Agenda – Executive Policy Committee – May 15, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 7, 2018

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 7 Review of Rental Rooms in Single Family Dwellings

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service, and submitted the following to Council:

1. That the Public Service be directed to:

    A. Make a formal request to the Province of Manitoba to amend the Manitoba Building Code (the "Code") in order to allow for more cost efficient conversion options for small scale multi-tenancy dwellings, such as boarding houses and rooming houses with four or fewer tenants.

    B. Report back to Council with amendments to existing City by-laws:

        i. To ensure that the definition and regulation of multi-tenancy situations, such as boarders, roomers, converted single family dwellings and duplexes, are aligned and consistent among those by-laws, with a view to increased enforceability.

        ii. To more permissibly regulate small scale multi-tenancy situations such as boarders (that are not part of a single housekeeping unit) and rooming houses with four or fewer tenants.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – May 15, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 7, 2018

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Review of Rental Rooms in Single Family Dwellings

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Dueck	J. Kiernan	N/A	D. McNeil

EXECUTIVE SUMMARY

In light of community concerns regarding by-law non-compliance in single family homes that rent rooms around the University of Manitoba, the Public Service was directed to review options for implementing regulatory licensing requirements for single family homes that rent rooms, consult with other municipalities, and report back.

Most municipalities, including the City of Winnipeg, license rooming or lodging houses (shared facilities dwellings). Several municipalities in Ontario have expanded licensing programs to include small scale rental housing, including all single-family detached dwellings that are rented, as a means of ensuring that such housing is compliant with municipal regulations.

There are benefits and challenges to licensing small scale rental housing. While some municipalities have chosen to implement such programs, a number of municipalities have considered such licensing and opted to invest in alternative approaches.

Based on the research findings, the Public Service does not recommend expanding the scope of existing licensing regulations to include a licensing program for small scale rental housing in the City of Winnipeg at this time. Experiences in other cities have evidenced that to be effective, these programs are resource intensive and either require tax-supported funding or relatively high licensing fees. However, there are opportunities to continue to improve the existing by-law enforcement strategy related to small scale rental housing, including the investigation and enforcement of potential illegal rooming houses, including increased internal coordination; updating by-laws for increased alignment and consistency; and continued collection of relevant data.

Zoning and building code regulations found in Ontario municipalities appear to offer greater latitude for multi-tenancy situations in single-family detached dwellings where there are fewer than 4-5 residents.

The Public Service believes that there is value in better understanding this difference in building code and zoning application, as it may enable the City to consider additional forms of small scale rental housing that are currently not accommodated for in the City of Winnipeg (e.g.

boarding situations, where boarders are not a part of the household, or single-family detached dwellings that are rented to four or fewer individuals, who may not completely meet the definition of a single housekeeping unit). As such, this report also includes recommendations to request that the Province of Manitoba amend the building code to better facilitate these shared facilities dwellings with fewer bedrooms/tenants, and to report back to the Committee with a separate report regarding potential options to be more permissive with these lower intensity scenarios.

RECOMMENDATIONS

1. That the Public Service be directed to:

    (a) make a formal request to the Province of Manitoba to amend the Manitoba Building Code (the "Code") in order to allow for more cost efficient conversion options for small scale multi-tenancy dwellings, such as boarding houses and rooming houses with four or fewer tenants; and

    (b) report back to Council with amendments to existing City by-laws:

        i. to ensure that the definition and regulation of multi-tenancy situations, such as boarders, roomers, converted single family dwellings and duplexes, are aligned and consistent among those by-laws, with a view to increased enforceability; and

        ii. to more permissibly regulate small scale multi-tenancy situations such as boarders (that are not part of a single housekeeping unit) and rooming houses with four or fewer tenants.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On April 11, 2017, the Committee directed the Public Service to review options for implementing regulatory licensing requirements for single family homes that rent rooms, consult with other municipalities, and report back with options within 180 days. On November 7, 2017, the Committee granted an extension of up to 180 days for the Public Service to report back.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, the Public Service will make a formal request of the Province of Manitoba to amend the Manitoba Building Code to provide for more cost efficient conversion options for small scale multi-tenancy dwellings.

As well, the Public Service will report back with recommended amendments to existing City by-laws and other options to ensure definitions and regulations with respect to multi-tenancy situations are aligned and consistent across by-laws and allow for more permissive regulation of small scale multi-tenancy situations.

HISTORY/DISCUSSION

The Committee's direction to the Public Service stemmed from community concerns in the University of Manitoba area brought forward by the Riel Community Committee, included as Appendix 1. Because of increased demand for student housing and the lack of on-campus supply of such housing, there is increased pressure for older single family homes in the surrounding area to be used for rental housing. Community concerns include that some rental properties are:

- being used as 'rooming houses' (defined as Single Room Occupancy uses in the Winnipeg Zoning By-law), and such uses are not permitted in the R-1 zone;
- non-compliant with respect to Building and Fire Code regulations for multi-tenancy residential use categorization, creating potential safety issues; and
- non-compliant with respect to parking, property and building maintenance requirements set out in the Winnipeg Zoning By-law and the Neighbourhood Livability By-laws.

There is also a concern within the community that the character of the area is changing from one that has been traditionally stable with low turnover of residents to one that is described as more transient with some residents changing on a semester by semester basis.

Contributing to the confusion and frustration for some members of the community is the fact that, although the regulatory perspectives of zoning and building code might differ slightly, neither regime would likely regard 3, 4 or even 5 or 6 students co-renting in a single-tenancy scenario and sharing a single family house while 'living as a family' as a breach of regulations. The nuance between what is deemed a non-compliant situation and a compliant one can at times be quite subtle making it difficult to meet prosecution standards for successful enforcement.

Noting that other Canadian jurisdictions such as the cities of London, Waterloo, and Oshawa have implemented regulatory licensing systems for single family home conversions with mandatory inspections to ensure properties meet safety standards and comply with the Building Code, the Riel Community Committee recommended at its April 3, 2017 meeting, that:

> *" the Standing Policy Committee on Property and Development, Heritage and Downtown Development direct the Winnipeg Public Service to consult with other municipalities that have implemented regulatory licensing requirements for single family homes that rent rooms and report back within 90 days with an implementation plan to identify, license and inspect single family dwellings renting rooms in the neighborhoods adjacent to the University of Manitoba (Fort Richmond, Agassiz, Montcalm and University Heights)."*

On April 11, 2017, the Standing Committee on Property and Development, Heritage and Downtown Development (the "Committee") directed the Public Service to review options for implementing regulatory licensing requirements for single family homes that rent rooms, consult with other municipalities, and report back with options within 180 days.

At its November 7, 2017 meeting, the Committee granted an extension of up to 180 days for the Public Service to report back on this item.

Current Framework for Investigating and Addressing Complaints on Potential Illegal Single Room Occupancy in Single-Family Detached Dwellings

As outlined in Appendix 2, enforcement of potential illegal Single Room Occupancy uses involves the administration of seven City by-laws, including:

- the Downtown Winnipeg Zoning
- the Winnipeg Zoning By-law,
- the Winnipeg Building By-law,
- the Neighbourhood Livability By-law,
- the Residential Buildings Fire Safety By-law,
- the Fire Prevention By-law, and
- the Doing Business in Winnipeg By-law.

