

Simplified Landlord Checklist

Tenancy Screening and Tenancy Agreements

Tenant Screening

When screening and selecting tenants, ensure you are not contravening the Ontario Human Rights Code by making sure you do not refuse tenants based on the following:

- Race, colour or ethnic background
- Religious beliefs or practices
- Ancestry, including individuals of Aboriginal descent
- Place of origin
- Citizenship, including refugee status
- Sex (including pregnancy and gender identity)
- Family status
- Marital status, including those with a same-sex partner
- Disability
- Sexual orientation
- Age, including individuals who are 16 or 17 years old and no longer living with their parents
- Receipt of public assistance such as Ontario Works (OW) or Ontario Disability Supports Program (ODSP)

Regulation 290/98 under the Ontario Human Rights Code permits only the following inquiries on rental applications or other tenant screening methods. No other inquiries are permitted:

Rental history, credit references and/or credit checks (a lack of rental or credit history should not be viewed negatively)

Income information (but you must also ask for and consider together any available information on rental history, credit references and credit checks). Income information should be limited to confirming that the person has enough income to cover the rent. For example, it is illegal for landlords to apply a rent-to-income ratio such as a 30% cut-off rule

A "guarantor" to sign the lease – but only if you have the same requirements for all tenants, not just for people identified by Code grounds, such as recent immigrants or people receiving social assistance

Please note that requiring any deposit for application to rent contravenes the Residential Tenancies Act and is illegal.

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Tenancy Agreements and New Tenants

Tenancy agreements in which the landlord and tenant do not share a bathroom or a kitchen are protected under the Residential Tenancies Act. While having a lease is always a good idea – and soon, the City of Toronto will be issuing a standardized lease that you will have to use – it isn't necessary for a tenancy agreement, protected by the RTA, to be in effect. If you receive money from and have given keys to a tenant, you have a tenancy agreement.

Your tenancy agreement, if written, must include:

- Legal name and address of the landlord

- Signature of landlord and tenant (signed on or before first day of tenancy)

- Give a copy to your tenant(s)

If your tenancy agreement is not in writing, you must:

- Provide your tenant your legal name and address within 21 days of the beginning of the tenancy, which begins the first day the tenant is entitled to occupy the unit. If you do not abide by this, the tenant has the right to withhold one month's rent until you do

Tenancy agreements continued:

- You do not have to require a last month's rent deposit, but if you do, you can only ask for this when a lease is signed or a tenancy agreement is otherwise entered into. You cannot legally require any other deposit, except for a small key deposit

- Collect the first month's rent on the first day of the tenancy, not beforehand

- Pet, security and other deposits are void under the Residential Tenancies Act

- No pets, no smoking and no guest lease clauses are void under the Residential Tenancies Act

Either way, you must provide all new tenants:

- Information on tenant rights and the Landlord and Tenant Board on or before the move-in date. Find a printable pamphlet that contains all of this information on the Landlord and Tenant Board website by [clicking here](#).

- You can also visit landlordconnect.ca to watch our training video on tenant selection. For more details on housing and the Ontario Human Rights Code, please [click here](#).