

THE CITY OF TORONTO

City Clerk's Office

Minutes of the Tenant Defence Sub-Committee

Meeting 6

Tuesday, December 9, 2008

The Tenant Defence Sub-Committee met on Tuesday, December 9, 2008, in Meeting Room "B", 2nd Floor, City Hall, Toronto, commencing at 10:00 a.m.

Members Present:

Councillor Anthony Perruzza, Chair
Councillor Janet Davis, Vice-Chair
Councillor Pam McConnell
Councillor Frances Nunziata
Councillor Cliff Jenkins
Councillor Walker

Regrets:

Councillor Shelley Carroll

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

Confirmation of Minutes

On motion by Councillor Walker, the Tenant Defence Sub-Committee confirmed the minutes of its meeting held on June 17, 2008.

6.1 Further Report on Installation of Sub-meters in Residential Rental Units and Its Impact on Tenant Affordability

The Tenant Defence Sub-Committee considered a further report (December 3, 2008) from the General Manager, Shelter, Support and Housing Administration, providing information about feedback from a consultation with stakeholders on the recommendations made by the Sub-Committee in response to the first report, including landlord groups, tenant groups, housing committees, other City divisions, and provincial ministries and agencies dealing with energy conservation.

Recommendations:

The General Manager of the Shelter, Support and Housing Administration Division recommends that City Council:

1. request the Minister of Municipal Affairs and Housing to move quickly to enact sections 137 and 138 of the Residential Tenancies Act, and develop regulations which will ensure that comprehensive and effective energy efficiency measures are in place prior to hydro being removed from the rent, and that rent reductions be calculated in a fair and transparent manner;
2. until such time as sections 137 and 138 are enacted, request the Minister of Municipal Affairs and Housing to immediately take steps to improve protection for tenants from negative impacts of sub-metering, including:
 - a. implementing interim information and communication programming to support tenants in understanding and enforcing their rights under section 125 of the Residential Tenancies Act;
 - b. legislative amendments to section 125 to ensure fair practices in the transfer of hydro costs from landlords to tenants, including requirements for informed consent; and
 - c. regulatory amendments to section 125 to ensure a fair and transparent determination of rent reductions;
3. request the Minister of Energy and Infrastructure to review the provincial regulatory and incentive environment as it applies to sub-metering in multi-residential rental properties, and to move quickly to put in place measures to ensure fair practices and protect tenants, including licensing of sub-meter providers operating in rental residential buildings;
4. request the Chair of the Cabinet Committee on Poverty Reduction to support enhanced funding to programs that help low-income tenants to pay hydro costs when they cannot afford the cost of this vital service, and to take other actions towards reducing energy poverty;
5. delegate authority to the General Manager, Shelter, Support and Housing Administration, to allocate up to \$25,000 from the Tenant Defence Grant Fund to support tenant dispute applications, in partnership with one or more Toronto community legal clinics, on issues related to the removal of hydro as a service included in the rent, and to report to the Tenant Defence Sub-committee on the results of any cases funded under this recommendation; and
6. send a copy of this report to the Ontario Energy Board, Ontario Power Authority, Ontario's Chief Energy Conservation Officer, Ministry of Energy and

Infrastructure, Ministry of Municipal Affairs and Housing, the Landlord and Tenant Board, and Toronto Hydro to advise of Council's concerns about tenant protection and fair rent reductions where hydro is removed as a service included in the rent.

The Tenant Defence Sub-Committee also considered the following:

- Report (June 12, 2008) from the General Manager, Shelter, Support and Housing Administration; and
- Memorandum (April 18, 2008) from the General Manager, Shelter, Support and Housing Administration.

The following persons addressed the Committee:

- Brad Butt, President & CEO, Greater Toronto Apartment Association
- Mary Todorow, Research/Policy Analyst, Advocacy Centre for Tenants Ontario
- Vinay Jain, York Community Services
- Dan MacIntyre, Federation of Metro Tenants Associations
- Darlene Gumbs, Tenant

On motion by Councillor Walker, the Tenant Defence Sub-Committee recommended to the Community Development and Recreation Committee that:

1. The recommendations contained in the report (June 12, 2008) from the General Manager, Shelter, Support and Housing Administration, be adopted.
2. The Province of Ontario be requested to put a hold on the installation of "smart meters" in residential rental units until such time as the appropriate legislative amendments and/or regulations have been brought into force.
3. These recommendations be forwarded to all municipalities in Ontario with a population of over 30,000.

6.2 2008 Status Report: Applications under the Tenant Support Grants Program

The Tenant Defence Sub-Committee considered a memorandum (November 24, 2008) from the General Manager, Shelter, Support and Housing Administration, forwarding a

summary update of all outstanding applications received under the Tenant Support Grant Program as of November 24, 2008.

On motion by Councillor Jenkins, the Tenant Defence Sub-Committee received the report for information.

6.3 Operation of Visitor Parking in Privately Owned Toronto Apartment Buildings

On motion by Councillor Walker, the Tenant Defence Sub-Committee requested the Community Development and Recreation Committee to request the City Solicitor to report to the next meeting of the Tenant Defence Sub-Committee on the operation of visitor parking in privately owned Toronto apartment buildings and in buildings owned and operated by the Toronto Community Housing Corporation, with particular attention to whether a property owner is able to charge a fee to visitors for vehicular parking on the premises, and whether the property owner is allowed to change the existing conditions of free visitor parking to accommodate charging a fee to visitors for parking on the premises.

6.4 88 Broadway Avenue

The Tenant Defence Sub-Committee considered a letter (October 14, 2008) from Andrew Dudas, regarding a request for assistance with his right of first refusal at 88 Broadway Avenue and the compensation package offered to all tenants being forced to move.

On motion by Councillor Walker, the Tenant Defence Sub-Committee requested Noreen Dunphy, Senior Planner, Councillor Walker, and the tenant, Andrew Dudas, to meet to discuss this matter.

The Tenant Defence Sub-Committee adjourned its meeting at 11:50 a.m.

Chair.