

# Safety & Maintenance

## RIGHTS REVIEW



Right to  
Housing  
in Toronto

© Right to Housing Toronto, December 2021

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.

# TABLE OF CONTENTS

1. Right to Housing Principles Guiding our Recommendations	4
2. A Rights-Based Approach to Safety and Maintenance	6
3. Toronto's Policies and Strategies: Safe and Well-Maintained Housing	11
4. Reports from the Ground: Effectiveness and Improvements	20
5. Key Priorities for 2022	25
6. Recommendations for the City of Toronto	27

# 1

## Right to Housing Principles

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

The City of Toronto must 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

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.



# A Rights-Based Approach to Safety and Maintenance

Neglecting safety and maintenance related issues can have innumerable detrimental impacts on households: examples range from mouldy units affecting residents' physical health to pest infestations and poor insulation causing chronically uncomfortable and stressful conditions. These issues affect the habitability of a home and the health of its residents. Access to a home fit for habitation that promotes dignified living is essential to an individual's right to housing and right to life<sup>1</sup>, as required by international human rights law. In achieving these rights, government intervention is critical to mitigate the risk of chronic neglect in maintaining safe and secure homes, especially for those living on lower incomes and vulnerable tenant populations. A rights-based approach can be an effective and practical way to address these problems, which is a commitment the City of Toronto made by adopting a rights-based 10-year housing strategy.

With the passing of the HousingTO 2020-2030 Action Plan in 2019, the City of Toronto committed to an ambitious rights-based housing strategy, informed by an updated Toronto Housing Charter. The new Toronto Housing Charter explicitly commits to the progressive realization of the right to adequate housing, in line with international law and the federal government's legislation of the National Housing Strategy Act. It is grounded in 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>2</sup> The Housing Charter is meant to guide the City's housing policies to advance residents' right to safe, secure, adequate and affordable homes.

However, lower income Torontonians frequently have difficulty finding affordable homes that are in good and well-maintained condition. 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>3</sup> The neglect of buildings, causing them to fall into a state of disrepair, and the lack of housing choices force these individuals to live in unsafe and inadequate homes. Close to a third of ACORN tenants report feeling threatened when making complaints about conditions in their units.<sup>4</sup> The persistence of safety and maintenance issues in affordable rental housing in Toronto should be a key concern and policy priority.

With the right interventions, the City can prioritize the safety and well-being of those impacted most and ensure affordable rental housing in Toronto returns to and remains in a state of good repair while maintaining affordability levels. All of this would advance the City's commitments to progressively realize the right to housing as outlined in its 10-year housing plan.

---

1 UN Habitat, "The Right to Adequate Housing," Fact Sheet No. 21/Rev.1 (November 2009). [https://www.ohchr.org/documents/publications/fs21\\_rev\\_1\\_housing\\_en.pdf](https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf)

2 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>

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

4 Ibid.

## Maintenance and Repair Issues in Toronto's Affordable Rental Housing Stock

In light of Toronto's housing affordability crisis, individuals living on low to moderate incomes have a limited range of housing options. With rents in new condominiums and luxury rentals beyond what these individuals can afford, older apartment buildings have become the go-to-choice for many lower-income renters. High-rise apartment buildings house approximately half of all tenants in Toronto, estimated at 500,000 individuals, with more than 2 in 5 households living on lower income residing in these units.<sup>5</sup> As a major source of affordable housing options in the city, these buildings offer tenants slightly lower rents, with renters in these buildings paying on average 14% less than those living in Toronto's other purpose-built rental housing.<sup>6</sup> Other housing in the secondary rental market, such as condominiums and basement apartments, that may offer lower average rents, do not provide a secure form of tenancy for tenants looking for long-term housing.<sup>7</sup> The most deeply affordable housing options left in the private market are multi-tenant houses (also known as rooming houses – discussed in detail in a below section) which have been excluded from many neighbourhoods in the city. For another segment of lower income residents, deeper affordability is available through the City's social housing but long waitlists have forced the overwhelming majority of low-income renters in Ontario to live in private rentals.<sup>8</sup>

Unfortunately, much of Toronto's rental housing for lower income populations is in a state of disrepair, with public and private sector landlords falling short on their commitment to ensure the safety and maintenance of tenants. Older high-rise apartment buildings with relatively affordable rents represent a large portion of housing in need of major capital repairs. Already, the detrimental impact of aging rental housing stock and lack of maintenance and repairs has been felt by some of Toronto's tenants. For example, in August 2018, fires in St. Jamestown displaced nearly 1,500 tenants for almost a year and a half, and other buildings have been dealing with ongoing electrical issues that have left thousands of residents without power.<sup>9</sup>

When buildings are neglected and major repairs overlooked, residents risk facing pest infestations,

5 Greg Suttor, Kate Murray, "Healthy Housing Solution Lab: Framing Report," Wellesley Institute (July 2020), 3. <https://www.wellesleyinstitute.com/wp-content/uploads/2021/01/2-Framing-Report.pdf>

