



Canadian
Federation of
Apartment
Associations

Fédération
canadienne des
associations
de propriétaires
immobiliers



November 2009

National Outlook

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Increased Rental Housing Supply Requires Tax Reform

By John Dickie, President, Canadian Federation of Apartment Associations

On October 26, 2009, CFAA President John Dickie and CFAA director David McIlveen participated in a Conference on Rental Housing Supply issues in Calgary, with a focus on the supply of affordable housing. The conference was hosted by the School of Public Policy of the University of Calgary and the Calgary Homeless Foundation.

Key suggestions for reforms included

- tax deferral on sale and reinvestment
- GST/HST relief
- increases in capital cost allowances (CCA), and
- the ability to use CCA to create losses applicable against other income

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CFAA's 2010 Rental Housing Conference for Landlords

In June 2010 CFAA will be holding its Annual Conference in Vancouver, BC, in collaboration with the British Columbia Apartment Owners & Managers Association (BCAOMA) and the Rental Owners and Managers Society of British Columbia (ROMS BC). The program will be of interest to:

- | | |
|---------------------------|--------------------------------------|
| Rental Housing Executives | Rental Housing Investors |
| Independent Rental Owners | Property Managers |
| Commercial Realtors | Maintenance Managers and Supervisors |

A full conference schedule is set out on page 2 of this National Outlook.

Energy Conference

On Monday, June 14, the topics will include the latest ways to save energy and electricity, and the various government subsidies and grants which are available to owners and

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Manage your Employee Compensation costs with CFAA's Survey

The Canadian Federation of Apartment Associations (CFAA) has released its professional survey of employee salaries, wages and benefits in the rental housing industry in 14 of Canada's largest cities.

The survey will help Human Resource coordinators, regional managers and property managers to manage compensation costs by reporting market salaries or wage rates, and total compensation (including bonuses, reduced rent and car allowances), for property managers, superintendents, maintenance technicians, cleaners, leasing agents and other rental housing employees.

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Topics & Schedule for CFAA's 2010 Rental Housing Conference —Energy and Investment & Management at The Coast Plaza Hotel & Suites, 1763 Comox Street, Vancouver, BC

Day 1: CFAA Energy Conference - Monday, June 14, 2010

8:00 – 8:45	Breakfast	
8:45 – 9:45	Sub-metering for Electricity - what it gains, how it works & how to maintain tenant satisfaction	
9:45 - 10:15	Sub-metering for Heat - how it works & issues involved	
10:15 – 10:45	Networking Break with Conference Partners' Exhibits	
10:45 – 12:00	Energy Outlook for Canada; Carbon taxes; Cap & Trade	Energy Conservation approaches and subsidies for Low-rise buildings
12:00 – 1:00	Lunch	
1:00 – 2:15	New Energy Technologies - Solar water heating - Geothermal energy	Energy Conservation approaches and subsidies for High-rise buildings
2:15 – 2:45	Networking Break with Conference Partners' Exhibits	
2:45 – 4:00	Electricity Savings	Waste Disposal & Recycling
4:00 – 5:30	Hospitality Suite	
5:30 – 6:30	Cocktail Reception	
6:30 – 9:30	Dinner & Entertainment	

Day 2: CFAA Investment & Management Conference - Tuesday, June 15, 2010

8:00 – 8:45	Breakfast	
8:45 – 10:15	Cross Canada Round Up - New regulations - Reports of new measures by Canadian Cities and Provinces - What may come to affect you next year or in 5 years	Moving towards a smoke free building
		Attracting and keeping tenants in the digital era - Session A
10:15 – 10:45	Networking Break with Conference Partners' Exhibits	
10:45 – 12:00	The economy in May 2010 & what it means for housing	Ancillary revenue sources: what's new & works best?
12:00 – 1:00	Lunch	
1:00 – 2:15	The new HST & tax deferral on sale and reinvestment	Attracting and keeping tenants in the digital era - Session B
2:15 – 2:45	Networking Break with Conference Partners' Exhibits	
2:45 – 4:00	Roundtable Discussions: Q&A with Presenters in small groups	

Conference schedule details are subject to change without notice.

