

Consolidated Clause in Community Services Committee Report 4, which was considered by City Council on June 27, 28 and 29, 2006.

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Proceedings of the Tenant Forum held on March 9, 2006

City Council on June 27, 28 and 29, 2006, adopted this Clause without amendment.

The Community Services Committee recommends that City Council adopt the recommendation of the Tenant Defence Sub-Committee in the communication (May 29, 2006) from the Sub-Committee.

Recommendation:

The Tenant Defence Sub-Committee recommended to the Community Services Committee that City Council adopt the staff recommendations in the Recommendations Section of the report (May 5, 2006) from the General Manager, Shelter, Support and Housing Administration.

Background:

The Tenant Defence Sub-Committee on May 29, 2006 considered a report (May 5, 2006) from the General Manager, Shelter, Support and Housing Administration, on the proceedings of the Tenant Forum held on March 9, 2006, and submitting recommendations.

(Report dated May 5, 2006, addressed to the
Tenant Defence Sub-Committee from the
General Manager, Shelter, Support and Housing Administration)

Purpose:

To provide a report on the proceedings of the Tenant Forum.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

- (1) the proceedings of the Tenant Forum attached as Appendix A be received for information;

- (2) the proceedings of the Tenant Forum be distributed to the following groups:
 - (a) the Minister of Municipal Affairs and Housing, the Chair of the Ontario Rental Housing Tribunal, and the Minister responsible for the Canada Mortgage and Housing Corporation;
 - (b) Toronto-area elected officials from all three orders of government;
 - (c) key stakeholder groups such as tenant associations, landlord organizations, housing organizations and the legal services community; and
 - (d) individuals who made submissions at the Forum or requested copies of the proceedings; and
- (3) Council urge the provincial government to move swiftly to repeal the Tenant Protection Act and to enact new legislation to regulate rents and protect the rights of tenants during the Spring 2006 sitting of the legislature.

Background:

At its meeting on January 6, 2006, the Tenant Defence Sub-Committee (the Sub-Committee) received a communication from Councillor Mihevc advising that he had regularly received inquiries from tenants regarding the provincial government's delay in the *Tenant Protection Act* (TPA) reforms. He proposed that the City organize a tenant forum to hear tenants' experiences and concerns about rental housing and to encourage the Ontario Government to move forward with its promises on the reform. The Sub-Committee adopted the proposal and directed the General Manager of Shelter, Support and Housing Administration (SSHA) to schedule a tenant forum in March 2006.

At its meeting on January 31, February 1 and 2, 2006, Council approved the tenant forum to be scheduled in February 2006, or as soon as possible. This report provides information about the preparation and proceedings of the forum, and results of a survey administered to tenants before and during the forum.

Comments:

Organization and Promotion of the Forum:

Based on the availability of meeting space, it was determined that the forum would be held Thursday, March 9, 2006, from 7:00 p.m. to 10:00 p.m. in the Council Chambers of City Hall. The Rotunda was reserved for overflow of participants with closed-circuit television available for viewing. Sign language interpretation was provided for people with hearing impairments, and a note taker was hired to record the proceedings.

The event was advertised in various media outlets, including daily newspapers, ethnic and community newspapers, in the Hi-rise magazine, on the Access Toronto Information line and on a newly established Tenant Forum website (www.toronto.ca/housing/tenant_forum.htm) linked

to the City's main webpage and the Shelter, Support and Housing Administration Division's webpage. Included on the website (and also distributed at the Forum) was a short survey used to gather information from tenants about their experiences and their views on rental housing matters. The website is still live and will remain in place as a vehicle for providing information about outcomes of the Tenant Forum, such as the Proceedings document, and any forthcoming legislative changes that may occur.

The forum poster and an invitation letter were provided to Councillors in the event that Councillors wanted to distribute information about the forum to their constituents. Invitations and posters for distribution were sent to representatives of stakeholder groups, including the Rental Housing Advisory Committee, the Federation of Metro Tenants' Associations (FMTA), tenants' associations, the Advocacy Centre for Tenants Ontario (ACTO), the Centre for Equality Rights in Accommodation (CERA), the Tenant Advocacy Group (TAG), community legal clinics, housing help centres and drop-in centres. Invitations were also sent to other advisory committees and organizations interested in tenant protection and affordable housing issues, including the Rooming House Advisory Committee, Immigrant and Refugee Housing Task Group, Alternative Housing and Services Committee, and Advisory Committee for Homeless and Isolated Persons. Toronto-area elected officials from all three orders of government, and federal and provincial government agencies responsible for housing and homelessness issues were also invited.

Individuals wanting to speak at the forum were requested to register in advance by phone or by e-mail. Due to time limitations, once the speakers' list reached about 30, a waiting list was established for remaining requests.

Information materials about rental housing and tenant issues were prepared, updated and printed for distribution at the forum. These included a 13-page document, entitled "Rental Housing in Toronto – Facts and Figures", a brochure, entitled "Services for Tenants and Landlords in Toronto", and a pamphlet, entitled "Tenant Defence Fund Outreach and Organizing Team". Other documents copied and distributed via the website and at the forum included the report, entitled "Response to the Ontario Government's Consultation Paper on Residential Tenancy Reform", approved by City Council at its meeting of June 2004, Councillor Walker's recommended changes to the *Tenant Protection Act* as set out in his communication from December 2005, and the submission by the Greater Toronto Apartment Association from February 2006.

Format of the Forum:

In the evening of March 9, 2006, the Tenant Forum was opened at 7:00 p.m. by Councillor Mihevc, Chair of the Community Services Committee, and was chaired by Councillor Walker, Chair of the Tenant Defence Sub-Committee. The General Manager of the Shelter, Support and Housing Administration Division provided an overview of the rental housing situation and issues facing tenants.

More than 450 tenants and housing advocates attended. The forum was extended an extra hour to allow 45 speakers to address the audience. The Council Chambers were filled to capacity and the extra attendees were accommodated in the Rotunda of City Hall.

Those who spoke at the forum included the FMTA, ACTO, TAG, representatives of tenant associations, individual tenants of private and social housing, community legal clinics, and housing advocates from community organizations such as the Children's Aid Society, the John Howard Society and the Out of the Cold Housing Action Group. The speakers spoke thoughtfully about experiences they encountered in their housing situations, why they felt the *Tenant Protection Act* should be changed and what changes were needed.

Written submissions were collected from the speakers and a survey was distributed during the forum to gather opinions on rental housing issues from tenants who either preferred to put forward their views in writing or chose to do so in addition to speaking.

Proceedings of the Tenant Forum:

The Proceedings document of the Tenant Forum is attached as Appendix A. The Proceedings were prepared by an external firm, LURA Consulting. In the opinion of staff who attended the forum, the Proceedings document is an accurate reflection of the deputations and what people said.

The Proceedings do not represent a formal City position, and for that reason, it is recommended that the Proceedings be received for information by Council. Staff agree with much that was said, however staff do not necessarily agree with all that was said. The comments represent an important contribution to the debate about what changes are required to the prevailing rental legislation, as they reflect the day-to-day experiences faced by many tenants across the City. As such they must be considered by decision-makers.

The Proceedings document groups the issues discussed into key areas, and for each, has subheadings that set out the major concerns or issues. In addition, specific experiences provided by some of the speakers are summarized and repeated in the Proceedings to illustrate the points made.

