

**Deputation
Presented by
Toronto St. Paul's Tenant Associations Network**

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

The report demonstrates that significant progress has been made over the last year and that planned activities will add better services for tenants.

RE: Signage

We are strongly opposed to the implementation of apartment building rating signs at this time for three reasons

1) Concern regarding the reliability of the bylaw enforcement apartment building evaluation ratings

The RentSafeTO report acknowledges that there are issues with the reliability of the evaluation scores when it states that:

Some stated that they do not think that the evaluations are done consistently across the City or year-over year, citing cases where the score increased without any identifiable improvements

Overall the building score in one of our buildings improved from 68 to 84 percent. Of the twelve evaluation elements that had an increased score only one element "exterior walkways" underwent a capital improvement during 2017-2019 evaluation time period.

We recommend that the difference between the current and previous evaluation scores should be examined for the registered apartment buildings to determine what percentage of these apartment buildings had a significant increase in their current evaluation scores. If the analysis demonstrates that more than 20 percent of the buildings have a significant increase in evaluation scores, the signage rating system should not be implemented at this time.

2) Scope of the evaluation

The report acknowledges that the current evaluation criteria are not a robust interpretation of the lived experience of tenants when it states:

Staff is in the process of reviewing the evaluation tool used by the RentSafeTO program in order to address ... issues and better reflect the lived experience of tenants.

3) The complexity of the implementation during the pandemic

The report clearly recognizes the complexity of the implementation of the signage rating system during the pandemic

The capacity of MLS to undertake this work may be affected by growing COVID-19 infection rates in the City and subsequent response efforts, as By-law Enforcement Officers play an important role in enforcing provincial orders, including ensuring compliance with physical distancing requirements and gathering limits.

For these three reasons, we strongly advise against the implementation of the apartment building rating signage at this time.

The Solution

We recognize the importance of moving forward with the evaluation of registered apartment buildings as an effective tool to encourage landlords to continuously improve the lived experience of tenants.

There is a solution. The City should reverse the order of the two-phased implementation of the rating signage system.

As the report states:

Following the introduction of the rating system and signs, staff will be working with divisional partners to develop a user-friendly online platform for the public to access the evaluation score and colour-coded rating for all registered apartment buildings in the City.

The development of the online platform for the public to access the evaluation scores should be the first phase of the implementation that the RentSafeTO Program undertakes as it is not dependent on the availability of the Bylaw Officers during the pandemic. As well, this activity can be undertaken remotely and ensure the safety of staff.

The report indicates:

The by-law currently requires that the evaluation score sheet be posted on the Tenant Notification Board, and evaluation scores are available online through the City's Open Data Portal.

This current process meets the immediate needs of all parties until the online application is available.

Expansion of the Scope of Apartment Building Evaluation.

The Report indicates that staff will work on the expansion of the evaluation categories. We applaud this work.

We do however have several concerns.

1) No Consultation.

We do not see reference to any consultation strategy with all interested parties, including Landlords and Tenants. Consultation is vital to ensure that the revised scope of the evaluation of the Apartment Buildings meets the needs of all parties.

2) No work plan for the development of the new MLS system.

The report does not provide a deadline for the approval of the expanded evaluation categories. A deadline is critical for the development of the proposed new system that will replace the 20 year old MLS legacy information system (IBMS).

Staff expect to have the updated evaluation tool in use by 2022, as it will require adequate time to design, develop, test, deliver, and train staff on the updated tool.

Before the new system can be designed, the expanded evaluation categories must be approved by City Council. Assuming an April 2022 implementation date for the new MLS system, there is only 15 months to accomplish both the development and approval of the expanded evaluation categories and the creation and implementation of the new MLS system.

The only way that this very ambitious deadline can be achieved is by having the recommendations for the expanded evaluation categories presented to the Planning and Housing Committee by the end of first quarter 2021. Otherwise, the system will not be delivered by 2022.

Amendment Section 354-3.7 to clarify that the state of good repair plan

The proposed amendment seeks to clarify that the state of good repair plan for each apartment building must be developed and maintained in a form and manner satisfactory to the Executive Director, Municipal Licensing and Standards.

There is a need for consultation with Landlords and Tenants to ensure that the form and manner of the plan conforms with the current practice of Landlords and that the content of the plan can be used by Tenants in monitoring capital expenditures as well as defending capital expenditures included in the Landlords' AGI submissions

The City should adopt common language usage for the term which describes this activity which is "Capital Plan" and NOT "state of good repair plan" to avoid confusion with Landlords and Tenants.

Data Strategy

As part of the overall HousingTO 2020-2030 Implementation Plan, Council has called for a data strategy that reviews current data assets; develops new metrics and data collection and analysis protocols;

There is no reference in the RentSafeTO Report to a data analysis strategy. The Program's response to building infraction inspections, issuance of Notices of Violation, Orders to Comply, fines and undertaking remedial action should be analyzed to provide City Council with an Annual Performance Report with both descriptive statistics as well as measures of the effectiveness of the RentSafeTO Program.