TORONTO

STAFF REPORT
ACTION REQUIRED

Multi-Residential Apartment Buildings (MRAB) Audit and Enforcement Program Update

Date:	April 2, 2013
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2013\Cluster B\MLS\LS13010

SUMMARY

This report provides an update on the Municipal Licensing and Standards Multi-Residential Apartment Buildings (MRAB) Audit and Enforcement program. The program was developed to ensure that minimum property and maintenance standards within multi-residential rental properties are maintained in accordance with the City's property standards by-law. This report responds to a request for an update on the program's activities, including the current state of the program, the status of previously reported enhancements and the proposed program operation for 2013.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. The Licensing and Standards Committee receive this report for information.

Financial Impact

There are no financial impacts beyond what has already been approved in the current year's budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its November 16, 2012 meeting, the Licensing and Standards Committee requested the Executive Director of Municipal Licensing and Standards report back with an update on the MRAB Audit Program.

http://www.toronto.ca/legdocs/mmis/2012/ls/bgrd/backgroundfile-51813.pdf

At its June 25, 2010 meeting, the Licensing and Standards Committee requested the Executive Director of Municipal Licensing and Standards consult with tenant and landlord groups on a mechanism to provide notification boxes in multi-residential apartment buildings and to report on changes to the MRAB communications and engagement activities.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.LS31.2

At its February 1, 2010 meeting, the Executive Committee received for information, the report from the Executive Director, Municipal Licensing and Standards, headed "Multi-Residential Apartment Building Audit Program".

http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26722.pdf

At its November 10, 2008 meeting, the Executive Committee adopted the recommendations of the Executive Director, Municipal Licensing and Standards, to report back after one-year of full implementation of the MRAB Audit Program, and additionally directed staff to undertake other related initiatives as part of the building audit program.

http://www.toronto.ca/legdocs/mmis/2008/ex/decisions/2008-11-10-ex26-dd.pdf

At its April 11, 2008 meeting the Licensing and Standards Committee directed the Executive Director, Municipal Licensing and Standards, to continue the pilot project at Symington Place and Pelham Park Gardens and to more generally review the Division's enforcement protocol with respect to TCHC buildings.

http://www.toronto.ca/legdocs/mmis/2008/ls/decisions/2008-04-11-ls12-dd.pdf

ISSUE BACKGROUND

The MRAB Audit program was launched on December 1, 2008 in an effort to improve housing conditions for tenants of rental apartment buildings. The program is focussed around comprehensive audits of building common areas and includes communication with tenants, property owners and their property managers, and surveying of tenants for in-suite maintenance issues, pursuance of the enforcement of the property standards by-law. Notices of compliance are issued and re-inspections are conducted to ensure that landlords comply with the recommended repairs to rental apartment buildings. An important component of the program was to ensure that the City, particularly through

Municipal Licensing and Standards, worked with tenant groups, housing advocates and other stakeholders to ensure the program meets their needs and is delivered effectively and efficiently.

The MRAB program is under the purview of Investigation Services within ML&S, and is delivered on a city-wide basis by a dedicated team. This team is currently comprised of eight (8) Municipal Standards Officers who conduct the audits and re-inspections, (one) 1 officer who undertakes the advance notification work and attends with the mobile office to receive tenant complaints and one (1) clerical support. The team has been under the direction of the District Manager of Scarborough, and more recently, the addition of a Supervisor who also oversees the team focussed on rooming houses. The program was initially and has continued to be staffed with Municipal Standards Officers from within the divisional complement. The MRAB audit team is also supported by two (2) district Municipal Standards Officers at each audit who conduct the in-suite reviews.

The MRAB program is identified within the ML&S budget under a stand-alone cost centre, and has been funded as follows:

Year	Budget	Actual
2010	$1,496,600	$1,450,800
2011	$1,531,500	$1,541,500
2012	$1,300,000	$1,304,800
2013	$1,060,000	

COMMENTS

MRAB Building Audit Program Elements

A typical building audit includes the inspection of all building common elements (garages, mechanical rooms, waste disposal facilities and property grounds) as well as random inspections of apartment units with tenant consent. The division also provides a mobile community office for tenants of the building being audited and the adjacent buildings to bring their questions and concerns directly to the attention of ML&S officers. The property owner/manager and tenants receive advance notice of the pending audit date through the posting of notices.

MRAB Audit Program Activity

The program is intended to monitor and address maintenance issues in an aging rental housing stock belonging to both private and public landlords, which if not addressed would negatively impact the well being of tenants and potentially reduce the lifespan of rental buildings.

At the onset of the program, Councillors were asked to identify buildings that had been brought forward as concerns by the community. It was felt that a more comprehensive analysis ought to be undertaken and a work plan developed to move the program forward.

