

The many sides of housing

housing industry.

The delegates who came from local housing authorities (LHAs) in Ontario and across the country, also included municipal, provincial and federal representatives and provincial and national associations of tenants.

The theme of the conference, Housing Today, suggested a stock taking of the present housing scene. How could the need for more social housing in the province be best accomplished, and how could the LHAs who are becoming more and more involved in the programs of

the Ontario Housing Corporation be able to handle their responsibilities more efficiently?

Appealing for co-operation between private industry and all levels of the Canadian government, J.A. Houston, CMHC's regional director, told the delegates that good housing is fundamental to a sound and healthy society.

He challenged the local house building industry to concentrate on providing accommodation for low and moderate income families rather than on producing high-priced housing.

Public housing is here to stay, he said, and although he has noticed the barriers to it softening, it should be integrated into the community rather than confined to isolated developments.

To meet the challenge of relieving the present housing problems, Houston said new ideas are being tested in housing projects in various parts of the country.

Warehouses are being converted into residential housing in Winnipeg, he told the delegates, multiple housing over parking lots is an experimental project

in Toronto, and mobile home subdivisions are being built in Halifax.

Presenting the developers' point of view, Herbert Stricker, president of Heathcliffe Developments Ltd., complained in a previous address that our political leaders are using developers as their scapegoats for the present housing shortage.

"We are the bad guys who are supposedly holding our lands off the market to force prices up," he said.

Although the politicians have promised the public they will get the developers back to building more houses, Stricker told the delegates that they are actually discouraging housing production by a "growing maze of rules and regulations" set up to control development.

"The climate is getting progressively more restrictive and more punitive, and less and less attractive," he warned.

Turning to rent review boards, Stricker felt they would put a damper on apartment construction because developers would no longer be able to realize a reasonable rate of return on their investments, even over a long term.

He listed the following steps to cut costs of new construction resulting in a fair reduction in the cost of renting:

- a one per cent reduction in interest rates could save \$20 monthly in rent;
- holding wages down could save another \$20;
- another \$30 reduction by eliminating underground parking facilities;
- a further monthly cut of \$15 by assessing apartments on the same basis as houses;
- a further saving by establishing a five-year moratorium on further changes in construction and fire safety standards which are presently the "highest in the world."

Stricker did not agree with the government's solution to the inflationary cost of housing whereby they laded out massive subsidies. He feared this could eventually result in bankruptcy.

He appealed to the home buyer to consider less expensive housing, and he asked the government to reverse the present trend of increased interference in the housing industry by moving out as fast as possible.

"We have the tools, just get off our backs and we'll finish the job," he said, adapting Winston Churchill's words to suit the occasion.

Barry Rose, OHC's general manager, told the delegates the province has now adopted a system of constraints for the efficient use of the dollar.

"The principal theme is a drive to save money and spend it well," he said, adding that the cost of housing subsidy is greater than the capital budget put in for family and senior citizen housing.

"We are a big business now, and the biggest landlord with a capital investment over \$1 million, he said.

Rose told the municipal representatives that they have a 7½ per cent share in the \$100 million subsidies spent each year, adding that the three levels of government have a joint interest in the subsidies because it is a federal, provincial, municipal sharing process.

He outlined several new steps that were being taken to improve the efficiency in managing such an important business.

Delegates were told that housing management would be further decentralized with the transfer of direct management portfolios to local and regional housing authorities. The portfolios would average about 1,000 units, a number small enough to ensure personal contact with applicants, residents and local municipal officials.

The creation of an institute of housing managers and a professional training course geared to the community colleges, would further improve the efficiency of property management, said Rose, and it could be extended to the resident population who are becoming more involved in the management of their own projects.

Tenant participation could extend as far as budget preparation, he recommended, and stressed the importance of

establishing good dialogue between the residents and the people managing the projects.

Agreeing that communication must flow between tenants and management, Donna Gamble, president of the Federation of Ontario Tenants Association (FOTA), advised the delegates that the tenant movement was here to stay.

She described the stigma attached to public housing tenants who are often single-parent families living on welfare, and whose children are particularly vulnerable.

To counteract this, she felt the tenants must be made to feel proud of their projects. This could be accomplished by giving them a voice in the improvements to be made to their buildings and grounds, and by making them responsible for minor repairs.

Mrs. Gamble recommended a strong tenants' association which was actively concerned about the community. The residents should be permitted to sit on property committees and participate in decision making in all aspects concerning their projects.

Agreeing with Mrs. Gamble that the residents should be inspired to take pride in their community, Roy Fitzgerald, vice president and general manager of the Community Guardian Co. Ltd., told a workshop on security and vandalism that a good maintenance program was of utmost importance to a project.

He recommended that positive action must be taken against offenders, either through the courts, their wallets, or, as a last resort, through eviction.

He encouraged the property managers to explain to the residents the process of laying charges because he has found the police department has no time to educate the public in these procedures.

Bill Hart, director of OHC's maintenance engineering, encouraged the local housing authorities to ask for his branch's technical expertise. He assured them his 75 consultants would be able to give operational maintenance advice to the 250 projects throughout Ontario on almost every subject except elevator maintenance where outside experts are called in.

Mike Zale, chairman of the AOHA's northwestern zone, appealed to property managers to encourage tenants to form recreation committees, tenant advisory committees, and give them a unit on the projects. He said the tenants would make the whole job of property management easier.

