

**- ADDENDUM -**  
**- GUELPH CITY COUNCIL MEETING -**  
**- September 7, 2010 -**

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**DELEGATIONS**

a) **Proposed Amendment to Zoning By-law Number (1995)-14864, as amended, (Guelph’s Comprehensive Zoning By-law) Regarding Shared Rental Housing**

Revised Staff Presentation

Delegations:

- Jane Londerville
- Oxanna Adams
- Matt Sheehy
- Morris Haley
- Elena Diamond

Correspondence:

- Federation of Rental-Housing Providers of Ontario
- Dylan Rea
- Haley Investments Inc.
- Brandon Smith
- Jonathan VanDusen
- Corrado Di Rosa
- Steve Atkinson
- Ontario Human Rights Commission
- Konnie Peet
- Mimi Hamilton
- Pat Martin
- Bernadette Celi
- Tom Funk
- Joe Hoffer
- Petition received with 71 signatures

***"THAT By-law Numbers (2010)-19076 to (2010)-19077, inclusive, are hereby passed." (Councillor Burcher)***

**BY-LAWS**

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<p>By-law Number (2010)-19077 A by-law to remove Part of Block 66, Plan 61M132 designated as Parts 1 to 6 inclusive, Reference Plan 61R10788 in the City of Guelph from Part Lot Control. (26-36 Penfold Drive)</p>	<p>To remove land from part lot control to create 6 on-street townhouse lots to be known municipally as 26-36 Penfold Drive.</p>
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# Shared Rental Housing Zoning By-law Amendment



**Public Meeting: September 7, 2010**

## Outline

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- Summary
- Community Issues
- Legal Framework
- Proposed Regulations
- Related Initiatives/Next Steps

## Summary

- Purpose:** To primarily address destabilization of neighbourhoods affected by lodging houses and two-unit houses (accessory apartments)
- Meeting:** Statutory public meeting for City-wide Zoning By-law Amendment for public input  
Make a decision on whether to approve proposed Zoning By-law Amendment
- Report:** Present recommended changes to the Zoning By-law

# Integrated Shared Rental Housing Program

TASK	2010					2011 and Beyond			
	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Zoning By-law Amendment - "regulation" - location; form; function; intensity; parking									
Licensing - "business operation" - how business is run - preparation involves public process									
Fire Inspections - "safety" - raise fire safety awareness - courtesy home fire inspections									
By-law Enforcement - "proactive" - increase staff resources - visible - specific areas patrolled based on past concerns									
Communications Plan - "education" - for students; landlords; residents - one call number - information update <a href="http://guelph.ca">guelph.ca</a>									

## Community Issues

- Concentrations of shared rental housing – leading to neighbourhood destabilization in some areas
- Increased noise, bad behaviour, nuisance and property standards infractions
- Building Issues:
  - Safety concerns – Fire/Building Code
  - Parking concerns
- Neighbourhood residents requested a separation distance
- Landlord response:
  - requirements unfair/onerous
  - poorly managed/bad tenant behaviour
- Increasing intensity of residential use with rental of entire two-unit dwelling with accessory apartments
- Absentee landlords vs. owner occupied dwellings

# Legal Framework

## *Zoning*

- Regulate the use of land or buildings for certain purposes
- Zoning can:
  - Regulate location, form, function, parking, and intensity of uses
  - Restrict land uses to a defined area (zone)
  - Restrict the number of bedrooms within residential dwellings, e.g. two bedrooms within an accessory apt.
  - Segregate uses on the basis of intensity of use or zoning categories
  - Impose minimum separation distances between dwelling types subject to a valid planning rationale



# Proposed Zoning Regulations (2010)

## Lodging Houses (Type 1)

- Limit to 5–8 lodging units, depending on parking ability (current limit 5-12)
- One (1) kitchen

### **Remains Same in By-law**

- 100 m. distance separation between lodging houses
- No accessory apartment
- Parking regulations imposed

# Proposed Zoning Regulations (2010)

## Two-Unit Houses (Accessory Apartment)

- Single detached residential dwellings (currently permitted in semi-detached and single detached dwellings)
- 100 m. minimum separation distance between two-unit houses with six (6) or more bedrooms from dwellings with an accessory apartment, lodging houses, group homes, and emergency shelter (New regulation)

### **Remains Same in By-law**

- Accessory apartments limited to two bedrooms
- Parking and unit size regulations

## Summary of Zoning By-law Recommendations – Lodging Houses

Topic	Sept 7, 2010 Zoning By-law Provision
Number of Lodging Units	Limit lodging units to 5-8
Separation Distance	Maintain current 100m distance
Accessory Apartment and Number of Kitchens	Maintain current policy on no accessory apartment Limit to one kitchen
Legal Non-conforming (grandparenting)	Legal non-conforming lodging houses are recognized

## Summary of Zoning By-law Recommendations – Accessory Apartment

Topic	Sept 7, 2010 Zoning By-law Provision
Type of Dwelling	Only permitted in Single Detached Dwellings
Number of Bedrooms in Accessory Unit	Maximum of two bedrooms
Separation Distance	100m for two-unit houses with 6+ bedrooms from a two-unit house, lodging house, group home, and emergency shelter
Legal Non-conforming (grandparenting)	Legal non-conforming two-unit houses are recognized