Some of the most common concerns raised at the forum included the following related to rent levels, evictions, and maintenance issues. Some of the points raised include the following:

- (i) rent control should be used to protect the supply of affordable housing units and to protect tenants from unfair rent increases. Rents have risen at a rate greater than that of inflation and the cost of living, to a point where they are now the highest in Canada;
- (ii) the process for approving Above Guideline Rent Increases (AGI) must be changed so that it becomes more balanced. The TPA provisions concerning AGI guidelines and their adjudication process at the Tribunal need a complete overhaul;
- (iii) eviction rates are growing. Tenants are being evicted without having a hearing. They are being evicted despite owing small amounts of money;
- (iv) the provincial government has been led to believe that vacancy rates keep the rental market healthy. Rents are not falling despite higher vacancy rates; and

- (v) a number of speakers described the poor living conditions to which they are subjected. It was felt that stronger regulatory measures are required to ensure that landlords maintain their units to acceptable conditions and provide the service that tenants are paying for. Orders prohibiting rent increases should be brought back, and should be done in tandem with more pro-active inspections by the City of Toronto. Inspections need to be more frequent, and there must be consequences for failing them.

More details about the deputations are provided in the attached Proceedings of the Tenant Forum. The document also summarizes the opinions raised by tenants or their representatives who did not speak at the Forum but made written submissions after the Forum.

The concerns and opinions of tenants living in rental housing and their supporters are clearly reflected in the Proceedings. It is an important document to inform and educate decision-makers about the state of rental housing in Toronto. It is, therefore, recommended that the Proceedings as attached in Appendix A be received for information and that it be distributed to the Minister of Municipal Affairs and Housing, the Chair of the Ontario Rental Housing Tribunal, and the Minister responsible for the Canada Mortgage and Housing Corporation, Toronto-area elected officials from all three orders of government, individuals who made submissions at the Forum or requested a copy of the Proceedings, and stakeholder groups such as tenant associations, landlord organizations, housing organizations and the legal services community.

In addition, a number of tenants and supporters at the forum commented about the Provincial Government's delay in implementing the changes it promised to tenant protection and rent regulation legislation, and urged the government to act quickly on making needed changes. It is, therefore, recommended that Council urge the provincial government to move swiftly to repeal the *Tenant Protection Act* and enact new legislation to regulate rents and protect the rights of tenants during the Spring 2006, sitting of the legislature.

As for the short survey conducted prior to and during the forum, 138 responses were received. The majority of respondents were tenants in private market housing, while some were social housing tenants. The respondents expressed similar concerns as the Tenant Forum speakers and called for swift changes to the TPA to restore rent control to keep housing affordable and provide protection for tenants' rights. A summary of highlights from the survey results is attached as Appendix B.

The costs to hold the forum included costs for advertising, sign-language interpretation, note taking, printing information materials, providing bottled water and security amounted to approximately \$33,000.00.

Conclusions:

The Tenant Forum provided an opportunity for tenants to tell their experiences living in rental housing and call for changes to the tenant protection legislation. It is recommended that the Proceedings of the Tenant Forum be distributed to decision makers to help keep them informed about the rental housing situation from the perspective of tenants in Toronto. It is also recommended that Council urge the provincial government to move swiftly to repeal the *Tenant*

Protection Act and enact new legislation to regulate rents and protect the rights of tenants during the Spring 2006, sitting of the legislature.

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List of Attachments:

Appendix A: Proceedings of the Tenant Forum
Appendix B: Tenant Forum Survey

(A copy of Appendix A referred to in the report (May 5, 2006) from the General Manager, Shelter, Support and Housing Administration, was forwarded to all Members of Council with the June 8, 2006, agenda of the Community Services Committee and is on file in the City Clerk's Office, City Hall.)

Appendix B

Tenant Forum Survey

A short survey was developed to gather additional information from tenants attending the forum and also from tenants unable to attend. The survey was posted on the Tenant Forum website and was also distributed at the Forum.

A total of 138 responses to the survey were received. The majority of respondents were tenants in the private market housing, while some were social housing tenants. The respondents expressed similar concerns as the Tenant Forum speakers and called for swift changes to the TPA to restore rent control to keep housing affordable and provide protection for tenants' rights.

Tenants were asked about their rental housing experiences and about their views on how rents should be set and how units should be maintained in good condition. Questions with a good response rate and a summary of responses are as follows:

The law sets an annual rent increase guideline for all rental units. How should the rent increase guideline be set so that it's fair to both tenants and landlords? When should landlords be allowed to raise the rent by more than the annual guideline?

Over 60 percent of respondents indicated that rents are already high, so rent increases should not be automatic every year but based on demonstrable and reasonable operating cost increases, and only small increases (e.g. one percent – three percent) should be allowed. Another 28 percent supported above-guideline increases only when the landlord has made substantial capital improvements to enhance the quality of the building and the increases must not be allowed to continue after the costs are fully paid.

Do you think landlords should be allowed to set a new rent whenever someone moves out of a rental unit?

Three quarters of respondents (75 percent) commented that it is unfair to allow landlords to raise the rent whenever a tenant moves out. They felt that it gives landlords an incentive to evict long-time tenants and to re-rent “used” properties rather than build new rental housing.

Have you ever dealt with the Ontario Rental Housing Tribunal? What was the reason?

Slightly over one-third of respondents had dealt with the Tribunal. About 60 percent due to AGI applications, 18 percent due to repairs/maintenance issues, and nine percent due to arrears in rent. The remaining 13 percent had dealt with the Tribunal on other issues such as security, interest on last month's rent deposit, and insufficient notice of termination.

Are you happy with the way your landlord maintains your building and your unit?

Close to 60 percent of respondents were not satisfied with the condition of their buildings and most cited problems of long-time neglect, repair work not properly done or were not done in a timely manner, and unhealthy living environments (e.g. bed bugs, cockroaches).

Do you think landlords should be required to set aside a reserve fund to keep the building in good condition? Where should the money for this reserve fund come from?

An overwhelming 94 percent of respondents stated that landlords should be required to set aside a reserve fund for keeping the building in a good state of repair, and almost all respondents wanted the reserve fund to come from a portion of the rent or investment profits made on the rental revenue.

Councillor Michael Walker, St. Paul's, addressed the Community Services Committee.

**City of Toronto
Tenant Forum
March 9, 2006**

Proceedings



This report was prepared by Lura Consulting. It presents the key discussion points from the March 9, 2006 Tenant Forum and is not intended to provide a verbatim transcript. If you have any questions regarding this report, please contact:

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EXECUTIVE SUMMARY

INTRODUCTION

On March 9, 2006, the City of Toronto held a public forum on tenant protection. The purpose of the forum was to obtain feedback from the public on rental reform to help the City shape its message to the provincial government. The forum was held in the Toronto City Hall Council Chambers at 100 Queen Street West. The agenda for the forum is provided in Appendix A.

SUMMARY OF PUBLIC FEEDBACK

This Proceedings Report provides a summary and synthesis of the public feedback obtained at the tenant forum and submitted in writing. The report is organized according to theme and presents the key points of the feedback received. Highlights of the report are presented below.

1. Provincial Government's Delayed Response

- The provincial government has waited too long to implement the changes it promised during the 2003 provincial election.

2. Issues with the Tenant Protection Act

- The Tenant Protection Act makes evictions easier.
- The Tenant Protection Act is biased against tenants.

3. Changes to the Tenant Protection Act

- Changes must be made to the eviction process.
- Tenants must be better protected from inappropriate rent charges.
- Electricity costs should be offset from rent.
- Mechanisms for ensuring adequate maintenance and upkeep must be included.
- The Tenant Protection Act should be repealed.

4. Affordable Housing and Condition of the Rental Market

Affordable Housing

- There is a drastically insufficient supply of affordable housing in Toronto.
- The lack of affordable housing harms individuals and society.

Affordable Housing with Accessibility Units

- Few affordable housing units are accessible to those with disabilities.

