

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

SP-28

**Journal  
des débats  
(Hansard)**

SP-28

**Standing Committee on  
Social Policy**

Protecting Tenants  
and Strengthening Community  
Housing Act, 2020

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament  
Thursday 25 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  
Jeudi 25 juin 2020

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Chair: Natalia Kusendova  
Clerk: Tonia Grannum

Présidente : Natalia Kusendova  
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Thursday 25 June 2020

Jeudi 25 juin 2020

*The committee met at 1000 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**

DIOCESE OF TORONTO, ANGLICAN  
CHURCH OF CANADA  
CO-OPERATIVE HOUSING FEDERATION  
OF CANADA  
CENTRE FOR EQUALITY RIGHTS IN  
ACCOMMODATION

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 are 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 in the room with us MPP Aris Babikian, MPP Jim McDonnell, MPP Robin Martin, myself, MPP Jeff Burch and MPP Suze Morrison. We have the following MPPs participating remotely: MPP Hogarth, MPP Karahalios, and I believe MPP Gill was with us—

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** Okay, wonderful—and MPP Blais.

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

Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before you begin. You will also be asked to unmute your own microphone each time you are given the floor. As always, all comments are made through the Chair.

Are there any questions before we begin?

**The Chair (Ms. Natalia Kusendova):** Seeing no questions, I'd like to welcome our first group of presenters. Good morning. Thank you for joining us.

We will begin with Elin Goulden, who is the social justice and advocacy consultant from the Diocese of Toronto, Anglican Church of Canada. Welcome. You have seven minutes for your presentation. You may begin by stating your name for the record.

**Ms. Elin Goulden:** Good morning, Madam Chair and members of the committee. My name is Elin Goulden. I am the social justice and advocacy consultant at the Anglican Diocese of Toronto. The Diocese of Toronto covers 26,000 square kilometres of south-central Ontario, from Mississauga to Brighton and from Collingwood to Haliburton. Our congregations are regularly engaged in reaching out to our communities through food and clothing banks, meal programs, Out of the Cold shelters, drop-in programs and other essential supports to people in need.

During this pandemic, while our church buildings have been closed for worship, parishes across our diocese continue to meet these increased needs of our neighbours through emergency food and outreach programs rightly designated by this government as essential services. Our faith calls us not only to do what we can to help meet the needs of the vulnerable in our communities, but to use our voice and influence in solidarity with them for the common good.

Ontario's renters faced a housing crisis long before the pandemic hit. Nearly half of all renter households in Ontario have annual incomes below \$40,000. Nearly half of them pay more than 30% of their income on rent and utilities, and over 20% of them spend more than half their income on these housing costs. Vacancy rates in the province have been chronically low for over a decade, driving up rents and making any rental housing, much less affordable units, harder to find.

All of this has been exacerbated by the COVID-19 pandemic. Over one million Ontario jobs were lost in the months of March, April and May. These losses have been heaviest among lower-paid workers, especially those in the retail, hospitality and restaurant industries. We're grateful for the Ontario government's declaration of a moratorium on evictions during the pandemic. Together with the Canada Emergency Response Benefit, this has cushioned the effect of the pandemic for many lower-income Ontarians. However, the underlying housing and homelessness crisis has not gone away.

Despite its name, Bill 184 does not do nearly enough to protect tenants' rights, but actually undermines them in several key respects. The concerns we would like to highlight relate to schedule 4 and the amendments to the Residential Tenancies Act, 2006. They are as follows.

Firstly, the bill makes it harder for tenants to bring up mitigating factors at an eviction hearing. Section 82 of the act is amended so that a tenant facing eviction for non-payment of rent who wishes to raise pertinent issues such as disrepair, harassment etc. cannot simply raise these issues at the hearing. Rather, that tenant must now give advance notice in writing within a limited time frame and in accordance with regulations of their intention to raise such issues. This puts an additional procedural burden on the tenants and makes the process less fair.

Secondly, the bill also amends the act to allow landlords to use the Landlord and Tenant Board to pursue claims against former tenants, rather than going through the Ontario Small Claims Court. This will add to the backlog of cases before the board. Further, sections 28 and 29 amend the act to provide that the landlord bringing the application has the responsibility of serving the former tenant, rather than having that be the responsibility of the board or the Small Claims Court. This undermines the former tenant's rights to due process.

Third, section 24 of the bill provides that an illegal rent increase becomes legal if a tenant does not object and pays the increased rent for a period of 12 months. This puts the onus upon the tenant to make the application about an illegal rent increase within that time frame. It allows landlords to take advantage of tenants who are unaware of their rights, or otherwise vulnerable, and provides an incentive for landlords to avoid proper notice of rent increases.

Fourth, the bill removes landlords' obligations to provide prospective tenants with information about utility costs where there is a suite meter system. This leaves prospective tenants without the information they need to determine whether they can afford the costs associated with a particular unit.

Fifth, the bill weakens tenants' protections in the resolution of disputes. Section 30 amends section 194 of the act to allow the settlement of disputes through mediation or another dispute resolution process. However, it does not set out what such another dispute resolution process would look like, nor how the rights of vulnerable tenants would be protected under that process.

Finally, the bill streamlines the evictions process, allowing for a no-notice eviction if a tenant fails to meet

conditions of an agreement reached under section 194. This means tenants could be evicted without a further hearing if, for instance, they miss one payment under a repayment agreement. This is especially problematic when many tenants are still in a financially precarious position due to the pandemic.

These measures do not contribute to the protection of tenants, nor to creating a dispute resolution process that is easy or fair for tenants. Moreover, they will contribute to further backlogs at the Landlord and Tenant Board. We therefore urge this committee to remove those provisions.

To be fair, Bill 184 does contain some new protections for tenants, especially around no-fault evictions. While we are glad to see these tenant protections extended in the bill, they do not go far enough. They do not begin to address the enormous financial incentive of vacancy de-control which leads landlords to terminate tenants in bad faith in the first place. Nor do they adequately compensate tenants who are displaced as a result of such bad-faith evictions, who now have to find new housing elsewhere at a higher rent. Lack of vacancy controls have led to soaring rents and reduced the supply of affordable housing, not only in metro Toronto, but all across Ontario.

For years, we have been arguing in our pre-budget submissions and other communications with the government for the reintroduction of rent controls on all units, as well as the introduction of vacancy controls in order to prevent renoevictions. We reiterate the call for these measures in the new legislation.

Bill 184 as it presently stands does not adequately protect the rights of tenants but, rather, undermines them. This is of special concern as we face the current crisis of the pandemic. We join with other housing advocates in urging the government to extend the moratorium on evictions through the pandemic and into the post-pandemic recovery period, as well as extending relief from eviction for those directly affected by illness and loss of income due to the pandemic.

Beyond pandemic relief, however, we urge this government to delay passage of the bill until the province can fully engage with all stakeholders, including low-income tenants, to examine and address the affordable housing crisis in our province. The rights of tenants, the health of our communities and our commitment to the common good demand no less.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will now move on to our next set of presenters. We have Harvey Cooper, the deputy executive director, and Scott Parry, manager of government relations from the Co-operative Housing Federation of Canada, Toronto. Welcome. You have seven minutes for your presentation, and you may begin by stating your name.

**Mr. Harvey Cooper:** I am Harvey Cooper, the deputy executive director of the Co-operative Housing Federation of Canada. I'm joined by Scott Parry, our manager of government relations. CHF Canada is the national voice of co-operative housing, representing over 550 housing co-ops across Ontario, proud home to some 125,000 people across our province.

I am very pleased to speak to the committee on Bill 184. CHF Canada has long called for the province to reform Ontario's community housing sector. I want to thank Minister Clark and his officials for their work to date and also moving this bill forward.

While there are a number of changes to different acts proposed by Bill 184, our remarks will focus on the sections of the bill that address the Housing Services Act, which regulates provincial non-profits and co-op housing providers. Overall, Bill 184 provides a framework to work towards sustainability in the community housing sector. However, the majority of the changes will come through regulations. It will be crucial that associations of housing providers, such as CHF Canada, have a seat at the table as these regulations are being discussed. Our submission goes into much more detail, but today at committee we'll outline a few key actions that the provincial government can take to modernize the community housing sector.

#### 1010

The first is to address the end-of-mortgage issue. Ontario's community housing sector provides affordable homes to a quarter of a million households. However, the majority of these buildings are about 30 years old and are coming to the end of their mortgages. This presents a unique opportunity for co-ops and non-profits to leverage savings for needed capital repairs without requiring provincial funding. However, the current HSA legislation and the regulations prevent co-ops from actually re-investing in themselves. This makes them more reliant on government funding, and thwarts the sector from being more entrepreneurial, innovative and businesslike.

When co-ops reach the end of the mortgage, the way the current funding formula actually works, it allows municipal service managers to literally wipe away co-op mortgage savings. Without these savings, co-ops will not be able to do the vital repairs, which will force housing providers to go cap in hand to the government to access capital needs.

CHF Canada recommends as part of the regulatory framework of the act that once a co-op reaches the end of its mortgage, the operating subsidy portion of the formula be set at zero. The mortgage is paid off and the provider should stop paying. Under the programs from 1985 to the early 2000s, this was the case. It changed a number of years ago when the program moved from individual operating agreements with providers to a statute. No provincial financial contribution is necessary to make this regulatory change.

We are encouraged to see through Bill 184 that the province has created new mechanisms that will allow housing providers to delist or partly delist from the HSA. These agreements must allow co-ops to leverage their assets once they reach the end of their mortgages.

I'll now turn it over to my colleague Scott Parry.

**Mr. Scott Parry:** Thanks, Harvey, and good morning, everyone. The second point we want to make this morning is the need to maintain current service level standards and create opportunities to grow rent-gear-to-income, or RGI, assistance for low- and middle-income families.

CHF Canada is concerned that Bill 184 may allow service managers to move away from providing additional RGI units towards a system with shallower support, such as housing benefits. In this time of increased uncertainty due to COVID-19, it is vital that the Ontario government and municipalities create opportunities to grow the current level of RGI assistance.

The last point we want to make this morning is around the Landlord and Tenant Board. We would encourage the province to move quickly to address the current shortage of adjudicators at the LTB. For a number of years, the LTB has been operating with a shortage of trained adjudicators, and this needs to be addressed.

In closing, as Harvey noted at the beginning, most of the changes in Bill 184 with regard to the HSA will be decided in regulations, and it is crucial that CHF Canada and other housing providers, like the Ontario Non-Profit Housing Association, are at the table.

As part of the Community Housing Renewal Strategy, the province set the goal to improve efficiency at the community housing system to ensure value for money and long-term sustainability. This can be accomplished by addressing the end-of-mortgage issue in the Housing Services Act and allow co-ops to reinvest their mortgage savings into capital repairs, to maintain and grow RGI income assistance and to address the shortages at the LTB.

Thank you, Chair. Both Harvey and I are happy to answer any questions the committee members might have.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. And our last presenter in this set: Alyssa Brierley, executive director and general counsel at the Centre for Equality Rights in Accommodation. You have seven minutes, and you may begin by stating your name.

**Ms. Alyssa Brierley:** Good morning. My name is Alyssa Brierley, and I'm the executive director for CERA, the Centre for Equality Rights in Accommodation. Thank you for providing me the opportunity to speak to the committee today. CERA is a non-profit organization founded over 30 years ago to advance the right to housing, and we provide assistance to hundreds of tenants facing eviction in Ontario every year.

Before I dive into the specific comments I have on the bill, I just want to say a few things about the context in which it's being brought forward, some of which has been mentioned by previous presenters. We are, and have been for many years, in the midst of a housing affordability crisis across the province, with low-income tenants struggling to stay in their homes. Average market rent for a one-bedroom apartment has skyrocketed across the province, and in Toronto it now sits at \$2,500 per month. At the same time, renters have fewer resources to pay their rent. Half of Ontario renters earn less than \$40,000 per year.

Every day, it gets harder and harder for people to maintain an adequate and affordable roof over their heads—and this was the situation before the COVID-19 pandemic started. Since March, an estimated 2.1 million Ontarians have lost their jobs or most of their income, and those hit the hardest have been low-income workers, in particular those earning less than \$16 an hour. We know that these

people are disproportionately renters: Over half of Ontario renters are low-income workers. In front of the committee today is a bill that threatens to make life even more difficult for the people who were already facing an impossible situation before a global pandemic of unprecedented proportions came upon us.

At CERA, we're deeply concerned with this bill for four reasons. We're concerned about how it undermines access to justice, we're concerned about how it expedites eviction, we're concerned that it can have a negative financial impact on tenants, and overall, we're concerned about how all of these impacts will disproportionately accrue to marginalized Ontarians, individuals who are low-income, racialized, newcomers, persons with disabilities—all people who ought to be protected by the government. I'm going to speak about each of these areas and I urge the government not to proceed with these amendments.

Let me start with how Bill 184 removes access to justice for tenants. There are two ways in which this would happen. First, it would require tenants to provide advance notice before they raise their own concerns in arrears hearings. This will undoubtedly be devastating for tenants. We know that upwards of 97% of tenants do not have legal representation, and as such, they are simply not going to understand or know this requirement.

We also know that tenants often don't raise problems with their landlord until they get to a hearing for the simple fact that they are afraid of losing their home in retaliation. For many tenants, the hearing is quite literally the only opportunity they have to raise grievances or defend themselves against eviction. Removing the opportunity to raise their own issues at the hearing has the effect of removing their opportunity to be heard altogether. This could result in a significant increase in people losing their homes because they will no longer be able to adequately defend themselves as they previously could during eviction hearings.

The second way that Bill 184 removes access to justice for tenants is by encouraging them to mediate with inadequate legal representation. This is a significant problem given the power imbalance that exists between landlords and tenants, which is only exacerbated by the fact that landlords often have legal representation and tenants almost always do not. Without legal representation, it's entirely likely that tenants will feel pressured to agree to unrealistic agreements in the mediation process that set them up for failure because they don't know their rights or the law. This is particularly concerning considering Bill 184's plan to introduce ex parte evictions in cases of defaulted repayment agreements.

Should the government proceed with expanding mediation, it would be imperative to ensure that all tenants are provided with legal representation for that process, so that they can make decisions about the options in front of them that are informed by their rights and the law.

The second concern that we have is how Bill 184 will expedite the eviction process. Under the proposed new rules, landlords may apply for an ex parte eviction order if

tenants default on negotiated repayment plans. This means that tenants will no longer have the right to a hearing, where they would have the opportunity to explain their circumstances and adjust their arrears plan. Instead, they would face immediate eviction.

At CERA, we've helped many tenants who have defaulted on repayment plans by no fault of their own to stay housed by using the important procedural protections that Bill 184 proposes to remove. The people who we have helped include low-income single parents who defaulted on their repayment plans when their partner left, low-income earners who lose their jobs unexpectedly, and seniors who need help amending their repayment plan when the fixed income on which they rely is adjusted.

The proposed changes are deeply troubling and take away important procedural protections to ensure that people can stay in their homes through making alternative arrangements when their circumstances change. If the government proceeds with this provision, it should expect to preside over the largest mass eviction in Canadian history, which could render thousands of people homeless.

Finally, Bill 184 has devastating financial impacts on tenants in two notable ways. First, it would allow landlords to seek compensation from tenants for interference with the reasonable enjoyment of a unit. At CERA, we often receive calls from parents of children with disabilities, including autism, who are being harassed or threatened with eviction by their landlord because of the noise that their children make through no fault of their own. Unless this amendment is clarified to be used in only specific and very limited situations, this section could be significantly abused and used as a tool of harassment against some of the most vulnerable tenants in the province.

#### 1020

Secondly, Bill 184 will prevent tenants from being able to take action against illegal rent increases after 12 months. At CERA, we hear from tenants who have unknowingly paid illegal rent increases when they are unaware of their rights or bullied by their landlord. This amendment will only help facilitate theft from tenants by their landlords. Oddly, this also changes the Limitations Act, which allows parties in civil matters two years from the point of discovery to contest illegal acts, so in a bizarre move, this clause would leave tenants with fewer rights than parties in almost any other civil proceeding in Ontario.

I'm going to end by making a few final comments related to context. We know that this bill is coming forward in the context of an unprecedented economic crisis as a result of COVID, with 50,000 arrears applications awaiting processing. The mass homelessness that could result from these evictions could be the largest human rights crisis that this province has ever faced, and we know that this is going to happen to our most vulnerable and marginalized residents: people who face multiple barriers and, in particular, those who are low-income, racialized, newcomers to Canada, people who don't speak English, youth and tenants with disabilities—groups who typically have less information about their rights and their ability to assert them.

When the rest of the world is finally waking up to the systemic racism faced by Black, Indigenous and other racialized groups—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. That's all the time we have.

I will now open the floor for questions. We will begin with the official opposition. MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my first round of questions to the co-op housing federation. Welcome, Harvey and Scott. It's great to see you both. Would you say that co-ops enjoy providing subsidized housing units, and that that's an important part of the work you do as housing providers?

**Mr. Harvey Cooper:** I can start with that. Thanks, MPP Morrison, for the question. It's always a pleasure to see you as the representative of 27 co-ops in Toronto Centre and 10,000 units. Yes, we pride ourselves on being strong, vibrant mixed-income communities. The co-op housing sector has been around for 50 years, and I think one of our trademarks is that we're very diverse, very reflective of the communities where co-ops exist throughout the province. The residents themselves serve on the board of directors and literally run the affairs of their housing community. People actually don't know who is getting assistance and who isn't, and I think that's one of the hallmarks of a strong community. I think mixed-income housing has a very strong track record, not only in co-ops but in non-profit housing across the province as well.

**Ms. Suze Morrison:** Thank you so much. I have a strong understanding of the end-of-mortgage issue that many co-ops are facing. Like you said, I have the largest concentration of co-op housing anywhere in Canada right in my riding of Toronto Centre, and I know the end-of-mortgage issue is significant. But my read of the bill is that it's going to solve the financial pressure of end-of-mortgage in co-ops by allowing the co-ops to exit out of their housing service agreements, stop being non-profit housing providers and stop providing that subsidized housing. But it doesn't actually address that end-of-mortgage issue, and will actually take net social housing units offline away from co-ops. Is that your understanding of the bill, too?

**Mr. Harvey Cooper:** Not exactly, Suze. One thing, and we try to get it into it a little bit more in our submission, is that this is enabling legislation around the Housing Services Act. Not to get too deep into the weeds, but just the way the funding program works now is that when that mortgage ends, the co-op or the non-profit actually passes on the savings, and it varies from development to development, to municipal service managers. That wasn't supposed to be the case when the program started up. Each co-op and non-profit had an individual operating agreement; when the mortgage ended, so did their responsibility. But now it's in a statute, so it continues when the said statute changes.

We've been sounding the alarm, because the first co-ops and non-profits will start coming out of their mortgages next year, and they won't be financially viable over

the long haul, just the way the formula works, so what this legislative change does is it actually doesn't get into any of the details. It's a broad framework, but as they always say, the devil is in the details.

We're really pleased that we're finally looking at this and that this government is actually sitting down with the different stakeholders to figure out what a new system looks like, but it's not in Bill 184. It's to be done through regulation, which, all the more reason that it has to be done with the people that are affected by it.

So we're encouraged by discussions with the government to date. The key stakeholders, particularly housing providers who are providing that good-quality, safe, affordable housing to a quarter of a million Ontarians, will be intimately involved in the discussions.

**Ms. Suze Morrison:** Thank you so much. For what it's worth, I really hope that this government listens and takes the end-of-mortgage issue seriously and includes you in those conversations. I really had hoped to see more detail on that front in this bill.

How much time do I have left, Chair?

**The Chair (Ms. Natalia Kusendova):** Two minutes.

**Ms. Suze Morrison:** Two minutes. Okay.

I would like to move to CERA now. Thank you so much for your presentation. I know you folks do a lot of really great work and I'm happy to see you again. My first question would be—I want to get into the piece that you mentioned around personal enjoyment potentially being used to evict families of children with autism. Would you say that that could create a potential risk for human rights violations in our housing system?

**Ms. Alyssa Brierley:** Absolutely. People are entitled to the protection of the Human Rights Code for a number of reasons, a number of factors, including disability. This would provide significant opportunity for people to experience human rights violation on account of disability and family status—in the case of the individual in the example that I gave, the family with the child who was making excessive noise.

**Ms. Suze Morrison:** And do you think that, then, that specific provision of this bill could very well end up in front of the Human Rights Tribunal here in Ontario, if such evictions were to proceed under this bill?

**Ms. Alyssa Brierley:** I could see that happening, absolutely.

**Ms. Suze Morrison:** Okay. Thank you so much. Could you speak a little bit more to your concern about how this bill will negatively impact vulnerable people specifically, including people with disabilities and language barriers?

**Ms. Alyssa Brierley:** Absolutely. Thank you for the question. I'm not sure if the government has conducted any sort of an equity analysis of who would be impacted by this bill, but I think it's really important—

**The Chair (Ms. Natalia Kusendova):** I'm sorry. We are out of time.

Before we proceed, I would like to welcome MPP Tabuns. Please introduce yourself and state your name and where you are calling from for the record.

**Mr. Peter Tabuns:** Thank you, Chair. Peter Tabuns, MPP for Toronto–Danforth. I am calling from Toronto.

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

We will now proceed for six minutes of questions to the government members. MPP Gill, go ahead.

MPP Gill, can you please unmute? Okay we will start with MPP Martin, and then we'll go back to MPP Gill. Go ahead, MPP Martin.

**Mrs. Robin Martin:** Thank you to all of the presenters for being here this morning and for giving us your perspectives on all of these changes that we're proposing in this legislation.

I wanted to talk with the Co-operative Housing Federation of Canada first, because it's not a part of the bill that we've been discussing as much, and you are the experts on this issue. I just really wanted to get your advice. I know you say that this is enabling legislation, and we know of course that it will set the framework to allow us to deal with some of these issues. While we have you here, I want to just talk about that a little.

We know we need to make it easier and fairer for both tenants and landlords, and that community housing is a big part of that, especially with the affordability challenges we have in big cities like Toronto, and we're certainly trying to address that through our legislation. I know the minister is very impressed with co-op housing and is a big fan.

I have some in my riding, in Eglinton–Lawrence, as well, and I also really think it's a great model.

**1030**

I'm just trying to understand a little bit about what you would like to see. I know that, if passed, we will consult with the service managers and stakeholders like yourselves on the regulations, as to how to protect and grow the community-housing supply and improve the system, so while we have you here it would be nice to hear what your suggestions would be.

**Mr. Harvey Cooper:** Thank you very much, MPP Martin. Thank you for your good words about co-operative housing, and also for the question and giving us a chance to expand our comments.

What we're hoping for is that a new system will evolve out of the Community Housing Renewal Strategy that the province has launched that truly sets up a partnership between the non-profit and co-op housing providers—housing is very complicated these days—and the municipal service managers, to actually regulate the provincial statute and the provincial government, and that that partnership is based on both a level playing field and the fact that these community housing providers are independent corporate organizations who run their housing very efficiently and are rooted in their communities.

Yet the current legislation—I won't go into a lot of details; end-of-mortgage is the fundamental one—is a very rule-bound statute. We already talked a little bit about it. A very high percentage of residents receive a rent-gear-to-income supplement based on their individual circumstances. There are a lot of punitive rules involved in that.

Let's work more toward an outcomes-based system in terms of what outcomes the regulators—be it the municipal service manager or, more importantly, the provincial government which is framing the legislation—are looking for, to ensure that we maintain good-quality, affordable housing; that we maintain a strong income mix of residents from across the spectrum; and that we run efficiently, we don't run deficits, and we keep the buildings in good repair.

Let's set a high-level framework that everybody buys into, so that we have a funding formula that works for government and that works for the housing provider, and let these groups get out there and innovate. Some of them are already expanding and providing much-needed new affordable housing. That's what we're looking for, as opposed to the legislation itself and the regulations that we're governed under. They are hundreds and hundreds of pages long, and 47 different municipalities have local discretion on a host of issues. Everybody talks about streamlining and efficiencies. Let's see if we can really do that. That's our goal.

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

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'll pass it on to Mr. Gill.

**Mr. Parm Gill:** I want to thank our presenters for appearing before the committee. I also want to thank MPP Martin for pitching in, because we're having some issues with trying to unmute myself.

I'm going to ask my question to Elin Goulden, if that's all right. It's related to the amendment to the Residential Tenancies Act. Under the proposed changes, when a tenant enters into a repayment agreement before their hearing at the LTB, the landlords would be able to get an eviction order without a hearing if a tenant breaches the agreement. If a tenant has any concerns with or wants to challenge the eviction order, they can ask the LTB to set aside the eviction order and request a hearing so their circumstances can be considered by the LTB. In addition to resources already available on the LTB's website, how might we ensure tenants are more aware of the process they can use to set aside an eviction order?

**Ms. Elin Goulden:** Well, I think one of the concerns, as my fellow presenter Ms. Brierley from CERA has noted, is that most tenants do not have legal representation and are not well aware of their rights, and so might not be in a position to enforce their rights. I think making tenants much more aware of their rights, and also offering them legal representation at no additional cost, would be something that would go toward supporting their access to justice.

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

**Ms. Suze Morrison:** I'd like to continue with Ms. Brierley from CERA. My next question is, do you have any examples of clients you have seen or worked with that would be negatively impacted by the changes in the Landlord and Tenant Board processes that have been proposed in this bill—to help us humanize and understand the barriers folks are facing?

**Ms. Alyssa Brierley:** Thank you for the question. I think generally what we're going to see here is that this bill is going to really disproportionately impact and have a negative impact on people who are low-income and who have precarious income—people who don't know their rights and are not well positioned to assert their rights. And we know that those individuals are people facing significant barriers. We know that those individuals are primarily racialized individuals, newcomers to Canada, people who don't speak English very well, people who don't have the ability to navigate complex legislation and regulation, people who do not have the ability to take time away from their jobs, people who do not have the flexibility to attend these proceedings, people who do not have the funds at their disposal to engage legal services to assist them with these issues. So this bill will, by and large, significantly and disproportionately exacerbate existing inequalities that we are seeing for marginalized Ontarians.

**Ms. Suze Morrison:** Thank you so much. And what are your concerns with how this bill will allow landlords to make illegal rent increases permanent?

**Ms. Alyssa Brierley:** We are deeply concerned about this. Along a similar vein to my previous answer, many people don't understand their rights and know their rights, and that should not be a reason to prevent people from getting a remedy when they have been defrauded by somebody else. In Ontario, under the Limitations Act, people have two years to bring forward a claim when they know or ought to have known that something has happened to cause them a loss. That is in recognition of the fact that sometimes people don't actually have the knowledge of a loss until much later after it's happened. I don't see why a different standard would apply here. It's really not clear to me what the policy objective is in allowing for landlords to hold on to a windfall that they are not entitled to, because it was obtained through fraud.

**Ms. Suze Morrison:** Thank you so much. I share your concerns.

Chair, how much time do I have left?

**The Chair (Ms. Natalia Kusendova):** Three minutes.

**Ms. Suze Morrison:** Three minutes? Okay. Thank you so much.

I'd like to also move to the Diocese of Toronto. Ms. Goulden, thank you for being with us here today as well. Could you also share your concerns with how this bill will negatively impact particularly vulnerable folks in our community—people with language barriers, newcomers, racialized folks in our community, people with disabilities?

**Ms. Elin Goulden:** As has been mentioned, these are people who are already underserved, who are less able to know their rights and to navigate difficult situations. I've had the experience myself of helping people who are relative newcomers to Canada, whose first language is not English, to know that, yes, in fact, they do have rights at the Landlord and Tenant Board and under the Residential Tenancies Act that they would otherwise not have known. Again, as has been said, these people are people who primarily work in low-income jobs, many of whom are

working precariously and may not have the time to take time for a hearing. A lot of them live in complexes, especially where I live in west Toronto, near Parkdale—large complexes with large landlords. It's basically a giant-and-mouse situation. Without adequate representation, many do not know their rights. They're scared of losing the roof over their heads, so they go along to get along. They're like, "Okay. Well, I guess it's going to cost me this much more," and if they don't know their rights, they'll just keep paying. Or they may end up in a situation where they are not able to defend themselves, and that is a very big concern that we have.

1040

**Ms. Suze Morrison:** I know in Parkdale, in your neck of the woods, you have a number of buildings that are owned and operated by Akelius, and I'm sure you're probably familiar with that name. They're one of the larger corporate landlords, who have such a poor track record on human rights they have recently been reviewed by the UN special rapporteur on housing. Do you think it's fair to enact legislation that makes it easier for incredibly bad actors that have had to be called out by the UN to more easily evict tenants, while simultaneously taking rights away from tenants?

**Ms. Elin Goulden:** The short answer to that is no. The tenants who are in those situations are of special concern to me personally, and to our diocese, because there are a lot of people who are in these positions. In Parkdale, I know there's an active tenants' movement, and they are joining together—

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

**Ms. Elin Goulden:** —to defend their rights—

**The Chair (Ms. Natalia Kusendova):** So sorry to interrupt. Thank you.

**Ms. Elin Goulden:** That's all right.

**The Chair (Ms. Natalia Kusendova):** Now on to the government. MPP Martin.

**Mrs. Robin Martin:** Thank you, Chair, and thanks again. I'm just going to go back to Harvey and/or Scott. I wanted to talk about the Community Housing Renewal Strategy that we put forward. This year we're investing approximately \$1 billion through it to repair and grow community housing and to help end homelessness in Ontario. We're working with our federal and municipal partners and Ontario service managers to repair and expand community housing supply in ways that address local conditions and priorities.

Of course, there are numerous programs involved in that, but the one I wanted to particularly talk about was the Canada-Ontario Housing Benefit, which I am sure you know about. It's an alternative to rent-geared-to-income assistance that gives money directly to low-income households, helps them pay their rent and gives people more choice in where they live. It launched in April 2020, and currently I think over 1,600 recipients have received assistance through this. I'm just wondering if you wanted to comment on that program, and if you think it's a positive development.

**Mr. Harvey Cooper:** Thank you again, MPP Martin, for that question. No, we think it's an extremely positive development. Frankly, governments at the national and provincial level have been talking for years about why there isn't some type of universal housing benefit. Literally, these days, if you manage to get a housing allowance or an RGI subsidy, it's almost like you win a lottery. The fact that Ontario partnered with the federal government—the first one to sign the bilateral agreement of the Canada-Ontario Housing Benefit—I think that's a true milestone, and we hope that can build across the country and across the province.

We've seen in this pandemic how critical the CERB program and other supports have been by the federal and provincial governments. Let's have something that's permanent, that is based on people's situation and their ability to pay. Obviously we'd love to see it expanded, we'd love to see it grow, but the fact that it's been already implemented and is something that public policy observers have literally talked about—I've been in housing for a long time. This has been an ongoing discussion around why there isn't something that's universal. So yes, we have nothing but positive things to say about that federal-provincial program.

**Mrs. Robin Martin:** Thank you so much. I'll pass it to MPP Karahalios.

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

**Mrs. Belinda C. Karahalios:** Thank you so much, Madam Chair. I just want to assure everyone that every Ontarian has a right to a hearing at the Landlord and Tenant Board. What our changes are proposing is to simply offer landlords and tenants additional methods to resolve disputes at the board before their hearing date, if it's appropriate. Alternative dispute resolution is a way that landlords and tenants can come to an agreement, potentially allowing a tenant to stay in their home and a landlord to collect their rent owed without evicting a tenant.

I also want to make sure everyone is aware that alternative dispute resolution is already available in Saskatchewan, Manitoba, Quebec, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island.

My questions would be to Alyssa. The first is, are you aware that there are alternative dispute resolutions in other provinces? Also, do you think that enabling the Landlord and Tenant Board to offer more ways to help landlords and tenants come to a resolution without having to go to a hearing is something that we should allow in this legislation?

**Ms. Alyssa Brierley:** Thank you for the question and for the opportunity to clarify some of the concerns that I have. I am aware that other provinces have alternative dispute resolution options. I'm not terribly familiar about the details of them, but I do know that they're there.

I think that when it comes to alternative dispute resolution, it is really important to understand the details and how those processes work. I am actually a big fan of alternative dispute resolution. In my previous life, I did alternative dispute resolution at a provincial regulator, so

I am quite familiar with the methods of alternative dispute resolution. I think it's a really important way to facilitate access to justice and to reduce caseloads of overburdened provincial administrative tribunals.

I think where we need to be careful is when parties go into alternative dispute resolution processes without the kind of support that they need for those processes to be fair, and provide people with the supports that they need to get to an outcome that is fair and reasonable. The concerns that I have are not with respect to alternative dispute resolution generally speaking; they are specifically with respect to ensuring that the tenants, with whom there is already a significant power imbalance between them and their landlord, are well positioned to engage in those processes in a way that is fair and balanced, and does not exacerbate the existing power differentials that already contribute to the disadvantages that they face.

**Mrs. Belinda C. Karahalios:** Thank you.

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

*Interjection.*

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

**Mrs. Robin Martin:** Any suggestions as to how to make that fairer, Ms. Brierley? I don't know that we have time. Maybe it's in your submission?

**Ms. Alyssa Brierley:** Legal representation at no cost. They need to have lawyers.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. And now, MPP Tabuns.

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

My first questions are for Harvey Cooper and Scott Parry. Gentlemen, it's good to see you. Harvey, I'm glad that you're still on the job, notwithstanding rumours about your retirement. I knew they were all false, frankly.

I am very pleased that the sector is interested in expanding RGI availability through co-op housing. You referenced earlier how people feel when they get an RGI spot; it's much like winning the lottery. It's an opportunity to stabilize their lives. What's the average RGI percentage in the co-op housing portfolio in Ontario? I don't know if you know that. Secondly, what sort of target percentage are you looking for?

**Mr. Harvey Cooper:** Always a pleasure, Peter, and I am hoping to retire at the end of August, but—

**Mr. Peter Tabuns:** Ah. It will never happen.

**Mr. Harvey Cooper:** Just in terms of the RGI percentages, there are about 550 co-ops across the province. In the older, federal ones, it's lower, about a quarter; maybe 30% at the most get a rent-geared-to-income supplement. At the provincial programs, which are about half, it's much higher. It's at least half, and in some cases closer to 60% or two thirds of the residents.

In terms of expansion, as MPP Martin has mentioned, this new Canada-Ontario Housing Benefit program—we think that's a leaping-off point. Everybody who qualifies—you know it's almost impossible; the waiting lists are huge to get into a co-op or non-profit or TCHC these days. But let's have a universal program based on income

that people can access, that's not just first-come, first-served.

What that amount is—we'd love it to be the current RGI program. It's a little complicated depending on if you're on a specific income-assisted scale, but if you're working, it's roughly 30% of your income. You shouldn't be paying more than that on your housing. Is that the benchmark? I'm not going to say. I'd like to just see something that is maybe aspirational, that works towards that, but that people don't have to struggle, as some of my colleagues like Elin and Alyssa have mentioned.

