

Review of Information and Advisory Services to Tenants and Landlords

(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)

The Community Services Committee recommends the adoption of the following report (October 21, 1999) from the Commissioner of Community and Neighbourhood Services:

Purpose:

This report summarizes a review of information and advisory services for tenants and landlords in the City of Toronto and recommends appropriate action.

Financial Implications:

No direct funding implications.

Recommendations:

It is recommended that the following actions be taken in light of the findings of the Review of Information and Advisory Services to Tenants and Landlords:

- (1) Council request the Province, as the authority responsible for the *Tenant Protection Act* (TPA), to greatly improve the resources available to tenants and small landlords in dealing with this legislation, and in particular to act as quickly as possible on:
 - (a) Recommendations Nos. 1-10 in Appendix D, by providing better and more timely information to tenants and landlords by the Ontario Rental Housing Tribunal (ORHT);
 - (b) Recommendation No. 11 in Appendix D, by actively promoting the Ministry of Municipal Affairs and Housing Investigation Unit;
 - (c) Recommendation No. 12 in Appendix D, by providing funding to municipalities and community agencies to develop and distribute information to tenants and landlords regarding their rights and responsibilities;
 - (d) Recommendation No. 13 in Appendix D, by lengthening the time for a tenant to dispute in writing an Application to Terminate a Tenancy (e.g., to 15 working days from the current five calendar days); and
 - (e) Recommendation No. 14 in Appendix D, by changing the rules under the TPA to ensure that all tenants are given notice, by either the landlord or the Tribunal, of the landlord's application for an above guideline rent increase at the time the application is filed with the Tribunal;

- (2) Council request the Province to produce summary data on the activity of the Ontario Rental Housing Tribunal on a frequent basis and to make basic statistical data on applications and orders, including the results of those orders, under the Tenant Protection Act available to municipalities and others at nominal cost;
- (3) (a) Council endorse Recommendations Nos. 15-20 in Appendix D related to improvements in the legal aid system and write to Legal Aid Ontario, urging them to:
- fund a new specialty tenants' legal clinic;
 - eliminate geographic gaps in the community legal clinic system in Toronto;
 - expand and make the Duty Counsel service permanent; and
 - provide more legal aid assistance to tenants disputing above-guideline rent increases;
- (b) the Chair of the Community Services Committee write to the Chair of Legal Aid Ontario prior to November 17, 1999, noting Recommendation No. (3)(a) and requesting that Legal Aid Ontario act as quickly as possible on proposed improvements to the legal aid system;
- (4) (a) Council endorse a role for the City in the provision of information and advisory services to tenants and landlords which consists of:
- developing appropriate and clear information on various landlord and tenant issues (e.g., rights and responsibilities under the Tenant Protection Act);
 - supporting community groups that are dealing with tenant and landlord issues of significance to the municipality (e.g., related to loss of affordable rental housing, prevention of evictions, etc.);
 - making information available about City policies, by-laws and services (e.g., property standards, property tax issues, second suites, rooming house licensing);
 - working pro-actively to improve co-ordination and communication between agencies involved in providing information and advice to tenants and landlords; and
 - monitoring and reporting on the rental market and the impact of legislation (e.g., Tenant Protection Act);
- (b) the Commissioner of Community and Neighbourhood Services, in consultation with other appropriate staff, review Recommendations Nos. 21-42 in Appendix D and report back on a workplan and issues related to implementation; and

- (5) the appropriate City officials be authorized to take the necessary action to give effect to these recommendations.

Council Reference:

Review of Tenant and Landlord Services and the Federation of Metro Tenants' Association:

At its meeting May 19, 1999, the Community and Neighbourhood Services Committee recommended that Council approve a series of eviction prevention projects, including continuation of funding for a tenant information hotline service. As part of recommending continuation of the Tenant Hotline for 1999, it was agreed that the Commissioner of Community and Neighbourhood Services would report back on an overall service strategy. It was also agreed that the Commissioner of Community and Neighbourhood Services would report back with a review of the Federation of Metro Tenants' Associations, the services they provide, City funding of those services, as well as an examination of the relationship between FMTA services and information provided to tenants by the Ontario Rental Housing Tribunal.

The review of the FMTA hotline service is addressed in a separate report to your November 4, 1999, Committee meeting. The Planning and Transportation Committee has asked that I report to the Community Services Committee on implementation of a Tenant Defence Fund and this issue is also addressed in a separate report.

At the May meeting, I was also asked to provide the Committee with further data on evictions. Some data are included in my report on the Tenant Defence Fund. I have requested further data from the Ontario Rental Housing Tribunal.

Staff of Planning, Social Development, Municipal Standards, Legal and Finance service areas have been consulted in the preparation of this report.

Background:

Increasing Demand for Tenant Information and Advice:

There has been a growing amount of activity and calls for action by the tenant community in response to changes made by the *Tenant Protection Act*. Since the TPA became law on June 17, 1998, various City departments have responded to a range of tenant/landlord issues, as follows:

- establishing a rental property tax notification program because of new provisions in the TPA which require the City to send notices of tax decrease annually to tenants and landlords (Finance);
- passing a vital services by-law in response to new provisions under the TPA (Buildings);

- passage of a demolition and conversion control by-law based on the City's powers under the Planning Act, rather than the enhanced provisions under the Rental Housing Protection Act which was repealed by the TPA (Planning);
- requesting party status on a landlord application to evict several tenants on the grounds that their units were being demolished rather than renovated or reconfigured (Legal); and
- increased funding to programs which provide information and assistance to tenants, in particular those facing evictions (Shelter Housing and Support).

