

MSU LANDLORD REPORT

DECEMBER 2017

1. Introduction

At the crux of academic success is a healthy environment in which students live, work, and play. With limited residence buildings on campus, off-campus housing in the broader community serves as the space where many students study and grow throughout their academic careers. With a prominent student presence in Ward 1, which encompasses neighbourhoods immediately surrounding campus such as Ainslie Wood and Westdale, students continue to struggle with unsafe housing and bad landlords. Though town-and-gown tensions run high, McMaster students contribute to the city of Hamilton greatly by providing social and cultural diversity, while serving as an integral pillar of the economy. Given the impactful role students play in their communities, adequate housing support should be provided to ensure all residents feel comfortable in their environment, while also strengthening retention rates of alum.

2. Defining the Problem

Insufficient suitable housing is an issue impacting all residents of Hamilton, but the MSU is primarily concerned with the student population, as a demographic prone to exploitation given the inexperience and vulnerability of many first-time renters. Often viewed by permanent residents as a neighbourhood nuisance, it is important for community members to understand the context by which inadequate student housing becomes cumbersome to everyone. Instead of approaching the issue with hostility, a cooperative effort and mutual understanding between students, community members, and stakeholders can greatly benefit those living in what are becoming increasingly populated student neighbourhoods.

a. Community Concerns

i. Tensions Between Permanent Residents and Students

The notion of “studentification” is often discussed in tandem with neighbourhood distress as a concept describing an influx of multiple-occupancy student housing in areas surrounding campus. The term itself carries negative connotations, since individuals living in neighbourhoods with an imbalance of students and permanent residents occupy a tense space with unhealthy rhetoric whereby students are viewed as “the other.” The phenomenon continues to create friction within the community as rates of enrollment at McMaster steadily rise. Between 2004-2015, total enrollment increased by 28.8%, meaning students are flooding into neighbourhoods surrounding campus in numbers greater than ever before.¹ As landlords continue to maximize beds per house to accommodate the increasing student population, community members become uneasy. Reluctance, though, on behalf of permanent residents to share the neighbourhood with high rates of students comes at no surprise. As one landlord notes, common complaints from neighbours include noise, left out garbage, un-shovelled sidewalks, and broken windows, giving these neighbourhoods a disheveled appearance.²

But blame for dilapidated housing and unhygienic conditions cannot be put entirely on students, as these issues do not occur in a vacuum. One McMaster student argues that the root cause of rental housing deterioration is not “studentification,” but rather absentee landlords who often try to reduce costs by neglecting to tend to maintenance requests.³

The “us” vs. “them” mentality is not productive for arriving at viable solutions.

