



Social Justice Tribunals Ontario

Providing fair and accessible dispute resolution

Landlord and Tenant Board

Form A2

Application about a Sublet or an Assignment

Instructions

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When to use this application

If you are either a landlord or a tenant, you can use this application to apply to the Landlord and Tenant Board (LTB) because of issues related to assigning or subletting the rental unit.

If you are a tenant you can file this application because:

- you want the LTB to determine whether the landlord arbitrarily or unreasonably refused to allow you to assign or sublet the rental unit to another person; or
- your subtenant did not move out on the date you agreed to and you want the LTB to:
 - issue an order ending the tenancy and evicting the subtenant, or;
 - order the subtenant to pay you compensation for each day they remain in the unit after the date they were supposed to move out.

If you are a landlord you can file this application because:

- you want the LTB to determine that your tenant transferred the tenancy to another person without your consent;
- you want the LTB to evict the subtenant because the subtenancy has ended and the subtenant has not moved out; or
- you want the LTB to determine that your reasons for refusing consent to the tenant's request to assign their mobile home or land lease site were reasonable.

How to complete this application

Read these instructions before completing the application form. You are responsible for ensuring that your application is correct and complete. Follow the instructions carefully when you complete the application form.

The information you fill in on the form will be read electronically; therefore, it is important to follow the instructions below:

- Print clearly or type and do not touch the edges of the boxes.
- If there are more boxes in a line than you need, start from the left and leave the extra boxes blank.
- Do not fill in boxes that do not apply to you (for example, if you do not have a fax number, do not fill in boxes in the space marked "Fax Number").
- If the instructions tell you to shade a box or a circle (for example, circles marked "Yes" or "No"), shade the box or circle completely.

PART 1: GENERAL INFORMATION

Applicant Information

Shade the appropriate circle to indicate whether you are a landlord or a tenant.

If you are a landlord:

Fill in your name and address. If the landlord is a company, fill in the name of the company under "Company Name". Include both daytime and evening telephone numbers and a fax number and e-mail address, if you have them.

If there is more than one landlord, fill in information about one of the landlords in this section. Provide the names, addresses and telephone numbers of the additional landlords on the [Schedule of Parties](#) form which is available from the LTB website at sjto.ca/ltb.

If you are a tenant:

Fill in your name. Fill in your address if it is different from the address of the rental unit covered by this application. Include both daytime and evening telephone numbers and a fax number and e-mail address, if you have them.

If two or more tenants live in the rental unit, provide the names, addresses and telephone numbers of any additional tenants on the [Schedule of Parties](#) form which is available from the LTB website at sjto.ca/ltb.

Address of the Rental Unit, Building or Residential Complex Covered by this Application

Fill in the complete address of the rental unit, including the unit number (or apartment or suite number) and the postal code.

If the street name includes a direction that will not fit in the five spaces provided (such as Northeast) use the following abbreviations: *NE* for Northeast, *NW* for Northwest, *SE* for Southeast, *SW* for Southwest.

Example:

If the address is: #208 at 1120 Mayfield Road North, London, N6J 2M1, this is how you should complete Part 1 of the application:

| | | |
|---|-----------------------|-----------------|
| Street Number | Street Name | |
| 1 1 2 0 | M A Y F I E L D | |
| Street Type (e.g. Street, Avenue, Road) | Direction (e.g. East) | Unit/Apt./Suite |
| R O A D | N O R T H | 2 0 8 |
| Municipality (City, Town, etc.) | Prov. | Postal Code |
| L O N D O N | O N | N 6 J 2 M 1 |

Other Parties to the Application

Shade the appropriate circle to indicate whether the other party to the application is the landlord, tenant, subtenant or current occupant.

If you are the tenant:

The landlord is always an “other party”. If you are applying against a subtenant, they are also an “other party”.

Fill in the other party’s name and address. If the other party is the landlord and a company, fill in the name of the company under “Company Name”. Include both daytime and evening telephone numbers and a fax number and e-mail address, if you have them.

