




## COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	May 23, 2023
<b>SUBJECT:</b>	Provincial Bill 97 Changes to the RTA (City wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Michelle Baird Director, Housing Services Division Healthy and Safe Communities
<b>SIGNATURE:</b>	

### BACKGROUND:

In April 2023 the Province posted a notice through Ontario's Regulatory Registry 'Seeking feedback on Proposed Changes to Help Protect Tenants from Bad Faith Renovation Evictions' asking for comments to be submitted by May 21, 2023. The Province asked for comment on feedback related to proposed legislative changes to the *Residential Tenancies Act, 2006*, types of qualifications individuals should have to write the reports that would accompany the N-13 notices, and what information should be included in the report.

Housing Services Staff used this opportunity to provide feedback to the province on the proposed legislative changes to the *Residential Tenancies Act, 2006* and to share with the Province what further changes are required to create a healthier housing continuum that creates an environment where tenants not only have rights, but their ability to exercise them is protected.

Here is the City's feedback to the Province:

#### 1. What feedback, if any, do you have on the legislative proposals?

With respect to the proposed legislative changes, the City is supportive in general terms, however, we have some considerations to share on specific issues. Firstly, the requirement for a qualified individual to evaluate the extent of the renovations and repairs is important. It is vital that this requirement remain in place as

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

part of the issuing N-13 process and not as a requirement only if the tenant challenges the notice. If this is removed as proposed in this draft legislation, we are concerned that the current environment of some vulnerable tenants being displaced by bad faith actions from a small portion of landlords will continue without the proper protections in place.

Further, we believe that all permits should be obtained in advance of the displacement of the tenant, so that there is a clear intention to complete the work before requiring displacement, and the tenant can remain in their rental for as long as possible. Adhering to expected timelines and completing as much work in advance of necessary displacements will reduce impacts for residents in Hamilton and across the province. In addition, strengthening the rules around the right to return are appreciate. We believe that these protections can go further by adding a requirement for the landlord to be responsible for finding a suitable and comparable unit for the tenant while displacement is required. Given the challenges in finding affordable rental in the Hamilton market, adding this requirement to the landlord responsibility adds another important check and balance to ensure that a displacement is necessary and reduces undue burden on renters.

Where we continue to be concerned is the common practice to “renovict” renters. While we agree it is important for rental units to be maintained and repaired for safe and adequate housing, often landlords are using these mechanisms to vacate their units and re-rent them at double or triple the price. The proposed legislation does not address this fundamental challenge. However, if rules were in place around vacancy control and requiring units when vacant to be rented at a similar rate to whatever the previous tenant paid, we feel this would begin to address this concern.

**2. What types of qualifications should individuals who provide these reports be required to have? Are there specific professions that have these qualifications?**

Requiring a report showing that repairs are necessary and cannot be safely done without the displacement of the tenant as part of the N-13 notice is an important step to protecting tenants and supporting them in exercising their rights. We are supportive and appreciative of this proposed section of the legislation.

To ensure it is implemented as intended, we advise that the individual be a Professional Engineer in good standing with the Professional Engineers of Ontario, or an Architect in good standing with the Ontario Association of Architects. The person must be part of a neutral third party with the skills necessary to make that determination. It is important that this neutral party be part of a larger professional body that has clear ethical standards to ensure they remain a neutral party and provide their best professional advice.

Additionally, there should be added safeguards around the need for the individual to be independent of the landlord and be receiving no other material benefit from the landlord

beyond their fee for the evaluation. It is important that the qualified individual not work directly for the landlord or any adjacent corporation to ensure they have true neutrality. We advise that this report be submitted as part of the building permit process with the City for accurate record keeping.

### **3. What information should reports be required to include?**

To ensure appropriate implementation of this requirement, the report should be detailed, in plain language, and thorough. This is to ensure that anyone, including residents, can read the report and understand the decisions regardless of their own qualifications or understanding of construction. It must include:

- Whether the resident can remain onsite, be displaced for a period of less than a month that could be accomplished through temporary housing rather than true displacement, or whether the resident must vacate the unit altogether.
- If there is a need for displacement, what the safety concerns for remaining onsite are and the severity of risk for remaining on site
- a complete understanding of the work and outline all permits that are required to complete the work and highlight the professional trades that are needed to accomplish the work
- the expected or reasonable duration of the work and include a proposed date for occupancy, considering the building permit process, a reasonable work schedule, and a one-month window for completion so that the tenant can plan and exercise their right to return

Overall, the City of Hamilton feels that Provincial legislation is required and welcomed to address the issue of renovations and the displacement of tenants. This systemic challenge is severely impacting low-income tenants and the most vulnerable tenants in our community. It is important that the Province move swiftly to amend the RTA, 2006 with the proposed legislation, but that the Province not consider this to be a completed task and look to further legislate on changes to support tenants and create a healthy housing continuum. We would be happy to discuss additional options to address renovations at the Ministry's convenience.

The City will continue to monitor the passage of Bill 97 and monitor the impacts of the proposed legislative changes to the Residential Tenancies Act, 2006 and the impacts of these changes on the health of the housing continuum.

Please direct any inquiries to Michelle Baird, Director, Housing Services Division at (905) 546-2424 ext. 4860 or by email at [michelle.baird@hamilton.ca](mailto:michelle.baird@hamilton.ca).