



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

DEPOSITS AND OTHER CHARGES

CANADIAN LANGUAGE BENCHMARK 3/4

This activity kit, designed to teach newcomers to Ontario in Adult ESL and LINC classes about their legal rights and responsibilities, includes:

<u>Introductory notes for instructors</u>	<u>1</u>
<u>Activities for learners</u>	<u>2-6</u>
<u>Teaching notes with answer keys and suggestions for using the kit</u>	<u>7-8</u>



Visit cleoconnect.ca to download these kits and to find other resources for instructors. Visit stepstojustice.ca for step-by-step information about common legal problems.

DEPOSITS AND OTHER CHARGES

INTRODUCTORY NOTES

Context outcomes Learn about examples of legal and illegal deposits and charges. Understand the importance of getting receipts.

CLB outcomes

-  Get the gist, key information, and important detail of two- to three-paragraph text.
-  Ask for assistance.

Activities

- Last month's rent
- Deposits and other charges
- Can and cannot
- Getting help FAQ
- Conversation practice

Free companion resource
Rent increases

The information in this activity kit is based on the CLEO publication called *Rent increases*. Read the publication before using the activity kit, and keep it on hand for reference as you guide learners through the activities. You can find it on CLEO's website at www.cleo.on.ca. To order free copies for your class, you can use the online order form.

Please take note

The information in these activities applies to most but not all tenants. The *Residential Tenancies Act (RTA)* applies to most rental housing in Ontario. Some rental housing is not covered. For example, a tenant who shares a kitchen or bathroom with the owner or a close family member of the owner might not be covered.

The information in these activities is not a substitute for legal advice. Every situation is different so learners with concerns should get legal help. Tenants can contact their local community legal clinic. To find the nearest community legal clinic, go to Legal Aid Ontario's website at legalaid.on.ca/legal-clinics or call Legal Aid Ontario toll-free at 1-800-668-8258.

Last month's rent

On March 31, Florian gave notice. His moving date was May 31.

On May 2, Lena, Florian's landlord, asked him about his May rent.

A. Read the first part of the conversation between Florian and Lena.

Lena: Where's your rent for May?

Florian: You have my last month's rent cheque.

Lena: That was a damage deposit.

Florian: I didn't damage anything.

Lena: What about the scratches on the floor?

Florian: They were there when I moved in.

Lena: There's also a mark on the wall by the door.

Florian: That's not damage. It's normal wear and tear.

Lena: I think it's damage.

Florian: The law says you cannot use my last month's rent for damage.

B. Vocabulary: Discuss the meaning of these words and phrases. Use a dictionary if necessary.

1. gave notice _____

2. last month's rent _____

3. damage _____

4. scratches _____

5. mark _____

6. normal wear and tear _____

C. Discuss the conversation.

1. Do you think Lena can use Florian's last month's rent deposit to pay for damage?
2. What do you think Florian should do next? What about Lena?
3. Practise the conversation with another student. How do you think it could end?

Deposits and other charges

A. Read the information based on CLEO booklets.

Your landlord can make you pay a security deposit when you first rent your place. If you pay your rent by the month, the deposit cannot be more than one month's rent. This is often called a last month's rent deposit or LMR. If you pay your rent by the week, the deposit cannot be more than one week's rent.

Your landlord can use this deposit only as a rent payment for the last month or week. Your landlord cannot keep it or use it for any other reason, such as paying for damage or cleaning.

Your landlord can also ask you to pay a deposit for your keys or access card, but the amount cannot be more than it would cost to replace them. Your landlord must give this deposit back to you when you move out and return the keys or card.

Your landlord can make you pay to replace your lost keys or access card, or to give you extra ones. Your landlord can also charge you a fee if you write a cheque but do not have enough money in your bank account to cover it. This is often called an NSF or bounced cheque.

Most other deposits, extra charges or advance payments are illegal. If your landlord wants you to pay for something else, try to get legal advice.

B. Read the sentences and decide whether they are true or false. Correct false sentences to make them true.

1. Last month's rent is a security deposit.
2. It is legal for a landlord to make a tenant pay the bank fee for a bounced cheque.
3. It is legal for a landlord to use a security deposit to pay for cleaning.
4. Tenants get their key deposit back when they move out, if they return the key.
5. Tenants who pay their rent weekly don't have to pay a security deposit.

Can and cannot

Can is a modal (helping verb) that has more than one meaning. In talking about the law, it often means “be allowed to” or “have the right to”. **Cannot** has the opposite meaning.

A. Read the example.

Landlords cannot use last month’s rent to pay for damage.

Here are two more sentences with the same meaning.

Landlords aren’t allowed to use last month’s rent to pay for damage.

Landlords don’t have the right to use last month’s rent to pay for damage.

B. Write these sentences using *can* or *cannot*.

1. It is legal for landlords to ask for a security deposit.

2. It is illegal for landlords to require a deposit of more than one month’s rent.

3. It is legal for a landlord to charge a tenant for an NSF cheque.

C. Write about the situations. Apply the rules from the text, **Deposits and other charges**. Use *can* or *cannot* in your sentences.

1. Leon is moving out of his apartment. His landlord wants to use his last month’s rent to pay for someone to clean the apartment after he leaves.

