



Renovations and Renovictions - What's the Problem:

- N13 process effectively allows landlords to evict tenants when vacant possession is not actually necessary to do repairs, **creating a semi-legal method for landlords to evict tenants** to raise rents [province addresses this a bit in Bill 97, but inadequately, and Bill 97 amendments to the RTA are not yet in force]
- **RTA does not work** to adequately disincentivize landlords from re-renting units to new tenants at much higher rents once renovations are complete
- Tenant entitlements/compensation in the RTA is inadequate for current rental environment and does not prevent tenants from being evicted into homelessness
- Tenants aren't given adequate notice of units being ready for reoccupation that would allow them enough time to legally vacate their temporary accommodation so they can move back into their units following renovation [province addresses this a bit in Bill 97, but it's not in force]
- Tenant support organizations and the City's in Ontario (except Hamilton) have no way of finding out which tenants are being renovicted unless tenants reach out to them; if tenants do reach out, it is often done too late to provide effective support and prevent predatory eviction
- LTB adjudicators that receive N13s that say landlords have gotten all necessary approvals tend to not question whether or not they have actually received these approvals and win eviction orders even when renoviction is unjustified
- Renovations to a unit can function to make housing unlivable for other tenants, and can be used as a tool to encourage other tenants to move out voluntarily
- RTA doesn't establish a clear process that enables tenants re-occupy their rental units at the same terms as their original rental agreement once renovations are complete.

What a municipal bylaw needs to do to be helpful:



- It must ensure the landlord is taking the onus of financially supporting the tenant through the entire process so the tenant is not out of pocket: including rental top-ups moving costs, and more.
- Must disincentivize landlords from pursuing vacant possession unnecessarily
- Must disincentivize landlords from not allowing tenants to reoccupy units
- Must encourage landlords to have tenants re-occupy renovated/repared units
- Must encourage tenants to re-occupy renovated/repared units
- Must prevent tenants from being evicted into homelessness
- Must provide city with enough advance notice & info to intervene effectively & connect tenants with supports
- Must provide tenants with adequate evidence of a bad faith eviction to win at LTB
- Must disincentivize landlords from circumventing bylaw/not getting a license
- Must flag to LTB adjudicators that necessary approvals may not have been received/invite more scrutiny
- Must provide adequate data for tracking, evaluation and enforcement
- Must ensure tenants receive adequate notice and tenants rights information and access to supports/resources
- Must prevent renovations and repairs from making housing unlivable for other tenants

Various features of the passed Renovation Licence and Relocation By- law in Hamilton:



- The By-law applies citywide to all rental units in the City of Hamilton.
- The landlord/operator is required to file an application with the City for a renovation licence within seven days of issuing an N-13 notice to a tenant.
- The application for a renovation licence must include supporting documentation including a building permit, a report from a qualified person (engineer) that states that vacant possession is required and a copy of the N13 notice.
- If an N13 notice is issued and a tenant has exercised their legal right of first refusal under S. 53 of the Residential Tenancies Act, 2006, the landlord must provide either a temporary alternative accommodation or compensation to the tenant for the duration of the renovation.
- Any temporary alternative accommodation offered to the tenant must be comparable to the tenant's current unit during the period of repair.
- Compensation is determined to be in an amount equal to the difference between the rent rate currently paid by the tenant for the unit being repaired and the Average Market Rent of a Rental Housing Unit with the same number of bedrooms as the tenant's current unit. (Hamilton's could be improved upon by using average asking rent, like Toronto demoviction bylaw now does)
- The landlord/operator shall provide particulars to the City of the arrangement that has been made, prior to receiving a renovation licence.
- If the landlord/operator and tenant cannot make an arrangement, then the Director may make an exemption to this provision and may impose conditions on such exemption.
- A landlord/operator may be subject to enforcement for failing to comply with the provisions of the by-law.