

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Strategic Services / Special Projects Division

Report to: Chair and Members Economic Development and Planning Committee	Submitted by: Tim McCabe General Manager Planning and Economic Development Department
Date: March 2, 2009	Prepared by: Robert Walters (905) 546-2424 Ext. 2809

**SUBJECT: Public Information Centres & Community Liaison Committee for
City-Wide Regulation of Rental Housing (PED07296(c)) (City Wide)**

RECOMMENDATION:

- a) That staff be directed to undertake a City-wide consultation process comprising two (2) Public Information Centres for the purposes of ascertaining the issues relating to the regulation of rental housing on a City-wide basis; and selecting appropriate members of a Community Liaison Committee which will determine the appropriateness, potential effectiveness and the prospective extent of a strategy for regulating rental housing throughout the City.
- b) That Council receive the draft Terms of Reference for the City-wide Community Liaison Committee for regulating rental housing, attached as Appendix "A" to Report PED07296(c); and direct staff to report back to Council on the recommended final Terms of Reference upon the complete membership of the Community Liaison Committee being finalized.
- c) That three (3) members of City Council be appointed to the City-wide Community Liaison Committee for regulating rental housing.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

On October 15, 2008, Council endorsed the concept of a City-wide Residential Rental Housing Licensing By-law and directed staff to report back to the Economic Development and Planning Committee with an implementation strategy for the By-law. Council also directed that a City-wide Community Liaison Committee (CLC) be established to assist staff in the preparation of the By-law and an implementation strategy for the By-law.

The issues affecting the regulation of rental housing on a City-wide basis may be different than those identified to date by the Neighbourhood (Wards 1,8,10 & 12) Residential Rental Housing CLC. Therefore, this Report recommends that two Public Information Centres (PICs) be held to identify the issues regarding the regulation of rental housing on a City-wide basis. Interest expressed through the PICs will assist staff in determining appropriate membership for the City-wide CLC.

This Report also recommends that Council receive the draft Terms of Reference for the City-wide CLC (Appendix "A") which are based on those recommended in Report PED07296(b) the four areas near the post secondary institutions of the City, with the exception of the membership composition which will be finalized after an assessment of the interest shown at the City-wide PICs. Council is also requested to appoint three members of Council to the City-wide CLC.

BACKGROUND:

On October 14, 2008, the Committee of the Whole considered Report PED07296(a) regarding the regulation of rental housing. That Report, among other matters, recommended that Municipal Law Enforcement staff be directed to undertake a consultation process through the establishment of a CLC to determine the appropriateness, potential effectiveness and the prospective extent of a strategy for regulating rental housing within the Ainslie Wood–Westdale Secondary Plan area (Ward 1), Mohawk-Buchanan-Bonnington-Southam Neighbourhoods (Ward 8), and the Guernsey Neighbourhood (Ward 10). That Report also outlined a variety of issues, primarily relating to the concentrations of rental housing near post secondary institutions in the City, and a number of tools available to the City and initiatives being undertaken by other Ontario municipalities in regulating rental housing in such areas.

On October 15, 2008, Council added the Meadowlands Neighbourhood (Ward 12) to the above-noted consultation area, approved the establishment of a CLC, now referred to as the Neighbourhood (Wards 1, 8, 10, & 12) Residential Rental Housing CLC, and resolved:

1. That the City of Hamilton endorses the concept of a City-wide Residential Rental Housing Licensing By-law.

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2. That staff be directed to report back, to the Economic Development and Planning Committee, with an implementation strategy for a City-wide Residential Rental Housing Licensing By-law.
3. That a Community Liaison Committee be established to assist staff in the preparation of the City-wide Residential Rental Housing Licensing By-law and the implementation strategy for that By-law.

In accordance with Council's direction, the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing CLC has been constituted and two meetings have taken place to date. Report PED07296(b), also being considered at Economic Development and Planning Committee's March 24, 2009 meeting, recommends changes to the Terms of Reference for that CLC.

