

To: Tenant Defence Sub-Committee

From: Phil Brown
General Manager, Shelter, Support and Housing Administration Division

Date: September 18, 2007

Subject: 927 St. Clair Avenue West (Ward 17)

At the July 9th meeting of the Tenant Defence Sub-Committee, the Sub-Committee heard a deputation by a tenant and his legal representative from York Community Services about evictions of the tenants of 927 St. Clair Avenue West following an apartment fire in the building. The tenant has filed an application to the Landlord and Tenant Board (the Board) against the landlord about the evictions.

The Sub-Committee asked Shelter, Support and Housing Administration staff to inform the appropriate City Divisions of the circumstances of 927 St. Clair Avenue West, and review the process for informing tenants about building situations following fires and other emergencies in consultation with the Divisions. We were also asked to report back on whether support from the Tenant Defence Fund is applicable to tenants of 927 St. Clair Avenue West in conjunction with York Community Legal Services.

This report is in response to the Sub-Committee's requests.

Process for informing tenants following fires and other emergencies

Following the Sub-committee meeting, Shelter, Support and Housing Administration (SSHA) staff have initiated contacts with a number of policy staff from Fire Service, Building, City Planning, and Municipal Licensing and Standards, to inform them about the fire-related evictions at 927 St. Clair Avenue West. We are in the process of setting up a meeting with the policy staff of these divisions to discuss the options of helping tenants to understand what conditions their building are in after a fire and about their rights in these situations, including the right to stay in the building if there are no concerns about structural deficiencies or fire safety, and their right to financial compensation if they are asked to move out and seek alternative accommodation.

Possibility of supporting the tenants through the Tenant Defence Fund

There have been two hearings at the Board after the tenant filed the application. SSHA staff have followed up with Deborah Wandal, legal worker of York Community Services, about the proceedings (see Ms. Wandal's letter to the Sub-Committee) and about whether a grant would be needed by the tenant. Ms. Wandal indicated that since legal representation for the tenant is currently being provided by York Community Services, there is no legal cost to the tenant and, as such, no City funding is required at this time.

Ms. Wandal also indicated that a third hearing has been scheduled for September 20 at which time the Board will make a final decision on the tenant's application. If the Board rules in favour of the tenant, there would not be a need for financial assistance for the tenant. If the ruling is not in the tenant's favour and if the tenant decides to make an appeal to the Court, then the tenant may need funding support for legal representation with the appeal process.

In conclusion, based on discussion with the tenant representative, there is no need to provide support from the Tenant Support Grants to help with the tenant's application at this time. However, consideration could be given to future requests for a grant if the application is not successful and the tenant wishes to make an appeal to the Court on the Board's decision.

Phil Brown