



## Filing an Application

### Information in this brochure

This brochure explains the basic steps involved in filing an application with the Landlord and Tenant Board (the Board). An application filed with the Board may deal with various landlord and tenant matters, such as:

- eviction,
- a rent increase, rent reduction or rebate,
- failure to pay rent,
- maintenance and repair,
- any other matter covered by an application in the *Residential Tenancies Act, 2006* (the Act)

### About the Landlord and Tenant Board

The Landlord and Tenant Board provides landlords and tenants with information about their rights and obligations under the Act, and helps landlords and tenants to resolve certain matters covered by the Act. In order for the Board to help resolve a matter, a landlord or tenant must first file an application with the Board.

The application can be resolved either through **adjudication** or **mediation**.

In adjudication, a hearing is held. A Board member makes a decision based on the evidence presented at the hearing, and issues a written decision called an order.

In mediation, a Board mediator will help a landlord and tenant to resolve the application and reach an agreement they are both satisfied with. If the mediation is successful, the landlord and tenant can either sign a written agreement, or ask an adjudicator to write an order that shows what they have agreed to.

**Who can apply to the Board?**

An application to the Board can be filed by:

- A landlord or a tenant,
- In some circumstances, a former tenant, if the issues happened while they were a tenant in a rental unit,
- In some circumstances, a group of tenants in the same building, a group of related buildings, a mobile home park or a land lease community,
- In some circumstances, a prospective tenant.

**Note:** If you owe money to the Board for any fee, fine or costs, your application may be refused.

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**Who is involved in an application to the Board?**

The person or company who files the application is called the **applicant**. The person or company against whom the application is filed is called the **respondent**. There can be more than one applicant and more than one respondent listed in the application.

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

In a tenant's application, the respondent might be the landlord or an agent of the landlord. An agent might be someone who looks after the property for the landlord, such as a property manager or management company, or a superintendent.

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**How to file an application**

The Board has a number of different application forms that landlords and tenants can use depending on the matter they want the Board to resolve. Each form has instructions on how to complete it, and what to do when it is completed.

For some applications, the law requires that certain documents be filed along with the application. The instructions for each application will explain what these required documents are.

Once an application is filed, Board staff will look at the application to make sure that any required documents are included. If a document that is required by the Act is missing from the application, staff will return the application to the client without processing it. The person filing the application is responsible for providing correct and accurate information in their application.

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**Where can I file an application to the Board?**

You can file an application in person at a Board location, or at most ServiceOntario locations. You can also send the application to the Board by fax, mail or courier.

All of the Board's applications, notices and other forms that a landlord or tenant might require in order to file an application are available on the Board's website. These documents can also be obtained by calling or visiting a Board office or by visiting a ServiceOntario location that provides this service.

Please see the brochure entitled "**Locations of Landlord and Tenant Board Offices and ServiceOntario Centres**" to find the nearest Board or ServiceOntario location.

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**Application fees**

In most cases, you must pay a fee to file an application. The fee for an application varies by application type. Depending on how an application is filed, the fee can be paid by cash, money order, **certified** cheque, debit card, Visa, MasterCard or American Express.

The Board will not accept applications without full payment, and does not accept postdated or uncertified cheques. Certified cheques and money orders must be made out to the "Minister of Finance".

If an applicant combines two or more applications against the same respondent, the applicant only has to pay one application fee.

For example a landlord could file two different applications for two different reasons against the same tenant in the same unit. As long as these applications are made at the same time, the applicant is only required to pay one fee to cover the combined applications. If there are different fees required for two applications, or if one application has no fee and the other one does, the fee charged to the applicant will be the higher of the two. A tenant can also combine two or more applications and the same rules apply.

For a list of application fees, please see the Board's brochure entitled "**Landlord and Tenant Board Fees**".

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**Serving the application**

When the Board has processed your application, the Board will usually schedule a hearing. Once a hearing is scheduled, the Board will give you two copies of the Notice of Hearing, and two copies of your application. You must give one copy of the Notice of Hearing and one copy of your application to each respondent before the hearing. This is called **servicing** the Notice of Hearing and application.

You should serve the Notice of Hearing and application to the respondent as soon as possible. This will give the respondent time to prepare for the hearing, or to make arrangements to have a representative at the hearing.

For most applications, the latest you are allowed to serve the respondent is 10 calendar days before the hearing day. If you are mailing the Notice of Hearing and application to the respondent, you must add another 5 days for delivery. Some types of applications require a shorter or longer amount of notice to the respondent.

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**Certifying that you have served the respondent**

After you serve the respondent with the Notice of Hearing and application, you must also fill out a Certificate of Service to show how and when you did this. You must return the completed Certificate of Service to the Board before your hearing. Certificate of Service forms are available from the Board.

Some applications are decided without holding a hearing. In these cases, the applicant is not required to serve a copy of the application to the respondent. When you file an application, the Board will provide you with instructions on how and when to serve the respondent.

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**Amending an application**

If you want to change something in your application after you have filed it with the Board, you must make a written request to the Board to amend your application.

If you make a request to amend your application to the Board, you are also required to give a copy of your request to all other parties to the application (the respondent and their representative, if any). You should do this as soon as you have made your request to the Board.

The decision to grant or deny your request will not be made until the hearing.

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### **Withdrawing an application**

If you are the applicant and you wish to withdraw your application before the hearing, you should notify the Board. It is preferable to do this in writing. You should provide your request to withdraw your application to the Board well before the hearing begins. In most cases, if you request to withdraw your application, the Board will close your file and cancel the hearing if one has been scheduled.

It is the applicant's responsibility to inform the respondent that they have withdrawn their application.

**Note:** If a tenant's application alleges that the landlord has **harassed** them, the tenant must always get the Board's permission to withdraw the application.

## **For More Information**

### **Contact the Landlord and Tenant Board**

This brochure provides general information only. For more information about the law, or to obtain copies of the Board's forms and publications, you can:

- visit the Board's website at **[www.LTB.gov.on.ca](http://www.LTB.gov.on.ca)**,
- call the Board at **416-645-8080** or toll-free at **1-888-332-3234**, or
- visit your local Landlord and Tenant Board office. For a list of Board office locations and ServiceOntario locations that provide access to the Board's services, visit the Board's website, or call the numbers listed above.