

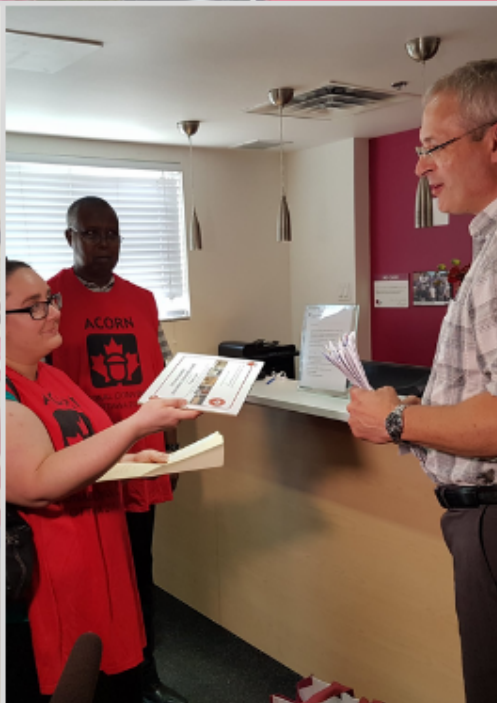


**WHERE  
DO YOU  
RELOCATE  
FAMILIES  
IN AN  
AFFORDABLE  
HOUSING  
CRISIS?**



# OTTAWA ACORN

THE FIGHT FOR THE RIGHT TO HOUSING AND A NO DISPLACEMENT  
COMMUNITY BENEFITS AGREEMENT IN HERONGATE





# CONTENTS

Executive summary	4
Introduction	5
What is ACORN?	5
History of Herongate ACORN's tenant organizing	6
What are community benefits agreements?	8
A vision for Herongate: No Displacement Community Benefit Agreement	9
ACORN's No Displacement Community Benefit Agreement	10
Conclusion	11

# EXECUTIVE SUMMARY

Community benefits agreements (CBAs) are legally enforceable contracts signed by community groups and a private developer or government agency. CBAs can result in a range of benefits for community members, such as jobs and training; community amenities, support for local business, affordable housing and other provisions.

As a community organization of low and moderate income families and individuals fighting for social and economic justice, ACORN is invested in ensuring community benefits agreements meet the needs of the communities we work with.

ACORN has been organizing in the Herongate community of Ottawa since 2008. Largely a working-class, immigrant neighbourhood, Herongate tenants have had their homes passed from landlord to landlord, and watched them fall into disrepair as maintenance stopped being completed and properties were neglected by management. Finally, in 2016, it became clear with the first batch of eviction notices that there was a vision behind the chaos: a plan had been put in place to redevelop Herongate into a neighbourhood of luxury rental apartments.

Since then, ACORN members have been fighting back to prevent evictions and give tenants a seat at the table. Finally, after rallies, marches, letters, meetings and more, the developer - Timbercreek - has revealed their social framework commitments, including:

- Housing security
- Affordability
- Diversity
- Social enterprise
- Green space

Determined to ensure that there is an adequate, legally binding Community Benefits Agreement in place, ACORN members are organizing alongside our allies and other community organizations. We have a historic opportunity to build tenant power within the development process and set a precedent for future development to end displacement and ensure the right to housing is realized by low and moderate income tenants.



# INTRODUCTION

Housing is a human right protected by international covenants. Yet in recent years, housing has increasingly become commodified. Huge real estate investment firms, such as Timbercreek, Akelius, and CAPREIT are buying up properties where they believe land values are under-realized. They then fix up the units and apply for above guideline rent increases or renovict the tenants to collect much higher rents, all at a significant profit to satisfy investors and creditors. The result? Corporate gentrification.

These companies effectively displace low and moderate income tenants, replacing them with people who can afford higher rents.

An important component of realizing the right to housing is to involve tenants in the solution. ACORN has identified the potential for a No Displacement Community Benefits Agreement to help community members realize the right to housing, by placing the needs of residents at the centre of the development process and fighting displacement.

This report outlines ACORN's experience of organizing in Herongate over the past decade and presents our recommendations for a No Displacement Community Benefits Agreement.

