

CITY COUNCIL AGENDA

Consolidated as of July 26, 2013



Council Chambers, Guelph City Hall, 1 Carden Street

DATE July 29, 2013 – 7:00 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

O Canada
Silent Prayer
Disclosure of Pecuniary Interest and General Nature Thereof

PRESENTATION

a) None

CONFIRMATION OF MINUTES (Councillor Laidlaw)

“THAT the minutes of the Council Meetings held June 24 and July 8, 2013 and the minutes of the Closed Meetings of Council held June 24 and July 8, 2013 be confirmed as recorded and without being read.”

PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT

Application	Staff Presentation	Applicant or Designate	Delegations (maximum of 10 minutes)	Staff Summary
151 Cityview Drive North – Proposed Zoning By-law Amendment (File: ZC1302), Ward 1	Chris DeVriendt, Senior Development Planner	<ul style="list-style-type: none">Franca DaMaren		
50 Stone Road East – Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP1301 / ZC1304), Ward 5	Chris DeVriendt, Senior Development Planner	<ul style="list-style-type: none">Krista Walkey, Stantec Consulting Ltd.	<u>Correspondence:</u> <ul style="list-style-type: none">- Hugh Whiteley- Nathan Garland, Resource Planner, GRCA	

CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

Community & Social Services Committee			
Item	City Presentation	Delegations	To be Extracted
CSS-2013.19 2013-2018 Youth Strategy Implementation Plan	<ul style="list-style-type: none"> • Anna Nguyen • Amy Greatorex 		✓
CSS-2013.21 Outstanding Motions of the Community & Social Services Committee			

Adoption of balance of Community & Social Services Committee Sixth Consent Report - Councillor Dennis, Chair

Corporate Administration, Finance & Enterprise Committee			
Item	City Presentation	Delegations	To be Extracted
CAFE-2013.24 2013 Efficiency Target Progress Update			
CAFE-2013.25 Budget Monitoring Policy			
CAFE-2013.26 2014 Capital Budget Framework		<ul style="list-style-type: none"> • Scott Doern • Yvette Tendick, President Guelph Coalition for Active Transportation 	✓
CAFE-2013.27 Outstanding CAFE Committee Motions for the Finance & Enterprise Service Area			
CAFE-2013.29 Outstanding CAFE Committee Motions			

Adoption of balance of Corporate Administration, Finance & Enterprise Committee Sixth Consent Report - Councillor Hofland, Chair

Governance Committee			
Item	City Presentation	Delegations	To be Extracted
GOV-2013.8 2014 Municipal Election: Methods of Voting	<ul style="list-style-type: none"> • Blair Labelle, City Clerk • Nicole Goodman, Research Consultant 	<ul style="list-style-type: none"> • Janet Doner, Manager Community Engagement & Global Citizenship, Student Life, University of Guelph • Tyler Valiquette, Local Affairs Commissioner, Central Student Association, University of Guelph • Dominica McPherson, External Affairs Commissioner, Central Student Association, University of Guelph 	✓
GOV-2013.9 CAO Performance Appraisal Committee Terms of Reference and Process Protocol			
GOV-2013.10 Delegation of Authority for Operational Applications, Contracts and Agreements			

Adoption of balance of Governance Committee Second Consent Report – Mayor Farbridge, Chair

Operations, Transit & Emergency Services Committee			
Item	City Presentation	Delegations	To be Extracted
OTES-2013.13 Land Ambulance Response Time Performance Plan for 2014			
OTES-2013.14 Ambulance Base in Drayton			
OTES-2013.15 Open Air Burning – Residential/ Commercial Fire Pits and Related Fuel Burning Appliances			
OTES-2013.18 Restorative Alternatives Program Pilot			

OTES-2013.19 Business Licence By-law Amendment – Driving Instructor Licensing		Correspondence: - Eileen Johnson	
OTES-2013.20 Costco Wholesale Corporation – Noise Exemption Request			
OTES-2013.21 Hamilton Tiger Cats 2013 Mutual Service Agreement			
OTES-2013.22 Guelph Storm 2013/2014 Mutual Service Agreement			

Adoption of balance of Operations, Transit & Emergency Services Committee Fourth Consent Report - Councillor Findlay, Chair

Planning & Building, Engineering and Environment Committee			
Item	City Presentation	Delegations	To be Extracted
PBEE-2013.25 Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan & Performance Measurement Framework			
PBEE-2013.26 Rental Housing Licensing Cost- Benefit Analysis		<ul style="list-style-type: none"> • Tony Peteranac • John Gruzleski • Donna Marx • Stephen Foti • Martin Ford • Stephen Foti • Pam Munghen, Student Help & Advocacy Centre Coordinator, Central Student Association, University of Guelph • Cynthia Bragg • Lyle McNair Correspondence: <ul style="list-style-type: none"> • Andrew & Tonya Lunau Smith • Donna Marx • Ann and J.A. Mackenzie 	✓

		<ul style="list-style-type: none"> • Clark McDaniel, Williams & McDaniel Property Management • Sylvia Watson • Lyle McNair • Morris & Donna Haley 	
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Adoption of balance of Planning & Building, Engineering and Environment Committee Sixth Consent Report - Councillor Piper, Chair

Report of the Integrity Commissioner			
Item	Presentation	Delegations	To be Extracted
IC-2013.2 Complaints Against a Councillor Received by the Integrity Commissioner			

Adoption of the Report of the Integrity Commissioner.

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
CON-2013.18 Proposed Demolition of 17 Clive Avenue, Ward 2			
CON-2013.19 1750 Gordon Street – Application for Site Plan Approval for Phase 2 of a Mixed Use Commercial Development (File SP13C003), Ward 6	<ul style="list-style-type: none"> • Michael Witmer, Planner/ Site Plan Coordinator 		✓

Adoption of balance of the Council Consent Agenda – Councillor

ITEMS EXTRACTED FROM COMMITTEES OF COUNCIL REPORTS AND COUNCIL CONSENT AGENDA (Chairs to present the extracted items)

Once extracted items are identified, they will be dealt with in the following order:

- 1) *delegations (may include presentations)*
- 2) *staff presentations only*
- 3) *all others.*

Reports from:

- Community & Social Services Committee – Councillor Dennis
- Corporate Administration, Finance & Enterprise Committee– Councillor Hofland
- Governance Committee – Mayor Farbridge
- Operations, Transit & Emergency Services Committee – Councillor Findlay
- Planning & Building, Engineering and Environment Committee– Councillor Piper
- Report of the Integrity Commissioner
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Piper)

“THAT By-law Numbers (2013)-19604 to (2013)-19624, inclusive, are hereby passed.”

<p>By-law Number (2013)-19615 A by-law to designate portions of the building and property municipally known as 79 Carden Street and legally described as Part of Market Place (aka Jubilee Park), Plan 8, designated as Part 39, Reference Plan 61R11523, City of Guelph, as being a property of cultural heritage value or interest.</p>	<p>To designate the property municipally known as 79 Carden Street as being a property of cultural heritage value or interest.</p>
<p>By-law Number (2013)-19616 A by-law to designate portions of the building and property municipally known as 83 Essex Street and legally described as Part Lot 383, Plan 8, being the southwest half, City of Guelph, as being a property of cultural heritage value or interest.</p>	<p>To designate property known municipally known as 83 Essex Street as being a property of cultural heritage value or interest.</p>
<p>By-law Number (2013)-19617 A by-law to authorize the conveyance to Semlaka Holdings Inc. of the lands described as Part Block 3, Plan 61M169, designated as Part 1, Reference Plan 61R20119, City of Guelph.</p>	<p>To authorize the conveyance of land.</p>

<p>By-law Number (2013)-19618 A by-law to amend By-law Number (2013)-19529, being a by-law to delegate authority pursuant to the Municipal Act. (Schedule "Z").</p>	<p>To amend the Delegation of Authority By-law with respect to contracts and agreements as per Governance Consent Report GOV-2013.10.</p>
<p>By-law Number (2013)-19619 A by-law to authorize the use of vote scanners/tabulators for the 2014 Municipal Elections.</p>	<p>To authorize the use of vote scanners/tabulators for the 2014 municipal election as per Governance Consent GOV-2013.8</p>
<p>By-law Number (2013)-19620 A by-law to authorize the use of Internet Voting in the 2014 Municipal Election.</p>	<p>To authorize the use of internet voting in the 2014 municipal election as per Governance Consent GOV-2013.8.</p>
<p>By-law Number (2013)-19621 A by-law to remove Lot 35, Plan 61M181, designated as Parts 9 and 10, Reference Plan 61R20071 in the City of Guelph from Part Lot Control. (89 and 91 Oakes Crescent)</p>	<p>To remove land from part lot control to create separate parcels for semi-detached dwelling units to be known municipally as 89 and 91 Oakes Crescent.</p>
<p>By-law Number (2013)-19622 A by-law to remove Lot 1, Plan 61M182, designated as Parts 27 and 28, Reference Plan 61R20095 in the City of Guelph from Part Lot Control. (446 and 448 Starwood Drive)</p>	<p>To remove land from part lot control to create separate parcels for semi-detached dwelling units to be known municipally as 446 and 448 Starwood Drive.</p>
<p>By-law Number (2013)-19623 A by-law to authorize conveyance of an Easement in favour of Barrel Works Guelph Ltd. over the lands described as Part of Lots 1 and 2, Registrar's Compiled Plan 712, designated as Part 1, Reference Plan 61R20125, City of Guelph.</p>	<p>To authorize the conveyance of an Easement.</p>
<p>By-law Number (2013)-19624 A by-law to confirm the proceedings of a meeting of Guelph City Council. (July 29, 2013)</p>	<p>To confirm the proceedings of a meeting of Guelph City Council held July 29, 2013.</p>

MAYOR'S ANNOUNCEMENTS

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

NOTICE OF MOTION

ADJOURNMENT

50 Stone Road East

Official Plan Amendment 13-01
Zoning By-law Amendment 13-04

Reid's Heritage Homes

Public Meeting – July 29, 2013



One Team. Infinite Solutions



Stantec

Reid's Heritage Homes

- For over 30 years, Reid's Heritage Homes has been proudly offering top quality homes across Ontario
- Reid's is an experienced and award winning developer of residential communities in the City of Guelph with projects such as Village by the Arboretum and Westminster Woods subdivision.



