

HALIFAX

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Item No. 15.1.5
Halifax Regional Council
April 30, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: March 21, 2019

SUBJECT: **By-law M-200, Respecting Standards for Residential Occupancies**

ORIGIN

On June 14, 2016 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council:

- 1. Give First Reading to proposed By-Law M-200, Respecting Minimum Standards for Residential Occupancies, which will repeal and replace By-law M-100 as set out in Appendix A of the staff report dated April 15, 2016; and*
- 2. Direct staff to conduct a facilitated workshop with ACORN (Association of Community Organizations for Reform Now), IPOANS (Investment Property Owners Association of Nova Scotia), AHANS (Affordable Housing Association of Nova Scotia), Housing NS, Dalhousie Student Union, Dalhousie University, Saint Mary's University, University of King's College, Students NS, Navigator Street Outreach, and other stakeholders as necessary, the purpose of which is the development of a residential building licensing model and return to Regional Council with a recommendation.”*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39,

Clauses 188(1)(a), (b) and (c):

188(1) The Council may make by-laws, for municipal purposes, respecting

- (a) the health, well being, safety and protection of persons;
- (b) the safety and protection of property;
- (c) persons, activities and things in, on or near a public place or place that is open to the public;

188(2) Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law

- (a) regulate or prohibit;
- (b) regulate any development, activity, industry, business, animal or thing in different ways, divide each of them into classes and deal with each class in different ways;

Recommendation on next page

Subsection 199(1), Setting out Regional Council's power to create a Minimum Standards By-law;

199 (1) Without limiting the generality of Section 188, the Council may make by-laws

(a) prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings, or parts thereof, occupied for residential purposes, whether the building, or part thereof, is erected, constructed or converted to residential purposes before or after the date of the making of the by-law;

(b) limiting the number of persons who may reside in a building or part thereof;

(c) imposing on the owner, tenant or occupant, or any one or more of them, the responsibility for complying with the by-law;

(d) providing for notice to an owner, occupant or tenant, or any one or more of them, to discontinue the residential use of a building, or part thereof, in contravention of the by-law; and

(e) prescribing penalties for such residential use after notice to discontinue the use is given.

.....

(7) The standards of a by-law passed pursuant to this Section shall be consistent with the standards prescribed pursuant to the *Building Code Act* and regulations.

Building Code Act, R.S.N.S, c. 46;

Fire Safety Act, 2002, c.6, section 5; and,

Building Code Regulations, N.S. Reg 26/2017

Administrative Order 2014-006-ADM – *Open Data Administrative Order*

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct the CAO to draft amendments to By-law M-200, Respecting Standards for Residential Occupancies, that include provisions for mandatory registration of residential rental accommodations following the principles as described in the "Proposed Framework" section of this report.
2. Direct the CAO to release all available By-law M-200 violation records, as available, on HRM's open data website following the requirements as set out in Administrative Order 2011-006-ADM, the *Open Data Administrative Order*.

BACKGROUND

Further to a staff report¹ dated April 15, 2016, Regional Council adopted By-law M-200 in July 2016 which improved its general administration and enforceability. That report also identified many ongoing concerns and regulatory matters with residential rental accommodations (i.e., rooming houses, single room occupancies) in HRM and recommended that staff engage with a variety of stakeholders to develop a residential building licensing model for Council's consideration. This report 1) responds to the second part of the June 2016 motion, 2) provides additional background information on the topic, 3) includes the results of the facilitated stakeholder workshop (Attachment A) and 4) provides a recommendation for a new approach to regulating residential rental accommodations.

To help understand the various components of building inspection responsibilities, the following overview is provided.

Building Inspection Requirements

The Municipality is responsible for inspecting buildings based on the following requirements:

1. Building Construction (*Nova Scotia Building Code Act*)
 - All buildings in HRM under construction and/or renovation that require a building permit are inspected at various stages of construction and involve an application, review, and permitting process.
 - Provincial and Federal government buildings are exempt.
2. Fire Safety Act Inspections (*Nova Scotia Fire Safety Act*)
 - All occupied buildings (except residential buildings with less than 4 units) are inspected on a defined frequency by both Halifax Regional Fire & Emergency (HRFE) and Planning and Development (P&D). These inspections target fire safety and are generally limited to common areas of buildings.
 - Only Federal government buildings are exempt.
3. Standards for Residential Occupancies (*By-law M-200*)
 - Typically received as complaints through 311 Service Requests, occupied residential buildings are inspected by both P&D and HRFE inspectors, depending on building classification. These inspections are complaint-driven and may be limited to only portions of buildings when entry to rooms is restricted by locks.
 - Rooming houses are the only building type that currently receive proactive inspections under the M-200 By-law. These buildings are registered annually through P&D and HRFE.
 - Provincial and Federal government buildings are exempt.

Two matters fall outside the scope of the inspection processes noted above. One is smaller residential (1, 2 and 3 unit) buildings and single room occupancies, and the other is the lack of proactive inspections of living spaces. These are key risk areas that Council has identified for further examination. An additional concern commonly raised by citizens is the lack of By-law M-200 application to provincially owned and operated buildings, however HRM does not have the authority to regulate provincial operations.

Residential Tenancies Act

An area of confusion identified by attendees of the stakeholder's workshops is the difference between the *Nova Scotia Residential Tenancies Act* and HRM's By-law M-200. It has been suggested that the Province

¹ See report online at <http://legacycontent.halifax.ca/council/agendasc/documents/160614ca14111.pdf>

should be applying the *Residential Tenancies Act* to buildings with poor living conditions. By-law M-200 is the main regulation in HRM used to enforce standards for residential rentals. This is evidenced by the fact that matters relating to rental conditions are routinely forwarded to HRM by the provincial staff who administer the *Residential Tenancies Act* and *Regulations*. In comparison to By-law M-200, the language in the *Residential Tenancies Act* is somewhat subjective. Below are the first two clauses under Statutory Conditions, subsection 9(1) in the *Residential Tenancies Act*. These are the only clauses that deal with building conditions:

Statutory Conditions

“1. Condition of Premises - The landlord shall keep the premises in a good state of repair and fit for habitation during the tenancy and shall comply with any statutory enactment or law respecting standards of health, safety or housing.