6 United Way, Neighborhood Change, "Vertical Legacy: The Case for Revitalizing the GTA's aging rental tower communities," (November 2021), 13. <https://www.unitedwaygt.org/file/2021-Vertical-Legacy-Full-Report.pdf>

7 ACTO, "Tenant Protection and Rent Regulation in Ontario," (March 2021), 6. [https://www.acto.ca/production/wp-content/uploads/2019/07/Factsheet\\_March2021.pdf](https://www.acto.ca/production/wp-content/uploads/2019/07/Factsheet_March2021.pdf)

8 ACTO, "Where will we live? Ontario's affordable rental housing crisis," 8. [https://www.acto.ca/production/wp-content/uploads/2018/05/WhereWillWeLive\\_May2018\\_ACTO\\_Report.pdf](https://www.acto.ca/production/wp-content/uploads/2018/05/WhereWillWeLive_May2018_ACTO_Report.pdf)

9 Julianna Perkins, "After 18 months of displacement, the residents of 650 Parliament St. are finally going home," The Globe and Mail, (January 27, 2020). <https://www.theglobeandmail.com/canada/toronto/article-after-18-months-of-displacement-the-residents-of-650-parliament-st/>



mold, decay and other major in-unit disrepairs. At the same time, the dearth of affordable housing options in the city forces many tenants to put up with safety and maintenance issues. Additionally, residents may feel vulnerable to losing their home and do not voice their concerns or challenge their landlords. Tenants living in rooming houses unregulated by the City also face major safety and maintenance issues without much legal recourse to better their living conditions.

For those who try to seek remedies at the Landlord and Tenant Board (LTB), they wait long periods of time for their hearing while continuing to live in inadequate conditions in their home.<sup>10</sup> The growing backlog of hearings at the LTB has further deprioritized tenant cases. The lack of timely access to remedies and justice has been made even worse with the LTB's Digital First approach<sup>11</sup> and recent move to clear its case backlog by treating tenant rights applications less seriously.<sup>12</sup> Even when tenants are able to have their matters heard at the LTB, they do not have the supports they need to navigate the complex tribunal system in the majority of cases representing themselves against their landlords who have representation.<sup>13</sup>

## Addressing Safety and Maintenance Challenges: Role of Municipal and Other Levels of Governments

Municipal governments can play a major role in advancing the right to adequate housing, especially when it comes to protecting residents' safety and promoting well-maintained homes. They can ensure that rental housing meets maintenance standards and that vital services and infrastructure are available to residents. These outcomes can be advanced through policies that regulate and licence landlords, enforce property standards, promote the repair of aging rental buildings, and engage residents to learn about the availability of City housing programs and about their legal rights, and to organize to advance their rights collectively.

When effectively adopted by a municipality, these policies and programs can promote localized and community-centred solutions to maintenance and repair issues. Meanwhile, provincial laws and the justice system can play an important role in advancing safety and maintenance through strong tenant protections and effective enforcement of landlords' legal obligations to maintain safe and adequate housing.

10 Joanne Laucius, "Virtual Landlord and Tenant Board hearings expose the 'digital divide,'" Ottawa Citizen, (August 9, 2021). <https://ottawacitizen.com/news/local-news/virtual-landlord-and-tenant-board-hearings-expose-the-digital-divide>

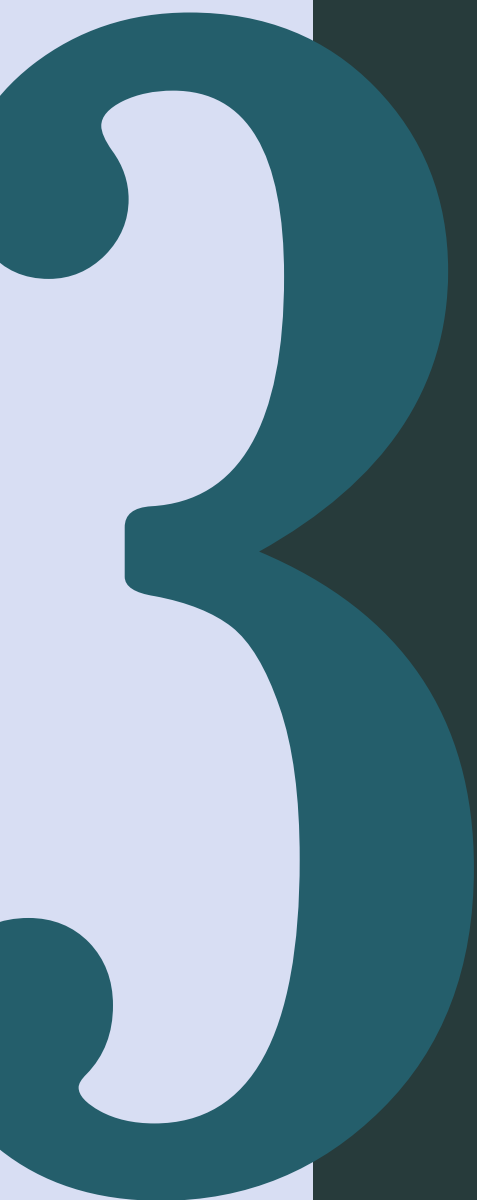
11 Tribunals Ontario, "Updated Practice Direction on Hearing Formats," Tribunals Ontario Website, (Access November 2021). <https://tribunalsontario.ca/to-november-30-2020-updated-practice-direction-on-hearing-formats/>

