



ACORN Canada

Uniting communities for justice | acorncanada.org

PH19.6.17

December 15th, 2020

Re: PH 19.6 RentSafeTO (Apartment Building Standards): Colour-coded Rating System, By-law Amendments, and Program Updates

To the Mayor and Members of Council,

I'm writing on behalf of ACORN members across Toronto. As you know, Toronto ACORN has been a platform for low and moderate income families and communities to come together and fight for social and economic justice. Since our founding in 2004, ACORN members have identified their #1 issue as healthy and affordable housing. And since 2004 we have fought for the proactive enforcement of property standards, by the city, to protect tenants and hold landlords accountable.

The RentSafe program, which ACORN and allies won in 2017, is a significant victory for tenants. However, it continues to not be properly implemented, leaving huge holes that landlords abuse to take advantage of tenants which directly impacts our lives. Bedbugs, leaky windows, electrical issues, lack of repairs.

Protecting affordable housing is much easier than building affordable housing. We're writing to urge you to improve RentSafe to protect tenants, and make the program work for us. 50% of Toronto are renters - we need you to help us.

We released a report on December 7th, 2020 highlighting the issues tenants face and highlighted the improvements needed to allow RentSafe to address those issues. It is available here: <https://acorncanada.org/resource/toronto-state-repair-report-2020>

Our recommendations for RentSafe include the following:

- **Signs:** The immediate implementation of a red/yellow/green public facing sign displaying the rating of a building. A score of 65% to 80% should not be green, it should be yellow.
- **Evaluation Criteria:** The immediate inclusion of unit windows, water pressure, mould, pest control, and presence of tenant notification board in the building evaluation criteria.



ACORN Canada

Uniting communities for justice | acorncanada.org

- **Changes in Score:** The immediate creation of a mechanism that allows a building to have its score lowered between evaluations if the standards deteriorate.
- **Enforcement:** Bylaw officers immediately begin issuing Part I tickets for all property standard violations in buildings, rather than allowing landlords to break the law without penalty.
- **Enforcement:** The implementation of an administrative penalty system for property standard violations by June 2021.
- **Enforcement:** MLS provides PPE to their bylaw officers so that they can respond to 311 calls in person. Tenants are having complaints ignored by the city. Property inspectors must start responding to 311 calls.
- **Engagement:** Tenant engagement during building evaluations. Tenants should know in advance when building evaluations are happening, and bylaw officers should go through every floor and knock on doors to make tenants aware of the RentSafe program and allow tenants to register complaints in person.
- **Transparency & Trust:** Standardized operating procedures for RentSafe. All property standard violations should be treated the same, regardless of who the landlord or tenant is. Clear guidelines that are transparent and available to the public for when Part I tickets will be issued, in order to rebuild trust with the tenant community.
- **Transparency & Trust:** Standardized criteria for when ‘Remedial action’ will be undertaken by the city, that is transparent and available to the public. The city should be using all tools and powers at its disposal to hold landlords accountable and ensure apartment standards are up to code.
- **Funding:** The per unit fee that recovers the cost of RentSafe be tied to inflation, and funding to RentSafe increased to allow doubling the amount of property inspectors in the RentSafe program.
- **Data:** That RentSafe collects information of the amount of rent paid in a building, to better target enforcement of property standards in affordable apartments - where tenants are most at risk of illegal eviction.
- **Data:** That landlords be required to provide the details of the actual property owner when they register with RentSafe, and that this information is provided to the public. RentSafe currently only collects Property Management information.

On behalf of Toronto ACORN members,

Marva Burnett, President, ACORN Canada

ACORNCANADA.ORG - torontofo@acorncanada.org – 416 461 9233
715B Danforth Ave – Toronto ON – M4J 1L2

TORONTO STATE OF REPAIR 2020 REPORT



Background

Toronto ACORN (Association of Community Organizations for Reform Now) is an independent national organization of low-to-moderate income families with 46,000 members in every corner of the city. ACORN believes that social and economic justice can best be achieved with a city-wide membership who are invested in their organization and focused on building community power for change.

Since our inception in 2004 in York South Weston, our membership has been pushing property owners, management companies, and the City of Toronto Municipal Licensing and Standards Division to ensure that all Toronto tenant families have basic health and safety standards upheld in their rented homes. In 2008, the City of Toronto introduced the Multi Residential Apartment Buildings (MRAB) Audit program. While the introduction of MRAB has proved that proactive enforcement does improve the conditions in Toronto's rental communities, because of remedial powers and financial resources along with inadequate overall program budget size, MRAB failed to address the wide range of issues tenants faced.

In 2014, ACORN members collected 2700 property standards violations from Toronto tenants. And in November 2014, we delivered our message to Mayor John Tory and to Municipal Licensing and Standards Division, which helped reinitiate the conversation on ensuring that the city takes steps to create healthy and livable housing.

