

**Vision:** *The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.*

**Vision:** *La Ville du Grand Sudbury est une communauté croissante de calibre international qui rassemble les talents, les technologies et le style de vie exceptionnel du Nord.*



## Agenda

### Policy Committee

meeting to be held

Wednesday, March 24<sup>th</sup>, 2010

**at 5:00 pm**

Council Chamber, Tom Davies Square

## Ordre du jour

réunion du

### Comité des politiques

qui aura lieu

mercredi 24<sup>e</sup> mars 2010

**à 17h 00**

dans la Salle du Conseil, Place Tom Davies

## **POLICY COMMITTEE AGENDA**

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For the 54<sup>th</sup> Policy Committee Meeting  
to be held on **Wednesday, March 24, 2010**  
**Council Chamber, Tom Davies Square at 5:00 pm**

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**COUNCILLOR DOUG CRAIG, CHAIR**

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**Jacques Barbeau, Vice-Chair**

**(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)**

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### **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

## **COMMUNITY DELEGATIONS**

### **PRESENTATIONS**

1. Report dated March 11, 2010 from the General Manager of Growth & Development regarding EarthCare Sudbury Action Plan 2010. **8 - 9**  
**(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)**
  - Stephen Monet, Manager of Environmental Planning Initiatives

(Since 2000 EarthCare Sudbury has been forging a course for local environmental action on behalf of the Greater Sudbury community. With the release of the EarthCare Sudbury Local Action Plan in 2003, Greater Sudbury became one of only a few Canadian communities that had formally committed to becoming more sustainable. The EarthCare Sudbury Action Plan 2010, developed in consultation with the EarthCare Sudbury Partners, represents a renewal of that commitment.)
2. Report dated March 10, 2010 from the General Manager of Growth & Development regarding Rooming House Licensing By-law. **10 - 54**  
**(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)**
  - Bryan Gutjahr, Manager of Compliance and Enforcement

(This report speaks to how Rooming Houses are addressed in the new draft Zoning By-law and how the City may wish to license Rooming Houses. The report also shows how other Ontario municipalities are dealing with Rooming/Lodging Houses in their areas.)

## **CORRESPONDENCE FOR INFORMATION**

### **REFERRED & DEFERRED MATTERS**

### **MANAGERS' REPORTS**

### **MOTIONS**

**ADDENDUM**

**CITIZEN PETITIONS**

**ANNOUNCEMENTS**

**NOTICES OF MOTION**

**9:00 P.M. ADJOURNMENT (RECOMMENDATION PREPARED)**

(Two-thirds majority required to proceed past 9:00 pm)

Councillor Doug Craig  
Chair

Franca Bortolussi  
Council Secretary

## COMITÉ DES POLITIQUES ORDRE DU JOUR

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Pour la 54<sup>e</sup> réunion du Comité des politiques  
qui aura lieu le **24 mars 2010**  
dans la **Salle du Conseil, Place Tom Davies, à 17h 00**

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**CONSEILLER DOUG CRAIG, PRÉSIDENT(E)**

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**Jacques Barbeau, Vice-président(e)**

**VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS)**

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**DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES**

## **DÉLÉGATIONS DE LA COMMUNAUTÉ**

### **PRÉSENTATIONS ET EXPOSÉS**

1. Rapport du directeur général de la croissance et du développement, daté du 11 mars 2010 portant sur Plan d'action de Terre à cœur Sudbury 2010. **8 - 9**

**(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)**

- Stephen Monet, gestionnaire des Initiatives de planification environnementale

(Depuis l'an 2000, Terre à cœur Sudbury prépare la voie à l'action en faveur de l'environnement local au nom de la Ville du Grand Sudbury. Avec la publication du Plan d'action local de Terre à cœur Sudbury en 2003, le Grand Sudbury s'est rangé parmi les quelques communautés canadiennes qui se sont formellement engagées à devenir une communauté plus viable. Le Plan d'action d'action de Terre à cœur Sudbury 2010, que nous avons élaborée en consultation avec les partenaires de Terre à cœur Sudbury, se veut un renouvellement de cet engagement.)

2. Rapport du directeur général de la croissance et du développement, daté du 10 mars 2010 portant sur Règlement sur l'attribution de permis aux maisons de chambres . **10 - 54**

**(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)**

- Bryan Gutjahr, gestionnaire de conformité et exécution

(Ce rapport porte sur la façon d'aborder les maisons de chambre dans le nouveau projet de règlement de zonage et sur la façon dont la Ville peut désirer attribuer les permis des maisons de chambres. Le rapport montre aussi la façon dont d'autres municipalités de l'Ontario font face aux maisons de chambres dans leur région.)

## **CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT**

### **QUESTION RENVOYÉES ET REPORTÉES**

### **RAPPORTS DES GESTIONNAIRES**

## **MOTIONS**

## **ADDENDA**

## **PÉTITIONS DE CITOYENS**

## **ANNONCES**

## **AVIS DE MOTION**

## **LEVÉE DE LA SÉANCE À 21 H (RECOMMANDATION PRÉPARÉE)**

(Une majorité des deux tiers est requise pour poursuivre la réunion après 21h 00.)

Le Conseiller Doug Craig,  
Présidente

Franca Bortolussi,  
Secrétaire du conseil

## Request for Decision

### EarthCare Sudbury Action Plan 2010

Presented To:	Policy Committee
Presented:	Wednesday, Mar 24, 2010
Report Date	Thursday, Mar 11, 2010
Type:	Presentations

### Recommendation

WHEREAS EarthCare Sudbury has been forging a course for local environmental action on behalf of the Greater Sudbury community since 2000;

WHEREAS with the release of the EarthCare Sudbury Local Action Plan in 2003, Greater Sudbury became one of only a few Canadian communities that had formally committed to becoming more sustainable;

WHEREAS the 2010 EarthCare Sudbury Action Plan, which was developed in consultation with the over 110 EarthCare Sudbury Partners, represents a renewal of our community's commitment to sustainability;

THEREFORE be it resolved that Council accepts the 2010 EarthCare Sudbury Action Plan.

#### Signed By

##### **Report Prepared By**

Stephen Monet  
Manager of Environmental Planning  
Initiatives  
*Digitally Signed Mar 11, 10*

##### **Recommended by the Department**

Bill Lautenbach  
General Manager of Growth and  
Development  
*Digitally Signed Mar 11, 10*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Mar 11, 10*

### Finance Implications

The City of Greater Sudbury will be funding of its EarthCare Sudbury Program within its existing operating budget.

## Background

Over 110 EarthCare Sudbury Community Partners have now signed a Declaration to implement the EarthCare Sudbury Action Plan, which has three commitments:

- Join together to form the EarthCare Sudbury Community Partnership to initiate and sustain implementation of the EarthCare Sudbury Action Plan, Greater Sudbury's community plan for a cleaner, greener, healthier, more climate-friendly and sustainable community.
- Work with other EarthCare Sudbury Partners, community organizations and individual Sudburians to take local responsibility for actions that contribute to community sustainability and the reduction of greenhouse gases through sustained implementation of the plan over the long-term; and,
- Share knowledge and progress on our plan's implementation with the citizens of Greater Sudbury and communities throughout Canada and beyond.

The highlights of the 2010 EarthCare Sudbury Action Plan will be presented at the March 24<sup>th</sup>, 2010, Policy Committee meeting. A summary of the Action Plan was distributed to Mayor, Councillors and the Senior Management Team under separate cover prior to the Policy Committee meeting. The Action Plan is accessible from [www.greatersudbury.ca/earthcare](http://www.greatersudbury.ca/earthcare).

## Request for Decision

### Rooming House Licensing By-law

Presented To:	Policy Committee
Presented:	Wednesday, Mar 24, 2010
Report Date	Wednesday, Mar 10, 2010
Type:	Presentations

### Recommendation

It is recommended that Council provide direction to staff with respect to the issue of licensing rooming houses by selecting one of the following options:

- Option 1 – Maintain the Status Quo;
- Option 2 – Approve the creation of a Rooming House and Boarding House Licensing By-law;
- Option 3 – Approve the creation of a City Wide Rental House Licensing By-law; or
- Option 3(a) – Approve the creation of a scoped Rental House Licensing By-law.

Furthermore, should Council approve options 2, 3 or 3(a), it is recommended that a licensing by-law subcommittee be established, with appropriate membership, to develop a licensing by-law, licensing requirements, fees, an enforcement policy and any other requirements.

### Finance Implications

The financial impact will be provided once Council's direction is provided and the formal process is developed.

#### Signed By

##### **Report Prepared By**

Bryan Gutjahr  
Manager of Compliance and  
Enforcement  
*Digitally Signed Mar 10, 10*

##### **Division Review**

Bryan Gutjahr  
Manager of Compliance and  
Enforcement  
*Digitally Signed Mar 10, 10*

##### **Recommended by the Department**

Bill Lautenbach  
General Manager of Growth and  
Development  
*Digitally Signed Mar 10, 10*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Mar 11, 10*

## **1.0 Background & Purpose**

Recently concerns have been raised by the public regarding the apparent proliferation of rooming houses in low density residential neighborhoods, where such uses are not permitted by existing zoning by-laws. Complainants have indicated that single detached homes are being converted to rooming houses, in which tenants rent a bedroom, or other converted space, and share the dining and bathroom facilities with other tenants. In many cases, the landlord may not live on the premises or in the municipality. Having multiple unrelated, individual tenants living in a single detached home has raised compatibility issues in low density residential neighbourhoods, especially if there are a number of rooming houses concentrated in a particular area. The concerns expressed by the property owners in the neighborhood of illegally converted rooming houses include:

- Safety concerns if residential rental units are not maintained and/or do not meet minimum statutory requirements for Building Code, Fire Code and Electrical Codes. This concern arises especially in instances where homes are modified to provide additional rooms to rent without taking out the required permits. If the property is not properly zoned, no permit would be issued by the City;
- Behavioral and nuisance concerns such as noise;
- Parking concerns particularly with vehicles parked on the front yard area and on roads. In rooming house situations it is not unusual for each tenant to have their own vehicle. This becomes an issue as most single detached properties were designed to accommodate one or two vehicles; and
- Poor upkeep of the residential properties relative to the City's Property Standards By-law.

