



Special Joint Meeting of the Planning Committee and Community and Protective Services Committee

Minutes 3

Thursday, June 16 2022

9:35 AM

This Meeting was held through electronic participation in accordance with Section 238 of the *Municipal Act, 2001* as amended by the *COVID-19 Economic Recovery Act, 2020*.

- Notes:**
- 1. Please note that these Minutes are to be considered DRAFT until confirmed by the Committee.*
 - 2. Underlining indicates a new or amended recommendation approved by Committee.*
 - 3. Except where otherwise indicated, reports requiring Council consideration will be presented to Council on June 22, 2022 in Planning Committee and Community and Protective Services Committee Joint Report 3.*

Present:

Planning Committee Co-chairs: Councillor G. Gower and Councillor S. Moffatt
Community and Protective Services Committee Chair: Councillor M. Luloff
Community and Protective Services Committee Vice-Chair: Councillor K. Egli
Community and Protective Services Committee and Planning Committee Members: Councillors R. Brockington, J. Cloutier, C. Curry, D. Deans, L. Dudas, E. El-Chantiry, M. Fleury, A. Hubley, T. Kavanagh, C. Kitts, J. Leiper, C. McKenney, C. A. Meehan, S. Menard, T. Tierney

DECLARATIONS OF INTEREST

No declarations of interest were filed

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

1. REVIEW OF TOOLS TO PROHIBIT OR PREVENT “RENOVICTIONS”

ACS2022-PIE-GEN-0008

City Wide

REPORT RECOMMENDATIONS

That the joint Community and Protective Services Committee and Planning Committee recommend Council:

1. **Request the Mayor, on behalf of Council, write to the Minister of Municipal Affairs and Housing, asking the Province to protect existing tenants and affordable rental housing stock by updating the *Residential Tenancies Act, 2006* and other relevant legislation such as the *Building Code Act, 1992* with the objective to:**
 - a) **further prevent and prohibit instances of renovictions and protect existing affordable rental housing stock; and**
 - b) **specifically address through legislative changes the instance specified in Motion 44/18 (City Council, November 25, 2020) when a landlord undertakes renovations to a rental property and then replaces the evicted tenants with those who would pay higher rents after the renovations are completed; and**
2. **Direct Planning, Real Estate and Economic Development (PRED) and Community and Social Services (CSSD) Staff to, as a joint-departmental work plan item, explore the feasibility and identify potential resource implications to the adoption and implementation of a By-law under Section 99.1 of the *Municipal Act*, to prohibit without replacement the full or partial demolition or conversion of residential and rental housing of six or more units without a permit issued by the City, possibly by amending the Demolition Control**

By-law, and report back by Q2 2023.

The Committee received five written submissions from the following list of representatives, and copies are filed with the Office of the City Clerk:

1. Ottawa ACORN
2. Legal opinion from Claire Michela, Ravenlaw LLP
3. Alliance to End Homelessness Ottawa
4. Community Legal Services of Ottawa
5. Right to Housing Ottawa Coalition

The following delegates spoke before the Committee and provided comments on the report recommendations:

1. Meg McCallum (Alliance to End Homelessness Ottawa)
2. Norma Jean Quibell (Ottawa West Nepean ACORN Chapter)
3. Natalie Appleyard
4. Patricia Holst
5. Last Mazambani
6. Sang Harwalker
7. Shannon Lee Mannion
8. Kayla Andrade (Ontario Landlords Watch)
9. Jessica Ruano
10. Clark Hill
11. Chloe McCue
12. Sonya Howard
13. Bill Ewanick
14. Lauren Seward-Munday

15. Alison Trowbridge

16. Peggy Rafter

17. Ray Noyes

18. John Dickie

19. Tony Miller

The delegates were thanked for their comments and answered questions from the Committee.

Stephen Willis, General Manager, Planning, Real Estate & Economic Development presented an overview of the report.

A copy of the slide presentation is filed with the Office of the City Clerk.

Presenter was thanked for their presentation and received questions and comments on the report.

David Wise, Manager, Resiliency, Planning & Policy Branch, Garrett Schromm, Associate Legal Council, Planning, Development & Real Estate Law Branch, Saide Sayah, Director, Housing Services, and Tim Marc, Senior Legal Council, Planning, Development & Real Estate Law Branch, also answered questions from the Committee.

The report recommendations were then put to Committee.

CARRIED, as amended by the following motions:

Motion No PLC-CPSC 2022-3/1

Moved by Co-chair G. Gower

WHEREAS on page 7 of the report, the quote referencing Recommendation 2 does not accurately reflect the staff recommendation as written on page 1 of the report.

