P.O. Box 5035
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August 31, 2016

J.M. Fleming
Managing Director, Planning and City Planner

I hereby certify that the Municipal Council, at its meeting held on August 30, 2016 resolved:

22. That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London, relating to an Official Plan Amendment to introduce new city-wide policies related to secondary dwelling units and for a Zoning By-law Amendment to introduce regulations related to secondary dwelling units, the following actions be taken:

a) the proposed by-law appended to the staff report dated August 22, 2016 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 30, 2016 to amend the City of London Official Plan to update secondary dwelling unit policies, to address such matters as location, scale, and accessory structures, in accordance with changes to the Planning Act;

b) the proposed by-law appended to the staff report dated August 22, 2016 as Appendix "B" to amend the City of London Zoning By-law Z.-1, (in conformity with the Official Plan, as amended in part a) above), to provide secondary dwelling unit regulations to address such matters as location, scale, and accessory structures, in accordance with changes to the Planning Act; BE INTRODUCED at a future meeting of the Municipal Council concurrent with the consideration of amendments to the Residential Rental Licensing By-law to address the requirements associated with the secondary dwelling units;

c) the amended policies for Secondary Dwelling Units in The London Plan, appended to the staff report dated August 22, 2016 as Appendix ‘C,’ BE ENDORSED by the Municipal Council and BE FORWARDED to the Minister of Municipal Affairs with the recommendation that these policies be incorporated through a modification to The London Plan; it being noted that changes to the Plan include policy 942 being deleted and being replaced with the revised policies appended to the staff report dated August 22, 2016; and,

d) the Civic Administration BE DIRECTED to report back in one year after the proposed amendments have been made to the Residential Licensing By-law;

it being noted that the Planning and Environment Committee reviewed and received a communication dated August 18, 2016, from M.W. Melchers, Associate Lawyer, Cohen Highley Lawyers, with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions regarding this matter;

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it being further noted that the Municipal Council approved this application after listening to extensive public participation and having extensive discussion whether or not the Near Campus Neighbourhoods should be included in the proposed amendments and further outlining the definitions. (2016-D08) (AS AMENDED) (22/14/PEC)

C. Saunders
City Clerk
/jb

cc: G. Barrett, Manager, Long Range Planning and Research
L. Maitland, Planner I
J. Nethercott, Documentation Services Representative
K. Butts, Executive Assistant, Planning
PEC Deferred List
List of external cc's on file in the City Clerk's Office

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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.)

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August 19, 2016

Chair and Members
Planning and Environment Committee
City of London
300 Dufferin Avenue, P.O. Box 5035
London, ON N6A 4L9

Dear Chair and Members:

Re: Notice of Public Participation Meeting – OZ-8053 || August 22, 2016

We are the lawyers for London Property Management Association ("LPMA"). LMPA is committed to promoting education and professionalism among its more than 500 members, the vast majority of whom are owners and operators of multi-residential rental properties.

The purpose of this letter is to communicate LPMA's position with respect to the Recommendations of the Managing Director, Planning and City Planner with respect to Official Plan and Zoning By-law amendments regarding secondary dwelling units in the City of London (OZ-8053) (the "Recommendation"), coming before the Planning & Environment Committee on August 22, 2016.

LPMA supports and is encouraged by the recommendation to permit secondary dwelling units in all areas across the City, including in the Near-Campus Neighbourhood Areas, all subject to uniform conditions. There are several issues, however, that LPMA would like to address.

Recommended Policy and Regulations: Official Plan and Zoning By-law

Definition of "Secondary Dwelling Unit"

As outlined below, it is LPMA's position that the requirement that the owners of dwellings containing secondary dwelling units occupy the primary dwelling units should be removed. Correspondingly, the definition of "secondary dwelling unit" proposed for the Zoning By-law in the Recommendation (pages 8 and 16 of the Recommendation) should be amended to remove the reference to owner-occupation.

"Grandfathering" Existing Units

Page 5 of the Recommendation states that "secondary dwelling units will not be exempted from meeting the policies and regulations. These 'existing' secondary dwelling units must provide evidence that the units were built in accordance with the policies and regulations to be acknowledged as secondary dwelling units and able to apply for rental licenses".