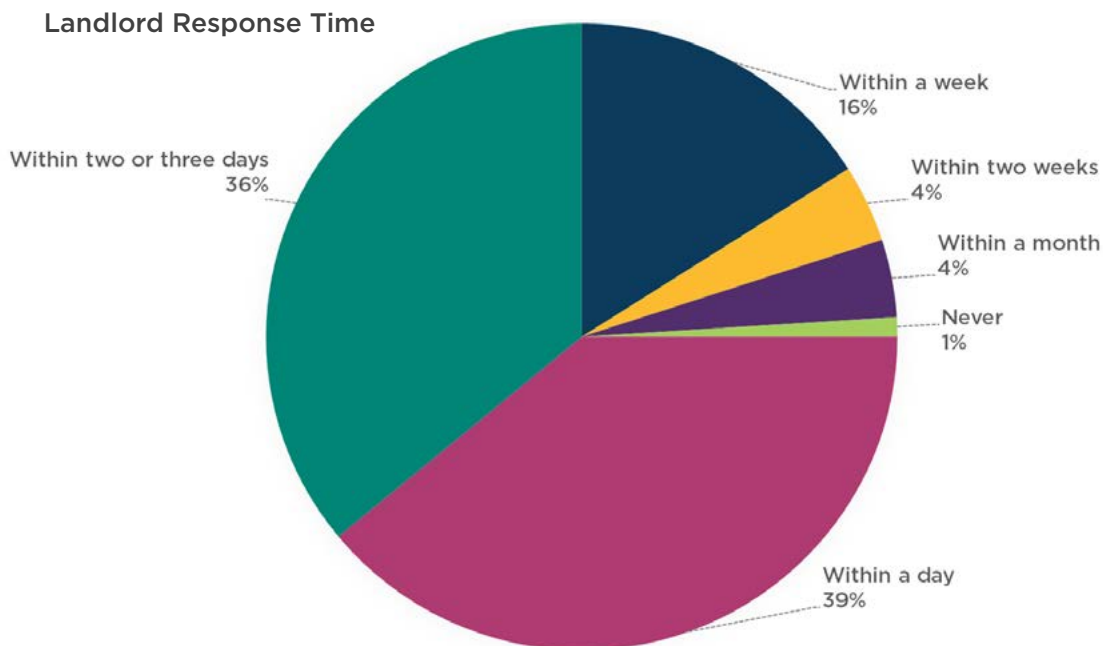


Fig. 1: A McMaster-based survey found that while the majority of landlords respond to concerns within three days, 25% of landlords take at least two weeks to address needs (MSU Your City Survey).⁴

In reality, poor housing conditions are not restricted to student dwellings. As many who have sought potential houses to rent outside of Ward 1 will note, unsafe housing and landlord neglect are everywhere.

The “us” vs. “them” mentality is not productive for arriving at viable solutions. The MSU recognizes the mutually beneficial relationship McMaster has with the city at large, and has many programs which help bridge students with their community. For this reason, students should not be viewed as a separate entity operating independently from the community, but rather appreciated as engaged citizens. Change Camp and the Student Community Support Network (SCSN) are just some of the programs which seek to demonstrate the value that universities and cities bring to each other, alleviating town-and-gown strife. Integration is important for peaceful coexistence and to develop partnerships on shared issues such as inadequate housing. Despite common criticisms, university students are not amoral, apathetic nomads with little regard for their surroundings, but rather individuals with the desire to live in clean and safe environments like everyone else.⁵

ii. Tensions Between Landlords and Tenants

According to the MSU's Your City Survey, after affordability and location, students rank landlords as the most important factor they consider when renting a house.⁶ Yet, it is difficult to gauge what kind of landlord someone is upon meeting one or two times prior to signing a lease. Landlords tend to pressure students to sign leases immediately upon first viewing on the grounds that houses are rented out quickly, disallowing students the opportunity to adequately assess the house.⁷ Since many students are first-time renters, it's easy to fall into this trap. Lack of experience in addition to little information on tenant rights, (that is readily available), hinders the ability of students to make informed decisions. While some rental issues are minimal with minor maintenance concerns, other students fall victim to unlawful leases and paying additional fees.⁸

Those most susceptible to exploitation are newcomers to Canada and individuals learning English who are not familiar with their rights.⁹ In 2015, international students accounted for 8.5% of McMaster's total undergraduate population.¹⁰ This year, approximately 16% of incoming students alone are international, demonstrating a greater need for housing protection efforts. When speaking to the CBC, one Chinese student recalled his experience renting from a Chinese landlord, whose advertisement he responded to because he wanted to communicate without a language barrier.¹¹ Yet, he was told the law in Hamilton is to pay a year's worth of rent up front, and was unable to be refunded when he only stayed in the house for one term. After filing two appeals, his case was dismissed and he was not refunded his money.¹² With increasing rates of new Canadians attending McMaster, there is a greater potential for more students to be exploited by self-serving landlords, in addition to higher overall instances of landlord-tenant conflict.



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Fig. 2: A house near McMaster contains seven individually locked bedrooms on the main floor (CBC).¹³