## **Related Initiatives/Next Steps**

- Implement an Integrated and Clear Communications Plan
- Increased By-law Enforcement
- Repeal Interim Control By-law after Zoning By-law is in full force
- Amendments to By-law Registering Two-Unit Houses



20 Upjohn Rd. Suite 105 Toronto, ON M3B 2V9

tel: 416 385-1100  
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e-mail: info@frpo.org

September 1, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Attention: Lois Giles, City Clerk

Dear Ms. Giles:

**Re: Amendments to Zoning By-law (1995)-14864**

On behalf of the Federation of Rental-housing Providers of Ontario, please accept this as our official objection to the proposed amendments to Guelph's Zoning By-law (1995) -14864. The Federation of Rental-housing Providers of Ontario (FRPO) represents owners and managers of over 250,000 rental units across Ontario. Many of our members, and the rental homes they provide, are based in the City of Guelph.

The zoning and licensing proposals outlined in Planning Report 10-84 (August 3, 2010) that attempt to restrict the availability and supply of rental housing raise a number of significant concerns. These include:

**Discrimination**

The proposed changes, including a 100 metre separation requirement, clearly only target properties occupied by renters and large households, even though they are rarely responsible for property standard, zoning and noise complaints. Zoning changes that attempt to discourage accommodation to tenants and target only citizens who choose renting over homeownership may also contravene Ontario's Human Rights Code and result in serious legal consequences for the City of Guelph, especially if the renters most affected by these changes belong to a visible age group, such as young adults. FRPO will not hesitate to raise our concerns regarding discrimination of Guelph's zoning policies to the Ontario Human Rights Commission for further investigation.

**Ineffective in Addressing Property Concerns**

Zoning and licensing restrictions against rental housing do not address residents' concerns about property standards. There is no evidence or data to suggest that only rental housing properties are responsible for property standard violations, in fact evidence from other cities such as London or Toronto indicates that only a minority of violations involve properties used for rental purposes.

In Guelph, rental homes amount to fewer than 10% of all property standard and noise complaints. Any property standards that do exist can always be easily remedied through the city's existing by-law inspection and enforcement program.

Excessive regulation through zoning and licensing changes will only serve to create a new underground market of illegal housing units that will be impossible to control through existing regulatory measures.

### **Over-regulation**

Rental housing is already heavily regulated. In fact owners of rental housing in Ontario face more restrictive regulation and legislation than anywhere else in North America. Owners are already heavily regulated by provincial legislation (the *Residential Tenancies Act, 2006*), while disputes between tenants and landlords are resolved by the Landlord Tenant Board.

Additional regulation is enforced by the Ontario Building Code, the Ontario Fire Code and municipal property standard by-laws under the Municipal Code. Besides being inefficient and wasteful, this could create significant problems for tenants, who become uncertain as to who is regulating them, which sets of rules to apply, and who to complain to when there really is a legitimate problem. The City of Guelph would benefit from more proactive enforcement of existing by-laws and regulations, rather than trying to restrict the supply of quality, well-managed rental homes.

### **Higher Cost for Property Taxpayers**

Administering new zoning restrictions and rental housing licensing will prove costly for the City of Guelph. Despite the hope for "cost-neutral" programs, costs of new regulatory schemes invariably increase more than expected. In addition to inspection costs, licensing also results in an increased administrative cost burden on the city. A report prepared for the city of Milwaukee, which we can provide you a copy of, confirmed that most licensing programs in other cities are "not financially self-sufficient". All taxpayers in Guelph, including homeowners, will face a higher property tax burden to finance restrictive zoning and licensing laws.

### **Violation of Provincial Policy Statement**

The zoning and licensing changes being considered by the City of Guelph may lead to potential violation of the Provincial Policy Statement as it pertains to housing. Specifically, the Provincial Policy Statement requires planning authorities to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*.

The Statement also speaks to permitting and facilitating: all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and, all forms of *residential intensification* and redevelopment. By restricting the availability of lower cost rental homes in Guelph, the proposed changes will certainly be inconsistent with the Provincial Policy Statement.

### **Increasing the Cost and Reducing the Supply of Housing**

The direct effect of the proposed zoning changes to shared rental housing in Guelph will be to reduce the supply and availability of housing units in the city. Reducing the supply of housing, especially the most affordable type of housing found in rental accommodations, should never be the policy objective of any municipal government.

### **Negative Impact on Guelph Property Tax Revenue**

The added costs of complying with new zoning restrictions, and any fees associated with licensing imposed by the City of Guelph, will discourage rental living in the city. This will have a harmful effect on institutions such as the University of Guelph, which relies on a vibrant supply of rental housing to attract the very best students and faculty to live in the city.

Many existing housing providers will simply cease to provide accommodations, or even worse, sell their properties en masse, leading to reduced property values and a depression in Guelph's residential real estate market. This will have a profound negative impact on Guelph's property tax revenues.

In conclusion, rental housing should never face zoning or licensing restrictions to limit its existence. Concerns of some residents regarding property standards or the behaviour of tenants should be dealt with through more direct, effective means, such as through enforcement of existing by-laws (which already address issues related to illegal parking or noise). These concerns can arise from any residential property, be it rented or owner-occupied, and it is unfair and discriminatory to target rental housing properties with excessive regulation.

