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# FE

FRPO'S FAIR EXCHANGE OF  
RENTAL INDUSTRY NEWS

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FRPO'S FAIR EXCHANGE OF  
RENTAL INDUSTRY NEWS

The voice of the Federation of  
Rental-housing Providers of Ontario

EDITOR: Lynzi Michal • x22  
lmichal@frpo.org

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Federation of Rental-housing  
Providers of Ontario

20 Upjohn Road, Suite 105  
Toronto, ON M3B 2V9  
Tel: 416-385-1100 • www.frpo.org

DIRECTOR OF  
MEMBERSHIP &  
MARKETING: Lynzi Michal • x22  
lmichal@frpo.org

SUBSCRIPTIONS &  
ADDRESS CHANGE: Chloe Hill • x30  
chill@frpo.org

DESIGNED & PUBLISHED BY:



5255 Yonge Street, Suite 1000  
Toronto, ON M2N 6P4  
Tel: 416-512-8186 • Fax: 416-512-8344  
Email: info@mediaedge.ca

PUBLISHER: Mitchell Saltzman • x222  
mitschells@mediaedge.ca

EXECUTIVE EDITOR: Erin Ruddy • x266  
erinr@mediaedge.ca

PRODUCTION: Maria Siassina • x246  
maria@mediaedge.ca

SENIOR DESIGNER: Annette Carlucci

SALES: Sean Foley • x225  
Stephanie Philbin • x262  
Melissa Valentini • x248

PRESIDENT: Kevin Brown

FRPO IS A MEMBER OF:



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# IN PURSUIT OF CHANGE

2018 is now upon us and as we embark on a new year, our industry continues to face challenges related to the crisis-level rental supply shortage. As you know, FRPO commissioned several reports from Urbanation last year, which indicated an annual deficit of 6,000 units based on current demand. FRPO has worked hard to educate the public, as well as key decision- and policy-makers to inform them of the ill-intended consequences of Bill 124. We continue to hear of the difficulties facing renters in finding available and affordable units.

We have also listened to our members' concerns regarding changes to the planning process, development charges and the many roadblocks that exist to bringing new units online. This is a top priority for FRPO as we look towards the 2018 provincial election and beyond. Urbanation will be providing FRPO with additional research papers over the coming year to further investigate the numbers. We will also be working with Shaun Hildebrand to bring you a column focused on this topic in each issue of FE magazine.

With vacancy rates at a 16-year low in the GTA, the situation remains bleak unless policy changes are made to encourage and promote new development. Based on the positive feedback we have received about our #rentON public relations campaign, our members recognize the importance of this issue and want to play a part in the solution. The campaign has greatly assisted in informing Ontarians of the need for more supply and has sparked conversation in many different circles including those at Queens Park.

Our recent MAC Awards Gala, held in December, also revolved around the #rentON campaign, which provided us an opportunity to help get the word out to industry

professionals. The MAC Awards recognize the best in the industry and we wish to extend our congratulations to all those who submitted, were finalists, and those who took home awards. You should all be very proud of the work you are doing on a daily basis. The MAC Awards continue to grow in size with increased submissions and this year was no different setting the stage for a competitive field. Each year we see rental housing providers excelling in their level of service to residents, amenities and overall rental product.

This month's issue highlights the winners in each category, as well as the event itself, which saw over 1,000 professionals in attendance. The announcement of this year's Lifetime Achievement recipient was a special moment for the industry as we paused to honour the late Tom Schwartz. Tom's commitment to the rental industry was second to none and his absence will be felt for years to come. We are grateful for his contributions and many will use Tom's legacy as inspiration going forward. On behalf of FRPO, we wish to thank the Schwartz family for allowing us to recognize Tom's many achievements and to have shared his story.

I hope that you enjoy this issue and for those of you who have not participated in the MAC Awards, I encourage you to consider it for 2018. We know that each of you have staff that are tremendously talented, capital projects and renovations worthy of awards and organizations that continue to innovate. This is your opportunity to be recognized publicly and amongst your peers. If anyone would like more information on the awards process, please don't hesitate to reach out to me. Until next time.

**LYNZI MICHAL**

Editor, FE magazine

Director of Membership & Marketing, FRPO

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**JIM MURPHY**  
President & CEO, FRPO

## A BUSY 2018

Planning ahead for the upcoming provincial election

**W**elcome to 2018. On behalf of FRPO I wish you all a very happy and prosperous new year.

The new year will be a very busy one for FRPO and our industry. In early June the provincial election will take place. Housing, including rental housing, has become a key policy issue. We saw tightening of rent control measures last winter in response to rising rents. FRPO has spent many months getting ready for the next provincial election and ensuring that your interests are heard and understood. We have:

- Commissioned research reports with Urbanation on rental housing supply and the importance of vacancy decontrol. For 2018 we have entered into a formal working arrangement with Urbanation to produce research reports in a timely manner to benefit our advocacy and public relations efforts;
- Met regularly with all three main political parties. We have presented the key findings of our research showing, for example, the economic contribution of vacancy decontrol where the average value of renovation was \$13,745 per unit. We have promoted the need for supply;
- Seen the release of the Ontario PC party platform entitled, "The People's Guarantee" where two key commitments impacting our industry and members were included. First, the commitment of any new PC government to look at ways to increase rental housing supply, and second, to undertake a review of the RTA to improve the operation of the Landlord and Tenant Board for the benefit of landlords and tenants. These are both welcome commitments;
- Actively promoted the idea of the establishment of a provincial industry working group specific to rental housing supply. We tabled this

recommendation as part of the Housing Supply Working Group which is chaired by the Minister of Housing and where FRPO is a member. It is likely the government will establish such a working group where the goal will be to examine the barriers to rental housing and develop a common pro forma;

- Implemented an extensive public relations campaign with the hashtag #rentON. The campaign promotes both the need for rental supply and the positive lifestyle of rental living. It has been very successful with decision-makers on both the political side and the public service side. The campaign has reinforced our key policy asks in the field of rental housing. We will continue with the campaign in early 2018.

While we are focused on the upcoming election and ensuring our positions are front and centre with all three political parties we also remain actively engaged with current issues. By the time you read this column, for example, it is likely there will have been an announcement on a standard lease. FRPO fought hard to ensure that "additional" items, like insurance and parking, could be added by property managers to the lease. FRPO will also educate our members on the new standard lease by way of webinars.

Of course, FRPO will continue to offer its leading industry events—including our spring RTA seminar series where this year, we are adding sessions in the east end of the GTA and Hamilton—and our popular charity golf tournament, which sells out early in July. All in all, it promises to be both a busy year and one that will be important to our members. As always, I look forward to hearing from you. You can also follow me on Twitter at @JimMurphyFRPO 

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# UPCOMING INDUSTRY EVENTS

APR  
05**SPRINGFEST***Apr 5, 2018 8:30am - 2:00pm***Metro Toronto  
Convention Centre**

Admission to 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 250 suppliers will be exhibiting their products on the show floor. Learn how to reduce your operating costs and increase revenue with new income opportunities. Get factual advice and solutions to your building problems. Select from 18 free educational seminars presented by the industry's leading experts. The seminars will be held from 8:30 a.m. to 12:00 p.m.

APR  
05**FRPO SPRING SOCIAL***Apr 5, 2018 3:00pm-6:00pm***Badali Bar & Cucina**

Join us following Springfest for the annual FRPO Spring

Social. This complimentary event will include cocktails, appetizers and networking opportunities with your colleagues in the rental housing industry. Please note that this is a members-only invite and all attendees should register in advance. Registration information will be sent to FRPO members in early March. Save the date!

MAY  
09**FRPO ANNUAL  
GENERAL MEETING***May 9, 2018 9:00am-11:00am***20 Upjohn Road, Awards Hall**

FRPO will hold the Annual General

Meeting on May 9th, 2018. 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. More details will be provided closer to the event. Please save the date.

MAY  
14**CFAA RENTAL HOUSING  
CONFERENCE***May 14, 2018 1:00pm**to May 16, 2018 5:00pm***Coast Coal Harbour****Hotel, Vancouver BC**

The Canadian Federation of Apartment Associations invites you to attend Rental Housing Conference 2018 in Vancouver from Monday, May 14, to Wednesday, May 16. CFAA-RHC 2018 will be held at the Coast Coal Harbour Hotel situated in the heart of Vancouver's central business district, and only a few minutes walk away from the Seawall, Stanley Park and Canada Place. Registration is now open at [www.CFAA-RHC.ca](http://www.CFAA-RHC.ca). To receive first notice of new sessions and Conference information, email [events@cfaa-fcapi.org](mailto:events@cfaa-fcapi.org) to subscribe to CFAA's e-newsletter.

JUN  
13**APARTMENTALIZE***Jun 13, 2018 8:00am**to Jun 16, 2018 2:00pm***San Diego, California**

The NAA Education Conference

& Exposition has been renamed as Apartmentalize! It's the same conference that you've come to expect from NAA, but with a new name. Join us to Apartmentalize in sunny San Diego, which means taking your career, your company and the experience your residents receive to the next level. Achieve greater success in all three areas by joining us in San Diego to attend the apartment housing industry's premiere event.

JUL  
23**FRPO CHARITY GOLF  
CLASSIC***Jul 23, 2018 11:00am-8:00pm***Rattlesnake Point****Golf Club, Milton**

The FRPO Charity Golf Classic will be held on Monday, July 23rd at Rattlesnake Point Golf Club in support of Interval House. Registration will open for this event in May 2018. Please register early as this event sells out quickly. Save the date and see you there!

