

# CITY COUNCIL AGENDA

Consolidated as of May 23, 2014



**Council Chambers, Guelph City Hall, 1 Carden Street**

**DATE** May 26, 2014 – 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**

## **7:05 p.m. GUELPH CITY COUNCIL MEETING AS SHAREHOLDER OF GUELPH JUNCTION RAILWAY**

See separate agenda.

## **7:15 p.m. GUELPH CITY COUNCIL REGULAR BUSINESS MEETING**

### **PRESENTATION**

- a) Ontario Bike Summit – Ontario Bike Friendly Award:
  - Kealy Dedman, City Engineer introduction
  - Jennifer Juste, TDM coordinator update on the City's progress on cycling
  - Justin Jones, Share the Road Cycling Coalition presentation of the Ontario Bike Friendly Community Award to the City of Guelph
  
- b) Progress Report on Guelph Wellbeing:
  - Ross Kirkconnell, Guelph Family Health Team
  - Rita Sethi, Wellington-Dufferin-Guelph Public Health
  - Chief Bryan Larkin, Guelph Police Services
  - Barbara Powell, General Manager Community Engagement & Social Services

### **CONFIRMATION OF MINUTES** (Councillor Dennis)

*"THAT the minutes of the Council Meetings held April 14 and 28, 2014 and the minutes of the Closed Meetings of Council held April 14 and 28, 2014 be confirmed as recorded and without being read."*

### **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.

**Consent Reports/Agenda from:**

<b>Audit Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
AUD-2014.11 Internal Audit Report – Legal and Realty Services Follow Up Audit			
AUD-2014.13 Policy for the Selection and Appointment of the External Auditor			

Adoption of balance of Audit Committee Second Consent Report - Councillor Guthrie, Chair

<b>Closed Meeting of Council</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
CMC-2014.33 Appointment to Guelph Cemetery Commission			

Adoption of balance of the Closed Meeting of Council Third Consent Report –

<b>Community &amp; Social Services Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
CSS-2014.12 Approval of Charter for the Enterprise for Innovation in Human Services			
CSS-2104.13 Civic Celebrations			

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

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<b>Corporate Administration, Finance &amp; Enterprise Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
CAFE-2014.22 2014 Internal Financing of Capital Projects			

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

<b>Governance Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
GOV-2014.1 Committee of Adjustment Review			
GOV-2104.7 Electronic Device Policy – Amendment			
GOV-2104.8 Ethics and Efficiency Hotline (“Tip Line”)			
GOV-2104.9 Council Remuneration	Greg Sayer, Chair Citizens’ Review Committee		√
GOV-2104.10 Internal Audit			

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

<b>Operations, Transit &amp; Emergency Services Committee</b>			
<b>Item</b>	<b>City Presentation</b>	<b>Delegations</b>	<b>To be Extracted</b>
OTES-2014.13 2013/2014 Winter Control Program Update			
OTES-2014.14 Proposed Business Licence By-law Amendment – Donation Bin, Publication Dispensing Box Licensing			

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

Planning & Building, Engineering and Environment Committee			
Item	City Presentation	Delegations	To be Extracted
PBEE-2014.9 2013 Building Permit Fee Revenues, Costs, Building Stabilization Reserve Fund and Annual Setting of Building Permit Fees for 2014			
PBEE-2014.14 Rental Housing Licensing Recommended Approach		<ul style="list-style-type: none"> <li>• Allan Dyer</li> </ul> <p>Correspondence:</p> <ul style="list-style-type: none"> <li>- Barbara Hall, Chief Commissioner, Ontario Human Rights Commission</li> <li>- John E. Gruzleski, President, Old University Neighbourhood Residents' Association</li> <li>- Donna &amp; Morris Haley</li> <li>- Rob and Rick Wilson</li> </ul>	✓

Adoption of balance of Planning & Building, Engineering and Environment Committee Third Consent Report - Councillor Bell, Chair

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
CON-2014.32 9 Woodlawn Road – Forcemain on City Right-of-Way			

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.

