



Brochure: If You are Locked out of Your Unit – Information for Tenants

Legal Eviction and Illegal Lockouts

A landlord who follows the rules in the *Residential Tenancies Act, 2006* (RTA), and gets an eviction order from the Landlord and Tenant Board (LTB), can go to the sheriff to have you removed from your unit and get the locks changed if you don't leave. This is a legal eviction.

However, sometimes a landlord will change the locks without getting an LTB eviction order. This is an illegal lockout.

Legal Evictions

How can my landlord *legally* evict me?

Different situations have slightly different procedures. For example, the process for evicting a tenant for not paying their rent is not exactly the same as the process used when a tenant damages the unit. However, for most evictions, the landlord must follow the five steps below:

1. Your landlord gives you a notice to end your tenancy.
2. If you don't leave by the date in the notice, the landlord files an application with the LTB for an eviction order.
3. The LTB schedules a hearing. If you want to dispute the application, you must come to the hearing.
4. After the hearing, the LTB issues a written decision called an order. The order may say you are allowed to stay in your unit or you may be told to move out.
5. If you have to move out, the LTB eviction order will include a date you have to move out by. If you don't leave by the date in the order, the landlord must file the order with the Court Enforcement Office (sheriff). The sheriff is the only person who is allowed enforce the LTB order and make you move out.

Exceptions:

In these cases, your landlord can apply to the LTB without giving you a notice, and the LTB can issue an eviction order without having a hearing:

1. You gave your landlord a notice to end your tenancy and the notice said you would move out.
2. You made an agreement with your landlord to end your tenancy and move out.
3. A previous LTB order or mediated agreement let you to stay in your unit as long as you met conditions that you and your landlord agreed to, but you didn't meet those conditions.

Illegal Lockouts

Can my landlord lock me out?

It is illegal for your landlord to lock you out of your unit. Only a sheriff from the Court Enforcement Office can force you to move out. A sheriff will only force you to move out if your landlord has received an eviction order from the LTB and you didn't move out by the date in the order.

Remember: A notice of termination is not an eviction order.

A notice of termination is your landlord asking you to move out of your unit. An eviction order is an LTB decision ordering you to move out of your unit.

What can I do if my landlord locks me out illegally?

If a landlord doesn't follow the RTA process and locks you out illegally, you can:

1. **Call the Police**
If you need immediate assistance, call the police. It helps if you have identification to prove your address. The police may be able to get your landlord to let you back into your unit.
2. **Call the Rental Housing Enforcement Unit of the Ministry of Housing**
After talking with you, a Compliance/Customer Service Officer may call the landlord and explain the law. Sometimes this will solve the problem. If the landlord does not cooperate, an investigation may be started and the landlord may be taken to court.

The phone number for the Rental Housing Enforcement Unit is **416-585-7214** within the GTA) or toll-free **1-888-772-9277** from anywhere else in Ontario. Staff members are available Monday to Friday from 8:30 a.m. to 4:30 p.m. The website is ontario.ca/rentaloffences.

3. **Apply to the LTB**
You can file an application to get an order requiring your landlord to let you back into your unit and continue your tenancy.

4. Get legal advice

You can talk to a lawyer, someone at a legal clinic, or a paralegal who can give you advice on what you should do if you have been locked out. You can find a list of [legal resources](#) on our website under "Accessing our Services" – "Getting Legal Help" or by calling us at the numbers below.

Applying to the LTB to Get Back into the Rental Unit

What form do I use?

If your landlord has locked you out illegally, you can file the [Application about Tenant Rights](#) (Form T2) to ask the LTB for an order requiring your landlord to let you back into your unit and continue your tenancy.

How do I file an application?

Fill out the Application about Tenant Rights (Form T2).

It is important that you act quickly. Once another tenant is living in the unit, the LTB cannot order the landlord to let you back in.

You can get this application and the instructions on how to complete it at sjto.ca/ltb/forms, at any LTB office, or by phoning us at the numbers below.

If you use the paper form, you can file it in person or by fax or mail. You can also file your application online using [LTB e-File](#). The cost is \$50 if you file by paper and \$45 by e-File.

What happens when I file my application?

When you file the completed application, LTB staff will schedule a hearing. Hearings are scheduled as soon as possible, but your hearing date may not be for several weeks.

Can I ask for an earlier hearing date?

To ask for an earlier hearing date, fill out the [Request to Extend or Shorten Time](#) and file it with your application. In your request, you will need to explain why your situation is urgent. An LTB member will decide whether or not to give you an earlier hearing date. The decision is made as quickly as possible, sometimes even on the day that you file your request.

In your request, you can also ask the LTB to make an interim order which would prevent the landlord from renting the unit to anyone else before the hearing is held.

Delivering the application and Notice of Hearing to your landlord

The LTB will send a copy of the application and the Notice of Hearing to you and your landlord unless the LTB has agreed to hold an early hearing. In that case, you will have to "serve" (deliver) the application and Notice of Hearing on your landlord. Staff will give you two copies of the Notice of Hearing and two copies of your application. You should keep one copy of each document for yourself. Give the second copy to your landlord.

It is important that you give the landlord (or their representative) copies of both the Notice of Hearing and the application right away; the same day if possible. You can deliver them by hand, or send them by courier or fax. Once you have given the landlord their copy, you must file a completed [Certificate of Service](#) with the LTB, explaining how and when you gave these documents to the landlord.

Attending the hearing

At the hearing, both you and your landlord will have a chance to explain your side of the situation. You may bring a lawyer or an agent to represent you, and witnesses to support your case. Bring copies of any documents (one for the LTB member and one for the landlord) you want to present.

What will happen after the hearing?

Once the LTB member (adjudicator) has heard what you and your landlord have to say, they will consider the evidence and arguments and issue an order.

The member could order that the landlord:

- allow you to move back into the rental unit, but only if it is still vacant
- pay you an abatement of rent (a refund of your rent for the time that you were locked out of your rental unit)
- pay you compensation for any costs you paid or will pay for property that was damaged or disposed of as a result of the landlord's actions
- pay you for any other reasonable out-of-pocket expenses you paid or will pay because of the landlord's actions
- pay an administrative fine of up to \$25,000

The member could also order that your tenancy be terminated on a specific date.

The member may announce the decision at the end of the hearing, or may wait and give the decision in the written order. The order will be mailed to you and your landlord.

Enforcing the order

If the LTB orders your landlord to let you move back into your unit and your landlord does not obey the order, you will need to have the order enforced. This means you will have to apply to the Court Enforcement Office for your area and pay a fee to have the sheriff come to your unit and make sure that the landlord lets you back in.

You will need to act quickly. If you don't apply within 15 days of the date on the order, it will expire and the sheriff cannot make your landlord let you move back in.

To find the Court Enforcement Office in your municipality, visit the Ministry of the Attorney General's [court finder](#) and select "Enforcement" in the "Choose a court office" drop down menu.

Contact the Landlord and Tenant Board

Call us:

Toll free: 1-888-332-3234

Toronto area: 416-645-8080

TTY: Bell Relay Service at 1-800-268-9242

Visit our website at sjto.ca/ltb

Visit your local LTB office. For office locations visit [our website](#).

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