

Authority: Community Development and Recreation Committee Item CD23.7, as adopted by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

Bill 1398

BY-LAW -2017

To amend City of Toronto Municipal Code Chapter 797, Tenant Support Grant Program.

Whereas Council wishes to amend Municipal Code Chapter 797 to add definitions, reorganize the Chapter by application type and re-structure, consolidate and simply all existing requirements to improve the readability of the By-law and has authorized such modifications;

The Council of the City of Toronto enacts:

1. The City of Toronto Municipal Code is amended by deleting Chapter 797 and replacing it with Schedule A to this by-law effective January 1, 2018.

Enacted and passed on December , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

Chapter 797

TENANT SUPPORT GRANT PROGRAM

§ 797-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADDITIONAL GRANT - A grant of up to \$15,000 for a tenant group to:

- A. Dispute a Landlord Application described in Subsections B, C or D in the definition of Landlord Application; or
- B. Make or dispute an application at the Board not otherwise specified, impacting housing affordability in Toronto, as deemed appropriate by the General Manager.

AVERAGE RENTS - For any calendar year, the average monthly City-wide rents by unit type for that calendar year as determined and published annually by the Canada Mortgage and Housing Corporation, and if the Canada Mortgage and Housing Corporation does not publish an annual survey of City-wide rents for any calendar year, then for that calendar year, "average rents" are the City-wide average rents as determined by the General Manager.

BASIC GRANT - A grant of up to \$1,000 for a tenant group to:

- A. Dispute a Landlord Application described in Subsection A of the definition of Landlord Application; or
- B. Make a Tenant Application at the Board.

BOARD - The statutory body or court which is empowered to hear and dispose of the landlord application or tenant application and includes the Landlord and Tenant Board, the Divisional Court and the Ontario Municipal Board.

ELIGIBLE GROUP - A group representing all or some of the tenants of a residential complex, which group meets all the criteria set out in §§ 797-2, 797-3 or 797-4.

ELIGIBLE PROFESSIONAL - A professional engineer, architect, forensic accountant or lawyer who is registered with the regulating professional body of his or her profession.

ELIGIBLE PROFESSIONAL SERVICES - The services of an eligible professional.

ELIGIBLE RENTS - For any calendar year, 15 percent above average rents.

GENERAL MANAGER – The General Manager, Shelter, Support and Housing Administration.

LANDLORD APPLICATION:

- A. An application to the Landlord and Tenant Board by a landlord for an order allowing the rent charged to be increased by more than the guideline for any or all of the rental units in a residential complex, pursuant to section 126 of the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17;
- B. An appeal to the Divisional Court of an order referred to in Subsection A of this definition, pursuant to section 210 of the *Residential Tenancies Act, 2006*;
- C. An application to the Divisional Court for judicial review of the proceedings referred to in Subsection A of this definition; or
- D. An application or appeal to the Ontario Municipal Board by a landlord seeking approvals which, if acted upon, would result in the demolition or conversion of rental units, or would otherwise adversely affect the supply of affordable rental housing.

NOTICE OF HEARING - A copy of the landlord application or a copy of a notice of hearing given to the tenant in accordance with sections 188 or 189 of the *Residential Tenancies Act, 2006*.

NOTICE OF RENT INCREASE - A notice given by a landlord to a tenant in accordance with section 126 of the *Residential Tenancies Act, 2006*.

RESIDENTIAL COMPLEX - The same meaning as in section 2(1) of the *Residential Tenancies Act, 2006*.

TEAM - The Outreach/Co-ordinating Team retained by the City to support the Tenant Support Grant Program.

TENANT APPLICATION - A Tenant Application about maintenance made to the Landlord and Tenant Board by a tenant respecting a maintenance issue affecting multiple tenants in the Residential Complex.

§ 797-2. Eligible groups; basic grant for landlord applications.

