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

MARCH/APRIL 2018

FE

FRPO'S **FAIR EXCHANGE** OF RENTAL INDUSTRY NEWS

TIPS FOR FINE-TUNING **YOUR PURCHASE STRATEGY**

RENTAL MARKET
FACTS & FINDINGS

RENTING TO ROOMMATES

THE LEGAL PERILS OF JOINT TENANCIES

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TO ONTARIO'S FIRE CODE

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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

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TIMELY TOPICS FOR SPRING

Spring is finally in the air and that means FRPO's always popular Residential Tenancies Act seminars will be taking place over the course of the next few weeks. Given the number of regulatory changes the industry has faced over the last year, there is certainly no shortage of topics for our speakers. As always, we have some of the industry's top legal experts presenting three sections focused on legislative changes, new rules at the Landlord Tenant Board and a review of recent case law from both the LTB and Divisional Court. We will also have an LTB staff member at each seminar to provide an update on new procedures and pilot programs.

With the introduction of the Rental Fairness Act, we have seen changes to landlord's own use, the introduction of the new prescribed lease form, changes to above guideline rent increases and capital expenditure rules, as well as the expansion of rent control. These important changes will be highlighted in this year's materials along with strategies to restrict and prohibit cannabis as we approach the July 1st legalization date. These events are an excellent investment in your teams as they ensure you are up to date with all the changes, and in compliance of all new regulations. If you have not registered as of yet, I'd encourage you to do so as soon as possible.

We know that this time of year is always a busy one for those working in rental housing. From the high volume of units typically turning over as the school year ends, to industry events, spring clean-up and the start of new capital projects, the next couple of months will be an exercise of careful time management. We at FRPO also anticipate an action-packed period as the 2018 provincial election looms. We continue to actively engage with key stakeholders and government officials on a variety of issues. As you have seen over the last year, advocating for changes to policy related to rental supply is a priority as the housing crisis deepens.

In keeping with this month's legal and regulatory theme, we have covered a variety of timely topics, such as fire code, TSSA standards, sub-metering and leasing practices pertaining to students. We also have updates on FRPO's #rentON campaign, the National Housing Strategy, as well as market information from CMHC and Urbanation.

We hope you enjoy this issue.

LYNZI MICHAL
Editor, FE magazine
Director of Membership & Marketing, FRPO

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GET OUT THERE AND VOTE!

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DARYL CHONG
President & CEO
(Interim)
FRPO

The Ontario election is scheduled for June 7, 2018. Traditionally, it has been the first Thursday in October, every fourth year. This was changed to avoid conflict with the municipal elections scheduled for this October. Two elections in the same calendar year makes for interesting times. Unfortunately, this is rarely good news for our industry, as we are easy marks with potential tenant votes clearly outnumbering housing-provider votes.

The campaigning started last year and will continue to ramp up until voting day. As political parties unveil their election platforms, every industry waits to see how they may be affected. Doctors, insurers, auto manufacturers, factory workers, government sector employees, school teachers and university professors—all equally anxious to fill in those ballots. It's a simple numbers game, and the eventual winner needs to get the most.

There's usually a wrinkle in the final weeks. The media latches onto every comment, with the hopes that one will create the requisite volume of feedback to be further engaged. One never knows who will start this or what it will be, but it (almost) always happens. Hindsight shows us which issue won or lost the election. It may not be the most impactful issue, or even one laid out in any platform. It just happens.

By the time the next edition of FE prints, flowers will be blooming and the election will have taken place. Everyone has read the early polls, but two or three months is an eternity during a campaign. I won't make a prediction—at least not in writing—but I will be watching carefully, and I certainly will be voting. We all need to vote; please get out there and mark those ballots! If you need some help in deciding, call me for guidance. I will even look up the candidate in your riding.

There's a lot happening over the next while. Our annual RTA Series is in full flight across the province. April 17th is this year's Spring HOPE Food Drive. Register your buildings and help us raise hundreds of thousands of pounds for local food banks. The Standard Lease is mandatory as of April 30, 2018.

I hope to see everyone at both our Spring Social on April 5th, and our Annual General Meeting on May 10th.

Be well, and enjoy the change of seasons.

UPCOMING INDUSTRY EVENTS

APR 04 — 2018 RESIDENTIAL TENANCIES ACT SEMINARS

Apr 4, 2018 7:45am to May 3, 2018 12:00pm
Toronto, London, Hamilton, Scarborough and Ottawa

FRPO will once again hold the ever-popular Residential Tenancies Act seminars throughout April and May. This year's seminars will focus on legislative changes and their impact on your operations, new rules at the Landlord Tenant Board, as well as a review of recent precedent-setting LTB and Divisional Court Cases. Topic highlights include an update on the new prescribed lease forms, landlord's own use changes, employment issues, Condo Act changes, collecting damages: on consent orders, illegal charges, AGI changes, services & facilities, as well as cannabis use and restrictions. We are pleased to announce the Landlord Tenant Board staff will also present at each seminar providing attendees updates on procedures and pilot programs. All seminars are presented by legal experts and each attendee is provided a booklet with all materials. These events are ideal for site staff, leasing agents, property managers, owners and senior management.

EVENT DATES & LOCATIONS
Toronto – April 4th Old Mill – **This session is sold out**
Hamilton – April 10th Waterfront Centre
Scarborough – April 12th Delta East
London – April 17th Lamplighter Inn
Ottawa – April 24th – Ottawa Event and Conference Centre
Toronto – May 3rd Old Mill

APR 17 — 2018 SPRING H.O.P.E FOOD DRIVE

Apr 17, 2018 6:30pm-9:00pm
Ontario

The 19th Annual Spring H.O.P.E Food drive will be held on Tuesday, April 17th across the province. This is an excellent opportunity for housing providers and residents to work together to help those less fortunate in our communities. Various landlord associations will be coordinating the food drive efforts, including FRPO, GTAA, EOLO, LPMA and HDAA.

MAY 10 — FRPO ANNUAL GENERAL MEETING

May 10, 2018 2:00pm-4:30pm
20 Upjohn Road, Awards Hall

FRPO will hold the Annual General Meeting on May 10th, 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 from May 14 to May 16, at the Coast Coal Harbour Hotel in Vancouver. On Monday the 14th, join us on the Building Innovations Bus Tour and visit Hollyburn's Bridgewater in North Vancouver, winner of the CFAA Rental Development of the Year Award in 2017, and another new building. Celebrate industry excellence at CFAA's Third Annual Rental Housing Awards Dinner during the evening of May 15th. Over two days of education sessions, hear industry experts and leading landlords from across Canada share their experiences and solutions.

The education sessions will open with renowned economist Benjamin Tal's much anticipated Economic Update for 2018, and the Executive Roundtable with executives from Canada's largest landlords. CFAA will feature a special series of sessions on The Future of the Rental Housing in Canada. Registration is now open at www.CFAA-RHC.ca.

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. 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, IIDEXCanada, 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.

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. 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.

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 FRPO aims to promote. Registration will open for this event in October 2018. Thank you and see you there!

Please check the FRPO website (www.frpo.org) regularly for newly added events.

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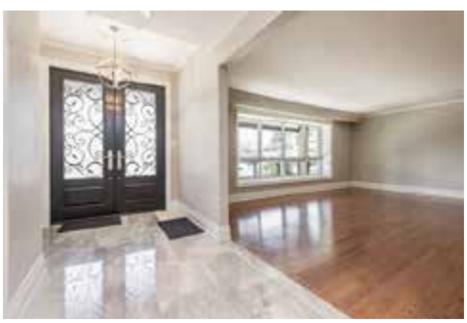


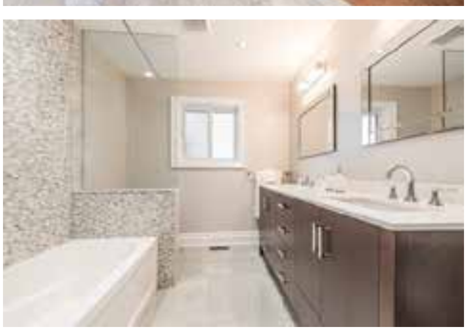

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ROOT CAUSES OF CANADA'S RISING HOME PRICES

On housing affordability, CMHC now largely agrees with FRPO

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

This February, CMHC released its study, "Examining Escalating House Prices in Large Canadian Metropolitan Centres," which is available on the CMHC website. That study makes many findings similar to those made by Vince Brescia in his paper, "The Affordability of Housing in Ontario: Trends, Causes, Solutions" written 13 years ago.

