



Ontario Undergraduate Student Alliance

POLICY PAPER

Housing, Transit, & Community Development

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ABOUT OUSA

OUSA represents the interests of over 140,000 professional and undergraduate, full-time and part-time university students at eight student associations across Ontario. Our vision is for an accessible, affordable, accountable, and high quality post-secondary education in Ontario. To achieve this vision we've come together to develop solutions to challenges facing higher education, build broad consensus for our policy options, and lobby government to implement them.

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EXECUTIVE SUMMARY

This policy paper aims to illustrate what students believe to be underappreciated issues and concerns in their municipalities. Though tensions tend to run high between temporary and permanent residents in cities with post-secondary institutions, universities contribute largely to the growth of local economies. Given the significant impact that universities have on their communities, attention should be paid to maintaining and strengthening relationships between university students and their municipalities.

THE PROBLEM

Inexperienced Tenants

Student tenants are vulnerable to predatory leasing practices and as a result, often struggle to find quality, affordable housing close to their campuses. Students are easily taken advantage of because they are unfamiliar with the rights and responsibilities of landlords and tenants. Moreover, it can be difficult for students to become informed. The provincial government does not put the onus on municipalities to provide adequate information about tenant rights and responsibilities to renters in their cities. Also, legal aid clinics across Ontario are overworked and underfunded, unable to provide services to all those that request it.

Lack of Protection & Recourse

Students are facing increasing mistreatment from landlords, such as rental units not being ready on contractually agreed upon move-in dates. Unfortunately, there are few pre-occupancy protections for tenants under provincial law. Seeking recourse and restitution through the Landlord and Tenant Board (LTB) or the Rental Housing Enforcement Unit (RHEU) can be confusing and cumbersome processes for student tenants to undertake. First, there is an unclear relationship between these two bodies. Second, the LTB has refused access to information on its rulings. Lastly, it does not have the authority to enforce its own decisions. In the end, students are deterred from engaging in existing dispute resolution processes.

Inadequate Transit Systems

The ability to free move between municipalities has great impact on students' experiences when studying and/or living away from their permanent residence. However, transit routes connecting different municipalities are lacking and the routes that do exist are often uncoordinated. For students with mobility concerns, physical and financial barriers further decrease their transit options. The lack of active transit infrastructure also decreases student mobility; unfortunately municipalities do not always have the financial capability to invest in active transit infrastructure.

Decision-makers may not appreciate students' concerns, as they do not have adequate representation at critical tables, like on the Metrolinx Board of Directors. Even at the local level, there is little recognition for the impact of transit strikes on access to university campuses.

Discriminatory Bylaws

The Ministries of Municipal Affairs' and Housing's *Provincial Policy Statement* does not address near-campus neighbourhood development. Without adequate planning, students are facing undue barriers and bylaw regulation that other community members do not face. As a result, students are forced out of the neighbourhoods they want to live in by practices that specifically target their demographic. Municipalities are implementing and proactively enforcing bylaws that are specific to wards with high concentrations of students and that are in close proximity to university campuses. There is little information and evidence of best practices in the development of rental licensing bylaws, which may lead to further discrimination and increased costs for students. The Ontario Human Rights Commission (OHRC) has observed discriminatory practices in this regard.

RECOMMENDATIONS

Plan & Develop Near-campus Neighbourhoods

All student tenants should have access to quality, affordable housing within a reasonable distance from their post-secondary institution. To do this, near-campus neighbourhoods should be consciously planned and developed. The Ministries of Municipal Affairs and Housing should add a section about zoning and development guidelines for near-campus neighbourhoods to the *Provincial Policy Statement*. Under the plan's guidance, the province should work with the Association of Municipalities of Ontario to establish an advisory committee on student housing issues.

Provide Better Information & Education

All student tenants must be able to easily access and understand their rights and responsibilities as renters. The provincial government should provide funding for municipalities that house university campuses to adequately promote and reinforce tenant rights and responsibilities. Funding should also be provided for local non-profits and Legal Aid Ontario clinics to target students. The provincial government should also work with student associations to create educational campaigns to aid student tenants in understanding their rights and responsibilities.

Amend the Residential Tenancies Act

All student tenants would be better protected under the *Residential Tenancies Act* if the Act addressed their specific vulnerabilities. This could be accomplished if the Ministry of Housing reviewed the Act and eliminated gaps in pre-tenancy rights. This ministry should look to create legislation under which landlords are not able to collect rental deposits prior to a building obtaining a Final Occupancy Permit. In the case that construction on a rental unit is not complete on a contractually binding move-in day, legislation should exist to ensure that landlords return tenants' deposits and any rent payments for the period they did not occupy the unit.

Strengthen the Landlord Tenant Board of Ontario

Student tenants should have access to fair and timely dispute resolution when landlords are not meeting their legal obligations. Transparency and access to information are crucial to ensuring integrity while resolving these types of disputes. The Ministries of the Attorney General and Municipal Affairs should establish a single complaints and claims process that integrates the LTB and the RHEU. New process should set maximum wait periods for claims to be heard, in order to expedite students' disputes and also establish transparency requirements for the LTB.

Improve Inter-regional Transit Networks

Inter-regional transit is essential for students who commute to or reside in different municipalities than their post-secondary institution and a lack of inter-regional transit should not be a barrier for them to attend the institution of their choice. The Ministry of Transportation should coordinate with Metrolinx and the Ontario Northland Transportation Commission to develop a sustainable, long-term, inter-regional transit plan that would use universities as transit hubs. This would necessitate a change in the Metrolinx mandate to encourage them to expand transit routes throughout the province, not just in the Greater Toronto Area. Metrolinx should also adopt a seat for student representation on their board of directors to address student concerns and opportunities for improved service between university transit hubs.

Increase Accessibility

Students' ability to access their university campus is essential. Inter-regional transit should be accessible and subsidized for persons with mobility concerns. The Ministry of Labour should legislate that all local public passenger transportation systems are essential services. The Ministry of Community and Social Services should expand the Ontario Disability Support Program to provide reduced-cost inter-regional transit services for persons with disabilities.

Develop Active Transit Routes

Active transit options provide healthy, environmentally friendly alternatives for commuting students. Active transit also has community benefits, such as reducing traffic congestion. Pedestrian safety should be prioritized when implementing new strategies for active transit. The 8-80 principle offers a guideline for best practice. The provincial government should permanently reintroduce the Community Transportation Pilot Grant Program and expand the terms of reference to include to post-secondary institutions and active transportation within its eligibility criteria.

Monitor Bylaw Implementation & Enforcement

Under the *Ontario Human Rights Code* (the Code), everyone has the right to equal treatment in housing. The Ministry of Municipal Affairs should develop accountability measures, in consultations with student representatives and the OHRC, to ensure municipalities remain in compliance with the Code and the *Municipal Act*. The Ministry should consult the OHRC in the regular review of these accountability measures. To better protect student tenants, the Ministry of the Attorney General should issue a statement—for the courts to adhere to—that recognizes student status as a proxy for the Code protect grounds of age, marital status, or receipt of public assistance.

Rental licensing bylaws should be established based on best practices and evidence, as they too must conform to the standards of inclusivity and access set out in the Code. The Ministries of Municipal Affairs and Housing should conduct a feasibility study on the implementation of rental licensing bylaws to ensure evidence of best practices is available.

INTRODUCTION

Tensions tend to run high between temporary and permanent residents in cities with a post-secondary institution. Even under these circumstances, universities contribute largely to the growth of local economies. The University of Waterloo's Economic Impact Study in 2013 found that the catalyst for growth in the Region of Waterloo is largely due to the university and its emphasis on innovation and co-op programming.¹ Given the significant impact that universities have on their communities, attention should be paid to maintaining and strengthening relationships between university students and their municipalities.

This policy paper aims to illustrate what students believe to be underappreciated issues and concerns in their municipalities. It begins by discussing experiences with rental housing. When talking about these issues, it's important to acknowledge that students are often targeted and taken advantage of by their current or prospective landlords. As such, they should be considered a vulnerable population. Their vulnerability comes in two forms: a lack of education about their rights and relatively little experience as tenants. Landlords can take advantage of their student tenants by putting illegal clauses in lease agreements (like a 'no pets' rule). Student tenants often pay higher prices for their housing than non-student tenants: landlords take advantage of loopholes and charge per bed—which is not a typical rent practice but allows landlords to maximize their earnings. While there is information available to students about their rights as tenants it's unfair to assume they know about this information or where to access it, especially because of how many are first-time home renters.

