

## **Improving Housing Conditions for Tenants**

<b>Date:</b>	June 10, 2010
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2010\Cluster B\MLS\Ls10022

### **SUMMARY**

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The purpose of this report is to provide the Licensing and Standards Committee with an update on the implementation of the enhancements to the MRAB audit program designed to improve the housing conditions of tenants in the city, and to describe how these changes address tenant group and advocate concerns.

A number of the enhancements slated for 2010 have already been implemented and staff continue to work with stakeholders to implement those remaining. Many of the enhancements proposed for 2010 were conceived in consultation with tenant groups and tenant advocates.

On June 7, 2010, an additional session with these groups was held to continue to solicit feedback from the stakeholders who most significantly will feel the impact of the proposed changes – tenants. A number of additional suggestions were brought forward and staff will continue to explore both their merit and their feasibility within the parameters of the MRAB program and the broader legislative framework under which Municipal Licensing and Standards conducts its regulatory functions.

### **RECOMMENDATIONS**

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The Executive Director, Municipal Licensing and Standards Division, recommends that the Licensing and Standards Committee:

1. Receive this report for information.

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

### **Implementation Points**

Staff will continue to work with both the internal and external stakeholders identified in this report to ensure that the MRAB program enhancements described are implemented.

### **Financial Impact**

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

This report is a response to Member Motion 47.2, adopted by City Council at its meeting of March 31 and April 1, 2010 (available at:

<http://www.toronto.ca/legdocs/mmis/2010/mm/bgrd/backgroundfile-28714.pdf>). The

report was additionally deferred to the June 25, 2010 meeting of the Committee (see LS30.3, available at:

<http://www.toronto.ca/legdocs/mmis/2010/ls/decisions/2010-05-27-ls30-dd.htm>).

### **ISSUE BACKGROUND**

In its report to the Executive Committee (available at:

<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26722.pdf>), the

Executive Director of Municipal Licensing and Standards outlined plans for the expansion of the Multi-residential Apartment Building (MRAB) Audit Program. Tenant groups from across the City have engaged in the process and have provided feedback that included ways to improve, enhance and extending the reach of the program.

This report provides an overview of some of the specific ideas and suggestions brought forward by tenant groups and how Municipal Licensing and Standards have either already adopted them or plan to implement them in the near future.

### **COMMENTS**

Since the inception of the MRAB Audit Program in December 2008, Municipal Licensing and Standards staff have engaged tenant groups and advocates, receiving valuable feedback with respect to potential improvements to the program. Most of the feedback has come through ACORN, FMTA, community legal services clinics, and members of the Rental Housing Advisory Committee.

Most recently, on June 7, 2010, tenant groups and advocates convened with organising Councillors and City staff to provide their latest assessment and feedback on how to continue to improve the MRAB program. A summary of the session is provided in Appendix A.

The following suggestions, including many of those put forward at the June 7 session, are discussed in turn:

## **Increase audit team complement**

Tenant group recommendation: Boost MRAB audit team staffing levels to better meet the requirements for thorough building audits (rental units, common areas, mechanical systems and grounds, follow-up visits, etc.), as well as any related work, such as tenant notifications and the processing of complaints related to the audits.

ML&S actions: Staffing was increased from 12 to 14 Officers. Support staff was increased from one to two people. In addition, a reorganisation of the audit itself now allows for six teams of Officers to conduct initial audits and one dedicated team of two Officers to exclusively focus on re-inspections. As a result, staff expect to be able to audit over 200 buildings in 2010 and to more efficiently carry out the required re-inspections. As at the end of April of 2010, the Audit Team is on track to meet its target. Overall, the reformulation of the inspection teams will be a more efficient use of resources and result in a more effective audit program.

## **Putting more emphasis on rental units**

Tenant group recommendation: Place the focus on rental units, as much as on the general areas of buildings, in terms of inspections during the audit and the seamless inclusion of unit inspections in MRAB Audit Programme tracking and statistics.

