

ATTACHMENT 1

RENOVICTION POLICY

POLICY STATEMENT

The [HousingTO 2020-2030 Action Plan](#) ("HousingTO Plan") envisions a city in which all residents have equal opportunity to develop to their full potential. It is also centred on a human rights-based approach to housing which recognizes that housing is essential to the inherent dignity and well-being of a person and to building healthy, inclusive sustainable and liveable communities.

Three key strategic priorities identified in the HousingTO Plan are to: 1) prevent homelessness and improve pathways to housing stability for residents across the city; 2) ensure well-maintained and secure homes for renters; and 3) to maintain and increase access to affordable rents.

The City of Toronto's Renoviction Policy (hereafter referred to as the "Policy") sets out a framework to preserve Affordable and Mid-range rental housing stock across the city. It is acknowledged that this Policy and companion future by-law cannot prevent the loss of Affordable and Mid-range rental housing and stop Renovictions, as this is within the jurisdiction of the Province. Specifically, the City of Toronto cannot make a determination about when a residential tenancy agreement may or may not end under the *Residential Tenancies Act*. All determinations of whether a residential tenancy agreement may or may not end due to renovation or repairs are governed by the *Residential Tenancies Act*.

However, this Policy and future by-law will leverage the City's authorities under the *City of Toronto Act* (COTA) to deter the practice of Renovictions to support the health, social and economic well-being of the City and its people.

Successful implementation of this Policy and companion by-law will require a coordinated approach across various City divisions and additional dedicated resources in order to achieve the intended outcomes listed below.

BACKGROUND

As a result of various factors impacting Toronto's housing market (including low vacancy rates, lack of affordable rental housing supply, and wages that have not kept up with the increased cost of housing/living) many low-income and vulnerable residents, including those from equity-deserving groups, are struggling to find and maintain safe, secure and affordable housing. These conditions have resulted in increased rates of evictions.

Recently published data from the Wellesley Institute shows that renovation/demolition eviction applications (N13) filings at the Landlord and Tenant Board tripled from 2015 to 2018, rising from 121 to 386, suggesting a growing trend.

In response to the increasing eviction rates, in December, 2019, the Planning and Housing Committee ("Committee") also directed staff to explore:

- an approach to coordinate City processes to identify and prevent potential instances of illegitimate evictions; and
- potential improvements to City programs, policies and processes to address evictions.

In May, 2021, the Committee also directed staff to report back with a proposed Renoviction Policy and accompanying procedures for consideration, having regard for best practices from other jurisdictions, as applicable.

SCOPE

This Policy will apply to all existing and future residential rental properties with rents set at or below Mid-range rent levels.

PRINCIPLES

This Policy is guided by the following key principles:

- A human rights-based approach to housing;
- Equity;
- Transparency;
- Accountability; and
- Evidence-based and data-informed decision-making

INTENDED OUTCOMES

This Policy is intended to support:

- Preservation of Affordable and Mid-range rental housing;
- Housing stability;
- The City's commitment to the progressive realization of the right to adequate housing;
- Social and racial equity;
- Tenant education/awareness of their rights and responsibilities;
- Property Owners/Landlords who need/want to undertake repairs/renovations;
- Delivery of the HousingTO 2020-2030 Action Plan; and
- Other City programs, policies and initiatives aimed at preserving the city's affordable rental housing stock and supporting renters.

POLICY DETAILS

Preserve Affordable and Mid-range Rental Homes

Through implementation of a new by-law, the City of Toronto will:

- Require all Landlords to obtain a building permit prior to taking steps to obtain vacant possession of a Rental Unit to carry out a repair or renovation of the Rental Unit, except where a building permit cannot be obtained without vacant possession of the unit.
- Require all Landlords to provide a copy of the City's [Tenant Eviction Prevention Handbook](#) to Tenants, containing standard information, upon:
 - a) signing of a lease for a Rental Unit; and
 - b) taking steps to obtain vacant possession of a Rental Unit for the purpose of repairs or renovation.
- Require landlords of rental properties to post and maintain a notice in a prominent and visible place within the property, and deliver a letter to the Rental Units notifying tenants when a building permit application has been made to the City of Toronto accompanied by an accurate description of the proposed work. The notice would also provide tenants with guidance on how to obtain further information from the City of Toronto on tenant rights.
- Take appropriate enforcement action if non-compliance with the by-law is observed.

Enforcement Objectives

In developing a renovictions compliance and enforcement strategy, staff will leverage existing relationships and programs, and will coordinate efforts, to the extent possible. The primary intended outcome of the policy is voluntary compliance by landlords, and staff will use an education-first approach. Where the City finds evidence of non-compliance that is not resolved through education, progressive and appropriate enforcement action may be taken. As the City does not have oversight of all landlords, does not currently have mechanisms to monitor compliance, and still needs to address gaps in data to understand the full scale of the renovictions issue, investigations into any by-law violations will initially be done on a reactive, complaint basis.

