

November 2019

WE CAN'T WAIT

Preserving Our
Affordable Rental
Housing in Ontario



Advocacy Centre
for Tenants Ontario | Tenant Duty
Counsel Program

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SUMMARY

Anyone renting a home in Ontario's major urban centres knows all too well how expensive rents have become. For the majority of renters living on low to middle incomes, rents have climbed so high that daily sacrifices have to be made and major expenses put off just to keep a roof over their head. Those searching for a new rental home today are faced with skyrocketing rents that are unaffordable. Even rental homes that were traditionally more affordable, like basement apartments, are advertised at almost the same price as a unit in an apartment building. With vacancy rates at all-time lows across most major cities in Ontario, affordable rental options are scarce. Many renters who secured a rental home with somewhat affordable rents a few years ago are holding dearly to their unit as they know that losing their home means paying a much higher rent for a new place. This can mean putting up with landlord neglect, disrepair or harassment as losing one's home is not an option.

As shown in this report, average rents have rapidly increased across Ontario as the supply of affordable units has decreased. Since 2006, Ontario has witnessed a 26% decline in units that rent for less than \$1000 for a 1-bedroom. Meanwhile there has been a sharp 87% increase in units that rent for \$1000 to \$1500 and a 36% increase in luxury rentals with rents above \$1500. This picture is even more bleak for almost half of Ontario's tenants who live in Toronto. Since 2006, Toronto has witnessed a drastic 36% decline in units that rent for less than \$1000 for a 1-bedroom. But expensive rentals are growing, with a 51% increase in units renting for \$1000 to \$1500 and a shocking 323% increase in luxury rentals with rents above \$1500. The rapid increase in rents cannot be due solely to regular rent guideline increases. These soaring rents are likely a result of developers' focus on building condos and luxury rentals that yield much higher profits alongside the negative effects of vacancy decontrol that allows landlords to increase rents at any amount for new tenants of existing units.

In the past few years, both the Provincial and Federal governments have introduced plans to build more housing in Ontario. The results of these efforts is yet to be seen. It will take years for housing to be built in our major cities, but for the renter population struggling daily, waiting for new rental housing is no longer an option. Much of what has been built is "affordable" for upper middle income earners - not the majority of tenants.

While we applaud the Federal government for re-entering the housing market in 2017 with the National Housing Strategy, we can't wait for the housing to be built. The Ontario government's Housing Supply Action Plan announced in 2019 is making it easier for developers to build more housing, but we can't wait for the private sector to decide whether they will build the affordable housing we need. We are still waiting to learn about the details of Ontario's Community Housing Renewal Strategy.

We must preserve our affordable rental housing, now. With every month that passes, rents soar to new heights. Renters are pushed to the brink of homelessness. Renters are living with the looming threat of losing their home. Housing precarity and unaffordability must not become the norm in Ontario. Because it is the low to middle income earners who shoulder this burden.

RECOMMENDATIONS

- 1 Provincial government must introduce legislation that limits rent gouging created through vacancy decontrol that is driving up rents beyond reach for the majority of tenants.
- 2 Provincial government must commit the majority of funds promised under the Community Housing Renewal Strategy to building and repairing social housing in Ontario.
- 3 Provincial government must introduce a new provincial law limiting demolitions, conversions and renovations of existing rental housing.
- 4 Provincial government must fund a provincial eviction prevention program that builds on the successful model of City of Toronto's Eviction Prevention in the Community (EPIC) program.
- 5 Provincial government must strengthen maintenance and repair enforcement, making the Landlord and Tenant Board (LTB) more accessible to individuals and groups of tenants seeking rent reductions when their units fall into disrepair.
- 6 Provincial government must build a centralized data system registering rental buildings, with the support of the Innovation and Research fund of the National Housing Strategy.

I grew up living in Toronto Community Housing until I moved out as a teenager. In the beginning my girlfriend and I (we've been together for 14 years) could only afford to live in slumlord buildings. To afford rent, we lived with multiple people in small inadequate apartments to split the cost. We have been constantly on the move and have lived all over the city. Now we're just making it. She has a decent job and I work three jobs as a welder, a harm reduction worker and a Foodora courier.

“To afford rent, my girlfriend and I lived with multiple people in small inadequate apartments to split the cost.”

We've been renovicted and evicted for landlord's own use multiple times. The first time I was renovicted, I was 17 years old and didn't know my rights. Since then, my girlfriend and I have tried multiple times to fight evictions based on landlord's own use but lost all our cases at the Landlord and Tenant Board. Landlords always find loopholes in the law. The apartment we were last evicted from went right back on the market for a much higher rent. Even if you choose to fight at the Board, it's difficult because we would need to take time off of work and risk getting fired. Our place needs repairs and maintenance but when we ask our landlord to fix things, he threatens us with an eviction and reminds us of how good of a rent we have. Everything is working against us to live in Toronto. If we had to leave Toronto it would be really hard. Toronto is our home and it's where our jobs are.

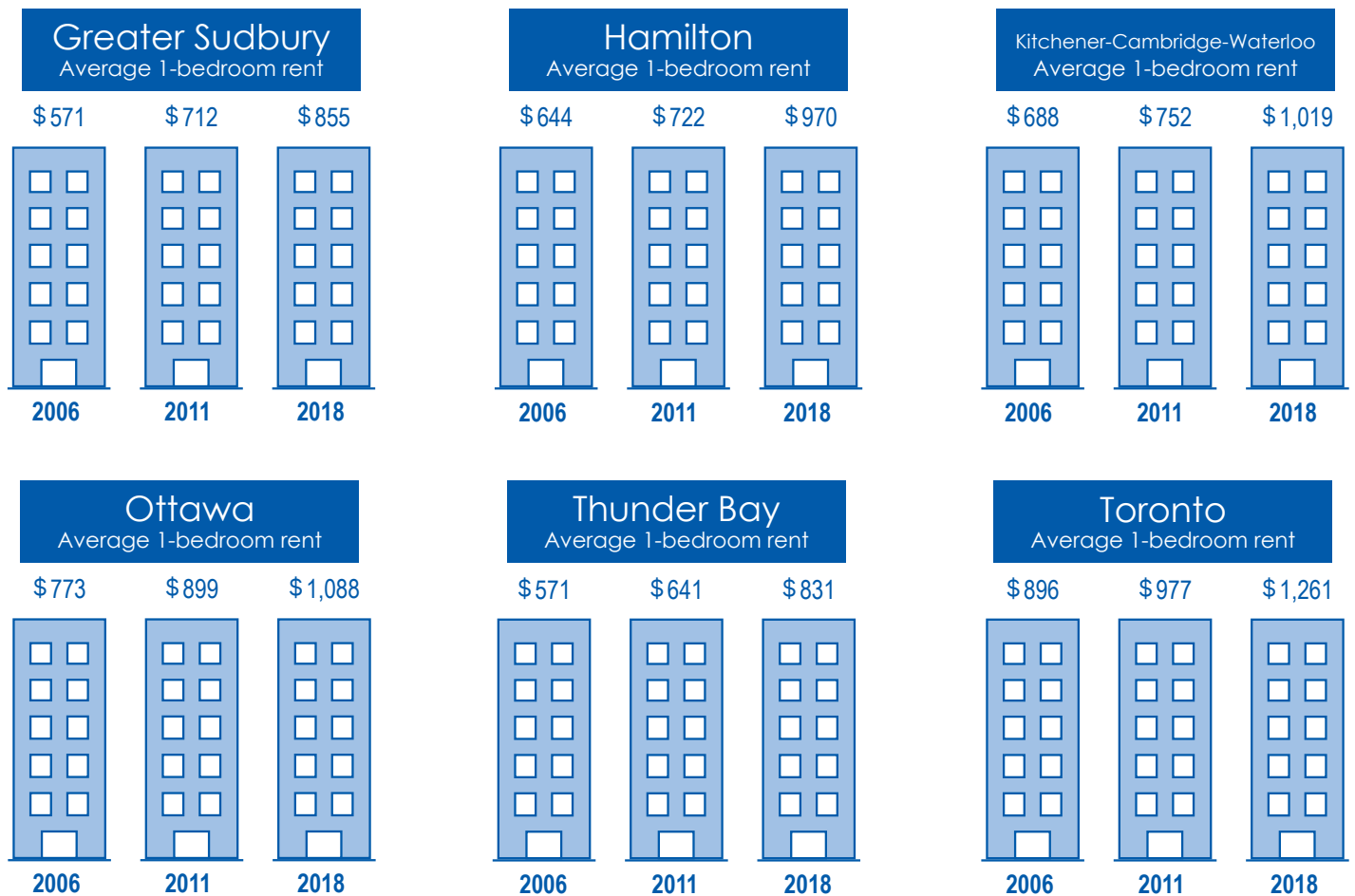
The government needs to put a cap on rents so they don't increase anymore and reduce rents so people like me can afford to live in this city. At the same time I would increase wages for those of us hardly making ends meet and end this ongoing job precarity that so many of us are forced to work.