12 ACTO, "The Landlord and Tenant Board is escalating its institutional hostility against Tenants with new Administrative Closure Practice" (November 26, 2021). [https://www.acto.ca/production/wp-content/uploads/2021/11/PressRelease\\_ACTO\\_AdminClosure\\_Nov26.pdf](https://www.acto.ca/production/wp-content/uploads/2021/11/PressRelease_ACTO_AdminClosure_Nov26.pdf)

13 ACTO, "We Can't Wait: Preserving Our Affordable Rental Housing in Toronto," (November 2019). [https://www.acto.ca/production/wp-content/uploads/2019/11/FINAL\\_Report\\_WeCantWait\\_Nov2019.pdf](https://www.acto.ca/production/wp-content/uploads/2019/11/FINAL_Report_WeCantWait_Nov2019.pdf)

Additionally, adequate funding from provincial and federal governments is vital to help municipalities prioritize the preservation of affordable housing stock, meet the repair needs of their decaying social housing stock, promote public partnerships with non-profit housing organizations, and provide incentives to private landlords to repair their older buildings while maintaining affordability levels. These cooperative efforts between various levels of government to advance the right to housing are possible and should be a priority for the federal government if it aims to achieve the goals of its National Housing Strategy.

In the following sections, this report examines the City of Toronto's housing frameworks and programs that impact the safety and maintenance of renters, followed by reports from civil society on the effectiveness and shortcomings of these initiatives. Through a rights-based approach, recommendations are presented to guide the key actions of the City in ensuring that Toronto residents have access to safe, adequate, and well-maintained homes.



# Toronto's Policies and Strategies: Safe and Well-Maintained Housing

The City of Toronto's HousingTO 2020-2030 Action Plan outlines 13 key strategic actions meant to improve housing outcomes for residents of Toronto. In response to tenants' and stakeholders' concerns over the aging state of publicly and privately-owned affordable rental housing throughout the city, the Action Plan's key strategic action 7, "Ensuring Well-Maintained and Secure Homes for Renters", provides a set of future tactical actions that the City can undertake to ensure the existing affordable housing stock is well-maintained and safe to live in. The City has also committed to continue, enhance and integrate inspections, repairs and energy efficiency programs to benefit residents of aging rental buildings.

In this context, the City has initiated and continued a range of programs that contribute to the HousingTO Action Plan's Action 7 on ensuring security and maintenance. These programs can be categorized as: those supporting engagement with tenant communities to understand their housing needs and encourage their participation; those aimed at enforcing maintenance property standards; and those incentivizing repairs and retrofits of Toronto's aging affordable housing stock.

## A) Tenant Knowledge Mobilization and Support

### Tenant Advisory Committee (TAC)

In 2021, the City of Toronto established a permanent Tenant Advisory Committee ("TAC") through an open application call made the previous year. The selected committee members (ten total) represent tenant advocates, people with lived experience, housing agencies, legal clinics and other members of the housing sector. Some of the committee members were previously part of the Advisory Committee on the Protection of Affordable Rental Housing. The TAC held its first meeting in March 2021.

The committee's work aims to advance the protection of affordable rental homes as well as preserving tenancies. They are tasked with developing an annual work plan to advance this aim and provide policy and program advice on affordable housing preservation issues and government responses. The TAC has identified three major priorities for its work in 2021 – 2022: preservation of affordable rental housing, tenant rights, and ensuring well-maintained homes for tenants.<sup>14</sup>

### Tenant Defence Fund and other measures to regulate renovations

"Renovictions" are a growing trend in Toronto where landlords evict existing tenants to undertake renovations and tenants are unable to exercise their right to return. In response, in July 2021 the City

---

<sup>14</sup> City of Toronto, "HousingTO 2020-2030 Action Plan: 2020-2021 Progress Update," (November 2021), 44. <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-173154.pdf>

of Toronto expanded the use of the Tenant Defence Fund by implementing the Toronto Tenant Support Program, which allows tenants to use funds to challenge renoviction applications. Many tenants have argued that these renovations are in bad faith and are simply used to push out existing tenants so that landlords can increase rent for a new tenant. Additionally, as of November 2021, the City has initiated stakeholder consultations to inform the development of a renovations policy. With the aim of developing a draft policy by the end of 2021, the City is leveraging best practices and lessons learned from the successful renovations approach adopted by New Westminster, British Columbia. In the meantime, the City has supported the Federation of Metro Tenants' Association (FMTA) to help tenants facing renovations with legal information, organizing and access to resources.

