

STRENGTHENING PROPERTY STANDARDS ENFORCEMENT

HIGHER-ORDER ENFORCEMENT TOOLS, LEGAL CONSIDERATIONS, AND POLICY OPTIONS



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INDEX

1. BACKGROUND	6
<ul style="list-style-type: none"> • Overview of RentSafeTO Program Scope • Purpose and Objectives of the Report • Key Components of the Analysis 	
2. POLICY HISTORY	7
2.1 Policy Stream 1: RentSafeTO Program Implementation and Review (2017-Present)	7
<ul style="list-style-type: none"> • Establishment of RentSafeTO • Council Directives and Program Evolution • Service Standards, Scoring System, and Enforcement Enhancements 	
2.2 Policy Stream 2: Property Standards By-law Review (Phase I & Phase II)	8
<ul style="list-style-type: none"> • Phase I (2019-2022): Modernization and Initial Reforms • Phase II (2025): Expanded Scope and Council-Directed Amendments • October 2025 Planning and Housing Committee Consideration • Administrative Penalty System (APS) Considerations 	
2.3 Policy Stream 3: Ombudsman Investigation - Loss of Vital Services (2025) ...	10
<ul style="list-style-type: none"> • Ombudsman Findings • Municipal Licensing and Standards (MLS) and Housing Secretariat Deficiencies • Council Adoption of Recommendations • Systemic Reforms and Implementation Directives 	
2.4 Policy Stream 4: 500 Dawes Road Enforcement Response and Remedial Action Framework (2025-2026)	11
<ul style="list-style-type: none"> • Context of Persistent Non-Compliance at 500 Dawes Road • Mayor’s Directives and Council Motions (Olivia Chow) • Cross-Divisional Coordination Requirements • Housing Secretariat Leadership Role in Remedial Action • Development of Integrated Enforcement and Housing Stability Framework • Problem Property Tracking and City-Wide Coordination Mechanisms 	

3. ANALYSIS...13

3.1 Existing Property Standards Enforcement Framework.....13

Statutory Authority & By-Laws.....13

- City of Toronto Act, 2006
- Building Code Act, 1992
- Provincial Offences Act
- Fire Protection and Prevention Act, 1997
- Health Protection and Promotion Act
- Relevant Municipal Code Chapters (629, 354, 835)

Operational Enforcement Matrix & Service Standards.....14

- Enforcement Escalation Structure
- Priority Levels and Response Timelines (Figure A)
- Observations on Enforcement Consistency and Escalation Practices
- RentSafeTO Audit Thresholds and Compliance Trends

3.2 Higher-Order Enforcement: Legal Architecture and Operational Deployment.....17

Enforcement System Structure..... 20

- Legal Tools
- Institutional Responsibilities
- Operational Deployment (Figure B)

Building Code Act Enforcement Process..... 20

- Inspection and Investigation Stage
- Notice of Violation
- Order to Comply
- Appeals Process (PSC and Superior Court)
- Final and Binding Orders
- Default and Enforcement Escalation (Figure C)

3.3 Prosecutions Under Provincial Offences Regime.....22

MLS and Toronto Building Orders.....22

- Quasi-Criminal Enforcement Framework
- Part I vs Part III Prosecutions
- MLS Orders vs Toronto Building Orders

Toronto Fire Services Orders.....25

- Fire Protection and Prevention Act Framework
- Appeal vs Compliance Obligations
- Enforcement Without Stay

3.4 Remedial Action: Legal and Operational Framework.....26

- Nature and Purpose of Remedial Action
- Distinction from Prosecution and Injunctive Relief
- Appeal Constraints and Default Requirement
- Judicial Review Standard (Vavilov)
- Procedural Fairness Considerations
- Cost Recovery Mechanisms
- Structural Tensions in Discretion and Capacity

3.5 Litigation and Injunctive Relief.....28

Legal Basis for Injunctions.....28

- City of Toronto Act Authority
- Building Code Act Authority
- Courts of Justice Act Authority

Types of Injunctions (Figure D).....29

- Prohibitive Injunctions
- Mandatory Injunctions

Legal Threshold and Judicial Approach.....29

- Substantive Violation Requirement
- Municipal Enforcement Duty
- Public Interest Considerations

3.6 Criminal Prosecution and External Referrals.....30

Criminal Code Framework.....30

- Criminal Negligence (Sections 219-221)
- Threshold for Liability
- Relevant Case Law (R v Sillars)

Policy Threshold for Criminal Referral.....32

- Serious and Sustained Non-Compliance
- Knowledge and Foreseeability
- Harm or Imminent Risk

Investigative Requirements and Strategic Considerations.....32

- Evidentiary Standards
- Role of Municipal Staff in Crown Prosecutions
- Resource and Control Implications

3.7 Observations on RentSafeTO Remedial Action Framework.....33

- Institutional Ambivalence
- Resource Constraints and Capacity Issues
- Administrative Law (Vavilov) Concerns
- Enforcement Consistency and Systemic Risk
- Cost Recovery and Fiscal Framing
- Growing Non-Compliance Trends
- Mandate Coherence Issues

4. KEY FINDINGS.....37

- Structural Gap Between Formal Authority and Operational Use
- Under-Deployment of Higher-Order Enforcement Tools
- Lack of Structured Escalation Frameworks
- Increasing Concentration of Persistent Non-Compliance
- Remedial Action Not Fully Operationalized

5.RECOMMENDATIONS.....38

5.1 Remedial Action Decision Framework

5.2 Integration of Remedial Action into Core Enforcement Continuum

5.3 Interdivisional Delivery Model

5.4 Mandatory Documentation Standards

5.5 Addressing Capacity Constraints

5.6 Targeted Strategy for Low-Performing Buildings

5.7 Cost Recovery Policy Clarification

5.8 Transparency and Public Reporting Enhancements

5.9 Administrative Law Alignment (Vavilov Compliance)

6. CONCLUSION.....41

7. REFERENCES.....45

BACKGROUND

The RentSafeTO program applies to purpose-built rental apartment buildings consisting of three or more storeys and ten or more dwelling units. As such, it captures a defined segment of Toronto's rental housing stock—primarily larger multi-residential buildings—while excluding other forms of rental housing such as condominium units, townhouses, and secondary suites. The program currently encompasses approximately 3,000 to 3,500 buildings across the city, reflecting a significant but incomplete portion of the overall rental market.

Despite its scale and regulatory intent, concerns have been raised regarding the effectiveness of enforcement under the program, particularly in relation to buildings exhibiting persistent non-compliance with applicable property standards. High-profile cases and ongoing tenant complaints have contributed to a growing perception that existing enforcement mechanisms may not consistently achieve timely or sustained compliance. In this context, maintaining and strengthening public confidence in the City's ability to enforce minimum housing standards has emerged as a key policy and operational consideration.

This report has been prepared to provide a clear, transparent, and comprehensive overview of the tools available to the City to achieve compliance with property standards in rental apartment buildings captured under the RentSafeTO program. It is intended to support City staff, policymakers, stakeholders, and the public in understanding both the current enforcement framework and opportunities for improvement.

Specifically, this report includes:

1. A review of recent policy developments relating to property standards enforcement in rental housing, including directions arising from Toronto City Council;
2. An overview of the existing enforcement process, including inspection, compliance, and escalation mechanisms;
3. An analysis of higher-order enforcement tools available to the City to address persistent non-compliance, including relevant legal considerations and operational constraints; and
4. Policy options and recommendations aimed at improving the effectiveness, coordination, and transparency of enforcement activities.

Through this analysis, the report seeks to identify measures that will enhance the City's ability to achieve durable compliance outcomes while reinforcing accountability and public confidence in the administration of property standards across Toronto's rental housing sector.

POLICY HISTORY

The current undertakings to improve property standards enforcement by Toronto's Municipal Licensing and Standards Division (MLS) are the product of several distinct directives made by Toronto City Council and various City Divisions across multiple agenda items between 2017-2026. These directives come from three main policy streams:

1. RentSafeTO Program Implementation and Review Process (2017-Present)

In 2017, Toronto's Planning & Housing Committee (P&H) & Council directed staff to develop and implement RentSafeTO, a dedicated program to regulate apartment buildings, perform proactive inspections, conduct audits, and carry out enforcement procedures.

At the time of RentSafeTO's implementation and in the years that have followed, Council has provided further direction to MLS to report on improving the program by exploring, among other things, the following:

- Developing standard operating service standards for RentSafeTO by-law officers.
- Establishing timelines for bringing landlords into property standards compliance.
- Developing new enforcement tools such as administrative penalties.
- Developing a clear policy framework on remedial action.
- Developing guidelines for when fines and remedial action are to be utilized.
- Re-evaluating the public-facing building evaluation scoring system for buildings covered by the program (such as the weighing of evaluation categories).
- Establishing and integrate a colour-coded rating system based on the building evaluation scoring system and establish corresponding colour-coded signage for mandatory postage at buildings within RentSafeTO's catchment.
- Establishing a list of general contractors to undertake remedial action.¹

¹ See Generally: City of Toronto, Municipal Licensing and Standards, *Amendments to Chapter 354, Apartment Buildings and Progress Update on RentSafeTO*, Report to the Planning and Housing Committee (November 5, 2019); City of Toronto, Municipal Licensing and Standards, *Supplementary Report – Amendments to Chapter 354, Apartment Buildings and Progress Update on RentSafeTO* (PH10.4a), Report to City Council (November 25, 2019); Toronto City Council, Item 2019.PH10.4, *Amendments to Chapter 354, Apartment Buildings and Progress Update on RentSafeTO*; City of Toronto, Municipal Licensing and Standards, *RentSafeTO Program Update*, Report to the Planning and Housing Committee (Item 2024.PH11.8); Toronto City Council, Item 2024.PH11.8, *RentSafeTO Program Update* (April 2024); City of Toronto, Municipal Licensing and Standards, *Review of Property*

2. Property Standards By-law Review, Phase I & II

In 2019, the City of Toronto began a multi-phase review of its Property Standards By-law (Chapter 629) to modernize regulatory standards and improve enforcement effectiveness in response to evolving housing conditions and stakeholder concerns.

Phase I of the review was initiated in 2019 and completed in 2022 following extensive consultation with tenants, landlords, advocacy groups, and the public. This phase focused primarily on modernizing outdated provisions and addressing priority enforcement issues. Key areas of reform included:

- Enhancing the effectiveness of enforcement mechanisms.
- Addressing vacant and derelict properties and dormant development sites.
- Introducing or refining standards relating to:
 - snow clearing on private property;
 - elevator maintenance; and
 - surveillance cameras on residential properties.
- Clarifying the right of entry for inspection and repair purposes.

Phase I resulted in updates to Chapter 629 and related by-laws, with the goal of improving the City's ability to respond to property maintenance issues and emerging urban conditions.

Phase II is a continuation of the review process, initiated in 2025 to address outstanding and emerging issues not fully resolved in Phase I. This phase is broader in scope and includes both policy alignment and enforcement-focused reforms, including:

- Aligning property standards with broader City strategies such as:
 - climate resilience;
 - Biodiversity; and
 - the Toronto Green Standard.
- Addressing gaps identified by tenants and stakeholders, including:
 - pest control;
 - tree maintenance and removal; and
 - nuisance lighting.

- Resolving inconsistencies and redundancies within the by-law, particularly where provisions conflict with updated building standards.
- Responding to specific City Council directives related to:
 - ventilation and air quality;
 - window safety and air circulation;
 - lead pipe disclosure; and
 - impacts on tenant health and comfort.
- Reviewing the practical enforceability of existing provisions and the City's ability to effectively resolve complaints through current enforcement processes.

At its October 2025 meeting, the P&H Committee considered the Phase II report on the City of Toronto's Property Standards By-law review, marking the transition from policy review to implementation.² Phase II delivered a comprehensive, modernized rewrite of Chapter 629, aligning it with the Ontario Building Code and incorporating both outstanding Phase I issues and additional Council-directed priorities from 2022-2025. The report addressed a broad range of emerging health, safety, and livability concerns, including pest management, vacant properties, nuisance lighting, ventilation, and lead pipe disclosure, while also introducing amendments to related by-laws such as Chapter 835 (Vital Services). Importantly, it advanced not only updated regulatory standards but also improved enforcement coordination and use of City data.

A key enforcement-related element contemplated at this stage was the exploration of extending the City's Administrative Penalty System (APS), a streamlined, non-court-based framework for adjudicating by-law violations to property standards matters, signalling a potential shift toward expedited enforcement tools, foregoing prosecution. The Committee's consideration of the report ultimately led to Council adoption of key amendments later in 2025, establishing an update and consolidated property standards framework for the City.³

² City of Toronto, "Property Standards By-law Review – Phase Two," Staff Report to the Planning and Housing Committee (October 2025), online: City of Toronto <https://www.toronto.ca/legdocs/mmis/2025/ph/bgrd/backgroundfile-259453.pdf>

³ City of Toronto, Planning and Housing Committee, Item PH25.8, "Property Standards By-law Review – Phase Two," October 2025, online: City of Toronto <https://secure.toronto.ca/council/agenda-item.do?item=2025.PH25.8>

3. The Ombudsman Investigation into Loss of Vital Services (2025)

In May 2025, Ombudsman Toronto released a report finding that the City's response to a prolonged loss of vital services at a multi-tenant home was arbitrary, delayed, and inconsistent with its own by-laws and human rights commitments. MLS failed to investigate properly, did not enforce the vital services by-law, and showed a reluctance to act, while the Housing Secretariat's Eviction Prevention in the Community (EPIC) program lacked clear policies and responded unreasonably slowly. As a result, tenants were left without heat, water, or electricity for months, leading most to vacate the property under unsafe and undignified conditions. The Ombudsman concluded that the City's actions were inconsistent with its commitment to the right to adequate housing and issued 27 recommendations focused on improving enforcement procedures, staff training, supervision, interdivisional coordination, and the development of clear policies for emergency housing responses.⁴

City Council subsequently adopted the report and directed staff to implement all recommendations, committing to systemic reforms across MLS and the Housing Secretariat. These directives included establishing clearer standard operating procedures for vital services investigations, enhancing training (including a human rights-based approach to housing), improving oversight and reporting mechanisms, and developing formal policies, service standards, and response protocols for EPIC and emergency housing situations. Council also required ongoing monitoring and reporting on implementation progress, signalling a shift toward a more coordinated, accountable, and rights-based approach to enforcing vital services obligations.⁵

⁴ Ombudsman Toronto, *An Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home* (13 May 2025), online: <https://www.ombudsmantoronto.ca/wp-content/uploads/2025/05/2025-ombudsman-toronto-report-investigation-into-the-citys-response-to-a-vital-services-outage-in-a-multi-tenant-home.pdf>

⁵ City of Toronto, City Council, Item CC30.3, "Ombudsman Toronto Report: An Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home," 21–23 May 2025, online: <https://secure.toronto.ca/council/agenda-item.do?item=2025.CC30.3>

4. 500 Dawes Road Enforcement Response and Remedial Action Directives led by Mayor Olivia Chow (2025-2026)

A significant policy stream has emerged from enforcement activity and political direction relating to 500 Dawes Road, a multi-residential property that became a focal point for concerns regarding persistent non-compliance, chronically substandard tenant conditions, and the perceived inadequacy of existing enforcement escalation mechanisms by individual tenant advocates and organizations like Toronto ACORN.

In response to conditions at the property and broader concerns regarding enforcement effectiveness in similar cases, Mayor Olivia Chow issued directions and supported motions at Council seeking to strengthen and accelerate the City's use of remedial action powers, including requests that, among other things:

- The City Manager put in place a previously contemplated but never implemented consolidated, cross-divisional database for tracking investigation and enforcement activity at rental properties that have multiple complaints, so that all divisions, agencies, boards and commissions can coordinate their activity, no later than July 2026, and make this database publicly available;
- The Deputy City Manager, Development and Growth to convene an ongoing coordinating and implementation table led by the Housing Secretariat, with support from Municipal Licensing and Standards, Public Health, Toronto Fire Services, Legal Services and Toronto Building to coordinate enforcement, including remedial action when necessary, between the named divisions;
- The City Manager implement a policy across all divisions that in the event a problem landlord is identified through repeated violations, that all divisions should initiate proactive investigations into any additional properties owned by the same individual or company, and that such buildings be identified as 'problem buildings' to be treated with more intensive, dedicated resources and attention for compliance;
- Housing Secretariat lead the delivery of remedial action at 500 Dawes Road, as is determined to be appropriate, in order to facilitate the leveraging of assistance from City partners including Toronto Community Housing Corporation; and
- The City Manager or designate negotiate and enter into any agreements required to implement remedial action at 500 Dawes Road.

Taken together, these directions reflect an emerging integrated enforcement-housing stability policy stream, in which remedial action is no longer conceptualized as a purely MLS operational tool, but as part of a broader city-wide response system involving housing supports, tenant protection mechanisms, and coordinated escalation frameworks across multiple City divisions.

This policy stream is particularly significant as it links:

- Site-specific enforcement concerns (including 500 Dawes Road),
- City-wide remedial action framework development; and
- Housing Secretariat responsibilities relating to resident/tenant protection, displacement prevention, and emergency response coordination.

It also reinforces the expectation that enforcement activity and housing stability interventions operate in a coordinated manner where persistent non-compliance gives rise not only to regulatory consequences, but also to housing impacts requiring cross-divisional response.

ANALYSIS

Existing Property Standards Enforcement Framework

Statutory Authority & By-Laws

The City of Toronto derives its authority to enact and enforce property standards by-laws from provincial legislation. The primary source of this authority is the City of Toronto Act, 2006 (COTA), which grants the City broad powers to regulate matters relating to the health, safety, and well-being of residents, as well as the use and condition of land and buildings. In addition to establishing substantive regulatory authority, COTA also provides the City with a range of enforcement tools to ensure compliance with its by-laws. While COTA largely replaced the Municipal Act, 2001 as the principal statute governing Toronto, certain provisions of the Municipal Act may continue to apply where expressly incorporated by provincial legislation.

Although the City's broad legislative authority to enact by-laws flows from COTA, certain aspects of enforcement are significantly grounded in statutory schemes set out in other provincial laws. For example, several specific regulatory and enforcement authorities that engage property standards are further specified in other provincial statutes, such as the **Building Code Act, 1992** (BCA), **Provincial Offences Act** (POA), **Fire Protection and Prevention Act, 1997** (FPPA), and **Health Protection and Promotion Act** (HPPA). Insofar as property standards, this arrangement enables the City to enact by-laws with their authority spread across multiple provincial laws.

The following is a non-exhaustive list of municipal by-laws enacted by the City of Toronto and codified in the City's Municipal code, which deal specifically with property standards enforcement:

- Chapter 629 - Property Standards;
- Chapter 354 - Apartment Buildings; and
- Chapter 835 - Vital Services, Discontinuance of

These by-laws formalize the City's procedures for inspections, the issuance of orders, and related enforcement activities, providing an operational framework for exercising the authorities granted under provincial legislation.

General Operational Enforcement Matrix & Service Standards

Enforcement staff apply the tools provided in the by-laws in accordance with an operational enforcement matrix which provides a structured framework for escalating enforcement responses depending on the severity, persistence, and nature of the non-compliance. The matrix allows staff to consider a range of factors, including public safety risks, the property's compliance history, the responsiveness of the owner, and the effectiveness of prior enforcement measures.

The operational matrix currently encompasses a continuum of intervention methods, ranging from education and voluntary compliance measures to formal Orders to Comply, remedial action, prosecution and applications to court for relief.

