

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

SP-27

**Journal  
des débats  
(Hansard)**

SP-27

**Standing Committee on  
Social Policy**

Protecting Tenants  
and Strengthening Community  
Housing Act, 2020

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament  
Wednesday 24 June 2020

**Comité permanent de  
la politique sociale**

Loi de 2020 visant la protection  
des locataires et le renforcement  
du logement communautaire

1<sup>re</sup> session  
42<sup>e</sup> législature  
Mercredi 24 juin 2020

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Chair: Natalia Kusendova  
Clerk: Tonia Grannum

Présidente : Natalia Kusendova  
Greffière : Tonia Grannum

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Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et de l'interprétation  
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111, rue Wellesley ouest, Queen's Park  
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Publié par l'Assemblée législative de l'Ontario

ISSN 1710-9477

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Wednesday 24 June 2020

Mercredi 24 juin 2020

*The committee met at 0901 in room 151 and by video conference.*

**PROTECTING TENANTS  
AND STRENGTHENING COMMUNITY  
HOUSING ACT, 2020**

**LOI DE 2020 VISANT LA PROTECTION  
DES LOCATAIRES ET LE RENFORCEMENT  
DU LOGEMENT COMMUNAUTAIRE**

Consideration of the following bill:

Bill 184, An Act to amend the Building Code Act, 1992, the Housing Services Act, 2011 and the Residential Tenancies Act, 2006 and to enact the Ontario Mortgage and Housing Corporation Repeal Act, 2020 / Projet de loi 184, Loi modifiant la Loi de 1992 sur le code du bâtiment, la Loi de 2011 sur les services de logement et la Loi de 2006 sur la location à usage d'habitation et édictant la Loi de 2020 abrogeant la Loi sur la Société ontarienne d'hypothèques et de logement.

**The Chair (Ms. Natalia Kusendova):** Good morning, everyone. I call this meeting to order. We're meeting to conduct public hearings on Bill 184, An Act to amend the Building Code Act, 1992, the Housing Services Act, 2011 and the Residential Tenancies Act, 2006 and to enact the Ontario Mortgage and Housing Corporation Repeal Act, 2020. Today's proceedings will be available on the Legislative Assembly's website and television channel.

We have the following members in the room: MPP Burch, MPP Morrison, MPP Babikian, MPP McDonell, MPP Gill and MPP Martin, who just stepped away for a moment. We also have the following members participating remotely: MPP Tabuns, MPP Karahalios, MPP Blais and MPP Hogarth. Welcome, everyone.

We're also joined by staff from legislative research, Hansard, interpretation, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it can take a little bit of time for the audio and video to come up after I recognize you, please give a few seconds before you begin speaking. As always, all comments by members and witnesses should go through the Chair.

**SUBCOMMITTEE REPORT**

**The Chair (Ms. Natalia Kusendova):** I have one other item to mention before we begin. The order of the House dated June 16, 2020, gives the subcommittee the authority to determine how to proceed with the public hearings. We will not need to vote on this report, but I will read it into the record to make sure all members are aware of its contents.

Your subcommittee on committee business met on Thursday, June 18, 2020, to consider the method of proceedings on Bill 184, An Act to amend the Building Code Act, 1992, the Housing Services Act, 2011 and the Residential Tenancies Act, 2006 and to enact the Ontario Mortgage and Housing Corporation Repeal Act, 2020, and we have determined the following:

(1) That witnesses be scheduled in groups of three for each one-hour time slot, with seven minutes each for their presentations and 39 minutes for questioning for all three witnesses, divided into three rounds of six minutes each for the government and the official opposition, and one round of three minutes for the independent members;

(2) That witnesses be arranged into groups of three chronologically, based on the order their requests to appear were submitted;

(3) That all witnesses appear virtually, by Zoom or by teleconference;

(4) That the research officer provide a summary of the oral presentations by 1 p.m. on Monday, June 29, 2020; and

(5) That all witness submissions and committee documents be distributed electronically to all members and staff of the committee.

Before we begin, are there any questions? Seeing none, we are ready to begin with our first presenter.

**MS. CARYMA SA'D  
ADVOCACY CENTRE  
FOR TENANTS ONTARIO**

**The Chair (Ms. Natalia Kusendova):** We have with us Caryma Sa'd. Good morning. You have seven minutes for your presentation, and you may begin by stating your name for the record.

**Ms. Caryma Sa'd:** Good morning, and thank you, Madam Chair. My name is Caryma Sa'd. I appreciate being here today.

I'm a housing lawyer, and I represent both landlords and tenants. To that end, I hope to bring a balanced perspective to this conversation. Having said that, it is important to acknowledge that rental housing is not a typical commodity. Shelter is a basic and essential human need, and so any changes to the Residential Tenancies Act must take that into account. The changes proposed in Bill 184 are for the purpose of strengthening protections for tenants, making it easier to be a landlord and helping both landlords and tenants resolve disputes. I think that these are all laudable goals; however, some of the proposals may actually exacerbate the housing crisis that we currently face in Ontario. I say that with particular reference to the COVID-19 situation, which created a pause or backlog at the Landlord and Tenant Board. When the board does reopen for hearings, my main concern is that we could see mass evictions.

I will take you through a couple of provisions that I think could stand to be revisited and reimagined. One of my major concerns has to do with the changes to a tenant's ability to raise issues about maintenance issues or harassment etc. at the time of an arrears application at the board. This is important because in my own experience, I've had situations where there are substantial arrears that accumulated, an amount that a tenant would not be able to realistically repay, but at the same time they were facing major problems with the rental unit. In those circumstances, we've been able to reduce the amount that is owed, maintain the tenancy and encourage the landlords to actually fix the problems.

Allowing for advance notice has some practical implications in that those who are most likely to be facing serious issues are also the least likely to be aware of their rights and what they need to do, in contrast to situations where an adjudicator is positioned to make inquiries, ask questions and go down that line of thought. What I would suggest, acknowledging that the proposal does allow for an exception to be made if a reasonable explanation can be provided, is that perhaps there should be a clear acknowledgement that where a tenant was not aware of this requirement, some sort of grace period is extended, or, perhaps, keep the status quo; it's not trial by ambush if a landlord is actually up to date with the state and status of a rental unit.

Another concern that I have—this is, again, in the context of COVID-19—is around the changes that are being proposed as far as landlords being able to rely on repayment plans and going straight for an eviction without any sort of vetting or intervention by the Landlord and Tenant Board. On its face, I see how the objective is to streamline, save time and save landlords from having to go back and forth, and I know that on the landlord side of my practice, that has been a problem. However, I think that the potential for this to backfire on tenants who, in good faith, make repayment plans and then suffer setbacks and do not have an opportunity to explain that to a member, could lead to evictions—again, recognizing that the most vulnerable people may not be able to avail themselves of reviews or appeals and will find themselves out on the

street. This is contrary to public health at this juncture, but also not good in terms of society.

There are a few good things that I see in the proposals, and so I want to highlight those as well. The availability of a sort of general damage in bad-faith evictions is a good thing, and I'll tell you why. I've worked on cases involving bad-faith evictions and one where a landlord did not even attend the hearing to rebut any presumptions. In that case, the adjudicator agreed it was bad faith. My clients were uprooted, they could not afford to remain in the city and in fact—

**The Chair (Ms. Natalia Kusendova):** One minute remaining.

**0910**

**Ms. Carmen Sa'd:** —moved to a different town and ended up in subsidized housing. But because their new monthly rent was lower than what they'd been paying, the adjudicator could not order compensation equivalent to the difference in monthly rent. The availability of general damages would have been very helpful, so I hope that that stays in.

Lastly, in my last few seconds, I want to draw attention to section 48(5) in that neighbourhood of the RTA which prevents corporations from serving notices for personal use. That only appears to apply to section 48, which creates an inconsistency because a purchaser could be a corporation and the Landlord and Tenant Board would still be able to permit them based on looking into the true substance. So I think that that section should either be added to section 49 or revisited altogether. I thank you for having me here today.

**The Chair (Ms. Natalia Kusendova):** Thank you for your presentation.

Next, we have Dania Majid, who is a staff lawyer at the Advocacy Centre for Tenants Ontario. Thank you for joining us. You may begin. You have seven minutes. Please begin by stating your name for the record.

**Ms. Dania Majid:** My name is Dania Majid. I'm a staff lawyer with the Advocacy Centre for Tenants Ontario.

Good morning. I'm here representing the Advocacy Centre for Tenants Ontario. We are a community legal clinic funded by Legal Aid Ontario with a province-wide mandate dedicated to addressing systemic housing issues. We also coordinate the Tenant Duty Counsel Program, which last year provided more than 17,000 tenants with legal advice before their hearings at the board.

I will be speaking about schedule 4 of Bill 184. While the title of the bill mentions tenant protection, the content of the bill unfortunately does not meet this lofty objective. Instead, the bill's amendments to the RTA drafted before the pandemic make renting even more precarious for low-income tenants.

Ontario renters are living on the margins. A significant portion of renters are people from racialized communities, newcomers, single parents and people with disabilities. Almost half of renter households in the province have an income below \$40,000. Many work in low-wage jobs without job security or benefits, such as paid sick days. Some 70% of these renters pay more than 30% of their

income on rent, leaving little for other household needs or savings.

Rents in Ontario cities are some of the highest in the country. All-time-low vacancy rates and skyrocketing rents are the result of governments ending their housing building programs and Ontario gutting the province's rent controls in the early 1990s. These factors, coupled with a growing demand for housing, have turned residential properties into coveted investments for landlords, speculators and developers. They're using dubious methods to push sitting tenants out to reap the financial rewards from charging new tenants much higher rents.

The predictable outcome is that units are falling into disrepair and the available affordable housing stock in the province is depleted. This is only a snapshot of the affordable housing crisis, but it is an important context that you must keep in mind to understand the critiques of the bill you will be hearing over the next three days. It is something we and other housing advocates have been sounding the alarm about for years, but when the pandemic hit, the housing situation for thousands of tenant households became even worse. It went from being a socio-economic crisis to becoming the front line of a public health crisis.

Tenants who were laid off from their jobs, had their hours reduced or were forced to isolate because of illness or exposure did not have enough saved to pay April's rent, setting the stage for a deluge of eviction applications and mass displacement. The gravity of this situation was best described by Premier Ford. Tenants were forced to choose between paying their rent or putting food on the table. We commend the province for promptly instituting the moratorium on evictions. By prioritizing the welfare of tenants in crisis, the province ensured that tenants remained housed, our already full shelters did not face an influx of new clients and our health care system was not overwhelmed.

So we were surprised and disappointed that the government decided that now is the time to push forward with Bill 184. Our concerns with the bill's provisions are presented in greater detail in our forthcoming written submission to the committee. I will highlight a few concerns now.

The proposals related to dispute resolution processes outside of a hearing are designed to be a fast track for evictions. In mediations at the board, a properly trained mediator, duty counsel and an adjudicator are all involved to ensure parties do not contract out of the RTA, and they understand the consequences of the terms they're agreeing to. This helps level the power imbalance between landlords and tenants.

The bill does not explain what alternatives to mediation are being considered or how these processes will preserve the access to justice needs of vulnerable tenants. The bill only proposes that landlords be allowed to include eviction without notice-of-hearing clauses in their repayment plans negotiated directly with tenants. Undoubtedly, this will result in more evictions and indebtedness, as most tenants will sign just about anything to try to save their units.

Another concern with the bill is expanding the jurisdiction of the board to allow landlords to bring applications against former tenants. Adding to the board's workload does not make sense, especially when it was already backlogged before the pandemic hit. This amendment makes the landlord, instead of the board, responsible for serving the notice of hearing to the tenant, so former tenants may not even know a claim has been filed against them at the board if the landlord fails to serve them the required documents.

The bill's main offer for tenants was to extend one month's rent compensation to tenants evicted for purchasers' own use and renovation or demolition of a complex with fewer than five units. However, one month's rent compensation and the risk of fines have done nothing to slow down the rate of landlord own-use evictions and renovictions, which data have shown have only increased year over year. One month's rent is no match for the lure of the financial windfall offered by vacancy decontrol, the root cause of this abuse that the bill ignores. Further, one month's rent compensation does very little to help tenants afford the first and last month's rent deposit on their new, more expensive unit, or their moving expenses.

If the government truly wants to protect tenants, we would encourage them to abandon Bill 184 and continue on their path of prioritizing the well-being of tenants and the public health outcomes of Ontario. We need the government and the board to treat housing as a human right, and have that right enshrined into the RTA and board guidelines. We need the eviction moratorium to continue and to keep tenants who have lost their income from the pandemic housed. We can't afford to have an avalanche of evictions when the board resumes. For those who may end up before the board, viable solutions—not evictions—should be employed to address pandemic-related arrears. No one should lose their home or be forced into an unaffordable repayment plan because of the economic lockdown.

Crisis prevention is more effective than crisis mitigation. Tenants need to earn living wages with paid sick days. They need effective rent control so they can afford their units, their basic needs, to pay down their rents and build up their savings. Eliminating vacancy decontrol will also remove the incentive for landlords to pursue bad-faith evictions and will stem the widespread loss of affordable housing units.

The pandemic has starkly shown us that poverty is a public health issue. We are only as strong as the weakest members of our community. It also gives us a glimpse of what a more just and viable Ontario looks like when the governments govern with the people's best interests in mind. This should not end now. This is the time to work together to create a healthier, equitable and more resilient Ontario. And that starts by addressing the root causes of our housing crisis. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Our third presenter for this morning has had to cancel, unfortunately, so we will now have three rounds of questioning. This round of questions, we will start with the

official opposition. We have six minutes. We will follow with the government, and the independent Liberal member will have one round of three minutes. MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my first question to the Advocacy Centre for Tenants Ontario. Thank you for being with us here today. I'm wondering if you can comment on how the changes in Bill 184 will compound with the recent 30% cut in funding to legal aid and community legal clinics' ability to support tenants in advocating for their rights at the Landlord and Tenant Board.

**Ms. Dania Majid:** The cuts to legal aid clinics have been devastating. We are still trying to manage the workloads, adjust with much fewer staff, with much fewer resources. The concern is that if we are not given notice about when the moratorium is going to be lifted, we are not going to be prepared to deal with the influx of tenant eviction applications that our low-income tenants are going to face. Our tenants have complex needs. Their cases take longer to work through, and with fewer resources it's going to be much more difficult to provide those services. So it is a big concern, and we hope that the eviction moratorium will be extended to give us at least some time to be able to be prepared to address the influx of eviction applications when they do come.

0920

**Ms. Suze Morrison:** Thank you so much. In your opinion, currently in Ontario, who would you say holds the majority or the balance of power at the Landlord and Tenant Board? Would you say that that majority of power is held by landlords or tenants?

**Ms. Dania Majid:** This really comes down to the access-to-justice needs of vulnerable tenants. Because most tenants are going in unrepresented, many of them do not know their rights and responsibilities. They are very vulnerable; they are very desperate. The power imbalance is in favour of the landlords who are usually there at the board with legal representation and the resources to mount a claim against a tenant who, in many cases, is not aware of the situation, in many cases have mental health issues, language barriers, and they are not able to properly navigate the system.

**Ms. Suze Morrison:** Do you think that Bill 184 further shifts that balance of power towards landlords or to tenants?

**Ms. Dania Majid:** No, it would definitely shift it more towards landlords because, as we mentioned around the dispute resolution processes, for many that description is quite vague. If we have tenants and landlords making agreements on the side without any type of oversight, there could be terms that tenants are unable to meet and that could lead to an eviction without the tenants even getting notices of hearing that eviction proceedings have started against them.

If they are evicted without a notice of hearing, the tenant has to then, within a very short period of time, find their way to a legal clinic and hopefully get advice to get a motion to set aside. But most tenants think they're evicted from the stage of the notice of hearing, and many

of them don't even know that they have the right to challenge notices filed against them. Once an eviction order is issued, many won't even seek the advice from a legal clinic or legal support to file a motion to set aside an eviction that they never were able to participate in.

**Ms. Suze Morrison:** Thank you. And do you think that particularly vulnerable tenants who may be experiencing language barriers or who are under duress, maybe because they or a family member is sick or because someone in the house or the tenant has a disability—do you think that those tenants particularly will be most disadvantaged by these measures because they may not be aware of the rights that they're signing away when they enter into repayment agreements?

**Ms. Dania Majid:** Yes, that is our concern. This is why we need the resources to boost up the services of legal clinics so we can be there with those tenants, but most tenants, when they get a notice from a landlord or even an email from a landlord, they think they're out. Once they get to the Landlord and Tenant Board, many of them will just sign whatever is put in front of them or agree to anything that the landlord says to them in the hallways as an attempt to save the tenancy. Even if they can't afford that repayment plan, they'll try to commit to it, hoping that they can somehow come up with the money.

The reality is, many of them don't even know that they can provide a counter-offer or raise defences or that there are provisions within the RTA that they might be able to rely on, which is why the section 82 piece is an important one. Many tenants going there on arrears don't know until they speak to tenant duty counsel that they have the ability to raise the repair issues that they're suffering but also the harassment and any other abuses that they might be exposed to by the landlord, and it's only until they get that legal advice from a tenant duty counsel do they know, "Hey, this is something I can pursue."

As I mentioned in my earlier stats, a significant portion of the tenant population is made up of those vulnerable communities.

**Ms. Suze Morrison:** Thank you so much, Chair. How much time do I have left in my—

**The Chair (Ms. Natalia Kusendova):** Twenty seconds.

**Ms. Suze Morrison:** Twenty seconds. Again, thank you both presenters. I'll have more questions in the next round.

**Ms. Dania Majid:** Okay

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will now go to the government side. MPP McDonell.

**Mr. Jim McDonell:** I want to thank the presenters for coming in today.

The purpose of this bill is to make renting easier and fairer for both tenants and landlords. Our proposed changes to the Ontario landlord rules will make it easier for landlords while enhancing the protections for tenants to make life more affordable.

We've heard from tenants who have been unfairly evicted from their homes, and that's why we're increasing

finer, raising compensation and tightening the rules to encourage everybody to follow the rules of the law.

I'm just wondering, under the proposed changes, when a tenant enters into a repayment agreement before the hearing at the Landlord and Tenant Board—I'm sorry, this question is for—Ms. Burnett, is it? The first presenter?

**The Chair (Ms. Natalia Kusendova):** No, the first presenter was Caryma.

**Mr. Jim McDonell:** Caryma? Okay. I'll just continue on—the landlords would be able to get an eviction order without a hearing if the tenant breaches the agreement, if they have a pre-agreement in place. If tenants have any concerns with the eviction order, they can ask the Landlord and Tenant Board to set aside the eviction order and request a hearing.

I hear through a lot of the proceedings just how old some of the homes were. I know in my riding, in Cornwall, there is some very old stock, so I think that the city and most tenants would appreciate the renovations of some of this old housing. Any comments on where you think we should go? These are mainly homes with under five units, so it would allow the tenant at least some compensation if they're unfairly evicted.

**Ms. Caryma Sa'd:** I think that the expansion of compensation to tenants who live in a complex with fewer than five units is a good thing.

As to the point about fines and the deterring effect for landlords, I would say that my concern is these fines will address problems after the fact, assuming that a tenant has the means and wherewithal to launch a case against the landlord. The onus on tenants in this circumstance is quite high.

In my experience, these types of bad faith applications are very, very difficult, so increasing the potential liability when, already today, very rarely do we reach that threshold anyway, I don't think is a very meaningful change. I think it's fine, but it's not going to address the root of the problem, which my colleague properly identified as vacancy decontrol. Long-standing tenants, who have lived in a unit and are paying rent below the market rate—that landlord has a strong incentive to get them out and to re-rent. And once a unit is re-rented, the tenant has no more right of return. They may still be eligible for compensation, but that doesn't change the fact that they are without a home.

If the vacancy decontrol aspect is addressed—and that is a root issue—I think that that will have a more long-lasting impact, and it properly recognizes that housing is not an ordinary commodity.

**Mr. Jim McDonell:** Just to reiterate, I know that I've seen quite a few articles in the local paper about the condition of some of the stock, so the city is actively trying to encourage landlords to renovate and is looking at putting some penalties in place for those that don't. Some of these homes, if you were to drive through the area, I think you'd actually agree that they should be renovated.

We've heard concerns from landlords that, with an aging rental stock, the government should not further restrict landlords from renovating or repairing their units,

which sometimes requires the unit to be vacant during these repairs. How does the government balance the needs of landlords acting in good faith to safely proceed with repairs and renovations while providing protections for the tenants?

**Ms. Caryma Sa'd:** I think that everyone has an interest in homes being livable and in good condition. Insofar as there are competing needs between landlords and tenants on that front, at the end of the day, everyone benefits if the condition of rental housing stock is improved.

**0930**

Having said that, I think that a lot of times, whether vacant possession is required—there are ways to repair and address that don't actually require a tenant to vacate, and those options should be pushed and looked at. Where it's absolutely unavoidable, the tenant maintains a right of return, but as I said, there's a fairly high onus to establish bad faith evictions. Oversight is going to be, perhaps, a component of that.

**Mr. Jim McDonell:** Well, the goal of the landlord and tenant—I guess my time is up, is it? Okay.

**The Chair (Ms. Natalia Kusendova):** Your time is up.

**Mr. Jim McDonell:** Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you. Back to the official opposition.

**Ms. Suze Morrison:** Peter, did you want to go first or do you want me to take this one?

**Mr. Peter Tabuns:** Why don't you go first, Suze?

**Ms. Suze Morrison:** Okay. Thank you so much. I'll direct my questions back to ACTO again.

There's another section of the bill that I'm concerned about that you didn't mention in your remarks, and that is around illegal rent increases becoming permanent if a tenant pays them for more than 12 months. Would you like to make some comments on that section and any concerns that you have with it?

ACTO is on mute, it looks like.

**Ms. Dania Majid:** Yes, I can't—

**Ms. Suze Morrison:** Oh, there we go.

**Ms. Dania Majid:** Thanks. Yes, that is a troubling provision. Landlords have the responsibility to serve proper notices for rent increases, and we do not see the rationale why we should provide any leeway on that. The law says you've got to give notice of rent increases 90 days in advance and the amount should be calculated correctly. We just do not support any divergence from that.

**Ms. Suze Morrison:** Excellent. My understanding—and maybe as a lawyer, you can correct me if I'm wrong—is that in any other area of law, a standard of limitations for recourse legally would be two years. So in this case, a tenant trying to retroactively seek redress for illegal rent increases would only be given one year, as opposed to two years in any other area of law. Is that correct?

**Ms. Dania Majid:** Under the RTA, most of the limitation periods are restricted to 12 months.

**Ms. Suze Morrison:** Okay. Thank you so much. Going back to the rent control piece, I know you spoke earlier around one month's rent compensation for bad faith evictions not being a strong enough deterrent. Would you

say that removing vacancy decontrol would be a way to properly ensure that tenants are not evicted in bad faith?

**Ms. Dania Majid:** Yes. Vacancy decontrol is the driver for the bad faith evictions, and not only just bad faith evictions, but it's a driver for many of the housing ills that I did speak about earlier, including the depletion of our affordable housing stock. But yes, vacancy decontrol is that driver. If we are serious about dealing with no-fault evictions given in bad faith, we need to start with vacancy decontrol.

**Ms. Suze Morrison:** Thank you so much. Further to that, do you think that the measures last year by the current Conservative government to remove even the limited rent control protections that we have for tenants in Ontario from new builds will make things worse?

**Ms. Dania Majid:** Yes. It doesn't help the situation, obviously. What we saw in the media not too long ago were tenants who had moved into units that came on to the market after November 2018 and the same problem happened as before: They were given rent increases that were well beyond what is provided for in the guidelines and were facing economic evictions because of that.

It is counterintuitive that the government has committed itself, the province, to investing in affordable housing, to creating affordable housing, yet all that new affordable housing that comes on to the market won't be covered by rent controls, so they won't stay affordable for very long, and anyone in those units can be economically evicted by the landlord because there is no control on how much the rent increase can be charged for those units. Again, it would be another fast track to eviction for landlords to use if they want to get rid of a tenant they do not like or if the rents in the neighbourhoods increase drastically compared to what that unit was.

**Ms. Suze Morrison:** And are you concerned that in those cases, it may be a loophole against tenants' ability to have their human rights protected? So in cases where a landlord may not like that a tenant is a single mom or is racialized or is living with a disability, they could then turn around and raise the rent 50% overnight. Is that a concern in terms of being able to protect tenants' human rights?

**Ms. Dania Majid:** Yes, that is definitely a possibility, that a landlord, really for any reason, could just raise the rent by any amount. And it will disproportionately affect those communities, because those communities make up a vast proportion of the tenant population. So yes, a landlord could use economic evictions to serve any purpose they want vis-à-vis the tenant. It was a concern before the rent controls were brought back in a limited fashion, but when they were extended post-1991, that was part of the concern. We're going to see those cases come up again now as newer units start coming onto the market.

**Ms. Suze Morrison:** Thank you so much. I'd like to direct my next set of questions to Caryma.

**The Chair (Ms. Natalia Kusendova):** Thirty seconds.

**Ms. Suze Morrison:** Oh, 30 seconds. I'm just wondering if you can quickly say whether the ex parte evictions will disproportionately disadvantage vulnerable people in our communities.

**Ms. Caryma Sa'd:** I do think that's a fair statement, and the reason I would say that, just picking up on what my colleague said earlier, is that many tenants, when they receive the initial notice itself, aren't aware of what their rights are; and so an ex parte eviction, where the next step is an eviction order and then a letter from the sheriff, will, I think, create a sense of impending—sort of there's no hope. So I agree that vulnerable tenants are the most likely to be affected.

**Ms. Suze Morrison:** Thank you so much.

**The Chair (Ms. Natalia Kusendova):** Thank you. We will go back to the government. MPP Gill.

**Mr. Parm Gill:** I also want to take this opportunity to thank our witnesses for appearing before the committee. I'm going to go to Dania Majid.

We've heard concerns from landlords that with the aging rental stock, the government should not further restrict landlords from renovating or repairing their units, which sometimes requires the units to be vacant. How does the government balance the need for landlords acting in good faith to safely proceed with repairs and renovations while still providing protections for the tenants?

**Ms. Dania Majid:** Right. The RTA provides that kind of guidance for landlords in terms of the renovations. If they're done in good faith, there should be building permits that are associated with it. That information should come to the tenants.

The tenant should have an idea of the length of time that the renovations are going to take, and they should have the opportunity to return to that unit at the same rent when the renovations are completed. The unfortunate thing is, when landlords decide that they want to use this as an opportunity to get tenants out, we will see them delay and extend the renovation time to try to get the tenants to miss the limitation period on filing back.

For landlords operating in good faith, the system does work, as it's currently designed, to allow them to request the tenant to leave if the renovations are so extensive that they can't be done with the tenant in place. Again, there will be permits, that will be oversight. When you are doing such extensive renovations, that documentation will be provided from different agencies to show that that type of renovation is happening in good faith.

**0940**

**Mr. Parm Gill:** Thank you very much. One of the items proposed in this legislation is also the first right of refusal from one year to two years. I'm wondering if you can comment on that, if that is a good piece of policy that might be helpful.

**Ms. Dania Majid:** Yes. It's definitely helpful, because 12 months is a very short time. What was happening was landlords, knowing that, were delaying and extending evictions to extend them past the 12 months, so the tenant wouldn't have an opportunity to bring a claim of first refusal. Extending to 24 months does provide a little bit more leeway, yes.

**Mr. Parm Gill:** Thank you. The other item: We understand certain vulnerable populations may not be able to provide advance notice, so we proposed to address this by

allowing tenants to provide an explanation that is satisfactory to the board as to why they could not give notice. Without sufficient notice or a satisfactory explanation to the board, they would be able to file a separate application. What else, in addition, could be done to address some of these concerns? Do you have any recommendations?

**Ms. Dania Majid:** Just to clarify, you are talking about section 82, bringing the tenant matters for arrears application, correct?

**Mr. Parm Gill:** Yes.

**Ms. Dania Majid:** Again, this comes down to an access to justice piece. The tenant first has to know that they have this right when they're appearing at the board for an arrears hearing. Right now, there's very little in the forms or the information they're given at the time they get a notice of hearing that says they even have this right. It's only if they're lucky enough to see tenant duty counsel or have a clinic representative with them. They might only find out about that right on the day of the hearing.

Potentially, if that documentation or if that opportunity is explained at the time they get the notice of hearing, that could at least give them some awareness that they even have this right. But again, most tenants will only find out about this on the day of the hearing.

**Mr. Parm Gill:** Thank you. Madam Chair, how much time do we have?

**The Chair (Ms. Natalia Kusendova):** We have one minute.

**Mr. Parm Gill:** Perfect. My next question: In what way do you believe public education plays a role in helping both landlords and tenants follow the rules and know their rights and responsibilities? For example, how can landlords and tenants be better informed of the proper format to provide and receive notice, respectively, of a rent increase, or dispute a rent increase notice that may be considered invalid?

**Ms. Dania Majid:** Well, becoming a landlord, you are a business owner. You have rights and responsibilities. Before you enter into this enterprise, a landlord should be required to know the law and their rights and responsibilities. The problem is, many landlords are thinking about the income and they don't inform themselves in advance. There could be some type of certificate program or online program that a landlord could be required to do before they're able to rent out their first unit to ensure that they have at least a very basic understanding of what those rights and responsibilities are.

For most tenants, some of them will know their rights, but unfortunately, they kind of know them by doing. Again, we have undertaken a lot of public education through the clinic system. Those resources have been reduced, so it is difficult, but—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Back to the official opposition. MPP Burch.

**Mr. Jeff Burch:** I have one question for Scarborough ACORN and then I'm going to hand things over to my colleague Mr. Tabuns.

Caryma, a rent increase that is illegal due to a lack of notification will now become legal if the tenant doesn't file an application to fight the increase. I know you touched on this earlier. I'm concerned about how this is going to affect vulnerable populations. Could you explain that a little further for us?

**Ms. Caryma Sa'd:** Absolutely. Just to clarify, I'm not with ACORN; I'm an independent lawyer. But to answer your question, as it currently stands, if a tenant discovers or realizes that a rent increase was done illegally, it doesn't matter when they find that out. They can take that to the board and seek recourse accordingly. By now imposing a one-year limitation period, I think that the effect will be that landlords can pull a fast one and if their tenant does not realize in time, they will be out of luck. Naturally, that will affect the most vulnerable people.