The Public Service had a coordinated program commonly referred to as the 'Rooming House Task Force' in place between 1998 and 2003, to address Division II buildings requiring life safety upgrades under the Residential Fire Safety Upgrade By-law (4304/86) (commonly referred to as By-law 4304) and licensed as Converted Residential Dwellings (CRDs) and shared facilities dwellings through the Doing Business in Winnipeg By-law. Division II buildings are specifically those dwellings, including rooming houses that were converted prior to 1986 and that were required to upgrade to meet a core life safety standard. By-law 4304 does not generally extend to more recent conversions as those would be governed by more recent and more stringent Manitoba Building Code requirements at the time of their conversions from single and two family dwellings (these current conversions would also be licensed as 'Shared Facilities Dwellings' under the Doing Business in Winnipeg By-law). The 'rooming house task force' was disbanded over a decade ago when these historically converted rooming houses were upgraded in accordance with By-law 4304.

In response to complaints regarding potential illegal Single Room Occupancy in newer Single-Family Detached Dwellings, the Public Service initiated a more coordinated process in the fall of 2016 to investigate and address zoning, building and fire code related complaints in Single-Family Detached Dwellings. In 2018, proactive monitoring of rental ads has been undertaken, resulting in additional enforcement activity (88 enforcement cases to date in 2018, compared to a total of 110 cases for all of 2017). Enforcement results are published on the City of Winnipeg website (http://www.winnipeg.ca/ppd/inspections/RoomingHouse/Metrics.stm).

All buildings that the public would traditionally view as rooming houses, including both those 'converted residential dwellings' defined under By-law 4304 and 'shared facilities dwellings' are already required to obtain City of Winnipeg licenses under the Doing Business in Winnipeg By-law.

The issue, therefore, has less to do with the need for licensing, than with to create a realistic regulatory environment for a licensed rooming house to become legally established. Under existing City by-laws, a potential rooming house or shared facilities multi-tenancy dwelling has two hurdles to overcome before being eligible for a licence:

a) Zoning: While it is possible within an R1 or R2 zoning district to establish a minimal number of 'boarders', these boarders would need to be largely considered to be part of the household unit, with a primary owner or tenant having care and control over

the whole house. A ‘single room occupancy use’ is not permitted in an R1 or R2 zoning district and therefore would require rezoning to a multi-family (or commercial) zoning district – a hurdle that would be costly and likely not be supported by either City planners and the local community if the subject property is surrounded by other R1 zoned lots; and

b) Building Code: Converting from a single-family dwelling building classification to that of a multi-tenancy (multi-suite) building classification would require extensive upgrades to meet the current Manitoba Building Code. These code requirements effectively treat each bedroom as it would treat each suite in a multi-family apartment building, with a requirement for two exits and fire-rated walls and corridors. In most cases the financial impact of such a conversion is too significant to make the project viable.

   Additionally, a building permit for such a conversion would not be issued until the permitted zoning requirements were met.

As such, few rooming houses ever meet the requirements necessary to become legally established, therefore making licensing moot. When illegally converted rooming houses are identified, they are typically issued orders to vacate, because they represent non-compliance in the immediate, and face an unrealistic path to compliance in the long-term. Licensing of these recent illegal conversions, therefore, is redundant, as few would ever meet the criteria to become legally established.

Instead, many illegal rooming houses, when identified, convert back to single-family dwellings, even if that means simply renting to tenants on a common lease without locks on bedroom doors. As long as the tenants demonstrate their use as a single tenancy, living as a family with the right of self-determination and common care and control of the entire house, they likely remain in compliance with the regulations. However, these nuances are often lost on the general public or neighbours that still consider the house to be rented ‘to students’.

The Question of the Future

Rather than focus on licensing in the immediate, therefore, it seems more realistic to first establish Council’s desire or intent going forward. Many municipalities have not adopted a single categorization of rooming houses or single room occupancy and instead differentiate between small and large, or minor and major. These categories are usually established around less than 4 to 6 bedrooms or tenants. Regulatory regimes typically have less stringent requirements for both zoning and building code, as clearly a 3 or 4 bedroom / tenant rooming house has less neighbourhood impact and safety considerations than the more intensive 6, 10 or even 15 tenant situations. Creating a realistic path to compliance (and ultimately licensing) for these less intensive rooming houses releases some of the economic supply / demand pressure that drives these situations while allowing these more minimum impact uses to better ensure safety and compliance with property standards.

Key to this, however, is for the Province to consider amendments to the Manitoba Building Code to better enable such a scenario, and for the City to consider a more permissible approach via zoning and / or permit regulations.

Research and Consultation with other Municipalities

It is common for municipalities to have licensing programs in place for rooming or lodging houses. The City of Winnipeg licensing program under the Doing Business in Winnipeg By-law (Shared Facilities Dwellings and Converted Residential Dwellings) is an example of this type of program.

More recently however, in the Province of Ontario, the cities of Oshawa (2007), North Bay (2008), London (2011) and Waterloo (2013) extended licensing requirements to small scale rental homes, in response to concerns regarding rental homes surrounding post-secondary institutions. Referred to as "Rental Housing Licensing Programs", these programs enable an upfront process of inspection and review (prior to issuance of a license) to confirm that a rental property (as defined by the by-law), complies with municipal by-laws, including licensing, zoning, building, fire, and property maintenance by-laws. In addition to developing a licensing regime, the municipalities reviewed their standards and regulations and adopted additional regulations such as restrictions on the number of bedrooms and the percentage of gross floor area space that bedrooms could comprise. Appendix 3 provides for additional details of these programs.

The merits of Rental Housing Licensing programs include:

- clear communication of by-law requirements (as these form the basis of licensing)
- a more coordinated approach to reviewing and confirming regulatory compliance,
- greater cooperation and engagement from landlords and property managers (licensing requirement) and in conjunction greater by-law compliance,
- the ability to revoke a license when required,
- decreased nuisance complaints (as the licensing process requires submission of floor plans, parking plans, and property maintenance plans which must then be acted upon),
- consumer protection benefits (e.g. requirements for police records checks, proof of insurance, license rental housing data that is available to the public) and
- tenant health benefits associated with changes to standards (e.g. maximum gross floor area requirements for bedroom space, which was thought to have an impact on improved mental health for tenants as a result of greater social interaction)

The challenges of Rental Housing Licensing programs relate to:

- significant time and resources required to create such programs and to bring forward a regulatory framework (2-3 years),
- appeals/legal challenges by landlords and residents (e.g. landlords concerned about cost and impacts on both 'good' landlords who follow the rules; residents concerned about the underlying zoning definitions and regulations which licensing would implement),
- appeals/legal challenges by the Ontario Human Rights Commission on the basis that aspects of such programs may be discriminatory in nature,
- growing pains associated with the role out and implementation of the program,
- significant resources required to administer such programs, given the level of upfront inspection and review being carried out.
- the recognition that licensing does not resolve all neighbourhood dispute issues, does not respond to core housing supply pressures and does not replace the importance of effective enforcement processes.

Further to the issue of cost, The City of Waterloo is the only municipality to have adopted a cost-recovery licensing model. (Appendix 3 provides further details regarding volumes of licenses relative to fees and required FTEs for the several municipalities reviewed).

While the City of Oshawa program is being implemented in one area of its city, other municipalities have taken the view that such programs must be administered at a city-wide scale to ensure that regulations are being applied consistently across the jurisdiction.