Enforcement staff carry out their duties in accordance with operational service standards, with a focus on prioritizing urgent service requests, providing effective customer service, and maintaining a responsive process for managing complaints. These operational service standards establish target response times for service requests received through 311 and direct inquiries to RentSafeTO. The standards prioritize enforcement activity based on the severity and urgency of the reported issue and help guide the public's general understanding of how quickly enforcement staff are expected to respond to complaints and initiate investigations.

MLS/RentSafeTO Service Request Priority Levels and Response Targets⁶			
Priority Level	Nature of Service Request	Response Timeline	Enforcement Action
Priority 1 (Urgent)	No heat, no water, unsafe structural conditions, immediate health or safety risk.	Within 24 hours	<ul style="list-style-type: none"> • Highest-risk issues affecting tenant health and safety. • By-Law Enforcement Officers are expected to respond quickly and may issue emergency orders or coordinate with other City divisions.
Priority 2 (High)	Significant property standards violations requiring inspection (e.g., major maintenance issues, repeated complaints).	Within 5 business days	<ul style="list-style-type: none"> • Requires inspection but does not present an immediate life-safety risk. • Investigation outcome may result in By-law Enforcement Officer issuing Order to Comply or Notice of Violation, requiring compliance within 5-30 days.
Priority 3 (Routine)	Non-urgent service requests relating to general property maintenance or by-law issues, including first time offences that do not meet the criteria of Priority 1 or 2.	Within 10 business days.	<ul style="list-style-type: none"> • Lower-risk complaints that still require investigation or inspection. • Often resolved through voluntary compliance or warnings. • May not require physical inspection. • Investigation outcome may result in By-law Enforcement Officer issuing Order to Comply or Notice of Violation, requiring compliance within 5-30 days.
Priority 4 (Matter not applicable, Referral)	Non-Urgent requests that do not fall within a by-law enforced by MLS or are otherwise out of scope of MLS.	(Varies).	<ul style="list-style-type: none"> • Reviewed by operational staff for referral to appropriate City Division or Agency. • File closed upon referral and service request applicant is notified.

Figure A

Although the current enforcement matrix and service standards are intended to support a fair, efficient, and transparent enforcement process, operational realities and stakeholder observations recently gathered suggest that RentSafeTO's application of enforcement

⁶ City of Toronto, Municipal Licensing & Standards Customer Service Standards (2026), online: City of Toronto <https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/staff-directory-divisions-and-customer-service/municipal-licensing-standards/municipal-licensing-standards-customer-service-standards/>

protocol is often inconsistent in practice, particularly where escalation to extraordinary or “higher-order” enforcement tools may be warranted. This variability may occur notwithstanding the fact that enforcement actions must ultimately reflect the unique circumstances associated with each reported incident.⁷

Some stakeholders have noted that following RentSafeTO responses, enforcement actions frequently remain at lower levels of intervention for extended periods in cases involving persistent non-compliance. These observations, weighed against the operational realities that shape higher-order enforcement suggest that operational practices, enforcement culture, and lack of interdivisional cohesion may impact how and when escalation mechanisms are deployed.⁸

According to the City of Toronto’s official RentSafeTO materials, buildings that score in the bottom 2.5 percentile of all evaluated buildings in a given evaluation cycle are subject to a full audit, which is a form of targeted enforcement under the program. An audit involves a comprehensive inspection of common areas (lobbies, hallways, stairwells, parking garage, exterior grounds, etc.) and engagement with tenants so they can identify property standards issues, and the outcomes of an audit can lead to enforcement actions such as Orders to Comply, Notices of Violation, and fines.⁹ In the City’s RentSafeTO Year in Review documents, the bottom 2.5 percentile of buildings evaluated in 2024 (which are audited in 2025) included approximately 57. During consultations between Tenant stakeholders and with MLS/RentSafeTO in February 2026, it was reported by staff that this number has increased to more than 150.¹⁰

⁷ ACORN Canada, Toronto State of Repair Report 2026, online: ACORN Canada <https://acorncanada.org/resources/toronto-state-of-repair-report-2026/>

⁸ Toronto ACORN, State of Repair Report (2026), online: ACORN Canada <https://acorncanada.org/resources/toronto-state-of-repair-report-2026/>

⁹ City of Toronto, RentSafeTO – Building Evaluations and Audits (2026), online: <https://www.toronto.ca/community-people/housing-shelter/rental-housing-rights-information/rental-housing-standards/apartment-building-standards/rentsafeto-for-building-owners/rentsafeto-building-evaluations-and-audits/>

¹⁰ City of Toronto Municipal Licensing & Standards (RentSafeTO Program), information provided during community consultation, 4 March 2026.

Higher-Order Enforcement: Legal Architecture and Operational Deployment

In order to carry out higher-order enforcement, a municipality necessarily relies on policy architecture that combines statutory tools, institutional responsibilities, and interdivisional deployment. While the statutory framework provides municipalities with a variety of escalation mechanisms (including prosecution, civil litigation, and remedial action) the effectiveness of these tools crucially depends on coordinated operational deployment across relevant municipal divisions.

Layers of Higher-Order Enforcement Architecture for Property Standards Violations		
Layer	Description	Examples
Legal Tools	Statutory authorities that empower the City to regulate property standards and escalate enforcement where necessary.	Authorities under the City of Toronto Act, 2006, Building Code Act, 1992, and Provincial Offences Act enabling prosecution, various relief from a court, and remedial action.
Institutional Responsibilities	Municipal divisions and institutional actors responsible for implementing enforcement authorities and coordinating escalation where required.	Municipal Licensing & Standards, Toronto Building Division, Legal Services, Toronto Fire Services, Purchasing & Materials Management, and Revenue Services.
Operational Deployment	Practical use of enforcement tools to achieve compliance, including escalation where lower-order measures fail.	Prosecution for offences, civil litigation (injunctions, declarations, and other equitable relief from the court), carrying out remedial work undertaken by the City with cost recovery through the tax roll.

Figure B

Investigations & Confirming Property Standards Orders Under the Building Code Act

In addition to promoting the efficient administration of enforcement through formalized policy, there are important legal reasons why interdivisional coordination at the earlier stages of enforcement is essential before the City considers the use of higher-order enforcement tools. In particular, municipalities are often expected to demonstrate that reasonable efforts have been made to obtain voluntary compliance before escalating enforcement efforts. Maintaining a clear and well-documented enforcement history, beginning with inspections, orders, and engagement with property owners, can therefore be critical in supporting subsequent prosecutions, litigation, or remedial action. For this reason, municipal staff involved in enforcement should operate with an understanding of the legal requirements that arise at each stage or avenue of escalation, ensuring the accuracy and completeness of the enforcement process from the outset.

In the context of property standards orders issued under the BCA, the deployment of higher order enforcement action in the Toronto context generally occur after the City has first engaged a property owner along a structured statutory enforcement and appeal process which ends when a final binding order is issued. The property owner may appeal as-of-right, as such is explicitly provided for in the BCA. This specifically ends once the final appeal decision has been rendered and no further appeal is either:

- a) sought by either party (and the available time to file an appeal has elapsed); or
- b) otherwise unavailable.¹¹

Once the available appeal period has ended, the owner is deemed to be in default of the order should non-compliance continue in violation of that order. The City may then proceed to consider various enforcement options with greater confidence. Prosecutions under the POA for example, specifically relies on the property owner's default of the binding order. "Figure C" provides a flowchart detailing this initial Appeals Process.

¹¹ City of Toronto Legal Services, Amendments to the Building Code Act, 1992 respecting property standards by-laws (12 March 2026) at 2 – 5, online: City of Toronto <https://www.toronto.ca/legdocs/mmis/2026/cc/bgrd/backgroundfile-285415.pdf>

As-of-Right Appeals to Orders under the Building Code Act

The statutory framework surrounding the confirmation of an order is designed such that the property owner has a statutory “as-of-right” right to appeal an order in the case of orders issued under the BCA. The BCA specifically provides that following the issuance of an Order to Comply, the property owner may appeal to the City’s Property Standards Committee within 14 days of issuance, and, following the Committee’s decision, the property owner may appeal further to the Superior Court of Justice within 14 days of the Committee’s decision being issued.

An order is deemed stayed during the appeals period. Consequently, this preliminary stage can take several months or longer depending on how expeditiously the City is in conducting its investigation and serving an order, and the extent to which the property owner chooses to exhaust the appeals process. Because the order is not binding until the statutory appeals process tied to the order has ended, this process stands out as a significant factor when deployment of higher-order enforcement tools is delayed. Moreover, if the order is deemed defective at any point in the appeals process, the order will likely be rescinded, effectively forcing the municipality to start the process over from the start.

Exception: Emergency Orders and Immediate Remedial Action

Notwithstanding the general requirement to proceed through the full statutory enforcement and appeal process, the BCA provides an important exception where conditions pose a risk to health or safety. Under section 15.7 of the Act, where an officer is satisfied that a property’s non-conformity with prescribed standards is such as to pose an immediate danger to the health or safety of any person, the officer may issue an order requiring remedial work to be carried out without delay. In such circumstances, the municipality may also enter the property and undertake the necessary work either before or after service of the order in order to mitigate or eliminate the danger.

Unlike the standard enforcement pathway, the use of emergency order powers is not contingent on the exhaustion of appeal rights. Instead, the municipality must subsequently apply to the Ontario Superior Court of Justice for an order confirming the emergency action and determining cost recovery. This framework provides the City with the legal authority to act expeditiously in circumstances where delaying

enforcement pending the completion of the appeal process would expose occupants or the public to ongoing risk. The scope and application of what constitutes 'immediate danger' is therefore a critical factor in determining how and when these powers may be effectively deployed.

