

BRIDGING POLICY & ORGANIZING: HOUSING LEADERSHIP SCHOOLS

HOUSING POLICY

RESEARCH PAPER

NOVEMBER 2020

Exploring potential strategies to mitigate Ottawa's housing crisis, including landlord registration by-laws, an Anti Displacement Policy and Renovictions Bylaw, educational campaigns, and inclusionary zoning policies.

Alliance to End Homelessness Ottawa
endhomelessnessottawa.ca

Ottawa ACORN
Uniting communities for justice | acorncanada.org

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invested for good

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Finally, thanks to the thousands of citizens across the city who are organizing to ensure Ottawa remains safe and affordable for everyone. We hope that this policy toolkit will be a useful resource going forward. to further equip advocates in their work to protect the right to housing.

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Executive Summary

Housing affordability and homelessness in Ottawa have been at the forefront of much media coverage over the past few years. Those drawing attention to this pressing policy challenge are often tenants and those involved in third sector and non-profit institutions, many of whom are deeply integrated in providing services and relief for Ottawa's low-income communities. Ottawa ACORN and the Alliance to End Homelessness Ottawa (ATEHO), for instance, have both sought to bring greater attention to the lack of affordability in Ottawa.

While Ottawa's vacancy rate continues to plummet, alongside rising rents and luxury condo builds replacing affordable units, the state of affordable housing continues to worsen. Although affordability and vacancy may be top of mind, the quality of the rental stock is diminishing, with vulnerable populations experiencing grossly substandard living conditions.

It is clear that Ottawa is facing a serious housing crisis. In recognition of this, Ottawa City Council declared an affordable housing and homelessness emergency in January 2020. Addressing these challenges should be one of the most critical action items for the city. In June, 2020, the City released the updated 10 Year Housing and Homelessness Plan Refresh. While there are important targets for building new affordable housing, more focus is needed on preventing the loss of existing affordable housing. It is recommended that City Council pursue the following policy recommendations:

- Landlord Registration By-law: To ensure quality rental housing stock.
- Inclusionary Zoning: To ensure all new builds have 25-35% of units set aside for affordable housing citywide in perpetuity.
- Anti Displacement Policy & Renoviction Bylaw: To protect tenants from renovictions and the trend towards replacing/renovating older buildings with luxury rentals.
- Educational Campaigns: To ensure tenants are aware of their rights and are provided resources to exercise them.

The following policy paper will give an overview of the key housing challenges in Ottawa, particularly as they relate to long-term rental housing. The paper will then explore potential strategies to mitigate Ottawa's housing crisis, including landlord registration by-laws, an Anti Displacement Policy & Renoviction Bylaw, educational campaigns, and inclusionary zoning policies.

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Context

In a report released by the Alliance to End Homelessness Ottawa (ATEHO), 10,052 households in Ottawa were recorded on the central waiting list for affordable housing as of December 2016. In 2021, this number sits at 13,000 according to City Councillor Mathieu Fleury. Housing affordability and homelessness, which often go hand-in-hand, are two of Ottawa's most pressing policy challenges. In 2018, approximately 42% of Ottawa residents spent more than 30% of their household income on rent, with 13% of the city's total population considered low-income. These numbers, however, are unsurprising given that wages and rent are mismatched, with rents rising close to 33% over the past decade, while wages have increased by only a few percentage points. Alongside affordability concerns, homelessness in the city has also increased, with 8,088 unique individuals using shelters in 2019.

Despite spending close to $201 million dollars on housing programs in 2018, chronic homelessness and affordability issues continue to mushroom in Ottawa. In the first iteration of Our Ten Year Plan: A Home for Everyone, released in 2014, Ottawa City Councillors committed to eradicate homelessness by 2024. The refreshed 10 Year Year Plan proposes reducing chronic homelessness 100% and overall homelessness by 25% by 2030. These targets are less ambitious than the first 10 Year Plan, over a longer-time period. While there are some important funding commitments from the City in this Plan, much of its success depends on funding from other levels of government to achieve.

Ottawa's housing and homelessness emergency became even more dire as COVID-19 hit communities across the world in March 2020. City staff and non-profits pivoted their operations seemingly overnight to ensure that people experiencing homelessness could be safe in congregate settings. Despite this, the number of people sleeping outside alone or in encampments rose to about 225 people - the highest in years. The reasons for this are varied, though fear of the virus in congregate settings is frequently cited as a key reason by people experiencing homelessness.

COVID-19 has also dramatically impacted the city's housing market, with house prices rising at some of the highest rates seen in years. Since the start of the pandemic, average house prices have increased by an alarming 22%. The unprecedented reality of COVID-19 has also coincided with an even greater decline in Naturally Occurring Affordable Housing (NOAH) in Ottawa. For every 1 purpose-built rental that is developed, 7 NOAH units are lost. This is increasingly being attributed to the growing number of Real Estate Investment Trusts (REITs) that are buying aging rental stock and displacing tenants in order to maximize shareholder profits. This often occurs in the form of a "renoviction" or "demoviction" where tenants are evicted due to unit renovations or a building demolition and rebuild.

The combination of sky-rocketing home ownership prices has a ripple effect on the rental market, as higher-income individuals are shut out of the home ownership market. As renters, these individuals are able to pay more, therefore driving the demand for luxury rental units, and leading to greater loss of low-cost units in the private market.

Context

In addition to these market challenges for housing affordability, tenants' rights are increasingly under threat due to changes with the Landlord Tenant Board and the evictions process. While Ontario mandated a temporary eviction moratorium during COVID-19, Landlord Tenant Board (LTB) hearings have resumed. Many people had been unable to pay rent due to lost income during the pandemic. As LTB hearings were virtual due to COVID, tenants without access to the internet or a phone were unable to make their hearings as a result. Further, multiple eviction cases were heard at the same time in "hearing blocks", making it confusing and difficult to navigate. The pace of these blocks have increased as well, leaving little time to work out resolutions between tenants and landlords, and in many cases led straight to eviction.

Further, the Provincial government passed Bill 184 in August 2020, which enables landlords to order an eviction without any hearing at the LTB, if a tenant has not been able to meet a signed agreement. For example, if a tenant signed a repayment plan for rental arrears with their landlord and was late by even a day, the landlord could legally submit an eviction order for immediate removal of the tenant by the Sheriff. In Ottawa, it is estimated that between 2-3% of rental households were unable to pay their rent during the pandemic. Ottawa has 128,000 rental households. According to these numbers, between 2500 - 3800 households would be at some risk of eviction in the past year due to non-payment of rent.

These realities have only further exacerbated the affordable housing and homelessness emergency. Local shelters, non-profits and tenant organizations, such the Alliance to End Homelessness Ottawa, Ottawa ACORN and many others, have taken to the media to draw attention to housing and homelessness in order to further pressure governments for solutions.

While the lack of affordable supply is a significant concern, the quality of affordable housing rental stock is equally important. Vulnerable populations often experience grossly substandard living conditions. A survey conducted by ACORN, a grassroots tenant organization that advocates for economic and social justice, declared housing quality in Ottawa a cause for concern, where 85.5% of survey respondents indicated they had experienced problems with the repair and maintenance of rental units. Complaints ranged from trouble with pests and vermin, such as the presence of bed bugs and cockroaches, to a lack of basic amenities, such as heating. Others drew attention to the decrepit state of units with the presence of mould, issues around ventilation, and holes or cracks in the ceiling. Given the prevalence around the issue of maintenance and repair, it is important to note that poor property conditions can affect a tenant's health, both mentally and physically, and may further strain local healthcare systems as a result. Unfortunately, residents are often unaware of their rights in these situations, may be unfamiliar with complaint mechanisms, or may fear landlord retaliation. Furthermore, many tenants may avoid launching a complaint, where of the 165 surveyed by ACORN, 28.5% believe that filing a complaint is a waste of time because they do not believe the system will work in their favour.

Context

Issues around property standards are further compounded as luxury rentals replace affordable units that have been willfully neglected and allowed to fall into a state of disrepair. The trend towards luxury builds threatens affordability in the City, as many of these units are rented at prices far above market rate, forcing tenants from their units. Furthermore, tenants who are evicted from these properties may or may not be able to find a suitable replacement, which could result in serious financial strain or even homelessness.

Herongate, a neighbourhood in Ottawa South, is most often cited as the exemplary case that demonstrates the need for improved protection of tenant rights and for better maintenance of rental properties. In 2016 and 2018, Timbercreek Asset Management (now known as Hazelview Properties), allowed its rental property to fall into a state of disrepair in order to justify mass evicting residents as it sought to replace the affordable family townhouses with luxury rentals. More than 500 people were displaced from their homes as a result of Timbercreek's development plans. This incident was considered so grossly mishandled by tenants resisting demoviction through tenant groups like ACORN and the general public, that it caught the attention of the United Nations Special Rapporteur on Adequate Housing, who noted that the practices of Timbercreek "is typical of what's happening more broadly, and if governments don't step up and recognize their role in regulating what private developers do, then communities are going to be lost." Herongate received condemning media coverage, as the City of Ottawa enabled Timbercreek to move forward with the demolition of row houses and their plans to replace them with luxury rentals. The lack of municipal enforcement of property standards enabled Timbercreek to claim that units had fallen into a state of disrepair.

