



Hamilton

CITIZEN COMMITTEE REPORT

To:	Chair and Members Economic Development and Planning Committee
From:	Councillor Brian McHattie, Chair Neighbourhood Residential Rental Housing Community Liaison Committee
Date:	August 17, 2009
Re:	Report 009-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12)

Recommendations:

- (a) That the Neighbourhood Residential Rental Housing Community Liaison Committee's findings and results pertaining to licensing rental housing be forwarded to the City-wide Residential Rental Housing Review Community Liaison Committee for information.
- (b) That the matter of a Zoning By-law Amendment to limit the number of bedrooms and/or habitable rooms in a dwelling be referred to Zoning By-law Reform staff for further review and that consideration on the development of regulations for Ward 8 be considered for the Residential Zones in the City of Hamilton Comprehensive Zoning By-law 05-200.
- (c) That staff be directed to investigate and report to Economic Development and Planning Committee with costing and an implementation plan for an 18-month proactive by-law enforcement pilot program for Wards 1 and 8 that includes:
 - (i) a focus on problem properties/landlords,
 - (ii) an educational component for landlords and tenants, and
 - (iii) a plan to identify properties that may be operating illegally as lodging homes and an enforcement strategy to address the matter.
- (d) That staff be directed to investigate and report to Economic Development and Planning Committee regarding the potential effectiveness of creating a rental housing registry that would include property owner and their contact information.

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- (e) That staff be directed to investigate potential partnerships with McMaster University and Mohawk College as both schools partner to develop and enhance their respective Voluntary Landlord Certification Programs.
- (f) That staff be directed to investigate and report to Economic Development and Planning Committee on the feasibility of creating an incentive program to encourage the de-conversion of rental properties back into single family homes.
- (g) That staff be directed to investigate and report to Economic Development and Planning Committee regarding the feasibility of hiring a Community Liaison Outreach Coordinator, on a costs sharing basis with McMaster University and Mohawk College to liaise, facilitate and mediate problems between landlords, tenants, residents, the City/Councillor's, and the academic institutions.
- (h) That staff be directed to investigate service level improvements to address stakeholder comments/concerns regarding transit hours of operation, waste container limits and additional options, and potential waste by-law amendments (as noted in Option 8 of Appendix "C" of this (Report 009-001) report) and report back to Economic Development and Planning Committee.

Executive Summary:

As directed by City Council in October 2008, a comprehensive investigation into the feasibility of regulating residential rental housing in Hamilton is being undertaken through the formation of a Residential Rental Housing Community Liaison Committee (CLC) for Wards 1, 8, 10 & 12 as well as a City-wide Residential Rental Housing Community Liaison Committee. This report outlines the consultative process taken by the Wards 1, 8, 10 & 12 Community Liaison Committee and provides a detailed summary and analysis of the information collected.

Overall, the Committee conceded that there is no easy solution to comprehensively address the complex issue of rental housing, but opined that the best solution would likely be unique to Hamilton as it would need to address the multitude of rental accommodation issues. Further, the Committee acknowledges the Human Rights Commission position that licensing based on a geographical area could be construed as a potential violation of the Human Rights Code.

In view of the above, the Committee did not take a formal position with respect to regulating residential rental housing, but recommends that their information/findings be forwarded on to assist the City-wide Residential Rental Housing Community Liaison Committee which is expected to commence this Fall. It is also recommended that, in the meantime, a number of matters be referred to staff for investigation and reports to the Economic Development and Planning Committee.

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Background:

On October 15, 2008, City Council approved undertaking a comprehensive investigation into the feasibility of regulating residential rental housing in Hamilton through the formation of a Residential Rental Housing Community Liaison Committee (CLC) for Wards 1, 8, 10 & 12 as well as a City-wide Residential Rental Housing Community Liaison Committee.

The formal Terms of Reference for the Residential Rental Housing Community Liaison Committee for Wards 1, 8, 10 & 12 (now known as the Neighbourhood Residential Rental Housing Community Liaison Committee (NRRHCLC)) were approved by City Council on April 01, 2009. The membership was “constituted in a balanced manner to represent a variety of interests and stakeholders” and included:

- Councillors Brian McHattie (Chair), Terry Whitehead and Lloyd Ferguson.
- one (1) representative of McMaster University Off Campus Resource Centre;
- one (1) representative of Mohawk College Student Life Office;
- one (1) representative of Redeemer University College;
- two (2) representatives of McMaster Student Union;
- two (2) representatives of Mohawk Students' Association;
- one (1) representative of Redeemer University-College Student Senate;
- three (3) representatives of the Ainslie Wood Westdale Community Association;
- two (2) representatives of the Bonnington-Buchannan-Southam-Mohawk Neighbourhood Association;
- one (1) representative of the Ancaster Community Council/Meadowlands Neighbourhood;
- four (4) landlord representatives for Wards 1, 8, 10;
- two (2) local residents of Ward 1 & 8 (not affiliated with a community association);
- one (1) tenant representative

Joe Xamin, Senior Project Manager, Operational Strategies was the lead staff resource and Debbie Thomas, Administrative Assistant to the Senior Director of Parking & By-Law Services provided administrative support to the NRRHCLC. Marty Hazell, Senior Director of Parking & By-Law Services provided advice and leadership at critical junctures.

The NRRHCLC met seven (7) times from January to July 2009 and spent much time gathering information and consulting about rental housing issues. Various municipalities (Oshawa, Barrie, Waterloo, Thorold and Toronto) and municipal associations were consulted. The City of London staff attended a meeting to present their plan to implement a licensing/proactive by-law enforcement program. The Town and Gown Association President provided an overview of rental housing initiatives of various Ontario municipalities. Attached as Appendix “A” to this report is a detailed overview of other municipal approaches to addressing rental housing issues.

The NRRHCLC conducted several public information meetings to obtain input from stakeholders (landlords, tenants and residents). In March 2009, two meetings with student/tenants were conducted; one at McMaster University and the other at Mohawk

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College. Redeemer University College did not conduct a meeting as they currently have no issues with rental housing at this time. In April, the NRRHCLC met with over 120 landlords, and in May, met with residents at two separate public information meetings. Also, stakeholders were given the opportunity to complete surveys to provide additional feedback. The results of the surveys were compiled, analyzed and shared with members of the NRRHCLC.

Staff and Councillor McHattie of the NRRHCLC met with representatives of the Hamilton-Burlington Realtors' Association (HBRA) and the Hamilton District Apartment Association (HDAA) as well as numerous individual meetings with realtors, brokers, landlords and property managers. Both the HBRA and the HDAA actively provided input into the process. Attached as Appendix "B" to this report is a detailed summary of the Stakeholder Meetings and Survey Results.

Once substantial information was obtained, the NRRHCLC generated a list of potential options to regulate rental housing in consultation with the various stakeholders. In total eight (8) final options were considered by the Committee; however, not all options had an associated recommendation. A detailed analysis of each of the options is attached as Appendix "C" to this report.

As noted earlier, the NRRHCLC conceded that there is no easy solution to comprehensively address the complex issue of rental housing in Ward 1 and 8 alone, but recommends that their information/findings be forwarded on to assist the City-wide Residential Rental Housing Community Liaison Committee which is expected to commence this Fall 2009.