Leon’s landlord cannot use Leon’s last month’s rent to pay for cleaning.

2. Nadia is moving to a new apartment. Nadia’s landlord wants \$250 as a key deposit.

3. Ping wrote a cheque that bounced. Ping’s landlord wants her to pay the bank fee.

4. Antonio found an apartment for \$1,000 a month. The landlord wants a payment of \$500 for wall-to-wall carpeting that he just installed in the apartment.

5. Gulam lost his access card. Gulam’s landlord wants him to pay a replacement fee.

Getting help FAQ

My landlord wants me to pay a deposit. What should I do?

Always get a receipt when you pay rent, a deposit, or any other charge. If you think the deposit is illegal, get legal help.



I paid a deposit six months ago, but I didn't get a receipt. Is it too late?

No, it isn't. The law says your landlord must give you a receipt if you ask for one.

I think I paid an illegal deposit. What should I do?

You must apply to the Landlord and Tenant Board within one year or you may lose your right to get the money back. Get legal help.

My landlord wants to use my last month's rent to pay for damage I didn't cause. What should I do?

Don't pay any extra rent. Get legal help.

Where can I get legal help?

Tenants who have low incomes can get legal help from a community legal clinic. To find the nearest community legal clinic, you can go to www.yourlegalrights.on.ca and click on "Services". You can also go to the Legal Aid Ontario (LAO) website at www.legalaid.on.ca or call Legal Aid Ontario toll-free at 1-800-668-8258.

Conversation practice

A. Practise asking for a receipt. You can say:

I need a receipt, please.

I'd like a receipt, please.

May I please have a receipt?

Could I have a receipt please?

Can I please have a receipt?

B. Practise asking for legal help.

I need some legal help.

Could I please have some advice?

What should I do?

My landlord wants me to pay \$_____ for _____.

I paid my landlord \$_____ for _____.

C. Write a conversation.

Choose one of the situations in section C of the page **Can and cannot**, or choose another situation you know about. Write a conversation between:

- a tenant and a landlord,
- a tenant and a lawyer or community legal worker, or
- a tenant and a friend.

Use the receipt below.

RECEIPT	
Number _____	Date _____
Received from _____	
For _____ _____	
\$ _____	_____ Signature

TEACHING NOTES

Curriculum connections

LINC/Adult ESL:

Theme: At Home in Our Community & World

Topic: Housing Problems

Theme: Canadian Law

Topic: Landlords & Tenants

Theme: Community & Government Services

Topic: Counselling & Advocacy

Last month's rent (page 2)

This activity presents a conversation along with vocabulary and discussion questions which are meant to spark interest in the topic. Learners can brainstorm possible endings to the conversation as a class, or work in pairs and present their endings to the rest of the class.

You may wish to elicit what learners know about ways of paying rent, making sure you cover cash, cheque, post-dated cheques, money orders, e-transfer, and direct debit. Elicit what learners know about first and last months' rent and note that some landlords want it paid by post-dated cheques, e-transfer, or direct debit. Ask if learners know about other kinds of deposits and charges, and whether or not they are legal.

Deposits and other charges (page 3)

This is an excerpt from the CLEO booklet *Rent increases*. It introduces learners to the main categories of deposits they could be asked to pay when moving in, and informs them that not all deposits and charges are legal.

Answers:

B.

1. *True.*
2. *True.*
3. *False. It is **not** legal for a landlord to use a security deposit to pay for cleaning.*
4. *True.*
5. *False. Tenants who pay their rent weekly **do** have to pay a security deposit of up to **one week's rent** if the landlord asks for it.*

Can and cannot
(page 4)

Can and cannot are used frequently in the reading text **Deposits and other charges**. Learners can scan the text to find and circle examples of can and cannot. For some learners this may be an opportunity to review grammar with which they are familiar in a new and perhaps more challenging context.

Clearly distinguishing between “can” and “can’t” is a common pronunciation difficulty. Learners may wish to address this and substitute “can’t” for “cannot” when reading the sentences aloud. It may be helpful to point out that “cannot” is a clearer alternative, especially when discussing rules and laws.

Answers:**B.**

1. *Landlords can ask for a security deposit.*
2. *Landlords cannot require a deposit of more than one month’s rent.*
3. *A landlord can charge a tenant for an NSF cheque.*

C.

2. *This is likely illegal. A key deposit cannot be more than it would cost to replace the keys.*
3. *Ping’s landlord can charge her the NSF fee.*
4. *This is an example of an extra charge that is illegal. Antonio’s landlord cannot make him pay for the wall-to-wall carpeting.*
5. *Gulam’s landlord can charge Gulam a replacement fee for his access card.*

Getting help FAQ
(page 5)

Learners can read this in pairs. Note the emphasis on the importance of getting receipts, reinforced in the picture.

Conversation practice
(page 6)

After practising the set expressions, learners can write conversations and present them to the rest of the class. You can make copies of the blank receipt and distribute for use in the conversations, or learners can use the receipt provided.

CLEO’s **Steps to Justice** is a website that gives step-by-step information about common legal problems, including housing law issues. Steps to Justice has practical tools like forms and checklists, and referral information for legal and social services. Visit stepstojustice.ca and see the information in the Housing Law section.