

Council Chambers  
September 7, 2010

**Council convened in formal session at 7:00 p.m.**

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Mr. J. Riddell, General Manager of Planning & Building Services; Ms. T. Agnello Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There was no declaration of pecuniary interest.

**Consent Agenda**

The following items were extracted from the September 7, 2010 Consent Agenda to be voted on separately:

- A-1 Enhanced By-law Compliance and Enforcement Program

1. Moved by Councillor Findlay  
Seconded by Councillor Burcher

THAT the balance of the September 7, 2010 Council Consent Agenda as identified below, be adopted:

- a) **23 Fairview Boulevard Upcoming Ontario Municipal Board Hearing File B-15/09, A-56/09 & A-57/09**

Dr. J. Laird  
Mr. J. Riddell  
Mr. M. Amorosi

THAT Report 10-92 regarding an appeal to the Committee of Adjustment Decisions B-15/09, A-56/09 & A-57/09 concerning consent and minor variance applications to facilitate the development of a detached dwelling on part of Lot 10, Registered Plan 367 at 23 Fairview Boulevard, City of Guelph, from Planning, Engineering and Environmental Services dated August 30, 2010, be received;

AND THAT appropriate City Staff be directed to attend the upcoming Ontario Municipal Board hearing in support of the Committee of Adjustment decision for B-15/09, A-56/09 & A-57/09 concerning consent and minor variance applications to facilitate the development of a detached

dwelling on part of Lot 10, Registered Plan 367 at 23 Fairview Boulevard;

AND THAT City Council encourage the Ontario Municipal Board to consider mediation with the various parties including the City in an attempt to resolve the appeal of decision B-15/09, A-56/09 & A-57/09 concerning consent and minor variance applications to facilitate the development of a detached dwelling on part of Lot 10, Registered Plan 367 at 23 Fairview Boulevard.

**b) Carden Street Transit Terminal CNR/VIA Rail Land Acquisition Status**

Dr. J. Laird  
Mr. J. Riddell  
Mr. M. Amorosi  
Mr. J. Stokes

THAT the Mayor and Clerk be authorized to execute agreements between the City and Canadian National Railway as may be necessary for the Carden Street Transit Terminal project, subject to the form and content of such agreements being satisfactory to the City Engineer, the General Manager of Community Connectivity and Transit, and the Manager of Realty Services;

AND THAT the Mayor and Clerk be authorized to execute agreements between the City and VIA Rail as may be necessary for the Carden Street Transit Terminal project, subject to the form and content of such agreements being satisfactory to the City Engineer, the General Manager of Community Connectivity and Transit, and the Manager of Realty Services.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**PLANNING PUBLIC MEETING**

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

**Shared Rental Housing Zoning By-law Amendment**

Mr. J. Riddell, General Manager of Planning & Building Services addressed community issues, the legal

framework, a summary of the zoning by-law recommendations, related initiatives and next steps of the Shared Rental Housing Zoning By-law Amendment.

## **DELEGATIONS**

Mr. David Birtwistle supports the interim control bylaw but believes it should apply city-wide. He stated Oshawa's by-law has successfully met legal challenges and Guelph could easily adopt a similar by-law. He suggested the matter be referred to the next City Council to adopt both zoning by-law and licensing by-law at the same time.

Mr. Lyle McNair raised the issue of separation distances between lodging houses and accessory apartments. He believes people will circumvent the regulations by stating bedrooms are for other uses such as a den or study. He stated that the noise, garbage, and inadequate safety and egress issues being addressed on a complaint-driven system does not work. He asked Council not to penalize landlords of "good citizens".

Mr. Rohan Perera, accessory apartment building owner, believes the proposed zoning by-law discriminates against cultures that have extended family living under one roof. He stated that obtaining the permit is time consuming, so people will add apartments without going through the proper process. He requested the proposed by-law be changed to be more permissive of the accessory apartment regulations.

Ms. Sue Ricketts raised concerns about the high number of rental units in her neighbourhood. She stated individuals should be able to know about potential lodging houses and accessory apartments in the area when they purchase a property. She supported enactment of the zoning by-law and asked for more policing and enforcement of by-laws. She encourages more stakeholder meetings with the City.

Ms. Konnie Peet raised the concern that the majority of the houses on her street are not owner occupied and rented to students. She stated the zoning by-law will not reduce non-owner occupied properties with units less than those which are being proposed to be regulated.