ALTERNATIVES FOR CONSIDERATION:

The City could choose to not approve any/all of the recommendations and await the outcome of the City-wide Housing Review. However, there is always skepticism that nothing will change and the on-going issues in Wards 1 and 8 need to be addressed while the City-wide comprehensive review is being undertaken. A proactive by-law enforcement pilot program in Wards 1 and 8 would also provide additional information to assist decision-making by the City-wide Community Liaison Committee.

Councillor Brian McHattie,
Chair - Neighbourhood Residential Rental Housing
Community Liaison Committee
(Wards 1, 8, 10 & 12)

MH/JX/dt
Attachs. (3)

**Neighbourhood Residential Rental Housing Community
Liaison Committee (Wards 1, 8, 10 & 12)
July 2009**

**Overview of Other Municipal Approaches to Addressing
Rental Housing Issues**

In Report PED07296(a) staff was "directed to continue to monitor the initiatives being implemented by other Ontario municipalities for regulating residential rental housing, and provide an update to the Economic Development and Planning Committee". It has been informative for the Neighbourhood CLC to learn from these other municipalities that have similar challenges regarding rental housing. In Report PED07296(a), a summary was provided regarding the cities of Oshawa, London, Waterloo, Barrie, Peterborough, Kingston, Ottawa, and St. Catharines. With respect to the Cities of Waterloo, Peterborough, Kingston and St. Catherines, there is nothing new to report. The cities of Thorold, Toronto and Windsor have been added to this review. The summary that was provided in Report PED07296(a) has been provided as a reference following the update that is provided in this Appendix.

The following provides a brief update regarding some of these municipalities:

a. **City of Oshawa**

Oshawa enacted their by-law April 2008. It has been in effect for over one year. There have recently been some denials of license applications by the City. To date no applications have been made to the City's Hearings Officer for an exemption. If these properties operate without a license, the City will proceed to prosecution.

Council recently rejected the proposal to extend licensing across the City due to economic pressures being felt in that community with recent layoffs at General Motors. The proposal to extend licensing was identified as an option to counter the Human Right allegations of discrimination put forth against the City by students and the Ontario Human Rights Commissions. The City of Oshawa has taken a lead with Licensing. It stands in the best interest of other municipalities to observe and learn from what transpires in Oshawa.

b. **City of London**

The City of London is recommending a licensing by-law for the entire city. The focus will be on rental properties with no more than six (6) units/levels. The fee will be \$150 for five years which is \$30 per year. The City of London will also be conducting a proactive by-law enforcement program across the entire City. They will hire two full-time Property Standards Officers for the program. They are

conducting two public meetings this fall before returning to Council with their final recommendations.

The City of London has commenced the implementation of its "Great Near-Campus Neighbourhood Strategy". The Strategy has identified ten (10) key initiatives in order to address issues in the surrounding neighbourhoods of the University and College. The ten (10) initiatives are:

1. Welcome students as a vital part of our community
2. Provide for safe housing
3. Offer a higher level of public service to the community
4. Align expectations
5. Protect residential amenity
6. Provide alternatives to balance the mix
7. Create great places and spaces in our neighbourhoods
8. Invest in infrastructure
9. Level the playing field for landlords
10. Provide for affordable housing

At the University of Western Ontario, a Housing Mediation Officer role currently exists. The role is funded in a tripartite agreement between the City of London, Fanshawe College and the University of Western Ontario. The role is employed through the University but works for all three organizations. The primary function of the role is to provide education to tenants/students and landlords regarding the City's by-laws and standards. The secondary function of the role is to deal with complaints and provide mediation as required.

c. **City of Barrie**

The City of Barrie has recently made a number of changes to both their Zoning By-law and Licensing By-law to better regulate residential rental housing, including student housing. In their zoning by-law definitions they have adopted the definition of "dwelling units" from the Ontario Building Code. This has been done to strengthen their by-law so that if it is challenged then it indirectly challenges the language of the Ontario Building Code. They redefined Boarding, Lodging, & Rooming Houses so that they are mutually exclusive from dwelling units and they are defined by the number of tenants and the existence of external locks on the rented bedrooms. Boarding, Lodging, & Rooming Houses also require an annual license. A Two-Unit House Registration By-law was recently enacted. This provides a mechanism for the City to identify the potential rental units that exist and provides contact information for the units.

It was noted in Report PED07296(a), that the City of Barrie approved the Georgian College Neighbourhood Community Improvement Plan (CIP) in 2008. The focus of the plan was "to encourage investment in multi-unit residential development geared towards students and to encourage quality housing suitable for the growing

student population." Staff have identified two sites for re-development. They recently approved two concept plans and are moving forward with the re-development of these sites. Both sites are within walking distance to the Georgian College campus.

As noted, financial incentives are provided through the CIP in the form of a tax increment based grant and the waiver of application fees to encourage rehabilitation and improvement within the designated area.

d. **City of Ottawa**

Ottawa's By-law and Regulatory Services staff is in the process of preparing a briefing for Council stating that they do not see any benefit in going forward to recommend licensing.

e. **City of Thorold**

Thorold is in the process of reviewing whether or not to implement a Licensing By-law. Brock University is on the boundary of Thorold and St. Catharines. They are faced with similar issues regarding student rental housing.

f. **City of Toronto**

Toronto faced a great deal of back-lash from landlords when it first proposed the potential to license. The City has embarked on a 12-month pilot project in order to identify the issues with rental properties across the City. The pilot project is identified as the "Regulatory Strategy for Multi-Residential Apartment Buildings". The pilot project has twelve (12) full-time Property Standards Officers and one (1) full-time Manager. A total of four (4) problem properties were identified for each Ward. Each Councillor provided staff with two (2) key problem buildings in their Ward and staff identified two additional properties based on the complaints received. A total of "176 of the City's most in-need buildings" are being investigated. The pilot team is investigating each apartment complex. They have a command unit that arrives at each building and they encourage tenants to file a complaint while they investigate the common areas of the Building.

g. **City of Windsor**

Council voted against a licensing program late last year as it being too costly to administer.

As the Neighbourhood CLC concludes its consultation regarding student rental housing and as the City embarks on a City-wide rental housing review, it becomes apparent that there is no easy solution to the problem of rental housing. The best solution appears to be one that is unique to the individual municipality depending upon the issues it faces in light of rental accommodation.

The following was excerpted from – "Review of Tools for Regulating Residential Rental Housing (PED07296(a)) (Wards 1, 8 and 10)" submitted to Economic Development and Planning Committee at its October 14, 2008 meeting.

What do other Municipalities do?

The issue of student rental housing and its consideration in the broader context of rental housing matters is neither new nor unique to Hamilton. Several other Ontario municipalities are experiencing similar challenges. In the preparation of this report information was collected from eight other municipalities namely: the Cities of Oshawa, London, Waterloo, Barrie, Peterborough, Kingston, Ottawa, and St. Catharines. Each of these municipalities has a large concentration of rental housing geared towards students. Several of these municipalities already have controls in place, while other municipalities are just starting to review the issue (Appendix "E" to this report contains a detailed review of the various approaches taken by each municipality). The following provides a brief overview of the tools employed by each of these municipalities:

City of Oshawa

Oshawa has taken the opportunity provided under the Municipal Act, 2001 to implement a licensing program for the area surrounding its university; however, the City has been criticized for targeting students. Opposition to Oshawa's Licensing By-law by both the renters and the landlords has been widely publicized. Since the By-law only applies to the area immediately surrounding the university, students have objected that it violates their right to accommodation. The general matter of discrimination has come to the attention of the Ontario Human Rights Commission, which has indicated in a report entitled "Right at Home - Report on the consultation on human rights and rental housing in Ontario" (released July 9, 2008) that it will be scrutinizing municipal By-laws that discriminate and "will consider the strategic use of its powers to have these addressed. This may include public inquiries, education, and supporting or initiating a human rights application or Charter case to challenge those By-laws or practices."

