



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement

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Re: Submission on Multi-Tenant (Rooming) House Review

CERA Background

The Centre for Equality Rights in Accommodation (“CERA”) is a not-for-profit charitable organization dedicated to preventing evictions, ending housing discrimination and addressing human rights violations in housing across Ontario. For sixteen years, CERA has served 1500 clients annually who are facing eviction and human rights violations in their housing, such as the need for accommodation for disability. We also work with tenants, landlords, post-secondary institutions, community partners and the public to deliver public education to communities and vulnerable individuals to build the capacity of Ontarians to understand their housing rights. CERA’s high volume of clients gives us unique and current insight into the issues faced by renters across the GTA, particularly vulnerable renters, including seniors, newcomers to Canada, racialized individuals, persons with disabilities, and families.

CERA advocates for the right to adequate housing, which implies more than having four walls and a roof and is not limited to the basic supply and availability of housing. At minimum, adequate housing meets the following basic conditions:

- Affordability, meaning that the cost of housing does not interfere with access to other basic needs.
- Security of tenure, meaning that residents are protected from arbitrary eviction.
- Accessibility, meaning that people of all abilities have housing that accommodates their needs.
- Habitability, meaning that housing provides a safe, secure, and healthy environment in which to thrive.
- Location close to employment, education, and services.
- Serviced by necessary infrastructure, such as safe drinking water, adequate sanitation, affordable heating and water, and access to communication.
- Cultural adequacy, meaning that housing must respect and provide for the expression of cultural identity.

The right to adequate housing is also understood to include the following elements:

- Protection against forced evictions and the arbitrary destruction and demolition of one's home.
- Freedom from arbitrary interference with one's home, family, and privacy.
- The ability to choose one's residence, to determine where to live, and to have freedom of movement.
- Equal and non-discriminatory access to adequate housing;
- Participation in housing-related decision-making.

The right to adequate housing does not mean that everyone is entitled to a government-funded home. What it does mean is that governments must ensure that everyone, particularly the most disadvantaged groups, should have access to housing that is adequate.

Context: Toronto's History of Rooming Houses

Rooming Houses have been a long-standing housing choice for many in Toronto, however the public perception of rooming houses has changed over time.¹ For instance, in the 1940s rooming houses were widely understood to be the logical first step into the rental market for many first-time renters. However, after World War II when housing became more accessible, rooming houses began to be seen as a less attractive option for individuals. The stigmatization of rooming houses began in the 1970s, when they started to be perceived as a housing option primarily for the most vulnerable. When the City of Toronto amalgamated, the rooming house landscape became more complicated as rooming houses were permitted in some areas of the city but not others. This situation exists to this day² and has been the subject of legal challenges and criticism from advocates as a result of its impact on housing availability.³

CERA's Recommendations

Harmonize the regulatory and licensing requirements across the City

CERA understands that Municipal Licensing and Standards is currently undertaking a review of options to improve the licensing and regulation of multi-tenant houses,⁴ including the rooming house hearing process and the creation of a new definition for multi-tenant dwellings. We note that the current review will not look at whether multi-tenant houses should be permitted in other areas of the City and that the City Planning Division will be reviewing zoning policy for multi-tenant houses and holding public consultations on this in the near future.⁵ However,

¹ Phillipa Campsie "Rooming houses in Toronto, 1997-2018" Online, <http://neighbourhoodchange.ca/documents/2018/04/campsie-toronto-rooming-houses.pdf>

² *Ibid.* p 1.

³ *Ibid.* p 2.

⁴ Multi-Tenant Housing, MTH or rooming houses (terms used interchangeably)

⁵ City of Toronto "Multi Tenant (Rooming) House Review" Online, <https://www.toronto.ca/community-people/get-involved/public-consultations/multi-tenant-rooming-houses-review/>

given that the purpose of the licensing process is to ensure that multi-tenant houses are safe and well-maintained, non-harmonized regulations across the City put some tenants at risk of having to live in unsafe, poorly maintained housing.

In some parts of the City that prohibit multi-tenant housing, these homes nonetheless operate illegally. Tenants living in such illegal housing often feel that they have no protective options available to them to either file a complaint or call the police when warranted.

Rooming houses should be legal and licensed in all areas of the amalgamated City. It is crucial that rooming house tenants have the same rights and protections regardless of where they live in the City. The City should use its power to build inclusive communities with mixed demographic characteristics and mixed incomes, and licensing policy should guarantee a level of quality of housing and safety for every tenant.

Consider seriously the input provided by existing tenants

In November 2017 the City published a comprehensive public consultation report⁶ on regulatory and licensing strategy for multi-tenant houses. The consultation process was varied and included focus groups, public meetings, an online survey and on-on-one interviews with tenants of multi-tenant housing as well as housing advocates.

CERA acknowledges that consultations with stakeholders to inform the decision-making processes at the City are an important aspect of a human rights-based approach. CERA believes that the input collected through the 2017 process provided significant information for its current licensing regulation review. For example, the City should address and emphasize in its licensing process the specific needs of people living in multi-tenant housing, and prioritizing the provision of basic needs, such as kitchen facilities over other non-essential amenities like parking.