Increased Rental Housing Supply Requires Tax Reform, cont'd

(Continued from page 1)

The Conference in Calgary also explored Low Income Housing Tax Credits, various regulatory issues (such as inclusionary zoning and accessory suites) and direct government grants for affordable housing.

Both leading speaker Prof. Marion Steele and CFAA put forward housing allowances and rent supplements as key tools to make existing housing affordable.

CFAA was able to make valuable connections with Prof. Jack Mintz, Prof. David Tomlinson, Alberta Deputy Minister of Housing and Urban Affairs Marcia Nelson, and members of The University of Calgary School of Public Policy, The Calgary Homeless Foundation, as well as other important people and groups.

Michael P. Murray's economic research makes it clear that incentives other than tax reforms may well crowd out non-subsidized construction. Instead, the way to make investors want to hold a larger supply of rental housing is to improve

the tax situation that applies to it. Raising the rate of return on investment in rental housing through tax reform will attract more capital investment in rental housing, and avoid the crowding out problem.

Suggestions were made for targeting the tax relief. While targeting would improve the political saleability of tax reforms, targeting has several drawbacks. Targeting

- would reduce the beneficial effect of the reforms in raising the after-tax rate of return
- would potentially introduce market distortions, and
- may get in the way of redevelopments.

The CFAA board will consider the targeting issue at greater length to try to find the position that best balances the benefits against the drawbacks.

CFAA looks forward to further work with the key contacts from the Conference, and with others, to advance a key current CFAA political goal, namely tax reforms.

HST Developments in BC & Ontario

As noted in the August edition of National Outlook, the provinces of Ontario and British Columbia are harmonizing their provincial sales tax with the GST. The result will be the application of the provincial tax to numerous items which were previously exempt, but which are important to the operation of rental buildings, including renovation and repair contracts.

In BC it appears that the Province will provide rebates for the new tax on electricity and natural gas. The rationale is that BC already imposes a carbon tax on those energy items.

Since there is no carbon tax in Ontario, it appears that the new sales tax on electricity and natural gas will not be rebated in Ontario.

Mitigation of any kind seems unlikely in Ontario because of the size of the government's deficit (\$25B at the last estimate).

BC's deficit is a more manageable \$2.8B, but BC has apparently used up the allowance provided by the federal government for special exemptions or rebates.

The BC provincial associations have asked CFAA to attempt to get the federal government to increase the allowances for special exemptions or rebates so that there will be room to provide relief to the rental housing industry. CFAA will attempt to obtain the increase in the allowance the federal government makes for the provinces. Even if CFAA is successful at the federal level, it will still be up to the provincial associations to lobby the province to provide the relief to landlords.



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Speedy Access to Telephone Hearings in Central Alberta through RTDRS

Landlords and tenants in central Alberta now have access to a fast and inexpensive way to settle disputes outside the courtroom.

Tenants and landlords can apply to the Residential Tenancy Dispute Resolution Service (RTDRS) to resolve disputes such as security deposits, rent arrears, evictions and damages. A tenancy dispute officer holds a hearing and considers evidence from tenants and landlords, similar to court proceedings. Decisions by officers are legally binding on both parties.

“This program has proven to be a valuable resource for both tenants and landlords in communities where it was introduced,” said Service Alberta Minister Heather Klimchuk. *“It saves people time and money by avoiding a formal court process for disputes and frees up the court system for other matters.”*

RTDRS hearings in the central Alberta region will be conducted by teleconference, allowing tenants and landlords to participate in hearings from their own home or office. The fee for service is \$75 and the entire process takes between seven and 10 days for most matters.

“Holding hearings by telephone means people in remote communities can have their disputes heard faster without having to travel long distances to a larger centre,” said Klimchuk.