In addition, the City of Oshawa brought an application to Superior Court for a declaration that certain home owners renting to students had been using their properties contrary to the City's Zoning By-law and for an order that these uses cease. On August 26, 2008, the Superior Court ruled in favour of the City in respect of most but not all of the properties.

City of London

The City of London is considering a licensing program to take a proactive approach to address sub-standard housing conditions and to protect the residential amenities, character and stability of the residential areas. London has prepared some draft provisions for its proposed licensing By-law. In addition to the proposed licensing

program, as part of a larger strategy involving an extensive planning study followed by several amendments to their Zoning By-law and Official Plan, the City of London passed a Zoning By-law Amendment limiting the maximum number of bedrooms in a dwelling unit to five.

The City of London also uses the existing municipal By-laws to enforce noise, yard maintenance and property standards. Partnerships with the institutions and programs currently run by the university and college also complement the City's efforts to integrate student housing in established neighbourhoods.

City of Waterloo

The City of Waterloo has had a lodging house licensing program since 1986. This program has also been used to regulate student housing. As a result of the changes to the Municipal Act, 2001 in 2007, the City of Waterloo Council recently adopted a Terms of Reference for the review of the lodging house licensing program. According to the Terms of Reference, City staff will be determining if the existing lodging house program should be replaced or could be enhanced to provide a better service.

City of Barrie

The City of Barrie is also facing issues arising from the expansion of student housing in existing neighbourhoods. Barrie City staff completed its "Rooming, Lodging, Boarding House Review" in 2007. The 2007 staff report highlighted a number of changes needed to both their Zoning By-law and Licensing By-law to better regulate residential rental housing, including student housing.

In addition, Barrie has also recently approved the Georgian College Neighbourhood Community Improvement Plan (CIP). The purpose of the CIP is to encourage investment in multi-unit residential development geared towards students and to encourage quality housing suitable for the growing student population. The goal is to attract and concentrate students to certain areas as opposed to having them dispersed throughout the single detached housing area. The CIP affects an area approximately 1 kilometre wide surrounding the college. Financial incentives are provided through the CIP in the form of a tax increment based grant and the waiver of application fees to encourage rehabilitation and improvement within the designated area.

City of Ottawa

Ottawa's By-law and Regulatory Services staff is now in the process of preparing a new Rooming House By-law. This process was initiated as a result of amalgamation and is intended to harmonize the standards for rooming houses throughout the new City. Ottawa staff indicated that the Rooming House By-law is not focused on any specific type of housing, and student housing would have to meet the definition in the

By-law to be regulated as a rooming house. In addition, the City currently uses its Property Standards By-law to enforce infractions related to rental housing.

City of Peterborough

Peterborough currently has no licensing program that directly addresses student housing. The City does licence accessory apartments which have been in existence since prior to 1996, provided the owner can verify that the apartment has been used continuously and complies with the Ontario Fire Code and Ontario Building Code. The City is also undergoing a Downtown Economic Review and is in the process of creating a Downtown Master Plan. As part of this Master Plan, the City may address the issue of student housing and conditions.

City of Kingston

Kingston has been monitoring student housing and the issues related to student housing since the 1970s. The City is currently focusing resources on implementing a By-law that would limit the number of bedrooms in residential units. The City does not have a residential rental housing licensing program. A licensing program may be considered by the City in the future; however, the municipal staff will be monitoring the progress and outcome of the Oshawa Licensing By-law prior to moving forward with their own review.

City of St. Catharines

St. Catharines does not licence residential rental housing. The City recently passed a Nuisance By-law which is intended to regulate the behavioural issues associated with students. The By-law implements a \$300.00 fine for rowdy behaviour such as throwing/smashing beer bottles, damaging public and/or private property, and other inappropriate behaviour in public.

On the basis of the foregoing, there appears to be no single mechanism or approach to addressing student housing and its relationship to the rental market. It is a challenge for municipalities to balance the positive aspects of having a university and/or college within the community and the associated impacts to the community. Each of the municipalities is handling the challenge in a different way through formulating a strategy that meets their particular needs. Staff is of the opinion that there is no panacea to this complex issue, and it appears to be difficult to guarantee success with any specific approach or strategy.

**Neighbourhood Residential Rental Housing Community
Liaison Committee (Wards 1, 8, 10 & 12)
July 2009**

Stakeholder Meetings and Survey Results

A. Student/Tenants

Two Public Information Meetings were conducted with McMaster/Mohawk student and tenants. Both meetings did not have a high turnout. However, a questionnaire was provided at both meetings as well as at other venues. A total of 102 questionnaires were returned (63 for McMaster and 39 for Mohawk).

The questionnaire results provided the NRRHCLC with some interesting information regarding student tenants' perspective on housing. Overall, 85 (83%) of respondents live in single/semi-detached houses and the remaining 17 (17%) live in a duplex, triplex, high-rise, etc. Over 93% of respondents live with other tenants, and a majority live with 6 or 7 other students. This corresponds with the findings of both McMaster University and Mohawk College Housing Offices that on average student/tenants tend to live with 6 to 7 other tenants per rental property.

Overall, most students are either satisfied (57 or 56% of respondents) or somewhat satisfied (34 or 33% of respondents) with their current living situation. Only nine (9%) stated they were not satisfied with their living situation and this is because of the following factors:

- Landlords will not make required repairs (22 respondents)
- Overcrowding/lack of privacy/common space (11 respondents)
- Mold in the house (5 respondents)
- High cost of rent (4 respondents)
- Unhappy with roommates/messy condition (4 respondents)

The remaining responses offered comments/concerns such as poor bus service, distance from campus, break of lease agreement, pestilence (mice/bugs) not disclosed by the landlord, issue with neighbours, etc.

Overwhelmingly, students noted that affordable rent, cleanliness, safety and good housemates were very important factors they considered when renting, and on average 78% to 92% of respondents ranked these as top priorities. Half of the respondents also noted that being close to school and amenities and being on a bus route were also important factors.

Overall 46 respondents were concerned if the City were to implement a zoning amendment to limit the number of habitable rooms available for rent in a single/semi-detached rental house, while 22 students remained uncertain and the remaining 30

had no concern at all. Their concern is that is that the rent will increase, that it will limit the number of rooms available forcing them to live further away from campus and not being able to live with their friends.

Only 16 respondents were concerned if the City were to license rental housing while 29 were uncertain and 50 of the respondents had no concern. Their concern was that the rent would increase and the landlord would pass on the cost. Eleven of those who were concerned feared that the rent would increase. A small number felt they needed more information before they could provide a response.

B. Landlords

On April 22, 2009 over 120 landlords attended a public information meeting with the NRRHCLC. Following a formal presentation, over thirty (30) landlords/property managers addressed the Committee. Overall the landlords are not in favour of licensing as they view it as a "tax grab" by the City which would result in the cost being passed on to tenants in the form of rent increases. Some argued that it would result in investors "pulling out" of the City and that the City would not be seen as "open for business". Some noted that licensing will push the good landlords out of the rental market and the less scrupulous landlords will go underground, and they question the City's judgment in imposing a licensing program to deal with a "minority" of problem landlords, and that licensing rental housing will not deal with the primary issue of student nuisance behaviour.

