



ONTARIO RENOVICTION REPORT 2024

**ACORN CANADA
FEBRUARY 2024**

416-461-5322

ontario@acorncanada.org

INTRODUCTION

ACORN Canada is a community and tenant union. ACORN has 31 elected chapters in 8 cities across the country. 17 chapters are in 5 Ontario cities.

ACORN members are low- and moderate-income tenants who are bearing the brunt of the housing crisis. In addition to skyrocketing and increasing rents, several factors such as lack of adequate tenant protections, greedy landlords, lack of full rent control, and financialization of housing are fueling the housing crisis. As years of groundwork by ACORN has shown, on top of fighting landlords directly, targeting the government to adopt policy tools to strengthen tenants' rights and protect affordable housing, has proven effective.

This report focuses on some key trends that emerge from data relating to two specific eviction notices or 'Notice of Termination of Tenancy' that tenants receive from their landlord - N12s and N13s. The data was accessed through Freedom of Information requests from the Landlord and Tenant Board (LTB) in Ontario.

The reason for focusing on N12s and N13s is because these are increasingly becoming

common tactics employed by corporate landlords to evict long term tenants.

- N12 pertains to the notice of termination of tenancy when the landlord/their family/caregiver wants to move back into the rental unit for at least one year or there is an agreement of purchase and sale of the rental unit and the purchaser's family or their caregiver wants to move in.
- N13 pertains to the notice of termination of tenancy when the landlord wants to do massive renovations that require vacant possession of the rental unit, demolish the rental unit or convert it for non-residential use.

N-13s and many N-12s are part of a process of:

- Renoviction - when a landlord evicts a tenant under the guise of major renovations that are often unnecessary or cosmetic.
- Demoviction - when a landlord evicts a tenant by claiming they want to demolish the rental unit.

The last section of the report lists some key tenant protections ACORN members are fighting for in cities across the province.



CONTEXT

ACROSS CANADA, FOR EVERY 1 UNIT OF AFFORDABLE HOUSING BUILT WE ARE LOSING 11 AFFORDABLE UNITS ON THE PRIVATE MARKET.

In 2021, 13.1% of people were in core housing need. Households in core housing need live in an unsuitable, inadequate and unaffordable dwelling and cannot afford alternative housing in their community.

The Rental Housing Index data released in 2023 and the report by ACTO paint a grim picture with respect to the housing situation in Ontario.

- Ontario is home to 1.7 million renters or 31.4% of people rent their homes in the province, which is up by 10% between 2016 and 2021.
- 24.9% of renter households are in core housing need compared to 6.4% of homeowners.
- 38% of renters are paying more than 30% of their income on rent while 15% are paying more than 50% of their income on rent.
- Rents are on the rise across the entire province with faster increases becoming more noticeable in recent years. Toronto saw average rents go up by 84% between 2001 and 2021. Similarly, Ottawa saw average rents jump by 81% in the same time period.



Issue of Affordability.

Moreover, there are certain key trends discernible from the latest CMHC report that demonstrates the extent of and factors contributing to the housing crisis.

- The average rent growth in 2023 reached a new high of 8% in contrast to 5.6% in 2022. These figures are much higher as compared to the average growth figure of 2.8% between 1990 and 2022.
- Rent growth exceeded both inflation (4.7%) and wage growth (5%).

No Affordable Units in Ottawa & Toronto.

If a family loses their home as a result of renoviction, they will have no where else to go. The share of units with rents costing no more than 30% of a city's lowest income household's budget (the first income quintile, representing 20% of the population) is extremely uncommon.

- No such units are available in Ottawa and Toronto.
- In other cities, the share of such units is less than 20%.

Vacancy Decontrol Creating the Financial Incentive for Renovictions.

Turnover of units exacerbates the growing housing challenge for low- and moderate-income renters. While the existing form of rent control in the province ensures that rent is not raised substantially as long as the tenancy continues for buildings built before 2018, the landlord can raise the rent by any amount once the tenancy is over.* There is no vacancy control in Ontario which provides a massive financial incentive to landlords to do renovictions and push out long term tenants for the unit to become vacant.

- In 2023, the average rents in turnover units exceeded rents in non-turnover units by 13% nationally. CMHC defines a unit as “turned over” if it was occupied by a new tenant who moved in during the 12-month survey period.
- **For Toronto, the difference in rent in a turned over unit is high as 31% and 21% in Ottawa.**

Turnover of units can happen for a number of reasons but N12s and N13s are becoming extremely popular tactics for landlords to evict long term tenants.



Loss of Affordable Housing.

Ontario is losing affordable housing too fast. The Province’s focus is to build new rental supply, however, this supply is largely going to be luxury, expensive housing as there is no rent control on new developments. **There is very little attention being paid to protect existing affordable housing** - with the exception of the City of Hamilton’s new anti-renoviction protections that will be discussed later in this report. We are losing more affordable housing than is being built. Therefore, it is essential that we stop the loss of affordable housing if we are to end Ontario’s housing crisis. Renovictions are a huge source of housing loss.

- Between 2006 and 2016, Ontario saw a 26% decline in units that rent for less than \$1000. This further decreased by 36% between 2016 and 2021.
- Units with monthly rents of more than \$1,500 increased by 360%.
- The highest increase has been in luxury rentals, renting for over \$3000, which have increased by 87% between 2016 and 2021.