If you are the landlord:

The tenant is always an “other party”. If you are applying to evict the subtenant, then both the tenant and the subtenant are “other parties”. If you are applying to evict an unauthorized occupant, then both the tenant and the current occupant are “other parties”.

If there is more than one other party, provide the names, addresses and telephone numbers of the additional other parties on the [Schedule of Parties](#) Form which is available from the LTB website at sijo.ca/ltb.

Related Applications

If there are any other applications that relate to this rental unit and those applications **have not** been resolved, fill in the file number(s) in the space provided.

PART 2: REASONS A TENANT CAN APPLY

If you are a tenant, there are two different reasons for applying to the LTB about an assignment or a sublet. Shade the appropriate box to indicate each reason you are applying for and what remedies you want the LTB to order, if the LTB decides in your favour.

Reason 1: The landlord arbitrarily or unreasonably refused to allow me to assign or sublet the rental unit to another person.

Shade the circle to show whether you asked your landlord for permission to assign or sublet the rental unit.

In an assignment, the tenant transfers (or assigns) all of their legal interests in the tenancy agreement to another person and the tenant does not intend to return to the rental unit.

In a sublet, a tenant retains possession of the rental unit but would like it to be occupied temporarily by someone else.

You *cannot* apply if the landlord has refused in principle to allow you to assign the rental unit. The *Residential Tenancies Act, 2006* (the RTA) allows the landlord to refuse in principle. If the landlord refuses in principle, you can give the landlord a notice to end the tenancy. You must give the landlord the notice within 30 days of requesting to assign the rental unit. Also, if the tenancy is a daily or weekly tenancy,

the termination date in the notice must be at least 28 days after you give the landlord the notice. For all other types of tenancies, such as monthly, the termination date in the notice must be at least 30 days after you give the landlord the notice.

If the landlord consents in principle to allow you to assign or sublet the rental unit and you have proposed a person to whom you want to assign or sublet the rental unit, the landlord *cannot* refuse to allow you to assign or sublet the rental unit to that person for a reason that is arbitrary or unreasonable.

In the space provided describe in detail why you believe the landlord arbitrarily or unreasonably refused to allow you to assign or sublet the rental unit.

You may choose one or more of the following remedies:

1. An order authorizing the assignment or sublet of the rental unit.

Shade this box and indicate the name of the person to whom you want to assign or sublet the rental unit. This may be the person whom you had originally proposed to the landlord, or someone else.

2. An order ending your tenancy.

Shade this box on the form and, in the space provided, indicate the date that you want your tenancy to end.

3. An order requiring the landlord to pay you a rent abatement.

Shade this box and, in the space provided, fill in the dollar amount of the abatement you want the LTB to order. Explain in detail how you determined the amount that you are asking for.

Reason 2: The subtenant did not move out on the date we agreed to.

The law allows a tenant to sublet their rental unit to a subtenant with the landlord's consent. If you sublet the rental unit for a period of time which has now ended and the subtenant has not moved out, you may apply to evict them. You must apply no later than **60 days** after the date the subtenancy ended.

If you are applying for this reason, shade the box on the form. Indicate the date the subtenant was supposed to move out.

You may choose one or both of the following remedies:

- 1. An order ending the tenancy and evicting the subtenant; or**
- 2. An order requiring the subtenant to pay you compensation for each day they remain in the unit after the date they were supposed to move out.**

You can apply for compensation from the subtenant if the subtenancy has ended and the subtenant is still living in the rental unit and not paying rent. The compensation is a daily amount and is based on the rent the subtenant was paying. You cannot request this remedy if the subtenant is still paying rent.

Shade this box and, in the space provided, indicate the amount of rent the subtenant currently pays. Shade the appropriate circle to indicate whether the subtenant pays rent by the **month**, **week** or **other**. If you choose “other”, fill in the frequency of rent payments (for example, bi-weekly) in the space provided.

PART 3: REASONS A LANDLORD CAN APPLY

If you are a landlord, there are three different reasons for applying to the LTB about an assignment or a sublet. Shade the appropriate box or boxes to indicate each reason you are applying for and what remedies you want the LTB to order, if the LTB decides in your favour.