ML&S actions: The audit team continues to invite all residents of the subject buildings to bring their complaints forth during the audit of the building. In addition, Officers will continue to knock on doors and provide an opportunity for residents to have their units inspected. Unit inspections arising from the MRAB audit are tracked and their number is included in the building's activity report.

## **Engaging other City divisions**

Tenant group recommendation: Involve other departments and agencies in the audit process so that more issues in the audited buildings can be addressed and resolved.

ML&S actions: Shortly after the inception of the program, Municipal Licensing and Standards entered into discussions with Toronto Public Health and Toronto Fire Services to encourage these Divisions to conduct inspections jointly with Municipal Licensing and Standards. The intent behind the involvement of Toronto Public health is to provide information to tenants on health-related matters such as dealing with bed bugs. The intent behind the involvement of Toronto Fire Services is to more expeditiously deal with Fire Code violations.

Toronto Public Health Inspectors began attending building audits with Municipal Licensing and Standards Officers in June, 2009. They have attended approximately 80 buildings and dealt with issues ranging from bed bugs to mould and noxious fumes. Shortly after the labour disruption, Toronto Public Health temporarily redeployed its Inspectors from the audits to assist in the H1N1 prevention campaign. Toronto Fire Services attended 5 buildings with Municipal Licensing and Standards Officers and also

dealt with Fire Code related issues referred to them by Municipal Licensing and Standards audit staff.

Based on their initial attendances, both Divisions have determined that their future involvement in the MRAB audits will be based on referrals from ML&S Officers for specific issues cited.

### **Making it easier to lodge complaints**

Tenant group recommendation: Take steps to make it easier for tenants of buildings scheduled for an audit to lodge complaints.

ML&S actions: Municipal Licensing and Standards currently individually notify all the residents of buildings to be audited of the date of the audit and of the fact that they may lodge a complaint with Officers if they have issues with their unit that have not been addressed by the property management. This notice is hand-delivered three weeks before the audit. In addition, on the day of the audit Officers are available to take tenant unit complaints at the Division's community mobile office.

Finally, Officers also undertake a door-knocking campaign, calling on about ten percent of units to give residents and opportunity to have their units inspected.

In 2009, staff sampled 34 buildings (26 during day attendances and 8 during evening attendances) to measure how many tenants were making use of mobile office. In the first instance only 2.6% of the tenants made use of the mobile office. In the second instance only 3.1% of tenants made use of it. Despite this, staff believe that there is value in continuing this part of the program and have received some suggestions from tenant groups as to how tenant use might be improved.

### **Making inspection more tenant friendly**

Tenant group recommendation: Refine the apartment unit inspection portion of the MRAB Audit Programme so that tenants experience a continuous and obvious process from complaint, through inspection and order issuing to resolution.

ML&S actions: Through a number of initiatives described in this report, including making information more accessible, staff expect tenants to become more comfortable with the process. The tenant service charter (described below) shall formally and publicly reinforce this commitment.

### **Improving order tracking**

Tenant group recommendation: Improve order tracking and creating greater transparency for tenants wanting to follow orders they have initiated.

ML&S actions: Over the last 18 months, Municipal Licensing and Standards has been deploying remote computer units (RCUs) to all of its Municipal Standards Officers in the field. The RCUs allow Officers to conduct inspections and enter their observations directly into the system. Staff are currently working to allow Officers to create folders on

site, thus enabling them to generate a folder reference number. Once the functionality, which is slated for later this year, is in place, Officers will be able to provide this number, in the form of an information ticket, to tenants at the time of inspection. Aside from the reference number, the information ticket will provide the attending Officer's name and contact information, as well as a brief summary of the inspection process.

### **Improving access to program information**

Tenant group recommendation: Access to information on the Programme, its processes and order tracking that takes the realities of life of many tenants into account (e.g. prioritizing telephone communication with tenants over the expectation that they can visit the MRAB website for information)

ML&S actions: ML&S continues to expand the building audit information it makes available to the public. Tenants can not only check for scheduled audits and the issuance of Orders and Notices, but they can also now follow the appeal of those Orders.

