

Housing Rights Advisory Committee - Maintaining Housing Working Group Feedback Proposed Renovictions By-law

The City of Toronto defines a renoviction as an illegitimate eviction by a landlord claiming the need for vacant possession for the purpose of renovations. Renovictions can include refusing a tenant's return post-renovation, illegally raising rent on new/returning tenants, or not undertaking major renovations after an eviction.

Below is a summary of discussion and consideration from the working group regarding the proposed renovictions by-law as presented to the Housing Rights Advisory Committee on September 23, 2024.

Security of Tenure

The issue of renovictions is core to the housing right of security of tenure, and the City's decision to act on this within its capacity is welcomed. Where temporary evictions occur because of legitimate renovations, adequate and fair compensation for tenants will be required.

Feedback:

- Consider aligning tenant compensation plans with the City's Rental Replacement Policy to ensure tenant compensation is fair and adequate. This could include considering new baseline data on AMR to calculate rent gap payments.
- Consider specific resources and supports for women-led households to find adequate housing in the case of an eviction for renovation purposes and develop an approach in consultation with the 'Housing Pathways for Women and Gender Diverse People's Working Group'.

Tenant Engagement

Staff reported that consultations with tenants, tenant groups, community service providers and legal aid clinics has been undertaken.

Feedback:

- Throughout the process of developing, implementing, and evaluating the by-law, it is critical that tenants are engaged meaningfully in the process, so their experiences are understood and incorporated in the design of the by-law and the resulting regulations and policies.

Information

The goal of the by-law is to ensure that tenants who may be temporarily relocated receive rights-based information with sufficient notice, so they are adequately informed before they commit to a course of action. Tenants should not be in a position to sign anything without their rights being fully explained to them and/or having access to advice.

Feedback:

- Ensure the tenant notification period throughout the renovation licencing and eviction process is sufficient for tenants to know and act on their rights.

- Ensure adequate resources for tenant education, including translation into multiple languages, (as newcomers tend to be disproportionately vulnerable to renovations and evictions).
- Utilize community-based and faith-based organizations as a channel to disseminate these materials in addition to City engagement and information plans. Relying on government channels alone may not reach tenants who harbour mistrust towards public institutions.
- Ensure landlords receive education and awareness about the by-law and their responsibilities to protect tenant rights, in particular, their right to security of tenure.

Safety

The objective of the by-law is to ensure that people who are relocated due to a renovation must be placed close to their existing homes. A key element of the right to housing is safety, and ensuring that a person's home provides physical safety. Women experiencing gender-based violence experience a higher risk of safety and need particular consideration.

Feedback:

- Consider the implications for women experiencing gender-based violence (GBV) and how to keep families safe in this process. This may include the provision of wrap around services and information as part of any relocation.
- Consider safety concerns for survivors of GBV including: restraining orders, parental visitation, protecting sensitive relocation information from perpetrators.

Interactions with Multi-tenant Housing (MTH) Regulations

Recognizing that multi-tenant housing is part of the housing stock that provides deeply affordable housing and requires preservation, there is concern about whether the Renovations By-law will work financially for the smaller MTH landlord who may be seeking a legitimate renovation license to conduct necessary upgrades to housing. It may already be expensive for smaller landlords to be in compliance with MTH regulations. A small 2020 study estimated the cost of bringing an MTH to code ranged from \$75,000 for a bungalow and finished basement to \$250,000 for an 11-room semi-detached house, both in otherwise good condition.¹ The Working Group anticipates that renovation costs will be higher today and encourage City staff to research current costs. MTH landlords that plan to comply may seek AGIs making it unaffordable to tenants. The City has allocated \$2m to enable MTH operators to bring their houses into code compliance, but the anticipated needs across Toronto will be much higher.

Feedback:

- Ensure that the City supports MTH landlords to meet new requirements under the Renovations By-law should they be required to comply in cases where a renovation is undertaken at the request of the City.
- Consider strategies, (including phased implementation, fee deferrals, and tenant compensation assistance), to prevent MTH landlords from exiting the market due to the Renovations By-law as it would result in the loss of deeply affordable housing stock in the city.

¹ Joy Connelly and Paul Connelly, "The Economics of Rooming Houses." February 2021. <https://maytree.com/wp-content/uploads/The-economics-of-rooming-houses.pdf>

- Collect data and report on the impact of the Renovictions By-law on the supply of MTH units and tenants so that the City can track whether there are unintended consequences of the By-law that negatively affects the progressive realization of the right to housing.

Data

Collecting disaggregated data on the impact of the Renovictions By-Law on tenants will be essential for understanding whether and how the by-law supports the progressive realization of the right to adequate housing in Toronto and identifies unintended consequences.

Feedback:

- Consult with HRAC on the necessary metrics and indicators the City should use to measure where, and who, is being impacted by renovictions. This will help to ensure alignment with the intended outcomes of the By-law and the realization of the right to adequate housing, as well as understand the potential disparate impacts of renovictions and the by-law on rights holders.

HRAC welcomes a further consultation as the By-law is implemented and evaluated, with explicit consideration of human rights outcomes and impacts to rights holders.