Further, the landlords expressed concerns that they are faced with many regulations and it is very difficult dealing with problem and attempting to evict problem tenants. They were also critical of the schools not dealing with the issue, and a few landlords discussed the potential Human Rights implication if the City were to regulate rental housing in the prescribed areas (Ward 1, 8 , 10 and 12), and they suggested that if the City does create a licensing program, it should be for the entire City. Overwhelmingly, the majority of speakers stated that the City should use its existing tools and by-laws and do proactive enforcement to deal with the problem properties and landlords.

Landlords were also provided with a hard-copy or an on-line questionnaire to provide their feedback. Two-hundred surveys were completed. The majority of respondents were landlords (177 or 90% of respondents) and 22 identified themselves as being property managers. Fifty-three (53) or 27% of respondents were landlords who also resided in one of the four wards in the study area.

A majority indicated they own a single/semi-detached house (152 or 80% of respondents); 23 (12%) of respondents own a duplex, triplex, low-rise, four-plex; 39 (20%) of respondents indicated they either rented a room, an accessory apartment or shared their home with a renter, and they were doing this as a means to generate additional income and/or to be able to stay in their home as it had become too expensive to live there due to increased property assessment and taxes.

A majority of landlords (148 or 76% of respondents) indicated that they own one or two properties, while 24 (12%) respondents indicated they owned 3 to 5 properties, 12 (6%) indicated they own 6 to 9 properties, and one individual indicated he owned between 15 and 19 properties. A number of parents are purchasing homes so that their child can live there while they attend school as they see it as a cheaper alternative to paying rent and also the potential to generate additional income.

Respondents were asked if they had any concerns with the City implementing a zoning by-law to limit the number of habitable rooms, and a majority responded with concerns such as the impact on their investment; the impact on the rent they charge; it may limit the number of rooms and create shortages; the City is interfering with the rental market; it will not resolve the issue with student behaviour and noise; and it will force the problem further out into other neighbourhoods. Just fewer than 20% of respondents did agree with the habitable room limit.

A similar question was asked regarding the respondents concerns if the City were to implement a licensing program for rental housing. Only 17% of respondents were in favour of this; however, they stated that it must be a program with reasonable expectations and fees. The responses/comments/questions generated by this question were similar to the response provided at the Landlord Public Information Meeting, as follows:

- Will be a direct cost to landlords (48 (31%) of respondents)
- City tax grab (24 (16%) of respondents)
- Will pass the cost onto tenants (21 (14%) of respondents)
- Enforce existing by-laws as opposed to creating new by-laws (21 (14%) of respondents)
- Will create more bureaucracy; administrative nightmare(15 (10%) of respondents)
- Will drive away good landlords (10 (7%) of respondents)
- Needs to be City-wide not a few selected wards (8 (5%) of respondents)
- People who rent out a room in their house should be exempt (8 (5%) of respondents)

Landlords were asked to suggest other options in lieu of licensing or limiting the number of habitable rooms, and just over a third of the respondents stated that the City should just enforce its existing by-laws (45 (36%) of respondents). Some other suggestions by landlords:

- Conduct random inspections of properties;
- Educate tenants and landlords regarding existing by-laws and the roles and responsibilities of landlords and tenants;
- Create a registry of rental housing;
- Create enforcement strategies that hold the tenant accountable;
- Offer tax breaks/incentives for landlords that maintain their rental properties;
- Zone key parts of the neighbourhood for higher intensification;

- Offer incentives to encourage more purpose built housing;
- Schools have a role and should be dealing with student behaviour – perhaps hold back the release of marks/transcripts until fines are paid.

The enactment of a nuisance by-law was also suggested. In May 2009, City Council enacted an enhanced nuisance by-law.

Overall landlords are opposed to the idea of a licensing program and feel such a program will result in more costs on their part and they will merely pass the cost onto the tenant which will impact on affordable housing for some. A majority of landlords feel that they already offer safe and clean housing for students, and that the City should not be creating a by-law that will impact a majority when the problem is a minority of absentee landlords. The City should enforce its existing by-laws and deal with the problem landlords. The other unique voice, roughly 20% of the survey respondents, is the landlords who rent out a room or a basement suite in their home. They think that they should be exempt from a licensing program. A summary of the Landlord Questionnaire is as item "E" in this Appendix.

C. Residents

Two public information meetings occurred with residents, a session for Ward 1 residents and a second session for Wards 8, 10 and 12. Roughly 30 to 40 people attended each meeting. Residents are frustrated with the current situation and are concerned about property maintenance, long weeds and grass, garbage disposal, parking, noise and student behaviour. Some feel threatened by students and they are reluctant to complain and some stated that they have had their cars keyed or their houses damaged. They are frustrated with absentee landlords; however, some did express good relationships with the landlords who are more involved with their tenants and neighbours. Residents are also very frustrated with McMaster University and Mohawk College and feel that both institutions are not good community neighbours. They feel that these schools have increased their enrolment with no concern for the surrounding community and that the schools have not been involved in resolving the issues.

A questionnaire was also provided to residents and a total of 34 responded. Respondents were asked to identify issues that they had experienced with tenants/landlords of rental properties. The top four responses were yard waste/property maintenance, property standards, noise and parking.

Roughly one third of respondents are in favour of either limiting the number of habitable rooms and/or implementing a licensing program. However, other respondents questioned how effective such by-laws would be and if the City be able to enforce it. Some think that landlords will not comply with limiting the number of rooms and that limiting rooms will only result in other homes being converted to rental properties. They also believe that rents will increase. When asked to identify other

potential options to regulate rental housing, more than half were in favour of proactive by-law enforcement (58% of respondents). Other suggestions by residents are to raise fines, encourage purpose built housing and to better educate tenants and landlords.

Overall, residents are frustrated and tired of dealing with the issue, with some resigned to the fact that things will not change.

D. Hamilton District Apartment Association and the Realtors Association of Hamilton-Burlington:

The Hamilton District Apartment Association (HDAA) is an association representing both large and small landlords and property managers across Hamilton and Burlington. The HDAA is opposed to a licensing program and have made that point very clear. They feel the Residency Tenant Act provides the required regulation needed in the industry and that landlords are currently at a disadvantage and that further regulation will drive landlords out of the rental business.

They have also felt that they have been shut out of the process/consultation. However, they have been able to express their concerns numerous ways. The president of the Association and members of the Board were able to meet with the Mayor and his staff. The Senior Project Manager attended one of their meetings to provide an overview and seek feedback. Also, members of HDAA attended and were able to address the Committee at the Landlord Public Information meeting. The minutes of the NRRHCLC have been shared with the HDAA as well. The HDAA will be a member of the City-wide CLC as the scope will be on all forms (from single/semi-detached housing to high-rises) of rental housing across the City. The focus of the neighbourhood CLC was on single/semi-detached housing within the study area.

