



Federation of Metro Tenants' Associations
Submission to the Nov 13, 2019 Planning and Housing Committee

Re: Rent Safe TO

Introduction

The Federation of Metro Tenants' Associations (FMTA) is a non-profit organization which advocates for better rights for tenants in Ontario. Founded in 1974, we are the oldest and largest tenant federation in Canada, and we provide services directly to approximately 60,000 tenants a year through our tenant hotline, outreach services, and website.

In Dec 2016, we were one of the agencies that pushed hard for Toronto City Council to pass the RentSafeTO Program. We hoped that our decades long-nightmare of repair enforcement was finally over.

Three years later, our nightmare continues. We are still waiting for RentSafeTO to be enforced.

Background

In 2011, MLS ordered the landlord at 280 Morningside to repair their balcony as part of the MRAB program. The order was never closed. The balcony fell off in 2015. The order remains open.

In 2015, two investigation orders were issued for 650 Parliament, including many issues that dealt with electrical safety. Four years later, those orders remain open – the landlord never fully complied. Last year the building blew up displacing hundreds of tenants.

The FMTA has operated a Tenant Hotline for the City of Toronto for over 3 decades. Lack of maintenance by landlords is one of the most common complaints we receive on the hotline. We've received repeated complaints from tenants throughout the decades

that while the law is on tenants side, enforcement of the law has remained a major issue.

The West Lodge buildings are a good example: In 1972, the City issued 1000 work orders for various issues including fire alarms, elevators, pests, garbage, heat and hot water problems. The head of the Cities MLS department at the time called the landlord "more trouble than any other individual landlord" and said, they didn't want to charge fines and instead wanted to "educate offending landlords into conforming".

The West Lodge buildings have never in their 50 years history complied with the law. This continues to today.

1. The Rent Safe Program is not currently implemented

The RentSafeTO program had 5 key new elements that made up the program as per the direction of City Council.

1. A regulatory fee and more staff to do inspections – This remains the only element that has been implemented and we're not certain it's been fully implemented.
2. A Dine-safe-like rating system – Staff have not implemented this and have indicated that they do not intend to implement it (leaving it to the discretion of landlords)
3. Introduction of Administrative Monetary Penalties - Staff have not implemented these
4. A new appeals process under Chapter 354 instead of the appeals process under Chapter 629 - staff have not implemented this
5. An easier to find and more searchable data portal to be able to search the information from the RentSafe Program and evaluations - Staff have not implemented this

2. The RentSafeTO program has shown major issues with MLS registration, evaluation and enforcement

RentSafe registration information was collected by MLS and is currently available online. There are a number of major issues with the information provided.

1. A number of buildings that should be captured under RentSafeTO are not. My building for example is 3 stories, and 10 units (listed in the assessment rolls as being 10 units) and is not covered by the program.
2. The Registration data asks landlords whether their buildings allow pets, which 20% have said NO to. This is illegal under the RTA.
3. The Registration data also lists a number of buildings that charge for visitor parking. Dozens and dozens of buildings in North York have told MLS officers that they charge for visitor parking even though this is illegal under MLS's own bylaws.
4. Some of the worst and most non-compliant buildings in Toronto passed these inspections: including 500 Dawes and the West lodge buildings.

3. None of the New Requirements under Chapter 354 are Being Enforced

MLS evaluated most buildings covered by the program and has released that data via open data Toronto. MLS did not check to see if landlords had complied with any of the new regulatory requirements.

1. The new requirements required a Notice Board – MLS did not check to see if landlords complied.
2. The new requirements required various capital and operational plans. MLS ED Grant stated in the press that, "The most important part is we're making sure that landlords turn their minds to having plans" – Unfortunately he failed to mention that MLS has not "made sure" to see if landlords complied.
3. The new requirements required licensed trades-people – MLS did not check to see if landlords complied.
4. The new requirements required not renting out to new tenants with outstanding orders – MLS did not check to see if landlords complied
5. The new requirements required pest control inspections to be posted monthly – MLS did not check to see if landlords complied.
6. The new requirements required a ticketing system for maintenance complaints and specific response times – MLS did not check to see if landlords complied.