These actions are in addition to our ongoing concerns about condition of the rental housing stock, affordability, and supply.

While the TPA is adding to the City workload, it is also putting stress on community organizations, particularly those who support tenants and small landlords. According to landlord and tenant organizations, requests for assistance have increased because the legislation is new and more complex than previous laws.

Activity Level at the Tribunal:

The activity level at the Ontario Rental Housing Tribunal has increased dramatically over the past year. For example, the ORHT has been flooded with applications from landlords to increase their rents above the rent guideline with 545 applications received from June 17, 1998, to September 30, 1999, affecting 55,000 units in the first year since the TPA came into effect. Similarly, the number of applications filed to evict a tenant in Toronto has increased by 50 percent in the six years from 17,781 in 1993 to 26,700 in 1998. Further data on application and order activity under the TPA is provided in my other report to the Community Services Committee on the Tenant Defence Fund.

Declining Provincial Funding for Information and Advice:

Up until recently the Province was a key funder of information and advisory services for tenants. Despite growing pressure as a result of a tightening rental market, the Provincial Government has significantly decreased its financial commitment to organizations providing information, advice and support to tenants. The funding from the Provincial Government to agencies which can provide information and advice has remained either flat (as in the case of community legal clinics) or has been eliminated (as was the case in 1996 when the Province eliminated its \$120,000.00 in funding for the information and advocacy activities of the Federation of Metro Tenants' Associations). A key provincial funding source was cut back when the budget for Community Partners grants was reduced Province-wide from \$7.9 million in 1995/96, to \$3.9 million in 1996/97, and to \$2.3 million in 1997/98. In particular, a decision was made to eliminate funding under Community Partners for tenant organizing and advocacy groups and to focus on housing-help and homeless projects.

While the Ontario Rental Housing Tribunal does produce information brochures about the new law, there has been much less communication and outreach under the Tribunal than under previous rent regulation laws. For example the Residential Rent Regulation Act (in effect in the late 1980s) and the Rent Control Act (early 1990s) both included specific provisions requiring provincial staff to provide information to tenants and landlords and funding was available to community organizations to ensure that information would be widely available. In contrast, under the TPA, the Tribunal's role is limited to providing information – there is no related grant program.

Discussion:

As a result of the above changes and the City's own shift away from emergency responses to homelessness towards eviction prevention and protection of affordable stock, we began a process earlier this summer to inventory what services are available and where, to identify gaps and overlaps, and to clarify what supports are (or should be) provided by the Province and by the City. This review, in combination with a concurrent review of the Federation of Metro Tenants' Associations (FMTA) Tenant Hotline Service and consultation with other City departments, is intended to form the basis for an overall service strategy for the provision of information and advice to tenants and landlords.

The review was conducted by Lapointe Consulting and Tim Welch & Associates between July and September of 1999. An executive summary is provided in Appendix A. Appendix B and C provide a chart of services available from community agencies, and services offered in other selected cities, respectively. The detailed recommendations of the Review are listed in Appendix D. The full report will be on file with the City Clerk by October 29, 1999.

Toronto's Tenant Population:

Tenants represent a large and diverse portion of the City's population. There are almost 500,000 rental units in the City of Toronto providing housing for over half of all households in the City. Most tenants live in private sector medium and high rise buildings (42 percent) or apartments in houses (20 percent). The rest live in social housing, rented condominiums, low rise buildings and rooming houses. Tenants, like other City of Toronto residents, are a multicultural group and more than 30 percent speak languages other than English at home.

Recently, tenants in the City have been under increasing pressure. Tenants are paying more of their income on rent: in 1995, 45 percent of tenant households paid 30 percent or more of their income on rent, up from 32 percent in 1990. Rents have gone up (on average 7 percent in 1998), while tenant incomes have fallen due to under- and unemployment, cuts to social benefits and changes to eligibility requirements for social programs (e.g., Employment Insurance). Finding new housing is difficult as only nine of a thousand units are currently vacant, and in this tight market, landlords have a strong negotiating position in setting the new rent.

As tenants are not a homogeneous group, some are more vulnerable than others in a competitive rental housing market. Information and advisory services to landlords and tenants are most effective when they recognize and address the various needs of landlords (e.g., small landlords,

large landlords, rooming and boarding house providers) and tenants (e.g., diverse languages, economic means, household types). All tenants are subject to the provisions of the Tenant Protection Act, but some need extra support in understanding the Act or dealing with difficulties in their landlord/tenant relationship.

