

*The*  
**CO-OPERATIVE  
HOUSING  
FEDERATION**  
*of Canada*



# NewsBriefs

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## Human Rights and housing co-ops

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## Eviction law reform hits another roadblock

### Members to decide how to respond at annual meeting

A headline in last fall's edition of Ontario *NewsBriefs* declared: “Eviction Law reform finally on track—Legislation expected by late spring.”

At last, after years of work, we had an agreement with the housing minister and a timetable to act on a top priority of Ontario members. This followed a difficult decision by Ontario delegates at the May annual meeting to pay a one-time levy on CHF Canada dues to cover the cost of changes to the Landlord and Tenant Board's systems to make them work for co-op evictions.

Then, late in the year, Ontario Region staff heard from staff in Minister Watson's office that there was a big problem. The cost of the changes would be much higher—about three times higher—than the \$400,000 that had been estimated. The higher cost we were told resulted from a more thorough “due diligence” review of the required changes.

In addition, co-ops would have to pay a higher fee for applications to the Landlord and Tenant Board than other landlords to cover the full cost of co-op eviction hearings.

Minister Watson wrote to the Ontario Region in January confirming these developments, assuring the Council that he wanted to follow through on the eviction legislation, and inviting the Council to respond to the proposal for an increased co-op sector contribution.

In its response to new housing minister Jim Bradley, the Council bluntly expressed its disappointment in the government's backtracking on its earlier agreement but said that it still wanted to try to find a way to make eviction law reform happen.

The Council said that, reluctantly, it would be prepared to recommend an increased dues levy to Ontario members if an agreement could be reached with the Ministry that would contain costs and set the goal of bringing co-op application fees in line with fees paid by other landlords over time.



“ we need to remember that the new system, while not perfect, would be so much better for co-ops and their members “

At a meeting with the Council in March, Minister Bradley confirmed his support for eviction law reform and said that the Ministry would share the cost of the changes, with the housing co-op share capped at \$750,000. He said that he could not commit at this time to bringing co-op application fees into line with fees paid by other landlords as the government is looking more generally at the issue of full cost recovery through fees in certain areas. Council members told the Minister that if eviction law reform goes ahead they would continue to press the government on this issue.

Ontario Council Vice-President **Barb Millsap** comments that “these developments are disappointing and frustrating and it’s very tempting to say, enough is enough, we won’t take on any more of the government’s costs. But we think it isn’t in our members’ interest to shut down eviction law reform.”

“Of course it isn’t right for the government to offload its costs to co-ops. But we need to remember that the new system, while not perfect, would be so much better for co-ops and their members – and the one-time cost of the levy would still be manageable for most. A co-op would save far more in a single eviction than the cost of the levy, even if the levy were quite a bit higher than the one agreed to at last year’s AGM.”

Millsap adds, “The Council will be recommending that co-ops agree to an increased levy but it will be entirely up to our members at the London AGM in June to decide if this is the right thing to do.”

If the changes are approved by delegates to the AGM in June, Minister Bradley has said that his goal would be to have legislation passed this fall, which would mean the new system would likely be in place in early 2011.

The Minister has said that he will make every effort to attend and speak at the June 11 Ontario members’ meeting.

## Co-ops continue to fight municipal takeover

Two SHRA co-ops remain in receivership and under the threat of sale.

**Thornhill Green Co-op** and CHF Canada were in court in January to appeal an earlier ruling by Justice Morawetz to allow ownership of the co-op to be transferred to York Region’s housing company, Housing York. The co-op’s arguments focused on four areas of the original decision.

- The judge dismissed the fact that Housing York would buy the co-op at a fraction of its value.
- The ruling did not give significant attention to the fact that co-op members have rights under the *Co-operative Corporations Act* and those rights would be lost if they become tenants.
- The sale process was not conducted in a fair manner. An earlier Divisional Court ruling had found that the Region had breached its duty of fairness and Justice Morawetz had not given this ruling enough weight.
- The Receiver made no attempt to return governance to the co-op.

Thornhill Green and CHF Canada are now waiting for a decision on the appeal.

