



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Legal Challenge to Bill 184 - Protecting Tenants and Strengthening Community Housing Act, 2020

Date: July 4, 2023

To: City Council

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On July 21, 2020, the Province passed Bill 184, *Protecting Tenants and Strengthening Community Housing Act, 2020*. Among other things, it made several amendments to the *Residential Tenancies Act, 2006* that changed some of the procedural rules for landlord and tenant applications brought before the Landlord and Tenant Board.

On July 28 and 29, 2020, City Council directed the City Solicitor to commence a legal challenge to those amendments.

On March 30, 2021, the City issued a Notice of Application in Superior Court, seeking to challenge the validity of the amendments. The parties have now exchanged their application materials and are in the process of completing cross-examinations on their witnesses' affidavit evidence. Following this, the parties will agree to a date for the exchange of their written legal arguments and request a hearing date from the court.

The City Solicitor brings this confidential report in order to seek further instructions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.

2. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There are no financial impacts arising from the recommendations in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

At its meeting of July 28 and 29, 2020, City Council adopted PH15.10, City of Toronto Submission on Bill 184 - Protecting Tenants and Strengthening Community Housing Act, 2020, in which it adopted positions on and amendments made by Bill 184 and directed the City Solicitor to commence a legal challenge to those amendments.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH15.10>

CONTACT

Matthew Cornett, Solicitor, Litigation Section, Legal Services, 416-392-7244,
Matthew.Cornett@toronto.ca

Ryan Krahn, Solicitor, Litigation Section, Legal Services, 416-338-1395,
Ryan.Krahn@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Legal Advice and Confidential Instructions to Staff