*Note that ‘Above-the-Guideline-Increases’ in rent or AGIs are another problematic loophole in Ontario’s rent control laws



Changes made in the Ontario Residential Tenancies Act

The Province has made a series of changes to the Residential Tenancies Act with the alleged aim of protecting tenants and building more housing. Through recent legislation, Bill 23, and Bill 97, the Province introduced a wave of changes that included tweaking the renovication process, increasing fines and also starting a process to invite feedback from stakeholders in a bid to possibly weaken the powers cities have to introduce rental replacement bylaws.

But, these changes still do not prevent landlords from doing renovications and destroying existing affordable housing. While the Province refuses to address the root problem through eliminating the financial incentive for renovications to take place, what is needed is more power in the hands of the cities to enact strong tenant protections.

DATA - N12 AND N13

THIS SECTION FOCUSES ON SOME OF THE KEY TRENDS EMERGING FROM THE N12 AND N13 DATA ACORN OBTAINED FROM THE LTB.

Methodology

ACORN obtained data pertaining to N12s and N13s through a Freedom of Information request. The N12 data was obtained for 2017 to 2021 and the N13 data was obtained from 2017 to 2023 (until August). The name of the landlord is only available for the 2023 N13 data. Also, it is not possible to specify the number of applications for renovations and demolitions separately as the N13 data obtained from the LTB is not segregated as per the reason for which it was filed by the landlord.

Data analysis was done to understand the following:

1. Trends with respect to the number of N12s and N13s filed in the province
2. Trends with respect to the number of N12s and N13s filed in select cities. The cities were selected based on where ACORN has chapters.
3. Any specific trends relating to the type of landlord who filed N13s in 2023.

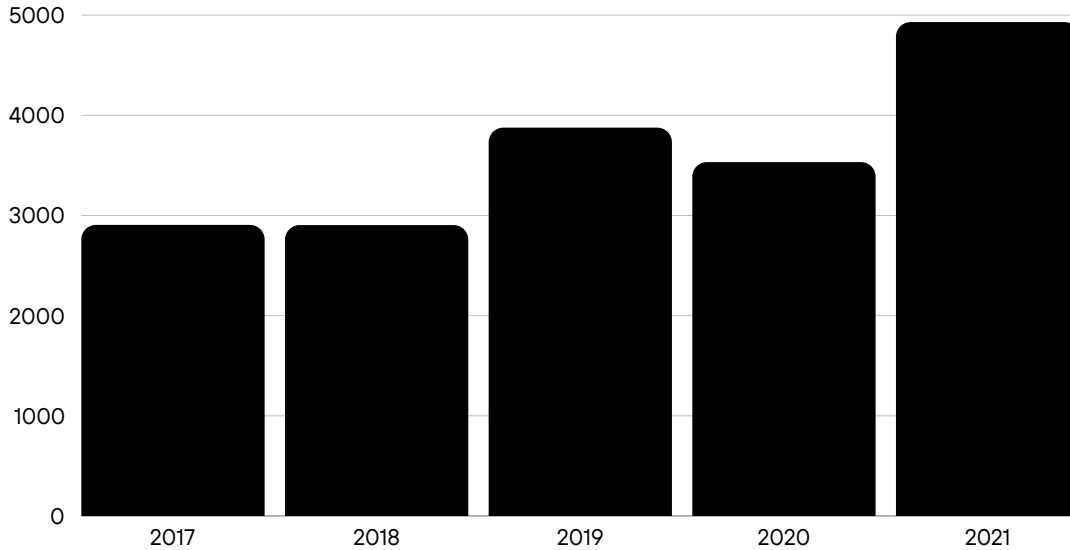
It is important to note that the data pertaining to N12s and N13s accessed from the LTB is a gross underestimate of the scale of the renoviction crisis. Most renovictions never reach the tribunal as landlords harass and intimidate tenants to get a “voluntary” termination of tenancy.

This includes but is not limited to: neglecting repairs and making conditions for tenants unlivable, offering “cash for keys” or “buyouts” and purposely misleading tenants about their rights.

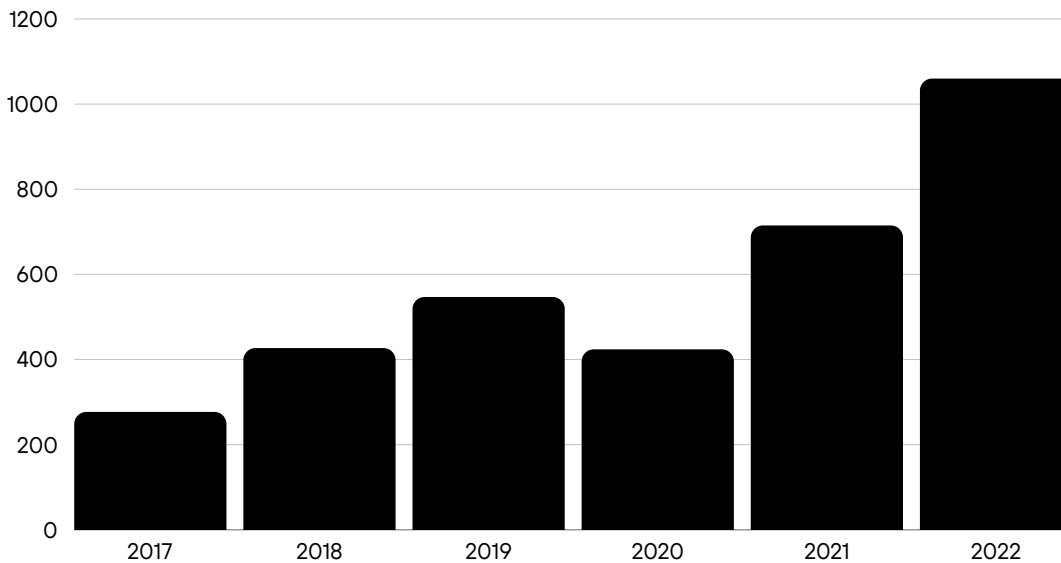
More tenants are reporting predatory landlords misusing N12s as a means to renovict long term tenants as requirements for notice and compensation are less than when filing an N13.

