

HOUSING SUPPLY ACTION PLAN

RESIDENTIAL TENANCIES ACT ISSUES

Almost one-third of Ontario's homes are rented homes. Like all Ontarians, the people who live in these homes depend on our legal system and the values it supports to keep them safe, secure and living with dignity. What the Residential Tenancies Act (RTA) says and how the Landlord and Tenant Board (LTB) administers that law is of primary importance to them. Changes in the law that would make it more difficult for them to keep their homes, or live there in peace should not be on the agenda of any government.

Yet, based on short-term government budget issues and unsupported claims by property owners, the rules and practices that support the dignity and security of tenants are being questioned. Some suggestions would remove opportunities for tenants to address problems and keep their homes. Others would make enforcement of rules a priority over prevention of homelessness. Changes are proposed that would undermine protection of all tenants based on stories of abuses that are extremely rare.

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Any changes to the law must be based on actual evidence and not on anecdotes. This evidence must include an evaluation of the social costs of any such changes since all the people of Ontario pay the cost of homelessness. We pay in higher health and social service costs. And we pay in the lost potential of people whose lives are disrupted when they lose their home. Landlords are running very successful businesses providing housing. We must ensure that the people who need that housing are not put in jeopardy by their demands for more speed, efficiency and convenience in the operation of these businesses.

To that end, these are the 7 issues that the Government of Ontario must address when seeking to improve housing opportunities for low-income Ontarians.

1. USE OF PRIVATE BAILIFFS

“A lock-out, even if warranted and lawful, is a traumatic event for a family. Children simply never forget a forced eviction from their home.”

The Civil Enforcement Office is a well-trained and professional office. We urge you to abandon any plans to reconfigure it. This function should not be entrusted to private contractors seeking to maximize profits from difficult social conflicts.

“The sheriff has no personal stake in the work that is done. There is no financial imperative with respect to executing any given eviction order at any given time.”

2. REDUCTION OF NOTICE AND WAITING PERIODS

“The Federation of Rental Housing Providers of Ontario concedes that only 1.5% of tenants leave without paying their rent. In any other business, having 98.5% of your customers paying in full would be evidence of a system that is working very well.”

It is not the purpose of the Residential Tenancies Act or the Landlord and Tenant Board to bring tenancies to an end whenever a default arises – it is to get the default corrected. The costs of forced evictions to tenants, their families and the community are too high not to use all means available to avoid this result while making the landlord whole. Notice and waiting periods should not be reduced, as they fulfill important aspects of social policy. Further resources should be committed to the Landlord and Tenant Board to ensure timely decision-making, particularly to ensure that there is a full roster of qualified adjudicators. Resources should also be committed to tenant supports in eviction applications, including increased tenant duty counsel services.

“The largest and least justified contributor to delays in the processing of eviction applications is inadequate funding of the Landlord and Tenant Board.”

3. TENANT-INITIATED DISPUTES OF EVICTIONS AND DISCLOSURE ISSUES

The current practice of permitting tenants to dispute landlords' applications for eviction by attending at a hearing of the Landlord and Tenant Board should be retained. This is the norm in administrative proceedings, particularly those that could have dire consequences for vulnerable people. With the assistance of mediators and other Board staff, any clarifications and disclosure that may be necessary for a fair hearing of the landlord's claim can be arranged at the time of such attendance.

“There is no evidence that landlords are being prejudiced by the current system, particularly landlords who comply with their obligations to their tenants under the law.”

4. MAINTAINING SUPPLY OF RENTAL HOUSING AND ADDRESSING ABUSE OF RENOVATION EVICTIONS

Legislation should be enacted restricting municipal approval of renovations and demolitions across Ontario. Evictions under the RTA for these causes and for conversions to non-residential uses should not be allowed.

“More effective steps must be taken to prevent tenants from being displaced under these renovation schemes.”

5. CONTROLLING SHORT-TERM RENTALS

Tenants should have the same rights as homeowners to enjoy their home even though it is a rental property. The RTA does not need to be amended to address the matter of tenants “homesharing” their principal residence with guests on a short-term basis.

Municipal licensing and registration should be used to prevent the loss of long-term rental housing units while allowing both tenants and owners to “homeshare” their principal residence on a limited basis.

6. ADDRESSING ABUSE OF AGI APPLICATIONS

In order to preserve affordability of existing rental housing we need action by the Minister on new rules about “eligible” expenditures. The following rules should be adopted in these regulations in order to deal with ongoing abuse of the above-guideline rent increase provisions of the RTA.

- * Expenditures for balcony repairs or replacement should not be eligible;
- * Expenditures for parking garage repair or replacement should not be eligible;
- * Expenditures to comply with municipal work orders concerning non-compliance with health, safety, housing or maintenance standards should not be eligible;
- * No expenditures should be eligible unless the tenants were provided with clear, detailed information about the work to be performed at a reasonable time before it was carried out;

7. IMPROVING ENFORCEMENT OF LANDLORD MAINTENANCE OBLIGATIONS

- * Create a schedule of standard rent abatement amounts
- * Create accessible processes for group applications
- * Eliminate rules that deem rent abatements and damage awards for out-of-pocket expenses as “income” for social assistance purposes
- * Allow tenants to pay their rent to the Board pending adjudication of a tenant application about maintenance
- * Restrict access to the Board by landlords who do not comply with orders to make repairs or compensate tenants
- * Bring back the right of set-off for residential tenants
- * Improve municipal property standards enforcement