However, recognising the importance of being accessible to as many tenants as possible, ML&S will be providing tracking numbers to all tenants whose units are inspected, at the time of the Officer's initial attendance. Using this reference number, tenants will be able to call the City and receive information on the status of the investigation.

In addition, ML&S, in conjunction with the City Clerk's Office, will also be notifying tenants of any appeals and dispositions on those Orders or Notices pertaining to their apartments or, upon request, to those pertaining to their buildings. This notification process will be included in the consolidated Residential rental building enforcement protocol, to be released this summer.

### **Developing a tenant service charter**

Tenant group recommendation: Develop a tenant service charter to be included in ML&S MRAB Audit team training and made publicly available so that tenants know what to expect in their dealings with ML&S MRAB audit team staff.

ML&S actions: Staff recently drafted a Tenant Service Charter (see Appendix B) that will be made publicly available on the web. The Charter sets out what is expected of all Municipal Licensing and Standards staff in their dealings with tenants. The Charter shall be included in future Officer training as part of both the Division's customer service and human rights and diversity training courses.

### **Raising re-inspection fees**

Tenant group recommendation: Raise re-inspection fees, as part of the attempt to increase landlord awareness of the seriousness with which the City is taking building maintenance issues.

ML&S actions: At its meeting of January 26 and 27, 2010 meeting, City Council adopted staff recommendations for a new fee structure for re-inspection fees intended to recover the additional costs of having to attend properties as a result of the failure by their owners to comply with an Order or Notice. (See the report at <http://www.toronto.ca/legdocs/mmis/2010/ls/bgrd/backgroundfile-26205.pdf>.)

Citywide, the increase in fees is expected to generate approximately an additional \$200,000 in 2010 for all property-related enforcement work.

### **Requiring notification displays**

Tenant group recommendation: Arrange for municipal notification displays to be permanently placed in building common areas.

ML&S actions: Initially, incidents of Audit Notices and Property Standards Orders being torn down at a small number of buildings raised the question of whether it might be necessary to implement measures to safeguard against such actions. As the program moved forward, however, it became apparent that these first few incidents were very much the exception rather than the rule. As a result, staff no longer feel that any measures to protect the Audit Notices and Property Standards Orders are warranted.

Tenant groups, however, have suggested that notification displays may be used to not only safeguard audit notices, but also as a means to communicate the results of building audits as well as to provide a means for other City Divisions to communicate with tenants.

Although staff recognise the potential merit of using such displays for the purposes stated, there are both legal and practical issues that would need to be addressed, mainly whether the authority to require the installation and maintenance of these boxes by landlords exists and how and when information could be provided to hundreds, and perhaps even thousands, of buildings across the City.

### **Eliminating witness fees**

Tenant group recommendation: Eliminate witness fee for tenants at the Landlord and Tenant Board.

ML&S actions: Provincial legislation provides for a witness fee to be paid to the City whenever a City official is required to attend the Landlord and Tenant Board for a hearing. Witness fees are generally \$53.00. In 2008, Municipal Standards Officers went before the Landlord and Tenant Board as witnesses a total of 36 times. In 2009, ML&S Officers attended fewer than two dozen times. Despite this, the City may waive the fees, at its discretion. Starting January 1, 2010, Municipal Licensing and Standards began waiving such fees for tenants.

## **Improving landlord compliance rates**

Tenant group recommendation: Improve compliance rates by making enforcement more aggressive, including financial deterrents to not complying.

ML&S actions: The final objective of the MRAB audit program is to achieve compliance. A key element to this end is timely follow-up. Starting in December of 2009, staff began to focus more aggressively on re-inspections. Starting in January 2010, a dedicated two-Officer team was assigned to deal exclusively with re-inspections to ensure that Orders are followed up with promptly. By doing so, the disincentives for recalcitrant landlords are increased, as re-inspection fees increase and matters are brought more quickly to resolution either as remedial action or through the courts.

## **Improving response times**

Tenant group recommendation: Ensure that tenant complaints (maintenance requests) are heard and responded to in a timely fashion.