**Mr. Jeff Burch:** Thank you. Mr. Tabuns?

**The Chair (Ms. Natalia Kusendova):** MPP Tabuns, go ahead.

**Mr. Peter Tabuns:** My question is for Ms. Majid. The scale of the evictions that we may well see when the eviction moratorium is lifted is something I am very apprehensive about, but don't really have much in the way of numbers on. Do you at ACTO have a sense of the scale of the risk that we're running here?

**Ms. Dania Majid:** We haven't fully crunched the numbers just yet, but what we are hearing, as even reported by the landlords' association, is that about 8% of the tenant population has fallen behind on rent during the pandemic. If you multiply that by all the tenants of Ontario, we're talking about tens of thousands of potential arrears applications that could be added to this already backlogged system at the Landlord and Tenant Board. It is a sizable amount of households that will be impacted.

**Mr. Peter Tabuns:** Let me get this straight: We're talking about a potential 8% of tenants in Ontario being at risk of, let's say, a post-COVID eviction when the eviction moratorium lifts? This is astounding to me, to think of the number of households that will be thrown into chaos.

**Ms. Dania Majid:** Yes, these are some of the preliminary numbers that have been reported in the media. I've seen 8%. I have seen 12%, depending on who is reporting the numbers. The latest number that I saw from a member of the landlord organization was—I think, they were reporting about 8%.

**Mr. Peter Tabuns:** Okay. Well, that's sobering.

You had talked earlier about the extension of the eviction moratorium. Can you recommend a process that the province should be putting in place to preclude this sort of catastrophe from happening? I won't prejudge what you would say. Can you give me what your policy recommendations would be, and it may be possible for us to address them with this bill?

**Ms. Dania Majid:** Really, I would say the first step is consultation with stakeholders, because many parties are affected, both landlords and tenants. With the pushing through of the second reading of this bill, we haven't had a time during this COVID period to have these discussions, to think about these policy solutions, to think about

how our communities and our constituents are being impacted. We've just been sort of going and dealing with each issue that's come up.

One thing that could be thought about is looking at what's coming in. What we have been hearing is that landlords have been e-filing their arrears applications during the course of the pandemic, so we know these things are flowing in. We need to look at how do we prioritize what applications proceed when the board starts opening up and how are they dealt with.

**The Chair (Ms. Natalia Kusendova):** One minute.

**Ms. Dania Majid:** Eviction doesn't need to be the solution. There are creative ways that we can address arrears by giving a chance to tenants to have very reasonable payment plans that won't put them further in debt.

We also have to keep in mind that there could be a second wave of the pandemic and we might face a shutdown again, so we do not want to negotiate repayment plans, face a shutdown and have all those be triggered into an ex parte eviction.

**Mr. Peter Tabuns:** Okay. I'm assuming that if landlords are e-filing eviction notices or notifications of commencement of eviction proceedings, there must be tenants who are coming to you, talking about this at this point. Can you tell us how they're approaching it? I'm sure that they're frightened, but do they understand fully the situation they're in and what's going to have to be done to lift that risk?

0950

**Ms. Dania Majid:** Our clinic and many other clinics, as you know, have our Tenant Duty Counsel Program—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are out of time.

Back to the government. MPP Martin.

**Mrs. Robin Martin:** Again, thank you to the witnesses for coming and presenting to us today. My first question is for Ms. Majid at the advocacy centre. I wanted to ask you about community housing, which I don't think we've discussed yet. We're proposing some changes to the community housing system; they're fairly broad in nature and, of course, regulatory details are to follow. We're looking at working on that in consultation with service managers and stakeholders.

With that in mind, do you have any advice for us on the proposed consultation and how best we can conduct that to get the best ideas for community housing?

**Ms. Dania Majid:** Yes. I'm glad that this is being looked at. We need more community housing to fill that really big need and get the waiting lists down, and also to address the repair issues that are plaguing many of these places.

I think that the importance for the consultations is making sure that people with lived experiences, people who live in this housing, are a part of this process, because they will know it better than any one of us, because that is their day-to-day reality. They should really be an integral part of this process. The process should be accessible to them, so they feel comfortable and able to participate.

The clinics are also a really great resource, because we see it from a big-picture view, but we also see it from the grassroots view. We are in those communities, we know what the realities look like, and we've been doing it for a very long time, so we can also see the trends that present themselves; so, making sure that those voices are at the table and making sure everyone at the table is willing to hear these ideas and work with the different stakeholders to incorporate the suggestions.

**Mrs. Robin Martin:** Okay, thank you. In that regard, would you have any comments you've already heard from speaking with people in community housing that you might want to share right now with us about what they would like to see in changes?

**Ms. Dania Majid:** A couple of things that have come up are that we always hear about the disrepair issues—that's a really big one. People are worried about their health and safety in these units. This has been elevated with the pandemic. There's a lot of fear about making sure that community spread doesn't happen in these complexes, but also the ongoing repair issues: elevators, common spaces, amenities and those sorts of things.

We've heard about the waiting lists and how long those waiting lists are. Even where there are opportunities to prioritize the greatest in need, those waits can be long. One of the biggest and probably the most long-standing complaint we've heard is how long those waiting lists are, and the challenges that tenants have to live in housing in the private marketplace until their name comes up in social housing. They're forced into overcrowded conditions, hidden homelessness, couch-surfing, and, again, it takes a toll. It takes a toll on their mental health, it takes a toll on their physical health, it takes a toll on their children's education, and it really is a hindrance for them to get out of poverty when they're living in such precarious housing while waiting for social housing.

**Mrs. Robin Martin:** Okay. Thank you very much for that.

If I have a little more time, Ms. Sa'd, you did note—and I appreciate the fact that you said so—that the goals of the legislation are laudable and that you're in favour of expanding compensation to tenants who live in a building with fewer than five units, and also that extending 12 months provides more leeway. I was just wondering if there are other things in the legislation that you would be supportive of, including doubling the maximum fines for offences under the Residential Tenancies Act to discourage unlawful evictions. Is that something you support? Yes? Can you please say "yes"? I think the record needs to hear you.

**Ms. Caryma Sa'd:** I do support that, with the caveat that that's not, I don't think, sufficient. So it's a good step but not sufficient.

**Mrs. Robin Martin:** That's fair enough. And I was going to ask you about a couple of the other changes. We want to ensure that the Landlord and Tenant Board is aware, if a landlord has previously evicted a tenant for their own use or for renovations. I take it you think that's also a good provision?

**Ms. Caryma Sa'd:** I think that's an excellent provision. As it currently stands, even if a tenant can show that the same landlord has previously used an N12, that's not determinative and sometimes isn't even considered relevant. So I do think that kind of affidavit will be helpful.

It may also be worthwhile to include requirements regarding the transfer of the property itself, because one way I foresee landlords getting around this affidavit is, if there is a transfer of property, and what they need to disclose won't reveal anything. So I do think that that's a good step.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are out of time.

**Mrs. Robin Martin:** Thank you.

**The Chair (Ms. Natalia Kusendova):** We will now move on to three minutes by our independent Liberal member, MPP Blais.

**Mr. Stephen Blais:** Thank you both for your presentations this morning.

Caryma, I guess I'll ask you first. Much of what you've described as challenges both with the current system and with many of the proposed changes has to do with, or at least it seems to me, how things are communicated and the understanding or the lack thereof on the tenant's part but also sometimes on the landlord's part. Are there two or three things that could be changed in this legislation or added to this legislation that would help everyone understand their responsibilities and their rights vis-à-vis the process of eviction or other processes?

**Ms. Caryma Sa'd:** I don't know that there's any panacea or silver bullet to increase education. I think that that's more of an organic and long-term process. What my colleague mentioned as far as requirements to become a landlord—currently, there are none. I don't know that it's realistic to incorporate that into Bill 184, but that should be something on the radar.

**Mr. Stephen Blais:** Thanks. And Dania, if you had any thoughts on that, as well.

**Ms. Dania Majid:** I agree with my colleague, with her answer, and I don't really have anything additional to add to that.

**Mr. Stephen Blais:** Caryma, you had mentioned provisions—I think you had said subsection 48(5) and that that should be added to another section or removed. Could you expand on that point a little bit more?

**Ms. Caryma Sa'd:** Sure. Thank you.

Subsection 48(5) affects landlords who would like to take personal possession, and it restricts landlords who are corporations from doing so. Previously, the board could have looked beyond, into the true substance of the transaction. If a corporation was, for example, closely held by siblings and they wanted to move their parent in, that could be allowed depending on the circumstances, and that's no longer the case. However, I recently had a scenario where a landlord purchasing a building was a corporation, and they were, in fact, able to secure an eviction order despite them being a corporation. Mind you, it was closely held, but there is still an incongruity there, where a purchaser has that ability. I think that it was

perhaps an oversight in drafting, and so that section should apply in both circumstances, whether it's personal use or purchaser's own use.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are out of time.

At this time, I just wanted to remind everyone that the deadline to send in a written submission will be 6 p.m. on June 26.

I would like to thank all of our presenters this morning. This committee will now recess until 1 p.m. this afternoon. Thank you very much.

*The committee recessed from 1000 to 1301.*

**The Chair (Ms. Natalia Kusendova):** Welcome back to the Standing Committee on Social Policy.

I'd like to welcome all of our members back. In the room, we have MPP McDonnell, MPP Martin, myself, as well as MPP Burch. Joining us online, we have MPP Karahalios and MPP Hogarth at this time.

WESTON ACORN

MS. AYA HIGUCHI

DOWNTOWN LEGAL SERVICES,  
UNIVERSITY OF TORONTO  
FACULTY OF LAW

**The Chair (Ms. Natalia Kusendova):** I'd like to welcome our next set of presenters, as we resume our public hearings on Bill 184, An Act to amend the Building Code Act, 1992, the Housing Services Act, 2011 and the Residential Tenancies Act, 2006 and to enact the Ontario Mortgage and Housing Corporation Repeal Act, 2020.

Online, we have with us Marcia Stone, who is the co-chair of Weston ACORN. Welcome. Thank you for joining us. You may begin your presentation. You have seven minutes. You may begin by stating your name for the record.

**Ms. Marcia Stone:** My name is Marcia Stone and I am co-chair of Weston ACORN. ACORN is the Association of Community Organizations for Reform Now. We are a membership of 130,000 low- and moderate-income members across Canada. We are a tenant and community union fighting for affordable housing, living wages, good jobs, healthy homes, Internet for all, and fighting against predatory lenders. We began organizing in the Weston neighbourhood 16 years ago and have grown to over 40,000 members across the city of Toronto.

I'm here to talk about Bill 184. We call it the "speeding-up eviction bill," because that is what it will do. It will make it easier for landlords to evict tenants.

Just to remind everyone, we are in the middle of a pandemic. Hundreds of thousands have lost their jobs. So many tenants cannot pay their rent. The Premier has told people that if they can't afford food, then don't worry about the rent. But now the government is trying to make it easier to evict tenants who are unable to pay their rent. This is going to make things much worse. It's going to create a homelessness problem in the city and in the province, and the problem is already really bad.

ACORN recently did a survey of renters to find out how they're dealing with COVID. This was back in April, and as you can imagine, it's only gotten worse: 70% of responders have been impacted financially, yet only 42% of people qualify for government benefits such as CERB or EI. Almost 35% didn't have enough money to pay the rent on May 1. Some 15% of the respondents have been threatened with eviction if rent is not paid.

I'm here to speak on behalf of ACORN members in Weston. We have major problems with this bill. Most importantly, this bill would take away the rights of tenants, rights that tenants have fought so hard for over so many years. We have a right to housing. We need housing. We work so hard to pay our rent, and this bill is going to make it much easier for landlords to take that away by evicting us. The Landlord and Tenant Board is one of the few tools tenants have. We already think of the Landlord and Tenant Board as basically a rubber stamp for landlords to get away with rent increases, evictions and other abuses, but at least it was an option.

Secondly, it takes away a tenant's right to easily defend themselves at the eviction hearings. Tenants facing evictions wouldn't be able to raise new issues such as disrepair at the hearing unless they formally applied to introduce that matter in advance. So many of our members are living in disrepair and not getting a healthy home, but paying their rent on time every month. They don't even know that they have rights, or they're afraid to complain because they're scared of the landlord. This will be especially difficult for marginalized tenants, such as those for whom English is not their first language, those with disabilities and those with low literacy levels, among others. It's already hard enough for tenants to access the LTB. We're working so many jobs just to make rent. Anything that makes it harder for us to defend ourselves, we are against. That's what Bill 184 is: a bill that makes it harder for tenants to defend themselves, and easier for landlords to make more money.

A few other key points I'd like to speak about: an illegal rent increase will now become legal if the tenant doesn't file an application to fight the increase within one year. There are so many tenants in Weston getting these rent increases trying to fight them and still losing, resulting in them paying unaffordable rents. Landlords are exploiting tenants' lack of knowledge and their trust in the system. This will make it worse.

Currently, landlords with suite-metered units must give prospective tenants information about electricity consumption. Bill 184 removes that requirement. With everyone working from home and with temperatures getting higher and higher, requiring AC—especially for people with health issues—energy costs are going to skyrocket. We already can't afford rent. This bill will make rent more unaffordable through costing tenants more on utilities. It transforms the LTB into a debt collection forum by allowing landlords to pursue tenants for rent and utility arrears through the LTB instead of small claims court, as is currently the case.

Long story short, this is a bad bill. It's for landlords, not tenants. The government is saying Ontario is open for

business. It seems like it's only open for those making above a certain income level. People who make under \$30,000 a year or even those making \$50,000 a year—this province isn't open for us. The government says it's for the people, but this bill is for the landlords, and it's going to allow landlords to build even bigger commercial empires on the backs of tenants.

I have family in Toronto, and I worry about them. I worry about other ACORN members who are working two and three jobs just to make a living. On behalf of ACORN members across Canada, stop Bill 184, and I ask that when you go home to your affordable home, please think of all of us whom you represent in Ontario who do not have access to safe and healthy homes nor affordable housing and the impact Bill 184 will have on us. With that, I thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much for your presentation.

Next, we have with us Aya Higuchi, who is having some technical difficulties so we will only hear by audio. Welcome. Thank you for joining us. You may begin by stating your name for the record.

**Ms. Aya Higuchi:** Hi. Hello, everyone. My name is Aya Higuchi. I'm a low-income worker living in the city of Toronto. I want to tell you today how I was evicted from my licensed rooming house last year and how I think the law could be changed to provide protection to vulnerable tenants.

In 2017, I moved into 28 Langley Avenue in the Riverdale neighbourhood of Toronto. It was a large, front-facing room in an old building. The building had perhaps started as apartments, but many years ago it had been converted into 24 rooming-house rooms. When I moved in, I found that many of the tenants had been there for decades and were able to live there because of rent control. We each had a kitchenette in our room and shared washrooms down the hall.

**1310**

In the summer of 2018, all the tenants received an N13 notice from a new landlord who had bought the building. It said that we had to move out by October 31, 2018. The notice stated, "I intend to demolish the rental unit or the residential complex." All 24 tenants received this notice. The notice described the work being planned as follows:

- (1) Demolish and remove all the existing kitchenettes in individual bedrooms.
- (2) Addition of over 18 washrooms.
- (3) Kitchen to be added in the basement.

This was essentially the only information that we had about the landlord's plans. As tenants, we did not understand what our rights were, so we met with a lawyer. Our lawyer told us that if the landlord could show that our units were to be demolished, they could evict us. However, the lawyer said that there was no definition as to what amounted to a demolition. Without more information about what was being proposed, the work may or may not amount to a demolition. The lawyer also explained that the landlord could apply for an eviction order based on this notice and, if granted, we could be evicted as early as October 31, the date in the notice.

The tenants asked the landlord for specifics of the renovation work, but none were provided. Many tenants, not knowing if they had a case to dispute the notice, gave up and left. About half of us stayed to take our chances. However, it was a terrible situation to be in, not knowing if you could be evicted at the next Landlord and Tenant Board hearing. The first hearing took place in January 2019, and because of a technicality, the landlord's application was dismissed. But this was a short victory. The next week, we received another N13. Still, the landlord did not provide us with the building permit plans, so we did not know whether we could challenge the eviction.

Our next hearing took place in June 2019. About two weeks before the hearing, the landlord disclosed building permit plans. The plans showed that 20 of our rooms would continue to exist at the end of the renovations, while four of the rooms were to be reconfigured into two units. My room was one of the lucky ones that would not be reconfigured, except to lose its kitchen and have a bathroom added. The whole matter, however, went to a lengthy hearing at LTB.

In the end, we were able to convince the board that this was not a demolition but a renovation. The decision of the board came out on August 1, 2019. However, the board members said that even though we had won our case and the landlord could not evict us with a demolition notice, the members would allow the notice to be retroactively amended so as to evict us as a renovation. The good news was that we were allowed first right of refusal to return to the unit when the renovation is finished. The bad news was that the board members said that even though we won our case, we had already had plenty of time to find another place, and ordered us out by August 31, three weeks after the eviction order was issued.

I complied with the order and left the unit. It is now nine months later, and out of the blue, on June 9, I have received a registered letter from the landlord, saying that I have to pay and move back into the unit on July 1 or they would rent it to another person. This was only three weeks' notice. I need at least 60 days and till the end of the month to give my current landlord adequate notice.

I think my story tells you how poorly tenants are protected by the Residential Tenancies Act as it is now written.

(1) A landlord can issue an N13 notice without anything more than a rough description of the work to be done. I propose that the law can be changed to require the landlord to provide the building permit plans with any N13 eviction notice.

(2) There needs to be clarity about what a demolition is so we can judge for ourselves whether the work is a demolition or a renovation. This needs to be clearly defined in the law.

(3) In case of renovations, there needs to be a timeline by which the landlord must complete the work so they don't drag it out in the hopes that tenants will not come back.

(4) In case of renovations, the landlord should be required to give the tenant a minimum of 60 days' notice,

and it must be the last day of the month before they have to return, so they can give a little bit of notice to their interim landlord.

As you can see, my life was turned upside down for the past couple of years because the protections for tenants are so poor in these situations. I was one of the few willing to stick it out, and I was lucky to win. Most are not, and Toronto lost affordable housing for 20 long-term tenants to a landlord's greed.

Thank you for listening, and I hope you can do something to help tenants like me in the future.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

We will now be moving on to Benjamin Ries, who is a staff lawyer, as well as Greta Hoaken, a law student from Downtown Legal Services, University of Toronto Faculty of Law. You have seven minutes for your presentation. You may begin by stating your name for the record.

**Mr. Benjamin Ries:** Thank you and good afternoon, committee members. My name is Benjamin Ries and I am the housing lawyer at Downtown Legal Services.

DLS is a student legal clinic hosted by the University of Toronto faculty of law, with a nearly 50-year history of assisting low-income families in Toronto as well as U of T students. Our law students provide free advice and representation for a variety of matters, including criminal, family, employment, housing, refugee and immigration law. I supervise our housing law work, and my students regularly appear before the Landlord and Tenant Board, the Human Rights Tribunal and Small Claims Court. Before coming to DLS, I practised rental housing law in four other Ontario community legal aid clinics; worked as tenant duty counsel before the Landlord and Tenant Board; completed a master of laws thesis on the Residential Tenancies Act; and articulated at the Ministry of Municipal Affairs and Housing.

I believe that the proposed amendments specifically to section 206 of the RTA will ultimately slow down the Landlord and Tenant Board and make it less efficient. That's because without legal advice or a mediator, tenants can be pressured to enter repayment plans that are either unrealistic or that they don't fully understand. Currently, that could just land them at the LTB, where either a mediator or a board member makes sure that the tenant understands their responsibilities and their rights, including their right to a fair hearing. This amendment would let them sign away their right to a hearing before they even learn what the LTB is, leading to needless evictions, and then motions to set aside those evictions, delayed LTB hearings of those motions, and then more appeals to Divisional Court, in which we'll all waste time, really, asking, "Did the tenant understand what they were signing? Were they pressured by someone on their doorstep late at night to sign this agreement?" Instead, we should be using that time to ask, "How much can the tenant afford to repay each month and stay in their home?"

Also, the whole time, we in the tenant advocates community are going to be forced to advise tenants not to sign any document that their landlord hands them, and that

will reduce the number of situations where a tenant and landlord can actually work things out themselves. We read the debates, and we saw that the minister wants to make the board more efficient while preserving every tenant's right to a hearing before being evicted, but the proposed amendments to section 206 do the opposite of that.

The proposed amendments to section 194 of the RTA also do the opposite of that by creating a mystery process just titled, "other dispute resolution process." The government already has the power in regulation to define mediation to include nearly any process where a neutral third party helps the landlord and tenant settle their dispute. It seems the government wants to do something other than mediation, but they won't tell you or us what that is.

In my 10 years practising before this board, I think the thing that might promote early resolution the most is to look into landlord paralegal practices of billing per appearance, and why some of those landlord reps won't discuss settlement with me two weeks before the hearing, but suddenly want to mediate on the day of, on-site at the board. Scheduled hearing time gets needlessly wasted just so those paralegals can collect their full fee.

Little things can help too, like WiFi at board locations so the parties can type up settlement agreements and email them to mediators more quickly. Give the mediators laptops so they can work on those terms live as the parties negotiate back and forth. Mediators are great at conflict resolution, but sometimes, we can sit around for half an hour or more while they go back into their cubicle and type up the five clauses that we just agreed to. They could be moving on to other people who are waiting for mediation.

In other words, I think that this Legislature, if anything, should give mediators what they need to do their job better and for more people, instead of inviting landlords to bypass mediation with complex forms and mystery processes.

Thank you. The balance of our presentation will be delivered by Greta Hoaken, one of the law students I supervise.

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**The Chair (Ms. Natalia Kusendova):** Greta, please unmute your microphone. Thank you.

**Ms. Greta Hoaken:** Thank you and good afternoon. My name is Greta Hoaken, and I'm speaking on this bill today both as a caseworker at Downtown Legal Services and as a law student in Ontario. At law school, we learn the basic principles that should guide our legal processes. My professors have spoken at length about the importance of two concepts in particular: accessibility and fairness.

Bill 184 convolutes and obscures an already complex process and will likely result in a system that is neither accessible nor fair. By expanding access to eviction orders without a hearing, the proposed RTA amendments in this bill will make the justice system less accessible for ordinary Ontarians.

The government has stated that one of the objectives of the bill is to streamline dispute resolution and conserve resources by limiting the need for board involvement, but

by basing board involvement on something that a tenant might sign without legal advice or an explanation of their options, the board will miss important chances to consider how a tenant's health, family status, job loss or risk of homelessness might require something other than kicking them out of their home within 11 days.

I've been working at DLS for just over a month, and I can already see how life-altering the loss of one's home can be and how important eviction hearings are. My supervising lawyer tells me that the board normally allocates 10 minutes for each arrears eviction application hearing. People deserve at least 10 minutes of hearing time before they potentially lose their homes. They should not have to start by receiving an eviction order, then scrambling to fill out and submit the right form within 10 days to be able to ask for a hearing to explain themselves. Given the confusion and the hardship this new process will cause, I fail to see how this bill promotes access to justice or efficiency.

Under the proposed amendment to RTA section 206, a landlord and tenant could sign a repayment agreement on a piece of paper if the tenant has fallen behind on their rent. The landlord could then submit this signed document to the LTB, which can then turn into a formal board order without the tenant's knowledge or their consent. Under the current legislation, a tenant's breach of this agreement leads to an eviction hearing, but the board can consider all the circumstances and decide what to do. This proposed amendment would just skip the hearing and go straight into an eviction order, even if the tenant was unaware of this procedure when they signed the repayment agreement and accidentally gave up their right to a hearing. One does not need a law degree to understand how such a process will be at odds with a basic understanding of fairness.

A core idea that we learn in our first year of law school is that we deserve to know what the law expects of us and what might happen to us if we do not meet that standard. These amendments create a situation where tenants can face disastrous consequences without being made aware of them, simply because they tried to co-operate with their landlord. Ontarians deserve to have a system that they can reasonably understand and navigate, one that does not allow them to accidentally sign away their fundamental rights. If we want to have a legal system that Ontarians will respect and that will respect Ontarians in turn, the proposed amendments to sections 194 and 206 cannot become law.

Thank you for your time.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will now begin our three rounds of questions. This time we will begin with the government side, and you have six minutes. MPP Hogarth, go ahead.

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Please unmute your microphone.

**Ms. Christine Hogarth:** Hi. Thank you very much. Thanks to everyone who came today virtually to share your experiences. That's what these committee hearings are all about: It's hearing from people. We have lawyers,

we have tenants, so I thank you very much for being here and taking part in this discussion today.

Our first speaker, Ms. Stone, talked about COVID. I just wanted to assure her that this bill is not about the COVID issue. What we're looking at with COVID is something that we're actively looking at separately, outside of this bill, so that's not part of Bill 184. That's something that the government is continuously looking at, as we have been making announcements ever since March came upon us and we've gone through these challenging times. I don't want you to think that anything that's going on with COVID precludes some of the information from this important piece of legislation.

Really, when we're looking at this legislation, what we really need is to make renting easier and fairer, both for tenants and for landlords. We need more rental supply, and the more rental supply, then prices go down. It's supply and demand, and so some of these proposed changes to Ontario's rental rules will make it easier to be a landlord, but they will also enhance protection for tenants, which is really important, because we need to make life affordable, as we've heard from all four of you. But that's something that we just know: that life needs to be a little bit more affordable for people, especially when we look at rents.

Now, we've heard from tenants who have been unfairly evicted from their homes, and that's why we are increasing fines. This legislation looks at increasing fines and raising compensation and tightening the rules to encourage everyone to follow the law. We want to make sure that it's a balance for both the landlord and the tenant. As I mentioned earlier, we need more landlords so we can have more supply to bring the cost of our rents down, but we have to make sure it's fair for our tenants.

I just want to share a little bit about the bill. It's going to be providing stronger protection for our tenants by requiring landlords of small buildings to give tenants one month's rent in compensation for evictions for renovations or repair—I know our second speaker spoke about some of the renovations in her place—or even when they evict a tenant on behalf of a homebuyer who wants to use that unit themselves. That's part of this legislation—also, increasing maximum fines for offences under the Residential Tenancies Act, 2006.

It also requires landlords to disclose to the Landlord and Tenant Board if they have previously filed for an eviction so they can move in to renovate the unit, to help identify repeat behaviour. We want to make sure that if there's bad behaviour on these landlords' part, that it's caught. Those are some pieces that are in this bill.

Ms. Stone, I have question for you first. Under the proposed changes, when a tenant enters into a repayment agreement before their hearing at the Landlord and Tenant Board, landlords would be able to get an eviction order without a hearing if the tenant breaches the agreement. If the tenants have any concerns with the eviction order, they can ask the Landlord and Tenant Board to set aside the eviction order and request a hearing. In addition to resources already available on the LTB's website, how might we ensure tenants are more aware of this process so they can use it to set aside an eviction order?

**Ms. Marcia Stone:** Most of the tenants have issues just trying to get the landlords to do regular repairs in their place, or whatever they need to get done, and they're just fed up. They're fed up because all they see is landlords getting a break every which way we turn. So how do you inform the tenants about their rights? There has to be communication with the tenants. There has to be tenant engagement. And I think that having appropriate information—again, there are language barriers for some people, but we have to have somewhere that they can go to know their rights and teach them their rights. Somebody has to help people understand their rights. I think once they understand their rights, that will help them to understand what's going on in their individual situation.

**Ms. Christine Hogarth:** So some more education would be appropriate in this instance.

**Ms. Marcia Stone:** Yes, but not just paper education; I'm talking face-to-face education. At our meetings, we try to give the tenants—the people who come to our meetings with issues and concerns, we try to help them with their rights the best way that we know how. But that has to be maybe a thing where tenants, housing landlords, the LTB and tenants' associations can get together and have that discussion and help the tenants. They feel at a loss right now. It's sad. It's sad, and now that they're even worse during COVID—and that's why we mentioned COVID. Stuff was going on with landlords long before COVID, and tenants have been struggling to get some kind of result—so education, by all means, but not just documents. I mean face to face, talking to the people that you people represent. That's my thought.

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**Ms. Christine Hogarth:** So at the Landlord and Tenant Board, if—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Thank you.

**Ms. Christine Hogarth:** Oh, is that it?

**The Chair (Ms. Natalia Kusendova):** I'm so sorry. We're out of time. MPP Burch.

**Mr. Jeff Burch:** I have a few questions for Greta. Welcome. Thank you for being here remotely. You spoke a lot with respect to accessibility, and I think that's an important thing we have to look at in this bill. One of the things the bill does is limit the tenant's ability to defend themselves at an eviction hearing for rent arrears by removing the ability to raise new issues without prior notice. I wonder if you could talk a little bit more with respect to your casework and things that you've seen when it comes to vulnerable clients and what kind of impact this has on them.

**Ms. Greta Hoaken:** Sure. I think that was mentioned as well within the presentations, the importance of being able to raise holistically a number of issues. I defer this question to Ben because he has a more varied experience at the LTB.

**Mr. Benjamin Ries:** Yes, thank you, Greta. Certainly, and I think you've already heard this from earlier presentations this morning, but my experience on-site at the Landlord and Tenant Board is that a lot of tenants don't

know their rights until they first come into contact with the board process, with a legal clinic with tenant duty counsel, and so adding these additional requirements for advanced notice by the tenant before the hearing won't really address tenants who don't understand the process in advance.

I think that relates somewhat to a comment that MPP Hogarth said, which is, don't we need more education for everyone? I'd agree that public legal education is important; it's something that our clinic and many other clinics engage in. But I'd just say, I don't need to really understand agricultural regulation to shop at the grocery store. It's not my job to hold them accountable. I can trust that there is a regulator doing that for me, and I think that one of the problems with the way government approaches landlord and tenant issues is it imposes such a burden on tenants to basically be the cops who watch their landlords, when really that's not how you would regulate any other area of industry. You would take large landlords and you would say, maybe they should just be made to comply with the law, rather than their individual customers having to constantly learn about all of the regulations and hold their feet to the fire, fill out the right forms etc. So I think there's a limit to this idea of education, because what we're really talking about is making it harder to be a tenant and shirking our responsibilities as regulators.

**Mr. Jeff Burch:** So in the same vein, the bill allows for an eviction without a hearing if the tenant fails to make a rent payment after reaching an agreement on rent arrears. Is that a reasonable kind of expectation for a tenant?

