

9TH REPORT OF THE
PLANNING COMMITTEE

Special meeting held on March 24, 2009, commencing at 5:03 p.m.

PRESENT: Councillor N. Branscombe (Chair), Controller W. J. Polhill and Councillors J. L. Baechler, S. E. Eagle, W. Lonc and S. Orser and L. J. Fisher (Secretary).

ALSO PRESENT: Controller G. Barber, Councillors J. P. Bryant, R. Caranci and H. L. Usher (all part-time), O. Katolyk, G. Kotsifas and J. Smout.

I YOUR COMMITTEE RECOMMENDS:

Hybrid Rental
Residential
Licensing /
Targeted Area
Property
Standards
Enforcement
Program

1. (1,2) That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to a hybrid City-wide rental residential licensing / targeted area property standards enforcement program:

- (a) the revised By-law attached as Appendix "A" to provide for the licensing and regulation of Residential Rental Units in the City of London **BE INTRODUCED** at the Municipal Council meeting on March 30, 2009; it being noted that the By-law will come into force and effect on October 1, 2009; it being further noted that the Civic Administration will provide a report at a future meeting of the Planning Committee with respect to the potential inclusion of additional documents under Section 5.2 of the By-law to certify the number of bedrooms in a unit, as well as insurance, which outlines documentation required at the time of application for, or renewal of, a license, as well as the implications of a potential future registry of landlords;
- (b) Municipal Council **BE ADVISED** that a targeted area property standards enforcement program focusing on addressing substandard housing conditions in areas of the City with a high propensity for deficient housing conditions will be implemented in June 2009;
- (c) the Civic Administration **BE REQUESTED** to report back within three-months time outlining an implementation plan for a City-wide rental residential licensing program based on structure types; and
- (d) the Civic Administration **BE REQUESTED** to report back to the Planning Committee approximately one year from the start of the implementation of the targeted enforcement program and the licensing program with regard to activity levels, feedback from the landlords, tenants and the community; the adequacy of staff resources; the adequacy of the fee structure and comparison of costs and revenues; and any issues or constraints to the effectiveness of the programs that may be encountered;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made an oral submission in connection therewith:

- J. Hoffer, representing the London Property Management Association (LPMA), 102-460 Berkshire Drive – expressing opposition to the proposed by-law as it is simply an unjustifiable tax to be applied to over 12,000 units which will surely increase in the future, and which subjects tenants to forced entry and discrimination; noting that the LPMA has participated in this process for over a year and that the rationale for the review of this matter has changed from a focus on student housing, to a new tenant tax addressing property standards, which could be dealt with through existing by-laws rather than granting new powers to by-law enforcement officers that exceed those of the London Police Service.
- B. de Groot, Executive Director, Ontario Fair Property Tax Coalition, Box 50004 London – expressing concern that this by-law amounts to an additional tax in a system where existing services have not kept pace with property tax increases, and which will have to be borne by the tenants eventually; noting that the existing system for by-law enforcement and

complaints could be better utilized through changes such as charging a fee for the lodging of complaints; further noting the by-law may be in conflict with the *Residential Tenancy Act*, that the by-law effects a double standard as it only applies to rental properties, and that the question as to whether it should be enacted should be part of the 2010 Municipal election ballot.