NOV  
28**THE BUILDINGS SHOW  
2018***Nov 28, 2018 8:00am**to Nov 30, 2018 4:00pm***Metro Toronto****Convention Centre**

The Buildings Show is the leader in sourcing, networking and education for the North American design, architecture, construction and real estate communities. The Show is home to Construct Canada, HomeBuilder & Renovator Expo, IDEXCanada, PM Expo and World of Concrete Pavilion, and together they create the largest North American exposition for the entire industry. The Toronto Real Estate Forum also happens concurrently. More than 30,500 trade professionals attend the Show annually to discover new innovations across the building industry and source the latest materials, products, tools and technologies from more than 1,600 Canadian and international exhibitors.

Through the Show's comprehensive seminar program, attendees can choose from 350+ seminars, panels, keynotes and roundtables led by a roster of 500+ industry experts and in addition tours, awards, parties and association meetings. Topics include: best practices, leadership, building codes and regulations, sustainability, new approaches to construction, technology and design trends in housing, healthcare, education, retail, workplaces, accessibility, hospitality and wellness. The Buildings Show takes place at the Metro Toronto Convention Centre from November 28 – 30, 2018.

NOV  
29**2018 MAC AWARDS GALA***Nov 29, 2018 5:00pm-9:00pm***Metro Toronto****Convention Centre**

The MAC Awards Gala is the most

important annual event for our members and is well attended by rental housing providers, ranging from hands-on managers to third party management and holding companies. This event allows us to recognize excellence in the residential rental housing industry and to advance the high standards that the Federation of Rental-housing Providers of Ontario aims to promote. This year's gala will be held on Thursday, November 29th at the Metro Toronto Convention Centre in conjunction with PM Expo and the Building Show. Registration will open for this event in October. Submission criteria will be made available in July.

## GET SOCIAL WITH FRPO




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Please check the FRPO website ([www.frpo.org](http://www.frpo.org)) regularly for newly added events.



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# A HUGE STEP FORWARD

National Housing Strategy a win for landlords, tenants and taxpayers

BY JOHN DICKIE, PRESIDENT, CANADIAN FEDERATION OF APARTMENT ASSOCIATIONS (CFAA)

**C**anada's new National Housing Strategy (NHS) is a major step forward in good housing policy for CFAA, landlords, tenants and taxpayers. The strategy was released on November 22, 2017 and can be read at [www.placetocallhome.ca](http://www.placetocallhome.ca).

For the first time, the Strategy will provide federal funding, which can only be used for programs of housing benefits paid directly to tenants.

The Canada Housing Benefit is to be designed within each province for that province, and funded with matching provincial money. The strategy expects those programs to roll out in April 2020,

using \$2B of federal money and \$2B of provincial funding between 2020 and 2026.

The current plan is to start paying the Housing Benefit to about 75,000 households across Canada in 2020, and increase the number of households receiving the benefit to 300,000 households by 2026. (The average benefit is expected to be \$2,500 per year, or close to \$200 per month.)

## THE PHASE-IN PLAN

Some CMHC officials are afraid that the Housing Benefit will result in rent inflation. That concern is being addressed by the phase-in, and two other measures. Benefits will be directed first to creating deeper

affordability in new affordable housing and to support social housing occupants who are moved for re-developments. As well, portability will be introduced "progressively."

Other officials, most knowledgeable academics, and CFAA think that a properly designed Housing Benefit will not result in rent inflation. Certainly, the provincial programs for many tenants in Quebec, Manitoba and BC have not resulted in rent inflation. Housing benefits help low-income tenants pay their rent on time and in full for the housing they need, and are already living in.

At the suggested phase-in rate, the spending by both orders of government





#### Why do **tenants** win?

- Housing benefit recipients do not need to move, but they can move when they want to.
- Housing benefits avoid stigma.
- More low-income tenants can be helped with the same amount of money.
- Once the programs are running, benefits can begin very quickly.

#### Why do **landlords** win?

- Housing benefits help tenants pay their rents.
- Housing benefits avoid administrative burden.
- Housing benefits leave landlords with their choice of tenants.
- Housing benefits help reduce political pressure for tighter rent control.

#### Why do **taxpayers** win?

- Housing benefits help many more low-income people than spending the same money on building new affordable housing.
- Benefits can be withdrawn quickly and easily from households which no longer qualify.
- Housing benefits can be targeted precisely to help the households in the worst situations so that there is less need or pressure to increase universal benefits or social assistance generally, thus saving tax money.



might well reach \$750M per year by 2026. In its lobbying in the NHS consultation, the National Housing Collaborative proposed a portable housing benefit program costing \$1.2B per year to address all households in deep core need in 2016.

It would be better for the governments to begin the Housing Benefit sooner than 2020, and ramp it up faster, since each year, 400,000 private market renter households are in deep core need, paying more than 50% of their income on housing. At best, the NHS program may address half of the private market need by 2026.

Even with those limitations, the expanded use of housing benefits is a major win for tenants, landlords and taxpayers.

## OTHER ASPECTS OF THE NHS

Besides \$4B for housing benefits, the NHS provides:

- \$9.1B for repairs and income support in existing social housing, and to build 50,000 more community housing units.
- \$4.7B in grants and \$11.2B in low costs loans for the repair up to 240,000 units of existing affordable housing, and the construction of 60,000 new housing units, through the new National Housing Co-Investment Fund.

In each new project up to 70% of units can be at market rents, but 30% or more must be affordable. As well, projects must be accessible and energy efficient.

The current CMHC Rental Construction Financing Initiative (RCFI) is to be rolled into the new National Housing Co-Investment Fund. Just as with RCFI, it is not clear that the new projects will be focused enough in the areas where they are needed, such as Greater Toronto

“In each new project up to 70% of units can be at market rents, but 30% or more must be affordable. As well, projects must be accessible and energy efficient.”

and Vancouver. However, at least the goal is to support private market developments which include an affordable component.

Many other features in the NHS are also worthy of approval, including:

- The priority being placed on contributions to repairing and retrofitting existing rental housing.
- A promise to move to more extensive, open data.
- The preservation of the baseline social housing funding, including no net loss and replacement of the operating agreements (which means the portable housing benefit is not coming at the expense of social housing).
- The statement of the need to fund greater collaboration in the housing sector.
- Support for mixed income housing (which can potentially meet the demand of some cities under mandatory inclusionary zoning).
- The planned campaign to reduce NIMBYism about affordable housing.

## REACTION AND FUTURE STEPS

Numerous columnists cited the Canada Housing Benefit as the best part of the NHS. For example, in the *National Post* Andrew Coyne wrote:

The best part of the federal plan, from a number of perspectives, is the new Canada Housing Benefit. Rather than being used to build public housing, which may or may not be to its tenants' liking (the historical experience is distinctly spotty), the money would go to supplementing the rents of its intended beneficiaries, following them around wherever they choose to live. Paying benefits in cash rather than in kind is not only better social policy, on the whole — money, as George Bernard Shaw said, gives us what we want, rather than what other people think we need — but it's also an appropriately federal intervention, since people may decide to move not just within each province but between them.

CFAA achieved the adoption of the plan to expand housing benefits, because of strong support from a wide range of people and associations, including:

- the current Housing Minister, Jean-Yves Duclos
- anti-poverty organizations (including the United Way, the Maytree Foundation, the McConnell Foundation and the Daily Bread Food Bank)
- the National Housing Collaborative, and its members
- the Canadian Home Builders' Association
- many contacts mobilized by CFAA and member associations.

All these forces came together through CFAA's hard work over the last two years. More hard work and support will be needed to push the provinces to provide their 50% funding for housing benefits, and to achieve good program designs. 🏠

If you are dealing with CMHC over the RCFI, or have thoughts about the National Housing Strategy, please contact [president@cfai-fcapi.org](mailto:president@cfai-fcapi.org).

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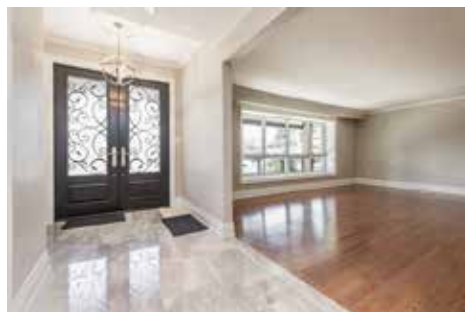
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# A NEW ORDER

Changes to Ontario's land use planning appeal and approval process

BY TOM HALINSKI AND MEAGHAN BARRETT, AIRD & BERLIS LLP

**R**ecently, the Ontario Legislature passed the Building Better Communities and Conserving Watersheds Act, 2017 (the "Act"), which makes a number of fundamental changes to the land use planning approvals system throughout the province, for the stated purpose of making the system faster, fairer and more affordable. Key among the changes introduced by the Act is the replacement of the Ontario Municipal Board ("OMB") with the Local Planning Appeals Tribunal ("LPAT"), as well as new provisions that limit the scope of what can be appealed, the basis for such appeals, and the timing for appeals.

It is well-established that Ontario is facing a rental housing supply shortage. While the new changes appear to provide more certainty with respect to the timing of a planning approval process, it is unlikely that the changes will facilitate the construction of more rental housing in the province. To the contrary, the Act's greater emphasis on the decisions of elected councils and local planning authorities could provide support for a climate of greater resistance for the future development of residential housing.