ANALYSIS/RATIONALE:

1. Identification of City –wide Issues for Regulating Rental Housing

Report PED07296(a) which was considered by the Committee of the Whole on October 14, 2008, identified a number of issues primarily relating to the high concentrations of rental housing surrounding Hamilton's post-secondary institutions. Those issues included tenant acceptance of substandard dwellings due to limited financial resources, overcrowding, illegal or improper renovations/conversions, and lack of building and property maintenance, health and safety concerns, noise, and inadequate parking. Two CLC meetings to date, have resulted in additional issues being identified for those areas.

Concerns have been expressed regarding the state of rental housing in areas of the City that are not in proximity to post-secondary institutions, in terms of health, safety and property maintenance. Staff suggest it would be prudent to canvas the public at large in Hamilton to ensure that the issues relating to rental housing throughout the City are identified. Therefore, staff recommend that two Public Information Centres (PICs) be held, one in the afternoon and one in the evening, to ascertain the City-wide issues on rental housing. Notice will be provided in the Hamilton Spectator and in community newspapers, on the City's web site and a community announcements service web page, and through prepaid mail to the known stakeholders. Following the PICs, a City-wide CLC will be constituted to review and examine:

- The issues relating to rental housing across the City;
- The recommendations from the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing CLC, or other issues referred to the City-wide CLC;
- The findings and actions of other municipalities;

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- The feasibility and implications of regulating all types of rental dwelling units;
- The appropriateness and implications of a Licensing By-law;
- Implementing a Zoning By-law Amendment to limit the number of bedrooms and/or habitable rooms in a dwelling unit; and,
- Such other tools for regulating rental housing as may be identified.

In order to assist with this work, a working group comprised of City staff will be formed. The City's working group will include staff from the following areas: Legal Services Division, Municipal Law Enforcement Section, Public Health Services Department, Strategic Services/Special Projects Division, Planning Division, Building Services Division, Housing Division, and the Hamilton Emergency Services Department (Fire and Police). Staff from other areas will be called upon as needed. The working group will provide focussed input on legislative, policy and enforcement issues, potential options, and the establishment of measurable criteria to evaluate and monitor the implementation strategy.

2. Selection of Membership for a City-wide Community Liaison Committee

It is intended that the City-wide CLC, be constituted to represent a variety of stakeholders who express interest in membership through the PICs. A partial list of membership is recommended by staff in the draft Terms of Reference (Appendix "A"):

- Three (3) members of Council to be appointed by Council;
- Six (6) local residents each representing the former municipalities of Hamilton, Flamborough, Dundas, Ancaster, Stoney Creek, and Glanbrook, or in the absence of a local resident another resident from any of the six former municipalities, through an application process at the City-wide Public Information Centres;
- One (1) member of the Hamilton District Apartment Association;
- One (1) landlord of a large multi-unit rental housing complex;
- One (1) landlord of a small rental housing complex;
- One (1) member of the Housing Help Centre;
- One (1) member of the Affordable Housing Flagship;
- One (1) staff member from Legal Clinics;
- One (1) representative of the Realtors Association of Hamilton-Burlington; and,
- Such other members as are to be determined through an application process at the City-wide Public Information Centres.

ED&P Committee may also wish to add additional members to the above list. Once additional membership interest is assessed by means of the PICs, staff will report to Council with a recommendation confirming the final composition of the City-wide CLC.

3. Draft Terms of Reference for a City-wide Community Liaison Committee

Appendix "A" contains the draft Terms of Reference for the City-wide CLC which is based on the proposed Terms of Reference for the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing CLC. Any needed changes to the attached Terms of Reference identified through the City-wide PICs will be reported prior to Council's final approval. The main substantive difference between the attached Terms of Reference and those for the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing CLC, is that the attached has a broader range of issues for the Committee to examine (Section 2.1), including an examination of issues relating to all types of rental dwelling units and not only those relating to units in single and semi-detached dwellings.

