

July 6, 2017

Chair and Committee Members  
London Housing Advisory Committee  
City Hall  
300 Dufferin Ave.  
London, ON N6A 4L9

Dear Sirs & Mesdames,

**Re: Ban on second residential units (granny flats) in London's Near Campus Neighbourhood - Clarification of how ban came about despite Council voting against it**

I am grateful for the opportunity to report on how it came about that we seem to have a ban on second units (granny flats) in London's Near Campus Neighbourhood despite Council deciding against such a ban after a comprehensive consultation process.

The Ontario government strongly supports second units and has, as you know, encouraged and, in fact, required municipalities to promote them. It strongly insists that it did not impose the ban.

So where did it come from?

In this case, it appears to have arisen from what was no doubt an innocent decision by City staff to insert their draft policy, containing the ban, into the middle of the draft London Plan as a "placeholder" (possibly due to Planning Act requirements that Official Plans address authorizing second residential units).

Staff did this knowing that Council had directed them not to bring the Second Unit issue back to Council until they had the advice of the Town and Gown Committee, and knowing that the advice of the Town and Gown Committee was that there **should not be a ban** in the Near Campus Neighbourhood. The "placeholder" draft staff policy, because it included the ban, apparently resulted in the Ministry erroneously concluding that London City Council wanted a ban. (In retrospect perhaps staff should have omitted the ban from the their "placeholder" policy.)

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

The Ministry strongly assert that they did not impose the ban, but rather that London City Council did – in the form of the “placeholder” ban which staff inserted in the London Plan (and which evidently no one noticed). (The Ministry’s denial is supported by the fact that if the Ministry had imposed the ban then it would be listed by them as a “Minister’s Modification”. It is not.)

It behooves us all that the London Plan accurately reflect Council’s actual decisions, and here for the official record to accurately reflect that London City Council voted against a ban on Second Units in the Near Campus Neighbourhood.

I would respectfully ask that you recommend to Council that they write to the Ministry to correct the Ministry’s misimpression, and to clarify that the draft ban in the London Plan did not reflect Council’s decision respecting a ban, but was only intended by staff as a “placeholder” pending Council’s decision on the matter – which it made on August 31<sup>st</sup>, 2016.

As you know, Council, accepting the advice of its Town & Gown Committee, of yourselves, and of many others, decided against a ban on Second Units in the Near Campus Neighbourhood. I would ask that you recommend to Council that its communication to the Ministry also ask that the Ministry correct its error in the London Plan as approved by the Ministry, by asking that the Ministry correctly replace the ban language contained therein with Council’s actual Second Unit Policy (Number 942) – as contained in Council’s Resolution of August 31, 2016 – and as staff originally intended.

It is critical that the official record be corrected in this way first. After that, if someone wishes to reopen debate about whether Council should enact a ban (which would ultimately shut down all existing safe, affordable second units built in the Near Campus Neighbourhood since November of 1995), because the Ministry refused to permit some of the second unit restrictions which Council passed, then we can have that debate.

This is an issue of great importance to the many London tenants living in these units. It behooves us to scrupulously follow correct procedure and to correct errors in the official record where they are found. The Ontario government’s Ministry, strongly supportive of Second Units as it is, will also want to ensure that its official record, in this case its approved London Plan, is scrupulously accurate. It will therefore naturally appreciate London City Council pointing out this serious error, so that it may correct it.

I attach a chronological summary of relevant dates and actions. They reference briefs which contain the City of London documents referred to therein. I have not copied these, as they are fairly extensive (particularly the London Plan). I will bring copies of the briefs to your meeting on July 12<sup>th</sup> for your convenience.

I look forward to seeing you then.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Jeff Schlemmer', with a long horizontal flourish extending to the right.

Jeff Schlemmer