

	New Westminster	Toronto (currently)	McMillan Opinion ¹	DVCLS Opinion	By-law Idea
Licensing	Every landlord needs a licence.	Landlords for a rooming house or lodging house in the Former City of Etobicoke need a licence. Apartment buildings with ≥3 stories and ≥10 rental units need to be registered.	The City has the jurisdiction to expand licensing to cover all landlords as business licenses	Agreed with McMillan	Keep licensing scheme the same as already instituted and use RentSafeTO registration scheme to regulate larger landlords and impose penalties
Contact with government authority	Landlord must have contact with government authority to serve notice of termination for renovation or repair or be exempt from the requirements regarding such notices.	Landlord serves notice directly to tenant. Landlord will only have contact with judicial branch if he or she wishes to enforce the notice.	Does not speak to this issue	The City does not have the authority to interfere with the issuing of notices as the RTA gives the LTB explicit authority over the form and service of a Notice; a city by-law cannot conflict with the RTA	Require RentSafeTO registrants to issue an Eviction Toolkit to every tenant when serving an N13 outlining their rights, allow extra information and resources to tenants without interfering with the formal eviction process
Tenant accommodations	If By-law applies, landlord must make permanent or temporary accommodations for tenant. If By-law does not apply, landlord is not responsible for accommodations.	Landlord is not responsible for accommodations.	Does not speak to this issue	The City does not have the authority to require these accommodations before the LTB issues an eviction, but could require landlords to provide proof of accommodations for tenants at the Building Permit level ²	Require that a landlord provide proof of accommodations, compensation and/or arrangements for tenants before receiving a building permit
Right of first refusal	Conditional on building having ≥5 rental units. Landlord must give tenant 45 days' notice of availability date.	Not conditional on the number of rental units. No prescribed days to give notice of availability date.	Does not speak to this issue, but notes that if the RTA is silent on a matter, the City has the ability to pass a by-law regulating the matter. The RTA is silent on this issue.	Agreed with McMillan – there is a gap here that the City could fill using a by-law that interacts with the <i>Building Code Act</i> or the <i>Apartment Buildings By-law</i> to allow for enforcement	Require that the landlord provide proof of 60 days' notice to the tenant of their ability to move back in either withholding final building inspection or amend Apartment Buildings By-law to include this requirement for RentSafeTO registrants

¹The McMillan opinion is narrow – it focuses on whether it would be within the power of the City to pass a by-law regulating renovations at all, without looking at the specific mechanisms that such a by-law could include, except for licensing and fines

² This would require a by-law that fits within the definition of an Applicable Law under the *Building Code Act* to avoid conflict with s. 8(2) of that Act (a chief building official is required to issue a permit unless “the proposed building, construction or demolition will contravene this Act, the building code or any other *applicable law*)

	New Westminster	Toronto (currently)	McMillan Opinion ¹	DVCLS Opinion	By-law Idea
Penalties re: increasing rent post-renovation/repair (not as an additional rent increase)	Landlord may be subject to monthly business licence surcharge. If surcharge is not paid on time, his or her licence may not be renewed.	Landlord commits an ON RTA offence. A person, on conviction, may be liable for up to \$50,000; a corporation may be liable for up to \$250,000.	There is no conflict if a by-law imposes a fine for the same offense as the RTA, so long as it does not conflict with it; duplication will not result in conflict	Agreed with McMillan	Require that the landlord provide proof of acceptable rent offered to the tenant either by withholding final building inspection or amend Apartment Buildings By-law to include this requirement for RentSafeTO registrants
Penalties re: contravening laws	For every day landlord contravenes the By-law, he or she may be liable for up to \$2,000 or imprisonment for up to 6 months.	The ON RTA does not have a general section comparable to that of the BC RTA.	If the RTA is silent on a matter, the City has the ability to pass a by-law regulating the matter.	Agreed with McMillan – so long as any by-law does not conflict with the RTA provisions the City can pass a by-law introducing additional penalties/fines for contravention of the RTA	Amend the Apartment Buildings By-law to require that RentSafeTO registrants follow all by-laws and the RTA, and impose stricter penalties for each day a registered landlord contravenes the law

Further points:

- The *Building Code Act* allows a building inspector under s. 8(2) to withhold issuing building permits if the applicant does not comply with an applicable law. The definition of “applicable la” under *O. Reg. 332/12* s. 1.4.1.3 is very specific and includes at subsection (k) “by-laws made under any private Act that prohibit the proposed *construction* or *demolition* of the *building* unless the by-law is complied with.” What does this allow the City to pass?
- McMillan states that the City has a lot of flexibility to create by-laws regarding anything about which the RTA is silent; a good second step to this process could be to stop comparing to the New Westminster by-law and instead comb through the RTA and find any gaps that a City by-law could fill