

PH17.6 - Actions to Promote the Protection of Residential Rental Tenancies - Update

Submission from Melissa Goldstein to the Planning & Housing Committee, October 20, 2020

To prevent the city's affordable housing and homelessness crisis from becoming far worse, it is critically important that the City of Toronto take immediate action to preserve our supply of affordable housing by preventing the tens of thousands of tenants who are at risk of eviction because they are behind in rent with no way to get caught up from being evicted. The City needs to lobby the province to restore the moratorium on residential evictions and use COVID funding to put financial supports in place to enable tenants at risk of eviction to maintain their housing once the moratorium is lifted. The City of Toronto needs to immediately increase the funding of existing tenant support programs, including EPIC and the Rent Bank even further and expand access to them, and then mobilize the City and the public to support tenants in maintaining their housing using the City's new tenant information & communications tools. Additional funding for eviction prevention needs to be a priority in the 2021 budget.

The Neighbourhood Land Trust released a report yesterday that I wrote while working for the Land Trust, that incorporated and built upon the work of the Dwelling Room Preservation Policy Working Group. The report is called [*Fixing the Leaky Bucket: A Comprehensive Policy & Program Framework to Preserve Toronto's Supply of Deeply Affordable Housing*](#).

The report notes that the loss of rental housing affordability in Toronto is being achieved largely through eviction, driven by real estate speculation and enabled by weak provincial rent control policy. It reviews what other North American cities have done to address very similar situations as what we are facing here in Toronto lays out a roadmap for the City of Toronto for preserving the city's deeply affordable housing stock and protecting vulnerable tenants, based on what's working in other cities.

Other cities recognize that key to addressing both a shortage of affordable housing and homelessness, is preserving the existing affordable housing supply and preventing evictions. Developing new affordable housing is important, but considering that it's more expensive to produce, is generally much less affordable than what is being lost, and its affordability is often time-limited, preserving existing affordable housing is even more important. This is something that Toronto has yet to fully appreciate.

The Fixing the Leaky Bucket report includes numerous policy and program recommendations to promote the protection of residential rental tenancies and preserve affordable rental housing, many of which will take some time to implement.

However, immediate action is necessary to ensure that renters can maintain their housing while these longer term strategies are being developed. The COVID-19 pandemic has put tens of thousands of Torontonians at imminent risk of eviction because they are behind in rent and have no way of getting caught up. If something isn't done today, we will have a humanitarian crisis on our hands when those renters are forced from their homes and are faced with a shelter system that is already over capacity.

To prevent the city's affordable housing and homelessness crisis from becoming far worse, it is critically important that the City of Toronto take immediate action to preserve our supply of affordable rental housing and prevent tenants from being evicted.

1. The City needs to lobby the province to restore the moratorium on residential evictions and to use some of the billions of federal dollars of COVID funding to put financial supports in place to enable tenants at risk of eviction to maintain their housing once the moratorium is lifted.

2. In the meantime, the City of Toronto needs to immediately increase the funding of existing tenant support programs even further and expand access to them. We cannot wait until the second quarter of 2021 to do this, as is being recommended in this staff report.

The EPIC program in particular needs to be much better funded and heavily promoted, as most tenants don't know it exists and aren't able to access it. In addition to modifying the Rent Bank so it disperses grants and eligibility is expanded to include people who are unemployed, it also needs to have the \$4000 per year cap lifted so that tenants experiencing months without income don't lose their housing. This funding increase can be short-term. An 18-month top-up that can be reassessed as the situation evolves. What we need is the financial capacity and flexibility within the tenant support system to respond quickly to emergencies. **This additional funding for eviction prevention needs to be a priority in the 2021 budget.**

3. And then we need to mobilize the City and the public to support tenants in maintaining their housing. Making sure everyone knows what resources are available and how to access support and guidance. We have to make supporting tenants through COVID a city-wide project, where we work together to support our neighbours in keeping their roofs over their heads, and these new information and communication tools being developed need to be ready to be used for that purpose.

Fixing the Leaky Bucket:

A Comprehensive Policy &
Program Framework to
Preserve Toronto's Supply
of Deeply Affordable Housing



Acknowledgements	03
Executive Summary	06
1. Introduction	11
2. Toronto’s Loss of Affordable Housing	14
2.1. The Lack of Reliable Data	
2.2. The Creation of a Predatory Eviction Crisis	
3. What Are Other Cities Are Doing to Stem the Losses	22
3.1. Transferring Existing Affordable Housing to Public or Non-Profit Ownership	
3.2. Putting Restrictions on Demolition and Conversion	
3.3. Supporting Tenants	
3.4. Developing New Affordable Housing	
4. What Is Toronto Doing to Preserve Deeply Affordable Housing?	36
4.1. Transferring Existing Affordable Housing to Public or Non-Profit Ownership	
4.2. Putting Restrictions on Demolition and Conversion	
4.3. Supporting Tenants	
4.4. Developing New Affordable Housing	
5. The Leaky Bucket: Gaps in Toronto’s Policies and Programs	46
5.1. Dwelling Rooms Are Not Permitted in All Parts of the City	
5.2. Inadequate Dwelling Room Preservation and Replacement Policies & Inadequate Policy Implementation	
5.3. No Plan or Program for Affordable Housing Preservation	
5.4. Inadequate Policies to Preserve Affordable Housing & Prevent Predatory Eviction	
5.5. No Predatory Eviction Prevention Tenant Support	
5.6. Lack of City Eviction Prevention Protocol	
5.7. Lack of Coordination Among City Divisions and Agencies	
5.8. No Strategic Collection, Monitor-Ing, or Sharing Of Data	
5.9. Inadequate Enforcement of By-Laws and Permit Requirements	
6. Conclusion: How Toronto Can Stem the Loss of Affordable Housing and Better Protect Tenants: Recommendations for Action.	56
6.1. Legalize Multi-Tenant Housing Across the City	
6.2. Require & Enforce Replacement of Affordable Housing Lost To Demolition and Conver-Sion	
6.3. Provide Proactive, Inter-Sectoral, Coordinated, Data Driven Tenant Support	
6.4. Establish a Small Sites Rental Housing Acquisition Program	
6.5. Build New Permanently Affordable Housing	
6.6. Advocate For Provincial Policy Reforms	
7. References	69
8. Appendix A: Program Guidelines For A Small Site Acquisition Program	73

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Special thanks to all the tenants, community members, agency staff, and City staff who took the time to participate in the Dwelling Room Preservation Policy Working Group and who contributed to the creation of this report.

Finally, thanks to the thousands of tenants across the city who are organizing in formal and informal ways to protect their housing. Tenants are the first line of defense against the loss of affordable housing!

We hope that this report will motivate our governments to take meaningful action to protect tenants and preserve existing affordable housing in Toronto and beyond.

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Photo by: Jeff Bierk.

Description: Derrick Black at an encampment in downtown Toronto, October 2020.

Executive Summary

To prevent the city's homelessness crisis from becoming far worse, it is critically important that the City of Toronto take immediate action to:

- 1) preserve the existence and affordability of dwelling rooms and other deeply affordable housing, and
- 2) protect tenants from predatory landlord behaviour and displacement.

For low-income people in Toronto (especially social assistance recipients) a room in shared accommodation is one of the only forms of housing that remains affordable in the private market — even after all available housing subsidies have been taken into account. A 2017 study for the City of Toronto found that shared accommodations were the only rental option that consistently fell below the City's affordable rent threshold; rooms in shared dwellings accounted for more than 70 percent of the affordable units available for rent (City of Toronto 2018: Feb 9, 6).

Dwelling rooms, defined as rooms used as living accommodation that are rented individually and are not self-contained, and can contain private sanitary facilities or cooking facilities, but not both (City of Toronto 2019a), represent a critically important form of affordable housing in Toronto and other major cities. With rents across the city rising faster than social assistance and minimum wage rates, the demand for dwelling rooms in Toronto continues to grow as other forms of housing are pushed further and further out of reach of people who used to have more options (PRISM Economics and Analysis 2017). Although often depicted as temporary housing, many dwelling room tenants rely on rooming houses as long-term accommodations.

The supply of dwelling rooms, however, is dwindling. In recent decades, a combination of real estate speculation and

inadequate public policy to protect and preserve dwelling rooms and maintain affordable rental rates has accelerated the loss of affordable housing in most major North American cities. Overwhelmingly, the loss of housing affordability is achieved through eviction. Fueled by property owners aiming to increase their profits by raising rents or selling their properties, tenants are being forced out of their homes and their communities — often into homelessness. Low-income tenants are most vulnerable to this pressure from property owners and the impacts they experience are more dire, however in Toronto, renters across the city are experiencing similar issues with predatory landlords who persistently push rents higher and higher.

Toronto is losing affordable dwelling rooms and other forms of affordable rental housing far faster than it is being created and the impact on Torontonians is significant: the city is experiencing record rates of homelessness — the last official census of the homeless population in 2018 counted 8,715 people (City of Toronto 2018b), while homeless-serving agency, Fred Victor, estimates the homeless population at 9,200 (Fred Victor n.d.); all of its homeless shelters and 24-hour respite spaces are at or over capacity; and at the beginning of 2019, 102,049 households were on the centralized wait list for subsidized housing (City of Toronto 2020a). The COVID-19 pandemic has exacerbated the crisis. As the Canadian Civil Liberties Association has stated, “The overcrowded conditions in Toronto's homeless facilities have created a humanitarian crisis that threatens the many vulnerable people who use these spaces, along with the shelters' staff and volunteers, and the city's broader neighbourhoods and communities” (Canadian Civil Liberties Association 2020). As a result, thousands of homeless people have set up encampments across the city, choosing to live outdoors rather than risk staying in crowded shelter spaces, spaces, and the City has had to scramble to make existing shelter spaces compliant with public health social distancing guidelines, requiring additional sites for temporary shelter to be secured. At the same time, residential development is surging (Canada Mortgage and Housing Corporation 2020, August), tens of thousands of homes and millions of rooms are left vacant (City of Toronto 2018: Apr 9, 7; Dingman 2018), and all three levels of government continue to invest heavily in affordable housing and homelessness programs,

but the situation continues to worsen. It is clear that Toronto does not have the necessary policies and measures in place to ensure the adequate provision of affordable housing and the adequate provision of a full range of housing, which is a stated priority of the City of Toronto and Ontario's Planning Act.¹

This report was developed by the Dwelling Room Preservation Policy Working Group, a multi-stakeholder working group of 26 stakeholders including dwelling room tenants, non-profit housing providers and operators, tenant advocates, and housing policy researchers and experts, led by The Neighbourhood Land Trust's Dwelling Room Preservation Policy Researcher and Organizer. The Working Group was formed in 2019 to identify gaps in Toronto's existing policies and programs that contribute to the loss of affordable dwelling rooms across the city and produce community-developed policy solutions to address the problem.

The Working Group examined Toronto's private market affordable housing policy and program situation and identified a number of policy and program gaps that prevent us from effectively preserving Toronto's supply of deeply affordable housing and protecting tenants:

1. Dwelling rooms aren't permitted in much of the city
2. Toronto does not have dwelling room replacement policies that are effective in preventing dwelling rooms from being lost due to redevelopment, conversion and upscaling.
3. Current provincial residential tenancy policies contribute to the real estate speculation that is driving predatory eviction and the loss of affordable housing.
4. The City of Toronto does not have a program to stabilize existing affordable housing at risk of being lost, does not monitor or track the city's affordable housing supply, and has no affordable housing preservation goals or targets.
5. There is no coordination among Toronto's existing tenant support services and the design and delivery of their services is not appropriate or adequate for preventing predatory eviction.
6. The City of Toronto has no formal mandate, protocol or capacity for intervention to prevent eviction, and lacks coordination among City divisions, agencies, and tenant support services.
7. There is no strategic collection, monitoring, use, and

sharing of housing and landlord-tenant data by and among City divisions, agencies, tenant support services, and the Landlord and Tenant Board.

8. Complaint-based enforcement of by-laws and permit requirements is inadequate, given tenants' vulnerability and lack of information about their rights and remedies and where to get support.
9. Public funds for new affordable housing produce relatively little affordable housing; what is being created is often affordable only for a short period of time and is less affordable than what is being lost.

As other cities in the U.S. and Canada have been grappling with similar problems for years, there are plenty of policy and program innovations to learn from that can point Toronto to a better way forward. The Working Group reviewed the policies and programs undertaken to address the loss of private market affordable housing in other North American jurisdictions including New York City, San Francisco, Chicago, San Diego, Washington D.C., Vancouver, Montreal, Calgary, and Ottawa. We found many inspiring policies and initiatives (read the full report for details), which fell into the following four main categories: transferring affordable housing to public or non-profit ownership; regulatory restrictions on the demolition and conversion of dwelling rooms and other affordable housing; tenant protections and support; and developing new affordable housing. What became clear through reviewing these policies and initiatives is that addressing the situation we are in effectively will require a comprehensive framework of policies and programs that work together to stem the loss of existing affordable housing in Toronto and allow the city to expand its supply.

The Working Group took dwelling rooms and dwelling room tenants as its starting point in its investigation of solutions to our affordable housing and homelessness crisis, however, what we ultimately developed is a comprehensive framework of policies and programs, inspired by what's worked in other jurisdictions, that offers solutions to Toronto's wider affordable housing crisis for the benefit of all Toronto tenants—especially those living in poverty. This framework is broken down into six proposals for action by the City of Toronto, which we hope can serve as a roadmap for the City of Toronto to guide it in preserving the city's deeply affordable housing stock and protecting vulnerable tenants.

1. Ontario's Planning Act directs municipalities to include in their Official Plans, "such policies and measures as are practicable to ensure the adequate provision of affordable housing" (Government of Ontario 1990: 16.1.a.1); and provincial and

municipal legislation establishes "the adequate provision of a full range of housing, including affordable housing" as a priority (City of Toronto 2019: April 5, 4–5).

A Comprehensive Policy & Program Framework to Preserve Toronto's Supply of Deeply Affordable Housing: Six Proposals for Action

1. Legalize multi-tenant housing across the city through as-of-right zoning and improve its quality without causing tenants to lose their housing.

2. Require and better enforce the replacement of affordable housing that would otherwise be lost to demolition or conversion.

This should be accomplished through the following actions:

- Prioritizing effective enforcement of rental replacement policies through adequately resourcing enforcement, improving data collection and tracking, and having the City hold the responsibility for enforcing developers' tenant relocation and assistance plan contracts.
- Implementing a choice-based system for filling all vacant affordable housing units that are generated through City funding or City policies.
- Regularly reviewing, evaluating and reporting on the impacts of rental replacement policies to ensure they are not inadvertently motivating landlords to engage in predatory behaviour in an attempt to raise rents and be exempted from the policies.
- Expanding regulatory protections by amending Chapter 667 of the Toronto Municipal Code (the Rental Property Demolition and Conversion Control by-law), so that it applies to dwelling room rental properties, and not just self-contained rental units.

3. Prevent predatory eviction through the creation of a proactive, intersectoral, coordinated, integrated and data-driven tenant support system.

This should be accomplished through the following actions:

- Create a dedicated unit within Shelter, Support and Housing Administration with a mandate to coordinate an inter-sectoral approach to preserving the affordability of private market housing and preventing eviction and

homelessness by providing tenant protection and support.

- Develop and implement a) a database of affordable housing and tenant data from relevant City divisions (and other available sources); b) data protocols that facilitate the inter-divisional collection and sharing of relevant data; and c) data collection tools to facilitate the collection of data from City staff, front-line workers, and the public. Anonymize data collected and share it via Open Data.
 - Establish a city-wide proactive eviction prevention program, which funds community legal clinics or other local agencies to operate coordinated, local, proactive site-specific eviction prevention and tenant support services at the building level.
 - Integrate into the proactive eviction prevention program an initiative where community partners work with the City to facilitate the enforcement and compliance of by-laws and permit requirements and provide low-income tenants and their landlords with access to services related to proper residential building maintenance and occupancy issues.
 - Support the development of a Toronto Community Rental Housing and Tenant Support database that compiles data from a variety of government, agency, and community sources, to be used to create useful community data tools that will support proactive eviction prevention efforts, better support tenants, and build capacity among tenants and communities to prevent eviction.
 - Create a Tenant Support Community of Practice to share knowledge, develop strategies to prevent eviction, and to inform tenant support and eviction prevention training that is delivered to eviction prevention staff and community volunteers.
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4. Establish a small sites rental housing acquisition program that provides capital grants or forgivable loans to non-profit housing organizations or community land trusts to facilitate the purchase and conversion of at-risk private market affordable rental housing into permanently affordable housing.

The program would be comprised of:

- Capital funding and/or forgivable loans to allow non-profits to purchase properties quickly in a hot real estate market;
- Funding for up-front-costs of development consultants and due diligence studies;
- Renovation and rehabilitation funding; and
- A method to distribute funds to non-profits that allows organizations to compete in the open market to purchase properties;

The program would be enabled by:

- Data collection and monitoring of at-risk sites to identify priority sites for acquisition;
- A notice rights or right-of-first-refusal policy to enable non-profit organizations to secure properties before they are purchased by speculators;
- Capacity-building support for non-profits.

5. Facilitate the development of more permanently affordable housing.

This can be accomplished through the following actions:

- Modifying the Open Door program so that it creates and preserves permanently affordable housing exclusively and is more accommodating to non-profit applicants;
- Maximizing the affordable housing potential of public land through the use of land trusts, a portfolio approach, and non-profit development of permanently affordable housing; and
- Tracking, reporting on, and sharing data about the state of the city's affordable housing supply.

6. Advocate for the reform of provincial policies and practices that contribute to the real estate speculation driving dwelling room loss and increasing housing unaffordability. Specifically:

- Implement a vacancy control policy, which would prevent landlords from raising rents as high as they want once a tenant vacates the unit.
- Update and increase penalties for Residential Tenancies Act violations to ensure that they reflect both the financial benefits of violating the law and the cost to the government of mitigating the impact of the violation.
- Amend Above Guideline Increase (AGI) rules and make expenditures for balcony repairs or replacement; parking garage repair or replacement; and expenditures necessary for compliance with municipal work orders concerning non-compliance with health, safety, housing or maintenance standards ineligible for Above Guideline Increases. Require landlords to provide tenants with clear, detailed information about the work to be performed well before it is carried out to be eligible for an AGI.
- Require landlords to provide tenants with a Buyout Agreement Notice and file it with the Landlord and Tenant Board (LTB) before beginning buyout negotiations; have the LTB share the Notice with tenants' rights organizations to allow them to follow-up with tenants and offer support; allow tenants to rescind the agreement within 45 days and decline other buyout offers for 180 days; make information about the buyout publicly available on a searchable database/map.
- Establish a public online registry of N12 "Notice to End your Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit" filings that makes N12 data publicly accessible.
- Make eviction notices filed with the LTB available to local tenant support organizations and regularly share eviction data with municipalities and organizations that provide eviction prevention support.

While all three levels of government invest heavily in affordable housing and homelessness programs, Toronto is seeing its affordable housing and homelessness crisis continue to worsen; a clear indication that the system into which money is being poured is so full of holes that it is impossible to make any progress. Realizing Torontonians' right to housing requires taking action to ensure that the pursuit of profit does not take precedence over the human need for shelter. It is important to note that the content of this report was developed prior to the emergence of the COVID-19 pandemic and does not capture the recent responses from governments or the massive swell in collective action by tenants and communities in cities across Canada and the United States. This report is still deeply relevant, however, and provides concrete direction that should be considered during the ongoing emergency response and as we move forward with economic recovery. While it has been encouraging to see the City's response to the COVID pandemic include a plan to purchase hotels and other properties to provide better accommodations for

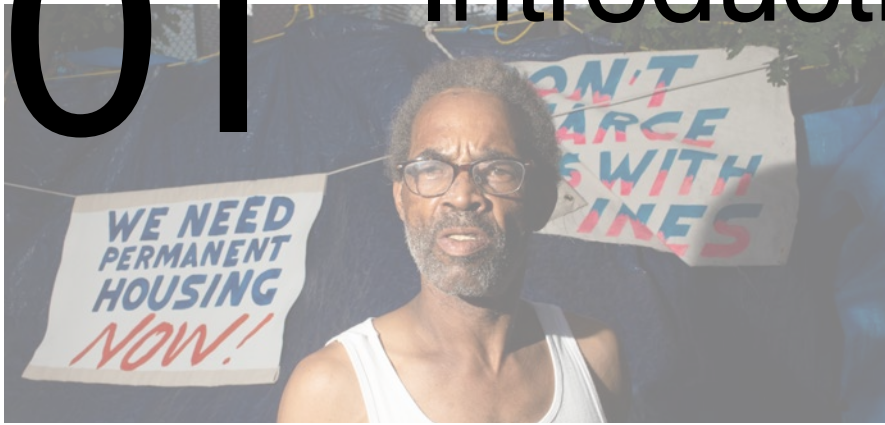
people experiencing homelessness, this emergency response approach lacks a sustainable plan and coordinated framework of policies and programs to stem the loss of existing affordable housing so that the City is able to grow its affordable housing supply.

To prevent the city's homelessness crisis from becoming far worse, it is critically important that the City of Toronto take immediate action and prioritize preserving the existence and affordability of existing affordable dwelling rooms and other deeply affordable housing, protect tenants from predatory landlord behaviour and displacement, and invest public resources for new housing development exclusively in the development and preservation of permanently affordable housing. As John Emmeus Davis wisely wrote: "We will never find enough money. We will never build enough housing. We will never see the waters rise. Until we care as much about trickle out as we do about trickle down" (Davis 2015).

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01 Introduction



For low-income people in Toronto (especially social assistance recipients), a room in shared accommodation is one of the only forms of housing that remains affordable in the private market — even after all available housing subsidies have been taken into account. A 2017 study for the City of Toronto found that shared accommodations were the only rental option that consistently fell below the City’s affordable rent threshold¹; rooms in shared dwellings accounted for more than 70 percent of the affordable units available for rent. (City of Toronto 2018: Feb 9, 6).²

Dwelling rooms, defined as rooms used as living accommodation that are rented individually and are not self-contained, and can contain private sanitary facilities or cooking facilities, but not both (City of Toronto 2019a), represent a critically important form of affordable housing in Toronto and other major cities. In addition to being more affordable, dwelling rooms are often rented without the tenant being required to sign a lease, provide references, or pay first and last month’s rent, making them far more accessible than other forms of rental housing for people including students, refugees, undocumented immigrants, people leaving penal institutions, and people who have experienced homelessness. With rents across the city rising faster than social assistance and minimum wage rates, the demand for dwelling rooms continues to grow as other forms of housing are pushed further and further out of reach of

people who used to have more options (PRISM Economics and Analysis 2017).³ Although often depicted as temporary housing, many dwelling room tenants rely on rooming houses as long-term accommodations.

While dwelling rooms represent a critically important form of affordable housing in Toronto and other major cities, the supply of dwelling rooms in Canada and the United States is dwindling. Dwelling rooms have been converted to single-family homes or to tourist accommodations; demolished and replaced with apartments and condos; renovated into more expensive housing for more affluent tenants (upscaling); lost through fire, and shut down due to unsafe conditions and for zoning, building code and fire code violations.

