

NOTICE OF MOTION
TORONTO CITY COUNCIL
August 11, 1999

Whereas, the Tenant Protection Act is the operative piece of legislation for tenants, and;

Whereas, there are inordinate numbers of tenants that are receiving rent increases of 7% or more, and;

Whereas, the process for applying for an above-guideline rent increase as outlined in the Tenant Protection Act lends itself to almost all the landlords claims being approved, and;

Whereas, landlords whose capital expenditures add up to an amount which totals less than the amount received by applying a four percent increase to each unit in their building may nevertheless, legally apply for the full four percent increase, and;

Whereas, in practice, the Tribunal appears to place the burden of proof on the tenants to prove that the landlord's claims are inaccurate or invalid rather than the other way around, and;

Whereas, tenants who wish to dispute their landlords above-guideline rent increase are often going up against a team of lawyers, engineers and other experts on retainer to the landlord or property development company, and;

Whereas, under the Tenant Protection Act, landlords are only required to provide ten days advance notice to tenants that they are applying to the Ontario Rental Housing Tribunal for an above-guideline rent increase; and,

Whereas, often this means that tenants have only ten days to: organize themselves into a tenant association; get a copy of the landlord's application; hold a strategy meeting; seek advise from people who are knowledgeable about the new Tenant Protection Act; fill out the dispute form and obtain signatures from all tenants partied to the dispute; collect money from all the tenants for the cost of: obtaining the landlord's application, formally disputing the application to the Tribunal and hiring an advocate/lawyer to represent them at the Tribunal.

Whereas, effectively disputing a landlord's application at the Tribunal can cost thousands of dollars; and,

Whereas, the City of Toronto has a duty and an obligation to provide protection for this important and vulnerable segment of our population.

Therefore Be It Resolved That:

1. The *Sub-Committee to Restore Rent Control* recommend that Toronto City Council establish a ***Tenant Defense Fund***, to be paid for out of the Community and Neighbourhood Services budget that would provide assistance to tenants and tenant associations wishing to oppose unreasonable above-guideline rent increases at the Ontario Rental Housing Tribunal.
2. That this Fund be used to hire on an on-going basis:
 - (a) **Two tenant consultants/organizers** who could assist tenants in effectively organizing and presenting their case at the Ontario Rental Housing Tribunal hearings, and;
 - (b) **One construction engineer/consultant** who could testify as an expert, on behalf of tenants at O.H.R.T. hearings.