**1050**

Housing is the biggest part of almost everyone's budget but particularly for low- and modest-income households and those that are disadvantaged. We don't want to put people in a situation where they have to decide whether they can they feed their kids or pay their rent.

Moving forward, we hope, in the post-COVID world, that policy-makers will really take a good look at this and say, "Housing brings so many uniform benefits." If you don't have to worry about the stability and the security of where you live, there is some common benchmark that people feel—I think its time has come.

**Mr. Peter Tabuns:** Okay. Thank you very much. It's always good to see you—always.

**Ms. Brierley,** you raised the question of illegal rents. Do you have a sense of the scale of the problem that we're talking about here, the scale of the numbers of people who are currently being overcharged?

**Ms. Alyssa Brierley:** I don't, and that actually points to another issue that I think is important to raise here. We are operating in an environment in which the data around the problems, both in terms of the scope and scale of the issues that are before us and in terms of who is affected most significantly by this—we do not have appropriate data. Many folks working in the sector are consistently trying to find this information. We know that the Landlord and Tenant Board collects some data, but a lot of data points are missing. We simply don't know how significant the issue is. We hear from people all of the time and others in the sector hear from people all of the time about these issues.

Certainly we have our own data points, but I think it would be really important for some of this data to be collected so that the government can be making informed policy decisions and do some of that equity analysis that I pointed to earlier, so that we know who is affected by this and we don't proceed with policy initiatives that are going to disproportionately affect racialized people, newcomers and persons with disabilities. I think that moving forward without that information is conducting policy in a bit of a blind environment.

**Mr. Peter Tabuns:** I appreciate that answer. The other question I have—the follow-up—is that you were right when you mentioned earlier that, generally speaking, when someone is defrauded they aren't told, "Well, if you don't pick up on the fact you were robbed in 12 months, then you don't have any coverage at all."

I'm not a lawyer. I understand the term "statute of limitations," which I think is seven years, and I don't know if that applies to all fraud cases. But are you aware of any other category in which the defrauding of a person has a one-year limit on discovery of that defrauding and action on it?

**Ms. Alyssa Brierley:** I am not. I am not.

**Mr. Peter Tabuns:** Well, neither am I. There are many honest landlords out there and there are quite a few predators, and the predators worry me a lot.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now on to the government: Ms. Hogarth.

**Ms. Christine Hogarth:** Thank you to all those who came out today to share your comments and concerns to help make our legislation an even stronger piece of legislation. I thank you, and thank you to everyone for all their work in the consultation.

My first question is going to be to Harvey and Scott, so you can figure out who should answer this one. The government recently made some changes to simplify rent calculations for rent-geared-to-income and the government has proposed changes to the RGI rules to a simple calculation based on income tax information.

Minister Clark has also proposed to exempt the income of full-time students who are members of the RGI household—I think we talked about this probably during our consultations—encouraging people to seek opportunities to go back to school. Do you see this as a positive change for community housing and the co-op sector, as well as low-income households?

If there is time after, I would like to ask Alyssa your thoughts on that as well.

Go ahead, either Mr. Cooper or Mr. Parry.

**Mr. Harvey Cooper:** I'm going to pass it over to my colleague, Scott. I've been hogging the platform here.

**Ms. Christine Hogarth:** Okay. Thank you.

**Mr. Scott Parry:** Thanks, Harvey. Nice to see you, MPP Hogarth.

**Ms. Christine Hogarth:** Nice to see you.

**Mr. Scott Parry:** We really appreciated when you came out to tour one of the co-ops in your riding.

With regard to the RGI simplification, it's been an ask that we have been advocating for a number of years. To answer your question, yes, it will really assist co-ops, moving forward, to be more streamlined and more efficient so folks managing co-ops are spending less of their time figuring out those calculations and more time helping those on the ground and making sure that the building is in a good state of repair. So it's an excellent update and we really appreciate that.

Again, the next step would be to address the long-term sustainability of co-ops through adjusting the end-of-mortgage issue and allowing us to reinvest through our mortgage savings.

**Ms. Christine Hogarth:** Wonderful. Ms. Brierley, would you like to comment on the rent-geared-to-income piece?

**Ms. Alyssa Brierley:** I'm sorry, could you repeat the question?

**Ms. Christine Hogarth:** Sure. The government recently made changes to simplify rent calculations for rent-gear-to-income. What it is, is RGI rules, which is a simple calculation based on tax information. The minister has proposed exempting income of full-time students who are members of an RGI household so we can encourage people to go back to school and seek opportunities in school. We all know how stressful school is and paying tuition etc. I'm just wondering if you see this as a positive change for community housing and the co-op sector, or for the people you work with, low-income households.

**Ms. Alyssa Brierley:** So it would remove the income of individuals who are going to school to prevent that from impacting the qualification for RGI housing?

**Ms. Christine Hogarth:** It will help them. It will help them with the housing.

**Ms. Alyssa Brierley:** I haven't spent a lot of time looking at this, so with the limited information that I am hearing today, I think that—I don't see any—I don't have any concerns with that.

**Ms. Christine Hogarth:** Okay. Wonderful. Thank you very much.

I understand my colleague wants to step in here.

**The Chair (Ms. Natalia Kusendova):** MPP Gill, we can't see you. MPP Gill, go ahead.

**Ms. Christine Hogarth:** Sorry, I must have misread. Someone said that MPP Gill wanted to speak. Okay. I will go to my next question, then, if I have a little bit of time.

How much time do I have, Chair? I have one for Elin.

**The Chair (Ms. Natalia Kusendova):** You have about two minutes.

**Ms. Christine Hogarth:** Okay. Elin, I just really wanted to chat a little bit about the Landlord and Tenant Board. I'm not sure if you have had many experiences with the Landlord and Tenant Board, but we know it's faced some serious delays over the last decade. I'm wondering if you knew that the Minister of Municipal Affairs and Housing and the Attorney General have been working to address some of those delays. One positive step is adding some adjudicators—17 new appointments. But obviously it needs to be modernized, as well.

This legislation is proposing to promote mediation settlements through the Landlord and Tenant Board when an issue can be resolved without going through the full hearing process. I know we asked Ms. Brierley this question earlier, but in your opinion do you agree that there is a more efficient way for the Landlord and Tenant Board to resolve disputes, and do you think this legislation can assist with that?

**Ms. Elin Goulden:** First of all, I'm glad to see the appointment of more adjudicators and I think that needs to continue. The government should continue to bring in more adjudicators to address that backlog.

Yes, as Ms. Brierley said earlier, I have nothing against alternative dispute resolution. I think it can be a wonderful tool to keep tenants housed and to resolve disputes without having to go to adjudication. However, the devil is in the details. It all depends on how the parties can represent themselves and whether the power imbalance between them

is exacerbated, which creates a situation in which people can be further taken advantage of, or whether they have the supports necessary so that there's a level playing field, and what we don't see in this act is any reference to how that alternative dispute resolution would be worked out. That's what the concern is. It's not that there's an alternative dispute resolution—

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

**Ms. Elin Goulden:** —it's what the details would be.

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

1100

Now I will pass it on to MPP Blais for three minutes.

**Mr. Stephen Blais:** I have a question for Harvey or Scott. I wanted to flesh out the end-of-mortgage just a little bit longer. In the two or so minutes you're going to have to answer, can you talk about what the challenge is with this legislation vis-à-vis that issue or what improvements we can make to get you to the point where you need to be at for the concerns you raised?

**Mr. Harvey Cooper:** I'll pass it over to you, Scott, to wind up here.

**Mr. Scott Parry:** Okay. Thanks, Harvey. Thanks for the question. In terms of what Bill 184 does, it creates enabling legislation that allows HSA providers to either exit the agreement or to be under certain agreements and the details will be laid out in regulations.

We would like to see the end-of-mortgage addressed by, in short, allowing co-ops to benefit from their surplus. Right now, the system is designed so that once we come to the end of our mortgage, it goes into something called a negative operating subsidy. We're saying to put in a regulation so that, once we reach the end of mortgage, we set that operating subsidy to zero, and then that will allow co-ops to repair the buildings and actually build up that surplus, instead of handing that surplus over to municipalities.

It really is about putting more power into the front-line workers in terms of those who know housing and know how to sustain it for the future. This can be addressed through regulations, and I think it's time that all levels of government allow housing providers, whether it's a non-profit, for-profit or co-op housing, to benefit from their mortgage savings and to make sure it's around for future generations.

**Mr. Stephen Blais:** Perfect. Thank you very much. I don't have any other questions, Madam Chair.

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

Thank you to all our presenters. As a reminder, the deadline to submit your written submissions is June 26 at 6 p.m. Thank you.

INTERFAITH SOCIAL ASSISTANCE

REFORM COALITION

MS. ANNE VAN-DO

MS. ANNETTE KNOTT

**The Chair (Ms. Natalia Kusendova):** We will now be moving on to our next round of presenters, and we will be

starting with Reverend Alex Wilson, executive member, housing working group, and Reverend Susan Eagle from the Interfaith Social Assistance Reform Coalition of Ontario.

Thank you for joining us. You have seven minutes, and you may begin your presentation by stating your name for the record.

**Rev. Alex Wilson:** I see that I've been unmuted. First of all, I just want to correct something: I'm Alexander Wilson and I'm from ISARC, as is Susan Eagle. Susan Eagle is going to start, and we're going to be passing the mike back and forth.

Go ahead, Susan.

**Rev. Dr. Susan Eagle:** Am I on now? Thank you. My name is Susan Eagle. I am the chair of the ISARC coalition, and I will be addressing you to begin, and then Reverend Alex Wilson. We do thank you for this opportunity to speak to you.

The Interfaith Social Assistance Reform Coalition welcomes this opportunity to speak to this bill. Our coalition represents a broad range of faith communities throughout the province of Ontario. For 30 years, we have been active in analyzing policy and speaking to politicians and to our faith communities. We support initiatives that uphold the rights and dignity of Ontarians and offer our voice with theirs as you do your work.

We commend the provincial government for its action this spring to enact a moratorium on residential evictions and for the many initiatives to protect Ontarians during this pandemic. Our concern, though, is about the process and timing for the removal of the eviction moratorium and the impact that the end of the CERB program will have, especially for tenants and those struggling through this pandemic.

As we review proposed policy and legislative changes, our coalition uses agreed-upon values to help inform us. That values framework provides a lens through which we review public policy and interpret its impact. Does the proposed policy address and remedy injustices? Does it alienate and destroy, or nurture and rebuild human community and a sustainable environment?

I'll pass it over to Alex now.

**Rev. Alex Wilson:** Thank you, Susan. That values framework is as follows:

—human dignity: the right of all people and their communities to be treated with justice, love, compassion and respect, and the responsibility to treat others likewise;

—mutual responsibility: the obligation of communities to care and share with their people, ensuring that basic needs are met;

—social equity: the right of all people to adequate access to basic resources, to full participation in the life and decision-making of their communities;

—economic equity: the right of all people and communities to adequate access to the resources necessary for full lives, including access to worthwhile work, fair employment considerations and our communal responsibilities to use such resources responsibly;

—fiscal fairness: the right of all people, communities and institutions to fair fiscal treatment and the responsibility of all to contribute fairly for the well-being of all;

—ecological sustainability: the obligation of communities to practise responsible stewardship of the earth and its environment so that Creation might be preserved for generations to come.

We note that the government also recognizes a value system of care and nurture. Why else title a legislative act with the words "protecting tenants and strengthening community," unless it's to acknowledge that the majority of Ontarians uphold these values as important and expect them to be addressed in and through public policy by their government? However, a title is not content. It seems to us that Bill 184 not only falls short of its lofty title but in some of its proposals, further exacerbates the inequities that exist in the world of landlord-tenant relationships.

Specifically, today, we highlight four areas of the proposed legislation that are of concern. A tenant facing eviction for non-payment of rent will no longer be allowed to raise new issues such as disrepair at the hearing unless they formally applied to introduce that matter in advance or could provide a satisfactory explanation to the board as to why they couldn't introduce the matter in advance. This takes away a tenant's right to provide a defence and point to causes for the breakdown in the tenancy agreement.

Number two, an illegal rent increase would be permitted if the tenant doesn't file an application to fight the increase within one year. This takes advantage of tenants who are unaware of their rights, struggle with other disadvantages or are deliberately kept in the dark about the legal rent. It provides incentives for landlords to avoid the obligation to provide proper notice of rent increases.

Now, I'll turn it back to my colleague, Reverend Susan Eagle.

**Rev. Dr. Susan Eagle:** This is the third concern: Bill 184 would allow landlords to proceed straight to an eviction order without a hearing, whereas we know currently that doesn't happen. This change discourages the mutuality of a landlord and tenant coming to an independent repayment arrangement that could help to solve an arrears problem, because the tenant bears all the risk of agreeing to this negotiated agreement. If not properly explained to the tenant, it can lead to the tenant unknowingly waiving the right to a proper hearing should that agreement fail.

Also, Bill 184 would allow landlords to pursue former tenants via the Landlord and Tenant Board with changed notification procedures. The concern there is that it is now being directed to the landlord to track down the tenant. They may not even know where the tenant lives. If left in the hands of former landlords, how would the board ensure that the former tenants are served at their new address and are therefore aware that proceedings have been brought against them?

Through our values lens, we offer the following insights: Through human dignity, the pandemic has brought home to us the lesson that we need to prioritize human health and dignity. We need to take the broader view of re-

envisioning the rental tenancy system so that safe, secure and affordable housing is treated as a human right.

**Mutual responsibility:** Landlords and tenants are in this system together. Our government should do everything it can to encourage honesty and dialogue between them. Rewarding landlords for imposing illegal rent increases as long as tenants don't realize it creates further tension and suspicion in the landlord-tenant relationship. Denying a hearing process for those tenants who were willing to negotiate a repayment plan with their landlord denies tenant rights.

**Social equity:** Tenants don't have access to social equity if they can't access the institution that enforces their rights. An overloaded Landlord and Tenant Board is already suffering from a backlog that would be further burdened by removing pursuit of arrears payments to the board.

Bill 184 creates more roadblocks for tenants to access the board. To take away a tenant's right to defend themselves in an eviction process or to deny a hearing after a failed repayment agreement exacerbates this social inequity.

**Economic equity and fiscal fairness:** If people don't have access to safe, secure and affordable housing, it's extremely difficult for them to access other things like a job that would give them that economic equity.

If the government plans to reform residential—

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

We are now moving on to our next presenter, Anne Van-Do. Welcome. Thank you for joining us. You have seven minutes for your presentation, and you may begin by stating your name.

1110

**Ms. Anne Van-Do:** Thank you. Good morning. My name is Anne Van-Do and I am a small landlord here in London, Ontario, with five doors. Thank you for allowing me today to speak and give my opinion on Bill 184 as a small landlord. Last year, I made a decision to rent out the home my daughter was living in after she was deployed. Within a month of the new tenants moving in, the complaints from the condo board and neighbours began. The condo board then delivered a notice to the tenant outlining the rules and regulations that she was not abiding by. However, she was given a copy of these rules and regulations, and we discussed this during the lease-signing.

In September, things seemed to calm down and everything seemed to be going well. Then, in January, the board informed me that there was an accident involving my tenant. The tenant's car was driven up to the sidewalk, hitting a set of steps, pushing those steps seven feet into another unit, and then rolling and hitting two other vehicles in the parking lot. The tenant did not inform me of this instance, and when I called her she assured me that she would pay for the damage. I asked her several times how she would make payment arrangements, but she didn't answer.

At that point, I served an N5. On February 25, the tenant received the notice of hearing. She informed me that she would not take a day out of her schedule to attend the hearing. She would move out, and she would be talking to her lawyer. March 1 came and there was no rent. On March 10, she did not attend the hearing. The Landlord and Tenant Board granted an eviction for March 23 and damages estimated at \$1,000. The actual cost of repair was \$1,600.

On March 16, the province halted all evictions. Then April and May came without the tenant moving or without any payment of rent. When I confronted the tenant about the court order and the money owed, the response was, "What about it?" I felt extremely helpless and distraught. The amount was owing. The condo board needed payment or a lien would be placed on my property.

Her not moving out was not the worst part. Her not paying rent was not the worst part. The worst part was the damage and the nuisance she caused to the neighbours. While I was waiting for evictions to resume or for her to finally move out, the damage was escalating. There were dogs barking outside all day and night. The dogs were allowed to defecate and urinate all over the basement carpet. There are holes and drawings all over the wall, broken exterior and interior doors; cabinet doors and drawers were ripped off.

In mid-May, the tenant informed me for the first time that the unit had an infestation of cockroaches. I immediately informed the condo board. When I went there with the exterminator on May 22, the tenant was not cooperative and she was not very concerned. She told me she would be leaving on June 1 and she would not be willing to complete the checklist to ready the unit for treatment. She asked me if it could wait until after she left.

On June 2, when I returned to take possession of the unit, it was in even greater disrepair. The sink was full of rotting food and dirty dishes, dog feces were visible on the basement carpet and over 20 bags of garbage had to be removed. The tenant did not pay three months of rent, and there is \$1,900 in chargebacks for the condo board. Now the unit next door has cockroaches and I am responsible for the cost to treat his unit as well.

To date, I'm out of pocket \$11,000, and that does not include the cost of replacing the damaged items, which is about \$10,000 in material. There's still mortgage, interest, taxes, condo fees, labour, and compensation to the neighbour. Bill 184 would allow me to get compensation and reimbursement from the former tenant for the damages and for interfering with the enjoyment of others, so long as there is a way to enforce this judgment.

There will be cases where I cannot enforce this or other landlords cannot enforce this, because we cannot garnish their wages; for example, individuals who are self-employed. This is where it would be more beneficial to decrease the filing time. The bill does not address wait time. Having to wait seven days to file an N5 or 10 days to file an N7 before you can file is an extremely long time. Having your case heard and getting your judgment, depending on your city, could be anywhere between four to

12 months, then there is waiting to file with the sheriff. Time gives the tenant more opportunity to continue their behaviour, cause damage and not pay rent.

Bill 184 is proposing to prevent unlawful evictions by looking for patterns to identify landlords who may be breaking the law. This is where the bill lacks fairness. The LTB does not—and the bill is not proposing to—keep track of tenants who do not maintain their obligations and responsibilities as a tenant, so we have tenants who are moving from one place to the next repeating their actions without any real repercussion or consequences. Keeping track of tenants could correct this behaviour. The LTB would have a record and landlords could have a way to track tenants who we have made applications against.

Landlords cannot ask tenants if they have been evicted or if they have been brought to the board. It is up to the landlord to discover that information on their own. At the board, tenants have duty counsel and can access other legal clinics. It is true that some tenants do not know they have this option, but it is on all their forms, and the LTB phone number is right there. The information is clearly laid out for them. At the day of hearing, all tenants are informed about duty counsel and mediation. Not every landlord has the means to hire a lawyer or paralegal, and we are not all charging exorbitant rents.

Over the past 10 years, I have been to the board five times, representing myself or another landlord. There is a lot of focus on landlords who act in bad faith, but there is not enough focus on tenants who blatantly disregard the terms of their lease.

Bill 184 is proposing to compensate landlords for damage after a tenant has left, but there is still the issue of time. We need to be able to decrease the amount of wait time for filing applications and for filing with the sheriff. The decrease in time will minimize loss, damage, and hopefully tenants can see the seriousness of their actions. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Our next presenter is Annette Knott. Thank you for joining us. You have seven minutes, and you may begin by stating your name.

**Ms. Annette Knott:** Good morning. My name is Annette Knott, and I'm making this statement both as the president of my building's tenants' association and also as a taxpaying citizen of the province of Ontario. I will say it again: I am a taxpayer. And let me be clear: By this I do not just mean that I pay federal income tax, the GST and provincial sales tax; I also pay property tax. I pay property tax because I pay rent and my rent covers all of the costs incurred by my landlord, including property tax.

Approximately 30% of the population of Ontario are renters, and in the city of Toronto over 46% of the population are renters. This translates to over 4,370,000 renters—or unrecognized taxpayers—in the province, and over 1,347,000 renters—or unrecognized taxpayers—in the city of Toronto. I note these facts because it is both vital and appropriate that the provincial government fully comprehends just how many Ontario taxpayers are already negatively impacted by the Residential Tenancies Act and will be further disadvantaged by the proposed changes in Bill 184.

I rent a one-bedroom apartment in a 25-unit apartment building in East York. I moved into my apartment in 2010 when the building was owned by a small company. At that time, my rent was at the higher end of the scale for the area I live in, but in the past 10 years rents here have grown astronomically.

In 2012, my building was sold to Akelius Canada. Akelius is one of 16 or 17 major financialized landlords operating in Canada. You may be familiar with them since they were recently rebuked by the United Nations for abusing the human rights of their tenants, primarily through the practice of renoviction.

The Akelius business model, one that is shared by other financialized landlords like Blackstone, Minto, Timbercreek and Starlight, focuses on purchasing multi-family properties in working-class areas, driving out existing lower-rent-paying tenants and renovating with the intention of grossly inflating rents.

Akelius has owned my building for just seven years. In that time, 18 units have turned over at least once, and many have turned over two or three times. Rents have increased more than 120%. I have lived through more than 160 weeks of construction. That's three years of noise, dirt and disruption to the peaceful enjoyment of my unit. But in accordance with the RTA, I paid my rent. We've routinely experienced shutdowns of essential services, security breaches, and unsupervised contractors engaging in unsafe and sometimes illegal activities, but in accordance with the RTA, I paid my rent.

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Our on-site building superintendent was replaced with a succession of off-site property managers—easily 10 of them—all purposefully incompetent and some who could only be described as callous in the extreme, and in accordance with the RTA, I paid my rent.

Akelius has lost rent cheques only to cash them months later, long after tenants had replaced them, and issued multiple notices for right of entry in a single month, and in accordance with the RTA, I have paid my rent.

Tenants were regularly locked out of the building during power failures because the electronic security system stopped working and Akelius refused to provide new tenants with keys to the building, and in accordance with the RTA, I paid my rent.

Akelius selected Ontario specifically in order to take advantage of the weak protections afforded to tenants by the existing Residential Tenancies Act and the Landlord and Tenant Board to make billions of dollars by massively inflating rents through a combination of AGIs and evicting long-term tenants, all at the expense of Ontarians, particularly the elderly, immigrants and people who exist at the lower end of the socio-economic scale.

Akelius is not alone. All financialized landlords play this same game, including my building's new owner, Starlight, one of the biggest landlords in Canada, which manages over \$14 billion in housing and commercial assets, owns more than 53,000 suites across Canada and over 235 multi-family buildings in Ontario. No matter what the landlord does, no matter how egregiously they behave,

no matter how untenable they make our lives, in accordance with the RTA, we must pay our rent.

Why am I telling you this? Because the provincial government does not seem to understand that Bill 184 will give financialized landlords even more incentive and more opportunity to harass and evict tenants. This is a problem that will be amplified a thousandfold by the economic conditions created by the COVID-19 pandemic.

How does it do this? Currently, the RTA allows tenants to raise any issue at an eviction hearing, but under Bill 184, for an issue to be considered, the tenant must give advance written notice of their intent to raise the issue or provide a satisfactory explanation of why they did not give advance notice. This change assumes that tenants understand their rights and the hearing process. However, most tenants will attend hearings perhaps once or twice in a lifetime and will not be in a financial position to hire a paralegal or lawyer.

Tenants should be able to bring any matters they deem to be relevant to the attention of the adjudicator at any time, including during the eviction hearing. Even better, the Landlord and Tenant Board should be required to provide all tenants with a legal adviser well in advance of the hearing to help them prepare their case.

Under Bill 184, the Landlord and Tenant Board may use another dispute resolution process in addition to mediation to settle disputes. This change will disadvantage both tenants and landlords who are unfamiliar with the RTA and the Landlord and Tenant Board, and give a very distinct advantage to bad tenants and financialized landlords who will be familiar and comfortable with the landlord-and-tenant processes, or who can afford to secure the services of a paralegal or lawyer.

Currently, if a landlord and tenant reach an agreement prior to an eviction hearing concerning the payment of rent arrears and the tenant breaches the agreement, the landlord must go back to the Landlord and Tenant Board for an eviction hearing. Bill 184 would allow for an eviction for such breaches without a hearing. This change will encourage financialized landlords like Starlight and Akelius to manufacture excuses to evict their vulnerable, long-term tenants so that they can renovate and re-rent units at much higher rents. In other words, it will encourage these landlords to engage in renoventions.

Finally, Bill 184 doubles the maximum fine for an offence under the act from \$25,000 to \$50,000 for an individual and from \$100,000 to \$250,000 for a corporation. The fines for financialized landlords are too small. As I've already noted, Starlight has \$14 billion in housing and commercial assets, and a \$250,000 fine is going to be peanuts to them.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are out of time. We will begin our rounds of questions with the government. Go ahead, MPP Babikian.

**Mr. Aris Babikian:** My first question is to Anne Van-Do. From your experience, would you entertain renting your unit again?

**Ms. Anne Van-Do:** No. I'm actually going to be selling this unit after this last experience. Being in the real estate market for 10 years, I have decided that I am probably

going to start slowly selling off my units. It's no longer worth it to stay in business.

**Mr. Aris Babikian:** So that way, the number of available units for rent will decrease, because of your experience and probably some other people's, who had also run into the same problem as you?

**Ms. Anne Van-Do:** Oh, yes. I have five units, and I'm now renovating this unit. This one, once it's complete, will be up for sale. I have students in another unit. They will probably be finishing next year, and then I will be putting that one up for sale—not because I want to put them up for sale, but because it's too difficult sometimes, with the damage. You can't go back to these tenants and say, "Okay, here, you've done this damage." I can go to Small Claims Court. I can do these things and hopefully I can go to the Landlord and Tenant Board in the future. But if they're not working, or if they're self-employed and if I can't find them, I can't recoup that expense—because there's wear and tear, and then there's malicious damage. What I experienced this past year was malicious damage. This was not regular wear and tear.

**Mr. Aris Babikian:** Do you think this bill, Bill 184, will help address some of the concerns or the problems that you faced?

**Ms. Anne Van-Do:** I think it will, yes, because if Bill 184 is going to be made law, so that I can go back after the tenant to get my money or to get money for the damages, I think tenants will think about that and say, "Hey, wait a second. She can take me to the Landlord and Tenant Board again." I don't think people talk enough or understand enough about Small Claims Court, but when I mention the Landlord and Tenant Board, I find that tenants seem to understand that more than Small Claims Court.

**Mr. Aris Babikian:** Have you ever heard from other small landlords like you and what kind of difficulties they are facing, or if they face similar difficulties?

**Ms. Anne Van-Do:** Oh, yes. I have several friends who are in the real estate market, who are renting. I have a friend who recently went through the same thing. His unit was damaged. He had a couple in there. They were fighting. They caused about \$4,000 worth of damage as they were leaving, and he was unable to recoup his money as well. There's another landlord in London who I introduced myself to. There's actually a CBC newspaper article on him. He had about \$20,000 worth of damage done to his property, and he also sold his property.

**Mr. Aris Babikian:** I see.

My next question is to ISARC. Who wants to answer the question? I heard very clearly that you raised many concerns about the eviction process, illegal rent increases and other problems. Do you have any concrete suggestions that we can take under consideration to address some of the concerns that you raised?

**Rev. Dr. Susan Eagle:** I'll speak quickly, and then perhaps my colleague can also speak.

We are concerned that, at this time, you're moving ahead on this piece of legislation. We think that it needs to be delayed while the fuller picture is looked at in terms of the larger concerns, particularly those raised by someone

like Annette, who just spoke. We do believe that there is an imbalance in the bill in terms of providing more support to landlords and that vulnerable tenants continue to be disadvantaged by this bill.

I'll turn things over to Reverend Alex now.

**Rev. Alex Wilson:** Thank you, Susan.

Just following up in terms of the situation we find ourselves in: This is a pandemic. People do not have the same economic resources to be able to do some of these things, to be able to afford the rent, and it was said by the province, "That's okay. If you're unemployed right now, get your food and not rent." That was said by the Premier of Ontario. We're very concerned that this is all coming in the midst of the pandemic, and people don't have the same income to be able to pay the rents.

Also, some of the things that we'd like to change are in terms of going after a tenant for rent up to a year later, when the reality is—I understand landlords are not happy if they can't recoup something, but those individuals don't have the income. You're trying to take money from a stone that's not there, so that's a concern.

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**Mr. Aris Babikian:** It is always a balancing act between two stakeholders, two parties, and governments always try to bring legislation that addresses the concerns of everyone. And from what we heard from Anne Van-Do, how do you address her issues, her experiences? She and the other small landlords—

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

**Mr. Aris Babikian:** How can we give her the comfort—

**The Chair (Ms. Natalia Kusendova):** Sorry. We are out of time.

**Mr. Aris Babikian:** Sorry.

**The Chair (Ms. Natalia Kusendova):** Now to MPP Tabuns.

**Mr. Peter Tabuns:** My thanks to everyone who has come in and presented this morning. This has been very useful.

Ms. Knott, it's very nice to see you here today. I'm glad you were able to make the list. You talked about this bill posing a real problem for tenants, putting them at an even greater disadvantage than they're facing now. One of the things that I don't think you addressed was this whole question of a time limit on tenants coming after landlords who charged them illegal rents. Having dealt with Akelius in a few other buildings, I wouldn't be surprised to learn that illegal rents were a real issue. Could you speak to that, and could you speak to the whole question of time limits on claims about defrauding people?

**Ms. Annette Knott:** Part of the reason why I didn't speak to those things is because I only had seven minutes and I couldn't get to everything that I wanted to address. Certainly our experience here is Akelius has been routinely giving tenants rental increase notices that were incorrect, and if you weren't very careful about checking your rental increase notices, you could easily end up paying more rent than you should be paying based on what the guideline increase allowed. Certainly we've had at

least one AGI under Akelius, and if tenants didn't understand how AGIs worked, they could have increased their rent by as much as 4% more than they needed to before the increase was actually approved by the Landlord and Tenant Board.

Akelius is always looking to take advantage of renters who don't fully understand their rights, don't understand the Residential Tenancies Act, don't understand how the rules work in Ontario. I feel really badly for Anne's experience. Clearly, it's an awful situation, and I know that there are landlords who experience that kind of thing. But I'm on the other side of the coin where it's always the landlord who is seeking for ways to take advantage of tenants. You know, Akelius consistently and outrightly lies about what the rules are. They mislead tenants, they harass tenants and they frighten tenants. I've had the experience of a property manager threatening me with legal action for simply contacting the head of Akelius Canada to make a complaint about how that property manager was behaving.

The member in the Amethyst Room asked how we can balance the needs of landlords and tenants, and I think there's a fundamental problem with the Residential Tenancies Act and the Landlord and Tenant Board, and that is that it treats small landlords and financialized landlords in the same way. It tries to apply the same rules to entirely different groups of people. Small landlords have very different needs than financialized landlords do. Financialized landlords have capabilities that small landlords don't have, and tenants are caught in the middle.

**Mr. Peter Tabuns:** Thank you for that. I know it's very difficult within six or seven minutes to actually do a thorough critique of the bill and the current situation with regard to landlords and tenants. Were there other issues that you wanted to raise about this bill that you weren't able to initially?

**Ms. Annette Knott:** Off the top of my head, I can't recall. I spent a lot of time last night practising, so I'm focused on the items that I talked about.

I am very concerned basically around the new rules around the ability for landlords to ease the process of eviction. Landlords who require their tenants to pay hydro: I think that those landlords should be required to provide information on what tenants can expect when they themselves are required to pay the hydro.

I'm sorry, Peter. That's all I can recall at this moment in time.

**Mr. Peter Tabuns:** That's absolutely fine. Like you, when I came across this bill, I was very worried about the ability for landlords—and let's be clear on this: The large financialized landlords operating like private equity firms, whose intention is to strip-mine the buildings that they take hold of, they are the number one problem we're facing in the housing market right now—not small individuals, like Ms. Van-Do, who have a few properties and try and rent out on a reasonable basis, but those who are engaged actively in driving tenants out so they can drive up rents. That's where things really come unglued in society.

Certainly when I saw this—and you can speak to your experience in your building—the idea that if the landlord

can double his rent by getting rid of somebody, making it easier for him to get rid of those people is going to mean a lot more people out on the streets and, frankly, in some situations, a lot more times—

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

Now on to MPP McDonell.

**Mr. Jim McDonell:** We took up this bill because we heard from many people some of the problems we have with the rental issue. As we heard earlier, about 30% of the people in Ontario rent properties. For the prosperity of this province, we need to make sure it works well.

I've heard from many landlords over my tenure here on the problems they've had with tenants, and the story that Ms. Van-Do recounted today is not uncommon. Unfortunately, if you look at the way our system works, the good tenants have to pay for the bad tenants, and because of that, we have rents that likely go up more than they have to to cover these. In the cases I've heard, at least in many of them, these bad tenants are repeat tenants. They go from one property to another, and the chain is always the same: They quit paying rent, it takes another three or four months to get them evicted, and on the way out the door there's substantial damage done. It really is not good for the system, and that's why some of the changes have had to be made.

Ms. Van-Do, you've experienced this. You've talked to other people who have done the same thing and, in your case, we're going to lose you as a landlord, which is important. This bill is really about—we've had 15 years really where we haven't seen a lot of new rental properties built. Everything has moved over to condominiums because of the problems we're hearing today. Any comments on that?

**Ms. Anne Van-Do:** I agree with you 100%. Really, there are so many small landlords in my same position who have experienced this, and having these bad tenants really does put us in a spot where we want to leave and exit the business. We don't want to continue. But there's the problem because we can't ask tenants, "Have you been evicted? Have you been to the board?" We can't ask them that. It's on us to find out all of this information by ourselves.

A lot of the times, these tenants have worked the system. They know how to lie on the application. They have their friends as references, or they have a friend who pretends to be someone—and it is so daunting to find out this information. You try to interview them as best you can, and sometimes they get through because they still get through—like this tenant has moved on. I didn't get a call from her new landlord, and she's off to another property. I am sure she'll go ahead and live there, pay rent on time for six months and she'll have some issues, and then she'll do something else that will cause her to be evicted or will cause her to leave again. There's no repercussion for her. There's no consequence for her. There's no way to track her, really.

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Even if I take this to collections—I have gone to collections. If she quits her job and she becomes self-

employed, which I think that she'll end up doing, how on earth could I recoup any of the funds, and how is another landlord going to know if she knows how to work her way around the application?

**Mr. Jim McDonell:** So in your experience, you talked about the neighbours and the disruption. You likely had other tenants in your apartment who were upset with the behaviour and, of course, who had to suffer through this.

