

# **NOTES FOR REMARKS**

**Michael Walker**  
**Councillor**  
**City of Toronto**

**to the**

**Ottawa Tenants' Conference**  
**Saturday, March 24, 2007**

Champlain Room  
Ottawa City Hall  
110 Laurier Avenue West  
Ottawa, Ontario

Thank you. Bonjour.

Let me begin with a word of thanks to Housing Help, the City of Ottawa, and the many sponsors of today's conference.

As the Chair of the City of Toronto Tenant Defense Sub Committee ...

And a long time advocate for tenants' rights...

Particularly in times when it was not popular to be so...

I am delighted to speak with you about our experience in the City of Toronto.

I do so in the hope that it will have some resonance with your own situation here in Ottawa...

And that it might inspire further action in a field that is clearly in need of it.

“If a free society cannot help the many who are poor, it cannot save the few who are rich.”

*President John F. Kennedy*

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I come from a City where tenants occupy just about half of the housing units. In Ottawa, this number is over 40%.

By numbers alone, that should make them quite a force to reckon with.

But I also come from a City where civic accomplishment and pride has long been tied to the tearing down of the old and the building of the new.

Bigger ... better ... shinier ... we often see our collective culture reflected in the mirror of new monuments.

That has typically made the builders and the developers the barons of their day ...

And made their tenants the necessary but frequently inconvenient source of their status.

My City is also a place where these barons have developed cosy financial relationships with the good City fathers and mothers ... and Provincial fathers and mothers...

Funding election and leadership campaigns in unspoken return for undefined but understood legislative benefits.

Recent changes to election contribution laws limiting corporate and union contributions to election campaigns have helped to control this influence, but it still exists.

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Landlords and politicians are a potent mix.

And that mix has had the long-term effect of polarizing and politicizing the landlord-tenant relationship in Ontario for generations.

When you step back from it, it is surely a telling sign that we seemingly have no difficulty ... even in these politically correct times ... in the continuing use of the word “landlord” ... the lords of the land.

Rightly or wrongly, the power of the landlord and the courting of that power by politicians has defined a playing field that is not level ... and that is distinctly political.

And it has resulted in generations of legislation, regulation and decision-making that has been profoundly dominated by landlords and their lobbyists.

This is the fundamental political context in which we find ourselves today.

And this is the playing field that we are faced with.

Now, I do want to say that this is not a matter of malice on the part of any City Hall or Queen’s Park.

There are no politicians or bureaucrats meeting in dark corners secretly rubbing their hands with glee at the prospect of sticking it to tenants.

They are players in a system that seeks votes and rewards power.

And you have to be too.

What I mean is this.

If you are going to succeed in advancing tenants' rights, you must position yourselves as people who matter when it comes to securing votes and gaining access to power.

It has long been the case that tenants in Ontario are not well organized ... in spite of the good work of many ... primarily because of their transitory nature...

It has also been the case that tenants are not well represented among political decision-makers ... including tribunals ...

Primarily because they do not identify their tenancy as a defining characteristic in their lives.

That is the hill you have to climb.

And it's a steep one.

To matter ... to be organized ... and to be represented by those in power.

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Having said that, I understand that your organizers are interested in hearing about our experience in Toronto ... as food for thought...

So let me turn to that now.

Over the years, Toronto has played its part in advancing a variety of tenants' issues in the province, primarily in matters having to do with rent control ... demolition control ... condominium conversion ...and the organization and funding of tenant organizations.

And it is worth noting that a new Toronto initiative ... the licensing of landlords ... is beginning to find favour...

And I would predict that it will soon emerge as an issue province-wide.

Like you, much of our focus over the past few years has been directed at the weakness of the former Tenant Protection Act of 1997...

A harsh and mean-spirited piece of legislation that many of us always referred to as the "Landlord Protection Act."

As you know, Queen's Park introduced Bill 109 on May 3, 2006... the Residential Tenancies Act ...to replace the Tenant Protection Act.

And it came into effect on January 31st of this year.

That Act was a very long time in the making ... and much longer than it should have been ...

Which I take as a sign that tenant issues have not, and are not, a real priority at Queen's Park.

Of course, they seemed to be priority in August of 2003 in the run up to the last provincial election, when Dalton McGuinty wrote to the Federation of Metro Tenants' Associations and said this on behalf of Ontario's Liberals:

*Quote: We will repeal the Harris-Eves government's Tenant Protection Act, and we will bring back real rent control ... we will get rid of vacancy decontrol which allows unlimited rent increases on a unit when a tenant leaves.*” End Quote.

Well, they did repeal the Tenant Protection Act.

Did they bring back real rent control? No.

Did they get rid of vacancy decontrol? No.

They broke their promise, plain and simple.

Worse, they failed to find a fair balance in the rights and responsibilities of landlords and tenants that would represent real progress in improving the quality of life of tenants.

During the consultation process leading up to the new Act, I prepared a 16-point package of reforms in December of 2005...

Which was approved by the City's Tenant Defense Sub Committee, and then approved in principle by the City of Toronto on February 2, 2006.

This package was the subject of a City wide Tenants' Forum on March 9, 2006, where it met with overwhelming approval from tenants across the City.

This is not the forum to go into each of these reforms in detail.

I refer those of you who are interested to my web site at [michaelwalker.ca](http://michaelwalker.ca).

I do want to acknowledge that there were some improvements in the new Residential Tenancies Act ... many of which we actively promoted.

