



Social Justice Tribunals Ontario

Providing fair and accessible dispute resolution

Landlord and Tenant Board

Landlord's Notice to a New Tenant About an Order Prohibiting a Rent Increase

Instructions

These instructions provide the following information:

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November 30, 2015

SECTION
A

When you must give this notice to a new tenant

You must give this notice to a new tenant if the following circumstances apply:

- a former tenant of the rental unit made an application to the Landlord and Tenant Board (the Board) about maintenance in the rental unit or residential complex,
- as a result of that application, the Board issued an Order that included an Order Prohibiting a Rent Increase (OPRI) that affects the rental unit, **and**
- you have not yet completed the work the Order required you to do to end the OPRI.

If a new tenant will be moving into the rental unit affected by the OPRI, you must give the new tenant this notice before you enter into the tenancy agreement.

If the Board issued an OPRI after you entered into a new tenancy agreement for the rental unit affected by the OPRI, you must give the new tenant this notice before the new tenancy agreement takes effect (in other words, before the date the new tenant is allowed to move into the rental unit).

If a new tenant has already moved into the rental unit when the Board issues an OPRI affecting the rental unit, you must give the new tenant this notice as soon as possible after the Board issues the OPRI.

What happens if you do not give this notice?

If you do not give this notice to a new tenant who is entitled to it, the new tenant can apply to the Board for an order requiring you to rebate any rent they have paid in excess of what you are allowed to charge while the OPRI is in effect. The Board can also order you to pay a fine of up to \$25,000.

SECTION
B

How to complete this notice

You must be sure that your notice meets the requirements of the *Residential Tenancies Act*. Read the following instructions and complete the notice form carefully. If you do not complete the form properly, your notice may not be valid and the tenant may be entitled to apply to the Board (see **What happens if you do not give this notice**).

On Page 1 of the Notice form:

To: Fill in the new tenant's name. Also fill in the new tenant's current address if they do not yet live in the rental unit. If there is more than one new tenant who will be living in the rental unit, fill in the names of all of the tenants.

From: Fill in the landlord's name. If there is more than one landlord, fill in the names of all of the landlords.

Address of Rental Unit: Fill in the complete address of the rental unit. This includes the unit number and the postal code.

Address of the Rental Unit

Street Number	Street Name	
265	WITHROW	
Street Type (e.g. Street, Avenue, Road)	Direction (e.g. East)	Unit/Apt./Suite
BOULEVARD	WEST	21
Municipality (city, town, etc.)	Province	Postal Code
SCARBOROUGH	ON	M5N 2R7

Part A: The rent we agreed on

In the first box on page one of the notice form, there are three areas for you to complete. You must fill in:

- The amount of rent that you and the new tenant agreed on for the rental unit.
Note: the rent amount you fill in must be the **total rent** you and the tenant have agreed to. The total rent includes the basic rent for the rental unit and any amount you and the new tenant agreed the tenant will pay separately for services, such as parking or cable.
- How often you and the new tenant agreed that rent would be paid (for example, monthly or weekly).
- The date you and the new tenant agreed that the new tenant would start paying this rent (in other words, the date the new tenancy started, or will start).

Part B: The rent I am permitted to charge you

In the second box on page one of the notice form there are two areas for you to complete. You must fill in:

- The amount of rent that you are permitted to charge until you complete the work the Board ordered you to do.
The rent you are permitted to charge until you complete the work is the rent you were charging the former tenant of the rental unit. **Exception:** if you and the new tenant have agreed that the new rent will include services that were not provided

to the former tenant, then the rent you are permitted to charge can include amounts for these services. See the example below.

- How often you and the new tenant agreed that rent would be paid (for example, monthly or weekly).

Example:

George Mitchell (the landlord) and Anthony Donat (the tenant) are planning to enter into a tenancy agreement for unit 101. The Board has issued an Order which includes an OPRI for unit 101. As a result, George gives Anthony this notice before they enter into the tenancy agreement.