Basic Statutory pathway of property standards by-law enforcement under the Building Code Act			
Order Enforcement Stage	Description	Relevant Statutory Authorities	Important Considerations
1. Inspection	An inspector from Municipal Licensing & Standards enters onto property and inspects to assess compliance with property standards by-laws, documents observations, and identify violations; often following a complaint received by the City.	<ul style="list-style-type: none"> • City of Toronto Act, 2006. • Building Code Act, 1992. 	<p>Not mere fact-finding exercise.</p> <p>This stage is foundational to the enforcement process. The inspector must accurately identify violations, properly document them (notes photos, reports), and link violations to specific by-law provisions.</p> <p>A failure to properly inspect and record findings, can cause downstream challenges for the City when seeking court remedies, or justifying other actions.</p> <p>Should a by-law enforcement officer observe conditions which suggest possible urgent safety concerns relating to structural components of a property, the matter is referred to the Toronto Building Department for separate concurrent inspection.</p>
2. Notice of Violation	<p>Owner is notified of the property standards violation and asked to fix it. This is strictly an administrative warning and does not, in itself, trigger the enforcement timeline.</p> <p>A subsequent inspection will follow.</p>	<ul style="list-style-type: none"> • City of Toronto Act, 2006; • Building Code Act, 1992; • Toronto Municipal Code Chapter 629, Property Standards. 	<ul style="list-style-type: none"> • This does not, in itself, trigger the formal statutory enforcement and appeal process. • Considered part of education and Voluntary compliance process.
3. Order to Comply	Formal legal order issued by a By-Law Enforcement Officer requiring the owner to correct the violation by a specified deadline.	<ul style="list-style-type: none"> • City of Toronto Act, 2006; • Building Code Act, 1992; • Toronto Municipal Code Chapter 629, Property Standards. 	<p>An order must include:</p> <ul style="list-style-type: none"> • The municipal address of the property; • Name of the legal owner (or responsible party); • A description of the violation(s); • The specific work required to fix the issue; • A deadline for compliance.

			<ul style="list-style-type: none"> • Notice of the right to appeal <p>The order must be properly served by personal delivery or regular mail. Improper service will likely invalidate order.</p>
4. Appeal Process	<p>The property owner may appeal the Order by filing a notice within a prescribed time, being within 14 days of service of the order.</p> <p>Once appealed, the property standards order is stayed, pending decision on the appeal by the Property Standards Committee (administrative, quasi-judicial body of the City).</p> <p>At the hearing, evidence is presented, witnesses may be examined, and the City may confirm, modify or rescind the order in a matter that is reasonable and procedurally fair.</p> <p>A further appeal may be brought to the Ontario Superior Court of Justice, where the matter may be reconsidered in accordance with the statutory framework under the BCA.</p>	<ul style="list-style-type: none"> • Building Code Act, 1992; • Statutory Powers Procedure Act, 1990. 	<p>Order is stayed during appeal</p>
5. Final & Binding Order	<p>The order becomes final and binding where:</p> <ul style="list-style-type: none"> • no appeal is filed within the prescribed period; or • all appeal rights have been exhausted. 	<ul style="list-style-type: none"> • Building Code Act, 1992 	<ul style="list-style-type: none"> • This is the legal trigger point for enforcement escalation • The City may now rely on the order as binding and enforceable • Non-compliance at this stage constitutes default
6. Default	<p>The property owner fails to comply with a final and binding order within the prescribed timeline.</p>	<ul style="list-style-type: none"> • Building Code Act, 1992 • Provincial Offences Act 	<p>Default is typically required to:</p> <ul style="list-style-type: none"> • initiate prosecution; • justify remedial action and other higher-order enforcement. <p>A well-documented enforcement history becomes critical.</p>

7. Enforcement Escalation (Higher-Order Tools)	The City may pursue one or more enforcement mechanisms to achieve compliance. Examples: <ul style="list-style-type: none"> • Remedial Action (City performs work; costs added to tax roll) • Prosecution (Part I or Part III proceedings) • Injunctive Relief (court-ordered compliance) 	<ul style="list-style-type: none"> • City of Toronto Act, 2006 • Building Code Act, 1992; • Provincial Offences Act. 	<ul style="list-style-type: none"> • Selection of tool is discretionary • Must be reasonable, proportionate, and justified • Subject to administrative law principles
If no appeal is filed within the prescribed timeframe, the order becomes final and enforceable, permitting the City to pursue higher-order enforcement upon default.			

Figure C

Prosecutions: MLS & TO Building Orders (Quasi-Criminal)

Prosecution of property standards violations involve combining municipal by-law authority with provincial offence procedures. As discussed earlier, the City's authority in this regard largely flows from provincial statutes such as the COTA, BCA, and the POA. Chapter 629 of the Toronto Municipal Code provides specific rules relating to this form of enforcement, including when violations are prosecutable.

As discussed earlier, prosecutions in relation to non-compliance to BCA orders generally rely on a binding order made under the BCA which can only be achieved following the completion statutory appeals process related to the order, if such appeal is sought. In addition to failing to comply with an order, any person who knowingly furnishes false information in any application under the BCA, in any certificate required to be issued or in any statement or return required to be furnished under the BCA or its regulations is also guilty of an offence.

Liability for offences under the BCA can extend beyond the corporate owner of a property. A person, including an officer or director of a corporation, who is convicted of an offence "is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence". If a corporation is convicted of an offence, "the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence". Additionally, continuing non-compliance may result in fines for \$10,000 per day for every day the offence continues after the time given for complying with the order has expired. The applicable offence provisions reflect a layered statutory scheme, with

penalties grounded in section 36 of the Building Code Act, 1992 and operationalized at the municipal level through § 629-49.6 of Toronto Municipal Code Chapter 629, Property Standards.¹²

Key prosecutorial distinctions arise depending on from the type of order issued by the City. For example, **some orders are issued by MLS** with authority under section 15.2(2) of the BCA ("**MLS Orders**"). MLS Orders address deficiencies relating to basic standards for maintenance and occupancy, including state of repair issues and an owner's failure to adhere to minimum health and safety standards. MLS orders are issued by by-law enforcement officers and are generally issued where the condition of a property is deemed to be substandard but does not warrant an emergency response from the City. When prosecuted under the Provincial Offences Act, the fines are determined by the courts within the maximum limits established by the municipal by-law which also accord with the set amounts provided in the BCA . Fines sought by prosecutors or imposed by judges (or justices of the peace) in in these matters are often relatively low compared to orders dealing with more serious violations where non-compliance is deemed to warrant a stricter penalty. This is despite the fact the Municipal By-Law references the statutory maximums.

In contrast, **orders issued by The Toronto Building Department** under subsection 15.9(4) of the BCA, originate from a determination by a building inspector that a building is unsafe, as defined at subsection 15.9(2) of the BCA ("**TO Building Orders**"). Like MLS Orders, TOBuilding Orders are prosecuted under the Provincial Offences Act, with fines determined by the courts within the maximum limits established by the municipal by-law which also accord with the set amounts provided in the BCA. However, violation of these orders generally carries significantly higher penalties, particularly for continuing offences as they often relate to structural or life-safety risks and carry significantly higher penalties.¹³

Notwithstanding the general association of varying severity between MLS Orders and TO Building Orders, it is important to note that the choice of procedural track under the Provincial

¹² Building Code Act, 1992, S.O. 1992, c. 23, s. 36; City of Toronto Municipal Code Chapter 629, Property Standards, § 629-49.6.

¹³ Deputy City Solicitor (City Legal Services), oral remarks in Toronto City Council, re: Item EX29.14, "Cracking Down on Bad Landlords", responding to questions from Councillor Vincent Crisanti, 25 March 2026 (City of Toronto).

Offences Act, commonly referred to as Part I and Part III prosecutions is not automatically dictated by the type of order issued.

Part I prosecutions are generally employed for more routine or isolated violations where rapid resolution and compliance are the primary goals. They utilize the “ticketing” mechanism established under the POA, allowing the respondent to pay a pre-set fine to resolve the matter without a formal trial. If contested, the matter proceeds to a trial before a Justice of the Peace, who may then determine the final penalty within the statutory limits. Part I prosecutions are often viewed as administrative or corrective in nature and are associated with relatively lower penalties, making them appropriate for initial or minor breaches of property standards.¹⁴

Part III prosecutions, in contrast, are formal court proceedings initiated by the City where a prosecutor lays an Information before the Ontario Court of Justice. They are generally reserved for serious, persistent, or ongoing violations where the City seeks higher penalties, stronger deterrence, or where the public interest in enforcement is more pronounced. In these proceedings, the court determines the fine upon conviction within the statutory maximums and may impose enhanced penalties for continuing offences, particularly in circumstances implicating structural integrity or immediate health and safety risks.¹⁵

This framework illustrates that while TO Building Orders often practically lead to Part III prosecutions due to the life-safety risks they involve, and MLS Orders are more frequently associated with Part I prosecutions, the distinction is ultimately one of prosecutorial discretion rather than statutory mandate. Consequently, the City retains flexibility to escalate enforcement for MLS Orders where chronic or egregious non-compliance persists, and to pursue Part III prosecution for MLS-level violations if circumstances warrant stronger legal and remedial measures.

¹⁴ Provincial Offences Act, RSO 1990, c P.33, Part I (Commencement of Proceedings by Certificate of Offence)

¹⁵ Provincial Offences Act, RSO 1990, c P.33, Part III (Commencement of Proceeding By Information)

Prosecutions: Toronto Fire Services (TFS) Orders (Quasi-Criminal)

Prosecutions related to Toronto Fire Services (TFS) orders follow a very similar framework to property standards orders, although there are nuances given that TFS derives its authority primarily from the FPPA rather than the BCA. Similar to the BCA, FPPA covers, among other things, the power of municipal fire officials to conduct inspections and issue orders, the statutory appeals process, offences and prosecutions in accordance with the POA, the right of entry, and broad emergency intervention powers grounded in life safety.¹⁶

Unlike the BCA, the FPPA does not structurally link the initiation of prosecutions to the exhaustion of appeal rights. While orders issued under the FPPA may be appealed to the Fire Safety Commission, the filing of an appeal does not, in and of itself, suspend the obligation to comply unless a stay is specifically granted. As a result, a failure to comply with a TFS order may constitute an offence at the time of non-compliance, and prosecution may proceed notwithstanding the existence of an ongoing appeal. This reflects a statutory model that prioritizes the immediate mitigation of life safety risks over procedural sequencing and enables enforcement authorities to apply compliance pressure more rapidly in circumstances involving fire hazards or other urgent safety concerns.