Reason 1: The tenant transferred the tenancy to another person without my consent.
This person is an unauthorized occupant.

If your tenant transferred the occupancy of the rental unit to another person without your consent, this person is an unauthorized occupant.

You may choose one or both of the following remedies:

1. An order ending the original tenancy and evicting the unauthorized occupant.

You can apply to both end the original tenancy and to evict the unauthorized occupant. You must apply no later than **60 days** after finding out that there is an unauthorized occupant in the rental unit.

Shade this box and, in the space provided, fill in the date you were first aware that there was an unauthorized occupant in the rental unit.

2. An order requiring the unauthorized occupant to pay you compensation for each day they remain in the rental unit.

If you are applying to evict an unauthorized occupant, you may also apply for an order requiring the unauthorized occupant to pay you compensation for each day they remain in the rental unit without paying rent. You can only apply for compensation if the unauthorized occupant is still in possession of the rental unit at the time you file this application with the LTB.

Shade this box and, in the space provided, indicate the amount of rent the tenant was paying before they transferred occupancy of the rental unit. Shade the appropriate circle to indicate whether the tenant paid rent by the **month**, **week** or

other. If you choose “other”, fill in the frequency of rent payments (for example, bi-weekly) in the space provided.

Compensation is calculated from the date the landlord discovered the unauthorized occupant. If you believe a different start date should be used, in the space provided, indicate the start date and explain why you believe the occupant owes you money from that date.

NSF Cheque Charges: If the unauthorized occupant made a payment by cheque that was returned to you because of non-sufficient funds (NSF), and they have not paid you back for the charges related to the NSF cheque, you can include these amounts in your application. If the unauthorized occupant does not owe you anything related to NSF charges, leave this section blank.

Complete the table to show how you calculated the amount the unauthorized occupant owes you. Fill in one row of the table for each NSF cheque the unauthorized occupant gave you. Include the following information:

- the amount of the cheque,
- the date of the cheque,
- the date your financial institution charged you for the NSF cheque (under *Date NSF Charge Incurred*),
- the amount the bank charged you for the NSF cheque (under *Bank Charge for NSF Cheque*),
- the amount of your related administration charges the (under *Landlord’s Administration Charge*),

Note: A landlord’s administration charge for NSF cheques can include your personal or corporate costs related to the handling of NSF rent cheques. For example, this charge may include the costs for additional accounting expenses or tenant notification in cases of NSF cheques. The **maximum** administration charge for an NSF cheque allowed by the RTA is \$20 per cheque.

- Calculate the amounts for each row in the *Total Charge* column by adding the amount for *Bank Charge for NSF Cheque* and the amount for *Landlord’s Administration Charge*. Do **not** include the Cheque Amount.
- Calculate the amount for *Total NSF Related Charges Owing* by adding the amounts you filled in the *Total Charge* column.

Reason 2: I want the Board to evict the subtenant because the subtenancy has ended and the subtenant has not moved out.

If your tenant sublet the rental unit and the subtenant has remained in the rental unit after the date the subtenancy ended, you may apply to evict the subtenant. You must make the application no later than **60 days** after the date the subtenancy ended.

If you are applying for this reason, shade the box on the form and indicate the date the subtenant was supposed to move out of the rental unit.

Reason 3: I want the Board to determine that my reasons for refusing to consent to the tenant's request to assign their mobile home or land lease site were reasonable.

If you are a landlord of a mobile home park or land lease community, you can only refuse your tenant's request to assign their mobile home site to a purchaser or prospective purchaser if you have reasonable grounds to do so.

You must apply no later than **15 days** after the day the tenant asked for your consent to sublet or assign the rental unit. If you are filing the application later than 15 days after the tenant asked for your consent, you must also file a [Request to Extend or Shorten Time](#) which is available from the LTB website at sjto.ca/ltb.

If you are applying because your tenant asked for consent to assign their mobile home site and you refused, shade this box on the form. In the space provided, indicate in detail why you refused and why you believe your reasons for doing so were reasonable.

