COMMITTEE AGENDA

TO **Planning & Building, Engineering and Environment Committee**

DATE May 22, 2012

LOCATION Council Chambers
TIME 12:00 p.m.

CLOSED MEETING

THAT the Planning & Building, Engineering and Environment Committee now hold a meeting that is closed to the public with respect to:

1. **Acquisition or disposition of land**
   S. 239 (2) (c) proposed acquisition or disposition of land

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CONFIRMATION OF MINUTES – April 16, 2012

PRESENTATIONS (Items with no accompanying report)

CONSENT AGENDA

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

ITEM		CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
PBEE-20	Sign By-Law Variance for 45 Speedvale Avenue East		• Nathan Dart • John Manera	√
PBEE-21	Rental Housing Licensing Work Plan 2012-2013	Joan Jylanne		√
PBEE-22	Sign By-law Variances for 1820 Gordon Street			

PBEE-23	Code of Conduct for All Building Services Staff			
PBEE-24	Class Environmental Assessment – Notice of Completion for Silvercreek Parkway Improvements (from North of Paisley Road to South of the CNR Secondary Line)			

Resolution to adopt the balance of the Planning & Building, Engineering & Environment Committee Consent Agenda.

ITEMS EXTRACTED FROM CONSENT AGENDA

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.

NEXT MEETING – June 18, 2012

The Corporation of the City of Guelph
Planning & Building, Engineering and Environment Committee
Monday April 16, 2012 at 12:30 p.m.

A meeting of the Planning & Building, Engineering and Environment Committee was held on Monday, April 16, 2012 in Council Chambers at 12:30 p.m.

Present: Councillors Bell, Burcher, Guthrie, Piper and Mayor Farbridge

Also Present: Councillors Dennis, Furfaro, Hofland and Van Hellemond

Staff in Attendance: Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. T. Salter, Acting General Manager, Planning Services; Mr. B. Labelle, City Clerk; and Ms. D. Black, Council Committee Coordinator.

There was no declaration of pecuniary interest.

1. Moved by Mayor Farbridge
Seconded by Councillor Bell

THAT the minutes of the Planning & Building, Engineering and Environment Committee meeting held on Monday, March 19, 2012 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Bell, Burcher, Guthrie and Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following items were extracted from the April 16, 2012 Consent Agenda to be voted on separately:

PBEE 2012-A.14	2012 Development Priorities Plan
PBEE 2012-A.15	Brooklyn and College Hill Heritage Conservation District Designation Process- Phase 2: Process and Timeline to Address Outstanding Boundary Issues and Proposed Public Consultation Program
PBEE 2012-A.16	40 Wellington Street West Brownfield Redevelopment Community Improvement Plan – Tax Increment-Based Grant Request

2. Moved by Councillor Bell
Seconded by Councillor Burcher

THAT the balance of the Consent Agenda of the Planning & Building, Engineering and Environment Committee of April 16, 2012 as identified below, be adopted:

a) **PBEE Rolling Calendar**

Dr. J. Laird

THAT the Rolling Calendar attached hereto in the report from the Executive Director of Planning, Building, Engineering and Environment dated April 16, 2012, be received.

b) **Building By-law Revisions, New Administration Fees and Annual Increase of Building Permit Fees**

REPORT

THAT the report (No. 12-44) on Building By-law Revisions, New Administration Fees and Annual Increase of Building Permit Fees from Planning, Building, Engineering and Environment dated April 16, 2012, be received;

AND THAT Council approve the proposed changes to the Building By-law, new administration fees and the attached Schedule of Permit and Administration Fees, effective June 1, 2012.

c) **Sign By-law Variance for 83 and 89 Dawson Road (Guelph Medical Place 1 & 2)**

REPORT

THAT Report 12-37 regarding a sign variance for 83 and 89 Dawson Road, from Planning & Building, Engineering and Environment, dated April 16, 2012, be received;

AND THAT, the request for a variance from the Sign By-law for 83 and 89 Dawson Road to permit building signage on the second floor elevation, be refused.

VOTING IN FAVOUR: Councillors Bell, Burcher, Guthrie and Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

The Chair advised that the Sign By-law Variance for 45 Speedvale Avenue East report is deferred to the May 22, 2012 Planning & Building, Engineering and Environment Committee meeting by request of the applicant.

2012 Development Priorities Plan

Ms. Stacey Laughlin, Senior Development Planner provided a brief synopsis of her report contained in the meeting agenda with respect to the 2012 Development Priorities Plan. She advised that staff will be reviewing the process to address integrating infill and zone change applications into the development priorities plan for 2013. She stated

the targets are derived from the Provincial Places to Grow program, the Local Growth Management Plan and Official Plan Amendment 39. She said staff will make the determination as to when inventory levels become too high and make the necessary adjustments at that time.

It was suggested that staff consider denying draft plan of subdivision extensions to reduce inventory as an option to address the lack of new registrations.

3. Moved by Mayor Farbridge
Seconded by Councillor Burcher

REPORT THAT the Planning, Building, Engineering and Environment Report 12-46 dated April 16, 2012, regarding the 2012 DPP, be received;

AND THAT Guelph City Council approve the 2012 Development Priorities Plan dwelling unit targets for registration and draft plan approval as set out in the Planning, Building, Engineering and Environment Report 12-46 dated April 16, 2012;

AND THAT staff be directed to use the 2012 Development Priorities Plan to manage the timing of development within the City for the year 2012;

AND THAT amendments to the timing of development be permitted only by Council approval unless it can be shown that there is no impact on the capital budget and that the dwelling unit targets for 2012 are not exceeded.

VOTING IN FAVOUR: Councillors Burcher, Guthrie and Piper and Mayor Farbridge (4)

VOTING AGAINST: Councillor Bell (1)

Carried

Brooklyn and College Hill Heritage Conservation District Designation Process- Phase 2: Process and Timeline to Address Outstanding Boundary Issues and Proposed Public Consultation Program

Mr. Todd Salter, Acting General Manager, Planning Services, outlined the history of the Brooklyn and College Hill Heritage Conservation District Designation Process to date and advised of the timeline to address the outstanding boundary issues and public consultation. He summarized the details contained in the report and recommendation contained in the meeting agenda. Technical and new information will be considered when determining the boundary. He noted several key components of the forthcoming public consultation process; a

facilitated public workshop to occur in June, three subsequent public meetings in late fall/early winter, and one-on-one meetings with owners after the proposed plan is released. He advised that the timing for public input was determined to allow staff to report back in July and enable the consultant to prepare the report over the summer.

Committee posed various questions for clarification and follow up. It was suggested a homeowner who has firsthand experience with a heritage district designation process be invited to speak at one of the public meetings to provide a homeowner's perspective. The ability to provide objections regarding heritage density with respect to the district boundaries was raised as a potential issue. The tentative timeline proposed to allow for further public comments was also raised as a concern and there was discussion as to whether it should be extended.

4. Moved by Mayor Farbridge
Seconded by Councillor Burcher

THAT Report 12-45 dated April 16, 2012 from Planning & Building, Engineering and Environment, regarding the recommendation of a process to address outstanding boundary issues and a proposed public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process be received;

AND THAT Planning staff be directed to carry out the necessary steps of the recommended process to address outstanding boundary issues in the early stage of Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT Planning staff be directed to carry out the recommended public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process.

5. Moved in Amendment by Councillor Bell
Seconded by Councillor Guthrie

THAT the formal submission period for the Brooklyn and College Hill Heritage Conservation District Designation Process be extended to June 18, 2012 or later if necessary.

VOTING IN FAVOUR: Councillors Bell and Guthrie (2)

VOTING AGAINST: Councillors Burcher and Piper and Mayor Farbridge (3)

Defeated

It was requested that the clauses be voted on separately.

6. Moved by Mayor Farbridge
Seconded by Councillor Burcher

REPORT THAT Report 12-45 dated April 16, 2012 from Planning & Building, Engineering and Environment, regarding the recommendation of a process to address outstanding boundary issues and a proposed public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process be received;

VOTING IN FAVOUR: Councillors Burcher, Guthrie and Piper and Mayor Farbridge (4)

VOTING AGAINST: Councillor Bell (1)

Carried

7. Moved by Mayor Farbridge
Seconded by Councillor Burcher

REPORT THAT Planning staff be directed to carry out the necessary steps of the recommended process to address outstanding boundary issues in the early stage of Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

VOTING IN FAVOUR: Councillors Burcher and Piper and Mayor Farbridge (3)

VOTING AGAINST: Councillors Bell and Guthrie (2)

Carried

8. Moved by Mayor Farbridge
Seconded by Councillor Burcher

REPORT THAT Planning staff be directed to carry out the recommended public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process.

VOTING IN FAVOUR: Councillors Bell, Burcher, Guthrie and Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

40 Wellington Street West Brownfield Redevelopment Community Improvement Plan – Tax Increment-Based Grant Request

When asked, staff advised that the liquid boot/vapor barrier used on the subject land was a condition imposed by the Ministry of the Environment.

In future reports, staff were requested to provide more detail regarding eligible costs and the percentage of the year's allotment of the grants being utilized for each project.

9. Moved by Councillor Burcher
Seconded by Councillor Guthrie

REPORT

THAT Planning & Building, Engineering and Environment Report 12-41 dated April 12, 2012 regarding a request for a Tax Increment-Based Grant for the property municipally known as 40 Wellington Street West pursuant to the Brownfield Redevelopment Community Improvement Plan be received;

AND THAT the request by 2065404 Ontario Inc. for a Tax Increment-Based Grant pursuant to the Brownfield Redevelopment Community Improvement Plan be approved to an upset total limit of $565,730 subject to the program details set out in Attachment 4;

AND THAT staff be directed to proceed with the finalization of a Tax Increment-Based Grant agreement with 2065404 Ontario Inc. or any subsequent owner(s) to the satisfaction of the General Manager of Planning Services, the General Manager of Legal and Realty Services/City Solicitor, and the City Treasurer;

AND THAT the Mayor and Clerk be authorized to sign the Tax Increment-Based Grant Agreement.

VOTING IN FAVOUR: Councillors Bell, Burcher, Guthrie and Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

10. Moved by Mayor Farbridge
Seconded by Councillor Guthrie

THAT the Planning & Building, Engineering and Environment Committee now hold a meeting that is closed to the public with respect to:

1. **Citizen Appointments to Heritage Guelph**
   S. 239 (2) (b) personal matters about an identifiable individual

VOTING IN FAVOUR: Councillors Bell, Burcher, Guthrie and Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

Citizen Appointments to Heritage Guelph

11. Moved by Mayor Farbridge
Seconded by Councillor Burcher

REPORT THAT Bill Green be appointed to Heritage Guelph for a term ending November, 2012.

Carried

12. Moved by Councillor Burcher
Seconded by Councillor Guthrie

THAT the Planning & Building, Engineering and Environment Committee rise from its Closed Meeting.

Carried

The meeting adjourned at 2:15 p.m.

.....
Chairperson

PLANNING & BUILDING, ENGINEERING and ENVIRONMENT COMMITTEE
CONSENT AGENDA

May 22, 2012

Members of the Planning & Building, Engineering & Environment Committee.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate the Committee's consideration of the various matters and are suggested for consideration. If the Committee wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Planning & Building, Engineering & Environment Committee Consent Agenda will be approved in one resolution.