Overall Trends Relating to N12s and N13s - Ontario

Number of N12s filed in ON- 2017-2021



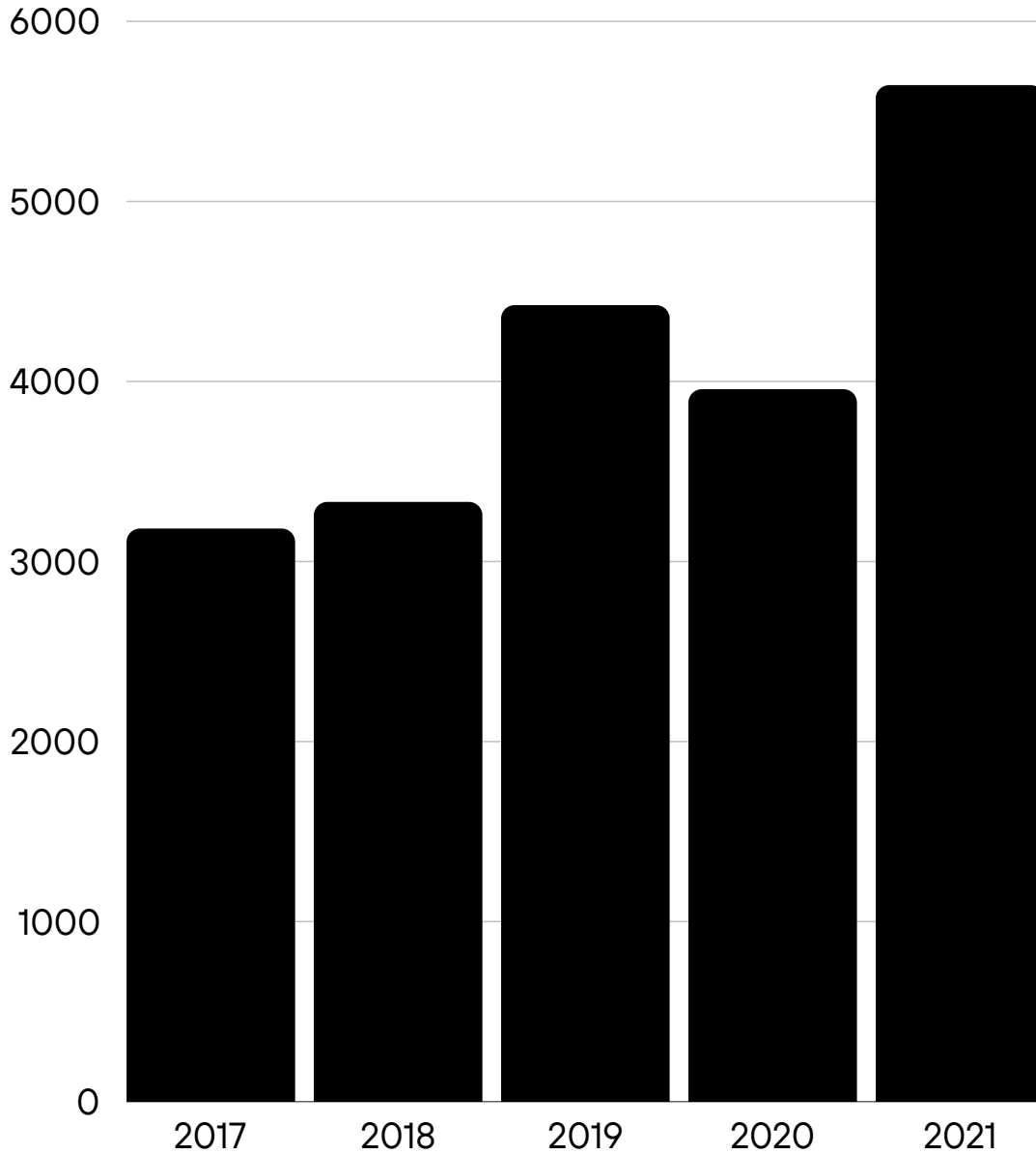
Number of N13s filed in ON- 2017-2022



- 18,151 N12s have been filed between 2017 and 2021
- There has been a 70% increase in the number of N12s filed between 2017 and 2021.
- There has been close to 300% increase in the number of N13s filed between 2017 and 2022.
- 4,067 N13s have been filed between 2017 and Aug 2023.

Overall Trends Relating to N12s and N13s - Ontario

Number of N12s and N13s filed in ON- 2017-2021



- A total of 20,541 N12s and N13s were filed between 2017 and 2021.
- The number of potential renoviction notices has increased by 77% during this time
- Nearly 10,000 N12 and N13 eviction notices were filed in 2020/2021 despite temporary eviction moratoriums due to COVID

TRENDS IN SELECT CITIES

Top 10 Cities with the most N12s 2017-2021		
1	Toronto	5085
2	Brampton	1193
3	Mississauga	968
4	London	858
5	Hamilton	745
6	Ottawa	608
7	Windsor	473
8	Kitchener	266
9	Barrie	258
10	Cambridge	173

N12

Toronto tops the charts with the most number of N12s filed between 2017 and 2021. Other cities that have almost similar numbers of cases include Brampton, Mississauga, London, Hamilton and Ottawa.

