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CAN A LANDLORD LEGALLY TAKE A TENANT'S BELONGINGS

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Has your landlord threatened to take or throw out your belongings? This article will help explain when it is legal for your landlord to take your things according to the *Residential Tenancies Act (RTA)*. The *RTA* is the law that applies to most rental housing in Ontario. The *RTA* **may not apply** if you share a kitchen or bathroom with the owner or rent from another tenant.

It is illegal for your landlord to take your things because you did not pay rent or because you caused damage to your rental unit. Your landlord cannot stop you from taking your belongings with you when you move out.

However, your landlord may take or throw out your things if you leave them behind when you move out.

If you move out after giving notice to your landlord or agreeing to move out:

You have until the last day of your tenancy to move all your belongings. This is the last day you occupy the unit at the end of a lease or at the end of giving 60 days notice. If belongings are left behind after this day, the landlord may take or throw them out right away. If you want to prevent your landlord from throwing out your things, you should ask them to agree in writing. If you need more information on how to give notice, see the resources below.

If you move out without giving notice to your landlord:

Your landlord must give you written notice that they plan to get rid of your things if you have abandoned your rental unit. Your landlord has to wait **30 days** after giving you this notice to sell or take your belongings. Your landlord can leave this notice at your place – it is not mandatory to personally give it to you or call you. Your landlord must let you collect your belongings at a reasonable time if you contact them within this 30 day period. Your landlord does not have to leave your belongings in the rental unit during this 30 day period. Your landlord can ask you to pay the cost of moving and storing your belongings.

You have **72 hours** to collect your belongings when you are evicted by the Sheriff. Your landlord must keep your things safe during this time. Your landlord must let you get them between 8 a.m. and 8 p.m. during this 72-hour period. Your landlord can either keep your things in your place or move them to a safe place nearby.

If your landlord has taken your things or has broken the law, you should get legal advice. If you are living on a low income and have questions about this or other housing issues, you can get free legal advice by calling the Community Advocacy & Legal Centre at 613-966-8686 ext 0 or 1-877-966-8686 ext 0.

Article adapted from Community Legal Education Ontario's May 2015 Issue of "On the Radar: When can a landlord legally take a tenant's belongings?": www.cleo.on.ca/en/whats-new

General free legal information is also available at:

- Your Legal Rights: <http://yourlegalrights.on.ca/legal-topic/housing-law>
- Kingston Community Legal Clinic: www.kclc.ca
- Community Advocacy & Legal Centre (Legal Information for Tenants): http://www.communitylegalcentre.ca/legal_information/HSG/Tenants.htm