The provincial government initially established the service in 2006 as a one-year pilot project in Edmonton, where it helped reduce court time for tenant-landlord disputes to a half-day per month from two days a week. Based on the success there, RTDRS was expanded to northern Alberta

communities and to Calgary, and has handled more than 11,000 cases. The government plans to expand the service to the rest of Alberta later in 2010.

More information on RTDRS, including a full list of communities where the service is available, can be found online at www.rtdrs.alberta.ca.

Residential Tenancy Dispute Resolution Service coverage



Manage your Compensation Costs , cont'd

(Continued from page 1)

The data varies by city, and several of the surveys include some of the following positions: Regional Manager, Marketing Manager, Maintenance Manager; Property Assistant Manager, Property Administrator, Legal Administrator/Paralegal, Property Accountant, Security Guard and Doorman/Concierge.

Landlords who participated in the survey receive a reduced rate when you purchase the survey. The National report is \$1200 for those who participated in the survey and \$3,000 for non-participants. HR & Benefit information is available for Ontario, Alberta and BC. The full Toronto (GTA) report is \$300 for participants and \$850 for non-participants. The full report for large cities (Vancouver, Calgary, Edmonton, Ottawa, Montreal and Halifax) is \$225 for participants and \$650 for non-participants. The full report for small cities (Victoria, Saskatoon, Winnipeg, Kingston, Waterloo Region and Hamilton) is \$150 for participants and \$450 for

non-participants. If you want the survey results couriered to you in paper format an additional \$45 charge applies; otherwise CFAA will email you the report(s) you order.

The Compensation Reports for each city include base salary information and total compensation figures. The HR & Benefits Survey includes information about company-wide benefits plans such as pensions, and medical, dental, life and disability insurance.

If you are interested in purchasing the CFAA Rental Housing Compensation Survey, please go to our website www.cfaa-fcapi.org or contact CFAA by telephone at (613) 235-0101 or email at admin@cfaa-fcapi.org to request an order form.

The survey is costly to produce; therefore for the survey to be produced in the future, the current survey report must not be shared between landlord companies. Upon ordering the survey you agree to keep it confidential to your company. We hope you will order the survey report, and find it useful for managing your company's employee compensation costs.

Alberta lifts requirements on out-of-province landlords

Alberta Bill 18 amends both the Residential Tenancies Act and the Mobile Home Tenancies Act to allow notices by landlords to show an address anywhere **"in Canada"** as opposed to **"in Alberta"**. Bill 18 is part of a series of Bills that are designed to facilitate trade investment and labour mobility between Alberta and BC. Section 18 (1) of Residential Tenancies Act is that Section 18(1) now

reads "In this section, "notice of landlord" means a written notice that is dated and signed by the landlord and sets out the name of one of the persons who falls within the definition of landlord and a postal address and physical location in Canada for that person".

The amendment came into force on April 20, 2009.

Conference, cont'd

(Continued from page 1)

managers of all building sizes. Besides hearing from energy experts, landlords will hear commentary from other owners and managers about what worked well for them in energy savings programs, and about pitfalls to avoid.

Of particular interest to senior executives and independent rental owners will be sessions on the energy outlook for BC and Canada, on sub-metering and on new energy technologies, such as geothermal heating and cooling and solar hot water heating.

Reception & Dinner

After the Conference, there will be a Hospitality Suite for conference delegates, and then a cocktail reception and dinner. CFAA hopes that landlords from Vancouver, Victoria and other centres will attend the dinner along with one or both days of the Conference.

Investment and Management Conference

On Tuesday, June 15, the Conference will address various investment issues, such as the current state of the economy (and where it can be expected to go), moves by government to regulate rental housing in various jurisdictions (which may migrate to other jurisdictions), the impact of the new HST and any tax reform which landlords can achieve.

Of particular interest to property managers will be sessions on gaining ancillary revenue, moving towards smoke-free buildings and attracting and keeping tenants in the internet age.

