

Submission to The Planning & Environment Committee of the London City Council

Secretary: Ms. Heather Lysynski

Meeting Date: April 29th, 2014

Submitted: April 17, 2014, by David Dimitrie

Background

The large property at **1103 Adelaide St. N., (formerly Harry's Automotive Centre & Quick Lube)** is currently being redeveloped. In February of 2012 a Public Meeting was held by the Planning Department of the City of London. There are hundreds of tenants who live close enough to this property to have been notified by the City of this meeting. None of these London residents were notified of it. I live at 412-1128 Adelaide St. N. I am one of those tenants.

We weren't notified of it by the City Planning Department because we are tenants. Our landlord, Homestead Property Holdings was notified of the meeting by letter. **There is no section in the Residential Tenancies Act which requires landlords to inform tenants of municipal public meetings.** That is the job of the City of London. That is what I thought a Resolution passed by the City of London on November 19, 2007 to change Section 7(14) of the City Policy Manual had corrected (attached). **Apparently, the Planning Department doesn't believe that this Resolution applies to them.**

Homeowners and Property Owners including landlords received letters about this public meeting. In November 2007 **City of London Policy Manual Section 7(14)** was heavily amended by Council to ensure that tenants received notices from the City through their landlords, **Homestead in this case.** This didn't happen in the case of this meeting.

City Planning staff told me several times to look in the Londoner for City notices. This weekly publication comes sporadically to our area of the City. Even then, it is a very poor method of notifying tenants of public meetings and other matters dealing with the City of London. The issue is simple. **If a homeowner receives a letter from the City via Canada Post, the City of London must do the same for tenants. Any less would be discrimination in the area of services.**

I learned about this redevelopment two months ago when the shovels hit the ground. I got nowhere in my talks with the Planning Dept. Despite Section 7(14) of the City Policy Manual they did not believe that I was entitled to notification. Seven years ago I went to ETC for the very same problem and City Council adopted the new notification policy 7(14). It was a great deal of work.

I have provided all the background documents to this matter from 7(14) of the City Policy Manual and the ETC delegation which I made 7 years ago. I also point out that **Planning could have simply erected a green and white sign on this large property** as the Planning Act calls for. They didn't.

Now I ask this Committee, **do I and other civic minded tenants have to ask every City department separately in order to be treated without discrimination** and in the same manner as homeowners in regards to notification in all areas? This Committee and Council has to decide. Unfortunately I had to revisit a problem that I thought was fixed in the City Manual 7 years ago.

Recommendation

Based on legislation in Section 7(14) of the City Policy Manual and Legislation in the Planning Act (attached) I am asking that the Planning and Environment Committee of the City of London do one of the following.

1. **Hold a second public information meeting** on the major construction and redevelopment project at 1103 Adelaide St. N which is advertised with letters to all homeowners, property owners and tenants in the affected area. **Section 7(14) was significantly altered by London City Council** with a Resolution in November 2007 (attached) to ensure that tenants receive **equal notification on City public meetings, construction projects and other events.** I suggest that this meeting be held at the City of London run **Carling Thames Family Centre** at 335 Belfield (attached to Northbrae P.S.). This is a convenient location for most people in this area. It is in walking distance from 1103 Adelaide St. N.

I fully understand that Planning decisions that have been made can't be undone. I simply would like my notification rights as a citizen of the City of London respected. I would like to learn more about this project in the same way that homeowners can take for granted. I would like to give input on this construction project. **City of London Policy Manual Section 7(14)** gives me that right.

I appeared before ETC on March 19th, 2007 and made the case the tenants have equal rights as homeowners in regards to notification before large construction projects and any meetings, projects or dissemination of information by ANY department of the City of London. (see attached PDFs). **In my delegation I did not limit tenant notification to construction projects.** I asked for the same treatment that homeowners receive. **Anything less would be discrimination.**

For City of London departments, Committees and Council as a Whole to say that Section 7(14) only applies to one City Department means that tenants must continually ask for equal treatment with homeowners in respect to notification. **That is discrimination.** This would mean that individual departments of the City of London could decide that City Policy 7(14) doesn't apply to them. A precedent was set with Resolution 7(14). **The principles enshrined within it clearly apply to any City department.**

The fact that homeowners and property owners in the area of this project were informed of this meeting but the hundreds of affected tenants were ignored is simple discrimination. **Nowhere in the Ontario Human Rights Code or the Residential Tenancies Act** is it stated that tenants are dependent on the property owners who they pay rent to, to inform them of vital civic information. Nowhere in this Act does it say that it is the Landlords duty to do the Municipality's job in providing vital information to tenants. **Providing letters and notification directly to tenants through Canada Post or other means is ultimately the job of the City of London.**

2. **Instruct the Planning or Engineering/Construction Departments of the City of London to erect a sign at 1103 Adelaide St. N.** Similar to the green and white ones that Planning routinely erects prior to public meetings. Why wasn't this done?

