

REPORT



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

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Executive Summary

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

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-liscence” 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.

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, including converted mansions in Parkdale, bachelorette buildings across downtown, bungalows in Scarborough, and triplexes housing students at York University. They are also 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. The proposals build on previous public consultations and are grounded in the City's HousingTO human rights commitments as well as Official Plan policy to provide a "full range of housing in terms of form, tenure and affordability across the City."¹

As a complement to this work, Maytree, in collaboration with an interdivisional working group, has been tasked with conducting a human rights review of the proposed changes. 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 ensuring that proposed policies promote compliance with established standards and norms related to adequacy, safety, and affordability, among other important elements.²

¹ Toronto Official Plan, Chapter Three, Building a Successful City, p. 3-21. Accessed at <https://www.toronto.ca/wp-content/uploads/2017/11/981f-cp-official-plan-chapter-3.pdf>.

² See Appendix A for a discussion on the human right to adequate housing.

Toronto is a leader in advancing the human right to adequate housing. In 2019, it became the first jurisdiction in Canada outside of the federal government to recognize adequate housing as a human right in its HousingTO 2020-2030 Action Plan. The plan acknowledges “that adequate housing is essential to the inherent dignity and well-being of the person and to building healthy, sustainable communities.” Toronto’s Housing Charter also commits to progressively realizing the right to adequate housing,³ and introduces a number of accountability and enforcement measures, including a Housing Commissioner to provide independent monitoring.

This analysis is part of the City’s commitment under the Housing Charter to assess decisions that could impact the fulfillment of housing rights. The purpose of this document is not to provide explicit policy recommendations. Rather, it aims to highlight key human rights considerations and implications to help guide the design and implementation of MTH policies that are consistent with the City’s existing housing objectives and human rights obligations.

Methodology

Maytree was engaged by the City Planning Division in July 2020, in consultation with the Municipal Licensing and Standards Division (MLS), to undertake this human rights review of proposed MTH policy changes. It marks the beginning of a new approach to policy development, one that applies a human rights lens at the outset of the decision-making process. This is consistent with the City’s objectives outlined in the Housing Charter.

While a number of MTH proposals are currently in development at the City, this review only considers a narrow set of proposed changes. These include:

- **A city-wide zoning approach** to MTH, which would permit them 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*.

³ Progressive realization recognizes that change cannot happen overnight. It means that governments commit to allocating maximum available resources and taking progressive steps toward fully realizing housing rights.

- 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.

Due to COVID-19 restrictions and time constraints, however, it was not possible to undertake a full review. In particular, meaningful engagement of experts with lived/living experience – a key pillar of a human rights-based approach⁴ – was limited. Nevertheless, the analysis brings to light important human rights issues and concerns. Addressing them may contribute to the creation of stronger and more equitable housing policies. The review has also created an opportunity for interdivisional collaboration and learning on an issue that impacts many units across the City.

Step-by-step process

As a first step, an interdivisional working group, made up of staff from the Housing Secretariat, MLS, City Planning, Toronto Building, and Toronto Fire Services, was formed to support and guide Maytree’s analysis.

Second, the working group developed a joint problem statement to guide the review: “How can a city-wide MTH policy advance tenants’ right to equitable access to an affordable, adequate, safe, accessible, and secure home?”⁵ Note that, for the purpose of this review, Personal Care Multi-Tenant Homes (a subset of MTH) were not considered in the analysis.

A note on Personal Care Multi-Tenant Homes

Personal Care Multi-Tenant Homes – an important and growing segment of MTH – provide accommodation in addition to food and/or care services. Tenants are therefore reliant on operators to provide basic life necessities, making them more vulnerable to exploitation. While the considerations raised in this review regarding safety, adequacy, affordability, and other human rights elements apply to Personal Care MTH, this housing type raises distinctive issues regarding the regulation of food and care services, which requires a separate assessment.

⁴ See Appendix B for an overview of a “human rights-based approach.”

⁵ We recognize that most MTH are not currently accessible for people with mobility disabilities. However, they can offer dignified homes, and promote community and mutual support, for people with other disabilities such as mental health and addictions.

As a third step, the working group developed the “Human Rights Elements Table” below, which elaborates on established norms and standards for adequate housing under international human rights law to reflect local context and priorities.⁶ The eight human rights elements in Table 1 provide the basis for the analysis, meaning that policies are assessed in terms of how they help further - or hinder - the realization of these rights.

Table 1: Human rights elements that inform the analysis

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.

⁶ The right to adequate housing is recognized in the International Covenant on Economic, Social and Cultural Rights, which has been ratified by Canada. The characteristics of the right to adequate housing have been clarified in the UN Committee on Economic, Social and Cultural Rights’ general comments No.4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

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).

Working group members then submitted supporting data and documentation, including the number and location of regulated MTH, complaints related to MTH, fire safety data, and notices of violations, among other evidence. A limited number of external sources, focusing on tenant experiences, were also considered. Initial findings from these sources were shared in two separate discussions with the working group and an external expert group for feedback. The expert group was made up of local MTH researchers and advocates, many of whom have lived experience as MTH tenants.

Unfortunately, only a very limited number of current MTH tenants were available to provide their insights, due to the limitations discussed above. It is critical that future human rights analyses undertaken by or on behalf of the City ensure members of affected communities are meaningfully involved.

Finally, the working group was asked for input on the current analysis, prior to the report's final publication. Maytree is grateful for the support, cooperation, and thoughtful feedback received from City staff throughout the duration of this project.

Analysis

This section assesses proposed MTH policies based on the eight human rights elements that are outlined in Table 1. “Equity” is a principal human rights element that cuts across all others, and is therefore considered in relation with the other seven elements, rather than on its own. It should be noted, however, that all eight elements are interrelated and interconnected to varying degrees. The analysis below highlights some of the main areas of overlap and influence between them.

