

AGENDA
TOWN AND GOWN COMMITTEE
Thursday, April 1, 2021
10:00 a.m.
via Zoom video conference

1. **Call to Order**

2. **Declaration of Conflict**

3. **Minutes**
Adoption of the minutes of the Town & Gown Committee meeting held October 1, 2020– **attached**.

4. **Business Items**
 - 4.1 **University of Windsor and St. Clair College**
Request for an update on off-campus student issues, particularly as it relates to housing.

 - 4.2 **Residential Rental Licence**
 - The report of the Manager of Inspections/Deputy Chief Building Official entitled “Residential Rental Housing Initiative – Final Two Year Report – City Wide” is **attached**.

 - The report of the Supervisor of Licensing and Deputy Licence Commissioner entitled “Residential Rental Housing Licensing Options – City Wide” is **attached**.

5. **Date of Next Meeting**
To be determined.

6. **Adjournment**

**Town & Gown Committee
held October 1, 2020**

A meeting of the Town and Gown Committee is held this day commencing at 10:00 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Fabio Costante, Chair
Councillor Fred Francis
Jane Boyd
John Fairley
Alan Richardson

Guests in attendance:

Ryan Flannagan, Associate Vice President, Student Experience, University of Windsor
Michael Silvaggi, Associate Vice President, Student Services & Registrar, St. Clair College

Also present are the following resource personnel:

Anne Marie Albidone, Manager Environmental Services
Chris Aspila, Planner III
Inspector Dave Deluca, Windsor Police Services
John Lee, Chief Fire Prevention Officer
Barbara Rusan, Manager Policy & Regulatory Services, Building Department
Will Foot, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 10:00 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Francis, seconded by J. Boyd,
That the minutes of the Town and Gown Committee of its meeting held July 16,
2020 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 University of Windsor and St. Clair College

M. Silvaggi provides the following comments as it relates to the international students at St. Clair College:

- Immigration Canada has limited the ability of international students to travel to Canada. In May 2020, restrictions were implemented which would only allow students to travel that had a March 18, 2020 study permit.
- The students that were starting in May 2020 began their studies on-line.
- At this time, are anticipating that international students will not be able to travel here unless St. Clair College has approved their arrival plan, which includes a quarantine plan and a study permit that has been approved.
- Have worked with the Ministry of Colleges and Universities, local Public Health Units in Windsor and Chatham as well as partners in Toronto.
- Once the plan is approved by the Ministry, it will allow the students to come in, however, will need to ensure that the students quarantine. Arrangements have been made with a local hotel to allow for the two week quarantine of the students.

R. Flannagan provides the following as it relates to the international students at the University of Windsor:

- Concurs that the University of Windsor and St. Clair College are in a similar situation as the same restrictions, directives from the Federal Government and the Ministry of Colleges and Universities have imposed on them.
- Because of the March 18, 2020 study permit restriction, only 140 students have come into the country. It is anticipated that the Government of Canada will change the March 18, 2020 study permit date to September 30, 2020 and at that point approximately 700 students will arrive.
- The majority of students in quarantine are off campus.
- Developed a very robust communications effort to ensure that their students are aware what the requirements are when coming into the country.
- The one caveat is that the Federal Government has placed a 50 per cent residency directive on international students. This means that any student who wants to

study in Canada, or do courses on-line, or if they want to be able to apply for a work permit after the completion of their academic work, they have to have 50 per cent residency in Canada while they are completing their course. So for 50 per cent of the time that they are taking courses in their program, they need to be in Canada.

- They are anticipating that over the next few weeks or months, the students will want to come to Canada as they need that residency requirement.

A. Richardson asks for an update relating to off-campus student issues, i.e student housing.

M. Silvaggi responds that the construction of the new residence for international students is underway which will house over 500 students on a semester basis (dependent on the COVID situation) in September 2021. He adds that no concerns related to housing has been received from the students.

R. Flannagan adds that due to the limited influx of students, there are many vacancies around the University of Windsor. He notes there have been no issues with students finding a place to live around the university.

