

# Application About Whether the Act Applies

Form A1

## Instructions

Use this form to apply to have the Landlord and Tenant Board determine whether the *Residential Tenancies Act* or any provision of it applies to a rental unit or residential complex.

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](http://www.LTB.gov.on.ca).

January 31, 2007

## A. How to apply...

You can make this application if you are the landlord or the tenant.

### Step 1: Complete the form

Read the instructions carefully before completing the form.

### Step 2: Complete the A1 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 between the landlord and the tenant(s) 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 other party(ies), and
- instructions for giving the application and the Notice of Hearing to the other party(ies).

This is called the application package.

**Step 4: Give a copy of the application and the Notice of Hearing to the other parties to the application**

You must give the other parties to the application 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; you can:

- hand the copies directly to the other party (or to an adult in the tenant’s rental unit),
- hand the copies to an employee of the landlord, like the superintendent or property manager,
- leave the copies in the other party’s mailbox or where mail is ordinarily delivered,
- place the copies under the door of the tenant’s rental unit or through a mail slot in the door,
- send the copies by fax to a fax machine where the other party carries on business or to a fax machine in their residence,
- send the copies by courier (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 other party has a lawyer or an agent, you can give the other party’s lawyer or agent the copies by mail, by hand delivery, mail, courier or fax.

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 other party(ies). You must file the certificate no later than five days after you give the other party(ies) 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, hold a hearing and issue a written decision called an order**

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 other parties. 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.

## B. How to complete this form...

The information you fill in on the form will be read electronically, therefore it is very important that you follow these instructions carefully. **Print in capital letters and do not touch the edges of the boxes.** If there are more boxes in a line than you need, leave the extra boxes blank. Do not fill in boxes that do not apply to you (for example, if you do not have a fax number, do not fill in boxes in the space marked "Fax Number"). If the instructions tell you to shade a box (for example, boxes marked "Yes" or "No"), shade the box completely. See the following example:

**Read the Instructions carefully before completing the Form. Print or Type in Uppercase.**

### Part 1: General Information

#### Applicant Information

Landlord  Tenant

Male  Female  Company

First Name

JOHN

Last Name (if there is more than 1 applicant, complete a Schedule of Parties form and file it with this application)

BARTHLOMEW

Street Address

1421 PLEASANT MEADOW ROAD

Unit/Apt./Suite

Municipality (city, town, etc.)

Province

Postal Code

803 TORONTO ON M5H 3F3

Day Phone Number

Evening Phone Number

Fax Number

(416) 555 1212 (416) 555 2323 (416) 555 3210

E-mail Address

#### Rental Unit, Building or Complex Covered by this Application

Street Number

Street Name

302 COOKSTOWN

Street Type (e.g. Street, Avenue, Road)

Direction (e.g. East)

Unit/Apt./Suite

STREET NORTH 6

Municipality (city, town, etc.)

Province

Postal Code

MISSISSAUGA ON L4Z 2T2

### Part 1: General Information

#### Applicant Information

Shade the appropriate box to identify whether you are the landlord or the tenant.

Fill in your name and mailing address and shade the correct box to show whether you are male or female. Include both daytime and evening telephone numbers, fax number and e-mail address, if you have them. If there is more than one applicant, first complete Part 1 with information about one of the applicants, then provide the names, addresses and telephone numbers of the additional applicants on the "Schedule of Parties" form which is available from the Board.

If the applicant is the landlord, and the landlord is a company, shade the box marked company and fill in the name of the company under "First Name".

**Rental Unit,  
Building or  
Complex  
Covered by  
this  
Application**

Fill in the street address for each building in the residential complex covered by this application. Attach additional sheets if necessary.

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.

Fill in the total number of rental units in the complex. Then, fill in how many rental units are covered by your application. If all of the rental units are covered by the application, write "all". If the application does not cover all of the rental units in the complex, list the rental units that are covered by the application on a separate sheet and file it with the application.

**Other Parties  
to the  
Application**

**If you are the tenant...**

If you are the tenant, fill in the landlord's name and mailing address and shade the correct box to show whether the landlord is male or female. If the landlord is a company, shade the box marked company and fill in the name of the company under "First Name". Include the landlord's daytime and evening telephone numbers, fax number and e-mail address if you know them.

**If you are the landlord...**

If you are the landlord and the application affects only one rental unit, fill in the tenant's name and mailing address and shade the correct box to show telephone numbers and a fax number, if you know them.

If the application affects more than one rental unit, complete Part 1 of the form for the first tenant and then complete the "Schedule of Parties" form which is available from the Board. Provide the tenants' daytime and evening telephone numbers, fax numbers and e-mail addresses, 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.

## Part 2: Reason for Your Application

The *Residential Tenancies Act* applies to most residential rental properties.

However, certain types of accommodation are not covered under the *Residential Tenancies Act*. This includes hotels, correctional institutions, emergency shelters, accommodation where the occupancy is conditional upon employment and accommodation where the occupant shares a kitchen or bathroom facility with the owner or his/her immediate family.

Other types of accommodation are only partially covered by the Act. This includes new rental units, as well as non-profit and social housing units.

Also, there are certain provisions of the Act that only apply to care homes, such as rules for increasing the charges for care services and meals. Other provisions only apply to mobile homes and land lease communities (for example, rules about selling mobile or land lease homes).

You can apply to have the Board determine whether the Act or any provision of it applies to one, some or all rental units in the complex.

On the form, describe the accommodation (for example, the complex is a hotel or the rental unit is provided for emergency shelter) and state whether or not you think the Act or any provision of it applies to you. Explain why you believe this. Attach additional sheets if necessary.

**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 a tenant shade the box marked "Tenant". 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, title, 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 applicant. 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 other party?**

On the Payment and Scheduling Information Form, shade the correct box to indicate whether you will give the other party or parties the application package (their copy of the Notice of Hearing and the application) on the date you receive it from the Board or whether you will give the other party(ies) the package on a different date. If you intend to give the application package to the other party(ies) 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 other party?**

The Board also needs to know how you plan to give the application package to the other party(ies). 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](http://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](http://www.LTB.gov.on.ca).