



Final Response to the Amendment to Section 3.2.1 Housing of the Official Plan to Address the Loss of Dwelling Rooms

In 2017, the Parkdale Neighbourhood Land Trust (PNLT) published [research](#) on the crisis of rooming house loss in Parkdale. The study confirmed an alarming trend: the ongoing loss of rooming houses, with 28 rooming houses in Parkdale shut down over the past 10 years, resulting in 350 vulnerable people being evicted from their homes. The study found that there are 198 rooming houses left in Parkdale that offer affordable options for over 2,700 low-income tenants. These tenants are predominantly persons with disabilities, unattached individuals aged 45 to 64, and/or newcomers. The study determined that 59 of those rooming houses could soon be lost due to development, making over 800 rooming house tenants in Parkdale at high risk of becoming homeless. With rates of homelessness escalating and housing unaffordability worsening, Toronto can't afford to lose any of the affordable housing stock it currently has.

In response to this crisis, PNLТ and three other community agencies (PARC, Parkdale Community Legal Services, and Woodgreen) established the *Parkdale Rooming House Stabilization, Proactive Eviction Prevention and Preservation Collaborative*. We are working together with tenants to protect and preserve affordable rooming houses! But we won't succeed without strong public policy. It is in this context that we applaud the City for taking action to slow the loss of dwelling rooms and provide dwelling room tenants with better protection and support.

We ask that City Council consider the following recommendations:

We support:

1. **We support** this OPA, as it is an important first step towards the comprehensive framework of policies and programs that must be developed to effectively prevent dwelling room loss and ensure tenants at risk of (or experiencing) displacement are adequately supported.
2. **We support** the threshold of 6 dwelling rooms, as it will ensure most rooming houses are protected.
3. **We support** the replacement of lost dwelling rooms with the same gross floor area maintained as either dwelling rooms or bachelor units.
4. **We support** the proposed rent levels for replacement units with no returning tenants, as it should result in rents for replacement units being set at similar rents as what tenants had been paying.

We wish to see the following amendments:

5. **We do not support** the exclusion of buildings where the rents for all dwelling rooms in the building are high, but at fairly achievable levels for private dwelling rooms, as it will create conditions that will expedite the loss of affordable rental housing through upscaling, increase the harassment and manipulation of already vulnerable tenants, and cause vulnerable tenants to be forced from their homes and into homelessness.
6. **We do not support** a 15 year affordability period for replacement units: replacement units should be affordable for at least 20 years, in line with OPA 406 (the TOcore Downtown Official Plan), with perpetual affordability the goal.
7. The impacts of this policy must be tracked and the policy reviewed: the City of Toronto must start collecting better dwelling room data: collecting rent rolls annually, and tracking rent increases, tenant complaints, and tenant turnover/evictions. This data should be used to evaluate the OPA.
8. We need a better, proactive tenant support system to protect tenants & prevent predatory eviction.

We would like the following considered during implementation:

9. Implementation of this OPA should ensure that tenants receive timely assistance tailored to their specific needs and interests and that units not re-occupied by returning tenants are filled with tenants from the Centralized Affordable Housing Wait List, The Access Point list, or tenants being supported through the Rooming House Emergency Response Plan.

1. This OPA is an important first step towards the comprehensive framework of policies and programs that must be developed to effectively prevent dwelling room loss and ensure tenants at risk of or experiencing displacement as a result of dwelling room loss are adequately supported.

This proposed OPA is a good start, however, it will only apply to a small number of dwelling room loss situations: dwelling rooms that are lost due to development that require the property owner to submit a development or variance application to the City. In Parkdale, the majority of dwelling rooms are lost due to conversion, renovation and upscaling--none of which require development or variance applications.

Emily Paradis, PhD, recently produced a jurisdictional scan of municipal approaches to dwelling room loss, which provides helpful insight into how other municipalities have responded to the issue, and what has been effective and what hasn't been. Each of the municipalities studied (Vancouver, Montreal, San Francisco and Chicago) have had to develop comprehensive frameworks of policies and programs that together slow the loss of dwelling rooms.¹

The draft OPA is a first step in setting such a framework of policies in place; further action by the City will be necessary to effectively address this problem, specifically the development and implementation of a comprehensive framework of policies and programs that would prevent dwelling room loss in the first place, and provide support for tenants at risk of or experiencing displacement as a result of dwelling room loss.