The Ontario Human Rights Commission took interest in the development of rental housing licensing programs, and as a result, published a report in 2013 entitled *"Room for everyone: Human rights and rental housing licensing".* The document provides advice to Ontario municipalities considering or developing rental housing licensing programs, and includes a number of recommendations including:

1. Consider the Ontario *Human Rights Code* before drafting the bylaw and refer to the *Code* in the bylaw
2. Consult with *Code*-protected groups
3. Make sure that meetings about the bylaw do not discriminate
4. Roll out the bylaw in a consistent, non-discriminatory way
5. Work to secure existing rental stock
6. Avoid arbitrary bedroom caps
7. Avoid gross floor area requirements that exceed the Building Code
8. Eliminate per-person floor area requirements
9. Eliminate minimum separation distances
10. Enforce the bylaw against the property owner, not the tenants

A number of municipalities, including the cities of Welland, Kitchener, Guelph, Hamilton, Oakville and Windsor considered Rental Housing Licensing as an option, but chose not to proceed. The Public Service consulted with the cities of Kitchener and Guelph and reviewed administrative reports prepared on the subject. Having considered both the benefits and costs/challenges of establishing a rental housing licensing program, both the cities of Kitchener (in 2013) and Guelph (in 2014), chose instead to allocate resources towards alternative solutions which were deemed to be more cost effective and more direct in addressing non-compliant properties. Solutions identified from one or both municipalities included:

- enhanced enforcement processes
    - Cross-training of enforcement team across all by-laws
    - Proactive enforcement (e.g. looking at ads)
    - New staff for proactive work (including a legal process coordinator)
    - Increased and targeted enforcement initiatives in areas of concern
    - Zero tolerance for repeat offenders
- a registration program for 2nd unit/basement apartments
- new search warrant program
- tenant Safety Initiatives (free inspections offered)
- strengthened communications:
    - Webpages dedicated to the topic of rental housing
    - Community and stakeholder engagement
- investigation of supply-side options with potential to alleviate root cause pressures
- key performance indicators to measure and monitor progress

Conclusions

The City currently has the authority to license Shared Facilities Dwellings, which would include single room occupancy uses that are compliant with zoning and building code regulations.

The Public Service does not recommend expanding the current licensing regime in the City of Winnipeg to include the licensing of small scale rental housing such as single family homes that are simply rented.

There are opportunities to continue to improve the existing by-law enforcement strategy related to small scale rental housing, including the investigation and enforcement of potential illegal rooming houses. Actions the Public Service plans to pursue (and described further in Appendix 4) include:

1. Continue to improve internal coordination for investigation and enforcement of potential illegal rooming houses (in Single-Family Detached Dwellings and other dwelling types).

2. Review and update City of Winnipeg by-laws and regulations related to rooming houses, to ensure that terms, definitions and requirements found in various City of Winnipeg by-laws better align with one another and better support a coordinated enforcement approach.

3. Continue to strengthen our understanding of rental housing compliance issues across the city (at city-wide and neighbourhood scales) through data collection and annual reporting.

4. Continue to explore potential supply-side solutions,
    a) Increased on-campus housing at the University of Manitoba,
    b) Increased private sector construction, and
    c) Additional allowances within the R-1 zone to enable small scale rental opportunities, similar to what is permitted in some Ontario communities such as Mississauga and Ottawa. This item would require further discussion at the Provincial Level to establish an acceptable Building and Fire Code approach to such housing.

FINANCIAL IMPACT

Financial Impact Statement Date: April 5, 2018

Project Name:

Review of Rental Rooms in Single Family Dwellings

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: Community Services, Community By-law Enforcement Services, Legal Services (as to legal issues) and various branches of the Planning, Property and Development Department (Development & Inspections, Planning and Land Use).

OURWINNIPEG POLICY ALIGNMENT

01-2a Collaborate to make safe communities

Direction 3: Promote safety in buildings.
Enabling Strategy:

- Ensure that construction projects meet the intent of standards set in national and local building codes, while recognizing advances in construction and development-related technologies.

01-3 Prosperity

Direction 1: Provide efficient and focused civic administration and governance.
Enabling Strategy:

- Continuously pursue innovative, streamlined service delivery and decision-making processes.

01-4 Housing

Direction 1: Support diverse housing options in each neighbourhood or neighbourhood cluster throughout the city.
Enabling Strategies:

- With guidance from Complete Communities, encourage the development of safe and affordable housing throughout the city.
- Support the creation of a range of sizes, forms and tenures of housing. Tools include applying zoning by-laws and processes for approval. Standards should be flexible enough to reflect the unique identity and character of each neighbourhood.

Direction 4: Provide leadership in encouraging and enforcing property related housing standards that create and promote safe living conditions for homeowners, tenants and for communities as a whole.
Enabling Strategies:

- Assist landlords and homeowners to maintain safe housing through information, inspections, and where necessary, by-law enforcement.
- Help maintain a community sense of well-being and safety by responding to community requests for enforcing livability and property standards and derelict buildings in a cooperative and timely way.
- Promote and enforce the requirement of the permit and inspection processes for property related construction as a mechanism to ensure that appropriate building codes and other public safety standards are being maintained.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Ginny Cosgrove
Date: April 10, 2018
File No:

Attachments:

Appendix 1	Riel Community Committee Recommendation, April 3, 2017
Appendix 2	Current Framework for Addressing Potential Illegal Single Room Occupancy Complaints
Appendix 3	Research and Consultation with Other Municipalities
Appendix 4	Action Items/Improvements

APPENDIX 1 RIEL COMMUNITY COMMITTEE RECOMMENDATION – APRIL 3, 2017

On April 3, 2017, the Riel Community Committee moved the following motion:

WHEREAS the University of Manitoba is located in a suburban community and has the highest student population in Manitoba;

AND WHEREAS the University of Manitoba is one of Canada's 15 research-intensive universities and has the lowest number of on-campus housing facilities;

AND WHEREAS the construction of on-campus residences is not currently or anticipated to meet the forecasted increase for student housing demands for at least the next 10 years;

AND WHEREAS the lack of supply for housing combined with the increasing demands is forcing students into off-campus housing in the nearby surrounding neighbourhoods of Fort Richmond, Agassiz, Montcalm and University Heights;

AND WHEREAS an increasing number of students' housing needs are being met in older single family homes constructed prior to the current Building Code regulations that establish the necessity and the dimensions for secondary means of exiting for bedrooms in basements;