Service Gaps and Needs Identified:

The consultants consulted with providers of information and advisory services in the City's public, non-profit and voluntary sectors through a survey, interviews and a focus group session, and identified the following information gaps for tenants and landlords:

- (a) Lack of information about rights and responsibilities under the *Tenant Protection Act* and the lack of translation of this information into different languages.
- (b) Lack of information about what services and assistance are available to tenants and landlords and about who provides them in the community, including housing help centres, community legal clinics, Landlord Self Help Centre and City departments.
- (c) Inadequate support for tenant organizing - both legal clinics and the FMTA have limited resources to assist tenants in organizing, and tenants need training for organizing and meeting space/facilities.
- (d) Inadequate access to the Tenant Hotline - due to inadequate resources the current FMTA's Tenant Hotline is often busy when people call for assistance.
- (e) Lack of representation for tenants and small landlords - the majority of tenants are unrepresented at the Tribunal hearings, because legal clinics and tenant duty counsels cannot meet the demand. A similar need exists among some small landlords.
- (f) Need for more legal clinics - a specialty clinic to deal with tenant issues and a legal clinic to cover the geographic gap in central Toronto.
- (g) Need for programs to resolve tenant and landlord issues before they become problems - e.g., early intervention in arrears situations, mediation and negotiation.
- (h) Need for brief, clear information materials concerning the TPA.

Areas of Overlap and Duplication:

The study found little overlap in services between agencies, partly because the demand for information greatly outstrips the assistance available. The consultants distinguish between services that offer information, advice and representation. They note that "information" is generally factual and descriptive; "advice" refers to information of a judgmental quality that tells tenants or landlords how to deal most effectively with a situation; and actual representation of landlords and tenants at the Tribunal is "advice taken to its fullest". In addition, some agencies provide other services such as tenant organizing, advocacy and mediation.

Based on discussions with Tribunal staff, the consultants indicate that the ORHT, as a quasi-judicial body, is mandated only to give information about the law, not advice to tenants or landlords. For example, ORHT Client Service Representatives could not advise tenants on how to effectively challenge a landlord's application to increase the rent above the rent control guideline.

A number of community agencies provide information and advice to tenants and landlords, such as the Centre for Equality Rights in Accommodation, the Federation of Metro Tenants' Associations and the Greater Toronto Apartment Association. The 16 community legal clinics in Toronto will advise tenants if they meet low income criteria.

As noted above, there is inadequate representation for tenants and some small landlords at the Tribunal. The legal aid system provides representation for low income tenants through legal clinics and duty counsel; however, due to limited resources this assistance tends to focus on eviction cases and even then only to those who have difficulty representing themselves.

The general conclusion of the consultants is that there are inadequate resources in each of the above areas, but there could be better co-ordination and targeting of the limited resources available. For example, groups should communicate and share information on gaps and problems related to landlord and tenant matters.

City Role in Tenant and Landlord Information Services:

While the main legal framework for landlord and tenant relationships is set out by provincial law, the results of this law have a significant impact on the residents and municipal government of Toronto. The former municipal governments of Toronto recognized both the importance of positive rental laws to the overall health of the City as well as the importance of tenants and landlords being made aware of their rights and responsibilities.

Services which support and inform landlords and tenants as to their rights and responsibilities are beneficial in that such services may minimize unnecessary evictions and avoid the loss of affordable rental housing stock. Services which help to prevent evictions are cost-effective not only for tenants and landlords, but also for the municipality which feels the impact of evictions through its social assistance and hostel services programs.

The City of Toronto is currently faced not only with growing governmental responsibilities in the area of housing, but a housing market which is not responding to the needs of low and moderate income households. In view of the insufficient leadership and support provided by senior levels of government, the City has had to take action to protect the existing affordable housing stock and to encourage the development of new affordable housing. However, it is becoming increasingly clear that the City does not have the financial capacity or legislative tools required to effectively meet many of these new responsibilities.

As noted above, the Province has historically been active in providing information and support related to rental housing legislation. The Province, as the authority responsible for the Tenant Protection Act, should take primary responsibility for education about the legislation, and in

ensuring both landlords and tenants have the assistance they require to enforce their rights under the legislation. However, given that the level of support provided is insufficient, and that it is the City and its residents which experience the negative effects, the City must play a pro-active role in the provision of information and advisory services to tenants and landlords.

Based on the Lapointe/Welch Review, the City should take responsibility for:

- developing appropriate and clear information on various landlord and tenant issues, and, in particular, an overview of rights and responsibilities under the *Tenant Protection Act*;
- supporting community groups that are dealing with tenant and landlord issues of significance to the municipality (e.g., related to loss of affordable rental housing, prevention of evictions, etc.);
- making information available about City policies, by-laws and services, i.e., property standards, property tax issues, second suites, rooming house licensing, etc.;
- working pro-actively to improve co-ordination and communication between agencies involved in providing information and advice to tenants and landlords; and
- monitoring and reporting on the rental market and the impact of legislation (e.g., TPA), and advocating for improvements.

The following actions by the City are proposed:

- (1) The City should request the Province to improve the services delivered by the Ontario Rental Housing Tribunal, in the following areas:
 - The ORHT should modify the design and content of all information materials, forms and notices, including: clearer, plainer and more user-friendly styles; translation in several languages; in a Notice of Hearing, highlighting the five-day deadline for filing a dispute and attaching a dispute form; in a default order, indicating the ten-day deadline for a set aside application; and printing and distributing all forms and notices in large quantity to tenant groups.
 - The ORHT should provide better training for client service representatives and information officers to ensure that information given to tenants is factual and consistent.
 - Increased funding for the ORHT, municipalities and community agencies to develop outreach and educational programs for tenants and landlords about their rights and responsibilities under the TPA; and the Ministry of Municipal Affairs and Housing Investigation Unit should be more active in promoting its services.

