

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Housing and affordable housing, tenancies and evictions are governed by legislation, policies and planning at all levels of government. This section discusses existing legislation and funding sources.

Table of Contents:

Part 1 – Federal Legislation, Programs and Financial Supports

Part 2 – Provincial Legislation, Programs and Financial Supports

Part 3 – Region of Waterloo Plans, Programs and Financial Supports

Part 4 – City of Kitchener By-laws, Policies and Financial Incentives

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Part 1 - Federal Legislation, Programs and Financial Supports

The federal government offers a variety of housing programs to support affordable housing and address the housing crisis in Canada. These programs include funding for social housing, rental assistance, and initiatives to encourage new home construction.

National Housing Act: promotes the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions.

- Provides financial assistance for homeownership, including loans and contributions.
- Supports the construction of low-rental housing for low-income families.

National Housing Strategy Act (NHSa): recognizes housing as a fundamental human right and to commit the federal government to further the progressive realization of that right.

- Recognizes the need to focus government efforts on the needs of vulnerable groups and individuals with lived experience of housing need or homelessness.
- Requires the government to implement reasonable policies and programs to ensure the right to housing for all.
- Establishes accountability tools to support and monitor the right to housing in Canada.

Affordable Housing and Groceries Act: removes the Goods and Services Tax (GST) from new rental housing to incentivize the construction of more apartment buildings, student housing, and seniors' residences built for long-term rental accommodation.

Prohibition on the Purchase of Residential Property by Non-Canadians Act: prevents non-Canadians from purchasing residential property in Canada for 2 years. The Act applies to non-Canadians, including corporations and entities not listed on a stock exchange in Canada, and controlled by non-Canadians.

Financial Supports for Rental Housing and Tenants

The Canadian Mortgage and Housing Corporation delivers the government's housing programs. Programs related to creation and preservation of rental and affordable rental housing include:

Affordable Housing Fund: Provides funding to support affordable housing projects.

Affordable Housing Innovation Fund: Supports innovative solutions in housing development, including testing new ideas and exploring different approaches.

Apartment Construction Loan Program: Offers low-cost loans to builders and developers to construct new rental apartments.

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Canada Builds: combining federal low-cost loans with provincial and territorial investments to scale up construction on rental homes.

Canada Housing Benefit: a rental subsidy for low-income, Indigenous, and newcomer families, funded by both federal and provincial governments.

Canada Rental Protection Fund: will provide \$1.47 billion to create a new source of capital to help the community housing sector acquire rental apartment buildings and preserve affordability of rents over the long-term. The program will help mobilize investments and financing from the charitable sector, private sector, and other orders of government (open for applications).

Community Housing Acquisition Program: a program to help acquire and preserve existing social housing.

CMHC Refinance: insured financing to allow homeowners to fund the construction of self-contained secondary suites.

Federal Community Housing Initiative: provides rental assistance to low-income households living in housing co-ops and non-profits.

Federal Lands Initiative: transfers surplus federal lands and buildings to eligible proponents for affordable housing development.

Housing Accelerator Fund: supports municipalities in removing barriers to housing supply and accelerating new home construction.

Property Tax Exemption Program: provides tax exemptions to affordable housing providers to help with acquiring and maintaining buildings.

Public Lands for Homes: unlocking government surplus, underused and vacant lands across the country.

Rapid Housing Initiative: focuses on rapid construction of affordable housing, particularly for vulnerable populations.

Seed Funding: interest free loans and non-repayable contributions to development affordable housing

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Federal Programs in Development

Housing Design Catalogue: provides standardized housing designs, which will reduce the time required for design, approvals, and construction while supporting new and innovative construction methods.

Renter's Bill of Rights: provide direction for fair and well-functioning renting and home buying systems, promoting practices such as access to home inspections and price transparency as well as addressing unfair evictions.

Tenant Protection Fund: provide funding to legal services and tenants' rights advocacy organizations to better protect tenants against unfairly rising rent payments, renovictions, or bad landlords.

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Part 2 - Provincial Legislation, Programs and Financial Supports

The following is a review of the legislative framework that exists in Ontario that governs rental tenancies, municipal authority to and responsibilities to pass by-laws and require licenses, and planning and building legislation related to maintenance of affordable housing, and issuance of building permits.