For more than 100 years, across Canada and the United States, dwelling rooms (in rooming houses, residential hotels, and boarding homes) have provided affordable housing for workers and low-income people. Before the Second World War, they were generally considered respectable accommodation for single working people. In Toronto, in nearly every part of the city where there were houses that could be subdivided, there were rooming houses. But as the houses aged and other housing options opened up for city workers after the War, dwelling rooms gradually became associated with consumer survivors and immigrants. The stigmatization of these tenants led to the stigmatization

1. In 2020 the affordable rent threshold for a bachelor apartment is \$918/mo.. (City of Toronto 2020b).

2. Rents can vary greatly, even within a single neighbourhood. A 2019 survey of 112 rooming house tenants from over 30 properties in Parkdale identified that rents ranged from \$150 to \$1,250/month, with a median rent of \$647, and half of all tenants were paying less than \$650 (Parkdale Neighbourhood Land Trust 2019).

3. Full-time workers earning minimum wage salaries earn \$2,426/month (\$2,004 after taxes), while the CMHC average market rent for a bachelor apartment in Toronto is now \$1,148, with asking rent levels even higher (City of Toronto 2020b).

of the housing where they lived, and resulted in persistent discriminatory efforts by communities and governments to eliminate dwelling rooms (Durning 2012).

While stigmatization and discrimination are still significant contributing factors in dwelling room loss (especially when it comes to the failure of public policy to prevent it), real estate market pressures have had an overwhelming impact in recent decades.

Researchers estimate that between the mid-1970s and 2000, about one million dwelling rooms were lost across the United States.⁴ Canada's losses are similarly stark. In Vancouver, between 2006 and 2007, 22 buildings with more than 1,000 rooms were sold, causing the provincial government to intervene and purchase 13 single-room occupancy buildings to keep them available as inexpensive housing (Durning 2012). In Halifax, 97 of 151 licensed rooming houses disappeared between 1995 and 2016. In Montréal, between 2006 and 2017, the city lost 150 dwelling rooms (Paradis 2018).

Low-income tenants are most vulnerable to this pressure from property owners and the impacts they experience are more dire, however in Toronto, renters across the city are experiencing similar issues with predatory landlords who push rents higher and higher. Housing that was once affordable to middle-income earners is being lost at a similar rate as that which is affordable to low-income earners.

Toronto is losing affordable housing far faster than it is being created and the impact on Torontonians is significant: the city is experiencing record rates of homelessness – the last official census of the homeless population in 2018 counted 8,715 people (City of Toronto 2018b), while homeless-serving agency, Fred Victor, estimates the homeless population at 9,200 (Fred Victor n.d.); all of its homeless shelters and 24-hour respite spaces are at or over capacity; and at the beginning of 2019, 102,049 households were on the centralized wait list for subsidized housing (City of Toronto 2020a).⁵

At the same time millions of potential homes—a combination of an estimated two million individual rooms (Dingman

2018) and between 15,000 and 28,000 self-contained units (City of Toronto 2018: Apr 9, 7)—sit empty due to policies that encourage a range of housing that is out of step with Torontonians' current housing needs and an economic environment that rewards investors for letting houses, condos, and apartments sit empty.

To prevent the city's homelessness crisis from becoming far worse, it is critically important that the City of Toronto take immediate action to preserve the affordability of dwelling rooms and other deeply affordable housing, protect and increase the supply of deeply affordable housing, improve the living conditions of dwelling rooms, and protect dwelling room tenants from predatory landlord behaviour and displacement. Realizing Torontonians' right to housing requires taking action to ensure that the pursuit of profit does not take precedence over the human need for shelter.

This report was developed by the Dwelling Room Preservation Policy Working Group, a multi-stakeholder working group of 26 stakeholders including dwelling room tenants, non-profit housing providers and operators, tenant advocates, and housing policy researchers and experts, led by The Neighbourhood Land Trust's Dwelling Room Preservation Policy Researcher.

This report reviews the policies and programs undertaken in other North American jurisdictions to address the loss of private market affordable housing; reviews Toronto's current policy and program situation and identifies gaps and weaknesses; and proposes a way forward: a program and policy framework to address the gaps identified in Toronto, informed by successes in other jurisdictions. This report lays out a roadmap for the City of Toronto for preserving the city's deeply affordable housing stock and protecting vulnerable tenants. While this report takes dwelling rooms and dwelling room tenants as its starting point, it also offers solutions to Toronto's wider affordable housing crisis, for the benefit of all Toronto tenants, especially those living in poverty.

It is important to note that the content of this report was developed prior to the emergence of the COVID-19 pandemic and does not capture the recent responses from

4. In many cities, the loss has continued into the present: in Chicago, 30 licensed SROs closed between 2008 and 2014, leaving only 73 licensed buildings with between 5,000 and 6,000 units (Paradis 2018); between 2010 and 2016, San Diego lost roughly 9,290 single-room occupancy (SRO) rooms, more than 1,500 low-income rental units (mostly to conversion into condominiums), and about 749 affordable units that became market rent units after property owners chose not to renew federal rental subsidy contract (DeHaven 2016).

5. The City's Street Needs Assessment indicates that housing unaffordability is a key driver of homelessness in Toronto; 54 percent of people interviewed during the Assessment reported that they were in receipt of Ontario Works or Ontario Disability Support payments; 14 percent reported an inability to afford rent as the reason for becoming homeless; and 8 percent reported that they had been evicted from their housing for non-financial reasons, including the redevelopment of their property (City of Toronto 2018b, 27 & 32).

governments or the massive swell in collective action by tenants and communities in cities across Canada and the United States. This report is still deeply relevant, however, and provides concrete direction that should be considered during the ongoing emergency response and as we move forward with economic recovery.

Key Components of A Comprehensive Policy Framework to Preserve Toronto's Supply of Deeply Affordable Housing:

1. Legalize multi-tenant housing across the city through as-of-right zoning and improve its quality without causing tenants to lose their housing.
2. Require and better enforce the replacement of affordable housing that would otherwise be lost to demolition or conversion.
3. Prevent predatory eviction through the creation of a proactive, inter-sectoral, coordinated, integrated and data-driven tenant support system.
4. Establish a small sites rental housing acquisition program that provides capital grants or forgivable loans to non-profit housing organizations or community land trusts to facilitate the purchase and conversion of at-risk private market affordable rental housing into permanently affordable housing.
5. Facilitate the development of more permanently affordable housing.
6. Advocate for the reform of provincial policies and practices that contribute to the real estate speculation driving dwelling room loss and increasing housing unaffordability.

DWELLING ROOM PRESERVATION POLICY WORKING GROUP

This report was developed by the Dwelling Room Preservation Policy Working Group, a multi-stakeholder working group of 26 stakeholders including dwelling room tenants, non-profit housing providers and operators, tenant advocates, and housing policy researchers and experts, led by The Neighbourhood Land Trust's Dwelling Room Preservation Policy Researcher.



02 Toronto's Loss of Affordable Housing



While there is a concerning lack of reliable data on changes in dwelling room stock, there is considerable evidence suggesting that Toronto's supply of affordable dwelling rooms and "naturally occurring" private market affordable housing is steadily declining. Today, the loss of housing affordability in Toronto is being achieved largely through eviction, driven by real estate speculation and enabled by weak provincial rent control policy.

2.1 THE LACK OF RELIABLE DATA

While anecdotal evidence points to the loss of dwelling rooms in Toronto over the years (Campsie 1994; Parkdale Neighbourhood Land Trust 2017), the city lacks data on actual numbers.

Rooming houses exist across the entire city of Toronto, however municipal bylaws only permit them in the central core (the pre-amalgamation City of Toronto) and in a small area in Etobicoke. In the rest of the city, rooming houses are

technically illegal; those that operate there do so in secret.

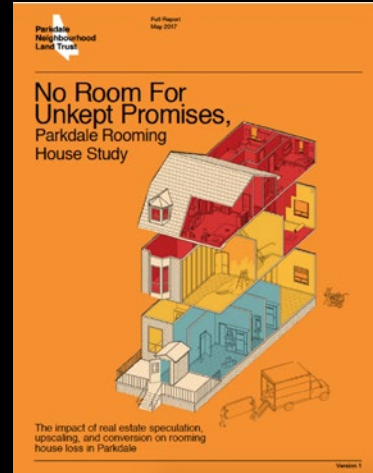
Where rooming houses are permitted, the City requires rooming houses to be licensed. The City therefore has data on the number of licensed rooming houses.⁶ From the available licensing data, it is clear that the number of licensed rooming houses and bachelorette buildings has been falling significantly over time:

- in 1986 there were 603 licensed rooming houses and bachelorette buildings;
- in 1993 there were 457;

6. Rooming house licensing requires property owners to provide information on the number of rooms, number of common areas, and number of shared amenities (kitchen, bathroom). The program also involves annual inspections for compliance with the Fire Code, Property Standards bylaw, Building Code, and Health Protection and Promotions Act.

UNRELIABLE NUMBERS

A 2016 survey of the Parkdale neighbourhood's rooming houses demonstrated the dangers of relying on licensing data for dwelling room numbers: 198 operating rooming houses, bachelorette buildings, and non-profit multi-tenant houses were identified, but only 117 of those buildings were identified by the City as rooming houses through the licensing process — a significant undercount of 86 rooming houses. In addition, several of the licensed properties were not actually operating as rooming houses. The survey produced the most accurate data available, but its scope was restricted to a single neighbourhood. (Parkdale Neighbourhood Land Trust 2017).



- in March 2012 there were 412;
- in August 2016 there were 367;
- in October 2016 there were 359; (Campsie 2018)

What is not clear is what these numbers actually represent: the loss of dwelling rooms, a loss of multi-tenant buildings, or a decline in properties becoming licensed, or a combination of these trends? And because the City's rooming house license application doesn't ask for rent rolls, there is also no data on the affordability or change in affordability of the housing.

Importantly, rooming house license data is something quite different from data about all the rooming houses operating across the city, and yet it is this data that the City uses as the basis for its understanding of dwelling rooms in Toronto. TorontToronto.

Despite these data problems, there is considerable evidence suggesting that Toronto is losing its supply of affordable dwelling rooms and naturally occurring affordable housing. The Parkdale Rooming House Study (2017) found that 28 licensed and unlicensed rooming houses in Parkdale, totaling 347 dwelling rooms or units, had been lost as affordable housing in the past 10 years, due to either conversion or upscaling;⁷ The City of Toronto notes that

“based on recent pre-application meetings, staff estimate that there could be as many as 200 dwelling rooms at risk of being lost to development” (City of Toronto 2018: May 9, 6); rooming houses are being closed and dwelling room tenants continue to be forced out of their homes as a result of fires and their housing being deemed unsafe (CBC News 2019; Nicholson and Ho 2019); and predatory eviction is on the rise (Reddekopp 2019). Data from City departments Toronto Fire, Toronto Public Health, and Municipal Licensing and Standards provide further data pointing to this loss.⁸

Meanwhile, because they operate in secret, there is no data at all about the many rooming houses that operate in areas of the city where they are not permitted. For example, anecdotal evidence points to the recent creation of dwelling rooms in areas surrounding the campuses of University of Toronto Scarborough, York University, and Humber, Seneca, and Centennial Colleges where there is a shortage of purpose-built student housing and accommodations that are affordable to students. However no one knows how many there are, where they are, how many people they house, how affordable they are, or what the health and safety conditions are.

7. The Parkdale Rooming House study found that 28 rooming houses in the neighbourhood had been lost to conversion to another use between 2006 and 2016, displacing 347 residents. It also identified 59 rooming houses, housing 818 tenants, that were at risk of being lost to conversion (Parkdale Neighbourhood Land Trust 2017).

8. In 2017, the Toronto Fire Service closed five buildings for safety reasons, and in 2018 shut down two more buildings for the same reason, leading to tenant evictions (Nicholson and Ho 2019).

3 DEVELOPMENT PROPOSALS CURRENTLY UNDER REVIEW BY THE CITY OF TORONTO THAT PROPOSE DEMOLITION OF AFFORDABLE DWELLING ROOMS



Queens hotel, 1521 king street west

blogTO
Toronto's worst-reviewed hotel to be replaced by sparkling new apartments

An architectural rendering of a modern, multi-story apartment building with a blue and white facade. The building has many windows and balconies. It is set against a clear blue sky with some light clouds.

Inglewood arms hotel, 295 jarvis street west

blogTO auran O'Neil Posted on June 04, 2018 Report Inaccuracy
Fancy condo to replace another Toronto rooming house

An architectural rendering of a modern building with a glass and steel facade. The building has a prominent glass entrance and many windows. It is set in an urban environment with trees and other buildings.

The palace arms, 940 king street west

blogTO
Infamous Toronto rooming house could soon look like a giant sailboat

An architectural rendering of a tall, curved building with a white facade. The building has a unique, sailboat-like shape. It is set in an urban environment with other buildings and a street.

2.2 THE CREATION OF A PREDATORY EVICTION CRISIS

Today, the loss of housing affordability in Toronto is being achieved largely through eviction, driven by real estate speculation, and enabled by weak provincial rent control policy.

In June 1998, the provincial Progressive Conservative government enacted the *Tenant Protection Act*, which introduced *vacancy decontrol*: the elimination of rent control on vacant units, which enables landlords to charge any rent they like once a unit becomes vacant.⁹

In Toronto, which had a 0.8 per cent vacancy rate at the time, this policy change had an immediate and detrimental impact, as it incentivized landlords to evict tenants paying low rents by allowing them to find new tenants who would pay more for the same unit, and made it much easier for them to do. Vacancy decontrol also gave landlords considerable bargaining power over existing tenants, who stood to lose their housing unless they agreed to rent increases (Slater 2004). Tenants with rents that were lower than current market rent levels became vulnerable to harassment and manipulation by landlords who stood to reap huge financial gains by getting the tenants to leave. The Act also allowed landlords to pass certain costs onto existing tenants by applying for Above Guideline Increases (AGIs), which allowed landlords to raise rents to cover their expenses. In the year the Act came into effect, CMHC recorded an average rent increase of 7 per cent (seven times the rate of inflation) in the Toronto Census Metropolitan Area (CMA) and attributed much of the increase to landlords' taking advantage of the city's tight rental market to raise their rents to the maximum legal rent on renewal of leases (Mahoney 2001).¹⁰

Vacancy decontrol and the Above Guideline Increase allowance have persisted in provincial legislation to this day, so this dynamic has been a feature of Ontario's housing market for the past 20 years.

Meanwhile, private investors came to view the city's multi-tenant housing as a potentially lucrative financial asset and a commodity to be traded on international markets, using real estate investment trusts (REITs), private equity funds, financial asset management firms, pension funds, and other investment vehicles (August and Walks 2018).

The situation is not unique to Toronto. In New York City, rent control deregulation in 1997, which allowed landlords to dramatically increase rents when units became vacant, combined with the availability of cheap financing and strong local demand for rental housing, had a similar impact. Tenant advocates in New York City use the term "predatory equity" to describe the practice of speculators' overpaying for affordable housing with borrowed money, converting it to housing for wealthier people, and flipping it to new buyers for a quick profit. Predatory equity involves the expectation of large profits realized quickly at the expense of tenant quality of life and building conditions (Center for Urban Pedagogy 2009; Community Development Project at the Urban Justice Center and Stabilizing NYC 2017). A 2017 report by Community Development Project at the Urban Justice Center and Stabilizing NYC described what predatory equity looks like on the ground in NYC:

Landlords are using various forms of harassment to push out long-term rent-regulated tenants and to maximize the number of market rate tenants in buildings. Landlords are neglecting the repair needs of long-term tenants, and if they eventually do the repairs, they are poor quality, creating unsafe conditions for tenants. Landlords are also manipulating rents, while employing emotional harassment tactics to drive tenants away. Tenants combat the harassment by organizing with each other and with community organizations, even though landlords attempt to disrupt and intimidate organizing efforts." (Community Development Project at the Urban Justice Center and Stabilizing NYC 2017, 9).¹¹

Indeed, this is a global phenomenon: the UN Special Rapporteur on adequate housing, Leilani Farha, notes that housing is at the centre of a historic structural transformation in global investment and the economies of the industrialized world:

9. Vacancy decontrol was implemented in the context of an extremely tight rental housing market: the private sector had switched from building rental housing to more lucrative condo development in the 1980s following the cancellation of a federal tax subsidy program; federal funding for new social housing that had been producing co-op and non-profit housing was cancelled in 1993 and the responsibility for social housing was downloaded onto provincial governments; planned provincial social housing funding was cut in 1995; and in 1998 social housing was downloaded onto municipal governments without the resources to

finance new rental housing development or adequately address repairs; by the late 1990s hardly any new rental housing was being built, while demand continued to grow (August and Walks 2018).

10. Between 1997 and 2000, the average rent for bachelor apartments increased by 23.5 percent, 1-bedroom apartments increased by 22 percent, and 2-bedrooms increased by 20 percent. At the same time, the annual rate of eviction applications filed in the province increased by 24 percent (Mahoney 2001).

“Housing and urban real estate have become the commodity of choice for corporate finance, a “safety deposit box” for the wealthy, a repository of capital and excess liquidity from emerging markets and a convenient place for shell companies to stash their money with very little transparency” (United Nations General Assembly 2017, 8).

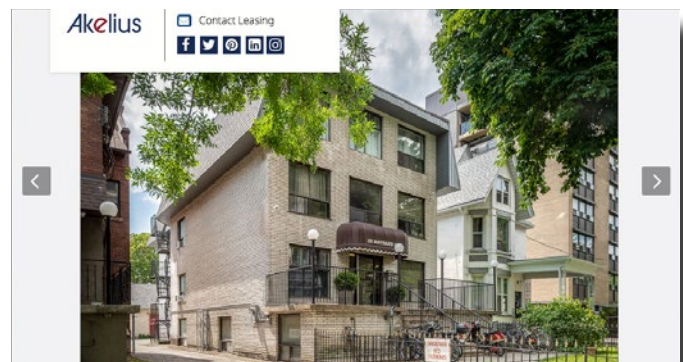
The resulting escalation in real estate values has contributed to greater wealth inequality: those who own property in popular urban markets have become richer, while lower-income households faced with increasing housing costs have become poorer. As the financial system exploits the housing needs of low-income households, governments are doing little to address the needs of communities and their human rights obligations; instead, they view their accountability as being to markets and investors (United Nations General Assembly 2017).

August and Walks (2018) note that after 2009 a series of new and aggressive landlords entered the Toronto market, rapidly acquiring buildings and applying sophisticated asset management strategies. Between 2000 and 2015, approximately 42 per cent of the apartment stock in Toronto changed hands, with ownership increasingly consolidated in the hands of REITs, institutional investors, private equity funds, and a few large family-owned companies. By 2016, 14 such landlords owned about 369 buildings in Toronto, representing 55,820 units (August and Walks 2018, 128–29).

The displacement of low and fixed-income tenants is at the core of speculative landlords’ profit-driven business plans, with tenants in gentrifying neighbourhoods who are paying less than current asking rents most at risk of “predatory eviction,” profit-driven harassment, manipulation, and displacement from their homes.¹² This trend is accelerating: financial entities purchasing multi-tenant housing initially focused on larger buildings of self-contained units, now target rooming houses and bachelorette buildings in hot rental markets as well. In 2018, Akelius purchased 28 Maynard Ave., a 20-unit licensed bachelorette building in Parkdale. After taking ownership, the company began upscaling units as long-term tenants vacated them,

marketing them for \$1,700, where the same units had previously rented for as low as \$535.

August and Walks (2018) observe that in Toronto, private equity firms use different business strategies, depending on the housing market conditions in the area. In areas experiencing gentrification, buildings are aggressively “repositioned” from affordable housing to luxury housing. Landscaping and aesthetic upgrades improve the building’s appearance, while a variety of tactics are used to get existing tenants to move out. In the outer suburbs, where the housing market is weaker and residents are lower income and have limited housing options, tenants are squeezed for additional revenues in the form of added costs and fees or rent increases through AGIs, while maintenance is neglected.



Building profile for 28 Maynard Avenue on Akelius website

COMMON PREDATORY EVICTION TACTICS

Predatory eviction can involve both exploiting the mechanisms that exist for legally evicting tenants and engaging in illegal practices:

Evicting tenants without following the proper procedures: Although it is a violation of Ontario’s Residential Tenancies Act, predatory landlords often attempt to evict tenants by simply telling tenants that they have to leave – without submitting the required forms to the Landlord and Tenant Board, without providing the required

11. Tenant advocates and scholars note that before 2003, landlords in New York City were largely content to make a 6-8 percent return on investment through rent stabilized rental revenue. But in the mid-2000s, private equity funds began to aggressively buy up rent-stabilized multi-family housing, describing these buildings to potential investors as “historically undervalued” and “inefficiently exploited assets” that would deliver returns of 16-20 percent based on projections that 10 percent of the tenants in rent stabilized apartments would move out every year – something that wouldn’t happen without illegal actions being taken to get tenants to leave. When investors became willing to pay speculative prices for a building

based on a building’s potential income instead of valuing the building based on the revenue the property generated through existing rent-regulated rents, harassment became an essential part of the deal because owners couldn’t cover mortgages unless the rent-stabilized tenants were driven out (see August and Walks 2018, Barker 2018; Wishnia 2017).

12. In Parkdale, rooming house properties are being aggressively marketed in real estate listings as lucrative speculative investment opportunities; their potential for being converted into housing with much higher rents being advertised as their most attractive selling feature (Parkdale Neighbourhood Land Trust 2017).

THE STORY OF WEST LODGE TOWERS

In October 2018, Timbercreek, a financialized landlord, took over the West Lodge Towers in Parkdale, two badly neglected apartment towers, and immediately launched a concerted effort to force tenants from the buildings. Timbercreek increased tenants' rent above the annual legal limit, "renovicted" tenants, and took dozens of tenants to Ontario's Landlord and Tenant Board in an attempt to evict them for late rent, often as a result of the landlord's own accounting errors. This is consistent with Timbercreek's business strategy: buy older, neglected buildings, let buildings fall further into disrepair while forcing out residents paying low rents, before renovating the building with luxury finishes, significantly raising rents, and finally selling the "repositioned" building. As part of this process, the company is forcing out tenants and letting the units sit vacant until they've pushed out enough lower income tenants for the building to be marketable to higher income people. Living conditions in the building are only improved once low-income tenants are pushed out (Karpoché 2019; Parkdale Organize 2019). Community organizers report that as of September 2020 Timbercreek was holding more than 100 units vacant.



notice, without meeting the required conditions, and without giving tenants the compensation to which they are entitled. Tenants who don't know their rights, don't know the process a landlord is legally required to follow to evict a tenant, or don't have the confidence or capacity to resist the unlawful eviction, can be manipulated to leave their homes.

Predatory use of evictions for non-payment of rent:

Landlords can legally evict tenants for non-payment of rent. Predatory eviction takes place when a tenant is a day or even a few weeks behind with their rent and the landlord immediately files an eviction notice to evict the tenant. This move is technically legal, but when the landlord moves to evict instead of working to collect the rent owed, the eviction is predatory. Landlords also abuse this legal justification for eviction by refusing to accept a rent payment from a tenant, or by making it difficult for the tenant to pay their rent, and then filing an eviction notice for non-payment of rent.

Harassment: Making tenants' lives so unpleasant they decide to leave can take many forms, including:

- invading tenants' privacy by entering a tenant's unit (or letting others enter the unit) without providing the required 24-hour advance notice, or doing frequent inspections of the tenants' unit;
- cutting off access to water, heat, or electricity;
- creating unpleasant, unsafe, or difficult living conditions through neglecting building and unit maintenance – not fixing broken elevators, not repairing leaks, not repairing broken appliances, not treating pest infestations;
- creating unpleasant living conditions through building and unit renovations and construction;
- obstructing access to a tenant's unit or part of their unit;
- verbal harassment such as uttering threats or pestering tenants with endless complaints.

