

To: Corporate Services Committee

From: Tracy Adams, Commissioner,
Corporate Services Department

Report Number: CORP-21-32

Date of Report: June 2, 2021

Date of Meeting: June 7, 2021

Subject: Program Evaluation of the Residential Rental Housing
Licensing Program and Proposed Technical Amendments

File: D-2200

1.0 Purpose

The purpose of this report is to:

- present findings from a program evaluation of the City's Residential Rental Housing Licensing (R.R.H.L.) system;
- propose technical amendments to Licensing By-law 120-2005, as amended ("Licensing By-law") and General Fees and Charges By-law 13-2003, as amended ("General Fees and Charges By-law");
- address correspondence received from Podium Developments (**Attachment 4**); and,
- to outline an approach for addressing Council's January 27, 2020 direction, CORP-20-02, "Potential Expansion of the Residential Rental Housing Licensing Program" (**Attachment 1**).

Attachment 1 is Council's January 27, 2020 direction (CORP-20-02, "Potential Expansion of the Residential Rental Housing Licensing Program").

Attachment 2 is Schedule "K" of Licensing By-law 120-2005, as amended.

Attachment 3 is a map of the defined Rental Area for the R.R.H.L. system.

Attachment 4 is correspondence received from Podium Developments (CORP-20-22) dated July 7, 2020.

Attachment 5 is benchmarking of other municipalities' rental housing licensing programs.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

1. That Council approve a by-law to amend Licensing By-law 120-2005, as amended, General Fees and Charges By-law 13-2003, as amended, and Lodging House Licensing By-law 94-2002, as amended, to implement technical amendments generally in the form of Section 5.3 of Report CORP-21-32, “Program Evaluation of the Residential Rental Housing Licensing Program and Proposed Technical Amendments”, dated June 2, 2021, and in a final form and content acceptable to Legal Services and the Commissioner of Corporate Services;
2. That the proposed process to study expansion options for the Residential Rental Housing Licensing System and updated program objectives as detailed in Section 5.4 and 5.5 of Report CORP-21-32 “Program Evaluation of the Residential Rental Housing Licensing Program and Proposed Technical Amendments”, dated June 2, 2021 be approved; and,
3. That a copy of the Report CORP-21-32 “Program Evaluation of the Residential Rental Housing Licensing Program and Proposed Technical Amendments” and the related Council resolution be sent to Podium Developments.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following were consulted in preparation of this report:

- Fire Services – Fire Prevention
- Legal Services
- Planning Services
- Information Technology Services
- Taxation Services
- Municipal Property Assessment Corporation (M.P.A.C.)
- Durham Municipal Insurance Pool
- Student Accommodation Strategy

Additionally, staff consulted the following municipalities: London, Mississauga, and Waterloo.

5.0 Analysis

5.1 Background

5.1.1 R.R.H.L.

In 2007, landlords were illegally retrofitting houses originally built with three (3) or four (4) bedrooms with additional bedrooms in dens and basements creating safety issues for tenants and incompatibility issues with the surrounding neighbourhood. In February 2008, Oshawa became the first municipality in Ontario to institute a licensing regime (R.R.H.L.) (**Attachment 2**) for residential rental housing, specifically in the vicinity of Durham College and Ontario Tech University to address these issues.

The intent of the R.R.H.L. system was to respond to significant enforcement concerns that were specific to the Rental Area (as identified in Schedule “K” of Licensing By-law, 120-2005, as amended) to regulate landlords, address health, safety, and consumer protection issues, and improve compliance with municipal by-laws and provincial acts including but not limited to those detailed in **Table 1**.

Table 1 R.R.H.L. and Examples of Applicable Standards

Applicable Standard	Jurisdiction	Purpose
Zoning By-law 60-94	City of Oshawa	Regulates the use of land within the city
Property Standards By-law 1-2002	City of Oshawa	Establishes minimum standards for the maintenance and occupancy of property
Lot Maintenance By-law 127-2007	City of Oshawa	Addresses minimum standards for the maintenance of land
Snow and Ice Removal By-law 92-2009	City of Oshawa	Establishes standards for the removal of snow and ice
Fire Protection and Prevention Act, 1997	Province of Ontario	Establishes provisions related to fire safety
Electrical Safety Code, O. Reg. 164/99	Province of Ontario	Sets out standards for safe electrical installations
Building Code Act, 1992	Province of Ontario	Contains provisions related to building and construction

5.1.2 Corporate Services Committee and Reports Related to the R.R.H.L.

The R.R.H.L. has been an important licensing system for the City and staff have reported on the R.R.H.L. on numerous occasions since its inception in February 2008. **Table 2** outlines all relevant reports related to the R.R.H.L. considered by the Corporate Services Committee since October 2011.

Table 2 Corporate Services Committee and Reports Related to the R.R.H.L.

Committee Date	Report and Description
October 27, 2011	<p>CORP-11-10 “Amendment to Licensing By-law 120-2005, as amended, to implement Zoning By-law amendment increasing the number of Bedrooms permitted within a Rental Unit within certain lands within the Simcoe Street North corridor from four (4) to five (5)”:</p> <p>Proposed amendments to the Licensing By-law to permit up to five (5) bedrooms in licensed rental units within certain lands within the Simcoe Street North corridor to align with the Council-approved Student Accommodation Strategy.</p>
April 19, 2012	<p>CORP-12-113 “Motions Regarding the Residential Licensing By-law”:</p> <p>Provided an update on the City’s administration and enforcement of the R.R.H.L. system. The report concluded that the R.R.H.L. was successful in facilitating compliance with zoning requirements. Council directed staff to, amongst other things, to update application fees for the R.R.H.L. system to reflect the actual administrative cost of the process and to develop clear criteria for managing non-compliance with the R.R.H.L. By-law, which includes a demerit or point system stipulating graduated consequences including licence revocation and licence denial.</p>
April 19, 2012	<p>CORP-12-114 “Response to Statements of Incomplete Residential Rental Housing Licence (R.R.H.L.) Application Process and Issuance of Licences: 1936 Walreg Drive”:</p> <p>Responded to concerns related to an R.R.H.L. application for 1936 Walreg Drive.</p>
June 21, 2012	<p>CORP-12-158 “Residential Rental Housing Licensing – First Time and Renewal Licensing Fees”:</p> <p>Proposed increased first-time and renewal application fees to more accurately reflect the administration of the R.R.H.L. system and addressed minor wording changes and procedural clarity related to direction provided as part of CORP-12-113.</p>
September 13, 2012	<p>CORP-12-209 “Residential Rental Housing Licensing Enforcement Process”:</p> <p>Responded to direction for staff to provide clarification on the Municipal Law Enforcement Services’ enforcement process as it relates to the R.R.H.L. system.</p>

Committee Date	Report and Description
September 13, 2012	<p>CORP-12-211 “Residential Rental Housing Licensing: Demerit Point System”:</p> <p>Responded to direction to develop a demerit point system stipulating graduated consequences for managing licensee non-compliance with the R.R.H.L. system. The report did not recommend implementation of a demerit point system as it would only address a limited number of repeat offenders and it would not be a cost effective solution given that it would require a significant amount of resources to administer. Instead, Administrative Monetary Penalties (A.M.P.) were recommended to achieve compliance. However, direction was provided to develop and implement a simplified demerit point system.</p>
October 25, 2012	<p>CORP-12-244 “Residential Rental Housing Licensing: Demerit Point System Implementation”:</p> <p>Provided a proposed demerit point system to manage chronic or repetitive non-compliance with City by-laws and R.R.H.L. by certain residential property owners operating within the rental area and that staff report on the effectiveness of a demerit point system one (1) year following implementation.</p>
June 20, 2013	<p>CORP-13-97-CM “Updates to Licensing By-law re Residential Rental Units”:</p> <p>Recommended updates to the Licensing By-law including updates related to residential rental units.</p>
June 20, 2013	<p>CORP-13-99-CM “Proposed Application of Licensing By-law re Residential Rental Units to Other Areas Within Oshawa”:</p> <p>Responded to Council direction to report on alternatives for implementing a system or systems of licensing residential rental units throughout the city and the appropriateness of extending the R.R.H.L. in the area surrounding Trent University, Thornton Road campus. The report recommended not to implement a city-wide R.R.H.L. system; however, based on enforcement and rental statistics suggested that the R.R.H.L. system may be appropriate for the Central Business District and recommended further study, preparation of a draft by-law that would establish a residential rental licensing system within the Central Business District. Note: this study and draft by-law was not advanced.</p>
October 21, 2013	<p>CORP-13-168-CM “Updates to Schedule “K” of Licensing By-law 120-2005 re Residential Rental Units”:</p> <p>Recommended updates to the Licensing By-law relating to an expansion of the geographic area associated with the licensing of Residential Rental Units in North Oshawa.</p>

Committee Date	Report and Description
March 24, 2014	<p>CORP-14-42 “Residential Rental Housing Licensing Demerit Point System: One-Year Progress Report”:</p> <p>Provided a one (1) year update on the R.R.H.L. demerit point system. The report indicated that fourteen percent (14%) of licensees were issued demerit points and recommended that an evaluation of the program be conducted at two (2) years for a more accurate analysis of the demerit point system.</p>
April 14, 2014	<p>CORP-14-51 “Updates to Streets within the Existing Residential Rental Licensing Area”:</p> <p>Recommended housekeeping updates to the existing "Rental Area" to which the City's system of residential rental licences applies.</p>
February 23, 2015/ March 23, 2015	<p>CORP-15-14/CORP-15-26 “Proposed Amendments to Licensing By-law 120-2005 and the Expansion of the Residential Rental Licensing Area”:</p> <p>Recommended expanding the R.R.H.L. to the Northern boundary of Winchester Road in response to the planned and unfolding low-density development within the areas generally located North of Britannia Road and South of Winchester Road. The expansion of the Rental Area provided increased protection for tenants, property owners/landlords, the neighbourhood community, and provided the tools to ensure higher compliance with City by-laws.</p>
May 25, 2015	<p>CORP-15-62 “Program Evaluation of the Residential Rental Housing Licensing Demerit Point System”:</p> <p>Responded to direction to conduct a program evaluation of the R.R.H.L. demerit point system two (2) years following its implementation. It recommended implementing an annual review of licensees’ by-law infraction records to allow staff resources to be used more efficiently and effectively. The review of the demerit point system found that there was insufficient evidence to support the need for such a system to manage repeat offenders of licensing standards. It was recommended discontinuing the demerit point system as the need to manage the few repeat offenders does not justify the costs and instead implement an annual review of licensees’ by-law infraction records as it is a more cost effective and efficient method. Furthermore, there are tools such as A.M.P.s and the Provincial Offence Act, 1990 processes to manage problematic licences. The Item was referred back to staff to consider required Information Technology and other supports to improve and continue the oversight of the Residential Rental Housing Licensing Demerit Point System</p>

Committee Date	Report and Description
April 24, 2017	<p>CORP-17-18 “Process Improvements to Residential Rental Housing Licensing Demerit Point System”:</p> <p>Responded to referral of CORP-15-62 for staff to examine technological solutions and other supports to automate the tracking and continue the oversight of the R.R.H.L. D.P.S. system. Staff determined that the tracking is complex and that they continue to monitor the effectiveness and efficiency of the R.R.H.L. D.P.S..</p>
June 19, 2017	<p>CORP-17-32 “Preliminary Project Scope: Expansion of the Residential Rental Licensing Program”:</p> <p>Provided information on the preliminary project scope of examining the expansion of the R.R.H.L. system to apartment buildings and other property types City-wide. It was determined that the expansion of the system to different geographical areas and/or different types of rental properties would be a substantial multi-year project involving a significant amount of resources. Direction was provided to add the proposed study to the 2018 business plan, that staff increase communications for tenants including a tenant brochure, and, using an inter-departmental inspection team annually inspect six (6) multi-unit residential apartment buildings.</p>
December 15, 2017	<p>During the 2018 Budget deliberations, based on the positive results of M.L.E. and Fire Services staff inspecting three (3) multi-unit residential buildings during October and November 2017, staff were directed to implement two (2) annual building audit projects and that the results of the audits be reported through the annual business plan updates.</p>

5.1.3 The Application and Administration of the R.R.H.L. System

The R.R.H.L. system requires all rental properties within the defined Rental Area (**Attachment 3**) to be licensed with the City; however, the system does not distinguish between types of renters when determining which Rental Unit requires a licence. Notwithstanding this, certain types of Rental Units are exempt from licensing including:

- Rental Units that are occupied by all owners as their sole residence and where no more than two (2) bedrooms are occupied by tenants.
- “Housing projects” regulated under the Housing Services Act, 2011, S.O. 2011, c. 6, Schedule 1.