(2) Improvements to Legal Aid: Lapointe/Welch point out the key role that the legal clinic system plays in supporting tenants who do not have the personal resources to obtain advice or represent themselves. Legal Aid Ontario (LAO), funded solely by the Province, allocates financial resources to community legal clinics, specialty clinics, Tenant Duty Counsel and private lawyers paid for under the Plan. As of the Fall of 1999, LAO is considering putting more funding into the clinic system. The City should support these improvements, which include:

- establishment of a new specialty clinic for tenants;
- permanent and expanded funding for Tenant Duty Counsel; and
- expanded service to cover the current geographic gaps of clinics in Toronto.

As the Board of LAO will be meeting to consider this matter on November 17, 1999, we recommend that the Community Services Committee indicate support for these improvements, to be confirmed by Council at its next meeting.

(3) Improvements in the Tenant Hotline: These are addressed in a separate report to the Community Services Committee on this issue.

(4) Better Information and Co-ordination: Lapointe/Welch make a number of recommendations related to creation of new information materials, better communication of this information, and co-ordination of agencies which are active in this area. As this is a legitimate and useful role for the City, we propose to develop a workplan for implementation of these recommendations, in consultation with the various City divisions that are affected, and to report back periodically on the progress. The priority activities would be as follows:

- (a) to establish and support a tenant services network, consisting of representatives of community-based tenant services including legal clinics, housing help centres, tenant organizations, etc.;
- (b) to develop and maintain a tenant services website;
- (c) to monitor and analyze rental market trends, particularly Tribunal activity and eviction trends;
- (d) to develop and administer eviction prevention programs;
- (e) to develop a user-friendly overview of the TPA and maintain an inventory of services available to tenants; and
- (f) to build on current City-supported educational programs and advisory services for small landlords through agencies such as the Landlord Self-Help Centre.

Lapointe and Welch also comment on an early intervention project that was established early in 1999 as part of a more comprehensive eviction prevention strategy supported by the City. This strategy involved proactive outreach to tenants who were listed in the Rental Housing Tribunal Office records with pending evictions. The strategy also involved the production of information kits and materials on landlord and tenant matters, in a number of languages. A report on the impact of the eviction prevention strategy will be before Council in early 2000, once project reports have been received.

Preliminary reports from the intervention project operated by the Centre for Equality Rights in Accommodation have validated this as an appropriate and effective approach. The Lapointe/Welch report concurs and recommends that the City should continue to fund this proactive, multilingual outreach. Therefore, an early intervention project for tenants at the beginning of an eviction has been identified as one of the priorities for the CT-HIF proposal call in December. A report on the results of the CT-HIF, including the project selected in this priority area, will be before Council in January 2000.

Conclusion:

In light of the Review of Information and Advisory Services carried out by Lapointe and Welch, the City should adopt a pro-active role in the provision of information and advice for tenants. Steps that the City could take include: urging the Province to improve the services provided by the Ontario Rental Housing Tribunal; endorsing the proposed expansion of the legal aid system; supporting community agencies that are addressing tenant/landlord issues and helping to co-ordinate their efforts.

Appendices:

- A. Executive Summary of the Review of Information and Advisory Services to Tenants and Landlords;
- B. Major Providers of Landlord and Tenant Information and Advisory Services in the City of Toronto;
- C. Provision of Information/Advisory Services in Other Jurisdictions; and
- D. Recommendations of the Review of Information and Advisory Services to Tenants and Landlords

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Appendix A
Executive Summary:
Review of Information and Advisory Services to
Tenants and Landlords

Introduction:

In June 1998, the Province of Ontario proclaimed the Tenant Protection Act (“TPA”), an act which combined six previous laws and governs landlord and tenant relationships including evictions, rent increases, condominium conversions and repairs. The TPA applies to almost 500,000 residential rental units in the City of Toronto. Under the TPA, time is of the essence because of the short period within which tenants are allowed to respond to a notice of eviction (five days) and to rent increases (ten days). However, the majority of tenants and, indeed, many smaller landlords are ill informed about the specifics of the TPA. This lack of information is one of a number of contributing factors resulting in a high number of evictions including economic evictions.

While the law governing landlord and tenant relations is a Provincial statute, its results have a significant impact on both tenants and the City as a whole. The City of Toronto has a high concentration of tenant households representing 52 percent of all households in the City. The average tenant household income is about half that of the average owner household and tenants have higher concentrations of low and moderate income households, the young and elderly, single parent households and immigrants compared to the population as a whole. Evictions are a major cause of homelessness which is both socially and financially unsustainable.

As part of the City’s shift from emergency responses to homelessness to more preventative approaches, eviction prevention and protection of affordable housing have emerged as key issues. The City of Toronto’s Shelter, Housing and Support Division commissioned Lapointe Consulting and Tim Welch and Associates to examine the current information and advisory system for tenants and landlords, to identify gaps and make recommendations for improvements.

Study Objectives and Process:

The objective of the study was to assist the City to develop an overall service strategy for the provision of information and advisory services to both tenants and landlords through a review of existing information and advisory services, consulting with local tenant and landlord organizations, identifying gaps in services, and, making suggestions for improvements including programs the City and other levels of government should support. The study was conducted between July 15, 1999 and September 30, 1999, and involved:

- a survey sent to 54 information and advisory agencies in the City of Toronto of whom 45 returned a completed questionnaire (representing a response rate of 83 percent);
- a workshop with 16 representatives of information and advisory agencies, telephone interviews with seven other agencies providing information and advisory services;

- personal interviews with eight Council members or their representatives; and
- telephone interviews with representatives of four different jurisdictions in other municipalities similar to Toronto.