“Renoviction”: A landlord tells a tenant that renovations are required that are so serious that they cannot be done while the tenant is the unit, so the tenant will have to leave. Under the Residential Tenancies Act, tenants who must leave their units under an N13 application have the right of first refusal to move back into the unit when the renovations are complete, paying the same rent as they were when they moved out. In a building with five units or

more they are entitled to be compensated for extra rent expenses they incur while the unit is being renovated. However, landlords often abuse the process by renting the units to someone else, usually at a higher rent than that paid by the previous tenants, sometimes without renovating the unit at all. In those cases, the landlord can be fined and tenants can win some compensation, but if another tenant has already rented the unit, the previous tenant will be effectively permanently evicted (or “renovicted”). This is predatory abuse of Form N13: “Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use.”

Claiming that a family member needs the unit: Landlords may claim that they or a family member wants to move into the unit, and then once the tenant leaves, the landlord will rent the unit to another tenant at a higher rent. This is predatory abuse of Form N12 “Notice to End Your Tenancy Because the Landlord, a Purchaser, or a Family Member Requires the Rental Unit.”

Abuse of Above the Guideline Increases: Landlords also often abuse the provincial Above the Guideline Rent Increase (AGI) provision (Social Justice Tribunals Ontario, Landlord and Tenant Board n.d.), which enables them to legally raise the rent of current tenants 3 percent above the annual limit set by the province in the following circumstances:

- if the landlord's costs for municipal taxes and charges have increased significantly,
- if the landlord has done major repairs or renovations, or
- if the landlord has operating costs for security services performed by persons who are not employees of the landlord.

Landlords may also apply multiple AGIs to the same unit, effectively raising the rent significantly more than 3 per cent. While tenants may not be formally evicted in these cases, AGIs may force tenants with low or fixed incomes who cannot afford the rent increase to give up their homes (Goffin 2018).

Use and abuse of buyouts and Agreements to End the Tenancy: Landlords offer tenants financial compensation in exchange for tenants' voluntarily vacating their units and forfeiting the rights and entitlements they are afforded under the *Residential Tenancies Act*. While the practice is technically legal, tenants are often coerced into signing the agreement (known as an “N11 agreement” after the form used in an “Agreement to End the Tenancy”). Even buyouts worth tens of thousands of dollars can be recouped by a landlord retaining ownership of the unit and re-renting at

market rates or by selling it. Buyout offers enable landlords to circumvent many of the restrictions that apply when a landlord pursues eviction under the *Residential Tenancies Act*, including:

- time to move out,
- funds to cover relocation costs,
- the right to return to the unit at the same rent following renovation,
- the right to return to a unit in the new building following redevelopment.

Tenants are easily exploited through buyout offers. They are often unaware of current asking rent levels and how much more they will likely have to pay in rent for alternative accommodation. It is also unclear what fair compensation amounts should be. Many are unaware of what rights and entitlements they are agreeing to give up by accepting a buyout offer, and are easily enticed by offers of cash, especially if they have low incomes. Buyout offers are also often accompanied by coercion, manipulation, harassment, intimidation, misinformation, and eviction threats.

THE STAR

Tenant advocates protest evictions from Riverdale rooming house



Queen's Hotel tenants say they're being ousted on short notice

Landlord wants tenants out for renovation, community leader says it amounts to an illegal eviction

CBC News · Posted: Aug 07, 2015 3:47 PM ET | Last Updated: August 7, 2015



Queen's Hotel resident Paul Snider was one of a handful of tenants forced out of his unit, a move he says came as an 'incredible shock' when a notice was posted in the building last week. (CBC)

blogTO · Lauren O'Neil · Posted 9 months ago

Report Inaccuracy

Toronto landlord fined \$135K for illegally evicting tenants



blogTO · Lauren O'Neil · Posted on August 26, 2019

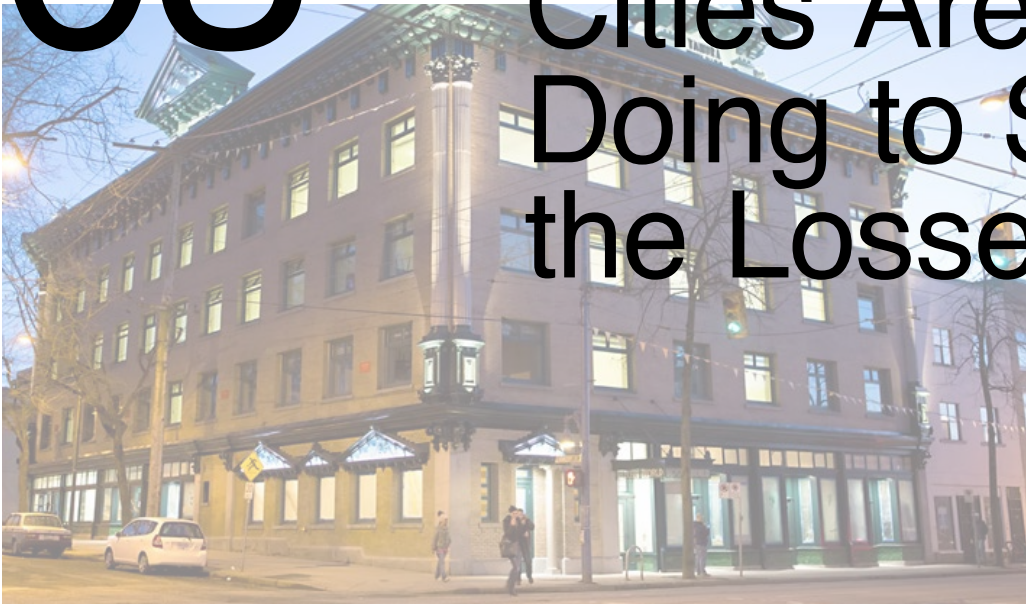
Report Inaccuracy

Shady Ontario landlords are sharing illegal eviction tips on a coupon website



03

What Others Cities Are Doing to Stem the Losses



Across North America, municipal governments and non-governmental groups have responded to persistent dwelling room loss and increasing rental housing unaffordability with innovative policies and programs to preserve and expand their stock of affordable housing and better protect tenants. These policies and programs fall into the following four main categories:

1. Transferring affordable housing to public or non-profit ownership;
2. Regulatory restrictions on the demolition and conversion of dwelling rooms and other affordable housing;;
3. Tenant protections and support; and
4. Developing new affordable housing.

These approaches will be discussed here, with examples.

3.1 TRANSFERRING EXISTING AFFORDABLE HOUSING TO PUBLIC OR NON-PROFIT OWNERSHIP

In many cities, the most effective method for preserving the supply of affordable dwelling room stock and protecting tenants is the acquisition of private market rooming houses and single room occupancy hotels (SROs) by the public or non-profit sectors. By removing housing from the speculative market, public and non-profit owners preserve the use of this housing stock as affordable housing, stabilize the housing and improve the living conditions for and security of tenure for tenants (Paradis 2018).

In the United States, affordable housing preservation programs are widespread as a result of federal affordable housing programs that produced privately-owned affordable housing that was only guaranteed to be affordable for a maximum of 20 years.

In the 1960s and 1970s, federally subsidized affordable rental housing programs were created that offered private developers various financial incentives to build affordable housing in exchange for a commitment to keep the units affordable for low-income households. These incentives included mortgage insurance for 40-year loans, interest payment subsidies, below-market interest rates, and the option to prepay subsidized mortgages after 20 years to escape the requirement to rent to low-income households.

While hundreds of thousands of affordable rental units were produced across the United States through these programs, most (if not all) of the units produced were not permanently affordable. In the late 1980s people began to realize that 1.6 million units of privately owned, federally subsidized affordable rental housing were eligible to be turned into unaffordable, market-rate housing. Not only would the subsidized mortgages on the properties soon reach the 20-year mark where they could be paid off early, freeing owners of their obligations to provide low and moderate income housing, but rental housing subsidy contracts from the 1970s would soon be expiring. A preservation movement developed to address the “expiring use crisis” and keep the housing affordable (von Hoffman 2016).

Advocacy to ensure the preservation of these housing projects has been ongoing for the past thirty years, as each year the affordability requirements expire on tens of

thousands of affordable units (National Low Income Housing Coalition 2017). Both federal and state programs were developed to ensure low-income restrictions were kept in place (Chicago Metropolitan Agency for Planning 2013), often in exchange for funds for rehabilitation, and local programs were developed, including programs to support the transfer of at-risk properties to a new (usually non-profit) owner who would commit to preserving the long-term affordability of the property (U.S. Department of Housing and Urban Development 2013).¹³ Today, half of the federal government’s budget for affordable housing is spent on preserving existing affordable housing stock (von Hoffman 2016: 57–58).

A 2013 study by the Center for Housing Policy on affordable multi-family rental housing found that acquiring and rehabilitating existing developments makes good economic sense, as the cost of building new affordable housing was between 25 to 45 percent higher per unit, even when accounting for the full lifecycle of a property and controlling for location, project size, average unit size, building type, and year of development (Center for Housing Policy 2013). Moreover, preserving affordable rental housing has the social benefit that comes with enabling people to stay in their homes and neighbourhoods, where they have social networks and are familiar with community services and supports.

Acquisition and rehabilitation programs are generally funding programs that provide non-profit organizations the means to purchase privately-owned property. In a highly competitive real estate market, it is essential for potential purchasers of property to have the means to act quickly and opportunistically to purchase property as it becomes available, which requires having access to liquid funds, or ready capital, at the moment that it’s needed. A U.S. organization called Local Housing Solutions, explains: In some models, affordable housing developers acquire properties directly using up-front financing provided through the fund; in others, the steward of the loan fund purchases the property for eventual transfer to a project sponsor. Loans are typically issued on a short-term basis at below-market interest rates and replaced by permanent financing once it is arranged. Related predevelopment costs are also generally an allowable expense, including costs associated with conducting appraisals and environmental assessments, securing title and zoning approvals, and hiring development consultants (Local Housing Solutions n.d.).

13. The affordable rental housing in 37 U.S. states that was redeveloped through the MacArthur Foundation’s Window of Opportunity initiative cost half of what it would have cost to construct comparable new units (U.S. Department of Housing and Urban Development, Office of Policy Development and Research 2013).

VANCOUVER'S SRO RENEWAL INITIATIVE

In 2012, BC Housing commenced the SRO Renewal Initiative project to renew and restore 13 of the 24 SROs that they had acquired in 2007. The 13 SROs were 100+ year old heritage buildings in need of extensive renovation to remain habitable, which housed 900 tenants. The renovations were completed in 4 years through a public-private-partnership and \$147 million in provincial and federal funding. No tenants were displaced through the process. The buildings will now be managed by non-profit societies for the next 15 years with provincial funding for a 15-year maintenance agreement (BC Housing n.d.).



In Montréal, through PAMAC, the Programme d'achat des maisons de chambres (program for purchasing rooming houses), the City purchased and renovated rooming houses containing 436 dwelling rooms between 1989 and 1992. The program subsidized each project with an annual contribution for 20 years to keep rents low, while a municipal-provincial grant covered 90 percent of renovation costs. The City has retained about 300 units acquired through PAMAC and has transferred the remaining units to non-profits. AccesLogis, a provincial housing development fund, has continued to support the purchase and renovation of rooming houses by non-profits (Paradis 2018).

The City of San Francisco, with input from the community and local non-profits, created a Small Sites Program in 2014 (Mission Economic Development Association 2016) to help finance non-profits' efforts to purchase buildings with between four and 25 units housing tenants vulnerable to eviction. The program funding has primarily been utilized by small Community Development Corporations (CDCs) and Community Land Trusts (CLTs) to acquire and preserve the affordability of small rental buildings that were at-risk of being sold in the market and upscaled.

Through the program, the City acts as a gap lender, offering a second mortgage at a very low interest rate so that borrowers can cover the cost of a first, competitive-rate mortgage, with below-market rents. The program also ensures that buildings are renovated into quality housing and deferred maintenance issues are addressed. Funding for the program comes from a number of sources, including the City's Inclusionary Housing program, a \$310 million

affordable housing bond, and cash in-lieu payments from small developers in neighbourhoods where high-end developments are built, and a new public-private program will now also provide short-term capital (from corporate donations, foundation funding, and fees) to non-profits to bridge long-term funding.

The program aims for an income/rent mix of an average of 80 percent of Area Median Income (AMI), to ensure that low-income residents can stay in place without paying more than 30 percent of their incomes on rent and buildings will still be financially feasible. The program has ensured that the amount of public investment per unit is market feasible and makes public policy sense, developing (in collaboration with non-profit purchasers) a tiered structure for the total level of investment the program will contribute to the initial purchase of the property and funds to cover the building for at least 20 years. As of May 2018, the program had facilitated the acquisition of 25 buildings and 160 units, providing housing to 327 people with incomes of 65 percent of AMI (San Francisco Mayor's Office of Housing and Community Development n.d.).

The City of Chicago's SRO Preservation Initiative aims to preserve affordable SROs by investing City resources, including forgivable loans and subsidies, in helping entities purchase properties in exchange for committing to maintain the properties as affordable housing (City of Chicago, Department of Planning and Development 2014).

New York City's Acquisition Fund is a public-private initiative launched in 2006, which includes philanthropies, the City of New York, and financial institutions like JPMorgan Chase, Citibank, Fannie Mae, and Deutsche Bank. Through bridge financing (providing loans to non- and for-profit developers otherwise unable to make those acquisitions and pay for "soft" predevelopment costs) the fund has preserved the affordability of 2,600 homes throughout the city with \$140 million in preservation funds (U.S. Department of Housing and Urban Development 2013).

There are a number of enabling policies and programs that have increased the efficacy of acquisition programs in other jurisdictions.



568-570 Natoma, SaMa, San Francisco. In 2017 the San Francisco Community Land Trust purchased these homes with support from the Small Sites Acquisition Program.

NOTICE, RIGHT OF FIRST REFUSAL, RIGHT TO MAKE AN OFFER, RIGHT TO PURCHASE LAWS

Collectively, these laws are policy tools used to support acquisition programs by facilitating purchases and acquisitions by government agencies, non-profit developers, tenant associations, and other eligible purchasers in the highly competitive real estate market. These prospective purchasers ordinarily require a longer timeframe to assemble financing and as a result, can have difficulty competing with real estate speculators and developers (National Housing Law Project 2006). These laws enable prospective purchasers to receive advanced notice and/or increased negotiating power to purchase at-risk sites when they are being sold or converted to another use.

- **Notice laws** require a property owner to give tenants and other designated entities written advanced notice of plans to cancel their affordability commitments or to sell units. Notice requirements give those impacted by the loss of affordable housing enough time to create a strategy to minimize impact, whether that is finding alternate housing or securing funding to help tenants purchase their units. Notice requirements can range from 90 days to five years; in some jurisdictions, laws specify that tenants who may have more difficulty finding suitable replacement housing are entitled to more advanced notice.
- **Right of first refusal** laws give a tenant or governmental entity the right to match a private offer to purchase a property during a specified notice period. Right of first refusal laws often include a notice provision, but can also stand alone (University of Texas School of Law Community Development Clinic 2007).
- **Right to make an offer** laws give tenants or a governmental entity an exclusive window of opportunity to make an offer rather than matching an offer, with no obligation on the owner to sell.
- **Right to purchase** laws require the owner to sell to a designated purchaser at market value in lieu of converting a subsidized property to market rate. Some laws allow tenants to transfer their right of first refusal to another entity, such as a non-profit organization (University of Texas School of Law Community Development Clinic 2007).

In Washington, D.C., tenants have had the first right of

refusal to purchase the property they live in when it is put up for sale since the 1970s, when the Tenant Opportunity to Purchase Act (TOPA) was passed. This has resulted in Washington, D.C., having one of the highest concentrations of limited equity tenant co-ops in the United States (Biron 2018). Under TOPA, rent-controlled buildings that get purchased maintain that protection (Gallaher 2016). The District Opportunity to Purchase Act (DOPA) became law in 2008, which theoretically permitted the City to purchase properties with five or more units if at least a quarter of the units are affordable for people making less than 50 percent of the area median income; however, regulations enabling its use were not put in place until 2018. D.C. housing officials may designate other entities that can exercise the government's purchase rights if the District opts to invoke the law, enabling the purchase of a residential building before it hits the private market if the tenants choose not to exercise their own rights to purchase it. A list of pre-qualified developers is currently being finalized. The City can also use DOPA to target "at-risk" affordable properties, including those with elderly and disabled tenants or a high number of family-sized units (Telerksi 2019).

San Francisco recently enacted the Community Opportunity to Purchase Act (City of San Francisco 2019), to complement its Small Sites Program, which gives non - profits and land trusts that have been pre-qualified by the City (1) a right of first offer when privately owned properties with three or more units (or any properties that are zoned as such) are first put up for sale, and (2) a right of first refusal if the property comes onto the open market. The right of first offer requires landlords selling properties subject to COPA to notify the qualified pool of non-profit organizations of their intent to sell. Interested non- profit buyers have 25 days to exercise their first right of offer and, if accepted by the seller, enter into a Purchase-Sale Agreement. Sellers are not required to accept the offer, and qualified non-profits have a right of first refusal to match a competing offer.

In Chicago, the Single-Room Occupancy Preservation Ordinance (City of Chicago Municipal Code n.d.) includes a "notice law," which requires property owners to give those who currently live in an SRO property which is being listed for sale, as well as the City, 180 days' notice before the proposed sale or transfer of the property. The City of Chicago forwards the notice to housing development businesses and organizations that have requested notice of the Intent to Sell. The ordinance gives potential buyers intending to maintain the SRO as affordable housing 180 days to tender an offer to purchase the property, during which time property owners are required to engage in good-

faith negotiations. Property owners are not required to sell to these potential buyers and also have the option of paying \$20,000 per unit to opt out of the requirement altogether. The Ordinance also protects SRO tenants from retaliatory eviction and harassment and gives SRO tenants who are displaced due to a demolition, conversion, sale, or unsafe conditions the right to compensation, temporary accommodation, moving expenses, and the right to return to affordable units.

The City of Montréal has the power to claim a Right of First Refusal on land sales (CTV News Montreal 2018) to better enable it to carry out projects that benefit the community, such as building a library, sports complex or new park, or preserving a historic building. Montréal assumed this power in late 2018, after the province of Quebec passed a law giving the City greater autonomy and decision-making authority. It's a "pre-emptive right" that essentially allows the City to identify certain properties it wants and then have the right of first refusal when the owner decides to sell, giving the City the right to purchase certain buildings with priority over any other buyer. When the City identifies a property it wants a pre-emptive right to, it sends a notice to the owners of the property to inform them that their property is subject to the City's pre-emptive right and the notice is recorded in the land register, where all transactions concerning a building are recorded. The City retains its pre-emptive right on the building for 10 years. The right ends if the City decides not to purchase the building and the building is sold under the conditions set out in the purchase offer.

As soon as the owner of a building for which the City has a pre-emptive right accepts a purchase offer, the owner is legally bound to inform the City and send it a copy of the purchase offer; otherwise, the City may cancel the sale. The City then has 60 days to decide if it wants to purchase the building under the conditions set out in the purchase offer. Once 60 days have passed, the building can be sold according to the conditions set out in the purchase offer (Lindeman 2019; Ville de Montréal n.d.). While Montreal has frequently used its pre-emptive right to "reserve" many properties, it used its right to acquire a property for the first time in 2019.

PRESERVATION DATABASES

Preservation databases are used to ground policy in detailed data and to prioritize and monitor properties to support/facilitate acquisition efforts. In the United States, where they are the most prevalent, these databases tend to be inventories

Data-driven policy in Vancouver

Vancouver tracks the supply of its affordable housing stock in the Downtown Eastside, and rather than setting targets for new development alone, it sets targets for the level of affordable supply that should exist in the neighbourhood. The City's 2005 Downtown Eastside Housing Plan sets a target of maintaining 10,000 units of low-income housing in the Downtown Eastside and to increase its quality over time through replacement with self-contained social housing units. The Plan states that the rate of change in the housing stock, in the context of anticipated new market-rent housing development, will be closely monitored and reported on, and if necessary, mechanisms to manage the rate of change will be implemented to ensure the goals of the Housing Plan are met (City of Vancouver 2005).

of properties in receipt of public funds and track the dates when affordability requirements expire to assist users in determining whether or not a property is at risk of leaving the subsidized/affordable housing stock. These databases are often created by non-profit organizations and academic entities, rather than by governments.

In Chicago, DePaul University's Institute for Housing Studies' Housing Market Indicators Data Portal tracks and analyses 13 indicators of housing market health in the region. The Portal informs the work of Chicago's Preservation Compact, an assembly of public, private, and nonprofit leaders committed to preserving affordable rental housing in the Chicago region, by helping the group develop preservation programs strategically designed to address the particularities of the housing at risk of being lost (Institute for Housing Studies n.d.; Schwartz, Bostic, Green, Reina, Davis, and Augustine 2016, 62-63).

In New York, New York University's Furman Center's Coredata.nyc database collects information from multiple sources on subsidized, privately-owned rental properties in New York City and includes data on 40 property-level variables, including subsidy, ownership, and physical and financial information that help identify opportunities to preserve affordability (NYU Furman Center n.d.).

The National Housing Trust, a nonprofit organization focused on affordable housing preservation, maintains a list of all housing in receipt of project-based Section 8 funding with expiring contracts (U.S. Department of Housing and

Urban Development 2013).

The National Housing Preservation Database (NHPD) is an address-level inventory of federally assisted rental housing across the country created by the Public and Affordable Housing Research Corporation (PAHRC) and the National Low Income Housing Coalition (NLIHC) to provide communities with the information they need to effectively preserve their stock of public and affordable housing. The database compiles data from individual funding agencies and departments on the specific programs that they manage into a central location, making it easier for communities to have a clear picture of the current stock of public and affordable housing in their community. Information on contract expiration dates, loan maturity dates, recent physical inspection scores, number of units, type of owner, and other property and subsidy characteristics are included to assist users in determining whether or not a property is at risk of leaving the subsidized housing stock and to aid in the identification of priority properties for acquisition (National Housing Preservation Database n.d.).

While not a preservation database per se, the City of Montréal conducts regular rooming house audits in the boroughs where most houses are located, allowing the City and advocacy organizations to track trends and changes in the rooming house stock. Data from tax rolls, fire department records, other administrative departments, and reports from neighbourhood front-line organizations contribute to the audit. “The most recent study of Montréal’s rooming houses was a first-time collaboration between the City’s housing department, the regional department of public health, and community-based organizations including RAPSIM” (Paradis 2018, 16–17).

SUPPORT FOR NON-PROFIT DEVELOPERS AND HOUSING PROVIDERS

Many local non-profit housing developers and providers have limited experience and capacity for the acquisition, rehabilitation, and operation of small sites purchased from the private rental market. Organizations can be supported to do this work either by building capacity within their organizations, or by entities that provide the organization with the needed expertise.

In Montréal, non-profit landlords were supported with expertise in acquisition, rehabilitation, and operation by government mandated Technical Resource Groups, which provided organizations with the capacity necessary for the acquisition program’s success; enabling acquisition by non-profits in the context of competitive real estate markets, in

particular (Paradis 2018: 16).

New York City’s Neighborhood Pillars Program provides early technical support and down-payment assistance for potential buyers looking to acquire rent-stabilized and unregulated apartment buildings, if they agree to set aside at least 30 percent of units for permanent affordability, with none of the units being rented above 120 percent of AMI for the 30-year term of the loan. The program was designed to address a gap in the New York City Acquisition Fund that prevented non-profit or mission-driven for-profit buyers from being able to compete at the very earliest stages of the acquisition process by assisting buyers with sourcing properties as well as negotiating and creating acquisition contracts. Potential “preservation buyers” responded to a Request for Qualifications released by Housing Preservation and Development last year, and selected respondents were pre-qualified for loans and assistance (New York City n.d; Brey 2019).