This framework should include:

- regulations that put restrictions on the conversion, demolition, and renovation of rooming houses;
- programs that facilitate and fund renovation and the transfer of ownership of private rooming houses to non-profits; and
- a properly resourced program for coordinated, proactive tenant support (tenant education, tenant organizing, and legal advice) designed to prevent predatory eviction, which would include a system that collects, monitors and disseminates data identifying properties and tenants at risk and in need of support.

On Official Plan Amendment applicability:

2. We support the threshold of 6 dwelling rooms.

Our analysis shows that a threshold of 6 dwelling rooms would be more effective at protecting the stock of dwelling rooms than 10, as it would apply to a greater number of dwelling room buildings and would enforce the protection and/or replacement of a greater number of dwelling rooms, while not disincentivizing homeowners from renting out rooms in their homes.

3. (5) We do not support the exclusion of buildings where the rent for all dwelling rooms in the building are only slightly higher than current asking rent levels for private dwelling rooms. We had recommended that an additional rent tier be created for "high-end rent" that would capture only higher-end specialized rental buildings (as was the goal) and not upscaled non-specialized dwelling rooms--and this tier be used for the exemption. Instead, the "Dwelling Room Mid-Range rents" definition has been renamed "Dwelling room tier 2 mid-range rents" and the rent level remains the same.

The opportunity to increase rental revenue by finding ways to get tenants paying affordable rents to vacate their housing is resulting in predatory evictions across the city, people being pushed into homelessness, and the loss of low-end of market housing through upscaling. Service providers are seeing an onslaught of first-time users of the shelter system--people who have always been housed and are only homeless because the city no longer has any rental housing they can afford--and predatory evictions and the declining supply of low-end of market housing are to blame. This addition to the draft OPA creates an additional incentive for landlords to empty buildings of tenants and raise rents to unaffordable levels as it creates a huge loophole that will allow landlords to avoid being subject to all of the requirements in the OPA (replace no units, provide no assistance to tenants) if they force their current tenants with affordable rents out of their buildings and jack up rents to just above asking rent levels.

¹ Paradis, Emily, "Saving Room: Community Action and Municipal Policy to Protect Dwelling Room Stock in North American Cities," 2018 http://www.pnlt.ca/wp-content/uploads/2018/11/Saving_room.pdf

While the provision itself is a problem, the definition of Dwelling room tier 2 mid-range rents being used here makes it worse, as the upper end of the range is essentially current asking rent levels: exempting buildings where all rooms are slightly above current asking rent levels means two things-- first, that we will see an inflation in the asking rent of dwelling rooms and most tenants and second, that many dwelling rooms will ultimately not be protected by this OPA.

As property owners scramble to take preventative measures to protect their properties from the market devaluation that will result from being subject to this OPA, we will see tenants pushed out and dwelling room rents increased above “dwelling room tier 2 mid-range rent levels. This is an easy win for property-owners in hot rental markets where rents are already near Dwelling room tier 2 mid-range rents: they will immediately benefit from higher rental revenue, and when they choose to sell their property, their property will be worth more than a similar property that is subject to the requirements of the OPA.

This means that Dwelling room tier 2 mid-range rents will not just exempt high-end dwelling rooms, but will effectively exempt a much larger segment of dwelling rooms, especially those in hot rental markets like Parkdale, where risk of upscaling to above Dwelling room tier 2 mid-range rent levels is already high. This provision will function to expedite the loss of affordable rental housing through upscaling, increase the harassment and manipulation of already vulnerable tenants, and cause vulnerable tenants to be forced from their homes and into homelessness.

