



# Maintenance and Repairs

Revised: July 16, 2001

The **Tenant Protection Act** has rules about the maintenance and repair of rental housing. This guide explains some of these rules.

If you want to know exactly what the law says, you should read the Act.

**Additional information** at the end of this guide explains how you can get a copy.

These rules apply whether or not a landlord and tenant have a rental agreement in writing (“a lease”). The rules apply even if a lease says something different than what the rules say.

These rules apply regardless of the condition a rental unit was in when a person agreed to rent it from a landlord.

See the section **Mobile Home Parks and Land Lease Communities** in this guide for additional rules which apply to these types of rental units.

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## **About the Tribunal**

The Ontario Rental Housing Tribunal is an independent, quasi-judicial agency.

Tenants and landlords can apply to the Tribunal to resolve certain types of disputes, either through **mediation** or **adjudication**.

In mediation, a Tribunal mediator will help a landlord and tenant to resolve a dispute and reach an agreement they are both satisfied with.

In adjudication, a hearing is usually held. A Tribunal member makes a decision based on the evidence examined, and issues an “order.”

The Tribunal also provides landlords and tenants with information about the rights and obligations each has under the **Tenant Protection Act**.

**Additional Information** at the end of this guide explains how to contact the Tribunal.

## **The landlord’s duty**

### **Repair**

A landlord must keep a rental property in a good state of repair. All things which the landlord provides to the tenant must be kept in proper working order.

This might include electrical, plumbing or heating systems, appliances, walls, roofs, ceilings, windows, doors, locks, garages, laundry rooms, or pools.

If something no longer works because of normal “wear and tear,” the landlord must repair it so that it works properly, or replace it.

However, when something is replaced, the landlord does not have to supply a new version that provides more features than what was replaced.

For example, if a stove supplied by the landlord cannot be fixed and must be replaced, the replacement does not have to be a newer model with more features.

### **Maintenance**

A landlord must keep the property clean. This includes any lobby area, halls, elevators, laundry room, pool, and parking lot or garage. The parking area must also be kept well lit.

A landlord must control pests such as cockroaches and mice.

### **Heat**

If a landlord provides heat, it must be kept at a certain level during the fall, winter and spring. Most cities and towns have a bylaw which sets a minimum temperature for this period.

For example, the bylaw might say that between September 15 and May 15, the heat must be kept at a minimum of 21°Celsius (70°F).



## Vital services

“Vital services” are fuel, hydro, gas, or hot or cold water.

If a landlord provides any vital service to a tenant, the landlord cannot withhold the reasonable supply of it. This rule applies even if the tenant’s rent is overdue, or the tenant has caused damage to the property.

If a rental agreement says a tenant must arrange for the supply of one or more of these services, the landlord cannot deliberately interfere with the supply.

## Fire safety

The landlord must comply with all fire safety laws. Information about fire safety rules for rental properties can be obtained from your local fire department, or from the web site of the Ontario Fire Marshall at [www.gov.on.ca/OFM](http://www.gov.on.ca/OFM).

## Tenant’s garbage

When a rental unit is offered to a new tenant, the landlord and tenant can negotiate how garbage and recycle items from the tenant’s unit will be collected.

Once a procedure is agreed to, it cannot be changed without the consent of both the landlord and tenant.

A change that results in the tenant receiving less service from the landlord could lead to a reduction in the rent the landlord can charge.

## Painting

A landlord is **not** required to paint a rental unit because the existing paint has become worn or discoloured, or because a new tenant is moving in.

Painting **might** be required if:

- the landlord agreed to paint the rental unit,
- the landlord repaired something which had paint over it before, for example, paint over drywall or plaster,
- it protects a surface against damage,
- it prevents or avoids a health hazard.

## Municipal bylaws

Most communities have a bylaw that sets minimum standards for the upkeep and maintenance of rental property. It might be called a “maintenance,” “property standards,” “housing standards,” or “occupancy” bylaw. Your local government enforces this bylaw.

A landlord must maintain a rental property to the minimum standards set in the bylaw. If they do not, the local government may inspect the property for any bylaw violations.

The local government may issue a **notice of violation** or a **work order** that requires the landlord to make specified repairs by a deadline.



If the repairs are not done, the local government might prosecute the landlord for breach of the bylaw, and/or do the work and add the cost to the landlord's property taxes.

## **Provincial Maintenance Standards**

Some communities do not have a maintenance, property or housing standards bylaw.

In those areas, the landlord must follow the **Maintenance Standard** set by **Regulation 198/98** under the **Tenant Protection Act**.

The regulation sets standards on such things as:

- structural elements,
- electrical, plumbing and heating systems,
- lighting,
- ventilation,
- safety and security,
- general maintenance.

