A Human Rights Review of Toronto's Multi-Tenant Homes Policies

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Maytree
Poverty • Rights • Change

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This report is based on knowledge, experiences, and perspectives that were shared by affordable housing providers, researchers, and advocates, including those with lived expertise.

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Introduction

Multi-tenant homes (MTH), traditionally known as rooming houses, are a vital source of deeply-affordable housing in Toronto. They come in a wide range of forms and are home to a diverse array of residents, including newcomers, students, seniors, and many who have experienced homelessness. Members of equity-seeking groups, such as racialized individuals and people with physical and mental disabilities, also rely on MTH to a great degree.

Yet, despite serving as a crucial housing form in a city of rising rents and low vacancies, MTH are not permitted in the majority of neighbourhoods. Also, while in some parts of the city hundreds of dwelling rooms are being lost to upscaling and new development, in others they are proliferating quickly and illegally to meet rising demand. Safety and property standards issues are pervasive, posing a serious risk to tenants and driving a wedge between neighbours. These on-going challenges have brought into question the sustainability of existing approaches to regulation and preservation of this important housing stock.

In response to these issues, the City of Toronto is introducing proposals on a new zoning strategy and a modernized regulatory framework for MTH this fall. As a complement to this work, Maytree, in collaboration with an interdivisional working group, was tasked with conducting a human rights review of the proposed changes, examining primarily:

- **A city-wide zoning approach** to Multi-Tenant Homes, which would permit MTH in all areas of the city, subject to zone-specific requirements.

- **Harmonized city-wide zoning and licensing definitions** of MTH, aligned with the *Ontario Building Code* and *Ontario Fire Code*.

- **A new regulatory regime** that enhances conditions for tenants, including requirements for landlords to have property maintenance, waste and pest management plans, floor plans, and a process for landlords to respond to tenant issues.

Undertaking such a review means assessing how public decisions affect the enjoyment of our rights. The focus in this case is on the right to adequate housing and considering whether proposed policies promote compliance with established

standards and norms related to adequacy, safety, and affordability, among other important elements. Conducting a human rights review of the proposed MTH policy changes is consistent with the City's existing housing objectives and human rights obligations, as outlined in its HousingTO 2020-2030 Action Plan.

Methodology

Maytree, with input from the interdivisional working group, developed a "Human Rights Elements Table" (see below), which elaborates on established standards and norms for adequate housing under international human rights law to reflect local context and priorities. The eight human rights elements in the table provided the basis for analysis, meaning that MTH policies were assessed in terms of how they helped further or hinder the realization of the right to adequate housing.

Human Rights Elements Table

Human Rights Elements		Description
Equity Housing that meets all human rights standards must be equitably available to Torontonians of all races, genders, ages, incomes, abilities, faiths, languages, and backgrounds.	**Adequacy**	Habitability, cleanliness, adequate temperature, free of mould and pests, etc.
	Safety	Tenants are provided with adequate safety standards and protections from fire, disrepair, health hazards, and other threats.
	Affordability	Ensuring protection and expansion of supply of deeply affordable homes in all parts of the city.
		Achieving rent levels at key price points for tenants, such as ODSP shelter allowance ($497); 30% minimum wage for a single person, 35 hours/week ($637); 30% of OAS/GIS for a single person.
	Non-discrimination	Destigmatizing MTH as a form of housing and the negative impacts its stigma has on tenants.
		Ensuring zoning policy does not discriminate against equity-seeking groups by limiting their access to housing in some parts of the city.

Human Rights Elements		Description
Equity Housing that meets all human rights standards must be equitably available to Torontonians of all races, genders, ages, incomes, abilities, faiths, languages, and backgrounds.	**Security of tenure**	Tenants must have legal rights and be protected from arbitrary eviction. Any tenants who must be moved to protect their own safety will be supported to find an alternate home that meets their needs.
	Accessibility and cultural appropriateness	Ensuring that persons with disabilities, including mental health disabilities and addictions, have accessible homes and the supports they require to live independently and with dignity.
		Recognizing the diverse definitions of "home," and residents' right to create homes that reflect their cultures, values, and needs.
	Tenant participation	Tenants are able to exercise their rights (e.g., to make a property standards complaint, and to bring forward a complaint to the Landlord and Tenant Board) and participate in policy development (informing, implementing, and evaluating).

Findings

1. **Multi-tenant homes are an essential component of Toronto's housing stock.**

   - MTH provide deep affordability to those who need it most, including members of some of the most vulnerable groups. Rent amounts vary across the city, but generally range between $400 and $700 a month – significantly lower than the city's average rent for a bachelor apartment, which is $1,148.