**Mr. Benjamin Ries:** Well, it's not an expectation that we impose on homeowners who have mortgages, for example. I can't imagine this government or any other creating a process where if you default on your mortgage, the next thing you get in the mail is something saying, "The bank has taken your home. The sheriff will be on their way unless you respond to this within 10 days," and actually, by the time the time the mail gets delivered, it's within a week. There was a brief time in Ontario where we did that, we did default evictions, and between the courts and the people practising in the area, it was not working because so many people, by the time they learned what their rights were and by the time they had a chance to save their tenancy, needed to apply for extensions of time. It gummed up the system and it ended up taking longer than if you had just had a hearing in the first place to give the person a chance to try to save their tenancy before taking it away from them. So I just think presuming a person evicted before actually giving them their day in court is backwards; it's not how we would treat anyone else's home.

**Mr. Jeff Burch:** Again, in terms of expectations, a rent increase that's illegal due to a lack of notification, this bill makes it legal if the tenant doesn't file an application to fight the increase, so the onus is on them. So, once again, do you see that as a reasonable expectation for tenants, especially if you could speak to vulnerable populations?

**Mr. Benjamin Ries:** Yes, of course. The current balance in the RTA says that a landlord actually can, if they use the forms that inform tenants of their right, get

that made legal after a year of no dispute. What this amendment proposes is that even if the landlord has not used a board form that advertises to the tenant, "There's a guideline limit on your rent increases and there's a Landlord and Tenant Board. There's a process," if the landlord just shoots the tenant a text that says, "Hey, guess what? Your rent's \$100 more per month," if the person is a newcomer, if the person doesn't speak English, if the person has other vulnerabilities and just complies and does what they're told—ironically and, I think, ridiculously, after a year of that, the landlord bakes in that new rent.

I think that this is absolutely backward. It should be the landlord's responsibility to at least use the correct form, if we're really serious about educating people about their rights.

**Mr. Jeff Burch:** Great. Thank you very much for being here. We appreciate all the work that all of you do, advocating.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will now move on to the second round of questions by the government, but before we do that, I'd like to ask MPP Tangri to introduce herself and state which city in Ontario she is currently calling from.

**Mrs. Nina Tangri:** I'm [*inaudible*] Toronto.

**The Chair (Ms. Natalia Kusendova):** Thank you, MPP Tangri.

MPP McDonell.

**Mr. Jim McDonell:** No, no. Belinda.

**The Chair (Ms. Natalia Kusendova):** Oh, I'm so sorry. MPP Karahalios, go ahead.

**Mrs. Belinda C. Karahalios:** Thank you, Madam Chair. I hope that you can hear me okay.

**The Chair (Ms. Natalia Kusendova):** Yes.

**Mrs. Belinda C. Karahalios:** Excellent. I just wanted to thank everyone for coming here today. I really enjoy this committee side of things. It gives the community an opportunity to come and speak to bills, and from these consultations, we're able to make changes where we can. Again, thank you for your time. I'm really enjoying listening.

It's interesting, because in constituency work, as you can imagine, we deal with many different topics and issues, so we get to see, I guess, the ugly side of renting, unfortunately. We hear stories from both tenants and landlords, and yes, I've come across bad tenants and bad landlords. I just want to make sure that—for the record, we're not trying to paint anybody with the same brush. Not all landlords are bad and not all tenants are bad. I just wanted to make that clear.

The other thing is, we want Ontario's community housing system to be sustainable over the long term. Ontario's Community Housing Renewal Strategy outlines our government's plan to transform this fragmented and inefficient system into one that is more streamlined, more sustainable and ready to help those who need it most. As part of the Community Housing Renewal Strategy, we introduced changes to make waiting lists shorter by filling vacant units faster and helping people in need to get into

housing faster. Individuals on waiting lists are now required to prioritize their choices and accept the first unit they are offered, which will help people move up the list and into housing more quickly. These changes to waiting list rules will make the lists fairer and more transparent, while allowing service managers the flexibility to make exceptions in extenuating circumstances.

The proposed changes to Bill 184 would also require service managers to have an access system for housing assistance beyond just rent-geared-to-income assistance. We're also looking at ways to improve the local access system so that applicants are better matched with the housing and supports that meet their needs.

The new legislative framework would help maintain community housing supply by providing a mechanism for housing providers who are at the end of their obligations to continue to provide community housing within a new framework. The new approach would be designed to incent housing providers to continue serving low- and moderate-income households that need community housing.

Future regulations will also include conditions that housing providers would need to meet if they leave the system, like provisions to protect tenants and to protect stock public investment, if a housing provider chooses to exit the system.

A lot of talk, but basically, I guess I should have said in the beginning, I was looking to ask Greta or Benjamin how landlords and tenants can be better informed of rights and protections available to them. For example, could a standard lease be used to ensure everyone understands the rules?

**Mr. Benjamin Ries:** Thank you for the question. As I suggested earlier, I think that there is a real limit to how fair it is to impose this sort of burden of legal knowledge on individual tenants. I don't think it's a problem at all to impose it on landlords. Maybe the government can explore ways of educating landlords better about their rights and responsibilities. I would say, under the current legislation, there's fairly light consequence for a landlord that doesn't use the standard form lease, so that's difficult to guarantee.

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Beyond that, the current standard form lease, in its implementation, allows landlords to add as many pages of extra terms that they want that may or may not comply with the act. So if buried somewhere in that 50 pages of reading—I'm not exaggerating here; this is what the Greater Toronto Apartment Association has for its tenants to sign—I don't really know that burying some extra information about how the board works is exactly how tenants are going to be able to protect themselves.

Instead, I think we need to ask—as you spoke about community housing supply, there is a decade-long waiting list for housing. I think some of the changes the government has proposed are about really just trying to tighten the screws on a very, very, very old vehicle that has not been updated since the early 1990s. Our population has gone up. People's need for community housing has gone up. It's time to build. It has been time to build for years

and years. Instead, what we've seen is different levels of government pointing the finger at each other waiting for someone else to act and make those investments. But more supply, as I think the government members would agree, is a solution. The advantage of community housing is a supply that stays affordable. The government needs to increase its involvement in the rental market that way, and it needs to do a little bit more than just tweaking what's there, I think.

**Mrs. Belinda C. Karahalios:** Thank you for that. Just to note: We have increased fines for offences under the RTA.

Would you agree with the proposed requirement to compel landlords to disclose if they have previously filed for an eviction for own use before?

**Mr. Benjamin Ries:** Yes, I think that that's fine.

I would point out that I don't have great hope that it will do very much because the target, remember, of these concerns is the landlord who's willing to lie about their intended use of the unit. So if they're willing to lie about their intended use of the unit, they're probably willing to lie about whether they've previously used this loophole.

Further, I would say, that all this regulation, to me, is saying, "Okay, we want landlords to get away with, at most, one fraud per unit per landlord," and that's not good enough. I think that what tenants deserve is action to prevent and restrict own-use evictions in the first place—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will now go back to the opposition. MPP Tabuns.

**Mr. Peter Tabuns:** Thank you very much, Chair. I appreciate that.

My questions are for Ms. Higuchi. Ms. Higuchi, thank you very much for being here today. I am pleased that you were able to get back into your unit. As you're well aware, I met with quite a few of you when you were going through the initial clearing out, and I thought that you were all treated very, very badly. It seems that that has continued, giving you three weeks' notice to move back into the unit that you were put out of on very short notice.

You've recommended a number of changes, such as a 60-day notice for return. Are there any other things that you think we need to have in place to prevent people from going through such exposure in the future?

**Ms. Aya Higuchi:** I think I said it enough, that I'm the lucky one. I am able to go back to my unit, but as I said, I only got three weeks' notice. Now I need to pay for two months of rent, because my current landlord didn't agree to give me back the last month. So now the landlord from 28 Langley Avenue demands me to pay for July. If I don't pay, he said he is going to rent the unit to somebody else. I think that's not fair.

We need to know earlier—to communicate with my former landlord or my current landlord to negotiate. I don't know. I think many people have used some kind of loopholes to demand what they're saying, to try to get it, but as a tenant, like somebody said, I don't know the law clearly, and also it's so hard to read what's on a website, as an immigrant. The lady from ACORN said that if you

do that in person, then people can understand it better. Sorry—that’s what I think. I hope I answered your question.

**Mr. Peter Tabuns:** No, that’s really good. Of the 20 units, you are returning. How many other people are coming back, do you know?

**Ms. Aya Higuchi:** Hello?

**Mr. Peter Tabuns:** Ms. Higuchi, you are going back to the building where 20 households lost their homes. Are there any other of those previous tenants who are able to go back, or you the only one who has survived this whole process?

**Ms. Aya Higuchi:** As far as I know, three tenants—three units—are going back. The three of us got the same letter from the landlord saying that we need to pay for July and then move in from July. Anything else, they will rent it to somebody else.

**Mr. Peter Tabuns:** Right. I am still shocked at how your building was cleared out, shocked that your fellow residents—and members of the committee need to know this, this is not a building with wealthy tenants. People were doing the best they could with the incomes that they had. Losing their units has caused huge disruption and I have no doubt a lot of people are in far more precarious positions now than they were before the landlord started this process.

One of the things that you raised was suggesting the landlords need to provide all the documentation to show that they actually are going to be carrying out either the renovation or the demolition that they say that they are going to engage in. I think it would be useful, again, if you could just point out to the committee how little information you were given, which made it very difficult for anyone to make a substantial decision about the course of their lives.

**Ms. Aya Higuchi:** Sure. When we got the notice the first time, it was just a small description of what they were going to do. Even the lawyer didn’t know if this was a renovation or a demolition. In the building, there are lots and lots of vulnerable people, getting a pension from the government, and there are old people living there for decades. They just couldn’t, I think, deal with the stress. I was so stressed out during that time, because they were starting construction before everything was done. Before the judgment came, they just started doing everything, banging the doors and doing the halls and everything. That made me so stressed out. So were the other tenants with all the hearings and—I don’t know, people don’t want to be in this situation in their life. I didn’t want to, but I had to; I had to fight back, because I needed the unit. I need the unit still.

Delivering information—they just would give it to us, or give it to the lawyer, so we had no idea, really no idea, of what was going on until the two weeks before the hearings started—

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

We will now go back to the government side. MPP Martin.

**Mrs. Robin Martin:** Thank you to all the witnesses for coming to committee today. I myself am an alumni of U of T law school and I was an alumni of the Downtown Legal Services program, where I got my training wheels in law, so I certainly appreciated that experience; a very important service that is offered by that group, so thank you for all that you’re doing. Also, thank you to the other presenters today.

I had a couple of questions. One is, simply, I don’t think the whole idea of mediation is a bad idea, generally speaking, in the legal realm. What this bill does is introduce the possibility of a mediated settlement between a landlord and a tenant. I hear you saying that some tenants ought not to enter into a mediated settlement because they might not understand what their rights are, but I would assume, like the fact that my friend MPP Karahalios mentioned, not all tenants are good, not all tenants are bad, not all landlords are good, not all landlords are bad, and they’re not all the same.

**1350**

Some tenants, say myself with a legal background, or many other people, frankly, even without a legal background, might feel quite confident in having a mediated settlement with their landlord. I believe that they do this in Saskatchewan, Manitoba, Quebec, New Brunswick, Nova Scotia, Newfoundland and PEI. So I just wanted to ask the Downtown Legal Services types whether they don’t think they should have the option of having a mediated settlement as one thing that is available, like it is in other jurisdictions.

**Mr. Benjamin Ries:** I think there’s maybe some confusion in these words and in our presentation and in the amendments. In my view, respectfully, the amendments to 194 and 206 do not expand mediation at all. There is already an ability to enter mediated agreements. The board supplies the mediator; that’s the neutral third party who makes sure that no one’s being put under duress. We support that. We use that a lot. We think it’s great and I, in my remarks, suggested ways in which that could be expanded, more commonly offered in advance of hearings.

I think if that’s the government’s intention, then the government can fix the bill because our reading of section 206 is that it does not involve mediation. What it involves is a written repayment agreement signed between the landlord and tenant with absolutely no conditions on where it’s signed, under what conditions, and the board’s involvement is not there at all. The board just receives the piece of paper. That’s not a mediated agreement in my understanding. That’s, at best, a negotiated agreement. But more common, what we’re seeing during the pandemic is that it’s just a form that large landlords are distributing to their tenants saying, “Check a box. Sign here.” And now the landlords have their repayment agreement.

I think there’s a big distinction between that and mediation, which, I fully agree with you, is a great alternative dispute resolution process that the board should expand and improve. They do great work. But these other routes to going around a hearing don’t appear to involve a neutral third party at the board at all, and then, I think as

you know from your legal training, are only going to result in a lot of more complicated litigation down the road about whether the tenant was under duress, whether the tenant understood what they were signing. Those are harder arguments for the tenant to make, much harder arguments, if they entered the agreement at the board with a mediator. This is where we kind of differ in terms of our visions of how to resolve these matters.

**Mrs. Robin Martin:** Fair enough. I get it. And I think it is the government's intention to try to come up with some kind of balance here. As MPP Karahalios already said, in our constituency offices we hear from people who are both landlords and tenants. Certainly in my riding, I've heard from just as many landlords as tenants who feel that the Landlord and Tenant Board is completely one-sided in favour of tenants and that landlords have no rights there. So I know that the objective of the government is to try to strike a balance because it's in all of our interest to make this work well.

In my riding, for example, there are many, many properties that people leave empty. They decide not to rent out, despite the fact that we have this huge housing crunch and lack of availability, because they feel that if there is a problem, they aren't able to have a tenant evicted from their premises. There are good and bad on both sides, and eventually, sometimes there are tenants that have issues and non-payment of rent, which is part of the bargain. So I think we are trying to strike a balance, trying to get to agreements and trying to offer people alternatives like negotiating your own agreement and making that something which is acceptable. It's also one of the objectives, and I think you also mentioned this, Ben, in your comments, that we don't want the delay so we want to get things moving through.

On another point though, we talked a little bit about community housing, and I think our community housing proposals are much more than tweaking around the edges. I'm quite excited about it, because I've talked to many people in my riding who have been on a wait-list for community housing for—God knows how long—16 years; their children are going to be grown up before they ever get into community housing. The situation has to be addressed. I heard you—

**The Chair (Ms. Natalia Kusendova):** I'm so sorry, but we are out of time.

We are now going back to our third round. MPP Morrison, go ahead.

**Ms. Suze Morrison:** I'd like to direct my first question to Benjamin from Downtown Legal Services. In response to Mrs. Martin's earlier question, do you think that our systems, like the Landlord and Tenant Board, should be designed specifically for people with the most privilege in our community—for example, people with law degrees—to be able to navigate? Or should we be intentionally designing our systems to work and be fair and accessible for the most vulnerable in our communities so that it works for everyone, and no one is left behind?

**Mr. Benjamin Ries:** I think the answer to that is obvious. Of course, there is a certain amount of that that

naturally happens with everybody because tenants are, on average, much more vulnerable than homeowners; we know that. They have less income and they have less assets, on average. So I think that this idea, just if I can add, that everything will right itself if we just get more and more landlords—I'm no economist, but I think some economists would say that the more you lower the cost of being a landlord, the more that just gets rolled into property values, raising property values, making it harder for people to buy homes, leading to more tenants, and then we're right back at the same problem of low housing supply.

We don't solve issues in the medical system by making it easier for doctors to abuse their patients. There's more than one way to solve problems, especially in something as complex as low-income housing. One could be, with all due respect to the government's attempts to fix what it already has, in terms of community housing stock, to build more publicly owned housing. I think that's something that is easy to agree to and hard to spend the money on, but I'm hopeful that that would offer some solutions.

**Ms. Suze Morrison:** Excellent. Who would you say holds the balance of power currently at the Landlord and Tenant Board? Would you say that that's landlords or tenants?

**Mr. Benjamin Ries:** I think that that's a difficult statement to make, but obviously, from our perspective, representing tenants, we see far more tenants unrepresented than landlords. Most of the applications brought to the board are by landlords; they are evictions. And a landlord, if their expectation is that they get to toss somebody out with very little notice and very little argument, then of course they're going to feel like the deck is stacked against them, but just because they feel that way, that speaks to an expectation that isn't necessarily—I think it's on this government to decide what ought to be and not just to listen to the whining of either landlords or tenants. What ought to be is that people can maintain their homes and can afford their homes. Every landlord, like any business provider, will wish that it was easier. I think that's natural. But I think the government can do more by way of leading and saying what justice is rather than simply just listening to whoever complains the loudest.

**Ms. Suze Morrison:** Would you have any comments to make on the social cost to the government when rates of homelessness go up and when rates of evictions go up?

**Mr. Benjamin Ries:** Yes, the costs are well documented, increased burdens on our health care system. Right now in COVID-19, this government took the extraordinary step of stopping evictions because I think even this government understands that we would have a major problem—we already have a major problem—with our shelter systems and the vulnerabilities that those expose us to, how much more expensive it is for the government to serve people who don't have stable housing. That's where all the Housing First research goes. So yes, absolutely.

I would just say that there are some in society who can make a lot more money if people are evicted regularly. They are some landlords, maybe all landlords—I would

agree not all landlords are completely driven by that motivation, but some are. So, yes, this making evictions happen more often represents a transfer from the taxpayer to some landlords who can use that process to jack the rents further and further up.

**Ms. Suze Morrison:** Excellent. What actions would you like to see this government take to meaningfully improve tenant rights in Ontario that are not currently in this bill?

1400

**Mr. Benjamin Ries:** I think my colleagues earlier today have spoken at length about the need to fix the way in which we regulate rents and to give more guidance and power to the Landlord and Tenant Board to recognize that when they have an eviction hearing, the purpose of the conditions they impose in the decision they make should be, first and foremost, to prevent homelessness. You can't just shrug off homelessness and eviction as just another thing that we did today. That's, unfortunately, the grim reality at the Landlord and Tenant Board. It's not because the individual members are bad people; it's because they've been put between a rock and a hard place: the landlord's need for profit and the tenant's inability to afford the rent.

So giving the board that power and encouraging the board to say, "If the rent's too high, the tenant needs more time to catch up," and we should recognize the cost we're all going to pay if the tenancy fails.

**Ms. Suze Morrison:** Excellent. Thank you so much. Would you say, overall, that this bill will make it easier for landlords to evict tenants into homelessness, and do you think, overall, it will make it harder for tenants to navigate the Landlord and Tenant Board?

**Mr. Benjamin Ries:** Yes, absolutely. Because already being evicted and then having to get a form into the board within 10 days of that eviction order being issued, we already know from the experience of the previous rental housing tribunal, is a lot harder for tenants than having a hearing that is going to be held, no matter what, to consider their options. That's often what prompts tenants to learn about their rights, to get connected with legal clinics and start to think about—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Thank you.

Now we have three minutes for the independent Liberal member. MPP Blais.

**Mr. Stephen Blais:** Benjamin, you mentioned in your presentation that your view was that some of the amendments in this bill would actually slow down the process and you went on to describe, I think very quickly, some of the steps, but I was hoping you could perhaps expand upon how slow things could get and exactly how these amendments would impact that.

**Mr. Benjamin Ries:** Right now, if we get to the end of that process that Greta laid out in her portion of the presentation, the landlord has obtained a default, or an ex parte order, we call it, against the tenant, giving them 11 days to move out. When the tenant files a motion to set

aside, they also have the option to file a request to extend time, if they're late on filing that motion to set aside, and it's anybody's guess whether or not they'll actually be granted that extension of time.

What we saw under the Tenant Protection Act, 1997, was that in the late stages of that system, courts had made decisions that sort of browbeat the tribunal into saying, "You really need to give people these extensions more often," and so the tribunal, in turn, followed the direction of the court and started giving extensions more and more often. That creates a process where a landlord thinks they have an eviction order, but do they really? Is that eviction order really going to hold up? Only to the extent that the tenant doesn't know their rights, which creates quite a perverse incentive.

But when the tenant does learn about their rights, they have those options to try to do the motion to set aside. Then the board has to schedule a hearing while everything is put on hold, and the board tries to back the vehicle out of the ditch, so to speak. If that process fails, there's further recourse to appeal to Divisional Court within 30 days. The court appeal process, obviously being a lot more expensive for the taxpayer, for the landlord and for the tenant—or at least difficult for the tenant if they don't have access to legal representation—and those are processes that can take months.

We have landlords complaining about that right now and, in the past few years, about tenant appeals dragging out evictions. That speaks to the need to get the process right and fair in the first place. I think if people's procedural rights and substantive rights are respected in the first instance, then there will be, overall, fewer reasons for the Divisional Court to involve itself in appeals.

**Mr. Stephen Blais:** You also mentioned that there are some technology gaps or process gaps in terms of just actually how things in real life work. So I imagine you would agree that focusing attention on fixing those real-life issues would be time better spent than going to court repeatedly to try to kick someone out of their home.

**Mr. Benjamin Ries:** Yes, and I'll say, credit to the Landlord and Tenant Board—

**The Chair (Ms. Natalia Kusendova):** Thank you. So sorry, but we are out of time.

Thank you, everyone, for your presentation. As a reminder, the deadline to send in a written submission will be 6 p.m. on June 26.

NIAGARA COMMUNITY LEGAL CLINIC

DURHAM COMMUNITY LEGAL CLINIC

REXDALE COMMUNITY LEGAL CLINIC

**The Chair (Ms. Natalia Kusendova):** We will now move on to our next set of presenters. With us, we have Keri-Lynn Lee, who is a paralegal, as well as Sinead Flarity, who is also a paralegal, from the Niagara Community Legal Clinic. You have seven minutes for your presentation, and you may begin by stating your name for the record. Thank you.

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Okay. In that case, we will move on to our second round of presenters this afternoon—

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Oh, they're here. They're just getting connected. Okay. So we'll give it a few seconds.

We're ready, so go ahead. You may begin by stating your name for the record. Please unmute your microphone.

**Ms. Keri-Lynn Lee:** Good afternoon. My name is Keri-Lynn Lee, and I am here today with my colleague Sinead Flarity, from Niagara Community Legal Clinic. The Niagara Community Legal Clinic provides legal services to low-income residents who reside within the 12 municipalities of the Niagara region. The Niagara Community Legal Clinic provides legal representation and assistance on matters related to poverty law, with a significant focus on tenancy issues. We have also submitted a written submission to support our oral presentation today.

Bill 184 is pre-pandemic legislation that fails to take into account the real concerns that tenants within our community have been facing during this pandemic. Over the past few years, the Niagara region has seen an increase in housing prices, which has created a shortage of affordable housing. The cost to rent a unit in the Niagara region has increased drastically from \$800 to over \$1,000 per month and continues to do so even during this pandemic. This is especially concerning as 14% of Niagara region's community lives at or below the low-income cut-off. This means that these individuals live on an annual income that is at or below \$18,166 per year or less. Affordable social housing units in our community have long wait-lists. Within St. Catharines, Welland and Niagara Falls, the most urban centres of the Niagara region where transportation and community services are accessible, individuals between the ages of 16 and 54 hoping to secure a one-bedroom unit are estimated to be on a wait-list for 16 to 18 years.

The pandemic has had a devastating impact on many industries, including the tourism industry, which in the Niagara region is an industry that many hard-working residents rely upon for jobs and income. This has caused the unemployment rate in our region to double and has led to the city of St. Catharines, the largest urban centre in our region, to experience an unemployment rate of 12.2%. These hard-working individuals will struggle to pay rent and live in fear that they will lose their housing at a time when the region is facing a housing crisis. A household income of \$2,000 a month that was once enough for a person to live on in our community is no longer enough. Now, with a monthly rent cost of \$1,000 plus bills, many households in Niagara spend over 50% of their income on rent. For the most vulnerable in our community, rent can be as much as 80% to 90% of their household income.

Prior to the pandemic, our shelters were running at 110% capacity. During the pandemic, individuals who would normally access these shelters are now resorting to other temporary living options due to fear of COVID-19.

Many are now sheltering with family and friends in rental units, under bridges and living in tent communities. In fact, in Niagara Falls, a tent city has materialized during this pandemic. These precarious housing situations have left these individuals in dire need of assistance. The pandemic has made it clear that if action is not taken, tenants will face an access-to-justice crisis.

Bill 184 was drafted and introduced before the province was severely impacted by this pandemic. Since then, the rental landscape has changed, the concerns of tenants have become more pressing and the housing crisis has worsened.

My colleague, Sinead Flarity, will now explain why we feel that Bill 184 is the wrong bill at the wrong time.

**1410**

**Ms. Sinead Flarity:** The measures introduced in Bill 184, ironically titled the Protecting Tenants and Strengthening Community Housing Act, do not protect tenants. While there are many amendments in Bill 184 that are troubling, we are especially concerned about the changes to repayment agreements and the harm this will cause to the tenants in our community. There is a significant power imbalance between landlords and tenants as both parties are aware that there is a housing shortage and that the limited housing options available to tenants will result in an increase in rental costs.

The amendment to section 206 will weaken protection for tenants as it will allow landlords to file for eviction without notice to a tenant using repayment agreements that were entered into in laundry rooms and parking lots. This is troubling as low-income tenants living with disabilities, as well as tenants with language and literacy barriers, will not understand the ramifications of signing these agreements. These tenants will face significant pressure from their landlords to enter into unreasonable repayment terms in exchange for preserving their tenancies. This will likely lead to more evictions, which is especially concerning during a pandemic.

This amendment will do little to alleviate the significant power imbalance that exists between low-income tenants and their landlords. This will lead to the most marginalized individuals no longer being able to exercise their right to access to justice. If the province is truly committed to enacting meaningful legislation that protects tenants and strengthens communities, Bill 184 should address the serious concerns that have arisen for vulnerable tenants during the pandemic, and that will continue to impact tenants once the pandemic subsides. We are calling for meaningful action to address these concerns.

The pandemic has had a devastating impact on the ability of tenants across the province to pay their rent. We urge the government to create a fund to support low-income residential tenants with their rent obligations as rental assistance should not be limited to commercial tenants. We call on the government to introduce legislation that ensures tenants cannot be evicted if they're unable to pay their rent or facing financial hardships because of loss of income due to the pandemic.

We also call on the government to invest in more affordable housing within the Niagara region and to create

a centralized and accessible shelter system here in Niagara. We strongly urge this committee to reconsider Bill 184 and, instead, engage in public, meaningful and open consultations with low-income communities and their community legal clinics about reforms that are needed to address the effects of the current COVID-19 crisis. This is the wrong bill at the wrong time. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

Before we move on to our next presenter, I would just like to confirm that it is indeed MPP Bailey who has joined us via phone. Please state your name, your riding and where you're calling from today. MPP Bailey, if you're on the phone?

**Mr. Robert Bailey:** Hello?

**The Chair (Ms. Natalia Kusendova):** Yes. Who's with us on the phone? Can you please introduce yourself? We have someone joining us on the phone. Can you please introduce yourself?

**Mr. Robert Bailey:** Hello? Can you hear me?

**The Chair (Ms. Natalia Kusendova):** Yes.

**Mr. Robert Bailey:** It's Bob Bailey, MPP Sarnia-Lambton calling.

**The Chair (Ms. Natalia Kusendova):** And where are you calling from today?

**Mr. Robert Bailey:** Toronto.

**The Chair (Ms. Natalia Kusendova):** Wonderful. Thank you, MPP Bailey.

We're now moving to our next presenters from the Durham Community Legal Clinic. We have Omar Ha-Redeye, executive director, as well as Colette Myers, paralegal and community legal worker. You have seven minutes for your presentation, and you may begin by stating your name for the record.

**Mr. Omar Ha-Redeye:** Good afternoon. My name is Omar Ha-Redeye. I am the executive director at the Durham Community Legal Clinic.

The Durham Community Legal Clinic was founded in 1985. We have been providing a variety of services for decades at this point in time, but, over the past few years in Durham region, we have seen a surge in housing needs and it is now the single largest area of services that we provide currently.

The Landlord and Tenant Board, I think it is worthwhile pointing out, is primarily a landlord's tribunal. We can find this in the 2018-19 annual report, which demonstrated that the tribunal heard over 82,000 applications—it's worth noting up from 80,000 the previous year—but 73,000, nearly 90% of them, were landlord applications.

It will be our submission that Bill 184 does have some potential for protecting tenants and improving the current regulatory regime, but as I'm sure we've heard already today, the timing for this, in particular on the tail-end of the COVID-19 pandemic, makes these provisions definitely something that may put many tenants into a precarious situation.

What may be of assistance is to illustrate this with what is a typical story for some of our clients. We will use the example of a person named Michelle, who is a low-income

resident in Durham region who works at a fast food restaurant. She belongs to a marginalized group and entered into an oral lease agreement—so no signed agreement—with her landlord because her marital relationship was ending and she needed to find a home for herself and her children, and fast.

She had several maintenance issues such as an overflowing toilet, a roof leaking into her daughter's bedroom, some black mould due to water issues, and the front door didn't lock properly. She had a few verbal conversations with her landlord, but every time she shared the concerns, the landlord would just get upset and say that she needed to fix the problems herself because everything was fine when she moved in a year ago.

Michelle has paid for some of these repairs herself, but then realized she's not going to be able to pay all of her rent because she's spending her money on plumbers and locksmiths and other repair people. And so now she's behind on her rent—two months behind. The landlord now has served an eviction notice for non-payment of rent.

Michelle never received any legal advice. She didn't know that community legal clinics could help or would be there for her for free. The landlord denied that Michelle ever had a conversation about any of the repairs, and now Michelle is afraid that she's going to be evicted and not be able to provide a home for her family, and she doesn't know what to do.

Currently, under the Residential Tenancies Act, section 82 provides for a tenant's right to respond to an arrears application by raising issues that may have contributed to the arrears. If Bill 184 passes as is, Michelle will not be allowed to raise her maintenance concerns at a Landlord and Tenant Board hearing because she wasn't even aware that she needed to follow a specific procedure and notify the landlord of all the issues before a hearing. The only reason why Michelle was withholding rent was to ensure that her residence was repaired by the landlord and because she needed that money to do the maintenance herself.

She was unable to seek legal advice prior to her hearing because of her work schedule, and it's only after speaking to the tenant duty counsel that is provided by her local community legal clinic on the date of her hearing that she is able to request an adjournment due to the maintenance issues. If the member denies the adjournment, she'll have to file her own tenant application and spend more time at the board, even though she may be evicted while this is happening.