The former tenant of the rental unit paid \$800 per month and did not have a parking space. Anthony, however, has agreed to pay an extra \$40 per month in rent for a parking space. The amount George is permitted to charge Anthony until he completes the work required by the Board is $\$800 + \$40 = \$840$ per month. In Part B of the notice George fills in that he cannot charge more than \$840 per month until he completes the work required by the Board's Order.

Part C: Information about the rent I am permitted to charge you

In Part C on page one of the notice form there are two areas for you to complete. First, you must fill in the file number of the Board's Order that included the OPRI for the rental unit the new tenant will move into or has moved into.

You must also provide information about what the OPRI prohibits you from doing until you complete the work. There are three choices on the form, and you must check each one that applies. An OPRI can prohibit the landlord from doing any or all of the following three things:

- charging more than the rent set out in Part B of the notice,
- giving a notice of rent increase for the rental unit, or
- collecting an increased rent, if the landlord had previously given a notice of rent increase before the Board issued its order and the rent increase was supposed to take effect after the Order was issued.

In most cases, the Board's Order will include all three OPRI provisions.

On Page 2 of the Notice form:

Part D: The work I have to complete

In this part of the notice, you must give the tenant information about the work the Board's Order requires you to do in order to end the OPRI. In the space provided, describe **all** the work the Board's Order requires you to do. If the Board's Order requires you to do repairs, describe each repair the Order requires you to do and include the deadline by which the Order requires you to complete each repair. If the Board's Order

requires you to replace damaged items, describe each replacement you are required to make and include the deadline by which the Order requires you to replace the item. Attach additional pages if necessary.

Signature:

If you are the landlord, shade the box marked *Landlord*. Then, sign the notice form and fill in the date beside the signature box. You also need to complete the areas below the signature box with your name, company name (if applicable), address, phone number and a fax number if you have one.

If you are an agent for the landlord, shade the box marked *Agent*. Then, sign the notice form and fill in the date. You also need to complete the fields below the signature box with your name, company name (if applicable), address, phone number and a fax number if you have one.

SECTION

C

How to give this notice to the new tenant

There are many ways that you can give this notice to the new tenant. You can:

- hand it directly to the new tenant (if the new tenant has already moved in you can hand it to the tenant or to an adult in the rental unit),
- leave it in the new tenant's current mailbox or where mail is currently delivered to them,
- if the new tenant has already moved into the rental unit, place it under the door of the rental unit or through a mail slot in the door,
- send it by fax to a fax machine where the new tenant carries on business or to a fax machine in their home (if you fax it, it is deemed to be given on the date imprinted on the fax),
- send it by courier to the new tenant (if you courier it, you must add **one business day** for delivery),
- send it by mail (if you mail it, you must add **five days** for delivery).

If the new tenant has already moved into the rental unit, you **cannot** give the tenant this notice by posting it on the door of the new tenant's rental unit.

It is important that you keep a copy of the notice you give the new tenant.

**SECTION
D****What happens after you give this notice**

See **Part E** on page 2 of the notice - once you complete **all** the work the Board's Order requires you to do, the OPRI will end. This means you will be allowed to charge the new tenant the rent that you had agreed to. This is the amount you included in Part A on page 1 of this notice. You can start charging this amount on the first day of the first rental period that begins after the day you complete the work. If the Board's Order requires you to do a number of different repairs and/or replace a number of different damaged items, the OPRI will not end until you have completed each one of the repairs and/or replaced each one of the damaged items. See the example below:

Example:

Bethany Watts (the tenant) and Ted Kowalski (the landlord) agreed that Bethany would pay a rent of \$825 per month on the first of every month. However, at the time they agreed to this amount, an OPRI affected the rental unit. Ted gave Bethany this notice before they entered into the tenancy agreement. On April 20th, Ted completed the final repair required by the Board's order. On May 1st, Ted will be allowed to start charging Bethany a rent of \$825 per month.

**SECTION
E****Who to contact if you have any questions**

If you need more information or have any questions, you can call the Landlord and Tenant Board at 416-645-8080 or toll-free at 1-888-332-3234. Or, you can visit the Board's website at sjto.ca/lrb.