Gaps in Information and Advisory Services:

There are a large number of non-profit and public agencies providing information and advisory services across the City. These include 16 agencies serving both landlords and tenants, 5 agencies serving landlords only and 36 agencies serving tenants only. Through the study a number of gaps were identified:

- the need for services and information in languages other than English and French;
- the general lack of understanding of the TPA by tenants and smaller landlords;
- difficulties around major repairs and knowing who to call at City Hall;
- the need for legal clinic service for all of Central Toronto (including the downtown area);
- the need for a specialty tenants' clinic;
- the need for short, clear documents on TPA issues including:
 - a short summary of the TPA that could be distributed by Members of Council to their tenants in their wards; and
 - shorter, topic-specific sheets that could be handed out and faxed as required;
- the need for a reference list of contact names and organizations for tenants and landlords;
- the need for contact names for landlords and tenants in situations where tenants require support services;
- the lack of support for tenant organizing;
- the need for increased funding for agencies supporting tenants;
- the inadequate level of representation at the Tribunal for the majority of tenants facing evictions and other issues such as above guideline increases; and
- the need for emergency assistance and after hours assistance.

There is Little Duplication in Services and Better Co-ordination is Needed:

The study found little support for the notion that there was duplication between the Ontario Rental Housing Tribunal (the Tribunal) and the Federation of Metro Tenants' Associations (FMTA) or other community agencies. While the Tribunal and the FMTA both provide information and referrals, staff at the Tribunal are instructed not to provide advice. Staff at the FMTA, on the other hand, are permitted to provide advice about a course of action, although they will often refer tenants to community legal clinics for more detailed legal advice.

With regards to the general issue of duplication between agencies providing information and advice, most of those consulted felt there was so much need arising from tenants, that there was not a problem with overlap and duplication. On the other hand, there was a strong consensus that limited resources need to be better co-ordinated.

The Role of the Province and the City in Information and Advisory Services:

As the creator of the TPA and the Ontario Rental Housing Tribunal, the Province of Ontario has a very clear mandate to educate the public about the Act which includes publishing and distributing information on the TPA to tenants and landlords. The Tribunal needs to work more closely with legal clinics and other stakeholders to make sure important legal forms can be accessed by all, including those whose first language is not English. As legal aid is within the Provincial jurisdiction, the Province has the responsibility to ensure that all areas of the City are adequately covered, that there is sufficient funding for Tenant Duty Counsels and that there is funding for a specialty tenants' clinic to conduct research and develop case law. It is also within the Provincial responsibility to ensure that it pays its share of funding for community agencies that assist low-income households with finding and maintaining affordable rental housing (the City will, in the future, administer Provincial funds through the Community Partners Program in addition to the Provincial Homelessness Initiatives Funds which it currently administers).

Some of those interviewed on Council believe the City should focus its efforts and financial support on those services which fall directly within its jurisdiction such as property standards, maintenance and property tax. This view is also strongly supported by the major landlord organization, the Greater Toronto Apartment Association. However, as the TPA is affecting over half of the households in the City and as inadequate information and advisory services can result in evictions and homelessness, we believe it is in the City's interest to take a somewhat broader perspective.

In reviewing the role of the City in information and advisory services, it is clear that it has a number of important functions including:

- ensuring that the public is well educated about maintenance, repair and municipal standards and by-laws and that these are enforced;
- ensuring that when tenants and landlords call the City for basic information about their rights and responsibilities, they either receive such information or are referred to the appropriate agency;

- funding and overseeing the development of better tools for communicating information about the TPA and City by-laws to tenants and to landlords, especially smaller landlords;
- ensuring that its own documents relating to landlord and tenant matters are translated into the major languages spoken in the City other than English and French;
- working with small landlords to ensure they are aware of their rights and responsibilities;
- supporting community agencies that do tenant organizing;
- facilitating better co-ordination and sharing of information between agencies that provide information and advice to tenants and landlords (including the City and other agencies);
- conducting and analyzing research on the rental market, evictions, rent increases and the state of rental housing.
- promoting improved relationships between tenants and landlords through workshops and forums where they can understand one another's point of view and common interests;
- supporting early intervention programs such as mediation and outreach to tenants who have received a notice of termination; and finally
- advocating on behalf of tenants for changes to the Tenant Protection Act.

Appendix B

Major Providers of Landlord and Tenant Information and Advisory Services in the City of Toronto

Information and Advisory Service Agencies	Type of Service Provided	Clients	
		Tenants	Landlords
Public Agencies			
Rental Housing Tribunal -3 offices (Toronto East, Toronto North, Toronto South) -toll free number (1-888-332-3234)	<ul style="list-style-type: none"> • Information and Referral - provide flyers, forms; information about rights and responsibilities and how to move through the system • Mediation • Adjudication on landlord/tenant matters under the <i>Tenant Protection Act</i> (TPA). 	4	4
Ministry of Municipal Affairs and Housing Investigation Unit (1-888-772-9277)	<ul style="list-style-type: none"> • Investigations of offences under the TPA. 	4	4
Toronto Housing Authority	<ul style="list-style-type: none"> • Information and referral • Tenants' rights and responsibilities 	4	

