PUBLIC PARTICIPATION MEETING COMMENTS

22. Secondary Dwelling Units (OZ-8053)

- Joe Hoffer, Cohen Highley, on behalf of the London Property Management Association – advising that they have been involved in the process at previous meetings; indicating that the London Property Management Association represents over 500 members of the multi-residential housing industry as well as suppliers to that industry and they have a direct stakeholder interest in the outcome of this initiative; referencing his communication dated August 19, 2016, in that it provides detailed recommendations from the London Property Management Association about amendments that they would like to see in the recommendation that ultimately goes to Council and the Official Plan and Zoning By-law; advising that there are three primary areas of concern; expressing concern with the definition of "Secondary Dwelling Unit" and what his client has concern about is the fact that it is a requirement that there be owner occupancy of the primary unit; indicating that the whole intent behind the legislation is to create more affordable housing and what you are attempting to do here, if you proceed with this, is engage in people zoning; who is the person living in that unit, who is the person living in the other unit and why are you distinguishing them and why are you, in effect, discriminating on the basis of their status; suggesting to the Committee that that is something that they may want to review carefully both in terms of does it comply with the intent of Bill 140 and, secondly, are there provisions which could be viewed as discriminatory in a human rights context; pointing out that, in terms of the restriction on the number of bedrooms, that is also a concern, especially the restriction that there just be one bedroom; noting that a single parent with a child, to find affordable housing in a secondary unit but to be restricted where otherwise the secondary unit complies with all other aspects of the recommendation, that puts an unnecessary restriction on the people who may most need affordable rental housing; asking that the Committee revisit that as well as restrictions where the maximum number of bedrooms, he believes it was six and in their detailed submission as to why that should not be a restriction from owners creating secondary units; pointing out that the third area was the grandfathering of existing units, particularly relative to the forty percent restriction; advising that, if there is a unit that has a fifty or sixty percent floor area compared to the primary unit and you impose this restriction on an already existing unit there may be some unintended consequences from Council's perspective; noting that he does not see any reference to it in the report; indicating that one of those is that when such a reduction in floor space occurs for an existing tenant, that imposes a financial liability on the owner of that unit, first of all, to make the changes and then, where there is a loss of floor area, the *Residential Tenancies Act* imposes a financial liability on the owner of that unit; talking about a unit that already exists; reiterating that that is one area of concern; pointing out that another area of concern is that if the renovations needed in order to make it comply are such that the tenant has to vacate in units such as this there is no compensation to the tenant, the landlord gives a Notice to Vacant, a 120 day notice, and the tenant has to move; noting that they have a right of first refusal to come back in, if they have already paid to move it is not likely that they are going to pay to move back in; advising that there is no other compensation available to them; indicating that that means, in effect, that the tenant is being evicted and that is another legal area that he is asking the Committee to consider; requesting that the Committee look at the letter in detail and take his comments into consideration. (See attached communication dated August 19, 2016).
- Ben Lansink, 503 Colborne Street – advising that you cannot make a decision unless you have read Bill 140, which received Royal Assent on May 4, 2011; indicating that some of the Councillors will have heard him speaking about Bill 140 and he is surprised that he is not included in any of the correspondence; pointing out that Bill 140 says "shall"; it does not say that you can change Bill 140, it says "shall"; thinking that you have to read Bill 140 to understand what "shall" means; pointing out that it does not mean, for example, that a secondary dwelling unit shall be licensed, it does not allow you to license it; reiterating that it says "shall"; advising that it does not mean that the gross floor area shall not be greater than forty percent, it does not say anything about the primary unit being owner occupied.

