



January 13th, 2025

Planning and Housing Committee

RE: Item 6.1 of January 15th Meeting 'Feasibility Assessment – Development of a Renovation Licence and Relocation By-law'

Dear City Councillors,

Please see below Ottawa ACORN's submission regarding the urgent need for the City to develop a renovation bylaw similar to Hamilton and Toronto, despite staff's opposing recommendation.

What is ACORN?

ACORN is a grassroots tenant and community organization with a membership of low and moderate income tenants in Ottawa. We started organizing in the city in 2006 and have four chapters: Ottawa-Vanier (Vanier, Overbrook, Gloucester), Central Ottawa (Centretown, Lowertown, Sandy Hill), South Ottawa (Elmvale, Herongate, South Keys) and Ottawa West (Britannia, Carlington, Nepean).

Background

Since 2015, Ottawa ACORN has been advocating for strong municipal policies to protect tenants from mass displacement and to save affordable housing. Over the past ten years, our members have led organizing in their buildings to defend their homes from predatory corporate landlords who are looking to evict tenants in rent controlled units so that they can raise rents.

ACORN members have organized tirelessly through building and neighbourhood tenant meetings, actions, town halls, and workshops to ensure its members and tenants city-wide know their rights and how to work with their neighbours to defend their homes. Additionally, ACORN members have met with city councillors and city staff in the previous and current term to bring these issues forward and demand local action.

[In June 2022](#), ACORN was pleased to see the last term of council pass a directive to city staff to report back to committee on the feasibility and scope of a rental replacement bylaw for when developers demolish affordable rental housing. City staff have since paused this work because of potential interference from the Province. However, it has been 2.5 years since the Ontario government announced Bill 23 and there is still nothing in place prohibiting municipalities from passing rental replacement bylaws. During this time, the cities of [Oakville](#), [Kitchener](#) and [Hamilton](#) have passed rental replacement bylaws.

The cities of [Toronto](#), [Hamilton](#), [Mississauga](#) and [Brampton](#) have already passed (or are about to pass) municipal protections for tenants that prevent displacement and the loss of affordable housing through renovations and demovictions. If councillors follow staff's

recommendation to take no action locally, this will leave Ottawa as the only major city in Ontario without any anti-displacement or rental protection policies in place.

Meanwhile, ACORN is aware of 11 buildings (approximately 330 tenants) experiencing renovation right now. Inaction puts all of their housing at risk. ACORN members in Ottawa do not want to see our city continue to lag behind others as our housing crisis only worsens.

What are Renovictions?

As a reminder, renovation is the practice and tactic used by landlords to evict or force out tenants under the guise of major renovation. The goal of renovation 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.

Renoviction shatters the lives of families, breaks long-held community bonds, drives up rents in the neighborhood, increases homelessness and strain on social services, incentivizes landlords to allow their buildings to fall into disrepair and destroys the existing stock of affordable housing.

Key Statistics

- [Ottawa is losing 31 affordable housing units for every 1 that is built](#)
- [According to CMHC](#), the share of units with rents costing no more than 30% of low income households' income in Ottawa is zero.
- [Average rent in Ottawa](#) for a 1 bedroom apartment is \$2,012. A 2 bedroom is \$2,483.
- Based on Landlord Tenant Board data obtained by the City of Ottawa, N13s (eviction notices for renovations, conversions and demolitions) are the fastest growing eviction type compared to N5s and N12s.
- Between 2017 and 2022, [N13 evictions in Ottawa increased by 545%](#) - this is almost double the provincial average during this time (300%).

It is important to note that most N13s are never filed at the LTB as tenants are often misled about their rights, harassed or pressured into taking buy-outs. Therefore, N13 data is a gross underestimate of the scale of the actual problem.

Typical Renoviction Timeline/Tactics:

- Change in building ownership (not always but often a sign of changes coming).
- Notice to tenants of coming renovations and major inconveniences.
- Offer of low buyout offers (also known as 'cash-for-keys') to pick on tenants that are vulnerable or do not know their rights.
- Discontinuing repairs and building maintenance (make life more difficult and make buyout offers more enticing).
- Higher buyout offers (ACORN members have received offers as high as \$75,000).
- N13 eviction form.
- Filing at the Landlord and Tenant Board.

Landlords will use a combination of these tactics to ensure that tenants move out before the application reaches the LTB. Since the goal is to not have the tenant return to the unit, having a tenant accept a buyout offer to move out and waive their right to return is the quickest and easiest path to turning over the unit.

For tenants that want to keep their affordable homes, no amount of money is worth accepting. Low income tenants cannot afford to re-enter the rental market. Tenants on social assistance (ODSP or OW) especially cannot afford buyouts as large lump sum payouts may make them ineligible for benefits, or see a dollar-for-dollar reduction in benefit payments, thereby costing them more money.

Problems with Existing Rules

Here is an overview of the existing rules regarding evictions for major renovations:

- In Ontario, landlords have the ability to secure vacancy of a unit for renovations by issuing a N13 to the tenants.
- If filed at the LTB, the landlord must demonstrate that the eviction is in good faith.
- Landlords are required to compensate tenants the equivalent of 3 months rent.
- 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:

- The 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.
- 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). ACORN most commonly sees renovation timelines of 6-12 months - current compensation requirements will not come close to covering this period.
- Landlords are under no obligation to finish the renovations in a certain amount of time.
- 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.
- Tenant support organizations and cities in Ontario (except those that have recently passed bylaws) 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.