While rooming houses are typically found in close proximity to post secondary institutions, it would be inaccurate to describe the rooming house issue as solely a student housing problem.

During the recent economic boom in Greater Sudbury, the vacancy rate in the City fell to levels approaching 0.6%. In that type of rental environment, a rooming house fills a need for temporary accommodation for students, transient workers and other people in need of low cost accommodation. However, rooming or boarding houses also play a role in the housing market by providing an affordable type of housing for a segment of the population. In other words, rooming houses are no longer for temporary accommodation only; they are becoming a permanent way of life for many people.

The existing tools for dealing with problem rooming and boarding houses include enforcement of municipal by-laws such as the Zoning By-law, where the rooming house is situated in an area which is not appropriately zoned; the Noise By-law, where applicable, and reliance on provincial legislation such as the Building Code Act, the Fire Prevention and Protection Act, 1997.

In response to the petitions being file by residents of certain neighbourhoods in New Sudbury, the City of Greater Sudbury Council passed the following resolution 2009-462 on October 28, 2009:

*“Whereas the City of Greater Sudbury does not currently have a by-law dealing with the licencing of rooming, boarding or lodging houses;*

*AND WHEREAS there are health and safety concerns arising from this type of accommodation;*

*THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury staff be directed to prepare a policy with respect to the licencing of rooming, boarding and lodging houses across the City of Greater Sudbury and that such draft policy be presented in March 2010.”*

The purpose of this report is to outline the issues related to rooming and lodging houses in the City, review the current and draft zoning by-law framework with respect to rooming and lodging houses, review how other municipalities address the issue, list issues involved with implementing rooming and lodging house licensing by-law and finally provide options for Council in terms of licensing rooming and lodging houses.

## **2.0 The Zoning By-law(s) & Rooming and Boarding Houses**

Quite apart from licensing considerations, the zoning by-laws define what constitutes a rooming and boarding house, and establish where these uses can be located with in the City.

The former City of Sudbury Zoning By-law (95-500Z) along with those of the former Towns of Capreol, Rayside-Balfour, Walden and Nickel Centre (83-301, 83-302, 83-303 and 83-304) all contain the same definitions for boarding house dwellings and rooming houses:

Boarding House Dwelling,” means a single detached dwelling containing three or more accessory guest rooms.”

Rooming House, “means a building or part thereof which contains one or more guest rooms as the main use thereof and where accommodation, with or without meals, is provided for gain or profit, but does not include a hotel or any dwelling or institutional use.”

### Accessory Guest Room Accommodation

As part of the General Provisions in By-law 95-500Z and in the 83 series By-laws, accessory guest room accommodation for not more than 2 persons shall be permitted in any dwelling unit.

### 2.1 Permitted Zones

In the former City of Sudbury Zoning By-law 95-500Z, boarding house dwellings and rooming houses are only permitted in the C8 Metro Centre Zone (downtown). In the former Township 83 series By-laws, boarding house dwellings and rooming houses are not included as permitted

uses in any zone. Both by-laws do contain site specific zonings that do allow for rooming houses on specific properties, as a result of individual re-zoning applications.

It is important to consider that since the rooming houses and boarding houses are currently only permitted in the Downtown core of Greater Sudbury, it may have resulted in the unwanted proliferation of these types of uses in other parts of the City.

### **3.0 The Draft Comprehensive Zoning By-law & Rooming & Boarding houses**

The City is currently in the process of preparing a Comprehensive Zoning By-law which will replace the eight existing Zoning By-laws from the former Municipalities and amalgamated Townships. The draft Zoning By-law includes definitions for boarding house dwellings and rooming houses as follows:

Boarding House Dwelling “A single detached dwelling in which the owner or his agent resides and in which lodging for more than two persons other than members of the owner’s or agent’s family, in return for remuneration or for the provision of services or both and in which the guest rooms do not have bathrooms and kitchen facilities for the exclusive use of the individual occupants but shall not include a motel, hotel, hostel, hospital, children’s home, long term care facility, retirement home or other similar establishment.”

Rooming House “A building or part thereof which contains one or more guest rooms as the main use thereof which may include a shared kitchen and where accommodation, with or without meals, is provided for gain or profit, but does not include a hotel, motel, hostel, group home type 1, group home type 2, retirement home or any dwelling or institutional use.”

#### Accessory Guest Room Accommodation

The General Provisions in the Draft Zoning By-law (Section 4.11) permit accessory guest room accommodation for not more than two persons in any dwelling unit. This is unchanged from the existing By-laws (95-500Z and 83 series), which currently permit accessory guest accommodation for 2 persons.

#### 3.1 Where are Boarding House Dwellings and Rooming Houses Permitted in the Draft Comprehensive Zoning By-law?

The Draft Zoning By-law would permit boarding house dwellings and rooming houses in the new C6 Downtown Commercial Zone, which replaces the C8 Metro Centre zone in By-law 95-500Z. Portions of downtown Capreol, Chelmsford and Lively are proposed to be zoned C6(1) and would also permit boarding house dwellings and rooming houses. In addition, boarding house dwellings are proposed to be permitted in the new Medium Density Residential, R3 and R3-1 Zones, with rooming houses to be permitted in the new R3, R3-1 and R4 zones. Based on staff’s review of other municipalities’ zoning by-laws, this approach appears to be consistent with how most municipalities approach the permission of these uses.

The areas zoned R3, R3-1 and R4 will augment the existing C8 Metro Centre Zoned lands as potential locations for this type of housing within the City. The addition of these zones as a potential location of boarding house dwellings and rooming houses also provides an alternative

to such uses being illegally established in R1 and R2 Low Density Residential zoned areas of the City. Planning staff are of the opinion that these medium and high density zones are appropriate for these types of uses.

Comments on the draft January 2010 Zoning By-law have been requested by March 19, 2010, following which, staff intend to report back to Planning Committee on the comments received along with potential changes to the draft by-law. As part of the review of the draft Zoning By-law, Planning staff will be giving further consideration to issues such as parking standards for rooming houses in particular whether there should be a higher standard on lots located outside of the Downtown Zone.

The Draft Comprehensive Zoning By-law would allow rooming houses and boarding houses in a greater number of medium density residential areas than the current Zoning By-laws. This may reduce the pressure on low density residential areas where rooming houses are being established because they are currently not permitted anywhere in the City other than downtown.

## **4.0 How Rooming Houses and Boarding Houses are addressed in other Municipalities**

### **4.1 Zoning Regulations**

A review of other municipalities has revealed that most permit boarding, rooming or lodging houses in medium and higher density residential zones as well as in some commercial zones (ie. Downtown or mixed commercial zones). They also permit small numbers of lodgers (varying from two to six lodgers) in low density residential zones similar to the two accessory guest accommodation permitted in the 95-500Z and 83 series By-laws currently in effect in the City of Greater Sudbury.

City staff have reviewed approaches from eight municipalities in Ontario where boarding/rooming and lodging houses have been an issue due to the presence of university or college campuses. The zoning and licensing by-laws in the Cities of Barrie, Kingston, Kitchener, London, Oshawa, Ottawa, Thunder Bay and Waterloo were reviewed. A summary of how boarding, rooming and lodging houses are addressed in the zoning by-laws of the various municipalities is outlined in (Appendix A) of this report.

### **4.2 Licensing By-laws**

With respect to whether or not the City has the authority to license rooming and lodging houses, recent changes to the Ontario Municipal Act allow Municipalities to regulate and license residential rental units similar to licensing other types of businesses. The Act also permits a municipality to charge a fee to issue a license, which may be based on the costs to the Municipality to administer and enforce the licensing program.

A review of by-laws of other municipalities indicated that many municipalities have chosen to pass by-laws to license rooming, boarding or lodging houses (Appendices B-1, B-2, B-3 and B-4).

## **5.0 Licensing By-law Mechanics**

While licensing by-laws differ in terms of scope, requirements and areas of applicability, there are common topics which are typically addressed. Some of those topics are raised below to indicate issues which Council would want to consider if it were to move ahead with a licensing by-law.

### ***Application***

Licensing by-laws need to work hand in hand with Zoning By-laws. The Zoning By-law dictates where rooming or boarding houses can be located. The licensing by-law then regulates various aspects of the operation of the rooming or boarding house, including location. Municipalities have tailored their licensing by-laws to address issues or concerns unique to their community. Variation can be found in the definitions used to identify the type of living accommodation which will be subject to licensing. For instance, the City of Oshawa licenses “Lodging Houses”, which are buildings where there are three or more sleeping areas, but tenants share washroom and/or kitchen facilities. This definition includes “boarding” and “rooming” houses. The City of London licenses “Rental Units” which includes any type of rental unit short of an apartment building or a townhouse. The implication being that there is room to identify exactly which type and size of dwelling unit the municipality wishes to license so as to focus on specific problem areas and not target dwelling types that are not posing problems.

To avoid too broad or inappropriate application, the reviewed municipal by-laws identify the kinds of accommodation to which the by-law is not intended to apply. Some of these exemptions may be statutory, but others reflect the needs of the community. Some examples of typical exemptions from rental licensing by-laws include hotels, group homes, retirement homes and apartment buildings.

It may be possible to have the by-law apply only to certain geographic areas of a municipality to target problem areas. This could work hand in hand with zoning certain geographic areas to permit rooming or lodging houses where perhaps they might not otherwise be permitted. The licensing process could then be relied on to control the operation of those rooming or lodging houses.

Determining the situations to which the licensing by-law is to apply is a key element of developing a licensing by-law.

### ***License Applications***

Licensing by-laws set out the information to be provided in order to assess an application, the conditions to be met before a license can be issued, and conditions on which a license can be revoked. Applicants for a license might, for instance, be required to provide as part of the license application:

- floor plans of the building;

- information as to the proposed number of tenants;
- current inspection reports to show compliance with – building code / fire code / esa;
- evidence the property is appropriately zoned for the intended use;
- particulars of the owner, a local agent;
- proof of appropriate insurance coverages;
- application fees to reduce the costs incurred by the municipality.

