

## PUBLIC PARTICIPATION MEETING COMMENTS

### 15. PUBLIC PARTICIPATION MEETING - City Wide Official Plan and Zoning By-law Amendments - Secondary Dwelling Units (OZ-8053)

- Chris Butler, 863 Waterloo Street – advising that he has lived in his house for 20 years and the zoning on Near Campus has changed 3 times; talking about the Plan itself and where he feels it falls short for some people in London, one area is water; noting that he submitted a written submission to the Planner with his concerns relating to this matter; wanting the Committee to understand the significance of this; stating that he lives on an unassumed back lane that is very active and there are a lot of water issues; indicating that it relates to this matter as Mr. L. Maitland, Planner I, pointed out you can take 40% of the total of your primary dwelling and the secondary dwelling; stating that for a normal house you could put up an 800 to 1,500 square foot dwelling in your backyard; indicating that the two together are going to take up  $\frac{3}{4}$  of your lot; wondering who is going to deal with the water; pointing out that he does not see it in the planning document, he sees references to processes underneath that talking about issues such as site plans, but from what he sees built in his neighbourhood and other neighbourhoods with infill, this is something that needs to be addressed; stating that he does not see any protection from the water; the water is not a by-law issue, if you call By-law Enforcement, they will not even talk to you; advising that it is up to him if someone else raises their lot 2 feet, to build something next door or just infill their lot, to take that person to court and London is one of the few cities that that happens in; advising that he has neighbours that are landlords from Hamilton and Kitchener-Waterloo and it does not happen there; requesting that this be strengthened in this planning document or in the processes underneath it because if you have a lot that is  $\frac{3}{4}$  covered next door, when you get a storm like we had during SunFest, that will fill half a swimming pool quickly and nobody can deal with that as a next door neighbour; pointing out that he does not want to assume the liability for flooding on storm drainage from someone who puts up a secondary dwelling unit next door; thinking that needs to be explained in the planning document; reiterating that he lives in a back lane and he is happy to be the captain of that back lane, they do everything in the back lane; outlining the Ministry's document, Bill 140, which is the umbrella for which Mr. L. Maitland, Planner I, is dealing with and it specifically says that municipalities should consider areas that are vulnerable where these parts are, these flood zones and those areas that have no city services; pointing out that there are 400 back lanes in London, of which approximately 120 are very active; advising that there are no city services in the unassumed back lanes and this is exactly where developers will go; asking for a look into the planning document on the back lanes as he does not think that it has been carefully considered; reiterating that there are no storm sewers so if there are any flooding issues and the lanes are always the lowest course, it just goes down to the lowest property; advising that they have no way to get an ambulance or a fire truck in there, there is no lighting, there is no snow removal; indicating that he cannot think of a better example than the city's unassumed back lanes for matching Bill 140, which came from the Ministry, which says that it should not be considered in areas where city services are lacking; stating that if you have an accessory dwelling unit that is directly adjacent to a back lane and is accessible from a back lane, the worst thing you can do is not approve parking for that; indicating that you want to have parking for that because there is no parking control in the back lanes; advising that the only parking control is if someone is blocking the other residents from getting out and their car is vandalized; requesting that this be very clear in the planning document if you are going to consider putting accessory dwellings which are secondary dwelling units on a back lane that are accessible that they have a parking spot because those people are going to park in the back lane and the rest of them cannot get in and out; stating that the Committee should watch their neighbourhood in the back lanes as they have thirty cars in and out twice a day at a minimum; noting that it is like a small cul-de-sac.
- Jeff Schlemmer, Neighbourhood Legal Services – indicating that his interest is in the ban and everything else looks fine to him and he takes no position on planning issues because he is not a planner but, as the Planning and Environment Committee knows, his interest