2. Services - Where the landlord provides a service or facility to the tenant that is reasonably related to the tenant’s continued use and enjoyment of the premises such as, but not so as to restrict the generality of the foregoing, heat, water, electric power, gas, appliances, garbage collection, sewers or elevators, the landlord shall not discontinue providing that service to the tenant without proper notice of a rental increase or without permission from the Director.”

By-law M-200 has detailed requirements that specifically identify the condition and habitability of the premises, such as minimum temperature requirements, pest control, ventilation, etc. This objectivity provides a clear understanding to the tenant and owner respecting the acceptable state of the unit.

Currently, HRM takes responsibility for matters between the building and the owner (e.g., heat, pests, ventilation, flooring, etc.), while the Province takes responsibility for matters between the tenant and the owner (e.g., leases, payment, eviction, etc.).

Affordable Housing

On July 31, 2018, Regional Council approved HRM’s Affordable Housing Workplan. The recommended framework described in this report is one of the six components of the Workplan and if advanced, will contribute to the five-year goals of 1) preserving and upgrading 2,000 existing affordable housing units; and 2) reducing vacancy rates in key neighbourhoods through providing a database of existing rental units.

DISCUSSION

This report recommends amending By-law M-200 to include a formal registration program that will identify residential rental accommodations (“rentals”), divide them into classes and deal with each class in different ways. Regulatory amendments to By-law M-200 are recommended to support the enforcement of the different building classes. Finally, it is recommended to include a public data release of information related to this process, described in more detail below. A simplified list of the proposed policy changes and By-law M-200 amendments can be found in Attachment B.

Rental Registration and Enforcement

The recommendation for a registration program is consistent with the outcome of the stakeholder workshop facilitated by Stantec (see Attachment A). Licensing was unanimously not recommended by the workshop groups, for many reasons, but mainly due to associated costs. While not in favour of licensing, several points and concerns made by stakeholders would fit into a lower cost option, which is registration combined with amendments to By-law M-200 to improve enforcement and target it toward problem buildings.

The stakeholder concern of costs associated with any new program is valid, and is a key driver for the recommendation of registration as opposed to licensing. Licensing is the authorization or permission to do something. Stantec’s report indicates that in 2011 there were over 61,000 rental units in HRM. Authorizing

that number of rental units would, at a minimum, involve initial and ongoing verification of compliance with all current and/or past regulations. The inspections, observations, and research of properties associated with this task would be unreasonably resource intensive. This is evidenced by the processing time for violations under the current regulations. Land use and By-law M-200 cases, for example can take months to complete. An established registration program combined with enforcement will impact the immediate problems identified by Council and the consultation process. The information collected will lead to evidence based decision-making that will be applied to our continuous improvement initiatives making future adjustments to HRM regulations based on more information than is available now.

By definition, registration is the disclosure or entering of information into public record. It is not approving the building condition, it is simply recording it. This allows for the collection of information beyond compliance and violation details. This information will be invaluable and will provide a much clearer picture of the rental landscape in HRM. For example, of 3,700 buildings analyzed in HRM's current GIS database, only 57,000 rental units were identified versus the 61,380 (2011) identified in Stantec's report. In addition, over 35% of HRM's building records do not include unit counts. Currently, the accuracy and detail of building information available is limited. A complete record of rentals combined with simple, yet effective policy and regulation is expected to provide significant benefit for staff administering the program and for citizens occupying the buildings.

It is important to note that, as described in the Background section of this report, ongoing inspections are taking place in HRM as required under the *Building Code Act*, *Fire Safety Act*, and By-law M-200. It is apparent from the consultation process that a new framework for inspections will need to be developed.

Proposed Framework

The proposed framework below was developed by recognizing the gaps in the current programs. This gap largely applies to smaller (1, 2 and 3 unit) buildings and single room occupancies (SRO). Amendments to By-law M-200 are necessary to have a real impact on known issues with this class of building. Later, the detailed information from a registration scheme will provide an opportunity to apply enforcement and enhanced safety requirements that are specific to other building classes. The registry will support evidence-based decision making to target problem buildings while remaining straightforward to compliant buildings.

As a starting point, any change in the current program should:

- be as lightweight as possible such that it would cause little or no increase to the cost of rentals in HRM;
- be transparent;
- strengthen and build on existing legislation (no new by-laws); and
- work in concert with land use by-laws.

The recommended framework for a residential rental registration program would have the following key components:

1. Building Registry

- mandatory registration of all residential rental accommodations

2. Strategic Inspection and Regulation

- inspections using evidence-based decision making to target high risk properties

3. Safety Requirements

- establish safety regulations that are applied based on risk / building classification.

4. Community Integration and Education

- custom rules applied to buildings, depending on category, to control and improve community integration

- a program and educational package designed to inform tenants of their rights and responsibilities including their impact on the surrounding community

5. Accountability

- enhance accountability to tenants and property owners through penalties

The following section describes each component of the recommended framework in more detail.

1. Building Registry

As a business activity that directly impacts citizens' safety and quality of life, all residential rental accommodations should undergo a one-time registration process with HRM. Registration would include:

- Building owners to supply information, which may include:
 - civic address;
 - contact information of the owner and if the owner does not reside in HRM, a local contact who is authorized to act on behalf of the owner;
 - number of units rented;
 - number of bedrooms rented;
 - number of occupants per bedroom;
 - fire safety systems;
 - accessibility features;
 - proof of insurance; and
 - floor plan including room designation and exits for emergency evacuation.
- Confirmation that the owner has distributed the educational package (as per item 4 below) to tenants;
- Posting of HRM regulatory material in a prominent place (M-200 / Fire Safety); and
- A process to record any revisions to the information above.

A six-month time frame could be given to allow owners of rentals to register. Existing records of properties can be utilized by staff to communicate to many owners. A media campaign targeting rental owners would be started as well. Fines would apply to owners who fail to register.

2. Strategic Inspection and Regulation

As stated above, there are some areas in the current regulatory system that need attention. Administration of By-law M-200 is currently done through "first party" complaints from the tenant and relies on them providing access to their unit. One proposed process change is the introduction of proactive inspections. Buildings would be identified by staff using historical property data and registration data, combined with third party complaints. Once identified, an inspection could be scheduled that would include both the common areas and random units. An inspector who finds a violation in one unit may choose to have the owner verify it has been inspected and/or corrected throughout the building. This would improve conditions for all tenants and reduce the number of complaints and consequently the number of visits required by the inspector. An inspector would also have better information about the history of the property. An owner who has been consistently in violation would be quickly discovered and more fitting regulatory tools and escalating fines could be used.