During the period that the Municipal Licensing and Standards (MLS) was holding consultations around licensing rental apartment buildings, ACORN conducted the "State of Repair" survey between August 15th and October 18th, 2016, with 174 low-and-moderate-income families, most of who were ACORN members. The survey was designed to understand the state of repair in the apartment buildings, experience of tenants in getting repairs done from their landlords, experience in getting help from the City, and the extent to which they found the MRAB program helpful.

What did we find in the State of Repair 2016 report?

- ◆ 95% of respondents reported living with a violation of municipal property standards
- ◆ 69.5% of respondents said that repairs were needed in their units on the day they moved in
- ◆ 29% of tenants felt threatened when making complaints about conditions in their apartments
- ◆ One-third of those surveyed said they saw no point in calling 311, despite being aware of their rights and the laws in place to protect them.
- ◆ Only four respondents reported that an MRAB audit improved conditions in their building

Hence the survey made it clear that far too many people were living in substandard conditions and the complaint mechanism and the MRAB program was not helpful. After years of persistent struggle, Toronto ACORN won RentSafe. The City of Toronto voted for RentSafe in 2016 and the program came into effect in 2017.

Main Features of RentSafe

⇒ A Bylaw enforcement program that ensures apartment building owners comply with building maintenance standards.

⇒ Applies to apartment buildings with three or more storeys and 10 or more units.

⇒ A Tenant Notification Board accessible to all tenants.

⇒ Building owners/operators to maintain a capital plan for building repairs and keeping service and maintenance logs

- ⇒ Maintain a process for receiving and tracking tenant service requests - Urgent Request to be responded within 24 hours and others to be responded within 7 days.
- ⇒ Fulfill all record keeping obligations.
- ⇒ Inspections by the City at every apartment building at least once every three years.
- ⇒ A report of the inspection findings and a building evaluation score provided to the owner.
- ⇒ If property owners do not follow the regulations in the Apartment Building Bylaw or other applicable bylaws, general fines can be issued.

RentSafe: Then & Now

A program or a bylaw is as good as it is implemented. Toronto ACORN conducted a survey in 2019 to gauge how well the program was being implemented. The findings revealed that the program was not being implemented to its full potential. Based on our findings, we provided the city with a slew of recommendations. Following is the list of recommendations that we gave to the city based on our assessment in 2019:

- Rating System - A building rating system, like DineSafe, with signs on the front of the building clearly displaying the building grade and advertising 311 for any tenant issues.
- Engagement - A tenant engagement system that involves boots on the ground, that tells tenants their rights, inquires about maintenance issues and directs any complaints to 311.
- Enforcement – An administrative monetary penalty system, so that property standards violations are penalized right away rather than through an arduous trip through the court system.
- Transparency – Clear standards of service from MLS, so tenants are aware of the process after they call 311. Tenants and landlords need a straightforward process that is transparent about when inspections will be done, when orders will be issued, and when tickets/fines/or administrative and monetary penalties will happen.
- Criteria – Evaluation criteria should be expanded to include pests, mould, roofs, and whether or not the landlord is meeting the bylaw requirements of RentSafe.
- Increased Capacity – RentSafe should increase the registration fee and its tax supported budget to hire more inspectors and supervisors.

In the span of one year, there have been some changes to the program, however little impact on tenants quality of life. Moreover, we are also at a current juncture when the RentSafe program is being reviewed and the city staff has an opportunity to strengthen the program.

Therefore, it was deemed critical that another survey is done to assess if any improvements were made to ensure that the program achieves its desired objective, which is to make the landlords more accountable and provide tenants a safe and healthy home.

Toronto ACORN conducted an online survey of low- and moderate-income tenants. A total of 156 respondents filled out the survey, most of who are ACORN members. The current survey assumes special significance as it comes amidst an ongoing pandemic when the right to a safe and healthy home is more important than ever!

Before we go into findings relating to the implementation of the RentSafe program per say, the first section looks at the profile of the respondents. Further, where possible and appropriate, we do a comparison with the data from the previous survey to see the changes in implementation, if any.