The Realtors Association of Hamilton-Burlington (RAHB) is an association of realtors and brokers. The Chair of the NRRHCLC was invited to speak with members of RAHB. Also, there were numerous follow-up meetings with individuals from this group including a sub-group to further discuss concerns, ideas, and potential options. RAHB is not in favour of a licensing program and the impact it will have on the market and on tenants. In a letter written to the NRRHCLC, they state that the "fees associated with licensing would be passed on to tenants, increasing the costs of living for those most unable to afford it." They further state that the City currently has numerous by-laws in place as well as provincial legislation (Ontario Building Code and the Ontario Fire Code) with defined fines for non-compliant property owners. They question if this current process is not able to solve the property standards issue, how will it be achieved with licensing? They fear licensing will "discourage new construction of new inventory of rental apartments by adding to the regulatory burden of small (and potentially large) landlords." They conclude that this will further discourage economic development in Hamilton.

RAHB also offered some alternate ideas for consideration, such as self-licensing by property owners and managers which is a formal accreditation program that is currently being developed by The Federation of Rental-housing Providers of Ontario (FRPO). The only issue is the program is structured for multi-residential buildings and would be too cost prohibitive for property owners of a small number of rental units (single/duplex/triplex, etc.). They support the idea of providing education for tenants "regarding their rights and standards as well as the avenues to address these issues".

RAHB also noted that the City could use the insurance and financing companies to regulate by ensuring that properties being used as rental properties are insured as such. Most financiers and insurers will not support single family homes that have been altered to house more people than they were meant to. It was noted by one realtor that there are many changes happening in the insurance industry and less companies are willing to provide insurance for student rental housing. Many of these houses require commercial insurance. There was some speculation on whether or not landlords have appropriate insurance for these homes.

Overall both RAHB and HDAA, both strongly oppose a licensing program. They respect that the City may need to regulate rental housing but they would prefer that the City look at different alternatives as licensing will create a bureaucracy that will negatively impact tenants and landlords. Also, the costs will be passed onto tenants.

E. Landlord Questionnaire Results

The following is the compilation of results of the Landlord Questionnaire that was provided to landlord at the meeting or via the internet. A total of 200 landlords responded to the questionnaire.

1. Please indicate from which perspective you are responding to this survey?		
Answer Options	Response Frequency	Response Count
Landlord	90.3%	177
Property Manager	11.2%	22
Realtor/Broker	2.0%	4
Resident	27.0%	53
Other (please specify)		5
	<i>answered question</i>	196
	<i>skipped question</i>	4

2. If you indicated "Resident"; as one of your options, do you live in one of the four areas?		
Answer Options	Response Frequency	Response Count
Yes	68.4%	52
No	31.6%	24
	<i>answered question</i>	76
	<i>skipped question</i>	99

3. Do you currently own property in one of the four areas? (Please indicate)

Answer Options	Response Frequency	Response Count
Ward 1: Ainslie Wood-Westdale Secondary Plan area around McMaster University.	91.9%	125
Ward 8: Mohawk-Buchanan-Bonnington-Southam Neighborhoods around Mohawk College.	8.8%	12
Ward 10: Guernsey Neighbour hood in proximity to the Mohawk East Campus.	0.7%	1
Ward 12: Meadowlands Neighbourhood around Redeemer University College.	1.5%	2
answered question		136
skipped question		39

4. What type of rental housing do you own? Check all that apply:		
Answer Options	Response Frequency	Response Count
House (single/semi-detached)	79.6%	152
Duplex, triplex, low-rise, four-plex	12.0%	23
Apartment complex – five or more floors	2.1%	4
Shared Accommodation or Rental Unit in my home	20.4%	39
A combination of rental properties (please describe)	4.7%	9
answered question		191
skipped question		9

5. How many rental properties do you own?		
Answer Options	Response Frequency	Response Count
1 to 2 properties	75.5%	148
3 to 5 properties	12.2%	24
6 to 9 properties	6.1%	12
10 to 14 properties	1.5%	3
15 to 19 properties	0.5%	1
20 or more	0.0%	0
answered question		188
skipped question		12

6a) Have you had issues with your tenants?		
Answer Options	Response Frequency	Response Count
Yes	30.5%	57
No	69.5%	130
answered question		187
skipped question		13

6b) If you answered yes to question above please describe:		
Themes	Response Frequency	Response Count
Tenants damaged property	31.1%	14
Tenants owed rent	31.1%	14

Noise issues	20.0%	9
Garbage/Snow removal is tenants responsibility yet they're not complying	17.8%	8
Tenants break lease contract	11.1%	5
Tenants didn't give notice before moving out	8.9%	4
Lack of cleanliness	8.9%	4
Disputes amongst tenants	2.2%	1
answered question		45
skipped question		155

7a) Have you had issues with neighbours in the neighborhoods where you own rental properties?		
Answer Options	Response Frequency	Response Count
Yes	17.6%	32
No	82.4%	150
answered question		182
skipped question		18

7b) If you answered yes to question above please describe:		
Themes	Response Frequency	Response Count
Noise Complaints	37.5%	12
Garbage cans not removed from curb	18.8%	6
Neighbors complain for no reason	15.6%	5
Other properties in disrepair	9.4%	3
Parking issues	6.3%	2
Neighbors don't remove snow	6.3%	2
Tenant behaviour	6.3%	2
Dumping in the area	3.1%	1
If owner occupied no problems	9.4%	3
No problems - due to reference check	6.3%	2
answered question		32
skipped question		168

8. What are your concerns if the City were to implement a zoning by-law to limit the number of bedrooms or habitable rooms?		
Themes	Response Frequency	Response Count
Will impact my investment	28.6%	48
Will result in an increase in rent which will limit affordable housing	23.2%	39
Agree/Have no problem with the idea	17.3%	29
Will limit rooms and create shortages	14.3%	24
City should not dictate/free market should dictate	9.5%	16
Will impact property maintenance - will decline further	8.9%	15
Will not resolve issue with student noise etc.	8.9%	15
How will it be enforced?	5.4%	9
Sell my rental house	4.8%	8

Impact on lower income student	3.0%	5
Is seen as discriminatory toward student/tenant	3.0%	5
Will force problem further out; more reliance on commuting	1.8%	3
Number of rooms should be determined by square footage	1.8%	3
Students will not come to Hamilton	1.2%	2
Grandfather in existing properties	1.2%	2
Reduce rent	0.6%	1
answered question		168
skipped question		32

9: What are your concerns if the City were to implement a business licensing program for rental housing?

Themes	Response Frequency	Response Count
Will be a cost to landlord	31.2%	48
City tax grab	15.6%	24
Will pass cost onto tenants	13.6%	21
Use existing enforcement/well regulated	13.6%	21
Will create more bureaucracy; administrative nightmare	9.7%	15
Good idea however; it must have reasonable expectations & reasonable fees	9.7%	15
Agree	7.1%	11
If implemented, City needs to enforce and deal with absentee landlord	7.1%	11
Will drive away good landlords	6.5%	10
Uncertain at this time (don't have enough information)	5.8%	9
Needs to be city wide not one ward	5.2%	8
Will hurt small business owner (i.e., one rental property owner)	5.2%	8
Not necessary	5.2%	8
Will sell my properties	4.5%	7
People who rent out a room (in their house) should be exempt	4.5%	7
Too invasive/City should stay away	3.9%	6
Will increase inadequate housing	3.9%	6
Will drive landlords underground	3.2%	5
Allow free market to run - students will select appropriate housing	3.2%	5
Will increase rents	1.9%	3
RTA - protects tenants don't need the City to interfere	1.9%	3
If implemented, offer incentives for good landlords with well maintained properties	1.3%	2
Will impact on schools reputation	0.6%	1
answered question		154
skipped question		46