An inventory of approximately 3,996 buildings throughout the city that met the MRAB criteria was undertaken by ML&S staff in 2010. This survey identified 8 buildings as being "Urgent Priority" and an additional 85 buildings as being a "Top Priority". All of these buildings identified as a priority were subjected to a building audit by the MRAB team.

Since this time, the team has been working through the remaining rental stock as per the inventory, and/or in priority as identified through complaint analysis, Councillor or community complaint. The objective is to inspect at least 200 buildings per year.

Audit Program Activity – Nov. 21, 2008 to Mar. 18, 2013

Table 1 summarizes the program activity by type since the beginning of the program.

Activity	2009	2010	2011	2012	2013	Total
Number of Audits	165	208	203	192	41	**809**
Notices and/or Orders Issued	1,084	1,162	789	610	119	**3,764**
Notices and/or Orders Outstanding	112	296	317	408	118	**1,251**
Total No. of Property Standards Deficiencies	10,580	13,126	12,503	8,562	1,857	**46,628**
No. of Outstanding Property Standards Deficiencies	792	2,650	3,897	4,989	1,851	**14,179**
Prosecutions	60	116	18	2	0	**196**
Remedial Actions	4	3	1	0	0	**8**

Audits by Ward by Year – Nov. 21, 2008 to Mar. 18, 2013

Table 2 summarizes the audits completed in each of the City's Wards by year.

	Year of Audit					
Ward	**2009**	**2010**	**2011**	**2012**	**2013**	**Total Audits**
01	4	17	1	4	1	**27**
02	4	1	2	5	1	**13**
03	4	1	0	0	3	**8**
04	4	1	0	2	0	**7**
05	4	2	4	7	2	**19**
06	5	2	16	5	3	**31**
07	4	1	0	3	2	**10**
08	4	18	3	5	0	**30**
09	4	8	4	4	1	**21**
10	4	5	1	9	0	**19**
11	4	4	8	4	1	**21**
12	3	6	21	7	1	**38**
13	3	4	2	2	1	**12**
14	6	9	11	6	0	**32**
15	3	10	4	4	3	**24**
16	4	4	1	5	0	**14**
17	3	0	5	4	0	**12**
18	4	0	0	1	1	**6**
19	4	0	1	4	0	**9**
20	3	11	0	7	1	**22**
21	3	2	15	12	0	**32**
22	3	4	19	18	3	**47**
23	3	3	0	1	1	**8**
24	3	3	0	0	0	**6**
25	4	7	0	0	0	**11**
26	4	6	9	8	3	**30**
27	3	5	4	3	1	**16**
28	3	12	3	5	3	**26**
29	3	2	2	12	1	**20**
30	3	1	0	2	0	**6**
31	4	1	1	18	1	**25**
32	4	3	0	2	1	**10**
33	4	1	1	0	0	**6**
34	3	13	13	7	0	**36**
35	4	6	7	5	3	**25**
36	4	20	5	1	1	**31**
37	4	1	14	2	0	**21**
38	4	3	6	1	1	**15**
39	4	0	0	0	0	**4**
40	4	4	6	2	0	**16**
41	4	0	0	0	0	**4**
42	4	0	0	1	0	**5**
43	4	7	14	4	0	**29**
44	4	0	0	0	1	**5**
Total	**165**	**208**	**203**	**192**	**41**	**809**

Property Standards Committee Appeals – 2009 to 2012

Table 3 summarizes the total number of MRAB related PSCA appeals by year.

Year	Owner Appeals
2009	82
2010	24
2011	14
2012	17
Total	**137**

Update on Enhancements Identified in 2010

Increase audit team complement

The original complement of the audit team in 2009 was 12 Municipal Standards Officers, 1 supervisor, 1 support staff, 1 Waste Enforcement officer and the Scarborough District Manager. In 2010, an additional 2 Municipal Standards Officers were added to the inspection team. In 2011, due to retirements the team was reduced by 2 Municipal Standards Officers and 1 Supervisor. In 2012, 2 staff were temporarily re-assigned to the Graffiti team, and 2 were assigned to the newly developed Housing Occupancy Standards Team who are addressing housing standards and the legality of rooming houses in targeted areas across the City.

Putting more emphasis on rental units

For each audit, two Municipal Standards Officers from the relevant district are assigned to visit at least 3 units per floor and conduct in-suite inspections with the occupants' approval. Notification of the pending audit and a standardized complaint form is delivered to each individual unit and posted in all common areas of the building, such as the laundry room, rear exits and garage pedestrian entrances, to ensure tenants are aware of the opportunity to report deficiencies.

Engaging other City Divisions

Toronto Public Health and Toronto Fire Services, Fire Prevention are key partners in the building audit program.

Toronto Public Health (TPH) staff attended audits with MRAB staff in the summer of 2010. TPH staff accompanied ML&S staff in the door-to-door visits to units with a focus on providing information to tenants on infestations of bed bugs or cockroaches. Referrals were made to Toronto Fire Prevention if it was determined that certain requirements under the Fire Code were not being met within the building.