Residential Tenancies Act, 2006

The **Residential Tenancies Act, 2006, S.O. 2006, c. 17** (RTA) sets out the rights and responsibilities of landlords and tenants who rent residential properties. The RTA establishes the Province's responsibility for regulating rental housing, and sets out regulations governing the relationship between landlords and tenants in Ontario. Regulations set out the rules for entering into a tenancy, ending a tenancy (including evictions), and resolving disputes between landlords and tenants. Tenancies may only be terminated in accordance with the RTA.

There are a range of Landlord Tenant Board (LTB) forms which are required to be used by landlords and tenants (see Table 1).

Table 1: Landlord Tenant Board Forms

Form	Purpose
N11 (Agreement to End the Tenancy)	This is a standard agreement form used by a landlord and tenant to mutually agree to end a tenancy.
N12 (Notice to End your Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit)	This form is used by a landlord to notify a tenant that they are seeking to end the tenancy because the landlord, a family member of a purchaser requires the unit.
N13 (Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use)	This form is used by a landlord to notify a tenant that they are seeking to end or the tenancy because they are demolishing the unit, converting it to another use, or are undertaking repairs or renovations that require vacant possession.
L2 (Application to End a Tenancy and Evict a Tenant or Collect Money)	This form is used by the landlord to apply to the LTB to evict a tenant and is used after an N12 or N13 notice has been issued.
T5 (Landlord gave a Notice of Termination in Bad Faith)	This form is used by the tenant to apply to the LTB to determine if the landlord gave a Notice of Termination in bad faith.

The RTA permits landlords to legally evict tenants for a number of circumstances based on the tenant's conduct including:

- not paying the rent in full or persistently paying the rent late

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

- causing damage to the rental property
- illegal activity
- affecting the safety of others
- disturbing the enjoyment of other tenants or the landlord
- allowing too many people to live in the rental unit ("overcrowding")

and for other reason's for which the tenant is not responsible:

- The landlord wants the rental unit for their own use or for the use of an immediate family member or a caregiver
- The landlord has agreed to sell the property and the purchaser wants all or part of the property for their own use or for the use of an immediate family member or a caregiver
- The landlord plans major repairs or renovations that are so extensive that they require a building permit and vacant possession
- The landlord plans to demolish the rental property

[Section 50 of the RTA](#) specifically allows eviction when vacancy is required to complete renovations that are so extensive that they require a building permit and vacant possession. When a landlord exercises their rights under section 50, they are obligated to:

- Provide a termination date at least 120 days after the date the notice is given, and no sooner than the last day of the rental period.
- Advise the tenant of their right of first refusal to re-occupy the unit once renovations are completed, and allow the tenant to return at the same rent as could have been lawfully changed if there had been no interruption in tenancy ([\(Section 53 of the RTA\),](#))
- Provide financial compensation or another acceptable unit. Compensation is equal to three months rent (or less if they are displaced for less than three months and the tenant exercises their right-of-first-refusal). This is reduced to one month rent for a building in a complex with four or fewer residential units. It is noted that compensation is not required if the renovation is due to an order under the RTA or any other Act such as the Building Code Act ([Section 54 of the RTA](#))

The RTA also provides remedies for tenants who have been illegally evicted, who have been evicted in bad-faith, or who feel that the eviction does not align with requirements of the act through the Landlord Tenant Board (LTB). If a tenant seeks to challenge an eviction they do not need to vacate a unit until ordered to do so by the LTB.

Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023

Through Bill 97 the Province has introduced additional requirements and penalties for notices to end tenancy due to repairs or renovations. These include:

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

- A requirement for a report from a qualified professional stating that the repairs or renovations are so extensive that they require vacant possession of the rental unit
- Providing the tenant with notification of the estimated completion date of any renovations/repairs should they indicate that they wish to exercise their right-of-first-refusal, and provide updates should this date change
- Providing the tenant with notice when the unit is ready for re-occupancy, and providing a minimum of 60 days for the tenant to exercise their right-of-first-refusal.
- Fines for unlawful eviction under an N13 have doubled from \$50,000 to \$100,000 for individuals, and from \$250,000 to \$500,000 for corporations.

Bill 97 has achieved Royal Assent but has not yet been proclaimed into force.