10. Do you agree that such a means for regulating rental housing will even out the playing field for all landlords?

Answer Options	Response Frequency	Response Count
Yes	20.5%	27

No	81.8%	108
answered question		132
skipped question		68
Please explain for either response you provided:		
Themes	Response Frequency	Response Count
No	68.2%	90
Yes	7.6%	10
Unsure	3.8%	5
Free market - let the competition happen naturally	15.9%	21
Reasonable safety standards, etc would be welcome, should be consistent between properties	7.6%	10
Bad landlords will not get a license/ they will not change.	6.1%	8
Regulating will not make all properties equal	4.5%	6
Tax grab	4.5%	6
Will result in an increase in costs/rents	3.8%	5
If housing is not affordable, students will search out unsuitable/non licensed properties	1.5%	2
Will decrease the housing supply	1.5%	2
This is a means to drive out students	1.5%	2
answered question		132
skipped question		68

Question 11: What other tools or options do you think the City should consider in order to manage the issues with rental housing?		
Themes	Response Frequency	Response Count
Enforce existing bylaws	36.3%	45
No City interference (leave things as they are)	10.5%	13
Educate tenants and landlords re: existing by-laws, responsibilities, roles, etc.	8.1%	10
Hold tenants accountable - Create enforcement strategies that hold tenant accountable	6.5%	8
Create a registry of rental houses	5.6%	7
Zone for higher intensification; Community Improvement Plan to design housing that blends in	4.8%	6
Offer Landlord/Tenant/Neighbour Mediation Service	4.8%	6
Landlords show proof of property maintenance/make property management mandatory	4.8%	6
Require higher Police presence	4.0%	5
More power to deal with tenants - faster way to evict etc.	4.0%	5
Offer tax breaks/incentives for landlords who offer well maintained rental properties; create a rating system for rental properties	4.0%	5
Hire more Officers	4.0%	5
McMaster/Mohawk have role re: student behaviour issues & housing	4.0%	5
Outstanding fines paid by student; school hold on releasing transcript until fine paid	4.0%	5

Create a Nuisance by-law	3.2%	4
Examine other cities: namely Waterloo	3.2%	4
Resident Tenancy Act is sufficient	3.2%	4
Increase fines	3.2%	4
More power for landlords to deal with tenants	3.2%	4
Changes to the RTA needed	2.4%	3
Encourage purpose built housing; offer incentives; locate downtown	2.4%	3
Deal with specific issues as they arise	2.4%	3
Enforce Parking By-law if issue is parking	2.4%	3
Lease Agreement - include clause stating mandatory cleaning by students	1.6%	2
Limiting number of Rooms should vary depending upon house size; kitchen; bathroom etc.	1.6%	2
Housing Issue Hotline - where complaints can be filed/track bad landlords	1.6%	2
Conduct an Impact Study before implementing such a by-law	0.8%	1
Conduct random housing inspections	0.8%	1
Register as a rooming house and license	0.8%	1
City should build student purpose built housing	0.8%	1
More structured damage deposit program	0.8%	1
Neighbours and Landlords work together	0.8%	1
Create a landlord license (not per property or unit)	0.8%	1
	answered question	124
	skipped question	76

Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12) July 2009

Analysis of Options

The NRRHCLC considered a total of eight (8) final options with respect to regulating residential rental housing as follows:

1. Implement a licensing by-law on semi and single detached rental properties.
2. Implement a zoning by-law limiting habitable rooms on all new developments.
3. Enforce existing by-law/ Proactive by-law enforcement – focus on problem houses/landlords.
4. Create a registry of rental properties.
5. Voluntary Landlord Certification Program in partnership with Mohawk & McMaster.
6. Community Improvement Plan – encouraging purpose built housing and offering incentives for purpose built housing and de-conversions.
7. Education and Outreach with Landlords - hire a Community Liaison/Outreach Role.
8. City Services – Improve Services such as transit, waste and snow clearing.

For each option, the Committee examined and discussed: the advantages and disadvantages; the outstanding issues that were identified during consultation; and, what problems it would resolve. At its second meeting, the Committee participated in a brainstorming activity to identify the issues or problems in relation to residential rental housing from the following four perspectives: the resident, the tenant, the landlord and the City. These were the issues that each option was assessed against. The Committee discussed each option and identified a direction/recommendation for each.

The Committee also examined the number of complaints that were received in the four wards (Wards 1, 8, 10 & 12) from 2003 to 2009. The following complaints were examined:

- Backyard by-law (long weeds and grass, illegal dumping)
- Construction without a permit
- Noise complaints
- Property Stds (issues such as stairs/windows/walls/ventilation/doors, plumbing etc)
- Zoning violations

Complaints were broken down by year and by the number of complaints per property. The neighbourhood surrounding the schools were examined (i.e. Ainslie Wood-Westdale Neighbourhood (Ward 1) and Mohawk-Buchanan-Bonnington-Southam Neighbourhood (Ward 8)), and in their entirety for Wards 10 and 12. The total number of complaints from 2003 to 2009 for Ward 1 was 7,448 of which 5,588 or 75% were in the Ainslie Wood-Westdale Neighbourhood. For Ward 8 there were a total of 3,001

complaints of which 1863 or 62% were in the Mohawk-Buchanan-Bonnington-Southam Neighbourhood.

The following table provides a breakdown of complaints per Ward/Neighbourhood:

Ward	# of Complaints (2003 to 2009) Entire Ward	# of Complaints by Neighbourhood
1	7,448	5,588 for Ainslie Wood-Westdale
8	3,001	1,863 for Mohawk-Buchanan-Bonnington-Southam
10	396	
12	684	
City	44,671	

To put the numbers in perspective, complaints for the entire City for the same time period were 44,671. A majority of the complaints are in former City of Hamilton which range from a low of roughly 2,300 to a maximum of 10,800. The suburban Ward ranges from a low of 260 to a maximum of 720 complaints for the same time period. The total number of complaints for the entire Ward 1 accounts for 17% of the City's total and Ward 8 accounts for 7% of the City's total. Complaints for Wards 10 and 12 are respectively 1% and 1.5% of the City's total.

The following is a detailed analysis each of the eight (8) options considered by the NRRHCLC:

Option 1: Implement a licensing by-law program -

The potential to licensing rental housing is a contentious issue for landlords, property managers, residents, tenants and Councillors, and viewed by some as interfering with the free market and by others as a needed intervention. The Municipal Act, 2001, was amended in 2007 and as noted in Report PED07296(a):

“Now municipalities have the authority to adopt a licensing program regulating rental properties, including, for example requiring building, fire and electrical inspections to ensure the safety of the occupants. A municipality can narrow the application of a Licensing By-law from all residential rental accommodation in a number of ways including by dwelling type, geographic area and/or owner occupation...”