- Jeff Schlemmer, Neighbourhood Legal Services – indicating that Neighbourhood Legal Services is the Ontario government funded legal clinic in London; advising that he has spoken to the Committee before about the granny flat issue; pointing out that his involvement with this issue goes back to the early 1990's when it was a matter of great controversy in London to the point where we sued the Ontario government; expressing appreciation to the staff for the change that they have made with respect to the Near Campus Neighbourhood and removing the restriction on that; making clear that, when he read The London Free Press story, it sounded like there was some confusion between granny flats and the kind of party houses, the five and six bedroom houses; outlining that with granny flats we are talking about one unit in a house; noting that to him they are the anecdote to the party houses, instead of five bedrooms in a house and a bunch of guys living together, you have essentially one or two people living in that unit; advising that when he thinks of children who are acting up, one of the ways you deal with them is separating them and in this case if they are all in separate granny flats they are all separated and you can have less going on; reiterating that he appreciates the removal of the restriction with respect to the Near Campus area; indicating that the other part that the Committee had directed staff to have a look at again was the grandfathering; recalling that what that means is that, right now most granny flats in London are illegal because they contravene the Zoning By-law because they exist in areas that are zoned for single family and that is what the whole granny flat debate has been about is, should they be allowed in a place where you are only supposed to have one unit in a house; advising that the draft that has come back before you today unfortunately does not change that and it provides that the owner any existing granny flat would have to prove that a building permit was obtained to build a granny flat before they built it in order for them to be legalized now; indicating that the City of London has not issued any building permits for granny flats in areas that are not zoned for single family homes so that means that no existing granny flats would be allowed to be licensed under the law as it is proposed here today; pointing out that, to him, that is a big problem and, as you know, his job is to try to keep people housed and this is one of the few times that Mr. J. Hoffer and he are on the same side as he usually represents landlords; expressing agreement with everything that Mr. Hoffer said tonight; pointing out that their role here tonight is to keep people from being evicted from housing that is safe and that is affordable; realizing that we all agree that housing has to meet building standards, it has to meet fire standards, but the question is, should we be shutting down existing units strictly based on zoning; submitting that we should not be; advising that there is nothing in Bill 140 that says that they have to have a building permit before you build your granny flat; noting that, if it did, it would make the whole process redundant; indicating that the regime that you would have under the proposal that is being made by staff is, as you may recall, granny flats that were made before November 16, 1995, are already grandfathered; noting that they were grandfathered by Mike Harris back in 1995 under Bill 120; noting that those are legal and we are not talking about those; advising that the proposal tonight says that they are going to allow some granny flats going forward and once the Bill is passed people can apply for and build granny flats but the period between November, 1995 and now, they would remain illegal and what happens is that, under our Landlord Licensing By-law, the owners of these places are supposed to come forward to the City now to seek a license and when they do and it is found that their unit is in a place zoned for single family, then Mr. O. Katolyk's department has to shut them down; noting that this is regardless of whether they are safe or not, if they are not safe, then nobody wants them, but if they are safe what they are saying is do not shut them down; indicating that, by definition, these units they are talking about are ones that have not caused problems in their communities; pointing out that, as it stands right now, the City's policy has been to shut down granny flats on a complaint basis; noting that if somebody complained about a granny flat, by-law enforcement investigates, if they find it, they shut it down and by definition these are the ones that nobody has complained about, the ones that are existing quietly in their communities with one or two people living in them in affordable, safe housing; proposing an amendment that would achieve the result that he is seeking; noting that it is on the back of the submission that he handed out at the meeting that would involve removing the requirement that in order for an existing granny flat to be legal, that there be proof of a building permit and instead says, that in order for it to be legal, it would have to prove that it complies with the Building Code and the Fire

Code, which is the requirement that all other granny flats that are going to be built have to comply with; submitting to the Committee that the consequence of the law as it is drafted right now is that sooner or later everybody living in an existing granny flat in London would get evicted needlessly; pointing out that what he advocates is that the good granny flats, the ones that are safe, that meet inspection, they have to be inspected in order to get the license under the Licensing By-law anyway, those granny flats should continue to operate; indicating that there is nothing in Ontario law to prevent that from happening, if you are concerned that there is, if you think that Kathleen Wynne's government generally wants to shut down the granny flats built between 1995 and now, please get direction from the Ministry and he is sure that they will tell you that their goal in Bill 140 is to expand the number of affordable housing units, not to take them out of circulation. (See attached submission.)