When it comes to transportation, students feel isolated in many ways. Public transit routes between municipalities and regions are often uncoordinated and disconnected, when they exist at all. This severely impacts students academic decision making—students will choose which institutions to attend, how often they go to campus, and which courses they take all based on the availability of transit options. Limited transportation options may make certain options unaffordable for students—especially under the disjointed state of Ontario's inter-regional and active-transit networks.

Taking a broader look at students' relationships with their municipalities reveals complications with community development. Several cities in Ontario have attempted to restrict students' behaviour using geographic- or time-bound bylaw implementation and enforcement. With little evidence or best practice associated with managing student populations, municipalities are implementing bylaws in near-campus neighbourhoods deemed discriminatory by the Ontario Human Rights Commission.

Such issues broadly encompass students' livelihood outside of the classroom. Attending university is generally stressful; students are pushed to their limits balancing their academics, social lives, and extra-curricular activities while being expected to have a handle on housing and community relations on top of these. We need to acknowledge that living without adequate and safe housing, transportation, and community supports can directly affect students' success.

There needs to be more support.

The provincial government cannot take a back seat to issues that affect both students and permanent residents. It is imperative that the provincial government does not offload more programming, education, and expectations onto municipalities without providing them with adequate support, funding, and resources to do so. Historically, municipalities have been cited as "creatures of the province."² While we want to encourage the provincial government to work with municipalities to alleviate some of the pressure they must not overstep their jurisdiction.

Students shouldn't have to worry about unfair landlord practices, unaffordable housing near their institution, inadequate transit options, or intentionally discriminatory by-laws. Students instead should be focused on

¹ Pricewaterhouse Coopers, *University of Waterloo Economic Impact Study: 2013 Highlights* (Waterloo: University of Waterloo, 2013).

² Andre Coté and Michael Fenn, *Provincial- Municipal Relations in Ontario: Approaching an Inflection Point* (Toronto: Institute on Municipal Finance and Governance, 2014), 2.

succeeding in high-stress environments, getting involved with their institution or in their community, and building relationships to jumpstart their careers.

HOUSING

ENSURING QUALITY AND AFFORDABLE HOUSING

Principle: All student tenants should have access to quality, affordable housing within a reasonable distance from their post-secondary institution.

Concern: Student tenants are vulnerable to predatory leasing practices.

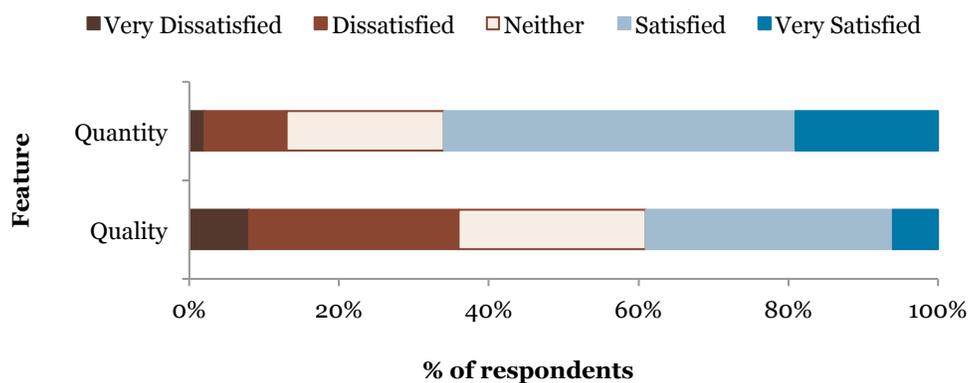
Concern: Students often struggle to find quality and affordable housing in near-campus neighbourhoods.

Recommendation: The province should work with the Association of Municipalities of Ontario to establish an advisory committee on student housing issues.

Good housing is crucial to students’ well-being and to their personal and academic success. However, there is a persistent narrative that undermines access to quality and affordable housing: that poor quality housing is effectively a rite of passage for the typical postsecondary student. This expectation is problematic because it results in students being seen as tenants for whom quality standards and affordability concerns need not apply as they do to any other potential tenant. Consequently, some landlords take advantage of students through questionable leasing practices that provincial and municipal governments are struggling to address.

Lack of municipal enforcement and provincial direction in dealing with near-campus neighbourhoods has created persistent issues between students and their municipalities.³ For example, poor quality accommodations are a perennial concern in near-campus neighbourhoods. Some communities scapegoat students, suggesting that near campus neighbourhoods tend to have low quality housing because students are loud, messy, and disrespectful. While this may be true of some student tenants, it is similarly true of some non-student tenants. Perhaps the common denominator of loud, messy, and disrespectful tenants is not *who* they are, but *where* they live, namely, in housing that is of poor quality. Figure 1 below illustrates OUSA members’ attitudes towards their housing prospects: while students do not seem to have a problem finding housing (there is adequate supply), they report being unsatisfied with the quality of housing available to them.

Figure 1: Student satisfaction with off-campus housing options, n = 3113.



³ “Near campus neighbourhoods” refers to neighbourhoods that are relatively close to post-secondary campuses and have high student occupancy rates. It is important to note that this paper chooses not to call them “student neighbourhoods” because regardless of the concentration of students, any neighbourhood in a given municipality hosts many different types of residents. See McMaster Students’ Union, *Student Housing in Near Campus Neighbourhoods* (Hamilton, Ontario: McMaster Students’ Union, 2015), 1.

These data are exemplified by the current situation in Kingston's University District, which has long been known as the Queen's "student ghetto." Over several decades, student rental homes increased within the University District, while families moved out.⁴ Property managers began expanding on existing properties, eventually creating "monster homes." For years, the City of Kingston failed to adequately address related concerns. Over the course of several years, an antagonistic relationship developed between the university community and the rest of the city. Most recently, the City tried to curb development of monster homes, but did so using a bylaw targeting student neighbourhoods. Near-campus neighbourhoods in Oshawa and Hamilton have also experienced similar situations, where the municipalities have discriminated against students in narrow efforts to improve "town and gown" relations.

Other cities have fared better, however. For example, the City of Waterloo implemented a secondary plan for Northdale, a near-campus neighbourhood with a high number of student residents from both local universities. The plan is currently being implemented and, while it is not without flaws, it is accomplishing what it set out to do: to transform a formerly decrepit neighbourhood that drove residents away into a neighbourhood with a variety of affordable and higher-quality housing options.⁵ The above discussion shows that housing issues are not isolated. Rather, students are denied basic housing rights across Ontario.

Other stakeholder groups across the province should take near-campus neighbourhood issues more seriously. In 2014-2015, there were 435,000 full-time university students on 21 university campuses across Ontario.⁶ Naturally, many of these students lived in near-campus neighbourhoods. The Association of Municipalities of Ontario (AMO) has a big stake in the issues outlined here, but it does not yet have a formalized way of addressing issues in near-campus neighbourhoods. The AMO should establish a standing committee for "Town and Gown" issues, which would provide further research and recommendations to the vision laid out in this policy paper. Namely, that students ought to be treated as any other tenant, but since they often are not, corrective action can be taken through forward-facing development strategies. Rather than being brushed off as visitors who cause headaches and do not pay municipal taxes (which is a misconception—all tenants pay property taxes indirectly through their rent), students should be seen as members of their communities, as tenants just like any other, and hence should be treated just as fairly.

DISSEMINATING INFORMATION AND EDUCATION FOR TENANTS

Principle: All student tenants must be able to easily access and understand their rights and responsibilities as renters.

Concern: The provincial government does not put the onus on municipalities to provide adequate information about tenant rights and responsibilities to renters in their cities.

Concern: Student tenants are frequently taken advantage of by landlords because information about their rights and responsibilities is not advertised.

Concern: Legal aid clinics across Ontario are overworked and/or underfunded, unable to provide services to all those that request it

Recommendation: The provincial government should provide funding for municipalities with university campuses to adequately promote and reinforce tenant rights and responsibilities.

Recommendation: The provincial government should provide funding for local non-profits and Legal Aid Ontario clinics to target students and provide legal information or education surrounding tenant rights.

⁴ Clare Clancy and Carolyn Flanagan. "Student Ghetto through the years." Student Ghetto through the years | The Journal. January 13, 2012. Accessed February 15, 2017. <http://www.queensjournal.ca/story/2012-01-13/student-ghetto-through-years/>.

⁵ "Northdale." City of Waterloo. Accessed February 15, 2017. <http://www.waterloo.ca/en/government/northdale.asp>.

⁶ Statistics Canada, *Postsecondary enrolments by institution type, registration status, province and sex (Both sexes), 2014-2015*. CANSIM, table 477-0019.

Recommendation: The provincial government should work with student associations to create educational campaigns to aid student tenants in understanding rights and responsibilities.