RISING PRIVATE MARKET RENTS

Rents in Ontario's urban centres have consistently increased in the past 15 years, with some cities experiencing skyrocketing rents. Average rents include all rents that sitting tenants pay, irrespective of how long they have been renting the unit. Since 2012, rents in Ontario have increased beyond the regulated increase set by the Province.

Average rents in purpose-built rentals

CMHC, Rental Market Survey

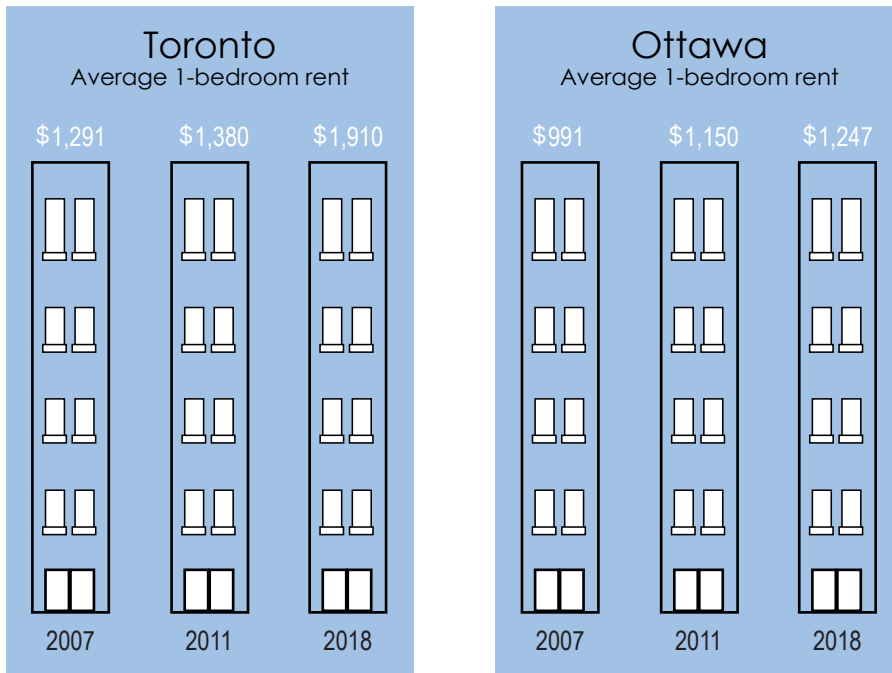


Rent Gouging

In Ontario, when a tenant moves out, the landlord can charge whatever amount they think a new tenant will pay. This policy is called vacancy decontrol. In cities with low vacancy rates, rents can increase drastically from one tenant to the next without any investments in repairs or renovations. This is a form of rent gouging that not only drives up rents but fails to prevent the diminishing quality of Ontario's rental housing stock.

Average rents in condos

CMHC, Secondary Rental Market Survey



Toronto and Ottawa have the highest number of condos amongst Ontario cities. Condos are built for the home-ownership market, yet approximately 30% of condo units are rented on the rental market. Therefore, condos are considered a part of the secondary rental market.

Condo units are an unstable rental option for renters looking for long-term rental housing since the owner can decide to move into the unit or sell it and evict sitting tenants. Rents in condos are also higher than purpose-built rentals, often out of reach for low to moderate income renters.

Asking rents in 2019

Padmapper, Rental Report October 2019



Renters searching for a rental home today are faced with soaring rents. Asking rents are drastically higher than average rents. With vacancy rates at their all-time lows, landlords are charging new tenants much higher rents compared to what they charged past tenants.

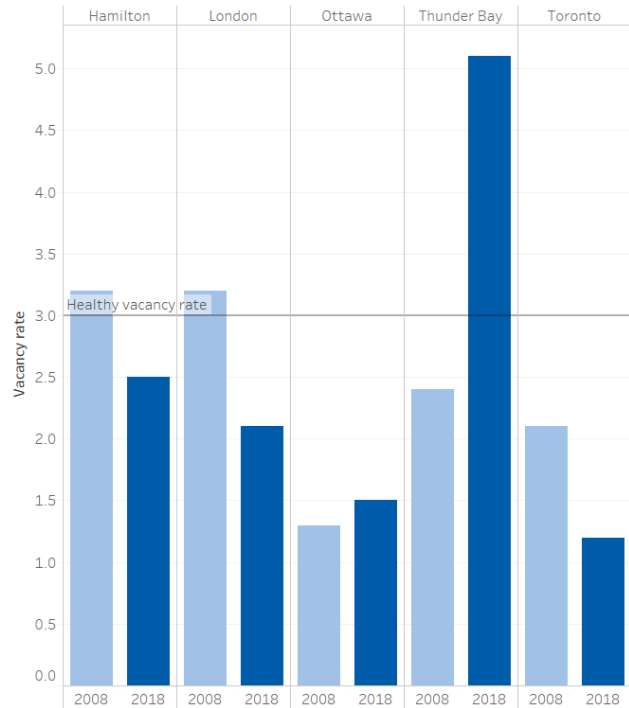
LOW VACANCY & TURNOVER RATES

For more than a decade, vacancy rates in most of Ontario's urban centres have remained consistently low. Almost all urban centres have vacancy rates far below a healthy rate of 3-5%.

Vacancy rate is the percentage of all available units in a rental market that are vacant or unoccupied at a particular time. For example, Toronto's vacancy rate of 1.2% in 2018 means that if there are 5000 rental units in the city, only 60 of these units are available for rent.

Ottawa and Toronto, home to almost 60% of Ontario's renters, have vacancy rates of 1.5% and 1.2% for a 1-bedroom respectively. Toronto's vacancy rate has been below the healthy rate since 2009.

Vacancy rate for 1-bedroom apartment
CMHC, Rental Market Survey

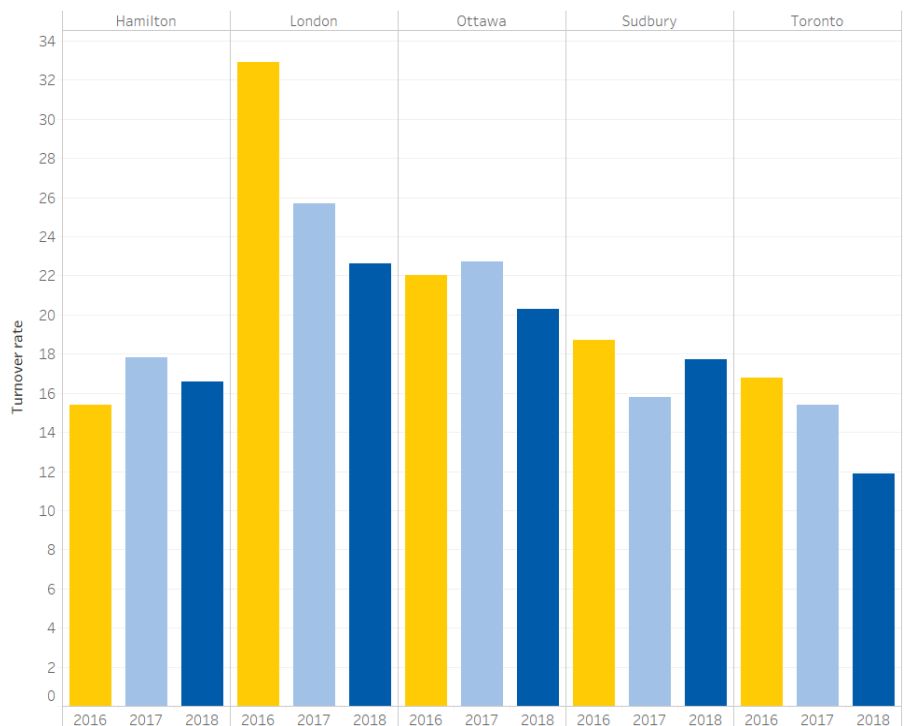


Turnover rate is the percentage of tenants that move in a given year. Turnover rates have been decreasing in urban centres across Ontario.

