



Ontario Undergraduate Student Alliance

The Ontario Undergraduate Student Alliance is a non-partisan advocacy organization that represents the interests of over 150,000 undergraduate and professional, full-time and part-time university students at eight student associations across Ontario.

## POLICY BRIEF: HOUSING, TRANSIT, & COMMUNITY DEVELOPMENT

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Students are important members of their municipalities, facing many of the same concerns that their neighbours face in terms of housing, transit, and community development. However, students also face unique challenges and barriers to living safely and comfortably in their communities. Access to quality and affordable housing, a lack of education and information about rental housing and tenant rights, and gaps in provincial legislation and dispute resolution pathways raise concerns for students about rental housing. These issues are compounded by barriers to accessible transit and discriminatory by-law enforcement that leaves students unfairly targeted and hinders their ability to feel a sense of belonging and build positive relationships with their communities. Provincial support is needed to ensure municipalities are able to meet the needs of all residents, including students, and to foster strong, positive relationships between universities and their municipalities.

### THE PROBLEM

#### ***Poor Quality and Unaffordable Student Housing***

Housing in predominantly student areas near campus often have some issues, including poor quality, physical safety, structural soundness, and lack of usable dwelling facilities. Yet, the only way that tenants can hold their landlords accountable for the quality of housing and municipal property standards is retroactively through the Landlord Tenant Board or the Rental Housing Enforcement Unit, which can be ineffective to ensure students' ability to live in quality housing.

Student housing can also be unaffordable for many, as near-campus housing and housing in predominantly student areas can have high rental rates for their value and the cost of living in their respective city. Corporate-owned student housing and landlords with multiple properties can exploit their market power, which can diminish the power of students and often leaves students not paying fair market value for their accommodation that the provincial government has decreased its contributions to university operating budgets by seven percentage points over the last four years.

#### ***Gaps in Information and Education for Tenants***

Many student associations as well as institutions lack the necessary resources to provide adequate education to students about tenant rights and responsibilities, and the provincial government does not make an adequate effort to provide this information to student renters in their respective cities. Further, legal aid clinics across Ontario are overworked and underfunded which limits their ability to provide essential legal services to all those that require it and student associations and post-secondary

institutions do not have the necessary resources to support students with legal issues.

Although the creation of the Standardized Lease Agreement is designed to protect tenants by regulating against the inclusion of illegal clauses, student tenants are still frequently taken advantage of by landlords because information about their rights and responsibilities is not clearly advertised. Student tenants, especially international and non-official language speaking students, are vulnerable to predatory leasing practices.

#### ***Gaps in Landlord Accountability***

High-occupancy tenancies are often neglected by landlords and property managers, and prospective tenants cannot make informed decisions because information regarding landlords' history with the Landlord and Tenant Board is not easily accessible.

#### ***Gaps in Provincial Housing Legislation***

Students report that landlords act in violation of the Residential Tenancies Act within their rental agreements, including but not limited to: withholding repairs and maintenance, attempting to enter a rental unit without cause or proper notice, and/or requesting confidential information from tenants. Additionally, some landlords do not honour agreements made in their leases with tenants, including rental units not being ready on contractually agreed upon move-in dates, without offering pro-rated rent.

Yet, legislated protections have been inadequate as the Residential Tenancies Act does not fully account for the unequal bargaining power between landlords and tenants and there are few pre-occupancy protections for tenants under provincial law.

### ***Limitations in Dispute Resolution Pathways***

Seeking recourse and restitution through the Landlord and Tenant Board or the Rental Housing Enforcement Unit can be confusing and time-consuming processes for student tenants due to the complexity of the process and the lack of information students have. Additionally, students are deterred from filing claims with the Landlord and Tenant Board because of the fees associated with the application. Students are further deterred from dispute resolution processes due to the disconnect between the Landlord and Tenant Board and the Rental Housing Enforcement and the fact that if a landlord does not comply with a decision made by the Landlord and Tenant Board, student tenants have to seek enforcement through the courts, which is prohibitively expensive and time-consuming.