It is also possible to provide that an inspection of the premises is required for a licence to issue.

### ***Appeal Process***

As with other licensing by-laws, appeal provisions can be included to provide applicants an opportunity to be heard by elected officials if a license application is refused or a license revoked. The City has a Hearing Committee established which could take on this role.

### ***Fines***

Licensing by-laws can be enforced under the Provincial Offences Act. Non-compliance with a by-law provision can result in a fine being levied by the Court in accordance with this legislation.

## **6.0 Is a Rental Licensing By-law the way to go in Greater Sudbury?**

When evaluating the possibility of whether or not to pursue some form of rental licensing by-law in Greater Sudbury, there are a number of issues to consider.

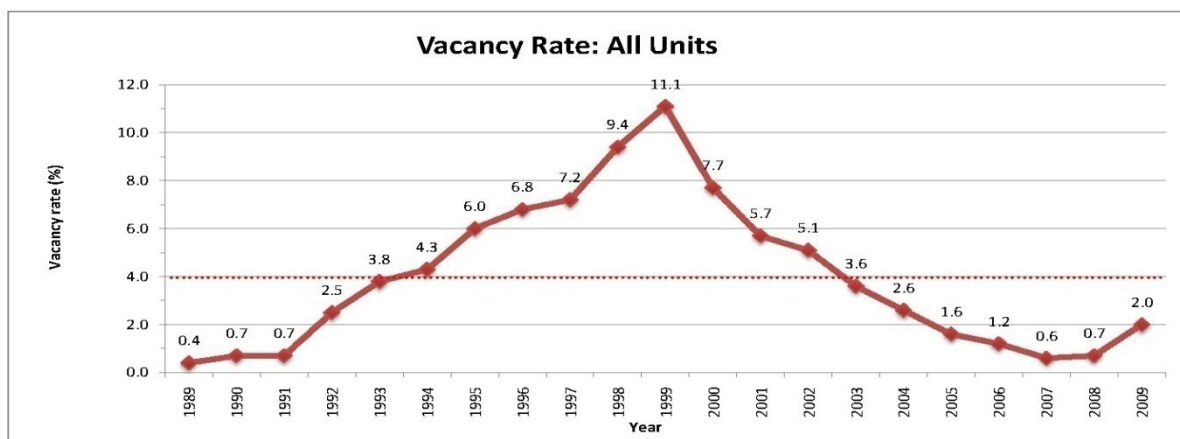
### **6.1 Vacancy Rate**

One possible factor affecting the recent issues with rooming houses could be that the vacancy rate in Greater Sudbury was trending towards 0.6% as recently as 2008. The lack of available rental housing in the City may have given rise to an increased number of rooming houses being illegally created as there was high demand, making the establishment of rooming houses a very lucrative venture for some property owners. Recent vacancy rate data has shown that the pressure has eased somewhat in the last year and the vacancy rate has begun to trend upwards again, with the most recent information indicating that it now stands at 2.9%.

It bears consideration that some of the recent problems regarding rooming houses may subside with the increased availability of rental housing in the City and that the licensing of these establishments may not be necessary. It is also important to note along these lines that the Draft Zoning By-law would permit boarding and rooming houses in a greater number of zones, perhaps encouraging the legal establishment of these uses which would also affect availability.

Alternatively, there appears to be a trend in Greater Sudbury with respect to vacancy rates and the prosperity of the mining sector (see graph below) and that the City may be in this position again with respect to illegally established rooming houses when the market recovers and the

demand for rental housing reduces the vacancy rate. In that respect, it may be advantageous to establish a licensing by-law now in order for it to be available in the future should the need arise.



### 6.2 Zoning By-law alone vs. Zoning By-law plus licensing

The Zoning By-law can be an effective mechanism for controlling use as has been proven by past experience. However, without co-operation from the occupants it can be difficult to obtain the evidence necessary to prove the use is contrary to the Zoning By-law. It can also take considerable time before the matter comes before the Court.

Under the current zoning legislation for rooming houses, it is at times very difficult for By-law Officers to obtain the needed evidence required to prove an illegal use. By-law Officers are not being permitted access to the dwellings and as well some tenants have been coached by the landlords as to what to say to the Officers or not to say anything at all.

A licensing by-law for residential rental units could assist in that proving the use of the dwelling as a rooming house would not be required. The Officer would only have to show that the dwelling was being used as a non-owner occupied rental unit and as such would be required to have a license to do so.

Some municipalities have found that enforcement of their licensing by-law to be a simpler process. In some instances, this arises from improved rights of entry and, in other instances, it is related to the regulatory nature of the by-law or to the presence of set fines for offences.

If a license had not been obtained, the owner would be required to obtain one and be required to submit to all provisions of the by-law. If a license had been obtained and the provisions were not being complied to, then the license could be revoked and possible charges laid.

It is important to note, however, that a licensing by-law, like any other by-law, is most effective when combined with both an effective education process designed to ensure both property owners and occupiers are aware of the guidelines and a rigorous enforcement program.

On the other side of the enforcement issue is the fact that enforcing the by-law could involve the displacement of people living in the premises. In an economic climate where affordable housing

is in demand, the displacement of tenants may just result in them finding housing in another location that may or may not cause similar problems.

Council will also want to consider whether, as an alternative to a licensing by-law, it prefers a more rigorous enforcement of existing by-laws which could be relied on to address those public concerns which have been voiced.

Both alternatives may require additional resources.

### 6.3 Staffing and Administration - Licensing

An important consideration with respect to the establishment of any licensing by-law is the amount of staff time it will take to administer and enforce the by-law and whether additional staff would have to be hired (representing an increased cost to taxpayers). It is important to note that the administration and enforcement of the program would not only involve By-law Enforcement personnel, but also Fire Department, Building Department, Electrical Safety Authority and Health Unit staff. This raises the question of who would pay for additional staff resources required to administer the by-law, some of which would be non-City staff. It also needs to be taken into consideration that if additional staff are not provided, whether the administration of a licensing by-law would take time and resources away from other by-law enforcement and external department issues.

The Municipal Act allows the licensing fee to be set to recover the costs of administering the program. Council should determine whether the landlords would be responsible for the full cost of the licensing program or whether it would be subsidized by tax payers. If the licensing by-law fee is set too high it may serve as a disincentive to comply.

If Council decides to proceed with a rooming house licensing by-law, it will be important to gauge how many properties could potentially be licensed under such a program and how much staff time and resources the administration and enforcement of the by-law would require.

### 6.4 Owner Occupied & Multiple Dwelling Residential

With respect to licensing rooming houses, it is important to determine what types of establishments would be subject to licensing. Most of the rooming houses that have caused problems are single detached and semi-detached homes where the owner does not reside on the premises. If this is the case, the issue becomes whether the other types of rental situations (i.e. owner occupied, multiple residential) need to be licensed as well and how would the City differentiate and defend which uses require licensing and which do not.

### 6.5 Safety & Wellbeing of Tenants and Neighbours

Another argument for the establishment of a rooming house licensing by-law would be for the City to influence the safety and well being of potential tenants and neighbours by:

- Enforcing Fire Code, Building Code, Electrical Code and other standards/by-laws by inspecting properties on a yearly basis to ensure compliance;

- Enabling the City to identify substandard residential rental properties in the City and take a proactive approach to address inadequate housing conditions that may adversely affect tenants of rental properties and neighbouring property owners; and
- Providing Landlords with documented records of any conditions on the property that contravene City By-laws and/or Provincial legislation (i.e. property standards, zoning, lot maintenance, Building Codes, Fire Codes, etc.).

While these are sound reasons for establishing a licensing by-law, the issue remains as to why the City would attempt to ensure compliance (especially Provincial Standards) for rooming house uses and not any other type of rental accommodation (hotel, motel, apartments, etc.). If the other by-laws currently in place are sufficient to address the other types of uses, it must be determined whether or not rooming houses are so problematic that they require a separate by-law licensing program.

## **7.0 Options for Licensing**

A review of other municipalities has shown that most do in fact license rooming and boarding houses to one degree or another. Based on rooming house licensing research in other municipalities and the situation in the City of Greater Sudbury, staff have produced four options for Council to consider with respect to licensing rooming and boarding houses. These options include; 1) maintain the status quo, 2) license rooming and boarding houses, 3) license all low density residential rentals and 3a) pursuing a scoped rental licensing by-law.

### 7.1 Option 1 – Status Quo

The first option for Council to consider is to maintain the status quo and not proceed with a licensing by-law for rooming, boarding or lodging houses. Under the status quo option, the City would continue to rely on the existing by-law structure in place, which primarily includes the Zoning By-law, the Property Standards By-law and the Noise by-law. Under the Zoning By-law, enforcement officers can charge individuals who are operating rooming houses illegally. A recent successful charge against an illegal rooming house under the Zoning By-law resulted in a \$25,000 fine. Under the Property Standards By-law and the Clearing of Lands By-law, City By-law Enforcement Officers can deal with the issue of unkept and unsightly properties; they can also deal with unsafe issues inside the building if granted access by the tenant. With respect to the noise issue, By-law Enforcement is unable to respond to calls at night as there are no officers on duty. After hours noise complaints are handled by the Greater Sudbury Police Services.

Under the status quo option, rooming houses would continue to be dealt with under the existing by-law structures in place in the City.

### 7.2 Option 2 – Approve a Rooming House & Boarding House By-law

Under this option Council would approve the preparation of a **Rooming House and Boarding House License By-law**, allowing the CGS to license all “Rooming Houses” and “Boarding Houses” in the City.

This option would require the owner to register the rooming house with the City which would involve an annual inspection by CGS officials (Fire Department, By-law Services, Building Services, Sudbury & District Health Unit and the Electrical Safety Authority), provide the number of tenants who occupy the premises and make a registry open for inspection by Greater Sudbury Police Service or By-law Enforcement.

Additionally, this option would require staff time and resources to be diverted to the licensing of rooming houses and may require the hiring of additional personnel. This option would also require the cooperation of outside agencies and most likely would require them to be compensated for their services either by the City or by the applicants.

