

The Tenant



Winter 05/06

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

Notes from the Front Lines

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- **How Long is Too Long?**
- **Fairy Tale Rooming Houses**

By Dan McIntyre

Do They Still Love Us?

The Ontario Liberal Government continues to say they plan to protect tenants with new legislation, but it is still nowhere to be found. The FMTA has scheduled a meeting with them this month, but their mind seems to be on the new City of Toronto Act (they've already postponed two meetings). Meanwhile, the NDP declared November 15 as Tenant Day. They held a news conference with Michael Prue MPP, Barb Allingham from Scarborough, Theresa Bowers from East Toronto, and myself. Tenant day was a reminder to the Liberal Government about the statements they made when they were in opposition and their former private member initiatives. Howard

Hampton led off the question period with concerns about the lack of Liberal action. He pointed out that the Government has been in office for 774 days without keeping their promises to the tenants of Ontario.

Every eviction and every unfair increase that Toronto tenants have had to absorb this year is related to the current Government and its failure to address the obvious unfairness of the Tenant Protection Act.

Tenant Summit

On November 26, we hosted a meeting of more than 35 tenant leaders from across Toronto. We reviewed the problem of Government inaction and we renewed our commitment to keep up the fight for Tenant rights. Despite this, there is growing cynicism among tenants that the Government will keep its promise.

Vacancies & Rent

Canada Mortgage and Housing released its' annual report (by the way, why doesn't the Tribunal ever release an annual report?) this month. According to the report, the vacancy rate is up to 4.3% but somehow rents continue to increase! So much for the idea that an increase in vacancy means a decrease in rent.

The FMTA is for All Tenants

Recently, we hosted a meeting with several leaders from various community organizations. Since this meeting, we have developed an action plan to better serve new Canadians and racialized communities in Toronto. Keep an eye out for our revamped workshops and materials!



Ask the Hotline

By Kevin Murray

Q. On November 30th I gave 60 days written notice of my intention to terminate tenancy by January 31st. However, despite all the talk about Toronto "being a renters market", I've been unable to find a comfortable and reasonably priced unit. I'm starting to worry that I won't find a place before the end of the month. If I can't find a place in time, can I pay a little bit extra and stay on for a day or two?

A. You must be careful to stay no longer than the period agreed upon in your Notice of Termination. If you gave 60 days notice and agreed to move out by January 31st, technically you must be out of your unit by January 31st at 11:59 p.m. While it is common for a tenant to move out the next day (for example during the morning of February 1st), it is the Landlord's discretion and should be negotiated *in writing* in advance.

On the 1st of the month, the landlord or the new tenant takes possession of the unit. If you stay any longer, your landlord may issue you with a T3 (Application to Terminate a Tenancy) for failure to abide by an agreement or Notice to Terminate Tenancy. This application will likely be heard in an expedited manner, without a hearing, and could result in both compensation for the Landlord and an eviction order in as little as three days of the Landlord's application to the Tribunal. And contrary to popular myth, there is no exception for evictions that occur during the winter months.

If you have any questions about your rights as a tenant, please call the Tenant Hotline at 416-921-949 Mon.-Fri. 8:30am – 6:00pm or email us at hotline@torontotenants.org

Old Man Winter is Here

By Wendy Lum

Winter is upon us and it's cold outside. Hopefully it's warm inside, but in some cases tenants are not receiving enough heat. Landlords legally should have turned on the heat as of September 15. The indoor temperature should measure at least 21 degrees Celsius or 70 degrees Fahrenheit. You can purchase an indoor thermometer and stand in the centre of the room and measure the temperature. Document the temperature at

various times of the day. If you are living with single paned windows or just poorly constructed windows you can ask the landlord to provide you with plastic that can be placed over the windows to deter the heat from escaping.

Inform the landlord of the lack of heat in writing. If the landlord does not respond with an acceptable explanation or increase the heat your next option is to contact a Property Standards Inspector in your area. You can either contact

the Tenant Hotline at (416) 921-9494 or call Access Toronto at (416) 338-0338 and ask for the number of a Property Standards Inspector in your area. When you pay your rent it is your **right** to live in a warm, comfortable home.

