

# Proposed Amendments to Bill 109, *Residential Tenancies Act, 2006*

Submitted by  
The Federation of Metro Tenants' Associations

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## FMTA Proposed Amendments to Bill 109, *Residential Tenancies Act, 2006*

<b>Section</b>	<b>Proposed Amendment</b>	<b>Effect</b>
<p><b>113.</b> <i>Subject to section 111, the lawful rent for the first rental period for a new tenant under a new tenancy agreement is the rent first charged to the tenant.</i></p>	<p><i>The lawful rent for the first rental period for a new tenant under a new tenancy agreement is the lesser of the rent charged or the rent charged to the previous tenant plus any lawful increases permitted by this part.</i></p>	<p>Eliminates Vacancy Decontrol.</p>
<p><b>120. (2)</b> <i>The guideline for a calendar year is the percentage change from year to year in the Consumer Price Index for Ontario for prices of goods and services as reported monthly by Statistics Canada, averaged over the 12-month period that ends at the end of May of the previous calendar year, rounded to the first decimal point.</i></p>	<p><i>The guideline for a calendar year is fifty-five per cent of the Consumer Price Index for Ontario as reported monthly by Statistics Canada, averaged over the 12-month period that ends at the end of May of the previous calendar year, rounded to the first decimal point.</i></p>	<p>Removes the ‘bonus’ from the Annual Guideline Amount.</p>
<p><b>126. (1), i</b> <i>An extraordinary increase in the cost for municipal taxes and charges or utilities or both for the residential complex or any building in which the rental units are located.</i></p> <p><b>126. (1), iii</b> <i>Operating costs related to security services provided in respect of the residential complex or any building in which the rental units are located by persons not employed by the landlord.</i></p>	<p>Delete</p>	<p>Removes extraordinary operating costs and operating costs for security from Above Guideline Increase Applications.</p>

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<p><b>126. (11)</b> <i>If the Board is satisfied that an order permitting the rent charged to be increased by more than the guideline is justified and that the percentage increase justified, in whole or in part, by operating costs related to security services and by eligible capital expenditure is more than three percent,</i></p>	<p>Alternative to above amendment:  Delete</p>	<p>Maintains a 3% cap on Above Guideline Increase for all matters.</p>
<p><b>126. (13)</b> <i>Add</i></p>	<p><i>This section shall come into force on June 1, 2006 and shall be applied to any application made under this Act or the Tenant Protection Act from that day forward.</i></p>	<p>Transitional, places 3% cap on now, avoiding a rush of Above Guideline Increases during the interim period.</p>
<p><b>129. (2)</b> <i>Add</i></p>	<p><i>In responding to an application under this subsection, the Board may consider any previous awards under this Act or any other Act, that may be a cost no longer borne and may reduce the amount of any award that may otherwise be granted.</i></p>	<p>Improves costs no longer borne.</p>
<p><b>136. (1)</b> <i>Rent charged one or more years earlier shall be deemed to be lawful rent unless an application has been made within one year after the date that amount was first charged and the lawfulness of the rent charged is in issue in the application.</i></p>	<p><i>Rent charged three or more years earlier shall be deemed to be lawful rent unless an application has been made within one year after the date that amount was first charged and the lawfulness of the rent charged is in issue in the application.</i></p>	<p>Removes unfair limitation period for tenant action.</p>

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<p><b>29. Tenant Applications</b></p>	<p>Add a new section:</p> <p><i>If a municipality issues a work order against a rental unit or complex, a copy of that work Order shall be sent to the Landlord and Tenant Board and all affected tenants. Until that work order is complied with to the satisfaction of the municipality, no rent increase of any kind may be charged or collected.</i></p>	<p>Creates an automatic Order Prohibiting Rent Increase.</p>
<p><b>29. (2)</b> <i>No application may be made under subsection (1) more than one year after the day the alleged conduct giving rise to the application occurred.</i></p>	<p><i>No application may be made under subsection (1) more than three years after the day the alleged conduct giving rise to the application occurred.</i></p>	<p>Removes the unfair limitation period for tenant action.</p>
<p><b>6. (2) (a)</b> <i>it was not occupied for any purpose before June 17, 1998;</i></p>	<p><i>it was not occupied for any purpose before May 3, 2006;</i></p>	<p>Revises exemptions to be consistent with the date of inception for the Residential Tenancies Act.</p>
<p><b>6. (2) (c)</b> <i>no part of the building, mobile home park or land lease community was occupied fro residential purposes before November 1, 1991.</i></p>	<p>Delete</p>	<p>Removes exemptions for new buildings.</p>

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<p><b>203.</b> <i>The Board shall not make determinations or review decisions concerning,</i>  <i>(a) eligibility for rent-geared-to-income assistance as defined in the Social Housing Reform Act, 2000 or the amount of geared-to-income rent payable under that Act; or</i>  <i>(b) eligibility for, or the amount of, any prescribed form of housing assistance.</i></p>	<p>Delete</p>	<p>Ensures justice for Social Housing tenants.</p>
<p><b>106. (6)</b> <i>A landlord of a rental unit shall pay interest to the tenant annually on the amount of the rent deposit at a rate equal to the guideline determined under section 120 that is in effect at the time payment becomes due.</i></p>	<p><i>A landlord of a rental unit shall pay interest to the tenant annually on the amount of the rent deposit at the rate of 6 per cent per year.</i></p>	<p>Consistent with legislation for the last 35 years.</p>
<p><b>11. (1), (2)</b></p>	<p>Add:</p> <p><b>(3)</b> <i>Until a landlord has complied with subsections (1) and (2),</i>  <i>(a) the tenant's obligation to pay rent is suspended;</i>  <i>and</i>  <i>(b) the landlord shall not require the tenant to pay rent.</i></p>	<p>Maintains consistency with <b>12.</b> and creates a penalty for non-compliance.</p>

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<p><b>109. (1)</b></p>	<p>Add:</p> <p><b>(3)</b> <i>Until a landlord has complied with subsections (1),</i>  <i>(a) the tenant’s obligation to pay rent is suspended;</i>  <i>and</i>  <i>(b) the landlord shall not require the tenant to pay rent.</i></p>	<p>Maintains consistency with <b>11.</b>, <b>12.</b> and creates a penalty for non-compliance.</p>
<p><b>2.</b> <i>“services and facilities” includes,</i></p>	<p>Add:</p> <p><i>(o) visitor parking.</i></p>	<p>Stops the current trend of charging tenants extra for visitor parking.</p>
<p><b>27. (1) iv</b> <i>To carry out an inspection of the rental unit for the purpose of determining whether or not the rental unit is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards, consistent with the landlord’s obligations under subsection 20 (1) or section 161.</i></p>	<p>Delete</p>	<p>Redundant, given <b>27. (1) v</b> and leaves tenants open to harassment from their landlords.</p>

Further, we support amendments put forward by ACTO and other tenant advocates with regard to a set-aside hearing order in the eviction process.