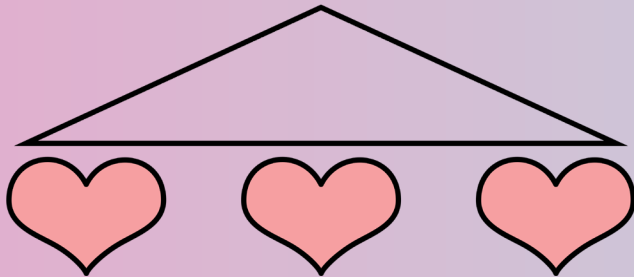


# Toronto Community Housing (TCH) Information Resource

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This resource is for current and future TCH tenants who also do sex work, and it lays out in clear terms some aspects of Toronto Community Housing in response to common questions and misunderstandings that arise about TCH.

Housing law in Ontario does not contain explicit mention of sex workers or sex work, meaning that, while there are no housing restrictions specifically against sex workers, there are also no special protections or additional rights that consider how anti-sex work laws and illegalizing sex work make workers more vulnerable tenants.

## I. BACKGROUND

**Toronto Community Housing (TCH)** is home to about 110,000 low and moderate-income tenants in nearly 60,000 households. Toronto Community Housing Corporation (TCHC) is owned by the City of Toronto. TCHC is governed by a Board of Directors who are appointed by the City of Toronto. The directors are responsible for making governance decisions

related to TCHC as a corporation and monitoring its performance. Any member of the public is able to sign up to “depute”, or give a short statement on a subject expressing ideas or concerns, before the members during the Board’s regularly scheduled meetings.

**Rent Geared to Income (RGI)** - of all the TCH tenants, about 89% live in rental units where they pay “rent-geared-to-income”, versus paying “market rent” for the same unit. RGI is about 30% of the combined income of all members of the “household”, with some adjustments. A unit with rents below the typical cost of renting the same unit is also known as subsidized housing.

A “household” is the word TCHC uses to refer to all of the people living in the unit with you, whether or not they are on the lease. This includes family members, roommates, and visitors who are staying for more than 30 days in a 12 month period. TCHC has a policy requiring all members of a household to be disclosed. This is because TCHC decides whether you qualify for an RGI unit based on every member of the “household”. Whenever your household changes, your rent may change, too - for example, if someone moves out and you report it, you may pay less; if someone moves in and has an income, once you report it TCHC may reevaluate and decide your rent is going up.

**Guests** are people who stay 30 days or fewer in a 12 month period. You can invite guests without having to report it to TCH. The income of a person who stays with you as a guest has no effect on your rent, since guests are not members of your household.

### Are TCH tenants covered by Ontario's housing law?

Yes. In addition to being covered by the *Residential Tenancies Act*, RGI units are covered by the *Housing Services Act*. When an application is made under these laws, it is made to the Landlord and Tenant Board (LTB).

There are also additional rights and responsibilities for tenants and the landlord laid out in your lease, and in TCH policies. When an issue arises according to internal TCH policies, the procedure may be different to resolving the problem, and may not involve the LTB. The policies can be found online: [torontohousing.ca/about/policies-programs/policies](http://torontohousing.ca/about/policies-programs/policies).

### The Process to Get "Rent-Geared- to-Income" Housing AKA "Subsidized Housing"

For rent-geared-to-income housing, you must apply. If a housing application is deemed eligible, the applicant is added to a waitlist. The current wait times in Toronto to get into these units is:

7+ years for a bachelor unit

12+ years for a one-bedroom

10+ years for larger unit sizes

Given the current wait times, TCH is not an immediate solution for people who desperately need affordable housing to live. Yet, it is

the only form of permanent affordable housing available in Toronto. There simply is not enough housing, and the City of Toronto has not responded sufficiently to a huge demand, even as the need for affordable housing continues to grow. Having affordable and long term housing should be an immediate priority for the city, as everyone needs a safe, permanent home.

### Who pays the costs and modifications of making the unit accessible?

Under the Human Rights Code of Ontario, landlords are responsible for the costs of making a unit accessible for tenants up to the point of "undue hardship". For example, if the landlord can show that the changes they are being asked to make would be too high, or if they can prove that there are health and safety risks that outweigh the benefit of making a modification to the building or the unit, then they may be off the hook. If you have accessibility needs that require modifications in your unit or building, you should advise your landlord in writing and keep a copy for yourself.

### If a housing application is denied, can the applicant appeal the decision?

Yes - you must request a review of the decision in writing, typically within 30 days of receiving the decision. Action should be taken immediately because you may have to appeal before a deadline. If you are not sure how to request an appeal, you can reach out to your free local legal clinic, or housing worker at an organization like the Federation of Metro

Tenants' Associations. When an application is denied and no action is taken, an applicant is usually only able to rejoin the waitlist by starting a new application and losing their "place" in the queue.

**If a tenant is no longer found eligible for RGI, can they appeal the decision?**

Yes - you must request a review of the decision in writing, typically within 30 days of receiving the decision. Action should be taken immediately because you may have to appeal before a deadline. If you are not sure how to request an appeal, you can reach out to your free local legal clinic, or housing worker at an organization like the Federation of Metro Tenants' Associations.

## **II. TENANTS, OCCUPANTS, GUESTS— COMMON QUESTIONS AND CONSIDERATIONS**

**Disclosing who is staying with you** - guests do not have to be disclosed to TCHC, but occupants do. If you have reservations about disclosing a person who lives with you or feel you are unable to do so, it is a good idea to understand the TCHC policy and the risks of not disclosing, as well as to seek advice from a legal worker and/or housing advocates who are competent on the issue and who may offer solutions or strategies.