A Reports from Administrative Staff

REPORT	DIRECTION
PBEE-2012 A.20) SIGN BY-LAW VARIANCE FOR 45 SPEEDVALE AVENUE EAST THAT Report 12-38 regarding a sign variance for 45 Speedvale Avenue East, from Planning, Building, Engineering and Environment, dated April 16, 2012, be received; AND THAT, the request for a variance from the Sign By-law for 45 Speedvale Avenue East to allow for a directional sign with an area of 0.93 m^2 in lieu of the permitted 0.4m^2 and a height of 2.43 metres in lieu of the permitted 1.5 metres, be refused.	Approve
PBEE-2012 A.21) RENTAL HOUSING LICENSING WORK PLAN 2012-2013 THAT Report 12-60 from Planning, Building, Engineering and Environment regarding the Rental Housing Licensing Work Plan dated May 22, 2012, be received.	Approve
PBEE-2012 A.22) SIGN BY-LAW VARIANCES FOR 1820 GORDON STREET THAT this report regarding Sign By-law Variances for 1820 Gordon Street from Planning, Building, Engineering and Environment, dated May 22, 2012, be received; AND THAT the request for variances from the Sign By-law for 1820 Gordon Street to allow a freestanding sign with a setback of 3 metres, a height of 6 metres and a separation distance between signs of 115 metres be approved.	Approve

PBEE-2012 A.23) CODE OF CONDUCT FOR ALL BUILDING SERVICES STAFF

Approve

THAT the report on Code of Conduct for All Building Services Staff, from Planning, Building, Engineering and Environment, dated May 22, 2012, be received;

AND THAT Council approve the proposed changes to the existing Code of Conduct for the Chief Building Official and Inspectors (Schedule "D" of By-law Number (2012)-19356), the recommendations on how to make the Code of Conduct more accessible to the public and the proposed process for lodging and investigating related complaints.

PBEE-2012 A.24) CLASS ENVIRONMENTAL ASSESSMENT – NOTICE OF COMPLETION FOR SILVERCREEK PARKWAY IMPROVEMENTS (FROM NORTH OF PAISLEY ROAD TO SOUTH OF THE CNR SECONDARY LINE)

Approve

THAT the Planning, Building, Engineering and Environment report dated May 22, 2012, regarding the Class Environmental Assessment for undertaking improvements to Silvercreek Parkway South, from north of Paisley Road to south of Canadian National Railway (CNR) Secondary Line, including a Grade Separation at the CNR Mainline, be received;

AND THAT staff be authorized to complete the Municipal Class Environmental Assessment process for improvements to Silvercreek Parkway South, and proceed with their implementation, as outlined in this report.

Attach.

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	April 16, 2012
SUBJECT	**SIGN BY-LAW VARIANCE FOR 45 Speedvale Avenue East**
REPORT NUMBER	12-38

SUMMARY

Purpose of Report: To advise Council of a Sign By-law variance requesting a directional sign with an area of 0.93 m² in lieu of the permitted 0.4 m² and a height of 2.43 metres in lieu of the permitted 1.5 metres.

Council Action: To refuse the request for a variance from the Sign By-law for 45 Speedvale Avenue East.

RECOMMENDATION

"THAT Report 12-38 regarding a sign variance for 45 Speedvale Avenue East from Planning & Building, Engineering and Environment, dated April 16, 2012, be received;

AND THAT, the request for a variance from the Sign By-law for 45 Speedvale Avenue East to allow for a directional sign with an area of 0.93 m² in lieu of the permitted 0.4 m² and a height of 2.43 metres in lieu of the permitted 1.5 metres, be refused."

BACKGROUND

Pride Signs on behalf of the owner; has submitted a sign variance application to allow for a directional sign with an area of 0.93 m² (10 ft²) in lieu of the permitted 0.4 m² (4.3 ft ²) and a height of 2.43 metres (8 feet) in lieu of the permitted 1.5 metres (5 feet) at 45 Speedvale Avenue East (see Schedule A- Location Map). The property is zoned OR-38 (Office Residential) in the Zoning By-law No. (1995)-14864. The existing directional sign was approved by a sign permit in 1993.

REPORT

Directional Signs are permitted in all zones other than residential zones. The intent of the Sign By-law is to allow for them to be smaller in nature with a permitted area of 0.4 m² (4.3 ft²) and a height of 1.5 metres (5 feet). The proposed sign is for directional purposes and exceeds both the permitted area and height. The proposed and existing signage is attached as Schedule B- Existing and Proposed Signage. The applicant has provided rationale for the requested variance and this is attached as Schedule C- Variance Rationale.

The requested variance is as follows**:**

Directional Sign	By-law Requirements	Request
(All zones other than residential)	Maximum Sign Face- 0.4m² Maximum Height- 1.5 m	**Maximum Sign Face- 0.93 m²** **Maximum Height- 2.43 m**

The requested variance from the Sign By-law for additional sign area and height is recommended for refusal because:

- Directional signs are regulated in order to be subordinate signage that is for directional purposes only.
- The sign could comply with the Sign By-law without the need for a variance.
- Staff typically recommend variance approval in instances where there is not the ability to comply with the By-law.

CORPORATE STRATEGIC PLAN:

Urban Design and Sustainable Growth:
Goal #1: An attractive, well functioning and sustainable city

FINANCIAL IMPLICATIONS: N/A

DEPARTMENTAL CONSULTATION: N/A

COMMUNICATIONS: N/A

ATTACHMENTS

Schedule A - Location Map
Schedule B- Existing and Proposed Signage
Schedule C- Variance Rationale

Original Signed by:

_____

Prepared By:
Pat Sheehy
Senior By-law Administrator
Building Services
(519)-837-5615 ext. 2388
patrick.sheehy@guelph.ca

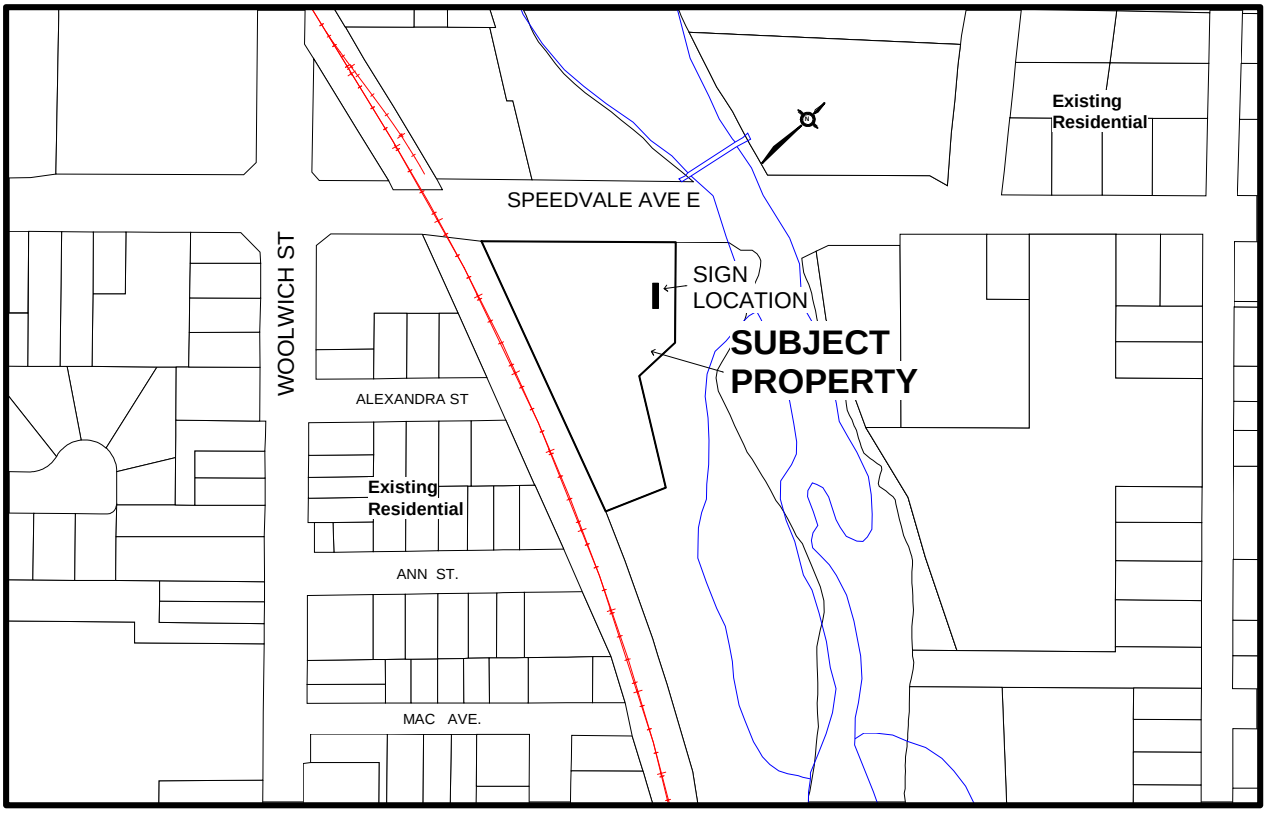
Recommended By:
Bruce A. Poole
Chief Building Official
Building Services
(519) 837-5615, Ext. 2375
bruce.poole@guelph.ca

Original Signed by:

_____

Recommended By:
Janet L. Laird, Ph.D.
Executive Director
Planning & Building,
Engineering and Environment
519-822-1260, ext 2237
janet.laird@guelph.ca

SCHEDULE A- LOCATION MAP

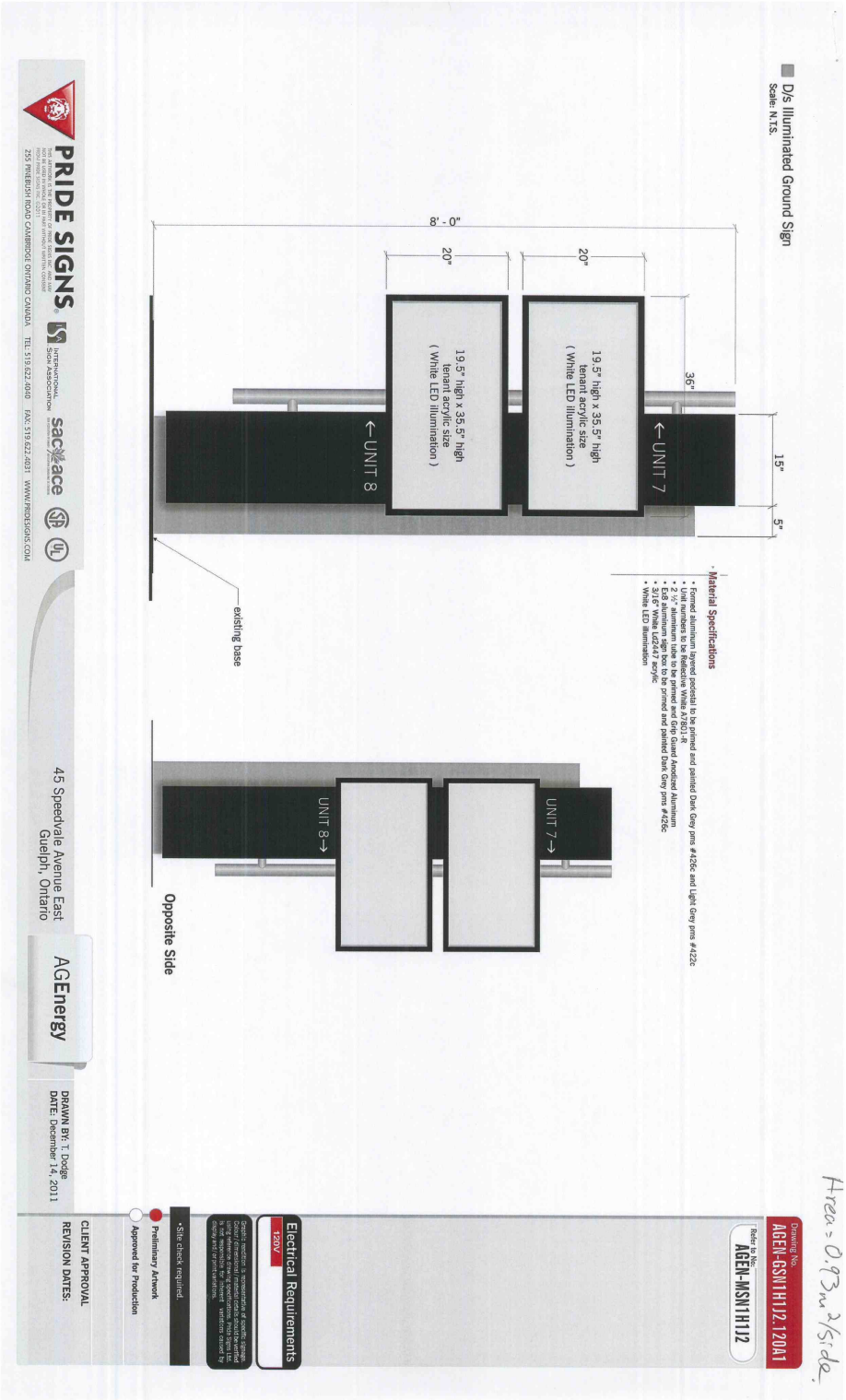


SCHEDULE B- EXISTING SIGNAGE

Existing sign

SCHEDULE B- PROPOSED SIGNAGE (continued)

Proposed sign



SCHEDULE C- VARIANCE RATIONALE

255 PINEBUSH ROAD, CAMBRIDGE ONTARIO CANADA N1T 1B9 PRIDESIGNS TEL: 519.622.4040 FAX:519.622.4031 WWW.PRIDESIGNS.COM

City of Guelph
1 Carden St
Guelph ON
N1H 3A1

Attn: Patrick Sheehy

Re: 45 Speedvale Ave E, Guelph ON – Ground Sign Variance

Dear Patrick,
Please accept this letter as part of the application package for the site listed above. A variance is required based on the fact that this site is zoned OR-38, and as such is limited to a total of 4.5m2 for all signs on the property. The sign we are proposing is a total of 0.93m2/side, and will go in place of an existing directional sign at the North end of the property (existing sign shown in photo "A", attached). The sign is mostly directional in nature, and is intended to easily direct on site traffic to the businesses which are located in units at the rear of the property.