### ***Limited Inter-Regional Transit Options***

Students are concerned about the lack of transit routes connecting different municipalities, that the routes that do exist often lack coordination and interconnectivity, and that there are limited direct transportation options for students wishing to travel between regional or international airports and university campuses. They are concerned because the inability to easily move between municipalities can negatively impact a student's experience while studying and/or living in a municipality outside of their permanent residency and because municipalities with few inter-regional transit options limit students' access to affordable means of travel.

Further, abolition of the Public Vehicles Act does not make clear what the future of bus company licensing in Ontario will resemble, creating uncertainty for students about market failure through destructive competition, leading to less cross-subsidization of unprofitable routes by public transit providers affecting students on those routes.

### ***Lack of Student Representation***

Students are concerned about not having formal representation on any provincial transit boards, including Metrolinx and Ontario Northland, particularly because students are not routinely consulted on provincial transit issues or developments.

### ***Local Transit Challenges***

Students are also concerned about local transit issues, both disruptions and access to transit, particularly in northern areas, which create significant barriers for students to access their university campuses and other community resources. Northern communities generally lack sufficient funds and resources to manage a transportation system and have smaller populations and insufficient ridership to justify a transportation system. Further, some municipalities are insufficiently resourced to deliver rapid, reliable, and safe public transit options. This is compounded by the fact that the "heads and beds" levy paid by the province to municipalities has remained stagnant.

### ***Barriers to Active Transit***

Lack of active transit infrastructure is another concern for students as it decreases student mobility, creating barriers for students trying to access their schools, jobs, and other facilities within the community, particularly transit hubs which are difficult to access by alternative modes of transit other than by car. However, municipalities do not always have the financial capability to invest in active transit infrastructure as they are legally required to run balanced budgets per the Municipal Act, preventing them from running deficits and eliminating an important tool for financing infrastructure projects

### ***Inaccessible Transit Options***

Students are concerned about the physical and financial barriers to local and inter-regional transit for students with mobility concerns, audio/visual impairments, and other related disabilities. Although some post-secondary institutions have transit deals in place to alleviate the cost of transportation, local and inter-regional transit costs can remain prohibitively expensive for many students.

### ***Discriminatory By-law Enforcement***

Students' ability to enjoy their community is challenged by discriminatory bylaw enforcement, particularly as students face targeted by-law regulation that other community members do not.

### ***Ineffective Planning for Near-campus Neighbourhoods***

Students are concerned about near-campus neighbourhood planning; particularly that the Ministry of Municipal Affairs and Housing's Provincial Policy Statement does not address near-campus neighbourhood development, increasing and improving green spaces, or mixed-use zoning, and that the supply of housing does not increase at the same rate as populations in student communities, creating a lack of housing density.

### ***Barriers to Safety***

Students have a number of concerns about their safety and belonging in their communities, citing a lack of engagement from their municipalities. Notably, students are not always aware of when and what personal information is being shared outside of their post-secondary institution. The crime rates in near-campus neighbourhoods has been increasing in recent years and evidence-informed strategies are not always used in community development and crime prevention.

## **RECOMMENDATIONS**

### ***Ensuring Quality and Affordable Student Housing***

To support students in accessing quality and affordable housing, the Ministry of Municipal Affairs and Housing should implement a standardized process that would require all landlords to register for an annual license of any rental property.

Additionally, the provincial government should work with the Association of Municipalities of Ontario to establish an advisory committee on student housing issues to identify concerns and develop solutions to issues related to quality and affordability. They should also develop standardized rental increase communication guidelines that require notices for rent increases to include the original rent amount, the approved provincial increase, the new rental rate, and the period of time a tenant has to make an application to the Landlord Tenant Board should they be concerned about the validity of the increase.

