

## FILING AN APPLICATION

This guide explains the basic steps in making an application to the Ontario Rental Housing Tribunal. The application might deal with:

- a rent increase, reduction or refund,
- failing to pay rent,
- maintenance and repair,
- eviction, or any other dispute
- covered by the **Tenant Protection Act**.

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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 satisfied with.

In adjudication, a hearing may be 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.

## Who can apply

You can apply if you are a landlord or tenant.

In some cases, a former tenant can make an application because of things that happened while they were a tenant of a particular landlord.

In some cases, a group of tenants in the same building, complex, mobile home park or land lease community can join together to make an application.

If you owe money to the Tribunal for any fee, a fine or costs, your application may be refused.

## Who is involved

The person or company who makes ("files") the application is called the "**applicant**". Any person or company affected by the application is called a "**respondent**".

In a landlord's application, the respondent might be one or more tenants, a subtenant, or any other occupant of a rental unit.

In a tenant's application, the respondent might be the landlord, or a property manager who looks after a property for a landlord.

## How to file an application

Landlords and tenants use different application forms.

Each application form has instructions on how to complete it, and what to do when it is completed.

For some applications, there may be documents that must be filed at the same time as the application. The instructions will tell you what these are. If you do not file these documents, your application might be dismissed.

For **all** applications, you **must** file all documents that support the reasons for your application.

The application and supporting documents can be filed at any Tribunal office in person, by ordinary mail,

by courier, or by fax.

Applications and supporting documents may also be filed at some Driver & Vehicle Licensing Offices.

## **Application fees**

In most cases, you must pay a fee to file an application. The fee can be paid by cash, money order, **certified** cheque, debit card, or Visa or MasterCard.

**The Tribunal will not accept applications without full payment, and does not accept postdated or uncertified cheques.**

A list of **Fees for Applications** is at the end of this guide.

## **Changing an application**

If you want to change your application after it has been filed, you must get approval from the Tribunal.

## **Withdrawing an application**

In most cases, you can withdraw your application any time before a hearing begins. Once a hearing has started, you must have the Tribunal's permission to withdraw it.

However, a tenant who wants to withdraw a harassment application must have the Tribunal's permission to withdraw, whether or not a hearing has begun.

## **Having a hearing**

When an application is filed, a hearing is usually scheduled by the Tribunal.

A typical hearing is where the applicant and respondent appear before the Tribunal. However, there can also be:

- An **electronic hearing** conducted by telephone or video conference,
- A **written hearing** where the applicant and respondent submit their evidence in writing to the Tribunal.

A form called a **Notice of Hearing** is issued to the applicant by the Tribunal. It explains the purpose of the hearing, and where and when it will be held.

The applicant must give a copy of the application and the Notice of Hearing to all respondents **before the hearing**.

For a landlord's application to evict a tenant, these documents must be given **at least five days** before the hearing.

For a landlord's application to increase the rent above the guideline, they must be given **at least 30 days** before.

For most other types of application, they must be given **at least 10 days** before the hearing.

If these documents are going to be sent by mail, you must allow five full days for delivery on top of these deadlines.

For example, if the application is for a rent increase above the guideline, the landlord would have to mail them no later than 35 days before the hearing.

## **Disputing an application**

A respondent may have a deadline for telling the Tribunal they plan to dispute the application. The Notice of Hearing gives this deadline.

A dispute must be filed in writing. If it is not filed on time, the Tribunal may cancel the hearing, and issue a default order granting the applicant's request.

## **What happens at a hearing**

A hearing is held by a Member of the Tribunal. At a typical hearing, the Member will explain the type of application involved, and how the hearing will be run.

The applicant then explains the reasons for the application, and presents evidence to support these reasons.

Documents filed with the Tribunal might be examined, and a witness can be called to give evidence.

As each person is finished giving their evidence, they may be questioned by the Member and the respondent.

When the applicant has finished presenting their evidence and has replied to any questions, the respondent presents their dispute to the application. This can include documents and witnesses.

The Member may require that evidence be given under oath or by affirmation.

If there is more than one applicant or respondent - such as a group of tenants - they should appoint one or two persons as spokespersons for the group. These persons can present documents, call witnesses, and ask questions on the group's behalf.

## **How to prepare for a hearing**

### **Documents**

The **applicant** must be prepared to present their evidence, and to explain any documents filed to support the application.

The respondent can examine these documents at the Tribunal office in advance of the hearing. In this way, they can better prepare their dispute or any questions.

If the respondent plans to submit any documents, they should file a copy with the Tribunal and give a copy to the applicant before the day of the hearing. This allows the Tribunal Member to review the documents before the hearing. It also allows the applicant time to examine them and prepare any questions or response.

### **Having a witness**

If you want to call a witness on your behalf, you must arrange for the witness to attend the hearing.

If a witness is going to be asked questions about a document, the person calling the witness must file the document **before the hearing**.

You can ask the Tribunal to issue a summons to require a person to appear as a witness at a hearing, and to bring any relevant documents with them.

If you want to ask for a summons, you should get a **Summons Information Sheet** and **Request for a Summons** form from the Tribunal.

You must submit the request **as soon as** you realize a summons may be needed.

### **Additional Information**

The Tribunal also has guides on these topics:

- **The Tenant Protection Act (a brief summary of many topics)**
- **If a Tenant Doesn't Pay Rent**
- **Maintenance and Repair**
- **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**

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.

You can order a copy of the **Tenant Protection Act** from **Publications Ontario**; call **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)

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