

Chapter 797

TENANT SUPPORT GRANT PROGRAM

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[HISTORY: Adopted by the Council of the City of Toronto 2000-02-03 by By-law No. 48-2000.¹ Amendments noted where applicable.]

§ 797-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AVERAGE RENTS — For any calendar year, the average monthly City-wide rents by unit type for that calendar year as determined and published annually by the Canada Mortgage and Housing Corporation, and if the Canada Mortgage and Housing Corporation does not publish an annual survey of City-wide rents for any calendar year, then for that calendar year, “average rents” are the City-wide average rents as determined by the Commissioner. [Added 2002-04-18 by By-law No. 225-2002]

COMMISSIONER — The Commissioner of Community and Neighbourhood Services.

ELIGIBLE PROFESSIONAL — A professional engineer, architect, forensic accountant or lawyer who is registered with the regulating professional body of his or her profession.

¹ Editor's Note: This by-law was passed under the authority of section 113 of the *Municipal Act*, R.S.O. 1990, c. M.45.

ELIGIBLE PROFESSIONAL SERVICES — The services of an eligible professional.

ELIGIBLE RENTS — For any calendar year, 15 percent above average rents. **[Added 2002-04-18 by By-law No. 225-2002]**

LANDLORD APPLICATION [Amended 2000-10-05 by By-law No. 838-2000]:

- A. An application to the Ontario Rental Housing Tribunal by a landlord for an order allowing the rent charged to be increased by more than the guideline for any or all of the rental units in a residential complex, pursuant to section 138 of the *Tenant Protection Act, 1997*;²
- B. An appeal to the Divisional Court of an order referred to in Subsection A of this definition, pursuant to section 196 of the *Tenant Protection Act, 1997*;³
- C. An application to the Divisional Court for judicial review of the proceedings referred to in Subsection A of this definition; or
- D. An application or appeal to the Ontario Municipal Board by a landlord seeking approvals which, if acted upon, would result in the demolition or conversion of rental units, or would otherwise adversely affect the supply of affordable rental housing.

NOTICE OF HEARING — A copy of the landlord application or a copy of a notice of hearing given by the landlord to the tenant in accordance with section 175 of the *Tenant Protection Act, 1997*.⁴

NOTICE OF RENT INCREASE — A notice given by a landlord to a tenant in accordance with section 127 of the *Tenant Protection Act, 1997*.⁵

RESIDENTIAL COMPLEX — The same meaning as in the *Tenant Protection Act, 1997*.⁶

TEAM — The Outreach/Co-ordinating Team retained by the City in response to Request for Proposal No. 9155-00-07009. **[Amended 2000-10-05 by By-law No. 869-2000]**

TRIBUNAL — The statutory body or court which is empowered to hear and dispose of the landlord application and includes the Ontario Rental Housing Tribunal, the Divisional Court and the Ontario Municipal Board. **[Amended 2000-10-05 by By-law No. 838-2000]**

² Editor's Note: See S.O. 1997, c. 24.

³ Editor's Note: See S.O. 1997, c. 24.

⁴ Editor's Note: See S.O. 1997, c. 24.

⁵ Editor's Note: See S.O. 1997, c. 24.

⁶ Editor's Note: See S.O. 1997, c. 24.

§ 797-2. Eligible groups.

For the purposes of §§ 797-3 through 797-6, “eligible group” shall mean a group representing all or some of the tenants of a residential complex, which group meets the following criteria:

- A. The landlord of the residential complex in which reside all the tenants that the group represents has made a landlord application to the Tribunal;
- B. The landlord application does not relate to rent-geared-to-income units;
- C. The group has the support of the following number of tenants in disputing the landlord application, as evidenced by a petition in accordance with § 797-4A:
 - (1) **[Amended 2000-10-12 by By-law No. 958-2000]** If less than 100 units are affected by the landlord application, 50 percent of the tenants residing in the affected units at the time the application to the Commissioner for a grant is made;
 - (2) If 100 or more units are affected by the landlord application, 33 percent of the tenants residing in the affected units at the time the application to the Commissioner for a grant is made;
- D. **[Amended 2000-10-12 by By-law No. 958-2000; 2002-04-18 by By-law No. 225-2002]** The following number of units in the residential complex have a current rent which is at or below eligible rents:
 - (1) If less than 100 units are affected by the landlord application, 50 percent of the affected units; and
 - (2) If 100 or more units are affected by the landlord application, 33 percent of the affected units.
- E. The group is the first group representing tenants in the residential complex affected by the landlord application to make a grant application to the Commissioner.

§ 797-3. Approval of grant applications; reports; payments.

- A. The Commissioner, upon application made to the Commissioner in accordance with § 797-4 and subject to a final verification of eligibility as set out in Subsection D, shall approve applications and commit a grant to an eligible group for the purposes of disputing a landlord application. **[Amended 2000-10-05 by By-law No. 838-2000]**
- B. Applications shall be approved and grants shall be committed by the Commissioner in the order in which complete applications are received and subject to funds being available for this purpose.

