

**Submission to
Legislative Committee**

**Bill 184
Protecting Tenants and Strengthening Community Housing Act, 2020**

from

The Interfaith Social Assistance Reform Coalition (ISARC)

Presenters:

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The Interfaith Social Assistance Reform Coalition welcomes the opportunity to provide input for your Committee with respect to the content of Bill 184, the “**Protecting Tenants and Strengthening Community Housing Act, 2020**,” dealing with the relationship between tenants and landlords.

Our Coalition represents a broad range of faith communities throughout the Province of Ontario. ISARC has acted as an advocacy organization for over 30 years, adding its voice to that of many fellow Ontarians who are struggling to support themselves and their families.

We support those initiatives which uphold the rights and dignity of Ontarians and provide supports for all to live with equality which ensures none are left on the margins of our community.

We commend the provincial government for its action this spring to enact a moratorium on residential evictions. And for its many initiatives to protect Ontarians as we faced a health pandemic that had the potential to harm so many, especially vulnerable elderly, homeless and immune compromised populations.

We are concerned, though, about the process and timing for the removal of the eviction moratorium and the impact of the end of the CERB program, especially for those tenants whose jobs have been lost due to the pandemic.

As we review proposed policy and legislative changes, our coalition uses an agreed upon values statement that helps inform us about the prospective benefit of public policy.

The values framework provides a lens through which we view 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 sustainable environment?

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 their 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 practice 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 is 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:

1. Tenants facing eviction for non-payment of rent would 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 defence and to point to causes for the breakdown in the tenancy arrangement.

2. 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.

3. Bill 184 would allow landlords to proceed straight to an eviction order without a hearing. Currently, if a tenant and landlord reach an agreement on repaying rent arrears prior to a hearing, and if the tenant fails to fulfill that agreement, the tenant is entitled to a hearing before eviction can proceed.

This change discourages the mutuality of a landlord and tenant coming to an independent repayment arrangement that can help to solve an arrears problem. The tenant bears all the risk of agreeing to a negotiated agreement. And if not properly explained to the tenant it can lead to a tenant unknowingly waiving the right to a proper hearing should the agreement fail.

4. Bill 184 would allow landlords to pursue former tenants via the Landlord and Tenant Board with changed notification procedures

Bill 184 (sections 28 and 29) removes the court requirement to notify the tenant and gives that responsibility to the former landlord who may not even know where the

previous tenant now lives. If left in the hands of former landlords, how will the Board ensure that 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:

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 tenancies 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 they are illegal 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 and were then unsuccessful, denies tenant rights and discourages efforts at building a mutual relationship and responsibility.

Social Equity.

Tenants don't have access to social equity if they can't access the institution that enforces their rights. An overloaded Landlord Tenant Board is already suffering from a backlog, which will be further burdened by moving 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 social inequity.

Economic Equity and Fiscal Fairness.

If people don't have access to safe, secure and affordable housing, then it's extremely difficult for them to line up other things – like a job – that will allow them to achieve economic equity. If the government plans to reform Residential Tenancies law, it should focus on making safe, secure and affordable housing accessible to all.

We acknowledge the addition of one month's rent in compensation to tenants who are evicted because their building was sold and to tenants (living in fewer than five-unit properties) who are evicted due to demolition, conversion or renovation.

While we see this compensation for no-fault evictions as a step in the right direction, we agree with the Advocacy Centre for Tenants Ontario that the compensation should be raised to three months for all no-fault evictions, bringing these additional groups in line

with the compensation currently paid for evictions due to demolition/conversion of complexes with five or more units.

Higher fines for landlords who evict illegally and better government enforcement of standards would also ensure better protections for tenants who are adversely affected.

What Bill 184 is Missing

What the government is missing and what Bill 184 is not addressing is the fact that Ontario is faced with an affordable housing crisis that was already full-blown before the Covid-19 pandemic.

As ACTO, which monitors the state of housing need and access to justice for tenants, has pointed out, Ontario is home to 1/3 of Canadian renters and almost ½ of those Ontario renter households have an annual income of less than \$40,000.

Ontario renters pay some of the highest rents across the country and rental supply is so low that vacancy rates are at almost zero and repair of little interest to many landlords.

Job loss as a result of Covid-19 makes the economic future for many even more bleak. This is not the time to make tenants even more vulnerable to eviction and homelessness.

We need legislation and public policy that will reverse the pressures on tenants who live on the brink of eviction. This can only happen when there is an increase in the supply of

affordable housing, preservation and repair of existing affordable housing stock, real rent control regulation, and a strategy for providing supports to people who need supplementary service, including ongoing pandemic relief until such time as there is economic and employment recovery.

Safe, secure and affordable housing accessible to all should be the focus of any new legislation. And protection of the rights of tenants with incentives for both landlords and tenants to work together for their mutual benefit should then be the accompanying policy piece.

We endorse the ACTO brief to the committee and agree with their conclusion that “Evicting people into homelessness, with a shelter system already at capacity and a shortage of affordable housing, is bad policy making.”

We urge the Ontario Government to delay passage of Bill 184 until there can be a more fulsome consideration of the larger question of how we can truly protect tenants and strengthen community. We would support actions to address longstanding systemic housing concerns, especially if this is carried out in consultation with stakeholder groups.

We would like to see all elected members working on these issues and that means there needs to be sharing of information with all parties as a good faith commitment to solving the housing crisis, similar to the all-party federal commitment made several years ago to address child poverty.

No one should be left on the margins of society or living in constant fear of eviction. Safe, affordable housing is a basic human right. Our religious teachings and the lessons of the pandemic have taught us that none of us is safe until we make the safety and security of all of us a priority.

ISARC brings together representatives and members from Christian, Jewish, Muslim and other faith communities across Ontario, including the Anglican Diocese of Toronto, the Anglican Provincial Synod of Ontario, the Assembly of Catholic Bishops of Ontario, the Canadian Unitarian Council, Catholic Charities of the Archdiocese of Toronto, Congregation Darchei Noam, the Council of Imams, the Council of Canadian Hindus, the Eastern Synod of the Evangelical Lutheran Church in Canada, the Eastern Ontario District of the Pentecostal Assemblies of Canada, the Islamic Humanitarian Service, Mennonite Central Committee Ontario, the Presbyterian Church in Canada, the Society of St. Vincent de Paul, the Toronto Board of Rabbis, and the United Church of Canada.