

RentSafeTO Program Update Report

Date: March 20, 2024

To: Planning and Housing Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

Toronto Municipal Code Chapter 354, Apartment Buildings outlines maintenance and operational standards for purpose-built rental buildings with three or more storeys and ten or more rental units. These standards are enforced through the City's RentSafeTO: Apartment Building Standards program, which aims to strengthen compliance with City bylaws, enhance tenant engagement and access to information, and promote proactive maintenance in apartment buildings to prevent the deterioration of critical housing stock.

At its March 25, 2022 meeting, Planning and Housing Committee adopted [2022.PH32.4](#) – RentSafeTO Update Report and directed Municipal Licensing and Standards (MLS) to report back on directives pertaining to the program's fee structure and evaluation tool design, in addition to requests made by Executive Committee ([2022.EX30.2](#)) in February 2022.

The purpose of this report is to respond to Council direction in order to:

- Provide an update on critical work completed in 2023 to enhance the RentSafeTO program.
 - This includes the redesign of the building evaluation tool to expand evaluation categories, introduce a reactive scoring scheme to reflect active violations and outstanding property standards orders, establish a new threshold for building audits and update the program's interactive web map.
- Highlight the recently published 2023 RentSafeTO Year in Review report.
- Summarize outcomes of recent budget processes and propose additional fee changes.
 - Through the 2024 budget process, City Council approved changes to the program's registration and inspection fees.
- Propose technical amendments to Chapter 354, Apartment Buildings to support enforcement and compliance measures.
- Respond to outstanding Council directives related to staff resources and jurisdictional research.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to:

1. Remove 354-3.11. COVID-19 measures.
2. Amend 354-3.2B to add that all information required to be posted on the notification board shall be posted in a manner that ensures each piece of information is completely visible to tenants.
3. Add a provision to 354-4.1 B(5) to require the owner or operator to include in their logs of all pest treatment activities, the date of a follow-up inspection, if any.
4. Amend 354-5.1B so that the Executive Director is authorized to conduct targeted engagement visits in apartment buildings, and that the owner or operator shall pay any fees in accordance with Chapter 441, Fees and Charges.

2. City Council amend Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards by amending the fee to read as set out in the table below:

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
449	Private Properties	Provision of audit in apartment building – administrative fee	Full Cost Recovery	Each	REVISED \$2,900.00	Yes

3. City Council amend Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards by adding the following fees in the table below:

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
NEW	Private Properties	Provision of inspection services in apartment building - remedial action	Full Cost Recovery	Inspection/ Hour - Minimum	\$86.01	Yes

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
		oversight and coordination				
NEW	Private Properties	Provision of targeted engagement action in apartment building	Full Cost Recovery	Each	\$2,900.00	Yes

4. City Council direct that amendments to Municipal Code Chapter 354, Apartment Buildings and Chapter 441, Fees and Charges take effect June 1, 2024.

FINANCIAL IMPACT

This report recommends an amendment and additions to Chapter 441, Fees and Charges to align with inspection fees in other MLS enforcement areas, reflect the updated evaluation tool, and support full cost recovery of conducting remedial action (in alignment with the City’s User Fee Policy). The projected additional revenue from the fee changes proposed in this report is approximately \$24,000 per year. There are no additional financial implications that result from the adoption of this staff report, or beyond what has already been approved in the 2024 budget.

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

EQUITY IMPACT

Access to good quality and safe housing is an important determinant of health and improves the social and economic status of an individual. Toronto City Council adopted the Toronto Housing Charter, which highlights the importance of a resident’s right to housing that is maintained in a state of good repair and fosters their ability to participate in decision-making processes that affect their communities. The aging state of Toronto’s publicly and privately-owned high-rise buildings has been identified as a critical concern for both tenants and property owners through the City’s HousingTO 2020-2030 Action Plan.

According to the City of Toronto’s Housing Data Book published in March 2023, the majority (66%) of Toronto’s purpose-built rental housing stock - mainly apartments with 20 or more units - was built between 1960 and 1979. The Data Book notes that almost half (48%) of Toronto households rent their homes and the demographic of the city’s

renters includes equity-deserving populations such as newcomers, people belonging to racialized groups, and households with very low to moderate incomes that cannot afford to buy a home in Toronto's housing market. Notably, 65% of renter households live in apartment buildings with 5 or more storeys, which is more than twice the rate of owner-occupied households.