Making it easier to lodge complaints and making inspections more tenant friendly
In 2010, ML&S became one of 3-1-1 Toronto's integrated service divisions, which has made it easier to initiate complaints. While on-site, staff will also take complaints from residents and provide details to property management. District staff will canvass at least 3 apartments per floor in each target building and inspect the unit if the tenant permits.

Staff also attend approximately 10 – 12 town hall meetings per year as requested by ward Councillors to explain the complaint process and audit program to residents.

Requiring notification displays
ML&S reviewed with the City's Legal Services division, the possibility of requiring landlords to provide a notice board specifically for the posting of Orders in the lobby of each apartment building. It was determined that the City did not have the authority to require this.

Monitoring the conditions of buildings
The process for monitoring building conditions is through the audit and re-inspection processes. Once an Order has been complied with, MRAB staff would rely on feedback from tenants, Councillors and ML&S district staff regarding any deterioration in the property.

Challenges, Opportunities and Enhancements

The Executive Director, Municipal Licensing and Standards commenced a review of the program in the fall of 2012 and requested the assistance of Internal Audit to review the Multi-Residential Apartment Building Audit and Enforcement program to assess whether adequate processes and controls are in place to ensure that audit and enforcement activities are performed efficiently and effectively. It is anticipated that there will be a number of potential opportunities identified for operational improvements and process efficiencies.

Building Audits Planned for 2013

Table 4 identifies properties, by address that will be audited by April 2013. The buildings identified in this table were chosen through consultation with Municipal Licensing and Standards district staff, complaints from tenants and tenant groups, spot checks by MRAB team inspection staff, requests from Councillors and other agencies. If a priority request is received, the schedule is flexible enough to accommodate priorities within a 3 to 4 week period.

JANUARY 2013	FEBRUARY 2013	MARCH 2013	APRIL 2013
200 Balliol St Ward 22	**400 McCowan Rd** Ward 38	**3460 Keele St** Ward 9	**16 Albert Ave** Ward 6
2745 Islington Ave Ward 1	**500 The West Mall** Ward 3	**150 St. Clair Ave W.** Ward 22	**1689 Victoria Park Ave** Ward 37
225 Morningside Ave Ward 44	**433 Sherbourne St** Ward 28	**146 Sixth Street** Ward 6	**15 Jansusie Rd** Ward 2
765 Browns Line Ward 6	**1760 Wilson Ave** Ward 7	**892 Eglinton Ave** Ward 26	**2303 Eglinton Ave** E. Ward 35
500 Dawes Rd Ward 31	**10 Gordonridge Pl** Ward 35	**545 The West Mall** Ward 3	**1770 Wilson Ave** Ward 7
1779 Jane St Ward 12	**128 Sheridan Ave** Ward 18	**30 Gordonridge Pl** Ward 35	**1008 O'Connor Dr** Ward 31
277 George Street Ward 20	**894 Eglinton Ave E** Ward 26	**6 Saranac Blvd & 30 Covington Rd** Ward 15	**437 Glen Park Ave** Ward 15
39 Riverwood Parkway Ward 5	**31 Rockcliffe Blvd** Ward 11	**127 Broadway Avenue** Ward 22	**161 Wilson Ave** Ward 16
45 Grenoble Dr Ward 26	**291 George Street** Ward 27	**32 & 34 Brookwell Drive** Ward 9	**2956 Keele St** Ward 9
585 Jane Street Ward 13	**100 Gamble Ave** Ward 29	**581 Avenue Rd** Ward 22	**931,935,937 & 939 Avenue Rd** Ward 22
158 Kingston Rd Ward 32	**1750 Wilson Ave** Ward 7	**505 The West Mall** Ward 3	**12 Kinsdale Blvd** Ward 5
149 Sixth St Ward 6	**415 Willowdale Ave** Ward 23	**477 Sherbourne St** Ward 28	**96 Gerrard St E.** Ward 27
1 Church Street Ward 28	**311 The West Mall** Ward 3	**42 Burlington St** Ward 6	**16 Albert Ave** Ward 6
5294 Dundas Street W Ward 5	**435 Sherbourne St** Ward 28	**171 St. Clair Ave W** Ward 27	**1689 Victoria Park Ave** Ward 37
3750 St. Clair Ave W Ward 36	**2329 Kipling Ave** Ward 2	**12 Rusholme Dr** Ward 18	**15 Jansusie Rd** Ward
10 Meadowbrook Rd Ward 15	**115 Foxridge Drive** Ward 35	**640 & 644 Kennedy Road** Ward 35	**2303 Eglinton Ave E.** Ward 35

Municipal Licensing and Standards is committed to implementing a number of enhancements to the program in 2013, which will be informed through the Internal Audit review findings, internal organizational structure review and input from staff and stakeholder groups.

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SIGNATURE

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