Information and Advisory Service Agencies	Type of Service Provided	Clients	
		Tenants	Landlords
Public Agencies City of Toronto:			
A) Municipal Licencing and Standards	a) Information, public education, inspection services for municipal property standards by-laws.	4	4
B) Rooming Housing Information Centre	b) Information, public education, rights and responsibilities of tenants and landlords, type of assistance available, referrals.	4	4
C) Central Intake, Hostel Services Division	c) Information and referral, type of financial assistance available, tenants rights and responsibilities, emergency accommodation, housing referrals.		
Toronto Housing Company:	<ul style="list-style-type: none"> Information and referral Tenants' rights and responsibilities 	4	
Non-Profit Based Agencies Umbrella Organizations:			
Federation of Metro Tenants' Associations	<ul style="list-style-type: none"> Information, advice and referral – Tenant Hot Line Public education Advocacy on behalf of tenants Tenant organizing 	4	
Greater Toronto Apartment Association and the Fair Rental Policy Organization	<ul style="list-style-type: none"> Information and referral Advocacy 		4
Centre for Equality Rights in Accommodation (CERA)	<ul style="list-style-type: none"> Research & advocacy Advice Representation at Human Rights Commission Intervention 	4	
Housing Help Centres: 7 agencies located across the City; 5 are geographically based – Etobicoke, Flemingdon/East York, North York, York Community Services, Scarborough (Woodgreen to be set up) 2 demographically based – Habitat Services for rooming houses and Hispanic Development Council	<ul style="list-style-type: none"> Help finding affordable accommodation Often operate a housing registry; including home sharing Referrals Housing counselling Community education (for landlords and tenants) Mediation 	4	4
Legal Clinics/Agencies: -York University, Downsview, Downtown, East Toronto, Flemingdon, Jane-Finch, Kensington-Bellwoods, Neighbourhood Legal Services (east Downtown), Parkdale, Rexdale, Scarborough, South Etobicoke, West Scarborough, West Toronto, Willowdale, York	<ul style="list-style-type: none"> Information Legal advice and representation Referrals Advocacy 	4	
Tenant Duty Counsel in each of the 3	<ul style="list-style-type: none"> Information and advice 	4	

Information and Advisory Service Agencies	Type of Service Provided	Clients	
		Tenants	Landlords
Public Agencies Tribunal Offices	<ul style="list-style-type: none"> • Representation • Referral • Mediation 		
Specialty Clinics: Landlord Self-Help Clinic	<ul style="list-style-type: none"> • Information and advice • Referral • Public education • Advocacy 		4 for small landlords
Advocacy Centre for the Elderly (ACE) Community Legal Education Ontario Aboriginal Legal Services Centre for Spanish Speaking People Metro Toronto Chinese and Southeast Asian Legal Clinic	<ul style="list-style-type: none"> • Information, advice and referral • Public education • Limited representation • Advocacy 	4	
Information/Informal Mediation:			
Pape Adolescent Resource Centre Open Door Centre and Rooms Registry Woodgreen Community Centre Anglican Houses/Street Outreach Services	<ul style="list-style-type: none"> • Information and advice • Mediation • Only Street Outreach does representation 	4	
East York/East Toronto Family Resources			
Landlord and Tenant Mediation: St. Stephen's Community House Warden Woods Centre Conflict Mediation Services of Downsview Etobicoke Conflict Mediation Team	<ul style="list-style-type: none"> • Mediation 	4	4
Tenants: East York Tenant Alliance, North Toronto Tenants Network, Parkdale Tenants' Association, Public Housing Fightback Campaign, Roomers Rights Association, Scarborough Tenants' Association,	<ul style="list-style-type: none"> • Information and advice • Advocacy • Referral 	4	
Landlords: Multiple Dwelling Standards Association, Small Rooming House Association	<ul style="list-style-type: none"> • Information • Advocacy • Referral 		4

Note: For the purposes of this chart, advocacy means lobbying and providing advice to government for changes to policies and regulations.

Provision Of Information/Advisory Services In Other Jurisdictions

Research was conducted in four other cities with substantial tenant populations (Montreal, Vancouver, Ottawa, and San Francisco) to examine the level of support these cities provide to tenants and landlords.

- (1) Montreal - The City of Montreal does not fund any tenant or landlord organizations to provide information and outreach, but does produce and distribute plain language brochures on municipal property standards and communicate with tenants affected by condominium conversion applications to inform them about the rules and process of conversion. Financial support for tenant organizations is provided by the Quebec Government. Two provincial umbrella tenant/non-profit groups receive about \$250,000.00 in funding to advise, advocate and sometimes represent tenants on precedent “test cases”.
- (2) Vancouver - The City of Vancouver administers a Tenant Assistance Program which provides information and advice to tenants on a variety of issues, including both municipal regulations and the provincial tenant legislation. The Program also advises tenants on how to get help, conducts workshops, provides referrals, and distributes written materials produced by the Provincial Residential Tenancy Branch and two umbrella organizations assisting tenants - Legal Services and The Tenants’ Rights Action Coalition.
- (3) Ottawa - The City of Ottawa stopped funding outreach and advisory services provided by the Ottawa Carleton Tenant Associations when a matching grant with the Province was cancelled. It does purchase service from two housing help agencies to provide information and advice about housing related matters, assist tenants in obtaining and maintaining their housing, and make appropriate referrals.
- (4) San Francisco - The City operates a Rent Board which adjudicates rent increases and other landlord-tenant issues; operates a 24-hour high-tech information telephone line; maintains a web site about all City ordinances affecting tenant-landlord issues; provides City grants (about \$500,000.00 per year) to tenant and landlord organizations; delivers educational seminars and workshops in co-operation with tenant and landlord organizations; and funds local legal clinics for very low-income tenants facing evictions through City and federal grants programs.