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Reports from:

- Audit Committee – Councillor Guthrie
- Closed Meeting of Council -
- 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 Bell
- Council Consent – Mayor Farbridge

## SPECIAL RESOLUTIONS

### BY-LAWS

Resolution – Adoption of By-laws (Councillor Findlay)

***“THAT By-law Numbers (2014)-19753 to (2014)-19764, inclusive, are hereby passed.”***

<p>By-law Number (2014)-19756 A by-law to adopt Amendment No. 54 to the Official Plan for the City of Guelph regarding the Guelph Innovation District Secondary Plan to provide policies for an integrated compact mixed use district located at the southeast edge of the City bounded by Victoria Road South, York Road, Watson Parkway South and the City’s municipal boundary.</p>	<p>To adopt Official Plan Amendment No. 54 as approved by Council May 12, 2014.</p>
<p>By-law Number (2014)-19757 A by-law to amend By-law Number (2012)-19356, as amended, being a by-law respecting Building, Demolition, Conditional and Change of use Permits, Inspections, appointment of Inspectors and a Code of Conduct and to adopt Municipal Code Amendment #515, which amends Chapter 116 of the Municipal Code.</p>	<p>A by-law to amend By-law (2014)-19356, as amended, as per Planning &amp; Building, Engineering and Environment Committee Consent Report PBEE-2014.9.</p>

<p>By-law Number (2014)-19758  A by-law to authorize the execution of an Amending Subdivision Agreement between Armel Corporation and the Corporation of the City of Guelph in respect of the lands described as Part of Lot 6 and 7, Concession 1, Division "B", (formerly Guelph Township), designated as Parts 1 to 8 inclusive, 61R20069, City of Guelph.</p>	<p>A by-law to amend a subdivision agreement</p>
<p>By-law Number (2014)-19759  A by-law to dedicate certain lands known as:  Block 102, 61M182 as part of Summit Ridge Drive;  Blocks 103 and 104, 61M182 as part of Starwood Drive; and  Block 105, 61M182 as part of Jeffrey Drive, City of Guelph.</p>	<p>To dedicate lands as part of Summit Ridge Drive, Starwood Drive and Jeffrey Drive.</p>
<p>By-law Number (2014)-19760  A by-law to authorize the execution of a Subdivision Agreement between Gamma Developers Limited and The Corporation of the City of Guelph. (Kortright East Phase 3A)</p>	<p>To authorize the execution of a Subdivision Agreement for Kortright Phase 3A subdivision.</p>
<p>By-law Number (2014)-19761  A by-law to authorize the execution of a Partial Release of Development Covenants and Restrictions with respect to Part of lot 2, Registered Plan 687, designated as Part 1, Reference Plan 61R6989, City of Guelph. (745 Southgate Drive)</p>	<p>To authorize the execution of a partial release of development covenants and restrictions related to 745 Southgate Drive.</p>
<p>By-law Number (2014)-19762  A by-law to authorize the execution of an agreement between The Association of Municipalities of Ontario and The Corporation of the City of Guelph. (Municipal Funding Agreement – Federal Gas Tax)</p>	<p>To authorize the execution of a Municipal Funding Agreement with respect to federal gas tax.</p>

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<p>By-law Number (2014)-19763          To authorize the internal borrowing from Reserve Funds of the Municipality in the principal amount of \$26,000,000.00 for capital projects.</p>	<p>To authorize internal borrowing from Reserve Funds for capital projects.</p>
<p>By-law Number (2014)-19764          A by-law to confirm the proceedings of meetings of Guelph City Council. (May 21 and 26, 2014)</p>	<p>To confirm the proceedings of Council meetings held May 21 and 26, 2014.</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**

**Ontario Human  
Rights Commission**

Office of the Chief Commissioner

180 Dundas Street West, 9<sup>th</sup> Floor  
Toronto ON M7A 2R9  
Tel.: (416) 314-4537  
Fax.: (416) 314-7752

**Commission ontarienne  
des droits de la personne**

Cabinet de la commissaire en chef

180, rue Dundas ouest, 9<sup>e</sup> étage  
Toronto ON M7A 2R9  
Tél. : (416) 314-4537  
Téléf. : (416) 314-7752



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VIA Email

May 2, 2014

Mayor Karen Farbridge  
Members of Council  
City of Guelph  
Planning and Building, Engineering  
and Environment Committee  
Guelph City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Your Worship and Members of Council,

**Re: Report no. 14-29, Rental Housing Licensing Recommended Approach**

I am writing in support of the steps that are recommended in Report no. 14-29 – that instead of putting a licensing system in place for rental housing, the City of Guelph use existing bylaws to deal with property concerns.

Licensing can be a good tool if its focus is on Building Code, Fire Code and health and safety standards, but it is not an appropriate option for dealing with the actions of the people who may live in the housing. This is why we concur with the report's recommendation to expand existing programs to target the actual problem areas, without adding an extra cost to tenants across the City.

