Sudbury Community Legal Clinic
La Clinique juridique communautaire de Sudbury

Housing Law and Supporting the Unhoused

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Residential Tenancies

- Housing has multiple social and health impacts, including educational outcomes, exposure to environmental contaminants and access to healthy food
- As of 2021 46% of Ontario renters spent over 30% of their income on housing.
- In 2021 21% of Ontario renters spent over 50% of their income on housing.
- The majority of Ontario tenants living on lower incomes rent their home in the private rental market.
- Waiting lists for social housing continue to grow.
- Social housing units are often old and need significant repairs.
- In 2022 60% of renters said they had to cut back on food to afford their rents. 74% had to cut back on their other spending to afford their rents.

Report: Tenant Protection and Rent Regulation in Ontario, ACTO, June 3rd, 2026

https://www.acto.ca/tenant-protection-and-rent-regulation-in-ontario/

Clinic services

- Focus on income maintenance and housing
  - Case dependent, we also provide some advice on human rights and employment law issues
  - ID Services
- Advocacy North for Elders and Seniors
- We can:
  - Provide legal advice
  - Represent at some tribunals and courts
  - Refer to other agencies when we can't help
- All our services are free!

Consultation

- 3 dedicated consultation days
  - Monday mornings
  - Wednesday mornings
  - Thursday afternoons
- Need to call or attend in person to schedule an appointment during our consultation days
  - This can be done by a support person or the client
- Support persons always welcome during appointments!
  - But clients **need to be present** for the appointment
- We typically need to see all relevant documents before the appointment
  - But can also be brought the day of the appointment
- A consultation appointment does NOT automatically mean we are representing the tenant

Emergencies

- We have a dedicated lawyer every week to address housing emergencies
- Emergencies are:
  - If a deadline has been missed;
  - If a deadline is imminent and cannot be booked on regular consultation days;
  - A tenant has a Sheriff's Notice.
- Emergencies are not:
  - If a tenant has a Notice of Eviction;
  - If a tenant has maintenance problems;
  - If a tenant has a Notice of Hearing for 3 months from now.
- We assess the issue once we receive all the documents, provide advice on possible next steps and options, and sometimes assist with filling out and submitting LTB forms.

RTA vs. non-RTA tenancies

- A RTA protected tenancy typically includes:
  - Apartments;
  - Houses;
  - Rooming houses;
  - RGI housing.
- A non-RTA tenancy typically includes:
  - If a tenant shares a bathroom and/or kitchen with the landlord or one of their family members;
  - Accommodations intended for the public like a hotel, motel, resort, cabin, campground, etc.;
  - If a tenant is employed on a farm and their staying there is dependant on their employment;
  - Accommodations for correctional or penal purposes;
  - Hospitals and rehabilitation facilities;
  - Emergency shelters;
  - Student housing provided BY the institution.

*not exhaustive lists

Green flags vs red flags

- The rent is significantly lower than the tenant's monthly income
- There is a written tenancy agreement
- The landlord is always reachable
- The landlord is flexible in how they accept rent payments
- The landlord only requested a first and last month deposit

- The tenant can only just afford to pay the rent
- There is no written agreement
- The landlord is not responsive
- The landlord is insisting on receiving the rent payments in cash only
- The landlord is demanding for 6 months of rent up-front

Ontario Human Rights Code

- The *Ontario Human Rights Code* applies to both tenants and landlords.
- Under the code, everyone has the right to equal treatment in housing without discrimination and harassment.
- Landlords are responsible for making sure housing environments are free from discrimination and harassment.
- People cannot be refused an apartment, harassed by a housing provider or other tenants, or otherwise treated unfairly because of one or more of the *Ontario Human Rights Code* grounds.
- The right to equal treatment without discrimination applies when renting a unit. It covers processes for choosing or evicting tenants, occupancy rules and regulations, repairs, the use of related services and facilities, and the general enjoyment of the premises.