Michelle should be able to protect her family and enforce her tenant rights by raising maintenance and safety concerns at a proceeding because the direct reason for her arrears were because of a breach of responsibility by her landlord. This is a very common scenario in Durham region with the many aging homes that we have and the numerous landlords who refuse to maintain the properties of their tenants, but still continue to charge an astonishingly high amount of rent just simply because they can.

We do have very detailed written submissions that are before this committee. They're almost 27 pages in length.

In those submissions, there are a number of recommendations that we would be happy to expand upon during the questions. I will briefly touch on them here.

(1) Evictions for personal use should require details of ownership or control over a two-year period. A big reason for that, as we've heard this morning, is that landlords can and will circumvent these controls by using different public property managers, and that is found in the history, in fact, of the tenancy regulation going back decades.

(2) Specify an inability to obtain legal assistance, including summary legal advice, as a justifiable basis for not complying with the written notice requirements under section 69 from an agent.

(3) We would recommend that the provisions for expedited evictions under section 206 be reconsidered, especially in light of the pandemic, and maybe be introduced at a later date.

**1420**

(4) Expand section 237 of the RTA to ensure a reasonable care standard for directors and officers because the current requirement of knowingly concurring with an offence simply isn't sufficient and doesn't allow the board to actually have any teeth.

(5) Mandate that the changes in rent for mobile homes in leased communities be conveyed in writing.

And finally, (6) Ensure that any dispute resolution mechanisms under section 194 require that both parties are represented, where the term "representation" can include summary legal advice.

This last component is probably the most important component that we can actually encourage this committee to consider, because as we illustrate in our facts scenario, the vast majority of tenants do not have any access to legal resources, information or advice.

In Durham region, we are the primary provider of legal information and advice to all tenants and, in most cases, the exclusive provider of that information and advice for low-income residents who are most at risk of becoming displaced, being put in shelters or maybe even becoming homeless.

Again I will emphasize, this is, in the middle of the COVID-19 pandemic, a very, very important concern because if we are taking tenants and we are pushing them into the streets and into conditions where they are unable to abide by public health considerations and social distancing, we are going to have a much worse situation in light of the pandemic. So although Bill 184 does have some potential to protect tenants, as we've said at the outset, the timing is wrong and we do believe that there are some further modifications that are necessary to properly protect the interests of tenants and, indeed, the interests of everybody in Ontario.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

For our third presenter today, we have the Rexdale Community Legal Clinic. We have Yodit Edemariam, who is the director of legal services; Ahmed Dirie, a community member; and Ahmed Abdi Ismaïl, also a community member. You have seven minutes for your

presentation. Welcome. Thank you for joining us. You may begin by stating your name for the record.

**Ms. Yodit Edemariam:** Good afternoon. My name is Yodit Edemariam and I am the director of legal services at the Rexdale Community Legal Clinic in north Etobicoke in Toronto. Thank you for the opportunity to present.

Our clinic endorses the submissions of the Advocacy Centre for Tenants Ontario. In addition, we are here to emphasize the following two concerns with Bill 184:

(1) The fact that the no-fault eviction amendments do not go far enough in this time of COVID-19, an ongoing housing affordability crisis and vacancy decontrol; and

(2) The proposed inability of tenants to do anything about an illegal rent increase after one year will allow landlords to circumvent the law, especially when they are dealing with tenants who are marginalized and who often seek out legal advice too late because they are unaware of their rights.

The government, by way of such proposals, is placing a band-aid on a gaping wound. The government should instead be tackling vacancy decontrol, which would actually deter landlords from evicting tenants in bad faith, only to charge higher rent to a new tenant. Limiting how much rent landlords can charge new tenants would also be in keeping with Canada's recognition of housing as a human right.

To speak about why the no-fault eviction and rent increase amendments are of particular concern to Ontario tenant communities, I turn it over now to my co-presenters: first to Ahmed Abdi Ismaïl, and then to Ahmed Dirie. Thank you.

**Mr. Ahmed Abdi Ismaïl:** Hi, my name is Ahmed Ismaïl. I'm a tenant at Dixon Road in Rexdale, north Etobicoke. I assist community members by connecting them with the Rexdale Community Legal Clinic. The clinic helps us with legal issues that have come from illegal rent increases and illegal evictions. I have dealt with many people that have been served with N12 eviction notices. N12 does not protect tenants.

In today's market, there is a lot of demand for housing, and people who pay their normal rent are at risk of losing their home. Something I see a lot is the landlord will demand an illegal rent increase and if the person can't afford or refuses to pay the increase, he or she will be served with an N12. People believe that the way N12 is right now, they can't fight it. They believe there is not much they can do about this notice, so they often end up paying the illegal rent increase. If tenants try to fight back, they think about losing their home and their community. They fear losing social life and work, and that's why they might accept any illegal demand from the landlord.

We need stronger anti-eviction laws for today's market that don't just allow landlords to pay some compensation and get away with forced and false evictions. Tenants lose their homes because of this behaviour, and so landlords should, for example, take on at least the cost of allowing tenants back into their units at their old rent, while at the same time making sure any new tenant they rent it to in the meantime doesn't lose out.

I know tenants who lose their homes to N12 evictions usually can't continue to fight after they have been evicted. They are so tired, have already lost everything and don't have the energy or resources to fight for compensation. These issues have had a huge impact on my community, causing fear, depression and anxiety.

I will now pass it on to Ahmed Dirie.

**Mr. Ahmed Dirie:** Hi. My name is Ahmed Dirie, and I am a resident of the Rexdale-Dixon community. Ahmed Ismail and I have started an informal financial station to help members in our community due to a recent spike of illegal rent increases and evictions in our community. Landlords have become greedy and realize they can make a fortune off the backs of low-income and desperate tenants. Landlords have realized that they can take what is supposed to be their long-term investment property and cash in on high-return rental properties because the laws entice them to do so with little to no repercussions.

We are seeing tenants in these communities who have lived in units for 10 to 15 years, essentially paying off the landlord's mortgage, being asked to increase their rent from \$1,300 to \$2,000-plus. These tenants rely on the social fabric of their community and do not want to lose their apartments, so most of them are agreeing to the illegal rent increases. Some of these renters are also being discouraged because of the negative results being attained at the courts, which are in favour of landlords. They are seeing their neighbours go to these tenant board trials and losing their units, so out of fear, they do not want to go through this process.

The situation is very dire, and low-income tenants are being forced to spend 50% to 70% of their family income on rent due to the laws being so lax and not having rent control. We have seen landlords use illegal bully tactics like threatening with an N12 or claiming it is for their own use when their true intent is that they want the higher rent fees. There are not enough deterrents to landlords, and some even pay the fine so they can secure the new higher rent by illegally forcing a tenant out of their unit. In addition, tenants who are racialized and face discrimination in the housing market often settle for illegal rent increases because they know it will be very hard for them to find a new place to live due to their race and ethnicity.

I want the committee to understand that the effect this has on a family is severely damaging and leads to parents having to work two minimum-wage jobs, kids raising themselves and falling to drugs because their parents are working so much, depression, anxiety and loss of community, as some examples. This has a direct impact on our economy and adds to the public health crisis.

More and more people are buying properties to enrich themselves, and these properties have become literally get-rich-quick schemes. The laws need to protect tenants, and the current laws are nowhere near what is needed and are out of sync with what's going on. Ontario has some of the highest and fastest-growing rental prices in the western world. I hope this committee listens and puts a stop to these get-rich-quick schemes. They are destroying families and communities, and adding more obstacles to already marginalized groups.

**The Acting Chair (Mrs. Robin Martin):** Thank you very much. Now we can turn to the opposition for six minutes of questions. Mr. Burch.

**Mr. Jeff Burch:** I'm going to start by asking some questions of my fellow Niagarans. Thank you for your presentation from the Niagara Community Legal Clinic, Keri-Lynn and Sinead. I especially appreciated Keri-Lynn outlining the dire situation that we have in Niagara with the lack of affordable housing. I know that we've really struggled in our constituency office, fielding calls in places like Welland and Port Colborne, and we really appreciate the support that your organization gives us.

1430

Sinead, I think you finished, but I'm not sure. I think you were cut off at the end. Did you have anything else that you wanted to say in your presentation that you weren't able to say?

**Ms. Sinead Flarity:** No, thank you so much.

**Mr. Jeff Burch:** Okay. If I could just start with a few questions. Sinead, you raised the issue of accessibility and expectations that are placed on tenants with this legislation. I think what's coming up over and over again today is that the legislation allows for an eviction without a hearing if a tenant fails to make a rent payment after reaching an agreement on rent arrears. The ability of the average person, and especially people from vulnerable populations, to actually follow through with that—many have suggested it is unreasonable. Could you comment on that?

**Ms. Sinead Flarity:** Yes, thank you. Like I said in our submission, our clinic found the amendment to section 206 probably one of the most concerning amendments because it allows landlords to file these repayment agreements outside of a hearing setting. Keri-Lynn and I go to the Landlord and Tenant Board quite frequently, where duty counsel and mediation are available, and we just think these agreements are going to be signed, like I said, in laundry rooms and parking lots. They're not going to have that access to justice through duty counsel or the mediators or someone from the legal clinic. We will really find that the effects of COVID will increase that, because there are going to be mass evictions, most likely, once the moratorium is lifted for evictions, and I think landlords are going to try to use this provision to fast-track evictions and evict vulnerable people—people with literacy issues, language barriers and things like that.

**Mr. Jeff Burch:** Thank you. One of the other limitations that is being placed on tenants is that the legislation limits the tenant's ability to defend themselves at an eviction hearing for rent arrears because it removes the ability to raise new issues without any prior notice. Can you comment on how that might cause problems for vulnerable populations and the average person who is going through an eviction hearing?

**Ms. Sinead Flarity:** Yes, thank you. As I alluded to earlier, I'm at the board quite frequently as tenant duty counsel, and oftentimes, when tenants are at duty counsel, that's the first time they hear of the section 82 provision. We're able to work with them and the great mediators who are at the board to try to offset the rent arrears.

We don't think this new provision is going to allow tenants to know about that any sooner. We fear that the board, even though they will have the potential discretion, is just not going to allow tenants to raise this if they haven't already. I find it unlikely—and we alluded to it in our submission—that landlords don't already know about the maintenance issues, so why put that further burden on a tenant who is low-income at the stage when they're already facing eviction for non-payment of rent?

**Mr. Jeff Burch:** Do you think that it's reasonable to expect a tenant to file an application to fight an increase that has already been illegal due to a lack of notification, and if the tenant doesn't file an application, that illegal increase just automatically becomes legal? Is that something that's fair for tenants? And how will that play out in the system?

**Ms. Sinead Flarity:** We do not think this is a provision that's fair for tenants, particularly marginalized tenants, who won't know and have just continued to pay this increased rent. My colleague mentioned people in Niagara are spending 80% to 90% of their income on rent. If that were to be increased, that's going to be devastating for our tenants here in the community. So no, we really wish for the committee to rethink that provision regarding rent increases.

**Mr. Jeff Burch:** Keri-Lynn, if I could ask you—how long is there?

**The Acting Chair (Mrs. Robin Martin):** Forty-five.

**Mr. Jeff Burch:** Forty-five seconds. If there was something that you could add to this legislation that would help tenants in Niagara region, what would it be?

**Ms. Keri-Lynn Lee:** I think that there are a number of issues that this bill—when we were discussing this, we had a large conversation about the seniors in our community, as well, who are heavily affected by this bill. Our view of this is that having a conversation with the tenants and with the community members who would be most affected by the housing law changes would be the most effective avenue for us to take. That's what we would like to see added: a communication between the community legal clinics and the tenants—

**The Acting Chair (Mrs. Robin Martin):** I'm sorry, Ms. Lee. That's the end of the time for this round of questions. Maybe they will come back to you.

Now it's time for the government questions, for six minutes. Mr. McDonell.

**Mr. Jim McDonell:** I want to thank the people coming in today for the deputations. I think it's important that we hear, as we try to put this bill through.

I know in the winter of 2018, we asked people to share their ideas on solving Ontario's housing crisis, and more than 2,000 completed our survey online. Half of them were tenants and landlords. We also met with and received submissions from more than 25 rental housing groups.

More Homes, More Choice: Ontario's Housing Supply Action Plan made it easier to build new rental units by cutting unnecessary and duplicative red tape. In 2018, rental vacancy was 1.8%, and then last year, in August, new rental construction outpaced condominiums for the

first time in 15 years, with nearly 9,900 rental units added. Housing is an issue, and rental units is a big part of that—so, trying to solve that.

Preventing unlawful evictions is something we heard about, and it's something that we took action on. The bill will provide stronger protections for tenants by requiring landlords of small buildings to give one month's rent in compensation for evictions for renovations or repair when they evict a tenant on behalf of a homebuyer who wants to use the unit themselves—increasing average maximum fines for offences under the Residential Tenancies Act, 2006, as well, substantially.

A question for the Rexdale group: We proposed requiring landlords to file affidavits at the time they file for a no-fault eviction, compelling a landlord to inform the board if they filed for a no-fault eviction for their own use before, and proposed more than doubling fines for offences under the Residential Tenancies Act. Do you think this will help discourage unlawful evictions?

**Ms. Yodit Edemariam:** Thank you for that question. A couple of my colleagues have highlighted that there are things in this bill that have potential. Certainly, the increase of compensation available—some of these measures in terms of the affidavit filing could be helpful, but they are, again, band-aid solutions. The board actually already have expansive powers to consider these issues. There's broad power to consider good faith in all transactions, whether that's in section 83 of the Residential Tenancies Act—that can be raised as a defence by tenants.

Adjudicators also have broad powers to consider the real substance of transactions. That's done under oath, and landlords and tenants have a chance to present their cases. The affidavit could be helpful, but it's just not nearly enough. As we've said, the root cause of false and bad-faith N12 evictions is the fact that landlords are deeply enticed by how much rent they could be charging.

If vacancy decontrol is not dealt with appropriately by the Ontario government, I don't think that fiddling with some of these rules in how landlords can apply to the board will really change things. So thank you for some of those changes, but it just doesn't go nearly far enough, and COVID-19 has highlighted that more than ever. We're probably looking at a second wave.

The government has the tools to act quickly. The municipality, the province and the federal government have recognized how important housing is to sheltering in place, to ensuring public health is recognized as a fundamentally important thing. Why not continue? There's so much that we can do and that could be done. Bill 184 is just, again, the wrong bill at the wrong time.

**1440**

**Mr. Jim McDonell:** Well, of course, what we've done here is we've put a moratorium on evictions during the pandemic, and at any time, depending on how this plays out, the government reserves the right to extend that as time goes by. But we all know that it is a severe problem with the lack of rental units, and that's affecting the price of rental units as well as the inability to find them.

We've significantly increased the fines for bad faith evictions. We're providing information for tenants. If

there are extenuating circumstances that are significant, the Landlord and Tenant Board can hear them. Of course, we've had issues, many complaints from both sides, about having to wait too long for a hearing, so we've taken some measures to try to make sure those periods that tenants and landlords were waiting are shortened. We've added more adjudicators, but we've also added the ability to mediate before getting to the board.

Have you had experience with that, and have you looked at the new rules that we've put in place over mediation? Is that a benefit, as well?

**Ms. Yodit Edemariam:** So in particular, you're referring to the agreements that can be made before the hearing date?

**Mr. Jim McDonell:** Yes, the ability to mediate before you get to the Landlord and Tenant Board—

**Ms. Yodit Edemariam:** Thank you so much for that question. My colleagues from the Niagara clinic have really covered this issue very well. We're deeply concerned about this amendment proposal because, with respect, you use the word "mediate"—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Unfortunately, we are out of time. We are going to go back now to the official opposition. MPP Burch.

**Mr. Jeff Burch:** I do have a couple more questions for the folks from the Niagara Community Legal Clinic, but I'd just like to give the last presenter a chance to finish her thoughts before I do that.

**Ms. Yodit Edemariam:** Thank you so much. I'll be very brief. These agreements are not mediated; there isn't a third party contemplated. We don't know how they will work. They will include the possibility of section 78 orders, which means eviction without notice to the tenant. We are extremely concerned about vulnerable tenants with cognitive issues, mental health issues who don't understand the process, who aren't getting legal advice. This is one of the most important clauses in any agreement, which all of us, as legal representatives, go through with our clients. That will not be available through TDC, and the mediator won't be there to protect tenants, nor will the adjudicator. This is one of the most concerning amendments proposed.

Thank you for letting me finish.

**Mr. Jeff Burch:** Great; thank you for that.

I just want to finish up with the folks from Niagara with my last question regarding what we want to see in this bill. As we know, it does not remove the incentive for landlords to use unethical tactics to squeeze out tenants so they can jack up the rent whenever they want, as is already allowed under the vacancy decontrol. The harassment and intimidation of tenants will continue. Bad faith above-guideline increases and evictions will continue. There's nothing really to address that. We know that this bill does not close the rent control loophole that this government opened up in 2018 when it exempted new buildings from rent control. So we have that from 2018. We have the situation already in Niagara, then we have the virus on top of that. Things have just gotten worse and worse.

What can the government actually do, in concrete terms, in this bill? Because they just love hearing from the NDP when it comes to wise, constructive amendments, and I'm sure they'll take them under consideration. So what are the amendments that you would put forward?

**Ms. Keri-Lynn Lee:** A number of things that we had talked about—we have submitted some written submissions as well, so we've outlined in detail—I think Omar had discussed his being multiple pages; ours are as well, numerous pages where we have discussed various different amendments and options that may be available.

I would say, just for the sake of brevity here, that the most important thing that we are urging with Bill 184 is engaging in public, meaningful and open consultations. Our number one issue is the rent relief. With the evictions that we are anticipating—we know a number of landlords are already submitting their N4 notices. These are going to be before the board. Rent relief is something that would be critical to being able to address that. We're aware that tenants are unable to pay these rent prices at this point, specifically due to their loss of income and the financial hardships that they've suffered due to the pandemic. We're also requesting that an investment be looked at for more affordable housing units throughout Ontario, but specifically in the Niagara region. We have such high wait-lists for people to be able to find affordable housing. We're talking about 18 years in some of our communities, which is just unsustainable for them to be able to wait that long to find something affordable to live in.

**Mr. Jeff Burch:** My last question is, we've had some debate here about whether this bill slows down or speeds up the process. There has been some suggestion that it will actually slow the entire process down and has done really nothing to make things more efficient. Can you comment on that?

**Ms. Sinead Flarity:** Yes, and I'm glad you brought this up because there is something that we also felt was a big thing and we focused on in our written submission: the expansion of post-tenancy disputes to the Landlord and Tenant Board, where landlords can file applications once tenants are no longer in the unit for up to a year. We find that this potentially has the ability to considerably add to the backlog at the Landlord and Tenant Board. They're already down adjudicators.

We have a forum, Small Claims Court, that is able to hear these matters. They have rules for service and procedure. We just don't think the Landlord and Tenant Board is the place for these types of disputes. The Landlord and Tenant Board is for ongoing, existing relationships between landlords and tenants. We think this is just going to add to the backlog of post-tenancy disputes. Thank you for allowing me to raise something else.

**The Chair (Ms. Natalia Kusendova):** MPP Morrison.

**Ms. Suze Morrison:** Just as a follow-up question around the proper service issues, can you explain that a little bit more, because I've heard that from other tenant advocates around post-tenancy disputes and how a landlord is supposed to properly service a tenant for a filing at

the Landlord and Tenant Board if they don't have a new address for that tenant?

**Ms. Yodit Edemariam:** Sorry, is that a question for me?

**Ms. Suze Morrison:** Just to the last speaker; sorry.

**Ms. Yodit Edemariam:** I was unmuted.

**Ms. Sinead Flarity:** Sorry, Yodit; I'm sure you would say a lovely answer.

We just think that, right now, for the Landlord and Tenant Board, within these amendments, there's nothing that states how the landlord will—it takes the onus off the court or the Landlord and Tenant Board, so to speak, to serve the tenants; it's down to the landlord. Like I said, it's designed for existing relationships. Once that's done and the landlord has gotten an eviction for a tenant, I find it hard to grasp that proper service will be done through a landlord. Like I said, Small Claims Court already has those rules and procedures in effect.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

We will now move back to the government for the second round of questions. MPP Hogarth, go ahead.

**Ms. Christine Hogarth:** Thank you very much, everybody, for coming and speaking today. I know your jobs are very difficult. You deal with a lot of emotional issues every day. I can't even imagine what your day is like, especially in these troubling times. We get a lot of calls into my constituency office both from landlords and tenants, especially people who've lost their jobs and what to do. It's really close to all of us right now, because it's something that we're all hearing on a daily basis.

It's both sides. I want to be clear: We're not saying everyone is a bad tenant; we're not saying everyone is a bad landlord; there are great landlords and there are fantastic tenants. If you can find that combination, that's wonderful. That's why our government had to act during COVID to make evictions illegal because there were some instances where there wasn't that relationship that they could get along and protect that tenant from being evicted when they had a job loss. That's why this bill is quite important, because some of these areas that will help our tenants are actually in Bill 184.

**1450**

We can all agree that we need more housing supply, more rental supply, and purpose-built rentals. The more supply we have, the lower the price. Rent cost right now is one of our biggest problems and biggest concerns. I'm in Etobicoke. I know the Rexdale folks, also here in Etobicoke, and rent is very high. It's very high in Toronto. It may not be as high in other areas, but it doesn't matter: It's still high. We want to make sure that we can find affordable housing, which is why we want to make sure that people want to be a landlord—and we want them to be good landlords—because the more landlords we have, the more rental units we have, which brings the cost down.

Today, I just want to talk a little bit about the Housing Services Act that there are going to be some amendments to. That really helps out the most vulnerable in our society. Part of our Community Housing Renewal Strategy is

changes to make wait-lists shorter. I know the ladies from Niagara were talking about 15- to 16-year wait-lists. In Toronto, I think it's 15, 16, 17 years, even if that. So we're making some changes there so people can get into units faster. By doing that, we've asked for individuals on wait-lists—they're required to prioritize their choices and accept the first unit they're offered, which would help people move up the list and into housing more quickly. These changes to the wait-lists rules will make the lists fairer and more transparent, while allowing service managers the flexibility to make exceptions in extenuating circumstances.

Maybe I'll start with the Niagara group—actually, the gentleman from Durham hasn't been asked anything, so why don't I start with you? What do you think about some of those changes?

**Mr. Omar Ha-Redeye:** Oh, I was feeling a little bit neglected.

*Laughter.*

**Ms. Christine Hogarth:** Well, I don't want to do that.

**Mr. Omar Ha-Redeye:** Okay. I will comment briefly on that. I think the schedule there that amends the Housing Services Act under schedule 2 of Bill 184 may be beneficial. I think the challenge there is that most of the implementation is going to be in the regulations, and so there is still quite a bit that we're not quite confident will change or improve the situation.

What I can do, though, is perhaps challenge the notion that housing costs or housing prices are directly or exclusively related to vacancies and availability of units. It doesn't work that way in Durham region, and I do notice that there isn't anybody on the committee here from that part of the province, so it may be worthwhile my highlighting that briefly—that in Oshawa in particular, which is the part of Durham region where we have the greatest housing crisis, we have seen housing vacancies go up from 3% in 2017 to 4.5% in 2018. However, during that same period of time, we've seen rental rates go up, so \$858 for a one-bedroom in 2014 to \$1,204 in 2018.

What's important to notice here is that those increases are well beyond the rent guideline increases. The only plausible explanation, and in fact the explanation that we know happens here, is that landlords play fast and loose, and they get tenants out. It's as simple as that. They will get them out one way or another, even if they have to pay a one-month penalty. That is not enough of a deterrent for them to actually be prevented from engaging in these tactics and then just boosting up the rent by \$100 or \$200 a month for the next tenant. At least in our region, we can say quite definitively that is the reason why we've seen housing prices go up.

So I think that the provisions in Bill 184, in particular that provide for bad faith damages and that provide mechanisms for tenants to get additional documentary evidence, for example, are mechanisms that do have the potential to make a difference in clamping down on what I'm going to call bad behaviour by landlords. I agree: There are good landlords and bad landlords, and there are

good tenants and bad tenants, if you want to phrase it that way. But when we're talking about housing prices, the number of tenants who are engaging in fraud is very, very few, whereas when we actually see the problems with the landlords, it is quite significant.

It may be worth noting—and this is in footnote 16, I believe, of our submission—the history of the tenancy regulation. If you go back to the Davis days and the regulation scheme that was there in that time, it was a very controversial situation in 1982—

**The Chair (Ms. Natalia Kusendova):** Thank you. Sorry, we are out of time.

We are now going back to the official opposition. MPP Morrison.

**Ms. Suze Morrison:** I also would like to direct my questions at the Durham Community Legal Clinic. Would you say, overall, that the balance of power at the Landlord and Tenant Board currently rests with landlords or tenants? Who do you think has more power in the current system in our Landlord and Tenant Board?

*Interjection.*

**Ms. Suze Morrison:** Again, that's for Durham, if we can get them on the screen. You're muted.

**Mr. Omar Ha-Redeye:** There we go.

What I would encourage is for anybody from the committee—or, really, any member of the public—to go to the Landlord and Tenant Board, once it actually is open again, for in-person hearings. I strongly encourage that. Just take a look around. Walk around.

In our neck of the woods, we have one Landlord and Tenant Board in a shared space that can accommodate, I would say, maybe a couple hundred people, but we sometimes have 250 people in standing room only. There are only two full-time adjudicators, three part-time adjudicators and the vice-chair, so we have significant shortages, and decisions that used to come out in 30 days are now taking up to three to four months. We have a serious problem there, but the bigger problem is that if you walk around and you look at who's represented, it's very clear that all of the landlords—every single one of them—are represented, and I would say over 95% of the tenants are not represented, if it wasn't for the assistance provided by community legal clinics.

It's for that reason that in our recommendations, we're all for mediation. We're all for dispute resolutions that don't involve hearings. I think those parts of Bill 184 are, in fact, commendable, but the way that they are being implemented is very, very dangerous, because landlords—and we know this; we've seen it—will take advantage of tenants, mischaracterize the law, misstate the law and force them into either above-guideline increases for rent or into agreements that are illegal under the RTA, and there will not be an ability to actually rectify that after the fact.

So it is essential that in those agreements—we've made a recommendation; this can be done on-site with the assistance of tenant duty counsel—that those agreements can still be entered into without this direct supervision of

the board, but by still ensuring that tenants have some support and guidance from trained legal professionals who are able to look out for their interests and ensure that any settlements are actually in compliance with the RTA.

**Ms. Suze Morrison:** Thank you so much. You've painted a pretty bleak picture in your area. Would you say that, taken in conjunction with the recent 30% cut by this Conservative government to legal aid services, that tenants at the Landlord and Tenant Board will have an even harder time getting access to justice and access to representation as they fight their evictions?

**Mr. Omar Ha-Redeye:** We were actually at the other committee for Bill 161 very recently, where we were discussing this. We are fortunate in our part of the province, in that we have an effective cut of about 1%. So we did not receive, for example, the equivalent of a 22% cut that some of the Toronto clinics face. But what I can say, and I'll reiterate here, is that that 1% cut has had a debilitating effect in our clinic. It's resulted in staff morale plummeting, an incredible amount of turnover. I am new in my role at the clinic as a result of some of that turnover. It really has impaired front-line services.

I think this is the challenge, that when we're looking to have an efficient budget and use taxpayer dollars properly—which we should be; we should all be accountable—not every social service has the same amount of administrative expenses or bloating or inefficient use as other services. What I can say about the community legal clinics is that we are as lean as they come. As the executive director, I'm also a lawyer and I also provide front-line legal services.

Without question, those cuts, as well as perhaps some of the changes that are going to come from Bill 161, are going to impact our ability to actually assist individuals in legal problems and disputes. It unfortunately doesn't exemplify a true understanding of the role which legal clinics play, which isn't simply to fight landlords. That's not what we do. The vast majority of our work often does involve encouraging mediation and settlement, and advising tenants that what they need to do is pay their rent and then seek the remedy. So landlords then get that rent money that they would otherwise not receive, and are able to be satisfied in that respect.

We actually reduce the conflict, we expedite the proceedings and we actually save the tribunal an enormous amount of time. Unfortunately, these cuts were placed in exactly the wrong places, in the wrong social services and to the wrong providers, who were actually providing very essential services to the most vulnerable and the most needy members of our community.

**1500**

**Ms. Suze Morrison:** Do you think overall that Bill 184 will disproportionately impact vulnerable people in our communities from maintaining their housing and preventing homelessness, specifically as we think about folks with language barriers, newcomers or people with disabilities?

**Mr. Omar Ha-Redeye:** When you have landlords provided with the ability to force a settlement—and that's

what's happening here—without any supervision and without any legal advice, you can 100% be guaranteed that some of those individuals who are forced into these agreements will not have English as their first language, will not have legal literacy or financial literacy and will not understand the implications of the agreement that they're entering into. So yes, this is a very dangerous approach, not simply because of, as I've mentioned, the fact that these people are entering into improvident agreements, but also because we are still on the tail end—not even on the tail end—of the COVID-19 pandemic. As you've heard from Rexdale, we're going to see a second wave; we're quite confident of that. And if we don't put the brakes on Bill 184, we're actually going to have people hurt very significantly—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now we are going, for our last round of questions, to the government. MPP Karahalios, go ahead. Can you please unmute?

**Mrs. Belinda C. Karahalios:** Can you hear me now?

**The Chair (Ms. Natalia Kusendova):** Yes, we can. Go ahead.

**Mrs. Belinda C. Karahalios:** Thank you, everyone, for coming here this afternoon and sharing your feedback and, in some cases, your stories. I'm the member for Cambridge, so we do—obviously, every community in Ontario has renters and landlords. As MPP Hogarth had mentioned, we do get a lot of this in our constituency offices. By the time you come to a government official, you've kind of reached the end of the line, so we do hear, I would think sometimes, the worst of the stories, as would you in your professions and your work. I try to always go into these things without having that bias from hearing these stories.

I agree. We need to make—first, this is for Yodit; I hope I pronounced your name right—we need to make renting easier and fairer for both tenants and landlords, agreed. Our proposed changes to Ontario's rental rules will make it easier to be a landlord while enhancing protections for tenants to make life more affordable. We've heard from tenants who have been unfairly evicted from their homes. That's why we're increasing fines, raising compensation and tightening the rules to encourage everyone to follow the law.