## WHAT IS **ACORN?**

ACORN Canada, the Association of Community Organizations for Reform Now, is a local and national organization of low and moderate income families and individuals fighting for social and economic justice. It is our belief that no issue is

a single issue; as a result we are a multi-issue organization. This means members advocate on a variety of issues, such as affordable and liveable housing, disability rights, fair banking, living wages and more. We have over 130,000 members organized into twenty four neighbourhood chapters in nine cities across Canada. We believe that social and economic justice can best be achieved with a national active membership who are invested in their organization and focused on building power for change!

ACORN organizers, leaders, and members go door to door in low and moderate income neighbourhoods to identify issues and ask people to commit to being a part of the change they want to see! ACORN has a grassroots structure where our elected members sit on our boards, run community meetings, speak to press, lead direct actions and lobby politicians.



Find out more at  
[www.acorncanada.org](http://www.acorncanada.org)

# HISTORY OF HERONGATE ACORN'S TENANT ORGANIZING

ACORN began organizing tenants in Herongate in 2008. Herongate is a largely working-class, immigrant neighbourhood that has been plagued by a series of bad landlords. After a successful community organizing drive that included weekly neighbourhood meetings and local board elections, it became clear that tenant rights were the main priority for the chapter.

Herongate tenants have survived five different landlords, battling each for better maintenance, service and respect (particularly for racialized and newcomer tenants). ACORN members organized tribunal cases to help tenants with over \$200,000 in abatements and repairs. Over the years, Ottawa ACORN has also worked with city inspectors to mass inspect problem properties and issue hundreds of work orders to secure repairs for tenants, especially in the Herongate neighborhood. In 2010, the owner of Herongate at the time, Transglobe, restructured the company to become a real estate investment trust (REIT), later privatizing and selling off properties to a number of companies, including Timbercreek.

On September 29th, 2015, tenants received a letter from Timbercreek asking them to leave by February 29th, 2016 due to the proposed “redevelopment” of 80 units in the Sandalwood Drive area. They were offered three months’ free rent and a moving allowance of \$1,500. Our membership, the tenants, organized a meeting with Timbercreek Asset Management (which included their public relations firm) to address the tenants’ many unanswered questions and fight the evictions. The meeting was scheduled for Monday, October 26th. However, management did not

show up to the meeting, and only their PR firm came out to hear member’s questions and concerns, along with Councillor Jean Cloutier.

Timbercreek has a complicated corporate structure (see Appendix A), that directly conflicts with the right to housing. With billions of dollars in global real estate assets, Timbercreek’s business model seeks to maximize returns for investors through the displacement of tenants as a result of the redevelopment of lower-income housing. Housing is treated as a commodity to profit from:

“The investment strategy to buy mismanaged or distressed multi-family assets includes substantial building envelope enhancements, suite renovations, repositioning in the market place and sequential material increases in rental rates. Timbercreek’s value-add strategy is intended to produce a five-year internal rate of return of 18-20%.”<sup>1</sup>

It was clear that ACORN members were going to have to put up a fight.

ACORN Chair for South Ottawa and resident of the Sandalwood area, Mavis Finnamore, outlined members and tenants’ needs and wants in a letter to Timbercreek after the initial meeting. ACORN members wanted to fight these evictions and secure their right to housing.

With nothing but best wishes and no action from the City or Timbercreek, ACORN members organized.

For months following the notices, Herongate ACORN organizers and tenants knocked on their neighbours' doors, organized community meetings, led a series of direct actions and engaged the press, allies, and local representatives.

While we were ultimately unsuccessful in stopping the evictions in 2016, due to the law being on the landlord's side and no political champion willing to support the tenants of Herongate, our members' campaign did have a long lasting impact. Through the campaign, we built tenant power in the neighbourhood to continue pushing for tenants' rights. The following summer, Herongate ACORN participated in a citywide organizing drive calling on the City to license landlords to ensure better enforcement of property standards, held a mock funeral to publicly highlight the loss of affordable housing stock in the city and organized (and won!) against an Above the Guideline Rent Increase (AGI) in the Cedarwood towers.

From 2016-2018, ACORN members used every opportunity they could to fight against more evictions in Herongate, including participating in "visioning workshops" organized by the City and Timbercreek. Despite our members' public outcry for affordable housing and better maintenance, Timbercreek's vision for the neighbourhood was not one that current and past tenants could afford. Rather, their vision for Herongate was a luxury, resort-style rental complex that would change the fabric of the community and lead to the gentrification of the neighbourhood.