The addition of this sign is essential to the vitality of the businesses on site to attract new clients, as well as retain existing. The new sign design will help enhance the property and on site businesses with its sleek modern design. The impact on the overall streetscape would be minimal due to the fact that the sign is replacing an existing sign on site, and the surrounding commercial properties all have plenty of signage. The addition of this sign does not detract from the area as there was previously one in its place for years, which was not nearly as aesthetically pleasing as the new design.

The signage is not only an indicator of direction for pedestrians, but also for any emergency services which may have to be called to site. It is imperative for these units to be clearly identified from the street and on site, and with no visible business frontage the addition of this sign is the only way to clearly identify the location and proper internal route to access these units. Also in terms of safety, the proposed location does not obstruct any sight lines on or off site, and will present no potential threat to pedestrian or vehicular safety on or off the site.

Based on the above I would ask in your support in approving this application. The sign is a replacement from an existing sign, and provides direction essential to potential customers, deliveries, and emergency services. The proposal presents an upgrade in aesthetics compared to the old sign, and will not have a negative impact on the street or surrounding area. Should you have any questions regarding this proposal I would ask you to contact the undersigned.
Thank you,

Nathan Dart – Pride Signs Ltd – T: 519-622-4040 x274 – E: ndart@pridesigns.com

Shared Rental Housing Licensing Work Plan

PBEE Committee Meeting: May 22, 2012

Purpose

Present a Licensing Work Plan to Committee

- Response to numerous Council resolutions and Shared Rental Housing Comprehensive Work Plan
  - "THAT staff be directed to proceed forthwith with development of a Shared Rental Housing Licensing program for Council's consideration, including consultation with the Ontario Human Rights Commission"

    January 30, 2012 Council meeting

Why a Licensing Program

- Protect health and safety of residents and minimize community impacts
- Use legislative ability to license rental housing
- Complimentary tool to zoning regulations and enforcement
- Can address some community issues outside authority of zoning regulations and other by-law regulations
- Voluntary certification of lodging houses and registration of two-unit houses limited success
- Enhanced enforcement efforts still challenging under current regulations

Community Issues

- Concentrations of shared rental housing leading to neighbourhood destabilization
- Increasing intensity of residential use with rental of entire two-unit dwelling with accessory apartments
- Increased noise, parking, bad behaviour, nuisance
- Absentee landlords vs. owner occupied dwellings
- Safety concerns

Legal Framework – Municipal Act

- Regulate any activities, matters or things that a municipal council considers necessary or desirable for the public including the rental of a residential unit
- Licensing can:
  - Regulate rental of residential units
  - Indirectly deal with tenure – require owner occupancy, on-site manager/superintendent
  - Prescribe specific conditions - inspection, parking plan
  - Impose fees and penalties
  - Prescribe different requirements for different forms of rental housing

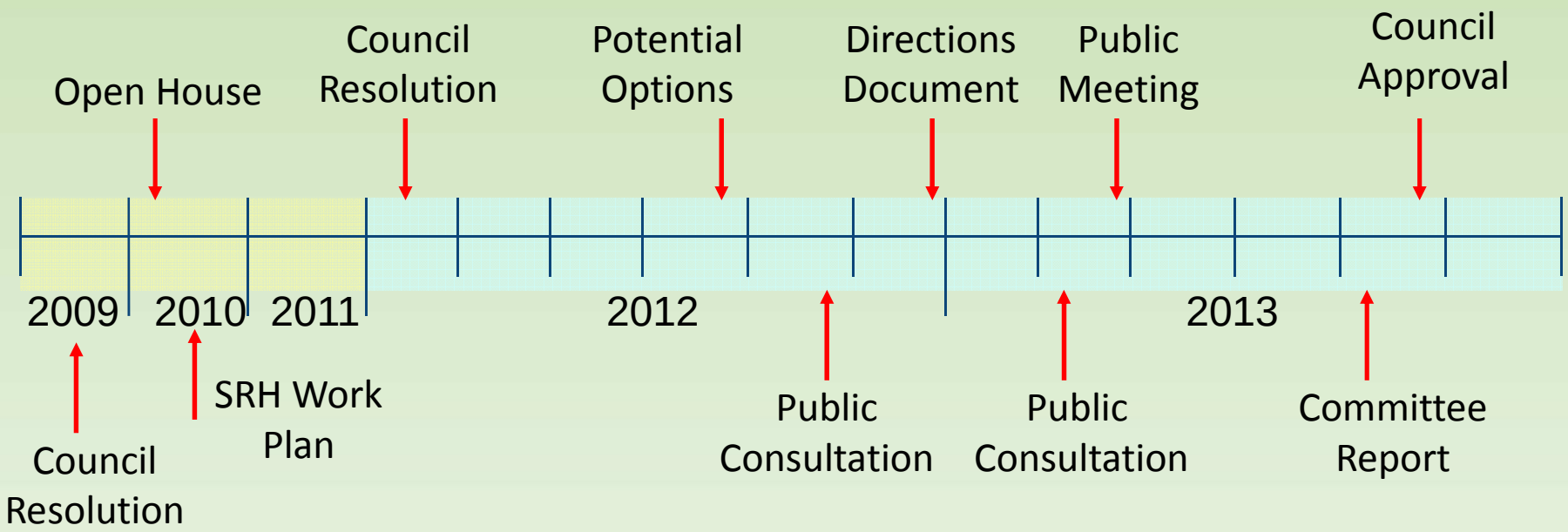
Comprehensive Work Plan

	2010	2011	2012	2013
Zoning By-law Land Use Regulation Location, Form	• Interim Control By-law • Zoning By-law Amendment			
Enhanced Enforcement Proactive, Increased Visibility		• Zoning Enforcement • By-law Compliance • Fire		
Licensing Business Operation			• Lodging Houses • Two-Unit Houses • Other Rental Forms	
Communications Plan Education, Awareness	• Web Updates • Direct Mailings • Public Consultation			

Key Outstanding Decisions

- Determine City's licensing objectives in light of Human Rights Code
- If licensing feasible determine:
  - Classes of rental housing to license
  - Specific conditions to apply
  - Phase-in strategy for existing certified lodging houses and registered two-unit houses
  - Proposed license fees
  - Implementation requirements
  - Appropriate appeals process and penalties for non-compliance

Licensing Work Plan



Shared Rental Housing Licensing Work Plan

Thank you

COMMITTEE REPORT

TO	**Planning, Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	May 22, 2012
SUBJECT	**Rental Housing Licensing Work Plan 2012-2013**
REPORT NUMBER	12-60

SUMMARY

Purpose of Report:
To present the Rental Housing Licensing Work Plan 2012-2013 to Committee.

Committee Action:
To receive the Rental Housing Licensing Work Plan 2012-2013 and support its use to guide the exploration of and possible development of a rental housing licensing program.

RECOMMENDATION

"THAT Report 12-60 from Planning, Building, Engineering and Environment regarding the Rental Housing Licensing Work Plan dated May 22, 2012, be received."

BACKGROUND

In July 2009, in response to Community Development and Environmental Services (CDES) Report (09-60), regarding administrative changes for lodging housing and accessory apartments, Council directed staff to report back with a proposed amendment to the Business Licensing By-law to require Lodging Houses to have a business license and to incorporate the expiration of Two-Unit House registrations after three years to require the re-inspection of these properties.

In December 2009, staff brought forward CDES Report 09-100 recommending that staff should review options for licensing both Lodging Houses and Two-Unit Houses under one licensing by-law. The CDES Committee directed staff to hold a public open house to discuss the recommendation before making a decision on the matter.

The results of the open house held on January 14, 2010 are presented in CDES Report 10-09 dated February 16, 2010. (See Attachment 2)

Common concerns from neighbourhood residents are summarized below.

- The need for a separation distance between two-unit houses:
  - to avoid neighbourhood destabilization (too many short term renters without a vested interest in the neighbourhood);
  - to reduce behavioural issues that are prevalent in areas of concentrations of two-unit rentals (noise, parties, garbage, vandalism); and
  - regulation should be focused on properties where both units are rented out.
- Two-unit rentals are allowed to have six bedrooms rented:
  - this is too intense for some properties and neighbourhoods; and
  - this also leads to parking problems.
- Some rental property owners do not maintain properties:
  - neither tenant nor owner responsible for outdoor maintenance and garbage.

Generally, neighbourhood residents responded that licensing did not appear to address their concerns and primarily asked for a separation distance between two-unit rental houses, especially where both units are rented.

Common concerns from landlords or rental property owners are summarized below.

- Landlords that comply with current regulations are being targeted for additional onerous requirements because of some poorly managed rental properties:
  - Additional fees will discourage existing legitimate property owners from complying with regulations; and
  - The proposal does not address existing illegal rental properties.
- Landlords were not being consulted on Town and Gown issues in the same manner as the neighbourhood groups.
- Rental property owners were responsible for bad tenant behavior, which they are unable to control.

Generally, landlords were concerned that the additional licensing requirement was too onerous, would not capture unlicensed rental property owners, and further drive existing legitimate rental property owners underground to avoid licensing fees.

The majority of open house attendants felt that the licensing proposal did not meet their needs, though some people did identify positive aspects to licensing. Positive aspects included that rental properties were being treated as a business, that safety and property maintenance could be improved by more frequent inspections and that licensing could make the owners of poorly managed properties more accountable. Participants at the open house were generally not satisfied with staff's approach to only propose a licensing by-law to address their concerns.

In addition to reporting back the results of the open house, CDES Report 10-09 recommended that staff develop a working group to review policies and regulations related to rental housing concerns in other similar municipalities. On March 15,

2010 CDES Report (10-23) was received by the Committee and outlined the municipalities and topics to be reviewed in the creation of the work plan. At this meeting, the Committee also directed staff to report back with a comprehensive work plan that in principle addresses the feasibility of not grandparenting existing shared rental housing units.

A comprehensive work plan was presented to Committee in CDES Report 10-53 on May 17, 2010 which addressed zoning by-law, licensing, enforcement and communication issues. Council passed new zoning regulations on September 20, 2010 which included a minimum separation distance for accessory apartments in buildings with a total of six or more bedrooms as a means of dispersing larger dwellings similar to mechanisms in place for lodging houses, emergency shelters and group homes. A rental licensing by-law was to occur shortly after the passing of new zoning regulations. However, the zoning regulations were appealed to the Ontario Municipal Board (OMB). The appeal required extensive staff resources from Planning and Legal Services to manage along with the Interim Control By-law for shared rental housing in place at the time.

