

EX3.1 - Housing Action Plan 2022-2026- Priorities and Work Plan

Submission by Melissa Goldstein

Summary of recommendations:

The Housing Action Plan must reinstate as a key priority the implementation of the multi-tenant housing framework so that it functions to increase housing supply, housing choice, and affordability for current and future residents.

Each item in the Housing Plan Work Plan must include—as is required under the Toronto Housing Charter—the screening, assessment, and revision of all decisions, policies, services and programs that impact housing (including the implementation of the MTH legalization framework) to ensure they don't negatively impact the City's policies under Toronto Housing Charter—including residents' right to adequate housing—and to ensure that City policies and programs are designed to avoid residents from being made homeless.

The Housing Action Plan must add to its key priorities the development of a plan to meaningfully include the perspectives of tenants, tenant advocates, and tenant support service providers in housing planning, policy development and decision-making that goes beyond creating and consulting with advisory bodies.

Members of Toronto City Council,

There are three important issues I wish to raise today:

1. The fact that the multi-tenant housing legalization framework has been removed from the Housing Action Plan with its focus on increasing housing supply, housing choice, and affordability for current and future residents,
2. The need for the City to follow through on its commitment under the Toronto Housing Charter to screen, assess, and revise all decisions, policies, services and programs that impact housing to ensure that they don't negatively impact the City's policies under the Toronto Housing Charter and to ensure that City policies and programs are designed to avoid residents from being made homeless, and
3. The fact that tenant voices are missing from this Plan and its initiatives, and that more needs to be done to ensure that the perspectives of tenants, tenant advocates, and tenant support service providers are meaningfully included in housing planning, policy development and decision-making aside from simply creating and consulting with advisory bodies.

When the Housing Action Plan was brought before Council last year, legalizing multi-tenant housing was a central component. A few months later the complicated work of implementing the multi-tenant housing legalization framework hasn't even begun, yet as far as the Housing Action Plan is concerned, multi-tenant housing legalization is already "a past planning initiative" that the Action Plan to increase housing supply, housing choice and affordability for current and future residents during this term of Council simply "builds upon."

This is deeply troubling given that there is much work to be done to ensure that legalizing rooming houses does not have the perverse effect of significantly worsening our housing and homelessness crisis, and preventing this outcome warrants it being a top priority of Toronto's Housing Action Plan.

There are significant issues with the multi-tenant housing framework that was passed as it will likely result in hundreds, if not thousands, of multi-tenant houses being either pushed out of business or forced further underground and thousands of the city's most marginalized tenants forced out of their homes and into homelessness.

To become licensed, multi-tenant house operators of properties outside the Old City of Toronto that are renting more than 6 rooms have two options: they can close rooms to comply with room caps and undertake expensive

renovations to bring the property up to code, but will have to raise rents significantly to keep the properties viable in light of the increase in expenses and lost rental income, or they can take a gamble on seeking a possible—but by no means guaranteed—zoning variance to operate additional rooms, which, even if awarded, would not eliminate the need for costly renovations and a method for paying for them. In the first case, the housing available to tenants shrinks and the housing accessible to low and lower-income tenants disappears and the property's existing tenants are forced into homelessness, and in the second case, the situation is so costly, time consuming and risky that most operators will likely choose to operate illegally rather than pursue it. The options are the same for operators in the old city of Toronto who are operating more rooms than current zoning permits.

The fact is, there is little difference between keeping multi-tenant homes illegal and legalizing them when the path to the legal operation of rooms affordable to low and lower income people that the City approved is unfeasible for the vast majority of operators. The end result is the same: the majority of multi-tenant houses affordable to low and lower income tenants will largely be operating outside the law and enforcement of the City's rules will therefore make tenants' housing necessarily precarious and tenants will be unable to access support to address unsafe housing conditions out of fear that they will lose their homes.