Watch for further information in the BCAOMA or ROMS BC newsletters or on the CFAA website at www.cfaa-fcapi.org. Detailed information about speakers and the registration form should be available in January 2010. For now, please save the dates.



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Ontario Landlords Battle Municipal Licensing

Municipalities across the Province of Ontario have been considering implementing by-laws that impose licensing on rental properties. Ontario's landlord associations are working hard to fight the implementation of such bylaws.

A year ago in Ottawa, several Ottawa City Councillors wanted to license all landlords. The Eastern Ontario Landlord Organization (EOLO) argued that licensing would add bureaucracy and raise rents without improving the issue it is supposed to address, namely problem properties. Nearly a year ago, City Council accepted EOLO's arguments and directed city staff to limit their study to "finding more effective ways of dealing with problem rental properties." However, due to a changeover in City staff, the staff actually looked at licensing as an option. Happily, they recommended against licensing for the very reasons EOLO advanced. Here are some of the statements in the staff report.

On duplication: "While the (Ontario) Municipal Act does not appear to preclude a municipality from establishing a class of business license for residential landlords, caution would have to be applied in light of existing provincial statutes, such as the Residential Tenancies Act, which also regulates residential landlords, to prevent duplication."

On the effect of licensing on affordable housing: "While it is important that housing meet established standards, there is also wide consensus that any regulatory strategy needs to be part of a comprehensive housing strategy that promotes a sustainable stock of affordable, well-maintained housing. ... focusing solely on the regulatory means to address property standards issues in rental housing is likely to ... create undesirable (financial) pressures for the sector."

Overall negative effect and penalizing responsible landlords: "... it would appear that the enactment and implementation of a licensing scheme for rental properties in Ottawa is unnecessary and would penalize responsible landlords."

Instead, the Ottawa staff report recommended the continuation of a limited program of proactive inspections. This year when the issue was raised again, only one Councillor voted in favour of licensing landlords. Another left-wing Councillor said that her problem is with rooming houses, and licensing hasn't solved the problem there.

Due to the work by the Greater Toronto Apartment Association, the City of Toronto has also rejected licensing in favour of proactive inspections. In Toronto's case the City is charging landlords for inspections after the second inspection. At least such charges impose costs mainly on the few landlords who fail to maintain proper standards, as opposed to raising the costs and administrative burden of all landlords as licensing would.

The City of London had contemplated a broad licensing

program with substantial licensing fees. Thanks to the work of the London Property Management Association (LPMA), London has implemented a more modest registration system instead. Most landlords of buildings with one to four units need to provide certain information and to register their contact information at a modest charge of \$25 per property.

The London by-law is set to come into force on March 1, 2010. The by-law will be phased in and landlords will be required to complete a checklist detailing as-built conditions of the interior and exterior components of the units. LPMA anticipates that the checklist will be made available by the city in early 2010. The completed checklist must be provided to tenants and to the city. In the first year, London intends to inspect 15 per cent of the chosen units at random.

LPMA notes that the by-law requires some City reports which will cost landlords a minimum of \$80 annually in addition to the basic \$25. LMPA is also concerned that the fees could escalate depending on whether the city requires structural, engineering, architectural, noise impact or environmental studies as a condition for granting the license.

The City of Waterloo had contemplated a broad licensing program with licensing fees of \$275 per property. Thanks to the work of the Waterloo Regional Apartment Management Association, the city has now backed away from that idea, and is looking at alternatives, such as proactive inspections, or the London system.

The City of Hamilton is still reviewing the issue of landlord licensing.

Edmonton Waives Extra Waste Disposal Charges

The City of Edmonton has agreed to waive extra lift charges at multi-family buildings for regular household waste.