An example of possible third-party complaints would be tenants who do not want to be identified, or visitors who have concerns about something they saw at the property. Concerns could also come from community representative groups such as ACORN (Association of Community Organizations for Reform Now).

The third-party complaints will provide an avenue for tenants, who fear retribution, to report unsafe

conditions. This style of enforcement will have a greater impact on the overall condition of the building, and benefit tenants who may not be aware of their rights but are living in substandard conditions. It will also provide an incentive for building owners to maintain their units in compliance with the By-law.

HRM staff will benefit from the improved data. Having up to date contact information will improve efficiency and ensure staff are speaking to the correct person as identified by the owner. Using the data, high risk buildings could be identified for future inspections. Inspection data results could be used in to generate targeted education material that could be more easily communicated to tenants.

3. Safety Requirements

Under the current By-law M-200, there are safety requirements that only apply to rooming houses. By-law M-200 should be amended so these existing requirements are extended to all forms of single room occupancies. SRO's, especially in converted dwellings, pose a risk to the Municipality and require a special set of rules and proactive inspections to ensure they are safe for citizens.

Higher standards are needed because these units have an inherent increased potential for risk. Increased risk could be in the form of high occupancy loads, restricted access to exits, solid fuel burning appliances, etc. The existing standards include items such as:

- Self-closing doors;
- Solid core doors;
- Minimum room sizes;
- Minimum bathroom facilities;
- Minimum kitchen counter sizes;
- Controlled occupant loading;
- Integrated smoke alarm systems;
- Carbon monoxide alarms;
- Common laundry rooms;
- Ventilation;
- Electrical modifications/upgrades;
- Handrails;
- Emergency lighting; and,
- Fire extinguishers;

The overloading of converted dwellings, even beyond what is allowed under existing laws, is a known issue that has significant safety implications. Creating a reliable record of the current building layouts should have a measured impact on an owner's willingness to rent more rooms than allowed. The tenants will also have a quick and transparent means to learn for themselves how many rooms should be allowed for rent. There could also be an opportunity to post maximum occupant loads and room rentals per unit for selected building classifications to further prevent this issue.

To a lesser extent are the concerns with 1, 2, and 3-unit dwellings. While the Building Code has provided a reasonable standard of safety in these building classes, a requirement for the retrofit of smoke and carbon monoxide alarms should be considered and may be possible through the application of the Fire Code.

Other safety and compliance opportunities will become possible with this new data. A complete record of rentals would give HRFE and P&D the ability to better track compliance of the various applicable legislation and by-laws. Also, as described previously it would provide the information needed to target high-risk properties. Most fires occur in residential settings and therefore, from a risk perspective, this building classification is an ideal focus.

4. Community Integration and Education

Much like the safety requirements, new requirements should be developed to ensure that all buildings, but mostly SRO type rentals, fit in with the community. This can be achieved by creating rules that impact the building design and appearance, in addition to education of the owners and tenants. Requirements would follow the concepts in the list below:

- Tenants and Owners acknowledge educational material (i.e., “how to be a good neighbour”)
- Permanent posting of municipal and provincial program material in the building;
- Appropriate garbage storage facilities as needed and based on previous solid waste issues
- Guidelines for appropriate parking facilities
- General building appearance
- Litter management
- Restricted locations for exterior appliances/furniture
- Restricted uses of street facing portion of the properties
- Sign limitations and Graffiti removal

For all residential buildings, the registration date, registration status, building details, and verified open/closed cases (violations) should be placed into open data. Once the program is under way, any inspection data including the date and result could be added as well. None of the current information systems (HRM GIS, Statistics Canada, CMHC or Property Online) have a complete and detailed record of all rentals. It is anticipated that the HRM registry will become the accepted accurate and reliable record. Third party developers could use this information to create applications designed to inform people about rental options within HRM.

5. Accountability

The information obtained through the registry can be used to establish a system of accountability. Reliable information combined with amendments to the regulations will allow for a proactive program that focuses staff resources on problem properties. Reliable information will include the combination and analysis of compliance data from multiple business units. By-law amendments following the concepts below will create tighter restrictions that can be combined with a “good standing” requirement to force owners into compliance:

- A building must be in good standing, which may include
 - Being registered
 - compliance with the regulations
 - resolution of overdue compliance orders relating to property
 - payment of outstanding tickets on property
 - compliance with land use by-laws
- Fines for not being in good standing
- Increased frequency of inspections
- Escalating fees/fines tied to violations (Failure to register, M-200, noise, unsightly property, garbage, etc.)
- Quicker remedy processes for repeat violators
- “Cost recovery” from owners and/or tenants for expenses associated with emergency response teams that were required to attend the property.

Finally, as noted above, public scrutiny through open data will hold non-compliant owners more accountable for their properties.

Open Data Release

The public release of data would involve a measured amount of the registration and violation data released to HRM’s open data site. Current offerings of building and development data in this system have proved

successful and are used frequently. Some common users of the open data system are Statistics Canada, local media outlets, and businesses. While the current offerings are useful to large consumers of data, it is limited in usefulness to individuals.

This new registration and violation data will provide decision making information to tenants looking for suitable housing. The tenant can use the information to get a better sense of a prospective building and a better idea of the community in which it is located. They would be able to access limited details on any “valid” open cases on the property, in addition to more detailed information on closed cases. An example of this feature is currently on Toronto’s “Online Property Standards Investigation Search” website (<http://app.toronto.ca/InvestigationActivity/>), which releases the case status but unfortunately does not provide any details on closed cases.

Registered owners of well-maintained and compliant rentals will also benefit from this exposure as they will not have any cases linked to them. It is anticipated that as the registry becomes more accurate, third party applications will start to appear that will enhance tenant searches. Later iterations of the growing dataset will allow for marketing analysis by prospective owners and developers who are trying to determine trends and rental needs throughout HRM.