- D. Pellarin, 1019 Waterloo Street – expressing support for the proposed by-law as he is both a landlord and as a resident in an area that has seen a great deal of strain put on the system by over-intensification; noting that he would be happy to pay \$30 per year to ensure that his tenants are safely housed; further noting that many tenants are too intimidated to lodge complaints and that inspections by by-law enforcement officers will eliminate fear tactics by some landlords, who may be the same landlords that are opposed to bringing their units up to acceptable safety standards, and that profits should not be at the expense of quality of life for tenants.
- A. Clarke, 931 Griffith Street – noting that since this fee will be paid to the City for services rendered it is still a tax, that the by-law is discriminatory if the by-law does not support safe housing for all Londoners; further noting that the City only needs to put existing revenue into its existing system in order to deal with its concerns.
- M. Huard, 110 Cherryhill Blvd. – expressing opposition to the by-law as it does not apply to all types of units, that it is discriminatory, an invasion of privacy and supports the creation of additional bureaucracy that will cost even more money and gives too much power to by-law enforcement officers.
- K. Walker, 434 Third Street – expressing opposition to the by-law as it will decrease profit margins and hurt low income residents with fees that will only increase in time; noting that it also implies that tenants are not smart enough to know when repairs are necessary, and indicating the government does not need to become involved in this type of situation.
- S. Trosow, Chair, London Housing Advisory Committee (LHAC) – expressing general support for the proposed by-law on behalf of the LHAC as outlined in the attached submission which also identifies relevant census data, and photographs of local properties that appear to be duplexes with many separate mailboxes, and requesting that amendments be made to the proposed by-law including a change to the threshold from units to storeys and to also increase the number, that an exemption form should be completed and filed to allow for any exemptions, and that should notice of inspection or infraction be given to a landlord, notice also be given to the tenants and neighbours to make everyone aware that a revocation of licence is possible.
- W. Gidney, 551 St. George Street – noting that as a resident and landlord in the area surrounding the University of Western Ontario for over 40 years, she supports a by-law that will assist to ensure safe standards for everyone, but noting it should apply to all rental houses.
- H. Katz, 773 Franklinway Crescent - representing ESAM Group and expressing opposition to this by-law; noting that there will likely be 200-300 violators and 12,500 other units that will have to suffer for their violations; noting that his tenants are present of their own accord and will make up their own minds, but as a landlord, he is opposed to this by-law.
- G. Matthews, representing the University of Western Ontario and Fanshawe College - expressing support for the proposed by-law on their behalf as it is a reasonable approach to the issue, and providing the attached letters of support from B. Hull, Vice-President, Administration, Fanshawe College, and G. Kulczycki, Vice-President, Resources and Operations, University of Western Ontario.

- C. Gibbs, 396 Queens Avenue – noting that other major cities have refused similar by-laws and that the City of London should also refuse one.
- W. Veitch, representing Norquay Developments Limited, 100 Wellington Road – *expressing hope that Councillors are listening to the constituents that have contacted them with respect to this matter; noting that the tools that can be used by the City currently are not being utilized and that existing by-laws simply need to be enforced to deal with the issues at hand, and expressing opposition to the fee, which is a tax.*
- I. Kasuriak, 390 Princess Avenue – expressing opposition to the proposed by-law as it is a tax that is not required; noting there is a rental tribunal that exists to deal with these matters and expressing concern it does not apply to high-rise buildings as well.
- R. Moretti, 281 Regent Street – commending the Planning Committee for undertaking this challenge and noting the proposed by-law seems to be a balanced, reasonable approach that will be particularly useful in communities where there have been problems with irresponsible and absentee landlords.
- E. Smuck, 928 Western Road – expressing concern that the proposed by-law does not treat owner occupied sub-standard housing with the same degree of concern for safety that is being applied to rental units, and that the targeting needs to be reviewed for purposes of equality, that the powers of entry by by-law enforcement officers will be problematic and quoting from the attached document entitled, “If It Were Litigated – a Factum Against Landlord Licensing”.
- A. Drewlo, Drewlo Holdings Inc., 10679 Glendon Road – expressing opposition to the proposed by-law as it doesn’t serve a purpose and is not needed; noting that it is simply a tax and that the City has the resources and staff available in other areas to deal with all concerns raised, that the proposed fee will certainly increase in the future, and expressing concern that the powers being given to by-law enforcement officers seems excessive.
- D. Dimitre, 705-752 Kipps Lane representing the Kipps Lane Community Association - expressing general support for the proposed by-law as it will assist in managing difficulties faced by low income earners as a result of absentee or poor landlords, but expressing concern that the tenants in high-rise buildings vastly outnumber the tenants of the structures being targeted by the by-law, that complaints made to the City do seem to take a very long time to be dealt with, and that improvements recommended to that complaint structure have not yet been implemented, though they were requested to be in 2005, at a Community and Protective Services Committee meeting.
- J. Kudermanns, 287 Oak Avenue, Strathroy – expressing concern that landlords are not adequately protected from bad tenants, and that this by-law will not assist the situation.
- G. Lightfoot, Old Masonville Ratepayers Association – submitting the attached communication expressing support for the proposed by-law to improve public safety, and requesting that all rental units, in all areas of the City be covered by the by-law, that random spot checks be implemented, and that a phase-in period for the by-law be a maximum of three to five years. Also submitting the attached letter from S. Bentley, Dr. D.M.R. Bentley, 34 Mayfair Drive, S. Harmer, 27 Mayfair Drive and A. Dicketts, 40 Mayfair Drive.
- J. Schlemmer, Executive Director, Neighbourhood and Legal Services, London and Middlesex – expressing support for the by-law as it provides additional resources to assist to tenants deal with landlord issues; noting

