

The Tenant



February 2004

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

Councillor Walker Speaks to the FMTA

By Vivienne Lopenon and Bernice Bradt

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Recently re-elected as City Councillor, Michael Walker, Ward 22, gave an uplifting speech to the tenants present at the Annual General Meeting of the FMTA on November 29, 2003. His knowledge and experience at City Council made him a great keynote speaker and his message was one of hope for tenants. The new municipal government with David Miller as mayor means tenants can expect that their efforts for changes may actually be heard. Changes in municipal practices will be positive for us. Mr. Walker talked about the need for 25,000 more rental units in the city. As well as a crash program to build more social and co-op housing and a change in rental supplements. Property standards need to be tightened.

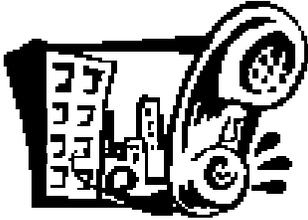
Mr. Walker pointed out

the need to change the Tenant Protection Act. He also suggested that the Ontario government immediately put a moratorium on rent increases while they work out a new Act. Tenants must make themselves heard by the Ontario government and are urged to continue to push their M.P.P.s to push for changes.

For example, of some of the changes that should be made: landlords should be required to provide outstanding work orders when applying for above guideline rent increases. Also, costs no longer borne: if capital costs such as new appliances or restored balconies are amortized for their good life, rents increased for this period of time should be reduced when paid for. Another point: landlords earn a

good deal of money in the rentals – they should be required to reinvest a percentage of that income for renovations with an audit system to administer this. The Tribunal process should be revamped in order to provide tenants with fairness at the Tribunal.

Councillor Walker outlined possible incentives for building more rental housing. In addition, we are pleased that Mr. Walker confirmed his support of a city budget allocation of \$70,000 in order for the Federation to conduct the advocacy required at both the municipal and provincial levels. This allocation, if approved, would enable the Federation fund the resources required to participate in the needed law reform at the provincial level.



Hotline Question of the Month

By Howard Tessler

Q. What do I do when it's colder in my living room than it is outside?

A. At this time of year, one of the most common Hotline calls concerns inadequate heat in apartments. Heating is a "vital service" according to the Tenant Protection Act (see Sec. 145) and, although it is enforced through the municipality, the regulations of the TPA state that the heat in "any area intended for normal use by tenants." Shall be at least 21 degrees Celsius (see Sec.15.1 O.Reg.198/98).

Municipal Standards in Toronto have set the temperature minimum at 21 degrees Celsius or 70 degrees Fahrenheit. The heat must be on from September 15th to May 31st.

Keep a record of the temperature. Call your landlord when the actual temperature is below 21 degrees Celsius.

If nothing is done, call the Property Standards Department in your area. Call Access Toronto at 416-338-0338 for the number. If Property Standards does not act, call your local City Councillor.

Heating is a vital service. The landlord must provide the minimum heat required by law. If you are told that there is a problem with the system, and you are told to use space heaters; that is not a legally adequate solution. You are not asking to bask in the sun, simply not to freeze in your living room.

If you have any questions about renewing your lease or any other questions about your legal rights as a tenant, please feel free to call the Tenant Hotline at 416-921-9494 Mon.-Fri. 8:30am – 6:00pm or email us at hotline@torontotenants.org

The FMTA's New Board of Directors

By Gail Nyberg

At a recent Board of Directors meeting the newly elected Directors chose their leadership. Re-elected for a second term as chair, was Vivienne Loponen. Ms Loponen has served on the Board of Directors for three years and has risen from the tenant community. She was featured in a recent Toronto Star provincial election article.

Elected for his first term, as Vice Chair was Michael Oliphant. Most recently Michael was the Chair of the Tenant Action Committee (the committee that formulated the

Federation's successful provincial election strategy). Terri Hammond was re-elected as Treasurer for a fifth term. Terri's thorough understanding of our finances will be invaluable to the Executive Committee.

Elected to serve as Secretary to the Board of Directors was Kristina Brousalis. Although Kristina is a new board member, she is no stranger to the FMTA having worked as staff in the past.

In the middle of January, the Board of Directors will be held a planning session. The FMTA

committees and membership to those committees will be struck after the session.

Congratulations to all members of the Board of Directors and a special welcome to newly elected members: Carol Castello, Shawn Swart, Helen Lytwynec, Leah Morigan and Molly Sutkaitis. Returning to the Board are Bernice Bradt, Alf Edwards, Joe Edwards, Henk Mulder, and Liz Smith.

Each Board member's leadership and dedication is needed and appreciated by the tenant community in Toronto.



Representing Yourself at the Tribunal

By Wendy Lum

You can represent yourself at the Tribunal. It can be an intimidating and a daunting task, but not impossible. In the case of evictions, once you receive a Notice of Hearing, there is a page with the heading "DISPUTE OF APPLICATION." Fill this out right away and fax it or bring it to the Tribunal. You have five calendar days, which includes weekends and holidays to file your dispute. For Notices of Hearing in the matter of above guideline increases, you can contact the Outreach Team at (416) 413-9442.

You know your situation better than any one else. Become familiar with the section or sections of the TPA pertaining to your situation. There are many ways that you can access information. You can access information by visiting our website. You may also view the entire Tenant

Protection Act on our website and you can also download the necessary applications and forms approved by the Tribunal.

