

The Tenant



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

Fall / Winter 2009

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Housing is a Human Right

By Wendy Lum

The Ontario Human Rights Commission (OHRC) has recently released their Policy on Human Rights and Rental Housing. The Policy states that housing is a human right. It covers those living in rental housing (including social and co-op housing) and provides guidance on interpreting provisions of the Human Rights Code. As part of the release, the OHRC has also promised:

1. Public education on human rights protections in housing
2. Hold a public inquiry into the implementation in our court system

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Scarborough Tenants Organize

By Kristin Schwartz

elected Sufi president.

It was October 31, 2008 when the tenants of 45 Greencrest Circuit learned that MetCap Living Management was taking over their building – the next day!!!

Six days later MetCap issued “non-payment of rent” notices to dozens of units in the six-story building. Tenants were ordered to pay hundreds and even thousands of dollars, or face eviction. Most had paid their rent on time and had no idea what the notices were for.

“It was mental torture,” says Athar Sufi, a tenant in the building. “The recession was starting, people were losing their jobs. Christmas was just coming.” Sufi contacted his city councilor who referred him to the Federation of Metro Tenants’ Associations. After a meeting with an FMTA staff member, the tenants formed their own Tenant Association and

Next the tenants met with Gil Brereton at the Scarborough Community Legal Clinic. She assembled proof that tenants had paid their rent and arranged a meeting with head office staff of MetCap. It was then that tenants learned that MetCap was trying to collect money which the **previous** landlord claimed they owed. But MetCap was unable or unwilling to provide any information about when or how those arrears came about. “One of those notices said that a tenant owed \$4000 for the month of October,” says Brereton. “Just because they say a tenant owes money, that doesn’t make it so. It has to be proven at the Landlord and Tenant Board, how that amount came about.” When MetCap saw that tenants were organized and had legal back-up, they stopped sending the

See **Organize**, last page



Ask the Hotline

By Howard Tessler

Q. My landlord left a message on my voicemail saying that he was going to enter my apartment the next morning. He entered and started taking pictures. Is he allowed to enter just by leaving a voicemail message? Can he take photographs?

A. Unless you allow the landlord to enter or unless there is an emergency situation (flood, fire, etc) the landlord must give you a written notice 24 hours in advance. The notice “shall specify the reason for entry, the day of entry and a time of entry between the hours of 8 am and 8 pm.” (See Sec. 27 of the *Residential Tenancies Act*). The same written notice applies to landlords doing inspections.

The one exception is when you or your landlord has given notice of termination and the landlord is entering to show the unit to prospective tenants. In this instance the landlord is required only to inform or makes a “reasonable effort” to inform the tenant but “reasonable” is not defined in the law.

Although the RTA does not say anything about taking photographs, the Privacy Act does. A decision of the Privacy Commissioner in 2006 found that “tenants should be informed beforehand why their apartments are being accessed and that the unit will be photographed, and their consent obtained.”

Privacy is fundamental right of tenants. If your landlord is violating your privacy call the Hotline.

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

Myths & Facts

By Pauline Hwang

MYTH: My landlord put the house up for sale, so I have to move out.

FACT: Selling the property is not a reason for eviction under the law. You can be given a legal eviction notice only once your current landlord has entered into an agreement of sale with a purchaser who intends to live in your unit. Unless that happens, a new owner would simply take the place of the previous owner in your tenancy agreement.

MYTH: I owe rent, the landlord told me I have to be out by next week, so I have to go.

FACT: You do not need to go. The landlord must follow the legal eviction process. They would need to give you a written notice to terminate, and once that notice period is over, they need to apply to the Landlord Tenant Board for a hearing (that you have the right to attend) to get an eviction order. You have until the Enforcement Office comes to your place to change the locks to gather the back rent and void the eviction order. In the meantime, call the Hotline!

MYTH: Paying the rent I owe a couple days late is fine, as long as I pay in the first week of the month.

FACT: The landlord can issue an eviction notice even if you’re one day late. That won’t necessarily lead to an eviction however there is no ‘grace period’ for not paying rent on time. In addition, if you pay late a few times the landlord can apply for an order to terminate your tenancy for “Persistent Late Payment.” There is no definition of “persistent” in the law, but one day late can be considered “late”.