Meanwhile, **Matthew Co-op** in Collingwood is preparing for its court hearing on the Receiver’s motion to transfer the co-op’s assets to Simcoe County Housing Corporation. The hearing is set for April 15 and 16 in Barrie.

**Judy Shaw**, Program Manager, Co-op Services with CHF Canada’s Ontario Region believes the co-op has a strong case. “The co-op has always been against the receivership and sought out the help of the Community Legal Clinic from the very beginning to fight against it,” says Shaw. “The board has worked hard, with the help of CHF Canada, to address the governance concerns of the service manager.” At a court hearing in November, CHF Canada was added as a full respondent to the case to support the co-op.

We will report on both rulings on our website as soon as they are released.

Both cases, if lost, could set a harmful precedent for other SHRA co-ops and generally, co-ops across Canada. CHF Canada has asked member co-ops to support Thornhill Green and Matthew by contributing to our Legal Assistance Fund. Your co-op can donate by sending a cheque payable to ‘CHF Canada Legal Assistance Fund’ and mailed to CHF Canada, 311-225 Metcalfe Street, Ottawa ON, K2P 1P9.



# HUMAN RIGHTS AND CO-OP HOUSING

By Diane Miles

The Ontario Human Rights Commission (OHRC) launched its new *Policy on Human Rights and Rental Housing* in the fall of 2009, at a well-attended media event in downtown Toronto. The program included a panel presentation of interested stakeholders.

One of the panellists was a young man of colour, visually impaired, who told a compelling story of facing discrimination in his search for housing. Regrettably, his poor treatment was experienced at a co-op. He described inappropriate personal questions at his interview, and the co-op's alleged refusal to allocate a unit because there wasn't one available on the ground floor. He insisted

...co-ops need to respond promptly and efficiently to human rights complaints or requests

he was perfectly able to live on a higher floor. His story made headlines in the *Toronto Star*. This was indeed a sad moment for the young man, and not a good day for co-ops.

One hopes, and believes, that such experiences are rare in housing co-ops, which pride themselves on promoting fair, inclusive communities. Indeed, co-op members come from diverse backgrounds and enjoy opportunities for personal growth and empowerment that may be elusive in other forms of housing. Unfortunately, bad news always travels faster than good, and co-ops cannot become complacent about their obligation to ensure that their communities are free from discrimination and harassment and to accommodate Code-related needs.

This article will look at

- the current human rights context
- some of the special challenges posed by the co-op model
- proactive approaches to preventing and responding to discrimination.

For detailed information on the Code, check the website of the OHRC ([www.ohrc.on.ca](http://www.ohrc.on.ca)).

## CURRENT CONTEXT

Co-ops need to be aware that they operate in a legal and social context where the protection of individual human rights is being strengthened. The elimination of discrimination in housing is a current focus of the OHRC. Further, Ontario has made a commitment to broad accessibility for people with disabilities. Three key factors in this context are:

### 1. OHRC Policy on Human Rights and Rental Housing

The Commission's policy, released in October 2009, was developed after a two-year, province-wide consultation on housing, and concerns that breaches of human rights in rental housing are rampant.

The Policy doesn't bring any new rules to the table, but describes, with real-life scenarios and examples, how to understand and prevent human rights abuses. The Policy covers the flow of housing activities, from marketing and member/tenant selection to occupancy rules and services. The Policy also describes the duty to accommodate Code-related needs, the limits of accommodation, and the challenge of balancing the needs of individuals with those of the community.

The main messages to co-ops are that:

- the Code has primacy over co-op by-laws
- "neutral" occupancy rules and practices may inadvertently have negative impacts on people identified by the Code
- members of the co-op community who request accommodation of special needs must be assessed individually and the co-op must be prepared to waive rules to the point of undue hardship.

CHF Canada produced a summary of the policy that can be found on our website in the human rights section of our Resource Centre.

