

December 9, 2008

To: Community Development and Recreation Committee

From: Tenant Defence Sub-Committee

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

Committee Recommendations:

The Tenant Defence Sub-Committee recommended to the Community Development and Recreation Committee 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;
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;
7. request the Province of Ontario 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; and
8. forward these recommendations to all municipalities in Ontario with a population of over 30,000.

Background:

The Tenant Defence Sub-Committee on December 9, 2008, 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.

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.
- Communication (December 9, 2008) from Mary Todorow, Research/Policy Analyst, Advocacy Centre for Tenants Ontario

Speakers

- 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

City Clerk

Maria Kolominsky
Item 1

Attachments