Our recommendations are that:

- the City of Guelph maintain the status-quo on existing regulation and zoning by-laws governing shared rental housing;
- more proactive enforcement of existing by-laws be used to address resident concerns regarding property standards; and,
- licensing, which will directly reduce the supply and increase the cost of housing in Guelph, be eliminated as a potential policy option.

Thank you for consideration of our concerns. We look forward to receiving notification of city council's decision with respect to this issue.

Sincerely,



Mike Chopowick  
Manager of Policy



August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Attention: Lois Giles, City Clerk

Dear Ms. Giles

Re: Amendments to Zoning By-law (1995)-14864

Please be advised that I object to the approval of the above noted amendments in whole or part.

In my opinion the amendments will not address "citizen's concerns regarding the regulations governing shared rental housing within the City including size and distance separations" as noted in the NOTICE of Public Meeting for Shared Rental Housing issued on August 27, 2010.

I would also like to be notified of City council's decision with respect to this decision.

Thank you,

Dylan Rea

August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Haley Investments Inc.  
35 Lyon Avenue  
Guelph, Ontario N1H 5C5

Attention: Lois Giles, City Clerk

Dear Ms. Giles

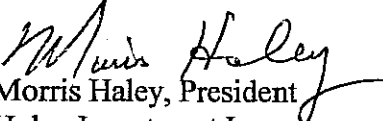
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Thank you,

  
Morris Haley, President  
Haley Investment Inc.

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SEP 01 2010

 ServiceGuelph

August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Morris Haley  
Guelph, Ontario

Attention: Lois Giles, City Clerk

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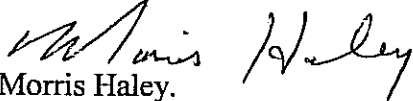
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Thank you,

  
Morris Haley.

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Service Guelph

August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Gerard Haley  
Haley Property Management Inc.  
35 Lyon Avenue  
Guelph, Ontario N1H 5C5

Attention: Lois Giles, City Clerk

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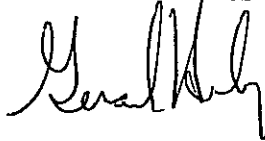
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Thank you,



Gerard Haley

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August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Paul Haley  
Haley Property Management Inc.  
35 Lyon Avenue  
Guelph, Ontario N1H 5C5

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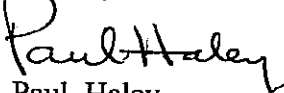
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Thank you,

  
Paul Haley

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August 30, 2010

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City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

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Haley Property Management Inc.  
35 Lyon Avenue  
Guelph, Ontario N1H 5C5

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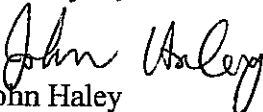
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Thank you,

  
John Haley

**RECEIVED**  
SEP 01 2010

  
Service Guelph

August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Attention: Lois Giles, City Clerk

Dear Ms. Giles

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I would also like to be notified of City council's decision with respect to this decision.

Thank you,

Brandon Smith

August 30, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Attention: Lois Giles, City Clerk

Dear Ms. Giles

**Re: Amendments to Zoning By-law (1995)-14864**

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I would also like to be notified of City council’s decision with respect to this decision.

Thank you,

Jonathan VanDusen



September 2, 2010

Guelph City Council  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Attention: Karen Farbridge

Dear Mayor Farbridge

Re: Opposition to Amendments to Zoning By-law (1995)-14864

Firstly, thank you for providing the information and clarification on what the city deems as a Myth.

Please be advised that this letter has been written to object the current proposal to amend the Proposed bylaws regarding Accessory Apartments and shared rental housing, that is taking place on September 7, 2010.

The idea of not to grandfather a existing Legal Accessory Apartment would be a complete ill-willed gesture to those who invested their time and money to ensure the safety of their renters. But since this has been clarified as a "myth", definitely provides some comfort.

The next concern is the statement of implementing a minimum 100 metre separation between Accessory Apartments. This would be suggesting that the residents of the city are now told where to live. This would effect families who need the additional income to help cover their expenses because they would not be able to convert their home into an accessory apartment. Living in a free country would be taken away by living in the City of Guelph. Guelph is a beautiful city that boasts many area's that are very attractive to live and be able to enjoy a great standard of living. But people would not be able to take advantage of these area's and create an accessory apartment because there is another one within the 100 metre stipulation.

Behaviorial issues will always be an issue in every city, but its up to the city to invest and take the time to come up with corrective measure's to enforce this issue. I couldn't agree more with this concern, there is no excuse for any person to act in a criminal behavior. The police department must come up with ways to correct this to prevent this type of behavior from happening.

I hope that the city council will take into consideration all the reasons as to why and how these new rules will effect its city in a negative manner, and the right of choice with their residents.