The combination of high asking rents and low vacancy rates means that tenants are often stuck in their current rental homes.

In Toronto, where rents are highest and vacancy rates lowest in the province, turnover rates are also the lowest. This is indicative of a rental market where tenants cannot afford to move out, even if they need to find a new home.

Turnover rates for 1-bedroom apartments
CMHC, Rental Market Survey



Growing up I lived all over Canada. I've been homeless and I've had a roof. I've lived in mold and rat infested homes. It's been tough.

As a teenager, I lived in a local homeless shelter that was for boys and girls. I endured lots of violations to my person and belongings while living there. When I voiced my concerns I was eventually removed from the shelter. Forced to get my first apartment as a teen, I lived in a park for two months while I waited to land a job and get my first paycheque. Proper placements and funding of shelters could have created a safe space for me. I still live with the trauma of those days.

“it's been clear that our budget would never allow us to live in a safe, clean and healthy home. ”

A few years before the birth of my child, my husband and I lived in a place where our rent was geared to our income. This was supposed to provide us with security of tenure and ease. But after a few months living there I was hospitalized because my asthma was always triggered. Our apartment wasn't maintained. The carpets were old and our bathroom had thick layers of mold under the sink. After a lengthy battle with the owners of our building, we packed up our 3-bedroom home. My husband and I, my 15 year old teenager, and a baby on the way moved into a crammed 1 bedroom. Not only did we have to cram all of us in a tiny space, but the place was also riddled with rats. From then it's been clear that our budget would never allow us to live in a safe, clean and healthy home.

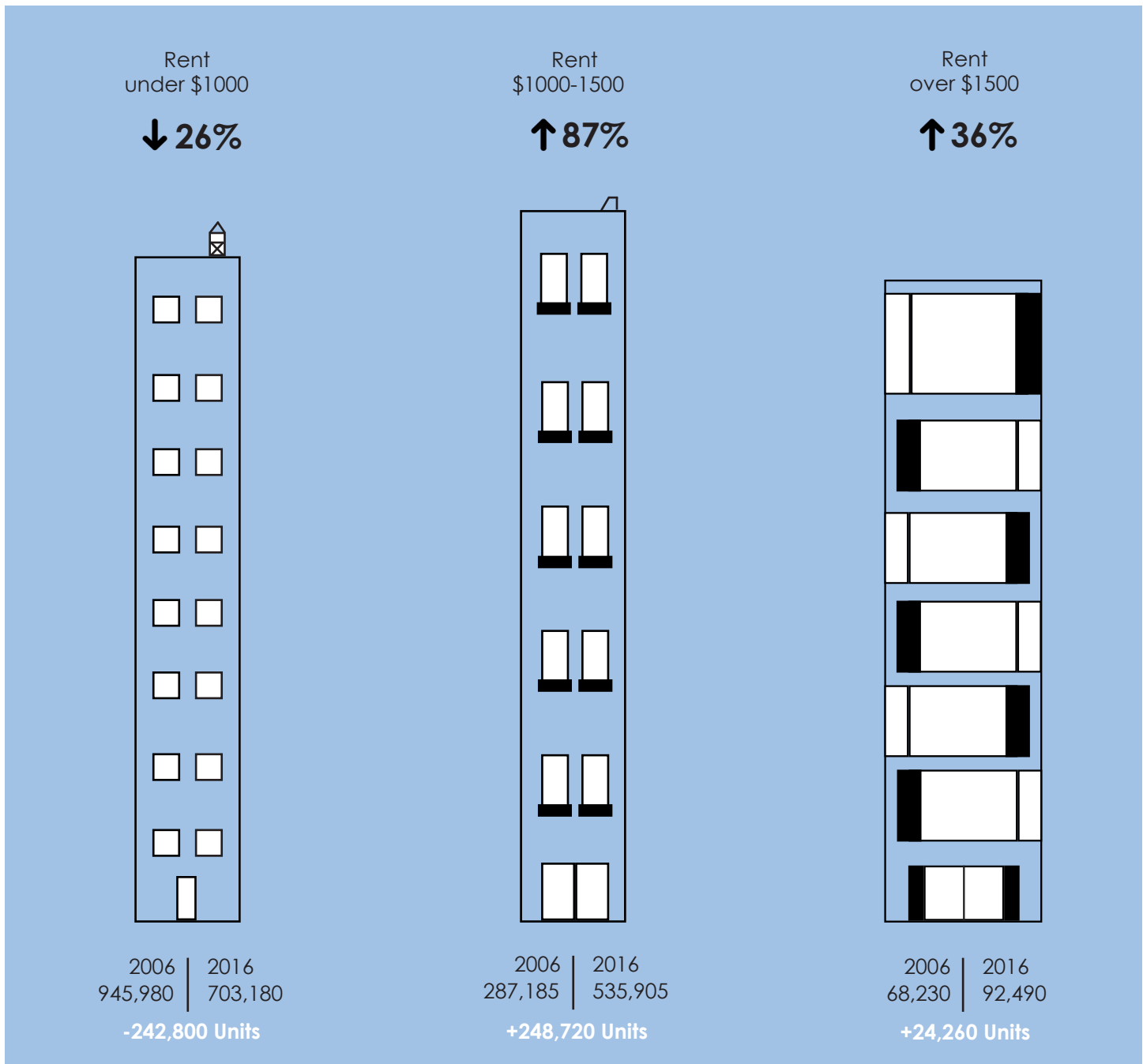
Casey, Sault Ste Marie

LOSS OF AFFORDABLE HOUSING

We are rapidly losing existing affordable rental housing units in Ontario. Meanwhile, we are seeing a rapid growth in condo and luxury rental housing units, charging high rents. It is essential that we preserve the affordable rental housing we already have.

