

JANUARY/FEBRUARY 2020

# FE

FRPO'S FAIR EXCHANGE OF  
RENTAL INDUSTRY NEWS

THE 2019 MAC AWARDS GALA  
APARTMENT MARKET HIGHLIGHTS  
FEDERAL HOUSING POLICIES  
RESIDENT ENGAGEMENT STRATEGIES

THE VOICE OF THE FEDERATION OF RENTAL-HOUSING PROVIDERS OF ONTARIO



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RENTAL INDUSTRY NEWS



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JANUARY/FEBRUARY 2020



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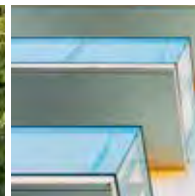
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THE VOICE OF THE FEDERATION OF RENTAL-HOUSING PROVIDERS OF ONTARIO

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# THE ACTION CONTINUES

What's ahead for FRPO in 2020



**TONY IRWIN**  
President & CEO  
FRPO

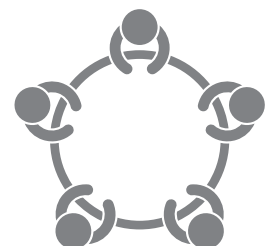
The past year was a busy one at FRPO as we advocated for the interests of our members at Queen's Park. In late 2018, after the Housing Supply Action Plan consultation was launched by the Ford Government, FRPO responded with a comprehensive submission that focused on the government's five pillars: Speed, Mix, Cost, Rent, and Innovation. All of this culminated in Bill 108: the More Homes, More Choice Act. Since then, FRPO's government relations approach has been aimed at securing broad reforms, our most significant win being the exemption from rent control for all new units first occupied after November 15, 2018. Other wins include: the elimination of Section 37; return to old OMB rules; increased resourcing for Local Planning Appeal Tribunal (LPAT); DC freeze; DC deferral option; and limiting inclusionary zoning.

In July, the Ministry of Municipal Affairs & Housing issued proposed regulations for comment relating to transition rules for changes to the Local Planning Appeal Tribunal and changes to development charges. FRPO urged the government to formalize regulations that will lead to significantly reduced approval times, greater transparency and provide more fairness to municipal fees and charges. An additional win was achieved in the November Economic Outlook and Fiscal Review, which clarified that the new community benefit charge will be appealable. We will update our members once the final regulations have been released.

In 2020, FRPO will continue working with the provincial government to identify specific policy actions that could incentivize the construction of new rental units throughout Ontario. In late 2019, FRPO commissioned Urbanation to update on the rental housing supply gap and identify existing sites that could, with the right policy encouragement, support infill development. We call these unicorn sites and you can expect to hear more about them this year. We also expect the government to make reforms to the Residential Tenancies Act and Landlord and Tenant Board, something FRPO has been calling for since this government was elected. We will continue to press for long overdue reforms that will improve the operating climate for landlords. I encourage our members to contact our Director, Policy & Regulatory Affairs, Asquith Allen, at [aallen@frpo.org](mailto:aallen@frpo.org) with any thoughts or ideas on RTA reforms.

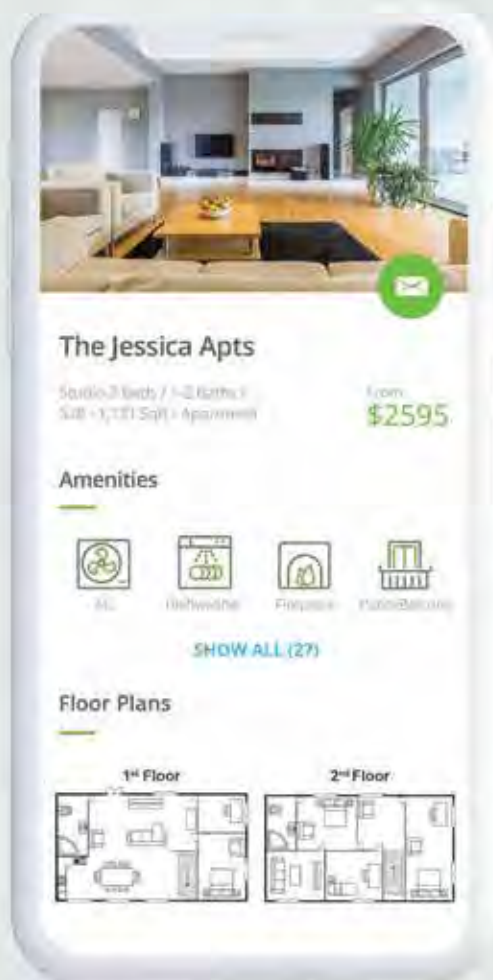
Late last year brought some staffing changes to FRPO. Chloe Hill was promoted to the new role of Manager, Communications. Chloe joined FRPO in February 2016 and is familiar to many members through her previous role as Coordinator, Membership & Marketing. Congratulations on your new role, Chloe! We also welcomed Lechelle Cohen to the team in the role of Executive Assistant & Administrative Coordinator. Please feel free to contact Lechelle at [lcohen@frpo.org](mailto:lcohen@frpo.org) with any questions you may have, or just to say hello.

2020 is going to be an exciting year at FRPO, and I encourage you to get involved. Please do not hesitate to email [membership@frpo.org](mailto:membership@frpo.org). I thank you for your continued support. ■■





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# UPCOMING INDUSTRY EVENTS

APR  
2

## PM SPRINGFEST

Apr 2, 2020 | 8:30am-2:00pm  
Metro Toronto Convention Centre

Admission to PM Springfest is free, and limited to 1,700 qualified property managers, building owners, developers, facility managers, plant engineers, multi-residential board of directors, building operations and maintenance staff responsible for office, industrial, condominium, apartment, medical, educational, retail, and institutional buildings. Representatives from 200 suppliers will be exhibiting their products on the show floor. Learn how to reduce your operating costs and to increase revenue with new income opportunities. Get factual advice and solutions to your building problems. Select from 18 free educational seminars as leading experts address legal and regulatory issues, capital projects and budgets, cost effective maintenance solutions for aging buildings, and more.

APR  
8

## 2020 RESIDENTIAL TENANCIES ACT SEMINARS

Apr 8-May 7, 2020 | 8:00am-12:00pm

FRPO's annual Residential Tenancies Act seminars will once again take place this April and May. These half-day events will highlight a variety of important items to assist our members in navigating the RTA. This year's seminar will focus on the impact of innovations in building operations, tenant services, and office administration on day to day property management and, in particular, the challenges of making changes while attempting to comply with regulatory restrictions imposed by the RTA. As always, the seminar will also provide important updates on legislation and the processing of applications at the Landlord and Tenant Board (LTB). Presenters will highlight any changes that have occurred at the LTB over the past year. Sessions will sell out, so please book early.

### SEMINAR DATES & LOCATIONS:

Wednesday, April 8

Toronto | Old Mill Inn

Wednesday, April 15

Ottawa | Ottawa Conference and Events Centre

Wednesday, April 22

Hamilton | Waterfront Centre

Tuesday, April 28

Toronto | Old Mill Inn

Tuesday, May 5

Scarborough | Delta Hotel Toronto East

Thursday, May 7

London | Lamplighter Inn

MAY  
13

## ANNUAL GENERAL MEETING

May 13, 2020 | 9:30am-11:00am  
20 Upjohn Rd, Toronto, BILD Awards Hall

FRPO will hold the Annual General Meeting on May 13th, 2020. This meeting will include an overview of the past year, Chair's & President's address, approval of the financials, appointment of auditors and election of directors. We encourage all members to attend this important event. Coffee and continental breakfast will be provided. Save the date!

JUN  
8

## CFAA RENTAL HOUSING CONFERENCE 2020

June 8-10, 2020 | 12:00pm-4:00pm  
Halifax, Nova Scotia

CFAA-RHC 2020 will take place from Monday, June 8, to Wednesday, June 10, 2020 at the Westin Nova Scotian in Halifax, Nova Scotia. Stay tuned for more details. If you have any questions or concerns, please email us at [events@cfcaa-fcapi.org](mailto:events@cfcaa-fcapi.org). We hope to see you at CFAA-RHC 2020!

JUN  
17

## APARTMENTALIZE 2020

June 17-19, 2020 | 8:00am-2:00pm  
Boston, Massachusetts

Join us to "Apartmentalize" in Boston this year, and take your career, your company and the experience your residents receive to new heights. Achieve greater success in all three areas by joining us at the apartment housing industry's premiere event. Keep an eye on the website for updated event and registration information.

JUL  
20

## FRPO CHARITY GOLF CLASSIC

July 20, 2020 | 11:00am to 8:00pm  
Rattlesnake Point Golf Club, Milton

The FRPO Charity Golf Classic will be held on Monday, July 20th at Rattlesnake Point Golf Club in support of Interval House. This is an ideal opportunity to network with others in the industry. Enjoy a fun day out with your team and raise funds for Interval House. Registration for this event will open in spring 2020. Stay tuned for more info.

