

Feedback on the proposed City of Toronto Relationship Framework for the Multi-Tenant House (MTH) Licensing Tribunal

By Melissa Goldstein, Tenant Advisory Committee member
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The MTH Licensing Tribunal is empowered through [Chapter 565, the MTH licensing bylaw](#) to make decisions about whether or not to issue, suspend, or revoke a license to operate a multi-tenant house. The Tribunal has a tightly prescribed range of options: it can decide to uphold a refusal of a MTH license or a recommendation of the Executive Director; to issue (with or without conditions), refuse, suspend or revoke a MTH license; or add conditions to a license—with the possible conditions prescribed by the bylaw.

As MTH operators are legally required to have a license to operate, the Tribunal's decisions are ultimately about whether or not a multi-tenant house will be allowed to continue to operate and provide tenants with a place to live and whether or not current tenants will be evicted. As multi-tenant houses represent the very last of the City's supply of housing affordable to low-income people (including people on social assistance) in the private market, Tribunal decisions will have a direct and immediate impact on the supply of affordable and deeply affordable rental housing available in the City; the housing security of tenants who are disproportionately vulnerable, low-income, and racialized; equitable access to housing in neighbourhoods across the city; and homelessness.

While I'm happy that the Executive Committee has asked staff to gather feedback from the City's Tenant Advisory Committee on the Licensing Tribunal, **tweaks to eligibility criteria, remuneration, and Chair selection can't address a more fundamental problem: under the Licensing bylaw, the Tribunal has no mandate to have regard for how its decisions will affect tenants of the multi-tenant house or the supply of affordable rental housing more generally, and a Tribunal that does not have the authority to consider tenants or impacts on affordable housing access will not consider tenants or affordable housing access, regardless of who the members of the Tribunal are.**

The bylaw sets out the following framework for how the Tribunal must make its decisions: The Multi-Tenant House Licensing Tribunal shall [only] have regard to the following matters when relevant, as may be raised at a hearing:

- (a) This chapter and other applicable law; 575-13
- (b) Circumstances and facts raised by the evidence of the parties;
- (c) If the operation of the multi-tenant house puts or could put public safety at risk;
- (d) If the operation of the multi-tenant house is or will be carried on in compliance with the law; and
- (e) If the conduct of the operator (including, in the case of a partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the operator will not operate the multi-tenant house in compliance with the law or with honesty or integrity.

Under the bylaw, the Tribunal is not allowed to consider in its decision-making the impact that the cessation of operation of a multi-tenant house will have on the safety and well-being of tenants of the multi-tenant house, on the supply of deeply affordable rental housing, or on the ability of low-income people to access housing in all neighbourhoods in the city. This means that the bylaw, the Tribunal, and Relationship Framework are all inconsistent with the policies of the [Toronto Housing Charter](#), despite the fact that the Relationship Framework [document](#) is clear that:

- “The Relationship Framework is pursuant to, and must be consistent with, legislation, the Toronto Municipal Code and Council directives and delegations of authority that are applicable to the MTHLT”;

- The Tribunal shall follow applicable rules, procedures and policies established by the City;” and
- “The Tribunal is accountable to Council for conducting its business affairs in accordance with applicable law,” where “Applicable Law” means “all statutes, laws, by-laws, regulations, directives, policies, and orders of governments or other public authorities having jurisdiction at any time in force that apply to the MTHLT.”

The Toronto Housing Charter states that “it is the policy of the City of Toronto to recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities. The City of Toronto supports improved housing outcomes for its residents. Its Policy is to move deliberately to further the progressive realization of the right to adequate housing recognized in the International Covenant on Economic, Social and Cultural Rights.”

The Toronto Housing Charter is designed to guide City Council and the City’s public service in its decision-making, resource allocation, policy development, and in the provision of services and Programs. Under the Housing Charter, the City has committed to a number of measures, none of which have been implemented here:

- Require that any future City decisions, policies, services and programs that impact housing are screened and assessed for impact on the Toronto Housing Charter and revise them, as appropriate, to ensure that the City’s Policy as stated in the Toronto Housing Charter is achieved and not negatively impacted.
 - This should have necessitated a review of the Legalization Framework as adopted by Council and this Relationship framework, neither of which has happened.
- Ensure necessary co-ordination and collaboration among relevant City Divisions to achieve the City’s Policy as stated in the Toronto Housing Charter.
 - It appears this Framework was not developed through collaboration of Court Services with City divisions responsible for overseeing the implementation of the Toronto Housing Charter and other City housing and homelessness prevention policies, as it makes no reference to the City’s Policy as stated in the Toronto Housing Charter.
- Take action to prevent arbitrary eviction, homelessness and other threats to human security and dignity, ensuring that City policies and programs are designed to avoid residents from being made Homeless.
 - The absence of any mention of tenants and tenant outcomes in matters that may directly result in tenants’ eviction into homelessness demonstrates that the Framework was not designed to avoid residents being made homeless.
- Provide for participation by members of affected communities in decision-making related to housing, including by persons with lived experience of homelessness or of precarious or inadequate housing.
 - Tribunal membership should require membership from affected communities, including people with lived experience of homelessness or precarious or inadequate housing, and instead the proposed eligibility criteria will likely function to exclude them.
 - The Tribunal should be required to have regard for the impact on MTH tenants in its decisions.
- Provide opportunities for organizations and affected communities to advance a human-rights based approach to housing and participate in decisions that affect it.
 - Tribunal membership should require membership from people and organizations working to advance a human rights based approach to housing. (I would go as far as saying that all members must demonstrate experience in working to advance a human rights based approach to housing.)

- The Tribunal should be required to have regard for Torontonians' right to housing in its decisions.

If the framework for the Tribunal was developed to be consistent with the Toronto Housing Charter:

- The Tribunal would be required to have regard for potential harms to tenants and relative tenant safety (recognizing that decisions that move tenants out of one unsafe situation may force tenants into an even less safe situation—displacement from a MTH that isn't code compliant into an unaffordable rental market likely means making the tenant homeless at time when there is no shelter availability) and to have regard for impacts on affordable housing supply. (If the licensing bylaw was consistent with the Charter, it would also be both simple and possible for operators to become licensed, rather than making it difficult and even impossible for many operators to meet the requirements, as is currently the case.)
- Required training for Tribunal members would necessarily include orientation on the Toronto Housing Charter and making decisions that further the City's policies and commitments under it.
- The Framework would ensure that Tribunal members would have as a resource a menu of possible options (decisions) developed to prevent tenant harms while also ensuring that tenants aren't evicted into homelessness.
- It would set out a relationship with City staff so that relevant staff are involved in providing tenant support with a mandate of finding tenants alternative housing and preventing homelessness in decisions that do have an impact on tenants' housing security. There should be a clear plan in place that outlines what the plan is for tenants who will be impacted by Tribunal decisions, and which clearly delegates responsibility for tenant outcomes in situations where the Tribunal rules that a tenanted MTH will not get or be able to keep their license.
- It would set out a relationship with City staff so that staff involved in managing the City's affordable rental housing supply are involved in working with operators to preserve the housing as affordable rental housing in decisions that will have an impact on the supply of affordable rental housing.

The MTH Licensing Framework and Relationship Framework for the Licensing Tribunal are matters that should be reviewed by the Deputy Ombudsman (housing) in their mandate to monitor the implementation of the City's housing policy from a human rights and fairness perspective. The Deputy Ombudsman should also review the structure, activities, and decisions of the Tribunal and identify where policy and amendments are needed.