Municipal Act, 2001 S.O. 2001, c. 25

The [Municipal Act, 2001, S.O. 2001, c. 25](#) sets out the rules for municipalities and gives broad powers to pass by-laws and govern within their jurisdiction. The City of Kitchener exists in a two-tier system with the Regional Municipality of Waterloo being the upper tier municipality, and the City of Kitchener being the lower tier municipality. Each tier has distinct roles, responsibilities and powers. There are both disconnects and overlaps in the responsibility of the upper and lower tier municipalities in the planning, delivery and management of housing. The Municipal Act empowers municipalities to address health and safety, well-being, consumer protection, and nuisance control through licensing by-laws – and this has been interpreted by other municipalities to permit the City to require a license for rental renovations.

Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1

The Housing Services Act sets the framework for community housing in Ontario, including the roles and responsibilities of municipalities (service managers) in providing affordable and social housing. It outlines how municipalities should plan for affordable housing, social housing, and housing for people with disabilities, as well as prevent homelessness. The HSA also establishes the criteria for service managers to provide assistance to eligible households, including rent-geared-to-income (RGI) assistance and other forms of housing assistance. The Region of Waterloo is the provincially designated Service manager for the City of Kitchener and other local area municipalities. In this role, they are responsible to plan for affordable housing and ways to end chronic homelessness, by putting measures in place to house people and keep them housed, funding and providing housing and housing support services, managing wait lists for affordable housing and overseeing housing providers. The Region is funded to provide these services and housing programs.

Building Code Act

The [Building Code Act, 1992, S.O. 1992, c. 23](#) is the legislation that governs building construction, renovation, demolition and change-of-use. It sets the legal basis for the Ontario Building Code which outlines the technical and administrative requirements for building construction. The Building Code Act outlines when and under what conditions a

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Building Permit is required. Building permits must be issued in accordance with applicable law. Applicable law is prescribed in the OBC and would not include a rental renovation licensing by law. This could result in an obligation on the part of Building Services to issue building permits for “renovictions” even where there is non-compliance with a rental renovation licensing by-law.

Planning Act

The [Planning Act, R.S.O. 1990, c. P.13](#) sets out the rules for land use planning. The Planning Act provides some authority to the municipality to protect and provide additional housing including establishing demolition control area by-laws, enacting Inclusionary Zoning By-laws in Major Transit Station Areas, and permitting up to 3 dwelling units on most residential lots. The City has enacted zoning regulations and passed by-laws enacting and requiring such measures in Kitchener. The Planning Act also permits the creation of a Community Improvement Project Area for housing and affordable housing. The Planning Act does not provide authority to regulate tenure or tenancy as it relates to rental accommodation.

Under provincial legislation, the City and Region play different roles in planning for housing. As outlined in the Housing Services Act the Region of Waterloo is responsible to plan for housing and homelessness and administering related programs. The City is responsible for land use planning matters including planning for a variety and range housing, building permits and inspections, property and building maintenance standards, and has the ability to pass by-laws relating to licensing. The City has used Municipal Act regulations for such things as Short Term Rental Accommodation By-law (in development), Lodging House By-law, Rental Replacement By-law, and Municipal Property Standards By-law which all help to regulate rentals and ensure they are safe. The Municipal Act empowers municipalities to address health and safety, well-being, consumer protection, and nuisance control through licensing by-laws – and this has been interpreted by other municipalities to permit the City to require a license for rental renovations.

Provincial Programs and Financial Supports:

Ontario Priorities Housing Initiative: This initiative provides flexible funding to address local housing priorities and improve access to affordable housing options. It aims to increase affordable housing supply and improve the state of repair of existing affordable housing.

Ontario Renovates: This program provides funding for the creation and repair of affordable housing, focusing on improving the state of repair of existing affordable housing stock.