**Ms. Anne Van-Do:** Yes, the next-door neighbours. Right now it is really a difficult situation because of the infestation that has now carried on to their unit. They are, for example, asking me to compensate for everything. I have to pay for the actual extermination in their unit. I understand that that's part of the condo rules, but now they're asking me to replace their appliances. They're asking me to replace items they had to throw out. They're asking me for a whole lot of compensation that I cannot actually afford to compensate them for.

They were a nuisance, and you serve this N5 and they go ahead and correct themselves, and then when you read the N5 it says you have seven days. Okay, so they have seven days to correct themselves. Six months can go by, and then they won't have any other issue, and then you serve another N5, and then hopefully—this will sound so bad—hopefully what they did in that N5 is enough for you to take it to the Landlord and Tenant Board. But tenants do small things. This particular tenant did small things to annoy the other tenants, like they would leave their dogs out and let them bark. They would let their dog run off-leash. They would let their child ride their bicycle around the parking lot of the condo building, contradicting all these condo rules and regulations.

That made it difficult for all the other tenants in the condo complex. Sometimes they would let me know and then I would address it with the tenant, and sometimes they didn't say anything so I couldn't address it to the tenant, to tell them, "Hey, you need to stop this"; and that was difficult for me, because if I had known all of those things, I could have been serving the tenant the N5 earlier and trying to actually end the tenancy. However, trying to end the tenancy, as you heard, created a lot of damage and a lot of financial hardship for myself. So having this N5, which is seven days, I think to myself that we need to actually cut down that time. It shouldn't be seven days; it should be three days or two days—

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

**Mr. Jeff Burch:** I have a few questions for Reverend Wilson from the Interfaith Social Assistance Reform Coalition. Reverend Wilson, when I read this bill I had some real concerns about how it will affect vulnerable populations, and I'm assuming you and your organization have some experience representing newcomers.

Before I was elected, I was the executive director of an NGO in Niagara providing settlement services to newcomer and refugee families. We had some really troubling interactions between newcomers and landlords. With the old rules, some of the changes that are being proposed—I'm just trying to anticipate what's going to happen with

something like the change that allows for an eviction without a hearing.

If a tenant fails to make a rent payment after reaching an agreement on rent arrears—I'm picturing a landlord approaching a newcomer family who may have fallen behind on their rent and saying, "Sign this. Everything is going to be okay," and then they're in a situation where they could be evicted without a hearing. Can you comment on that and how a rule like that—whether you think it's reasonable and how it's going to affect vulnerable populations?

**Rev. Alex Wilson:** Thank you so much. I can speak specifically about a couple of buildings that are right beside the church. We serve a food bank. There are tons of newcomers. We know specifically that landlords have given newcomers a very difficult time. They threaten them in the hallways, and so they're really scared. If they don't have sufficient language, even, to understand what they're signing, just out of fear, they might sign something that could put them in a very difficult position.

And I think it's distinct, those larger landlords from the smaller landlords. I think they're two different things. If there's a way to have that more balanced in the legislation and look at that as part of it—because people who are newcomers don't have the same understandings of the process. They don't have the same access to legal resources. They also know within the province of Ontario they cut legal aid as well, so there's very limited representation that they can get. You combine that with different understandings they might have from where they've come—other countries that have functioned in a different way—and out of fear, they might make a bad decision, at times.

I'm not sure if I can share a minute or so with my colleague, Reverend Susan Eagle—just to give her a chance to comment, if that's okay.

**Mr. Jeff Burch:** Absolutely. Thank you.

**Rev. Dr. Susan Eagle:** Thank you. As part of my work as a minister over the years, I spent 25 years as an outreach worker in London, working with low-income populations, particularly immigrant communities that were trying—struggling—with mostly slum housing. It is a huge issue when tenants do not understand the rules, and sometimes they're dealing with landlords who haven't bothered to find out what the rules are either. So you've mentioned a really, really vulnerable part of the bill for all tenants who—well, and there's mental health challenges too, so it's not just the immigrant community; it's anyone who really doesn't understand the legislation and gets taken advantage of.

As I said, sometimes the landlords don't know the rules either, because we don't license landlords. Anybody can hang out a shingle and say, "I'm a landlord, so come and rent from me." They're sometimes gouging people. They're sometimes doing anything. That's not to say there aren't really good landlords; there are. Unfortunately, what happens when the landlord has a bad experience with a tenant, they become suspicious of every other tenant. And when tenants have a bad experience with a landlord, they get very suspicious of future landlords.

Part of our brief today that we didn't get to share was a call for there to be more of an effort to try to bring landlords and tenants together to try to work out things that are mutual. But right now in the bill, the price is that if you work out something that is mutual and it doesn't work, the tenant pays the price. That's a huge issue for us in that bill.

Thank you for the time. Unfortunately, we didn't get to finish our brief so we will send it to the members of the committee.

**Mr. Jeff Burch:** Well, maybe I could ask you another question along the same vein. This bill makes it so that 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 it. Is that a reasonable expectation to place on tenants, especially newcomers, or people with cognitive impairments, maybe—people from vulnerable populations?

**Rev. Dr. Susan Eagle:** We raised that as a deep concern. In fact, it almost incentivizes landlords to try to get away with stuff, instead of saying, "Let's have an honest relationship between a landlord and a tenant."

**Mr. Jeff Burch:** Right. And there's another change that limits a tenant's ability to defend themselves in an eviction hearing for rent arrears by removing the ability to raise new issues without prior notice at the hearing. How would that affect vulnerable populations?

**Rev. Dr. Susan Eagle:** Alex, do you want to speak to that?

**Rev. Alex Wilson:** Certainly. Yes, if they're not aware of what's happening, that's going to be a huge issue, because this is about process and knowing that they need to do certain forms and paperwork. If they're not aware of that, they can be taking different increases, and they can be really taken for a ride out of that, here, because it's their home and they don't want to lose that.

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

We are now moving back to the government side. Who would like to begin? MPP Gill, go ahead.

**Mr. Parm Gill:** Thank you, Chair. I appreciate it. I think, finally, we figured out how to unmute myself.

My first question is for Anne. Thank you for sharing your experience with the committee, first of all, and I guess you know we're all sympathetic towards the experience that you had—unfortunate, obviously—and I think we can all agree that there are obviously bad actors on both sides, at times, the landlord or the tenant.

**1150**

It's also unfortunate to see that you obviously have decided, and it's your right, to sell your properties and maybe get out of this business. That's obviously your right and no one can prevent you from doing that—but especially at a time when we have a huge shortage of affordable housing in the province. That's one of the concerns that we continue to hear right across the province: individuals having a hard time finding affordable housing that meets their requirement.

What my question to you, Anne, is, do you have any specific suggestions for the government, in terms of what we could potentially incorporate, whether it's in this piece

of legislation or in future legislation, to help address the concerns that you've raised? Obviously some of your other friends that you mentioned have had a similar experience.

**Ms. Anne Van-Do:** I think my biggest concern and their concern is time. The amount of time it takes to bring a tenant to the board to try to rectify the situation is a really long time. Let's say, for example, you have your N7, which is 10 days. You have to wait 10 days. But for an N7—I believe this is the one where they're causing serious damage or harm—you have to wait 10 days before you can do anything, so you're giving the tenant 10 days to correct themselves. That's too long.

There are certain time frames, I think, like for your N5 or your N7, where you need to decrease this time so that the tenant can say, "Hey, wait a second. This is serious. I need to correct myself or something is actually going to happen." Because you have seven days, and then you have 10 days, and then you have to file and you have to wait, then you file with the sheriff. By the time this is all said and done, you've given the tenant four-plus months. That's a really long time. I think if we can shorten the time, this would help a lot and hopefully make tenants understand that you cannot continue these kinds of behaviours. They are not okay.

**Mr. Parm Gill:** Thank you for that. Even based on the timelines that currently do exist, in terms of the notices that are required and the certain number of days that one has to wait to file a request, how long would you say, on average, does it currently take to address an issue with the Landlord and Tenant Board, whether it's a landlord having an issue with a tenant trying to rectify one of the concerns, or some that you raised in your representation earlier?

**Ms. Anne Van-Do:** I'm in London, and I know London is very different from the larger cities. I would say in London, we're looking at about between six to eight weeks before we're seen at the board.

**Mr. Parm Gill:** And especially in an area where, let's just say, the landlord and tenant are having an issue where a tenant isn't paying a landlord, and you have to go through this process—let's say it takes six to eight weeks for you to address this issue—are most landlords able to recover, say, the missed rent while all of this is going on?

**Ms. Anne Van-Do:** From my experience, the answer is no, and from some of my other friends, I can tell you that the answer is no, that we have just missed out on the rent. After we get the judgment, or even before the trial date comes, the tenants have either left, or when the hearing date comes, they have not shown up. If they do show up, we sometimes have a judgment, but then we're not always able to go to Small Claims Court because you need to have an address. You need to know where they're living—not just where they're working, but you need to know where they're living, too, and that's sometimes difficult to get.

**Mr. Parm Gill:** Are you aware of any legal remedy or process that is currently in place? If a landlord, say, in your situation, wanted to go after the tenant that left you with a significant amount of damages, is there any formal way for you to find out where your ex-tenant potentially may

be living so you can have the opportunity to take them to Small Claims Court to recover some of the damages that you have incurred?

**Ms. Anne Van-Do:** Yes, I have contacted collections, and within this particular collection company, there is a paralegal service and there is a trade service. They are working on finding her new address. I do know where she's employed, but they're looking at finding her new address.

**Mr. Parm Gill:** How much time do I have, Madam Chair?

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

**Mr. Parm Gill:** I'd like to thank everyone for taking the time and appearing before the committee.

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

**Ms. Suze Morrison:** I'd like to direct my questions to Annette Knott. Thank you for being here today.

I definitely hear your frustrations with being in an Akelius building. I've heard over and over again that they're one of the worst actors in our housing system. They have even been rebuked internationally by the UN special rapporteur on the right to housing.

Can you explain—and I know you've touched on this a little bit—some of the challenges in dealing with a large corporate landlord that's more interested in the profits of housing and not necessarily being a good landlord or a good provider?

**Ms. Annette Knott:** Perhaps one way I can explain this is to ask you to think differently about the definition of a good tenant versus a bad tenant. The kinds of tenants that Anne has described—I think we can all agree that that was a bad tenant, one who didn't pay their rent and who damaged the unit they were living in.

I pay my rent in full, on time, every single month. I keep my apartment clean. I am respectful towards other tenants. I am quiet. I treat the property around me with respect. I abide by the rules. My landlord does not consider me to be a good tenant, and the reason they don't consider me to be a good tenant is because I am paying half of what they want for my unit. What they want is for me to be out, and they look for any kind of leverage in order to make that happen. They engage in consistent, generalized harassing behaviours, in order to make it so uncomfortable for me to live here that I choose to move.

One of the most recent ways that Starlight did this was to ban window AC units in the building. This building is a west-facing building. It has absolutely no protection from the sun. I live in a west-facing apartment. In the summer-time, temperatures in my unit can easily exceed 35 degrees. I have very large windows, so when the sun comes in, it's like living at the bottom of a bottle. I have to have an air conditioner. If I didn't have an air conditioner, I would die.

**Ms. Suze Morrison:** Absolutely.

Are you aware that Starlight Investments, just several months ago, acquired more than 6,000 rental units in the GTA for just under \$2 billion? Are you aware of that deal?

**Ms. Annette Knott:** Yes.

**Ms. Suze Morrison:** Do you know why all of those properties were valued at about \$2 billion?

**Ms. Annette Knott:** No, I'm sorry; I have no idea why.

**Ms. Suze Morrison:** On what you said earlier, about that you're paying half the market rent—

**Ms. Annette Knott:** Oh, yes. I did a calculation. The rents in this building have increased 120% in the past seven years.

**Ms. Suze Morrison:** What do you see as the problem there in terms of—would rent control be a benefit to that situation, to protecting—

**Ms. Annette Knott:** I have rent control, so I pay my [inaudible] guideline increase, and then if there are any AGIs, I have to pay that addition as well.

This building has already had one AGI in the past seven years, and we know that Starlight is gearing up to make changes or to do renovations for which they can apply for an AGI. They've made it clear that that's what their intention is.

What they do is, when a tenant leaves, if the unit is not yet renovated, they completely gut the unit and put in new bathrooms, new kitchens, often new floors. Now they're even taking—

**The Chair (Ms. Natalia Kusendova):** I am so sorry to interrupt, but it is now noon and we are obligated to stop. My sincere apologies to MPP Blais, who didn't get his rounds of questions in. This committee now stands in recess until 1 p.m. Thank you.

*The committee recessed from 1200 to 1300.*

**The Chair (Ms. Natalia Kusendova):** Good afternoon, everyone. Welcome back to the Standing Committee on Social Policy. We are resuming 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.

MR. AARON MATTHEWS

MR. ALLEN FOX

MR. BOB MURPHY

**The Chair (Ms. Natalia Kusendova):** Welcome to our presenters this afternoon. We have with us Aaron Matthews. You are our first presenter. You have seven minutes for your presentation, and you may begin by stating your name for the record.

**Mr. Aaron Matthews:** Thank you. Hello. Good afternoon. My name is Aaron Matthews. I'm a Toronto tenant in the riding of Toronto—St. Paul's, and I'm here to talk about Bill 184 for about seven minutes.

I'd like to speak about the issues this bill will create for both tenants and the city of Toronto, if passed. In Toronto [inaudible] and the shelter system which is squeezed beyond capacity. The bill's proposed changes to allow fast-tracking of eviction cases for tenants who have fallen behind on repayment agreements will likely result in mass evictions, which is going to result in a massive increase of

the homeless population and endanger public health and safety.

The Honourable Minister Steve Clark introduced this bill in March accompanied by Tony Irwin, the president of the Federation of Rental Housing Providers of Ontario. The FRPO bills themselves as the largest association representing those who own, manage, build, finance, service and supply residential rental homes. It makes sense that Mr. Irwin was there, and not a tenant, despite the bill being called "protecting tenants." At the moment, many landlords, especially large corporate landlords, are panicking because many tenants cannot pay the rent and evictions have been suspended. Once the Landlord and Tenant Board reopens, there will be a backlog of cases and it will take a long time to process them. Bill 184 solves this problem for landlords because it is designed to clear this backlog for landlords [inaudible] tenants.

Under Bill 184, if tenants agree to a payment plan after late payment on rent and then are unable to adhere to it, they can be evicted without an eviction hearing. We are removing due process for the most vulnerable tenants. We are removing their ability to defend themselves. Does that sound like protecting tenants to you?

I want to give you some information on this. The Toronto Foundation released a brief in May based on the previous month's rent payments, entitled COVID-19 and Housing: Will New Opportunity Emerge from Crisis? This brief estimates that thousands of renters have been unable to pay rent since April because the pandemic led to them losing their jobs or working much fewer hours. A lot of these renters may have been asked to sign repayment agreements by their landlords. If even a fraction of those renters who missed payments are evicted, they can end up homeless. As of 2018, according to a report by the city's Tenant Issues Committee, 47% of Toronto households are renters. More specifically, the 2016 census estimated that around 525,000 households were living in rental properties, with an average of 2.42 people per household. That's an estimated 1.3 million people living in rentals in Toronto.

According to the Toronto Star, Canada's homeless population averages 35,000 on a given night. The charity organization Fred Victor says that in Toronto alone around 9,200 homeless people are sleeping outdoors, in shelters, respite centres, health and correctional facilities every night.

Toronto's shelter system has a capacity of 7,000 to 8,000 people and already runs at 98% to 99% capacity every single night.

Steven Ayer, who wrote the brief on COVID-19 and housing I cited earlier, had an optimistic projection. He said that if only 10% weren't able to pay rent in April, this would mean that 53,000 households with about 130,000 people were rent-delinquent. So he suggested that if one in 20 of the renters who missed payments are unable to pay rent in full later, they could end up homeless. So if just one in 20 ended up homeless, this could equate to 6,500 to 13,000 more people without a home. That's an optimistic projection.

So let's go with the optimistic projection. If 13,000 more people are homeless in Toronto due to evictions caused by Bill 184, and we have that [*inaudible*] 9,200 homeless people in Toronto, we have more than doubled our homeless population to an estimated 22,000 people. That's about half the population of Belleville, Ontario, living on the streets of Toronto. It doesn't have to be like this. I recommend that we provide the tenants of Toronto a due process and the ability to explain and defend their inability to pay rent during the pandemic at the Landlord and Tenant Board.

We cannot allow no-hearing evictions to happen during a pandemic. We need people to keep their current housing, so they can continue to safely self-isolate and maintain proper hygiene, for their own safety and for the safety of those around them. I'd like to ask everyone gathered here today: What is your plan for housing the thousands of people who will be left homeless if we allow Bill 184 to pass? These are extraordinary times, and we have a choice as a society to either choose to further the health and housing crisis in Ontario or make it better. I'm urging everyone here to make the right choice and dismiss Bill 184. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are now moving on to our next presenter, Allen Fox. Welcome. Thank you for being with us. You have seven minutes, and you may begin by stating your name for the record.

**Mr. Allen Fox:** Thank you. My name is Allen Fox. I notice my MPP is here sitting in on this. Thank you, Peter, for being here.

I moved into the Leslieville neighbourhood in Toronto's downtown east on October 1, 2002. I've been living here in the same apartment ever since. I've had the same landlord ever since. My rent was initially \$1,100, but he failed to raise my rent for my first 10 years here. When he did, in 2012, it was for \$100, which was an illegal amount; he didn't give me enough notice. He gave me about 50 days when, in fact, he's supposed to give me 90 days.

At that point, I began to stop trusting him, and I started recording all of our emails and documenting everything, including bank statements, phone calls and such. He wasn't happy about that, but I still accepted the \$100 increase. He didn't raise the rent for another two years. Again it was another \$100, an illegal amount, and he didn't give me enough notice. He did the same thing again in 2015, this time for only \$50, which was still an illegal amount, and again he didn't give me enough notice.

He hadn't raised the rent again until this March. I'll point out that he has just been through a costly divorce and he's taking it out on his tenants. He raised our rent \$400, effective March. I initially said yes to the \$400 because it was under threat of eviction. The threat of eviction was also presented to the couple that lived downstairs. Their rent was raised \$400 too.

We agreed to the rent hike, and then I thought about it for a little while, and then the lockdown occurred and none of us are making any money; we don't have any income as a result of this lockdown. I decided I was going to decline the \$400 rent increase. That was not good enough for him.

Further threats of eviction ensued, and again I caved. Finally, around the end of March or beginning of April, I thought, "No, I'm not going to pay him \$400 a month extra in rent. He's going to go by the book." I will point out at this time that when he did give us this rent hike in March, he only gave us 17 days.

I went and I found all the guideline figures for rent increases dating back to 1991. Using those figures, I figured out retroactively how much I would be paying in rent if he had done the right thing and raised my rent annually and according to guidelines, which would come to about \$1,550. That was not good enough for him. He didn't want to see my math, as he put it. He has since dropped off an eviction notice, and we're waiting for eviction hearings to resume. He seems to think that he's going to have me out of here by July 31, when I know that's not going to happen. I don't want to leave. I want to stay in this apartment. I like this neighbourhood. I think I've bent over backwards to give him an extra couple hundred dollars a month, and it's not good enough for the guy. At this point, I'm feeling helpless. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now on to our next presenter, Bob Murphy. You have seven minutes. You may begin by stating your name.

**Mr. Bob Murphy:** Hello. My name is Bob Murphy. Thank you for allowing me the opportunity to speak today in reference to Bill 184. I am a member of ACORN Canada, and I reside in York South-Weston. I am a tenant, and I am an Ontario disability recipient. I live in Toronto in unaffordable housing.

**1310**

ACORN is a tenant and community union striving for social and economic justice. We fight for healthy homes, affordable housing, Internet for all. We, as community members, build power at the grassroots level for low- and moderate-income people.

Bill 184 is an additional tool for landlords to continuously harass long-term tenants to get them out, jack up their rent and make more profit. It is a bill that will allow landlords to fast-track and evict tenants, and to increase revenue.

Let me explain. Before COVID-19, the available rental housing stock in Toronto was below 1%. No one wants to move, but the landlords' agenda—many landlords' agenda—is to displace tenants out, have them move elsewhere, force them out of their homes. Landlords want us out because once we're gone, they will slap a coat of paint on the walls, add a little bit of window dressing, and find someone else that is seeking apartments and housing and is willing to pay market rent or above.

Long-term tenants pay below-market rent, and landlords don't like that because it means less profit and less gravy. Many landlords care about only one thing: profit and numbers. They don't care about our homes and that we are families. They don't care that tenants are human beings. They don't care that housing is a human right.

Landlords don't care that we need healthy and stable homes to raise our families, build our communities and live our lives. They just see dollars. They just see revenue.

Unfortunately, it's good business for landlords to get tenants out of their homes. Landlords are in the eviction business now.

Rather than providing us with reasonable, affordable homes, Bill 184 is nothing but another tool that makes it easier and quicker to evict people from their homes. There are already very few protections for tenants, and this bill strips away those minimal remaining protections.

Here is the thing: Right now with COVID, everyone has lost their job. Many of us have lost our jobs, so many people are struggling to pay rent. Some landlords are appearing to play nice and negotiating a repayment schedule with their tenants. With Bill 184, if a tenant misses one payment in that agreement, the landlord can go to the Landlord and Tenant Board and request an eviction. The tenant has no say, no defence, no involvement in the hearing process. The landlord will easily get an eviction order for that tenant. This is a very dangerous change, as well as many others in the bill. They are going to create an increase in no housing availability for tenants, for families. None.

We must have rent control, with vacancy controls so landlords wouldn't have access to this incentive—but they do. Bill 184 creates more skin in the game and greater tools for the landlord to evict us from our homes and our communities.

Let me ask you this: Once you've been evicted out of your home, where would you go? Where would these families go? With so many low-income tenants already struggling to pay rent, with so many Ontario disability recipients receiving payments slashed with 40% less than the cost of living, with minimum wage workers getting their wages frozen—once they're evicted by Bill 184, where would their kids go to school, with no stable housing? Where do youngsters 20 years old and working front lines at grocery stores go when their family loses their apartment, their home? What do they do? Where would fixed-income seniors go and what would they do once they're forced to move away from their doctors, their neighbourhood, their community supports? Bill 184 is going to cause nothing but heartache.

Housing is at a crisis stage here. Lack of housing causes extreme stress and unmeasured anxiety. This ensures that tenants will not trust our systems. It makes us feel like second-class citizens that are not worthy. Bill 184 is going to make our mental health crisis spiral by an increase of massive anxiety. Landlords want tenants out. Bill 184 is going to create an eviction factory in Ontario. Why can't we have rent control instead, inclusionary zoning before the shovel hits the ground, or how about a rent break?

I see this as the landlords having their guns out of their holsters. If Bill 184 is passed, the provincial government is giving it away and spoon-feeding the bullets to the predatory landlords. All landlords need to do is pull the trigger, and bang! "See ya," evicted.

Thank you for your time, and I'd be happy to address any questions.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will be moving on to our rounds of questions, and we begin with the official opposition. MPP Tabuns.

**Mr. Peter Tabuns:** My thanks to all three presenters. I appreciate you taking the time, and I also appreciate what you had to say about the situation that tenants are facing not just in the city, but really across the province.

Allen Fox, I just wanted to follow up with what you had to say. Particularly as a constituent, I thank you for coming in today. The situation you've been talking about is one that a number of other tenants have talked to me about—not so much the \$100 or 10% rent increase given on short notice, but just the constant pressure and the threats. Can you tell me what your landlord is threatening to evict you for? What's his reasoning? What's his so-called legal reason?

**Mr. Allen Fox:** He says he's going to move in here himself with one of his kids.

**Mr. Peter Tabuns:** Ah, I see. Okay, so that's the cover story.

**Mr. Allen Fox:** Yes, sir.

**Mr. Peter Tabuns:** Okay. When he has given you those notices of rent increase, have they ever been based on anything related to his expenses?

**Mr. Allen Fox:** No, they all seem like arbitrary figures to me.

**Mr. Peter Tabuns:** Okay. So he doesn't apply for an above-guideline increase. He doesn't go for a hearing. He just sends you a notice saying, "Pay an extra 400 bucks a month," and then, on a subtext or a side message: "And if you don't pay, you're gone." Am I understanding the situation?

**Mr. Allen Fox:** Yes, sir.

**Mr. Peter Tabuns:** Okay. I don't see the bill before us helping you at all, to be honest. I'm sure that's part of the reason you're here speaking to us today. You don't see any relief or support from the provincial government with the bill that's before us.

How many units are in the building that you're in?

**Mr. Allen Fox:** It's a detached home with two apartments.

**Mr. Peter Tabuns:** Got it. Okay, so yes, it's relatively small. If we were talking 100 units, it would be hard for him to say, "Oh, I'm going to move in to all 100 units." But yes, if it's two units in a house, then he could make the argument. I think you would have a fair amount of ground to stand on, given his history on this, but I find it extraordinary abuse of you and the other tenant that he should engage in this kind of activity.

**Mr. Allen Fox:** He made the same threat to them as well, that he was going to evict them if they didn't cave in to his \$400 demand.

**Mr. Peter Tabuns:** And on the same basis? He was going to move in their unit with his son?

**Mr. Allen Fox:** Well, yes. It was like he was playing us off against each other, it seemed.

**Mr. Peter Tabuns:** Incredible—just incredible.

I think I'm going to ask questions of the other speakers as well, but Allen, thanks so much. I really do appreciate it. I think a lot of my colleagues who are sitting around the committee table or viewing this at home should understand that this kind of intimidation and squeezing is going on all over the place, and that's part of the reason this bill

is so frustrating: It doesn't address this intimidation. It doesn't address this process of having tenants squeezed out of units with these kinds of threats—maddening stuff.

Mr. Murphy, you spoke quite eloquently as well. Actually, gentlemen, all three of you spoke quite well. But Mr. Murphy, your fear about large numbers of people being driven out of their units: Could you speak bit about that? Because we've actually had some testimony to that effect in the last day and a half.

**Mr. Bob Murphy:** Talking to community members in the community that I reside in, for the long-term tenants, their rent is lower, so there's incentive for existing management companies, the big ones, to intimidate and harass these tenants to get them to move. One method is by not doing any repairs—because they don't have to answer to anybody. There's a big push of getting the long-term tenants, because they're paying less rent, out of the building so they can increase revenue.

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**Mr. Peter Tabuns:** Yes, I see that in my riding. It's a constant battle.

We had people speaking here earlier today whose landlord is Akelius, and they've refined it to an art—driving people out and making them crazy until, in some cases, they self-evict because they can't stand living in a construction site anymore.

**Mr. Bob Murphy:** Yes, that's the idea. The amount of stress it creates, the amount of anxiety, especially now, during COVID-19—in all areas of the GTA, all over Canada, this is happening. This is not just in isolated areas.

If you're working at minimal jobs and you've lost your employment because of the situation that's going on right now, and then you get that constant harassment, and then you add in the factor of the language barrier—it's intimidation, harassment, intimidation, harassment, get you out, and "Let's pump up that rent."

This is not just happening on one or two occasions. This is happening with all the large management companies or owners. You mentioned one of them, but there are quite a few out there.

**Mr. Peter Tabuns:** Yes, there are.

**Mr. Bob Murphy:** The amount of—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now to the government members. MPP Martin.

**Mrs. Robin Martin:** Thank you to the witnesses for coming today and giving us your experiences. It's always very helpful to hear from you. It's nice to hear from people with different experiences.

On the last panel, we had a tenant, who seemed to be a good tenant, who had a bad landlord, Akelius. It was the one that was mentioned by MPP Tabuns. We also had a good landlord who had a bad tenant. It seems that that is what Landlord and Tenant Board hearings are often about. Sometimes we don't match the good tenants with the good landlords and vice versa. It's hard to strike the right balance. Certainly, that's what this legislation is trying to do—to strike a balance and to make things fairer and better for everybody involved in the system.

I wanted to ask a question of Mr. Matthews. We've heard a lot about the residential tenancies aspects of this

legislation, but there are also a lot of good things in this legislation for community housing, which, given what you said, I would expect that you would be interested in. It doesn't get talked about as much. We've only had a few witnesses with whom we've really discussed this issue. I think you might have an opinion that the committee should hear on this issue.

As you may know, the government is investing a billion dollars this year to repair and to grow community housing in Ontario. On top of this, Minister Clark—and our province was actually the very first province to sign an agreement under the National Housing Strategy with the federal government. This agreement is for \$1.4 billion, to provide direct, portable and real benefits—rent benefits—to low-income Ontarians. They can use them anywhere. Already since April, it has helped 1,600 families.

This legislation would help maintain our community housing supply by providing a mechanism for housing providers who are at the end of their 35- or 40-year obligations under their mortgage agreements to continue to provide community housing within a new framework. The legislation is enabling in this regard. The new approach would be designed to incent housing providers to continue serving low-income and moderate-income households who will need, and who do need, community housing.

From your experience, do you think that these kinds of moves and investments, as I've outlined them for you, made by our government in the community housing sector represent a good decision and may be part of the legislation that you would not want to dismiss?

**Mr. Aaron Matthews:** Ms. Martin, I acknowledge your question. I have to say, before I say anything further, that it doesn't pertain especially to my deputation, in terms of the area that I have presented on. I don't currently live in community housing.

I will acknowledge that going through the bill, not everything about it is bad. Now, I don't feel qualified to talk about community housing because I don't currently live in community housing and have never occupied it. What I think is important to emphasize when we look at this bill is there are some things—I know, for example, some of the clauses regarding N12s, renovations, and some of the things that Mr. Fox experienced, that does pertain to protections.

I can't speak to community housing, but I can say this: A lot of people who are currently living in rental housing such as myself have been facing intimidation and uses of loopholes by commercial housing providers. Now, it's wonderful that we can invest more in community housing, but that's only going to serve a small section of the population. That's a minority. It's important that it exists, and it's important that we invest in it. I agree that for years we have not invested in it; it's been underinvested. A lot of that community housing, unfortunately, including in my neighbourhood in my riding of Toronto—St. Paul's, is run down.

But the thing is, while we're doing investment there, there aren't incentives for landlords to invest substantially

in rental housing for commercial tenants. These kinds of things like above-guideline increases—they're often only working on the exterior of the building. The owner or property manager of my building has no incentive to make my unit any better. There's nothing that's ever going to improve for me in the apartment I'm living in until I move out, at which point I can no longer access that housing.

Mr. Murphy raised a point about vacancy control. It's very possible that if I leave this apartment, I may never be able to access another unit again at the income that I have. That I think is something that we really need to talk about, because not everyone's going to be able to get into community housing because there are long waiting lists.

**Mrs. Robin Martin:** Fair enough, and we certainly are trying to make life more affordable for all Ontarians. That's part of what we're trying to do by reforming the legislation and by our Housing Supply Action Plan, which we brought forward earlier. Part of that is to make sure we have more rental housing, because when we have more rental housing, we tend to have more options for people that fit their needs and therefore, with enough extra housing, then the prices tend to come down as well. That's certainly something we are working on, and we have a whole plan around that.

I have another question. It's for Mr. Fox. Thank you, Mr. Matthews. Mr. Fox, I listened intently to your story, and it sounded to me like your landlord didn't know the rules either, because not many people would wait for 10 years to give a rent increase on a property in Toronto. I think you said from 2002 to 2012 he gave you no rent increase. That's correct?

**Mr. Allen Fox:** That's correct.

**The Chair (Ms. Natalia Kusendova):** Thank you, Mrs. Martin. We can pick up in the next round. Now on to MPP Morrison.

**Ms. Suze Morrison:** I want to thank all of the panellists for sharing your stories today. I just want to say we've heard these similar concerns over and over and over again, but it's really important to hear your perspectives.

One of the things that I'm concerned about in the bill is that it would allow illegally implemented rent increases to become permanent if you unknowingly paid them for more than a year. Mr. Fox, in your situation, if you started paying that rent increase and didn't wise up until 12 months later that the rent increase that your landlord tried to give you was illegal, you'd have no recourse now to go back to the board and get the money that you're owed back. Do you think that that's fair?

**Mr. Allen Fox:** I don't think it's fair. It should be longer than 12 months, and I did already know that rule. As a matter of fact, when we do come up to the hearing, I am going to ask to have the illegal rent that I have paid this year returned to me.

**Ms. Suze Morrison:** Excellent. And as a tenant, do you know how to access legal help to help you at the hearing? Are you planning to go to that board with legal representation?

**Mr. Allen Fox:** No, I think that I can handle this on my own. As a matter of fact, when this all started in February

and March, I went to legal aid and they were not helpful at all.

**Ms. Suze Morrison:** I'm sorry to hear that. Just as a side note, I would strongly suggest getting in touch with your MPP's office. Anyone who is facing issues at the board, we can often direct you to local resources in the community that may be able to help you fight your cases, resources like Steps to Justice, for example, and there are plenty of places we can point you to. I just wanted to make sure that you all know that.

**1330**

Going over to Aaron Matthews: Could you share a little bit more about what types of rent control measures you'd like to see in the province of Ontario?

**Mr. Aaron Matthews:** Absolutely. Thank you, Ms. Morrison. Actually, my colleague Mr. Murphy raised several of them in his initial deputation, so I'm going to echo a couple of those. I think vacancy control was going to be the most important thing. I think about this a lot of times as kind of a ladder.

Look, I'm speaking to you. I'm an upper-middle-class white kid. I just finished a master's. I'm very privileged, and I've had a lot of education. A lot of people in the building I live in maybe have not had those privileges and have been living in the building for several years. As Mr. Fox and Mr. Murphy's deputations attested to as well, there's an incredible amount of pressure for tenants who have been in a place for a long time, to get them out, because they're paying below-market rents and, as such, represent a liability to the company.

I think we need more regulation on vacancy decontrol. If I ever have to leave an apartment because I'm not happy with how I'm living, I know I'm still going to be able to live in Toronto, whether that's in my neighbourhood or another neighbourhood. But there are a lot of people who, if they left a unit at the current rent they're paying, would not be able to find something at a rent that they could ever afford in the city and may need to leave completely. There are people that built their homes here.

I grew up in Thornhill and ended up moving downtown a little later in life. My parents live in North York. I picked this place because it's between downtown and uptown. But it's unlikely that I'd be able to find something without going dramatically further out of the city. It's challenging. I don't have access to a car right now. That's one example.

The other thing that I'd like to see is a removal of above-guideline increases. We've seen in the example of property managers and REITs, or real estate investment trusts, where they have systemically used AGIs to gradually raise rent. It's kind of like boiling a frog in a pot, where rents are increasing by 2%, 3% each year. That AGI locks that in for several years. My building recently moved to do an AGI. I went with the tenants' association in my building to fight that, and we were able to mediate.