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REGULARLY FOR NEWLY ADDED EVENTS.**





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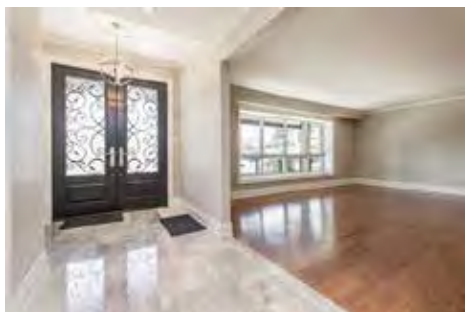
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# KEY RENTAL HOUSING ISSUES

Working with the new federal government

BY ■ JOHN DICKIE, PRESIDENT, CANADIAN FEDERATION OF APARTMENT ASSOCIATIONS



In Canada, the average federal minority government lasts between one and a half and two years. If that is the length of the new government, it will likely bring in two budgets. For rental housing providers, the key federal issues are the tax treatment of capital gains, housing policy and programs, and energy or climate change initiatives. Indications about the government's likely directions can be found in the ministers' mandate letters, which largely reflect the Liberal party's election platform.

## CAPITAL GAINS AND OTHER TAX ISSUES

Although the timing is not yet clear, the federal government is going to review the capital gains inclusion rate, which is currently 50%. According to his mandate letter, Finance Minister Morneau is to "undertake a review of tax expenditures to ensure wealthy Canadians do not benefit from unfair tax breaks." He is also to "ensure this process provides transparent and public reporting of the results and analysis."

For several reasons, maintaining the status quo is probably the best result for rental housing providers to seek. However, it would be advantageous for us to have a good Plan B, in case it turns out that the government insists on making a change.

For Plan B, options could include:

- Introducing inflation adjustment into the capital gains tax system;
- Lower inclusion rates for longer hold periods;
- Lower inclusion rates for rental housing; or

- Deferral of capital gains tax on reinvestment in rental housing.

To help decide what to consider for a Plan B, CFAA will perform an international comparison of capital gains tax systems, and form a working group. Once options have been refined and given a preliminary review, we consult with CFAA's members, both association members, and direct landlord members.

We plan to schedule a retreat in Toronto to review the issues between March 24 and April 1. Please let CFAA know if you want to participate in the working group **as soon as possible**. E-mail your interest or your input to [president@cfaa-fcapi.org](mailto:president@cfaa-fcapi.org).

## OTHER TAX POLICIES AND PROGRAMS

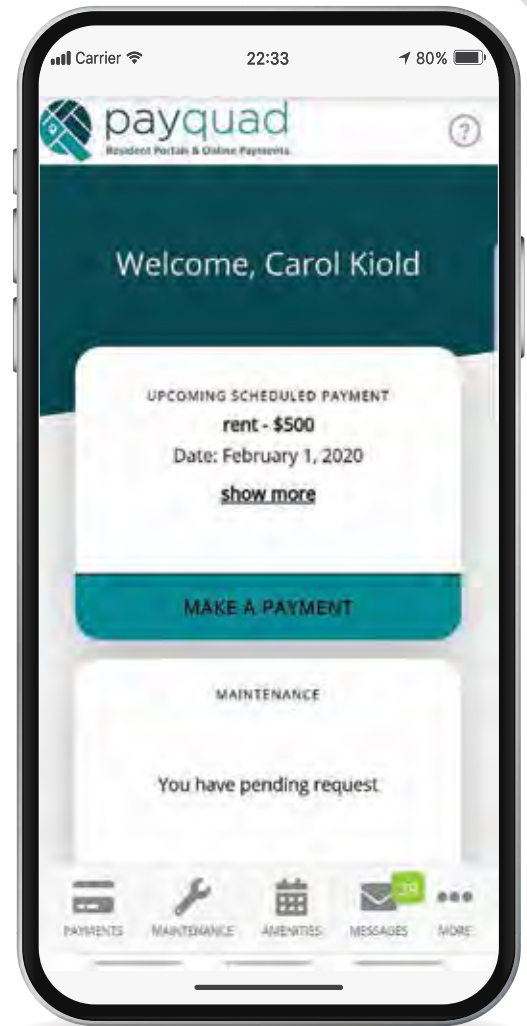
With the support of the Minister of National Revenue, Diane Lebouthillier, Finance Minister Morneau is also to implement "a tax on foreign speculation and vacancy in



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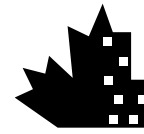
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housing.” Besides addressing the capital gains tax review and the federal vacancy tax, CFAA will work with those two Ministers and their officials to seek an expansion and clarification of landlords’ ability to claim energy retrofits as repair costs, rather than as capital improvements, which have to be written off at 4% per year.

### HOUSING PROGRAMS

Ahmed Hussen is the new Minister of Families, Children and Social Development (responsible for Housing). His mandate letter has given him two main priorities in the rental housing field:

- Ensuring the effective implementation of the Canada Housing Benefit in each province and territory, and
- Continuing to build and renovate housing through the National Housing Strategy (NHS).

On December 19, 2019, Minister Hussen and Ontario Minister Steve Clark announced the signing of the Canada-Ontario agreement to implement the Canada Housing Benefit in Ontario. That agreement is the first of what will likely be 13 separate agreements, one for each province and territory.

CFAA is proud of the major role we played in achieving the inclusion of the Canada Housing Benefit in the NHS.

For rental developers, the value of housing subsidies and low-cost financing delivered under the NHS is obvious. To serve rental providers across the board, those financial supports for new construction should be focused on areas with housing shortages, and on creating supportive housing to house people hard to house in the private sector. CFAA advocates those two focuses.

### MEASURES DIRECTED AT HOMEOWNERSHIP

Minister Hussen is also to ensure the effective implementation of the new First-Time Home Buyer Incentive, increasing the qualifying value in high-cost markets, and making the program adjust to reflect changing market dynamics. Finance Minister Morneau is to consider making the borrower stress test more dynamic.

Both measures will assist higher income renters to buy homes. In weak rental markets, that is against the interests of rental housing providers, but in strong markets that program helps the rental housing industry by enabling turnover and by relieving some of the upward pressure on rents, which is leading to calls for more landlord regulation, such as tighter rent control.

### ENERGY REGULATIONS AND PROGRAMS

According to his mandate letter, Seamus O'Regan, the new Minister of Natural Resources, is to bring in a plan to help Canadians make their homes more energy efficient and climate resilient, including “providing free energy audits to homeowners and landlords, and incentives to maximize energy savings.”

The new Minister of Environment and Climate Change, Jonathan Wilkinson, is to implement the Pan-Canadian Framework on Clean Growth and Climate Change, introducing new measures to meet Canada’s 2030 targets for Greenhouse Gas emission reductions, and leading efforts to create a plan to reach net-zero emissions by 2050.

Zero net emissions would require tremendous changes in how buildings are heated and cooled. While expensive to install, heat pumps are promoted as a low-emission solution.

Across Canada, many cities have declared climate emergencies, and are going to be actively lobbying for the building codes to require much less energy use for heating and cooling. Ontario examples include Toronto, Mississauga, London, Kingston and Ottawa. Other cities have enacted “Climate Change plans”. Examples include Hamilton, Guelph and Kitchener-Waterloo.

CFAA will encourage a reasonable approach to the building code and to retrofit requirements, and also promote incentives from the federal government to help pay for building retrofits or alterations.

### CONCLUSION

CFAA will be working with those five ministers and their officials to seek to achieve the best results for renters and rental housing providers of all types and sizes across Ontario and Canada.

If you are a rental housing provider, it is in your interest to support CFAA in addressing the new challenges and opportunities the industry faces at the federal level. For more information about the CFAA direct landlord membership program, visit [www.cfaa-fcapi.org](http://www.cfaa-fcapi.org) or email [admin@cfaa-fcapi.org](mailto:admin@cfaa-fcapi.org).

CFAA also engages with rental housing suppliers through membership in the CFAA Suppliers Council. Supplier support is also very helpful to make the rental industry stronger and more profitable for everyone involved. ■



## LEARN MORE at CFAA – RHC 2020

Learn more about the capital gains and Climate Change issues at CFAA’s next rental housing conference in Halifax this June. During the education sessions on June 9th and 10th, topics will also include new ideas in areas such as rental operations, marketing, technology, human resources and rental development. Benjamin Tal will give his Economic Update on June 9.


To register, or for more information, visit [www.CFAA-RHC.ca](http://www.CFAA-RHC.ca) or sign-up for updates at [events@cfaa-fcapi.org](mailto:events@cfaa-fcapi.org). If you’d like to provide input about the session topics or speakers, or help organize or moderate one or more sessions, email [speakers@cfaa-fcapi.org](mailto:speakers@cfaa-fcapi.org).



