



RENOVICTION IN HAMILTON

**PROTECTING TENANTS AND
PRESERVING HAMILTON'S
AFFORDABLE HOUSING**

APRIL 2023



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. Hamilton ACORN started in 2017 and has four neighbourhood chapters: Downtown, East End, Stoney Creek and Mountain.



REPORT SUMMARY

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 bold local policies and programs to protect tenants from renovation.**

This report includes:

- How renovation is having a devastating impact on Hamilton tenants
 - Testimonials from ACORN members
 - ACORN's reaction to the report being presented at the April 20th Emergency and Community Services Committee
 - **Demands for the City of Hamilton: Anti-renoviction bylaw, improvements to the Tenant Defence Fund, proactive tenant education, tracking when buildings are sold and annual inspections of apartments to ensure healthy homes**
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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.

The goal of renoviction is not to repair or upgrade the unit. The goal is to displace the existing tenant and increase the rent for the next tenant. Displaced tenants will never find their affordable rents again.

Current provincial rules

In Ontario, landlords have the ability to secure vacancy of a unit for renovations by issuing a N13 (reason 2) to the tenants. If filed at the Landlord and Tenant Board, the landlord must demonstrate that the eviction is in good faith. Tenants have the right of first refusal after renovations which means that they have the right 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 once the renovations are complete.

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

- Difficulty to find short term lease at the 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 the Right of First Refusal.
- Financial costs of moving twice (moving out, moving back, potential storage costs).
- If the Right of First Refusal is revoked or lost, tenants have no legal ability to get their unit back (the landlord can be fined and tenant could be awarded compensation).

HAMILTON REGION

'People are panicking': Renoviction looms for east Hamilton tenants

HAMILTON REGION

These Hamilton tenants have been without running water for 29 days. And they don't know when it's coming back

MUNICIPAL ELECTION

Hamilton's housing crisis 'no longer something that we can ignore'

HAMILTON'S HOUSING CRISIS



Protecting Hamilton's affordable housing is more important now than ever. Hamilton has had the fastest growing housing prices since 2015 in Canada. More people of all income ranges are entering the rental market due to restricted access to homeownership, making the rental market more profitable for landlords and developers. This pressure on the rental market and the lack of purpose-built housing construction is making it more and more difficult for low- and moderate-income Hamiltonians to compete as market rent rates are way out of sync with average wages. The average market rent in Hamilton for a one-bedroom apartment is currently \$1,900, compared to \$875 just 7 years ago. Even non-market options are becoming more difficult to access as Hamiltonians have experienced wait times for social housing of up to 11 years, versus an average wait time of 2 years in 2013.

These variables make renoviction an increasingly profitable tactic for landlords. The number of N13 (renoviction) applications filed to the LTB in Hamilton has grown exponentially over the past few years. As a result, Hamilton has lost 15,000 units that rent for less than \$750 a month in the last decade. That is 29 affordable units lost for every new affordable unit added. Increasingly, low and moderate income earning Hamiltonians have nowhere to go when they lose their homes to renoviction. Predictably, homelessness in Hamilton is on the rise - more Hamiltonians enter the shelter system than exit it. It is becoming more and more dire that we preserve the affordable housing that we already have.

***NOTE - THESE #S ONLY INCLUDE CASES WHERE THE LANDLORD FILED AT THE BOARD. SITUATIONS WHERE THE TENANT DOESNT NOT CHALLENGE AT THE LTB OR FELT FORCED TO TAKE A BUYOUT ARE NOT TRACKED**

19% 

INCREASE IN RENT FOR A ONE BEDROOM IN THE PAST YEAR. \$1,900 CURRENT AVERAGE MARKET RENT FOR A ONE BEDROOM

 **29**

AFFORDABLE UNITS LOST FOR EVERY ONE GAINED

RISE IN N-13 (S) FILED

# of N13s filed at the LTB *	Year
103	2022
60	2021
33	2020
21	2019
6	2012

ACORN'S RENOVICTION CAMPAIGN



ACORN's anti-renoviction campaign started when now co-chair of Hamilton's East End chapter Elizabeth Ellis called ACORN about concerns that her new landlord wanted to displace all current tenants. Her suspicions were unfortunately well-warranted when the company began going door to door intimidating tenants into accepting low cash offers to move out.