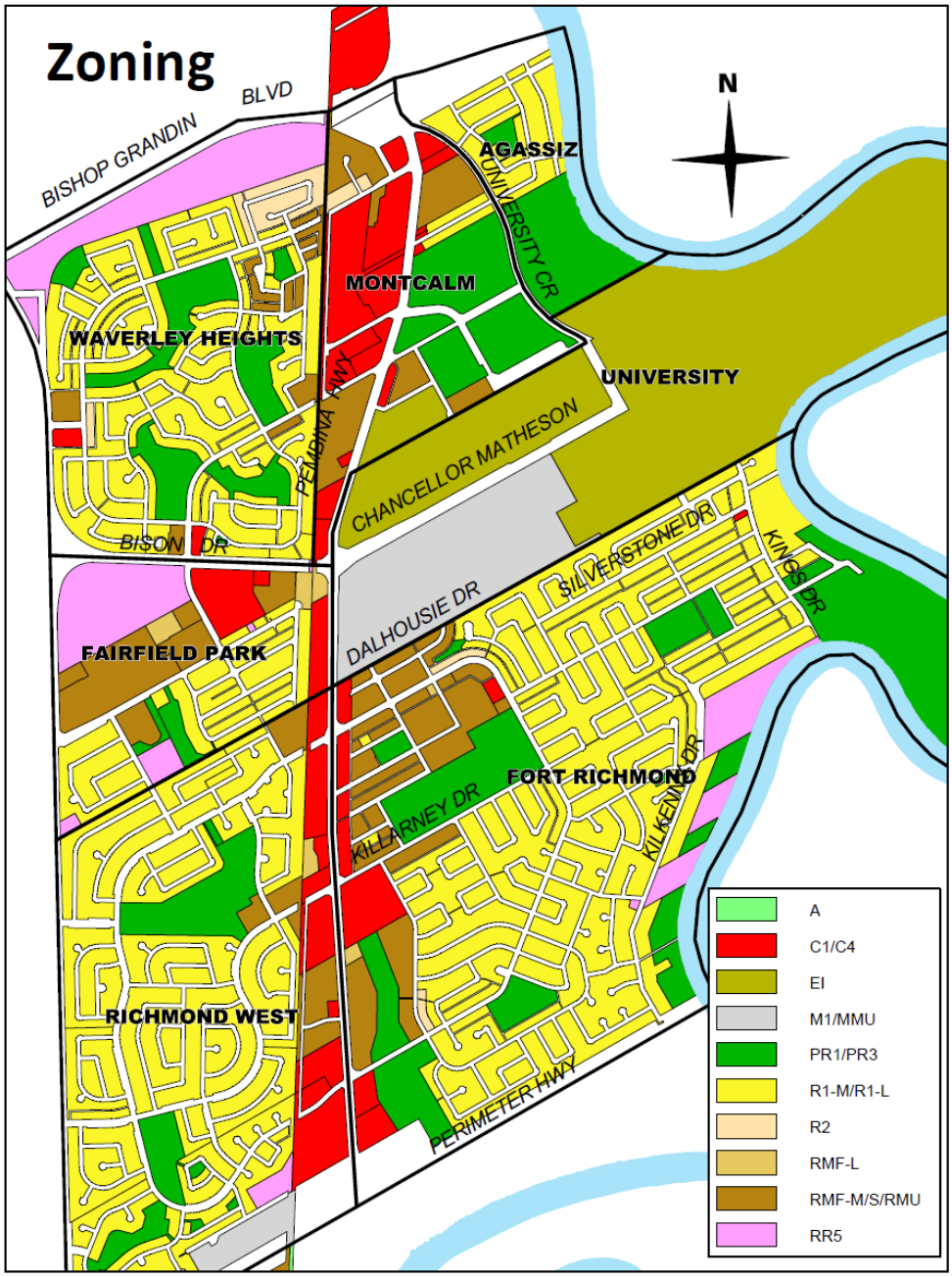
AND WHEREAS recent basement fires with students residing in the basement highlighted the importance of ensuring current Building Code regulations are incorporated into basement housing accommodations;

AND WHEREAS The City of Winnipeg has an obligation and fiduciary duty to protect the public and vulnerable persons residing in structures though enforcement, licensing, permitting, by-laws and inspection of dwellings and structures;

AND WHEREAS other Canadian cities with large Universities such as London, Waterloo, and Oshawa have implemented regulatory licensing systems for single family home conversions with mandatory inspections to ensure properties meet safety standards and comply with the Building Code;

THEREFORED BE IT RESOLVED that the Standing Policy Committee on Property and Development, Heritage and Downtown Development direct the Winnipeg Public Service to consult with other municipalities that have implemented regulatory licensing requirements for single family homes that rent rooms and report back within 90 days with an implementation plan to identify, license and inspect single family dwellings renting rooms in the neighborhoods adjacent to the University of Manitoba (Fort Richmond, Agassiz, Montcalm and University Heights).

ZONING DISTRICTS FOR NEIGHBOURHOODS SURROUNDING THE UNIVERSITY OF MANITOBA



APPENDIX 2 CURRENT FRAMEWORK FOR ADDRESSING POTENTIAL ILLEGAL SINGLE ROOM OCCUPANCY COMPLAINTS

Enforcement of potential illegal Single Room Occupancy uses involves the administration of six City of Winnipeg By-laws, including:

- the Winnipeg Zoning By-law,
- the Neighbourhood Livability By-law,
- the Building By-law,
- the Residential Fire Safety By-law,
- the Fire Prevention By-law, and
- the Doing Business in Winnipeg By-law.

Table 1 (below) explains the focus of each of the above by-laws in relation to a potential illegal rooming house investigation. As noted in the table, a number of different departments and divisions are involved in potential illegal Single Room Occupancy use investigation and enforcement.

Table 1. Overview of the By-laws referred to when addressing complaints related to potential illegal Single Room Occupancy uses in single-family detached dwellings

By-law	Public Service area associated with the By-law	Main focus of enforcement investigation
Winnipeg Zoning By-law	Planning, Property & Development, Zoning Branch	• if the use of the home complies with the by-law definition of a single-family detached dwelling or whether the use is determined to be Single Room Occupancy (commonly called a rooming house) • whether the use is permitted in the zoning district in which it is located • if parking, landscaping, and other aspects of a site or building comply with zoning regulations
Building By-law	Planning, Property & Development, Development Inspections	• if a building complies with the Building By-law (and Building Code), based on the use
Fire Prevention By-law	Fire Prevention	• if a rental unit has required smoke alarms and installation of fire protection and life safety systems meet by-law requirements
Neighbourhood Livability By-law	Community Services, Community By-law Enforcement Services	• if a dwelling and property meet basic maintenance and residential standards, including: - minimum yard maintenance and safety - minimum exterior building maintenance - minimum interior maintenance and safety features/design
Doing Business in Winnipeg By-law	Community Services, Community By-law Enforcement Services	• if a rental property is a legal Shared Facilities Dwelling (commonly called a rooming house) and if so, whether a license has been obtained under this by-law • whether a licensed property continues to maintain the property in accordance with its licensing requirements
Residential Fire Safety By-law (4303/86)	Fire Prevention	• if specific types of Shared Facilities Dwellings buildings licensed under the Doing Business in Winnipeg By-law (Division II buildings) meet the fire safety requirements established under this by-law

Table 2. Key Definitions and Interpretations referred to when addressing complaints related to potential illegal Single Room Occupancy uses in single-family detached dwellings in the R-1 zoning district.

By-law	Term	Definition	Importance to determination of compliance
Winnipeg Zoning By-law	Single-Family Detached Dwelling	means a building designed for residential occupancy by one family, including modular and ready-to-move homes, but not including a mobile home	• Single-Family Detached Dwellings are permitted in R-1 zoning district • How the home is rented (e.g. single housekeeping unit vs. multiple housekeeping units) is an important determinant as to whether the use complies with the definition of a single-family detached dwelling or whether the use is a Single Room Occupancy use • Single Room Occupancy Uses are not a permitted use in the R-1 zoning district • Hotel/motel uses are not permitted in the R-1 zoning district • No more than 2 boarders or roomers are permitted in a dwelling unit in the R-1 zone
Winnipeg Zoning By-law	Family	means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing, single housekeeping unit	
Winnipeg Zoning By-law	Boarder or Roomer	means a person who is provided lodging with or without meals at another's home for a fee or services	
Winnipeg Zoning By-law	Single Room Occupancy	means a building, other than a hotel or hostel, which provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not provide meals to guests for compensation, and may or may not have separate shared cooking facilities for residents. Single-room occupancy includes uses commonly called "rooming houses" and "boarding houses." Care, treatment or supervision must not be provided to any resident.	
Winnipeg Zoning By-law	Hotel or motel	means a building or portion of a building providing temporary accommodation in individual guest rooms or suites with or without provision for cooking in any individual guest room or suite.	
Manitoba Building Code/ Residential Fire Safety By-law	Suite	means a single room or series of rooms of complimentary use operated under a single tenancy and includes dwelling units and individual rooms in motels, hotels, boarding houses, rooming houses and dormitories	• Determining what space in a home constitutes a suite is directly tied to building and fire code requirements • A single-family detached dwelling entirely occupied by one family is considered to be one suite • Single Room Occupancy use involves multiple suites in a building

Table 2 (Continued). Key Definitions and Interpretations referred to when addressing complaints related to potential illegal Single Room Occupancy uses in single-family detached dwellings in the R-1 zoning district.