In the spring of 2018, Timbercreek issued a second round of eviction notices to an additional 105 families, requiring that they vacate their homes by September 30th of the same year. This time, it was clear that the actions taken by our members in the community a few short years ago had made an impact: there would be no

winter evictions, moving allowances were to be made available before tenants' move out date, and discounted prices for moving companies would be negotiated for tenants. These were all things that ACORN members had fought for. But the same problem that had existed in 2015/2016 still remained: Timbercreek had no plans to replace the affordable housing that would be demolished to make way for the new development.

ACORN organizers knocked on every door in the neighbourhood that summer, turned out over 100 low-income tenants to fight for their neighbourhood, held local community meetings led by our members, developed new leaders on the campaign, organized direct actions (including a "Stop the Evictions" march and a "Worst Slumlord Award" rally) and worked with the press to draw attention to the urgent need to address this crisis, as well as the need to advocate for long-term solutions from the City, such as inclusionary zoning, landlord licensing and rental replacement bylaws.

On August 29th, we released a report in Herongate on the state of affordable housing in Ottawa. The report, "Affordable For Who?" detailed the depth of the housing crisis in support of our members' campaign demands. With the housing crisis starting to impact more moderate and middle income households and our members' persistent actions, Ottawa seemed to discover Herongate for the first time. Herongate became the news story of 2018.

For a second time, Timbercreek has succeeded in mass evicting low-income families but change is happening. ACORN members are in Herongate to stay, so we have started organizing a campaign for a No Displacement Community Benefits Agreement (CBA). We do not stop in the face of a challenge!

The mass eviction witnessed in Herongate is an attack on the rights of the low and moderate income tenants who once called the community home. The United Nations distinctly identifies forced eviction as a breach of human rights:

“Forced evictions constitute a distinct phenomenon under international law, and are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing.”<sup>2</sup>

Further, persons who have been displaced have the right to be rehomed in comparable housing in terms of affordability, security, location, access to services as well as other factors.<sup>3</sup>

ACORN members strongly believe that a No Displacement Community Benefits Agreement is central to protecting the right to housing for low and moderate income tenants.



## WHAT ARE **COMMUNITY BENEFIT AGREEMENTS?**

Community benefit agreements are a legally enforceable contract signed by community groups and by a private developer or government agency that results from negotiations to garner community support for the project. These negotiations can lead to a range of benefits for community members, including<sup>4</sup>:

- Jobs and training;
- Opportunities for local suppliers and/or social enterprises;
- Community amenities such as grocery stores, daycares, park space and public art.
- Affordable housing provisions.

Deep community engagement is essential during all phases of the CBA implementation. The Toronto Community Benefits Network describes community involvement as “going beyond public consultation and into direct engagement on a development project”.<sup>5</sup>

<sup>2</sup> OHCHR, 2007. Basic Principles and Guidelines on Development-based Evictions and Displacement. Available at: [https://www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

<sup>3</sup> Ibid.

<sup>4</sup> Graser, D., 2016. Community Benefits and Tower Renewal. Available at:

[https://www.evergreen.ca/downloads/pdfs/HousingActionLab/TowerRenewal\\_Report\\_FINAL.pdf](https://www.evergreen.ca/downloads/pdfs/HousingActionLab/TowerRenewal_Report_FINAL.pdf)

<sup>5</sup> Toronto Community Benefits Network, What Is Community Benefits Agreement, Or CBA? Available at: [https://www.communitybenefits.ca/what\\_is\\_community\\_benefits\\_agreementorcba](https://www.communitybenefits.ca/what_is_community_benefits_agreementorcba)



# A VISION FOR HERONGATE: **A NO DISPLACEMENT CBA**

On February 11th 2019, Timbercreek revealed their “social framework commitments”<sup>6</sup> alongside City Councillor Jean Cloutier:

## Social Framework Commitments:

<b>1</b> Housing Security	No further demolitions for occupied units will occur until affected tenants are able to transfer their leases and relocate within the community to newly constructed units at the same rents.
<b>2</b> Affordability	Continue to work through the planning process with the City of Ottawa with the goal of building up to 20% of the total units as affordable
<b>3</b> Housing Diversity	Provide a diverse mix of housing types and sizes that will include: <ul style="list-style-type: none"><li>• 3 and 4 bedroom family style units</li><li>• Ground floor accessible units to accommodate wheelchairs and seniors’ needs</li></ul>
<b>4</b> Social Enterprise	Continue to work with the City of Ottawa and others to create training and employment opportunities for Heron Gate community members.
<b>5</b> Green Space	Provide new amenities and green space and work with the City to enhance and improve Sandalwood Park – an important community asset.