Vacancy Rates

- The Provincial Government has been led to believe that higher vacancy rates keep the rental market healthy.
- Vacancy rates are not an accurate indicator of the availability of affordable housing.
- Higher vacancy rates have not moderated the cost of rents.
- Vacancy rates have begun to decrease.

5. Evictions

Eviction Rates

- Eviction rates are growing.

Evictions Process

- Landlords evict for their own use and then do not move into the rental unit.
- Tenants are being evicted without having a hearing.
- Tenants are being evicted despite owing small amounts of rent or short-term arrears.
- The five-day period for disputing eviction notices is too short.
- The ability for a landlord to seize a tenant's property 48 hours after the tenant's eviction is unfair, harmful, and can lead to the loss of the tenant's possessions.

Impacts of Eviction

- The social and personal impacts of eviction need to be considered.

6. Need for Controls on Rent Increases

Rent Control

- Bring back rent control.
- Rent control is needed to protect tenants.

High Rents

- Rents in Toronto have risen dramatically and are among the highest in Canada.

Vacancy Decontrol

- Remove vacancy decontrol.

Disproportionate Rents between Newly-Rented Apartments and Long-term Rentals

- The difference in the amount of rent a long-term tenant pays is disproportionate to what new tenants are being charged because of vacancy decontrol.

Above Guideline Rent Increases

- The process for approving Above Guideline Rent Increases must be changed so that it becomes more balanced.

7. Maintenance

Poor Conditions and Repairs in Buildings

- Stronger regulations and better enforcement are required to protect tenants from poor living conditions.

Frequency and Enforcement of Inspections

- Inspections need to be more frequent, and there must be consequences for failing them.

Licensing for Landlords

- Landlords should be licensed.

Impact of Massive Repairs and Renovations on Tenants

- Tenants deserve compensation for the inconveniences they experience during major building repairs and renovations.

8. The Ontario Rental Housing Tribunal

- The Tribunal is biased against tenants.
- The process for appointing adjudicators to the Tribunal must be reformed.
- Tenant and landlord disputes should be resolved in court.

9. Harassment

Harassment and Mistreatment of Tenants by Landlords

- Tenants are being harassed and intimidated by landlords.

Protection of Tenants

- Tenants require protection from abusive landlords.

10. Social Housing

The Social Housing Reform Act

- The Social Housing Reform Act should be amended to better protect subsidized tenants from losing their subsidy.

The Toronto Community Housing Corporation

- There are some concerns about the tenant participation approach that the Toronto Community Housing Corporation is undertaking.

Lack of Attention and Security for Social Housing

- More attention to the conditions and to the security requirements of social housing is needed.

11. Assistance for Tenants

Awareness of Tenant Rights, Responsibilities, and Procedural Processes

- Tenants face undue hardships because they do not understand their rights as tenants or the tenancy procedural process.

Assistance for Tenants

- More assistance is required for tenants.

Housing Assistance During and After Incarceration

- Incarcerated persons require assistance to prevent them from either losing their homes while incarcerated or being able to find affordable housing upon release.

Community-based Tenant and Housing Websites

- There are non-government websites available to help tenants and people looking for places to live.

Online Services

- Develop an amalgamated affordable housing website for the City of Toronto.

12. Other Issues Related to Tenants – Housing Rights, Tenant Representation, and Tax Inequity

Housing Rights

- Housing is a human right.
- Youth face discrimination with respect to rental housing.

Representation for Tenants

- Tenants require better community and political representation.

Inequity of Tax System for Tenants

- Rental housing tenants pay more taxes than home-owners.

13. Housing and Homelessness Strategy

- Toronto needs a comprehensive strategy for addressing housing issues and homelessness.

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1. INTRODUCTION

1.1 TENANT FORUM OVERVIEW

On March 9, 2006, the City of Toronto held a public forum on tenant protection. The purpose of the forum was to obtain feedback from tenants, tenant associations and from organizations representing tenants on rental reform. The feedback will help the City to consider what changes it should make to its position on new laws needed for rental housing. The forum was held in the Toronto City Hall Council Chambers at 100 Queen Street West. The agenda for the forum is provided in Appendix A.

The forum was chaired by Councillor Michael Walker, chair of the Tenant Defence Sub-Committee, and opening remarks were heard from Councillor Joe Mihevc, chair of the Community Services Committee.

Phil Brown, General Manager of the Shelter, Support and Housing Administration Division for the City of Toronto, delivered a presentation about the rental housing situation in Toronto. A copy of Mr. Brown's presentation is available online at http://www.toronto.ca/housing/tenant_forum.htm.

Following Mr. Brown's presentation, 45 speakers provided comments at the forum. A list of speakers that presented at the forum is provided in Appendix B. Written submissions were also provided to the City.

1.2 OVERVIEW OF THE SUMMARY REPORT

This Proceedings Report provides a summary and synthesis of the public feedback obtained at the tenant forum and submitted in writing. The report is organized by theme and presents the key points of the feedback received. Presented throughout the report are "Personal Notes" that summarize a selection of the personal experiences relayed at the tenant forum.

2. SUMMARY OF PUBLIC FEEDBACK

2.1 PROVINCIAL GOVERNMENT'S DELAYED RESPONSE

The provincial government has waited too long to implement the changes it promised during the 2003 provincial election.

Speakers expressed frustration over waiting for the Ontario Liberal government to fulfill the election promises to change rent legislation that they made during the 2003 Provincial election. Key points made by forum participants are presented below.

- Tenants have been waiting for three years for the Ontario government to fulfill their election promise to fix the eviction process and get rid of vacancy decontrol.
- The Liberal government made promises as part of their election platform and it is time to honour them. Residents will remember during the next election if those promises have not been kept.
- The Ontario Minister of Municipal Affairs and Housing promised to repeal the Tenant Protection Act (TPA), to bring back rent control, and to reform the Ontario Rental Housing Tribunal (the Tribunal). Groups are fed up waiting for them to act. During this delay, the number of tenants evicted from their homes has increased, and the Tribunal has fallen into further disrepute.
- Three years ago, Dalton McGuinty met with tenant representatives and told them that they were going to get help from the province, but the help has not yet been delivered.

- New provincial tenant protection legislation is needed immediately.

2.2 ISSUES WITH THE TENANT PROTECTION ACT

Speakers described their issues with the TPA. It was generally felt that the TPA is biased against tenants and has made it easier for landlords to evict tenants. Key issues relating to the TPA are presented below, followed by key points made by the speakers. Recommended changes to the TPA are presented in Section 2.3.

The Tenant Protection Act makes evictions easier.

- The rules in the TPA are one-sided, and the decision making process at the Tribunal is arbitrary. This makes eviction the obvious solution to many landlords for their tenant problems.
- The TPA allows landlords to begin the eviction process after a 33 or 34 day period of not paying rent. This puts people on remand (that is, people who are held in police custody pending court charges) at risk of facing eviction if they are held for longer than that period. Many people on remand are unable to contact their landlord or the Tribunal because only collect calls are allowed.

The Tenant Protection Act is biased against tenants.

- It is difficult or impossible for tenants to have their problems resolved as a group or to have their collective losses assessed in a simple and effective way, despite that problems experienced by one tenant are in many cases experienced by other or all tenants.
- There are detailed rules concerning rent increase application by the landlord that cannot be overridden no matter the circumstances of the tenant. However, there are no rules for assessing tenant applications.

2.3 CHANGES TO THE TENANT PROTECTION ACT

The speakers at the tenant forum listed a number of changes that they wanted to see take place with the TPA. Several of the changes dealt with the eviction process, while others dealt with rent charges. A summary of the changes recommended are listed below, including key points made by speakers.

Changes must be made to the eviction process.