The **Maintenance and Standards Unit** of the Ontario Ministry of Municipal Affairs and Housing enforces the provincial Maintenance Standard with a team of inspectors. A work order can be issued which sets out specified repairs that have to be made by the landlord to comply with the regulation.

It is an offence under the **Tenant Protection Act** to disobey a provincial work order.

A landlord can ask that the work order be reviewed if they disagree with it (see **Applying to the Tribunal** on Page 6 for more details).

## **The tenant's duty**

### **Keeping the unit clean**

A tenant has to keep their rental unit clean, up to the standard that most people would consider ordinary or normal cleanliness. If a rental unit is not kept clean, it could create problems for the landlord or other tenants. For example, garbage may attract bugs or other pests.

If a unit is extremely unclean, and it affects the landlord or other tenants, the tenant could be evicted.

### **Repair of damage**

A tenant has to repair or pay for the repair of any damage to the rental property which they or their guests caused. This includes damage within the tenant's own unit, or in any "common area" such as a hallway, elevator, stairway, driveway, or parking area.

It does not matter whether the damage was deliberate or accidental – the tenant is responsible.

If there is undue damage to the property and the tenant does not repair it or pay for the repair, they could be evicted.



## Holding back rent

A tenant **should not** hold back any part of the rent if they feel maintenance is inadequate or a necessary repair has not been done. They might face eviction for doing so.

The first step in dealing with poor maintenance is to speak with the superintendent, caretaker, property manager or landlord. If this doesn't resolve the problem, a written request to the landlord should be made.

If the problem continues, the tenant should contact their municipality, or the Maintenance and Standards Unit (see Page 6).

A tenant can also apply to the Tribunal for an **abatement of rent** - approval to hold back rent - if their landlord has not met their maintenance or repair duties. A Tribunal order may set out an amount of rent that can be held back, and how it can be done.

In the application, a tenant can also ask the Tribunal to order the landlord to do the needed repairs or maintenance, and to compensate the tenant for damage caused to the tenant's property, or out of pocket expenses of the tenant, that resulted from the maintenance and repair problems.

## Mobile home parks and land lease communities

### The landlord's duty

A landlord must keep a mobile home park or land lease community in a good state of repair.

This includes all water supply, sewage disposal, fuel, drainage and electrical systems.

The landlord must also comply with all health, safety, and maintenance standards set by any federal or provincial laws or municipal bylaws.

A landlord must maintain the grounds and all buildings and equipment intended for the common use of residents.

A landlord must repair any damage to a tenant's property caused by the landlord, or that resulted from the landlord's negligence.

In a community which does not have a municipal property, housing or maintenance standards bylaw, the **Provincial Maintenance Standards** will apply.

This standard, among other things, requires a landlord to:

- maintain a supply of potable water and water pressure sufficient for normal household use,
- maintain adequate water and pressure for fire fighting,



- maintain roads free of potholes, snow and other obstructions, and control dust on them,
- empty sewage holding tanks.

### **The tenant’s duty**

A tenant must keep the site of the mobile home or land lease home clean. Garbage around the site may attract animals or pests.

If a unit is extremely unclean, and it affects the landlord or other tenants, the tenant could be evicted.

A tenant of a mobile home park or land lease community has the same responsibility for damage as that of any other tenant. See **The tenant’s duty, Repair of damage** on Page 4.

### **Applying to the Tribunal**

#### **Review of a work order**

A landlord can apply to the Tribunal to review a work order issued by an inspector for the Maintenance and Standards Unit of the Ministry of Municipal Affairs and Housing – but not one issued by a municipal inspector.

**A landlord must file their request within 20 days after the order is issued**, using a form available from the Tribunal.

The Tribunal may confirm, change or rescind a work order.

### **Rent abatement & compensation**

If a landlord breached the standards set by the Provincial Maintenance Standard or a local bylaw, the tenant can make a **Tenant Application About Maintenance** to the Tribunal. They can ask the Tribunal to grant an **abatement of rent** -- permission to hold back all or part of the rent paid to the landlord.

If the tenant’s property was damaged or he or she had out of pocket expenses as a result of a maintenance or repair problem, the tenant can also ask the Tribunal to order the landlord to compensate them for these losses or costs.

This application can be made by a **former tenant** for a breach of standard that occurred while they lived in a rental unit, if the application is made within one year of when the standard was breached. The landlord could be ordered to pay a rebate to the former tenant.

An abatement, rebate or compensation order can be made in addition to any other remedy allowed by the **Tenant Protection Act** or a local bylaw.



## **Additional information**

### **Local bylaw**

Check the **blue pages** of your telephone directory for the phone number of your local government.

Some cities and towns have an Internet web site where information on bylaws may be found.

### **Provincial Standards**

You can call the **Maintenance and Standards Unit** for information on these Standards, or to file a complaint about maintenance if you live in an area without a municipal bylaw.