### 7.3 Option 3 – Approve a City Wide Rental House License By-law

Under this option, Council would approve the preparation of a **Residential Rental House License By-law**, allowing the CGS to license all “Residential Rental Houses” in the City where the owner of such a property does not occupy the dwelling and/or it is not the owner’s principal residence.

The license would require the owner to register the rental house with the City which would involve an annual inspection by CGS officials (Fire Dept., By-law Services, Building Services, Sudbury & District Health) and make a registry open for inspection by Greater Sudbury Police Service or By-law Enforcement.

This Option is based on the premise that the act of renting a property is a business activity and regulating residential rental properties through a licensing system is desirable for the City community. When a residential rental property is improperly maintained, it can negatively impact on the health, safety and general welfare of tenants as well as the esthetics of the community at large.

This option opens the licensing process up to many more types of rental accommodation than just rooming houses and it would apply to all types of rental accommodation (with some exceptions) where the owner does not occupy the dwelling or it is not their principal residence. This option would represent a major change to the current practice in the City and would require additional staff to be hired to implement and enforce the licensing by-law.

#### 7.3.1 Option 3(a) – Approve a Scoped Rental House Licensing By-law (Not Owner Occupied)

Under this option a Rental House Licensing By-law would be scoped to only cover the rental of single and semi-detached homes that are not the primary residence of the owner. The purpose of the scoped by-law would be to focus on rentals in low density residential areas in order to ensure land use compatibility between single family homes and temporary rental housing. The scoped by-law could also be made to only apply in certain areas of the City to further focus in on problem areas while not subjecting the rest of the City to the By-law.

As with Option 2, Options 3 and 3(a) would also require annual inspections and additional staff resources.

## **8.0 Establishment of Licensing By-law Subcommittee**

Should Council choose to implement a licensing by-law and program, it will be essential to establish a sub-committee charged with drafting the by-law and establishing licensing procedures, application requirements, fees, protocols and other necessary information. This sub-committee should include Council representation, By-law Enforcement Staff, Building Services Staff, Fire Department Staff and Post Secondary School representation among others. The committee should also include representatives from the residential rental industry, affordable housing and the public.

Part of the subcommittee's work will involve addressing key questions/issues surrounding the licensing by-law, including:

- Fees
- Area of Application
- Enforcement and Penalties
- Application Requirements
- Scope of By-law
- Inspections

Appendices C & D include additional issues that could also be considered by a sub-committee.

The establishment of a licensing by-law should also include public hearings to ensure that the public has a chance to provide input on the process and also to ensure that residents are made aware of the new requirements.

## **9.0 Conclusion**

Recently there have been some concerns raised by the public with respect to the illegal establishment of rooming houses in low density residential neighbourhoods. Under Council's direction, City staff have investigated how other municipalities deal with rooming and boarding houses both in their Zoning By-laws and through a licensing process. It was found that most municipalities do license rooming houses and other residential rental properties to differing degrees. It was also found that most other municipalities do allow for rooming houses and boarding houses in medium density residential areas and in some commercial areas in their Zoning By-laws.

The City of Greater Sudbury, through its eight Zoning By-laws, only permits rooming houses in the downtown. The Draft Comprehensive Zoning By-law, would allow rooming houses and boarding houses in medium density residential areas and in more downtown areas, thus increasing the areas where these uses can be established legally. The purpose of a licensing by-law would be add another tool to support the enforcement of the Zoning By-law provisions related to rooming houses, boarding houses and accessory guest rooms.

There are a number issues that need to be taken into consideration with respect to establishing a rooming house licensing process, including: vacancy rates, privacy, tenant safety, neighborhood stability, enforcement and staffing/cost implications including Court costs. It also

needs to be taken into consideration that the displacement of tenants as a result of enforcing any rental licensing by-law may just result in them finding housing in another location that may or may not cause similar problems.

Based on the above, there are 4 potential options that Council may choose to address the issues of rooming houses. The first is to maintain the status quo and deal with rooming and boarding house issues on a case by case basis as they arise using the existing by-law and code framework in place. The second would be to license rooming houses and boarding houses through the passing of a Rooming House and Boarding House Licensing By-law and the development of a licensing procedure and licensing fee. The third option would be to extend the licensing process to include all residential rentals in the City where the property is not the owner's principal residence (excluding apartment buildings). A scoped version of a Rental Licensing By-law could also be used where it would be scoped to focus on particular types of houses (i.e. singles and semis) in specific areas of the City.

With respect to the options for establishing a form of rental licensing by-law in the City, one must remember that a by-law will not guarantee that the problems associated with rooming houses will be solved. Nor will a by-law ensure that landlords and tenants will comply with the regulations set out in the by-law. As with any municipal by-law, any type of rental licensing by-law would simply be one further 'tool' in the box.

## **10.0 Recommendation**

It is recommended that Council provide direction to staff with respect to the issue of licensing rooming houses by selecting one of the following options;

- Option 1 – Maintain the Status Quo;
- Option 2 – Approve the creation of a Rooming House and Boarding House Licensing By-law;
- Option 3 – Approve the creation of a City Wide Rental House Licensing By-law; or
- Option 3(a) – Approve the creation of a scoped Rental House Licensing By-law.

Furthermore, should Council approve options 2, 3 or 3a, it is recommended that a licensing by-law subcommittee be established, with appropriate membership, to develop a licensing by-law, licensing requirements, fees, an enforcement policy and any other requirements.

## **APPENDIX A**

### **Municipal Approaches to Zoning of Boarding, Rooming and Lodging Houses**

#### **Barrie**

In 2007 the City of Barrie amended its Zoning By-law to address the issue of boarding, lodging and rooming houses. Included in the amendment, along with other definitions, were the following:

BOARDING LODGING ROOMING HOUSE , “ A dwelling where:

- (1) lodging is provided for one or more tenants where at least one of the tenant occupied rooms is equipped with an external locking mechanism that prevents access to said room by other house occupants when the room is unoccupied, or,
- (2) lodging is provided for more than 4 tenants; but
- (3) Shall not include a group home, hotel , motel, hospital, children's home, nursing establishment, rest home, home for the aged, or a bed and breakfast establishment, or other similar establishments.”

Boarding Lodging Rooming Houses are further divided into small and large categories as defined below:

BOARDING LODGING ROOM HOUSE, LARGE, “A Boarding Lodging Rooming House where lodging is provided for more than 6 tenants.”

BOARDING LODGING ROOM HOUSE, SMALL, “ A Boarding Lodging Rooming House where lodging is provided for not more than 6 tenants.”

Small Boarding Lodging Rooming Houses are permitted in all residential zones and require a distance separation of 75 metres from each other within specific low and medium density residential zones.(R1, R2, R3, R4 and RM1)

Large Boarding Lodging Rooming Houses are only permitted within certain Medium and High Density Residential Zones. (RM2, RA1 and RA2)

The Barrie amendment also defined “Dormitory” to include, “a building or portion thereof used for the temporary residential accommodation of more than 20 persons attending an institution of higher learning’, which are permitted in the RM2, RA1 and RA2 zones.

#### **Kingston**

City of Kingston Zoning By-law 8499 defines Boarding House Dwelling, Family and Rooming House as follows:

BOARDING HOUSE, “means a building or portion thereof in which rooms and meals are regularly provided for compensation to four or more persons other than the owner and members of his family, provided that this use is contained within a building erected on or before 1977, 09, 07. A boarding house shall not include a group home.”

FAMILY, “means one or more persons residing together and comprising a single domestic household, sharing all areas of a dwelling unit, exclusive of bedrooms and may include up to three roomers or boarders.”

ROOMING HOUSE, “means a building or portion thereof in which rooms are regularly provided for compensation to four or more persons other than the owner and members of the owners family provided that the use is contained with a building erected before 1977, 09, 07. A rooming house shall not include a multiple family dwelling, hotel or group home.”

Boarding houses and rooming houses are permitted in Three to Six Family Dwelling “B” Zones, Special Education and Medical Use “E” Zones and the Central Business District “C” Zone.

### **Kitchener**

The City of Kitchener Zoning By-law 85-1 defines Lodging House and Lodging unit as follows:

LODGING HOUSE, “means a dwelling unit or part thereof containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units and do not appear to function as a household. This shall not include a group home, nursing home, hospital or any other residential care facility licenced, approved or supervised under any general or specific Act or a hotel. This shall include, but not be limited to, student residences and convents.”

LODGING UNIT, “means a room or a set of rooms located in a lodging house or other dwelling designed or intended to be used for sleeping and living accommodation, which is designed for the exclusive use of the resident or residents of the unit; is not normally accessible to persons other than the residents or residents of the unit; and may contain either a bathroom or kitchen but does not contain both for the exclusive use of the resident or residents of the unit.”

A lodging house is a permitted use in the medium and high density residential R-5 and R-6 zones and the Commercial Residential CR-1 Zone. A 400 metre separation distance is required between lodging houses

### **London**

The City of London By-law Z-1, defines Lodging Houses into two categories

LODGING HOUSE, CLASS 1, “means a residential building which is used to provide lodging units for hire or gain directly or indirectly to three or fewer persons with or without meals. A lodging house, class 1, shall not include a nursing home, hotel, motel, hostel, group home, bed and breakfast establishment, emergency care establishment, or a residence of an educational institution.

LODGING HOUSE, CLASS 2, “means a residential building which is used to provide lodging units for hire or gain directly or indirectly to more than three persons, with or without meals. A lodging house, class 2, shall not include a nursing home, hotel, motel, hostel, group home, bed and breakfast establishment, emergency care establishment, or a residence of an educational institution.”

LODGING UNIT, “means a room with sleeping facilities, either alone or in conjunction with another room or rooms.”

It also is noted that in the London Zoning By-law Z-1, a dwelling unit shall not contain more than five bedrooms.

The London Zoning By-law permits Class 1 Lodging Houses with a maximum of three lodging units in any dwelling unit in a detached, semi-detached, duplex, triplex, fourplex, townhouse, or apartment dwelling.

