

The Tenant



April 2005

**Federation of Metro Tenants' Associations
- Fighting for Tenants' Rights since 1974 -**

Strategic Alliances in Fight for Tenants

By Timothy Maxwell

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The plight of tenants living in Vincent Barrasso's deteriorating buildings on Lansdowne, Weston Road, and Kipling has been highlighted recently by Toronto media. The situation of extreme disrepair faced by tenants is not new, but the increased level of organization and action on the part of the tenants has made the issue newsworthy.

The tenants in the Weston Road building, where 59 city workorders remain outstanding, have become organized and active through the efforts of Judy Duncan and the Association of Community Organizations for Reform Now (ACORN). It is primarily the efforts of these tenants, many of whom are now members of ACORN, that have raised the media's interest in disrepair issues and prompted City Councillors and Property Standards officers to become more involved. Ms. Duncan's group is a recent addition to the mosaic of progressive community organizations in Toronto. ACORN is better known in the United States where it works in more than 75 cities to improve housing conditions, increase

community safety, secure living wages for the working poor and improve the quality of public schools.

Many people have been asking Federation staff about our relationship with ACORN. The relationship began, and continues to be, a friendly and informal alliance among individual tenant advocates.

The various efforts to deal with the disrepair in three of Barrasso's buildings, located in different communities, provide an opportunity for developing strategic alliances among the various organizations serving tenants. There are 900,000 tenants in Toronto and the Federation does not have the resources to organize them all. ACORN is welcome to make their unique contribution.

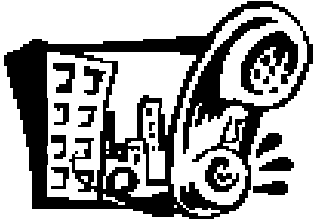
West Toronto Legal Services has been working with tenants at Barrasso's building on Lansdowne and invited the Federation to assist in the organizing of those tenants. In February, I attended a meeting with the staff of the legal clinic to discuss an organizing strategy for the Lansdowne building. We came up with an approach that eventually, and informally,

brought together ACORN, the Federation, and staff from the legal clinics serving the three different communities in which Barrasso's buildings are located.

However, even if the tenants in Barrasso's buildings succeed in getting repairs done, there are more than 4,000 apartment buildings in this city. The majority of rental units are over 40 years old, increasingly in need of repair.

Unfortunately, the effectiveness of our emerging strategic alliances continues to be challenged by the lack of a fair and decent law to replace the so-called "Tenant Protection Act" and a venue delivering greater justice than that provided by the Ontario Rental Housing Tribunal.





This Issue's Hotline Question

By Gail Nyberg

Q. How do I break my lease?

A. Remember that a lease is a binding contract and it is not wise to assume that you can break that contract. You are better to try to go on a month to month tenancy if you are unsure of your ability to remain in the unit for the fixed term. In the days of vacancy rates under 1%, tenants could assign the lease to someone else easily because there was a shortage of rental units. Today with vacancy rates hovering at 4%, assigning is not a real option for new tenants. Tenants are more likely to sign a new lease with the landlord rather than taking over an existing lease. The new lease usually has the advantage of a freshly painted apartment. The reality facing tenants in 2005 is that the contract is binding and that they will be held responsible for the financial term of the lease.

If you have any questions about renewing your lease or any other questions about your legal rights as a tenant, please feel free to call the Tenant Hotline at 416-921-9494 Mon.-Fri. 8:30am – 6:00pm or email us at hotline@torontotenants.org

Extra Garbage Levy on Landlords

By Dan McIntyre

During the City of Toronto budget process, an idea came forward that will now see a \$15 per year average levy on every apartment for garbage pick up.

The levy was motivated by two factors. The first was to kickstart improving the amount of recycling done in apartments. The second was to produce revenue to help balance the city budget.

There has been discussion on whether this cost will be passed on to tenants in the form of increased rents. It is the stated desire of the City that the cost is not borne by tenants.

Our analysis is that it is unlikely that extra rent increases will occur (we have had enough rent increases in Toronto and the landlords can easily absorb the cost). Municipal taxes and charges are factored into the annual guideline calculation. Only if an increase exceeds the allocation, could a landlord apply for an extra increase. In 2005, the



factor for taxes is 2.6%. The City approved a 1.5% increase. The levy brings it to about 2%.

In 2006, this levy will be fully implemented. We will be vigilant to ensure that the promised new Liberal tenant law does not permit landlords to pass on the levy. The City will also be trying to ensure the same thing.

Meanwhile, for the first time in ages, the topic of improved environmental measures in apartments is being discussed. Only about 12% of tenant waste is recycled currently, and we can all work together to improve that dramatically.



Words of Power

By Camla Draven

Is the name *landlord* a word of power? Some aboriginal cultures believe that by simply knowing someone's name you can gain power over them. In Hawaii power, called *mana*, is thought to reside in a name itself, with an existence of its own. As such, names are chosen carefully, to have a favourable influence on the future.

Is it possible that the name *landlord* has negative power over tenants or even landlords themselves? The simplest definition for landlord found was "somebody who rents out property."¹ Sounds fairly harmless, but there is a long history to this property-renting role and its current noble or perhaps ignoble name.