ML&S actions: There are two issues affecting timely resolution to maintenance requests. In the first instance there is the issue of some landlord making the process for maintenance requests onerous and frustrating for tenants. A number of suggestions were made by tenants at the June 7 feedback session and ML&S will be reviewing this matter more closely in consultation with other stakeholders.

Secondly, there is the issue of timely follow-up by ML&S staff once an inspection has taken place. To this end, ML&S has established a standard for initial response and follow-up. Orders resulting from a building audit are now being issued within ten business days of the physical inspection. Re-inspection on confirmed Orders are to be conducted within five business days of the Order's expiry date.

## **Monitoring the condition of buildings**

Tenant group recommendation: Ensure there is ongoing monitoring and assessment of Toronto's housing stock.

ML&S actions: Given the large number of multi-residential rental buildings in the city, it is difficult to ensure that the buildings that are in greatest need are in fact prioritised as such. To this end, ML&S is currently conducting a preliminary survey of approximately 4,000 apartment buildings across the city. The survey addresses structural elements, underground garage, common areas, maintenance of the grounds, lighting levels, and building security. These are all items that are fairly indicative of the general physical condition of the building.

Based on these observations, buildings will be rated, scored in accordance to a weighted scale, and ranked in relation to each other. On the basis of these results, staff will be developing an audit schedule for 2011 in addition to the second half of 2010.

## **Ongoing work and consultation**

Staff from Municipal Licensing and Standards will continue to work with stakeholders to ensure that the MRAB program is delivered in the most effective and efficient manner possible. Despite many of the successes of the program, there continue to be opportunities for its enhancement and thereby for improving the general welfare of tenants in the city. Staff shall keep all interested parties aware of the progress in this regard through a number of forums, including ongoing meetings, consultations, and communications.

## **CONTACT**

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## **SIGNATURE**

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Jim Hart  
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Municipal Licensing and Standards

## **ATTACHMENTS**

Appendix A: Tenant Group and Advocate Feedback Session  
Appendix B: Tenant Service Charter



## Appendix A

### Tenant Group and Advocate Feedback Session

Session Particulars:	Held at City Hall (100 Queen Street West) On June 7, 2010, from 6:30 p.m. to 8:30 p.m.
Organised by:	Councillor Davis; and Councillor Perruzza
Attended by:	Tenant groups Tenant legal clinics City staff from Municipal Licensing and Standards (ML&S) City staff from City Clerk's Office
Format:	Opening remarks from Councillor Davis Presentations from ML&S and City the Clerk's Office Break out sessions asking participants to answer three questions: <ol style="list-style-type: none"><li>1. What recommendations do you have to strengthen the MRAB program?</li><li>2. What can the City do to encourage more tenants to come forward with unit complaints?</li><li>3. How can the City better assess the impact its work is having on the living conditions of tenants?</li></ol> Report-backs from break-out groups Closing remarks from Councillor Davis and City staff

The following point-form summary is a consolidated interpretation of the report-backs, based on participant presentations and City staff notes. Points are loosely organised by the question they were meant to answer, although it was generally recognised that overlap existed between the scopes of the questions. Within each section, points are not organised in any particular manner.

#### Question No. 1

What recommendations do you have to strengthen the MRAB program?

- More staff are required to be able to get to buildings more quickly and address unit deficiencies more expeditiously.
- ML&S staff need to work more closely with other Divisions, such as Toronto Public Health and Toronto Fire Services, and other agencies, such as the Technical Standards and Safety Authority and the Electrical Safety Authority, to ensure that matters under the jurisdiction of these agencies are dealt with more effectively and expeditiously.
- There needs to be a greater emphasis on addressing apartment unit deficiencies, as it is these issues that have the greatest impact on the welfare of tenants. The inspection

of units could either be rolled into the audit program itself or their referral to District staff could be assigned a higher status in the priority queue.