Thank you,

Yours truly,  
Corrado Di Rosa

Lois Giles, City Clerk  
City of Guelph  
1 Carden St.  
Guelph, ON  
N1H 3A1

August 31, 2010

Attention City Council and Mayor Farbridge:

This letter is to outline my concerns with the current moratorium on accessory apartments and the proposed by-law changes to shared rental housing. As a landlord within, and a resident of the city of Guelph I am totally opposed to these changes. I feel policy making has been hijacked by a small but vocal minority of a couple of hundred residents that will result in changes that affect the remaining hundred thousand residents of this city. In my opinion the current by-laws are more than adequate and when administered properly will address the vast majority of issues surrounding shared housing. The most recent report, though citing issues around shared housing, is really a means to target students and prevent members of this minority group from residing in certain areas. Furthermore, the proposed changes will not address the fundamental issues at large but instead create new ones.

First and foremost being a landlord is synonymous with being a business owner and I treat my properties as assets and my tenants as clients. The exterior facades are always kept neat and orderly with the grass cut, shrubs manicured and no furniture or other garbage accumulating on the property. This can't be said of other "owner-occupied" homes in the area. I make a habit of visiting my properties 2-3 times a week to ensure they remain so. My opinion is all houses in a given neighborhood should be maintained in this fashion and if an owner does not comply the city should be enforcing the property standards by-law. This should take the form of escalating fines. What you will find is, as a business owner, this will cut into one's profit and the behavior will quickly end. Therefore there is no need to mandate an owner occupied house or on site property management.

Secondly, as a landlord I go to great lengths to screen my tenants to ensure that they will be respectful of the neighborhood and neighbors. My lease is also written with clauses forbidding partying. However students are adults and entitled to all the rights and benefits of other citizens and have the added protection of the Landlord Tenant board. If they choose to have a party, regardless if the home is owner-occupied or not, they can. Again this is no different than if an owner-occupied home had a large party (i.e. parents are away and the teens have a party.) There are by-laws that can be enforced to punish and mitigate this behavior. Again, an escalating series of fines levied at the tenants would quickly bring this under control. As a property owner in this city I pay extremely high property taxes which in turn support by-law enforcement and the police services. I have no problem with either of these services being used to bring unruly, disruptive behavior into line with community norms.

Thirdly, prior becoming a landlord I researched this business thoroughly. I viewed dozens of homes in and around the University. (Many of which were owner occupied in the old University and were renting what amounted to illegal, non-conforming, basement apartments to students. Which were blatantly not up to either building or fire code and had the potential for disaster.) After several conversations

with Guelph's planning department regarding the duplexing of a home and receiving not only the assurance that once complete it wouldn't be revoked but actively encouraged to do so I went ahead and purchased a home with an unfinished basement. I filed for the permit and dedicated an entire summer (of evenings, weekends and holidays) and an additional \$35,000 to meet code and create an inviting living space for my clients. All of this I was happy to do because predicated on the 6 tenants (4 up/2 down) it made financial sense. I was outraged at the city's report which has a proposed end goal of scaling back the numbers of occupants to four despite the fact that I was encouraged to duplex in order to have 6 occupants. You are penalizing the legitimate landlords who have opted to follow the city parameters. There will be multiple problems arising from this decision:

1. A landlord who has gone to the trouble and expense to legally duplex a home will not be able to generate enough income to cover the expenses based on 4 tenants. Thus being forced to sell the home. Furthermore the city knows who these landlords are as their information is in their database. Whereas the landlords who are doing this illegally won't be targeted unless the city receives a complaint. This also sends a clear message to all residents to not apply for permits as in the end the city can change the rules on a whim.
2. The end result of these changes will be to penalize those on the margins of society. I've focused on students but this will impact other minority groups such as single mothers, the elderly and the disabled who may have limited financial resources and rely on this type of affordable housing. Landlords will be forced to exit the market which will result in a shortage of available units. The supply will decrease, demand will increase and the cost of rent will jump by 30% maybe more if interest rates start to rise in a couple of years. This will also create a black market of rentals which will undoubtedly not be to either building or fire code which again places these minorities at greater risk.
3. By decreasing the number of occupants in a home from 6 to 4 how will this address the key issues of absentee landlords or unruly student behavior? It won't a group of 2 or 4 are just as likely to have a party as a group of 6. In fact with increase rent will increase the sense of entitlement to do so. The rationale that I pay more so I have the right to do as I wish.
4. This runs contradictory to the provinces and cities mandate of increased density. By implanting a 100m separation rule. How many legal accessory apartments can be created in this cities boundaries?

Fourthly, the city has been implementing a stealth campaign on this issue from outset. Two of the primary stakeholders, landlords and students, have been systematically excluded from this process. As a landlord who has legally duplexed his homes you have my contact info on file. Why was a letter not sent to all landlords regarding the proposed changes? Instead town hall meetings were announced via flyer in the mailbox of the neighborhoods or the Mercury which not everyone receives. Considering the majority of landlords do not reside in their homes this was an excellent way to communicate the residents but exclude the landlords. This agenda has been driven by the vocal special interest groups such as the Old University Association. Considering:

- the moratorium was put in place after the University closed for the summer

- the report was only made available on-line July 30<sup>th</sup> and the city meeting was Aug 3<sup>rd</sup> conveniently occurring immediately after a long weekend thus mitigating the number of attendees
- the original vote was to occur August 30<sup>th</sup> prior to the beginning of fall semester

One can only conclude that students are the target of this by-law. The intent of the council is to pass this quickly, quietly while the students are out for vacation and with little to no opposition from landlords. This appeases the residents of Wards 5 and 6 with little regard to the other stakeholders.