Students do not always know where they can find information when it comes to leasing a dwelling, especially those who are renting for the first time. Opportunistic landlords can easily take advantage of these students. Anecdotally speaking, many landlords do not provide tenants with the documents required by Part II, Section 11 of the *Residential Tenancies Act*. This leaves many tenants in the dark, having no concept of their rights or responsibilities. If students had better access to information, they would be less vulnerable as first time renters. A study by the City of Waterloo Town and Gown Committee found that 33 percent of student respondents felt that they were not at all informed about their rights as a tenant, with another 55 percent feeling only somewhat informed.⁷ The study also found that the majority of students were not aware of a municipal bylaw regarding rental licensing, which further shows that students are not aware of tenant rights or landlord responsibilities. In cities with universities there are also often a lot of students looking for housing in the area immediately surrounding the campus.⁸ This makes them a captive and vulnerable audience for opportunistic landlords.

There is the concern that the provincial government often takes advantage of municipalities by distributing too many responsibilities to them.⁹ Regardless of this concern, marketing tenant rights and responsibilities makes the most sense when done at a local level. This communication would be more effective, relevant, and will reach more people if it came from municipalities and other local stakeholders. OUSA recommends that resources and funding from the provincial government intended for tenant education and marketing efforts be targeted specifically towards municipalities with universities in them. This is strategic and intentional because, as previously discussed, students are vulnerable as inexperienced tenants.

While municipalities should have autonomy when it comes to the outreach they choose to do, OUSA would like to see them target university residences with information sheets about the *Residential Tenancies Act* and the Landlord Tenant Board (LTB). They should also disseminate door hangers and pamphlets for tenants in the broader community. The goal of this outreach is to educate tenants on their rights and let them know about the resources available to them should they feel their landlord is mistreating them. Municipalities should also further develop their relationships with student unions to ensure effective partnerships exist to educate students.

Education is not the be all and end all, however it is the first step to informing tenants of their rights. Equipped with this information, students will be empowered to stand up for themselves and demand fair treatment from landlords.

When ready to act on the information they have received, student tenants will need legal advice. Legal Aid Ontario is underfunded and overworked as demonstrated through boycotts, case backlogs, and lawyers subsidizing their own costs.¹⁰ With adequate funding and resources, Legal Aid Ontario clinics could provide educational resources and legal information targeted to students, especially when going to the LTB. Local non-profit corporations such as housing associations and tenant associations should also be equipped to lead outreach initiatives in their area. With provincial funding to both municipalities and local legal clinics or associations, not only would students have faster and better access to information about tenant rights, there would be help at a time when students are looking to demand fair treatment from landlords and bring them to the LTB.

In order for students to have ready access to information the provincial government should work with student associations in creating and promoting educational campaigns to student tenants. These educational campaigns could consist of toolkits, resource packs, pamphlets, and videos to guide student as they move off-campus, perhaps targeting first year students or those in university residences. This outreach along with that coming from municipalities outlined above, would give students the tools they need to demand proper treatment from landlords.

⁷ Student Housing Ad Hoc Working Group, *2014 Student Accommodations Review: Waterloo Postsecondary Student Housing* (Waterloo: City of Waterloo Town & Gown Committee, 2015), 10.

⁸ StudentMoveTO, *An overview of early findings* (Toronto: StudentMoveTO, 2016).

⁹ Coté and Fenn, *Provincial- Municipal Relations*, 2.

¹⁰ Kirk Makin, "Legal Aid Boycott Gathering Strength", *The Globe and Mail*, July 3, 2009, <http://www.theglobeandmail.com/news/national/legal-aid-boycott-gathering-strength/article4212974/>.

AMENDING THE RESIDENTIAL TENANCIES ACT

Principle: All student tenants should be fully protected under the *Residential Tenancies Act*.

Principle: The *Residential Tenancies Act* should address the specific vulnerabilities of student tenants.

Concern: Lack of rental experience makes students particularly vulnerable to mistreatment from landlords.

Concern: Students are facing increasing mistreatment from landlords, such as rental units not being ready on contractually agreed upon move-in dates.

Concern: There are few pre-occupancy protections for tenants under provincial law.

Recommendation: The Ministry of Housing should review the *Residential Tenancies Act* and eliminate gaps in pre-tenancy rights.

Recommendation: The Ministry of Housing should create legislation under which landlords are not able to collect rental deposits prior to a building obtaining a Final Occupancy Permit.

Recommendation: In the case that construction on a rental unit is not complete on a contractually binding move-in day, the provincial government should legislate under the *Residential Tenancies Act* that tenants receive back their deposit and rent payments for the period of time they are not occupying the unit, regardless of whether or not the tenant chooses to terminate the lease.

All students should be fully protected under the *Residential Tenancies Act*, yet as it currently stands, they are not. The *Residential Tenancies Act* does not address the issues that students are increasingly facing with landlords and rental management companies before moving into brand-new, purpose-built units. In recent years, a trend has begun to emerge around the preparation of purpose-built “Luxury Student Housing.” Buildings advertised as such are typically large highrise buildings and the companies that manage them promise beautiful units along with amenities like pools, gyms, and movie theatres. With all of this usually located minutes from university campuses, students are eager to live in these apartments. However the rental company will collect deposit money and have students sign leases before construction is complete and in some cases, before it has even begun. A pattern of abuse has developed where these apartment buildings are not completed in time for tenants’ contractually agreed upon move-in dates. This has become a common occurrence in the City of Waterloo where popular student highrises like ICON Waterloo, One Columbia, and K2 have left students scrambling to find alternate housing at the last minute.¹¹ Similar situations have also occurred in Toronto, where construction on a building owned by Knightstone Capital had not finished in time for students to move in on the date outlined in their lease.¹²

Student tenants who are in these positions have very few protections under the *Residential Tenancies Act*. Students would like to see the Ministry of Housing review the *Residential Tenancies Act* to address the emerging pre-occupancy issues tenants are facing. This would give tenants legal recourse when landlords and rental management companies treat them unfairly. In this review, it is important that the Ministry of Housing work with the Ministry of the Attorney General to find areas within the Landlord and Tenant Board process that could be improved to help alleviate the issue of pre-occupancy mistreatment.

Many of the issues that student tenants face prior to moving into their rental unit could be resolved by preventing landlords from leasing units before a building is completed. This could be achieved by requiring landlords to obtain

¹¹ Jeff Hicks, “Students scramble after Waterloo housing complex fails to open on time,” *The Waterloo Record*, September 5, 2016, <http://www.therecord.com/news-story/6841192-students-scramble-after-waterloo-housing-complex-fails-to-open-on-time/>. CTV News Kitchener, “Tenants frustrated as 1 Columbia still not ready for occupancy,” *CTV News Kitchener*, September 17, 2014, <http://kitchener.ctvnews.ca/tenants-frustrated-as-1-columbia-still-not-ready-for-occupancy-1.2011853>. Carmen Ponciano, “Students are still waiting to move into the K2 building in Waterloo,” *CBC News*, October 25, 2016, <http://www.cbc.ca/news/canada/kitchener-waterloo/students-still-waiting-k2-building-waterloo-1.3814113>.

¹² CBC News, “Hundreds of students could wait weeks for downtown residence,” *CBC News*, September 7, 2015, <http://www.cbc.ca/news/canada/toronto/hundreds-of-students-could-wait-weeks-for-downtown-residence-1.3218695>.

a Final Occupancy Permit under the *Ontario Building Code Act* before they can collect rent deposits.¹³ Many landlords require a deposit at the time of lease signage. OUSA believes that having to wait to collect deposits would prevent landlords from leasing units before they have acquired a Final Occupancy Permit. This would provide a greater minimum standard of protection for students, preventing tenants from moving into incomplete buildings. It would also mean that tenants would have a greater opportunity to view units before signing a lease.

In the instance that a rental unit is not ready for occupancy on the move-in date outlined in a tenant's lease, OUSA believes that the tenant should receive compensation. Under current regulations, tenants may get their rent deposit back only if they terminate the lease.¹⁴ This puts students in the difficult position of choosing to terminate a lease and search for alternate long term housing if they choose to pursue retribution. Students should receive money back for the time they were not able to live in the leased unit regardless of their decision to continue leasing the unit or not. It is only reasonable that the tenant receive compensation to assist in offsetting the costs of finding alternate accommodations and that they be reimbursed for the rent they paid while not living in the unit.

RESOLVING DISPUTES

Principle: All student tenants should have access to fair and timely dispute resolution when landlords are not meeting their legal obligations.

Principle: Transparency and access to information are crucial to ensuring the legitimacy and integrity of tribunals.

Concern: There is an unclear relationship between Ontario's two recourse bodies for rental housing complaints, the Rental Housing Enforcement Unit and the Landlord and Tenant Board of Ontario.

