

Town and Gown Committee

Meeting held September 29, 2021

A meeting of the Town & 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
Dr. Phebe Lam
John Fairley
Alan Richardson

Guest in attendance:

Marcela Ciampa, Director, Organization Development & Training of the Smoke-Free Campus Steering Committee

Also present are the following resource personnel:

Michael Cooke, Manager, Planning Policy
Anne Marie Albidone, Manager, Environmental Services
Inspector David Deluca, Windsor Police Services
Jude Malott, Executive Initiatives Coordinator, Office of the City Solicitor
Craig Robertson, Supervisor Licensing/Deputy Licence Commissioner
Barbara Rusan, Manager Policy & Regulatory Services
Bill Tetler, Manager of By-law Enforcement
Rob Vani, Manager Inspections, Deputy Chief Building Official
Will Foot, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 10:01 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 J. Fairley, seconded by Councillor Francis,
That the minutes of the Town and Gown Committee of its meeting held June 29,
2021 **BE ADOPTED** as presented.
Carried.

4. Presentation – Residential Rental Licensing Pilot Project

Jude Malott, Executive Initiatives Coordinator, Legal & Legislative Services provides a PowerPoint presentation entitled “Residential Rental Licensing Pilot Study – Information for Advisory Committees”. The highlights of the presentation are as follows:

- Licensing residential rentals will bring more properties into compliance with app
- Will support and enhance existing enforcement mechanisms
- Will improve and preserve Windsor’s existing rental housing stock.
- Issues with residential rentals include structural and safety issues, i.e. Building Code alterations without a permit.
- Issues with neighbourly issues – exterior property maintenance, garbage preparation and noise complaints.
- Licensing would secure owner consent to inspect units, confirm the owner, document the City’s rental housing stock, reduce illegal and unsafe units and improve fairness for tenants and landlords.
- Limitations of licensing – does not address behavioral issues, licensing fees can add to housing costs.
- Pilot Study includes dwellings in Wards 1 and 2 and for dwellings with 1 to 4 units. Excludes owner-occupied dwelling units, lodging houses (Class 1 and 2) and short-term rentals.
- Application requirements will include – Owners contact information, proof of insurance, criminal record check, fire safety plan, maintenance plan, building site plan, unit floor plan and By-law awareness declaration.
- Total licence fee is \$616.00

A question and answer period follows the presentation.

A. Richardson states that J. Malott made the point relating to licensed residential tenants of “improving the understanding and preserving Windsor’s existing rental stock” and later in the presentation said that the advantage of licensing “is more accurate data of housing stocks”. He adds that this is a new aspect of licensing and asks for background on this.

J. Malott responds that the city is not licensing tenants; we are licensing dwelling units. Licensing will provide more information by updating City records. For example, when reference is made to an illegal unit, (one that has been constructed without permits or zoning clarification); there is no record as no application was made.

A. Richardson indicates that Administration is saying that the number of complaints is the proxy for how safe tenants feel.

J. Malott responds that the city is measuring the safety of the units; and whether they comply with the Ontario Building Code, and the Fire Code.

A. Richardson refers to the presentation that indicates that one of the advantages of residential licensing is that it discourages absentee landlords. He asks if that is a city policy.

J. Malott responds that is a potential outcome because making it more inconvenient for someone to be inattentive to their property is the outcome of having a licensing process that requires engaging with city administration to show that they are aware of their obligations.

A. Richardson responds that a “negligent” landlord is a better word than “absentee” landlord.

A. Richardson asks when we licence landlords are we in essence licensing properties owned by landlords.

J. Malott responds that this is a residential rental licence for dwelling units. Landlords would be required to apply for the licence, as would their agent.

A. Richardson notes that in the pilot study scope, Administration is only looking at dwellings with one to four units and asks why any dwelling with any number of units is not being reviewed.

The Chair responds that any dwelling four units and above is captured under the Lodging License Bylaw. One of the reasons the study was limited to units four and under was to fill in the gap where we did not have licensing for those units.

R. Vani responds that the distinction between four and less is the size of the building under the *Building Code Act* so typically buildings that are over four units are what we call Part 3 and they have safety systems not found in buildings four units or less. The distinction being an apartment building and a building that is four units or less. Complaints are generally not received from apartment buildings. The cut-off is 600 metres square in gross floor area. It is difficult to get more than four units in that threshold of 600 metres square.

C. Robertson advises as a point of clarification, when we are talking about our licensed lodging homes, it refers to the number of people that reside there – four or more residents in that dwelling.

A. Richardson states that the city's position is that a dwelling with more than five units does not commonly receive complaints so the limit is four units. He adds that he is dismayed that there is a new initiative to licence residentially zoned properties with one to four dwelling units and the Lodging House Bylaw will take care of everything else. The city has for years maintained that they cannot enforce the Lodging House Bylaw because they are unable to ask residents what kind of lease they have.

Councillor Francis adds that it is important to note that this a pilot project, so there will be changes once it is rolled out city-wide.

The Chair asks Administration to provide the distinction between bedrooms and dwelling units.

J. Malott responds that generally, lodging houses are determined by whether they are independently leased, but the dwelling unit is defined and that is where the single housekeeping unit comes in. A dwelling unit is an area of one or more bedrooms, plus cooking facilities and washrooms that is shared by individuals that function as a single housekeeping unit.

The Chair remarks that many of the homes that will be under review or audit will most likely have ten bedrooms and not necessarily ten units, which will be captured under the Residential Rental licence.

J. Fairley asks what percentage of the landlords are absentee landlords. He adds that at the College and most likely, the University, they have behavioral contracts that result in some form of discipline if not abided by. He adds that he is hopeful that the residential rental licence will reduce the workload of the enforcement officers. He further asks how the city will know if it is a rental property if it is not disclosed as a rental property. He questions if the Health Unit will be involved in this initiative.