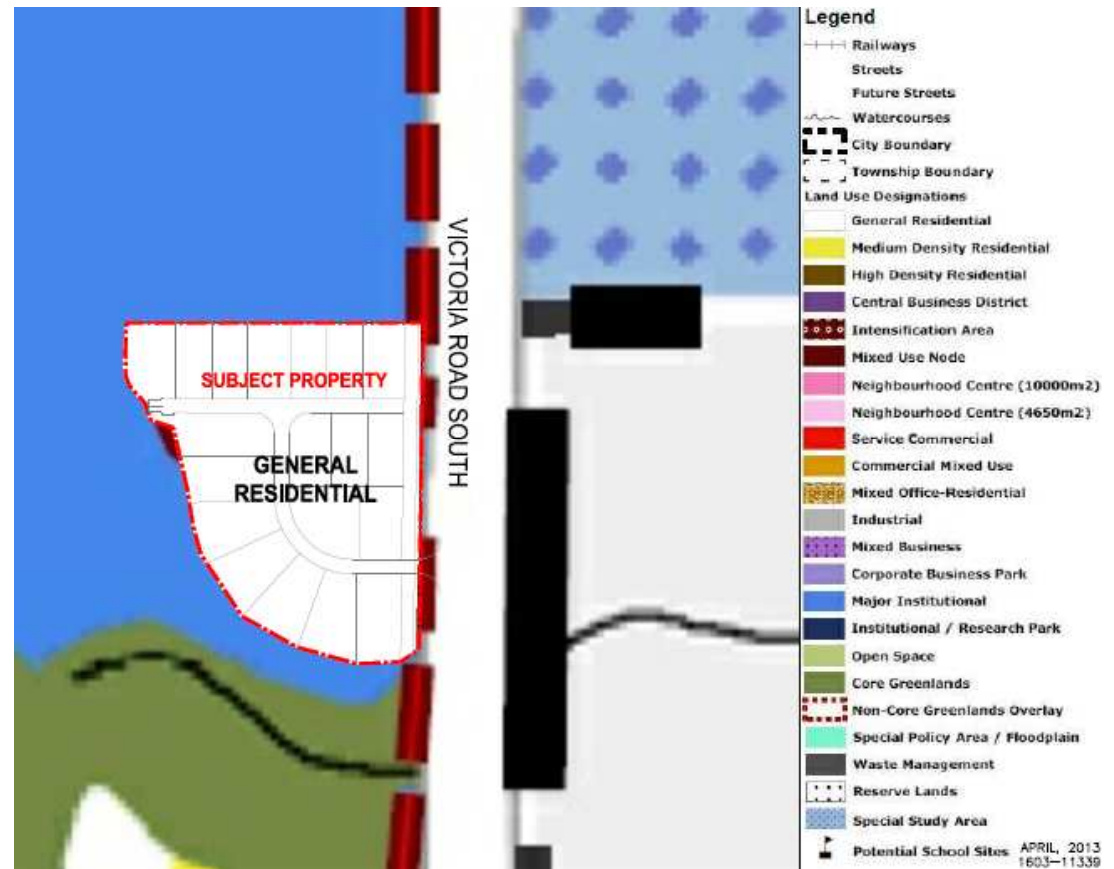
Proposed Development

- 19 residential single detached dwellings on lands owned by the University of Guelph, through a Plan of Condominium along Victoria Road, south of Stone Road.
- The developable area is approximately 1.42 hectares as setbacks and buffers have been maximized to respect and protect the surrounding environmental features.



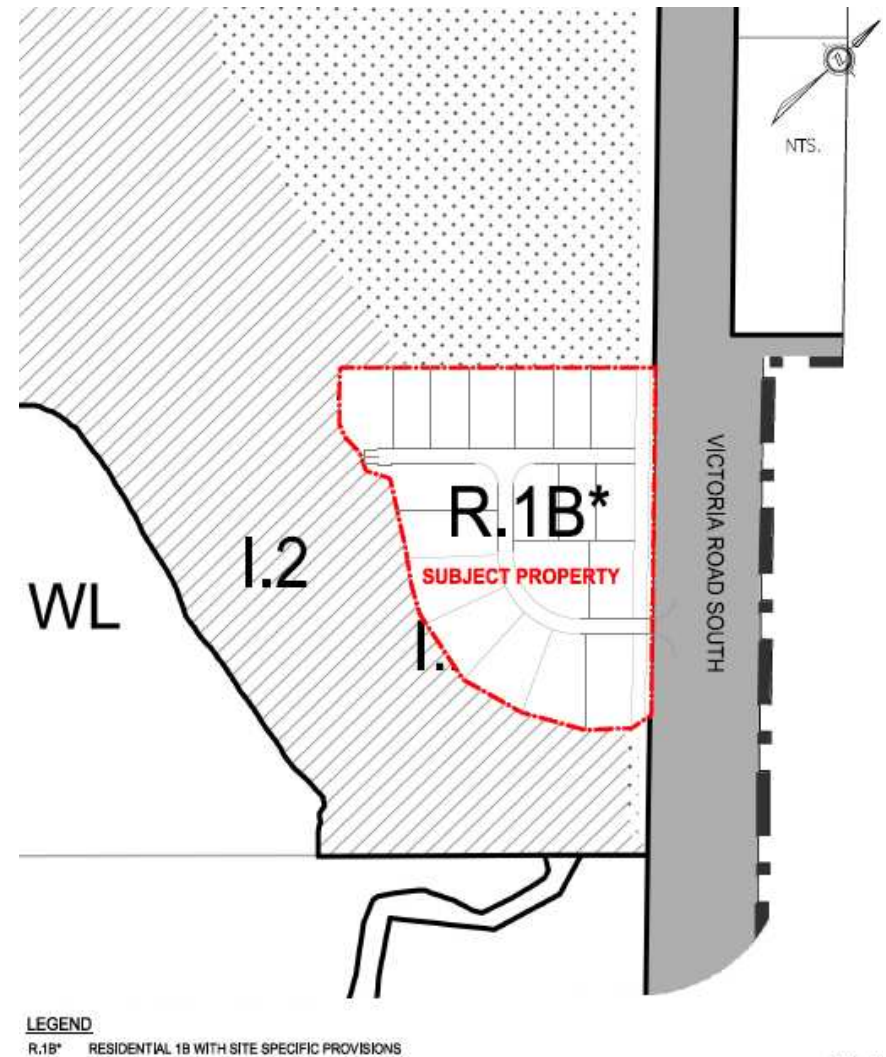
Official Plan Amendment Request

- Amend to the Official Plan from Major Institutional to General Residential



Zoning By-law Amendment Request

- Amend the Zoning By-law from Institutional 2 to Residential Single Detached R.1B with Site Specific provisions



Proposed Development Concept



Features

- Setback from Wetland
- Balance of Density and Location
- Plan of Condominium
- Sustainable Design Practices and Opportunities



Reports Submitted

Issue	Background Study Completed
Noise from Victoria Road	Noise Impact Assessment
Archeological Potential	Archeological Resource Assessment
Conformity/ Compliance	Planning Justification Report
Servicing/ Grading	Preliminary Functional Servicing Report; and Stormwater Management Design Brief
Natural Environment	Environmental Impact Study
Soils	Geotechnical Investigation

Questions



Submission to City Council July 29 2013

Submitted by Hugh Whiteley

RE: Planning Application for Victoria Road South of Stone “50 Stone Road East”

Recommendations:

I ask the City Council to direct planning staff to consider the following in making a staff report on this planning matter

1. To use a proper listing for this planning application. It is inappropriate, and deceptive, to use the University of Guelph address for this planning application. The site should be assigned a street number on Victoria Road and re-advertised with the actual location as a label.
2. To apply the provisions of the Official Plan (7.12.3.1), relating to prevention of the loss of open space, to this proposal. The subject land is not designated “Open Space” in the Official Plan because it is part of the University of Guelph Campus and hence is “Institutional” . However this site is functioning as Open Space and has had this function for over a century The meadow proposed for development has been used as a study site and bird-habitat restoration area by University of Guelph faculty and Guelph Field Naturalists for over forty years.This Open Space function is recognized by the inclusion of the subject property in the Linked Open Space Concept (Section 7.12.5 and Schedule 7 of the OP).
3. To consider how the City of Guelph’s declared “Environment First” and “anti-sprawl” policies apply to the proposed application. The proposed development would degrade the biodiversity of an integrated meadow/wetland/woodland complex by removing the meadow component with its distinctive habitat and interactive functionality (home, for example to chickadees and barn swallows and the meadow crawfish). The proposed development of 19 single family homes (at a density of only 13 units/ha) as pocket development surrounded by important natural heritage features and disconnected from the established urban fabric of the City is a prototypical example of urban sprawl.

