



March 22, 2021

Planning Committee
Hamilton City Hall
2nd floor - 71 Main Street West
Hamilton, Ontario L8P 4Y5

RE: Property Standards By-Law Review

The Hamilton and District Apartment Association (HDAA) wishes to provide our thoughts on the Property Standards By-Law Review as we believe it will have a direct impact on rental housing in the City of Hamilton and will affect the way housing providers operate. We believe it may also affect the amount of rental housing supply in the City. With rising real estate values landlords may be more tempted to sell than to take on the additional financial burdens of increased property standards.

From the consultations we participated in we have been able to gather some information on the intentions and areas of focus for the review. One such focus is on the general enforcement of the by-laws and looking at whether the system in place is sufficient. As with any system there is always room for improvement but we believe the system itself does not need a major overhaul. Where there is room to improve is in the general communication between enforcement officers and housing providers. There are many cases where the landlord has not been made aware of a maintenance concern by the tenant and the first mention of this may come from an order. For example, if a notice is posted on the building and taken down by someone who is not the landlord or a staff member, the landlord would not be aware of the notice. In this case not only would the problem not be dealt with but additional costs would be incurred for any additional inspections or other actions taken by an officer. In the past some officers have reached out to landlords directly in regards to a maintenance concern before creating an order. We believe that this type of communication should be integrated into the system as one step of the process. There should be a better working relationship between the City, its officers and landlords. A landlord should also continue to have sufficient time to do the work as well as the opportunity to appeal an order as otherwise this would shortchange the process.

It is also important the officers operate under a mentality of reasonableness in regards to what can or should be done. This reasonableness standard should be carried into the bylaw as well. All repairs come with costs and these costs will need to be recuperated, this may occur through Above Guideline Rent Increases (AGI's), a recalculation of the budget where resources are taken from another service or needed maintenance or the landlord may need to increase rents on turnover. There should be a standard of reasonableness when it comes to what needs repairs to make sure we are not creating situations where rents are increased unnecessarily. Repairs should ultimately be justified and important to the tenants and fall within reasonable standards.

It should also be understood and incorporated into the bylaw that it is integral that tenants not only go through the proper steps when they have a maintenance concern but that there will also be an obligation for tenants to cooperate when issues need to be rectified, particularly in the case of pest issues. A landlord may spend substantial amounts of resources to rectify pest issues in a building but if even one tenant does not cooperate in the process, the issues will continue and it will create an endless cycle where the issue is never properly resolved and unnecessary spending continues.

There has been mention of appliances and their maintenance being included in the bylaw. Currently the property standards bylaw does not specify which appliances need to be provided in a rental unit. This coincides with many other property standard bylaws in municipalities in the surrounding areas of Hamilton. By including appliances in the bylaw it will create an extra burden on landlords particularly smaller landlords who may just have a basement unit. This also does not take into consideration that some tenants want to use or supply their own appliances. Tenants do have some responsibility over the care and comfort of their units and we should be encouraging this. It also should be noted that the province already offers free refrigerators to low income families so there are supports in place should appliances be an issue. There is also the extra burden on landlords in regards to the maintenance of these appliances. We of course have no issue with maintaining appliances that landlords supply currently but the supply of appliances should not be something that is forced as it creates the extra burden of not only supplying these appliances but also maintaining them.

The incorporation of cooling requirements has also been raised and we believe that there are significant issues with this being included in the bylaw. To include a cooling requirement in the bylaw would create the necessity to include air conditioning units in all rental units. This would be a major expenditure for landlords, particularly larger landlords, who currently do not have air conditioning units in their rental properties. Landlords would also look to have the costs of providing and installing air conditioning units recuperated through AGI's which would result in increased rents for tenants. Some tenants may also want to supply their own air conditioning unit and again we should be encouraging tenants taking responsibility for the comfort and care of their units. The City could also look at creating a program that would provide or help with the costs of air conditioning units for low income households.

With the COVID-19 pandemic still very much a reality at this time, cleaning protocols have been a consideration that has been raised as well as having hand sanitizing stations in common areas. Although these measures are important in the grips of a pandemic, having standards put in place that would have long term effects and be difficult to implement on a long term basis would be unreasonable and unmanageable. Any cleaning protocols and standards to be included in the bylaw should be reasonable and be based on a normal non-pandemic environment.

Our overall thoughts are that any standards incorporated should be weighed against the possibility of increased rents. There is at the end of the day a cost to everything. Any major expenditure will need to be recuperated and this will typically occur by AGI's and result in increased rents for tenants in the City. There is already an issue of affordability in the City and by incorporating more strict standards or items that were not currently included before, the City would be contributing to the problem of unaffordability in rental housing instead of helping to create a solution. It should also be mentioned that landlords operate within a budget for their rental properties, by having to include an additional maintenance or item this takes away resources from other services or maintenance. The reality is that the majority of landlords in the City are responsible and care about the health and safety of their tenants. To introduce a new property standard bylaw that enforces greater burdens on all landlords because of a few bad apples is not the proper direction to head in. Again the system itself does not need a major overhaul but simply needs to be improved in areas where there are currently gaps or a breakdown of communication.

Respectfully yours,

Hamilton and District Apartment Association