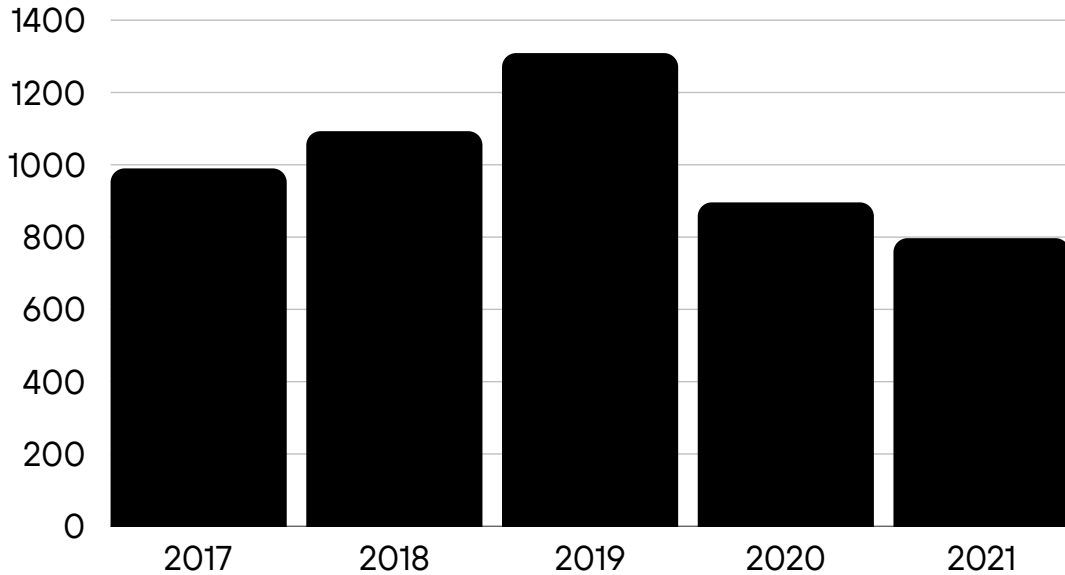
Top 10 Cities with the most N13s 2017-Aug 2023		
1	Toronto	950
2	Hamilton	337
3	Ottawa	184
4	Windsor	170
5	London	153
6	Kitchener	136
7	Brampton	112
8	Kingston	78
9	Mississauga	68
10	Barrie	58

N13

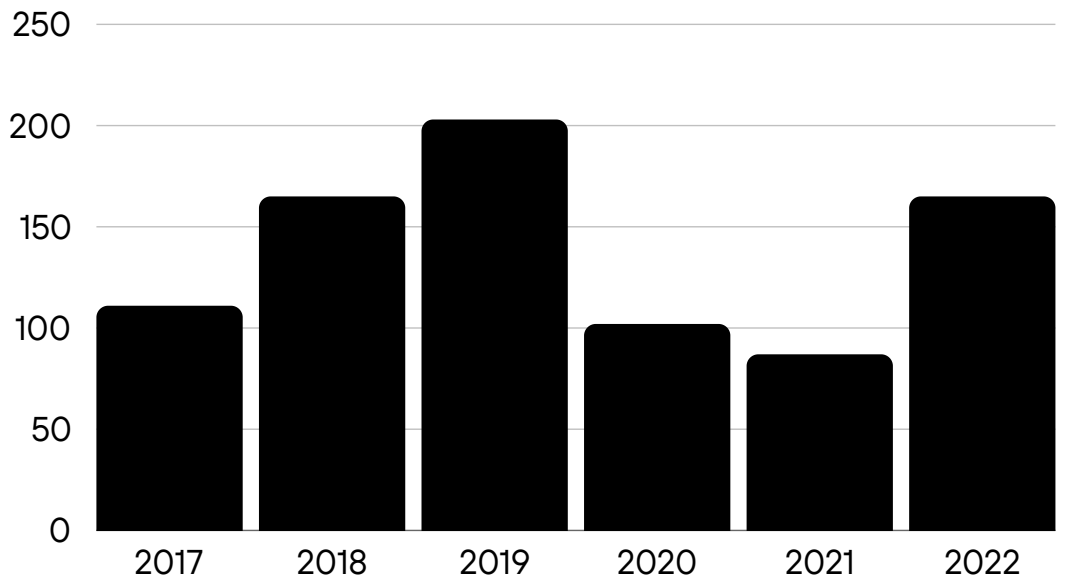
With respect to the total number of N13s filed between 2017 and 2023 (August), Toronto again tops the charts followed by Hamilton and Ottawa.