Prior to amending its licensing process, the City should engage in more meaningful consultation with people who live multi-tenant housing. This will help provide greater insight into how the proposed regulations might impact this vulnerable population. Some of the most significant concerns expressed during the consultation were that the high costs of licensing were being downloaded to tenants, and that the introduction of regulatory requirements could have a negative impact on the supply of this crucial type of housing stock to the city.

Given the significant stigmatization of rooming houses and their tenants,⁷ it is important for the City to neutralize the negative language and prevent the “othering” of people at lower income levels struggling to navigate the housing crisis. The City should actively speak out against Not-

⁶ Public interest strategy and communications inc. “City of Toronto proposed regulatory and licensing strategy for multi tenant houses: Public consultation report” Online, <https://www.toronto.ca/wp-content/uploads/2017/11/9726-MTH-Consultation-Report-CoT-FINAL-Nov617.pdf>

⁷ *Supra* note 1 at p 36.

In-My-Backyard (NIMBY) attitudes and use policy tools to reduce social divisions. Efforts should be made to ensure that the licensing process remains focused on the needs of tenants as well as neighbors. CERA reminds the City that a major goal in the current housing crisis should be to protect and expand the stock of affordable and deeply affordable housing – which multitenant houses tend to be. Participants in the consultation stressed that it is important to find an appropriate balance between requirements that make housing safe and dignified and at the same time do not reduce the available supply.

CERA stands with the consultation participants who recommended that compliance of multi-tenant housing operators can be secured through support and education, rather than strict enforcement mechanisms. The ability to close rooming houses by revoking their licenses hurts tenants more than landlords because tenants receive no compensation for the loss of their home, while landlords retain the ability to sell the building. At a minimum, the city should commit to ensuring that no one becomes homeless as the result of the closure of a rooming house.

Remove systemic barriers from licensing

Human rights and housing advocates take issue with the restrictive nature of the licensing process for rooming houses compared to that of other housing, which are not required to be licensed unless they offer other services alongside housing. They highlight that those in multi-tenant housing are subject to much more scrutiny by neighbours as complaints about rooming houses are considered during the licensing process.⁸

CERA believes the City should take a rights-based approach and assess the unintended consequences and inequities in its requirements for multi-tenant housing. As stated in the Ontario Human Rights Commission’s report, *In the Zone*, restrictive licensing bylaws pose a serious barrier to those protected under the Code.⁹ Currently, the City of Toronto licensing bylaws for rooming houses contain sections that pose potential barriers to increasing the number of units of multi-tenant housing. For instance, in order to successfully achieve a license, the rooming house bylaw¹⁰ states:

285-14 Issuance of License

- a. The Licensing Assistant, on behalf of the Licensing Commissioner, shall issue a license for a rooming house, where:

...

⁸ *Supra* note 1 at p. 44.

⁹ Ontario Human Rights Commission “In the zone: Housing human rights and municipal planning” pp.24. Online, http://www.ohrc.on.ca/sites/default/files/In%20the%20zone_housing_human%20rights%20and%20municipal%20planning_0.pdf

¹⁰ Toronto, 285-14, Toronto Municipal Code (July 18, 2019).

(6) There are no outstanding complaints with respect to the rooming house or objections to the application in the Licensing Commissioner's file on the rooming house or, in the case of a new rooming house, the Licensing Commissioner's file on the application.

(7) No objections have been received by the Licensing Assistant with respect to the application.¹¹

Sections 6 and 7 are problematic as they do not take a human rights-based approach. As other reports have mentioned, complaints about rooming houses are common due to preconceived notions that they increase crime and negatively impact property values.¹² Often, complaints about rooming houses restrict prospective licensing thereby preventing populations most in need in securing housing.¹³

The City should reassess the two sections, above, to ensure they do not pose insurmountable barriers to creating more affordable housing in the City.¹⁴ A human rights-based approach would mean considering the systemic barriers, implicit and explicit, that prevent affordable housing from being built in various areas of the City.

Conclusion: The City has a role in ensuring affordable and adequate housing for residents, including through multi-tenant housing

The City of Toronto is facing a serious housing crisis and it is important to acknowledge that there is a significant and growing gap between people's income and housing prices. In the current housing landscape, rooming house capacity is an important asset, and a crucial measure for preventing homelessness.

The City should ensure that as many Torontonians as possible have the chance to live in sustainable, mixed income communities. This will assist those in need to find safe, adequate and affordable housing that best meets their needs.

The City has the power to shape policies that will unlock housing potential for the most vulnerable residents, through increasing the supply of multi-tenant housing and enabling people to live in dignity. It is imperative that the City ensure its policies reflect the values of social inclusion and the rights of current and future residents to housing with dignity.

¹¹Toronto, 285-14(7), Toronto Municipal Code (July 18, 2019).

¹² *Supra* note 9 pp.24-25.

¹³ *Ibid.*

¹⁴ *Ibid.* at p. 3.