

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Property Standards By-law CP-24: Amendments Related to Minimum Headroom and Information regarding the Tenant-Landlord Forum

Date: December 2, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development:

- (a) This report **BE RECEIVED** for information purposes;
- (b) The attached proposed by-law amendments (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on December 17, 2024, to amend By-law CP-24, being the Property Standards By-law, to reduce minimum headroom requirements in conjunction with amendments to the National Building Code and the Ontario Building Code.

Summary

This report summarizes the attached amendment to the Property Standards By-law CP-24, which reduces the minimum headroom height requirement from the current 1.95 meters to the proposed 1.85 meters. This amendment aligns with amendments to the Ontario Building Code. It will also encourage the construction of more dwelling units, increase the housing supply, and reduce the number of appeals to the Property Standards Committee for dwelling units that could not achieve the minimum 1.95 m headroom.

This report also provides some background on the Tenant-Landlord Forum, a working group that seeks to foster communication and collaboration between a variety of tenant and landlord advocacy agencies with a focus on continuous improvement initiatives in rental accommodations. The matter of ceiling height reductions was discussed at the Tenant-Landlord Forum.

Link to the Corporate Strategic Plan

This proposed amendment supports the Corporate Strategic Plan in the following ways.

Housing and Homelessness: By allowing for lower ceiling heights, it becomes easier to convert existing spaces into affordable housing units, addressing the city's goal of increasing housing availability and potential affordability.

Climate Action and Sustainable Growth: More flexible building standards can promote the efficient use of existing buildings, reducing the need for new construction, and supporting sustainability goals.

Economic Growth, Culture, and Prosperity: Facilitating the adaptation of older buildings can stimulate economic activity by making it easier to repurpose and revitalize existing urban spaces.

Wellbeing and Safety: Ensuring that housing standards are flexible yet safe can contribute to the overall wellbeing of residents by providing more housing options while maintaining safety standards.

Well Run City: Making this amendment, and reviewing previous decisions impacted by the

change reinforces our commitment to being a leader in public service.

Background Re. Minimum Ceiling Height

1.1 Previous Reports Related to this Matter

None

1.2 Proposed Headroom Height Amendment

Civic Administration is recommending an amendment to the Property Standards By-law to replace the three references to headroom found in subsection 4.8.5. from to 1.95m (6 ft 5 in) 1.85m (6 ft 1 in).

1.3 Current Headroom Height By-law Regulation

Subsection 4.8.5 of the CP-24 By-law currently regulates headroom heights as follows:

The minimum floor to ceiling headroom for habitable space shall:

(a) not be less than 1.95 m (6 ft 5 in) over the floor area and in any location that would normally be used as a means of egress; or

(b) not be less than 1.95 m (6 ft 5 in) over at least 50% of the floor area, provided that any part of the floor having a clear height of less than 1.4 m (4 ft 7 in) shall not be considered in computing the floor area. However, a minimum height of 1.95 m (6 ft 5 in) shall be required for all floor area used as a means of egress.

Staff propose to simply replace all references to 1.95 m with 1.85 m, as per the by-law attached hereto as Appendix "A".

Analysis

2.1 Alignment of the Canadian National and Ontario Provincial Building Codes:

Beginning January 1, 2025, several amendments to the Ontario Building Code (OBC) are coming into force and effect, many of which are being made to align with changes to the National Building Code. Most importantly - for the purposes of the Property Standards By-law CP-24 - an amendment to the OBC will now permit a minimum headroom height of 1.85 m where 1.95 m was the previous standard. This change represents a reduction of 10cm (approximately 3.94 inches).

Aligning CP-24 with this new lower standard at this time will ensure consistency with the January OBC amendments, which in turn will ease restrictions on construction and renovations that involve situations where lower ceiling heights are necessary.

2.2 Encouragement of Dwelling Unit Construction:

Reducing the minimum headroom height to 1.85 m may facilitate the construction of additional dwelling units, particularly in basements and other areas where space is limited. This change can help address the housing shortage by making it easier and more cost-effective to create new living spaces. By lowering the headroom minimum, property owners and developers will have greater flexibility in designing and utilizing available space, potentially increasing the overall housing supply in the City.

2.3 Reduction in Appeals to the Property Standards Committee:

The current minimum headroom height has led to a considerable number of appeals to the Property Standards Committee, as property owners seek exemptions to comply with the existing by-law. By reducing the minimum height to 1.85 m, we can decrease the number of appeals, thereby streamlining the administrative process and reducing the burden on property owners, Municipal Law Enforcement Officers (MLEOs), administrative staff, and the committee.

This amendment will provide clearer guidelines and reduce the need for case-by-case exceptions. Civic Administration has requested that hearings related to inadequate ceiling heights between 1.95m and 1.85m be adjourned until early 2025.