In response to a question asked by J. Fairley regarding the residences at St. Clair College and how they changed due to COVID, M. Silvaggi responds the capacity was cut in half for students living on campus, i.e. the existing residence houses 416 students and was cut to 200 students living on campus. Due to this change in programming, many students from different regions in Ontario are studying at home.

R. Flannagan adds they have a very small number of residents in their buildings and strong messaging was put out to the students regarding large gatherings and a reminder to be in compliance with the directives provided by the Ontario government.

Moved by Councillor Francis, seconded by J. Fairley,
That the verbal updates provided by M. Silvaggi, St. Clair College and R. Flannagan, University of Windsor regarding COVID-19 and student housing **BE RECEIVED.**

Carried.

4.2 Student Awareness and Housing Rights as Tenants

The Chair states that student awareness and housing rights as tenants somewhat stems from the committee's last pre-COVID meeting. At that meeting, a discussion took place regarding educating students during orientation week and on a regular basis. He asks if there has been any progress on that front with respect to regular updates to students and education on their rights as tenants in Ontario.

R. Flannagan responds that in 2019 the university held a social media campaign to kick off the new website that provides education about being a good neighbour and their tenant's rights. They talked about the potential of doing a walkabout in the community, dropping off flyers, and to do more engaging activities to help students understand what their rights and obligations are in terms of being a good neighbour in the community. They appreciate the concerns of the community with landlords going in and buying homes and turning them into rentals for students. In terms of the behavior of their students and the issues with parties, it has been on the decline for several years.

M. Silvaggi advises that from an education perspective, orientation is their first and foremost means of getting to the students upon their arrival. As the majority of their students come from India, they are actually showing orientation sessions live in India. They have partners who fly to India and outline the Canadian experience done on a face to face basis so they are getting that communication out to students. They have significant collaboration with many religious organizations and external organizations to help facilitate educational exercises. St. Clair College was on the verge of starting a campaign with their student representatives which touted getting their students into the community to help with clean-up. This campaign was put on hold due to COVID.

J. Fairley adds that the campaign was called "Community Saints Concept" where there are areas in the community they would step up and help if the landlords were not doing certain things. He notes the foodbanks have been very important to the international students.

A. Richardson states he has been working with R. Flannagan in some of these initiatives and he commends the University of Windsor website. He asks about the on-going education efforts relating to weekly or monthly e-mail blasts and inquires if a list of topics can be provided to the Committee. He also asks if surveys are being done on an ongoing or periodic basis that address students' rights, i.e. if students know they are allowed by the Residential Tenancy Act to decline paying their rental fees in advance. Do the students know that there is a City of Windsor By-law for vital services which mandates the landlord to provide heat, hot water and electricity, and if there is a problem to call 311. If an inspector comes to the premises, the landlord cannot prevent that inspector from entering the residence. He notes a survey would go to some of these questions.

R. Flannagan responds that a list of topics noted in their weekly newsletter will be provided. In terms of a survey, he guesses that the results of a survey would indicate the knowledge of their students pertaining to their rights as tenants is quite low.

A. Richardson indicates that it has been quiet for parties, however, that does not mean that there are no parties, in fact there have been several recently. It is his understanding that the university does not have any interest in going after house parties and questions if their position has changed.

R. Flannagan responds in terms of parties, it is the University's position that off-campus parties are not things that they get involved in, i.e. Campus Police going to an

off-campus party and knocking on that door. In the event that there are multiple parties at a residence, and the efforts of Bylaw Enforcement and Police are not having the desired effect, the university is open to working with their partners and neighbours to have that conversation with the residents in that home.

Moved by J. Fairley, seconded by Councillor Francis,
That the updates provided by M. Silvaggi, St. Clair College and R. Flannagan, University of Windsor regarding “Student Awareness and Housing Rights as tenants” **BE RECEIVED**.

Carried.

4.3 Town & Gown Symposium – Building Bridges 2019

J. Fairley commends A. Richardson for his well written report on the Town and Gown Symposium held from June 3-6, 2019.

Moved by J. Fairley, seconded by J. Boyd,
That the report provided by A. Richardson regarding the Town & Gown Symposium – Building Bridges 2019 held from June 3-6, 2019 **BE RECEIVED**.