- The Residential Tenancies Act doesn't establish a clear process that enables tenants to re-occupy their rental units at the same terms as their original rental agreement once renovations are complete.
- 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, paying first & last month's rent somewhere else).
- If the Right of First Refusal is revoked or lost, tenants have no legal ability to get their unit back. They're then stuck paying the new inflated rent elsewhere.
- The landlord can be fined and the tenant could be awarded compensation, however, this almost never happens. [The LTB has only issued 13 fines for bad faith evictions since 2020 and only 4 landlords have paid their fines.](#)

Ottawa Needs Renoviction Protections

The primary value of a renoviction bylaw is that the burden of compliance (fees and administrative requirements) is great enough that it will prevent some landlords from serving tenants N13s in bad faith or if they do proceed with temporary eviction for renovations that tenants are supported to exercise their first right of refusal.

Key elements of a renoviction bylaw:

- The landlord is required to file an application with the City for a renovation licence within seven days of issuing an N13 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.
- The landlord must provide either a temporary alternative accommodation or compensation to the tenant for the duration of the renovation.
 - Support for moving costs when tenants move to their temporary accommodations and when they return to their current unit after renovations.
 - Any temporary alternative accommodation 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 renovated and the Average Asking Rent of a Rental Housing Unit with the same number of bedrooms as the tenant's current unit.
- The landlord shall provide details to the City of the arrangement that has been made, prior to receiving a renovation licence.
- A landlord may be subject to enforcement for failing to comply with the provisions of the by-law including escalating fines.

Response to Feasibility Assessment Report

City staff are recommending that the City not move forward with pursuing a renoviction bylaw. Below is ACORN's response to the main arguments laid out in the staff report.

1. The Province's Bill 97 already addresses bad faith evictions

The Province announced Bill 97 almost 2 years ago and it has not received royal assent, therefore it is not in effect. In addition, it doesn't include requirements for temporary accommodations, rent gap payments, moving cost assistance and most other elements that a municipal bylaw would cover.

2. Claims jurisdictional issues and that the Hamilton and Toronto bylaws are untested.

Multiple legal clinics and law firms (including [ACTO](#) and [Raven Law](#)) have written memos explaining how municipal renovation bylaws would complement, not contradict, provincial regulations. While Hamilton and Toronto bylaws are new, they are based on the successful policy from New Westminster, BC which was enacted in 2019. [Their bylaw reduced renovations from 333 to zero.](#)

3. Renoviction protections may lead to more landlords pursuing N12 evictions for personal use.

Even if this were true (and there is little evidence currently to support this), the City's response shouldn't be to do nothing. The result would be that both evictions continue to increase dramatically.

In ACORN's experience, most renovations take place in buildings. It is harder for a landlord to evict a tenant of a multi-unit residential building using an N12 (ie. eviction because the landlord or their immediate family wants to move in). However, landlords certainly still try. [The Province of BC recently banned personal use evictions in buildings with over 5 units.](#) The City of Ottawa could advocate to the Province of Ontario that they follow a similar approach and consider municipal options during the development of a renovation bylaw.

4. Cost of renovation license would stifle necessary renovations and redevelopment

Landlords are still able to renovate their units in cities that have passed renovation bylaws. Most necessary repairs can happen while the tenant remains in their unit. This would not require the landlord to obtain a renovations license. However, if renovations were shown to require vacancy, the landlord can still do the renovations under the condition that tenants are supported while they are temporarily displaced and that their right to return at the same rent is protected.

The current system incentivizes landlords to neglect repairs and use it as justification for renovations that are often cosmetic in nature so they can evict the tenant and raise rents. Instead of allowing this to continue, the City should strengthen its property standards bylaws that are meant to require landlords keep their units in a good state of repair. This was the approach that the City of Hamilton chose to undertake with their ['Safe Apartments Bylaw'](#) (passed at the same time as their renovation bylaw) that is similar to Toronto's ['RentSafeTO'](#) program that's been in place since 2017.

5. No money in the city budget or capacity in the bylaw department

Inaction will cost the City more in the long run.

Ensuring tenants are able to maintain their affordable housing saves the City money by reducing costs resulting from increased homelessness, strains on our healthcare system, and the impacts of deteriorating mental health and addiction in the community.

6. Recommends tenant education and provincial advocacy as a better alternative

If tenants' rights are weak (as they are now) then educating tenants on their rights alone won't have a significant impact on reducing renovations. Even if tenants are more informed on their rights (which is something ACORN does all the time), tenants are still on the hook for:

- Finding temporary housing at much higher rents
- Paying for moving costs
- Tracking their landlord's progress on the renovations
- Becoming a private investigator to look for signs that their landlord may be trying to rent out their unit to someone else (ex. Driving by their old home, searching ads on Kijiji, Facebook marketplace etc - this can become a full time job)
- Going through a lengthy and sometimes costly legal process that will not result in tenants getting their unit back

Premier Doug Ford has had 7 years to stop renovations and his government hasn't. There is no desire from the Province to maintain affordability in rental housing and to stop no fault evictions. This is why municipalities across Ontario have stepped up to the plate to protect tenants. ACORN is urging the City of Ottawa to do the same.

Sincerely,

Ottawa ACORN

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