Some of the earliest tenants were farmers in the time of the late Roman Empire. Known as *coloni*, they were not slaves specifically, but were considered bound to the soil by debts and law, even inherited with the land if sold. And by 332 C.E. the *proprietary*, or landowner, had the legal right to literally bind a colonus in chains if suspected of escape. This harsh servitude continued generation after generation, until evolving into serfdom in the Middle Ages, with feudal landholding.

Feudalism was a complex system, also known as seigneurialism and manorialism. Peasant *serfs* were technically free, but tied to an unfree tenure working their land and the lands of the *lord of the manor* in exchange for protection from outsiders. Still required to seek permission to leave, these tenants could otherwise be reclaimed by law. Also expected were heavy taxes, considered degrading and a mark of their lower status. Yet, basic protection from a landlord's whims was now afforded by customs upheld in a manor court.

In North America, seigneurialism developed in New France. Here landholding *seigneurs* attempted to make their tenants, or *habitants*, work for them for free, but this was considered against the law. However, tenants still paid a *cens*, a small tax or "tithes" to acknowledge their lesser station. When the feudal system died out, in some parts of the world similar tithes may have been added on to rents and legitimized forever. Clearly initial arrangements between tenants and landlords were hierarchical and oppressive, not far from conditions of slavery. But does the word *landlord*, which came into common usage sometime before 1595, still resound with this unfortunate history?

After suffering a sad fate or illness, some people in South Asia change their name, in an attempt to confuse the evil spirits thought responsible. Might it be time for tenants to make a break from the "ghosts of the past" and find a new name for *landlord* with positive connotations, in hope of more equitable relations? Log on to our website at www.torontotenants.org and cast your vote.

¹ [Encarta World English Dictionary](http://www.encyclopedia.com). [North American Edition]. On-line. Microsoft Corporation. 16 Feb. 2005

MARK YOUR CALENDER
The FMTA's Annual General Meeting
 will be held on
May 28, 2005

OISE : 252 Bloor St. W
 10 am to 3 pm

for more information call (416) 646-1772

Together We Are Strong!



Apartment Hunting

By Wendy Lum

Federation of Metro
Tenants' Associations

27 Carlton St.,
Suite 500
Toronto, Ontario
M5B 1L2

TENANT HOTLINE:
(416) 921-9494

FMTA OFFICE:
(416) 646-1772

OUTREACH AND
ORGANIZING:
(416) 413-9442

FAX:
(416) 921-4177

We're on the Web!
www.torontotenants.org

E-MAIL:
hotline@torontotenants.org

Tenants often ask questions after they have applied for an apartment. Here are a few helpful hints to make this process run smoothly.

The application for an apartment is a binding agreement to specific terms. Read the application thoroughly before you sign it. Ask for a copy of the signed application. Or ask for the application and take it home and think about it overnight. Do not allow the landlord to pressure you into applying for the apartment immediately. This is a very important decision so make certain that you are making the right decision for yourself. If you are signing a one year lease agreement this may be your biggest financial responsibility for the year. You are responsible for the rent for the unit for the next twelve months.

It is common for the application to state the terms of the rental period. Once you sign the application you have agreed to rent the apartment for the specified term. If the landlord chooses you as a tenant, you cannot simply change your mind. If you back out of the agreement you will lose your deposit.

Often the landlord will ask for a deposit which is applied to your last

months rent. Do not give the landlord your deposit in cash. It is best to buy a money order or certified cheque. This way you will have an official receipt of your deposit.

When you are being interviewed as a tenant take this opportunity to interview your future landlord. Feel free to ask questions. If possible write a list of desirable needs and possible questions for the landlord. Remember, this is a partnership of sorts.

When you are viewing the apartment take the time to thoroughly check it out. For example turn on taps, open the cupboards, look in closets and do not forget to look for disrepair. If the landlord agrees to fix repairs get this in writing before you sign a lease agreement.

Remember, your home is your castle.



Yes, I want to be part of the Tenants' Movement!

Please send me my membership card and information about the services that I receive a member.

<p>I will pay my membership dues by:</p> <p><input type="checkbox"/> Cheque or money order (made out to FMTA)</p> <p><input type="checkbox"/> Cash</p> <p>Please Print: Name: _____ Address: _____ Apt. #: _____ City: _____ Postal Code: _____ Telephone #: (h) _____ (w) _____ Fax: _____ e-mail: _____</p> <p>Yes! I would like to donate \$ _____ to the FMTA!</p>	<p>I am joining as the following type of member:</p> <p><input type="checkbox"/> New Member <input type="checkbox"/> Renewal</p> <hr/> <p><input type="checkbox"/> Individual: \$15/year <input type="checkbox"/> Senior, student or unemployed: \$5/year <input type="checkbox"/> Sustaining Member: \$50/year <input type="checkbox"/> Homeowner (non-voting): \$25/year <input type="checkbox"/> Organization (non-voting): \$25/year <input type="checkbox"/> Tenants' Association: _____ units, \$10 per year per unit (minimum 3 units)</p>
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Send to: Federation of Metro Tenants' Associations, 27 Carlton St., Suite 500, Toronto ON, M5B 1L2