



Ottawa ACORN

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Ottawa ACORN's Response to Maclaren Group's Policy Options Report on Housing Conditions

The elected leadership of Ottawa ACORN's citywide board has reviewed this report in detail and would like to offer our official response and recommendations.

This response is based on consultation with Ottawa ACORN's membership of low income families through community forums, phone calls and house visits. It is also based on over a decade's worth of community organizing experience. Consistently for the past 13 years that our organizers have gone door-to-door in low-income neighbourhoods, the state of people's housing is the number one thing they'd like to see changed. ACORN views this review as an opportunity for substantive change to ensure that everyone's right to housing is protected and that every tenant has a healthy home.

Upon reading the report, here are our members' reactions:

- The report mentions that the majority of workshop attendees were not in favour of a universal licensing regime. We would like to note that the workshop attendees would not be representative of low income tenants, who are the ones that face the brunt of bad housing conditions. The announcement for workshops was sent out with very little notice to organizations or promotion to the general public, which didn't give low income tenants the time needed to book time off work or arrange childcare or address other barriers that often prevent low income people from attending public consultations.
- The report also states that "it was generally recognized that the majority of landlords do provide quality rental accommodation in a highly regulated and often challenging market." However, we would argue that this doesn't apply when it comes to more affordable rental units that low income tenants live in. For example, in ACORN's 2017 report "State of Repair" 85.5% of low income tenants who responded to our survey reported problems in their building.
- Moreover, the human and economic costs of living with poor housing conditions is significant. Tenants' testimonies outlined in ACORN's latest report, "Housing Horror Stories" (attached) detail stories of children getting sick from mold, injured by disrepair and adults living with bedbugs and cockroaches developing severe mental

and physical health issues to the point of hospitalization, putting a strain on our health care system and social services. As such, we are in strong support of a Pest Control By-Law in addition to landlord registration or licensing.

- Furthermore, arguments have been made that we need to target the bad landlords and that licensing or registration would punish the good landlords. ACORN would argue strongly that a registry would promote good landlords and target the bad. The report considers publishing property standards reports online and in common areas of buildings. This would promote good landlords who would stand out on the list and allow tenants to know what they're getting themselves into before signing a lease.
- A registry is necessary so that the City can target bad buildings where tenants are not calling 311. The reasons for not calling 311 vary and are discussed below. For example, Toronto's RentSafe program did mass inspections of properties it decided to register and assigned them a grade. Buildings that did well were only inspected every three years and those that did poorly had a full audit conducted of the building and were inspected annually, hence targeting the bad ones to bring them up to code. This model allows the City to efficiently identify the bad buildings and focus its resources on the worst offenders.
- There was also an argument made during the workshops that licensing could discourage investment in rental properties. However, there are no statistics in any city that has implemented licensing or registrations that this is true in reality. The costs of registration are so minimal in Toronto for example, that if you are a landlord renting out 3 units you'll only pay \$30/year. This would be significantly less than 1% of what that landlord would make in rent each year. It is our understanding that Toronto may have underestimated the amount of work the program would take and that current fees are not covering costs. Toronto will likely increase fees but even if they double initial licensing fees to \$20 per unit annually, this is an extremely nominal cost compared to the social costs of bad housing.
- There is unfounded concern that Toronto's fees would be downloaded onto tenants in the form of increased rents. Yet the fees are so nominal that it wouldn't be worth a landlord's time and resources to pass the cost down to tenants. First off, landlords increase rents each year by the maximum allowed by the Province anyway. Secondly, even if the landlord did go to the Landlord Tenant Board to apply for an AGI and it was passed down to tenants, it would cost an extra \$1-2/month in rent to ensure tenants better protection under the law. Tenants are paying a lot more right now as a consequence of mould, losing furniture to pests and paying for cleaning or repairs themselves anyways.
- Another argument from workshop participants was that we may lose more marginal buildings if they're required to undertake major repairs and upgrades to meet today's building standards. This is an argument to maintain slumlords and our response to that is that no slumlord should be allowed to collect rent in our city.

- We'd also really like to emphasize that in your report only 3 of the 665 tenants had actually followed up their complaint by calling 311. This clearly shows that our current complaint based system isn't working if people aren't calling City By-law when all the onus is on the tenant. There are many reasons why people don't call 311 despite having issues: tenants don't know to call 311, tenants don't know their rights, tenants are afraid of landlords and eviction, complaints are dropped once a new tenant moves in, there are language barriers, follow up and communication with tenants is hit or miss, or tenants eventually become unwilling to sacrifice their time and energy complaining when they fail to get results. This is supported by our State of Repair report which found that of those surveyed, approximately 22% didn't know what 311 was and close to 30% didn't think there was a point in calling.

- The report does seem to favour proactive enforcement of property standards, which ACORN agrees with and has been advocating for. Yet the report doesn't seem to think that licensing or registering landlords would have to be mandatory for this to happen. However, you cannot be proactive if you don't have a list of where people are renting. Rather, all your data would be complaint based and the research shows that 311 data alone isn't actually representative of tenants who have issues getting repairs.