Change in the number of rental units in Ontario

Statistics Canada, Census 2006 and 2016

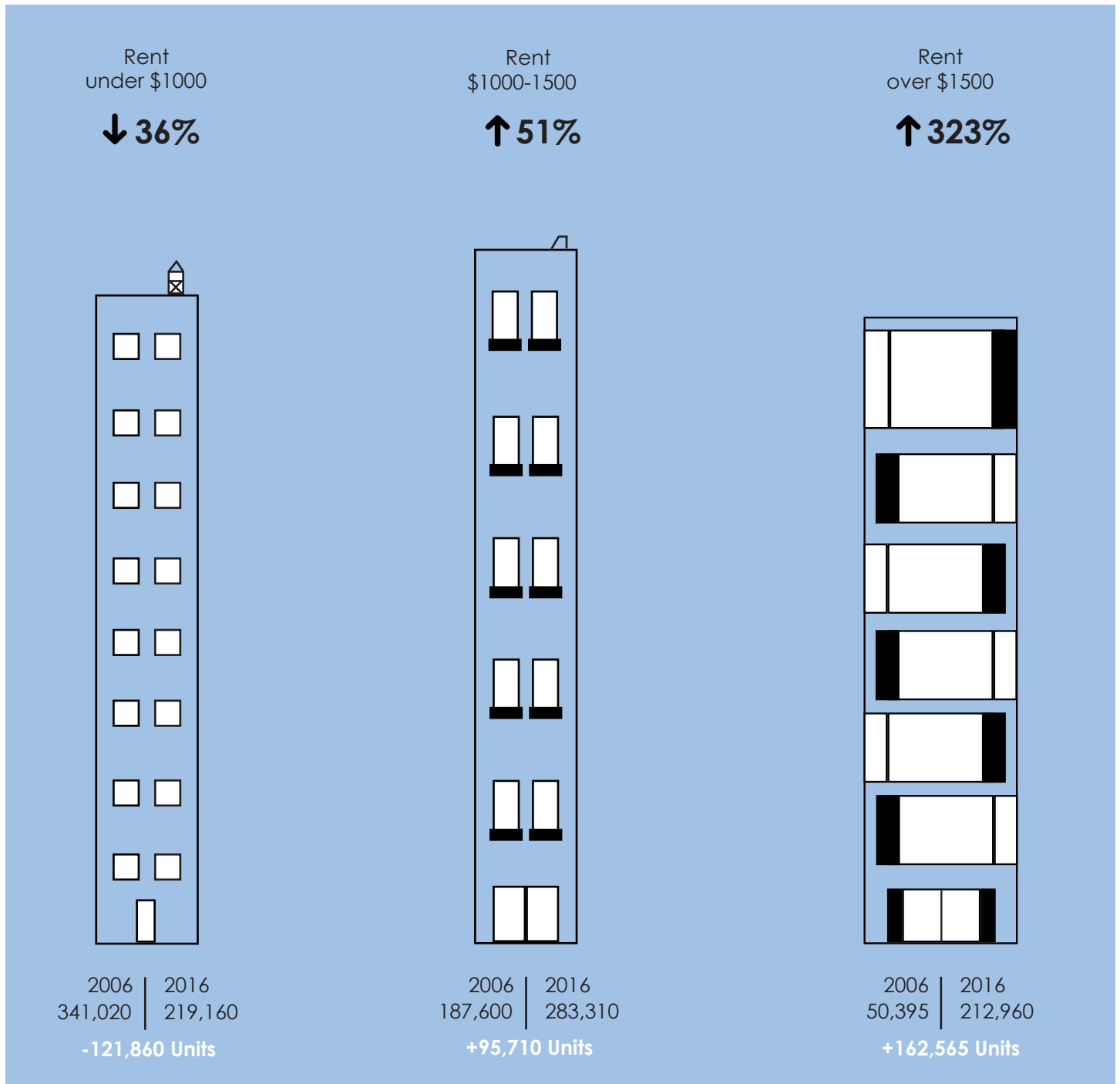


For almost 30 years (1998 - 2018), rent control did not exist for new rental developments in order to provide an incentive for developers to build more rental housing. Yet less than 9% of all units built during this time were purpose-built rentals. Developers did not build purpose-built rentals when there was no rent control. Despite this clear evidence, the new Ontario government re-introduced the failing rent control exemption in November of 2018.

We are seeing a rapid decrease in the number of affordable rental units (under \$1000), especially in major urban centres like Toronto. Some of these units may have become more expensive through regular rent guideline increases. Based on an average increase of 2% per year, a rent of \$1000 would become \$1,219 in a decade. This is not enough to shift a large number of units to the high end of the rental market. The sharp increase in rents is due to several factors: the reliance on condos as the main source of new rental supply; new rentals built are overwhelmingly luxury rentals; and vacancy decontrol allows landlords to increase rents to any amount for a new tenant.

Change in the number of rental units in Toronto

Statistics Canada, Census 2006 and 2016



I'm a single mom with an 11 year old son and our dog Roxy. I've been renting a 3-bedroom place in North York for the past 6 years. I share my place with Rose, my friend's daughter who is in college. Rose couldn't afford rent on her own and this helps me financially too because when I was doing it on my own I was drowning. I have a good full-time permanent job in downtown Toronto that I commute to daily. Thank god my parents live close by and can help out with childcare when needed. My son's child support is less than the amount his father should be paying, and he only started making the payments 2 years ago. I've been doing it on my own all this time without his help.

“When you live on one source of income in this city, it seems impossible to make it.”

In September, my landlord told me that she's selling the house and asked me to sign an N11 form to end my tenancy. I didn't sign. So we negotiated a plan to avoid a legal fight and I agreed to move out by March. Now I'm searching for a new place and the rents are way beyond what I can afford. It's been really frustrating. My son is a shy kid and is impacted by stress. Changing schools will be hard on him. When you live on one source of income in this city, it seems impossible to make it. Dual income families get to go on vacation, own a house, and their kids are in sports. For us, participating in sporting activities or going on a vacation isn't an option.

After searching for a while, seeing the rents, my only option is to move into my parents 3-bedroom apartment. I'm grateful that I have this choice but my son is older now and needs his own space. I too need breathing room to do this daily grind.

Tracy, North York, 46

GROWING INCOME INEQUALITY

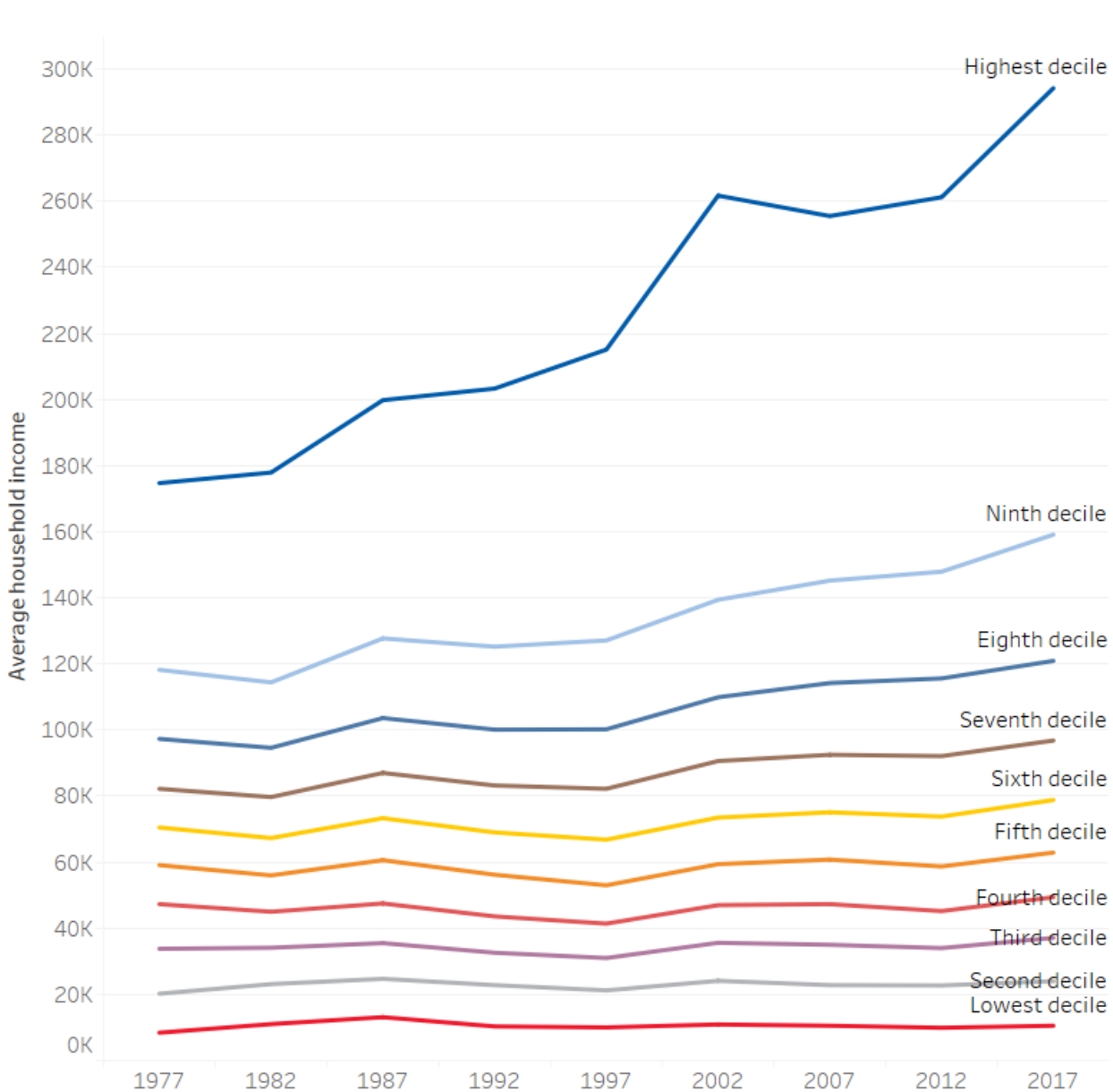
Income gains concentrated in the hands of the top 20% of Ontario's population.

Income inequality in Ontario has increased over the past 40 years. Households with incomes in the bottom 10% of the total population saw a total average gain of \$2000 in their annual income from 1977 to 2017. At the other end, the top 10% of the total population saw their average income increase by \$120,000 to \$294,200.

In fact, most people in Ontario did not see a significant increase in their average income levels across the spectrum.

