

Application to Transfer a Care Home Tenant

Form L7

Instructions

Use this form to apply to the Landlord and Tenant Board to transfer a tenant out of a care home because the tenant requires a different level of care than the care home provides.

You can obtain this form at the Landlord and Tenant Board office in your area or from the Board's website at www.LTB.gov.on.ca.

January 31, 2007

A. How to apply...

You can make this application if you are the landlord of a care home and want to transfer a tenant because they require a different level of care than the care home provides.

Step 1: Complete the form

Read the instructions carefully before completing the form.

Step 2: Complete the L7 Payment and Scheduling Information Form

You must complete the Payment and Scheduling Information Form which is attached behind the last page of the application form. Instructions for completing it are found at the end of these instructions.

Step 3: File the application and the Payment and Scheduling Information Form with the Landlord and Tenant Board

Filing your application and paying the fee

You can:

1. Bring the application to the nearest Board office.

If you file your application in person, you can pay by cash, certified cheque, money order, Visa, American Express or MasterCard. You can also pay by debit card at most locations.

2. Fax your application to the Board Regional Office in your area.

If you fax your application, you must pay by Visa, American Express or MasterCard.

3. Mail your application to the Board Regional office in your area.

If you mail your application, you must pay by certified cheque, money order, Visa, American Express or MasterCard.

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

Important:

Make sure you have provided the necessary information about how you will pay the fee on the Payment and Scheduling Information Form. Your application will not be accepted if you do not pay the application fee at the time you file your application.

If you owe money to the Board 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.

It is the applicant's responsibility to ensure that their application is correct and complete. Staff of the Landlord and Tenant Board will check applications for completeness; however, the Board Member who will make a decision on the application will ultimately determine whether or not it meets the requirements of the legislation. Where it does not, the application may be dismissed.

Scheduling the Hearing

Once you have filed the application and paid the application fee, the Board will schedule a hearing and give you a Notice of Hearing. If you apply in person, the Board will normally schedule the hearing while you wait.

Generally, the Board will schedule an oral hearing. An oral hearing is a meeting of all the parties to the application before an adjudicator. However, in some circumstances the Board may decide it is appropriate to have a written, telephone or video conference hearing instead.

When the Board gives you a copy of the Notice of Hearing, the Board will also give you:

- a copy of the application to keep for yourself,
- a blank Certificate of Service form (see Step 5),
- a copy of the application and the Notice of Hearing for the tenant(s), and
- instructions for giving the application and the Notice of Hearing to the tenant(s).

This is called the application package.

Step 4: Give a copy of the application and the Notice of Hearing to the tenant

You must give the tenant a copy of the application and a copy of the Notice of Hearing at least ten days before the hearing. There are many ways you can do this. For example, you can:

- hand the copies directly to the tenant (or to an adult in the tenant's rental unit),
- leave the copies in the tenant's mailbox or where mail is ordinarily delivered,

- place the copies under the door of the rental unit or through a mail slot in the door,
- send the copies by fax to a fax machine where the tenant carries on business or to a fax machine in their residence,
- send the copies by courier to the tenant (if you courier them, you must allow one business day for delivery),
- send the copies by mail (if you mail them, you must allow five days for delivery),
- If the tenant has an agent, or if someone has the authority to act on their behalf (for example, a substitute decision maker with power of attorney), you should also give a copy of the application and the Notice of Hearing to that person.

Keep a copy of the application and the Notice of Hearing for yourself.

Step 5: File a Certificate of Service with the Board

You must file a Certificate of Service with the Board showing when and how you gave a copy of the application and the Notice of Hearing to the tenant. You must file the certificate no later than five days after you give the landlord a copy of the application and the Notice of Hearing. The Certificate of Service form is included in the application package the Board will give you.

Step 6: The Board will process the application

A Board mediator will contact you and the tenant about resolving the application through mediation instead of the formal hearing process. If you refuse to participate in mediation, the Board may dismiss the application. If mediation takes place and you and the tenant resolve the application by agreement, the hearing will not be held.

If no agreement is reached, the hearing will take place at the date, time and location shown on the Notice of Hearing. You should come to the hearing prepared to support your application. If there are any documents or other information that you will be relying on, you should bring them to the hearing. You should make extra copies for the Board and the tenant. You should also bring any witnesses you may need to prove your claim. If you need to summon a witness, you can obtain a "Request for the Board to Issue a Summons" form from the Board.

If the name of the street is, for example, "Chestnut Road", you would fill in "Chestnut" under "Street Name" and "Road" under "Street Type".

If the street name includes a direction (such as "Chestnut Road **North**"), you would fill in "North" under "Direction". Where applicable, use the following abbreviated directions "NW" for Northwest, "NE" for Northeast, "SW" for Southwest or "SE" for Southeast.

