**Update on the new City of Ottawa Rental Housing Management By-law**

August 24, 2020

FROM: John Dickie

TO: OREIO members

This is to provide you with key information about the new City of Ottawa Rental Housing Management By-law **which is to come into force on August 31, 2021 (one year from now),** once finally adopted by City Council on August 26, 2020.

**Background**

You will recall that in 2019, the City of Ottawa considered landlord licensing. In all or parts of four other Ontario cities, small landlords are required to file extensive documents, to provide extensive documents to tenants and to pay a licensing fee ranging from $200 to $600 per unit per year. In Toronto, landlords with 10 units or more are required to file extensive documents, to make extensive documents available to tenants, and to pay a registration fee of $12 per unit per year. ACORN sought to have landlord licensing or registration apply to all Ottawa rental properties, and 6 or 7 “progressive” Councillors supported them.

Thanks to work by all of us in the landlord community, the City rejected landlord licensing and registration. However, the City decided to enhance the regulation of property management, requiring minimum standards, generally based on good practices.

**Status and overview**

The City of Ottawa’s Community and Protective Services Committee (CPSC) has approved the proposed new by-law with a few helpful changes from the proposed By-law, which was released two weeks ago. City Council is to make the final decision on the By-law on Wednesday, August 26. The new By-law is almost certain to be approved as it now stands.

The new By-law will set minimum standards. Most landlords are already meeting or exceeding most of the standards most of the time. While it has always been good practice, now more than ever, it will be important to communicate in writing as much as possible, to keep notes about what you do, and to keep those e-mails, notices, letters and notes in an organized manner.

The four key areas are

1. Standards for tenant services (responses to repair requests and record keeping)
2. Information for tenants, including contact information, waste handling rules and parking rules
3. Pest control
4. Capital maintenance planning
5. **Standards for tenant services (repair timelines and procedures)**

Under the new by-law, the landlord will need to reply to a tenant repair request within 24 hours for urgent matters, and within 7 days for non-urgent matters (including pest infestations).

It is implicit that the landlord should start to organize the repair work within that time, but clear that the landlord need NOT complete the repair within those timelines.

**Under the new by-law, landlords will need to keep a record of their communications from and to tenants, and their actions to address each repair request.**

1. **Information for tenants**

Landlords will need to prepare and deliver a package of information including contact information, a fire safety statement, a statement about Human Rights, a statement about calling 311, waste handling rules and parking rules.

Most landlords are already providing tenants with most of the required information, just not providing it in one package. Ten days ago, the proposed by-law required landlords to give two copies to every tenant, and get one signed copy back for each tenant’s file. That applied both to the initial document and all updates. That is not a problem for new tenants, but it would have been difficult for many existing tenants. Failing a signature, landlords were to send the tenant a copy by registered mail or courier, keeping the receipt to prove service, costing over $10 per unit.

With the City staff and CPSC, I addressed the problem of tenants who will not sign. Now the by-law will require landlords to attempt to get a signature for the initial document, and then we can prove delivery using:

* delivery by e-mail (with a delivery receipt)
* delivery by hand receiving a separate receipt
* delivery to an apparent adult at the unit receiving a separate receipt
* delivery to the tenant by hand, with an affidavit of service
* delivery to an apparent adult at the unit, with an affidavit of service.

**For modifications to the information,** landlords now do NOT have to try to get the tenant’s signature. Instead, landlords can go directly to registered mail or courier or any of the five bulleted methods of proving delivery.

1. **Pest Control**

Under the new By-law, landlords will be required to adopt an Integrated Pest Management (IPM) plan. The City will provide one or more templates. (EOLO and I will work with the City on the templates.) IPM requires planning and prevention (including inspecting properties for pests proactively), checking neighbouring units after a report of pests, treating pest infestations promptly and effectively, and evaluating the need further steps. Greater emphasis will be put on tenant education.

Under the By-law, **tenants will be required to report pest infestations (including a single bed bug), to follow treatment preparation instructions, and to keep units clean to discourage pests.** Failure to do so will be an offence for which a tenant can be fined by By-law Enforcement. The new obligations placed on tenants should be very helpful.

1. **Capital maintenance plans**

For buildings of 10 or more units, or 3 or more floors (with more than one unit), the landlord will be required to inspect the building at least once a year, record the date of the inspection, describe the condition of 8 to 10 key building elements, and note when the landlord plans to remedy each significant deficiency.

In other words, if a building element is in good condition, landlords just need to note that (writing “good” or “G”), and **we do not have to project when we will refurbish or replace that building element.** Sample forms are expected to be produced by the City of Ottawa, in consultation with EOLO and me, as we get closer to August 31, 2021.

This will require a minimum amount of work, and the inspection and work planning is a good practice. What is required is much less than is required in Toronto, and in the cities with licensing.

**Conclusion**

The proposed by-law is far better than the alternative, which could have seen more requirements, and a licensing or registration fee on top of those requirements.

I expect to help OREIO members with the rollout of templates and information which landlords will need to use to comply with the new by-law.