In summary, all four cities provide some form of information/advisory services to tenants, ranging from making available written information materials about city and provincial tenant-landlord legislation, to operating an information telephone line, setting up a web site, and providing direct funding to organizations assisting tenants.

Recommendations
Review of Information and Advisory Services to
Tenants and Landlords

Province:

Improvements to the Ontario Rental Housing Tribunal Information Services:

- (1) The Ontario Rental Housing Tribunal should ensure that forms and summaries of the Tenant Protection Act are available in languages other than English and French at the offices of the Tribunal (the Tribunal has already translated information into many other languages but these are not readily available).
- (2) The Ontario Rental Housing Tribunal should redesign the Notice of Hearing regarding an eviction order so that it is clear that tenants who have received such a Notice must take action within the specified time frame in order to be assured of a hearing and that a message to this effect should be provided in the main languages spoken in Toronto.
- (3) The Ontario Rental Housing Tribunal should redesign its information packages in consultation with community legal clinics to be more user friendly including using clear and plain language.
- (4) All of the Ontario Rental Housing Tribunal offices should allow Central Family Intake and other relevant community agencies to advertise City and community services that may be of assistance to tenants facing eviction or other similar issues at all three Tribunal offices.
- (5) The Tribunal should allow the Landlord Self-Help Centre to clearly post its services and telephone numbers at all three Tribunal offices as well as provide space for other non-profit landlord organizations to leave information brochures at the Tribunal offices.
- (6) The Ontario Rental Housing Tribunal should continue providing to the City or designated City-funded community agency(ies) involved in eviction prevention, the list of all tenants whose landlords have applied for an eviction order against them.
- (7) The Tribunal should regularly provide to the City or designated City-funded community organization(s) who are assisting tenants in opposing above guideline rent increase applications, a list of all building addresses where the landlord has filed such an application.
- (8) The information on tenants to be evicted or buildings subject to above guideline increases referred to in Recommendations Nos. (6) and (7) above should be provided at no charge to the City or community organizations.
- (9) The Province should increase funding to the Ontario Rental Housing Tribunal to educate tenants and landlords about their rights and responsibilities.

- (10) The Ontario Rental Housing Tribunal should monitor and evaluate the effectiveness of the current notification system whereby landlords provide to the Tribunal a Certificate of Service that they have served a Notice of Hearing to a tenant.

Ontario Ministry of Municipal Affairs and Housing:

- (11) The Ministry of Municipal Affairs and Housing Investigations Unit should more actively promote itself through outreach presentations and wider circulation of its brochures.
- (12) The Province should provide increased funding to municipalities for community agencies to develop, translate and distribute information and outreach to tenants and landlords regarding their rights and responsibilities. The funding criteria should be broadened to provide for advocacy services, as was the case before 1996.
- (13) The Province should change the rules under the *Tenant Protection Act* (TPA) to lengthen the time for a tenant to dispute in writing an Application to Terminate a Tenancy, e.g., to 15 working days (from the current five calendar days).
- (14) The Province should change the rules under the TPA to ensure that all tenants are given notice, by either the landlord or the Tribunal, of the landlord's application for an above guideline rent increase at the time the application is filed with the Tribunal.

Improvements Under Legal Aid Ontario:

- (15) The Province should, through Legal Aid Ontario, fund the "geographic gaps" in the community legal clinic system in Toronto, including the area currently served by the Downtown Legal Services student clinic.
- (16) The Province should, through Legal Aid Ontario, fund a specialty tenants' clinic to deal with important test cases, to perform research and advocacy functions, and to help co-ordinate and train other agencies providing information and advice to tenants.
- (17) The Province should, through Legal Aid Ontario, provide permanent funding for Tenant Duty Counsels at the three Toronto Tribunal offices and monitor whether there is a need to expand the number of Tenant Duty Counsels.
- (18) The Province should, through Legal Aid Ontario, fund a clinic website available to the public so that tenants can "access" Community Legal Education Ontario (CLEO) pamphlets and other latest information on the TPA.
- (19) The Province should, through Legal Aid Ontario, establish a telephone system to help tenants identify which community legal clinic serves their area.
- (20) The Province should, through Legal Aid Ontario, make funding for tenants challenging above guideline rent increases a higher priority so that low-income tenants can acquire

legal representation by way of a legal certificate to retain a private lawyer or through increased funding to community legal clinics.

City Of Toronto:

Actions to Improve Information and Advisory Services:

Property Standards:

- (21) The City should ensure that the education and information services around the new City-wide property standards by-law are properly resourced to develop brochures for tenants and landlords, and to undertake outreach to both landlords and tenants about the new by-law and how to use it and how to access relevant City officials.
- (22) The City should ensure that copies of the property standards reports/notices of violations are sent to tenants who lodged complaints in order to inform them about the state of their apartments or buildings.