Closing remarks and Next Steps

By-law M-200 amendments, following the concepts in the categories above, are intended to alleviate some of the concerns that have been identified. There are limitations as to how far this By-law can reach, because some of the concerns pertain to permitted land use. By-law M-200 should be designed to work in concert with land use legislation. Identifying and regulating building classes is important, and sets the stage for improved land use regulation. Other areas of concern noted by stakeholders are regulated through the *HRM Charter* or by other By-laws. For example, dangerous or unsightly, noise, solid waste, etc.

Should Council decide to approve the staff recommendation, the next steps to this project would involve the creation of a format for the release of open data, as per the terms of Administrative Order 2011-006-ADM. This will allow for data to become available in short order. Upon approval to release, the initial data will only include current and past violations which HRM has on record. As the project and registration system evolves, so will the content and level of detail of the data. This data, even in its initial release format, will be important to prospective tenants. It will be a valuable resource when searching for accommodation and the data will assist tenants to better refine their search for suitable living accommodations.

Concurrent to the release of open data, amendments to the M-200 By-law will be developed. As stated in the report, the amendments are intended to build on existing legislation and to work in concert with land use by-laws. This work will involve a review of the proposed amendments by the external stakeholders to ensure the amendments capture the expectations and intent of the proposal.

This report outlines the intended framework for the registration program and outlines five key components. These components along with the actual registry system will be integrated with the development and release of the new Permitting and Licensing software system which is well underway. Pending approval of these recommendations, staff will advance the work described in this report, along with an appropriate registration implementation plan, by the end of 2019. In doing so, both HFRE and P&D will continue to collaborate on a transition of responsibility to streamline the process to reduce confusion and eliminate red tape that can result when multiple business units are involved in similar responsibilities.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations of this report. The revision of the By-law and the development of the Open Data for violations can be done with existing staff resources.

A description of the resource and cost implications of the revised By-law, including full implementation of the proposed Framework, will be included as part of the by-law amendment report.

While detailed resourcing needs will be determined through the program to be developed, potential up-front costs are expected to be limited through the use of term employees until established workloads are known. For example, two employees at the Assistant Building Official level at a cost of \$147,000 (salary and benefits) may be needed. M-200 Inspection requests by tenants will take priority over proactive inspections, allowing flexibility in managing resources with use of the existing staff complement to absorb some demand on a temporary basis. Temporary vehicles already in inventory can be obtained from Corporate Fleet at no additional cost.

RISK CONSIDERATION

There are no risks associated with the staff recommendation. A gap has been identified in the current regulatory structure where citizens occupy buildings that do not require proactive inspections under the existing regulations. Some of these building classifications present an elevated risk to the occupants and once identified through registration, can be targeted for inspection.

The likelihood of high-risk scenarios (fire, collapse) is low, however the impact can be very high.

COMMUNITY ENGAGEMENT

Staff, through Stantec as a third-party consultant, conducted a facilitated workshop with various stakeholders including those identified in the June 2016 Council motion. A copy of the complete report is contained in Attachment A.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

1. Council may choose to direct the CAO to draft proposed amendments to By-law M-200 which differ from those described in this report. This may require a supplementary report from staff.
2. Council may direct the CAO to revise the current rooming house licensing program. In doing so, specific direction from Council as to the nature of such revisions would be required.
3. Council may choose to not release M-200 violation records as open data or limit the release of violation records to rental properties only.

ATTACHMENTS

- Attachment A Stantec Report "Residential building licensing model for Halifax - Stakeholder consultation report"
- Attachment B Proposed Policy changes and By-law M-200 Amendments

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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HALIFAX
REGIONAL MUNICIPALITY
**RESIDENTIAL BUILDING
LICENSING MODEL FOR
HALIFAX**

STAKEHOLDER CONSULTATION
REPORT

February 12, 2017

Prepared by



Stantec

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Residential Building Licensing Model for Halifax

Stakeholder Consultation Report



Prepared for:
Halifax Regional Municipality

Prepared by:
Stantec Consulting Ltd.

February 12, 2017

Table of Contents

1.0	INTRODUCTION	1.1
2.0	RENTAL ISSUES AND CONCERNS	2.1
3.0	REGULATORY COMPARISON	3.1
3.1	COMPARISON TO HRM REGULATIONS	3.1
3.2	ARGUMENTS OPPOSED TO LICENSING	3.4
3.3	BALANCING PERSPECTIVES	3.7
4.0	CONSULTATION SUMMARY	4.1
4.1	STRATEGIC INTERVIEWS	4.1
4.2	FOCUS GROUPS	4.2
4.2.1	Regulators	4.2
4.2.2	Landlords	4.3
4.2.3	Tenant Representatives	4.5
4.2.4	Tenants	4.6
4.3	WORKSHOP	4.7
4.4	SUMMARY	4.9
5.0	ISSUES SUMMARY	5.1
5.1	OPPOSITION TO LICENSING	5.1
5.2	SUPPORT FOR LICENSING	5.2
5.3	OPTIONS TO CONSIDER	5.3

LIST OF TABLES

Table 2-1	Dwelling Units by Tenure, HRM, 1996-2011	2.1
Table 4-1	Annual Average Vacancy Rates, HRM and Canadian Metropolitan Areas, 1996-2015	4.8

LIST OF FIGURES

Figure 2-1	Annual Average Vacancy Rates, HRM and Canadian Metropolitan Areas, 1996-2015	2.2
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APPENDIX A LICENSING BY-LAW COMPARISON

1.0 INTRODUCTION

HRM Council made several motions between 2013 and 2015 requesting changes to Halifax Regional Municipal (HRM) by-laws respecting minimum standards for residential occupancies. At the beginning of this period, the primary HRM by-law dealing with minimum standards was By-law M-100, which HRM Council adopted in 2001. In 2016, Council repealed By-law M-100 and adopted By-law M-200 Respecting Standards for Residential Occupancies.

The June 2016 Staff Report to Council that proposed the repeal of M-100 into M-200 identified barriers within the current regulatory framework, multiple definitions of rooming houses found between the M-100 By-law and the Municipality's various land use by-laws, and confusion between inspection for the *Fire Safety Act* and for enforcement of M-100 as key issues.¹

As stated in the Staff Report, the number of rooming houses in HRM is decreasing. The Municipality now has fewer than 20 licensed rooming houses according to a recent CBC report.² Some have been withdrawn from the market to be renovated for other purposes. Others have been demolished to make way for alternative development. Others remain but have become what are often referred to as "quasi rooming houses," which have many of the features of rooming houses but are not licensed as such.