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# LOBBY DAY 2019

Highlights from FRPO's annual MPP Reception

BY ■ ASQUITH ALLEN, DIRECTOR, POLICY & REGULATORY AFFAIRS, FRPO

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<<< FROM LEFT: MPP RICK NICHOLLS, MINISTER OF CHILDREN, COMMUNITY AND SOCIAL SERVICES TODD SMITH, FRPO PRESIDENT & CEO TONY IRWIN, ASSOCIATE MINISTER OF ENERGY PAUL WALKER, MINISTER OF MUNICIPAL AFFAIRS AND HOUSING STEVE CLARK, FRPO BOARD CHAIR MARGARET HERD, MPP JIM MCDONELL, AND MPP STAN CHO.

On December 9, 2019, FRPO board members and staff descended on Queen's Park for our 2019 Lobby Day. This advocacy event sponsored by WYSE Meter Solutions served both as a FRPO introduction for newbie MPPs, and to re-establish relationships with seasoned MPPs, government and opposition staff.

Meetings were held with representatives from the Ministry of Municipal Affairs and Housing, the Ministry of Infrastructure, the Ministry of Economic Development, and the Ministry of Small Business. The FRPO contingent also observed Question Period, with formal introduction in Legislature by Parliamentary Assistant Parm Gill and Oshawa MPP Jennifer French. Our advocacy priorities included reform of the Landlord and Tenant Board rules and timelines, addressing the growing supply shortage through expedited infill development, and a highlight of some of the practical challenges our members face in day to day operations.

The Lobby Day culminated with an evening reception for MPPs and staff—a great opportunity to engage with key decision-makers on an informal basis. Our President & CEO, Tony Irwin, welcomed attendees







<<< MINISTER OF MUNICIPAL AFFAIRS & HOUSING STEVE CLARK, FRPO PRESIDENT & CEO TONY IRWIN

<<< FROM LEFT: BURLINGTON MPP JANE MCKENNA, FRPO PRESIDENT & CEO TONY IRWIN, FRPO BOARD MEMBERS ALLAN DREWLO AND PATTI-JO MCLELLAN SHAW, AND FRPO DIRECTOR OF CERTIFICATION TED WHITEHEAD.



and stressed the need for all parties to work together to tackle the shortage in supply and balance the regulatory environment—particularly burdensome for smaller operators. Housing Minister Steve Clark provided remarks thanking FRPO for its advocacy and partnership in addressing the housing needs of Ontarians. NDP MPP Gilles Bisson spoke for the Official Opposition, noting that the reputation of the good landlords that FRPO represents should not be tarnished by a few “bad apples” in the industry.

We at FRPO look forward to building on our renewed relationship with the provincial government throughout 2020 and delivering on the priorities of our members. 🏠



<<< FRPO DIRECTOR OF CERTIFICATION TED WHITEHEAD, FRPO BOARD MEMBER ALLAN DREWLO, MINISTER OF MUNICIPAL AFFAIRS & HOUSING STEVE CLARK, FRPO PRESIDENT & CEO TONY IRWIN, FRPO BOARD MEMBER PATTI-JO MCLELLAN SHAW AND FRPO DIRECTOR OF POLICY & REGULATORY AFFAIRS ASQUITH ALLEN

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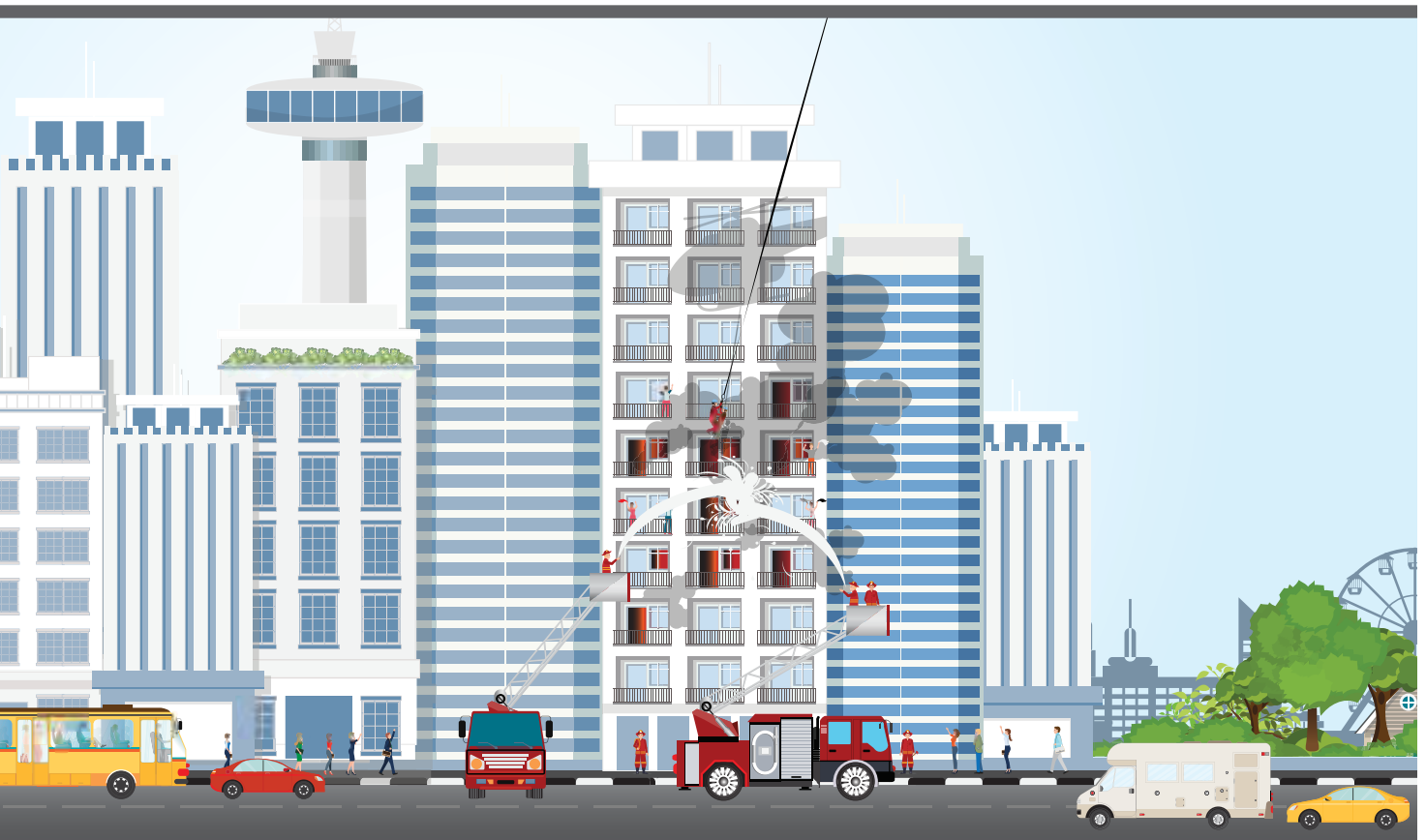
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# EFFECTIVE MANAGEMENT OF ELECTRICAL SYSTEMS

A CRBP new “Standard of Practice”

BY ■ HOWARD LU, DIRECTOR OF BUSINESS DEVELOPMENT, AINSWORTH INC.



It is a pleasure to be partnering with FRPO's Certified Rental Building Program in the development of a new Standard of Practice covering effective management of electrical systems in multi-res high-rise apartment buildings.

There is no doubt that 2018's unfortunate fire incident in a Toronto high-rise served as a major wake-up call for building owners of all types. This wave has created a ripple effect across the industry. As an example, key players in the insurance sector are now offering refresher training to their underwriters about the potential causes of loss and how the lack of compliance to the bylaw increases the electrical safety risk. It should be noted that insurance companies can deny claims due to neglected maintenance. Additionally, they may refuse to underwrite the risk or significantly increase premiums if they decide to retain or take-on the risk.

## BACKGROUND

On August 21, 2018, a six-alarm fire broke out at a high-rise in downtown Toronto that displaced over 1,500 frustrated residents for more than a year from their homes. A detailed fire investigation report was released in early 2019 by the officials confirming that the fire was originated by an explosion caused by a "catastrophic failure" of the building's electrical system.

As a result of building damage and tenant displacement, it is estimated that over \$40 million has been spent to date for repair, renovation and tenant housing. Fortunately, in this event there was no loss of life or severe injuries. Still, all the emotional hardship and financial loss may have been prevented if the electrical system had been regularly maintained and inspected.

Almost immediately after the event, a blitz on electrical system inspection took place across the city, with Toronto Fire Service and ESA identifying buildings with a history of non-compliance.