The FPPA also lacks a standalone provision regarding remedial action, a higher-order enforcement tool that is covered in the next section of this report. As a result, the FPPA does not, on its own, trigger the City's remedial action powers under the BCA or the COTA as those powers must be grounded in a contravention of municipal by-laws created under those respective acts. However, in practice, the same underlying conditions giving rise to fire code violations will often also constitute breaches of municipal property standards by-laws. Referral of building issues from TFS to MLS may, in many cases enable the City to rely on its COTA remedial action authority where appropriate in respect persistent property standards issues that relate to fire code violations.

¹⁶ Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4

Remedial Action: General Overview & Distinction from Other Tools

Remedial action stands out among higher-order enforcement tools as it involves the City undertaking remedial work to resolve non-compliance of statutory or regulatory requirements by a property owner.

In practice, municipalities often consider remedial action where conventional enforcement tools, such as notices, orders or prosecution, and litigation, prove ineffective at securing compliance or are deemed impractical the circumstances. Following the remedial work, the City proceeds to recoup the reasonable costs of such work, often by adding that balance to the tax roll of the property.

Although mistakenly understood to be the “option of last resort” from time to time, there is no statutory or common law authority which specifically designates remedial action as such. Rather, there are practical aspects of the statutory framework of property standards enforcement that places remedial action at the latter end of the enforcement matrix.

As discussed previously, once an order to comply is issued by the City, a property owner has the privilege to utilize their statutory right of appeal provided in the BCA. As a result, the order is not technically binding upon the property owner until the potential for appeals end. Consequently, this means that the City generally cannot rely on an order to justify remedial action until the appeals process is fully exhausted, regardless of whether the City is relying on its power to undertake remedial action under the BCA or COTA.

In addition to the need, where applicable, to ground remedial action in a valid statutory requirement or order, courts reviewing the exercise of municipal remedial authority have generally focused on whether the municipality acted within its statutory jurisdiction and exercised its discretion reasonably, having regard to the purpose of the enabling legislation, the nature and extent of the non-compliance, and the surrounding factual context.

As an administrative decision, the exercise of such authority is typically subject to judicial review on a reasonableness standard, as articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*. In this context, the reviewing court considers whether the decision is justified, transparent, and intelligible, and whether it falls within a range of acceptable outcomes defensible in light of the facts and the law. This includes consideration of whether

the municipality's decision to undertake remedial action represents a rational and contextually appropriate response to the identified violation.¹⁷

Procedural fairness requirements, including adequate notice and an opportunity to respond, remain a distinct but related consideration in assessing the validity of the municipality's actions.

Reasonableness in the context of municipal remedial action is inherently contextual as the exercise of this authority depends on discretionary decision-making within a statutory framework that does not prescribe a uniform or expressly codified test for its use. In the Ontario context, statutes authorizing remedial action typically employ permissive language, granting municipalities the authority to intervene rather than imposing a positive obligation to do so.¹⁸

Although remedial action generally becomes available upon default by the property owner, municipalities may face challenges in determining the appropriate timing and manner of its use as the reasonableness and proportionality of such intervention are shaped by the specific facts underlying the non-compliance. The discretionary nature of remedial action, while necessary to allow municipalities to respond flexibly to a wide range of circumstances, can also contribute to hesitation in the use of remedial action where the institutional, financial, or operational implications of intervention are significant.

This discretionary aspect within the municipal enforcement regime creates inherent tension. While municipalities retain legal discretion in determining whether and when to undertake enforcement action, public expectations shaped in part by service commitments such as the Customer Service Standards of Municipal Licensing and Standards, may create an expectation that a direct or timely enforcement response will follow reported violations; especially where violations persist after previous enforcement action.¹⁹

¹⁷ Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65, [2019] 4 SCR 653.

¹⁸ See e.g. City of Toronto Act, 2006, SO 2006, c 11, Sch A, s 386(1) (authorizing the City to carry out required work at a person's expense in cases of default); Building Code Act, 1992, SO 1992, c 23, ss 15.9(6), 15.7 (providing that the chief building official *may* take remedial action, including undertaking work or issuing emergency orders, where compliance is not achieved or where there is an immediate risk to health or safety).

¹⁹ City of Toronto, Municipal Licensing & Standards – Customer Service Standards, online: City of Toronto <https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/staff-directory-divisions-and-customer-service/municipal-licensing-standards/municipal-licensing-standards-customer-service-standards/>

(setting out target response times and service prioritization for bylaw enforcement requests, including RentSafeTO-related complaints).

Notwithstanding the foregoing, it is important for municipalities to recognize the distinct role that remedial action plays within the broader enforcement framework, and to deploy it appropriately in relation to other enforcement tools, particularly in cases involving a sustained history of non-compliance. While enforcement mechanisms such as prosecutions are generally oriented toward deterrence and punishment, the primary purpose of remedial action is corrective: to bring a property into compliance with applicable standards by undertaking the required work directly. Any financial impact on the property owner arises principally from the City's recovery of the costs incurred in completing that work, rather than from any intention to penalize. Although such costs may be significant in practice, their punitive effect, if any, is incidental to the underlying objective of achieving compliance.

Litigation for Injunctions, Equitable Relief

In addition to administrative enforcement (orders, remedial action) and prosecutions, the City may seek injunctive relief through the courts to compel compliance with property standards requirements. Unlike prosecutions for fines, an injunction is a type of non-monetary court-ordered remedy that compels a party to do, or refrain from doing, a specified act. Injunctions may be prohibitive, restraining unlawful conduct, or mandatory, requiring positive steps to achieve compliance. In municipal law, they serve as a mechanism to enforce by-laws where administrative or prosecutorial tools are insufficient. Although injunctions are generally grounded in the inherent jurisdiction of the Superior Court of Justice, such relief may, in some instances, be supplemented or replaced by specific statutory authority.

While earlier historical authorities expressed doubt as to whether municipalities could independently seek injunctive relief to enforce by-laws without the participation of the Attorney General, that concern has been largely resolved in Ontario through statute. The COTA expressly authorizes the City to apply to a court for orders restraining or prohibiting contraventions of its by-laws, thereby conferring independent standing to seek injunctive relief. The BCA provides further authority, empowering the chief building official to apply to the superior court “for an order directing a property owner to comply with an order” and “despite the imposition of any penalty in respect of the non-compliance and in addition to any other rights he or she may have”. This authority operates in conjunction with the Courts of Justice Act (CJA), being the primary legislation in respect of equitable relief and empowers the Superior Court of Justice to grant such relief “in all cases in which it appears to

a judge of the court to be just or convenient to do so". The City may therefore pursue injunctions in its own name as part of its enforcement toolkit. Even in the absence of modern COTA provisions, it has long been established that in Ontario, municipalities have jurisdiction to seek injunctions to restrain the breach of their by-laws by way of application or action. Despite the general association of injunctive relief with the inherent jurisdiction of the court in granting equitable remedies, when conferred by legislation, such as section 372 of the COTA or section 38(1) of the BCA, injunctive relief is not considered based in the legal principles of equity.²⁰

Prohibitive and Mandatory Injunctions	
<p>1) Prohibitive injunctions</p> <p>An order restraining the property owner in a manner intended to prevent continued contraventions of a by-law and Mandatory injunctions.</p>	<p>Examples:</p> <ul style="list-style-type: none"> • Prohibiting continued occupancy in unsafe conditions • Prohibiting specific unlawful uses (such as improper storage of items in certain areas) • Prohibiting specific unlawful uses • Prohibiting continuation of a nuisance condition
<p>2) Mandatory Injunctions</p> <p>An order compelling a property owner to take affirmative steps (e.g. complete requiring a property owner to take affirmative steps to facilitate or effect compliance. Mandatory injunctions are particularly significant, as they resemble remedial action in outcome but are court-ordered rather than municipally executed.</p>	<p>Examples:</p> <ul style="list-style-type: none"> • Requiring specific repairs • Requiring pest abatement • Requiring restoration of essential services • Requiring restoration of essential services • Requiring engagement of professionals (for the purposes of remediation, etc.)

Figure D

Insofar as an injunction is sought to enforce their by-laws, municipalities like the City of Toronto are not subject to the standard common law test, being the balance of convenience and apprehended damage. This is largely because the courts do not generally view municipalities as they would an ordinary litigant in that the municipality is recognized by the court as being under duty to enforce its by-laws for the good of the public.²¹ Instead, the

²⁰ *Saughnessy Heights Property Owners' Association v. Northup* (1958) 12 D.L.R. (2nd) 574, 24 M.P.L.R. 241, 4 D.L.R. (4th) 678 (H.C.)

²¹ *Markham v. Eastown Plaza Ltd.* (1992) 11 M.P.L.R. (2s) 134 (Ont. Gen. Div)

municipality is required to satisfy the courts of a “substantive issue”, being the violation of the City’s by-laws.²² Injunctions are however, considered an extraordinary remedy by the courts. Accordingly, courts are generally reluctant to grant injunctions where the legislature has already provided other means of enforcing the bylaw, such as the imposition of fines or where indictment is available.²³

Nevertheless, it has long been established that where the court finds a flagrant contravention, it will find irreparable harm to the municipality insofar as the mockery that is implied through the open breach of its by-laws.²⁴ Taken together, this further demonstrates the importance municipalities must place ensuring robust investigations into property standards complaints so as to enable efficient prosecution and successful pursuit of injunctive relief. The courts, should any given matter escalate towards warranting the use of this tool.

Criminal Prosecution: Referrals to the Toronto Police, the Crown

In the most egregious cases of property standards violations - particularly those involving prolonged deprivation of vital services or hazardous living conditions - the City may consider referral to police and the Crown for prosecution under the Criminal Code. While property standards enforcement is typically regulatory in nature, the Criminal Code provides a higher-order enforcement mechanism where conduct rises to the level of a marked and dangerous disregard for tenant safety.

The core offence is set out in s. 219 of the Criminal Code, which defines criminal negligence as doing (or omitting to do) anything that it is one’s legal duty to do, in a manner that shows “wanton or reckless disregard for the lives or safety of other persons.” In the housing context, a landlord’s legal duties which arise from municipal by-laws, the Residential Tenancies Act (RTA), the BCA, and other statutory obligations, could ground liability where there is a serious failure to maintain safe living conditions. Where such conduct results in harm, more serious offences may apply, including:

²² *Metropolitan Toronto v. N.B. Theatrical Agencies Inc.* (1984) 44 O.R. (2nd) 574, 24 M.P.L.R. 241, 4 D.L.R. (4th) 678 (H.C.)

²³ *Caldwell v Galt* (1900) 27 O.A.R 162. (explicitly mentioned at pg

²⁴ *Thompson-Nicola v Galbraith* (1998) 46 M.P.L.R. (2d) 293 (B.C.S.C.)

- s. 220 - criminal negligence causing death (maximum: life imprisonment)
- s. 221 - criminal negligence causing bodily harm (maximum: 10 years' imprisonment)

To secure a conviction, the Crown must establish that the accused's conduct constituted a marked and substantial departure from the standard of a reasonable person, not merely carelessness or regulatory non-compliance. This high threshold explains why criminal negligence charges are relatively rare in the housing context, but not inconceivable in extreme cases (e.g., knowingly allowing tenants to remain in life-threatening conditions). A leading case illustrating the legal standard is *R v Sillars*, where the court reaffirmed that criminal negligence requires proof of a marked and substantial departure combined with a wanton or reckless disregard for safety. Although not a landlord-tenant case, the principles are directly applicable: liability turns on whether the accused's conduct demonstrates a profound disregard for foreseeable risk.

From a policy perspective, criminal negligence prosecution would represent a significant escalation beyond municipal enforcement tools such as administrative penalties, orders to comply, or even prosecution under the Provincial Offences Act. It is best understood as a last-resort mechanism, appropriate only where:

- There is serious, sustained non-compliance;
- The landlord has knowledge of dangerous conditions;
- There is actual harm or a clear and imminent risk of harm; and
- Other enforcement mechanisms have proven ineffective.

Practical and legal limitations are pronounced in this respect. The evidentiary threshold is high, requiring proof beyond a reasonable doubt and clear causation between the landlord's conduct and the harm suffered or the imminent risk. Moreover, reliance on criminal law introduces procedural complexity and resource demands, and shifts control from municipal enforcement staff to police and Crown prosecutors. Moreover, reliance on criminal law introduces procedural complexity and resource demands, and shifts control from municipal enforcement staff to police and Crown prosecutors.

Investigative Rigor and Strategic Use of Criminal Referrals

The potential use of criminal negligence under the Criminal Code has important implications for how municipalities structure enforcement, particularly with respect to investigations and resource allocation. Given the high evidentiary threshold, being proof beyond a reasonable doubt of a marked and substantial departure from the standard of care, any viable criminal referral requires thorough, well-documented investigative work at the municipal level. This includes detailed inspection records, photographs, contemporaneous notes, tenant complaints, expert assessments where applicable, and clear timelines demonstrating both the existence of hazardous conditions and the property owner's knowledge of, and failure to address, those conditions. In this sense, the prospect of criminal enforcement reinforces the need for robust record-keeping and disciplined investigative practices, even within the preliminary stages of the City's investigations into property standards complaints.

At the same time, criminal referral can offer a strategic benefit to municipalities in appropriate cases. Once a matter is taken up by police and the Crown, primary responsibility for prosecution shifts away from the municipality, unlike proceedings under the Provincial Offences Act, where the City typically bears carriage of the case. This can reduce the City's direct litigation burden and associated costs, allowing municipal staff to focus on frontline enforcement and compliance activities. In effect, the municipality's role transitions from prosecutor to evidence-gatherer and witness, supporting the Crown through disclosure and testimony rather than leading the case.

However, this benefit should not be overstated. In Crown prosecutions, Municipal staff must still commit resources to coordinating with police, preparing disclosure, and providing witness evidence, often over extended timelines. Moreover, the decision to pursue charges rests entirely with police and Crown counsel, meaning the City relinquishes control over whether and how the matter proceeds. As such, criminal referral is best understood as a selective, high-threshold tool that both demands stronger investigative foundations and, in appropriate cases, allows municipalities to leverage external prosecutorial resources in addressing the most serious instances of non-compliance.

Observations on the RentSafeTO Program Update Report (Remedial Action Framework)

The recent RentSafeTO Program Update Report reflects an effort by Municipal Licensing and Standards (MLS) to formalize and expand the use of remedial action within the City's property standards enforcement regime. However, despite this stated intent, the framing of remedial action within the Report reveals a persistent institutional ambivalence regarding its role, purpose, and operational feasibility. This ambivalence risks undermining the effectiveness of what is, in principle, the City's most direct and consequential enforcement tool.²⁵

1. Remedial action is treated as exceptional despite being core enforcement authority

The Report continues to frame remedial action as a constrained or exceptional measure, rather than as a central component of the enforcement continuum. This characterization is difficult to reconcile with the City's statutory mandate to secure compliance with property standards where owners fail or refuse to do so.

At a practical level, remedial action is not ancillary to enforcement, it is the mechanism through which enforcement is ultimately made effective where other tools fail. The continued framing of remedial action as exceptional therefore risks institutionalizing hesitation at precisely the point where enforcement authority is intended to be most decisive.

2. Resource constraints and "lack of expertise" are not sufficient justification for under-deployment

The Report and related staff commentary indicate that limitations in resources and the perceived lack of internal expertise within MLS present barriers to the use of remedial action, particularly in complex or large-scale repair contexts.

While operational capacity is a real constraint in municipal administration, it is not, on its own, a principled justification for limiting the exercise of a statutory enforcement tool. From a governance perspective, remedial action is not an optional adjunct to the enforcement regime;

²⁵ City of Toronto, Municipal Licensing & Standards, RentSafeTO Program Update Report (27 March 2026), online: City of Toronto <https://www.toronto.ca/legdocs/mmis/2026/ph/bgrd/backgroundfile-285682.pdf>

it is a mechanism designed precisely for circumstances where voluntary compliance and lower-order enforcement tools have failed.

Where internal capacity is insufficient to operationalize remedial action, the appropriate institutional response is not de facto restriction of its use, but rather the development of coordinated interdivisional delivery models. This includes structured collaboration between MLS, Toronto Building, Purchasing and Materials Management, Legal Services, and other relevant divisions capable of supporting procurement, execution, and oversight of remedial work.

3. Legal limits of public discretion in deployment of remedial action

Under the administrative law framework articulated in Canada (Minister of Citizenship and Immigration) v Vavilov, the exercise of public authority must be justified, transparent, and intelligible. Discretion is not unfettered; it must be exercised in a manner that is rationally connected to the statutory scheme and capable of being explained in a coherent and reviewable way.

The assumption and acceptance of internal resource constraints and institutional capacity limitations by City staff, without a clearly articulated framework explaining how these constraints justify varying enforcement outcomes, risks undermining the intelligibility of enforcement decision-making.

Where expertise or capacity constraints exist, the appropriate response is not a narrowing of enforcement ambition, but the development of structured interdivisional delivery mechanisms capable of ensuring that statutory authority can be effectively exercised.

A specific concern arises where remedial action is framed not as a central enforcement tool, but as a discretionary option that is rarely expected to be deployed in practice. If, operationally, there is an implicit assumption that the use of remedial action will not be meaningfully considered, this may have broader downstream effects on enforcement quality.

Where enforcement actors operate under a framework in which remedial action is perceived as unlikely to be deployed or closely examined, there is a risk that the discipline imposed by these requirements may weaken in practice. Over time, this can manifest in reduced rigor in investigative documentation, less robust articulation of enforcement rationales, and greater variability in record-keeping quality across similar enforcement files.

This concern is not that individual decisions would necessarily fall below legal thresholds, but rather that systemic under-emphasis of higher-order enforcement tools may erode the institutional habits that support high-quality decision-making. Given that remedial action sits along the apex of the municipal enforcement continuum, its effective deployment reinforces the discipline required of relevant City divisions in respect of escalation documentation; all of which underpins the integrity of the enforcement system as a whole. This undermines not only consistency, but also the credibility of the enforcement regime as a whole.

In this context, the issue is not simply whether remedial action is legally available, but whether the City's decision-making structure allows the public and reviewing courts to understand why and how remedial action is taken. A lack of structured escalation criteria risks weakening that intelligibility, and by extension, public confidence in the enforcement system.

4. Cost recovery and enforcement effectiveness

A further concern arises in relation to the treatment of remedial action as a cost-bearing burden on municipal resources. While the City may initially incur administrative and operational costs in undertaking remedial work, these expenditures arise directly from the property owner's failure to comply with statutory obligations.

As a matter of enforcement policy design, it is appropriate that reasonably incurred costs of remediation be fully recoverable from the responsible property owner, subject to applicable statutory constraints. Any other approach risks effectively socializing the cost of non-compliance, thereby weakening the deterrent and corrective function of the enforcement regime.

In that sense, remedial action should be understood not as a net fiscal burden on the City, but as a cost-recovery enforcement mechanism that is contingent on effective implementation and robust recovery processes.

5. Enforcement gap and increasing scale of non-compliance

This concern is heightened by evidence suggesting a growing concentration of persistent non-compliance within the RentSafeTO system. Both publicly reported data indicates that the number of buildings falling within the bottom 2.5 percentile of the RentSafeTO evaluation framework has increased from approximately 57 buildings (2024 evaluation cycle) to more than 150 buildings in the most recent reporting period, representing an increase of at least 93 buildings (or approximately 160 percent). This trend may indicate a growing concentration of persistently non-compliant properties within the population of buildings scoring poorly in the RentSafeTO program.

