



Hamilton Renoviction Bylaw Win
London Presentation - April 10th 2024

Hamilton anti-renoviction campaign Sept 2018 - Jan 2025



Hamilton

Tenants say Barton Street 'revitalizers' are neglecting them

Malleum Partners purchased the building at 160 Sherman Ave. N. back in July



Adam Carter · CBC News · Posted: Sep 21, 2018 5:01 PM EDT | Last Updated: September 21, 2018



Fight renovictions with policy, Hamilton tenant advocates urge city

Renter says she buckled under pressure to take landlord's buyout and regrets it



By Teviah Moro Spectator Reporter

Monday, May 13, 2019 | 2 min to read



JOIN THE CONVERSATION

Campaign History September 2018 - January 2024

September 2018 - First member joined facing renoviction

May 2019 - first press hit calling for local policy

August 2020 - campaign launch

December 2020 - first motion passed

April 2021 - tenant defence fund expanded, second motion passed

December 2021 - funding for consultant approved

April 2023 - tenant defence funding increased, third motion passed

August 2023 - Staff come back with Hamilton Apartment Rental Program (HARP) - Tenant Support Program, Safe Apartment Bylaw, Renoviction Licence and Relocation Listings Bylaw. Renoviction bylaw deferred.

October 2023 - Renoviction bylaw sent back to staff to make improvements based on feedback from ACORN

January 2024 - Renovation License and Relocation Bylaw passed unanimously by Council (ACORN approved bylaw!)

February 2024 - Budget passed with full funding asked for HARP program but staggered implementation for Safe Apartment Bylaw

Rest of 2024 - Initial staff recruitment and training, Development of Website, Resources and Brochures , Community Outreach - Property Owners/Tenants, Payment Portal, Application,

January 2025 - Intake Licence Applications

Keys to the campaign

- Councillor champions
- Allies (key - ACTO, Hamilton Community Legal Clinic, Clare from RavenLaw), Hamilton Community Benefits Network, other HCCI, SPRC, Brian Doucet)
- Delegations
- Written submissions / reports
- So many actions and different events
- Meetings with Councillors and City Staff
- Press



Lots of actions and events!



ONTARIO VOTES

Housing

CONTINUED FROM A1

At \$700, the two-bedroom apartment where he raised his daughter is about half of what even one-bedroom apartments go for in Hamilton these days.

So Corneau and fellow tenants joined advocacy group Hamilton ACORN, tapped into the city's tenant defence fund and hired a paralegal to contest the evictions at the LIT.

"So we're certainly going to fight," he said during a barbecue with fellow tenants in March to foster solidarity and draw attention to the cause.

Family Properties, the landlord, has also served notices to tenants in a nine-storey building on Melvin, where some residents have tried to stage an occupation.

Representatives of the firm haven't responded to The Spectator's requests for comment.

With a provincial election in full swing, the housing affordability crisis in front and centre, it's not the most pressing issue for voters.

Spreading average real estate values hitting the \$3 million mark — way out of reach for many — have been in sharp focus.

And perhaps in the shadows of the coronavirus dilemma, a rental market crisis continues to present a bleak landscape in a city where roughly a third of residents are tenants.

Consider how average rent in Hamilton — not including Ancaster, Dundas, Flamborough and Mississauga — spiked to \$1,000 for a one-bedroom apartment last year, according to the Canada Mortgage and Housing Corporation (CMHC).

Rents in Hamilton's central neighbourhoods — which include Burlington and Grimsby — have periodically grown faster than the national average, leaving even mid-income renters with few affordable options, CMHC's February 2022 market report notes.



Above, Willard Corneau and other legacy tenants at 375 Melvin Ave. are facing eviction.

Right: one of the signs in the windows at the 285 Melvin Ave. protesting the renovations.

JOHN BISHOP FOR THE HAMILTON SPECTATOR

Tenants Amanda Gilliam and Eliza Biss protest their impending renovations from their apartments on Newfoundland North.

CATHIE COWARD

over 10 years and the restoration of 26,000 community housing units. They also propose a portable housing benefit for 50,000 people. Visit gpc.ca/housing.

