

PUBLIC PARTICIPATION MEETING COMMENTS

4. Secondary Dwelling Units

- Jeff Schlemmer, Neighbourhood Legal Services - expressing appreciation for the opportunity to speak to this issue; indicating that it is true that Bill 140 is addressed to the concept of trying to expand affordable housing and to create safe communities; reminding the Committee of who he is and why he is here, he runs Neighbourhood Legal Services which is the legal clinic owned by the Ontario government; advising that, in the areas in which they practice, part of his mandate is to encourage people to comply with Ontario law, particularly, in this case, of residential housing law; indicating that his interest here tonight is to encourage compliance with Bill 140, both in the letter and the spirit of it; indicating that the issue of granny flats is an issue that goes back to the early 1990's, when Bob Rae brought in Bill 120 that grandfathered all the granny flats; pointing out that, at that time, the City of London commenced a lawsuit against the Ontario Government to oppose it; advising that the following year the Harris government, in Bill 120, capped that and said that grandfathering would only apply to those units that were in existence from November 15, 1995; pointing out that, from that time up until now, municipalities have had the authority to regulate the granny flats for the purpose of zoning any way they would like; outlining that, as you have heard from Mr. Barrett, Manager, Long Range Planning and Research, the changes that have happened is that the Province has indicated, through an amendment to the *Planning Act* that they want the municipalities to authorize granny flats as the language they use; noting that the question is, what does that mean; advising that the devil is in the details; indicating that his principle interest in this is that people may debate about the planning implications of it and what should happen as far as where units should be built going forward and what restrictions, if any, should apply to them; indicating that he is not here to talk about that issue; pointing out that his principle concern are the units that are already in existence, that have been built since 1995 and the question is what are we going to do with those units; reiterating that his role is to encourage compliance with Ontario law and an important part of that has been, for 25 years, encouraging safety for tenants and the protection of tenants' rights; pointing out that the units that have been built from 1995 until now need to be safe, nobody questions that, they need to comply with the applicable Building Code, the applicable Property Standards by-law, the Fire Code, Hydro Code and Health Code; noting that they have to comply with all of those things, the same as any other residential tenancy in London; indicating that the question is what do you do around zoning for these units that have been built, by definition they have largely been built illegally, they have been built in areas where the zoning says you can have a house with one family in it and that family has added a second unit to it; advising that it is annoying to think that we should let them get away with it, on the other hand we have someone living in the unit and it is their home and if it is a safe home the question is, on balance, does it serve the residents of London to shut it down; advising that this has become particularly relevant to him because he was one of the people who pushed hard to get landlord licencing in London several years ago to improve the safety of landlords through inspections that would be carried out through Mr. Katolyk's department; pointing out that one of the things they did not anticipate and he talked to Nancy Branscombe about afterwards and he also talked to Susan Eagle, was that, until that time regulation of granny flats in London was done on a complaint basis, so if there was a complaint about a granny flat, the department would go out and investigate and if they found that it was there and it did not comply it would be shut down and that is fine but there are all kinds of units out there that nobody complained about; pointing out that they changed the landlord licencing law to say that now all those landlords are required to come forward and self-identify these units and where they are becomes very easy for the City to tell that this unit is in an area that is not zoned properly; indicating that we have compliant landlords and law abiding homeowners coming forward and saying that they have a granny flat that was in their house when they bought it fifteen years ago; noting that they bought it and have kept in good shape and they need a license to continue operating it; advising that, under the existing by-law they cannot but Bill 140 came along