Toronto

Number of N12s filed in Toronto - 2017-2021



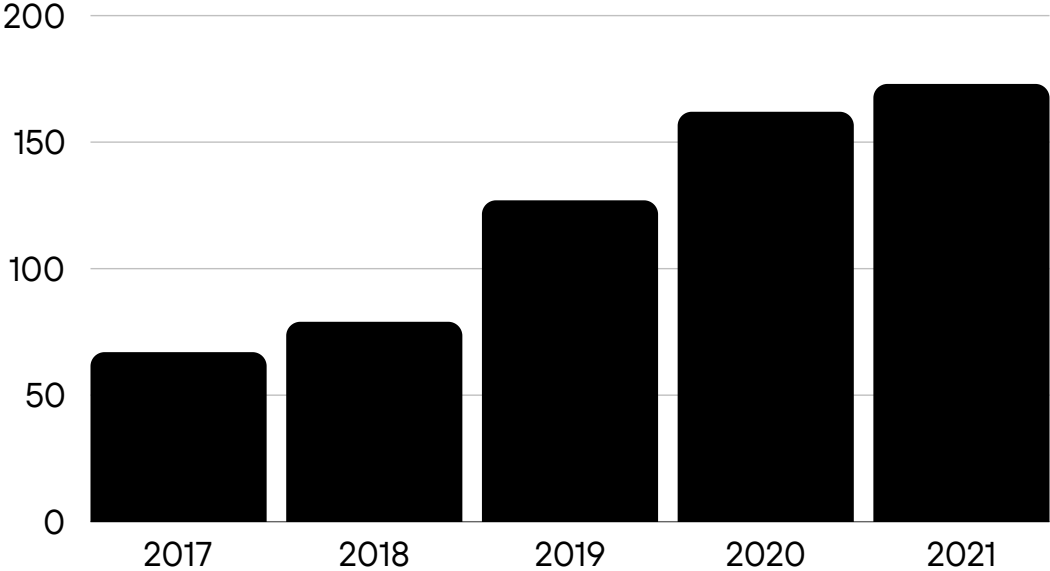
Number of N13s filed in Toronto - 2017-2022



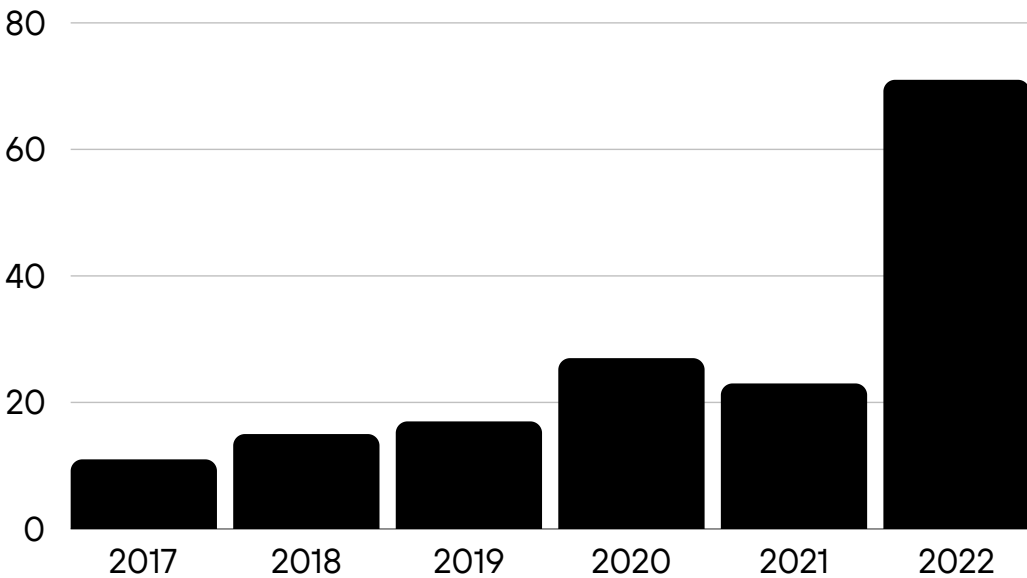
- According to ACTO's 2019 "We Can't Wait" report, Toronto had fewer than 325 N12s and 25 N13s in the 2015-2016 fiscal year.
- Since 2017, there has been a nearly 50% increase in the number of N13s filed in Toronto, however, N13s have almost doubled in most recent years.