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Part 3 – Region of Waterloo Plans, Programs and Financial Supports

The Region of Waterloo is the Provincially designated service manager for housing and homelessness in the region, leading efforts to coordinate with community partners, municipalities, and provincial/federal governments to address these complex issues. This includes:

- administer and fund subsidized housing
- own and operate community housing units managing wait lists for affordable housing, including housing with supports
- supporting tenants find and keep market housing including funding for tenant support services
- working to create affordable housing options
- operate and fund shelter programs
- planning for housing needs and ways to end homelessness.
- putting proactive measures in place to help house people
- funding and providing housing services directly or through community partners.
- creating incentives and policies that encourage a broad range of housing

Plan to End Chronic Homelessness

The purpose of this work is to provide a “roadmap for strategies, resources and timelines to end chronic homelessness in Waterloo Region”. Regional Council has directed Regional staff to work with community to develop a suite of policy incentives supporting the creation of new affordable housing and/or for preventing the loss of existing affordable housing stock and tenant displacement in Waterloo Region and bring forward any further recommendations to Regional Council for consideration and approval. The staff report also directs Regional staff to “work with area municipalities to develop and implement housing programming and policy that prevents displacement and the loss of existing affordable housing”.

Building Better Futures

Building Better Futures: 2,500 Homes in 5 Years, is the Region of Waterloo’s affordable housing strategy. The strategy aims to develop up to 2,500 new homes by the end of 2025, increasing affordable housing generated from an average of 50 homes per year to 500 homes per year. Currently at 2,350 new homes in development, the Region of Waterloo is committed to making housing affordable for all because we believe communities thrive when everyone has a place to call home. With the need for affordable housing growing, the Region is dedicated to increasing the number of affordable homes. The plan includes the use of lands, funding and resources, community engagement, acquisition programs that increase non-market housing stock, and cross departmental staff support to increase the development of affordable homes.

Rent Supplement Program

The Region will cover the gap between how much a landlord charges for rent and how much the tenant can pay.

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Property Tax Exemption

The Property Tax Exemption Program allows participating affordable housing providers to have the Region, City and education property taxes exempt to help them acquire and maintain buildings and keep rents low in the long-term. The program aims to maintain affordable housing buildings that exist in the Waterloo Region, and support housing providers who are committed to affordable rents.

Administer Ontario Renovates Program

Forgivable loan program to assist low to moderate income ownership households to make repairs, add secondary suites, and improve accessibility to allow people to remain in their homes.

Renter's Toolkit (Tenant Education Program)

A guide to help renters search for and secure housing, deal with issues that come up as a tenant, or help you plan your next move.

Tenant Defense Funding

The Region provides funding assistance to the Waterloo Region Community Legal Services, a non-profit organization that provides free legal services to low-income residents of the Waterloo region, including providing housing related legal services.

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Part 4 - City of Kitchener By-laws, Policies and Incentives:

The City of Kitchener is a leader in utilizing available tools and resources to make meaningful interventions and support the provision and retention of rental and affordable rental housing.

Property Standards By-law

The Property Standards By-law and associated By-laws under the Municipal Code are an existing legal mechanism to ensure that all dwellings and properties are maintained in accordance with minimum health and safety standards. This suite of tools includes requirements for:

- Maintenance of heat in rented dwellings
- Interior and Exterior minimum maintenance property standards
- Lot Maintenance Standards to keep lands free and clear of waste

Demolition Control By-law:

Demolition Control applies to the demolition of any dwelling unit within the Demolition Control Area, which includes any residential building, or any building containing one or more dwelling units and is permitted under section 33 of the Planning Act. The purpose of demolition control is primarily to prevent the premature loss of viable housing stock and the creation of vacant parcels of land. Demolition control applies to both rented and owner-occupied dwellings. Demolition Control Permit must be approved before a demolition permit can be issued by the City's Chief Building Official to physically remove the structure. Demolition Control also applies to any former residential dwelling that has been converted to non-residential use.

Rental Replacement By-law:

The City of Kitchener's Rental Replacement By-Law is a tool designed to protect and preserve rental housing which is proposed to be demolished. This policy provides stability and compensation to Tenants affected by development and provides a path for development without displacement. It balances the interrelated policy goals of creating new housing supply and preserving the health and diversity of the city's most affordable rental housing, its existing purpose-built rental housing stock. The Rental Replacement By-law does not prevent large-scale redevelopment of existing rental housing properties, so long as compensation to Tenants and the replacement of rental units occurs.

Applications to demolish or convert more than six dwelling units will require a Rental Replacement Permit. Under the Rental Replacement By-law, Tenants are offered the choice of a replacement unit, a rent waiver or compensation, and replacement units would be required to be provided at affordable rents for 10 years. The Rental Replacement By-law disincentivizes proposals to redevelop existing rental properties without contributing substantially to housing supply. The Rental Replacement By-law was approved under the authority of Section 99.1 of the Municipal Act, 2001 on June 24, 2024 by Kitchener City Council.