Development Agency (MEDA) works to strengthen low- and moderate-income Latino families by promoting economic equity and social justice through asset building and community development. The organization built its own internal capacity without support. Having now acquired 23 buildings, MEDA is the leading developer of small sites through San Francisco’s Small Sites Acquisition program, and built the organizational capacity to do this work internally themselves. They note that “we have been modeling what it took for us to go from 0-8 staff connected to this work in 4 years and essentially it’s project development staff, asset management staff (for the portfolio), financial accounting staff for compliance, construction management (if it’s rehab and there are strict government requirements for using the funds), resident engagement and organizing, property management.” (email communication 2019). MEDA is now sharing its ¡Viva! Model with other communities and helping them build the capacity to implement it. MEDA is particularly focused on working in coalition with other historically low-income, immigrant, and communities of colour to proactively fight for equity through wealth, place, and power-building (Mission Economic Development Association 2019).

3.2 PUTTING RESTRICTIONS ON DEMOLITION AND CONVERSION

A common approach to addressing dwelling room and affordable housing loss is to put restrictions on the demolition and conversion of this housing through permit requirements. Common requirements include:

- replace the housing being demolished or pay a fee in lieu of replacing the units;
- maintain replacement housing as affordable housing;
- compensate tenants for being forced to move;
- provide tenants with the right to return to replacement units in the new building;
- pay for tenants' moving expenses;
- support tenants' rehousing.

The City of Vancouver's Single-Room Accommodation (SRA) by-law, enacted in 2003, addresses the demolition and conversion of both SROs and rooming houses in the downtown core. The by-law makes it illegal to demolish or convert an SRO or rooming house without a permit, and states that to be granted the necessary permits, property owners must submit rent rolls for the previous four years, and may be required to:

- replace lost dwelling rooms (without preserving the rent levels of lost rooms);
- pay a \$125,000 fee for each dwelling room not replaced;
- pay the costs of relocating tenants to comparable or better accommodations at the same or cheaper rent;
- give displaced tenants first right of refusal to rent replacement or renovated units (at new rent levels).

The by-law sets out the records property owners must keep to allow for the effective enforcement of the by-law and sets fines for by-law violations (City of Vancouver 2015). While addressing the loss of supply of SROs and rooming houses, the by-law does not address the loss of affordability of this housing. While the by-law is credited with preserving existing rooming houses and residential hotels located in prime real estate areas that would otherwise have been lost to demolition or converted to commercial hotels or condos, its inability to control private rents has meant that some rents have escalated beyond levels affordable to low-income tenants (City of Vancouver 2017).

San Francisco's Administrative Code Chapter 41: Residential Hotel Unit Conversion and Demolition has been in effect since 1981 and makes it illegal to convert dwelling rooms to a different use (converting from residential to tourist use) or demolish them without a permit. To get a permit, property owners are required to replace each room they convert or demolish. The one-for-one replacement policy provides property owners with several options, including creating new comparable units and comparable rents; creating or rehabilitating transitional or emergency housing units; or the payment of 80 per cent of the cost of constructing the units, plus the costs of site acquisition, to either a City SRO

preservation fund or a non-profit for the development of the replacement housing. The Code also requires property owners to offer displaced tenants a comparable (with similar rent) unit in the building, and gives displaced tenants the right of first refusal for a replacement unit and the right to relocation assistance (San Francisco n.d.). This early legislative protection has helped San Francisco retain 518 SROs, which house more than 30,000 tenants – 5 per cent of the city's population (Paradis 2018, 27).

San Francisco has also strengthened its regulatory enforcement in an effort to improve living conditions in dwelling rooms and prevent illegal conversion and demolition. The City's Department of Building Inspection (DBI) administers the Code Enforcement Outreach Program, where non-profit organizations are contracted to work with City inspectors, existing non-profit agencies, landlords and tenants to facilitate code enforcement and compliance and provide tenants and landlords (especially those who are low-income and non-English speakers) with better access to services related to proper residential building maintenance and occupancy issues (City and County of San Francisco 2016). The agencies supplement the work of City inspectors and build the capacity of the Department by contributing non-English language skills, experience working with people experiencing poverty and mental health issues, and community relationships that inspectors don't necessarily have. Organizations provide direct outreach and crisis counseling to landlords and tenants; identify issues of habitability in the field and work to have them resolved; educate landlords on their responsibilities; and educate tenants on how to get issues addressed. The fees and penalties the City captures for code violations are used to help fund the program (Coleburn 2016).

San Diego's Municipal Code requires one-to-one replacement of any rental units in buildings with three or more units that are demolished, converted to a non-residential use, or converted to condominiums occupied by low- or moderate-income people. Replacement can be achieved by converting existing market-rate housing or non-residential housing to affordable housing occupied by low or moderate income people; developing new affordable units occupied by low and moderate income people; substantial rehabilitation of deteriorated or dilapidated dwelling units to affordable units occupied by low- or moderate-income people; or a set fee in lieu of replacement or an acceptable contribution of real property (San Diego n.d.). Unfortunately, many affordable units and dwelling rooms have been lost as properties receive exemptions from the requirements (DeHaven 2016).

3.3 SUPPORTING TENANTS

In the context of vacancy decontrol and escalating market rents, measures to enable low-income tenants to maintain their housing and avoid landlords raising rents is widely recognized as critical to both preserving the supply of affordable housing and preventing homelessness. A review of community action and municipal policy to protect dwelling room stock in North American cities demonstrated the important and complementary roles of governments, non-profit organizations, and community groups in this effort (Paradis 2018). Community efforts to support tenants and prevent displacement generally work to shift the balance of power away from predatory landlords by:

- empowering tenants to make informed decisions and defend themselves and their rights;
- pursuing community ownership of property;
- advocating for better tenant support and stronger protections.

Often these efforts are funded and supported by local governments.

NEW YORK CITY

New York City has a rich history of tenant organizing and a well-developed and relatively well-funded tenant movement that has been successful in pushing the local government to implement measures to better protect and support tenants.

Tenant organizing is primarily undertaken by non-profit organizations (Community Development Corporations) and community groups and is both City-funded and foundation-funded. Tenant organizers work to build capacity within each building and within the community; they facilitate tenants working together and engaging in collective decision-making. Tenant organizers take a proactive approach using data tools like the Association for Neighborhood and Housing Development's Displacement Alert Project to identify at-risk buildings and then work to build a base within the building by knocking on doors and getting people to come to a first meeting, and then working with leaders in the building. Most tenant organizers are in paid positions, and while many organizers have an academic background in community development and organizing, training supports are also delivered through organizations like the Association for Neighborhood and Housing Development's Centre For Community Leadership (Eric Goldfischer 2019).

When an issue becomes apparent, tenants respond by demanding a meeting with the landlord or conducting an organized tenant-landlord mediation, and that if that does not work, staging a public protest in front of the building, or outside a landlord's house. A mass 311-calling campaign, where tenants call at once to report violations can be effective in getting the City's attention (Democratic Socialists of America, NYC Chapter 2018). If a building is in a very bad state of repair, tenants or the Department of Housing Preservation and Development can take the landlord to Housing Court, and under Article 7A of the New York State Real Property Actions and Proceedings law, the City can win control of a troubled building and hand it over to someone else for management. The building is not returned to the landlord until the property's issues are addressed. Although used less frequently today, Article 7A can still function as an effective threat to push a landlord to address disrepair (City of New York 2003; Moss 2013).

In 2015, the City created the New York City Tenant Support Unit to address the negative effects of gentrification that were anticipated as a result of rezoning. The unit targets neighbourhoods where there is a high risk of tenant displacement as a result of rezoning, with Tenant Support Unit specialists proactively going door-to-door informing tenants of their rights, documenting and case managing tenant issues related to harassment, repairs and eviction, and making referrals to legal support. They also hold meetings in the community in collaboration with community organizations (City of New York n.d.a; Leonhardt 2017; Nieto 2016).

Also in 2015, the City passed a number of laws that regulate buyout offers as a way to prevent harassment and manipulation of tenants. Now, when making a buyout offer, landlords are required to inform tenants of their right to stay in their apartment, to seek an attorney's advice, and to decline any future contact on a buyout offer for 180 days. Landlords are prohibited from threatening a tenant, contacting a tenant at odd hours, providing false information to tenants in connection with a buyout offer; and from making a buyout offer within 180 days of a tenant explicitly refusing one. Fines for violating the laws range from \$1,000 - \$10,000 for a first offense, to \$2,000 - \$10,000 for subsequent offenses—relatively low amounts, given the financial benefit property owners can potentially realize through coercing tenants into signing buyout agreements (City of New York 2015).

The City also created the Tenant Harassment Prevention Task Force (TPHT), which investigates complaints from tenants, community groups and elected officials and brings enforcement actions – potentially including criminal charges – against landlords who harass tenants by creating unsafe living conditions through illegal construction. The TPHT aims to coordinate City and State agencies for joint inspections, enforcement actions, and litigation strategies to intervene in buildings where harassment may be occurring in order to prevent tenants from being forced out (City of New York n.d.b) In 2017, TPHT successfully got a large landlord who had been accused of serious harassment of tenants to agree to address all outstanding code violations, complete all repairs, pay \$300,000 to the state, pay another \$200,000 to the city in penalties, fees and costs, and give rent abatements to tenants during disruptions caused by construction (Smith 2017).

In 2019, Mayor de Blasio announced the creation of the Mayor’s Office to Protect Tenants, “a single point of contact for tenant advocates to coordinate across City government and use full force of the Mayor’s Office to deliver results from City agencies” (City of New York n.d.d). “This newly


established office will work across City agencies to make existing anti-harassment and anti-displacement programs better, and create new strategies to root out abuse. The office will serve as central point of contact for advocacy groups and tenants to raise issues and get results from agencies; lead policy development to strengthen tenant protections and better target problematic buildings and owners; bring government and advocate task forces together to address challenges; convene and coordinate activities of key city agencies [...]; strengthen the Tenant Harassment Prevention Task Force; and track outreach efforts across agencies and metrics at a building and neighborhood level” (City of New York, Office of the Mayor n.d.). The Office of Tenant Protection will have five employees and receive an operating budget of \$ 450,000 (City of New York 2019). The Office currently has a user-friendly website that can be translated into multiple languages and includes an online NYC Tenant Resource Portal and eviction prevention tool (NYC Mayor’s Office to Protect Tenants n.d.).

New York City collects, shares publicly, and frequently updates a considerable amount of open data (City of New York n.d.e), which includes: housing maintenance code violations, housing maintenance code complaints,

DAP

Displacement Alert Project

WATCH LIST



We use three standard real estate industry metrics to assess the risk of speculation. For organizers and tenants, we think that the **Gross Rent Multiplier (Asking Sales Price + Gross Rental Income)** gives the clearest view of the risk of speculation in each building, so we have color-coded that column to make the risk clear. A high gross rent multiplier (above 11) could mean the buyer will either have to wait an unusually long time to make back their investment, or, they are expecting to push out low-rent paying tenants.

Where is The Building?		Is It Rent-Regulated?		Is It Speculative?			Should Tenants Be Concerned?*			
Address	CD	Total # of Units	% of Rent Regulated Units	Asking Sales Price	Capital-ization Rate (Cap Rate)	Est. Debt Service Coverage Ratio	Gross Rent Multiplier (GRM)	Current Monthly Residential Rent	What Residential Monthly Rent Would Be for GRM of 11	Notes & Quotes from Offering Sheet
XXX Miller Ave	5	25	100%	\$4,100,000	5.25%	1.57	11.73	\$1,165	\$1,242	5 units have preferential rents
XXX East 5th St	12	20	95%	\$4,500,000	3.11%	0.93	17.31	\$1,083	\$1,705	One unit is vacant.
XXX East 105th St	11	53	100%	\$14,995,000	2.21%	0.66	23.03	\$1,024	\$2,143	*The buildings have received a J-51 tax abatement since 1991 and will phase out in 2025.* 10 units have preferential rent.

Risky Speculation if it's an 11 or above

Very Risky Speculation if it's a 15 or above

Highest Risk Speculation if it's a 20 or above

Department of Buildings (DOB) job application filings, City Planning lot data, eviction data, property registration information from owners of multiple dwellings, complaints received by the DOB through 311 and complaints entered by DOB staff, Department of Finance rolling sales files, and tax records (see City of New York, Department of Finance n.d.; City of New York, NYC Department of Buildings n.d.; City of New York n.d.c; City of New York n.d.d). Having access to this data has enabled non-profit organizations and community groups—and the City itself—to develop useful tools that build community knowledge and capacity and support the efforts of community organizers, non-profit organizations, and tenants:

The non-profit Association for Neighbourhood and Housing Development (ANHD) has used this data to create the Displacement Alert Project, which comprises a number of comprehensive data tools that proactively identify buildings that are facing a rising risk of displacement and enable community groups, decision makers, and local residents to take strategic steps to prevent eviction.

The tools are complemented by education and training for tenant organizers. The tools include an interactive map providing building-level ratings of displacement risk, and a monthly members-only data tool that flags buildings with a high displacement risk to help organizers know which buildings to target for outreach and organizing before speculation has put tenants at risk of harassment and displacement. Buildings with rent-stabilized units that are currently being marketed for sale at a price that appears to be speculative and predicated on a plan of tenant displacement are deemed to have the highest risk of displacement (Association for Neighborhood & Housing Development n.d.).

Nonprofit organization JustFix.nyc, uses the data to create the Who Owns What website, which enables tenants and organizers to learn the identity of NYC property owners and see the property-owners' entire NYC real estate portfolios. The website was developed in response to property owners' prevalent use of shell companies to hide their identities, making it difficult for tenants to hold landlords accountable for their actions and to organize with tenants in other buildings who share the same landlord. The website is meant to be a way to recognize the systematic issues like building neglect, discrimination, and predatory eviction, that stem from a single bad landlord (JustFix.nyc n.d.).

The Housing Rights Initiative (HRI) is a non-profit organization created in response to New York City's inadequate enforcement of its policies and failure to protect tenants. The organization uses the data to investigate City permit applications, exposing illegal landlord behaviour (including the falsification of documents and illegal rent overcharges) and the failure of State and City government to hold landlords accountable. HRI connects tenants with lawyers willing to work for free or on contingency and has helped initiate 49 class action lawsuits against State and City officials and some of the city's biggest landlords. The initiative has highlighted numerous important problems with the City's enforcement process: when a complaint is filed by a tenant about an illegal practice, the subsequent investigation was often confined to the single rental unit in which the complaint was filed, as opposed to all units in that building and across buildings owned by that same landlord; if building inspectors failed twice to get inside to investigate complaints of illegal construction, they did not return a third time and the complaint was tossed out; when inspectors did get inside and ordered landlords to fix problems, there was often no follow up; and when fines were issued, there was often no follow-up to ensure they were collected (Bagli 2018).

The City of New York has created its own Speculation Watch List of buildings deemed to be at risk of being upscaled. These buildings are recently sold multiple unit dwellings that have a majority of rent regulated units, where the property's capitalization rate (defined as a property's net operating income divided by its sales price) is below the median capitalization rate of similar buildings sold in the same borough or area. Basically, the rental income the property currently generates does not justify the high sale price of the building. If the price is too high, raising rents to market-rate is the only feasible way to generate enough rental income to pay back the loan the developer used to buy the building. "When a purchaser is willing to pay more than the property value, it indicates a greater potential for tenant harassment so that the purchaser can recoup its inflated purchase price through forcing tenants out in order to escalate rents" (City of New York, Department of Housing Preservation and Development 2018)..

New York City's Public Advocate used the data to create the Landlord Watch List of the city's worst landlords, evaluated based on the number of open, serious Housing Maintenance Code and building permit violations per unit (Public Advocate for the City of New York, Letitia James 2014).

SAN FRANCISCO

The San Francisco Administrative Code explicitly prohibits tenant harassment through Section 37.10B, with clearly defined prohibited activities (City and County of San Francisco n.d., 115), and regulates buyout agreements through Section 37.9E (City and County of San Francisco n.d.a). Together these policies are meant to prevent the exploitation and predatory eviction of tenants.

To reduce the likelihood of landlords' pressuring tenants to sign buyout agreements without first consulting with a tenants' rights specialist, landlords are required to provide tenants with a statement of their rights and allow tenants to rescind a buyout agreement for up to 45 days after signing the agreement. The policy is also designed to help the City collect data about buyout agreements (the number, location, and agreement terms) to better understand the level of tenant displacement in the city, and data is publicly accessible on a City of San Francisco Open Data map, showing the locations of where and when buyout agreements were signed and the amount of the buyout and the number of tenants accepting the buyout (City and County of San Francisco n.d.c). The policy includes penalties and remedies for a landlord's violation of these requirements, however, the financial penalties are minimal and disproportionate to the financial benefit a landlord would likely receive for successfully skirting various requirements converted to condos if the current or previous owners of the building signed buyout agreements with more than two tenants, or with any single vulnerable tenant. Additionally, tenants and organizations are required to pursue recourse through the court system, which means that the Rent Board does not collect data about Section 37.9E violations, making it difficult to evaluate the effectiveness of the policy.

The Code Enforcement Outreach Program (CEOP) of San Francisco's Department of Building Inspection (DBI), which was mentioned earlier, is an innovative way to address tenant harassment that happens through building neglect, construction, and code violations. Involving community agencies with relevant non-English language capacity and skill in working with marginalized tenants in the education and enforcement of the City's laws, ensures that issues are identified and addressed faster and more effectively than if handled solely by City inspectors (Central City SRO Collaborative n.d.).

The Department of Building Inspection (DBI) also coordinates the Single Room Occupancy (SRO)

Collaborative Program, working with four neighbourhood SRO Collaboratives to reach the diverse populations living in low-income SRO buildings and improve living conditions and safety for residents. The program aims to support tenants through outreach, tenant stabilization including (but not limited to) needs assessment, housing retention planning, general advocacy, referral and housing counselling as well as community workshops and meetings (City and County of San Francisco n.d.b).

San Francisco's Central City SRO Collaborative (CCSROC) operates programs designed to build community morale and enhance the quality of life for low-income SRO residents:

- The Tenant Organizer program is a leadership development program; CCSROC hires tenants from each SRO in the neighbourhood to organize residents; hold monthly tenant meetings in their hotels to bring tenants together and identify hotel and neighbourhood issues; and work to improve conditions in the building and convey tenant concerns to the landlord (Central City SRO Collaborative n.d.d).
- In the Private Hotel Organizer Program, tenant organizers educate fellow tenants about their rights; advocate for safe, habitable environments free of harassment; and support the enforcement of the Hotel Conversion Ordinance to ensure SRO units are preserved (Central City SRO Collaborative n.d.a).
- The Housing Peer Counseling Program is a drop-in program where SRO tenants can speak with a peer counselor about issues in their building (no heat, broken windows or doors, pest infestations, unsanitary common areas, garbage going out of control, peeling paint, mold, leaking pipes, etc.) and learn how to get the issues remedied. Counselors also advocate on behalf of the tenants, working closely with City staff in following through and making sure repairs are done in a timely manner (Central City SRO Collaborative n.d.b).
- CCSROC also sponsors free fire prevention workshops with the San Francisco Fire Department that teach hotel tenants and managers how to prevent fires, survive them, and minimize their impact (Central City SRO Collaborative n.d.c).

San Francisco's successful Small Sites Acquisition Program builds on the earlier efforts of the city's community nonprofits that were already acquiring affordable sites to help tenants keep their homes and prevent eviction. Since

2009, the San Francisco Community Land Trust has been supporting tenants organizing against eviction threats, partnering with tenants to purchase their housing, and converting the buildings to resident-operated collectively-owned co-ops, with the Land Trust retaining ownership of the land. The Mission Economic Development Agency (MEDA) grew from organizing to fight eviction, to using acquisition and the Small Sites Program as a form of eviction prevention. It now sees buildings being put on the market as opportunities to secure Latino presence in the neighbourhood and foster community ownership (Mission Economic Development Association 2017).

Vancouver's Carnegie Community Action Project (CCAP) works to increase welfare rates, improve social housing, and slow gentrification in Vancouver's Downtown Eastside (DTES). CCAP conducts an annual survey of SROs in the DTES to document the status of dwelling rooms and track the rate of change in the neighbourhood from one year to the next. Among other trends, the survey looks at the affordability of dwelling rooms, resident incomes and social assistance rates, housing development, dwelling room numbers, demographic change, displacement, homelessness rates, and housing and income security policies.

VANCOUVER

Vancouver's Carnegie Community Action Project (CCAP) works to increase welfare rates, improve social housing, and slow gentrification in Vancouver's Downtown Eastside (DTES). CCAP conducts an annual survey of SROs in the DTES to document the status of dwelling rooms and track the rate of change in the neighbourhood from one year to the next. Among other trends, the survey looks at the affordability of dwelling rooms, resident incomes and social assistance rates, housing development, dwelling room numbers, demographic change, displacement, homelessness rates, and housing and income security policies (Carnegie Community Action Project n.d.).

Inspired by the work of San Francisco's collaboratives, the SRO Collaborative was established in Vancouver in 2015 as a pilot project to set up tenant committees and organize for repairs. The Collaborative focuses on overdose prevention and harm reduction (Downtown Eastside SRO Collaborative n.d.).

3.4 DEVELOPING NEW AFFORDABLE HOUSING

Recognizing that non-market affordable housing development is necessary in efforts to preserve (and expand) the existing supply of deeply affordable housing, several municipalities are finding ways to facilitate nonprofit development specifically.

The City of Calgary has made it a key component of its affordable housing strategy to increase the supply of non-market housing by helping scale up the non-profit housing sector's housing stock. The City recognized that while non-profit housing providers could benefit from economies of scale if they manage a minimum of 1,200 to 2,000 units, most providers in the city were much smaller. A \$120-million fundraising campaign by private-sector leaders and non-profit housing organizations, which funded nine new affordable housing developments, kick-started the growth of development competency in several non-profit agencies that had not developed new housing on a large scale in a long time, creating an opportunity to support the sector's growing development capacity (Woodgate, Goldstein, and Noble 2018). Calgary's approach includes:

- offering funding as well as tax and fee waivers for the development of non-market housing;
- creating a new Affordable Housing Coordinator role within the Planning and Development department, who supports affordable housing development applications and champions non-market housing applications through the approvals process (processing non-profit development applications now takes an average of 90 days from submission to approval);
- selling public land exclusively to non-profits with strong track records;
- helping to stack government funding from different levels of government and coordinating applications to streamline decision-making through multiple layers of government.

In 2019, the City of Calgary approved a non-market housing land disposition policy: a proactive land strategy for affordable housing across Calgary, where the City would proactively identify surplus City-owned land, analyze them for their location and amenities, and offer land parcels through an open, transparent process and on a predictable cycle – every two years (City of Calgary 2019).

Land sale is preferred over land leases, as it allows non-profits to scale up their financial lending opportunities and they are better able to achieve strategic housing objectives by having greater accountability over the condition of the building and the land asset to achieve strategic housing objectives. To ensure that the public benefit is being met over a long term, The City is entering into housing agreements with the successful non-profit, a new provision under the Alberta Municipal Government Act (Woodgate, Goldstein, and Noble 2018: 5).

The City of Ottawa offers non-profit and charitable developers “additional as-of-right incentives which provide relief from development charges, planning application fees, building permit fees and parkland levies for the development of affordable housing. Verification of non-profit or charitable status must be presented to the City in order to receive relief” (City of Ottawa 2003).