THEREFORE BE IT RESOLVED THAT, with respect to report ACS2022-PIE-GEN-0008, the paragraph referencing Recommendation 2 be deleted in its entirety and be substituted with the following wording:

Recommendation 2: Direct Planning, Real Estate and Economic Development (PRED) and Community and Social Services (CSSD) Staff to, as a joint-departmental work plan item, explore the feasibility and identify potential resource implications to the adoption and implementation of a By-law under Section 99.1 of the *Municipal Act*, to prohibit without replacement the full or partial demolition or conversion of residential and rental housing of six or more units without a permit issued by the City, possibly by amending the Demolition Control By-law, and report back by Q2 2023.

CARRIED

Motion No PLC-CPSC 2022-3/2

Moved by Councillor M. Fleury

WHEREAS Council directed staff through Motion 44/18 to prepare a report for consideration by Committee and Council that would outline all the municipal tools available to the City of Ottawa to prevent or prohibit such "renovictions" in the City of Ottawa, including a review of any by-laws, policies or programs that may be used by other municipalities in an effort to prevent the further loss of affordable rental units.

WHEREAS The term "renoviction" refers to "those evictions that occur when a landlord undertakes renovations to a rental property and then replaces the evicted tenants with those who would pay higher rents after the renovations are completed."

WHEREAS the organization ACORN (Association of Community Organizations for Reform Now) advocates housing rights for low- and moderate-income people;

WHEREAS ACORN's members have highlighted a greater concern of renovictions within the City of Ottawa, with little or no municipal authority to protect tenants and ACORN solicited legal advice from Raven Law Firm on whether the City of Ottawa had the authority to implement certain regulatory instruments that other municipalities have implemented to reduce renovictions and uphold maintenance standards, including (1) an Anti-

Renovictions By-Law like the one in New Westminster, BC; (2) a landlord licensing or registration by-law, like the one in Toronto; or (3) a Tenant Assistance Policy, like the one in Burnaby, BC. Further, we have been asked to respond to the City of Ottawa's statements which imply that it cannot enact such by-laws within the scope of its municipal powers.

WHEREAS Raven Law Firm concluded nothing prevents the City of Ottawa (the "City") from enacting similar by-laws or policies and do have the authority to regulate residential tenancies by enacting by-laws.

WHEREAS ACORN has submitted this opinion *RE: Municipal Powers to Regulate Against Renovictions to committee for review;*

WHEREAS staff's report Review of Tools to Prohibit or Prevent "Renovictions" as presented, does not outline the above bylaws Raven Law has confirmed are possible as options to review or implement;

THEREFORE BE IT RESOLVED that committee direct the City's legal department to review the submitted Legal Opinion *RE: Municipal Powers to Regulate Against Renovictions* to see if further action outlined in the opinion can be taken by the City of Ottawa to protect Tenants Rights issue a memo to City Council prior to the report Review of Tools to Prohibit or Prevent "Renovictions" be presented at Council for consideration.

CARRIED

Motion No PLC-CPSC 2022-3/3

Moved by Councillor T. Kavanagh

WHEREAS the Definition of "Renoviction" is as follows :

A renoviction is a type of eviction in which a tenant is displaced due to extensive renovations in the rental unit.

WHEREAS Ottawa has declared a homelessness and affordable housing crisis, and

WHEREAS there are currently approximately 10,000 households on Ottawa's

Social Housing Registry waiting list; an average wait of up to 5 to 7 years

WHEREAS local research has noted that for every new affordable rental housing developed in Ottawa, between 7 and 15 affordable units are lost to the private housing market, and

WHEREAS it is critically important to preserve existing affordable housing as stated in the City's own Ten Year Housing and Homelessness Plan. This is particularly essential as more of our aging rental stock where low income and working class tenants tend to live is being redeveloped or bought up by Real Estate Investment Trusts (REITs).