Ottawa

Number of N12s filed in Ottawa- 2017-2021

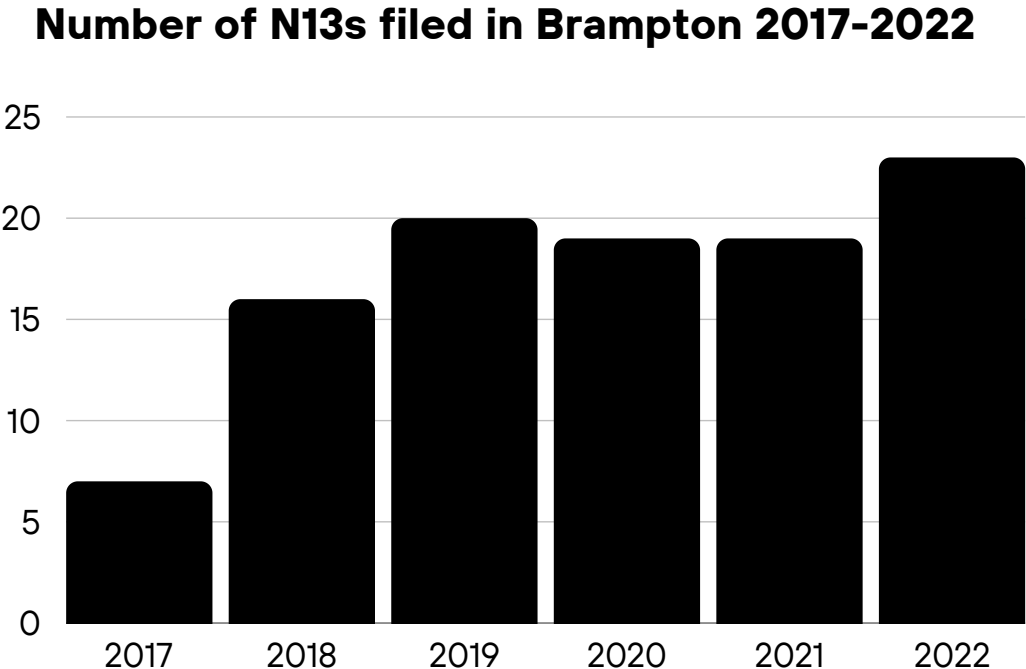
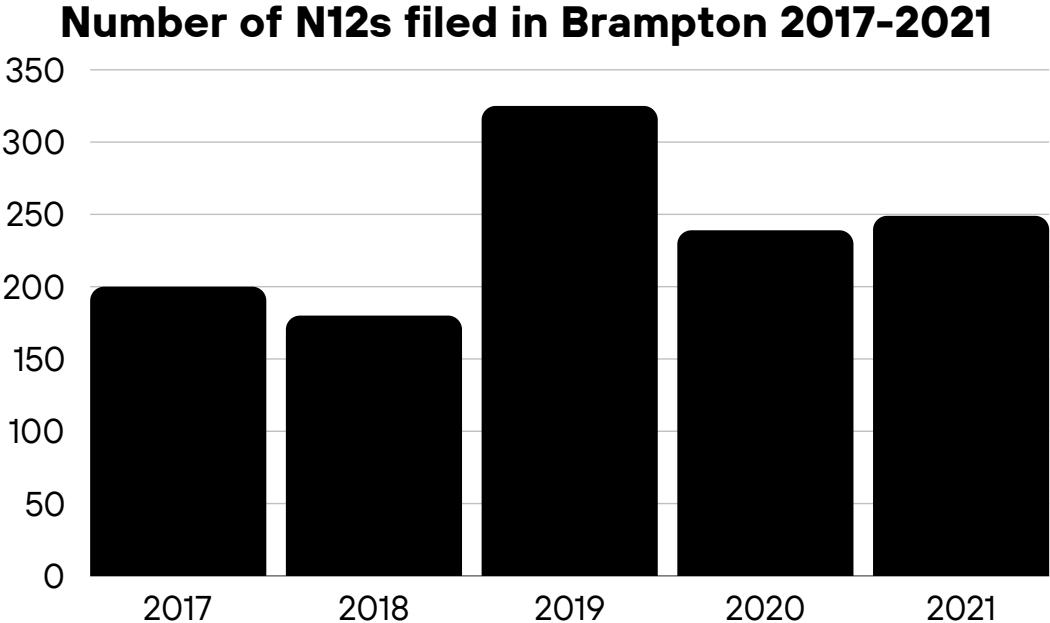


Number of N13s filed in Ottawa- 2017-2022



- 160% increase in the number of N12s filed in Ottawa between 2017 and 2021.
- 545% increase in the number of N13s filed in Ottawa between 2021 and 2022.
- N13s tripled in 2022 compared to the previous year.