As many readers know, Vince Brescia was the President and CEO of FRPO from 2000 to 2013. Before that Vince had been a housing and government policy analyst at CMHC, Clayton Research, the Ontario Ministries of Housing and Finance, and the Greater Toronto Home Builders' Association.

In 2018, CMHC makes it clear that a major problem in Toronto and Vancouver is an increase in the cost of land and the lack of new housing supply, due to geographic and governmental restrictions on development and re-development, and slowness and uncertainty in planning approvals.

In 2005, Vince and FRPO had made it clear that land costs were up, and that the way the provincial government needed to address housing affordability was to remove impediments to the supply of land, and to address zoning restrictions (Abstract p. i). Vince and FRPO also said that curbing sprawl often conflicts with keeping housing affordable, and that the way to mitigate the conflict is to increase allowable density in new developments and to make it easier to intensify already built-up areas (Page 44).

Between 2005 and 2017 FRPO continued to make the points Vince articulated so clearly in 2005. Instead of paying attention to the research and knowledge FRPO and others provided, the provincial government moved in the wrong direction, by establishing and expanding the Green Belt and taking powers away from the Ontario Municipal Board.

Now CMHC has concluded that the causes of the sharp rise in home prices, recently experienced (and continuing) in Toronto, Vancouver, and to a lesser extent in Montreal, are:

- rising demand, including some undue expectations of future price increases,
- the lack of new supply, due to geographic and governmental restrictions on development and re-development, and
- slowness and uncertainty in planning approvals, especially in Toronto and Vancouver.

The study also examines Calgary and Edmonton. Those cities saw rising prices, but then a significant supply response and the downturn in demand due to the drop in oil prices.

KEY FINDINGS BY CMHC

- "Supply constraints are not only important in determining the type of homes on the market, but can also influence expectations of future price gains. Weaker supply responses mean that strengthening demand will be met by expectations of further appreciation in house prices rather than by a supply response to accommodate that increased demand and bring prices back down." (Page 7)
- "In our consultations with many municipalities, we found general agreement that the state of housing supply is not well understood. We believe therefore that CMHC should work with provincial and municipal partners to develop a better understanding of how the supply side operates." (Page 7)

  This author would add CMHC and governments should listen more attentively to the rental housing industry and the home builders, since both industries identified the key problems long before CMHC or government focused on them.
- "While there may be justifiable reasons to be concerned about urban sprawl, for instance, relying on planning alone may not always be appropriate. Indeed, as discussed in the next Chapter, some of the tax and fee structures imposed by

municipalities may in fact promote sprawl …. [L]ower property taxes in suburbs, for example, can encourage urban sprawl." (Page 174)

Rental owners and home builders would suggest that the way to reduce the discrepancy is to make Toronto's homeowners pay the true cost of the services and of the high-cost approach of the City of Toronto; it is not to shift the costs incurred in Toronto onto suburbanites.

- "In our consultations, some builders suggested … a major concern for them is uncertainty and delay in the regulatory process, which can be particularly important in delaying irreversible investment such as housing. Significant delays can lead to investment being abandoned." (Page 175)
- "Lengthy delay also implies that the land has to be held through the approval process, tying up large amounts of capital without a clear return, increasing the cost of the investment. The opportunity cost of holding capital will likely be capitalized in the value of land (ultimately necessitating more expensive structures to be built in order for the project to be profitable)." (Page 175)
- "[Density for benefit agreements] risk introducing uncertainty for developers and altering the type of housing built. Additional costs can either be direct through demanding provision of below-market-price affordable housing or indirect through uncertainty in the negotiating process. In turn, developers may react by increasing the finish of their proposed new structure so that the resulting housing is priced higher…Hence, the shortage of relatively low-priced denser housing structures (the 'missing middle') may have been exacerbated. It is also possible that risks may lead to the project being foregone entirely [thereby reducing new supply.]" (Pages 186-187)

Two key issues are missing from CMHC's study, namely:

- a call for a review of current federal income tax policy and how it favours home ownership over renting, and
- addressing the need for more purpose-built rental housing for the people who cannot afford the rising price of home ownership.

CFAA'S POSITIONS

CFAA and FRPO support the proposed policy options which CMHC lists, especially:

- A review of planning processes to make them more optimal and responsive;
- Working with provinces to further identify and address bottlenecks in the development approval processes;
- Countering NIMBYism; and
- Improving data collection and monitoring, especially concerning housing supply and impediments to new supply.

As reported in the previous issue of Fair Exchange, the National Housing Strategy addresses "affordable housing" but more work is needed to encourage or clear the way for development of more purpose-built rental housing for middle income residents, especially in Toronto and Vancouver. We understand that CMHC and the federal government are working on that issue, and urge them to take strong action in the near future, whether via financing alternatives, tax reforms or other incentives.

As Vince Brescia and FRPO said in 2005: …[G]overnment barriers to housing supply … are the primary causes of housing affordability problems [in Toronto and many other jurisdictions] …. Therefore, the most important thing that the province can do to reduce housing costs is to remove impediments to the supply of housing, regardless of the price range at which the new housing is supplied. Land supply and zoning restrictions should be given particular attention. (Page i)

2017 RENTAL MARKET REVIEW

Ontario vacancy rate drops to the lowest level since 2000

BY ANGELINA RITACCO, CMHC

Over 250 FRPO and GTAA members joined to hear Canada Mortgage and Housing Corporation's Ontario Economist, Ted Tsiakopoulos and Greater Toronto Area Principal Market Analyst, Dana Senagama on February 8th for an in-depth look at the Ontario and GTA rental markets at the annual CMHC Rental Market breakfast event.

In Ontario, vacancy rates moved lower to 1.6% in the fall of 2017, from 2.1% in the fall of 2016. New units added to the rental apartment universe fell short of increases in rental demand, resulting in lower apartment vacancy rates.

Ontario vacancy rates hit their lowest levels since October of 2000. The province registered a broad based decline in vacancy rates with 10 out of 15 urban centres posting declines. The sharpest declines in vacancies were in Kingston, Thunder Bay and Hamilton while Oshawa was the only CMA posting increases in vacancies. Toronto, Guelph and Kingston posted the lowest vacancy rates across the province.

"An improving job market, eroding ownership affordability and high levels of international migration drove the Ontario vacancy rate to the lowest level since 2000," said Ted Tsiakopoulos, CMHC's Ontario Regional Economist.

DEMAND AND SUPPLY FACTORS IMPACTING VACANCY RATES

Several factors added to rental demand and exerted downward pressure on vacancy rates. A synchronized expansion in the global economy has lifted growth prospects this year especially in Europe and Canada. The Ontario economy has benefitted from this and is set to grow at its fastest pace since 2010. Similarly, Ontario employment levels in 2017 are on track to grow at one of the strongest rates in recent years.

Since last fall, job creation was exceptionally strong particularly for households aged 15 to 24. Younger residents have a high propensity to rent and when job markets improve renter household formation follows as some young adults are encouraged to leave the family home and seek rental accommodation. Indeed, there is a strong positive correlation between unemployment rates and vacancy rates across time in the province of Ontario suggesting the rental market is pro-cyclical.

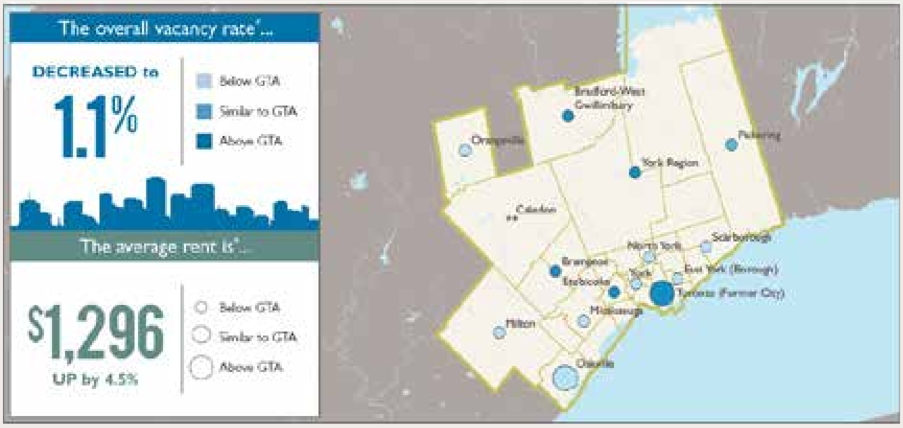
A second factor supporting rental demand, was the rising cost gap between ownership and rental accommodation. Despite some cooling in home prices in the second quarter, Ontario monthly mortgage carrying costs are up strongly and were outpacing the growth in incomes and average apartment rents in 2017. Some prospective first time buyers were able to purchase a home but chose not to as the introduction of new policy measures reduced the urgency to act. Indeed,

