

November 4 , 2024

City of Toronto Housing Rights Advisory Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2



Attention: Toronto Housing Rights Advisory Committee Members

Re: HS4.4 - Maintaining Housing Working Group Chair Update and Recommendations on Toronto's Proposed Renovictions By-law

We are a tenant collective representing the rights and interests of tenants facing rental demolition and conversion (i.e., demoviction) across Toronto. Our advocacy work includes affecting policy change at the city, provincial, and federal levels to fight profit-driven demovictions while advocating for affordable rental housing and responsible, sustainable development. You can learn more about our organization and mission here:

<https://www.nodemovictions.ca/mission>

We are writing today regarding the Housing Rights Advisory Committee (HRAC)'s Priorities Framework generally, and the work of the HRAC's Working Group on Maintaining Housing specifically. First and foremost, we wish to commend you on initiating this important work, and establishing a set of clear principles that will help advocate for the rights of tenants across Toronto. This is no easy task in light of a financialized housing system propped up by various levels of government, which seeks to erode tenants' rights and has exacerbated homelessness. Secondly, in reviewing the HRAC's Priorities Framework and stated principles for a rights-based approach to housing, we believe there are opportunities to collaborate and advocate together to improve the City of Toronto's housing policies.

Demovictions in Toronto: A Short Primer

There are currently more than 100 buildings across Toronto (4,500+ units) facing demoviction, which translates to the displacement of approximately 10,000 tenants. Since 2021, the pace of demovictions applications has increased substantially. The dominant counterpoint is: *in the longer-term, isn't more housing a good thing, and demovictions are a 'necessary evil'?* To be clear, we are not anti-density or anti-development. We support more housing density to accommodate a growing population. We welcome our new neighbours and support responsible, community-led development. However, those criteria do not apply to the current state of demovictions, which are problematic in the following ways:

- Targeting housing that already exceeds density goals;
- Displacing 10,000 currently housed tenants during a housing crisis (where the vacancy rate is ~1.4%, far below the 3% considered as a healthy vacancy rate) - leading to increased waitlists and competition from large numbers of tenants evicted at the same time;

- Removal and decrease of purpose built rental units in City, and elimination of rent controlled units altogether in the longer-term (rental replacement units only need to be rent-controlled for 10/20 years);
- The affordability and nature of proposed new buildings; and
- Release of embedded carbon from demolition of 100+ purpose built rental buildings (4,500 units).

Further exacerbating the issue, tenants facing demoviction have little to no power to fight it or affect change. The City's Planning Department prescribes a very limited 'consultation' process with tenants, and has taken steps to remove requirements around community consultation altogether ([PH8.16, Amendments to Toronto Municipal Code Chapter 667: Rental Demolition and Conversion By-law, November 30, 2023](#)). The information provided to tenants about Chapter 667 and Section 111 agreements is limited, and in some cases, critical information is missing (for example, tenants are presented with examples of Rent Gap Payment disbursements, but they are not informed that, if they are currently paying hydro in addition to their rent, there will be a clawback in the Rent Gap Payment calculations). A key component of No Demovictions' work is providing tenant education on City of Toronto's Tenant Relocation and Assistance Plan (TRAP) to ensure tenants are informed and can confidently advocate for themselves through City processes.

Similarly, tenants often receive little advocacy or support from their local City Councillors. Oftentimes, tenants' concerns are dismissed or diminished. Sometimes, tenants are provided with misinformation (e.g., that a tenant appeal at the Ontario Land Tribunal will result in the loss of TRAP provisions, such as compensation). Tenants who speak against their demoviction at their respective Community Council meetings are often ignored by Councillors, whose vote for the demoviction proposal is all but guaranteed. In the recent Toronto East York Community Council meeting, [on the issue of the application at 214-230 Sherbourne](#), deputants expressed shock and disappointment at Councillors' lack of decorum during the meeting– and were subsequently lectured on how Councillors are simultaneously listening to their pleas while discussing other matters with their staff or other Councillors. More troubling, there have been instances where [City Councillors have received political donations](#) from executives of development firms; no audit has been done on City Councillors' declaration(s) of interest when voting on a proposal submitted by development firms where Councillors have received political donations from these firms' executives.

In spite of this, No Demovictions has had some success in our advocacy work and select City Councillors and MPPs who are strong champions for tenants facing demoviction. In April 2024, for example, No Demovictions worked closely with Councillor Matlow's office to put forward changes to the City's TRAP [to ensure tenants facing demoviction would receive compensation more aligned with market rents across Toronto](#). These motions were later adopted by Toronto City Council. Unfortunately, these did not apply to demovictions where the City had pushed through agreements with developers in early 2024, and those tenants were bound to the City's previous compensation requirements.

Areas of Mutual Interest:

No Demovictions believes there are many areas of mutual interest and corresponding opportunities for collaboration between our respective groups. We appreciate that the HRAC has included demovictions and renovictions within its Priorities Framework (under Maintaining Housing), and are heartened that HRAC has included this important issue. When viewed the HRAC's five (5) principles for a rights-based approach to housing, the issue of demovictions across Toronto cuts across these, and that there are critical issues to be addressed related to demovicted tenants as rights-holders (as opposed to "stakeholders"). We have outlined these below for your consideration.