that this is not a "tax" that can be passed on to the tenants and that their service would assist with that defence, that the notices provided to many tenants by their landlords are full of misinformation and that the by-law is being misrepresented; further noting this will not be a profit-generating operation for the City, it is only a method to deal with bad landlords.

- E. DiTrollo, 14 St. George Street – noting that as a parent of a student who rents in the City, he is encouraged by this by-law as it indicates safety standards are important in this community; noting that the parents of the other approximate 30-40,000 students in the City would likely agree.
- J. Samlal, 45-1460 Limberlost Drive – noting that in these tough economic times, an additional tax on a rental property, which is an investment for people, will only encourage them to make that investment in another community instead, and expressing opposition to the proposed by-law.
- A. Sahib, 740 Proudfoot Lane – noting that as a small landlord, he has had to evict tenants for illegal activities and that as the landlord, he is penalized for the damages that tenants have inflicted on his property while they had the legal right to remain in the rental unit, and noting that there is limited protection for landlords.
- R. DeGroot, Box 50004 London – noting that the City of London's property taxes are 85% higher than those of the City of Toronto, and that this proposed by-law will amount to an additional tax for the owners of the buildings; further noting that if he spent less on property taxes, he could spend additional money on his rental properties.
- D. Taylor, 510-1235 Huron Street – expressing thanks to his landlord for providing a flawed notice that gave him an opportunity to come to the meeting to understand the actual proposal, and noting that his landlord always takes care of his properties and has not raised rent in four years, and that the bad landlords need to be penalized, not all of them.
- W. Arnold, 306 Kiwanis Park Drive – noting that landlords and tenants alike are at their limits for increases of any kind and that taxes are always passed on to tenants in some format; further noting that no additional bureaucracy is needed within the City of London.
- S. Lecce, University of Western Ontario Students' Council – expressing appreciation to all of the good landlords present, and to the London Housing Advisory Committee for all their comments; noting the UWO Students Council supports a proactive approach to increase safety, and would encourage the licences to be posted with contact information, and further noting that \$30 per unit seems to be a reasonable fee to pay for safety.
- M. Kingston, University of Western Ontario Students' Council – noting that there should be some sort of protection, or alternate housing arrangement for those tenants who are forced to relocate for periods of time should a property be considered not up to code and not fit for habitation, and further noting that it will be important to monitor the licensing process to prevent an "underground" rental system.
- R. Ravbar, 1635 Hillside Drive – expressing concern that he has had many issues with respect to the conduct of tenants, and wondering if a by-law exists to monitor tenant conduct as well.
- A. Kaplansky, 599 Maitland Street – expressing concern with respect to the amount of money being spent by the City of London on court and legal fees with no successful outcome, and noting that further action is not required, only the enforcement of existing by-laws.