We are pleased to hear that the City's recent bylaw enforcement enhancements are having a positive effect in addressing some of the central community concerns relating to rental housing. And we support extending these efforts to better target areas and behaviours of concern, instead of imposing additional requirements that will affect all tenants.

The potential costs of licensing could reduce or limit the availability of affordable rental housing, which is a critical need for many people who identify with grounds of Ontario's *Human Rights Code* (for example, age, receipt of public assistance, disability, or country of origin). Provincial guidelines also call on municipalities to maintain the stock of affordable housing.



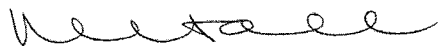
In our guide, *Room for Everyone: human rights and rental housing licensing*, we included a series of promising practices we saw in our work with municipalities across Ontario. We are pleased to see that the proposed approach in Guelph follows some of these practices.

For example, staff looked closely at human rights considerations before arriving at the recommendations. Also, we were pleased to see staff efforts to reach out to a wide variety of groups that would be affected by any proposed licensing.

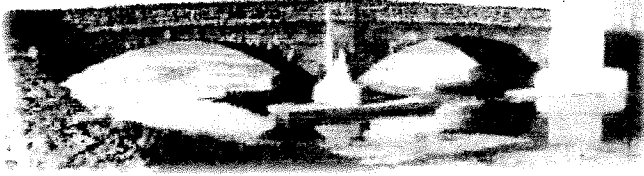
Continuing to review bylaw options through a human rights lens can help you make sure your communities are inclusive and meet the needs of all residents.

I hope this information is helpful to you. If you would like more information on human rights and rental housing licensing, please contact Jacquelin Pegg at 416-326-9863, or via email at [Jacquelin.Pegg@ohrc.on.ca](mailto:Jacquelin.Pegg@ohrc.on.ca).

Yours truly,

A handwritten signature in black ink, appearing to read 'Barbara Hall', written in a cursive style.

Barbara Hall, B.A., LL.B., Ph.D. (hon.)  
Chief Commissioner



# Old University Neighbourhood Residents' Association Inc.

Linking the Old University Neighbourhood to the City of Guelph since 1897

May 21, 2014

Guelph City Council  
City Hall  
1 Carden St  
Guelph, Ontario

sent by email to: [clerks@guelph.ca](mailto:clerks@guelph.ca)

Madam Mayor and Members of Council,

Re: Motion to refer report on rental licencing

I am writing on behalf of the Old University Neighbourhood Residents' Association to urge you to accept the May 5 decision of the Planning, Building, Engineering and Environment Committee to refer the report on licencing of rental housing back to staff for clarification. The report recommends a beefing up of existing tools in order to resolve problems associated with the health and safety of rental accommodations; however, it is deficient in showing how this approach will deal successfully with issues such as easy access to rental establishments, regular inspections, liability insurance issues, locating absentee landlords, or even knowing who they are, or providing floor plans in order that Guelph Fire can know how many persons live in a house and where the bedrooms are located. There is no quantification of increased fines for landlords who refuse to comply with the bylaws. The report is quite frank in acknowledging these shortcomings and proposes nothing to overcome them.

There is an implication that the reasons underlying this alternative approach stem from the public consultation process, the results of which are summarized in attachment 4 of the report. Unfortunately, the data set resulting from this consultation process is highly skewed in favour of the non-licencing option. It is understandable that many landlords would oppose any form of licencing. Of the 319 responses received by staff, 39% were from landlords and 34% from residents. The total number of landlords in the City is far smaller than the number of residents and so the results become highly skewed in favour of a non-licencing option.

Quite simply, this is not a good report. Please accept the recommendation of PBEE to allow staff to demonstrate how the proposed approach will deal with the issues that gave rise to this exercise in the first place.

Sincerely,

John E. Gruzleski, President OWNRA

License Recommendation Referral Back to Staff

Date: May 22, 2014

To: Mayor Farbridge and Guelph City Council  
Meeting May 26, 2014

From: Donna and Morris Haley; Guelph Ontario

**RE: RENTAL HOUSING LICENSING RECOMMENDED APPROACH, REPORT NO. 14-29**

We understand the recent PBEE committee majority recommendation to refer the above noted Report back to staff is being considered at the May 26<sup>th</sup> Council meeting.

Based on the May 5<sup>th</sup> PBEE meeting, which we attended, it appears the majority of the PBEE intended to have staff either provide additional clarifying information to the report or to conduct yet again additional consultation with residential stakeholders or to revise the original Report and recommend a licensing program instead. The May 5<sup>th</sup> proceedings were unclear.

