

# The Tenant



Federation of Metro Tenants' Associations  
 - Fighting for Tenants' Rights since 1974 -

Summer 2006

## New Legislation a Mix of Better and Bad

By Dan McIntyre

On May 3, the Liberal Government finally delivered on their promise to replace the Tenant Protection Act. We have a link to Bill 109 on our website.

The bill will be referred to a Parliamentary Committee that will hear from tenants and landlords. We need you to come out to those hearings and show your support! Tenant Associations and individual tenants can make their own presentations and we will help you with that process.

The Good:

- The Tenant Protection Act will be history
- The Ontario Rental Housing Tribunal will be replaced by a Landlord Tenant Board which the government promises will be more user friendly

**Also in this Issue:**

**★ AGM!**

**★ Zapped!**

- Regulations for allowable capital expenditures have been tightened for Above Guideline Increases and maintenance may be raised as an issue at hearings. There will be a costs no longer borne feature for future items only
- Maintenance issues may be raised as a defence against evictions and tenants may pay rent to the Landlord-Tenant Board when there is a dispute about maintenance
- A much fairer eviction process, which will prevent some evictions by requiring a hearing and more time for tenants to respond.

The Bad:

- There is still vacancy decontrol, which means that Landlords can still charge new tenants any amount of rent they want
- Buildings built since 1991 are exempt from rent regulation (as under the previous

TPA).

- Interest on last month's rent is being lowered to the rate of inflation
- No provisions to undo the damage of eight years of the TPA.

In the Middle:

- The annual guideline will be equal to the Consumer Price Index.
- If tenants are forced to pay their own hydro, there is provision to ensure an adequate rent reduction is achieved – especially in buildings that are energy inefficient.

It was *our* work together that has improved this legislation and together, we have succeeded in killing the Tenant Protection Act.

This new law falls well short of being the best it can be for tenants, but it is better. Together we will work to improve it.



## Ask the Hotline

By Wendy Lum

**Question:** If my spouse assaulted me and I called the police; does my spouse still have access to the apartment?

**Answer:** This can be a very complicated matter. There are two laws that come into play in this type of situation. The two laws are the Criminal Code and the Tenant Protection Act.

According to the Criminal Code, in a domestic dispute the police will charge the assailant if the assaulted spouse is unwilling, or afraid, to lay charges. The assailant will be in custody for at least a day, however, the assailant may then be released.

According to the Tenant Protection Act, if both tenants' names appear on the lease agreement, the landlord *cannot* lock the accused tenant out of the unit in order to protect the assaulted tenant. The landlord *can* make an application to the Ontario Rental Housing Tribunal for a Notice to Terminate a Tenancy Early for Illegal Act, or for Impaired Safety.

If the landlord is successful in evicting the accused tenant, they may request the remaining tenant to sign a new tenancy agreement. Unfortunately, since rent control is no longer in effect, the landlord can change the rental amount. The remaining tenant should contact a lawyer or legal aid lawyer for advice.

*If you have any questions about your rights as a tenant, please call the Tenant Hotline at 416-921-9494 Mon.-Fri. 8:30am – 6:00pm or email us at [hotline@torontotenants.org](mailto:hotline@torontotenants.org)*

## Hi-Jacked!

By Howard Tessler

Throughout the city, the soothing, summertime sounds of jack hammers can be heard. Their gentle pounding is not just heard on our streets or on the sites of future condos, but sometimes even closer to home – on our balconies.

Hand-in-hand with the noise of the jackhammers is dust, and the loss the use of the balconies being worked on.

Tenants everywhere have the same question: What can be

done about it?

The Tenant Protection Act states that tenants cannot file applications to the Ontario Rental Housing Tribunal because of dust and noise and other inconveniences due to renovations or repairs.

However, since the balconies are often sealed off while the repairs are being made, tenants can submit a T3 application (application for a rent reduction) to the Ontario Rental Housing Tribunal because the landlord has essentially withdrawn a service for which they are paying rent. The main difficulty with this

situation is that the application must be submitted after the renovations have been completed.

Can you get a little relief before the jack hammers have finished? Maybe.

Given the fact that some high rise buildings are now experiencing more vacancies than in the past, you may try to negotiate a slight break on your rent because of the noise and dust. If your landlord is interested in keeping tenants in the

Please see **Balconies**, page 3

# Zapping Tenants



*The following is an excerpt from the Low - Income Energy Network's report: "A Critical Analysis of Sub-Metering in the Residential Rental Sector"*

The Ontario government's plan to allow landlords, without the consent of the tenants, to install electrical sub-meters in existing multi-residential buildings is a flawed conservation strategy and would amount to a government-mandated breach of contract with respect to the landlord-tenant relationship.

Research indicates that sub-metering in the residential rental market is not cost-effective. In most cases, the cost of installing and operating the sub-meter outweighs the potential electrical savings that can be generated.

Sub-metering shifts the incentive to conserve from the landlord to the tenant. This shift shields the landlord from the responsibility to provide an energy-efficient

building and appliances for the use of tenants, and represents a lost conservation opportunity.

Conservation strategies within the control of the landlord are primarily structural strategies, while those within tenant control are behavioural.

While both are important, structural changes result in almost guaranteed and persistent energy conservation, while behavioural strategies do not. For example, if the government were to adopt a policy of providing energy efficient refrigerators to all low-income households, energy savings would result and last for the life of the appliance.

Generally, tenant households and people with low incomes already use less energy than people with higher incomes and homeowners, primarily because tenants and people with low incomes tend to live in smaller living spaces. The average size of a multi-residential unit in Ontario is 990 sq ft. (including condominiums). Tenant households use less energy on average even when the rental unit is not energy-efficient, or when their behaviour is not optimally energy-efficient.

The best estimate is that bulk metered (i.e. not individually metered) apartments comprise

only 7% of annual electricity consumption. By contrast, large commercial and industrial users account for 50% of annual electricity consumption in Ontario.

Sub-metering in existing multi-residential buildings is not cost effective, may not deliver the best conservation bang for your buck, and is unfair to tenants.

## Balconies, continued from page 2

building, he or she may be open to negotiation. Just remember to get any agreement for a rent reduction in writing.

Unfortunately, once the repairs are finished, your landlord can apply to the Tribunal for an Above Guideline Increase.

The good news is that a new law is here and tenants will have better access to justice (and some peace and quiet to enjoy their balconies).

## Remember:

This summer, if you have your own air conditioner and have used it in previous years, your landlord cannot ask you for extra money for the hydro. If your lease says that you cannot have an air conditioner, your landlord must agree to it before you install one – From 'Air Conditioners' by Marcia Barry

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Visit our website!  
[www.torontotenants.org](http://www.torontotenants.org)



**The Federation of  
Metro Tenants'  
Associations**

**Annual  
General  
Meeting**

Saturday  
May 27  
10.00 am – 3.00 pm

OISE Building  
Room 2 – 211  
University of Toronto  
252 Bloor Street West  
Toronto

All members are welcome  
and encouraged to attend!

If you need to renew your  
membership in advance of the  
meeting, or for more  
information, please call  
416.646.1772

**Agenda**

10.00am	Registration and Coffee
10.30am	Meeting
	Chair's Report
	Financial Report
	Committee Chair Reports
	Staff Program Reports
11.25am	Keynote Speaker
	Toronto City Councillor
	Joe Mihevic
12.00pm	Lunch
12.45pm	Member Motions and Reports
1.00pm	Board Elections
2.00pm	Meet the new Directors!

**Become a member of the FMTA!**

I will pay my membership dues by:

Cheque or money order  
(made out to FMTA)  Cash

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Apt. #: \_\_\_\_\_  
City: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Telephone: (h) \_\_\_\_\_ (w) \_\_\_\_\_  
Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Yes! I would like to donate \$ \_\_\_\_\_ to the FMTA!

Type of membership:

New Member  Renewal

- Individual: \$15/year
- Senior, student or unemployed: \$5/year
- Sustaining Member: \$50/year
- Homeowner (non-voting): \$25/year
- Organization (non-voting): \$25/year
- Tenants' Association: \_\_\_\_\_ units, \$10/year  
/unit (minimum 3 units)

Please mail this to: Federation of Metro Tenants' Associations, 27 Carlton St., Suite 500, Toronto ON, M5B 1L2