An eligible group shall meet the following criteria:

- A. The landlord of the residential complex in which reside all the tenants that the group represents has made a landlord application to the Board;
- B. The landlord application does not relate to rent-geared-to-income units;
- C. The group has the support of the following number of tenants in disputing the landlord application, as evidenced by a petition in accordance with § 797-5A:

- (1) If less than 100 units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made, to a maximum of 30 affected units;
- D. The following number of units in the residential complex have a current rent which is at or below eligible rents:
- (1) If less than 100 units are affected by the landlord application, 25 percent of the affected units;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the affected units to a maximum of 30 affected units;
- E. The group is the first group representing tenants in the residential complex affected by the landlord application to make a grant application to the General Manager.

§ 797-3. Eligible groups; basic grant for tenant applications.

An eligible group shall meet the following criteria:

- A. The group is making a Tenant Application about maintenance to the Board for a maintenance issue affecting multiple tenants of the Residential Complex;
- B. The group has the support of the following number of tenants in making the tenant application, as evidenced by a petition in accordance with § 797-6A:
 - (1) If less than 100 units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made, to a maximum of 30 affected units;
- C. The group is the first group representing tenants in the residential complex affected by the tenant application to make a grant application to the General Manager.

§ 797-4. Eligible groups; additional grant.

An eligible group shall meet the following criteria:

- A. The landlord of the residential complex in which reside all the tenants that the group represents has made a landlord application to the Board or a tenant group in the residential complex in which reside all the tenants that the group represents is making an

application to the Board impacting rental affordability in Toronto, as deemed appropriate by the General Manager;

- B. The landlord application does not relate to rent-geared-to-income units;
- C. The group has the support of the following number of tenants in disputing the landlord application or in making the tenant application, as evidenced by a petition in accordance with § 797-7A:
 - (1) If less than 100 units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made, to a maximum of 30 affected units;
- D. The following number of units in the residential complex have a current rent which is at or below eligible rents:
 - (1) If less than 100 units are affected by the landlord application, 25 percent of the affected units;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the affected units to a maximum of 30 affected units;
- E. The group is the first group representing tenants in the residential complex affected by the application to make a grant application to the General Manager.

§ 797-5. Application to General Manager; basic grant for landlord applications.

An application for a grant must be in a form satisfactory to the General Manager and must be accompanied by the following documentation:

- A. A petition in favour of disputing the landlord application signed by the following number of tenants, stating the name of each tenant, the size and unit type of the tenant's rental unit, according to the categories listed in § 797-2D, and containing an acknowledgement by each signing tenant that the rent he or she currently pays to the landlord is at or below the applicable rent amount set out in § 797-2D:
 - (1) If less than 100 units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made, to a maximum of 30 affected units;

- B. A copy of the landlord application;
- C. A description of the eligible group's reason for disputing the landlord application;
- D. An estimate of the amount of eligible expenditures that the eligible group expects to incur in disputing the landlord application; and
- E. Evidence of the rent for each rental unit affected by the landlord application.

§ 797-6. Application to General Manager; basic grant for tenant applications.

An application for a grant must be in a form satisfactory to the General Manager and must be accompanied by the following documentation:

- A. A petition in favour of making the tenant application signed by the following number of tenants, stating the name of each tenant and the tenant's unit number, according to the categories listed in § 797-3B, and containing an acknowledgement by each signing tenant that the rent he or she currently pays to the landlord is at or below the eligible rents:
 - (1) If less than 100 units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made;
 - (2) If 100 or more units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for a grant is made, to a maximum of 30 affected units;
- B. A description of the eligible group's reason for making a tenant application; and
- C. An estimate of the amount of eligible expenditures that the eligible group expects to incur in making the tenant application.

§ 797-7. Application to General Manager; additional grant.