Ford's Progressive Conservatives want to build 1.6 million homes over the next decade and implement a "long-term plan" that's "informed by a provincial task force's recommendations, including measures to cut red tape in the municipal development approvals process. Visit ontario.gc.ca/only-doug-ford-and-the-ontario-pc-party-will-get-it-done.

Housing experts Nancy Lewis and Ricardo Tranjan say increasing supply alone will not solve Ontario's affordability crunch.

"The difficulty is that half the time a lot of the housing that's being built is not affordable," Lewis said.

Using a percentage of average market rent to decide affordability can be problematic, Tranjan observes. "It's like trying something on a rocket. It goes up really fast."

Both he and Lewis call for bolstered government investment in social or deeply affordable housing and a working trend of big players, including real estate investment trusts accumulating homes to use as profit-generating vehicles.

"I think we need to decommodify housing and we need to return housing as a social good and not a commodity that's either bought and sold on capital markets or not a commodity when it's not bought and sold on capital markets as a way to support more that income," Lewis said.

In April, Statistics Canada reported that owners of multiple properties hold titles to nearly a third of all residential properties in the country. Moreover, the top 1 per cent wealthiest owners constitute roughly a quarter of housing value.

But the upshot of holed rents is less appealing to a national overall, Tranjan suggests.

"It's not a very productive sector, productive in the sense of supporting the economy," he said of real estate. "Money just kind of gets sucked in."

'People are panicking': renovation looms for Hamilton tenants



CATHIE COWARD THE HAMILTON SPECTATOR

James Webb and his teenage son (not pictured) have been told to leave their Pearl Street South apartment for renovations. Webb says he has no place to go because of the skyrocketing rents in Hamilton.

Advocates calling for 'bold action' urge city officials to do more amid crisis

unit of nine years. Hoard, who is 55 and gets by on

THE HAMILTON SPECTATOR

WEEKEND MARCH 1/2
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East Hamilton tenants stare down deadline to leave homes for renos



CATHIE COWARD THE HAMILTON SPECTATOR

Residents at 285 Melvin Ave. say they'll resist their landlord's call to vacate by the end of this month. Others are taking the same stand, knowing market rents have skyrocketed

TEVIAN MORO THE HAMILTON SPECTATOR

When Dawn Hoard says the only way she'll leave her east Hamilton apartment is "feet first," she's not really joking.

Hoard, 55, has lived at 285 Melvin Ave. for nearly 30 years and plans to resist her landlord's efforts to vacate the building by the end of this month for renovations.

"People are ending up homeless all over the place, and I'm terrified that I'm going to be one of them," she said.

"That's why I say they'll take me out feet first because I won't last on the street, no way," explained Hoard, who uses a walker and has a chronic lung disease.

She isn't alone in her predicament. The landlord, Family Properties, has served her and tenants in about 60 units in the nine-storey building with legal notices to clear out by March 31.

The owner wants to tear down walls between kitchens and living rooms to make the units open concept. In August, the city served building permits for the

People 80 and older can sign up for vaccine Monday

Hamilton public health provides tips and direction for how to register when the province's online registration portal goes live

KATRINA CLARKE THE HAMILTON SPECTATOR

Hamiltonians 80 years of age or older will be able to sign up for COVID vaccines starting Monday.

At a virtual news conference Friday, the city said people 80 and older will be able to register for vaccine appointments when the province's online booking portal goes live in Hamilton on Monday. To date, community members 65 and older were among those eligible to get the in-demand vaccines.

But the city pleads to be patient. "Be patient with the systems that are in place to help you book, be patient with the people who are trying to assist you to get those bookings and be patient overall in terms of when you will actually be able to book an appointment," said Paul Johnson, the city's

Dr. Elizabeth Richardson, Hamilton's medical officer of health, said the city is working to get those bookings and be patient overall in terms of when you will actually be able to book an appointment," said Paul Johnson, the city's

Problems with the status quo that a renovation license would ideally address:

- N13 process effectively allows landlords to evict tenants when vacant possession is not actually necessary to do repairs, creating a semi-legal method for landlords to evict tenants to raise rents [province addresses this a bit in Bill 97, but inadequately, and Bill 97 amendments to the RTA are not yet in force]
- RTA does not adequately disincentivize landlords from re-renting units to new tenants at higher rents once renovations are complete
- Tenant entitlements/compensation in the RTA is inadequate for current rental environment and does not prevent tenants from being evicted into homelessness
- Tenants aren't given adequate notice of units being ready for reoccupation that would allow them enough time to legally vacate their temporary accommodation so they can move back into their units following renovation [province addresses this a bit in Bill 97, but it's not in force]
- Tenant support organizations and the City of Hamilton have no way of finding out which tenants are being renoevicted unless tenants reach out to them; if tenants do reach out, it is often done too late to provide effective support and prevent predatory eviction
- LTB adjudicators that receive N13s that say landlords have gotten all necessary approvals tend to not question whether or not they have actually received these approvals and win eviction orders even when renoeviction is unjustified
- Renovations to a unit can function to make housing unlivable for other tenants, and can be used as a tool to encourage other tenants to move out voluntarily
- RTA doesn't establish a clear process that enables tenants re-occupy their rental units at the same terms as their original rental agreement once renovations are complete

What a municipal bylaw needs to do to be helpful:

- Must disincentivize landlords from pursuing vacant possession unnecessarily
- Must disincentivize landlords from not allowing tenants to reoccupy units
- Must encourage landlords to have tenants re-occupy renovated/repared units
- Must encourage tenants to re-occupy renovated/repared units
- Must prevent tenants from being evicted into homelessness
- Must provide city with enough advance notice & info to intervene effectively & connect tenants with supports
- Must provide tenants with adequate evidence of a bad faith eviction to win at LTB
- Must disincentivize landlords from circumventing bylaw/not getting a license
- Must flag to LTB adjudicators that necessary approvals may not have been received/invite more scrutiny
- Must provide adequate data for tracking, evaluation and enforcement
- Must ensure tenants receive adequate notice and tenants rights information and access to supports/resources
- Must prevent renovations and repairs from making housing unlivable for other tenants

The major aspects of the first proposed by-law can be summarized as follows:

- The By-law would apply to all rental units in the City of Hamilton.
- Upon issuance of an N-13 notice to a tenant, property owners would have to apply a Renovation Licence for the intended renovation works from the Municipality within seven days.
- A complete application with supporting documentation and fee payment must be made prior to issuance of the Renovation Licence.
- The application for a Renovation Licence must include supporting documentation such as a Building Permit, report from a qualified person (engineer) that states that vacant possession is required to complete the renovation, and N13.
- A landlord or operator may be subject to enforcement where an application for a licence is not made within the required timeframe, or a licence holder fails to meet the terms and conditions of the licence.
- If an N13 is issued, tenant must be provided three (3) comparable listings.

Problems with proposed Renovation Licence & Relocation Listings bylaw:

- Does not adequately disincentivize landlords from pursuing vacant possession unnecessarily
- Does not disincentivize landlords from not allowing tenants to return
- Does not prevent tenants from being evicted into homelessness
- Incentivizes landlords to circumvent bylaw/not get a license by setting the license application fee almost twice as high as the penalty for not getting a license
- Does not prevent landlords from making housing unliveable for other tenants while renovations and repairs are being completed

Anti renoviction bylaw passed January 17th, ratified Jan 24

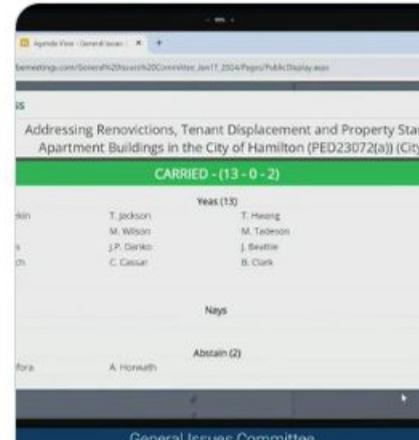


HamiltonACORN @AcornHamilton · Jan 17

BREAKING - #HamOnt is the first city in Ontario to pass a bylaw to stop **#renoviction!**

After 5 YEAR effort from **ACORN** members and allies we had a MAJOR victory at City Hall today.