In September 2021, with its approval of an official plan amendment (OPA), the City gave the final green light to the project. While a memorandum of understanding (MOU) will ensure that 1,020 of the units will be made affordable for a 15-20 year period, the standard remains too low. The OPA and MOU define affordability based on 30% of Ottawa's average household income - a figure roughly $33,000 more than that of the Herongate community itself. Without housing that is truly affordable, the displaced residents of Herongate - and those of future "Herongates" - will remain so.

Given the age of Ottawa's housing stock, the majority of which was built in the 1950s, 1960s and 1970s, it is likely that similar situations may continue to occur as developers move in to devour the city's affordable rental units, only to replace them with luxury units. In order to mitigate this, greater intervention by the City will be necessary.

Ottawa's Approach to Housing and Homelessness



The following section will give an overview of Ottawa's approach to housing and homelessness policy, and will cover Ottawa's 10-Year Plan "A Home for Everyone," the City's Official Plan Considerations, as well as an overview of Mclaren Consulting's Rental Accommodation Survey (a report commissioned by the City).

Ottawa's Ten-Year Plan: A Home for Everyone

The City of Ottawa released a plan to address homelessness and housing affordability in 2014, with an overarching goal to eliminate homelessness by 2024. The Plan was built around three priorities:

(1) working together to ensure an integrated and coordinated system,
(2) providing services and support within housing, and
(3) ensuring access to housing.

The first priority primarily revolves around maintaining the city's current affordable housing infrastructure (e.g. repairs and greening housing), as well as ways to work to create and incentivize the construction of additional affordable housing. Priority two works to provide additional supports to those in need of both housing and extra support, including "crisis response, financial support, addiction and mental health services, case management, counseling, employment support, life skills coaching and general health supports." Moreover, this priority seeks to address issues around chronic homelessness, and indicates that the city will provide further supports to those who are experiencing chronic homelessness. Finally, priority three revolves around greater integration with housing providers through a "Housing System", which includes the involvement of stakeholders within Ottawa, as well as other levels of government (e.g. provincial and federal). This priority also notes the creation of a communications plan to generate greater awareness of housing options in the city. It should be noted, however, that this plan spans ten years. Given the fluidity of the rental housing market in Ottawa, this decade-long plan should be considered rigid, as it could quickly become outdated and may not allow the city enough room to react.

In June 2020, the City released the 10 Year Plan Refresh to Council. This builds on the priorities of the first 10 Year Plan, but is dated from 2020 - 2030, (stretching the 10 Year Plan to 16 years). Ottawa's Ten-Year Plan: A Home for Everyone

Ottawa's Approach to Housing and Homelessness

Moreover, the City's Affordable Housing Unit "works with both the private and not-for-profit sectors on the development of affordable housing in an effort to advance the objectives of the City's 10 Year Housing and Homelessness Plan." Ottawa's Affordable Housing Unit has four guiding priorities:

- to invest in affordable housing through assistance programs
- to collaborate with relevant stakeholders (such as other level of government, other departments, and/or community agencies)
- to develop funding and incentive programs that will encourage growth of the housing stock, and finally,
- to develop "community capacity" through partnerships, knowledge transfer, and resource sharing.

The primary program held within this unit is Action Ottawa, which is an enablement program to increase the "supply of low-income affordable housing in Ottawa." Through Action Ottawa, the city incentivizes private and non-profit developers to "build new affordable rental housing for moderate and low-income households" through a reduction in development fees, as well as through the dispersal of grants and land transfers.

For more information on the City's 10 Year Housing and Homelessness Plan click here: https://documents.ottawa.ca/sites/documents/files/housingplan20202030.pdf

Official Plan Considerations

In 2019, the City of Ottawa began the process of crafting the next Official Plan, which will set the course for growth within Ottawa, and will provide "a policy framework to guide the city's physical development." Currently, the city has identified "Five Big Moves," which are said to be the city's preliminary priorities moving forward as the next Official Plan is underway.