Edmonton landlords have been paying additional fees for years with complaints falling on deaf ears. In an attempt to address this issue, Sherri Doucette (Urbanlife Management Ltd. and EAA Board Member) and Larrie Boddy (President of the EAA) met Roy Neehal (Manager of the City of Edmonton Waste Branch). Sherri Doucette made a compelling argument that extra lift charges for multi-family homes create a double standard because residents of single family homes are not subject to limitations on the amount of regular household waste produced.

In his subsequent letter to Doucette, Neehal acknowledged the inequity while at the same time identifying broader benefits to the community at large including less litter and blowing garbage resulting from over filled waste bins.

The Edmonton Waste Branch encourages multi-family owners and managers to call in for extra pick-ups **only** when needed and reminds landlords that the fee will only be waived in the case of regular household waste. Large, bulky items or renovation/construction waste that are not appropriate for regular waste collection and should be managed separately. Extra lift charges will still be levied in those cases.

La FCAPI réclame une réforme fiscale au nom des propriétaires immobiliers

Le 29 octobre 2009, la Fédération canadienne des associations de propriétaires immobiliers (FCAPI) a déposé une demande prébudgétaire auprès du Comité des finances fédéral. Voici les faits saillants de ce que nous avons soumis aux députés.

La FCAPI représente les propriétaires et les gestionnaires de plus d'un million d'immeubles locatifs au Canada, par l'intermédiaire de 17 associations locales et provinciales. Elle est la seule représentante de l'industrie des immeubles locatifs au Canada.

Pendant de nombreuses années, les politiques gouvernementales canadiennes prônaient l'accession à la propriété. Ces politiques offraient des incitatifs en vue de l'accession à la propriété et plusieurs avantages fiscaux destinés aux propriétaires. Cependant, la plupart des Canadiens à faible revenu ne sont pas propriétaires de leur maison et ne peuvent pas se prévaloir de la vaste majorité des avantages fiscaux offerts aux propriétaires résidentiels même s'ils sont propriétaires de leur maison.

Le traitement fiscal réservé aux immeubles locatifs s'est graduellement détérioré entre 1970 et 1990. Le régime fiscal actuel ne permet pas d'offrir aux ménages à faible et à moyen revenu les logements dont ils ont besoin.

Report de l'impôt en cas de vente et de réinvestissement

À l'heure actuelle, lorsque le propriétaire d'un immeuble locatif vend celui-ci, il doit payer de l'impôt sur la récupération de la DPA (jusqu'à concurrence de 48 %) et sur les gains en capital réalisés, le cas échéant (jusqu'à concurrence de 24 %). Or, ce fardeau fiscal n'encourage pas la réaffectation des biens immobiliers ni la rénovation du parc immobilier et entraîne une augmentation du coût des immeubles locatifs. Le report de l'impôt en cas de vente et de réinvestissement présenterait de nombreux avantages pour l'économie canadienne et permettrait de faire en sorte que le régime fiscal soit plus équitable pour les propriétaires et les locataires.

Notre proposition donnerait lieu au report de 450 millions de dollars de recettes publiques environ au cours de la

première année. Par la suite, le montant direct du report diminuerait étant donné que l'impôt à payer (reporté à partir de la première année et des années suivantes) constituerait un impôt supplémentaire payable par la suite. Par ailleurs, l'augmentation des transactions découlant de la réduction de l'effet d'immobilisation entraînerait une augmentation de l'activité économique et, par ricochet, de l'impôt afférent à cette activité. Le « coût » du report diminuerait au fil du temps et serait ramené à zéro, alors que les avantages économiques se traduiraient rapidement par une incidence globale positive sur les recettes de l'État.

Détaxation aux fins de la TPS/TVH

Depuis sa fondation, en 1995, la FCAPI réclame la détaxation de l'industrie des immeubles locatifs aux fins de la TPS, au même titre que les aliments et les épiceries. En fait, l'adoption du modèle de TVH reconnaît qu'une taxe plus élevée constitue un coût d'exploitation que les entreprises gèrent en l'incluant dans le prix de leurs services (dans le cas qui nous intéresse, les loyers) lorsque la conjoncture le permet. En omettant de détaxer les immeubles locatifs, le gouvernement a augmenté le coût de ces immeubles et des loyers, et réduit le marché locatif.