Finally, the language of the report specifically talks about the perceived “destabilization” of the neighborhood and increased density of a certain housing type. Regarding the “destabilization” of a neighborhood, this is a blatantly inflammatory term intended to illicit powerful emotions. This statement itself implies that neighborhoods remain stable or static in perpetuity. Neighborhoods are not static but dynamic and change and evolve over time. There was little complaint from the residents of the Old University when the neighborhood was 100% owner occupied families despite the fact many houses contained illegal basement apartments. The fact is the neighborhood has changed there is a higher percentage of student housing in this area. It stands to reason that there will be a higher percentage of student housing in close proximity to the University than farther away. Ultimately if a resident is not satisfied with the evolution of the neighborhood they are free to move. I was dissatisfied with the evolution of the Clairfields neighborhood and moved to an area that better reflected what I expected from a neighborhood despite having invested a lot of time and money into my home. I did not complain to the city to change the neighborhood! This leads to a question of increasing density of a certain segment of society. It was acceptable when the population was 100% homogeneous family occupied homes. However now that a minority group, students, has increased its presence the predominantly elderly White Anglo Saxon Protestant residents are taking steps to prevent the students from living there. This seems to be not only acceptable to the city, city council and the mayor but endorsed via the by-laws. Let me point out that if the minority group residing in this type of shared housing was not “students” but rather a different subset of the population such as homosexuals, Afro-Canadians or Muslims would you be so quick to pass bylaws that preclude their ability to reside in a given area? The prejudicial and discriminatory intent behind these changes presents a challenge to the charter of rights and freedoms.

In conclusion the only course of action for the city, legally and ethically take is grandfather existing legally duplexed homes from both bylaw changes and future licensing requirements. Meaning if the house has been duplexed and met building and fire code the landlord is still permitted to rent to six occupants. (Four up and two down.) The city should use the existing bylaws to their fullest extent, target the landlords or tenants that are creating the problems not paint all landlords or tenants with the same brush. The proposed changes will not achieve the desired goals and will create greater problems.

Sincerely,

Steve Atkinson

**Ontario Human  
Rights Commission**

Office of the Chief Commissioner

180 Dundas Street West, 8<sup>th</sup> Floor  
Toronto ON M7A 2R9  
Courier postal code: M5G 1Z8  
Tel.: (416) 314-4537  
Fax.: (416) 314-7752

**Commission ontarienne  
des droits de la personne**

Cabinet du commissaire en chef

180, rue Dundas ouest, 8<sup>e</sup> étage  
Toronto ON M7A 2R9  
Code postal pour livraison : M5G 1Z8  
Tél. : (416) 314-4537  
Téléf. : (416) 314-7752



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September 3, 2010

Office of the City Clerk  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

Dear Mayor Farbridge and Members of Council,

**Re: Report #10-84, Shared Rental Housing – Proposed Zoning By-law Amendment  
(file ZC1004) – City-wide**

The Ontario Human Rights Commission has reviewed the Council Report #10-84, entitled “Shared Rental Housing: Proposed Zoning By-law Amendment (File ZC1004) - City-wide” and is concerned that certain elements of the by-law and licensing provisions may lead to discrimination contrary to the Ontario Human Rights Code (Code).

First, we are concerned about plans to reduce the number of allowed bedrooms in two-unit houses to four, when the typical two-unit house in Guelph has six bedrooms. Setting a cap of four legal bedrooms may result in the exclusion or restriction of young people from neighbourhoods, and would result in a significant loss of housing that would also be felt by many other people protected by the *Code*, such as seniors, newcomers, persons with disabilities, single-parent families and people receiving public assistance.

Making this licensing change retroactive further erodes affordable housing options. Where houses have been built with more than four bedrooms, or have been legally renovated, there remains the question of why these bedrooms cannot be used. If it is because of the types of tenants who are likely to live there (i.e. students), the by-law could be seen to have the effect of stereotyping young people as being less responsible and less likely to look after their property than others. This could be seen to violate the *Code*.

Of similar concern is the proposal to reduce units in lodging houses from 5-12 to 5-8. Again, placing arbitrary limits on this type of housing could have a disproportionately negative effect on people identified by *Code* grounds, and could lead to human rights complaints.

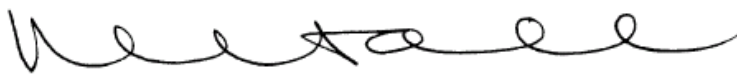
We are also concerned that new minimum separation distances of 100 metres between two-unit houses with six or more bedrooms may give rise to discrimination complaints. Minimum separation distances restrict affordable housing by limiting available sites and forcing housing providers to turn away otherwise acceptable housing opportunities. While we suspect these changes are being considered to restrict student housing, which in itself may be discriminatory based on age, these restrictions can also serve to limit much-needed housing options for other people identified by *Code* grounds.

In a January 2010 decision, the Ontario Municipal Board (OMB) made it clear that municipalities are bound by the Code, and have to consider the needs of everyone – including people with disabilities or people in receipt of public assistance – when enacting by-laws. In *Advocacy Centre for Tenants Ontario v. Kitchener (City)*, the OMB stated that when restricting prospects for housing for persons with disabilities or receiving public assistance, a sufficient planning analysis was required. This analysis should include consideration of the Code and whether or not the City is engaging in “people zoning,” which is prohibited.