Dana Senagama

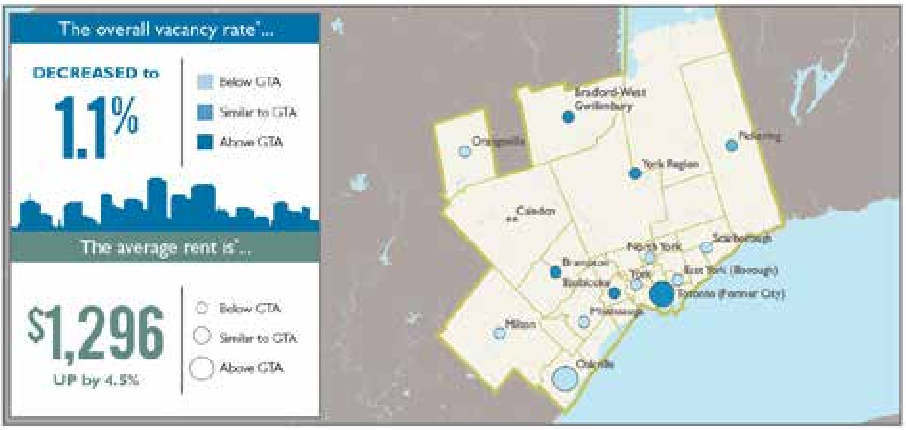
Ted Tsiakopoulos

CMHC Ontario data for both high and low ratio first time buyers shows a decline in mortgage approvals from the same period one year ago. This suggested fewer renter households were vacating their rental units in favour of home ownership.

A third factor exerting downward pressure on vacancy rates was continued population growth. Roughly three quarters of growth in Ontario`s population is driven by migration. While International migration dipped from the near term high reached in 2016, immigration levels in 2017 will be the second highest since 2001. Immigrants lack the savings, job and credit history required for mortgage financing. As such, about two thirds move into rental accommodation immediately upon arrival in Canada. Besides permanent immigrants, Ontario also registered strong growth in non-permanent residents which includes temporary workers on work visas and international students. Both groups, due to the temporary nature of their status, typically live in rental accommodations.



Declining rental vacancy rates in recent years encouraged more investment activity, resulting in more primary and secondary rental completions during the current year. More specifically, Kitchener, Barrie and Guelph registered the strongest increases in the primary rental universe, growing well above the provincial rate. In addition, condominium apartment completions, some of which are owned by investors, rose from this time last year, exerting upward pressure in the condo rental universe particularly in Kitchener and Ottawa. Historically, both new primary and secondary rental units



added to the rental stock compete with newer existing units in the primary market that charge comparable average rents.

"In the Greater Toronto Area, rising costs of homeownership and lack of new rental supply kept vacancy rates at historic lows," said Dana Senagama, CMHC's Principal Market Analyst.

MORE HOUSEHOLDS CHOSE TO RENT IN THE PRIMARY RENTAL MARKET

Rising costs of homeownership forced more people to seek and remain in rental accommodation. The resulting average vacancy rate for private purpose-built apartments in the Toronto CMA declined to reach its lowest level in 16 years. House prices in the GTA reached unprecedented levels during the early part of 2017, making homeownership out of reach for the majority of potential first-time buyers.

Although house prices came off their peak following the announcement of the Fair Housing Plan in April by the Ontario Government, they still remained above their 2016 levels and the required income to purchase a home remained well above the actual average income. Additionally, prices of multiple-family dwellings (such as condominium apartments and townhouses), which are typically more popular among first-time homebuyers, showed greater resilience and remained high. The decline in the turnover rate, which dropped by 140 basis points to 14.5% in 2017, was another indication that more households were choosing to stay in rental accommodation.

RENT INCREASES ABOVE GUIDELINE IN THE GTA

Although fewer renters moved out of their apartments this year, very tight market conditions allowed landlords to charge new tenants significantly higher rents, which led to the average rent growth to be above the provincial guideline, which was 1.5 % in 2017. Rising home prices also gave landlords capacity to raise rents for new tenants and still remain competitive. Major repairs, renovations and replacement investments by property-owners may have also been factors for stronger rent increases in 2017.

MORE MIGRANTS SUPPORT RENTAL DEMAND

Strong migration flows continued to boost rental demand. Over the past two years, the Toronto CMA experienced a spike in international migration, as improved economic conditions made the area more attractive for immigrants. Typically, newcomers rent for a period of time upon first arriving in Canada prior to entering the homeownership market. Furthermore, some refugees who lived in the temporary housing upon arriving in 2016 were in a position to move into traditional rental accommodation this year.

International student enrollment increased and resulted in stronger rental demand in many communities across the province, including Toronto. Temporary foreign workers, whose levels were high from a historical perspective, had also been an important source of demand for rental housing.

PRIMARY RENTAL SUPPLY GROWTH LAGGING DEMAND

While developers had responded to growing demand for rental properties and benefited from favourable lending conditions in recent years, increases in rental supply was not enough to meet the growing demand and avert a decline in the average vacancy rate.

Demand particularly grew for newer rental accommodation, which offered modern features and amenities and were priced similar to rental condominium apartment units. In 2017, the number of purpose-built private rental units under-construction surpassed 7,000 - its highest level ever. Developers completed construction of 2,243 rental units over the 12-month period ending June 30, 2017 (the cut-off point for the survey) up 31 % than over the same period a year earlier.

However, this pace of completions was modest relative to the record number of units currently under construction and not significantly above the past 10-year annual average of 1,800 units. Thanks to new completions and some existing rental projects becoming operational again, the rental apartment universe in the GTA increased by 2,577 units.

CONTINUED STRENGTH IN THE CONDOMINIUM APARTMENT MARKET

GTA rental condominium apartments, which were subject to similar trends as their purpose-built comparable units, saw their average vacancy rate drop to its lowest rate in nine years. Nevertheless, the share of rented condominium apartments as part of the total condominium apartment stock (a good proxy for investor activity) remained virtually on par with that of last year. In the 12-month period ending May 2017, the cut off point for the condominium survey, 19,234 condominium apartment units reached completion in the GTA.

Its share of leased units edged lower to 47.9 % in 2017 from 49.7 % in 2016 – restraining the increase in the rented stock. Furthermore, faced with uncertainty in the housing market in light of softening house prices following policy changes introduced this year, some condominium apartment investors chose to exit the market.

Owners of rental condominiums were encouraged to cash-in on their properties by selling their newly completed units to owner-occupiers looking for more affordable housing options. Rising house prices of low rise homes across the GTA encouraged more homebuyers to choose condominium apartments as their preferred option thereby making fewer units available for rental. As a result, the rental condominium apartment stock grew by just 5% in 2017 (compared to 14% in the previous year).

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RENTING TO ROOMMATES

The perils of joint tenancy agreements

BY JOE HOFFER, COHEN HIGHLEY LLP

As if small landlords who rent to students and young people did not have enough to cope with, the Landlord and Tenant Board (LTB) has been issuing orders with increasing frequency, declaring that because of landlords' leasing practices, their "joint tenancy agreements" are actually "tenancies in common". The effect of this is that instead of the single lease that the parties have entered into, the LTB rules that there are legally separate leases with each of the tenants. This means that if one of the joint tenants vacates, then that tenant's share of the rent is no longer payable by the rest of the tenants and the landlord will have to go to small claims court to recover the arrears from the tenant who defaulted. Furthermore, if your tenants bring in a new roommate who occupies the vacated room, you can't charge them rent because that person is an "occupant", not a tenant, and the remaining tenants can use the revenue to further reduce their rent costs.

HOW CAN THIS HAPPEN?

It is because some Board Members, instead of applying the Residential Tenancies Act (RTA) to 21'st century leases, are applying provisions of a 19th century statute called the Conveyancing and Law of Property Act (CLPA), and a feudal legal doctrine about "four unities" to current leases. By applying these legal tests to joint tenancies, the LTB has declared that a landlord actually has separate leases with each of the tenants and must pursue a defaulting co-tenant separately from the others. The LTB rulings blame the landlord's leasing practices for this outcome.

WHAT LEASING PRACTICES CAN TRIGGER THIS ABSURD OUTCOME?