The staff report states that “this issue is also an enforcement concern under the jurisdiction of the Residential Tenancies Act and the Landlord and Tenant Board. Additional approaches such as better community legal supports and more education for tenants on tenant rights is needed to address this issue.” While community legal supports and tenant education can help tenants fight back against landlords that don’t follow the rules, it is completely inappropriate to create the conditions that will make vulnerable tenants even more vulnerable and download onto those vulnerable tenants the responsibility of protecting themselves against predatory landlords. This policy is supposed to protect vulnerable tenants, not unnecessarily subject them to housing insecurity and costly and difficult legal battles. Better community legal supports and tenant education will never be an adequate substitute for good policy.

On replacement of lost dwelling rooms:

4. (3) We support the replacement of lost dwelling rooms with the same gross floor area maintained as either dwelling rooms or bachelor units.

The proposed OPA requires the same amount of residential gross floor area to be replaced and maintained as either bachelor units or dwelling rooms. We think the combination of requiring that replacement units be either dwelling rooms or bachelor units, and that rent levels be set within a narrower range similar to the rents paid for lost dwelling rooms, will make it likely that 1:1 replacement is achieved, making it possible for all tenants of lost dwelling rooms to have the opportunity to return to replacement units in the new building.

5. (6) We do not support a 15 year affordability period for replacement units: replacement units should be affordable for at least 20 years, with perpetual affordability the goal.

While we are pleased that the affordability period has been increased from 10 years to 15, the affordability period for replacement housing should be at least 20 years.

[OPA 406, the TOcore: Downtown Official Plan](#), contains a very similar dwelling room replacement policy to what is being proposed through this OPA and it requires “for a period of at least 20 years, the rents for replacement housing will be similar to those in effect at the time the development application is made.” It is unclear why this policy should have a shorter affordability period than OPA 406. Allowing landlords to raise rents to whatever they like after 15 years means that the most this policy will ever achieve is a 15-year delay in the permanent loss of deeply affordable housing. Allowing landlords to raise rents to whatever they like after 15 years once a tenant has vacated the replacement unit, incentivizes landlords to find ways to evict tenants after the 15 years is up. Permanent affordability should be the goal. 20 years would be better than 15.

As all recent City-commissioned studies on housing need suggest that there is an ever-increasing demand for affordable housing, and affordable dwelling rooms in particular, and that this need will only increase as the city's population grows, affordability caps that simply push the issue of housing unaffordability and tenant displacement down the road are unacceptable. The City's goal should be that whenever we approve or build new affordable housing, it remains affordable in perpetuity.

On the implementation of this policy:

7. (9) Any replacement units not re-occupied by returning tenants should be assigned to SSHA to fill with tenants from the Centralized Affordable Housing Wait List, The Access Point list, or tenants supported through the Rooming House Emergency Response Plan, at the same or similar rent paid by displaced tenants with the lowest rents.

Landlords should not be allowed to fill replacement units not re-occupied by returning tenants themselves, because it will not ensure replacement units are filled with the tenants in most need of that housing.

8. (9) Tenants need (and deserve) assistance tailored to their specific needs and interests:

a) Tenants should have an independent advocate at the table during tenant relocation and assistance plan negotiations who is tasked with working closely with tenants to determine each tenant's needs, preferences, and priorities and who ideally has a solid understanding of tenants' legal rights, experience working with vulnerable people living in poverty, experience supporting people with physical and mental health challenges, and who is bound by a professional code of ethics to defend tenants' interests with transparency and accountability.

The draft OPA requires provision of an acceptable tenant relocation and assistance plan, including addressing the right to return to replacement housing. This begs the question, "acceptable to whom?" Tenants have made it clear that a universal set of protocols is inappropriate and that each affected tenant should have the opportunity to have their specific needs and interests inform the relocation and assistance plan for their building. While we believe that City staff will have the best interests of tenants in mind when undertaking negotiations on the terms of tenant relocation and assistance plans, tenants should also have an independent advocate at the table during those negotiations--someone tasked with working closely with tenants to determine each tenant's needs, preferences, and priorities and who ideally has a solid understanding of tenants' legal rights, experience working with vulnerable people living in poverty, experience supporting people with physical and mental health challenges, and who is bound by a professional code of ethics to defend tenants' interests with transparency and accountability.

b) Tenants need to be informed as soon as the City becomes aware of potential redevelopment and immediately provided with assistance to prevent a period of closed-door negotiations with the owner before tenants are made aware of what's happening and provided with support.