Background

The consideration of this planning proposal by City Staff and City Council will be hindered greatly by the lack of a comprehensive quantitative Open Space Masterplan for the City of Guelph, with specified targets for the amount and qualities of Open Space needed to achieve City Objectives. The Linked Open Space Concept of the current Official Plan was a good beginning for development of an Open Space Masterplan. However the abandonment of the Linked Open Space Concept by Planning Staff, and the de facto rejection by City Council of the community- developed Recreation, Parks and Culture Strategic Masterplan with its expressed objective to protect and enhance greenway corridors, trails, parks, and open space for current and future generations, leaves staff and council without guidance when proposals for conversion of open space to development are submitted for approval, The result is ad hoc decision-making in which development proposals are strongly supported by proponents and open space considerations receive only nominal attention and no support.

The result of this lack of consideration of Open Space Objectives has resulted in very large reductions in the amount of Open Space in the City of Guelph over the last twenty years. The loss of the open-space amenity of the Victoria West golf course is one example of an unexamined conversion with no attempt to conserve any of this Open Space. However the largest losses of Open Space has been in the conversion of meadow areas to built areas. Numerous ecological studies, including the Hanlon Creek State-of-the-Watershed Study and the City of Guelph Phase Two Natural Heritage System Study describe meadows as providing valuable habitat and adding an important dimension to the natural heritage system. Nevertheless the Hanlon Creek Watershed area, for example, has lost more than 1/3 of its meadow habitat to development in the last twenty years and the NHS in OPA 42 contains almost no meadow areas.

This lack of protection for meadows results from an undervaluing of meadows by ecologists and quiet acceptance of this evaluation within the community at large. A hierarchy has been established, and recognized in the Provincial Policy Statement, in which wetlands, woodlands and valleylands are valued and meadows are sacrificed. The Phase Two Report for OPA 42 explicitly associated the lack of protection for meadows with the requirement to identify additional land for development and the reluctant decision that with wetlands and woodlands and valleylands fully protected meadowland loss was the only option to find the necessary land.

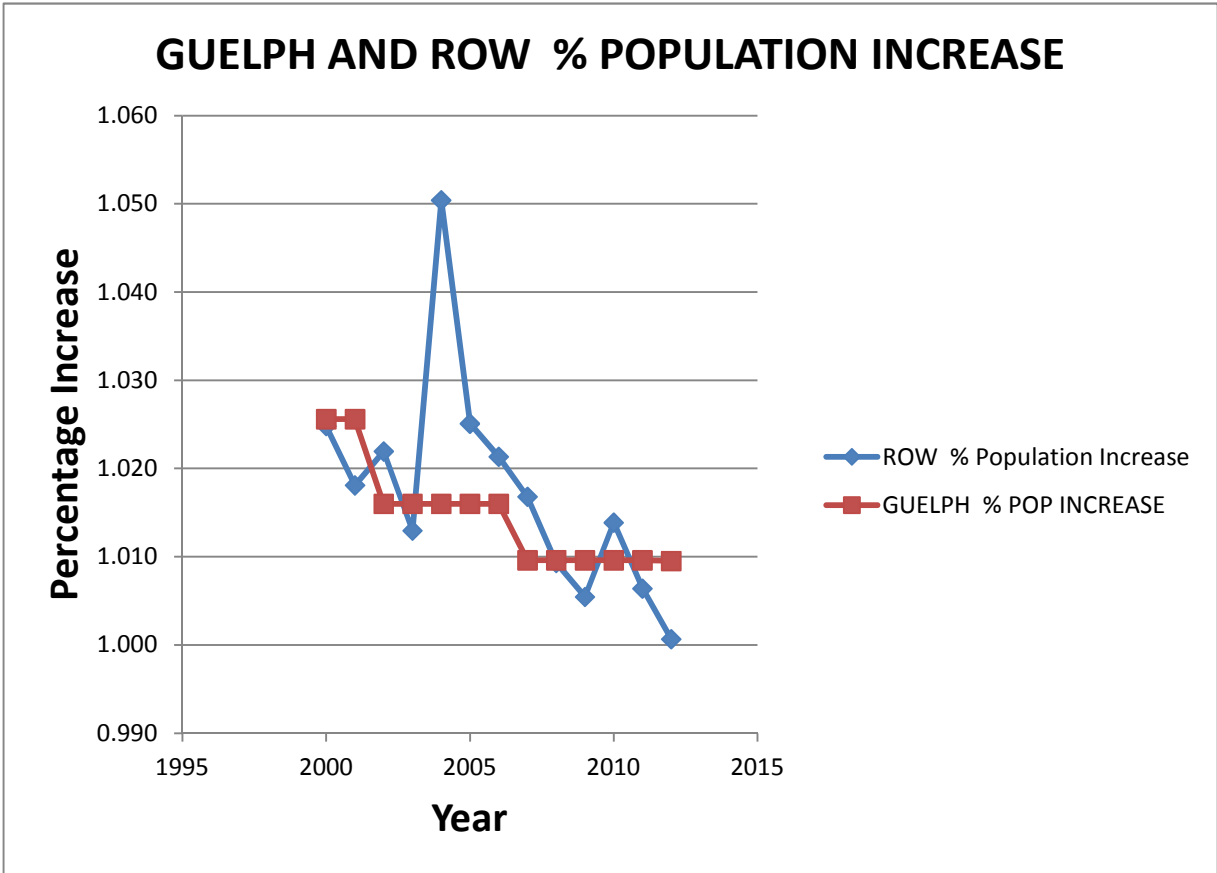
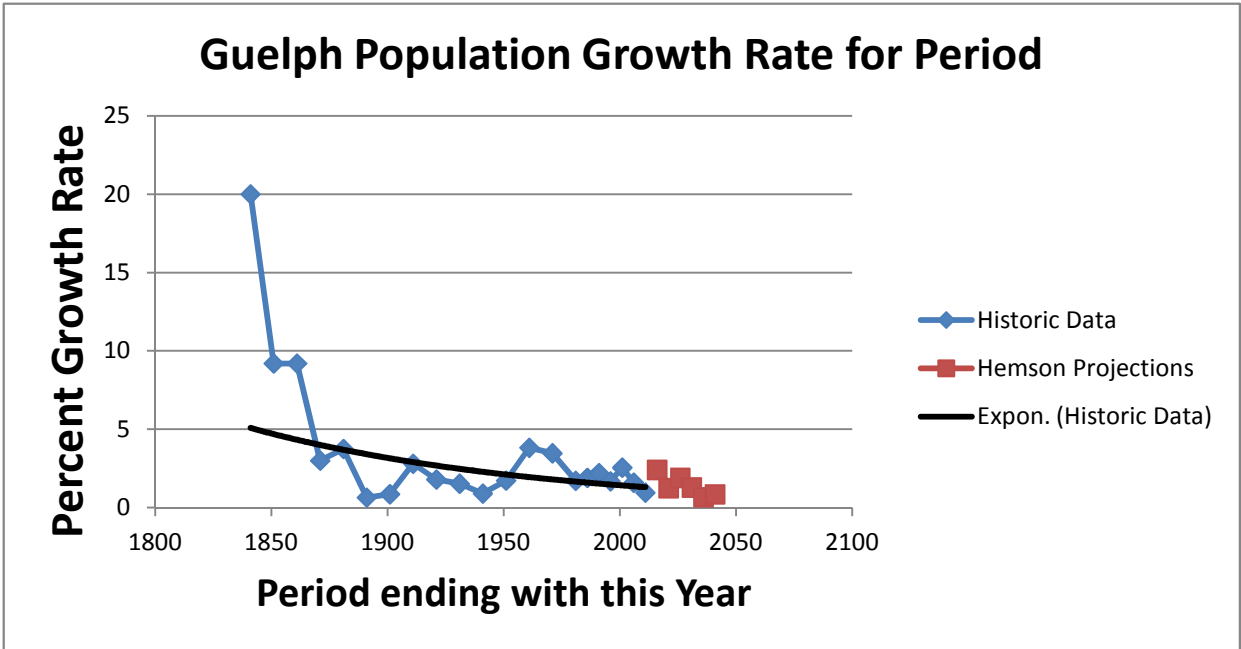
This decision to devalue meadowland is predicated on the assumption that development must occur in some natural open-space areas and the least damaging option was to sacrifice meadows. This may have been true when sprawl-based development was the only option and when population growth rate was high. Since neither of these conditions apply to Guelph any longer it is important that the decision to eliminate meadowland from the open-spaces of the city be reviewed.