PART 4: SIGNATURE

If you are the landlord, shade the circle marked "Landlord". Then, sign the application form and fill in the date.

If you are the tenant, shade the circle marked "Tenant". Then, sign the application form and fill in the date.

If you are the representative, shade the circle marked "Representative". Then, sign the application form and fill in the date.

Information about the Representative

Complete this section only if you are a representative. Fill in your name, address and contact information in the spaces provided.

REQUEST FOR ACCOMMODATION OR FRENCH-LANGUAGE SERVICES

The LTB wants to ensure that everyone who uses its services can ask for and receive accommodation and/or French Language services in order to be able to participate in its proceedings on an equal basis.

Shade the appropriate box or boxes on the form to indicate whether you need accommodation under the Ontario *Human Rights Code*, French-language services or both. The LTB will not include a copy of this form when we give the other parties a copy of the application form. However, the information will be included in your application file. The file may be viewed by other parties to the application.

If you require accommodation under the *Human Rights Code*, explain what services you need in the space provided.

PAYMENT AND SCHEDULING INFORMATION FORM

Complete this form to provide the LTB with the information required to process your application. Your application will not be accepted if you do not pay the application fee at the time you file the application. If you owe money to the LTB as a result of failing to pay a fee or any fine or costs set out in an order, your application may be refused or discontinued.

You may request a fee waiver if you meet the financial eligibility requirements set out by the LTB. You will need to complete the [Fee Waiver Form](#) which is available from the LTB website at sjto.ca/ltb. For more information about fee waivers and the eligibility criteria, go to the fee waiver rules and practice direction on the [Rules of Practice](#) page of the LTB website.

Part 1: Payment Method

Shade the appropriate box to show whether you are paying by cash, debit card, money order, certified cheque, Visa or MasterCard. You cannot pay by cash or debit card if you are filing your application by fax or mail. If you are paying by credit card, include the cardholder's name and signature, the card number and expiry date. The information you fill in on this part of the form is confidential. It will be used to process your application, but will not be placed on the application file.

Part 2: Information Required to Schedule the Hearing

The LTB will normally schedule your hearing between 3 weeks and 6 weeks after the date you file your application. The LTB will schedule your hearing on the first available hearing date within this 3 week period. If there are any dates that you are not available during this 3 week period, list them here. The LTB will not schedule your hearing on the date(s) you indicate you are not available and will schedule your hearing on the next available hearing date. **The LTB will not contact you to schedule a hearing.**

SECTION

C

What to include when you file your application

To file this application, you must include the following:

- The completed A2 application form,
- The application fee (listed on the cover page of the application).

Your application will be refused if you do not pay the application fee.

You can file your application in one of the following ways:

1. In Person at the nearest LTB office.

To find a list of LTB [office locations](http://sjto.ca/ltb) visit the LTB website at sjto.ca/ltb. You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

If you file your application in person at an LTB office, you can pay the application fee by cash, debit card, certified cheque, money order, Visa or MasterCard.

2. By Mail

Mail your A2 application to the nearest LTB office.

To find a list of LTB [office locations](http://sjto.ca/ltb) visit the LTB website at sjto.ca/ltb. You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

If you mail your application, you can pay the application fee by certified cheque or money order, Visa or MasterCard.

3. By Fax

You can fax your application to the nearest LTB office.

To find a list of LTB [office fax numbers](http://sjto.ca/ltb) visit the LTB website at sjto.ca/ltb. You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

If you fax your application you can pay the application fee by Visa or MasterCard.

Certified cheques and money orders must be made payable to the *Minister of Finance*.

You can visit the LTB website at: sjto.ca/ltb

You can call the LTB at 416-645-8080 from within the Toronto calling area, or toll-free at 1-888-332-3234 from outside Toronto, and speak to one of our Customer Service Officers.

Customer Service Officers are available Monday to Friday, except holidays, from 8:30 a.m. to 5:00 p.m. They can provide you with **information** about the *Residential Tenancies Act* and the LTB's processes; they cannot provide you with legal advice. You can also access our automated information menu at the same numbers listed above 24 hours a day, 7 days a week.