Class 2 Lodging Houses are only permitted in certain medium and high density residential zones including R8,R9, R10 and R11 and certain commercial zones, including “DA”, Downtown Areas , “OR”, Office Residential and “BDC”, Business District Commercial Zones

## **Oshawa**

The City of Oshawa Zoning By-law 60-94, defines Lodging House, Lodging Unit and Lodger as follows:

LODGING HOUSE, “means a building or a part of a building, containing three to ten lodging units, which does not appear to function as a dwelling unit, although one may be included with the lodging units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. It does not include a hotel, a crisis residence, a hospital, a group home, a correctional group home, a bed and breakfast establishment nor a nursing home. A lodging house may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided.”

LODGING UNIT, “means one or more rooms within a lodging house used or designed to be used for sleeping accommodations. Lodging units may contain cooking or washroom facilities, but not both.”

LODGER, “means any person who pays rent, fees or other valuable consideration to a proprietor for living accommodation in which cooking or washroom facilities are shared with other persons.”

In the City of Oshawa Zoning By-law, lodging houses are permitted the R7 Residential zone, in which the only permitted use is a lodging house. Lodging houses are also permitted in the CBD Central Business District Zone.

The City of Oshawa By-law also includes a provision limiting the maximum number of bedrooms to four in any dwelling unit within a specific area identified in the Zoning By-law.

## **Ottawa**

The City of Ottawa Zoning By-law 2008-250, defines rooming house, converted rooming house, and rooming unit as follows:

ROOMING HOUSE, “means a principal dwelling within the whole of a residential use building that contains at least four rooming units, and which may also contain dwelling units and an administration office accessory to the operation of the house.”

ROOMING HOUSE, CONVERTED, “means the whole of a residential use building or the whole or part of any other building that was converted to a rooming house.”

ROOMING UNIT, “means a room, or a suite of rooms, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the principal dwelling or building intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms.”

The General Provisions of the Ottawa Zoning By-law permit up to three rooming units in a detached dwelling, a linked-detached dwelling, a semi-detached dwelling, a duplex dwelling, and a multiple attached dwelling in the R1, R2, R3, R4, and R5 zones.

Converted rooming houses are permitted in R1(single dwellings), R2 (two unit dwellings) and R3 (up to 4 dwellings) zones subject to the lot fronting on and having direct vehicular access to an Arterial or Major Collector Road and having a maximum of seven rooming units, or a maximum of one dwelling unit and six rooming units.

Rooming houses, and converted rooming house are permitted uses in the R4 and R5, medium and high density residential Zones.

Rooming houses and converted rooming houses are permitted in all six of the commercial zones in the City of Ottawa Zoning By-law.

### **Sault Ste Marie**

Sault Ste Marie's Zoning By-law (2005-150), which was enacted in 2005, does not include a definition for boarding house dwelling but does define rooming house as follows:

ROOMING HOUSE – “Establishments primarily engaged in providing temporary or longer term accommodation, which for the period of occupancy, may serve as a principal residence.”

In Sault Ste Marie, rooming houses are permitted in R3 Low Density Residential, R4 Medium Density Residential and R5 High Density Residential Zones. In addition, the Sault Ste. Marie By-law permits rooming houses in the C1 Traditional Commercial and C2T Central Commercial Transition ( areas surrounding the “CT” Central Commercial zone applied in the downtown area) Zones.

### **Thunder Bay**

The City of Thunder Bay is in the process of preparing a new zoning by-law. Their draft zoning by-law includes the following:

LODGING HOUSE is defined the same as in the City of Thunder Bay Lodging House By-law (157-2005), as any building or part of a building which contains four or more lodging units or is used or available for use by four or more lodgers, excluding hotels, motels, bed and breakfast establishments, hospitals, nursing home, foster homes, group homes, homes for the young or the elderly, institutions which are licensed, approved or supervised under any other general or special legislation.

Lodging houses are permitted in the MU1, Mixed-Use One and MU2, Mixed-Use Two zones which also permit apartments, townhouses, and limited range of commercial and residential care facilities.

### **Waterloo**

In the City of Waterloo By-laws 1108 and 1418, Lodging Houses are divided into two Classes.

LODGING HOUSE -CLASS ONE, “means a lodging house which is located in the whole of a building and

- (I) are occupied by four or more persons in addition to the proprietor and his/her household;  
or

- (ii) occupied by 6 or more persons without a proprietor and his/her household.”

“LODGING HOUSE-CLASS TWO, means a lodging house within a dwelling unit occupied by 4 or 5 persons without a proprietor and his/her household;

Lodging Class One, are permitted in medium and high density residential zones. Lodging House Class Two, are permitted in all residential zones. In Single Residence Zones a minimum distance separation of 150 m is required between Lodging House Class Two facilities and a minimum distance separation of 75 m is required in Medium Density Residential Zones.

Both Class One and Class Two Lodging Houses require a license under the City’s Lodging House Licensing By-law.

# APPENDIX B-1 ROOMING HOUSE LICENSE - SURVEY 2010

CITY	No. OF LODGING HOUSES	LICENSE FEE per YEAR	RENTAL UNIT LICENSING BY-LAW	LICENSE FEE per YEAR
Waterloo	1,150	\$584 new \$244 renewal	no (currently under review)	n/a
Ottawa	114 active / approx. 2000 pending	\$200 - \$250 (based per room)	no	n/a
Guelph	300	none in place	no	n/a
Kingston	n/a	\$100	no	n/a
London	49 active / appr. 2000 pending	\$350	yes (March 1, 2010)	\$25 (start up program fee)
Kitchener	23	\$841 new \$683 renewal	no (currently under review)	n/a
Thunder Bay	20 active	\$150	no	n/a
Oshawa	n/a	\$350	yes	\$250
Barrie	n/a	\$165	no	n/a
Sudbury	35 active	none in place	no	n/a

**APPENDIX B-2 ROOMING HOUSE LICENSE - SURVEY 2010**  
**ZONING INFORMATION**

CITY	CLASS DEFINITION	OWNER OCCUPIED	PERMITTED ZONINGS
Waterloo	SPLIT CLASSIFICATION		
	Class I(a) - 4 or more tenants	yes	medium/high density residential
	Class I(b) - 6 or more tenants	no	medium/high density residential
	Class II - 6 or more tenants	no	all residential zones
Ottawa	4 or more rooming units	no	low/medium/high density residential
Guelph			
Kingston	4 or more tenants	no	medium density; institutional; central business
London	SPLIT CLASSIFICATION		
	Class I - 3 or less tenants	no	low/medium/high density residential
	Class II - 4 or more tenants	no	medium/high density residential; commercial; office residential; business district
Kitchener	4 or more tenants	no	medium/high density residential; commercial residential
Thunder Bay	4 or more lodging units	no	mixed use zone (high/medium density residential); some commercial
Oshawa	3 to 10 lodging units	no	specific lodging house zone; central business district
Barrie	SPLIT CLASSIFICATION		
	Small - 6 or less tenants	no	all residential zones
	Large - 7 or more tenants	no	medium & high density residential
Sudbury	SPLIT CLASSIFICATION		
	3 or more tenants	yes	* medium density residential
	1 or more main use tenants	no	* medium/high density residential; metro centre commercial

\* denotes draft CGS Zoning By-law

Being a By-law to further amend Licensing By-law 120-2005 to provide for the licensing, regulating and governing of the business of residential rental units in specific areas of the City of Oshawa.

**WHEREAS:**

1. Council of The Corporation of the City of Oshawa considers it desirable and necessary to license, regulate and govern the business of residential rental units in certain areas of the City for social well-being, for the health, safety and well-being of persons and for the protection of persons and property.

**NOW THEREFORE** the Council of The Corporation of the City of Oshawa enacts as follows:

1. Section 2 of By-law 120-2005, as amended, ("Licensing By-law") is further amended by adding each of the following definitions:
  - (a) "Bedroom" means a room or area within a Rental Unit used, designed, equipped or intended for sleeping;
  - (b) "Building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport;
  - (c) "Director" means the City's Director, Municipal Law Enforcement and Licensing Services;
  - (d) "Gross Floor Area - Residential" means the area of a floor, measured to the inside of all outside walls enclosing any floor or part of a floor that complies with all applicable law for the shelter, accommodation or enclosure of persons, above which is a clear height of at least two (2) metres and excluding the area of any garage, porch, veranda, sun room or stairwell.
  - (e) "Landlord" includes:
    - i) each owner of a Rental Unit;
    - ii) each person who permits occupancy of a Rental Unit; and
    - iii) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses i) and ii);

- (f) "Lot" means a parcel of land which is:
    - i) shown as a lot or block on a registered plan of subdivision; or
    - ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
  - (g) "Rent" includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;
  - (h) "Rental Area" means each Lot that abuts or is accessed from any of the roads or parts of roads specified in section 9 of Schedule "K" to this Licensing By-law as depicted in the sketch in section 10 of Schedule "K" to this Licensing By-law provided that in the event of any conflict between the said sections 9 and 10, the said section 9 shall prevail.
  - (i) "Rental Property" includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate;
  - (j) "Rental Unit" means a Building or part of a Building
    - i) consisting of one or more rooms;
    - ii) containing toilet and cooking facilities; and
    - iii) designed for use as a single housekeeping establishment;
  - (k) "Tenant" includes a person who pays Rent in return for the right to occupy a Rental Unit and includes the person's heirs, assigns (including subtenants) and personal representatives.
2. Section 2 of the Licensing By-law is further amended by deleting the definition, "Clerk".
  3. Section 17 of the Licensing By-law is amended by adding the following paragraph:
    - (b.1) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.
  4. The Licensing By-law and each of its schedules are further amended by deleting each reference to the terms, "Clerk" and "City Clerk", and by substituting therefor the term, "Director".

5. Schedule "A" to the Licensing By-law is <sup>3</sup> further amended by adding after the row, "Refreshment Vehicle", the following row:

Rental Unit in a Rental Area	\$250 per annum	see Schedule "K"
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6. The Licensing By-law is further amended by adding Schedule "A" to this By-law as Schedule "K" to the Licensing By-law.
7. The General Fees and Charges By-law 13-2003, as amended, is further amended by adding to its Schedule "A" within the table entitled, "Licensing – Annual Fee Unless Otherwise Noted", the following row:

Rental Unit in a Rental Area	\$250
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8. This By-law shall be effective May 30, 2008.