Non-Discrimination

Summary of key issues and findings surfaced in the review

- MTHs are regulated by two sets of licensing by-laws⁷ that have not been updated and consolidated since amalgamation in 1998. MTH are also only permitted under the zoning by-laws in the old City of Toronto and in very limited districts in York and Etobicoke. They are not permitted in North York, East York, and Scarborough, but many MTH operate in these areas nonetheless.
- The total number of MTH – both permitted and unpermitted – is difficult to count due to their informal and fluid nature. For example, a building can transition from a single-family house to an MTH and back, depending on the household structure and tenants.
- There are approximately 350 licensed MTH in the former City of Toronto, meaning they operate in neighbourhoods where they are legally permitted under the zoning by-laws and are regulated through MLS. A 2017 study in Parkdale (where MTH are permitted) showed that just half of the nearly 200 MTH identified were licensed by MLS.⁸

7 Toronto Municipal Code, Chapter 285, Rooming Houses, regulates rooming houses in the former city of Toronto, licences granted by a Rooming House Licensing Commissioner upon the advice of MLS. Etobicoke Code, Chapter 166, Lodging Houses, regulates licences in Etobicoke, as administered by Public Health.

8 Parkdale Neighbourhood Land Trust. 2017. *No Room for Unkept Promises, Parkdale Rooming House Study*. Accessed at http://www.pnlt.ca/wp-content/uploads/2017/05/Parkdale-Rooming-House-Study_Full-Report_V1.pdf.

Human rights considerations and implications

- The zoning by-law which prohibits MTH across the city is discriminatory. This issue has been previously raised by the Ontario Human Rights Commission (OHRC), 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.”⁹
- The OHRC’s position is consistent with *Ontario’s Planning Act*, which stipulates that municipal authority to enact a zoning by-law does not extend to “pas[sing] a by-law 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.”¹⁰ This is commonly known as the requirement to zone for land use, not for people.
- Not permitting MTH in parts of the city where they are known to exist also risks driving operators and their tenants “underground,” potentially creating further risks to safety and disproportionately affecting equity seeking groups, whom research shows are overrepresented in MTH.¹¹ The proposed change to allow MTH across Toronto through zoning would therefore bring the City into compliance with the right to non-discrimination in housing.
- However, one important question underpinning this review remains: What is the value of treating MTH – which are overwhelmingly conversions of existing buildings – as a distinct land use under the zoning by-law, simply because their residents do not function as a single housekeeping unit?

9 Submission from the Ontario Human Rights Commission to the Statutory Public Meeting for the draft citywide zoning by-law, March 6, 2013. Accessed at <http://www.ohrc.on.ca/en/submission-ontario-human-rights-commission-statutory-public-meeting-draft-city-wide-zoning-law>. Please see Appendix C for more resources from the OHRC.

10 Ontario Planning Act, Section 35(2). Accessed at <https://www.ontario.ca/laws/statute/90p13/v37>.

11 See for example Lisa Freeman. 2014. *Toronto’s Suburban Rooming House: Just a Spin on a Downtown “Problem?”* Wellesley Institute. Accessed at <http://www.wellesleyinstitute.com/publications/toronto-suburban-rooming-houses-just-a-spin-on-a-downtown-problem/>.

Adequacy

Summary of key issues and findings surfaced in the review

- Despite often living in substandard conditions, MTH tenants are less likely to report their concerns for a variety of reasons, including out of fear of losing their home or being unaware of their rights. When provided with a safe and accessible opportunity to do so, however, a recent survey of Parkdale MTH residents found a large percentage of tenants had major adequacy concerns, including pests and vermin (79%), disrepair (70%), poor ventilation (53%), and problems with heating or cooling (51%).¹²
- The City receives an average of 1,200 complaints about MTH per year, with the majority of issues relating to zoning (roughly 60%) and property standards (roughly 30%).
- MLS has a mandate to identify non-compliance with applicable by-laws to support tenants' right to live in adequate housing. Non-compliant operators are served a Notice of Violation and ordered to complete the required improvements, or face possible charges for non-compliance. From January 2012 to July 2020, MLS issued 912 Notices of Violation (an average of 107 per year), resulting in 118 charges (an average of 14 per year). Of these, 47 led to convictions.
- However, just 7% of these charges were for “failure to clean/sanitize,” while 86% were for “non-permitted use,” and the remaining 7% for “no licence.” This suggests that enforcement mechanisms are underused by tenants to help improve living conditions and are instead overly focused on issues that may in fact trigger their displacement.
- Under MLS’ newly proposed regulatory regime, landlords would be subject to new requirements, including submitting floor plans, as well as property maintenance, waste, and pest management plans, and developing a process to respond to tenant issues.

12 Unpublished data from surveys with 112 tenants conducted for the Parkdale Proactive Eviction Prevention and Rooming House Rehabilitation Project.

Human rights considerations and implications

- Tenants have a right to healthy and decent conditions. The City's records suggest that most complaints about MTH (i.e., zoning complaints) come from neighbours rather than tenants. Service agencies, legal clinics, and student organizations indicate that most tenants are not aware of their rights or are afraid to exercise them from fear the City will close their homes. Tenants need a safe, accessible process to report their concerns and ensure habitability standards are met.
- The new landlord requirements under MLS' proposed regulatory changes would help to address a number of important adequacy and tenant safety concerns.
- Going forward, as raised in the “non-discrimination” section, the City should ensure that additional regulatory changes do not inadvertently discriminate on the basis of “people zoning,” which may contribute to further stigmatization of the MTH housing stock.

