

2
68

O. KATOLYK

TO:	CHAIR AND MEMBERS PLANNING COMMITTEE
FROM:	R. PANZER GENERAL MANAGER OF PLANNING AND DEVELOPMENT
SUBJECT:	RENTAL RESIDENTIAL LICENSING PROGRAM MEETING ON AUGUST 24, 2009

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development in response to previous public input regarding the proposed rental residential licensing program and subsequent comments and advice from Legal staff:

- (i) the following report outlining a rental residential licensing program focusing on rental structures containing four or less rental units on a City wide basis including a program of landlord self-certification to ensure compliance with municipal by-laws **BE RECEIVED** for information purposes;
- (ii) a public meeting of the Planning Committee be held to receive public comments.

PREVIOUS REPORTS

- Licensing of Residential Rental Units – Report to Board of Control – June 20, 2007
- Rental Residential Business Licensing Program - Report to Planning Committee – February 25, 2008
- Update - Rental Residential Business Licensing Program - Report to Planning Committee – May 26, 2008
- Enforcement Options to address Sub-standard Housing Conditions – Report to Planning Committee – December 8, 2008
- Rental Housing Conditions - Report to Planning Committee – February 9, 2009
- Hybrid Rental Residential Licensing / Targeted Area - Property Standards Enforcement Program - Public Meeting On March 24, 2009

INTRODUCTION

At its meeting of March 30, 2009, City Council adopted the following resolution:

That the following actions be taken with respect to a hybrid city-wide rental residential licensing/targeted area property standards enforcement program:

- (a) the attached revised by-law (Appendix "A") to provide for the licensing and regulation of residential rental units in the City of London for buildings containing less than 7 residential units **BE REFERRED** to the Civic Administration to:
 - (i) review and report back on the comments received at the Public Participation Meeting held on March 24, 2009 with respect to this matter;



O. KATOLYK

- (ii) report back with an implementation plan for the by-law;
- (b) the 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; and
- (c) the Civic Administration **BE REQUESTED** to provide a status report on the outcome of the targeted area property standards enforcement program noted in (b), above, to evaluate how effective this program is in addressing substandard housing conditions in areas of the City with a high propensity for deficient housing conditions;

The purpose of this report is to present an alternative model of rental residential licensing focusing on residential structures containing four or less units on a City wide basis. The model is based on landlord self-certification to ensure compliance with municipal by-laws. This model reduces staffing requirements from previous enforcement and licensing options presented.

BACKGROUND

What Provincial legislative changes initiated the discussion on rental licensing?

On January 1, 2007, the Municipal Statute Law Amendment Act, 2006 (Bill 130) amended the Municipal Act effectively replacing the part of the Act dealing with business licensing. One of the main changes to the Municipal Act was the elimination of the prohibition outlined in Ontario Regulation 243/02 which prevented a municipality from licensing, regulating or governing the rental of a residential unit. Municipalities in Ontario now have the option to license, regulate and govern residential rental accommodation in a similar manner to the licensing of other local businesses.

On June 25th, 2007 Municipal Council requested that Civic Administration report on options for the licensing of rental units including staff implications and options specific to the type, age and location of units.

How are rental housing conditions currently addressed in London?

Generally, housing condition complaints are initiated from three sources:

- Tenants
- Neighbours
- Referrals from partner enforcement agencies

When a complaint is received from a tenant (usually dealing with the condition of the rental unit), the complainant is requested to advise the landlord in writing of the deficiencies inside the rental unit and provide the landlord reasonable time to resolve the issues. Normally, reasonable time would be two to three weeks. If compliance is not achieved, the complainant is asked to forward a copy of the letter that was submitted to the landlord or agent to the City.

Where the complaint involves a safety issue, such as an electrical violation, structural deficiency, or lack of a vital service (heat) the requirement to have the tenant advise the landlord is not required. The property standards inspector takes prompt action to confirm an alleged unsafe situation.

Where the complaint is made by neighbours, the issue normally involves an exterior infraction such as the condition of the exterior of the building or other exterior property maintenance deficiencies. For these types of complaints, there is no requirement for the complainant to write the landlord/agent or owner of the subject property. The City responds to these complaints on a priority basis.