- The rule allowing landlords to keep the possessions of tenants 48 hours after an eviction must be changed.
- The law that permits the eviction of a deserted mother as an “unauthorized occupant” because it was the deserting husband who had signed the lease mocks our commitment to the equality of women.
- Permitting landlords to enter tenants’ homes without notice once the landlord has given the notice of eviction is against the tenants’ right to privacy.
- The new TPA should protect sitting tenants for a period of time that is greater than thirty days while they are in custody to prevent evictions that will lead to homelessness.

Tenants must be better protected from inappropriate rent charges.

- Rent control must be reinstated.

- Renovations or upgrades that are performed when the unit is occupied should not be charged to the tenant.
- Provisions for costs no longer borne should be brought back. Cost increases for utilities, taxes and capital expenditures can be passed to the tenant through Above Guideline Rent Increases, but the rent does not go down when the costs are no longer there. When costs are no longer borne, there should be a corresponding reduction in rent.

Electricity Costs should be offset from rent.

- There should be a ruling from the Government that sees the cost of electricity billed to individual units. There must then be a process in place to ensure that tenants receive corresponding rent reductions.
- The provincial government should impose rent reduction to compensate for the added cost of electricity. Downloading electricity costs to tenants will make landlords reluctant to make improvements to buildings. Audits should be performed before the electricity costs are moved to the tenant to ensure that the tenant gets appropriate compensation.

Mechanisms for ensuring adequate maintenance and upkeep must be included.

- “Orders prohibiting rent increases” should be reintroduced
- Mould tests should be compulsory once a year in all buildings.
- There should be enforced time limits for repairs that have been reported to the rental office.
- Tenants need the right to withhold rent and apply it to repairs if the landlord does not do them.

The Tenant Protection Act should be repealed.

- Laws are needed to prevent exploitation.
- The Provincial Government should abandon the TPA and replace it with a new Act that will protect tenants.
- We need to go back to what we had before the TPA was imposed.
- The act must be repealed. It was promised in 2003. There were consultations and recommendations made in 2004.

Other general comments made about the TPA included:

- Owners should not be allowed to dictate whether tenants can have air conditioners or from which company allowed air conditioners must be purchased.

Personal Note

A participant is facing a 30% rent increase because of the many renovations and repairs that are occurring at her building. The residents are fighting the increase because the costs of the renovations are being passed on to them.

2.4 AFFORDABLE HOUSING AND CONDITION OF THE RENTAL MARKET

Affordable Housing

The speakers addressing affordable housing at the forum felt that more affordable housing units are needed in the City of Toronto. It was noted that the available supply is well below the demand, and that the lack of affordable housing is harmful to both the households going without and to society overall. Key issues relating to affordable housing are presented below, followed by key points made by the speakers.

There is a drastically insufficient supply of affordable housing in Toronto.

- The active waiting list for social housing across the province, including Toronto, is ridiculously high, at 124,785 households.
- There are not enough housing units for the people of Toronto. The latest rental market survey from Canada Mortgage and Housing Corporation reports that, in 2005, there were 9,445 vacant rental units in Toronto. This is a fraction of the more than 60,000 households that are on the City's affordable housing waiting list.
- Little affordable housing is being built, but many condominiums are. The government is catering to the developers of the City. If there is no land space available, then convert older apartment buildings into affordable housing. Make it fair for all and not just a few. There is supposed to be an affordable housing complex near Fairview Mall, but people are told that they must be making \$40,000 to \$50,000 to get an apartment.
- The current rental housing stock requires protection from being converted into condominiums. With all of the condominium development going on, it is hard to find a place to call home.
- The renovation and demolition of homes for the purpose of building condominiums should be prevented.

The lack of affordable housing harms individuals and society.

- Homelessness has increased. Where do people find affordable housing while waiting to get into subsidized housing, which has a huge waiting list?
- Having less income available after paying a disproportionate amount of rent leads to depression and frustration, and it makes it extremely difficult to move forward. This could possibly create a society of crime and violence.
- The lack of affordable housing is one factor that affects the number of children admitted into the care of the Children's Aid Society of Toronto.
- The lack of affordable housing and number of evictions are profoundly troubling for young persons and youth who are no longer able to remain in the care of the Children's Aid Society of Toronto.
- Affordable housing is usually set at the maximum of what low-income earners can bear. Any attempt to improve the conditions of low-income earners will only increase their rent by the amount of extra money they are given.

Affordable Housing with Accessibility Units

Few affordable housing units are accessible to those with disabilities.

A speaker commented that there are few affordable housing units that meet the needs of the disabled. She felt that a wheelchair-bound individual should be present when building the units to

provide advice on the proper height and placement of counters, shower bars, and other elements of the household.

Vacancy Rates

An over-reaching concern expressed during the forum was that vacancy rates are misleading. Key issues relating to the use of vacancy rates are presented below, followed by the key points made by the speakers.

The Provincial Government has been led to believe that higher vacancy rates keep the rental market healthy.

- The messages from landlords and their lobbyists that higher vacancy rates ensure favourable market forces for renters, and Toronto tenants are enjoying a “renter’s market” are false.
- Landlords and their lobbyists have successfully lobbied the Provincial Government that higher tenancy rates negate the need to reform the TPA.
- Recent pronouncements to the media by Mr. Gerretsen, Minister of Municipal Affairs and Housing, indicate that he has accepted the landlords’ position that there is little wrong with the current tenancy regulatory regime, and that the market is healthy and able to protect tenants without having to return to rent regulation.

Vacancy rates are not an accurate indicator of the availability of affordable housing.

- Vacancy rates are not a measure of availability of affordable housing based on income, and they do not reflect an increase in the supply of affordable housing.

Higher vacancy rates have not moderated the cost of rents.

- Rents are not falling despite higher vacancy rates.
- The free market in the guise of vacancy rates has failed to moderate rent increases, and it has failed to curtail the abuse of power used in seeking an unjustified eviction.
- There is little evidence of the rental incentives that landlords claim they must offer to attract and keep tenants.

Vacancy rates have begun to decrease.

- Vacancy rates have started to drop again while the cost of home ownership rises and tenants are less able to escape the rental market.
- Vacancy rates have dropped in Toronto more than half a percentage point to the lowest rate since 2002. Housing experts forecast it will get much worse as immigration rises and more people move into Ontario cities.

2.5 EVICTIONS

Eviction Rates

Eviction rates are growing.

Speakers expressed concern over the growing rate of evictions. Eviction rates were said to be growing because the rate of rent increase exceeds that for income. It was also noted that evictions have become more common since landlord and tenant disputes were moved from the courts to the Tribunal. The key points made by the speakers are listed below.

- Eviction applications are up by 11% in the Toronto area because tenants are not able to afford the rents.
- Because tenant household incomes are stagnant or declining while record-high rents continue to increase, it is no wonder that applications to evict have jumped 10% last year to an all-time high.
- In 2005, an average of approximately 84 tenant households faced eviction every day of the year.
- Ontario's eviction rate has increased 30% since landlord and tenant disputes were moved from the courts to the Tribunal. That represents 15,000 additional tenants annually.

Personal Notes

One speaker noted that she was facing eviction so that her landlord could perform upgrades in her building.

Evictions Process

Speakers at the tenant forum expressed concern over the process used to evict tenants. It was felt that the process was unfair and that it left tenants vulnerable to losing their home and their possessions. The key issues relating to the evictions process are listed below, followed by key points made by the speakers.

Landlords evict for their own use and then do not move into the rental unit.

- A landlord can evict you if he is taking possession of the unit for his own use or for the use of his family. But what if he is just renting it to someone who is paying more rent? What legal sanctions are there for such behaviour?

Tenants are being evicted without having a hearing.