## NEW RULES ON WHAT CAN BE APPEALED

The Act removes the right to appeal a number of previously appealable matters, including in respect to certain Official Plan ("OP") policies that apply to major transit areas,<sup>1</sup> a two-year freeze on amending secondary plans and a one-year freeze on appealing Interim Control By-laws<sup>2</sup> and decisions of the Minister of Municipal Affairs on OPs or amendments to the OP where the Minister is the approval authority.

## EXTENDED TIMELINE FOR APPEALS OF COUNCIL'S NON-DECISION

The Act extends the timing for the appeal period on private OPAs and Zoning By-law Amendments ("ZBAs"):

- The appeal period on a private OPA is extended from 180 days to 210 days.

- The appeal period on a private ZBA is extended from 120 days to 150 days.
- If the private ZBA is accompanied by a private OPA, the appeal period for both is 210 days.

## NEW TESTS ON APPEAL

The test, which an appellant has to meet has also been changed by the Act. The new test requires appellants to explain how the part or section of the instrument under appeal is inconsistent with a provincial policy statement, fails to conform with or conflicts with a provincial plan, or fails to conform to the applicable upper-tier official plan. This will likely be a high and difficult-to-meet threshold.

The procedure to be followed on appeal to the LPAT will depend on the matter being appealed:

- If the matter is in respect of a municipally-adopted/approved OP or OPA, or a Zoning By-law or ZBA, the appellant must explain how the part or section of the instrument under appeal meets the New Test.
- If the matter is in respect of a privately-initiated OPA or ZBA, the applicant/appellant must explain:
  - how the existing policies/regulations of the OP or ZBL sought to be amended do not satisfy the New Test, and then also
  - how the proposed OPA or ZBLA does satisfy the New Test.

## NEW HEARING PROCESS

The Act creates a new process for appeals to the LPAT, which contemplates a two-stage appeal process:

- In the first instance, if the LPAT determines that the appellant has not met the applicable test, the appeal will be dismissed. However, if the LPAT determines that an appellant has met the applicable test, the LPAT will give notice to the municipality that it is being given an opportunity to reconsider its decision on the matter.
- If the municipality does not render a decision on the reconsideration within 90 days, the non-decision may



be appealed to the LPAT. If the municipality does render a decision on the reconsideration, that municipal decision may be appealed a second time to the LPAT.

- It is only on a second appeal that the LPAT has the power to modify the appealed instrument to resolve the matter, provided the LPAT finds that the appellant has again met the applicable test.

Additionally, evidence supporting an appeal will now be based primarily on the written record that was before council when it made its original decision – no party will be permitted to call evidence or examine witnesses in most planning appeals. Oral hearings will involve only submissions by the parties to the appeal, which will likely be subject to time limits.

### TRANSITION PROVISIONS

While the Act has now received Royal Assent, the legislative amendments to the Planning Act and other affected legislation will come into force upon proclamation of the Lieutenant Governor. There is currently no firm date for proclamation, but it is expected to occur in the spring of 2018.

A key issue is the transition between the current planning appeals system under the jurisdiction of the OMB to the new planning appeals system under the jurisdiction of the LPAT. Assuming the transition regulation is issued as proposed,<sup>3</sup> it is anticipated that appeals will be dealt with as follows:

- If a matter has been appealed to the OMB before December 7 of last year, the appeal will stay at the OMB.
- If a complete application was made before December 7 and an appeal is filed before proclamation, the appeal will stay at the OMB.
- If a complete application is filed after December 7, the appeal will go to the LPAT after proclamation.
- If any appeals are filed after proclamation (decisions or non-decisions), the appeal will go to the LPAT.

### CONCLUSIONS

The goal of the new system is to give greater weight to the planning decisions of local communities. Since the scope of planning matters that may be appealed has been significantly reduced, elected municipal councils and local planning authorities will have more say in the ultimate outcome of the planning approval process. While the hope would be that such changes will ultimately assist with addressing the rental housing supply shortage in the Province — thus implementing the Provincial goal of intensification — there is concern that the complexity of the new system will in fact create greater delays and greater difficulty in obtaining approvals for new projects. Similarly, where council does not support development projects, those projects are likely to face significantly greater obstacles to approval. ■■

1. With respect to major transit areas, the Act provides that upper and single-tier municipalities may include policies in their Official Plan identifying protected major transit station areas that prescribe the land uses, heights and minimum employment/residential densities to be achieved in the area. Once the policies and maps are approved by the Approval Authority, they will no longer be appealable and can only be amended with permission from the municipality.
2. Once a secondary is approved, the Act provides that no one can request an amendment to a new secondary plan before the second anniversary of the secondary plan coming into force, absent permission from the municipality.
3. See the Government of Ontario's "Statement on Transition from the Ontario Municipal Board to the Local Planning Appeal Tribunal" dated December 7, 2017, available online: <https://news.ontario.ca/mma/en/2017/12/statement-on-transition-from-the-ontario-municipal-board-to-the-local-planning-appeal-tribunal.html>.

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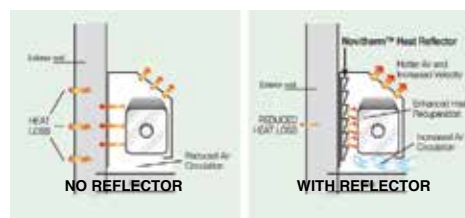
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# GOVERNMENT RE

## What's ahead for the FRPO advocacy team

BY PAUL FOGOLIN, VICE PRESIDENT GOVERNMENT & INDUSTRY RELATIONS

**2**017 was a very active and challenging year in terms of government policy and regulation related to the rental housing sector. There is no time to slow down, however, as 2018 looks to be yet another busy year for our FRPO advocacy team. We have a jam-packed agenda for the first few months of the year focused on a few key priority areas. The following is an update on these key priorities along with a few other active files of interest to our members.

### ELECTION 2018

A Campaign Research poll conducted between January 9th - 11th had the PCs at 35%, Liberals at 34%, the NDP at 23% and the Green Party at 6%. Regardless of the accuracy of this particular poll, it is clear that we need to prepare for a variety of outcomes in the upcoming provincial election, including a minority government. In light of this, we will continue to engage with key decision-makers from the three main parties with a focus on ensuring their upcoming election platforms speak to the need for policy and regulatory changes to encourage more rental housing supply.

There are already signs of progress related to campaign advocacy. The Ontario PC party platform entitled, "The People's Guarantee" was released in November and included two key commitments impacting our industry: first, the commitment of a new PC government to look at ways to increase rental housing supply; and second, to undertake a review of the RTA to improve the operation of the Landlord and Tenant Board for the benefit of landlords and tenants. These are both very positive commitments that the PCs can build on in the coming campaign.

We have also participated in a number of Liberal campaign planning and platform development sessions. They have signalled

an interest to do more to encourage more rental housing, building on the recent development charge rebate program and release of provincial lands for rental development.

Finally, The NDP released a "vision" document in December in which they focused on supply, rental affordability and eliminating the '91 exemption—but there was no mention of vacancy decontrol as an issue. FRPO will continue regular contact with NDP decision-makers, including meeting with the housing lead in Andrea Horwath's office.

### CONSULTATION ON THE EXEMPTION OF SUPERINTENDENTS FROM THE EMPLOYMENT STANDARDS ACT (ESA)

In late 2017, the Ministry of Labour conducted a review of special industry rules and exemptions under the Employment Standards Act, 2000 (ESA) in consultation with affected stakeholders. As there are approximately 85 special rules and exemptions from the ESA, the exemptions review will be conducted in phases. Several occupational exemptions are being examined during this initial phase, most notable for FRPO superintendents.

To facilitate the consultation process, the Ministry of Labour prepared ESA Exemptions Toolkits. FRPO received a copy of the toolkit for superintendents and provided commentary and feedback to do our part to ensure that superintendents remain outside of the ESA given the unique nature of their work.

FRPO will continue to monitor the file, but it doesn't appear that there are any strongly entrenched organizations on the other side of the issue. Early intelligence from the government indicates that eliminating the exemption for superintendents isn't something they are focused on.



# RELATIONS ROUND-UP

## STANDARD LEASE

We expect that the final standard lease will be released at the end of January or early February of 2018. All signs point to the inclusion of the ability to add “Additional Clauses” to the lease such as parking and insurance requirements. This is an issue we made a major priority as we provided the Ministry of Housing with feedback on their several standard lease drafts in late 2017.

It is unclear if FRPO’s request for an extended transition period (4-6 months) to accommodate for staff retraining and changes to software used by members will be accepted. We anticipate at least 3 months will be provided for landlords to transition to the new lease.

Once the standard lease is released, we will be hosting a webinar to educate our members on the new lease, including a Q & A with Ministry of Housing officials and legal experts. Please be on the lookout for further details about this webinar in the coming weeks.


## OTHER ISSUES

Here are some quick updates on a few additional advocacy issues we know are priorities for our members:

- **Cannabis Legalization:** We continue to advocate for a ban on the home cultivation of cannabis in multi-unit residential dwellings. We believe our case has been strengthened by other provinces moving forward with bans on home cultivation, including Quebec, Manitoba and Saskatchewan. Meetings to discuss this issue with the Attorney General’s office and Ministry of Housing will be scheduled in early 2018.
- **OMB Reform:** Bill 139 proclaimed in late December of 2017.