Bill 184 will provide stronger protections for tenants by requiring landlords with small buildings to give tenants one month's rent in compensation for evictions for renovations or repair, or when they evict the tenant on behalf of a homebuyer who wants to use the unit themselves; increasing maximum fines for offences under the Residential Tenancies Act, 2006; and requiring landlords to disclose to the Landlord and Tenant Board, or the LTB, if they have previously filed for an eviction so they can move into or renovate the unit, to help identify repeat behaviour.

The changes would also shift many disputes, such as unpaid utility bills, from Small Claims Court to the Landlord and Tenant Board, making the resolution process simpler and more streamlined. Tenancy disputes can also

be resolved more easily through these changes by making it possible to provide mediation before the Landlord and Tenant Board hearing date.

As well, we are proposing faster resolution of disputes by asking tenants to inform their landlord of any new concerns they want to raise at the hearing. This will reduce delays and encourage discussion of concerns.

My question is, what concerns are you hearing from your clients about community housing? If you'd like to elaborate on if you could.

**Ms. Yodit Edemariam:** Thank you so much for your question. We do serve a lot of clients who live in community housing in our area. That would be Toronto Community Housing. As my colleague Omar mentioned, my understanding of the proposed amendments right now is quite general. Some of the things that I would highlight for the government are, as other colleagues have mentioned, broad consultation, particularly with tenants of social housing. I myself have learned so much from my clients in terms of their experiences of living in social housing, the onerous processes of having their rent calculated—anything from rent calculation to making sure the housing provided is safe and well-maintained—and also that the stigma many people face when living in social housing is addressed in terms of communication.

Part of that, again, comes from the tenants themselves. When you speak with tenants who live in community housing they will tell you about the gardens they've started, the communities they're building and the families they've raised there. This is not short-term housing; this is part of communities being built. Ensuring a robust availability of social housing in Ontario is key, and a situation, along with the stigma—to make sure that tenants are supported. Many tenants who live in social housing have disabilities, mental health issues or other health concerns and are often working multiple jobs to make ends meet—and to make sure that the interaction is respectful and also that they get connected with appropriate supports, ensuring an equity lens to these deliberations.

Finally, I would note one concern with social housing and rent-geared-to-income is that the harder people work in social housing, the more they pay to the landlord. That is one thing that I would highlight that I hear from clients who work overtime and then of course because it's geared to income, they pay that to the landlord, so it's harder then for them to move out or to relocate or to move on.

You raised a couple of issues, and I just wanted to pass it on to my co-presenter, Ahmed Ismaïl, if that's okay, just to speak to tenants seeking compensation after they've been evicted and how that's so difficult.

**Mrs. Belinda C. Karahalios:** Yes, thank you so much for that. I think her colleague wanted to speak.

**The Chair (Ms. Natalia Kusendova):** Please unmute. We still can't hear you.

**Mr. Ahmed Abdi Ismaïl:** Hello? How about now?

**The Chair (Ms. Natalia Kusendova):** Go ahead.

**Mr. Ahmed Abdi Ismaïl:** I live in Etobicoke North and we see a lot of problems for tenants over the last two years. Because there is a shortage in the housing market,

they will ask for a lot of rent increases from \$200 to \$300 to \$400, and people can't pay that. Usually they tell them that's illegal, and once they do that they get served with an N12. They can't fight the N12 because it's something that they don't know and they lack the language. They don't know where to go to seek help, so landlords take advantage of that and they usually evict the tenant.

What I notice is, they send a letter telling them to pay them \$600. The tenant will—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm so sorry, but we are out of time.

Now for our three minutes of questions by the Liberal independent member, Mr. Blais.

**Mr. Stephen Blais:** Mr. Ismail, if you wanted to finish your thought, please go ahead and finish your thought.

**Mr. Ahmed Abdi Ismail:** Thank you so much. It's hard for the tenants to fight the N12. Because usually with the landlords, they've seen a lot of tenants being evicted from this community; it's very hard for them to fight the N12.

The compensation that the government is proposing is very great, but it doesn't really help because the market rate now for a two-bedroom in our area is \$2,000 and a three-bedroom is \$2,500. The landlord is going to make that money within one year, so the landlord has nothing to lose. Even if he gets penalized, he has nothing to lose. We need strict laws. Thank you very much.

**Mr. Stephen Blais:** Thank you for that. Mr. Ismail, we've heard that the restriction on evictions during the pandemic, while obviously helpful in the immediate term, is creating this built-up problem in terms of arrears that might be building up and the challenge that others have spoken about.

I'm wondering if you could talk about what the economic impact of COVID has been in your community and the fear that might be building up in terms of what that might lead to once evictions are allowed to continue again.

*Interjection.*

**Mr. Stephen Blais:** Could he be unmuted, please?

1510

**Ahmed Abdi Ismail:** Okay. Even before the coronavirus pandemic, we had a lot of eviction notices, so it's going to add to that because of the coronavirus. I think this meeting would be better if it was postponed to a live meeting instead of video conferences. We could show the government that there are a lot of people who are involved and who are threatened with evictions, and with coronavirus and the pandemic, it will add on to that. It would help. Like some of the colleagues mentioned, this bill is at the wrong time.

**Mr. Stephen Blais:** Thank you.

Very quickly, Yodit: You had spoken about this problem, as well. I'm wondering if you have any sense of how big this particular issue might be as we approach the removal of the restriction.

**Ms. Yodit Edemariam:** It's huge, and I don't think you need me to tell you that. I think the government responses thus far have shown us how serious the situation is. How quickly municipalities have ensured that people

who are experiencing homelessness are housed during this time; making sure that people living in congregate settings are able to physically distance—that is recognition that is happening at all levels of government. We are deeply concerned in the Rexdale community. We're getting multiple calls from tenants who are trying very hard to pay their rent.

I'm going to just second my colleague Omar's comments about what legal clinics do. We explain rights and responsibilities. We tell tenants—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Unfortunately, we are out of time. I'd like to thank all of the presenters. As a reminder, the deadline to send in a written submission will be 6 p.m. on June 26.

COMMUNITY LEGAL SERVICES OF  
OTTAWA  
ONTARIO ABORIGINAL HOUSING  
SERVICES

MS. DAYNA SPARKES

**The Chair (Ms. Natalia Kusendova):** We will now be moving on to our next round of presenters. We have with us Community Legal Services of Ottawa, represented by Sarah Sproule, the director of legal services. Welcome. Thank you for joining us. You have seven minutes for your presentation, and you may begin by stating your name for the record.

**Ms. Sarah Sproule:** Hi. I don't know if my video has started yet. Can—

**The Chair (Ms. Natalia Kusendova):** No, we can only hear you. We can't see you.

**Ms. Sarah Sproule:** Okay—oh, there I am. Hello. Nice to see you all.

Good afternoon. Thank you to the committee members and other panellists for giving me audience today. I'm a lawyer with Community Legal Services of Ottawa. I know you've heard from a lot of clinics today, but bear with me.

I'm here to speak about my community, and housing comprises a significant part of the work done by my organization. In our roles as tenant advocates and tenant duty counsel, we see all kinds of housing-related issues facing our city, some of which are explicitly addressed in this legislation, but today I must speak about the two ongoing emergencies that my community is facing and my fear that Bill 184 will exacerbate them.

Crisis number one is that Ottawa is facing a housing and homelessness crisis. The depth of this crisis became monstrously clear to me on September 17, 2018. On that day, a woman came into my office looking for help because she had nowhere to sleep. After being discarded by her family, she had been forced to sleep on the living room floors of people she met at churches, or at times even outdoors. This anecdote may sound unfortunate to you, but perhaps not all that unusual, but here's the thing: She had with her her three-year-old daughter, who had been experiencing homelessness alongside her mother for weeks.

I've lived in Ottawa most of my life, but never did I imagine that in a city that has so much, our nation's capital and the second-largest city in our great province, we would have homeless toddlers. After that day, I became fully aware of the scope of Ottawa's housing and homelessness problem, and I'd like to just very briefly share with you some facts that I think best illustrate the magnitude of the crisis.

Average rents in Ottawa have increased 25% over the past five years. A worker would need to have made \$26 an hour last year to afford an average two-bedroom apartment. Close to 100 people sleep outside every night, 600 families are living in emergency hotels and 12,000 households are on the waiting list for subsidized housing. People are falling into rent arrears and being evicted into homelessness, families are living in hotels, and children are homeless.

And now, we're also contending with a second crisis, a health crisis and an economic crisis of historic proportions, the COVID-19 crisis. Research has shown that homeless populations are disproportionately affected by pandemics, both in terms of infection rates and mortality rates. People facing homelessness are at greater risk of contracting COVID-19 for the simple fact that they cannot do what we are all being told to do. They cannot socially isolate.

The confluence of the housing and homelessness crisis and the COVID-19 pandemic has created an unprecedented housing-related crisis in Ottawa and across the province. I would submit that a crisis of such scale with such deadly consequences should be at the forefront of every public effort, every policy decision and indeed every bit of legislative reform. But, unfortunately, Bill 184 does nothing to address this crisis. Instead, it contains a provision that could serve to make things much, much worse.

Presently, a tenant who is facing eviction due to rent arrears cannot be evicted without an opportunity to appear at the Landlord and Tenant Board. Bill 184 proposes an amendment to section 206 of the Residential Tenancies Act which would allow the Landlord and Tenant Board to authorize evictions to be attached to repayment agreements made between landlords and tenants outside the tribunal setting. In essence, this means that tenants can give up their right to a hearing about rent arrears before one is even scheduled, and, in doing so, they'll give up a myriad of protections that ensure they don't sign their own eviction orders due to fear, or pressure or even basic misunderstanding.

For now, tenants who attend the Landlord and Tenant Board for arrears are given basic information from tenant duty counsel. They're given updated rent ledgers from their landlords which explain precisely how much rent is owing and confirm that the landlord hasn't actually just made an accounting error. They're given the option of seeking the assistance of a mediator to create repayment plans that they can abide by and that their landlord can live with. They're given information about arrears assistance that might be available through city programs. They're given an opportunity to explain to an adjudicator the circumstances surrounding their arrears and the impact

that eviction may have on them and their children, and they can request extended repayment plans as relief. But most importantly, they're given the chance to confirm in person, after speaking with a lawyer or a mediator, that they understand the no-notice eviction consequences that will result from failing to meet a term of their agreement.

With the amendments to section 206, tenants who are just a day late or a dollar short in meeting their repayment obligations can now be subject to eviction without notice or hearing. Given the economic pressures of the COVID-19 shutdown and the recent pause on arrears hearings, we anticipate that a great many tenants will be facing rent arrears and feel pressured to come to an agreement so that they don't lose their housing at this dangerous time. Allowing repayment plans without a hearing removes the onus on landlords to prove the basic fact of their application for eviction: that there is an amount of rent owing. This unnecessarily opens the door to bad-faith arrears evictions.

At first reading of Bill 184, Minister Clark recognized that while most landlords operate in good faith, some do not. I have seen this unfortunate reality time and time again. Earlier this year, I was assisting a man who had breached his repayment agreement. Do you want to know precisely how he breached it? It was by mistakenly paying \$10 less than the entire amount of the arrears owing. Even though he made this payment in person by direct debit to his landlord's staff, no one alerted him to the error. Even more egregiously, the landlord immediately applied for an ex parte or no hearing eviction, and refused to accept the outstanding \$10 when the tenant realized his error and attempted to clear the arrears. He was a long-term tenant with a below-market average rent. He lived there as a working single father with his 12-year-old son.

During this time of exceptional anxiety and hardship, where the vulnerabilities faced by our low-income, marginalized and racialized communities have been laid bare, it would be a shocking mistake to allow tenants to facilitate their own evictions by signing agreements they don't understand, agreeing to repay a debt that has not been proven and whose terms they might not be able to meet, and it would undoubtedly contribute to our shameless homelessness crisis. We cannot let this happen to our communities in Ottawa and across this province.

We urge this committee to amend Bill 184 and remove the changes it proposes to section 206. We urge the government to focus on positive measures to alleviate the harm caused by homelessness and COVID-19, such as rent relief measures, investments in affordable housing and arrears relief guidelines for the Landlord and Tenant Board. I thank you for your audience.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

Our next presenter is Dayna Sparkes. Welcome. You have seven minutes. You may begin by stating your name for the record.

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Okay. We will be moving on to Mr. Justin Marchand, the executive

director at Ontario Aboriginal Housing Services. Welcome. You have seven minutes for your presentation. Please begin by stating your name for the record.

1520

**Mr. Justin Marchand:** Good afternoon. Aanii. Hello. My name is Justin Marchand and I'm Métis of Algonquin, Mi'kmaq and French descent, among other backgrounds. I'm currently the executive director of Ontario Aboriginal Housing Services. I'm thankful to the Standing Committee on Social Policy for providing us with the time to speak regarding certain items in the proposed Bill 184, Protecting Tenants and Strengthening Community Housing Act. Our comments today are made from the perspective of an Indigenous non-profit housing provider.

We own and manage approximately 2,500 units of a mix of housing, including rent-geared-to-income, supportive housing, affordable housing and market housing, to people of all backgrounds right across Ontario. In addition to property management, we provide various other housing-related supports, and in total, it's an honour for our entire team to serve over 10,400 people every day.

We don't and we can't do this alone. Our success is due precisely to our ability to work together in partnership. Our partnerships start with the strength of our board, which is comprised of the Ontario Native Women's Association, the Métis Nation of Ontario and the Ontario Federation of Indigenous Friendship Centres. We have partnerships with local service agencies, numerous service managers in the south and district social services admin boards in the north. We work with private sector partners, including over 3,000 small *[inaudible]* across Ontario and two of the big five Canadian banks, and we have been a supportive and award-winning member of the local chamber of commerce in Sault Ste. Marie for the entire 26-year existence of our organization. Our provincial office is located in Sault Ste. Marie, home to Minister Romano, and we have satellite service centres in Dryden, Timmins, Sudbury, Peterborough and Hamilton.

We do this work with one focus in mind: to provide safe, affordable housing for Indigenous people living in urban and rural areas of Ontario. We serve all people. In fact, 50% of our services help Indigenous people and 50% of our services help non-Indigenous people. It is in this context that these comments are made today with respect to Bill 184.

The first item is with respect to the concept of adequate notice and the Landlord and Tenant Board. Proposed changes to the LTB processes would require that tenants provide advance notice for any related issues at a hearing for non-payment of rent. One of the principles of natural justice is that there be adequate notice and a fair hearing. Bill 184 does indeed have provisions that support these principles of natural justice.

When a tenant has a good faith complaint or a report about an unresolved maintenance issue, this means that the landlord will have received adequate notice about the maintenance issue prior to the hearing. The effect should be to incent landlords to adequately address, or at least to undertake to address, the maintenance issue prior to the

hearing. In other words, if the reason for the non-payment of rent was withholding payment due to not completing required repairs, then by simply requiring adequate and fair notice, there is an opportunity to remedy the primary underlying issue, i.e., outstanding repairs, and for the resulting issue, i.e., non-payment of rent, all to be resolved in advance. The side effect is avoiding the need for a hearing altogether, and the outcomes include a tenant with a repaired housing unit and a landlord who has collected the rent necessary to pay for the operation of the building.

For the landlords who act in bad faith by ignoring reported maintenance issues, tenants do have an opportunity to be heard before the tribunal regarding an unresponsive landlord. Landlords who do not take reasonable steps on reported maintenance issues will not be able to claim lack of knowledge at the tribunal since they will have received formal notice through the tribunal as well as, presumably, through numerous reports by the tenants through other methods. If tenants are not able to provide adequate notice in advance of the hearing, then tenants are to provide the tribunal with a satisfactory explanation on why the issue was not raised in advance. Presumably, the tribunal will continue to act in fairness in recognizing legitimate issues for some tenants who may face barriers in this area.

This respective provision in Bill 184 should have the effect of promoting transparency and resolution of any outstanding repair issues and ensure that non-payment issues brought before the tribunal receive proper and fair focus.

Secondly, on mediation and dispute resolution processes, disputes between two parties can be successfully resolved through communication, and specifically through mediation or dispute resolution processes. Bill 184 expressly encourages and provides options that allow for tenants and landlords who wish to work together in good faith to resolve issues without the tribunal. However, if either a landlord or a tenant wishes to appear before the tribunal, both parties still retain that right.

Some other issues that impact some non-profit housing operations: With respect to changes that will impact organizations such as ours, many of those details are yet to be determined through regulations. Minister Clark has demonstrated through his actions that he is a keen, interested and thoughtful listener, who in fact does follow through on his commitments. We look forward to being included in consultations on the regulations to ensure that the needs from different stakeholders are considered and appropriately implemented.

Moving forward, we would encourage Ontario to consider various options to move towards a fully functioning Landlord and Tenant Board. This could include opening up mediation processes without affecting tenancy in the near term. There will most certainly be a backlog of hearings added to an already increasingly lengthy tribunal process, so therefore opening up communication options for tenants and landlords would be a welcome first step towards resolving these issues.

I would also be remiss if I did not take a short opportunity to let the committee know that there are over

80,000 Indigenous people living in urban and rural areas of Ontario who do not have safe, affordable housing. As the pandemic has continued, it has become clear that people who are experiencing homelessness are at a higher risk of contracting COVID-19 than those who are not. We know that the subsequent transmission rate for people accessing shelters is four and a half times greater than someone who does have safe, affordable housing. According to municipal stats across Ontario, anywhere from 27% to upwards of 99% of people experiencing homelessness are Indigenous, depending on the community.

The good news is that we know how to effectively address homelessness in a fair, just and responsible manner. We are working together with Ontario on effective solutions, but we need to do more together. We also know that safe, affordable housing is an affordable and much smarter solution for the province of Ontario. Does it really make sense to continue with hallway health care when we know that safe, affordable housing is a much less expensive, and also more appropriate and more dignified, solution? Does it really make sense to continue promoting institutionalized shelter when we know that safe, affordable housing is actually a net cost-saver to other provincial systems?

In closing, Bill 184, Protecting Tenants and Strengthening Community Housing Act, promotes communication between tenants and landlords while retaining the right of either tenants or landlords to continue to pursue remedies through the tribunal if needed, or indeed even if desired. Bill 184 does this by requiring fair issues to be heard before the tribunal. Bill—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Sorry, we are out of time. Is Dayna Sparkes with us?

**Ms. Dayna Sparkes:** Yes, I am.

**The Chair (Ms. Natalia Kusendova):** Welcome. You have seven minutes for your presentation. You may begin by stating your name.

**Ms. Dayna Sparkes:** Thank you. Good afternoon, committee members. My name is Dayna Sparkes, and I'm a member of ACORN in Hamilton, an advocate group for social justice. Housing is one of those things that we fight for.

Bill 184, and more specifically the proposed changes that Bill 184 is trying to achieve, is the reason I am here today. Bill 184, also known as the Protecting Tenants and Strengthening Community Housing Act, 2020, is anything but protecting for tenants. The Progressive Conservative government wants to protect landlords and developers so that they may prosper.

There is a housing crisis, and it has been here for a long time. Affordable housing is a commodity, and not many residents have access to it. Now more than ever, since COVID-19 took over our lives, this is not a time where our government should be pushing a bill like Bill 184 so vigorously, as it can cause displacement for so many people. This bill could leave thousands homeless.

This bill supports landlords and making the eviction process a lot easier. It is proposed that tenants may or may

not have the right to defend themselves in a hearing at the Landlord and Tenant Board. This bill could allow tenants to have no hearing at all.

Consider a young family, for example. What if one or both parents has just lost their job, which is a considerable possibility these days? Now that young family can't make their rent that month, because neither parent was able to secure funds because they have to wait for employment insurance to kick in. They might not even be eligible for EI. Their rent is wildly overpriced, because their home is owned by a huge development company who only care about getting their tenants' money in their pockets. This is a scenario that is already a reality now. What could happen to the family? They could get evicted with no hearing because that landlord gained that power through Bill 184, if it passes.

What if the young family opt to make a payment arrangement with their landlord? What if they couldn't honour that arrangement because finances still aren't what they were before, because they only received 55% of their previous earnings? I receive a total of \$672 on parental leave. It's not even close enough to live off.

**1530**

Under the RTA, the landlord and tenant can make an agreement for repayment, and if the tenant fails to keep to that arrangement, the tenant is still entitled to a hearing. If Bill 184 is passed, it would allow landlords to proceed with an eviction order without the opportunity for tenants to speak for themselves. How is this tenant protection?

The reality is that many people could end up homeless, on the streets or in a shelter until they are able to find attainable, affordable housing. Our government has a responsibility and a duty to the people of Ontario to be finding solutions to our housing crisis instead of giving more power to massive development companies and landlords that are taking over. If this bill is passed, it will create a domino effect of disaster for so many Ontarians.

There are so many ways that Bill 184 could affect tenants' lives. As I previously stated, it is quite clear that it is promoting development companies' profit schemes and, in turn, it will turn the Landlord and Tenant Board into a bill collector. It would give the LTB the capability to let landlords pursue tenants or former tenants for rent or utility arrears through adjudication. This currently happens in Small Claims Court and it should stay in Small Claims Court, because the LTB is backed up enough without having to handle those types of disputes. I have had to wait many months personally for a matter to be addressed at the LTB. There just isn't enough time for things that already don't function well.

I think anyone who rents dreads the time they know that their rent is going to increase. It is wildly unfortunate that so many landlords push on and give tenants illegal rent increases. This happens when the landlord goes above the guideline percentage that Ontario sets for the year.

Bill 184 says it doesn't matter if you get an illegal rent increase. If the tenant pays the rent increase, it becomes a binding contract. This means that a tenant once again loses

the right that the Residential Tenancies Act provides. There may be an instance where that tenant pays with preauthorized debit and doesn't see the rent increase. What if the landlord just plain doesn't give it to the tenant before 90 days or doesn't give it at all? It's an absurd idea, let alone bill. This is another way that shows Bill 184 is working for landlords.

We don't need Bill 184. ACORN is calling for a rent break for tenants, a freeze on rents during COVID and the eviction process and vacancy control. All of those will really protect tenants.

At this time, I would just like to say I'm thankful to have spoken here, and I really feel passionately that there are so many negative benefits of Bill 184. We need help, we need protection and for our government to stop putting us in dangerous waters. Thank you again. I'm saying no to Bill 184.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

We will now begin our questions with the government side. MPP Martin.

**Mrs. Robin Martin:** Thank you very much to all the presenters for coming today and giving us your thoughts on the legislation, Bill 184, that we're considering.

This is the first presentation we've had as well from an Aboriginal housing supplier, so I want to thank you for coming, Mr. Marchand. I had some questions for you. You were quite supportive in your comments about some of the changes that we're bringing forward in the bill, and I was struck by your language. You said that the act promotes communications between the landlord and tenant, and I think you talked about how mediating and resolving disputes without having to go to the Landlord and Tenant Board could be positive as a way of not having to go to the nuclear option of evicting a tenant if it's something that you can otherwise deal with. Could you just elaborate a bit on why you see that as a positive step?

**Mr. Justin Marchand:** Sure. Thank you, MPP Martin. I do think it does promote communication. The last thing that we want to do as the landlord is evict tenants. We try to work voluntarily with our tenants in advance. We certainly do that to avoid bringing tenants to the tribunal. We do that to avoid the cost and time of our organization attending the tribunal. I just think that if there are willing partners—again, tenants don't have to undertake that process, but if they're willing to do so, if they know that their landlord understands the situation, why they've fallen behind, and if they agree on a mutually acceptable payment solution plan, then two parties should be able to come to an agreement together.

**Mrs. Robin Martin:** Yes, I agree. You also spoke about the principles of natural justice and how having adequate notice of issues to be raised at a hearing is important for all the parties, to know what they're there to talk about and also whether they can resolve any issues without having to resort to a hearing. Do you want to talk a little bit about what it's like to not have adequate notice, I guess, of issues raised at a hearing and how that affects the ongoing processes at the Landlord and Tenant Board?

**Mr. Justin Marchand:** Sure. I'll say this in the context that the vast, vast majority of our tenants are very cooperative. They appreciate the service that we're providing and they know that the responsibility is a two-way street. However, sometimes when we appear before a tribunal for a nonpayment of rent—and I'll reference that specifically, because that's what the legislation talks to. Some tenants who are not there in good faith, I'll say—and, again, it's a minority—might try to bring up last-minute maintenance issues that we've never heard of before. All that does is ask the tribunal to adjourn the session so that we can go back to our property management office, get the right information available so that we can appropriately respond. And then, having to wait for another one, two or three more months for that hearing to be rescheduled really puts out other tenants on our wait-list or other community members on our wait-list, who do need access to safe, affordable housing.

With respect to the issue of bringing forward issues that we're not aware of, it's inherently unfair in a justice or a tribunal process to not let the other party know what you're there for. When landlords bring forward a tenant to the tribunal, we have to let them know that you're here for nonpayment of rent. It's just a matter of a respectful two-way street, that if there's something that the landlord didn't do correctly, they have the opportunity to be told what that is so that they have the opportunity to first, ideally, just simply correct the problem. And second, if they can't correct it by the time the hearing is there, that they can at least come to the tribunal and present a plan, which really just enhances the effectiveness of the tribunal, both in terms of justice or fairness for the landlord and the tenant.

**Mrs. Robin Martin:** And do you see any virtue in the proposed change to allow utility payment disputes and things like that to come to the same tribunal, the landlord and tenant tribunal that we have in the legislation, as opposed to having to go to a separate adjudicative body like the Small Claims Court? Do you see any benefit in that?

**Mr. Justin Marchand:** Absolutely. If the Landlord and Tenant Board is there for landlords and tenants to address those issues, that's exactly where that should be. Tenants or landlords shouldn't have to go to—and again, it's for both parties. Neither should have to go through multiple tribunals and navigate multiple justice systems for the same type of relationship.

**Mrs. Robin Martin:** And I wanted to ask you what you see as the key priority actions government could take to improve housing outcomes for Indigenous people living off-reserve.

**Mr. Justin Marchand:** For that, it's really expanding what we're already working on with the government of Ontario. We have solutions that we've worked on together. We have the templates that work. There isn't a one-size-fits-all approach. The local community knows best how to help local citizens, local community members. Providing that autonomy, if you will, with, of course, appropriate oversight, and reporting back to government

to let government know the outcomes that we're achieving, has really been extremely successful. Empowering organizations such as Ontario Aboriginal Housing Services has really been the key to making a significant difference in the lives of the people that we serve.

1540

**Mrs. Robin Martin:** When we were starting and you made your submission, I don't think you quite finished and I meant to invite you to finish what you had said at the beginning. Did you have any concluding comments you wanted to make?

**The Chair (Ms. Natalia Kusendova):** Sorry, we're out of time. We can certainly do that in the next round.

Go ahead, official opposition: MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my first round of questioning to the Community Legal Services of Ottawa. You painted a pretty bleak picture in your community about the state of housing and homelessness. Indeed, it's very concerning. I'm wondering if you could explain a little bit more what you see as the social cost of homelessness, particularly in your community.

**Ms. Sarah Sproule:** The social cost of homelessness is a cost to all of us. Homeless communities face more barriers to employment and they face more barriers to being able to raise their children and contribute to our communities in other ways. To be frank, the financial cost of homelessness to the taxpayer is outrageous. I think a shelter cost for somebody for a month is about \$1,900, which is what it costs the taxpayer. If you compare that to what it would cost to invest in a rent subsidy or affordable housing, homelessness costs us all. There's not just the moral cost; there's actually a financial cost to it. That's why we're so particularly concerned with a bill that we think will exacerbate the homelessness problem by causing unnecessary evictions rather than putting in place measures that will allow people to find ways to save their homes, meet their obligations and find ways to sustain their housing and keep a shelter over their heads.

**Ms. Suze Morrison:** Would you say that you think Bill 184 as it stands will increase rates of homelessness in Ontario?

**Ms. Sarah Sproule:** I have no doubt. Particularly section 206 is, I think, a direct line to more evictions and more homelessness. People will be signing things without understanding what they're signing, people will be signing things without understanding what their financial situation is going to look like in two or three months because of the uncertainty we're experiencing right now, and they will not be given a chance to change the situation. They will be losing their homes for rent arrears.

Vacant rentals, as my colleagues, I think, have talked to you about—the rates of rent for vacant units are far higher, dramatically higher, than occupied units in my city. I think I mentioned that rents have increased 25% over the past five years, so if they can't afford their current apartment, they're not going to be able to afford their next apartment during this time of financial crisis. So I have no doubt that homelessness will be exacerbated.

**Ms. Suze Morrison:** We're heard from other folks who have come to committee who have said that the increase in rent isn't necessarily tied to vacancy or supply. Would you agree with that?

**Ms. Sarah Sproule:** Yes, I would, and I apologize I don't have the statistics on hand, but I'll certainly put them in my written submission that I will get to you by Friday at 6 p.m. The CMHC issues statistics every year on rental housing in cities across the country. For Ottawa, as was the case with Durham—I was able to catch that presentation—the vacancy rate actually increased last year for the first time in a while and rents continue to increase at a remarkable rate, so I don't think we can safely say that there's a correlation between supply and rent amount. I think the issue is that we need some rent control for vacant units in this province.

**Ms. Suze Morrison:** Do you think that the recent cuts to rent control, and the recent rent control loopholes that were put in place, make rentals more unaffordable?

**Ms. Sarah Sproule:** Yes, of course. If we are looking at this from a market perspective, then landlords increasing rents in newly built units will affect the overall expectation of rents in their neighbourhoods, and rents will continue to go up in nearby units. When those become available, landlords will have more reason and more pressure to have turnover so that they can match the profits of their neighbouring landlords.

**Ms. Suze Morrison:** And do you think, overall, the measures in this bill will make it harder for tenants to navigate the Landlord and Tenant Board to maintain their housing?

**Ms. Sarah Sproule:** I can't imagine it being any harder for tenants to navigate the Landlord and Tenant Board. It will make it harder for them in the sense that they won't have as much access to it.

Getting an order set aside through an ex parte motion, staying an eviction, the sheriff—it's something that's really, really difficult for tenants to do. They need to know where to go for help doing that. If they aren't given the opportunity to appear at the first instance, they do not know that the resources are out there for free legal help to help them understand those things.

**Ms. Suze Morrison:** Overall, do you think that the harm that this bill will do outweighs any of the measures that the government has proposed that they think will help tenants?

**Ms. Sarah Sproule:** You know, it's a tough one, because there are things in the bill that I'm happy to see. I'm happy to see that the government is taking seriously bad-faith evictions, but I think it's a bit of a band-aid. I don't think that the bad-faith evictions will stop until we get a handle on rising rents in this province. I'm happy to see those things, but those things protect—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are out of time. Sorry. Back to MPP Babikian.

**Mr. Aris Babikian:** Thank you, all of you, for coming and presenting your observations and points of view about this bill. Of course, all of us know that this issue of the current crisis that we are facing regarding affordability,

homelessness etc. is something that is accumulative over the years, and until we start addressing some of the root causes we will not be able to provide better solutions.

Our government promised, when we started consultation, that we're trying to address this issue in a fair manner to both sides, the landlord and the tenant. Because one of the issues is the availability of affordable housing, rental housing, and because of the current situation, lots of landlords are not building new units, so that is a crisis. That's why we started this consultation, and this bill is the result of that consultation.

My question is to either Sarah or Dayna. In 2021, our government is investing approximately \$1 billion through our Community Housing Renewal Strategy to help sustain repairs and grow community housing, and help end homelessness in Ontario. We are working with our federal and municipal partners and Ontario's service managers to repair and expand the community housing supply in ways that address the local conditions and priorities. My question is, you don't think initiatives like that will address some of the concerns that you have already raised? I mean, I understand that there is a huge need. At least this is a good start to address the crisis.

**Ms. Dayna Sparkes:** I think the problem is that there's been a crisis for so long that it's really hard to believe that the government is going to invest and put money towards maintaining—I mean, they should be maintaining community housing. They should be maintaining these things. People are really going down the—they're having a really hard time, basically.

I live in Hamilton. We have city housing in Hamilton, and it's just really gone down the drain. I know a lot of people who have lived in city housing. There is a huge, huge wait-list for city housing. I have a family of six: There's myself, my husband and four children. If I were to apply for city housing it could take me five to seven years to find somewhere to live. That's definitely a problem.

1550

I just think that it needs to be taken a little bit more seriously than that. There needs to be more money put towards social housing to help families, singles and anybody, really. Everybody deserves to have a clean, safe home.

**Ms. Sarah Sproule:** Thank you. Of course, any new investment in affordable housing is a positive thing, and I'm happy to hear that that is a commitment that's been made. However, when you look at the scope of the problem, as Ms. Sparkes alluded to, I don't think it's going to get us very far. When you look at all the repairs that need to be done to the affordable housing units and buildings that were all largely constructed in the 1960s up to 1990s, and then you look at the waiting list and how many families are looking for an affordable unit—as I said, 12,000 households in Ottawa; it's almost a 10-year wait in a lot of circumstances.

I don't think that gets us far enough, and it only addresses the issue of the most low-income who would qualify. This issue with this bill isn't just that it doesn't address affordable housing in any way; it doesn't address

housing for people who may not need affordable housing, but they need some help during the time of COVID—middle-income families, working-class families who don't need to live in social housing necessarily, but who might be facing rent arrears, perhaps for the first time in their lives, and are now at greater risk than ever with COVID-19 and with the sections in this act that prohibit them from getting the procedural protections that they would otherwise be entitled to, to keep their homes.

**Mr. Aris Babikian:** We realize, all of us, that this issue of affordable housing and availability of housing is something that is a national issue. Many other jurisdictions also face this crisis. This is something that has to be a joint partnership between all levels of government to address this issue. The province of Ontario alone cannot address this issue on its own. That's why we need a joint national task force to address the housing issue. But at the least, we cannot wait until that task force has been established so that we can address that. We are making the commitment. We need the other partners also to come to the table and to bring their share of the contributions—

**The Chair (Ms. Natalia Kusendova):** Thank you very much, MPP Babikian. Unfortunately, we are out of time.

We are moving back to the official opposition. MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my next line of questioning to Ontario Aboriginal Housing Services. Thank you for being here with us today. Can you explain a little bit some of the barriers that Indigenous people, particularly urban Indigenous folks, face in accessing housing, rental housing specifically?

**Mr. Justin Marchand:** Sure. Affordability and racism are two that immediately come to mind. We know from Statistics Canada data that Indigenous people living in urban areas have incomes that are approximately 20% lower than the general population, so right out of the gate, there are lower incomes. Another issue that many urban Indigenous people report is facing racism in the selection of apartments.

We know, looking at the homelessness counts that are conducted municipality by municipality across Ontario, that whatever those reasons are, the outcomes do show that there is a hugely disproportionate share of Indigenous people who experience homelessness. For example, in Ontario, approximately 3% of the population is Indigenous: First Nations, Métis or Inuit. However, if you look at communities like Niagara, at the low end, 27% of the people who are experiencing homelessness are Indigenous. That percentage further increases the more you move north. In Toronto, it's estimated to be in excess of 30%; in Sault Ste. Marie, in excess of 40%; and when you get up to Thunder Bay and Sioux Lookout here, it's in the 80th and 90th percentiles. There are barriers, and that's shown out in the statistics.

**Ms. Suze Morrison:** We've heard from other presenters to committee issues around renovations and illegal evictions that folks may face. There are measures in this bill that the government has said are an attempt to address renovations, but what we've heard overwhelmingly so far

from folks, particularly from the legal clinics, is that the solution they've proposed doesn't actually disincentivize the financial incentive to displace tenants—because they can turn the units over and raise the rents substantially—and that the real solution would be adequate rent control measures, specifically looking at the changes to the rent control measures just last year that now mean that any new unit in Ontario built after 2018 no longer has any rent control measures, which could allow landlords to economically evict their tenants legally.

We've heard folks raise issues around the potential for an economic eviction in cases of racism. Is that a concern that you would share as well?

**Mr. Justin Marchand:** I'm not sure that an economic eviction of racism has been reported yet, not that I have heard. It could certainly happen; I understand what you're saying there.

I think that probably one of the best solutions is increasing supply of housing, period, and across all different types of housing, be it affordable housing or market housing. There needs to be an increase in supply in housing, and economics 101 is that if you decrease or hamper the creation of new supply, then the price goes up. That's economics 101. So I think more supply—more affordable supply and also more market supply—would be helpful for everyone.

There is a huge housing need in Ontario. We serve 10,400 people every day. There are 80,000 Indigenous people who don't have access to safe, affordable housing. Again, that's a mix of affordable and market housing that's needed to help solve the situation.

**Ms. Suze Morrison:** What sorts of investments would you be looking for in the urban Indigenous sector specifically, to help improve access to housing for urban Indigenous people?

**Mr. Justin Marchand:** We've been part of the Ontario Non-Profit Housing Association's strategic plan development, which calls for the creation of 22,000 units across Ontario over 10 years, and that's just specific to Indigenous housing. That's in excess of a \$10-billion investment, which is certainly an enormous number, and it's something that, as a prior MPP noted, is going to take solutions from multiple partners.

The federal government needs to participate in urban Indigenous housing. We've been asking the federal government to make a commitment to urban Indigenous housing for the last six years, and we are waiting for that commitment. We're also open to looking at different private sector partnerships. Some of the big banks now—we've been able to work with the Bank of Montreal, for example. Last week, we closed on a new financing round of \$17 million to complement what the government of Ontario is providing, so that we can provide an increase in affordable housing. None of that is market housing; it's affordable housing.

This really is an issue that has been around for the last hundred-plus years. It's a non-partisan issue, and it is going to—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Sorry to cut you off.

Back to the government: MPP Hogarth, go ahead.

**Ms. Christine Hogarth:** Hello, and thanks once again to everybody who has participated so far. Listening to your depositions and your comments is really important to this process and getting it right as we move forward.

I just wanted to go to Mr. Marchand. I understand you participated in some of our round tables for jobs and recovery. If you can, share a little bit of what you learned during those consultations.

**Mr. Justin Marchand:** Sure. I think there's a real opportunity here as provincial and federal governments move towards an economic recovery phase of moving out of the pandemic. There's an opportunity to address multiple issues with the same level of investment.

1600

So, typically, many different governments of different parties, including the Harper federal government in the last economic downturn, made a substantial increase in affordable housing to kick-start the economy over a short period of time. We know, economists know, from across the political spectrum, that investments in housing are one of the best job creators and economic multipliers that a government can make. So here is an opportunity that the province has—and the federal government, for that matter—to make massive investments in housing, which will increase the supply of housing, address the social issue and simultaneously try to kick-start the economy, which is needed. By its definition, housing is a locally produced, made-in-Ontario solution using Ontario suppliers and Ontario labour.

**Ms. Christine Hogarth:** I know one of my colleagues mentioned earlier, we do need the federal government to step in and take a role in helping us with this affordable housing.

Now, you also talked a little bit about some of the points in the bill about the landlords applying to the LTB instead of Small Claims Court to recover out-of-pocket costs for tenants, such as utility arrears. Do you have any further comments on that?

**Mr. Justin Marchand:** I think the provision around damages—again, when you speak to damages, and certainly from our perspective, anyways, 99% of our tenants do not damage their units. It's a very small minority of tenants. However, on the margin, those damages can create significant issues for landlords. Certainly, when units are damaged, it takes those units out of the market for a period of time, whether they're affordable or market units. It would make sense for those issues to be addressed at the Landlord and Tenant Board.

Certainly, there is a backlog at the Landlord and Tenant Board. There's also a backlog at Small Claims Court. It's less about where the backlog is, and more about where is it appropriate for landlords and tenants to resolve issues.

**Ms. Christine Hogarth:** Thank you for that. We will have a backlog, as we know, as the courts aren't sitting right now. So we will have a backlog when that day comes, our new normal, when we get back to business as normal.

How do you feel about public education? Does it play a role in helping both landlords and tenants follow the rules? What could we do better when it comes to educating our landlords and tenants about following the rules?

**Mr. Justin Marchand:** I do think public education is important. I think there has been—and this applies to those who are acting in bad faith, whether it's landlords or tenants—there are ways or procedures that somebody could, in bad faith, either delay their eviction or that, in bad a faith, a landlord could support the eviction. So I think the provisions in the bill around increased penalties to landlords who act in bad faith sends a message to the landlords, certainly, in the pocketbook, that if you are going to act in bad faith, there is a penalty to do that.

Similarly, I think with tenants, there is a responsibility around the public education side to, again, let tenants know that it is a two-way street. Landlords need tenants, and tenants need landlords. That communication can always be improved between both those parties.

**Ms. Christine Hogarth:** We agree. As we said, there are a lot of great landlords and there are lot of great tenants. We seem to create some rules for the bad eggs on either side. We certainly want to make sure that those who need to—well, everything needs a place to live, and we want to make sure the rules are fair across the board.

Did you have any further information? I know you were cut off during your statement earlier. Did you have any more things you wanted to add, maybe some advice to the government with regard to the legislation?

**Mr. Justin Marchand:** I was just reiterating that Bill 184 does require fair notice on issues to be heard before the tribunal. I think that's just a fair concept for both landlords and tenants, and Bill 184 promoting tenants and landlords working together before even getting to the tribunal I think is an appropriate measure. If that's included in the public education, that if there are tenants who face barriers, which is absolutely the case—if they need the help, it is there. As Minister Clark—

**The Vice-Chair (Mr. Aris Babikian):** Thank you, Mr. Marchand. Unfortunately, your time is up. Thank you.

Now we will go to the opposition. MPP Morrison.

**Ms. Suze Morrison:** I think I'll go back to Ottawa legal services. Thank you so much again for being here today.

I'm wondering if you can walk me through your concerns or potential concerns with the illegal rent increase portion of the bill a little bit more, and how it allows landlords to make illegal rent increases permanent.

I think you're muted.

**Ms. Sarah Sproule:** I know.

**Ms. Suze Morrison:** There we go.

**Ms. Sarah Sproule:** It's beyond my control.

Thank you for that question. Really, that question ties into a broader issue here that I feel is getting lost in all of this. We need to ensure that there are reasonable power dynamics, reasonable, fair fighting positions in cases where there is a dispute between a landlord and a tenant.

The reality is that landlords such as Aboriginal Housing Services or corporate landlords or even private individual

landlords are 99% of the time in a position of more resources, more power and more knowledge than a tenant is. A landlord is running a business, and nobody starts a business without reading what the rules, the rights and the responsibilities are, without some means to hire help—lawyers, property managers. Tenants are in their homes. They have responsibilities with that, of course, but it's a different level of understanding and resources than a landlord has. So having two parties who are on such unequal footing negotiating these things outside of the Landlord and Tenant Board setting can be really problematic.

Section 206, as it exists, gives the landlords the right to negotiate with tenants. Then if an agreement made between those two parties is breached, they can bring it back to the tribunal. The same matter, the same arrears can go to a hearing. The issue is that attaching eviction to it without being sure that the tenant understands their rights and has had the opportunity to have the kinds of resources and legal input that a landlord has is going to create chaos. It's going to create unfair evictions and it's going to exacerbate our housing and homelessness problem.

With respect to the issue of the illegal rent increases, very briefly, I'll try to give you another anecdote here. Recently, I helped a woman who was living for 30 years in her rental unit. The landlord messed up and stopped sending proper notices of rent increases for a period of three years. This tenant was not paying the higher amount because she understood that that was not adequate notice. The landlord still brought her to the tribunal for arrears, claiming she should have paid that rent amount the whole time.

This was the sharpest 90-year-old you have ever met in your life. But I would bet that most of our 90-year-old grandmothers would not have understood that when the landlord starts sending them bills for money that they owe, telling them, "Your rent is a higher amount" without giving the proper N1 notice on the LTB forms with the proper number of days, with the guideline amount of an increase—most people would be scared and not understand and pay it. And hopefully within those 12 months, they would have the fortune of getting to the Landlord and Tenant Board, talking to duty counsel and meeting with a legal aid lawyer—but not everyone does.

The fear is that you're going to have people who are breaking the rules and not being held to those rules because 12 months have passed and vulnerable tenants being expected to make up the difference.

**Ms. Suze Morrison:** My understanding of the illegal rent increase piece is that it really only benefits landlords who have broken the law.

**Ms. Sarah Sproule:** Yes.

**Ms. Suze Morrison:** Excellent. Do you think it has any place in a bill that's entitled "protecting tenants"?

**Ms. Sarah Sproule:** No.

**Ms. Suze Morrison:** Thank you very much. Do you have anything else to add on how this bill—I know we've talked a lot about how it fast-tracks evictions, but I really want to make sure that the members opposite understand

how the ex parte eviction process works, and any absolute, defining clarity that you can provide around how tenants can be evicted without ever stepping foot inside the tribunal and how that limits their access to community legal services if they don't have that touchpoint to find that access.

1610

**Ms. Sarah Sproule:** Absolutely. A tenant loses their job, they get the CERB from the feds and it's a third of what they got before. They have exorbitant rents because we have no vacancies and we have rent decontrol in this province. Now the CERB doesn't even cover their rent, never mind all their other needs. They fall behind maybe a couple of hundred bucks a month, but COVID is still going and they're in a job that they can't get back to.

So let's say they've accrued \$2,000 worth of rent arrears and the landlord says, "Let's work this out. Times are hard; let's work this out." Well, they might say, "I don't know when this money is coming in. All I can afford to do here is to pay 75% of my rent, and maybe my mom will give me a hundred bucks on top of that to start chipping away at these arrears." And the landlord says, "That's not good enough. If you do not pay me back within two months, you've got to go." It might be that that's an individual landlord and that's the best that they can do, but it might also be that this is a corporate landlord who has resources—

**The Vice-Chair (Mr. Aris Babikian):** Thank you very much. Your time is up.

Before I go to the independent members for questioning, I would like to acknowledge MPP Roberts. He just joined us. MPP Roberts, can you confirm your location?

**Mr. Jeremy Roberts:** Hi. Yes, it's MPP Roberts here and I am present in Toronto right now.

**The Vice-Chair (Mr. Aris Babikian):** Okay, thank you. Now we will go to the independent member, Mr. Blais. You have three minutes.

*Interjection.*

**The Vice-Chair (Mr. Aris Babikian):** You need to unmute, Mr. Blais.

**Mr. Stephen Blais:** Thank you very much, everyone, for your presentations. Sarah, thank you for coming as well today. If you could just finish your thought very quickly, but also could you jump into the challenges that might be faced, broadly speaking, post-COVID with all the arrears globally that may have been building up over these last number of months?

**Ms. Sarah Sproule:** Sure. What might happen is that tenant might sign an agreement that they absolutely cannot meet, because they do not understand. They have not been given the opportunity to go to a hearing, to talk to a mediator, to talk to an adjudicator or to talk to a lawyer to understand that longer repayment plans are often authorized by the board. They aren't being told that there are resources at the city that can help working families who fall on hard times to pay their rent. That could be a person who is evicted who otherwise can afford their apartment during non-COVID times.

COVID is just one example of what happens. People get sick and can't work for a few months. People fall into arrears for reasons, not just because they stop paying their rent. Our fear is that what's going to happen is that those people are going to be evicted, and the turnover is not good for our province. It can create homelessness. It creates increased rents and things just keep getting inflated.

With respect to the—oh, gosh. What was your second question? It was—

**Mr. Stephen Blais:** What have you heard from people who may be benefiting from the eviction prohibition today but that don't have the arrears that are coming?

**Ms. Sarah Sproule:** There is also a lot of misinformation out there. There are campaigns across the city like, "Withhold your rent." People don't understand what the rules are right now. They're hearing that things are on pause, so there's going to be a crisis of people who either haven't been able to pay their rent or haven't thought they've needed to pay their rent. There needs to be some comprehensive thought given to what we're going to do to help those people. There have been small business loans, there have been all kinds of things enacted to help businesses and individuals stay afloat, but there's been nothing specific for rent.

The Landlord and Tenant Board was crumbling before COVID. Tenant applications were waiting six months to be heard. Arrears applications were being scheduled within two months and then postponed another four months. It's going to be so much worse. Adding the post-tenancy claims part to this is just going to inflate this problem beyond all comprehension.

Also, if people are evicting themselves through signing agreements with their landlords that have section 78 attached to them, without being properly advised of their rights, and those people start filing ex parte orders to set those aside, that is going to slow everything down. The regular arrears hearings, we can do fast. They're booked 75 to a day—

**The Vice-Chair (Mr. Aris Babikian):** Thank you very much. Your time is up. Thank you to all three presenters, witnesses. We've concluded this round of witnesses, and we will move to the next round of witnesses.

WEST SCARBOROUGH COMMUNITY  
LEGAL SERVICES

YORK SOUTH-WESTON TENANT UNION

100 VAUGHAN ROAD TENANTS  
ASSOCIATION

**The Vice-Chair (Mr. Aris Babikian):** I will call upon Regini David to introduce herself and start this round. You have seven minutes, Ms. David. Go ahead. Unmute yourself, please.

**Ms. Regini David:** Sorry about that. My name is Regini David. Today I am speaking on behalf of West Scarborough Community Legal Services. Over 30 years, we have provided legal advice, representation and legal

education on law relating to poverty for low-income individuals in Scarborough.

As you know, Scarborough is one of Toronto's most vulnerable areas, with many diverse and low-income populations. The housing crisis attacks this group, especially seniors, women, single parents, people of colour and people with a disability. We believe that affordable housing, fair housing policies and fair legal processes are important for access to justice. This is critical to help low-income people out of poverty and to keep people off the streets, especially during this pandemic, in order to rebuild healthy communities.

Bill 184 does not reflect the needs of Ontario in this pandemic and does not address the issues tenants are facing. Instead, they are creating more barriers. As a legal professional and housing advocate, I became aware of many lived experiences of low-income individuals and families. I see people sleeping in the bus shelters or couch-surfing with friends every day; hidden homelessness is increasing. I see tenants being evicted illegally by landlords so they can gain more profit from these tenants. Tenants are left with no option but to live in overcrowded living situations or on the street. I see many low-income individuals struggle with their limited income to keep a roof over their heads and feed their children. Many landlords do not follow the law.

I recently worked with a case where a single mother, a low-income earner, called for legal advice. She pays \$900 less than market rent for a rental house because the market rent has skyrocketed. The landlord asked the client to move out, claiming that he needs the property for his own use. The landlord only allowed the tenant to stay after they negotiated a payment of an extra \$500 a month rent, which is an illegal rent increase. Two months later, the landlord again asked her to pay an extra amount. She was unable to pay and refused the illegal renting fee. Shortly after, the landlord again provided her with a notice to move out for personal use. This is a common story we hear every day.

It is very disappointing to see the increased needs of low-income tenants and the realities of the housing crisis. Introducing Bill 184 will lead to more issues in these already-vulnerable populations.

There are three major areas of concern regarding our three amendments that I would like to draw to your attention today.

**Purchase of own use:** With purchases of own use, landlords must provide compensation for one month or offer tenants another unit if notice is given on behalf of the purchaser. Landlords are already illegally evicting by saying that they will be using for their own use. The proposed changes will put tenants in a more vulnerable situation and force many tenants onto the street.

A second area is *ex parte* eviction. Allowing evictions without having a hearing is unjust and results in many tenants being wrongfully displaced. Tenants then have a difficult time accessing justice. Tenants are more vulnerable now, more than ever, with the pandemic. Bill 184 will make it harder to obtain support from the Landlord

and Tenant Board when tenants miss a payment after the repayment plan to catch up on back rent during this tough time.

#### 1620

Third, advanced notice basis of section 82: The changes under section 82 are a barrier for access to justice for vulnerable clients. Tenants are able to assess the issues they will be facing during hearings of disputed areas. However, Bill 184 makes it less accessible for them to express their views and complaints at the hearing due to the mandatory advance written notice of intent. This procedural requirement provides them with an additional burden, especially when they already have minimal representation and legal support. It is not easy for marginalized tenants to navigate the system, including individuals who do not speak English as a second language, individuals with disabilities, individuals with low literacy levels etc.

In summary, Bill 184, Protecting Tenants and Strengthening Community Housing Act, is not the answer to how we need to move forward. This bill negatively impacts our communities, which would include being wrongfully evicted and forced onto the streets. Introducing this bill during the pandemic will make it difficult and unfair for tenants, and will not help to rebuild our province. Therefore, we urge the Ontario government not to rush with this bill without proper community consultation, which should include the people who would be affected by this.

We need to think outside the box to address the urgent needs of our communities by creating fair housing policies and allocating resources to address the needs of our communities. The city, province and country must work together to bring fair housing policies and regulations that are needed to address this housing crisis. This includes rent control, vacancy taxes and rent subsidies, not Bill 184.

**The Vice-Chair (Mr. Aris Babikian):** Thank you. Now we will go to York South-Weston Tenant Union. We have Chiara Padovani and Ilana Newman.

Go ahead. Please identify yourselves for the record.

**Ms. Ilana Newman:** My name is Ilana Newman. I'm here with my colleague Chiara Padovani as representatives and executive members of the York South-Weston Tenant Union. We're a federation of 12 York South-Weston-area tenant associations. Together, we advocate for tenant rights in our community through organizing together, peer education and providing information about our rights.

Given recent developments in Ontario residential tenancy law and the current COVID-19 health crisis, our work is more important than ever. Bill 184 exacerbates an already dangerous situation. During this public health crisis, Ontarians everywhere in this province have been experiencing extreme hardship, and the residents of York South-Weston are no exception.

It's well known that the psychological, physical and financial impact of COVID on Ontarians has been significant. Tenants are especially vulnerable given the inherent precariousness of our living situations relative to that of

homeowners. For tenants, the threat of eviction is ever present.

The city of Toronto recently released data that confirmed that York South–Weston has been especially hard hit by COVID. Public Health Ontario research indicates that the social determinants of health—that is, gender, socio-economic position, race or ethnicity and occupation—have created an unequal burden for many Ontarians, and tenants especially are struggling. We were all struggling before this bill was tabled. This will be the second bill the Progressive Conservative government has put forward that erodes tenant rights in only two years.

For this second attempt to come during a time when people are experiencing such extreme financial, health and emotional hardship adds an especially cruel layer to legislation that will disenfranchise tenants even further. People are struggling between paying rent and feeding their families. They are afraid to end up homeless during a pandemic—and who wouldn't be? There are no incentives for landlords to negotiate, but incentives for landlords to evict or otherwise abuse tenants are manifold, as are the many problems with this bill.

Chiara will now discuss some of the bill's issues.

**Ms. Chiara Padovani:** Here in York South–Weston, we are all too familiar with the massive incentive landlords have to evict tenants. It is extremely profitable for a landlord to evict an old tenant in order to hike up the rent of a new tenant.

Shortly before COVID-19 was declared an emergency, the York South-Weston Tenant Union held a meeting with about 30 tenants from a building, at the request of some residents. When I asked the roomful of tenants how many people had been threatened with an eviction notice, everyone raised their hand. Shortly after that meeting, a single mother of three was locked out of her apartment even though she had fully paid all the rent she owed, because she failed to fully understand the consequences of an agreement she signed with her landlord. Cases like these were all too common before Bill 184.

What we find most frightening about this bill is that it will strip away the very few protections that exist for tenants facing eviction by taking away our right to an eviction hearing, by taking away our rights to defend ourselves before losing our homes. As it stands right now, if Bill 184 passes, a tenant who signs an agreement with their landlord outside of the LTB, with no access to legal counsel, no guarantee that the signature wasn't coerced or that they even understood the language of the agreement, could unknowingly sign away their rights to an eviction hearing, leading to their doors being locked, without ever having the opportunity to defend themselves or tell their side of the story.

I'd like to illustrate the dangers of Bill 184 with a scenario we fear will become the norm if this bill passes.

Jasmine is a tenant who couldn't afford to pay all her rent one month because she lost her job. Let's say she's one of the hundreds of thousands of tenants facing financial hardship due to COVID-19. So she does what the

provincial government has been telling tenants to do since the beginning of this pandemic: "Work together with your landlord to come to an agreement." And so, Jasmine signs a payment agreement for the rent she couldn't afford to pay. Maybe she was pressured into signing it for fear of losing her home, or maybe she signed the document in good faith and genuinely believed her landlord was offering her help. Her landlord knows that if Jasmine were to vacate her unit, they could charge at least a couple of hundred dollars more each month from the new tenants who move in.

The landlord takes the agreement with Jasmine's signature on it to the LTB and turns it into a consent order under section 206 of the Residential Tenancies Act and takes advantage of Bill 184's amendment to section 206 that allows this agreement to include what's called section 78 enforcements. That is an eviction without a hearing. This is done without Jasmine ever setting foot into the LTB. Jasmine doesn't immediately know her landlord does this, and even if she did, she probably doesn't understand what it means.

Now, let's say a payment is due, but Jasmine's EI or social assistance cheque hasn't come through yet, so she's just one day late, maybe just a couple of bucks short on meeting a payment in the agreement. Her landlord writes to the LTB that their agreement was broken, and the LTB orders Jasmine's eviction. Just one signature on one piece of paper led to Jasmine getting evicted.

In effect, the amendment to section 206 punishes tenants for following the advice of the provincial government to come to an agreement with your landlord. If Bill 184 passes, signing an agreement with your landlord could mean signing away your right to defend yourself and keep your home. This is why we stand with hundreds of tenants who signed our petition to Premier Doug Ford and housing minister Steve Clark to stop Bill 184.

I will now turn it over to Ilana to discuss our specific recommendations.

**Ms. Ilana Newman:** Tenants need more than we are currently given. We currently have the de jure security of tenancy, but de facto is another story and, as Chiara has shown, this bill will only further erode that security. Fewer of us now have rent control after the passage of the Restoring Trust, Transparency and Accountability Act, and none of us has vacancy control. We deserve better as Ontarians. We deserve the safety and security of real rent control for all residential tenants. We deserve vacancy control and equitable civil procedure at the LTB, substantive investment in social housing on the provincial level, and rent geared to income for all tenants.

We as tenants, as people, deserve to be treated as a priority by our government. We are asking to be treated with as much—

**The Vice-Chair (Mr. Aris Babikian):** Thank you very much. The time is up.

Now, we will move to our third presenter witness, 100 Vaughan Road Tenants Association—Patrick Plestid. Patrick?

**Mr. Patrick Plestid:** Hi, there. Can you hear me all right?

1630

**The Vice-Chair (Mr. Aris Babikian):** Hello, Patrick. Please identify yourself, and you have seven minutes.

**Mr. Patrick Plestid:** Okay. My name is Patrick Plestid and I am speaking on behalf of the 100 Vaughan Road Tenants Association, which represents 28 tenants living in a 33-unit building in Toronto—St. Paul's.

Today, I would like to voice our association's concerns with Bill 184. Our membership is deeply and unequivocally opposed to this bill, and we are particularly alarmed that it is being introduced during the COVID-19 pandemic.

On March 26, in response to Ontario's COVID-19 outbreak, Premier Ford told tenants, "If you can't pay rent, and you're ... absolutely in crisis, then you don't have to pay rent." At the same press conference, he also said that if anyone had to choose between putting food on their table and paying rent, the government of Ontario will make sure that no one gets evicted, adding, "We are going to make sure we take care of those people."

Since then, Ontario has offered minimal assistance to renters who are struggling financially as a result of the pandemic. And while it has instituted a temporary freeze on evictions, it has taken no long-term measures to protect tenants from eviction once the freeze has ended. Now, the province is moving to enact Bill 184, a bill that will make it easier for landlords to evict tenants, including the very tenants that our Premier promised to protect.

While we have several concerns with this bill, our association wishes to highlight one provision in particular. Under Bill 184, tenants who agree to a rent repayment plan lose the right to an eviction hearing in the future. If they miss a single instalment for whatever reason, their landlord will be able to evict them without a hearing, regardless of the circumstances.

Imagine a single parent who, prior to the pandemic, worked full-time as a bartender and lives in rental housing. During the pandemic, this tenant lost their sole source of income. In the months since, they have struggled to find new work, and without access to child care during the pandemic, they have had few opportunities to do so. Despite federal benefits, they remain unable to balance other critical expenses with rent, meaning that they need to forego either all of their rent or part of it.

Following the enactment of Bill 184, the landlord applies for an eviction. At this point, the tenant is back to working full-time. However, they owe a substantial amount of back rent. To avoid eviction, the tenant agrees to a rent repayment plan with their landlord.