Tenants say Barton Street 'revitalizers' are neglecting them



Malleum Partners purchased the building at 160 Sherman Ave. N. back in July

Adam Carter · CBC News · Posted: Sep 21, 2018 5:01 PM EDT | Last Updated: September 21, 2018



HAMILTON REGION

Fight renovictions with policy, Hamilton tenant advocates urge city

Renter says she buckled under pressure to take landlord's buyout and regrets it

By **Teviah Moro** Spectator Reporter
▲ Mon., May 13, 2019 | ⌚ 3 min. read



Elizabeth Ellis participates at a housing protest in Hamilton, Ont. in 2018. (Adam Carter/CBC)



In 2020, ACORN members organized a campaign drive to launch our demands for the City of Hamilton to take action on renoviction. The main demand focused on Hamilton adopting a similar bylaw as New Westminster, BC which required landlords to accommodate tenants during renovations. Members held a press conference and rally at City Hall.

Hamilton Spectator

Housing activists call on city to create bylaw to stop evictions through renovation

Aug 21, 2020



West-coast bylaw would protect Hamilton tenants against 'renovictions', says advocacy...

Aug 20, 2020



ACORN'S RENOVICTION CAMPAIGN CON'T



After the campaign launch, members began meeting with City Councillors to discuss the renoviction crisis and the urgent need for Hamilton to take action.

First motion passed at Council - December 2020

Councillor Brad Clark - "That staff be directed to review reno-victions in Hamilton and report back to the Emergency and Community Services Committee by the end of March 2021 with information about what other jurisdictions have done to reduce the problem and what the City of Hamilton can do to mitigate the number of people who are affected by this practice".

80 person ACORN town hall on renoviction

How Hamilton can use it's municipal powers to save the city's affordable housing

WHEN: THURSDAY
FEBRUARY 18TH AT 6PM

Featuring - Councillor
Jaimie McEvoy on New
Westminster's anti -
renoviction bylaw

And panelists: Ali Naraghi, lawyer at HCLC &
Merima Menzildzic, Project Coordinator at
SPRC

Contact: hamilton@acorncanada.org / 905-393-5734

Ahead of the staff report coming back to committee, ACORN hosted a virtual town hall with Councillor Jaimie McEvoy from New Westminister, BC and allies from the Hamilton Community Legal Clinic and Social Planning and Research Council.

April 2021 - Staff report back to committee

ACORN members were deeply disappointed with the staff recommendations. The only recommendation was to expand the Tenant Defence Fund (TDF) to cover legal support for renoviction cases (ACORN's demand). Despite this initial staff proposal, ACORN was able to push for improvements to the TDF (lifting of the cap on the amount of financial support available to tenant groups) and another motion to develop local policy - **"That staff be directed to report back to the Emergency and Community Services Committee with a framework, including timeline and resources to develop a comprehensive renovictions strategy for City Hamilton as part of our recovery plan, to include: the evaluation of the tenant defense fund, proactive tenant education options, and options for a licensing and by-law regime"**.

ACORN members continued to organize and build pressure for local action, including a 120 person joint virtual town hall with Toronto ACORN which saw Hamilton City Councillors and senior city staff attend.

RENOVICTION CAMPAIGN CONTINUED + ACORN'S REACTION TO APRIL 20 STAFF REPORT



In **December 2021**, staff reported back to the Emergency and Community Services Committee with the resources needed to move forward local policy:

"That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to enter into contracts necessary to hire and retain a consultant to find the ways and means of implementing a New Westminster style by-law in Hamilton to deal with the issue of 'renovictions' in the approximate amount of \$100 K.."

Throughout 2022 - 2023, ACORN members facing renoviction continued to organize in their buildings to keep their homes. **Since the TDF was expanded, ACORN has organized at ten apartment buildings (56 households) to receive funding to retain a paralegal for renoviction.**

In November of 2022, ACORN members had their first of two meeting with the consultant retained by the city.

Staff report - April 20th Emergency and Community Services Committee



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	April 20, 2023
SUBJECT/REPORT NO:	Renovictions Stakeholder Consultation (HSC23023) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James O'Brien (905) 546-2424 Ext. 3728
SUBMITTED BY:	Michelle Baird, Director Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	<i>Michelle Baird</i>

RECOMMENDATION(S)

- That Council approve increasing the balance of the Tenant Defence Fund Project ID 6731841801 by \$50 K in 2023 through a transfer from Project ID 6731941901 Hamilton Portable Hsg Benefit to the Tenant Defence Fund Project ID 6731841801; and,
- That staff report back on the outcomes of the Tenant Defence Fund in 2025; and,
- That the item respecting the Tenant Defence Fund be removed from the Outstanding Business List.