Average household income 1977-2017

Statistics Canada, Table 11-10-0192-01



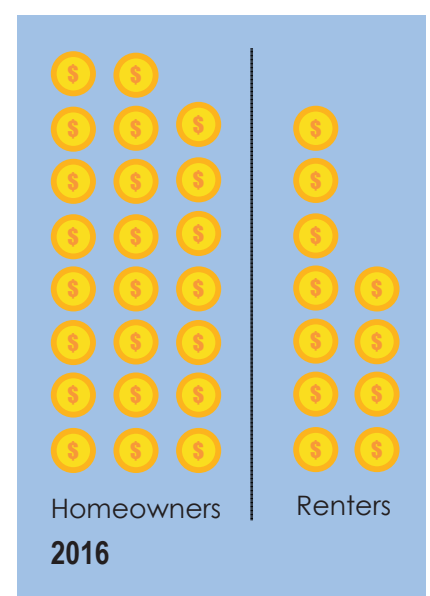
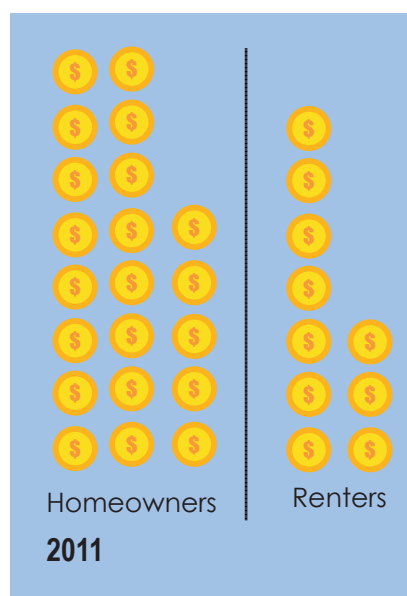
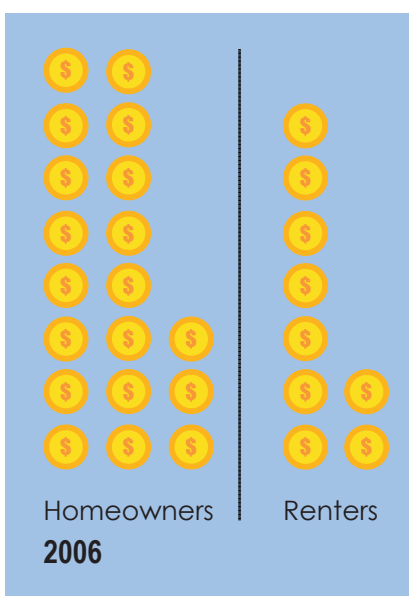
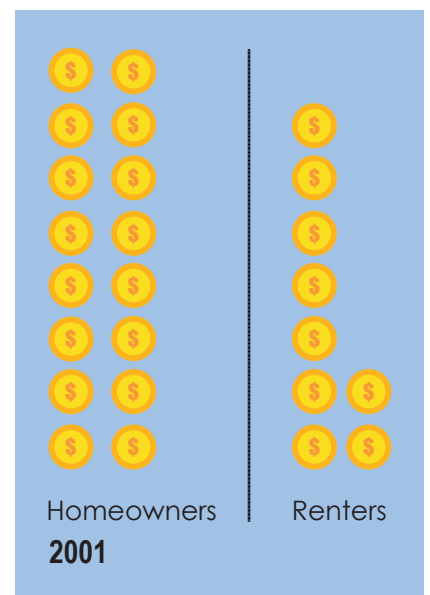
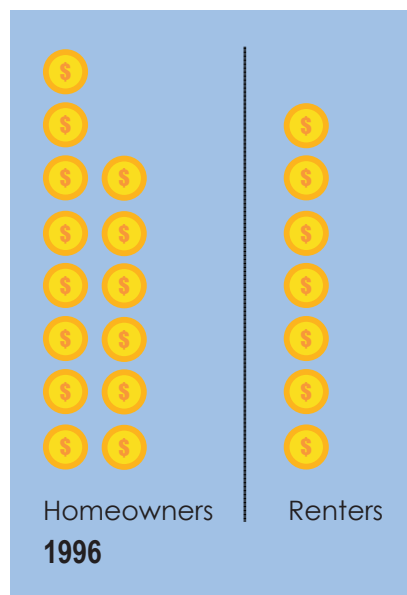
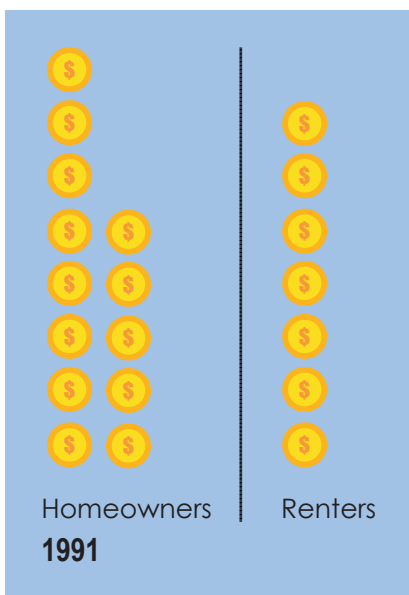
INCOME GAP: TENANTS vs HOMEOWNERS

Increasing income inequality can be seen in the widening gap between the average incomes of renters and homeowners. As income disparities increase and home prices rise, this gap will continue to widen.

From 1991 to 2016, the average income of renter households increased from \$36,872 to \$53,559. In the same period, the average income of homeowner households increased from \$63,782 to \$117,409.

Average household income in Ontario
CMHC, Housing in Canada

 Each coin represents \$5,000



WHO IS MOST IMPACTED?

Renters in Ontario experience the impacts of multiple pressures: high and rapidly increasing rents, lack of available apartments, and stagnating incomes. Those who rent tend to have lower incomes - almost half of renter households in Ontario have an income below \$40,000.



Renters tend to be more highly represented among young people, newcomers, racialized communities, single parents, and single-person households. Almost half of renter households in Ontario are paying unaffordable rents, which limits their ability to spend on other needs such as food, transportation, medication and health care needs not covered by OHIP. Amongst all the renter households, single parents and single people face the greatest rent burdens.

If you are a single person or a single parent, you are impacted the most by unaffordable rents.

Single people are more likely to rent. Almost half (48.5%) of one-person households are renters compared to a third of all households in Ontario who rent their home. Nearly 6 out of 10 renters living alone pay rents that are unaffordable. The percentage of renters that are single is growing and with rising rents they are disproportionately impacted by what is often called the “singles tax”.

Single parents are also more likely to rent. Approximately 45% of single parent households are renters. Nearly 5 out of 10 renters who are single parents pay rents that are unaffordable. This leaves them with less money to spend on other life necessities.

Some racialized communities are more likely to rent. More than half of households identifying as Black (57%) are renters. Half of Latin American households are renters. Almost half of Arab (48%) and West Asian (46%) households are renters. More than 4 out of 10 Filipino households are renters.

Recent immigrants are more likely to rent. More than 6 out of 10 recent immigrant households are renters. Skyrocketing rents, few housing options, language barriers and lack of Canadian experience to land jobs, make it significantly harder for new immigrants to start a new life in Canada.

Renter households are most prevalent among young people. 80% of Ontarians aged 20 to 24 rent their home, 61% of Ontarians aged 25 to 29 rent their home, and 45% of Ontarians aged 30 to 34 rent their home. Young people are faced with soaring rents and stagnating incomes.

The rise in part-time and temporary jobs has disproportionately affected the employment outcomes of young people. The Toronto Vital Signs report in 2019 explained that “today’s jobs are lower quality than the jobs of the past, with few to no benefits: temporary jobs have grown five times faster than permanent jobs, self-employed jobs have grown three times faster, and part-time jobs have grown two times faster than full-time jobs.” Temporary jobs are on the rise while permanent jobs are harder to find.

One of the main labour market trends of the past decade has been the rise of the gig economy. The gig economy is characterized by independent contractors and freelancers working temporary engagements and contracts. This includes individuals working for companies such as Foodora, Uber, and Airbnb. According to the Bank of Canada, almost one-third of Canadians participate in informal work (gig economy). Part-time workers and youth were among those most likely to participate in the gig economy. Regardless of increase in pay, over half of the gig economy workers would prefer to work in formal employment. Those working in the gig economy earn lower incomes than the formal sector for the same amount of time worked. There is also greater probability of job loss and uncertain work schedules for those employed in the gig economy.

The rise in temporary and part-time jobs does not only impact young people, but also newcomers and racialized communities living in Ontario. “Since 1980, newcomers, racialized populations, and young people have had no inflation adjusted increase in income,” read the findings in the Toronto Vital Signs report. “While older, Canadian-born, White residents have had as much as 60% in income growth.”