ALTERNATIVES FOR CONSIDERATION:

An alternative approach is to select members for the City-wide CLC prior to proceeding with the PICs. However, while the stakeholders were identifiable for the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing CLC, the potential stakeholders interested in rental housing issues throughout the City, with the exception of those on the partial list in the draft Terms of Reference, are not yet known. The issues with respect to rental housing may vary in different areas of the City and the PICs will help to scope these issues so that the City-wide CLC can work more efficiently. Therefore, staff recommend that City-wide CLC representation be confirmed through interest shown during the PICs.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: There are no funds budgeted for the consultation process (i.e. Public Information Centres and City-wide Community Liaison Committee). Such costs will be absorbed in the Parking and By-law Services Division operating budget.

Staffing: The consultation process will be carried out using seconded staff from other areas of the Planning and Economic Development Department.

Legal: N/A

POLICIES AFFECTING PROPOSAL:

The following will be reviewed in consideration of the recommendations of the City-wide CLC:

- Planning Act
- Municipal Act
- Ontario Heritage Act
- Provincial Policy Statement
- Places to Grow Growth Plan

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- Health Protection and Promotion Act
- Ontario Building Code Act
- Fire Protection and Prevention Act
- Business Licensing By-law 07-170
- Noise By-law 03-020
- Property Standards By-law 03-117
- Yard Waste and Maintenance By-law 03-118
- Waste (Solid Waste) By-law 05-190
- Zoning By-laws

RELEVANT CONSULTATION:

The general public and any special interest groups will be consulted through the PICs and through possible future representation on the City-wide CLC. All City departments and affected agencies will be consulted prior to recommendations being made by staff regarding the regulation of City-wide rental housing.

CITY STRATEGIC COMMITMENT:

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. **Yes** **No**

The implementation strategies for regulating rental housing in other Ontario municipalities will be monitored to ensure that the best strategy is implemented on a City-wide basis for Hamilton.

Environmental Well-Being is enhanced. **Yes** **No**

Health, safety and property standards will be addressed in the development of a strategy to regulate rental housing City-wide.

Economic Well-Being is enhanced. **Yes** **No**

Investment in Hamilton is supported and enhanced by preserving neighbourhood character and ensuing adequate health, safety and property maintenance.

Does the option you are recommending create value across all three bottom lines?

Yes **No**

Do the options you are recommending make Hamilton a City of choice for high performance public servants? **Yes** **No**

N/A

RW/dkm

Attachs. (1)

Terms of Reference

City of Hamilton

City-Wide Community Liaison Committee On the Regulation of Rental Housing

GOAL

1. To provide a recommendation(s) to regulate rental housing City-wide.

PURPOSE

2. The purpose of the City-wide Community Liaison Committee on the Regulation of Rental Housing is to seek input on the appropriateness, potential effectiveness and the prospective extent of regulating rental housing within the City of Hamilton.
 - 2.1 The City-wide Community Liaison Committee shall review and examine:
 - The issues relating to rental housing across the City;
 - The recommendations from the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing Community Liaison Committee, or other issues referred to the City-wide CLC;
 - The findings and actions of other municipalities;
 - The feasibility and implications of regulating all types of rental dwelling units;
 - The appropriateness and implications of a Licensing By-law;
 - Implementing a Zoning By-law Amendment to limit the number of bedrooms and/or habitable rooms in a dwelling unit; and,
 - Such other tools for regulating rental housing as may be identified.
 - 2.2 The City-wide Community Liaison Committee members shall seek input and feedback from the organizations they represent, community organizations and associations, residents, and the general public that may have a particular interest in the issue.

- 2.3 The City-Wide Community Liaison Committee shall recommend appropriate actions to City Council regarding the regulation of rental housing throughout the City.