In British Columbia, thousands of units of non-market affordable rental housing are being built in and around Vancouver through an innovative new model of affordable housing development. Instead of the traditional approach to non-market housing development that produces small stand-alone projects on a single site, The Community Land Trust, an arm’s-length entity of the Cooperative Housing Federation, is using a “portfolio approach” for the development and operation of social assets. By facilitating the development of multiple parcels of public land that might not be viable if developed independently, the land trust can realize economies of scale, coordinate complex partnerships between multiple housing organizations, facilitate cross-subsidization between

sites, and provide one point of contact to government and financing partners.

The B.C. model also involves both the development of new permanently affordable housing and the preservation of existing at-risk affordable housing. The Land Trust assembles and develops portfolios of land (public land, non-profit owned land) for permanent affordable housing, working in partnership with the local non-profit housing providers who eventually operate the resulting non-profit housing.

What makes the B.C. model successful is the strong partnerships established among the Land Trust, the City, the co-op sector, non-profits, and social finance institutions (Patten 2015). A major driver of growth has been the provision of City-owned lands for affordable housing development. In 2012, the Land Trust won a competitive Request For Proposals bid and partnered with the City of Vancouver to develop 358 affordable homes on 3 parcels of land provided by the City. In 2018, the Land Trust partnered with the City once again to develop 1000 more affordable homes on 7 additional City-owned properties (Kaufman 2018).

THE COMMUNITY LAND TRUST - SELECTED PROJECTS



Fraserview Housing Co-operative



Rendering - BC Artscape - Artist Housing and Production Space

04

What Is Toronto Doing to Preserve Its Supply of Deeply Affordable Housing?



Preserving existing private-market affordable housing and preventing eviction were recognized as important goals in the City of Toronto's Housing Opportunities Toronto Affordable Housing Action Plan 2010-2020 (City of Toronto 2009). As we've seen in other jurisdictions, efforts to address persistent dwelling room loss and increasing rental housing unaffordability generally fall into four main categories—and Toronto is no exception.

Here we lay out how the City of Toronto and non-governmental groups have approached these same issues:

1. Transferring affordable housing to public or non-profit ownership;
 2. Regulatory restrictions on the demolition and conversion of dwelling rooms and other affordable housing;
 3. Tenant protections and support; and
 4. Developing new affordable housing.
-

4.1 TRANSFERRING EXISTING AFFORDABLE HOUSING TO PUBLIC OR NON-PROFIT OWNERSHIP

The preservation and conversion of private multi-unit rental buildings by transferring them to non-profit rental housing providers or co-operative housing ownership was common in Toronto from the 1970s to the 1990s. Non-profit and co-operative housing organizations secured thousands of units of housing this way, supported largely by direct federal and provincial funding for affordable housing. The legacy of these investments is significant: the Co-operative Housing Federation of Toronto alone currently owns over 4,100 units of well-maintained housing with affordable rents, home to more than 10,000 residents, primarily secured through rental conversion (Co-operative Housing Federation of Toronto n.d.).

Additions to that stock are, however, rare.¹⁴ In 2019, the City of Toronto’s Rooming House Acquisition Pilot Project (City of Toronto 2018, July 23) demonstrated how an acquisition program focused on rooming house preservation might be implemented in Toronto and its benefits. The City funded the Neighbourhood Land Trust, the charitable arm of the Parkdale Neighbourhood Land Trust, to acquire and renovate a 15-unit tenanted bachelorette building, securing the units as permanently affordable housing through a 99-year covenant on title. The capital costs of acquisition and renovation amounted to \$198,000 per unit, much less than the cost of new construction to build something similar in downtown Toronto.¹⁵

To make the project possible, the City provided \$100,000 per unit towards the acquisition of the property and \$40,000 per unit for renovations. The remaining costs were financed through a traditional mortgage with Van City Community Investment Bank. The pilot demonstrated that pre-qualifying non-profit organizations for acquisition funds reduced delays in accessing funds and enabled non-profits to act quickly and acquire at-risk properties in the highly competitive open real estate market, before the properties were purchased by predatory landlords.



Parkdale’s Neighbourhood Land Trust’s acquires 15 unit at-risk rooming house with support from City and Province. 2019.

Parkdale non-profit buys \$7.2M heritage building for affordable housing



Parkdale Activity-Recreation Centre has bought 1501 Queen West, which contains 39 deeply affordable units

By Samantha Edwards May 26, 2020



PARC acquired a 39 unit rental building with the support of the City and the Province. 2020.

14 This is in spite of the fact that the Housing Opportunities Toronto Action Plan lists as actions: “Support the acquisition and renovation of residential apartment and similar buildings such as single room occupancy (SRO) hotels to provide sustainable, affordable rental homes by: a) Providing funding for the redevelopment of SRO hotels as interim and supportive housing for people leaving shelters and Streets to Homes program clients; and b) Encouraging acquisition/renovation of privately-owned apartment buildings, legal rooming houses and SRO hotels as an eligible option under future programs for affordable housing development (City of Toronto 2009, 15).

15. It costs the City, on average, about \$330,000 to construct a new unit (Auditor General Toronto 2019, 12).

4.2 PUTTING RESTRICTIONS ON DEMOLITION AND CONVERSION

Toronto's Official Plan recognizes shared or congregate living arrangements as a component of the full range of housing that "will be provided and maintained to meet the current and future needs of residents." (City of Toronto 2019: Feb 28, 3-21– 3-22). However, while the Official Plan states that the City's "existing stock of affordable rental housing is an asset that must be preserved" and "we need to do all we can to prevent the loss or deterioration of units," (3-21) the Official Plan originally had no policies to maintain the city's supply of dwelling rooms, only policies for rental units.¹⁶

City staff acknowledge that "in the absence of a policy framework to require the replacement of dwelling rooms, this important low-end of market rental housing stock will likely be lost as properties undergo redevelopment." (City of Toronto, 2019: May 21, 4).

OFFICIAL PLAN AMENDMENT 406

In May 2018, The City of Toronto approved the Downtown Official Plan Amendment (OPA 406), a secondary plan for downtown Toronto. The plan included a requirement that in situations where the redevelopment of a building would result in the loss of 10 or more dwelling rooms, the lost dwelling rooms would have to be replaced with at least the same amount of residential gross floor area of rental housing with rents for that housing set for at least 20 years at rates similar to what tenants had been paying in the demolished dwelling rooms. The displaced tenants would have the right to move into the replacement units and pay rent similar to what they had been paying before, and in the meantime would receive relocation assistance, including alternative accommodation at similar rents. If fewer than 10 dwelling rooms would be lost, the property owner would have to provide the tenants of those dwelling rooms with assistance to lessen hardship (City of Toronto 2018: May 22).

On June 5, 2019, the Minister of Municipal Affairs and Housing issued a Notice of Decision approving OPA 406, but with 224 modifications (City of Toronto 2019: July). These modifications gutted the policy related to dwelling rooms.

Instead of requiring property owners who demolish 10 or more dwelling rooms to replace the rooms and provide tenants with support and the right to return to new units in the building, the modified Official Plan simply states that "the City may request an acceptable tenant relocation and assistance plan to lessen hardship" and may also request – as a community benefit – that the same amount of residential gross floor area be replaced with rental housing with rents kept at similar rates to those that had been paid for at least 10 years (City of Toronto 2019a, 55). The fact that these are no longer requirements that property owners must agree to if they want permission to demolish dwelling rooms, but things the City "may" request, means that property owners will provide them only if the City successfully negotiates a deal in which developers get something of comparable value in return.

OFFICIAL PLAN AMENDMENT 453

In June 2019, after more than a year of consultations, The City of Toronto approved Official Plan Amendment 453 (City of Toronto 2019, June 18), which would apply to the whole city and would require property owners to replace demolished dwelling rooms with dwelling rooms or bachelor units, and for a period of at least 15 years, the rents for those replacement rooms/units would have to be set at similar rates to what had been charged for the rooms that had been demolished, so long as:

- the dwelling rooms being demolished were located in a part of the city where they are permitted;
- six or more dwelling rooms are being demolished; and
- all the rents in the building are below a certain level.

Additionally, current dwelling room tenants would have the right to move into the replacement rooms/units at rent levels similar to what they had been paying in the old building. The amendment also required property owners of any dwelling room being demolished anywhere in the city to create a tenant relocation and assistance plan for displaced tenants.

OPA 453 applies only to a small number of situations: dwelling rooms lost due to redevelopment that requires the property owner to submit a development or variance application to the City. In most parts of the City, most

16. Policy 3.2.1.6 of the Toronto Official Plan, which has been in place for many years, requires that whenever at least six rental units are lost to new development that requires planning approval, the same number, size, and type of rental units must be replaced in the new development and maintained at rents similar to those in effect at the time the redevelopment application was made for at least 10 years, unless all the rental units have rents that exceed

mid-range rents at the time of application. Furthermore, developers must have a tenant relocation and assistance plan addressing the right to return to one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other a secured. Between the time this policy was brought into effect in 2007 and the end of 2017, City Planning secured the replacement of 2,256 rental units, 1,496 of which were affordable (City of Toronto 2019: May 21).

dwelling rooms are lost due to conversion, renovation, and upscaling – none of which require development or variance applications.

This new policy was appealed to the provincial Local Planning Appeal Tribunal (LPAT), which makes the final decision. The case should be resolved within the next year.¹⁷ In the meantime, City staff have indicated that they will aim to have property owners conform with OPA 453, since it reflects the will of City Council, even though it is not yet in force.

RENTAL DEMOLITION AND CONVERSION CONTROL BY-LAW

The City of Toronto Residential and Rental Property Demolition and Conversion Control by-law (Municipal Code Chapter 667) requires that where six or more residential rental units will be lost due to demolition, interior renovations, and alterations, or conversion to other uses, a permit is required. A permit will not be granted unless conditions are met. The conditions are usually that the property owner agrees to replace the units with units at similar rents. Replacement units are considered by the City as “community benefits” and are provided by developers in exchange for permission to exceed the allowable height or density dictated by zoning by-laws, as per Section 37 of the provincial Planning Act. The by-law also protects tenants from harassment. Importantly, this law applies whether or not a planning application has been submitted. However, the City cannot prohibit or regulate the demolition or conversion of a residential property, regardless of the number of dwelling rooms on that property, unless the property also has at least six self-contained units (City of Toronto 2011).¹⁸

4.3 SUPPORTING TENANTS

The City of Toronto’s tenant support efforts are constrained by the fact that the Province of Ontario has jurisdiction over the governance (regulation and enforcement) of landlord-tenant relationships.

Ontario’s Residential Tenancies Act (RTA) sets out the rights and responsibilities of landlords and tenants, including rules



City of Toronto Consultation on OPA 453 held with local residents and dwelling room tenants, 2019.



Emily Paradis, Affordable Housing Advocate, deposes at City of Toronto Planning & Growth Management Committee in support of OPA 453.



Tom Ermitus, former evicted tenant of 1521 Queen St. W (Queens Hotel) deposes to Planning & Housing Committee requesting that the City provide Justice for the evicted tenants of Queens Hotel.

17. For updates on the case, see: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL190324>

18. Chapter 667 defines a rental unit as “a dwelling unit used for residential rental purposes,” and a dwelling unit as “a self-contained set of rooms located in a building or structure that operates as a single housekeeping unit and contains kitchen and bathroom facilities that are intended for the use of the unit only.” This definition prevents dwelling rooms from being included under Chapter 667 of the Toronto Municipal Code.

about raising rents, maintenance, and repairs, entering a rental unit, ending a tenancy or eviction, and harassment. The Landlord and Tenant Board (LTB) is the provincial agency that resolves disputes between property owners and tenants. The provincial Rental Housing Enforcement Unit can intervene to resolve complaints involving offences under the Act, but has only two inspectors for the entire province (Government of Ontario 2006a; Government of Ontario 2020).¹⁹

CITY-SPONSORED EVICTION PREVENTION

Most of the City's eviction-prevention resources are focused on individual tenants who have difficulty maintaining a secure, long-term tenancy due to issues such as poverty or mental health challenges. There are a variety of triggers for the delivery of these services: some services tenants have to seek out to access, other services are delivered upon referral from another service provider.

Services for tenants vulnerable to eviction due to personal issues include EPIC (Eviction Prevention in the Community), mental health supports, income supports to address arrears (Rent Bank referrals, trusteeship, financial literacy programs, money-management support, liaising with creditors and employers, connection to income security programs), legal support, help mediating conflicts with landlords, education and information on landlord and tenant rights and responsibilities, support with housing applications for re-housing, and access to intensive cleaning services. These services are largely, if not entirely, government-funded.

The City of Toronto's Shelter Support and Housing Administration (SSHA) is promoting the RentSmart program. RentSmart Ontario promotes community well-being through housing education and support. The program aims to reduce housing instability through education and support, offering basic tenant education and skill building to

maintain tenancies (RentSmart n.d.).²⁰

Other tenant support resources aim to help tenants address legal issues with their landlords, but tenants must seek out this support on a case-by-case, tenant-by-tenant, basis. The Federation of Metro Tenants Associations (FMTA), the Centre for Equality in Rights and Accommodation, and community legal clinics, including the Advocacy Centre for Tenants Ontario (ACTO), are some of the providers of these services. There is no formal coordination among these organizations in delivering services, developing strategy, or sharing data. Moreover, many of the programs have minimal staff resources and in 2019, the Province of Ontario cut the budgets of legal clinics such as Parkdale Legal Services; the City of Toronto has not provided funding to fill this gap.

The FMTA operates a Tenant Hotline that tenants can call for support with tenancy issues. They have one staff person who responds to requests from tenants across the city to help create tenant associations in their buildings; the work includes educating tenants about their rights and responsibilities under the law and how to engage in advocacy. Tenants generally request this support only at a time of crisis, for example, when an Above Guideline rent increase is expected. Tenants are referred for organizing support through the Tenant Hotline, through a local politician, or by reaching out to FMTA directly. The FMTA also has an outreach and organizing team of two staff members who support tenants in disputing Above Guideline Increases and fighting demolitions and conversions through empowering tenants and building their capacity. The FMTA also runs a tenant school that teaches tenants about their rights, how to organize a tenant association, and how to engage in advocacy.

WoodGreen Community Services supports tenants in fighting eviction. The agency provides this support through a contract with the City's Shelter Support and Housing

19. Landlords and tenants are generally advised to file complaints with the Landlord and Tenant Board rather than expect support from the Rental Housing Enforcement Unit.

20. RentSmart was established by five non-profit organizations in British Columbia and partly funded by the federal and B.C. governments; it has now expanded to other provinces.

21. Through this contract, WoodGreen has three full-time staff who provide short-term supports (eviction prevention, legal education, tenant organizing, and advocacy) to tenants who need to relocate based on an emergency or imminent closure in a rooming house or other shared accommodation and provides system supports to the rooming houses and community agencies, as needed. (WoodGreen n.d.) When a tenant contacts WoodGreen seeking help with an impending eviction or harassment, WoodGreen will investigate the situation, calling the Planning department to find out if there are planning applications for the site, permits, and to learn the status of the building. If a permit has been issued, then WoodGreen will find out what the permit is for and see if it is consistent with the work being done on site. If staff find there is work going on without a permit, WoodGreen will call the City's Buildings Division, who will send an inspector to follow up. If work is being done without the necessary permits, inspectors can issue an order to cease and if the work continues, they issue a fine.

Administration to provide Rooming House System Support, so their priority is rooming house tenants and their support is in the context of providing eviction response services.²¹

The City cannot intervene in response to an eviction threat unless it involves illegal activity related to a matter under the City's jurisdiction. If there is an eviction threat, WoodGreen has the right to be in the building and give information to tenants about their rights and where to access services, even if tenants have not invited them. While WoodGreen is contractually not able to take sides and can only inform tenants of their options, they will coordinate with other organizations and groups on a case-by-case basis, depending on the situation and the most effective course of action to prevent eviction.²²

In 2019, a City of Toronto Subcommittee on the Protection of Affordable Rental Housing was formed in response to City Councillors' recognition that affordable homes are being lost through landlords' abuse of N12 and N13 applications. The Subcommittee is investigating solutions to prevent eviction (Fletcher 2019).

CITY-SPONSORED EVICTION RESPONSE

The City's eviction response services mainly support tenants who are being lawfully evicted as a result of redevelopment, or displaced as a result of an emergency situation (such as fire, the closure of a building due to safety issues, or illegal eviction).

The City's Planning Division and its Shelter Support and Housing Administration, as well as community agencies providing eviction response and tenant relocation service, play a role in ensuring that property owners meet their legal requirements and that tenants' rights under municipal law are respected. They do not, however, enforce the legal obligations of landlords or tenants under the provincial Residential Tenancies Act.

When a property is being redeveloped under a planning application and tenants are affected, the City's Planning division, which issues permits to allow for the legal

HABITAT SERVICES

Habitat Services is a non-profit organization that contracts with licensed boarding and rooming houses to provide onsite support services for tenants. Support services—group support and individual assistance, including referrals—are provided either by Habitat or non-profit partner Cota. Landlords receive a per diem subsidy in exchange for contract, service, and housing standards compliance, which incentivizes participation in the program. Habitat Services has 7 Residential Services Inspectors who monitor the standards in each Habitat-funded property to ensure that operators maintain the housing and service standards and also investigate tenant complaints. Habitat also facilitates filling vacancies and assists owners with operational and tenant issues. Habitat Services is funded by the Toronto-Central Local Health Integration Network; the Ministry of Health and Long Term Care and the City of Toronto jointly fund the subsidy program. The Habitat Services model improves rooming house standards, amenities, and quality of life for tenants, while making it easier for rooming house operators to stay in business, preserving the city's deeply affordable housing options. (Habitat Services 2019; Habitat Services n.d.)



22. In some cases, WoodGreen will notify ACORN Canada (Association of Community Organizations for Reform Now) when media coverage could be effective, alert the local legal clinic, or encourage City Councillors to follow up and intervene on behalf of their constituents' interests. In communities with community advocacy groups with the capacity to intervene effectively (such as Parkdale and Kensington Market), WoodGreen will coordinate with the groups to see which group(s) will take it on.

demolition of the building, will try to secure financial assistance from the property owner to support tenants' rehousing through a Section 111 agreement with the City that goes on title. In some cases, Planning may try to secure replacement housing in the redeveloped site and the right of current tenants to return to those replacement units.^{23, 24}

SSHA addresses the relocation needs of tenants who will be displaced as a result of the redevelopment and works with Toronto Employment and Social Services (TESS) and Municipal Licensing and Standards (MLS) to identify the tenants in the building, determine the rents tenants are currently paying, and gauge tenants' level of vulnerability.

A non-profit agency from the Tenant Relocation Support Services Program roster²⁵ takes the information SSHA has gathered and confirms the accuracy of the tenant information and the assessment of vulnerability through interviews with tenants, creates a tenant relocation and assistance plan, and signs a fee-for-service contract with the developer.²⁶ The contract ends on the date all tenants are expected to be out of the building. Once tenants have been relocated, the agency does a six-month follow-up.²⁷

When a rooming house is suddenly closed or threatened with closure (as a result of a fire, other emergency event, a City order, etc.), resulting in multiple tenants being dehousing, the City of Toronto's Office of Emergency Management is to activate the City of Toronto's Rooming House Emergency Response Plan.²⁸ The Plan sets out policies, procedures, and a specific sequence of organizational protocols that must be followed to achieve an effective response to the sudden or imminent closure of a rooming house where the emergency relocation of rooming house residents may be required. Tenant support services provided through the Plan include the coordination of legal support, provision of referral services to internal and external supports, coordination with the furniture bank, participation in landlord-tenant

mediation, liaising with the City (Municipal Licensing and Standards, Toronto Building, SSHA, and Planning), provision of long-term case management support for tenants who require ongoing relocation or rehousing support, and enforcement of tenants' rights to replacement housing. Key to the successful rehousing of tenants is tenants having adequate time and support to find new housing.²⁹ When people are evicted suddenly and illegally, people can end up homeless before eviction response services learn of the eviction and show up to help the evicted tenants. In 2019, WoodGreen was often able to reach buildings before they had been de-tenanted, largely because tenants had started to learn that the service exists. Tenants' calling and asking for help is the most common way WoodGreen learns about an impending eviction.

COMMUNITY EVICTION PREVENTION AND RESPONSE

Parkdale Organize is a neighbourhood-based community group that formed in 2013 after Akelius bought four mid-rise apartment buildings in the neighbourhood and tenants in those buildings fought against the new landlord's rent hikes, harassment, and lack of maintenance. The veterans of those fights soon joined with neighbours in other buildings and successfully won a number of other local battles. Since that time, Parkdale Organize has helped tenants fight numerous battles, including several against predatory landlords working to "reposition" buildings in the neighbourhood by implementing Above Guideline Increases, neglecting building maintenance, and harassing tenants. They have successfully undertaken rent strikes, demonstrating effective tenant organizing in the face of predatory landlords. In recent years, tenant organizing has become increasingly active in rooming houses and small buildings where tenants have resisted evictions, fought Above Guideline Increases, and pushed landlords to be more responsive to maintenance requests.

23. Section 37 of the Planning Act (the community benefits provision) has occasionally been used for this purpose.

24. For tenants of rental units (as opposed to dwelling rooms), this is easier because of legal requirements embedded in City by-laws and the Official Plan.

25. The roster consists of agencies that have been selected to provide this service through a City RFP process. At present, WoodGreen is the only agency on the roster that has ongoing capacity to provide this service. The TRSS agency roster expired on January 31, 2019, and SSHA is now considering how to proceed.

26. The developer pays the agency directly in monthly instalments for carrying out the plan. Tenants remain in their units until they are rehoused in a new location, which generally takes a minimum of six months and up to a year.

27. In the rare instance in which a tenant hasn't found housing by the date that the contract ends, the agency places the tenant in a homeless shelter and continues to work to find permanent housing for that person.

28. The Plan involves the co-operation of the City of Toronto, WoodGreen Community Services, the Canadian Red Cross, Toronto Fire Services, and the Office of Emergency Management (City of Toronto 2005). When the OEM triggers the Plan, the Red Cross is activated to provide first response and pays for emergency housing, food, and clothing for affected tenants (this assistance is federally and provincially funded); Shelter Support and Housing Administration and Toronto Employment and Social Services determine if tenants have social assistance and access to the Toronto Transitional Housing Allowance Program (THAP); WoodGreen is informed about the fire and the vulnerability of the tenants affected, and contacts tenants to offer assistance (help with applications for bridge funding, support with moving to new accommodations, and help accessing start-up funds). (City of Toronto 2005).

29. When there is adequate time, case workers can support tenants with filling out housing applications (a challenge for tenants with literacy issues), following up with or completing applications for Toronto Community Housing units, applying for Toronto Housing Allowance Program subsidies, looking for non-profit/supportive housing, showing tenants vacant units and coordinating/supporting tenants through viewings, and helping with identification and income tax documents.

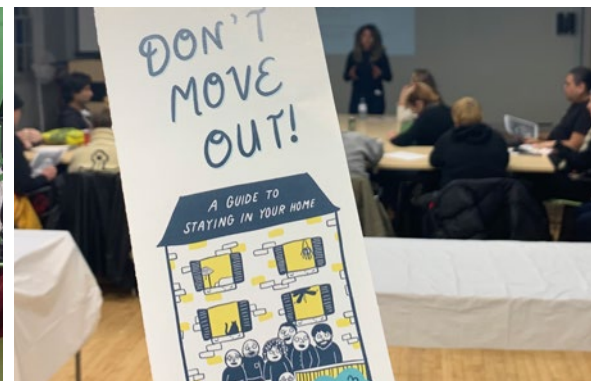


The **Akelius Tenants Network** is a group of tenants of Akelius buildings, organized in 2017 with support from FMTA, who support each other in dealing with their landlord. Tenants organize their buildings and then become volunteer tenant organizers supporting other tenants in other buildings. As Akelius tends to use the same tactics in all of their buildings, the Network is helping raise awareness of common issues and teaching tenants how to respond to eviction notices, harassment for unpaid rent when the rent has been paid, and disruptive construction and renovation.

Ontario Tenant Rights is a Facebook group and has also evolved into a formal organization (the Ontario Tenant Alliance). The Facebook group has 33,000 members who support each other with tenant and landlord issues. The group includes paralegals with professional expertise, but is primarily composed of tenants sharing information, resources, suggestions, and advice. While the focus of the group is not eviction prevention, people asking for help to address issues related to predatory eviction is very common.

The **Parkdale Proactive Eviction Prevention and Response (PEP)** pilot project was initiated in 2018 by four collaborating agencies³⁰ to prevent eviction and preserve the supply of affordable housing in Parkdale. PEP's model involves data collection and dissemination as well as ongoing building monitoring and risk-assessment in order to engage rooming house tenants before evictions occur. The pilot supports more than 800 tenants in 59 at-risk rooming houses in Parkdale.

The PEP team works to build the capacity of tenants so that they can collectively take action to stabilize their building.. This involves building relationships with tenants in the building, regularly checking in with tenants on any potential signs of building destabilization, providing legal information, providing information about community services and resources, supporting tenants in developing strategies to address maintenance and building issues, and supporting tenant leadership development and organizing efforts. The PEP team can also support the creation of a tenant committee or association.³¹



Proactive Eviction Prevention Legal Rights Workshop at PARC. Summer 2019.

30. Parkdale Neighbourhood Land Trust, Parkdale Activity and Recreation Centre, Woodgreen, and Parkdale Community Legal Services.

31. Although the Residential Tenancies Act gives tenants the right to create a tenant association, rooming house tenants have long had difficulty coordinating these associations.

The goal is to ensure that tenants know their rights and know who to reach out to if they need assistance, to access services, or to evaluate their options, before they experience an eviction attempt.

The PEP response is activated when a rooming house (or any property providing affordable housing for low-income people) is determined to be “at risk” for any of the following reasons:

- It is a large-scale bachelorette building (10 or more units).
- The property has been recently sold, or sale is imminent, or a non-profit head lease is ending.
- The property is experiencing license or code compliance issues.
- Tenants are being evicted in a manner consistent with documented strategies of predatory landlords.
- The property has high levels of vacancy.

Building-level data is collected to document and assess risk level and identify tenants’ concerns. Background research is conducted on each building, including ownership and contact information for property management and building superintendents as well as active building permits and the building’s history of code compliance. The PEP team rates

each property as low, medium, or high risk based on this information.

The PEP team monitors the building and updates its risk rating as new information emerges. Tenants are sent information about tenant rights and legal and community resources every three months. When a building becomes “high risk,” the team calls a lobby meeting and contacts all tenants in the building. The PEP team emphasizes the importance of tenants’ staying in their homes, not accepting buyouts or eviction notices, and working with their neighbours. When tenants receive eviction notices, the PEP team refers them to the community legal clinic and follows up with the legal clinic to ensure that the tenants receive the necessary support. In the event of an immediate or imminent building closure, the PEP team contacts the City to activate the Rooming House Emergency Response Plan.

The PEP response is deactivated for a particular building when a rooming house or bachelorette building is stabilized, meaning all signs of risk are resolved or deemed not to threaten the housing stability of tenants, and tenants confirm that they do not need outside support, or when the site is lost – the property has been fully de-tenanted, renovated or converted, or is no longer home to low-income residents or other equity-seeking tenants.



WoodGreen Community Housing Inc. is building a 5-storey affordable seniors residence at 1117 Gerrard East, with funding provided in part from the City of Toronto's Open Doors program.

4.4 DEVELOPING NEW AFFORDABLE HOUSING

Toronto City Council approved the five-year Open Door Affordable Housing Program in 2016 to accelerate affordable housing construction by both for-profit and non-profit developers, by helping them apply for City financial incentives and capital contributions, fast-tracking planning approvals, and offering surplus public land. The program has an annual call for applications (City of Toronto 2018: Feb 9). The 2019 application process identified eight projects for which the City recommended for fee waivers, tax exemptions, and funding. These projects will produce 651 affordable homes (City of Toronto 2019: Sept 4). In March 2018, City Council adopted the target of creating 18,000 new supportive housing units, 1,800 new units per year, over the next 10 years, to help people transition out of the shelter system and into permanent housing (City of Toronto 2018: March 26). Council also directed staff to review and report on challenges in building new supportive housing developments.

The **Toronto Alliance to End Homelessness** commissioned a report that reviewed housing providers' and developers' experiences trying to get new supportive housing built in Toronto and made recommendations on how City processes could be improved to facilitate supportive housing development, specifically:

- an “all of government approach” to facilitating new supportive housing development;
- streamlining municipal planning approvals and supporting organizations through the process;
- coordinating municipal funding programs with federal funding programs;
- facilitating the use of public land to develop supportive housing (Toronto Alliance to End Homelessness 2019).

On December 13, 2018, City Council approved a new **Housing Now Initiative** to activate 11 City-owned sites for affordable housing in mixed-income, mixed-use, transit-oriented communities. On January 30, 2019, City Council approved an action plan to identify the resources needed for implementation. These included establishing a Housing Secretariat Office and merging the work of the Affordable Housing Office with the new Housing Secretariat (City of Toronto 2019, Feb 15).

HOUSING NOW PROJECTS



City of Toronto Housing Now Project Sites, September 2020.

05 The Leaky Bucket: Gaps in Toronto's Policies and Programs



More money is hardly a fix when the vessel into which it is poured is broken. In many jurisdictions, no matter how many dollars are invested in affordable housing, the net impact on availability and affordability is negligible. As fast as money flows into the system, subsidizing production and consumption, dollars and homes gush out the bottom. Water doesn't rise in a leaky bucket." (Davis 2015)

While all three levels of government invest heavily in affordable housing and homelessness programs, Toronto is seeing its affordable housing and homelessness crisis continue to worsen; a clear indication that the system into which money is being poured is so full of holes that it is impossible to make any progress.

Here we identify some of those holes: the policy and program gaps that prevent us from gaining ground on addressing these crises.

5.1 DWELLING ROOMS ARE NOT PERMITTED IN ALL PARTS OF THE CITY

Today, 21 years after Toronto's amalgamation, rooming houses are still regulated by the by-laws of each of Toronto's six pre-amalgamation municipalities, each of which had different regulations for rooming houses. In Scarborough, East York and North York rooming houses were not – and still are not – permitted. In the old City of Toronto, rooming houses are permitted and require a license to operate; in Etobicoke, rooming houses are permitted in a few areas (and with different conditions) and require a license to operate; in the former City of York, rooming houses are permitted and no license is required (Campsie 2018). What this means is that people who can afford to rent only one room do not currently have the right to do so openly in Scarborough, East York, or North York. Tenants in dwelling rooms that are not officially recognized as such by the City are forced into precarious and potentially dangerous living situations.

Like all tenants in Ontario, dwelling room tenants are protected by the provincial Residential Tenancies Act (RTA), provided tenants do not share a kitchen or bathroom with their landlord. However, if the dwelling room exists in a part of the city where it isn't permitted, any attempt to exercise their rights that draws the notice of the City, such as a complaint about basic health and safety standards, could lead to their housing being put at risk of closure. Residential hotels, by comparison, are governed by the Innkeepers' Act and tenants have no rights to security of tenure or rent stabilization unless they can prove long-term tenancy (Paradis 2018).

On multiple occasions over the past two decades the City of Toronto has considered addressing this discriminatory situation by legalizing rooming houses city-wide. Each time such policies have been considered, property owners in the areas in which rooming houses are not recognized (and their City Councillors) have exercised pressure to maintain the status quo.

Nevertheless, for tens of thousands of Torontonians shared accommodation is the most affordable housing available. As rents continue to escalate, more and more people are being priced out of self-contained units and all across the city are turning to shared accommodation to make ends meet. The differential treatment of multi-tenant housing under the law means that policies designed to preserve the supply of the city's affordable rental housing and protect tenants leave out dwelling room tenants; it is difficult to create new

housing opportunities that people can afford; and it's impossible to ensure or improve the safety and living conditions of dwelling rooms that are operating in areas where they aren't permitted.

5.2 INADEQUATE DWELLING ROOM PRESERVATION AND REPLACEMENT POLICIES & INADEQUATE POLICY IMPLEMENTATION

Although the City has been pursuing the implementation of dwelling room replacement policies for dwelling rooms lost to demolition and conversion (OPA 453), at present the only policy in force, OPA 406, is one that only applies to the downtown core, in which dwelling room replacement is voluntary.

OPA 453 contains a provision that exempts all dwelling room properties where "all of the dwelling rooms have rents that exceed dwelling room tier 2 mid-range rents at the time of application." Dwelling room tier 2 mid-range rents are defined in the by-law as 101%-120% of CMHC average market rent for a bachelor unit. (In 2019, this would exempt buildings where the rent for all dwelling rooms is above \$1,306 per month.) This provision creates an additional incentive for landlords to empty buildings of tenants and raise rents to unaffordable levels to avoid being subject to all of the requirements in the OPA. While the provision itself is a problem, the definition of dwelling room tier 2 mid-range rent being used here may make it worse, as 121% of CMHC average market rent for a bachelor unit is essentially current asking rent levels for dwelling rooms in neighbourhoods with hot rental markets, like Parkdale. The concern is that exempting buildings where all rooms are slightly above current asking rent levels may result in 1) the intentional inflation of dwelling room rent levels above tier 2 mid-range rents (so that affordable rental housing is lost through upscaling), increased harassment and manipulation of already vulnerable tenants as landlords try to inflate rents, and vulnerable tenants being forced from their homes and into homelessness; and 2) a much larger segment of dwelling rooms, especially those in hot rental markets like Parkdale where the risk of upscaling to above dwelling room tier 2 mid-range rent levels is already high, will ultimately not be protected by this OPA.

Even if it survives the LPAT appeal, OPA 453 applies only to a small number of situations: dwelling rooms lost due to redevelopment that requires the property owner to submit a development or variance application to the City. In most parts of the City, most dwelling rooms are lost due to

conversion, renovation, and upscaling – none of which require development or variance applications – and the City still lacks policies to address these situations.

Rental replacement requirements are an important policy tool for the preservation of the supply of deeply affordable housing, as they have the potential to produce new affordable housing at no cost to the government or taxpayers. Enforcement of dwelling room replacement requirements and tenants' right to return is a labour intensive process, however; it requires City staff to identify the number of dwelling rooms in the building, the existing rents of those rooms, and the tenants who are occupying those rooms, or, in the case of a landlord emptying the building in anticipation of development, contact information for the most recent tenants. Rent levels for replacement rooms/units are based on the rent levels for existing dwelling rooms proposed to be demolished, which is established based on rent rolls and consultation with tenants. City Planning staff's current approach to getting this information is undertaking

site visits to the properties proposed for demolition to determine and confirm the number of existing dwelling rooms. This is often a challenging process that requires considerable time and detective work. If this work is not resourced adequately, the potential of rental replacement policies will not be realized: Toronto will miss out on the creation of new affordable housing, will see a reduction in its supply of affordable housing, and tenants will not receive the support and rights that they are entitled to.

OPA 453 requires an acceptable tenant relocation and assistance plan, addressing tenants' right to return to replacement housing. Tenants made it clear during public consultations for the OPA that:

- a universal set of protocols is inappropriate; affected tenants should have their specific needs and interests inform the relocation and assistance plan for their building,
- services and supports for tenants should be paid for by the developer, not by the City,

MASS EVICTION AT THE QUEENS HOTEL

Without a mandate or protocol to prevent eviction, City staff sometimes wait until a mass eviction is happening to act, even though many evictions could have been prevented. The closure of the Queen's Hotel and resulting mass eviction illustrates the impact: in spite of City staff being aware for many years of the instability of this site (which included a previous mass eviction), all parties had failed to organize any substantial intervention to avoid the eventual mass eviction of 27 tenants, which could have included securing the site as affordable housing. In situations in which social agencies or the City is aware of sites at risk of conversion or redevelopment well before an eviction process has begun, proactive landlord and tenant engagement could go a long way towards preventing evictions before they occur (Parkdale Neighbourhood Land Trust 2017).



Robert Keith Irving carrying his mattress down Queen Street as part of Queens Hotel Eviction in August 2015

- tenant and right-to-return data should be collected by the City and followed up to ensure that developers meet their obligations and tenants access the supports and benefits to which they are legally entitled (City of Toronto 2019: Jan 21).

Currently, under Official Plan Policy 3.2.1.6, when a planning application is submitted to the City's Planning department for a redevelopment project that would result in the loss of six or more rental housing units and the displacement of existing tenants, Section 37 of the provincial Planning Act is used to secure community benefits, which can include the replacement of rental housing and tenant relocation and assistance plans (City of Toronto 2016). In these situations, the City and developer negotiate one of the following options:

- the property owner gives tenants a buyout/financial compensation and pays to have a non-profit agency negotiate a contract with the property owner to relocate the tenants (the most commonly chosen option);
- the property owner pays to have a non-profit agency temporarily relocate tenants and pay Toronto Transitional Housing Allowance Program (THAP) or first and last month's rent;

- the property owner pays to relocate tenants temporarily and signs contracts with tenants allowing them to move into the new building once the new building is built, or

- the developer purchases another building to which tenants are relocated to and a non-profit organization signs a head lease for the management of the building (this last option is rarely, if ever, selected).

The City outsources the responsibility for negotiating and implementing tenant relocation and assistance plans with developers to outside, non-profit agencies. Each agency collects data on the tenants, the relocation process, and the resources necessary to facilitate relocation to fulfil their contractual obligations with developers, but these data are not collected by the City and used to inform policy-making and evaluation. Importantly, the agency has no enforcement capacity. In the event that a developer will simply not follow through with their contractual obligations (something which often happens), the agency has no recourse except to take the developer to court, which they don't have the capacity (time, staff resources, and funds) to do.

The displacement of vulnerable tenants from rental units is increasingly taking place through a range of situations that

Rooming house tenants are facing eviction in Toronto to make way for new condo



BlogTO post about The Minto Group's proposal Inglewood Arms, a 90 room licensed rooming house on Jarvis, to build a 314 unit luxury condo on the site of the. Feb 2020.

fall outside the City's Planning processes. For example, City Building can declare a building non-residential and order the landlord to evict the tenants under minutes of settlement. While the evicted tenants should have access to similar supports as those displaced as a result of redevelopment, SSHA cannot receive voluntary payment from a developer to finance tenant resettlement.

The City of Toronto does not currently have a formalized process or protocol for tenanting units not re-occupied by returning tenants. The responsibility for finding tenants for those units is often left to the landlord of the building, who is not required to ensure that the tenants being provided the affordable units are in need of such housing, or that the process of identifying tenants is fair, equitable or ethical.

5.3 NO PLAN OR PROGRAM FOR AFFORDABLE HOUSING PRESERVATION

Given today's high land and construction costs, preserving the existing supply of affordable rental units is faster and more economical than building new affordable housing. Additionally, because the buildings in question are already integrated into the neighbourhood fabric, preserving existing multi-tenant properties supports municipal policy objectives of maintaining stable and mixed-income neighbourhoods, while reducing neighbourhood disruption caused by new construction. Yet at present, the City of Toronto does not have a program to stabilize existing affordable housing at risk of being lost, does not monitor or track the city's affordable housing supply, and has no affordable housing preservation goals or targets.

5.4 INADEQUATE PROVINCIAL POLICIES TO PRESERVE AFFORDABLE HOUSING & PREVENT PREDATORY EVICTION

Inadequate provincial policy contributes significantly to the real estate speculation that is driving the loss of affordable housing and forcing low-income tenants into homelessness. Stronger rent control policies, tenant protections and enforcement of those policies could dramatically improve housing security, stability and affordability for all Toronto renters and in so doing, preserve the affordability of the city's rental housing supply. Without these protections, the City of Toronto will be forced to direct significant resources to either affordable housing preservation or homelessness supports—just to maintain the wholly inadequate status quo.

5.5 NO PREDATORY EVICTION PREVENTION TENANT SUPPORT

Preventing predatory eviction is key to preserving housing affordability, as it prevents rents from being increased upon vacancy. Councillor Paula Fletcher notes that “once vacated the rent is re-established at a much higher rent, thus turning an affordable space into one that is no longer affordable. While the city is working so hard to build new affordable housing it is imperative to keep as many currently affordable units available as possible and as well as to ensure that only evictions that are legitimate are approved at the LTB (Fletcher 2019).”

The City recognizes that municipal policy tools are inadequate in addressing predatory eviction: “this is 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 (City of Toronto 2019: May 21, 9).”

Toronto's non- proactively delivered, individually focused tenant support services, however, are not appropriate for preventing predatory eviction and the formalized tenant support services that would provide tenants with the necessary support to effectively prevent predatory eviction do not exist.

Existing eviction prevention programs are designed to address the problem of people losing their housing as a result of personal challenges related to things like poverty and mental health, and do not address eviction vulnerability caused by predatory landlords. Strategies that eviction prevention workers employ to help their clients prevent eviction are generally ineffective in addressing predatory landlord behaviour. Training for housing workers provided by the East York Housing Help Centre and the RentSmart program does not address predatory eviction and leaves housing workers who support some of the city's most vulnerable tenants unprepared to address this different form of eviction threat.

The services that can help tenants stop predatory eviction, like legal support from community legal clinics, the Federation of Metro Tenants' Association's (FMTA) Tenant Hotline and tenant organizer, the Centre for Equality Rights in Accommodation's (CERA) tenant rights education, and WoodGreen all require tenants to seek out the support.

However, tenants often don't know that support exists, how to find it, or what support is appropriate; tenants often wait until it's absolutely necessary to seek support, and by that time it's often too late. The Parkdale Rooming House Study found that tenants being threatened with eviction weren't accessing legal advice and contesting the eviction before being evicted, even in the case of an illegal eviction.

Additionally, all of these services are focused on supporting a specific client, which doesn't involve engaging with other tenants in the building or understanding the broader context in which the tenant lives. Predatory eviction vulnerability impacts tenants with low rents in a building, and often all tenants in a building, and the focus on a specific tenant means that warning signs are often missed, and if they are recognized, the worker does not know how, doesn't have the capacity and/or doesn't have the mandate to address them.

5.6 LACK OF CITY EVICTION PREVENTION PROTOCOL

Even when early warning signs are apparent of predatory eviction, an impending rooming house closure, or upscaling, the City of Toronto has no formal protocol or capacity for intervention to prevent eviction. The Rooming House Emergency Response Plan is only activated when "there is a sudden or imminent closure of a rooming house" and has no mandate to prevent eviction or to intervene when tenants are pushed out over time and not all at once, as tends to happen in the case of upscaling and conversions. It also only applies to rooming houses, not all affordable sites where low-income people live.

Without a mandate or protocol to prevent eviction, City staff sometimes wait until a mass eviction is happening to act, when as the Parkdale Rooming House Study observes, many evictions could have been prevented. The Study's description of the closure of the Queen's Hotel and resulting mass eviction illustrates the impact this has on the ground: in spite of City staff being aware for many years of the instability of this site (which included a previous mass eviction), all parties had failed to organize any substantial proactive intervention to avoid the eventual mass eviction, which could have included securing the site as affordable housing. The Study notes that in situations where social agencies and/or the City are aware of sites that are at risk of conversion or redevelopment well before an eviction process has begun, proactive landlord and tenant engagement could go a long way in preventing evictions before they occur (Parkdale Neighbourhood Land Trust 2017).

In the event that an eviction can't be prevented, then emergency tenant support and relocation must be provided, but ideally as a last resort, not the first point of intervention as it often is currently. Existing emergency supports don't adequately serve the needs of all tenants in need of support. The Rooming House Emergency Response Plan is designed only for rooming house tenants and not for low-income tenants more generally who face similar issues; rooming house tenants aren't the only low-income tenants at risk of homelessness if they are displaced from their homes.

5.7 LACK OF COORDINATION AMONG CITY DIVISIONS AND AGENCIES

At present, existing tenant support programs work independently of each other with no formal protocols for coordination or collaboration. Programs have differing mandates and approaches to supporting tenants and addressing issues. Poor or inconsistent coordination between existing tenant support services and a lack of coordination between City divisions, services (311), and non-profit tenant support services undermines the effectiveness and quality of the services provided, and results in duplication and tenants not being adequately protected or supported. For example:

- A call to the FMTA tenant hotline will provide tenants with information about resources available, but it is up to the tenant to follow up on the information provided to receive support. There is no mechanism for alerting City staff or other service providers of potential violations or building destabilizations or ensuring appropriate follow-up or intervention. The only data recorded from calls is the nature of the call. Information about the tenant's property is not captured and there is no mechanism for compiling or sharing data that could be used by others to support tenants and prevent predatory eviction.
- A call to 3-1-1 often provides tenants with inconsistent information and advice. Calls about maintenance problems and landlord violations may or may not result in the tenant being connected to MLS inspectors and tenants may or may not be connected to social service agencies that may be able to help. A call to 3-1-1 does not trigger a response from any other service provider. A tenant calling to find support because they are being unlawfully evicted may be given the FMTA's phone number, but details of their call are not captured or shared with City staff or service providers who can follow-up.

During implementation of the Rooming Housing Emergency Response Plan, WoodGreen can provide tenants with the THAP rent supplement, but sometimes the Red Cross does not provide WoodGreen with the advance notice necessary to enable tenants to experience a seamless transition from emergency housing to permanent housing.

For the Rooming House Emergency Response Plan service to work properly, protocols need to be followed consistently, and currently they are not. Toronto Fire does not consistently notify the Office of Emergency Management (OEM) when it responds to a rooming house fire, so the Plan is sometimes not triggered, causing tenants to receive no support and may lead to them ending up homeless, and the site not being investigated by Planning and City inspectors who are supposed to determine what work needs to be done and when and if tenants can return to the building. Sometimes the OEM is notified, but fails to trigger the Plan.

5.8 NO STRATEGIC COLLECTION, MONITORING, OR SHARING OF DATA

A lack of protocols for responding to and addressing issues related to predatory eviction and no mechanism for capturing, sharing, or monitoring data means that tenants won't receive the support they need, opportunities to prevent predatory eviction are overlooked and not acted upon, and the opportunity to evaluate the effectiveness of current processes and programs and improving their effectiveness in preventing predatory eviction isn't possible.

In carrying out its work, WoodGreen has access to site-specific data pertaining to predatory eviction at the sites they support, including:

- name of landlord and property management company
- notices served to tenants
- tactics used by landlords
- number of tenants evicted prior to WoodGreen's involvement
- number of tenants relocated and type of housing they were relocated to
- legal clinic involvement and number of tenants accessing legal support
- town hall meeting participation
- use of housing search support
- rent supplements needed and received and amounts
- money provided for relocation and rent,
- legal vs illegal evictions,
- details of follow-up.

However there is no data collection tool to collect this data, no protocol for WoodGreen to share data with City staff, and no protocol to make use of the data available. Similar data could be collected and shared by other tenant support services, but that is not being done.