Just as the old rules had “an ongoing real and significant negative impact on many Code-protected Groups” according to the Ontario Human Rights Commission, the new rules will have a similar ongoing real and significant impact on many Code-protected groups as it makes the only homes low-income people can afford impossible to operate legally.

This situation was only possible because the City has not followed through on its commitment under the Toronto Housing Charter to screen and assess City decisions, policies, services and programs that impact housing to ensure they don't negatively impact the City's policies under Toronto Housing Charter (including residents' right to adequate housing) and to ensure that City policies and programs are designed to avoid residents from being made homeless. While Maytree conducted a Human Rights Review of some elements of a proposed multi-tenant house policy in 2020 on behalf of the City, the policy framework that was ultimately passed was significantly different and much of it was never screened or assessed.

The omission of the implementation of the multi-tenant housing legalization framework from the Housing Action Plan was possible because the plan was produced without the perspective of tenants and tenant advocates.

While the Housing Action Plan staff report notes that “addressing Toronto's complex housing challenges requires a whole-of-government and whole-of-community approach,” 50% of the community—those who rent their homes—has been excluded from participation in a plan that is largely focused on creating housing specifically for them.

This follows a problematic pattern of the City failing to engage with tenants and tenant advocates on matters that affect them and failing to uphold the Toronto Housing Charter's requirement to screen and assess City decisions, policies, services and programs that impact housing to prevent negative impacts. Last fall, the Housing Secretariat and SSHA completed a wholesale restructuring of the delivery and funding of tenant support services without consulting with tenants or with the organizations that delivered those services, creating challenges for tenants trying to access services and chaos for the sector trying to deliver them.

Several of the priority initiatives that are considered part of the Housing Action Plan similarly have a significant potential to impact tenants, yet have not sought to engage tenants, tenant advocates or tenant support service providers and have not applied a right to housing lens to the policies to ensure that they are consistent with the Toronto Housing Charter. Specifically:

Expanding Housing Options in Neighbourhoods

The Expanding Housing Options in Neighbourhoods initiative has not yet looked at the potential impact on existing tenants or on housing affordability of increasing zoning permissions in residential neighbourhoods, major streets, never mind started developing plans to mitigate any negative effects.

City planners have persistently ignored the fact that under the Residential Tenancies Act, it will be perfectly legal for landlords and real estate speculators to evict the tenants of existing affordable rental units so that

the units can be subdivided into more units which can then be rented at higher/market rents to new tenants, or redeveloped into a low-rise walk-up.

While these policies are being framed as a benefit tenants, the reality is that the real beneficiaries of these policies are the real estate speculators to who stand to make huge gains by buying up properties and converting them to income-generating investments that will provide much higher rental revenues; tenants of these properties won't benefit—quite the opposite, in fact— they will lose their homes.

Under [the Toronto Housing Charter](#), the City has committed to screening and assessing City decisions, policies, services and programs that impact housing to ensure they don't negatively impact the City's policies under Toronto Housing Charter (including residents' right to adequate housing) and to ensuring that City policies and programs are designed to avoid residents from being made homeless. This lens has not yet been applied, however, and tenants have not yet been explicitly consulted about what the new zoning rules the City is drafting might mean for their housing security. As a result, final drafts of these policies will soon be presented to Council, yet there have been no discussions about how the City will prevent its rules from displacing tenants and further shrinking the city's supply of affordable housing.

The City must explicitly address how it will manage the tension between the need for more housing with existing tenants' right to housing and the need to preserve existing housing affordability.

Facilitating Apartment Infill

In this staff report the City states that in its effort to facilitate apartment infill it will consult with “non-profit, co-op and for-profit rental housing providers,” however it does not say it will consult with the tenants of the properties adjacent to the so-called “underutilized” open spaces and surface parking lots that the City hopes to develop about the impact that developing these areas will have on both the quality of tenants' housing and on their access to greenspace and parking.

Again, the City must explicitly address how it will manage the tension between the need for more housing with the rights and needs of existing tenants, and that must begin by consulting with tenants.