The evidence for reduction in population pressure for Guelph is now extensive. On the next page I provide two graphs – one for Guelph’s population growth rate since settlement began and a second in which growth rates for Guelph and for the Region of Waterloo for the last fifteen years are displayed. The steady decline in growth rate is clear. This trend is completely consistent with trends in all countries with developed economies and the future for Canada, Ontario and Guelph is equally clearly one of stabilized population, a condition already reached in Europe and Japan.

It is important to recognize that the Places To Grow population forecasts were established by the Province to confirm the capacity of cities to accommodate higher populations if this was required. In the new era of reducing population pressure Guelph has no obligation to reach the population forecast in PTG and is free to make planning decisions that support the goals of sustainability and high quality of life for its citizens without violating any undertaking to the Province.

Specific to this site it is also important to recognize that there is no need-based justification for further depleting the City’s dwindling Open Space by converting this natural area to sprawl-based housing. The 19 houses that are proposed would be isolated from the developed areas of the City, an undesirable intrusion into a functioning multifaceted natural area complex, and entirely dependent on automobiles for transport. Linkage by sidewalk or bicycle are presently nonexistent and shopping and service areas are many km distant.

The University has no basis for declaring this land surplus to its long-term requirements when due consideration is given to the mutual concerns of University and City to protect and enhance greenway corridors, trails, parks, and open space for current and future generations. As is noted in the OP the grounds of the University have a vital role in enhancing the landscapes of the City and the open-space network that runs throughout the City.





July 25th, 2013

Chris DeVriendt
Planning and Building, Engineering and Environment
City of Guelph
City Hall
1 Carden Street
Guelph, ON N1H 3A1

Dear Mr. DeVriendt,

**RE: Official Plan Amendment – File No. OP1301
Zoning By-law Amendment – File No. ZC1304
50 Stone Road East**

GRCA staff have now had an opportunity to review the following documents submitted in support of the proposed amendments:

- Stormwater Management Design Brief prepared by Stantec Consulting Limited dated April 2013
- Geotechnical Investigation, Reid's Heritage Homes Victoria Road prepared by Stantec Consulting Ltd. Dated April 2013
- Environmental Impact Study, University of Guelph Victoria Lands prepared by Stantec Consulting Ltd., April 2013

We recommend the proposed Official Plan Amendment and the Zoning Bylaw Amendment be deferred until such time as the following comments have been addressed.

Engineering:

1. The proposed SWM facility shown in the concept plan as being mostly outside of the floodplain is actually entirely in the floodplain. The official Regulatory floodplain elevation immediately upstream of Victoria Road, as provided in modelling from the Torrance Creek Subwatershed Study, is 331.33m. Figure 4.0 of the design brief has a SWM pond mainly located between 330m to 331m contours with berm top set at 331.30m.
2. Due to the amount of fill required to create the proposed dry pond, as well as its proximity to a water course, the current concept does not satisfy GRCA guidelines for the placement of SWM

N:\Watershed Resources Planning\Resource Planning\WELLINGTON GUELPH\CT.2013\OPA 50 Stone Road East\OP1301 and ZC1304.docx



facilities in a floodplain. We understand that Stantec has a copy of these guidelines which a revised plan may be able to satisfy through a scoped Environmental Impact Study.

3. The use of an oil and grit separator and dry pond is considered appropriate for storm water treatment in a development of the subject properties modest size, however we note that as proposed there is negligible separation between locations of the SWM ponds inlet and outlet. As the dry pond is also required to trap contaminated fines in a vegetated flow path, that oil and grit separators are unable to capture, we request relocation of either the inlet or the outlet to the opposite end of the SWM facility.
4. Note, due to its short distance, the municipal ditch between the proposed pond outlet and the receiving water course cannot be relied on to provide the additional treatment requested above.

Terrestrial and Aquatic:

5. We would request that the statement included under Section 5.7 "Fish Habitat" include comments on both direct and indirect fish habitat and consideration for both as it pertains to the site.
6. We recommend the proponent contact MNR with respect to Section 4.5.7 as it relates to Blandings Turtle and Blandings Turtle Habitat.
7. Section 5.5.1 appears to contradict that of 5.5.3. Amphibian Woodland Breeding is a seasonal concentration area. This should be clarified.
8. We agree with the comments included under section 8.3.1 "Buffers and Setbacks" as they relate to the 10 metre setback from the dripline of the woodland and recommend that construction fencing as noted under sections 8.3.4 and 8.3.5 maintains follows the 10 metre setback.
9. Section 8.6 should have an invasive removal program in the duration of the two year monitoring program.

Advisory to Municipality:

Groundwater observations were provided at two locations at the time of drilling. We recommend that monitoring continue in order to capture seasonal high groundwater elevations as needed to provide adequate data for placement of the underside of basement floors above groundwater at all times.

The applicant will be invoiced \$1970 for the review of the proposed Official Plan and Zoning Bylaw Amendment.

Should have any questions or require any additional information, please contact me at 519-621-2763 x2236.

Sincerely,



Nathan Garland
Resource Planner
Grand River Conservation Authority

cc. Reid's Heritage Homes
Shari Muscat, Stantec, Kitchener
David Williams, Stantec, Kitchener

July 18, 2013

Clerk's Office
City of Guelph
Guelph, ON
TO WHOM IT MAY CONCERN

RECEIVED
JUL 23 2013
CITY CLERK'S OFFICE

I understand that the City is considering placing certain restrictions on out-of-town driving schools using Guelph city streets for their instruction. May I request that you consider Sleeman Avenue as a problem area. Our street is becoming a veritable training ground for these enterprises. For example, while I was having my breakfast this morning, no less than three such vehicles were practicing three-point turns at the foot of my driveway. In the past half hour alone, a further four vehicles were also so engaged. Since it is only just past noon, I can only imagine the total by the end of the day. It is more than one's insurance is worth to leave one's car on the street. Those of us foolhardy enough to do so, risk scrapes and dents from these same vehicles practicing parallel parking.

Not only is this practice annoying, but it is becoming dangerous. As an example, one morning two weeks ago I was late for an appointment, and sat in my car for several minutes waiting for one of these vehicles to decide whether or not it was going to commence its turn. Finally I gave up, and cautiously began to back onto the street, keeping a wary eye out to my left in case the other car decided to move, (bearing in mind that it was stopped at the very edge past my driveway). In so doing, I almost missed seeing a pedestrian walking past me on the sidewalk from my right. Having safely backed into the street, I started forward, and a few yards further on, had to sit for several more minutes while another trainee driver sat broadside across the road, blocking my path, as the instructor gave him details of how to complete his turn. These are not isolated occurrences. They are daily happenings. I realise that we all had to learn, but the sheer concentration of these vehicles on this particular street is becoming a real problem, and one in which my neighbours and I would be most grateful for the City's help.

If the Clerk's Office is not the correct place to address this problem, perhaps you would be good enough to forward it on to the appropriate department. Thank you for your consideration and assistance.

Sincerely
Eileen Johnson

From: Andrew & Tonya Lunau Smith
Sent: July 23, 2013 1:17 PM
To: Clerks
Subject: Proposed shared rental housing licensing comments

Greetings,

We are residents of Ward 5, a neighbourhood with many rental homes occupied by students at the University of Guelph.

Regarding property standards, we are in support of implementing a licensing program for shared rental housing that compels landlords to take care of their properties in an appropriate and timely manner, and that helps protect the safety of tenants. Further to that, we would like to see such a program include a published set of penalties and fines that are enforced, along with public access to bylaw complaints on such properties. There should be strict limits on the number of complaints a landlord can receive, with substantial fines and licensing removal for continued non compliance.

Regarding noise bylaw standards, furthermore, we would like to see noise bylaw complaints included in the public access records through the Guelph.ca web site - not only property standards complaints - and such complaints should also be tracked and a limit enforced on the number of complaints a property can receive during a given time period. We have had many noise-related issues in our neighbourhood and it seems the repeated visits from bylaw officers are not an effective way of providing a long-term solution to nuisance parties and disruptive students. Significant fines imposed on landlords (and to the disruptive tenants) should be part of this licensing program, in our opinion.

Thank you,

Andrew & Tonya Lunau Smith

RECEIVED

JUL 23 2013

Council meetings

Service Guelph
City of Guelph

RECEIVED

JUL 24 2013

CITY CLERK'S OFFICE

Thanks for asking.

30- out of 35 people I housed
large physical and or mental,
emotional issues, big time. Some,
no doubt, enclosed all children, left
too long perhaps in crib, in front of TV
victims of molest, sadism, neglect, not fed
on time. Emotionally unable to or
unwilling to comprehend terms of rental
housing, rent due date, opt for zero clean
up, garbage out. Landlord becomes
victim.

See attached Wellington and
Guelph Housing Services Tenant Abuse
Report. Should this be stand for
those of us who rent to possibly
unemployed, brain-injured, welfare &
ODSP recipients in particular to help
mediate for landlord and partypes.
Sincerely
Blondie Mary



TENANT ISSUE REPORT

If you wish to report a problem with a tenant, staff person or community concerns, please complete and sign this report and submit the top copy to Wellington and Guelph Housing Services.

IF YOUR SAFETY IS THREATENED, CALL POLICE!

Your Name _____ Phone # _____

Address _____

If you do not have a phone, how can we contact you? _____

Check One

This is about personal damage to me (injury, property damage, verbal abuse)

This is about disturbance of my reasonable enjoyment as defined by the Tenant Protection Act or applicable Bylaws

Other (explain) : _____

I wish to make a report about the following individual

Name: _____ Telephone Number _____

Address (if known) _____

What happened?