This will trigger the end of the OMB in favour of Local Planning Appeals Tribunals (LPATs). We are concerned with what the transition will look like from the OMB to the new LPAT model. The government has posted transition regulations for consultation and comments are due on January 21. FRPO will be working in collaboration with our partners at OHBA and BILD to provide feedback on the transition process.

- **Vacancy Decontrol:** Peter Tabuns, NDP MPP for Toronto Danforth, put forward a private members bill in June calling for an end to vacancy decontrol. He then had the opportunity to debate the bill in the legislature in late November, but chose to debate another bill on organic waste instead. We met on two separate occasions with MPP Tabuns since the introduction of his Bill in June to learn more about his motives and to deter him from pursuing this any further by educating him on the vital importance of vacancy decontrol to the maintenance and upgrade of rental housing stock. Nonetheless, we need to remain vigilant and will continue to meet with the NDP and other parties to advocate for the necessity of vacancy decontrol.

As always, I would like to acknowledge the hard-working members of our Government Relations and Legislative Committees. Their expertise and insight greatly enhance the quality of our advocacy. With so many irons in the fire, it is critical that we remain focused on the priorities that matter most to our members. 

*If you have any questions or comments about these issues, or other government relations priorities, please do not hesitate to contact me at [pfogolin@frpo.org](mailto:pfogolin@frpo.org).*







# SOME RELIEF IN STORE FOR LANDLORDS

The impact of CCPC tax reforms on rental owners and managers

BY JOHN DICKIE, PRESIDENT, CANADIAN FEDERATION OF APARTMENT ASSOCIATIONS

**T**he latest changes to the tax reforms planned for Canadian Controlled Private Corporations (CCPCs) will provide relief for some landlords. The federal tax reforms were first announced on July 18. After intense pressure from business people and professional groups, including

CFAA, the reforms were revised in the three announcements made during the week of October 16, and again on December 13.

According to the December announcement, there will still be a reasonableness test for dividends for many CCPC shareholders (in order to limit income splitting), but many other

The tax reforms being discussed here do NOT affect people who hold rental property in their own name or with their spouse (or another family member). The tax reforms also do NOT affect REITs, REIT unit owners, public corporations, or shareholders in public corporations.

shareholders will be exempt from the test. The new exemptions will be implemented by “bright-line tests”, which make it relatively easy to tell whether a person qualifies for the exemption or not.

**The exemptions of most use to landlords will be the following:**

- The business owner’s spouse, provided that the business owner meaningfully contributed to the business and is aged 65 or over.
- Adults aged 25 or over who own 10 per cent or more of a corporation that is not a professional corporation, and earns less than 90 per cent of its income from the provision of services.

The first bullet would apply to both rental owners and rental management companies. The second bullet should exempt family members who hold an ownership stake of 10 per cent or more in the business of a rental owner. Some corporate restructuring may be indicated for some people.

On the other hand, a rental management business, which does not own any rental property, may well earn 90 per cent or more of its income from the provision of services, and thus not qualify for that exemption. For such a business, the solution may be to acquire a building in order to generate more than 10 per cent of the corporation’s total income through property rather than services.

Another exemption will apply to adults aged 18 or over who have made a substantial labour contribution (generally an average of at least 20 hours per week) to the business during the year, or during any five previous years.

**Other information**

Individuals aged 25 or over who do not meet any of the exemptions will be subject to a reasonableness test to determine how much income, if any, will be subject to the highest marginal tax rate instead of their own normal tax rate.

All the income sprinkling measures are to be effective starting on January 1, 2018, except

that individuals and CCPCs are to have until December 2018 to meet the 10 per cent ownership test.

It seems likely that income from property owned through trusts will be affected by the changes, although that is not yet completely clear.

The Canadian Federation of Apartment Associations position is that all spouses should be exempt from the reasonableness test for income splitting since the family law regimes of most provinces give spouses a 50 per cent stake in property and business growth on separation.

The Government says it will also move forward with measures to increase taxes on the income from passive investments purchased after the fall of 2017 using income on which the small or active business tax rate was paid. CFAA will continue to communicate the concerns of rental housing providers to the government. ■■■

*If you are concerned about the proposed tax changes, please contact [president@cfaa-fcapi.org](mailto:president@cfaa-fcapi.org).*

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# THE 2017 FRPO MAC AWARDS

## Recognizing Rental Housing Excellence

On Thursday, November 30th, FRPO held it's 17th annual awards gala in Toronto. FRPO's MAC (Marketing, Achievement and Construction) Awards recognize success and quality in Ontario's rental housing sector.

This event continues to grow and set new records with over 1000 rental housing professionals in attendance and 155 submissions. This year's guest speaker; Olympic gold medalist and the host of the Amazing Race Canada, Jon Montgomery spoke to the crowd about his journey to the top of the podium and the teamwork involved.

### AWARD PRESENTERS INCLUDED:

Paula Gasparro, CMHC  
Peter Altobelli, Yardi Canada Ltd.  
Don Neufeld, Coinamatic Canada Inc.  
Greg Stokes, Rogers Communications  
Frank Evangelou, Ace Group of Companies  
Carlos Munoz, Solid General Contractors

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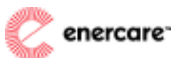
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## Recognizing Rental Housing Excellence



Emily Schwartz-Rabe, Jamie Schwartz and Andrew Schwartz accepting the Lifetime Achievement Award on behalf of the Schwartz family.



### Lifetime Achievement Award

#### TOM SCHWARTZ – CAPREIT

Tom Schwartz was recognized as this year's Lifetime Achievement recipient for his outstanding contributions to rental housing in Ontario. Tom was a visionary in the field of housing and revolutionized the service side of rental with his vast experience in the condo business. As founder of CAPREIT, and in his capacity as President and CEO, Tom grew CAPREIT to the largest multi-family REIT in Canada with over 50,000 units. Under his leadership, he also led expansion into Ireland and the Netherlands. Tom also served as Chair of the FRPO board and was instrumental in leading the industry response to changes to the Tenant Protection Act, which in turn became the Residential Tenancies Act. Tom's passion for rental housing and those who worked for and with him, was extraordinary. Tom lost his battle with prostate cancer this past August but his legacy remains.

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2017  
MAC  
AWARDS

## Advertisement Excellence – Single Campaign

### SKYLINE LIVING – HARRIS PLACE: PHASE 1 & 2

This award recognizes a rental housing organization that has demonstrated clarity, innovation and excellence in marketing their advertising campaigns for rental housing. Entries were judged on overall concept, creativity, layout, copy or script, platforms used, results and execution. Skyline's campaign for their new development in Brantford utilized a variety of collateral pieces and targeted advertising to ensure a successful lease-up of the property.

**Nominees:** Hollyburn Properties Ltd. "The Hollyburn Hashtag Hunt"  
CAPREIT "Tinder Style Ad"



## Advertisement Excellence – Social Media

### GREENWIN INC.

This award recognizes a property management organization that has demonstrated clarity, innovation and excellence through use of social media. This includes various social media platforms used to engage existing residents as well as attract prospective renters. This award recognizes Greenwin Inc. for delivering informative, insightful, engaging and useful content on a regular basis while integrating social media as part of their marketing and communications strategy. This is Greenwin's third win in this category.

**Nominees:** CAPREIT  
PCM Inc.



## Best Property Management Website

### HOLLYBURN PROPERTIES LTD.

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. This award acknowledged Hollyburn for having a well designed and effective website from a resident and/or prospective resident standpoint.

**Nominees:** O'Shanter Development Company  
Realstar



## Recognizing Rental Housing Excellence



### Amenities Award of Excellence

#### MINTO PROPERTIES INC. – 185 LYON STREET NORTH, OTTAWA

This award recognizes a housing provider that has demonstrated excellence in providing, creating or improving common areas and amenities for their residents. This can include improvements to existing common areas (excludes lobby) or creation of new amenities or common areas. Examples include (but are not limited to) pool upgrades, laundry room renovations, fitness facilities or media centre, rental offices, rooftop patio, dog park, playground, outdoor areas, etc. Minto successfully transformed several spaces to provide their residents with a renovated fitness centre, theatre and social spaces.

**Nominees:** Greenwin Inc – 88 Erskine Avenue, Toronto  
Starlight Investments – 140 Main Street West, Hamilton



### Best Curb Appeal

#### GREENROCK PROPERTY MANAGEMENT LTD – 40, 50 ALEXANDER STREET AND 55 MAITLAND STREET, TORONTO

This award recognizes a housing provider or manager that has demonstrated excellence in enhancing the curb appeal of their property. Entries were judged based on the overall visual appeal of the exterior property improvements, landscaping, structural design, functionality and aesthetics of the entrance to the building. Greenrock successfully enhanced the appearance of their large urban community for both residents and prospective tenants.

**Nominees:** Starlight Investments Ltd. – 25 Fisherville Road, Toronto  
Effort Trust – 85 Barlake Avenue, Hamilton



### Best Suite Renovation Under \$12,500

#### PRESTON APARTMENTS – 2 SECORD AVENUE, TORONTO

This year's winner, Preston Apartments, was recognized for achieving 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 considered the budget and potential rent lift.