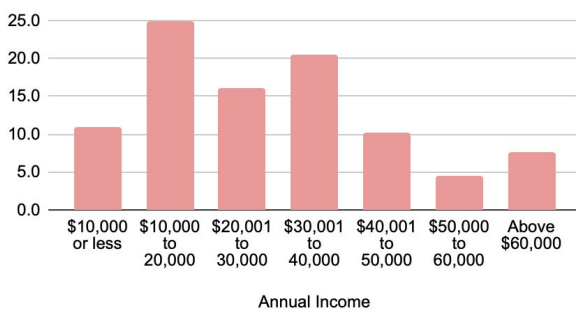
Section 1: Profile of respondents

Monthly Rent



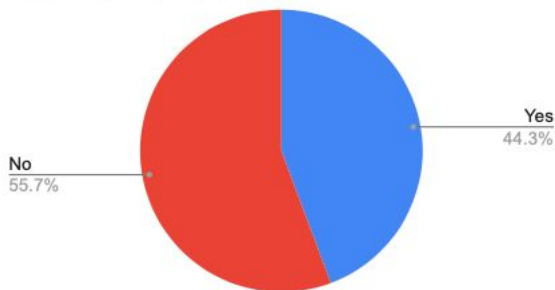
Slightly more than one-third respondents reported paying monthly rent between \$1000-1400. Around 30% said they pay somewhere between \$1401-1799 per month while 13% pay less than \$1000 in a month. Few respondents reported paying more than \$1800 or being on a rent subsidy.

Annual Income



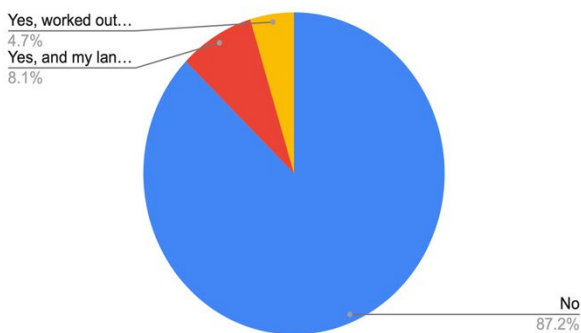
In terms of annual income, a quarter of respondents reported having an annual income between \$10,000 to 20,000. Around 40% earn between \$20,000 to 40,000 annually. A small portion of people reported earning less than \$10,000 or more than \$40,000.

Lost income due to COVID?



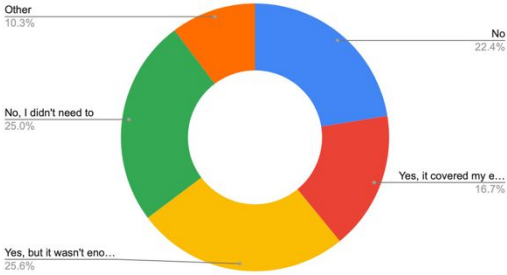
We also asked respondents if they had lost their income because of COVID. 40% of people said that they had lost their jobs due to the pandemic.

Currently in rent debt?



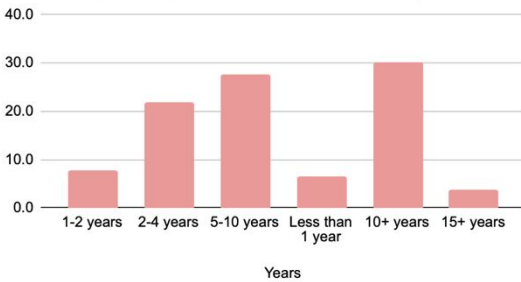
The respondents were asked if they were currently in rent debt. Around 13% of them said that they were, of which 5% said they worked out a repayment plan with their landlords but 8% said that they were being threatened for eviction.

Were you able to access other govt income supports



Respondents were asked if they were able to access government supports such as the CERB or EI. Thirty nine percent said that they were able to access them, but a quarter said that it wasn't enough to cover their expenses. A further 22% said they could not access them at all.

How long have you lived in the building?

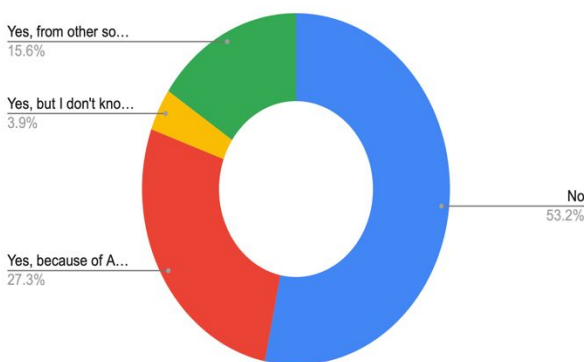


With respect to their tenure in the building, 30% said that they lived in that building for more than 10 years but less than 15 years, another 30% said that they lived there for 5-10 years. Twenty one percent mentioned living in that building for 204 years. Few people report living less than 2 years or more than 15 years.

Section 2: RentSafe Features

This section focuses on the RentSafe program and its implementation.