- Every month, 2,500 tenant households in Ontario are ordered evicted without a hearing. Half of these tenants are from the Toronto area.
- Many people on remand are unable to get passes to attend eviction hearings to present their case, and as a consequence lose their case.
- The Tribunal has earned its nickname "The Eviction Machine".

Tenants are being evicted despite owing small amounts of rent or short-term arrears.

- Tenants typically get evicted for owing small amounts of rent, usually less than one month's worth.
- In over 10% of arrears evictions, tenants are evicted even though they do not owe rent. In these cases, the order is issued without the tenant having the opportunity to go to a hearing and explain that the rent is paid.

The five-day period for disputing eviction notices is too short.

- Youth and workers at the Children's Aid Society of Toronto have complained about the eviction process. Currently, an eviction notice must be disputed within five calendar days, which is not long enough.

The ability for a landlord to seize a tenant's property 48 hours after the tenant's eviction is unfair, harmful, and can lead to the loss of the tenant's possessions.

- During the eviction process, a landlord can get rid of a tenant's property after a 48 hour period. This could have a real impact on children.
- People only have 48 hours to remove their possessions before the landlord gets it. There goes their furniture, bedding, documents, and photos. They want to create their own hurricane refugees.

Impacts of Eviction

The social and personal impacts of eviction need to be considered.

The point was raised that the threat of an eviction can have a huge impact on people, and that evictions need to be a remedy of last resort. It was stated that the real social costs of eviction need to be considered. Another speaker noted that a 2004 City of Toronto study found that almost two-thirds of evicted tenant households end up either in homeless shelters or "couch-surfing" with family or friends.

2.6 NEED FOR CONTROLS ON RENT INCREASES

Rent Control

A number of speakers argued that rent control needs to be brought back. Speakers felt that rent control should be used to protect the supply of affordable housing units and to protect tenants from unfair rent increases. A summary of the key issues relating to rent control is presented below, followed by the key points of the speakers.

Bring back rent control.

- The provincial government needs to bring back rent control on vacant units before more affordable units are lost.
- Bring back clear, firm rent control to protect tenants and the dwindling supply of affordable housing.
- Rent control is usually set to what the market can bear. But rent never goes down, no matter what the vacancy rates are.
- Youth and workers at the Children's Aid Society of Toronto have complained about the lack of rent control on vacant apartments.
- Reinstate rent control for all rental units in Ontario.

Rent control is needed to protect tenants.

- The rates of rent increases are greater than the increases to seniors' pensions.
- Rent control is needed to protect seniors and low income housing, and to protect tenants from having to pay for repairs instead of landlords.
- Long-time tenants should have their rents frozen.
- There needs to be a system of regular inspections where rents are set according to objective criteria. Inspections should be performed bi-annually and the rent set by the inspectors. The criteria should be based on what people can afford to pay, using the principles of home economics.

High Rents

Rents in Toronto have risen dramatically and are among the highest in Canada.

Speakers at the forum commented that increases in rent in recent years have risen at a rate greater than that of inflation and the cost of living, to a point where they are now the highest in Canada. Key points made by the speakers are listed below.

- Rents for one and two bedroom apartments increased in 9 out of the 11 major urban areas across Ontario between 2004 and 2005.
- Ninety-six percent of one bedroom apartments in Toronto in 1996 rented for less than \$800, compared to 23% currently.
- Rents in Toronto are the highest in Canada. Based on CMHC statistics, a typical two-bedroom apartment rents for \$1,060 per month. A tenant household needs to make an annual income of \$36,000 to afford that, but almost two-thirds of Toronto's tenant households make less than that amount.
- Rents have reached record high levels after a decade of increases that have surpassed the rate of inflation.
- Rents rose by 38% (compared to a cost of living increase of 21%) in the ten years prior to the passage of the TPA. Rents have risen another 22% in the three years since the Act was passed.
- The TPA allowed an 18% increase in rent over the course of one year at a rental unit in Etobicoke.

Vacancy Decontrol

Remove vacancy decontrol.

One speaker said vacancy decontrol should be removed because it has provided landlords with a financial incentive to evict tenants.

Disproportionate Rents between Newly-Rented Apartments and Long-Term Rentals

The difference in the amount of rent a long-term tenant pays is very disproportionate to what new tenants are being charged because of vacancy decontrol.

It was noted that current tenants and new tenants in a building can pay different rents for similar apartments. Key points made by the speakers included:

- Rent freezes are needed to help people move into new, upgraded apartments and not have them pay more than what the apartment is worth.
- Keep rents affordable for new tenants once the previous tenant has vacated.

Personal Note

The rent in one speaker's apartment has only gone up a little because she has been there for 55 years. However, vacant apartments in her building are currently renting for \$2,700 a month.

Above Guideline Rent Increases

The process for approving Above Guideline Rent Increases must be changed so that it becomes more balanced.

It was felt that the process for approving Above Guideline Rent Increases (AGI) must be changed. The procedural process was said to favour landlords and that it must become more balanced. It was stated that the provisions of the TPA concerning AGI guidelines and their adjudication process at the Tribunal require a complete overhaul. Specific recommendations suggested by the speakers are listed below.

- The “capital expenditure” definition is too broad. It often includes things that should be considered standard maintenance and upkeep. Capital expenditures must be narrowly defined.
- Adjudicators at the Tribunal should consider the landlord’s history of maintenance for the building and outstanding work orders when hearing an application for an AGI.
- The new rental housing legislation should include provisions for “costs no longer borne”.
- Landlords should not be able to receive a second AGI within the amortization period of a previous, similar project.

2.7 MAINTENANCE

Poor Conditions and Repairs in Buildings

Stronger regulations and better enforcement are required to protect tenants from poor living conditions.

A number of speakers described the poor living conditions to which they are subjected. It was felt that stronger regulatory measures are required to ensure that landlords maintain their units to acceptable conditions. Key points made by the speakers are listed below.

- Stringent maintenance regulations and “Orders Prohibiting Rent Increases” should be brought back for landlords who refuse to repair their buildings, and this should be done in tandem with more pro-active inspections by the City of Toronto.
- If an owner needs to apply for an eviction, no hearing should occur if there has been a work order or a safety violation in the recent past.
- Landlords will not do anything if they are not legislated. A speaker described how she had delivered a speech ten years ago at a rent control meeting about poor conditions at her building. Nothing has changed, despite having formed an association at the building.
- Impose rent freezes on landlords whose buildings fail to meet minimum standards for habitation and safety.
- There needs to be an emergency line for tenants to call. There currently is no emergency line and no after-hours inspectors.
- It does not appear that the TPA is there to protect the tenant. There are frightening conditions across the City that tenants are forced to endure.

Personal Notes

A speaker described how a hole in her living room ceiling was created due to a leaking roof. The landlord patched the roof, but the leaking resumed. An inspector gave the landlord one month to fully repair the roof, but the landlord merely patched it once again. The inspector has not been back to follow-up.

A single mother with 3 children spoke about how she is paying \$900 a month to what she considers a slum lord. She was on social assistance and had a difficult time finding an apartment, and so she was forced to accept her current apartment. It had holes in the walls and required a number of repairs, which she did and was not reimbursed. For a period of three days, she had no running water. The landlord refused to fix it and was not concerned over her calls to the City to report the situation. She reported that her landlord had bolted the building's fire routes shut and that inspectors have not come to unlock them. Recently, a passer-by had noticed some wires were touching and sparking and called Ontario Hydro, who came and fixed them. The tenant also has a bug problem, but the landlord refuses to spray.

One speaker commented that her landlord will not replace a 40 year-old hallway carpet. The landlord says that they cannot afford to do so.