O. KATOLYK

Where a referral by a partner enforcement agency (ie. Police, Health Unit , Fire Prevention Office), the City also responds on a priority basis.

What occurs when a property standards complaint is made?

When a tenant initiates a complaint, the property standards inspector calls the property owner/agent to confirm the status of the problem and expected solution. If the owner/agent agrees to correct the problem, the complaint remains active for follow-up. If the work is completed, the property standards inspector confirms the status of the complaint with the tenant and, if the remedial work is completed, the file is closed.

If the owner/agent has not completed the remedial work as requested, the property standards inspector arranges a suitable time with the tenant for an inspection to confirm the interior unit deficiencies. After the inspector confirms the deficiencies, the inspector has options to call the landlord to advise of the deficiencies, send a property standards infraction notice listing the deficiencies to be repaired within a prescribed time (normally one – two weeks) or issue a Property Standards Order under the Building Code Act.

An inspection is made after the compliance date to confirm if the repairs have been done. If the issues have been resolved, the file is closed. In cases where the matter is not resolved after the second inspection, the City will bill the property owner for the inspection time and associated costs. Where the owner fails to resolve the deficiencies listed in the notice, the inspector has the discretion to provide an extension or to issue an Order which may be registered on the title of the property. The property owner has appeal rights to the Property Standards Committee (Committee of Adjustment) for any Order issued.

Once an Order is final and binding and there has been no attempt to correct the deficiencies, the City may undertake the work required to bring the property into compliance. Charges may also be laid under the Building Code Act.

What are the trends in property complaints?

As part of the background research, property standards complaints for residential properties received between 2002 and 2007 were reviewed. The following trends were identified.

Within this time period, the number of complaints has almost doubled from 445 to 866 per year. The increase in complaints can be attributed to increased media and public awareness of property standards issues and increased referrals from partner agencies (specifically the London Police COR Unit and Fire Prevention Office). All of these agencies have increased staff over the past few years and are working closely with City property standards staff to address quality of life issues in London neighborhoods.

Another trend identified is the increase in the number of complaints made by tenants for interior issues (within the rental unit) and unsafe conditions (balcony, guard rail issues, etc.). Over the five year period, the number of tenant complaints almost tripled from 225 complaints in 2002 to 617 complaints in 2007.

It was also noted that there was an increase in the number of complaints for property standards issues in single detached dwellings. The number of complaints more than doubled from 222 complaints in 2002 to 459 complaints in 2007. This can be attributed to the number of single detached dwellings which have been converted from owner occupancy to rental accommodations.

A further analysis of 2008 compliant records indicates that 75% of all property standards complaints related to buildings with 4 units or less.

What has been the public consultation to date on this issue?

Two public open houses (March 2008 and October 2008) and a public meeting of the Planning Committee (March 2009) have been held to present options of dealing with substandard rental housing conditions.



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The following is a summary of the comments received categorized as pros, cons and implementation issues :

Pros

- Tenants are intimidated to lodge complaints
- Will eliminate fear tactics of landlords
- Random spot checks be implemented
- Full support to address bad landlords and tenants
- There is a problem with absentee landlords
- Sliding scale licensing fee
- All rental units should be licensed
- All landlords should be licensed

Cons

- Fees should be charged for lodging by-law complaints
- Will decrease profit margins
- Will result in increase in rent for tenants
- City should enforce current by-laws proactively and increase fines
- Student behavior is the main reason for licensing
- Investors will not invest in rental housing in London
- Human Rights Commission will indicate that municipalities cannot target residential licensing programs (must be City wide)
- Purpose of licensing is for revenue generation
- Will create underground rental system
- Shouldn't penalize all landlords and tenants for problems caused by a few
- City should hire more enforcement officers for after hours enforcement issues
- It is very difficult to evict bad tenants
- Need a proactive tool that can be affordable
- No support for licensing if it is area specific (student areas)
- Property owners will not be able to afford property managers

Implementation issues

- Another level of administration to collect "new tax"
- Long implementation period to inspect units

A summary of the comments received at the public meeting of the Planning Committee is attached to this report.

Why license residential rental structures?