Now what happens if they miss an instalment? Under the RTA as currently written, if the landlord decides to pursue an eviction, this tenant is guaranteed prior notice of eviction and an eviction hearing. If the tenant incurred a sudden and unavoidable one-time expense or if they lost their job, but have since regained employment, this can be explained at the hearing. As a result, the tenant may be saved from losing their home. If Bill 184 is enacted, the tenant can be evicted without a hearing. It does not matter

why they missed the instalment. It does not matter if the tenant can repay the instalment in short order. If their landlord proceeds with an eviction, the tenant will have no opportunity to remain in their home and no means by which to defend themselves.

That might seem like a fairly isolated scenario, but in the wake of COVID-19, how many tenants will face similar situations if this bill is enacted? Even the most conservative estimates say that around 10% of tenants in Ontario were unable to make rent in April. Roughly 1.6 million Ontario households live in rental housing. How many of these households are going to emerge from the pandemic owing rent? How many will have to then agree to a repayment plan to avoid an eviction? And of these households, how many can we expect to have trouble with one or two instalments in the aftermath of the COVID-19 crisis? To avoid eviction, these tenants will need to pay their current rent plus added instalments and avoid any kind of financial hardship, and they will need to do so in a period of severe economic uncertainty.

We believe that this change to the RTA would be deeply irresponsible even under normal conditions. To make this change now would demonstrate that either this government does not understand the scope and severity of the COVID-19 crisis, or it does not care how this affects everyday Ontarians.

It should be noted that our association has other serious concerns with Bill 184. For example, if a landlord has been so neglectful with regard to repairs and maintenance that it would render an otherwise valid eviction void, why is the province making it harder for tenants to introduce these concerns at an eviction hearing? If a tenant is required to pay utility costs, why should landlords be allowed to withhold information about how these costs are calculated? And if the goal of Bill 184 is to make better use of LTB time and resources by reducing the number of formal hearings, as Minister Steve Clark has claimed, why does this bill shift rent repayment claims away from Small Claims Court and to the LTB?

I'd like to close by underscoring the following point: If Bill 184 passes, there will be working people, including parents and children, who are made homeless as a result of this bill. When that happens, it will be because the Ontario government decided in the midst of a pandemic and an economic crisis that it should be easier for these families to lose their homes.

Bill 184 would inflict serious damage to rental households in Ontario. It has no place in the province's response to COVID-19 and our association urges you to reject this piece of legislation. Thank you for your time.

**The Chair (Ms. Natalia Kusendova):** Thank you very much to all the presenters. We are now beginning our rounds of questions, and we will begin with Mr. Tabuns. You have the floor.

**Mr. Peter Tabuns:** You're very kind to me, Chair. Thank you.

Ms. Padovani, thank you very much for your presentation. You weren't able to finish off. Would you please finish off your remarks, and then I have some questions.

**Ms. Chiara Padovani:** I'll hand it over to Ilana, my colleague, to finish off her final remarks. Thank you, MPP Tabuns.

**Ms. Ilana Newman:** Thank you for the opportunity to do this. I appreciate it.

To continue: We are asking to be treated as a priority by our government. We are asking to be treated with as much consideration and empathy as our government currently affords our landlords. That's the crux of it. Bill 184 does not protect tenants, but this committee can. Will you commit to treating tenants as though we are worthy of fair treatment by our landlords? Will you commit to protecting a tenant's right to an eviction hearing by scrapping the proposed amendments to section 206 and section 194? Thank you.

**Mr. Peter Tabuns:** Thank you for that. I'm going to go back to you, Ms. Padovani, and I may well have questions for you as well, Ms. Newman. Vacancy decontrol is something that you mentioned and something that has come up with other presenters today. Why do you see it as such an essential item in the discussion of what we need to do to protect tenants in Ontario today?

**Ms. Chiara Padovani:** We are anticipating a massive number of evictions once the eviction ban is lifted. We understand through the experience of our members in our union that the main incentive for landlords to evict tenants is because the profit that they can gain by charging more rent to a new tenant far outweighs any fee, anything the LTB could mediate. It is so profitable for landlords to charge more rent to new tenants and evict tenants.

There are landlords in our community, actually, with the highest rates of eviction, and they're revolving-door evictions. They are landlords who evict their tenants at the LTB, and then welcome them back into a new lease agreement after they've been evicted with \$200 more on their rent. This is fundamentally because—there is no doubt in our union's mind—the province has vacancy decontrol. That is why landlords want to evict tenants. It's why it is more profitable to evict a tenant than to actually come to an agreement with a tenant on how to make up the arrears in their payment.

**Mr. Peter Tabuns:** And then to Ms. Newman: You mentioned section 206, and a number of people have touched on that today. Can you expand on why we see so many problems—why this is such a hot-button issue?

**Ms. Ilana Newman:** I would like to give this question to my colleague Chiara, if that's all right.

**Mr. Peter Tabuns:** That would be fine by me. Whichever of the two of you is most comfortable giving the response.

**Ms. Chiara Padovani:** The York South-Weston Tenant Union, when we first were reviewing Bill 184 and the proposed changes—there was some confusion around what section 206 would actually mean and what that would imply for tenants living these amendments once and if this bill is passed as is. We sought out a formal legal opinion to clarify these misconceptions, because there is a misconception that these amendments actually do allow tenants to have their day in court, do allow tenants to go to

the LTB to make sure that any agreement is mediated, and that is not what is before us in this bill.

What is before us in this bill is that if a tenant gets a door-knock one day because they're late on rent—and justifiably so, late on rent. We're in the middle of a pandemic. Make no mistake: People were late on rent before this pandemic; many more people are late on rent these days and will continue to be for the coming months. If they get a knock on their door, and their landlord or their property manager says, "You better sign this piece of paper, or I'm filing to evict you," any tenant in their right mind would sign that piece of paper. There's no reason why any tenant would say, "Oh, no, no, I'd better talk to my lawyer," because most of our members don't have lawyers they can just call up and say, "Hey, I was offered this agreement," or, "I was told I'd better sign this, or else I'm going to get evicted." Most of our members are going to feel the pressure to sign a piece of paper if their landlord is saying, "Or else I'm going to evict you." What is frightening about 206 is that that eviction will happen without a hearing, the second someone can sign onto one of those payment agreements.

**1640**

What is concerning, especially during this time, is that tenants are doing this. Tenants are actually signing these payment agreements, because the provincial government is telling them to sign payment agreements. If you go onto the Ontario Housing Twitter feed, we are getting direction from this government for tenants and landlords to come to agreements. What this bill is saying now is that when tenants and landlords come to agreement outside of the LTB, a tenant is signing away their rights to an eviction hearing. That is what this bill is proposing, and the only way to protect a tenant's rights to an eviction hearing, to have their day to defend themselves, is by scrapping the proposed amendment in 206 and 194. That's what our legal opinion has stated, and in our understanding we agree with that legal opinion.

**Mr. Peter Tabuns:** Okay. Fair enough.

Chair, how much time do I have left?

**The Chair (Ms. Natalia Kusendova):** Unfortunately, we're out of time.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you. And now for the government members. MPP Karahalios?

**Mrs. Belinda C. Karahalios:** I want to thank everyone for coming this afternoon by Zoom. It's really great to hear from everyone on this bill.

Just before I get into my questioning, I want to be careful that we're not vilifying all landlords. I realize this is a topic that is very emotional, and rightly so; it is to do with housing. I've mentioned it before, so excuse the repetition on this to my colleagues on both sides. In our constituency offices, we see a lot of both tenants and landlords, and we hear bad stories from both sides of this. A lot of the landlords are not these huge conglomerates. These are a small family who decided to take on a rental property, and unfortunately maybe they wound up with some tenants they're not having a great experience with.

I really just want to be careful about some of the language we're using, because not all of these individuals are rich and trying to take advantage of other individuals. Sometimes they're put in situations where they wanted to do something to maybe help with their retirement and are now stuck in a situation where the property is becoming damaged and they're now cutting into their whatever, into their savings to fix the mess. Again, I wanted to be careful around some of that language.

Now, with regard to community housing, my questioning will be to Ms. David. If a community housing provider has signed a time-limited funding agreement, so 35 to 40 years with federal and provincial governments, in exchange for providing subsidized housing, the timelines for these agreements are ending and providers are reaching the end of their original obligation to provide subsidized housing. There is a real risk of losing community housing supply if community housing providers leave the system at the end of the original obligation.

The improved legislative framework would help maintain community housing supply by providing a mechanism for housing providers who are at the end of their mortgage to transition to a new system and incent housing providers to remain part of the community housing system.

As I've mentioned, we've heard from tenants who have been unfairly evicted from their homes, and that's why we are increasing fines, raising compensation and tightening the rules to encourage everyone to follow the law. Bill 184 will provide stronger protections for tenants by requiring landlords of small buildings to give tenants one month's rent in compensation for evictions, renovations or repair, or when they evict a tenant on behalf of a homebuyer who wants to use the unit themselves. It increases maximum fines for offences under the Residential Tenancies Act, 2006, and requires a landlord to disclose to the Landlord and Tenant Board if they have previously filed for an eviction so they can move into or renovate the unit, to help identify repeat behaviour. The changes would also shift many disputes, like unpaid utility bills, from the Small Claims Court to the Landlord and Tenant Board, making the resolution process simpler and more streamlined.

Because I know we're probably short on time because I tend to be a little long-winded, I'll just get right into the question, Ms. David. What concerns are you hearing from your clients about community housing?

**Ms. Regini David:** First of all, the whole one-month rent doesn't really address what tenants are losing. Even the fine and everything that Bill 184 is discussing, it's discussing without a proper enforcement mechanism. It's without proper resources put in place. It affects across the system people who are living in community housing, in social housing or even with private landlords. What is important is to look at the enforcement mechanism and also to look at the policies that will really reflect what we see today. Many tenants are in fear of the changes that this is proposing. Many tenants are very vulnerable.

Also, the whole thing is about affordable housing. What people are actually saying is the city, the province and

even the federal government have to put resources to build affordable housing. Until we build more affordable housing, it will be an issue.

Until we address the illegal evictions—even though the landlord states whatever reason, we have seen at the end that was not really followed in many cases. And how do we really deal with it? Also, right now, we don't have a firm enforcement mechanism.

Those are the things we need to really look into.

**Mrs. Belinda C. Karahalios:** So just to put it on the record, no tenant can be evicted without an order from the LTB. Now, there are some bad landlords and they will try to evict tenants without issuing a notice and receiving an eviction order, but they're actually not following the law.

I'm going to ask an additional question. We are proposing changes to the community housing system that are broad in nature with regulatory details to follow, in consultation with service managers and stakeholders. With that in mind, what is your advice to us on that proposed consultation?

**Ms. Regini David:** It is very important that we include tenants equally. Also, what the problem is with many of the consultations is we are not really providing the space for people who are directly affected to get involved. That way, it's not just an invitation. How do we make sure these consultations are—there's language, translation, access issues. Even these days, especially during pandemic, people can't come in. There are so many tenants who don't have computers, so many tenants who don't have access to even a phone. Many of them also have the pay-as-you-go. Even we had to find different ways to include them.

So we need to think outside the box for any community consultation to obtain real feedback from people who are directly affected.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Back to MPP Morrison.

**Ms. Suze Morrison:** My first question is going to go to Ilana from the York South-Weston Tenant Union. Can you tell me, the building that you're in in York South-Weston, are you protected by rent control right now, or was your building built after 2018?

**Ms. Ilana Newman:** My building was built after 2018, and we do not have rent control, no.

**Ms. Suze Morrison:** Excellent. And when your lease came up, how much did your landlord try to initially increase your rent by?

**Ms. Ilana Newman:** For me personally, my partner and I were given a choice between signing a new 12-month lease and receiving an increase of 6%, or exercising our right to go month-to-month and receiving an increase of 14.4%.

**Ms. Suze Morrison:** Wow, and I know I've heard stories from a number of tenants in York South-Weston who got even higher rent increases than that last year. How high were some of the rent increases in your building?

**Ms. Ilana Newman:** I heard about increases as high as 21% to 25%.

**Ms. Suze Morrison:** Twenty-five per cent? I don't know how anyone could imagine their mortgage or their rent going up all of a sudden overnight by a quarter.

**Ms. Ilana Newman:** I certainly couldn't.

**Ms. Suze Morrison:** Yes, I don't know anyone that could afford that.

What we've heard from this government is that they're attempting to address the issue of illegal evictions and renovations with this bill, but we've seen in their actions that the only real solution to this, as we've heard from many folks today and from tenant advocates—rent control is the real solution here. What we've seen from this government is them actually further attacking rent control, as has been the case for your building.

**1650**

What types of rent control measures would you like to see implemented in the province of Ontario?

**Ms. Ilana Newman:** I would like to see a flat increase for all types of tenants. The idea that tenants in the same building could receive such disparate increases—it was very surprising to me when we all received different amounts. I had only lived in rent controlled buildings prior to this, so I was used to receiving the provincial guideline and knowing what the increase would be months in advance. So I think a flat increase across all types of tenants would be good, and for that to be tied to inflation.

**Ms. Suze Morrison:** Excellent. When these rent increases went out, were there any equity issues that you noticed about who got the larger increases versus who didn't?

**Ms. Ilana Newman:** Yes. Unfortunately, this is anecdotal and we don't have hard data, but we have a credible suspicion that tenants of colour in my building tended to receive higher rent increases than white or white-passing tenants.

**Ms. Suze Morrison:** Thank you so much. I'd like to ask a few questions to your colleague Chiara as well.

Chiara, I know I've heard your concern about the ex parte evictions being able to proceed without access to a hearing, and that's been really clear. Can you also speak to the concern around illegal rent increases becoming legal through this bill?

**Ms. Chiara Padovani:** One of the main reasons why tenants get in touch with the York South-Weston Tenant Union is because they are facing an illegal rent increase. So they're facing an increase above the guideline without actually going through the process that is the above-guideline increase application to the LTB.

We've had tenants who have had their rents attempted to be increased \$200 from one day to the next, attempted to have rent increases more than once in a year. Again, these are a handful of tenants, but it's a reasonable assumption to believe that this is happening all over our community, and tenants are not actually getting in contact with us because they think something might be wrong. Because if you don't know what the guideline increase is and what the rules are around rent increases, you pay it. What this bill is now proposing is, let's say one of those tenants gets in touch with us or they call their legal aid

clinic because they're facing eviction. If that increase has happened for more than a year and they've been paying that increase—that illegal increase—this bill makes that increase legal. Under no circumstances is that a way to protect tenants. You're letting landlords get away with doing something that you believe is illegal.

**Ms. Suze Morrison:** So it's basically a get-out-of-jail-free card for illegal rent increases.

**Ms. Chiara Padovani:** Exactly, and it's going to be causing a lot of hardship for a lot of tenants because there's no way out of it. This bill eliminates their capacity and ability to challenge that.

**Ms. Suze Morrison:** Yes, I've actually had that exact situation happen to me with a landlord who tried to illegally raise my rent as well. It's very, very common, and if you don't know your rights, it's hard to defend against them.

Chair, how much time do I have left?

**The Chair (Ms. Natalia Kusendova):** One minute.

**Ms. Suze Morrison:** One minute. Okay. Do you have any additional comments that you haven't been able to make that you'd like to get on the record?

**Ms. Chiara Padovani:** I would just say the amendment to section 82 that poses an extra barrier to tell their fair side of the story—guys, this is what it is. You are taking away tenants' ability to tell their side of the story. And no matter how many fines you place on landlords in this bill, it's not going to make up for the fact that you are taking away our right to defend ourselves. That's it.

**Ms. Suze Morrison:** One last word: Do you think any good that this bill might do overall outweighs the bad of it?

**Ms. Chiara Padovani:** Absolutely not.

**Ms. Suze Morrison:** Thank you so much.

**The Chair (Ms. Natalia Kusendova):** Thank you. Back to the government, MPP Martin.

**Mrs. Robin Martin:** Thank you for your presentations. I thought the presentations were very one-sided, unfortunately, and I frankly found some of the tone of them quite offensive, as though we don't care about people who are tenants. In fact, we've all been tenants ourselves. We've all paid rent. We've all dealt with landlords. And as my colleagues have said, we actually hear from both sides: We hear from landlords; we hear from tenants. So I took a little bit of offence at a few of the comments made and I just want to put some things on the record.

For example, we did have consultations as part of our Housing Supply Action Plan. We received approximately 2,000 responses, about 85% from the public, and rent was certainly one of the five themes of the consultation. We had consultation with both landlords and tenant stakeholders, and groups like ACTO. So we certainly have been reaching out to talk to people, and we are trying to find a better balance in this act.

There was a long list of things from Ms. Newman that we "deserve." "We deserve things. We deserve a substantial investment in social housing." Well, I can tell you, Ms. Newman, you may not know, but we made a substantial investment in community housing and social housing. We

invested \$1 billion in 2019-20. I would say \$1 billion is substantial. I think that's a substantial amount of money.

I also care very much about the people who need community housing. I've talked to many people in my riding, some of whom have been waiting for 16 years on a wait-list to get community housing, and this substantial investment is going a long way to help meet some of those needs. That money included \$200 million—

**Ms. Suze Morrison:** Point of order.

**The Chair (Ms. Natalia Kusendova):** Point of order.

**Ms. Suze Morrison:** I'm just curious if the member opposite plans to actually ask a question to the panel or lecture them.

**The Chair (Ms. Natalia Kusendova):** MPP Martin, if you could put a question forth in the next—

**Mrs. Robin Martin:** I am happy to do that. I'm getting there.

**The Chair (Ms. Natalia Kusendova):** Thank you.

**Mrs. Robin Martin:** What I'm saying is, we put \$200 million in Toronto Community Housing, for example, which I think needs that investment. I think community housing is a very important part of this bill, because a lot of what you have had to say is about affordable housing and making housing more affordable. We certainly have a crying need for community housing. So I've said that.

The other thing I wanted to mention is that we do understand the scope and severity of the COVID crisis and we do care, thank you very much. That's why we've been working so hard on it.

My question, really, is about finding what kinds of things you think we should say about some of these things. For example, we are proposing in this legislation to double the maximum fine amounts for offences under the Residential Tenancies Act, to discourage unlawful evictions. So I was wondering if you, Ms. Newman, think that is a thing that is good for tenants.

**Ms. Ilana Newman:** Thank you for the opportunity to speak. Yes, in general terms, punitive action for wrongdoing is something that's good for tenants when the wrongdoing is performed by their landlord. Unfortunately, as I'm sure you're aware, those fines go to the LTB, and the fact that the landlord has been fined does not actually help the tenant in any way.

**Mrs. Robin Martin:** Okay, but it does make the landlord less likely to make an unlawful eviction.

Another thing that we're doing in this legislation is ensuring that the Landlord and Tenant Board is aware if a landlord has previously evicted a tenant for own use or for renovations. We heard from tenants that that would be helpful. Do you not think that that would be helpful, Mr. Plestid?

**Mr. Patrick Plestid:** I believe that that would be helpful in those limited cases. However, those cases are outweighed by the many other cases that this bill would ease evictions on, on behalf of landlords.

**Mrs. Robin Martin:** Okay. Well, we're just looking at some of the other things here for now.

Another thing we did was to expand compensation to tenants who live in a building with fewer than five units.

Ms. David, do you think that that is a good innovation to help tenants? So when they're living in a building with fewer than five units, they can now get compensation if they're evicted.

**Ms. Regini David:** Well, it's actually a good start, but still, there has to be really—it's not enough. And also, if you really look at what in reality is happening and how the whole changes will affect tenants and what they have to go through, the aftermath, it's not really addressing the real loss and effect that tenants have to go through.

**1700**

**Mrs. Robin Martin:** Okay. I don't know if any of you know, but this bill was introduced before COVID-19, and so it wasn't introduced during—

**The Chair (Ms. Natalia Kusendova):** Unfortunately, we're out of time.

**Mrs. Robin Martin:** Oh. Sorry.

**The Chair (Ms. Natalia Kusendova):** Back to MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my next round of questions to West Scarborough Community Legal Services. Thank you for being with us here today. Can you speak about how the changes in this bill, when compounded with the recent 30% cut to legal aid services in Ontario, will impact tenants' abilities to access legal supports as they defend their cases against evictions at the Landlord and Tenant Board?

**Ms. Regini David:** Thank you for the important question. One of the things is that even for legal workers, for us or anybody, it's so hard to understand the bill and what's happening, or even part of the legal process. For tenants, when we are talking about the most vulnerable tenants, for them, processing and the whole of access to justice, to legal process, is not easy. They need representation.

The whole cut to legal aid—we have lost staff. We have lost services. Already, even before the cuts, we were not able to even provide services to everybody who comes through our door. We have to return many clients, because we have limited resources. With the cuts, it affects even more. That's why one of the things with all of these changes—before we propose, it's very important to look at how we also address the outcome of this bill if it is established.

For example, the whole section that the tenants have to disclose their information in advance—take Scarborough. Some 75% of our population are racialized communities. Many of them have language barriers—new immigrants, refugees. Every day we see people and they don't understand what the landlord is saying or how to proceed. They do need legal support. On top of that, when they made the legal aid cuts—everybody won't have access to a legal clinic or free legal support or legal aid. That's why it's very important.

Again, your question to the whole cuts—it does impact community, big time. We need to really, really look at this. Where do we put the resources before we introduce such a bill? And we need to make sure these tenants have proper support. But at the same time, you can't really—legal

clinics, the legal aid clinic, they can't support everyone. We also have to come up with the policies and laws that will protect tenants. It's very important.

**Ms. Suze Morrison:** Thank you so much. Actually, I found a recent stat from ACTO that backs up much of what you said, that only 2.6% of tenants come to the Landlord and Tenant Board with representation, compared to almost 80% of landlords, so the work that you do is certainly very important.

I'd also like to ask if you can explain in further detail any concerns that you have with the illegal rent increases that this bill will allow to become permanent.

**Ms. Regini David:** Well, without the proper inputs and, as I said, a proper enforcement mechanism, it's always going to be there. I hear every day stories of illegal rent increases. I have used one example of this lady who has to pay \$500 extra, and the landlord asks for even more illegal rent increase within two months of time. The only way is if there is some sort of a proper mechanism to enforce when landlords are really misusing or illegally evicting tenants.

For example, if you take the CRA, the Canada Revenue Agency, when these houses are being flipped wrongly, they follow up properly. There's a better enforcement mechanism. There should be the same way if this needs to be happening because, as some of the speakers have discussed, tenants are in a very vulnerable situation. Many times, even though they know their rights, sometimes what they do is they just pay the illegal increase.

But what is very important is government. We need to make sure there are policies to monitor and regulate and enforce so the landlords who are refusing the whole process or the tenant's rights are being responsible.

**Ms. Suze Morrison:** Thank you so much. Chair, how much time do I have?

**The Chair (Ms. Natalia Kusendova):** You have one minute remaining.

**Ms. Suze Morrison:** Okay. Quickly, I'd like to go to Patrick Plestid from the 100 Vaughan Road Tenants Association. Would you say that this bill will make it easier for landlords to evict tenants, and are you concerned about tenants' rights at the Landlord and Tenant Board?

**Mr. Patrick Plestid:** I unequivocally think this bill will make it easier for landlords to evict tenants. I think the protections that it offers are for a very limited set of cases compared to the amount in which it eases the eviction process for landlords, and I'm deeply concerned about the effect that it's going to have on tenants' rights.

**Ms. Suze Morrison:** Thank you so much for being with us here today.

**The Chair (Ms. Natalia Kusendova):** Back to—

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Okay. Before we do that, I just wanted to confirm: We have another MPP who joined us. MPP Berns-McGown, can you please confirm where you're calling from today and state your name?

**Ms. Rima Berns-McGown:** I'm Rima Berns-McGown. I'm the MPP for Beaches–East York and I am joining you from Beaches–East York.

**The Chair (Ms. Natalia Kusendova):** Wonderful. Thank you very much. Now we will have three minutes of questions—

*Interjections.*

**The Chair (Ms. Natalia Kusendova):** One more round? My apologies. It's been a long day. So six minutes for the government, beginning with Mr. Babikian.

**Mr. Aris Babikian:** My question will be addressed to Ms. David. Hello, Ms. David. It's a pleasure seeing you again. We have met a few times to discuss issues of concern to Scarborough, and it is a pleasure to hear your input on this very important topic.

Before I start addressing my question, I would like to make a general observation of the last hour of discussion going on. The way it was presented was as if we are living in this lawless society where there are no charter of rights, no laws to protect our residents.

In the past four years, if something came out very clearly to everyone living in Ontario, it is that this government cares about the residents of Ontario. We put the safety and the health of our residents before anything else. Everyone is working hard. Of course, with the opposition, we co-operated and all of us are concerned with the welfare of our residents.

To come and try to present or pretend that we are working against the best interests of our residents, it's a little bit misrepresenting the facts. Especially, I will address one particular issue that kept repeating itself during this discussion: that the Premier or the government has said to the people to sign a paper with the landlords.

I'm afraid that the reality and the facts are that neither the Premier nor the government asked any tenant to sign any legal document without any legal consultation and the proper due process of understanding what that paper is. The only thing that the government and the Premier said was that the landlords and the tenant should speak to each other—

**The Chair (Ms. Natalia Kusendova):** I'm sorry. MPP Morrison has a point of order.

**Ms. Suze Morrison:** Hi. It's a similar concern. As members, we have an opportunity to debate these bills in the House. This is an opportunity for us to hear from stakeholders—

**The Chair (Ms. Natalia Kusendova):** MPP Morrison, members can use their time as they please.

**Ms. Suze Morrison:** Okay.

**The Chair (Ms. Natalia Kusendova):** There are no rules with regard to that. My apologies. MPP Babikian.

**Mr. Aris Babikian:** The next issue that I would also like to raise is that there are important factors in this bill. There are important initiatives in this bill. Ms. David, I am pleased to say that you raised a very important issue which I also faced as a Scarborough–Agincourt MPP, the issue of illegal own-use evictions of tenants.

1710

You raised this issue succinctly, and you are right. Unfortunately, there is a minority of landlords who act in bad faith. I'm pleased to say that this bill will address specifically the issue of landlords' own-use excuses to evict people. We are not only stopping this practice, we are also bringing very forceful measures to stop this practice. One of them is that the landlords have to fill out an affidavit stating if they have used that argument in other cases to evict people. Also, we increased the fines, which my colleague also addressed earlier, from \$100,000 to \$250,000.

I think you will be quite happy with these provisions in the bill to protect the tenants from landlord abuse. I would like more of your input on this issue.

**Ms. Regini David:** It's so nice to see you here, especially since you know about Scarborough really well. The whole own-use issue is a huge thing. We actually see it all the time. And, though, with some of the measures—increasing fines and affidavits—we have seen landlords haven't really followed the initial RCA. It's the law. It's a regulation that they're supposed to follow. They haven't followed it. You will see how landlords will then treat the affidavits as well.

These are good steps, again, but at the same time there's no enforcement or some sort of monitoring system. How do you know this is what is happening?

Also, especially during a pandemic, especially hitting Scarborough, a population of racialized communities: Scarborough has the highest number of working poor in the country. Think about people who are making minimum wage and paying 80% of their income to rent. Now the cost of living has gone up and they're not able to pay—and many of them lost jobs. Even in my family, so many of them lost jobs and are unable to pay rent.

What's the solution then? Do we have enough affordable housing or shelters they can go to? No. In Scarborough, I see people sleeping on our—

**The Chair (Ms. Natalia Kusendova):** Thank you. I'm so sorry. We are out of time.

We are now going to have three minutes of questions by the independent Liberal member MPP Blais.

**Mr. Stephen Blais:** Thank you, everyone, for presenting today. Obviously there are some pretty extreme concerns with the legislation that's before us. Certainly, the situation with COVID is exacerbating some of the negative outcomes that might happen as a result of the legislation.

Ms. Newman, I was wondering if you could take this opportunity to maybe summarize again some of your concerns with the legislation and how the situation with COVID might add to the problems that we experience as a result.

**Ms. Ilana Newman:** I think we all understand that all of these issues pre-exist both the pandemic and this bill. People who are struggling with health problems and with financial issues in their lives are going to struggle with housing. It's the nature of this. But I think living in a time when our movements are so restricted, when our financial

abilities are so restricted and when our ability to take care of our own psychological health is so restricted, it's very difficult to do the kind of administrative work that's necessary to maintain one's housing. It's just complex for a lot of tenants. You have competing priorities. You have competing demands on your time. For there to be rent increases bearing down on you at a time when you have lost income, perhaps permanently, and maybe you have increased health consequences as a result of living under a circumstance like this, it all adds up.

Essentially, I think that's the crux of the issue. It's a lot of things all at once, and for tenants who are already living under a certain amount of strain, it's too much to bear for a lot of people.

**Mr. Stephen Blais:** I appreciate that, and I want to thank you for your very thoughtful presentation today, and I thank all the presenters.

I don't have any other questions, Madam Chair.

**The Chair (Ms. Natalia Kusendova):** Thank you for your presentations today, and just a reminder, the deadline to send in a written submission will be 6 p.m. on June 26.

280 WELLESLEY TENANTS ASSOCIATION  
NEIGHBOURHOOD LEGAL SERVICES  
TENANTS GROUP, 1 KINGSWOOD ROAD

**The Chair (Ms. Natalia Kusendova):** We are now moving on to our final round of presenters for the day. First, from 280 Wellesley Tenants Association, we have Danielle Szlawieniec-Haw. Good afternoon. Welcome. Thank you for joining us. You have seven minutes for your presentation, and you may begin by stating your name for the record.

**Ms. Danielle Szlawieniec-Haw:** Thank you. My name is Danielle Szlawieniec-Haw, and I'm a board member from the 280 Wellesley Tenants Association. We are a 32-storey high-rise with almost 600 units and so many people that we actually have our own postal code. Since we have limited time, I'm going to lay out the biggest concerns we have with Bill 184 and expound with the time that I have left.

Our biggest concerns are that it will make evictions easier, especially in non-payment of rent cases; it will remove the ability to raise issues at a Landlord and Tenant Board hearing around rent if they haven't been identified in advance, even if those issues are pertinent; it will reduce the time to address illegal rent amounts; it will allow landlords to go after tenants for up to a year after they've moved out for things like back rent, damages etc. Overall, our concern is that this bill will make it easier for landlords to take advantage of tenants and can lead to greater discrimination against marginalized communities.