An application for an additional grant must be in a form satisfactory to the General Manager and must be accompanied by the following documentation:

- A. A petition in favour of disputing the landlord application signed by the following number of tenants, stating the name of each tenant, the size and unit type of the tenant's rental unit, according to the categories listed in § 797-4D and containing an acknowledgement by each signing tenant that the rent he or she currently pays to the landlord is at or below the eligible rents:
 - (1) If less than 100 units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for an additional grant is made;

- (2) If 100 or more units are affected by the landlord application, 25 percent of the tenants residing in the affected units at the time the application to the General Manager for an additional grant is made, to a maximum of 30 affected units;
- B. A copy of the landlord or tenant application;
- C. A description of the eligible professional services required by the eligible group and its reasons for requiring such eligible professional services;
- D. A statement from the Team, in a form acceptable to the General Manager, that it is the Team's opinion that the eligible group would benefit from eligible professional services and a description of the nature of the eligible professional services from which it would so benefit;
- E. A quotation from an eligible professional of the nature recommended by the Team, outlining the eligible professional services to be provided to the eligible group and the cost of providing such services; and
- F. A description of the professional qualifications of the eligible professional submitting the quotation and proof of his or her membership in the regulating professional body of his or her profession.

§ 797-8. Approval of basic grant for landlord applications; reports; payments.

- A. The General Manager, upon application made to the General Manager in accordance with § 797-5 and subject to a final verification of eligibility as set out in Subsection E, shall approve applications and commit a grant to an eligible group for the purposes of disputing a landlord application.
- B. Applications shall be approved and grants shall be committed by the General Manager in the order in which complete applications are received and subject to funds being available for this purpose.
- C. The General Manager, upon receipt of a written request from the eligible group, shall release to the eligible group an amount not exceeding 50 percent of the basic grant commitment made by the General Manager, such funds to be used for the purpose of retaining a qualified agent or lawyer for representation at the hearing of the landlord application.
- D. The written request from the eligible group required in Subsection C shall be accompanied by:
- (1) A copy of a notice of hearing with respect to the landlord application; and
- (2) A letter from a qualified agent or lawyer stating the agent or lawyer will represent the eligible group at the hearing of the landlord application.

- E. The General Manager, upon receipt of a report made in accordance with § 797-13 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-13 verifies that the group meets the eligibility requirements set out in § 797-2, pay to the eligible group an amount which is the lesser of the grant commitment made by the General Manager and the amount of eligible expenditures for which the eligible group provides invoices in accordance with § 797-13, less any amount released by the General Manager in accordance with Subsection C.

§ 797-9. Approval of basic grant for tenant applications; reports; payments.

- A. The General Manager, upon application made to the General Manager in accordance with § 797-6 and subject to a final verification of eligibility as set out in Subsection E, shall approve applications and commit a grant to an eligible group for the purposes of making a tenant application.
- B. Applications shall be approved and grants shall be committed by the General Manager in the order in which complete applications are received and subject to funds being available for this purpose.
- C. The General Manager, upon receipt of a written request from the eligible group, shall release to the eligible group an amount not exceeding 50 percent of the basic grant commitment made by the General Manager, such funds to be used for the purpose of retaining a qualified agent or lawyer for representation at the hearing of the tenant application.
- D. The written request from the eligible group required in Subsection C shall be accompanied by:
- (1) A letter from a qualified agent or lawyer stating the agent or lawyer will represent the eligible group at the hearing of the landlord application.
- E. The General Manager, upon receipt of a report made in accordance with § 797-14 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-14 verifies that the group meets the eligibility requirements set out in § 797-3, pay to the eligible group an amount which is the lesser of the grant commitment made by the General Manager and the amount of eligible expenditures for which the eligible group provides invoices in accordance with § 797-14, less any amount released by the General Manager in accordance with Subsection C.

§ 797-10. Approval of additional grant; reports; payments.

- A. The General Manager, upon application made to the General Manager in accordance with § 797-7 and subject to a final verification of eligibility as set out in Subsection D, shall approve applications and commit an additional grant to an eligible group for the purposes of retaining eligible professional services to assist in disputing the landlord application or making a tenant application.