The press and others interested in tenancy issues in HRM have widely adopted the term quasi rooming house. It is, however, an unfortunate label since it properly means "similar to a rooming house" and implies that there is a technical or physical difference from a standard rooming house.³ The only differentiator, however, appears to be that quasi rooming houses are not licensed by the Municipality. "Unlicensed rooming house" or "illegal rooming house" would be more precise as well as much more readily understood. We will nevertheless use the term quasi rooming houses below, given its widespread application in HRM and by writers who have addressed rooming house issues within the Municipality.

¹ HRM Staff Report, "By-law M-200 Respecting Standards for Residential Occupancies," April 15, 2016.

² Bob Murphy, "Halifax quasi rooming houses avoid definition and licensing," CBC News, May 21, 2015 6:00 AM AT Last Updated: May 21, 2015 11:23 AM AT, <http://www.cbc.ca/news/canada/nova-scotia/halifax-quasi-rooming-houses-avoid-definition-and-licensing-1.3081170>

³ The prefix 'quasi' means 'similar to' or 'resembles' or 'having some, but not all of the features of' the noun being modified. The buildings being labelled as quasi rooming houses in HRM have *all* the features of a rooming house; however, their owners have failed to acknowledge this to the Municipality.

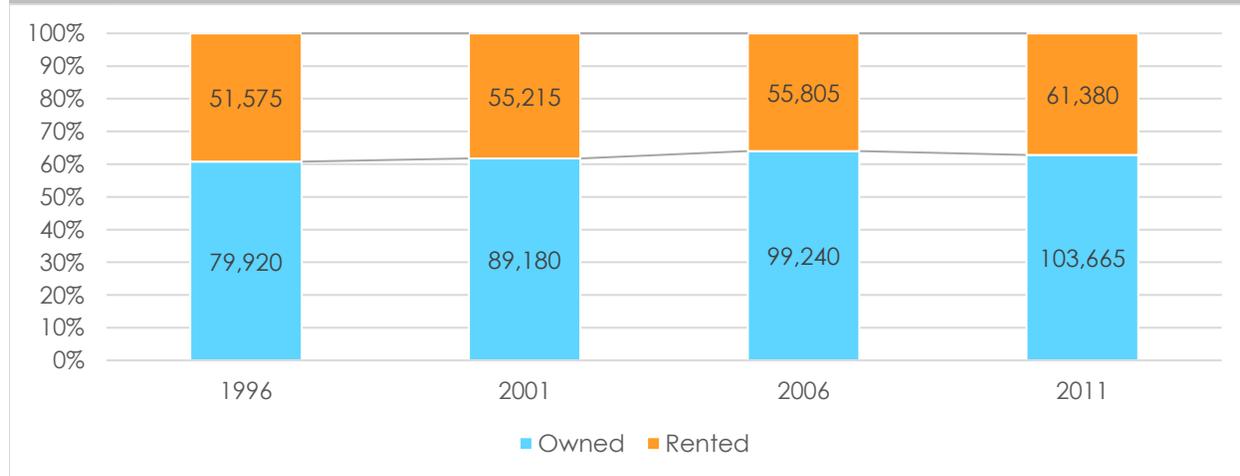
2.0 RENTAL ISSUES AND CONCERNS

To support this review of rental licensing for HRM, Stantec reviewed select publicly available reports on the topic. Our review included issues and concerns within Nova Scotia and in Ontario, where many municipalities have considered licensing rental properties and several have adopted licensing by-laws. Issues with the current state on rentals, tenant concerns, and licensing issues were identified and are summarized below. Literature reviewed deals with rental housing in general and covers various affordable rental types such as rooming houses, quasi rooming houses, private rentals, and non-profit rentals.

Supply: The changing supply of housing units in HRM, as in most areas of Canada, has run ahead of population change for many years reflecting the very long-term trend of declining household size. Since 1996, the number of dwelling units in the municipality increased by 33,555 or 25.5% while population increased by 47,198 or 12.1%. The number of rented units has grown by 10,255 over the period but change has been erratic. From 2001 to 2006 the number of rental units was almost static and the proportion of all units offered for rent declined significantly from 39.2% of the housing supply to just 36.0%. The proportion, however, recovered to 37.2% by 2011.

Table 2-1 Dwelling Units by Tenure, HRM, 1996-2011

Tenure	1996	2001	2006	2011
Owned	79,920	89,180	99,240	103,665
Rented	51,575	55,215	55,805	61,380
% Rented	39.2%	38.2%	36.0%	37.2%
TOTAL	131,495	144,410	155,045	165,050
Change		12,915	10,635	10,005
% change		9.8%	7.4%	6.5%
Population	342,898	359,111	372,679	390,096
Change		16,213	13,568	17,417
% change		4.7%	3.8%	4.7%



