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Memoire on the Application of the Housing Code in
Montreal

Presented to:
The City of Montreal

*Commission sur la mise en valeur du territoire,
l'aménagement et le transport collectif*

*Bilan de l'application de la réglementation sur la salubrité
des logements*

Brief Submitted By

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Project Genesis is a grassroots community organisation located in the culturally diverse neighbourhood of Côte-des-Neiges, an area in which over 40% of households live below the poverty line. Founded in 1977, Project Genesis has spent 29 years working with low-income families and individuals, senior citizens and new immigrants. Based on the values of social justice, non-discrimination and empowerment, we offer both individual and community organising services, using an approach based on advocacy and community involvement.

In 2005-2006, our volunteer-based Storefront service provided assistance with over 24,000 individual cases: problems related to housing, welfare, pensions, access to health and social services, and many others. The majority of the people coming to the Storefront came specifically for problems related to housing, and the vast majority of these visits concerned repairs and unsanitary or unsafe living conditions. In 2001 39.4% of all rental housing units in Côte-des-Neiges needed repairs, of which 29.7% are in need of major or urgent repairs. These figures and our daily experience working in this community attest to the scope of the problem.

Here in Côte-des-Neiges, landlords continue to provide substandard housing while demanding excessive rent increases of those already unable to make ends meet, magnifying the stress and hardship faced by many of the poorest neighbourhood residents. The ongoing critical shortage of affordable housing means that tenants are reluctant to leave their dwellings, even if they are in disrepair, and landlords are still able to rent poorly-maintained apartments.

Given this context of widespread disrepair and neglect of rental housing units, and the related health and safety concerns that threaten tenants, we are pleased that the *Commission sur la mise en valeur du territoire, l'aménagement et le transport collectif* is holding public consultations to assess the application of the housing code in Montreal.

Between 2003 and 2006 over twenty five percent of all health and safety complaints concerned buildings in the borough of Côte des Neiges - Notre Dame de Grace. This statistic demonstrates the gravity of the situation in our area. It also testifies to the determination of this neighbourhood's residents to use all recourses at their disposal in order to improve their living conditions. Unfortunately, while we believe that the housing code itself could be a useful tool to remedy the situation, we have seen many problems with its application.

We can testify to several problems with the way the housing code is currently applied at every step of the process. These include:

- A lack of municipal inspectors, resulting in an inability to deal with complaints in a timely manner. We have found that making the initial contact with a municipal inspector can be a very time-consuming process. Often tenants must call the housing office numerous times in order to get to speak to a municipal inspector.
- A complaint process that is too onerous for the tenant. Once a tenant contacts the municipal inspector's office with a complaint, the office will ask that they prove that the tenant has contacted the landlord. We have found that the proof the municipal inspector's office requires is often too onerous for the tenant to reasonably procure. For example, some municipal inspectors in Côte-des-Neiges have asked that the tenant prove not only that they have *sent* the landlord a letter by registered mail, but also that they prove that the landlord has *received* it. The tenant access a verbal confirmation of receipt by phoning Canada Post, but it is very difficult to provide the written proof that some municipal inspectors require, especially for people who have limited access to the internet. This step is redundant, given that even the Rental Board does not require proof of receipt for a tenant to file a complaint. It is also an especially unfair requirement given that we know of some landlords in Côte-des-Neiges that systematically refuse to pick up their registered mail. This makes it difficult for the tenant but should not prevent them from accessing the service of the municipal inspectors.
- A complaint process that is too time-consuming and confusing to be effective. After the municipal inspector receives the tenant's complaint the landlord is notified of the complaint and the tenant is often asked to give the landlord ten days to fix the problem. This ten-day waiting period is redundant as the tenant has already sent the landlord a letter by registered mail requesting that the problem be fixed within a reasonable time. If the landlord had fixed the problem the tenant would not have called the municipal inspectors.

After the ten-day waiting period the onus is then back on the tenant notify the municipal inspector once again that the problem has not been fixed. Many tenants do not realise this, resulting in some complaints being inadvertently abandoned.

It is only once the tenant has notified the municipal inspector that the landlord has still not fixed the problem that the municipal inspector

will come to the apartment. This time and energy that the tenant must spend to get a municipal inspector to investigate a problem is unnecessary and can and should be decreased.

