

Renovictions: The Basics

RenovictionsTO.com - June 2020

Landlords in Toronto often use renovations to displace tenants and significantly raise rents so they can increase their profits. Cases where landlords act in good faith and respect tenants' rights are the exception. Keep this in mind when dealing with your landlord.

Your landlord may tell you they want you to move out by a certain date, or send an email or text or letter on company stationary. This lets you know your landlord's intentions, and you can start organizing with your neighbours, but you can ignore these informal approaches. In fact, if you move out without receiving a formal notice you may lose the rights listed below.

If your landlord wants you to move out so they can do major renovations they need to give you a Notice to End your Tenancy in the form of an N13. **You do not need to move out if you get an N13. Only the Landlord and Tenant Board (LTB) can order you to move out.** The N13 just means your landlord wants you to move out by a certain date. They still have to file an L2 application with the LTB to schedule a hearing. It's only at this hearing that the LTB can order you to vacate.

Talk to your neighbours if you got an N13. Chances are they've also been given N13s or will soon get them. **There's strength in numbers and organizing with your fellow tenants gives you the best chance of staying in your home.** We also recommend you contact your [local community legal clinic](#)¹ or speak with a lawyer or paralegal.

You have rights if your landlord wants you to move out so they can do major renovations or repairs:

1. You have the right to challenge the N13. Your landlord has to give you 120 days' notice if they want you to move out so they can renovate. The termination date on the N13 must be at least 120 days after the day your landlord gave you the notice and it must be either the end of your fixed-term lease or the last day of a month if your tenancy is month-to-month. Otherwise, the N13 isn't valid. Your landlord will also need a building permit from the city of Toronto in order to do renovations that require you to move—check [here](#)² to see if a permit has been issued.

You may want to challenge the N13 if it's invalid, if the renovations your landlord wants to do don't require a building permit or don't require you to vacate, if your landlord doesn't have a building permit, or if you think they're acting in bad faith. Talk to your neighbours if you want to challenge the N13, and speak with a lawyer or paralegal for legal advice.

2. You have the right to move back in at your old rent after the renovations are done. In theory, tenants have the right of first refusal if their landlord gave them an N13 for the purpose of renovations. Before moving out, you have to notify your landlord in writing that you want to re-occupy the rental unit, then give them updated address information so they can contact you—this all should be sent by registered mail so you can prove it happened. If you have a hearing at the LTB and want to enforce this right, tell the LTB you wish to do so. You retain this right even if you challenge the N13 or enforce your other rights—just don't sign an N11. (Note: tenants don't have the right to move back if the unit will be demolished or converted into a non-residential use.)

In practice, landlords typically violate a tenant's right of first refusal. This isn't surprising given that they're normally only doing renovations in order to get rid of tenants. Meanwhile, actually

enforcing your right to return to your home is difficult. At the very least it requires you to keep track of the ongoing renovations and take action before a new tenant has moved in—once this happens the LTB will not order that they must leave. Unfortunately, even if your landlord is punished for violating your right of first refusal it's not going to be much help to you, and it won't help you get your home back.

If your right of first refusal was violated, you can contact your [local community legal clinic](#)³ or speak with a lawyer or paralegal to find out about possible compensation.

3. You have the right to compensation. If your building has 5 or more apartments you're entitled to up to 3 months rent, depending on how long the renovations take and whether you want to move back in following the renovations. Upcoming changes to the Residential Tenancies Act may mean you're entitled to some compensation even if your building has fewer than 5 apartments. (Note: if the renovations were ordered by a government agency you're not entitled to compensation.)

This compensation, or any buyout offered by your landlord, may not go as far as you think towards paying rent. Skyrocketing rents in Toronto mean that most tenants—especially longstanding tenants—won't be able to find vacant apartments in their neighbourhood at rates similar to what they're paying now. You can use our [buyout calculator](#)⁴ to get a better sense of how much this compensation or a buyout will help with your future rent.

4. You have the right to move out by giving 10 days' notice. If you choose to move out you don't have to wait until the termination date on the N13, even if you want to enforce your right of first refusal. You can give your landlord 10 days' written notice and use an [N9 form](#)⁵. Don't use an N11 form.

Resources

For more information about the rules regarding renovations and your rights, or for legal advice, contact your [local community legal clinic](#)⁶.

You can also learn more through [Steps to Justice](#)⁷ by clicking on Eviction or entering “renovations” in the search bar.

¹ <https://www.legalaid.on.ca/legal-clinics/>

² <http://app.toronto.ca/ApplicationStatus/setup.do?action=init>

³ <https://www.legalaid.on.ca/legal-clinics/>

⁴ https://docs.google.com/spreadsheets/d/143OA65_fzj9TRFckWRVXoAMTPhE5DdvcaEqJO8XP_ys/edit#gid=0

⁵ <http://www.sjto.gov.on.ca/ltb/forms/#tenant-forms>

⁶ <https://www.legalaid.on.ca/legal-clinics/>

⁷ <https://www.acto.ca/for-tenants/your-legal-questions/>