Carried.

A. Richardson refers to the recommended actions for the Town and Gown Committee noted in Enclosure 2 and he asks how those recommendations become action items.

The Chair responds that procedurally direction would be provided by the Committee and if approved, would proceed to the Environment, Transportation & Public Safety Standing Committee and City Council.

Moved by A. Richardson, seconded by J. Boyd,
That the recommendations in Enclosure 2 appended to the Town & Gown Symposium – Building Bridges 2019 report by A. Richardson **BE CONSIDERED** at a future meeting of the Committee.

Carried.

4.4 Town & Gown 2019 Annual Report

The Chair states that the Environment, Transportation & Public Safety Standing Committee directed that the Committee look into a different process of submitting annual reports, i.e. for the Committee to review prior to being sent to the respective standing committee.

A. Richardson expresses concern that the Committee was not afforded the opportunity to review the annual report and to provide input. He suggests that at each

meeting, the accomplishments of the committee be noted which will be part of the annual report that highlights the successes met by the committee.

Moved by J. Fairley, seconded by Councillor Francis,

That future Town and Gown Committee Annual Reports **BE PROVIDED** to the Committee for review prior to submitting to the Environment, Transportation & Public Safety Standing Committee and City Council.

Carried.

4.5 Town & Gown Association of Ontario – 2021 Membership

Moved by A. Richardson, seconded by J. Fairley,

That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$250. for the renewal of the Town & Gown Association of Ontario 2021 membership.

Carried.

J. Boyd announces her retirement and the members thank and congratulate her for her many years of service on the Town and Gown Committee.

5. Date of Next Meeting

The next meeting will be held at the call of the Chair.

6. Adjournment

There being no further business, the meeting is adjourned at 11:00 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR



Council Report: C 195/2020

Subject: Residential Rental Housing Initiative - Final Two Year Report - City Wide

Reference:

Date to Council: March 8, 2021
 Author: Roberto Vani
 Manager of Inspections/Deputy Chief Building Official
 (519) 255-6267 x6834
 rvani@citywindsor.ca
 Planning & Building Services
 Report Date: September 30, 2020
 Clerk's File #: SB/12952

To: Mayor and Members of City Council

Recommendation:

THAT City Council **RECEIVE** the report for information.

Executive Summary:

N/A

Background:

On February 5, 2018, City Council received report C 169/2017 (Residential Rental Licensing) and passed CR61/2018:

CR61/2018 – *“That City Council **SUPPORT** in principle the increased capacity of enforcement staff for Fire and Building Inspection to address the existing by-laws/Fire and Building Code issues for backlogged complaints for older housing stock; that Council **APPROVE** the hiring of two (2) Temporary Building/Property Standards Inspectors and one (1) Temporary Fire Prevention/Safety Officer for a 2 year pilot period to **BE SELF-FUNDED** from additional revenues from orders written and further, that should the self funding revenues not be sufficient, that any shortfall during the pilot period **BE FUNDED** from the budget stabilization reserve fund (BSR), with this matter then **REFERRED** for future consideration to the 2020 Operating budget; and*

*That the City Solicitor **BRING FORWARD** a report to Council after the two (2) year programme completion, outlining the impacts of the increased and enforcement and any recommendations for the future.”*

Investigations of property standards violations related to the physical building is through the Building Inspections Division, Office of the Chief Building Official. Its website states:

The Building Inspection Division accepts complaints regarding alleged violations of the Property Standards By-law and other By-laws enforced by this Division. Complaints may be placed by calling 311. Some of the major areas of enforcement often include:

- Unsafe building conditions
- Structural capacity - fire and storm damage - demolition
- Doors, windows, exterior finishes
- Foundations, walls, column, beams
- Stairs, floors, landings, exits, porches
- Doors, windows, exterior finishes
- Plumbing - sewers, piping and fixtures
- Ventilation and heating
- Roofs, roof structures, chimneys
- Barrier free requirements
- Exterior property areas - parking lots - surface, drainage, and paving
- Fences and pool enclosures
- Permanent signs
- Construction activity without required zoning approvals and/or building permits
- Land use violations

Building Divisions primary focus is investigating and enforcing building condition and building/land use complaints, the majority of which come in through 311. Enforcement actions are reactive and proactive for building condition and building use, reactive for all other enforcement.