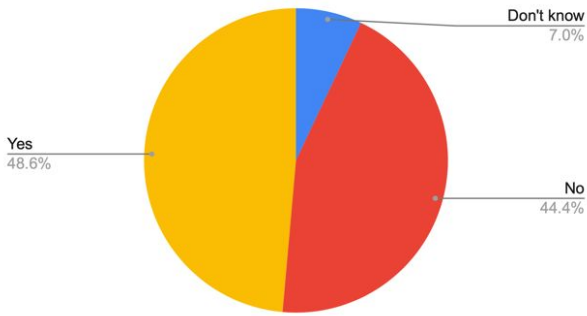
Awareness about RentSafe before the Survey



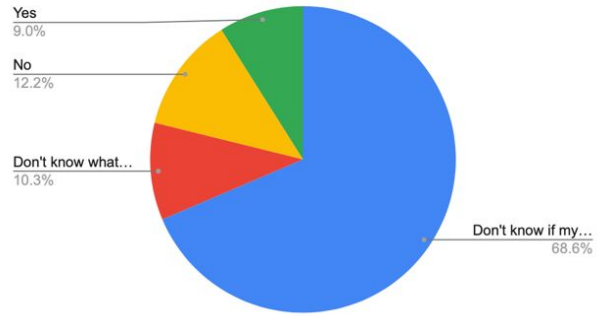
Respondents were asked if they had heard about the RentSafe program prior to the ACORN survey. More than half of the respondents still reported not having heard of the program at all. Around 46% said that they had heard about the program, out of which around 30% had heard about it from ACORN and the rest 15% had heard about from other sources. There were a few who said that they had heard about it.

These findings are almost similar to the previous survey that was done in 2019. Around 54% respondents had never heard of the program at all. ACORN members continue to play an important role in making people aware of the program.

Is there a Tenant Notification Board?

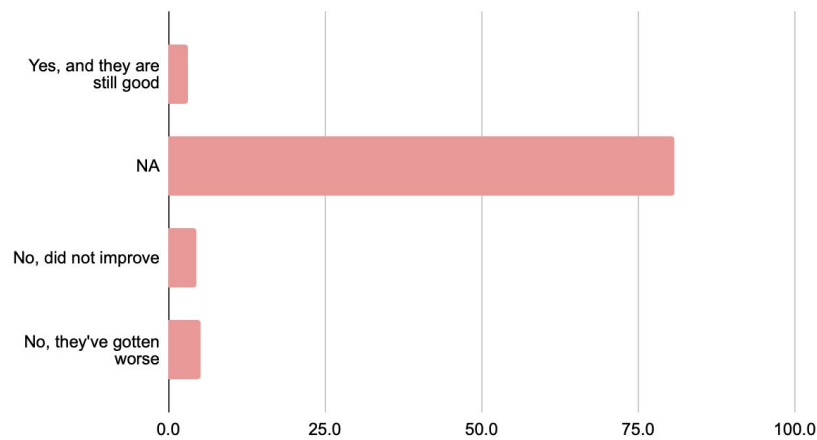


Was there a RentSafe Audit in your building?



With respect to the Tenant Notification Board, 44% of the respondents said that they did not have a Tenant Notification Board. This compares only slightly better from the previous survey when the figure was 46%. We asked tenants if they were aware of a RentSafe audit in their building. A majority of respondents i.e. 70% said that they weren't aware if their building had an audit. This number is again only slightly better than what we found in the previous survey when 64% had said they didn't know if their building had had a RentSafe audit.

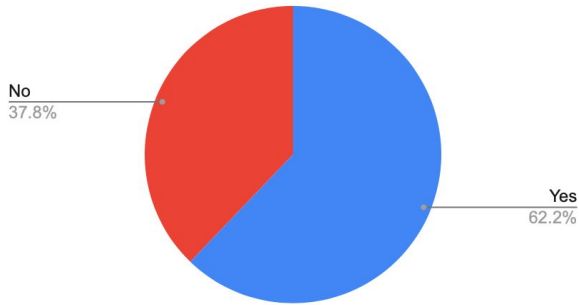
Did the RentSafe Audit improve the building conditions?



Almost 5% respondents said that the conditions did not improve even post audit. Only 3% stated that the conditions improved and were still good.

Section 3: State of repairs in the suites and common areas

Were repairs needed when you moved in?



The primary objective of the program is to ensure that the repairs are done on time and the landlords are held accountable. This section focuses on the issues that tenants have in their buildings and how responsive have they found the city in ensuring that their complaints are resolved in a timely fashion.

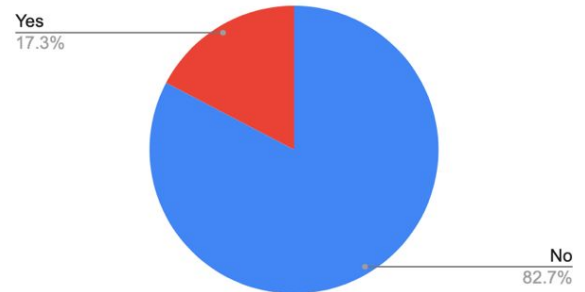
We first asked if the units needed repair when the tenants initially moved in. More than 60% of them said that the units required repairs.

