



June 26, 2020

The Ontario Legislature Standing Committee on Social Policy

Right to Housing in Toronto Submission on Bill 184: Protecting Tenants and Strengthening Communities

Right to Housing in Toronto

Right to Housing in Toronto (R2HTO) is a network of individuals and organizational supporters that are working to ensure that the City of Toronto takes a rights-based approach to its housing planning and policy. The work of R2HTO is guided by a Steering Committee that consists of ACORN Canada, Advocacy Centre for Tenants Ontario (ACTO), Centre for Equality Rights in Accommodation (CERA), Emily Paradis (Maytree Fellow, Housing and Homelessness Researcher), Federation of Metro Tenants' Association (FMTA), Joy Connelly (Housing Advocate), and Maytree.

The human right to adequate housing

Under international law, all orders of government have the duty to protect, respect, uphold and fulfill human rights, including the human right to adequate housing. Fundamentally, the right to adequate housing is the right to live somewhere in peace and dignity. In order to meet the test of adequacy under international law, housing must be affordable, accessible, suitable to its occupants, in safe and healthy condition, equipped with necessary infrastructure such as heat and water, and located in proximity to necessary services. Occupants must have security of tenure and be protected from arbitrary eviction. These rights must be upheld for all, without discrimination on the basis of race, gender, Indigenous status, immigrant status, disability, age, faith, sexual orientation, or other protected grounds.

Governments must demonstrate progressive realization of the right to housing through programs, policies, and laws. They must take urgent action to address homelessness and other severe violations of the right to housing. It is expected that wealthy countries like Canada dedicate the maximum available resources to realize the right to adequate housing for all in the shortest possible time.

Governments in Canada are beginning to implement the right to housing in law and policy. In June 2019, Canada's [National Housing Strategy Act](#) affirmed the right to adequate housing in Canadian law for the first time. In December 2019, the City of Toronto followed suit with a [10-year housing and homelessness plan based in human rights](#). By these commitments, our federal and municipal governments pledge to progressively realize the right to adequate housing for all over time, and to provide immediate relief to those in urgent need.

The human right to adequate housing in Ontario

Like other orders of government, the Government of Ontario has a duty to uphold the basic human right and need for adequate housing. With many areas of housing policy falling under provincial jurisdiction, Ontario has many opportunities to protect, promote, and fulfill this fundamental human right.

Canada and Ontario are fortunate to enjoy strong human rights protections and respect for the rule of law. This is also the case with regards to the right to adequate housing. Our housing system works well for the majority of Ontarians: close to 70 percent own their homes, and of those who rent, half are in homes they can afford.¹

On the other hand, as shown in analysis by Ontario's Ministry of Finance,² a growing number of Ontarians lack access to housing that is adequate, affordable, safe, and secure. This is particularly the case among tenants. Close to half of all renters spend more than 30 percent of their income on rent; 12 percent are in overcrowded homes; and 9 percent are in dwellings requiring major repairs. Moreover, an increasing share of tenants rent condominiums, with less security of tenure than those in purpose-built rental, and fewer avenues for pursuing necessary maintenance and repairs. More than 180,000 tenant households are on the waiting list for affordable housing. Meanwhile, rates of homelessness are on the increase, with shelter systems in large cities unable to meet the demand.

The coronavirus pandemic has highlighted how critical adequate, secure housing is for individual health and for the health of the public at large. The right to housing is clearly interdependent with the rights to health and life. More than ever, Ontarians' lives directly depend on the right to adequate housing.

Implementing the right to adequate housing in Ontario through Bill 184

With Bill 184, Government of Ontario has opportunity to align landlord and tenant law with the human right to adequate housing. Bill 184 addresses several of the most critical components of

¹ Ontario Ministry of Finance. 2016 Census Highlights: Factsheet 11.
<https://www.fin.gov.on.ca/en/economy/demographics/census/cenhi16-11.html>

² ibid

that right: security of tenure, affordability, and safety. Swift action to secure these rights has never been more necessary than right now, when tens of thousands of Ontario tenants are facing lost income, rental arrears, and the risk of eviction.

Bill 184 was drafted before the coronavirus pandemic, and as a result it fails to take into account the impact of the crisis on tenants' health and incomes. Because of this gap, R2HTO is concerned that Bill 184 could place tenants at greater risk of eviction. Rather than promoting and fulfilling human rights, the bill in its current form would be in contravention of human rights requirements.

Bill 184 is out of step with the Government of Ontario's recent swift action to protect tenants by enacting a moratorium on evictions during the pandemic. We strongly urge this Committee to take Bill 184 off the table and introduce new legislation that responds to the unprecedented changes brought by COVID-19.