Windsor Fire and Rescue's involvement in this initiative involves investigation of Fire Code-related complaints and concerns through its Fire Prevention Division.

Discussion:

In August of 2017, three Building By-law Officers (BBO) were hired to reduce the backlog of building condition complaints. They specialized in building bylaw enforcement (i.e. building condition/use, pool maintenance, and fence complaints.) In 2018, CR61/2018 expanded the BBO team by two temporary BBO's and also added one Fire Prevention Officer for the initiation of the Residential Rental Housing (RRH) initiative. In the same year, CR612/2017 added two more temporary BBO's and one temporary Building Bylaw Clerk specifically for a vacant building initiative (VBI).

As part of Buildings 2020 budget process, Council approved the conversion of the four temporary BBO's and one Bylaw Clerk to permanent positions for a total BBO team complement of seven permanent BBO's and one Bylaw Clerk. The seven BBO's are now assigned to specific political Wards and responsible for all complaints in their assigned Wards(s).

Prior to establishing Buildings dedicated BBO team, Building Inspectors were tasked with investigating and enforcing all Building Division assigned bylaw complaints. Bylaw enforcement for the Building Division was a secondary function to provincially legislated building construction inspections under the Ontario Building Code Act. With the rebound in construction activities in 2015, the ability to respond in a timely manner to building

bylaw complaints plummeted, resulting in large backlogs. Essentially, complaints investigated and orders enforced when time allowed, usually in fall and winter months when new construction call volumes were lower.

Two (2) Year RRH Initiative:

Building Administration established the following goals for the RRH program:

1. Address the backlog of outstanding complaints
2. Assess the effectiveness of the program in meeting established service delivery timelines to 30 days or less for all residential rental complaints.
3. Reduce timelines to resolve complaint and enforcement files
4. Increase the issuance of building condition and building use orders
5. Increase the number of court prosecutions to gain compliance and discourage reoffending.
6. Increase Public education for post secondary students related to i) tenant rights ii) how to access municipal enforcement services iii) how to be a good neighbour.
7. Develop an internal list of existing residential rental properties for any future residential rental-licensing bylaw and on-line registry.
8. Develop rental subcategories to allow for the tracking of student occupied residential rental building/zoning complaints separately from all other non-student residential and non-residential (commercial/industrial) building condition complaints.
9. Assess costs of the residential rental program vs. revenues generated from administrative fees.
10. Improve the quality of residential rental stock throughout the City.

Upon initiation of the RRH program, Building Division had a backlog in excess of 1000 outstanding complaints (of which 900 were older than 30 days with no investigation initiated), 910 unresolved building condition orders to repair and 348 unresolved illegal land use orders. Prior to the implementation of the RRH program, peak response times for building condition and zoning complaints exceeded 80 days.

With the implementation of the RRH program combined with existing BBO enforcement staff, unresolved complaints as of August 1, 2020 stood at 450, none of which is older than 30 days (see Appendix 'A').

The two temporary Building Bylaw Officers assigned to the RRH program reviewed all outstanding enforcement files and outstanding complaints, and conducted new complaint investigations. Education and voluntary compliance is the preferred mode of compliance. However, if voluntary compliance was not gained in a reasonable timeframe, orders to repair and orders to comply were issued for sub-standard building

conditions and zoning violations. Additionally, new orders replaced expired orders which were not previously addressed by the property owner due to a lack of enforcement resources.

Currently, Building initiates RRH investigations on all building complaints within established service delivery timelines (30 days). Total orders issued and court charges filed have also increased significantly because of increased enforcement resources and improved operational processes. The amount of time to resolve files also dropped with more focused and timely enforcement activities (see Appendix 'A').