Since cockroaches and bedbugs are a common issue, respondents were asked how often they saw cockroaches and if they saw bedbugs in the last 12 months.

How often do you see cockroaches?

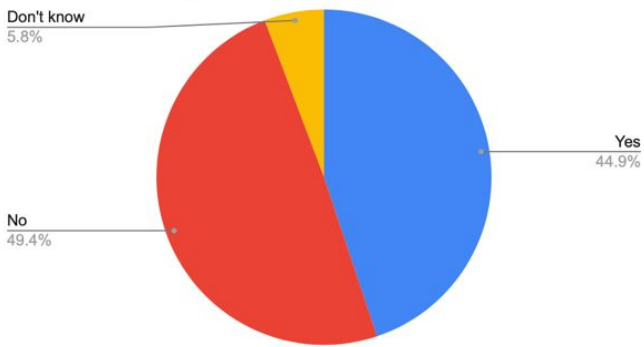


Bedbugs in the last 12 months?

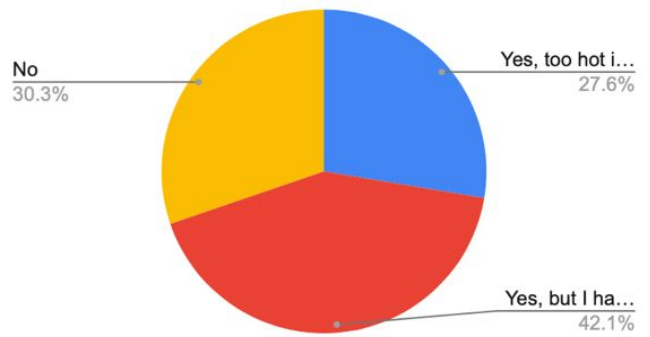


More than 22% said that they saw cockroaches everyday and 17% of them said that they had seen bedbugs in the past one year. This compares better than the previous survey when one-third tenants had reported seeing cockroaches every day and 34% (almost double) had reported having bed bugs in the last two years.

Lack of heat in your unit in the past 12 months?

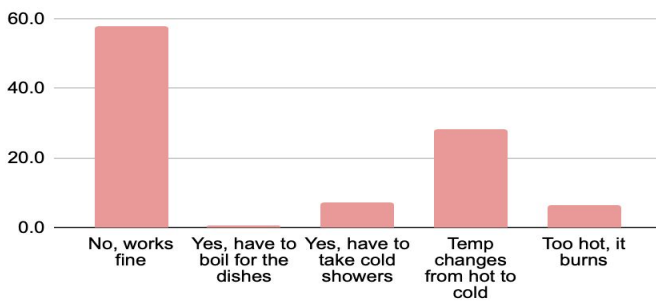


Heat in the summer in the past 12 months



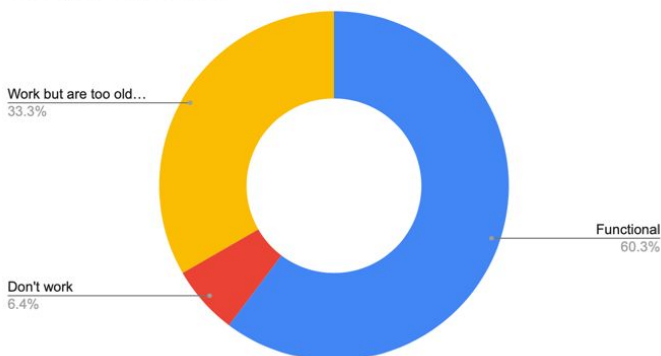
44% of people stated that they experienced lack of heat in the last 12 months. Almost one third said that they felt too hot in summer. This is almost the same as the previous survey finding when 70% tenants reported too much heat in summer and too cold in winter. Worse still, 22% mentioned that their landlord tried removing their AC installed in the window.

Problems with hot water

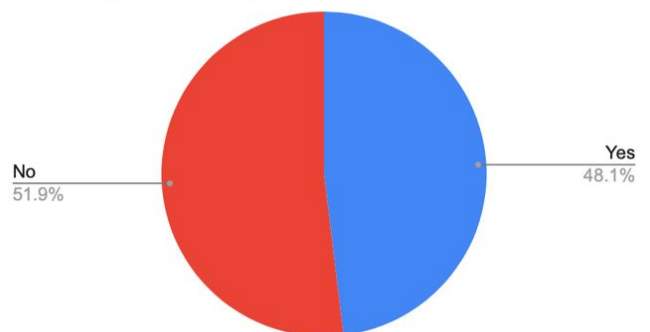


It is heartening to note that around 60% people said that they did not have issues with hot water. In the previous survey, half of them had mentioned that they had problems with hot water.

