

# Renovictions, demovictions, landlord's own-use evictions, and more



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The COVID-19 pandemic has increased the urgency surrounding residential evictions. Evictions have the potential to disrupt the public health responses to COVID-19, magnify the associated recession, and disrupt tenants' lives. All of these outcomes would have negative impacts on population health and well-being.<sup>i</sup>

Data shows that over 10 per cent of rental units in Toronto were in arrears (behind on rent payments), in October 2020.<sup>ii</sup> This opens the possibility of increased evictions as moratoriums lift. While the majority of eviction filings in Toronto are related to non-payment of rent and arrears, these are not the only kind.

Roughly one in four formal eviction applications filed in Toronto are unrelated to current rental arrears. These eviction applications are called 'L2' eviction applications. L2 eviction filings cover a range of reasons landlords seek to evict tenants, including renovation, demolition, landlord's own use, and conflicts with landlords or other tenants.

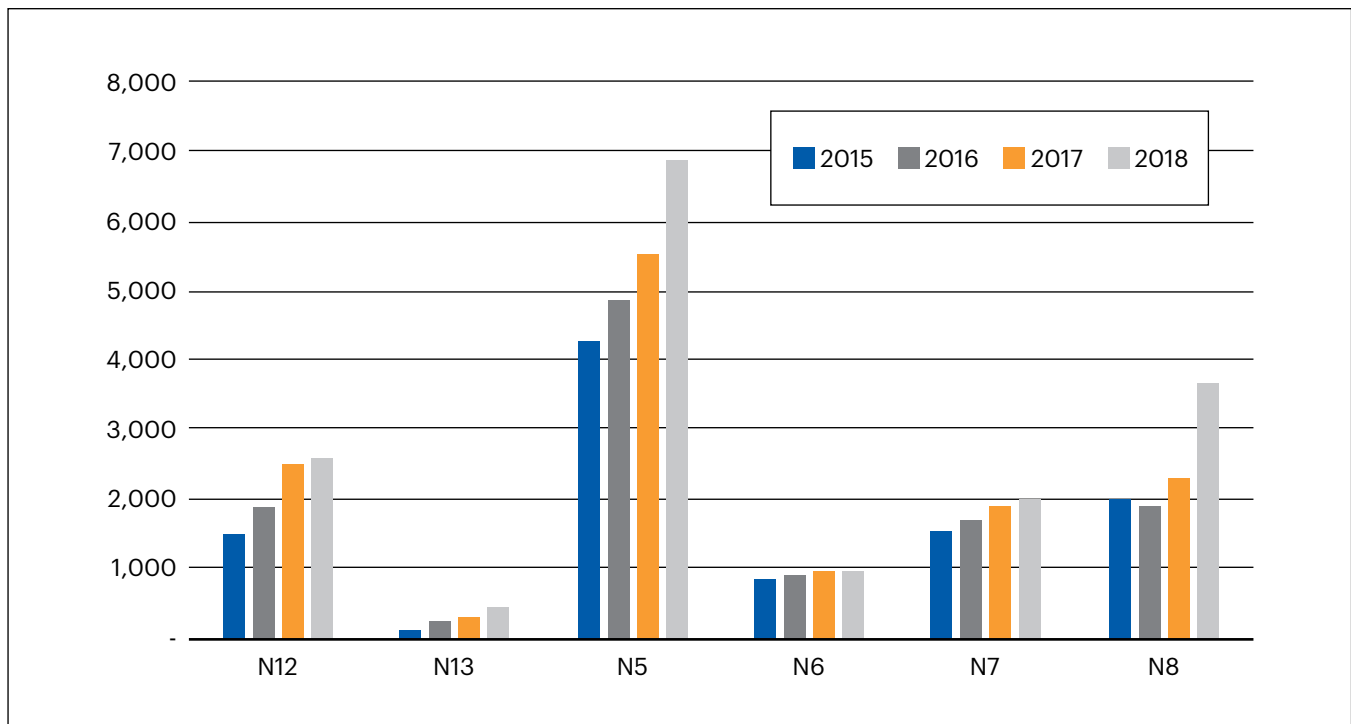
The number of eviction applications filed in Toronto that are unrelated to rent arrears have more than doubled from 2010 to 2018. In raw numbers this is an increase from 1,800 applications in 2010 to nearly 4,300 applications in 2018.