- The report also states that proactive enforcement may not be possible given current By-law staffing levels. This is exactly why we need licensing or registration fees so that property standards can increase the number of inspectors they hire to do proactive enforcement. Toronto was able to double the number of property standards inspectors with RentSafe. Given the significantly heavier caseload of By-Law officers in Ottawa compared to other major cities, we imagine this would be a welcomed source of funding to an important and understaffed department.

- Finally, taking an approach to property standards similar to parking violations was discussed as an option for how the City can be more proactive. While a parking model to property standards is applauded by ACORN members, our concern is that this would only catch problems on the outside of buildings (waste, parking garages etc) but would have little impact inside where the worst problems would remain. For this reason we would support a parking model to property standards violations that was supplemental to a landlord registration or licensing program. However, it won't address the worst of tenants' concerns on its own.

Ottawa ACORN's Response to Policy Options on Tenant Displacement and Renovictions:

- The report discusses regulations to prevent tenant displacement in the case of renovictions or redevelopment. To address this concern, ACORN members would like to see the City:
 - Create an anti-displacement strategy to ensure the city is not uprooting tenants when the focus should be on protecting them;

- Keep track of all apartment buildings sold, and immediately inform Ottawa tenants of their rights;
 - Regulate and publicly register all tenant buyouts;
 - Ensure developers give all displaced tenants suitable housing options;
 - Enforce existing and new regulations on tenant buyouts and tenant relocation through building permit approval processes and all tools/mechanisms available to the City;
 - Stop any grant programs if they exist to developers who are displacing tenants;
 - Create a city-wide Inclusionary Zoning By-law where 25% of development must include affordable housing and an additional 10% affordable housing if within 1km of rapid transit
- We also want a Rental Replacement By-law which in the case of the demolition and redevelopment of a property, ensures rental replacements so that if the developer eliminates affordable market rental units or subsidized units, they are included in the new development for the same price and number of bedrooms. Tenants who are evicted should have the first right of refusal to move back into the units created in the new development.
 - Furthermore, landlord registration or licensing is an investment in preventing the loss of our affordable housing stock. Right now, there is a disincentive in the system for landlords to do repairs for long-term tenants as they can make a great deal more money by flipping the property when they move out. In the case of Herongate, Timbercreek Asset Management was able to justify demolishing affordable family rowhouses to be replaced with luxury rentals by arguing they were beyond repair. This was despite tenants complaining and struggling to get repairs done from the landlord for years. As many ACORN members who lived in the neighbourhood have argued, this was demolition by neglect and the City should have tools in place to prevent rentals from purposefully deteriorating.

Ottawa ACORN's Response to Policy Options on Short Term Rentals:

Ottawa ACORN's citywide board has endorsed Fairbnb Canada's recommendations to regulate short-term rentals in order to protect the state of affordable housing in our city. We support the City adopting the following regulations:

- Do only allow principal residences;
- Do not distinguish between owners and tenants when it comes to defining what a principal residence is;

- Impose a restriction of the number of nights. 90 nights will allow ordinary residents to participate in the home sharing economy;
- Allow the sharing of up to two rooms in a principal residence (no nightly restrictions);
- Do not allow secondary suites being rented by non-principal residents; Allow condos to create more restrictive, but not more permissive regulation;
- Establish a registry system that allows short-term rental hosts to register their principal residence;
- License platforms. Treat them like any other business that operates in Ottawa; and,
- Ensure that platforms do not advertise any properties that are not registered principal residences.

In Conclusion

The United Nations has criticized Canada for its housing crisis and our nation's capital is no exception. It is up to the City to prioritize its budget to ensure that everyone has access to a safe, healthy home. If housing is a right in our country then protecting tenants' rights should be a priority when considering the cost/benefit analysis of landlord registration or licensing, which we believe to be a cost-effective and efficient tool for the City.

Both the state and the cost of housing is recognized as a social determinant of health. Imagine trying to find work with bedbug bites on your arms, taking time off existing employment to allow your landlord to do repairs and the frustration when they don't show up, the stressors that mold and disrepair can have on a family, the strain on our health care system when people get sick and the social isolation of being too embarrassed to have family or friends over. Improving the state of housing will have positive spin off effects on employment, health care, family services and people's physical and mental wellbeing.

Bad housing is not just an issue in a few priority neighbourhoods; it is citywide. In ACORN's "Housing Horror Stories" report tenants shared stories of living in squalor everywhere from Orleans, to Little Italy to the West End. Therefore, we ask the City to recommend registering or licensing all rental properties with three or more units, similar to Toronto's RentSafe program. This would include:

- A tenant education and engagement program that includes tenant stakeholder groups such as ACORN members;
- Similar to restaurants, annual proactive inspections and re-inspection programs for landlords who fail to comply with the list of minimum standards they would be given;
- A registry of landlords that would require landlords to have:
 - Indoor/outdoor maintenance plans
 - A mandatory program to receive and follow up with tenant requests;
- Online and physical postings of landlords who pass or fail inspections or have

multiple violations

- If the landlord refuses to comply, the City will undertake the work at the property owner's expense
- The City should apply varying timelines based on the severity of the repairs required
- All complaints for a property submitted through 311 should be tagged to the landlord in addition to the specific property.
- This would be a revenue neutral program since landlords, excluding OCH and non-profits though they'd still have to comply with the program, would pay an annual per-unit cost recovery fee.