During 2011, zoning, fire and by-law enforcement efforts were increased. A recent Information Report (OT051213) from Operations, Transit & Emergency Services presented the positive results of the increased presence and visibility of proactive by-law compliance efforts over the past year. Proactive zoning enforcement efforts are yielding a similar positive result, despite a more challenging situation due to the appeals of the interim control by-law and zoning by-law amendment during 2011.

On January 30, 2012 Council approved the repeal of the Zoning By-law Amendment. Subsequently on March 5, 2012, Council repealed the Interim Control By-law for shared rental housing. Staff are now in a position to restart work on investigating a licensing program. The licensing program would (if pursued) work in concert with current planning regulations and enhanced by-law enforcement efforts to address concerns expressed regarding the business of renting housing units.

REPORT

This report presents a work plan to investigate and, if feasible, develop a city-wide rental licensing program for the City of Guelph. The work plan builds on work already completed on the broader shared rental housing issue, including previous public consultation work, and includes an updated review of licensing programs within other comparator municipalities. The work will be undertaken by a cross departmental team and will include public consultation opportunities. Special consultation with the Ontario Human Rights Commission (OHRC) will be a key element in staff's work early and throughout the process. The OHRC is taking an increasingly active role in raising human rights concerns relating to municipal activities in the housing area.

Purpose of Licensing:
The *Municipal Act*, *2001* permits a municipality to use licensing to regulate any activities, matters or things that a municipal council considers necessary or desirable for the public, including the rental of residential units.

Under the *Municipal Act, 2001*, options that might be considered for a licensing regime include:

- indirectly deal with the tenure of shared rental housing by requiring a licensee to reside in the accommodation they are operating or alternatively could impose a requirement for an "on-site manager/superintendent" where the building's owner does not live on-site;
- require inspections;
- impose fees and penalties;
- impose a limit on the number of "lodging units" a proprietor may operate; and/or
- prescribe different licensing requirements for different forms of rental housing.

Unlike new zoning regulations, new licensing regulations might be imposed on existing shared rental housing operations regardless of when they were established, i.e. grandfathering would not have to apply.

Licensing regulations might be developed to regulate the business of renting housing but not the location, density and intensity of the use which is the domain of a zoning by-law. Many municipalities are moving towards using both the zoning by-law and a licensing program as tools to regulate shared rental housing given the nature of concerns.

The purpose of licensing rental housing in Guelph might be to protect the health and safety of residents of rental units and endeavour to minimize community impacts on surrounding neighbourhoods. A licensing program might require owners of rental units to meet specific conditions for providing and maintaining safe residential housing as a requirement of obtaining, continuing to hold or renewing a licence. A licensing program might work in concert with the zoning by-law and enhanced enforcement to proactively and comprehensively deal with residential land use and business operation issues. Consideration will also be given to the City's existing process of registering accessory apartments and certifying lodging houses.

A licensing system for rental housing might help ensure that tenants have safe housing that meets Fire and Building Code requirements by proactively monitoring housing conditions through regularly scheduled inspections. Regular inspections enable City staff to inform landlords with records of any conditions on their properties which contravene City by-laws (e.g. property standards, building code), leading to enhanced care and maintenance of rental properties.

<u>Licensing Options Presented to Date</u>

City staff is in the process of reviewing potential options for licensing rental housing. To date a number of options have already been presented as part of the open house held on January 14, 2010 and in Council Report 10-84 dated August 3, 2010 which suggested limiting the number of bedrooms that could be rented to four (4). The January 2010 open house recommended that the licensing of all lodging houses and rented two-unit houses be broken into the following three categories:

1. Lodging Houses (5-12 lodging units)
   (Would require annual inspection and licence renewal)

2. Two-unit houses with 5 or more bedrooms rented (5-6 bedrooms rented)
   (Would require annual inspection and licence renewal)

3. Two-unit houses with 4 or less bedrooms rented (1-4 bedrooms rented)
   (Would require inspection and licence renewal every 3 years)

With respect to annual inspections and licence requirements, lodging houses and two-unit houses, where both the main and accessory units are rented, would be treated the same. Two-unit houses where four or fewer bedrooms are rented typically are owner occupied and therefore would require inspection and licence renewal every three years. The distinction between the two types of two-unit housing addresses the complaint that building maintenance and nuisance issues are more of a concern where the owner is not on site.

In reviewing possible licensing options and public consultation strategies, staff will carefully consider compliance with the Human Rights Code. City planning and legal staff attended the OHRC session regarding the release of the Commission's "In the Zone: Housing, Human Rights and Municipal Planning" publication on February 17, 2012. It is clear that the Commission feels that human rights legislation impacts municipal processes and how we should engage the community. The Commission views housing as a fundamental human right and recognizes that rental housing licensing can be a valuable tool for promoting the safety and security of tenants, however the ability to license must not be a license to discriminate. City staff have contacted the Commission to engage them in the licensing process and have been assigned the resources of an inquiry analyst.

<u>Proposed Next Steps</u>
Some of the key issues that need to be addressed regarding the development of a licensing program, include:

(a) Determine the City's objectives and whether licensing could address them, particularly within the Human Rights Code restrictions; and
(b) If licensing appears to be a feasible approach:
   - Determine what classes of rental housing to licence;
   - Determine specific licensing conditions to apply to rental housing;
   - Determine how best to phase-in existing two-unit properties and lodging houses to licensing;
   - Estimate of proposed licence fees – processing, initial and renewal (based on cost recovery);
   - Estimate of costs and resource requirements of implementation; and
   - Determine most appropriate licensing appeals process and penalties for failure to comply with licensing requirements.

Consultations with key stakeholder groups will be held to consider a number of options regarding potential licensing directions for the City. These possible licensing directions will include options already considered during the January 2010 open house. The OHRC will be consulted throughout the process. If a draft

licensing program is developed, staff will engage interested members of the community and specific stakeholder groups for feedback on the draft program before bringing a Licensing By-law to Council for approval.

Staff will investigate whether a by-law requiring rental housing businesses to have licenses would be feasible and likely to satisfy the City's objectives, particularly with respect to the Human Rights Code. Staff continue to view licensing as a potentially effective tool for regulating rental housing to ensure safer and better managed rental units.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth
Goal #1: An attractive, well-functioning and sustainable city

Personal and Community Well-being
Goal #2: A healthy and safe community where life can be lived to the fullest

FINANCIAL IMPLICATIONS

If a licensing by-law proves to be feasible, the financial implications of licensing program options will be determined with cost recovery in mind and consideration of potential impacts on affordable housing. Forecasted costs would ultimately be considered as part of the annual budgeting process.

DEPARTMENTAL CONSULTATION

Planning, Building, Zoning, Clerks, By-Law Enforcement and Legal Services staff have been consulted for this report.

COMMUNICATIONS

Human rights concerns will be considered as part of the public consultation strategy. Public notice requirements under the *Municipal Act* would be followed during the development of a licensing program.

A separate quick link has been created on the City's website called "shared rental housing", which includes relevant information regarding City initiatives regarding shared rental housing.

ATTACHMENTS

Attachment 1 - Proposed Licensing Work Plan 2012-2013
Attachment 2 – Public Feedback on Proposed Licensing Recommendation (CDES Report 10-09)

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ATTACHMENT 1

Rental Housing Licensing Work Plan 2012-2013*

Task	Details	Timeline
Background Work	Update data and other municipal practices	May - August 2012
Develop Potential Options and Rationale	Review previous licensing directions and consider additional alternatives, including consultation with the Ontario Human Rights Commission	May - August 2012
Determine Implications of Options	If licensing proves feasible, potential costs, resource requirements, timing of implementation, phase-in period, current accessory apartment registration and lodging house certification processes, etc.	August - September 2012
Public Consultation on Potential Directions	Consult key stakeholder groups (including the Ontario Human Rights Commission) on potential directions, including what to licence (Licence Classes) and potential conditions, e.g. inspections, on-site supervision	October – November 2012
Develop Directions Document	Present directions to Committee/Council and circulate for public comment	December 2012 – January 2013
Consider Public Consultation Session(s) on Directions	Hold facilitated and/or focus group sessions on directions document for stakeholders (e.g. landlords by proposed licence class)	January – March 2013
Hold Public Meeting on Licensing		April 2013
Draft Licensing By-law		May – July 2013
Draft Application Form and Other Support Materials		June – July 2013
Determine Implications of By-law Implementation	Anticipated costs, resource requirements, timing of implementation, consider phase-in period	August 2013

Committee Report on Licensing		September 2013
By-law for Council Approval		October 2013

* The majority of tasks and details included in the work plan are premised on licensing proving to be a feasible response to meet the City's objectives for shared rental housing given human rights concerns.

ATTACHMENT 2

Public Feedback on Proposed Licensing Recommendation (CDES Report 10-09)

Summary of responses to questions on feedback form from participants of the January 14, 2010 Open House and additional comments received by mail/email. A full record of comments is available for review in the Planning Office.

1. **What are the biggest concerns you have regarding shared rental housing in Guelph?**

- Need for 100 metre distance separation that applies to Lodging Houses also be applied to Two-Unit Houses where both units are rented. Related concerns include:
    - the existing situation is leading to disproportionate density and/or number of renters (mainly students) in some neighbourhoods causing instability
    - Existing properties should not be grandfathered in
    - Too many properties with absent landlords
    - Too many tenants in one building (6)
    - Quality of neighbourhood, life reduced
    - Some residents have asked that the 100 metre separation also be applied to existing two-unit rentals to reduce the current number.
    - Concern about decreasing property values
- That the proposed licensing requirement would be too onerous for rental property owners. Concerns include:
    - unfair targeting of legal rental properties
    - that more landlords would risk illegal units to avoid licensing and associated fees
    - Treats rentals in problem areas near the university the same as those not causing problems elsewhere in the City
- Behavioural issues and by-law enforcement in neighbourhoods including:
    - Parking, on lawns and boulevards, too many cars, traffic
    - Garbage left out, rodents
    - Noise and Parties, effects of irresponsible alcohol consumption
    - Property standards, lack of maintenance and upkeep of rental properties, vandalism of properties
    - General lack of adequate by-law enforcement, lack of staff to enforce by-laws
- Safety
    - Safety of tenants
    - Suspect many apartments are altered after they receive approval
    - Safety in neighbourhoods with high numbers of rentals also a concern

2. **What are some positive aspects to the proposed change to a licensing system for lodging houses and accessory apartments?**

- Treats rentals as a business, more accountability of landlords
    - Annual inspections and fees
    - Some investors think property will manage itself
    - Improved property maintenance
- Nothing
    - Not enough detail about process and fees
    - Doesn't address concentration of rental housing concern
    - Need to enforce existing by-laws
    - Fees are too low
- Improved safety and monitoring
- Might help with reducing density of rentals in some areas
- Revenue for City
- Good to review options
- Accessory apartments treated the same as Lodging Houses
- Stricter rules for landlords could mean stricter rules for tenants
- Like annual re-inspections for lodging houses and should treat all accessory apartments the same with inspections every 3 years

3. What are some negative aspects to the proposed change to a licensing system for lodging houses and accessory apartments?

- Property owners do not have any control of rental homes in their neighbourhood
    - Does not prevent entire street from having accessory apartments
    - Does not address quality of life concerns
    - Should not allow back to back rentals, only 1 per 5 residential houses
- Annual fee will discourage landlords from legalizing their rentals
    - Could lead to more unsafe situations
    - Taxing, penalizing compliant rental property owners
- Does not deal with existing illegal lodging houses and accessory apartments
- Does not address behaviour issues and related by-law enforcement
    - Need to have larger fines for by-law infractions
    - Does not deal with alcohol problem
- May make landlords more accountable, but not students
- Not comprehensive and too complicated
- Concerned about the definition of bedrooms and that bedrooms does not deal with number of people
    - Not restrictive enough regarding the number of tenants (should be 3+ bedrooms)
- Accessory apartments should only be allowed in owner-occupied dwellings
    - Don't discourage accessory apartments in owner-occupied properties
- Cost may limit landlords willing to rent, reducing supply of affordable housing
- More inspections do not improve safety
- Resources and implementation needed to enforce licensing

4. Do you support the change to a licensing system for lodging houses and accessory apartments? How would these proposed changes impact you?