Currently, property standards complaints are made by tenants, neighbours or through referrals from other agencies. Quite often tenants are reluctant to make complaints about living conditions due to fears of retribution or eviction. Often tenants will just accept living conditions even though unsafe conditions exist that may threaten their safety. In some cases tenants may not be aware of local by-laws and the associated regulations designed to protect public safety and address community quality of life issues.

The main purpose of the rental residential licensing program is to:

- Take a proactive approach to address sub-standard housing conditions that are likely to adversely affect the residents of rental properties; and
- Protect the residential amenity, character and stability of residential areas.

The goal of the proposed residential rental licensing program is to identify and remedy unsafe and/or unhealthy building conditions in smaller scale rental residential properties. It is based on the premise that the offering of rental dwellings units is a business and classifying and regulating rental units as a rental residential business is necessary and desirable for the general welfare of residents in rental dwellings. When a rental building is improperly maintained it can

**O. KATOLYK**

negatively impact the health, safety and general welfare of tenants, as well adversely affect the economic values of neighbouring structures and the residential amenity of the community at large.

Licensing a class of rental structures will allow for an improved database of information (such as landlord / agent information) which can be used in occasions where after hours contact needs to be made to correct an emergency property related issue. A registry of licensed rental properties will assist the public in making accommodation decisions based on the requirements of attaining and maintaining a business license.

Currently, property standards officers can inspect the exterior of buildings to determine compliance with the Property Standards By-law. Property standards officers cannot inspect the interior of dwelling units unless they are responding to a complaint and have the permission of the occupant to enter the dwelling unit. They cannot undertake proactive property standards inspections of the interior of dwelling units. The City's Inspection By-law applies to by-laws passed under the Municipal Act and would include a licensing by-law such as the proposed by-law for rental residential units.

There may be situations where a property owner or tenant refuses entry for the purposes of an inspection by the City to determine whether or not the rental unit is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards. Consideration would need to be made if an application for an inspection order is warranted in these situations.

Who benefits from a rental residential business licensing program?**Landlords benefit :**

- A level playing field is created amongst all landlords; those landlords who are providing safe and suitable housing are not competing with landlords who are benefiting financially by not complying with various local by-laws ;
- Receive guidance from building inspection staff on remedies to resolve property standards issues.

Tenants benefit:

- Provided with healthy and safe housing;
- Substandard rental properties and poor landlords proactively identified.

Neighbourhood benefits:

- proper care and maintenance of residential rental properties;
- protection of residential amenities and neighbourhood stability.

What is the revised licensing option?

As a result of the comments received both from the public, the London Property Managers Association, various community associations and the Housing Advisory Committee as well as comments and advice from Legal staff, a revised scaled down licensing program has been prepared. The revised model of residential licensing focuses on residential structures containing four or less units on a City wide basis and introduces a landlord self-certification implementation model.

- **Types of structures**

As noted above, given that the large majority of by-law complaints relate to residential structure types containing four units or less, there would appear to be marginal value added by licensing high rise residential and townhouse residential structure types that would not warrant the significant administrative workload and costs that would result. Relative to all complaints received, there are very few property standards issues in townhouse units or high rise apartment units. These units are constructed as purposed designed buildings and there is very little opportunity to create additional living space through internal/external building conversions.

O. KATOLYK

These structure types have local property maintenance staff available should building issues arise. There are few, if any concerns in contacting property owners or local agents.

There would also appear to be less gained by undertaking proactive property standards inspections in townhouse units or high rise apartment units than by inspections of structure types containing four units or less and converted dwellings. For this reason it is proposed that the focus of the rental residential licensing program be focused on buildings containing four or less rental units (including single detached dwellings, semi detached dwellings, duplexes, triplexes, fourplexes and converted dwellings) on a City wide basis. Many of these structure types are owned by absentee landlords with no local property maintenance firms on contract to deal with building maintenance issues. It is often difficult to contact property owners should serious building issues arise.

There are a total 12,500 rental units within the single, semi, duplex, triplex and fourplex structure types (Single – 4,500; Semi – 1,700; Duplex – 4,500; Triplex – 400; Fourplex 1,400). These units are located within approximately 8,000 rental structures.

