

Implications of the *Protecting Tenants and Strengthening Community Housing Act, 2020*

Legislative Change	Implications
<i>Housing Services Act, 2011</i>	
<ul style="list-style-type: none"> <li>Broadens the types of housing assistance that count toward a service manager’s service level standards</li> </ul>	<ul style="list-style-type: none"> <li>Types of housing assistance that will count toward service level standards will be prescribed through future regulations</li> <li>Regionally designed and funded housing programs that do not currently count toward service level standards may be counted in the future</li> <li>The Region has previously advocated for this change to reflect new investment and innovation in the housing system</li> <li>There is a risk the province may increase minimum service levels to reflect population growth and increased demand, which would impose additional costs on service managers that cannot be absorbed by the property tax base</li> </ul>
<ul style="list-style-type: none"> <li>Existing subsidized housing wait lists will be required to be used to access other forms of housing assistance counted toward service levels, in addition to rent-geared-to-income (RGI) housing</li> </ul>	<ul style="list-style-type: none"> <li>The types of housing assistance to be accessed through subsidized housing wait lists will be prescribed through future regulations</li> <li>The Region currently uses its subsidized housing wait list to allocate units under the Regional Rent Assistance Program, which provides rent subsidies similar to RGI following a simplified calculation model</li> </ul>

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<ul style="list-style-type: none"> <li>Local eligibility rules for RGI will be required with respect to prescribed matters</li> <li>Previously, local eligibility rules, including income and asset limits, were set at the service manager's discretion following minimum requirements set through provincial regulation</li> </ul>	<ul style="list-style-type: none"> <li>The province has indicated income and asset limits will be required</li> <li>Other local eligibility rules may be prescribed through the future regulations</li> <li>The Region adopted income and asset limits in March 2018; it is not known if these rules will need to be revised in response to the updated regulations</li> </ul>
<ul style="list-style-type: none"> <li>Service managers will be able to enter into new service agreements with designated housing providers whose original program obligations have ended</li> </ul>	<ul style="list-style-type: none"> <li>Future regulations will establish requirements for new service agreements</li> <li>This change may help retain housing providers while enhancing the sustainability of the community housing system in York Region</li> <li>The province has stated the goal is to incent continued participation in the system; however, it is not clear if this will require additional funding from service managers to encourage housing providers to continue to provide community housing</li> </ul>
<ul style="list-style-type: none"> <li>Designated housing providers will be able to be delisted from the <i>Housing Services Act, 2011</i> through exit agreements with service managers</li> </ul>	<ul style="list-style-type: none"> <li>Requirements for exit agreements, including provisions to protect tenants, will be defined through future regulations</li> <li>This provision may result in the loss of some community housing units in York Region, depending on direction set through regulation</li> </ul>
<p><b><i>Residential Tenancies Act, 2006</i></b></p>	
<ul style="list-style-type: none"> <li>Rental units on a land lease home site are exempt from the RTA if the unit is owned by an employer and provided to an employee in connection with employment</li> </ul>	<ul style="list-style-type: none"> <li>No anticipated implications for the Region</li> </ul>

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<ul style="list-style-type: none"> <li>• A landlord who gives notice of termination of tenancy to a tenant on behalf of a purchaser is required to compensate the tenant or offer another rental unit acceptable to the tenant</li> </ul>	<ul style="list-style-type: none"> <li>• Primarily impacts private landlords and tenants</li> <li>• No anticipated implications for the Region or community housing providers</li> </ul>
<ul style="list-style-type: none"> <li>• Landlords will now be required to compensate tenants whose tenancies are terminated for demolition, conversion to non-residential use, or for the purpose of repairs or renovations, if the residential complex contains fewer than five units</li> </ul>	<ul style="list-style-type: none"> <li>• Primarily impacts private landlords and tenants</li> <li>• No anticipated implications for the Region or community housing providers</li> </ul>
<ul style="list-style-type: none"> <li>• The Landlord and Tenant Board may now make an order requiring the landlord to pay up to the equivalent of 12 months' rent to a tenant who is evicted in bad faith</li> </ul>	<ul style="list-style-type: none"> <li>• No anticipated implications for the Region or community housing providers</li> <li>• Private landlords and tenants will be affected</li> </ul>
<ul style="list-style-type: none"> <li>• New requirement for landlords to submit an affidavit when filing an application to the Landlord and Tenant Board to terminate a tenancy and evict the tenant for personal use of the unit, demolition, conversion or repairs, that indicates whether they have made previous applications for these reasons within the past two years</li> <li>• The Landlord and Tenant Board may consider the landlord's past use of these provisions in determining whether the current application has been made in good faith</li> </ul>	<ul style="list-style-type: none"> <li>• Primarily impacts private landlords and tenants</li> <li>• No anticipated implications for the Region or community housing providers</li> </ul>
<ul style="list-style-type: none"> <li>• Tenants who wish to raise a new issue at a hearing for non-payment of rent must provide advance written notice to the Landlord and Tenant Board, or a satisfactory explanation of why this requirement could not be met</li> </ul>	<ul style="list-style-type: none"> <li>• No direct implications for Region</li> <li>• May streamline the LTB hearing process for community housing providers, including Housing York Inc. (HYI) and non-profit and cooperative providers</li> <li>• Private landlords and tenants will be affected</li> </ul>