I live in Chinatown in downtown Toronto. This is my second year living here. I've lived all over the city. I'm a musician, produce music and teach music lessons. It's precarious work so I decided to get into couriating with Foodora. That's how I make most of my income. But that's also a high level of job precarity.

I feel blessed in a certain way because my rent is affordable and the location is ideal. I live with roommates and we each have our own bedroom. There's no common space to hang out. Just a bathroom and a kitchen. I've met my landlord only once. I just pay him the rent. He's like a ghost so I can't even gauge his intentions to sell or to raise the rent. We live on the top floor, and on the first floor 3 other people live, and in the basement 3 more. The two houses next door are also owned by our landlord. None of these places are made to house 10 people. They're converted spaces, not proper rooming houses.

“I'm at the whim of this rent never changing. My income is too low to afford anything higher.”

I'm at the whim of this rent never changing. My income is too low to afford anything higher. If my rent increases, I would have to work more to stay because I can't find a place at this price point. I already work really hard and long hours, so it would mean less time for myself. The situation for other Foodora workers is much worse. Many commute long hours to get downtown and some are homeless. These jobs aren't good enough to sustain people's living situation but the options are limited. We need our government to invest in better jobs. We also desperately need real rent control so we know we're in a stable position with our housing.

Ivan, Toronto, 23

IMPACT OF EVICTIONS: INDIVIDUALS



Health



Homelessness



Mental Health



Employment

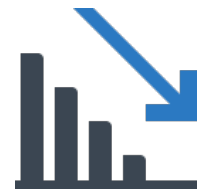
Eviction has serious impacts on a person or family.



Community



Credit History



Financial Loss



Education



Access to Services

IMPACT OF EVICTIONS: SOCIETY



Homelessness



Health Care
Services



Emergency
Services

Evictions
impact public
services and
the economy.



Consumer
Spending



Shelter
System



Public
Assistance

I am a single man living on Ontario Disability Support Program (ODSP). I was very fortunate to find a rent-geared-to-income (RGI) home more than a decade ago. On my limited ODSP income and a maximum shelter allowance of less than \$500, I wouldn't be able to afford private market rent. Just paying rent would eat up all my income and leave me nothing for my basic needs.

Prior to finding RGI housing, I was pretty much unable to find anything other than sub-standard housing. I lived in a motel room where there was no cooking allowed. I've lived in housing complexes infiltrated with gangs where safety was a major hazard for me and the other tenants.

“We need incentives to build more RGI and low-income housing. Not more incentives for developers to build housing that none of us can afford.”

The government needs to respond to this housing crisis right now! Subsidize more RGI housing so people in my situation are able to live in affordable homes that are safe. We need incentives to build more RGI and low-income housing. Not more incentives for developers to build housing that none of us can afford. I'm fortunate that I found stable housing. Others though are on wait lists. They are paying rents to private landlords and that's not working for them. There are no limits on how much landlords can raise rents for new renters. How does it make sense that an apartment that was renting for \$500 a month all of a sudden goes up to \$1100 a month after someone moves out?

Brian, Thunder Bay, 61

EVICTION TRENDS IN TORONTO

The Advocacy Centre for Tenants Ontario (ACTO) manages the Tenant Duty Counsel Program (TDCP) across the province of Ontario to provide legal advice to tenants at the Landlord and Tenant Board (LTB). In Toronto, where half of Ontario's tenants live, ACTO employs TDC lawyers at all four LTB locations. Since 2016, we are seeing disturbing trends in the rise of evictions across the city. Here are some of our findings.

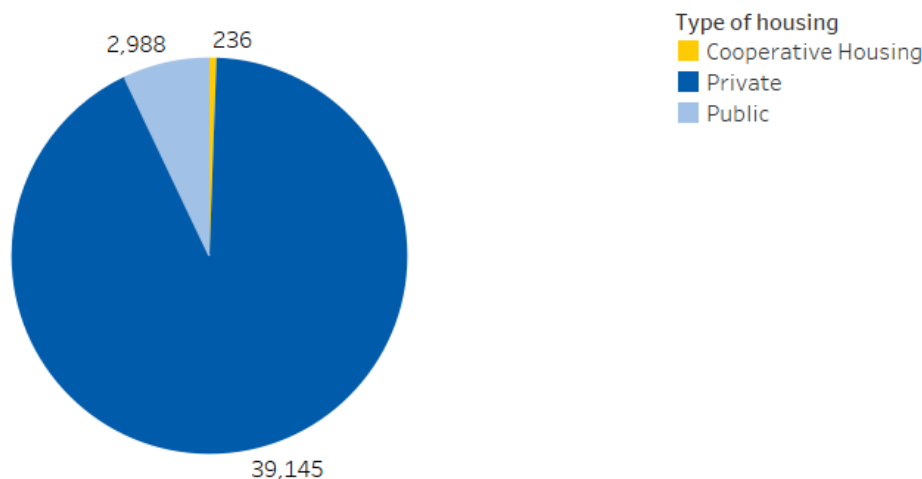
Evictions: Private Housing vs. Social Housing

From 2015 to 2019, we served 42,379 clients at LTB locations in Toronto. The majority of clients (39,145) were facing an eviction notice brought to the Board by a private landlord. Only 236 eviction cases were in co-operative housing and the remaining 2,988 eviction cases were brought to the Board by a social housing provider.

Most tenants in Toronto, living with various income levels, rent from a private landlord. Social housing providers often have policies around evictions as a last resort, allowing tenants the time needed to solve the issue at hand. Tenants living in private market housing do not have access to the same policies.

Evictions by type of housing

TDCP Statistics, accessed October 2019



Rise of No-fault Evictions

There are two types of eviction applications that a landlord can submit at the LTB: evictions based on the non-payment of rent (L1 application) and evictions based on other reasons (L2 application). The majority of landlord applications brought to the LTB are the L1 type. Tenants are often facing financial insecurity and fall into rent arrears.

But in the past few years we are witnessing a rise in L2 applications to evict tenants. L2 evictions can be based on different reasons: interference with others, damaging a unit or overcrowding; illegal acts or misrepresenting income in social housing units; causing serious

problems in the unit or the residential complex. However, there are also evictions where the tenant has done nothing wrong - a landlord or a purchaser or a family member planning to move-in to the unit; a landlord wanting to demolish, repair or convert the unit in a major way that requires the rental unit to be vacant.

In all of these instances, to evict a tenant, the landlord must make an application to the LTB. The landlord must prove their case and tenants get an opportunity to show that the eviction is based on incorrect information or false premises. But half of tenants don't go to the LTB to fight an eviction case. They simply move out.

For those tenants who sought the advice of TDC on the day of their hearing, we are seeing a gradual increase in L2 applications since 2015.

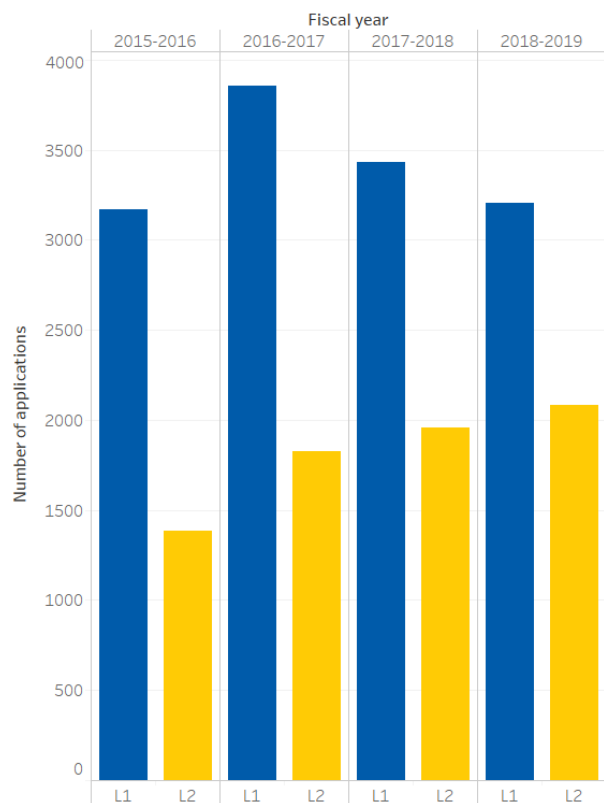
In particular, there is growth in no-fault evictions: evictions based on the claim of a landlord (or their immediate family members) planning to move into the unit they are renting to a tenant (L2 + N12 application) or the landlord needing the tenant to vacate the rental unit for major renovations (L2 + N13 application), also known as a renoviction.

