

PH10.4.4

From: Aaron Caplan
To: [Planning and Housing](#)
Subject: Submission to the Planning and Housing Committee related to item PH10.4 Amendments to Chapter 354, Apartment Buildings, and Progress Update on RentSafeTO on November 13th, 2019
Date: November 8, 2019 8:02:01 PM
Attachments: [TSPAN Submission 2019110711072019.pdf](#)

Attached please find a submission prepared by Toronto St.Paul's Tenant Associations Network and Akelius Tenants Network related to item PH10.4 Amendments to Chapter 354, Apartment Buildings, and Progress Update on RentSafeTO on November 13th, 2019.

Will the attached submission be circulated to the members of the Planning and Housing Committee prior to their meeting on November 13th?

Please confirm receipt of this email.

Best regards

Aaron Caplan

Regarding Amendments to Chapter 354, Apartment Buildings, and RentsafeTO Progress Update

Submission by Toronto–St. Paul's Tenant Associations Network & Akelius Tenants Network

The following is a commentary by the Toronto–St. Paul's Tenant Associations Network and the Akelius Tenants Network on the recommended amendments to Chapter 354, Apartment Buildings, as well as the recent Progress Update on RentSafeTO. This document notes areas that our organizations believe require improvement or show cause for concern. We have also included several recommendations on how recommended amendments and the RentSafeTO program may be improved.

1. Building Evaluations

Scope of Evaluations

There is recognition by MLS Staff that the current tool used for creating the Building Evaluations report requires improvement. However, rather than indicating the additional substantive content that needs to be included in the revised tool, they state:

"Staff are assessing the current tool and exploring options to improve the process for the evaluations to be conducted in 2020."

We feel that this position is neither specific nor proactive enough given the concerns identified by the consultation, as well as clear omissions in the current evaluation tool.

Regarding identified concerns, the summary of the consultation states: :

- *"Pest infestation is among the most common challenges, and tenants reported cases of bed bugs, cockroaches, rats/mice and more."*
- *"Other common issues are experienced in both individual units and common areas of a building, including unsanitary garbage storage and disposal systems, issues with electrical systems, mould, lack of clean ventilation systems, and unsafe balconies and windows."*

Furthermore, the following issues are not included in the current evaluation tool:

- The degree of absence/presence of mould or pests
- The condition and cleanliness of the building ventilation system
- The water quality/pressure
- The condition of the unit windows as well as the building roof

In addition to addressing the above concerns and omissions, we feel that the evaluation tool should address the presence or absence of RentSafeTO program elements such as:

- The Content Compliance of the Tenant Notification Board
- The Content Compliance of the Capital Plan

Recommendation:

1.1 Future Evaluation Reports of registered apartment buildings should be expanded to include an assessment of:

- The number of outstanding property standard violations
- The degree of absence/presence of mould or pests
- The condition and cleanliness of the building ventilation system
- The water quality/pressure
- The condition of the unit windows as well as the building roof
- The Content Compliance of the Tenant Notification Board
- The Content Compliance of the Capital Plan

Notification of Evaluations

It is unclear to tenants if and when a Building Evaluation has occurred at the tenants' apartment building. We feel that tenants should have the ability to access this information.

Recommendation:

1.2 Notice of the regular site visit should be published on the apartment building's Tenant Notification Board thirty days before the site visit. Tenants should be invited to provide comments or concerns regarding their building to the RentSafeTO Program so that the bylaw enforcement officer can take the tenants' concerns into consideration during the site visit.

Evaluations-based Rating System

Many tenants access RentSafeTO with the understanding that it evaluates issues such as mould growth or pest infestations. We feel that it should be clear to tenants that these issues are not covered by evaluations.

Recommendation:

1.3 Although the results of the current evaluation reports should be posted on the Tenant Notification Board, a disclaimer should also be posted that would indicate the current evaluation reports do not evaluate:

- The degree of absence/presence of mould or pests
- The condition and cleanliness of the building ventilation system

- The water quality/pressure
- The condition of the unit windows as well as the building roof
- The Content Compliance of the Tenant Notification Board
- The Content Compliance of the Capital Plan

2. Capital Plans

The Summary of the Consultation acknowledges that:

“Some suggested that the City should be more prescriptive with existing requirements in the By-law in order to improve the effectiveness of them (e.g. specific definitions in the capital repair plan) but does not comment further.”

Landlords are required to develop capital plans. The purpose of including a Capital Plan as a Landlord requirement within the Bylaw was clearly stated in the March 17, 2017 Staff Report to City Council which states:

“Owners will be required to develop and maintain a current state of good repair capital plan that consists of a list of the capital elements of the buildings and the frequency with which the elements will be replaced. Owners will be required to think proactively about maintaining and replacing key capital elements in their building and tenants will be able to access the plan and have more information about how the building is managed and when major capital projects will be undertaken. This is similar to the reserve fund study requirements in the Condominium Act.”

It also provides tenants with information about potential plans and related costs that may impact their rents.

In keeping with the original purpose of including the requirement for the development and maintaining a capital plan, the Bylaw as well as the RentSafeTO Program provides clear instructions to Building Owners that:

“You (Building Owner) must maintain a capital plan for building repairs. Details should include when “the element” (see list below) is expected to be replaced or updated.”

