

# RENOVICTIONS IN HAMILTON

APRIL 22ND 2021



# WHAT IS ACORN?



ACORN Canada is a multi-issue, mass-based union of low- to moderate-income people. The purpose of the union is to give people power so that they can have their voices heard at the highest levels of the country. With chapters across the region, province, and across the country, ACORN is able to be both a local-based union winning local campaigns, as well as a large organization combining forces to fight national corporations and governments that are at the root of most of our problems.

ACORN Hamilton started in 2017 and has grown to have three chapters across the city - Downtown, Mountain & East End.

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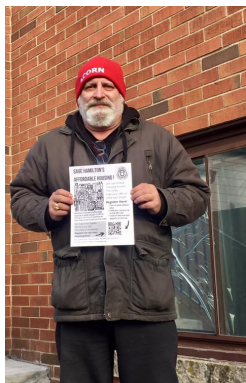
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[www.acorncanada.org/Hamilton](http://www.acorncanada.org/Hamilton)

# WHAT IS RENOVICTION?



**Renoviction** is the practice and tactics used by landlords to evict or force out tenants under the guise of major renovation. The goal is to displace low and moderate income tenants who are paying below market rent. Vacated units are renovated and re-rented out at a higher rate.

## Common tactics & strategies used by Hamilton landlords:

- Stop repairs & stop pest treatment
- Offer low ball buyout
- Harassment and intimidation
- Verbal or written communication that tenants have to move out for renovation
- N13 eviction notices

## Impact of renoviction on tenants and Hamilton communities:

- Displacement of low income & vulnerable residents
- Destroys existing stock of market affordable housing
- Drives up rents in the neighborhood
- Housing instability for tenants
- Increases demand for social housing
- Incentivizes landlords to deliberately let their buildings fall into disrepair
- Increasing pressure on social and health services
- Increase in homelessness

## EVEN DURING A GLOBAL PANDEMIC, LANDLORDS CONTINUED TO ISSUE N13 NOTICES

**33 applications filed at the Landlord & Tenant Board in 2020 (vs. 13 AGI applications that went to the board)**

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**\$1,375**

## AVERAGE MARKET RENT IN HAMILTON FOR A 1 BEDROOM

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**30%**  
**OF INCOME IS  
CONSIDERED  
AFFORDABLE RENT**

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## LOW INCOME TENANTS CANNOT AFFORD TO BE RENOVICTED

**Monthly incomes:**

**\$1,169 - ODSP**

**\$2,000 - EI**

**\$733 - OW**

**\$2,100 - Minimum wage full  
time earner (before taxes)**



# ACORN'S RESPONSE TO STAFF REPORT ON RENOVICTION



In December 2020 a motion was passed unanimously at the Emergency and Community Services committee for "staff (to) report back to the E&CS by end of March on renovictions and what other jurisdictions have done and what the City of Hamilton can do to mitigate". This report was pushed back a month to the April 22nd committee meeting.

Since January 2021, ACORN leaders have met Councillors & city staff to discuss municipal powers and tools to restrict renoviction and the urgency for the city to act.

In February, ACORN held a 80 person virtual forum with local allies & invited Councillor Jaimie McEvoy from New Westminster, British Columbia to speak about the strong anti-renoviction policy his city passed in 2019. ACORN also met with city staff from New Westminster to learn about their anti-renoviction / landlord licensing program.

The staff report "Tenant Defense Fund" lacks the bold action Hamilton tenants and allies were counting on.

ACORN Hamilton urges for the City of Hamilton Council & staff to be leaders on this issue and commit to finding and implementing municipal policy to restrict renoviction.

# NEXT STEPS THE CITY CAN TAKE

## 1. The city needs to investigate all available municipal tools and powers to restrict renoviction.

- ACORN has highlighted the ground breaking anti-renoviction policy passed in New Westminster, BC and similarities in provincial legislation. In British Columbia, municipalities also cannot withhold building permits. Through the tool of licensing, New Westminster was able to put conditions in place to restrict renoviction and ensure tenants were protected if landlords pursued vacancy for renovations. The report states "Staff propose to raise and evaluate this option as part of the on-going licensing review."
- ACORN urges the Emergency and Community Services committee to initiate a comprehensive study on the feasibility of a city wide landlord licensing program to restrict renoviction & ensure landlords keep their properties in good repair

## 2) Expand and make permanent the Tenant Defense Fund

- ACORN supports expanding the Tenant Defense Fund to cover N13 eviction applications (renovation & demolition) but more consultation is needed with the Hamilton Community Legal Clinic and ACORN to ensure the program is successful.
- Based on the success of the Toronto Tenant Defense Fund and acknowledgement that Hamilton's Tenant Defense Fund Pilot of \$50,000 was under utilized, ACORN proposes following in the steps of the Toronto model.

- In addition to the grant amount of \$2,500\* recommended in the staff report for legal representation, Hamilton's fund needs to include a grant for hiring other experts to support a dispute or application at the Landlord and Tenant Board (Toronto maximum is \$10,000)

\*At the city's discretion, Toronto assesses special cases where grant amount for legal representation is increased.\*

- The success of the Toronto Tenant Defense Fund is related to their robust outreach and support staff program. A tenant rights agency (Federation of Metro Tenants Association) works with the city to facilitate the fund. The feasibility of an equivalent program and tenant hotline for Hamilton's TDF needs to be assessed.



### 3) Implement a proactive tenant education program to reach tenants at risk of displacement.

- The staff report states "Staff will work with the Building Division and the Licensing and By-Law Services Division to determine all reasonable and proactive opportunities to inform and educate in circumstances where there is a potential for tenant displacement."
- The city needs to identify opportunities for proactive tenant education, ACORN proposes when:
  - A building changes ownership
  - Reports from community members or tenant groups of "buy outs" or N13 notices
  - When the city receives a building permit application for a multi-residential property
- Tenant education should include sharing contact info for the Tenant Defense Fund, property standards by-law, their City Councillor, Hamilton Community Legal Clinic, Housing Help, ACORN Tenant Union and general tenant rights regarding displacement
- Since the city does not currently have proactive by-law enforcement, properties that trigger tenant education should also be visited by by-law staff to ensure property standards are being enforced, recognizing that landlords who are seeking to displace tenants are likely not maintaining suites, common areas or grounds.



# CONCLUSION

As mentioned in the report, The City of Hamilton has taken important steps in the past two years with the motions to modify the guidelines and criteria of 5 financial incentive programs for developers and update to the city's property standards by-laws to include more health and safety issues tenants face.

These efforts from the city demonstrate the importance of consulting with tenant and community groups that know first hand how the housing crisis is impacting low-income and vulnerable communities.

But more must be done and bold action must be taken. The City of Hamilton has the power to protect tenants from renoviction & substandard housing.

ACORN looks forward to continuing to work with Council, city staff and community partners on these important issues.



# Sources

1) ACORN Canada submitted a Freedom of Information request for Above Guideline Increases and evictions filed at the Landlord and Tenant Board in 2020.

2) Average market rent gathered from <https://www.zumper.com/rent-research/hamilton-on>