- Notification displays should be installed in a common and accessible area of the building. These boxes should provide results of audits to tenants as well as a venue for notices from other City departments, such as Toronto Public Health.
- Upon completion of the audit, buildings should be provided with score/report cards, and these findings should be posted in the notification displays. A system similar to the green/yellow/red system used for restaurants should be considered.
- City Officers should take into account the special circumstances around deficiencies in accessible apartment units. A raised tile, for example, can prove to be a significant safety issue for a non-ambulatory person.
- A bylaw should be passed requiring landlords to provide, upon request by ML&S, a record of their work orders outstanding. This data could be used to assess the extent to which the landlord is fulfilling his or her responsibilities.
- TCHC and social housing buildings should continue to be included in the MRAB audit program.
- Enforcement should be stepped up in the winter months, as issues tend to arise more frequently and are often more urgent due to the cold. It was suggested that perhaps a team specialising in such issues could be deployed.
- Make Officers more accessible. For example, Officers can be difficult to reach to summon them to appear in court or before the Landlord and Tenant Tribunal as a witness for tenants.
- Although beyond the jurisdiction of the City, Councillors should push for reform of the Residential Tenancies Act to allow for automatic rent abatements if Orders are not being complied with by landlords.
- Tenants should receive copies of their unit Orders automatically without having to make a formal request.
- Some form of licensing and licensing fees should be implemented.

#### Question No. 2

What can the City do to encourage more tenants to come forward with unit complaints?

- Many of the communities in which the buildings being audited are found have a high concentration of recent immigrants that may not speak English well enough to understand the notices being delivered by City staff advising of the audits, the mobile office, and the random unit inspections. Providing notices in the native languages of the tenants could result in higher participation.
- Complaint receipt boxes could also be set up in a common and accessible area of the building to allow tenants who could not attend the mobile office, either because they were not home at the time, due to accessibility issues could not visit the mobile office, or simply did not find it convenient at the time, to still provide complaints to ML&S. City staff could retrieve the contents on a regular basis.
- The mobile office should be made more conspicuous and it should be made accessible to non-ambulatory people in wheelchairs or those with other disabilities in order to encourage wider participation.

- Officers should undertake a more personable approach when dealing with tenants in order to make sure tenants are not intimidated by the Officers' authority status.
- City staff and/or Councillors could make presentations to the communities they serve, advising of how the MRAB program works, what they should expect during the audits , and how they can keep track and follow up on any Orders issued by the City. The City should also explain to tenants what ML&S does, how they can help tenants, and that any reprisals against tenants by landlords for exercising their rights are illegal and should be reported.
- The City should use ethnic media to notify people of the program and of the audit schedules.
- Officers should offer to make appointments to visit and inspect units for those individuals that for one reason or another could not, but wanted to, take advantage of the random in-suite inspections.

### Question No. 3

How can the City better assess the impact its work is having on the living conditions of tenants?

- City staff should consider conducting some type of unit survey. For expediency, telephone interviews might be an option. In either case, potential language barriers should be taken into account.
- ML&S could set up a feedback line for tenants to provide feedback on the program.
- The City should designate a tenant advocate for the MRAB program.

## **Appendix B**

### **Tenant Service Charter**

Every tenant in the City of Toronto, in his or her dealings with Municipal Licensing and Standards (ML&S), should expect:

- All ML&S staff, including its Municipal Standards Officers, to provide courteous, timely service;
- To have reasonable access to information pertaining to Orders or Notices outstanding on his or her building or apartment;
- To receive, at the time of inspection, a reference number with respect to any Order or Notice issued on his or her apartment;
- To receive a copy of any Order or Notice issued respecting the tenant's apartment and, upon request, any Order or Notice issued respecting the common elements of the tenant's building;
- To be notified of any appeals and dispositions on those Orders or Notices pertaining to his or her apartment and, upon request, to those pertaining to the common areas of his or her building;
- Municipal Standards Officers to identify themselves and explain their business in plain language;
- Municipal Standards Officers to inform him or her of his or her rights;
- Municipal Standards Officers to apply the City's bylaws and policies fairly, and respectfully;
- All ML&S staff, including its Municipal Standards Officers, to provide information on how to make a complaint should he or she have an issue with his or her interactions with ML&S staff.