Oshawa enacted a licensing by-law in 2008 and London will likely enact a licensing by-law this fall, while St.Catharines, Windsor, Ottawa and Barrie opted against licensing rental housing. Waterloo, Thorold, and Kingston are still considering the merits of licensing. Some of the advantages of a licensing program could be:

- a consistent standard for all inspected rental properties
- the ability for City inspections of the interior of rental properties (currently no power to enter)
- readily identifiable rental properties with direct owner/contact information
- further tools to enforce zoning

The disadvantages of a licensing program are the potential costs (i.e. licensing fee and costs to bring buildings into compliance) which:

- landlords have indicated they will pass cost on to tenants
- will have an impact on affordable housing for students/tenants
- may result in some landlords selling their properties because too costly to maintain, and these properties being purchased by larger property management companies or "slumlords"
- may drive some landlords underground
- will not address/deter student behaviour
- doesn't address issue of over concentration of rental properties in Wards 1 & 8, and it is speculated that it may discourage new construction of rental units

The following is a small sample of the numerous questions/concerns raised during the NRRHCLC's consultation process:

- The administrative process/staff required to manage a licensing program; that additional Municipal Law Enforcement Officers will be needed to conduct the pre/post property standards inspections as well as additional Fire Prevention Officers
- How compliance will be achieved and how the program will be enforced
- The City's liability if a tenant is injured after the property has deemed to be safe
- The amount of the licensing fee (i.e. should the City charge a fee that is cost recovery or does the City charge a nominal fee with the majority of the program cost placed on the levy?)
- Could a licensing program be deemed discriminatory if limited to a geographical area of City?
- The impact on the City if only a few select neighbourhoods implement a licensing program?
- Would any property owners be exempt from licensing such as an owner who rents out an accessory unit (which is allowed)?
- Would a property owner, who has purchased a rental property so that their child may live there while attending school, be exempt?

Given the numerous issues that need to be considered and the fact that the Human Rights Commission has informed the City that licensing based on a geographical area may be construed as a potential violation of the Human Rights Code, the NRRHCLC has decided that the entire issue of licensing can not be made in isolation. It is recommending that the findings be forwarded to the City-wide Rental Housing Review CLC which will commence in the fall of 2009. It has been beneficial that the

Neighbourhood CLC has undertaken a consolation process as the issues regarding student rental housing are unique; however, the decision to create a licensing program needs to be made in context with the issue of rental housing across the City of Hamilton.

Option 2: Implement a zoning by-law limiting habitable rooms on all new developments -

The NRRHCLC examined whether or not to limit the number of habitable rooms in rental properties. The advantage of this option is that it limits the number of tenants in a new rental property/house and fewer students/tenants per house could result in fewer complaints/behavioural issues. Limiting the number of habitable rooms would eliminate over-crowding and provide for a safe number of tenants living together in a home. It may also ensure adequate common space. However, the disadvantage is that it may increase the conversion of other single-family homes to rental properties. If rooms are limited it may increase the demand for rental homes and may increase the rent if rooms are in demand and supply is low. It may push rental properties into other neighbourhoods (although some felt this may address the concentration of rental housing in key neighbourhoods).

However, there is currently a surplus of rental units/rooms in Ward 1, while in the Southam-Bonnington neighbourhoods of Ward 8 there is a surplus of rental properties. A few years ago, with the elimination of grade 13 and the creation of the "double cohort", speculators purchased additional properties to convert to rental homes. The double cohort did not really affect Mohawk College as the school normally takes students from grade 12. Numerous landlords who may have purchased these homes and paid a higher than market price are reluctant to sell as they will lose money on their investment, and are trying desperately to maximize rentals by renting out rooms on a weekly and/or daily basis. In some homes, students/tenants are now sharing with non-students, and there are often issues with drugs, handguns and violence in these homes/neighbourhoods.

Enacting a zoning by-law to amend the number of habitable rooms would only apply to new developments it does not address the issue of existing properties. Existing properties that currently have a larger number of rooms would be grandfathered in and would be zoned as legal non-conforming. In its consultation, the Committee was informed that Ward 1 currently has a habitable room limit through the enactment of Zoning By-law No. 95-02 also referred to as the Monster Home By-law. There is no need for a recommendation for Ward 1 at this point in time.

However, in Ward 8 no such limits exist on bedrooms or habitable rooms. The NRRHCLC recommends that the Zoning By-law Reform group be directed to examine potential options to limit the number of habitable rooms on future developments within a designated zone around Mohawk College. There are no recommendations

regarding a zoning by-law reform for Wards 10 and 12 given that they are not experiencing the issues of concentration of rental housing.

Limiting the number of rooms does not deal with the concentration of rental properties in neighbourhoods. Given the nature of how some of these rooms are currently being utilized, the question is whether or not they are being run as lodging homes. If so, then they should be licensed as lodging homes and meet the requirements such as a required radial separation between lodging homes. Another factor is some neighbourhoods are not zoned for lodging homes. There are also some properties in Ward 1 that residents speculate may be lodging homes. Given the situation described in Ward 8 and the questionable properties in Ward 1, it is recommended that staff work to identify a prescribed number of known properties that may be lodging homes and potential solutions to mitigate this problem.

Option 3: Enforce existing by-law/ Proactive by-law enforcement -

The consistent message the NRRHCLC heard was that the City already has numerous by-laws in place which the City should be enforcing as opposed to creating a licensing by-law. Many landlords feel that responsible or "good" landlords would be punished by a licensing program intended to address problems created by absentee landlords. The common option put forth was that the City should enforce its existing by-laws and undertake a proactive by-law enforcement program.

As noted earlier total complaints received for the Ainslie Wood – Westdale Neighbourhoods and the Mohawk-Buchanan-Bonnington-Southam Neighbourhoods were analyzed based on the number of complaints per municipal address. Of the 5,588 complaints received for Ainslie Wood – Westdale from 2003 to 2009, these complaints were associated with 1,962 properties. Of that total, 91 properties received ten (10) or more complaints. There was one property that received 35 complaints for the same time period. For Ward 8, of the 3,001 complaints received for the same time period, these complaints were associated with 1,026 properties. Of these properties, 21 received ten (10) or more complaints. A further review of these addresses reveals that a number of properties are owned by a small group of landlords. Thus, a proactive program focused on key problem properties/landlords may improve the maintenance and appearance of these properties.

The advantage of a proactive by-law enforcement program is it would allow the City to focus its resources on key problem properties, and therefore, dealing with landlords who own several problem properties. The City may achieve greater compliance through a proactive by-law enforcement program. The City may use fee for service as a deterrent to get further compliance (which the Municipal Law Enforcement Division is currently doing). It may decrease problems over time as landlords/tenants realize that the program is proactive and properties must be maintained. The City should also develop tools/resources and better educate landlords to achieve compliance.

The disadvantage of such an approach is that, for the most part, only property exteriors will be assessed as rental unit interiors cannot be inspected unless the complainant/landlord allows access.

There are currently no staff resources available to provide a dedicated proactive by-law enforcement program, and this would require additional staff resources or diversion from other enforcement activities. The NRRHCLC's preferred option is that two (2) temporary full-time Municipal Law Enforcement (MLE) Officers be hired for an 18-month period to conduct a proactive by-law enforcement pilot program to focus on key problem properties/landlords (one MLE Officer assigned to Ward 1 and the other to Ward 8), and upon completion of the 18-month pilot, staff could report back to Council with a recommended strategy on whether or not the program should be implemented on a permanent basis. The NRRHCLC is also recommending that education of tenants and landlords be incorporated with the Proactive By-law Enforcement Program.

Option 4: Create a registry of rental properties -

The option to create a registry of rental properties was considered. A registration program was recently implemented in the City of Barrie where all two (2) or more rental units are now required to be registered. This provides the City of Barrie with contact/ownership for the rental property and a means to contact the landlord if there is a specific issue with a property.