Housing affordability was recognized as one of the issues around growth as the city moves into the future. Current considerations under this priority, however, fail to focus on the actual needs of the city and do not highlight current crisis levels. Instead, preliminary observations focus on the creation of "15-minute" neighbourhoods, where services and shops should be within a 15-minute walk of one's residence, as well as the increased development of mixed use housing, where housing will be combined with other offerings (such as libraries and recreational centres). While these are important planning considerations, these "big moves" fail to highlight the urgency associated with the lack of affordable housing in Ottawa. Moreover, these moves do not present a plan to move forward in the creation of affordable housing.

For more information on the City's Official Plan click here: https://ottawa.ca/en/planning-development-and-construction/official-plan-and-master-plans#section-789ebac0-6cb7-4e5d-b7c6-b423915d0e61

Rental Accommodations Survey - Produced by Mclaren Consulting

In 2018-19, the City of Ottawa started reviewing its current long term rental housing frameworks. Part of this process involved a study conducted by Mclaren Consulting, which culminated in a report entitled the "Rental Accommodations Study." The study was largely influenced by emerging trends in the city, such as ACORN's campaign for landlord registration to address substandard conditions in low cost rental housing, the number of post-secondary students living in Ottawa, as well as the popularization of short-term rental accommodations (e.g. Airbnb) that often detract from long-term rentals., The purpose of the Rental Accommodation Study was to create a comprehensive review of housing conditions in Ottawa which would then be used to inform potential policy options, including by-laws and other procedures, to address issues around housing conditions, student housing, short term rentals and rooming houses. Data was gathered through online surveys (which was completed over 4200 times), workshops, stakeholder meetings, and general comments received by email. Information gathered from this study is to be considered across three of the City's most pressing factors, including availability, affordability, and the quality of rental accommodations.

As mentioned, the report is organized around 3 themes: (1) housing conditions, (2) rooming houses, and (3) student housing. Beginning with housing conditions, Mclaren received feedback on the poor physical condition of rental units , the need for greater education around tenants' rights, as well as the rise in renovictions. Rooming houses were also discussed, with issues revolving around the availability of rentals, as well as enforcement challenges as they related to conditions of the units. There was no disagreement that these issues, across both housing conditions and rooming housing, disproportionately affect low to moderate income individuals.

Maclaren Consulting's report recommended a pilot project of a landlord registration system, however, it was ultimately voted down by Council due to misinformation.

For more information on the Rental Accommodations Study click here:
https://ottawa.ca/en/city-hall/public-engagement/projects/rental-accommodations-study

Policy Alternatives



The following section will discuss Ottawa's current trajectory around housing and homelessness policy, and will conclude with further prospective policy alternatives.

It appears that greater regulation of long-term rental housing has increased over the past few years, with a number of municipalities revamping outdated policies in favour of protecting and maintaining affordable rental housing stocks as Canada's housing crisis deepens. Trending policies include inclusionary zoning, landlord registration regimes, anti displacement policies, renoviction bylaws, and educational campaigns for tenants, as championed by ACORN Canada.

Given this, the following section will unpack the following policy options:



- Inclusionary Zoning: To ensure all new builds set aside 25-35% units for affordable housing citywide in perpetuity



- Landlord Registration By-law: To ensure quality rental housing stock.
- Anti Displacement Policy & Renoviction Bylaw: To protect tenants from renovictions and the trend towards replacing older building with luxury rentals.



- Educational Campaigns: To ensure tenants are aware of their rights.

Each of these policies will be discussed in detail below, both in the context of how Ottawa operates within those policy tools and how Ottawa could benefit from the adoption of those actions.



Policy Alternatives



Inclusionary Zoning

Inclusionary zoning refers to a planning tool where a certain percentage of affordable housing units are included in new residential developments, which by design should contribute to the creation of mixed-income housing. Simply put, inclusionary zoning can help to ensure that low and moderate income households have a better chance at securing affordable housing.

Inclusionary zoning is not a new policy. In fact, it has been used in the United States for over 40 years, with similar programs rolled out in England and Australia. While each country may differ in their approach to inclusionary zoning, each has contributed to the creation of new affordable housing. As such, there are many ways in which to implement inclusionary zoning, including (1) set aside rates, (2) definitions of affordability, (3) affordability periods, (4) thresholds, (5) incentives, and, (6) stewardship of units.

Set Aside Rates

Refers to the proportion of units that need to be set aside as affordable. This approach varies across jurisdictions, both within the set aside rate itself, as well as methods for determining the number of units to be included as affordable. Largely, the rate across US programs hovers around 10-20% (as of 2017). Density, however, may inflate this number, thus creating additional affordable units in a given development. Set aside rates may vary by gross floor area, geography, or the depth of affordability.

Some jurisdictions incentivize developers to include affordable units through something referred to as a "density bonus," meaning that if developers include a greater portion of affordable units, they may also be granted permission to include a greater number of units for the development in general (e.g. building more floors than originally allowed).

Best practices for this measure of inclusionary zoning are generally related to gross floor area, however, most buildings usually calculate set aside rates using a by-unit rate (e.g. a percentage of the building's total units). There are programs, such as those in Vancouver and New York, which mandate a certain percentage of units, with percentages hovering around 20%. Again, these rates are dependent on a multitude of factors, such as geography, where set side rates may be lower where the market is weak, or higher, where the demand is stronger.

Definitions of Affordability

Refers to how affordability is defined in a given jurisdiction. For many, market rent is the measurement for affordability. While this may be considered affordable in some areas, it can be an ineffective measure, notably because rental rates and income do not often rise in sync with one another. With this, while rental rates may increase, incomes often stagnate, meaning that average market rent may not necessarily be a proper measure of affordability.

Policy Alternatives

A more popular measure of affordability better revolves around income, but again, this is very dependent on the area in which income is being measured (e.g. more affluent neighbourhoods would cause the average median income to be high).

Best practices for defining affordability should opt for income over market rates, given that measuring income may help to account for more varied income levels, thus serving a wider array of households.

Terms of Affordability

Refers to the amount of time in which a unit remains affordable. Where inclusionary zoning requires developers to set aside a certain portion of units as affordable, it may be the case that those units retain their affordability for a fixed period. After that period is over, the units may then be rented at market rate.

Currently, the most common term of affordability is 99 years.

Best practices for terms of affordability is perpetuity - ie. forever.

Thresholds

Refers to the size of a development and whether or not buildings of a certain size are held to inclusionary zoning policies. With this, inclusionary zoning may not apply to all developments, as jurisdictions may be free to choose the size of the development to which inclusionary policies apply.

It is important to note that thresholds may be challenging on smaller developments, such as those with 10 units or less. Credit transfers, where developers can fulfil their requirement to set aside units across multiple builds may help to mitigate the issue of thresholds.

Best practices for thresholds is 5 units or higher.

Incentives

Refers to ways in which to encourage developers to include affordable units in their design. Many claim that developers need to be compensated for potential profit loss or risk facing having the development be canceled as it relates to including affordable housing in new builds. Moreover, it is often claimed that without these incentives or with the threat of cancellation, developers will move their projects elsewhere. This, however, has been disproven, where studies show that inclusionary zoning policies do not contribute to a reduction in new developments, nor do they significantly increase surrounding rental prices.

Best practices for incentives range from direct compensation, waivers on fees and permits, fast tracks for applications, or density bonuses – which are the most popular choice. It is important to note that paying developers directly does little to support the offsetting of costs; the other aforementioned methods do more to positively impact the supply of affordable housing.

Policy Alternatives

Stewardship of Units

Refers to who manages the units. Issues around the management of affordable units has caused some jurisdictions to transfer the management of units to other organizations, including non-profits. Others may transfer properties to local government. The transfer of stewardship enables affordable housing to be managed publicly, which may contribute to greater transparency and accountability for the management of units.

Best practices for stewardship of units usually involves non-profits or local governments as the administrators of affordable units, where private ownership can be expensive or onerous given the need for compliance and enforcement activities.

All of the aforementioned methods/tools are worthy of consideration in the implementation of inclusionary zoning, demonstrating that inclusionary zoning can look very different depending on how it is crafted. Given the variety of possibilities and the plethora of tools, it is important to note that inclusionary zoning may not be a one-size-fit-all policy, but one that can be tailored to fit local needs, strengthened by tenant advocacy or weakened by developer interest.

Policy Alternatives

Ottawa & Inclusionary Zoning

ACORN Canada has been advocating for inclusionary zoning powers since 2008. In 2018, Ontario began exploring the use of inclusionary zoning as a planning tool to require developers to include affordable units in new residential builds. In consultation with municipalities, housing advocates, and developers, the province created regulations which would enable municipalities the freedom to choose whether to use inclusionary zoning. These new regulations presented new planning opportunities, allowing municipalities the flexibility to mandate mixed-income communities and to create affordable units for low and middle-income families in new housing developments. The flexibility in inclusionary zoning includes decisions around the total number of units to be included in developments (off-set rates), how long the units will stay affordable (term of affordability), types of incentives (if any), and how to expand housing options/increasing the supply of affordable housing. Further to this, inclusionary zoning is stipulated for developments of 10 or more units, but municipalities may choose to set a higher threshold. Inclusionary zoning came into effect in Ontario on April 12, 2018.

However, when Doug Ford was elected in the summer of 2018, the new provincial government introduced Bill 108. The Bill restricted inclusionary zoning policies to only areas designated as major transit zones. As such, inclusionary zoning could no longer be applied citywide.

In June 2022, the staff at the City of Ottawa released their draft framework for how inclusionary zoning could look in Ottawa. The draft report did nothing for renter households. Highlights include:

- Recommending zero percent affordable rental housing, choosing instead to focus only on affordable home ownership (condos)
- If the city decided to later include rental housing it would be capped at 5% and for only 25 years
- Affordable housing units would target those in the 60th income percentile which are households earning over $60,000. Yet ACORN's 2018 report on the State of Affordable Housing in Ottawa, demonstrated that 80% of households earning $10,000/year were in severely unaffordable housing compared to just 0.2% of those making $60,000/year.

Thanks to advocacy from ACORN, The Alliance, The Ottawa Land Trust and other housing organizations who deputed to Planning Committee, city staff were directed to expand their recommendations for inclusionary zoning. Ottawa ACORN and the Alliance are calling for 25-35% affordable housing citywide in perpetuity. Ottawa's final inclusionary zoning policy will be voted on by the end of 2022 by the next term of council.

Policy Alternatives



Landlord Registration By-law

The implementation of a landlord registration by-law is meant to ensure quality rental housing stock. Ideally, this would be achieved by implementing a framework that mandates the licensing of landlords, where landlords would be held accountable for the quality of their offerings.

There are instances that such a program is feasible. Toronto, for instance, implemented "RentSafeTO" as a by-law enforcement program to ensure building and maintenance standards are kept and met at apartment buildings. This program is applicable to buildings with 3 or more stories and 10 or more units. Further, this is a mandatory registration program and all landlords must comply. Those who fail to maintain standards may face fees and court charges, or may face a bill should the city have to contract the work out. Compliance within this registry revolves around the development of a capital plan for repairs and service, maintaining a cleaning plan for common areas, regularly updating a "tenant notification board," actively responding to tenant requests, and logging those requests.

It is worth noting that the RentSafe program benefits landlords as well as tenants. For instance, good landlords are rewarded for properly maintaining their buildings, wherein they are assigned a grade which ACORN has advocated to be publicly posted. Assuming that renters are researching, a good score may enable a landlord to attract tenants. Furthermore, with good behaviour and the trust that can be built with the city, highly rated landlords may see fewer inspections, as they are assumed to be keeping their properties in good repair.

In Toronto, registration allows for proactive enforcement of property standards complaints that tenants aren't reporting for a variety of reasons (fear of reprisal from their landlord, language barriers, not understanding their rights etc). With the introduction of RentSafeTO, buildings underwent an initial assessment by the City's Bylaw Department. They were then assigned a grade. Based on this grade they were inspected every one to three years. A poor assessment triggered a full building audit which could result in reinspection fees levied against the landlord and orders to fix up the building.

Ottawa & Landlord Registration By-laws

While tenants may encounter issues with their rental units (i.e., heating, water, noise, and/or safety issues) the choices in which to report those problems are generally limited. First, tenants report the issue to their landlord. In the instance where a landlord does not address the issue, or is unable to address the issue in a timely manner, tenants may report to Ottawa's 311 line. However, most tenants have little knowledge of this system and are often unaware of their rights. Moreover, tenants may fear retaliation from their landlord.

Policy Alternatives

One of the most pressing reasons to implement a landlord registration by-law is to better hold landlords to account for the repair and regular maintenance of units/buildings. With this, a licensing program would be used to hold landlords responsible for the quality of the units they're providing, and would impose financial penalties and other punitive actions should properties not receive regular and required maintenance. Such a system could allow the city to collect and better maintain data about landlords, with information such as details about the property (i.e., age, renovations, type, number of floors/units, etc.) or proof of building insurance, as well as details around general maintenance plans for the property (i.e., capital repair plan, maintenance plan, waste removal, fire safety, etc.). Most notably, however, a landlord registration by-law would allow the city to better track issues and complaints.

ACORN previously advocated for a landlord registration in 2019, demanding a program similar to Toronto's RentSafe program, which enables the city to inspect rental properties to ensure that standards are being met and that violations are addressed. Ottawa's current system, where tenants call 311 to file complaints, does not work for residents, as tenants are often unaware of their rights, may be scared of retaliation, may experience language barriers, or may simply be worried about being left behind.

In November 2019, Ottawa City Council rejected a motion put forth by Councillors Shawn Menard and Rawlson King, who advocated for a landlord registration by-law. Council rejected the motion citing misinformation that the registration will negatively affect tenants' rents, would incur too many costs to the city, and would create greater bureaucracy.

One of the most prominent examples of why the Ottawa City council should reconsider its stance on implementing a landlord registration by-law is the immense challenges faced by tenants at Herongate. In 2016 and 2018, Timbercreek Asset Management, the property manager of Herongate, allowed their properties to fall into a state of disrepair, which subsequently they used as justification to mass evict tenants and demolish the housing to replace them with luxury rentals. While many tenants and ACORN argued that the units were in bad shape but not beyond repair, this situation may have been avoided if Ottawa had a landlord registry, as there would have been proactive inspections and enforcement by the City.

More recently, however, Ottawa City Council passed new rules to protect tenants, through a new Rental Housing Management Bylaw, as well as new pest and vermin control regulations as a result of ACORN's campaign for Healthy Homes. With these changes, landlords are now required to respond to tenants within 24 hours of notice that there are issues causing the inhabitability of a unit and 7 days for other service requests. Further to this, "for buildings of 10 or more units or three storeys, landlords must develop and maintain a capital maintenance plan to ensure the continued reliability and safety of critical services such as elevators, electrical and plumbing systems, and fire escapes." More information can be found in our Tenants Rights Research Package (INSERT LINK). While this was a good first step, enforcement will continue to be an issue until Ottawa introduces a landlord registration bylaw.

Policy Alternatives



Anti Displacement Policy & Renoviction Bylaw

Older buildings are increasingly being demolished in favour of replacement with new luxury condominiums or rentals. The demolition and transformation of these properties often leads to the loss of affordable rental units, where new builds are often accompanied by higher rental rates. This trend is not favourable to medium and low-income earners, which may lead to increased pressure on homeless shelters. With the downtown core becoming increasingly popular, as it is slated for many new luxury builds, lower income earners are increasingly pushed out.

Under the Ontario Planning Act, municipalities have the jurisdiction to "maintain a diverse range of housing,...in terms of building form, tenure, and affordability." Perhaps most notably, municipalities are also able to control the potential loss of affordable units. In Toronto, for example, the City does not permit the demolition of properties if it causes the loss of six or more rental units. This policy has proven to be very beneficial for Toronto, wherein approximately 8200 rental units have been saved from demolition over the last twenty years. Toronto's regulatory regime around residential and rental property demolition and conversion control protects affordable units. Specifically, if a developer approaches the City for a permit, the City may place conditions on the approval of a given permit.

Similar policies exist in other cities, such as Vancouver, where the housing stock is protected through the control of redevelopment and zoning. In 2018, Vancouver implemented a policy where "any form of development on any site that contains more than three dwelling units, shall not demolish more than one rental unit." Any developments that contravene this must be reviewed and stipulations may be imposed by the city. Burnaby, located just outside of Vancouver, has implemented similar zoning legislation through a Tenant Assistance Policy to maintain its rental housing stock, where units are to be replaced at a ratio of 1 to 1 or 20% (whichever is greater).

The Burnaby model is what Ottawa ACORN has based its campaign for an Anti Displacement Policy in Ottawa. It goes a step further than Toronto as it not only protects at-risk affordable housing by replacing it in the new development, it protects tenants from displacement as a result of these redevelopments. In Burnaby, tenants are given the first right of refusal to the new affordable units in the new development at the same rent they were paying previously (with allowable provincial increases). However, it can take years until the new development is complete. In other cities (including Ottawa), tenants are then forced onto the private market to find housing that has significantly increased compared to their rent controlled apartment. Recognizing this, the City of Burnaby requires tenants to be provided with a rental top up or temporary accommodations during the construction phase of the new building. Tenants are also provided moving cost assistance.

Moreover, the City of New Westminster in BC effectively eliminated renovictions with its Renoviction Bylaw based on a landlord licensing regime.

