

Tenant Application About Suite Meters

Form T7 Instructions

Use this form to ask the Board to determine whether:

- The landlord did not follow the rules under the *Residential Tenancies Act, 2006* (RTA) before they terminated their obligation to provide electricity to the rental unit and required you to start paying your own electricity costs.
- You were required to pay a portion of the utility costs for your rental unit, but the landlord did not follow all the required rules under the RTA.

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 1, 2011

A. How to apply...

The rules under the *Residential Tenancies Act, 2006* (RTA) related to suite meters, and to the provisions requiring a tenant to pay their own utility costs in a building containing six or fewer rental units, came into effect on January 1, 2011. Current or former tenants can make this application if, on or after January 1, 2011, the landlord breached any of these rules.

Note: In most situations, the rules under the RTA requiring a landlord to reduce the rent if a tenant will be paying their own electricity costs do not apply to tenants living in a rental unit in a non-profit building.

Step 1: Complete the form

Read the instructions carefully before completing the form.

Step 2: Complete the T7 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, American Express, Visa or MasterCard. You can also pay by debit card at most locations.

2. Fax your application to the Board 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 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 that 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 before a member. 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 landlord, and
- instructions for giving the application and the Notice of Hearing to the landlord.

This is called the application package.

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

You must give the landlord a copy of the application and a copy of 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 landlord,
- hand the copies to an employee of the landlord, like the superintendent or property manager,

- leave the copies in the landlord's mailbox or where mail is ordinarily delivered,
- send the copies by fax to a fax machine where the landlord carries on business or to a fax machine in their residence,
- send the copies by courier to the landlord (if you courier them, you must allow one business day for delivery),
- send the copies by mail to the landlord (if you mail them, you must allow five days for delivery),
- if the landlord has a lawyer or an agent, you can give the landlord's lawyer or agent the copies by mail, by hand delivery, 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 landlord. 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, 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. For example, if you kept a written record of when you contacted the landlord about the issue you are applying about, you should bring this record. You should make extra copies of any documents for the Board and the landlord. 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.

Part 1: General Information

**Tenant's
Name and
Address**

Fill in your name. If two tenants live in the rental unit, fill in both your names.

If more than two tenants live in the rental unit, first complete Part 1 of the application form and then provide the names, addresses and telephone numbers of any additional tenants on the "Schedule of Parties" form which is available from the Board.

Fill in your mailing address if it is different from the address of the rental unit covered by this application. If your mailing address is the same as the address of the rental unit covered by this application, leave the section for the tenant's address blank. Provide your daytime and evening telephone numbers, fax number and e-mail address, if you have them.

**Rental Unit
covered
by this
Application**

Fill in the address and unit number of the rental 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 name of the street is, for "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.

**Landlord's
Name and
Address**

Fill in the landlord's name and mailing address. If the landlord is a company, shade the box marked company and fill in the name of the company under "First Name". Provide the landlord's daytime and evening telephone numbers, fax number and e-mail address, if you know them.

If there is more than one landlord, first complete Part 1 of the application, and then provide the names, addresses and telephone numbers of any additional landlords on the "Schedule of Parties" form which is available from the Board.

**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.

**Information
about the
Tenancy**

Fill in the date you moved into the rental unit. Shade in the appropriate box to indicate whether you still live in the rental unit. If you shaded "No", fill in the date you moved out of the rental unit.

Part 2: Reasons for Your Application

There are many reasons for making this application. You should read these instructions carefully. Choosing reasons that do not apply could delay the processing of your application.

The reasons on the application form are grouped into 3 parts:

- Reasons 1 through 5 apply if the responsibility to pay for electricity was transferred to you *after* you moved into the rental unit.
- Reasons 6 and 7 apply if the suite meter was installed in the rental unit *before* you moved in and your initial tenancy agreement with the landlord required you to pay for the electricity charges.
- Reasons 8, 9 and 10 apply if you live in a building that contains not more than six rental units and the landlord charges you a portion of the utility costs.

On the form, shade only the boxes that apply to your situation.

Reasons 1 through 5: These reasons apply if the responsibility to pay for electricity was transferred to you *after* you moved into the rental unit.

1. When the suite meter was installed in my rental unit:

- The landlord did not provide a proper 24 hour written notice to interrupt the supply of electricity.**
- The supply of electricity was interrupted for longer than necessary.**
- The suite meter was not installed by an authorized suite meter provider.**

Under the *Residential Tenancies Act, 2006* (RTA) the landlord must provide a 24 hour written notice before the supply of electricity can be interrupted. The notice must state the date and time the interruption will occur between the hours of 8:00 a.m. and 6:00 p.m., and the anticipated length of the interruption. The supply of electricity can only be interrupted for the minimum length of time required to install the suite meter and the suite meter must be installed by an authorized suite meter provider.