is in retaining housing in the City of London and, in particular, not seeing tenants evicted unnecessarily; expressing concern with the ban on the Near Campus Neighbourhood because he is concerned that this could happen there; knowing that planning staff prefers that they use the word "exclusion" rather than ban; noting that, as a lawyer, they mean the same thing to him; indicating that if there are no secondary dwelling units allowed in the Near Campus Neighbourhood then that would mean that the units that meet the Ontario Building Code, the Ontario Fire Code, would not be allowed and if they are not allowed then legally they have to be shut down under the *Residential Tenancy Act* and the tenant would have to be evicted and that is what he is trying to avoid here; indicating that there is some confusion around this, that nobody has suggested that any unit that is not safe should continue to exist; reiterating that no one has said that from the start; pointing out that the only debate is whether units that are safe should continue to operate or whether they should be closed down based on a zoning principle; stating that in this case we have landlord licensing in the city and the licensing requires that an inspection be done that the unit be made to comply with the Building Code and the Fire Code; advising that, only if it meets those standards, he says that it should be allowed to continue to exist; alluding to an unusual situation and that is how we find ourselves today with an apparent ban in place when the Municipal Council voted overwhelmingly last August not to have a ban; indicating that what seems to have happened is that last December the Council sent the issue back to the staff and advised them to come back when they have the recommendation of the Town and Gown Committee as part of their consultation; advising that in May, 2016, the Town and Gown Committee recommended that there should not be a ban on granny flats in the Near Campus Neighbourhood; indicating that on June 15, The London Plan came before the Planning and Environment Committee and he does not know if anyone particularly realized that there was a ban contained in there; pointing out that it is the draft policy that staff had prepared which contained the ban, there is a sentence on page 183 of The London Plan and it is that one sentence which is why he is here tonight because it imposes a ban; advising that he reviewed the debate of Council around The London Plan and nobody raised the issue that there was a ban contained in The London Plan; reiterating that staff did not raise it, Council did not raise it, nobody raised the fact that there was a sentence in the middle of The London Plan that said that there will be a ban on secondary dwelling units in the Near Campus Neighbourhood; advising that he does not think, in fairness, that Council realized that it was there; noting that part of the reason that he thinks that nobody realized it was there because two months later Council did consider the granny flat issue, the Planning and Environment Committee considered it on August 22 and again, there was no mention that Council passed a ban two months ago, it went to Council on August 31, there was a long debate about whether or not there should be a ban on secondary dwelling units in the Near Campus Neighbourhood and nobody mentioned that they passed a ban two months ago; advising that on January 23, staff reported out on Minister's modifications, which on the approved London Plan, the Ministry got back to Council and said that this is the London Plan that we approved and under that plan there were Ministers modifications which are changes that the Ministry had made to the Plan that Council had passed; advising that there were also Council approved policies; noting that the ban is contained under Council approved policies; indicating that the Ministry very strongly says that they did not impose a ban on Council rather Council imposed a ban on itself; advising that all the Ministry did was indicate that the ban was in The London Plan and all we are doing is reflecting, in the approval of your Plan, that this is what you passed; noting that the fact that Council passed, in August, a resolution saying that they do not want a ban, they do not think that that reflects what you really wanted so we are not going to acknowledge that as being the approved Official Plan for the city; submitting to the Committee that that is a mistake; submitting to the Committee that they decided not to ban secondary dwelling units in the Near Campus Neighbourhood and that reflected your true will; having said that, as has been mentioned, the Ministry did say that they are not going to let Council have a requirement that secondary dwelling units be owner occupied; indicating that the Province appears to be in the process of passing a regulation prohibiting such a restriction right now; indicating that the Province is keen on secondary dwelling units which is why they passed the amendment to the *Planning Act* to require municipalities to authorize secondary dwelling units and in this case they are pushing further to say that they are not going to let Council require that the secondary