Safety

Summary of key issues and findings surfaced in the review

- Compared to people in other housing types, rooming house residents may be exposed to a disproportionate risk of fire death. In the last ten years, just over 10% of all Toronto residential fire fatalities took place in MTH. In total, 14 MTH were involved in 15 fire fatalities and four serious injuries. All 14 MTH were unlicensed. Seven were located in neighbourhoods where their use is not permitted.
- In the 2,208 inspections of MTH conducted by Toronto Fire Services between 2017 and 2019, the department found 3,855 violations. During the same period, 92 “immediate threat to life” notices were issued and seven houses were closed immediately.
- A City-led consultation of MTH tenants in 2015 found that tenants also had concerns about various property standards (garbage, vermin, locks,

facilities, repairs, standards, and safety) and inappropriate management (economic exploitation, abuse, threats, theft, and disruptive behavior).¹³

- In a survey of Parkdale MTH tenants conducted in 2018-19, more than a third of respondents reported feeling “terrible” or “bad” in response to their satisfaction with the level of safety in their home.¹⁴ Electrical problems (31%) and fire safety problems (29%) were reported as the biggest safety concerns.

Human rights considerations and implications

- The “underground” nature of MTH, combined with a lack of affordable housing alternatives, sometimes creates life-threatening conditions for tenants, many of whom belong to vulnerable communities. Furthermore, when safety problems go unaddressed and tenants lack access to enforcement mechanisms, MTH may end up being lost due to fires or closures as a result of pressing life safety issues.
- A holistic response is needed to make sure MTH tenants are afforded comparable protections from fire, disrepair, and other hazards to other Toronto residents. A mix of “carrots and sticks” might be considered, in addition to carefully designed and targeted loan and grant programs to get operators to comply. Any financial incentives should be attached to an agreement to preserve long-term affordability and backed by strong accountability measures.
- It is also crucial, as mentioned, to ensure tenants have access to enforcement of safety standards without placing their security of tenure at risk.

13 Public Interest, City of Toronto Rooming House Review, Public Consultations, June 2015, p. 21. Accessed at <https://www.toronto.ca/legdocs/mmis/2016/ex/bgrd/backgroundfile-97266.pdf>.

14 Feeling of safety in building (N=99) “terrible” 22%, “bad” 16%. Unpublished results from interviews with tenants conducted for the evaluation of the Parkdale Proactive Eviction Prevention and Rooming House Preservation Project. Copy on file with author.

Affordability

Summary of key issues and findings surfaced in the review

- MTH are a critical source of deeply affordable housing in Toronto. Rent amounts vary across the city, but generally range between \$400 and \$700 per month. In Parkdale, the majority of MTH tenants have not experienced any rent increase for 12 years.¹⁵
- Comparatively, bachelor apartments across Toronto neighbourhoods start in the low \$1,000s.¹⁶ In suburban campus areas, student housing ranges from \$700 to \$1,700. From 2009-2019, the average rent for a bachelor apartment in Toronto also rose from \$758 to \$1,142 – a 50% increase.¹⁷
- Ensuring both safety and affordability of MTH is a crucial challenge. But converting a building to a code-compliant MTH can be costly. By way of example, converting a five-bedroom, three-storey house to a code-compliant MTH costs \$187,600, and nearly \$75,000 for an eight-bedroom bungalow.¹⁸ This would translate to an increase of roughly \$227 in monthly rent in the first case, and \$94 in the second.¹⁹
- One of the contributing factors to the costs of meeting Building Code standards is that there are additional life and fire requirements for MTH under the *Ontario Building Code* as compared to a typical single family home. For example, every bedroom in an MTH is considered a suite that requires enhanced fire separation from adjacent rooms. The routes from bedrooms to front doors that open onto a living room, or back doors that open onto a kitchen, for example, must also be enclosed as corridors and fire separated. Buildings with more than two storeys and more than eight

15 Unpublished data from surveys with 112 tenants conducted for the Parkdale Proactive Eviction Prevention and Rooming House Rehabilitation Project.

16 Current City of Toronto Average Market Rents & Utility Allowances. Accessed at <https://www.toronto.ca/community-people/community-partners/social-housing-providers/affordable-housing-operators/current-city-of-toronto-average-market-rents-and-utility-allowances/>.

17 Canada Mortgage and Housing Corporation. Toronto Historical Average Rents by Bedroom Type. Accessed at <https://www03.cmhc-schl.gc.ca/hmip-pimh/en/TableMapChart/Table?TableId=2.2.11&GeographyId=2270&GeographyTypeId=%203&DisplayAs=Table&GeographyName=Toronto>.

18 See Appendix D for a more detailed breakdown.

19 See Appendix D for a more detailed breakdown.

tenants must have two exits from each floor. Existing requirements need to be altered and in some cases heating systems must be modified. These combined changes can lead to significant renovation costs.

Table 2: Examples of what it takes to convert different building types to code-compliant MTH

Downtown: 5-bedroom, 3-storey house	Scarborough: 4-bedroom bungalow	Scarborough: 9-bedroom, 2-storey + basement house
Requirements to meet code compliance		
<ul style="list-style-type: none"> • New commercial sprinkler system with separate line from main City supply to the house; • new fire system and exits; • fire separation of each room and the furnace room; • architectural drawings and consultants; • lost rents during renovation. 	<ul style="list-style-type: none"> • For each bedroom, fire rated walls, solid core doors with latch and self-closing device; • for common areas on each floor, fire rated walls to divide living and kitchen areas from a separate public corridor; • fire alarm system. 	<ul style="list-style-type: none"> • 45-minute fire rating for each bedroom which includes walls, floors, and ceilings; • 20-minute rated doors with closures; • 45-minute rated walls so the path of travel to each floor, including the stairs, is a rated route to the main door; • new fire alarm system; • new 3-piece washroom on the ground floor.
Total cost: \$187,591	Total cost: \$74,467	Total cost: \$127,577

- These renovations are important to tenants' safety, but many owners may be unwilling or unable to cover the costs. Although some owners operate multiple houses as a business, others are family owners or newcomers renting out a single home. These owners may have difficulty affording renovations and be more likely to convert their home into suites, reduce the number of rooms rented, or sell. Even owners with the financial means to convert their houses to code-compliant MTH may fear that enclosing corridors that restrict natural light, reconfiguring liveable space, installing sprinkler systems, or undertaking other Code-compliance measures will reduce the re-sale value of their houses. These owners may be likely to stay under the radar until discovered, and then sell.