- B. Applications shall be approved and additional grants shall be committed by the General Manager in the order in which complete applications are received and subject to funds being available for this purpose.
- C. The General Manager, upon receipt of a report made in accordance with § 797-15 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-15 verifies that the group meets the eligibility requirements set out in § 797-4, pay to the eligible group an amount which is the lesser of the remaining portion of the additional grant commitment made by the General Manager and the amount of eligible expenditures for which the eligible group provides invoices in accordance with § 797-15.
- D. Notwithstanding Subsection C, the General Manager may make an advance payment of up to \$1,000 to an eligible group to whom a commitment for an additional grant has been made, if, prior to the making of the advance payment, the eligible group provides documentation which verifies that a retainer fee is required to engage the services of an eligible professional.
- E. Notwithstanding Subsections C and D, the General Manager may make partial payments to an eligible group to whom a commitment for an additional grant has been made in respect to a proceeding described in "additional grant" in § 797-1, which partial payments may be in a total amount of up to 75 percent of the additional grant committed minus any advance payment made under Subsection D, and which partial payments may be made no more than twice, if, prior to the making of the partial payment, the eligible group submits:
- (1) A written request for the partial payment including the amount requested;
 - (2) A copy of the notice of appeal or notice of hearing; and
 - (3) Documentation which verifies that the partial payment is required, including an invoice for the amount of the partial payment requested from an eligible professional.
- F. The amount payable to an eligible group under Subsection C shall be reduced by the amount paid in advance, if any, to the eligible group in accordance with Subsections D and E.

§ 797-11. Amount of basic grants; eligible expenditures.

Each eligible group will be eligible for a grant up to \$1,000, which grant may include up to the following maximum amounts for each of the following eligible expenditures incurred by the eligible group:

Eligible Expenditure	Maximum Amount
Cost of hiring a qualified agent and/or lawyer to represent the eligible group at the Board	\$1,000.00

Eligible Expenditure	Maximum Amount
Cost of renting meeting and/or office space	\$100.00
Printing and production costs, cost of postage, cost of translation and/or interpretation services	\$500.00
Cost of photocopying the Board's file pertaining to the landlord application	\$200.00

§ 797-12. Amount of additional grant; eligible expenditures.

- A. Each eligible group to whom a commitment for an additional grant has been made will be eligible for an additional grant in the amount of its eligible expenditures, up to a total maximum amount of:
- (1) Five thousand dollars with respect to a proceeding before the Landlord and Tenant Board described in Subsection A of the definition of "landlord application" in § 797-1 or in the definition of "tenant application" in § 797-1;
 - (2) Ten thousand dollars with respect to a proceeding before the Divisional Court described in Subsection B or C of the definition of "landlord application" in § 797-1;
 - (3) Fifteen thousand dollars with respect to a proceeding before the Ontario Municipal Board described in Subsection D of the definition of "landlord application" in § 797-1; or
 - (4) Fifteen thousand dollars with respect to an application as described in Subsection B of the definition of "additional application" in § 797-1.

§ 797-13. Submission of report by eligible group; basic grant for landlord applications.

Within three months of the Board's disposition of the landlord application, every eligible group to whom a commitment for a grant has been made must submit to the General Manager a report in a form satisfactory to the General Manager accompanied by the following documentation:

- A. An order issued by the Board disposing of the landlord application, in which the eligible group is not noted in default; and
- B. Invoices for each of the eligible expenditures incurred by the eligible group.

§ 797-14. Submission of report by eligible group; basic grant for tenant applications.

Within three months of the Board's disposition of the tenant application, every eligible group to whom a commitment for a grant has been made must submit to the General Manager a report in a form satisfactory to the General Manager accompanied by the following documentation:

- A. An order issued by the Board disposing of the tenant application, in which the eligible group is not noted in default; and
- B. Invoices for each of the eligible expenditures incurred by the eligible group.

§ 797-15. Submission of report by eligible group; additional grant.

Every eligible group to whom a commitment for an additional grant has been made with respect to an application described in the definition of "additional application" in § 797-1 must, within three months of the Board's disposition of the application, submit a report to the General Manager, in a form satisfactory to the General Manager accompanied by the following documentation:

- A. An order issued by the Board disposing of the application, in which the eligible group is not noted in default; and
- B. Invoices for each of the eligible expenditures incurred by the eligible group.

§ 797-16. Reports by General Manager.

The General Manager shall provide periodic reports to the Tenant Issues Committee advising of the grants committed.