

Application ID: 19956

Submitted values are:

Bill or item of business: **Bill 184, Protecting Tenants and Strengthening Community Housing Act, 2020**

Choose a topic

Do you know the bill title or business (e.g., pre-budget consultations) you'd like to speak or submit material about?

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I am an employee or member submitting material on behalf of an organization

Name

Kristen Thompson

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Organization name

Waterloo Region Community Legal Services

Paste submission

I am writing on behalf of Waterloo Region Community Legal Services, regarding our concerns about amendments to the Residential Tenancies Act, under Bill 184, Protecting Tenants and Strengthening Community Housing Act, 2020. At Legal Services we assist vulnerable tenants in staying housed, including representation before the Landlord and Tenant Board. We have seen that the COVID-19 pandemic crisis has proven the importance in people's need to stable housing. After discussing our concerns about the Bill, we have listed a number of positive actions the government can take to make sure Ontarians are able to access safe, secure and affordable homes.

Concerns about Post-Tenancy Debt Collection

The amendments will add post-tenancy debt collection to the Landlord and Tenant Board's (LTB) workload. The LTB is an administrative tribunal that is already experiencing significant delays in deciding cases. Currently, a landlord can only bring a case to the LTB when the tenant is in living in the rental unit. As such, the LTB deals with the ongoing relationship between parties, including resolving disputes about maintenance and/or rent. We are concerned that former tenants will not be given adequate notice of a post-tenancy hearing. Given that tenants will have moved out of the tenancy units, there ought to be a high level of scrutiny of the notice provided to former tenants and the proposed amendments do not provide for this. We are concerned that it will keep tenants, already struggling to find affordable housing and manage through the pandemic, in poverty.

Post-tenancy debt collection is currently within the jurisdiction of the courts who have the experience and the proper procedures for dealing with debt collection matters, including specific rules regarding service and an effective mechanism to ensure parties are notified of the legal process. As well, the courts have the ability for a defendant noted in default to bring a motion to the court at any time to set aside a default judgment and re-open the claim, whereas parties to an LTB matter only have the option to request a review of an order within 30 days its issuance.

Concerns about "Alternative Dispute Resolution"

The Bill proposes an "Alternative Dispute Resolution" that will put tenants at the risk of eviction after being pressured to agree to terms they cannot meet. It is unclear as to the purpose of the dispute resolution amendments, as currently the Residential Tenancies Act already allows for mediation. We are concerned that tenants will enter into agreements before legal advice is made available. Currently, tenant duty counsel attends at LTB hearings and can provide advice to a tenant before signing a mediated agreement, along with appropriate referrals to community organizations that can assist a tenant maintain their tenancy successfully. Mediation is currently performed by a Board-trained mediator who is aware of their role and the limits to mediation. We are concerned that, under this proposed section, tenants will agree to terms that are contrary to their rights under the Act or terms a tenant cannot reasonably meet.

For the same reasons, we are concerned about the addition of subsection 206 (3.1) which allows for the LTB to issue an eviction order, without a hearing, if the tenant fails to comply with an agreement made with their landlord before a hearing has commenced. Again, without being afforded the opportunity to meet with tenant duty counsel and/or a Board-trained mediator, we are concerned that tenants will enter into terms of settlement a tenant cannot reasonably meet.

Limiting a Tenants Ability to Raise Repair Issues

The Bill restricts tenants' rights to bring forward repair and maintenance issues in rent arrears cases. We are aware of many tenants who withhold rent because their landlord are not addressing the state of disrepair to their unit, despite repeated maintenance requests to the landlord and/or an Order to Comply issued by the Property Standards department of their municipality. If this amendment goes forward, we request that a tenant claim form for repair and maintenance is included with the documents provided to the tenant in the Notice of

Hearing and L1: Application to Evict a Tenant for Non-payment of Rent.

We are urging the government to take the following actions:

1. Update the purpose of the Residential Tenancies Act (RTA) to include improving public health in Ontario and recognizing the human right to housing as enshrined in the federal legislation.
2. Extend the current eviction moratorium until the pandemic and the post-pandemic recovery period are over to ensure enough time for employment rates and other economic indicators to return to pre-COVID-19 levels. While urgent matters with serious health and safety implications continue to be heard, Ontario must commit to keeping people housed.
3. Amend the RTA to provide direction to the Landlord and Tenant Board (LTB) for mediated repayment agreements that are feasible and will not push tenants into homelessness or continued poverty.
4. Provide the LTB with direction on providing relief from eviction due to circumstances caused by the pandemic crisis. Tenants that lost their employment, faced illness or had to take care of their children out of school should not be punished because they faced financial hardship during this pandemic.
5. Re-institute effective rent control and alleviate the greatest source of anxiety for tenants even before this pandemic crisis – the unaffordable rents that skyrocket every year, displacing people from their homes and communities.

We appreciate your support in ensuring safe, secure and affordable homes to our community members. I can be reached at (519)743-0254 x 16 to discuss our concerns and ideas.

Thank you,

Kristen Thompson
Staff Lawyer
Waterloo Region Community Legal Services