It is LPMA's position that such a blanket policy is overly burdensome to the owners of existing secondary dwelling units. While LPMA agrees that these existing secondary dwelling units should be required to meet the requirements of the *Building Code* and the *Fire Code*, they should not be required to meet the other policies and regulations that are to be imposed on new secondary dwelling units, as proposed in the Recommendation. For example, it is recommended in the Recommendation that the floor area of a secondary dwelling unit may only account for up to 40% of the total area of the dwelling, and there are restrictions with respect to where entrances to secondary dwelling units are permitted. If an existing secondary dwelling unit makes up a slightly more than 40% of the total floor area of a dwelling, or if the entrance to a secondary dwelling unit does not comply with the new policy and regulations, that secondary dwelling unit would become illegal if the Recommendation is enacted as it now is.

To require that units such as these be brought into compliance with the newly enacted policies and regulations would put a significant burden on the owners of such units. Not only would they need to incur potentially significant expenses to renovate these units, but there would also be ramifications under the *Residential Tenancies Act, 2006* for these owners if the secondary dwelling unit is occupied by a renter. For example, if the owner is forced to reduce the size of the secondary dwelling unit to meet the recommended conditions, he or she would also be required to reduce the rent being charged to the tenant as a result of the reduction of a "facility" previously included in the rent. This would partially deprive the owner of one of the benefits of secondary dwelling units, being the financial assistance that they provide relative to home ownership. While the minor variance process could be utilized to address such issues, it is LPMA's position that this would simply add additional time and expense for the homeowner, which is unnecessary if the definition of secondary dwelling unit; the *Building Code*; and the *Fire Code* are all complied with.

It is LPMA's position that all existing secondary dwelling units in the City should be "grandfathered", provided that they meet the Recommendation's proposed definition of a "secondary dwelling unit" (subject to the amendment suggested above) and they meet the requirements of the *Building Code* and *Fire Code.* Accordingly, the recommended amendment to section 4 of the Zoning By-law, under the heading "Permitted Zones" (pages 16-17 of the Recommendation), should be amended to make it clear that all secondary dwelling units in existence as of the date that the Zoning By-law amendment is passed may continue to be used for that purpose, so long as they meet the Zoning By-law's definition of "secondary dwelling unit", and comply with the requirements of the *Building Code* and the *Fire Code*, regardless of whether such units comply with all of the other requirements listed in this section.

Owner Occupation

Page 6 of the Recommendation discusses the reasons behind requiring secondary dwelling units to be permitted only in dwellings where the owner occupies the primary dwelling unit. While LPMA agrees that the secondary dwelling unit should be ancillary and secondary to the primary dwelling unit, the requirement that the primary dwelling unit be owner-occupied is not necessary. There is no reason why, if there is a secondary dwelling unit that meets the Recommendation's proposed definition and all of the policies and regulations laid out in the Recommendation's proposed amendments to the Official Plan and Zoning By-law, but both the primary and secondary dwelling units are rented out, the secondary dwelling unit should not be recognized.

In this situation, the existence of the secondary dwelling unit would still provide the same benefits to the owner of the dwelling and the City as a whole as if it were owner-occupied. There would still be a secondary dwelling unit, ancillary to the primary unit, which would increase the City's stock of affordable housing. The existence of the primary and secondary units on the rental market would allow a more economically and socially diverse segment of the population (who may not be able to afford, or may not desire, home-ownership) to live in more areas of the city. This would not increase intensification or land use impacts relative to a situation where the primary dwelling is owner-occupied.

It would also help the homeowner with the costs of owning the home, whether the dwelling generates rental revenue from one or two units. It is economically advantageous for both the homeowner and the City as a whole to allow residents of London to build wealth through equity in homes by permitting both primary and secondary dwelling units to be rented.

It is LPMA's position that the owner-occupation requirement be removed from the Recommendation. Accordingly, in addition to the amendment of the definition of secondary dwelling unit in the Zoning By-law, referenced above, LPMA submits that paragraph 1 of the policy recommended to be inserted into the Official Plan as section 3.2.3.9 (page 13 of the Recommendation), relating to owner-occupation, should be removed. Similarly, the proposed amendment to paragraph 1 of Policy 942 of the London Plan should be removed (page 20 of the Recommendation).

