



ACORN Hamilton Written Submission - Renoviction

What is ACORN?

ACORN is a multi-issue, membership based community union of low-and-moderate income people. We believe that social and economic justice can best be achieved by building community power for change. Our central purpose is to effectively represent and champion the interests of Canada's low-and-moderate income citizens on the critical issues of social and economic justice. We started organizing in Hamilton in 2018 and have chapters - Mountain, East end, Downtown and Stoney Creek.

What is renoviction?

By renoviction we are referring to the tactics or legal efforts that lead up to a tenant being forced to move out of their home under the guise of major renovations.

Without provincial vacancy control (cap on rent between tenancies), financialized landlords are determined to get frequent turnover of units to raise the rent or get rid of tenants paying below market rent.

Buildings with recent ownership changes and / or long term tenants paying under market rent are especially at risk.

Typical timeline / tactics:

1. Change in building ownership (not always but often a sign of changes coming)
2. Notice to tenants of coming renovations and major inconveniences

3. Offer of low buyout offers to pick on tenants that are vulnerable or do not know their rights
4. Stopping repairs and building maintenance (make life more difficult and make buyout offers more enticing)
5. Higher buyout offers
6. N13 eviction form (Tenants can challenge at the Landlord and Tenant Board)

Landlords do not want tenants to return to the units so going through the N13 process is not their first choice - tenants taking a buyout is faster and cheaper and guarantees tenants give up their right to return.

Impacts of renoeviction on Hamilton's housing crisis

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

Why provincial rules are inadequate in protecting tenants

In Ontario, landlords have the ability to secure vacancy of a unit for renovations by issuing a N13 (reason 2). If filed at the Landlord and Tenant Board, the landlord must demonstrate that the eviction is in good faith. Tenants have first right of refusal after renovations to return to the same unit at the same rent. Tenants can also pursue fines if the landlord rents out the unit to another tenant.

Despite these provincial regulations, it is very difficult for low income tenants to exercise their first right of refusal and maintain their affordable housing:

- Difficulty to find short term lease at same rent while renovations take place (the reality is tenants will not be able to find similar rents when they re-enter the market)
- Landlords are under no obligation to finish the renovations in a certain amount of time
- Challenge of staying on top of the landlord's renovations to ensure first right of refusal

- Financial costs of moving twice (moving out, moving back, potential storage costs)
- If first right of refusal is revoked or lost, tenants have no legal ability to get their unit back (only landlord can be fined and tenant awarded compensation)

Why the City of Hamilton must take action

Like many Ontario cities, Hamilton is in a housing crisis and we need all levels of government to play a role in finding solutions. Low and moderate income tenants across Hamilton are facing increasing displacement pressures, are forced to stay in substandard housing because they cannot afford to move, face the long wait of adding their name to the waitlist for social housing or when no other options are available - face become homeless until the city can offer an affordable unit.

The situation is dire and more must be done municipally to address the crisis. There are significant benefits in Hamilton adopting policy that keeps tenants housed:

- Reduce pressure on social housing waitlist
- Reduce homelessness
- Maintain and preserve private affordable housing stock
- Protect low income and vulnerable tenant communities
- Be a leader among Ontario municipalities

ACORN Hamilton's recommendations for a strong local anti-renoviction policy:

The housing crisis in Hamilton has gone from bad to worse. Low and moderate-income tenants are facing the brunt of the crisis and Hamilton ACORN is demanding the City of Hamilton develop policies that put the health and housing security of tenants ahead of the profit of developers.

1) A city-wide landlord licensing program to ensure healthy housing conditions and restrict renoviction (Based on the RentSafe program from Toronto, Ontario and anti-renoviction policy based from New Westminister, BC)

- The burden of tenant placement is put on the landlord. If landlords want vacancy for renovations they must accommodate tenants in alternative housing (comparable size and location) for the duration of the work at

the SAME rent OR with the tenant's agreement enter into a new lease at a different but similar unit at the SAME rent

- Moving assistance (tenant's choice of an insured moving company arranged by the landlord OR compensation)
- Extra support for vulnerable tenants (transportation to temporary housing unit and packing assistance for those with mobility impairments)
- Any tenant engagement and required tenant meetings must include a representative from the City of Hamilton and community groups that support tenant rights if requested (Hamilton Community Legal Clinic, ACORN)
- All written communication to tenants must be translated with common languages spoken by tenants in the buildings, and translation services must be provided at tenant meetings
- Building maintenance must continue after a notice of renovations
- Frequent communication to tenants during the renovations to share timeline on returning to units
- Annual inspections to apartment buildings should include proactive tenant education (information communicated / left at doors informing tenants of their rights and available city programs and contact information for community groups ie. ACORN and the Hamilton Community Legal Clinic)

2) Tracking when apartment buildings are sold (transfer of licence) and immediate proactive tenant outreach to inform tenants of their rights and the City of Hamilton's anti-renoviction rules

3) Improvements to the Tenant Defense Fund

- Expand the Tenant Defense Fund to cover N12s and group tenant maintenance applications (T6)
- Expand annual funding of the Tenant Defense Fund (increase funding available for tenants and investment in a tenant outreach component of the program)
- Create a vetted list of paralegals that have expertise and experience in representing tenants in AGIs, N13s, N12s and T6s to be shared with tenant groups
- Long term: investigate the feasibility of following in the footsteps of the City of Toronto Tenant Defense Program (now called Tenant Support Program) where under the new program, tenant groups can directly

access legal services from a designated legal organization (Canadian Centre for Housing Rights)

Closing

Renoviction has had devastating impacts on Hamilton's private affordable housing stock. Hamilton tenants are counting on the City of Hamilton to take bold action to protect low income tenant's affordable homes.



ACORN Contact Info

hamilton@acorncanada.org / 905-393-5734
56 Mulberry Street, Suite 8