- **Self Certification**

As noted in previous staff reports, based on the number of rental units within buildings containing four or less units, it would take five years for two property standards officers to undertake initial inspections of all properties. A self certification option will allow landlords to self certify that their rental building complies with local by-laws and provincial statutes. Check lists will be provided to landlords to advise them of the types of issues property standards inspectors would be checking if they were undertaking a property standards inspection.

An example of a check list used in Berkeley, California is attached. A check list for London would be similar and would contain standards aligned with the Property standards by-law and Provincial statutes (Building Code, Fire Code) to address:

- Exterior property areas
- Accessory buildings
- Foundations, walls
- Doors, windows
- Floors, stairs, porches
- Human habitation and interior occupancy standards

This option relies on the landlord to self certify the property by completing an initial inspection of their property using a checklist provided by the City. Tenants will be provided a copy of the self certification property / building conditions checklist. Once the self certification and rental registration application is complete, a license will be issued for the rental building. Rental properties will be subject to periodic random inspections conducted by the City to verify compliance. Approximately one month prior to the scheduled inspection date, the property owner and tenant will receive a notice listing the date and time of the inspection. Tenants will have an opportunity prior to the scheduled inspection to advise their landlord of any deficiencies they require to be addressed prior to the scheduled inspections. Tenants will have an opportunity to discuss any property related matters with the City inspector during the time of the inspection.

If violations are found during these inspections, the property owner will be given a specified time period to remedy the violations. If violations are not corrected before the compliance date, a re-inspection fee of \$95 will be issued. Where violations are found which are commonly dealt with by partner enforcement agencies such as mould (Health Unit) or smoke alarms (Fire Prevention), the partner agencies will be contacted .

This type of model will reduce the staffing costs and, as a result, the costs of a rental license. Property standards staff will continue to respond to property standards complaints from tenants and neighbouring properties and will continue to undertake property standards blitzes in identified neighbourhoods.

O. KATOLYK

What will be the cost of a rental residential license ?

The license fee proposed is \$25 per year per rental structure containing four units or less. This fee will cover the costs of an additional customer service representative and a property standards officer position. The fee will also cover costs of educational materials, forms and licensees. The customer service representative will be responsible for application review and license issuance. The property standards officer will be responsible for responding to complaints and undertaking random inspections of rental properties. The proposed staffing complement has been reduced from the approved 2009 budget (two property standards officers and one customer service representative) largely due to the self certification model proposed.

How has the targeted enforcement program been implemented?

In March 2009, Council requested an update on the targeted area enforcement program designed to address sub standard rental housing in areas of the City with a high propensity for deficient housing conditions. In June 2009, a blitz was undertaken in response to numerous citizen complaints about conditions of rental properties in the area bounded by Adelaide Street to the east, Grey Street to the south, Maitland Street to the west and Bathurst Street to the north. Property Standards Officers conducted visual inspections of the exterior of rental properties and attended the interior of rental units when invited by tenants. London Fire Prevention Officers attended several properties to address Fire Code violations. Within this area, there are approximately 90 rental properties consisting mainly of single detached dwellings and multiple unit occupancies in converted single detached dwellings. By mid July, 52 rental properties were inspected and 33 Property Standards Orders were issued. Additional areas in the City will be identified for targeted area enforcement.

What is the implementation plan?

The attached draft by-law is proposed to be in force and effect on May 3, 2010. This will allow staff to create a link to the City's web site which will provide application forms and inspection check lists for landlords. This time period will also allow for an education and public awareness program to be initiated to provide background on the requirements of the rental licensing program. This time period will also allow for staff hiring and training prior to the implementation of the program. Given that there are approximately 8,000 rental structures proposed to be licensed, a phased implementation program is recommended. Notification and information packages will be sent out to potential licensing applicants on a quarterly basis for the initial year of the program. This will split the application due dates over a period of one year resulting in 2,000 applications per 3 month period. This schedule will apply to renewals after the initial implementation year.

Enforcement staff will be working closely with Fire Prevention staff to address issues based on legislative authority. In reports presented to the Board of Control (October 2004, March 2007), the Fire Chief mentioned the partnership between these enforcement agencies to address issues related to the report of the Office of the Fire Marshall addressing London's Fire Services and Fire Prevention.

What is the next step?