### ***Disseminating Information and Education for Tenants***

The provincial government should work with Legal Aid Ontario, municipalities, university administrators, as well as student associations to adequately fund the promotion and reinforcement of tenant rights and responsibilities, with an emphasis on reaching international and non-official language speaking students. This should be supported by a reinvestment in provincial legal aid, earmarking funding to support student access to legal services and grant funding, available to on campus and community legal services or other student-serving groups, to establish access to free legal services for students.

### ***Rental Licensing***

To support greater landlord accountability, the Ministry of Municipal Affairs and Housing should mandate municipalities to create more stringent rental bylaw processes with an emphasis on high-occupancy tenancies, as well as establish a free, province-wide, public database of landlords to ensure quality and transparency between landlords and tenants.

### ***Amending Provincial Legislation***

The Ministry of Municipal Affairs and Housing should review the *Residential Tenancies Act* and consult with student and tenant rights advocacy groups to identify and eliminate gaps in pre-tenancy rights. The provincial government should amend the *Residential Tenancies Act* to: require that, in the case that extensive construction on a rental unit is not complete on a contractually binding move-in day, tenants are returned their deposit and rent payments for the period of time they are not occupying the unit, regardless of whether or not the tenant chooses to terminate the lease; protect a tenant's ability to raise the defence at arrears of rent hearings; no longer subject former tenants to hearings at the Board without proper service of legal documents; and prohibit landlords from collecting rental deposits prior to a building obtaining a Final Occupancy Permit.

The provincial government should also amend the *Ontario Human Rights Code* to ensure that the right to be free of discrimination applies to boarders who share bathroom and kitchen facilities with their landlord or their immediate family.

### ***Improving Dispute Resolution Pathways***

To make dispute resolution more accessible to student tenants, the Ministry of the Attorney General should appoint a sufficient number of adjudicators in order to ensure that claims made to the Landlord and Tenant Board by student tenants and other vulnerable demographics meet the Landlord and Tenant Board Service Standards. After the completion of the Ontario Ombudsman's investigation into the delays of the Landlord and Tenant Board, the Ministry of Municipal Affairs and Housing should consult campus student housing groups and student associations to respond to the findings of the inquiry. Additionally, the Ministry of the Attorney General and the Ministry of Municipal Affairs and Housing should establish a single complaints and claims process by developing a clear and comprehensive plan for the integration of the Landlord and Tenant Board and of the Rental Housing Enforcement Unit. Finally, the provincial government should amend the Fee Waiver eligibility requirements to be inclusive of OSAP-eligible students and students with demonstrated financial need.

### ***Expanding Inter-Regional Transit***

To ensure students can access inter-regional transit, the Ministry of Transportation should coordinate with Metrolinx and the Ontario Northland Transportation Commission to develop an environmentally sustainable, long-term, inter-regional transit plan that would take into account post-secondary institutions. Additionally, the provincial government should: reinvest in a high speed rail along the Windsor-Toronto Corridor and the Toronto-Ottawa corridor; establish direct transportation routes connecting post-secondary transit hubs to regional and international airports in the province; and commit to a long-term expansion of provincial contributions to the Metrolinx operating and capital budgets to facilitate long-term labour stability and the ability for Metrolinx to offer transit services to students in areas not economically viable to service through the private sector.

The provincial government should also amend Ontario Regulation 189/09: Go Transit Service Area to expand transit routes throughout the province, ensuring that all students have access to inter-regional transportation services and pause the repeal of the *Public Vehicles Act* and reform the Act to align with the 2016 Intercity Bus Modernization discussion document and the results of consultations with student stakeholders and experts.

### ***Increasing Student Representation***

Both Metrolinx and Ontario Northland should strike a permanent advisory committee, comprised of student representatives from each region that is serviced, to advise on transit issues and infrastructure development that affects post-secondary students. They should also adopt one seat for student representation on their boards of directors to address student concerns and opportunities for improved service between university transit hubs

## RECOMMENDATIONS

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