After being directed to develop a comprehensive renovictions strategy (the evaluation of the tenant defence fund, proactive tenant education options, and options for a licensing and by-law regime) and \$100,000 approved to increase capacity to do the work, the report is only proposing to add another \$50,000 to the TDF.

Missing from the recommendations:

- Meaningful increase in funding to the TDF - another \$50,000 will not cover an expansion or improvements to the program
- Implementation plan for an anti-renoviction bylaw.
- Annual inspections to apartments to ensure compliance of property standards and inform tenants of their rights

ACORN MEMBER TESTIMONIALS



CHANTELLE

I have lived in my Hamilton Mountain townhouse for 20 years. On September 1, 2021, I received word that this property went up for sale. On September 9, I received a letter (with the wrong address on it) that the property had been sold with plans to demolish all units on the property. I asked my landlord for proof that it had been sold, but they continually refused. I later found out that it had not actually been sold, and that the anonymous number on my landlord's letter representing the buyer of the property actually represented himself. Despite this, I continued to be relentlessly pressured to take a \$18,000 buyout to move out despite my continuous refusals, have parts of my neighbouring units demolished without permits, be denied access



to the newly installed central air system because I pay less rent, and was even sued for defamation of the landlord's character for talking to my fellow tenants about their rights in this situation. This landlord's renoviction tactics negatively affected me and my family's health and well-being. It has caused my and my family significant mental health distress and we are made to live under constant fear of the loss of our long-time home.

A large, for-profit real estate company called Executive is now the new owner. This landlord was looking to renovict all 13 households in my complex, and 9 were renovicted (which is around 30 tenants), and just 3 households (including mine) remain, fighting against renoviction tactics. It is clear that the landlord's goal is to increase their profits, as I pay \$902 in rent, and the newly renovated units are on the market for around \$2799.

Me and my family believe that our situation could have been prevented with more regulation from the city. We believe that renoviction tactics such as their landlord's should come with greater consequences and be more closely monitored by the city, and that real estate companies as well as municipal governments place too much priority on economic growth and profits at the expense of the people's well-being and at the cost of taxpayers, who are being left with no choice but to move around from cubicle to cubicle. My family and I call on the city to take bold action against renoviction so that other Hamiltonians don't have to experience what we have experienced.

ACORN MEMBER TESTIMONIALS



DAVID

I've lived in my apartment on 1083 Main Street East for 18 and a half years at an affordable rent. Just 4 years ago, Malleum properties bought my building with intentions to evict us for renovation and rent increases.



Since then, it's been sold to executives of another large real estate company, Elevation Realty Network, one of which - Dylan Suitor - has talked about plans to turn it into a luxury 'lifestyle' building in order to double its value. I pay \$879 in rent, and the renovated units are being marketed for around \$1800. But overall, they've been quite secretive about who owns it, and they've chosen to remain anonymous for the most part. They've never presented themselves to us tenants.

This building has over 60 units, and only 7 households, including myself, are left to fight our landlords' cruel renoviction tactics. We had no water for over 80 days. 80 days in which there were multiple LTB hearings, city council meetings, news stories, and tenant actions. We had to use very limited containerized water to do most things. It took 8 litres of that water just to flush the toilet. They dropped us off occasional water, but the water didn't seem healthy - it left a strange residue when we used it. Since I'm the only tenant who drives, I was offered a motel room, but I was scared to live there for fear that they wouldn't let me back in my apartment. So I had to drive 15 minutes just to shower and carry out other basic tasks. Other tenants had to shower at rec centres. The city stopped collecting our garbage which gave us rats. We have unfinished renovations that left our building in disrepair. We were even called squatters by associates of the owners. Our landlord's paralegal claimed they gave us N13s with 120 days notice to vacate, but none of us actually received it, and we received contradictory information about how they were sent. We were offered 3 month's rent to leave, but none of us cashed them; we can't afford to leave. Market rent is too high.