- Yes
    - It's a good start
    - Good to have periodic inspections
    - Should be licensed, are a business
- Yes, but..
    - Separation distances needed for accessory apartments
    - Fees are too low, need to be high to discourage income properties
- No, does not address: (majority of responses)
    - Neighbourhood destabilization
    - Density
    - Illegal lodging house on my street
    - Quality of life
- Other Comments
    - Limiting 2 unit houses should not impact affordable housing
    - How are owners responsible for tenants?

5. Additional Comments/Concerns:

- Town and Gown group created without landlords and investors being involved as a key stakeholder group
    - City is meeting with neighbourhood groups to discuss issues, but not landlords
- Students and others need affordable housing
- Statistics not available to back up neighbourhood complaints
- By-laws not being enforced that could address behavioural issues and problem owners – should be proactive, not wait for complaints
    - Need to increase consequences for parking and property standards infractions
    - Illegitimate properties should be given high fines, no more warnings
    - Staff should proactively search ads for illegitimate properties
    - Situation causing additional and costly pressure on City staff, police
    - Make landlords more accountable
- City and University should proactively plan for students, not let the market dictate location
    - The University should only advertise registered rentals
    - University should penalize bad student behaviours
- Discriminatory targeting of non-owner occupied dwellings
- Not against students, but concerned about lack of diversity in neighbourhoods – becomes a quality of life/neighbourhood issue
- Contravenes provincial mandate to intensify
- Need to show density impacts, compared to Places to Grow
- Not everyone is in favour of minimum distance separation for two-unit houses
- Designating special areas may result in problems pushed to other areas
- Sounds ambitious but heard it before and nothing changes
- Small single dwellings should not have more than 4 renters
- Students should be distributed throughout the City
- A city/neighbourhood task force can deal with social matters and lead to improvements before

Chair and Committee Members
Community Development
and Environmental Services Committee
City of Guelph
1 Carden Street
Guelph, Ontario

January 20, 2010

Dear Councillor Burcher and CDES Committee Members:

Re: Proposed Changes to Lodging House and Two-Unit House Administrative Procedures

The Executives of the Hanlon Creek Neighbourhood Group (HCNG), Old University Neighbourhood Residents' Association (OUNRA), Rickson Ridge Neighbourhood Association (RRNA), South End Ratepayers' Association (SERPA), as well as community members from Ward 1 are issuing this communication in response to the Community Development and Environmental Services Committee Report 09-100, which proposes administrative changes to the licensing requirements for shared rental housing.

We, the undersigned, are in agreement that the proposed changes contained in the report are an inadequate response to the deteriorating conditions in our neighbourhoods.

In the spirit of cooperation and ongoing dialogue on this very important issue, we have assembled a list of remedies which we wish to see implemented:

Issues which are vital to any working solutions:

1. Redefine accessory apartments so that they only apply to owner occupied houses defined as any dwelling with 1 owner occupied unit and 1 rental unit.

2. Redefine a lodging house as more than 2 ~~rental~~ lodging units in any dwelling.

3. Both City and University must develop student housing alternatives with negotiations to begin immediately.

4. Licensing of all rentals with absentee landlords must be enforced – including Lodging Houses, Accessory Apartments & Home Conversions for multiple unrelated residents whatever the number (not intended for owner-occupied rentals with all owners present).

5. Separation distances between such locations must be assigned and enforced as per current lodging house rules.

6. No grandfathering should be allowed and licenses should be issued on a first come, first-served basis with complete public notification before approval and based on the date of application.

7. A time-line for compliance of no more than 1 year should be enforced citywide.

8. Penalties, fines and service fees must be put in place Day One for non-compliance.

9. Police and By-law enforcement in the affected neighbourhoods must be maintained on a pro-active basis by the City. Citizens should not be required to report on conditions.

10. Notification must be given to residents within set boundaries of ANY application for licensed rental premises.

11. Owners must be notified of all parking and property standards infractions with repeaters summoned to Court to explain why they are not educating their tenants.

12. Change rules for modified on-street parking so that actual residents owning homes and residing on that street are consulted.

13. Return the off-street parking requirement to 1 spot per 3 persons.

14. Periodic review and input process for all rental and business license categories for property owners who run lodging houses.

15. City to better define "lodging unit" and "owner" – i.e. this is the crux of the difference between Accessory Apartments and Lodging Houses in zoning bylaw.

16. Set fines and service fees for offenders and make them payable concurrently.

Thanking you for your consideration of this request,

Valerie Smith
On behalf of HCNG

Susan Ricketts
On behalf of RRNA

Daphne Wainman-Wood
On behalf of OUNRA

Geoff Allen
On behalf of SERPA

Lorraine Pagnan
Ward 1

Cc: Mayor Farbridge
City Councillors
James N. Riddell, Director of Community and Development Services
Marion Plaunt, Manager of Policy Planning and Urban Design
Katie Nasswetter, Senior Development Planner

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	May 22, 2012
SUBJECT	**SIGN BY-LAW VARIANCES FOR 1820 Gordon Street**
REPORT NUMBER	12-44

SUMMARY

Purpose of Report: To advise Council of a Sign By-law variance application requesting a freestanding sign with variances for a setback of 3 metres in lieu of the permitted 6 metres, a height of 6 metres in lieu of the permitted 4.5 metres, and a separation distance of 115 metres in lieu of the required 120 metres.

Council Action: To approve the request for variances from the Sign By-law for 1820 Gordon Street for a sign with a setback of 3 metres, a height of 6 metres and a separation distance between signs of 115 metres.

RECOMMENDATION

"THAT this report regarding Sign By-law variances for 1820 Gordon Street from Planning, Building, Engineering and Environment, dated May 22, 2012, be received;

AND THAT, the request for variances from the Sign By-law for 1820 Gordon Street to allow a freestanding sign with a setback of 3 metres, a height of 6 metres and a separation distance between signs of 115 metres be approved."

BACKGROUND

Imperial Signs on behalf of the owner; has submitted a sign variance application to allow for a freestanding sign with a setback of 3 metres (3.28') in lieu of the permitted 6 metres (19.6'), a height of 6 metres (19'6") in lieu of the permitted 4.5 metres (14.8') and a separation distance of 115 metres (377') in lieu of the permitted 120 metres (393') at 1820 Gordon Street (see Schedule A- Location Map). The property is zoned SC 1-55 (Service Commercial) in the Zoning By-law No. (1995)-14864, as amended, and is a large Service Commercial development. The sign has been erected in an approved location and the applicant and owner have applied for a change of location.

REPORT

Freestanding Signs are regulated by Table 2 of Schedule B of the Sign By-law No. (1996)-15245, as amended. This property was the subject of an extensive Site Plan Approval process that identified complying locations for three freestanding signs (one on Gordon Street and two on Clair Road East). The applicant and owner have now requested to change the location of one freestanding sign on Gordon Street. This sign is 6 metres (19'6") high. This height requires a 6 metre (19.6') setback. The Sign By-law does permit a 1 metre (3.28') setback for freestanding signs; however these signs can only have a height of 4.5 metres (14.76'). Freestanding signs are required to have a 120 separation distance between them. The intent of the Sign By-law is to allow freestanding signs to have a reduced setback with a lower height. The Sign By-law and Urban Design Guidelines implement a strategy of ground oriented signage. A larger sign height is permitted with an increased setback. There is a building with a 3 metre (9.84') setback that the owner states is blocking the views of the sign with a 6 metre setback. The change of location on the site plan is shown on Schedule B-Site Plan. The street views of the proposed and existing signage are attached as Schedule C- Views of Existing Sign.

The requested variances are as follows**:**

Freestanding Sign	**By-law Requirements**	**Request**
(Commercial and Industrial Zones)	Minimum Separation Distance -120 metres Maximum Height- 4.5 metres for a 1 metre setback	**Minimum Separation Distance -115 metres Maximum Height- 6 metres for a 3 metre setback**

The requested variances from the Sign By-law for additional height in a reduced setback and decreased separation distance are recommended for approval because:

- The reduced building setbacks block views of the sign for vehicles
- The setback and size are of an acceptable street presence as the sign is not taller than the buildings
- The separation distance between signs is not an impact on Gordon Street as the other sign is on Clair Road East

CORPORATE STRATEGIC PLAN:

Urban Design and Sustainable Growth:
Goal #1: An attractive, well functioning and sustainable city

FINANCIAL IMPLICATIONS: N/A

DEPARTMENTAL CONSULTATION: N/A

COMMUNICATIONS: N/A

ATTACHMENTS

Schedule A - Location Map
Schedule B - Site Plan
Schedule C - Views of Existing Sign

