

September 24, 2025

Honourable Michael Kerzner
Solicitor General of Ontario
Ministry of the Solicitor General
25 Grosvenor Street
Toronto, Ontario M7A 1Y6

Re: Bill 10 – Schedule 8 (Measures Respecting Premises with Illegal Drug Activity Act, 2025) – Sections 2(1) and 2(2): Reasonable-Measures Duty on Landlords

Dear Minister:

We are writing on behalf of the Toronto Regional Real Estate Board (TRREB), Ontario Real Estate Association (OREA) and the Ottawa Real Estate Board (OREB) to express serious concern regarding the obligations imposed under sections 2(1) and 2(2) of Schedule 8 of Bill 10, *the Measures Respecting Premises with Illegal Drug Activity Act, 2025*, which require landlords to take “reasonable measures” to prevent illegal drug activity on their premises or risk liability even when they do not “knowingly permit” such activity.

The regulatory environment for property owners in Ontario is already complex and demanding. Landlords must comply with the *Residential Tenancies Act, 2006*, which governs evictions, rent increases, maintenance, landlord and tenant obligations, and provides the legal framework under which landlords act. They must also adhere to the Ontario Human Rights Code, which imposes duties to treat tenants without discrimination on protected grounds (including disability, family status, race, creed, etc.) and to accommodate where required. These obligations require landlords to operate with sensitivity to privacy, harassment, accessibility, human rights concerns and potentially FINTRAC reporting requirements.

At the municipal level, many jurisdictions have introduced or are enforcing by-laws that create further obligations. In Toronto, for example, landlords will need to obtain a Rental Renovation Licence under By-law 53-2025 before undertaking repairs or renovations that require tenants to move out, to notify tenants of licence applications, to make arrangements for temporary accommodation or compensation, and to comply with requirements under the N13 process. Similarly, the City of Hamilton’s Renovation Licence and Relocation By-law 24-055 requires landlords to apply for a renovation licence within seven days of serving an N13 notice, provide temporary accommodations or rent-gap payments, submit attestations and reports from qualified professionals, and satisfy other municipal licencing and building permit requirements. These municipal rules, while well-intended, impose additional procedural, compliance and financial burdens on landlords.

The cumulative effect of provincial statutes, human rights obligations, municipal licencing, renoviction by-laws, building codes, property standards, health and safety codes, permit requirements, and other regulatory obligations is to raise the cost, risk, and complexity of operating rental housing. These burdens are weighty for owners of secondary suites, basement apartments,

second units, and smaller-scale landlords who lack economies of scale. In this climate, adding an open-ended duty under Bill 10, section 2(1) and 2(2), to take “reasonable measures” to prevent illegal drug activity risks creating uncertainty about what steps landlords must take to satisfy that standard, or avoid liability, especially where behaviour arises beyond the landlord’s knowledge.

As Ontario grapples with a serious housing supply and affordability crisis, the province must reduce the regulatory burden on rental property owners, not introduce additional obligations that discourage them from offering up second units, basement suites, and other secondary suites. The availability of such units is a crucial component of the rental housing supply, which is essential in moderating rental prices and improving affordability across the province. Further, increasing regulations about properties used for illicit drug activity could create unintended consequences for purchasing or selling those properties. Properties could be stigmatized and devalued unfairly without clear remediation standards and guidance from health and safety authorities.

TRREB, OREA, and OREB respectfully request that the government defer any regulation or enforcement under section 2 and related provisions of Schedule 8 until the rental housing supply stabilizes and an analysis of its broader impact is undertaken, given the regulatory challenges facing Ontario rental property owners. It is important that law enforcement remain the lead in addressing criminal behaviour, while landlords are provided clear, practical standards that align with the Residential Tenancies Act, human rights obligations, privacy protections, and principles of due process.

We further request that TRREB, OREA and OREB be included in all future consultations regarding Bill 10 regulations, particularly defining what constitutes “reasonable measures,” setting standards, and ensuring obligations are practicable and fair across different rental housing providers.

We are committed to working collaboratively with your Ministry to achieve both goals of safe communities and an expanded supply of rental housing.

Sincerely,



Elechia Barry-Sproule
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TRREB



Cathy Polan
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Cc: Jessica Pinto, Manager NG911 Special Projects Unit
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