

Disputes and Harassment Between Tenants

Landlord Connect Best Practice

The Residential Tenancies Act explicitly addresses conflicts, including harassment, between the Tenant and the Landlord, but what about when conflicts occur between tenants? What is your responsibility, if any, to a tenant who claims they are being harassed by another tenant?

When an issue arises that isn't expressly covered by the RTA, one way landlords can seek clarity is by reading past rulings by Board members at the Landlord and Tenant Board Tribunal. [Click here](#) to access these.

In the most recently posted decision regarding conflicts between tenants, the Board member had this to say:

[..T]he Landlord's advice that the Board considers conflicts between tenants as a tenant-tenant issue is incorrect. The Board expects Landlords to address conflicts between tenants so as to ensure that a tenant's enjoyment of a unit is not interfered with.

In addition under the [Residential Tenancies Act, 2006](#) (the "Act"), the Tenant is assured of his right to security and enjoyment of his home without the interference of other tenants. Therefore, the Landlord has to take action to ensure the Tenant's enjoyment of his unit is not interfered with. It is the Landlord who has to take action to protect that interest and not the tenant to take other tenants who have offended him to the Board or any other forum to resolve his issues. Further and or in the alternative, the Board does not resolve issues arising between tenants. The Board only resolves disputes between a landlord and a tenant. If any tenant is causing problems [...] it is the Landlord who has to resolve those issues [...].

It is clear that the Landlord and Tenant Board view the landlord as responsible for addressing conflict between tenants. Should such issues arise, what best practices can landlords follow in order to address the conflict?

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1. Begin a Paper Trail

If a tenant makes a complaint about another tenant to you, document their complaint and ask that they start documenting any more incidents as well. Documentation is also extremely important in cases of harassment. Suggest to your tenant that they call police if ever they feel their safety is in danger.

Try to keep all of your communications with tenants in writing and record conversations you have with tenants. Such documentation can help you keep track of what is happening, and could be useful should you ever end up at the Landlord and Tenant Board.

Landlords with rental properties 3 stories or higher or with 10 or more units are required to keep such documentation in tenant logs for 24 months. For full details on these obligations, [please click here](#).

2. Problem Solve, Contact a Housing Worker

In cases of conflict between tenants, talk to the tenants involved to get a wider picture of what is occurring. Having more information can help you clarify further steps to be taken. Sometimes all it takes is some creative problem solving to effectively address conflicts related to, for example, noise or use of common spaces. If you need assistance communicating or mediating between tenants, contact a housing worker who may be able to help or to refer you to community assistance.

3. Address the Problem Immediately

Small conflicts between tenants, if left unchecked, can escalate into serious disputes, so address these issues as soon as you know about them.

As the landlord, in cases of harassment, you are obligated to try to stop the harassment. You can shed the offending tenant an N5 "Notice to End your Tenancy for Interfering with Others, Damage or Overcrowding." If the behavior does not change within 7 days, then you can file an L2 "Application to End a Tenancy and Evict a Tenant" form with the Landlord and Tenant Board.

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If you are unsure if the harassment is actually occurring, it is still best practice to file an application at the Landlord and Tenant Board and let the Tribunal decide. If the harassment is occurring and you have not addressed it, the tenant could file against you at the LTB for interfering with their reasonable enjoyment of the unit, and you could be ordered to pay a fine.

This resource was compiled with information found at www.cleo.on.ca/en/publications/harass-e/harassment, www.sjto.gov.on.ca and the Residential Tenancies Act found at www.ontario.ca/laws/statute/06r17. Edited June 2019