Given that there has been substantial public interest on this issue and based on the attendance at the previous work shops and public meeting, a further public meeting of the Planning Committee will be held to receive comments on the revised proposed licensing model. An attached proposed by-law is attached for public consultation purposes.

CONCLUSION

This report presents an alternative model of residential licensing focusing on residential structures containing four or less units on a City wide basis. The model is based on landlord self-certification to ensure compliance with municipal by-laws and Provincial statutes. This model reduces staffing requirements from previous enforcement and licensing options


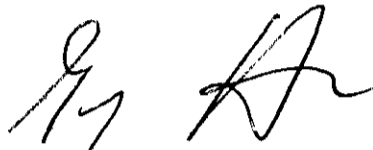
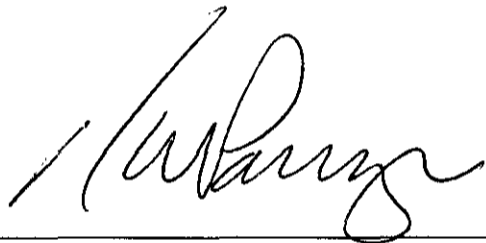
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75

O. KATOLYK

presented. A public meeting of the Planning Committee will be held (date and location to be announced) to receive public input on the proposed licensing model.

Accompanying reports on legal and planning policy issues will also be on the agenda of the August 24, 2009 Planning Committee agenda.

PREPARED BY:	SUBMITTED BY:
	
O. KATOLYK MANAGER OF BY-LAW ENFORCEMENT	G. KOTSIFAS, P.ENG. DIRECTOR OF BUILDING CONTROLS
RECOMMENDED BY:	
	
R. W. PANZER GENERAL MANAGER OF PLANNING AND DEVELOPMENT	

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76



Rental Housing Safety Program Certification Checklist Schedule A

PART A: Unit Identification

ADDRESS OF UNIT: _____ Unit Number _____

Name of Owner: _____ Address: _____

Do not check this box unless you are a licensed professional.

Note: Water heaters installed after 1988 require a mechanical permit and seismic straps. For water heaters installed prior to 1988, the City of Berkeley recommends strapping water heaters as one of the most important earthquake safety precautions. BMC 19.36

- Compliance Verified NA
- Do common entry doors have *working* deadbolt locks?
 - Do passage door locks have deadlocking latches?
 - Do individual apartment entry doors have *working* deadbolt locks and passage door locks with deadlocking latches?
 - Do exterior doors open and close properly, and do they lock and unlock easily?

- Compliance Verified NA
- Are water heaters installed in non-habitable rooms per BMC 19.36 Section 5090 (Prohibited locations)?

PART B: Electrical Wiring

- Compliance Verified NA
- Are all electrical sockets installed completely behind coverplates?
 - Do all light switches function and have coverplates?
 - Is the unit free from exposed or bare live wires?

PART C: Gas Heating Systems

- If the building was constructed in 1960 or earlier:*
- Are the fuses in the panel box that serve each unit rated at 15 amps or less?
 - If the fuses are rated larger than 15 amps, has there been an electrical upgrade so that the size of each wire is greater than #14?

- BMC 19.40.040 requires that owners submit a certification every five (5) years by an approved utility company or a licensed mechanical contractor that gas heaters are in proper working order.
- Not applicable, the unit does not have gas heaters.
 - Not applicable, documentation was provided in the year _____.
 - Documentation is provided in Schedule B attached.
 - Confirm that the unit complies with the BMC 19.32, Chapter 7, Section 701.1 for fuel burning equipment in closets, bathrooms, rooms readily usable as a bedroom, or any room, compartment or alcove opening directly into any of these.
 - If there is a high-pressure gas boiler system (not the hot water heater), is it in working order?

Note: If the fuses are greater than 15 amps and the unit was built in 1960 or before, an electrical danger is present unless the wiring has been updated. The City strongly recommends that you contact an electrician if you are not sure about the proper fuses for the building or units.

Note: This system provides steam at pressures exceeding 15PSI or hot water temperature exceeding 240°F; the Berkeley Housing Code Enforcement Unit recommends having this boiler system inspected and approved for operation annually by a state licensed mechanical contractor.