This trend is significant. It suggests not isolated enforcement failures, but a structural enforcement gap at the lower end of the housing quality spectrum. The limited or inconsistent deployment of remedial action raises questions about whether the current enforcement architecture is sufficiently responsive to systemic non-compliance affecting the City's most venerable, and in a manner consistent with a human rights approach as required under existing policies.

6. Mandate coherence and institutional responsibility

Properly understood, remedial action is not external to the mandate of Municipal Licensing and Standards, it is a key mechanism within it. The effectiveness of the enforcement regime depends on MLS's ability not only to identify and escalate non-compliance, but to ensure that compliance is ultimately achieved where other mechanisms fail.

Where internal capacity constraints inhibit the use of remedial action, the appropriate response is not conceptual narrowing of the tool's role, but institutional strengthening through interdivisional coordination and operational integration.

Without this alignment, there is a risk that remedial action remains underutilized not because of legal or policy constraints, but because of avoidable structural fragmentation within the City's enforcement apparatus.

KEY FINDINGS

The analysis set out in this report identifies a structural gap between the City's formal property standards enforcement framework and its operational application in practice. While the City possesses a comprehensive suite of enforcement tools, including inspections, Orders to Comply, prosecution under the Provincial Offences Act, litigation, and higher-order measures such as remedial action, injunctive relief, and referrals to other actors to potentially facilitate crown prosecutions, the evidence reviewed in this report suggests that these tools are not being deployed in a consistently integrated or fully operationalized manner across the enforcement continuum.

Although staff reporting confirms that remedial action and other higher-order enforcement mechanisms are available within the City's statutory authority, their use appears constrained in practice by a combination of resource limitations, operational complexity, and internal hesitation; possibly caused by underdeveloped internal policies and enforcement protocol. This has contributed to a de facto stratification of enforcement responses, causing lower-order compliance tools to be used consistently and repeatedly as opposed to tools more likely to bring about compliance. While higher-order interventions are applied less frequently and without clearly articulated escalation thresholds. Although this approach may yield compliance at properties that score well on RentSafeTO's evaluation tool, it amounts to a circular enforcement regime of ongoing issues being ordered, prosecutions being initiated, and no compliance being either established or enduring.

This dynamic raises concerns regarding the coherence of enforcement decision-making when assessed against the expectations of the public, in light of the existing statutory authority. In particular, where discretion is exercised without sufficiently structured criteria or transparent escalation frameworks, there is a constant risk of undermining consistency, accountability, and public confidence in the enforcement regime.

These concerns are further amplified by evidence indicating a growing concentration of persistently non-compliant properties within the lower performance cohort of the RentSafeTO evaluation system, suggesting that existing enforcement mechanisms may not be sufficiently responsive to systemic or repeat non-compliance.

Finally, the report finds that remedial action is not yet consistently utilized as an integral enforcement tool within the City's enforcement continuum but is instead treated in practice as an exceptional or resource-intensive intervention that is an unrealistic endeavour to undertake consistently. This creates a misalignment between statutory authority and operational deployment and contributes to uncertainty regarding when and how higher-order enforcement tools will be applied. This deeply undermines public confidence in the enforcement of property standards in the City.

RECOMMENDATIONS

This report has set out the City's existing property standards enforcement framework under the RentSafeTO program, including the full range of escalation mechanisms available to the City, from inspection and orders through to prosecution, litigation, and higher-order enforcement tools such as remedial action and injunctive relief. While these tools are clearly available within the statutory and policy architecture, staff reporting suggests that their operational deployment remains uneven, and that higher-order enforcement mechanisms—particularly remedial action—are not consistently implemented in a manner commensurate with their intended role in securing compliance in cases of persistent non-compliance.

In effect, the framework appears to reflect a distinction between the formal availability of enforcement tools and their practical utilization. Although remedial action and related escalation mechanisms exist within the City's legal authority, the analysis in this report raises concerns that institutional capacity constraints, operational risk considerations, and limited interdivisional integration may be contributing to a lack of administrative ambition in fully operationalizing these tools as part of a coherent enforcement continuum.

Accordingly, the recommendations that follow are intended not only to strengthen the structure and consistency of remedial action decision-making, but also to require that staff

explicitly consider, document, and report on the full range of enforcement tools identified in this report in a systematic manner. This includes ensuring that higher-order enforcement tools are not treated as exceptional or theoretical options, but as integral and operational components of the City's enforcement regime, to be actively assessed in all appropriate cases of non-compliance:

1. Establish a formal Remedial Action Decision Framework with defined escalation thresholds

The City should develop and adopt a structured, publicly defensible remedial action decision-making framework that clearly articulates the circumstances under which remedial action will be initiated, strongly considered, or deferred.

This framework should include:

Presumptive thresholds tied to:

- repeated non-compliance following Orders to Comply
- duration of unresolved violations
- life-safety or habitability impacts
- placement within high-risk or low-performance cohorts (e.g., bottom percentile buildings under RentSafeTO evaluation)
- Defined escalation pathways from inspection → order → remedial intervention
- Written justification requirements for decisions not to escalate in qualifying cases

This recommendation is intended to strengthen the transparency, consistency, and intelligibility of enforcement decision-making, consistent with the administrative law principles articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*.

2. Integrate remedial action as a core enforcement tool rather than an adjunct measure

Remedial action should be explicitly recognized as an integral enforcement mechanism within the RentSafeTO enforcement continuum, rather than an exceptional or last-resort intervention.

To effect this recommendation:

- Update internal enforcement manuals and standard operating procedures to reflect remedial action as a standard escalation tool for persistent non-compliance
- Ensure remedial action is considered in parallel with prosecution and administrative penalties, not sequentially after exhaustion of all other tools
- Require documented consideration of remedial action at defined enforcement milestones

3. Develop a formal interdivisional remedial action delivery model

Given the City's operational complexity and MLS's stated resource and expertise constraints, the City should implement a structured interdivisional model for remedial action delivery.

This should include:

- Municipal Licensing & Standards (case identification and enforcement lead);
- Toronto Building (technical assessment and scope definition);
- Legal Services (risk management, orders, and litigation support);
- Purchasing & Materials Management (procurement of contractors); and
- Revenue Services (cost recovery via tax roll mechanisms).

This structure would ensure that remedial action is treated as a City-wide enforcement function rather than a siloed MLS operational burden.

4. Require mandatory documentation standards for enforcement escalation decisions

To address concerns regarding inconsistency and institutional variability, the City should implement enhanced documentation requirements for enforcement decision-making, including:

Written rationale for escalation or non-escalation at key enforcement stages

Standardized record-keeping templates for chronic non-compliance files

Explicit documentation of remedial action consideration in all eligible cases

This is necessary to preserve administrative accountability, auditability, and reviewability under Vavilov, and to mitigate risks of inconsistent enforcement outcomes across comparable properties.

5. Address structural under-utilization of remedial action linked to resource constraints

The City should formally clarify that resource limitations and internal expertise constraints do not negate the statutory availability of remedial action as an enforcement tool.

Where operational capacity gaps exist:

- They should be addressed through structural resourcing and interdivisional coordination and not through implicit narrowing of enforcement scope or informal deferral of remedial intervention in persistent non-compliance cases

This clarification is necessary to prevent misalignment between statutory authority and operational practice.

6. Strengthen enforcement response to low-performing buildings

Given the reported increase in buildings within the bottom 2.5 percentile of RentSafeTO evaluations (from approximately 57 to 150+ buildings), the City should implement a targeted enforcement strategy for chronically underperforming properties, including:

- Mandatory remedial action review for all buildings within the lowest performance cohort
- Accelerated escalation timelines for repeat offenders
- Enhanced audit frequency and inspection intensity
- Centralized tracking of persistent non-compliance properties

This approach is necessary to address what appears to be a structural concentration of non-compliance rather than isolated violations.

7. Clarify policy position on cost recovery for remedial action

The City should formally reinforce that:

- Remedial action costs are recoverable from property owners where legally permitted;
- Such costs arise directly from non-compliance rather than discretionary municipal service provision; and

- Enforcement policy should be structured to avoid implicit socialization of compliance costs.

This would reinforce deterrence, set appropriate public expectation, and preserve the corrective purpose of remedial intervention.

8. Enhance transparency and public confidence in enforcement outcomes

To strengthen public confidence in the RentSafeTO program, the City should:

- Publish aggregate data on enforcement escalation outcomes (including remedial action usage rates);
- Provide clear reporting on timelines from inspection to enforcement resolution;
- Disclose trends in repeat non-compliance and escalation decisions; and
- Improve transparency regarding why remedial action is or is not deployed in high-risk cases

This is particularly important given concerns raised in this report regarding perceived enforcement inconsistency and escalation hesitancy.

9. Align enforcement culture with administrative law requirements of intelligibility

Finally, the City should explicitly incorporate administrative law principles into enforcement training and policy design, including:

- The requirement that decisions be transparent, justified, and intelligible under Vavilov
- The expectation that discretion must be structured, not open-ended
- The importance of consistent reasoning across similar enforcement contexts

This will help ensure that enforcement discretion is exercised in a manner that is both operationally effective and legally robust.

CONCLUSION

This report has set out the City of Toronto's property standards enforcement framework under the RentSafeTO program, including the full suite of statutory tools available to address non-compliance, ranging from inspection and administrative orders through to prosecution, litigation, and higher-order remedies such as remedial action and injunctive relief.

On its face, the framework is comprehensive. The City is not lacking in legal authority, nor in the availability of escalating enforcement mechanisms. The more consequential issue identified in this report is the extent to which that authority is consistently translated into practice in a structured, transparent, and system-wide manner when confronted with persistent or systemic non-compliance.