- C. The Commissioner shall provide periodic reports to the Tenant Defence Sub-Committee advising of the grants committed.
- C.1. The Commissioner, upon receipt of a written request from the eligible group, shall release to the eligible group an amount not exceeding 50% of the basic grant commitment made by the Commissioner, such funds to be used for the purpose of retaining a qualified agent or lawyer for representation at the hearing of the landlord application. **[Added 2000-10-05 by By-law No. 838-2000]**
- C.2. **[Added 2000-10-05 by By-law No. 838-2000]** The written request from the eligible group required in Subsection C.1 shall be accompanied by:
- (1) A copy of a notice of hearing with respect to the landlord application;
 - (2) A letter from a qualified agent or lawyer stating the agent or lawyer will represent the eligible group at the hearing of the landlord application; and
 - (3) Evidence of the rent for each rental unit affected by the landlord application.
- D. The Commissioner, upon receipt of a report made in accordance with § 797-6 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-6 verifies that the group meets the eligibility requirements set out in § 797-2D, pay to the eligible group an amount which is the lesser of the grant commitment made by the Commissioner and the amount of eligible expenditures for which the eligible group provides invoices in accordance with § 797-6, less any amount released by the Commissioner in accordance with Subsection C.1. **[Amended 2000-10-05 by By-law No. 838-2000]**

§ 797-4. Applications for grants.

An application for a grant must be in a form satisfactory to the Commissioner and must be accompanied by the following documentation:

- A. **[Amended 2000-10-05 by By-law No. 838-2000]** A petition in favour of disputing the landlord application signed by the following number of tenants, stating the name of each tenant, the size and unit type of the tenant's rental unit, according to the categories listed in § 797-2D, and containing an acknowledgement by each signing tenant that the rent he or she currently pays to the landlord is at or below the applicable rent amount set out in § 797-2D:
- (1) **[Amended 2000-10-12 by By-law No. 958-2000]** If less than 100 units are affected by the landlord application, 50 percent of the tenants residing in the affected units at the time the application to the Commissioner for a grant is made;

- (2) If 100 or more units are affected by the landlord application, 33 percent of the tenants residing in the affected units at the time the application to the Commissioner for a grant is made;
- B. **[Amended 2000-10-05 by By-law No. 838-2000]** A copy of the landlord application;
- C. A description of the eligible group's reason for disputing the landlord application; and
- D. An estimate of the amount of eligible expenditures that the eligible group expects to incur in disputing the landlord application.

§ 797-5. Amount of grant; eligible expenditures.

[Amended 2000-10-05 by By-law No. 869-2000]

Each eligible group will be eligible for a grant up to \$1,000, which grant may include up to the following maximum amounts for each of the following eligible expenditures incurred by the eligible group:

Eligible Expenditure	Maximum Amount
Cost of hiring a qualified agent and/or lawyer to represent the eligible group at the Tribunal	\$1,000.00
Cost of renting meeting and/or office space	\$100.00
Printing and production costs, cost of postage, cost of translation and/or interpretation services	\$500.00
Cost of photocopying the Tribunal's file pertaining to the landlord application	\$200.00

§ 797-6. Submission of report by eligible group.

Within three months of the Tribunal's disposition of the landlord application, every eligible group to whom a commitment for a grant has been made must submit to the Commissioner a report in a form satisfactory to the Commissioner accompanied by the following documentation:

- A. An order issued by the Tribunal disposing of the landlord application, in which the eligible group is not noted in default;

- B. Invoices for each of the eligible expenditures incurred by the eligible group; and
- C. Unless previously provided, evidence of the rent for each rental unit affected by the landlord application. **[Added 2000-10-05 by By-law No. 838-2000]**

§ 797-7. Eligible groups which require eligible professional services.

For the purposes of §§ 797-8 through 797-11, “eligible group” shall mean a group representing all or some of the tenants of a residential complex, which group meets all the criteria set out in § 797-2 and requires eligible professional services.

§ 797-8. Approval of grant applications where eligible professional services are retained; reports; payments.

- A. The Commissioner, upon application made to the Commissioner in accordance with § 797-9 and subject to a final verification of eligibility as set out in Subsection D, shall approve applications and commit an additional grant to an eligible group for the purposes of retaining eligible professional services to assist in disputing the landlord application. **[Amended 2000-10-05 by By-law No. 838-2000]**
- B. Applications shall be approved and additional grants shall be committed by the Commissioner in the order in which complete applications are received and subject to funds being available for this purpose.
- C. The Commissioner shall provide periodic reports to the Tenant Defence Sub-Committee advising of the additional grants.
- D. The Commissioner, upon receipt of a report made in accordance with § 797-11 by an eligible group to whom a commitment for an additional grant has been made, shall, provided the documentation submitted in accordance with § 797-11 verifies that the group meets the eligibility requirements set out in § 797-2D, pay to the eligible group an amount which is the lesser of the remaining portion of the additional grant commitment made by the Commissioner and the amount of eligible expenditures for which the eligible group provides invoices in accordance with § 797-11. **[Amended 2000-10-05 by By-law No. 838-2000]**
- E. Notwithstanding § 797-8D, the Commissioner may make an advance payment of up to \$1,000 to an eligible group to whom a commitment for an additional grant has been made, if, prior to the making of the advance payment, the eligible group provides documentation which verifies that a retainer fee is required to engage the services of an eligible professional. **[Added 2001-03-08 by By-law No. 127-2001]**
- E.1. Notwithstanding §§ 797-8D and 797-8E, the Commissioner may make partial payments to an eligible group to whom a commitment for an additional grant has been made in respect to a proceeding described in Subsection B, C or D of the definition of “landlord application” in § 797-1, which partial payments may be in a