Policy Alternatives

Highlights include:

- Once all permits are obtained, and it is proven that tenants must vacate in order for the renovations to take place, the landlord must do either of the following steps:
  - Enter into a new lease with the tenant that is identical or more favourable to the tenant, with provision of a comparable rental unit in the same building OR;
  - Agree that tenants can move back under the terms of the existing lease AND find temporary accommodation for the tenant during the renovation period.
- If a landlord violates these rules, they will be fined by the City and lose their business license
- Standards of Maintenance bylaw
- Fee and tax reduction incentive program for landlords who have to do large scale renovations to their buildings.

Ottawa & Landlord Registration By-laws

There are currently no requirements for rental replacements or tenant protections from renovictions and demovictions in Ottawa. However, on June 22nd, 2022 thanks to the powerful advocacy of Ottawa ACORN spearheaded by its low income members in Herongate, Manor Village, Vanier and Centretown facing mass eviction, city staff are now directed to conduct a feasibility study of a rental replacement bylaw that would consider conditions during the redevelopment of affordable housing such as: temporary accommodations, rental top ups, moving cost assistance, 1:1 replacement of lost affordable housing, and the right for tenants to return to the new units at the same rent and number of bedrooms.

Policy Alternatives



Educational Campaigns

Understanding tenants' rights is an important part of rental housing. Tenants' rights cover topics such as understanding evictions, rent increases, as well as the responsibilities of landlords, among others. It is important to understand how tenants' rights work to ensure that tenants' are aware when their rights are being violated and how to exercise them, as well as if their landlord is following government regulation.

Tenants face many challenges when educating themselves on their rights and responsibilities. Such a dearth in knowledge is understandable given that government legislation, such as the Ontario's Residential Tenancies Act, aren't always the most accessible documents.

Educational campaigns may help improve knowledge around tenants' rights by making information more accessible and easier to digest. Campaigns could involve the creation of an educational website, which could include education content and videos, and information that is available in multiple languages. Other instances may take the shape of awareness campaigns through various social media platforms, or through virtual information sessions, where tenants have the opportunity to ask questions.

However, digital platforms should not be the sole source of information on tenants' rights. Often the most vulnerable tenants lack reliable access to home internet or the digital literacy schools to know where to look and how to find the most trusted information. This is why ACORN is calling for A Proactive Tenant Education Program that is triggered when there are changes in building ownership, permit or zoning applications for multi residential properties and reports of buy outs and N13 eviction notices which often signal renovictions/demovictions to come.

Tenant education should include:

- Sharing contact info for financial support if available
- Property standards by-law
- Tenants' City Councillor
- Community and tenant support organizations like Community Legal Services Ottawa, Action-Logement, Housing Help, ACORN and
- General tenant rights regarding displacement.

Since the City does not currently have proactive by-law enforcement, properties that trigger tenant education should also be visited by by-law staff to ensure property standards are being enforced, recognizing that landlords who are seeking to displace tenants are likely not maintaining units, common areas or grounds.

Policy Alternatives

Ottawa & Educational Campaigns

In 2021, the City of Ottawa created this page on their website to share information on tenants' rights and responsibilities: https://ottawa.ca/en/living-ottawa/rental-housing. The pages primarily focus on property standards, disrepair and pest control.

In addition, on June 22nd 2022 when the City of Ottawa voted to study ACORN's campaign for an Anti Displacement Policy, it also directed staff to explore the creation of a proactive tenant education program, focusing on tenants at risk of renoviction/demoviction. City staff are meant to report back to Council in the second quarter of 2023.

In Conclusion

It is impossible to deny that Ottawa is facing a serious housing crisis, particularly given that City Council declared a housing emergency in January 2020. Addressing these challenges should be one of the most pertinent actionable items for the city. The current COVID-19 pandemic has amplified the importance of housing, and further compounds issues around the housing crisis. Requirements such as social distancing and quarantining demand that vulnerable citizens have access to safe, affordable, and stable housing. While some may point to shelters as a temporary solution, shelters cannot maintain pace with the rising rates of homelessness or those who are on the on the precipice of becoming homeless – much of which may be linked to COVID-19, as many struggle to pay rent amidst a global pandemic.

The City of Ottawa needs to develop an improved housing plan for the municipality, one that both creates new affordable housing, but also contributes to the maintenance and protection of the current rental housing stock.

For more information on other housing policy recommendations, read Ottawa ACORN's municipal housing platform: https://acorncanada.org/resource/ottawa-acorns-healthy-homes-platform and the Alliance's Starts With Home campaign: https://www.startswithhome.ca/platform

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