



December 4, 2017

To: Tracey Cook
Carlton Grant
Mayor Tory and City Councillors (via City Clerk)

From: Daryl Chong
President & CEO, Greater Toronto Apartment Association

Re: PG 24.8 Zoning By-law & Zoning By-law Amendments to Permit Short-Term Rentals
LS23.1 Licensing and Registration Regulations for Short Term Rentals

GTAA is participating in the Ministry of Housing's consultations. Below is a scan from the latest DRAFT version of Ontario's "Standard Lease". I have underlined some wording for you to review. As shown, Section P. Assign or Sublet provides details, a definition and restrictions.

P. ASSIGN OR SUBLET (PART VI OF THE ACT)

The tenant may assign or sublet the rental unit to another person only with the consent of the landlord. The landlord cannot arbitrarily or unreasonably withhold consent to the assignment or sublet of the rental unit.

- 1) **Assignment:** In an assignment, the tenant transfers their right to occupy the rental unit to someone else. The new person takes the place of the tenant, and the tenancy agreement stays the same.

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- DRAFT FOR DISCUSSION PURPOSES ONLY -

- 2) **Sublet:** A sublet occurs when the tenant moves out of the rental unit, lets another person (the 'sub-tenant') live there for a period of time, and returns to live in the unit before the tenancy ends. The tenancy agreement and the landlord-tenant relationship do not change.

A tenant who sublets a rental unit cannot:

- charge a higher rent than the landlord does for the rental unit,
- collect any additional fees for subletting the rental unit, or
- charge the sub-tenant for additional goods or services.

For clarity:

- A sublet requires landlord consent.
- A sublet occurs when the tenant moves out of the rental unit, lets another person (the 'sub-tenant') live there for a period of time, and returns to live in the unit before the tenancy ends.
- A tenant who sublets a rental unit cannot:
 - charge a higher rent than the landlord does for the rental unit,
 - collect any additional fees for subletting the rental unit, or
 - charge the sub-tenant for additional goods or services.

These are consistent with GTAA's submission and comments at the Licensing & Standards Committee meeting on November 16, 2017. The example of an average rent of \$1200/month equating to (approx.) \$40/day, sets the maximum allowable sublet rent. Additional 'administrative or processing' fees are prohibited. Requiring or collecting security and/or damage deposits are illegal in Ontario.

The City must be very clear that any one participating in the proposed short-term rental program is in full compliance of the Residential Tenancies Act (RTA). This **can be accomplished by adding "Residential Tenancies Act" into the list of applicable laws that require compliance:**

In the staff recommendations, in order to "register a home for short-term rental use, it notes that people must ensure that the property, is in compliance with all applicable laws, including the Ontario Building Code and Ontario Fire Code (as applicable), and must make a declaration of such." **Adding "Residential Tenancies Act" would fulfill your obligation** to the residents of Toronto.

Regards,



Daryl Chong
President & CEO
Greater Toronto Apartment Association