

JUNE 22, 2015

TO: PLANNING AND ENVIRONMENT COMMITTEE

Special Meeting June 22, 2015, commencing at 4:00 PM, in the Council Chambers, Second Floor, London City Hall

Attn: Councillor P. Hubert (Chair) and Councillors M. Cassidy, J. Helmer, P. Squire and S. Turner and H. Lysynski (Secretary).

From: Ben Lansink
505 Colborne Street
London, ON N6B 2T6 ben@lansink.ca

Re: **Bill 140**



Bill 140

*(Chapter 6
Statutes of Ontario, 2011)*

**An Act to enact the
Housing Services Act, 2011,
repeal the Social Housing Reform
Act, 2000 and make complementary
and other amendments to other Acts**

The Hon. R. Bartolucci
Minister of Municipal Affairs and Housing

**SCHEDULE 2
AMENDMENTS TO
PLANNING ACT**

1. Clause 2 (j) of the *Planning Act* is repealed and the following substituted:

- (j) the adequate provision of a full range of housing, including affordable housing;

2. Section 16 of the Act is amended by adding the following subsection:

Second unit policies

(3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.

Note key word in (3) is "shall", not may.

3. (1) Subsection 17 (24.1) of the Act is repealed and the following substituted:

No appeal re second unit policies

(24.1) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.

(2) Subsection 17 (36.1) of the Act is repealed and the following substituted:

No appeal re second unit policies

(36.1) Despite subsection (36), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.

4. Clause 22 (7.2) (c) of the Act is repealed and the following substituted:

(c) amend or revoke the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies.

5. Subsection 34 (19.1) of the Act is repealed and the following substituted:

No appeal re second unit policies

(19.1) Despite subsection (19), there is no appeal in respect of a by-law that gives effect to the policies described in subsection 16 (3), including, for greater certainty, no appeal in respect of any requirement or standard in such a by-law.

6. The Act is amended by adding the following section:

By-laws to give effect to second unit policies

35.1 (1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3).

Note key word in 35.1 (1) is "shall", not may.

Bill 140 received Royal Assent May 4, 2011.

I first attended a Planning & Environment meeting August 20, 2013 pertaining to Bill 140.

There has been a lot of communication between me and Eric Lalande, and by extension Gregg Barrett and John M. Fleming.

It is now June 2015 and it is more than 4 years since Bill 140 became law.

The City of London has yet to comply with Provincial legislation:

Bill 140 simply says a municipality ...*SHALL... authorize the use of a secondary dwelling unit within a detached house, semi-detached house or rowhouse.*

As I understand, the Bill 140 matter was referred back by Municipal Council in 2013 to planning staff for further consultation and review.

The City of London's planning staff have not responded to Municipal Council so that the Provincial "SHALL" legislation can be concluded.

As of June 22, 2015, the City of London has not implemented Bill 140.

As I understand, the city would not allow a second unit in the below example property situated on Colborne Street north of Oxford:



But the City would allow a second unit in the below example property located on Devonshire in South London:



If this information is correct, it is blatant discrimination.

Bill 140 simply says a municipality ...*SHALL... authorize the use of a secondary dwelling unit within a detached house, semi-detached house or rowhouse.*

Bill 140 does NOT state a home on Colborne cannot house a second dwelling unit while a home on Devonshire can.

I wish to be recorded as a participant to the London Plan process.

I strongly object to approval of the proposed London Plan until the City of London has, for all of London, authorized the use of a secondary dwelling unit within a detached house, semi-detached house or rowhouse pursuant to the SHALL requirement of Bill 140.



Following is a copy of an email I sent June 2, 2015 to which I have not received a response.

June 2, 2015

To: Heather McNeely, hmcneely@london.ca, 519-661-2500 x5074

From: Ben Lansink, ben@lansink.ca

Dear Ms. McNeely;

Re: The London Plan File O-7938 and Bill 140

Bill 140 received Royal Assent May 4, 2011.

