



# Eviction Awareness Handbook

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City of Kingston  
Housing and Social Services Department





## Land Acknowledgement

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

# Introduction to the Handbook

Residential tenancy matters can be a source of stress and confusion for many people. The prospect of eviction can further compound these challenges. This handbook, produced by the City of Kingston Housing & Social Services Department, aims to help tenants and landlords understand their rights and responsibilities when involved in an eviction process.

This handbook is for informational purposes only and does not provide a complete overview of the Residential Tenancies Act, 2006, S.O. 2006, c. 17 (the “RTA”). The information provided in this handbook is not legal advice and may not constitute the most up-to-date legal or other information.

Please contact [Housing@CityofKingston.ca](mailto:Housing@CityofKingston.ca) to access this handbook in a different language or to request alternative delivery methods.



# What is the Residential Tenancies Act (RTA)?

The RTA is the law that establishes the rights and responsibilities of landlords and tenants in Ontario. The RTA contains rules about tenancy agreements, rent increases, evictions, and maintenance standards. Most, but not all, residential tenancies are covered by the RTA. The RTA does not apply to:

- seasonal or temporary living accommodations, such as a hotel or cottage
- student dormitories or residences
- hospitals or long-term care facilities
- units that share a kitchen or bathroom with the landlord or their immediate family member
- emergency shelters

The RTA also establishes the Landlord and Tenant Board (the “LTB”), which is responsible for resolving disputes between landlords and tenants, and for informing landlords and tenants about their rights and responsibilities under the RTA. Both landlords and tenants can apply to the LTB.

## Terminating a Tenancy

The RTA contains rules about how a landlord can terminate a residential tenancy and evict a tenant. Residential tenancies can only be terminated in accordance with the RTA.

It is a common misconception that if a tenant signs a fixed term lease (often for one year), the tenant must move out after one year or sign a new lease to stay. Under the RTA, the lease is automatically renewed on a monthly basis (if rent is paid monthly) regardless of whether the tenant signs a new lease.

Under the RTA, a landlord may end a tenancy and evict a tenant if:

- the tenant is in arrears of rent or persistently fails to pay rent
- the tenant causes damage to the unit or substantially interferes with another person's rights
- the tenant seriously impairs the safety of another person or overcrowds the unit
- the tenant commits an illegal act
- the tenant misrepresents their income (in rent-geared-to-income situations)
- the landlord, or the landlord's immediate family member, intends to occupy the unit
- the landlord is selling the unit and the purchaser, or the purchaser's immediate family member, intends to occupy the unit
- the landlord is completing major repairs or renovations that are so extensive that the unit must be vacant to complete the work
- the landlord is demolishing the residential unit or complex
- the landlord is converting the residential unit or complex to a use other than residential premises

In order to end a tenancy, the landlord must provide the tenant with a termination notice using the LTB's standard form. For more information on termination notices, visit the [Tribunals Ontario website](https://www.tribunals.ontario.ca/). If a landlord does not follow the LTB's required process for termination notices, the notice may be void.



**It is critical to note that tenants who receive a formal termination notice do not need to move out right away. Every tenant has the right to participate in an LTB hearing to explain why they should not be evicted or to request an extension of the eviction date.**

# Tenant Applications

If a tenant believes that their landlord has delivered a termination notice in bad faith, or that the landlord has breached the tenant's rights under the RTA, the tenant can submit an application to the LTB to determine their rights. The following application forms are commonly used by tenants:

## T2: Application about Tenant Rights

A T2 application can be submitted by the tenant to the LTB to determine whether the landlord:

1. entered the tenant's rental unit illegally;
2. changed the locking system without giving the tenant replacement keys;
3. seriously interfered with the reasonable enjoyment of the rental unit or the complex by the tenant or a member of their household;
4. withheld or interfered with vital services, care services, or meals; or
5. harassed, interfered with, obstructed, coerced or threatened a tenant.

## T5: Tenant Application - Landlord gave a Notice of Termination in Bad Faith

A T5 application can be submitted by a former tenant who moved out of a rental unit because they received a termination notice and they believe the landlord gave the notice in bad faith.

**Note:** A tenant cannot apply to the LTB under a T5 application if they still live in the rental unit.

# The Eviction Process

An eviction is a formal process that is managed by the LTB. There are a series of steps that every landlord must follow to legally evict a tenant. Below you will find a summary of the critical steps that may arise during an eviction.

