

# CD23.7

## Attachment C

### Attachment C

#### Proposed Amendments to Toronto Municipal Code Chapter 797, Tenant Support Grant Program

##### Definitions

1. Section 797-1 of Toronto Municipal Code Chapter 797, Tenant Support Grant Program, is amended by
  - a) adding a definition of "additional grant" to mean: "A grant of up to \$15,000 for a tenant group to: A. Dispute a Landlord Application per sections 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."
  - b) adding a definition of "basic grant" to mean: "A grant of up to \$1,000 for a tenant group to: A. Dispute a Landlord Application per section A in the definition of Landlord Application or B. Make a Tenant Application at the Board."
  - c) replacing the definition of "Tribunal" with a definition of "Board" to mean: "The statutory body or court which is empowered to hear and dispose of the landlord application and includes the Landlord and Tenant Board, the Divisional Court and the Ontario Municipal Board."
  - d) adding a definition of "eligible group" to mean: "A group representing all or some of the tenants of a residential complex, which group meets all the criteria set out in 797-2."
  - e) amending the definition of "notice of hearing" to remove the language "by the landlord" following the phrase "A copy of the landlord application or a copy of a notice of hearing given".
  - f) adding a definition of "tenant application" to mean: "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."

##### Types of Application

2. Section 797-2 of Toronto Municipal Code Chapter 797, Tenant Support Grant Program, is amended by:
  - a) replacing the number "50" with the number "25" in subsection (1) of 797-2C, following the phrase "If less than 100 units are affected by the landlord application,";
  - b) replacing the number "33" with the number "25" in subsection (2) of 797-2C, following the phrase "If 100 or more units are affected by the landlord application,";

- c) adding the language ",to a maximum of 30 affected units." In subsection (2) of section 797-2C following the phrase "at the time the application to the Commissioner for a grant is made";
- d) replacing the number "50" with the number "25" in subsection (1) of 797-2D, following the phrase "If less than 100 units are affected by the landlord application,";
- e) replacing the number "33" with the number "25" in subsection (2) of section 797-2D, following the phrase "If 100 or more units are affected by the landlord application,";
- f) adding the language "to a maximum of 30 affected units." In subsection (2) of section 797-2D following the phrase "25 percent of the affected units."
- g) adding the language "797-2.1, Basic Grant for Landlord Applications" following the heading "§ 797-2. Eligible groups."
- h) adding the following new subsection 797-2.2, Basic Grant for Tenant Applications:

**"797-2.2. 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 § 797-4A:
    - (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."
- i) adding the following new subsection 797-2.3, Additional Grant:

**"797-2.3. 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, as evidenced by a petition in accordance with § 797-4A:
    - (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; and
    - (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."
3. Section 797-3 of Toronto Municipal Code Chapter 797, Tenant Support Grant Program, is amended by
- a) adding the language "797-3.1, Basic Grant for Landlord Applications" following the heading "§ 797-3. Approval of grant applications; reports; payments."
  - b) removing the following language from section 797-3C.2:

"(3) Evidence of the rent for each rental unit affected by the landlord application."
  - c) adding the following new subsection 797-3.2, Basic Grant for Tenant Applications:

**"797-3.2. Basic Grant for Tenant Applications**

    - A. The General Manager, upon application made to the General Manager in accordance with § 797-4.2 and subject to a final verification of eligibility as set out in Subsection D, 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.1. The General Manager, upon receipt of a written request from the eligible group, shall release to the eligible group an amount not exceeding 50% 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.
- C.2. The written request from the eligible group required in Subsection C.1 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.
- D. The General Manager, upon receipt of a report made in accordance with § 797-6.2 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-6.2 verifies that the group meets the eligibility requirements set out in § 797-2.2, 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 § 797-6.2, less any amount released by the General Manager in accordance with Subsection C.1."

d) adding the following new subsection 797-3.3, Additional Grant:

**"797-3.3. Additional Grant**

- A. The General Manager, upon application made to the General Manager in accordance with § 797-4.3 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 § 797-6.3 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-6.3 verifies that the group meets the eligibility requirements set out in § 797-2.3, 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 § 797-6.3.
  - D. Notwithstanding § 797-3.3C, 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.
  - D.1. Notwithstanding §§ 797-3.3C and 797-3.3D, 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 § 797-3.3D, and which partial payments may be made no more than twice, if, prior to the making of the partial payment, the eligible group submits the following: **[Added 2002-04-18 by By-law No. 225-2002]**
    - (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.
  - E. The amount payable to an eligible group under § 797-3.3C shall be reduced by the amount paid in advance, if any, to the eligible group in accordance with § 797-3.3D and 797-3.3D.1."
4. Section 797-4 of Toronto Municipal Code Chapter 797, Tenant Support Grant Program is amended by
- a) replacing the number "50" with the number "25" in subsection (1) of 797-4A, following the phrase "If less than 100 units are affected by the landlord application,";
  - b) replacing the number "33" with the number "25" in subsection (2) of 797-4A, following the phrase "If 100 or more units are affected by the landlord application,";

- c) adding the following language after the phrase "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."

"(3) Evidence of the rent for each rental unit affected by the landlord application."

- d) adding the language "797-4.1, Basic Grant for Landlord Applications" following the heading "§ 797-4. Applications for grants".
- e) adding the following new subsection 797-4.2, Basic Grant for Tenant Applications":

**"797-4.2. 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 § 797-2.2E, 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 § 797-2.2E:
  - (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."

- f) adding the following new subsection 797-4.3, Additional Grant:

**"797-4.3. 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. **[Amended 2000-10-05 by By-law No. 838-2000; 2000-10-12 by By-law No. 958-2000; 2002-04-18 by By-law No. 225-2002]** 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 § 797-2.3E 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. **[Amended 2000-10-05 by By-law No. 838-2000]** 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."
5. Section 797-5 of Toronto Municipal Code Chapter 797, Tenant Support Grant Program is amended by
- a) adding the language "797-5.1, Basic Grants" following the heading "§ 797-5. Amount of grant; eligible expenditures."

- b) adding the following new subsection 797-5.2, Additional Grants:

**"§ 797-5.2. Additional Grants**

- A. **[Amended 2000-10-05 by By-law No. 838-2000]** 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."

6. Section 797-6 of Toronto Municipal Code Chapter 797, Tenant Support Grant Program is amended by

- a) removing the language, following the phrase "B. Invoices for each of the eligible expenditures incurred by the eligible group":

"; and

C. Unless previously provided, evidence of the rent for each rental unit affected by the landlord application."

- b) adding the language "797-6.1, Basic Grant for Landlord Applications" following the heading "§ 797-6. Submission of report by eligible group."  
c) adding the following new subsection 797-6.2, Basic Grant for Tenant Application:

**"797-6.2. Basic Grant for Tenant Application**

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."
- d) adding the following new subsection 797-6.3, Additional Grant:

"797-6.3. Additional Grant

**[Amended 2000-10-05 by By-law No. 838-2000]**

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 landlord 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."

**General Amendments**

- 7. Toronto Municipal Code Chapter 797, Tenant Support Grant Program is amended by striking out sections 797-7 to 797-11 inclusive.
- 8. Toronto Municipal Code Chapter 797, Tenant Support Grant Program is amended to replace references to Tenant Protection Act, 1997 with Residential Tenancies Act, 2006, and to update the section numbers accordingly.