The analysis suggests that enforcement outcomes are increasingly shaped not by the absence of tools, but by variability in their deployment, particularly at the upper end of the enforcement spectrum. In this respect, remedial action and other higher-order mechanisms appear to be treated as contingent or exceptional interventions rather than as integrated components of a defined escalation system. The result is an enforcement regime that, while procedurally active, risks becoming functionally unreliable or inoperable in its response to repeat or entrenched non-compliance.

This gap between authority and application raises important questions of institutional accountability. Where a municipality has deliberately equipped itself with robust enforcement tool, some of which are specifically designed to address precisely the types of persistent conditions documented in this report, the continued under-use or inconsistent deployment of such tools cannot be explained solely by legal constraint. It necessarily engages questions of administrative responsibility, internal governance, and the effectiveness of oversight structures intended to ensure that statutory powers are exercised in a manner consistent with Council intent and public expectations.

These concerns are further amplified by evidence of a growing concentration of persistently low-performing buildings within the RentSafeTO framework. In such a context, the absence of a consistently applied escalation logic risks creating a de facto tolerance for chronic non-

compliance, notwithstanding the existence of formal enforcement powers designed to prevent precisely that outcome.

While discretion is an inherent and necessary feature of municipal enforcement, discretion is not synonymous with absence of structure. In an administrative law context, particularly when assessed against the principles articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, discretionary authority must remain transparent, intelligible, and capable of justification. Where escalation decisions are not guided by clearly articulated thresholds or consistently documented reasoning, the result is not flexibility but fragmentation.

Accordingly, the central issue is not whether the City has sufficient enforcement tools, but whether there is sufficient institutional discipline in how those tools are selected, escalated, and justified. This includes ensuring that decisions not to escalate enforcement, particularly in cases involving repeated or prolonged non-compliance, are themselves subject to meaningful internal scrutiny and documentation.

Ultimately, strengthening the enforcement regime requires more than incremental policy refinement. It requires a clearer alignment between statutory authority, Council direction, and operational decision-making, supported by robust accountability mechanisms that ensure enforcement discretion is exercised in a manner that is consistent, explainable, equitable, and responsive to persistent non-compliance.

Without such alignment, there is a risk that the enforcement framework will continue to project strength in design while exhibiting inconsistency in execution—an outcome that is difficult to reconcile with both the intent of Council’s directives and the public’s expectation that minimum housing standards will be enforced in a timely and decisive manner across all applicable properties.

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STRENGTHENING PROPERTY STANDARDS ENFORCEMENT

HIGHER-ORDER ENFORCEMENT TOOLS, LEGAL CONSIDERATIONS AND POLICY OPTIONS

EXECUTIVE SUMMARY



DATE: APRIL 14, 2026

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TORONTO BUILDING DIVISION
TORONTO PUBLIC HEALTH
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EXECUTIVE SUMMARY

The City of Toronto's property standards enforcement regime, as administered through the RentSafeTO program, is supported by a comprehensive and sophisticated legal framework. Provincial legislation, including the City of Toronto Act, 2006, Building Code Act, 1992, Provincial Offences Act, and Fire Protection and Prevention Act, 199, provides the City with a broad spectrum of enforcement tools. These range from inspections and Orders to Comply to prosecution, remedial action, injunctive relief, and, in extreme cases, potential referral for criminal prosecution.

On its face, this framework is robust and is capable of supporting timely, effective, and escalating enforcement responses to ensure compliance with minimum housing standards. However, the central finding of this report is that **the primary challenge facing the City is not the absence of legal authority, but the inconsistency with which that authority is operationalized in practice.**

Purpose and Scope of Report

This report examines the structure, operation, and effectiveness of property standards enforcement within Toronto's rental housing sector, with a particular focus on buildings governed by the RentSafeTO program. Covering approximately 3,000-3,500 multi-residential buildings, RentSafeTO represents a significant regulatory intervention in the City's rental market.

The report:

- Reviews recent policy developments, per historical council directives
- Analyzes the full enforcement continuum, from initial inspection to higher-order enforcement tools;
- Assesses legal, operational, and administrative constraints affecting enforcement outcomes; and
- Identifies policy options to strengthen accountability, coordination, and effectiveness.

Core Finding: Structural Gap Between Authority and Application

The report identifies a fundamental structural issue in the persistent gap between the City's formal enforcement authority and its practical deployment.

While the enforcement system is designed as a progressive process, beginning with voluntary compliance and escalating through orders, prosecution, and higher-order tools, evidence suggests that:

- **Enforcement frequently appears to remain at lower-order interventions**, even in cases of repeated or prolonged non-compliance at low-scoring properties, as evaluated by RentsafeTO;
- Escalation to higher-order tools lacks **clear, standardized thresholds**;
- Tools such as **remedial action and injunctive relief appear to be underutilized**, despite being central to achieving compliance where other measures fail.

This disconnect has material consequences. Where escalation does not occur in a timely or structured manner, violations persist, compliance is delayed, and the credibility of the enforcement regime is weakened.

Higher-Order Enforcement: Legally Available, Under-Utilized

The City possesses a range of higher-order enforcement mechanisms, each serving distinct but complementary functions. These include:

- Prosecution under the Provincial Offences Act, including both Part I (ticketing) and Part III (formal proceedings);
- Remedial action, allowing the City to undertake necessary repairs directly and recover costs;
- Injunctive relief, enabling court-ordered compliance where other tools are ineffective;
- Emergency orders under the Building Code Act for immediate health and safety risks; and
- Criminal referral, in extreme cases involving reckless disregard for tenant safety under the Criminal Code.

However, the report finds that these tools are not deployed in a consistently integrated or strategic manner. Their use is often constrained by:

- Procedural delays inherent in statutory appeal processes;
- Resource and capacity limitations, per claims by City staff;
- Fragmented interdivisional coordination;
- Institutional caution or hesitation in pursuing more interventionist measures.

Notably, **remedial action**, being the most direct mechanism for achieving compliance, is frequently treated as exceptional rather than integral. This framing is inconsistent with its statutory purpose and undermines its effectiveness within the enforcement continuum.

Administrative Law and Accountability

A minor theme of this report is the role of administrative discretion in shaping enforcement outcomes. **While discretion is necessary, it must be exercised within a framework that is transparent, consistent, and justifiable.**

The Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v Vavilov* establishes that administrative decisions must be reasonable, intelligible, and defensible. In the enforcement context, this has direct implications:

- Decisions to escalate, or not escalate, should be supported by clear reasoning and proper processes;
- Similar cases should be treated consistently; and
- Enforcement pathways need to be understandable to both the public and reviewing courts.

Where higher-order enforcement tools are available and justified by the facts, the absence of escalation requires explanation. Without structured decision-making frameworks and documentation, enforcement risks becoming variable, opaque, and difficult to reconcile with statutory intent.

Systemic Trends and Emerging Risks

The report identifies evidence of a growing concentration of persistently non-compliant buildings within the RentSafeTO system. Notably, the number of buildings falling within the lowest performance cohort (bottom 2.5 percentile) has increased significantly, from approximately 57 to over 150 in recent reporting.

This trend suggests not isolated failures, but a systemic enforcement gap affecting the most vulnerable segment of the rental housing stock. In this context:

- Repeated reliance on lower-order tools may result in circular enforcement, where violations are identified and re-issued without durable resolution;
- The absence of consistent escalation risks creating a de facto tolerance for chronic non-compliance;
- Public confidence in the City's ability to enforce minimum housing standards is undermined.

Institutional Coordination and Policy Evolution

Recent Council directives—particularly those arising from high-profile enforcement cases—signal a shift toward a more coordinated and integrated enforcement model. This includes:

- Cross-divisional collaboration among Municipal Licensing & Standards, Toronto Building, Fire Services, Public Health, and the Housing Secretariat;
- Development of centralized tracking systems for “problem properties”;
- Integration of housing stability considerations into enforcement responses;
- Increased emphasis on proactive and data-driven enforcement.

These developments represent a meaningful evolution in policy direction. However, their effectiveness will depend on whether they are supported by clear escalation frameworks, defined responsibilities, and enforceable accountability mechanisms.

Key Findings

The report identifies the following core findings:

1. There is a **structural gap** between the City’s enforcement authority and its operational use.
2. Higher-order enforcement tools are **under-deployed**, particularly in cases of persistent non-compliance.
3. The enforcement regime lacks **formalized escalation criteria**, leading to inconsistent outcomes.
4. A growing subset of buildings exhibits **chronic non-compliance**, requiring targeted intervention.
5. Remedial action is **not fully integrated** as a core enforcement mechanism.
6. Administrative discretion is exercised **without sufficient structure or transparency**, raising accountability concerns.

Conclusion

The City of Toronto’s property standards enforcement framework is not deficient in design. It is comprehensive, legally sound, and capable of addressing even the most complex cases of non-compliance.

The issue, as this report demonstrates, lies in **execution**.

Where enforcement tools are inconsistently applied, delayed, or effectively sidelined, the result is a system that risks appearing active but is, in critical respects, **operationally incomplete**. In such

circumstances, the question is no longer whether the City can act, but whether it does so in a manner consistent with its statutory mandate and public commitments.

This engages fundamental issues of institutional accountability. When persistent non-compliance is documented, and **where higher-order tools exist specifically to address such conditions, their limited or inconsistent use cannot be attributed solely to legal constraint.** It reflects, at least in part, choices in how enforcement discretion is exercised, structured, and overseen.

Strengthening the enforcement regime therefore requires more than incremental reform.

It requires:

- **Clearly defined escalation frameworks;**
- Strong **interdivisional coordination;**
- Adequate **resourcing and operational support;** and
- A demonstrable commitment to **transparent, consistent, and accountable decision-making.**

Ultimately, the effectiveness of the City's enforcement system will be judged not by the breadth of its powers, but by its willingness and ability to use them decisively in the face of persistent non-compliance. This will likely become a more pronounced issue as Toronto's existing purpose-build housing stock continues to age and should more apartment properties fall into serious disrepair.