



Advocacy Centre for Tenants Ontario
Centre ontarien de défense des droits des locataires

55 University Avenue, 15th Floor, Toronto, Ontario M5J 2H7
Phone: 416-597-5855 1-866-245-4182 Fax: 416-597-5821
www.acto.ca

LS17.1.4

Deputation to Toronto Licensing and Standards Committee

Meeting of Monday March 6, 2016
Committee Room #1, City Hall

Agenda item LS17.1 – Toronto's New Bylaw for Apartment Buildings

My name is Kenn Hale, and I am the Director of Advocacy and Legal Services with the Advocacy Centre for Tenants Ontario. We appeared before you last May to support a public consultation on a licensing framework for apartment buildings. We offered our support for any City measures that would improve the difficult environment that tenants face in finding and keeping a home. We urged you to remain true to this Committee's direction to staff when this process began on June 26, 2014 – "to strengthen the capacity of the City capacity to increase compliance with City bylaws".

City staff carried out a comprehensive and effective consultation within a very short timeframe. That consultation has resulted in the proposals for a new regulatory bylaw that are before you today. Along with the changes to enforcement approved by Council in December, we believe that adoption of this bylaw will accomplish those goals of improving the environment for tenants and strengthening the City's enforcement capacity. We support its adoption urge you to do so as well. We also support a review of its implementation after one year and we will be there to let you know what is going right and what is going wrong.

We have a few fairly minor issues with some of the proposals, and offer them as a means to better achieve the goals you have set for this process.

"Urgent" and "Non-urgent" Tenant Service Requests (para. 6, page 3)

Urgent tenant requests for landlords to address issues of dealt with by this bylaw are not limited to discontinuance of vital services as defined by the *Residential Tenancies Act*. This is suggested by the commentary on page 13. Urgent requests may also include breaches of the building envelope (e.g. a window broken out) or of the security of the unit (e.g. a unit door that cannot be closed). The direction should be that requests are urgent if the condition results in an immediate hazard to the health or safety of occupants of the premises, including the discontinuance of vital services. We note that the 24-hour period is only a time for responding to requests and not a deadline for rectifying them.

Even with this expanded definition of urgent requests, given that these time periods are only for response and not rectification, a seven-day response time for non-urgent requests is unreasonable. This should be shortened to 72 hours.

Tenant Notification (para. 7(f), page 4)

Where ML&S have issued an order pursuant to Chapter 629 relating to a common area, it is the culmination of a process by which City staff have attempted and failed to attain voluntary compliance with the bylaw. Thus it is vital that tenants be notified that such an order has been issued so they know that the City is doing its job. Its posting may also encourage compliance as the tenants become aware of it and start to ask questions of building staff. So, it is peculiar that this requirement has been omitted when this obligation is discussed on page 14. Nevertheless, it does not seem reasonable to us that we should wait a further two weeks to allow the order to become “confirmed” or that the tenants do not come to know about it for many weeks if it is appealed. It is well known that some landlords appeal all of these orders as a means of delaying and avoiding compliance and this should not be encouraged. Tenants should know immediately when an order has been issued to avoid the sometimes inaccurate perception that ML&S staff are not doing anything in response to their complaints.

Pest Management (para. 12, page 4)

The importance of a pest-free environment to the enjoyment of one’s home and the widespread neglect of this obligation by many landlords make this a vital part of the new bylaw. We welcome the stringent obligations imposed on landlords in these paragraphs. We also acknowledge that effective pest control cannot happen without the co-operation of the affected tenants. But we are concerned that the prohibition against any person obstructing the extermination of pests will be used against tenants who, because of age or ill-health, are unable to make the strenuous efforts that are required to prepare units for extermination. This concern arises from a lack of clarity about the respective obligations of landlord and tenant in these matters. While we expect ML&S staff to use professional judgment in these matters, we recommend that there be an addition to paragraph 12 that makes these obligations “subject to the duty of reasonable accommodation as set out in the *Ontario Human Rights Code*”.

Landlord Plans (paras. 14 – 19 and 21-22, pages 4 and 5)

We welcome the emphasis on prevention of problems embodied in the requirements in these provisions. However, there is no universal standard for what such plans would look like and the plans for a 12-unit building will likely be very different from that of a 200-unit building. Our only answer to this is to require that each of these plans be “adequate”, granting ML&S staff some discretion to reject plans that will not accomplish the objects for which they are intended.

While we recognize that the list in paragraph 18 is not exhaustive, we recommend that stairwells, elevators and outdoor common areas be included in paragraph (a), give the frequency of complaints about these areas.

Record keeping (paras. 23 – 25, page 5)

We appreciate the effort to develop a comprehensive approach to landlord record keeping in these paragraphs. While it may be unduly onerous to require landlords to keep records of all maintenance and repair activity, we recommend that logs be required of any work done to comply with a work order issued under the bylaws referred to in paragraph 7 (f).

Conclusion

We thank you for the opportunity to discuss these matters and for the work that you and the ML&S staff have done to bring this matter forward to this point. We look forward to participating in a review of the implementation of this bylaw and we urge you to ensure that affected tenants are included in that review when the time comes as it is their home and their well-being that is at stake.