Limited Number of Bedrooms

One of the recommended policies/regulations in the Recommendation is that a secondary dwelling unit may contain only one bedroom, and the recommended maximum total number of bedrooms in the primary and secondary dwelling units is five for a detached dwelling, and three for a semi-detached or townhouse dwelling.

It is LPMA's position that the limit of one bedroom per secondary dwelling unit is not necessary. For example, there is no reason why a secondary dwelling unit with two bedrooms in a five-bedroom dwelling, that meets all other criteria set out in the Recommendation, should not be recognized. Such a secondary dwelling unit would still be clearly ancillary and secondary to the primary dwelling unit, but this additional affordable rental unit would be available to more people, such as those who would require two bedrooms. A single mother or father with a child may not be able to live comfortably in a one-bedroom secondary dwelling unit, but if there is a second bedroom, perhaps they could. Limiting the number of bedrooms to one when there is

already a policy/regulation with respect to the maximum relative area of the primary and secondary dwelling units, is unnecessary in LPMA's opinion.

Likewise, it is LPMA's position that the proposed policy/regulation limiting the total number of bedrooms in the primary and secondary dwelling units to five (or three for semi-detached or townhouse dwellings) is also unnecessary. Again, provided that all of the other requirements set forth in the Recommendation are met, there is no reason to prohibit the owner of a larger dwelling that contains six or more bedrooms from having a secondary dwelling unit, ancillary to a primary dwelling unit. The owner of such a dwelling would still benefit from the financial assistance of rental income from the secondary dwelling unit, and/or would benefit from the ability to have a family member or caregiver living in the secondary dwelling unit. It would also provide more affordable housing in more areas of the City, improving the City's diversity in more areas.

It is LPMA's position that the restriction on the number of bedrooms permitted in a secondary dwelling unit, as well as the restriction on the overall number of bedrooms in the dwelling as a whole, should be removed. Accordingly, LPMA submits that paragraph 3 of the policy recommended to be inserted into the Official Plan as section 3.2.3.9 (page 13-14 of the Recommendation), relating to the permitted number of bedrooms, should be removed. Similarly, paragraph 3 of the proposed amendment to Policy 942 of the London Plan should be removed (page 20 of the Recommendation). In addition, the recommended amendment to the Zoning By-law, Section 4(6), restricting the total number of bedrooms, should be removed (page 17 of the Recommendation.

We appreciate your attention to and consideration of this submission.

Yours very truly,

COHEN HIGHLEY LLP

Joe Hoffer, Partner
JJH:mwm
email: hoffer@cohenhighley.com

Neighbourhood Legal Services
London & Middlesex

August 22, 2016

Chair & Members
Planning Committee of London City Council
300 Dufferin Avenue
London, ON N6A 4L9

Dear Sirs & Mesdames,

Re: "Grandfathering" "Granny Flats"

We have reviewed the latest draft proposals for secondary dwelling units and are pleased that the Planning Department addressed your direction to review the issue of inclusion of units in the near campus neighbourhood.

Unfortunately they did not address the second issue which you had asked that they review - the "grandfathering" of existing units.

As you may recall, units in existence as of November 16, 1995 are already grandfathered. The question is whether units built since that time should be similarly treated. If they are not grandfathered, then they are not in compliance with the City's Zoning By-law and must ultimately be shut down and their residents evicted.

It is our understanding that the Department's position is not for any policy reason, but is rather based upon its belief that the Ontario government intends that only units built before November 16, 1995 or after 2016 are permitted. Safe, affordable units built in between must be shut down. Needless to say, this is not our view of the letter and intent of Bill 140. The government intends that affordable housing be increased, not decreased.

If Council shares the concern of the Planning Department, we would strongly recommend that it consult with the Ministry of Municipal Affairs and Housing about whether it is actually the Ontario government's position that units built between November 17, 1995 and the present cannot be grandfathered (like pre- November 1995 units are).

It will be extremely unfortunate if low-income Londoners are forced out of their safe, affordable housing due to a misconceived interpretation of Bill 140.

Yours truly,

Jeff Schlemmer

Market Tower, Suite 507 - 151 Dundas St., London, ON N6A 5R7 (519) 438.2890 Fax (519) 438.3145 nlslm.com

From page 16:

4. **Secondary Dwelling Units**

...