2.4 Financial Impact/Considerations:

There is no direct financial impact on Municipal Compliance Services, however, presumably less time spent in and preparing for appeal hearings will mean more time responding to and proactively addressing by-law matters.

Tenant Landlord Forum

3.1 Origin and Membership:

In March 2021, Council resolved that Civic Administration report back with a draft Terms of Reference for establishing a Tenant/Landlord Taskforce that would include representation from various advocacy organizations to address education and compliance matters pertaining to rental properties. This resolution specifically named the organizations Life*Spin and the London Property Management Association as potential key participants. In September 2021, the Terms of Reference for Tenant Landlord Forum was presented to Community Protective Services Committee (CPSC).

The Mission of the Forum is to:

- i. Facilitate the exchange of information and present ideas designed to improve processes and practices for all members.
- ii. Collaborate with a view to strengthening relationships between parties and upgrading the quality of rental accommodations.

Initially, membership consisted of representatives from the following organizations: Life*Spin, London Property Management Association (LPMA), Neighbourhood Legal Services London and Middlesex, The Association of Community Organizations for Tenant Rights Now (ACORN) London, St. Leonard's Society, and the London Development Institute (LDI).

Although these groups were identified at the outset, any advocacy organization could join if they continued to participate in the group discussions in accordance with the mission.

Shortly thereafter, the group expanded to include Mission Services (London), the London Non-Profit Housing Providers Association, and Western University (VP External). The London Homebuilders Association (LHBA) recently joined, following Council's resolution on regulating maximum temperatures in rental accommodations.

3.2 Accomplishments of the Tenant Landlord Forum:

There have been sixteen Tenant Landlord Forum meetings held to date; the first in February of 2022 and the most recent in November of 2024. Meetings are scheduled every other month unless more are deemed necessary by the group.

This group has been essential in helping Municipal Compliance Staff examine and improve processes regarding tenant accommodations. Major improvements have been made to web pages, communication material, and staff/tenant interactions.

The group also played an important role in developing and refining the processes associated with proactive apartment inspections. In 2024, fifteen (15) high-rise apartment buildings containing 2,283 rental units were subject to the proactive inspection protocol. In March 2024, forum members organized a Tenant Support Fair which welcomed tenants from across London to City Hall to learn more about municipal and external rental support services. This attracted the attention of several other groups including London Hydro, the London Fire Department, a broad range of social and affordable housing representatives as well as some local MPs and MPPs.

Throughout 2024, the group has provided input and general support for the City's Rental Unit Repair Licence (aka Renovictions), which was approved in September 2024 and will be in force and effect in March 2025.

In November 2024, the group was identified as a potential resource to assist in the review and preparation of a by-law regulating maximum temperatures in rental units.

In summary, this group, made up of experienced representatives from tenant and landlord advocacy groups, is an excellent example of continuous improvement in the realm of

rental accommodations. The discussions among the members are collaborative and respectful. Operational matters are frequently discussed and where Civic Administration sees an opportunity for improvement, the changes are implemented (i.e., web pages, complaint input improvements). Where by-law matters are discussed and Civic Administration identifies a potential by-law amendment, they are further discussed internally and presented to CPSC. The Tenant Landlord Forum is an excellent example of implementing Council's Strategic Plan initiative for a Well-Run City.

Conclusion

Civic Administration continues to lead discussions with tenant and landlord advocacy organizations via the Tenant Landlord Forum to improve internal operations and relationships as pertains to tenant and landlord needs and rental housing accommodations overall.

Amending the Property Standards By-law CP-24 to reduce the minimum headroom height from 1.95 meters to 1.85 meters is a necessary step to align with upcoming amendments to the Ontario Building Code. This reduced minimum ceiling height may encourage the construction of more dwelling units and reduce the number of appeals to the Property Standards Committee. This will help support the City's efforts to address housing needs and improve regulatory efficiency.

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**Reviewed and
Concurred by:** Orest Katolyk, MLEO (C)
Director, Municipal Compliance

Recommended by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Appendix "A"

Bill No. [XX]
2024

By-law No. CP-24-[XX]

A by-law to amend By-law No. CP-24, being "A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16" to amend s. 4.8.5.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Official Plan for the City of London includes provisions relating to conditions of maintenance and occupancy of properties;

AND WHEREAS section 15.1 of the *Building Code Act* provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS the Municipal Council on May 25, 2021, passed By-law No. CP-24, being "A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16;"

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. CP-24 with respect to provisions related to minimum floor-to-ceiling headroom;

NOW THEREFORE the Municipal Council of The Corporation of the City of London hereby enacts as follows:

1. Section 4.8.5 of By-law CP-24 is amended by deleting the phrase "1.95 m (6 ft 5 in)" wherever it appears and replacing it with the phrase "1.85 m (6 ft 1 in)".
2. This by-law comes into force and effect on January 1, 2025, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on [XX] subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –