

Your landlord wants you to start paying for electricity – Be Careful!

Prepared by the Advocacy Centre for Tenants Ontario, a legal clinic funded by Legal Aid Ontario

In many high-rise apartments, landlords pay the electricity bill for the whole building. This means electricity is included in the monthly rent. Landlords cannot force tenants to start paying for electricity separately. **Landlords can only transfer the cost of electricity to tenants if the tenants agree and the rent is reduced.**

Situation A - If electricity is included in your rent, and you have NOT agreed to pay separately for utilities:

You do not have to agree to start paying for your electricity at this time. The Ontario government plans to introduce rules that may protect tenants who are told to start paying electricity for their apartments. **These rules are not yet law.** When they become law, you may or may not be covered by them if you agree to pay for electricity now.

Some tenants are getting letters from their landlords or companies their landlords have hired. A typical letter asks tenants to fill out paperwork which would let a sub-metering company charge the tenant for electricity use. You may be asked to fill out and return the completed paperwork. **You do not have to fill it out.**

If you enroll with a sub-metering company that the landlord hired, you will probably not be able to switch back. You will be responsible for paying your own electricity and possibly other fees and a deposit.

Tenant Questions

1. Can I save money if I pay my own electricity?

No one knows yet. If you start paying your own electricity, your landlord must give you a rent reduction. But without knowing exactly how much electricity you use, you cannot know whether the rent reduction is fair. You could end up paying more.

2. I am receiving a lot of paperwork from my landlord and/or companies my landlord hired. What should I do?

You don't have to fill out the paperwork. Keep the paperwork and get legal advice so that you can make the choice that is right for you.

3. Can my landlord evict me if I don't agree to start paying my own electricity?

No. If your landlord threatens you, get legal help immediately.

4. My landlord wants to inspect the wiring in my unit to install the smart sub-meters. Should I let them in?

If the landlord gives you a notice to allow a company to inspect your unit, you should co-operate. The landlord can inspect the wiring in your unit and install smart sub-meters. Just because they install a smart sub-meter or inspect your wiring, doesn't make you responsible for paying the electricity. Even if they install the meters, the landlord will have to keep paying for electricity unless you actually sign up.

Situation B - If electricity is included in your rent, but you signed a lease agreeing that the landlord could make you pay for electricity at a later date:

You may have signed a lease with a clause that says the landlord can stop paying for electricity, reduce the rent, and make you pay for electricity at any time. Most of these clauses do not say how much the rent will be reduced. These clauses may not be legal. Many lawyers argue such clauses cannot be used by landlords.

Tenant Questions

1. I signed a lease agreeing to pay for electricity. What may happen?

Your landlord and/or a sub-metering company may ask you to fill out paperwork so that you have to pay for the electricity. If you do fill out the paperwork, write a letter to your landlord at the same time. In the letter tell the landlord you will pay the reduced rent and the electricity charges but only because you fear you may lose your home if you do not. Keep a copy of all the paperwork for your records, including a copy of your letter.

Also, you can file a T2 Application about Tenant Rights at the Landlord and Tenant Board if your electricity supply is threatened or cut off, or if you cannot enjoy your apartment because your landlord is threatening or harassing you. Please note that you could run out of time to file your T2 Application if you wait too long. Get legal advice as soon as possible so you can make an informed decision!

For more legal information and help:

Contact your local community legal clinic. You can find out the contact information for your local clinic by visiting <http://www.legalaid.on.ca/en/contact.asp> or calling Legal Aid Ontario at (416) 979-1446 or 1-800-668-8258

Contact the Federation of Metro Tenants' Associations at the Tenant Hotline: (416) 921-9494, Monday - Friday 8:30 a.m. - 6 p.m. or at hotline@torontotenants.org

To complain about your landlord's behaviour:

Contact the Minister of Municipal Affairs and Housing, the Hon. Jim Watson: 416-585-7000 or the Ministry's toll free number: 1-866-220-2290; and

Contact the Ministry's Investigation and Enforcement Unit: 1-888-772-9277.

To make sure the law is fair to tenants:

Contact your Member of Provincial Parliament. To find out who that is, go to: http://www.ontla.on.ca/web/members/member_addresses.do?locale=en

This publication contains general information intended to assist tenants. It is not a substitute for getting legal advice for your particular situation.