dwelling units be owner occupied; stating that it has caused a mess in London because, at the same time, they have also said that they noticed that London has passed a ban on secondary dwelling units in the Near Campus Neighbourhood and they take no position on that, that is not within our purview; advising that the way it has been presented to Council is that the ban has the moral authority of the Province of Ontario and it is important to understand that it does not, that the Province strongly takes the position that they take no position on whether or not you chose to have a ban; disappointing that the Province has stuck their nose in it at all, if they had left things the way they were last August, we could all live with that; believing that there was a compromise that worked for everyone; advising that by the Province pushing the granny flat issue further, they have caused a difficulty for Council; indicating that what it means is that the Official Plan for the City of London, for this Council, reflects that Council voted to ban secondary dwelling units in Near Campus Neighbourhoods when Council did not; advising that if it was up to him and he was on Council he would not want the historical record to reflect that, that is not what we did, it is only fair for us to go back to the Ministry to say fix this, this is not what we passed and would you please make your official record consistent with what we actually did; stating that there is nothing wrong with doing that; believing that would be the appropriate next step at this point; however, if Council decides not to do that and Council decides that they want to deal with the issue and pass the policy and by-law tonight, he submits that with respect to existing units that are operating in the city today; reminding the Committee that units built before 1995 are exempted from being banned because Mike Harris grandfathered them all and said that any units in existence as of November, 1995, can continue to operate; stating that he has urged from the start that the grandfathering be continued or extended up until today; knowing that planning staff hate the word grandfathered because they say that they are not continuing an exemption that already existed, you are creating a new exemption for existing units to say that they are not banned like any units would be going forward; technically it is an exemption that the Council is requesting to say that existing units that meet the Building Code and Fire Code in the Near Campus Neighbourhood would not be shut down; relating to the policy rationale for that, they have heard about intensification for example and realistically the units that are there now are not causing an intensification difficulty and you may recall that the policy for the city for the last twenty-five years has been to only shut down granny flats if someone complains about them; stating that, by definition the units that are out there right now are the ones that nobody has complained about and in many cases nobody knows they are even there, they are not causing difficulties with plumbing and water, etc.; pointing out that if intensification is a concern he believes that there have been an awful lot of new apartment units approved in the last fifteen years in the Near Campus Neighbourhood; expressing surprise if it is less than 1,000 new apartment units that have been built on Richmond Street and Western Road in the last fifteen years; stating that intensification is not really a reason to not let these units to continue to exist; discussing the party house issue, as he has said before, nobody likes party houses, nobody likes the fact that five guys can rent a house and have parties there, this is not that, this is the antidote to that because what you are doing then is saying that those five guys are going to live in five different granny flats and with his children, when they act up, he splits them up; noting that if he splits them up they do not act out; concluding that it is only safe, existing units that should not be shut down and the policy and the by-law, as they are written right now, does not provide an exception for them and it says that they would have to be shut down which would be a big shame for the City of London and especially for the Londoners who live in those units today who would ultimately have to leave.

- Sandy Levin, President, Orchard Park/Sherwood Forest Ratepayers Association – indicating that there is a communication on the Planning and Environment Committee Agenda from their organization; indicating that they raised this as an item at their annual general meeting in May and they had approximately 150 people there; noting that, at the meeting he explained the situation and he would say that in the neighbourhood there was grudging acceptance of what Council originally did in terms of owner occupancy one bedroom per; stating that what the Minister has done is made things much more complex; advising that the issue is not a ban, the issue is as of right and that is the concern for Near Campus Neighbourhoods; indicating that you can still apply for a zoning change or a variance and still have a secondary dwelling unit in the Near Campus Neighbourhoods, in

addition, if you want to have a second bedroom, a second kitchen, second bathroom in your home, that is not a secondary dwelling unit because it is a very specific definition; advising that you can still do that, just with a building permit; noting that he had a conversation today with Mr. O. Katolyk, Chief Municipal Law Enforcement Officer; advising that there are not the limitations that have been talked about and that is why this is a pretty complicated issue; stating that the importance of why this Ministry change is important to retain is that, if he understand the Municipal Council's intent, was to deal with affordable housing and that is an admirable and important goal for the municipality; pointing out that in a Near Campus Neighbourhood, you will get student housing, it will not be for generally speaking for those people who need affordable housing twelve months out of the year; advising that that is his assertion but right now none of them really have the data to say what will happen once as of right secondary dwelling units, not owner occupied and more than one for all the rest of the city will do for that affordable housing issue; hopefully it does but what he would suggest is that you want to see what happens first before you open up the Near Campus area; recommending that Council gives it 18 to 24 months and then come back and say that there has been such take up on this in the rest of the city that we need more, we need more inventory and we will open up the Near Campus Neighbourhoods but in the interim he would strongly urge the Committee to retain what the Minister has done; stating that he was very clear with his neighbourhood at their meeting in May that the issue was as of right; indicating that it was not unanimous, there were certainly people in the neighbourhood who want to see secondary dwelling units but the overwhelming majority at that meeting were comfortable with the idea that you had to go through a process in order to get a secondary dwelling unit; noting that Councillor P. Squire was at that meeting; reiterating that it is not a ban; stating that the issue is, do you do it as of right or do you have a process by which all of the other Official Plan policies and The London Plan policies would apply; asking the Committee to maintain this and if the Committee wants to look at this in 18 months and he says 18 months to two years only because he does not think that a year is enough time to see how the take up is and then they will have the data.