With unanimous support, Councillors voted to pass the Renovations License and Relocation Bylaw.



Various features of the passed Renovation Licence and Relocation By-law are summarized below:

- The By-law applies citywide to all rental units in the City of Hamilton.
- The landlord/operator is required to file an application with the City for a renovation licence within seven days of issuing an N-13 notice to a tenant.
- The application for a renovation licence must include supporting documentation including a building permit, a report from a qualified person (engineer) that states that vacant possession is required and a copy of the N13 notice.
- If an N13 notice is issued and a tenant has exercised their legal right of first refusal under S. 53 of the Residential Tenancies Act, 2006, the landlord must provide either a temporary alternative accommodation or compensation to the tenant for the duration of the renovation.
- Any temporary alternative accommodation offered to the tenant must be comparable to the tenant's current unit during the period of repair.
- Compensation is determined to be in an amount equal to the difference between the rent rate currently paid by the tenant for the unit being repaired and the Average Market Rent of a Rental Housing Unit with the same number of bedrooms as the tenant's current unit.
- The landlord/operator shall provide particulars to the City of the arrangement that has been made, prior to receiving a renovation licence.
- If the landlord/operator and tenant cannot make an arrangement, then the Director may make an exemption to this provision and may impose conditions on such exemption.
- A landlord/operator may be subject to enforcement for failing to comply with the provisions of the by-law.

Costs / staffing

The total estimated annual cost of administering the Renovation Licence and Relocation By-law once it is fully up-and-running is \$942,850 broken down as follows:

- \$906,000 for staffing (\$815,400 net levy);
- \$26,850 operating costs for three (3) vehicles (\$24,165 net levy); and,
- \$10,000 annually for outreach, education and communications (\$9,000 net levy).

Implementation of the Renovation Licence and Relocation By-law would require an additional 8.0 Full-time Equivalent (FTEs) in the Licensing and By-law Services, Housing Services and Legal Services Divisions, consisting of:

- Three full-time (3.0 FTE) Licensing Administrators to administer licence applications, enter investigation files and respond to inquiries;
- Three full-time (3.0 FTE) Licensing Compliance Officer to enforce the By-law;
- One full-time (1.0 FTE) Solicitor in Legal Services to respond to legal challenges and increased Property Standards Committee hearings; and,
- One full-time (1.0 FTE) Housing Clerk in Housing Services to facilitate tenant support/education.

Enforcement

- Enforcement of the By-law will be based on a reactive approach, as staff must receive either a formal complaint from a tenant who has been/may be issued an N-13 notice or be in receipt of an application for a Renovation Licence.

Cost to landlords

- The recommended cost to landlords for an application for a Renovation Licence is \$715. The cost of the licence application was developed on a 10% cost recovery model and is based on the assumption that at least 132 N-13 Notices will be issued yearly.

Unknowns

- Fines
- Will landlords challenge ... who? why?

Reactions since bylaw passed + interest from other Ontario cities:

- Tons of press and support on socials
- Passed in 2024 budget
- Sudbury debated motion Feb 13
- Toronto committee motion Feb 13
- London passed a motion in January
- Councillor from St Catherines reached out, also bringing forward a motion

Other policies and programs

Safe Apartment Bylaw

- In August 2023, Council endorsed the creation of a landlord registration program based on the MARC program in Mississauga and RentSAFE in Toronto. The Safe Apartment bylaw requires landlords to register with the City of Hamilton and fulfil a comprehensive set of requirements to ensure health and safety in apartment buildings with 6 or more units with 2 or more stories. Right now Hamilton bylaw operates on a complaint based system. Many Hamilton tenants do not know who to call when they are having issues in their home with lack of repairs or pest control, not to mention barriers like language barriers, disabilities and general fear of speaking out against their landlord. The Safe Apartment Bylaw will work towards improving conditions in the thousands of purpose built rental units in the City of Hamilton.

Tenant Support Program

- The Tenant Support Program would continue to give low-income tenants access to legal representation that they would otherwise not be able to afford, while removing the current barrier of requiring them to source their own representation. The tenant organizing and capacity building to be led by ACORN and the Housing Help Centre are equally important.

Questions / comments?