Rate your appliances

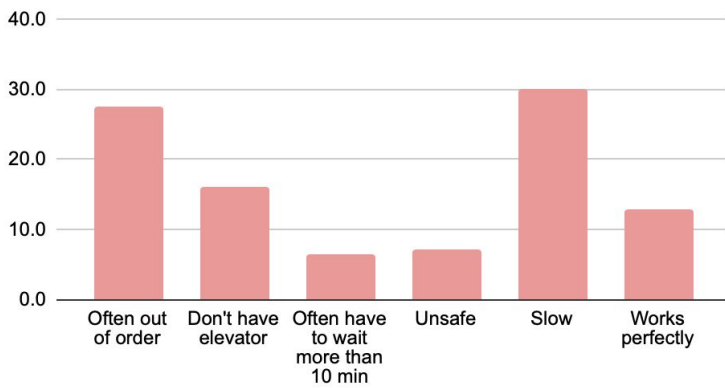


Flooring needs replacement



Respondents were asked to rate their appliances. Slightly more than one third of respondents said that the appliances worked but were old and had issues. Further, regarding their flooring, almost 50% of the respondents stated that it needed to be replaced. Compared to the previous survey, these findings were almost similar.

Elevator rating



An important aspect in a multi-residential apartment is the state of elevators. Almost 30% of respondents said that the elevator was often out of order. Another 30% said that it was too slow. Almost 7% said that they felt it was unsafe. Few mentioned that they had to often wait more than 10 minutes. Only 12% said that their elevator worked perfectly.

Checklist of issues inside suites

Respondents were asked to check off the issues they had in their suite. They had the option of choosing more than one option. The following is a list of top ten issues:

| Issue | Percentage of people |
|--|----------------------|
| ✓ Ventilation problems in bathroom and kitchen | 43.6 |
| ✓ Holes/Cracks on walls and ceilings | 42.3 |
| ✓ Peeling paint on walls or ceiling | 39.7 |
| ✓ Cockroaches | 34 |
| ✓ Too hot in summer | 32.7 |
| ✓ Floor is not smooth or is coming up | 32.1 |
| ✓ Appliances too old | 31.4 |
| ✓ Drafty windows | 25.6 |
| ✓ Kitchen or closet shelves damaged or broken | 21.2 |
| ✓ Too cold in winter | 20.5 |
| ✓ Unfinished repairs | 19.2 |
| ✓ No issues in my suite | 7.7 |

If we compare the data from the previous survey done in 2019, the status is almost the exact same, meaning quality of life inside the apartment units has not improved. Only 7% of people reported no issues at all in their suite.

Checklist of issues in common areas

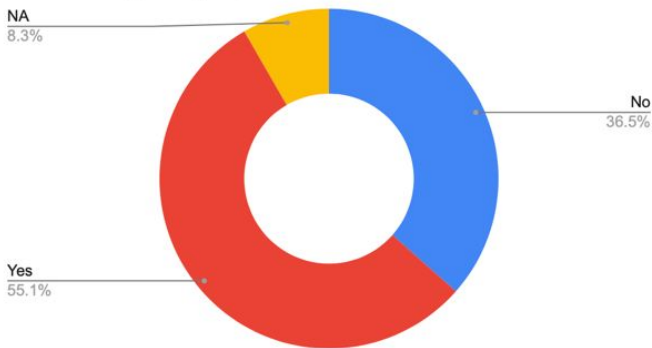
People were also asked to check off issues they have in common areas. Following are the top 5 issues that people reported.

- √ Roaches or other bugs in the building: 41%
- √ Security issues: 33%
- √ Stairwells have garbage or are unclean: 25.6%
- √ Garbage chute is unclean or has odours: 21.8%
- √ Hallways and lobby have unclean carpet: 21.8%

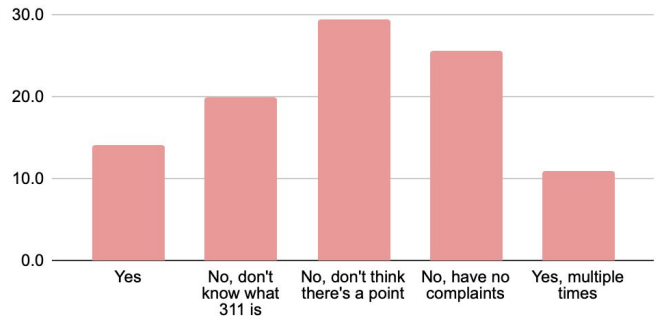
It is disheartening to note that lack of security and cleanliness emerged as top concerns for common areas in the previous survey as well.