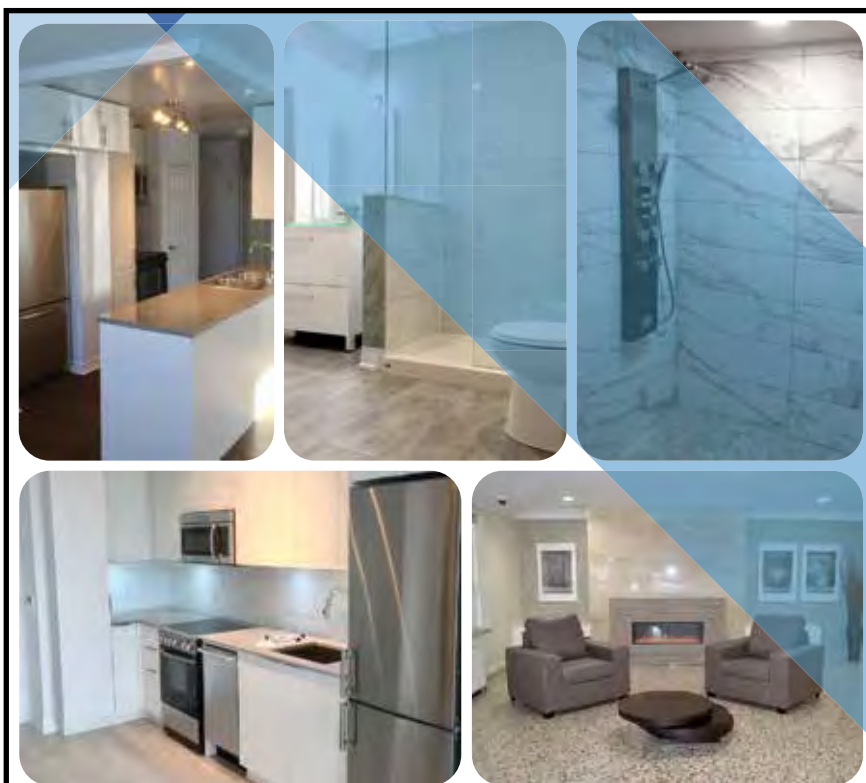
## WHAT DOES THIS MEAN FOR PROPERTY OWNERS AND MANAGERS?

Toronto City Council recently adopted a series of recommendations that outline new requirements for building owners/operators under the Apartment Buildings By-law (Toronto Municipal Code Chapter 354, Apartment Buildings). As a result, the Apartment By-law in Toronto has been amended to include the following requirement, which must be fulfilled by building owners/managers: Develop an electrical maintenance plan with a Licenced Electrical Contractor (Authorized by Toronto Hydro) (LEC) and maintain any information and records necessary to demonstrate compliance with the plan, when requested.

A sample of an approved maintenance plan that meets the above legislation is as follows:

### An onsite inspection by an LEC of the:

- Main service panel and components, including appropriate diagnostic testing;
- Distribution panels, including appropriate diagnostic testing;
- Other major electrical system;
- An inventory of main electrical components, including the make, model and year;
- An assessment of the approximate lifespan of existing major electrical equipment;
- A recommended course of action to maintain and/or replace aging infrastructure;
- Ability to maintain existing major electrical components;
- Ability to obtain and replace aging parts;
- Need for replacement;
- Recommended timelines for maintenance and/or replacement;
- A recommended schedule for ongoing routine inspection, cleaning and testing of electrical equipment and remedial action to ensure safe and proper functionality;
- Written report on findings including date, LEC company, ESA inspection permits, and summary of the electrical maintenance performed with recommendations for improvement.



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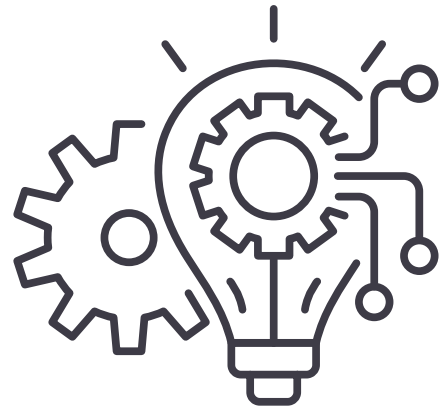
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“

**IT IS IMPORTANT THAT A QUALIFIED AND COMPETENT LEC IS SELECTED TO PERFORM YOUR INSPECTION.”**



#### GETTING STARTED: SELECTING A QUALIFIED LEC

It is important that a qualified and competent LEC is selected to perform your inspection. Here is a list of key questions to help you determine an LEC's qualifications:

- How many years of experience do you have in performing preventive maintenance on the electrical equipment in your residential buildings?
- What is your ECRA/ESA licence number, and can you provide three references where you performed similar maintenance work in the past year?
- Are you familiar with the requirements of existing electrical maintenance standards, such as CSA Z463 or equivalent?
- Does your company have the appropriate resources to be able to undertake such a complex task of testing and repairs, including sourcing parts to fit the installed electrical equipment?
- What is your backup plan for emergency generators, security staff etc. in the event the outage takes longer than planned?
- Will any of the work, such as high voltage equipment maintenance, be outsourced to third party service providers?
- If applicable, what geography area does your service cover, and can you provide turnkey solutions and services for multi-site projects?
- Do you provide 24/7/365 service?
- Please provide calibration record of all your test equipment by an approved agency in the last 12 months of use.
- Are you a member of ESA Authorized Contractor Program for Substation Maintenance to offer reduced ESA inspection fees? If yes, please provide documentation.

- Please provide a sample of your electrical safety plan including electrical safety training records.
- Do your personnel wear properly rated Arc flash gear within the Arc Flash Boundary Distance?
- Are you in good standing of the Ontario College of Trades (OCOT)?
- Please provide a proof of insurance (min. \$5 million).

In addition to the prequalification questionnaire above, qualified LECs will have relevant experience with:

- a. CSA (Canadian Standards Association) Z462-2018 Standard for Electrical Safety in the Workplace
- b. CSA (Canadian Standards Association) Z463-2018 Maintenance of Electrical Systems
- c. CSA (Canadian Standards Association) Z1001 Occupational Health and Safety Training
- d. ANSI (American National Standards Institute)/NETA (International Electrical Testing Association) MTS-2019 Standard for Maintenance Testing Specifications for Electrical Distribution Equipment and Systems
- e. NFPA (National Fire Protection Association) 70E Standard for Electrical Safety in the Workplace
- f. NFPA (National Fire Protection Association) 70B Recommended Practice for Electrical Equipment Maintenance
- g. Approved & Accepted Standards of Equipment Manufacturers
- h. All applicable laws that fall within the scope of work performed (e.g. [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca))

#### GETTING READY FOR THE INSPECTION

Building owners and operators need to arrange for permit access to the sites and pay all hydro disconnect charges and inspection fees from the ESA. Most LECs will provide a turnkey solution and act on behalf of the owner to arrange all required documentations.

In addition to the permit and inspection certificates, you must also:

- Ensure the area of work is accessible by LEC by keeping equipment free from extraneous material.
- Ensure that a permanent diagram of service and distribution is to be posted in accordance with the code.

#### WHAT SHOULD I EXPECT AFTER THE INSPECTION?

Upon completion of the inspection, a comprehensive report will be generated, which contains a summary of the LEC's observations and recommendations on various components inspected. Any critical matters pertaining to the equipment shall be listed and presented.

All hazards that are identified as deficiencies or situations of non-compliance with the Code are to be fixed on a timely basis, in accordance with the Code and as required by ESA. Any non-compliance with the Code identified as Life and/or Property hazards must be reported immediately to ESA. The property owner shall remedy all non-compliances within the time frame and in the manner as per the notice from ESA.

If any maintenance and/or repair is required, you may need to plan a system shutdown for the repair. Following is a list of things to be considered when planning



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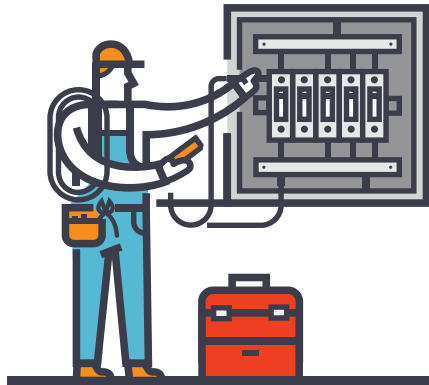
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and executing a maintenance shutdown for electrical equipment and systems:

- a. Develop a preliminary worklist based on equipment history, inspection findings, manufacturer's recommendations, analysis of failures during operation, and maintenance history if available. And this preliminary worklist should be used as a basis for detailed maintenance planning.
- b. Prepare for procurement and engineering of any replacement equipment, or modifications to existing equipment design, securing LEC support for specialized testing services and review of critical tasks.



