

To: Paul Hubert, Maureen Cassidy, Stephen Turner, Jesse Helmer & Phil Squire (Planning Committee)

CC: Matt Brown, Michael Van Holst, Bud Armstrong, Mo Salih, Josh Morgan, Anna Hopkins, Virginia Ridley, Harold Usher, Tanya Park, Jared Zaifman, John Fleming, Gregg Barrett, Don Bartlett, Paul Beechey, Pauline House, Bonnie Hawlik, Joan Lenardon, Dennis Pellarin & Sandy Levin

Would you kindly consider these points from the January 26th, 2015 Information Report by Fleming et al at the Planning Committee meeting on Feb. 2nd, 2015:

- the Information Report is incorrectly titled
- Section 35 of the Planning Act
- a review of R1 zone rental properties

Incorrect Title

The Information Report should be entitled: “**London Housing Concerns**” not NORTH LONDON HOUSING CONCERNS. When the London Neighborhood Community Association presented to the Town & Gown Committee on May 8th, 2014, there was no mention of North London or Old North. The LNCA represents all of the Wards in the City.

Section 35 of the Planning Act

The Information Report cites 20 year old case law. Not only did the Ontario Court of Appeal in 2009 endorse Howden's analysis and decision in its entirety, (Permitted Uses in R1 trump Sec.35, maximum 3 unrelated in an R1), the Court of Appeal went out of its way by using strong language to calm those who thought they could rely on Sec.35, by declaring in paragraph 4 of its decision (see attached).

“In particular, we reject the submission [by Alan Patton] that s. 35(2) of the Planning Act - which prohibits "distinguishing persons who are related and persons who are unrelated in respect of the occupancy or use of a building" - barred the application Judge [Howden] from considering as a relevant factor how the renters related amongst themselves when determining whether they constituted a "single housekeeping establishment".

A review of R1 zone rental properties

The Information Report concludes (second last paragraph): “*It is recommended that a Terms of Reference be prepared to undertake a study review the progress that occurred to date as a result of these initiatives, and to consider what other options or tools the City might consider to address these neighbourhood concerns.*”

The LNCA undertook a review to compare the number R1 zone single detached owner occupied vs non-owner occupied dwellings from 2007 to 2015 (see attached). The following is an overview:

R1 Zone Single Detached Dwellings						
Owner occupied vs non-owner occupied						
2015 Residential Rental Unit Licenses vs 2007 Tenant Occupied Housing						
Please note, non-licensed R1 rentals are not captured in this data.						
The number of non-licensed R1 rentals, as the per the City of London, is unknown.						
City Blocks	Total # of R1 houses	2007 R1 Rentals	2007 R1 rentals vs Total	2015 R1 Rentals	2015 R1 rentals vs Total	Increase in R1 Rentals: 2007 - 2015
22	993	387	39%	500	50%	29%

In the LNCA review:

- slide #3 (2007 Tenant Occupied Housing) was compared to slide #4 (2015 Residential Rental Unit Licenses)

- slides #3 & #7 (circa 2007) are from the City of London, the LNCA is not aware of any other data from the City of London
- the LNCA reviewed only a small portion of the Greater Near Campus Neighborhood Area due to the limited available data from the City of London
- non-licensed R1 zone single detached rentals were not captured
- the number of non-licensed R1 zone single detached rentals, as the per the City of London, is unknown

A review by the City of London to compare the number R1 zone single detached owner occupied vs non-owner occupied dwellings over the last 10 years is required (including non-licensed R1 zone single detached dwellings) throughout London.

LNCA Inc.