On the subject of take-over boards, Doug Wells, assistant general manager of OHC's housing management, asked for more feedback from the regions. He appealed to the regional architects to pick up the faults and deficiencies of a building as soon as possible, and report them to the engineering branch who could put pressure on the local contractor to correct them.

Wells said there is a certificate of substantial completion issued on which deficiencies are listed. The contractor must rectify them during the year after take-over of the project. He agreed that operational manuals should be provided to the property manager by each contractor.

At the AOHA annual meeting, Thompson (Tom) W. Dickson, 61, member of the Stratford Housing Authority, was elected president of the AOHA which became an incorporated body May 12. He served as the association's vice-president last year and replaces Ray Bissell, who had just completed his third term as president.

Mike Zale, former chairman of the northwestern zone, was elected vice-chairman. Chosen zone chairmen were: central, Mrs. Betty Kaye, of Cambridge; eastern, John French, of Kingston; southern, Ken O'Neal, of Hamilton; north, Mrs. Helen Stanton, of North Bay; northwestern, Jimmy Griffiths, of Thunder Bay; southwestern, Andy Simko, of Windsor.

The association also submitted a 1976 budget increase of \$23,810 from a 1975 level of \$65,300.

As of Dec. 31, 1974, some 40 housing authorities had 36,296 units of family and senior citizen housing under administration.

tenant objects.

We are very concerned that tenants have the fullest possible opportunity to assess rent increases and contest them if necessary. To this end, landlords will be required to give tenants three months' notice of intended rent increases whether the tenancy is for a week, a month, a year or longer.

Further legislative changes will be made to provide new rights to the owners of mobile homes who rent sites for them. The courts have declared that the Landlord and Tenant Act does not apply to tenants who rent the site but not the mobile home. In some cases, this has led to serious hardship. Amendments to be introduced will ensure that the provision of the act do apply, including security of tenure.

In addition, the tenant will be given the right to sell his mobile home while it is on the rented site, without payment of a fee. The landlord will have a right to refuse consent if he can demonstrate just cause.

Landlords of mobile home parks will be prohibited from making charges over and above reasonable expenses for such things as entry or exit from the park, installation or removal of a mobile home or the granting of tenancy.

In addition, landlords will not be allowed to restrict the tenant's right to purchase goods or services from the person of his choice. Landlords will be required to provide garbage disposal and maintain common facilities and internal roads, plumbing, sewerage and electrical systems in the park.

These initiatives will extend to Ontario mobile home owners a measure of legal protection unequalled in any other Canadian province.

Finally, important procedural changes will be made to the Landlord and Tenant Act to help a tenant present his case and obtain redress.

Tenants and landlords will be allowed representation in court by other than a lawyer. Tenants will gain the right to apply to a judge for termination of tenancy, a return of security deposits with interest, or abatement of rent. Presently, only landlords can make application to a judge under the act. Hearsay evidence will be permitted in court for the first time—an important



Attorney General Roy McMurtry

breakthrough for tenants who must rely upon their own spoken evidence to make their case.

The new legislation will allow a group with common interest to bring or defend an action before a judge if the judge approves.

County and district judges will continue to adjudicate landlord and tenant matters, to ensure that justice is served in this complex and contentious area. The excellent record of the judiciary on these matters deserves our continued support. I intend to review the need for additional judges to provide for any increase in caseloads due to the amendments and to ensure prompt dispositions.

The Ontario Law Reform Commission will soon report to us on its analysis of the landlord and tenant relationship. Among other things, it will deal with the possibility of a standard tenancy agreement for Ontario. With this report in hand, we will consider the need for a new Landlord and Tenant Act.

Draft outline of just causes for terminating tenancy under proposed amendments to the Landlord and Tenant Act

The list of causes for termination at the end of the term will include the following:

- A tenant causes or permits damages in excess of reasonable wear and tear to the rented premises or its environs and whether by his own wilful or negligent acts or by those of any person whom the tenant permits on the residential premises.

- A tenant at any time during the term of the tenancy uses, exercises or carries on, or permits to be used, exercised or carried on, in or upon the residential premises or any part thereof, any noxious, offensive or illegal act, trade, business, occupation or calling.

- A tenant persists in making or permitting in or upon the residential premises an undue nuisance or disturbance to other persons in the same building or mobile home park in which the residential premises are situated.

- The conduct of the tenant or a person permitted in the residential premises by him is such that it substantially interferes with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants.

- The safety or other bona fide and lawful right, privilege or interest of the landlord or any other tenant in the residential premises is or has been seriously impaired by an act or omission of the tenant or a person permitted in the residential premises by him, where such act or omission occurs in the residential premises or its environs.

- The number of persons occupying the residential premises on a continuing basis is unreasonable.

- The tenant has breached the reasonable rules established in writing for the premises.

- The tenant breaches a material covenant contained in a written tenancy agreement.

- The bona fide landlord requires possession of the residential premises for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse.

- The tenant is in arrears of rent or has persistently failed to pay rent on time.
- The tenant was an employee of an employer who provided the tenant with residential premises during his employment and his employment has terminated.

The landlord will be allowed to obtain possession during the term of a tenancy if he can prove to a judge that one or more of the causes exist. However, during the term the landlord will only be allowed to proceed for termination during the term if he has given the tenant notice of the tenant's default in his obligation and the tenant takes no action to remedy the default.