

PUBLIC PARTICIPATION MEETING COMMENTS

3.1 Unsanctioned and Unsafe Street Parties Policy Amendments – Public Nuisance By-law – Cost Recovery

- J. Hoffer, Cohen Highley – indicating that he did provide a written submission for the Added Agenda; stating that he is in attendance to represent the London Property Management Association (LPMA), which has in excess of 600 members; noting that LPMA is the oldest landlord organization in the province of Ontario and maintains high standards of professionalism and education for the members; indicating that the lease terms drafted by LPMA are used by landlord associations across the province; noting that the LPMA are very concerned about maintaining professionalism among the members and they are also concerned about the activities that occur at the unsanctioned parties or nuisance parties that are described in the by-law; stating that the concerns are not so much about the fine levels but who the fines are directed at; indicating that the proposed by-law is attempting to make an individual responsible for the actions of a third party; stating that landlords are being targeted and they are easy targets for by-laws; noting that there seems to be an assumption built in to the by-law amendment, that landlords can control the behaviour of tenants; stating that that assumption is fundamentally flawed; indicating that the relationship between landlords and tenants is governed by the *Residential Tenancies Act*, which is provincial legislation, superior legislation to municipal legislation; indicating that under the *Residential Tenancies Act*, the landlord gives a tenant possession of a home or rental unit and they give them all of the ownership rights except a few residual ownership rights, mainly title to the property and the right to retake the property in certain limited circumstances; stating that landlords are absolutely prohibited from controlling the conduct of a tenant; indicating that, if you read the proposed by-law, the things the landlords would be expected to do would cause them to be in breach of the statutory obligation not to interfere with the tenants reasonable enjoyment; noting a case that he references in his submission on the Added Agenda; noting that another suggestion that has been made is that the landlord go on to the property to try to prevent whatever is going on; indicating that this would be a personal safety risk for the landlords, but that landlords are prohibited from entering a property unless they have given twenty-four hours written notice; stating that when he was going through the proposed by-law and the suggestions given for landlords, all but one of the suggestions is illegal under the *Residential Tenancies Act*; stating that the LPMA would be willing to work with the city to develop a schedule that would go with the rental application and lease and would go with the guarantee form that would highlight for tenants that if they engage on these activities on the property, that would give rise for termination of the tenancy; stating that that is as far as the landlords can legally go; indicating that landlords are always put in a position of having to react as it is a reactive system; noting that the horror stories about landlords having bad tenants that they cannot get rid of are true, that it can take weeks or months to remove bad tenants even though they are engaged in clearly unlawful behaviour; stating that the police and fire services can act more quickly, but landlords are restrained; requesting that the Committee decline to approve the amendment to the by-law; stating again that the LPMA is willing to work with the city and the legal department to come up with a solution.
- Dan Schaffer, 1882 Bayswater Crescent – stating that he has concerns with the proposed amendment to the by-law; noting that he would like to respectfully suggest that the City of London consider a few items that could be considered a proactive solution to this issue; indicating that he would like to see the City of London embrace the student population and to reinstate the homecoming parade, which was a great family event; noting that the city has a number of large events coming to town that have been embraced and celebrated and homecoming could be treated the same way; noting that he would like to see Western University move the homecoming date back to the regular date in September, thus eliminating “fake homecoming” and this whole issue; stating that “fake homecoming” will probably continue until homecoming is moved back to its regular date; indicating that if all universities had the same date for homecoming, it would prevent students travelling from city to city for homecoming celebrations; noting the example given in the report related to West Virginia; stating that we need to take note of success stories and see how homecoming could become an event that the city can celebrate; stating that he is a landowner and a landlord in the City of London and he has a number of concerns with the proposed amendments to the by-law; indicating that the proposed by-law is in contravention of the *Residential Tenancies*

- Act* and the *Ontario Human Rights Code*; outlining the sections of the acts that the proposed by-law contravenes; stating that, according to the acts, landlords cannot comply with the actions outlined in the proposed by-law; stating that landlords who provide good, quality, safe rental accommodations should not have to continually fend off ill-advised proposals by the City of London, such as the amendments proposed.
- M. Blosch, Broughdale Resident – stating that he has lived in the neighbourhood for about eighteen years and has been involved in neighbourhood issues that entire time; indicating that landlords have never been at the table to talk about the problems or to brainstorm solutions with the residents; indicating that they only come around when there is a pecuniary interest for them; noting that she is glad to hear Mr. Hoffer's offer to work with the city to amend the proposal but that she would like to see more involvement; stating that she does not believe that the *Residential Tenancies Act* gives landlords immunity from any kind of liability; noting that the Act is meant to give an unequal relationship, between a landlord and a tenant, more balance and give some protection to the tenant because they are the weaker party; stating that all property owners have a duty to maintain their properties in a way that does not create negative effects or nuisances; stating that the Act states that landlords need to give twenty-four hours notice before entering a rental property, but we all know when the nuisance parties are going to occur, so they should give notice and be prepared to go on the property; stating that absentee landowners on Broughdale are running businesses and the nuisance being caused by these businesses is being paid for by the taxpayers; noting that the local residents are also suffering loss of enjoyment of their properties and all are just subsidizing these businesses and it is time for it to end; stating that she is happy to see this by-law and she thinks it is a step in the right direction; requesting that the proposed by-law not be watered down.