WHEREAS, in the last decade, only 3% of all development were affordable rental units, and

WHEREAS Ottawa has recently experienced a number of "renovictions" and demovictions", the most recent being the Herongate project, wherein more than 500 tenants were displaced from their homes when 150 town houses were demolished, and

WHEREAS, it is incumbent upon landlords of all rental housing to maintain their properties in a state of ongoing good repair, thereby preventing the need for major repairs that would displace tenants from their homes, and

WHEREAS the *Municipal Act* gives municipalities the right to enact by-laws and regulatory mechanisms to prevent the deterioration and unsafe conditions of properties that could lead to demolition, including rental properties. The Supreme Court and courts of appeal have repeatedly emphasized that municipalities are allowed a broad scope of power to regulate local concerns, as authorized by the legislation under which they operate

THEREFORE BE IT RESOLVED THAT City staff in Legal Services, in the context of the study of a adoption and implementation of a By-law under Section 99.1 of the *Municipal Act* discussed in Recommendation 2, assess the legality and feasibility of the City imposing tools to give specific relief to tenants, such as :

- a) **Having a requirement of a 1:1 ratio replacement of affordable rental**

units in the new development

- b) **Providing tenants temporary accommodations or a rental top up in a similar unit with the same number of bedrooms during the construction of the new development so tenants are not temporarily displaced**
- c) **Offering existing tenants the right of first refusal to the new units at the same rent and number of bedrooms**
- d) **Offering moving cost assistance above and beyond what is required under the *Residential Tenancies Act* to the actual cost of the move at the best prices available in the community.**

CARRIED

DIRECTIONS TO STAFF

Councillor A. Hubley

That the Joint Committee recommend that Council direct staff to assess the financial implications of the report recommendations, amending motions, and directions when staff come back to Council with recommendations on implementation.

Councillor C. McKenney

1. That staff be directed to review the scope and impact of tenant defence fund programs in other Ontario municipalities, such as Hamilton and Toronto, and report back in the Next Term of Council on their findings, including potential costs and logistics of implementing a similar program in Ottawa.
2. That staff be directed to implement a Proactive Tenant Education Program which would provide early intervention and support through education to enable tenants to understand their rights under the *Residential Tenancies Act*. This would be triggered when there are changes in building permit or Zoning By-law/Official Plan Amendment applications for multi-residential properties, reports of buy outs and N13 notices.

Councillor K. Egli

That staff in Planning, Real Estate and Economic Development examine ways to ask building permit applicants about impacts to tenants and provide that information to Housing Services so that information can be provided to tenants on their rights under the *Residential Tenancy Act*.

2. INCLUSIONARY ZONING STATUS UPDATE AND DIRECTION

ACS2022-PIE-EDP-0013

City Wide

The following motion was introduced at 6:54 PM:

Motion No PLC-CPSC 2022-3/4

Moved by Co-chair G. Gower

BE IT RESOLVED that the meeting time be extended past 7:00 p.m. pursuant to Subsection 8.(1)(c) of Procedure By-law 2021-24.

CARRIED

REPORT RECOMMENDATION

That the joint Community and Protective Services Committee and Planning Committee recommend that Council receive the Report on the status of inclusionary zoning and Document 1 – Framework and Guiding Principles for Inclusionary Zoning in Ottawa, and direct staff to move forward with further study, Official Plan and Zoning By-law amendments, and an implementation strategy to introduce inclusionary zoning in 2023.

The Committee received seven written submissions from the following list of representatives, and copies are filed with the Office of the City Clerk:

1. Ottawa ACORN
2. Alliance to End Homelessness Ottawa
3. Email from Sarah Kealey

4. Ottawa Community Land Trust
5. Eastern Ontario Landlord Organization
6. Ecology Ottawa
7. Right to Housing Ottawa Coalition

The following delegates spoke before the Committee and provided comments on the report recommendations:

1. Raymond Sullivan (Ottawa Community Land Trust)
2. Meg McCallum (Alliance to End Homelessness Ottawa)
3. Gisèle Doyle
4. Bader Abu Zahra (Ottawa Vanier ACORN Chapter)
5. Sam Hersh
6. Mary Huang
7. John Dickie
8. Neil Malhotra (GOHBA)
9. Dean Tester

The delegates were thanked for their comments and answered questions from the Committee.

Stephen Willis, General Manager, Planning, Real Estate & Economic Development, Meagan Brodie, By-Law Writer & Interpretation Officer, and David Wise, Manager, Resiliency, Planning & Policy Branch presented an overview of the report.

A copy of the slide presentation is filed with the Office of the City Clerk.

Presenters were thanked for their presentation and received questions and comments on the report.

The report recommendations were then put to Committee.