Human rights considerations and implications

- Uneven regulation of MTH – whereby they are permitted in certain areas and not others – means that the majority of this affordable stock is invisible to those who need it. Permitting MTH across the city would both further the City’s affordable housing goals and enhance compliance with its commitments to the right to adequate housing.
- Regulatory requirements for MTH should however consider the risk of driving those operators “underground” who are not able or willing to bring their buildings into compliance with current Code requirements. This is counter to the City’s objectives. Experience from previous legalization efforts in Parkdale may provide useful lessons on how to transition operators to compliance and ensure minimal tenant displacement.²⁰
- Toronto Building is now undertaking a technical review of the *Ontario Building Code*-related requirements for MTH to identify additional acceptable options to help owners with the permit process and more easily meet the current building code requirements.
- Longer term, it may also be helpful to assess whether changes to the Code are necessary so as to better reflect the built form of MTH.

Security of Tenure

Summary of key issues and findings surfaced in the review

- MTH tenants, who are mostly low-income, are at a higher risk of displacement when their homes are closed, converted, or redeveloped, or when they are evicted for other reasons. In a recent Parkdale survey, 77% of respondents said they had experienced some form of homelessness (shelter, outside, or hidden) at some point in their life.²¹ More than one-third of tenants also reported receiving an eviction notice in their current home.

20 Jennifer Simons. 2009. *Bachelorette Apartments in Parkdale: Evaluation of the Parkdale Pilot Project*. Accessed at <https://drive.google.com/drive/folders/0B1sPiOT1mZ8eVDA0ck-9wcmhqMm8>.

21 Unpublished data from surveys with 112 tenants conducted for the Parkdale Proactive Eviction Prevention and Rooming House Rehabilitation Project.

- In another study, between 2007 and 2017, a total of 347 people had been de-housed in Parkdale as a result of 28 MTH being converted or up-scaled.²²
- As highlighted in the “adequacy” section, MTH tenants also have major concerns regarding the habitability of their homes (i.e., pest infestations, disrepair, and problems with heating), which in many cases are left unaddressed by landlords and leave little choice for tenants but to move out.
- Displaced tenants have few options, especially in the suburbs where MTH are not permitted. Vacancies for bachelor units are extremely low, and rents have increased 10.5% over the previous year in Scarborough, 8% in Etobicoke, and 6.5% in North York.²³ It can take three to six months to find other housing, with rents in new units going for \$500-600 more than in the lost unit. Increasingly, tenants are being relocated outside of the city, as far away as Sudbury.²⁴
- The public costs for relocating low-income tenants can be significant. An evaluation of Shelter, Support & Housing Administration’s Tenant Relocation Support Services program found relocation costs ranged from \$2,329 to \$6,224 per tenant, plus \$695 in Furniture Bank costs and an average of \$5,187 if follow-up supports were required. The cost of the average shelter stay for tenants not relocated was estimated at \$3,772.²⁵ The current experience of relocation services estimate staff support costs of \$5,000 per relocated household, plus ongoing rent supplements ranging from \$400-600 a month.²⁶
- Furthermore, housing and tenant advocacy groups serving suburban residents have raised concerns that relocation and shelter services are mainly targeted to the downtown core and fail to meet the needs of suburban MTH tenants.
- Finally, to preserve MTH, the City has recently approved an amendment to the Official Plan, requiring the replacement of dwelling rooms lost

22 *No Room for Unkept Promises, Parkdale Rooming House Study.*

23 Canada Mortgage and Housing Corporation Market Rent Survey. 2018-2019 data.

24 Based on interviews with workers providing MTH relocation services.

25 Report prepared by Emily Paradis and Joy Connelly for the City of Toronto’s Shelter, Support and Housing Administration Division, 2018. Not publicly available.

26 Interviews with MTH relocation staff.

due to redevelopment. However, the protections apply only where MTH are permitted and six or more rooms would be lost, and only in cases of redevelopment – not upscaling or de-conversion back to single-family homes. The amendment decision is currently being appealed.

Human rights considerations and implications

- Allowing property standards to deteriorate to the point where residents are forced out is a violation under the Residential Tenancies Act, but few MTH tenants are aware of their legal rights. Supporting tenant education and awareness of their legal entitlements would strengthen security of tenure.
- As discussed in the “affordability” section, approaches to enforcement of safety standards should also take care to avoid unintended consequences, such as more operator shutdowns, which could result in greater tenant displacement and associated costs of support. Enforcement is, of course, paramount to safety. The legal removal of tenants will be required in circumstances where living conditions pose immediate threat to life or risk of serious injury. It is incumbent on the City to ensure these enforcement-led closures do not result in homelessness, and instead lead to safe rehousing of tenants.
- To be able to offer the benefits of legalization without putting tenancies at risk, the City might consider a short-term and a long-term strategy.²⁷ 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). Since unregulated MTH currently have little to no oversight, targeting basic habitability and adequacy issues in this initial phase could resolve the vast majority of tenants’ concerns.

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. It would also enable the City to create and budget for a back-up plan should displacement be necessary. This plan would include

²⁷ Thank you to Bee Lee Soh for this insight.

tenant relocation supports such as individualized supports, referrals, housing search, moving costs, ongoing rent subsidies, and alternative housing for tenants.

- All strategies must recognize the particular vulnerability of MTH residents. The Parkdale survey found 63% of respondents had a major health problem or chronic illness, and most had, or continued to receive, mental health treatment.²⁸ In the inner suburbs, many MTH tenants are newcomers who speak little English and are employed in low-wage jobs. Others are students living away from home or in a new county for the first time. Relocation supports should be tailored to the specific needs of these populations.

Accessibility and Cultural Appropriateness

Summary of key issues and findings surfaced in the review

- 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.²⁹ Owners may also be members of immigrant and racialized communities.
- Communal living (i.e., functioning as a single housekeeping unit) can help establish community with others who share the same language, values, or stage of life, contributing to overall well-being of residents. For example, for newcomers, MTH can provide a safe landing space with landlords and co-habitants that speak the same language. For students, sharing a space can provide camaraderie and support as they enter into adulthood.
- On the other hand, tenants' lack of experience in the Canadian rental market or familiarity with legal rights may be more easily exploited under these same circumstances.

28 Unpublished data from surveys with 112 tenants conducted for the Parkdale Proactive Eviction Prevention and Rooming House Rehabilitation Project.

29 See for example Lisa Freeman, *Toronto's Suburban Rooming Houses: Just a Spin on a Downtown "Problem?"*, and Canada Mortgage and Housing Corporation. 2006. Profile of Rooming House Residents. Socio-economic Series 06-019.

Human rights considerations and implications

- The right to adequate housing recognizes diverse definitions of “home,” and residents’ right to create homes that reflect their cultures, values, and needs. The City’s newly proposed definition of MTH as “not functioning as a single house-keeping unit” should include some degree of flexibility to take into account tenant needs and cultural appropriateness.
- International standards for adequate housing include ensuring that persons with disabilities and other marginalized groups have homes that are accessible, as well as the supports required to live independently and with dignity. The City should keep in mind how new MTH policies can support the progressive realization of these important goals.

Tenant Participation

Summary of key issues and findings surfaced in the review

- MTH tenants face significant barriers to accessing their rights. Many refrain from making formal complaints out of fear of losing their home. Some might be newcomers and unaware of their rights, while others might be on the verge of homelessness, or have little choice but to live in a specific community (i.e., students near campus). In most cases, MTH tenants simply cannot afford to lose the home they’re in. This creates heightened conditions for exploitation.
- “Lead tenants” – individuals appointed by some MTH landlords to collect rent on behalf of all residents – take on additional and unfair risk if their co-habitants fail to pay rent. Some landlords have used the lead-tenant approach in the past as a way of skirting their obligations under the Residential Tenancies Act.
- Complicating matters further is an unclear complaints process for MTH tenants. The interaction between MLS, the Landlord and Tenant Board, and the Rooming House Licensing Commissioner is fairly ambiguous from a tenant’s perspective.

Human rights considerations and implications

- Permitting MTH across the city would enhance fairness and tenants' rights by increasing access to justice. In principle, a tenant living in an area where MTH are permitted would be in a better position to claim their rights. However, to do so effectively and with confidence that they are not placing themselves or their co-habitants at risk of losing their home, tenants should be supported by greater clarity and awareness-raising of complaints procedures.
- Going forward, upcoming public consultations on MTH should focus on successful engagement of tenants, many of whom face barriers to participation, and lack awareness of their rights as well as trust in the system. Careful consideration must also be given to the framing of public discussions so as not to further stigmatize tenants and discourage their participation. Local support agencies should also be involved to support organization of tenants and facilitate meaningful engagement.

Conclusion

The objective of this review was to outline key human rights considerations and implications of proposed changes to Toronto’s MTH policies. Applying the lens of human rights allows an important set of issues and concerns – which directly impact the City’s ability to meet its housing safety, equity, and affordability goals – to rise to the surface and be considered holistically. While the review has identified a number of specific issues that City staff may take into account when formulating new policies, several key themes are highlighted here:

- **Multi-tenant homes are an essential component of Toronto’s housing stock,** providing deep affordability to those who need it most, including members of some of the most vulnerable groups. They are 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 therefore begin by recognizing 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.
- **Legalization is the essential platform from which an appropriate regulatory framework can be built.** Permitting MTH across Toronto would not only address significant discrimination issues, it would also shift focus to increasing safety and stability, rather than curtailing what is sorely needed in an unaffordable market. Enforcement of regulatory requirements should also consider the risk of driving “underground” those operators who are not able to convert their buildings to code-compliant MTH. A two-phased approach might be considered, whereby, in the short term, the City could focus on legalization, inspections, collecting data, and enforcing property standards to promote tenants’ health and well-being. 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.
- **Ensuring tenants have access to enforcement of safety and property standards without placing their homes at risk must also 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 -

even when faced with serious risks to their personal safety – because they have few housing alternatives. 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 be used as an option of last resort, as in cases where tenants' lives are clearly at risk.

- **Tenants should be more meaningfully engaged in decisions that affect their lives, and in a way that recognizes the barriers they face to participation.** As the City moves forward with consultations, it is important to ensure MTH tenants have a strong voice and that public discussion is not framed in a way that further stigmatizes them. 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.
- **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 an obligation to better understand the living conditions of all MTH tenants, not only those in regulated homes. Community-led projects in Parkdale and in the City of Montreal may serve as useful models to identify MTH across Toronto.³⁰ Strengthened data collection on MTH habitability issues, accessibility, closures, and displacement is also needed. 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.

Finally, establishing the Housing Commissioner's office should remain a top priority as the City proceeds with new MTH plans. The Housing Commissioner, in addition to providing critical accountability functions, can also provide additional capacity and expertise on human rights, including by undertaking robust human rights reviews of housing policy in the future.

30 See, for example *No Room for Unkept Promises, Parkdale Rooming House Study*;

Emily Paradis. 2018. *Community Action and Municipal Policy to Protect Dwelling Room Stock in North American Cities*. Accessed at http://www.pnlt.ca/wp-content/uploads/2018/11/Saving_room.pdf;

Santé Montréal. 2017. *Les chambreurs montréalais - 2017: Une enquête de la Direction régionale de santé publique de Montréal et de la Direction de l'habitation de la Ville de Montréal*. Accessed at <https://santemontreal.qc.ca/professionnels/drsp/publications/>.

Appendices

- Appendix A: Right to adequate housing - an overview
- Appendix B: What is a human rights-based approach?
- Appendix C: Ontario Human Rights Commission directives and resources on Multi-Tenant Homes
- Appendix D: Highlights from the *Economics of Rooming House Project*

Appendix A: Right to adequate housing - an overview³¹

Home is at the centre of human rights. Without a safe, affordable, secure, and accessible home, our other rights, such as privacy, freedom of expression, equality, liberty, security of the person, dignity, and even life, are threatened. All levels of government have the ability and obligation to respect, protect, and fulfill the right to adequate housing.

UN covenants signed by Canada guarantee the right to adequate housing. This means that everyone has a right to housing that meets basic conditions. Adequate housing must be:

- Affordable – meaning that the cost of housing doesn't interfere with access to other basic needs, such as food;
- Secure – meaning that residents are protected from arbitrary eviction;
- Accessible – meaning that people of all abilities have housing that accommodates their needs;
- Habitable – meaning that housing provides a safe, secure, and healthy environment in which to thrive;
- Located close to employment, education, and services;
- Serviced by facilities and infrastructure, including safe drinking water, adequate sanitation, affordable heating, and access to communication technology;
- Culturally adequate – meaning that housing must respect and provide for the expression of cultural identity.

³¹ Adapted from Right to Housing Toronto. Accessed at <https://right2housingto.ca/>.

All people should have equitable access to adequate housing, without discrimination based on gender, race, disability, faith, place of birth, age, sexual orientation, and other grounds.

In June 2019, the government of Canada passed legislation recognizing housing as a fundamental human right. The National Housing Strategy Act (NHSA) has been put in place to ensure access to adequate housing for everyone in Canada over time. It establishes institutional mechanisms, including a Federal Housing Advocate, a National Housing Council, and a Review Panel, through which compliance with the right to housing is to be monitored and systemic issues identified by affected communities, investigated, and brought to hearings.

Within five months of the NHSA becoming law, the City of Toronto adopted its Housing Charter and the HousingTO 2020-2030 Action Plan, which also affirms the right to housing as a fundamental human right, as set out in UN covenants. It features the following essential elements, which align with a human rights-based approach (see also Appendix B: What is a human rights-based approach?):

- A housing strategy to further progressive realization of the right to adequate housing, which is to also contain measurable goals and timelines for reducing and ending homelessness.
- A requirement that any future decisions, policies, programs, or services that impact housing are screened and assessed for impact on the Housing Charter.
- The establishment of a Housing Commissioner to provide independent monitoring of the City's housing strategy goals and the progressive realization of the right to adequate housing.
- A review of policies, programs, and by-laws to evaluate those which penalize, criminalize, or displace homeless people without offering appropriate services and housing options.
- The participation by members of affected communities (e.g., individuals with lived experience of homelessness) in decision-making related to housing.

Appendix B: What is a human rights-based approach?

A human rights-based approach is about taking human rights laws and principles and turning them into effective policies and practices. It seeks to empower rights holders – individuals and communities – in decisions that directly impact them, and strengthen the capacity of duty bearers – public institutions – to fulfill their human rights obligations. The imperative is to rebalance power relations and build strong accountability relationships between rights holders and duty bearers.

There are five key elements underpinning a human rights-based approach:

1. **Rights-based decision-making**, meaning human rights are a primary consideration, taking precedence over other factors. Decisions are reviewed against their impact on human rights.
2. **Goals, targets, and timelines**, meaning that related objectives are specifically defined and measurable.
3. **Transparent, evidence-based monitoring**, meaning the use of high-quality data disaggregated by race, gender, age, income, and other variables to determine the impacts of policies and programs on the rights of priority populations and equity-seeking groups.
4. **Rights-based participation**, meaning the involvement of individuals and communities in the decisions that will address their needs and affect the enjoyment of their rights. Communities would have opportunities to provide input into decision-making processes.
5. **Accountability mechanisms**, meaning that independent mechanisms, outside the court system, are implemented, through which rights can be monitored, claimed, and enforced.

Appendix C: Ontario Human Rights Commission directives and resources on Multi-Tenant Homes

1. Ontario Human Rights Code

“Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance.” OHRC, Subsection 2(1)

Accessed at <https://www.canlii.org/en/on/laws/stat/rso-1990-c-h19/latest/rso-1990-c-h19.html>.

2. Policy on human rights and rental housing (2009)

Right to Housing: “Housing is a human right. ... Under the *Code*, everyone has the right to equal treatment in housing without discrimination and harassment.” (Overview)

“People zoning”: “Zoning by-laws that are not based in a legitimate urban planning rationale and have the effect of ‘people zoning,’ as opposed to zoning the use of the land, are deemed to be invalid and could be open to human rights challenges if they result in restrictions of people identified by *Code* grounds.

“Zoning by-laws that define and restrict the location of dwellings based on the characteristics of the users, instead of the type of building structure, have been deemed to be discriminatory. ... Municipalities and decision-makers should be aware that zoning definitions that restrict the occupants of housing based on whether or not they are related (or defining the use of certain types of housing either explicitly or implicitly on definitions of ‘family’ can have the effect of discriminating against unrelated people from *Code*-protected groups who are likely to share accommodation” (Sec. 2.7.1).

Examples of discriminatory actions: include “arbitrary caps on the numbers of residents allowed” and “zoning by-laws that restrict affordable housing development that serves people identified by *Code* grounds (such as lodging houses) in certain areas while allowing other establishments of similar scale” (Sec. 2.7.2).

Accessed at <http://www.ohrc.on.ca/en/book/export/html/2491>.

3. In the zone: Housing, human rights and municipal planning

Defining discrimination in housing: “Discrimination in housing may often take on systemic or institutional forms. Systemic or institutional discrimination includes municipal bylaws, policies or practices that create or perpetuate a position of relative disadvantage for people identified by *Code* grounds. These may appear neutral on the surface, and may have been well-meaning, but nevertheless have an exclusionary impact based on *Code*-protected grounds. The key here is not to just consider intent – it is equally important to think about the impact municipal decisions have.”

It's not just about adding housing – think about potential losses: “[Municipalities must] take steps to apply a human rights lens to decisions that could result in the loss of affordable housing. Examples include:

- Revitalization projects that raise property values
- Lodging house zoning or regulations that act to reduce availability....”

Maintaining properties: “The *Building Code Act* provides authority for municipalities to pass property standards bylaws covering the maintenance and occupancy of buildings and properties. Under the *BCA*, these bylaws cannot set out requirements, standards or prohibitions that distinguish between persons who are related and persons who are unrelated when considering the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. Such bylaws must be about buildings and property, not people.”

Zone for land use, not for people: “Section 35(2) of the Planning Act says municipalities may not pass zoning bylaws that distinguish between people who are related and people who are unrelated in respect of the occupancy or use of a building. For example, a zoning bylaw cannot stipulate that a family rather than roommates must occupy a house.”

Accessed at [http://www.ohrc.on.ca/sites/default/files/In the zone housing human rights and municipal planning _0.pdf](http://www.ohrc.on.ca/sites/default/files/In%20the%20zone%20housing%20human%20rights%20and%20municipal%20planning%20_0.pdf).

4. Room for everyone: Human rights and rental housing licensing

The Ontario Human Rights Code and licensing

“Rental housing bylaws discriminate if they cause someone to be disadvantaged in a protected social area – like housing – because of the person’s association with a protected ground.

“If a bylaw is found to be discriminatory, a municipality would have to show that the absence or variation of the bylaw would cause them ‘undue hardship’ in terms of health and safety or cost ramifications.

“In some cases, the absence of the bylaw will not cause ‘undue hardship’ because less discriminatory alternatives to the bylaw exist that would meet the same fundamental goals. For example, if a municipality argues that its bylaw is required to meet a certain standard for preventing fires, but existing *Fire Code* provisions apply a lesser standard (which causes less disadvantage to *Code*-protected groups) then it is arguable that the absence of the bylaw does not cause the municipality undue hardship.”

Licensing by-laws can disadvantage *Code*-protected groups

“[During consultations], the OHRC heard that certain *Code*-protected groups rely on rental housing, and can be disadvantaged by measures that limit it. Examples of groups that may be affected include:

- Aboriginal people (ancestry)
- Racialized groups (race, colour, ethnic origin)
- Newcomers (place of origin, citizenship, ancestry)
- Lone parents (family status and marital status)
- Seniors (age, sometimes disability or receipt of public assistance)
- Large families (family status, sometimes creed, ancestry or ethnic origin).

“During the consultation and also through its recent inquiries into rental housing licensing in Waterloo and North Bay, the OHRC also heard that groups not as obviously connected to *Code* grounds – such as students and low-income individuals – might be disadvantaged by measures that limit affordable rental housing.”

The guide further notes that student status could be a proxy for age, single status, and receipt of public assistance, such as the student loans.

Avoiding the discriminatory impacts of rental housing licensing

“In embarking on rental housing licensing, the OHRC advises municipalities to:

1. Consider the Ontario *Human Rights Code* before drafting the bylaw and refer to the *Code* in the bylaw
2. Consult with *Code*-protected groups
3. Make sure that meetings about the bylaw do not discriminate
4. Roll out the bylaw in a consistent, non-discriminatory way
5. Work to secure existing rental stock
6. Avoid arbitrary bedroom caps
7. Avoid gross floor area requirements that exceed the Building Code
8. Eliminate per-person floor area requirements
9. Eliminate minimum separation distances
10. Enforce the bylaw against the property owner, not the tenants
11. Protect tenants in cases of rental shut down
12. Monitor for impacts on *Code* groups
13. Make sure licensing fees are fair.”

Accessed at <http://www.ohrc.on.ca/en/book/export/html/9864>.

Appendix D: Highlights from the *Economics of Rooming Houses Project*

1. Background

Over the past decade, the policy discourse on MTH (also known as rooming houses) has focused on regulatory issues. Missing from that discussion has been a shared understanding of the economics of creating and operating MTH.

To fill this gap, Maytree is funding a project by Paul and Joy Connally to test the economic viability of common MTH typologies. The project includes:

- Review of the operating costs of three of Toronto's largest non-profit MTH operators that collectively own and operate 79 rooming houses ranging from 4-bedroom houses to a 59-room residential hotel;
- Investigation of the costs of bringing non-profit rooming houses into *Code* compliance, including examples from the non-profit and private sectors; and
- Interviews with a small sample of private-sector MTH operators and tenants in Scarborough, students and agency representatives, and other key informants, such as an architect, code consultant, real estate agent, and philanthropic MTH provider.

The project is still in progress and is overseen by an advisory circle comprised of MTH researchers, providers, advocates, and other experts. This appendix represents key findings from the research to date.

2. Non-profit owners cannot create deeply affordable rooms without subsidies

The findings suggest that, even with no profit motive, non-profit owners could not provide quality rooms affordable to tenants on social assistance or working at minimum wage without publicly-funded subsidies.

- A study of 79 houses (549 rooms) owned by three of Toronto's largest non-profit MTH providers found the monthly operating costs, *excluding* protection & indemnity insurance, property taxes, capital reserve contributions, and support services, ranged from \$257 to \$789/room, with a median cost of \$427/room. In addition to public benefit, such as

subsidized mortgages and waived property taxes, non-profits benefit from sector gas and insurance programs not available to private sector operators.

- Habitat-affiliated boarding house owners receive **\$1,601/tenant/month** in rents and subsidy; MTH owners (no meals or on-site staff provided) receive **\$954.80/tenant/month**.