**Nominees:** M&R Holdings – 240 Cosburn Avenue, Toronto  
Oxford Properties – 1101 Bay Street, Toronto

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### Best Suite Renovation Over \$12,500

#### METCAP LIVING MANAGEMENT INC. – 201 SHERBOURNE STREET, TORONTO

This year's winner, Metcap Living, was recognized for achieving excellence in renovating the interior of an existing rental unit. Entries were judged on the overall interior appeal, special or unique design, creative and efficient use of space and functionality of the floor plan. Judges also took into account the rent increase potential and use of budget.

**Nominees:** 18 Brownlow Holdings Ltd. – 18 Brownlow Avenue  
Greenwin Inc. – 88 Erskine Avenue, Toronto



### Lobby Renovation of the Year

#### HOLLYBURN PROPERTIES - 103 AVENUE ROAD, TORONTO

Hollyburn Properties was recognized for achieving excellence in renovating the interior of an existing lobby and/or common area corridors to & from parking areas. Entries were judged on the overall interior appeal, special or unique design, creative and efficient use of space and improved functionality of the floor plan.

**Nominees:** CAPREIT – 236 Dixon Road, Etobicoke  
Starlight Investments – 145 Wellington Street East, Aurora

## Recognizing Rental Housing Excellence



### Rental Development of the Year

#### SIFTON PROPERTIES LIMITED – WEST 5 TOWNHOMES, LONDON

This year's winner, Sifton Properties, was recognized for achieving excellence for their 'West 5' rental development located in London. This award was judged on the overall creativity and suite design, curb appeal, amenities, and efficient use of space and functionality of the floor plan. Sifton successfully launched their net zero community providing residents with a high standard of finishes and energy efficient technologies.

**Nominees:** Realstar – 460 Belmont Avenue, Kitchener  
Greenwin Inc. – 77 Keewatin Avenue, Toronto





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## Environmental Excellence

### SIFTON PROPERTIES LIMITED

This year's winner, Sifton Properties, was recognized as the leading rental housing provider in environmental practices. Submissions for this category concentrated on a variety of areas including energy conservation, water conservation, recycling or other environmentally conscious practices. Entries were judged on the level of conservation or recycling achieved and the quality of environmental accomplishments when compared to that of an average rental housing provider in Ontario.

**Nominees:** Skyline Group of Companies  
Oxford Properties



## Resident Managers of the Year

### LINDA AND FERNANDO DASILVA – GREENWIN INC

This year's winner, Linda and Fernando DaSilva, nominated by Greenwin, demonstrated excellence and professionalism in on-site building management. Judges took into account any property management challenges faced by the nominees in the past year, their work accomplishments and the standard of service provided. Linda and Fernando clearly demonstrated effective management of on-site daily activities, building and maintaining positive professional relationships with residents while providing a clean and organized environment in which their residents can call home.

**Nominees:** Patricia MacVicar – Skyline Living  
Matthew Lewenberg – Oxford Properties



## Leasing Professional of the Year

### JOHN BURNS – GREENWIN INC.

This year's winner, John Burns, nominated by Greenwin, was recognized for doing an outstanding job in leasing, tenant screening and increasing rental revenue. John demonstrated a superior closing rate, high volume of tenants screened, reduced tenant turnover and vacancy rates within his region and overall professionalism.

**Nominees:** Michelle Viater – Sterling Karamar Property Management  
Mary Fridrich – Metcap Living Management Inc.

## Recognizing Rental Housing Excellence



### Property Manager of the Year

#### **THERESA LAPENSEE – SIFTON PROPERTIES LIMITED**

This year's recipient Theresa Lapensee, nominated by Sifton Properties, successfully demonstrated excellence and professionalism in managing her communities and teams. Theresa has consistently excelled in effectively managing her portfolio, staff, capital projects and budgets while ensuring a high level of customer service and resident satisfaction making her a leader in this category.

**Nominees:** Rafael Tablada – M&R Holdings  
Linda Nuzzo – Minto Properties Inc.



### Community Service Award of Excellence

#### **STARLIGHT INVESTMENTS**

This award recognizes a company that has gone above and beyond to give back to the communities that they operate in. This year's winner, Starlight Investments, has been involved in their community through volunteer activities, contributions to a variety of charities and other service projects or events. Judges also took note of their overall contribution (funds raised, people helped, volunteerism, etc.) to their community service project 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  
CAPREIT



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## Customer Service Award of Excellence

### MINTO PROPERTIES INC.

This category recognizes a residential rental company who has delivered outstanding customer service to its residents. This year's winner, Minto Properties, demonstrated a superior commitment to high standards of resident care in their teams and organization. Our panel of judges also took into consideration activities, initiatives and programs that involve their residents and show a willingness to go above and beyond 'just housing' or the status quo.

**Nominees:** M&R Holdings  
Morguard – Aspen Grove I & II



## Marvin Sadowski Memorial Award Certified Rental Building Member Company of the year (Over 15 Buildings Enrolled)

### HOLLYBURN PROPERTIES LTD.

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." Hollyburn Properties demonstrated a superior commitment to achieving and/or exceeding the CRB Standards of Practice (SOP), engagement of staff, and creating CRB resident awareness.

**Nominees:** Melchoir Management  
Sterling Karamar Property Management





# ONTARIO'S INCREDIBLE SHRINKING RENTAL MARKET

FRPO's #rentON campaign aims to spread awareness

**L**ast November, the Canada Mortgage and Housing Corporation (CMHC) released its latest rental housing report, exposing the true extent of the supply crisis currently facing renters in Ontario – and it's not looking good.

Released only two months after our commissioned Urbanation study showed a shortfall of over 6,000 rental units annually for the next decade, the report revealed Ontario's purpose-built vacancy rate is now down to 1.6% – its lowest level since 2000. Vacancy rates in most of the province's biggest cities are even worse:

**Hamilton:** 2.4% (down from 3.8%)

**London:** 1.8% (down from 2.1%)

**Ottawa:** 1.7% (down from 3.0%)

**Brantford:** 1.3% (down from 2.1%)

**Greater Toronto Area:** 1.1% (down from 1.4%)

**City of Toronto:** 1% (down from 1.3%)

**Kingston:** 0.7% (down from 2.6%)

FRPO was there to echo the alarm, with our president Jim Murphy relaying facts on rental housing to the Toronto Star, CBC News, and regional outlets, such as the Brantford Expositor and London Free Press. "It's going to get worse over time as the population increases, as demand increases," he told CBC. "We need more supply."

For would-be renters struggling to find affordable housing as more people opt to rent due to lifestyle choices, smaller household sizes, or the inability to own a home, the numbers don't come as a shock. If anything, they serve to emphasize the importance of our Rent ON campaign calling for all levels of government to play their part in creating an environment that will allow for new rental supply to address the problem.

Since launching the Rent ON movement in September, momentum has remained strong.



We continue to get our message for more rental housing to keep up with current and impending demand to our provincial decision-makers ahead of this year's provincial election. To date, we have earned nearly 150 hits in both national and regional media outlets, as well as over 3 million impressions across FRPO's various social media channels. There's no doubt our message is being heard – however, it's imperative that we don't stop now.

While the provincial government has taken small steps to reverse the adverse impact to rental supply caused by past policies—including releasing several parcels of government land for new rental housing development and introducing a \$25 million-a-year rental development charge rebate plan—these steps are far too modest to make a real dent. As Jim Murphy noted in a December opinion piece for the Huffington Post, more needs to be done if we are to truly instigate provincial investment in purpose-built rental housing.

While FRPO leadership will continue to spread the word through a mix of digital and traditional public relations efforts (including

social media and speaking engagements), we still need our members to help spread the word on this important issue by actively participating in our Rent ON campaign.

#### Here's how FRPO members can help:

- Report cancelled or converted rental projects to Lillie Armstrong at [larmstrong@frpo.org](mailto:larmstrong@frpo.org)
- Follow FRPO on social media (@FRPOFACTS or FRPO) and join the conversation using the hashtag #rentON
- Share our posts on your business and personal social media profiles that include the #rentON hashtag or link to the Rent ON website ([www.rent-on.ca](http://www.rent-on.ca))
- Talk to your government representatives about Ontario's rental supply crisis
- Contact Lynzi Michal at [lmichal@frpo.org](mailto:lmichal@frpo.org) to receive Rent ON creative materials to share on your blog, website or social channels

Let's work together to keep the pressure on our provincial leaders to take action and increase rental supply in Ontario. 🏠

# EMPLOYEE COMPENSATION & BENEFITS SURVEY

Now available for purchase

The CFAA Rental Housing Employee Compensation & Benefits Survey for 2017-18 is available for purchase. All six Ontario reports provide extensive data on 3,565 employees in Ontario and 6,209 employees across Canada, as well as substantial data specific to each centre. Reports are available for Greater Toronto, Hamilton-Burlington, Waterloo Region, London, Ottawa, and smaller centres (including Kingston).

Building-based positions covered include: building superintendents (resident managers), cleaners, leasing agents, maintenance technicians, property administrators, property managers, and others for a total of nine building-based positions.


Head office positions include: CEOs, COOs, CFOs, various directors, regional managers, marketing, leasing, HR and IT heads, construction and maintenance managers and coordinators, property accountants, paralegals, admin assistants, receptionists, and others for a total of 20 head office positions.


