



CCTV and the Law

Legislative Changes Open Doors

By Elliott Goldstein

Q: How will security providers be affected by recent changes in Ontario's landlord and tenant laws?

A: Positively! Ontario's new *Tenant Protection Act* — which was proclaimed in June of this year and replaces the former *Landlord and Tenant Act* — contains a section that will motivate landlords to improve security in their apartment buildings. Section 138 allows a landlord to pass on to tenants the cost of improved and increased security service and equipment in the form of rent increases.

A landlord may apply for a rent increase above the guideline for any or all of the rental units in a residential complex (for example, an apartment building) due to "...operating costs related to security services provided in respect of the residential complex by persons not employed by the landlord or capital expenditures incurred respecting the residential complex or one or more of the rental units in it."

"Persons not employed by the landlord" means employees of security companies who have contracts with landlords, or employees of property management companies who provide security along with other services (for example, repair and maintenance, rental of units, and rent collection). Therefore, it excludes security guards who are employed directly by, and work only for, the landlord.

Section 138 further provides that the Ontario Rental Housing Tribunal (which approves rent increases) cannot make a finding that a capital expenditure is unreasonable if it "maintains or improves the security of the residential complex."

Capital expenditures completed during the 18-month period prior to

filing the rent increase application are eligible. A landlord may claim a capital expenditure completed on or after June 25, 1996, if the expenditure is the subject of an application made within six months of proclamation of the Act. Therefore, landlords are entitled to claim costs incurred over an approximately 29-month period, provided their applications are filed prior to December 1998.

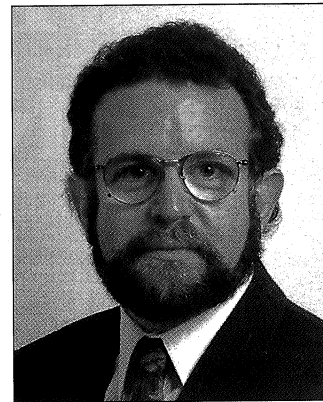
Traditionally, landlords have been very cost-conscious when it comes to spending money on security. They do realize that there is a direct relationship between the quality and quantity of security and the incidence of theft, burglary and vandalism in their buildings. However, good security is not cheap. As the saying goes: "You get what you pay for."

Security providers — such as CCTV equipment suppliers and security guard firms — should bring to the attention of landlords the fact that security costs (whether in the form of operating costs or capital expenditures) may now be recouped through legitimate rent increases and other beneficial changes to the law. For example, the removal of the two per cent reduction in the guideline for capital expenditure applications means that each investment dollar translates into a portion of the justified rent increase.

As an incentive, enterprising security providers should offer landlords free apartment security "surveys" or "assessments of protection needs" to assist landlords in identifying weaknesses and gaps in building security. Hopefully, this will encourage land-

lords to open their wallets and spend money on enhancing building security and better protecting their tenants.

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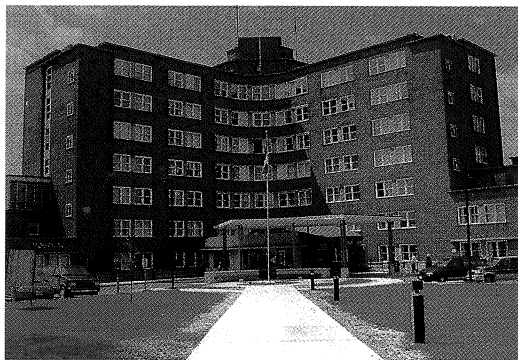
The Journal of Protection & Communications

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