Through its engagement efforts and building evaluation initiatives, the RentSafeTO program has supported the City's commitments to address resilience challenges pertaining to high-rise buildings across Toronto (for example, apartment towers are vulnerable to extreme heat and power shortages impacting vital services). RentSafeTO and its team of staff seek to continue to enhance and integrate inspection programs by engaging with tenants and building owners. Through these engagements, the program aims to positively impact vertical communities by ensuring tenants are educated on their responsibilities and building owners comply with building maintenance standards. Through these combined efforts, the program aims to improve living conditions within apartment buildings and has the potential to increase the opportunity for the diversity of residents residing in vertical communities to access safe, healthy, and adequate housing.

DECISION HISTORY

On March 25, 2022, the Planning and Housing Committee adopted Item PH32.4 - Rent SafeTO Update Report which directed MLS to report back on the Evaluation Tool redesign and tenant engagement efforts, related bylaw enforcement training and procedures, considerations for fee changes and the outcomes of a jurisdictional scan of comparative regulatory frameworks.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH32.4>

On October 1 and 4, 2021, City Council adopted Item MM36.13, Fixing Service Gaps in RentSafeTO, which directed MLS to report back on the status of initiatives Council requested to address service gaps in RentSafeTO.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM36.13>

On March 2, 2021, the Planning and Housing Committee adopted Item PH21.12 - RentSafeTO, which directed MLS to outline their approach to the new system Council approved in December 2020 for RentSafeTO. The Committee also requested an examination of the performance data of the RentSafeTO Program to determine whether additional operational procedures or other measures are required during RentSafeTO Bylaw Enforcement Officers investigations of service requests and building audits.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH21.12>

On December 16, 17 and 18, 2020, City Council adopted Item PH19.6 - RentSafeTO (Apartment Building Standards): Colour-coded Rating System, By-law Amendments, and Program Updates, which approved a number of amendments to Toronto Municipal Code Chapter 354, Apartment Buildings and Chapter 442, Fees and Changes and responded to various directives related to the feasibility of mandating insurance, increased fines for non-compliance, remedial action, standard operating procedures and

service standards, the implementation of an administrative penalty system, tenant engagement, and the use of Notice of Rent Increase (N2) forms.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH19.6>

On November 27, 2019, City Council adopted Item PH10.4 - Amendments to Chapter 354, Apartment Buildings, and Progress Update on RentSafeTO, which directed MLS to create a colour-coded rating system for apartment buildings and to evaluate the feasibility of expanding the criteria for building evaluations, requiring apartment building owners/operators to provide information about RentSafeTO when issuing N2 forms, and requiring apartment building owners/operators and/or tenants to obtain insurance that covers the costs of accommodations in cases where an apartment building becomes uninhabitable. Staff were also directed to report back on service standards, remedial action, administrative penalties, and increased set fines.

<https://secure.toronto.ca/council/agenda-item.do?item=2019.PH10.4>

COMMENTS

1. Background

The RentSafeTO: Apartment Buildings Standards program, introduced in 2017, is a bylaw enforcement program enabled by Toronto Municipal Code Chapter 354, Apartment Buildings, that ensures apartment building owners and operators comply with building maintenance standards. The program was the first of its kind in Canada and applies to purpose-built rental buildings with 3 or more storeys and 10 or more units. The program currently applies to approximately 3,600 apartment buildings across the city, accounting for more than 362,000 rental units. Condominiums, townhomes, co-operative housing, or units in a private home (basement or main floor apartment), which do not meet the definition in Chapter 354, Apartment Buildings, are not part of the program. The objectives of the program are to strengthen enforcement of City bylaws, enhance tenant engagement and access to information, and promote proactive maintenance in apartment buildings to prevent the deterioration of critical housing stock.

As of February 2024, the RentSafeTO program is supported by 45 staff including management, support staff, an Engagement Lead, and Bylaw Enforcement Officers (BEOs). A dedicated team of 36 BEOs proactively conduct building evaluations of all registered apartment buildings, as well as building audits where necessary. Further, BEOs address service requests received through 311 for in-suite and common area property standards issues and conduct tenant engagement activities led by the program's Engagement Lead.

Buildings are evaluated using the evaluation tool, which provides a score that assesses the condition of a building and measures how well a building complies with City bylaws. Prior to 2023, all buildings registered with RentSafeTO were evaluated at least once every three years. Going forward, all buildings will be evaluated at least every two years.