Concern: Seeking recourse and restitution through the Landlord and Tenant Board of Ontario or the Rental Housing Enforcement Unit can be confusing and cumbersome processes for student tenants.

Concern: The Landlord and Tenant Board of Ontario does not have the authority to enforce its own decisions.

Concern: The Landlord and Tenant Board has refused access to information on its rulings.

Recommendation: The Ministry of the Attorney General should ensure that claims made by student tenants to the Landlord and Tenant Board are expedited by setting maximum wait periods for claims to be heard.

Recommendation: The Ministry of the Attorney General and the Ministry of Municipal Affairs should establish a single complaints and claims process by developing a clear and comprehensive plan for the integration of the Landlord and Tenant Board and of the Rental Housing Enforcement Unit.

Recommendation: The Ministry of the Attorney General should establish transparency requirements for the Landlord and Tenant Board of Ontario.

The Landlord and Tenant Board of Ontario (LTB) is one of the province's Social Justice Tribunals meant to resolve issues between tenants and landlords, and provide information on the Residential Tenancies Act.¹⁵ In recent years, it has been the topic of increased discussion, specifically with respect to unfinished, high-density housing developments in the cities of Waterloo, Kingston, and Toronto. Among the most notable was the 2015 OneColumbia development in Waterloo. Hundreds of students from Wilfrid Laurier University and the University of Waterloo were unable to move into units for which they had signed leases. Some were provided temporary accommodations, but some of these accommodations were located as far away as Guelph. Some students were unable to move in for

¹³ *Building Code Act, Statutes of Ontario* 1992, c. 23. <https://www.ontario.ca/laws/statute/92b23>.

¹⁴ *Residential Tenancies Act, Statutes of Ontario* 2006, c. 17. <https://www.ontario.ca/laws/statute/06r17>.

¹⁵ "The Landlord and Tenant Board." Social Justice Tribunals of Ontario, accessed February 1, 2017. <http://www.sjto.gov.on.ca/ltb/>.

several months, while others reportedly dropped out of school entirely due to the strain that displacement had put on their studies and personal life.¹⁶

A few cases from the OneColumbia example were taken to the LTB, but many were not. Those that were taken up by the LTB took months to resolve. Such slow action dissuades tenants from wanting to use the LTB as recourse. Not only are the processes convoluted and opaque, but also the duration can easily extend beyond the amount of time a student is living in the unit in question. Most students across the province are on campus for only 8 months a year, while those in co-operative education programs—like the two thirds of students at the University of Waterloo—operate on even shorter cycles: 4 months in classes followed by 4 months away.¹⁷ If a student has an unresolved issue with their landlord midway through a school term, it is not likely that they will pursue recourse at the LTB level because they will have moved out by the time the case is decided on.

Another deterrent for accessing the LTB is that the tribunal has no enforcement authority for the decisions it makes. Therefore it cannot ensure that compensation is disbursed or proposed remedies are actually met. This means that even if a tenant follows through with the LTB process and the ruling is in their favour, there is no guarantee that their matter will be settled. While there is currently a body called the Rental Housing Enforcement Unit (RHEU), which is “separate from the Landlord and Tenant Board and deals only with enforcement of offenses.”¹⁸ This lesser-known body occupies an unclear space between the LTB and municipal enforcement authorities. A Ministry of Municipal Affairs memo suggests that the two bodies do not share data or interact during cases.¹⁹ Rather than continuing to operate as separate bodies, the province should set out a clear plan for their integration. As a Social Justice Tribunal, the LTB should continue to serve as the adjudicator of rental housing disputes, while the RHEU should receive enforcement authority of LTB decisions. This enforcement would consist of ensuring fines are assessed and housing quality issues are addressed.

The proposal to create a category for expedited cases will allow the LTB to respond more quickly to situations of mass displacement, such as when major developments are not ready for tenants to move into. Furthermore, the proposal to grant enforcement authority to the LTB seems to a natural and logical way to make the Board’s rulings more effective and increase access to justice.

Finally, transparency is a crucial component of the fair justice that social justice tribunals have not provided sufficiently. Recently, the *Toronto Star* sought out records of proceedings from the SJTOs, including the LTB, and found few to be available.²⁰ When records were available, the record keeping was inconsistent. This raises questions about the integrity of the adjudication process and concerns for tenants in vulnerable situations who would benefit from seeing the outcomes of prior cases. The Ministry of the Attorney General should establish consistent transparency standards for all Social Justice Tribunals. These must ensure public access not only to decisions, but also proceeding of all cases brought before the tribunals.

¹⁶ Gordon Paul, “Student Blames Apartment Troubles,” *Waterloo Region Record*, May 30, 2015, <http://www.therecord.com/news-story/5652354-student-blames-apartment-troubles-for-decision-to-drop-out-of-university/>.

¹⁷ “University Data and Statistics,” University of Waterloo Institutional Analysis and Planning, accessed February 7, 2017, <https://uwaterloo.ca/institutional-analysis-planning/university-data-and-statistics/>.

¹⁸ “Rental Housing Enforcement Unit,” Ministry of Municipal Affairs and Ministry of Housing, accessed February 7, 2017, <http://www.mah.gov.on.ca/page142.aspx>.

¹⁹ “Residential Tenancies Act Offences,” Ministry of Municipal Affairs of Ontario, accessed March 2, 2017, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=15866>.

²⁰ “Star Launches Legal Challenge,” *Toronto Star*, February 7, 2017, <https://www.thestar.com/news/canada/2017/02/07/star-launches-legal-challenge-to-end-secrecy-in-ontario-tribunals.html>.

EXPANDING INTER-REGIONAL TRANSIT

Principle: Inter-regional transit is essential for students who commute to or reside in different municipalities than their post-secondary institution.

Principle: Lack of inter-regional transit should not be a barrier for students to attend the institution of their choice.

Principle: Inter-regional transit should be accessible and subsidized for persons with mobile concerns.

Concern: There is a lack of transit routes connecting different municipalities and the routes that do exist often lack coordination and interconnectivity.

Concern: The inability to easily move between municipalities can negatively impact a student's experience while studying and/or living in a municipality outside of their permanent residency.

Concern: There are physical and financial barriers to inter-regional transit for persons with mobile concerns.

Recommendation: The Ministry of Transportation should coordinate with Metrolinx and the Ontario Northland Transportation Commission to develop a sustainable, long-term, inter-regional transit plan that would use universities as inter-regional transit hubs.

Recommendation: The provincial government should mandate Metrolinx to expand transit routes throughout the province to ensure that all students have access to inter-regional transportation services.

Recommendation: The Ministry of Community and Social Services should expand the Ontario Disability Support Program to provide reduced-cost inter-regional transit services for persons with disabilities.

Inter-regional transportation is critical for Ontarians. From visiting family, commuting to work, or commuting to school, the need for a strong inter-regional transit system has grown over the past few years. The Ontario government needs to evolve to meet the needs of the population. While the government has made a “commitment to facilitate new and innovative choices for intercity passenger travel,” it is important that barriers affecting Ontario's post-secondary students are considered as the province's transit systems develop.²¹

Students are concerned about the lack of adequate inter-regional transit services available to them. Residents in northern and southern Ontario have voiced concerns around the lack of reliable service to their regions and have stated that more effective inter-regional transit services are necessary for their communities.²² Potential students have acknowledged this as a barrier to accessing education, with some students from rural communities expressing that the scarcity of transportation routes prevents them from attending the universities of their choice.²³ Researchers have found that students' commute distances strongly influence their academic decisions. The further a student lives from campus, the less likely they are to travel there and similarly, as students' travel time between home and school increases so does the likelihood they will choose their courses based on their commute.²⁴ A lack of transportation should never be a barrier to a student's access to education.

²¹ Ministry of Transportation, *Intercity Busy Modernization: Creating Opportunities and Connecting Ontario Communities* (Toronto: Ministry of Transportation, 2016), 1.

²² Ibid, 6.

²³ Lynn Bowering Consulting, *The Road Ahead: A study of transportation needs across Huron and Perth Counties* (Stratford: The Social Research & Planning Council, 2012), 19.

²⁴ StudentMoveTO, *An overview of findings*.