Duty To Accommodate

- Landlords have a legal duty to accommodate tenants when legitimate concerns arise based on Code grounds.
- If tenants have special needs related to, for example, a disability, landlords may need to make changes to units, a building entrance, sidewalks or parking areas to accommodate the tenant's situation.
- Not all accommodations are physical. Some tenants may need changes to rules and practices to accommodate changing family situations or religious practices.
- Aa landlord may have to take steps to help a tenant who may be unwell or who is disruptive towards others, either because of a disability or due to that person being the target of discrimination.

Duty To Accommodate

- Code issues are most commonly raised when a landlord files an application to evict a tenant because of the tenant's conduct, and the tenant asserts that:
  - the tenant has a disability;
  - the landlord has discriminated against the tenant;
  - the tenant's conduct is caused by the disability; and
  - the landlord has not accommodated the tenant up to the point of undue hardship
- Depending upon the circumstances, the Member may require the party to provide sufficient evidence to establish that they are covered under section 1 of the Code and need accommodation. Evidence may be a letter from a doctor or other medical forms, to establish that they have a disability as defined in the Code.

Landlord Notices

- Arrears Of Rent
- Interfering With Others/ Damages /Overcrowding
- Illegal Act/ Misrepresentation Of Income
- Serious Impairment Of Safety
- Persistent Late Payment Of Rent / Cease To Qualify
- Landlord Or Purchaser's Own Use
- Renovation / Demolition/ Conversion

NOTE: you never have to leave just because you receive a notice – only the LTB can end your tenancy!

Tribunals Ontario Portal

- Portal for receiving documents and filing documents
- Need an email to sign up
- If you access the portal once, the LTB will assume that you have consistent access to the portal
- In the portal – automatically indicates that you are consenting to receive all documents through the portal
- You must manually check the box that states NO and that you prefer to receive communications by mail
- If you do not access the portal, the LTB will continue to send documents by regular mail

The hearing process

- All LTB hearings are now on Zoom
- The Notice of Hearing sets out the date and time of the hearing, however, the hearings are scheduled in half-day or full-day blocks (9-12, 1-4 or 9-4)
  - Bring water and a snack
- Tenants need to sign in 30 minutes before the hearing starts
- Basic procedure can include:
  - Sign in and attendance;
  - Speak with TDC;
  - Have private discussion with opposing party;
  - Try mediation;
  - Contested hearing.

Tech

- All hearings are accessed through Zoom
  - Via computer or phone
  - If no internet, can dial in BUT this limits ability to participate as you will not be able to see any evidence presented
- If you are helping a tenant who does not have any tech, you can reach out to us (asap) to see if we have an extra computer and room they can use
  - We offer this service even if we are not representing on the file
- Public libraries around Greater Sudbury also offer computer use for free
  - Must have a library card to use a computer
  - Some are in open spaces, some are in private rooms
  - Tenants can also use the free wifi if they have a phone but no internet access at home
- LTB tech-support phone number
  - The number can be found on the Notice of Hearing
  - This number can be used if you are having tech issues connecting to the hearing

Evidence

- Evidence can be anything: rent receipt, ODSP paystub, pictures, text messages, etc.
- Evidence needs to be filed and served at least 7 days before a hearing
- Examples of helpful evidence:
  - N4 where the amount of arrears is contested – rent receipts, e-transfer screenshots, ODSP pay direct confirmation
  - N5 alleging damage – pictures from when the tenant moved in showing the same condition, screenshots of emails of the tenant making a maintenance request
  - N12 – screenshots of the unit being advertised at a higher rent on kijiji

TDC

- We have dedicated lawyers and one paralegal who provide Tenant Duty Counsel services at most LTB hearings
- We try to attend all hearings and speak to unrepresented tenants
  - We can provide legal advice;
  - Information on the mediation and hearing process;
  - Additional referrals.
- TDC is not there to represent tenants and sometimes we cannot attend every hearing

Support person

- A support person is always welcome to accompany the tenant, however, the support person cannot speak on behalf of the tenant
  - **Unless** there is an accommodation request or the person is acting as a representative for them
  - A support person can also be a witness, but in that case, they cannot sit with the person during the hearing
- A support person can be:
  - A caseworker;
  - A friend;
  - A family member.

