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Bill 170

**An Act to amend the Residential Tenancies Act, 2006,
the City of Toronto Act, 2006 and the Municipal Act, 2001
to implement various measures respecting rental accommodation**

Ms A. Clancy

Private Member's Bill

1st Reading March 6, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Residential Tenancies Act, 2006*, the *City of Toronto Act, 2006* and the *Municipal Act, 2001* to implement various measures relating to rental accommodation.

The major elements of the amendments to the *Residential Tenancies Act, 2006* are as follows:

1. Repealing section 6.1, removing the exemption from rent control provisions for the units described in that section.
2. Amending section 50 to require notices of termination for demolition, conversion or repair to include the approvals necessary for the demolition, conversion or repair and other specified documentation.
3. Amending section 54 to require landlords who are terminating a tenancy for the purpose of repairs or renovations to offer the tenant another acceptable rental unit for the period of the repairs or renovations or provide specified compensation.
4. Enacting new section 113 to specify that the lawful rent that may be charged to a new tenant must be related to the amount that was last charged for the unit in accordance with the rules set out in this section. Amendments are made throughout the Act to support these rules, including an amendment to section 115 that allows tenants to apply to the Board for an order determining the maximum amount of rent that may lawfully be charged.
5. Enacting a new Part XI.1, establishing a rent registry to be maintained by the Landlord and Tenant Board that requires landlords to file statements for inclusion in the Registry. The amendments also provide for consequences for failing to file statements with the registry.
6. Enacting new section 232.1 to establish a Rental Task Force to inquire into issues related to above-guideline rent increases and publish a report.

The *City of Toronto Act, 2006* and the *Municipal Act, 2001* are both amended to prohibit approvals of conversions or demolitions of buildings or a group of buildings that would result in the loss of six or more rental units unless the rents for those units exceed mid-range rents at the time of the application or the person seeking approval replaces the rental units in the specified manner and implements a tenant relocation and assistance plan.

**An Act to amend the Residential Tenancies Act, 2006,
the City of Toronto Act, 2006 and the Municipal Act, 2001
to implement various measures respecting rental accommodation**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Subsection 6 (1) of the *Residential Tenancies Act, 2006* is amended by striking out “6, 7 and 8” in the portion before clause (a) and substituting “7 and 8”.

2 Section 6.1 of the Act is repealed.

3 Subsection 7 (1) of the Act is amended by striking out “6, 7 and 8” in the portion before paragraph 1 and substituting “7 and 8”.

4 Subsection 8 (1) of the Act is amended by striking out “paragraph 6 of subsection 30 (1) and Part VII do not apply” and substituting “Part VII does not apply”.

5 Paragraph 6 of subsection 30 (1) of the Act is repealed.

6 Subsection 36.1 (11) of the Act is amended by striking out “and any order under paragraph 6 of subsection 30 (1)”.

7 (1) Subsection 37 (7) of the Act is amended by adding “and” at the end of clause (a), by striking out “and” at the end of clause (b) and by repealing clause (c).

(2) Subsection 37 (9) of the Act is amended by striking out “clauses 7 (a), (b) and (c)” and substituting “clauses 7 (a) and (b)”.

8 Section 50 of the Act is amended by adding the following subsection:

Same

(1.1) The notice of termination must be accompanied by,

- (a) copies of all valid approvals necessary to demolish, convert, repair or renovate the rental unit, as the case may be, and, in the case of repairs or renovations to a rental unit, the approvals must authorize repairs or renovations that are so extensive that they require vacant possession of the rental unit; and
- (b) documentation from an engineer registered under the *Professional Engineers Act* stating that vacant possession of the unit is necessary to conduct the demolition, conversion, repair or renovation.

9 Section 54 of the Act is repealed and the following substituted:

Tenant’s right to compensation, repair or renovation

54 The landlord of a tenant who receives notice of a termination of a tenancy under section 50 for the purpose of repairs or renovations shall,

- (a) offer the tenant another rental unit acceptable to the tenant for the period of the repairs or renovations; or
- (b) compensate the tenant for the period of the repairs or renovations in an amount equal to the costs the tenant must pay for a comparable unit, up to a maximum of 15 per cent more than the tenant’s former rent or 30 per cent more than the median market rent for the area, whichever is greater, and not less than the amount the tenant was paying for their current unit.

10 Section 113 of the Act is repealed and the following substituted:

Lawful rent for new tenant

113 Subject to section 111, the lawful rent for the first rental period for a new tenant under a new tenancy agreement is,

- (a) any amount that is equal to or less than the last lawful rent charged or that ought to have been charged to the previous tenant if the rental unit was previously rented in the last 12 months;
- (b) with respect to a rental unit that has not been rented in the last 12 months, an amount that is equal to or less than the sum of,

- (i) the last lawful rent charged or that ought to have been charged to the previous tenant,
 - (ii) all increases to the rent that the landlord would have been permitted to make under this Act if the rental unit had been occupied, and
 - (iii) all decreases to the rent that the landlord would have been required to make under this Act if the rental unit had been occupied; or
- (c) the rent first charged to the tenant if the rental unit was not previously rented.