CARRIED, with dissent from Chair M. Luloff and as amended by the following

motions:

Motion No PLC-CPSC 2022-3/5

Moved by Councillor S. Menard

WHEREAS staff will be seeking a revised Assessment Report to reflect current market conditions and will be conducting further feasibility analysis on all designated PMTSAs (in accordance with Document 1, Item 10);

THEREFORE BE IT RESOLVED THAT, with respect to report ACS2022-PIE-EDP-0013, the Joint Committee recommend Council direct staff to undertake the following:

1. **Consider a minimum set-aside rate of 10% for ownership housing across all PMTSAs;**
2. **Consider a set-aside rate of up to 10% for purpose-built rentals in all PMTSAs;**
3. **Include unit mix requirements in the official plan policies or zoning regulations that implement inclusionary zoning to ensure that a sufficient number of multi-bedroom units are set aside as affordable;**
4. **Consider opportunities to deepen affordability for rental and condominium units in order to maximize access down to 40th percentile income households;**
5. **Consider including an official plan policy pursuant to paragraph 10 of subsection 3(1) of Ontario Regulation 232/18 that would allow off-site units only where those units are to be assumed by a non-profit housing provider;**

FURTHER BE IT RESOLVED that staff be directed to report back to Council on these directions as part of the final Implementation report and amending by-laws; further, that staff report back to Council a second time on Directions 1 and 2 above at the completion of its feasibility analyses for each PMTSA.

CARRIED

Motion No PLC-CPSC 2022-3/6

Moved by Councillor L. Dudas

WHEREAS the City of Ottawa has declared a Housing Emergency, recognizing that there is a clear and urgent need to increase the supply of affordable housing across the City;

WHEREAS the new Inclusionary Zoning will increase the number of available affordable units;

WHEREAS Inclusionary Zoning is not new to Ontario, and was put into law in 2016 by the provincial government, and is being actively considered by multiple municipalities in the province, and has already been legislated by the City of Toronto, easily the largest new construction market in the Country, and one of the largest on the continent;

WHEREAS the report currently calls for a default set-aside rate of zero percent for purpose built rental units, until the City retains a consultant to conduct a market analysis of each PMTSA individually and only then will they recommend an increase or decrease in the set-aside rates;

WHEREAS the City already has retained a consultant that could quickly conduct a market analysis of each PMTSA;

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-PIE-EDP-0013, the review of each PMTSA be conducted as soon as possible and that staff report back on the findings to change the set-aside rates shortly thereafter.

THEREFORE BE IT FURTHER RESOLVED that staff consider the feasibility of a 20% set-aside rate for owner-occupied condominium units in line with the City's own definition of affordability and report back as part of the implementation report.

CARRIED

Motion No PLC-CPSC 2022-3/7

Moved by Councillor L. Dudas

WHEREAS the City of Ottawa has declared a Housing Emergency, recognizing that there is a clear and urgent need to increase the supply of affordable housing across the City;

WHEREAS there is a lack of functionally accessible units in Ottawa and even fewer affordable accessible units;

WHEREAS, on average, those with accessibility needs, such as seniors and individuals with disabilities, are statistically more likely to require affordable housing;

WHEREAS there is a significant variation in the definition of accessible, dependent on the source cited, and this open definition can, and often does hinder the development of functionally accessible units;

WHEREAS the City of Ottawa has already developed accessibility design standards;

THEREFORE BE IT RESOLVED, with respect to report ACS2022-PIE-EDP-0013, that staff study how to include fully accessible units, according to the City of Ottawa's own accessibility design standards, and report back with recommendations as part of the IZ implementation guidelines.

CARRIED

Motion No PLC-CPSC 2022-3/8

Moved by Councillor L. Dudas

WHEREAS the City of Ottawa has declared a Housing Emergency and recognizes that there is an urgent need to increase the supply of affordable housing and specifically rental units;

WHEREAS the report currently recommends a 25-year affordability period for purpose-built, rental units;

WHEREAS the City has acknowledged "renovictions" are taking place in

Ottawa, and are resulting in a loss of affordable housing;

WHEREAS many buildings, as part of life cycle upgrade requirements, would require renovations after the 25 year mark;

WHEREAS the affordability period set for purpose-built, ownership units is recommending 99-years;

WHEREAS there are a limited number of areas across the City where inclusionary zoning can be implemented;

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-PIE-EDP-0013, staff report back, as part of the implementation guidelines, any tools available to the City to limit the use of “renovictions” for long-term rental units in particular. In addition, staff report as well, on the feasibility, and impact, of extending the affordability period for purpose-built, rental units.

CARRIED

Motion No PLC-CPSC 2022-3/9

Moved by Co-chair G. Gower

WHEREAS municipalities can only implement Inclusionary Zoning (IZ) in in Protected Major Transit Station Areas (PMTSAs) and lands subject to Community Planning Permit Systems; and

WHEREAS expanding IZ to additional geographic areas in the City would increase the number of affordable ownership and rental units being built;

THEREFORE BE IT RESOLVED THAT with respect to report ACS2022-PIE-EDP-0013, the Joint Committee recommend Council request the Mayor and Co-Chairs of Planning Committee and CPSC write a joint letter to the Minister of Housing and Municipal affairs to request that Inclusionary Zoning be expanded beyond PMTSAs, for example along transit priority corridors and other areas in close proximity to transit.