Tell us everything that happened, the people involved & what you did to resolve the problem. Attach extra pages if needed.

How often has this happened? _____ Were there other witnesses? Yes No

If so, please encourage them to complete a Tenant Issue Report as well. You are not required to provide their name(s)

Were Police involved? Yes No The Officer's name(s) is (are) _____

Did you get a Police Occurrence Number (attach a copy) # _____

I understand that because of confidentiality and the Municipal Freedom of Information and Protection of Privacy Act, Housing Services may not be able to tell me the actions they have taken as a result of this report. I understand that other staff may be consulted to help resolve my concerns.

Signed: _____ Date: _____

July 24, 2013

Mayor Karen Farbridge
City Hall
Carden Street
Guelph

Leanne Piper
Ward 5 Councilor
62 Mary Street
Guelph, Ontario
N1G 2B1

Lise Burcher
Ward 5 Councilor
104 Maple Street
Guelph, Ontario
N1G 2G2

Dear Mayor Farbridge, Councilors Leanne & Lise:

We have been reading with some interest the reports on the proposed licensing program for rental housing in the city. As you know from our previous letters and e-mails (we have been advising you of our concerns for almost four years) about property standards and absentee landlords we have an interest in how City Council proceeds.

We understand that on July 29, 2013 City Council will consider pursuing a community consultation process to advise Council on the matter of a licensing program. We encourage Council to pursue this consultation.

As noted in a previous letter to you (February 28, 2013) towards the close of the Ward 5 Community Well Being initiative meeting in 2012 a follow up meeting on the subject of absentee landlords and student housing in Ward 5 was proposed by our two Council representatives. This meeting did not happen, Mayor Farbridge referenced this meeting in an e-mail to us on March 5, 2013, but there was no follow up from Councilors or staff. So we have to hope that a broader community consultation will help Council get to the issues that dominate some neighbourhoods.

As I noted in earlier letters to you if we track the timeline for this process we estimate it will be 2014, or possibly later depending on the consultation process, when Council will have recommendations to consider before implementation of a By-Law. It will be at least 4 years since I wrote to you about the concerns in our neighbourhood. We are aware that the residents of the Old University neighbourhood have been expressing their concerns to Council for a much longer period.

We are interested in a Community Consultation and will be prepared to offer our views. We suggest that any consultation involve individual neighbourhood conversations so that City staff, Council and neighbourhood communities have the opportunity to discuss the real impacts rental housing and absentee owners have in those neighbourhoods specifically.

Based on our initial reading of proposals we would support a licensing program that is self-funded, has no impact on the property taxpayer and has annual inspections. Fire safety, electrical safety, health standards are all important features of an inspection program as is the maintenance of

property standards. Based on our experience in this neighbourhood we do not believe that the option of a `self-certification` licensing model would be effective in maintaining neighbourhood standards and would encourage Council to not pursue this as an option.

As we noted in previous letters the majority of the Ward 5 residents in attendance at the Community Well Being Ward conversation spent most of the evening on the topic of absentee landlords and student housing. It is a major concern for many Ward 5 residents, for us Community Well Being starts with creating a resolution to student housing in family neighbourhoods. As I noted in a letter to you in September 2012 (before the Community Wellbeing Ward conversations):

"It is a challenge to talk about community wellbeing issues when we are unable to resolve issues of respect for neighbourhoods and neighbours. Properties that are in disrepair or unkempt, that do not meet minimum standards of upkeep are a blight on neighbourhoods and communities."

Views echoed still today in many Ward 5 conversations.

In the meantime residents continue to be directly impacted and more family homes are bought by investors and turned into rental accommodation. A quick scan of some Guelph real estate websites show how the real estate community looks at rental housing in Guelph, it is an investment opportunity, City licensing is a potential impediment, neighbourhood impacts are never mentioned. So the issues keep growing, the prospect of student rental ghettos remains. For Ward 5 residents this really is a matter of some urgency, we live with the issues every day.

We assume that with an effective licensing program enforcement will be more rigorous than it is currently and will not depend on a complaints based system to react and respond to issues.

As we noted in previous letters to say that we are disappointed and frustrated is a huge understatement. Council and City that have not, in our view, made the issue of absentee landlords, property standards and student tenants a priority. Hopefully with this new proposal on licensing Council will move ahead with some urgency to address issues that have impacted large sections of the City for some years.

Sincerely,

Original signed by:
Ann Mackenzie
J. A. Mackenzie

Ann & Jim Mackenzie

cc Janet Laird
Executive Director, Planning Building, Engineering and Environment

PS I thought the following reference on the City website in relation to the upcoming Council discussion could have been worded differently

Community members hoping to address City Council during the meeting are invited to contact the City Clerk's Office by Friday, July 26 at 9 a.m.

I thought that in our civic democracy `wishing` would send a better message than `hoping`.

SINCE



1978

WILLIAMS & McDANIEL

PROPERTY MANAGEMENT

• SERVICE • COMMITMENT • INTEGRITY •

Submitted by Williams & McDaniel Property Management

As a certified Guelph based Landlord, we wish to raise our concerns about the proposed licensing of rental units in Guelph.

We have been a part of this community since 1978 and our professionally managed properties have positively influenced neighborhoods around us. As such, we feel that our experienced opinion can be of assistance to the council during the proposed review of the licensing of rental units and Landlords. Our concerns are as follows:

1. We have regulatory provincial and municipal laws in place that have the authority to control the rental sector.
 - a. The Residential Tenancies Act (RTA) is currently responsible for regulating the landlord and tenant relationship, some of which include; noise at the building and around the building, repairs of the exterior of the building, maintenance of the grounds in general and curb appeal issues. No other industry has such a sophisticated and well organized legal body in place.
 - b. Municipal by-laws are in effect and can directly influence any property and/or owner. The by-law again, has jurisdiction over building codes and repair deficiencies, noise violations and curb appeal infractions. In our opinion, any concerns that council might have with regards to rental properties should be addressed via those two regulatory bodies.
2. The expense of any newly created program will negatively affect the industry and more specifically their renters. Any costs will be passed on to the resident via potentially increased rent level. This directly affects the social status of the citizens of Guelph and can potentially negatively affect the economic status of the city. We do not see a benefit to the customer or other citizens of Guelph, instead we should better apply and use laws already in place, which will not create additional expenses to our community.

3. The Landlord industry has an internal program in place to add quality and professionalism to the industry. The Certified Rental Building Program (CRB) was launched in 2010 through The Federation of Rental-Housing Providers of Ontario (FRPO). This program requires the Landlord to comply with 35 different standards in order to obtain certification and the inspection of compliance is conducted independently by J.D. Power and Associates. Williams & McDaniel has obtained this certification in November 2011. Since then, there have been other Landlords that have followed this example and have contributed directly to the rental industry in the city of Guelph. Mayor Karen Farbridge, has shared this important event with the rental community.

If the council has concerns with a small number of property owners that are negatively affecting the community, our recommendation is that they look into existing laws and apply them to those who are non-compliant, instead of the industry at large.

Zeljka Budjinski, Director of Operations at Williams & McDaniel Property Management will be attending the hearing on July 29, 2013 and will be available to answer any questions you may have regarding this submission.

Sincerely,

A handwritten signature in black ink, appearing to be 'Clark McDaniel', written over a horizontal line.

Clark McDaniel, C.E.O.
Williams & McDaniel Property Management

To: Madame Mayor, Councillors and Staff

Re: Support for Community Consultation on the Licensing of Rental Housing

I have followed the progress of both the city and the university in dealing with the many issues surrounding off-campus student housing. Such housing is usually in former family homes and, if the three absentee landlords on my block are any indication, many absentee-landlords probably do not follow city "rules." I hope, therefore, a community discussion would include how licensing could address the non-compliance issue. The landlords owning houses on my block have:

- proceeded with renovations without building permits,
- tried to put student renters in basement rooms without egress windows,
- and attempted to rent more rooms than allowed by the bylaw (an ongoing issue with one house).

The onus to inform the city of these issues falls to the neighbours and then, to add insult to injury, the right to inspect these properties is limited.

This non-compliance issue will continue as long as investors view student housing as a cash cow. In the August, 2013 issue of the magazine **Canadian Real Estate Wealth**, there is an article entitled "Six Ways to Get Rich Through Real Estate." The article identifies student housing as one of the six ways. The authors advise : "Investors can find relatively affordable properties in smaller cities such as St. Catharines, Fredericton, **Guelph** or Antigonish...." The article then goes on to say: "...cash flow can be significantly higher as you can have more paying tenants per property. An investor could get, say, five students paying \$400-\$500 per bed rather than a single family paying \$1,200 for a whole property." (page 16)

With such a view of potential tenants, investors are often only interested in the bottom line and could easily decide to cut corners to increase their monthly cash flow.

Landlords seem to think they are already regulated enough but if they turn a blind eye to bylaws, building permits and fire safety, then who is to monitor this housing? Without a licensing scheme how are houses inspected for such infractions?

The city needs to have an honest discussion about the non-compliance of many absentee-landlords which is one of the main reasons for proceeding with community consultation re a potential licensing program.