Learning you are losing your home via a posted piece of paper or letter is awful and traumatizing. Tenants should be informed of the potential redevelopment of their home as soon as the City is made aware of it and immediately provided with assistance (**before** a relocation and assistance plan is developed and agreed upon), as tenants will have a need for information, for advocacy, and for support in the lead up to a plan being developed. For example, tenants will potentially need assistance to ensure they can meet the eligibility requirements for assistance under the OPA (like providing proof of tenure), tenants will potentially need support to protect themselves from unscrupulous landlords trying to evade replacement, relocation & assistance requirements, and tenants may need support accessing health & mental health supports as a result of the potentially destabilizing impact of housing insecurity.

c) Tenant relocation & assistance plans should address tenants' needs for support from the time they learn of their impending eviction through to 3-6 months after being rehoused/repatriated.

An acceptable tenant relocation and assistance plan should address tenants' needs for support from the time they learn of their impending eviction through to the time they are re-settled and stabilized in their permanent replacement housing. Regular communication between the tenant and a case manager/relocation worker is critical to ensure that tenants aren't "lost" and don't lose access to promised supports and permanent (replacement) housing. Tenant relocation workers have noted that tenants require a period of service & 'stabilization' supports both prior to and between 3 and 6 months after being housed.

d) Plans should address tenants' potential need for:

- legal representation and advice,
- provision of temporary housing within (or outside, if the tenant prefers) their current neighbourhood until replacement housing is ready at the same rental cost to the tenant,
- rehousing support into permanent (non-replacement) housing (if the tenant prefers) at the same rental cost to the tenant,
- financial assistance for moving expenses, apartment furnishings, first and last months' rent,
- referrals for services,
- rent subsidies (paid for by the property owner),
- information (about what's happening, their rights, their new neighbourhood, their new housing, resources...), and support in getting oriented in their new neighbourhood.

Care needs to be taken to ensure tenants are rehoused (temporarily and/or permanently) in locations that meet the City's minimum standards for living conditions and where they can still access the services tenants rely upon, and in housing that provides the same or better services provided at the home they are leaving (accessibility, meals, mental health supports, etc.).

e) Relocation & assistance plans should be flexible enough to allow tenants to change their minds.

Ideally plans/terms would be designed with some flexibility to accommodate tenants changing their minds, as tenants may have difficulty making an informed decision when they don't know how things will unfold. Being rehoused in a permanent housing situation in a different neighbourhood right away might seem like a better choice than the option of returning to a replacement unit in the new development a few years down the road, until the tenant comes to appreciate the loss of their social network & a familiar community.

f) Tenants impacted by development resulting in the loss of one or more dwelling rooms should be treated in a similar manner as outlined above.

When it comes to adequately assisting tenants affected by development that would result in the loss of one or more dwelling rooms (new Policy 12), the same considerations above apply: tenants need an advocate, each tenant should have the opportunity to have their specific needs and interests inform the assistance they receive, the kind and range of assistance outlined above should be addressed, etc. Additionally, assistance to displaced tenants is often limited to financial compensation. Given that tenants often accept a cash payment, only to find that the rental market has changed drastically since they were last looking for housing and they now can't find accommodations they can access, assistance must include the successful rehousing of displaced tenants in addition to assistance (financial and otherwise) to lessen hardship.

g) The costs of tenant support and relocation and of ensuring tenants' replacement housing is affordable should be borne by the property owner through enforceable contracts that include strong penalties. Publicly-funded rent supplements should not be used for this purpose.

Thank you for the opportunity to provide input throughout this policy process. We look forward to continuing to work with the City of Toronto on measures to address the loss of dwelling rooms in Toronto.

Respectfully,

The Parkdale Neighbourhood Land Trust, and the Dwelling Room Preservation Policy Working Group