But I will point out, I was a master's student at the time. I had a little more spare time than the average person working a 9-to-5. Most people have neither the time nor the financial resources to fight these things with a paralegal or a lawyer on their side. I think in the case when you

have a very large, financialized landlords, they have a tremendous amount of economic power that they can use to lawyer up and make cases against people who don't have the right to defend themselves.

I'm sure Mr. Fox is going to make a fantastic defence. I think he has a really strong case. But doing that without legal assistance is challenging. I think that's why something like legal aid is really important, even though it wasn't able to help in this case.

In addition to that, I would really like to see rent freezes, especially in units below a certain range. We know that a lot of the housing that's being built right now—it's true that the housing stock is opening up again, but almost all of these buildings are luxury rentals that include some degree of affordable housing. When they say "affordable housing," it's not tied to your income; it's tied to the average. So an affordable housing unit in Toronto looks like about \$2,000 a month, which for most people in Toronto, for a one-bedroom, that's not affordable. I couldn't afford that, and again, like I said, I'm relatively privileged compared to many people who live in my building or reside in the city of Toronto.

Even as Ms. Martin pointed out, someone who lives in community housing—if they can't get into that community housing, what is their alternative when there are such long waiting lists? They may not have another choice.

**Ms. Suze Morrison:** Yes, thank you so much. When we look at folks who are getting CERB, for example, the rents we're facing in Toronto are just so out of step with the rest of the province. The CERB benefit doesn't even cover people's rent in most places.

Are you aware of the Tenant Defence Fund? I just wanted to plug that one a little bit, because if you're part of a tenants' association, you are able to access a municipally provided fund to get a paralegal to make your case at the board.

**Mr. Aaron Matthews:** Yes.

**Ms. Suze Morrison:** So I just wanted to make sure the tenants on the call know that.

Chair, how much time do I—

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

**Ms. Suze Morrison:** Okay, sorry. Thank you so much.

**The Chair (Ms. Natalia Kusendova):** Now we will move on to the independent Liberal member, MPP Blais.

**Mr. Stephen Blais:** Everyone, thank you very much for your presentations this afternoon. Mr. Murphy, I was wondering if you could share your thoughts a little bit on what Mr. Matthews was just touching on in terms of vacancy control and the benefit or the impact it could have on some of the stories we've heard about intimidation to force evictions etc.?

**Mr. Bob Murphy:** Yes, I'd be more than happy to comment on that. With the vacancy control, it would reduce the amount of incentive for the existing landlords to push old tenants out. When the landlords have an opportunity to push tenants out and increase the amount of revenue for that unit—if we had vacancy control, there would be no incentive for that landlord to have a regular-

paying tenant forced out because the revenue would still be there. I hope I didn't overlap myself. Does that make sense?

**Mr. Stephen Blais:** Yes, absolutely, of course. Mr. Matthews, I see you're nodding in agreement. Beyond vacancy control, is there anything else within the act that could be changed or added to stop this kind of harassment of tenants?

**Mr. Aaron Matthews:** I think another thing that we could draw attention to—I apologize; I believe one of the other MPPs might have mentioned it as well—is the ability for illegal rent increases if paid for one year to not be repaid. I want to speak to this for a moment. Prior to my becoming involved in my local tenants' association—I've been a tenant at this place for about three years—I didn't have a lot of knowledge of landlord-tenant law. It's not my specialty; I'm a teacher. But I started to read up on that stuff. When you get the notice—they do tell you where you can get the information, for example, on an above-guideline increase. The initial increase that we got, many people started paying that right away, so I spoke to people in my building. They say on the first page of that that you're not supposed to pay it until—or you don't have to pay it until it actually passes. In this case, we were actually able to negotiate it down by about 1%. It was about a 3% increase on average for people in my building. We were able to negotiate that in mediation by about 1%. But many people just immediately started paying that. If we hadn't had communication—we had a meeting, and we were not able to get everyone, but we did get several people to talk, to say, "Listen, don't pay this now, because it might actually go down." They are obligated to pay you back, but a lot of people don't know that—again, if we mediate it lower.

So how do we prevent landlords from taking advantage of people who may not have this command of landlord-tenant law that is beyond most people's knowledge? It's not phrased in accessible language. Furthermore, a lot of people who may not speak English or French as a first language might not have ready access to that.

Another important thing too is that doing this stuff takes a lot of time. Landlords have a lot of time because they're not working a 9 to 5 in the same way, especially large financial landlords. They have middle people who can go and deliver those orders, and they have time to go over the case. I have to take time out of my day after I get back from work. The average person, you're tired; you've got to work at 7 or 8 o'clock in the morning; you commute. You decide to take two or three hours out of your day to work on the case, and that's about all the time you have.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now back to the government members: Who would like to begin? MPP Karahalios.

**Mrs. Belinda C. Karahalios:** Thank you to the three gentlemen for coming in this afternoon. I appreciate your time as well.

We do need to make renting easier and fairer for both tenants and landlords. Our proposed changes to Ontario's rental rules will make it easier to be a landlord while en-

hancing 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 fines. We're using compensation in tightening the rules to encourage everyone to follow along.

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 for renovations or repair or when they evict a tenant on behalf of the 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 if they have previously filed for an eviction so they can move into or renovate a unit, to help identify repeat behaviour.

**1340**

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 a 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 by the hearing. This will reduce delays and encourage discussion of concerns.

As my colleague from Eglinton–Lawrence mentioned, in 2020-21, our government is investing approximately \$1 billion to help sustain, repair and grow community housing and end homelessness in Ontario.

I know that is kind of a long-winded start, but I would like to direct my question to Mr. Fox. I did enjoy hearing you speak, sir, and was wondering if you could answer this question, which has been touched on by the other two gentlemen as well. Further to what you've shared with us today, what are your specific recommendations to government?

**Mr. Allen Fox:** Clamp down on frivolous evictions, for one. I'm not being evicted because I'm not paying my rent. I'm being evicted because I did not agree to an outrageous rent hike, which to me just seems frivolous.

**Mrs. Belinda C. Karahalios:** Is this a first time? When you talk about frivolous evictions, do you have other examples of that? I know that you're talking about your own story, but—

**Mr. Allen Fox:** I'm just referring to my own case.

**Mrs. Belinda C. Karahalios:** Okay. I'm definitely not a lawyer, but you shouldn't be evicted for something like that.

**Mr. Allen Fox:** He's trying.

**Mrs. Belinda C. Karahalios:** He's trying. Indeed he is. You said you have decided to fight it at the board?

**Mr. Allen Fox:** Indeed.

**Mrs. Belinda C. Karahalios:** Good. Excellent. I guess, if I can, I'll put the same question towards Mr. Murphy. Any specific recommendations to government, further to what you've already shared?

**Mr. Bob Murphy:** I think I pretty much explained our concerns. It's just that when there's a financial reward for these big management companies that have thousands and thousands of units to get existing tenants out, who protects the tenants? Who is going to protect the tenants in their homes, especially with uncontrollable AGIs? Where are those tenants going to go? The management companies don't have to answer to anybody. They write their own rules.

**Mrs. Belinda C. Karahalios:** I was just writing while you were speaking, sir. Thank you. Thank you both.

I know Mr. Matthews, you've addressed this already, so I won't bother you with the same question again. But I thank all three of you for your time and for answering the questions so graciously.

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

**Mrs. Robin Martin:** Sorry for the delay there; I was unmuting. Thanks very much Chair, and thank you again to the witnesses.

We do have a couple of things in the legislation that I think are good for tenants, but I was in the middle of asking Mr. Fox a question before we got cut off last time. Mr. Fox, what I was really wondering was—to me, you don't look like someone who is likely to be intimidated by your landlord, and you seem to have informed yourself of your rights. Mr. Tabuns had suggested in his question to you that you felt intimidated and vulnerable. Maybe you could explain to us why that would be, when you certainly seem to have grabbed the bull by the horns. Also, your landlord obviously does not know the rules, as we established.

**Mr. Allen Fox:** This is all new to me. I've never been evicted from a home before.

**Mrs. Robin Martin:** And you're not going to be this time, right?

**Mr. Allen Fox:** I hope not.

**Mrs. Robin Martin:** Because you're going to fight him.

**Mr. Allen Fox:** I'm going to fight him. But it's a scary time, given that we're going through this pandemic and nobody is working. We have no income. I have been paying my entire rent the whole time. But my concern is, where am I going to go after 18 years? I've got to move at least an hour out of the city.

**Mrs. Robin Martin:** But you—

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

**Ms. Suze Morrison:** Thank you so much. I would like to direct my next question to Bob Murphy. Do you think, as proposed in this legislation, that one-month compensation to a tenant is a sufficient deterrent to landlords to stop renovations? Or do you think that renovations have become so immensely profitable that this measure will simply be ineffective at achieving the goal it's set out to?

**Mr. Bob Murphy:** In my opinion, a month to be given to that tenant because of renovation is a drop in the bucket, because the management company will probably be losing two months of revenue anyway, one for the renovations that are being done and the other one for the loss of that

tenant. So two months per unit when the rent will jump up a great percentage—the two months is a drop in the bucket to these management companies. There are just so many units involved, it's a no-brainer for them. It's no deterrent at all, period. In my opinion.

**Ms. Suze Morrison:** And the profit is there because we don't have vacancy control. So when a landlord evicts a tenant, they can raise the rent for the next tenant however much they want as opposed to having consistent rents at tenant turnover. Correct?

**Mr. Bob Murphy:** That's the exact reason. Exactly.

**Ms. Suze Morrison:** So you would say that the solution to renovations and illegal evictions is vacancy rent control?

**Mr. Bob Murphy:** In a great majority of the situations, I believe rent control is key.

**Ms. Suze Morrison:** Excellent. And would you say that the Conservative government's recent cuts to rent control that introduced a post-2018 loophole have actually exacerbated the situation and made it substantially worse?

**Mr. Bob Murphy:** There's no question because the rents keep going up and up. The demand is always great. Now that these rents have increased, there's no going back. There's nowhere to go back to. The prices are already high. They might come down, they say, maybe a couple of percentage points because of COVID-19, but they've escalated at such a degree that it's just unaffordable. It's just way out of reach for a lot of people. I think the damage is done. We've got to stop it.

**Ms. Suze Morrison:** Absolutely. I agree with you. Do you have any other concerns that you'd want to share about how a lack of rent control has particularly affected your community? I know you've had a few buildings in the last little bit that have been exempted from rent control. Do you have any stories from other tenants that you've heard around the need for better rent control measures?

**Mr. Bob Murphy:** Yes. There are so many different scenarios. I believe you might be referring to 22 John Street in Weston, when they bought into that really nice building that nobody in our neighbourhood could afford. In the first year, they tried to give them a 25% increase. I think that—oh, boy. It's very frustrating for me to try to explain it and get it across because I'm just a simple tenant. I just think that when the removal of rent control happened, it opened up the floodgates. We've got to stop it. We've got to stop it, and we've got to stop it now.

**Ms. Suze Morrison:** Thank you. Would you consider housing a human right?

**Mr. Bob Murphy:** Absolutely.

**Ms. Suze Morrison:** Yes. And when folks are evicted en masse from their homes as a result of COVID-19 when the Landlord and Tenant Board restarts, where do you think those folks are going to go?

**Mr. Bob Murphy:** I get asked that question all the time. Probably with family or friends—there's nowhere to go. There's nowhere to go because there's nowhere that's affordable. It was mentioned earlier about community housing. Well, community housing—I'm also on that waiting list, which I call the "never-ever program." We're

not talking about community housing here; we're talking about individuals that work one or two jobs to pay the rent. And once they're gone, there's nowhere to go. Where do you go? Out on the street? We all know, unless we're all blind, that there's a serious, serious housing crisis here in Toronto, and without rent control, it's just going to snowball to a greater extent. It's going to be bad.

**1350**

**Ms. Suze Morrison:** Thank you so much. Chair, how much time do I have?

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

**Ms. Suze Morrison:** One minute. Okay. Do you have any last words that you want to add just in the last minute about what direction you would like to see this government going in to truly protect tenants in the province of Ontario?

**Mr. Bob Murphy:** Is that question directed at me, Ms. Morrison?

**Ms. Suze Morrison:** Yes, please.

**Mr. Bob Murphy:** I think we've got to remember that these are people's homes. These are families; these are not just numbers. We're just thought of as numbers by these massive corporations that are making billions of dollars. We've got to get something back in our community, and displacing people from their homes is just not going to help anything.

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

**The Chair (Ms. Natalia Kusendova):** Thank you very much. For our last round of questions, we will begin with MPP Hogarth.

**Ms. Christine Hogarth:** Hello, and thank you very much, gentlemen, for your statements. It's always great to hear your perspectives, and the perspectives of people from all different backgrounds. It's helping us to learn today and to help make a very strong bill.

Now, there are just some things—I have so many questions in front of me. I hope I have enough time. There's a couple of things I just wanted to clarify. I think it was Mr. Murphy; you had talked about inclusionary zoning. I just would like you to know, in case you weren't aware, that back in September of last year, our minister did talk about some inclusionary zoning to help make affordable housing around transit areas, because we can all agree—our government agrees with every single one of you: We need more affordable housing. That's why we grabbed onto this initiative right away.

I used to be the parliamentary assistant to the Minister of Housing, before my colleague Parm Gill, and we did some consultations. Over 2,000 people responded to our consultations. Rent was one of the biggest parts of it. When we talk about rentals and affordable housing, we are in a crisis, and we have been for years and years, and nothing was done. The problem we found with rent is that people were not building the supply we need, and to make sure that rents stay at a lower rate, we need more rental supply. By removing that piece—now, that is only removed on new units that were built after November—I think it's the 18th. I could be corrected on that, but I think it's November 18, 2019. Those are only on new units. So

if you are in an older unit, you do have that rental relief, your rent will not be part of that new change. But this is to encourage people to build more supply, because not everybody can afford \$2,000 of rent a month. We understand that. Everyone understands that. We've been students, we've had our first job and we had student loans to pay off. So we certainly understand that. That's why we've put these protections in place for those older units. I just wanted to get that on the table.

Mr. Matthews, you talked about language barriers when landlords and tenants—you actually were specific to the tenants, and how they go to the landlord and tenant act and knowing their rights. But you know what? Lately we've had a lot of concerns from landlords themselves calling in. They also have that language barrier and they also find, sometimes, that they're being taken advantage of by tenants, and we had some tenants on earlier. I guess my question to you is, we want to make sure that we have good tenants and we want to make sure that we have good landlords. So it goes both ways, and if we can find that sweet spot, that's best for everybody.

Mr. Murphy, may I ask you a question just about education and how public education would play a role in helping both the landlords and the tenants to follow the rules and to know their rights and responsibilities? For example, how can a landlord or a tenant be better informed of the proper formats to provide and receive notice, respectively, for rent increases or disputes or notices? Because some of them say, "Well, I don't know my rights and I can't understand the language." Maybe you can share some information on how this can be done better.

**Mr. Bob Murphy:** As far as the landlords, or the community or the tenants?

**Ms. Christine Hogarth:** I was thinking about both. Sorry, I meant this question for Mr. Matthews. Mr. Matthews, as I was just saying, how can we educate—this was I think something you had stated, about the language barrier. I just wanted your perspective on how we can do this better. How do we educate our landlords and tenants so they know their rights?

**Mr. Aaron Matthews:** Ms. Hogarth, that's a good question. I think a good starting place would be to consider the example of something like a terms and conditions agreement that you get these days when you use any kind of application or software or any kind of website, really. You need to have one of those. And they have the full terms and conditions, which should be available to everyone, but they also have at the beginning—this is a simplified version of the basic principles.

Most people are not going to be able to look at Bill 184 and take out some of the things that Mr. Fox, Mr. Murphy and myself have raised opposition to, or the other people who are expressing concerns about this. So making that accessible—the landlords have, in most cases, lawyers on staff, so I'm really speaking on behalf of tenants here to say, people don't have time to do this legal research and they may not have money to access beyond legal aid, for example, or the grant that Ms. Morrison brought up. So let's make that—

**Ms. Christine Hogarth:** Just a second there. Mr. Matthews, just a comment: We're not talking about big landlords; we're talking about small landlords as well. They're just like you and me. They don't have a big team of lawyers. I just want you to consider those people as well. So please go ahead, but I want to consider all landlords.

**Mr. Aaron Matthews:** Ms. Hogarth, the reason I'm addressing big landlords specifically—and I will return to small landlords in a moment—is that they are the ones that control around 30% of our housing in Toronto and they're the ones that have been using things like above-guideline increases and renovations the most frivolously. A great example is Akelius that is actually under investigation by the UN Human Rights Council for the way that they've treated tenants in several countries, including the UK.

In regards to small landlords, I feel like they're not seeing support from the government either. They can't bear the financial burdens of taking tenants to court in the same way that the large financialized landlords can. But I would say that we hear the extraordinary narratives of bad tenants and professional tenants, but it really represents a very small number of cases. Most tenants just want a place to live. They're not likely to try to withhold rent for months on end just for fun. People right now are doing it because they cannot afford to pay and because something like CERB or the CESP barely covers the cost of a one-bedroom apartment in my own city.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm afraid that concludes all the time we have for today. Thank you for all your presentations.

MS. ELIXABETH RUGGERI

MS. IRENE KING-PHYPPERS

MR. GREG WILLITS

**The Chair (Ms. Natalia Kusendova):** We are now moving on to our next round of presenters. We have with us Elixabeth Ruggeri. Welcome. Thank you for being with us. You have seven minutes, and you may begin by stating your name. Please unmute your microphone.

**Ms. Elixabeth Ruggeri:** Hi. My name is Elixabeth Ruggeri and I'm a tenant in downtown Toronto.

**The Chair (Ms. Natalia Kusendova):** Wonderful. You may begin.

**Ms. Elixabeth Ruggeri:** Okay. Essentially, what majorly concerned me in regard to Bill 184 was the provision that when tenants withhold their rent from their landlords, we would no longer have the right to an automatic hearing at the board. The reason that this majorly concerned me is I have had two incidents where I have had to report landlords to the tenant board in Toronto because my unit was entirely uninhabitable. I tried contacting my landlords at multiple occasions with phone, voicemails, visiting the office, as well as the paper trail of the form that I'm supposed to submit, to no avail. For four months, I was having to rent a hostel room for me to live in, and I even sent multiple letters to my landlord before I withheld rent.

When I arrived at the Landlord and Tenant Board in order to present my case, the first person that I met at the board after signing in was the lawyer from my landlord, who tried to tell me that there was no permission to actually bring it to the board and raise my concerns with the landlord. It was just, “Go straight. No, you have to pay. You can’t present any of your evidence,” instead of me actually meeting somebody from Ontario, because I had never rented within this province before and was not aware of how the procedure went.

Luckily at the time, I stood my ground and did get my half hour of free legal aid, which actually helped me organize everything that I had and told me that I could even counterclaim against them for the money that I had been spending on hostels. I proceeded through the board and then the landlord was found in favour of me. Then they actually fixed my apartment, and I got to move back into it.

I just feel like skipping that step—the landlords are taking major advantages, especially right now during this housing crisis when we try to communicate with our landlords and they will call the police on us for simply wishing to quietly present a letter.

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My greatest concern is about the landlords who are using the system in order to coerce tenants who are not fully aware of their rights and skip the two sides of the coin. That’s everything that I have.

**The Chair (Ms. Natalia Kusendova):** Okay, thank you very much.

We will move on to our next presenter, Irene King-Phypers. You have seven minutes and you may begin by stating your name for the record.

**Ms. Irene King-Phypers:** Hi. My name is Irene King-Phypers. I am coming to you from Toronto. My family has owned properties in Toronto, Barrie and surrounding areas since the 1950s. We’re still one of the little guys, with only a small staff. It wouldn’t be strange to find my father or I showing units or taking out trash if that’s what needs to be done.

I want to thank you for this opportunity. This is my first time speaking to a standing committee.

I want to thank this government for listening to some of the changes that need to be made on behalf of all landlords. This bill is a productive first start to fairness between tenants and landlords and begins to bridge the us-versus-them gap that I feel has gotten too large and, as the previous speaker also mentioned, is a concern.

Thank you for understanding that we need to be able to take our past tenants to court at the tribunal rather than Small Claims Court. Thank you also for acknowledging that tenants need to present their issues to their landlords in advance of the tribunal so that we can do the right thing and address them rather than being blindsided by them. Thank you for encouraging and making mediation services more available to resolve these issues before we need to appear before an adjudicator. These changes in Bill 184 are a great beginning to freeing up space and time at the tribunal, and ultimately making it easier for both tenants and landlords.

There is still so much work to be done, though. I’m here to talk to you about a few areas that might improve what we hear the media talking about a lot, which is the housing crisis. We need more units. I read a statistic the other day that there are four million renters in Ontario. We hear of the incredibly high rents and lack of units, but what can we do about it? We cannot lower rents; we’re barely making a profit as it is. We cannot raise rents proportionally to our increasing costs, nor can we evict non-paying tenants or destructive tenants easily to be able to free up those units for people who need them.

How can we assist in the housing crisis? I speak for many landlords in Ontario when I say that we want to help, but it feels we don’t have control over our own properties. Renting out units is a risk and that risk keeps increasing.

When I have a less-than-perfect tenant in one of my units, let’s say, for example, a two-unit house, and one tenant is consistently disrupting another tenant—perhaps they’re loud or they don’t clean up after their dog; perhaps they’ve damaged the property; perhaps they’ve caused damage to the other tenants’ personal property like a stroller, car or a bike. I’ve been a renter in my life and I understand it’s not easy to find a place. Ideally, I’d love to be professional and sit this tenant down and get to the root of the problem, but that’s not always possible. While not every tenant is bad, not every tenant is good either. So I approach them and say, “You’ve been here for eight months. At the end of the year, I think it’s time you find another place to live.” While that may seem reasonable to many people, there is no actual enforceable end to a lease for a landlord.

In the Ontario standard lease there is a spot to put an end date, but it’s just a suggestion. At the end of twelve months, the lease automatically rolls over into month-to-month. This tenant can stay for as long as they would like. I have no way to take back control of my unit unless the tenant wishes to move or is evicted.

If I was a person rather than a corporation, I could choose to sell the unit and compensate the tenant, but then I’d lose my asset. This is the type of no-fault eviction that needs to be included in Bill 184, when the relationship between a landlord and tenant just isn’t working, when there’s a communication disconnect or one side is being less than reasonable. A tenant can simply give notice at any time to move, but what can a landlord do? Nothing. Once again, we’ve lost control over our own properties. When the unit becomes vacant eventually, that particular landlord—maybe me—may choose not to rent it out again, leaving one less unit available to those four million people.

Now, let’s say this tenant stops paying the rent. I’m allowed to file an N4 for nonpayment of rent. Right now, the average wait time before COVID-19 was three months to get a hearing. At that hearing, the tenant could ask for more time; they could be ordered to pay. Should they not pay, I may have to wait another month or two to be able to receive an eviction order. All the while, their arrears are adding up; my mortgage, property taxes, insurance, municipal licensing fees and utilities are all still due, and I have no money coming in for this unit. This is not an extreme

case. This is happening every day. These are the cases that are holding up the Landlord and Tenant Board and costing Ontario money every day.

Personally, I have a case before the tribunal right now where a tenant stopped paying rent over a year ago. They were on assistance and decided not to use the money for rent. We went to tribunal and created a mediated payment agreement. We gave them up to two years to pay off their arrears. At the time, they owed \$3,000. By the time I got the eviction order, as they did not follow the payment agreement, they were up over \$7,000. Now, although due to nobody's direct cause, because of COVID-19, with the tribunal closed and the evictions stopped, they owe over \$13,000. The tenant has made it clear that they have no ability or intention to pay. I will not be able to recoup this money from them, and I have no idea when I will have control of my unit again.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now on to our last presenter in this round—

**Ms. Irene King-Phypers:** That's seven minutes? I'm sorry. I wasn't finished.

**The Chair (Ms. Natalia Kusendova):** Oh, no. I'm so sorry.

**Ms. Irene King-Phypers:** I'm so sorry. I'm almost done. I do apologize.

**The Chair (Ms. Natalia Kusendova):** Totally. Sorry.

**Ms. Irene King-Phypers:** When this particular unit is finally fixed up, I may second-guess my wanting to re-rent it, because I'm not sure that I can take the risk again. The Ontario government's slogans, "Open for Business" and "A Place to Grow," suggest that this government wants to help me grow my business, to take run-down old houses and make them safe and affordable homes for families. But as soon as I put a renter in, I lose control of my asset, a risk that I'm afraid to take anymore.

I'm asking you to help make decisions that make sense. Thank you for considering the idea of a fast track at tribunal for nonpayment of rent. It's against the Residential Tenancies Act to not pay your rent, so when rent isn't paid, there does need to be a process that takes less than a year.

I'm also asking you to acknowledge that in 2018-2019, according to the Social Justice Tribunals web page, 73,000 applications were made by landlords; 8,300 were made by tenants. Out of four million renters in Ontario, that's 0.2% of tenants who have a problem with their landlord. I'm asking you to acknowledge that private landlords are not the problem; they're part of the solution. Given the tools they need to manage their property, they can be a great ally in solving the housing crisis. Thank you very much.

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

Now on to Mr. Greg Willits. You have seven minutes, and you may begin by stating your name.

**Mr. Greg Willits:** Hi, I'm Greg Willits. I've been a landlord of one small-town rental unit for less than one year. I was also a tenant for seven years before that. I'm interested in owning more rental units to help with the housing crisis, but since the system is so broken and unfair

to the landlords right now, I won't be investing in Ontario housing until that changes. There are many other safer places to invest.

This current rent strike encouraged by many tenants in Ontario has been totally unfair to the landlords, and along with the Landlord and Tenant Board and sheriff shut-downs, it will only make the housing crisis worse in the future. Since landlords can't afford to take a chance on anything less than triple-A tenants, landlords still have all the expenses and are now expected to subsidize tenants living for free, and the government won't even say for how long. That's a completely unsustainable situation that the government has created right now.

Now for the changes in Bill 184: First, I would like to comment on compensation for tenants because of the landlord wanting to move in or the purchaser wanting to move into the unit. First off, why does the landlord still owe the tenant compensation, even if the tenant still owes rent to the landlord? That makes no sense. It should at least be subtracted from the rent that's owing, or better yet, no compensation at all with enough notice. The landlord could give six months' notice to the tenant to provide vacant possession for any reason. That seems fair to me. Sometimes it just isn't working out, or the landlord just wants to get out of the business and have their unit back. They shouldn't be forced to sell or forced to move in just to retire from the landlord business.

**1410**

I do like advance notice required from tenants for issues other than rents at non-payment hearings, but why do those issues even matter at all for a non-payment hearing? The law says rent must be paid no matter what, either to the landlord or to the LTB, so the rent was either paid or it wasn't. Let's not overcomplicate that issue by dragging in other issues; let's just look at the rent paid or unpaid as a separate issue all on its own.

The application by landlords for unpaid money owed by tenants for one year after they have left the unit is good, as long as the LTB can provide quick service. It should never take more than 60 days from the application submitted to everything being resolved for the landlord and tenant. Sixty days from the rent being unpaid to having the unit returned vacant sounds fair. They have 60 days to pay, and 60 days for basically anything else to be resolved through the LTB seems fair to me.

As for rent increases deemed not void after one year, again, that's very fair. The RTA, 2006, is too restrictive on rent increases and decreases. Rents need to be tied to vacant market rates, and let the rent increase and decrease with the free market. With many times, the guideline increase of 1% or 2% isn't nearly enough to keep up with expenses on the unit, and it doesn't keep up with the market rates in the area either.

It's interesting to me that the LTB needs a 6% filing fee increase this year, yet landlords only get 2.2% in increased rent. How does that make sense? And why are filing fees at LTB for landlords four times higher than the price tenants pay? And only one side, the tenants, gets free legal aid; the other side doesn't. It seems very unfair.

I do like the mediated payment plans agreement, and a breach of that agreement would allow an application under section 78 without a hearing, which is very fair.

As for increased fines, there are very few landlords doing illegal things now, but how often is the \$25,000 fine ever given out? Like, \$50,000 seems totally unreasonable. Why are there no huge fines for tenants breaking the law by not paying or damaging property or lying on applications to rent? Treat both sides the same with fines.

I have a suggestion to streamline things at the LTB: Require tenants and landlords to disclose any past N4 or N5 issues to them, or any N12 or N13 served in the last two years, to help adjudicators make a faster decision and to see patterns of unpaid rent and patterns of the owner moving in or owner renovations.

The LTB also needs far more staff. Many things could be done over video conference or by customer service staff. Unpaid rent is the number one issue. It's fairly easy for a tenant to prove if they paid or they didn't. Ask for proof of payment, and make a decision. It should be within 60 days of the rent being late to provide a vacant unit back to the landlord, because there's another tenant waiting for that unit. So when you drag it out for a year, it only hurts new tenants who are looking for a unit.

Some 70% of small landlords only own two single-family homes: one they live in and one they rent out. These landlords are the backbone of the industry. It seems like most laws are made for huge corporate landlords in Toronto. Those laws don't work for small-town, rural landlords with one unit.

There is no such thing as fast-track evictions in Ontario. I really don't believe that we'll ever get that, either.

That's all I have to say on these important issues. Thank you.

**The Vice-Chair (Mr. Aris Babikian):** Thank you to all three presenters.

Now we will go to questioning, and we will start with the opposition, the NDP. MPP Morrison, the floor is yours. You have six minutes.

**Ms. Suze Morrison:** Thank you so much. I'd like to direct my first round of questions to Elixabeth Ruggeri. Can you explain a little more about your particular situation with your landlord, just to make sure I understand the situation?

**Ms. Elixabeth Ruggeri:** Yes. The situation that I'm mostly referring to was under MetCap. I was moving into a unit that was getting renovated prior to being put back onto the market, and when I moved in, I told them I was completely willing to push back my move-in date if they needed more time, because I actually happened to be living in my best friend's unit, which was directly next door, and could tell they were not finished. They said no, everything's going to be done on time. So I moved in, and I had a list of about 30 items that were not taken care of, and then when the summer heat came in, the unit became entirely unlivable. Flies were coming in because things weren't sealed properly, my drains were blocked from some sort of putty material they use in construction etc.

I made multiple points of contact with my landlord, which they ignored. I spoke to multiple property managers, which they ignored for three and a half months before I sent in a letter, saying, "I don't want to, but I will have to withhold rent. I cannot afford to live in two places." They ignored it. I sent a second letter withholding a quarter of my rent and then, within two days, I was served a warning and then an N4—proving that they could get back to me; they were just purposefully not getting back to me about having to fix anything in my unit.

That's when we proceeded to the Landlord and Tenant Board. The first person I met was their lawyer, trying to push me into an agreement and telling me I had no other option. Then I got taken aside by legal aid and told, "This is how you organize everything, but you do actually have a case," and we proceeded forward. But if I had not gone around asking for legal aid, because I heard one person mentioning to another couple that it was their time for an appointment—as a first-time renter in Ontario I had no clue. From my landlord, when I was provided with the move-in package, I didn't have any sort of information or anything.

**Ms. Suze Morrison:** If you hadn't had that touchpoint with legal aid at the Landlord and Tenant Board, how do you think that experience would have gone differently?

**Ms. Elixabeth Ruggeri:** I do firmly believe that I had a very strong case against my landlord, and if I had had the legal aid sooner and not just walking in the door, I would have put in a counterclaim first and actually won money awarded to me, which the judge even admitted, but I just went in for that one-quarter rent and for them to leave me alone. It was just forcing them to actually communicate with us.

Unfortunately, right now, with the current state of CERB and not qualifying and things like that, a lot of us are having trouble paying our rent right now. I personally do not qualify for CERB, because my job let me go the day after the last day of qualification, and then they're refusing our letters. They're refusing our communications and calling the police on us when we try and deliver a letter to open communication.

**Ms. Suze Morrison:** Wow, that sounds incredibly frustrating. So have you not been able to pay your rent as a result of COVID-19?

**Ms. Elixabeth Ruggeri:** Yes. I have been putting what I can aside, but I need to be able to actually be forced to mediate with my landlord, and we're not going to get that until they force them to sit down and open a conversation with us, because they are refusing all communications.

**Ms. Suze Morrison:** So under Bill 184, we've heard from legal aid folks and tenant advocates that in cases exactly like yours, where you're maybe trying your best because of COVID to pay as much rent as you can but maybe you're falling a little bit behind, under these new rules, when you go to the Landlord and Tenant Board, if you've entered into a repayment agreement with your landlord based on your current situation, and we see perhaps maybe a second wave of the virus and you lose your employment again, if you come up even a dollar short

and a day late, your landlord will be able to fast-track right to an immediate eviction. Is that something you're concerned about?

**Ms. Elixabeth Ruggeri:** And a landlord who has history of refusing communication and trying to force tenants out due to lack of communication—because my neighbourhood is primarily non-English-speaking immigrants.

**Ms. Suze Morrison:** That sounds really frustrating. I know we have some other folks on the panel who are small landlords, and I do want to make the distinction between the real frustrations that I think small landlords in Ontario are facing and the type of situation that you're going through with one of the largest landlords in the province, with known abuses.

1420

It's incredibly frustrating, I can imagine, when you're trying to mount cases against these large corporations that just see you as a line on a ledger.

Is there anything that you'd like this government to know about what sort of help you would need as a tenant in Ontario?

**Ms. Elixabeth Ruggeri:** Personally, I believe that small landlords and large landlords should never be treated under the same set of rules. I believe that Irene and Greg's points are incredibly valid, but the issue that I have with the fast track is for those repeat offenders or the bullies in the system. I think that if you are a large landlord, you need to legally be required to provide us with a bigger welcome packet that actually puts—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. Now onto the government members. MPP Gill.

**Mr. Parm Gill:** I want to thank our presenters for appearing before the committee. Obviously, this is all pertinent information that I think will help all of us, hopefully, better the system and this particular piece of legislation.

My question is for Irene and Greg. Maybe we'll start with Irene, and then we'll go to Greg. Both of you have shared with the committee that you have been on the other side. You have rented in the past, and you are now small landlords, so you're experiencing the other side. That is very interesting. You have a very unique experience in all of this. I'm wondering, from both of your perspectives, now as landlords, if you can share some of the key challenges that you have faced, and if Bill 184 would be helpful to some of those challenges and how.

**Ms. Irene King-Phypers:** I have been on the other side. As a small landlord, because I have seen how hard it is to rent, how hard it is to find a place, I am a bit more sensitive to situations that come up. Being able to go to mediation instead of being put in front of an adjudicator right away lets me, as a small landlord, come to terms with a small tenant who says, "I'm not going to be able to make rent this month or next month, but after that I should be okay." The difference between me and a larger company might be that I'll say, "I get that. No problem."