- Susan Bentley, 34 Mayfair Drive, Broughdale Community Association Member – urging the Planning and Environment Committee to uphold the staff recommendation and to accept the Ministry's recommendation in approving this amendment to our Official Plan; indicating that she submitted a communication to the Planning and Environment Committee providing the history of this and why it is really important to the Near Campus Neighbourhood; pointing out that she has at least six neighbours who are away on holiday and who would have been here tonight and they would also support this recommendation.
- Charles Sheer, 1337 Victoria Drive – speaking to a previous speakers comment about students not being in need of affordable housing; advising that he does not know how many of the Committee members have kids or have gone through school recently but between paying tuition, going to school and going to work, those are the people who are in need the most for affordable housing so that is not a separate category; stating that he has an application in with the Superior Court that will be heard next week forcing the city to deal with this issue because it has been five years now since the city was mandated by the province to comply with provincial law; noting that it was five years ago that this was to be done and it has been repeatedly kicked down the road; respectfully commenting that waiting 18 months, with the way that this process has gone, he does not think that they can realistically have any confidence that a review of this being done 18 months from now would actually get accomplished within that timeline; indicating that he is here to speak to the ban in Near Campus Neighbourhoods; dealing with the home-owner occupied provision, the reason that that struck out is because that goes directly against human rights and if you read anything about the directions to municipalities from the Human Rights Commission, which he recommends that Council and planning staff do because that would really inform a lot of the decisions that are made here; stating that the reason you are not allowed to people zone is because it is inherently discriminatory which is why you are not allowed to have the home-owner occupied limitations; indicating that if you actually think through how that would play out in practice, as soon as that property was sold and it went from an investor to a family, the person downstairs would have to be kicked out of their home; indicating that it is not a workable definition which is why it was removed; asking the Committee to consider how this will play in front of a Human Rights

Tribunal because that is where this is going to end up if the Council puts in place limitations for the Near Campus Neighbourhood, think of how it is going to play in front of them when you are arguing that you had a provision that was blatantly discriminatory in terms of the homeowner occupancy, they were fine with having a renter downstairs and as soon as they were no longer allowed to have this discriminatory policy we changed our mind and now we will not let more renters move in; advising that he does not think that that is going to play very well for the city.

