



The City of Toronto Tenant Defence Fund Grant Program



Why Tenants Need Help

The *Residential Tenancies Act* came into force January 31, 2007. It continues to allow landlords to raise rents above the annual rent increase guideline. Tenants still get as little as 30 days' notice before a formal hearing about their AGI. The short notice period leaves them little time to prepare a dispute if they choose to launch one. The new Act continues to overturn a law that prevented landlords from demolishing affordable rental homes or converting them to condominiums. When this happens, tenants can appeal to the Ontario Municipal Board (OMB) to try to prevent the loss of their homes.

How the City of Toronto is Helping

The City of Toronto has created a Tenant Defence Fund to help tenants preserve affordable rental housing. The Fund has two main parts:

- An Outreach and Organizing Team
- A Tenant Support Grant to help provide financial assistance to tenant groups.

The Outreach and Organizing Team

The Federation of Metro Tenants' Associations (FMTA) has been hired to carry out outreach and organizing related to the Tenant Defence Fund.

Our job is to help tenants broadly understand their Landlord's application, the process and to assist the tenants in applying for the Tenant Defence Fund Grant (TDF) and the additional Grant.

Our Services include:

- Expertise on the Residential Tenancies Act
- Outreach, education and help in organizing tenant groups
- Analysis of trends, test cases and results
- Assistance in preparing for a Board hearing or an appeal to the OMB or divisional court
- Links to community legal clinics and other services
- Assistance in applying for the TDF grant to cover costs.

An organizer is available to come to your building and meet with tenants. Call today (416) 413-9442.

The Tenant Support Grant

The Fund also provides a Tenant Support Grant to help cover the costs of preparing a dispute or appeal. These costs are high, especially if expert advice is hired.

By applying for a Tenant Support Grant, your group may receive up to **\$1,000** to cover the basic costs of disputing a landlord's AGI application at the Landlord and Tenant Board.

Some groups may receive an additional grant of up to **\$5,000** to hire an expert

Some groups may receive an additional grant of up to **\$10,000** for an appeal to Divisional Court,

Tenant groups may also apply for a grant up to **\$15,000** to dispute an application before the Ontario Municipal Board (OMB) to demolish their rental homes or convert them to condominiums.

Applying for a Tenant Support Grant

You need to work with other tenants in your building to apply for a grant. Contact the Outreach and Organizing Team for help (see below). The Outreach Team can help you understand how to apply for the TDF grant and can help you determine which grant your group should apply for.

Each application form has three parts:

- General information about your building and the reasons for your dispute or appeal
- An estimate of your expenses and the reasons for them
- A petition of tenants supporting the dispute or appeal.

The Outreach Team can help you draft the reasons for your dispute or appeal and estimate your expenses.

For the basic grant, there are limits on the amount you may be reimbursed for each expense, so avoid using up the entire grant on any one item. For example, the cost of photocopying your landlord's file at the Board can be high but the limit you can claim for photocopying is \$200. Other eligible expenses include the cost of

hiring a qualified agent to represent you at the Board, renting meeting space and the cost of printing, postage and translation. Regardless of the costs allowed for renting rooms, photocopying, and hiring a qualified agent the maximum amount for all expenses is \$1000 combined.

When you have filled out the grant application form and tenants' petition, send it to your organizer

Make sure to include:

- a)** A copy of your landlord's application for an AGI, demolition or condo conversion
- b)** Proof of rent for each tenant affected by the landlord's application (e.g. rent roll for your complex, rent receipts or Notices of Rent Increase)
- c)** A Notice of Hearing from the Board, OMB or divisional court (if available).

Your organizer will contact you if your application has been approved.

Qualifying for a Grant

To qualify for a grant, a certain minimum number of tenants *affected* by the landlord's AGI, demolition or condo conversion application must sign the tenants' petition in the grant form. If there are fewer than 100 units in your complex, at least 50% of the *affected* tenants must sign the petition. If there are 100 or more units, at least 33% must sign.

Note: only one signature per affected unit will be counted on the grant petition.

There is also a qualifying rent. Again, if there are fewer than 100 units in your complex, at least 50% of the affected tenants must rent at or below the qualifying rent for their unit type. If there are 100 or more units, at least 33% must rent at or below the qualifying rent.

The qualifying rents for 2012 are:

- Bachelor apartment**\$945**
- One-bedroom apartment**\$1,126**
- Two-bedroom apartment**\$1,335**
- Three-bedroom or larger apartment **\$1,580**

Note: Qualifying rents change annually

The reason for the qualifying rents is to help target the TDF grants to buildings with affordable rents. Please note there are other eligibility criteria on the grant application forms.

Hiring a Legal Agent or Lawyer

One expense the TDF grant can be used to cover is the cost of hiring an agent to represent your group. In many cases, this is an important benefit to tenants. However, having an agent represent you is not always necessary. In some cases you may do just as well on your own.

The Outreach and Organizing Team can give you general information on what to look for in your landlord's application so you can be prepared at your hearing.

If you decide to hire an agent, choose this person carefully. Ask any potential agent for references. You can also call your local community clinic or the Law Society of Upper Canada for information or advice.

Organizing to Dispute an Application

It is not necessary to form a Tenant Association in order to address problems in your building or to challenge an AGI, but it helps! Having a Tenant Association shows the landlord that the tenants are united and working together.

You should at least form a committee in order to make sure the basic work necessary to prepare for the hearing gets done. This is useful for fundraising, keeping track of your expenses, and the grant application process. The Outreach Team can help you set up this committee. Also, ask us for a free copy of the Federation of Metro tenants' Associations Tenant Organizing Manual.

Educating and Informing Tenants

The Outreach and Organizing Team also offers workshops to newcomer groups about tenant rights and the best way to make use of them.

If you work with a newcomer group and would like to set up a workshop, please give us a call to set up a meeting.

Rent Increases Can Be Challenged!

The provincial government's Residential Tenancies Act has changed the rules that allow landlords to raise the rent above the annual rent increase guideline.

A hearing must be held and tenants **HAVE THE RIGHT TO CHALLENGE THE INCREASE.**

Your rent could be raised by up to 3% above the guideline in any one year for:

- Capital expenditures (repairs or renovations other than normal ongoing maintenance),
- Increase cost of security services or the addition of new security services

Note: If your landlord's cost, for capital expenditures, is more than 3% of your rent, the landlord can carry forward cost into following years.

Your landlord can also apply for a rent increase above the guideline for higher than average increases in property taxes, heating, water or hydro costs.

Note: AGI increases based on increased property taxes, heating, water or hydro costs can exceed 3% in any one year.

Remember before a rent increase above the guideline becomes legal, the Landlord and Tenant Board must approve it.

For any question please contact your Federation of Metro Tenants' Associations Outreach Team.

416-413-9442