Information and Communication:

- (23) The City should develop a summary of referrals for assistance regarding landlord and tenant matters that is available across the City which should include the name of the organization, address, phone numbers and services provided.
- (24) The City should work with a community-based organization to develop a user friendly overview of the TPA directed at tenants (based on some of the existing tenant information materials) for tenants covering such matters as evictions, rent increases, maintenance and conversions/demolitions as well as key telephone numbers). The City should examine effective methods of mass distribution of this brochure. This brochure should be provided to Councillors for distribution to tenants in a variety of languages.
- (25) In the immediate term the City should post on its website the CLEO tenant brochures, the Federation of Metro Tenants' Associations (FMTA) tenant manual and the Landlord Self-Help Centre's "Before You Rent." The City should also provide a link to the Tribunal's Web Page.
- (26) The City should mail out information to social assistance recipients with their cheques or send a letter to those recipients who use direct deposits, regarding tenant services and telephone numbers to call if they run into problems with paying their rent, evictions or maintenance.
- (27) The City should fund and oversee the development of a video with voice-over in different languages about basic rights and responsibilities for tenants.
- (28) The City should work with the network of information and advisory agencies described in Recommendation No. (31) to develop innovative approaches to reaching tenants

including advertising on public transit, using cable TV, and developing a Web Site for tenant related matters.

- (29) The City should provide training to its social assistance front-line workers on the *Tenant Protection Act*, the Rent Bank and the Shelter Fund and relevant community based services.

Social Housing Providers:

- (30) The City should request social housing providers to include in multiple languages a notice about the importance of acting within five days, whenever an eviction application is filed and a dispute application should be attached along with the names of relevant organizations to contact.

Co-ordination Amongst Providers:

- (31) A network of information and advisory service providers regarding tenant and landlord matters under the TPA and related matters should be developed. The City could initially facilitate such meetings.
- (32) The City should investigate methods of sharing translation capabilities with agencies involved in tenant and landlord information and advisory services.
- (33) The City should work with agencies providing mediation services such as St. Stephen's House to develop ways and forums for agencies serving tenants and landlords to discuss areas of mutual interests to promote information sharing between such organizations.

Working with Small Landlords:

- (34) The City should work with the Landlord Self-Help Centre and other organizations to promote educational programs for smaller landlords covering rights and responsibilities, maintenance and repair. Such information should be available in multiple languages.

Support for Tenant Organizing:

- (35) As tenants need to be able to help themselves, the City should fund community organizations working with tenants to help them develop tenant organizations. Such funds could be directed to outreach meetings with tenants, helping tenants to respond to specific situations (e.g., above guideline increases, poor maintenance), assistance with renting space for meetings and photocopying.

City Resources for Programs to Tenants and Landlords:

- (36) Resources to the FMTA hot line should be increased so that tenants can more easily reach a real person and the telephone system should be improved so that messages can be left.
- (37) The City should set up a telephone number for landlords to contact when they are having difficulty with tenants around a social or emotional problem.
- (38) The City should continue to fund the program currently conducted by the Centre for Equality Rights in Accommodation (CERA) to contact all tenants whose landlords have filed eviction applications.
- (39) The City should ensure that there are housing help services to cover the former City of Toronto. As the City will be soon administering the provincial Community Partners Program (from which Housing Help Centres receive substantial funds), the City should work with Housing Help Centres to develop strategies for service delivery.

Research and Monitoring:

- (40) The City should undertake regular research on emerging trends in the rental housing market, evictions and rent increases and should publicize this research. The City should seek funding from Canada Mortgage and Housing Corporation to assist in this effort.
- (41) The City should also analyze the language needs of tenant households using Statistics Canada data to ensure that information is available in the appropriate languages.
- (42) The City should incorporate into the design of any new tools conveying information about tenant and landlord matters, input from consumers to make sure the needs of user groups are met.

(A copy of the report, entitled "Review of Information and Advisory Services to Tenants and Landlords in the City of Toronto," by Lapointe Consulting Inc. and Tim Welch and Associates was forwarded to all Members of Council with the Supplementary Agenda of the Community Services Committee for its meeting on November 4, 1999, and a copy thereof is on file in the office of the City Clerk.)

The Community Services Committee reports, for the information of Council, also having had before it during consideration of the foregoing matter communications from the following:

- (November 4, 1999) from Ms. Anne Dubas, President, Canadian Union of Public Employees Local 79, attaching a copy of a letter to The Honourable Claudette Bradshaw, Federal Co-ordinator for Homelessness, urging the Federal Government to revive a national housing strategy and infrastructure program that will house the homeless and meet the needs of lower-income Canadians; and

- (November 4, 1999) from Council Michael Walker, Chair, Sub-Committee to Restore Rent Control advising that Members present at the informal meeting of the Sub-Committee on October 29, 1999, recommended that:
 - (1) the report be distributed to Members of Council, appropriate senior managers and community stakeholders;
 - (2) staff include in their budgets, funds and work plans, programs to implement the recommendations in the report;
 - (3) where translation services are recommended, Taglog and the languages of the former Yugoslavia be included;
 - (4) the following recommendation be added to the report:

“that tenants who file appeals with the Tribunal be (a) granted adjournments of their hearings if they request adjournments, and (b) provided with application materials filed by landlords to the Tribunal, free of charge”; and
 - (5) the list of Federation of Rental Property Owners (FRPO) be made available, along with the properties they own.