b. Health and Safety Concerns

i. Overcrowding

Many student houses surrounding McMaster are improperly zoned as single-family homes, consisting of upwards of a dozen bedrooms. Legally, many of these houses should be zoned as lodging homes. According to Section 1 of Schedule 9 of By-law 07-170, a rooming/lodging house is defined as a building in which 4 or more persons reside, where occupants do not have access to every habitable room in the house.¹⁴ Many landlords try to avoid legalizing their units because buildings zoned for lodging purposes are required to undergo regular inspections from the Medical Officer of Health, a municipal law enforcement officer, and/or a police officer. In order to maintain operation, lodging homes must have building, police, health, traffic, and fire approval, costing landlords fees for adequate up-keep.¹⁵ To work around zoning by-laws and continue to operate buildings as single-family homes, it is common for landlords to have tenants sign one group lease with a lumpsum monthly payment plan, instead of handling fees and lease agreements individually.¹⁶ Given these conditions, twelve students living in one house can be considered a single family under the terms of their lease. With vague interpretations, landlords are able to get away with neglecting their duty to provide safe housing and proper inspections. While it is not illegal to rent a single-family home to a group of students, it is illegal to construct walls for additional bedrooms without a permit, which is the case in many problematic situations where students live in cramped quarters with a disproportionate number of bedrooms to kitchen and bathroom facilities.¹⁷ In these cases, safety regulations are largely missed, because single-family homes do not receive the same inspections as lodging homes. Students in these types of houses with many roommates list common problems such as poor internet quality since the Wi-Fi cannot reach every bedroom in the house, inability to concentrate with constant noise, little room for privacy, and fire safety concerns.¹⁸ In these cases, it is not unusual for students to avoid their houses as much as possible, and spend extended periods of time in libraries or cafés.



Fig. 3: 2016 Hamilton house fire killed 3 in house improperly zoned as a single-family home (CBC).¹⁹

ii. Fires

Fire safety is a primary concern in rental housing. 2016 was the worst year for house fire deaths in Hamilton in the past decade, indicating the need for stricter safety regulations. In one instance, a fire erupted in a house zoned as a single-family home, killing 3 of 5 tenants. The house was reported to the city and investigated twice for bylaw violation, but the file was closed after residents failed to comply with the inspector's request for investigation.²⁰ The Hamilton Fire Department has urged the public to install smoke detectors, highlighting the importance of alarms in time-sensitive emergencies. While homeowners can call the fire department and have alarms installed for free, renters must rely on their landlord to provide such safety measures. In instances where renters are concerned, tenants can report inadequate safety measures to the fire department and an investigator will be sent out.²¹ Under the Fire Protection Act (FPA), a warrant can be obtained granting permission to investigate in cases where entry is denied.²² When it comes to fire safety, proactive measures are much more effective than reactive measures, though in many cases, landlords do not make fire safety a priority.

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3. The Current System: Legal Context

a. Role of the Provincial Government

The Ontario Human Rights Commission views housing as a human right's issue. The 2014 Provincial Policy Statement's Vision for Ontario's Land Use Planning System states "the long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy."²³ Specific to housing, the document outlines requirements for all types of housing to meet social, health and wellbeing standards for current and future residents. Despite these ideologies, the Provincial Government has no active enforcement measures, resulting in a dichotomy between what is held in principle and what actually occurs in practice. While the Ministry of Housing promotes "healthy, liveable and safe communities" it does not address what this means for renters, specifically in student neighbourhoods, and therefore cannot effectively ensure landlords are held accountable for failing to comply with proper housing standards.²⁴

b. Role of the Municipal Government

The Municipal Government is left to shoulder much of the housing burden with little resources to guarantee requirements outlined by the Ministry of Housing are met. With a lack of funding for enforcement of by-laws, a potential solution which has been heavily debated in Hamilton in recent years is landlord licensing. While licensing seems like a realistic, tangible solution to hold both landlords and tenants accountable, there has been contentious debate since the conversation surrounding licensing first developed back in 2013.²⁵ With mandatory, routine inspections, landlords would face accountability and potential extra fees for repairs and bylaw violation, and pay a small, annual fee to maintain their licence. Hesitance on behalf of landlords to commit to a licensing system is expected; understandably so, law-abiding and fair landlords do not want to have to pay for the mistakes of other landlords. It's not just landlords who are against the idea though; some anti-poverty groups are opposed to licensing because there is a possibility that the rental market would decrease, reducing availability of affordable housing. Specifically, the Housing Services Division of the Planning and Economic Development Department has expressed concerns regarding loss of housing stock caused by enforcement of illegal units which could result in evictions and reduce incentive for landlords to produce new rental units. Likewise, the Ontario Human Rights Commission (OHRC), which promotes the Provincial Government's position of strong communities, argues that diverse housing that is affordable, liveable, and accessible to all individuals is crucial to achieve healthy neighbourhoods. By enacting bylaws that would potentially restrict availability of affordable housing, Code protected groups (such as newcomers) could be adversely affected.²⁶ While student status is not directly listed as a Code protected group, it can act as a proxy for age since there is a general link between being a student and being young, meaning students would also be impacted by a reduction in affordable housing. By indirectly minimizing the rental market for at-risk individuals, the OHRC argues that landlord licensing could therefore potentially violate the Code, though there is little evidence-based research to support this claim.²⁷