Consent orders

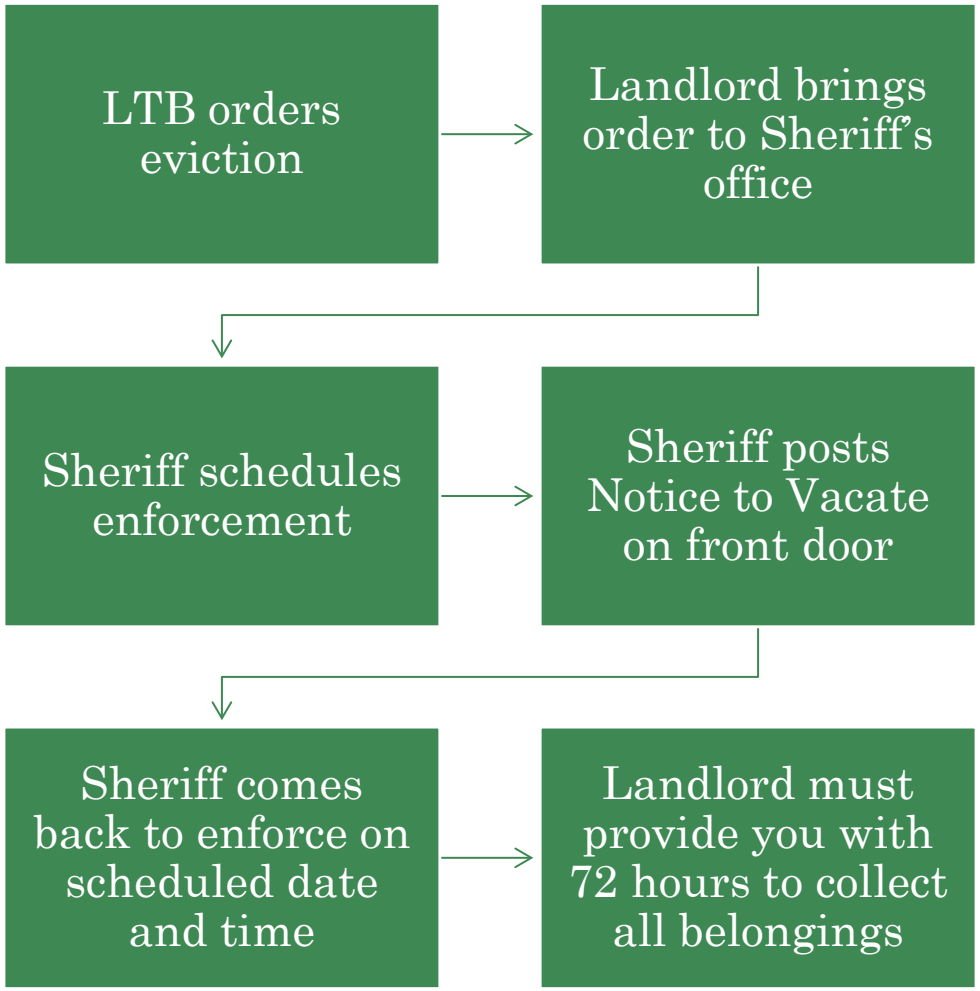
- Sometimes, parties can make agreements to resolve the matter
- These can be done:
  - Privately;
  - With the help of a mediator;
  - In front of a Board Member.
- Both sides need to agree and it guarantees the outcome, as opposed to a hearing
- Consent orders vary depending on the notice
  - Example: for persistently late payment of rent, a consent order would usually state that the rent needs to be paid on time and in full on the day it is due for X amount of months
- Typically subject to a clause called « section 78 »
  - Section 78 simply refers to the section in the RTA which allows a landlord to re-apply for eviction **without another hearing** if a tenant breaches the consent order
- **Tenants should ONLY agree to things they are CERTAIN they can sustain for the entirety of the agreement**