Ms. Daphne Wainman-Wood, on behalf of the Old University Neighbourhood Residents Association (OUNRA), stated student rentals outnumber single family properties. She raised the concern of sustainability and enhancement of the community and stated a need for balance. The OUNRA supports a majority of the proposed

by-law, but believes the scope should be five or more units rather than the proposed six in order to harmonize large two-unit houses with the existing lodging house by-law. She believes the by-law will do little to slow conversion of single dwellings to shared rental housing and will affect too few properties. The OUNRA requests changes to the proposed by-law so that properties with five bedrooms be included and that the interim control bylaw not to be repealed until the licensing component is in place. She also suggested reciprocity with the housing units and lodging houses.

Mr. Bill Hamilton, a resident from the old university area, advised three-quarter of the houses in his neighbourhood are now student housing and are vacant one-third of the year. He stated the by-law needs to have adequate controls to stop concentrations of rental homes. He does not feel the two-step approach is effective. He suggested changing the minimum requirement to five bedrooms. He would like the same standards to apply to accessory apartments as the lodging houses.

Ms. Donna Haley did not wish to speak.

Ms. Anastasia Zavarella, local affairs commissioner, undergraduate students, raised concerns about the increased cost in shelter and the decrease of availability that will occur if the by-law is implemented. She does not believe the by-law will resolve the issues of noise, parking and garbage because these are behavioural problems. She stated that cooperative housing and lodging houses could work well because students would have more of a sense of belonging and ownership.

Ms. Sylvia Watson is supportive of the city taking a step towards controlling the number of lodging houses and accessory apartments and believes the separation distance will help. She sees investors buying property in her neighbourhood which will upset the mixed use balance. She stated that the student housing needs licensing and there should be a 3-pronged approach: zoning, licensing and enforcement.

Mr. Bruce Ryan stated the issues are about maturity levels of some students. He suggested that limiting the accessory apartment rentals could prevent some people from having the units for family purposes and threaten landlords. He would like Council to shift the restrictions to five bedrooms or more, and if not then leave the moratorium in place in the event the rental housing is not licensed.

Mr. Joe Hoffer was present representing approximately 75 home owners and investors that are opposed to the zoning by-law. He requested more consultation with the stakeholders. He recommends that the City not change the bedroom unit limits until the reasoning can be justified by planning rationale. He stated that there is a lack of a comprehensive housing strategy. He stated that licensing will not resolve all the issues as shown by Oshawa's by-law being in litigation and almost no inspections have taken place due to lack of staff. He questioned how regulations and licensing could be implemented separately. He stated the by-law will redistribute renters within the same area but not reduce the numbers. He feels the by-law is discriminatory and will cause interference of existing lifestyles. He stated there is no planning rationale for allowing only one kitchen, or for reducing the number of lodgers down to eight. He would like Council to refer the matter back to staff and work with the stakeholders to develop a sound policy and rationale and put resources into enforcement of the current bylaws such as noise, garbage and parking in order to discourage certain behaviours.

The meeting recessed for five minutes.

Mr. Bradley Williams, on behalf of the University of Guelph believes immediate enforcement of inappropriate behavior is a key factor to reducing the issues surrounding student housing. He advised changes must be comprehensive. He advised the new Code of Conduct has been drafted and is to be approved this fall. He would like Council to give the matter time to measure its success before implementing any changes. He stated only 60 houses and approximately 250 students are creating the issues and it is not the majority of students. He advised there is no correlation between the number of renters on a property and the behavioural problems; so there is no rationale for limiting numbers of renters.

Ms. Pam Kinsman did not wish to speak.

Mr. Blair Kinsman advised that regulated legal units are not the problem. He does not agree that more regulations are the answer, but rather active enforcement. He would rather see money spent to increase enforcement of current by-laws.

Mr. Sean O'Neill was not present.

Ms. Lisa Downs, owner of two accessory apartment properties, stated people are looking for more income now to provide for their future and the City should not be

limiting their potential. She believes the City needs to start enforcing drunkenness, littering, noise, parking and infractions of other by-laws. She would like the City to deal with the small percentage of negligent landlords through enforcement rather than punish the large percentage of responsible landlords with more restrictions. She believes the bylaw reflects the concerns of the minority but affects the majority. She does not support the separation distance because it does not reflect supply and demand.

Mr. Glen Trachsel, President of Waterloo Regional Apartment Management Association, concurs with Mr. Hoffer, and backs the Federation of Rental Housing Providers of Ontario. He believes the regulations will drive rentals underground. He stated enforcing the existing rules will punish the offenders, but the new regulations would negatively affect those abiding by the law.

Ms. Jane Londerville, Chair of Wellington-Guelph Housing Committee stated there is a need for a consultative process and all stakeholders need to be included. She does not feel the by-law will address the issues because statistics show that illegal units are causing the majority of the problems and more will go underground if there are more regulations. She did not understand why the by-law is City-wide when there are only certain areas being destabilized. She said it is important to enforce the current bylaws to reduce impact of the rentals rather than legislating the distance. She wants Council to consider the impacts the restrictions will have on the City's ability to provide intensification and affordable housing. She stated that the impact of the interim by-law should be assessed before adopting another by-law regulating housing.