Order your survey now to make sure you are achieving your pay strategy, and optimizing your employee costs. Paying too much will cost you money, but so will paying too little. Pay influences employee satisfaction, which in turn influences employee retention and employee motivation, which drives tenant satisfaction and net income. **Go to <https://cfaa-fcapi.org/compsurvey.php>.**

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THE VOICE OF THE FEDERATION OF RENTAL-HOUSING PROVIDERS OF ONTARIO 31

# FRPO CRB SET TO WAGE WAR ON PESTS

New Best-Practice Integrated Pest Management to be launched this spring

BY TED WHITEHEAD

It was approximately 18 months ago that I sat through the series of public hearings, conducted by the City of Toronto, and listened to the concerns of renters in attendance about various issues they had with our industry. The issue of pests (namely bedbug and cockroach infestations), and landlords' intolerance to take adequate preventative measures to rectify these problems came up time and time again. In fact, it became one of the two primary issues raised by City staff in recap of the nine public hearings that were conducted. A number of local Toronto councillors were quick to criticize landlords as being irresponsible and uncaring of resident pest issues. Little did they seem to understand that our industry spends literally millions of dollars annually on pest management prevention: "No self-respecting property manager (landlord) welcomes bugs into their buildings."

Such was the public innuendo about the industry's pest management practices, that we decided that FRPO must find a way to change these misperceptions, and make the pest infestation issue not just a problem of landlords, but one in which all parties – landlords, tenants, pest management companies, and politicians all have responsibility and a stake in the game. Last spring, thanks to an email from Effort Trust's Ronnie McKenzie, we were alerted to bed bug research and the prevention program being undertaken by the City of Hamilton. We met with Terry Quinn, from the City of Hamilton, who overviewed the significant research that had been done in the area of bed bugs. If adopted by providers of multi-res housing (apartments, long term care & senior homes, rooming houses, etc.) these best practices could significantly reduce bedbug infestations in Hamilton and surrounding communities.



We requested the opportunity to work with Terry and his team to fine-tune their learning and incorporate employee/resident education programs related to reducing bedbug infestations specifically in the multi-res industry. Terry and his team readily accepted our offer to work with them.

Using the City of Hamilton's research (and the work they had completed to date), FRPO CRB immediately commenced working on the design/development of a set of "best practice" multi-res standards/requirements, including employee training and resident education materials. As well, meetings were held with a number of industry licensed pest management companies to gather their expertise and recommendations. While there are still a few syndication meetings to hold with key members of this group, all consultations with licensed providers to date have demonstrated we are firmly on the right track.

## BP IPM KEY HIGHLIGHTS

### *Establishing Shared Culture of "No Fault, No Blame"*

Research clearly demonstrated that many residents who have pest problems are reluctant to bring them forward at the initial first sighting of pests. They do not want to be blamed for causing a pest problem in their apartment or building. Often they will try to get rid of their pest problem by themselves by buying various off-the-shelf pest control killer sprays, traps, etc. An absolute "no-no" as research and any licensed pest management would advise.

So at the heart of the FRPO CRB new BP IPM is establishing a "No Fault, No Blame" policy with your staff and residents. A "No Blame, No Shame" policy acknowledges that no one (landlords or residents) wants pests and no one is blaming (residents) for causing a pest problem. It encourages early pest reporting and acknowledges that blaming any one person serves no purpose.

FRPO CRB BPIPM requests that property managers inculcate this policy as a mainstay of your company's culture and as part of resident community mindsets. This means constant reminders, and open communication with staff and residents. As one might expect, the premise for this policy is based on early identification. All research indicates that the earlier you can identify a pest problem the easier it is to treat it and stop it from spreading.

### **Building Operations - Inspection & Monitoring**

Property managers should complete a pest management inspection of all suites within the building at least once annually as an early identification and preventative measure, as well as a means for identifying paths of entry and food sources for pests that should be addressed. This inspection can be undertaken





as a separate and stand-alone activity completed by either the pest management company, or building staff, or a combination of both. Equally, this annual pest management monitoring could be incorporated into the existing annual suite inspection process.

Documentation and written procedures should be maintained for these annual in-suite pest inspections to identify areas within the suite to be inspected for pests, the date and results of the pest inspection and any integrated pest management related activities taken as a result of the inspection.

As a best practice, following the inspection, it is recommended that residents be informed as to if pests were or were not found and any actions required or taken. In addition to the annual suite inspection, at unit turnover and prior to a new tenant moving into the unit, a thorough pest management inspection must be completed.

#### **Employee Education & Communication**

Employee engagement and education are critical components to the success of any building's integrated pest management program. Knowledgeable and engaged staff can help ensure a building's Integrated Pest Management Plan is being implemented and stays on track. They can also be an important link between residents and pest management company professional.

#### **Resident Education, Communications and Engagement**

Residents play an extremely important role in the BP IPM program as a means to address pest management issues quickly and effectively.

To this end, property managers are required to develop, document and implement a tenant/resident education and communication program. The goals of this program are to provide residents with meaningful, balanced and factual information to raise awareness, to assist them in understanding the problems, to identify and communicate expectations, to promote timely notification if pests are identified, to change attitudes on what

constitutes treatment, as well as to promote a co-operative approach to pest identification and control within any multi-res building.

#### **A SAMPLING OF STRATEGIES PROPERTY MANAGERS MAY CHOOSE TO USE, INCLUDE:**

- At lease signing, providing the resident with/discussing your building's "no shame no blame" policy approach, the clear expectation for early reporting if pests are discovered, as well as the requirement for co-operation with unit preparation instructions when necessary.
- Incorporating a "Pest Management" section into the resident handbook that is distributed at time of move in. This section could include the organization's IPM policy, as well as information on expectations and procedures for residents regarding reporting of pests, maintaining their unit, preparing their unit as required for inspection or treatment when requested, etc.
- Using the members' website, online resident portal, or other electronic means to post and distribute the organization's integrated pest policy and other environmental information and/or tips.
- Integrating tips, fact sheets and other pest management and prevention messages and updates into an existing resident newsletter.
- Using the annual suite inspection as an opportunity to inform and educate on pests and preventative measures that can be taken.

- Distributing to residents Certified Rental Building program produced fact sheets on bed bugs and cockroaches. These can be used as part of the building's resident education and awareness campaign.

#### **GOING FORWARD**

FRPO CRB is near completion of the BP IPM pest management training for employees, and the development of resident pest education materials, and videos. Note: For the latter element we will look at producing these materials in 15 different languages to ensure our multi-diverse apartment communities can readily participate in our educational efforts. Two pilot programs are being established in early March, in Toronto and Hamilton, to more readily test the BP IPM components and employee and resident education materials.

Following the successful implementation of the two pilot projects, FRPO will make the new BP IPM program available to its members across the province. It is FRPO's goal to share the new BP IPM Standard, and its requirements with property managers across Ontario. Employee training programs and resident education materials will be made available to participating property managers at a reasonable fee. 📄

*For more information about FRPO CRB BP IPM standard and program elements, please contact Ted Whitehead, Director of Certification, at [twhitehead@frpo.org](mailto:twhitehead@frpo.org) or please call 416 385-1100 ext. #27*

**Note: SPECIAL THANKS to Terry Quinn and the City of Hamilton for their leadership and willingness to share information, materials, and expertise relating to IPM and bed bugs, and for promoting co-operation in addressing pest management issues in rental housing.**





# CALLS FOR MORE SUPPLY AS RENTS CONTINUE TO RISE

Average GTA condo rents rise 9% in Q4-17 to \$2,166

BY SHAUN HILDEBRAND, SENIOR VICE PRESIDENT OF URBANATION INC.

**E**vidence that an already undersupplied Ontario rental market tightened further in the final months of the year came to light in recent reports released by CMHC and Urbanation. CMHC's rental market survey conducted in October found that average vacancy rates for Ontario dropped from 2.1% in 2016 to 1.6% in 2017—the lowest level since October 2000. Vacancy rates declined or were essentially unchanged in 14 of 16 markets in Ontario with populations of 10,000 or more, falling the most in Kingston (2.6% to 0.7%), Hamilton (3.8% to 2.4%), and Ottawa (3.0% to 1.7%). In each case, rental demand was being fuelled by strong local economies while supply remained stagnant.

In Ontario's largest market in the Greater Toronto Area, not only did vacancy rates for purpose-built units decline to a shockingly low 1.0%, but vacancies for condo rentals — the segment of the market that has represented the greatest source of new supply — fell to just 0.7%. One of the most striking revelations from the latest CMHC

survey was the annual increase in total rental supply last year in the GTA. At 8,485 units, the combined growth in the universe of purpose-built and condo rentals was 44% lower than the 15,288 unit increase in 2016. This was a troubling occurrence against the backdrop of rental demand running at its highest levels in 25 years, which was confirmed by the latest Census data. Indeed, the gap between rental demand and supply in the GTA reached a staggering 10,000 units last year — a big hole to dig out from given that Urbanation has projected a 4,000 unit gap between demand and supply for the GTA and 6,000 unit gap for Ontario annually over the next 10 years.