The Federation can make an appointment for you if you wish to speak to our advice lawyer for 45 minutes free of charge. Call the **Tenant Hotline at (416) 921-9494** to make an appointment. The Tenant Hotline may also be able to answer some of your questions.

You can also drop into the nearest Tribunal office and pick up some information pamphlets. While you are there you can sit in on a hearing and familiarize yourself with the hearing process. Also, you can visit a legal aid clinic in your area. They may be able to refer you to a legal aid lawyer. On the day of your hearing, go early and speak to Tenant Duty Council for any advice.

When you are developing your

case against your landlord, make sure that you are organized and concise. If necessary you may have witnesses testify on your behalf. You will need to fill out a Tribunal form to apply for a subpoena. When filling out the subpoena application you must explain in writing the necessity of this witness. An Adjudicator may or may not grant you the subpoena, so it is imperative that this witness is pertinent to your case.

The party who filed the application has the opportunity to present their case first. When presenting your case be concise and do not exaggerate. You can cross-examine your landlord's witnesses, and you may put your landlord on the witness stand as well. Be courteous and professional. Try not to show too much emotion - particularly anger! Good luck and get to work!

A short note from the

Parkdale Tenant's Association



The Parkdale Tenants Association (PTA) has been working to improve tenant's lives since 1971. A grassroots group, its members have joined together to fight for adequate standards and living conditions in Parkdale apartment buildings. High rent increases, buildings in appalling condition, and harassment by landlords continue to be issues faced by tenants in Parkdale.

In the spring of 2002, as a result of increasing complaints by Parkdale tenants concerning building conditions, the PTA launched a buildings rating campaign. This involved rating apartment buildings in Parkdale. Buildings are rated as either pass, fail or conditional pass, the same way the city rates restaurants. The PTA rates buildings by going door-to-door, surveying tenants about the state of their apartment and the building, and by inspecting the common areas. So far, 9 buildings have been rated, with 5 rated as "fail" and 4 of these publicly "condemned" by the PTA, tenants and

community members.

Later on in the year, the worst landlord in Parkdale will be awarded the Golden Cockroach award in a public ceremony. The ultimate goal of the PTA's campaign is to shame authorities (both landlords and the city) into enforcing building standards and ensuring that buildings are well maintained, and habitable.

The PTA has launched a website: **www.goldencockroach.org** which provides more information about the campaign. The PTA hopes that groups or agencies in other neighbourhoods will start their own building rating campaigns in their areas.

The PTA survives with virtually no funds and is always looking for new volunteers to help in this campaign and in its other work. If you are interested in helping out, please e-mail us at: info@goldencockroach.org or call and leave a message at: 416 760- 2149.

Congratulations from the FMTA to our friends at the PTA!

Better Days Ahead for Toronto Property Standards

**Federation of Metro
Tenants' Associations**

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Toronto, Ontario
M5B 1L2

TENANT HOTLINE:
(416) 921-9494

FMTA OFFICE:
(416) 646-1772

OUTREACH AND
ORGANIZING:
(416) 413-9442

FAX:
(416) 921-4177

We're on the Web!
www.torontotenants.org

E-MAIL:
fmta@torontotenants.org

By Dan McIntyre

The City is moving forward on a plan that will see proactive inspections of apartments in Toronto, the licencing of landlords, and an easily accessible data base of property standard violations. Coupled with the interest of the Province in prohibiting rent increases when there are outstanding property standard violations, tenants should see better value for their rent dollar.

We will also have better assurance of our own health and safety when renting an apartment. Right now, the City takes a pro-active interest in hot dog carts, taxis, tow trucks, and massage parlours - but not in rental housing. That will soon change.



The FMTA has been calling for these changes for some time. We have encouraged and assisted the *Toronto Star* in their series about maintenance and repair issues.

Tenants are encouraged to contact their City Councillor to commend this initiative. There is still much work to be done.

Yes, I want to be part of the Tenants' Movement!

Please send me my membership card and information about the services that I receive a member.

<p style="text-align: center;">I will pay my membership dues by:</p> <p><input type="checkbox"/> Cheque or money order (made out to FMTA)</p> <p><input type="checkbox"/> Cash</p> <p>Please Print: Name: _____ Address: _____ Apt. #: _____ City: _____ Postal Code: _____ Telephone #: (h) _____ (w) _____ Fax: _____ e-mail: _____</p> <p>Yes! I would like to donate \$ _____ to the FMTA!</p>	<p style="text-align: center;">I am joining as the following type of member:</p> <p><input type="checkbox"/> New Member <input type="checkbox"/> Renewal</p> <hr/> <p><input type="checkbox"/> Individual: \$15/year <input type="checkbox"/> Senior, student or unemployed: \$5/year <input type="checkbox"/> Sustaining Member: \$50/year <input type="checkbox"/> Homeowner (non-voting): \$25/year <input type="checkbox"/> Organization (non-voting): \$25/year <input type="checkbox"/> Tenants' Association: _____ units, \$10 per year per unit (minimum 3 units)</p>
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Send to: Federation of Metro Tenants' Associations, 27 Carlton St., Suite 500, Toronto ON, M5B 1L2