Ms. Oxanna Adams raised concerns about deterioration of neighbourhoods as a result of investment properties. She stated that rental housing is becoming dominant and the healthy mix of all ages and transient students is being lost. She advised that properties should be home-owned and not for investment purposes only. She also stated the City needs to assess decreasing the limit of bedrooms to five.

Mr. Matt Sheehy, spokesperson for South End Rate Payers Association (SERPA), advised they support the recommendations. They want a more comprehensive and detailed report to address the outstanding issues such as the illegal and unregistered rental units. He stated that zoning needs to be accompanied by licensing. SERPA

would like the interim control by-law kept in place until licensing is implemented.

Mr. Morris Haley, investment property owner, stated that the term "destabilization of neighbourhoods" needs to be defined and should be based on the cause of issues and not the volume of complaints received. He advised the accessory apartment properties by themselves do not create destabilization. He stated that Guelph needs to enforce current by-laws aggressively to curb infractions. He said that statistics show unregistered homes are the source of more by-law infractions than accessory apartment houses. He questioned how the City would accommodate the students if removing them from the University area. He stated the accessory apartment units are a successful means of accommodating students. He believes that if the proposed changes are adopted, it will lead to a shortage of housing and more underground housing would result. He said the lack of enforcement of present by-laws is the issue and the City should be proactive and apply fines to the maximum extent possible.

Ms. Elena Diamond stated that the number of tenants on any given property is not an issue, but rather the level of noise on the property. She advised fines should be handed out to landlords not taking care of their property or dealing with their tenants appropriately. She stated investor properties raise market prices and she would not like the by-law to be passed because she believes it will have a negative effect on the housing market.

Scott McGillvray, landlord and former student, foresees problems with the proposed by-law. He stated that Oshawa's by-law resulted in housing costs depreciating and no enforcement. He believes there will be legal issues if the by-law is passed and it will go to the Ontario Municipal Board (OMB). He stated that accessory apartments and legal lodging houses rarely cause problems, but the four and five bedroom homes seem to be where problems lie.

2. Moved by Councillor Piper

Seconded by Councillor Burcher

THAT Report 10-94 dated September 7, 2010 regarding proposed amendments to Zoning By-law Number (1995)-14864 from Planning, Engineering and Environmental Services, dated September 7, 2010, be received;

AND THAT the City-initiated amendments to the Zoning By-law be approved in accordance with the regulations set out in Schedule 4 of Planning, Engineering and

Environmental Services Report 10-94, dated September 7, 2010;

THAT, further to the work plan considered by Council in May 2010, staff continue to conduct public consultation on the preparation of the Licensing By-law pertaining to Lodging Houses and Two-Unit Houses and that the directions and details of a comprehensive licensing program be brought forward to Council for consideration.

3. Moved by Councillor Findlay  
Seconded by Councillor Beard

THAT the procedural by-law be suspended to allow the meeting to continue until 11:59 p.m.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

4. Moved by Councillor Piper  
Seconded by Councillor Billings

THAT a 100 metre minimum separation distance be required between new Lodging Houses **and** Buildings containing Accessory Apartments with six (6) or more bedrooms within the Building to ensure reciprocity between Lodging Houses and Buildings with an Accessory Apartment with six (6) or more bedrooms.

VOTING IN FAVOUR: Councillors Bell, Billings, Burcher, Findlay, Hofland, Kovach, Piper, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillors Beard, Farrelly, Laidlaw and Salisbury (4)

Carried

5. Moved by Councillor Kovach  
Seconded by Councillor Laidlaw

THAT Section 4.25.2.2 of Schedule 4 of the Proposed Zoning Bylaw report be deleted to eliminate the requirement that Lodging Houses shall be limited to one kitchen.