4. Tenants Continue to Complain about refusal to issue orders and inspect

Since 2014, the FMTA has been hearing that MLS officers refuse to investigate if there's any matter related to the Landlord and Tenant Board.

1. Here's an example, sent to us by a tenant:

<https://soundcloud.com/user-251148029/mls-non-inspections-april-2016-james-ford>

This directive stemmed from a 3 line email sent my MLS managerial staff in 2014 (see the FOI results attached).

MLS managerial staff have indicated to us that this is no longer supposed to be in effect, however we continue to receive complaints both about this practice being used today and this specific MSO as well.

2. In addition, we continue to receive complaints from tenants similar to those raised recently in the press by tenant, Christena Abbott:

“City records indicate that calls were made from the building on three occasions over the last couple of years and files were created, but inspectors did not issue any orders or fines. The records do not indicate whether a city inspector went to the building to investigate.”

<https://toronto.citynews.ca/2019/11/08/toronto-tenants-give-the-citys-rentsafeto-program-failing-grade/>

3. In 2014, our agency met with MLS and were told by senior staffers, currently in the program today, that Type 1 ticket enforcement would increase as a result of the program.

We've never been shown any evidence that this has been put into effect. We note that Type 1 tickets are not part of this staff report.

5. We continue to have concerns related to MLS staff levels and the hiring of program staff

The RentSafeTO program was supposed to expand enforcement by doubling the number of inspectors, hiring management for the program and an analyst.

We've received no confirmation that the staff were hired, when they were hired, etc. We're not clear how long management have been overseeing the program, if at all. We're not clear if and when an analyst has been hired.

Conclusion

Why did the FMTA push for this program?

To help people. To ensure their living conditions met a minimum standard.

This plan was supported by council, tenants and the public in 2016.

Unfortunately, in our view, MLS has not supported this plan. They've fought key elements of it, refused to implement major sections, they refuse to help tenants freezing to death, living in squalor and every attempt by us to help them help people, more staff, more money more power, has been met with lies and complete dereliction of duty.

We urge this committee to ensure that RentSafeTO is finally enforced.

Sincerely,

Geordie Dent
Executive Director
Federation of Metro Tenants' Associations

From: FMTA hotline
To: [Planning and Housing](#)
Subject: FW: [Tenant Questions] Question about my issue with Landlord
Date: November 12, 2019 5:48:59 PM

Hey folks,

Trying this again (forgot to eliminate this persons first name).

If possible, I would ask that you also include THIS email in my previous communications (please do not include the last one if possible).

-----Original Message-----

From: geordie@torontotenants.org [<mailto:geordie@torontotenants.org>] O
Sent: Thursday, November 07, 2019 10:19 AM
To: hotline@torontotenants.org
Subject: [Tenant Questions] Question about my issue with Landlord

xxx sent a message using the contact form at <https://torontotenants.org/contact>.

Dear Sir,

I have filed one case with the LTB against my landlord. For this process, I needed the following details about the mailing address of one City of Toronto employee, I was searching the detail but couldn't find it.

His name: J. O.

Title until August 2019: Municipal Standards Officer Apartment Building Standards Team
email: xxxx

Until August 2019, he was posted in 399, The West Mall, North Block, 3rd Floor, Toronto, M9C 2Y2 unit, however after that he was transferred to another unit.

He is still an employee of the City, however chose not to be listed in the directory. Therefore calling at 311 and other offices of Municipal Licensing & Standards team didn't assist.

Could there be a way to find his mailing address? He visited my apartment and understood the problem well, but since it was his last few days in the unit, he didn't prepare an inspection report in the system. His supervisor or the new officer also couldn't assist as there was no visit report in City's system. I left him email and voice message, but didn't hear from him.

Therefore, I wanted to summon him during the LTB hearing by sending him a notice via registered post.

Thanks for your help.