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Recommended By:
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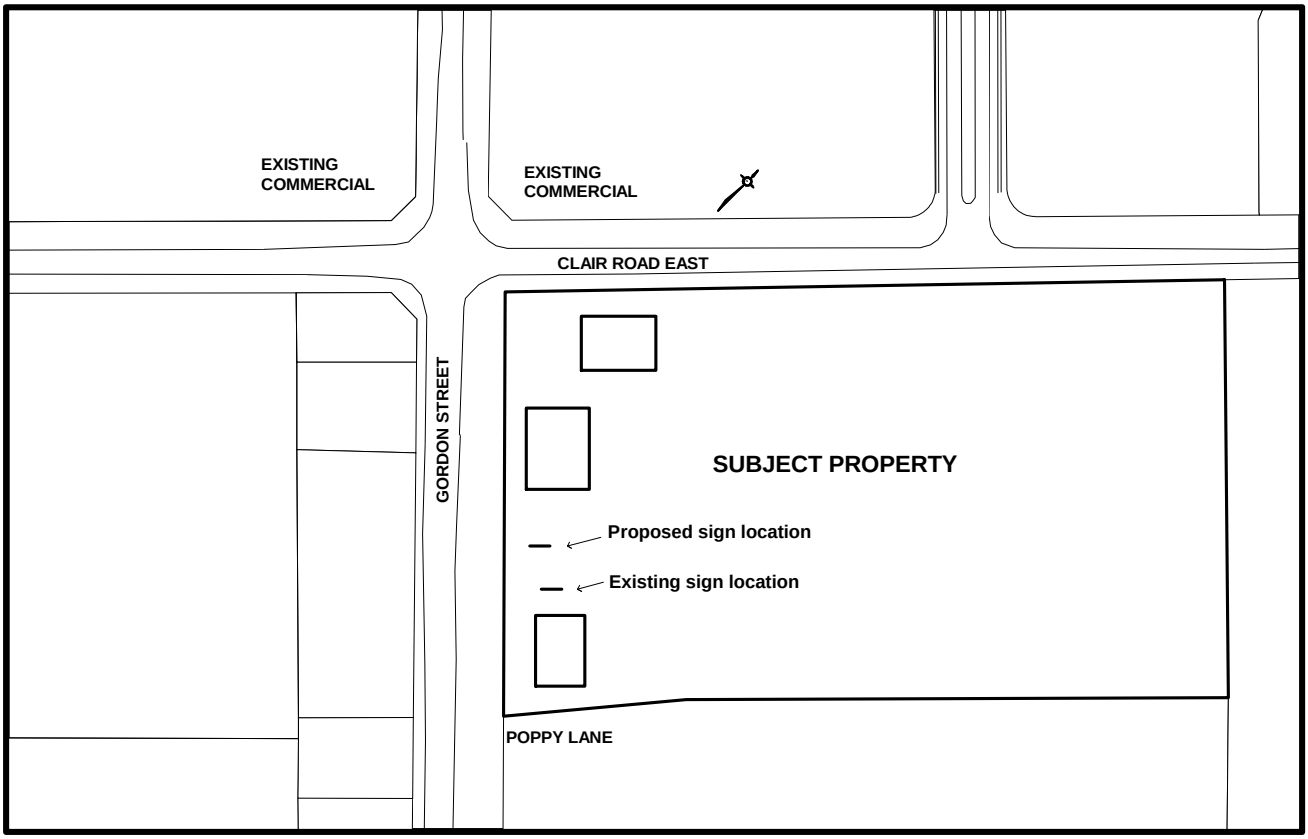
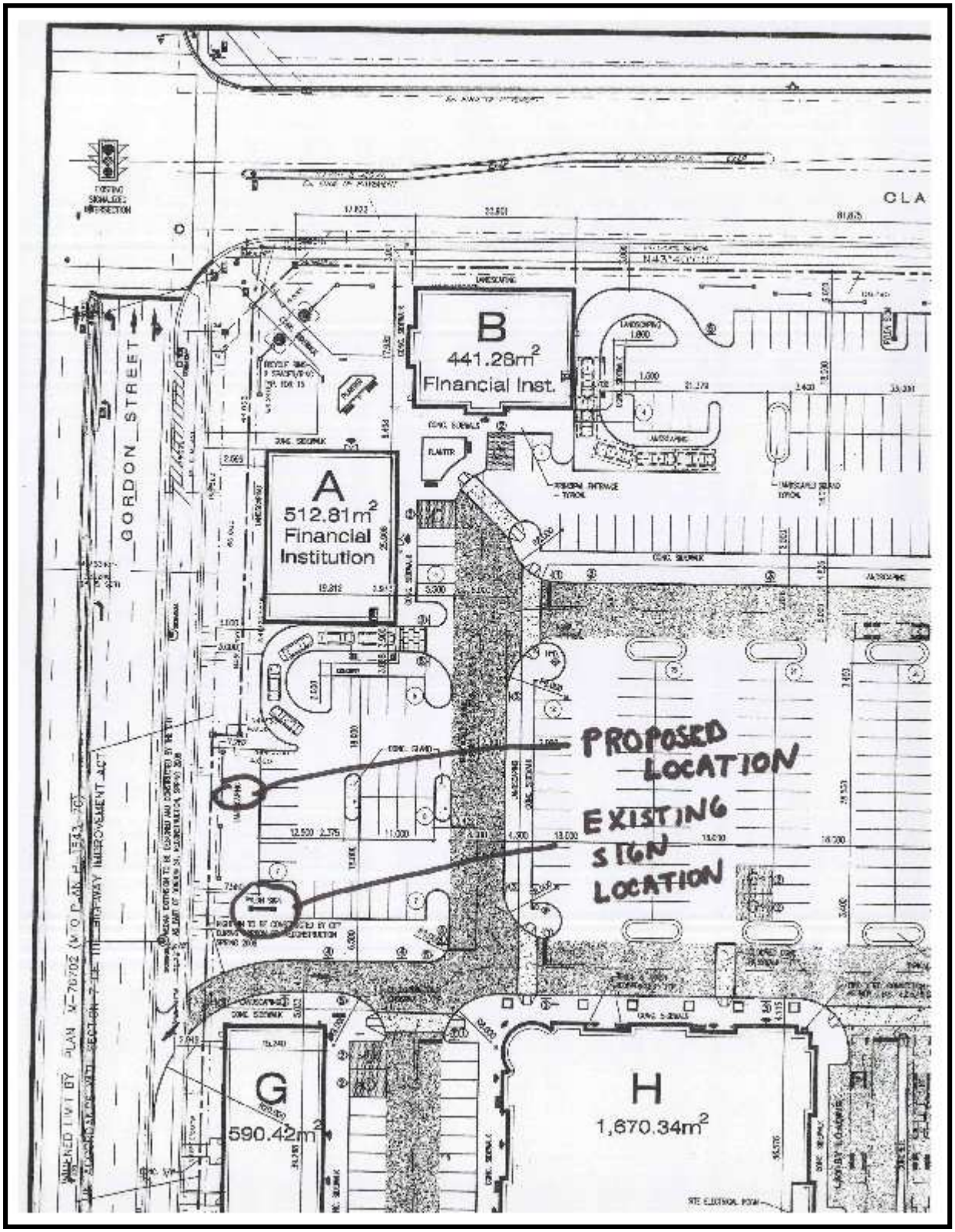
SCHEDULE A- LOCATION MAP



SCHEDULE B- SITE PLAN



SCHEDULE C-VIEWS OF EXISTING SIGN

View from Gordon Street- south of sign (looking north)

View from Gordon Street at entrance (looking north)

SCHEDULE C-VIEWS OF EXISTING SIGN

View from Gordon Street- north of sign (looking south)

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	May 22, 2012
SUBJECT	**Code of Conduct for all Building Services staff**
REPORT NUMBER	

SUMMARY

Purpose of Report:
To outline proposed changes to the existing Code of Conduct for the Chief Building Official and Inspectors' recommendations, on how to make the Code of Conduct more accessible to the public and a proposed process for lodging and investigating related complaints.

Committee Action:
To decide whether to approve the proposed changes, recommendations and formal process.

RECOMMENDATION

"THAT the report on Code of Conduct for all Building Services Staff from Planning, Building, Engineering and Environment dated May 22, 2012, be received;

AND THAT Council approve the proposed changes to the existing Code of Conduct for the Chief Building Official and Inspectors (Schedule "D" of By-law No. (2012) - 19356), the recommendations on how to make the Code of Conduct more accessible to the public and the proposed process for lodging and investigating related complaints."

BACKGROUND

On January 30, 2012, City Council adopted the following resolution:

"AND THAT staff report back to the Planning & Building, Engineering and Environment Committee in May with recommendations regarding:

- making the Code of Conduct for Building Officials more accessible to the members of the public; and

- establishing a formal process for complaints falling under the Code of Conduct for Building Officials"

REPORT

Building Code Act

In 2005, the Building Code Act required all Ontario Municipalities to enact a Code of Conduct for the Chief Building Official and Inspectors. The existing Code of Conduct has been in place for almost seven years with one formal allegation against an Inspector in 2007. An investigation confirmed a violation of the Code of Conduct and appropriate actions were taken to address the situation.

In consultation with all Building Services staff members, management staff believe that the Code of Conduct should pertain to all staff. Building Services staff are involved in reviewing and approving documents and plans, field inspections, enforcement activities and providing direction and decisions related to several municipal by-laws, codes and acts.

Accessible to the Public

Staff reviewed several Code of Conducts from various municipalities via the internet and all seem to only publish the Code of Conduct in its original form (Schedule of Building By-law).

Presently, Guelph's Code of Conduct is on the City's web-site as Schedule "D" of the current Building By-law and recently the Code of Conduct was displayed in the Building Services 2011 Annual Report which received positive comments at a recent Guelph & District Homebuilders Association meeting.

In consultation with Corporate Communications staff, the following additional actions will provide more access to the public.

- Create a visually appealing, plain language poster that highlights the Code of Conduct and its complaint process
- Create a companion brochure that explains the purpose of the Code of Conduct, provides a summary, contains a tear-off complaint form and describes how to use it
- Post the poster, brochure, Code of Conduct and complaint form on Guelph.ca
- Post the poster and have copies of the brochure available at the 3rd floor Building Services front customer counter

Formal Process for Complaints

In Section #4 – **Breaches of the Code of Conduct** (see Appendix #1) the following new subsections have been added:

- **Lodging a Complaint**
- **Withdrawal of a Complaint**
- **Confidentiality**
- **Review of Decision**
- **Complaint Form**

In the subsection – **Review of Allegations** (new title/existing subsection), there have been some changes recommended as described in Appendix #1.

CORPORATE STRATEGIC PLAN

Government & Community Involvement
Goal #5: *A community-focused, responsive and accountable government.*

FINANCIAL IMPLICATIONS
N/A

DEPARTMENTAL CONSULTATION

City Clerks Department
Corporate Communications
Human Resources

COMMUNICATIONS
N/A

ATTACHMENTS
Appendix #1 – Schedule "D" – Code of Conduct for all Building Services Staff

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Original Signed by:

Recommended By:
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SCHEDULE "D"
of By-law Number (2012) –
being new Schedule "D" of By-law (2012) - 19356

Code of Conduct for ~~the Chief Building Official and Inspectors~~ all Building Services Staff

1. **Purpose**

a) To promote appropriate standards of behavior and enforcement actions by ~~the Chief Building Official and Inspectors~~ all Building Services staff in the exercise of a power or the performance of a duty. ~~under the Act or the Building Code.~~
b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by ~~the Chief Building Official and Inspectors~~ all Building Services staff in the exercise of a power or the performance of a duty. ~~under the Act or the Building Code.~~
c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty ~~under the Act or the Building Code~~ by all Building Services staff. ~~the Chief Building Official and Inspectors.~~

2. **Scope**

This policy applies to ~~the Chief Building Official and all appointed Inspectors.~~ all Building Services staff.

The Code of Conduct must provide for its enforcement and include polices or guidelines to be used when responding to allegations that the Code of Conduct has been breached and disciplinary actions that may be taken if the Code of Conduct is breached.

3. **Contents**

Conduct

a) Always act in the public interest.~~, particularly with regard to the safety and accessibility aspects of Building works and structures.~~
b) Apply all relevant ~~Building~~ laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
c) Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
d) Extend professional courtesy to all.
e) Ensure interactions are in keeping with the City's Corporate Values and associated behaviours, particularly related to integrity and excellence.

4. **Breaches of the Code of Conduct**

Lodging a Complaint

A complaint must be in writing and must be signed by the person making the complaint. The complaint may be a letter, e-mail, facsimile or submitted via the form that is in Section 4.

Withdrawal of a Complaint

A complainant may withdraw his/her complaint at any time; although the Corporation may continue to investigate the complaint if deemed appropriate to do so.

Confidentiality

The entire investigation process will be handled in as confidential a manner as possible by all parties involved. All records are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and may be subject to disclosure under the Act or by a court of law.

Review of Allegations

The Chief Building Official will review any allegations of breaches of this Code of Conduct made against ~~Inspectors.~~ a Building Services staff member. Where the allegations are against the Chief Building Official, senior management of the ~~City~~ Corporation will review the allegations.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the ~~City~~ Corporation and will be based on the severity and frequency of the violation in accordance with relevant employment standards and the provisions of any collective agreement.

The Chief Building Official or senior management of the Corporation will provide a written response to the complainant within 30 calendar days of receipt of the written complaint.

Review of Decision

If, upon receipt of the results of the review, the complainant is not satisfied, he/she may forward his/her concerns to senior management of the Corporation.

City of Guelph
Building Services Code of Conduct Complaint Form

COMPLAINANT AND OTHER PERSONS INFORMATION			
Complainant		Other Persons Present (if known)	
Name		Name	
		Telephone (Day)	Telephone (Evening)
		( )	( )
Street Address		Email	
City	Province	Name	
Postal Code	Email	Telephone (Day)	Telephone (Evening)
Telephone (Day)	Telephone (Evening)	( )	( )
( )	( )	Email	

INCIDENT INFORMATION			
Date of Incident (DD/MM/YY)	Time of Incident	Staff Member Name (if known)	Vehicle Number (if known/applicable)

Please indicate the details of your complaint:

	Signature	Date (DD/MM/YY)

NOTICE OF COLLECTION: Personal information on this form is collected under the authority of the Municipal Act 2001, and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The purpose of this collection is to examine your complaint, which will be used as part of the City of Guelph's investigation. All personal information and the nature of your complaint will be handled in as confidential a manner as possible. Any questions related to this collection should be directed to the City of Guelph's Access, Privacy and Records Specialist at 519-822-1260 ext 2349.

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	May 22, 2012
SUBJECT	**Class Environmental Assessment – Notice of Completion for Silvercreek Parkway Improvements (from North of Paisley Road to South of the CNR Secondary Line)**
REPORT NUMBER	

SUMMARY

Purpose of Report:
The purpose of this report is to present the recommendations of the Class Environmental Assessment for undertaking improvements to Silvercreek Parkway South, from north of Paisley Road to south of the Canadian National Railway (CNR) Secondary line, including a Grade Separation at the CNR Mainline.

Council Action:
To authorize staff to complete the Class Environmental Assessment for Silvercreek Parkway South, based on the recommended improvements, and proceed with their implementation.