### 2. New human rights system

In 2008, the structure of Ontario's human rights system changed significantly. The Commission, which had previously investigated complaints and decided whether or not to refer them to the Tribunal for a hearing, no longer has that role. Its main focus is to address the root causes





of discrimination through research and public education. Human rights complaints go directly to the Tribunal and are dealt with by mediation or adjudication. The aim is to resolve all applications within a year. A Legal Support Centre has been set up to offer free legal services to people wanting to file an application to the Tribunal.

The new system has made it easier for people in Ontario to seek resolution and redress of their experiences with discrimination and harassment. Co-ops need to familiarize themselves with the new system and respond promptly if faced with complaints.

### 3. AODA standards

The *Accessibility for Ontarians with Disabilities Act*, (AODA), passed in 2005, aims to make Ontario accessible to people with disabilities by 2025. Stakeholder committees have been working to develop standards in a number of areas that will affect co-ops (customer service, information and communications, employment and built environment). The customer service standards have been set. They don't apply to co-ops till January 1, 2012, but the expectations are consistent with traditional co-op values and should not bring any surprises. They ask that policies, practices and procedures respect the core principles of independence, dignity, integration and equality of opportunity.

The rest of the standards will be released over the next year. The built environment standards will not apply to existing structures. Nevertheless, it is expected that co-ops will do their best to remove barriers to accessibility and accommodate the needs of members with disabilities.

### CHALLENGES FOR CO-OPS

Co-ops operate for the benefit of the community as a whole. The International Cooperative Alliance describes co-op values as ones of “**self help, self responsibility, democracy, equality, equity and solidarity**”. One of the problems with the co-op ethos of “no special privileges” is that co-ops may have difficulty dealing with requests from members for “different” treatment. Co-ops may also struggle with the demands of members whose behaviour affects the rest of the community negatively, when the individual may have Code-related needs that the co-op should try to accommodate. Boards must always act with impartiality when dealing with complaints and requests

for accommodation. But co-op boards have much more knowledge about their community than a typical landlord, which may make the decision-making process more sensitive and challenging.

Some co-ops feel that they have been burned by human rights complaints, and accommodation requests, and forced to settle to cut their losses. There are no easy answers. But for everyone who has a leading role in co-ops there is a need to understand and embrace the fact that the co-op is providing a service that is governed by the **Human Rights Code**. It is also likely that, in the long term, accommodations for individuals create a better and more inclusive environment for everyone.

### PROACTIVE APPROACHES TO IMPROVING HUMAN RIGHTS IN CO-OPS

Co-ops must be alert to the fact that their standard practices and procedures may inadvertently discriminate against Code-protected groups. They should be prepared to change or waive the rules where necessary, and not see this as a failure or defeat. Most importantly, co-ops need to respond promptly and efficiently to human rights complaints or requests. The co-op should assume that they are made in good faith, and try to resolve them as quickly as possible.

The Ontario Region has produced a *Human Rights By-law* that will help co-ops to deal with human rights issues. It includes a summary of obligations under the Code and a process for dealing with complaints. It can be found in the Resource Centre of the website. We have also developed a preliminary list of mediation resources that might be helpful should a co-op face human rights complaints.

One takes heart from the fact that, over the past few years, co-op staff associations, federations and other sector organizations have offered and taken up human rights training and discussion opportunities at a great pace. This reflects a broad appreciation that human rights issues are an emerging and dynamic factor in co-op operations. Embracing this reality is consistent with the seventh co-op principle, concern for community, and with traditional co-operative values of social responsibility and caring for others.

Diane Miles is Manager, Co-operative Services with CHF Canada's Ontario Region.

# Ontario's Affordable Housing Strategy set for June launch

The Ontario government continues to work on their Long-Term Affordable Housing Strategy. Former Minister Jim Watson began consultations on the Strategy last summer and co-op members were front and centre in the 13 consultation sessions held across the province. The new Minister, Jim Bradley, has said he intends to release the Strategy as originally planned in late spring.

In the fall the Ontario Region submitted a brief, *A Place for Co-op Housing in Ontario's Long-Term Affordable Housing Strategy*, which is available on our website. Co-op members also submitted written comments to the Minister. In the near future, the Region will also be submitting detailed supplementary briefs on amending the receivership and sale rules in the *Social Housing Reform Act* to protect co-ops and updating the rent-geared-to-income utility allowances in SHRA co-ops.