- Alex Rostas, 18 Mayfair Drive – advising that he has lived there for several decades; recommending we talk about facts on the ground; indicating that he lives in North Broughdale which consists of four streets sandwiched between Western University, King's College, the Thames River and Ross Park; pointing out that there is one street left where there is a community and the other streets have gone almost all rental; indicating that Bill 140 is the *Strong Communities throughout Affordable Housing Act, 2011* where here we have weak communities through unaffordable housing because no one can buy any of these houses anymore, they have essentially been destroyed, basements, dining rooms, living rooms, have been turned into bedrooms and no one can afford these houses because they are priced higher than in a non-rental area simply because it is absentee landlords figuring out square footage and how much money they can generate so unless you treat the University area differently, this whole discussion does not make any sense to me.
- Sam Trosow, 43 Mayfair Drive – expressing disappointment at the staff report and he is disappointed at the lack of level of enforcement detail in here; hoping that he could sit this out because he does not have any principled objection to this in theory; advising that his worry, as always, is in the details and he wants to make sure that this does not become that you are going to get a duplex as a matter of right; ensuring that there are some safeguards in place to protect the neighbourhood against anti-speculation devices and he thinks that the owner occupied idea is a really good way of doing that; indicating that, in terms of it not applying to the campus area, there was a lot of opposition at the meeting he was at, it is not like people had a chance to vote or had a chance to address the whole group, it was done at a per table basis, there were developers there who were very adamant about wanting this to go through; advising that he does not think that there is a strong basis for the claim in the staff report that the anticipated exclusion of the Near Campus area should be removed because of that particular April meeting; knowing that some of the Councillors were at the meeting; indicating that that is a very important issue; pointing out that there is no harm in trying this at a pilot basis and seeing how it works; expressing concern with the loose definition of owner occupied; outlining that if he understands the policy behind this, it is to allow people who are living in their homes, that is the policy for it, to allow the person living in the home to take care of a relative or to make some extra money on the side; pointing out that the idea of this is to not take what is essentially a single family home and turn it into essentially what is a duplex as a matter of right; expressing concern about some of the things that he is hearing at the meeting tonight are going in the direction of turning this into a double up as a matter of right; indicating that the definition of owner occupancy is too vague as it is written, more specificity is needed; enquiring as to what percentage of ownership, is it a real ownership or a sham ownership; thinking that this must be clearly limited to owner occupants who occupy their units as their principle place of residence; indicating that that is the policy, that is the person that we are trying to protect; requesting that the words "principle place of residence" otherwise a person could make multiple claims, you can have more than one residence but you can only have one principle place of residence; expressing disappointment that there is not tighter language on that; allowing the gross floor area to go up to forty percent, one of the principle points of law here that he thinks that everybody sort of agrees with is the clearly doctrine, it has to be clearly secondary or clearly accessory; believing that once it gets up to forty percent and then people want to push that even higher it is not clearly accessory any more, it starts to look and smell and feel

more like a duplex; calling it a defacto duplex; pointing out that if you want to have accessory units he would really like the Committee to give some more consideration to actually lowering that threshold; pointing out that the definition of bedroom could be cleaned up a little bit or it could be side stepped and more scrutiny could be given to basement units; living in Broughdale where he sees some of the nonsense that goes on with unsafe basement units and he knows that the City has been trying very hard to clean this up but he thinks that a basement unit should trigger some additional safety consideration, noting that this could be a visit from the Fire Department to look at it; outlining that the staff report fails to address the ramifications of the change in circumstances, fails to address the ramifications of a change in the status of the owner so you have a situation where someone says that they are the owner and that they are occupying it but they are no longer the owner now or they sell it or they move out; wondering what the ramifications are because he is very sympathetic to the claim of tenants that do not want to be evicted; noting that he does not think that tenants should be evicted; indicating that the staff report needs to give some consideration to what happens if a bonafied owner occupant, however you want to define it, is able to trigger this special provision and they are no longer there; expressing concern about a situation where speculators could just be leapfrogging from property to property, living there for a while and the way you have it now there is not even a fifty percent ownership rule, there is not even a seventy-five percent ownership rule; enquiring about what do you mean by owner; believing the intent of this is the family that lives there, usually one hundred percent; thinking that the Committee needs to think about what happens if the unit comes within your definition and then the status of the owner changes and how do you deal with that change of circumstance without precedence to a sitting tenant; reiterating that what he is asking the Committee to do is refer this back to staff for more consideration to be given to excluding the Near Campus Neighbourhood; noting that we are looking at a new London Plan that is going to have serious ramifications in terms of the levels of density that streets like Waterloo Street and Colborne Street and Epworth Avenue and other similar streets, who are considered larger streets, might be facing; thinking that this is coming at a bad time, he would be happier if this was not happening in August because he would like to see more participation from the community; reiterating that he is asking the Committee to think about excluding the Near Campus area, at least for the time being and asking the Committee to tighten the definition of owner occupied, require principle place of residence and think about how you draft that; asking the Committee to think about lowering the maximum to reflect the real accessory and secondary status; thinking that forty percent is too much for that; asking the Committee to consider tightening the definition of a bedroom, if something is a studio or a bachelor and not a one bedroom, does that mean it does not count as a one bedroom because you have not called it a one bedroom; requesting that the Committee provide for a change of circumstances procedure status where inevitably circumstances are going to change and you have to foresee that.