C. Robertson remarks they are not looking at using the Class 1 lodging home to deal with rentals. There is a licensing mechanism in place that can be utilized to deal with rentals; the regulations and requirements will be different than what a Class 1 looks like as an internal process. Investigations will be conducted when complaints are received. At the end of the project if told to roll this out, we will have the results that will identify what worked and what is needed.

J. Malott states that this pilot study is an intervention on behalf of the city to ensure that the health and safety standards are met in these residences.

The Chair asks that with respect to the human rights potential concerns, in consultation with the City of Hamilton, they themselves consulted with the Human Rights

Commission to make sure that their pilot was “on side”. One of the primary things that ensured that was the way that the pilot was developed, would be such that the infrastructure and everything that went into it would be as if it was done citywide but we are focusing on a specific area for now. He asks Administration to comment on our involvement with the Human Rights Commission and, expresses concern that there may not be an opportunity for landlords to file vexatious human right claims and try to delay this, if they are aware that this may be discriminatory for example.

J. Malott responds that he has not consulted directly with the Human Rights Commission but has reviewed their documentation noted on their website and this has been based on what has been done around previous jurisdictions. Virtually, every one of these bylaws have received some kind of a challenge. We are looking at other jurisdictions as precedents to try to avoid the issues that they have had and build up on what we know is already good law. This initiative has been designed to be rolled out citywide.

C. Robertson advises that prior to Council’s direction, there has been significant consultation with the City of Hamilton. He notes that he was informed by the Chief Building Official that the City of Hamilton had no official go ahead from the Human Rights Commission.

The Chair refers to the annual fee and inspection and asks if consideration can be given to a layered system whereby if upon inspection the landlord is compliant that we “back off” for a year or two and for those who are not compliant, the inspection is held every year. He asks Administration to comment if this could be part of the bylaw so as not to punish the good landlords.

C. Robertson responds that Council will have to determine what will be included in the bylaw. At the end of the day, Council will have to make a decision if this will be an annual licence or if the life of that licence will be extended. The inspections and the prices associated with the inspections are not to punish or to reward; it is cost recovery.

R. Vani responds that there are processes in place relating to enforcement and dealing with individual property owners who are delinquent or not willing to work with the city to bring everything into compliance.

The Chair states that Administration consulted with the Housing and Homelessness Advisory Committee and notes that some members raised that this initiative may limit the number of units in our city because many units will not be up to the Building and Fire Code standards, which may pose a potential adverse effect.

J. Malott concurs that the Housing and Homelessness Advisory Committee raised those concerns quite strongly. They were concerned about the removal of units from the housing stock; the impact of the pass on of the cost of the licence to individuals that are in lower rent units which may result in evictions.

The Chair remarks that this provides even more reason to build more legal affordable housing.

In response to a question asked by A. Richardson asks when day one of the two-year study commences, J. Malott responds that will be determined by Council.

Dr. Lam remarks that she is excited to see what the findings are. It appears that the landscape assessment has been done with best practices with other cities, along with transparency and communication. Pilot projects need to remain fluid and every step of the way allows for re-evaluation and assessment. This is a great step forward to protect our students. Perhaps one thing to consider is when you are nearing the end of the pilot study, to look at feedback to be collected by a neutral party, not involved directly with the research. They can collect feedback from all those involved in the pilot study.

The Chair thanks Administration for the work that they have been doing in this very important project.

Moved by Councillor Francis, seconded by J. Fairley,
That the PowerPoint Presentation entitled "Residential Rental Licensing Pilot Study – Information for Advisory Committees provided by Jude Malott, Executive Initiatives Coordinator, Legal & Legislative Services **BE RECEIVED.**
Carried.

Councillor Francis leaves the meeting at 10:58 o'clock a.m.

5. Business Items

5.1 Smoke-Free Campus at the University of Windsor – Fall 2021

Marcela Ciampa, Director Organization Development and Training of the Smoke-Free Campus Steering Committee appears before the Committee and is available for questions. She defers to Dr. Lam to provide an update on the Smoke-Free Campus initiative.

Dr. Lam advises that the University of Windsor as of September 1, 2021 is officially a smoke-free campus. The University is continuing to implement an awareness raising and public education campaign. There is campus signage indicating that the University of Windsor is a smoke free campus.

The Chair asks J. Fairley if St. Clair College will also be a smoke free campus.

J. Fairley responds that discussions are being held on this matter.

Moved by J. Fairley, seconded by A. Richardson,
That the update provided by Dr. Lam that the University of Windsor as of
September 1, 2021 is now a smoke free campus **BE RECEIVED**.
Carried.

5.2 University of Windsor and St. Clair College – Enrolment Update

J. Fairley provides the following update relating to enrolment at St. Clair College:

- The campus has returned to in person learning with the exception of sixteen on line programs.
- Day 10 statistics for all campuses domestically and international includes:
 - 13,582 (including the Toronto campus)
 - Domestically – 6691
 - International students – 3866
 - Downtown campus – 2685
 - South Windsor campus - 6776

Dr. Lam provides the following update relating to enrolment at the University of Windsor:

- Conservative approach to opening up on campus.
- Forty sections of classes are being held on campus.
- Courses are mostly held on-line at this time.
- Rooms have been set up as HyFlex so that students can stream live while the instructor is teaching on campus. There are very few classes on campus.
- Enrolment is just above 16,000 students. There has been a dip in the number of students from the GTA coming to Windsor
- Students living in residence – approximately 500 (three of the residences are open at this time).

6. Date of Next Meeting

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

7. Adjournment

There being no further business, the meeting is adjourned at 11:13 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR