

# Application About an Assignment or a Sublet

## Form A2

### Instructions

Use this form for any of the following reasons:

**You are a tenant and:**

- you want the Landlord and Tenant Board to determine whether your landlord arbitrarily or unreasonably withheld consent to assign or sublet the rental unit to another person, **or**
- you want to evict an “overholding subtenant” from the rental unit and/or ask for compensation for the use of the rental unit.

**You are a landlord and:**

- you want to terminate the tenancy, evict an “unauthorized occupant”, and ask for compensation for the use of the rental unit, **or**
- you want to evict an “overholding subtenant” from the rental unit, **or**
- you want the Board to determine that your reasons for refusing to allow the tenant to assign their site in a mobile home park or land lease community were reasonable.

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...

### Step 1: Complete the form

Read the instructions carefully before completing the form.

### Step 2: Complete the A2 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,
- a copy of the application and the Notice of Hearing for the other party, and
- instructions for giving the application and the Notice of Hearing to the other party.

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 a copy of the application and the Notice of Hearing at least 10 days before the hearing. There are many ways you can do this; you can:

- hand the copies directly to the other party,
- leave the copies in the other party's mailbox or where mail is ordinarily delivered,
- 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.

If the other party is the landlord, you can:

- hand the copies to an employee of the landlord, like the superintendent or property manager,

If the other party is a tenant, subtenant, or unauthorized occupant, you can:

- place the copies under the door of the rental unit or through a mail slot in the door, or
- hand them to an adult in the rental unit.

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 parties to the application. You must file the certificate as soon as possible, but no later than five days after you give them 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 hold a 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. For example, if there was a written agreement between you and the party you are applying against about the assignment or sublet, you should bring it 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, to indicate gender), 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

<b>Applicant Information</b>		<input checked="" type="checkbox"/> Landlord	<input type="checkbox"/> Tenant	<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> 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	
B03		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 a female. Include both daytime and evening telephone numbers, a fax number and an e-mail address, if you have them. If there is more than one applicant, 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 Covered by this Application**

Fill in the street address for unit covered by this application. 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

**Other Parties to the Application**

Shade the appropriate box to indicate whether the other party(ies) is the landlord, the tenant, the subtenant or the current occupant.

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

If you are the tenant, the landlord is always an "Other party". If you are applying against a subtenant, they are also an "Other party". Fill in the names and mailing addresses of the other parties in the spaces provided. For each other party, shade the correct box to show whether they are the landlord or the subtenant. For each other party also shade the correct box to indicate whether they are a male, a female or a company. Provide daytime and evening telephone numbers, fax numbers and e-mail addresses, if you know them.

If there are more than two "other parties", complete Part 1 of the form and then complete the "Schedule of Parties Form" which is available from the Board. For each other party, fill in the name and mailing address. Shade the correct box to indicate if the other party is a subtenant or the landlord. For each other party also shade the correct box to indicate whether they are a male, a female or a company. Provide the parties' daytime and evening telephone numbers, fax numbers and e-mail addresses, if you know them.

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

If you are the landlord and you are applying to evict an overholding subtenant, then both the tenant and the subtenant are "other parties". If you are applying to evict an unauthorized occupant, then both the tenant and the current occupant are "other parties". Fill in the names and mailing addresses of the other parties in the spaces provided. For each other party, shade the correct box to show whether they are the tenant, the subtenant or the current occupant.

For each other party also shade the correct box to show whether they are a male or a female. Provide daytime and evening telephone numbers, fax numbers and e-mail addresses, if you know them.

If there are more than two “other parties”, complete Part 1 of the form and then complete the “Schedule of Parties Form” which is available from the Board. For each other party, fill in the name and mailing address. Shade the correct box to indicate if the other party is a tenant, subtenant or current occupant. For each other party also shade the correct box to indicate whether they are a male or a female. Provide the parties’ 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: Reasons a Tenant can file this Application:**

This Part lists the reasons that a tenant may apply regarding a sublet or an assignment. (Part 3 lists the reasons that a landlord may apply).

If you are a tenant, there are two different reasons for applying to the Board about an assignment or a sublet.