Capital elements include, but are not limited to:

- Roof
- Elevators
- Building façade
- Windows
- Mechanical systems, including heat, air conditioning
- Underground garage
- Interior flooring
- Interior wall finishes (plaster, drywall, stucco, etc.)
- Balcony guards

- Guardrails
- Handrails in stairwells

Despite the presence of this By-law, it has been our experience that:

- Many Apartment Building Capital Plans are either non-existent or not maintained.
- The interpretation of the requirement for the development and maintenance of the Capital Plan is not well understood by the RentSafeTO enforcement staff of MLS.
- Landlords present a Capital Project as being equivalent to The Capital Plan, when in fact a Capital Project is a distinct element within the Capital Plan.
- The RentSafeTO Program does not have a standardized Capital Plan Template.

Recommendations:

2.1 The apartment buildings current Capital Plan should be available upon tenant request. Any failure to comply by a landlord within 60 days of the tenant request should result in an officer issuing an order to comply.

2.2 RentSafeTO Enforcement Officers should be trained on the purpose of the Capital Plan as well as the distinction between a Capital Plan and a Capital Project.

2.3 The RentSafeTO Program should adopt and implement a standard Capital Plan Template as well as provide Landlords with instructions on how to complete the Capital Plan Template. The Certified Rental Building Program (CRBP) has a simple Capital Plan template (see Appendix A) that should be adopted by the RentSafeTO program.

3. Accountability Framework

Neither the proposed amendments to the current By Law nor the staff progress report reference an accountability framework for the RentSafeTO program.

Currently, the RentSafeTO Program lacks a published service standard for the length of time required to investigate a complaint.

Additionally, the vast majority of tenants are unaware that they are entitled to receive feedback regarding the investigation of their complaint.

Furthermore, the majority of tenants are unaware that they can call 311 to request that a RentSafeTO supervisor review the investigation of their complaint if they are unsatisfied with the results of the bylaw enforcement investigation.

Recommendations

3.1 The RentSafeTO Program should have a clearly defined service standard for the length of time required to investigate a complaint that is published on the Tenant Information Portal.

3.2. The RentSafeTO Program should inform tenants on the Tenant Information Portal that they are entitled to receive feedback regarding the investigation of their complaint.

3.3 The RentSafeTO Program should inform tenants on the Tenant Information Portal that they can call 311 to request that a RentSafeTO supervisor review the investigation of their complaint if they are unsatisfied with the results of the bylaw enforcement investigation.

4. Tenant Engagement

The Staff Report recommends that:

“MLS move forward with City Council's request to issue a Request for Proposals to seek a specific organization to pursue door-to-door tenant engagement in 2020. This will be included in our existing communications budget, and will not require a budget adjustment.”

Staff will work to ensure that the qualified bidder has experience engaging diverse communities, low-income tenants and those who face barriers around mental health and disabilities.

Tenant Engagement is everyone's responsibility and should not be left solely in the hands of a third party.

Recommendation:

4.1 City Councillors should have a tenant outreach event in their respective Wards at least on an annual basis where RentSafeTO staff can present an overview of the key program components. This will give the Councillors the opportunity to meet the tenants in their respective Ward and to learn about their lived experiences.

Local Tenant Associations/Networks should be invited to the meeting to help educate tenants as well as help apartment buildings organize their own tenant associations.

Tenants need to understand their rights and responsibilities.

Appendix A

CRBP
Capital Plan Template

(see attached
CRBP_Capital *Plan*_Template.pdf)

**STATE OF GOOD REPAIR
CAPITAL PLAN HANDOUT**



CAPITAL ELEMENTS	DATE REPLACED OR SCHEDULED TO BE REPLACED
ROOF	Replaced 2015
ELEVATOR	Replaced 2016
FACADE	Repairs done in 2012
WINDOWS	Replaced in 1990-94
MECHANICAL SYSTEMS	N/A
UNDERGROUND GARAGE	5 years beyond
INTERIOR FLOORING	Scheduled for replacement 2019/20
INTERIOR WALL FINISH	Painted 2016
BALCONY GUARDS	Replaced 2014
HANDRAILS	Meets code-good condition

Notes

STATE OF GOOD REPAIR
CAPITAL PLAN HANDOUT



CAPITAL ELEMENTS:	DATE REPLACED OR SCHEDULED TO BE REPLACED
Roof Membrane, Flashing or Anchors	Replaced 2015
Elevators	Replaced 2016
Building Façade	Repairs done in 2012
Windows	Replaced in 1990-94
Mechanical HVAC Systems	Replaced in 2011
Underground Parking Garage	5 years and beyond
Surface Parking Areas	N/A
Interior Flooring	Scheduled for replacement 2019/20
Int. Wall Finishes(Plaster, drywall, stucco)	Painted in 2016
Balcony Guards	Replaced in 2014
Balcony Floors	Replaced in 2014
Interior Guards and Handrails	5 years and beyond
Exterior Guards and Handrails	Replaced in 2014
Portable Water Supply System	N/A
Building Sanitary Drainage System	Good Condition -10 Years and Beyond
Building Storm water Drainage System	Good Condition - 10 Years and Beyond
Interior Lighting System	5 Years and Beyond
Exterior Lighting System	5 Years and Beyond
Emergency Power	Meets Code - Certified Annually by Capital Fire Services -5 years and beyond
Fire Alarm System	Meets Code - Certified Annually by Capital Fire Services -5 years and beyond 5 years and Beyond
Standpipe and Sprinklers	Meets Code - Certified Annually by Capital Fire Services - 10 years and beyond
Laundry Room Equipment	Machines replaced in 2014
Garbage Rooms/Chutes	5 Years and Beyond
Garbage Collection Equipment	Bins replaced as required
Exterior Landscaping and Fencing	Fencing-Replaced in 2016 Landscaping upgraded in 2014.
Security Systems	5 years and Beyond

STATE OF GOOD REPAIR
CAPITAL PLAN HANDOUT



Miscellaneous Items