If you are applying for this reason, shade the box on the form beside the number 1. Then, shade the appropriate box(es) underneath to indicate which of the reasons apply to your situation.

In the space provided on the form, explain in detail the circumstances related to your reason for applying.

- If you are applying because the landlord failed to give proper 24 hour written notice, explain what notice the landlord gave, if any.
- If you are applying because the supply of electricity was interrupted for longer than necessary, explain how long the supply was interrupted and why you believe the interruption was too long.
- If you are applying because the suite meter was not installed by an authorized suite meter provider, explain who installed the suite meter, if you know who it was and why you believe they are an unauthorized suite meter provider.

2. The landlord did not give me the required information before getting my written consent to terminate the landlord's obligation to supply electricity to my rental unit.

Under the RTA, the landlord cannot terminate their obligation to supply electricity to the rental unit unless, *before* getting your written consent, the landlord provided you with the following information in writing:

- A statement that the tenant does not have to agree to the landlord's request to terminate their obligation to supply electricity to the rental unit.
- The amount of the rent reduction and how the reduction was calculated.

- Contact information for the distributor or suite meter provider.
- A statement that the distributor or suite meter provider may require a security deposit.
- A description of the types and amounts of fees that the distributor or suite meter provider will charge the tenant and a description of how the fees are calculated.
- A statement to inform the tenant when the fees charged by the distributor or suite meter provider may increase.
- Information about planned increases to the fees charged by the distributor or suite meter provider and the amounts.
- A statement that the distributor or suite meter provider may shut off the electricity supply to the rental unit if an amount payable by the tenant is over due.
- Contact information for the Ontario Energy Board (OEB) and a statement indicating the tenant can contact the OEB about a dispute with the distributor or suite meter provider.

If you are applying because your landlord did not give you all of this information, then shade the box on the form.

In the space provided, list what information the landlord did not give you before getting your consent. Attach additional sheets if necessary.

3. The landlord terminated their obligation to pay for electricity without:

- Getting the tenant's written consent in the form approved by the Landlord and Tenant Board.**
- Providing the tenant with a written 30 day notice specifying the date that the landlord was terminating their obligation to supply electricity to the rental unit.**
- Reducing the rent by the correct amount.**

Before the landlord can terminate their obligation to pay for electricity and have you start paying these costs, the RTA requires that the landlord:

- Obtain the tenant's written consent on the form approved by the Board (*Tenant Agreement to Pay Directly for Electricity Costs* form).
- Provide at least 30 days written notice before they terminate their obligation to provide electricity. This notice must specify the date the obligation will be terminated.

- Reduce the tenant's rent. The rent reduction must begin on first day the tenant becomes responsible to pay for the supply of electricity and must also be the first day of the rental period.

Shade the box on the form beside the number 3 if you are applying because the landlord did not follow all of these rules. Then, shade the appropriate box(es) underneath to indicate which of the reasons apply to your situation.

In the space provided on the form, explain in detail the circumstances under which the landlord terminated the obligation to provide electricity and how the landlord failed to meet one or more of the obligations set out above.

4. The rental unit is electrically heated and the landlord did not meet all the conditions that are required before terminating the landlord's obligation to pay for electricity.

If the primary source of heat in the rental unit is generated by electricity, the landlord cannot terminate their obligation to supply electric heat to your rental unit unless the landlord meets the following conditions:

- The electricity supply for heating the rental unit is not connected to the suite meter or meter that measures the electricity supply for this unit.
- The landlord does not terminate their obligation to supply electric heat.

In addition to the above conditions, before the landlord can terminate their obligation to supply electricity to your unit, the landlord must obtain your written consent on the form approved by the Board (*Tenant Agreement to Pay Directly for Electricity Costs*) and must provide the required information listed in reason two of this application.

If you are applying for this reason, shade the box on the form.

5. The refrigerator provided by the landlord does not meet the electricity conservation and efficiency standards that are required for units where the tenant pays for the electricity charges.

If the obligation of the landlord to supply electricity was terminated after you moved into the rental unit, the landlord must ensure the refrigerator provided in the rental unit was manufactured on or after January 1, 1994. If the landlord has replaced the refrigerator in the rental unit since you moved in, the replacement refrigerator must have been manufactured on or after December 31, 2002.