Our first preference is to have Council accept the Report as written for reasons we provided in our April 30<sup>th</sup> submission to Council. Failing that, should the Report be referred back to Staff then we hope it would be on the basis to clarify the original Report only and to maintain Staff's original recommendation.

We provide the following comments regarding the PBEE May 5<sup>th</sup> meeting where the majority rejected Staff's recommendation **NOT *to proceed with licensing "at this time"***.

We are long-time Landlords in Guelph, including student and 'non-student' rentals. We have actively participated in this drawn out rental licensing debate since 2010; most recently in the Community Working Group that provided feedback to Staff about licensing. We are familiar with the issues involving Shared Rental Housing or aka Student Rental Housing.

On May 5th Staff presented their recommendations to the PBEE Committee to ***not pursue a rental licensing by-law***. Staff instead recommended continuing and building on the recent successes of enhanced enforcement program to deal with low level rental (aka, student rentals) issues i.e. behavioural and zoning use issues that occur predominately in Ward 5 and 6 where the University student population is clustered.

Staff's recommendation no doubt surprised the PBEE Committee consisting of Mayor Farbridge, Councillors Bell, Guthrie, Piper and Wettstein and all other observers, including ourselves.

Until recently Staff had historically supported a license program along with the majority of Councillors who sit on the PBEE Committee and many residents (particularly in Wards 5 & 6) for the last half dozen years. The change in position apparently resulted after Staff engaged in extensive public consultation sessions held in November 2013 and January/February of this year. These consultations were in addition to the tens of thousands of dollars of labour cost incurred by Staff to deal with this issue and presentation of countless reports to Council over the last several years.

Presented with additional information and feedback from the Public, Staff re-evaluated the merits of a license program and changed its long-held position favouring licensing to one recommending another rental oversight strategy. This change in position took courage in admitting that another option would be more effective. Especially so knowing that criticism would likely be received from some Council members and some public members at large who have always

#### License Recommendation Referral Back to Staff

lobbied for licensing regardless of the disadvantages. Staff should be commended for putting wise application of public policy and the interest of all Taxpayers before expediency.

John Maynard Keynes, the late great economist once said, “When my information changes, I alter my conclusions. What do you do Sir?” Apparently City Staff found enough information to “change their mind”. However it quickly became evident in the May 5<sup>th</sup> meeting the majority of PBEE Committee were not prepared to accept Staff’s recommendation to abandon licensing.

A careful reading of the Report provides more than enough information to identify why licensing was rejected and the alternative strategies that could be used instead. The strategies detailed by Staff are almost the exact same methods now being used successfully by Hamilton. Last year, Hamilton Staff had initially wanted to implement a license by-law but later, similar to Guelph Staff, recommended a strategy of enhanced enforcement to Hamilton City Council who in turn supported their Staff and agreed.

At the May 5<sup>th</sup> meeting:

- Mayor Farbridge called the report incomplete, data compiled to be skewed, and anecdotal comments made as factual statement. Mayor Farbridge also remarked she ‘was neither for nor against licensing’. That remark is disingenuous considering the Mayor has always supported any pro licensing motions passed by Council while this file has been open for last six plus years.
- Coun. Piper noted the report was status quo and did not address how additional bylaw enforcement and inspections would impact the current rental concerns.
- Coun. Wettstein opined the consultation process was Landlord dominated and neighbourhood residents were not given the opportunity to voice their views.

Responding to Committee comments that residents were not provided sufficient input, Coun. Guthrie specifically queried Staff if anything was missed in the consultation process and did the license consultation process differ from other public consultations held on other issues.

Staff’s response was that public consultations were initiated at the previous suggestion of Council. To detail, there were two public meetings in November 2013 and three meetings with a Community Working Group comprised of Neighbourhood, University, Public Housing, Tenant and Landlord Representatives. In addition, Staff noted they maintained a mailing list (e-mail) of 300 individuals that they kept updated on rental housing developments & on public meetings. Staff stressed the consultative process was “balanced” and included representatives from all stakeholder groups. In addition, Staff noted the public consultations were different from other public consultative processes because it “went above and beyond what was usually done”. We know this process occurred because we were active participants in it.

In addition, Attachment 4 to the Report summarizes that of the total 319 respondents who completed a city survey on licensing landlords numbered 125 (39%); residents 107 (34%); tenants 33 (10%) and the “other” category 54 (17%). That difference of respondents between landlords and residents is immaterial. Furthermore, the public were advised by media of the consultative process and all were invited to participate. Bottom line, residents especially those living in the University adjacent areas were heard and had full opportunity to make their views known.