## B) Property Standards and Enforcement

Strong property standards that prioritize the health and safety of residents, and the effective enforcement of these standards is vital to maintaining safe and adequate rental homes. The Toronto Property Standards Bylaw sets the minimum standards for all property types, residential and non-residential, owner-occupied or rented. Standards for properties can include air conditioning, washroom facilities, hot water, pest control, passageway maintenance, ventilation, and more. Separate bylaws within the umbrella of property standards also set requirements for compliance.

Multi-unit apartment buildings are covered by the Apartment Building Standards, referred to as RentSafeTO, which covers the large number of high-rise apartment buildings that are home to many lower income households. The Multi-Tenant Houses (commonly referred to as rooming houses) Property Standards covers the deeply affordable rental units available in the city, regulating and licensing owners to maintain their rental properties. However, a patchwork of zoning bylaws has left tenants of many rooming houses unprotected without recourse to uphold their right to safe and habitable homes.

### The Apartment Building Standards: RentSafeTO

RentSafeTO is a registration, audit and enforcement program that applies to apartment buildings with three or more storeys and 10 or more units. It evaluates buildings based on clearly set out obligations for property owners, with the aim of ensuring apartment building owners keep units in a good state of repair and that they maintain accessibility requirements for residents.<sup>15</sup>

Introduced in 2017, the RentSafeTO program strengthens the City's previous Multi-Residential Apartment Buildings (MRAB) audit program through a more proactive approach to maintaining building

---

<sup>15</sup> City of Toronto, *Toronto Municipal Code: Chapter 354, Apartment Buildings*, (June 2021). <https://www.toronto.ca/leg-docs/municode/toronto-code-354.pdf>

standards.<sup>16</sup> However, since its creation in 2008, MRAB did not adequately address key maintenance and safety related issues. According to survey responses by members of Toronto ACORN in 2016, 95% of tenants reported living with a violation of municipal property standards.<sup>17</sup> In part, these shortcomings stemmed from limited capacity and enforcement authority.

As a proactive approach to the enforcement of standards, RentSafeTO does not rely on a complaint-based system to evaluate building maintenance standard compliance. Instead, the program evaluates all registered buildings. The evaluation score determines how often the building is evaluated, and for buildings receiving a failing score below 50%, a full audit is conducted. The system is meant to encourage compliance and improvement of conditions by focusing on those buildings with lower scores. The scoring is calculated based on a set of criteria covering categories for inspection such as exterior conditions, interior conditions in common areas as well as the amenities, and other facilities such as the parking area.

RentSafeTO covers approximately 30% of Toronto's residents. All buildings that fall in this category must register with the program annually at a fee of \$11.24 per residential unit. Dedicated RentSafeTO Bylaw Enforcement Officers (BEOs) perform building evaluations and audits and investigate complaints. Owners found in non-compliance can face charges, fees or orders to comply.

Expectations of landlords and operators are clearly demarcated. Notably, they are expected to maintain operational plans related to capital repairs, waste management, and cleaning. Vital service disruption response plans, electrical maintenance plans, and responsive pest management and prevention are some of the program's standards.

The program also attempts to better engage tenants and raise awareness about the RentSafeTO program. For instance, landlords are required to post information about RentSafeTO on tenant notification boards.

According to City of Toronto's Open Data Portal<sup>18</sup>, in 2020 RentSafeTO staff audited 1,468 buildings and have evaluated over 1,100 buildings in 2021. Since the program began operations over 9,000 buildings have been evaluated with an average of 72% in their evaluation scores. The evaluation system, and the program at large was influenced by the City's DineSafeTO Program. In the same spirit, the value added of RentSafeTO lay in the prospect of a colour coded system that would publicly post the ratings of the City's buildings based on the evaluations. However, City Council removed the colour-coded rating system on account of concerns over stigmatizing particular areas and residents, despite widespread

16 City of Toronto, "RentSafeTO: Apartment Building Standards," City of Toronto Website, (Accessed November 2021). <https://www.toronto.ca/community-people/housing-shelter/rental-housing-tenant-information/rental-housing-standards/apartment-building-standards/>

17 Toronto ACORN, "State of Repair: The Tenants' case for Landlord Licensing in Toronto," (November 2016). <https://acorn-canada.org/resource/toronto-acorn-state-repair>

18 City of Toronto, "Apartment Building Evaluation," Open Data Portal Home (Accessed November 2021). <https://open.toronto.ca/dataset/4ef82789-e038-44ef-a478-a8f3590c3eb1/>

support from lower income tenants for including a colour rating system, voting only to move forward with plans to redesign the evaluation tool in 2021. The City has already begun holding stakeholder consultation sessions on the matter.

## Multi-Tenant Houses Bylaw (Rooming Houses)

Multi-tenant houses (MTH) are rented single rooms that have a shared kitchen and/or washroom. As one of the most affordable housing options in the private rental market, these are home to many newcomers, students, and people living on low-incomes. However, there remain different zoning regulations across the city, which were never harmonized after its amalgamation in 1998. As a result, MTH are only allowed in the old city of Toronto and permitted but unregulated in parts of Etobicoke, while they are illegal in Scarborough, North York and parts of York.