Tenant's Name and Address Fill in the tenant's name. Fill in the tenant's mailing address if it is different than the address of the rental unit. If the tenant's address is the same as the address of the rental unit, leave the section for the tenant's address blank. Provide the tenant's daytime and evening telephone numbers and a fax number and e-mail address, if you know them.

Related Applications If there are any other applications to the Board that relate to the same rental unit, fill in the file numbers of those applications.

Tenant's Agent/ Substitute Decision maker If the tenant has an agent, or if someone has the authorization to act on their behalf (for example, a substitute decision maker with power of attorney), fill in the person's name, address, daytime and evening telephone numbers and a fax number and e-mail address, if you know them.

Part 2: Reasons for Your Application

There are two reasons for making this application.

1. The tenant does not require the level of care provided in the care home

If you believe the tenant does not require the minimum level of care provided in the care home, shade this box and provide the information required on the form.

This reason also applies in circumstances where the tenant has repeatedly and substantially withdrawn from participation in some or all of the care services provided by the care home that are set out in the tenancy agreement, and the tenant is not receiving substantially equivalent community based services.

2. The tenant requires a higher level of care than can be provided

If you believe the tenant requires a higher level of care than the care home can provide even in combination with the care provided by community based service providers, shade this box on the form and answer the questions on the form.

Have you found appropriate alternative accommodation for the tenant?

You must indicate on the form whether or not appropriate alternative accommodation is available for the tenant.

If appropriate alternative accommodation is available for the tenant, include in the space provided the name and address of the facility that will provide it. Explain the arrangements you have made with this facility to transfer the tenant.

Important: If the tenant requires a higher level of care, the Board will not issue an order unless it is satisfied that appropriate alternative accommodation is available for the tenant.

Signature Sign your name and include the date you are signing this form.

If you are the landlord or an officer signing for a corporation, shade the box marked "Landlord". If you are an agent, shade the box marked "Agent".

Print your name below your signature.

If you are an agent or an officer signing for a corporation, also include your name, company name (if applicable), mailing address, telephone and fax number and e-mail address.

If an agent signs the form, the agent must have written authorization from the landlord. The agent should bring the authorization to the hearing.

C. How to fill out the Payment and Scheduling Information Form

You must complete the Payment and Scheduling Information Form.

Part 1: Application Fee

How are you paying the application fee?

On the Payment and Scheduling Information Form, shade the correct box to show whether you are paying by cash, debit card, certified cheque, money order, Visa, American Express 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 Visa, American Express or MasterCard, 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.

Important:

Your application will not be accepted if you do not pay the application fee at the time you file your application.

If you owe money to the Board 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.

Part 2: Information Required to Schedule the Hearing

How do you want the Board to give you the application package?

If you file your application in person at a Board office, in most cases the Board will be able to schedule a hearing and prepare the application package while you wait. However, if you mail or fax your application, you must tell the Board whether you would like to pick up the application package at a Board or ServiceOntario office, or have it mailed to you or faxed to you. Shade the correct box to show how you want to receive the application package.

If you want to pick up the application package at a Board or ServiceOntario office, also indicate what day and at what office you would like to pick it up. If you are mailing your application to the Board, the earliest day you can ask to pick up the package is six days after you mail it. If you are faxing your application, the earliest day you can ask to pick up the package is the day after you fax it. Call the Board before picking up the package to make sure it is ready.

When will you give the application package to the tenant?

Shade the correct box to indicate whether you will give the tenant the application package (the tenant's copy of the Notice of Hearing and the application) on the date you receive it from the Board or whether you will give the tenant the package on a different date. If you intend to give the application package to the tenant on a different date, fill in the date in the space provided. The Board must know this date in order to schedule the hearing.

How will you give the application package to the tenant?

The Board also needs to know how you plan to give the application package to the tenant(s). Shade the correct box to indicate whether you will be mailing the package, sending it by courier or giving it some other way.

Part 3: Interpretation Services Required

Indicate whether you require interpretation services

If you require French language services, shade the box for French language services. The Board will only provide French language services if you live in an area of the Province designated for French language services or if the rental unit or complex that is covered by the application is in an area designated for French language services. If you are not sure if you live in a designated area, you can contact the Board for more information.

If you require sign language services, shade the box for Sign language services. The Board will arrange for an interpreter to attend the hearing.

If you need more information...

The Board has Rules of Practice that set out procedural rules which may affect the outcome of your application. In addition, the Board has Interpretation Guidelines which explain how the Board might decide specific issues that could arise in your application. You can purchase a copy of the Rules and Guidelines from the Landlord and Tenant Board office in your area or view them online at the Board's website www.LTB.gov.on.ca.

If you need more information or have any questions, call the Landlord and Tenant Board at 416-645-8080 or toll-free at 1-888-332-3234. You can also check the status of your application by visiting the Board's website at www.LTB.gov.on.ca.