

THE CITY OF TORONTO

City Clerk's Office

Minutes of the Tenant Defence Sub-Committee

Meeting 1

Friday, January 6, 2006

The Tenant Defence Sub-Committee met on Friday, January 6, 2006, in Committee Room 1, City Hall, Toronto, commencing at 2:05 p.m.

Members Present:

Councillor Michael Walker, Chair
Councillor Shelley Carroll
Councillor Gerry Altobello
Councillor Cliff Jenkins
Councillor Jane Pitfield
Councillor Sylvia Watson

Regrets:

Councillor Pam McConnell

No declarations of interest pursuant to the *Municipal Conflict of Interest Act* were made.

Confirmation of Minutes

On motion by Councillor Altobello, the Tenant Defence Sub-Committee confirmed the Minutes of the meeting held on September 27, 2005.

1.1 Councillor Michael Walker's Proposal for Rent Control

The Tenant Defence Sub-Committee considered:

- (a) an Executive Summary (December 2005) from Councillor Michael Walker – "Toward Real Rent Control: Requirements for Reform of Ontario Rental Housing Legislation"; and

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- (b) communication (December 7, 2005) from Councillor Michael Walker, Chair, Tenant Defence Sub-Committee, recommending that City Council reaffirm its support for real reform of Provincial Tenant Legislation.

The following persons addressed the Tenant Defence Sub-Committee:

- Dan McIntyre, Federation of Metro Tenants Associations Co-Ordinator;
- Shawn de Swart, Brentwood Towers Tenants Association;
- Claudia Giraldo;
- Brad Butt, President and CEO, Greater Toronto Apartment Association;
- Tim Rourke; and
- Elinor Mahoney, Parkdale Community Legal Services.

The Tenant Defence Sub-Committee:

- I. recommended to the Community Services Committee that City Council:

- A. adopt, in principle, the recommendations contained in the communication (December 7, 2005) from Councillor Michael Walker, Chair, Tenant Defence Sub-Committee, subject to amending Recommendation 1 by adding the following:

“1(q) landlords be required to establish a reserve fund, with a portion of rental income sufficient to pay for routine maintenance and capital repairs; and that the amount of rental income to be paid into the reserve fund be sufficient to cover anticipated maintenance and capital repairs so that tenants are not subject to above guideline rent increases for such maintenance and repairs.”;

so that such recommendations now read as follows:

“(1) City Council urgently petition the Provincial Government to keep its promise to repeal the *Tenant Protection Act* and provide new Rent Control legislation which gives decision-making power to Toronto and includes provisions such as:

- (a) elimination of Vacancy Decontrol so the rent of a unit does not increase when a tenant moves out;

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- (b) all eviction applications to be heard in Ontario Civil Court;
- (c) give municipal governments final decision on proposed rental-building demolitions, with no appeal to the Ontario Municipal Board (OMB);
- (d) give municipal governments final decision on proposed conversions of rental housing stock to condominium, with no appeal to the Ontario Municipal Board;
- (e) in instances where Provincial legislation sets criteria for the removal of tenant protections such as Rent Controls or protection from demolition and conversion, the City of Toronto should have exemption from these criteria if they conflict with the City's ability to protect its stock of rental housing and address its rental housing needs on a community by community basis, regardless of vacancy rates;
- (f) no allowances for the removal of Rent Controls or protection from demolition or conversion based on the criteria of a minimum vacancy rate threshold;
- (g) provisions to charge large fines to a landlord for poor maintenance conditions, especially on long standing maintenance Orders;
- (h) no Above Guideline Rent Increase if there is an outstanding municipal work (maintenance) Order on the property;
- (i) reform of the Ontario Rental Housing Tribunal (ORHT), such as:
 - (i) increased action/hearing notification periods (i.e., 20 working days);
 - (ii) accountability of Tribunal members;
 - (iii) the method of appointment of Tribunal members; and