These past few months have been physically and emotionally very stressful, even traumatic. A lot of us are more short-tempered and in lower moods. It's caused mental health declines for a lot of us. It's a disgrace that the city has permitted this. We went from one slumlord to another who squeezed whatever they could out of the building, didn't do repairs, and got away with it. Everyone in our building is either sick, disabled, elderly, on ODSP, or a combination. We are marginalized enough as is.

ACORN MEMBER TESTIMONIALS



DAVID CONTINUED

This situation was grotesque from start to finish. It's clear that we need a stronger tenant protections bylaw regime, and to actually enforce the tenant protections we already have. I believe the vital services bylaw should have been invoked - that could have solved this overnight. It is my understanding that initially bylaw officers were going to use the vital services bylaw but for some reason changed their mind.. Those are questions, like so many others, that we just don't have answers to right now. I want the city to investigate this whole situation and how it went so wrong. And more importantly, make some serious changes to make sure tenants have access to basic human rights. Our landlord has walked out of this situation without so much as a slap on the wrist and not a penny of fines. Of course I am angry with my landlord, but I am most angry with the city's departments that are meant to protect us, and failed to do so with any effectiveness, urgency, or enthusiasm. I want the City Council to take some steps and speed up some of the tenant protections they've been talking about and make sure landlords don't get away with so much. I want to make sure nothing like this ever happens again.



ACORN MEMBER TESTIMONIALS



MARIE

I was renovicted from my east end home of 15 years in the winter of 2020. My building was owned and run by Collard Properties who renovicted 12 households in total over the course of about a year. During that time, my landlord was demolishing and renovating vacant units, changing our heating systems without a permit, handed out N13s, offered buyouts of up to \$6,000 for us to move out, and entered the property and our units to do invasive repairs without proper notice. We received letters upon letters trying to convince us to move out.

Fed up, myself and two other households in the building decided to take it to the Landlord Tenant Board; we did not want to move out of our homes. However, things did not go in our favour and we were left with the option to accept an offer from our landlord to move into a different unit in the building for \$850 a month, nearly \$200 more than what I was currently paying. Further, they were renting out newly renovated units, including my previous unit, for \$1700 not including utilities. So, I was given 120 days notice to vacate.

Even after I moved out, the stress did not end. My landlord kept trying to get more money out of me, such as dismissing that I had paid last month's rent when I first moved in, my move-out date was delayed for 5 months, and my new unit was not even fully finished when I moved in.

This process took a bad toll on my mental health. I became ill because of the amount of stress I was being put under.

I believe experiences like mine can be prevented. The law needs to change to protect tenants, we need more intervention from the city. Landlords get away with too much. And it's not just here in Hamilton, it's happened all over the world. Homelessness is on the rise. I think one thing the city can do is collect better data and keep track of the number of affordable housing units and homelessness rates in the city so they know what they're dealing with.



ACORN MEMBER TESTIMONIALS



TONY

Last summer, I received a note on my door offering me \$3000 to move out of my apartment. I pay \$658 in rent in a building that has 12 units. I have lived here since 2008, but everything has changed here in just the past year when our building got new owners. Just a few months after I was offered money to move, I got an N13 notice to vacate that also offered me 3 months' rent to leave. I got a second buyout offer just a few months after that, and just a few weeks ago, another N13. Needless to say, these owners and their paralegal have been pretty pushy in trying to get us out of our homes. They even came to us in person one by one, door to door, to ask us how much money it would take for us to move out. But this just isn't an option for many of us. After all, those buyouts won't last. It's not about the money - this is my home. If I had to move, it'd be really tight for me. I'd probably have to move out of this neighbourhood and live with my mom while I try to find another place within my budget, which would be very difficult if at all possible in this market.

Ever since these renoviction tactics have been taking place, I've constantly had the worry of losing my home in the back of my mind, and I find myself scared. It's been cripplingly stressful, to say the least, for me and all my co-tenants. The mood is so much lower, it's like there's a grey cloud over the building. I've lived in Hamilton all my life, and it was never this bad growing up. I see stories on the news about homelessness in this city, or landlords shutting off tenants' water so that they'll move out, and I worry that that could be me, which I've never had to do before - I'm working all the time. Overall, I feel very threatened.

It's clear that the intention of these new owners is to buy us out in order to up the rent and make a profit; that's what's going on. There's people who have homes here, and we pay our rent. They don't care about our livelihoods; they just want to make money.

