



**A Submission to the Standing Committee on Heritage,
Infrastructure and Cultural Policy re: Ontario Bill 141, An
Act Respecting Life Leases**

**Presented by the Ontario Association of Life
Lease Residents (OLLRA)**

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Organization Background and Objectives

The Ontario Life Lease Residents' Association (OLLRA) was formed in April, 2023 by dissatisfied life lease residents in St. Catharines, ON. The Association has grown quickly to include four complexes in three municipalities with approximately 250 members. We plan to expand across the province of Ontario.

OLLRA's primary goal in appearing before the Standing Committee today is to ensure that Bill 141 is passed but with a **major a gap in the legislation** addressed. Currently the bill doesn't allow residents the ability to remedy problems with Boards of Directors who control their life lease properties except by suing them at great expense under contract law. **As voting members, residents would have numerous actions available to them under the latest Ontario Not for Profit Corporations Act (ONCA)** to ensure directors and officers are properly supervising the management of the corporation and complying with their duties.

We urge bi-partisan political support to pass this Bill into law with the amendment proposed above to provide long-overdue protection for Ontario's estimated 12,000 life lease residents and to ensure this form of housing continues to be a solution to today's and tomorrow's housing crisis, whether for seniors or young people trying to build equity for a future home purchase.

The Walkers' Story: Harassment of Residents and Their Representatives

Unlike residents in condominiums, rental facilities and long-term care operations, the province's life lease residents—predominantly seniors—remain the sole housing group lacking legislative protection and thus are vulnerable to undesirable management practices. Without the protective oversight afforded by Bill 141, life lease landlords will continue operating in a 'Wild West' environment, as depicted in the following story:

In May 2022, the Walkers were served with an eviction notice by the Board of Directors of the life lease complex where they live. The Board claimed that they were in breach of the terms of their lease by 1)

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having a long-term visitor without the Board's explicit approval, and 2) that a COVID vaccine clinic they helped organize with their local MPP had endangered the lives of other residents.

The Walkers have spent the time since then fighting the eviction, spending thousands of dollars on legal fees. They believe they were targeted by the Board because they had been actively involved with the Residents Committee which challenged management irregularities.

The Board Claimed the Walkers Didn't Obtain Permission for an Extended Visit:

In 2008, the Board of Directors had instructed all residents to communicate only with the external management company hired to manage the complex. In February 2020, the Walkers had a disabled relative come to stay with them while she looked for alternative housing. The Walkers asked management for permission to extend her visit beyond the 3 week maximum specified in the lease and were assured it wasn't a problem. When COVID arrived, it became impossible to find housing for the relative, so she ended up staying for nearly 2 years – with the knowledge of management.

The Board Claimed the COVID Vaccination Clinic Was Unsafe for Residents:

During COVID, Mrs. Walker, on behalf of the Residents Committee, worked with the local MPP to organize an on-site vaccination clinic for residents. Two days before the clinic took place, she was informed that it would have to be open to members of the public as well as residents. Appropriate COVID safety protocols were observed and supervised by health professionals to ensure residents were kept safe.

The Residents Council Challenged the Board as They Ignored Lease Terms Requiring Collaboration:

The Walkers' life lease states the Board must collaborate yearly with the Residents' Committee on setting the common elements fees. The residents were told the Board would no longer do that "because other properties don't." The Board also made it clear to the Committee that it would have **no further dealings**

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with it as long as the Walkers remained, due to their ‘negative influence’ in the building. Mrs. Walker requested a meeting with the Board but was refused.

The Walkers were also subjected to additional harassment in the form of false stories about financial improprieties and their characters that were reportedly spread by the President of the Board.

The Walkers are still in their home, but fearful that the Board of Directors will force them to defend themselves legally again. Without legislation to prevent Boards from ignoring their own lease terms and harassing residents, they feel vulnerable.

Lois’ Story: Holding Life Lease Boards of Directors Accountable

Lois and other elected Residents Council members at her life lease complex became concerned about some of the financial decisions made by their Board of Directors and a high rate of turnover among senior management staff. They devoted over three years to negotiating with the Board to offer residents a seat on the board as had been done in the past. A survey done by Lois of dozens of life lease properties in Ontario showed 50% of them allow residents on their Boards. But their efforts were rebuffed and in order to discourage further attempts, the Board passed a bylaw preventing any life lease resident from serving on the Board.

Frustrated by this rejection and unwilling to take no for an answer when her financial security and that of hundreds of her fellow life lease residents was at stake, she began reviewing options. In addition to believing elected life lease residents should be allowed to become corporate Directors, **Lois identified one element that Bill 141, in its current form, overlooks:** life lease residents, who have a vested financial interest in their non-profit corporation, should be made **voting members** of their corporation.

Some corporations do include residents as members but may require certain qualifications such as a specific ethnic background. **As voting members, residents would have rights under the Ontario Not**

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for Profit Corporations Act (*ONCA*) to remedy issues with Boards that don't act in the best interests of residents. For example, as noted in the Guide to *ONCA*, members have the right to:

- Apply to the court for a compliance order to make officers and directors comply with *ONCA*, the articles and by-laws of the not-for-profit corporation (*ONCA* [section 191](#))
- Remove a director from office by ordinary resolution at a special meeting (*ONCA* [section 26](#)).
- Have greater access to financial statements to ensure their corporation's financial position is effectively supervised (for example, upon request, a member can receive financial statements before an annual meeting) (*ONCA* [section 84](#)).
- Apply to the court to require an investigation of the corporation (*ONCA* [section 174](#)).

Summary

The Ontario Life Lease Residents' Association strongly supports Bill 141, An Act Respecting Life Leases, with the addition of a **requirement for all residents to qualify as voting members of their life lease corporation**. This is the third time a life lease act has been presented to the Ontario Legislature. We trust that all of our elected representatives will ensure that finally, "*the third time will be the charm.*"

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