**You can apply for an order:**

**1. Determining that the landlord has arbitrarily or unreasonably withheld consent to assign or sublet the rental unit to another person.**

You cannot apply if the landlord has refused in principle to allow you to assign the rental unit. The *Residential Tenancies Act* allows the landlord to refuse in principle. If the landlord refuses in principle, you can give the landlord a notice to terminate the tenancy. You must give the landlord the notice within 30 days of requesting to assign the rental unit. Also, if the tenancy is a daily or weekly tenancy, the termination date in the notice must be at least 28 days after you give the landlord the notice. For all other types of tenancies, such as monthly, the termination date in the notice must be at least 30 days after you give the landlord the notice.

If the landlord consents in principle to allow you to assign the rental unit and you have proposed a person to assign the rental unit to, the landlord cannot refuse to allow the rental unit to be assigned to that person for a reason that is arbitrary or unreasonable.

Similarly, if you have asked to sublet the rental unit to someone, the landlord cannot refuse to allow you to sublet the rental unit to that person for a reason that is arbitrary or unreasonable.

If you are applying because your landlord refused to give you permission to sublet or assign the rental unit to another person and you think their reason was unreasonable or arbitrary, shade the box on the form and complete sections (a) and (b).

**(a) Indicate whether you asked the landlord for permission to assign or sublet the rental unit to another person.**

In an assignment, the tenant transfers (or assigns) all of their legal interests in the tenancy agreement to another person and the tenant does not intend to return to the rental unit.

In a sublet, a tenant retains possession of the rental unit but would like it to be occupied temporarily by someone else.

On the form, shade the correct box to indicate whether you asked the landlord to assign or sublet the rental unit to someone else.

**(b) Indicate which of the following orders you want the Board to make.**

On the form, you must indicate which order(s) you want the Board to make if the Board determines that the landlord was unreasonable or arbitrary in withholding consent. You may choose one or more of the following:

**An order authorizing the assignment or sublet of the rental unit.**

If you want the Board to authorize the assignment or the sublet of the rental unit, shade this box on the form. Also indicate the name(s) of the person(s) to whom you want to assign or sublet the rental unit. This may be the person(s) whom you had originally proposed to the landlord, or someone else.

**An order terminating the tenancy.**

If you want to terminate your tenancy, shade this box on the form. Also indicate in the space provided the date that you want the tenancy terminated.

**A rent abatement.**

If you want an amount of rent returned to you because the landlord was unreasonable or arbitrary in withholding their consent, shade this box on the form. Also indicate the amount of rent abatement you are requesting, and in the box provided explain why you think this amount is reasonable.

**2. (a) Evicting the overholding subtenant because you sublet the rental unit to the subtenant and the subtenant did not move out on the date you agreed to.**

The law allows a tenant to sublet their rental unit to a “subtenant” with the landlord’s consent. If you sublet the rental unit for a period of time which has now ended and the subtenant has not moved out, they are an “overholding subtenant” and you may apply to evict them. You must apply no later than 60 days after the date the subtenancy ended.

If you are applying for this reason, shade the box on the form. Indicate the date the subtenant was supposed to move out.

**(b) Requiring the overholding subtenant to pay you compensation for each day they remain in the rental unit without paying after the date they were supposed to move out.**

You may apply for compensation from the subtenant if the subtenancy has ended and the subtenant is still living in the rental unit and not paying rent. The compensation is a daily amount and is based on the rent the subtenant was paying. You cannot request this remedy if the subtenant is still paying rent.

The Board will calculate the daily compensation amount based on the information you provide on the form. If you want daily compensation, indicate the amount of rent the subtenant currently pays in the space provided and shade the appropriate box to indicate whether this is paid each *week* or each *month*. If the subtenant pays rent for a different period (such as bi-monthly), shade the *other* box on the form, and indicate the rent period in the space provided.

**Part 3: Reasons a Landlord can file this Application:**

This part lists the reasons that a landlord can apply regarding an assignment or sublet. (Part 2 lists the reasons a tenant may apply.)