By-law	Term	Definition	Importance to determination of compliance
Doing Business in Winnipeg By-law	Shared Facilities Dwelling	means a dwelling (a) which is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units, whether or not the dwelling units are occupied, or (b) in which sanitary facilities or cooking facilities are shared by two or more residents of a dwelling unit that is not operated under a single tenancy. Exclusions: (c) a facility licensed or otherwise regulated in its provision of accommodation by the Government of Manitoba or the Government of Canada; (d) a hospital, a sanitarium, or a facility designated by regulations under the Mental Health Act; (e) a personal care home licensed under the Health Services Insurance Act; (f) a residential care facility licensed under the Social Services Administration Act; (g) a hostel or bed and breakfast establishment	• The term Shared Facilities Dwelling is similar to the term Single Room Occupancy in the Zoning By-law • If a Single Room Occupancy use were permitted in the zoning district that the use was located in, and if the building in which the use was taking place met the provisions of the Building and Fire Codes, then a license would be required under the Doing Business in Winnipeg By-law. • Obtaining a license involves verification that the proposed use, building and site comply with applicable zoning, occupancy permits (Building), Neighbourhood Livability By-law requirements, and Residential Fire Safety Bylaw requirements)
Doing Business in Winnipeg By-law	Converted Residential Dwelling	means a Division II building as defined in the Residential Fire Safety By-law No. 4304/86.	• Division II buildings are a specific group of older homes in the city that have multiple suites and specific building and fire code requirements. • This category of housing requires a license and is inspected by the Fire Prevention Officers. • This section of the by-law does not pertain to new Single Room Occupancy uses that might be legally established elsewhere in the city.
Residential Fire Safety By-law	Division II Building	means a building containing a residential occupancy having a maximum height of three storeys and which was originally designed for use by one or two families but has been converted so as to provide more than two suites or more than one suite with a commercial occupancy. This by-law does not apply to buildings designed and used for residential purposes for occupancy by (a) one or two families only; or (b) one family together with some other occupancy	
Fire Prevention By-law	Residential Rental Unit	means any dwelling unit that is used or intended to be used to provide sleeping accommodations for one or more persons and, without limiting the generality of the foregoing, includes a house, condominium, apartment, suite, hotel or motel room, room in a rooming house, dormitory room and room in a boarding house, but does not include any dwelling unit that is occupied by its owner as his or her principal residence.	• The owner of a residential rental unit must ensure that all smoke alarms are installed and maintained in accordance with this by-law • This involves ensuing that the type and location(s) of smoke alarms are in compliance, and are properly installed and maintained

Figure 1. Overview of Neighbourhood Livability By-law regulations typically referred to when addressing complaints related to residential property.

Part 1 – Standards Application to All Properties

Division 1 Basic Maintenance

Minimum requirements for good maintenance and repair of property:

- Nuisances and unsanitary conditions (Pest Control)
- Properties must be safe (objects and conditions that pose health, safety, fire or accident hazards to people, animals or neighboring properties)
- General obligation to maintain a property
- Properties must be kept free of garbage
- Properties must be properly drained
- Vegetation on properties
- Walkways, driveways and parking spaces
- Exterior walls of buildings
- Doors and windows
- Roofs of buildings
- Foundations of buildings
- Porches and entrances
- Accessory structures
- Termite Infestations
- Pigeons

Division 2 – Derelict Vehicles

Part 2 – Residential Properties

Minimum requirements for residential property (excluding vacant property and property not yet approved for occupancy), including:

- Limitations on structures and vehicles used for residence
- General duties and obligations of owners and occupants
- Furnished accommodations
- Exterior surfaces
- Foundations and structural elements
- Basement floors and walls
- Floors

Part 2 – Residential Properties (Continued)

- Walls and Ceilings
- Doors and windows
- Screens and storm windows and doors
- Guards and handrails
- Kitchens
- Bedrooms
- Plumbing standards
- Sanitary facilities
- Heating standards
- Gas and open flame appliances
- Electrical services
- Light
- Smoke alarms
- Fire alarm and smoke alarm systems
- Space requirements
- Basement occupancies
- Attic and partial storey occupancies

Part 3 – Littering and Garbage

- Duty of property owners/occupants

Part 5 – Noise Control

Part 6 – Open Air Burning (e.g. permits, fire pits, outdoor barbeques, and propane storage)

Part 8 – Boulevard Maintenance

- Obligation to maintain boulevard
- Exceptions
- Authorization for non-standard boulevard treatments
- Other non-standard treatments
- Items placed in boulevard become City property
- Damage to boulevards
- Director may enter into agreements

APPENDIX 3 RESEARCH AND CONSULTATION WITH OTHER MUNICIPALITIES

As requested by the Committee, the Public Service carried out research and consulted with a number of other Canadian municipalities.

Figure 1. Municipalities Referred to for Research and/or Consultation Purposes

Population over 500,000 (2016)

- Vancouver
- Calgary
- Edmonton
- Winnipeg
- Hamilton
- Toronto
- Mississauga
- Ottawa
- Montreal

Population under 500,000 (2016)

- Saskatoon
- Regina
- London*
- Windsor
- Kitchener*
- Halifax
- Oakville
- Burlington
- Oshawa*
- Barrie
- Guelph*
- Waterloo*
- Welland
- North Bay

*Telephone interviews with licensing and/or enforcement managers.

Rooming or Lodging House Licensing Programs

It is common for municipalities to have a licensing program in place to regulate rooming or lodging house uses. The general purpose of such licensing is to ensure that rooming and lodging houses comply with municipal by-laws, standards and codes. The City of Winnipeg licensing program for Shared Facilities Dwellings and Converted Residential Dwellings is an example of this type of program.

Definitions, standards and codes used to regulate rooming/lodging houses vary between provinces and to some extent, can also differ slightly by community within the same province.

A difference between the Manitoba and Ontario approach is rooted in the Ontario Building Code definition of a “lodging house”. The Ontario Building Code defines a lodging house as:

> *“a building, that has a building height not exceeding three storeys and a building area not exceeding 600m², in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants”.*

This definition appears to enable municipalities in Ontario to distinguish and apply regulations differently to rooming or boarding situations with 3 or fewer persons. From a zoning perspective, many municipalities in Ontario and elsewhere outside of Manitoba also describe the term ‘rooming or lodging houses’ in part by referencing a number of persons or rooms in the definition (See Figure 3).