We urge this Government to enact legislation that will protect tenants' security of tenure, preserve affordable housing, ensure that rental housing is safe and healthy, uphold equity in housing, and engage the rights-based participation of tenants in the policy-making process.

Security of Tenure

Bill 184 includes some welcome provisions to enhance tenants' security of tenure by strengthening protection from illegitimate evictions, including:

- Increased penalties for illegal evictions and for failing to honour tenants' right of return after renovations;
- An extended complaint period for tenants to report illegitimate evictions;
- Compensation for tenants evicted when a building is sold; and
- Expansion of compensation to tenants in building of all sizes when their buildings are demolished, converted or renovated.

Notwithstanding these measures, R2HTO is gravely concerned that **Bill 184 would jeopardize tenants' security of tenure due to its provision for expedited eviction if a tenant fails to fulfill a repayment agreement.** This provision is problematic in general, but would pose an even greater danger to tenants in the context of COVID-related arrears.

With an estimates that between 8-15 percent of renter households have been unable to pay all or part of their rent in each of the months of April, May, and June, a large number of Ontario tenants have entered into repayment agreements with their landlords. Because a large share of low- and moderate-income workers are facing job losses or lost hours, many tenants may not be in a position to fulfill these repayment plans. In its current form, Bill 184 would enable landlords to fast-track eviction of tenants dealing with COVID-related arrears. This would result in a devastating wave of evictions that would not only violate tenants' right to security of tenure, but would overwhelm the homelessness services system at a huge cost to the Province and municipalities.

We urge this Government to protect tenants' security of tenure by:

- Extending the current eviction moratorium until the pandemic and post-pandemic recovery period have been resolved, with infection and employment rates back at pre-pandemic levels;
- Directing the LTB to provide relief from eviction due to COVID-related arrears;
- Ensuring that repayment plans are sustainable and do not push tenants into debt;
- Providing for the right to a hearing for all tenants facing eviction, including those who have been unable to fulfill a repayment plan or mediated agreement; and
- Further strengthening enforcement measures to penalize illegitimate evictions.

Affordable Housing

The Residential Tenancies Act plays a vital role in preserving affordability of rental housing by limiting rent increases on occupied units – but this Act must be amended to strengthen rent control. Recent research shows that more than 320,000 affordable units were lost across Canada between 2011 and 2016, often due to the unlimited rent increases enabled by vacancy decontrol. Almost half of Ontario renters pay more than they can afford for housing.

We urge this Government to protect tenants’ right to affordable housing by:

- Introducing rent control on vacant units; and
- Extending rent control to new-built units occupied after November 2018.

Safe and Healthy Housing

More than 60 percent of applications to the Landlord and Tenant Board are from landlords seeking eviction for arrears, while fewer than 10 percent are from tenants seeking necessary repairs and maintenance for their units. Research suggests that a much larger number of tenants face unsafe or unsanitary conditions in their units, but they do not bring these concerns to the Board due to the difficulty and expense of filing a tenant application.³ Currently, tenants are provided the opportunity to raise these kinds of concerns during an arrears hearing. This is particularly important for vulnerable tenants who may not have the resources to file their own tenant application.

Bill 184 would eliminate this option for tenants, thereby increasing the barriers tenants face in claiming their right to safe and healthy housing.

We urge this Government to uphold tenants’ right to safe and healthy housing by:

- Retaining tenants’ right to raise these issues at arrears hearings;
- Enhancing support to tenants to bring tenant applications to the LTB; and
- Increasing enforcement and penalties to landlords who fail to comply with health and safety standards.

Rights-Based Participation

This Government has an important opportunity to bring landlord-tenant law in line with human rights, and to protect Ontarians whose health, homes, and livelihoods have been threatened by

³ ACTO. (2016). Access to Justice: The Case for Ontario Tenants. https://www.acto.ca/production/wp-content/uploads/2017/07/TDCP_Report_2016.pdf

COVID-19. The best way to ensure that policies uphold human rights is to engage those directly affected in policy development.

We urge this Government to engage the participation of rights-holders by:

- Reinstating the Stakeholder Committee to advise on changes to the RTA that will meet tenants' needs and uphold their rights.

Landlord and tenant law is one of the most critical platforms for implementing the human right to adequate housing. This Government has demonstrated its commitment to tenants' well-being and security by enacting a moratorium on evictions during the COVID crisis. We urge the Government to build on this commitment, and revise this legislation so that it protects security of tenure for tenants affected by the pandemic, improves housing affordability, upholds tenants' right to safe and healthy housing, and engages the participation of rights-holders.