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- (iv) fast-tracking of tenant maintenance applications;
- (j) the establishment of a Provincial Rent Registry (database) of rental rates of every unit in every rental property in Ontario so new tenants may determine previous rent before renting;
- (k) permanent removal of the 2 percent base component of Statutory Rent Increases;
- (l) no Guideline Rent Increase allowed except as per Consumers Price Index (CPI) three year average;
- (m) provisions for costs-no-longer-borne as they relate to rent increases for utility-cost spikes and capital expenditures that are paid for;
- (n) rent increase for a capital expenditure cannot be justified if landlord could have reduced cost by way of government grant or any other cost efficiency, including bulk-purchasing;
- (o) not more than one application for Above Guideline Rent Increase be allowed within a prescribed amortization period for each capital item; and
- (p) above Guideline Rent Increases be based on a predetermined base level rent for a unit and not allowed to compound expense upon expense, year after year; and
- (q) landlords be required to establish a reserve fund, with a portion of rental income sufficient to pay for routine maintenance and capital repairs; and that the amount of rental income to be paid into the reserve fund be sufficient to cover anticipated maintenance and capital repairs so that tenants are not subject to above guideline rent increases for such maintenance and repairs; and

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- (2) a copy of the aforementioned recommendations be forwarded to Premier Dalton McGuinty and Minister John Gerretsen, Municipal Affairs and Housing.”;
 - B. direct the General Manager, Shelter, Support and Housing Administration:
 - (a) to schedule a tenant forum in March 2006; and
 - (b) to report to the Tenant Defence Sub-Committee prior to the tenant forum if there are differences between what Council has previously approved and the recommendations that are being proposed; and
 - C. forward this matter to the Rental Housing Advisory Committee for their comments prior to the tenant forum to be held in March 2006; and
- II. directed that the above recommendations be forwarded to the January 12, 2006 meeting of the Community Services Committee for subsequent transmittal to City Council on January 31, 2006.

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1.2 2005 Status Report: Applications under the Tenant Support Grants Program

The Tenant Defence Sub-Committee considered a memorandum (December 5, 2005) from the General Manager, Shelter, Support and Housing Administration, providing, for information, an update of the applications received under the 2000, 2001, 2002-2003, 2004 and 2005 Tenant Support Grant Program as of December 5, 2005.

On motion by Councillor Altobello, the Tenant Defence Sub-Committee received the memorandum (January 5, 2006) from the General Manager, Shelter, Support and Housing Administration.

**1.3 Tenant Defence Fund – 2005/2006 Work Plan
Inspections of Bad Buildings**

The Tenant Defence Sub-Committee considered a report (October 21, 2005) from the Acting Executive Director, Municipal Licensing and Standards, commenting on assigning a group of Municipal Licensing and Standards Officers who would work City-wide inspecting a priority list of “Bad Buildings” properties.

Recommendation:

It is recommended that this report be received for information.

The Tenant Defence Sub-Committee:

- (1) received the report (October 21, 2005) from the Acting Executive Director, Municipal Licensing and Standards; and
- (2) requested the Acting Executive Director, Municipal Licensing and Standards to report to the Tenant Defence Sub-Committee on how this type of program can be enhanced by including a unit by unit inspection of bad buildings, such report to also address the best way to treat an entire building of vermin infestation in an environmentally sensitive way.

**1.4 Status Report on the Condition of Other Multi-Residential Properties Owned by the Same Corporation as 1765-1775 Weston Road
(Ward 11 York South-Weston, Ward 1 Etobicoke North, Ward 18 Davenport)**

The Tenant Defence Sub-Committee considered a report (October 21, 2005) from the Acting Director, Municipal Licensing and Standards, reporting on the status of repairs at 1765-1775 Weston Road and the other multi-residential buildings owned by the same owner relating to issues within the purview of the Municipal Licensing and Standards Division.

Recommendation:

It is recommended that this report be received for information.

On motion by Councillor Carroll, the Tenant Defence Sub-Committee received the report (October 21, 2005) from the Acting Executive Director, Municipal Licensing and Standards.

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1.5 2006 Schedule of Meetings

The Tenant Defence Sub-Committee considered the 2006 Schedule of Meetings for the Tenant Defence Sub-Committee.

On motion by Councillor Altobello, the Sub-Committee approved the following schedule of meetings for 2006:

<u>Meeting Date</u>	<u>Committee Room</u>	<u>Time</u>	<u>Agenda Closing</u>
Wednesday, March 1, 2006	4	9:30 a.m.	February 22, 2006
Wednesday, May 17, 2006	4	9:30 a.m.	May 10, 2006
Wednesday, June 21, 2006	4	9:30 a.m.	June 14, 2006
Thursday, September 7, 2006	4	9:30 a.m.	August 31, 2006

1.6 150 Finch Avenue West

The Tenant Defence Sub-Committee considered a memorandum (October 27, 2005) from the General Manager, Shelter, Support and Housing Administration, reporting as requested on the review of the tenant application at 150 Finch Avenue West.