MEMBERSHIP COMPOSITION & CONDITIONS

3. The City-wide Community Liaison Committee shall be comprised of the following:
- Three (3) members of Council to be appointed by Council. ;
 - Six (6) local residents each representing the former municipalities of Hamilton, Flamborough, Dundas, Ancaster, Stoney Creek, and Glanbrook, or in the absence of a local resident another resident from any of the six former municipalities, through an application process at the City-wide Public Information Centres;
 - One (1) member of the Hamilton District Apartment Association;
 - One (1) landlord of large multi-unit rental housing complexes;
 - One (1) landlord of a small rental housing complex;
 - One (1) member of the Housing Help Centre;
 - One (1) member of the Affordable Housing Flagship;
 - One (1) staff member from Legal Clinics;
 - One (1) representative of the Realtors Association of Hamilton-Burlington; and,
 - Such other members as are to be determined through an application process at the City-wide Public Information Centres.
4. City staff through a working group will provide support and assistance to the Committee in achieving its purpose/goal.
5. Upon accepting membership in the Committee, each member agrees to comply with and abide by the following rules of conduct:
- 5.1 Members are asked to review all documents, agendas and minutes presented to them to make informed decisions;
 - 5.2 Some activities of the Committee will require additional time commitments dependent upon the nature of the issue/task;
 - 5.3 Members are advised that every member has the right to their opinion and to discuss their respective views and opinions and to listen to others;
 - 5.4 Members are advised to refer inquiries from the media, if any, to the Chair of the Committee and/or to the City's Senior Project Manager; and,

5.5 Members are advised to conduct themselves in such a manner as to preserve the integrity of the Committee.

SUPPORT SERVICES

6. The City of Hamilton's Parking and By-law Services Division shall provide for the administrative costs of operating the City-wide Community Liaison Committee including the cost of meeting places.
7. The City of Hamilton's Parking and By-law Services Division shall provide administrative support with the assistance of other staff within the Planning and Economic Development Department, as needed, and the City of Hamilton shall provide the City-wide Community Liaison Committee with resources and support from its working group. The City's working group will comprise staff from the following areas: Legal Services Division, Municipal Law Enforcement Section, Public Health Services Department, Strategic Services/Special Projects Division, Planning Division, Building Services Division, Housing Division, and Hamilton Emergency Services Department (Fire and Police).

MEETINGS

8. The City-wide Community Liaison Committee shall meet once a month. Additional meetings may be scheduled at the call of the Chair.
9. A meeting schedule shall be prepared and forwarded to the City-wide Community Liaison Committee members for information.
10. The Committee will be lead by a Chair and two Vice-Chairs to be appointed by the Committee.
11. The location of meetings shall be at barrier free access locations, as designated by the Chair of the City-wide Community Liaison Committee.
12. In the absence of the Chair, a Vice-Chair shall assume the role and rights of the Chair.
13. The Chair has the responsibility of facilitating the meeting, providing a safe and neutral space for members. All questions, comments and responses will be directed through the Chair.
14. Decision-making will be based on the principle that everyone has a right to express his or her opinion. Decisions should be reached on a consensus basis, but when required will be made by a vote of greater than 50% of members in attendance at the meeting.
15. The meetings shall be open to the public.

MINUTES AND AGENDA

16. The Minutes of the City-wide Community Liaison Committee meetings shall be prepared by the assigned Administrative Assistant, and included in the subsequent meeting agendas. Amendments to the Minutes, if required, shall be dealt with in the subsequent meeting of the City-wide Community Liaison Committee.
17. The Minutes of the City-wide Community Liaison Committee meetings shall be forwarded to the City's Economic Development and Planning Committee for information.
18. The City-wide Community Liaison Committee Chair and Vice-Chairs shall determine the City-wide Community Liaison Committee agenda. The Chair may grant requests for discussion of items not on the Agenda.

AMENDMENTS TO THE TERMS OF REFERENCE

19. Any amendment(s) to these Terms of Reference shall be forwarded to the City's Economic Development and Planning Committee for approval.

Approved by Council (Date)