3. Private owners *can* provide affordable homes - but only when conditions are right

Quality private sector owners *can* provide affordable, quality housing and make a *modest* profit. (As one agency staff member said, “The only way to get rich operating an MTH is to break the rules – either by over-crowding or by doing no maintenance at all.”)

Among Scarborough MTH operators interviewed:

- Rents ranged from **\$437 to \$600/month**.
- Net profits on the entire house ranged from \$723 to \$1,100 per month, or \$8,675 to \$13,200 per house per year. The costs do not include time spent by the owners managing, maintaining, or repairing the house.
- Affordable rooming houses had some common features: low mortgage costs; landlords live on-site; owners provide all labour themselves, including renovations and repairs.

4. Costs to convert buildings into Code-compliant MTH vary widely

EXAMPLE 1

Downtown, non-profit, 5-bedroom house in good condition.

No renovations needed beyond those required to obtain an MTH licence.

Requirements to meet Code-compliance: new commercial sprinkler system with separate line from main City supply to the house; new fire system and exits; fire separation of each room and the furnace room; architectural drawings and consultants; lost rents during renovation.

Total cost: \$187,591. These costs were partially subsidized by the Social Housing Improvement Program (SHIP). Had a private owner been required

to borrow the entire sum (\$187,591 at 4% amortized over 20 years)³², rents would increase by **\$227/month/person** to recoup the costs.

Cost estimates for two other non-profit rooming houses to become Code-compliant exceeded \$220,000. In one case, the work was completed through a combination of City subsidies and private fundraising. The other project was not completed.

EXAMPLE 2

Scarborough bungalow with full basement.

Main floor and basement each have four bedrooms plus a shared kitchen, living area, and bathroom. Basement has its own exterior door.

Requirements to meet Code-compliance: For each bedroom, fire rated walls, solid core doors with latch and self-closing device; for common areas on each floor, fire rated walls to divide living and kitchen areas from a separate public corridor; and a fire alarm system. **Cost: \$74,467.** If the owner needed to borrow the entire sum (\$74,467 at 4% amortized over 10 years), rents would increase by **\$94/month/person** to recoup the costs.

EXAMPLE 3

Scarborough two-storey house with full basement.

In the original house, the second floor has four bedrooms and the basement has one bedroom. The conversion adds two bedrooms in the basement and two on the main floor, and adds a new ground floor bathroom.

Requirements to meet Code-compliance: Costs include providing a 45-minute fire rating for each bedrooms; 20-minute rated doors with closures; new 45-minute rated walls so the path of travel to each floor including the stairs is a rated route to the main door; a new fire alarm system. **Cost: \$127,577 (excluding permits and fees).** If the owner needed to borrow the entire sum (\$127,577 at 4% amortized over 10 years), rents would increase by **\$143/month/person** to recoup the costs.

³² This is a “best case” scenario. Rooming house operators typically have difficulty obtaining the low-interest loans available for owner-occupied homes. Should the operator have significant debt already on the property, or otherwise be perceived as high risk, they may have to turn to second tier lenders with higher interest rates, shorter amortization periods, or both.

5. Private sector rooms are significantly cheaper than on-campus residences

Shared houses near university campuses prompted special attention when the City last reviewed the MTH by-law. Although campus housing offers a sense of safety and community, particularly for students new to Toronto, accommodations are both smaller and significantly more expensive than shared housing within a ten-minute walking radius. For example:

- At University of Toronto's Scarborough Campus, purpose-built student housing ranges from \$790/month for a shared basement bedroom (with bathroom and kitchen shared with five others) to \$1,330 month for a single room with kitchen and two bathrooms shared with six people (cable and laundry extra). Among the first 15 rooms advertised on Kijiji within a ten-minute radius, the median rent was \$560. Rents ranged from \$350 for a shared room to \$750 for a large room in a condo townhouse.
- At York University's Keele Campus, purpose-built student housing ranges from \$771/month for a shared bedroom, and sharing a common washroom with 23 other people, to \$1,750 for an apartment with kitchenette. Among the first 15 rooms advertised on Kijiji, the median rent was \$650/month. Rents ranged from \$510 for a small room with shared kitchen and bathroom to \$850 for a large room with private bathroom.

Note that university residences must typically be vacated outside of term time. For example, York University charges \$35/night for students arriving, for example, between Sep. 1 and Sep. 5, and \$400 for students staying over Christmas holidays. They also charge extras not common to other rental housing, such as application fees, lock-out fees, and late cancellation fees.

6. Tenant displacements can be costly to both tenants and the public

“Soft-landings” for vulnerable tenants can be costly. Based on the experience of Toronto’s past MTH relocation and support efforts, it cost *a minimum* of \$2,740 in agency staff time to relocate a tenant, and costs of \$5,000 per tenant are typical. In addition, there are \$695 in Furniture Bank costs and \$5,187 if follow-up supports are required.

The cost of a housing allowance to bridge the gap between the average MTH rent and a bachelor unit is over \$500/month, or \$6,000/year per tenant, and will increase over time.

Among tenants interviewed for this project, the average rent paid was \$500/month. The average rents for a bachelor apartment in October 2019 was \$1,074 in Scarborough, \$1,027 in North York, and \$1,052 in Etobicoke. CMHC reports rents increased by 10.5% over the previous year in Scarborough, 8.0% in Etobicoke, and 6.5% in North York.

7. There are few suburban alternatives to rooming houses

According to CMHC's October 2019 Market Rental Survey, there were approximately **eight vacant privately-owned bachelor apartments in Scarborough** (1.0% of a total of 840 apartments); **39 vacant bachelor apartments in North York** (2.8% of a total of 1,400 apartments); and **negligible units in Etobicoke** (data suppressed to protect confidentiality or data not statistically reliable). Note that across Toronto, rents for vacant bachelor units are 18% higher than occupied units.³³

³³ Canada Mortgage and Housing Corporation was unable to provide a breakdown by district because there was an insufficient number of vacant units to preserve confidentiality or provide statistically reliable data.