Landlord's Own Use claims (N12 applications) have nearly doubled since 2015.

Renovictions are gradually rising in the city of Toronto as well. Although the number of applications remain much lower than Landlord's Own Use applications, the upward trend is similar.

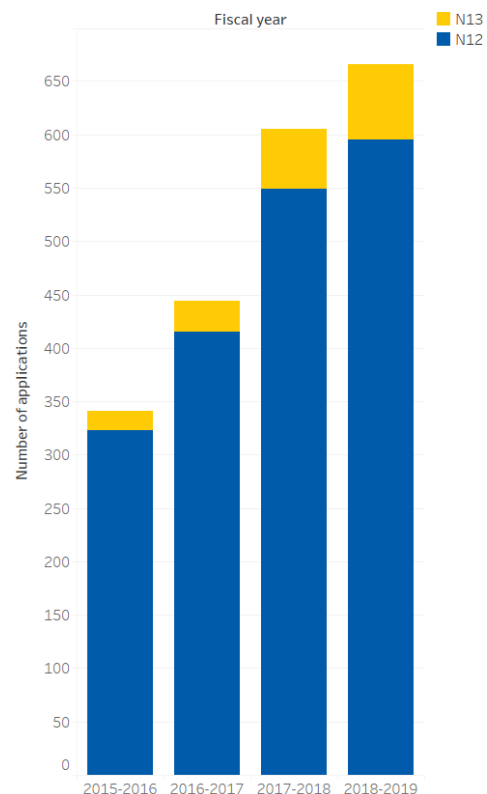
Types of landlord applications at the LTB

TDCP Statistics, accessed October 2019



No-fault evictions at the LTB

TDCP Statistics, accessed October 2019



I chose to invest in myself because I thought University would give me a better future. But when I graduated, I couldn't find work related to my education so I worked two jobs earning minimum wage. I couldn't afford rent so I couch surfed. My income wasn't enough to cover my expenses.

“I worked two jobs earning minimum wage. I couldn't afford rent so I couch surfed.”

How do you service debt from school and try to build a future? It took me nearly 3 years to find employment in my field. I lived off of credit most of that time and worked upwards of 70 hours a week in minimum wage positions. Now I have a good job but I am so far in debt that I can't get on top of my bills, student loan, rent and save. People make decisions hoping for a better future and it's so defeating not having work or decent housing.

The government needs to step up and create more affordable rentals, repair places, enforce bylaws, educate tenants about their rights, and just listen to people's experiences with inadequate housing.

Rising tides, raise all boats.

Kerri, Sudbury

TENANTS' ACCESS TO JUSTICE

In 2018, ACTO conducted a point-in-time assessment of the barriers to access to justice for tenants at the Landlord and Tenant Board (LTB) in 6 cities: Thunder Bay, Sarnia, Ottawa, Toronto (2 LTB locations: Toronto North and Toronto South), Hamilton and Belleville.

Contested vs. Uncontested Applications

In Ontario, evictions must be handled by the LTB, which provides both landlords and tenants with an opportunity to argue the merit of their case.

But, more than half of all tenants (58%) that received an eviction notice did not attend their eviction hearing to argue why they shouldn't be evicted. Many are unable to take the time off work, may not have access to childcare services or simply move out without arguing their case. It is then unclear if the evictions were based on merit or could have been prevented, for example with a mediated agreement for a repayment plan.

When a tenant does not appear at their hearing to represent their case, the landlord's eviction application is granted unless there were administrative/technical errors made by the landlord when filing their application.

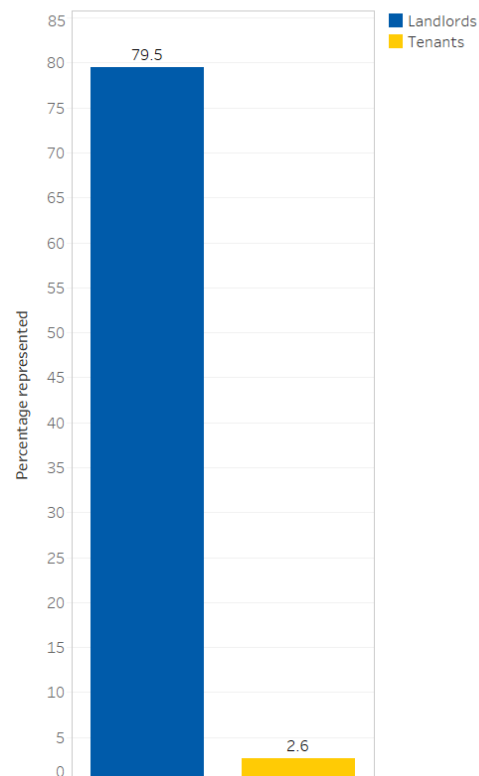
Representation: Landlord vs. Tenant

For those tenants who attend their eviction hearing at the LTB, navigating the legal system can be a difficult task. Many are not familiar with legal processes nor do they have the experience or education to gather data, make legal arguments and represent themselves in a legal proceeding.

To understand the extent of legal representation at LTB locations, we observed how many tenants and landlords appeared at the LTB with representation. Representation meant whether there was a lawyer, paralegal, or a property manager present to support the legal case being made by either side. Almost all tenants did not have representation at their hearing, while the overwhelming majority of landlords were represented.

Percentage of hearings with representation

Data from Tenant Access to Justice Project, 2018



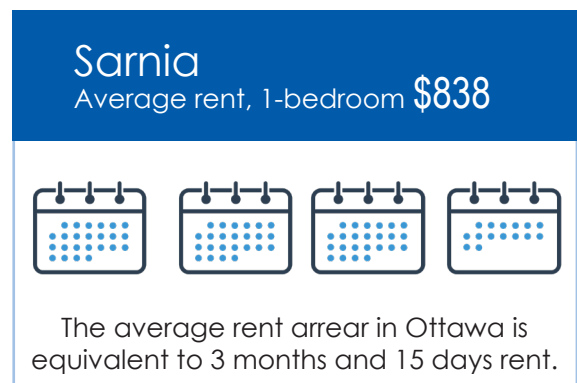
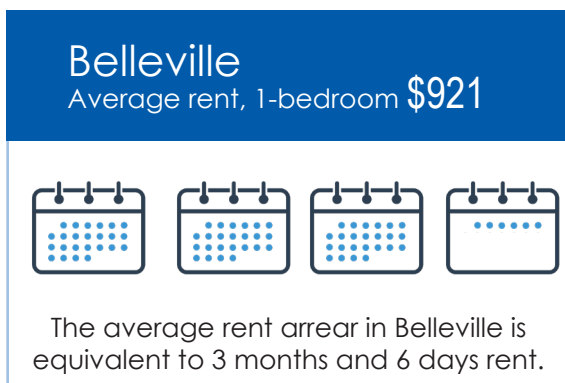
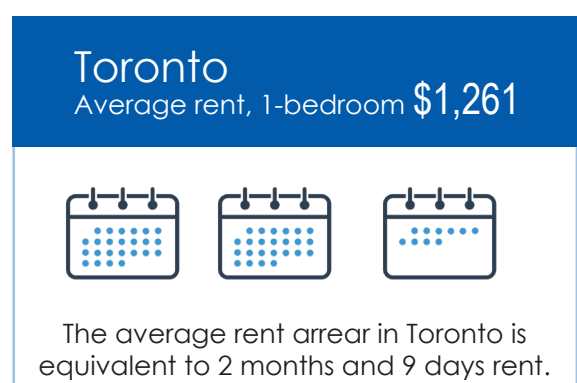
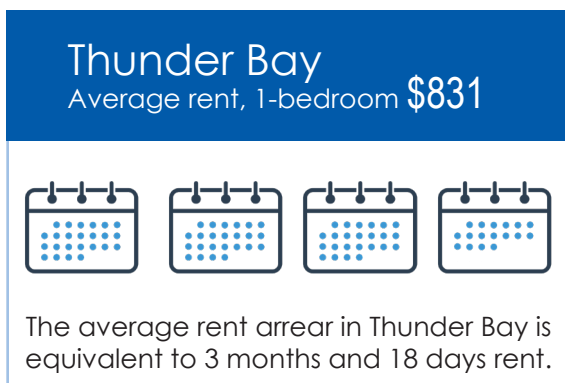
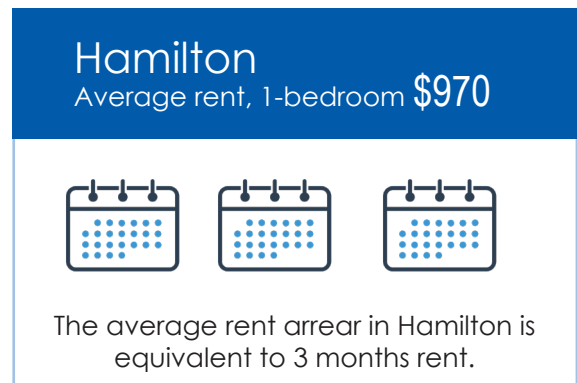
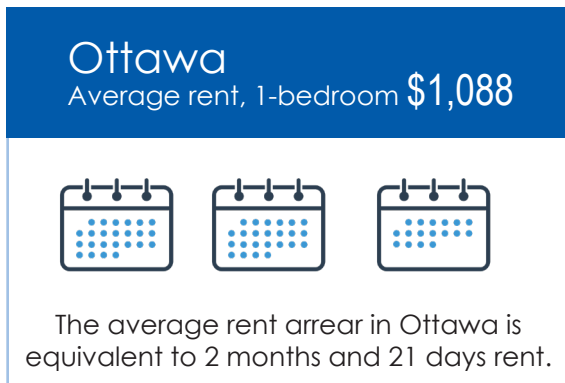
Average Rent Arrears in Ontario