Small landlords who rent converted residential dwellings, townhouse units, or large apartments (three or four bedrooms) that are marketed to students and "roommates" will often receive applications from young people who, for affordability reasons, decide to share the rental space. In many cases the renters may have limited or no past acquaintance with each other. It is common in this market for landlords to require guarantors for each of the renters due to their lack of credit history. It is also common (and expected or requested by tenants/parents) for renters to want an assurance of security and privacy (locks on their bedrooms) while still operating as a household, sharing common areas (bathrooms, kitchen, living room) and responsibilities with the other tenants. There is usually an arrangement between tenants that they will each pay a portion of the rent, in contribution to the total monthly rent payable, and so they each pay separate rent amounts to the landlord. A landlord's accounting system can track which tenant paid, so that if there is a default by one tenant, all parties to the agreement know who defaulted and can resolve the issue with that tenant, failing which, an application can be made to the LTB naming all of the tenants, since the lease specifies joint and several liability.

WHAT IS THE RISK?

It is this leasing arrangement: locks on bedroom doors; tracking separate rent payments; and dealing separately with one tenant if there are problems within the rental unit (behaviour issues or non-payment of rent) which exposes landlords to liability. Even though the lease states that all of the tenants are jointly liable for rent and all other obligations, by applying the 19th century legal principles referred to above, the LTB can declare that the landlord's arrangements have transformed the joint tenancy into separate leases for each of the tenants. When this transformation occurs and there are arrears of rent, the landlord can only apply for recovery against the defaulting tenant. In addition, if you have five bedrooms, a fire or municipal inspector may declare that because there are five tenancies, you are running a rooming house and are in contravention of zoning and Fire Code regulations.

So, assume in the above situation there are four tenants and the rent is $1,000 per month. If one tenant vacates and is in arrears, the landlord must proceed in small claims court to recover the $250 arrears; meanwhile, the remaining tenants

are free to bring in an occupant to occupy the empty bedroom and contribute to payment of a reduced rent for the rental unit of $750. If the landlord demands the right to re-rent the empty room to a stranger, the remaining tenants can challenge such action since they have "exclusive possession" of the common areas and introducing a stranger can be considered "interference" giving rise to legitimate safety and security concerns, and leaving the landlord to try to resolve the issues through costly legal proceedings and ruining the relationship between all parties. If two tenants default and vacate, the rent for the rent-controlled unit is now $500; next, in walks the Fire Inspector and issues an order to retrofit the unit and obtain a rooming house license.

WHAT IS THE FIX?

There are at least three options, one of which is not in the landlord's control.

1. **Reject rental applications** from students or young people who want to share expenses. That is the take away from the LTB decisions, which apply feudal law to todays' urban rental realities. It is a highly negative message and a barrier for first time renters trying to find affordable rental housing and choice. This option is not practical or responsive to today's rental market, but it is an obvious option for risk-averse landlords.

2. **Change your leasing practices.** The lease should emphasize that the tenants are to decide how much each will pay; what "non-exclusive" space they will occupy within the rental unit; and require that they submit one payment at the beginning of each month from one account. Prohibit locks on bedroom doors. If there are problems between tenants, don't try to resolve the conflict: tell them they are on their own and don't let any of them out of the lease. The lease would also provide that if a tenant vacates, all tenants remain liable and the landlord will not assist in finding a replacement tenant. This approach, of course, means that it will be more difficult to provide prospective tenants and their guarantors with the services and facilities that the market place demands, and it promotes bad customer service.

3. **Resist!** There is at least one "pre-RTA" decision from the LTB's predecessor tribunal (Kosa v. Keet) where the Adjudicator rejected applying feudal legal principles to a modern roommate situation and made the following determinations:

"It is now a common occurrence that roommates rent a unit with the intention of sharing the rent, each having exclusive use of a bedroom and shared use of the other rooms…the co-tenants in such a case would never agree to the landlord finding another tenant to live in the same space with them, at least not without their veto…I find the presumption of modern urban Ontario to be different than that of many years ago. The law should distinguish between situations in which common sense dictates a different result…The landlord will ask for income and other details from…prospective tenants, with the intention of allowing them to have the unit if together they can pay the rent. The law should not discourage the landlord from renting to multiple tenants for fear that they will have to look only to the remaining individual[s] where the joint occupation becomes untenable for any reason…the question from a reasonable landlord's perspective…[is]…why he or she would make such an agreement, exposing himself or herself to the potential loss of revenue when [a "tenant in common"] suddenly decided to abandon their separate "tenancy".

The Adjudicator in that case went on to confirm that the roommates were joint tenants and that they were jointly and severally liable under the lease. The decision is consistent with direction given to the LTB by the Ontario Court of Appeal, which emphasized that the law evolves over time and that the Board's interpretations should reflect today's realities, stating: "Such a reading is appropriate having regard to the interpretive principle that legislation enacted to regulate an activity that is ongoing over an extended period of time invites a dynamic, as opposed to a fixed, interpretation…".

"Resistance" may involve LTB proceedings but if successful, it will allow landlords, prospective young tenants, and guarantors to provide and acquire safe, secure, affordable rental housing and enable landlords to assist in resolving conflicts between tenants without being punished by the LTB for doing so.

Cohen Highley is the premiere legal resource for residential landlords and property managers on all matters relative to multi-residential rental housing law, including leasing, acquisitions, financing. We provide full litigation and consulting services Landlord and Tenant Board proceedings, Above Guideline Rent Increase applications, Fire and Building Code legal services, Superior and Divisional Court proceedings. Our lawyers also have specialized expertise in advising landlords in navigating through housing issues tied to Human Rights applications and Accessibility and Housing issues.

THE SPRING H.O.P.E FOOD DRIVE

Rental housing providers and residents working together

BY LILLIE ARMSTRONG, FRPO

The 19th Annual Spring H.O.P.E Food Drive will take place on Tuesday, April 17th, and plans are well underway. Staff and volunteers will be going door to door to collect non-perishable food items from 6:30-9:30 p.m. in hundreds of apartment buildings across the province. This initiative significantly helps stock the shelves of 40 food banks, and has provided hundreds of thousands of pounds of food since its inception. This initiative is a fantastic opportunity for tenants to have an uplifting experience by generously giving back to their communities. This is also a great occasion for tenants and landlords to work together on this deserving cause. What a great way for residents and housing providers to make a difference together!

This year's food drive is being organized by the Federation of Rental-housing Providers of Ontario, as well as several regional associations, including: the Greater Toronto Apartment Association (GTAA), Eastern Ontario Landlord Organization (EOLO), London Property Management Association (LPMA) and the Hamilton District Apartment Association (HDAA).

Several years ago, this event broke a "Guinness Book of World Records" for the most amount of donations collected in one day in Toronto. Statistics show that in Toronto alone, participants collected over 135,000 pounds of food items for the Daily Bread Food Bank, North York Harvest, and the Mississauga Food Bank. We are looking forward to the possibility of breaking that record with the continued participation and support of the residents, and generous efforts by staff and volunteers.

The Ontario Association of Food Banks reports that 33% of individuals who use the services of food banks are children, while 32% have disabilities. Additionally, one in eight households in our country is food insecure—meaning that the family has inadequate access to food due to financial strains. This figure amounts to over four million Canadians suffering the negative effects of hunger, including physical, mental and social health issues.

Daily Bread has published that at member agencies, the number of seniors 65 and up accessing food banks increased by nearly 27% in 2017 in the city of Toronto. Other age groups in the city saw an increase between 14 and 18%.

Bonnie Hoy, one of the founding members of the Spring H.O.P.E Drive, commented on the initiative:

"Each year, [the food drive] continues to grow. Throughout the last decade, residents and landlords have worked together to collect and donate millions of dollars in food for individuals and families going through difficult times. When you realize that over thirty percent of the recipients of the food we collect are children, it just warms my heart. Our children are the most important people in our lives and we must all continue to work together to ensure that they are healthy, happy and properly fed."

Food insecurity at an early age is linked with numerous childhood health issues, including hyperactivity and the increased risk of developing asthma, depression and suicidal ideation leading into adolescence. Considering these frightening factors, all volunteers should feel a sense of pride for their valued contributions.

For more information on how to get involved with the Spring H.O.P.E Food drive or to sign up your buildings, please contact FRPO at 416 385 1100 extension 24 or larmstrong@frpo.org. Together we can make a difference.

#rentON BY THE NUMBERS

A campaign with purpose...and momentum!