The facts show that ALL residents had the same opportunity to provide input as everyone else. For the majority of the PBEE to say otherwise is a red herring designed to detract from the Report and its recommendations. The real issue is the majority of the PBEE Committee did not agree with Staff’s recommendation to abandon licensing “at this time” and

#### License Recommendation Referral Back to Staff

“just wanted to kick the can down the road” as suggested by Coun. Guthrie. Instead, maybe some Councillors are hoping to reopen the consultation process in order to obtain a different result? This would only add to the high cost of this process already incurred to date.

Having said this, Ward 5 & 6 Residents do have just cause to complain about the liveability of their neighbours as an apparent result of the high concentration of student rentals. However, twenty years prior to 2012 by-law enforcement was only done on a complaint basis and enforcement staffing did not increase over this time. Meanwhile the University population doubled and the general population increased by 25%. No wonder behavioural and zoning issues were created. Perhaps, residents should ask Council and Senior Staff to explain why this growth without corresponding ‘stabilizing measures’ was allowed and in fact encouraged.

A recent Mercury Editorial opined that Staff was playing politics to manage the license issue in order to force the PBEE Committee to accept its recommendations. This apparently was based on a prior City press release in which Staff is quoted as saying “a thorough analysis” had been done to justify a no license program. We find that comment ironic, especially since City Staff are expected to be non-political. As we previously described, Staff did conduct a thorough analysis and it is not wrong to state that fact. In retrospect, maybe Staff’s apparent transgression was to change its position from what the majority on the PBEE favoured.

To date, all indications show the enhanced enforcement program initiated in 2011/2012 is working and City Staff want to build on that to give this strategy a chance. For Council members on the PBEE Committee to say that strategy isn’t working adequately is simply premature, especially given the previous 20 years of poor enforcement and the City’s chronic underfunding of Inspection Staff. We all should recognize that the situation cannot bear another 20 years of passive oversight and bureaucratic ping-pong in order to satisfy specific agendas.

Having been immersed in the process since 2010 we believe that Staff has recommended a viable strategy to deal with the behavioural and zoning issues associated with student rental accommodations that are predominately located in Wards 5 & 6. This has the advantage of not imposing an onerous program City wide license program. A license by-law would be both costly for tenants and taxpayers alike and certainly impact the supply of affordable housing.

If, after a reasonable run, this approach is not successful, then the Report has still left available the option to reconsider licensing in the future.

On May 26<sup>th</sup> City Council will consider the PBEE majority recommendation to refer the Report back to staff for maybe a rewrite or for additional information. However, Council’s other option is just to accept Staff’s recommendation as is.

Should the present Report be referred back to Staff then we hope the PBEE and Council will accept the next Report from Staff which would still hopefully include recommending setting aside a rental housing licensing strategy and that they would support fully the measures started in the 2011/2012 enhanced enforcement program. This ‘situation’ did not occur overnight, and it will take a measured, consistent action to redress the last 20 years.

Sent: May 23, 2014 8:42 AM  
To: Clerks  
Subject: Rental licensing comments

Hello

Please include this email as feedback in support of the staff recommendation to not consider rental licensing.

Most concerning is that those "above-board" landlords are poised to pay yet more fees. The reality is those who rent a house to a family or already have a legal accessory apt will likely have to pay more with any type of program.

The fees/efforts involved with the creation of an accessory apartment are significant! The thought of having to pay fees again and/or on a regular basis in addition to completing an application process is not practical or rational.

To ask this group to pay the same fees and participate, in any respect, is like "double-dipping" and it is plain unfair. The fee to register the accessory apt combined with the costs and inspections already paid are substantial.

One example, ESA permit pulled to wire a home for accessory use (several hundred) plus general inspection report (several hundred) plus potentially another general inspection required for a new licensing program (several hundred). This cost alone is over a thousand dollars just in fees! Not including the thousands for the actual work to be done. And this is just one area of work of the many steps needed!

The costs will be passed onto the tenant and for non-university areas it will lead to continued affordability issues. Combined with skyrocketing hydro/gas/water rates, alongside a healthy property tax bill, there is already significant upward pressure on rents.

The University of Guelph must take responsibility and work with the City to ensure by-laws issues are handled effectively and not ask the rest of the hard-working guelphites to foot the bill. So called illegal and legal lodging homes are a major part of the problem and efforts should be direct and concentrated.

Regards,  
Rob Wilson  
Rick Wilson