11 Section 114 of the Act is amended by striking out “6, 7 or 8” wherever it appears and substituting in each case “7 or 8”.

12 Subsection 115 (1) of the Act is repealed and the following substituted:

Application by tenant

(1) A tenant, other than a new tenant who occupies a rental unit described in clause 113 (c), may apply to the Board for an order determining the maximum amount of rent that the tenant may lawfully be charged.

Same

(1.1) If at the time of the application an order made under paragraph 7 or 8 of subsection 30 (1) prohibits the landlord from giving a notice of a rent increase to the tenant or taking any rent increase for which notice has been given with respect to the tenant’s rental unit, the Board’s order will set out the amount of rent that the tenant may lawfully be charged,

- (a) until the prohibition in the order ends; and
- (b) after the prohibition in the order ends.

Same

(1.2) If the Board determines that the landlord has charged the tenant a rent that exceeds the maximum lawful rent, the Board shall order that the landlord rebate to the tenant any rent paid by the tenant in excess of the maximum amount of rent that the tenant may lawfully be charged.

13 (1) Subsection 117 (1) of the Act is repealed.

(2) Subsection 117 (3) of the Act is amended by striking out “Subsections (1) and (2) apply” at the beginning of the portion before clause (a) and substituting “Subsection (2) applies”.

(3) Clause 117 (5) (a) of the Act is repealed.

14 Subsection 123 (2) of the Act is amended by striking out “and despite any order under paragraph 6 of subsection 30 (1)” at the end.

15 The Act is amended by adding the following Part:

**PART XI.1
RENT REGISTRY**

Rent registry

182.3.1 (1) The Board shall establish and maintain a rent registry for all rental units to which this Act applies and shall make the information available in accordance with section 182.3.3.

Content of registry

(2) The Board shall include in the registry any information contained in a statement or notice filed with the Board under this Part and any order made by the Board under paragraph 7 or 8 of subsection 30 (1) or subsection 126 (10).

Updates to registry

(3) The Board shall take reasonable steps to ensure that the information contained in the registry is accurate and may correct or update any information contained in the registry.

Landlord to file statement

182.3.2 (1) Every landlord of a rental unit to which this Act applies shall file with the Board a statement in a form approved by the Board within 30 days after entering into a lease respecting the rental unit.

Content of statement

(2) The statement shall set out the following information:

1. The landlord’s name and contact information, other than their address.
2. If the landlord is not ordinarily resident in Ontario, the name and contact information, other than the address, of the landlord’s representative or agent in Ontario.

3. The municipal address of the rental unit.
4. The rent charged to the tenant as of the date of filing, including whether the rent amount includes rent attributable to services described under subsection 123 (1) or utilities and the amounts attributable to each.
5. Any other prescribed information.

Updates respecting rent

(3) Every landlord of a rental unit in respect of which a statement has been filed under this section shall, within 30 days after a change to the rent charged to the tenant takes effect, file with the Board a notice specifying the change to the rent charged and its effective date.

Copy to tenant

(4) The landlord shall also provide a copy of any statement or notice filed with the Board under this section to the tenant.

Tenant application

(5) The tenant may apply to the Board, on notice to the landlord, for an order determining the accuracy of the information in the statement or notice with respect to the tenant's rental unit.

Board may make order

(6) If the Board determines that the information in the statement or notice is not accurate, the Board may correct the information or order that the landlord file another statement or notice, as the case may be.

Time limitation

(7) No application may be made under subsection (5) more than 60 days after the tenant has received the copy of the statement or notice.

Transition

(8) If, on the day section 14 of the *Keeping People Housed Act, 2024* comes into force, a rental unit to which this Act applies is rented, the landlord shall file with the Board a statement referred to in subsection (1) within 30 days after that day.

Disclosure of information

182.3.3 (1) The Board shall disclose any information contained in the registry about a particular rental unit of the landlord or the landlord's representative or agent, to any of the following individuals who request it:

1. The landlord or an individual authorized by the landlord.
2. The tenant, an individual who ceased to be a tenant of the rental unit within 12 months prior to the request or an individual authorized by the tenant or former tenant.
3. A prospective tenant who has applied to the landlord to occupy the rental unit.

Same

(2) The Board shall take reasonable steps to verify that an individual who requests information in respect of a particular rental unit is a person described in subsection (1).

Public information

(3) The Board shall make the following information contained in the registry available to the public in accordance with subsection (4):

1. The municipal address of each rental unit contained in the registry.
2. The rents charged in respect of each rental unit contained in the registry, along with the effective date of any change to the rent.
3. The landlord's name and contact information, other than their address, or, if the landlord is not ordinarily resident in Ontario, the name and contact information, other than the address, of the landlord's representative or agent in Ontario.

Same

(4) The Board shall make the information referred to in subsection (3) available to the public by,

- (a) publishing it on a website maintained by the Board; and
- (b) providing it to members of the public upon request.

Disclosure to tax authorities

(5) The Board may disclose any information contained in the registry to a ministry, department or agency of the Government of Canada or Ontario that administers or enforces the *Income Tax Act*, the *Taxation Act, 2007* or the *Income Tax Act (Canada)*.