- A diminished ability to enforce the housing code. Even after the municipal inspector has made his or her report they appear to have little ability to force the landlord to enact the needed repairs. They can inform the landlord of a violation and impose a deadline and sometimes this does get the landlord to fix the problem. However, we have seen several cases where a landlord who does not act on a warning appears to face no serious consequences as it can take years for the municipal court system to deal with an infraction.
- A denial of the opportunity for the tenant to view the contents of the municipal inspector's report depending on the ownership of the building. The municipal inspector's report could be a valuable tool for the tenant during proceedings at the Rental Board, however the only way for a tenant to gain access to the report is to subpoena the report for use in their case at the Rental Board. It seems extremely unjust that a report made at the behest of a tenant concerning a problem in their own apartment should be considered the private property of their landlord. This puts tenants in an extremely vulnerable situation as they are forced to subpoena a document for their hearing at the Rental Board without knowing what the report contains. It does not make sense that a tenant whose building is owned by a corporation *is* allowed access to the municipal inspector's report, while a tenant whose building is owned by an individual does not have the same rights. If confidentiality is a problem, then nominative information can be blacked out of the document.
- A lack of a comprehensive relocation programme for tenants. When the city padlocks a building that it has found unfit for human habitation, without a relocation or support program for the evicted tenants, they penalize the building's residents for their landlord's negligence or bad faith. Tenants who do not qualify for low-cost housing have no recourse and are left on the street while those who do qualify for low-cost housing move to the head of the subsidized housing waiting list, unfairly penalising all the other people who are waiting for a place in an HLM. Furthermore, there is a risk that having a building declared unfit for human habitation could prove to be a boon for landlords who can then sell the building or convert it into condominiums.

In summary, we find that the housing code could be a very powerful tool to ensure healthy and safe living conditions for families and individuals across the island of Montreal. City inspectors can and do have a positive impact on the behaviour of some landlords but the City can and should have a greater ability to force recalcitrant landlords to obey the law.

Recommendations

Due to our experience in the field, we would like to make the following recommendations to ensure the improved application of the housing code.

- An increase in the number of municipal inspectors.
- Streamlining the process for making a complaint. We recommend that the City do away with the need for the tenant to prove that the landlord has received their registered letter outlining the problem in the building. Given that the municipal inspector's office already requires that the landlord be given a reasonable time to enact the needed repairs, we also recommend that the City do away with the ten-day waiting period before the municipal inspectors will come to inspect a problem.
- The right of tenants to have access to the report the municipal inspector made about their dwelling. We also recommend that tenants be given the right to view the reports stemming from previous tenants' complaints as well as reports that other tenants have made concerning the common areas of the building.
- Heavier fines for recalcitrant landlords.

We also support the positions taken by the *Front d'action populaire en réaménagement urbain* (FRAPRU) and the *Regroupement des comités logement et associations de locataires du Québec* (RCLALQ). In alliance with the RCLALQ communiqué of October 10th 2006, we support:

- A better application of the housing code throughout Montreal, emphasising its use as a tool to protect tenants rather than as a means of negotiation with landlords of bad faith.
- The development of a necessary and long overdue procedure to ensure the relocation of tenants who have been evicted from buildings that are unfit for human habitation.

- The increased use of emergency funds to enact repairs in which case the City later bills the recalcitrant landlords.
- The expropriation by the City of buildings belonging to delinquent landlords who refuse to obey the housing code and the conversion of these buildings into social housing.

Given the rising cost of rent in the City of Montreal and the fact that housing is a fundamental human right, we especially support the development of further social housing units on the island of Montreal and in Côte-des-Neiges in particular.

In conclusion, we would like to stress that housing is a basic human right and that tenants have the right to live in healthy and safe environments. The residents of Côte-des-Neiges are clearly using all the resources at their disposal to ensure that their dwellings achieve a decent standard of repair and maintenance. It is now up to the City to ensure that the housing code can be applied in an efficient and timely manner. We salute the *Commission sur la mise en valeur du territoire, l'aménagement et le transport collectif's* endeavour to improve the efficacy of the housing code.

Respectfully yours,

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