and provided an opportunity to fix that and basically say that we have existing units now that are safe, have been inspected by Mr. Katolyk's department, the Fire Department and meet the applicable codes, the by-law can be changed to say they can be grandfathered again, like what was done in 1995 by Mike Harris; pointing out that it is an annoying thing to say that someone has built this illegally and now we are going to legitimize it, but the question is whether there is a bigger social utility in letting it continue to operate; bearing in mind that it is providing low cost housing that, by definition, has to be safe, in a time when we are way short of affordable housing; pointing out that the City has a commitment to substantially increase the amount of affordable housing in the City and, with all due respect to the Planning Department, to him it is not the time to be closing down existing, safe, low cost housing for no other reason than the fact that the landlord was not in compliance with the zoning when it was built; indicating that what he has advocated for is effectively we grandfather the existing units provided that they meet those health and safety codes that the Province requires and that the City of London Landlord Licensing By-law requires; advising that he has been told by Mr. Katolyk that they do not discriminate right now, if people come forward, as to whether it is a granny flat or not; noting that, for the purposes of the safety inspections, they do the same either way; indicating that he has also been told that Mr. Katolyk believes that right now there are 4,000 licences out there and he thinks that there are maybe 2000 or 3000 more out there that have not come forward; noting that we do not know how many of these units there are; pointing out that that is part of the issue around this, the question of whether to legitimize existing units is that, if there are a lot of them out there, this would cause a lot of people to be evicted; indicating if there are few, his suggestion would be that we do not need to bother the ones that are there; outlining that there is some question as to why people would be evicted if these units are not legitimized; pointing out that the way that works is that if the zoning by-law does not grandfather these units then they are non-compliant with the by-law, if they are not compliant they cannot get a licence to operate, and if they cannot get a licence to operate, they cannot continue to operate and if they cannot continue to operate they would have to go to the Landlord and Tenant Board and get an order evicting the tenant; suggesting to the Committee that, as someone who is here, paid by the Ontario Government, to encourage you to comply with Bill 140 in its spirit of it as well as the letter of it, would be appropriate to grandfather existing units provided that they comply with all the Codes; advising that the biggest area that this would be relevant would be in the Near Campus area because it is believed that is where most of the granny flats are, so in the Near Campus area you have lots of granny flats, probably, that have been built between 1995 and now; enquiring if we are going to have a complete ban going forward, that is fine, he is not debating that, he is not a Planner and he is not here to talk about whether it is good or bad planning but, for the existing units, do we want to evict the people from the units that are inspected and found to be safe; submitting that they be left alone; advising that, by definition they are ones that no one has complained about, otherwise they would have come forward, filed a complaint, been investigated and they would have been shut down; indicating that these are the ones that are probably invisible in their neighbourhoods, people probably do not even know they are there; responding to a couple of things in the submission, there is a section in the submission from the Planning Department about why no grandfathering and, as Mr. Barrett pointed out, it is true that the Province is not making it mandatory, unlike 1995, when it was mandatory, so they are not saying "municipalities you have lost your discretion, you are forced to approve these things", what they are saying is that you have the discretion to approve them; hoping that the Municipal Council exercises that discretion wisely; pointing out that the fact that you are not forced to do it, he submits, is not a reason not to do it, still consider whether it makes sense to do it; indicating that the second question is whether or not, if a property owner who is caught by this because their unit is in the near north area, could fix that with a minor variance; advising that, it is his understanding that they could not, that it is not like having a door that is not quite compliant or something, there is nothing unique about the unit, it just happens to be located in the near north area; pointing out that, if that property owner applies to get a variance to be able to continue to operate that is not likely to succeed so that is not going to help them; reiterating that his office is in the business of advocating for tenants, in this case there are tenants in these units that, by definition, these are units that are safe, at least the ones that become legitimized through licensing,

there are people living in them, it is their home, they are not bothering anybody, nobody has complained about them and he submits that in the context of a time when we are trying our best to expand affordable housing it is not in the best interest of the citizens of the City of London to shut down those units. (See attached communications.)

