of notice landlords have to give tenants? Do you think it is enough? Or is it too much?
3. How are these rules the same or different from eviction rules in your home country?

## Warning: Notice to end a tenancy

Here is part of a form called Notice to End a Tenancy Early For Non-payment of Rent.

To: (Tenant's name)	From: (Landlord's name)
<p><b>This is a legal notice that could lead to you being evicted from your home.</b></p>	
Address of the Rental Unit:	
<p><b>This information is from your landlord:</b></p>	
<p>I am giving you this notice because I believe you owe me \$ _____ in rent. I can apply to the Landlord and Tenant Board to have you evicted if you do not</p> <ul style="list-style-type: none"> <li>• pay this amount* by _____ . This date is called the termination date. <span style="margin-left: 100px;">(day/month/year)</span></li> <li>or</li> <li>• move out by the termination date</li> </ul>	
<p>* If another rent payment comes due on or before the date you make the above payment to your landlord, you must also pay this extra amount.</p>	

Answer the questions about the form.

1. Why does the landlord want to evict the tenant? \_\_\_\_\_
2. What eviction words are on this form? \_\_\_\_\_
3. What options for the tenant are on the form?
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

## Where to get help and information - A

You have information about one source of help for people who are fighting an eviction. Find the other people in the class who have the same text as you. Read the text and make sure you can answer the four questions about your text (see below). Then return to your original group and ask and answer questions.

For each source of help and information, find out:

1. what it is.
2. how it can help tenants.
3. its website.
4. its phone number.

**B.**

**C.**

**D.**

### **A. Community legal clinics**

There are community legal clinics across Ontario that give free legal help to tenants who have low incomes. Clinics have lawyers and community legal workers who can give legal advice, help work out settlements with landlords, review and help with forms and documents, and represent tenants at hearings.

To find the nearest community legal clinic, go to Legal Aid Ontario's website at [legalaidontario.ca/legal-clinics](https://legalaidontario.ca/legal-clinics) or phone their toll-free number, **1-800-668-8258**.

## Where to get help and information - B

You have information about one source of help for people who are fighting an eviction. Find the other people in the class who have the same text as you. Read the text and make sure you can answer the four questions about your text (see below). Then return to your original group and ask and answer questions.

For each source of help and information, find out:

1. what it is.
2. how it can help tenants.
3. its website.
4. its phone number.

A.

C.

D.

### B. Tenant Duty Counsel Program

There are tenant duty counsel at many Landlord and Tenant Board locations. The Tenant Duty Counsel Program is paid for by Legal Aid Ontario. Tenant duty counsel are lawyers and community legal workers who can give basic advice, help work out settlements with landlords, and review and help fill out some forms and documents, especially ones related to eviction. Sometimes they can help at hearings with simple or emergency steps.

To find out if there will be tenant duty counsel at the Board location you are going to, you can call your local community legal clinic before you go to the Board.

The Tenant Duty Counsel Program also has a series of tip sheets for tenants with detailed information about different parts of the eviction process. To find the tip sheets online, go to [www.acto.ca](http://www.acto.ca).



## Where to get help and information - C

You have information about one source of help for people who are fighting an eviction. Find the other people in the class who have the same text as you. Read the text and make sure you can answer the four questions about your text (see below). Then return to your original group and ask and answer questions.

For each source of help and information, find out:

1. what it is.
2. how it can help tenants.
3. its website.
4. its phone number.

A.

B.

D.

### C. Landlord and Tenant Board

The Landlord and Tenant Board deals with problems between landlords and tenants. It is like a court, but less formal.

You can contact the Landlord and Tenant Board for forms and for general information. The Board cannot give you legal advice.

The Board's website address is [www.ltb.gov.on.ca](http://www.ltb.gov.on.ca). You can call the Board at 1-888-332-3234 or 416-645-8080.

## Where to get help and information - D

You have information about one source of help for people who are fighting an eviction. Find the other people in the class who have the same text as you. Read the text and make sure you can answer the four questions about your text (see below). Then return to your original group and ask and answer questions.

For each source of help and information, find out:

1. what it is.
2. how it can help tenants.
3. its website.
4. its phone number.

A.

B.

C.

### D. Rent banks

In some parts of Ontario, there are programs, such as rent banks, that might help if you are having a temporary problem paying your rent.

To find the rent bank in your area, you can contact 211, your local government office, the local Social Services or Ontario Works office, or a community organization, such as a housing help centre or community legal clinic.

## TEACHING NOTES

### Curriculum connections

#### LINC/Adult ESL:

Theme: At Home in Our Community & World

Topic: Housing Problems

Theme: Canadian Law

Topic: Landlords & Tenants

Theme: Community & Government Services

Topic: Counselling & Advocacy

### Fighting an eviction (page 2)

Learners can discuss the situation in the picture in pairs or small groups, with one copy of the handout for each group. Learners can share their captions with the whole class. Elicit and discuss: What is eviction? Why do people get evicted? When do you think it is fair for a landlord to evict a tenant? When do you think it is unfair? How does someone know a landlord is trying to evict them? Emphasize that it is illegal for a landlord to change the locks, and that there is a legal process that landlords must follow to evict a tenant. Brainstorm what tenants can do if they don't want to move out and their landlord is trying to evict them.

### Reasons for eviction (pages 3-4)

This chart is excerpted from the CLEO booklet *Fighting an eviction*. The chart lists some but not all of the reasons a landlord can use to try to evict a tenant. Landlords must give one of the reasons listed in the *Residential Tenancies Act*. See the ESL activity kit *Fighting an eviction CLB 5+* for an information gap activity based on this chart. The accompanying handout in the present kit includes a vocabulary section, a comprehension section drawing attention to the first conditional, and some questions for discussion. You may wish to have learners complete the vocabulary activity (Section B on page 4) before reading the chart.

### Warning: Notice to end a tenancy (page 5)

The form in this activity is part of Notice to End a Tenancy Early for Non-payment of Rent which can be found at [www.ltb.gov.on.ca](http://www.ltb.gov.on.ca) >Forms>Notices of Termination>Form N4.

Learners can access examples of other Landlord and Tenant Board forms on the website.

**Where to get help  
and information  
(pages 6-9)**

This is a jigsaw activity. Learners form “home” groups of four, and each person in the group gets one of the four reading texts. Learners with the same text form expert groups, read their text, and answer the questions together. They can practise saying the answers aloud. They then return to their original groups and take turns asking and answering the questions until they have answers for all four sources of help and information.

CLEO’s **Steps to Justice** is a website that gives step-by-step information about common legal problems, including housing law issues. Steps to Justice has practical tools like forms and checklists, and referral information for legal and social services. Visit [stepstojustice.ca](http://stepstojustice.ca) and see the information in the Housing Law section.