

# Safety & Maintenance

## RIGHTS REVIEW

**EXECUTIVE SUMMARY**

**Right to  
Housing  
in Toronto**



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Right to Housing 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), Centre for Independent Living in Toronto, Colour of Poverty – Colour of Change, Federation of Metro Tenants’ Association (FMTA), Jane Finch Housing Coalition, Maytree, West Scarborough Community Legal Services, and housing advocates Joy Connelly and Ingrid Palmer.

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# 1

## Executive Summary

Access to a safe and well-maintained home is essential to the realization of people’s right to housing. Habitable homes promote dignified living and promote the well-being of their residents. Neglecting safety and maintenance-related issues can have detrimental impacts on residents, which can range from physical health issues such as mould, pest infestations and poor insulation that can cause chronically uncomfortable and stressful conditions. It is imperative that the City of Toronto take action to ensure that people’s homes are safe and secure, especially for vulnerable residents and people living on lower incomes.

The City of Toronto committed to a rights-based housing strategy by passing its 10-year housing plan, the HousingTO 2020-2030 Action Plan. Its new Toronto Housing Charter, meant to guide the City of Toronto’s housing policies, commits the City to the progressive realization of the right to adequate housing based in international law and Canada’s National Housing Strategy Act. The Charter specifically commits to advance the principles that “All residents have a right to housing that is maintained in a state of good repair” and that, “All residents have a right to a home that is part of a complete community with equitable access to a range of opportunities to live, work, learn, and play.”<sup>1</sup>

However, lower income residents of Toronto, many living in rental housing, are facing various safety and maintenance issues in their homes. In 2020, ACORN reported that nearly 70% of its members, who are low to moderate income renters, said that repairs were needed in their units on the day they moved in.<sup>2</sup> This is unfortunately not surprising as much of Toronto’s rental housing available for lower income residents is in a state of disrepair. Many of Toronto’s affordable rental housing such as older high-rise apartment buildings or units in Toronto Community Housing are in need of major capital repairs. Neglecting these buildings puts the health and safety of residents at risk. Meanwhile, some of Toronto’s most affordable housing options in multi-tenant housing are unregulated and unlicensed, putting the safety of its residents at risk without much legal recourse to improve their living conditions.

The persistence of safety and maintenance issues in affordable rental housing in Toronto must be a key policy priority for the City and with appropriate interventions, the City can prioritize the safety and well-being of those impacted most. The City can play a major role in protecting the safety of residents and promoting well-maintained homes by ensuring that landlords meet their maintenance obligations, that tenants are well-informed about their legal rights and supported, and that investments are made in repairing and renewing aging rental housing.

This Safety and Maintenance Rights Review examines the City of Toronto’s housing frameworks and programs through a rights-based approach. It provides insights into what is working, and where these policies are falling short in promoting renters’ safety and maintenance. Through a set of recommendations, grounded in principles of the right to adequate housing, our aim is to provide practical ways to improve residents’ access to safe, adequate and habitable homes.

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1 City of Toronto, “HousingTO 2020-2030 Action Plan,” (December 2019), 23. <https://www.toronto.ca/wp-content/uploads/2020/04/94f0-housing-to-2020-2030-action-plan-housing-secretariat.pdf>

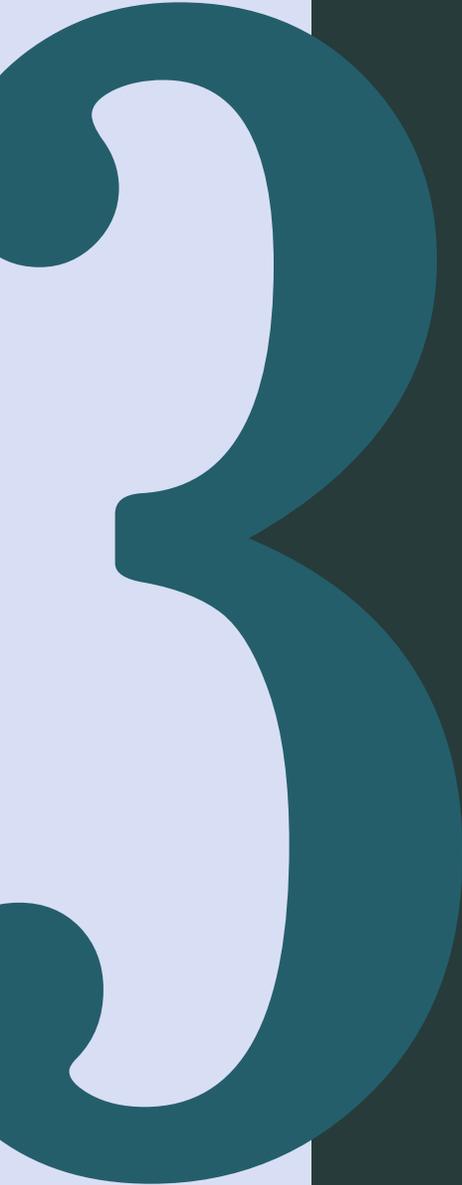
2 ACORN Canada, “Toronto State of Repair 2020 Report,” (December 2020). <https://acorncanada.org/resource/toronto-state-repair-report-2020>



# Right to Housing Principles

## **Our recommendations for the City of Toronto are based on the following principles:**

- 1** Everyone has the right to a safe, adequate and well-maintained home that respects their dignity and does not pose risks to their mental or physical health.
- 2** The City must meaningfully engage with and ensure the effective participation of individuals and communities living in housing of inadequate quality in the creation of policies and strategies that apply to them.
- 3** The City must ensure access to justice for individuals and communities directly affected by inadequate housing. In particular, the City must ensure timely responses and remedies to exercise their right to safe, adequate and well-maintained homes.
- 4** Inadequate housing must never be allowed to render people homeless.



# Rights-based Recommendations for the City of Toronto

Our recommendations for the City of Toronto to ensure that housing is safe and well-maintained are based on the right to housing and human rights principles.

The City must abide by these principles to implement comprehensive and rights-based policies and strategies for ensuring the adequacy and quality of housing for all residents in the city, including those living in social housing, multi-tenant homes and private market rental housing.

# 1 Ensure that all Toronto residents have equal access to a safe, adequate and dignified home

**PRINCIPLE 1:** Everyone must have a safe, adequate and well-maintained home that respects their dignity and does not pose risks to their mental or physical health.

## Recommendations for the City of Toronto:

- Ensure the housing under the City of Toronto’s ownership meets housing adequacy standards and is maintained in a state of good repair by prioritizing the capital repair needs of TCHC homes.
- Ensure Toronto’s affordable private rental homes meet housing adequacy standards and are in a state of good repair and, in particular, prioritize:
  - Dedicating the maximum available resources to advance habitability and adequacy standards in the City’s private rental homes.
  - Enforcing property standards related to health and safety.
  - Bringing the worst-performing buildings back into a state of good repair.
  - Providing stronger incentives for owners to repair and retrofit units, ensuring that affordability levels are maintained.
  - Ensuring revitalization plans meet the housing needs of existing tower residents and build protections against displacement.
- Protect the safety and well-being of all renters, regardless of the type of housing in which they reside by:
  - Ending the discriminatory restrictions on multi-tenant housing so that the safety and well-being of all renters is protected, regardless of income or housing type.
  - Establishing a unified regulatory regime where multi-tenant houses are permitted in every residential zone, with clear standards to ensure adequacy and safety for all residents.
- Prioritize deep capital repairs and retrofits in low-income and racialized neighbourhoods.

## 2 Meaningful engagement and effective participation from tenant residents

**PRINCIPLE 2:** The City must ensure that tenants are able to meaningfully and effectively participate in decision making affecting them, including the design and implementation of policies, programs and practices designed to improve the quality of their housing.

### Recommendations for the City of Toronto:

- Engage with low to moderate income renter communities and encourage participation in decision-making.
- Proactively engage with tenant communities and build avenues for their participation in property standard enforcement actions.
- Increase funding for community development and tenant organizing.
- Engage and support the creation of tenant associations in tower communities.
- Develop more ways to bring tenants' lived experience to inform policy decisions related to improving the safety and adequacy of housing.
- Revitalize existing high-rise apartment buildings through a community-centered approach.

## 3 Access to justice must be ensured for individuals and communities affected by inadequate housing

**PRINCIPLE 3:** The City must ensure access to justice for individuals and communities directly affected by inadequate housing. In particular, the City must ensure timely responses and remedies to tenants who exercise their right to safe, adequate and well-maintained homes.

### Recommendations for the City of Toronto:

- Enhance the enforcement of property standards to keep renters safe by strengthening the City’s primary mechanism to provide tenants an opportunity to pursue their right to a safe and adequate home:
  - Continue to fund the RentSafeTO program and strengthen enforcement activities.
  - Increase engagement with residents and ensure tenants are informed about the Rent-SafeTO program.
  - Improve RentSafeTO’s complaint mechanisms and include unit inspection during building evaluations.
  - Increase the number of RentSafeTO Bylaw Enforcement Officers (BEOs) to allow for more comprehensive evaluations.
  - Ensure RentSafeTO’s evaluation system speaks to the broader Property Standards complaint system to cross reference service requests and tenant complaints.

## 4 Inadequate housing must never be allowed to render people homeless

**PRINCIPLE 4:** In situations where the safety and adequacy standards are so lacking that an individual cannot remain in their home, they must not be rendered homeless.

### Recommendations for the City of Toronto:

- Meaningfully engage with individuals who are facing the loss of their home due to severe breach of adequacy standards and provide immediate assistance with relocation.
- Prior to losing their home, tenants must be provided with adequate alternative housing options of similar size, quality and cost and in close proximity to their community, employment, schools, services, etc.
- Where the individual facing the loss of their home resides in City-owned housing, the City should provide financial compensation.
- Where the individual facing the loss of their home resides in private housing, including in multi-tenant housing, the City should consider all options at their disposal to require the housing provider to assume responsibility for the costs of moving and securing alternative housing and/or face sanctions. The City should also consider providing financial compensation to affected individuals.
- In all cases, the City should ensure that the housing be returned to a state of good repair as soon as possible and that any tenants displaced be provided with a right of first return upon the completion of the repairs, and do everything it can within its power to ensure that tenants return at the same rental rate as before.

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