

**SPECIAL JOINT MEETING -
PLANNING COMMITTEE AND
COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
REPORT 3
JUNE 22, 2022**

**RÉUNION EXTRAORDINAIRE
CONJOINTE DU COMITÉ DE
L'URBANISME ET DU COMITÉ DES
SERVICES COMMUNAUTAIRES ET DE
PROTECTION RAPPORT 3
LE 22 JUNE 2022**

**EXTRACT OF DRAFT MINUTES 3
SPECIAL JOINT MEETING -
PLANNING COMMITTEE AND
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JUNE 16, 2022**

**EXTRAIT DE L'ÉBAUCHE
DU PROCÈS-VERBAL 3
RÉUNION EXTRAORDINAIRE
CONJOINTE DU COMITÉ DE
L'URBANISME ET DU COMITÉ DES
SERVICES COMMUNAUTAIRES ET
DE PROTECTION
LE 16 JUIN 2022**

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**

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- 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

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8. Kayla Andrade (Ontario Landslords 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.

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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.

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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

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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

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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*.