

CONSULTATION
RESPONSE PAPER

*Legislative Framework for
Transitional Housing*

OCTOBER 14, 2016



Federation of Rental-housing
Providers of Ontario

Ministry of Housing

*Long-Term Affordable
Housing Strategy (LTAHS)*

TABLE OF CONTENTS

Executive Summary	1
FRPO Responses to Consultation Paper Questions	2
Conclusion	5

EXECUTIVE SUMMARY

The Federation of Rental-housing Providers of Ontario (FRPO) and its members are proud supporters of Interval House. Interval House provides much needed programs and services to survivors of domestic violence; and some of these programs include transitional housing programs.

A number of FRPO's private sector rental housing provider members offer rental housing units at a greatly reduced rent to those receiving program services from Interval House through the *Her Home Housing Project*. FRPO members do not receive government funds or other subsidies in exchange for their participation – their involvement is solely based on their desire to help those in need and from their commitment to build sustainable, strong, and inclusive communities.

In our experience, the current legislative provisions that govern how private sector rental housing providers can support these important community initiatives for transitional housing contain what we deem to be unintended barriers and impede providers from being as helpful as possible to organizations such as Interval House.

We have provided our best advice on ways we believe the Minister of Housing can help make private sector participation in providing transitional rental housing broader and more effective. Our comments are focused on those areas where we have particular expertise and experience, and we have left the more technical program-related topics to the experts in that area to propose workable solutions.

FRPO RESPONSES TO CONSULTATION PAPER QUESTIONS

1. Preferred Option

Under the current environment, private sector rental housing providers enter into agreements that define the roles and responsibilities between those who provide apartment homes and the transitional/supportive housing program provider. For this arrangement, there are three concurrent agreements in place: (i) between the private sector rental housing provider and the transitional/supportive housing provider; (ii) between the transitional housing program organization and the program participant; and (iii) between the private sector rental housing provider and the program participant. This ensures transparency and a clear understanding of expectations and responsibilities of all parties.

This current practice is most closely reflected in option 2 in the consultation paper. FRPO supports option 2 which calls for an exemption from the *Residential Tenancies Act* (RTA) and a limited scope for the Landlord and Tenant Board (LTB). The LTB often involves a lengthy process, one that is not conducive to the flexibility needed in some of the transitional housing program requirements. Also, the LTB can be an intimidating process for those not familiar with it. However, providing a separate method of reviewing and addressing complaints and concerns of program participants could provide assurance of fair practices and treatment within the transitional housing program parameters.

An additional concern of private sector rental housing providers is related to LTB decisions that have deemed the private sector housing provider and the transitional housing program organization as co-landlords. Consideration should be given to the findings of LTB decisions on this matter. FRPO would be pleased to provide further information if needed.

2. Definition and scope

FRPO wants to ensure the policy and legislative definition and scope of transitional housing will allow private sector rental housing providers to continue to directly support these important programs and services such as those offered by Interval House who is a FRPO's partner in a number of community support programs.

FRPO also strongly supports the Ministry's clear objective, as outlined in the consultation paper, to not capture, either inadvertently or indirectly, any residents (tenants) of private sector rental housing providers (landlords) that are not participating in transitional housing programs.

Private sector rental housing providers who elect to support transitional housing programs/organizations do not receive any funding or subsidies for the rental units provided as part of the transitional housing program. To facilitate the use of a private

sector apartment in these programs, the details of how the unit is provided is set out in an agreement between the apartment owner/operator and the transition housing program provider, which clearly defines the scope of the housing resource being provided at a reduced cost for the duration of the approved program. As long as the transitional/supportive housing provider qualifies under the proposed RTA transitional housing definition, the location of the units, whether within the supportive housing provider's facility or within a private sector multi-residential building should not matter. The presence of an agreement between the private sector rental housing provider and the transitional housing program provider should, in our opinion, sufficiently meet the requirements of the RTA definition.

Another consideration in the development of the transitional housing definition would be its alignment with the inclusionary zoning legislation currently before the Ontario Legislature. Consideration should be given as to whether rental housing units identified as part of a proposed municipal inclusionary zone should be excluded from this definition as well.

3. Time period

FRPO supports a 3-year maximum time period for the operation of transitional housing programs. Not all programs and participants require 3-year participation, however, setting a 3-year maximum should allow the needed flexibility to effectively deliver programs. Our participation evidence to date strongly suggests the current 12-month allowance is not sufficient for a number of clients enrolled in these support programs.

4. Agreement components

The agreement components outlined in option #2 appear to be reasonable, and reflect the current components used in agreements by Interval House. FRPO would defer to transitional housing program organizations based on their experience and expertise.

In cases where a private sector rental housing provider is collaborating with a transitional housing program organization, the rental housing provider signs a separate agreement with the program participant (tenant) as described in question #1 above. This agreement provides further clarification of roles, responsibilities, and expectations related to the program participant and the rental unit within the private sector multi-unit rental housing building.

5. Streamlined eviction process

As addressed in our response to question #1, the LTB would not provide the timeliness or flexibility required to effectively deliver specialized transitional housing programs, and it could be intimidating for program participants.

It is important to find a balance that: (i) enables transitional housing program organizations the ability to effectively deliver programs; (ii) ensures fairness and

transparency for participants; (iii) ensures the safety, rights, and supportive environment needed by other program participants; and (iv) in a private sector rental housing environment protects the safety and rights of other tenants protected under the RTA.

However, should the province proceed with an expedited eviction process for transitional housing programs for a specific list of criteria that are fundamental to the delivery of agreements related to transitional housing, the private rental housing sector would also expect the ministry to expedite the eviction process for specific criteria critical to the provision of rental housing, including non-payment of rent.

6. Best practices

FRPO has limited direct expertise in the provision of transitional housing programs. Feedback and advice is contained in our responses to other questions, however we would highlight three aspects:

- The need for transparent agreements between all parties;
- The importance of balance and flexibility to ensure the effective delivery of transitional housing programs that recognizes the needs of program participants; and
- The careful drafting of the policy definition and legislative amendments to ensure that inadvertent impacts to the broader private rental housing sector are prevented.

7. Existing s.5(k) exemption

FRPO supports the MHO's premise that retention of the s.5(k) exemption could address situations of short-term accommodations for treatments such as for addiction, alcohol, and drug rehabilitation centres where the resident has a primary residence to return to after completion of the program.

8. Feedback on list of providers

FRPO has no input to the ministry's list of providers.

CONCLUSION

The Federation of Rental-housing Providers of Ontario and its members are supportive organizations and initiatives that strengthen communities. FRPO members wish to continue to have the opportunity to support transitional housing program organizations in a way that provides the flexibility to effectively deliver programs in a fair and transparent manner for program participants and other tenants in multi-residential rental housing buildings.

FRPO would welcome an opportunity to provide further input as final policy analysis is undertaken. It is important to FRPO that its members are able to continue their participation in transitional housing programs, that inadvertent impacts on the broader private rental housing sector are prevented, and that there is appropriate alignment between the new transitional housing definition and scope and future inclusionary zoning legislation and bylaws.

Thank you for the opportunity to provide input into the transitional housing consultation process.

Sincerely,



Scott Andison
President and CEO
Federation of Rental-housing Providers of Ontario