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Zoning By-law:

Inclusionary Zoning - Inclusionary Zoning (IZ) is a planning tool that requires a certain percentage of affordable housing units within new private developments. The program does not rely on government subsidies, but instead captures some of the increased value arising from high density development and directs it towards affordable housing. Inclusionary zoning is approved and will be in effect beginning in January 2026.

Growing Together West & East – This new policy and zoning framework enables more housing and mixed-use projects in transit supportive areas, moving the City towards its housing goals.

Enabling Four Units – This zoning initiative enables up to 4 dwelling units on many lots that permit a single detached, semi-detached or street-townhouse dwelling, allowing additional rental units throughout all residential neighbourhoods.

Short Term Rental By-law (under consideration):

The Short-Term Rental By-law provides a licensing framework for properties used as short-term rentals. A Short-Term Rental is defined as *a Dwelling Unit or part thereof used to provide transient sleeping accommodations for a period of thirty (30) consecutive days or less, typically facilitated through a Short-term Rental Company, and may include a traditional bed and breakfast, but does not include a rental arrangement exceeding thirty (30) consecutive days*. The proposed regulations will offer a structured, low-barrier way to bring STR activity into compliance with licensing requirements while improving oversight and accountability, supporting public safety, while providing useful data collection that can help to track trends such as the impact on long-term housing, and neighbourhood concerns.

Lodging House By-law:

The Lodging House By-law is structured to provide opportunities for more affordable housing types throughout Kitchener and to ensure that shared accommodations are safe for occupants. Lodging Houses are properties where residents rent individual rooms but share common areas, and this important component of the housing continuum is permitted in all residential zones, subject to licensing.

Official Plan Policy on Condominium Conversions:

Policies of the Official Plan provide a framework to guide the review of Plan of Condominium applications which seeks to convert rental affordable housing to condominium ownership. Matters including rental vacancy rates, creation of affordable ownership housing, and that tenant protection measures in accordance with the RTA are met.

Housing for All & Housing for All 2.0:

As local area municipality, Kitchener has found creative ways to support and contribute to the provision of housing and it has seized as many opportunities as possible to provide solutions to the housing affordability crisis. Kitchener intentionally prioritized housing with its first housing strategy, *Housing for All (HFA)* which was approved by

Attachment A - Jurisdictional Scan of Legislation and Plans/Funding

Council in 2020. *HFA* is Kitchener's comprehensive strategy to realize the right to housing and help make housing affordable using the tools and resources available to a local municipality. Housing for All 2.0 is the next phase of Kitchener's housing strategy. Work has already commenced on Housing for All 2.0 with early work on a Housing Needs Assessment and updated housing policies in progress through Kitchener 2051 – Official Plan.

City of Kitchener Incentives that Support Housing:

Not-for-profit Affordable Housing Fee Incentive Policy:

This program encourages development of new affordable rental housing units through development application fee and building permit fee exemptions.

Priority Review and Concierge Services for Affordable Housing Development

The City has created a concierge application service to assist developers seeking approval of development applications for affordable housing. This service helps to streamline review processes, resolve concerns quickly in order to deliver more affordable housing, more quickly.

Property Tax Exemption

The Property Tax Exemption Program allows participating affordable housing providers to have the Region, City and education property taxes exempt to help them acquire and maintain buildings and keep rents low in the long-term.

Housing Accelerator Fund Supported – Affordable Housing Incentives:

Not-for-profit affordable rental and co-op housing incentive (pilot):

This program provides a grant of \$10,000 per unit (up to a max of 50 units per project) for not-for-profit affordable rental or co-op housing units. The grant can cover non-capital upfront costs relating to site design and development approvals to help advance projects from an idea to being shovel ready.

Strategic Land Acquisition and Land Contributions Supporting Affordable Housing Projects:

The City of Kitchener is unlocking lands to build not-for-profit housing. This initiative, aimed at creating long-term solutions to the housing crisis.

Community Improvement Plan (in development):

Through the Housing Accelerator Fund initiative, a Community Improvement Plan to further incentivize a range of housing types, including much needed missing middle housing, will be development. Development of this program is in early stages