Single detached dwellings, semi-detached dwellings or street townhouse dwellings containing a secondary dwelling unit on the date of the passing of this by-law, may continue to be used for that purpose ~~if a building permit has been issued under sections 8 or 10 of the Building Code Act, 1992, S.O. 1992, c.23 permitting the erection, alteration, occupancy or use for the secondary dwelling unit, and~~ if the secondary dwelling unit complies with both the regulations of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and of the Ontario Building Code Act, 1992, S.O. 1992, c.23.

ORCHARD PARK/SHERWOOD FOREST RATEPAYERS

INTRODUCTION

- This is a provincial imposition because of a GTA problem.
- Input on this matter

– no consensus

- where is the summary of submissions?

BACKGROUND

- Worked with staff to shrink the GNCN area. Thought that would suffice
- Adding SDU to GNCN would be OK if it was limited to being the only rental bedroom per housing unit. But that is not what is before you!

WE ARE OPPOSED BUT IF YOU ARE GOING AHEAD WE ASK THAT:

- Wait to pass it (or withhold three readings of the by law) until you revise the rental licensing by law. Current rental licensing by law doesn't include townhouses. Procedures and controls need to be in place BEFORE new zoning rules come into force and effect.
- Why is the proposed licensing requirement only for street townhouses and not the other forms of townhouse? Frankly, most people don't know the difference.

WE ARE OPPOSED BUT IF YOU ARE GOING AHEAD WE ASK THAT:

- Get a report back in a year on the # of building permits taken out for secondary dwelling units vs the number of licenses issued in total and in the GNCN, and # of rented bedrooms to see if any tweaks in either the rental by law or the zoning by law are needed.

WHY WE ARE OPPOSED

- The London Plan provides for higher densities along "higher order" street classifications in all areas including the GNCN. It also provides clear infill policies including allowing conversions. This proposed by law provides even more intensification in the GNCN.

WHY WE ARE OPPOSED

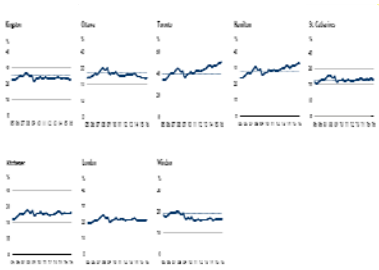
- The purpose of the GNCN strategy was to avoid additional intensification in an area with a high level of intensification. Secondary Dwelling Units as of right have the potential to add to this. There is still no measurement of what is too much intensification in each part of the GNCN or how to control it.

WHY WE ARE OPPOSED

- We have concerns about students as named owners. Owner occupied sure. But who is the named owner? In student areas, parents do acquire housing for a student. (Anecdotal)
- Once installed in a dwelling unit, the secondary unit will generally continue to be a rental unit. If there is no secondary dwelling unit, it is easier to return to non-rental.

WHY WE ARE OPPOSED

- There is no evidence that housing affordability is an issue in London. Data extracted from RBC Economics Research show no change in mortgage carrying costs over the past 10 years in London.
- Anecdotally, if there was demand, new homes would be built with secondary units in them.



WHY WE ARE OPPOSED

No evidence to suggest that students in multi-student living arrangements will leave them for a secondary unit.

There is no evidence to suggest that secondary dwelling units will be priced below market rents.

WHY WE ARE OPPOSED

This may work against one of your other initiatives. You want to reduce trash bag limit to 3 – trash is an issue in the GNCN. We don't believe data was presented to you as to the average # of bags at the curb in the GNCN.

Other than pulling the license, what penalties are available? (Can they be ordered to remove the second kitchen or toilet in the secondary unit?) If they aren't, what happens to violators?

WE ALSO DON'T HAVE A LOT OF FAITH IN the BY LAW BEING FOLLOWED

- A resident wrote in November of last year:
- I wanted to bring this property to your attention. It is not currently licensed as a rental but look at how it is being marketed:
-
- 'incredibly spacious **6 bedroom side split home** on a beautiful tree lined street in a great neighbourhood.....**Potential here for granny suite with separate entrance.'**
-
- XXX Wychwood Pk, xxxxxx, RE/MAX