Thank you for the opportunity to express my opinion,

Sylvia Watson

July 26, 2013

Your Worship Mayor Farbridge
City of Guelph Councillors

RE: PROPOSED LICENSING OF SHARED RENTAL HOUSING UNITS

I apologize for the length of this response to the PBEE Report 13-32 regarding Rental Housing Licensing Cost-Benefit Analysis, but if you have the time to read and absorb the report, I urge you to read my perspective on this issue.

I am writing this as a citizen of the City of Guelph who conscientiously wants to help make Guelph the best place to live in Canada. I have lived in the City for 17 years, short by some standards, but probably longer than most current residents. I have been involved in many aspects of the Municipality.

In that respect, I wear many hats. By education, I am a Professional Engineer registered through the Professional Engineers of Ontario. By current occupation, I am a REALTOR® and a Past President of the Guelph & District Association of REALTORS®. My current involvement with that Association includes being Chair of the By-law Committee; member (and Past Chair) of the Government Relations Committee; member (and Past Chair) of the Nominations Committee; and Chair of the Harassment Investigative Committee. I have been a member of the Kortright Hills Community Association; the Green Plan Steering Committee; the Guelph Round Table on the Environment, Economy, and Society; Director at the Guelph Chamber of Commerce; participant in the group that looked at the development of the York Lands; and participant on the Water Conservation and Efficiency Steering Committee. I currently sit as a member (and Past Chair) of the Committee of Adjustment. I am also a Landlord with a Registered Accessory Apartment in my own residence and I manage a property that has a Registered Accessory Apartment with both the primary living unit and the accessory unit being tenanted. In this latter instance the report would refer to me as an "Absentee Landlord" even though I live less than 1 km. and 2 minutes away from the property.

I have already provided a response to the assertions on the part of staff that the implementation of this proposed By-law will give them greater authority to enter homes and the rooms in homes than the Fire Department already has. In fact this is misleading, false, and shows the extent to which the authors are going to justify this poor piece of proposed legislation. If there are any questions, I urge Council to seek outside legal counsel on this single issue. I have a legal opinion that states my assertions are correct. What it might do is give another group of City staff the same authority to enter homes that the Fire Department already has, and if denied, they too will have to solicit an "order" or "warrant" from a Justice of the Peace or Provincial Court Judge.

Mayor Farbridge and Councillors

RE: PROPOSED LICENSING OF SHARED RENTAL HOUSING UNITS

July 25, 2013

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I urge you to examine the data in this report very carefully. One would logically think that if the City were to hire fifteen (15) new staff, we should get a much better result than if we were to hire just six (6) staff. However, the compliance targets are the same in both instances. Unfortunately, the report fails to provide a starting point for compliance. You simply are not told what the current compliance rate is, so there's no way to assess whether progress is being made over the first 2 years of the program, or if you're simply treading water. Further, one would think that with all those resources being deployed, we could achieve a much better result than increasing from the level today to 50% in two (2) years and 66% in five (5) years. Finally, I urge you to simply try to make the revenue of \$1,886,000 come from 4,350 units (that's an average of \$433.56/unit) by charging only \$132/unit. It doesn't take rocket science to figure out that as of January 11, 2013, with just 26 Licensed Group Homes that are strictly controlled by the Province (and therefore do not require licensing by the City), 76 Certified Lodging Houses with an average of less than ten (10) lodgers, and 1936 Registered Accessory Apartments with an average of less than two (2) bedrooms each, there could be a maximum total of something less than 4632 "units", or about the same as the 50% compliance rate, and a cost of about \$434/unit.

Conversely, if the cost is really just \$132/unit that is in compliance, then that means the authors are assuming there would be $\$1,886,000/132 = 14,288$ units that would be in the system by the end of the first 2 years, and it also implies the current compliance rate is just 15% and that enormous strides will be made during this implementation period.

Either way you choose to look at it, you must admit there is a significant credibility issue.

You have better access to the accurate costs of staffing departments, but to hire 15 new people at a cost of just \$1,618,000 seems incredible. I was dealing with staffing costs of over \$100,000/employee twenty years ago, so when I input the costs of salaries, benefits, office space, vehicles, insurance, mandated costs, etc. I struggle with just \$108,000/employee. 6 staff hires for \$557,000 is even more questionable. I don't know what the total employee capacity of the new City Hall is, but at this rate you'll need to build an addition much sooner than you think. I can only assume there is a charge against each employee for the space they use, and that needs to include a pro-rata portion of common areas, hallways and conference rooms, etc. It is not an inconsiderable portion of the total cost of staffing the organization. The report provides no details about these costs or their derivation.

The report talks about issues such as the health, well-being, and safety of tenants and other residents, neighbourhood destabilization and deterioration, disruptive behaviour, enforcement challenges, lack of accurate information about the rental housing stock, inequality among rental housing providers, and funding implications to various stakeholders. It talks about "unique benefits that are not available

through other tools available to the City". I'll address these concerns later in this report.

It also claims that "despite enhanced enforcement efforts, existing tools present the following limitations:"

1. Cannot differentiate the tenant-occupancy and the owner-occupancy of the property. *Response:* The City has access to the tax rolls; does the tax invoice go to the property, or to a different address. Just a simple cross check of this information would identify the substantial majority of owner occupied properties versus non-owner occupied properties.
2. Regular inspections are not available. *Response:* This implies that City staff already has the property inventoried, and the data the report provides makes that highly questionable. Further, this proposed by-law will not give the authority to City Staff to enter properties any more than the Fire Department has currently. One of the key components of getting a shared rental housing unit "registered" with the City is Fire Code compliance that also includes an Electrical Safety Authority (ESA) inspection, the appropriate fire barriers and the installation of approved fire doors with closers. If an inspector is denied entry to a property, then gets a warrant to enter, the Fire Department will still need to gain access, and they stand the same chance of being denied. Will this really make the process easier? Even after being registered, the inspectors may be denied access by tenants, and the Landlord does not have the right to force tenants to open their doors for an inspection without accompanying the inspector and without providing notice to the tenants.
3. Access and enforcement challenges for suspected illegal properties. *Response:* As stated above, this proposed by-law will not give the authority to City Staff to enter properties any more than the Fire Department has currently.
4. Typically only able to respond to issues after violation. *Response:* Up until recently, the whole matter of by-law enforcement was strictly a complaint based system. That in itself guarantees that staff members respond after violations have been unearthed. Because of the wisdom of Council in implementing more pro-active by-law enforcement, the concerns that relate to the destabilization of neighbourhoods and disruptive behaviour have diminished significantly. We're on the right path.
5. No flexibility related to funding source. *Response:* Where building permits are required in order to comply with the zoning by-law, notice is sent to the Municipal Property Assessment Corporation (MPAC) (or it should be). This triggers the opportunity to increase the assessment, and hence the tax revenue to the City versus neighbouring properties. So "registered" tenanted properties are already paying for the improvements.

There are several points made under "Advantages of Licensing". The whole discussion revolves around Landlords losing a rental housing licence if they don't comply. It seems to miss the point that the Landlords that have already registered their units are the "good guys" and we don't need inspectors to tell us what needs

Mayor Farbridge and Councillors

RE: PROPOSED LICENSING OF SHARED RENTAL HOUSING UNITS

July 25, 2013

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to be repaired. We do it because we are responsible Landlords. Even after five years of this intensive program, the report projects that 1/3 of the available units will not yet be registered, and that's where the real problem resides. There is also an implication that a Landlord has the ability to instruct tenants to open the doors for a municipal inspector. A check of the Residential Tenancies Act, 2006 (RTA) would have shown that Landlords must give 24 hours' notice to Tenants in order to enter the premises in order to inspect for compliance with "health, safety, housing and maintenance standards". In many cases, it will be determined that it is the Tenants that have created the unhealthy and unsafe conditions. Unfortunately, even if the Landlord makes the necessary repairs, the property may quickly deteriorate, and from attending several Landlord and Tenant Board hearings, some Tenants are very skillful at getting away with not paying rent and still damaging property, and this can go on for "years" before the Landlord can successfully evict the Tenant. Please note that it is the Landlord who can enter the premises, probably accompanied by a City Inspector. There's nothing that would allow an Inspector to enter the premises on their own, and except for using intimidation as a tactic, a tenant would be under no obligation to permit entry. Even if a parent allowed entry into the home, a teenage son or daughter could deny access to their bedroom, regardless of the justification on the part of City staff to do so.

I'm sure you're aware that Guelph is not the most inexpensive City in which to buy property. Most homes that have 3 bedrooms above grade and 2 bedrooms in the basement will sell today for something in excess of \$350,000, and few that are priced lower will be able to meet the current requirements for accessory apartments. It takes a significant revenue stream to cover the ongoing maintenance costs, along with taxes, utilities, insurance and financing for these properties. The RTA has restrictions on the amount of rent increases that Landlords are allowed to charge tenants. These Guidelines are published each summer for the following year. In 2013, the maximum increase was limited to 2.5% (the maximum allowed under the RTA) and in 2014 it's 0.8%. However, a Landlord can apply for an "above Guideline increase" in instances where "municipal taxes and charges" have increased by more than 50% above the guideline, so for 2014 that will be 1.2%. My tax bill increased by about 2.8% from 2012 to 2013, so rent increases between January 2014 and June 2014 will reflect the tax increase. If there is an additional municipal charge resulting from the implementation of a Licensing program for Shared Rental Housing, that too will be passed on. However, those Landlords who choose to manage their properties as a kind of "underground" operation, will be able to keep their rents at or close to current rates, and the data provided suggests that at least 1/3 of this type of rental accommodations will operate for some time without compliance. For people living in rental accommodations that are in compliance, the increased cost of rent will force some of them to move, and in many cases that will be to non-compliant properties. So much for protecting the health and safety of tenants! And by the way, if Council members were to tour the registered properties, I'm sure you would be surprised at how well maintained they are.