   - MTH are also places where people with shared backgrounds, values, and life experiences can build community and enhance their collective well-being. A new approach to MTH policy must begin with a recognition of their existing value and enormous potential.

   - Whichever direction the City chooses, it should ensure that new measures do not inadvertently discriminate on the basis of "people zoning," or contribute to further stigmatization of MTH.

2. **Legalization is the essential platform from which an appropriate regulatory framework can be built.**

    • The zoning by-law which prohibits MTH across the city is discriminatory. This issue has been previously raised by the Ontario Human Rights Commission, which observed that it "falls short" of the Ontario Human Rights Code because it "[d]oes not allow rooming houses as of right in most parts of Toronto." It also notes that the restrictions have "an ongoing real and significant negative impact on many *Code*-protected groups."

    • Ontario's *Planning Act* also states that local authority to enact a zoning by-law does not extend to "pas[sing] a bylaw that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit."

    • Permitting MTH across Toronto would not only address significant discrimination issues, it would also shift focus to increasing safety and stability, rather than attempting to curtail what is sorely needed in an unaffordable market.

    • Enforcement of regulatory requirements for MTH should consider the risk of driving "underground" those operators who are not able or willing to bring their buildings into compliance with Code requirements. This would be counter to the city's housing and human rights objectives. By way of example, converting a five-bedroom, three-storey house to Code-compliant MTH costs $187,600, and nearly $75,000 for an eight-bedroom bungalow. This roughly translates to an increase of $227 per tenant in monthly rent in the first case, and $94 in the second.

    • A two-phased approach might be considered to reap the benefits of legalization without putting tenancies at risk. In the short term, the City might focus on legalization, inspections, collecting data, and enforcing property standards to promote tenants' health and well-being and address easy-to-remedy nuisances to neighbours (any properties that are found to pose immediate threat to life should, of course, be closed and tenants rehoused elsewhere). This could then lay the foundation for a long-term

strategy to bring MTH to Code without tenant displacement or a reduction in the affordable housing stock.

3. **Ensuring tenants have access to enforcement of safety and property standards without placing their homes at risk must be a key priority.**

   - Even when faced with serious risks to their personal safety, tenants who live in unpermitted or unregulated MTH are less likely to report issues because they have few housing alternatives. Security of tenure is a major concern.

   - While Municipal Licensing and Standards (MLS) receives some 1,200 MTH-related complaints per year, the majority of these appear to come from neighbours. Further, out of the more than a 100 Notices of Violations issued annually to operators by MLS, just 7% are based on habitability concerns, while 93% are related to "non-permitted" or "no-licence" charges. This suggests that enforcement mechanisms are underused by tenants to support habitable living conditions and are, instead, overly focused on issues that may in fact trigger their displacement.

   - A more accessible and safer process to report concerns is needed, as well as increased awareness among tenants of their legal rights. Enforcement-led property closures must only be used as an option of last resort, as in cases where tenants' lives are clearly at risk. It is incumbent on the City to make sure that enforcement-led closures do not result in homelessness, and instead lead to safe rehousing of tenants.

4. **Tenants should be more meaningfully engaged in decisions that affect their lives, and in a way that recognizes the barriers they face to participation.**

   - Research suggests that persons with disabilities – including physical and mental health disabilities, and addictions – are over-represented among MTH tenants, as are Indigenous persons, members of Black and racialized communities, and newcomers.

   - As the City moves forward with MTH consultations, careful consideration must be given to the framing of public discussions so as not to further stigmatize tenants and discourage their participation. Tenants must also be supported to obtain greater understanding of their legal rights.

Organizations that work with MTH tenants (e.g., Community Health Centres, Community Legal Services, Housing Help, settlement services, and student unions) could be helpful in co-creating a meaningful engagement strategy.

5. **More data on regulated and, especially, unregulated MTH is also necessary to better understand issues, inform enforcement plans, track progress, and support accountability.**

   • The City has obligations to better understand the living conditions of all MTH tenants, not only those in regulated homes. However, due to the informal nature of many MTH, they are difficult to count and track. Community-led projects in Parkdale and in the City of Montreal may serve as useful models to identify MTH across neighbourhoods.

   • The City's Housing Secretariat has made data collection a priority. This should extend to strengthening acquisition of data related to MTH habitability issues, accessibility, closures, and displacement. While the City cannot afford further delay on MTH, building out a stronger, shared fact base on this crucial housing form must be part of the plan moving forward.