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<ul style="list-style-type: none"> <li>In determining whether to grant an application to evict a tenant for non-payment of rent or rent arrears between March 17, 2020 and a prescribed date, the Landlord and Tenant Board shall consider whether the landlord attempted to negotiate a repayment agreement with the tenant</li> </ul>	<ul style="list-style-type: none"> <li>No direct implications for Region</li> <li>May require community housing providers to review and update processes for negotiating repayment agreements with tenants and cooperative members with rent arrears</li> <li>The Province has indicated in news releases that this provision relates to non-payment of rent during the COVID-19 state of emergency</li> <li>Private landlords and tenants will be affected</li> </ul>
<ul style="list-style-type: none"> <li>Landlords may now pursue compensation from a former tenant for matters such as rent arrears, unit damage, and utility costs through the Landlord and Tenant Board; under the previous rules, a landlord could only pursue compensation from a former tenant through small claims court</li> <li>Landlords must give notice to the former tenant</li> </ul>	<ul style="list-style-type: none"> <li>No direct implications for Region</li> <li>The ability to pursue compensation for unit damages and utility costs through the Landlord and Tenant Board is welcomed by community housing providers and may be a useful tool to recover costs</li> <li>Private landlords and tenants will be affected</li> </ul>
<ul style="list-style-type: none"> <li>A rent increase that would otherwise be void because the landlord did not provide 90 days' notice of the increase will be deemed not void, if the tenant has paid the increased rent in each rental period for at least 12 consecutive months and did not make an application challenging the validity of the rent increase within one year of the date it was first charged</li> </ul>	<ul style="list-style-type: none"> <li>No direct implications for the Region</li> <li>Community housing providers incorporate the requirement to give 90 days' notice of a rent increase in their annual review process</li> <li>Private landlords and tenants will be affected</li> </ul>
<ul style="list-style-type: none"> <li>New regulations will prescribe services and facilities provided by a mobile home park or land lease community that will not be considered within the definition of "rent"</li> </ul>	<ul style="list-style-type: none"> <li>Primarily impacts private landlords and tenants</li> <li>No direct implications for Region</li> </ul>

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<ul style="list-style-type: none"> <li>Landlords and tenants will be able to use mediation or alternate dispute resolution services and these agreements will be enforceable by the Landlord and Tenant Board</li> <li>If a tenant does not meet the terms of such an agreement, the landlord will be able to apply to evict the tenant without a hearing</li> </ul>	<ul style="list-style-type: none"> <li>No direct implications for the Region</li> <li>Enforceable mediation or alternative dispute resolution services may allow community housing providers, including HYI, to apply for an eviction more quickly when unavoidable situations occur that require eviction</li> <li>Community housing providers, including HYI and non-profit and cooperative providers in York Region, may need to update their policies and processes with regard to the Landlord and Tenant Board and negotiating repayment agreements</li> <li>Private landlords and tenants will be affected</li> </ul>
<ul style="list-style-type: none"> <li>New power for a provincial judge or justice of the peace to issue a production order to a person, other than a person under investigation for an offence, that require the person to produce documents, copies of documents, or data</li> </ul>	<ul style="list-style-type: none"> <li>No direct impacts to the Region are anticipated</li> </ul>
<ul style="list-style-type: none"> <li>Maximum fines for offences under the RTA will be increased from \$25,000 to \$50,000 for a person other than a corporation and \$100,000 to \$250,000 for a corporation</li> </ul>	<ul style="list-style-type: none"> <li>No direct implications for Region</li> <li>Community housing providers operating in good faith should not be affected</li> <li>Private landlords and tenants will be affected</li> </ul>

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<p><b><i>Building Code Act, 1992</i></b></p> <ul style="list-style-type: none"> <li>A not-for-profit corporation will be designated as the Administrative Authority and the administration of specified provisions in the Act and regulations under the act will be delegated to that authority</li> </ul>	<ul style="list-style-type: none"> <li>The impacts of this change to the Region are currently unknown</li> </ul>
<p><b><i>Ontario Mortgage and Housing Corporation Repeal Act, 2020</i></b></p>	
<ul style="list-style-type: none"> <li>The Ontario Mortgage and Housing Corporation (OMHC) will be dissolved and its assets, liabilities, rights and obligations will be transferred to the Crown</li> <li>The OMHC is a statutory corporation that administers public housing debt to the Canada Mortgage and Housing Corporation, manages environmental liabilities on public housing properties that were previously owned by the OMHC and transferred to Local Housing Corporations, and administers and manages mortgages and leases from certain legacy housing programs</li> </ul>	<ul style="list-style-type: none"> <li>No significant impacts for the Region are anticipated</li> </ul>