BY LYNZI MICHAL, DIRECTOR OF MEMBERSHIP & MARKETING

When we launched our Rent ON campaign last September, we knew rental vacancy rates in Ontario were on a downturn, brought on by increased demand and government policies (e.g. Bill 124) that discourage builders from creating much-needed supply. Launched in tandem with the campaign, our commissioned Urbanation report served the straight facts about the province's rental market, warning provincial leaders that an annual shortfall of over 6,000 rental units was imminent for the next decade if something wasn't done soon.

Two months after the launch of our campaign, the Canada Mortgage and Housing Corporation (CMHC) released their 2017 rental housing report which supported our findings, revealing Ontario's rental vacancy rate (1.6%) was now at a near two-decade low, with things even worse in the province's biggest cities (1%, for example, in Toronto). Ontario's rental housing supply had officially reached crisis levels, and our campaign successfully highlighted the causes and kick-started a dialogue on solutions.

The media's response to the Rent ON campaign was immediate. During the first four months of our campaign, we garnered over 140 stories in print, online, and broadcast media in both national and local outlets, including: *The Globe and Mail, Financial Post, Toronto Star, CBC Radio, BNN, the London Free Press, Brantford Expositor, Huffington Post, and Ottawa Citizen.* These hits have translated into over 54 million media impressions, and media interest continues to stay strong, with FRPO becoming a media go-to on all issues relating to rental supply.

Beyond traditional media, our campaign generated a great deal of chatter online as well. Our microsite (www.rent-on.ca) drew a significant number of eyeballs, with over 15,000

WHAT CAN YOU DO?

- Visit the Rent ON website at www.rent-on.ca
- Follow FRPO on Twitter, Facebook, Linkedin and Instagram (@FRPOFACTS or FRPO)
- Join the conversation on social media using the hashtag #rentON
- Share our posts on your business and personal social media profiles
- Talk to your government representatives about Ontario's rental supply crisis
- Report cancelled or converted rental projects to Lillie Armstrong at larmstrong@frpo.org
- Contact Lynzi Michal at lmichal@frpo.org to receive Rent ON creative materials to share on your blog, website or social channels
- Get your teams involved and keep them updated!

Let's all work together to let Ontarians know the facts when it comes to rental supply!

website visits and nearly 500 user requests to join our online mailing list between September and December. On social media, we generated over 3 million impressions across FRPO's Twitter, Facebook and Linkedin channels, garnering the attention of a large millennial audience who are statistically more likely to choose a rental lifestyle than their parents. The online shareables and imagery created for the campaign received hundreds of likes and shares, and were repurposed for our out-of-home ad campaign, which decorated bus shelters around Queen's Park for much of the fall, stirring the interest of provincial politicians (including, no doubt, Housing Minister Peter Milczyn).

With the provincial election virtually upon us, the state of the housing market is sure to be a topic of great interest. Our campaign will continue to push for more choice for renters in Ontario by highlighting misguided government policies that are currently holding back new rental supply. FRPO will continue to speak publicly about this issue in the media and at speaking engagements in major centres.

Phase 2 of the campaign will also seek to broaden our reach and amplify the voices of those struggling to find an affordable place to rent in the current market. This will include:

- Extension of our digital advertising campaign to several additional cities
- Increased audience engagement on FRPO's social channels
- Refreshed creative content, with a greater emphasis on specific policies that are restricting supply
- The launch of an online contest to engage millennials in telling their own stories of the challenge in finding suitable, available rental housing

Be sure to check FRPO's online channels regularly for updates.

As always, we invite all FPRO members to join the Rent ON movement as we move into the second phase of our campaign. Remember, a healthy stock of rental housing supply is essential, and it's up to all of us to find solutions for renters looking for a place to call home in Ontario.

Keep calm, and rent on!

NEW STANDARDS OF PRACTICE

CRB's building inspection routine brings added value to members

BY TED WHITEHEAD, DIRECTOR OF CERTIFICATION, FRPO

> "When things do not go your way, remember that every challenge — every adversity — contains within it the seeds of opportunity and growth."
>
> **Anonymous**

When I read this quote a few months ago, it provided the impetus I needed to take on a big challenge. That challenge was to convert the CRB program Standards of Practice (SOPs) so that they would mirror the City of Toronto property standards bylaws—namely, By-Law #629 (Property Standards), #844 (Waste), and #489 (Weeds and Grass).

City staff advised FRPO last spring that the CRB program had to demonstrate an "apples to apples" approach between the program's standards and the City's major property standards bylaws. When we first began our discussions with city staff, we estimated that we only covered approximately 70% of the city's property standard bylaw requirements, and that we were missing some of the physical building aspects contained in the bylaws for MURB structures (e.g. garages, roof tops, stair railings, lighting, etc.).

With that huge challenge behind us, we are pleased to report that as of October 2017, FRPO CRB has successfully harmonized the program's SOPs to encapsulate a thorough review of the physical components of a multi-res building. In total, 18 existing CRB standards were modified, and three new standards were added: outdoor cleaning/maintenance; underground garages; doors and security. The exciting news for CRB members is by employing the new series of amended CRB policies and procedures, they can assure themselves that they will be meeting any of the various compliance requirements set out in the City's existing property standard bylaws, as well as the City's New Apartment #354.

As we were working through the comparison between CRB standards and the City's property standard bylaw requirements, we quickly recognized that in order to achieve the "apples to apples" status, we needed to have audit processes and reporting in place similar to the City's. With this redevelopment task in hand, we established the following three objectives:

1. Establish an auditing process that not only mirrors the City's building audit approach, but provides clear reporting of any discrepancies that would require addressing by respective property managers.

2. Provide "value-added" audit reporting that members could utilize to ensure their buildings would fair well should the City decide to inspect/audit their buildings.

3. Maintain or lower the current cost of auditing members' buildings currently enrolled in the CRB program in the City of Toronto.

In late November, FRPO CRB had completed the redesign of audit requirements (to coincide with changes made to the CRB standards), re-engineered existing audit processes, and, developed new audit-reporting templates. With the gracious assistance of a number of FRPO CRB members (with buildings in Toronto), we set out to test the new audit approach and reporting regime. In total eight buildings were included in our pilot project, and feedback from building staff and senior property managers has been very positive:

"I wish the City would provide this type of reporting when they conducted their inspections! At least I would know why they rated an area with only a "3" rating, and what actually they thought was not up to code"

"This type of audit approach is far more comprehensive that the traditional CRB audit approach! It provides more clarity on things we need to do to ensure we are keeping our property is being well-maintained"

A third-party perspective and an audit report of this detail and significance helps confirm our own understanding of what is required to keep our buildings in good shape. We actually found out a couple of things we had missed in our own review of this property"

"City Inspectors walked around our building last week and were satisfied with the general appearance and safety requirements. Many thanks to you and your team, a most comprehensive audit report, and of course, your advice and help."

While we have not finalized costing to introduce this new audit approach, early indications is that it will save FRPO CRB members in the range of 20 to 25 per cent when compared to the program's current audit pricing schedule established by J.D. Power.

We are looking to meet with City staff, in late February and early March, to review the revised CRB program Standards, and the new audit disciplines & reporting. Our goal, will be not only to demonstrate comprehensive "harmonization" with the City's property standard bylaws and their inspection/audit processes, but to continue to push for enhanced recognition status, for CRB-approved buildings, in their Rentsafe program.

In conclusion, there is no doubt the City of Toronto's new "Rentsafe" program placed a completely unnecessary financial/administrative burden on city landlords. Unfortunately that "horse has already left the barn" and no doubt our industry will have to live with its consequences for many years to come. On the bright side (however, dim the light) it did provide the opportunity for FRPO's CRB program to upgrade its standards of practice, provide enhanced audit reporting for its members, and to continue to demonstrate to the City that the CRB program and its members' buildings provide "quality rental-housing" for Toronto renters. We will steadfastly continue to push for special recognition status for CRB-approved buildings within the City's Rentsafe program. We remain cautiously optimistic that our upcoming meetings with City staff, over the next few months will result in favourable acknowledgment and value-added recognition for CRB members, and their buildings, in Toronto. If accomplished, this could provide the groundwork for dealing with other Ontario municipalities where "licensing" is under serious consideration.

I would be remiss if I did not thank and acknowledge the hard work and efforts put forth by two of FRPO's associate members: Ms. Deborah Cohen PSN - Performance Solutions Network Corp., and Ms. Kim Reid, Taeus Group. Without their creativity, personal commitment, and overall industry knowledge, FRPO's CRB standards and corresponding audit regime could not have gone through a complete "metamorphosis" in such a timely manner.