By-law passed this nineteenth day of February, 2008.

## Schedule "K" to By-law 120-2005

1. Subject to section 2 of this Schedule, this Schedule applies to the Rental Area.
2. This Schedule does not apply to
  - (a) a "housing project" as that term is defined in the Social Housing Reform Act, 2000, S.O. 2000, c. 27; or to
  - (b) a Rental Unit that is occupied by all owners of the Rental Unit as their sole residence and in which no more than two (2) Bedrooms are occupied by Tenants.

**Licence Application**

3. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence unless the application is submitted on forms approved by the Director and includes, for each Rental Unit, the following:
  - (a) the name, municipal address, telephone number of each Landlord;
  - (b) the municipal address and legal description of the Rental Unit;
  - (c) if a Landlord is a corporation, the name, address and telephone number of each director, officer and shareholder;
  - (d) if a Landlord is a partnership, the name address and telephone number of each partner;
  - (e) the number of Bedrooms;
  - (f) a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
  - (g) each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.
4. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence that is not accompanied by the following in respect of each Rental Unit:

- (b) if a Landlord is a corporation, a copy of
  - i) the Landlord's articles of incorporation; and
  - ii) a corporation profile report issued by the Ontario Ministry of Consumer and Business Services;
- (c) a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use;
- (d) a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Lot Maintenance By-law 127-2007;
- (e) a parking plan that complies with the City's Zoning By-law 60-94, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;
- (f) Proof of placement of insurance that:
  - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
  - ii) identifies the proposed use as residential rental; and that
  - iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- (g) a statement from or on behalf of the City's Fire Chief confirming that the Rental Property and its proposed use comply with the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations;
- (h) a certificate issued by the Electrical Safety Authority confirming that the Rental Property and its proposed use comply with the Electrical Safety Code, O.Reg. 164/99;
- (i) a statement from or on behalf of the City's Chief Building Official confirming that the Rental Property and its proposed use comply with the Building Code Act, 1992 (Ontario) and its regulations;
- (j) proof of payment of any fine or fee owed to the City by any Landlord respecting any Rental Property; and
- (k) payment of the licence fee.

5. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence where any of the documents required by clause 4(b)ii), and by paragraphs 4(f), 4(g), 4(h) and 4(i) of this Schedule was issued prior to the sixtieth(60<sup>th</sup>) day preceding the date on which the application is submitted.

### **Licence Issuance**

6. Each licence shall include the following:

- (a) the licence number;
- (b) a sketch that depicts the location of each Bedroom;
- (c) the name, address and telephone number of each Landlord;
- (d) where a Landlord is a corporation, the name, address and telephone number of each director and each officer of the Landlord; and
- (e) where a Landlord is a partnership, the name, address and telephone number of each partner.

### **Licence Conditions**

7. In addition to other requirements of the Licensing By-law, no Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this Licensing By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence:
- (a) subject to paragraphs 7(b) and 7(c) of this Schedule, the number of Bedrooms in the Rental Unit does not exceed four (4);
  - (b) for the period ending February 11, 2011, the number of Bedrooms in a Rental Unit on a Lot that abuts Dalhousie Crescent or Concordia Court does not exceed six (6);
  - (c) for the period ending February 11, 2010, the number of Bedrooms in a Rental Unit on a Lot that abuts McGill Court does not exceed six (6);
  - (d) no more than 40% of the Rental Unit's Gross Floor Area - Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;

- (e) no room within the Rental Unit is <sup>7</sup> used as a Bedroom except a Bedroom depicted in the licence;
- (f) no more than 40% of the Gross Floor Area – Residential of the Rental Unit's ground floor may be comprised of Bedrooms;
- (g) each Tenant is a party to a written tenancy agreement with a Landlord;
- (h) a Landlord does not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with the Licensing By-law;
- (i) a Landlord notifies the Director in writing within two (2) days of any change to any information provided pursuant to sections 3 and 4 of this Schedule;
- (j) a legible copy of the licence is posted and maintained prominently and visibly within one (1) metre of the interior of the Rental Unit's main entrance door.
- (k) a Landlord maintains insurance respecting the Rental Unit that:
  - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
  - ii) identifies the use as residential rental; and that
  - iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- (l) the Landlord and the Rental Property comply with all applicable law including
  - i) the Health Protection and Promotion Act (Ontario) and its regulations;
  - ii) the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations;
  - iii) the Electrical Safety Code, O.Reg. 164/99;
  - iv) the Building Code Act, 1992 (Ontario) and its regulations;
  - v) the City's Zoning By-law 60-94, as amended;
  - vi) the City's Property Standards By-law 1-2002, as amended; and
  - vii) the City's Lot Maintenance By-law 127-2007;

- (n) the Landlord and the Rental Property comply with the maintenance plan submitted pursuant to paragraph 4(d) of this Schedule; and
- (o) no vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan submitted pursuant to paragraph 4(e) of this Schedule.

### **Right to be Heard**

- 8. Notwithstanding anything in this By-law to the contrary, where a Landlord appeals against or requests a review of a decision concerning a licence related to this Schedule, no decision in the appeal or review shall be made unless each Owner of a Lot situate within thirty (30) metres of the Rental Property the subject of the appeal or review has been given no fewer than seven (7) days' notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

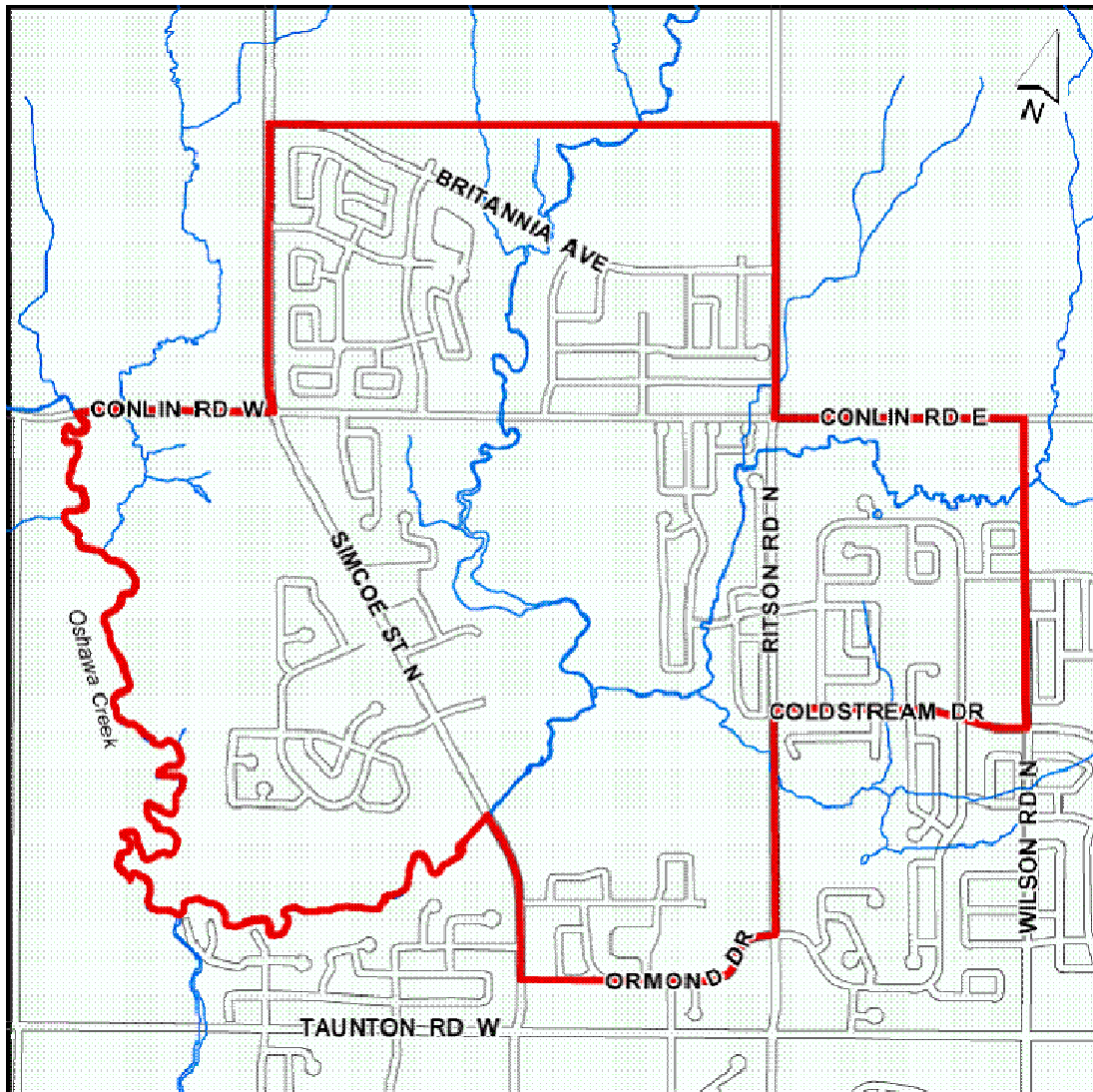
### **Rental Area**

- 9. Following are the roads or parts of roads for the purpose of defining Rental Area in section 2 of the Licensing By-law:
  - (a) Avalon Ct.
  - (b) Avalon St.
  - (c) Birchview Dr.
  - (d) Bishop Ct.
  - (e) Bovin Ave.
  - (f) Bridle Rd.
  - (g) Britannia Ave.
  - (h) Canadore Cres.
  - (i) Carswell Ave.
  - (j) Clearwater Ct.
  - (k) Coldstream Dr. from its intersection with Ritson Rd. N. to its intersection with Wilson Rd. N.
  - (l) Concordia Ct.
  - (m) Conestoga Ct.
  - (n) Conlin Rd. E., south side, from its intersection with Ritson Rd. N. easterly to its intersection with Wilson Rd. N.
  - (o) Conlin Rd. W., south side, from its intersection with Simcoe St. N. westerly to its intersection with Oshawa Creek.
  - (p) Dalhousie Cres.