With this framework, one thing is clear: community organizing works. The commitments above capture some of Herongate ACORN member’s demands, particularly rental replacements to prevent displacement, affordable housing and housing that reflects the needs of families that live in Herongate.

Nonetheless, there is still a lot of work that needs to be done. Currently, the commitments are not legally binding. How can a community that has been torn apart trust the words of the very landlord that bulldozed their neighbours’ homes?

Through community meetings, home visits with our members, phone calls to our community contacts and input from partners like the South East Ottawa Community Health Centre, Ottawa District Labour Council and our pro bono Lawyer, George Brown, Herongate ACORN has developed a campaign for a No Displacement Community Benefits Agreement; a legally binding agreement that is enforceable and includes community at its core.

<sup>6</sup> Alta Vista Community Association, 2019. Heron Gate Presentation. Available at: <https://avca.ca/2019/02/26/heron-gate-presentation/> Accessed April 1, 2019.

# ACORN's NO DISPLACEMENT COMMUNITY BENEFITS AGREEMENT

Issue	Current Social Contract Commitments from Timbercreek	Additional “No Displacement Community Benefits Agreement Campaign” Demands
Transparency and collaboration		Make a community benefits plan in the final agreement with Timbercreek, Ottawa ACORN, the South East Ottawa Community Health Centre, Ottawa District Labour Council and other identified stakeholders, and publish quarterly reports on progress to be reviewed at in person meetings.
Housing equity	No further demolitions of occupied units will occur until affected tenants are able to transfer their leases and relocate within the community to newly constructed units at the same rates.	New affordable housing units in the redevelopment should be offered to current tenants as well as the families previously evicted in 2018 and 2016.
Affordability	Continue to work through the planning process with the City of Ottawa with the goal of building up to 20% of the total units as affordable	Continue to work through the planning process with the City to achieve 25-30% of the total units as affordable. Each phase of redevelopment should include this percentage of affordable units.
Definition and breakdown of affordable housing		<p>Work with the City’s current definition to achieve the following potential breakdown of the 25-30%:</p> <ul style="list-style-type: none"> <li>• 33% deep affordability targeting up to the 10th percentile. Partner with the City to layer on subsidies.</li> <li>• 33% targeting up to the 20th percentile.</li> <li>• 33% targeting up the 30th percentile.</li> </ul> <p>A percentage of these affordable units should also be affordable family-sized and accessible housing units.</p>

Issue	Current Social Contract Commitments from Timbercreek	Additional “No Displacement Community Benefits Agreement Campaign” Demands
Housing Diversity	Provide a diverse mix of housing types and sizes that will include: <ul style="list-style-type: none"> <li>• 3 and 4 bedroom family-style units</li> <li>• Ground floor accessible units to accommodate wheelchairs and seniors’ needs</li> </ul>	See previous demand.
Social Enterprise / Local hires from Equity Seeking Groups	Continue to work with the City of Ottawa and others to create training and employment opportunities for Heron Gate community members.	Inclusive: offer a range of employment training and apprenticeship opportunities for historically disadvantaged communities and equity-seeking groups, as well as encouraging the provision of goods and services from local supplies and enterprises.  Accessible: ensure information, employment training apprenticeships, and procurement opportunities are made readily available to residents, business and social enterprises.
Green Space	Provide new amenities and green space and work with the City to enhance and improve Sandalwood Park - an important community asset.	Provide a community garden and space for community BBQ
Safety		Include lighting, security cameras, and locked and secure parking lots.
Affordable Retail		Provide at least 20% of new commercial spaces at affordable rates.
Community Hub		Provide community hub space that includes space for events, affordable and accessible daycare, newcomer services, job training, youth programming and a computer lab, as well as an upgraded pool.
Tenant Education and Maintenance		Support community groups with funding to do outreach to tenants to ensure their rights around maintenance are upheld.