We are learning that the amount of rental supply being offered by condo investors is insufficient to meet today's and tomorrow's level of rental demand, despite the record high condo development that has been occurring in the GTA. The supply pressures on the Toronto condo rental market speak loudly through the latest data on rent growth, showing a 9% increase in Q4-2017

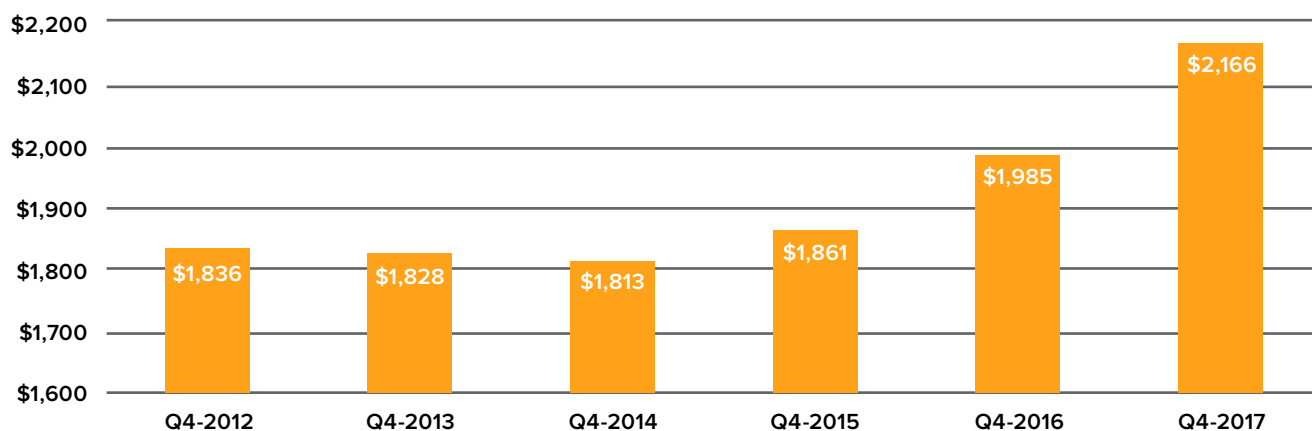
to an average of \$2,166, reaching \$2,392 in downtown Toronto. While existing condo tenants are now subject to the Ontario rent increase guideline amount (1.5% for 2017), those looking to lease in the unregulated open market are facing an intensely competitive environment.

Urbanation found that 17% of condos rented in the fourth quarter were leased for above asking rent, with the average renter paying \$85 more than the listed price. One of the unintended consequences of rent control is that existing tenants tend to move less often, reducing available supply and adding upward pressure on open market rents, creating a spiral effect that provides further incentive for renters to stay put. For condo rentals that turned over in Q4-2017, the average length of time between lease transactions was 22.8 months, jumping up from 21.9 months in Q3-2017 and a full three months longer than in Q4-2016. This trend aligns with CMHC's data on purpose-built rental turnover rates for Toronto, which declined from 15.9% in 2016 to 14.5% in 2017



# SUPPLY GET LOUDER DUE TO INCREASE

## AVERAGE CONDOMINIUM APARTMENT RENTS GREATER TORONTO AREA: Q4-2012 TO Q4-2017



Source: Urbanation Inc., based on MLS lease transactions

— the lowest rate of turnover in the province.

All this points to new purpose-built rental supply failing to carry its weight in the market. While representing roughly half of all rentals (primary and secondary) in the GTA, the 330,624 units comprising the purpose-built rental apartment universe has grown by a cumulative 1.6% over the past 10 years. The stark imbalance between the demand for new professionally managed rentals offering tenure security and the level of supply is reflected in an average vacancy rate of just 0.3% within buildings completed since 2005. Of the six buildings totalling 1,723 units that were

completed and began occupancy across the GTA in 2017, two-thirds of the new supply was absorbed by the end of the year, with projects that began occupying in the first half of the year averaging over 90% occupancy.

While some improvement to future supply was made in late 2017, more needs to be done to ensure rental development continues to grow to meet the housing needs of the Ontario and GTA population. The 7,184 purpose-built rental units under construction at year-end grew 36% from the 5,274 units underway a year ago. But still, scheduled deliveries averaging less than

2,500 units annually over the next three years will make only a small dent against rental demand of approximately 20,000 units per year in the GTA. The fact that development applications were filed for 16 new purpose-built rental projects totalling 5,410 units during the fourth quarter in the GTA shows that developers and institutional investors continue to show strong interest in bringing forth new supply. Encouraging this trend to continue and helping these projects go from concept to reality should be a priority for the sake of promoting a healthier and more balanced rental market. 🏡





# DEALING WITH "PROFESSIONAL TENANTS"

Disagreement on legal remedies for ongoing bad tenant problem

BY CHRIS YOUNG



**V**exing and at times even vexatious, so-called “professional tenants” are well known to advocates on both sides of the landlord-tenant divide. But as any landlord caught in one of these horror stories knows, pinning them down under the present rules can be a drawn-out, draining process.

Ontario MPP and housing critic Ernie Hardeman recently entered the fray, arguing for a registry of “frequent flyers” with a history of abusing a process meant to protect tenants. Others have called for transparency in Landlord and Tenant Board rulings, access to which would help identify repeat visitors who’ve appeared multiple times before and been served with multiple eviction orders, in most cases for rent arrears. At 68 per cent, a “terminate & evict for non-payment of rent” is by far the most common of applications made by landlords to the board.

Recent media reports surrounding an alleged scam in Toronto, where renters face microscopic vacancy rates and the average one-bedroom goes for \$2,000 a month, provide one particularly egregious example. CBC.ca reported of a man who allegedly tried to scam potential renters, allegedly faking references to snag a Liberty Village condo then taking deposits on a bedroom in the apartment he hadn’t paid any rent on while the eviction order worked through the LTB process, eventually resulting in an order to pay \$17,000 in back rent.

Such arrears cases happen all across the country, if not under such brazen circumstances where the purported Toronto scammer’s picture ended up actually posted on poles, wanted-dead-or-alive style.

They’re nothing new, either: in a 2012 ruling (*D’Amico v. Hitti* 2012 ONSC 4467) dismissing a tenant’s appeal of an eviction order granted by the LTB, Ontario divisional court Justice Ted Matlow called these cases “an unfair hardship on landlords [that] reflects badly on the civil justice system in Ontario.”

Advocates for landlords and tenants alike have no problem recognizing these frauds as an ongoing blight. What they can’t agree on is how to deal with them (or indeed,



in the case of tenants' representatives, even if they amount to much of a problem at all).

In 2016, the LTB handled nearly 80,000 applications, and by far the most at over 60 per cent of them were filed by landlords seeking eviction orders for non-payment of rent. According to the Federation of Rental-Housing Providers' (FRPO) numbers, 1.5 per cent of rent is never collected, and Ontario's LTB tribunal process costs landlords \$4,400 on average, while the 90-day average to resolve disputes is the lengthiest in the country.

A few bad apples well-versed in the law have no problem, it seems, taking advantage of the right to appeal to divisional court and the automatic stay that goes with adding more time on the clock, more in legal fees—and more rent-free housing.

"It turns what understandably is a piece of consumer or tenant protection legislation. You don't want landlords to be able to capriciously kick people out of their apartment, but it's kind of been perverted to where an honest landlord has a very difficult time getting out someone who's clearly a deadbeat," said condo law specialist Patrick Greco of Shibley Righton in Toronto. "The system could certainly be tightened up. A lot of other types of contract law, where you breach them, you don't get all kinds of time to make good before breach of contract sets in."

Joe Hoffer, who has represented landlords for 31 years, argues for making such tenant frauds a provincial offence, and simply getting tougher at the tribunal level. "Some people just can't pay, but there's a tipping point where it gets into fraud—they've been before the board three or four times, they've done it to other landlords and have outstanding judgments, [so] we're going to make it an offence and we're going to prosecute it," said Hoffer, of Cohen Highley in London and Kitchener, Ont.

For lawyer Doug Levitt, of Horlick Levitt di Lella in Toronto, the automatic right to appeal an LTB ruling amounts to "low-hanging fruit" in any discussion of changes, and adding a security of cost provision to such appeals might discourage scammers. Any divisional court appeal ruling would include cost awards to the loser, but for the professional tenant, as it stands now "it doesn't matter to you that in addition to the \$5-10-15,000 you owe and for which there is a judgment, you now owe the landlord an additional \$5,000 for costs, because you have no intention of paying and you don't have the assets to pay it anyway," said Levitt.

Politically, though, landlords are a tough sell. Witness September's changes to the Residential Tenancies Act that added provisions for landlords seeking evictions on "own-use" grounds. The Toronto Star, meanwhile, is attempting to get LTB and other Ontario tribunal records made public.

Amid such a landscape, advocates for tenants remain unmoved by talk of any more changes, including registries or lists.

"I've heard people talk about how there should be a bad landlord list as well," said Jack Fleming, executive director of North Peel & Dufferin Community Legal Services and author of Ontario Landlord & Tenant Law Practice. "The problem with either one of those is that one, it can be very subjective and two, it can be used improperly. It's not something that's regulated. It's a dicey proposition. A lot of it isn't the legal system. It's people falling for con artists."

Kenn Hale, who for 40 years has represented tenants, is of the same mind. "We know there's fraud artists out there and they should be dealt with through the criminal and civil procedures that are there," said Hale, legal director at Advocacy Centre for Tenants Ontario. "The answer isn't to make vulnerable people who are looking for a place to live even more vulnerable to get the few people who slip through here." 📱

*Originally published in The Lawyers Daily*



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Canadian Business and PROFIT recently ranked Wyse Meter Solutions Inc. No. 16 on the 29th annual PROFIT 500, the definitive ranking of Canada's Fastest-Growing Companies. Wyse's five-year revenue growth of 3,919% has propelled it into the Top 20.

Wyse's clients have embraced its superior services and value as part of a larger partnership helping to accomplish what matters most. The company's continued delivery of excellence in submetering and utility expense management has deepened that trust, which is steering incomparable industry growth as more building owners, developers and property managers join the wave.