For more information on FRPO's CRB program, please contact Ted Whitehead, Director of Certification at 416 385-1100 or by e-mail twhitehead @frpo.org

SOCIAL MEDIA COLUMN
Sponsored by MediaEdge

Working on B2B social media? Be part of your community

By Steven Chester

While it may feel at times as though your B2B enterprise exists in a vacuum, it's important to remember your social media strategy needs to reach big to be effective.

It's imperative to share posts outside of your own marketing material. If your company makes windows and your target market is architects, and you're not following and engaging prominent architects in your target market, you're making a mistake.

In a B2B environment, we know our industries are unique, and we have niche customer bases to engage. So, how do we create a strategy that generates excitement?

Make sure your social strategy devotes a good chunk of its time to sharing and engaging with your target market. Is that hypothetical architect shortlisted for an award? Did they just post renderings of an upcoming project they're excited about? Then join in, comment on the great job they did, share the post to your own channels and let your industry know you're involved too and want to see everyone succeed.

In order to truly be social, provoking emotion and facilitating conversation is key. The easiest emotion to provoke is goodwill and positivity. Let your client base know you're paying attention to their great work. They might one day reciprocate.

Steven Chester is the Digital Media Director of MediaEdge Communications. With 15 years' experience in cross-platform communications, Steven helps companies expand their reach through social media and other digital initiatives. To contact him directly, email gosocial@mediaedge.ca.

BEYOND FINANCIAL SUCCESS

The power of corporate social responsibility

BY TIM BLACKWELL

Because businesses big and small are more visible than ever, the power of corporate social responsibility has become larger than life. That feel-good culture of a company and its perception within the community defines an organization beyond its financial success.

Good corporate social responsibility (CSR) is giving back to employees, customers and the community. However, it's an age-old business practice that doesn't always get noticed until something goes wrong. CSR stories abound about companies that have endured a social black eye for one reason or another, and social media is there to translate.

CSR is important to brand strategy, a multifamily model that has received more attention as the rental housing industry has flourished.

"It's essential to how you run business in the 21st century," says Mark Delisi, who is AvalonBay Communities' senior director of corporate responsibility.

CSR is no stranger to the business world. For decades, companies have left their mark on the greater good through philanthropic or sustainable investments. Billions of dollars have been given to worthy causes and efforts to provide a better living environment abound.

However, business strategy and social responsibility programs, often considered mutually exclusive within a company, extend beyond a donation or installing LED light bulbs.

Delisi was one of a handful of speakers at November's National Multifamily Housing Council's OpTech Conference & Exposition in Las Vegas who discussed how integrating corporate social responsibility into core business operations and strategy can not only improve financial results but help retain employees and residents.

Jen Piccotti, chief operating officer at ManagInc, said corporate responsibility is simply taking care of all the stakeholders in your business—everyone from the maintenance employee who changes light bulbs to community neighbours.

In a recent multifamily corporate social responsibility study, ManagInc noted that there is more to CSR than green initiatives and volunteerism. The workplace, living experience and society are the pillars that support a true CSR strategy.

Here's a closer look:

THE WORKPLACE: EMPLOYEES AND SUPPLIERS

Panelists agreed that CSR starts at the workplace by building a culture among employees, as well as vendors and suppliers. The actions of onsite personnel and third-party partners speak loudly for the property and management company.

Employee recognition and incentive programs go a long way as does education and career development. Incentives, paid time off and in-house education and paid certification programs are effective ways to build loyalty.

Also, "The way you treat employees is the way you want them to treat your customers," Piccotti said. She noted that the multifamily employee turnover rate is 32 percent and that it's important to understand the direct relationship between employees and residents. A 2017 ManagInc study found that the higher the employee turnover, the higher the resident turnover.

CSR also extends to a company's suppliers and vendors. "If you think of all the suppliers and vendors that come to your property, your residents see that as an extension of you," she said.

THE LIVING EXPERIENCE: RESIDENTS

As with employees, resident treatment makes a lasting impression in a property's CSR pedigree. Responding to online reviews—good or bad—and requesting feedback on satisfaction show residents that a property cares about its reputation and performance.

According to the survey, the multifamily industry is doing a good job there but properties could do better with more in-unit apartment upgrade lease renewal incentive programs, implementing service request guarantees and offering a 30-day move-in satisfaction program.

SOCIETY: GIVING BACK FOR THE GREATER GOOD

Company-organized community service events and providing additional paid time off to allow employees to volunteer or participate in charitable causes enhance CSR efforts, and has impact far beyond simply "doing good." By providing opportunities to participate, both employees and residents are seeing it as an added benefit of working or living in a particular apartment community.

Delisi said AvalonBay has a national partnership with the American Red Cross and regional relationships with other nonprofit organizations to make strategic local community investments and engage their residents and employees.

"Philanthropy done well is no longer about check writing," said Delisi. "Strategic social investment entails long-term engagements with non-profit partners that promote shared value between the organizations and businesses."

Piccotti warns, however, that companies that just go through the motions of CSR may not get the results they hope to achieve.

"If it's not authentic people will see right through it."

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TIGHTENING CONDITIONS ON THE HORIZON

Hot rental market will boil over in 2018 as ownership demand cools

BY SHAUN HILDEBRAND, SENIOR VICE PRESIDENT OF URBANATION INC.

On the heels of a 2017 rental market that saw vacancy rates across Ontario fall to a 17-year low and condominium rents in the Greater Toronto area rise by 9%, conditions are about to get even tighter in 2018.

Aside from fundamental factors such as surging population inflows, growing household formation rates for young adults, and a robust provincial economy churning out over 10,000 jobs a month, rental demand this year will be further fuelled by a softer homeownership market.

Would-be first-time buyers are facing a high degree of uncertainty as activity in the ownership market descends from peak levels in the first half of 2017, in addition to having to contend with high prices, stricter mortgage qualification rules put in place on January 1st and rising interest rates. Indeed, an Ipsos poll conducted for the Toronto Real Estate Board shows first-time buyers accounting for 41% of intending home buyers in the GTA in 2018, dropping from 53% a year ago. The decline in first-time buyers was sharpest in the City of Toronto over the past year, falling from 64% to 46%. In effect, less demand from first-time buyers will mean more demand for rentals, also reducing available supply as fewer tenants transition to homeownership.

Looking at the current state of the ownership market, it's easy to see why renters have grown hesitant to make the leap to owning. Resale transactions in the GTA were down 22% year-over-year in January, while listings were up 17% and average prices declined 4%. This type of volatility is unnerving for someone looking to make one of the biggest financial commitments of their life. Unfortunately, the latest data points have largely been taken out of context without proper interpretation, with headlines such as "Only thing colder than Toronto right now is its housing market" dominating media coverage this year.

On top of the confusing market signals, first-time buyers are now also required to qualify for a mortgage that is effectively 20% larger than the amount they would have qualified for at the end of last year. New OSFI rules that came into effect in 2018 state that all home buyers, even those with a 20% down payment, must prove that they can carry mortgage payments based on today's five-year posted rate (currently 5.14%), which is about 175 basis points above discounted contract rates. Some buyers may skirt around the rules by going to unregulated lenders, while others may take on longer amortization periods and reduce their spending budgets. But in the end, it is estimated that at least 10% of first-time buyers will delay their purchases in 2018 because of the new rule. And this is without considering that bond yields have recently risen to their highest levels since 2011, signalling that further increases to mortgage rates are on the way.

While markets with affordability advantages may experience less decline in first-time home buying activity (and thereby more moderate rental market pressures), the fact that prices for condominium apartments in the GTA remained 15% higher than a year ago, while detached housing prices in areas like Hamilton and Kitchener-Waterloo in January were 10% above 2017's record level, suggests high housing prices across the board are also creating a stronger barrier to entry for first-time buyers in 2018.

At the same time that fewer renters are vacating their units for the ownership market and a greater number of young adults are leaving the parental home and forming new renter households (encouraged by the current 18-year low unemployment rate of 5.5% for Ontario), total population inflows from immigration, net provincial migration, and non-permanent residents reached a 15-year high of 193,000 new residents for Ontario and 135,000 for the Toronto CMA in 2017 — most of whom enter the rental market upon arrival.

Battling against this perfect storm of demand is a rental supply valve that is barely open. In 2017, purpose-built rental apartment completions actually declined from 2016 in Ontario to 5,928 units. While this level represented one of the highest years for rental deliveries over the past two decades, it was equal to less than three units for every 100 new residents moving into the province, with only one unit created in Toronto for every 100 persons arriving.

The data volatility and market confusion affecting first-time buyers will fade throughout the year, but the fact remains that homeownership rates have already peaked (confirmed by the latest Census) and rental demand will continue to outweigh growth in ownership demand in the coming years. The fundamentals are simply too strong to overlook, and an appropriate supply response to date is grossly overdue.