Figure 3. Examples of Zoning Terms for Rooming or Lodging Houses

Municipality	Term/Definition
Vancouver	**Rooming House:** a building containing three or more sleeping units, but does not include a multiple conversion dwelling or a community care facility and group residence.
Edmonton	**Congregate Living:** four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses.
Calgary	**Lodging House:** the business of providing lodging accommodation for compensation, with or without meals, for four or more persons.
Toronto	In **Rooming House Area A1**, a rooming house means a building in which living accommodation is provided for at least three persons in separate rooms, each of which may have food preparation facilities or sanitary facilities, but not both. In **Rooming House Areas B1, B2, and B3**, a rooming house means a building in which living accommodation is provided for more than three persons in separate rooms, each of which may have food preparation facilities or sanitary facilities, but not both. A group home, residential care home, nursing home, retirement home, seniors community house, religious residence, student residence, tourist home, or hotel is not a rooming house. (Additional Rooming House areas apply)
Mississauga	**Lodging House**: a dwelling unit containing more than three (3) lodging units each designed or intended for the lodging of persons in return for remuneration. 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 (4) lodging units shall be permitted within a lodging house and each lodging unit shall be occupied by a maximum of one (1) person. A maximum of 40% of the gross floor area - residential of a lodging house shall contain lodging units. **Lodging Unit:** a room designed or intended to contain accommodation for sleeping. A lodging unit may contain sanitary facilities but shall not contain equipment or appliances for storing, cooking or heating food and shall not contain equipment or appliances for washing clothes or washing dishes.
Waterloo	**Lodging House:** A building, or portion thereof, designed or used for residential occupancy where a proprietor offers lodging units for hire or gain directly or indirectly to more than three other persons with or without meals. A lodging house shall not include a hotel, motel, bed and breakfast, nursing home, group home, institutional or other similar use that is licensed, approved or supervised under any general or special Act. **Lodging House Class 1:** A lodging house which is located in the whole of a building and: (i) occupied by four or more persons in addition to the proprietor and his/her household; or (ii) occupied by 6 or more persons without a proprietor and his/her household. **Lodging House Class 2:** A lodging house located within a dwelling unit occupied by 4 or 5 persons without a proprietor and his/her household.
Ottawa	**Rooming House**: a principle dwelling within the whole of a residential use building that contains at least four rooming units, and which may also contain dwelling units and an administration office accessory to the operation of the house. **Rooming unit:** a room, or a suite of rooms, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the principal dwelling or building intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms. (chambre) (By-law 2008-326)

In contrast to the above definitions, the City of Winnipeg zoning by-law framework for Single Room Occupancy is more strictly defined, as it does not include a minimum number of occupants. Also, while the City of Winnipeg Zoning By-law offers the opportunity for single-family detached dwellings to accommodate up to 2 “boarders or roomers”, this option exists only within an owner-occupied situation, where the boarders are a part of a single housekeeping unit.

With respect to building code, in Manitoba, the National Building Code serves as the basis for the Manitoba Building Code, and this Code does not have a unique definition for lodging or rooming houses. Sleeping rooms in boarding and lodging houses (non- owner occupied), regardless of the number of persons receiving lodgement, are considered individual suites for

the purposes of ensuring adequate fire separation and other Building and Fire Code requirements. As such, a very small scale single room occupancy situation, even if it were to be enabled through zoning, could likely trigger an onerous list of building and fire code requirements, making the exercise too costly from a practical standpoint.

The City of Winnipeg adopted the Residential Fire Safety By-law 4304/86 to require and enable older rooming houses to meet a specific standard of code developed to respond to the age of the buildings involved. This standard is unique to the City of Winnipeg for this intended purpose, and would not apply to the context of newer single-family detached homes.

Rental Housing Licensing Programs

In the province of Ontario, between 2007 and 2011, the cities of Oshawa, North Bay, London and Waterloo expanded licensing requirements to address in large part by-law non-compliance issues being experienced in rental homes surrounding post-secondary institutions. The Public Service consulted directly with the cities of Oshawa, London and Waterloo to better understand the local context and process by which these licensing programs were established.

Oshawa (2007)

The City of Oshawa was the first municipality to consider an expansion of licensing to include area-specific rental property, which it adopted in 2007 as a separate licensing by-law. With the establishment of a new suburban university in Oshawa in 2002, and little on-campus housing to support the institution, homes in surrounding neighbourhoods (predominantly single-family detached housing) were being rented to meet local demand and issues regarding non-compliance with zoning, building and fire code and property maintenance by-laws arose. Because of the various by-laws implicated, the city wanted to take a consolidated/integrated approach to address non-compliance, and there was a desire to better engage landlords who at the time were not adequately responding to enforcement/compliance efforts.

The City of Oshawa Residential Housing Licensing program requires “rental units” that are geographically located within a determined area near the Durham College and the University Of Ontario Institute Of Technology to be licensed. The term “rental unit” is defined to mean “a building or part of a building consisting of one or more rooms, containing toilet and cooking facilities and designed for use as a single housekeeping establishment”. Through the term ‘single housekeeping establishment’, this program distinguishes itself from a separate licensing program that the City administers for lodging houses.

Given the purpose of the program, the geographical area where “rental units” are required to be licensed in Oshawa is relatively small, requiring the administration of roughly 500 annual licenses.

The licensing process requires landlords to provide information about themselves, the property and the building in question, and this information is reviewed by a licensing team to ensure by-law compliance.

Through the licensing application process, landlords are required to provide a floor plan, indicating the location of all bedrooms in the home. The Licensing By-law restricts the number of bedrooms permitted to 4 or 5 (depending on the location), and the percentage of gross floor area that can be used for bedroom space. No room in the rental unit may be used as a bedroom except for that which is shown on the submitted floor plan.

In a similar way, landlords are required to provide a parking plan and a property maintenance plan to ensure that by-law compliance is being achieved.

The licensing approval process enables the licensing team to review the documentation submitted and to carry out necessary inspections and reviews to ensure that zoning, building and fire code requirements are satisfied.

In addition to ensuring that municipal by-law are being complied with, the By-law provides a certain level of added consumer protection by requiring landlords to provide proof of placement of insurance.

The Oshawa licensing regime also includes a demerit system, where demerit points are based on the type of infraction carried out. Points are accumulated over a 2 year period, with escalating consequences, leading up to the potential loss of a license.

London (2011)

The City of London's Rental Housing Licensing Program adopted a number of similar provisions as the City of Oshawa (See Tables 1-4). A notable difference between the two programs is that the City of London's program was established on a city-wide basis. Rather than using geography to define the type of rental housing that required licensing, the City of London by-law focused on small scale rental housing across the city, as defined in its by-law.

An estimated an annual volume of 4,500 licenses are administered annually through this program. An initial feature of the program was a self-certification checklist that landlords would complete as part of the application process. While it was envisioned that this method would create greater efficiencies in processing applications, the City found that it did not assist to the extent desired. As a result, the City found that its fee structure for licensing and the amount of resources allocated to the program were not in line with actual program costs and requirements.

Waterloo (2012)

The City of Waterloo's program is a city-wide licensing program, based on the creation of six separate classes of small scale rental housing licensing (See Tables 2-4). Rather than being run as a parallel program to licensing, the City integrated its previous lodging house licensing program into this new extended program. In addition, the City of Waterloo chose to include additional requirements both respect to the size of bedrooms and the type of information required from landlords (e.g. Criminal record check).

From a cost perspective, the City of Waterloo (2016 population of 104, 986) is the only municipality to have adopted a full cost-recovery model. In 2017, its program required 8 full-time positions to manage a licensing volume of approximately 7,000 licenses (including lodging house licenses).

Table 1. Scope of Rental Unit Licensing Programs for the cities of Oshawa, London and Waterloo (2017)

	Oshawa	London	Waterloo
Geography	Area specific	City-wide	City-wide
Number of licenses (approximate), 2017	500	4,500	7,000
What is licensed	"Rental Unit" defined as one or more rooms containing toilet and cooking facilities designed for use as a single housekeeping establishment	"Rental Unit" defined as one or more rooms containing toilet and cooking facilities designed for use as a single housekeeping establishments and used or intended for use as a rented residential premises	Six (6) license classes: A: Non-owner occupied (and not any other class) B: Owner-occupied C: 5+ bedrooms D: Recognized lodging houses E: Temporary Rental Unit (<36 mos.) Z: 4+ Horizontally Separated Dwelling Units
What is excluded from licensing	"housing project" (as defined by Housing Services Act); Owner occupied rental unit with no more than 2 bedrooms occupied by tenants	Owner occupied temporary rental situations; Apartments (5+ units, excl. converted dwellings), Townhouses, and Stacked Townhouses (3+ units)	Tenant sublets (provided that main rental has license); Apartments (4+ units) Social housing (subject to specific acts and agreements); Student residence operated by university or college; Group home; Hotel, Inn, Bed and Breakfast.
Parallel Programs	Lodging House Licensing	Lodging House Licensing	

Table 2. Standards and requirements, Rental Unit Licensing Programs, Cities of Oshawa, London and Waterloo (2017)

	Oshawa	London	Waterloo
License Conditions			
Maximum number of bedrooms	•	•	•
Maximum % of gross floor area used by bedrooms	•	•	•
Minimum floor area in bedrooms per occupant			•
Bedroom location to comply with floor plan submitted with application	•	•	•
Parking to comply with parking shown on plan submitted with application	•	•	•
Maintenance in accordance with maintenance plan submitted with application	•	•	•
Each tenant party to tenancy agreement with landlord	•	•	
License/floor plan posted visibly at entrance	•	•	•
Regulatory compliance (across by-laws)	•	•	•
Applicant Information			
Landlord name and contact information	•	•	•
Title Document	•	•	•
Floor Plan	•	•	•
Parking Plan	•	•	•
Maintenance Plan	•	•	•
Proof of Insurance	•	•	•
Completed Police Record Check			•
Self-certification checklist		•	
Fire Inspection Report		•	•
HVAC Inspection Certificate			•
Electrical Inspection Certificate			•
Written statement – declaration signed by landlord	•	•	•
Other- Demerit system	•		

Table 3. Fees and Resources, Rental Unit Licensing Programs, Cities of Oshawa, London and Waterloo (2017)

Elements	Oshawa	London	Waterloo
Fees (Annually)	$75 initial application fee $500 1st time license fee $300 renewal fee (if submitted 60 or more days prior to expiry of license) $75 each additional inspection above (initial inspections and 1 re-inspection)	Initial application - $165.00 (as of January 1, 2017) If Fire Inspection Required, an additional $171.00 Annual Renewal - $55.00 If the property is a duplex, the Electrical Safety Authority may have additional fees. This is done in partnership with the Fire Prevention Office.	Full cost recovery model (detailed fee structure based on number of bedrooms and license type, new- vs. renewal, plus adhoc charges for additional work) $374.82-$757.30 – new license $204.89 - $413.07 – renewal
Number of active licenses (approx.)	500 (area specific)	4500 (city-wide)	7000 (city-wide)
Staffing levels	Required 3 additional staff (noting that were understaffed previously)	Thought that self-certification process would be more efficient but is not Understaffed for program at present	Full cost recovery program 8 FTE for program 2 Admin; 4 Enforcement Officers, 1 Zoning Compliance Officer, 1 Fire Code Officer
Annual Application Process requirements	License Officer review Zoning Review Fire Prevention/Building Code Review (incl. inspections)	License Officer review Zoning Review Fire Prevention/Building Code Review (incl. inspections) Medical Officer of Health	License Officer review Zoning Review Fire Prevention/Building Code Review (incl. inspections)

Benefits and Challenges of Rental Housing Licensing Programs

Based on research and consultation, the Public Service was able to better understand some of the benefits and challenges of establishing this form of licensing.

The merits of Rental Housing Licensing programs include:

- clear communication of by-law requirements (as these form the basis of licensing)
- a more coordinated approach to reviewing and confirming regulatory compliance,
- greater cooperation and engagement from landlords and property managers (licensing requirement) and in conjunction greater by-law compliance,
- the ability to revoke a license when required,
- decreased nuisance complaints (as the licensing process requires submission of floor plans, parking plans, and property maintenance plans which must then be acted upon),
- consumer protection benefits (e.g. requirements for police records checks, proof of insurance, license rental housing data that is available to the public) and
- tenant health benefits associated with changes to standards (e.g. maximum gross floor area requirements for bedroom space, which was thought to have an impact on improved mental health for tenants as a result of greater social interaction)

The challenges of Rental Housing Licensing programs relate to:

- significant time and resources required to create such programs and to bring forward a regulatory framework (2-3 years),
- appeals/legal challenges by landlords and residents (e.g. landlords concerned about cost and impacts on both 'good' landlords who follow the rules; residents concerned about the underlying zoning definitions and regulations which licensing would implement),

- appeals/legal challenges by the Ontario Human Rights Commission on the basis that aspects of such programs may be discriminatory in nature,
- growing pains associated with the role out and implementation of the program,
- significant resources required to administer such programs, given the level of upfront inspection and review being carried out.
- the recognition that licensing does not resolve all neighbourhood dispute issues, does not respond to core housing supply pressures and does not replace the importance of effective enforcement processes.

The Ontario Human Rights Commission and Rental Housing Licensing

The Ontario Human Rights Commission took interest in the development of rental housing licensing programs, and as a result, published a report in 2013 entitled *"Room for everyone: Human rights and rental housing licensing" (http://www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing).*

This document provides advice to Ontario municipalities considering or developing rental housing licensing programs, and includes a number of recommendations including:

1. Consider the Ontario *Human Rights Code* before drafting the bylaw and refer to the *Code* in the bylaw
2. Consult with *Code*-protected groups
3. Make sure that meetings about the bylaw do not discriminate
4. Roll out the bylaw in a consistent, non-discriminatory way
5. Work to secure existing rental stock
6. Avoid arbitrary bedroom caps
7. Avoid gross floor area requirements that exceed the Building Code
8. Eliminate per-person floor area requirements
9. Eliminate minimum separation distances
10. Enforce the bylaw against the property owner, not the tenants

Alternatives to Rental Housing Licensing Programs

A number of municipalities, including the cities of Welland, Kitchener, Guelph, Hamilton, Oakville and Windsor have considered Rental Housing Licensing as an option, but chose not to proceed. The Public Service consulted with the cities of Kitchener and Guelph and reviewed administrative reports prepared on the subject. Having considered both the benefits and costs/challenges of establishing a rental housing licensing program, both the cities of Kitchener (in 2013) and Guelph (in 2014), chose instead to allocate resources towards alternative solutions (See Table 4 for details). Solutions identified from one or both municipalities included:

- Enhanced enforcement processes
    - Cross-training of enforcement team across all by-laws
    - Proactive enforcement (e.g. looking at ads)
    - New staff for proactive work (including a legal process coordinator)
    - Increased and targeted enforcement initiatives in areas of concern
    - Zero tolerance for repeat offenders
- A registration program for 2nd unit/basement apartments

- New search warrant program
- Tenant Safety Initiatives (free inspections offered)
- Strengthened communications:
    - Webpages dedicated to the topic of rental housing
    - Community and stakeholder engagement
- Investigation of supply-side options with potential to alleviate root cause pressures
- Key Performance Indicators to measure and monitor progress

Table 4. Alternative Approaches To Rental Housing Licensing: the cities of Kitchener and Guelph