Most eviction applications at the LTB are based on rent arrears - the amount of rent owed by the tenant to their landlord. To understand the extent of this problem, we calculated the amount of rent arrears for each eviction application file at the LTB locations.

The average rent arrears in cases at the LTB is below \$3,000. This amount is equivalent to 2 months and 9 days of missed rent in Toronto. Compared to the individual and social cost of eviction the amount owed is not significantly high. Government investment in eviction-prevention programs that help tenants who are struggling to pay the rent owed can make a great difference in maintaining housing stability across the province and save taxpayers money.

Average rent arrears in Ontario calculated as average monthly rent per city

Data from Tenant Access to Justice Project, 2018



Filing an Application and Hearing Dates


Our one-day snapshot analysis provides insights into the amount of time it takes for a landlord to file an eviction application and have their hearing date in front of an LTB member. Times vary between cities, in part due to the fact that in major cities like Toronto, eviction hearings are heard on a daily basis while in other cities due to the lower volume of applications and population, the eviction hearings are not heard on a daily basis.

Average number of days from filing an application to the hearing

Data from Tenant Access to Justice Project, 2018


Hamilton

125 cases on docket

 29.2 Days
Less than a month


Ottawa

120 cases on docket

 29.6 Days
Less than a month


Thunder Bay

34 cases on docket

 55.4 Days
Less than 2 months


Belleville

25 cases on docket

 46.6 Days
Less than 2 months


Sarnia

44 cases on docket

 58.3 Days
Less than 2 months

Toronto North

130 cases on docket

 38.7 Days
Just over a month

Toronto South

21 cases on docket

 80 Days
Less than 3 months

The main reason for hearing delays is the Province's failure to appoint adjudicators at the LTB to fill open positions. We have asked the government numerous times to speed up the appointment of qualified and trained adjudicators.

Sheriff's Notices

It is difficult to tell what happens to tenants after their eviction hearing at the LTB, since the data for outcomes is not tracked by the LTB. ACTO also doesn't have the resource capabilities to track this information. However, we can learn about post-eviction outcomes by looking at the notices given by the Sheriff.

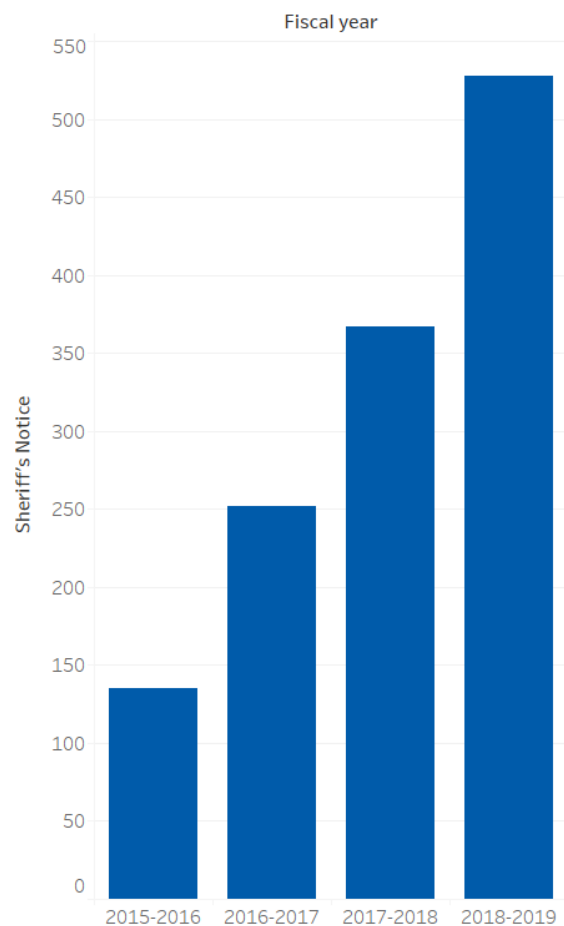
A "Sheriff's Notice" is a Superior Court Notice for Vacant Possession issued when a landlord seeks to enforce an LTB order for eviction. In the Greater Toronto Area (including Mississauga), the Sheriff provides a "courtesy" copy of the Notice either by mail or posted on the rental unit door to indicate the time and date the Sheriff will attend to enforce the eviction. When a tenant gets a "Sheriff's Notice", this means the landlord has successfully obtained an eviction order from the LTB.

The data gathered by TDC shows the rise of notices given to tenants by the Sheriff for carrying out evictions. In most cases, tenants will vacate the unit before the Sheriff's date of arrival.

Sometimes, depending on the reason for eviction, a Sheriff's Notice does not automatically mean an eviction occurred. For instance, if the eviction was granted based on unpaid rent arrears, the tenant may still be able to pay the amount owed and void the eviction order before the Sheriff arrives to evict.

Sheriff Notices in Toronto

TDCP Statistics, accessed October 2019



THE CASE OF EPIC

Rising rents, stagnating incomes and the lack of affordable rental housing options puts many low-income individuals and families at risk of losing their rental home. Eviction prevention programs are the best way to keep people protected from experiencing homelessness.

In 2017, the City of Toronto's Shelter, Support, and Housing Administration (SSHA) developed an eviction prevention program to help people stabilize their housing. The holistic model of the Eviction Prevention in the Community (EPIC) program focused on supporting those who receive a notice of eviction. ACTO's Tenant Duty Counsel Program (TDCP) participates in the EPIC program and the results have been life-changing for many of our clients.

Hub Solutions, the Canadian Observatory on Homelessness' social enterprise, conducted a program evaluation of EPIC. The evaluation found that 90% of clients were able to avoid an eviction and have their housing stabilized. Through financial and case management supports, advocacy, and system navigation, the EPIC program model is highly effective and should be used by other cities and communities to support people at risk of eviction.



Although the primary cause of eviction notices were rent arrears, the evaluation found that poverty and the lack of affordable housing were factors impacting clients. EPIC provides a wide array of services and supports that work together to prevent an eviction. Cross-collaboration across sectors, departments, and ministries is essential when working to resolve and stabilize housing.

What is EPIC?

- Wrap-around case management supports.
- Mediation with landlords to stabilize housing.
- Referrals to community legal supports.
- Navigation/Accompaniment to the Landlord and Tenant Board.
- Assistance in securing income supports, trusteeship, or money management programs.
- System navigation and referral to other services and supports.
- Rehousing supports and shelter diversion where the existing tenancy cannot be sustained.

To learn more about the EPIC evaluation, visit www.homelesshub.ca

I have lived in Gravenhurst most of my life. But last year, I moved to Bracebridge.

I used to live in adequate housing but I lost it to what's now an Airbnb. Today, I live in a 110 square foot room in the basement of a motel with two shared bathrooms and a shared kitchen. The stove barely works, which isn't surprising since it's over 50 years old.

“This should be important to all of us because the lack of housing is killing people.”

Adequate housing affects all of us, whether people realize this or not. What kind of a society are we if we don't house everyone properly. This should be important to all of us because the lack of housing is killing people. That's not right.

Jeff, Bracebridge



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