Section 4: How responsive are the city and the landlords and have the perceptions of people changed in approaching the city for making complaints?

Problems getting repairs done in the last 12 months?



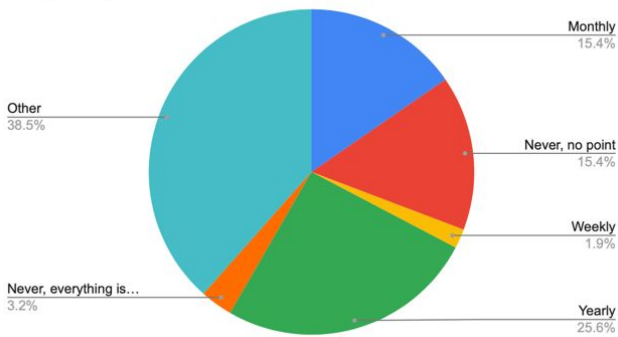
Did you call 311 in the last 12 months to file a complaint?



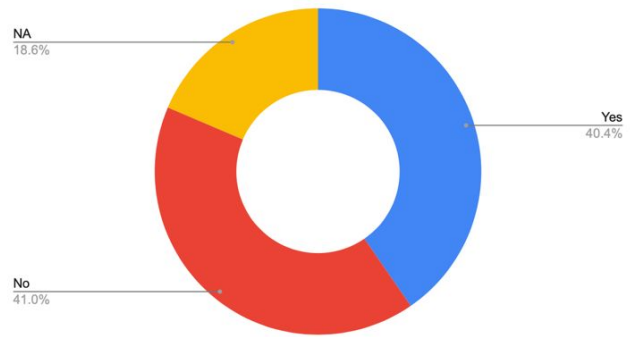
More than 55% respondents said that they had problems getting repairs done. This is slightly better than the findings of the previous survey where 66% of people had said that they had faced problems in getting repairs done in the past 2 years. We also asked people if they called 311 to file a complaint. Similar to the previous survey, 30% of people said that they didn't see any point calling 311. Almost a quarter of respondents did not know what 311 was.

We checked with people if they submitted work orders, how frequently they did so and if they were responded to in a timely manner. The findings are almost the same from the previous survey. While this time around, 15% said they never submitted any work order as they didn't see a point doing so and 15% did it monthly, the figures from the previous survey were 21% and 19% respectively. More than a quarter of people said that they submitted them yearly as compared to 21% in the previous round.

Frequency of Work Orders

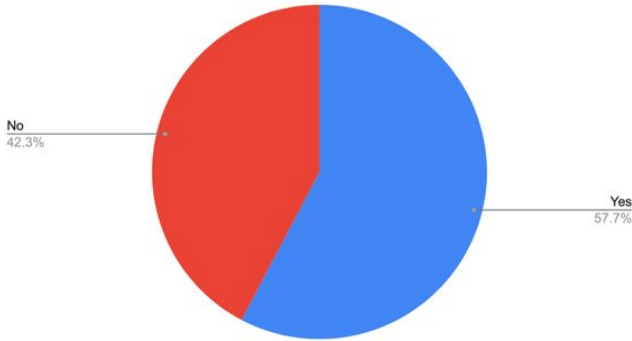


Work Orders get done timely?



We also asked if work orders were completed by the landlord in a timely manner. 41% of people said that they did not get their work orders done in a timely manner.

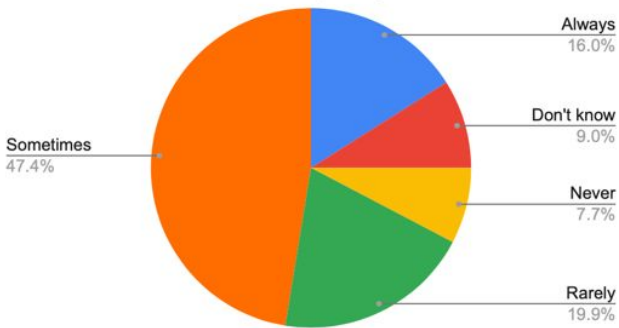
Building staff treats fairly



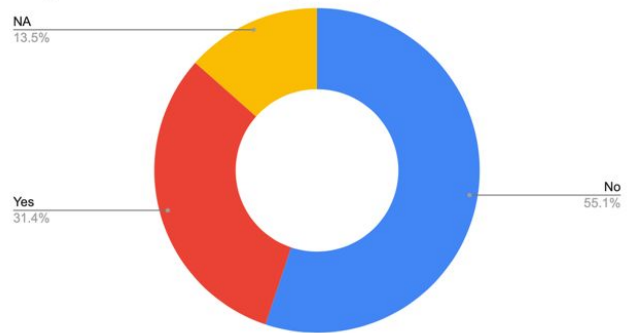
Building staff acts professionally



Maintenance staff does quality work



Do you feel threatened making a complaint?