**Am I allowed to have guests over to my rental unit?**

You can invite guests without having to report it to TCH. The tenant remains responsible for the conduct of guests.

**Is everyone who lives in a rental unit considered to be a "tenant" of the unit? Are they tenants if they pay rent?**

No, not for TCHC housing. Even if multiple people live in a single rental unit, only the residents who are named in the lease are considered tenants. There may be others who are part of your "household" who are not on the lease; these people are called "occupants". This is important because tenants have special responsibilities and rights that other occupants of the rental do not have. It is important to consider who belongs on the lease and what risks exist.

For example - two people live in an RGI unit: a tenant who is on the lease, and their roommate who is not on the lease. The two have an understanding where they each pay their own half of the monthly rent. One month, the roommate does not give any money for rent. The tenant is not prepared to cover the full amount so they only pay their own half of rent. Who can the landlord go after for the remaining rent? Under the law, only the tenant is legally on the hook for the full rent amount, even if their roommate is the one who did not pay. If the problem continues and goes to the LTB, the tenant would be the one who is named in the application for rent arrears.

This can be unfair for people who have contributed to a household only to learn they do not have rights. People experiencing family violence, the occupants of units where people have died or left, and other vulnerable people who are not on a lease may their lack of status in RGI housing puts them at higher risk of becoming homeless.

### Can there be multiple tenants for one rental unit?

Yes. Any tenants are named on the lease. If a person is not on the lease, they are not a tenant. To add a tenant, you must advise TCH and they will ask all tenants to sign a new lease. Note: all tenants must meet the eligibility criteria for RGI housing.

All tenants have responsibilities and rights for the rental unit. If one tenant moves out, the remaining tenant(s) may still remain in the unit provided they remain eligible. Any changes to the household are expected to be reported to TCH, and may affect your rent, as it is geared to the income for the total household (in cases where there are fewer members of the household than before, this may mean lower rents).

### What if someone lives in an RGI rental unit but is not on the lease?

A person who lives in a unit but is not a tenant is called an “occupant”. Occupants may continue to live in a unit so long as the tenant who is on the lease also lives in the unit. Occupants do not have the same rights and responsibilities concerning the unit as the tenant on the lease. Normally, a tenant is responsible for the conduct of the occupant. For example, once a tenant moves out, all occupants face eviction.



### If a tenant moves out or dies, does an occupant have to leave right away?

Technically, the landlord cannot evict you without the correct legal process. Even if TCHC contacts the occupant to advise them that they must leave, the only legal way to actually remove a tenant would be to go through the Landlord and Tenant Board - this involves an application by the Landlord to the Board, followed by a hearing. Unfortunately, if an occupant is not on the lease, this will usually only delay the inevitable - however, if you believe you are a tenant, you should seek legal help right away.

### Can a tenant rent or sublet a part of their unit?

The law for tenants in non-RGI housing is slightly different on this subject. For those in RGI-housing, your lease does not allow you to sublet.

## III. ADVOCATE FOR YOURSELF, ADVOCATE FOR OTHERS



Collective Tenant Action - TCH is the largest social housing provider in Canada and the second largest in North America, but most of the housing battles fought through TCHC still happen on an individual household, case-by-case basis. When a large corporate landlord goes up against a person who risks losing their home and may be fighting other battles, it is hardly a fair fight. It is also less likely that bad policies and laws are brought to light, and makes it more likely that sex workers who are being evicted, gatekept, or penalized by housing laws do not see justice and feel jaded by the Tribunal process.

When tenants join forces across the city, it becomes possible to achieve positive outcomes that are not always available when they fight alone. Where the law falls short, tenants' organizing against unfair landlord practices can be a critical tool to protect tenants.

## USEFUL RESOURCES INCLUDE:

- Reach out to **Maggies** to be referred to a legal worker who can provide you with guidance on your issue: (416) 964-0150

- **Federation of Metro Tenants**

[www.torontotenants.org/resources](http://www.torontotenants.org/resources)

- **FMTA manual on tenant organizing**

[assets.nationbuilder.com/fmta/pages/Organizing\\_Manual.pdf](http://assets.nationbuilder.com/fmta/pages/Organizing_Manual.pdf)

- **Your local legal clinic**

[www.legalaid.on.ca/legal-clinics/](http://www.legalaid.on.ca/legal-clinics/)

- **Manual on tenant organizing**

[www.acto.ca/for-tenants/organize/](http://www.acto.ca/for-tenants/organize/)

- [stepstojustice.ca](http://stepstojustice.ca)

- [www.cleo.on.ca](http://www.cleo.on.ca)

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# Maggie's Toronto Sex Workers Action Project

## WHO WE ARE

We are one of Canada's oldest by and for sex worker justice organizations. Our mission is to advocate and fight for the rights of all sex workers in society, by offering a wide variety of services, educational resources, and creating community so that we may live and work with health, safety, and dignity. We believe in the full decriminalization of sex work and believe it is a crucial step towards sex worker justice.

We offer supportive programming for sex workers including weekly drop-ins, harm reduction services, outreach programs, legal supports and broader advocacy including food security efforts, public health initiatives and educational workshops for sex workers.

Learn more about our work and upcoming projects at [maggiesto.org](http://maggiesto.org) or check us out on instagram @maggiestoronto. You can reach us through email at [info@maggiesto.org](mailto:info@maggiesto.org).

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