## **The First Step:**

### Recognize a Legitimate Termination Notice

#### **What Constitutes an Informal Notice of Termination?**

It is common for landlords to contact tenants informally with an eviction demand. Informal eviction notices are often delivered by email, letter, or verbal notice. An informal notice is not a valid notice of termination under the RTA. The landlord must use the LTB's standard form of termination notice and must deliver the notice to the tenant in specified ways.

#### **What Constitutes a Formal Notice of Termination?**

Under the RTA, a landlord must serve an official notice of termination known as an "N" form. The landlord must use the specific "N" form that corresponds with the reason for terminating the tenancy. For example, the landlord must use form N4 if the tenancy is being terminated for non-payment of rent. If a tenant receives a notice of termination, they should read it carefully. The notice will contain information about the tenant's options, including what to do if the tenant disagrees with the notice.

## The Second Step:

### The Application to Evict

If the tenant does not move out after receiving a notice of termination, the landlord may apply to the LTB for an order to terminate the tenancy and evict the tenant. The LTB has the discretion to refuse or delay an eviction under the RTA. If the landlord submits an application to evict to the LTB, commonly known as an “L” form, and the landlord’s eviction application is accepted, the LTB will schedule a hearing.

The LTB will issue a Notice of Hearing to both parties with the following information:

1. the type of application that has been filed;
2. the purpose of the hearing;
3. the date and time of the hearing; and
4. the type of hearing that will be held (video conference, in person, or phone).



### Did You Know?

**The Landlord and Tenant Board now conducts hearings by video conference, making it easier for tenants to participate from anywhere. Check out the LTB’s [video conference guide](#).**

## The Third Step: The Eviction Hearing

Tribunals Ontario has published an [online brochure](#), which provides important information about LTB hearings.

### Who Attends the Hearing?

#### **Applicant(s):**

The person who filed the application or a person appearing in their place.

#### **Respondent(s):**

The other person named in the application or a person appearing in their place.

#### **Witnesses:**

Witnesses can give evidence (information) relevant to the dispute. Witnesses will usually be asked to give information rather than offer their opinion. For example, a witness may describe something they saw or heard.

#### **Representatives:**

The parties are not required to have a legal representative, but if they do, the representative will attend the hearing. The representative will usually speak on behalf of their client at the hearing.

A representative may be a lawyer or paralegal, but the parties can also choose a person who is not a lawyer or paralegal to represent them.

Note: If a party selects a representative that is not a lawyer or paralegal, such as a friend or relative, they must be approved by the LTB to participate. For more information, see the [Practice Direction](#) on Representation before the LTB.

#### **Support Persons:**

A support person, such as a family member or friend, can attend a hearing with the party. A support person is not considered a representative as long as they don't speak for the party in the hearing.

## What to Expect at the Hearing

At the eviction hearing, a member of the LTB will consider the application and make a decision. The person who submitted the application will try to show why the application should be granted, and the other party will try to show why the application should be refused. Each party will have a chance to question witnesses, show relevant documents, and make arguments to the LTB.

A typical hearing will proceed as follows:

1. the applicant tells their story
2. the respondent can ask the applicant questions
3. the respondent tells their story
4. the applicant can ask the respondent questions
5. the member can ask questions
6. each side makes a final statement to the member
7. the member makes a final decision

When the hearing is over, the member may announce their decision immediately or “reserve” the judgment, which means they will take more time to consider the evidence and submissions. In either case, the parties will receive the decision in writing explaining the result.

## The Fourth Step:

### The Eviction Order

Once the eviction hearing is over, the LTB will make a final order. The order will tell the parties what the member has decided and may describe terms or conditions that a party must follow. In most cases, the LTB will mail a copy of the order to all parties named in the application and their legal representatives.

# External Housing Help Resources

Below is a comprehensive list of resources designed to support a wide range of unique, individual experiences involving housing and eviction in Ontario.

[Housing & Social Services Department, City of Kingston](#)

[Housing Help Centre](#)

[Housing Law Guided Pathways](#)

[Hydro One's Winter Relief Fund](#)

[Kingston Community Legal Clinic](#)

[Kingston Community Health Centres' LEAP Emergency Financial Assistance](#)

['Know your Rights as a Tenant' Settlement Organization](#)

[Landlord and Tenant Board](#)

['Landlord Rights and Responsibilities' Settlement Organization](#)

**Ministry of Municipal Affairs and Housing** 1-888-772-9277

[Ontario Energy Board's Ontario Electricity Support Program, Central Hub](#)

[Property Standards - City of Kingston](#)