- c. Develop a detailed execution plan and schedule of maintenance tasks.
- d. Develop a Health & Safety policy and plan, as required, during the planning process for a maintenance shutdown to confirm that the work site is safe and secure throughout the maintenance shutdown activities.
- e. Co-ordinate the shutdown with the residents, local utility company and the LEC. It is also important to contact your municipal government to inform them of the shutdown. ■■



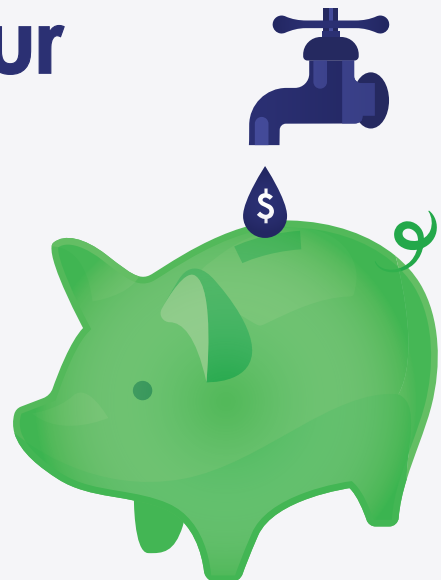
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FRPO CRBP is pleased to be partnering with Ainsworth Inc. in the development of a new Electrical Systems Maintenance Standard for inclusion in its Standards of Practice. Ainsworth is recognized as one of Canada's leading integrated multi-trade companies providing high-quality technical trades services, including HVAC, mechanical, electrical, data cabling, and building and industrial automation for institutional, commercial, & industrial clients across the country. For more information on electrical systems management servicing or about other building operating systems that Ainsworth Inc. provides, please contact Howard Lu, Director, Business Development - [howard.lu@ainsworth.com](mailto:howard.lu@ainsworth.com) or Fabrizio Pompili, Energy Programs Specialist - [fabrizio.pompili@ainsworth.com](mailto:fabrizio.pompili@ainsworth.com)

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# FRPO 2019 MAC AWARDS



## RECOGNIZING RENTAL HOUSING EXCELLENCE

**BY LYNZI MICHAL, DIRECTOR OF MEMBERSHIP & MARKETING, FRPO**

FRPO held its 19th annual awards gala in Toronto on Thursday, December 5th. This event took place at the Metro Toronto Convention Centre with almost 1,200 guests in attendance making it our largest gala yet.

### AWARD PRESENTERS INCLUDED:

Peter Altobelli, Yardi Canada Ltd.

Arlene Etchen, CMHC

Frank Evangelou, Ace Group of Companies

Peter Mills, Wyse Meter Solutions Inc.

Don Neufeld, Coinamatic Canada Inc.

Louie Papanicolopoulos, Reliance

Greg Stokes, Rogers Communications

Ted Whitehead, Certified Rental Building Program

FRPO's MAC (Marketing, Achievement and Construction) Awards recognize success and quality in Ontario's rental housing sector. The MAC Awards include 18 categories and are open to rental housing providers of all sizes. Each category is judged by an independent panel with a variety of backgrounds.

This event has become a must-attend for rental housing professionals and continues to grow in size each year. A record amount of submissions were received this year making the awards process extremely competitive. Our members commitment to raising the bar and providing 'best in class' rental accommodations continues to drive excellence across the industry. We wish to congratulate this year's winners, as well as the nominees on their achievements.

FRPO President and CEO Tony Irwin led this year's ceremony, which also included a keynote from Bryan Baeumler of HGTV, sponsored by Tricon House. Margaret Herd, Chair of the Board, also took to the podium to recognize FRPO's annual corporate sponsors for their strong support of rental housing in Ontario. Mr. Britt Smith of Homestead Land Holdings was recognized as this year's Lifetime Achievement recipient in honour of his many contributions to rental housing and Ontario. Read his incredible life story on page 32.

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## ADVERTISEMENT EXCELLENCE **SINGLE CAMPAIGN**



**WINNER:** HOLLYBURN PROPERTIES LIMITED  
#MYHOLLYBURN

This award recognizes a housing provider that has demonstrated clarity, innovation and excellence in a single rental housing advertising campaign. Entries were judged on overall concept, creativity, layout, copy or script, platforms used, results and execution.

**NOMINEES:**

**Medallion - The Towns at Sherbourne Place**

**Rhapsody Property Management Services - Boutique Rental Living at the Montgomery**

## ADVERTISEMENT EXCELLENCE **SOCIAL MEDIA**



**WINNER:** HOLLYBURN PROPERTIES LIMITED

This award recognizes a property management organization that has demonstrated clarity, innovation and excellence through use of social media. This can include various social media platforms used to engage existing residents, as well as attract prospective renters. Entries were judged on delivering informative, insightful, engaging and useful content on a regular basis while integrating social media as part of its marketing and communications strategy.

**NOMINEES:**

**Medallion**

**Sifton Properties Limited**

## BEST PROPERTY MANAGEMENT **WEBSITE**



**WINNER:** RHAPSODY PROPERTY MANAGEMENT  
SERVICES IN PARTNERSHIP WITH RIOCAN  
LIVING: [WWW.ECENTRALLIVING.COM](http://WWW.ECENTRALLIVING.COM)

This award recognizes a residential rental company that has demonstrated excellence in creativity, design, content structure, use of graphics, ease of navigation, interactivity and overall utilization of the medium.

**NOMINEES:**

**Park Property Management:** [www.parkproperty.ca](http://www.parkproperty.ca)

**Greenwin Corp.:** [www.greenwin.ca](http://www.greenwin.ca)

## AMENITIES AWARD OF EXCELLENCE



This award recognizes a housing provider that has demonstrated excellence in providing, creating or improving common areas and amenities for their residents. This included improvements to existing common areas (excluding lobby) and the creation of new amenities or common areas, including pool upgrades, laundry room renovations, fitness facilities, media centres, rental offices, rooftop patio, dog pars, playgrounds, outdoor areas, etc. Entries were judged on creativity, design and value provided to the resident community.

### **NOMINEES:**

**Homestead Land Holdings Limited – 1 Grosvenor Street, London**  
**Oxford Properties Group – 85 Charolais Boulevard, Brampton**

### **WINNER: RHAPSODY PROPERTY MANAGEMENT SERVICES**

25 MONTGOMERY AVENUE, TORONTO

## BEST CURB APPEAL



This award recognizes a housing provider or manager that has demonstrated excellence in enhancing the curb appeal (visible from the street) of their property. Entries were judged on the overall visual appeal of the building's exterior, property improvements, garden (plant/floral usage), colour, landscaping, structural design, functionality and aesthetics of the entrance to the building. Our panel of judges took into consideration the overall curb appeal and its relevance to residents and the surrounding neighbourhood.

### **NOMINEES:**

**Kaneff – 2300 Confederation Parkway, Mississauga**  
**CAPREIT – Goodview Townhomes – 46-75 Goodview Road, North York**

### **WINNER: DMS PROPERTY MANAGEMENT**

145 WELLINGTON STREET WEST, AURORA

## BEST SUITE RENOVATION UNDER \$20,000



This award recognizes a company that has achieved excellence in renovating the interior of a single existing rental unit. Entries were judged on the overall interior appeal, special or unique design, creative and efficient use of space and functionality or improvements to the floor plan. Judges also took into account the rent increase potential.

### **NOMINEES:**

**MetCap Living – 1451 Brookdale Avenue – Cornwall**  
**Briarlane Rental Property Management – 370 Riddelle Avenue, Toronto**

### **WINNER: QUADREAL PROPERTY GROUP**

6550 GLEN ERIN DRIVE, MISSISSAUGA



## BEST SUITE RENOVATION OVER \$20,000



**WINNER: MINTO APARTMENTS**  
61 YORKVILLE AVENUE, TORONTO

This award recognizes a company that has achieved excellence in renovating the interior of an existing rental unit. Entries were judged on overall interior appeal, innovative or unique design, creative and efficient use of space and functionality of the floor plan. Judges also took into account the rent increase potential garnered by the renovation.

### **NOMINEES:**

**QuadReal Property Group – 44 Jackes Avenue, Toronto**  
**GWL Realty Advisors Residential – 2160 Lakeshore Road, Burlington**

## LOBBY RENOVATION OF THE YEAR



**WINNER: STARLIGHT INVESTMENTS**  
1475 BLOOR STREET, MISSISSAUGA

This award recognizes a company that has achieved excellence in renovating the interior of an existing lobby and/or common area corridors to and from parking areas. Entries were judged on overall interior appeal, special or unique design, creative and efficient use of space and improved functionality of the floor plan.

### **NOMINEES:**

**North Edge Properties Limited – 25 Mabelle Avenue, Etobicoke**  
**Sterling Karamar Property Management – 66 Spadina Road, Toronto**





## RENTAL DEVELOPMENT OF THE YEAR



This award recognizes a housing provider that has achieved excellence in the development of a new rental housing project. This award is judged on the best overall suite design, curb appeal, amenities, and efficient use of space and functionality of the floor plan.