Legal MTHs are licensed and regulated through the Rooming House Bylaw and the Lodging House Bylaw. This means that property maintenance and other safety concerns can be enforced by the City to meet the needs of MTH residents. Unlicensed and illegal MTH on the other hand are more likely to be in inadequate conditions with repair issues that put the safety of residents at risk. This zoning bylaw, which was found to be discriminatory on several occasions by the Ontario Human Rights Commission<sup>19</sup>, extends protections to some rooming house tenants while leaving many others in the inner-city suburbs unable to enforce their right to safe and habitable homes.

Following numerous consultations, City staff developed a proposal to regulate MTH city-wide in mid-2021. The proposed compliance and enforcement program would have a dedicated team of Municipal Licensing and Standards officers, a compliance strategy that annually inspects MTH operators, and an enforcement strategy based on increased fines and tribunal and remedial actions. But City Council once again failed to take action to protect the right to adequate housing of some of its most vulnerable residents by moving to defer the matter and ordering staff to rework parts of the proposal for next year.

## C) Investments in Repairs and Renewal of Aging Rental Housing

Much of Toronto's rental housing stock was built before the 1990s, whether it be the high-rise apartment buildings clustered throughout the city or its public housing stock, much of which is owned by the Toronto Community Housing Corporation (TCHC). A vast number of these homes are in a state of

---

19 Ontario Human Rights Commission, "Letter to the Mayor and Members of Council about the City of Toronto's proposed new regulatory framework for multi-tenant houses," (July 12, 2021). [https://www.ohrc.on.ca/en/news\\_centre/letter-mayor-and-members-council-about-city-toronto%E2%80%99s-proposed-new-regulatory-framework-multi-tenant](https://www.ohrc.on.ca/en/news_centre/letter-mayor-and-members-council-about-city-toronto%E2%80%99s-proposed-new-regulatory-framework-multi-tenant)

disrepair or require major retrofits to make accessibility upgrades, better heating and water systems, and improve ventilation and cooling. These efforts can ensure aging rental homes are adequately maintained and improvements are made to indoor air quality, residents' comfort and safety. Repair and retrofit programs can also improve the health of communities and reduce emissions.

One of the major City efforts to invest and incentivize capital repair and retrofit of private rental housing is through the City's Tower Renewal Program. The program has the potential to meet the maintenance needs of rental buildings. In the public housing sector, safety and maintenance programs aimed at Toronto Community Housing units remain a major gap for the City, requiring large investments from all levels of government to meet the repair backlog and continue with regular maintenance. The City's efforts, in the private rental market and social housing rentals, are aimed at returning many aging and decaying buildings into a reasonable state of repair. These programs are also important for the preservation of the affordable rental housing stock in Toronto and improving the quality and sustainability of existing homes, which help residents live in well-maintained and healthy homes fit for habitation.

## Private Housing Repairs: Tower Renewal programs

Toronto has over 1,000 high rise apartment buildings, making up 45% of the rental units in the city and offering a large portion of the affordable rental housing stock. These buildings were mainly constructed before the 1980s and are overwhelming owned by corporate landlords. Many lower income families, newcomers, racialized groups and seniors call these towers home, and many of them are situated in designated City Neighbourhood Improvement Areas (NIA) as well as low-income census tracts. These buildings are particularly vulnerable to health and disease issues given the higher density of such buildings in the neighbourhoods in which they are located, as well as the persistent levels of overcrowding and maintenance problems experienced by many lower income communities in Toronto.<sup>20</sup>

Due to the age of these buildings, some require major structural repairs such as upgrades to plumbing or electrical systems. These issues have sometimes been compounded by regular maintenance neglect by building owners. Concerns about the risk to building system failures as well as pest infestations have been growing. Irregular weather events caused by climate change such as more instances of extreme heat are expected to impact the residents of these apartment buildings more acutely.

Toronto's Tower Renewal Program is a revitalization approach to maintaining and retrofitting Toronto's aging apartment buildings. It is focused on driving social, environmental, economic and cultural improvements in the older apartment towers. Initiated in the early 2010s, it has three key program initiatives.

1. **The Residential Apartment Commercial (RAC) Zoning** that allows small-scale commercial shops such as grocery stores or community facilities to operate on high rise building grounds,

---

<sup>20</sup> United Way, "Vertical Legacy," 13.



previously restricted to residential-use only zones. This increases residents' access to essential services and community supports close to their homes.<sup>21</sup>

2. **The Sustainable Towers Engaging People (STEP)** program helps disseminate information and build the capacity of building owners and property managers to more effectively manage their buildings, including finding reductions in operating costs. The program applies to residential buildings that are eight stories or higher and built before 1985. Approximately 370 buildings are currently participating in the program.<sup>22</sup>
3. **The High-rise Retrofit Improvement Support (Hi-RIS)** program provides low-cost financing for owners and/or operators of residential apartment buildings that are three or more storeys high to make building improvements that reduce energy and water consumption.<sup>23</sup> It is enabled by provincial amendments allowing municipalities to use "local improvement charges" to facilitate upgrades. That is, for eligible buildings that secure financing, the special charge is added to the property tax over an agreed period deemed the equivalent of the useful life of improvements. As of date, this program has committed \$10.1 million in retrofit financing to 16 apartment buildings with a total of 2,300 units. Almost half of these projects were located in NIAs or non-profit buildings.<sup>24</sup>

In 2019, when the City of Toronto adopted its new 10-year housing plan, it identified the expansion of the Tower Renewal programs as an important policy to ensure well-maintained, retrofitted, and accessible homes for renters. Funding for the programs have subsequently been extended until the end of 2021.