I first attended a Planning & Environment meeting August 20, 2013.

There has been a lot of communication between me and Eric Lalande and by extension Gregg Barrett and John M. Fleming.

I am aware City Hall moves slowly, but it is now June 2015 close to 4 years since Bill 140 became law. The City of London has yet to comply with Provincial legislation:

Bill 140 simply says a municipality ...SHALL... authorize the use of a secondary dwelling unit within a detached house, semi-detached house or rowhouse.

I wish to be recorded as a participant to the London Plan process.

I strongly object to approval of the proposed London Plan until the City of London has, for all of London, authorized the use of a secondary dwelling unit within a detached house, semi-detached house or rowhouse pursuant to the SHALL requirement of Bill 140.

Previously sent / received emails follow:

From: Barrett, Gregg [mailto:GBarrett@London.ca]
Sent: Thursday, January 29, 2015 12:25 PM
To: Ben Lansink
Subject: RE: Bill 140

The reports are available approximately one week before the meeting (the Wednesday before, I believe, but I will let you know). The Town and Gown report of May, 2014 is online under the June 11, 2014 Council agenda (link attached: <http://sire.london.ca/mtgviewer.aspx?meetid=699&doctype=MINUTES>). I can save you the trip, though, and let you know that they ended up not providing any comments.

Gregg

From: Ben Lansink [mailto:ben@lansink.ca]
Sent: Thursday, January 29, 2015 11:57 AM
To: Barrett, Gregg; Lalande, Eric; Fleming, John M.
Cc: Lisa Lansink; Doug Lansink (douglansink@hotmail.com)
Subject: RE: Bill 140

Thank you Gregg.

When will I be able to read your review report?

Is the report by Town and Gown available?

Depending on your review report, I may wish to make a PowerPoint Presentation to Committee.

Ben Lansink, AACI, P.App, MRICS

From: Barrett, Gregg [mailto:GBarrett@London.ca]
Sent: Thursday, January 29, 2015 11:42 AM
To: Ben Lansink; Lalande, Eric; Fleming, John M.
Subject: RE: Bill 140

Ben,

The matter was referred back by Municipal Council in 2013 for further consultation and review. Comments were not received from the Town and Gown Committee until May, 2014, and this was one of the groups specifically identified by Council for consultation.

We are completing our review, and are intending to schedule this for March.

Gregg

Gregg Barrett, AICP

From: Ben Lansink
Sent: Thursday, January 29, 2015 11:30 AM
To: 'elalande@london.ca'; 'gbarrett@london.ca'; 'JMFleming@london.ca'
Cc: Lansink, Lisa (Lisa@lansink.ca); Doug Lansink (douglansink@hotmail.com)
Subject: Bill 140

Bill 140 received Royal Assent May 4, 2011.

I first attended a Planning & Environment meeting August 20, 2013.

There has been a lot of communication between me and Eric Lalande and by extension Gregg Barrett and John M. Fleming.

Bill 140 simply says a municipality
...*SHALL*... *authorize the use of a*
secondary dwelling unit within a detached
house, semi-detached house or rowhouse.

I am aware City Hall moves slowly, but it is now the end of January 2015, about 3 ½ years since Bill 140 became law.

When will London carry out the SHALL order by our provincial legislators?

Ben Lansink Telephone - voice or text: 519-645-0750

This confidential privileged message is intended only for the use of the individual or entity to which it is addressed

My First Email re Bill 140:

From: Ben Lansink
Sent: Wednesday, August 14, 2013 11:51 AM
To: 'elalande@london.ca'
Cc: Lisa Lansink; Doug Lansink (douglansink@hotmail.com)
Subject: Secondary dwelling - August 20-13 Public meeting

I wish to speak at the Aug 20-13 meeting.

Please send me the report(s) you will be presenting.

Ben Lansink, AACI, P.App, MRICS