The same onus applies to making decisions on bedroom limits, allowing accessory apartments in semi-detached houses and minimum distance requirements, which are all included in the proposed Guelph by-law changes.

I urge Guelph City Council to allow for maximum flexibility of affordable housing options, which are a critical need for many of Guelph’s most vulnerable residents. This involves looking closely at what has been proposed, applying a sound city-wide planning rationale that focuses on land use and not people issues, and considering the human rights impacts of all decisions.

Yours sincerely,

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

Konnie Peet's Notes for September 7, 2010  
 Reflections on the Proposed Zoning Bylaw Change

Case Study: Houses that have a property line on Caledonia Street between Dean and Mary streets (NOTE: all data may not be 100% accurate as some had to be estimated)

	Number	Percent	Comment
Detached Homes	18		
- lodging houses	1	.06%	- licenses for 8
- houses with accessory units	12	67%	
- houses with accessory units not owner occupied	10	56%	
Houses with Accessory Units	12		
- 6 rental rooms	4	33%	1 is owner occupied
- 5 rental rooms	8	66%	1 is owner occupied
Rental Units	22		2 units occupied by owners
- units rented to families	1	4.5%	3 bedroom unit
- units rented to single, non-students	2	9%	
- units rented to students	19	86%	
Total Number of People	~77		
- number of students/singles	~ 50	~65%	

OBSERVATIONS based on this Case Study:

Proposed Zoning By-Law will:

1. not allow for additional lodging houses or buildings with accessory apartments with 6 or more rental units in the case study area
2. not reduce the number of non-owner occupied student houses given that 66% are 5 bedroom buildings in the case study area

CONCLUSIONS based on this Case Study:

Proposed Zoning By-Law will not meet the intent of the Zoning By-Law Amendments to ensure that shared rental housing is (page 3 of 34) safe, compatible with the surrounding neighbourhood and contributes to a full continuum of housing.

Recommendation

1. Defer passage of this Zoning By-Law Amendment to allow for more thorough review and the development of the supporting bylaw changes or
2. Amend this By-Law change to include Two Unit Houses that have a total of five (5) or more bedrooms.

**From:** Mimi Hamilton

**Sent:** September 6, 2010 10:41 PM

**To:** Leanne Piper; Bob Bell; Vicki Beard; Mike Salisbury; Mayors Office; Maggie Laidlaw; Lise Burcher; Kathleen Farrelly; Karl Wettstein; June Hofland; Ian Findley; Christine Billings; Gloria Kovach

**Subject:** Proposed zoning bylaw chane

I am writing with respect to the proposed zoning bylaw change to be debated at City Council September 7.

I live at \_\_\_\_\_ Street and have watched the changes in my block, between Mary Street and Dean Avenue, over the past few years. The majority of the houses are now student-occupied. I am losing the experience of living in a community.

I know that students need a place to live, and I am not a NIMBY. When we moved to our house in 1997 there was (and still is) a legal lodging house across the street, and we have had six students living in the house next to us for the past ten years. What I can't understand is how City Council can permit student housing to overwhelm a neighbourhood. Surely student housing should be spread throughout the city.

I urge City council to reword the proposed bylaw prepared by city staff to read: "...buildings used as accessory apartments with FIVE or more bedrooms...", in order to require appropriate distance between such buildings.

Without prompt and effective action on the part of City Council, it is probable that all the bungalows in the Old University area will convert to student housing.

Mimi Hamilton



Mayor Farbridge

Several years ago I purchased a home on Young St. I renovated the main floor prior to moving in. When I purchased this home I owned a lot in Puslinch Township and had full intentions of selling the house once my new home was built. As I was in the process of planning the new house I had a daughter attending the University of Guelph and decided to renovate the basement into a separate apartment. After spending a substantial amount of money, the house is currently appraised at \$ 385,000.00 and with all the appropriate inspections by the City and Electrical Safety Authority the basement was registered as a legal accessory apartment. I had full intentions of selling the house once my daughter graduated. My house in Puslinch was completed and I moved. I only rented to University students at that time and was very selective and in most cases met their parents prior to them signing the lease. My daughter graduated and as I always had excellent students many who I have had younger brothers and sisters residing at the house and I have maintained contact with a number of others over the years. Being a retired Guelph Police Officer, who now works at the University of Guelph, I remember years ago in my career attending calls and meeting students who were living in horrid conditions with atrocious rents and I always felt that if I kept the rent reasonable I could be very selective and this seems to have worked. I know the neighbours on Young St., they have my home phone number and they have always been advised if there is a problem, night or day, call me and I will come in and get it sorted out. I have never received that call and although some of the students have kept to themselves other times I have received compliments from the neighbours about the students. Yes, they don't keep the inside as clean as I would, however, I have too much money tied up in that house to let them destroy it.

I also maintain the outside of the house and I challenge you to drive down Young St. today and pick out the house I own. As it is I already pay a premium for renting only to students. My insurance, and I have never had a claim, for that house is 3 times what my insurance for my own home, with no contents coverage and the residence I live in is valued at 3 times the value of that house. I believe everyone who owns a house with a legal accessory apartment or rooming house is being painted with the same brush.