- E. Simms, Willard Crescent – expressing opposition to the proposed by-law; noting that licensing is not required for targeted inspections, that notices could be sent out for work required within the current system, that the \$30 spent on each unit's fee will result in \$30 less spent on improvements for each unit; further noting that the fee will certainly increase in the future.
- S. Palmer, 57 Parliament Crescent – expressing opposition to the proposed by-law as there are other ways to deal with what amounts to student housing issues; noting that there is a healthy vacancy rate in London that allows for tenants to leave rental properties that are not properly maintained, that she has not met any tenants in 20 years that were hesitant to ask for repairs to be made; further noting this is not the type of economy into which the municipality should be introducing more fees.
- G. Warren, 16-624 William Street – representing the Social Justice Coalition of London and Ontario; noting he also sits on the Board of the Unity Project – expressing general support for the proposed by-law as it will provide a useful tool to protect tenants, that tenant laws may be effective already, but that tenants don't necessarily know their rights, that vacancies may exist, but not for affordable housing, that a registry of rental units and landlords could be useful, and further noting that the landlords opposed to the proposed by-law are those that are reluctant to make necessary repairs.
- M. Blosch, 43 Mayfair Drive – expressing concern with respect to the proposed by-law covering only 4 units or less as many landlords will play games with the number of units to avoid licensing, and expressing concern with a number of negative incidents involving her own property following a recent public meeting on this same matter.
- M. Byes, Cherryhill Circle – expressing concern that the senior tenants in many buildings will end up paying for things that are out of both their control and the control of their landlords, and that it is not a fair situation.
- B. Parker, representing Sifton Properties Limited – expressing opposition to the proposed by-law as property management is already one of the most regulated businesses in existence; noting that they are aware there are landlords that do neglect their properties, but that they are the minority and are not representative of the industry as a whole; further noting this approach is unrealistic and will require additional resources and revenues in the future.
- T. Whitehead, 690 Wonderland Road South – indicating that the notice he received from his landlord was very one-sided, and encouraging Planning Committee members to strike a balance with respect to this matter.
- R. Sexsmith, 120-1231 Sanford Street – expressing support for the proposed by-law as there is a constant inability for tenants to be protected; noting that there is room for some improvements to the by-law but that there has been good dialogue to date.
- L. Ornau, 1223 Richmond Street – expressing concern that landlords will find a way to pass this fee on to tenants, and that tenants will not know their rights; noting that the number of units being used as a threshold could be problematic, and providing a petition (on file the City Clerk's Office) that provides the names of approximately 96 residents in her building that share this concern.
- B. Zhang, 258 Brunswick Crescent – expressing opposition to the proposed by-law as it does not seem necessary; noting that he, as a landlord, has to bear legal expenses for problems caused by bad tenants, but that the tenant has access to free legal services.

- D. Nicolson, 29 Haliburton Crescent – indicating that he came to listen to information and has heard many mixed views, as well as intense lobbying; but noting that as a volunteer with an organization that assists street youth, it seems to be those most at a disadvantage that are living in unsafe housing as they may not complain about living conditions for fear they will be back out on the street, and if this by-law offers some protection for this group of tenants, it is a worthwhile by-law to pass;

it being noted the Planning Committee received and noted written communications with respect to this matter from the following:

- R. J. Stainthorpe, 275 Paardeberg Crescent
- R. Izawa, President, London Property Management Association
- D. Cornell, by email
- J. Timmermans, 287 Oak Avenue, Strathroy
- S. Trosow, Chair, London Housing Advisory Committee
- G. Thompson, President, Old East Village Community Association
- S. Turner, Chair, Urban League of London
- S. Trosow on behalf of M. Dale
(2009-P10-00)

Public
Participation
Meeting
Process

2. The Civic Administration **BE REQUESTED** to review the current practice with respect to the requirement for a speaker to publicly provide their name and address during an oral submission at public participation meetings; it being noted that many individuals have expressed a concern on different occasions that they are not comfortable providing this information in a public forum, and to provide a report back to a future meeting of the Planning Committee.

The meeting adjourned at 8:52 p.m.