



NEWSLETTER

SUMMER 2017

Organizing Works!

A Report from Toronto ACORN

Tenants in Ontario have been on a roll in the last year, especially here in Toronto. First, Toronto City Council passed the new Apartment Bylaw. This bylaw essentially licensed landlords forcing them to pay for a system of regular inspections and enforcement. The city will be inspecting every apartment in Toronto starting July 1st 2017 giving hope to tenants who have long been struggling to hold their landlord accountable.

Then a larger shock, the province buckled to public pressure and released sweeping changes to the Residential Tenancies Act that help tenants. (See next page for details from ACTO). While stopping short of implementing all of our Real Rent Control demands the province did bring in rent control laws on all buildings, and made the system for granting Above the Guideline Increases (AGI's) fairer for tenants. If you, like many low-to-moderate-income renters, live in a building built after 1991 your landlord cannot jack up the rent by whatever they desire. If you live in a building that is in disrepair it will be harder for landlords to get AGI's approved by the Landlord Tenant Board (LTB).

All of this is fantastic, but it's important for tenants and their allies to know that policy changes were not just done out of the kindness of John Tory and Kathleen Wynne's hearts. It was in response to active and relentless organizing and campaigning by tenants over a sustained period of time. At ACORN, our members have done hundreds of actions at apartments buildings demanding repairs in buildings. Over the years we have found that doing these actions was far more effective in getting repairs done than going through the city or the LTB. Actions also put pressure on councillors forcing them to understand that tenants vote and that landlord licensing is a clear policy solution they could either support or ignore. Eventually tenants made it hard for politicians to ignore.

During this year's campaign for Real Rent Control ACORN and allies were relentless on the doors in Liberal held ridings. Our canvassers generated a daily barrage of constituent phone calls to MPP's offices followed by numerous protests which clearly helped in changing the tenant laws in Ontario. The pressure on politicians was very similar to the campaign to license landlords. After spending more than a year actively trying to stop tenant protections, Toronto's 1% Mayor, John Tory had this to say after voting for our bylaw: "I think when it comes to people's living conditions it is fair that you have a responsible regime, which I think this is, to say to those people [bad landlords] that you are going to adhere to your responsibilities and make sure that tenants are properly looked after."

Now why would Mayor Tory support something he actively fought? Because tenants got organized and made it impossible for him to not support it. That's politics, and tenants are now officially a force to be reckoned with!

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Success in the Fight for Rent Control and Tenant Protection!

(From Notes on the Act by the Advocacy Centre for Tenants Ontario, May 2017)

POST-1991 BUILDINGS NOW COVERED BY RENT CONTROL

All of Part VII – Rules Relating to Rent – now applies to all rental units not exempted by ss. 7 & 8 (social & RGI housing) regardless of what date they were first rented. This includes the rules about the annual guideline and the procedures for additional rent increases and decreases. However, the old rules still apply to a rent increase for which notice was given before April 20, 2017.

STANDARD FORM LEASE

There will be a regulation made by the Minister of Housing that creates a lease form for each of a number of classes of tenancies. As of a date to be named by the Minister, landlords and tenants making new tenancy agreements will be required to sign the form that applies to their class and be bound by the terms of that agreement. Once these provisions are in force, tenants can demand that the landlord give them a lease in the regulated form. They can withhold one month's rent if the landlord does not comply or terminate their tenancies. There will be significant consultations on the content of the lease forms and related matters. All current tenancy agreements remain in force and may be renewed in their existing form.

TERMINATIONS FOR "LANDLORD'S OWN USE"

Significant changes have been made to the law around termination of a tenancy for residential occupation by the landlord, relatives or caregivers, to take effect on proclamation. These changes DO NOT apply to evictions for occupation by purchasers. The residential occupation must now be for a period of at least one year and landlords must include this in their affidavits filed with the LTB in support of their eviction applications (if the notice is given after the proclamation date). Notices cannot be given unless an individual is the owner or one of the owners and the landlord is an individual (i.e. not a corporation). The landlord must pay the tenant one month's rent as compensation or offer another, acceptable unit to the tenant. Compensation must be paid before any eviction order can be granted.

There are also changes to the rules about tenant applications seeking compensation for bad faith notices. There will be a rebuttable presumption that the notice was given in bad faith if the landlord, at any time from the day the notice of termination is given until one year after the tenant vacates:

- advertises the rental unit
- rents the rental unit
- advertises the unit or the building for sale
- demolishes the unit; or
- takes any step to convert it to non-residential use

It is to be hoped that the message will be received by landlords, the LTB and the courts that abuses of this ground for eviction will no longer be tolerated.

ABOVE-GUIDELINE RENT INCREASES (AGI)

A number of changes have been legislated to place further limits on the rent increases that the LTB can authorize on a landlord's application for a rent increase above the guideline (AGI):

- No more AGIs for increases in the cost of heat, electricity or water;
- In their applications for AGIs, the landlord must include information about uncompleted repairs on elevators used by tenants;
- The LTB's power to dismiss or defer AGIs until work that addresses serious breaches of repair obligations has been completed is extended to include any uncompleted repairs on elevators; and
- The Cabinet can pass new regulations that will create additional requirements for capital expenditures to be considered "eligible" and thus to form part of an AGI.

To learn more about ACTO, visit their website at: <http://www.acto.ca>



Thank You and Best Wishes!