In addition to service delivery and operational improvements, Building worked with the City's 311 Call Center on data collection, specifically differentiating calls into '*residential rental complaints*' (*non-student*) vs. '*student residential rental*' complaints. Initial results over the past two years would indicate that students do very little complaining about their housing accommodations. The overwhelming majority of building condition/use complaints originate from non-student residential housing.

As such, very little building enforcement is required against property owners accommodating students, complaints we do receive for student housing are primarily from neighbours concerned about illegal basement units, overcrowding, and illegal lodging house operations. These findings may not reflect other complaints related to yard conditions (long grass, garbage/debris), noise, and illegal street parking often associated with student housing, as the Office of the City Clerk and Parking Enforcement administers these areas of enforcement.

Building Bylaw Officers and Windsor Fire Prevention Officers participated at several University and College student orientation sessions. Officers dispensed information to students on their rights under the Landlord and Tenants Act as well as how to file complaints with 311, bylaw requirements for safe accommodations (i.e. smoke alarms/carbon monoxide, safe exiting from buildings) and how to be a good neighbour.

As in most cities, there is always a concern that proper housing standards exist within the municipality for rental properties, in particular student housing. The City has a comprehensive maintenance and occupancy standards bylaw for all buildings (Property Standards Bylaw). As part of Council's 2018 temporary residential rental housing initiative, Building Administration brought a housekeeping report to Council in 2019 to enhance building standards in the Property Standards Bylaw #9-2019. Additionally, the Ontario Fire Code, administered through the WFRS Fire Prevention Division, provides legislative authority to regulate life safety systems within buildings. Finally, the City's zoning bylaw plays a key role in residential rental standards by ensuring the number of separate self-contained dwelling units comply with the zoning bylaw.

WFRS' involvement in the program was dependent upon receiving what were identified as possible Fire Code-related complaints. A Fire Prevention Officer (FPO) would then attend to inspect the dwelling and issue orders to achieve compliance with the Ontario Fire Code when warranted. If the complaint received was identified as a non-enforceable violation, or had been corrected prior to the Fire Prevention Officer's arrival, public education with the tenant ensued. If an order was issued to correct any fire code violations, the owner was then invoiced for the service.

During the pilot period, WFRS received 932 complaint inspection requests. Of those, 719 were determined not to have Fire Code deficiencies, while 213 were found to have deficiencies requiring further enforcement activities. The FPO attendance at these addresses where sub-par conditions existed allowed for WFRS to identify the structure as a rental with concerns outside of the Fire Code to be added to our response database that is utilized to assess the response needs for specific buildings aiding in the protection of residents and WFRS staff in the event an emergency situation occurred. The ability to provide over 700 people with home fire safety education where they may otherwise have been bypassed also provides a substantial impact.

Risk Analysis:

N/A

Financial Matters:

Building Division:

The total projected cost to initiate and operate the RRH program for a two-year period was \$259,090 (2 Building Bylaw Officers). Revenues (administrative fees levied for violations) was \$76,346.00. That resulted in a total revenue deficit of \$182,744 for the two-year program, the deficit funded through the BSR.

Fire Prevention Division:

WFRS achieved minimal revenue of \$3,050 by implementing this pilot program. However, the cost to engage one FPO for the two-year period was \$300,000. In order to mitigate the net cost of the program, WFRS was able to utilize the additional FPO as a replacement of a retired staff member for a significant period of time during the pilot, resulting in gapping savings. The net salary cost resulted in \$64,276, and the two-year pilot program net deficit of only \$61,226 (\$64,276-\$3,050) was funded through the BSR.

Consultations:

Dan Lunardi, Manager of Inspections/DCBO

Craig Robertson, Supervisor of Licensing

John Lee, Chief Fire Prevention Officer

Don Nantais, Financial Planning Administrator

Conclusion:

Building Inspections ability to meet established service delivery standards has improved immensely over the past few years. Dedicated and consistent enforcement efforts have shown to be effective in gaining compliance in shorter timelines, in particular against property owners who historically have maintained substandard residential rental properties. Enhanced enforcement has also identified numerous illegal residential rental units; these are usually basement or attic units created in existing residential