total amount of up to 75 percent of the additional grant committed minus any advance payment made under § 797-8E, and which partial payments may be made no more than twice, if, prior to the making of the partial payment, the eligible group submits the following: **[Added 2002-04-18 by By-law No. 225-2002]**

- (1) A written request for the partial payment including the amount requested;
 - (2) A copy of the notice of appeal or notice of hearing; and
 - (3) Documentation which verifies that the partial payment is required, including an invoice for the amount of the partial payment requested from an eligible professional.
- F. The amount payable to an eligible group under § 797-8D shall be reduced by the amount paid in advance, if any, to the eligible group in accordance with § 797-8E and 797-8E.1. **[Added 2001-03-08 by By-law No. 127-2001; amended 2002-04-18 by By-law No. 225-2002]**

§ 797-9. Applications for additional grants.

An application for an additional grant must be in a form satisfactory to the Commissioner and must be accompanied by the following documentation:

- A. **[Amended 2000-10-05 by By-law No. 838-2000; 2000-10-12 by By-law No. 958-2000; 2002-04-18 by By-law No. 225-2002]** A petition in favour of disputing the landlord application signed by the following number of tenants, stating the name of each tenant, the size and unit type of the tenant's rental unit, according to the categories listed in § 797-2D, and containing an acknowledgement by each signing tenant that the rent he or she currently pays to the landlord is at or below the eligible rents:
- (1) If less than 100 units are affected by the landlord application, 50 percent of the tenants residing in the affected units at the time the application to the Commissioner for an additional grant is made;
 - (2) If 100 or more units are affected by the landlord application, 33 percent of the tenants residing in the affected units at the time the application to the Commissioner for an additional grant is made;
- B. **[Amended 2000-10-05 by By-law No. 838-2000]** A copy of the landlord application;
- C. A description of the eligible professional services required by the eligible group and its reasons for requiring such eligible professional services;
- D. A statement from the team, in a form acceptable to the Commissioner, that it is the team's opinion that the eligible group would benefit from eligible professional

services and a description of the nature of the eligible professional services from which it would so benefit;

- E. A quotation from an eligible professional of the nature recommended by the team, outlining the eligible professional services to be provided to the eligible group and the cost of providing such services; and
- F. A description of the professional qualifications of the eligible professional submitting the quotation and proof of his or her membership in the regulating professional body of his or her profession.

§ 797-10. Amount of additional grants; eligible expenditures and costs of eligible professional services.

- A. For the purposes of §§ 797-8 through 797-11, “eligible expenditures” shall mean the cost of eligible professional services incurred by an eligible group in disputing a landlord application.
- B. **[Amended 2000-10-05 by By-law No. 838-2000]** Each eligible group to whom a commitment for an additional grant has been made will be eligible for an additional grant in the amount of its eligible expenditures, up to a total maximum amount of:
 - (1) Five thousand dollars with respect to a proceeding before the Ontario Rental Housing Tribunal described in Subsection A of the definition of “landlord application” in § 797-1;
 - (2) Ten thousand dollars with respect to a proceeding before the Divisional Court described in Subsection B or C of the definition of “landlord application” in § 797-1;
 - (3) Fifteen thousand dollars with respect to a proceeding before the Ontario Municipal Board described in Subsection D of the definition of “landlord application” in § 797-1.

§ 797-11. Submission of report by eligible group to whom commitment for an additional grant is made.

[Amended 2000-10-05 by By-law No. 838-2000]

- A. Every eligible group to whom a commitment for an additional grant has been made with respect to a landlord application described in Subsection A, B or C of the definition of “landlord application” in § 797-1 must, within three months of the Tribunal’s disposition of the landlord application, submit a report to the Commissioner, in a form satisfactory to the Commissioner accompanied by the following documentation:

- (1) An order issued by the Tribunal disposing of the landlord application, in which the eligible group is not noted in default;
 - (2) Invoices for each of the eligible expenditures incurred by the eligible group; and
 - (3) Evidence of the rent for each rental unit affected by the landlord application.
- B. An eligible group to whom a commitment for an additional grant has been made with respect to a landlord application described in Subsection D of the definition of “landlord application” in § 797-1 may, at any time after the commencement of the hearing, submit a report to the Commissioner, in a form satisfactory to the Commissioner accompanied by the following documentation:
- (1) Invoices for any eligible expenditures incurred by the eligible group; and
 - (2) Unless previously provided, evidence of the rent for each rental unit affected by the landlord application.