



**Neighbourhood
Legal Services**
LONDON AND MIDDLESEX

July 12, 2024

Community and Protective Services Committee
City of London
300 Dufferin Ave
London ON N6B 1Z2

By email cpsc@london.ca

**RE: Submission on Proposed Renoviction License and Relocation
Bylaw Changes/Schedule 23 Rental Unit Repair Licence**

Neighbourhood Legal Services (London & Middlesex) Inc. is a poverty law clinic assisting low income Ontarians with legal issues in the areas of social assistance, housing, and employment law. Our mandate is to offer legal services to provide for the basic needs of food and shelter. As such, we are very in touch with the needs of the low income population in London & Middlesex.

We are writing to express our strong support for the proposed Renoviction License and Relocation Bylaw as outlined in the report to CAPS dated June 10, 2024 from the Deputy City Manager of Planning and Economic Development.

Based on our legal expertise and experiences with the clients we serve in London, we wish to make the following submissions which we hope will be helpful to CAPS, and the City, as they consider this matter.

1. **Jurisdiction:** We submit that the proposed bylaw is within the City's jurisdiction to enact and is in keeping with London's oversight and involvement in redevelopment, renovation and demolition. The City has the jurisdiction to create policies and bylaws which preserve the City's

rental housing stock [*City of Toronto v. Goldlist Properties Inc.* (2003), 67 O.R. (3d) 441, 2003 CanLII 50084 (C.A.)]. The City also has the power to make bylaws in respect of (a) the health, safety and well-being of persons; (b) the protection of persons and property including consumer protection; and, (c) the economic, social and environmental well-being of the City (*Municipal Act*, sections 8, 10(2) and 11(2)). In fact other Cities, such as Hamilton and Toronto, have determined Renovation bylaws to be within the City's jurisdiction.

Provided that any bylaws dealing with these matters do not make it impossible to comply with the *Residential Tenancies Act* (RTA) and do not frustrate the RTA's purpose (and do not conflict with any other Act or Regulation), it is permissible for the City to supplement the tenant protections that exist under provincial law, given all of the above.

2. **Report from a Qualified Professional, 4.1 (d):** We submit that this should be broadened to provide that the report not only confirms vacant possession is necessary, but also contains timelines for work, and specific information about a proposed date for the tenant to return, which we believe can often be at some point before the work is complete. That is, the report should confirm at what point in the work is vacant possession is no longer necessary and the tenant can return. This is essential in the case of this bylaw which does not require the landlord to relocate the tenant at the same rent, or provide the difference in rent where the tenant is temporarily paying more rent elsewhere.
3. **Regular Inspections:** We submit that the bylaw should ensure that the City does regular inspections during the work to verify that the work is being done and it is a renovation in good faith. Where there are significant delays due to materials etc., we submit that the City should exercise its powers to require further affidavits (per 4.1(i)).
4. **Need for Regular Updates to Tenants:** We submit that the bylaw should require that the landlord provide regular (monthly) updates to the tenant as to the status of the work and timelines for a proposed return to the unit. Where there is an unavoidable delay, the affidavit evidence per 3. above should be provided to the tenant.

5. **Hamilton Bylaw – Relocation or Pay difference In Accommodation Costs:** The City should consider adding a requirement that the landlord relocate the tenant to a similar unit where possible and at the same rent, or that it pay the tenant compensation where the amount of compensation under the RTA will not adequately cover the difference in rent for where the tenant temporarily resides.
6. **Application to All Units (3.1) and License Unit by Unit basis (5.4):** We strongly support this element of the draft bylaw. Given that the bylaw is not to punish landlords acting in good faith, and instead only to manage the issue of bad actors/landlords, this is essential. It is often smaller landlords and single unit landlords where we see bad faith renovictions. It is important to tie a licence to a single unit even if that unit is within a multi-complex – justification on a unit by unit basis will be important as different renovations and circumstances of each unit affect whether or not a tenant needs to leave and when they can return. The work may also not move at the same pace for all units, and a goal is to get tenants back in whenever and wherever possible, and where they have chosen to exercise their right of first refusal under the RTA.
7. **Tenant and Landlord Information Package (2.1(a) and 5.1):** We submit that the package should include precedent letters re exercising right of first refusal. It also needs to contain information about the proposed application for the renoviction licence and a contact person at the City for inquires and follow up. This is necessary as the Landlord is, under the proposed bylaw, only required to apply for the licence after issuing the N13 and information package. We also strongly support section 4.1 (c) in the draft which requires a landlord to swear and provide an affidavit that they have provided the Information Package to the tenant directly. This will be crucial to ensure only goodfaith renovictions.
8. **Enforceability:** As we know, any law, regulation or bylaw is only as good as its enforcement measures and resources. We submit and urge the City to ensure staffing and fines that allow for proper enforcement of the bylaw, and fines etc. that sufficiently act as a deterrence for bad actors.

Thank you for allowing us this opportunity to provide input into the draft renovation bylaw. We commend the City on this important work and their commitment to protecting affordable housing stock and supporting their low income population wherever possible.

We are available at any time should you require additional information or input.

Yours very truly,

A handwritten signature in purple ink, appearing to read 'K. Pagniello', with a long, sweeping underline.

Kristina M. Pagniello
Executive Director and Lawyer

Michael Laliberte
Senior Staff Lawyer