RentSafeTO's fee structure includes an annual registration fee, along with one-time fees associated with the administration and provision of building inspections and building audits. RentSafeTO operates with a partial cost-recovery model whereby program funding is recovered through a combination of fee revenues and revenues received from the tax base. In 2023, 85% (\$4.0 million) was recovered from fee revenues and the remaining 15% (\$0.7 million) was recovered from the tax base.

2. RentSafeTO Year in Review

The 2023 RentSafeTO Year in Review (appended as Attachment 2) provides a comprehensive update on the program's implementation and progress. Through these efforts, the RentSafeTO program team ensured that service requests were properly addressed, program awareness was increased through outreach initiatives and both tenants and building owners better understood their rights and responsibilities to ensure the maintenance of safe and livable apartment buildings across Toronto.

An overview of the program's 2023 highlights undertaken by staff include:

- Conducted 1,758 building evaluations and 8 building audits with an average building evaluation score of 87.5%.
- Hosted 93 virtual and in-person stakeholder engagement events with approximately 1,650 residents in attendance;
- Received 242,000 webpage views and engaged 750,000 people through social media posts as part of RentSafeTO public education campaigns;
- Closed 89% of 8,512 service requests received (inclusive of audits); 903 (11%) service requests remain open;
- Responded to 95% of emergency service requests within 24 hours and 92% of non-emergency service requests within 5 days;
- Issued 1,187 Orders to Comply and 132 Notices of Violation as a result of Service Requests;
- Issued 20 Orders to Comply/Notices of Violation as a result of Building Audits; and
- Fines for violations totalled \$110,950.

3. Program Updates

Building Evaluation Tool Redesign

Informed by Council direction from 2020 ([2020.PH19.6](#)) and 2022 ([2022.PH32.4](#)), the RentSafeTO evaluation tool redesign process has been central to advancing the program's compliance and engagement efforts. In December 2020 ([2020.PH19.6](#)), staff were directed to review and update the evaluation categories and their weighting as well as outline a process to ensure evaluation scores were responsive to ongoing violations and orders between scheduled evaluations and audits. In 2022, staff began working on the redesign to ensure the tool prioritized issues with a greater impact on the health and safety of tenants in addition to ensuring ongoing violations and issues of non-compliance are factored into a building's evaluation score.

This section of the report responds to Planning and Housing Committee direction ([2022.PH32.4](#)) by providing an update on the elements of the Evaluation Tool Redesign and the results of stakeholder engagement which included meetings with the Tenant Advisory Committee, representatives from Flemingdon Park and Thorncliffe Park Tenant Resident Network as well as City staff from Technology Services and other City divisions.

2022-23 Community Engagement on the Redesigned Tool

The redesign of the building evaluation tool was undertaken using a phased approach with stakeholder engagement sessions undertaken at each phase. Throughout 2022 and 2023, staff hosted engagement sessions with various stakeholders to understand their experiences with the program and to inform the redesign. Engagements were undertaken with tenants, social housing providers, tenant advocates, the Tenant Advisory Committee, building owners/operators and Councillors. Subject matter experts on housing and community building were engaged as part of an external working group in addition to City staff from the Housing Secretariat, Toronto Shelter and Support Services (TSSS), and Technology Services (TS). At each phase, feedback was reviewed and where technically and operationally feasible, refinements were made to the tool on an iterative basis.

As directed by the Planning and Housing Committee ([2022.PH32.4](#)), specific engagement sessions were held with the Tenant Advisory Committee, representatives from the Thorncliffe and Flemingdon Park Tenant Resident Network, and the Technology Services Division in September and October 2022. The sessions provided valuable insight on program administration and highlighted the successes and challenges associated with conducting building evaluations and engaging with tenant populations that may not have access to RentSafeTO resources. Following the initial feedback received, staff undertook additional internal divisional consultations within MLS and with divisional partners in Technology Services to complete additional refinements to the tool.

In May 2023, staff launched a public survey and information video on the RentSafeTO webpage to expand the scope of engagement regarding the tool's design. Written feedback was received through the RentSafeTO public email address. To round out the final stage of engagement, staff consulted with members of the Tenant Advisory Committee in October 2023 to receive the Committee's feedback on the refinements made to the tool.

Overview of Redesigned Building Evaluation Tool

During a building evaluation, BEOs inspect the interior and exterior of a registered building and ensure that building owners meet the requirements outlined under Chapter 354, Apartment Buildings, Chapter 629, Property Standards, and other municipal bylaws. If a violation is observed during a building evaluation, a BEO may take appropriate enforcement action, such as issuing a Notice of Violation or an Order to Comply, to bring the building into compliance.