16 Subsection 196 (1) of the Act is repealed and the following substituted:

Board may refuse to proceed if money owing, statement not filed

- (1) Upon receiving information that an applicant owes money to the Board as a result of having failed to pay any fine, fee or costs or has not filed a statement in accordance with subsection 182.3.2 (1),
- (a) if the information is received on or before the day the applicant submits an application, an employee in the Board shall, in such circumstances as may be specified in the Rules, refuse to allow the application to be filed;
 - (b) if the information is received after the application has been filed but before a hearing is held, the Board shall stay the proceeding until the fee, fine or costs have been paid or the statement has been filed, as the case may be, and may discontinue the application in such circumstances as may be specified in the Rules; or
 - (c) if the information is received after a hearing with respect to the application has begun, the Board shall not issue an order until the fine, fee or costs have been paid or the statement has been filed, as the case may be, and may discontinue the application in such circumstances as may be specified in the Rules.

17 The Act is amended by adding the following section:

Rental Task Force

232.1 (1) The Minister shall appoint five to 10 persons as members of the Rental Task Force within 60 days after the day this subsection comes into force.

Membership

(2) The Minister shall make all reasonable efforts to ensure that the majority of the members of the Rental Task Force are tenants.

Diversity

(3) The Minister shall make all reasonable efforts to ensure that the composition of the Rental Task Force reflects the diversity of the people facing housing precarity.

Inquiry

(4) The Rental Task Force shall inquire into the following matters:

- 1. The financial and socioeconomic impacts of above-guideline rent increases.
- 2. Alternative legislative or financial approaches to limit above-guideline rent increases.
- 3. The frequency of above-guideline rent increases.
- 4. The potential impacts if above-guideline rent increases were prohibited.
- 5. The process, outcomes and any other issues related to the Board as they pertain to above-guideline rent increases.
- 6. Which renovations are giving rise to above-guideline rent increases.
- 7. The methods by which landlords demonstrate the need for above-guideline rent increases.
- 8. The relationship between the upkeep of buildings, units or equipment and requests for above-guideline rent increases.

Consultation

(5) The Rental Task Force shall consult broadly with stakeholders and ensure that tenants and organizations that advocate for housing affordability are included in the consultations.

Report

(6) Within six months after the Rental Task Force is appointed, they shall prepare a report setting out the results of their inquiry and any recommendations they have relating to above-guideline rent increases and shall publish the report on their website.

Assembly

(7) On or before the day that is 90 days after the day the Rental Task Force publishes its report, the Minister shall inform the Assembly of the recommendations of the Rental Task Force that the Minister recommends the Government of Ontario implement.

Dissolution

(8) The Minister shall dissolve the Rental Task Force after it has published its report.

18 Section 233 of the Act is amended by adding the following clause:

(g.1) provides false information in a statement filed with the Board under subsection 182.3.2 (1);

19 Section 234 of the Act is amended by adding the following clause:

(r.1) fails to file a statement with the Board under subsection 182.3.2 (1);

20 Subsection 241 (1) of the Act is amended by adding the following paragraph:

61.2 governing the rent registry established under Part XI.1;

City of Toronto Act, 2006

21 The *City of Toronto Act, 2006* is amended by adding the following section:

Residential replacement

112 No approval shall be granted for the conversion or demolition of all or part of a private building or related group of buildings within the City's jurisdiction if the conversion or removal would result in the loss of six or more rental units unless,

- (a) all of the rental units have rents that exceed mid-range rents at the time of application; or
- (b) the person who is seeking approval of the conversion or demolition,
 - (i) ensures that the rental units are replaced with at least the same number, size and type of rental units, which must be maintained with rents similar to those in effect at the time the application to convert or demolish the properties was made; and
 - (ii) implements a tenant relocation and assistance plan that is approved in accordance with the official plan and that addresses the right of the former tenants to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents and other assistance to lessen hardship.

Municipal Act, 2001

22 The *Municipal Act, 2001* is amended by adding the following section:

Residential replacement

99.2 No approval shall be granted by a municipality for the conversion or demolition of all or part of a private building or related group of buildings within the municipality's jurisdiction if the conversion or removal would result in the loss of six or more rental units unless,

- (a) all of the rental units have rents that exceed mid-range rents at the time of application; or
- (b) the person who is seeking approval of the conversion or demolition,
 - (i) ensures that the rental units are replaced with at least the same number, size and type of rental units, which must be maintained with rents similar to those in effect at the time the application to convert or demolish the properties was made; and
 - (ii) implements a tenant relocation and assistance plan that is approved in accordance with the official plan for the municipality and that addresses the right of the former tenants to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents and other assistance to lessen hardship.

Commencement

23 (1) Except as otherwise provided in this section, this Act comes into force on the day that is four months after the day this Act receives Royal Assent.

(2) Section 6 comes into force on the later of the day section 1 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force and the day that is four months after the day this Act receives Royal Assent.

Short title

24 The short title of this Act is the *Keeping People Housed Act, 2024*.