The good news is that Landlords can also justify "above Guideline increases" based on capital expenditures, so the costs of meeting the compliance requirements can also be passed on to the tenants.

Comments were made at the July 15, 2013 PBEE meeting about the City of London finding several homes with electrical systems that were found to be non-compliant during the ESA inspection. Councillors should be aware that unlike the Fire Code that requires compliance at the time of the inspection, the electrical code only requires compliance at the time the work was done. Yes, if you have a bathroom built in 1963 with a 2 prong outlet, and the bathroom isn't being renovated, that plug is compliant, even if changing the outlet would be strongly advised for the safety of the occupants. The reality is that when you apply to have an accessory apartment registered, it needs to have an inspection by the fire department, and their approval requires that an ESA inspection be completed and that the property meets the requirements. However, subsequent inspections will not require ESA inspections, unless changes are made to the electrical system of the property.

The report gives the impression that implementing a licensing program will enable the City to "ensure the safety of residential buildings are maintained after initial approval" and goes on to claim that tenants are "generally not responsible for and/or may not be able to affect repairs to their plumbing, heating, electrical systems; fire separations, closures, smoke alarms, egress doors and windows and required maintenance to the building structure ...". Under the RTA, tenants have the right to demand the property be maintained and the process is spelled out on the Landlord and Tenant Board website (www.ltb.gov.on.ca) along with the necessary forms. For those without computer access, we have the Service Ontario centre at 1 Stone Road West. Further, the RTA through the LTB requires that Landlords provide a document entitled "Information for New Tenants" (a copy of which is attached) to all new tenants on or before the first day of occupancy of a rental unit.

The net result of all this is that:

- The laws necessary to ensure the health, safety and well-being of tenants are already in place, both provincially and municipally.
- What is lacking is greater enforcement, not chasing those who already comply.
- A recent increase in pro-active enforcement of current by-laws dealing with zoning, property standards, noise, and nuisance among others has had a positive impact, but there is still much to do.
- This proposal will place the financial burden of its implementation on the Landlords that are already in compliance and that are already bearing a disproportionate burden of taxation because they have taken the steps to comply with the by-laws, while those who choose to flaunt these by-laws get away with paying virtually nothing.
- The cost to Landlords for this program will inevitably be passed on to tenants, and they are the least able to withstand these additional costs of accommodation.

Mayor Farbridge and Councillors

RE: PROPOSED LICENSING OF SHARED RENTAL HOUSING UNITS

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- The tools to identify properties that are likely non-compliant are currently available.
- If implemented, a detailed review of the data shows that it is not credible, and the result will be a huge cost to the City and hence the taxpayers.
- A well-written publicity piece to make tenants more aware of the rights and obligations they already have would address many of the concerns about tenant welfare.

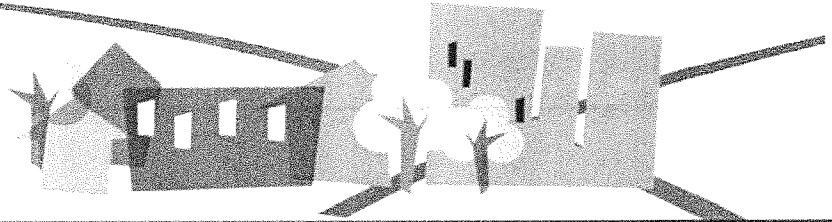
You may be able to tell that I am passionate about ensuring this proposal never sees the light of day. It is simply misguided and the cost-benefit report triggers more questions than it provides answers.

I thank you for your time.

Regards,

A handwritten signature in black ink, appearing to read 'Lyle McNair', followed by a period.

Lyle McNair
P.Eng. & REALTOR®



Information for New Tenants

Landlords must provide this information to new tenants on or before the date the tenancy begins.

The Law

Most residential tenancies are covered by the *Residential Tenancies Act* (the Act). This law:

- gives landlords and tenants specific rights and responsibilities,
- provides rules for increasing the rent and for evicting a tenant, and
- creates the Landlord and Tenant Board (the Board).

The role of the Landlord and Tenant Board is to:

- inform landlords and tenants about their rights and responsibilities under the Act, and
- resolve disputes between landlords and tenants through **mediation** or **adjudication**, or by providing information.

Tenant Rights and Responsibilities

You have the right to:

- **security of tenancy** - You can continue to live in your rental unit until you give your landlord proper notice that you intend to move out, you and your landlord agree that you can move, or your landlord gives you a notice to end your tenancy for a reason allowed by the Act.

Important: If your landlord gives you a notice to end your tenancy, you do not have to move out. Your landlord must apply to the Board to get an order to evict you and you will have the right to go to a hearing and explain why your tenancy should not end.

- **privacy** – Your landlord can only enter your rental unit for the reasons allowed by the Act. In most cases, before entering your unit, your landlord must give you 24 hours written notice. There are some exceptions, however, such as in the case of an emergency or if you agree to allow the landlord to enter.

You are responsible for:

- **paying your rent** on time.
- **keeping your unit clean**, up to the standard that most people would consider ordinary or normal cleanliness.
- **repairing any damage** to the rental property caused by you or your guests – whether on purpose or by not being careful enough.

You are not allowed to:

- **change the locking system** on a door that gives entry to your rental unit unless you get your landlord's permission.

This form has been approved by the Landlord and Tenant Board for the purpose of section 11 of the *Residential Tenancies Act*. Ce document renferme des renseignements importants à l'intention des nouveaux locataires et est disponible en français. Pour obtenir la version française, vous pouvez communiquer avec la Commission au 416-645-8080 ou sans frais au 1-888-332-3234.

Landlord Rights and Responsibilities

Your landlord has the right to:

- **collect a rent deposit** – It cannot be more than one month's rent, or if rent is paid weekly, one week's rent. This deposit must be used as the rent payment for the last month or week of your tenancy. It cannot be used for any other reason, such as to pay for damages. A landlord must pay interest on the deposit every year.
- **increase the rent** – There are special rules that limit how often your landlord can increase the rent and by how much. In most cases, a landlord can increase the rent only once a year by the guideline that is set by the Minister of Municipal Affairs and Housing. A landlord must give a tenant at least 90 days notice in writing of any rent increase and this notice must be on the proper form. **Exceptions:** New units, non-profit and public housing units, residences at schools, colleges and universities, and certain other accommodation are not covered by all the rent rules.

Your landlord is responsible for:

- **keeping the rental property in a good state of repair** and obeying health, safety and maintenance standards.
- **providing you with a copy of your written tenancy agreement** within 21 days after the day you signed it and gave it to your landlord. If your tenancy agreement is not in writing, your landlord must give you written notice of their legal name and address within 21 days after your tenancy begins.

Your landlord is not allowed to:

- **shut off or deliberately interfere with the supply of a vital service** (heat, electricity, fuel, gas, or hot or cold water), care service or food that your landlord must provide under your tenancy agreement. However, your landlord is allowed to shut-off services **temporarily** if this is necessary to make repairs.
- **take your personal property** if you don't pay your rent and you are still living in your rental unit.
- **lock you out of your rental unit** unless your landlord has an eviction order from the Board and the Sheriff comes to your rental unit to enforce it.
- **insist that you pay your rent by post-dated cheque or automatic debit.** These ways of paying your rent can be suggested, but you cannot be refused a rental unit or evicted for refusing to give them.

For More Information

Contact the Landlord and Tenant Board

This brochure provides you with some general information about the rights and responsibilities of landlords and tenants. For more detailed information about your rights and responsibilities or how to resolve a dispute with your landlord, you may:

- visit the Landlord and Tenant Board's website at www.LTB.gov.on.ca or the Landlord and Tenant Board office in your area.
- call the Board at **(416) 645-8080** or toll-free at **1-888-332-3234**. You can get information from these numbers 24 hours a day. You can talk to a Customer Service Representative, Monday to Friday, from 8:30 a.m. to 5:00 p.m.

Date: July 25, 2013

To: Mayor Farbridge and Guelph City Council

From: Morris and Donna Haley, Guelph Ontario

Re: **Guelph City Council Meeting July 29, 2013**
Agenda Item PBEE – 2013.26: Rental Housing Licensing Cost
Benefit Analysis (CBA)

Summary:

1) Residential licensing is simply wasteful public policy. Licensing does not enable City Staff to identify “illegal landlords” more easily; it does not promote “safety”. However licensing does impose a cost to firstly Tenants and secondly to “legal Landlords” that need not be licensed.

2) This submission comments on the inadequacy of the CBA. Mayor Farbridge, during the July 15th PBEE Meeting you stated to the effect that facts and not ideology should determine whether or not a licensing program should be implemented. We believe that only a person who believed in the ideology of licensing, without regard to the facts and experiences of Municipalities elsewhere, would support the CBA Report and therefore a residential licensing program in Guelph.