As part of this process, complaints will first be triaged by the Housing-at-Risk table, and only those that are validated as possible by-law violations will be shared with enforcement staff for further investigation.

Tenant and Landlord education and awareness

The City of Toronto will undertake the following activities to help both Tenants and Landlords understand their rights and responsibilities as they relate to repairs and renovations:

Tenant education and outreach:

Provide educational materials and resources that:

- Promote the [Tenant Eviction Prevention Handbook](#) and update on a bi-annual basis, or sooner if needed.
- Inform Tenants on the common types of renovations or repairs and that may impact tenants and general information on whether they are likely to require the Rental Unit to be vacant.
- Inform Tenants of the requirement for Landlords to post notices in a prominent and visible place and to provide letters to the Rental Units so that Tenants are informed when a building permit application has been made to the City of Toronto, and the scope of work.
- Make a list of legal clinics and other resources available to Tenants.
- Build awareness of City of Toronto led or supported programs that support eviction prevention including but not limited to: the Eviction Prevention in the Community (EPIC) program, Rent Bank, Housing Stabilization Fund, Toronto Tenant Support Program and the Tenant Hotline.

Landlord resources:

Provide educational materials and resources that:

- Help increase awareness of when a building permit may be required; and what work may be extensive enough that vacant possession of a Rental Unit is required.
- Assist Landlords to understand the *Residential Tenancies Act*.

KEY ROLES AND RESPONSIBILITIES

Housing Secretariat

- In consultation with Toronto Building and Municipal Licensing & Standards, provide input and instruction on the draft by-law and report to City Council for approval of the draft by-law.
- Develop and promote educational material/resources for Tenants to understand their rights and obligations of Landlords via the [Tenant Eviction Prevention Handbook](#) and community events.

- Update the Tenant Eviction Prevention Handbook bi-annually, or as needed.
- Establish an interdivisional Housing-at-Risk Table to triage complaints and support successful implementation of the Policy and by-law.
- In consultation with Toronto Building and Municipal Licensing & Standards, seek Council authority for the new by-law.
- Establish, in consultation with Toronto Building, templates for landlords to use to post notices at their property, and provide letters to Tenants, when they have made a building permit application to the City of Toronto.

Toronto Building

- Develop a guide that is accessible to Landlords and Tenants providing general information on common types of renovation and repairs and the typical impact on tenants (while acknowledging that each project is unique and may result in different Tenant impacts).
- Develop criteria to determine circumstances when a landlord may be exempt from the new by-law requirements.

Various Divisions

The divisions with responsibility for the below activities will be determined at a later date and outlined in a future report to Council along with the proposed by-law.

- By-law education, inspections, and regulatory enforcement as appropriate.
- Develop city-wide communications strategy to support implementation.
- Develop technology tools to help support implementation of the new by-law including updating internal systems, developing or enhancing customer facing webpages, digital resources, etc.

CONSULTATION AND ENGAGEMENT

The following key internal and external stakeholders have been engaged and consulted during the development of this Policy:

- City Divisions (Housing Secretariat; Legal Services, MLS, Toronto Building)
- Tenant Advisory Committee
- People with lived experience
- Landlords (both private and non-profit/co-op sectors)
- Landlord and tenant associations
- Housing and homelessness organization
- Advocacy groups
- Human rights experts
- Community Legal Clinics

DEFINITIONS

"Affordable rental housing" means a Rental Unit where Rent meets the definition of "Affordable Rent" under the City's Official Plan, defined as housing where the total monthly shelter cost (gross monthly rent, inclusive of utilities for heat, hydro, hot water and water) is at or below the lesser of one times the average City of Toronto rent, by dwelling unit type, as reported annually by the Canada Mortgage and Housing Corporation, or 30% of the before-tax monthly income of renter households in the City of Toronto as follows:

- (1) studio units: one-person households at or below the 50th percentile income;
- (2) one-bedroom units: one-person households at or below the 60th percentile income;
- (3) two-bedroom units: two-person households at or below the 60th percentile income;
- (4) three-bedroom units: three-person households at or below the 60th percentile income."

"Building Code Act" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as may be amended or superseded from time to time.

"Building permit" means a permit issued by the Chief Building Official pursuant to the *Building Code Act*.

"Housing at-risk table" means a dedicated table to coordinate interdivisional responses to prevent the loss of affordable rental housing and support successful implementation of this Renoviction Policy and companion by-law.