- (q) Eastwood Ave. N.
- (r) Eclipse Pl.
- (s) Edenwood Ct.
- (t) Edenwood Dr.
- (u) Elmwood Ct.
- (v) Erindale Cres.
- (w) Flagstone Ct.
- (x) Glovers Rd.
- (y) Greenhill Ave. from its intersection with Ormond Dr. to its intersection with Wilson Rd. N.
- (z) Hackett Pl.
- (aa) Herbert Ave.
- (bb) Kedron St.
- (cc) Largo Cres.
- (dd) Maine St.
- (ee) Manor Dr.
- (ff) McGill Ct.
- (gg) Meadow St.
- (hh) Minsky Gate
- (ii) Minsky Pl.
- (jj) Niagara Dr.
- (kk) Norland Circle
- (ll) Norland Gate
- (mm) Northern Dancer Dr.
- (nn) Norwill Cres.
- (oo) Ormond Dr. from its intersection with Glovers Rd. to its intersection with Ritson Rd. N.
- (pp) Pilgrim Gate
- (qq) Pilgrim Lane
- (rr) Pilgrim Square
- (ss) Pindar Cres.
- (tt) Radcliffe Dr.
- (uu) Raike Dr.
- (vv) Ritson Rd. N. from its intersection with Ormond Dr. to its intersection with Coldstream Dr.
- (ww) Ritson Rd. N., from its intersection with Conlin Rd. E. to its intersection with Britannia Ave.
- (xx) Rockcreek Dr.
- (yy) Ryerson Cres.
- (zz) Samac Ct.
- (aaa) Samac Trail
- (bbb) Sandalwood Ct.
- (ccc) Sarasota Cres.
- (ddd) Sarasota St.
- (eee) Scottscraig Dr.
- (fff) Secretariat Ave.

- (ggg) Secretariat Pl.
- (hhh) Selleck Lane
- (iii) Sheridan St.
- (jjj) Simcoe St. N., east side, from the northern limit of the property known municipally as 1379 Simcoe St. N. to its intersection with the part of Oshawa Creek south of Niagara Dr.
- (kkk) Simcoe St. N., from the northerly limit of that part described in the preceding paragraph 9(jjj) to the southerly limit of that part described in the following paragraph 9(III).
- (III) Simcoe St. N., east side, from its intersection with Conlin Rd. to its intersection with Britannia Ave.
- (mmm) Solar Pl.
- (nnn) Stornoway St.
- (ooo) Sunview Lane
- (ppp) Tampa Cres.
- (qqq) Taylorwood Ct.
- (rrr) Taylorwood Rd.
- (sss) Travail Ave.
- (ttt) Valewood Ct.
- (uuu) Walreg Dr.
- (vvv) Whitestone Ct.
- (www) Wilson Rd. N. from its intersection with Coldstream Dr. to its intersection with Greenhill Ave.
- (xxx) Winlord Pl.
- (yyy) Woodbine Ave.
- (zzz) Woodbine Pl.
- (aaaa) Woodgate Ct.
- (bbbb) Woodgate Trail
- (cccc) Woodmount Cres.
- (dddd) Woodmount Dr.

10. Following is the sketch for the purpose of depicting Rental Area as defined in section 2 of the Licensing By-law:



# Residential Rental Units Licensing By-law

CP-19 - Enacted – September 21, 2009

In Force – March 1, 2010

**This by-law is printed under and by authority  
of the Council of the City of London, Ontario, Canada**

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Bill No. 402  
2009

By-law No. CP-19

A By-law to provide for the licensing and regulation of Residential Rental Units in the City of London.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business and may,

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality;

AND WHEREAS subsection 151(5) of the *Municipal Act, 2001* provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for the City of London considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that the certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE The Council of The Corporation of the City of London hereby enacts as follows:

## **1.0 DEFINITIONS**

1.1 For the purpose of this By-law:

**“Apartment Building”** means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate Dwelling Units but does not include a Converted Dwelling.

**“Applicant”** means a person applying for a licence under this By-law;

**“Building”** means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport;

**“City”** means The Corporation of the City of London;

**“City Treasurer”** means the Treasurer of The Corporation of the City of London or a person delegated by him or her for the purposes of this By-law.

**“Converted Dwelling”** means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of Dwelling Units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.

**“Council”** means the Municipal Council of The Corporation of the City of London;

**“Director of Building Controls”** means the Chief Building Official as appointed by Council pursuant to the *Building Code Act*;

**“Dwelling Unit”** means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment.

**“Fire Chief”** means the Chief of London Fire Services of the City or a person delegated by him or her for the purposes of this By-law;

**“Hearings Committee”** means a person or body that has been delegated the power or duty to hold a hearing or provide an opportunity to be heard for the purpose of this By-law;

**“Licensee”** means any person licensed under this By-law;

**“Licence Manager”** means the Director of Building Controls;

**“Lot”** means a parcel of land which is;

- (i) shown on a registered plan of subdivision; or
- (ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Middlesex.

**“Manager of By-law Enforcement”** means the Manager of By-law Enforcement of the City or a person delegated by him for the purposes of this By-law;

**“Medical Officer of Health”** means the Medical Officer of Health for the Middlesex-London District Health Unit or a person delegated by him for the purposes of this By-law;

**“Municipality”** means the land within the geographic limit of the City of London;

**“Owner”** includes:

- (i) each owner of a Rental Unit;
- (ii) each person who permits occupancy of a Rental Unit; and,
- (iii) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses (i) and (ii).

**“Rental Property”** includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate.

**“Rental Unit”** means a Building or part of a Building:

- (i) consisting of one or more rooms;
- (ii) containing toilet and cooking facilities;
- (iii) designed for use as a single housekeeping establishment; and
- (iv) used or intended for use as a rented residential premises.

**“Stacked Townhouse”** means a building designed to contain three or more Dwelling Units attached side by side, two units high, with each Dwelling Unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.

**“Townhouse”** means a building divided vertically into three or more attached Dwelling Units by common walls extending from the base of the foundation to the roof line, each Dwelling Unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.

**“Tenant”** includes a person who pays rent in return for the right to occupy a Rental Unit and includes the person's heirs, assigns (including subtenants) and personal representatives.

## **2.0 PROHIBITIONS**

2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-law.

2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.

2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.

2.4 No person shall operate a Rental Unit while their licence issued under this By-law is under suspension.

## **3.0 APPLICATION OF BY-LAW**

3.1 This By-law shall not apply to:

- (a) a Rental Unit in an Apartment Building, a Stacked Townhouse or a Townhouse;
- (b) a Rental Unit that meets all of the following conditions:
  - (i) the Rental Unit constitutes the principle residence of the registered owner;
  - (ii) the Rental Unit is temporarily rented by the registered owner for a period of time no greater than 12 consecutive months in any 24 month period;
  - (iii) the Rental Unit was occupied by the registered owner immediately prior to its rental;
  - (iv) the registered owner of the Rental Unit is temporarily living outside of the Municipality; and,
  - (v) the registered owner intends to reoccupy the Rental Unit upon termination of the temporary rental.

#### **4.0 ADMINISTRATION**

4.1 The administration of this By-law is assigned to the Licence Manager who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:

- (a) receive and process all applications for all licenses and renewals of licences under this By-law;
- (b) issue licenses in accordance with the provisions of this By-law;
- (c) impose terms and conditions on licences in accordance with this By-law; and,
- (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

#### **5.0 APPLICATIONS FOR A LICENCE AND RENEWAL OF LICENCE**

5.1 Every application for a licence and renewal licence shall be made to the Licence Manager on the forms provided by the Licence Manager. Without limitation, every application for a licence or a renewal shall include the following information:

- (a) the name, municipal address and telephone number of each Owner;
- (b) if the Owner is a partnership, the name, address and telephone number of each partner;
- (c) if the Owner is a corporation, the address of its head office, the name, address and telephone number of each director and officer;
- (d) the municipal address and legal description of the Rental Unit;
- (e) a sworn statement by the Owner certifying the accuracy, truthfulness and completeness of the application;
- (f) if the Owner is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and,
- (g) if the Owner is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

5.2 Every person applying for a licence or a renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

- (a) payment of the prescribed fee as set out in Schedule "A" of this By-law;
- (b) a copy of the Transfer/Deed and parcel abstract dated no later than fifteen (15) days prior to the date of the application evidencing the Owner's ownership of the Rental Unit;
- (c) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than fifteen (15) days prior to the date of the application;
- (d) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and,
- (e) any other documentation or information as may be required in any other Part of this By-law and by the Licence Manager.

5.3 The Licence Manager may require affidavits in support of an application for or a renewal of a licence.

5.4 Every application may be subject to investigations by and comments or recommendations from the municipal or provincial department or agencies as the Licence Manager deems necessary including but not limited to:

- (a) the Director of Building Controls;
- (b) the Manager of By-law Enforcement;
- (c) the Fire Chief; and,
- (d) the Medical Officer of Health.

## 6.0 ISSUANCE OF LICENCES

6.1 Every licence issued under this By-law shall be in the form and manner as provided by the Licence Manager and without limitation shall include on its face the following information;

- (a) the licence number;
- (b) the name, address and telephone number of each Licensee;
- (c) the date the licence was issued and the date it expires; and,
- (d) the municipal address of the Rental Unit.

6.2 Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the Applicant or the Licensee:

- (a) the Applicant or Licensee shall pay the prescribed licence fee as set out in Schedule "A" to this By-law;
- (b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the City;
- (c) the Applicant or Licensee shall allow, at any reasonable time and when permitted by law, the City to inspect the Rental Unit and the Rental Property;
- (d) the Applicant or Licensee shall ensure that the Rental Unit and the Rental Property are not constructed or equipped so as to hinder the enforcement of this By-law;
- (e) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, shall not afford reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
- (f) the Rental Unit and Rental Property shall be in accordance with the requirements of the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and the City's Property Standards By-law CP-16;
- (g) where the Rental Unit or Rental Property is altered and a building permit is required to carry out the alterations, the Rental Unit and Rental Property, as altered, shall be in accordance with the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and the City's Property Standards By-law CP-16;
- (h) the use of the Rental Unit and Rental Property is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;
- (i) the Applicant or Licensee shall not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit or Rental Property for the purpose of determining compliance with this By-law;
- (j) if the Applicant or Licensee is a partnership or a corporation, any change in the composition of the partnership or of the officers and/or directors of the corporation shall be reported to the Licence Manager within ten (10) days;
- (k) the Licensee shall ensure that a legible copy of the license issued under this By-law is posted and maintained in a prominent and visible position inside the Rental Unit near the front entrance.

