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THE LANDLORD-TENANT DIVISION®

BY DAN MACDONALD

Page 7—OBITER DICTA—Monday, October 20, 1980

Students in the landlord-tenant division deal with virtually all aspects of residential landlord-tenant relations. The type of problems encountered are varied. They require the utilization of a great number of lawyering skills such as interviewing, researching, negotiating, and of course appearing before various courts and administrative tribunals. In the course of one five-day stretch, I made four appearances before a court or tribunal.

The problems that one encounters are sometimes easily solved with a simple letter or phone call explaining to a landlord what rights a tenant has in a particular situation. On the other hand, in the course of a term, most students will have a number of cases which begin with an initial interview and continue through months of negotiation, legal research, fact finding, and end finally with a spirited, and sometimes bitter court battle. A typical example is a client who comes into the office complaining about disrepair in his apartment. The first step, is to ascertain the extent of the problem. This may involve several interviews with the client and members of his family, as well as a visit to the premises. Then the student will look at the law in this area to see what standards of repair are required and whether in his opinion that standard has been breached. The student must then discuss with the client the various options available to the tenant to rectify this situation.

Often, a letter will be written to the landlord asking for certain repairs and outlining his obligations under the *Landlord and Tenant Act*. In many cases polite requests and negotiations fail so that the tenant eventually decides to bring a motion in county court. It is a motion asking that the premises be put in a proper state of repair and that an abatement be given in rent for the period where the premises were in disrepair. In such a situation the student will spend much time gathering evidence, drafting the necessary legal documents, preparing witnesses, gathering exhibits and finally conducting the hearing of the matter before a county court judge.

Students working in this division also deal extensively with proposed rent increases and rent review, now governed by the new *Residential Tenancies Act*. Since this legislation is new, students, lawyers, and even residential tenancy commissioners are learning together how the new system of rent review operates. Those working in the division are presented with the challenge of attempting to define and firmly establish whatever rights the new legislation gives to tenants.

One of the interesting aspects of working in this area of the law is that very few landlords or tenants are aware of their rights and obligations under the law. In fact, many of the lawyers that you find yourself dealing with have very little expertise in this field. Indeed, a good number of disputes are solved simply by educating and informing the parties involved of the legislative provisions governing their particular situation. Students in this division also handle a number of criminal cases, Workmens' Compensation Board matters, and small claims court actions during the course of a term.

Supervision for the group is provided by Diana Hunt, who has considerable experience in this area, having previously worked as a staff lawyer for Metro Tenants Legal Services, co-director Mary Hogan, who has great expertise in this area, as well as Parkdale's articling students.