Speaking about evictions, I wanted to mention a family we had a while ago who were tenants and members of our association. They fell behind on their rent due to personal circumstances and were given a notice for a hearing. As they waited for the hearing, they started to repay that back rent. The father lost his job and so then they couldn't

continue to repay the back rent or meet their current rent requirements. Under that system, they were able to bring up their situation at the board, but under the new system, they might be up for an immediate eviction.

Even though the criminal justice system has its problems, one of the things that we feel that comes up a lot there is the idea that everyone deserves a defence as a concept, even if it isn't always realized. The impact of losing housing can be so big, especially if you're evicted. It can make it hard to get housing in the future. It can have impacts for your job, for your kids' schooling, for health and wellness and safety, especially for marginalized communities. So why would you not be given an opportunity to explain your circumstances and discuss your current situation at the board?

We know that this is going to be a big issue because of COVID-19 as well. We have a lot of tenants who have lost jobs, lost hours or even those on fixed incomes who have had an increase in their expenses. You could think that management will be lenient because it's COVID-19, but our management went after a senior, who is a tenant here and has been for over 30 years, because they said that she owed a penny on her rent. So they tried to evict her over this penny and, in the end, after months of this, it turned out that they owed her a penny, which they then have never given her because then they said that a penny didn't matter. Of course, this is tied in with discrimination, as we've said.

Our organization started by a group of us sitting in the lobby and writing down the concerns of every tenant who wanted to talk to us. We found that tenants who belonged to privileged groups tended to have great stories about management and how awesome, kind and helpful they were, and tenants who belong to marginalized communities tended to not have that experience, and we documented harassment, abuse, reports of repairs that hadn't been done in years. And so we're worried that the more that gets put into management companies like ours, the more ability they have to make the decisions about to who they say, "Oh, don't worry about it. We'll give you a repayment plan," and to who they say, "No, that's it. You're evicted," could enhance that discrimination that we already see.

1720

We understand that the board has a backlog, but we would say that that could be addressed by something like hiring more staff instead of compromising tenants' ability to be heard. In the same way, we want to address the fact that taking away tenants' ability to raise relevant issues in person at a hearing if they haven't been addressed in writing in advance could create further discrimination against those who are not comfortable writing in English, those who are newcomers, who have learning disabilities. It just creates more barriers in the process, and in a process that is already challenging for a lot of people.

Reducing the time to address illegal rents makes it easier for management to get away with opportunities to defraud tenants. Our management has been telling people "no" on a rent reduction from the city since January. We

had to push back on that. Most of the tenants are now getting it, but some of our seniors and some of our tenants who are newcomers have been told, "No, no, no. You should wait, because we're going to appeal it. So just wait until" first, "April," and now "September," and then "January." And then all of a sudden a tenant might find out that they've been paying an illegal amount, but it's too late to do anything about it.

Allowing management to pursue damage and back rent for up to a year basically puts an axe hanging over a tenant's head that could come down on them at any time. This is especially hard for individuals who already face unstable housing, tight budgets. How do you defend against someone coming to you 10 months later and saying there was damage in your unit? And we know that for marginalized communities, who already face discrimination in the justice system and the Landlord and Tenant Board, this is such an added pressure on your life for a year. It puts the onus on you, and it offers the opportunity for discrimination or retaliatory behaviour from management.

We also feel like a lot of the expectation in this bill is that management will act in good faith—when management companies like ours haven't done that. We've had to build a Landlord and Tenant Board case with almost half of the units in our building, because our management allowed things like elevators that trapped children or that fall 10 storeys suddenly and randomly. But they didn't offer a rent reduction when they closed the pool and gym facilities, and they haven't when they closed more and more facilities and cancelled services for the last 20 to 30 years.

So when we're seeing systemic discrimination consistently from management companies in Ontario and we see that there are management companies that act in bad faith, we need the support and protection of the Landlord and Tenant Board, and it needs to go even further than it does now to protect marginalized communities. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

Our next presenter is Brendan Jowett. He's a staff housing lawyer from Neighbourhood Legal Services. Welcome. Thank you for joining us. You have seven minutes, and you may begin by stating your name.

**Mr. Brendan Jowett:** Thank you all so much for having me. My name is Brendan Jowett, and I'm a staff housing lawyer at Neighbourhood Legal Services. We're a community legal clinic located in the downtown east of Toronto. We serve the Regent Park, Moss Park, St. James Town and the Church Street corridor neighbourhoods, among others—some of the most densely populated neighbourhoods in the country, with the highest concentration of social housing in the province.

Some 31% of people in our community live in poverty, which is the highest percentage in the province, as well, and yet it is some of the most highly priced real estate in the country. I have clients who pay over \$1,000 a month for a room in a rooming house, and rents are only getting higher. Our community members know that if they lose

their home, they will probably have to leave their community and even the city of Toronto. There's a high risk that they will become homeless.

I've also worked at legal clinics in Parkdale and in Hamilton, which gave me the incredible opportunity to work as tenant duty counsel at the Landlord and Tenant Board. From this vantage point, I have the privilege of meeting with hundreds of tenants at their LTB hearings, listening to their stories and helping them understand their rights. It's this experience that most informs my concerns about Bill 184. I want to help you see those concerns by telling you about what a day at the LTB might look like for a tenant.

Imagine that you're a tenant who's been struggling to pay the rent for a few months, regardless of the COVID situation. Maybe you've had your hours reduced at work or you've lost your job; maybe you recently lost a loved one and had to pay for a funeral and travel expenses; maybe you or your child has a health problem that has required taxi rides, medical supplies or meals out. If you're on social assistance, all of these events are even harder. You know that you have to pay your rent, but it's just not possible right now.

You've received an eviction notice from your landlord. Maybe it's hard to read the entire notice because you have difficulty with literacy or English isn't your first language or every time you try to read it your anxiety spikes. It says that they can apply for an eviction order in two weeks unless you pay the money that you're owing. But you know that a few thousand dollars might as well be a few billion dollars. You can't get the money.

The superintendent stops by every week or two and bangs on your door, asking when they'll get paid. They threaten to evict you if you don't pay. They're happy to stop by the unit to pressure you for money, but when you ask them to spray your unit for cockroaches or to repair the cracks in your walls and ceiling from water damage, they're nowhere to be found. A few weeks later, you receive your notice from the Landlord and Tenant Board for a hearing which is scheduled in about six weeks.

As the day of the hearing comes around, you don't really know what to expect at the LTB. You've never been before. You know that you can be evicted for not paying the rent, but you also feel like it's unfair for you to be evicted when you've had to live with cockroaches and damaged walls for the last few years. You took pictures of the problems in your unit because you want the judge to know what you've been dealing with. You think that you've turned things around and that you should be able to pay the rent going forward, but you're scared. Can you be evicted today? Next week?

When you arrive at the LTB, you feel confused and afraid. There are lots of people there and there are a lot of people in suits. Most of the people in suits are white men, and maybe you don't look like them. They all seem so comfortable and so confident in this setting. They rush around talking to each other and you can barely understand what they're saying. Most of these people are representatives for landlords.

A security guard sees that you look lost and tells you to sign in. They ask you if you want to sign up for mediation, a chance to talk with the other side, and that sounds good to you. They also ask if you want to speak with tenant duty counsel, a lawyer for tenants. Maybe you've never even considered that you have a legal problem, that you could talk to a lawyer, or maybe you just didn't know that there were lawyers out there that you could speak to. But when you meet with tenant duty counsel, they reassure you that you can't be evicted today. They explain how the hearing process works and how you can show the board member your pictures and your emails to raise your own issues in the hearing. They tell you that the board member has to consider all the circumstances which caused you to fall behind in rent and how hard it would be on you if you were evicted. And they tell you that the board member, and not the landlord, can order a repayment plan or extend the time to pay the arrears. You didn't even realize that you actually had rights.

Duty counsel also coaches you on how to negotiate with the landlord in mediation. They help you think carefully about how much money you can pay on top of your rent each month to pay back the arrears. They explain that when the mediator, the board member or the landlord's paralegal talks about section 78, this means that if you miss a payment, either a dollar short or a day late, the landlord can apply to the board for an eviction order immediately—no hearing; you just get an order in the mail.

You understand that this is your last chance and that it's critical that you make these payments. You also learn about the worst-case scenario, that you might receive an eviction order that gives you time to either move out or to pay and stay. Simply attending the LTB has helped you understand the legal process.

And so you leave duty counsel's office. You meet the landlord's paralegal who says that they're willing to mediate. At first, they want you to pay back the money in three months, but you say that's not possible. You offer to pay it back in two years. The mediator helps you talk with the paralegal and explains the law to you. They help you to negotiate. You show the paralegal your pictures and your emails, and you have a discussion about the problems in your unit.

Maybe you resolve the issues in mediation and maybe you don't, but if you do appear in front of a board member, you have some idea of what your rights are, what you can ask for, what they can order and what to expect in the process. You may be able to get the arrears reduced and you're allowed to raise those issues under section 82, even if you didn't know that you could do that before today.

#### **1730**

I'm concerned about tenants signing repayment agreements that are enforceable by immediate eviction order without ever having stepped foot in the LTB. Bill 184 allows this to happen, and especially for large landlords, this will become the norm.

For many tenants, their LTB hearing is their only opportunity to directly engage with the legal system. By

speaking with duty counsel or a mediator or a board member, there's some assurance that tenants have the opportunity to get independent legal advice, that they understand the serious implications of the agreements that they sign, that they can follow those terms and that they can do so free of pressure or duress. It levels the playing field.

If you permit enforceable agreements to be signed outside of the board, we will see that superintendent, the one who was banging on the door earlier, come around with a piece of paper and a pen. Tenants with no knowledge of the law and with everything at stake will predictably feel pressured to sign agreements that they can't follow or don't understand without support, advice or information. The bill doesn't even require landlords to provide tenants with a copy of these agreements. This isn't to say that every landlord will try to take advantage of their tenants, but it creates the conditions for these abuses to go unchecked. These enforceable agreements will be signed in the doorways of the rental offices of buildings around the province, and many will subsequently be sent to the LTB to be rubber-stamped with no chance to scrutinize the situation. It will lead to more and faster evictions.

I'm also concerned that increasing the procedural requirements for tenants wanting to raise their own issues in arrears hearings by requiring advance notice will exclude the majority of tenants who appear at the board. It's those tenants who are the most vulnerable with the biggest barriers to advocating for themselves and living in the poorest housing conditions—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm so sorry, we're out of time.

Our next group of presenters is from Tenants Group, 1 Kingswood Road. We have Sharon Davis, Skai Raamat, Elaine Gergolas, who are all tenants. Welcome. Thank you for being with us. You have seven minutes, and you may begin by stating your name for the record. Who would like to start? Please unmute.

**Ms. Skai Raamat:** I'm sorry, there were technical difficulties. I apologize. My name is Skai Raamat, and I'm the representative of our tenants' group. I have with me the tenants from 3 and 7 Kingswood Road. We are here today to share our story about our current dilemma and to make recommendations on legislative changes that tenants urgently need.

Our living circumstances have been uncertain and unsettling since September 2019, due to what has been coined a renoviction. Last year, we received strongly worded letters from our landlord's lawyers, stating that we had to move out and that we were not permitted to return due to the work they were doing in the building. This was very startling and launched us on a quest to find more information about our rights.

We quickly understood that the letter was designed to intimidate and scare us to the point where we think that two tenants took cash-for-keys deals and left quickly, rather than dealing with ongoing harassment. Our current landlord purchased the building last November and targeted the remaining tenants with further intimidation

meetings. For Elaine, it meant that two men showed up at her doorstep. For Sharon and me, they brought an accompanying female who was seemingly there just to protect their own conduct.

We want to give you examples of what our lives have been like. Please remember that while this is not an exhaustive list, it is most certainly a list of intentional business practices designed to get us out.

They entered our units illegally, and it was investigated by police.

They took photos of personal contents and posted them on their investor website without our consent and without our knowledge. Speaking for myself, I can tell you that they did ask me if they could take pictures, and I very clearly said no.

They made false claims about having work permits when in fact they did not have them.

They notified us that major work was to start in February, such as underpinning of the building, which was alarming and ultimately false.

They conducted unpermitted work in the building, including electrical work that knocked out our heat in minus-25-degree weather. They did not resolve our urgent emails until the following day, when we could see our breath when we exhaled.

This happened again about a month later. They inundated us with notices to enter our units with less than 24 hours' notice and a window of entry of as long as a week.

Their team emailed personal attacks, including demands of removal of personal items from outdoor spaces without an N5 form.

They taped N13 notices to our doors during the holiday season in December. A second N13 was forced into our home under our door once the state of emergency had been declared. They claim that we signed the N13 form. We have not signed anything, and in fact, this particular form never actually needs to be signed at all, which was concerning. As a result, another six tenants chose cash deals, leaving the four of us to fight this battle.

Fast-forward to the most recent events, where they authorize workers to enter the building in a state of emergency, after the Premier declared that construction would be illegal and must cease. We saw workers entering the space, and sometimes they would congregate outside our doors, making it difficult and dangerous for us to leave our homes. They have also asked for us to sign non-disclosure agreements and have used coercive tactics to pressure us to take a cash deal.

Quite frankly, we're exhausted. We're long-term tenants who consistently pay our rent on time, and still our landlord recently told the Globe and Mail that he's looking for higher-quality tenants than us. Putting up with this has left us with sleepless nights, depression and anxiety about what will come next, not to mention that several of us have underlying medical conditions that are exacerbated by stress. This has gone so far beyond reasonable. We are at great risk here, with little legislative protection. We have nowhere to go given the current state of the housing

market, where the housing costs are doubled. Leaving us in financial ruin simply is not acceptable.

This renoviction has enabled the landlord to subvert the system that is supposed to protect us. The right to return is noted on the N13, but is nowhere near enough. If we leave our unit, we fear that it will be rented out to someone else at a higher rate, especially given the conduct so far. Fighting this would require a lengthy and expensive legal battle, and the landlord can recover the financial penalty easily in less than a year, which is no deterrent at all.

We are pleading with you now to take the following six recommendations seriously. If you act quickly, you can impact the reality that we're living with these days.

(1) Require the landlord to provide all building permits and architectural plans when they serve a tenant with the N13. That way, we can assess whether we actually have to move out. Remember that the law says the work must require a building permit, and it must be so extensive that it requires vacant possession. Tenants cannot make this assessment without this documentation, putting us at a significant disadvantage from the start.

(2) Require the landlord to complete the renovation within 10 months. If they do not do this, they must start paying the tenant compensation which will act as an incentive to get the work done properly and efficiently. For example, if they do not complete the work in 10 months, they then need to compensate the tenant for this delay for every passing month.

(3) Implement serious penalties to discourage the landlord from renting to an innocent third party so that landlords do not have to let you back in.

(4) Provide serious compensation for tenants if the landlord fails to let you back in when the work is done, for example the rent differential for an equivalent unit in the neighbourhood for a minimum of five years.

(5) When renovations are complete, require the landlord to give tenants at least 60 days' notice, and for it to be on the last day of the month in order to give the interim landlord proper notice.

(6) Finally, all of this could be avoided if we were given an alternative place to live while the work is being done. In our case, there are eight vacant units that could be renovated first, so that we would have a place to live as they do the work outside our current units.

The violations of our rights have taken over our lives and we really need your help. Thank you for your time and attention, and I invite my fellow tenants now to answer any questions as well.

**The Chair (Ms. Natalia Kusendova):** Are you done your presentation? We have about 45 seconds. Okay. Thank you.

We will begin with the government for six minutes of questions. MPP Hogarth?

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Unmute.

**Ms. Christine Hogarth:** Okay. Can you hear me? Thank you, everybody, for your presentations today.

Ms. Raamat—my heart—that's a really tough story that you share today. We've heard a lot of these stories, and

some of these stories are why we have put together Bill 184. Some comments, all across the board—and we've talked about this all day today. We need to make renting easier and fairer for both the tenants and the landlords. We've heard a lot from the tenant side today, but we do also have some really good landlords out there and we have some amazing tenants out there. Our goal is always for those two groups to work together, because we've all been tenants at one time, trying to pay our rent and trying to figure out how to pay our rent—well, many of us, I'm assuming, and I shouldn't assume for everybody, but we've all been at the point of, "How do we get that payment at the end of the month?" So some of our proposed changes to the rental rules will make it easier to be a landlord, but it will also enhance protection for tenants to try to make life affordable for everybody.

**1740**

I just want to share a couple of points about the bill with you. As I've said, we've heard from tenants like yourself who have been unfairly evicted from their homes for reasons beyond their control. That's why we have increased fines. In this proposed legislation, we are going to increase fines by raising compensation and tightening the rules to encourage everyone to follow the law—that means tenants and landlords. Landlords have to follow the law too. It's not the Wild West. Everyone has to follow the rules.

Part of Bill 184 is going to provide some stronger protections for tenants by requiring landlords in small buildings to give tenants one month's rent in compensation for evictions for renovations or repair or when they evict a tenant on behalf of a homebuyer who wants to use that unit themselves. This is a new piece to the legislation.

We're also, as I mentioned earlier, increasing maximum fines for offences under the Residential Tenancies Act and requiring landlords to disclose if they've previously filed for an eviction so they can renovate the unit. Because some things you mentioned—if there's a common pattern—sorry, my cat just jumped on me here—to a landlord, those landlords need to have some penalties against them. We need to know if those landlords are those bad apples, and I think this part of the legislation will help.

Some other things: The changes would also shift many disputes from Small Claims Court to the Landlord and Tenant Board, making the resolution process simpler and more streamlined. Tenancy disputes can also be resolved more easily through these changes by making it possible to provide mediation before a Landlord and Tenant Board hearing date.

Ms. Raamat, I'm asking you or your group, do you see these as positive changes to help these situations? I see Ms. Davis there has her hand up.

**The Chair (Ms. Natalia Kusendova):** Go ahead, Ms. Davis.

**Ms. Sharon Davis:** I'm not sure if I got this right, but you were mentioning that the landlords should give us at least one month's rent compensation to leave. I'm sorry, that is not enough. I'm on a government pension, I don't get a lot of money a month, and I can't afford any other

apartment but the one I'm in. So having them give us just one month's rent is not enough for any tenant to find a proper apartment in Toronto. They're just too expensive for any of us to get into.

We have to change that. We have to make landlords accountable and help out with tenants that really cannot afford to move, and I am one of them. We definitely have to change that.

**Ms. Christine Hogarth:** Well, right now you don't get anything.

**Ms. Sharon Davis:** No.

**Ms. Christine Hogarth:** This is one month, so this is more than what you're currently getting. So that's a change in the legislation, that you're going to be getting more money to help in those situations. We just wanted to make sure that you are compensated. That's something we received interest in when we did our consultations with tenants, that they wanted some money when they were evicted. That was one of the results from those consultations.

I also have a question for Mr. Jowett—actually, I can't find that sheet of paper so I'm going to go down to Ms. Szlawieniec-Haw. You were talking a little bit—I have too many pieces of paper in front of me here—about landlords and tenants. I apologize. My cat stepped on all my paperwork. Can I come back to you and go to Mr. Jowett? I apologize. It's what happens when you work from home.

I had a question for you, Mr. Jowett. Since you are a lawyer and you deal with a lot of people daily, I'm just wondering if you've heard anything from your clients around community housing, because there are some changes with regard to community housing in this bill, and I'm just wondering if you've heard any comments from your clients.

**Mr. Brendan Jowett:** Not really. My review of the bill, and in particular the community housing provisions—a lot of them relate to operating agreements, service manager responsibilities and that sort of thing. A lot of that seems to operate on an operational or managerial level, but that's not something that we're hearing from within the community and it's not something that we've taken particular issue with or interest in.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Unfortunately, the time is up. We will now—

*Interjections.*

**The Chair (Ms. Natalia Kusendova):** I believe Ms. Berns-McGown wanted to begin. Sorry, MPP Tabuns. Go ahead.

**Ms. Rima Berns-McGown:** Thanks so very much. I would love for Elaine Gergolas, if you can, to expand on what your fellow tenants have been saying. Can you let us know what you would like to bring, in terms of the problems, and whether you see this legislation helping you in any way?

**Ms. Elaine Gergolas:** Thank you. Can you hear me okay?

**Ms. Rima Berns-McGown:** Yes.

**Ms. Elaine Gergolas:** Thank you for the opportunity—and thank you to the last speaker for sharing a little bit of information about the compensation.

But I think the message that we would really like to give is that if we have to move, we are out of the city. There's nowhere for us to go, so the protection we need is to stay, then. I think that our experiences and the reason that we wanted to come today—and it's a little emotional, because this is our home—is that we need your help, so that when we live in a community for 20 years—as of July 1, I will be 19 years in this building. This is my home and I pay my rent every month. I want to stay here, and there's no reason in the legislation or in this potential new bill that I should have to leave.

I have a landlord who served me with an N13, and 80% of that list they were going to do in one weekend of regular maintenance last year—one weekend that got cancelled. The whole system seems rigged to protect the people who can manipulate the system, and leave vulnerable the people who don't have that knowledge. We have worked really hard over the last year to try to educate ourselves and tap into the resources that are available, but it is a huge amount of effort to do that. We're here because it's worth it, and we want you to hear our voices and know that we are just a few people speaking for thousands who need this protection. We need this help and we need it now.

I think I probably didn't answer your question, but I got a lot of it, anyway.

**Ms. Rima Berns-McGown:** Thank you very much.

Ms. Davis, would you like to expand on what you would like to say about your experiences and whether you believe this legislation helps you or not?

**Ms. Sharon Davis:** It wouldn't a whole lot, because I cannot afford to move. I'm a senior citizen. There's nowhere in this city that I can afford to live. You're building affordable housing, but they're all for families; nothing is for seniors. If I go into a seniors' retirement building, it's \$3,000 to \$5,000 a month. I'm just living on a government pension. I just get CPP and OAS. That's what I have to live on. So there's nowhere for me to go.

I was raised in the Beach. This is my home. I have type 2 diabetes, and with everything I've been going through right now, my sugar count has gone up. I've got migraines. I'm sick all the time because I can't stand the stress anymore, and I don't know what's going to happen.

The only place I can afford to move to is Elliot Lake, and there's no way I'm going to move up there. My home is my home. I don't want to move. I love my apartment, I love this area, and I'm walking distance to go visit my mom's grave. I've got a chiropractor and a dentist that I've had here for 30 years. It'll be 11 years in July that I've been in this building, so why do I have to go? It's just ridiculous.

We need more help on this. We have to get this regulation, so the tenants and all tenants across the city are protected from these lawyers who are in bad faith towards helping tenants go out. It's crazy. They're not helping us; they're intimidating us. The stress is getting so bad that a couple who have been here for 30 years ended up moving out two months ago because they couldn't stand the stress anymore. We are all long-term tenants, and these guys said in the Globe and Mail article that they wanted a "better

class of tenant.” They couldn’t have had a better class of tenants than they had in this building when they bought it. So this is really getting out of hand, and I need your help because I cannot afford to move. I’m going to end up homeless. And to be completely honest, I am so afraid I’m going to have a heart attack because of the stress. We need your help. We need this changed. So please help us stay in our homes. Thank you for listening to me, and I hope I’ve answered your question.

1750

**Ms. Rima Berns-McGown:** You did. Thank you.

Ms. Raamat, I wonder if you can also answer the same question. What do you see in this legislation that helps your situation? And if not, why not?

**Ms. Skai Raamat:** Yes, I can see that there are certain improvements. My biggest concern is the right to return. I know it’s in the legislation, but there is very little protecting us if that doesn’t actually happen or if it’s rented out behind our backs, because this is long-term for us. If we don’t get back in here, we don’t get financial compensation and we have to pay ridiculous housing costs, that’s completely unreasonable. So, yes, while there are some things in this legislation that are happening, I would like to see something get further tightened up to really benefit us if that happens and we don’t get the ability to return.

**Ms. Rima Berns-McGown:** Ms. Davis, please. You had something you wanted to say.

**Ms. Sharon Davis:** Yes, sorry, I just tried to unmute there. I’m just going to help with Skai on that as well. What should happen in this—I’m sorry, I’m just getting tongue-tangled here. If there is a building like ours that has eight vacant units, I don’t see why we have to leave this building. Why cannot the landlord do all of the renovations they want on the eight vacant units and then let us move into one of those units while they do our three? It’s just crazy to empty this whole—

**The Chair (Ms. Natalia Kusendova):** Thank you. I’m so sorry. We’re out of time.

We now have three minutes of questions by the independent Liberal member, Mr. Blais.

**Mr. Stephen Blais:** Thanks very much. Why don’t you go ahead and finish the thought that you were just making before you got cut off?

**Ms. Sharon Davis:** Are you speaking to me, sir?

**Mr. Stephen Blais:** Yes.

**Ms. Sharon Davis:** Yes, with the vacant units. I just don’t understand why we have to leave, because there are eight vacant units here. The numbers of our units, it’s not like any usual apartment building. This is an old building that was built in the 1940s in the Beach area. You’ve got number 1, 3, 5 and 7. Skai and myself live in number 3, Kingswood Road, and Elaine lives in number 7, Kingswood Road. So why can’t our landlord—Skai and myself can move into number 5 while they do the renovations of 1 and 3. Once they’re finished that, Skai and myself can move back into our old apartments and then Elaine can move into number 1 while they finish doing 5 and 7. I don’t understand why we have to leave here when

there are so many vacant apartments in this building. It’s just not right. Thank you.

**Mr. Stephen Blais:** Thank you, Sharon, for sharing that story, and thank you, everyone, for presenting. I think it’s very clear that there are some challenges with the legislation that’s before us and some challenges that exist in the system that aren’t going to end up being addressed by Bill 184, and that’s a shame, because there are certainly some improvements the government could be acting on to actually protect tenants, as they claim to be in the title of the bill. I do appreciate everyone coming. I hope you have a wonderful evening. Madam Chair, I don’t have any other questions.

**The Chair (Ms. Natalia Kusendova):** We will now move on to the government. Go ahead, MPP Karahalios.

**Mrs. Belinda C. Karahalios:** Thanks to everyone for coming this afternoon. To Ms. Davis, Ms. Raamat and Ms. Gergolas, it was very heartfelt. I’m going to direct my questioning to the three of you. I know you used the term, Ms. Raamat, “renoviction.” That’s actually a new term for me. So I wanted to—in case people watching weren’t aware of the definition, I just got it, so it’s a term that has become popular to describe evictions where a tenant is evicted from a property so that renovations can be completed. They are illegal if the landlord does not intend to renovate or if the landlord doesn’t let the tenant have refusal to move back in afterwards.

The proposed changes in this bill would discourage unlawful evictions by increasing the maximum fine amount for RTA offences to \$50,000 for an individual and \$250,000 for a corporation, and help adjudicators identify landlords who may have a history of renovictions. They would also increase compensation for tenants who have been evicted in bad faith.

I know that the three of you have made comments so far about what is in the bill. I’m just wondering if you wouldn’t mind taking some time to suggest other additional changes to further enhance protections.

**The Chair (Ms. Natalia Kusendova):** Go ahead. You may speak.

**Ms. Elaine Gergolas:** Thank you. I’m just going to recap a little bit of Skai’s first recommendation, which was that currently landlords are able to issue notices of eviction or desires for their tenants to be evicted before they’ve done any due diligence, before they’ve demonstrated any real seriousness that they’re going to do renovations.

Adding in something as simple as, “The landlord is required to have obtained approved building permits and formal architectural plans” before they can even issue a notice of eviction would be a tremendous help because that would mean that landlords who are doing this with fraudulent intention will be discouraged and dissuaded, and they will not be able to do that. Something as simple as that seems pretty reasonable to us as tenants in the system. Why would anyone consider evicting us when our landlord has done nothing to demonstrate they actually need us to move for any reason, other than to paint our walls and re-rent our apartments for a 100% increase?

Our problem is we are long-term tenants. Because of the market, we’re probably paying, truthfully, about 50%

of market value. So this is our concern and this is now to our detriment with a landlord who is doing everything he can to make our lives miserable so that we leave. Requiring him to demonstrate his good faith by actually having documents in hand before he can even start a conversation with us would, I think, go a long way to helping protect us and helping identify those landlords who are trying to manipulate the system that you are putting in place to protect people.

**The Chair (Ms. Natalia Kusendova):** Thank you. Because we are only three minutes before we have to close, as mandated by the standing orders of the House, and in the interest of fairness, I will leave the last three minutes to the opposition. Go ahead, MPP Morrison.

**Ms. Suze Morrison:** Just for clarity, to the Clerks: Am I allowed to request unanimous consent to go past 5 p.m., or no because of the—

**The Clerk (Ms. Tonia Grannum):** No, it was already passed.

**Ms. Suze Morrison:** In that case, I'd like to direct my question to Brendan from Neighbourhood Legal Services. Can you explain to me your concerns with the ex parte evictions piece of this bill, please?

**Mr. Brendan Jowett:** Yes, the issue is that tenants will be allowed to sign an agreement that is enforced through an ex parte eviction order. That means enforced through an order where they don't have a right to appear at a hearing. The landlord just files a piece of paper at the Landlord and Tenant Board, and the tenant receives an eviction order in the mail. The way you get to that point through this legislation is by waiving the right of a tenant to have a hearing.

Yes, in theory that's by the consent of the tenant, but the Residential Tenancies Act hinges on the principle that there are some rights that tenants just should not be allowed to contract out of, like I can't agree to have a unit that is not in a good state of repair. I can't agree to an illegal rent increase, because otherwise the landlord is threatening to kick me out. To remove the requirement of having a hearing means that we will see ex parte eviction orders where, again, the tenant gets an order in the mail without ever having set foot at the Landlord and Tenant Board.

**Ms. Suze Morrison:** Thank you. And do you think that this bill will negatively impact vulnerable members of our communities, perhaps folks that are newcomers or with language barriers, who may not understand the agreements that they're signing?

**Mr. Brendan Jowett:** I think that landlords have a huge amount of power and there is a massive power imbalance just inherent to the landlord-tenant relationship. But for tenants who are vulnerable—newcomers, people with disabilities, people with language barriers—it's just magnified tenfold. Those are the people who don't know how the legal system works and don't know what their rights—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm really sorry but we are out of time. As a reminder, the deadline to send in written submissions will be 6 p.m. on June 26.

I want to remind committee members that our pre-committee meeting will be tomorrow at 9:45.

This committee is now adjourned until 10 a.m. tomorrow when we continue hearings on Bill 184. Thank you.

*The committee adjourned at 1800.*





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