

November 23, 1999

In Defense of Tenants *Establishment of a Tenant Defense Fund*

Toronto's tenants are in for a tough time.

The Province wide restructuring of rent legislation and the initiation of “vacancy decontrol” under the Tenant Protection Act has left this City in a unique and precarious situation. We can no longer keep up with the demand for publicly funded housing. Our homeless population, which has never been larger, is growing at an alarming rate. Contrary to assumptions that “vacancy decontrol” would cause an increase in the production of new rental apartments, construction of those units is down 97% from average annual production from 1989-93.

Does all this matter? Well, half of Toronto's households are tenants. Almost a quarter of whom already spend more than half their income on rent. The *Golden Report* indicates that tenant incomes have been falling over the past several years. Average rents on apartments however, increased by 9.4% in 1998 alone; a figure which is expected to rise in 1999. Currently, there are more than 40,000 people on the waiting list for public housing, a cost for which the City bears the sole responsibility.

Seen in this light, it is not difficult to conclude that this City needs some new and innovative strategies to tackle what has quickly become an affordable housing crisis.

At the October 4, 1999 meeting of the Planning and Transportation Committee, I proposed the establishment of the Tenant Defense Fund to give tenants a fighting chance. Aimed at providing free organizing and technical assistance to tenants fighting annual Above-Guideline Rent Increases (4 - 9%), the objective of this Fund is two-fold: 1) to help vulnerable low and middle-income tenants in market rent apartment buildings fight

unfair rent hikes; and 2) to deter unscrupulous landlords from making inaccurate or fraudulent claims on their applications.

The proposed cost of this Fund is \$300,000 – a modest amount considering the cost of the alternatives – more public housing, more social assistance, more homeless shelters and more financial hardship for tens of thousands of tenants.

But in a fashion that 52% of the city's residents (namely tenants) are coming to expect from him, the Mayor attacked the fund calling it “a pittance, a spit in the ocean” and suggested that the most effective way to help tenants was to lobby Queens Park for improved rent control legislation. Improved? There is no rent control legislation and that is what the Tenant Protection Act was designed to accomplish. The plea will likely be as effective as demands to reduce downloading, re-open hospitals, provide increased funding for the TTC and restore funding to our schools.

I believe we can do better. The Tenant Defense Fund would be used to hire two full-time tenant organizers and one structural engineer who would help organize tenants and assist them in preparing for their rent increase hearing. In addition, the organizers would identify cases where the testimony of a technical expert (the structural engineer) would be necessary to show that capital work claimed by the landlord was done improperly; not done at all; or is otherwise misrepresented on an application – a practice that is, according to most tenants and their representatives, commonplace at the Ontario Rental Housing Tribunal.

The need for technical expertise is essential. Most tenants, even those who can afford some sort of representation, cannot afford an expert witness. Yet landlords invariably bring in engineers and contractors whose paid testimony is given far greater weight than that of the tenants. Tenants may know that work was done improperly but lack the technical background or expertise needed to prove such claims. As a result, tenants end up paying for work that was not completed properly and should never have been included in the landlord's application in the first place.

The Mayor says that it is not right for the City to be defending one set of taxpayers against another. And landlord lobbyists, (whose faces are becoming more familiar than some Councillors around City Hall) would have you believe that a Tenant Defense Fund

will produce an army of city funded organizer/litigation specialists who would run rampant at the Ontario Rental Housing Tribunal, brow-beating high-priced landlord lawyers and derailing legitimate expenditures incurred by landlords in repairing their buildings. This is a laughable scenario to anyone that knows what the Tenant Defense Fund is about.

We are talking about \$300,000. We are talking about organizing and educating, and about taking one small step towards leveling the playing field between landlords and tenants. Landlords have a \$4.5 billion industry in this city – a Tenant Defense Fund aimed at ensuring their claims are legitimate will not cause reasonable landlords any hardship.

Will the Tenant Defense Fund help every tenant, prevent every potential economic eviction? Of course not. But it will help the most vulnerable; the most at risk; and it will send a clear message to landlords that they are “on notice”.

The Tenant Defense Fund will be dealt with at this week’s meeting of Toronto City Council. It is our responsibility now to act – not to hesitate, not to pause or to wring our hands and mouth platitudes. We have talked long enough.

Former Governor of New York Mario Cuomo recently said, “*the present political climate makes the denial of compassion respectable.*” While that certainly seems true of the political environment at Queen’s Park, City Council is the level of government closest to the people and its million tenants. You cannot willfully disregard a constituency of that size for very long.

It is time to write the next chapter and to write it in the law books. This week, tenants will be asking one defining question, and they will be demanding an absolutely clear answer from their representatives. That is: “are you with us, or are you against us?” It is as simple as that. Toronto’s million tenants will be watching.