A registration program would assist with the registration and identification of rental properties in dealing with problems as the City or school would be able to readily contact the landlord. It would identify rental properties as well as the absentee landlords. If the landlord advertises his property, he may list that the property is registered which may be more appealing to potential tenants. The disadvantage of a registry program may be the administrative/management requirements. As well, this option does not allow access to rental units as an inspection is not part of the registration. However, could the City conduct a one time inspection at the time of registration? Would such a program include a registration fee? Assuming that the registry is web-based, who could have access to the registry? Could the registry include a list of complaints or outstanding orders? Who would maintain the registry? Would it be a voluntary registry or would it be formalized to encourage all potential landlords. There are numerous questions regarding this option; however, the NRRHCLC thinks that this option may be a viable alternative to a licensing program. The Committee is recommending that staff further examine and report back to Economic Development and Planning Committee regarding the potential of creating rental registry of landlords and properties.

Option 5: Voluntary Landlord Certification Program in partnership with Mohawk & McMaster -

A Voluntary Landlord Certification program was also considered by the NRRHCLC. McMaster University currently has a "Rental Accountability Program" where a landlord is required to have an inspection of their property and to take a pledge to abide by the Residency Tenant Act. The benefit of subscribing to the program is that the landlord receives one month of free advertising on the University's Housing webpage and are able to upload additional pictures of the property. The landlord pays an additional one-time fee of \$63.00 to be part of the program in addition to monthly advertising fees. The landlord is also required to pay the cost of the inspection. The Rental Accountability Program currently has 130 properties registered. Mohawk College is also currently developing an accountability program.

The advantages of such a program is that it may have increased buy-in and support if facilitated by the schools. As well, if the City of Hamilton is not part of such a program it may be seen as less invasive than a licensing program. Landlords would benefit from such a program as they can certify their properties that meet the standards as identified in the certification process. Other landlords may see the results as a benefit and self-select to participate in the program and tenants may be more willing to rent a property that has been certified via the certification program. The homes are being inspected at the expense of the landlord.

The disadvantage of such a program is the willingness of landlords to participate in the program. An increasing number of landlords are parents who purchase a home while their child attends school and would not likely participate in such a program. If numerous complaints are received regarding a property will this impact re-certification. Also, would the School be willing to not post these or other properties that have received complaints? Even though the homes are being inspected, one has to question to what standard. Lastly, the program does not address tenant behaviour issues.

The NRRHCLC also questioned the potential to combine the Voluntary Certification Program with a Rental Registry. The NRRHCLC supports the notion of further enhancing and expanding a voluntary certification program. The Committee also recommends that Mohawk and McMaster meet and further discuss their programs and see if there is any potential synergy in creating similar programs and identify methods to promote a program. The NRRHCLC also recommends that the City staff work with both the schools and identify if the City can offer assistance in developing a Voluntary Certification Program.

Option 6: Community Improvement Plan – encouraging purpose built housing and offering incentives for purpose built housing -

A few ideas were grouped under the theme of Community Improvement Plan such as encouraging/offering incentives for student purpose built housing and identifying options for de-converting rental properties back to single family homes. Barrie recently completed a study and identified two key properties within the neighbourhood of Georgian College. The City's Planning Department has retained a development

company which has submitted a concept drawing for the development of purpose built housing. This is an example where the City in partnership with a developer is working together to ensure purpose built housing occurs in a planned manner.

In Hamilton, student purpose built housing is occurring with good success to date. The recently opened West Village Suites houses 550 student units, with amenities such as study rooms, work-out/gym facilities, game rooms, restaurants and retail on the lower level. Individual units are cleaned every two weeks. There are numerous other plans in different stages of development. However, the current perspective is that there is no planned approach to student purpose built housing.

The perceived advantage of purpose built housing is that it may increase housing stock in specific geographic areas and decrease the concentration of housing in the residential neighbourhoods. There is some debate whether or not student purpose built housing will decrease the number of students seeking rental properties in the surrounding neighbourhoods or whether the schools will see this as an opportunity to further increase enrolment as the housing will exist. There are mixed reviews about the benefit of purpose built housing, with some concerned about student behavioural issues while traveling between purpose built housing complex and campus.

The NRRHCLC is not in support of offering incentives for developers of purpose built housing, but while this is happening it should not happen in isolation, and should be part of a secondary planning process. The other issue is purpose built housing should be developed along a transit line to promote the development of student purpose built housing further (e.g. Downtown) from the College/University. The committee is recommending that a planned approach to purpose built housing with consideration to rapid transit planning.

The issue of the City offering incentives to encourage the de-conversion of rentals back into single family homes is being explored by the City's Planning Division. The Chair of the Committee met with the Director of Planning to discuss the possibility. The City of London is looking at potential options to encourage a similar practice and has identified some best practice examples in the United States. The NRRHCLC is recommending that funding for de-conversions back to single family homes be further investigated and that staff report back to Economic Development and Planning Committee with a recommended strategy.

Option 7: Education and Outreach with Landlords - Hire a Community Liaison/Outreach Role -

An option explored was the hiring of a Community Liaison/Outreach Coordinator to provide education, liaise, facilitate and mediate problems between the landlords, tenants, residents, the City and the Schools. The University of Guelph and the University of Western Ontario (UWO) have this role. The position in London is employed by the UWO but funded by the City of London, Fanshaw College and the University of Western Ontario. The role is primarily focused on providing education to

student/tenants and landlords regarding housing and the by-laws and services provided by the City of London. The secondary function is to mediate disputes between tenants, landlords and residents. This individual works closely with the Neighbourhood Associations, Municipal Law Enforcement staff, Police, etc.

In Hamilton, this work is performed by numerous individuals (i.e. Neighbourhood Associations, student unions/associations presidents, University/College staff, City staff and the Councillor's office). The NRRHCLC supports a more coordinated approach to these activities, and recommends that staff investigate the feasibility to hire a Community Liaison Outreach Coordinator to educate, liaise, facilitate and mediate problems between landlords, tenants, residents, the City/Councillor's, and the schools and that the role will be cost-shared between the City of Hamilton, McMaster University and Mohawk College.

Option 8: City Services – Improve Services such as transit, waste and snow clearing -

From NRRHCLC discussions a few ideas focused on improving current City services and supports for tenants and/or landlords such as transit hours of service, dealing with recycling and garbage collection and snow removal. Contracted snow removal is currently being reviewed by Councillor McHattie's Office. Members of the Neighbourhood CLC thought such a service would better address ongoing complaints with snow clearing.

Improved bus service was promoted by some Committee members. Currently, there is bus service to and from campus with the last bus leaving campus at 1:20 a.m. for Mohawk and 1:50 a.m. for McMaster. There are more frequent buses during the weekdays with less frequent service on weekends. The Committee questioned whether or not hours of service could be extended for the University/College beyond what is currently offered. Students are willing to live further away; however, may be discouraged to do so if the transit service is lacking.

Waste seems to be a very big issue especially since the City of Hamilton has enacted its one container limit. The issue also deals with waste bins and recycling bins on the front porch when the City's by-law requires such containers to be kept in sheds or garages away from the front yard. A few ideas that were identified as potential solutions to the garbage issues are as follows:

- Dealing with the one container limit – landlords pay for extra tags or offer a discount to purchase extra tags or increase size of the bin
- Offer raccoon proof rods- those containers may do wonders
- Amend the by-law to allow bins to be kept in front yard by building barrier
- Provide more public waste containers across the neighbourhood

The NRRHCLC is recommending that staff further explore these options and whether or not they can be implemented.