Prior to the evaluation tool's redesign, buildings were evaluated across 20 categories on rating scale from 1 to 5 and the categories were weighted equally. The 20 categories pertained to common areas including the entrance lobby, stairwells, laundry rooms, storage area lockers as well as exterior features including walkways, parking areas, amongst many others. Prior to the evaluation tool's redesign, in-suite violations were not factored into the building score.

Previously, the score assigned to a building at the end of an evaluation would determine the timing of when a building would receive its subsequent evaluation; if a building scored 65% or less, it would be evaluated every year, whereas if it scored between 66% - 86%, it would be evaluated every two years, and any building that received a score higher than 86% would be evaluated every three years. Any building that received a score of 50% or below would be subject to a building audit.

Updated Evaluation Categories and Reactive Building Scores

A critical component of the tool's redesign includes the addition of new evaluation categories and a new weighting mechanism to account for the health and safety risk posed by a particular score. Pilot testing was conducted concurrently with the 2022 evaluation cycle to obtain data and assess the potential impact of the proposed changes on building scores. The redesigned evaluation tool was phased in for building evaluations starting in June 2023, with full implementation expected in 2025.

As of June 1, 2023, registered buildings are now being evaluated against 50 categories organized according to building exterior and/or interior and mandatory plans and notification board requirements. Of the 50 categories, the redesigned tool has 17 High Risk categories, 23 Moderate Risk categories and 10 Cosmetic categories. A High Risk category includes components of a building that pose a health and safety concern and/or has a direct impact to a vital service. A Moderate Risk category addresses components of the building that if left unaddressed could result in heightened health and safety risks. A Cosmetic category contains component(s) of the building that affect the visual appearance of the property but does not interfere with the core functionality of the building.

The categories are scored on a rating scale from 1 to 3 (1 being the lowest and 3 being the highest); if an immediate health and safety risk or high priority risk is identified, an Order to Comply will be issued and the related evaluation category will receive a score of 1. Once a building evaluation is completed, each category is then weighted based on the risk posed to health and safety. A score for a High Risk category is assigned a weight of 3% whereas a score for a Medium Risk category is assigned a weight of 2% and a score for a Cosmetic category is weighted as 0.5%. The total score a building receives for the 50 categories during a building evaluation constitutes its "proactive data".

Furthermore, in response to Council direction to take into consideration the impact of confirmed Notices of Violations, Orders to Comply or Emergency Orders, as well as in-suite conditions on a building's score, the redesigned tool has introduced "reactive data". Reactive data constitutes any established violations in common areas and in-suite. If a building has a Notice of Violation or Order to Comply, a 1% deduction is

applied for a minimum of 30 days or until compliance is achieved. If a building has an Emergency Order under Chapter 629, a 2% deduction is applied for a minimum of 4 months or until compliance is achieved.

Final building evaluation scores are calculated by subtracting the reactive data (i.e., Notices of Violation, Orders to Comply, Emergency Orders) from the proactive data (physical building evaluation score) and then converting the final score into a percentile ranking. Through the revised tool, building audits will now be conducted in buildings that score in the bottom 2.5 percentile, rather than a static evaluation score of 50% or below. This revision to the building score methodology allows the program to take a more dynamic and comprehensive review of those buildings that are not meeting standards in comparison to all buildings registered within program. In addition, buildings will now be evaluated every two years to ensure that they are measured consistently and evaluated at the same frequency. This will help to simplify the scheduling of building evaluations, better allocate staff resources, and improve service delivery.

Given the goal of the RentSafeTO program is to improve how buildings are pro-actively maintained, changes to the evaluation tool are meant to enhance the ways in which the program can support building owners and operators to comply with various bylaw requirements. A summary of changes to the building evaluation are included below for reference.