One speaker described the situation of a woman residing in a basement apartment in Scarborough. She was not able to use more than one appliance at a time in her kitchen without a fuse blowing. When this happens, she has to call the landlord to fix the breaker, who then yells at her for using too many appliances in the kitchen. A fire inspector was called in to look at the apartment, and he said that he remembered the unit and that there were outstanding violations on the landlord.

A speaker described his experience trying to get his landlord to make repairs in his basement apartment. The speaker had called the fire marshal to investigate his problem, and it took three months for the fire marshal to arrive. The marshal then said that he had to come back with the owner. The owner had previously violated a work order, but despite this the owner would not let the marshal in the house. The speaker said that he had to call both the fire and the City inspectors, but the owner of the building refused to allow the inspectors in the house. The speaker had taken his complaint to the Tribunal, but his case was overturned.

A speaker described the experience of a woman whose ceiling had fallen in her bathroom on a Friday. The building superintendent came up, looked at the situation and went away. The tenant then called the building owner and was told that it would be taken care of. The tenant called the Tenant Hotline, who told her to take pictures and call the Property Standards Department. She called the department, but it was a Friday and no one was available until Monday. Cracks appeared in the ceiling and began to spread.

Frequency and Enforcement of Inspections

Inspections need to be more frequent, and there must be consequences for failing them.

It was felt that the City should be more proactive with its inspections of rental properties, and that landlords who fail them or fail to make repairs must be disciplined. Key points made by the speakers are listed below:

- Landlords need to be disciplined.
- The City needs to be more proactive with inspections. In January 2005, City Council approved a more proactive inspection system but little has been done. Nothing prevents the City from going ahead with this.

- City Council said the City would be hiring more inspectors. When will they be coming?
- Regular, proactive, third-party inspections are needed to ensure maintenance and safety.
- Although there should be no rent increases at a property with outstanding work orders, it is difficult to get city inspectors to write up the orders in the first place. The City needs to do proactive audits. The City has a minimum property standards bylaw, and landlords should not be allowed to get a maximum increase if the property is not sufficient.
- The City could protect residents by enforcing existing property standard by-laws. There are good by-laws, but the City has failed to enforce the current standards. The City has powers to help.

Personal Note

One speaker described his difficulty in getting inspectors to write up work orders for necessary property repairs. He said that he had typed up a 27 page list of work that needed to be done at his apartment. Four years later, the violations had not been written up, despite his being proactive about it.

Licensing for Landlords

Landlords should be licensed.

It was felt that landlords should be required to obtain a licence before being allowed to rent apartments out to tenants. Key points made by the speakers about this are listed below:

- Landlords should be required to take courses to qualify for a licence to be a landlord. Rental units should be registered after having passed a building inspection.
- The rental business needs to be regulated through licensing. The system should have a renewed rent registry with standardized leases. There should be real penalties for landlords not providing safe or adequate services.
- Apartments should be licensed. They should be mandatory before landlords are allowed a rent increase.

Impact of Massive Repairs and Renovations on Tenants

Tenants deserve compensation for the inconveniences they experience during major building repairs and renovations.

It was felt that tenants deserve to receive compensation for inconveniences they experience during major renovations and repair work performed on the buildings in which they live, but that there are currently no clear avenues for achieving this. The Kensington-Bellwoods Community Legal Services clinic said that it is working with tenants that have been living through huge repairs and renovations, but that current laws make it a long and difficult fight. Key points made by the speakers included:

- There need to be discussions with the City on how to ensure the health and safety of tenants when a landlord decides to undertake a long-term major reconstruction of an existing rental building.
- It was suggested that the City should tell the Province to reverse the amendment to the TPA that seriously reduced the tenant's ability to get a rent reduction due to the disturbance created by repairs and renovations.

Personal Note

One speaker described her experience living in a building where the landlord has been renovating empty apartments since 2003. These renovations have generated noise and dust. Hallway ceilings were opened and piping and wires exposed in order to install new wiring. Beginning in July 2003 and continuing for a year, workers used jackhammers 6 to 7 days a week in the courtyard to repair the underground garage. She said that the noise was deafening and it affected those needing rest during the day, such as people with children, the elderly, and night shift workers. She said that the dust from demolition is present while work occurs. Elevators are used to move materials and equipment and are often not available, and that power and water has been frequently disrupted.

2.8 THE ONTARIO RENTAL HOUSING TRIBUNAL

Speakers expressed dissatisfaction over the process for and the results of hearings at the Tribunal. Many of the speakers felt that the Tribunal was unfair to tenants and was not a suitable place for addressing disputes between landlords and tenants. A summary of the key issues relating to the Tribunal are presented below, followed by key points made by the speakers.

The Tribunal is biased against tenants.

- The decision making process must be fair.
- Mediation has been a failure at the Tribunal and abuses continue unchecked because there is no balance between the rights of the parties. There is no incentive to work out differences and accommodate the legitimate interests of the other party.
- The Tribunal has played a role in the eviction of poor people because, rather than being unbiased and fair to both parties, it sees its role as a service provider to landlords. It helps them to correct the deficiencies in their applications and reminds them to file the necessary documents so that landlords can evict tenants without a hearing.
- Replace the Tribunal with a fair, unbiased adjudicative body to administer the new tenant law.
- The Tribunal should be abolished because there are too many default evictions, it has a preoccupation with evicting tenants, it is totally unresponsive to tenant concerns, and most adjudicators are biased in favour of landlords.

The process for appointing adjudicators to the Tribunal must be reformed.

The appointment process for the Tribunal must be reformed. There are no rules that guarantee quality appointments to the Tribunal and other tribunals that deal with low-income issues. This results in an appointment process that is based on political patronage and not on merit and in a decision-making process that is unpredictable and inept.

Tenant and landlord disputes should be resolved in court.

- Tenant and landlord disputes should not be adjudicated by civil servants who are dependent on the provincial government for their jobs. The impartiality and autonomy of judges is needed.
- All landlord and tenant issues should be dealt with in the courts.

Personal Notes

Going through the Tribunal was found to be a very complicated process for one speaker. She explained she had tried to get the landlord to do some repairs, and because of that he tried to have her evicted. She paid the money to go before the Tribunal and was able to plead her case. She found it to be a very complicated process for getting the repairs done.

Another speaker had a negative experience fighting on behalf of her fellow tenants with the Tribunal to try to stop an Above Guideline Rent increase. She said that she was treated deplorably, was threatened and talked down to, and that the adjudicator had raised his voice at her. She was told that if she did not accept the first offer, then the tenants might end up having to pay more rent, and that the tenants could then possibly sue her. The speaker said that many tenants will not go to the Tribunal because of similar treatment.

2.9 HARASSMENT

Harassment and Mistreatment of Tenants by Landlords

Tenants are being harassed and intimidated by landlords.

A number of speakers spoke of being harassed by landlords and property managers. Most often, speakers said they were threatened with eviction for speaking out about poor conditions at the building or for pursuing needed repairs. Key points made by the speakers and written submissions are presented below.

- The relationship between landlords and tenants is dissatisfying. It should be a business partnership between provider and client, but it is not. The speaker wanted to have her rights as a tenant respected and desired a simple and straightforward contract. Tenants deserve to receive all the services for which they are paying.
- The threat of eviction is used by landlords to intimidate tenants. Eviction notices are being used to get tenants into mediation.
- Some landlords exploit the lack of tenancy experience and knowledge some young people have in order to treat them unfairly. This includes disrespecting the tenant's right to privacy, failing to maintain the premises as required, entering the tenant's premises without providing adequate notice, accusing them of infractions without cause, and threatening them with eviction. This results in young tenants being unable to maintain their housing because they unjustifiably evicted or are unable to pay the high rents.

It was suggested that landlords that have a good working relationship with tenants should be allowed tax breaks.