The city needs to be more involved, stop these renovictions and prioritize the wellbeing of its people over profit. They should promote organisations that advocate for tenant rights and affordable housing. We can't have more people losing their homes in a time where they're so unaffordable and unavailable.



ACORN'S DEMANDS



ACORN members are extremely disappointed by the recommendations in the April 20th report.

It's been almost 2.5 years since the initial Council direction to investigate and pass a local policy to protect tenants from renoviction. Despite this generous timeline, the April 20th report received lacks an accurate reflection of the lived experience of Hamiltonian renters, and fails to put forth any recommendations that provide tangible support to communities at risk of homelessness in the mounting face of the renoviction crisis.

Since 2019, ACORN has been calling on the city to adapt a set of common-sense bylaws and programs already championed by other cities to protect vulnerable low-income tenants and the city's existing affordable housing stock. **Bold action is needed.**

1) A city-wide landlord licensing program to ensure healthy housing conditions and restrict renoviction (Based on the RentSafe program from Toronto, Ontario and the anti-renoviction bylaw 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), and additional support provided for vulnerable tenants (including but not limited to: transportation to temporary housing unit and packing assistance for individuals with mobility impairments).
 - **ANY** tenant engagement and required tenant meetings are mandated to permit the attendance of a representative from the City of Hamilton and community groups that support tenant rights if requested by the tenants (ie; Hamilton Community Legal Clinic, ACORN).
 - Any written communications must be provided in tenant's native language, and the presence of translation services at tenant meetings are mandatory at **no cost** to the tenant.
 - Building maintenance cannot be permitted to deteriorate after delivering notice of renovations to tenants.
 - Frequent communication in trackable mediums must be made available to tenants with regard to renovation progress and return timelines in order to protect tenants' right of first refusal.
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ACORN'S DEMANDS CONTINUED



- 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 i.e. ACORN and the Hamilton Community Legal Clinic). This must be provided in tenants' native language.

2) Tracking when apartment buildings are sold

- Track when apartment buildings are sold (transfer of license)
- Tenant outreach must be proactive and comprehensive, informing tenants of their rights and all applicable laws protecting them from renoviction through the City of Hamilton. This information must be made available in tenants' native language.

3) Improvements to the Tenant Defense Fund

- Allocate appropriate funding to TDF proportional to the felt needs of vulnerable communities. The TDF was originally \$50, 000 when it was implemented in 2019. Without a significant increase in funding, the improvements and expansion the program desperately needs will not be possible.
- Expand the TDF to cover N12s, tenant maintenance applications (T6) and allow tenants to pursue other legal processes at the Landlord and Tenant Board, Local Planning Appeal Tribunal, Divisional Court, or other administrative tribunal or court with the intent of preserving affordable rental housing in Hamilton.
- Provide funding to tenant groups facing renoviction to hire a professional to dispute need for vacancy
- Add staff capacity to the TDF for tenant groups that need help with outreach and organising in their buildings.
- Create a vetted list of paralegals that have expertise and experience in representing tenants in Above Guideline Rent Increases (AGIs), N13s, N12s and T6s to be shared with tenant groups.

Long term improvement:

- Transition the TDF to be similar to 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). For example, in Hamilton, the designated service could be the Hamilton Community Legal Clinic. This transition would reduce barriers for tenant groups accessing legal representation.
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CONCLUSION

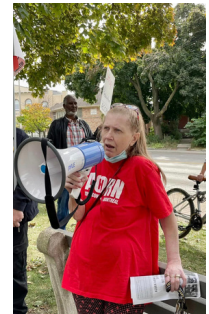


The rise in renovations has and will continue to have a devastating impact on Hamilton, at both the individual and systemic level. Renovation shatters the lives of families, breaks long-held community bonds, undermines all efforts at stemming the ongoing housing crisis, and irreversibly slashes Hamilton's affordable housing stock with no plan or intention to replenish it.

Thanks to the tireless mobilization of ACORN's membership of low and moderate-income tenants, important steps have been taken by the Council to protect Hamiltonians. This crisis, however, requires more significant action, and the data and lived realities of ACORN members reflect this.

ACORN has been fighting for bold municipal tenant protection policies - **an anti-renoviction bylaw and a strong Tenant Defence Fund** - for 3 years.

ACORN members and allies will be delegating to the April 20th Emergency and Community Services Committee to urge the City of Hamilton to be a leader in Ontario in protecting tenants.



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