To say I don't "make money" on that house would not be telling the truth but I also like to think I am providing a service to 6 students each year giving them a clean, safe place to live with reasonable rent. The bylaw which you are currently looking at may force me to cut down on the number of students, which ultimately will raise the rent, however, it is not going to stop the problems in the city. Strict enforcement of the current noise, property and occupancy bylaws would solve I believe many of the problems the Old University and South end of the city currently face with students and I would suggest that most of us who have spent considerable money and time to comply with our municipal bylaws and are now registered with the City are not causing the problems. It is the unlicensed landlords who fill their houses with students, don't maintain or care about the property that are causing the problems. I know of three in close proximity to my house on Young St. One on Young St., one on Dean Ave. and one on Edinburgh Rd. If I know where they I then I suggest your bylaw Officer's should have no problems identifying them to you as their

have been numerous noise complaints about all three. So now to charge me a fee for having a legal accessory apartment I have no problem, however, would like to know what I or other tax payers in the City are getting with the revenue generated by this fee. If it is stop those flagrantly abusing our current municipal bylaws then I am all in favour of that.

I also have a problems with changing the rules a number of years after the bylaw was enacted and those that have complied with the bylaw now are penalized. I appreciate and thank you for taking the time to read my concerns.

Pat Martin

**From:** Bernadette Celi  
**Sent:** September 4, 2010 2:14 PM  
**To:** Mayors Office  
**Subject:**

Dear Karen,

I've been wanting to write and thank you for all the work you are doing to try and make our streets safer to live on in the south end by thinning out the student population in this area. I'm not sure how much the new bylaws will impact Ironwood Road, but I applaud what you are trying to do. Last year, I felt nothing short of terrorized on our street and the summer, which was fairly quiet, helped me to forget my fears. Unfortunately, today, they have all returned back to memory. My husband left the house to go grocery shopping this morning and came back, minutes later, to tell me the 2 back tires on our car had been slashed overnight. Today, we are dealing with this whole situation and expense and don't even know if we can have the tires fixed in time for work on Tuesday because of it being a long weekend. Students have been arriving back to Guelph in droves and the situation has changed over night again, to the permanent residents feeling like they have to be on guard.

I realize there is a meeting on September 7th and that the new zoning bylaw might pass that night. I am writing to ask you to please be firm with investors and real estate agents who have ruined our street by packing so many students into one area. They knew there might be some changes to the bylaws and they kept buying up the houses anyway. As one real estate agent told me, they were taking no notice of the city's initiatives.

At a previous meeting, when a professor stood up and said that he feared once the percentage of students increased above 25-30%, a street would resemble more of a university campus than a residential neighbourhood, he was right. That has happened on Ironwood, where the percentage is closer to 75-80% students and it is more like living on campus than in a residential neighbourhood. Ironwood has had the reputation of being a party street for several years now and it is known all over the city as such.

The transit commission and university have also contributed to this by having so many buses targetted to this area. If there were direct buses to the university from many areas of Guelph, investors might be more inclined to buy in those areas, since their number one priority is to buy in an area where the students are going to want to live, where they can get to school quickly and where their houses are not going to remain vacant. The magic bus, which takes partiers from downtown to the south end could be targetted to more areas in Guelph also, and would take the burden off of the few streets in the south end which incur the consequences of students coming home from the bars at 3 in the morning.

There are also more and more bars opening up right here in the south end, including Montana's, Casey's, Moxie's, Squirrel Tooth's and The Fat Duck, to name a few. Guelph has got to realize that the downtown core is no longer the only trouble spot for task forces to be focussing on. The south end is growing and becoming more and more like the downtown core every day. We need task forces in this area as well.

Again, thank you for all you are doing in these areas, and I encourage and support you to keep going forward with what you have put into place. It is a much needed improvement over what has been happening and I want to assure you that you do have my vote.

Sincerely,

Bernadette

**From:** Tom Funk

**Sent:** September 6, 2010 4:30 PM

**To:** Bob Bell; Christine Billings; Gloria Kovach; Ian Findlay; June Hofland; Karl Wettstein; Kathleen Farrelly; Leanne Piper; Lise Burcher; Maggie Laidlaw; Mayors Office; Mike Salisbury; Vicki Beard

**Cc:** Jane Funk

**Subject:** Proposed Zoning Bylaw

Dear Members of Council.

I have been a resident of Guelph and the same neighborhood for 40 years. I am proud to live in Guelph and love the Old University Area. Over the years we have always been concerned with students living in our neighborhood for the obvious reasons. Until recently this has not been a major issue because they were living in homes with families and/or the number of student dwellings was manageable.

Over the last few years there has been a marked change in all of this. In our area there are now many more homes that are filled with students and they are in clusters. I think it is the clusters that creates the largest problem. For example on Caledonia Street between Mary and Dean there is almost nothing but student housing. Just drive down this street sometime and look at the excessive number of cars, the weeds in the lawns and the broken windows on the houses. No family would want to live on this street although a few years ago it was all families.