6.3 A licence issued under this By-law shall be valid only for the period of time for which it was issued.

6.4 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.

6.5 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Property.

6.6 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

6.7 The Licensee shall notify the Licence Manager of any change in ownership of the Rental Unit or Rental Property and shall surrender his, her or its licence to the Licence Manager within seventy-two (72) hours of the completion of such change.

6.8 All licence fees and inspection fees paid under this By-law are non-refundable.

## **7.0 POWERS OF THE LICENCE MANAGER**

7.1 The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the Licence Manager.

7.2 (a) The Licence Manager shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.

(b) The Licence Manager may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:

- (i) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
- (ii) there are reasonable grounds to believe that an application or other documents provided to the Licence Manager by or on behalf of the Applicant or a Licensee contains a false statement;
- (iii) an Applicant or Licensee is carrying on activities that are in contravention of this By-law; or,
- (iv) an Applicant or Licensee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-law.

7.3 Notwithstanding any other provision of this By-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Licence Manager to give effect to this By-law.

7.4 Where the Licence Manager is of the opinion that:

- (a) an application for a licence or renewal of a licence should be refused;
- (b) a reinstatement should not be made;
- (c) a licence should be revoked;
- (d) a licence should be suspended, or,
- (e) a term or condition of a licence should be imposed;

the Licence Manager shall make that decision.

7.5 Where the Licence Manager has made a decision under subsection 7.4 the Licence Manager's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the address of the corporation's registered head office.

7.6 The written notice to be given under subsection 7.5 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Licence Manager; and,
- (d) state that the Applicant or Licensee is entitled to a hearing by the Hearings Committee if the Applicant or Licensee delivers to the City Clerk, within ten (10) days after the notice in subsection 7.5 is served, and the appeal fee as set out in Schedule "A" of this By-law.

7.7 Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final.

7.8 Despite subsection 7.6 where a licence is voluntarily surrendered by the Licensee for revocation, the Licence Manager may revoke the licence without notice to the Licensee.

## **8.0 HEARINGS BEFORE THE HEARINGS COMMITTEE**

8.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Committee.

8.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearings Committee under this By-law.

8.3 When the Applicant or Licensee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Committee may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceeding.

8.4 At the conclusion of the hearing, the Hearings Committee may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licensee and the Licence Manager.

8.5 The Hearings Committee may uphold or vary the decision of the Licence Manager or make any decision that the Licence Manager was entitled to make in the first instance.

8.6 The decision of the Hearings Committee is final.

## **9.0 ENFORCEMENT**

9.1 This By-law may be enforced by a City municipal law enforcement officer or a London Police Service police officer.

9.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

## **10.0 PENALTY**

10.1 Any person who contravenes any provision of this By-law is guilty of an offence.

10.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

10.3 A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.

10.4 Despite section 10.3 where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.

10.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **11.0 GENERAL**

11.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

11.2 If there is a conflict between a provision of this By-law and a provision of any other City by-law, then the more restrictive provision shall apply.

## **12.0 MISCELLANEOUS**

12.1 This by-law may be referred to as the "Residential Rental Units Licensing By-law".

12.2 This by-law shall come into force and effect on March 1, 2010.

PASSED in Open Council on September 21, 2009.

Anne Marie DeCicco-Best  
Mayor

Linda Rowe  
Acting City Clerk

First Reading - September 21, 2009  
Second Reading - September 21, 2009  
Third Reading – September 21, 2009

**SCHEDULE "A"**  
**FEES**

Licence Fee for a licence for each Rental Property	\$ 25.00
Licence Renewal Fee for each licence renewed under this By-law	\$ 25.00
Appeal Fee	\$0.00

## **APPENDIX C**

### **ROOMING HOUSE BY-LAW SUBCOMMITTEE CONSIDERATIONS**

#### **WHERE SHOULD LICENSING BY-LAW APPLY?**

There are two options for consideration in regard to where a residential licensing by-law could be applied. One option would be in medium density residential zonings where rooming houses would be allowed. The new CGS Zoning by-law would dictate in what areas these types of residential rental units would be acceptable and the licensing system would complement the zoning by-law.

The second option for consideration would be that both low and medium residential zonings would be subject to the licensing of the non-owner occupied rental properties. The CGS Zoning by-law would allow for two accessory guests uses in an R1 or R2 zoning. Any residential rental property which is not owner occupied and is recognized as a rental business would fall under the guidelines of the licensing by-law. Owner occupied rental properties could be exempt from holding a license where no more than two bedrooms are rented out and the owner continues to reside in the premise as their sole residence. This would be recognized on the assumption that the owner occupied rental properties have minimal impacts on a neighbourhood as the property is “managed” by the owner who resides on site as their sole residence and the occupancy for rental purposes is limited to one or two bedrooms ( Zoning By-law).

#### **HOW SHOULD A FEE BE APPLIED TO OBTAIN A LICENSING?**

There are a number of options for the calculation of licensing fees incurred by the CGS for the administration and enforcement of the licensing system:

- ☐ A flat fee per rental property
- ☐ A fee based on the number of rental units on a property
- ☐ A fee based on the number of bedrooms in a rental unit

It would be suggested that the licensing fee should be based on the principal of recovering all or most of the costs of operating the licensing program. Staff could report on the potential fees and costs of a licensing program depending on which option Council wishes to investigate.

#### **ENFORCEMENT AND PENALTIES**

The Municipal Act has expanded the enforcement mechanisms available to municipalities which includes penalties that could be applied where failure to comply with any provisions of a licensing by-law are evident. The CGS could establish a system of fines, or consider suspending or revoking a license due to inaction on ORDERS or causing a nuisance to neighbouring properties. Procedures would need to be developed with respect to any system of

penalties Council decides upon. These would include penalty, notification procedure, and an appeal process.

A Licensing Appeal Committee could be implemented as part of the overall process. The Committee would be established to conduct hearings of appeals under the Licensing By-law. These appeals would relate to license suspensions, revocations, refusals, and renewals. The Committee would be responsible for making the final and binding decision respecting such appeals.

## **LICENSE APPLICATION REQUIREMENTS**

The CGS may impose conditions as a requirement to obtain, renew or continue to hold a Residential Rental license. The following information could be included as part of the licensing by-law:

### **1. Ownership information**

Property ownership could be required in order to maintain a comprehensive registry of rental units and facilitate contact with the owner to address any property maintenance issue that may arise (full name, municipal address, mailing address, contact phone number).

### **2. Property Information**

Information about the rental property could include the following:

- ☐ Municipal address and legal description
- ☐ Current zoning
- ☐ Number of rental units and number of bedrooms
- ☐ Sketch indicating location of each rental unit or bedroom

### **3. Tenancy**

The owner of the rental property could be required to provide proof that each tenant is party to a rental or lease agreement. This information will include names of each tenant and duration of the tenancy which will assist in addressing any issues of occupancy of a building (By-law, Fire Dept., Police)

### **4. Parking Plan**

A parking plan showing the location and dimensions of all required parking spaces on the rental property could be required as part of the rental business license. This information will ensure that there will be an adequate amount of parking spaces in compliance with the zoning by-law and help alleviate illegal parking on both the rental property and the adjacent street area.

## **5. Floor Plan**

A floor plan could be required as part of the business license. The floor plan would illustrate the rental unit dimensions, bathroom locations, window sizes, ceiling heights (basement), and egress. No room could be used as a bedroom unless shown on the floor plan and approved and no new bedroom(s) could be added without the consent of the CGS.

## **6. Waste Management Plan**

Neighbourhood issues arise as a result of a lack of a property waste management plan to ensure proper removal of garbage from the rental property. The rental license could require a dedicated location for garbage holding area for the tenants of the rental units.

## **7. Insurance**

The owner of a residential rental property could provide proof of insurance which recognizes the use of said property as residential rental property and which would include liability insurance coverage for any property damaged and/or bodily injury.

## **8 Other Requirements**

The owner of the rental property could also be required to include the following:

- ☐ Posting of CGS Residential Rental License in plain view inside the building

## APPENDIX D

### Rooming House Licensing Frequently Asked Questions

1) What is the Purpose of Licensing Rooming Houses?

The purpose of the program is to proactively address the issue of substandard rental properties and to ensure that the CGS rental stock is maintained in compliance with the City's property standards by-law. The goal of this program is to positively impact tenant accommodations and the aesthetics of the surrounding neighbourhood. The Licensing of Rooming Houses would work in conjunction with the Ontario Building and Fire Codes and the CGS Zoning and Property Standards By-law.

2) What is the Property Standards By-law?

Many municipalities in Ontario, including Sudbury, have passed by-laws which addressed maintenance and occupancy issues related to quality of life. The City of Greater Sudbury's Property Standards by-law was established to address the safety and general repair of both the exterior and interior of residential buildings and structures. The standards set out in this by-law generally concern minimum maintenance requirements.

3) How are Property Standards issues currently enforced?

The Property Standards by-law is presently enforced on a complaint basis. Complaints received by the City are from three general sources: tenants, neighbours and/or referrals from partner enforcement agencies. The property standards office takes prompt action to confirm an alleged unsafe condition and all property standards complaints are investigated on a priority basis.

4) Why Can't a Property Standards officer proactively inspect the interior of rental properties without a Licensing by-law?

Property Standards Officers can easily inspect the exterior of a building or property to determine compliance with the Property Standards by-law. Property Standards Officers cannot inspect the interior of a dwelling unit unless they are responding to a complaint from a tenant of such dwelling unit and have permission from the occupant of the unit to enter. They cannot undertake proactive property standards inspections of the interior of dwelling units.