If you are a landlord, there are three different reasons for applying to the Board about an assignment or a sublet.

**You can apply for an order:**

**1. (a) Terminating the original tenancy and evicting an unauthorized occupant because you did not consent to the assignment or sublet.**

If your tenant transferred occupancy of the rental unit to another person without your consent, this person is considered an “unauthorized occupant” and you may apply to both terminate the original tenancy and to evict the unauthorized occupant. You must apply no later than 60 days after finding out that there is an unauthorized occupant in the rental unit.

If you are applying for this reason, shade the box on the form. Indicate the date you were first aware that there was an unauthorized occupant in the rental unit, and indicate the name of the unauthorized occupant in the space provided.

**(b) Requiring the unauthorized occupant to pay compensation for each day they occupy the rental unit.**

If you are applying to evict an unauthorized occupant, you may also apply for an order requiring the unauthorized occupant to pay you compensation for each day they remain in the rental unit without paying rent. You can only apply for compensation if the unauthorized occupant is still in possession of the rental unit at the time you file this application with the Board.

The Board will calculate the daily compensation amount based on the information you provide on the form. If you want daily compensation, indicate the amount of rent the tenant was paying before they transferred the occupancy of the rental unit to the unauthorized occupant. Shade the appropriate box to indicate whether this amount is paid each *week* or each *month*. If the rent is for a different period (such as bi-monthly), shade the *other* box on the form, and indicate the rent period in the space provided.

Compensation is usually calculated starting from the date the landlord discovered the unauthorized occupant. If you believe that a different start date should be used, indicate the date you believe would be more appropriate in the box provided and explain why.

**NSF Cheque Charges and Related Administration Charges Owning:**

If the unauthorized occupant made a payment by cheque which was returned to you due to non-sufficient funds (NSF), and they have not reimbursed you for the charges related to the NSF cheque, you may include these amounts with your claim for compensation. Complete the table to show how you calculated the amount the unauthorized occupant owes you. For each NSF cheque issued to you by the unauthorized occupant, fill in the amount and date of the cheque, the date the NSF charge was incurred, the amount of the NSF charge, and the amount of any related administration charges.

The "Bank charge for NSF cheque" is the actual amount the financial institution charged you. "Administration charges" are not defined in the *Residential Tenancies Act* (RTA) or the regulations, but may include your personal or corporate costs related to the handling of NSF rent cheques. For example, when a cheque "bounces", you may have to do additional accounting, notify the unauthorized occupant of the NSF cheque, make another request for payment and possibly receive another payment. The maximum administration charge for an NSF cheque allowed by the RTA is \$20 per cheque.

**2. Evicting the overholding subtenant because the subtenancy has ended.**

The law allows a tenant to sublet the rental unit to another person if the landlord consents. When a tenant sublets a rental unit, the tenant allows someone else called a "subtenant" to occupy the rental unit for a period of time. The tenant is supposed to return to the rental unit after the end of the subtenancy.

If your tenant sublet the rental unit and the subtenant has remained in the rental unit after the date the subtenancy ended, the subtenant is an “overholding subtenant” and you may apply to evict the subtenant. You must make the application no later than 60 days after the date the subtenancy ended.

If you are applying for this reason, shade the box on the form and indicate the date the subtenant was supposed to move out of the rental unit. Also indicate the name of the subtenant in the space provided.

**3. Determining that your reasons for refusing consent to the tenant’s request to assign their site in a mobile home park or land lease community were reasonable.**

If you are a landlord of a mobile home park or land lease community, you can only refuse your tenant’s request to assign their mobile home site to a purchaser or prospective purchaser if you have reasonable grounds to do so.

If you are applying because your tenant asked for consent to assign their mobile home site and you refused, shade this box on the form. In the space provided, indicate in detail why you refused and why you believe your reasons for doing so were reasonable. You may 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 and title 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 your 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(ies) the application package (the other party's(ies') 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: Special Services Required**

**Indicate whether you require special services**

If you require a French language interpreter, shade the box for French Language Interpreter. The Board will only provide a French language interpreter 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 a sign language interpreter, shade the box for Sign Language Interpreter. 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).