Despite the range of issues that exist, 42% people said that the building staff did not treat them fairly and 55% people said that they did not act professionally. These findings are unfortunately worse than what we found in the previous survey when the numbers were 46% and 50% respectively.

Only 16% people said that their maintenance staff did quality work, 47% felt that they did quality work but only sometimes and 20% said that they rarely did any quality work. These again are fairly similar to what we found in the previous survey when 42% of tenants felt that the maintenance or contract workers did quality work sometimes and 20% felt they rarely did any quality repairs.

Importantly, 31% of people reported feeling threatened in making a complaint. This is only marginally better as compared to the previous survey where the figure was 36%.

Recommendations

Based on the survey findings and ACORN's work, here is a list of questions that need to be addressed:

⇒ **Lack of awareness:** Why do 70% of respondents to the city's poll not know about RentSafe? Why has MLS resisted direct tenant engagement? Will MLS commit to a boots on the ground approach to informing tenants about the RentSafe program & their rights?

⇒ **DineSafe Sticker:** 50% of ACORN respondents did not have a tenant notification board. How does MLS think requiring building evaluation scores to be posted on a non-existent tenant notification board will work out? Will MLS commit to public facing signs and a DineSafe-like rating system for buildings?

⇒ **Inspection/Enforcement protocol is not transparent:** The program saw more than 6000 complaints, but how many tickets were issued? Why were only 300 orders issued on these 6000 complaints? Will RentSafe & MLS make their inspection and enforcement protocol transparent and available to the public?

⇒ **Inspection criteria are not exhaustive:** Many bad buildings passed, the RentSafe evaluation such as 500 Dawes Rd, 1775 Weston Rd, 2667 Kipling Ave, 650 Parliament Rd. Only 11 buildings were audited in 2018. Are 3400 buildings well maintained, or is RentSafe not properly inspecting buildings?

⇒ **Building Audits and lack of service:** The RentSafe program lacks the ability to audit buildings unless they score below 50% on their evaluation, and there is no mechanism to shift the evaluation score downwards if issues arise in buildings between evaluations. Why are tenants left without the means to have negative trends in a building reflected in the score, but landlords can pay for a re-evaluation to move their score up?

⇒ **No penalties for inaction:** Why is there no administrative monetary penalty system despite 2 years of opportunity to create one? Why is there no way to trigger a building audit through mass complaints? There seem to be no penalties for landlords that don't keep up with repairs.

⇒ **Inadequate capacity and budgets:** How many inspectors have been hired? How many currently work on RentSafeTO? Why did it take two years for a single report to come out? Does RentSafe have the staff it needs to enforce property standards and implement the program?

In order to address the issues we listed, ACORN members propose the following improvements to RentSafe:

- **Signs:** The immediate implementation of a red/yellow/green public facing sign displaying the rating of a building.
- **Evaluation Criteria:** The immediate inclusion of unit windows, water pressure, mould, pest control, and presence of tenant notification board in the building evaluation criteria.
- **Changes in Score:** The immediate creation of a mechanism that allows a building to have its score lowered between evaluations if the standards deteriorate.
- **Enforcement:** Bylaw officers immediately begin issuing Part I tickets for all property standard violations in buildings, rather than allowing landlords to break the law without penalty.
- **Enforcement:** The implementation of an administrative penalty system for property standard violations by June 2021.
- **Enforcement:** MLS provides PPE to staff so that they can respond to 311 calls in person. Tenants are having complaints ignored by the city.
- **Engagement:** Tenant engagement during building evaluations. Tenants should know in advance when building evaluations are happening, and bylaw officers should go through every floor and knock on doors to make tenants aware of the RentSafe program and allow tenants to register complaints in person.
- **Transparency & Trust:** Standardized operating procedures for RentSafe. All property standard violations should be treated the same, regardless of who the landlord or tenant is. Clear guidelines that are transparent and available to the public for when Part I tickets will be issued, in order to rebuild trust with the tenant community.
- **Transparency & Trust:** Standardized criteria for when 'Remedial action' will be undertaken by the city, that is transparent and available to the public. The city should be using all tools and powers at its disposal to hold landlords accountable and ensure apartment standards are up to code.
- **Funding:** The per unit fee that recovers the cost of RentSafe be tied to inflation, and funding to RentSafe increased to allow doubling the amount of property inspectors in the RentSafe program.
- **Data:** That RentSafe collects information of the amount of rent paid in a building, to better target enforcement of property standards in affordable apartments - where tenants are most at risk of illegal eviction.
- **Data:** That landlords be required to provide the details of the actual property owner when they register with RentSafe, and that this information is provided to the public. RentSafe currently only collects Property Management information.