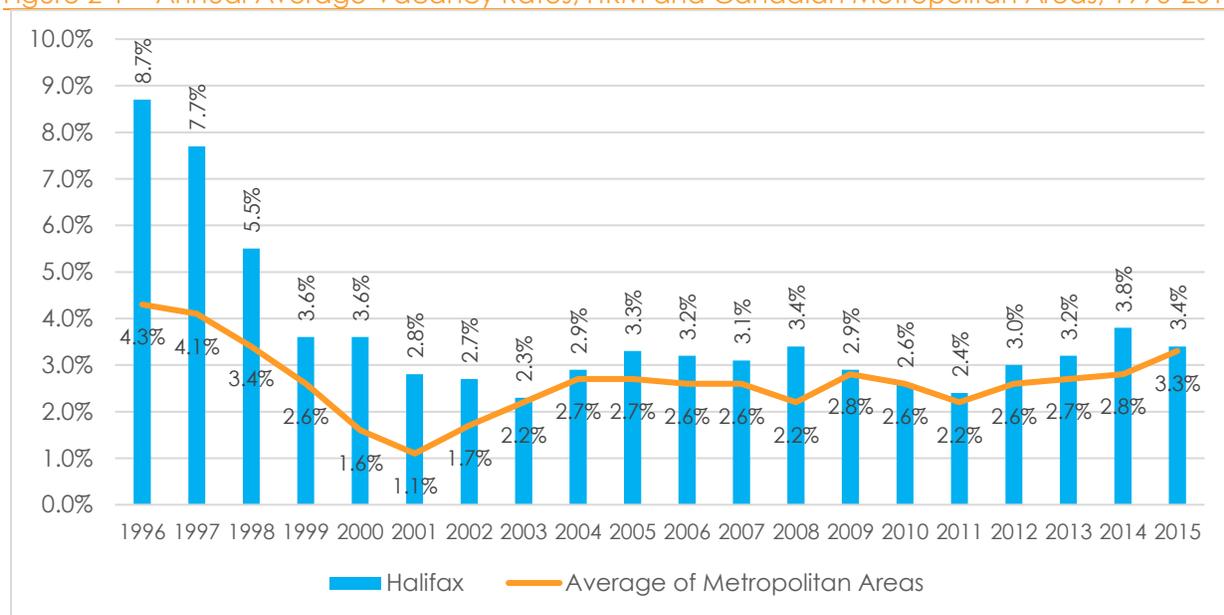
Source: Census of Canada, 1996-2011

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Rental Issues and Concerns
February 12, 2017

The relationship between the supply of rental housing in HRM and the local vacancy rate has been erratic. Early in the 1996 to 2001 period, vacancy rates in the Halifax CMA were high relative to the average rate for Canadian metropolitan areas as a whole as well as relative to subsequent local rates. Vacancies then fell precipitously both nationally and in Halifax even as substantial numbers of new units were added in the local market. The impact of new units appears to have been felt in the following 2001 to 2006 period as development stalled and vacancy rates climbed back, although they remained far short of their peak 1996 to 1998 levels. Since 2005, the Halifax vacancy rate has hovered near 3% with fluctuations that appear to have closely tracked the invariably slightly lower national rate.

Figure 2-1 Annual Average Vacancy Rates, HRM and Canadian Metropolitan Areas, 1996-2015



Source CMHC

A vacancy rate of 3% is widely accepted to equate with a balanced rental market,⁴ although balance may vary depending on population growth in a particular market. Communities experiencing high rates of population growth may require a higher level of vacancy to ensure the stability of rents that a balanced market is expected to maintain. Halifax has traditionally grown at a rate similar to the national average, although recently released 2016 Census results suggest that the region has lagged marginally behind the national average since 2011 (3.3% population growth between 2011 and 2016 as opposed to 5.0% for Canada as a whole). The most recent Rental Market Report for the CMA from Canada Mortgage and Housing Corporation (CMHC), nevertheless, set the 2016 vacancy rate 2.6%, suggesting that pressures to

⁴ Federation of Canadian Municipalities, *No Vacancy: Trends in Rental Housing in Canada*, 2012, p. 9.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Rental Issues and Concerns
February 12, 2017

increase rents may reassert themselves. The lowest vacancy rate (1.6%) for a specific unit type is for bachelor units, which reflect the least expensive market segment.⁵

The CMHC report summarizes the reasons for the current situation:

Demand for rental units ... increased at a much faster rate than in previous years. The Halifax CMA welcomed more than 3,200 people in 2015, with the vast majority (2,730) as immigrants. This trend accentuated with the arrival of 2,849 immigrants in the first six months of 2016. Assuming that immigrants and newcomers often opt for the rental market upon arrival, the population changes recorded over the last year clearly indicates an increase in demand for rental apartments. This is evident from the sharp decline in the vacancy rate of units typically associated to be more affordable. Units constructed between 1940-1959, 1960-1974, and 1975-1989 recorded vacancy rate declines ranging from 2 per cent, 1.1 per cent, and 1.2 per cent respectively.⁶

The report notes that unit completions fell off from the levels achieved in 2011 through 2015 despite visible evidence of construction activity. Much of the new construction, however, is large apartment buildings that require extended building time. CMHC suggests many of these units will not be available until 2018.⁷

Affordable Housing: The report *State of the Unit – Rental Housing in Toronto 2011* noted that rooming houses are the only affordable choice available to many low-income renters but overcrowding and poor maintenance leads to stressful, unsafe housing. The report also notes the prevalence of ‘vacancy decontrol’ in private sector rental housing where landlords evict long-term tenants paying lower rent so that they can offer the unit to more lucrative alternative occupants in the heated Toronto market.⁸ Low income tenants who manage to hold onto their accommodation must also deal with regular rent increases and rising utility bills, which are particularly difficult for those on fixed incomes.⁹

Decline of Rooming Houses: A recent comprehensive study of rooming houses in HRM by Dalhousie University student Uytæe Lee noted their declining role in the local housing market. Even in the past, buildings were rarely purposefully built to be rooming houses. In HRM, most existing rooming houses are in the Regional Centre (i.e., Halifax Peninsula and central Dartmouth), where rising real estate values are creating pressures to convert them to other uses. Many are in low density residential zones in which they are not permitted uses.

⁵ Canada Mortgage and Housing Corporation, *Rental Market Report: Halifax CMA*, 2016, p. 1.

⁶ *Ibid.*, p. 2.

⁷ *Loc cit.*

⁸ Federation of Metro Tenants Associations, *State of the Unit – Rental Housing in Toronto 2011*, 2011

⁹ Israt Ahmed, A. Mohammad, and B. Wilson, *Private-Sector Rental Housing in Greater Toronto*, February 2016 and Justin da Rosa, “A push for landlord licensing,” *Canadian Real Estate Wealth*, November 2, 2016, <http://www.canadianrealestatemagazine.ca/news/a-push-for-landlord-licensing-216430.aspx>

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Rental Issues and Concerns
February 12, 2017

Following the implementation of By-law M-100, the number of rooming houses decreased in HRM while illegal quasi rooming houses increased.¹⁰ In general, rooming houses are subject to a social stigma. Some neighbourhoods resisted rooming houses leading Council to amend by-laws to limit the number of bedrooms within a dwelling in those neighbourhoods; however, due to the lack of housing available for university students, quasi rooming houses were still occurring illegally.¹¹

Zoning: The Halifax Peninsula Land Use By-law only permits rooming houses in the R-3 (Multiple Dwelling) Zone. As R-3 Zones permit apartment buildings as-of-right, it is unlikely that a builder would choose to build a rooming housing on R-3 land. Given the current strong interest in apartment development in the Regional Centre, existing rooming houses in R-3 Zones are likely subject to pressure to be replaced by apartment structures.

