

From: Fernand Fontaine
Sent: Thursday, March 29, 2012 4:02 PM
To: Martin, Jackie
Cc: Branscombe, Nancy; Branscombe, Nancy
Subject: Public Nuisance By-law arising from recent activities on March 17 and 18, 2012 - April 02 Public Safety Committee meeting

Mr Martin,

Please find below my written submission to be included on the Public Safety Committee added agenda (April 02 meeting)

To modify the existing Public Nuisance by-law is a bandage and a knee jerk reaction by the City, simply to deflect the responsibility to others, and not resolving the core problem.

The first problem is to have allowed such a high concentration of students to be renting rooms in a neighbourhood intended to be single family homes . The Fanshawe situation did not start yesterday.... and while the residential families were very worried at the time as they were being "pushed out" of their homes by student rentals, the City just watched this "single family residence" zone be converted into a large cluster of student rental, rooming houses. Note similar high concentration of students has, and is still chasing single families out of the R1 zoned Old North and other areas around UWO and King's: a spark could ignite the same disaster in one of these areas as well one day. (R1 zoning stands for Residential, not Rooming). Are there any such large disturbances happening in the Western or Fanshawe run student residences, where the student concentration is even higher? of course not! why not? SOLUTION : Make sure that families live in Residential zoning (refer to the Oshawa ruling that indicates what is NOT a family: see the Dec 08 Report by J Barber part of the agenda for further reading); apply all existing residential by-laws, add a "business tax" to the normal taxes paid by an absentee home owner renting his property.... he is conducting business; a house rented to 5, 6 students or more is a higher burden on the city resources than if a family lived there, eg on traffic, police, garbage etc..)

UWO, King's and Fanshawe should limit the numbers of enrolled students to a very high % of the number of available rooms they have to offer in their student residences; if they want more students, they should build more residences. Nowadays, universities etc... have shifted from being a learning institution to being a business: the city must control the impact of their growth as it does for any other business (set back, parking, traffic, impact on the neighbourhood, etc...)

Secondly, the City should start by enforcing the current existing by-laws, as well as Canada's criminal code and the Liquor Licence act. The Dec 08 -2008 report by James Barber (part of the supporting document in the agenda) shows that many of the offences that were witnessed earlier and during the recent Fanshawe disturbances should have been ticketed by the Police, and people contravening the criminal code and the Liquor Licensing Act should have been detained and taken away, earlier on, in paddy wagons and charged accordingly. Unfortunately, by in large, bylaw enforcement is not pro-active in London,... it is mainly reactive to a resident's complaint, and even when a complaint is done charges are often not laid.... ie fines not collected..... Bylaw enforcement should be seen as a revenue stream by the City,rather than a cost or expense: it could pay for itself handsomely if it was done well and proactively. I do not expect a student rental home to call the police to lay a noise bylaw infraction against another student rental home. Solution: Any law (or bylaw) enforcement officer that is asked by a resident to lay charges, or is present when an infraction to a by-law, or to the criminal code or to the Liquor Licence act is committed, must immediately lay charges accordingly. This should be a given, but it is not!

Thirdly, the Institution (Fanshawe and/or Western as applicable) should be made liable and responsible for the cost arising from such disturbance, including damages; they should also severely reprimand (3 strikes and out) students ticketed and expel students convicted of criminal activities. To ask students to write a letter of apology and be forgiven just does not cut it: a strong and clear conduct code signed by the student should be binding and enforced.

And finally..... reading the proposed revision of the "public nuisance bylaw", where is the reason or evidence that the police will be better prepared and willing to act.? Writing a bylaw that will not be pro-actively enforced is a waste of time and of rate payer's money; revising such a bylaw is even worse!

Rather than to revise the current by-law, I urge you to address the 3 problem's sources I mentioned above, and simply apply the existing by-laws, the criminal code and the Liquor Licence Act in a strict and pro-active manner. If this is not done, the same will happen again.... if not on Fleming drive, somewhere else in the City, where too high a percentage of students are allowed to live in an area that is still zoned as single family residential

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