VOTING IN FAVOUR: Councillors Bell, Billings, Burcher, Findlay, Kovach, Laidlaw, Wettstein and Mayor Farbridge (8)



VOTING AGAINST: Councillors Beard, Farrelly, Hofland, Piper and Salisbury (5)

Carried

6. Moved by Councillor Kovach  
Seconded by Councillor Laidlaw  
THAT Section 4.15.1.2 of Schedule 4 be amended to add  
'and a Semi-Detached Dwelling';

AND THAT the definition of "accessory apartment" in Section 5 of Schedule 4 of the proposed zoning by-law be amended to include Semi-Detached Dwelling;

AND THAT Section 4.13.4.3 "remove parking reference "Semi-Detached Dwelling with an Accessory Apartment – 3 minimum required Parking Spaces" be deleted and that the current parking provisions of the zoning by-law remain in place;

AND THAT all other associated amendments resulting from the inclusion of Semi-Detached Dwellings be made to Schedule 4 and the Proposed Zoning Definitions with the By-law.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Burcher and Piper (2)

Carried

7. Moved by Councillor Piper  
Seconded by Councillor Burcher  
THAT the procedural by-law be suspended to allow the meeting to extend to 1:00 a.m.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

8. Moved by Councillor Findlay  
Seconded by Councillor Beard  
THAT Report 10-94 dated September 7, 2010 regarding proposed amendments to Zoning By-law Number (1995)-14864 from Planning, Engineering and Environmental Services, dated September 7, 2010, be received;

Dr. J. Laird  
Mr. J. Riddell

AND THAT a 100 metre minimum separation distance be required between new Lodging Houses **and** Buildings containing Accessory Apartments with six (6) or more bedrooms within the Building to ensure reciprocity between Lodging Houses and Buildings with an Accessory Apartment with six (6) or more bedrooms.

AND THAT Section 4.25.2.2 of Schedule 4 of the Proposed Zoning Bylaw report be deleted to eliminate the requirement that Lodging Houses shall be limited to one kitchen;

AND THAT Section 4.15.1.2 of Schedule 4 be amended to add ` and a Semi-Detached Dwelling`;

AND THAT the definition of "accessory apartment" in Section 5 of Schedule 4 of the proposed zoning by-law be amended to include Semi-Detached Dwelling;

AND THAT Section 4.13.4.3 "remove parking reference "Semi-Detached Dwelling with an Accessory Apartment – 3 minimum required Parking Spaces" be deleted and that the current parking provisions of the zoning by-law remain in place;

AND THAT all other associated amendments resulting from the inclusion of Semi-Detached Dwellings be made to Schedule 4 and the Proposed Zoning Definitions with the By-law;

AND THAT the City-initiated amendments to the Zoning By-law be approved in accordance with the regulations set out in Schedule 4, as amended, of Planning, Engineering and Environmental Services Report 10-94, dated September 7, 2010;

AND THAT, further to the work plan considered by Council in May 2010, staff continue to conduct public consultation on the preparation of the Licensing By-law pertaining to Lodging Houses and Two-Unit Houses and that the directions and details of a comprehensive licensing program be brought forward to Council for consideration;

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Piper, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Laidlaw and Salisbury (2)

Carried

Dr. J. Laird  
Mr. J. Riddell  
Mr. M. Amorosi  
Mr. D. McCaughan

9. Moved by Councillor Kovach  
Seconded by Councillor Laidlaw  
THAT staff be directed to investigate the feasibility of imposing set fines for illegal lodging houses and/or accessory apartments and report back to the Community Development and Environmental Services Committee;

AND THAT staff clarify the process and/or procedure followed by the City upon being made aware of an illegal housing unit;

AND THAT staff advise Council on the current process for ensuring housing units are legal within the City and provide recommendations to enhance enforcement.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Dr. J. Laird  
Ms. M. Neubauer  
Mr. D. McCaughan  
Mr. J. Riddell

10. Moved by Councillor Findlay  
Seconded by Councillor Hofland  
THAT staff bring forward a budget package for proactive enforcement of the Zoning By-law for the 2011 budget process including an expansion package for Fire Inspection Officers.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Dr. J. Laird  
Mr. J. Riddell

11. Moved by Councillor Burcher  
Seconded by Councillor Wettstein  
THAT the Interim Control By-law be repealed upon the final approval of the Shared Rental Housing Zoning By-law amendment.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**ENHANCED BY-LAW COMPLIANCE AND ENFORCEMENT PROGRAM**

Allister McIlveen, Manager, Traffic and Parking, provided clarification regarding the specifics of the enforcement program.

Mr. D. McCaughan  
Ms. M. Neubauer

12. Moved by Councillor Findlay  
Seconded by Councillor Salisbury  
THAT the 'Enhanced By-law Compliance and Enforcement Program' report dated September 7, 2010, be received;

AND THAT staff be directed to bring forward an expanded budget item for by-law enforcement, particularly pertaining to enforcement of matters relating to the downtown core and Shared Rental Housing.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**BY-LAWS**

13. Moved by Councillor Burcher  
Seconded by Councillor Beard  
THAT By-law Number (2010) - 19076 as amended, and by-law (2010) - 19077, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**ADJOURNMENT**

The meeting adjourned at 12:38 o'clock p.m.

Minutes read and confirmed September 27, 2010.

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Mayor

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Deputy Clerk