In addition to annual inspections, the licensee is required to submit, amongst other documents, proof of appropriate insurance as well as property maintenance and parking plans demonstrating the licensee has taken appropriate measures to ensure that the property is maintained to City standards and that adequate parking is provided.

Apartment buildings are issued one (1) licence for the entire building as the building is under one (1) ownership. The licensing of multiple condominium rental units was not anticipated at the time when the R.R.H.L. was created. Therefore, for condo townhouse complexes and condo apartment complexes, a licence is required by each unit because they are individually owned.

The City has received feedback from property owners of condominiums in the Rental Area that licensing is not required for several reasons (**Attachment 4**). Specific examples include 1900 and 1800 Simcoe Street North as they have been developed as condominiums where each unit is individually owned. According to the R.R.H.L., there would be 478 separate R.R.H.L. applications and licensees. Both addresses have Condominium Corporation Numbers, which governs control of all unit owners through a series of Condominium Rules under the Condominium Act. Both buildings have Condominium Managers (as part of the Condo Board) as well as professional property management to address operating issues, including controlling and penalizing disruptive behaviour.

All properties licensed under the R.R.H.L. system are inspected for compliance with City by-laws and applicable provincial acts. Houses and townhouses receive a Property Standards inspection annually and a Fire Prevention inspection every two (2) years. For apartments and other multi-residential buildings, a Property Standards inspection is conducted on a selection of four (4) rental units and all common areas. A Fire Prevention inspection of the same areas occurs every two (2) years. Municipal Licensing and Standards (M.L.S.) staff regularly maintain an online list of all licensed rental properties and the licences' respective expiration dates on the City's website (www.oshawa.ca/rrhl). **Table 3** details the number of licences issued and inspections undertaken between 2016 and 2020.

Table 3 R.R.H.L. Licences Issued and Inspections Undertaken (2016 to 2020)

Year	2016	2017	2018	2019	2020
Property Standards Inspections	862	611	983	1,048	954
Fire Prevention Inspections	369	329	389	545	415
Rental Licenses Issued	454	435	654	787	798

5.1.4 R.R.H.L. Application Fee and Cost Recovery

A cost recovery analysis was completed in 2012 involving data from Municipal Licensing and Standards and Fire Services who are involved in the R.R.H.L. process (see CORP-12-133). This analysis led to an increase in the R.R.H.L. application fees to more accurately recover the cost of administering the R.R.H.L. system (see CORP-12-158). Since 2012, staff have streamlined various administrative processes. Therefore, staff have updated the 2012 analysis with 2020 data and a per-application cost recovery analysis of the administrative cost is presented in **Table 4**.

Table 4 - 2020 R.R.H.L. per Application Administrative Cost Recovery Analysis

Type of R.R.H.L. Process	Actual Cost of Administration	R.R.H.L. Application Fee	Cost Recovery Percentage (rounded)
First-time applicant: two (2) M.L.S. and Fire inspections	\$405	\$575	140%
First-time applicant no fire-related issues: two (2) M.L.S. inspections and one Fire inspection	\$240	\$575	240%
Licence Renewal: two (2) M.L.S. and Fire inspection	\$318	\$435	140%
Licence Renewal no fire-related issues: two (2) M.L.S. inspection and one Fire inspection	\$205	\$435	210%

Notes:

- It is important to note that the cost recovery model conducted in 2012 only considers direct and indirect cost of the **administration** of the R.R.H.L. system (e.g. application examinations, inspections, file review, etc.). It does not consider direct and indirect costs associated with the **enforcement** of the R.R.H.L. system. When such costs are included, the cost recovery percentage is lower.
- The cost of administration for First-time applicants is higher given that more time is required for property inspections and potential re-inspections and educating new licensees on the R.R.H.L. system.

In addition to analyzing the administrative cost for each application in **Table 4**, Staff conducted a cost-recovery analysis which includes both the **administrative and enforcement** costs of the entire R.R.H.L. system in 2020. **Table 5** details the whole cost of the R.R.H.L. which includes the direct costs (e.g. labour) and indirect costs (e.g. vehicle expense, equipment use and other miscellaneous expenses). This analysis suggests that in 2020, the R.R.H.L. system was full cost recovery, and finished the year with an approximate profit of \$56,545.

Table 5 - 2020 R.R.H.L. Total Cost Recovery Analysis

Staffing Costs	\$394,220
Indirect Costs	\$43,359
Total 2020 Costs	\$437,580
2020 Revenue	\$494,125
2020 Profit	\$56,545

Note: Table 5 includes both the direct and indirect costs of administration and enforcement of the R.R.H.L.

5.1.5 Enforcement of the R.R.H.L.

Municipal Law Enforcement responds efficiently and effectively to address compliance issues in the Rental Area. Officers undertake investigations into alleged contraventions of municipal standards either in response to complaints or proactively. In addition, general patrol and investigation is conducted in the Rental Area for property, parking and animal violations by all Officers. Education and enforcement continue to be key elements for obtaining compliance and safety; however, in some instances, violations are discovered as a result of complaints or proactive inspections conducted by Municipal Law Enforcement. **Table 6** details the number of Administrative Monetary Penalties (A.M.P.s) issued to property owners who were renting their property without a licence and the corresponding total value of A.M.P.s issued.

Table 6 A.M.P.s Issued for Operating Without an R.R.H.L. Licence (2016 to 2020)

	2016	2017	2018	2019	2020
Number of A.M.P.s Issued	234	144	342	185	110
Value of A.M.P.	\$117,000	\$72,000	\$171,000	\$92,500	\$54,800

Note: Value of A.M.P.s does not include additional administrative fees (e.g. failure to attend review of an administrative penalty by a Screening Officer and/or Hearings Officer fees).

5.1.6 R.R.H.L. Demerit Point System

On January 28, 2013, the City implemented a demerit point system (D.P.S.) for residential rental properties in the Rental Area to encourage compliance with the City's by-laws. The system examines a licensee's historical record of non-compliance to objectively administer various consequences during the licensing period in addition to assisting staff to determine the suitability of issuing a licence to an applicant. The D.P.S. was implemented to manage licensees who chronically contravened municipal by-laws and other health and safety standards (i.e. "repeat offenders").

Demerit points are weighted by the severity of the contravention and range from one (1) point for less serious by-law infractions to five (5) points for more serious by-law contraventions. Points accumulate on a licensee's record for each additional contravention, and consequences are established at the seven (7) point and fifteen (15) point thresholds. Specifically, once a licensee accumulates seven (7) points, they receive a warning letter and are required to attend a meeting with the Director of Municipal Law Enforcement and Licensing Services (M.L.E.L.S.). At fifteen (15) points, a licensee's R.R.H. Licence is referred to the City's Hearings Officer for review. Demerit points remain on a licensee's record for a period of two (2) years. **Table 7** outlines the by-law infractions the R.R.H.L. demerit points apply to and the number of points attached to each infraction based on severity of infraction.

Table 7 R.R.H.L. Demerit Point Schedule

By-law Infraction	Demerit Points
Licensing: operating without a licence	5
Licensing: operating contrary to regulations	3
Zoning: illegal use	3
Boulevard	2
Lot Maintenance	2
Noise	2
Nuisance	2
Property Standards	2
Unauthorized Parking	1
Waste	1
Zoning: recreational vehicles/trailers/boats	1
Zoning: sight obstructions	1

After eight (8) years of experience, staff re-assessed the D.P.S. and found that the same challenges identified in a 2015 report (see CORP-15-62) still remain, but other aspects of the R.R.H.L. and by-law enforcement have grown significantly. Specifically, the program did not confirm the presence of repeat offenders. In the program's eight (8) year history only once, in 2019, has a landlord had their licence referred to a hearing.

The R.R.H.L. system requires a substantial level of staff administration as the processes associated with the program are all manual, and the expansion of the Rental Area and its housing has continued to put pressure on an already stretched-thin M.L.E. resource pool. Growth of the Rental Area combined with a number of tools to increase compliance at the City's disposal has left the D.P.S. antiquated. There are superior and less-administrative burdensome options available for achieving compliance. The R.R.H.L. system has been successful in managing compliance, and with the addition of A.M.P.s to better address potential 'repeat offenders', City resources can be redirected from the labour-intensive D.P.S. to other areas.

5.2 Program Evaluation: Current R.R.H.L. system

Staff conducted a quantitative and qualitative evaluation of the R.R.H.L. system. The program was examined in-depth for its effectiveness in meeting its objectives.

Three (3) key findings were used to evaluate the program's effectiveness:

- a) Cost recovery analysis (detailed in **Section 5.1.4**);
- b) Rental Licensing compliance rate; and,
- c) R.R.H.L. Area and City-wide complaint rate.

5.2.1 Rental Licensing Compliance Rate in 2020

The R.R.H.L. requires all rental properties within the defined Rental Area (See **Attachment 3**) to have a licence. There are approximately 7,045 dwelling units in the Rental Area. Using owner address records, it is estimated that 5,532 of these dwelling

units are owner-occupied, leaving 1,513 dwelling units used as rentals and requiring a licence.

As just **755 dwelling units** were licensed in 2020, the program currently has a compliance rate of **50%**.

There may be multiple contributing factors that impact the compliance rate including:

- The fluid nature of home ownership and usage of properties in the Rental Area. Houses are frequently sold, changed from rental to investment properties, owners decide to occupy the house themselves, etc.
- Many of the newer dwelling units, as well as dwelling units with new owners, may be in the process of submitting a licensing application (there are approximately 24 applications in process).
- The real estate market and the need for student accommodation changed drastically due to the impacts of the global COVID-19 pandemic.
- M.L.E.L.S. had limited resources to contribute to proactive enforcement activities.

Staff believe that the compliance rate can be increased through methods that will encourage voluntary compliance including but not limited to:

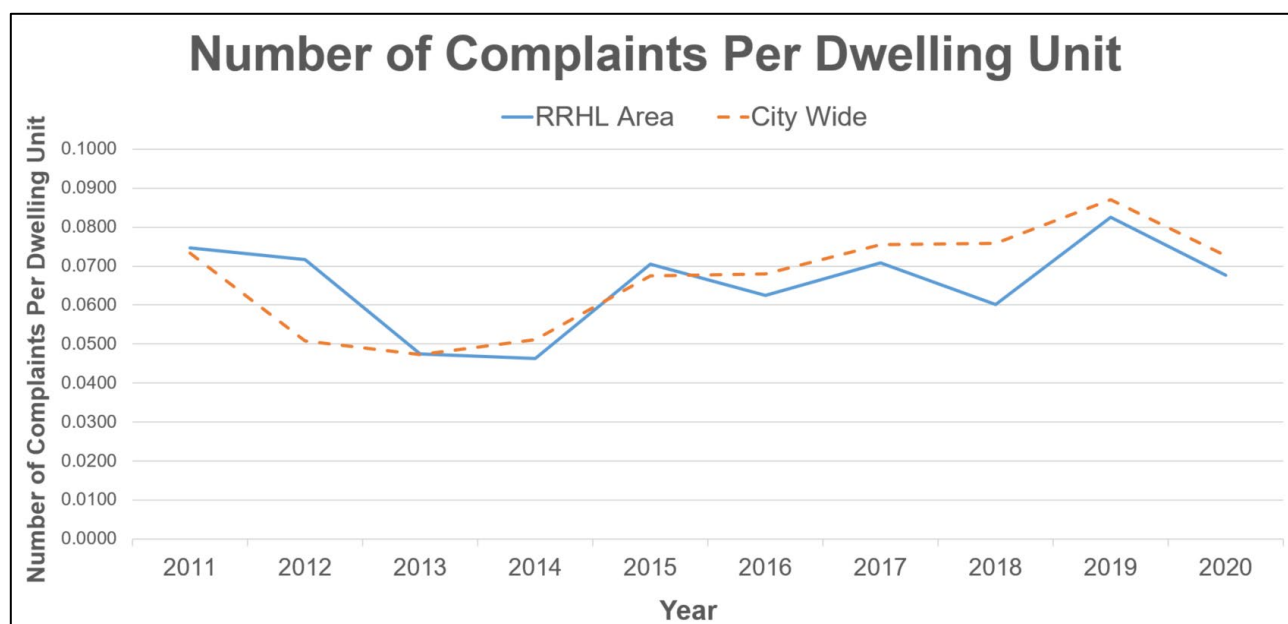
- Targeted informative brochures;
- Improving ease of application process; and,
- Committing the resources of enforcement staff to educating property owners.

5.2.2 Rental Area and City-wide Complaint Rate in 2020

Staff have created a chart tracking complaint rates (see **Figure 1**) to measure the level of complaints per dwelling unit from 2011 to 2020 both in the Rental Area and City-wide. This measure controls for population and the less complaints per dwelling units may suggest that higher compliance is being achieved as there are less people submitting complaints.

The complaints used to develop this rate are those most relevant to housing: Adequate Heat, Boulevard, Lot Maintenance, Noise, Property Standards, Refuse, Snow and Ice, Unauthorized Parking and Zoning. Licensing was specifically excluded due to R.R.H.L. complaints being grouped with other business licensing complaints (food shops, driving schools, public garages, etc.) so it would not be an accurate measure.

Figure 1 - Number of Complaints per Dwelling Unit



As displayed in **Figure 1**, there has been a relatively stable amount of complaints per dwelling unit since 2011 in the R.R.H.L. Area. Since 2016 the R.R.H.L. area has seen less complaints per dwelling unit than those received City-wide. This suggests that the R.R.H.L. system helps reduce by-law related complaints in a particular area, helping meet the intended objective of ensuring compliance with municipal by-laws and applicable provincial acts.

5.3 Proposed Technical Amendments to Schedule “K” of the Licensing By-law and Lodging House Licensing By-law 94-2002

Based on the program evaluation conducted in Section 5.2 and a review of the R.R.H.L. system by staff, it is recommended that the Licensing By-law and the General Fees and Charges By-law be amended as detailed in Section 5.3 of this Report.

Staff gathered information on how the program could be amended to better meet its intended objectives, with some of the key amendments identified below:

- Simplifying the application process;
- Establishing new rental licensing classifications and fees to respond to the unique issues of specific housing (e.g. individually-owned dwelling units v. multi-unit dwellings under single ownership);
- Moving to a two (2) year licensing structure to provide the staff resources required to license and inspect more properties;
- Removing the R.R.H.L. Demerit Point System; and,
- Introducing formatting and typographical amendments.

5.3.1 Defining the Rental Area by Boundary as Opposed to Specific Roads

Issue: The Licensing By-law defines the Rental Area (**Attachment 3**) using both a list of roads in Section 9 of Schedule “K” and a map of the area in Section 10 of Schedule “K”. When new roads are added to the Rental Area, typically as a result of development, a by-law amendment is required to update the list of roads.

Staff have identified an opportunity to make the process more efficient by simply defining the boundaries of the Rental Area on a map and requiring all properties within the boundaries to be licensed. A similar approach is used for Driving School Licensing whereby a driving instruction Prohibited Area was defined using boundaries depicted on a map as opposed to a list of roads.

Proposed Amendments:

- Amend the definition of “Rental Area” to reflect the aforementioned change.
- Remove Sections 9 and 9.1 of Schedule “K”.
- Renumber Schedule “K” and implement other typographical amendments as appropriate.

Outcome:

- Increased efficiency in the administration of the Licensing By-law, no longer needing an amendment to update the list of roads in the Rental Area following future development.

5.3.2 Amend Certain Definitions in the Licensing By-law and Lodging House Licensing By-law 94-2002 to align with the Student Accommodation Strategy and the Zoning By-law.

Issue: In June 2010, the Zoning By-law 60-94 (“Zoning By-law”) was amended to effectively permit flats, apartments and block townhouses to “rent by the room”. In other words, By-law 61-2010 amended in part the definition of “Lodging House” in the Zoning By-law to not include flats, apartments and block townhouses. This change was designed to support the construction of purpose-built student housing generally along the Simcoe St. N. Corridor.

Staff have identified a need to amend the definition of “Rental Unit” in Section 2 in the Licensing By-law which is defined as follows:

“Rental Unit” means a Building or part of a Building:

- (a) consisting of one or more rooms;
- (b) containing toilet and cooking facilities; and,
- (c) designed for use as a single housekeeping establishment.

More specifically, there is a need to remove the reference to a “single housekeeping establishment” to align with the changes in the Zoning By-law. While the term “single housekeeping establishment” is not a defined term, it has been judicially considered and includes amongst other things demonstrating a common bond for living together. Renting by the room would not be consistent with the term “single housekeeping establishment” as it does not demonstrate a common bond. Notwithstanding this, properties that are designed for use as a single housekeeping establishment (e.g. single detached dwellings, semi-detached dwellings, etc.) would continue to be required to comply with Zoning By-law standards as a condition of their Residential Rental Housing Licence and would not be able to rent by the room.

Additionally, there is a need to align the definitions of “Lodger”, “Lodging House” and “Lodging Unit” in Lodging House Licensing By-law 94-2002 (“Lodging House By-law”) with the same definitions in the Zoning By-law to ensure consistency.

Proposed Amendment:

- Remove paragraph “(c) designed for use as a single housekeeping establishment” from the definition of “Rental Unit” in Section 2 in the Licensing By-law.
- Amend the definitions of “Lodger”, “Lodging House”, and “Lodging Unit” in the Lodging House By-law with the same definitions in the Zoning By-law.

Outcomes:

- No change to the application or licensing requirement.
- Ensure consistency with the City’s Zoning By-law.

5.3.3 Demerit Point System

Issue: The R.R.H.L. Demerit Point System has been in operation since January 28, 2013 and was established with a goal to manage licensees who chronically contravened municipal by-laws and other health and safety standards (i.e. “repeat offenders”).

Staff have re-assessed the D.P.S. following eight (8) years of experience. The findings are as follows:

- The D.P.S. **did not confirm the presence of repeat offenders**. In the program’s eight (8) year history only once, in 2019, has a landlord had their licence referred to a hearing.
- Despite implementing technological enhancements to the Oshawa Land Information (O.L.I.) system, the D.P.S. still requires a substantial level of staff administration. Many of the challenges detailed in CORP-15-62, “Program Evaluation of the Residential Rental Housing Licensing Demerit Point System” remain.

- With the growth of development and addition of new properties in the Rental Area staff resources are better allocated in administering the R.R.H.L. system and increasing the number of properties inspected and licensed.
- The R.R.H.L. system has been a successful tool in managing compliance with municipal by-laws and provincial standards and the recent enhancements to the City's Administrative Monetary Penalty System (A.M.P.) (e.g. introduction of tiered and escalating penalties) has further increased the City's capabilities in addressing potential "repeat offenders".
- The City is in the process of replacing O.L.I. with a new corporate property based software application, CityView. A D.P.S. is not existing functionality within the CityView system and the development of this functionality is considered a customization. The cost of this customization has not been determined at this time but anticipate it will be approximately \$50,000.

Staff have a number of options available to manage properties of concern without the use of the cumbersome D.P.S.:

- Issue a short-term, conditional licence which would require the licensee to comply with additional standards (e.g. additional inspections);
- Deny a licence application if there are a concerning number of by-law infractions;
- Revoke a licence for a property which incurs by-law infractions during the licence period; and,
- M.L.E.L.S. can address non-compliance through the use of the new tiered and escalating A.M.P. system.

Proposed Amendments:

- Remove the following sections in Schedule "K" in the Licensing By-law that relate to the D.P.S.:
 - 4.1;
 - 7.1; and,
 - All corresponding paragraphs.
- Introduce any additional consequential amendments based on the form and content above as appropriate.

Outcomes:

- Improved administration of the R.R.H.L.. Growth and diversification of housing in the Rental Area has led to a need for increased resources in order to administer the program effectively. Valuable staff resources can be redirected from the labour-intensive D.P.S. in order to inspect and licence a greater number of properties.
- Reduce the cost of the CityView software implementation.

5.3.4 Establish New Rental Licensing Classifications

Issue: The intent of the licensing system was to require all rentals in the defined Rental Area to be licensed with the exception of Housing Projects defined in the Housing Services Act, 2011 and Rental Units occupied by all owners of the Rental Unit in which no more than two (2) Bedrooms are occupied by Tenants. When the R.R.H.L. system was first established in 2008, the housing was predominantly homogenous consisting of single-detached dwellings and other lower-density housing. Accordingly, the R.R.H.L. was designed with these types of housing in mind and to address unique challenges presented by such rentals. Since 2008, there is a broader diversity of housing in the Rental Area including but not limited to, townhouses and apartments, as well as tenure including condominiums that require a different approach to licensing from an administration and licensing fee perspective. In July 2020 the City received correspondence from Podium Developments (**See Attachment 4**) expressing concerns about their condominium developments requiring almost 500 individual licences under the current R.R.H.L. system. They suggested a new “multi-unit building” licensing classification to address properties such as 1900 Simcoe Street North and 2 Taylorwood Road, without requiring hundreds of individual licences. This proposed licensing classes listed below directly respond to this correspondence.

Staff undertook an analysis of the various types of housing in the Rental Area, the unique issues associated with each type of housing, the inspection and administrative requirements. Based on staff’s analysis, it is recommended that the R.R.H.L. system be updated to include two (2) distinct licensing classes as detailed in **Table 8**.

Table 8 Proposed Licensing Classes for R.R.H.L.

	Class “A” Individually-Owned Dwelling Units (e.g. singles, semis, townhouses, condo units, etc.)	Class “B” Multi-unit Dwellings under Single Ownership (e.g. Apartment Buildings and Townhouse Complexes with a single owner, etc.)
Application Requirements	<ul style="list-style-type: none"> • Licensing application • Various certificates demonstrating compliance to applicable standards 	<ul style="list-style-type: none"> • Licensing application • Various certificates demonstrating compliance to applicable standards
Inspection Requirements	<ul style="list-style-type: none"> • Inspection: entire property (interior and exterior) 	<ul style="list-style-type: none"> • Inspection: all common areas (where applicable) and based on the number of dwelling units in the building, a pre-defined quantity of units will be inspected: <ul style="list-style-type: none"> ○ 0 to 25: 4 ○ 26 to 50: 6 ○ 51 to 75: 8 ○ 76 to 100: 10 ○ Every 25+: 2
Operating Standards	<ul style="list-style-type: none"> • Compliance with all City By-laws and all applicable law including but not limited to Provincial Legislation (e.g. Fire Protection and Prevention Act, 1997, Building Code Act, 1992, etc.) 	<ul style="list-style-type: none"> • Compliance with all City By-laws and all applicable law including but not limited to Provincial Legislation (e.g. Fire Protection and Prevention Act, 1997, Building Code Act, 1992, etc.)
Licensing Fee Structure	Application Fee: \$75 Licensing Fee: <ul style="list-style-type: none"> • Base Fee: \$250 • Per Bedroom Fee: \$75 	Application Fee: \$75 Licensing Fee: <ul style="list-style-type: none"> • Base Fee: \$250 • Dwelling Unit Fee: <ul style="list-style-type: none"> ○ 0 to 25: \$400 ○ 26 to 50: \$600 ○ 51 to 75: \$800 ○ 76 to 100: \$1,000 ○ Every 25+: \$200

Proposed Amendments:

- Amend the Licensing By-law and General Fees and Charges By-law 13-2003 to establish two (2) licensing classes generally in the form and content as detailed in **Table 8**.

Outcome:

- Licence fee is reflective of the staff resources required to inspect each type of housing and manage the licence application process.

5.3.5 Licence Renewal Period

Issue: Staff have found that the majority of licensees are complying with the City by-laws and the R.R.H.L. and are not noticing many compliance issues upon annual renewal. As the licensing process is resource intensive and the growth in development in the Rental Area has driven more licensing applications, extending the licensing term to two (2) years would allow the City to better manage the R.R.H.L. system and license more properties with existing resources.

It is recommended that the licensing term be extended from one (1) year to two (2) years. A two (2) year licence would free up resources to do more proactive work in educating and working with property owners, thereby increasing the licensing compliance rate. The Director, Municipal Law Enforcement and Licensing Services will still have the ability to issue a one (1) year licence if there is a property of concern. In addition, Fire Services only requires inspections once every two (2) years. This amendment will bring consistency between Municipal Licensing and Standards and Fire Services.

Financial Implications: Staff undertook a financial analysis of the proposed licensing fee structure for both Class “A” (**Table 9**) and Class “B” (**Table 10**) as part of the review. Based on the analysis, it is anticipated that licensing revenues will remain approximately at the same level despite increasing the licensing term from one (1) year to two (2) years. This is attributed to the fact that the City currently has a 50% compliance rate with the R.R.H.L. system (see Section 5.2.1) and with the lengthening of the licensing term to two (2) years, the City will be able to divert additional licensing and enforcement capacity to encourage non-compliant landlords to license with the City. It is estimated that there are approximately 750 additional dwelling units that require an R.R.H.L. licence in the Rental Area.

Table 9 Class "A" Individually-Owned Dwelling Units - Existing v. Proposed Licensing Fees

Existing Licensing Fee Structure	Proposed Licensing Fee Structure
Application Fee: \$75 Licensing Fee: <ul style="list-style-type: none"> First-time applicant or less than 60 days to expiry: \$500 Renewal Fee: \$360 Total Fee (Annual): \$435 - \$575	Application Fee: \$75 Licensing Fee: <ul style="list-style-type: none"> Base Fee: \$250 Per Bedroom Fee: \$75 Total Fee (Every Two (2) Years): <ul style="list-style-type: none"> One bedroom or less: \$400 Two bedrooms: \$475 Three bedrooms: \$550 Four bedrooms: \$625 Five bedrooms \$700

Table 10 Class "B" Multi-Unit Dwellings under Single Ownership - Existing v. Proposed Licensing Fees

Existing Licensing Fee Structure	Proposed Licensing Fee Structure
Application Fee: \$75 Licensing Fee: <ul style="list-style-type: none"> First-time applicant or less than 60 days to expiry: \$500 Renewal Fee: \$360 Total Fee (Annual): \$435 - \$575	Application Fee: \$75 Licensing Fee: <ul style="list-style-type: none"> Base Fee: \$250 Dwelling Unit Fee: <ul style="list-style-type: none"> 0 to 25: \$400 26 to 50: \$600 51 to 75: \$800 76 to 100: \$1,000 Every 25+: \$200 Total Fee (Every Two (2) Years): <ul style="list-style-type: none"> 0 to 25: \$725 26 to 50: \$925 51 to 75: \$1,125 76 to 100: \$1,325

Proposed Amendments:

- Amend the Licensing By-law to allow R.R.H.L. licences to be issued for two (2) year terms, pursuant to Section 4 subsection (f) of the Licensing By-law.

Outcome:

- Increase the licensing compliance rate with existing resources.
- Align timing of Municipal Licensing and Standards and Fire Prevention inspections.

5.3.6 Amend Documentation Requirements for Licensing and Minor Formatting

Issues: The staff review of the R.R.H.L. program has identified additional efficiencies with respect to documentation requirements for the licensing process. While certain documentary requirements were initially thought to be beneficial in assisting with enforcement and ensuring compliance with relevant City by-laws and provincial legislation, staff have determined that some documentation provided little to no value and complicated the application process unnecessarily. Staff are recommending the removal of certain documentary requirements to reduce the administrative burden; better align the R.R.H.L. program to the City's shift to online services; and, implement a more customer friendly application processes. These include:

Owner's Signature:

Section 3 (g) of Schedule "K" in the Licensing By-law states that "each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord" is required for an application. Staff believe that only the signature of one (1) landlord or owner is required in order to ensure the integrity of the program. This is consistent with applicants for two-unit, lodging house, and group home registrations as well as other property applications throughout Development Services. **Note:** licensing staff currently allow owners to provide signatures digitally, and will continue to following this amendment.

Maintenance Plan:

Section 4 (d) and Section 7 (n) of Schedule "K" requires the issuance of "a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Lot Maintenance By-law 127-2007." Staff found this document provided little value. Rather, owners now sign a declaration attesting they are going to maintain the property as required by the City's Lot Maintenance By-law 127-2007. Compliance with the City's Lot Maintenance By-law 127-2007 is a precondition for issuance of a licence and owners are directed to the by-law through the application process.

Parking Plan:

Section 4 (e) and Section 7 (o) of Schedule "K" requires the issuance of "a parking plan that complies with the City's Zoning By-law 60-94, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property." Staff found this document provided no value as it was a duplication of the requirements in the Zoning By-law. Staff no longer collect a parking plan as in-person inspections confirm the existence of required parking and owners sign a declaration attesting they will maintain appropriate parking requirements.

Section 7 (l) ix) of Schedule "K" states that the Landlord and the Rental Property must comply with the City's Unauthorized Parking By-law 97-2009. Section 7 (o) of Schedule "K" states that "no vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan submitted pursuant to paragraph 4 (e) of this Schedule." Staff believes this is a duplication and that (o) can be removed.

Legal Description:

Section 3 (b) of Schedule "K" states that a requirement for an application is "the municipal address and legal description of the Rental Unit." Staff finds the municipal address itself

sufficient and believes the legal description of the property is not necessary, and is sometimes not known by the applicant, complicating the application process unnecessarily.

Insurance:

Section 4 (f) i) of Schedule “K” requires insurance that “includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury.” Through consultation with Durham Municipal Insurance Pool, staff have confirmed that the total amount of insurance needed is \$2,000,000.00, and not for both property damage and bodily injury.

Transfer/Deed:

Section 4 (a) of Schedule “K” in the Licensing By-law requires “a copy of the transfer/deed evidencing a Landlord’s ownership” as one of the conditions. Staff has observed that generally owners do not have easy access to a copy of their transfer/deed. In addition, owner information can be confirmed by staff through existing City systems and the transfer deed is not required for two-unit or group home registrations. Additionally, as an applicant is unlikely to apply for a licence for a property that they do not own, a transfer/deed is no longer required.

Proposed Amendments:

- Change Section 3 (g) of Schedule “K” in the Licensing By-law to only require the signature of one landlord or owner.
- Amend Section 4 (d) and Section 7 (n) to eliminate the requirement for a maintenance plan.
- Amend Section 4 (e) and Section 7 (o) to eliminate the requirement for a parking plan.
- Amend Section 3 (b) to eliminate the requirement for a legal description of the Rental Unit.
- Amend Section 4 (f) i) to clarify that \$2,000,000.00 of insurance is the total amount needed, not for both property damage and bodily injury.
- Amend Section 4 (a) to eliminate the requirement for a transfer/deed.
- Renumber Schedule “K” and implement other typographical and other amendments as appropriate based on the form and content as detailed above.
- Remove Section 7 (o) of Schedule “K” from the By-law, as the same requirement is already stated earlier in the By-law.

Outcomes:

- An updated, streamlined and more user friendly process that better manages City resources and is responsive to the needs of all stakeholders.

5.3.7 Licence exemption for Owner Occupancy

Issue: Section 2 (b) of Schedule “K” of the Licensing By-law exempts Rental Units where it is occupied by all owners as their sole residence and in which no more than two (2) bedrooms are occupied by tenants. Staff have reassessed this standard and have determined that ensuring the occupancy of the Rental Unit by all owners can be difficult to enforce and prove. In addition, it is rare that all owners of a property reside in a home with tenants; rather it is more common that there may be one (1) owner and two (2) tenants. It is recommended that the requirement be simplified to exempt Rental Units where at least one (1) of the owners of the Rental Unit resides at the property as their sole residence. The limit on the number of bedrooms to be occupied by tenants remains.

Proposed Amendments:

- Amend Section 2 (b) of Schedule “K” to exempt a Rental Unit from the licensing requirement provided that the Rental Unit is occupied by at least one (1) owner as their sole residence and in which no more than two (2) bedrooms are occupied by tenants.

Outcome:

- Enhances the City’s ability to ensure compliance with the R.R.H.L. system.

5.4 Proposed Process to Consider Potential Expansion per CORP-20-02

The R.R.H.L. system is a comprehensive licensing system and has been successful in contributing to the health and safety of tenants, and maintaining acceptable property standards by landlords.

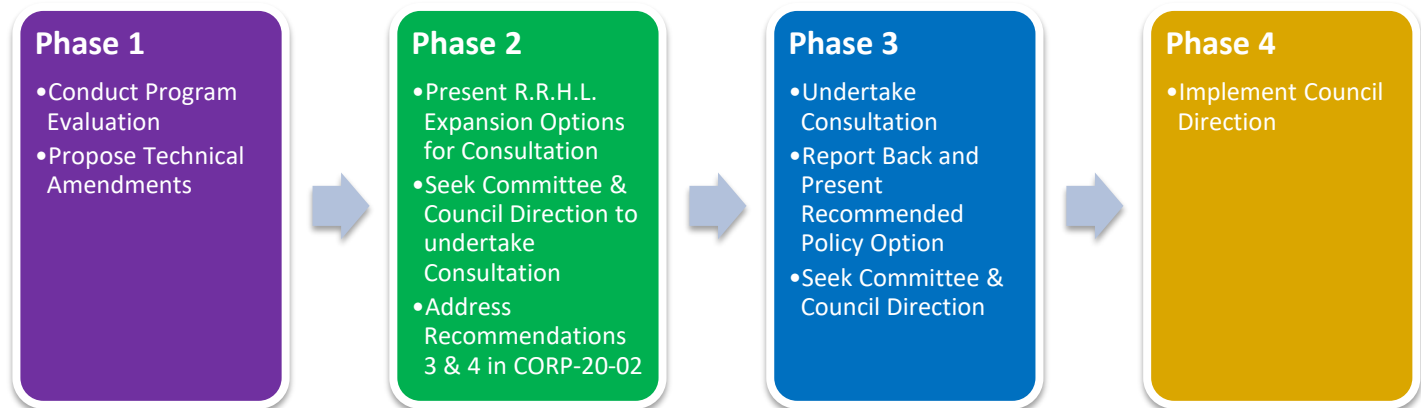
Studying options (e.g. expanding to other geographical areas, expanding city-wide, limiting the type of housing the program licenses, etc.) for expanding the R.R.H.L. system is a significant project requiring careful consideration of various components. For instance, while certain tenant-related issues may be similar amongst all renters, some differ based on the type of rental property. More specifically, renters in apartment buildings may have different concerns than renters in a single-detached dwelling, and therefore, require a licensing system tailored to respond to such unique challenges. Further analysis is required if the present R.R.H.L. system is to be expanded to a larger geographical area and/or expanded to include different types of rental properties. Examples of this analysis include, but are not limited to:

- Conducting a needs assessment (e.g. analyzing data to find areas experiencing non-compliance and to determine rental rates; conducting a cost-recovery analysis and determining the financial impact of licensing on stakeholders (e.g. landlords and tenants); identifying the use of other policy interventions and their effectiveness, etc.)
- Identifying unique tenant/landlord related issues for each building type (e.g. single-detached houses vs. apartments)

- Engaging all stakeholders through a public consultation process
- Resources required to administer, inspect and enforce proposed licensing systems

Accordingly, it is recommended that the study of expansion options for the R.R.H.L. proceed in four (4) phases as detailed in **Figure 2**. This report addresses Phase 1.

Figure 2 - Proposed Process to Study Expansion of R.R.H.L.



5.5 Updated Program Objectives

The initial program objectives focused on nuisance-related issues in the community (e.g. noise, parking, lot maintenance). While these issues are no longer as prevalent in the Rental Area, it is appropriate to focus on tenant-related issues (for example, property standards). Staff have updated the objectives of the R.R.H.L. system in an effort to study the expansion of the program per Council's direction. The updated objectives will guide the design of potential expansion options and will be used to assess the effectiveness of each proposed option for consideration. The updated objectives are as follows:

- **Address Health, Safety, and Consumer Protection Concerns** - Ensure landlords and tenants comply with all relevant City by-laws and provincial acts on an ongoing basis. By-laws that specifically deal with health, safety and consumer protection include: Adequate Heat By-law 76-2006; Boulevard By-law 136-2006; Lot Maintenance By-law 127-2007; Noise By-law 112-82; Property Standards By-law 01-2002; Snow and Ice Removal By-law 92-2009; Zoning By-law 60-94, etc.
- **Enhance Responsibility and Accountability of Licensees** - Landlords are required to ensure their properties meet all applicable standards prior to licence issuance.
- **Standards that Address a Specific Purpose** - Ensuring that all requirements of the program are deliberate and that there are no requirements or standards that are unnecessary.

- **Full Cost Recovery** - Licensing fees should be associated with the cost of inspections and application reviews to ensure the cost of the program is not borne by the property tax base.
- **Scalable City-wide** - Proposed standards should be capable of being expanded City-wide should Council direct a City-wide approach to licensing.

5.6 Municipal Benchmarking

A municipal scan has been conducted to review the licensing programs in place throughout Ontario. Information has been obtained through municipal websites and by-laws as well as phone surveying. There are four (4) municipalities in Ontario currently using a rental licensing system. The programs have some key differences which are detailed in **Table 11**.

Table 11 Municipal Benchmarking of Rental Licensing

Program Benchmark	Oshawa	London	Mississauga	Waterloo
By-Law Enacted	2008	2010	2010	2012
Rental Area or City Wide	Rental Area	City Wide	City Wide	City Wide
Housing Licensed	All Types	Not Apartments or Townhouses	Lodging Houses Only	Low-rise Residential Units Only
Term of Licence	Annual	Annual	Annual	Annual
Demerit System	Y	N	N	N
Full Cost Recovery	Y	N	N	Y
Number of Rental Classes	1	1	1	6

Full municipal benchmarking can be found in **Attachment 5**.

5.7 Conclusion

Since 2008, the R.R.H.L. system has successfully assisted in addressing tenant safety issues, the destabilization of the neighbourhood and has reduced the rate of property-related by-law complaints in the Rental Area. Going forward, and if approved, new updated objectives outlined in Section 5.5 will assist staff in the examining potential options for the expansion of the R.R.H.L. program. Following the approval of Report CORP-21-32 “Program Evaluation of the Residential Rental Housing Licensing Program and Proposed Technical Amendments”, staff will prepare options for expansion including financial forecasts and seek direction to undertake a public consultation process. Notwithstanding this, the proposed technical amendments identified in Section 5.3, if approved, will introduce various benefits to all stakeholders including but not limited to:

- **Tenants:**
 - Improving the health and safety as more rental units will be licensed;
 - Improving the quality and maintenance of the rental housing in the Rental Area;
 - Introducing more licensed rental options to choose from; and,
 - Facilitates the use of purpose-built student rentals in the Simcoe Street North Corridor.
- **Landlords:**
 - Establishing a more user-friendly and streamlined licensing system;
 - Directly responding to the concerns of condo-owners and Podium; Developments (see **Attachment 4**), by tailoring licensing fees to the amount of licensing administration undertaken; and,
 - Introducing a more affordable rental licence.
- **Residents in the Rental Area:**
 - Improving the quality of life for all residents living in the Rental Area (e.g. improved health and safety; better livability; and, maintaining property to complement the neighbouring environment).

6.0 Financial Implications

Staff undertook a financial analysis of the proposed licensing fee structure for both Class “A” and Class “B” as part of the review. Based on the analysis, it is anticipated that licensing revenues will remain approximately at the same level despite increasing the licensing term from one (1) year to two (2) years. This is attributed to the fact that the City currently has a 50% compliance rate with the R.R.H.L. system (see Section 5.2.1) and with the lengthening of the licensing term to two (2) years, the City will be able to divert additional licensing and enforcement capacity to encourage non-compliant landlords to license with the City.

The assessment of the Rental Area’s growth also found that additional staff will be required going forward. Specifically, an additional Summer Student for M.L.E.L.S. to support the program will be required at an approximate cost of \$15,000 and will be included as part of the 2022 Budget Process. It is also important to note there may be a potential need for another Fire Prevention Inspector to support Fire Prevention Inspections. This Fire Prevention Inspector would be in addition to the Regular Full-time Fire Prevention Inspector position approved in May 2021 (See FIN-21-53) at an approximate cost of \$148,011. Notwithstanding this, Fire Services will reassess staffing capacity and, if applicable, include the additional position as part of the 2023 Budget process. It is estimated that there are approximately 750 additional dwellings that require an R.R.H.L. licence in the Rental Area, and this additional staff would provide the capacity needed to inspect and license those dwellings.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this report responds to the Oshawa Strategic Plan Goals of Economic Prosperity and Financial Stewardship and Accountable Leadership.

A handwritten signature in black ink, reading "Brenda Jeffs". The signature is fluid and cursive, with the first name "Brenda" and last name "Jeffs" clearly legible.

Brenda Jeffs, Director,
Municipal Law Enforcement and Licensing Services

A handwritten signature in black ink, reading "Tracy Adams". The signature is fluid and cursive, with the first name "Tracy" and last name "Adams" clearly legible.

Tracy Adams, Commissioner,
Corporate Services Department

Attachments

CORP-20-02

Potential Expansion of the Residential Rental Housing Licensing Program

Recommendation

Whereas in 2008, the City implemented a licensing regime for residential rental housing in the vicinity of Ontario Tech University and Durham College to ensure that rental units comply with various municipal by-laws and provincial acts; and,

Whereas since then, the City has undertaken other initiatives to address tenant's concerns including but not limited to:

- Undertaking bi-annual Apartment Building Audits to ensure compliance with property maintenance standards and compliance with the Fire Code O. Reg. 213/07;
- Introduced enhancements to the City's Adequate Heat By-law 76-2006 to extend the provision of adequate heat from September 1 to June 15;
- Created a tenant information webpage providing consolidated information on a variety of topics applicable to tenants;
- Created and distributed tenant information brochures;
- When applicable, connected tenants with the Durham Community Legal Clinic to provide legal assistance for issues relating to the provincial Residential Tenancies Act, 2006;
- Initiated a review of the City's Property Standards By-law 01-2002 and including tenant advocacy groups in the consultation process; and,

Whereas Report CORP-17-32 provided information on the preliminary scope of examining the expansion of the Residential Rental Housing Licensing (R.R.H.L.) program to apartment buildings and other property types city-wide; and,

Whereas undertaking a study on the expansion of the R.R.H.L. program is a major project that is not currently on the Corporate Services Department 2020 Business Plan;

Therefore be it resolved that staff:

1. Review options to potentially expand the R.R.H.L. program city-wide and report back to the Corporate Services Committee; and,

2. Invite Direct Intervention Reaching Everyone (D.I.R.E.) to participate as a stakeholder in the City's review of the City's Residential Rental Housing Licensing; and,
3. Review options to provide direct communication access and a dedicated response process to provide information and respond to inquiries from tenants and landlords; and,
4. That the City develop a Tenancy Bill of Rights and Responsibilities that provides easy to understand core information and investigate the legality and feasibility of making it mandatory to post this Bill of Rights and Responsibilities in rental units.

Attention: **Corporate Services Department, Municipal Law Enforcement and Licensing Services, Council-Committee Coordinator**

Action Taken: **Carried**

SCHEDULE “K” TO BY-LAW 120-2005

Rental Housing

1. Subject to section 2 of this Schedule, this Schedule applies to the Rental Area. (20-2008)
2. This Schedule does not apply to
 - (a) a “housing project” as that term is defined in the Housing Services Act, 2011, S.O. 2011, c. 6, Schedule 1; or to (69-2013)
 - (b) a Rental Unit that is occupied by all owners of the Rental Unit as their sole residence and in which no more than two (2) Bedrooms are occupied by Tenants.
- 2.1 Without limiting paragraph 3(a) of this By-law and subject to section 2 of this Schedule, no person shall permit the promotion or advertising of a Rental Unit as being available for occupancy or permit to be offered to any person a right to occupy a Rental Unit except a Rental Unit in respect of which a licence has been issued pursuant to this By-law. (69-2013)

Licence Application

3. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence unless the application is submitted on forms approved by the Director and includes, for each Rental Unit, the following:
 - (a) the name, municipal address, telephone number of each Landlord;
 - (b) the municipal address and legal description of the Rental Unit;
 - (c) if a Landlord is a corporation, the name, address and telephone number of each director, officer and shareholder;
 - (d) if a Landlord is a partnership, the name address and telephone number of each partner;
 - (e) the number of Bedrooms;
 - (f) a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
 - (g) each Landlord’s signature or of any duly authorized Landlord’s agents that would bind the Landlord.
 - (h) the contact information for a Local Contact who is available to attend to the Rental Unit at all times within a period of no greater than one (1) hour from the time of contact by telephone or email;
4. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence that is not accompanied by the following in respect of each Rental Unit:
 - (a) a copy of the transfer/deed evidencing a Landlord’s ownership;

- (b) if a Landlord is a corporation, a copy of
 - i) the Landlord's articles of incorporation; and
 - ii) a corporation profile report issued by the Ontario Ministry of Consumer and Business Services;
- (c) a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use including each room that is proposed to be used as a Bedroom; (69-2013)
- (d) a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Lot Maintenance By-law 127-2007;
- (e) a parking plan that complies with the City's Zoning By-law 60-94, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;
- (f) Proof of placement of insurance that:
 - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - ii) identifies the proposed use as residential rental; and that
 - iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- (g) evidence satisfactory to the Director that the Rental Property and its proposed use comply with the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations; (37-2010)
- (h) evidence satisfactory to the Director that the Rental Property and its proposed use comply with the Electrical Safety Code, O. Reg. 164/99; (37-2010)
- (i) evidence satisfactory to the Director that the Rental Property and its proposed use comply with the Building Code Act, 1992 (Ontario) and its regulations; (37-2010)
- (j) evidence satisfactory to the Director that there are no fines or fees owed to the City by any Landlord respecting the Rental Property; and (69-2013)
- (k) payment of the licence fee.

4.1 Without limiting the criteria prescribed by paragraph 4(d) of this By-law, the Director may also refuse to issue a licence in respect of a Rental Unit if the total of all demerit points then in effect respecting the Rental Unit equals or exceeds fifteen (15). (9-2013)

5. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence where any of the documents required by clause 4(b), and by paragraphs 4(f), 4(g), 4(h) and 4(i) of this Schedule was issued prior to the sixtieth(60th) day preceding the date on which the application is submitted.

Licence Issuance

6. Each licence shall include the following:
- (a) the licence number;
 - (b) the floorplan submitted pursuant to paragraph 4(c) of this Schedule; (69-2013)
 - (c) the name, address and telephone number of each Landlord;
 - (d) where a Landlord is a corporation, the name, address and telephone number of each director and each officer of the Landlord; and
 - (e) where a Landlord is a partnership, the name, address and telephone number of each partner.

Licence Conditions

7. In addition to other requirements of the Licensing By-law, each of the following is a condition as a requirement of continuing to hold a licence in respect of a Rental Unit: (69-2013)
- (a) subject to paragraph 7(b) of this Schedule, the number of Bedrooms in the Rental Unit does not exceed four (4); (143-2011)
 - (b) “the number of Bedrooms in a Rental Unit on a Lot within the Rental Area – Simcoe Street Corridor does not exceed five (5)”; (143-2011)
 - (c) intentionally deleted; (143-2011)
 - (d) no more than 40% of the Rental Unit’s Gross Floor Area - Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;
 - (e) no room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;
 - (f) no more than 40% of the Gross Floor Area – Residential of the Rental Unit’s ground floor may be comprised of Bedrooms;
 - (g) each Tenant is a party to a written tenancy agreement with a Landlord;
 - (h) a Landlord does not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with the Licensing By-law;
 - (i) a Landlord notifies the Director in writing within two (2) days of any change to any information provided pursuant to sections 3 and 4 of this Schedule;

- (j) a legible copy of the licence and floor plan submitted pursuant to paragraph 4(c) of this Schedule are posted and maintained prominently and visibly within one (1) metre of the interior of the Rental Unit's main entrance door. (69-2013)
- (k) a Landlord maintains insurance respecting the Rental Unit that:
 - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - ii) identifies the use as residential rental; and that
 - iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- (l) the Landlord and the Rental Property comply with all applicable law including
 - i) the Health Protection and Promotion Act (Ontario) and its regulations;
 - ii) the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations;
 - iii) the Electrical Safety Code, O.Reg. 164/99;
 - iv) the Building Code Act, 1992 (Ontario) and its regulations;
 - v) the City's Zoning By-law 60-94, as amended;
 - vi) the City's Property Standards By-law 1-2002, as amended;
 - vii) the City's Lot Maintenance By-law 127-2007;
 - viii) the City's Snow and Ice Removal By-law 92-2009, as amended; (69-2013)
 - ix) the City's Unauthorized Parking By-law 97-2009, as amended; and (69-2013)
 - x) the City's Waste Collection By-law 113-2008. (69-2013)
- (m) no fine, administrative penalty or fee is owed to the City by any Landlord;
- (n) the Landlord and the Rental Property comply with the maintenance plan submitted pursuant to paragraph 4 (d) of this Schedule; and
- (o) no vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan submitted pursuant to paragraph 4 (e) of this Schedule, the following:
- (p) the Landlord shall ensure that their Local Contact is available to attend to their affiliate Rental Unit within one (1) hour from the time of contact by telephone or email by any Person at all times.

Demerit Points

- 7.1 A demerit point system is established as follows, without prejudice to options otherwise available to enforce this By-law.

- (a) The number of demerit points referenced in the second column of the table at paragraph (e) of this section ("Demerit Point Schedule") will be assessed against a Rental Unit in respect of the by-laws or specific parts of such by-laws in the same row of the first column of the Demerit Point Schedule upon each occurrence of any of the following events respecting a contravention of the by-law or specific part of such by-law respecting such Rental Unit:
- (i) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
 - (ii) the confirmation of an administrative penalty; or
 - (iii) the confirmation of an administrative order.
- (b) Demerit points will remain in effect until the second (2nd) anniversary of the date on which the demerit points were assessed.
- (c) If the total of all demerit points in effect respecting a Rental Unit is at least seven (7), the Director may, on no fewer than three (3) days' notice to the Landlord, require the Landlord to attend a meeting with the Director on the date, at the place and for the period specified by the Director. If the Landlord fails to attend or to remain at the meeting, the Director may, on no fewer than seven (7) days' notice to the Landlord, require the Landlord to attend a hearing before the Hearings Officer pursuant to section 14 of this By-law.
- (d) If the total of all demerit points in effect respecting a Rental Unit is at least fifteen (15), the Director may, on no fewer than seven (7) days' notice to the Landlord, require the Landlord to attend a hearing before the Hearings Officer pursuant to section 14 of this By-law.
- (e) Following is the Demerit Point Schedule:

By-law Infraction	Demerit Points
Licensing – operating without a licence	5
Licensing – operating contrary to regulations	3
Zoning – illegal use	3
Boulevard	2
Lot Maintenance	2
Noise	2
Nuisance	2

By-law Infraction	Demerit Points
Property Standards	2
Unauthorized Parking	1
Waste	1
Zoning – recreational vehicles/trailers/boats	1
Zoning – sight obstructions	1

(9-2013)

Right to be Heard

8. Notwithstanding anything in this By-law to the contrary, where a Landlord appeals against or requests a review of a decision concerning a licence related to this Schedule, no decision in the appeal or review shall be made unless each Owner of a Lot situate within thirty (30) metres of the Rental Property the subject of the appeal or review has been given no fewer than seven (7) days' notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

Rental Area

9. Following are the roads or parts of roads for the purpose of defining Rental Area in section 2 of the Licensing By-law:
- (a) Aquatic Ballet Path (109-2018)
 - (a.1) Arctic Actress Ct. (114-2015)
 - (a.2) Arctic Red Dr. (114-2015)
 - (a.3) Artania St. (109-2013)
 - (a.4) Avalon Ct. (109-2013)
 - (b) Avalon St.
 - (c) Bandsman Cres (109-2018)
 - (c.1) Birchview Dr
 - (d) Bishop Ct.
 - (d.1) Blackwell Cres. (109-2013)
 - (e) Bovin Ave.
 - (f) Bridle Rd.
 - (g) Britannia Ave. East (49-2014)
 - (g.1) Britannia Ave. West (114-2015)

(g.2)	Bromus Path	(109-2018)
(h)	Canadore Cres.	
(i)	Carswell Ave.	
(i.1)	Chevron Prince Path	(109-2018)
(i.2)	Christabelle Path	(109-2018)
(j)	Clearwater Ct.	
(k)	Coldstream Dr. North Side from its intersection at Ritson Rd. North to its intersection at Wilson Rd. North	(49-2014)
(l)	Concordia Ct.	
(m)	Conestoga Ct.	
(m.1)	Conlin Rd. East, from its intersection with Simcoe St. North to its intersection with Ritson Rd. North	(114-2015)
(n)	Conlin Rd. East, south side, from its intersection at Ritson Rd. North easterly to its intersection at Wilson Rd. North.	
(o)	Conlin Rd. West, from its intersection at Simcoe St. North westerly to its intersection at Oshawa Creek.	
(o.1)	Cosgrove Dr	(109-2018)
(o.2)	Craftsman Dr	(109-2018)
(p)	Dalhousie Cres.	
(p.1)	Dance Act Ave.	(114-2015)
(p.2)	Deputy Minister Path	(109-2018)
(p.3)	Dobbinton St.	(114-2015)
(q)	Eaglesham Path	
(q.1)	Eastwood Ave. N	
(r)	Eclipse Pl.	
(s)	Edenwood Ct.	
(t)	Edenwood Dr.	
(u)	Elmwood Ct.	
(u.1)	Equestrian Cres.	(109-2018)
(v)	Erindale Cres.	
(v.1)	Far North Ct.	(114-2015)
(v.2)	Fighting Reids Gate	(114-2015)
(v.3)	Filly Path	(109-2018)
(w)	Flagstone Ct.	
(w.1)	Foal Path	(109-2018)

(w.2)	Giboulee Path	(109-2018)
(w.3)	Glenstal Path	(109-2018)
(x)	Glovers Rd.	
(x.1)	Great Gabe Cres.	(109-2013)
(x.2)	Great Gabe Gate	(114-2015)
(y)	Greenhill Ave. from its intersection at Ormond Dr. to its intersection at Wilson Rd. North	
(y.1)	Gulfstream Ave.	(114-2015)
(z)	Hackett Pl.	
(z.1)	Halo St.	(114-2015)
(aa)	Herbert Ave.	
(aa.1)	Hill Rise Ct.	(114-2015)
(aa.2)	Hill Rise St.	(114-2015)
(aa.3)	Hyperion Ct.	(114-2015)
(aa.4)	Ice Palace Cres.	(114-2015)
(aa.5)	Icy Note Path	(109-2018)
(aa.6)	Iribelle Ave.	(109-2013)
(bb)	Kedron St.	
(bb.1)	Kentucky Derby Way	(114-2015)
(cc)	Lady Angela Ave.	(109-2018)
(cc.1)	Largo Cres.	
(dd)	Maine St.	
(ee)	Manor Dr.	
(ff)	McGill Ct.	
(gg)	Meadow St.	
(hh)	Minsky Gate	
(ii)	Minsky Pl.	
(ii.1)	Nearco Cres.	(114-2015)
(ii.2)	Nearco Gate	(114-2015)
(ii.3)	Nearna Dr.	(114-2015)
(ii.4)	New Providence St.	(109-2013)
(jj)	Niagara Dr.	
(kk)	Norland Circle	
(ll)	Norland Gate	
(mm)	Northern Dancer Dr.	
(nn)	Norwill Cres.	

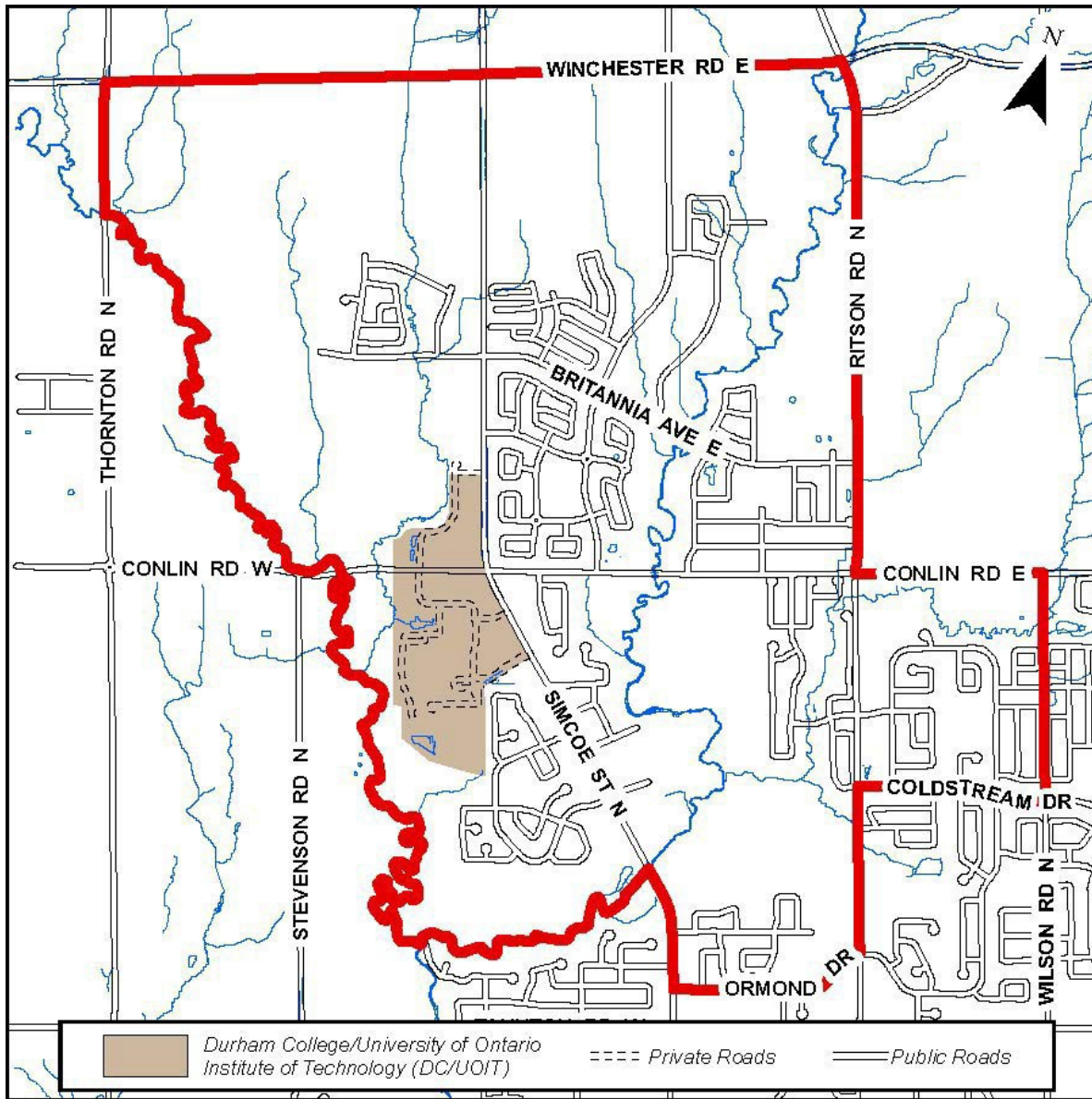
(oo)	Ormond Dr. from its intersection with Glovers Rd. to its intersection with Ritson Rd. North	
(oo.1)	Ormond Dr., from its western intersection with Coldstream Dr. to its eastern intersection with Coldstream Dr.	(49-2014)
(pp)	Pilgrim Gate	
(qq)	Pilgrim Lane	
(rr)	Pilgrim Square	
(rr.1)	Pimlico Dr.	(114-2015)
(ss)	Pindar Cres.	
(ss.1)	Pony Path	(109-2018)
(ss.2)	Presidial Ave.	(114-2015)
(tt)	Radcliffe Dr.	
(uu)	Raike Dr.	
(vv)	Ritson Rd. North West Side from its intersection with Ormond Dr. to its intersection with Coldstream Dr.	(49-2014)
(vv.1)	Ritson Rd. North from its intersection with Coldstream Drive to its intersection with Conlin Rd. East	(49-2014)
(ww)	Ritson Rd. North West Side from its intersection with Conlin Rd. East to its intersection with Winchester Rd. East	(114-2015)
(xx)	Rockcreek Dr.	
(xx.1)	Rosedrop Path	(1092018)
(yy)	Ryerson Cres.	
(zz)	Samac Ct.	
(aaa)	Samac Trail	
(bbb)	Sandalwood Ct.	
(ccc)	Sarasota Cres.	
(ddd)	Sarasota St.	
(eee)	Scottscraig Dr.	
(fff)	Secretariat Ave.	
(ggg)	Secretariat Pl.	
(ggg.1)	Secreto Ct.	(114-2015)
(ggg.2)	Secreto Dr.	(114-2015)
(hhh)	Selleck Lane	
(hhh.1)	Sharavogue Ave.	(114-2015)
(hhh.2)	Shelburne Street	(69-2013)
(iii)	Sheridan St.	

- (iii.1) Silverstone Crescent (69-2013)
- (jjj) Simcoe St. North, east side, from the northern limit of the property known municipally as 1379 Simcoe St. North to its intersection with the part of Oshawa Creek south of Niagara Dr.
- (kkk) Simcoe St. North from the northerly limit of that part described in the preceding paragraph 9 (jjj) to the southerly limit of that part described in the following paragraph 9 (III).
(III) Simcoe St. North, from its intersection with Conlin Rd. to its intersection with Winchester Rd. East (114-2015)
- (III.1) Snow Knight Dr. (114-2015)
- (III.2) Solar Gate (49-2014)
- (mmm) Solar Pl.
- (mmm.1) South Ocean Dr (109-2018)
- (mmm.2) Stallion Dr (109-2018)
- (mmm.3) Standardbred Dr. (114-2015)
- (mmm.4) Steeplechase St. (109-2013)
- (nnn) Stornoway St.
- (ooo) Sunview Lane
- (ooo.1) Symington Ave. (114-2015)
- (ooo.2) Symington Ct. (114-2015)
- (ooo.3) Tabaret Cres. (114-2015)
- (ppp) Tampa Cres.
- (qqq) Taylorwood Ct.
- (rrr) Taylorwood Rd.
- (rrr.1) Thoroughbred St. (114-2015)
- (rrr.2) Thornton Rd. North, east side, from its intersection with Winchester Rd. West southerly to its intersection with Oshawa Creek (114-2015)
- (sss) Travail Ave.
- (ttt) Valewood Ct.
- (ttt.1) Victoria Park St. (114-2015)
- (uuu) Walreg Dr.
- (uuu.1) Western Cres. (49-2014)
- (vvv) Whitestone Ct.
- (www) Wilson Rd. North (west side) from its intersection with Coldstream Dr. to its intersection with Conlin Rd. E. (69-2013)
- (www.1) Winchester Rd. East, south side, from its intersection with Simcoe St. North easterly to its intersection with Ritson Rd. North (114-2015)

(www.2)	Winchester Rd. West, south side, front its intersection with Thornton Rd. North easterly to its intersection with Simcoe St. North	(114-2015)
(www.3)	Winfields Farm Dr. East	(109-2018)
(www.4)	Windfields Farm Dr. West	(114-2015)
(xxx)	Winlord Pl.	
(yyy)	Woodbine Ave.	
(zzz)	Woodbine Pl.	
(aaaa)	Woodgate Ct.	
(bbbb)	Woodgate Trail	
(cccc)	Woodmount Cres.	
(dddd)	Woodmount Dr.	

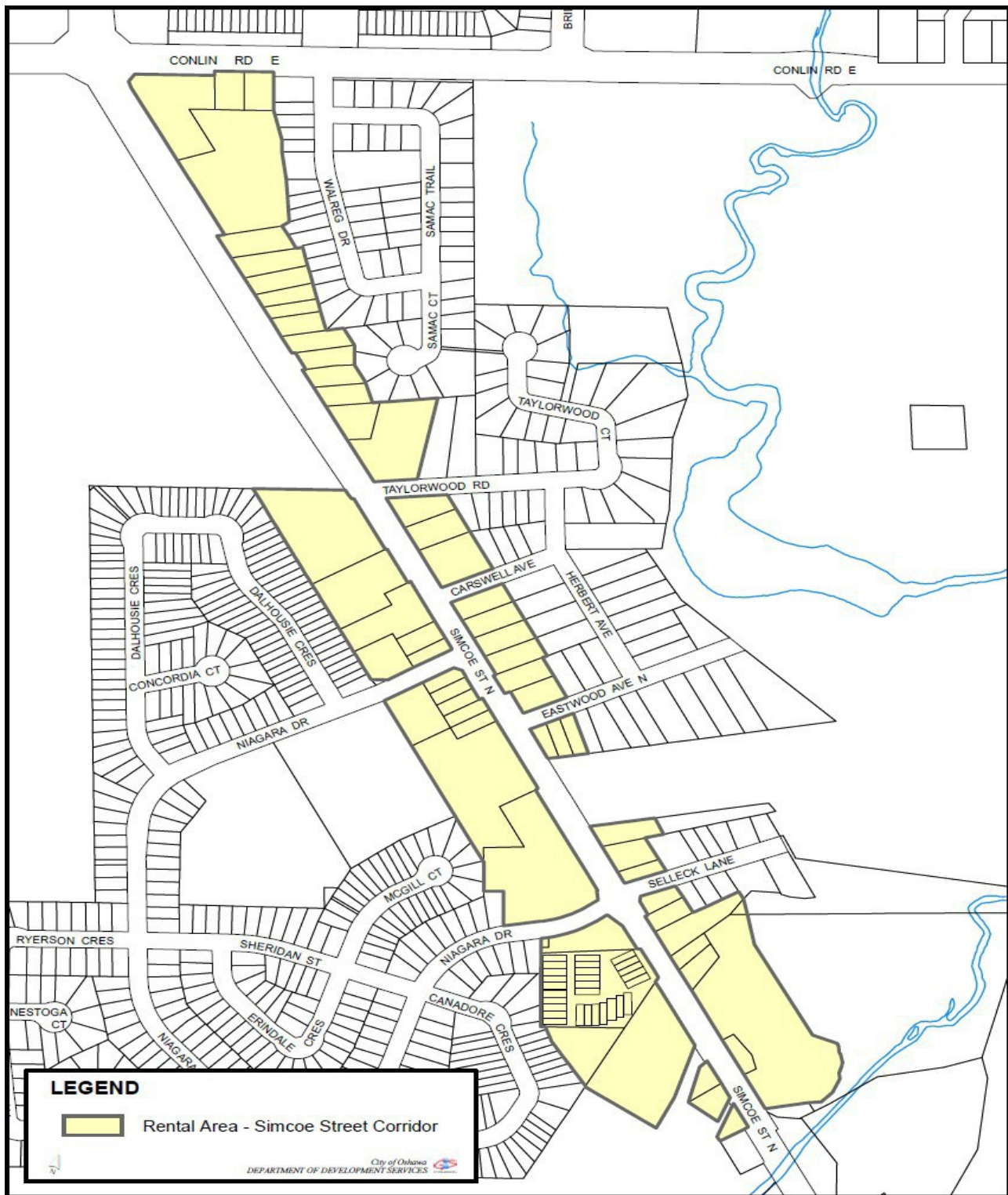
- 9.1 The Director may pass by-laws to add to, delete from or to revise the list of roads or parts of roads listed in section 9, whether or not any particular road or part has been assumed by the City, provided that each such road or part is within the Rental Area including such roads or parts comprising part of the limit of the Rental Area. (32-2015)

10. Following is the sketch for the purpose of depicting Rental Area as defined in section 2 of the Licensing By-law. (20-2008)

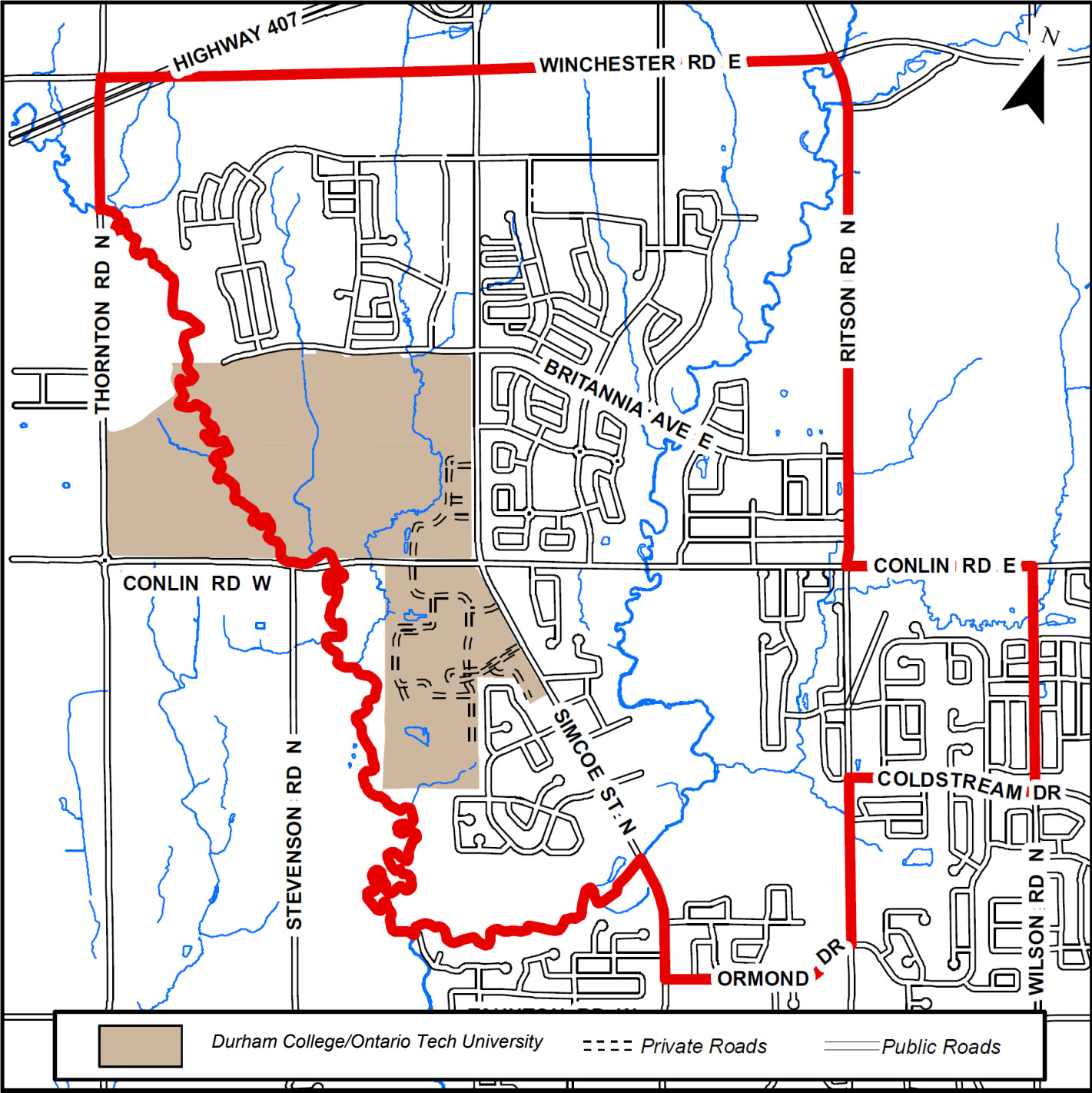


(32-2015)

11. Following is the sketch for the purpose of depicting Rental Area – Simcoe Street Corridor as defined in section 2 of the Licensing By-law; (143-2011)



Map of Rental Area





CORP-20-22

Tuesday July 7, 2020

City Clerk,
City Clerk Services
5th Floor, Rundle Tower, City Hall
50 Centre Street South,
Oshawa, ON L1H 3Z7

**Re: RRHL Applications
Purpose-Built Housing**

Dear Clerk and Members of Council:

We are the developers of the sites at 1900 Simcoe Street North ("University Studios"), 1800 Simcoe Street North ("University Towns"), and 2 Taylorwood, 2015 Simcoe and 2021 Simcoe Street North (collectively "Foundry Oshawa", but formerly Taylorwood Towns). Together, these projects have created approximately 600 units and over 1000 beds adjacent to Ontario Tech University/Durham College (the "Institutions"). 1900 and 1800 Simcoe Street North were each developed as condominiums, where each unit is owned individually. Both projects have Condominium Corporation Numbers (DSCC 306 and 323 respectively), which governs control of all unit owners through a series of Condominium Rules under the Condominium Act.

The City currently requires individual Residential Rental Housing License ("RRHL") applications from each unit owner at 1900 and 1800 Simcoe Street North. That is potentially 478 separate RRHL applications and licenses for these two projects alone. We respectfully disagree with the City's current requirement of individual licenses by each unit owner for projects like 1900 and 1800 Simcoe North. In our opinion, the current application of the RRHL to individual units does not appropriately consider buildings like 1900 and 1800 Simcoe. These buildings meet or exceed current OBC standards for life-safety and have common management by both Condominium Managers (as part of the Condo Board) as well as professional property management. These managers implement building and site standards to mitigate or eliminate all of the matters we believe the RRHL is designed to protect against. As importantly, they also directly administer and govern operating issues, including controlling and penalizing rowdy or un-neighbourly behaviour.

The proximity to the schools makes them a perfect and ideal source for new housing that can support the schools with rental stock, with redundancies already built in, evaluated by the City's many departments and much better enabled to function as residential rental options. We also believe their existence can better support these educational institutions in their growth and attraction of key talent to the City of Oshawa as they provide opportunities for collegial living environments conducive to student living, supported by private services and private amenities that augment the "student experience". Both projects are successful and locally acknowledged projects that were encouraged by planning and economic City policy to be built near the Institutions. This was in direct response to the manner we understand the RRHL was founded. The opening of UOIT (now Ontario Tech) destabilized surrounding neighbourhoods, as there was a deficiency in student housing options available. Nearby existing homes and neighbourhoods surrounding the Institutions were low-hanging fruit for conversion as already built

housing that could easily be switched to student housing by investors and landlords. Common challenges associated with student housing, particularly housing converted inside neighbourhoods involve fire and life safety (ie. Adding bedrooms in a house), site standards (garbage, furniture), and operating (partying, impacts on neighbours). Seeing the problem occurring, Paul Ralph and Council's leadership at the City implemented planning policy (upzoning Simcoe corridor), and economic policy (CIP support) to enact the exact type of intensification that has since happened at 1900 and 1800 Simcoe. We acknowledge the RRHL remains a necessity as there are still many individual, spaced and converted buildings, and this remains a viable option for the City to ensure minimum standards are met for rental units, whether purpose built or not. We also understand the City may wish to "even the playing field" so that there is not a financial burden on one type (ie. Converted houses) vs. purpose-built housing.

We believe that individual ownership of units on-site is independent, and tenure is irrelevant to the application of individual RRHL for these buildings. We suggest the City consider a new "multi-unit building" classification, calculated by unit, where the redundancies and protection already afforded under a common management system would be considered.

We also understand that the administration of potentially 478 RRHL licenses for just these two projects will create a bottleneck and administrative challenge for the City in issuing licenses, reviewing each unit and penalizing any offenders. With the on-set of other similar projects (ie. UC Tower), we believe the current approach will exacerbate the City's RRHL administrators.

We recognize that not all units in these two specific projects require an RRHL. Many units are owner-occupied. The implementation of a multi-unit approach would allow unit owners, through the Condominium Corporations actions, to "opt in" to a combined license for the building, where individual unit owners could confirm their units have not been altered for anything requiring a building permit (ie. Additional bedrooms, electrical appliances, etc) so that the burden of proof is not on the City, but on any owner that opts in. This would relieve the challenges mentioned above for the City. Any owner that doesn't opt in would be responsible for their own individual RRHL, if required.

We are happy to discuss further approaches and can provide additional information, such as examples of the condominium rules in place that govern the operations, the site designs which do not allow for private outdoor congregating places, as well as the budgets which account for site standard maintenance. We look forward to your re-evaluation of this process and would be happy to try to help provide additional clarity as required.

Yours truly,

A handwritten signature in dark ink, appearing to read "Christian Huggett".

Christian Huggett MCIP RPP
Vice-President, Development

PODIUM DEVELOPMENTS

Cc: Mr. Paul Ralph, City Manager

2021 Benchmarking - Residential Rental House Licensing Programs

Program Information	Oshawa	London	Mississauga	Waterloo
By-law Enacted	2008	2010	2010	2012
Housing Licensed (e.g. Less than 3 dwelling units or applicable to all rentals)	All rentals (singles and semi-detached, townhomes, condos, apartments)	Single-detached dwelling, single- detached dwelling with secondary unit, 2 units/duplex, 3 units/triplex, 4 units, 5 units, 6 units Does not apply to: rental unit in an apartment building, stacked townhouse, or townhouse	All lodgings houses	All low-rise residential rental units (single/semi-detached, duplex, triplex, and accessory apartment) A licence is not required for: - Student residence operated by a University or College - Apartment building - Group home - Hotel, inn, bed and breakfast - Rental Unit to which certain statutes apply (Special Care Act, Innkeepers Act, Long- Term Care Homes Act, Retirement Homes Act, Social Housing Reform Act)
Number of Rental Licensing Classes	1	1	1	6
Same licensing standards for all Rentals (Y/N)	Yes	Yes	Yes (For all lodging houses)	No

Program Information	Oshawa	London	Mississauga	Waterloo
By-law Enacted	2008	2010	2010	2012
Property Standards Inspection Required (and frequency)	Yes - annual	Yes - at the time an application is submitted, but if it is not done at that time, a random exterior property standards inspection will be carried out within 2-3 years of the licence being issued	On receipt of an application for a licence or for renewal of a licence, the licence Manager or Officer may at any reasonable time enter upon the Premises to be Licensed to make an inspection to ensure that all the provisions of this By-law have been satisfied	No
Fire Inspection Required (and frequency)	Yes - Every Two Years	Yes - at the time of each new application. If a fire inspection report is dated within the last two years, this requirement will be waived. Fire inspection is not required upon licence renewal.	Yes - a letter from the Fire Chief stating that an inspection has been conducted of the location within 30 days of the date of the application for the licence is submitted	No - owner just has to declare that the property is in compliance with the Fire Protection and Prevention Act 1997
Electrical Safety Authority Inspection (and frequency)	Yes - every 5 years	Only if the property is a duplex, in which case the Electrical Safety Authority may have additional fees	Yes - A general inspection report from the Electrical Safety Authority certifying that an inspection has been conducted on the location, within thirty days of the date the application for the licence is submitted	Yes - with new application, and then every 5 years

Program Information	Oshawa	London	Mississauga	Waterloo
By-law Enacted	2008	2010	2010	2012
Bedroom Limit	4 bedrooms (5 bedrooms in Simcoe St. N Corridor)	Single family dwellings can have up to 5 bedrooms Multi-unit buildings can have up to 5 bedrooms per unit, however the number of bedrooms is restricted to 3 per unit if the property is located within the Near Campus Neighbourhood	A Lodging House shall only be permitted in a detached dwelling and no Lodging Unit shall be contained in a basement. A maximum of four Lodging Units shall be permitted within a Lodging House and each Lodging Unit shall be occupied by a maximum of one Person.	4 bedrooms 5 bedrooms and above is considered a lodging, boarding, or rooming house
Rental Area or City Wide	Rental Area	City Wide, with certain restrictions (e.g. "Near Campus Neighbourhood" area can have less bedrooms)	City Wide	City Wide
Term of Licence	Annual	Annual	Annually - expires in either March, August, October, or December based on the first letter of the street the lodging house is on	Annual - expires on March 31st the following year

Program Information	Oshawa	London	Mississauga	Waterloo
By-law Enacted	2008	2010	2010	2012
Licensing Fees	\$75 - application fee \$500 - first time or submitted less than 60 days from renewal date \$360 - renewal fee	\$165 - initial application \$171 - fire inspection \$55 - annual renewal	\$500 - licence fee \$500 - renewal fee	Varies by Class, and within each Class there are different fees based on number of bedrooms: Single/Semi Detached, Duplex, Triplex, Accessory Apartment: Class A - \$430-500 Class B & E - \$380-440 Class C - \$650 Class D - \$600 Class Z - \$430-500, or \$50/bedroom Townhouses: \$400-\$450 based on number of units, and bedrooms
Demerit Point System (Y/N)	Yes	No	No	No
Full Cost Recovery (Y/N)	Yes	No	N/A	Yes
Is a statutory declaration required	Yes	No	No	No
If so, are all owners required to sign or one	Yes	N/A	N/A	N/A

Program Information	Oshawa	London	Mississauga	Waterloo
By-law Enacted	2008	2010	2010	2012
Do fees or regulations vary by housing type	No	No Except - registering a duplex may result in additional electrical inspection fees	No	Yes See Licensing Fees column
Are maintenance plans required	Yes	Yes	Yes	Yes
Are parking plans required	No	No	Yes	Yes
Is a licence required if a property is advertised for rent, or only once rented	Advertised	Advertised Rental unit means 'used or intended for use a rented residential premises'	Advertised 'if the dwelling unit falls under the definition of a Lodging House and no licence has been issued, then the business is operating illegally'	Advertised 'No person shall collect rent, or permit rent to be collected'