	Previous Process (2020 – 2022)	Current Process (started in 2023)
Categories	20	50 (17 High Risk, 23 Moderate Risk and 10 Cosmetic)
Rating Scale	1 to 5	1 to 3
Weighting	No weighting	High Risk (3%) Moderate Risk (2%) Cosmetic (0.5%)
Evaluations	Every year (< 65%) Every 2 years (66% - 86%) Every 3 years (> 86%)	Every 2 years
Audits	All buildings that score < 50%	All buildings that score within the bottom 2.5 percentile
Measurements	In-suite violations not factored	Order to Comply/Notice of Violation (1% deduction for a minimum of 30 days) Emergency Order (2% deduction applied for a minimum of 4 months)

Targeted Engagement Initiative

As part of the redesigned buildings evaluation tool, RentSafeTO will incorporate a targeted engagement initiative in 2024. This new initiative was created in response to a Council directive to address and monitor ongoing maintenance concerns that may be impacting residents in the time that elapses between building evaluations. Targeted engagement is proposed to be undertaken at any building whose score has dropped by 5%, or more, for two consecutive months. As part of a targeted engagement initiative, staff (including BEOs, the District Manager or designate and Engagement Lead) will set up an information kiosk with program resources and undertake a door knocking effort to engage with tenants and inquire about any in-suite issues and complaints. This visit would be another form of investigation where staff are on the property inspecting to ensure compliance with City By-laws, per authorities laid out in the City of Toronto Act, 2006. Staff would be available to answer questions and document complaints related to building maintenance.

Interactive Web Map and Program Data Updates

Since 2022, MLS has updated the program's interactive web map and Open Data with the new building evaluation categories and scores. On February 12, 2024, MLS launched updates to the RentSafeTO Building Evaluation Results Interactive Web Map. This most recent update to the interactive web map provides details on any Orders to Comply or Notices of Violation that have been issued to a RentSafeTO registered building since January 1, 2024. Reactive data has also been added to ensure violations factor into a building's score to reflect the ongoing building conditions between evaluations. The scores will be updated daily to reflect compliance and new violations.

This update to the interactive web map will allow residents to view, download or print a detailed report that includes a breakdown of their building's total evaluation score, as well as any current and/or closed violations and how they impact a building's current score. Additionally, a pop-up will appear next to each Order to Comply or Notice of Violation that provides details about the deficiency, including a brief description of the violation, the current status, date issued, comply-by date and date closed (for closed violations). The updates increase transparency on ongoing building conditions in between the evaluation that is conducted once every two years by the RentSafeTO team.

4. Resources and Fee Changes

Under the City of Toronto User Fee Policy, the City is permitted to charge a user fee "to finance those City services and goods that provide a direct benefit(s) to specific users". User fees may fully or partially recover the cost of a municipal service. There are currently various RentSafeTO program fees, including a per unit registration fee, inspection and re-inspection fees, and an audit administration fee:

- Owners of all buildings registered as part of the RentSafeTO program must pay an annual, per unit registration fee to cover the cost of a building evaluation and enforcement efforts.
- An inspection fee is charged when a BEO is required to attend a property for an inspection (whether it be in response to a service request or as part of an audit).

A re-inspection fee of the same amount is also charged when a BEO is required to follow-up.

- MLS currently issues an audit administration fee when a building is subject to an audit per program guidelines. This fee accounts for the resources and time allocated by staff to attend a building and carry out the audit process. Audit inspection fees are also issued per hour per BEO.

The following sections summarize changes to RentSafeTO fees through recent budget processes as well as recommend additional fee updates associated with the administration and implementation of the program. The changes proposed, in addition to those previously approved through budget processes, ensure fees are aligned across Municipal Licensing and Standards' enforcement teams and ensure program cost recovery as a result of the impacts of the redesigned evaluation tool for the expansion of enforcement efforts created through the evaluation tool redesign process.

The proposed changes to the program's fees included in this report were informed by community consultation. In October and November 2023, RentSafeTO staff hosted four virtual engagements and three in-person consultation sessions to receive feedback on the fee structure with building owners/operators, the Tenant Advisory Committee as well as residents and community members. These consultations were complemented by additional information on the redesign of the evaluation tool to ensure the engagement sessions served as both an educational and awareness building exercise.

2023 and 2024 Budget Actions

On several occasions, City Council has directed MLS to review the user fees associated with RentSafeTO to support the expansion and optimal functioning of the program (see [2022.PH32.4](#) and [2022.EX30.2](#)). Responses to these directives have been included in MLS' budget materials in 2023 ([2023.BU3.1, BN#15](#)) and 2024 ([2024.BU6.1, BN#28](#)), including funding allocations for the program and changes needed to the registration fee to cover the costs of hiring an additional BEO for the program.