Shaun Hildebrand serves as Senior Vice President of Urbanation Inc. Mr. Hildebrand leads the team at Urbanation, setting the research agenda and guiding the analytics that form Urbanation's market insights. He has acted as a key spokesperson for the real estate industry for several years, providing regular commentary to the media, delivering presentations at numerous events and preparing research and forecast reports to a wide variety of stakeholders.

SERVICE AND PROTECTION

A legal overview of Ontario's submetering Industry

BY MALVINA STERNAK, IN-HOUSE COUNSEL, WYSE METER SOLUTIONS INC.

The introduction of competition into Ontario's utility metering environment was a measured move towards providing utility customers with the service they deserve, and an effort to keep administrative fees from increasing astronomically. It was clear that real change was needed to enhance protection for residents and improve service delivery, and that new players could shake things up. Given the complexities of Ontario's utility and rental housing markets, on January 1, 2011, a comprehensive regulatory framework was set out to usher in submetering in a fair and transparent way. Over time, these regulations have evolved to meet customers' needs, as unit sub-meter providers (USMPs) have transformed the market with enhanced consumer services and lower fees. It's beneficial for landlords to know how the submetering industry is licensed and regulated, so they have the tools they need to make the best energy management decisions for their residents and their properties.

ONTARIO ENERGY BOARD (OEB)

The OEB was established by the Ministry of Energy in an effort to regulate the electricity and natural gas markets. Accordingly, the OEB has jurisdiction over regulating the activities of USMPs as well as local distribution companies and other parties, as they may relate to distribution and/or marketing of electricity and natural gas commodities to the public.

The OEB grants licenses to USMPs for provision of electricity services to consumers. Once licensed, USMPs must adhere to the code of conduct, as explicitly prescribed under the Unit Submetering Code (the "Code"). The Code prescribes conduct that USMPs must follow, as related to: installation, verification of meters, opening and closing new accounts, transferring accounts from one USMP to another, connections and disconnections, security deposits, tampering, billing consumers, recordkeeping, and application of provincial programs.

The Code is quite extensive and it is not unusual for clients, when reviewing agreements with USMPs, to take note of parallels in such agreements with that of the Code. It is to the benefit of both parties to acknowledge and understand early on that the USMP must comply with the various regulations, when electricity consumption is to be metered in buildings.

ENERGY CONSUMER PROTECTION ACT (ECPA)

While the main purpose of the ECPA is to provide guidelines to energy retailers as to how they can market contracts to individual consumers, it also provides some rules to USMPs and building owners setting out installation schedules for individual suite metering depending on building type (i.e. existing rental buildings, condominiums, new construction projects, non-profit housing, etc.).

Section 38 of the ECPA Regulations sets forth the circumstances under which individual suite meters may be installed, whilst Section 39 sets forth the circumstances under which suite meters are required.

Further, the regulations under this legislation mandate that USMPs cannot submeter heat where electricity is the primary source of heating in the building, unless the meters were installed in the building prior to 2011. USMPs can still submeter the building, but the electrical heat component must be separated from the resident consumption billed in the building. Separating heat from electrical consumption is often expensive and work intensive, which may affect terms in an agreement between the USMP and building owner.

SPECIFIC TO LANDLORDS: RESIDENTIAL TENANCIES ACT

While USMPs are not under the jurisdiction of the Landlord Tenant Board (the "LTB"), our landlord clients are. It is, therefore, important for landlords to understand how the LTB interprets the relevant sections of the RTA that deal with submetering.

The main takeaway for landlords is that if they wish to submeter tenants in a building, they must obtain tenant acknowledgement and consent in the rental application or lease, specifying that electricity or water or other utilities are excluded from rent and that the tenant will be responsible for payment of those utilities to a third party provider at the commencement of his/her lease. Further, where the landlord has electricity consumption data for the previous 12 months in a unit, the landlord must provide such information to prospective tenants. The LTB website offers a sample form that may be used by landlords for their convenience when providing the 12 month data information.

Though the governing bodies and legislation mentioned in this article are the main source of authority for providing a code of conduct to USMPs and building owners, there are other regulatory bodies and/or legislations which provide additional guidelines for USMPs to comply with in the submetering industry, including but not limited to: Measurement Canada, privacy acts and regulations, Electrical Safety Authority and individual municipal regulations.

While the regulatory landscape may continue to evolve, it is helpful for building owners interested in submetering programs to become familiar with the sound, customer-focused fundamentals upon which this industry is built.

Wyse is your best partner for smart submetering and utility expense management solutions. We help Canada's largest building owners, developers and property managers run smarter, boost environmental sustainability and enjoy a superior experience. Residents and tenants thrive with our innovative services.

CFAA CONFERENCE TACKLES PROMINENT INDUSTRY ISSUES

Come be part of the discussions!

BY JEREMY NEWMAN, CFAA DIRECTOR OF EXTERNAL RELATIONS

This year, over two days of education sessions at CFAA-RHC 2018, we ask, What is The Future of Rental Housing in Canada?

Politically, governments at all levels are becoming increasingly active in housing, creating policies and programs that will have impacts for years to come.

The federal government recently released its National Housing Strategy, introduced new tax rules for private corporations, and is legalizing marijuana, all of which will have major impacts on landlords.

The provinces, responsible for implementing marijuana legalization, are adopting rules that may prove troublesome to landlords and tenants alike for years to come.

With an election looming, the Ontario provincial government is playing politics with housing policy to seek the favour of tenant voters. Most critically, Ontario enacted the end of the post-1991 exemption on rent control. That change has already stifled much-needed new rental development.

Technologically, there is more technology available to rental housing providers than ever before. Software suites are now able to integrate and streamline nearly all facets of building operations. Green technologies are now able to drastically reduce utility costs. And virtual and augmented reality may soon reduce or eliminate the need to show a unit before renting.

Implementing the right technology, in the right way, and at the right time, can lead to unprecedented improvements in efficiency, and in turn, in long-term profitability. But what is the right technology, what is the right way to implement it, and when is the right time to adopt it?

Come be part of the discussions at Rental Housing Conference 2018 in Vancouver, May 14 to 16! Find out what other companies in the rental sector are doing to respond to new problems and opportunities, and share your own experiences.

Registration is now open at **www.CFAA-RHC.ca**. To receive early notice of new sessions and Conference information, email events@cfaa-fcapi.org to subscribe to CFAA's e-newsletter.

WHERE THERE'S SMOKE THERE'S FIRE

Proposed amendments to the Ontario Fire Code

BY MARY PRENCIPE, P.ENG. | ASSISTANT DEPUTY FIRE MARSHAL, TECHNICAL SERVICES

During the ten-year period from 2007 to 2016, fires in residential occupancies in Ontario resulted in 608 fire deaths. In close to 10% of these cases, it was identified that although smoke alarms were present, devices were either missing a battery or equipped with a dead battery, and as a result, did not operate.

Currently, the Ontario Fire Code (OFC) requires that smoke alarms be installed in dwellings (detached houses, semi-detached houses, townhouses, apartments, condominiums etc.) on every storey and outside sleeping areas. The Code requires that the device be either hardwired (powered electrically) or battery-operated.

A battery-operated smoke alarm can only function if it has a working battery. Concerns about dead or missing batteries could potentially be alleviated by introducing requirements that the battery be both sealed and long-life (10 years). The "sealed" feature prevents persons from either accidentally or intentionally removing batteries. A "long-life" battery can provide power to the smoke alarm until the device reaches its end of life, which is typically 10 years.

The OFMEM has recently proposed amendments to the Fire Code that would require installation of smoke alarms powered by sealed, long-life batteries where battery operated smoke alarms are being replaced under Subsection 6.3.3., after having reached their end of life, or when new battery operated smoke alarms are being installed under either Section 2.13 or Part 9. Existing battery operated smoke alarms would be permitted to remain in use until the device needs to be replaced because it has reached its end of life. Furthermore, the proposed amendments would not apply to hardwired smoke alarms whether or not they have battery backup.

As a result of the proposed changes to the Fire Code, parallel changes to the Ontario Building Code (OBC) would also be required as there are specific circumstances under the OBC where a battery operated smoke alarm is permitted in lieu of a hardwired device. Given that the Building Code and the Fire Code are companion regulations, the OFMEM is working with the Ministry of Municipal Affairs to ensure consistency and alignment between both regulations.

