



Cohen Highley^{LLP}
L A W Y E R S

www.cohenhighley.com

One London Place
255 Queens Avenue, 11th Floor
London, ON N6A 5R8
T. 519 672-9330
F. 519 672-5960

September 29, 2021

VIA EMAIL: PPMclerks@london.ca

Mayor & Council Members
City of London
300 Dufferin Avenue, PO Box 5035
London, Ontario, N6A 4L9

Dear Mayor & Council:

Re: ACORN Request That Council Introduce a Toronto RentSafe Scheme in London

We are the lawyers for the London Property Management Association (“LPMA”). The reason for writing to each of you today is to ask that Council reject ACORN’s request that London introduce a multi-res by-law similar to the Toronto “RentSafe” scheme which has been implemented in the city of Toronto.

The LMPA is a London-based, non-profit multi-residential industry organization committed to promoting education, training, professionalism and advocacy among its more than 550 members. The vast majority of LPMA members are builders, owners and operators of multi-residential rental properties in London. LPMA is Ontario’s oldest regional landlord association. LPMA’s mandate is to educate its members to administer and manage their rental properties to meet all statutory and professional standards, including full compliance with London’s Property Standards By-laws (the By-law) as well as the provisions of the *Residential Tenancies Act* (RTA) and the obligation to maintain rental properties in accordance with housing, health and safety standards. Throughout the current pandemic, LPMA members have been designated and required to provide essential property management services, including all testing, inspections and maintenance of life safety and necessary maintenance requests.

ACORN is a Toronto-based tenant advocacy agency whose funding is entirely dependent on persuading the Province and Municipalities that all multi-res landlords abuse their obligations under the *Residential Tenancies Act* (RTA); Property Standards By-laws; and related Provincial and Municipal building standards. ACORNs funding also depends on importing to London a public perception of conflict and hostility between landlords and tenants with a view to encouraging tenants to contact ACORN to provide political solutions rather than seeking recourse to the substantive remedies readily available at the Landlord and Tenant Board (LTB) or through enforcement of London’s Property Standards By-law. As Council Members have thoroughly reviewed the City Staff reports on housing standards in the City of London, it clearly signifies that relations between landlords and tenants in London are generally civil and operate in a customer

service business and legal environment; furthermore, from the City's own staff report, there is no factual evidence to support the ACORN contention that the City of London is rife with sub-standard housing conditions for tenants, the only solution for which should be one manufactured by the City of Toronto. On behalf of LPMA we are asking that individual councillors make an accurate assessment and consideration of ACORNs request and not fall prey to questionable anecdotes and media sound bites which form the basis for ACORNs campaign.

City Staff “Fact based” Report on Property Standards Complaints in London

As a responsible legislative body, Council is encouraged to consider its own Staff recommendations and comments recently set out in the Staff report to the Community and Protective Services' Committee where it was determined that of 45,000 property standards complaints last year, only 7% involved rental housing at all. We have also reviewed staff's report to the Planning Committee from May 26, 2008 where it was reported that of all maintenance complaints received by the City about rental properties at that time, 85% involved single family rental properties and only 5% involved rental properties with more than 4 units. Extrapolating from those numbers, 7% of 45000 complaints works out to 3150 complaints about rental housing and 5% of that number (attributable to rental properties with more than 4 units) works out to 158 complaints. It would be an abdication of Council's responsibility to London taxpayers to create and implement a costly RentSafe program on all multi-res properties in London; hire the dozens of staff required to administer it; hire the additional management staff for oversight of the expanded bureaucracy; impose on all multi-res landlords in London a third layer of regulatory maintenance standards; and, ensure that the inevitable by-law fees (the “Tenant Tax”), will be passed through to tenants. A more prudent approach to deal with about 158 complaints would be to hire, on a part time basis, one Property Standards By-law enforcement officer and educate tenants on how to access enforcement by the City of its own Property Standards By-law.

The numbers above also reflect another important consideration: the vast majority of purpose built apartment units in London are built, managed and operated in accordance with rigorous statutory requirements to ensure life safety and proper housing standards are in place. The statutory codes applicable to such properties require mandatory Fire, Building, Electrical and Maintenance inspections and compliance with all retrofit legislation. The numbers above bear out the fact that maintenance issues are relatively rare in purpose built multi-res developments and that where they occur, enforcement of existing City By-laws by current City staff is the most prudent, cost-effective way of dealing with them.

It's a Fact: The Vast Majority of Landlord/Tenant Relations in London Are Positive

Most members of Council know that the vast majority of landlords in London compete for business from tenants by promoting clean, safe and affordable rental units in a city that is proud of its community services and healthy residential environment. London's multi-res landlords work actively to promote a positive image of the City as a place to work, live and retire and promote positive relationships between rental housing providers and customers. LPMA respectfully submits that the Landlord/Tenant problems of Toronto that plague a highly urban populace numbering in the millions are not the problems that exist in the City of London, nor is a Toronto-based “solution” likely to address any real issues that may exist between landlords and tenants in the City of London. In fact, a far better and London-based proposal to address landlord and tenant issues in London has already been initiated by Council through a Landlord and Tenant task force recently approved for implementation by Council.

Tenants and the City Bear the Cost of New Administrative and Regulatory Levies

Toronto's RentSafe program is extremely expensive; heavily subsidized by the City of Toronto; and, has demonstrably produced very few measurable results other than a heavy influx of Above Guideline Rent Increase (AGI) applications by landlords for rent increases which ultimately result in financial hardship for tenants. In Waterloo the Landlord and Tenant Board (LTB) issued an AGI order for 6% above the 1.8% Guideline as a consequence of the imposition of new municipal "per unit" fees (we recently provided a copy of that Order to London Council and staff); furthermore, in Toronto there has been a substantial increase in AGIs based on building remediation programs triggered by a desire by landlords to avoid any potential negative stigmatization and "branding" of buildings under Toronto's RentSafe program. LPMA encourages Members of Council to consider that ultimately it is tenants who bear the financial cost of additional and unnecessary municipal levies and this is a fact which warrants a rejection of ACORNs campaign.

LPMA supports a London-Based Solution to its Landlord and Tenant Challenges

LPMA supports Council's mandate for the creation and implementation of a joint Landlord-Tenant task force to engage in a meaningful stakeholder dialogue. We therefore ask that Council Members reflect on the submissions above and reject the ACORN request and proceed instead with its London-based program. Should any member of Council have questions or request additional copies of the documentation previously provided and referred to above, please contact the undersigned.

Thank you, in advance, for your consideration of the submissions of LPMA.

Yours very truly,

COHEN HIGHLEY LLP



signature electronically affixed

Joseph Hoffer
JJH:rmh
email: hoffer@cohenhighley.com

cc: LPMA