Purpose:

This submission provides additional comments for Council’s consideration to reject the CBA & to reject a residential licensing program.

At the July 15, 2013 PBEE meeting the Committee voted by a 3-2 margin to accept the CBA and to present it to City Council (Agenda Item PBEE – 2013.26) to authorize City Staff “to proceed with public consultation to guide the development of a rental housing licensing program.”

This submission is in addition to the submission provided from Joseph Hoffer, Cohen Highley LLP submitted on our behalf to the PBEE Committee Meeting on July 15, 2013. Mr. Hoffer’s submission is included as part of the July 29, 2013 Agenda Documentation.

Comments:

1) Contrary to Staff statements in the CBA and at the July 15th PBEE Meeting, licensing will not make it easier for Fire Safety & City Zoning Inspectors to access residential properties where owners & occupants refuse entry.

It is incorrect for Staff to state a license by-law will make it easier for Staff to inspect a residential premise, if consent is not given by occupant/owners. Under the *Municipal Act* an Inspector will still need to swear an affidavit and get a warrant as is presently required. The process to obtain the warrant is presently time consuming and expensive and that process will not change under licensing.

It is equally easy for the municipality to use its Inspection by-law and relevant housing/property standards/health by-laws to enter a property for the purpose of carrying out an inspection.

Underground Landlords who do not self-register still need to be searched out which is an expensive process with or without licensing. In Waterloo, after 1.5 years of licensing only 37% of estimated properties (not licensed under the previous program) have self licensed. Guelph Staff estimate that 50% in year one and later 66% of Landlords will license. That is an overly optimistic assumption.

Licensing only affects the compliant & legal Landlords and their Tenants who must pay for the system.

The above comments are based on our review of the *Municipal act*, Waterloo's Licensing By-law and legal commentary we have received. We would welcome any documented comments to the contrary from City Staff.

Question:

In this regard what is the advantage of licensing?

2) The CBA (Page 18) summarizing License Fee Revenues and Program Cost Projections cannot be evaluated for reasonableness:

Detailed financial information to support the summary information provided on page 18 of this Report is not provided. The Report provides the vaguest information possible.

It is impossible to evaluate the reasonableness of expected license revenue, the program costs provided and the assumptions used. Did the PBEE Committee members have additional information on which to evaluate the financial implication of the license models presented? Unlikely. How could the PBEE Committee accept this report and recommend acceptance to Council with such skimpy information?

- a) No detail is provided on how 8,700 dwelling units were determined. Is that number reasonable?
- b) Even under our Access Of Information request Staff refused to provide a calculation how the 8,700 units were determined.
- c) No detail is provided to arrive at an assumed 50% and 66% compliance rate. Does Staff not care about the projected rate of non-compliance?
- d) No detail is provided to arrive at a base of 14,287 licensed bedrooms in Year 1.
- e) Program costs, increasing at an unreasonably high 4.7% rate annually, are provided in only one line item. For disclosure purposes a simple cost summary schedule should be provided to set out costs for each type of Staff function and overhead function. Taxpayers have a fundamental right to know these details and Council Members should have access to this information. If not, we are concerned about basic governance and ability of elected Officials to make to make an informed decision.

3) The CBA Report ignores current conditions that indicate licensing is not required:

a) Proposed construction effects of two purpose built student high buildings are ignored:

The Report makes reference to “stable neighbourhoods” and “destabilization” which are code words to say neighbourhoods and the City believe there are too many rental houses in residential areas adjacent to the University.

Recently, the OMB gave approval to construct a purpose built student apartment building containing 1,100 bedrooms at Stone Road & Gordon Street. In addition, approval will likely be given to construct a purpose built student occupied condominium building containing 600 plus bedrooms. We suspect there are other plans to build other purpose built high-rise student occupied buildings.

Additional accommodation supply will automatically reduce demand for rental accommodations in neighbourhood areas thus reducing claims that these areas are being destabilized, a claim that we believe is over exaggerated.

b) The success of recent enhanced enforcement is ignored in the CBA:

The Report completely ignores that enhanced pro-active enforcement implemented in 2011/2012 of behavioural and zoning type by-laws have been successful. Complaints have been reduced and Neighbourhood Groups cite fewer behavioral instances as noted in recent Town and Gown Meetings and media reports.

Results of the enhanced enforcement program have not been disclosed in the Report and to the Public. Today we learned that City Staff refused to provide this information to us in response AOI Request. Why?

It is too soon to give up on enhanced enforcement. The Report implies the related cost is presently \$307,000 which involved the hiring of one Fire Prevention Officer and one zoning Inspector plus overhead costs (Attachment 2, Page 18). Given that by-law enforcement was not increased for many years prior to 2012 then that cost is reasonable and should be financed from the City's general budget..

c) CBA Report ignores the fact that by-law enforcement prior to 2012 was only done on a complaint basis & inspection staff not increased for 20 prior years :

City Staff in September 2010 informed us that be-law enforcement was only currently and previously done on a complaint basis even through University enrollment doubled & the City's population increased by 25% over the previous 20 years.

However, by-law staffing and enforcement did not increase over this time.

During this time the City did not proactively enforce zoning by-laws. For example, during 2008 and 2009 Staff advised us that only 13 unregistered house apartments and 13 unlicensed lodging houses (renting 5+ bedrooms) where removed and then only on a complaint basis. In addition, we were advised by in 2010 by Staff the City had not ever taken any SRH Landlord to Court for improper zoning rental use and sought penalties to encourage compliance with zoning by-laws..

No wonder behaviorial and rental zoning uses became concerns in some neighbourhoods.

It is unreasonable for the Report to state the difficulties of applying existing by-laws when the same by-laws have not been pro-actively enforced prior to 2012. It's also unreasonable to maintain Staff need a license program to work alongside existing by-laws as another ``tool '.

The CBA Report proposed to implement a licensing program, hire an additional 8 to 10 to 17 employees to basically provide a by-law enforcement function on a catch-up basis that should have been implemented many years ago as part of normal City operations and funded by property taxes.

License fees only represent an additional form of property taxes or double taxation to Landlords.

4) CBA Report No. 13-32 is not a true "Cost-Benefit Analysis". Why?

By definition a cost benefit analysis take at least two material divergent positions and analyzes the comparable financial benefits and costs along with other advantage and

disadvantages. A proper CBA would also consider an option not to implement a licensing program, enforce existing by-laws and then compare that option with a license program.

Instead, the Report takes a position that a licensing program is automatically necessary and simply presents a comparable cost summary of three potential licensing models.

After 4+ years of debating this topic there still has not been a serious analysis if licensing is really necessary. There has been no discussion on how existing by-law enforcement tools can be more efficiently applied.

Instead, Municipalities like Guelph, see Licensing as another tool allowed to it under the Municipal Act since 2007.

Only Municipalities in Ontario that have Universities & Colleges adjacent to residential neighbourhoods have ever implemented licensing programs. Other Municipalities can support Tenant safety without licensing. Why? Is it because Municipalities, like Guelph, want to impose restrictive provisions on Landlords to encourage less student housing in neighbourhoods close to the University?

5) The CBA Report purposefully ignores the negative impact a license by-law would have on affordable and supply of housing:

The Report on page 9 casually states the impact to affordable housing will be “minimal”.

License fee costs will firstly be passed on to Tenants or secondly then absorbed by Landlords. Some Landlords may cease operations & reduce rental supply. Either way Tenants will be affected negatively.

This Report implicitly refers to student rental housing. Since a licensing program would be City wide then the general population renting the same affected accommodations will find their rents will increase unnecessarily as Landlords attempt to pass on license fee costs.

The Report does not address the potential unintended consequence of a reduced housing supply.

Rental properties that have been safely and legally rented for decades would be required to pay a license for no value added.

6) The Report ignores that licensing will not resolve behavioral issues:

The February 19th Licensing Directions report acknowledged that licensing will not deal with “zoning domain” issues such as property standards; intensity use of a property. By extension, licensing will not resolve behavioral issues that were the focus of previous

unsuccessful licensing efforts made during 2010. City Staff have even told us a license program won't control unruly behaviour.

It is behavioural issues, mostly caused by a small number of Tenants that cause the vast majority of complaints from residential neighbourhoods. Behavioural issues cannot be controlled by any Landlord. Application of existing by-laws, charging the people responsible, is the only way to control such instances.

The enhanced enforcement program that commenced in 2011/2012 has materially reduced behavioural issues. This program should be given additional time to work.

7) City Staff has refused to answer Citizen's questions which make potential public consultations on licensing a charade:

The February 19th License Directions Report No. 13-04 and the CBA July 15th Report No. 13-32 provided the most vague information on City's intentions to implement a license program.

Many questions were raised from Report No. 13-04. We and other individuals contacted City Staff with additional questions which were ignored.

City Staff at a subsequent Town and Gown meeting advised this action was taken based on legal advice given to them. We as Taxpayers have a fundamental right to basic information that is used to develop public policy. This attitude on part of City Staff shows bad faith and indicates a hidden agenda...

Should this process proceed to public consultation then City Staff must be directed provide full back-up information to the Public's questions. Otherwise public consultations will be a charade.