**Happy
Tenant
New Year!**
(stay warm)

Rooming Houses, Hotels, and Other Residential Palaces

By Howard Tessler

As a hotline worker, I get a lot of calls about rooming houses. A rooming house may not be Buckingham Palace, but it is still rental housing. Because of this, in almost all the calls I've taken, the tenant is still protected by the same law that protects any tenant in Ontario.

Tenants renting rooms call with a variety of issues: disrepair, security, illegal charges, and tenant to tenant problems (like noise or harassment). The landlord sometimes responds by saying that the building is a hotel or a rooming house and therefore doesn't operate under the Tenant Protection Act (TPA). Sometimes even social service agencies say it's not a legal rooming house and therefore the tenant isn't protected. Often the police will say the same thing. This is not true.

The TPA lists its "exemptions from the Act" in Section 3. The term "rooming house" is not included in this list.

But what happens if your building is called the _____ Arms Hotel? According to the Innkeepers Act, the key point in the definition of a hotel seems to be

the provision of food:

"inn" includes a hotel, inn, tavern, public house or other place of refreshment, the keeper of which is by law responsible for the goods of his guests.

"hotel" means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the traveling public by the supply of food and also by the furnishing of sleeping accommodation

R.S.O. 1990, c. H.17, s. 1.

Despite this, many tenants are told by their landlord "this isn't a *licensed* rooming house, so the law doesn't apply to you." Not so. Only the old City of Toronto and the old City of Etobicoke had by-laws licensing rooming houses and when the cities were amalgamated in 2000, these by-laws did not change or extend to the new City. Hence the licensing of rooming houses is not an issue. Property standards still apply, as do landlord – tenant regulations.

Ultimately, living in a rooming house – licensed or not – does not mean you have to live with disrepair, intimidation, or harassment. Living in a rooming house is living in rental housing. The same rules and obligations apply to both tenants and landlords. If your residence is a rooming house, the TPA applies.

You Say Goodbye, and I'll Say Hello....

By Emmy Pantin

Hot Hotline News

As news often goes, we get the good along with the bad.

Leah Lakshmi Piepzna-Samarasinha, a Hotline counsellor for over three years, has recently left the FMTA. Her dedication to helping tenants was amazing, but unfortunately for us, she has moved on to fight other battles.

Leah's departure left a gaping hole in the Hotline, one that Kevin Murray has been asked to fill. Kevin has been a Hotline relief worker for about a year and was thrilled to take a more permanent position.

Here's a Little Story

The FMTA welcomes Jed Kilbourn who is currently working on a contract basis with the Outreach and Organizing team. Jed brings a wealth of experience and talent and is a good guy to work with.

Federation of Metro Tenants' Associations

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(416) 921-4177

We're online!
www.torontotenants.org

E-MAIL:
hotline@torontotenants.org

In Brief

By Dan McIntyre

Tenants in the News

Recent news stories have highlighted the fact that high rents do not guarantee adequate maintenance and that unfairness exists in the current system. The Parkdale Tenants Association has announced its Lord of the Slums Tour to show the world the other side of Toronto. A North end complex has received a dubious distinction award from ACORN for bad maintenance and cockroaches. See the award at:

www.torontoslumtourism.com

The Kensington Bellwoods Legal Clinic lost an appeal whereby the landlord is evicting a man after his mother died, affecting the legal definition of tenant.

No Boycott

Someone has been pasting a false message on Renter's News boxes that we are boycotting the publication. There is no such boycott. The people doing the posting are trying to discredit us. People can read what they want to read, and if you are looking for an apartment, these magazines are a useful tool.

Lantern Parade

Once again the Federation of Metro Tenants Associations participated in the St. Jamestown Lantern Parade co-organized by our own Gene Lara. We proudly carried our banner past thousands of apartments in St. Jamestown.

Election '06

Our message to tenants? **Vote!** (And good luck to our board member, Sandra Romano Anthony, who is a candidate in the election.)

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) <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