



ONTARIO NON-PROFIT  
HOUSING ASSOCIATION

October 16, 2017

Andre Trevisan  
Manager, Residential Tenancies Unit  
Ministry of Housing  
14<sup>th</sup> Floor – 777 Bay Street  
Toronto, ON, M5G 2E5

Dear Mr. Trevisan,

[RE: Minister's Regulation under the Residential Tenancies Act to require a standard lease for certain residential tenancies](#)

Thank you for the opportunity to provide input regarding the development of a standard lease template in Ontario.

The Ontario Non-Profit Housing Association (ONPHA) is a member-funded and member-directed association that represents non-profit landlords and local housing corporations throughout the province. Our more than 700 member organizations manage units in 220 communities, and they provide housing for people including seniors, low-income families with children, Aboriginal people, the working poor, victims of violence and abuse, people living with developmental disabilities, mental illness, HIV/AIDS or addictions, and the formerly homeless/hard to house.

The Ministry of Housing (the Ministry) is currently consulting on the development of a standard lease template for certain classes of tenancies with the intention of improving knowledge of landlord and tenant rights and responsibilities, and reducing the number of disputes. ONPHA supports these policy objectives, and we are broadly in support of a standard lease template. However, we also have some concerns. We believe that more information is needed before full comments can be made, that there is potential for unintended consequences for certain housing providers, and that the Ministry must engage in further consultation before extending requirements for a standard lease to social and supportive housing providers. This submission presents several recommendations related to these concerns, as follows:



### 1) Make the standard lease available for comment once it has been drafted

While we appreciate that the standard lease is in the early stages of development, it is difficult to provide comprehensive comments or feedback prior to seeing a draft. Therefore, we recommend that the Ministry make the draft of their proposed standard lease template available for comment and review before introducing it as a requirement. This could be achieved by posting it publicly on the Regulatory Registry, or by striking a small working group of experts. If the Ministry establishes the latter, ONPHA would be happy to recommend representatives to be included in these discussions.

### 2) Base Ontario's standard lease on the template ONPHA has created

ONPHA's carefully created lease template has been widely used by Ontario's social housing landlords for many years. Our template was developed through extensive consultation, and it contains clauses, details and information related to each of the four sections the Ministry is proposing to include within their standard lease (i.e. mandatory information, additional information, optional terms, and rights, responsibilities and prohibited conditions). We were pleased when the Ministry requested a copy of our template, and we recommend that their forthcoming standard lease be based on the information contained in it.

### 3) Include additional information around issues that regularly impact tenants and landlords

We recommend that the Ministry consider how to incorporate the following within their standard lease template:

- a) Clarification around the legal rights and responsibilities of landlords and tenants
- b) Information about rights and responsibilities pertaining to accommodation requests under the *Ontario Human Rights Code*
- c) An optional clause related to specific mandates that landlords may have (i.e. some buildings have a mandate to provide housing for seniors or women-led households)

### 4) Provide more information about how optional lease terms would be included

It is unclear from the consultation paper how the Ministry intends to approach optional terms within the standard lease template. Would landlords be required to use specific wording provided by the Province, or would they choose their own language? Would the Ministry provide a list of which terms were permitted,



or would landlords create terms based on their own policies? Given the huge range of what could be included as optional terms, we recommend that the Ministry provide guidance but give landlords the flexibility to create optional terms based on their own policies. If the Ministry intends to introduce required language for optional clauses, we recommend that they do this through consultation to avoid potential unintended consequences as much as possible.

#### 5) Guard against unintended consequences for housing providers offering internal subsidies

Over the next 20 years, all formerly federal housing programs will reach the end of their operating agreements (EOA), with some having reached this point already. When an organization reaches EOA it essentially means that their mortgages are paid off and that they are no longer under any obligation to provide affordable housing. Many housing providers, however, want to continue to follow their affordable housing mission and to fulfill the obligations set out in their original articles of incorporation which will remain unchanged. To achieve this, some providers may enter into new agreements with their Service Manager if this is an option. Others, however, may introduce self-sustaining models where they provide rental subsidies from their own internal revenues and cease to fall under the administration of any level of government.

The Ministry has indicated that social housing providers that are exempt from rent rules under the *Residential Tenancies Act (RTA)* would also be exempt from standard lease requirements at this point in time. However, this would only apply to providers that have an ongoing relationship with government and would not extend to providers with expired agreements. We are concerned that this grey area could potentially lead to unintended consequences if the standard lease does not contain clear information around how housing providers with expired agreements could still offer rental subsidies based on income within *RTA* rent rules. ONPHA has recently produced a member resource related to this issue, and we would be happy to discuss it with you in further detail.

The Ministry has also indicated that templates for other types of tenancies, including social and supportive housing, may be developed in the future. ONPHA is not opposed to this, but it is important to acknowledge that these programs often have unique restrictions or requirements that must be included in leasing agreements. As the Ministry examines potential options, ONPHA looks forward to participating in consultations and discussions related to this.

Thank you again for the opportunity to comment on the proposed standard lease template, and we would be happy to discuss any of our recommendations in further detail.



Sincerely,

Marlene Coffey  
Executive Director

Cc. Janet Hope, Assistant Deputy Minister, Ontario Ministry of Housing