Within the Dartmouth portion of the Regional Centre, the Dartmouth Land Use By-law permits “lodging houses” in the MF (Multi-family) Zone as well as the R-3 (Multiple Family Residential) Zone. They are also permitted in the R-4 (Multiple Family Residential) as “R-3 uses” given the hierarchical structure of the by-law’s zones. As on the Halifax Peninsula, MF and R-4 Zones in Dartmouth allow apartment buildings, which are likely to outbid rooming houses in most cases. In the R-3 Zone, rooming houses and group homes are the most intensive uses permitted; however, only a few properties in Dartmouth are zoned R-3 (presumably properties currently occupied by group homes or rooming houses).

The definition of a rooming house in the Peninsula by-law recognizes them as adaptations of residential buildings containing one to four residential units; however, it specifies for each of the six building categories that a rooming house shall have a minimum number of bedrooms (at least six in the case of a “one family dwelling house” up to at least eleven in a “dwelling house containing four dwelling units”) and the number of bedrooms shall have been established on or before September 17, 2005, the date on which the definition was added to the By-law. The intent, clearly, was to grandfather rooming houses that existed in 2005. Provisions elsewhere in the By-law prohibit the creation of bedrooms in addition to those that existed in 2005, effectively freezing rooming houses at their 2005 level. The Dartmouth Land Use By-law defines lodging houses as having three to eight rooms but has no “time stamping” similar to the Halifax Peninsula Land Use By-law.

Regulators, landlords, and tenant representatives all suggested that land use regulations are not performing effectively in HRM. In addition to the complexity of rooming house standards and their evasion by many rooming house operators, contacts noted that by-laws do not recognize new housing types like granny flats (apartments in separate structures on the same lot as main

¹⁰ Uytas Lee, *Are Rooming Houses Disappearing in Halifax?*, School of Planning, Dalhousie University, May 12, 2016, p. 3.

¹¹ *Ibid.*, p. x.

residential structure) or trends like Airbnb, which has not had a major impact in HRM to date but which has caused the loss of rental units in many other Canadian urban markets.

Maintenance and Infestation Problems: Maintenance is a critical issue for occupants of affordable housing. Many sources state that low income tenants often encounter repair needs when they occupy a unit and note that repairing deficiencies is often a slow process whether they are identified immediately or arise after a period of occupancy. Some landlords ignore them altogether.¹² Stories of landlord indifference are as common in Halifax as in other North American metropolitan markets.¹³

In most North American jurisdictions, rental housing is subject to standards of good condition; however, tenant advocates contend most units do not meet the applicable minimums.¹⁴ Typical maintenance problems include out of service elevators, electrical and plumbing problems, mold, heating and cooling system issues, fire safety concerns, and aging, deteriorating units.¹⁵ Pest (rodents, bed bugs, cockroaches) issues are also a major problem for tenants.¹⁶

Negative Social Stigma: Negative public perceptions of rooming houses are widespread.¹⁷ Lee researched articles mentioning rooming houses printed by major media outlets in HRM and found 292 (180 in the Chronicle Herald newspaper from 1995 to 2015 or nine per year) often “associated with incidents such as fires, murders, unsanitary conditions, and overcrowding.”¹⁸ The June 2016 HRM Staff Report cited similar concerns, particularly the disquiet of residents of single-detached homes adjacent to rooming houses and quasi rooming houses. The report suggests that the temporary nature of the rooming house tenants may result in less effort on their part to keep a positive relationship within the community.¹⁹

Students, whether in rooming houses or in other off-campus units, are also viewed negatively. Because they are transient and focused on other concerns, they are often perceived as less committed to the neighbourhoods in which they locate. They are also normally younger and include a portion experiencing life without parental controls for the first time. Noise and general rowdiness are often issues. Landlords interviewed by Stantec suggested that there is less motivation to renovate apartments for students because the turnover is so rapid.

¹² Israt Ahmed, *op cit.*, p. 9.

¹³ Rebecca Dingwell, “Landlord licensing: a solution to shitty landlords?,” *The Coast*, September 1, 2016, <http://www.thecoast.ca/halifax/landlord-licensing-a-solution-to-shitty-landlords/Content?oid=5625568>

¹⁴ Federation of Metro Tenants' Association, *op cit.*, p. x.

¹⁵ *Ibid.*, p. x and Israt Ahmed, *op cit.*, p. x.

¹⁶ Federation of Metro Tenants' Association, *op cit.*, p. x.

¹⁷ Lee, *op cit.*, p. x and Federation of Metro Tenants' Association, *op cit.*, p. x.

¹⁸ Uytac Lee, *op cit.*, pp. 24-25.

¹⁹ HRM Staff Report, *op cit.*, p. 6.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Rental Issues and Concerns
February 12, 2017

Law-breaking, Intimidating Landlords: Analysts have cited a power imbalance between landlords and tenants in Toronto. They allege landlords act with impunity toward tenants, maintaining rental units poorly, imposing illegal charges (e.g., for air conditioning), increasing rent illegally, demanding excessive security deposits, discriminating against particular groups, and evicting tenants without legal cause.²⁰ It was commonly noted that landlords discriminate based on age, gender, marital status, religion, race, and similar traits.²¹ Tenants are often unaware of their rights under legislation or those who are fear retribution or 'blacklisting' by landlords.²²

A Toronto ACORN (Association of Community Organizations for Reform Now) survey of the association's low and moderate income members found many respondents were unaware of their rights or the City of Toronto's obligation to uphold standards.²³ Similar issues are evident in Nova Scotia, where Dalhousie Legal Aid has printed *A Nova Scotia Tenants Right Guide* to inform tenants of their rights encouraging a shift toward safe, affordable housing, free from harassment.²⁴

Other issues identified included:

- Problems with the landlord-tenant board providing weak protection for tenants
- Violence and safety
- Privacy concerns
- Lack of accommodation for people with mental health issues
- Accessibility concerns.

ACORN representatives from Halifax echoed these concerns, noting that landlords bully low income tenants, in particular, recognizing that there are limited affordable options in the region.

²⁰ Israt Ahmed, *op cit.*, p. 8.

²¹ Dalhousie Legal Aid Service, *Tenant Rights Guide: Guide to rental housing in Nova Scotia*, 2013, p. x.