- John Pollock, 22 Bromley Avenue – indicating that he lives in a Near Campus area; expressing support for the purpose and intent of allowing secondary dwelling units as a right in London; expressing concurrence that secondary dwelling units have the potential to encourage residential intensification through residential density, provide affordable housing both through affordable home ownership and by providing owners an opportunity to generate income to support the cost of home ownership and affordable rental accommodation; thinking that there are many other benefits as well, particularly around helping to keep neighbourhoods vibrant, multi-generational, friendly, owner invested and owner maintained; advising that he does not accept that any of these important benefits stop or become less meaningful or less critical to maintaining healthy neighbourhoods when one crosses an invisible line and enters a Near Campus Neighbourhood; asking if anyone has ever grabbed the wrong tool to tackle a job, maybe used a good sharp knife to pry open a can or tried to hammer a nail by grabbing whatever was handy; indicating, from direct experience, that using the wrong tool often results in wounds, disappointment and collateral damage; raising this because they have had issues with student rental properties appearing in Near Campus areas; noting that they have a number of student rentals within a stone's throw of their own home; advising that driveways are seldom shoveled, grass does not get cut, random cars are parked on lawns, etc.; stating that these are real issues but there are also effective by-laws to address these problems; advising that it is also critically important to understand that landlords and perspective landlords are rational economic decision makers; pointing out that the reason that they have had rentals appear in residential areas over the past number of years is because London house prices were comparatively low and interest rates have been low as well, a shortage of affordable student rental properties set a high floor on monthly rental rates so for the past several years conditions have been ripe for landlords to make profitable purchases in Near Campus areas; indicating that these economic conditions have changed dramatically in the past twelve months as house prices in London have jumped and now interest rates are forecast to rise; predicting that there will be far fewer houses converted to rental properties in Near Campus areas in the next twelve months because economic conditions have changed; realizing that there is now a recommendation before the Committee to allow secondary dwelling units in London as a right in all areas except Near Campus Neighbourhoods; stating that this recommendation is apparently supported by some neighbourhood associations where the debate and discussion has been dominated by a vocal minority of residents who are convinced that rejecting secondary dwelling units will somehow inoculate these areas against further encroachment of rental properties; in fact, preventing secondary dwelling units as a right in Near Campus Neighbourhoods will have no impact whatsoever on rental incursion nor is it likely to have any impact on current landlords who have never demonstrated a desire to add secondary dwelling units as they are costly and do not provide a sufficient rate of return to satisfy business investment; stating that rental conversions stem from economic conditions and the supply and demand of economics of rental availability; believing that if the Planning and Environment Committee wants to address the problem of rental incursion into residential zones then we need to make sure that there are lots of affordable rental spaces that are approved in purpose built near campuses and along bus routes; speaking earlier about grabbing the wrong tool to do the job and in this case the attempt to use sweeping zoning regulations to mitigate behavior problems of a few landlords or tenants or direct economic behavior will have unintended consequences, there will certainly be wounds, disappointment and collateral damage; proceeding on this recommendation will immediately create two classes of homeownership in London; homeowners in Near Campus areas will see their neighbourhoods frozen in time; noting that it will not be evident immediately but, over time, non Near Campus Neighbourhoods will see more owner reinvestment, communities will be more vibrant, more diverse, more accessible to socio-economic groups; Near Campus

areas will suffer from a lack of owner reinvestment as proposed renovations are refused or owners are faced with huge bills to pursue zoning permission for what should be as a right; believing that this Committee and this Council needs to lead on this issue and not simply follow an apparent path of least resistance; believing that if secondary dwelling units are good for London, and they are, then they are good for all of London.

- Mark Melchers, Cohen Highley, on behalf of the London Property Management Association – indicating that the London Property Management Association (LPMA) has over 500 members across the city; noting that most of those are owners and operators of residential rental properties; commenting on whether or not secondary dwelling units should be permitted in Near Campus Neighbourhoods; stating that the LPMA believes that they should be allowed; referencing the *Smart Communities Through Affordable Housing Act, 2011*, which, through amendments to the *Planning Act*, required municipalities to enact Official Plan and zoning provisions to authorize secondary dwelling units and also section 2(j) of the *Planning Act*, was amended, at the same time, to the effect that the Council of a municipality, in carrying out its obligations under the *Act* shall have regard to, among other things, the adequate provision of a full range of housing including affordable housing; advising that the legislation was enacted by the Province, in part, to improve the affordable housing system and secondary dwelling units have been recognized by the Province as one of the most inexpensive ways to do so; advising that secondary dwelling units also have the increased benefit of integrating affordable rental units throughout a community while maintaining neighbourhood character as opposed to isolating affordable housing units in one area of the city; indicating that secondary dwelling units are typically some of the most affordable rental accommodation available and the Province has recognized that these units are an important source of affordable housing for low and moderate income people; pointing out that not only are secondary dwelling units an important sources of affordable housing and the increase in secondary dwelling units can also reduce stress on existing affordable housing stock but these units are also a great source of additional income to help residents with the cost of home ownership; permitting secondary dwelling units in the Near Campus Neighbourhoods would certainly conform with the letter and spirit of the *Planning Act* amendments; stating that these units are not only used as income streams for the owners, for example, elderly residents may need or desire a secondary dwelling unit to house a caregiver or a family member or conversely family members may wish to have the option of a secondary dwelling unit to house an elderly parent; indicating that these units increase the stock of affordable housing in diverse areas of the city in an effective and inexpensive way and thereby integrate income integrated communities; advising that secondary dwelling units also create jobs in the construction and renovation industry, they maximize densities and help create income integrated communities which then, in turn, supports and enhances public transit, local businesses and local labour markets while making efficient use of infrastructure; noting that all of these listed benefits are coming directly from the Ministry; excluding the Near Campus Neighbourhood from the permission to have secondary dwelling units essentially robs those living in that area of all of these benefits and it would also have a prejudicial effect on low income Londoners and the affordable housing stock would be decreased by excluding the Near Campus Neighbourhoods and it also puts barriers in the way of low income Londoners who would like to live in that area; advising that it could also have a prejudicial effect on elderly Londoners because secondary dwelling units would not be available to them if they are living in this area to house a caregiver or a family member; indicating that it is important to keep in mind that one of the purposes of these *Planning Act* amendments to increase the stock of affordable housing and the goal of these Official Plan and Zoning By-law Amendments ought to be inclusion, increase the diversity and integration throughout the city and not just parts of it; pointing out that those residing in the Near Campus Neighbourhood deserve to reap the same benefits that come with them as well as residents elsewhere in the city; stating that low income Londoners deserve to have affordable housing options throughout the city without being excluded from certain areas and elderly or ill Londoners deserve to have the option to live in a neighbourhood of their choosing while also having the option to house a caregiver or family member in a secondary dwelling unit; reiterating that secondary dwelling units ought to be permitted in the Near Campus Neighbourhood.