Sitting down at mediation also lets us discuss some of those other things—perhaps this tenant is specifically frustrated that there has been a plumbing problem consistently all summer, or the power has gone out every Friday at

3 o'clock and it's driving them crazy. These are things that we can address in mediation that can't be brought up in front of an adjudicator—or if a tenant chooses to wait until the adjudicator, it will be turned down. As Bill 184 says, you have to present these in advance.

So mediation and finding more ways to encourage mediation before a tribunal date is very key for us.

**Mr. Parm Gill:** Thank you. Greg?

**Mr. Greg Willits:** Thanks for the question. I haven't really had any issues at all on either side of this. I haven't had any landlord problems, and I never had any tenant issues when I was a tenant.

I would say the main thing we need is fast resolutions to any kind of problem. We can't be waiting a year to deal with things. They need to be dealt with within two to three months—any issue, basically.

Another thing that's kind of interesting: I rent out a single-family home, and you can't put in the lease that the tenant will look after the grass-cutting and the snow removal, even though most tenants would rather do that themselves in a single-family home. The landlord is still required to do it, even though the tenants want to do it. It would be nice if there was a way to put that right into the lease. Those are really the main issues I can think of.

**Mr. Parm Gill:** Thank you very much. My second question—again, I'm just going to go to both of you in the same order. By moving all landlord and tenant disputes to the Landlord and Tenant Board rather than Small Claims Court, would this change make it easier for landlords? Irene first.

**Ms. Irene King-Phypers:** Absolutely. Most tenants who move out who are found to be owing us money at the time that they move out for various reasons, we've already been to tribunal with them. Whether it's recent, within the last few months, or whether it was, in the case of some, longer periods, 12 months ago, we've been to tribunal. We've already started that court proceeding. So to end that court proceeding and sometimes have to hire a different representative to take it to another court jurisdiction not only opens it up to more confusion, it takes even longer.

We had an issue where we rented out a condo unit and the person was left owing us \$14,000, a condo in downtown Toronto where the rent is a little bit higher each month. I had to hire a second lawyer, somebody who was trained in Small Claims Court. When we got to Small Claims Court, the judge wasn't familiar with landlord and tenant issues and thought that we were in the wrong place, and again there was another delay while our representative spoke to him. The communication between the two jurisdictions was fuzzy, if I can use that phrase.

Keeping it all with the Landlord and Tenant Board—they were a tenant, they owe money, that issue stays with the Landlord and Tenant Board. I think that's going to streamline a lot of things and help a lot of people.

**Mr. Parm Gill:** Thank you. Greg?

**Mr. Greg Willits:** I think that will be helpful, too, by having everything dealt with at the Landlord and Tenant Board, as long as it doesn't take forever. Sometimes, Small Claims Court was faster for some issues.

Let me think. I think that's about it for now, thanks.

**Mr. Parm Gill:** Thank you. Do we have any time, Chair?

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

**Mr. Parm Gill:** Thank you.

**The Chair (Ms. Natalia Kusendova):** Now on to the independent Liberal member, MPP Blais.

**Mr. Stephen Blais:** Thank you, Madam Chair, and thank you both for presenting this afternoon. We've heard a lot of discussion about the difference between small landlords and big landlords, and I think those are very valid, but one of the elements of the bill is that it would effectively legalize illegal rent increases after a year if somehow the tenant is paying them without realizing. I'm trying to understand what problem for small landlords that particular change fixes.

I'm open to either one of you answering that, Irene or Greg. If they could be unmuted—there you go.

**Ms. Irene King-Phypers:** I personally have never done an above-the-guideline increase. We've done improvements at our properties, but we have always felt that it needed to be done. It's a capital expenditure and we're happy to do it.

What I can tell you from tenants that we have received from other properties, or my own family and friends that have gone out trying to rent, is that when you get that rent increase, and even when we give them once a year to people, the wording is confusing. When you hand a tenant a potentially illegal or incorrect rent increase, they have no idea what they're looking at. They see a new rent amount and they see a thing saying that they must pay this or there could be a problem.

So in a sense, as a small landlord, I can feel that a tenant deserves a little bit better of an explanation. The process for an above-the-guideline increase needs to be quickened and needs to be streamlined so that these tenants know much sooner whether or not their rent is legal or not—and also for a landlord who potentially is counting on that money and budgeting for future projects.

In a place where a municipality has standards and municipal licensing for landlords, they are required to provide a capital improvement plan and, in some cases, budgeting on that. So for me, knowing that my increase is going to be permitted would be a huge help to fixing that problem.

**Mr. Stephen Blais:** But can you appreciate that legalizing an improper rent increase after a year could be seen as a poison pill for a lot of people who have experienced perhaps more difficult situations with larger landlords?

**Ms. Irene King-Phypers:** Absolutely. I think that the process needs to be dealt with. I think that the process is sometimes created by people who have never experienced it, and to watch a rent increase go from paper in an office, not just to a tenant but also to the Landlord and Tenant Board—watching that entire process, many people would learn that it's not that simple. If the delays take as long as they have for some companies, it's a percentage. So by the time they get approval, not only has that rent been increased, but it may almost be time to increase it again.

1430

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

**Ms. Suze Morrison:** I'd like to direct my questions to Irene. I want to just carry on this thought a little bit more around the illegal rent increases. As a small landlord, have you ever given your landlords—sorry, given your tenants; I haven't had enough coffee today. As a small landlord, have you ever given your tenants an illegal rent increase?

**Ms. Irene King-Phypers:** I have not. We've never done an above-the-guideline increase and we have never done a rent increase that was not 100% legal.

**Ms. Suze Morrison:** The difference that we're trying to make, too, is that we're not talking even about above-guideline rent increases. That's a whole separate process. Our concern with the provision in this bill is that it's really a get-out-of-jail-free card for the bad actors in the system that are largely those large corporate landlords like the Akeliuses of the world that are known for giving their tenants illegal increases, not just above-guideline increases. Can you see any value to this provision being in this bill? It seems to only benefit bad landlords and give your whole profession a bad name, in a sense.

**Ms. Irene King-Phypers:** My name "landlord" is dragged through the mud on a regular basis in the media and all over the place. It's up to me to show my tenants that that's not who I am. I will tell you that I don't want to be given a bad name. I certainly don't want landlords to be given more power than they deserve. Again, it's the process. If there's a government organization or office that can process an approval of rent increases that will find some way to cut down on a tenant not realizing that it was raised 5% instead of 3.2%, or 2.2% instead of 1.6%—there's so much confusion over rent increases.

When you look at a small business, when you look at that small landlord who maybe only owns one or two units and doesn't know how to properly calculate that, that's the root of the illegal increase. When you add in a municipality that perhaps lowers property taxes so there's now an official decrease that needs to be calculated, or it's a small, first-time landlord and they're looking at trying to figure out how to manage updating the last month's rent, as well as paying the interest owed on their last month's rent and managing the increase, you'll find that that's where a lot the issues come from for small landlords.

**Ms. Suze Morrison:** Absolutely. I've heard from both of the small landlords on the call in this panel about issues with delays at the Landlord and Tenant Board. It's something that I'm equally as concerned about, and we hear this concern from tenants as well. We've got landlords who have got delays trying to get hearings; we've got tenants who are trying to get hearings for maintenance orders, things like that. Have you experienced problems with delays in hearings at the Landlord and Tenant Board? What's the longest you've waited to get a hearing date?

**Ms. Irene King-Phypers:** The longest we've waited to get a first-time hearing has been four months, and that was well prior to COVID-19. That was for a smaller community outside of Toronto. In Toronto, our average has been about three months for the first time. However, once we get there, there are any number of delays that can happen in sending us away. There's not enough time to hear our case, and we can be delayed another month, another two

months. Meanwhile, both the landlord and tenant are left without any type of resolution.

**Ms. Suze Morrison:** I share your frustration. One of the things that we've seen from this government in the last year is they haven't been filling vacancies for adjudicators at the Landlord and Tenant Board, which has been slowing down the process on both sides. Would you encourage the government members in the committee today and suggest filling all of those vacant appointments as a way to speed up the Landlord and Tenant Board?

**Ms. Irene King-Phypers:** Absolutely, and also providing more mediation ahead of adjudication. That would clear up a lot of the wait time and a lot of the backlog. Getting to tribunal is stressful enough, especially for a small landlord who may or may not be able to hire a paralegal to represent them. When they get there and they find out that the tenants have legal representation and the landlord doesn't, that adds stress to a small landlord. So to be sent away without resolution—again, as I mentioned, when potentially costs are increasing, my bank balance is dwindling and I have no resolution, anything that will speed that up—mediators, adjudicators, everyone.

**Ms. Suze Morrison:** Excellent. I know you're supportive of the measure to move the small-claims piece into the Landlord and Tenant Board, but if that transition of hearings happens from small claims to the Landlord and Tenant Board, and we don't see any increase in the number of adjudicators or how resourced the Landlord and Tenant Board is to now process all of those additional hearings that are going to come along with that transfer, do you think that could actually slow down hearings at the Landlord and Tenant Board? Do you have any concerns about that?

**Ms. Irene King-Phypers:** If those spots were not filled, if the delays that are happening now only get worse, especially after this unprecedented time with COVID-19, absolutely. You're going to see a lot of small landlords who are, unfortunately, going to be forced to sell their property, and that's going to be a lot of units that are taken out of the housing supply.

**Ms. Suze Morrison:** Last question: Do you have tenants who have been unable to pay rent as a direct result of COVID-19?

**Ms. Irene King-Phypers:** I do.

**Ms. Suze Morrison:** Would you support a policy for a rent subsidy that would go direct to tenants to allow them to pay their rent to you, so that you're getting paid and they're also able to pay their rent at this time? Is that a policy you would support?

**Ms. Irene King-Phypers:** If the policy was that they could submit and the money went directly to our company or to an individual, absolutely. Again, I'm a small landlord, so I know a lot of my tenants. I see them receiving their money. I also see a lot of them who are still going to work, and some are making the conscious choice not to pay.

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

**The Chair (Ms. Natalia Kusendova):** Thank you. Who's next from the government members? MPP McDonell.

**Mr. Jim McDonell:** Thank you to the presenters for coming out today. It's interesting to see in this session that we have both sides.

I know we talked about the Landlord and Tenant Board, and we all know it was faced with many serious delays over the last decade. I know the Minister of Municipal Affairs and Housing and the Attorney General have been working to address these. I think we can all agree that it's positive that since June 2019, the Attorney General has made 18 new appointments and 17 reappointments to the Landlord and Tenant Board, but more needs to be done.

That's why this legislation is proposing to promote mediated settlements to the Landlord and Tenant Board when an issue can be resolved without going through the full process. But even though it does that, it doesn't change the fact that the tenant cannot legally be evicted without an order from the Landlord and Tenant Board, and the tenant facing eviction at the board has the right to a hearing. The landlord cannot legally evict a tenant on the spot, even if they are behind in rent; the landlord must apply to the LTB and go through the appropriate process.

Do you agree there needs to be a more efficient way of resolving these disputes and we should be able, by law, to do so? I'll ask maybe—I'm sorry; is it Irene? You have to unmute.

**Ms. Irene King-Phypers:** Yes. The process definitely needs to be looked at, from start to finish. When a tenant does not pay their rent, the N4 is what really is the number one thing you're seeing at tribunal that's taking up the most time.

When there's something larger, when there's maybe an N5, where there's damage or things like that, that's a more in-depth case. There's typically more evidence. There's typically perhaps witnesses. That definitely requires an adjudicator.

But for the N4s, to be able to fast-track that, to be able to find a process from start to finish—right now, if rent is due on the first day of the month, I can serve the N4 on the second day of the month. That N4 piece of paper, which is a standard document, states, "This is how much I believe you owe me, and you have X number of days to pay it or move out." If you continue reading, it says you don't actually have to move out. What you need to do is you need to either contact your landlord or you need to contact the tribunal, and it does give you steps to resolve it. But again, if it's not resolved, then it goes on to the next step, and that's where we're seeing most of the delays.

**Mr. Jim McDonell:** I know I had somebody come into the office talking about having a tenant who wasn't paying his rent. He had gone through the steps. He had been to a board. The next board hearing was the week after we declared the emergency and it was cancelled. He had a tenant in there who was not impacted by the pandemic as far as his wages and actually had more money because of some of the benefits that the government was proposing, but he just sat back and said, "Well, you can't throw me out now." He's still there.

1440

He had to rent another unit because he had the unit already rented to somebody else who had sold and had

moved out their place. So now he's renting another unit. Have you seen this before, or have you talked to people running into the same thing? And really, this is not an issue of not having the money; it's just an issue of—there are bad tenants, there are bad landlords, but in this case here, it's the tenant,

**Ms. Irene King-Phyers:** Unfortunately, there are bad landlords, but there are also tenants who use the system, who use that opportunity to take advantage, to cause more trouble. I have a particular tenant in one of my properties who has not paid rent in a year, and, for lack of a better phrase, they're bragging about it. I will not be able to recoup money because that person is on assistance. I'm encouraged to rent to all people from all backgrounds and not necessarily that triple-A tenant that Greg mentioned, but a tenant who needs a safe and healthy home to live in—and I do. I rent it. They make a conscious decision to pay their rent, and then they make a very conscious decision not to pay their rent.

There needs to be a system where if they're not willing to abide by the rules, it's time for them to move and it's time for somebody else who will pay rent and look after that apartment to move in.

**Mr. Jim McDonell:** Yes, and I think we have to agree that the purpose of this bill is not—we have social housing that's available, we have programs available; it's not part of this bill. This bill is really trying to encourage having more renters, more landlords willing to invest in the industry and trying to correct some of the issues that we heard.

We see that well over 90% of the hearings of the Landlord and Tenant Board are actually initiated by the landlord, which should really tell us something. I think he gave the stat that only 0.2% of the tenants actually file at the Landlord and Tenant Board, which indicates that the vast majority, if not almost all of them, are not having an issue. It's the reverse. The board is put there to help protect the landlord and encourage more people to take on the investment and the aggravation. I have a number of people I know that rent homes, and for most of the tenants, they're very good. They're happy to be there. But there are always a couple who really just frustrate the landlord and, as you say, they're just getting out of the business.

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

**Mr. Jeff Burch:** I have a question first for Greg. Greg, I understand the concerns that you and Irene have raised. I have landlords who have come into my constituency office and I feel for some of the situations they're going through. Some of them don't have pensions, and that's their retirement, their nest egg, their investment, and they're having a hard time as well.

I just wanted to go back to something you said about mediated agreements on rent arrears. I just wanted to ask you if you understood that the change that the bill creates is actually allowing for an eviction without a hearing if the landlord and the tenant reached an agreement on rent arrears. It's not that there was a mediated agreement.

So the concern is that someone from a vulnerable population, maybe a family of newcomers or someone who

doesn't understand what they're signing, goes to the landlord with a concern or the landlord approaches them with an agreement to pay their rent arrears and they don't understand what they're signing—there's not actually a mediation process there that's required. They may sign something they don't understand and then they can be evicted without a hearing. I'm not sure if you had any comments on that, but I just wanted to bring that to your attention.

**Mr. Greg Willits:** Okay. From what I was reading on that, I thought the wording was “mediated agreement” in the bill. So you're saying they don't have to go to a hearing to get this agreement through the LTB? I thought they did.

I don't have an issue with hearings, as long as they happen fairly quickly, within a month or two. You can't be waiting 10 months for a hearing, because then they're never going to get caught up. It's the problem. That's my comment on that.

**Mr. Jeff Burch:** Yes, I agree with you. We've had some disagreement throughout the presentations from some of the people who have appeared from the legal profession about whether this is actually going to slow down or speed up the process. What I'm hearing from you, and you correct me if I'm wrong, is that your main concern is the length of time that things take, and that you would like things to be more efficient and, whether it's a landlord or a tenant complaint, that things move along faster. So, if it becomes more efficient and things move faster, then you'll be happy. But if it actually slows down the process—the things that are contained in this bill—then you're not going to be satisfied with it. Am I correct?

**Mr. Greg Willits:** I would say, yes, speed is the main issue for all landlords because the longer it takes for a hearing is costing them money every month. So the speed of the LTB is the main issue for everything, I would say, for landlords.

**Mr. Jeff Burch:** Great.

I would just like to ask Elixabeth: You raised the concern of landlords coercing tenants who are not aware of their rights. You probably heard the question that I just asked Greg with respect to landlords coercing tenants from vulnerable populations, perhaps, to sign something and they're not aware of what they're signing—or with the rent increase change, where the tenant may not understand that they need to file an application to fight the increase or it will automatically become legal. Can you comment? Is that what you were talking about when you said “coercion by landlords”?

**Ms. Elixabeth Ruggeri:** Yes. Since COVID has begun, we have been keeping in very tight communication, not only with people within our own buildings, but everyone within our community, because my district in Toronto is going through a gentrification process, with landlords trying to renovate units, jump them up by a couple hundred a month and get rid of the original tenants of our area—based off of lack of understanding; any way to try to force them out. We had landlords arriving and knocking on doors of people who did not understand, handing them a debit machine and saying, “Pay now or get out,” in Starlight. And Timbercreek has been harassing, as well as

MetCap. In my building, we have had the police called on us for simply trying to communicate. So this does become incredibly concerning for us. They're not trying to actually make sure we understand.

**Mr. Jeff Burch:** It sounds like you, Irene and Greg would all agree that a lot of the problems come from treating small landlords the same as the large landlords. The one you're dealing with, that's obviously an orchestrated campaign against their tenants, whereas for a smaller landlord, that's not going to be something that they're engaged in; they're just trying to manage their investment. Would that be accurate?

**Ms. Elixabeth Ruggeri:** I completely understand that small landlords are scared and they should not be treated the same. I want something to be done to protect tenants from problem landlords, and we can't do that without that mandatory hearing.

**Mr. Jeff Burch:** Thank you very much.

**The Chair (Ms. Natalia Kusendova):** Now on to the government members: MPP Babikian.

**Mr. Aris Babikian:** This issue is a very thorny issue. It's an issue that has been percolating for years, if not decades. No one has a magic solution or the silver bullet to address everything that is outstanding.

We know that there are two sides on a coin. I'm glad that we heard today in the last two sessions small landlords like Greg and Elixabeth and what they go through.

I would like to put the question: I have been hearing today and yesterday that it's a Wild West situation where the landlord can evict the tenant immediately without any due process, which is not accurate because, as the act states, if tenants have any concerns or want to challenge the eviction order, they can ask the LTB to set aside the eviction order and request a hearing, so their circumstances can be considered by the LTB. So there is recourse for the tenant to have due process and a just hearing and to get fair treatment.

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The other thing that I wanted to ask you is that we have been hearing lots about the language barriers, because as a metropolitan city, we have lots of newcomers, different languages, different command of the English language. What do you think is for the LTB to do, or what do you suggest to help those who have a language deficiency so that they can understand the process properly and so that it could be a much better or fairer outcome for those who cannot understand the process because of language? Greg or Elixabeth, if you would like to take a crack at my question?

**Ms. Elixabeth Ruggeri:** I believe from the tenant perspective that it ought to be provided. When you're coming to your agreement, you know who is speaking a certain language. We have mediators ready for that. Our issue is that our landlords are refusing mediation. I think that Irene is the one you were turning to to get to answer this.

**Ms. Irene King-Phypers:** When you receive a hearing notice or any notice, it does have information for you to go online and to get help in other languages. I'm sure that during these proceedings you've already heard from a lot of tenant organizations. All of these are grassroots, in the

community, and are more than willing and ready and able to jump in and help a tenant who feels that they don't understand or needs somebody in their corner. As a landlord, I will happily communicate with them in whatever mediated language with an interpreter that I can do, but I'm only obligated to communicate with the tribunal in one language. When I communicate that to them, and it says that I now have to share an order with a tenant or something like that, I am relying on the government to be able to provide that to me in another language.

**Mr. Aris Babikian:** Just to follow up to Irene and Greg: I'm quite happy that we had you on as a witness, and there was another lady earlier as a small business owner. We heard your side of the story, and to be honest with you, it was eye-opening for me, because I never heard your issues, your concerns, being discussed in the public. It is always the large landlord's attitude, approach and practices that we hear about, which almost all the time is overpowered by negative connotations.

We know that 30% of the owners are large, but 70% are small landlords like you. Have you ever thought about coming together and creating some kind of voice for your concerns focusing on your concerns and shedding light on your concerns so that the public can understand better what is the real picture of the current crisis that we are facing?

**Ms. Irene King-Phypers:** Absolutely. Greg and myself actually both belong to a small organization called the Ontario Landlords Watch group. It's very informal, mostly online. It's all small landlords who are trying to get together and create that louder voice. We're all in smaller communities; I think I might be the only person who is part of the group who has any properties in Toronto. They're all from smaller communities. Our voice is getting louder and we are getting more members. You'll also hear from one of our members tomorrow afternoon, from what I understand.

**The Chair (Ms. Natalia Kusendova):** Our time is up. Thank you to all the presenters.

MS. KAITLIN MILROY

MR. JOE HOFFER

MS. GINELISE EDOUARD

**The Chair (Ms. Natalia Kusendova):** We are now moving on to the next set of our presenters.

We have Kaitlin Milroy with us. Thank you so much for being here. You have seven minutes, and you may begin by stating your name for the record.

**Ms. Kaitlin Milroy:** My name is Kaitlin Milroy. I'm a self-employed touring musician; I have been full-time for about four years. I'm an Ottawa Music Industry Coalition member, an ACORN member and an American Federation of Musicians, Local 1000, member. I'm a performer by trade, but I wanted to write my notes down today so that I could get all my points across. This has to do with where I live, and I can see it affecting me in my daily life, so I'm nervous and I want to make sure I get everything out there clearly.

Most relevant to today's proceedings: I've been a renter since 2007. I share a one-bedroom apartment with my partner in Lindenlea, so I'm a constituent in Ottawa-Vanier. In my 13 years as someone who rents my primary residence—that is, my home—I have been relatively fortunate. I've had a total of six landlords, who have been variously considerate and negligent, reachable and elusive, fair and unreasonable, aware of the Residential Tenancies Act and heedless of it.

Throughout the issues I've faced as a renter—from daily 12-hour to 14-hour hydro and water shut-offs that went on for weeks, sometimes for months at a time in winter, and for which we seldom received the requisite notice; to pest control issues within a building, which were not disclosed prior to signing our lease; to random and unwelcome visits by the landlord without notice—I have actually been in a position of relative privilege; namely, the help of a parent and friends who studied law to be able to look up and reference the RTA, know my rights as a tenant, and understand that I could access support available through the Landlord and Tenant Board, if necessary. I know that this is not the case for most renters. Lack of time, resources and comfort with legal-speak excludes many of us.

I'm further fortunate that in all my years as a renter and even through some very lean times, I've always managed to pay my rent on time. But like so many other Ontarians, all that changed for my family this March. We were on tour in the US, and as the news of the extent of the pandemic and the public health recommendations coming out of Ontario reached us, we came home.

In the weeks that followed, during our post-travel quarantine, we tried to take in all the news regarding the public health measures and do our part, while also adjusting to the new reality of being forcibly unemployed or under-employed for the foreseeable future.

Taking stock of our finances, we reached out to our landlord to request some flexibility regarding payment of April's rent, and we waited to see what the nature and rollout of the federal benefits would be, whether we would qualify and, if so, for how much.

For context, our landlord is a medium-sized company that's always more reachable when you're trying to pay than when you have a repair issue requiring their attention. So when we received a stock, faux-cordial reply about how they care about their tenants and are here to work with us during this difficult time, which was followed immediately by a payment plan on their terms—something called a rental arrears agreement—we were disappointed, but we were not entirely surprised.

The rental arrears agreement was new to us. We were suspicious of it, though, because in the portal our landlord used to send it, it was actually impossible to see the contents of the agreement without clicking a button that said that we already agreed to it, which got our backs up. I started talking to neighbours and friends to see if anyone else was encountering similar circumstances and issues, and my eyes were opened to just how commonplace rental arrears agreements are.

When I continued reading and learned about the changes to the RTA within Bill 184, I honestly was deeply disturbed.

Returning briefly to our family's case: We paid our rent in full, albeit a couple of weeks late, but the interactions with our landlord since that first email in March began a chain of events which opened our eyes further. At that time, we asked our landlord if they would reconsider a legal rent increase that was scheduled for June 1 in light of the new reality and in consideration of our difficult financial situation. We understood that it was a long shot, but it was an honest appeal to their better nature. Our request was ignored—and I want to specify here that it was ignored and not rejected; that is to say, our landlord did not engage with our request at all, even after we prompted them again.

In June, still awaiting a response regarding our request to postpone this rental increase, we received a new email in a new thread that said that our rent cheque was in the wrong amount. Now, I'm sure the committee knows that post-dated cheques are not a novel thing. They reduce admin work. They offer a sign of good faith on the part of the tenant. But I want to reinforce here that negligence and intentional misreading of situations are also par-for-the-course tactics on the part of landlords like ours, who did not acknowledge that we had made previous attempts to communicate, and began multiple email threads with threatening language and even hand-delivered an N4 notice within hours of June 1. When they finally acknowledged it and rejected it, we paid the new rent amount in full.

#### 1500

Why am I telling you all of this? I'm trying to offer the committee some context of what it's like to deal with a landlord who is not only unreachable and seldom timely when you as a tenant have an issue, but if you owe them money, they're all over you. It doesn't work like that in my industry; we only get paid when we do our job.

Some of my issues with Bill 184—excuse me. Sorry, I'm nervous, and this affects so many people's lives. The LTB is supposed to be a neutral arbiter where tenants and landlords both have a fair say. Since the relationship between the tenant and the landlord is one that's consistently imbalanced in favour of the landlord, especially when those landlords are medium and large companies—I know that it's not always the case when they're smaller. But the LTB is supposed to provide this level playing ground. With these new changes I see, Bill 184 is undoing that.

I really fail to see how a government so fond of telling us that they are for the people could condone, let alone plan, legislation like Bill 184 that erodes the very minimum protections available to people who pay rent; namely, the ability to come before the Landlord and Tenant Board and air their grievances in a place where they can receive crucial financial and legal advice and understand their rights as tenants, and have a right to a hearing before proceeding straight to eviction after failing to fulfill a rental arrears agreement. The fact that the provincial government would craft a bill that allows for legally

enforceable repayment agreements to be made outside of the LTB hearing process is truly disturbing to me.

Furthermore, you include a provision in this bill in which illegal rent increases will become legal if the tenant doesn't file an application to fight the increase within one year. This is disturbing and nonsensical. Either it's illegal, or it's not. Adding this grey area only incites landlords to try their luck at illegal rent increases. You're effectively sending a coded message to all the would-be-negligent landlords, the do-the-bare-minimum landlords, the this-is-just-business landlords, that it is to their advantage to wilfully misdirect and ignore their tenants. People assume that if you as a tenant have good intentions and you are honest and you do your best to pay, you will be okay and you won't be evicted, but that is not true. You are only as protected if the legislation provides—

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

Next, we have Joe Hoffer. You have seven minutes, and you may begin by stating your name.

**Mr. Joe Hoffer:** Good afternoon, everyone. I am Joseph Hoffer, and I'm a lawyer. I am going to be dealing with a different part of the Residential Tenancies Act. I act for many multi-residential landlords who own and operate land-lease and mobile-home communities, and so I'm going to be focused on those provisions of Bill 184. The group that I represent—and they have over 40 communities in the province of Ontario—generally supports the amendments to part 10, but there are three areas that we are asking the committee to consider, and make recommendations in respect of.

The three areas that we ask you to take a hard look at are, first of all, the reinstatement of above-guideline rent increases in circumstances where a municipality or the province or a government agency has imposed extraordinary vital-services operating costs. I'll come back to that, but there are circumstances where government requires that a landlord basically connect, for example, to the Lake Huron or Lake Erie waterline. In those circumstances, the landlord has no choice; they have to do that. Up until the point they connect, they've been drawing water and disposing of sewage on their own property. It's all self-contained. And so, as you can imagine, the cost of water, for example, is none. They're drawing it from ground-water.

When they're ordered to connect to a municipal system, they are then required to pay the municipal commodity cost of water. So the costs of water go from basically zero to 60 very quickly, and usually water is included in the tenant's rent. When this type of situation occurs, because water is included in the tenant's rent, there's no ability for the landlord to pass through those costs to tenants. That can wreak severe economic hardship, and it has, on land-lease communities.

While in the short-term it adversely affects the owners, the operators of the community, in the long-term, it has a severe adverse impact on the tenants, and here's why: The tenants own their homes. The rental unit in these communities is a piece of land that the home is sitting on. Those

tenant homes increase in value, just like any other homes in residential communities increase in value. But just like any community where there is financial hardship in the operation, that means that things like infrastructure, things like roads begin to deteriorate, and that affects a tenant's equity in their own homes. It's of benefit to both landlords and tenants to have a financially viable community. This doesn't happen often, but when it happens, it's a severe penalty to the operators. The ability to pass through these costs to the people who are drinking the water is critical to maintaining the economic viability of the community.

The second area that we ask this committee to look at is to allow AGI, above-guideline rent increase phase-ins, to continue when a tenancy in a mobile home park is assigned to a purchaser of a new home. In mobile home parks, the tenancies tend to be very long; 20-year leases are common. During the term of that 20-year lease, if the home is sold, then the tenant pretty much has, as of right, the ability to sign the lease to a new tenant. But unlike in the apartment sector, a landlord can't take the rent to market when there's an assignment. The landlord is basically limited by rent controls to a \$50-a-month increase. That may seem like a lot, but remember, the tenant's equity in their home rises with the market, and in most of these communities, in financially viable communities, homes have gone up by between 30% and 80% in the last five years, because it's very affordable housing and a very attractive form of housing for retirees in particular. There's a very heavy seniors demographic.

The idea of the \$50 limit was to ensure that landlords weren't in a position to say, "Well, I'm going to charge a \$500-a-month increase because it's a new tenancy." The idea was to allow the landlord, just as the tenant is allowed, to realize some increase in the equity of their property. The difficulty in the context of above-guideline increases for capital is that once the new tenant comes in, any phase-in of a major capital expenditure is lost, and there's no rationale for that, no justification for that. It's just that there's a prescribed limit and that's the end of it.

We're asking that this committee recognize that those phase-ins should continue. Once again, these are for large capital expenditures, for infrastructure that landlords have paid for, and they should be allowed to recover the cost of providing that infrastructure. Again, if they're not, we run into situations where there is a decrease in maintenance of operating infrastructure, and that hurts everybody.

The third area is that the people I represent support section 88.2, which is the section in the apartments section of the act that allows recovery of utility costs. There are a number of unique, non-rent costs or charges in the mobile home sector; specifically, the property taxes payable on a tenant's mobile home is not rent. Water testing charges are not rent. And there's a proposal to add certain services or to exempt them from rent, all within the mobile home section. When there's a dispute about that, the landlord has to go to Small Claims Court, or first to the Landlord and Tenant Board—

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

1510

Next we have Ginelise Edouard. Welcome. You have seven minutes for your presentation, and you may begin by stating your name. Please start your video. Wonderful. Welcome.

**Ms. Ginelise Edouard:** Thank you for the opportunity. Thanks so much. My name is Ginelise Edouard. I read about Bill 184 and would like to give my opinion about it as a tenant in Ottawa. I volunteer in my community as an ACORN member and I see the struggles of my neighbours. For example, I have lived in a unit where we were overheating in the summer and freezing cold in the winter. We had plastic over our windows when the landlord wouldn't fix them. Where I am now, I have a crack in my ceiling and in the winter, it leaks. I have mould in my bathroom that has been there since I moved into the unit years ago. Because of that, two of my children developed asthma and skin problems.

But it is not just me. My neighbour has struggled for years to get repairs. She works, is a single mom and has called many times, but staff just don't come when they say they will.

Yet instead of addressing issues like this, this government is more focused on providing landlords profit by limiting our legal defence and making it easy to evict. Landlords have been failing for years to meet their obligation to tenants. Every day, we are forced to live with our children in unhealthy homes that make us sick, but nothing happens to them. Yet if myself or my neighbours become short on rent, which is a struggle for me already living on ODSP and reduction of hours during the pandemic, then we could be out on the streets.

Imagine being in my shoes or my neighbour's shoes, and not being able to talk about years of neglect from our landlord, or eviction even as you fight to keep a roof over your family's head. All of that evidence could be ignored because you didn't have the legal literacy to know you had to give evidence with advance notice. Then because we are in the middle of a pandemic and you have lost your job or had your hours cut, you can't keep up with their repayment plans. You and your son can be evicted without a hearing, all this during COVID-19.

Since the pandemic started, people are panicking and scared. People have lost their jobs. They don't know if they will be going back to work. They don't know if they will find a job. So people are scared.

The pandemic has mostly impacted the incomes of the working poor. The people who serve you a cup of coffee, clean the floor or work at restaurants—these are workers who often only earn minimum wage, who don't have savings or the luxury to be able to work from home. Instead of protecting these workers and investing in eviction prevention, this bill makes them even more vulnerable during these very stressful times. The bill will take away tenants' opportunity to get legal advice from the Landlord and Tenant Board mediator. This legal advice is very important to families surviving on ODSP, OW, or working low-wage jobs that can't afford big legal fees.

The bill does this: allowing repayment agreements between landlords and tenants outside of the LTB hearing process.

If Bill 184 passes, an illegal rent increase will become legal if the tenant doesn't file an application to fight the increase within one year. Why is the government trying to put it on us tenants to hold bad landlords accountable? Who will landlords target with their loophole? The answer is, they will target families in my community, who are less likely to know or exercise their rights.

As a tenant and as a mother of 11 children concerned about my family, I urge you to not pass Bill 184. This shouldn't be under consideration during a pandemic when millions are already so uncertain about their future. Do not pass this bill, please. Thank you.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We will now start our rounds of questions with the government. MPP Martin.

**Mrs. Robin Martin:** Thank you; just unmuting there. I want to thank all the presenters for coming today and for giving us your thoughts and advice.

Ms. Milroy, you said that you were nervous to be here, but you did an excellent job; not to worry. This is a public way of people coming and telling us some of what they're experiencing. It's really important to us to hear from all of you, so I just wanted to assure you that we are delighted that you came and gave us your perspective. It's very important—and the rest of you as well.

Our whole objective in this act is to try to make things balanced and fair at a landlord and tenant tribunal so that we can have more rental housing and hopefully, eventually, to have rental housing that is more affordable for people, because we all know that it's extremely expensive, especially in the major centres in Ontario. We want to make sure that it's affordable and that people are fair and follow the rules on all sides.

We've heard from both landlords and tenants and representatives of both sides. It's very good to have that perspective, especially when we get three of you from different perspectives on the same panel, because I think everybody needs to understand that there are good tenants and good landlords, and bad tenants and bad landlords. There are some of each. The point is, hopefully, to promote the good ones on all sides and have everybody obeying the law. So we've brought forward some suggestions for changes.