Claudia Giraldo, former tenant of 150 Finch Avenue West, addressed the Tenant Defence Sub-Committee.

On motion by Councillor Jenkins, the Tenant Defence Sub-Committee:

- (1) received the report (October 27, 2005) from the General Manager, Shelter, Support and Housing Administration; and
- (2) requested the City Solicitor to provide an in-camera report to the Tenant Defence Sub Committee on whether or not there are any avenues, legal or otherwise, to help the tenants group at 150 Finch Avenue West, having regard that the tenants intend to appeal in Small Claims Court.

1.7 New Landlord and Tenant Legislation

The Tenant Defence Sub-Committee considered a communication (December 14, 2005) from Councillor Joe Mihevc, Ward 21 St. Paul's, advising that tenants call his office regularly asking why the provincial government's promise to reform the *Landlord and Tenant Act* has been delayed and proposing that the City organize a Tenant Forum in January of 2006 to put pressure on the Province to go forward with its promises to reform the current tenant legislation.

The Tenant Defence Sub-Committee received the communication (December 14, 2005) from Councillor Joe Mihevc, Ward 21 St. Paul's.

(See decision in Item 1)

1.8 103-105 West Lodge Avenue Request for Clarification on a Legal Opinion Provided in a Public Document (Ward 14 Parkdale-High Park)

The Tenant Defence Sub-Committee considered:

- (a) report (October 21, 2005) from the Acting Executive Director, Municipal Licensing and Standards, providing an explanation as to why a legal opinion was put forward in a public document; and
- (b) confidential report (October 24, 2005) from the City Solicitor reporting as requested regarding the legal opinion on the powers of entry in connection with the property at 103-105 West Lodge Avenue, such report to be dealt with in-camera as the subject matter deals with the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Anna Thaker addressed the Tenant Defence Sub-Committee.

Councillor Watson moved that the Sub-Committee meet privately to consider the confidential report (October 24, 2005) from the City Solicitor and because the subject matter pertains to receiving of advice that is subject to solicitor client privilege, including communications necessary for that purpose, under the *Municipal Act 2001*, discussions be held in-camera, which was carried.

The Tenant Defence Sub-Committee recessed at 4:02 p.m. to meet in-camera, with the following Members in attendance:

Councillor Michael Walker, Chair
Councillor Shelley Carroll

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Councillor Gerry Altobello
Councillor Cliff Jenkins
Councillor Jane Pitfield
Councillor Sylvia Watson

The Tenant Defence Sub-Committee adjourned its private meeting at 4:19 p.m. and immediately reconvened in public session with the aforementioned Members in attendance.

On motion by Councillor Watson, the Tenant Defence Sub-Committee:

- (1) received the report (October 21, 2005) from the Acting Executive Director, Municipal Licensing and Standards and the confidential report (October 24, 2005) from the City Solicitor; and
- (2) recommended to the Community Services Committee the adoption of the confidential motion.

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1.9 Update on the Rent Bank and Analysis of Administrative Costs

The Tenant Defence Sub-Committee considered a report (December 13, 2005) from the General Manager, Shelter, Support and Housing Administration, providing an update on the rent bank program, including an analysis of administrative costs associated with the program, and recommending a one-time allocation of funding from the City of Toronto Homelessness Initiatives Fund in 2006 to cover the anticipated shortfall in administrative funds.

Recommendations:

It is recommended that:

- (1) a one-time allocation of up to \$50,000.00 to Neighbourhood Information Post be approved from the 2006 City of Toronto Homelessness Initiatives Fund to cover the anticipated shortfall in administration costs of the provincial rent bank program, subject to the 2006 operating budget process;
- (2) Council request the Ministry of Municipal Affairs and Housing to commit to ongoing funding for the provincial component of the rent bank program, including an increase in administrative funding to reflect the actual cost of delivering the program;

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- (3) this report be forwarded to the next meeting of the Community Services Committee for their consideration; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Carroll, the Tenant Defence Sub-Committee recommended to the Community Services Committee that City Council adopt Staff Recommendations (1), (2), and (4) contained in the recommendations section of the report (December 13, 2005) from the General Manager, Shelter, Support and Housing Administration.

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The Tenant Defence Sub-Committee adjourned its meeting at 4:20 p.m.

Chair