Exception: If, on October 13, 2010 you were already being billed by the distributor or suite meter provider for electricity use in the rental unit, these rules do not apply until January 1, 2013.

Shade the box on the form if you are applying because the refrigerator in your rental unit does not meet these standards.

Reasons 6 and 7: These reasons apply if the suite meter was installed in the rental unit *before* you moved in and your initial tenancy agreement with the landlord required you to pay for the electricity charges.

6. Before entering into the tenancy agreement, the landlord did not give me the required information about.

- The previous electricity consumption for the unit**
- The energy efficiency of the refrigerator and date it was manufactured**

Where a suite meter or meter has been installed and the landlord wants the prospective tenant to pay for their own electricity costs, the landlord must give them information about the rental unit's electricity consumption for the most recent 12 month period before the tenancy agreement is entered into. In addition, if the landlord provides a refrigerator for the rental unit, the landlord must provide the prospective tenant with the best information that is available to them about the refrigerator's date of manufacture and its energy efficiency.

If you are applying because the landlord did not provide you with this information before you entered into the tenancy agreement, then shade the box on the form beside number 6. Then, shade the appropriate box(es) underneath to indicate which of the reasons apply to your situation.

7. The refrigerator provided by the landlord does not meet the electricity conservation and efficiency standards that are required for units where the tenant pays for the electricity charges.

If the suite meter was installed in your rental unit before you moved in and your tenancy agreement with the landlord requires you to pay for the supply electricity, the landlord must ensure the refrigerator provided in the rental unit was manufactured on or after January 1, 1994. If the landlord has replaced your refrigerator in the rental unit since you moved in, the replacement refrigerator must have been manufactured on or after December 31, 2002.

Exception: If, on October 13, 2010 you were already being billed by the distributor or suite meter provider for electricity use in the rental unit, these do not apply until January 1, 2013.

If you are applying for this reason, shade the box on the form.

Reasons 8, 9 and 10: These reasons apply if you live in a building that contains not more than six rental units and the landlord charges you a portion of the utility costs.

8. Before entering into the tenancy agreement with me the landlord did not give me the following information about:

- The total cost of the utility for the building.**
- The percentage of the total cost of the utility that applies to my rental unit.**

If the building contains six or fewer rental units and the landlord wants the prospective tenant to pay a portion of the utility costs, then the landlord must give the prospective tenant information about the total cost of the utility for the building. The information must be about the 12 most recent months for which information is available to the landlord. As well, the landlord must inform the prospective tenant of the percentage of the utility costs which apply to the rental unit.

If you are applying because the landlord did not provide you with this information before you entered into the tenancy agreement, then shade the box on the form beside number 8. Then, shade the appropriate box(es) underneath to indicate which of the reasons apply to your situation.

9. The refrigerators the landlord provides for the rental units in the building do not meet the electricity conservation and efficiency standards that are required where tenants pay a portion of the electricity costs.

If the landlord charges you a portion of the electricity costs, the landlord must ensure that all refrigerators provided for any rental unit in the building were manufactured on or after January 1, 1994. If the landlord has replaced a refrigerator in any rental unit, the replacement refrigerator must have been manufactured on or after December 31, 2002.

Exception: If, on October 13, 2010, you or any other tenant in the building were already being charged for a portion of the electricity costs in the rental unit, these rules do not apply until January 1, 2013.

Shade the box on the form if you are applying because any of the refrigerators in the building do not meet these standards.

10. The landlord transferred the obligation to pay a portion of the utility costs to me without:

- Getting my written consent to charge me a portion of the utility costs.**
- Providing me with a 30 day notice specifying the date of the rent reduction and the amount of the rent reduction.**

Reducing the rent by the correct amount.

Under the RTA, the landlord must obtain your written consent to charge you a portion of the utility cost for the rental unit. Also, a written notice must be given to you at least 30 days before the landlord begins to charge you a portion of the utility costs. The notice must state the amount of the rent reduction, its effective date and a description of how the rent reduction was calculated.

Shade the box on the form beside number 10 if you are applying because the landlord did not follow these rules before requiring you to pay a portion of the utility costs for the building. Then, shade the appropriate box(es) underneath to indicate which of the reasons apply to your situation.

In the space provided explain in detail the circumstances under which the landlord transferred the obligation to pay a portion of the utility costs and how the landlord failed to meet one or more of the obligations set out above.

Part 3: Remedies

There are eight different remedies that the Board can include in an order for this type of application.

If the Board issues an order in your favour, it may decide to order a different remedy or remedies than you requested.

The most the Board can order based on this application is \$25,000. Once the Board issues an order, you no longer have any claim to amounts greater than \$25,000.