Collaboration with Post-Secondary Institutions

The City is collaborating with academic institutions to better understand the housing needs of students, but apparently not the students themselves (or their representatives). Many of these students are tenants of multi-tenant homes who stand to be negatively impacted by the implementation of the multi-tenant house legalization framework. To understand their needs and the issues they face, they must be included in these discussions.

Rental Housing Programs: Renoviction By-law

Last July, City staff were directed to report to the Planning and Housing Committee by June 2023 with a new regulatory By-law and implementation plan to protect affordable and mid-range rental housing stock; through this report, the June deadline has been moved to October, and in the meantime renovictions and the loss of rental housing persists at a rapid pace. The Tenant Advisory Committee provided input into the recommendations that went before Council last July, but that has been the extent of tenant input: there has been no consultation with tenants about what the policy should include or how it should be implemented. The bylaw is currently under development, yet tenant consultations have still not taken place and the Tenant Advisory Committee has not been engaged to inform the development.

While it's important that recommendations to form a new Council Advisory Body to support the City in advancing its commitment to the progressive realization of the right to adequate housing will be made, the City must recognize that this alone does not do enough to satisfy the requirements of a right to housing approach. More needs to be done to ensure that renters, tenant advocates and tenant support service providers are adequately consulted in the development of housing plans, policies and programs.

This is especially important considering the time that it will likely take to form this advisory body and for it to start providing advice: the Housing Secretariat spent the better part of last year working with the Tenant Advisory Committee on reviewing its terms of reference and choosing additional new members instead of engaging it in providing meaningful input into the policies and programs being developed and implemented that had significant implications for tenants. And this was for an advisory body that already existed and already had a terms of reference—not something that had to be created from scratch.

The Tenant Advisory Committee has not been engaged since before the election, and has not been asked to provide input into the Housing Action Plan or most of the other housing policies & initiatives that have been coming before Council in recent months. Consulting with a single committee or representative has never been an adequate replacement for fulsome consultations with renters. To realize tenants' right to housing, the city needs to commit to engaging with tenants on all housing matters.

Recommendations:

1. The implementation of the multi-tenant housing legalization framework must remain a priority of Toronto's Housing Action Plan to ensure the goal of increasing housing supply, housing choice and affordability for current and future residents is realized.
2. The legalization framework and plan to implement it need to be assessed from a human rights and right to housing lens, as is required under the Toronto Housing Charter. While Maytree conducted [a Human Rights Review](#) of some components of the proposed policy in 2020 on the City's behalf, no review has been conducted of the policy that was ultimately passed in 2022, or on the plan to implement that policy.
3. The City must uphold its commitment under the Toronto Housing Charter to revising the framework and implementation plan if a human rights and right to housing assessment finds issues with it. The implementation of legalization must not worsen the very same problems it was meant to address.
4. The various planning initiatives and proposed policies that comprise EHON must be reviewed through a right to housing lens—looking specifically at the impact these policies will have on the housing security of existing tenants living in housing in areas that will be upzoned—and the proposed policy changes must then be revised to ensure tenants' right to housing is protected, as is required under the Toronto Housing Charter.
5. Tenants who will potentially be impacted by the facilitating apartment infill initiative must be included in consultations and students must be consulted in efforts to address student housing needs.
6. The renovictions by-law and implementation plan must be developed through active engagement and fulsome consultation with tenants, tenant advocates, and tenant support service providers.
7. A key priority of Toronto's Housing Action Plan must be developing a plan to meaningfully include the perspectives of tenants, tenant advocates, and tenant support service providers in housing planning, policy development and decision-making that goes beyond creating and consulting with advisory bodies.

Melissa Goldstein is an affordable housing and homelessness researcher and advocate, a member of Toronto's Tenant Advisory Committee, a Researcher & Research Coordinator at the Canadian Housing Evidence Collaborative, and a tenant living in Ward 9.