While improving the general accessibility of a university education, increased inter-regional transit services to regions outside of the Greater Toronto Area (GTA) will also benefit students by creating increased opportunities to visit their families outside of the cities where they study.²⁵ Inter-regional connectivity is vital for rapidly growing cities like Kitchener, London, and Windsor. These municipalities lack the necessary connections for students to efficiently travel throughout these urban corridors.²⁶ Despite the geographic proximity of small to medium-sized cities within southern Ontario, compartmentalized transit systems inhibit efficient and affordable travel. For example, there are few direct routes to travel between Guelph and Hamilton in the GTA. As another example, when asked what could motivate them to change their main mode of transportation to campus, 26 percent of Toronto university students said an improvement to transit services could accomplish this (more than the 21 percent who said decreased transit costs and the 15 percent who said decreased parking costs).²⁷

In order to address these concerns, the Ministry of Transportation must task Metrolinx and the Ontario Northland Transportation Commission (ONTC) with developing an inter-regional transit plan that explores the possibility of implementing transit hubs on university campuses across Ontario. This would allow for more efficient access to (and between) university communities. York University is one example of an institution that already houses a transit hub. York's transit hub facilitates over 2,500 trips through campus in a single day as a result of partnerships with Brampton Transit, Metrolinx, the Toronto Transit Commission (TTC), and York Region Transit.²⁸ With a new TTC subway station on the horizon, this passenger volume will only increase.²⁹ The Ministry of Transportation, Metrolinx, and the ONTC should mirror this system on other Ontario campuses, ensuring that students across the province can adequately access university communities via inter-regional transit networks.

The Ministry of Transportation must also mandate that Metrolinx expand their services outside of the GTA, which would not constitute a significant change to their mandate given existing routes to the Barrie, Kitchener, and Niagara regions. Currently, Metrolinx's five-year strategy focuses on increasing transit infrastructure within the GTA.³⁰ This is based off of the 2014 Ontario Budget where the province asked Metrolinx to "enhance ridership and efficiency on GO Transit and other projects" within the region.³¹ By focusing on the GTA, the province and Metrolinx are neglecting their ridership from southwestern, northern, and eastern Ontario. In order to provide Ontario's student population, and the population as a whole, with adequate inter-regional transit services, Metrolinx must expand their services to include regions outside of the GTA.

OUSA believes that inter-regional transit is an essential service for all students, including those with mobility concerns. Students with mobility concerns often face barriers when accessing inter-regional transit. The Ministry of Community and Social Services currently offers subsidies through the Ontario Disability Support Program (ODSP) for limited transit options. Although funding is available for local transit options within a region, there are no subsidies for transit between regions. The Ministry of Community and Social Services should provide additional transportation funding to persons with mobility concerns in order to support accessible inter-regional transit.

GO TRANSIT AND STUDENT REPRESENTATION

Principle: Students should be represented on the Metrolinx Board of Directors when addressing student transit issues.

Concern: Student concerns are not adequately represented on the Metrolinx Board of Directors.

²⁵ John M. McGrath, "Building the corridor: what all-day GO service means for Toronto and Waterloo," *TVO*, June 16, 2016, accessed February 8, 2017, <http://tvo.org/article/current-affairs/the-next-ontario/building-the-corridor-what-all-day-go-service-means-for-toronto-and-waterloo>.

²⁶ Ken Westcar, "Upgrades would outpace high-speed rail," *The London Free Press*, January 6, 2017, accessed February 8, 2017, <http://www.lfpress.com/2017/01/06/upgrades-would-outpace-high-speed-rail>.

²⁷ StudentMoveTO, *An overview of findings*.

²⁸ York University, "Public Transit: Transit Options to York," York University, accessed February 8, 2017, <http://transportation.info.yorku.ca/public-transit/>.

²⁹ "York University Station," Toronto Transit Commission, accessed March 15, 2017, https://ttc.ca/Spadina/Stations/York_University_Station/index.jsp.

³⁰ Metrolinx, *2015-2020 Metrolinx Five Year Strategy: Building Tomorrow's Transportation Network Today* (Toronto: Metrolinx, 2014), 11.

³¹ *Ibid*, 10.

Recommendation: Metrolinx should adopt a seat for student representation on their board of directors to address student concerns and opportunities for improved service between university transit hubs.

Currently, the Board of Directors for Metrolinx consists of senior executives and other organizations' board chairs, including former and current city mayors, chief executive officers, former lawyers and former university professors.³² OUSA believes this board should add a member seat for student representation in order to adequately address student concerns and improve services between university transit hubs. These concerns may address discounted rates for all students or standardizing the process to access Metrolinx membership cards and other discounts specifically for students.

In an attempt to better serve students, Metrolinx offers a discount for their GO Transit services. Student rates ensure affordable mass transit ridership for an economically vulnerable demographic. Unfortunately, unnecessary barriers exist and prevent many students from taking advantage of GO Transit's student rates. The process for obtaining this discount from Metrolinx is not consistent for all post-secondary students.

There are currently three methods for Metrolinx riders to access student fare rates. The first is using a school-issued student identification card, however Metrolinx only recognizes the student cards issued by Durham College, University of Ontario Institute of Technology, Trent University Durham, and McMaster University.³³ Full-time students at these institutions are able to simply present their student identification cards for discounted rates while riding GO Transit. Another option is to use a GO Transit issued student identification card. Students registered at George Brown, University of Guelph, Ryerson University, Seneca College, University of Waterloo, and York University have the option of applying in person at their Registrar's Office to obtain this identification card.³⁴ Students at Mohawk College, OCAD University, and the University of Toronto's St. George, Mississauga, and Scarborough campuses can complete this same process online.³⁵ Students attending institutions not previously mentioned are limited to applying for the GO Transit student identification by submitting a paper application through the mail, or applying in person at Union Station in Toronto.³⁶

OUSA believes there should be a standardized process for all post-secondary students within the province to make use of GO Transit. A student representative on the Metrolinx Board of Directors could address this lack of consistency in accessing student rates.

LOCAL TRANSIT

Principle: Students' ability to access their university campus is essential.

Concern: Local transit strikes create barriers to accessing campuses.

Recommendation: The Ministry of Labour should legislate that all local public passenger transportation systems are essential services.

Many students use local public passenger transportation systems to reach their institutions. This is the case in the City of Waterloo where 53 percent of students use Grand River Transit to travel to their institutions.³⁷ This is also the case in Toronto where the majority of students also use public transit to travel to and from universities.³⁸ If students were to lose the ability to use public transit to access their campus due to a labour strike, they would need to use expensive alternatives (for example, taxi cab services) or else be unable to access their education. This is why OUSA believes that local public passenger transportation systems should be deemed essential services. This has

³² "Board of Directors," Metrolinx, accessed March 4, 2017, http://www.metrolinx.com/en/aboutus/board/board_of_directors_bios.aspx.

³³ "GO Student ID," GO Transit, accessed February 9, 2017, <http://www.gotransit.com/public/en/fares/studentid.aspx>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ City of Waterloo Town and Gown Committee, *Town and Gown Committee of Waterloo Off-Campus Housing Survey* (Waterloo: Town and Gown Committee of Waterloo, 2014)

³⁸ StudentMoveTO, *An overview of findings*.

been done in Toronto where the Ministry of Labour legislated the Toronto Transit Commission as an essential service in 2011 under *Bill 150, Toronto Transit Commission Labour Disputes Resolution Act, 2011*.³⁹

IMPROVING ACTIVE TRANSIT

Principle: Active transit options provide healthy, environmentally friendly alternatives for commuting students.

Principle: Students should have access to safe, alternative methods of transportation.

Principle: Active transit has community benefits such as reducing congestion.

Principle: Pedestrian safety should be prioritized when implementing new strategies for active transit. The 8-80 principle is a guideline for these concerns.

Concern: The lack of active transit infrastructure decreases student mobility creating barriers for students trying to access their schools, jobs, and other facilities within the community.

Concern: Municipalities do not always have the financial capability to invest in active transit infrastructure.

Recommendation: The provincial government should permanently reintroduce the Community Transportation Pilot Grant Program and expand the terms of reference to include to post-secondary institutions and active transportation within its eligibility criteria.

Greenhouse gas emissions are the main contributor to climate change and about one third of Ontario's total greenhouse gas emissions come from transportation.⁴⁰ Active transit options may also help reduce traffic congestion; in its 2014 to 2018 Congestion Management Plan, the City of Toronto promotes all modes of transportation to encourage the use of modes that reduce the number of motor vehicle trips.⁴¹ Active transit options provide healthier and more environmentally friendly alternatives to young commuters.

While education can affect and shape attitudes, barriers mediate whether or not they are expressed through behaviour.⁴² Strategically speaking, while students would help the government build a base of future active commuters, only removing the barriers they experience will change their travel behaviour.