In Toronto, call **585-7405**, or toll-free from outside Toronto:

**1 - 800 - 387-4451**

You can also visit the Maintenance and Standards Unit web site at

**<http://obc.mah.gov.on.ca/msu>**

### **The Tribunal**

Our toll-free number is

**1 - 888 - 332-3234**

You can get information from this number **24 hours a day**. You can talk to a Customer Service Representative **Monday to Friday, from 8:30 a.m. - 5:00 p.m.**

We have a web site with even more information:

**[www.orht.gov.on.ca](http://www.orht.gov.on.ca)**

The Tribunal also has guides on these topics:

- The Tenant Protection Act (a brief summary of many topics)
- Filing an Application
- If a Tenant Doesn't Pay Rent
- Rules About Rent
- Terminating a Tenancy
- Reasons for Terminating a Tenancy By a Landlord
- Termination of Tenancy By a Tenant
- Terminating a Tenancy in a Care Home

You can order a copy of the **Tenant Protection Act** from **Publications Ontario**; call toll-free **1 - 800 - 668-9938** or **326-5300** from within Toronto, or you can purchase a copy on line at:

**[www.publications.gov.on.ca](http://www.publications.gov.on.ca)**

**A list of Tribunal offices is on the next page.**

## Tribunal Offices

### **Barrie**

Ontario Rental Housing  
Tribunal  
34 Simcoe Street, Suite 303  
Barrie L4N 6T4  
Fax: (705) 739-6630

### **Durham**

Ontario Rental Housing  
Tribunal  
1916 Dundas Street East  
Whitby L1N 9J4  
Fax: 905-723-3773

### **Hamilton**

Ontario Rental Housing  
Tribunal  
119 King Street West  
14<sup>th</sup> Floor  
Hamilton L8P 4Y7  
Fax: 905-521-7870

### **Kingston**

Ontario Rental Housing  
Tribunal  
Ontario Government Centre  
Beechgrove Complex  
51 Heakes Lane  
Kingston K7M 9B1  
Fax: (613) 536-7220

### **Kitchener**

Ontario Rental Housing  
Tribunal  
30 Duke Street West  
Suite 401  
Kitchener N2H 3W5  
Fax: (519) 571-5057

### **London**

Ontario Rental Housing  
Tribunal  
150 Dufferin Avenue, Suite  
400  
London N6A 5N6  
Fax: (519) 679-7290

### **Mississauga**

Ontario Rental Housing  
Tribunal  
4 Robert Speck Parkway  
Suite 550  
Mississauga L4Z 1S1  
Fax: 905-279-7286

### **North Bay**

Ontario Rental Housing  
Tribunal  
447 McKeown Avenue  
Suite 105  
North Bay P1B 9S9  
Fax: (705) 497-5544

### **Ottawa**

Ontario Rental Housing  
Tribunal  
255 Albert Street, 4<sup>th</sup> Floor  
Ottawa K1P 6A9  
Fax: (613) 787-4024

### **Owen Sound**

Ontario Rental Housing  
Tribunal  
1050 Second Avenue East  
Owen Sound N4K 2H7  
Fax: (519) 376-7956

### **Peterborough**

Ontario Rental Housing  
Tribunal  
300 Water Street, Suite S209  
Peterborough K9J 3C7  
Fax: (705) 755-3011

### **St. Catharines**

Ontario Rental Housing  
Tribunal  
301 St. Paul Street, 9<sup>th</sup> Floor  
St. Catharines L7R 7R4  
Fax: 905-704-3969

### **Sudbury**

Ontario Rental Housing  
Tribunal  
199 Larch Street, Suite 1003  
Sudbury P3E 5P9  
Fax: (705) 564-4118

### **Timmins**

Ontario Rental Housing  
Tribunal  
Ontario Government  
Complex  
E Wing, Highway 101 East  
Bag Number 4010  
South Porcupine P0N 1H0  
Fax: (705) 235-1575

### **Thunder Bay**

Ontario Rental Housing  
Tribunal  
435 James Street South  
Suite 223  
Thunder Bay P7E 6S7  
Fax: (807) 473-3077

### **Windsor**

Ontario Rental Housing  
Tribunal  
880 Ouellette Avenue  
Suite 602  
Windsor N9A 1C7  
Fax: (519) 973-1421

### **Toronto**

Ontario Rental Housing  
Tribunal  
2275 Midland Avenue, Unit 2  
Toronto M1P 3E7  
Fax: 416-314-8649  
  
Ontario Rental Housing  
Tribunal  
47 Sheppard Avenue East  
Suite 700  
Toronto M2N 5X5  
Fax: 416-314-9567



**Toronto**

Ontario Rental Housing  
Tribunal  
79 St. Clair Avenue East  
Suite 212  
Toronto M4T 1M6  
Fax: 416-326-9838