Early in the new year, the Ontario Region began organizing meetings with MPPs to gain their support for the Strategy and the concerns of co-ops. Co-op members have told MPPs that the Strategy needs to include:

- a recognition that affordable housing needs to be a core government program
- a commitment to build at least 8,000 new homes each year, ensuring that at least half of these units are affordable and co-op housing is part of the mix
- an overhaul of the *Social Housing Reform Act* to ensure that community-based housing providers are at the centre, not the margins, of decision-making.

By the end of March, 14 MPP meetings had been held with several others scheduled for April and May.

If your co-op is interested in organizing a meeting with your MPP, please contact **Harvey Cooper**, Manager of Government Relations at 1-800-268-2537 ext. 237 or at [hcooper@chfcanada.coop](mailto:hcooper@chfcanada.coop).

The Ontario Council met with Minister Bradley in March to discuss the Strategy and other issues important to housing co-ops. Council members highlighted the special contribution that co-ops can make to meet the need for affordable housing in Ontario.



*Brad Duguid, Minister of Energy and Infrastructure, with Bellamy Co-op members at a recent General Members' meeting*

In a letter to MPPs, **Amanda Yetman**, President of the Ontario Council, asked for their support to ensure that the Strategy includes a clear commitment to co-op housing. She wrote, "Co-operative housing in Ontario is a well-documented success story. For almost four decades co-ops have provided good-quality, affordable housing owned and controlled by the community members who live there. Based on this proven track record, we encourage MPPs to voice their support for a recognized place for co-operative housing in the Province's Long-Term Affordable Housing Strategy."

For more information on the Affordable Housing Strategy and the work the Ontario Region is doing to advance co-op concerns, check out the advocacy section in the Ontario Region pages of our website.

## GET INVOLVED IN CYL – SPONSOR A PARTICIPANT

Each summer the **Ontario Co-operative Association** (On Co-op) runs a co-operative youth camp. The Co-op Young Leaders (CYL) program is a life-changing experience for many youth that attend. See "Leadership camp creates co-op lifers" in the fall issue of Ontario *NewsBriefs* for a story on three co-op members who have volunteered as facilitators.

Youth who attend CYL are sponsored by a co-op. The cost to sponsor a participant this summer is \$590 if paid before May 29 and if the co-op is an On Co-op member. (CHF Canada member co-ops are considered members of On Co-op). Participants pay an additional \$190.

**WHY NOT PLAN TO SPONSOR SOMEONE FROM YOUR HOUSING CO-OP THIS SUMMER?**

## Darlene McCrone: Outstanding Community Worker



*Darlene McCrone (centre) receives her Outstanding Community Worker award at the National Housing Day celebration in Kitchener.*

**Darlene McCrone**, General Manager at **Shamrock Co-operative Homes** in Waterloo, has won the Outstanding Community Worker award from the Waterloo Region Housing Coalition. The Coalition presents the award annually to “an individual who has demonstrated exceptional commitment, dedication and ability in assisting individuals or households to access or maintain adequate and affordable rental housing.”

Darlene has been at Shamrock since 1990 and has been instrumental in the co-op’s innovative program to offer attendant care services to a number of members with disabilities. She is very involved with the local co-op housing sector and is active in the affordable housing community in the Region and in working with accessibility issues. In nominating her, **Florence Carbray**, manager at **Country Hills Co-op** said, “Given Darlene’s long-term service to the co-operative housing sector, her involvement in the affordable housing community, and her dedication and support to helping families needing access to affordable housing, she is an ideal recipient for this award.”

## MAKE SURE YOUR CO-OP HAS “MUNICIPAL STATUS”

It’s about to become more important than ever for housing co-ops in Ontario to have “municipal status.”

The Harmonized Sales Tax (HST) will come into effect on July 1, and housing co-ops will then pay tax on a number of new items as a result of the GST being harmonized with the provincial sales tax. Housing co-ops can minimize the effect of the HST on their operations by obtaining “municipal status” and getting the associated rebates.

