

**WRITTEN SUBMISSION TO STANDING COMMITTEE ON SOCIAL
POLICY**

Bill 184, Protecting Tenants and Strengthening Community Housing Act, 2020

Submission made by:

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SUBMISSION TO THE STANDING COMMITTEE ON SOCIAL POLICY – BILL 184

Introduction: West Scarborough Community Legal Services

West Scarborough Community Legal Services is a legal aid clinic focussing on providing legal advice, access to legal systems, representation and legal education on laws relating to poverty for lower-income individuals in Scarborough over the past 30 years.

Poverty and Precarious Housing

Scarborough is home to Toronto's largest vulnerable areas with many diverse and low-income populations. Precarious housing issues disproportionately affects vulnerable groups, especially seniors, women, single parents, people of colour and people living with disabilities. In the article, "*Scarborough and the Covid 19 response from Governments*", John Stapleton, has mentioned that Scarborough consists of higher poverty rates compared to remaining areas within the City of Toronto, GTA, and urbanized Canada¹. Stapleton states, "we have a working poverty rate of almost 10% (the highest in urban Canada) and we have a population of 13% of who are non-working poor. That is 23% of Scarborough living in poverty and that is comparatively high"². The working poor and low-income families will be hit the hardest, especially during this

¹ Stapleton, John. *Scarborough and the Covid 19 response from Governments*. Open Policy Ontario. April 2020. <https://openpolicyontario.com/scarborough-and-the-covid19-response-from-governments/>

² Stapleton, John. *Scarborough and the Covid 19 response from Governments*. Open Policy Ontario. April 2020. <https://openpolicyontario.com/scarborough-and-the-covid19-response-from-governments/>

pandemic if Bill 184 is passed without further discussion with community members. Many tenants from vulnerable communities have instilled fear that they will be wrongfully evicted during the pandemic without having concerns for their wellbeing, health, and safety. It has been stated in the, *UNEQUAL CITY: The Hidden Divide Among Toronto's Children and Youth- 2017 Toronto Child and Family Poverty Report Card*, researched and written by a working group of community development workers that “ low-income rates have remained the same or increased in a number of Scarborough and other inner-suburb neighbourhoods”³. The data consolidated in this report clearly magnifies the disparity within neighbourhoods faced by low-income and racialized communities in Scarborough. The report also states that racialized children and families are twice as more likely to be affected by poverty than non-racialized communities. Members who belong to such vulnerable groups entail a high proportion of the renting market and have been facing barriers to have stable living and housing. Bill 184 will only add to the barriers and discrimination faced by low-income individuals who are already struggling to meet ends meet. 57 % of immigrants in Toronto belong to Scarborough communities according to the 2016 census with unemployment rate standing at 10%⁴. Scarborough hosts the highest rate of the working poor population not having much after paying rent and bills. Bill 184 does not reflect the pressing needs of tenants within the working poor or low-income population, rather strangles them within a system that is systemically discriminative to vulnerable populations. We believe

³ Polyani, M., Wilson, B., Mustachi, J., Ekra, M., Kerr, M. *UNEQUAL CITY: The Hidden Divide Among Toronto's Children and Youth- 2017 Toronto Child and Family Poverty Report Card*. November 2017.

<https://torontocas.ca/sites/torontocas/files/CAST%20Child%20Poverty%20Report%20Nov%202017.pdf>

⁴ Toronto City Planning Strategic Initiatives, Policy and Analysis. City Planning 2016 Census Profile Scarborough.

https://www.toronto.ca/wp-content/uploads/2018/05/8f80-City_Planning_2016_Census_Profile_2014_Wards_CCA_Scarborough.pdf

in affordable housing and fair housing policies; fair legal processes are crucial for the path to access justice. This is critical to help lift low-income people out of poverty, and to keep people off the streets especially during this pandemic, to re-build healthier communities Bill 184 does not reflect the needs of Ontario during this pandemic and does not address the issues tenants are facing. Instead, they are creating more barriers. It is indisputable that disparity and inequalities in incomes translates to lack of and inequitable access to many other factors to have a basic living such as housing.

Lived experiences of low-income tenants

We believe the provincial government has a duty to involve and listen to real lived experiences from community members, stakeholders, low-income families, and individuals before making drastic decisions regarding Bill 184 which can further aggravate systemic housing issues being experienced by low-income communities.