Clinic Co-ordinator

Isabella Meltz Retiring

Well over 30 years ago, when we were Central Toronto Community Legal Clinic, Isabella joined our staff as a maternity leave fill-in for then Co-ordinator Ruth Perkins. She ended up staying on, job-sharing with Ruth, and then when Ruth left to work with the U of T Graduate Students' Union, Isabella took on the position as full-time Co-ordinator.

As the years passed, Isabella became something of a den mother for Board and staff. She was determined, but quietly so, and she was

not afraid to stand up for what she thought was the right thing to do, both at Board meetings and elsewhere. Isabella was also a tireless advocate for the clinic with our funder Legal Aid Ontario and she outlasted any number of LAO staffers from top to bottom.

She always knew who to go to for us to try to get what we wanted. (We did not always succeed, but often enough we did.) Every year she would battle the titan of the LAO Funding Application, and then follow-up with LAO when it appeared that we were short-changed on one line item or another. (Moreover, Isabella usually did win those battles!)

A few years back a move began to “transform” the general service community legal clinics in the Toronto region to a few “mega-clinics”. This meant that Kensington-Bellwoods would be folded into some sort of large clinic where the “community” aspect of community legal clinics would be lost. Isabella tirelessly attended evening and weekend “transformation” meetings over more than a year. The positions she advanced at these meetings were unpopular with the leaders of what became known as the “transformation project”, but this did not stop Isabella.

As this “transformation project” progressed it began to look to Isabella like the “writing was on the wall”; there would be little that we at Kensington-Bellwoods could do to stop the closure of our clinic and all of the other general service community legal clinics in Toronto—unless we were prepared to engage in a major campaign against transformation. Given Isabella’s counsel, the Kensington-Bellwoods Board recognized that we had to take a strong stand against this “transformation” and we stuck our head above the wall to do just that.

A few weeks into the campaign, Isabella realized that she and the Board could not do it alone and she strongly urged the Board to hire (using non-LAO funds) an organizer to help us with the fight. It was a part-time, time-limited position. This was one of the wisest recommendations that Isabella ever made to the Board. We hired our organizer (Tim Maxwell), and then fully engaged in a tense campaign urging others not to “transform”. It quickly became apparent that it was going to be a long fight—and we had to keep extending the contract for our organizer....

In the end, we won: most of the “at risk” clinics voted to not accept the “Transformation Report”; the project struggled on trying to redefine itself and then, a couple months later LAO withdrew its funding for the project, so it was officially dead.

To be frank, the clinic owes its continued existence to Isabella.

Thank you Isabella for all that you have done for Kensington-Bellwoods Community Legal Services, and we wish you all the best in your retirement!

We welcome Wendy Atkinson, formerly of West Toronto Community Legal Services, as our new Clinic Coordinator and look forward to working with her.

Gary Newhouse, KBCLS Board Chairperson

Great News from the Fight for \$15 and Fairness Campaign!

The Ontario government has recently tabled legislative reforms coming out of the Changing Workplaces Review and our Fight for \$15 and Fairness. Hearings will be held over the summer. If enacted, the changes represent a huge victory for workers across Ontario! Although we didn't get everything we wanted, we have won major improvements in most areas of our campaign. Here are some highlights:

- A \$15 general minimum wage within 18 months
- Equal pay for part-time, casual, temporary and contract workers, including temporary agency workers
- Fairer scheduling
- An extra week's paid vacation (after 5 years of service)
- 10 emergency leave days for all workers, two (2) of which will be paid and no doctor's note will be required for any worker taking emergency leave
- Protection for contract service workers against contract flipping in the building services sector and publicly-funded institutions
- A modest – but important – extension in card-based certification for union organizing
- Other measures to make it easier for workers to join unions
- An increase in public staffing resources for enforcement

Organizing works: Together we're winning!

That the government has moved on so many of our demands is a testament to the hard work, tenacity and ongoing organizing efforts of all of you: workers, students, trade unionists, community groups, faith and other community allies. Congratulations and thank you to everyone who signed a petition, mobilized, demonstrated, knocked on doors, canvassed, emailed the Premier, tweeted, put up posters, handed out flyers, met with their MPP, called coworkers, friends and families and so much more.

Buckle up for the business backlash

The business lobby is already using their vast resources to peddle their narrative that any changes in support of workers will ruin the economy. The evidence shows this kind of fear mongering is false. But we will need to work hard to get the message out that higher wages and better working conditions will improve our workplaces, our communities and our lives, including the lives of our families. What you can do:

- Immediately write letters-to-the-editor in response to the news articles that are published over the next few days
- Call your MPP to let them know what you support and what needs improvements
- Talk to your co-workers, friends and family to make sure they have the arguments they need to counter the big business lobby

The gains we have made are historic improvements in Ontario's labour standards regime. That we have further to go should come as no surprise. But we should all be incredibly proud of the work we have done – and energized for the struggles to come. The next City-wide Organizing Meeting for the Campaign is July 4th at the Workers Action Centre, 720 Spadina. Visit <http://15andfairness.org> for more information and to get involved in the campaign.

UPCOMING EVENTS

<https://www.facebook.com/pg/kbcls/events/>

Wednesday, June 21, 7:00 pm, Building on Our Strengths: A meeting for Kensington area residential tenants
Church of St. Stephen in-the-Fields, 365 College St.

Tuesday, June 27, 7:00 pm, Community Forum on Immigration and Refugee Law
University Settlement, 23 Grange Road (west off McCaul, north of Queen) RSVP kensington.bellwoods@gmail.com

Kensington-Bellwoods Community Legal Services 489 College St. Suite 205, Toronto, ON M6G 1A5