I would like to start my question with Mr. Hoffer, because we haven't had anyone yet come to talk about the land-lease provisions, which are a specific part of the legislation. My recollection is that you did not finish what you were presenting, and I just wanted to invite you at the beginning here to just give us the end of your presentation, if you would like.

**Mr. Joe Hoffer:** Thank you for your question. It is Joe Hoffer responding. The final point that I was trying to make is that there are monthly non-rent charges that are payable by tenants in land-lease mobile home communities. The two major charges right now are property taxes that are attributable to the tenant's home, and water testing charges.

Water testing charges are allowed to be passed through; they came about as a result of the tragedy in Walkerton, now two decades ago, I think. Those are for the health and safety of residents. They're not rent. Those charges vary as the government prescribes new standards for testing. So the idea is we will pass them through. We're not going to discourage people from implementing them.

But the third potential charges in the new provisions of the bill, which proposes to have certain services excluded from the definition of rent—they would then be non-rent charges. Now, when those non-rent charges are levied, tenants often dispute them, and they're disputed at the Landlord and Tenant Board. A board member has the expertise and understanding of the legislation to determine whether the charges were properly levied and can determine what the charge is.

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The problem is that the landlord cannot collect those charges at the Landlord and Tenant Board. They have to go to Small Claims Court, so very similar to the section 88.2 provisions where landlords have to go to Small Claims Court to collect utility charges that are unpaid. The government has proposed to add the jurisdiction to the board so that it can order recovery of the utility charges, not just determine that they're payable. We're asking that the same principle be applied in the mobile home sector.

We've had situations where the board has said, "Yes, this money is payable, but you have to go to Small Claims Court." You go to Small Claims Court and they say, "But you're landlords and tenants; you have to go to the Landlord and Tenant Board." It's a waste of time and money, and for tenants, it's a bigger waste of money to go to Small Claims Court, because they're then liable for legal costs in addition to just the filing fees, not to mention the amount of time that's lost for both parties.

So we're asking that the committee give serious consideration to that and apply the same principle. If you can't use the words "utility costs," it would mean a change there, but we're asking that you take a look at that and make the change as requested.

**Mrs. Robin Martin:** Can you just elaborate as to why those kinds of abilities would be so important for land-lease communities? I don't have any in my riding; I'm in the middle of the city—just so we understand a bit better.

**Mr. Joe Hoffer:** Really, with the three things we're asking for, the reason it's important is because what you'll find—most of the communities I represent are not in urban centres. Some are, but they're away from urban centres. The demographic tends to be seniors. They are very often on limited income. The rents are really quite low, and they're rent-controlled. But like a municipality, the community owner owns the entire property and is responsible for vital services: water, sewer, electricity, the roads, everything. But the landlord can't pass those costs on by way of taxes like a municipality can. The landlord has to go through the Residential Tenancies Act.

So when costs are incurred by a landlord, and especially extraordinary costs like the description I gave of the requirement to connect to municipal water, if you can't pass

those costs on, something has to give, and when something has to give, typically it's going to be in the operations of the community, and that affects tenants' values of their homes. Just think of a rundown house on a street: It's got a loss of equity, whereas if it's an attractive neighbourhood, and a financially viable land-lease community is an attractive neighbourhood—

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

We are now moving on to the official opposition. MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my first set of questioning at Kaitlin. I know you weren't quite finished with your thoughts at the end of your presentation, so I'd like to give you whatever time you'd like to finish your statement.

**Ms. Kaitlin Milroy:** Hi. Thank you. That's very kind of you.

Essentially, what I was trying to get at was that tenants here are only as protected as the legislation allows us to be, and even at the best of times, sometimes we are unprotected in our ignorance, because it's hard work for a tenant to defend themselves on their own time. Some landlords have a full workday's worth of energy and resources to dedicate to serving or misdirecting and fighting their tenants. Tenants, of course, can't say the same. We're doing this on our own time.

What I wanted to ask of the committee in closing is almost like a thought exercise, because I'm genuinely curious how many committee members—this is a personal question; you can raise your hands, if you wish, or you can just contemplate it in silence. How many of you actually rent your home? How many of you rent your primary residence, and how many of you have dependents who live with you or live nearby?

What I want you to do in reviewing this legislation is to look at your own life or imagine a scenario—a full life, one with ties and responsibilities to neighbours, to friends, to kin. Of course, all these realities are true for Ontarians who rent their homes. What I feel this legislation is saying to those of us who rent their home in this province is that our lives, our security, our health and our homes matter less, that we're unworthy of basic rights and dignity and the space in which to defend them. This is a far cry from the government's "no evictions during a health crisis." You may eventually declare the health crisis over, but people who pay rent in Ontario will be in need of further protection during times of economic insecurity, not the erosion of our bare minimum and not less. So simply to say, I ask you to do an exercise of empathy, to think about people whose situation is different than yours and imagine how this legislation would affect them as though they were your own family.

**Ms. Suze Morrison:** Thank you so much. Your presentation was really emotional, and it's something we've heard over and over and over again from tenants about their frustrations with just trying to live a good life and navigate a spectrum of landlords from good to bad. I've been in your shoes; I've had good landlords and I've had

bad landlords, I've had landlords try to illegally evict me. I've been recently fighting an eviction myself, and it's frustrating when you feel like you don't have access to the resources and supports. Do you think that, under Bill 184, the measures to fast-track evictions in a way could lead to tenants being coerced into signing agreements they maybe don't understand and potentially waiving their right to a hearing at the board? Can you share your thoughts with me a little bit on that measure?

**Ms. Kaitlin Milroy:** You've said something there that resonates with me. That's exactly what I'm concerned about. I'm concerned about folks who are accessing the Landlord and Tenant Board for the first time or who just don't have time or someone in their life who can explain it to them, they're not able to access legal counsel prior to going there, and are trying to understand how the system works. They're in good faith trying to pay their rent as best they're able; perhaps they encounter an unexpected financial crisis like the one that we're all in to a certain extent. I'm concerned about people signing agreements they don't understand. In my own case, I couldn't even read the rental arrears agreement without automatically agreeing to it. That needs to be wrong.

What concerns me is not just the particulars of the legislation but the tone of the legislation, which is that it's trying to actually erode protections that already exist for tenants for a benefit that I can only see is geared toward landlords who would seek to take advantage of it. I understand that's not everyone, but it does put at risk a number of tenants who are already vulnerable in this position, who have difficulty understanding the legislation, of knowing what their rights are, and who are just trying to do the right thing. They would ultimately put themselves in a terrible position, signing an agreement and then not even get a chance to have a hearing, not able to air their own grievances, which will surely be many, because in my experience, if you're dealing with a landlord who tries to sort of slide something under your nose, get you to sign something that you don't understand, they're generally the type of landlord who's going to be cutting corners in other respects as well.

Those two issues go hand in hand, not being able to air grievances unless you submit them in advance, knowing that that process works that way, and then also potentially being evicted directly by this legally enforceable rental arrears agreement; both of these things I find very scary. What I find scary about them is not just their existence but the tone that they incite and the tone that I feel is present throughout the entire legislation. That's what concerns me: I'm not able to believe that this legislation was made in good faith on behalf of doing the right thing for tenants.

**Ms. Suze Morrison:** Thank you. There's another provision in the bill that folks over the last few days have raised a significant amount of concern with, and that's around the piece that makes illegal rent increases permanent and binding if a tenant unknowingly pays them for more than a year. Have you had tenants—sorry, I have not had enough coffee today. Have you had landlords try to illegally raise your rents in the past?

**Ms. Kaitlin Milroy:** I have not had a landlord try to illegally raise my rent in the past; I have friends who have. Generally, it's just done. The rental increase is requested—

**The Chair (Ms. Natalia Kusendova):** I'm so sorry, but the time is up. Sorry about that. Now on to the independent Liberal member MPP Blais.

**Mr. Stephen Blais:** Thank you, everyone, for your presentations. Kaitlin, why don't you go ahead and finish your thought on the illegal rent increases there?

**Ms. Kaitlin Milroy:** Oh, that's very kind. Thank you. Your colleague Lucille Collard is actually my MPP. What I want to say there is that the onus is entirely on the tenant to understand that it's illegal first of all, which you would only know if you're familiar with someone else's experience and them having learned what a legal increase actually is, that it can happen only once a year and the amount by which it can be increased. But generally speaking, when landlords try and ask for illegal rent increases, it's phrased in terms of—this is the experience I have based on anecdotal information from friends of mine who have had their rent increased. It's either their costs have increased, so they're going to pass them on to you, the tenant, or they claim to have done repairs on either the building or the unit. It's sort of just done as an automatic thing, and the tenant often feels obligated to pay because they want to be a good tenant. They want to be someone who pays the rent on time. [*Inaudible*] in conversation with someone else down the line that actually the rental increase was illegal.

1530

What I don't understand about this legislation is that we should determine thresholds that are acceptable and conditions by which rental increases are acceptable. To have this grey area where it's illegal until you don't notice for a little while and then suddenly it becomes legal, that's so bizarre to me. What is it if not a coded message to a landlord who would take advantage of a tenant anyway to try? I just see that as very disingenuous. I can't understand what the purpose of that would be. I just would love to see that provision struck from the legislation.

**Mr. Stephen Blais:** I appreciate that; thank you. We've heard that pretty consistently over the last two days now at this point. I do appreciate you discussing the just-in-time nature of most of our lives these days, and the fact that tenants have to do all of the effort in their spare time, in their leisure time, simply to try to continue to enjoy the place that they call home, often, to fight against some of these moves. Thank you very much for your presentations.

I don't have any other questions, Madam Chair.

**The Chair (Ms. Natalia Kusendova):** Thank you. Now we are moving back to the government side. MPP Hogarth.

**Ms. Christine Hogarth:** Great, thank you. And thank you, everybody, for their presentations. Everyone did a wonderful job. I know it's not easy to come to these committees and speak, but it's so important that we hear everyone's perspective.

We chatted a little bit about the Landlord and Tenant Board. Sometimes there's misinformation out there and

that scares you—right?—when you don't have the information. So we want to make sure that information is available to everyone.

The reason we brought this bill forward is—our government started a few years ago, as soon as we were elected, because there was a supply issue in our province. We have a housing crisis. Really, rent is extremely high. One of the things we did is we looked at rent controls and making sure that people are building supply. I know there are members of the opposition who don't believe us, but when you do that, it does increase supply.

Just so you know, there are 33% more units going to be built because of some of the legislation we've already brought forward. We're hoping that as those units go on the marketplace there will be more units to rent, which will mean your rent will go down, which I think is really an important first step.

So, this is the second step in trying to help out our landlords and our tenants.

I think it was—Kaitlin, you mentioned you're a musician. Congratulations on that. I know your area of business has just been decimated through COVID. I was sitting on the television and film board—we have a lot of film industries in my community. Just everybody seems to be unemployed these days. So, my heart goes out to you. We certainly hope we can get you back to work as soon as possible. I know it's a tough time.

Being a good tenant and having a good landlord is a great combination, but sometimes, as you mention, you have a mix.

I think, Ms. Edouard, you mentioned that you have a mix of—you didn't say if it was a good and bad relationship, but you had some concerns about rent and rent going up.

And then, Mr. Hoffer, you were talking about leases, which we have not had a lot of conversations about today.

Mr. Hoffer, you were talking about section 88.2 and some of the changes to recover the utility costs. Can you expand on why you think that is a positive step moving forward?

**Mr. Joe Hoffer:** Yes. It's really a situation where when utility costs are owed, when the types of costs in the lease sector that I described are owed, the first step, typically, is you go to the Landlord and Tenant Board because there's a dispute about whether they're even payable, and the Landlord and Tenant Board member adjudicates the issue and then says, "The money is properly charged. It's not an illegal charge, but I can't do anything more than that. You'll have to go to Small Claims Court."

So then the two parties, or however many parties have this dispute in front of them, have to go off to another judicial venue. Again, it's time and money. They have to go to Small Claims Court. It just makes no sense, when you have the Landlord and Tenant Board which has the expertise to adjudicate these matters, but no power to award a remedy. To send them off to Small Claims Court—the Small Claims Court judges don't have the expertise on these matters, but they have the power to

award the remedy. When that power is exercised, typically it's exercised in favour of the landlord. The landlord doesn't go unless the board has said yes, they're owed the money. It's the tenant who pays the legal costs. The tenant doesn't pay the legal costs at the Landlord and Tenant Board, other than a filing fee, so it's far more effective, far more efficient, and far less resources from the government are used in order to dispose of that particular dispute.

**Ms. Christine Hogarth:** Thank you for explaining that.

I have another question, and this one is going to go to Ms. Milroy and actually to Ms. Edouard together. I just really want some clarifications with what you're saying about the Landlord and Tenant Board. I just want to make sure that you know that when we're talking about promoting mediation settlements through the Landlord and Tenant Board, the issue can be resolved without going through the full hearing process. But even if it does, it doesn't change the fact that a tenant cannot be legally evicted without an order from the Landlord and Tenant Board, and a tenant facing eviction at the board has a right to a hearing. That's part of this legislation: A landlord cannot legally evict a tenant on the spot, even if they're behind on the rent. The landlord must apply to the Landlord and Tenant Board to go through this appropriate process.

Do you agree that this is part of an efficient way—to have disputes at the Landlord and Tenant Board—that we should enable the law to have this mediation service?

**Ms. Ginelise Edouard:** Is it for me?

**Ms. Christine Hogarth:** Either one of you can answer, both tenants. I thought that was an important question for either of you.

**Ms. Ginelise Edouard:** Unfortunately, it doesn't answer everybody's questions. It doesn't suit all the tenants. It doesn't come from a place to solve the problem between the tenants and the landlord. As you know, we have several bad landlords and we have good landlords who are pushed to solve issues without evictions, without going to court etc. Unfortunately, it's not the case for all tenants, it's not the case for all landlords.

I don't want to go further. I want to—I'm speechless. I just—

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

Now on to MPP Burch.

**Mr. Jeff Burch:** I just want to let Ginelise finish what she was saying. Do you want to go ahead and finish your thought?

**Ms. Ginelise Edouard:** Thank you so much. That's so kind of you.

What I was saying is that I am speechless when I have to experience—my children. As I said, I have 11 children. I had the oldest move out, and they fell in the same cracks fighting with the landlord, with rent increases, bad services.

A bill such as this, Bill 184, is not in advantage of tenants. If we think about the public consultation—there's no public consultation; there's no help in the middle of a pandemic. It's eviction. It's suspicious. It's unprotected. It's for the landlord.

We're already going through so much. We already have no say. We already have no voice. So please, I will say, just scrap Bill 184. I have no more comments.

**Mr. Jeff Burch:** Okay. Thank you.

I'm just going to move to Kaitlin again for a moment. I'm going to follow up on something that my colleague from the government side was just saying, and I want to clarify that the bill allows for an eviction without a hearing if a tenant fails to make a rent payment after reaching an agreement on rent arrears. It allows for an eviction without hearing. I just would like a response from Kaitlin on whether you believe that that's something that's fair and reasonable.

1540

**Ms. Kaitlin Milroy:** Just to clarify, you're asking me if I think it's fair and reasonable that landlords be able to evict tenants without a hearing after a rental arrears agreement has been signed?

**Mr. Jeff Burch:** Between the two of them, yes. Without—

**Ms. Kaitlin Milroy:** No, I don't think it's fair. I mean, I think I made that clear in my statement. Thank you for clarifying what the legislation actually says. I think that's a problem with the legislation. I don't think it's reasonable that a tenant should ever be able to be evicted without a hearing. It's entirely unreasonable, and it's one of the reasons that has prompted me to speak today. These are some of the issues that we're pointing out that actually directly attack tenants within the legislation, so let's just make that clear for the record. This is a provision that's not helpful; this is a provision that's hurtful. I think that's all I have to say there.

**Mr. Jeff Burch:** Yes, and it's in the same spirit I think as the point you were making regarding a rent increase that's illegal suddenly becoming legal just because the tenant doesn't catch it or doesn't file a complaint or doesn't understand that they're being taken advantage of, and so they don't make a complaint. And all of a sudden, something that's illegal becomes legal. Don't you think that will definitely encourage landlords to use this as a tactic to illegally increase rents?

**Ms. Kaitlin Milroy:** I mean—sorry, that's to me again? I don't want to take too much time.

**Mr. Jeff Burch:** Yes.

**Ms. Kaitlin Milroy:** I would say that it sends a mixed message, except for I don't think that's true. I think it sends a clear message, and the message is, "Try. Try and do illegal rent increases and see what happens." Of course, we have already made this clear, as many people have spoken, there are good landlords out there; no one disputes that. There are certainly people who would not try that kind of a move, but companies like the one that I deal with are in the business of making money. Like we know, companies always try things that are illegal or quasi-legal to see if they work, and it puts the onus and responsibility on the person with low and limited resources to, first of all, know that it's a problem and then address it.

And let's be clear on what's actually involved, like a personal toll that's involved in dealing with your landlord,

even when it's a fairly innocuous issue. This is your home space. This is where you live. This is where you have your family, where you do your personal time. To feel like that space is under attack, to have to be going back and forth with your landlord on an issue and feel unsafe in your own space, uncomfortable in your own space, takes a personal toll. So I don't see why we would ever want to encourage legislation to have provisions that make it have the tenants have the responsibility to tell their landlord that they're doing something that's illegal. It just doesn't make any sense to me. I don't know what the thinking is, except for what I've said already, which is that it's clearly offering an opportunity to the landlord who would try that move, to try it.

**Mr. Jeff Burch:** Great. And do you think that there has been an appropriate level of consultation leading up to this? I mean, we have these hearings, and it's great to hear from everyone. But, unfortunately, the way things usually go is that the opposition makes some amendment suggestions, they get rejected, and the government passes their legislation, basically as-is. That's unfortunate that the committee system doesn't work that well. So this isn't exactly what you would call a consultation. There are a limited number of hearings with people like yourself who are able to get on. But do you think there has been appropriate consultation with tenants leading up to this?

**Ms. Kaitlin Milroy:** I can only tell you about my experience. This is the first time I've done something like a deputation before a committee. To that, I would add that it's an opaque process at best to know that it even exists, that it's possible to say something, to then consider the spirit in which what you have to say is going to be received or not. A lot of times I hear the words "public consultation," and it's a platitude because what it means is we're going to organize a process by which people can speak and then we're not going to listen to any of the things that have been said. They may make minimal adjustments—

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

Back to the government. Who would like to speak? Before we do that, we also have MPP Toby Barrett joining us. Can you please introduce yourself and state which city in Ontario you're calling from?

**Mr. Toby Barrett:** Thank you, Chair. Toby Barrett, Port Dover, Ontario.

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

I saw two hands up. First we'll go with MPP Parm Gill, please.

**Mr. Parm Gill:** Thank you, Madam Chair. My question is for Ginelise. By requiring advanced notice of any tenant concerns, do you believe this would facilitate better preparedness by all parties for the hearing and encourage discussions of tenant concerns with their landlords so they have an opportunity to address them? If not, what suggestions would you have to allow tenants to raise their concerns without delaying a hearing? Can you speak to that?

**Ms. Ginelise Edouard:** My suggestion, as I mentioned, is public consultation. Consultation is important

because it gives you a voice. It gives ideas for a better presentation, for better work from the government. A lot of laws have passed, as Kaitlin has mentioned, and we only hear about it if a situation occurs. If we get evicted by a landlord or if we have to pay a bill, then it's just suddenly in front of us; we have this law saying, "Oh, you're not allowed" or "You are allowed."

What we'd have with public consultations is help to elaborate this, help to put the story out there so people know about it: Landlords know their rights. The tenants know their rights. The landlord will be informed and will know that there are certain treatments which they provide and then it's legal. So the tenants will benefit and then the landlord will benefit from it.

And if I may say, we have three basic sources in life: shelter, food and health care. If we are not comfortable in the way we live, if we're not comfortable with what's on our table or it's not adequate to put enough healthy food on our tables, it's not good. If we live unhealthy in where we call home, it doesn't work.

If you ask yourself the question of if that legislation, that bill answers the question of the working poor, homelessness, the elderly who already struggle, the living poor—if it doesn't answer that question, if it's not to their advantage, that means it's not a good bill.

**Mr. Parm Gill:** Obviously, any time a piece of legislation is being proposed, you're always going to have individuals who are in favour and individuals who are against. I would also like to add that one of the things the ministry and Minister Clark and the government have been doing is actually consulting. All of these pieces of legislation are introduced based on the information that we receive, whether that's from tenants or whether that's from landlords, and it is always with the intent of trying to make the process fair both for landlords and for tenants and trying to address as many of the concerns as possible. To an extent, what we're doing today and what we have been doing yesterday and what we will be doing tomorrow is hearing from individuals right across, such as yourself.

This is all the input that's being provided and then, ultimately, the committee considers. When we're going through clause-by-clause, we consider all of these items that have been brought forward, some of the important stuff by the witnesses who have appeared before the committee, before the committee moves on to the next step. Then the legislation goes back to the House and we debate once again before it passes final reading.

For my next question, I'm going to go to Kaitlin. One of the other concerns that we've heard from landlords is with the aging rental stock. The government should not further restrict landlords from renovating or repairing their unit, which sometimes requires the unit to be vacant, to do some of these repairs and renovations. How does the government balance the need for landlords acting in good faith to safely proceed with repairs and renovations while still providing protection for tenants? Would you like to speak to that?

1550

**Ms. Kaitlin Milroy:** Sorry, MPP Gill. I'm not entirely sure why you're directing this question towards me. Can you clarify—

**Mr. Parm Gill:** I'm just trying to randomly ask questions of different witnesses. If you have something to add, great; if not, we can go to another witness.

**Ms. Kaitlin Milroy:** Right. Well, my experience, of course, is as a tenant, so I can't speak to a landlord's needs, the ones you're describing. I can only explain to you that I don't think it's fair to be able to evict tenants during a pandemic or, really, under unreasonable circumstances at any time. I'm concerned about the provisions in this legislation, which are going to make that process easier for landlords. I believe that people have a right to live somewhere. That's where I'm coming from. That's my experience.

With respect to the consultation process you've mentioned, I think it's important to highlight that you're doing this consultation process during a pandemic, when people are stretched to their limits and not quite as easily able to engage.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm so sorry. We are out of time. Sorry about that.

And for our last round of questions, we have MPP Morrison.

**Ms. Suze Morrison:** Just back to Kaitlin again, if you want to finish your thought on that comment about the consultations, please go ahead.

**Ms. Kaitlin Milroy:** I'm fine, thank you.

**Ms. Suze Morrison:** Okay. But I do think you're making a valid point around how this bill is proceeding during COVID-19. You may not be aware, and a lot of folks aren't, that when the Legislature came back for this summer sitting, there was an agreement in place that we were only going to be calling COVID-related business, which is an agreement that the government actually broke. So we're quite disappointed, alongside you, to even be in this position at all, and I'm sure that you might agree with that.

One piece that I don't know we've touched on in this panel is the provision in the bill around raising new issues at hearings. This would come about when a tenant is going to the Landlord and Tenant Board to fight an eviction hearing. They are now no longer able to raise issues related to their tenancy but maybe not directly related to the eviction at the hearing, without giving advance written notice to the board. Do you have experience, or have friends perhaps who might have a valid reason for why they may have withheld part of their rent from their landlords, who may be in that position where there's an explanation that they'd like to be able to make to the board related to the eviction hearing?

**Ms. Kaitlin Milroy:** Well, I would say first of all that Ginélise has spoken to this issue already. In fact, I'd like to redirect the question to her, if that's all right.

**Ms. Suze Morrison:** Oh, absolutely.

**Ms. Kaitlin Milroy:** Ginélise, would you like to take this?

**Ms. Ginelise Edouard:** I have experienced this situation in the past. Unfortunately, my landlord has not [*inaudible*]. But I experienced that in the past, when I was in the private rental, and I have in my own family close family members who experienced this situation. It's not a healthy experience; it's really stressful when this occurs. Say you're sitting—you're working [*inaudible*] and then just in a second, you have an extra bill to pay, or just in a second, you have a landlord who is telling you such stories, so you have to go to court, or you have to present a letter to explain a situation, why you need that roof. We need a home. We need a house, not a roof. And if I can say it, we need rent control. That's what we need. We need one with—that's what we need.

**Ms. Suze Morrison:** Yes, absolutely. I agree with you completely. We've heard that from a number of folks who have come before the committee over the last two days now, about the need for rent control measures in Ontario as the real solution for things like renovictions. How would you define or how would you characterize the Landlord and Tenant Board process? Would you say, as it currently stands, that it's friendly or accessible or easy to navigate for tenants?

**Ms. Ginelise Edouard:** The question is for me?

**Ms. Suze Morrison:** Yes.

**Ms. Ginelise Edouard:** In some points. The reason I say in some points is that not all tenants have the luxury to navigate to know what's going on. As a volunteer in the community, I face a lot of members on ODSP, on low income, who only worry about putting food on the table for their children or for themselves and take care of themselves. They have no access to Internet; they don't have that luxury to go to Zoom to even raise their voice. During the pandemic, they're locked inside; they don't know what's going on. They don't even know if this law has passed. They don't even know that it exists. It's only in the future, if something just occurs, appears in their mailbox—they have a letter, either a rent increase or they were evicted, and they have to go to court. So what's everything—the situation will be.

**Ms. Suze Morrison:** And would you say that Bill 184, based on what you've said, would disadvantage vulnerable folks in our community, including Black and Indigenous folks, people with disabilities whose first language isn't English, people living in poverty? Would you say that this bill disproportionately disadvantages them?

**Ms. Ginelise Edouard:** A hundred per cent. You just touched the button: a hundred per cent. And I am talking on their behalf: That's what I am concerned about. Since I read that bill, I just put my hand on my head and I said, "This is not a bill for the poor, for the people who are struggling." It's just [*inaudible*]. In the middle of a crisis, a pandemic, nobody can [*inaudible*] their voice, no public consultations. It's really not, not, not appropriate. It's not the time, and it's not a good bill.

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

**Ms. Ginelise Edouard:** You're welcome.

**Ms. Suze Morrison:** Chair, how much time do I have left?

**The Chair (Ms. Natalia Kusendova):** We're out of time.

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

**The Chair (Ms. Natalia Kusendova):** This concludes this round of presenters. I just wanted to let you know, members of committee, that our next presenter will be presenting in French. So for those of you here, you have your *écouteurs*—your headphones—and for those of you at home, you may choose to listen in interpretation services as well.

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** I am told that Marie is not here yet, so we will start with our second presenter and we'll go back to Marie after. So this one will be in English. Sorry about the confusion.

MS. KAREN PAQUETTE

M<sup>ME</sup> MARIE LOURDES GARNIER

MS. MAJA PETROVIC

**The Chair (Ms. Natalia Kusendova):** We will start with Ms. Karen Paquette. You have seven minutes, and you may begin by stating your name for the record.

**Ms. Karen Paquette:** [*Inaudible*] Paquette, and I want [*inaudible*] me to speak [*inaudible*] years old, and I currently work as a child care adviser at Children's Village of Ottawa-Carleton. We deal with home child care licensing and matching families with providers to care for children. I'm a registered early childhood educator. I live in the West End/Nepean area and I rent and live at one of Canada's largest privately owned residential rental communities. I have been renting there since 2012. I have also recently joined ACORN Ottawa and am a proud member. I have been in Ottawa for the last 36 years, and I have been renting most of that time. I have moved at least 10 times. As we all know, moving is one of the most stressful events.

As a single mom, it was hard work that carried hard emotions. I have dealt with many landlords—the good, the bad and the ugly—but always they had the power over me. I've had experience dealing with government services as a single mother, back when it used to be called mothers' allowance, and recently, when my ex cut me off when I filed separation papers. Although I have been very grateful for social assistance, I will be honest and tell you it is an extremely demeaning and unhealthy system.

1600

Which brings me to Bill 184: It lacks transparency, it's unfair, it lacks empathy and has a total fixation on money. How is that protecting tenants and strengthening community?

In all those years, my moves were due to not having enough money, not being able to pay the rent where I was because it continued to go up. I never once had a payment plan or the option of having my rent lowered.

I also watched my daughter live in a home that was redone into a duplex by a landlord who did not want to hire professionals. It was infuriating. There were holes in the walls, literally, from the landlord trying to do something

with the wiring that he wouldn't patch up, banging until sometimes 11 or 12 at night while my daughter had just given birth to my first grandchild; an AC that didn't work for most of the summer; heat that didn't come upstairs for plenty of the winter; unfinished construction; a laundry machine that wouldn't work; and utility bills that were disgusting compared to the services she was receiving. But sometimes they barely made rent, and sometimes they were just a little short.

So on the days that I happened to be there and the landlord stopped by, I tried nicely to tell him of what needed to be done. He didn't care, and my daughter would get terrified that he would evict them. Because there's always the power of the landlords rather than the tenants, and there's always somebody else that's ready to move in, even if you have a precious five-month-old child.

Now, with my living here—I've been here since 2012, and for the last nine years, my rent has gone up every single year. I don't think I've had a raise in 20 years. At least three of those rent increases were above the guidelines.

The first time it happened, I went to the hearing, which I had to take time off work for. I found it a remarkably frustrating and intimidating process. First, I had to figure out what it was all about. I had to read through a thick book of documents, I had to pay for a CD, and then I had to sit there and listen to so many unnecessary expenses that, really, were being handed off on to the tenants. Luckily, five of us showed up from our community. We were told that had no one shown up, the rent increase would have just went right through. So there is nobody that the landlord is accountable to if they want to raise the rent. And not everybody in my building had any idea of what was going on.

So the rent increase just gets to go through with no questions asked. Well, I asked when I was there. I asked why \$111,000 was spent on landscaping. Mechanical upgrades? Almost \$80,000. And that's not even a third of the list of stuff.

I think there were about six or seven men in suits, and one of them told me he was one of the best lawyers in Ontario. We didn't have lawyers. We didn't go to law school. Some of us didn't even speak French or English. We were at a very big disadvantage. Now Bill 184 wants to increase that disadvantage. Some of us had not even been living here when the expenditures took place.

As I have matured, my diplomacy has improved, thankfully, and I definitely hold my tongue a little bit more because I know that I'm at the mercy of the landlords. Tenants are at the mercy of the landlords. We're at the mercy of whoever is in control of the money.

At our community, the owners have been trying to reinvent the area and, in so doing, the rents have gone up considerably, sometimes even double what they were. I worry that they're going to ask me to leave so they can renovate and then charge exorbitant amounts. I won't be able to come back. I will move yet again.

Myself and my daughter, we have a few challenges. We deal with some depression, some anxiety and a little bit of

PTSD. But I worry about those people out there who have even more challenges than we do, people who don't understand English or can't read very well or deal with extreme PTSD, anxiety, schizophrenia, MS, agoraphobia, wheelchairs, walkers, seniors—the list goes on, and that's all community—

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

Our next presenter will be en français. Notre prochaine présentatrice est M<sup>me</sup> Marie Lourdes Garnier.

Bonjour, madame, et bienvenue.

**M<sup>me</sup> Marie Lourdes Garnier:** Bonjour.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Bonjour. Vous avez sept minutes pour votre présentation. Vous pouvez commencer par indiquer votre nom pour l'enregistrement.

**M<sup>me</sup> Marie Lourdes Garnier:** Je m'appelle Marie Lourdes Garnier. Je suis locataire à Ottawa depuis 15 ans. Je fais tout ce que je peux pour être active dans ma communauté. Je suis une éducatrice de carrière. Actuellement, je suis la présidente de la partie sud d'Ottawa ACORN. Juste avant le confinement, je travaillais encore dans une garderie. Ainsi, je suis l'une des millions de personnes qui sont sans travail depuis que la pandémie COVID-19 fait rage.

Je suis consternée que le gouvernement de l'Ontario ait choisi, pendant cette pandémie où les citoyens traversent déjà des moments difficiles avec des dépenses supplémentaires, de présenter un projet de loi qui priorise les profits des propriétaires sur les droits, la sécurité et le bien-être des locataires. Le gouvernement devrait protéger les locataires au lieu d'aider les propriétaires à les expulser.

Le projet de loi 184 limitera les possibilités que devraient avoir les locataires de se défendre en cour d'audience. Ils seront obligés d'avertir la cour à l'avance s'ils ont des inquiétudes à soulever pendant les audiences pour non-paiement de loyer. Ça peut être très difficile pour les locataires, surtout ceux qui ne parlent pas anglais, ceux qui ont des handicaps, ceux qui sont moins alphabétisés, ceux qui ne connaissent pas les rouages de la justice canadienne. Ce projet de loi, qui facilite les expulsions, est en faveur des propriétaires parce qu'il empêche les locataires de se défendre en cour. Il permet même de les expulser sans audience dans certains cas.

Avant, la commission de la location pouvait empêcher les expulsions si les propriétaires n'avaient pas honoré leurs obligations. Je sais que plusieurs de mes voisins vivent avec des coquerelles, des punaises, de la moisissure, des portes et des fenêtres brisées, des problèmes d'eau et de chauffage et des trous dans les murs et les plafonds. Ce projet de loi les empêchera de mentionner ces problèmes à la cour. Le locataire moyen ne connaît pas ses droits. Le gouvernement ne devrait pas ajouter d'autres bâtons dans leurs roues.

Le projet de loi permet aussi la création d'ententes légales pour le paiement de loyers non payés à l'extérieur de la commission de la location. Les propriétaires seront donc en mesure de demander de les expulser si l'entente de paiement n'est pas respectée ou si elle ne leur est pas favorable.

Présentement, en cour, le locataire a le droit de consulter un avocat avant de signer une entente qui a un impact sur ses droits. Il peut aussi demander au médiateur de la commission de lui expliquer les ramifications de la signature d'une entente de paiement, de lui expliquer ses droits et de former une opinion sur l'entente.

Le projet de loi 184 lui retire ces droits et le prive de financement, d'informations légales et de conseils, des moyens auxquels les propriétaires ont accès sans aucun problème. Ils ont en effet accès aux meilleurs avocats. Le projet de loi laisse les locataires à faible revenu avec rien pour se défendre ou se protéger. Ils se sentent impuissants, livrés à eux-mêmes.

**1610**

Le projet de loi 184 a aussi comme objectif de permettre des augmentations de loyer, qui sont présentement illégales, si le locataire ne conteste pas l'augmentation en utilisant le bon formulaire au cours de l'année qui suit. Pourquoi le gouvernement veut-il nous acculer, nous, les locataires, quand nous avons moins de ressources? C'est incroyable que ce gouvernement choisisse de protéger les propriétaires et de les récompenser quand ces derniers augmentent le prix des loyers des locataires qui ne connaissent pas le maximum annuel pour les augmentations, ou qu'il impose aux locataires de s'absenter du travail ou de leur famille pour lutter contre ces injustices que prévoit instaurer le projet de loi 184.