Principles	Intersection with Demovictions
Participation: Rights holders are engaged in the decisions that will address their needs and affect the realization of their rights.	• Poor tenant consultation practices prescribed by City of Toronto's Planning Department and Council procedures related to demovictions (i.e., "consultation" with tenants does not affect the City's decisions regarding the proposed development and related provisions).. • Poor accessibility and information-sharing with tenants regarding demoviction (e.g., tenants not engaged or shared key materials re: their rights in their first language). • Lack of meaningful consultation between the City of Toronto and advocacy groups regarding demoviction policies.
Accountability: Monitoring progress towards realization of human rights, including targets and transparent data and measurement	• Lack of publicly available data regarding demovictions applications and information regarding the status and outcomes related to demovictions. For example: ○ Tenant return rates; ○ Number of units / number of tenants, including the percentage of seniors, people living with a disability, and other vulnerable groups; ○ Data on applicants / developer firms (many have several active demoviction projects in select neighbourhoods/locations); ○ Status of development projects– some projects have dragged beyond the 3-year estimated timelines, and other projects have effectively been abandoned by the applicant (e.g., the applicant has gone into receivership, or is actively trying to sell the project / engage in speculative practices); • Lack of monitoring/compliance by City Planning staff throughout the demovictions process beyond the issuance of N13 notices to tenants. • Lack of transparency/accountability re: Councillors voting on demovictions where they have received political donations from developer executives (e.g., not declaring an interest)
Non-discrimination and equality: Examining how policies impact different groups, eliminating all forms of discrimination and prioritising those who face greater barriers in the realization of their rights.	• The vast majority of buildings slated for demovictions are structurally-sound, rent-controlled, purpose-built rental buildings, which serve mostly lower-income and middle-income residents, including students, seniors, single-parents, LGBTQ2+, people with accessibility issues, and BIPOC. These are the same groups who face more barriers when applying for interim rental housing (as will apply for the displacement period). • Demovictions target lower-income areas, furthering gentrifying these neighbourhoods and pushing out lower-income tenants with

Principles	Intersection with Demovictions
	long-standing ties to their communities (e.g., Church-Wellesley Village). • The City has no replacement parking requirements, which creates accessibility barriers for those requiring a personal vehicle to live independently (e.g., those with physical disabilities). This also disadvantages workers who require a vehicle for their job/income (building and maintenance, contractors, first aid workshop leaders, set builders, various technicians, Uber/Lyft drivers, etc.) • Information to tenants is provided only in English (except in cases where No Demovictions has advocated for translation). Lack of translation requirements creates barriers to tenant participation, and fully understanding their rights / the demovictions process.
Empowerment: Ensuring people understand their rights and are supported to take part in decisions that impact their lives.	• Lack of transparency and available information for tenants from the City regarding demovictions. For example, No Demovictions volunteers took on the work of writing and publicly releasing the City's Tenant Relocation and Assistance Plan guide for tenants. Development of the guide was based on piecemeal information provided by City Planning at various junctures during concurrent demoviction processes and careful, comprehensive inquiry. No such comprehensive guide is available on the City's website or upon request. No Demovictions volunteers also explain the TRAP to tenants facing demoviction, and have been asked to liaise and advocate on tenants' behalf due to resource asymmetries (i.e. time, money, expertise) between tenants and City Planning/developers. • No Demovictions has been advocating for nearly two years that all rental demolition policies and processes related to tenants and their rights should be published and available to the public in various languages and in accessible (i.e., non-technical) language.
Legality: Grounding policies, practices and procedures in international and domestic human rights laws and standards	• Currently, tenants facing demoviction have limited access to the legal agreements (Section 111 Agreements) that substantially affect them. They must request the instrument number from their assigned City Planner to access the document from the Land Registry Office of Ontario (notably, there is a fee for doing so). Tenants must also have existing knowledge of this process, as City Planning staff do not offer this information freely to tenants/tenant associations. • Purpose-built rentals are sold privately between landlords/developers and financial institutions, through opaque processes, and complicated legal agreements. This limits tenants' ability to consider acquisition for the purposes of establishing a co-operative housing arrangement or other non-market solutions. No Demovictions has been advocating for the introduction of a Right of First Refusal policy to save current existing affordable housing, enabling tenants the ability to acquire their current affordable housing (which could be done in partnership through City of Toronto's MURA program, for example). • Currently, tenants who move in after a development application has been put forward are limited in their rights and entitlements under the City's TRAP - they are required to sign a lease addendum, but are often limited in their understanding of what that means. And, given the low vacancy rates across Toronto for purpose-built rental units, tenants are often desperate to secure rent-controlled housing, and will sign their leases without adequate information from the City of Toronto on what that means for them.

Moving Forward Together:

In light of the issues outlined above concerning demovictions, we think there are many ways our respective groups can come together, collaborate, and propose solutions that enshrine and respect the rights of tenants facing demoviction - and tenants more broadly. We would welcome the opportunity to meet with HRAC and outline key policy issues and innovative solutions. Further, we believe it would be beneficial to begin articulating these issues and solutions under the HRAC's Priorities Framework, to enable a stronger, rights-based framework for the City of Toronto's demovictions policies, practices, and processes.

Sincerely,
No Demovictions Members