Personal Notes

One speaker described how her landlord threatened to have her evicted after she tried to get the landlord to do some repairs. She went to the Tribunal, and after a complicated process she was able to get some repairs done. An inspector came in and first delivered a notice to the landlord, followed eventually by a work order. The speaker described that the landlord was confrontational with the tenant. She added that the landlord had told a tenant living across the street that he wanted to evict the tenants and build a new building.

A speaker described her landlord as a slumlord and said that he was rude, disrespectful and harassed her. She said that he refused to conduct necessary repairs, such as holes in the wall and a disruption of running water.

A speaker described the intimidation and threats she received because of her role leading a resident association. She said that the association asked the landlord to attend to some issues with the property. The landlord responded that she would have to provide a written request signed by several of the tenants. The association attempted to hold a meeting in the same area that the landlord held building functions but was not allowed. The meeting was relocated to the sidewalk, where an agent of the landlord attended and attempted to take over the meeting. After the meeting, she was asked to meet with the landlord, who told her that he could have her evicted for organizing the petition.

Protection of Tenants

Tenants require protection from abusive landlords.

It was felt that mechanisms need to be in place to protect tenants from this. Speakers spoke of the abuse and intimidation they experienced from landlords. Key points raised on this issue included:

- Government intervention is needed to protect tenants from landlords to ensure Toronto remains liveable.
- The institutions meant to regulate the rental environment and support tenants do not help enough, and can sometimes place the tenant in a precarious position.

Personal Note

One speaker described how she had turned to a Property Standards inspector about an electrical problem. The inspector said that he would not order a repair, but instead would order a “reduction in occupancy”. Because this option would have threatened her with eviction, she decided against having the Property standards inspector in and instead contacted the Electrical Safety Authority, which eventually ordered the repair. Because of this, the property manager threatened her, without grounds, with eviction.

2.10 SOCIAL HOUSING

The Social Housing Reform Act

The Social Housing Reform Act should be amended to better protect subsidized tenants from losing their subsidy.

Most of the speakers who spoke about the Social Housing Reform Act (SHRA) expressed concern over the ease in which housing subsidies can be lost. Key points made by the speakers are listed below.

- The City should demand that the Provincial Government eliminate the mandatory loss of subsidy reforms for tenants that do not comply with the Social Housing Reform Act.
- The City should demand that the Provincial Government amend the provincial SHRA to expressly provide for a meaningful right of appeal on all subsidy decisions. The loss of the subsidy has no appeal process and will mean the loss of housing.
- The SHRA should be done away with because it has too many loopholes. For example, when someone goes to jail, they can be evicted after 30 days without

knowing about it. A person is then back on a waiting list, which can be like a life sentence, because a person can be on the waiting list for 10 years.

- The process of monitoring tenancy should be more lenient to those who go to jail and provide more protection to woman fleeing situations of domestic abuse.
- Many of the people who fall under the SHRA either have a mental illness, a language barrier or have difficulty speaking up and talking with others. These people do not understand the SHRA and feel threatened by it. They do not understand and have difficulty realizing that they can lose their subsidy completely if they do not report everything within 30 days. If they lose their subsidy, then they could lose everything, including their subsidized housing and all of the support and services that they need.
- Providers of subsidized housing are using the tenant subsidies to intimidate affordable housing tenants. The tenants are fearful that they will lose their subsidy if they complain.
- Tenant committees are mandated by the SHRA and they are supposed to be independent from the building management and the landlord. It is supposed to be in the hands of the tenants. This is not happening. Providers are starting committees and running them so that tenants have no chance to meet alone and discuss the issues. Tenants are afraid and intimidated to voice their concerns.
- The subsidies that are going to private social housing providers should be going directly to social housing tenants. This will prevent subsidized housing providers from being able to use their control of the subsidy from intimidating tenants.

The Toronto Community Housing Corporation

There are some concerns about the tenant participation approach that the Toronto Community Housing Corporation is undertaking.

Some of the speakers at the tenant forum felt that the approach for tenant participation in the Toronto Community Housing Corporation (TCHC) did not adequately address concerns about social housing for low income communities in Toronto and was not effective at resolving conflicts between tenants and staff. Key points made by the speakers included:

- The elimination of the Citywide Tenant Council created tension between tenants and staff making it more difficult to resolve differing views on issues between tenants and staff.
- The TCHC should not continue with the present approach but instead go with a more focused and local approach.
- TCHC's approach for tenant participation is not accountable to tenants.

Lack of Attention and Security for Social Housing

More attention to the conditions and to the security requirements of social housing is needed.

It was felt that not enough attention has been given to the general condition of social housing and to its security requirements. One speaker mentioned how problems in her building took many staff meetings and several meetings with their City councillor to be addressed. Currently, a mould infestation has not been fully resolved. Another speaker noted that several meetings were required to have security cameras installed after the building had experienced a number of break-ins. Their building became vulnerable to criminal activities after site personnel were removed during the housing cuts in the early 1990s.

2.11 ASSISTANCE FOR TENANTS

Awareness of Tenant Rights, Responsibilities, and Procedural Processes

Tenants face undue hardships because they do not understand their rights as tenants or the tenancy procedural process.

It was felt that many tenants do not understand their rights and responsibilities as tenants, nor do they understand the process through which they can protect their rights. Specific points raised in this regard included:

- Tenants do not know that they can dispute an eviction because they do not know nor do they understand their rights.
- Tenants who are facing eviction for owing past rent do not know that they can ask for time to pay.
- Tenants who are facing eviction do not know that they can reverse a default eviction order whether or not they still owe rent.

Personal Notes

One speaker spoke of how she was not aware of her rights when she began renting a sub-standard apartment. Because she was on welfare, she was unable to find housing elsewhere and so felt obligated to take the apartment. She is not familiar with the tenancy system, but because of her negative experiences in dealing with her landlord and the poor condition of her housing she is starting to “get in on the game”. She learned about tenancy laws and the rent abatement from her tenant association. She said that others do not know about the rebate and are scared to approach someone to get it.

Assistance for Tenants

More assistance is required for tenants.

It was felt that more assistance – both financial and in the form of services – are required to help tenants protect their rights. Suggestions for types of assistance are presented below:

- Fund a strong community legal system to assist tenants with the intimidating legal bureaucracy.
- Before 1997, tenants used to be able to access funding to help them with their repairs and to represent themselves. Since then, it has been very difficult to navigate through the process without a lawyer.
- The real social costs of eviction need to be considered. An integrated response with more and enhanced services such as a rent bank need to be developed to prevent evictions when possible.
- There should be a process in place to educate landlords and tenants so that they are aware of their rights and responsibilities. One way that was suggested for tenancy laws to be promoted was through television.

Housing Assistance During and After Incarceration

Incarcerated persons require assistance to prevent them from either losing their homes while incarcerated or being able to find affordable housing upon release.

It was felt that more housing assistance is required for those that are incarcerated or that have been recently released from incarceration. Incarcerated people with homes are at a threat to lose them while in custody, and those without housing can have a difficult time finding affordable housing upon their release. Key points raised during the forum on this issue included:

- The government of Ontario should work with the appropriate ministries to investigate and implement legislation similar to the United Kingdom's Housing Benefit for Prisoners that allows low-income tenants in custody to access public assistance funds to prevent the loss of housing during incarceration.
- Rent controls would help those recently released from incarceration find housing that is within their affordability range.
- There is a lack of transitional and truly affordable housing that targets marginalized households.
- Many people on remand are unable to get passes to attend eviction hearings to present their case, and as a consequence lose their case.

Community-based Tenant and Housing Websites

There are non-government websites available to help tenants and people looking for places to live.

There were two speakers who spoke of websites that are available to help tenants improve their housing conditions.