### NOMINEES:

**Northview Apartment REIT – Parkwood Place: 772 Paisley Road, 4 Ryde Road and 3 Candlewood Dr., Guelph**

**Realstar – The Taunton Apartments: 2333 Taunton Road, Oakville**

### WINNER: TRICON CAPITAL GROUP AND OP TRUST

THE SELBY: 25 SELBY STREET, TORONTO

## ENVIRONMENTAL EXCELLENCE



This award recognizes a rental housing provider that has demonstrated excellence in environmental stewardship and a commitment to greener rental communities. This includes excellence in the areas of energy and water conservation, waste management, net zero/positive developments or other sustainable initiatives.

### NOMINEES:

**O'Shanter Development Company**

**Skyline Group of Companies**

### WINNER: SIFTON PROPERTIES LIMITED



## RESIDENT MANAGER OF THE YEAR



**WINNER: LAURA MCNABB**  
SKYLINE LIVING

This award recognizes an employee, nominated by their employer, who has demonstrated excellence and professionalism in on-site building management. Consideration was given to the property management challenges faced by the employee, as well as work accomplishments in the past year and the overall standard of service provided. Extra weight was given for the effective management of on-site daily activities, building and maintaining positive relationships with residents, and providing a clean and organized environment in which residents can call home.

### **NOMINEES:**

**Morguard Corporation – Joann Crocker**  
**QuadReal Property Group – Alice Capitan**

## LEASING PROFESSIONAL OF THE YEAR



**WINNER: LAURA BKHET**  
METCAP LIVING

This award recognizes an individual employee, nominated by their employer, who has done an outstanding job in leasing, tenant screening and achieving revenue increases in the past year. Entries were based on the agent's closing ratio, volume of tenants screened, tenant turnover, vacancy rates within the building(s) and overall professionalism.

### **NOMINEES:**

**QuadReal Property Group – Luigi Di Iacovo**  
**Skyline Living – Nancy Hanna**



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## PROPERTY MANAGER OF THE YEAR



**WINNER: GEMMA MELCHIOR**  
MELCHIOR MANAGEMENT 777 CORPORATION

This award recognizes an individual employee, nominated by their employer, who has demonstrated excellence and professionalism in property management. Nominees were judged on the successful management of their portfolio, staff, capital projects and budgets while ensuring a high level of customer service and resident satisfaction over the past year.

**NOMINEES:**

**Skyline Living – Ljuba Milosevic**

**Medallion – Ashley Martin**

## COMMUNITY SERVICE AWARD OF EXCELLENCE RENTAL HOUSING PROVIDERS



**WINNER: GREENROCK REAL ESTATE ADVISORS**

This award recognizes a company that has gone above and beyond to give back to the communities in which it operates. The winning company has become involved in its community through volunteer activities, charitable contributions and other service projects or events. Nominees were judged on their overall contribution (funds raised, people helped, volunteerism, etc.) to their community service projects and/or initiatives, as well as the positive impact (both short-term and long-term) that their efforts have made.

**NOMINEES:**

**Skyline Group of Companies**

**Hollyburn Properties Limited**



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## CUSTOMER SERVICE AWARD OF EXCELLENCE



This award recognizes a residential rental company that has delivered outstanding customer service to its residents. Organizations were judged on their commitment to high standards of resident care. Our panel of judges took into consideration each entrant's activities, initiatives and programs involving residents that showed a willingness to go above and beyond 'just housing' or the status quo.

### **NOMINEES:**

**Drewlo Holdings**  
**QuadReal Property Group**

**WINNER: OXFORD PROPERTIES GROUP**

## COMPANY CULTURE AWARD OF EXCELLENCE



This award recognizes a FRPO member company that shows an extraordinary commitment to company culture. This includes a demonstrated focus on company vision, work environment, recruitment and training programs, rewards and recognition, as well as high levels of employee engagement and satisfaction.

### **NOMINEES:**

**Greenwin Corporation**  
**M&R Property Management**

**WINNER: GREENROCK REAL ESTATE ADVISORS**



## MARVIN SADOWSKI MEMORIAL AWARD CERTIFIED RENTAL BUILDING MEMBER COMPANY



This award recognizes a residential rental company, property manager and/or owner who best demonstrates commitment to the Certified Rental Building ("CRB") program's values – "ongoing commitment to quality of apartment living"; "ongoing commitment to quality service"; and, "working with residents to create greener apartment communities." Entries were judged on their commitment to achieving and/or exceeding the CRB Standards of Practice (SOP), engagement of staff, and creating CRB resident awareness.

### **NOMINEES:**

**Greenwin Corporation**  
**Sterling Karamar Property Management**

**WINNER: MELCHIOR MANAGEMENT 777 CORPORATION**

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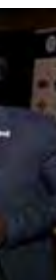
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Park Property Management  
Roma Restoration  
Sherwin Williams  
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*photography sponsored by Solid General Contractors.*





# FRPO 2019 MAC AWARD WINNER



## A LIFETIME OF GIVING

### CELEBRATING HOMESTEAD LAND HOLDING'S A. BRITTON SMITH

It's hard to sum up a man like A. Britton Smith. Born in Kingston, Ontario in 1920, the reputed lawyer, devoted family man, decorated war veteran, admired philanthropist, and celebrated founder of Homestead Land Holdings has made an enormous impact on the communities in which he has both lived and served.

Invested into the Order of Canada in 2019, "Brit" Smith, as he's known, has amassed numerous accolades over his 100-year lifespan, including the Rotary Club's Paul Harris Award, the Kingston Chamber of Commerce Business Person of the Year Award, the Jim Bennett Achievement Award, and in 2006, he was inducted into the Kingston Business Hall of Fame.

Known as a caring and jovial leader with a hands-on management style, Smith founded Homestead Land Holdings in 1954, and developed it into one of Canada's largest and most respected landlords.

From a core staff of three to an ever-expanding team of 866, today Homestead owns and manages more than 26,000

apartment units located predominantly in Ontario. The portfolio consists of all rental building types and caters to residents from all walks of life. In fact, it was Smith's passion for building and keen eye for residential design that led to the in-house construction of several Homestead properties located in Toronto, Kingston and Ottawa.

"Building apartments has been my hobby since law school days when I drew the plans for my first venture – an eight suite building," he recounts.

Since then a lot has changed, but Homestead's founding principles remain engrained in the corporate culture today – to provide residents with affordable, secure housing and a high standard of care. In the apartment world, maintenance and management go hand-in-hand, and Homestead is a recognized leader at both.

"I have always kept Homestead private as I like to captain my own ship and I found plenty of money available from the banks by way of loans," he says of his leadership role.

Professionally, there is no denying Smith has left an indelible mark on the industry he's long-served. But his generosity and goodwill are what truly set him apart.

Over the decades, Smith's Foundation has provided significant financial support to the countless causes he serves—from health care, education and research, to the RMC Foundation, the Canadian National Institute for the Blind, Kingston's Arts and Theatre communities, and numerous other organizations. Notably, Smith was also involved in the building of a Kingston Hospice, as well as a new museum for RMC. At Queen's University, he funded the Sally Smith Chair in Nursing and Chairs in Surgery, Surgical Research and Orthopedic Research.

But Smith, who's approaching his one hundredth birthday, is quick to downplay these tremendous acts of goodwill. "I am deeply honoured by the life time achievement award and recognition by my peers is more gratifying than any medals." ■





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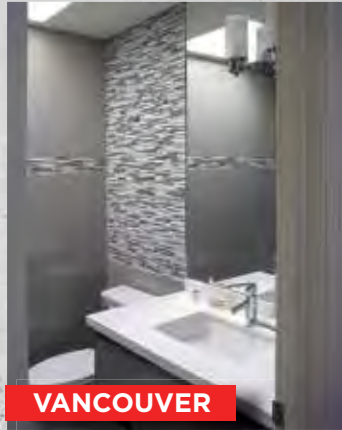
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# RENTAL HOUSING IN ONTARIO

First Choice, Not Last Resort: The Urban Land Institute Event

BY ■ CHLOE HILL, MANAGER, COMMUNICATIONS, FRPO



**T**he face of rental housing is changing. Increasingly, people of all ages and incomes want and need a variety of rental housing options – but as we all know, the options are in short supply.

On November 21, 2019, FRPO President and CEO, Tony Irwin participated in the sold-out Urban Land Institute's panel: Rental Housing First Choice, Not Last Resort, which aimed to address the changing perception of rental housing and offer solutions to increase supply. Before more than 140 housing-industry leaders, policy-makers, developers and business executives, Tony highlighted the need for governments to work together to prioritize the construction of new rental housing to meet the growing demands of a more diverse group of renters.

MODERATED BY THE TORONTO STAR'S  
TESS KALINOWSKI, IRWIN WAS JOINED BY:

- **Shaun Hildebrand**, President of Urbanation
- **Cary J. Green**, Chairman of Greenwin
- **Paula Munger**, AVP, Industry Research & Analysis, U.S. National Apartment Association
- **Cordelia Clarke Julien**, Assistant Deputy Minister, Ontario Growth Secretariat, Ministry of Municipal Affairs and Housing.