CARRIED

Motion No PLC-CPSC 2022-3/10

Moved by Councillor C. Kitts

WHEREAS offsets and financial incentives have been used by other municipalities in inclusionary zoning policy to encourage viability and uptake by builders; and

WHEREAS the framework and staff report do not contemplate financial offsets beyond a future Affordable Housing Community Improvement Plan (CIP);

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-PIE-EDP-0013, staff be directed to explore and evaluate additional offsets that could be implemented as part of the Inclusionary Zoning policy and regulations and report back to council in in 2023.

CARRIED

Motion No PLC-CPSC 2022-3/11

Moved by Councillor L. Dudas

WHEREAS the City of Ottawa has declared a Housing Emergency, recognizing that there is a clear and urgent need to increase the supply of affordable housing across the City;

WHEREAS the new Inclusionary Zoning will increase the number of available affordable units;

WHEREAS Inclusionary Zoning is not new to Ontario, and was put into law in 2016 by the provincial government, and is being actively considered by multiple municipalities in the province, and has already been legislated by the City of Toronto, easily the largest new construction market in the Country, and one of the largest on the continent;

WHEREAS any delay to the implementation of Inclusionary Zoning would only lead to a lost opportunity to require affordable units in new

development:

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-PIE-EDP-0013, as part of development of the Implementation & Administration Framework for Inclusionary Zoning, staff prepare requirements for transition and condense this to the shortest time as is reasonable, and report back to Committee in Q1 2023.

CARRIED

Motion No PLC-CPSC 2022-3/12

Moved by Co-chair G. Gower

WHEREAS page 17 of the report contains a table outlining the maximum affordable housing prices for ownership units for each income decile that requires additional qualifications;

AND WHEREAS a computational error was identified in Table 2;

THEREFORE BE IT RESOLVED THAT the paragraph preceding Table 2 on page 17 of the report be replaced with the following:

“The below Table 2 demonstrates that ownership households in the moderate income range can sometime afford a condominium unit but no other form of housing. Note that the table only considers the shelter costs associated with a mortgage and property tax; if shelter costs are defined to include condominium fees and utilities, as the CMHC does, then that would have an impact on the below values and reduce the maximum affordable housing price.”; and

THEREFORE BE IT FURTHER RESOVLED that Table 2 on Page 17 of the Report be replaced with the following:

Figure 15(a): Average Resale House Prices in Ottawa Compared to Affordable House Prices based Household Income Deciles: The City of Ottawa; 2021

All Households Income Deciles	Maximum Affordable	Residential	Condominium	Total
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(2021 Estimates)	House Price	\$743,309	\$426,874	\$671,801
Low Income	\$93,643	No	No	No
Deciles 1-3 (\$61,645 and less)	\$163,279	No	No	No
	\$226,581	No	No	No
Moderate Income Deciles 4-6 (From \$61,646 to \$117,109)	\$288,901	No	No	No
	\$356,080	No	No	No
	\$430,451	No	Yes	No
High Income Deciles 7-9 (\$117,110 and above)	\$520,080	No	Yes	No
	\$649,776	No	Yes	No
	\$841,462	Yes	Yes	Yes

Sources: Statistics Canada, 2016; Ottawa Real Estate Board for Existing Homes Transactions and SHS calculations based on spending 30% of income on housing costs, minimum down payment according to CMHC mortgage insurance policies, 25-year mortgage, and 5.39% interest rate, Jun-2022.

CARRIED

DIRECTION TO STAFF

Councillor C. A. Meehan

As part of the next phase of work, staff convene a table of stakeholders from both the for-profit and not-for-profit housing development sectors, including City staff from within Planning, Real Estate & Economic Development as well as Financial Services to review the subsequent steps of analysis and advise staff on how to finalize the strategy to come to Council.

OTHER BUSINESS

With the will of the Committee, Chair Moffatt asked that the Office of the City Clerk correct the agenda, and ensure that the Minutes reflect that this is "Meeting 3" of this Joint Committee this Term, as the Agenda had incorrectly identified it as Meeting / Agenda 2.

ADJOURNMENT

The meeting was adjourned at 7:32 pm

Committee Coordinator

Chair