In February 2021, Toronto City Council adopted the 2021 Capital and Operating Budgets where the City committed to establish the Taking Action on Tower Renewal Program. The establishment of the new program is now in the works, where it will be funded through an agreement between the City of Toronto and the Federation of Canadian Municipalities for \$13.5 million in loans and grants. The program will provide low interest financing and grant options to eligible property owners, which can cover up to 80% of project costs.<sup>25</sup> A property owner cannot apply for an above-guideline rent increase to fund any portion of the project or to use the funds to convert the building to a condominium.<sup>26</sup>

21 City of Toronto, "Residential Apartment Commercial Zoning," City of Toronto Website, (Accessed November 2021). <https://www.toronto.ca/community-people/community-partners/apartment-building-operators/residential-apartment-commercial-zoning/>

22 City of Toronto, "The Step Program," City of Toronto Website, (Accessed November 2021). <https://www.toronto.ca/community-people/community-partners/apartment-building-operators/sustainability-assessments/>

23 City of Toronto, "High-Rise Retrofit Improvement Support Program (Hi-RIS)," City of Toronto Website, (Accessed November 2021). <https://www.toronto.ca/community-people/community-partners/apartment-building-operators/hi-ris/>

24 Executive Director, Social Development, Finance and Administration, "Report for Action: Creating 'Taking Action on Tower Renewal' as a New Stream of Toronto's Residential Energy Retrofit Programs," City of Toronto (June 18, 2021). <https://www.toronto.ca/legdocs/mmis/2021/ie/bgrd/backgroundfile-168371.pdf>

25 Ibid.

26 Ibid.

Compared to the Hi-RIS program, the Taking Action on Tower Renewal Program is more targeted to lower income neighbourhoods. Eligible rental apartment buildings must be located in an NIA, low-income census tract or in a neighbourhood with indicators that target lower socio-economic communities. Additionally, apartment buildings must have been built before 1990. In contrast, the Hi-RIS program applies to any neighbourhood and the program does not have a year of construction cut-off.<sup>27</sup>

The new targeted approach to the Taking Action program can be a promising way to focus on major repair needs and retrofits to older apartment buildings. These investments and incentives can bring privately owned buildings back into a state of repair to directly improve residents' well-being and enjoyment of a habitable and safe home.

## Public Housing Repairs: TCHC Capital Repairs and Revitalization Plans

The public housing stock in Toronto is owned by the Toronto Community Housing Corporation (TCHC), Canada's largest social housing provider. TCHC owns and manages nearly 60,000 rental housing units, providing homes to 110,000 tenants.<sup>28</sup> TCHC tenants are generally low income, and are often people with disabilities, single people, seniors and single-parent households. Keeping units in a good state of repair is directly tied to its mandate to provide safe, secure and affordable homes.

However, TCHC buildings also face major repair needs, and years of inadequate investment into public housing in Canada has crippled TCHC's ability to meet its growing repair backlog. The chronic underfunding of public housing in Canada, coupled with the downloading of provincial responsibility to municipalities to manage public housing without the adequate revenue to do so, has had a detrimental impact on the well-being and safety of TCHC tenants. Additionally, the chronic disrepair puts many residents at risk of displacement if their homes are shut down due to safety concerns.

In response to ongoing funding issues, and the growing backlog of capital repairs, in 2016, the Mayor established a Task Force on Toronto Community Housing Corporation which concluded that TCHC's block subsidy funding model was inadequate and unsustainable. After establishing an interim funding model, Tenants First plan recommended a permanent funding model in 2019, presenting a rent supplement-based model where the City's housing subsidy would cover the difference between a baseline revenue required for the TCH operations and the actual rental payments made by tenants. The new model plan would support the accumulation of revenue to pay for capital costs through directing a con-

<sup>27</sup> Ibid.