- Marie Blosh, 43 Mayfair Drive – advising that the meeting that was used to justify having the secondary units in the Near Campus neighbourhoods is really unfair because that meeting was open to anyone, there were developers there, there were landlords, real estate agents, so for them to say that yes, they want these units and to then use these units from that meeting and to say that yes, people want them, is simply unfair; advising that it is not a reflection of the neighbourhood residents feelings; outlining that what is a reflection of their feelings is what happened back in the 1990's when secondary units were allowed as a matter of right; advising that she has taken members of previous Councils through her neighbourhood and shown them what happened and they say that this is not what was intended; advising that what happened was that these granny flats that were added to the house were bigger, much bigger in some cases, than the original house; pointing out that you end up with two houses on one lot; asking that, if you are going forward with this, there is a lot of fear and worry in the neighbourhood about what is going to be happening; asking the Committee to reconsider having it in the Near Campus Neighbourhood and if it is going to go forward, send it back to staff for more work because there are lots of questions that need to be addressed; having these secondary units has a big impact, there are physical consequences to the built infrastructure, what the housing looks like, what the streets look like and there is social impacts, as it becomes more dense, there are more cars being parked, there is a loss of privacy, there are more units being

added, they are in backyards, you lose privacy in your backyard; advising that you end up in situations where people say that there is a great benefit to living near the campus but there is also a cost and there comes a point where the costs are just too high and people move away; and, even more importantly, people do not move in, they say that they always hear that there are problems, we hear that there is noise, we hear that there is parking, we can see that there are these issues so we are not going to move in; pointing out that over the course of not many years there are huge changes; noting that she has been coming here and talking about these issues for fifteen years; indicating that Broughdale Avenue used to have permanent residents and now it is famous for street parties; reiterating that that is over the course of fifteen years; advising that prior to this meeting she was looking at a study that was done at the University of Oregon which had these same issues and over the course of twenty years the neighbourhood there changed quite a bit; reiterating that that is a very short time frame to have whole neighbourhoods change their character; advising that this does need to go back to staff for more thought; enquiring as to whether or not they are allowed on any lot, it does not matter what the lot size is; wondering how does this affect the floor area ratio that is currently in effect; asking about the size of the secondary unit; noting that the staff has it listed as forty percent of the square footage of the existing home; asking the Committee to think about that, these homes that are there, the basements are living spaces, the attics are living spaces and when you add up the total square footage of living space it is quite high; indicating that forty percent of that could amount to a small home that is going to be called a granny flat; advising that what would make more sense would be to look at the footprint of the existing home and say it can be a percentage of that footprint; asking the Committee to ask staff to look at that issue; enquiring as to whether or not this unit has to be attached and how much of it has to be attached; wondering if we are talking about some sort of breezeway attaching the homes and if it is a detached unit in a backyard what about all of those privacy issues; indicating that she thinks that it should be attached and there should be a requirement that the wall that is attaching the units is of a certain percentage; advising that it is important to have the limit on the size because the one bedroom is incredibly hard to enforce; asking what is a television room, a den, a dining room, these can all become bedrooms in the end and then you get more people, more cars, less privacy and more issues; indicating that all of these things need further consideration; asking the Committee to refer this back to staff for more consultation; realizing that it sounds like it has been going on for a long time but this is something that affects a lot of people, it affects neighbourhoods, and it is worth taking the time to go back and really do it right.

- Sandy Levin, on behalf of the Orchard Park/Sherwood Forest Ratepayers - (See attached presentation.)