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Inside the Residential Tenancies Act

Elements of Legislation Favour Tenants over Landlords

By Chris Seepe

Many landlords will be surprised to learn that the Ontario government operates an agency that primarily targets landlords accused of breaching the Residential Tenancies Act (RTA). Called the The Investigation and Enforcement Unit (IEU), the 18-person agency aims to respond within 24 hours—a stark contrast to the onerous three-to-twelve month process landlords must undertake when submitting a complaint through the Landlord and Tenant Board (LTB).

The Ministry of Municipal Affairs and Housing's (MMAH) website states, "There are 40 core offences listed in the Residential Tenancies Act, 2006 (the Act) that apply to residential tenancies." Of those, a closer look reveals that 34 provisions specifically benefit tenants (against landlords) while the remaining balance the rights of both the landlords and tenants. How many uniquely benefit the landlords? Zero.

Equally surprising is that the Act includes a provision allowing canvassing politicians (or their agents) to solicit votes on a landlord's property—yet it does not outright protect the landlord's entitlement to collect rent.

With the news regularly reporting critical rental housing shortages in Ontario, it seems surprising the government is not seeking ways to encourage the private sector to build more purpose-built rental housing. Condominium development continues to outpace rental while the lack of affordable rental housing is becoming a crisis. More emphasis should be placed on helping, and not hindering the sector through oppressive legislation.

The Ontario Government's IEU is a similar agency to the LTB, with a mandate to inform landlords and tenants about their alleged breaches of the RTA. According to its mission statement, "the Unit's mandate extends to enforcement, which may involve formal investigations leading to prosecutions of alleged offenders in the Ontario Court of Justice (Provincial

Offences Court)." If the complaint is within the agency's jurisdiction, it will set out to make contact with the offender—for free—and strive to resolve most complaints within 24 hours.

However, unlike the LTB, which spends a good portion of its operational hours and taxpayers-financed budget, adjudicating non-payment of rent (about 90 percent of all filed LTB complaints are from landlords, 75 percent of which are about non-payment of rent) roughly 85 per cent of the IEU's complaints are from tenants.

Of the 20,000 to 25,000 phone calls it receives annually, approximately 10 percent become cases—76 per cent of which target the landlord, which isn't surprising given 79 percent of listed RTA offences are in favour of tenants. The breakdown of IEU cases is as follows:

- 38% are against landlords for withholding vital services
- 21% are against landlords for changing locks
- 10% are against landlords for failing to provide rent receipts
- 7% are against landlords for allegedly entering a tenant's premise illegally
- 6% are against tenants for refusing a landlord's entry after proper notice
- 3% are against tenants for changing locks
- 15% are for all other offences

Though some tenants assuredly have legitimate complaints—and yes, slumlords do exist, slumlords are the exception, not

the norm. Landlords must start speaking up and asking their elected officials why there seem to be different standards for tenants and landlords within the eyes of the law.

Other questions the Act raises:

- Why are landlords not legislatively entitled to collect rent for the vital housing service they provide?
- Why are rent rates (income) capped but legitimate operating and capital cost expenses not permitted to be recovered?
- How can the RTA legislatively require a landlord to provide electricity consumption information to a tenant while privacy legislation prevents a landlord from obtaining that required information from utility suppliers?
- Why can a fire department fine a landlord for a Fire Code offence committed by a tenant?
- Why can a municipality add onto a landlord's realty tax bill a utility bill not paid by a tenant?
- Why is there no financial deterrent against tenants trashing a property?

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