<sup>28</sup> Toronto Community Housing, "Backgrounder: Toronto Community Housing 2021 Budget," TCH Website, (Accessed November 2021). <https://www.torontohousing.ca/news/whatsnew/Pages/Backgrounder---Toronto-Community-Housing-2021-budget.aspx>

sistent amount of the subsidy to TCHC's 10-year capital plan. The aim is to build a system that allows for the consistent growth of a capital plan that allows predictability to better plan, coordinate, and prioritize tenant experiences and needs. All of this said, the federal and provincial governments both play a major part in funding the preservation and maintenance of TCH homes and supporting its 10-year capital repair plan, which is a major part of the HousingTO Action Plan.<sup>29</sup>

In 2021, TCHC for the first time fully funded its 10-year capital repair plan through federal and municipal investments as well as TCHC's reserve funds. The capital repair plan will meet the projected repair needs of buildings, improving living conditions, and revitalizing some of the planned TCHC communities. The 10-year capital plan will also transfer over 600 TCHC properties to non-profit housing providers to maintain affordability levels and preserve units from permanent closures, while ensuring maintenance of units and better services for tenants.<sup>30</sup>

The maintenance of Toronto's public housing stock is critical for the advancement of the right to adequate housing as many residents of these homes are most impacted by housing unaffordability, discrimination and inhabitability. Two future Rights Reviews will take a closer look at how the preservation of Toronto's public housing stock (in addition to the private rental housing stock) is critical to maintaining the most deeply affordable housing options in the city. There, we will approach TCHC in expanse of its major capital repair needs and revitalization plans, treating it as a major form of publicly owned housing asset that effectively advances various forms of social housing ownership and delivery of housing services, a direct response to the growing financialization of housing.

---

<sup>29</sup> City of Toronto, "HousingTO 2020-2021 Progress Update," 54.

<sup>30</sup> Ibid., 55.

# 4

Reports from  
the Ground:  
Effectiveness and  
Improvements

## Strengthening RentSafeTO

Many considerations to improve the efficacy and enforceability of the RentSafeTO program were brought forth through stakeholder interviews for this Rights Review. Housing advocates and R2HTO network members, including ACORN Toronto, the Federation and Metro Tenants' Associations, and the Advocacy Centre for Tenants Ontario, provided valuable insights into Toronto's property standards and enforcement.

Generally, housing advocates supported the RentSafeTO program and its evaluation tool. It demonstrates a commitment to proactively enforce property standards in rental housing that low to moderate income tenants call home. Many expressed disappointments in the City's retreat from using a colour-coded system to encourage maintenance compliance by landlords of apartment buildings and pointed to a lack of will to adopt strong enhancements to enforce the RentSafeTO program.

In advancing the right to adequate housing, where residents can live in homes that are safe and well-maintained, advocates suggested that the City focus on bringing landlords in compliance with standards that prioritize the health and safety of residents, rather than aesthetic requirements or cost-saving measures that mainly benefit landlords. If these priority criteria that promote residents' health and safety are not being met, advocates urged that a lower score should be given to the property owners to reflect these grave failings.

Many stakeholders believe that an effective implementation of the RentSafeTO program can help identify where tenants live in unsafe and inadequate conditions, promising more targeted approaches to bringing landlords in compliance. Such interventions were deemed necessary to drive an equitable post pandemic recovery in Toronto. Already, the delays in the implementation of RentSafeTO due to COVID-19 restrictions have impacted residents' well-being and living conditions. Those interviewed recommended urgent responses be taken to improve housing adequacy and safety of lower income tenants who are faced with limited housing options and vulnerabilities exacerbated by the pandemic.

Tenants have been greatly concerned with the state of aging apartment buildings in Toronto and believe that RentSafeTO's evaluations did not reflect the true state of disrepair in many of their buildings. In ACORN's 2020 State of Repair Report, over 60% of tenants surveyed had seen cockroaches in their unit over the past 12 months with nearly a quarter seeing them every day and more than half of tenants reported problems getting repairs done.<sup>31</sup> Advocates interviewed for this Rights Review believed that standards were not being enforced properly and that the program was not fully staffed. Advocates also mentioned that the City decreased the number of by-law enforcement officers assigned to RentSafeTO since the start of the pandemic, and believe the building evaluations performed were less comprehensive.<sup>32</sup>

31 Toronto ACORN, "State of Repair Report 2020."

32 Interview with Andrew Marciniak.

Consistently, advocates emphasized the lack of tenant knowledge about RentSafeTO and the mechanisms it provides for tenants to make service requests or complaints to the City. According to ACORN's 2020 report, more than half (53.2%) of respondents had not heard of RentSafeTO prior to taking the survey for the report. Similar results were found in their 2019 report around residents' lack of knowledge about the program.<sup>33</sup> The report also shows that tenants are not properly notified by their landlords about their buildings. Over 40% of respondents said that their apartment buildings do not have a tenant notification board while a majority of respondents (70%), said that they weren't aware if their building had an audit.<sup>34</sup>

There is great value to tenant engagement in the process of building evaluations. Many advocates mentioned that when building evaluations are performed, most interactions take place between the bylaw Officer and the landlord. There are limited opportunities for tenants to engage directly in the evaluation process. Many tenants have concerns, some of which relate to their units, but they may be too afraid to come forward on the day of the building assessment in front of their landlord or property manager. Advocates suggested new ways to engage with tenants, perhaps in separate resident-based meetings that may provide the City's By-law Enforcement Officers valuable insight into the building's conditions. Some also explained the limits of the evaluations are mainly that the scores are a point in time account, which may not accurately reveal the disrepair, safety and maintenance issues faced by residents year-round. More practical ways are possible to build a consistent evaluation system that captures the state of buildings through both landlord and tenant engagement.