During the 2023 budget process, eight positions were added to the program, fully funded by a \$3.44 increase to the per unit registration fee ([2023.CC4.1](#)). In addition, during the 2024 budget process, City Council approved a \$4.48 increase in the program's per unit registration fee (for a total of \$20.50 per unit) to offset nine additional staff positions (eight BEOs and one supervisor) to support the program. Administrative changes were also made to RentSafeTO inspection fees during the 2024 budget. The inspection fees were raised to \$152.73 from \$122.74 to improve cost recovery performance and streamline inspection fees across MLS' enforcement programs, as recommended by a third-party review of MLS' user fees.

Additional Proposed Fee Changes

Additional fee updates are proposed in the report to align with recent program updates.

Change to Audit Administration Fee

As per the redesigned evaluation tool, buildings whose score falls within the bottom 2.5 percentile will be subject to a building audit. In 2023, the RentSafeTO program operated with an audit administration fee of \$2,030.54. Through this report, staff are recommending increasing the audit administration fee to \$2,900.00; this increase reflects the resources required (both staffing and administrative in nature) to undertake a building audit.

New Targeted Engagement Initiative Fee

As per the redesigned evaluation tool, the program will incorporate a targeted engagement initiative in 2024. Through this report, staff are proposing a new targeted engagement fee of \$2,900.00 per engagement – this accounts for the operational hours and related staffing and resources required to undertake an engagement initiative. Staff conducted a scan of historic RentSafeTO evaluation data and have noted that based on previous building evaluation outcomes, an average of approximately 4 targeted engagement initiatives would be undertaken per year. With these estimates, this would result in an anticipated revenue of \$11,600.00 per year.

New Remedial Action Inspection Fee

Remedial action is a tool available, in extenuating circumstances, to address non-compliance with relevant City bylaws. Remedial action involves a City contractor undertaking repair work, to the satisfaction of the City, with costs added to the property owner's property tax bill. Remedial action is not typically a mechanism that is used immediately to respond to non-compliance, but rather may be used after all other feasible enforcement options have been exhausted. MLS currently has contracts for some remedial action services, including cutting long grass and weeds, waste removal, and graffiti removal. A review is ongoing to enhance the city's capacity to undertake remedial action.

For 2024, staff are proposing to introduce a new remedial action inspection fee. This fee would align with remedial action inspection fees in other MLS enforcement programs and would be issued when the City is required to undertake/oversee remedial action on a property that resolves a deficiency as the result of a building owner failing to comply with a Property Standards Order to Comply or Notice of Violation. Staff are proposing a remedial action inspection fee of \$86.01 be charged on a per hour per staff basis to account for the number of operational hours required to undertake an inspection and oversee and coordinate any remedial action.

5. Technical By-law Amendments

Through this report staff are recommending technical amendments to Chapter 354, Apartment Buildings to remove expired COVID-19 measures and clarify language to support compliance and enforcement actions:

- Chapter 354 requires owners/operators to install a central notification board and post specific information for tenants. Staff are recommending language to clarify that information on the notification board must be clearly posted in a way that

ensures each piece of information is visible to tenants (e.g., not overlapping or covered by other information).

- Staff are also recommending an update to clarify that owners/operators must include all pest treatment activities in their logs, including the date of any follow-up inspections and treatments. This change will help BEOs confirm if specific pest management work is complete, or if there are follow-up inspections or treatment needed to address a persistent issue.
- A technical change is recommended to ensure that staff can conduct a targeted engagement visit and issue an associated fee.

6. Other Outstanding Directives

Staff have responded to, and fulfilled, direction from Committee and Council regarding the RentSafeTO program on a variety of occasions. In [2020.PH19.6](#) staff responded to various directives dating back to 2019 ([2019.PH10.4](#)) on program service standards, remedial action, administrative penalties, and increased set fines. Additional updates on these items include that:

- MLS will be reviewing the Property Standards Appeal Committee (PSAC) as part of the planned Phase II review of Chapter 629, Property Standards, which will be initiated in 2024.
- MLS is conducting a broader review of the potential to introduce Administrative Penalties for bylaws enforced by MLS, including Chapter 354, Apartment Buildings, Chapter 629, Property Standards, and other bylaws MLS enforces. MLS is engaging partner divisions on this work, including Legal Services, Technology Services, and Court Services.

The remainder of this section provides responses to various outstanding directives from the Planning and Housing Committee received in 2022 ([2022.PH32.4](#)).