For example:

- Additional assistance is now available from the new Landlord Tenant Board to tenants who need help completing forms and understanding the dispute resolution process.
- Pre-hearing assistance will also be provided by the Landlord Tenant Board.
- The Landlord Tenant Board will send information notices about the eviction hearing process to tenants who have had eviction applications filed against them.
- The annual rent increase guideline is now based on the Ontario Consumer Price Index.
- Landlords who receive above guideline rent increases for higher utility costs must reduce rents if utility costs go down ... and they must inform tenants of the building's utility costs each year.
- When a landlord finishes paying for a capital expense, tenants who received an above guideline rent increase for this expense will have their rent reduced automatically – this is the long awaited provision for “costs no longer borne”

- The “default eviction” process is eliminated. That means that every tenant facing eviction has access to mediation or a hearing.
- At a hearing for an above guideline rent increase application, the Board can decide to deny or delay the rent increase if there are serious outstanding maintenance issues or work orders.
- If tenants have applied to the Board because of serious outstanding maintenance issues or work orders, the Board can decide at the hearing to stop all rent increases until the problems are resolved.

I might just add here that ... in terms of these last two maintenance improvements, we are helping to facilitate them through a new Toronto program we call RAIDS – the Rental Apartment Inspection Disclosure System...

Which is an online listing of all outstanding work orders and maintenance orders organized by address.

As a current or prospective tenant, you can now determine how well your landlord is faring in terms of building maintenance...

And that is a great service improvement.

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These provisions of the new Act are positive, and they do reflect many of the issues that we have been concerned about.

But they are not the key ones.

We have lots of sizzle, but no steak. Lots of icing, but no cake.

Let me cite one example in particular.

Rent controls do not exist for new tenants when units become vacant.

This is **vacancy decontrol**.

It means that when a unit becomes vacant, the landlord can charge what the market will bear.

The sky is the limit.

Rent controls are then re-applied when a new tenant takes possession, only until the unit becomes vacant again.

Vacancy decontrol has been a significant factor in the dramatic increase in rents in Toronto since 1998...

And this in a province where close to 40 per cent of tenants are paying more than one-third of their income on rent.

Vacancy decontrol also acts as an incentive to landlords to attempt to evict long-term tenants who pay below-market rents.

Why? Because you can replace them with higher paying tenants without government interference.

It may be my age, but I can easily remember the day when long-term tenants were prized by landlords...

And not the subject of scheming to get them out in favour of someone with a fatter wallet.

And there is scheming, to be certain.

Vacancy decontrol has become the single-most important factor in the increasing harassment of tenants by landlords.

In forms that are both direct and indirect ... overt and subtle.

All of which have resulted in the worsening of landlord tenant relations.

It is the law of unintended results writ large on the entire sector...

And the sooner we are rid of it, the better.

Finally, vacancy decontrol encourages the community to view rental housing as a speculative commodity.

It is reasonable to argue that when a new unit is built, its rents should reflect current costs, like any other product.

It is unreasonable to argue, however, that that very same unit should be the subject of constant rent hikes determined solely on the basis of its vacancy.

Should a landlord want to use vacancy as a means for renovation or improvement, there are guidelines in place to permit and regulate that.

Should a landlord want to use vacancy simply to avoid regulation and line his or her pockets, this should be unacceptable in Ontario.

The Premier promised to eliminate the practice.

He didn't.

That is a promise to all tenants that was broken.

To my mind, **the elimination of vacancy decontrol** is our most pressing issue in advancing the cause of tenants' rights...

And I commend it to you as a focus for your collective work.

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As you contemplate that work, I want to suggest four complimentary directions that you might also consider.

**First**, the tenant sector in Ontario is under financed in terms of money available to support tenants.

In Toronto, the City has created the Tenants Defense Sub Committee, comprised of eight City Councillors, which I chair.

We have created a Tenant Defence Fund (\$325,000 annually) to assist tenant groups who are disputing landlord applications for above-guideline rent increases...

Or applications for demolitions or conversion of their buildings to condominiums.

This Fund provides financial support to tenant groups through a Tenant Support Grant (\$125,000).

It also funds an Outreach and Organizing Team from the Federation of Metro Tenants' Associations to help tenants organize, prepare for their disputes, and apply for a Tenant Support Grant (\$200,000).

**Second**, the tenant sector is under represented in terms of local advocates and champions.

It will do you well to nurture an elected Councillor as an advocate for City resources and policies in support of tenants.

**Third**, the tenant sector is under organized in terms of its potential clout in the political arena.

By its very nature, the sector is fairly complex, involving thousands of unique cases and concerns.

Accordingly, I want to suggest that tenants are best organized and motivated by focusing on a single issue for reform ...

One that touches them directly in their everyday lives...

And I have suggested **vacancy decontrol** for your consideration.

**Fourth**, timing is everything in public life.

We have a provincial election in Ontario on October 10.

This is the perfect time to organize in order to raise your concerns and your voices.

And to achieve real rent control on behalf of the tenants of Ontario.

And the rewards that are properly theirs.

“We, who are involved in public life, have a special and particular responsibility for making the world a better place for all to live.”

*Senator Robert F. Kennedy*

We should be determined to build a better future for tenants and we can if we are true to our nation’s democratic heritage.

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I thank you for your kind invitation, and I wish you well.

Together, we are strong.

Merci.

March 24, 2007

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