# CONCLUSION

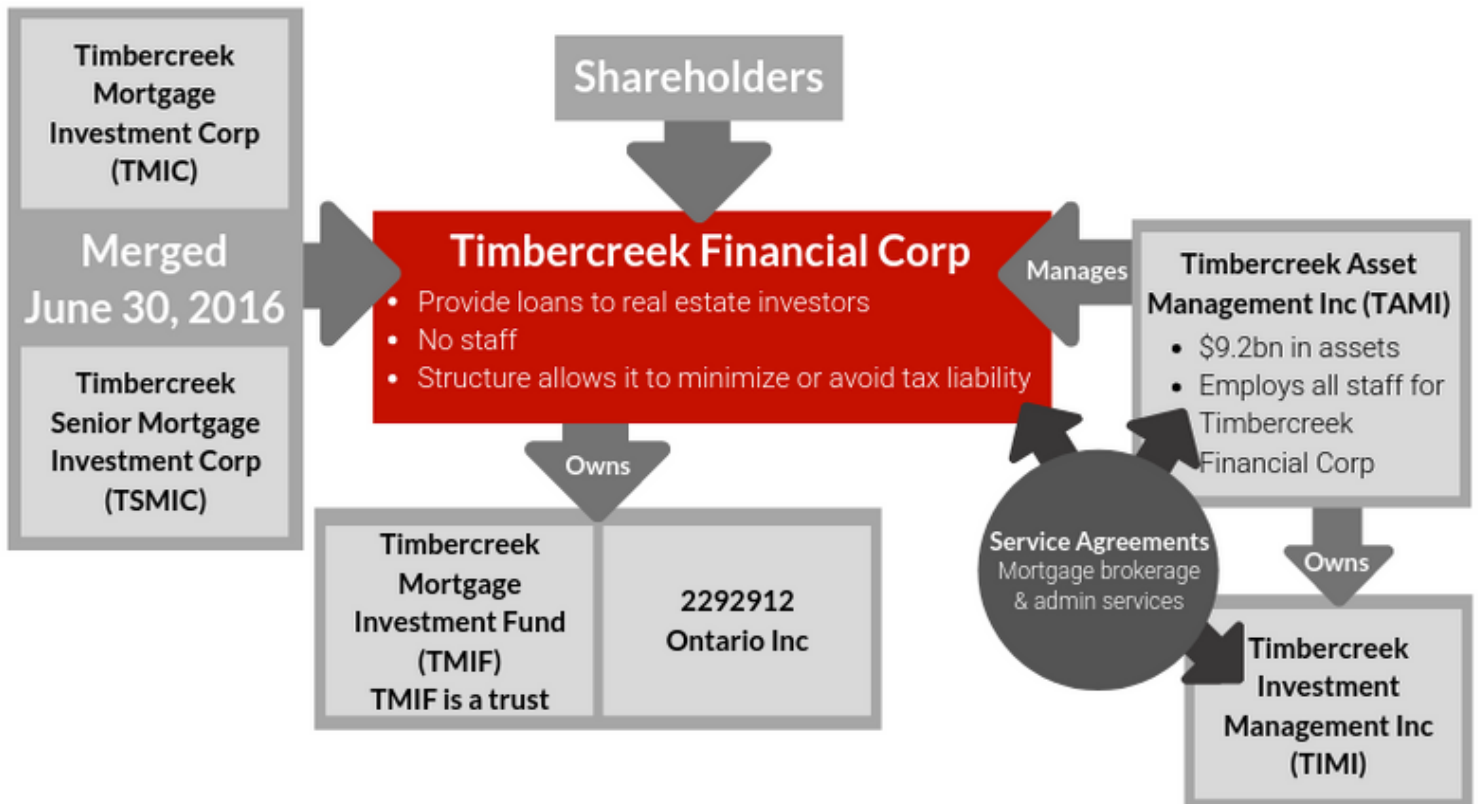
While change is inevitable, displacement is not. ACORN members will continue to organize and fight to be included in a TRUE community benefits agreement that considers the needs of the community. We will also continue to work with neighbours and allies, to push city councillors and Timbercreek to consider and accept the benefits of bringing community groups and tenants to the decision-making table.

ACORN members support community-driven development, not profit-driven development. We will ensure low and moderate income tenants have a voice. In Herongate, we have a historic opportunity to build tenant power within the development process and set a precedent for future development.

**Now let's keep the pressure on to ensure that Timbercreek commits to a CBA that makes a real impact!**



# APPENDIX A: TIMBERCREEK STRUCTURE





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