Tenants and housing advocates have consistently brought housing disrepair, neglectful maintenance, major safety risks and landlord's general lack of attention to housing affordable for lower income households. They urged the City to build stronger protections for tenants and enforcement mechanisms that hold landlords accountable to meet their maintenance and habitability obligations. These are only achievable through adequate and sustained funding sources, requiring commitments from all levels of government to preserve affordable rental homes and keep them in a good state of repair.

## Legalizing and Regulating Multi-Tenant Houses

Housing advocates were especially disappointed and frustrated by the City Council's inaction to end Toronto's discriminatory rooming house bylaws. The City's proposal to establish a framework to legalize and regulate rooming houses in all neighbourhoods through a licencing process was viewed as a positive step in helping rooming house residents live dignified lives and in safety. As such, Council's vote to defer the matter troubled advocates, and in their view, demonstrated that the City was not committed to addressing this longstanding inequity in living standards for some of the City's most vulnerable renters.

<sup>33</sup> Toronto ACORN, "State of Repair Report 2020."

<sup>34</sup> Ibid.

## Community and Equity-Centred Approaches to Repairs and Renewals

In the newly released report called “Vertical Legacy: The case for revitalizing the GTA’s aging rental tower communities”, the United Way of Greater Toronto, Neighbourhood Change Research Partnership and the Tower Renewal Partnership dissect the issue of aging, purpose-built high-rise apartment tower communities to reveal deep insights about impacted households, systemic barriers to housing adequacy and affordability, and the need for creating more inclusive neighbourhoods. The report makes recommendations that help to increase intergovernmental commitment and cooperation, to provide financial supports needed for high-rise apartment tower residents, to strengthen the structural and physical integrity of the tower buildings, and to strengthen social infrastructure within the tower communities.<sup>35</sup>

The report shows that racialized renters and Indigenous peoples make up more than half of those living in high-rise apartment towers, more than half of which are in low-income neighbourhoods. As such, systemic and racialized barriers are directly linked with systemic housing issues of inadequacy, overcrowding and unaffordability. The authors contend that the overrepresentation of racialized people in high-rise apartment towers with deteriorating conditions “sanctions deep vulnerabilities and inequities” for racialized people.<sup>36</sup> The problem, they urge, must be seen through the “interconnected disadvantages of individual poverty, geographic poverty and racial poverty,” which must be met with a neighbourhood-level response.<sup>37</sup>

The Vertical Legacy report identifies the chronic decay and disrepair in privately owned high-rise apartment towers as a public sector challenge to be solved through cross-sectoral cooperation, and includes a number of recommendations that are worth mentioning including:

- Modifying existing tower renewal plans to provide stronger incentives for owners to use
- Making funding available for deep retrofits and capital repairs
- Supporting equity-centred community development initiatives, including funding for tenant organizing in tower communities

## Consistent Support for Social Housing

Consistent and targeted funding is essential to the City of Toronto’s success in bringing TCHC homes into a state of good repair. Similarly, the success of the planned revitalization of TCHC communities will

---

35 United Way, “Vertical Legacy,” 23.


36 Ibid., 15.

37 Ibid., 15.

require sustained and dedicated funds to ensure these projects will benefit the communities it houses. Federal funding has proved crucial in the success and prioritization of these projects. The TCHC 10-year repair capital plan, projected to cost more than \$3.18 billion over its lifespan, was fully funded this year, mainly through funding from the National Housing Co-Investment Fund and the City of Toronto. Housing advocates stressed that sustained capital investments from the federal government and the provincial government is needed to help TCHC meet its targets and bring its building portfolio into a state of good repair.

To advance the right to housing in Canada, all levels of government must work together and commit to shared goals. A major part of this commitment is to dedicate the maximum of available resources to provide safe, adequate, and dignified rental housing. The funding of Toronto's deeply affordable social housing, to preserve and grow its units, must be a priority for all levels of government in Canada.



A large, stylized number '5' is positioned on the left side of the page. The top horizontal bar of the '5' is a solid teal color. The vertical stem and the bottom curve of the '5' are a lighter, pale blue color. The background is a solid dark teal color.

# Key Priorities for 2022

# Key Policy Priorities for Safe and Maintained Housing

- 1 Legalizing Multi-Tenant Houses across Toronto**
- 2 Enhancing the RentSafeTO program and enforcement**
- 3 Building the Taking Tower Renewal Action Plan program**
- 4 Meeting and advancing TCHC Capital Repair Plan targets**
- 5 Strengthening the Tenant Defence Fund**
- 6 Establishing the Office of the Housing Commissioner**

A large, stylized teal number '6' is positioned on the left side of the page, spanning from the top to the bottom. It is partially cut off on the left edge.

# 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 RentSafeTO 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.

# Safety & Maintenance

RIGHTS  
REVIEW

Right to  
Housing  
in Toronto