Delaying or refusing evictions

- LTB Members are supposed to take into consideration all circumstances in a tenant's life when making the decision whether to grant, delay or refuse an eviction
- Particularly important circumstances to mention at the hearing:
  - Fixed income (OW, ODSP, CPP, etc.);
  - Low income;
  - Disabilities;
  - Children;
  - Community services or supports nearby;
  - Working nearby;
  - Anything else that would make it particularly difficult for a tenant to move.

Eviction and Sheriff processes

- If you are helping a tenant who has an eviction order, refer them to us asap
  - We can't make magic happen, but we can assist by providing legal advice on next steps, and if there are any legal avenues to pause the eviction
- If the eviction order is final, the landlord can then bring the order to the Sheriff's office to schedule enforcement
  - Only the LTB can order an eviction
  - Only the Sheriff can change the locks, but the landlord may also be present


LTB orders eviction
Landlord brings order to Sheriff's office
Sheriff schedules enforcement
Sheriff posts Notice to Vacate on front door
Sheriff comes back to enforce on scheduled date and time
Landlord must provide you with 72 hours to collect all belongings

Rent Geared to Income Subsidies

Loss of Subsidy

- Not providing all documents required by GSHC
- Having people allegedly move in without permissions or allegedly having guests stay longer than allowed
- Income changes

- Tenants will receive a letter saying their subsidy will be revoked for X reason on X date
- Tenants will have an Opportunity to Comment
- After the comment, they will make a decision
- If the decision is to revoke the subsidy, tenants have a specific amount of days from the date of receipt to request an Internal Review
- After the Internal Review, GSHC must provide a final decision

After a loss of subsidy

- There is extremely limited options after a loss of subsidy
  - Tenants can reapply for their subsidy
  - Tenants can fight the decision at Divisional Court
- Tenants must pay market rent or risk accumulating arrears
  - Losing a subsidy is not typically a defense at the LTB for arrears
    - This is because the Housing Services Act is a separate legislation than the Residential Tenancies Act and the LTB has no jurisdiction to make decisions about the HSA
    - But the LTB does have jurisdiction to order an eviction based on arrears from a loss of subsidy

Referrals

- Referring to the Legal Clinic
  - You can refer a tenant to us by calling 705-674-3200, by emailing reception@sclc.clcj.ca, or by coming in person
  - You will need to provide basic information about the issue and any relevant documents
  - A referral is only the first step – a referral does NOT mean we are the tenant's lawyers
    - First, we provide legal advice about the issue
    - Second, if/when there is a Notice of Hearing, we consider opening a file
      - The Executive Director needs to approve a file for opening;
      - There needs to be merit to the case;
      - And we always need to consider whether we have the resources (staff capacity) to take on the file.
    - If we open a file, that means we are now the tenant's lawyers for that matter
- CHPI:
  - If a tenant is on OW or ODSP, you can refer them to their worker to inquire about CHPI funds
  - If a tenant is not on OW or ODSP, you can refer them to the Centre de santé communautaire du Grand Sudbury to do an intake with them

ID Bank

- The Sudbury Community Legal Clinic ID Bank assists qualifying clients with obtaining birth certificates and retaining ID documentation through our ID Bank.
- Pilot project stage
- Clients can be referred through Housing Navigators and LOTUS

Our contact info

Sudbury Community Legal Clinic

- 40 Elm Street, unit 272 in the Elm Place mall
  - Up the escalator and beside NEOMO
- Open Monday-Friday 8:30-4, closed for lunch 12-12:30
- Email: reception@sclc.clcj.ca
- Phone: 705-674-3200

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