PART D: Appliances

- Compliance Verified NA
- Do stove burners and oven/s work safely with functioning door/s and knobs that turn completely off and on?
 - If there is a gas stove, is it free of gaseous odors indicating a gas leak?

PART E: Drain/Water/Vent, Plumbing and Gas Lines

- Note:** Immediately report gas leaks or gaseous odors to PG&E.
- For stoves that are not self-vented, is there a working stove vent?
 - Is the water heater in working order, and does it provide water at a minimum 110°F?
 - Is the water heater provided with a working temperature and pressure relief valve?
 - If there is a gas water heater, is it vented?

- Compliance Verified NA
- Do all gas lines have shut off valves at the appliance connection?
 - Are all service gas lines free of leaks indicated by gaseous odors?

- Note:** Immediately report gas leaks or gaseous odors to PG&E.
- Do all drains and the house sewer drain properly?
 - Do house drain vents terminate above the roofline, and not in the walls or attic space?

2

77

Compliance Verified

NA

- Are the vent pipes that serve gas heating appliances terminated above the roofline with vent caps?

Note: Direct vent heaters exempt.

- Are sinks, bathtubs, showers and toilets free from water leakage?

Note: Stains on walls, ceilings, and floors are often indicators of water damage caused by an ongoing leak(s) that needs to be repaired.

PART B: Handrail & Guardrail Condition

Compliance Verified

NA

- Are handrails and guardrails tightly fastened, sound, without movement and in good condition?

PART C: Staircase & Stairway Condition

Compliance Verified

NA

- Are the stair treads sound, in good condition and without movement and have no missing, broken or loose parts?

PART D: Mechanical Ventilation

Compliance Verified

NA

- If bathrooms have no windows or fixed windows is the required mechanical ventilation system in working order?
- If the kitchen has no windows or fixed windows is the required mechanical ventilation system in working order?

PART E: Roof Conditions

Compliance Verified

NA

- Are ceilings and walls free from roof leaks?

Note: Stains on walls and ceilings, are often indicators of water intrusion caused by a faulty roof which needs to be repaired.

PART F: Smoke Detectors/Hallways and Bedrooms

Compliance Verified

NA

- Are smoke detectors installed in hallways and sleeping rooms?
Are all smoke detectors in working order?

Note: The Berkeley Housing Code Enforcement Unit recommends replacing batteries annually.

PART G: Window Bars

Compliance Verified

NA

- If window bars are installed in sleeping rooms, do they have quick release mechanism as approved by the Berkeley Fire Department?

PART H: Window Operation and Repair

Compliance Verified

NA

- Are the windows required for egress in sleeping rooms able to open completely and fully operable?
- Are windowpanes intact, unbroken and not cracked?

PART I: Exits

Compliance Verified

NA

- Are the exits kept clear and unobstructed all the way to the public right of way?
- Are all "EXIT" signs and exit lighting in working order?
- Is the area on and beneath exit stairs clear of combustible material?

Note: For storage exceptions, please contact Housing Code Enforcement at 510-981-5444.

PART J: Floors & Trip Hazards

Compliance Verified

NA

- Are all floors free of structural trip hazards?

Buildings with 3 or more units only: Complete PART Q

PART Q: Fire Extinguishers

Compliance Verified

- Are fire extinguishers provided within a maximum travel distance of 75 feet from unit's entry door?
- Has each extinguisher been tagged and serviced by a state licensed contractor within the last year and after each use?

- I certify that I have inspected the aforementioned unit and that the information above is true and correct to the best of my knowledge. **If you have checked this box, provide a copy of this form for your tenant and keep a copy for your files.**

- I certify that I was unable to inspect that aforementioned unit because the tenant refused to allow me entry. **If you have checked this box, mail the Certification to:**

Housing Department/RHSP,
2180 Milvia Street (second floor),
Berkeley, CA 94704

Name of Owner or Owner's Agent: (please PRINT)

Date: _____ Phone: _____

Signature: _____

Owner/ Agent Address: _____

**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

PC - 2

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.

PC - 3

- 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
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PC - 4

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. DiTollo, 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. Samial, 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. Kington, 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.

2

82

PC - 5

- 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. Ormau, 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.

2

83

PC - 6

- 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.