"At Wyse, our entire team is dedicated to providing customers with the most powerful submetering and utility expense management platform," said Ian Stewart, Co-CEO of Wyse Meter Solutions Inc. "It is gratifying for the work at Wyse to have been recognized by PROFIT 500 and is evidence of what can be achieved when a diverse team of talented individuals put the customer first."

"I want to thank everyone who has supported Wyse on our mission to set a new industry standard in transparency and accountability," said Peter Mills, Co-CEO of Wyse Meter Solutions Inc. "The cohesion of our team has allowed us to pioneer new solutions in Canada, and it's exciting to think about how we're shaping

the future of utility management. The best is yet to come."

"It is never easy to earn a spot on the PROFIT 500, but this year's applicant pool was the most competitive yet," says Deborah Aarts, PROFIT 500 program manager. "This year's winners demonstrate the resilience, innovation and sheer management smarts it takes to build a thriving business today. Canada—and the world—needs more entrepreneurial success stories like these."

Published in the October issue of Maclean's magazine and at CanadianBusiness.com, the PROFIT 500 ranks Canadian businesses by their five-year revenue growth.



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# OUTSTANDING ADVOCACY

COHEN HIGHLEY LLP IS PROUD TO ANNOUNCE THAT JOE HOFFER IS THE RECIPIENT OF THE ABILITY FIRST CHAMPIONS AWARD FOR ADVOCACY

The Ability First Coalition is a group of volunteers that raise awareness surrounding disability issues in the London-area workforce. On November 10, 2017 the Ability First Coalition awarded Joe Hoffer with the Advocacy Award for his commitment to the employment of people with a disability. The Advocacy Award is presented to an individual who has continuously and tirelessly promoted the concept of ability first, supported people in their efforts to obtain meaningful employment, and who has brought new and innovative perspectives to the workplace.

Joe exemplifies outstanding leadership by setting an example and consistently setting the bar for creating innovative, supportive, and inclusive workplaces. He has also been a speaker at Queen's Park on the challenges faced by people with a disability, and is a member of former Lieutenant Governor David C. Onley's Employment Accessibility Committee.

Congratulations to Joe Hoffer on your outstanding work and the receipt of your award!

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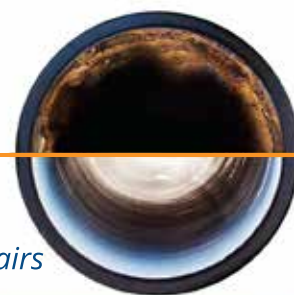
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# AN EVENT TO REMEMBER

The annual Byng holiday party

**T**he Byng Group held their 9th annual holiday cocktail party on November 30th immediately following the FRPO MAC Awards Gala. Over 400 members, including property managers, owners and suppliers attended this exclusive event. This always-popular event attracted rental housing professionals from across Canada. The festivities were held at the Metro Toronto Convention Centre, just steps away from the FRPO Gala.

Guests enjoyed the holiday-themed photo booth as well as delicious hors d'oeuvres and specialty cocktails. This exciting event provided an opportunity for the industry for the industry to mingle and celebrate the

holiday season in full Byng style. Thank you to the always electric DJ who entertained our guests with a wide array of music and kept the dance floor full late into the evening.

A special thank you to our co-hosts: Dulux Paints, APT/Solid General Contractors and Roma Restoration for their support.

"An amazing evening" and "Mark me down for next year" were sentiments shared by many in attendance. If you didn't make it in 2017 make sure it's on your calendar for 2018! The planning for another all access Byng holiday party is already underway. See you there! 🎉





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# CFAA CONFERENCE UPDATE

CFAA invites you to CFAA-RHC in Vancouver

BY JEREMY NEWMAN, CFAA DIRECTOR OF EXTERNAL RELATIONS

This year, why not plan a mini-vacation around your CFAA conference visit in May? The Monday start allows attendees to come early and spend the weekend exploring Vancouver's many attractions. Or, stay after and spend Victoria Day long weekend exploring, not just Vancouver, but Whistler, the Coast Mountains, Vancouver Island, Victoria and the Okanagan Valley.

CFAA-RHC is the perfect event for both education and connecting with colleagues in the rental housing industry from across Canada. This year, in addition to educational sessions and roundtables, CFAA will feature a special series on: The Future of the Rental Housing in Canada.

Get the latest updates on cannabis legalization and how it will affect your properties across Canada; changes to Canadian tax law; and the new Canada Housing Benefit.


Over two days of education sessions, hear industry experts and leading landlords from across the country share their experiences and solutions.

On Monday, May 14, join us on the Building Innovations Bus Tour and check out Hollyburn's Bridgewater in North Vancouver, which won the CFAA Rental Development of the Year Award in 2017, and The Duke, Edgar Development's new Gold LEED certified development in Mount Pleasant.

The education sessions will open on Tuesday with renowned economist Benjamin Tal's much anticipated Economic Update for 2018, and the Executive Roundtable with executives from Canada's largest landlords.

Celebrate industry excellence at CFAA's Third Annual Rental Housing Awards Dinner during the evening of Tuesday, May 15. Tickets will be included with some conference passes. Make sure to book these tickets early, because seating will be limited.

Rental Housing Conference 2018 runs from Monday, May 14, to Wednesday, May 16 at the Coast Coal Harbour Hotel situated in the heart of Vancouver's central business district, and only a few minutes walk away from the Seawall, Stanley Park and Canada Place.

Registration is now open at [www.CFAA-RHC.ca](http://www.CFAA-RHC.ca). We look forward to releasing more details about sessions and speakers as they become available. To receive first notice of new sessions and Conference information, email [events@cfaa-fcapi.org](mailto:events@cfaa-fcapi.org) to subscribe to CFAA's e-newsletter. 

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# EFFICIENCY BY DES

## Cost-saving apartment concepts

BY TIM BLACKWELL

A few years ago, building efficiencies were not top of the list for clients who sought new designs for multifamily dwellings. However, that has changed. The need to lower building costs by trimming the apartment fat is more pronounced at a time when renter demand has soared.

In the past, multifamily projects with long corridors that averaged 68 percent efficient on net to gross square footage were pretty typical. Today those numbers are out the window.

"Everybody cares about efficiency," Humphreys told listeners at the company's annual kickoff webinar.

The Dallas-based architectural firm that specializes in multifamily design and

construction saw a spike in requests for many of the company's six most efficient design concepts.

### RENT-ABILITY, SELL-ABILITY EFFICIENCIES DRIVING POPULARITY OF DESIGNS

The company, the largest multifamily architect in the country, wrote 111 proposals last year for its e-Urban designs and another record-setting 94 for high-rises. After the dust from the paperwork cleared, Humphreys & Partners wrote 10 percent more contracts for high-rise projects than in 2013. Even though fewer deals were struck for e-Urban projects, the style was again the most popular like it was in 2013.

What makes those products attractive, as well as the company's other designs, are the

efficiency rentable/sellable area ratings of 85 percent or higher. The designs have increased total rentable space because of the absence or reduction of corridors and better positioning of elevators, parking spaces, and common areas.

The e-Urban has become one of the company's most popular designs because of its 86-88 percent efficiency rating and low construction costs compared to other building types. The concept, which replaced the company's previous line of garden-style apartment homes, averages 30-35 units per acre and is the second least-expensive product to build at \$100-\$110 per square foot depending on the number of floors. One project in the Southeast is being done for slightly less, Humphreys said.



# SIGN

"It's an extremely efficient product with no corridors," he added. "In my opinion, why it's popular is that developers are getting more for their money on the construction costs."

Humphreys & Partner Architects President Greg Faulker said what helps make the e-Urban desirable is that there are about 50 percent more units per acre in a surface parking model compared to the 24-25 of a garden-style project. The incremental costs are slightly higher, he said, but it's worth it.

"It makes a big difference in your pro forma and returns," he said. "It's a little more cost, but way higher density than a garden product that is surface parked."

## ELIMINATION OF CORRIDORS ADDS EFFECTIVENESS TO HIGH-RISES

Another popular concept is the company's high-rise, or "Home Rise"® product. While they are typically much higher per square foot to build, the taller structures can be as efficient as three- and four-floor models. Humphreys points to a 150-unit high-rise in San Diego that has a 90 percent efficiency rating.

Driving efficiency for skyscrapers is the elimination of long corridors that have to be lighted, air-conditioned and cleaned. In the Home-Rise product, two elevator lobbies serve as hubs where each of the units on the floor opens. The fire corridor connects the fire stairs and is unfinished, which helps reduce building costs significantly, Humphreys said.

"It saves 3-5 percent of the building or approximately 25-30 percent of the entire circulation area," he said. "If you had a 300,000-square-foot building, it would cost you approximately \$60 million. Multiply that by 5 percent and it could potentially save you \$3 million in construction costs."

In addition, he said, the owner saves the operating costs of maintaining the corridors.

A shining example of the company's high-rise success is the completion of Grant Park in Minneapolis. Many of the 291 units available for purchase did not stay on the market long. The project sold out in 30 days.

"It's been extremely successful," Humphreys said. ■

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LANDSCAPE CONSTRUCTION  
BUILDING RESTORATION  
WINTER SNOW SERVICES**



**HEAD OFFICE | 8 Cadetta Road, Brampton, ON L6P 0X4 | 905.913.9291**

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