I understand there are students that need places to live. This is fine as long as it is controlled both in terms of the number of students per house and the density of student housing in any area. As I understand it, these houses are taxed just like mine even though they are really businesses. Shouldn't Council recognize this and tax them as businesses. According to the zoning in my area, I'm not allowed to have a business in my home, yet this is exactly what is happening with these units.

Its time City Council dealt with this issue before it becomes even a larger problem. I trust this will happen at the meeting on Tuesday, September 7th.

Thank you!!

**Tom Funk**



**Cohen Highley**  
LAWYERS

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Harris W. Cohen  
(1946 - 2000)

September 7, 2010

Frank A. Highley

Paul G. Vogel \*\*

J. Brian Phillips

Paul R. Steacy

Russell M. Raikes

Bradley W. Stone

Joseph J. M. Hoffer

Vicki J. Edgar

Angelo C. D'Ascanio

Iain D. D. Sneddon

Lianne J. Armstrong

Lucy Lee

Kimberly L. Doucett

Michael J. E. Brightling

John D. Goudy

R. Tyler Hortie

Sarah C. Low

Kristin A. Ley

Alexandra Rosu

Paul J. Hendrikx

Andrea M. D'Silva

Laura M. Githero

Mayor & Members of Council  
City of Guelph  
City Hall, 1 Carden Street  
Guelph, Ontario  
N1H 3A1

**Re: Amendments to Zoning By-law (1995)- 14864**

We are legal counsel representing the interests of a group of property owners and occupants who will be adversely affected by the proposed amendments to the above-referenced zoning by-law. We thank you for the opportunity to make an oral and written submission to Council regarding this important legislation.

**Background**

In 1994, through its "accessory unit program" the City of Guelph supported and promoted a program and planning policies intended to provide safe, affordable and accessible housing for all residents. The City's encouragement of good planning principles, infilling and residential intensification of its urban areas expressly encouraged investment and development of accessory housing.

Over the years, this form of housing has proven highly successful for ordinary residents and for student accommodation, all of which is in high demand yet affordable.

It is acknowledged that there are negative behavioural incidents which arise particularly in relation to student housing and this occurs regardless of whether that housing is privately owned or university owned. There are also legitimate concerns about the safety of such housing and the presence of "illegal" rental housing units.

The proposed zoning by-law amendments are intended to address a variety of issues relative to accessory housing units; lodging houses and, specifically, student housing concerns. If members of council carefully reflect on the nature of problems that have provided the initiative for the current amendment - problems such as safety of residents, noise, parking, garbage and unruly behaviour - it is apparent that all of

**Counsel**

Gerald H. L. Fridman  
Q.C., F.R.S.C.

Gordon B. Carmichael

John W. Makins

\*\* Certified by the Law  
Society as a specialist  
in Civil Litigation.

these issues are currently subject to municipal and provincial controls through enforcement of existing zoning by-laws and, where appropriate, the *Provincial Offences Act*, the *Residential Tenancies Act*, the *Fire Code*, the *Building Code* and in extreme cases, the *Criminal Code*.

It is our respectful submission that the imposition of more by-laws to address existing, identified housing issues is not a solution, particularly where the proposed by-laws seek to undermine policies and programs which were supported by previous councils as well as those who develop and implement housing policy through their investment in the community. In our submission, enforcement of existing laws, not the creation of more laws, is the most effective way to address Council's concerns.

Having said that, we wish to make the following specific submissions in response to the proposed Zoning By-law amendment:

**Discrimination:**

- we submit the by-law discriminates against individuals on the basis of age, sex, marital status, family status and receipt of social assistance, all in contravention of the Ontario *Human Rights Code*;

**Higher Cost for Property Taxpayers**

- administration of new by-laws will be costly for taxpayers as it requires increases in budget to accommodate enforcement and administrative staff;

**Violation of Provincial Policy Statement**

- the zoning by-law is inconsistent with both the Provincial Policy Statement and Guelph's own housing policies relative to the provision of appropriate range of housing types and densities;

**Retroactive Impact Offends Common Law and Existing Statutes**

- members of the rental housing industry are concerned that the by-law proposals will adversely affect existing, "legal" housing arrangements and will operate "retroactively". There is no express power to retroactively impose this legislation and as such, the entire zoning by-law is subject to challenge for want of legal jurisdiction;

The issues listed above are not intended to be exhaustive. The intent is to convey the concerns of those most directly affected by the proposed by-law and to seek an opportunity to engage in direct discussions with planning staff in an effort to formulate and implement legislation that respects the interests of all parties and stakeholders affected by the proposed zoning legislation and Licensing initiatives.

We welcome the opportunity to speak with you further about these matters this evening.

Yours truly,



**COHEN HIGHLEY** LLP

Joe Hoffer

JH:rmh

*email: [hoffer@cohenhighley.com](mailto:hoffer@cohenhighley.com)*

## PETITION

**We the undersigned object to the Proposed Amendments to Zoning By-law Number (1995) - 14864, Regarding Shared Rental Housing.**

**We request the proposed By-law not be submitted to Council on August 30, 2010 but returned to the Community Development and Environmental Services Committee for additional consideration. That consideration would include additional consultation with affected stakeholders, namely Students, Landlords and Public Housing Groups to ensure their concerns were reflected in any future Shared Rental Housing Recommendations.**

71 Signatures Received on Petition