This sign would have the phone number and name of the appropriate City of London Dept. to receive phone calls/questions from residents from area residents on the

construction/redevelopment project at 1103 Adelaide St. N. Every sign that I have seen erected in this manner even has the City of London “Tree Logo” on it.

The Planning Act of the Province of Ontario allows for such a sign to be erected in advance of Planning meetings for construction projects. No sign was erected on this property in advance of the February 12, 2012 meeting for this project. **This legislation clearly shows that its intent is to be as inclusive as possible.** There are no restrictions to anyone reading one of the large green and white City of London signs that every Londoner has seen at one time or another. This was the one and only public meeting on this project. This redevelopment is being undertaken at the **corner of Adelaide and Huron** which is a prominent location in this community. **The construction project has begun. Tenants have already waited far too long to have their say on this project.**

I only learned about this project less than two months ago after construction began. I contend that the Planning Department of the City of London erred in not erecting this sign before the public meeting in February 2012.

Rationale

Neither the Ontario Planning Act, nor the City of London Policy Manual can supersede the rights given to tenants in the **Ontario Human Rights Code and the Residential Tenancies Act.** The tenants of buildings who lived in the area close enough to 1103 Adelaide St. N should have been informed of the public meeting in February 2012 in the matter of this property. They weren't informed of it.

I have spoken with Planning Department staff and they do not feel that section 7(14) of the City of London Policy Manual applies to them. They claim to follow the Ontario Planning Act **but even in that case they refused to erect a sign on the property in question.**

The **Planning and Environment Committee needs to decide if section 7(14) of the City Policy Manual** only applies to a narrow number of construction projects. In this case, tenants will have to seek changes to the way that each department of the City of London informs them of public meetings, projects and notification of all other City events. **That would be absurd. It would be a never-ending process.** City Council as a Whole needs to look at this as well when this matter goes to Council.

At some point London City Council needs to decide if it will continue to allow its departments to continue using these discriminatory notification practices. Either tenants are full residents of the City of London with all rights and responsibilities or are we unequal to homeowners, unworthy to receive the same type of notification practices? **Do City Councillors really wonder why so few tenants vote?**

Previous Reports Included that are Pertinent to this Issue (attached)

1. Agenda ETC Delegation March 19 2007 - D Dimitrie Delegation #4.pdf
2. Info Package for March 19 2007 Dimitrie Delegation to ETC.pdf
3. Council Resolution on D Dimitrie ETC Delegation - Re-Notification November 19 2007 ETC.pdf
4. Chapter 7 of City Policy Manual Updated.pdf

Conclusions:

The City of London Planning Department **chose not to erect a sign** on the property of 1103 Adelaide St. N in order to notify the immediate community of the redevelopment and construction which was to be discussed at a public meeting in February 2012. **The Ontario Planning Act gave them that right.** They ignored that section of the Act and focused on the section which focused on property owners. **In my view, they ignored the inclusive intent of the law that the Planning Act set out.**

The City of London Planning Department decided that section 7(14) of the City Policy Manual did not apply to them. In fact, one senior planner in this department told me that if I had lived in a house instead of in an apartment at 1128 Adelaide St. N. I would have received a letter regarding the February 2012 meeting. I consider that discrimination.

I believe that the **Ontario Human Rights Tribunal would hear this case if it reached that level.**

The City of London Planning & Environment Committee has a chance at this meeting to correct this discrimination. London's City Council will also have an opportunity to correct the problems in their notification policies when this matter goes to the full Council. **It is not too late to correct the Planning Department's mistakes in the matter of 1103 Adelaide St. N.**

Tenants living in the area of 1103 Adelaide St. N deserve to be treated without discrimination in the area of notification. They deserve a say in how their neighbourhood is planned. They deserve the same treatment that homeowners receive in the area of notification.