Next Steps:
Staff will complete the Class EA and issue the Notice of Completion commencing the mandatory 30-day review period. After the completion of the EA process, staff will proceed with the implementation of the recommended improvements to Silvercreek Parkway South including a Grade Separation at the CNR Mainline.

RECOMMENDATION

"THAT the Planning, Building, Engineering and Environment report dated May 22, 2012, regarding the Class Environmental Assessment for undertaking improvements to Silvercreek Parkway South, from north of Paisley Road to south of Canadian National Railway (CNR) Secondary line, including a Grade Separation at the CNR Mainline, be received;

AND THAT staff be authorized to complete the Municipal Class Environmental Assessment process for improvements to Silvercreek Parkway South, and proceed with their implementation, as outlined in this report."

BACKGROUND

Silvercreek Parkway is a north-south arterial roadway, located to the east of the Hanlon Expressway, and extending from Waterloo Avenue in the south to City limits north of Woodlawn Road.

Until 1975, Silvercreek Parkway was a continuous road between Waterloo Avenue and Paisley Road with at-grade crossings at the CNR Mainline and the CNR Secondary Line. The road was closed, in 1975, at the CNR Mainline in conjunction with the construction of the Hanlon Expressway to the west.

At present, the northerly section of the discontinued Silvercreek Parkway terminates at the CNR Mainline, while the southerly section starts south of the CNR Mainline and connects with Waterloo Avenue and includes an at-grade crossing at the CNR Secondary Line. As shown in Attachment #1 (Study Area), the subject section of Silvercreek Parkway is located on the triangular portion of the land bounded by the two CNR lines and the Hanlon Expressway to the west.

The Official Plan designates Silvercreek Parkway as a continuous roadway, including a new grade-separated crossing at the northern CNR Mainline and an at-grade crossing at the southern CNR Secondary line, to accommodate development of the triangular land parcel.

The land, known as Silvercreek Lands, is a former quarry site that is designated for development according to the Ontario Municipal Board Minutes of Settlement entered into by the City and Silvercreek Guelph Developments in March 2009. The Minutes of Settlement are based on a Concept Plan (Attachment #2) for a mixed use development including commercial, office and residential uses, as well as a Market Square, City Park, and Open Space abutting a storm storage area on the east side of Howitt Creek.

The Minutes of Settlement also identified the following roadway improvements requiring Environmental Assessment under the Municipal Class EA process, and placed a holding symbol under the Planning Act on Silvercreek Lands until the completion of the EA and the award of construction contracts for the road improvements:

- Reconnection of Silvercreek Parkway as a continuous roadway between Paisley Road and Waterloo Avenue
- Grade Separation at the CNR Mainline
- A new road to the east of Silvercreek Parkway as shown in the Concept Plan

A Municipal Class EA process was initiated in September 2011, with Delcan Corporation providing Engineering Consulting Services. The results and recommendations of the EA are outlined herein. Council approval of the preferred option, as determined through the EA process is required to identify that the City supports the preferred option in the event a Part 2 order request is filed with the Ministry of Environment.

REPORT

Class EA Process:
In accordance with the Class EA requirements, public notification of the study was undertaken through newspaper and City Web Page advertisements. Individual notices were sent to property owners in the study area, interested stakeholders, and external Review Agencies. The study area is the area shown in Attachment #1. The Notice of Study Commencement and the notices for Open Houses were sent out to over 800 study area residents and property owners, City Departments and external agencies.

Two Open Houses were held on November 24, 2011, and on February 15, 2012. Separate meetings were held with property owners with specific concerns regarding access from Silvercreek Parkway after it is reconnected.

The Class EA process for Silvercreek Parkway improvements was initially identified as a Schedule C process but was later changed to a Schedule B process based on updated cost estimate of the Grade Separation. The change from Schedule C to Schedule B was identified at the second Open House.

The documentation of the EA process is available on the City Web Page and can be accessed through the following link:

http://www.guelph.ca/living.cfm?subCatID=1514&smocid=2093

The Recommended Solution

A number of alternatives including "Do Nothing" and an at-grade crossing at the CNR Mainline were considered and evaluated using four sets of criteria, namely: Transportation, Socio-Economic Environment, Natural Environment and Cost.

The recommended solution (shown in Attachment 3) was presented at the second Open House. The reconnected Silvercreek Parkway alignment is based on the Concept Plan for the development of the Silvercreek Lands, with but modifications to conform to Engineering Standards. The key features of the recommended solution include:

- A Grade Separation at the CNR Mainline consisting of a two span railway bridge with a 5.3 vertical clearance from the roadway underneath;
- 2-Lane Silvercreek Parkway including bike lanes and sidewalks (with reduced grades under the bridge to accommodate cyclists and pedestrians);
- Provision for a Market Square (65 m by 55 m), midway between the two CNR lines;
- A new roadway to the east of Silvercreek Parkway abutting the Market Square.
- Improvements to the intersection at Silvercreek Parkway and Paisley Road; and
- A service road to provide access to existing residential properties west of the Silvercreek Parkway and north of the CNR Mainline, and a new right-out access on Paisley Road; and
- Improvements to the at-grade crossing at the CNR Secondary Line.

Impacts & Mitigation Measures

The main impact of the proposed improvements relates to access for existing eight residential properties on the west side of Silvercreek Parkway and north of the CNR Mainline. At present, with the Silvercreek Parkway closed, the residents have the following access movements on Silvercreek Parkway (Attachment 4):

- Inbound right-turn
- Outbound left-turn

With the proposed grade separation, the outbound left-turn cannot be permitted for safety reasons given the underpass grade and proximity to the intersection at Paisley Road. But the following three access movements can be accommodated:

- Inbound right-turn
- Outbound right-turn
- Inbound left-turn

As illustrated in Attachment #4, residents wanting to go north on Silvercreek Parkway can turn right at the new right-out only access on Paisley Road, and turn left on Silvercreek Parkway at the intersection at Paisley Road.

Concerns were also expressed in regard to providing access on Silvercreek Parkway to the vacant property (580 Paisley Road) on the east side of Silvercreek Parkway and south of Paisley Road. This property has access on Paisley Road, and a second access on Silvercreek Parkway was requested as part of a Site Plan Application for the property in 2008. The City at that time indicated to the applicant that an access on Silvercreek Parkway cannot be provided given the vertical alignment required for the grade separation. The vertical alignment recommended through the EA process confirms that an access on Silvercreek Parkway will not be feasible.

Project Implementation

Subject to the completion of the EA process and obtaining necessary approvals from the railway agencies, the construction of the grade separation and roadway improvements including underground services is expected to commence in the Fall of 2012 and be completed in 2013.

CORPORATE STRATEGIC PLAN

The undertaking of the Silvercreek Parkway improvements relate to the following goals in the 2007 Strategic Plan:

- Goal #1 – An attractive, well-functioning and sustainable city; and

- Goal #2 – A healthy and safe community where life can be lived to the fullest.

FINANCIAL IMPLICATIONS

The estimated total cost of the grade separation and related road improvements is $6.0 million. This cost will be equally shared between the City and the developer of Silvercreek Lands under the Minutes of Settlement. The City has also entered into a financing agreement with the developer under which the developer will be front-ending the total cost of the construction of the grade separation and related road improvements, and the City will reimburse its share to the developer in stages

corresponding to the issuance of building permits for development. In total, 70% of the City's share of the cost will be collected from development charges, and funds for paying the City's share will be allocated in the capital budget for roads.

DEPARTMENTAL CONSULTATION

Planning, Building, Engineering and Environment (Engineering Services, Planning Services), and Operations and Transit (Traffic Services) were consulted during the Class EA study process.

COMMUNICATIONS - N/A

ATTACHMENTS

Attachment #1: Study Area
Attachment #2: Concept Plan
Attachment #3: Recommended Solution
Attachment #4: Access Impact/Mitigation

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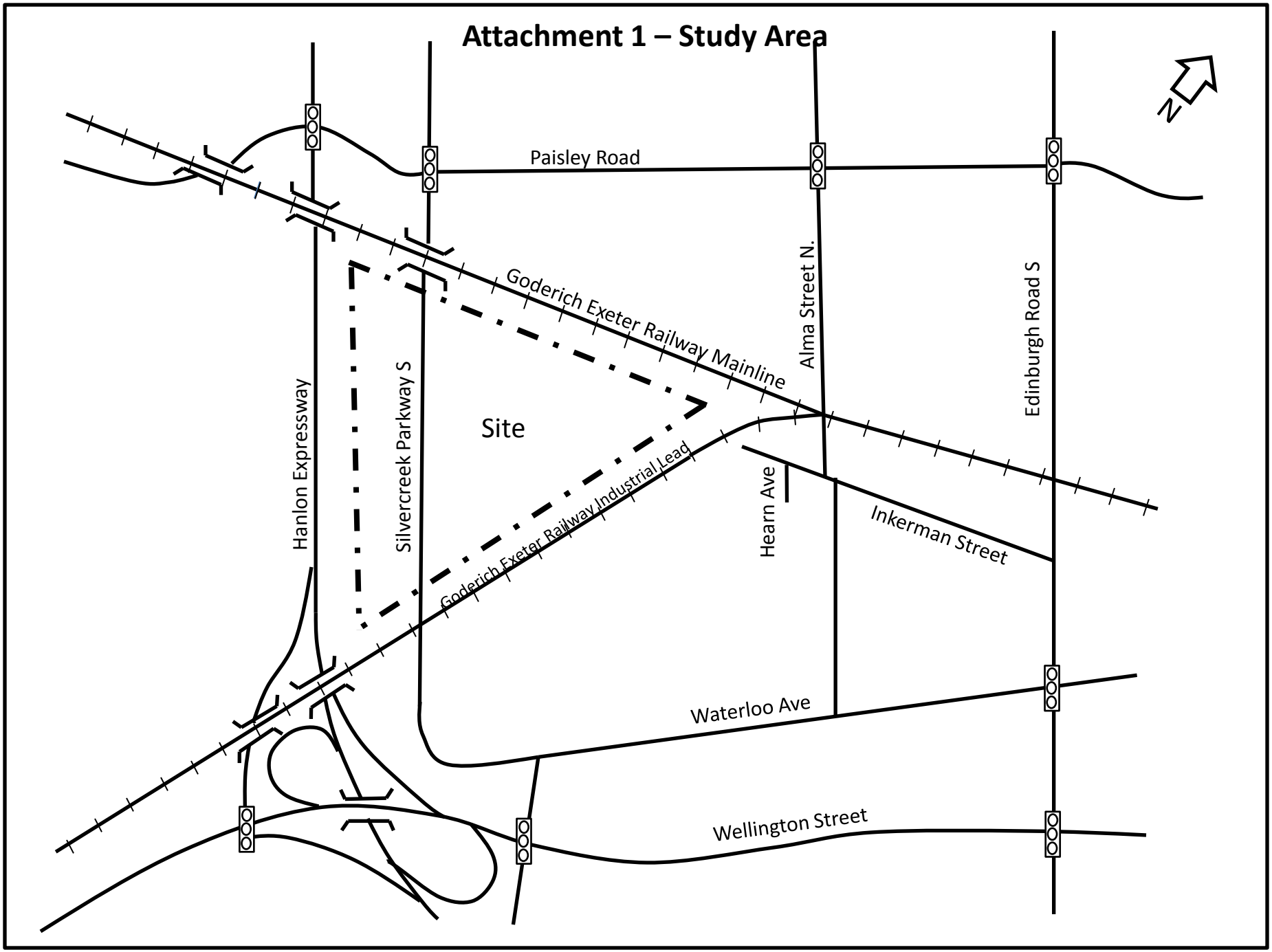
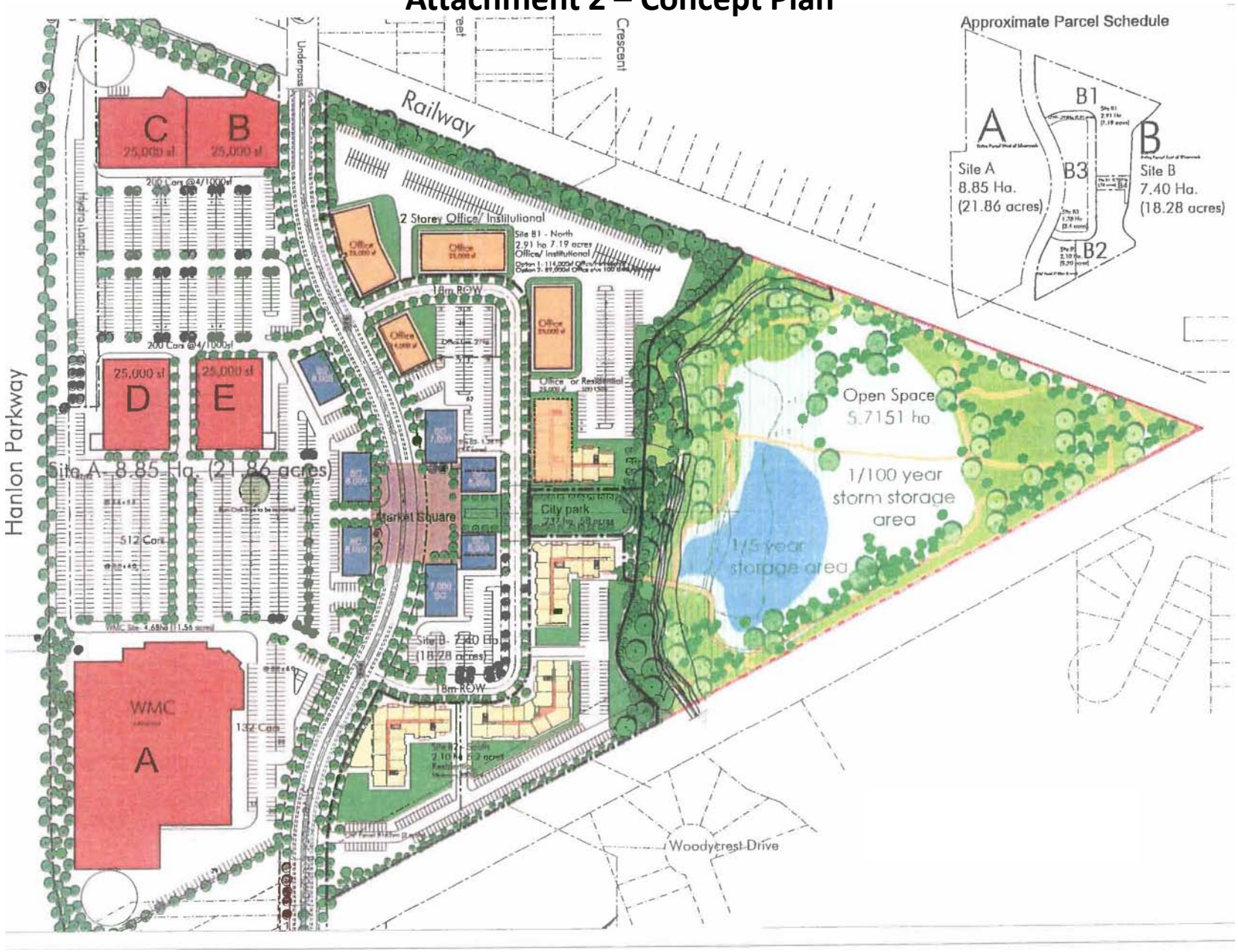
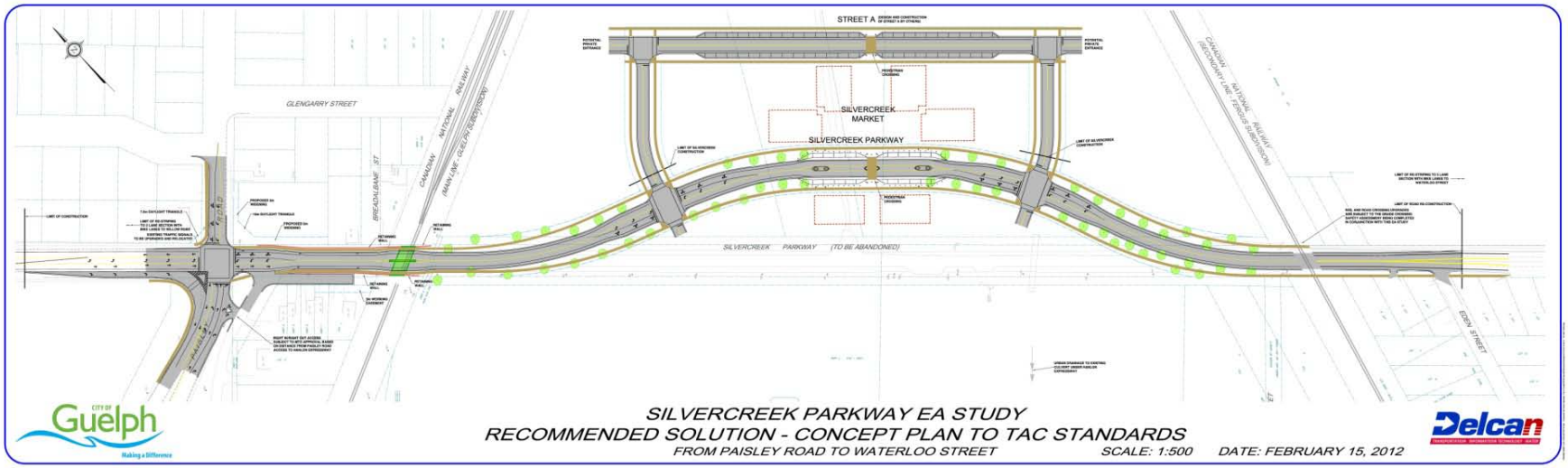
Attachment 1 – Study Area

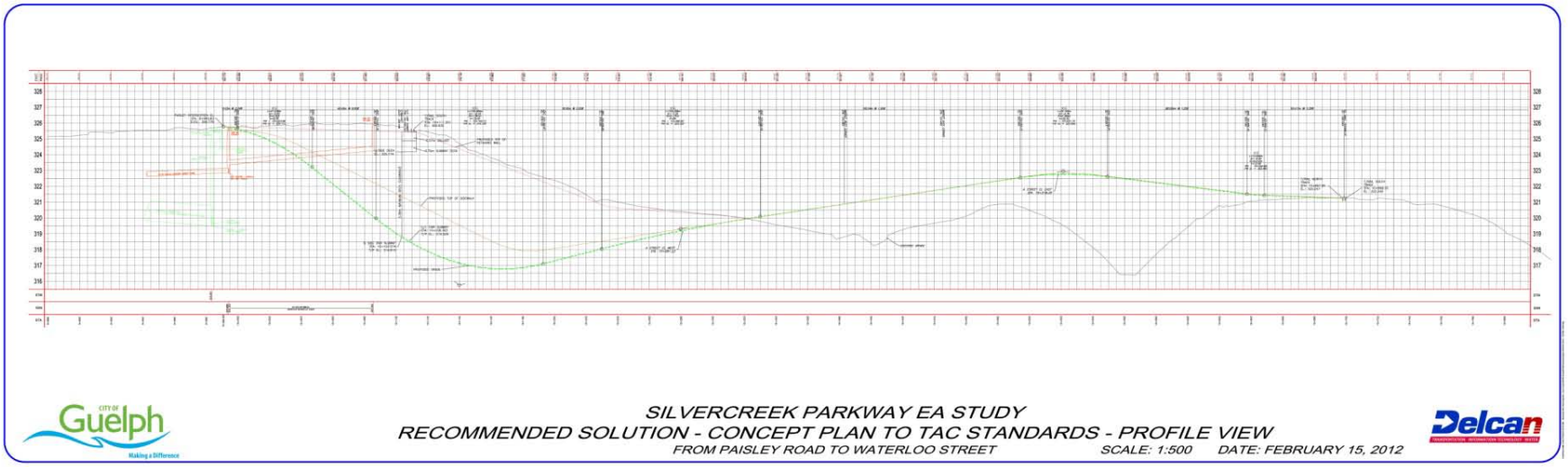


Attachment 2 – Concept Plan



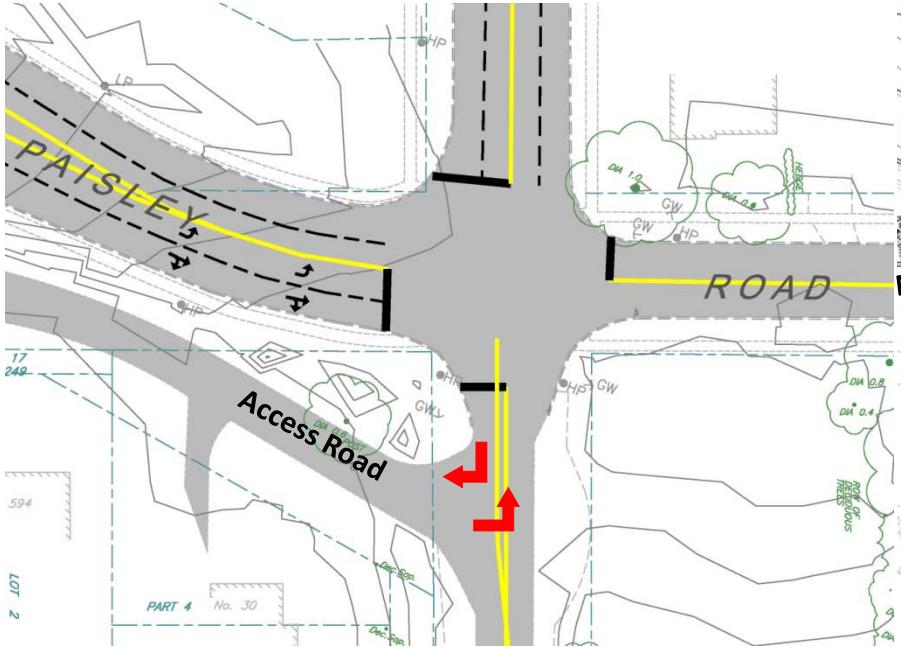
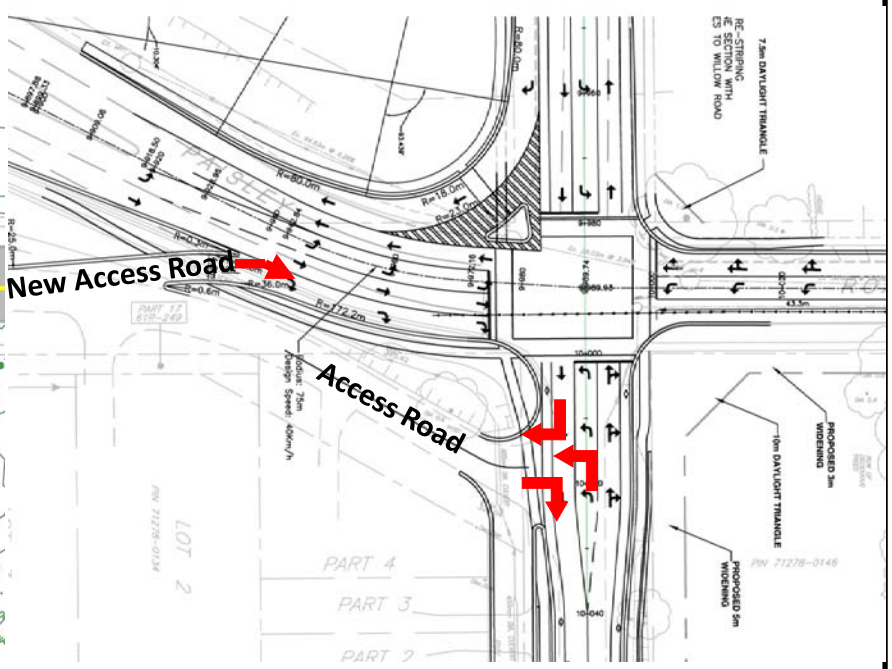
Attachment 3 – Recommended Solution





Attachment 4 – Access Impact / Mitigation

Existing



Future