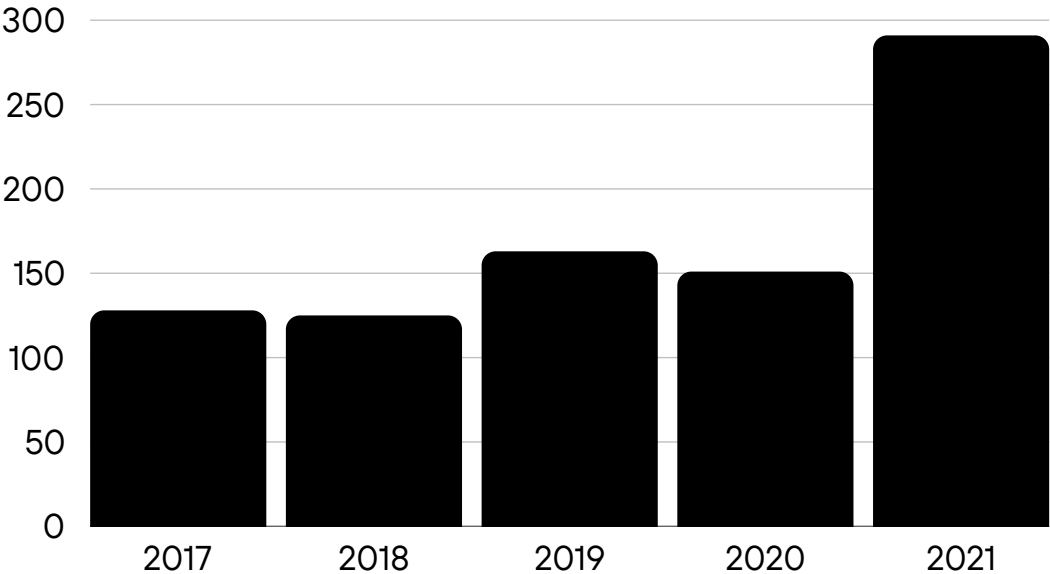
Brampton



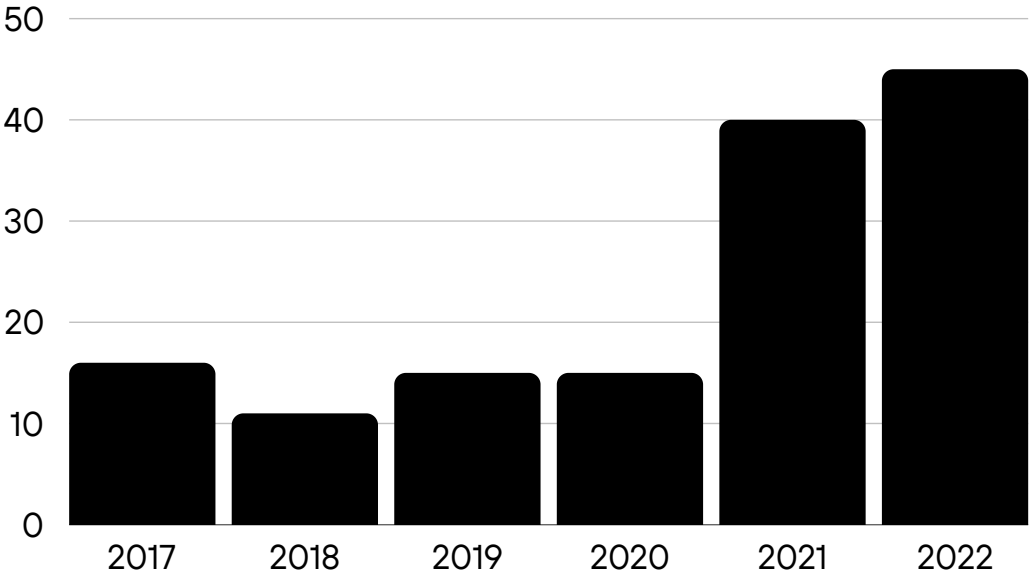
- 25% increase in the number of N12 applications filed between 2017-2021
- 230% increase in the number of N13 applications filed between 2017-2022 in Brampton.

London

Number of N12s filed in London- 2017-2021



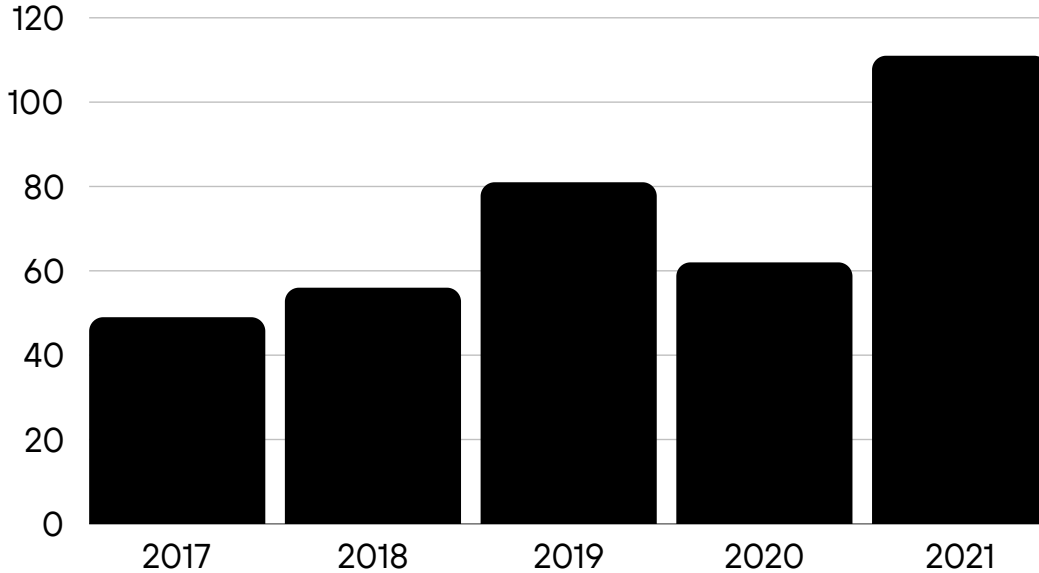
Number of N13s filed in London- 2017-2022



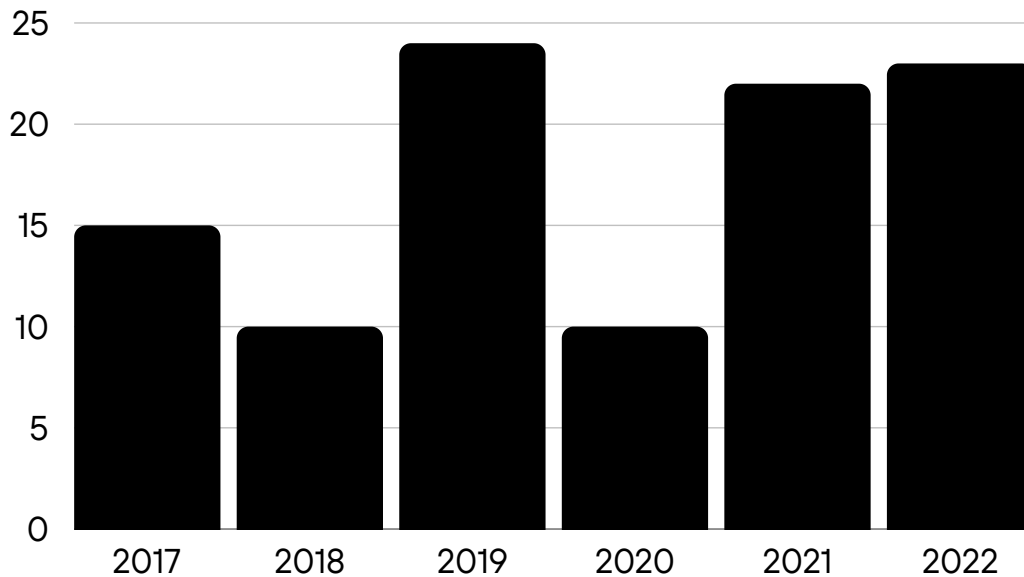
- 130% increase in the number of N12s filed in London between 2017 and 2021.
- 180% increase in the number of N13s filed in London between 2017 and 2022.