- Laverne Kirkness, 1647 Cedar Creek Road, on behalf of the Colborne Street United Church – indicating that he is here as a member of the Colborne Street United Church and has Rev. David Carrothers, Jim Lodge and Michael Boucher with him and stating that they submitted a letter which appears in the Planning and Environment Committee agenda package; stating that their problem is very specific and that they do not plan on taking issue with the staff recommendation or what Council intended; noting that Colborne has a home, which used to be a manse and it is a single detached dwelling that is 100 years old and they are in the process of renovating it; indicating that the total bill will be around \$300,000; stating that the congregation debated what to do with the 100 year old home, with some wanting to just demolish and increase the parking area but the more enlightened idea was taken, to take the home that has been around for about a hundred years and has been part of the Colborne area heritage; indicating that they have taken the money from the trust to renovate the home; stating that they were counting on having two dwelling units because the rent could be a little more, substantially more and there would be a one bedroom unit on the ground floor and a two bedroom on the second floor; noting that they are here to get the Committees' help and it is all based on the basis that the near-campus neighbourhoods are going to be excluded from being able to have the secondary suites; indicating that they have talked to staff and staff was trying to be helpful and they did come up with 3 solutions which appear on page 327 of the agenda; noting that this is the Piccadilly Neighbourhood which is zoned R-2 and everybody can have two units in their dwelling on one lot and that this property happens to be in an area zoned for a church and a manse, which is a single-detached dwelling but it should be capable of having two units in it; stating that it has not been a manse in forty years and has been rented out as a single-family dwelling; indicating that the inside was ready for a total re-do and it is being re-done; reminding the committee that they are not asking for anything more than what the whole neighbourhood is able to do and that is to have two dwelling units in one building; stating that they just be exempt from the near-campus area OPA; stating that he knows that City staff does not support that because they do not think that it follows the London Plan but they can get their work done based on the existing official plan and zoning before the London Plan likely comes into effect and then perhaps down the road some clean-up amendment could be passed then; stating that another solution would be to rezone the property to an R-2-2 zone like the rest of the neighbourhood but the fee is \$7000 and they just do not have it and so they are asking for some relief from that application fee; stating that staff may like that solution because it is clean but it does risk an objection to the OMB but they have been trying to be good neighbours for the last 164 years and they letter they submitted does explain some of their contributions to the community; stating that they do not really care for that solution because they are only trying to do what most everyone else in the neighbourhood can already do; the third solution was to add a minor variance to the unit and again that application fee is \$1000 and they would appreciate some reprieve on that as well if that seems to be the answer; reiterating that they have come to the Committee for help because they are restoring a home in the Piccadilly Neighbourhood and bring it back to life and create more housing and affordable housing and he does not think anyone objects to what they are doing, they just need to get there and somehow the London Plan and the official plan and the Provincial Policy are all kind of complicated; stating that they are hoping that one of the solutions he mentioned could be used to help them.
- Josephine Schneider, 533 Layton Crescent – see attached presentation.