As a legal clinic focusing on professional legal matters/education and housing advocacy, we have dealt with many lived experiences and believe it is our responsibility to outline a few examples to create awareness around the housing crisis plaguing the lives of many communities within Scarborough:

- We see people sleeping in bus shelters or couch surfing with friends everyday – hidden homeless is increasing due to lack of affordable housing and unfair housing policies.
- We see tenants being evicted illegally by landlords to rent out the unit to new tenants for higher rental prices. Tenants are left with no option but to live in overcrowded living situations or are forced into homelessness

- We see many low-income individuals and families struggling to sustain proper housing with limited income. Housing and providing necessities have become a constant struggle for families in Scarborough
- Many landlords do not follow the law and illegally evict tenants
- Our clinic recently worked on a case involving a low-income earner who also happens to be a single mother, paying \$900 less than the market rent for a 3-bed room rental house with other family members, who are also low-income earners due to sky rocketing rental prices. The landlord has asked our client to vacate the unit for personal usage of the property. The landlord allowed the tenants to remain after they negotiated to pay an extra amount of \$500 per month - which is an illegal rent increase. Two months later, the landlord returned and asked for extra money. She was unable to fulfill this payment due to financial instability and refused the illegal rent increase. Shortly after, she was once again confronted with an illegal eviction notice for usage of property by the landlord for personal use.

The story mentioned above stands as a reminder to the common reality faced by vulnerable community members in Scarborough. As needs continue to grow for low-incomes tenants amongst the discriminative realities of our housing crises, Bill 184 will only further cause additional barriers for tenants to have safe and affordable housing.

We have outlined three major problematic areas of concern within Bill 184:

Purchaser's Own Use

"Purchaser's own use – Landlord must provide compensation for one month or offer tenants another unit if notice is given on behalf of the purchaser"

This new bill will ensure that tenants will receive a month worth of rent if a landlord gives an eviction notice to move within a year or if they sell the unit. In reality, landlords have been illegally evicting tenants by stating property is needed for personal usage. The proposed changes in Bill 184 will put tenants in more vulnerable situations and add to the homelessness crisis.

A pre-hearing agreement under s 206 can contain a s. 78 clause for ex parte eviction

Allowing evictions to happen without hearing processes is unjust and will result in tenants being wrongfully displaced. Tenants will have a difficult time accessing justice. Tenants living in low-income communities have been more vulnerable now than ever during the pandemic trying to manage higher expenses and job loss, while juggling expensive rental prices. Bill 184 will make it harder to obtain the support from the Landlord and Tenant Board when tenants miss a payment after a repayment plan, to catch up on back rent during this tough time.

Advance notice in accordance with the Rules must be given by a tenant seeking to dispute arrears based on s82:

The changes under section 82 is a barrier for access to justice for vulnerable clients. Tenants were able to address the issues they were facing during hearings of dispute arrears. However, Bill 184 makes it less accessible for them to express their views and complaints at hearings due to the mandatory advance written notices of intent. These procedural requirements places tenants at a more vulnerable position by providing an

additional burden, especially when they already have minimal representation and legal support. Marginalized tenants continue to face excessive amounts of barriers to navigate the system, including individuals who do not speak English as their first language, individuals with disabilities, individuals with lower literacy levels; therefore, an advance notice of intent causes a range of excess barriers and stress from vulnerable tenants to be protected and have proper housing.

Conclusion

In conclusion, Bill 184, “Protecting Tenants and Strengthening Community” is not the answer to how our government should move forward in tackling systemic housing issues and concerns. Bill 184 will result in many negative consequences to our communities. Low-income tenants do not have the proper resources to seek justice; therefore, will be wrongfully evicted from their homes and be placed in a seemingly helpless position. Tenants should not have to worry about having safe housing during the pandemic and we truly ask the government to engage with these tenants, understand their vulnerable situations and bring about policies that will help communities foster by having safe and affordable housing. We urge the Government of Ontario to not rush the process of Bill 184, without proper community consultation, which should include individuals and community members who would be directly affected by these proposed changes. We need to think outside the box to address the urgent needs of our communities by creating fair housing polices and allocating resources to protect people on the brink of being affected by income and housing disparities. The city, province and country must work together to bring fair housing

policies, and regulations that are needed to address these precarious housing crises which includes rent control, vacancy tax, and rent subsidy, not Bill 184! Let us create safe places for communities to thrive in by providing sustainable and safe affordable housing.

Thank you,

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