

**Response to Residential Tenancy Reform Questionnaire  
Councillor Michael Walker  
May 31, 2004**

**PART I – RENTS FOR NEW TENANTS**

**Q:** *By how much, if at all, should a landlord be able to increase the rent once a new tenant moves in?*

**A:** **(Option A)** A new tenant should be charged the same rent as the previous tenant. Any new legislation should re-introduce real rent control and scrap the previous government's policy of vacancy de-control which contributed significantly to the 26% average increase in rents across Ontario since 1995.

**Q:** *How would new tenants find out what their rent should be?*

**A:** **(Option C)** The Provincial Government should keep a list of the rent in every apartment and rental house (Provincial Rent Registry) which the new tenant can use to look up the previous rent. In the absence of a provincially established rent registry, tenants would have to take the landlord's word that they are being charged the correct rent and that is simply not good enough.

**PART II – RENT INCREASE GUIDELINE**

**Q:** *When the government is setting the limit for rent increases (the annual rent increase guideline) every year, how should that number be calculated?*

**A:** **(Option C)** The 2% base has no correlation to actual costs, and amounts to nothing more than a gratuity paid annually by the tenant to the landlord. The Provincial Government should keep the current system, but remove the (2%) base amount altogether so that rent increases would be based only on increases in building operating costs.

**PART III – COSTS NO LONGER BORNE – UTILITY COSTS**

**Q:** *What should be done to protect tenants from continuing to pay higher rents when utility costs decrease?*

**A:** **(None of the above)** The most effective way to protect tenants from continuing to pay higher rents when utility costs have decreased is by not allowing them to be passed on through an Above Guideline Rent Increase (AGI) in the first place.

Since increases in utility costs are already calculated into the annual guideline rent increase, there is no reason to allow the same costs to trigger an Above Guideline Rent Increase (AGI). If the government were to proceed with one of the policies outlined in the questionnaire, '**Option A**' (AGI's based on utilities costs would be charged for one year only, unless the landlord can prove to the government that the utility costs have not decreased) would be the most acceptable option.

#### **PART IV – MAINTENANCE & REPAIRS**

**Q:** *What should be done if landlords fail to properly maintain rental buildings?*

**A:** **(Option A and C)** The government should re-instate 'Orders to Prohibit Rent Increase' (OPRI's) which prohibit rent increases in apartment buildings where the landlord has failed to comply with work orders or where there are work orders outstanding. In addition, the government should expand what the Ontario Rental Housing Tribunal can order a landlord to do when a tenant reports inadequate maintenance, including the power to issue permanent rent reductions.

#### **PART V – REGIONAL DECONTROL**

**Q:** *In your opinion, how high should a region's vacancy rate be before the government looks at removing rent controls?*

**A:** **(None of the above)** This government was elected on a platform which included a commitment to bring back rent control. Regional decontrol based on vacancy rates is simply another form of the previous government's failed vacancy decontrol policy. This government needs to honour their commitment to bring back real rent control.

**Q:** *If a region is decontrolled what rent rules should be eliminated?*

**A:** **(None of the above)** Rent controls should remain in place regardless of the vacancy rate.

#### **PART VI – INTEREST ON RENT DEPOSITS**

**Q:** *What interest rate should be paid on rent deposits?*

**A:** **(Option B)** Interest on rent deposits should remain at a fixed rate of 6%. However, new legislation should compel the landlord to pay annual interest and not make it conditional upon the tenant requesting it.

## **PART VII – DISPUTE RESOLUTION**

**Q:** *How can the dispute resolution process be made fairer?*

**A:** **(Option B)** Make changes to the default process including the following: (i) giving tenants a minimum 20 working days to respond to an eviction application rather than the current 5 days; (ii) changing written communications to make them fairer and easier to understand (iii) allowing tenants to dispute eviction applications by phone or email.

## **PART VIII – LANDLORD/TENANT RIGHTS AND RESPONSIBILITIES**

**Q:** *Should landlords be required to post a document that is easy to see in rental buildings, giving information about the rights and responsibilities of landlords and tenants?*

**A:** **(Option A)** Yes.

## **PART IX – DEMOLITION AND CONVERSION**

**Q:** *What should be done to ensure that municipalities with low vacancy rates are able to protect existing rental housing from unreasonable demolition or conversion to condominiums?*

**A:** **(Option A)** Bring in laws requiring cities and towns to have an approval process for demolition or conversion, based on rules set out by the provincial government. The Peterson Government's Rental Housing Protection Act could serve as an excellent model in designing this new legislation.