Unfortunately, many students may be deterred from choosing active transit options because of a fear for their safety—particularly when it comes to cycling. Most OUSA members do not commute to campus using public transit (59 percent are not regular commuters).⁴³ While OUSA's membership survey does not demonstrate which modes of transit these students choose, a survey of students attending Toronto's four universities (the StudentMoveTO survey), shows that the ability to walk or cycle to school was the second most important factor (after cost) in students' decisions about where to live.⁴⁴ Yet, 42 percent of StudentMoveTO respondents believed that driving was safer than cycling.⁴⁵

Students should have, and want, access to safer active transportation methods. Unfortunately, the lack of active transit infrastructure creates significant barriers to walking and cycling. In her mandate letter to the Ministry of Transportation, Premier Kathleen Wynne asked the Ministry to strengthen road safety for all road users, including pedestrians and cyclists, and to build on the success of the province's cycling strategy, #CycleON, to make commuter cycling easier and safer. The Ministry of Transportation should target students and the municipalities that they live

³⁹ *Bill 150, Toronto Transit Commission Labour Disputes Resolution Act, (2011)*.

⁴⁰ Government of Ontario, *#CycleON: Ontario's Cycling Strategy* (Toronto: Queen's Printer for Ontario, 2013).

⁴¹ Declan and Lura Consulting, *City of Toronto Congestion Management Plan 2014-2018* (Toronto: City of Toronto, 2013).

⁴² Toronto Cycling Think & Do Tank, *Appendix A: Literature Matrix A toolkit to accelerate the adoption of cycling for transportation* (Toronto: Toronto Cycling Think & Do Tank).

⁴³ Marc Gurrisi and Danielle Pierre, *Accessibility: Results from the 2015 Ontario Post-Secondary Student Survey*, Research Report (Toronto: Ontario Undergraduate Student Alliance, 2017).

⁴⁴ StudentMoveTO, *An overview of findings*.

⁴⁵ *Ibid.*

in when fulfilling these mandates. 8-80 Cities is a not for profit organization that seeks to better communities promoting safe active transit for all demographics.⁴⁶ This organization provides a strong best practice model for the province to use when seeking guidelines for pedestrian safety.

However, municipalities are struggling to meet their fiscal requirements on their own. Over the last three decades, higher governments have shifted their own budgetary impasses downward, thus increasing the costs of social and physical infrastructure for municipalities.⁴⁷ As the only Canadian province where municipalities are responsible for over half the cost of social assistance, for example, Ontario's cities are under pressure to find cost-savings.⁴⁸ Few municipalities have the financial capacity to invest in active transit infrastructure.

The Ministry of Transportation should permanently reintroduce the Community Transportation Pilot Grant Program, thereby committing to “fund provincial and municipal cycling infrastructure pilot projects to test new ideas and gather data.”⁴⁹ The terms of reference should also be revised to include post-secondary institutions and active transportation in the criteria for eligible community organizations. Projects that have been granted money in the past include the implementation of weekly bus routes to service rural and remote communities and ride share programs.⁵⁰ The original mandate for the grant was to explore new models of community transportation and we believe this can be expanded to include active modes of transportation.⁵¹ These may include, but are not limited to, bike share programs, expanded bike lanes, or the installation of bike racks. Expanding the mandate of this grant will encourage more municipalities to think critically about their transportation and invest in more sustainable and accessible options for their residents.

⁴⁶ “About Us,” 880cities.org, accessed March 8, 2017, <http://www.880cities.org/index.php/about/who-we-are>.

⁴⁷ Carlo Fanelli, *Under Pressure: How Public Policy is Constraining Ontario's Municipalities* (Toronto: Canadian Centre for Policy Alternatives, 2014).

⁴⁸ Ibid.

⁴⁹ Government of Ontario, #CycleON.

⁵⁰ Ontario Ministry of Transportation, “Selected Municipalities for Community Transportation Pilot Grant Program” Government of Ontario Newsroom, April 13, 2015, <https://news.ontario.ca/mto/en/2015/04/selected-municipalities-for-community-transportation-pilot-grant-program-1.html>.

⁵¹ Municipal Transit Policy Office—Transit Policy Branch, *Community Transportation Pilot Grant Program Application Guidelines and Requirements 2014-2015* (Toronto: Ministry of Transportation, 2014).

COMMUNITY DEVELOPMENT

ELIMINATING DISCRIMINATORY BY-LAWS

Principle: Under the Ontario Human Rights Code, everyone has the right to equal treatment in housing without discrimination and harassment.

Principle: Municipal by-laws should be in compliance with standards set out by the Ontario Human Rights Commission.

Concern: Students are being forced out of neighbourhoods through by-laws that target student demographics.

Concern: Students face additional barriers or by-law regulations that other community members do not.

Concern: Municipalities are implementing and proactively enforcing by-laws that are specific to wards with student demographics and that are in close proximity to universities.

Recommendation: The Ministry of Municipal Affairs should develop accountability measures in consultations with student representatives and the Ontario Human Rights Commission to ensure municipalities remain in compliance with the Ontario Human Rights Code and the *Municipal Act, 2001*.

Recommendation: The Ministry of Municipal Affairs should consult the Ontario Human Rights Commission in the regular review of the accountability measures.

Recommendation: The Ministry of the Attorney General should issue a statement—for the courts to adhere to—that recognizes student status as a proxy for age, marital status, or recipient of public assistance in order to grant better protection under the Ontario Human Rights Code.

Due to the diverse and ever-changing nature of municipalities, it is essential that they have the flexibility and capacity to ensure their economic, fiscal, and social needs continue to be met. While municipalities are under provincial jurisdiction they have been granted the autonomy to implement bylaws and govern their affairs to respond to municipal issues. On that matter, section 10(2) of the *Municipal Act 2001* grants municipalities the authority to implement bylaws on several grounds, two of which are pertinent to this discussion: the economic, social, and environmental well-being of the municipality; and business licensing.⁵²

While municipalities have the authority to implement bylaws to address local matters, they must continue to remain in compliance with provincial, and federal legislation such as the Ontario's Human Rights Code.⁵³ The Ontario Human Rights Code provides vulnerable populations and minority groups with protection from discrimination based on protected grounds in social areas.⁵⁴ Section 2.1 of the Ontario Human Rights Code reads:

“Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance.”⁵⁵

Although student status is not explicitly recognized as a protected ground in the Ontario Human Rights Code, students are continuously associated with grounds that are protected, such as being young, single, and recipients of

⁵² *Municipal Act, Statutes of Ontario 2001*, c. 25, s.10, <https://www.ontario.ca/laws/statute/01m25>.

⁵³ Ontario Human Rights Commission, *Room for everyone: Human rights and rental housing licensing* (Toronto: Government of Ontario, 2013), 13.

⁵⁴ Ontario Human Rights Commission, *In the zone: Housing, human rights and municipal planning* (Toronto: Government of Ontario, 2012), 5.

⁵⁵ *Human Rights Code, Revised Statutes of Ontario 1990*, h.19, s.2, <https://www.ontario.ca/laws/statute/90h19>.

public assistance (OSAP).⁵⁶ For example, 79 percent of young people are students, 44 percent of single people are between 15 and 30 years old, and 34 percent of post-secondary students are receiving public assistance, specifically OSAP.⁵⁷ As stated by the Ontario Human Rights Commission, “if student status is significantly or overwhelmingly associated with being young, then actions that disadvantage students will disadvantage people protected by the Code ground of age.”⁵⁸ While the Ontario Human Rights Commission has issued this statement publicly, the courts have yet to recognize student status as a proxy for any of the previously listed grounds due to the lack of precedent.⁵⁹ In order to provide students with greater protection under the Ontario Human Rights Code, the Ministry of the Attorney General should issue a statement—for the courts to adhere to—that recognizes student status as a proxy for age, marital status/single status, and receipt of public assistance. This, in turn, would protect students from discriminatory by-laws and legislation under the Ontario Human Rights Code.

By-law enforcement is the third most common case topic among the Ombudsman’s Office municipal complaints; an overwhelming majority of the complaints were in regards to the fairness of the bylaws. Furthermore, housing was in the top five most common case topics in the Ombudsman’s Office’s municipal complaints, demonstrating a need for greater protection on issues commonly experienced by students.⁶⁰ However, due to the lack of protection for students and accountability measures to ensure compliance, municipalities with post-secondary institutions have continuously implemented by-laws that create additional barriers for students that other members of the community do not face. This is mainly due to the nature of students’ temporary residency. For example: the City of Thorold has recently implemented a strict snow removal policy similar to the City of Hamilton, which requires residents to remove snow from their sidewalk within 24 hours of a snowstorm or be faced with a fine.⁶¹ Even though this bylaw is equally applied to all members of the community, fines are more likely to be given when students return to their permanent residence over holidays (away from the municipality where their university is located) and reading weeks. However, it is important to note that it is the responsibility of the landlord to ensure bylaws such as property standards remain in compliance and pay any fines with respect to property standards, and building codes.

Furthermore, cities such as Hamilton have implemented zoning by-laws that have blocked the development of student-oriented buildings being built in certain geographic locations. In 2015, Creek Village Inc. proposed the building of a 5-storey 129-unit student-orientated multi-residential development on Leland Street (near McMaster University); however, the City Council rejected this request and made the statement that the building should be built in an alternative neighbourhood.⁶² While the Ontario Municipal Board ended up overturning Hamilton City Council’s decision, this is one example of a municipal actor openly discriminating against students by intentionally restricting the communities in which they may reside, or in which student-purposed buildings may be built.

Proactive by-law enforcement is another discriminatory tool used in municipalities with high-density student populations. Municipalities are continuously increasing enforcement within specific times. The City of Kingston passed a motion demanding Queen’s University pay \$84,000 of the \$119,000 total to help cover the cost of additional police enforcement during Queen’s homecoming; the following year Kingston increased the Homecoming policing and enforcement budget to \$212,000, without justification.⁶³ However, in attempts to strengthen community relations Queen’s University made a commitment to donate \$100,000 for three years to help cover the additional costs of proactive enforcement.⁶⁴

⁵⁶ Ontario Human Rights Commission, *Room for everyone*, 7-8.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ “The Ontario Human Rights Code and licensing,” Ontario Human Rights Commission, access February 14, 2017, <http://www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing/ontario-human-rights-code-and-licensing>.

⁶⁰ Ombudsman Ontario, *Annual Report 2015/2016* (Toronto: Office of the Ombudsman of Ontario, 2016).

⁶¹ Tami Jeanneret “City of Thorold to Start Enforcing Sidewalk Clearing Bylaw,” *NewsTalk 610 CKTB*, December 13, 2016, <http://www.iheartradio.ca/610cktb/news/city-of-thorold-to-start-enforcing-sidewalk-clearing-bylaw-1.2273238>.

⁶² Joey Coleman, “OMB Rules Against Hamilton City Council: 5-Storey Building at 71-77 Leland Approved,” *The Public Record*, December 5, 2016, <https://www.thepublicrecord.ca/2016/12/omb-rules-against-hamilton-city-council-5-storey-building-at-71-77-leland-approved/>.

⁶³ Alexandra Whyte, “Queen’s to Pay \$100,000 Annually to City for Homecoming Policing,” *The Charlatan*, December 4, 2013

<http://charlatan.ca/2013/12/queens-to-pay-100000-annually-to-city-for-homecoming-policing/>. Maclean’s, “Student versus the world.”

⁶⁴ Ibid.

Municipalities enforce bylaws inconsistently, targeting areas that have a higher density of student residents in close proximity to post-secondary institutions. While it is difficult to find documented evidence that shows intent to discriminate, there have been many proposals made to city councils that suggest intent. Specifically in Hamilton, Aiden Johnson (Councillor for Ward 1 where McMaster University is located) requested an additional by-law officer to be added to “McMaster Neighborhoods” because the current officers are unable to handle the number of infractions associated specifically with student housing.⁶⁵ His reasoning being that one officer is not sufficient. London is another example of a municipality that “has assigned extra police resources to target areas where students live and has publicly announced that they will not tolerate misbehavior by students.”⁶⁶ Municipalities implementing and pro-actively enforcing by-laws that are specific to wards with concentrated student demographics and that are in close proximity to universities are creating additional barriers for students which is contrary to the code, as everyone has the right to equal treatment in housing.

OUSA believes that the Ministry of Municipal Affairs should take a stronger role in ensuring municipalities are in compliance with the *Ontario Human Rights Code*, and the *Municipal Act, 2001*. Students would like the Ministry of Municipal Affairs to develop accountability measures in consultation with student representatives and the Ontario Human Rights Commission that are regularly reviewed to prevent discriminatory legislation and enforcement practices. Overall, the goals of these accountability measures should be to ensure ongoing municipal compliance with legislation, amend and/or eliminate existing discriminatory by-laws, and promote a culture of inclusivity within the municipality.

RESEARCHING RENTAL LICENSING

Principle: Everyone has the right to equal treatment in housing without discrimination and harassment.

Principle: Rental licensing by-laws should be established based on best practices and evidence.

Concern: There is currently a lack of information and evidence of best practices in the development of rental licensing by-laws.

Concern: There have been specific instances where rental licensing by-laws have been deemed discriminatory towards students by the Ontario Human Rights Commission.

Concern: When rental licensing by-laws are not revenue neutral the costs of the program are downloaded onto students.

Recommendation: The Ministries of Municipal Affairs and Housing should conduct a feasibility study regarding the implementation of rental licensing by-laws to ensure evidence of best practices.

Recommendation: Rental licensing bylaws should also conform to the standards of inclusivity and access set out by the Ontario government in the *Ontario Human Rights Code* regardless of the municipality that are applied in.

Student housing plays a significant role in “shaping the economic and social sustainability of communities and is a vehicle for social inclusion and an important component of growth.”⁶⁷ Since 2000, there has been a 69 percent increase in post-secondary student enrollment and this trend is anticipated to continue.⁶⁸ As a result of the potential growth and increasing demand for rental properties, municipalities have attempted to regulate this sector as per their right in the Municipal Act. Section 10(2) gives each municipality the ability to implement business licensing bylaws, which includes renting residential units and operating rooming, lodging, or boarding houses/groups.⁶⁹

⁶⁵ Hamilton. City Hall. Council Chambers. Planning Committee. *Minutes 16-017*. October 4, 2016, <https://d3fp1lfm7bbt3.cloudfront.net/sites/default/files/october4pcminutes16017v2.pdf>.

⁶⁶ Maclean’s, “Student versus the world: “Town and Gown” fights between student and cities have been around since the Middle Ages,” *Maclean’s*, September 20, 2007, <http://www.macleans.ca/education/uniandcollege/students-versus-the-world/>.

⁶⁷ Ministry of Municipal Affairs and Housing, *Municipal Tools for Affordable Housing* (Toronto: Queen's Printer for Ontario, 2011), 2-3.

⁶⁸ “By the Numbers: Students,” Council of Ontario Universities, accessed February 1, 2017, <http://cou.on.ca/numbers/students/>.

⁶⁹ Ontario Human Rights Commission. *In the Zone*, 20.

While it is within the purview of the municipality to implement such bylaws, they should not infringe on individual rights to have access to safe, affordable housing. Furthermore, rental licensing bylaws should also conform to the standards of inclusivity and access set out by the Ontario government in the *Ontario Human Rights Code* regardless of the municipality that they are applied in.

Rental licensing bylaws have the potential to alleviate problems associated with opportunistic landlords who capitalize on the potential to increase profit and drive up market value on rental properties by subdividing rental units in near-campus neighbourhoods. Currently, a detached home might be rented for \$1,500 in the city of Waterloo, the same unit could be rented to five students for \$600 per unit for a total of \$3000. Rental licensing bylaws have the ability to alleviate such problems by allowing for regular reviews of units when implemented according to best practice. Such programs should remain revenue neutral to ensure there are no excessive costs downloaded onto student tenants.⁷⁰

Municipal reports state rental licensing bylaws are implemented to provide safe legal properties, reduce police enforcement costs, ensure compliance, and provide education to tenants and landlords. However, it is important that when municipalities are developing rental licensing by-laws, decisions are based on evidence of best practice and are well informed. Currently, there is a lack of available information about rental housing stock, a lack of ministerial data on administration, and a lack of understanding of the implications of rental licensing by-laws.⁷¹ This has led to implementation of discriminatory rental licensing bylaws, such as those in the cities of Oshawa and North Bay. The City of Oshawa's rental licensing bylaw limits the number of bedrooms in a unit to four and is only implemented in wards surrounding Durham College and University of Ontario Institute of Technology.⁷² The City of North Bay restricts no more than 40 percent of the gross floor area of a rental unit's ground floor to be comprised of bedrooms.⁷³ Both the City of Oshawa and City of North Bay have been warned by the Ontario Human Rights Commission that their rental licensing bylaws target students due to geographical specificity.⁷⁴ As previously mentioned students recognize the provincial government and Ontario Human Rights Commission should play an active role in safeguarding against this type of discrimination.

While the Ministries of Housing and Municipal Affairs are encouraging municipalities to use the "tools at their disposal" to create safe and affordable housing, OUSA believes it should be the role of the Ministry of Housing to fill the gaps and provide municipalities with information to make informed decisions about implementing and reviewing rental licensing by-law options.⁷⁵ OUSA would like to see the Ministry of Housing conduct a feasibility study in consultation with the Ontario Human Rights Commission, student representatives, municipal actors, and experts in local government from across the province. This feasibility study should engage with all stakeholders such as students, neighbourhood associations, landlords, and other municipal actors. The purpose of this feasibility study would be to:

1. Assess the practicality of implementing licensing bylaws in different types of municipalities;
2. Identify effective, evidence-based licensing bylaws;
3. Identify best-practice models for municipalities to refer to;
4. Ensure existing rental licensing bylaws are in compliance with the *Ontario Human Rights Code*; and
5. Identify and eliminate barriers caused by rental licensing by-laws for vulnerable populations.

By investigating these factors in a feasibility study, the provincial government could provide effective, evidence-based tools to municipalities to make more informed decisions about implementing rental licensing bylaws.

⁷⁰ "Rental Licensing and Community Engagement," City of Guelph, accessed January 30, 2017, http://guelph.ca/wpcontent/uploads/RHLCommunityEngagementSessions_111913.pdf.

⁷¹ Ibid.

⁷² Joe Xamin, *Rental Housing Licensing Model (PED10049(j)) (City Wide) (Outstanding Business List Item)* (Hamilton: City of Hamilton, 2012).

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ontario Human Rights Commission. *In the Zone*, 20.

PLANNING FOR NEAR-CAMPUS NEIGHBOURHOODS

Principle: Near-campus neighbourhoods should be consciously planned and developed.

Concern: The Ministry of Municipal Affairs and Ministry of Housing's Provincial Policy Statement does not address near-campus neighbourhood development.

Recommendation: The Ministry of Municipal Affairs and Ministry of Housing should add a section about zoning and development guidelines for near-campus neighbourhoods to the Provincial Policy Statement.

As noted in the sections above, the quality of housing and community life have historically been allowed to decay in near-campus neighbourhoods. A significant part of the solution must lie not in the hands of municipalities, but in the hands of the Province. One of the most effective strategies for addressing systemic housing problems in near-campus neighbourhoods would be for the Ministries of Municipal Affairs and Housing to publish a revised Provincial Policy Statement that outlines specific guidelines around land use, planning and development goals, and best practices in near-campus neighbourhoods.

The Provincial Policy Statement (PPS) is a tool that could be used to address these concerns systematically. The PPS “sets the policy foundation for regulating the development and use of land” and “supports the provincial goal to enhance the quality of life for all Ontarians.”⁷⁶ The Statement addresses public spaces, residential neighbourhoods, rural areas and employment areas among other land types and areas. A section on near-campus neighbourhoods in the PPS would help to ensure positive development of neighbourhoods. Some topics that might be addressed in this section include strategies for zoning, university development with respect to the surrounding community and planning for transit pathways. Addressing near-campus neighbourhoods in the PPS would offer guidance to municipalities as they seek to build healthy, safe, and liveable cities.

The City of Waterloo's secondary plan for the Northdale neighbourhood (discussed earlier) is one example of mixed-use zoning in which students and local residence harmoniously cohabit the same neighbourhood. Such neighbourhoods can offer all residents a diverse community with affordable housing options. Mixed-use zoning is one example of the zoning and development guidelines that OUSA would like to see added to the Provincial Policy Statement.

⁷⁶ Ontario Ministry of Municipal Affairs and Housing, *2014 Provincial Policy Statement: Under the Planning Act* (Toronto: Queen's Printer for Ontario, 2014), 1.

POLICY STATEMENT

Housing, Transit & Community Development

Whereas: All student tenants should have access to quality, affordable housing within a reasonable distance from their post-secondary institution.

Whereas: All student tenants must be able to easily access and understand their rights and responsibilities as renters.

Whereas: All student tenants should be fully protected under the *Residential Tenancies Act*.

Whereas: The *Residential Tenancies Act* should address the specific vulnerabilities of student tenants.

Whereas: All student tenants should have access to fair and timely dispute resolution when landlords are not meeting their legal obligations.

Whereas: Transparency and access to information are crucial to ensuring the legitimacy and integrity of tribunals.

Whereas: Inter-regional transit is essential for students who commute to, or reside in different municipalities than their post-secondary institution.

Whereas: Lack of inter-regional transit should not be a barrier for students to attend the institution of their choice.

Whereas: Inter-regional transit should be accessible and subsidized for persons with mobile concerns.

Whereas: Students should be represented on the Metrolinx Board of Directors when addressing student transit issues.

Whereas: Students' ability to access their university campus is essential.

Whereas: Active transit options provide healthy, environmentally friendly alternatives for commuting students.

Whereas: Students should have access to safe, alternative methods of transportation.

Whereas: Active transit has community benefits such as reducing congestion.

Whereas: Pedestrian safety should be prioritized when implementing new strategies for active transit. The 8-80 principle is a guideline for these concerns.

Whereas: Under the Ontario Human Rights Code, everyone has the right to equal treatment in housing without discrimination and harassment.

Whereas: Municipal by-laws should be in compliance with standards set out by the Ontario Human Rights Commission.

Whereas: Everyone has the right to equal treatment in housing without discrimination and harassment.

Whereas: Rental licensing by-laws should be established based on best practices and evidence.

Whereas: Near-campus neighbourhoods should be consciously planned and developed.

Be it resolved that: The province should work with the Association of Municipalities of Ontario to establish an advisory committee on student housing issues.

Be it further resolved that: The provincial government should provide funding for municipalities with university campuses to adequately promote and reinforce tenant rights and responsibilities.

BIFRT: The provincial government should provide funding for local non-profits and Legal Aid Ontario clinics to target students and provide legal information or education surrounding tenant rights.

BIFRT: The provincial government should work with student associations to create educational campaigns to aid student tenants in understanding rights and responsibilities.

BIFRT: The Ministry of Housing should review the *Residential Tenancies Act* and eliminate gaps in pre-tenancy rights.

BIFRT: The Ministry of Housing should create legislation under which landlords are not able to collect rental deposits prior to a building obtaining a Final Occupancy Permit.

BIFRT: In the case that construction on a rental unit is not complete on a contractually binding move-in day, the provincial government should legislate under the *Residential Tenancies Act* that tenants receive back their deposit and rent payments for the period of time they are not occupying the unit, regardless of whether or not the tenant chooses to terminate the lease.

BIFRT: The Ministry of the Attorney General should ensure that claims made by student tenants to the Landlord and Tenant Board are expedited by setting a maximum wait periods for claims to be heard.

BIFRT: The Ministry of the Attorney General and the Ministry of Municipal Affairs should establish a single complaints and claims process by developing a clear and comprehensive plan for the integration of the Landlord and Tenant Board and of the Rental Housing Enforcement Unit.

BIFRT: The Ministry of the Attorney General should establish transparency requirements for the Landlord and Tenant Board of Ontario.

BIFRT: The Ministry of Transportation should coordinate with Metrolinx and the Ontario Northland Transportation Commission to develop a sustainable, long-term, inter-regional transit plan that would use universities as inter-regional transit hubs.

BIFRT: The provincial government should mandate Metrolinx to expand transit routes throughout the province to ensure that all students have access to inter-regional transportation services.

BIFRT: The Ministry of Community and Social Services should expand the Ontario Disability Support Program to provide reduced-cost inter-regional transit services for persons with disabilities.

BIFRT: Metrolinx should adopt a seat for student representation on their board of directors to address student concerns and opportunities for improved service between university transit hubs.

BIFRT: The Ministry of Labour should legislate that all local public passenger transportation systems are essential services.

BIFRT: The provincial government should permanently reintroduce the Community Transportation Pilot Grant Program and expand the terms of reference to include to post-secondary institutions and active transportation within its eligibility criteria.

BIFRT: The Ministry of Municipal Affairs should develop accountability measures in consultations with student representatives and the Ontario Human Rights Commission to ensure municipalities remain in compliance with the Ontario Human Rights Code and the *Municipal Act, 2001*.

BIFRT: The Ministry of Municipal Affairs should consult the Ontario Human Rights Commission in the regular review of the accountability measures.

BIFRT: The Ministry of the Attorney General should issue a statement—for the courts to adhere to—that recognizes student status as a proxy for age, marital status, or recipient of public assistance in order to grant better protection under the Ontario Human Rights Code.

BIFRT: The Ministries of Municipal Affairs and Housing should conduct a feasibility study regarding the implementation of rental licensing by-laws to ensure evidence of best practices.

BIFRT: Rental licensing bylaws should also conform to the standards of inclusivity and access set out by the Ontario government in the *Ontario Human Rights Code* regardless of the municipality that are applied in.

BIFRT: The Ministry of Municipal Affairs and Ministry of Housing should add a section about zoning and development guidelines for near-campus neighbourhoods to the Provincial Policy Statement.