Training and Program Development for Bylaw Enforcement Officers (BEOs)

MLS was directed to provide comprehensive and consistent training for BEOs on how to identify and manage pest infestations, mold growth, electrical problems, and other common issues. MLS worked with City Divisions and agencies (e.g., Toronto Shelter and Support Services, Toronto Community Housing) with experience in pest control and staff from Toronto Public Health on mold related service requests to inform revisions to existing evaluation and audit Standard Operating Procedures (SOPs). The changes to the SOPs have been complemented by enhancements to the evaluation and audit-related training all RentSafeTO BEOs receive. These internal processes and procedures are communicated to staff via training bulletins on a periodic basis.

Case Closure Process

MLS was directed to determine and explain how BEOs determine when a service request is closed, and the process for communicating this to residents. A Standard Operating Procedure (SOP) has been developed to provide consistent guidance for Officers and explain the criteria that determines if a case is closed. MLS contacts the

individual (by phone or email) who requested service/filed a complaint, advising that the City has taken action to address their request and confirming with them that it has been resolved. If the individual does not respond, a letter is mailed to their residence, communicating that their file will be closed. The letter also notifies the individual that they can contact the Officer by a certain date, if they have any further questions. After that date, any new service requests can be requested through 311.

Financial Penalty Update Related to Property Standards Orders

To strengthen enforcement of Chapter 629, Property Standards, the By-law was updated in 2022 to add an Article that sets out Order, Remedial Action, Entry and Offence provisions in accordance with the Ontario Building Code Act, 1992. Set fines have also been introduced for Chapter 629, allowing officers to issue tickets where a person has failed to comply with property standards order.

Jurisdictional Scan

Staff conducted a jurisdictional scan of similar evaluation tools in comparative cities, including New York City and Vancouver. The scan was expanded to include a review of Mississauga, Hamilton, Montreal and Halifax. Appended as Attachment 3, this jurisdictional scan highlights the growing trend among North American municipalities of designing and implementing an apartment building standards evaluation framework and related enforcement program. The findings from this scan present several key considerations for City stakeholders.

Best Practices in Program Design

The RentSafeTO program was explicitly referenced by two municipalities, Mississauga and Hamilton, as the example that their respective programs were modelled after. Notably, there are several similarities between RentSafeTO and the City of Mississauga's Mississauga Apartment Rental Compliance (MARC) program that demonstrate quality of program design and its replicability in another jurisdictional context. Similar to the City of Toronto's OpenData approach regarding RentSafeTO registration data, several municipalities including both Vancouver and New York have data available online regarding licensed rental properties that have current and unresolved bylaw issues.

Evaluation Tool Redesign and Framework Implementation

Unlike RentSafeTO, New York and Vancouver opt not to rank or score their buildings and are instead reliant upon a proactive enforcement approach to monitor compliance. The City of Mississauga adopted a similar evaluative approach to RentSafeTO but operates a different scoring scheme with respect to evaluations and audits whereby buildings who score 60% or less are subject to an audit.

Property Owner Compliance and Tenant Engagement

Program webpages of all the municipalities scanned contained resources for tenants and property owners. Further, in legislative and corporate reports across municipalities,

property owner compliance and tenant education/engagement were a prominent theme. Notably, New York City and Hamilton's program noted the importance of a partnership with community members and the proliferation of tenant education resources. Through this scan, the RentSafeTO program has differentiated itself from other programs by having a dedicated Engagement Lead to undertake its engagement efforts.

7. Next Steps

RentSafeTO has multiple initiatives planned or underway in 2024, including:

- Updating the Interactive Building Score Web map to display confirmed violations;
- Implementing Targeted Engagement when building scores drop 5% or more as a result of Orders to Comply or Notices of Violation;
- Conducting 1,750 building evaluations;
- Conducting audits based on 2023 evaluation results; and,
- Increasing engagement with more in-person community activities and a revamped public education campaign.

Staff will monitor implementation of the recent program changes, including the redesigned building evaluation tool and interactive web map. In 2024, staff intend to review the scope of the program and the definition of an apartment building in Chapter 354 to support the program's mandate to strengthen enforcement of City bylaws, enhance tenant engagement and access to information, and promote proactive maintenance in apartment buildings to prevent the deterioration of critical housing stock.

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SIGNATURE



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ATTACHMENTS

Attachment 1 – 2023 RentSafeTO Year in Review Snapshot

Attachment 2 – 2023 RentSafeTO Year in Review

Attachment 3 – Jurisdictional Scan