Recommandations

La FCAPI recommande, aux fins du budget fédéral de 2010, que le gouvernement et le Parlement prévoient une imposition plus équitable des propriétaires d'immeubles locatifs en adoptant deux des mesures suivantes, soit :

1. le report de l'impôt en cas de vente d'un immeuble locatif et d'achat d'un autre immeubles; et
2. la détaxation des immeubles locatifs aux fins de la TPS/TVH;

Pour consulter la demande en entier (en français), cliquez sur ce lien www.cfaa-fcapi.org pour accéder à la section « Submissions to Government ».



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National Outlook at: www.cfaa-fcapi.org/newsletter.html

CFAA protects interests of landlords re Bill C-304

Bill C-304 is a private member's bill tabled in the House of Commons by Libby Davies, the NDP MP for Vancouver East. It has passed second reading with the support of the Liberals, NDP and Bloc Quebecois. If enacted, the Bill will require the Federal government to convene a conference of the provincial housing ministers and representatives of municipalities and Aboriginal communities within 180 days in order to develop standards and objectives for the national housing strategy, and programs to carry it out and to produce targets for the commencement of the programs.

The Bill would mandate that the housing strategy ensure the availability of housing that, among other things: a) is secure, adequate, affordable, accessible, and not-for-profit in the case of those who cannot otherwise afford it; and (b) includes not-for-profit housing cooperatives, special-needs housing and housing that allows senior citizens to remain in their homes as long as possible.

The emphasis on social housing is a concern since social housing built to address affordability concerns competes with privately owned rental housing. Such new housing construction tends to drive down rents below costs, and to drive private investment out of rental housing. Because of that crowding out effect, producing additional rental supply through building new social housing costs even more per unit than it appears to. In many urban areas, new subsidized housing can easily require \$100,000 in subsidies for one unit. If one private unit is crowded out for every two new social housing units, then it costs \$200,000 in subsidies for each additional unit.

Studying U.S. urban areas, economist Michael P. Murray found that in some common circumstances subsidizing new housing construction has a crowding out effect close to 1.0. In other words, each new subsidized housing unit built crowded out one existing housing unit. In times gone by, an increase in unit quality might have justified that construction, but given the standards of most rental housing in most areas in Canada, such crowding out means that subsidies for new housing are extremely ineffective at expanding the rental housing supply, as well as being extremely expensive.

On November 5, 2009, CFAA addressed the Human Resources, Skills and Social Development Committee on Bill C-304. CFAA expressed support for a national housing strategy, but criticized the prescriptive elements of the Bill. CFAA stressed that a national housing strategy ought to include direct assistance to tenants, such as portable housing allowances. We also stressed that drawing private capital into the rental market is a very positive attribute of public policy, and that what is needed in order to do that is a rebalancing of the tax system so that the tax treatment of tenants and rental housing is improved to come closer to the favourable tax treatment provided to owner-occupiers. By those policies both tenants and landlords can be made better

off, at less cost to the taxpayer. Both points were sympathetically received by the committee.

CFAA was invited to appear before the Parliamentary committee as part of a "witness panel" with Michael Shapcott of the Wellesley Institute and members of the Federation of Municipalities of Canada (FCM). Other witnesses included representatives of the Canadian Housing and Renewal Association, the Assembly of First Nations, and the Evangelical Fellowship of Canada. Except for CFAA, all the witnesses strongly supported Bill C-304 as presented.

We expect that if enacted, the Bill will include provisions that recognizes the need to support private rental housing, and will include the private housing sector as participants in the conference. CFAA will monitor the status of Bill C-304 as part of our on-going efforts to prevent moves toward the over-building of social housing such as occurred in many areas in the early 1990s, while achieving improved conditions for both landlords and tenants through more cost-effective measures.

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