Still, tenant rights activists and groups like the Association of Community Organizations for Reform Now (ACORN) continue to advocate for licensing.²⁸ With balanced priorities for both landlords and tenants and a shortage of evidence on the benefits and harms of the licensing system, it is difficult for Hamilton City Council to arrive at a verdict about the direction the municipality should take on the matter. Most recently, the Rental Housing Subcommittee meeting held in July resulted in the decision to investigate a pilot project for a rental housing regulation system, moving away from directly addressing landlord licensing.²⁹ Mike Wood, acting Chair of ACORN Canada's Hamilton Chapter, argued for a city-wide licensing program for buildings with more than 10 units, though the Committee voted to focus on Wards 1 and 8, areas which have a high density of student renters.³⁰ At this point in time, the direction the City of Hamilton will go with regards to landlord licensing is unclear.

4. Looking Forward

The MSU recognizes the need for a solution to rectify persistent student housing concerns. Advocating for housing safety is necessary to reduce instances of students reporting unlawful leases, inadequate fire safety precautions, paying additional fees, and living in squalor due to maintenance neglect. Problem landlords must be held accountable. While there are university resources such as the McMaster Off-Campus Housing website which hosts ads where students can browse houses and apartments for rent by category (co-op/short term rentals, grad/faculty/staff rentals, student rentals, and sublets), there is currently no system to identify which landlords to avoid and those who come highly recommended. Most of the complaints received by Jennifer Kleven, McMaster's manager of the Off-Campus Resource Centre, involve problems that arise after a lease has already been signed, and once complaints have been issued, students are referred to the appropriate agency for further advice.³¹

Despite the lack of a formal platform where tenants can air grievances, students still find ways to share experiences and inquire about problem landlords in their area. It is common for social media platforms such as MacInsiders and Spotted at Mac to be used for discussion about housing related issues, with several threads filled with comments about some good, but mostly bad landlords. Here, while students have access to names of landlords to avoid, information is limited, and unseen by the majority of students. Notable concerns get lost in long comment sections and become buried under more recent posts over time. While students are eager to share stories of their housing experiences, no practical results derive from social media platforms that are able to sufficiently help the majority of off-campus students, and often times, posts of this nature are viewed after it's too late. Student testimony found in these comment sections include the following troubling concerns:

"We had a gas leak and they didn't show up for three days...the basement was completed 8 months late and they still charged my roommates."³²

"Had mold growing in my room for about 6 months. Wouldn't do anything about it. Never came to fix anything in the house and would message me asking if I could do favours regarding house maintenance while I was working 12-hour shifts. He also overcharges and even charged me [extra] for a parking spot at our place when it comes with one."³³

Several students complain of landlords refusing to act on requests for repairs, extra charges, and attempts at intimidation, verified by others who have also shared similar experiences with landlords listed by name. While the majority of comments are negative, some students interject positive experiences:

"The ceiling in my room was leaking and left a pool of water on my floor and they came to fix the ceiling the same day and replaced the flooring a few days later. We also had a lot of other issues but they always get a guy out within 24 hours to actually fix the problem."³⁴

Housing threads on McMaster social media pages provide valuable insight into students' desires to live in clean and safe housing and become educated on their rights. Comments not only include information on landlords but links to tenant resources from peers who have experienced similar situations. Without a formal platform, though, many students miss out on this information, due to the nature of social media in which new posts are shared every day, reducing the significance of older commentary since the thread might not be relevant to someone until months after it was initially viewed or posted.

5. Landlord Rating System

a. What is it?