The CASA P.O.W. Project website (www.casapow.net) helps to find housing for people on welfare or on subsidies who are having a difficult time finding an affordable apartment. The website also helps people that are having trouble moving from shelters to apartments.

The Parkdale Tenants Association hosts the Golden Cockroach website (www.goldencockroach.org). The website is designed to encourage landlords to fix apartments and to raise awareness of substandard housing by promoting the poor conditions of specific apartment buildings on its website. Through the website, the group selects one apartment building each year to be the recipient of its Golden Cockroach award, which goes to the apartment building in the worst condition.

Online Services

Develop an amalgamated affordable housing website for the City of Toronto.

It was noted that there are many independent websites on affordable housing in the City of Toronto, and it was suggested that these sites should be amalgamated into one central system so that finding relevant websites is easier. The website should allow tenants to check out prospective landlords and rate buildings based on their safety and condition.

It was felt that such a central, online service would be a benefit to agencies across the City, such as law enforcement.

2.12 OTHER ISSUES RELATED TO TENANTS – HOUSING RIGHTS, TENANT REPRESENTATION, AND TAX INEQUITY

Some presenters at the Tenant Forum also provided feedback on issues in addition to tenant protection. A summary of this feedback is presented below.

Housing Rights

Housing is a human right.

It was felt that housing is a human right that the government must address. One speaker said that there are enough vacancies in the city so that no one has to be homeless. Another speaker said that people need to be given a place to live for free if they cannot afford it, and tenants who cannot afford rising rents must be given rent reductions according to their earnings.

Youth face discrimination with respect to rental housing.

It was felt that young people under the age of 25 experience considerable discrimination from landlords because:

- They lack a history in housing from which landlords might obtain references;
- They sometimes receive support from Ontario Works; and
- They are generally viewed with suspicion because of their youth.

It was also noted that this discrimination is compounded when the youth are aboriginal or are persons of colour. This discrimination can result in youth being denied housing or forced to accept substandard and/or overpriced housing.

Representation for Tenants

Tenants require better community and political representation.

One speaker commented that it is difficult to maintain a good business relationship with a landlord while at the same time ensuring that reasonable apartment standards are upheld. She felt that it was a conflict of interest for tenants to try to educate their property managers, and that it was especially difficult to enforce their rights as tenants.

Another speaker felt that a tenant's consultative council should be established to help protect tenant's rights. He said that many of the groups in Toronto that claim to represent tenants in fact do not. He suggested that a consultative council could be elected at every municipal election, with two members elected from each council riding.

Personal Note

A speaker described how she had worked to get her apartment safe and up to code, but that her work resulted in a deteriorated relationship with her property manager to the point where she was designated a trouble maker and targeted for eviction. She was threatened with eviction several times, and once a groundless claim required her to go before the Tribunal.

Inequity of Tax System for Tenants

Rental housing tenants pay more taxes than home-owners.

The point was raised that renters in multi-unit properties pay a disproportionately higher tax rate than homeowners or condominium owners. The rate for renters was said to be higher than for homeowners and condominium owners. It was also noted that the TPA allows for an immediate reduction in rent should there be a tax rate decrease.

2.13 HOUSING AND HOMELESSNESS STRATEGY

Toronto needs a comprehensive strategy for addressing housing issues and homelessness.

It was felt that the City of Toronto needs a comprehensive strategy for addressing housing and homelessness. It was recommended that the City should take a lead in forging new partnerships with other levels of government and with community partners in addressing these topics.

Key points made by speakers on the need for housing and a homelessness strategy included:

- The City of Toronto needs to take a lead in forging partnerships with communities and with the private sector.
- The City needs to work with the provincial and the federal government to develop a national housing policy.
- Toronto needs a comprehensive housing and homelessness strategy developed with the support and co-operation of the community and of the private sector, in areas such as:
 - New supply (including social and private housing);
 - Affordability (including tenant protection and rent regulation);
 - Rehabilitation of existing supply (including urgently needed energy conservation);
 - Supportive housing (for those with special needs);
 - Aboriginal housing under aboriginal control;
 - Emergency relief (to assist homeless people); and
 - Homeless prevention strategies.
- The root causes of Toronto's affordable housing are 20 years of cost-cutting and downloading by senior levels of government.
- Sustainable funding and programs that turn successful one-off projects into an existing part of a comprehensive strategy are needed.
- Toronto cannot solve its affordable housing crisis without funding, programs and legislative tools from senior levels of government.

CONCLUSION

The March 9, 2006 City of Toronto Tenant Forum provided an opportunity for tenants, their advocates, and the general public to voice their concerns about the issues surrounding tenant protection. Viewpoints were presented on a wide range of topics, including rent control, the need for affordable housing, the Tenant Protection Act, and others. The Tenant Forum provided an illustrative view on the state of rental housing in the City of Toronto, and gave information, advice and recommendations to both the City of Toronto and the Province of Ontario for improving tenant protection.

APPENDIX A: AGENDA

AGENDA

City of Toronto **Tenant Forum**

Thursday, March 9, 2006

7:00 p.m.

City Hall, 100 Queen Street West

Councillor Michael Walker, Chair
Chair, Tenant Defence Sub-Committee

1. Opening Remarks

Joe Mihevc
Chair, Community Services Committee
Councillor, Ward 21

2. Presentation

Phil Brown
General Manager, Shelter Support & Housing Administration
City of Toronto

3. LISTENING TO TENANTS

4. Adjournment (approximately 10:00 p.m.)

 **TORONTO** Shelter, Support & Housing Administration

APPENDIX B: SPEAKERS LIST

	NAME	ORGANIZATION (IF APPLICABLE)
1	Akpovoka, Emuakpo	
2	Assness, Lyn	
3	Cameron, Antoinette	
4	de Swart, Shawn	
5	Del Vecchio, Claire	
6	Deo, Joseph	
7	Draven, Camla	
8	EMS (Eviction Machine Survivor)	
9	Frilegh, Carol	
10	Giraldo, Claudia	
11	Hale, Kenneth	South Etobicoke Community Legal Services
12	Hurd, Barbara	Kensington Bellwoods Community Legal Services
13	Hyde, Edith	South Etobicoke Tenants' Association.
14	Kellen, Amber	John Howard Society of Toronto
15	Kunsmann, Kathy	
16	Laird, Kathy	Advocacy Centre for Tenants Ontario
17	Mahoney, Elinor	Tenant Advocacy Group
18	Marchese, Rosario, MPP	
19	McCullough, Karen	Downsview Legal Services
20	McIntyre, Dan	Federation of Metro Tenants' Associations
21	McKean, Holly	
22	Moore, Patricia (Pat)	
23	Ortega-Suzara, Imelda	Casa POW Project
24	Pavan, Sandra	
25	Poesiat, Bart	Parkdale Tenants' Association
26	Rosenberg, Michael	
27	Rourke, Tim	
28	Shapcott, Michael	Wellesley Central Health Corporation
29	Smiley, Patricia	Etobicoke Tenants' Association
30	Sosa, Ken	Children's Aid Society of Toronto
31	Suzzett, Miss	
32	Tessler, Howard	Federation of Metro Tenants' Associations
33	Bazos, Anthony C	
34	Biondic, Brian	
35	Block, Elizabeth	Out of the Cold Housing Action Group
36	Griffin, Linda	
37	Joseph, Fred	
38	Kochan, Maria	
39	Lawson, Robert	
40	McGregor, Anne D.	
41	Melanie	TSAG
42	Rock, Olivia	
43	Sherlock, Robert	
44	Taylor, Mary	Parkdale Tenants' Association & Toronto Community Housing Corporation Tenant
45	Wilmot, Paul	