The perception of rental housing in Ontario is deeply entrenched. Traditionally seen as an option intended for people who can't afford to buy a home, policy-makers and consumers have long de-prioritized rental housing. Yet there are strong signs of a desire for change, especially in urban Ontario.

"Many people today are choosing to rent, whether it be a financial choice, to maintain a high quality of life, live closer to where they work, or to downsize. It is no longer just a stepping stone, but a viable, first-choice long-term housing option," said Irwin.

Ontario lags behind, with a planning regime and rental housing options that don't reflect this changing landscape and evolving consumer focus. Despite the number of condominium rentals, which cover about a third of all rentals in Ontario, it is not enough. Planning and policy need to reflect what people want and need, as demand soars amongst all demographics.

FRPO applauds the Ontario government for reinstating the rent control exemption for new





construction and introducing other policy changes that have directly contributed to new applications of rental units. Additional changes are needed from the federal and municipal governments to ensure supply will meet demand.

"If supply is to meet demand, municipal governments need to expedite land approvals, and find sites that can be leveraged to build additional towers," said Irwin. "The newly elected federal government should look at changes such as allowing rental housing to qualify for small business tax treatment, and eliminating the GST/HST on rental housing operations."

The panelists addressed the full spectrum of supply alternatives, from purpose-built high-rise rental to mid-rise, infill, mixed-use, and as-of-right rental within existing single-family homes – options that for too long have been circumscribed by planning rules and homeowner resistance.

FRPO drives action with awareness, by providing new audiences across the province with solutions and tactics to ease the housing supply crisis. 🏠



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# STRATEGIES FOR RESIDENT ENGAGEMENT

It's not just a buzzword, after all

BY ■ LEIA SMOUDIANIS, MARKETING MANAGER DREWLO HOLDINGS

At any given industry conference, you'll hear the buzzword, "resident engagement." The trendy term comes with promises of increased retainment, valuable insight, and authentic resident connections, but what does it actually look like in the real world of property management?

On the individual property level, resident engagement can give you competitive insight into your community's needs and wants, and it doesn't have to be expensive. Hosting potlucks or activities such as crafting are a low-cost way to test the waters and see what your residents are looking for.

At Drewlo Holdings, we use less desirable events such as staff changeovers or large-scale building

renovations as an opportunity to proactively manage resident happiness through, for example, coffee giveaways. Small teams hand out coffee to residents who are on their way out of the building in the morning. In the 30 seconds it takes to customize and hand out the coffee, team members are able to establish authentic connections with residents. A smile and some brief conversation





“

**A SMILE AND SOME BRIEF CONVERSATION CAN ALTER A RESIDENT'S PERCEPTION OF THEIR HOUSING PROVIDER AND OPEN UP NEW LINES OF COMMUNICATION.”**

can alter a resident's perception of their housing provider and open up new lines of communication as residents are often more inclined to share both positive and negative issues in person. How we respond to these comments allows us to directly control and manage our image and gain competitive insight into the need of the individual and the community.

There are also ways at the portfolio level to effectively engage with residents in an authentic manner that still gives residents a voice. With properties across Southwestern Ontario, at Drewlo Holdings we leverage our online presence to influence overall resident experience via giveaways. In 2019, our most popular contest was our Dyson giveaway where we asked residents to share a selfie in their building. Our residents went above and beyond by sharing amazing selfies from their apartments, the amenity spaces, and at resident-organized events. Quickly, we saw residents engaging with one another online and sharing what they each value in their chosen property. This organic engagement provided us with valuable insight into the sub-culture of each property and what drives retention in each community.

If time and resources are limiting your ability to focus on resident engagement, there are third-parties who can help ensure your residents stay socially engaged. At Drewlo Holdings, we outsource our concierge service to ensure that we engage with residents every single day. From helping them find local businesses, access exclusive discounts, or engage online with neighbours, the concierge service we use manages the day-to-day administrative work involved with offering special services and still provides us with the insights we need to drive retention.

Regardless of how you choose to approach resident engagement, it is essential to implement effective reporting so that your team can evaluate the success of each endeavor and ensure your efforts generate the greatest results. By measuring attendance, comments, social reach and other factors, you will set a benchmark for what makes a resident engagement effort worth it to your company. 📊

*Since 1958, Drewlo Holdings has been constructing and operating rental apartment towers across Southwestern Ontario and has provided homes to thousands of Canadians. Today the second generation family-owned and operated business continues to build rental homes in Burlington, Kitchener, Woodstock, London, and Sarnia.*

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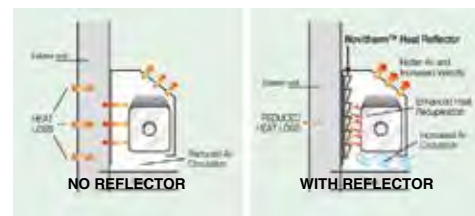
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# CRBP'S SIX STANDARDS OF PRACTICE

## Part 6: State of Condition Management

BY ■ TED WHITEHEAD, DIRECTOR OF CERTIFICATION, FRPO



Membership in FRPO's Certified Rental Building Program (CRBP) is a highly effective means of maintaining a high standard of rental-housing quality when managing your building or working with tenants. When prospective or existing tenants see the familiar green CRBP logo and checkmark on your property, they immediately know that they can "Rent With Confidence."

FRPO's CRB Program is North America's only multi-residential certification program. It was founded in 2008, and now has over 1,300 multi-residential buildings registered from the provinces of B.C. and Ontario. A key founding element of CRBP is its six Standards of Practice disciplines in which all affiliated property managers must comply with in order to receive official "certification" for their buildings. In the series, we previously examined the first five Standards of Practice disciplines, covering Building Operations, Resident Operations, Human Resources, Financial/Risk Management, and Environmental Operational Management. This article will cover off the last discipline – State of Condition Management.

### STATE OF CONDITION MANAGEMENT (SCM) OR ASSET MANAGEMENT

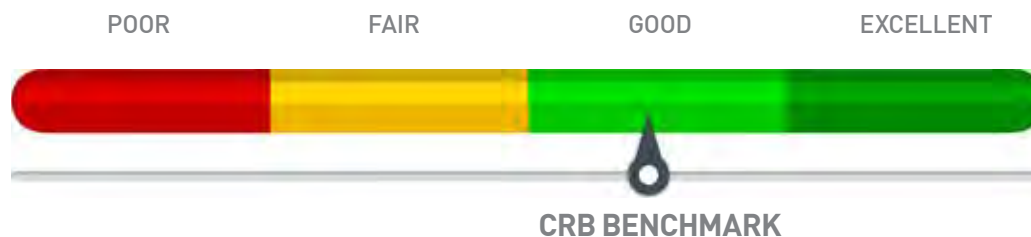
SCM is the newest Standard of Practice discipline area to be added to CRBP. It was developed to provide owners and property managers with the opportunity to have their building/property assessed from a

municipal property standards perspective. Unlike the other five disciplines that are generally assessed by CRBP's third-party auditors as being either compliant/non-compliant or not applicable, SCM requirements are assessed based on the auditor's conditional evaluation in areas that directly relate to the physical state of the building. CRBP refers to this audit practice as a State of Condition Assessment. It includes looking at the following areas:

#### STATE OF CONDITION

- Elevator Landing(s) & Cab(s)
- Elevator Licences & Room
- Roof & Roof Anchor, where applicable
- Hallways
- Stairwells
- Garbage Chutes
- Laundry Facilities
- Storage Lockers
- Workshop/Maintenance/Cleaning Room
- Boiler Room





- Compactor Room
- Waste / Recycling Area
- Amenities
- Lighting

#### Parking

- Outdoor
- Outdoor Covered
- Underground Garage

#### USE OF INDEPENDENT THIRD-PARTY AUDITORS

CRB's use of independent third-party auditors ensures credibility and respectability with the rental-housing consumers and outside political stakeholder communities. CRB has contracted with three respected and reputable independent third-party auditing firms as a means to ensure that each property enrolled in the CRBP is in compliance with program's SOPs.

#### SCM ASSESSMENT AUDIT

CRBP is fortunate to have three experienced auditing firms that have worked with hundreds of apartment buildings across the province. The auditor's job is to ensure that CRB-approved buildings/properties meet the CRBP benchmark standard of being "well-maintained". Their assessment report provides asset managers/owners/property managers with an independent "third-party" assessment on the conditional state of the building itself. Note: CRBP's three auditing firms are not providing an engineer's assessment. Rather it is a professional property assessment similar to that undertaken in detailed municipal property standard reviews.

#### SCM AUDIT ASSESSMENT - BENCHMARK RATING

Additionally, our auditors provide a SCM rating for each building. It is benchmarked against CRBP's established benchmark rating. Participating members must meet or exceed the benchmark rating to qualify as CRBP's "Best of the Best" apartment property – "Well-run, Professionally Managed, and now Well-maintained" apartment buildings.