A potential solution to rectify student housing concerns is to develop a landlord rating system. The concept of a landlord rating system is something that has been gaining traction in many cities in recent years to help tenants know which landlords are good and which ones to avoid, before they sign a lease. In short, it's like Yelp for landlords. While apprehension is expected on behalf of landlords, the system is ultimately a mutually beneficial tool because it can help good landlords get recommended and receive positive reviews. For absentee landlords, the platform provides incentive to maintain adequate up-keep and avoid charging illegal, extra fees to renters out of fear of repercussions, including fines and public backlash.

b. Success in other Cities

i. Whose Your Landlord – Philadelphia

Temple University alumnus, Ofo Ezeugwu, first thought of the concept of a landlord rating system when he became involved with student government. He gained a deeper awareness of the issues between the university and the city while running for Vice President of External Affairs, and came up with a business idea to develop a system that would alleviate some of the conflicts students were facing with landlords. As the cofounder and CEO of Whose Your Landlord, the 2013 entrepreneurial grad first based Whose Your Landlord out of Philadelphia, but has since expanded to 125 cities across the U.S.³⁵ Users with accounts are able to post and read reviews about buildings, landlords, and property managers. The user-friendly system asks tenants to rate landlords on a scale of 1-5 in terms of responsiveness, information, pests, social, respect, condition, and safety.³⁶ By restricting feedback to a simple rating system instead of allowing open-ended comments, there is little potential for falsified or exaggerated complaints, yet concerns are still voiced. The site's content producer recognized improved landlord service since the introduction of Whose Your landlord, and MSNBC's Elevator Pitch gave a score of 9/10 to a business pitch of the landlord rating system, reaffirming the value of the platform.³⁷

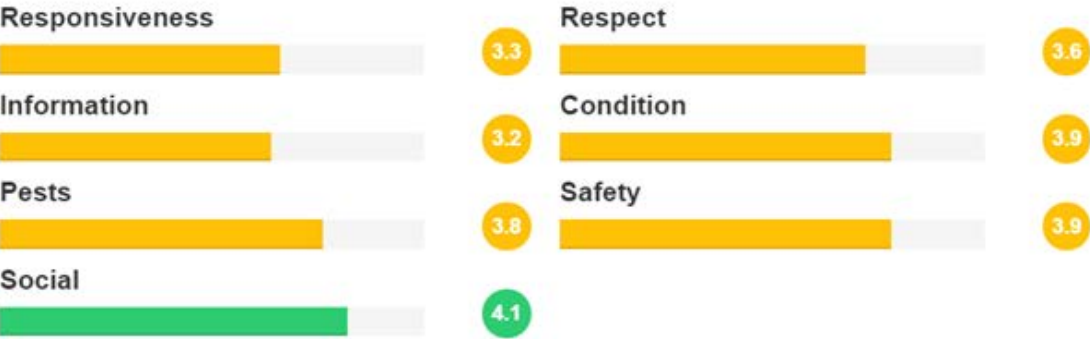


Fig. 4: Philadelphia-based landed rating system allows tenants to view relevant information at a glance (Whose Your Landlord).³⁸

ii. StayBilley - Toronto

Canadian cities have begun to implement custom versions of a landlord rating system, tailored to accommodate housing concerns in their area. To address student housing shortages, Ryerson University has partnered with StayBilley, a platform which helps connect hosts with people looking for housing. Potential renters can search for short or long-term stays in locations near campus to suit their needs. Similar to Airbnb, users can rate their experience, read reviews from other guests, and post requests for recommendations. To support Ryerson's Off-Campus Housing Program and ensure the service remains accommodating to Ryerson students, faculty, or alum, users must sign up for an account with a specific code associating them with the university before applying for housing.³⁹ The online service which initially began as a way to connect like-minded individuals travelling for events such as concerts and business trips has evolved into a beneficial tool for students seeking safe and affordable housing.

Implementation of a landlord rating system should be considered as the next step towards changing the harrowing narrative surrounding student living.

6. Conclusion

Housing remains a student issue that has long been underappreciated, but can be addressed from a university and a community standpoint to ensure all Hamiltonians live in a safe, welcoming environment. A healthy home which fosters learning and development is a vital aspect of students' ability to maintain fruitful academic careers, and implementation of a landlord rating system should be considered as the next step towards changing the harrowing narrative surrounding student living. By keeping discussions of housing at the forefront of municipal concerns, the City of Hamilton can benefit from reduction in neighbourhood tension, healthier communities, increased student retention, and an environment which bolsters student success in spheres of academics, work, and personal affairs. Through active efforts, quality student housing will no longer be reduced to a lofty ideal, but instead become a reality, in which all Hamilton residents can live in harmony.

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