Mandating the use of smoke alarms with sealed long-life batteries is meant to reduce the number of fatalities in residential fires in the long term. While the full effect of the regulatory amendments might not be fully realised for at least 10 years following the date they come into force, there would be incremental benefits due to older smoke alarms already in place needing replacement. Any lives saved as a result of these changes would be considered a success.

The OFMEM convened a Technical Advisory Committee, composed of representatives of stakeholder groups, in early February to receive their feedback on the proposed amendments. The OFMEM is currently in the process of organizing a public consultation to obtain input from members of the public.

To be notified of the date when the public consultation period begins, subscribe to the e-Bulletin published by the OFMEM, by visiting its Web site at www.mcscs.jus.gov.on.ca/english/FireMarshal/subscribe/subscribe.aspx.

BACKGROUND

- A **battery-operated** smoke alarm is a smoke alarm (SA) which is only powered by a battery or batteries
- A **long-life battery** is a battery capable of powering a smoke alarm under intended ambient conditions for at least 10 years in the standby condition, including testing
- A **sealed** smoke alarm has a sealed housing. This prevents the unintentional removal of batteries from the smoke alarm

GETTING THE MOST OUT OF YOUR INVESTMENT

4 tips for monetizing a purchasing strategy

BY GUY LYMAN

Even with a fine-tuned purchasing strategy, the costs associated with maintaining an existing asset or upgrading a new acquisition can add up. These expenses make it critical to get the most out of your investments in fixtures, maintenance materials and even office supplies, especially for large rental portfolios.

A solid purchasing strategy doesn't just save you money; the consistency and dependability involved also makes your portfolio more desirable to suppliers, empowering you to negotiate even better deals down the road. Jennifer Lester, vice president of vendor management/strategic purchasing advisory services at RealPage, highlights purchasing strategies as a means to create mutually beneficial relationships with vendors, ensuring both the best prices and services.

Landlords and property managers should take four core components into account as they develop their portfolios' purchasing strategies: vendor consolidation, product standardization, compliance techniques, and involvement with a group purchasing organization.

"The reality is that properties need to keep an eye on what they are buying, who they're buying from and what is being paid," she said.

1. NARROW YOUR POOL OF VENDORS TO ENSURE BEST PRICING

Narrowing the number of vendors used for maintenance, repair and operational (MRO) expenditures can lower costs. A property management firm can likely negotiate lower prices based on the promise of more business, especially if purchases extend across the entire portfolio.

Using multiple vendors and buying less from each often results in paying more. For example, a portfolio that buys several different types and colours of paint from multiple vendors often will pay a higher unit cost than when buying an agreed-upon colour and finish from a preferred vendor.

To illustrate the point, Lester discussed how one property management client previously used five vendors for MRO expenditures and then saved $130,000 a year by consolidating to two companies and negotiating a better rate.

"You should really try to narrow down that pool of vendors," Lester said. "You can certainly narrow it down and have a primary and a secondary, but it's to ensure you get the best prices, the best service and the best vendor."

2. STANDARDIZE PRODUCTS TO HELP MANAGE DAY-TO-DAY SPENDING CONSISTENTLY

Product standardization streamlines purchasing and ensures consistent day-to-day spending practices with fewer headaches and higher savings.

Effective product standardization means finding preferred vendors that can negotiate favourable pricing on one or two of the best products and supply them across your entire portfolio at the same unit price. Lester noted that one property management company, which didn't have standardized practices in place for buying toilet seats, ultimately paid 20 percent more – nearly $1,200 – when purchasing various styles from multiple vendors.

Standardizing everything across your operation – down to your office supplies – leads to more efficient management and greater cost effectiveness.

"These are small things that can have a big impact at the end of the day," Lester said. "You can have 10 different things that aren't standardized, and it can certainly impact your expenses."

3. COMMUNICATE AND ENFORCE PURCHASING STRATEGY COMPLIANCE

Typically, the difference between the success or failure of implementing a standardized, consolidated purchasing strategy boils down to communication and reporting. Non-compliance can go undetected with lack of reporting, Lester says. She said "there is no point" to developing a unified purchasing strategy if unmonitored properties can easily ignore the policies and preferred-vendor lists. Compliance and reporting have to be a part of the equation.

However, compliance does require a balanced communication equation. Management must clearly communicate pricing, vendors and other aspects of the strategy as soon as they've been negotiated for the portfolio. Follow up with individuals on the team to ensure they understand and can therefore be held accountable. Set up transparent guidelines for monitoring monthly or quarterly spending, as well as for corrective action.

4. JOIN A GROUP PURCHASING ORGANIZATION

Joining a group purchasing organization helps you make sure that all of the areas above are covered. Regardless of the size of your platform, a GPO is easy to use and enables you to buy the right item, at the right price, from the right vendor—while ensuring compliance. All of the discounts have already been negotiated for you in advance, saving untold time and effort.

Ultimately, an effective purchasing strategy benefits the bottom line, but it also leads to stronger partnerships and value with vendors, increasing the buying power and level of service a property can expect.

According to Lester, "If you are getting what you need from your vendors, all of these other things fall in line."

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THE AIR **WE SHARE**

Regular maintenance is key to mitigating the CO risk

As a rental housing provider, there's little doubt you are well versed in managing costs within a diverse, operational framework with the goal of providing a safe and thriving environment for your residents. But did you know that there may be a serious threat lurking in your apartment building that you can't see, can't smell, can't taste—and only know it's there when someone falls unconscious, or dies?

It's carbon monoxide (CO), often called 'the silent killer', and over 50% of CO injuries and fatalities occur in apartment buildings and condominiums.

Death and injury due to CO is one of the largest, widest reaching problems in Ontario, particularly as it relates to the operation of fuel-burning equipment or make-up air units. The problem is most pronounced in multi-unit residences, especially within common areas such as swimming pools, gyms, social rooms and, most noticeably, hallways. And like any gas, CO can easily find its way through physical spaces if released by an improperly maintained fuel-burning system.

So how do you reduce the CO risk and ensure resident safety? It starts from the ground up – and everyone plays a part.

It is the building owner's and the hired contractor's responsibility to ensure repairs and maintenance follow the manufacturer certified instructions.

A TEAM EFFORT

More than two-thirds of CO risks or incidents are due to lack of proper maintenance of fuel-burning systems. The building owner must schedule regular inspections and maintenance for all fuel-burning devices within the building in accordance with the TSS Act, regulations and manufacturer's certified instructions. It is also the responsibility of any contractor working on a fuel-burning device to ensure their work is completed according to regulations and the manufacturer's certified instructions.

KEEP CO OUT

- Ensure technicians servicing the systems in your building are properly certified by the Technical Standards and Safety Authority (TSSA).
- Install and regularly test certified CO alarms.
- Report broken CO alarms to the building owner immediately.

TSSA: KEEPING ONTARIANS SAFER

Ensuring public safety – it's the cornerstone of TSSA. And while owners, managers, contractors and residents play their part in keeping everyone safe, it's TSSA who enforces, inspects and advocates for the public. So, what are we doing to address the CO risk in apartments and condominiums?

As a part of our Apartments and Condominium Action Plan, TSSA has launched a multi-pronged program focusing on locations where CO incidents have occurred. Beginning in early 2018, TSSA will contact over 100 at-risk locations and schedule inspections of all fuel-burning devices to ensure they have been properly maintained. Throughout the remainder of 2018, a targeted approach of buildings will take place to close out the plan. We will work closely with FRPO to ensure a well communicated approach is taken.

Through our ongoing and highly visible Silent Killer CO Safety campaign, TSSA has helped educate millions of Ontarians around the dangers of CO and preventative steps to mitigate this deadly risk. Our advocacy for all facets of TSSA's safety mandate, effectively spans media including digital, conventional print, social and direct outreach with the achieved goals of shared knowledge, education and awareness on the dangers of CO.

Questions on your responsibilities or any other aspect of fuels safety? Contact us at fuels_technical_services@tssa.org or 416-734-2726. For any other question, contact TSSA toll-free at 1-877-682-8772 or visit us online at www.tssa.org.

About TSSA
The Technical Standards and Safety Authority (TSSA) is one of Ontario's public safety regulators mandated by the Government of Ontario to enforce provincial safety regulations and enhance public safety. Throughout Ontario, TSSA regulates the safety of amusement devices, boilers and pressure vessels, elevating devices, fuels, operating engineers, ski lifts, and upholstered and stuffed articles. Its range of safety services include public education and consumer information, certification, licensing and registration, engineering design review, inspections, investigations, safety management consultation, and enforcement and prosecution activities. The organization's vision is to be a valued advocate and recognized authority in public safety.

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