

# Rooming House Q&A

## Frequently Asked Questions for Housing Professional & Landlords

### WHAT IS A ROOMING HOUSE?

Toronto Municipal Code (Chapter 285) defines a licensed rooming house as:

- "A building that contains dwelling rooms and may also contain one (1) or more dwelling units, where:

(a) The dwelling rooms, in total, are used or designated or intended for use as living accommodation by more than three (3) persons; and

(b) The living accommodation is provided in exchange for remuneration."

- In addition, the Toronto's Critical Incident Working Group (CIWG) notes that a rooming house is a unit:

"...in which at least a bathroom or a kitchen is shared (with other tenants)".

### WHERE ARE ROOMING HOUSES ALLOWED TO OPERATE?

- Former city of Toronto: Allowed under Rooming House Licensing By-law, Ch.285
- Former city of Etobicoke: Lodging houses and personal care lodging houses are allowed (Lodging-House Licensing By-Law Ch.166).
- Former City of York: Allowed without a license in very limited areas and circumstances.

- Former cities of Scarborough & North York, and East York District: Not allowed.

### WHEN CAN A ROOMING HOUSE BE ALLOWED TO OPERATE IN TORONTO?

- The property must meet Toronto Municipal Code by-laws related to the operation of rooming houses for that area of the city.
- The property owner must also obtain a rooming house license from Municipal Licensing and Standards Division (ML&S) in the Toronto & East York district office or from Public Health in the Etobicoke or York districts.

### WHAT IS THE DIFFERENCE BETWEEN LICENSED AND UNLICENSED ROOMING HOUSES?

Licensed rooming houses are inspected annually for fire, safety and property standards violations. Unlicensed rooming houses are not inspected because when no license is in place, inspectors cannot obtain "right of entry" to inspect. Thus, standards in unlicensed units vary and may not be satisfactory or safe. There is also a cost factor; clients may find that licensed rooming houses can be too expensive. However, cheaper unlicensed rooming houses can be closed down quickly, leaving the person looking for housing yet again.

# Rooming House Q&A

## Frequently Asked Questions for Housing Professional & Landlords

### **ARE UNLICENSED ROOMING HOUSES COVERED BY THE RESIDENTIAL TENANCIES ACT (RTA)?**

Yes, tenant rights are covered by the RTA as long as the tenant and the owner do not share a bathroom or a kitchen. If there is a question about whether an unlicensed rooming house is covered under the RTA, the person should go to their closest legal clinic, or apply to the Landlord and Tenant Board by filing an A1 (Application about Whether the Act Applies) to ask the Landlord and Tenant Board to decide.

### **WHAT CAN HOUSING PROFESSIONALS DO ABOUT PROPERTY STANDARDS PROBLEMS?**

- Help your client write a letter to the landlord about the repairs needed, and a reasonable time to make the repairs. Date and sign the letter and include their unit address. Keep a copy.
- If the work is not done, or if the landlord does not respond, help the tenant call 311 or 416-338-0338.
- The tenant may also contact the Rental Housing Enforcement Unit, Ministry of Municipal Affairs and Housing, Toll Free Phone Line: 1-888-772-9277; Dialing Area: 416-585-7214.
- A housing professional can call 311 to make a complaint to the local ML&S office, but they will not inspect unless

someone who lives there lets them in on the day of the inspection.

### **CAN A LANDLORD RENT A ROOM IN A BASEMENT?**

"In general, second units can share a joint entrance with the primary unit, subject to having a fire separation with appropriate fire resistance rating, and at least two means of egress (exit) that may include windows of an appropriate size." (<http://www.mah.gov.on.ca/AssetFactory.aspx?did=18535>)

### **CAN A ROOMING HOUSE LANDLORD SET UP "HOUSE RULES" WITHIN A RENTAL AGREEMENT?**

Yes, but house rules cannot go against the RTA. For example, "no guests" rules, when breached, cannot be used to evict in most circumstances. Some house rules will be enforceable through the RTA such as normal standards of cleaning.

### **WHAT IF HOUSE RULES GO AGAINST THE RTA, WHAT SHOULD THE TENANT DO?**

The tenant can talk to the landlord or ask their housing professional to do so for them, go to their closest legal clinic for help, or file an LTB form T2 (Application About Tenant Rights) because the landlord is "interfering with the tenants normal enjoyment of the unit".

# Rooming House Q&A

## Frequently Asked Questions for Housing Professional & Landlords

### **CAN A ROOMING HOUSE CHARGE DIFFERENT RENTS FOR ROOMS?**

If two people move in together, the landlord can charge a higher rent if it was discussed before the landlord hands over the keys.

- More than one person can be in a room as separate tenancies if there is at least nine square metres of habitable floor area in a room per person.
- If a person moves into a unit, then gets a roommate, the landlord cannot charge extra rent. Tenants should get advice from the closest legal clinic.

### **WHAT CAN A LANDLORD ASK ON AN APPLICATION FORM TO RENT A ROOM?**

While it may be uncomfortable to answer requests for personal information on rental applications, most questions asked by landlords are not illegal. The questions don't have to be answered, but the application may be refused.

Ontario's Human Rights Code (Reg.284/05) states a landlord cannot refuse to rent to a person based on ancestry, place of origin, race, colour, ethnic origin, citizenship, religious beliefs or practices, sex, sexual orientation, age, marital status, family status, disability, receipt of public assistance, living with their parents, gender identity or gender expression.

The Ontario Human Rights Commission has produced a fact sheet on "Writing a fair rental housing ad." Tenancy agreements are also subject to Personal Information Protection and Electronic Documents Act(PIPEDA). This states that information must be stored correctly and can be used only for the stated purpose.

### **WHAT ARE THE KEY STEPS TO TAKE TOWARDS EVICTION PREVENTION?**

The person can ask their housing professional to mediate a resolution between the landlord and tenant, or refer them to their local Community Legal Clinic. If possible, go along to the appointment and stay involved for follow-up support and accompaniment to the Landlord and Tenant Board (LTB) tribunal if necessary.

### **WHAT SHOULD I DO IF THERE IS A FIRE OR OTHER SERIOUS EMERGENCY?**

- Call 911 for Emergency Services
- Refer to The Rooming House Emergency Response Plan, Phone: 416-930-3611
- Contact: Canadian Red Cross, Phone: 416-480-2500