Kitchener-Waterloo

Number of N12s filed in Kitchener-Waterloo 2017-2021



Number of N13s filed in Kitchener-Waterloo 2017-2022



- Nearly 130% increase in the number of N12s filed in Kitchener-Waterloo between 2017 and 2021.
- Almost 55% increase in the number of N13s filed in Kitchener-Waterloo between 2017 and 2022..

N13 Applications by Numbered Companies

A quick review of the applications by the type of landlord shows that **more than 20% (22%) of all the N13 applications were filed by landlords registered as numbered companies.** This is a huge issue since not knowing who your landlord is acts as a strong deterrent and obstacle in tenant organizing and securing tenant protections.

Note: This analysis is limited to N13s filed between Jan 2022 - August 2023 as the name of the landlord was only available for applications filed in this time period.



RESISTING RENOVICTONS

ACORN HAS BEEN FIGHTING RENOVICTONS AND DEMOVICTONS FOR MANY YEARS, BOTH TARGETING THE GOVERNMENT TO INCREASE PROTECTIONS AND TARGETING LANDLORDS DIRECTLY TO STOP INDIVIDUAL TENANTS FROM BEING RENOVICTED (LEGALLY AND ILLEGALLY).

Here are just a few cases of renovictions that ACORN is fighting across different cities:

- 25 Leduc Dr and 2 Torbolton Dr, Toronto
- 1270 and 1280 Webster St, London
- 267 Traynor Ave, Kitchener
- Manor Village, Ottawa
- 1083 Main St, Hamilton



ACORN DEMANDS

THIS SECTION LAYS DOWN SOME OF THE KEY CHANGES THAT CITIES MUST INTRODUCE TO PROTECT TENANTS FROM RENOVICTONS AND DEMOVICTONS.

1) Renoviction Bylaw

ACORN is calling on all Ontario cities to pass an anti-renoviction bylaw similar to the City of Hamilton. In January 2024, after a 5 year long campaign by local ACORN members, Hamilton became the first city in Ontario to pass a robust anti-renoviction bylaw based on the success of policy from New Westminster, BC. In New Westminster, cases of renoviction were reduced from 333 to zero. This sets a strong precedent for other cities to follow.

Key features of the Hamilton Renoviction Bylaw include the following:

- It will require a landlord to apply for a city renovation licence within seven days of issuing an eviction notice to a tenant. The licence fee will be \$715 per unit, and \$125 to renew annually.
- The city will only allow the eviction and renovations to take place if the landlord has already secured all building permits to complete the work and provides an engineer's report confirming vacancy is necessary.
- The landlord will also need to make arrangements with any tenant who wants to return to their unit once the renovation is complete. These arrangements include providing the tenant with temporary accommodations, comparable to their current unit and rental rate, or a rental top up.
- After the renovation is complete, the landlord will be required to adhere with the Residential Tenancies Act and allow the tenant to return to their unit at the same rate they were paying before the work was done.
- If landlords don't comply with the bylaw, they could be fined up to \$500 per unit per day, plus administrative fines that will be determined by council later.

Other cities are taking note! At the time of writing this report, the cities of Toronto, London, St Catherine's and Sudbury have all taken steps to investigate how a similar bylaw and other municipal tools could work to prevent renovictions in their city.

2) Rental Replacement Bylaw

Rental replacement bylaws are important tools cities can use to protect affordable housing being demolished. By mandating developers to ensure that the same number of affordable rentals are built (at minimum) and tenants are allowed back at the same rent after redevelopment, these bylaws ensure that affordable housing is not lost and low-to-moderate income renters are not rendered homeless.

The PC Government passed the More Homes Built Faster 2022 Act (Bill 23) claiming that it will be a new solution to Ontario's housing crisis. The legislation intends to have a standardized approach to these bylaws which currently only exist in Toronto and Mississauga. However, this will likely result in watered down and blocked versions of tenant protections that tenants want and need.

Bill 23 led to many cities stalling or delaying their process to develop a rental replacement bylaw. For example, the city of Brampton which had drafted a bylaw back in September 2021, hasn't moved forward. The City of Ottawa had started a feasibility study in June 2022 but has since stalled its work.

Based on Burnaby, BC's Tenant Assistance Policy, ACORN is calling on Ontario cities to pass rental replacement bylaws and ensure they have the following features:

- The tenant must have the right to return. If the previous tenant doesn't move back in, there should be a means to make sure that the unit is kept affordable and offered to a renter who is in core housing need.
- The replacement unit must be the same size and same rent. It should also be at the same location to ensure that the tenant is not disconnected from their communities and workplaces.
- The tenant must be offered an interim unit during the redevelopment. If there is a difference in the rent, the developer provides a rental top-up.
- Over and above what the RTA prescribes, the compensation should include moving costs and other additional costs the tenant will have to bear until such time the redevelopment is complete. Further, like Toronto, this must be secured by a legal agreement reached between the city and the developers in consultation with the tenants.
- The rent of the replacement unit needs to be the same as the original rent and must only be increased as per the provincial rent guidelines. It is very important for the rent in the replacement unit to be regulated under rent control guidelines.
- There needs to be clear rules about buyouts.
- The city must ensure that the tenants are made fully aware of their rights if there is demolition application for their building and how they can access their rights.