It is possible to break down these non-arrears-related L2 eviction applications by analyzing the underlying eviction notices (see Figure 1 note). These eviction notices outline the reasons that landlords are seeking an eviction. Examining data from 2015-2018 from the Landlord and Tenant Board:<sup>1</sup>

- "Interfering with Others, Damage or Overcrowding" eviction applications (N5) are often filed for alleged noise, disruption, damage, overcrowding, and conflicts with landlords or neighbours. These have increased by 59 per cent in three years, from 4,300 city-wide in 2015 to over 6,800 in 2018.
- "Landlord's own-use" eviction applications (N12) are when a landlord or a landlord's family member is attempting to evict a tenant so that the landlord or a landlord's close family member can occupy the unit. These filings have increased by 74 per cent from 2015 to 2018, from 1,480 to 2,572.
- Renovation or demolition eviction applications (N13) are filed when the landlord is attempting to evict tenants to renovate or demolish the unit. These filings tripled from 2015 to 2018, rising from 121 to 386.
- Eviction applications can also be filed near the end of lease period, when landlords attempt to not renew the lease. These 'end of lease' eviction applications (N8) can be filed for a number of reasons including: persistently late rent, no longer qualifying for social housing, or ending employment that was a condition for the provision of the housing. These filings spiked in 2018 by almost 78 per cent, 1,300 applications in raw numbers.

<sup>1</sup> Multiple notices can be cited on the same L2 eviction application, so the notice totals do not add up to the total number of L2s.

Figure 1: Reasons for Non-Arrears Related Eviction Applications - Toronto 2015-2018



Note:

- N12** – Landlord’s own-use evictions
- N13** – Demolition or renovation evictions
- N5** – Conflict with other tenants, disturbance, damage, and/or overcrowding evictions
- N6** – Illegal acts or misrepresenting income in a rent-geared-to-income rental unit evictions
- N7** – “Causing serious problems in the rental unit or residential complex” evictions
- N8** – Notice to end your tenancy at the end of the term (e.g. persistently late rent) evictions

This data brief describes formal eviction applications in the City of Toronto in the times before COVID-19, though it can help inform COVID-19 evictions response planning. While it is crucial to address arrears-related evictions through the recovery, this brief shows that one in four eviction applications prior to the pandemic were unrelated to rent. Non-arrears evictions will also need to be addressed in order to protect public health and contain COVID-19 in Toronto.

To better protect tenants from non-arrears evictions:

- 1) Stricter protections for own-use and demolition/renovation evictions should be included in the *Residential Tenancies Act*. While the recent legislative changes in Ontario have increased fines for bad-faith evictions of these types, evidence should be required from landlords before these evictions are carried out.
- 2) Ontario and the City of Toronto should fund social work interventions in order to help address social, behaviour, or disruption related evictions.
- 3) Eviction applications tied to persistently late rent should be addressed through broad anti-poverty efforts, rent bank enhancements, and significant expansions to tenant subsidies. All levels of government have a role to play in anti-poverty policy. Following that, social work interventions such as direct social assistance payments to landlords and trusteeships should be considered where problems stem from life skill challenges.
- 4) Business plans and corporate acquisitions that are premised on renovation and demolition evictions are not valid market opportunities when Torontonians must be housed in order to survive and live healthy lives. The federal government should implement a rental acquisition program which would allow non-profits and landtrusts to take advantage of historically low interest rates to purchase rental assets for operation as community housing.

*Limitations: Eviction applications are one step in the formal evictions process. It is important to note that not all eviction applications conclude with an eviction, and other evictions happen informally and illegally without an application.*

## References

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<sup>i</sup> Benfer, E. A., Vlahov, D., Long, M., Walker-Wells, E., Pottenger, J. L., Gonsalves, G., & Keene, D. (2020). Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy. *Journal of Urban Health*; Hatch, M. E., & Yun, J. (2020). Losing Your Home Is Bad for Your Health: Short-and Medium-Term Health Effects of Eviction on Young Adults. *Housing Policy Debate*, 1-21.

<sup>ii</sup> CMHC. (2021) Rental Market Survey;