"Illegitimate eviction" means an eviction carried out by a landlord that does not comply with the process/requirements outlined in the *Residential Tenancies Act*.

"Landlord" or **"Property Owner"** means:

- (a) the owner of a Rental Unit or any other person who permits occupancy of a Rental Unit, other than a Tenant who occupies a Rental Unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a Tenant occupying a Rental Unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

"Landlord and Tenant Board" means the provincial board responsible for resolving disputes between Landlords and Tenants through mediation or adjudication, processing formal evictions, and providing information to Landlords and Tenants about their rights and responsibilities under the *Residential Tenancies Act*.

"Mid-range rental" or "Mid-range rents" has the same meaning as in the City's Official Plan which defines "Mid-range Rent" under Section 3.2.1 as Mid-range rents (affordable) or Mid-range rents (moderate) as follows:

- (a) Mid-range Rents (affordable) are the total monthly shelter costs that exceed Affordable rents but are at or below 100% of the average City of Toronto rent, by unit type, as reported annually by Canada Mortgage and Housing Corporation.
- (b) Mid-range Rents (moderate) are the total monthly shelter costs that exceed Affordable rents and/or Mid-range Rents (affordable), but are at or below 150% of the average City of Toronto rent, by unit type, as reported annually by CMHC.

"Tenant" or "Renter" includes a person who pays rent in return for the right to occupy a Rental Unit and includes the Tenant's heirs, assigns and personal representatives, but "Tenant" does not include a person who has the right to occupy a Rental Unit by virtue of being (a) a co-owner of the residential complex in which the Rental Unit is located, or (b) a shareholder of a corporation that owns the residential complex;

"Renoviction" means when a landlord illegitimately evicts a Tenant from a Rental Unit by alleging that they are undertaking renovations or repairs.

"Rent" means the amount of any consideration paid or given or required to be paid or given by or on behalf of a Tenant to a landlord for the right to occupy a Rental Unit and for any services and facilities and any privilege, accommodation or thing that the landlord provides for the Tenant in respect of the occupancy of the Rental Unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing.

"Rental Unit" means any living accommodation used or intended for use as rented residential premises, and "rental unit" includes,

- (a) a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and
- (b) a room in a boarding house, rooming house or lodging house and a unit in a care home;

"Residential Tenancies Act" means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as may be amended or superseded from time to time.

HIGH-LEVEL IMPLEMENTATION PLAN

Table 1 below provides a high-level outline of the key deliverables required to implement the Policy and future companion by-law.

Table 1 – High-level Implementation Details

Timeframe	Legal Services	Housing Secretariat	Toronto Building	Enforcement and Compliance (TBD)	Various Divisions
Q3 - Q4 2022	Draft by-law to support preservation of affordable rental housing based on direction from Housing Secretariat in collaboration with MLS and Toronto Building.	Establish interdivisional housing at-risk table.	Identify representative(s) to represent division in housing at-risk table.	Identify representative (s) to represent division in housing at-risk table.	n/a
		Review/refresh Tenant Eviction Prevention Handbook.	(i) Develop a guide that is accessible to Landlords and Tenants providing general information on common types of renovation and repairs and the typical impact on tenants (while acknowledging that each project is unique and may result in different Tenant impacts). (ii) Help develop criteria to determine circumstances when a Landlord may be exempt from the new by-law requirements.	Support development of Landlord and Tenant resources related to property standards (e.g. repairs and maintenance).	Support development of Landlord and Tenant resources (including webpages, digital resources, etc.); help refine complaint process and develop webpage for residents to file complaints to be reviewed by the 'housing at-risk' team.

Timeframe	Legal Services	Housing Secretariat	Toronto Building	Enforcement and Compliance (TBD)	Various Divisions
		Identify resources needed to support implementation of Policy and by-law.	Identify resources needed to support implementation of Policy and by-law.	Identify resources needed to support implementation of Policy and by-law.	Identify resources needed to support implementation of Policy and by-law.
Q1 - Q2 2023		Seek Council approval of new by-law Request resources to support implementation of Policy and by-law through budget process, if applicable.	Request resources to support implementation of Policy and by-law through budget process, if applicable.	Request resources to support implementation of Policy and by-law through budget process, if applicable.	Request resources to support implementation of Policy and by-law through budget process, if applicable.
Q3 2023		Hiring of staff to implement Policy and by-law, if applicable	Hiring of staff to implement Policy and by-law	Hiring of staff to implement Policy and by-law, if applicable	Hiring of staff to implement Policy and by-law, if applicable
Q4 2023	By-law phase-in period	By-law phase-in period	By-law phase-in period	By-law phase-in period	By-law phase-in period
Q1 2024	By-law in effect	By-law in effect	By-law in effect	By-law in effect	By-law in effect