

Checklist: Tenant's right to move back in after repairs or renovations

Landlords can evict tenants to do work on a rental unit that can't be done while people are living there. To do this, your landlord should give you a Form N13 from the Landlord and Tenant Board (LTB).

Below is the part of the N13 where your landlord fills out the reason for evicting you. If they select **Reason 2**, you have the right to move back in when the work is done.

This is called the "right of first refusal". But **before you move out**, you must tell your landlord in writing that you want to move back in.



My Reason for Ending your Tenancy
I have shaded the circle next to my reason for ending your tenancy.

Reason 1: I intend to demolish the rental unit or the residential complex.

Reason 2: I require the rental unit to be vacant in order to do repairs or renovations so extensive that I am required to get a building permit and the rental unit must be vacant to do the work.

Note: You have the right to move back into the rental unit once I have completed the repairs or renovations. If you want to move back in once the work is done, you must give me written notice telling me you want to move back in. Also, you must keep me informed in writing any time your address changes.

Reason 3: I intend to convert the rental unit or the residential complex to a non-residential use.

Before you move out

- Write a letter** to your landlord saying you want to move back in. Use CLEO's letter-writing tool, which explains what you have to include. You'll find it at stepstojustice.ca/letter-tool-move-back.
- Sign the letter** and make sure your landlord gets it **at least 5 days** before you move out. You can:
 - mail the letter, ideally by registered mail,
 - give it to your landlord in person and have someone there as a witness that you did this, or
 - send it by email with the read receipt turned on.

Send it by email **only** if your landlord agrees to get it this way.

- Make a copy for yourself.** Keep it in a safe place.

- Give your landlord a **mailing address** they can use while you're out of your unit. You don't have to include this in your letter. But you must give it your landlord **in writing** before you move out. For example, you could send the information in an email or text message.

You can include the address you're moving to, if you know it. Or, you can give an address where you can get your mail, for example, the address of:

- a trusted friend or support worker who's agreed to get your mail
- a post office box that you check regularly

- Decide if you want to **fight the eviction**. You don't have to move out just because you wrote the letter telling your landlord that you want to use your right of first refusal.

If you disagree with the N13, you can still challenge the notice at an LTB hearing. At the hearing, the LTB member will decide if your landlord can evict you.

After you move out

- If your **mailing address** changes, give the new one to your landlord. You must do this in writing. For example, send your landlord an email or text message with your new address.
- Stay in touch with your landlord. Every so often, ask for updates on the progress of the renovations.
- Get legal help **right away** if your landlord tells you that you can't move back in.
- Get legal help **right away** if your landlord lists your unit for rent or for sale.

Find out more in **Can my landlord make me move out for repairs or renovations?** at stepstojustice.ca/move-for-repairs-renos.

Read about **eviction and getting legal help** at stepstojustice.ca/housing/eviction.

This is general legal information for people in Ontario, Canada. It is not meant to be used as legal advice.

Reviewed: April 2022