



Hamilton

INFORMATION REPORT

**AFFECTS
WARDS 1, 8
& 10**

| | | | |
|--------------|--|--|--|
| To: | Chair and Members Economic Development and Planning Committee Outstanding Business Item No. O and Issue: Student Housing Licensing | | |
| From: | Tim McCabe General Manager Planning and Economic Development Department | Telephone: Facsimile: E-mail: | 905-546-4339 905-546-4364 tjmccabe@hamilton.ca |
| Date: | November 14, 2007 | | |
| Re: | Tools for Dealing with Student Housing Licensing (PED07296) (Ward 1, 8 & 10) | | |

Council Direction:

WHEREAS the Province of Ontario has enacted Bill 130 (revisions to the Municipal Act), allowing municipalities to license rental dwelling units;

AND WHEREAS the Ainslie Wood-Westdale area (adjacent to McMaster University) and the Southam-Bonnington-Buchanan area (adjacent to Mohawk College) and the area adjacent to the Mohawk East Campus have a preponderance of uncontrolled rental student housing, which has caused a decline in quality of life for those neighbourhoods;

AND WHEREAS, through Bill 130, the Province has provided little detail on how rental housing can be regulated;

NOW THEREFORE the General Manager of Planning and Economic Development Department be requested to investigate and report back on enactment of a By-law that would regulate student rental housing in the neighbourhoods around McMaster University and Mohawk College (as provided for in Bill 130), including but not limited to issues such as how to identify subject properties, enforcement, and experiences from other "town and gown" communities.

**SUBJECT: Tools for Dealing with Student Housing Licensing
(Wards 1, 8 & 10) (PED07296) - Page 2 of 3**

Information:

At its meeting of May 16, 2007, Council passed a resolution requesting information on the issue of student housing licensing and student house de-conversion in certain areas of the City following changes to the Municipal Act through Bill 130.

New Powers

On January 1, 2007, the Municipal Statute Law Amendment Act, 2006 (Bill 130) made significant changes to the Municipal Act, 2001, including changing Part IV (Licences) respecting business licensing and the regulations under this Part. Through these amendments O. Reg 243/02 was also eliminated. This regulation contained the prohibition which prevented a municipality from licensing the business of renting residential units. Accordingly, the City may now license rental residential units. The opportunity to exercise this new power raises a number of issues, including the effect of the Residential Tenancies Act, 2006, which could effectively prevent the refusal, revocation or suspension of a license, the impact on the licensing of lodging houses and the need for any additional enforcement resources.

Community Planning and Design, Downtown Renewal, and Building and Licensing staff, with support from Legal staff, will be researching information on the following items to address the issue stated in Council's resolution.

1. The implementation of a Zoning By-law to limit the number of bedrooms to five for new dwellings or for interior renovations of existing dwellings;
2. A formal licensing system for student rental housing; and,
3. The use of a Community Improvement Plan pursuant to the Planning Act as a tool to encourage the de-conversion of existing student rental housing in defined areas.

Experience of Other Municipalities

A number of initiatives have been undertaken by other municipalities under the Planning Act in regard to the occupancy of dwelling units. In particular, 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 Amendment By-law limiting the maximum number of bedrooms in a dwelling unit to five. All of the City of London's amendments, including the five bedroom limit amendment, were upheld by the Ontario Municipal Board. As per Council's direction, City staff will continue to research other municipalities to determine best practices for dealing with the implementation of a Zoning By-law limiting bedrooms in single detached dwellings and success with licensing student rental housing. Staff will also provide information on how to identify subject areas in the By-law and how to deal with enforcement if and when implemented.

**SUBJECT: Tools for Dealing with Student Housing Licensing
(Wards 1, 8 & 10) (PED07296) - Page 3 of 3**

Community Improvement Plan

In regard to Item #3 above, a Community Improvement Plan is often used as a policy tool for providing a focus for rehabilitating and revitalizing targeted areas. Incentive based programs such as grant, loan and property tax assistance, are used to encourage desired activity within designated Community Improvement areas. Staff is currently reviewing the applicability of a Community Improvement Plan for encouraging de-conversion of student housing. Without further information, it is unclear if this planning tool would be beneficial for this purpose.

Staff also notes that separate from the student housing issue, additional research is being completed by Building and Licensing on lodging homes. Further information on this will be provided in a separate report to the Emergency and Community Services Committee.

Evaluating the applicability of these initiatives to the City involves detailed research. All three items noted previously are complex and merit a comprehensive review to determine the most appropriate way to manage this issue. Staff will prepare a detailed report to the Committee in early 2008.

Tim McCabe
General Manager
Planning and Economic Development Department

:KM