#### SCM Audit Assessment - Why is It Important!

- Lets renters know that an apartment building/property is being "well-maintained"
- Provides an industry tool to assist in the prevention of municipal/provincial licensing
- Provides an independent third-party assessment on the conditional state of an asset
- Identifies any critical areas impacting life, safety, and health for residents and staff
- May identify building conditional issues/areas in need of capital improvement
- Improves the value of the asset, mitigates shareholder/investor risk, and enhances resident satisfaction

If you have been following along and reviewing CRBP's Six Standards of Practice Disciplines then you will know that this program is detailed in perspective, and covers the very inputs/policies/practices that define what "professional" property management means in the Canadian and North American multi-residential market. FRPO's CRBP was designed and developed to change the image of the industry and to demonstrate self-governance. At the same time, it provides your shareholders and investors confidence that your organization is taking a proactive approach to mitigating risk, enhancing your public image, and providing value-added apartment homes for Canadians. ■■

*For further information about the CRBP and how to apply for the certification, please contact the Federation of Rental-housing Providers of Ontario (FRPO) – Ted Whitehead, Director of Certification, or visit our website today at <http://www.frpo.org>*

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The poster features a stylized illustration of a city skyline with various apartment buildings in white, blue, and green, set against a green background.



# A LANDLORD'S RIGHT OF ENTRY

Know the rules before you enter a unit

BY ■ JOE HOFFER, COHEN HIGHLEY LLP

The right of a landlord to enter a rental unit is described in detail in sections 26 and 27 of the Residential Tenancies Act (RTA). Despite this, small landlords, in particular, are vulnerable to substantial penalties and expenses where they disregard the constraints imposed by the RTA. Most landlords just try to be practical when attempting to enter a unit, in good faith, to do repairs or maintenance or as part of the annual inspection process; however, regardless of intent, a failure to comply with the RTA can trigger an application by a tenant to the Landlord and Tenant Board (LTB) and expose the landlord to costs.

One of the best known cases to illustrate the dangers of improper entry is a case called *Wrona and Toronto Community Housing*, a Divisional Court decision which is binding on all LTB Members. In that case, the landlord gave all tenants of the building written notice that the landlord would be entering their rental units between the hours of 8:00 a.m. and 8:00 p.m. for the purpose of carrying out an annual inspection of smoke alarms. The Divisional Court found that a 12 hour window of entry was excessive and did not comply with the RTA; instead that the landlord should have specified a narrower time frame for entry. Since the notice of entry was non-compliant, the tenant (who

lived in a subsidized housing unit) was awarded a \$1,000 abatement of rent plus costs of the proceedings.

## SO WHAT ARE THE RULES?

First, if a tenant consents at the time of entry (i.e. no notice is given but upon being asked if entry is permitted, the tenant says "sure") then the entry will comply with the RTA. Second, in the case of emergency, a landlord may enter without notice. This is a provision where landlords often get tripped up because what a landlord considers to be an emergency and what the LTB and a tenant consider to be an emergency may be two different things. Flooding,

fire, or cries for help from a tenant in the unit are likely to qualify for emergency entry, but lights left on 24/7, or a suspicion that something is amiss in the unit, will not.

A landlord may also enter without written notice to clean the rental unit if the tenancy agreement requires the landlord to do so (i.e. in retirement homes or under private arrangements) as long as the times of entry are in accordance with the contractual cleaning arrangements, and/or between the hours of 8:00 a.m. and 8:00 p.m. if no times are specified.

Landlords may also enter a rental unit without written notice to show the unit to prospective tenants if:

- The landlord and tenant have agreed to terminate the tenancy or one of them has given a notice of termination to the other (for example, after an N4 is given); AND
- The landlord enters the unit between the hours of 8:00 a.m. and 8:00 p.m.; AND
- Before entering, the landlord informs or makes a reasonable effort to inform the tenant of the intention to do so.

Landlords must meet ALL three conditions. The purpose of the above conditions is to give the landlord some flexibility to show the unit to a prospective tenant after a notice of termination is given; however, it is the third condition that poses a potential problem. If there is no proof of a genuine effort to inform the tenant in advance of the intention to enter and the landlord enters and causes distress to the occupant of the unit (who may be in the shower, or sleeping or “whatever”), and that tenant applies to the LTB for relief, there is a good chance the landlord will be found in breach of the RTA. So landlords should exercise caution and common sense in scheduling showings of occupied rental units after a notice of termination is given.

For all other entries, a written notice is required to be “given” at least 24 hours before the time of entry and the notice must specify, clearly, the “permitted” reason for entry; the day and time of entry (which must be between the hours of 8:00 a.m. and 8:00 p.m.). The notice can be “given” by email if the tenant has consented to receive Notices by email and the name and telephone number of a person to contact about the Notice is set out in the message. The notice can also be posted on the door of the rental unit at least 24 hours before the time of entry. (This is the only Notice that can be posted on the door. All others must comply with Rule 3 of the LTB Rules of Practice.)

The reason for entry must be specified on the written notice and must comply with the RTA. Section 27 (1) of the RTA lists the permitted reasons: to carry out a repair/replacement or to do “work” in the unit; to allow a potential

mortgagee or insurer of the complex to view the unit; and, to allow a qualified inspector to enter to satisfy a requirement imposed under s. 9 (4) of the Condominium Act. General inspections by the landlord are only permitted if the inspection is to ensure whether the unit is in a good state of repair or that it otherwise complies with health, safety housing and maintenance standards (such as testing smoke alarms); and, it must be “reasonable” to carry out the inspection. If a landlord conducts weekly inspections under a pretext of maintenance, it is likely that the landlord will be found guilty of harassing the tenant as the conduct is not “reasonable”.

The RTA also allows inspections for “any other reasonable reason for entry specified in the tenancy agreement.” It is prudent for a tenancy agreement to allow for entry so that an appraiser or real estate agent can view the unit since the RTA does not specify that as a permitted reason but such entry is often needed in the context of a sale, property tax appeal, and expropriation of land or financing of the property.

As for “time of entry”, the window of time to be given will depend on the circumstances. In the Wrona case referenced above, a 12 hour window to test smoke detectors was too much. Likely a two hour window would have satisfied the court. In the case of a third party contractor (i.e. a plumber) entering, the window of time is more challenging. Efforts should be made to have the contractor specify a time but if it can’t be done, then use common sense to dictate the times you put on the notice, just ensure you have a reasonable explanation for the times chosen.

One mistake we often see landlords make is that they use a maintenance form, which has a box to be checked off by the tenant stating the tenant consents to entry at any time. Landlords have relied on the checked box as granting permission to enter without notice. The entry in such a case is in violation of the RTA since the RTA specifies that consent without 24 hours written notice can only be given “at the time of entry” and not days, or even hours, in advance.

Another common mistake occurs where the landlord enters the unit on proper notice but then captures images of the interior of the unit. If the images are of damage or building components needing replacement or repair, there is no problem but if the images are for the purpose of marketing the unit or contain “personal information” of the tenant, such as photographs of personal belongings, etc., then the landlord is liable to be found in breach of the RTA and subject to financial penalties.

Finally, landlords should know that where a proper notice of entry is given, the tenant is not entitled to refuse entry to the landlord. There is no requirement that the tenant be present during the time of entry or that the landlord

revise the schedule to otherwise accommodate the tenant (unless the tenant raises an issue of accommodation under the Human Rights Code). It is usually practical to “cooperate” with a tenant who asks that the entry time be changed and the landlord is reasonably able to comply with the request, but the landlord is not “required” to alter the time. If a tenant physically blocks entry to the landlord, then the landlord should not forcibly enter, but can contact the Enforcement Unit of the Ministry of Municipal Affairs and Housing which, in turn can contact the tenant and inform the tenant that the landlord must be permitted entry “or else”. Alternatively, the landlord can serve an N5 on the tenant and serve another 24 hour notice of entry and if the tenant again refuses entry, an application may be made to terminate the tenancy.

In summary, the exercise of a landlord’s right of entry is subject to many legal constraints and practical challenges. If a landlord knows the rules and follows them properly, then the landlord can carry out responsibilities without risk. In rare cases where tenants attempt to prevent entry, the landlord does have enforcement options available so that entry can be secured. ■

Article by Joe Hoffer, Cohen Highley LLP  
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What a way to wrap up the year!

The Byng Group hosted its 11th annual holiday cocktail party on December 5th, immediately following the FRPO MAC Awards Gala.

More than 500 guests attended this exclusive event. The always-popular evening attracted multifamily housing professionals from all across Canada.

The party was held at the Metro Toronto Convention Centre, just steps away from the FRPO Gala. Guests enjoyed specialty cocktails, holiday-themed photo booth, dancing, socializing and celebrating the holiday season in full Byng-style!

Planning for The Byng Group's Annual Holiday Cocktail Party of 2020 has already begun...

Thank you to all, and best wishes for a healthy, happy and prosperous 2020! 🍷



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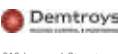













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