The rebates co-ops can claim on the HST will be similar to the current GST rebates. Whether your co-op will see any net additional costs will depend on the rebates you can claim. (See our January 22 eALERT, “Ensuring the HST is cost-neutral for co-ops” for more information on the HST and the work CHF Canada is doing to ensure the HST does not hurt co-ops. The eALERT is in the Publications area of our website.)

We have become aware that some co-ops are not getting the rebates they are entitled to because they have not registered for municipal status. Your co-op is eligible for municipal status if it gets government funding for rent-geared-to income subsidy. This status then allows you to claim a rebate on the RGI portion of your costs. So, if 32% of your units receive RGI subsidy, you will get a rebate on 32% of your HST costs. Your co-op will get additional rebates if at least 40% of your revenues come from government.

If you don’t have municipal status and you qualify, you should apply right away. The amount of money you can save is very significant. You should contact your co-op’s auditor to help put your application together. The Canada Revenue Agency will need a letter asking for your co-op to be designated as a municipality under subsection 259(1) of the *Excise Tax Act* along with supporting documentation.

For more information contact your co-op’s auditor. Or call **Diane Miles**, **Judy Shaw** or **Keith Moyer** at the Ontario Region at 1-800-268-2537. In southwestern Ontario, call **Denise McGahan** at 1-800-644-3949.

## COUNCIL PROFILE – NICOLE WALDRON

When **Nicole Waldron** moved into **Atahualpa Co-op** in Scarborough 14 years ago, she felt like she was coming home. “When we went for the interview, the warmth and reception of our interviewers felt right. We also found out about how involved members were and the promotion of a united family environment was appealing,” says Nicole. “My family is originally from Trinidad, which is a very friendly place and communities are close-knit, so when we found Atahualpa, after living in various places, it quickly felt like home.”

Over the 14 years she has been very involved at the co-op serving on the Board of Directors at various times, including terms as President, Vice-President and Treasurer. She has also served on a number of co-op committees.

Most recently she has served as a Community Champion as part of a program run by GLOBE (Greenlight on a Better Environment). This program aims to promote conservation and a sustainable environment through resident engagement in co-op and non-profit housing. People who attended last year’s annual meeting of Ontario members will remember seeing Nicole in this role as part of the Greenhouse video shown at the meeting.

Outside of her co-op, Nicole has served on the board of the Co-operative Housing Federation of Toronto. “My time on the Board of CHFT opened me up to new horizons. I was able to see the wide scope of co-op housing and affordable housing,” says Nicole. “It brought me more in tune with the need to increase the supply of affordable, good quality housing in this province. For me housing is a right and not a privilege and when we have the ways and means to give someone a hand up, we should.”

These experiences led Nicole to run for the Ontario Council at the 2009 AGM in Victoria where delegates elected her to a two-year term. As a member of Council Nicole says she “would like to assist in fostering the sustainability of co-ops. And I want to work to ensure that co-op housing is valued, understood and continues to have a significant place in Canadian society.”



*Nicole Waldron (R) helps choose replacement tiles with other directors at Atahualpa.*

## WELCOME BACK ELIZA



We are pleased to welcome **Eliza Moore** to the position of Program Manager, Renovation and Retrofit Support. Eliza began her work on February 1 on a 12-15 month contract. Eliza is no stranger to co-op housing, having previously worked in the development of co-op housing with the Co-operative Housing Federation of Toronto and the Co-op Housing Association of Ontario (the predecessor of the Ontario Region).

Eliza will provide advice and support to Ontario housing co-ops operating under the *Social Housing Reform Act* to help them make the best use of funding under Ontario’s Social Housing Renovation and Retrofit Program (SHRRP) in the tight timeframes prescribed for the program. She will work closely with local co-op federations and with the technical services team at the Social Housing Services Corporation to give SHRA co-ops the help they need.

To contact Eliza, please call her at 1-800-268-2537 ext. 239 (416-366-1711 in Toronto.) Or email at [emoore@chfcanada.coop](mailto:emoore@chfcanada.coop).

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