Rights, Continued from Front Page

3. Release a progress report of recommendations made last year

In August 31, 2007 the FMTA submitted to the Commission a consultation paper which you can view on our website at www.torontotenants.org. In the consultation paper, the FMTA asked that low social and low economic status be included in the Policy. The recently released Policy states that both are factors in discrimination.

This Policy is good news for tenants. It states that landlords are falling short of their responsibilities and it acknowledges that landlords have a responsibility for making sure their advertising and housing environments are free from discrimination and harassment.

The policy gives detailed examples of types of harassment that violate the code:

- While building security quickly investigates harassment complaints involving most tenants, they never follow up when a transgender tenant raises similar concerns.

- A landlord streams new immigrants and single mothers into older buildings and units that need fixing, because he thinks these groups are less responsible than other tenants.

There are many other examples outlined in the Policy. Even though tenants are protected by the Code we still hear appalling stories of tenant's rights being violated. On the Tenant Hotline last year we received over 600 complaints regarding harassment many of which involve discrimination. The FMTA hopes this policy will help prevent future violations of the Code.

If your Human Rights have been violated you can file an application at the Ontario Human Rights Tribunal. You can also file a T2 application at the Landlord and Tenant Board.

For more information on Human Rights and Rental Housing please refer to the Policy which you can view on our website at www.torontotenants.org. You may also call the Centre for Equality Rights in Accommodation at 416-944-0087 for information on discrimination in housing and the Tenant Hotline at 416-921-9494 for further information on your tenant rights.

Nov. 1st! New FMTA Benefits!

This Nov. 1st the FMTA will launch an insurance program that will avail tenants insurance to all eligible members!!! To find out more about the program call 416-413-9442.

Smart Meters! Victory!

By Dan McIntyre

Since 2008 some landlords and one smart meter company in particular decided they could foist energy costs onto tenants. The stress and angst this caused in tenant communities did not concern landlords. It did however concern the FMTA.

Tenants challenged these people, first at the Landlord and Tenant Board, and now at the Ontario Energy Board (OEB). And tenants won...both times.

Based on these rulings, landlords can only install smart sub-metering with informed tenant consent. No existing agreement between Nov. 2005 and Aug. 14th of this year, whether willing or not, is enforceable.

Why We Won

The odds were against us given the Government's commitment to smart meters but the OEB received 250 submissions from tenants and tenant organizations. Every submission was against the smart meter strategy of these landlords and called for fairness.

The Ontario Energy Board then acted and spoke clearly.

See Meters, last page

**Federation of
Metro Tenants'
Associations**

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

TENANTHOTLINE
(416) 921-9494

OUTREACH &
ORGANIZING
(416) 413-9442

OFFICE
(416) 646-1772

FAX
(416) 921-4177

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Since The Decision
The landlords asked the Board to review the decision in the hopes of getting a different result. The Board denied that request.

What Next?
It is now up to the Government of Ontario to draft good regulations that promote energy conservation while protecting tenants from unfair conversions. We are working closely with tenant and energy groups to achieve that fairness.

Organized, Continued from front page

threatening notices and the matter was dropped.

Since that victory, the tenants have achieved many more improvements in their building. They asserted their right to privacy when MetCap went door-to-door asking for SIN numbers and driver's licenses. The parking lot was re-organized, and spots set aside for people disabilities and visitors. Security cameras were installed and locks fixed. The tenants brought in Municipal Licensing and Standards inspectors, pest problems have been addressed, and the roof was fixed. "Now we are living peacefully, without headaches," says Sufi.

By organizing, these tenants have forced their landlord to respect their rights and address their concerns. If you are interested in forming a Tenant Association in your building, contact the federation at 416-413-9442 or e-mail fmta@torontotenants.org.

Visit our website! www.torontotenants.org

Become a member of the FMTA!

I will pay my membership dues by:

- Cheque or money order (made out to FMTA) Cash

Name: _____
Address: _____ Apt. #: _____
City: _____ Postal Code: _____
Telephone: (h) _____ (w) _____
Fax: _____ e-mail: _____

Yes! I would like to donate \$ _____ to the FMTA!

Type of membership:

- New Member Renewal

- Individual: \$15/year
 Senior, student or unemployed: \$5/year
 Sustaining Member: \$50/year
 Homeowner (non-voting): \$25/year
 Organization (non-voting): \$25/year
 Tenants' Association: _____ units, \$10/year/unit (minimum 3 units)