Shade the appropriate box(es) for the remedy(ies) you want the Board to include in its order. The Board can:

1. Order the landlord to pay you a rent abatement.

A rent abatement can relieve the tenant from their obligation to pay all or some portion of their rent for a specified period of time. If you want the Board to order a rent abatement, shade this box on the form.

If you choose this remedy, you must fill in the total dollar amount of the abatement you want the Board to order. Also, fill in your current rent amount and indicate whether you pay your rent on a weekly, monthly or other basis. If you select "other", specify the frequency of your rent payments in the space provided. In the box provided, explain in detail how you determined the amount of the rent abatement you are asking for. Attach additional sheets if necessary.

2. Authorize the repair, replacement or other work you did and order the landlord to pay you for the costs.

You can choose this option if you did the repairs or other work yourself, or purchased a replacement at your own expense, and you want the landlord to pay you for these costs. The Board could also allow you to deduct the amount owing from future rent payments.

If you want the Board to approve the repair, replacement or other work you did and order the landlord to pay you for the costs, shade this box on the form. Indicate the total costs in the space provided. Describe the work you did or the item you purchased and provide a detailed explanation of how you determined the amount you are asking for.

Attach additional sheets if necessary. You should bring proof of those costs to the hearing.

3. Authorize you to do the repair, replacement or other work and order the landlord to pay you for the costs.

The Board can authorize you to do the repair or other work, or to purchase a replacement item and order the landlord to pay you for them. For example, if the Board determines that your refrigerator does not meet electricity conservation and efficiency standards and you are willing to pay to have your refrigerator replaced, the Board could authorize the replacement and order the landlord to refund you the cost of the replacement by a specific date. The Board could also allow you to deduct the replacement costs from future rent payments.

If you want the Board to allow you to do the repair, replacement or other work and order the landlord to pay you the cost, shade this box on the form.

4. Order the landlord to do the repair, replacement or other work within a specified time.

The Board can order the landlord to complete the repair, replacement or other work by a specific date. It is an offence for the landlord to contravene such an order.

If you want the Board to order the landlord to do the repair, replacement or other work, shade this box on the form and explain in the space provided what work you want the landlord to do.

5. Order the landlord to reduce my rent and as a result pay a rebate.

The Board can order the landlord to reduce your rent if it was not reduced by the correct

amount when you started to pay the electricity costs for your rental unit. If the Board orders the landlord to reduce your rent, the Board can also order the landlord to pay you a rebate of any amount you have been overcharged.

Shade the box on the form if you want the Board to order the landlord to reduce your rent and pay you the appropriate rebate. Fill in the amount you want the rent reduced by and indicate whether the reduction is per week, month or other period. If you select other, specify the frequency of your reduction. Next, fill in the date you would like the rent reduced, and explain in the box below how you calculated the rent reduction.

6. Make another order.

The Board can make any other order that it considers appropriate.

If you want the Board to issue an order that provides for remedies other than those listed in the application, shade this box on the form. You must explain in detail what order you would like the Board to make in the space provided. Attach additional sheets if necessary.

If you applied for Reasons 2, 3, 4, or 10 you can also ask the Board to make the following orders.

7. Order that the tenancy be terminated.

The Board can order the termination of the tenancy. If you want the Board to terminate your tenancy, shade this box on the form and indicate the date you would like the tenancy to end.

If you ask for this remedy and the Board orders it, the Board may include provisions in its order to evict you if you do not move out by the termination date in the order. This means that if you do not move out, your landlord can file the order with the Sheriff to have you evicted.

8. Order the landlord to assume the obligation to pay for the electricity charges (or utility costs) for the rental unit and set the new rent that can be charged.

Shade the box on the form if you want the Board to order that the landlord has to start paying for the electricity charges or utility costs for your rental unit and to have the Board determine the new rent that can be charged.

Signature Sign your name and include the date you are signing this form. If you are the tenant, shade the box marked “Tenant”. If you are an agent for the tenant, shade the box marked “Agent”.

If you are an agent, print your name below your signature. Also include your 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 tenant. The agent should bring the authorization to the hearing.

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

You must complete the T7 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 which office you would like to pick up the application package at, 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 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?

Shade the correct box to indicate whether you will give the landlord 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 landlord the package on a different date. If you intend to give the application package to the landlord 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 landlord. 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 a 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.

Additional accommodations available to you at your hearing

The Board aims to provide an accessible environment in which all members of the public have equal access to its services. If you require additional accommodation services at your hearing, please contact the Board to explain your request.

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 at 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.