KITCHENER (2013)	
RATIONALE FOR CONSIDERING ALTERNATIVES	**RECOMMENDED APPROACH**
• Consultation outcomes (contentious) • Ontario Human Rights Commission concerns • Licensing can't replace enforcement • Would need to be city-wide, when issues are area specific • Current planning policies not supportive of restrictions to # bedrooms or occupant loads • Other licensing programs still relatively new – not fully tested • Increasing resources to enforce existing regulations would have a swifter impact - more efficient	• Investigate opportunities to alleviate stress (supply) • Strengthen relationships (landlord association, police) • Increase effectiveness of enforcement (zoning and lodging house regulations) • Increase specific/targeted enforcement, including potential zoning and lodging house enforcement in area of concern • Investigate potential impact of changes to existing planning policies and zoning regulations in the subject areas • Continue Fire Department's voluntary compliance program in subject area • Investigate ways to encourage/mandate increased compliance among the area's rental properties.
GUELPH (2014)	
RATIONALE FOR CONSIDERING ALTERNATIVES	**RECOMMENDED APPROACH**
• Stakeholders - very strong resistance • Reassessed alternatives, carried out cost-benefit of licensing vs. alternatives • Consulted with Ontario Human Rights Commission (was in favour of alternative approach) • Licensing would not address behavioural issues/or whether a home is tenant or owner occupied • Gordon Street Medium Density area – new supply of rental housing came on stream (900 units) • Alternative approach deemed more cost effective and efficient response than licensing – directly targeted un-safe, non-compliant properties, addressed majority of issues	• Strengthened enforcement • Cross trained officers across all bylaws • Began a registration program for 2nd unit – basement apts. • Proactive enforcement (looking at ads – yielded a lot of results) • New staff for proactive work + legal process coordinator • Zero tolerance for new offenders • New search warrant program • New communications plan • Tenant safety initiatives – free inspections • Key performance Indicators to measure and monitor progress, and based on results would still consider further options (incl. but not ltd. to licensing)

On-line References/Articles

City of Oshawa
https://www.oshawa.ca/residents/Residential-Rental-Housing.asp?_mid_=656

City of London
https://www.london.ca/business/Permit-Licences/Residential-Rental/Pages/Obtain-a-Licence.aspx

City of Waterloo
http://www.waterloo.ca/en/government/residentialrentallicences.asp

City of Kitchener:
https://www.therecord.com/news-story/3845095-kitchener-looks-to-avoid-rental-licensing-bylaw-in-addressing-student-housing-concerns/

City of Guelph:
http://guelph.ca/wp-content/uploads/council_agenda_0825141.pdf#page=93

https://guelph.ca/city-hall/planning-and-development/community-plans-studies/housing/shared-rental-housing/

http://www.ohrc.on.ca/en/news_centre/re-report-no-14-29-rental-housing-licensing-recommended-approach

City of Windsor:
https://windsor.ctvnews.ca/windsor-council-chooses-against-licensing-residential-rental-properties-1.3792247

City of Welland:
https://www.niagarathisweek.com/news-story/3308424-licensing-bylaw-for-rental-units-quashed/

City of Hamilton:
http://www.cbc.ca/news/canada/hamilton/news/city-votes-down-controversial-law-to-license-apartments-1.1858417
http://www.donnabacher.ca/blogs/bacherblog/archive/2013/09/29/illegal-apartments.aspx
http://www.cbc.ca/news/canada/hamilton/news/hamilton-landlords-fight-new-licensing-bylaw-1.1210412
http://activerain.com/blogsview/4206393/no-rental-licensing-for-now--illegal-units-on-the-radar-in-hamilton
https://www.hamilton.ca/home-property-and-development/rental-properties

City of Oakville:
https://www.oakville.ca/townhall/residential-rental-housing.html

APPENDIX 4 ACTION ITEMS / IMPROVEMENTS

The Public Service has identified the following improvement goals for the investigation and enforcement of potential illegal rooming houses:

- Increased simplicity (clearer understanding of by-law requirements and definitions)
- Clearer communication
- Increased internal coordination
- Increased compliance with all by-laws
- Reduced risk of repetitive non-compliance
- Financially sustainable solutions

Actions Items include:

1. *Continue to improve internal coordination for investigation and enforcement of potential illegal rooming houses (in Single-Family Detached Dwellings and other dwelling types).*

   It is recommended that an interdepartmental licensing and enforcement team be created to address housing non-compliance issues, with a focus related to 'rooming houses' and potential illegal 'rooming houses'.

   This direction has been taking place to a certain extent since 2016, with the introduction of new processes to investigate and respond to potential illegal rooming house complaints.

   The team would include resources from Community By-law Enforcement Services and the Planning, Property and Development Department, with external support from Fire Prevention.

   Initial activities would include:
   - Proactive and complaint driven investigation and enforcement of non-compliance issues across all by-laws related to potential illegal Single Room Occupancy uses,
   - Communications and engagement with landlords, tenants, residents and other stakeholders in regards to compliance requirements for single-family detached homes and Single Room Occupancy uses, including the development of a webpage dedicated to the subject of rental housing and compliance requirements,
   - Data analysis and reporting related to proactive and complaint-based investigation and enforcement activity, and
   - Reporting of progress annually and as required.

2. *Review and update City of Winnipeg by-laws and regulations related to rooming houses, to ensure that terms, definitions and requirements found in various City of Winnipeg by-laws better align with one another and better support a coordinated enforcement approach.*

   As outlined in Appendix 2, the current framework for enforcement of rooming houses or potential illegal rooming houses requires cross-referencing of six separate by-laws, with different terms referencing 'rooming house' situations. To better support a coordinated licensing and enforcement strategy, it is recommended that the Public Service report back with a new "rooming house" by-law, which
   - Consolidates and clarifies terms and regulations related to 'rooming houses' across relevant by-laws into one regulatory location,

- Identifies key building and fire code and property standards requirements, and
- Provides key authority to order illegal rooming houses to be 'vacated', and other aspects of the enforcement process requiring clarification.

3. *Continue to strengthen our understanding of rental housing compliance issues across the city (at city-wide and neighbourhood scales) through data collection and annual reporting.*

   In order to ensure that Public Service enforcement resources are being allocated in the most efficient way, it is recommended that the new enforcement team continue to collect and assess data related to by-law non-compliance across the city and at the neighbourhood level. This type of data can assist in identify key areas of concern, which can be then form the basis of further enforcement strategy.

4. *Continue to explore potential supply-side solutions*

   A core issue in the University of Manitoba area has been related to an increased demand for student housing (as a result of increased enrollments) and a shortage of housing options in close proximity or on the university campus. The Public Service recommends that continued attention be paid towards encouraging supply-side solutions to the issue, including the development of additional housing options for students and others needing to live close to the university.

   Potential solutions include:

   d) Increased on-campus housing at the University of Manitoba,
   e) Increased private sector construction, and
   f) Additional allowances within the R-1 zone to enable small scale rental opportunities, similar to what is permitted in some Ontario communities such as Mississauga and Ottawa. This item would require further discussion at the Provincial Level to establish an acceptable Building and Fire Code approach to such housing (See explanation and recommendation below).

   From a housing policy perspective, the zoning and building code regulations found in Ontario municipalities appear to offer greater latitude for multi-tenancy situations in single-family detached dwellings with four or less residents. The Public Service believes that there is value in better understanding this difference in building code and zoning application, as it may enable the City to consider additional forms of small scale rental housing that are currently not accommodated for in the City of Winnipeg (e.g. boarding situations, where boarders are not a part of the household, or single-family detached dwellings that are rented to fewer than 4 individuals, who may not completely meet the definition of a single housekeeping unit).

   As such, this report also includes recommendations to further explore these regulatory differences with the Province of Manitoba, and to report back to the Committee with a separate report regarding potential options.