- Bob Sexsmith, 120-1231 Sandford Street – see attached communication.
- Kristina Greenway Courey, 857 Princess Avenue – enquiring about what happens when one of these homes that have a granny suite gets sold because the rules are for owner occupation; and, further enquiring if it could then be owned by a landlord that does not live in it.
- Sandy Levin, 59 Longbow Road – indicating that he was called into this because, initially, Mr. Schlemmer gave him a call because his name appears in the Report and he suggested to Mr. Barrett and his staff that they get together and talk about the issues beforehand and they are really close on some of these issues; advising that the challenging part about all of this is that no one knows how many of units are out there nor where they are because, as Mr. Barrett pointed out in his presentation, they do not really exist because there is no definition, but we all know they are there somewhere and we all want safe housing; indicating that the question becomes, and Mr. Barrett's report actually does this, if it is out there and if it meets the codes now, it is going to be permitted regardless of where it is; believing that this addresses that point and, at their meetings with Mr. Barrett, came to that conclusion; pointing out that the other pieces of the puzzle of where they are going to be created in the future, he thinks is agreed to and understood and that the goal, ultimately, is to have something that is owner occupied; noting that, as it has been pointed out, after it is sold what you do about that; pointing out that the enforcement issue is still going to be by complaint; indicating that he does not see the municipality changing to a much more aggressive form of enforcement that they are knocking on a door and saying do you have a secondary unit; indicating that the challenging part of this is those that were constructed that are not safe, that are not owner occupied, are going to continue to be occupied and if they are not causing a problem, nobody is going to get evicted; and, expressing that what is before you is a really good made in London way to implement Bill 140.
- Sarah Merritt, Old East Village Business Improvement Area (BIA) and the sister corporation, the Old East Village Development Corporation – expressing that this is a great opportunity for the intensification we are looking at; knowing that Mr. Sexsmith was talking about the seniors, but, in terms of what they are doing with the revitalization in the Old East Village, what they are looking to do with the creation of the culture and food district is that they are looking to create housing that is going to be cheap and affordable for point of entry workers into the food industry and for young arts and cultural workers; indicating that, in principle, it is a great idea and should be supported; indicating that she has the same question as Mrs. Greenway Courey, what happens when the owner occupier sells up; pointing out that, in the neighbourhood that she lives in because we are an older neighbourhood and have triple lots, they have had a number of incidences that people have come in and bought up housing looking to split lots and put something else in; noting that they have always been on top of that one because they are not usually doing things according to Code; indicating that, even if you go ahead with it and recognizing that the Province has mandated that this should happen, wondering if the Province will give the City any money for enforcement because she does not know how the City is going to be able to manage it; pointing out that when you read things, it is a great idea and everything looks really nice and tidy on paper but communities are not tidy and the way that people go about trying to maximize profit is not tidy either; thinking that we could support that; expressing concern that we are talking about licensing, that people would have to licence; indicating that she is not sure what kind of bureaucratic system that you have to have in place so that every year people who did not come up for their licence would have a knock on their door; indicating that, for her, it is more about the principle is great, but it is how are we going to operationalize it; advising that the other piece that she would be interested to know is to be sure that the secondary unit is actually going to be used for what it is supposed to be used for; reiterating that she is not against it, she is just wondering how it will operate; indicating that, from the experience that they have, the City is already stretched when it comes to time to do enforcement; and, enquiring that, if you are going to do this, are you going to give the Manager of By-law Enforcement more money.

- Paul Beechey, 1033 Waterloo Street – advising that he has resided close to King’s College for approximately twenty-five years; indicating that he is a Director with a London Neighbourhood Community Association and the Ward representative for the Town and Gown Committee; enquiring as to item number six, the total number of bedrooms; appreciating that the staff is aiming for five bedrooms; however, if a landlord can ascertain if four bedrooms were in a house prior to March 15, 2006, what happens then; providing the example that, what if the landlord says that he has seven or eight bedrooms and he wants a granny suite put in, how do we work that; pointing out that there is a contradictory by-law, CP-16, consolidated June 20, 2010, which states one person for every one hundred square feet; and, noting that we have bedrooms, we have one hundred square feet, is it five bedrooms, is it more than five bedrooms depending on the timelines.
- Ben Lansink – presentation included on the Planning and Environment Committee Added Agenda.