City inspections that find violations of by-laws and permits (violations of property standards, violations of permit requirements, work carried out without the necessary permits, etc.) not only do not result in notifications to social services or other City staff, but data about the violations is not made available to the public. RentSafeTO investigation activity is posted on a map, but without details on what was investigated or what the outcome was. In most cases, no information is posted about violations or remedies, or if it is posted, it is difficult to find.(City of Toronto 2020) . Information about the results of other investigations is not made available on the city's website listing "Investigation Activity." Similarly, the information that 3-1-1 shares through Open Data includes a general location based on the first 3 digits of a postal code and a "problem code" for the nature of the call. All complaints by tenants dealing with property standards issues are simply recorded as "property standards." This approach to the collection and sharing of data makes it impossible for the City and external tenant support organizations to identify landlords, property owners, and property management companies with patterns of illegal behaviour –information that could trigger scrutiny and investigation of other properties with the same owners as well as proactive tenant support.

The City's standard practice regarding the demolition of rental units is for Planning staff to review the rent history of a building by, for example, reviewing rent rolls and leases, consulting with previous and current tenants, and reaching out to community legal clinics and tenant support organizations. This research helps the City understand the status of the building and its tenancies so that tenants can be offered appropriate tenant relocation and assistance (City of Toronto 2019, May, 7–9). This labour and time-intensive research is only necessary because the City does not proactively collect, compile, and make this information available to City staff that could use it to develop, implement, and enforce policies and programs.

In addition, the province of Ontario does not collect or share critically important landlord-tenant data that would aid in eviction prevention, the preservation of affordable housing, better tenant support, and regulatory enforcement. Not all forms issued to tenants regarding changes or challenges to

their tenancy are filed with the LTB. And the LTB does not share the data it does collect regarding eviction applications and hearing results with other tenants, with municipalities, or with tenant support service providers.

The lack of strategic collection, monitoring, and sharing of data means that policy development suffers, warning signs are missed and aren't acted upon, and it's impossible to pursue the many innovative opportunities to use data to address issues that have been developed in other jurisdictions.

5.9 INADEQUATE ENFORCEMENT OF BY-LAWS AND PERMIT REQUIREMENTS

Current by-law and permit enforcement is complaint-based, putting the onus on tenants and the community to complain about violations that affect them and to hold property owners accountable. The City does not make information readily available to tenants (or property owners) about the responsibilities of the landlord and the tenant, the rights of tenants, where to go for support or how to register a complaint, what kinds of supports and remedies are available, or what the enforcement process entails and what can be expected from it.

When tenants do not know their rights or the laws their landlord must follow, feel vulnerable to reprisals if they complain, and do not know who to complain to or what supports are available, predatory landlord behaviour is facilitated instead of discouraged.

Renovictions and tenant harassment are facilitated when owners provide false information on building and construction permits, or avoid obtaining the required permits. Property owners often try to skirt rental replacement rules and tenant support requirements by similarly providing false information on development and variance applications. At present, many property owners can get away with illegal behaviour or do not experience penalties strong enough to deter illegal behaviour.

RentSafeTO was a first step in helping achieve compliance with property standards in apartment buildings, but there is no equivalent program for tenants living in other types of housing. The Rooming House licensing system involves annual inspections, but both it and RentSafeTO involve alerting tenants and landlords about when the inspection will be taking place, giving landlords opportunities to hide violations or prepare the appearance of compliance.

Coordination with the Toronto Police Service is also needed. While the police will not intervene in Residential Tenancies Act enforcement, when they arrive on the scene of a predatory eviction situation, they often do not understand the context or where their support is needed and may inhibit tenants defending their rights instead of supporting them. Being harassed by predatory landlords is not just a violation of the Residential Tenancies Act, but a violation of the Criminal Code, and the police have a role to play in enforcing the law and ensuring tenants are protected.

5.10 PUBLIC FUNDS FOR AFFORDABLE HOUSING PRODUCE HOUSING THAT IS UNAFFORDABLE WITH SHORT-TERM AFFORDABILITY

The 2019 Open Door program application process identified eight projects which the City recommended for fee waivers, tax exemptions, and funding. These projects will together produce 651 affordable homes, but 199 of them will be affordable for only 30 years, 17 will be affordable for 40 years, and 220 will be affordable for 50 years. Only the housing produced by non-profit organizations will be affordable for 99 years (City of Toronto 2019, Sept 4).

The affordability of this so-called affordable housing is also a problem. With the City setting targets for affordable rents at 80% of CMHC average market rent (AMR), and tying the definition of “affordable” to persistently climbing rental rates rather than incomes, the affordable housing produced isn't actually affordable to those having the most difficulty finding a place to live that they can afford. To be able to afford a bachelor unit at 80% of AMR in 2020 (\$918/mo.), a person would need a minimum income of \$36,720, which is well beyond the income of people with full-time minimum wage employment—roughly \$29,000 before tax (City of Toronto 2020 n.d.). The federal government's Rental Construction Financing Initiative (RCFI), which provides developers with low-cost loans to facilitate rental housing development, ties its definition of affordability to incomes, but does so by defining affordability as 30% of median before-tax total income for households in the area, which produces housing that is less affordable than housing with rent set at 80% of AMR (Pomeroy 2017, 23). Making matters worse, RCFI only requires those units to be affordable for 10 years, and after that landlords can set rents at whatever rates they like; and since the new construction won't be covered by provincial rent control, rents can be raised as often as landlords like as well. In this way, RCFI currently facilitates the development of rental housing that is affordable (and accessible) only to those who can already afford market rate rental units.

The government's solution of using additional public funds on rent subsidies to make these units affordable to people with lower incomes is not a sustainable solution to the City's housing unaffordability problem—it simply transfers even more public funds into the pockets of private property owners with no long-term public benefit.

Rather than solving the problem, the current implementation of Toronto's affordable housing development strategy benefits developers and property owners rather than low-income Torontonians in need of affordable housing and is setting the city up for an even greater housing affordability crisis in the future. The United States' experience illustrates what this will look like, as advocacy to preserve the affordability of federally subsidized housing projects has been ongoing for the past thirty years, as each year the affordability requirements expire on tens of thousands more affordable units. Today, in an attempt to address the problems with past U.S. affordable housing programs (programs which look remarkably similar to those being implemented today in Canada), affordable housing preservation programs in the U.S. are widespread, with half of the federal government's budget for affordable housing

spent on preserving existing affordable housing stock. Now that real estate speculators are seeing properties with expiring affordability requirements as an opportunity to make extraordinary profits, that effort to prolong affordability is becoming increasingly challenging.

Most of our policies for affordable housing are focused on quick, temporary fixes, not sustainable solutions. We need to invest our scarce resources in deeply affordable housing that lasts: affordability that doesn't expire or disappear upon vacancy or sale. "We will never find enough money. We will never build enough housing. We will never see the waters rise. Until we care as much about trickle out as we do about trickle down" (Davis 2015). While there has been considerable effort in the U.S. to track and monitor the existing supply of affordable housing and the impending expiry of affordability requirements, there has been no similar effort in Canada, except with regards to co-op, nonprofit and public housing providers whose operating agreements are expiring. Not only is the current implementation of Toronto's affordable housing strategy setting the city up for an even greater affordability crisis in the future, we are all being kept in the dark about the details.

MIRVISH VILLAGE DEVELOPMENT

Mirvish Village, a large mixed-use for-profit development, will include 916 rental units in 6 residential buildings. A combination of federal, provincial and municipal financing, funding, and waivers on fees and taxes will produce a variety of units at different affordability levels and affordability periods:

- 60 units will be rented at 80% of AMR for 25 years, secured through the Open Door program at a cost of \$215,279 per unit in public funds (City of Toronto 2018, June 11).

- 25 units will rent at 80% of AMR for 25 years, secured through public expenditure of \$184,418 per unit (City of Toronto 2108, Jan 10).

- 281 units will rent at 30% of median before tax total income for households in the area (in 2019 that works out to \$2,075.50/month) for 10 years, secured through \$200million CMHC's RCFI loan (final cost to the government: \$4.36million/\$15,516 per unit) (Canada Mortgage & Housing Corporation 2020, Jan 16; Office of the Parliamentary Budget Officer 2019).



This project represents \$21.37million in public spending, the cost of 65 units of permanently and deeply affordable public housing—housing that would still be in public hands and providing affordable homes to Torontonians and equity to the City long after all of these units have reverted to unaffordable market rents.



Photo by: Melissa Goldstein

06

Conclusion: How Toronto Can Stem the Loss of Deeply Affordable Housing and Better Protect Tenants: Recommendations for Action



Ontario’s Planning Act directs municipalities to include in their Official Plans, “such policies and measures as are practicable to ensure the adequate provision of affordable housing.” (Government of Ontario 1990: 16.1.a.1); and provincial and municipal legislation establishes “the adequate provision of a full range of housing, including affordable housing” as a priority (City of Toronto 2019: April 5, 4–5). And yet, Toronto’s rates of homelessness are escalating, the wait list for affordable housing is growing, and housing unaffordability is steadily increasing; at the same time, residential development surges (Canada Mortgage and Housing Corporation 2020, August) and tens of thousands of homes and millions of rooms are left vacant. Clearly, Toronto does not have the necessary policies and programs in place to ensure the adequate provision of affordable housing and the adequate provision of a full range of housing.



At the same time as Toronto is losing affordable housing to redevelopment, conversion, upscaling, and disrepair, very little new affordable housing is being created (and what is being created is largely less affordable than what is being lost and is only affordable for a short period of time). Rather than offsetting the losses and expanding the city's affordable housing stock, the current implementation of Toronto's affordable housing development strategy is setting the city up for an even greater housing affordability crisis in the future. We will never get out from under this crisis if we focus on new affordable housing development (particularly this current model that privileges for-profit development) and ignore the problem of our disappearing existing affordable housing stock. Other cities in the U.S. and Canada have been grappling with similar problems for years. While there is no silver bullet to such a complex and often politically charged problem, the fact that so many have been working on solutions for so long, means that there are plenty of policy and program innovations to learn from that can point to a better way forward.

After examining Toronto's policy and program situation in relation to the policies and programs of other jurisdictions, the Dwelling Room Preservation Policy Working Group recognized that to realize Torontonians' right to housing, the City of Toronto requires a comprehensive framework of policies and programs that will preserve Toronto's supply of deeply affordable housing and better protect tenants. Informed by insights and inspiration from other jurisdictions, the Working Group took dwelling rooms and dwelling room tenants as its starting point to ultimately develop a framework of policies and programs that offers solutions to Toronto's wider affordable housing crisis, for the benefit of all Toronto tenants, especially those living in poverty.

Here we present a comprehensive policy and program framework, broken down into six proposals for action by the City of Toronto, that together will stem the loss of deeply affordable private market housing and better protect tenants:

1. Legalize multi-tenant housing across the city through as-of-right zoning and improve its quality without causing tenants to lose their housing.
2. Require and better enforce the replacement of affordable housing that would otherwise be lost to demolition or conversion.
3. Prevent predatory eviction through the creation of a proactive, intersectoral, coordinated, integrated and data-driven tenant support system.
4. Establish a small sites rental housing acquisition program that provides capital grants or forgivable loans to non-profit housing organizations or community land trusts to facilitate the purchase and conversion of at-risk private market affordable rental housing into permanently affordable housing.
5. Facilitate the development of more permanently affordable housing.
6. Advocate for the reform of provincial policies and practices that contribute to the real estate speculation driving dwelling room loss and increasing housing unaffordability.

1. LEGALIZE MULTI-TENANT HOUSING ACROSS THE CITY THROUGH AS-OF-RIGHT ZONING AND IMPROVE ITS QUALITY WITHOUT CAUSING TENANTS TO LOSE THEIR HOUSING.

Zoning rules that prohibit multi-tenant housing in much of the city discriminate against people who cannot afford a self-contained unit by making the housing form they can afford—an individually rented room or shared accommodation—illegal in Scarborough, North York, and East York. This policy is at odds with the human rights-based approach to housing, adopted by the City in 2019 through the updated Toronto Housing Charter (City of Toronto 2019: Dec), the City’s stated goal of making affordable housing available across the city to those who need it, and its 2003 Vision Statement on Access, Equity and Diversity, which commits the City to creating an environment of equality in the community for all people regardless of their socio-economic status (City of Toronto n.d.). Legal or not, people are currently living in multi-tenant housing in all parts of the city, which demonstrates the fact that prohibiting multi-tenant housing doesn’t make the housing go away, it simply prevents the safety and living conditions from being improved.

Legalizing multi-tenant housing across the city through “as of right zoning” would:

- allow people to stay in their communities and allow people of all income levels an opportunity to be part of the community;
- contribute to the development of mixed-income, inclusive communities by increasing the supply of affordable housing in established neighbourhoods;
- better protect existing tenants and enable them to defend their rights;
- allow housing conditions in multi-tenant housing to be improved through regulation and programs like those provided by Habitat Services;
- enable the City to better track the status of the City’s affordable housing stock and develop evidence-based policy solutions;
- add “gentle density” to neighbourhoods without requiring additional development; and
- ensure that policies developed specifically to preserve the supply of naturally occurring affordable housing and protect tenants reach their maximum effectiveness.

Legalization must be accompanied by coordinated efforts to improve the quality of existing multi-tenant housing without

causing tenants to lose their housing. As Lisa Freeman notes, rooming house accommodations in the suburbs often reflect a living arrangement, not a built form, and this fact needs to be considered when working to ensure safe housing conditions and the protection of the health and safety of low-income tenants. Simply adapting policies designed for downtown rooming houses will likely be inappropriate (Freeman 2014).

2. REQUIRE AND BETTER ENFORCE THE REPLACEMENT OF AFFORDABLE HOUSING THAT WOULD OTHERWISE BE LOST TO DEMOLITION OR CONVERSION.

OPA 453, approved in 2019 and now being appealed at the Local Planning Appeal Tribunal (LPAT) (City of Toronto 2019, June 18), requires property owners to replace dwelling rooms that are being demolished with dwelling rooms or bachelor units and rent them at similar rents to what had been charged for the lost rooms for at least 15 years. Current dwelling room tenants have the right to move into the replacement units at similar rents as what they had been paying in the old building. These requirements apply so long as:

- the dwelling rooms being demolished are located in a part of the city where they are permitted;
- six or more dwelling rooms are being demolished; and
- all the rents in the building are below a certain rent level.

The OPA also requires property owners of any dwelling room being demolished anywhere in the city to create a tenant relocation and assistance plan for displaced tenants.

OPA 453 is a high-level policy and implementation will be determined by City staff, not formalized in public policy documents. This gives City staff flexibility in implementing the policies, which can be helpful, but informal internal processes often lack clarity, predictability, and transparency for those affected. During the consultation process for OPA 453 many issues with how it would be implemented were raised, leading to the following recommendations:

EFFECTIVE ENFORCEMENT

The City needs to make effective enforcement a priority and ensure that this work is adequately resourced and supported with better data resources.

To effectively enforce dwelling room replacement requirements and tenants’ right to return, City staff must

first identify the existing conditions of the building to be demolished:

- the number of dwelling rooms in the building,
- the existing rents of those rooms,
- the tenants occupying those rooms (or, in the case of a landlord emptying the building in anticipation of development, contact information for the most recent tenants).

Getting this information can be challenging, and currently requires site visits, consultations with tenants, and considerable time and detective work by City Planning staff. If this work is not resourced adequately, the potential of rental replacement policies will not be realized.

Existing conditions would be far easier to determine if rooming house licensing applications required the submission of annual rent rolls, tenant contact information, and the number of rooms in the building.

The responsibility for negotiating and implementing tenant relocation and assistance plans with developers is currently outsourced to outside, non-profit agencies with no enforcement capacity. In the event that a developer doesn't follow through with their contractual obligations (something which often happens), the agency has no recourse except to take the developer to court, which they don't have the capacity (time, staff resources, and funds) to do.

Each agency informally collects data that includes information about the tenants, the relocation process, and the public resources necessary to facilitate relocation as is necessary to complete their contractual obligations with developers, but none of this data is collected by the City and used to inform policy-making and evaluation.

To ensure the effective enforcement of OPA 453 and the realization of tenants' rights, the City needs to hold the responsibility for the enforcement of all tenant relocation and assistance plan contracts with developers. The City must also collect data gathered in a centralized database and ensure that tenants receive their right to return to new units in the redeveloped property at similar rents as what they had been paying.

TENANTING NEW/REPLACEMENT UNITS NOT RE-OCCUPIED BY RETURNING TENANTS

The City of Toronto does not currently have a formalized process or protocol for filling replacement units not re-

-occupied by returning tenants. The responsibility for finding tenants for those units is often left to the owner of the building, who is not required to ensure that the new tenants need such housing, or that the process of identifying new tenants is fair, equitable, or ethical.

City staff recognize this situation is problematic and are working towards a solution. "City Planning and Shelter, Support and Housing Administration are working together to develop a standard coordinated access plan to ensure that any available replacement housing not occupied by returning tenants will be offered to eligible households, as approved by Council, such as households on the City's Centralized Waiting List for subsidized housing. This approach is currently being advanced on applications under the demolition and replacement of rental housing policies" (City of Toronto, 2019: May 21, 12).

The City of Toronto has been investigating a choice-based system for filling the City's Toronto Community Housing rent-geared-to-income (RGI) units. Ideally, this system would include all vacant affordable units generated through City funding or City policies, not just City-funded RGI units, to ensure an effective, fair, and transparent method for filling all affordable units. Redeploying existing resources currently used to administer various waitlists to support a new choice-based system that fills all available affordable units would ensure that people secure housing appropriate for their needs. In the meantime, affordable units not reoccupied by returning tenants should be filled through Housing Connections or SSHA programs (such as the Rooming House Emergency Response Plan).

MONITORING THE IMPACT OF RENTAL REPLACEMENT POLICIES

OPA 453 contains a provision that exempts dwelling room properties where "all of the dwelling rooms have rents that exceed dwelling room tier 2 mid-range rents at the time of application." Dwelling room tier 2 mid-range rents are defined in the by-law as 101-120 percent of CMHC average market rent for a bachelor unit. (City of Toronto 2019: May 21). (In 2019, this would exempt buildings where the rent for all dwelling rooms is above \$1,306 per month, which is not much higher than current asking rent levels for a bachelor apartment in neighbourhoods with hot rental markets.)

The exemption of buildings where all rooms have rents slightly above current asking rent levels may result in:

- the intentional inflation of dwelling room rent levels
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above tier 2 mid-range rents as a way to avoid being subject to OPA requirements and the loss of affordable rental housing through upscaling;

- increased harassment and manipulation of already vulnerable tenants as landlords try to inflate rents,
- vulnerable tenants being forced into homelessness; and
- a larger segment of dwelling rooms, especially those in hot rental markets like Parkdale, not being protected by this OPA.

To address these issues, the impacts of this policy, as well as the existing rental replacement policy for rental units, should be regularly reviewed, evaluated, and reported on.

EXPANDING REGULATORY PROTECTIONS

The City of Toronto must make a request to the province to amend Section 111, Subsection 111(3) of the City of Toronto Act (COTA) to give it the authority to regulate the demolition or conversion of any residential rental property that contains six or more dwelling rooms. At present, the Subsection restricts a municipality from prohibiting or regulating the demolition or conversion of a residential rental property that contains less than six dwelling units (Government of Ontario 2006b).

This change would allow the City of Toronto to then amend Chapter 667 of the Toronto Municipal Code (the Rental Property Demolition and Conversion Control by-law) so that it applies to dwelling room rental properties, and not just self-contained rental units. Property owners of rented dwelling rooms would then be required to: replace dwelling rooms lost to demolition, interior renovations, alterations, and/or conversion to other uses; provide displaced tenants with relocation support; give tenants the right to return to replacement units; and not harass tenants.

The City has identified requesting that the Province make the changes to COTA a “key action” to be undertaken or continued as part of the City’s ongoing work (City of Toronto 2019: May 21,13). City of Toronto Act amendments require Ministerial approval, however, and as we have seen with OPA 406, decisions relating to regulating dwelling rooms are political and a supportive political environment is required for the approval of effective regulations.

3. PREVENT PREDATORY EVICTION THROUGH THE CREATION OF A PROACTIVE, INTERSECTORAL, COORDINATED, INTEGRATED AND DATA-DRIVEN TENANT SUPPORT SYSTEM.

Predatory eviction is not a problem limited to low-income people. Renters across the city are experiencing similar issues, and housing affordable to both low and middle-income earners is being lost at a rapid rate. The City of Toronto needs to ensure all tenants are better supported and that existing housing affordability is preserved.

Preserving housing affordability and preventing homelessness by preventing predatory evictions requires an intersectoral, coordinated, and integrated proactive tenant support system to ensure that tenants at risk of displacement and/or homelessness receive appropriate support (including tenant education and access to legal support) well in advance of displacement efforts by landlords and property owners (including eviction notices and buyout offers), and that tenants who are displaced can claim the support, rights and compensation to which they are entitled. Such a system would consist of the following elements:

CITY OF TORONTO TENANT SUPPORT UNIT

A dedicated unit within Shelter, Support and Housing Administration with a mandate to coordinate an intersectoral approach to preserving the affordability of private market housing and preventing eviction and homelessness by providing tenant protection and support. This unit would pull responsibilities currently spread among numerous Divisions under one “roof” and be responsible for administering other key initiatives. It would be supported by a staff complement created primarily through redeploying current City staff from a variety of divisions, including front-line staff and non-front-line staff. The Unit would coordinate with relevant City divisions and community agencies and organizations, including:

- Toronto Fire,
- Municipal Licensing and Standards,
- Shelter Support and Housing Administration,
- Social Development, Finance and Administration,
- Toronto Building,
- Planning,
- Housing Secretariat,
- Office of Emergency Management,
- Toronto Employment and Social Services,
- Toronto Police Services,
- Community agencies involved in tenant relocation and

assistance and rooming house emergency response services,

- organizations and community groups providing tenant support and eviction prevention services and support

Every City division would have a point person with whom the Unit would work. The Unit would be responsible for:

- establishing clear protocols that facilitate coordination among relevant City divisions, programs, services and partners to ensure early warning signs of predatory eviction are identified and acted upon in a consistent and coordinated manner; ensure effective enforcement; facilitate data collection, monitoring, sharing, and reporting;
- administering proactive eviction prevention and emergency response program funding, including community data tool support, tenant support training for front-line-workers and volunteers, coordination of front-line responses, and the necessary City staff support;
- developing and maintaining the Affordable Housing and Tenant Support Database and coordinating inter-sectoral data collection, sharing, monitoring, and analysis;
- developing and administering the Emergency Response Plan;
- administering and coordinating tenant support and relocation services;
- working with other divisions to improve service provision in support of predatory eviction prevention by improving information resources for tenants, improving how predatory eviction situations are handled by 3-1-1, and other approaches;
- supporting a housing acquisition program with data tools and succession planning support;
- administering tenant support and relocation contracts with developers (contract terms would be negotiated by social service agencies with the developer, but contracts would ultimately be between the developer and the City);
- enforcing contractual obligations (contracts with developers for implementation of tenant relocation and assistance plans, enforcing tenant right-to-return contracts, and ensuring affordability requirements are met and maintained);
- monitoring at-risk sites via database to identify where to target support;
- contributing to the evaluation of the impact of policies on tenants;
- leading a City of Toronto tenant support working group, including City of Toronto staff from relevant divisions that shares information and new developments/threats

and works to identify and coordinate the implementation of solutions.

CITY OF TORONTO AFFORDABLE HOUSING AND TENANT SUPPORT DATABASE, DATA PROTOCOLS, & DATA TOOLS

Good data is key to effective enforcement and the ability to act proactively. To support affordable housing preservation and predatory eviction prevention efforts, the City must develop and implement a database of affordable housing and tenant data from relevant City divisions (and other available sources); data protocols that facilitate the inter-divisional collection and sharing of relevant data; and data collection tools to facilitate the collection of data from City staff, front-line workers, and the public.

As part of contracts with non-profits that deliver services, the City should direct all service providers to collect data using standard data collection tools so that the data can be used to support the work of a variety of City divisions. Anonymized data should be shared via Open Data to allow residents and community groups to mobilize the data to support tenant support efforts.

The database would include:

- information about tenant displacement: where tenants were relocated to, what their new rent is, what public resources (rental subsidies, staff resources) are being spent to ensure displaced tenants have housing;
- right-to-return contract details;
- 3-1-1 data related to property standards complaints, eviction concerns, landlord complaints, permit complaints, etc.;
- code violation data;
- permit violation data;
- affordable housing development data;
- rooming house audit and licensing data;
- RentSafeTO data;
- Toronto rent data: the former City of Toronto kept a rent database with rents, unit types and addresses. This database did not survive the city's amalgamation. MPAC has most of this data, but does not share it.
- Data/datasets provided by government (LTB, Statistics Canada, CMHC) community partners

PROACTIVE EVICTION PREVENTION AND TENANT SUPPORT PROGRAM

Preventing predatory eviction requires tenant support services to arrive early enough at sites where tenants are

being targeted to provide services such as tenant education and access to legal support, which facilitate tenant organizing and support the efforts of tenants to prevent predatory landlord behaviour.

Building on insights and lessons learned from Toronto and other cities, an effective city-wide proactive eviction prevention program would be a City-sponsored program that funds community legal clinics or other local agencies to operate coordinated, local, proactive eviction prevention and tenant support services, similar to the Proactive Eviction Prevention pilot's model. These services would include tenant education, tenant organizing support and legal support and would be delivered in a proactive, site-specific manner at the building level. The Program would be supported by the Community Rental Housing and Tenant Support database and data tools, which would help identify sites at risk of tenant displacement and predatory landlord behaviour and would trigger a response from the local eviction prevention team.

Proactive eviction prevention tenant support would ideally be integrated with a program similar to San Francisco's Code Enforcement Outreach Program, where community organizations are contracted to partner with the City to facilitate the enforcement and compliance of by-laws and permit requirements and provide low-income tenants and their landlords with better access to services related to proper residential building maintenance and occupancy issues. Fees and penalties the City captures for code violations could be used to help fund the program, as is done in San Francisco.

The program would be supported by City staff, with a Coordinator in the City's Tenant Support Unit who would be responsible for facilitating the relationship between the delivery organizations and the relevant City divisions.

The program would prioritize rooming houses and nearby buildings hosting similar populations with similar characteristics, such as bachelorette buildings and other small buildings with a similar tenant population.

COMMUNITY DATABASE

Community and non-profit predatory eviction prevention efforts in other jurisdictions are often supported by databases and data tools that exist independently of government-owned and managed databases and data tools. Partnerships between non-profits and academia are common

in the development and implementation of these data tools; combining the data/research expertise, access to resources, and research needs of academia with the on-the-ground data-rich experience of the nonprofit agencies and community organizations that can utilize data to further their own objectives provides an ideal opportunity for a mutually-beneficial partnership arrangement.

A Toronto Community Rental Housing and Tenant Support database would collect data from Tenant Support workers, housing workers, tenant support organizations, the City Tenant Support Unit, and the general public and be used to produce useful data tools to support proactive eviction prevention efforts, better support tenants, and build capacity among tenants and communities to prevent eviction. An information-sharing protocol would be developed to ensure that the privacy rights of tenants and property owners would be protected.

A key data tool that would be developed from the database would be the early warning system that flags buildings where there is a high risk of tenant displacement and the loss of affordable housing and triggers a response from a Proactive Eviction Prevention worker.

TENANT SUPPORT COMMUNITY OF PRACTICE AND TENANT SUPPORT TRAINING

Tenants in Toronto are recognizing the value of sharing knowledge and best practices to address emerging issues and predatory strategies and forming peer-supporting groups such as the Akelius Tenant Network, Ontario Tenant Rights, and Parkdale Organize. This approach needs to be broadened to include the participation of institutional and formalized service providers in a Tenant Support Community of Practice.

The global nature of real estate financialization and speculation creates an opportunity for collaboration, knowledge-sharing, and developing strategies and responses to common problems with jurisdictions outside of Toronto as part of a process of addressing challenges and continuously evolving better solutions. Insights developed through the community of practice would inform tenant support training. To be effective in addressing an evolving problem, eviction prevention staff and community volunteers must remain current when it comes to understanding current trends and how to best respond to them. This requires ongoing education in new and evolving techniques, strategies, and resources.

In addition, eviction prevention workers require training on tenant rights; tenant organizing; best practices in preventing eviction and in addressing predatory landlord behaviour; orientation in coordinating with City staff to address issues; the proper use of data collection and monitoring tools; and understanding of relevant laws and policies and their application. The training program would be administered by the municipal Tenant Support Unit Coordinator and run by community agencies.

4. ESTABLISH A SMALL SITES RENTAL HOUSING ACQUISITION PROGRAM THAT PROVIDES CAPITAL GRANTS TO NON-PROFIT HOUSING ORGANIZATIONS OR COMMUNITY LAND TRUSTS TO FACILITATE THE PURCHASE AND CONVERSION OF AT-RISK PRIVATE MARKET AFFORDABLE RENTAL HOUSING INTO PERMANENTLY AFFORDABLE HOUSING.

At its core, a Small Sites Acquisition Program is a funding program that helps non-profit organizations purchase privately-owned property. In a highly competitive real estate market, it is essential for potential purchasers of property to act quickly to purchase property as it becomes available, which requires having access to liquid funds whenever they are needed.

The review of affordable housing preservation programs in other jurisdictions has shown that the components of a government funded small sites acquisition program are essentially the following:

- capital funding and/or forgivable loans to allow non-profits to purchase properties quickly in a hot real estate market;
- funding for up-front-costs of development consultants and due diligence studies;
- renovation and rehabilitation funding;
- a method to distribute funds to non-profits that allows organizations to compete in the open market to purchase properties;
- data collection and monitoring to identify priority sites for acquisition;
- a right of first refusal to facilitate the purchase of properties;
- capacity-building support for non-profits.

A City of Toronto Small Sites Rental Housing Acquisition Program would provide capital grants or forgivable loans to non-profit housing organizations or community land trusts (“Community Partners”) to facilitate the purchase of at-risk private market affordable rental housing. The acquisition process would lead to the conversion of private market rental housing into permanently affordable, non-profit rental housing and prevent the displacement or eviction of vulnerable tenants. Existing tenants would be able to stay in their homes, and new tenants would begin their tenancies with the understanding that their housing would be stable and secure for the long term. The program would help the City achieve the goals of its HousingTO: Affordable Housing Action Plan 2020-2030, which sets annual targets for new affordable rental homes and could deliver a set portion of this overall target (such as 10 percent) through the acquisition and conversion of private market rental housing to permanently affordable non-profit rental housing (City of Toronto 2019: Dec).

The Small Sites Rental Housing Acquisition Program would assist pre-qualified non-profit affordable housing organizations or “Community Partners” to reduce the cost of acquiring and renovating at-risk small site rental buildings by:

- providing City financial contributions, including capital funding and incentives such as exemptions from planning fees, development charges and property taxes;
- providing pre-development grants to pre-qualified community partners to enable them to undertake pre acquisition planning and due-diligence for potential projects; and
- fast-tracking municipal planning approvals for renovation projects that meet the intent of the City’s Official Plan.

The program would be implemented through a two-phase process:

- **Phase One:** At the commencement of the program, the City could pre-qualify and select six to ten non-profit housing organizations or community land trusts as “Community Partners.” These organizations would be required to meet the City’s criteria of demonstrated strong organizational management, positive financial experience in operating affordable or social housing, and

30. Parkdale Neighbourhood Land Trust, Parkdale Activity and Recreation Centre, Woodgreen, and Parkdale Community Legal Services.

31. Although the Residential Tenancies Act gives tenants the right to create a tenant association, rooming house tenants have long had difficulty coordinating these asso-

success in integrating that housing into the surrounding community.

- **Phase Two:** These Community Partners would be invited to identify and secure potential acquisition sites and to submit applications for acquisition project funding on a tri-annual basis. Through the use of the pre-qualification phase, the City's Housing Secretariat could streamline the final Small Sites Acquisition Program funding approvals. Acquisition funding would be approved within 30 days of RFP closing, and renovation funding and other benefits requiring Committee or Council approval would be confirmed within 60 days.

This two-phase process addresses the main challenge of acquisition projects: enabling non-profit purchasers to act quickly to acquire at-risk properties before they are purchased by predatory landlords.

For proposed Small Sites Acquisition Program Guidelines, see Appendix A.

ENABLING COMPONENTS

Implementation of the Program would require The City of Toronto to identify or create dedicated funding to finance the program and an annual rolling disbursement of capital funding for acquisition, which would prioritize at-risk sites. This program should also be supported with:

- a notice rights or right-of-first-refusal policy to enable non-profit organizations to secure properties before they are purchased by speculators;
- data collection and monitoring of at-risk sites;
- pre-development and capacity-building grants for non-profit organizations;
- funding for renovation and rehabilitation of acquired sites.

NOTICE RIGHTS/RIGHT OF FIRST REFUSAL

Giving non-profits more time to assemble financing and increased negotiating power to purchase at-risk sites facilitates non-profit acquisition. Notice rights should be

BUILDING ON ROOMING HOUSE ACQUISITION PILOT

The City of Toronto is well positioned to design and implement a city-wide acquisition program. In 2019, the City's Rooming House Acquisition Pilot Project served as a successful demonstration of how such a program might be implemented and its benefits. Through the Pilot, the City funded The Neighbourhood Land Trust to acquire and renovate a 15-unit tenanted bachelorette building, securing these units as permanently affordable housing through a 99-year covenant on title. Total capital costs of acquisition and renovation amounted to \$198,000 per unit, significantly lower than what is possible through new construction in downtown Toronto. To make this project possible, the City provided \$100,000 per unit for the acquisition of the property and \$40,000 per unit for renovations. The remaining costs were financed through a traditional mortgage.

The Pilot demonstrated that pre-qualifying non-profit organizations for acquisition funds reduced funding delays and enabled non-profits to act quickly to acquire at-risk properties in the highly competitive open market, before the properties are purchased by predatory landlords. A city-wide acquisition program does not need to be limited to rooming houses; public/non-profit acquisition is an effective strategy for preserving the supply of all affordable rental housing, whether the building is a rooming house, low-rise apartment building, or even a large apartment complex.



Councillor Gord Perks (centre) and Deputy Mayor Ana Bailao announce successful City Funded Pilot Project.



The Neighbourhood Land Trust Acquires Maynard Avenue Rooming House.

implemented that require a property owner to give the City and Community Partners written advance notice prior to the sale or conversion of a multi-tenant house or other building providing affordable housing. Community Partners should also be given a right of first offer when these properties are first put up for sale, and a right of first refusal if the property makes it onto the open market. The right of first offer would require the property owner to give Community Partners a certain amount of advance notice of their intent to sell, and interested Community Partners would have a set period of time to exercise their first right of offer and, if accepted by the seller, enter into a Agreement of Purchase and Sale (APS). Sellers would not be required to accept the offer, and Community Partners would have a right of first refusal to match a competing offer.

DATA COLLECTION & MONITORING

To help target properties most at risk and identify parameters for notice rights and right of first refusal laws, a database should be developed that compiles data about privately-owned affordable housing properties and tracks affordability contract expiration dates, code and permit violations, number of units, type of owner, and other displacement risk factors.

ACQUISITION PLANNING & PRE-DEVELOPMENT GRANTS:

The lack of grants available to non-profit organizations to support acquisition planning and pre-development is a major barrier to project development. A non-profit developer could spend between \$20,000 - \$250,000 in pre-development expenses just to meet the requirements of a government funding application. To address this gap, the Small Sites Acquisition Program must provide pre-development grants to nonprofit Community Partners to support acquisition planning, due diligence, and pre-development planning.

RENOVATION & DEVELOPMENT FUNDING

Many privately-owned small-site rental buildings have significant deferred maintenance issues and also require essential health and safety repairs and accessibility modifications. In some cases, there may also be an opportunity to add units to a building. Renovation and development funding should be provided as a component of the capital grant to address these issues and opportunities.

5. FACILITATE THE DEVELOPMENT OF MORE PERMANENTLY AFFORDABLE HOUSING.

Securing permanently affordable housing should be the government's mandate. The City of Toronto must focus its affordable housing resources on the development of new permanently affordable housing and the preservation of existing affordable housing. The City of Toronto needs to:

- modify the Open Door program so that it creates and preserves permanently affordable housing exclusively;
- maximize the affordable housing potential of public land through the use of land trusts, a portfolio approach, and non-profit development of permanently affordable housing; and
- track, report on, and share data about the state of the City's affordable housing supply.

MODIFY THE OPEN DOOR PROGRAM

While the City has made changes to its Open Door program to be more accommodating to non-profit applicants, more can be done, including the following actions:

- Change the mandate of the program to securing permanently affordable housing and facilitating its creation and preservation.
- Accept applications more often than once per year (ideally three times per year, or on a rolling basis).
- Provide pre-development grants to non-profit organizations to support the early stages of project planning, design, and due diligence required for Open Door project submissions.
- Reduce application review time to no more than 60 days for grant funding, and 90 days for benefits that require Council approval.
- Remove the requirement that non-profit organizations provide equity as a condition of eligibility.
- Make technical assistance available to non-profit pre-development grant recipients through the Housing Secretariat or a third-party development consultant who would: provide technical support to recipients through the pre-development phase; help organizations figure out how to make projects work; shepherd projects through the planning and approvals process; and to be prepared for a full Open Door or alternative funding submission.
- Coordinate funding applications to support the stacking of government funding and a streamlined application process.
- Create a revolving fund to support developers of community housing with upfront financing to help

projects get off the ground.

- Create automatic, as-of-right waivers of fees and charges for pre-qualified non-profits and supportive housing developers.

MAXIMIZE THE AFFORDABLE HOUSING POTENTIAL OF PUBLIC LAND

Toronto's high land costs make it extremely difficult to create new affordable housing for low- or moderate-income households. Toronto's undeveloped and underdeveloped public land represents a critically important opportunity to embed permanently affordable housing in the city in areas where the cost of privately-owned land would make this outcome otherwise impossible.

The maximization of the affordable housing potential of public land is best achieved by pulling public land out of the speculative market and putting it into a land trust to ensure permanent affordability. The City should not only use surplus government properties as a tool to ensure the right types of housing and real affordability are achieved in the neighbourhoods where housing is needed, but should aim to purchase additional land for this purpose. Land leased to the private market in areas where housing is not needed or appropriate can generate the equity needed for the government to purchase land (or facilitate the purchase of land by non-profits) in areas where housing is needed. Public land should be leased at nominal rates to developers who commit to producing housing that will be permanently affordable for the duration of the lease.

A portfolio approach to the development of public land, where multiple sites are developed by a single housing provider, should be pursued to allow the pooling of resources, cross-subsidization and possible economies of scale, working in collaboration with the non-profit sector.

TRACK AND SHARE DATA ABOUT THE STATE OF THE CITY'S AFFORDABLE HOUSING SUPPLY

The City of Toronto should track and annually report on the city's affordable housing supply, including dates of expiring affordability. That would include rental replacement units, Section 37 units, Open Door-funded units, and units created or subsidized through other programs and policies. This data should be made available as City of Toronto Open Data to enable research institutions, community organizations, and the government itself to undertake evidence-based planning and policy development, research, and the development of

tools and programs to preserve the city's affordable housing supply and protect tenants.

6. ADVOCATE FOR THE REFORM OF PROVINCIAL POLICIES AND PRACTICES THAT CONTRIBUTE TO THE REAL ESTATE SPECULATION DRIVING DWELLING ROOM LOSS AND INCREASING HOUSING UNAFFORDABILITY.

The importance of existing provincial policies in contributing to the real estate speculation driving the loss of dwelling rooms and forcing low-income tenants into homelessness cannot be overstated. Stronger tenant protections and enforcement of those protections could improve housing security, stability, and affordability for all Toronto renters and preserve the affordability of the city's rental housing supply. Without these protections, the City of Toronto will be forced to direct significant resources to either affordable housing preservation or homelessness supports just to maintain the inadequate status quo.

VACANCY CONTROL

The most important thing the Province of Ontario could do to preserve housing affordability, stop the loss of low-end of market housing, and end predatory landlord behaviour is to implement rent control on vacant units (effectively tying rent control to the unit, rather than to individual tenancies), which would prevent landlords from raising rents as high as they want once a tenant vacates the unit.

MAXIMUM PENALTIES FOR RTA VIOLATIONS

Penalties for violating the Residential Tenancies Act must be updated (and increased) to ensure that they reflect both the financial benefits of violating the law and the cost to the government of mitigating the impact of the violation.

RULES FOR ABOVE GUIDELINE INCREASES (AGIs)

To preserve the affordability of existing rental housing and stop the abuse of AGIs, the rules must be changed and the following expenditures deemed ineligible:

- balcony repairs or replacement;
- parking garage repair or replacement;
- expenditures necessary for compliance with municipal work orders concerning non-compliance with health, safety, housing or maintenance standards.

In addition, for an expenditure to be eligible, tenants must be provided with clear, detailed information about the work to be performed well before it is carried out.

REGULATING BUYOUTS

To reduce the likelihood of landlords pressuring tenants to sign buyout agreements and to enable the collection of data about buyout agreements, landlords should be required to provide tenants with a Buyout Agreement Notice that would be filed with the Landlord and Tenant Board (LTB) before beginning buyout negotiations. Tenants should also have the opportunity to rescind the agreement within 45 days. These forms would include the address of the unit that may be subject to a buyout negotiation and information about the tenants' rights, including contact information for tenants' rights organizations. The LTB would send this information to a tenants' rights agency to allow for follow-up support.

Information about the buyout would also be made publicly available on a searchable database that displays buyout agreement data on a map, showing the locations of signed buyout agreements, the amount of the buyout, and the number of tenants accepting the buyout. Such a database would allow tenants to have a better idea of what a fair buyout amount might be. Tenants would also be given the right to decline any future contact regarding buyout offers for 180 days.

BETTER DATA COLLECTION AND SHARING

The LTB should establish a public online registry of N12 "Notice to End your Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit" filings that makes N12 data publicly accessible. This would enable the enforcement of violations, where landlords evict tenants, but don't occupy the unit for their own use and instead use the N12 as a way to illegally evict tenants so they can raise the rent upon vacancy.

Eviction notices filed with the LTB should be made available to local tenant support organizations so that these organizations can proactively follow up with tenants facing eviction and provide eviction prevention support. The province should also regularly share eviction data with municipalities and organizations that provide eviction prevention support.

“We will never find enough money. We will never build enough housing. We will never see the waters rise. Until we care as much about trickle out as we do about trickle down” (Davis 2015).



AFFORDABLE HOUSING NOW!

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08 Appendix A: Program Guidelines for A Small Sites Acquisition Program

The City of Toronto should incorporate the following program guidelines into its small sites rental housing acquisition program.

Community partners:

The City of Toronto’s Housing Secretariat shall pre-qualify non-profit organizations as “Community Partners” to acquire, own, and operate buildings. Community Partners will be limited to non-profit organizations with strong management and positive financial experience in operating affordable or social housing and successfully integrating that housing into the surrounding community.

Pre-development grants:

The City of Toronto’s Housing Secretariat shall make pre-development grants of \$50,000 available to pre-qualified Community Partners to cover the early costs of acquisition planning, pre-development, and due diligence necessary to prepare a full submission. Eligible costs include development consultant fees, due diligence (e.g., building condition assessments, environmental site assessment, appraisals), planning fees, municipal approvals fee, and legal fees.

Invitation-only RFP process:

City of Toronto’s Housing Secretariat shall invite pre-qualified non-profit “Community Partners” to submit project proposals on a tri-annual basis (three times a year) through a streamlined request for proposals (RFP) process. Providing three annual submission deadlines will enable Community Partners to plan projects on an ongoing basis, while minimizing the administrative burden on City staff.

To enable Community Partners to act quickly to acquire sites before they are lost, the City should streamline the review and approval of acquisition funding within 30 days, and renovation funding and other benefits requiring Committee or Council approval within 60 days.

Building Type

- 6–40 unit occupied or vacant residential buildings.
- Residential dwelling units or dwelling rooms.
- Eligible buildings must conform with Planning Code requirements applicable to the site, including zoning, General Code compliance, and any relevant local area by-laws; where there are tenants living in unpermitted units or dwelling rooms and the unit meets minimum livability standards, legalization of such a unit may be eligible for program funds.
- Rooming house acquisition/renovation projects must be licensed, or evidence must be provided that the proponent has the ability to obtain a rooming house license.
- The acquisition price must be substantiated by an appraisal.

Site selection criteria

- Applications will be accepted on an ongoing basis, until funds are fully dispersed for that year.
 - Buildings that meet site eligibility criteria and are also deemed to be affordable rental housing that is at risk of being lost; at-risk buildings include those that are for sale or those in which tenants are experiencing harassment, threats of eviction, or have received offers to buy out their tenancies, among other indicators.
 - Existing tenants include vulnerable populations,
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including families with young children, seniors, people with disabilities, people with mental health or substance use issues, and people who are terminally ill.

- Priority will be given to buildings housing residents with the lowest incomes.

City funding

- Acquisition funding shall be provided as a capital grant.
- Renovation funding will cover repairs and rehabilitation required to bring a home or unit into code compliance and an acceptable standard while improving energy efficiency.
- The total City subsidy per unit should be equal to or less than \$250,000 for standard residential or mixed-use buildings or \$150,000 per unit for dwelling rooms.
- In addition to acquisition and renovation funding, the City shall provide non-profit Community Partners a flat developer fee to implement projects, calculated as the sum of \$80,000, payable at acquisition and \$10,000 per unit, payable at the end of rehabilitation, if rehabilitation is applicable, up to a maximum of 5 percent of total development cost (excluding the developer fee).

Ongoing affordability requirements

- For the 99-year term of the funding agreement with the City of Toronto, the average monthly rent collected by the non-profit Community Partner must not be more than 80 percent of Average Market Rent for each respective dwelling unit type, and no more than 60 percent city-wide Average Market Rent of a one-bedroom unit for any dwelling room.
- Rents must increase annually at no more than the amount set via the provincially mandated annual rent increase guideline.
- Where tenants are recipients of monthly housing benefits or fixed housing supplements that enable tenant “out-of-pocket” rents to be matched to social assistance shelter allowances, the City shall allow the non-profit Community Partners to layer an additional “operating subsidy” of up to 30 percent above the 80 percent average monthly occupancy costs (rent), to cover “specialized operating costs” associated with providing affordable housing with supports. Specialized operating costs include security, pest control, common space, office space, treatment rooms and more.

Community Partner Table:

The City shall hold quarterly meetings that bring City Staff together with the six to ten approved community partners to share program updates and encourage multi-partner coordination and information sharing including:

- Identifying sites of interest;
- Identifying project pipelines;
- Identifying lessons learned and best practices.

A photograph of a protest banner hanging from a tent. The banner is white with blue and yellow text. The text reads "CANT STAY HOME WITHOUT A HOME HOUSING NOW!!". The banner is attached to a tent structure with ropes. In the background, there is a chain-link fence and several multi-story apartment buildings under a cloudy sky. The tent is set up on a grassy area.

**CANT
STAY HOME
WITHOUT
A HOME**

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