Ce projet de loi ne protège pas les locataires. Il ne permet pas de protéger les communautés. Il étouffe les personnes à faible revenu. C'est un projet de loi qui n'a d'autre but que de faciliter les expulsions des non-nantis. Il n'est pas nécessaire. Il n'est pas juste. Nous avons le droit d'avoir un toit.

Le gouvernement doit s'assurer que la crise de santé publique ne se transforme pas en une crise d'expulsion de locataires. Au lieu de présenter ce projet de loi, il devrait fournir de l'aide aux locataires, geler les augmentations de loyer, régler le prix des loyers libres et protéger les locataires des expulsions. Ce projet de loi ne doit pas passer. Il est contre notre droit au logement. Merci beaucoup d'avoir pris le temps de m'écouter.

**The Chair (Ms. Natalia Kusendova):** We are now moving on to our third presenter, Maja Petrovic. You have seven minutes and you may begin by stating your name for the record.

**Ms. Maja Petrovic:** My name is Maja Petrovic. I became a landlord when we purchased a three-bedroom townhouse and rented out a two-bedroom condo. At that time, my three kids were year-and-a-half-old twins, and one three-and-a-half-year-old.

Six months after the lease had started, I found that my tenant was subletting the unit to seven or eight students, and there were a lot of damages. Whenever I was going there on her request for repairs—mostly after 7 p.m. because it was the only time after my husband comes home from work; I was able only at that time—she was kicking me out of the unit and was calling the police. She was calling the police on me, the owner of the property, because I was trying not to let her do whatever she wanted.

I served her with notices, but she accused me of harassing her.

When I had to go to the LTB, I was taking my three kids with me and was waiting two or three hours in the line at the LTB Scarborough location. On those days when we scheduled a hearing at the LTB, my husband had to take days off to watch the kids. I went there. I saw her waiting to get free legal help. I tried to do the same, but they laughed at me: "No, it is only for tenants."

The judge was angry at me because I was complaining about tenants, but didn't know the RTA properly. But you cannot expect me to need to know everything and provide free legal advice only to tenants. Tenants know the law and system much better than landlords, because it's free for them.

I never felt more humiliated than then. We are paying taxes. We are working hard to contribute to society, and we are not getting anything. I had to sell the unit just eight months after renting it out. The paralegal who they had didn't file for claims, because the unit wasn't mine anymore. She filed only based on evicting, because of harassing me just for eviction, and nothing else, because the unit wasn't mine, right?

The closing date was three months later because the lease agreement was for one year. The tenant had the first hearing, and then she left the unit before the second hearing, which was two months after. But then the buyer didn't get a mortgage, and they got the unit back. So I had to repair everything, all the damages. The Small Claims Court didn't have any more jurisdiction because the notice of services was showing that I knew about the damages while the unit tenant was there. I had to do all the repairs. My loss was \$20,000: \$7,000 spent on repairs, \$4,000 for lost rent, \$18,000 on legal fees—time spent: three years.

They told me that I'm lucky. At least my tenant left. Almost every small landlord has experienced this. All of us landlords, working families who deal with professional tenants, have post-traumatic stress disorder. I have been taking medications for the last two years, and my weight increased 25 kilograms in the last three years. I want to say, I'm ruined. One of my kids is, in the meantime, diagnosed with autism.

Regarding Bill 184: Rent has to be paid, as any other service or product. If the tenant cannot pay, then the government should, not the landlord. The government has unlimited resources. Small landlords are just average, medium-income families. The courts would never support parents to pay for a kid who is over 21 years old, like \$1,000 or \$2,000 per month, but they're supporting small landlords, some of them retired or have small kids, to pay for other adult tenants \$2,000 and plus per month—and for years. We don't want tenants to get evicted. We just want rent to be paid and basic costs to be covered.

If government fees are rising, then rent should rise also. If property prices, like utilities and insurance, are rising, rent should follow, at least at half-speed, so landlords have enough funds to maintain the property, and not only pay fees to banks and government. If landlords and tenants agree on the increase, government shouldn't interfere.

Tenants will have a more secure place, as landlords will be able to cover the cost.

Too many penalties only for landlords—because of \$35,000 penalties, a landlord will make sure that the unit is not rented for 12 months, which causes him a loss of \$24,000, on average, a year. Empty and unused units are a loss for government, are a loss for landlords and tenants. If a landlord gets penalized \$35,000, he will sell the property. Or if he can sustain it even after paying, he'll double the rent for the next tenant. That is what is driving rent up. Penalties shouldn't be more than \$10,000. We need less penalties and more support—positive enforcements, not negative. Government should make productive decisions, not just decisions letting tenants live for free. What if everyone sells and becomes a tenant? Who is going to rent?

Penalties should go both ways. There are very rich tenants and very poor landlords. If tenants breach the contract or ruin the property, they should be penalized. At the moment, there is not any penalty for tenants, even no obligation to pay rent or for repairs after leaving. We need to change that, or rent will rise. We have to back security deposits that is my point. Tenants shouldn't be compensated for no-fault evictions. It is not the landlord's fault either that he's going back to his [*inaudible*].

It is good that our fingers point to the LTB, so it doesn't happen again—the same issues as it had with Small Claims Court and LTB just because of the fault of the paralegal. And with this bill, more tenants will stay at home, because tenants will have to pay rent and landlords will be able to cover the costs. Whoever agreed to—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm afraid we're out of time.

We will begin our rounds of questions by the official opposition. MPP Morrison.

1620

**Ms. Suze Morrison:** I want to direct my first question to—Karen, I believe, was the first presenter. Am I correct?

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

**Ms. Suze Morrison:** Can you explain any issues in the bill related to the ex parte eviction process and the concerns that you have around tenants potentially being evicted without ever having a day at the Landlord and Tenant Board for a fair hearing?

**Ms. Karen Paquette:** I think that circles back to the repayment plan. If there is a repayment plan in place from the landlord and the tenant, then the Landlord and Tenant Board steps out, and if that falls through, then we're seeing a direct line to eviction, rather than a hearing at the Landlord and Tenant Board.

**Ms. Suze Morrison:** Absolutely. And what would you say—do you think that the provision in the bill around making illegal rent increases permanent, do you think that that's a fair thing that should happen to tenants? And who do you think that that provision benefits?

**Ms. Karen Paquette:** No, I don't think that's fair at all. I think it's another way that tenants are getting no say or not being able to support themselves. It's benefiting the landlords, from my experience, with the rent increases.

There were many, many situations that I came across that were outright lies, that they had done something and they were getting payment for it, in which case it never happened. I think a rent increase should never be able to just go through. I think it takes time, understanding, education, information to realize what you have to do to fight that increase. There should be no limit.

**Ms. Suze Morrison:** Thank you so much. I'd like to direct my next questions to Marie. She has translation on the other side, correct?

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

**Ms. Suze Morrison:** Apologies. I've been working on my French, but it's not going very well.

**M<sup>me</sup> Marie Lourdes Garnier:** No problem.

**Ms. Suze Morrison:** I'll proceed en anglais. But thank you for being here today. I'm wondering if you can speak to any of the concerns that you have around the illegal rent increase portion being made permanent and binding for tenants after one year, and if you think that's fair and who you think that benefits.

*Interjection.*

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Pardon?

**M<sup>me</sup> Marie Lourdes Garnier:** Quelqu'un peut le mettre en français pour moi?

**Ms. Suze Morrison:** Oh, I don't have the translation.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Vous devez appuyer sur un bouton pour avoir la traduction. Sur Zoom, vous devez appuyer sur un bouton là-bas pour avoir la traduction en français.

**M<sup>me</sup> Marie Lourdes Garnier:** Oh, I don't see it.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Ça dit «*interpretation*», le mot «*interprétation*». Il faut appuyer sur le bouton sur votre écran.

**M<sup>me</sup> Marie Lourdes Garnier:** No, I don't see it. Join a meeting. Host a meeting. Interpretation, no.

**The Chair (Ms. Natalia Kusendova):** Can you restate your question, and I will translate it?

**Ms. Suze Morrison:** The question is, what are your concerns with the portion of the bill that makes illegal rent increases permanent after 12 months? Do you think that's fair to tenants?

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

**Ms. Suze Morrison:** Sorry, I know.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Alors la question est, c'est quoi votre inquiétude avec la portion du projet de loi qui fait les—what's the last part of the question?

**Ms. Suze Morrison:** Illegal rent increases permanent.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** —des hausses illégaux?

**M<sup>me</sup> Marie Lourdes Garnier:** Mes inquiétudes sont parce que ce n'est pas en faveur des locataires. Tout ce que dit ce projet de loi est en faveur des propriétaires parce que, avec le confinement, la COVID-19, les gens qui perdent leur emploi, eh bien, ça devient difficile pour eux, et ce projet de loi va rendre leur situation encore plus difficile.

En plus, on leur enlève certains droits qu'ils avaient de s'informer. Imaginez les personnes qui ne parlent pas anglais, les personnes handicapées, les personnes qui ne connaissent pas vraiment la loi. On leur enlève la possibilité

d'avoir un appui juridique, d'avoir des informations, avant même d'aller en cour. Donc, ça devient impossible pour nous, les personnes à faible revenu. C'est en faveur des propriétaires et au détriment des personnes à faible revenu.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Merci.

**Ms. Suze Morrison:** Thank you so much. And would you say that your experience as a francophone Ontarian has led to additional barriers at the Landlord and Tenant Board and in accessing and asserting your rights as a tenant?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Est-ce que vous diriez que vos expériences comme Franco-Ontarienne—

**M<sup>me</sup> Marie Lourdes Garnier:** Francophone, oui—

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Est-ce que ça rend plus difficile l'accès aux services—

**Ms. Suze Morrison:** At the Landlord and Tenant Board.

**M<sup>me</sup> Marie Lourdes Garnier:** Non, moi, je veux parler. Moi, je me débrouille. J'ai fait mon intervention en français parce que je veux être sûre de bien dire et de tout dire tout ce que j'avais à dire. À la garderie où je travaille, par exemple, c'est bilingue, pas vrai? Donc, je me débrouille. Je ne suis pas encore allée en cour, donc je ne peux pas parler de cour. Mais je me débrouille en anglais et, à chaque fois que je dois intervenir, je veux m'assurer que vraiment je trouve quelqu'un en français qui puisse traduire pour moi.

**The Chair (Ms. Natalia Kusendova):** Merci beaucoup. Now on to the government members. MPP Babikian.

**Mr. Aris Babikian:** Thank you, Madam Chair, and thank you to the guests. Good afternoon, or good evening, and thank you for your input. It was quite contrasting to see both sides of the argument or the equation present on the same panel and give us a different perspective on the issues that we are facing and the issues that this bill is going to address.

First of all, I would like to clarify something about which I think there is some kind of confusion, and that is that this bill was done way before COVID or written before the COVID crisis. It is not that the government is trying to sneak a bill under the cover of COVID. The minister started consultations way before COVID, before March 12. There were 2,000 submissions submitted to the minister, and 85% of them were from the public.

This bill is trying to balance between the interests of both sides, both stakeholders: the rent payers and the tenants. There are many positive aspects in this bill to protect the tenants, but also to protect small landlords like Ms. Petrovic. Vividly she explained what she has been going through, and we heard earlier from other small landlords who also cited similar concerns and stories that they've had to face. I have to say that 70% of the landlords in Ontario are small landlords like Ms. Petrovic. It is true that there are some major conglomerate landlords, and there might be some bad faith landlords, but not all of them we can put in the same boat and try to describe them as inconsiderate of their tenants etc. We have seen some of the incidents cited, how small landlords went out of their way to accommodate the tenant.

Coming back to the issue of the legal advice and language issue, I think that there is enough language advice that is in French or in different languages. We heard that from other witnesses today, that there is plenty of language advice given so that tenants who are facing difficulty with the language can manage through the whole process.

**1630**

In regard to the legal advice issue: I think there are also legal advice issues and the due process is protected for the tenants. For example, every tenant facing eviction in Ontario has a right to a hearing at the Landlord and Tenant Board, and at that hearing the tenants can bring up any extenuating circumstances as to why they have fallen behind on their rent payment. So as we see, there are checks and balances which both sides can rely on to present their case in a way that is fair and balanced.

The issue of rent control was also mentioned. The rent control came only for buildings which are built before 2018. All buildings before 2018 are under rent control, and so there is also protection from that side.

I would like to go to Ms. Petrovic and ask her a question. Do you think that enabling the Landlord and Tenant Board to offer more ways to help landlords and tenants come to resolution without having to go to a hearing is something that we should allow in this legislation?

**Ms. Maja Petrovic:** Yes. Actually, we need tenants. We need customers. We want to provide a service but we need support. We are small. We are small families. We don't have enough funds. Rent has to be raised in correlation with other expenses. We are not dreamers. We are realistic. We have to pay bills. We sacrificed a lot to buy our own properties and we want to keep them.

As I said, I was a tenant for 15 years. I have been a landlord the last four years. I want to help tenants, but I cannot pay my own money for them. I have my kids. I cannot pay for theirs. I want to help, but I cannot do it for them. They have to make their own contribution.

**Mr. Aris Babikian:** So my understanding is that the proposal in this legislation—

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

We will now move on to MPP Blais for his three minutes of questions.

**M. Stephen Blais:** Thank you, everyone, for your presentations. Merci, Marie, pour votre présentation. Je pense que votre passion pour les locataires et pour vos voisins est très claire. Et merci pour la présentation en français, aussi. C'est la première fois qu'on a eu une présentation dans la langue de Molière. Donc, merci beaucoup.

Donc, pour Marie : pensez-vous que le projet de loi assure un équilibre entre les propriétaires et les locataires, comme le gouvernement le décrit?

**M<sup>me</sup> Marie Lourdes Garnier:** C'est sur l'équilibre?

**M. Stephen Blais:** Oui. Pensez-vous que le projet de loi assure un équilibre—

**M<sup>me</sup> Marie Lourdes Garnier:** Non, non, non. Pas du tout, pas du tout. Le projet de loi est en faveur des propriétaires et enlève aux locataires toutes les aides, tous les supports qu'ils avaient avant, pas vrai? Ce n'est pas une

affaire de langue; c'est une affaire, justement, de non-équilibre. C'est en faveur des propriétaires. C'est pourquoi nous demandons de l'enlever, de ne pas faire passer ce projet de loi.

Ce qu'il nous faut maintenant c'est de l'aide pour les locataires, c'est de gérer les augmentations de loyer, de les geler. Pas d'augmentations pendant la COVID. Cela dit, c'était là avant la COVID, mais la COVID est arrivée et elle a tout changé. Elle a changé même la géopolitique. Elle a changé nos relations interpersonnelles, pas vrai? Ce n'est pas une question de langage. La COVID est venue et veut tout changer. On ne peut pas augmenter le stress : plus de stress, plus de problèmes aux locataires. Merci.

**M. Stephen Blais:** Oui, Marie. Merci. Pensez-vous que, avec la combinaison de la COVID et aussi le projet de loi, ça peut créer un environnement d'expulsions massives, si c'est adopté?

**M<sup>me</sup> Marie Lourdes Garnier:** Ce n'est pas que ça « peut » créer; ça va créer, c'est en train de créer. Ça rassure les propriétaires, pas vrai? Et ça met un déséquilibre. Vraiment, la marge est trop grande; la marge de déséquilibre est trop grande. On est en train de nous étouffer. On ne sait pas où aller.

**Mr. Stephen Blais:** Merci, Marie.

Karen, there's probably only a minute left. Do you think that the combination of the financial crisis with COVID and the changes in Bill 184 might lead to a mass eviction crisis?

**Ms. Karen Paquette:** Absolutely. I think that this is a fast-track-to-eviction type of bill, and I think we could do much better with something else that has to be put in place for the safety of those who have lost everything due to this pandemic. They're going to have no money.

**Mr. Stephen Blais:** One of the things we suggested is instead of simply a prohibition on evictions leading to mass evictions later, providing a direct subsidy to landlords to help—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. I'm so sorry. We are out of time. Sorry about that.

Back to the official opposition. MPP Burch.

**Mr. Jeff Burch:** I'm going to address the situation that has come up a couple of times regarding the timing of the bill as it relates to COVID. Maybe Karen can help me sort this out. As my colleague has brought up, there was an agreement in the House that we weren't going to raise non-COVID-related issues during the emergency period, and the government broke that agreement. We are discussing this bill which I think certainly most tenants agree makes it easier to evict tenants. There's some confusion here because really if the government is saying, "Well, we're not using COVID to sneak through a bill," well then, they've broken their agreement on not talking about non-COVID-related bills. But if they are making things more difficult for tenants, is this not the inappropriate time to do that when tenants are going through the same stress as everyone else—even more so because many are struggling with employment and other issues? So it's not the appropriate time to raise the bill in any case. Would you agree with that?

**Ms. Karen Paquette:** Absolutely, I would agree. I don't think a bill, other than something that is put in place that will protect our communities and our tenants and our landlords and our country from this epidemic should be talked about. Nothing about Bill 184 is needed at this moment. It should be squashed, put off the table for now, and we need to deal with the priority of this epidemic and people losing everything.

**Mr. Jeff Burch:** So we should be doing things that actually help people through COVID, not doing things that make life more difficult for workers and tenants?

**Ms. Karen Paquette:** Absolutely.

**Mr. Jeff Burch:** Okay. And the issue of rent control has been brought up as well. Would you agree that making builds after 2018—that rent control no longer applies, would that make things easier or more difficult for tenants?

**Ms. Karen Paquette:** Anything that will allow the rent to rise is going to be more difficult for tenants. Rent is too high as it is. Salaries are too low. The cost of living is too high. I think we need to have landlords become accountable, and that is definitely not in this bill. I think we need to have resources, people be educated on the resources, have resources out there. There are some out there for landlords, there are some out there for tenants, but we don't know where they are. So I think that anything that deals with raising our expenses in any way, shape or form at this period in time is ludicrous.

1640

**Mr. Jeff Burch:** If I could just ask Marie a question. I may need some translation from the Chair. I'll make it easy. The issue of renoviction has been brought up. Do we know how to say that in French?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Alors, au sujet des évictions—

**Mr. Jeff Burch:** I'm wondering if you could add to your earlier comments regarding what this bill does in terms of renoviction and how it impacts tenants?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Comment est-ce que ce projet de loi va avoir un effet sur les locataires?

**M<sup>me</sup> Marie Lourdes Garnier:** C'est parce que ce projet de loi facilite les expulsions et est en faveur des propriétaires et empêche les locataires de se défendre en cour. Tous les moyens qu'on avait pour se défendre en cour, ce projet de loi va les enlever. Moi, je parle des personnes à faible revenu. Il permet même de les expulser sans audience dans certains cas. Donc, c'est vraiment, vraiment en faveur des propriétaires. Nous, ce qu'on veut, on veut que le gouvernement empêche—protège les locataires contre les expulsions.

**Mr. Jeff Burch:** Do you believe that there has been appropriate consultation with tenant and tenant groups before this bill was proposed?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Est-ce que vous croyez qu'il y avait des consultations appropriées avec les locataires au sujet de ce projet de loi?

**M<sup>me</sup> Marie Lourdes Garnier:** Non, il n'y en a pas eues. Nous aurions su, parce que nous, dans notre organisation,

nous avons surtout, pour ne pas dire en général, des personnes à faible revenu. Ça n'a pas été fait. On n'a pas été touché.

**Mr. Jeff Burch:** If there was one thing that you could change in this bill, the one most important thing, what would it be?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Et s'il y avait une chose à changer dans ce projet de loi, la chose la plus importante, qu'est-ce que ça serait?

**M<sup>me</sup> Marie Lourdes Garnier:** Ce que nous voyons à ACORN, c'est qu'on [*inaudible*] ce projet de loi, parce que même si le projet a été émis avant la COVID-19, la COVID-19 est venue tout changer dans le monde. Elle a changé notre vie, même les relations intergouvernementales, entre les pays—

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Merci beaucoup, madame. Nous n'avons plus de temps. Je m'excuse.

Maintenant, les membres du gouvernement. MPP McDonell.

**Mr. Jim McDonell:** I want to take the opportunity to thank the presenters today for coming forward, because I know sometimes it's not easy, especially during these times.

The issue brought up by the opposition about agreements being made—and agreement was made when we originally declared the emergency. We weren't sitting in the Legislature. But as everybody knows, we have taken steps to open up the province. I think the people of Ontario expect the legislators would be at work. We have changed the way we do things to make things safe. As you can see, we're doing Zoom meetings. We're doing the things that we expect everybody else to do. People expect no less from us. They know that there is the business of the province that needs to be undertaken, and that's what we're attempting to do, to look after legislation that needs to be passed.

This legislation was introduced before the state of emergency was declared, and it was done after consultation with the public—the vast majority of them renters, small landlords—so I think that there's a need to get through with this. I think the misinformation seems to be out there about the lack of appeal. I'll just mention that 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 tenant has any concerns with or wants to challenge the eviction order, they can ask the Landlord and Tenant Board to set aside the eviction order and request a hearing so that their circumstances can be considered by the Landlord and Tenant Board.

We are in no way taking away anybody's right to a hearing. That has been clarified in this legislation deliberately so that the tenant always has the right to a hearing. And we've taken steps to make sure that we've hired additional adjudicators to make sure these hearings are heard.

As I said, we've heard from landlords and we have Mrs. Petrovic—maybe some explanation of what else we could do. I mean, we are protecting rights. Many of the apartment buildings that are there are actually not technically

owned by the landlords; they're owned by the bank. They need to make payments. People have a right to a home, but it's not the requirement of a landlord to provide that. That's the right of the public. We're taking steps through grants and new programs that we've put in place to make that a reality.

But we can't ask landlords—and because of the demands put on landlords over the last 20 years, we've seen the construction of rental units actually drop off to a point where there is a dangerous lack of supply. There's a reason why 90-plus per cent of the hearings at the Landlord and Tenant Board are from landlords, because of the issues they're having. They need to be addressed.

Other issues are there, and we're addressing them through other legislation. But we've added \$1 billion to social housing to make sure there are more units. We are having these units put in place, but it takes time. I've been watching a building being built at the corner of Yonge and Bay for about six years now. We've been here two years. We've taken steps. We're approving these additions, but it's going to take time. We've seen a huge increase in the number of rental units being built because we've added some certainty around the rules between landlords and tenants.

This bill addresses a lot of the concerns of tenants by clarifying them. We've taken away many of the opportunities that we could find where landlords were not treating tenants right, and the good landlords want that as well. So maybe you could explain a little bit, Mrs. Petrovic.

**Ms. Maja Petrovic:** Yes, I'm sorry?

**Mr. Jim McDonell:** You've talked about some of the problems you've had with your rental units. Maybe talk to this bill about where you see some of the improvements we've made that would encourage you to keep renting.

**Ms. Maja Petrovic:** Yes. You can track if landlords make mistakes, but there is no tracking if tenants make mistakes: for example, if they trash the unit or don't pay rent. So we need them both ways. Tenants have to be forced in some way to be a good tenant. As well, a business agreement after one year becomes month-to-month. The tenant doesn't have any initiative to stay a good tenant. We need help in that. A tenant needs to be tracked as well as the landlord.

Small landlords need free legal help. Small landlords and big corporations are two completely different things. We need a fee for late rent, as banks do. Actually, as you said, we don't own the properties; the bank owns, and the government—

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

MPP Morrison.

**Ms. Suze Morrison:** I'd like to direct my questions back to Marie again. I want to dig in a little bit to something we've heard from a number of panelists over the last few days—sorry, should I simplify and shorten? Who is translating?

**The Chair (Ms. Natalia Kusendova):** Yes, I am.

**Ms. Suze Morrison:** Does she have proper translating?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Madame Garnier?

**M<sup>me</sup> Marie Lourdes Garnier:** Oui?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Est-ce que vous entendez la traduction officielle ou pas?

**M<sup>me</sup> Marie Lourdes Garnier:** Non, non. Pas. Je n'ai pas pu.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** OK, alors je vais faire de mon mieux.

Go ahead.

**Ms. Suze Morrison:** Okay, thank you. Do you think the part of the bill that allows for one-month compensation to a tenant for renovations is sufficient, or do you not think that this will effectively stop the practice of renovations?

1650

**La Présidente (M<sup>me</sup> Natalia Kusendova):** La partie du projet de loi qui indique que les locataires vont avoir un mois d'argent après une éviction, est-ce que vous pensez que c'est suffisant ou est-ce que ça devrait être plus augmenté?

**M<sup>me</sup> Marie Lourdes Garnier:** Non, non, c'est nettement insuffisant, tu vois? Un mois, ce n'est pas suffisant. Non. Nous, on pense à un an à six mois. Mais, un mois? La personne n'a même pas le temps de respirer avec ça. La COVID-19 n'est pas une affaire qui va finir demain matin, vous voyez, et ça nous demande plus de dépenses. Ça demande plus de dépenses, donc un mois est nettement insuffisant. Nous, on pense à entre six mois et un an.

**Ms. Suze Morrison:** We've heard from other tenant advocates who have said that the real problem with the renovations is a lack of rent control in Ontario. Would you say that rent control is the most effective solution to address these types of evictions?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** On a entendu des autres personnes et des autres locataires qu'il y a un problème avec le contrôle sur le, comment dit-on, « rent ».

**Ms. Suze Morrison:** Rent control.

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Sur le contrôle du prix du logement. Est-ce que vous pensez—what's the question?

**Ms. Suze Morrison:** Does she think that rent control measures are the best solution to address renovations?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Est-ce que vous pensez que mettre des mesures sur le contrôle du prix du logement serait une des solutions plausibles?

**M<sup>me</sup> Marie Lourdes Garnier:** Non, c'est une des choses qu'on a demandées, de geler les augmentations de loyer. Réglementer le prix des loyers, c'est une des choses que nous avons demandées.

**Ms. Suze Morrison:** Thank you. And what supports do you think tenants need right now to get through COVID-19?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** De quels soutiens est-ce que vous pensez que les locataires ont besoin maintenant pendant la pandémie de la COVID-19?

**M<sup>me</sup> Marie Lourdes Garnier:** Pendant la pandémie, les locataires ont besoin de l'aide du gouvernement. On demande de geler les augmentations, de réglementer les prix des loyers, les loyers libres, et de protéger les locataires des expulsions. C'est ça qu'on veut. Vous savez, le Canada est toujours parmi l'un des pays où les gens vivent le

mieux, mais ça demande aussi la paix d'esprit. Ça demande que nos services sociaux soient respectés. Ça nous demande de vivre en paix comme des personnes, comme il faut. On est au Canada.

**Ms. Suze Morrison:** Thank you so much. Chair, how much time do I have left?

**The Chair (Ms. Natalia Kusendova):** Two minutes.

**Ms. Suze Morrison:** Do you have anything else that you'd like the government members to know about the supports that tenants need in general?

**La Présidente (M<sup>me</sup> Natalia Kusendova):** Est-ce que vous avez d'autres commentaires que vous voudriez faire aux députés du gouvernement?

**M<sup>me</sup> Marie Lourdes Garnier:** La première chose c'est d'enlever ce projet de loi. C'est ce qu'on veut. C'est ce qu'on demande.

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

**M<sup>me</sup> Marie Lourdes Garnier:** You're welcome.

**Ms. Suze Morrison:** I probably have about a minute left, so I'll just go back quickly to Karen and ask if there are any last comments that you'd like to make to the government about your position on this bill.

**Ms. Karen Paquette:** I think this bill needs to be repealed and I think we need to concentrate on something more important. That means taking care of our community as a whole. We need to come together. Landlords, tenants, government officials, rich, poor: We need to unite to get over this crisis. That's what we need.

**Ms. Suze Morrison:** Thank you so much. No further questions.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We have one more round of questions. Back to the government. MPP Martin, go ahead.

**Mrs. Robin Martin:** Thank you—just unmuting there. I noticed, Ms. Petrovic, that you did not get a chance to finish your initial comments, and I wondered if you wanted to. You're welcome to use some time now to do that if you would like.

**Ms. Maja Petrovic:** Initial comments regarding Bill 184, or with regard to COVID—

**Mrs. Robin Martin:** You were—

**Ms. Maja Petrovic:** I took a lot of comments.

**Mrs. Robin Martin:** Yes, you were making your submission. Whatever you'd like to add to that.

**Ms. Maja Petrovic:** My present tenant, she's paying. I'm lucky. I would sell, but I would not be able to sell, because the tenant would not allow showings. I would not be able to pay the mortgage because she's not paying rent. It would be a complete disaster, right?

My tenant is paying, but I'm in touch with the present tenant. I'm in touch with other groups that have been devastated. They tried to help and they were tricked. Everyone now is getting help through employment insurance, through CERB or through ODSP, but they're not paying. They're not willing to make any payment plan. That is the problem. It's not a problem if they don't have it; we will work it out. But they don't want to, and there are no enforcing measures to make them pay.

Maybe a direct subsidy to the landlords who can prove that they didn't receive rent would be one of the solutions. Of course, we don't want to evict families at this time, but we need to receive money so we can pay bills. That is what we need. There is \$700 million, \$800 million invested at this point, all the way down, because of this.

What else I would like to say—

**Mrs. Robin Martin:** That's okay. I have some questions, actually, that I can go to.

**Ms. Maja Petrovic:** Yes.

**Mrs. Robin Martin:** I know you talked about how difficult the circumstances were with the tenant who was not paying and your own circumstances. You have your children, and you're going to Landlord and Tenant Board, and your husband has to take days off work, you said, for you to do that. You have a child with autism, as do I, and it does make it very challenging for you. You also said that if the tenant can't afford to pay for the rent—you've entered into an agreement with them. It's really not your fault if they can't afford to pay the rent, but there are consequences, I guess, because you might also be trying to pay a mortgage. I just wondered if you could elaborate on what the consequences are for landlords who do not receive their rent. You've been in that experience.

**Ms. Maja Petrovic:** As an example, I don't receive rent on time, and at that time I had to take a line of credit of \$5,000 to pay my debt to legal and all that, and then when I got the unit back, I got a \$10,000 deficit from the buyer. I paid back the down payment and I had to pay for repairs and get first and last months' rent from the new tenant. It was such a mess. On my birthday, I was doing the last repairs and the new tenant took the unit back. Every day there was something.

If we don't pay—even if my husband dies, as an example, I will lose the house. Even if I'm able to pay, I have to qualify. So tenants have so many possibilities. They can not pay for months and then again they can file for motions and all that. A house is taken away just like this. I don't want to attack them—

**Mrs. Robin Martin:** Of course not.

**Ms. Maja Petrovic:** —but we need it to be fair. We need to be supported. We want to provide services. We like to be landlords.

**Mrs. Robin Martin:** And this bill is really—we're trying to find, as my colleague said, a balance to help everybody work better together. Many people said, I think especially Ms. Paquette—I have a quote here. You said, "How does this bill protect tenants?" An example would be—and I'm sure Ms. Petrovic wouldn't like that—that we double the maximum fine announced for offences under the Residential Tenancies Act to discourage unlawful evictions. Maybe Ms. Petrovic would not make an unlawful eviction. But we have doubled that fine. Would you say, Ms. Paquette, that that is good for tenants?

**Ms. Maja Petrovic:** It is good for tenants only one way. In another way, if the landlord makes that mistake and gets a penalty—

**Ms. Karen Paquette:** I think it definitely inhibits unlawful evictions. So that way—

**Mrs. Robin Martin:** That's okay. So that is good for tenants because it discourages unlawful evictions, right? And there's more—

**Ms. Karen Paquette:** It discourages unlawful evictions for the big corporations who can probably swallow that fairly quickly, or they will put that back off onto their tenants in a rent increase.

1700

**Mrs. Robin Martin:** But you also have 70% of landlords, we've said, who are small landlords, like Ms. Petrovic, so that would discourage any of them who wanted to unlawfully evict someone from doing so, because it's a big fine and they have expenses too. What about—

**The Chair (Ms. Natalia Kusendova):** Thank you so much. I'm so sorry. That concludes all the time we have. Merci beaucoup.

#### FEDERATION OF METRO TENANTS' ASSOCIATIONS

MR. MIKE WOOD

**The Chair (Ms. Natalia Kusendova):** Now, for our next round of presenters we have with us Robert Field, the board chair, and Geordie Dent, executive director of the Federation of Metro Tenants' Associations of Toronto. Welcome. Thank you for joining us. You have seven minutes for your presentation.

*Interjection.*

**The Chair (Ms. Natalia Kusendova):** MPP Martin, did you want to say something? Oh, I'm sorry. My apologies.

Where was I? We have representatives from the Federation of Metro Tenants' Associations of Toronto. You have seven minutes for your presentation, and you may begin by stating your name for the record.

**Mr. Robert Field:** Thank you. Good afternoon. My name is Robert Field. I'm the board chair of the Federation of Metro Tenants' Associations; the short form is FMTA. I'm joined by Geordie Dent, who is our executive director. I would like to thank the chair and the committee for this opportunity to appear and make a submission regarding Bill 184.

On March 12, Minister Clark tabled Bill 184 with the stated purpose of strengthening protections for tenants and helping landlords and tenants resolve disputes. Now, at that time, this bill was in response to recommendations made by the Auditor General.

In our view, this bill has probably jumped the gun on what was needed to properly protect tenants who were beginning to experience the financial impacts of the COVID-19 pandemic. By mid-March, many working tenants were experiencing reduced or eliminated hours, or were simply being laid off. Many tenants might have been working but might have been unable to pay their rents on April 1, June 1 etc.

On April 5, I wrote to the Premier directly, requesting that urgent action be taken to protect vulnerable tenants in Ontario. I requested immediate action and meaningful financial relief, as well as decisive legislation suspending

rent, mortgage and utility payment obligations, and a clear ban on evictions or punitive actions by landlords.

The current suspension of eviction proceedings at the Landlord and Tenant Board only serves to defer the problem and is now creating an untenable backlog. It appears that one aim of Bill 184 is to try and speed up eviction proceedings. During a pandemic? Our agency can think of no other more cruel, or monstrous, shall we say, thing to do to hundreds of thousands of tenants who are facing eviction now.

In various consultations and meetings that we've had with the ministry, we have stressed the need to stop illegal evictions, mostly being done by landlords' own-use applications. Instead of helping stop these illegal evictions, this bill actually helps the fraudulent landlords—not all of them, but the fraudulent landlords—by capping awards against them. We have also stressed another major issue: the cost of rent. We've argued for a host of ways to improve affordability. Instead of helping with that, this bill makes an illegal rent increase legal after 12 months. That's untenable.

All of this is happening against the backdrop of the worst eviction crisis that the province has ever faced. An estimated 10% of households have now not been able to pay their full rent during COVID-19. This translates to 400,000 tenants facing eviction in April, and then again another 400,000 in May, June, July etc. And yes, the government has provided some support for renters, but just the commercial ones. We had asked for other offsets on that. You have stepped up with the funding and eviction prevention for businesses. Why not do the same for the people?

The FMTA has signed on to what we would call an open letter: Bill 184: Wrong Bill, Wrong Time. In our electronic submission, I have sent some materials to the committee, and I've included a link to this letter for your reference and consideration. We join in urging the government to withdraw Bill 184 and, instead, take the actions that are set out in the open letter. I'll just summarize:

(1) Update the purpose of the Residential Tenancies Act to recognize that there's a human right to housing;

(2) Extend the current eviction moratorium until the pandemic and the post-pandemic recovery period are over;

(3) Amend the Residential Tenancies Act to provide direction to the Landlord and Tenant Board for mediated repayment agreements that are feasible and reasonable;

(4) Provide the Landlord and Tenant Board with direction on providing relief from eviction due to financial hardship caused by the pandemic crisis—a lot of the short-fall on rents from people these days is not of their own doing; it's because they didn't have the money;

(5) Re-institute effective rent control—and there have been changes in that.

All of this is respectfully submitted to this committee, and I'll turn this over to Geordie Dent.

**Mr. Geordie Dent:** I'm just going to take a couple of minutes to really talk about some of the big concerns we have with the legislation itself. I talked to a tenant today whose landlord hasn't fixed their stove and fridge for the last four months. That tenant wants to use the only

leverage they think they have, which is to withhold rent. That means that that scenario is probably going to get sorted outside of the court right now. The landlord knows that today if they tried to evict the tenant, the tenant is going to be able to bring this up.

The change to the legislation is actually going to change that. The landlord knows that the tenant is going to bring it up only if they write about it, which historically, when the legislation used to require pre-written notification, that wouldn't happen. This is going to lead to more evictions in the court. You're going to have people who are trying to deal with an issue, and the landlord is just going to try to throw them out.

Same concerns that we have related to section 206: You've got a lot of repayment plans coming. Again, we just don't understand why you're trying to speed up evictions instead of trying to keep people housed. Again, in the way the current system works, you get a lot of landlord applications, a lot of landlords able to get people out. Trying to make that faster—we just don't understand the rationale during a housing crisis.

Finally, our board has some major concerns with the debt collection situations. Right now, you're setting up a scenario where a landlord can lie about a charge, lie about giving notice, and they're still going to be able to get a hearing at the board and an award against the tenant who is totally unaware of this. The tenant is going to be able to spend years trying to unwind that, but the rules are now set up to prevent that from happening. These amendments are going to actually cause more situations like that where landlords are just making up charges and getting awards from unsuspecting tenants. Thank you.

**The Vice-Chair (Mr. Aris Babikian):** Thank you, Mr. Dent and Mr. Field. Now we will go to our next presenter. Mr. Wood, would you identify yourself for the record, please?

**Mr. Mike Wood:** Yes. My name is Mike Wood, and I'm here from Hamilton, Ontario. I would like to thank the committee for having me here today and for the opportunity to speak on Bill 184, which will greatly affect renters and families and children throughout the province of Ontario.

I would like to say that Bill 184 is a dangerous bill, with the plan to speed up evictions by limiting tenants' legal rights and, in some cases, removing the requirement to hold eviction hearings. The Landlord and Tenant Board currently has the discretion to deny evictions in cases where it was found that the landlord did not meet the obligations. These obligations of the landlord are now at risk of being removed with Bill 184, which is for protection on behalf of the tenants in the process of justice.

Housing is in a crisis and has been for a long time. Governments have failed to maintain the building supply of affordable housing across the province. We have landlords who increase rent illegally all the time. We have landlords who are forcing tenants out of homes using physical, verbal and mental abuse. As well—it's very common in Hamilton—landlords are using harassment, intimidation and predatory tactics, including offering tenants cash to move out, a process known as renoviction.

This government has already admitted there is a housing crisis, yet during a global pandemic they are attempting to rush the passing of Bill 184. This is a reckless and dangerous move for all of our communities that are already in distress.

1710

In the city of Hamilton, which I reside in, we have a large number of people living in tents along the escarpment, which has become known as “Tent City.” I wonder how landlords believe they are not successfully evicting tenants across the province when so many are already living in tents.

Personally, I have witnessed many landlords who have failed to evict tenants at the Landlord and Tenant Board because they were unsuccessful in obtaining the evidence and facts about the tenant. And in the situation of disagreement, an example I witnessed was the case at the Landlord and Tenant Board hearing when a landlord said the tenant didn’t pay the rent, and the tenant brought in evidence in the form of receipts showing the rent was indeed paid. The landlord had poor bookkeeping skills. I’m also aware of many renters who paid rent, and the landlords failed or avoided giving them a receipt that the rent was paid, and then the landlord proceeds to take the tenant to the LTB and wins because the renter did not have rent receipts proving the contrary.

Tenants are not going to sit back and let this bill pass quietly. Tenants across Ontario, across Canada’s cities and more are speaking up and getting organized to fight for policy that protects affordable housing and tenants. Everyone deserves a home. Everyone deserves housing security. Right now, the housing market is controlled by big corporations that are driven entirely by profit. In my experience, one corporate landlord has already admitted publicly that they are trying to remove the current tenants so they can rent to a different demographic of tenants with higher incomes. This is the issue. It’s more about greed, and we see it all the time.

The system the government has put in place is set up to fail renters. The government got rid of rent control in new builds, weakened inclusionary zoning, froze the minimum wage, cut the ODSP/OW rates increase and clawed back CERB and ODSP recipients. The eviction ban is barely an eviction ban at all, and the government has brought zero support for renters in the form of subsidies for COVID-19.

For example, this ODSP single person gets \$1,200 a month. Well, one-bedrooms here in Hamilton are now going between \$1,500 and \$1,800 a month. We’ll not be able to afford the rent. Setting renters all over up to be homeless is what’s happening here. Maybe ACORN and other tenants groups wouldn’t be so worried about the bill if it wasn’t for all the vulnerable people in Ontario that the government has failed to protect. The government’s planned proposal to try and speed up evictions during a global pandemic is very reckless and against our human rights. If Bill 184 is passed, it will create a dangerous increase in homelessness.

My members and I are asking you all today to urgently stop Bill 184 and find a better solution to these problems. Vacancy control would be a good start. Thank you.

**The Chair (Ms. Natalia Kusendova):** That concludes our presenters for this round, so we will begin with our rounds of questioning.

We will begin with government members. Who would like to begin? MPP Gill, go ahead.

**Mr. Parm Gill:** Thank you very much, Madam Chair. I also want to thank the presenters for taking the time and appearing before the committee. Obviously it is our government’s intention to include [*inaudible*] as possible and include as many stakeholders as possible, and this is all part of the process. We’re hearing from various different stakeholders—individuals; tenants; landlords small, medium and large—so this will obviously ultimately help the government make the legislation even better, so we appreciate the time.

Of course, we need to make renting easier and fairer for both landlords and tenants, and 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 for reasons beyond their control. That’s why we’re increasing fines. We’re 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 for renovations or repairs, or when they evict a tenant on behalf of a homeowner who wants to use the unit for themselves; increasing maximum fines for offences under the Residential Tenancies Act; requiring landlords 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, such as unpaid utility bill disputes, from Small Claims Court to the Landlord and Tenant Board, making the resolution process simpler and more streamlined. One of the things we hear over and over is that the timeline in some cases can be months and months. 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.

As well, we’re proposing faster resolution of disputes by asking tenants to inform their landlords of any new concerns that they want to raise at a hearing so everyone can be better prepared, come the hearing. This will reduce delays and of course encourage discussions of any concerns that could be raised from either side.

So my question is—let’s just go to Robert and maybe Geordie first—by requiring advanced notice of any tenant concerns, do you believe this would facilitate better preparedness by all parties for a hearing and encourage discussion of tenant concerns with their landlords so they have an opportunity to address them? If not, what suggestions would you have to allow tenants to raise their concerns without delaying a hearing?

**Mr. Robert Field:** We have a bureaucracy to handle tenant concerns and landlord concerns: It’s called the

Landlord and Tenant Board. But I think where I'm at with this, and where our association is, is that these are unusual times with this pandemic. We're looking for subsidies, financial relief from the government, not more bureaucracy. You're right: There is always the opportunity to do presentations at the Landlord and Tenant Board and extra time for that.

I'm also the president of the my tenants' association here in Don Mills, and my experience with my tenants—I have three large buildings—is that people don't know their rights on how to present or to challenge, and even if they do, they're usually unwilling; they want me to do it for them. That's not what this is about. But I think the bigger picture is that Bill 184 was tabled before the full effects of the pandemic, financially, started to hit. And this is what we're asking the government: Take a step back and take a look at what people need. You've got all this backlog of evictions on something that was beyond people's control. I had to sit down with the property management and help negotiate terms for how people could pay their rent, and all they were prepared to do was defer it in payments later. But people have lost their income; they can't afford that. But, you know, you always have the Landlord and Tenant Board, and I think what they need to do is be able to be empowered to turn down evictions that were based on people just economically not being able to pay the rent.

**Mr. Parm Gill:** Thank you for that answer. My second question is, we've also heard concerns from landlords that with an aging rental stock, the government should not further restrict landlords from renovating or repairing, which sometimes requires the units to be vacant to do these repairs. How does the government balance the need for landlords asking in good faith to safely proceed with repairs and renovations while providing protections for tenants?

**Mr. Geordie Dent:** If I can chime in on this, I don't really understand—if you look at any profit and loss sheet for any of the major landlords of the last 10 years—

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

For the official opposition, MPP Morrison.  
1720

**Ms. Suze Morrison:** I'm just going to give Geordie a chance to finish his comments. Please go ahead.

**Mr. Geordie Dent:** Yes, I was just going to say that landlord profits have been soaring over the last 10 years. You can check out CAPREIT's financial statements online. They're swimming in profit. Normally, how you would expect the landlord to deal with those deficiencies is to use their profit for that. That's what it's supposed to be there for.

Again, I understand that there has been a huge loss of income for tenants, and landlord income is based off tenant income. That's why we said that there should be some kind of financial program for residential tenants. There is one for commercial tenants. But the last thing that we want to see is 400,000 people evicted and the camps that are just sprouting up all over Toronto growing throughout the province.

**Ms. Suze Morrison:** Thank you so much. Back to Geordie. We've heard an argument today supported by the government members that because the majority of applications to the Landlord and Tenant Board are filed by landlords, not tenants, that that somehow indicates that the problems at the board are bad tenants, not bad landlords. Would you care to offer a different perspective on the reason for the high volume of landlord-filed applications at the board?

**Mr. Geordie Dent:** Sure. It's set up for them. You get 90% of applications at the board because it's accessible to landlords. Every single building has maintenance issues. That was confirmed by the city's audit building program system that they did in 2011. They found, on average, 60 deficiencies just in the common areas of every high-rise building. So why didn't any of those tenants take their landlord to court? Well, one of them did, 200 Roehampton, and it took five years. The landlord just appealed and appealed and appealed. Tenants died before they saw their money.

Again, there is a variety of things that you can do that we've recommended for decades to make the board more accessible to tenants, because at the end of the day you should have way more tenants applying than landlords because there are more tenants than landlords and they've got very serious issues. But the system is set up so that 90% of applications are landlord applications.

**Ms. Suze Morrison:** Excellent. We've heard overwhelmingly from tenants over the last two days that the main cause behind renovations is actually a lack of rent control in this province. Would you agree with that?

**Mr. Geordie Dent:** Yes, it's the main driver of that. I see this every day in my work, and it's really exploded since maybe around 2016. What you started seeing is landlords just want to push people out. We've estimated based on the data available that about 25,000 illegal evictions are happening a year.

**Ms. Suze Morrison:** Because there is a financial incentive for them to do that without rent control?

**Mr. Geordie Dent:** Absolutely.

**Ms. Suze Morrison:** Excellent. We've heard government members try to defend the lack of rent control in this province and their further cuts to it just last year with the argument that they're trying to solve a supply problem with purpose-built rentals. Would you agree that we have a supply problem in Ontario with purpose-built rental housing?

**Mr. Geordie Dent:** We definitely have a supply problem with purpose-built rental housing, but that has got nothing to do with rent control. This is very clear in the academic literature. Rent control and housing development: There is no relation between the two.

So you saw rental housing developments start to increase in 2016, when property taxes were frozen. When rent control was lifted, housing development went up. When it was brought down again, it continued to go up and up and up, and that's because the thing that's causing the increase in construction has nothing to do with rent control.

**Ms. Suze Morrison:** Thank you so much. Do you have any concerns about the part of the bill that will allow

landlords to make illegal rent increases permanent and binding if a tenant unknowingly pays for them 12 months?

**Mr. Geordie Dent:** Yes. I can only describe this as cartoon villainy. Why are you allowing an illegal rent increase? Seriously, there is a housing crisis. You've got homeless people filling encampments all over the city of Toronto. Why on God's green earth would you allow an illegal rent increase to become legal? It doesn't make any sense. I hear about this every day in my work. We run a hotline, we hear about this thousands of times every year: "Oh, I didn't know. I'm sorry. What can I do?" I had three emails about this today from someone trying to claim something from two years ago, and I had to tell them, "You're out of luck." So I have no idea why this is a priority during a housing crisis and an eviction crisis.

**Ms. Suze Morrison:** Yes, and would you say that this measure only benefits bad actors in the system who have done something wrong?

**Mr. Geordie Dent:** It encourages them to try to sneak in an illegal rent increase. A few things in this bill encourage illegal and fraudulent activity. Again, I just don't understand why you would do that, given the state of things. I don't understand why you do it at all—I'm a tenant advocate—but again, you've got 400,000 people who are facing being thrown out of their units. Why would you now decide to allow illegal increases to become legal? It doesn't make any sense.

**Ms. Suze Morrison:** We had a government member earlier today try to suggest that illegal rent increases weren't fraudulent. Would you characterize an illegal rent increase as fraud?

**Mr. Geordie Dent:** If you are illegally trying to get money from somebody through illegal means, that's usually a textbook definition of fraud. Normally the police don't deal with landlord and tenant issues, but they have in the past. I think the only instance where I've seen the police go after somebody was a Black female tenant who they busted for fraud. We don't want to see this become widespread because, again, the Landlord and Tenant Board exists, but you've got 25,000 incidences a year of illegal evictions where people are being defrauded, each of them, of \$15,000 a year. Those people should again have some protection. You shouldn't be making it easier for the landlord to defraud them, in my opinion.

**Ms. Suze Morrison:** Thank you so much. Chair, how much time do I have left?

**The Chair (Ms. Natalia Kusendova):** That's time.

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

**The Chair (Ms. Natalia Kusendova):** Thank you. We will now give three minutes to the independent Liberal member, Mr. Blais.

**Mr. Stephen Blais:** Geordie, my questions are for you. Earlier this afternoon, some members of the government suggested that because this bill was introduced before the COVID-19 crisis, that somehow COVID-19 shouldn't be considered or factored into the deliberations and shouldn't affect the timing of this at all. I wanted to get your thoughts on that just a little bit.

**Mr. Geordie Dent:** I live in the real world. I don't live in a fantasy world. In the real world that I live in, we are getting thousands of calls and emails about tenants who can't pay rent today, who are facing eviction. We're a non-partisan agency that wants to just prevent people from getting evicted and being thrown into the street. We don't care who does it. We don't really care how it happens. But again, I don't understand the rationale for trying to push this through.

The minister wrote an op ed where he seemed to say, "We've got to deal with this backlog at the board," and again, I just don't understand it. Again, in the real world you've got hundreds of thousands of people who could be thrown out on the street, and we don't want to see that happen.

**Mr. Stephen Blais:** Do you think there may be a more effective way to deal with the backlog at the board? What would be your one or two recommendations to deal with that backlog more effectively?

**Mr. Geordie Dent:** The main recommendation that came from our board of directors—I think Mike also mentioned it on this call—is that you need renters' relief. Renters' relief has been given for airports in Canada. It has been given for commercial businesses, and we don't see why it's not also being given for tenants. Tenants are, again, the most vulnerable. They need to be given some money to help cope with this, and I think that's going to benefit landlords as well. So I think it would be kind of win-win for everyone.

Beyond that, there's a variety of other things that could be done. You could mandate long repayment periods. You could mandate giving lots of people time to pay back money—again, there's a variety of ways you can do this, but the worst way, in our position, is, "Let's throw grandma out as quickly as possible," which seems to be the aim of this legislation according to the minister himself, which again is not really something we understand.

**Mr. Stephen Blais:** Well, thank you for that. Gentlemen, thank you all for your presentations this afternoon. It's very much appreciated.

I don't have any other questions, Madam Chair.

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

And now back to the government. Who would like to take this round? Are there any government members who would like to ask some questions?

**Mr. Jim McDonell:** I'll take this round.

**The Chair (Ms. Natalia Kusendova):** Okay. MPP McDonell.

**Mr. Jim McDonell:** There seems to be a lot of discussion here about the illegal rent increases, and I thought I'd just read in some clarification on it. It says, "In effect, there are two ways an issue of illegal rent can come up. The first one is a tenant application for a rent rebate"—and these are current. "The tenant thinks they have paid illegal rent, either because the rent was more than the guideline or because the improper notice of the rent increase was given. Currently, the tenant only has one year to apply to the Landlord and Tenant Board to get back the rebate. It

doesn't matter whether it was because the increase was more than the guideline or because it was an improper notice." That's the way it is today. We've given them the year; that hasn't changed.

**1730**

What has changed is, at an eviction hearing, a tenant is in rent arrears and facing an eviction notice. In an effort to reduce the arrears they owe, the tenant might claim that they have been charged an illegal rent increase at some point in the past. Currently, section 136 says that the rent charged more than a year earlier is deemed lawful. So to the tenant who got an increase that was more than the guideline, they can't raise the issue if more than one year has passed. However, if the tenant got a rent increase without proper notice, the courts have essentially stated that section 136 doesn't apply, but rather the increase is void, effectively meaning the tenant can raise the issue in perpetuity. This is the only loophole we're closing. It gives the impression that we're changing the fact that if there's illegal rent, they only have a year to make the changes. That's the way it is today; we're not changing that.

I imagine there are times where it can be simply not enough days given. The tenant can agree to it and move forward. It doesn't mean that it was a lawful notice, but it was something that the two agreed to. So I guess my question would be, if the tenant is agreeing to it, even though technically it's unlawful, do you see that as an issue that's worth—that we've given the tenant the opportunity to reverse that if they choose; if they choose not to, it's not their option. Maybe I'll ask the Hamilton group.

**Mr. Mike Wood:** When it comes to tenants, a lot of the times they don't know their rights when it comes to a lot of the agreements. So after they've even agreed to some things, a lot of tenants will say that they weren't aware of what they signed. A lot of the issues come down to lack of education and not enough representation legally for tenants. A lot of tenants will end up signing any kind of agreement, and a lot of the time they don't know their rights. So there is a big issue with that. Landlords know it across the province, and they actually abuse that system by asking tenants to sign agreements knowing the fact that they don't know. They tend to prey on many who don't have enough education when it comes to their legal rights.

**Mr. Jim McDonell:** The point here is that we haven't changed that; that's the way it is today. It's left it in place. I've heard all day today how we've made these changes, but the year is already there. Generally when I've rented places and when I'm renting places today, when you have to change the amount that you're paying—we used to do it through cancelled cheques—you typically know if there is an increase, because you have to make that change, and so that's the opportunity. Tenants have a year to question whether it was over the amount and can question that through the Landlord and Tenant Board, and those are encouraged; they're not disapproved. There are guidelines there. We're trying to make this simpler, trying to make sure that these issues can get to a hearing. I think that that's a good thing.

Now, also we talk about rental housing, whether the landlord should be considered the source of social housing

here. We're trying to encourage renting, more landlords. The Auditor General's report that was issued has talked about it. It talked about some issues that needed to be dealt with. And yes, this bill was issued to do that, and it was issued before the pandemic. But going through that, that doesn't change the landlord's cash flow. I've heard landlords, of course, come into our office during the pandemic, and the discussion is around tenants that have had no change in their income and actually have seen that the benefits that the government has given out have actually increased their income, and they simply said, "Can he evict me on not paying my rent?" So that's a problem, because now we have landlords that can't—especially as these are typically small landlords that I'm talking about. They've got a problem, because they typically have borrowed the money to buy these houses that they're re-renting, and now they've got to turn around and somehow come up with the cash. That's not fair to them. Everybody knows that when the pandemic is lifted, likely this money has been spent. How do you get it back from some of these people? The ability to spend this money is gone.

We have invested almost \$1 billion this year to repair and grow the community housing in Ontario, and that's really where this should go. We've entered into an agreement with the Canadian government to supply subsidies for rent so that we can actually allow people to live not in purpose-built housing but in places where they live today. But they need the help; they need a little bit of a supplement. Those have been put in place, and Ontario was the first province to enter into that agreement during the pandemic—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. That's all the time we have. Back to the official opposition.

**Ms. Suze Morrison:** Thanks so much. I would like to return to the FMTA. I know at the end of our last round of comments, you talked about rent subsidies for tenants, and we've actually proposed a rental subsidy for tenants to help them get through COVID-19. Unfortunately, we haven't had a positive reception on that policy piece from the government members. Do you think that that's a positive step that the government could take to support tenants to get through COVID-19? Geordie, I think you're muted.

**Mr. Geordie Dent:** Rob, did you want to answer that?

**Mr. Robert Field:** I do, yeah. Hold on. Oh, there we are. I'll turn it over to Geordie in a sec, but yes, absolutely, some sort of subsidy for tenants was exactly what we were asking for. I think from my perspective, Bill 184, since it was tabled before the effects of the pandemic started—I really would be looking for the government to step back and make some changes to it that bring in that type of subsidy. There are changes that you want to make. There's other changes that need to be made, too. That's what I would like to see happen. Geordie?

**Mr. Geordie Dent:** I really think it all depends on whether you want to see hundreds of thousands of people evicted or not. That's it. That's what we're facing right now. Those are what the numbers are looking like from CIBC, from brokerages. You've got, again, hundreds of

thousands of people facing eviction. If you want those people on the streets, go forth on the road that you're going on. If you don't want those people on the streets, you need to come up with something that's going to prevent that.

**Ms. Suze Morrison:** Yes, thank you so much, and I completely agree. A lot of folks don't know that, actually, when we began the summer extension of the House, we had an agreement in place with the government members that we were not going to call any non-COVID-related business during this time. So we were really quite shocked and surprised to see the government try to fast-track Bill 184, because it only takes a bad situation and makes it worse during COVID-19. I think—and I hope you agree—that our time is better spent trying to support folks to get through this pandemic.

Do you have any comments to make on the ex parte eviction piece of this bill?

**Mr. Geordie Dent:** Yes. When the bill initially came out, we saw that as kind of a minor change to the kinds of agreements that were made in mediation. But since COVID, you're going to have tens of thousands of those now—one would hope, instead of throwing people out. So again, you're basically trying to stop a safeguard that prevents people, basically, from their landlord saying, "Oh, yeah, they didn't pay," even though they did, and then just getting an eviction order without a hearing. We see that now. It's pretty rare but it does happen. This is allowing more of that to happen right on the edge of a huge eviction crisis.

1740

Again, what I really want everyone to understand here is, and specifically members of government—I am very impassioned about this, because I deal with this every day. I take calls every day about this stuff, and that's why I am so baffled by this, because if you spend 24 hours in my shoes answering emails and taking these phone calls, moving forward with this bill just sounds like madness. I don't understand it. Again, this is the reality I live, and I don't want to see all of these people I'm talking to—a further incentive to throw them out faster.

**Ms. Suze Morrison:** Thank you very much. I'm going to pop over to Michael now. Again, thank you for being here with us today.

Do you think, as a tenant, that the Landlord and Tenant Board is easy to navigate and user-friendly for tenants?

**Mr. Mike Wood:** No, not at all. When it comes down to the Landlord and Tenant Board, a lot of the times there is no real help for them. There is only certain help, so a lot of the time they're left without help. They don't have the education on their rights, so they're left representing themselves at the LTB, which I have found actually ends up with many evictions because of that. Tenants are falling displaced, going homeless with nowhere to live because where they were before they were evicted was affordable; where they're going is not affordable.

It really comes down to the fact that there needs to be more of a balance for the tenants at the LTB to be able to protect themselves when it comes to a lot of issues. I've seen a lot of landlords where they go to the LTB and they manipulate when it comes to evidence and stuff. It's very

easy to do so. Tenants are able to be evicted just on showing a photo, and it was actually a different unit than the said tenant's actual unit. I've witnessed this many times. So there is definitely not a balance there.

**Ms. Suze Morrison:** Excellent. So would you say, then, that the balance of power at the board lies with landlords and not tenants?

**Mr. Mike Wood:** It does lie more with the landlords when it comes to protection for them, and I want to add, too, what I was saying before, lack of literacy as well.

**Ms. Suze Morrison:** Absolutely. Do you think that there is a risk with the recent 30% cut to legal aid that this government recently passed down, that that could risk tenants being able to access things like tenant duty counsel at the Landlord and Tenant Board?

**Mr. Mike Wood:** Definitely. This cutback to the legal representation that people rely on the most in our communities is really hurting everybody. There are a lot of people, like I said, that don't know their rights.

**The Chair (Ms. Natalia Kusendova):** Thank you. That's all the time we have. Thank you very much. Back to the government. MPP Hogarth.

**Ms. Christine Hogarth:** Thank you, Madam Chair. The people of Ontario expect legislators to be at work, and we will continue the safe and responsible reopening of the economy. As Ms. Morrison knows, we voted on working, and that includes continuing hearings and question period. This is something we discussed. This is part of the process of getting the economy back working. We're working, and that's why we're debating this legislation. That's why we're holding committee meetings. It shouldn't be a surprise to the NDP member, because we all agreed to it and voted on that piece.

I know that my colleague wants to ask a question, but I have a question first here. I think, Mr. Dent, you were surprised about this legislation, but I understand that you participated in some committee hearings or some consultations back last year, or someone from your organization participated. That was the beginning of this bill and putting together your thoughts on it, so it shouldn't have come as too much of a surprise that this is here, because you actually sat at those consultations.

One thing is, we had our first bill, our More Homes, More Choice bill, and this is the second part, to make sure that we can make renting more fair and easier for both tenants and landlords. Today we've had the opportunity to hear both. We've had a lot of landlords on and we've had a lot of tenants on today talking about their—unfortunately, today it's a lot about unfortunate situations. We have a lot of great landlords, a lot of great tenants, and if we could just get that combination together, it would be wonderful. But as we hear every day in our constit offices, there is a lot of anxiety. People can't afford their rent, and we get that, especially right now; people have lost their jobs. And then you have the landlords calling us because they can't afford to pay their mortgage because their tenants aren't paying. So you have to put it in perspective that there's not an evil side; it's just that everyone needs to pay their bills. We've all been renters at one time as we establish. Hey, I

was a couch surfer when I first moved to Toronto. I slept on my cousin's couch. I think she charged me \$400 for that, but that was a while back. We shared a space.

I just really want to talk about the positive things that are happening with this bill: providing stronger protections for tenants by requiring landlords of small buildings to give tenants one month's rent in compensation for evictions, for renovations or repair, or when they evicted a tenant on behalf of a homebuyer who wants to use the unit themselves. We're increasing maximum fines for offences under the RTA, and that's a really big portion of this. There are fines; illegal is illegal. Everyone needs to remember that. As tenants, if someone is doing something illegally, it is illegal, so you do have your rights there.

We also require landlords 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. Because we've heard that a landlord might evict somebody over and over again and that's not the case. That's part of this legislation.

Do you agree with some of those changes? I'm going to ask that question to Michael Wood.

**Mr. Mike Wood:** Thank you very much for the question. You know what? Even with the fines being mentioned in this, it's still not high enough. We've watched landlords previously get fines already across the way here in Toronto where the fines were nothing for them. They laugh at these kinds of things. So, they're able to continue on by evicting and throwing tenants out on the streets illegally and being able to profit off of it. It's the profit margin that they get later on that pays for these fines within a few weeks or months.

**Ms. Christine Hogarth:** We're talking about small landlords. They have one or two tenants. Some 70% of our landlords are small landlords.

**Mr. Mike Wood:** Right.

**Ms. Christine Hogarth:** Not millions of dollars.

**Mr. Mike Wood:** And I still see small landlords doing it right now, even where we just witnessed in Hamilton, a small landlord went up to a tenant's door asking them to accept \$8,000 or \$9,000 to move out, just because they want to get them out to be able to increase the rent.

The fact is that landlords are always trying to create their profits to be much higher. It's not about getting the tenant out because they've done wrong. It's more about because they want to turn it into a luxury business.

**The Chair (Ms. Natalia Kusendova):** Mr. Barrett, you have a minute and a half.

**Mr. Toby Barrett:** Thank you, Chair.

Perhaps a quick question, Robert. I commend the federation of metro tenants and the work you do resolving a myriad of little disputes that don't end up at the Landlord and Tenant Board.

This legislation, as you know, is suggesting alternate dispute resolution for some of those serious issues you're referring to with the unusual times we're going through now.

I think of Toronto. So many people are losing their parking rights and are being required to pay for parking.

Does that necessarily need to go to the Landlord and Tenant Board? Do you feel, as suggested in this legislation, there could be alternatives for dispute resolution, as we've seen in so many other Canadian provinces?

**Mr. Robert Field:** I've personally always been a fan of alternative dispute methods. In my previous employment, I did a lot of negotiation, mediation and alternate means to resolve things. Yes, of course. We should try to keep the number of things that go to the Landlord and Tenant Board down because you want the Landlord and Tenant Board to deal with bigger issues—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. For our last round of questions: MPP Morrison.

**Ms. Suze Morrison:** Thank you so much. Who do I want to talk to? I think I'll go back to Michael from Hamilton. Let's talk about the illegal rent increases and how this bill will make it possible for landlords to make illegal rent increases permanent. Do you think that's fair?

**Mr. Mike Wood:** No. It's not fair to allow landlords to be able to illegally increase rents, or even more.

This is a business all over. They make money off of rent so therefore they should be able to and know how to put that money somewhere when it comes to repairs, maintaining the property, whatever it will be. Why should it always be on the backs of tenants that they should always have a rent increase just because the landlord wants to profit even more off of their property?

Really, it comes down to—we see a lack of maintenance. We've been hearing the stories around, saying that our housing stock has been left in distress, and yet where has that money gone? Where has the money gone, with the rent increases before? This is not new. We've had rent increases before, and landlords have not put that anywhere. So it shouldn't be on the back of tenants, is what I've got to say on that one.

1750

**Ms. Suze Morrison:** I think we'll pop back over to FMTA. We'll go to Geordie next. When we see mass evictions as a result of COVID, when the board starts back up again and starts processing the backlog of evictions, where are those tenants supposed to go?

**Mr. Geordie Dent:** They're probably going to be going into other vacated units. We saw this during the 2009 financial crisis. Really, you're probably just shuffling the deck. You're going to get people who are in economic dire straits. The estimations around the increase of homelessness in Toronto are about 13,000, but a lot of those people are just going to be going into other units at a higher rent, unfortunately.

**Ms. Suze Morrison:** So it's going to do nothing to stabilize the economic situation that tenants are facing. They're just going to have to end up dealing with the cost of moving and paying higher rents in their new apartments.

**Mr. Geordie Dent:** That's what happened in 2009, so yes.

**Ms. Suze Morrison:** And what do you think that that will do to the inflation of rental prices overall as we look forward? What are your predictions of rent trends if that's the case?

**Mr. Geordie Dent:** They're going to keep going up. Again, we haven't been building rental supply over the last 25 years. We used to have federal and provincial programs for that. They were cut in the 1990s. All the tenant advocates said we're going to end up where we are today, and that has been borne out. So you're going to have people—again, they're going move, they're going to have to pay slightly higher rents, and they're going to have less money to do it. And a lot of them are just going to end up on the streets, in new camps that are popping up.

**Ms. Suze Morrison:** What would you say is the cost to the provincial government for allowing mass evictions and mass homelessness to occur?

**Mr. Geordie Dent:** That's not really a question I can answer. Again, I don't really know what the rationale here is for this. We've tried in a variety of different ways—letter-writing campaigns, petitions—to say, “You've got to do something to deal with this,” but we haven't really heard anything other than this bill coming up.

**Ms. Suze Morrison:** We'll pop back to Michael. Do you have anything else that you'd like to ask of this government to consider that would improve tenant rights in Ontario?

**Mr. Mike Wood:** Definitely. We need to see a stop in renovictions, because we're seeing this across the board. It's a huge thing right now that's displacing renters everywhere, and landlords are, quite frankly, escalating how they push tenants out when it comes to renovictions. I've been a witness right on-site, where landlords are getting physically and verbally abusive, mentally abusive, making fun of tenants with mental health issues. The police says, “It's an LTB matter. We leave it for that.” Meanwhile, the LTB is closed right now.

Those tenants living in these homes during COVID-19—can you just imagine how they feel, being locked in their homes, not being able to have any kind of defence for themselves? And the fact that people are still throwing tenants out, and during COVID-19, when we're being told to stay home and stay safe, and the landlord is just sitting here, saying, “You don't have a right to a home. You must get out now or next week, just because we want to profit off of the rent” is, quite frankly, disgusting. That's what this is all about: profit.

If the government really wants to fix the issues, for the incomes to be raised, we need more affordable housing. We need to fix the real issues here—not sit here and look for something else that's going to completely damage residents across communities. It's going to be the government that pays for this in the long run. If we want to continue to have tenants thrown out on the street, it's the governments who are going to continue to pay, which they're already questioning now. Where do we have the money for the homeless people across the province? That is increasingly, every day, becoming more and more of a disaster. So I think we really need the government to look at the real issues here.

**Ms. Suze Morrison:** Chair, how much time do I have?

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

**Ms. Suze Morrison:** Quickly, FMTA, are there any last words that you want to say to the government?

**Mr. Geordie Dent:** Yes. I just actually wanted to touch on one thing, on fines and increased penalties. There are 1.5 million rental units in Ontario. The number of fines that were issued last year was three. So, increasing fines and penalties is going to help in three out of 1.5 million cases. It's not really going to help outside of that.

**Ms. Suze Morrison:** It's not the measure the government should be hanging their hat on in this bill, then?

**Mr. Geordie Dent:** Again, if you think penalties matter, they matter three out of 1.5 million times, if last year is an indication.

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

**The Chair (Ms. Natalia Kusendova):** This brings us to the end of our public hearings for today. I'd like to thank all the staff, all of our presenters and all the members for participating.

As a reminder, the deadline to send in a written submission is 6 p.m. on June 26, and the deadline for electronically filing amendments to the bill with the Clerk of the Committee is 6 p.m. on Monday, June 29.

This committee is now adjourned until 10 a.m. tomorrow, when we will resume our hearings on Bill 184. And just as a reminder, our pre-committee meeting will be at 9:45 a.m. Thank you very much.

*The committee adjourned at 1756.*







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