²² *Loc cit.*

²³ Toronto ACORN, "State of Repair – The tenants' case for landlord licensing in Toronto," 2016

²⁴ Dalhousie Legal Aid, *op cit.*, p. x.

3.0 REGULATORY COMPARISON

Municipalities in Ontario appear to be leading the way in considering the licensing of residential rentals. Several Ontario municipalities have adopted licensing, while others have assessed and rejected the concept. The division between supporters and opponents of licensing is wide with tenants and their advocates typically supporting licensing and related measures, while landlords and business interests are normally opposed. The rhetoric on both sides is frequently heated.

3.1 COMPARISON TO HRM REGULATIONS

Many municipalities elsewhere in Canada license residential landlords. HRM staff compiled a table comparing of licensing legislation applied or proposed in the Ontario cities of London, Oshawa, Waterloo, and Hamilton. The table compiled by staff compares definitions and provisions of the by-laws employed in each city (City of Hamilton staff proposed the Hamilton by-law but Hamilton City Council has not passed it). In **Appendix A** to this report Stantec has added HRM to the table with provisions from current By-law M-200.

Other cities of interest that have adopted or are considering licensing include Vancouver, which licenses all landlords renting more than one unit in a building as part of the City's general business licensing requirements;²⁵ Toronto, which recently adopted a by-law requiring the licensing of all residential rental structures more than three storeys high and containing ten or more units;²⁶ North Bay, which phased in comprehensive licensing between 2011 and 2016;²⁷ and Ottawa where the potential for licensing rental accommodation has recently been broached.²⁸

HRM By-law M-200 differs significantly from the Ontario examples because it applies licensing only to rooming, boarding, and lodging houses, which the By-law defines as follows:

"rooming, boarding, and lodging house" means any building in which four (4) or more rooms providing occupancy are rented for remuneration as separate units of residential accommodation whether or not meals or kitchen facilities are provided, but does not include:

²⁵ City of Vancouver, "Doing Business - Residential rental property," <http://vancouver.ca/doing-business/residential-rental-property.aspx>

²⁶ Antonella Artuso, "Landlord registry a 'landmark' policy," *Toronto Sun*, March 29, 2017.

²⁷ North Bay, "Residential Rental Housing Licensing," <https://www.cityofnorthbay.ca/cityhall/departement/planning-services/residential-rental-housing-licensing/>

²⁸ Danny Globerman, "A licence to be a landlord? Ottawa councillor mulls pilot project," *CBC News*, March 13, 2017, <http://www.cbc.ca/news/canada/ottawa/ottawa-landlords-tenants-licence-acorn-cockroaches-licensing-1.4022676>

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Regulatory Comparison
February 12, 2017

- (i) apartment buildings or multiple unit dwellings as defined by various Land Use By-laws of the HRM; or
- (ii) a hotel licensed under the *Hotel Regulations Act*; an institution licensed under the *Homes for Special Care Act* or any other general or special Act.

As stated above, these housing types represent a small proportion of HRM's rental housing stock.

Each Ontario city noted requires licensing for a much wider range of unit types than HRM, although none requires the licensing of all rental units. London excludes units in apartment buildings (any building with four units or more), townhouses, and stacked townhouses; owner-occupied buildings; and units rented temporarily under a variety of circumstances. Oshawa excludes public housing and owner occupied units meeting a narrow specification. Waterloo excludes sublets, student residences, apartment buildings (any building with three units or more), group homes, hotels and similar overnight accommodations, residential care facilities, and public housing. Hamilton's proposed by-law would not have applied to hotels and similar overnight accommodations, or to residential care facilities. Interestingly, the Hamilton regulation also excludes "a lodging house," which the City of Hamilton defines similarly to HRM. Provisions for London and Waterloo, as well as the proposed provisions for Hamilton, appear to apply to the entirety of each city but the Oshawa by-law applies only to a so called "Rental Area," which is a district in the northern part of the city associated with the campus of Durham College. Whereas London and Waterloo have focused on small landlords by excluding "apartment buildings," Toronto has taken the opposite tack and applied their by-law only to apartment buildings.

The City of London has the right to inspect a rental unit at any time permitted by law. The City of Oshawa by-law, which covers licensing for all types of businesses including rental of housing, does not specify when inspection will be or can be undertaken but does include a provision stating that a landlord cannot "directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with the Licensing By-law," which suggests that the City has the right to inspect when it has a concern with the condition of accommodation. The proposed City of Hamilton by-law also does not say when or under what conditions inspection will take place but contains the same wording prohibiting landlords from discouraging inspection. The Waterloo by-law, by contrast, is clear that the City may inspect units to determine compliance with its by-law and orders under the *Ontario Municipal Act*.

3.2 ARGUMENTS IN FAVOUR OF LICENSING

Many tenant advocacy groups believe licensing can resolve a variety of problems that their clients chronically face. Many regulators share the view. Both tenant representatives and regulators argued that the chief weakness of landlord-tenant legislation and by-laws like HRM's M-200 is that they are "complaint driven," meaning action is only taken by the Province or the Municipality in response to a complaint, which must usually be filed by a tenant.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Regulatory Comparison
February 12, 2017

While this is superficially reasonable and is, undoubtedly, efficient, it places tenants with less knowledge and resources, and those vulnerable to intimidation by landlords at a disadvantage. Many of the proponents of licensing interviewed for this study suggested it would provide a proactive approach. They argue that licensing of rental properties could ensure annual inspections of all units including common areas, boilers, elevators, electrical systems, and general cleaning and maintenance.²⁹ Tenants would not have to lodge complaints, they could count on the municipal staff to inspect their unit at regular intervals to identify deficiencies. Recognizing that they would be inspected regularly, landlords would maintain units more routinely as there would be little benefit to postponing work that an inspection would catch.

A variety of sticks and carrots could be employed to induce landlords to ensure proper upkeep. One contact suggested that units that passed inspection with no deficiencies, might be granted two or three years until their next inspection, whereas units in which upgrades were required would be inspected within 12 months. A representative from the Nova Scotia branch of ACORN speaking to *The Coast* weekly paper, for example, has suggested a '3-strikes and you're out' rule by which landlords who do not deal with management and maintenance concerns after three requests would have their property confiscated.³⁰ In a licensing system, three strikes might invoke even more frequent inspection or application of fines sufficient to address deficiencies as opposed to property confiscation.

The City of Hamilton examined a rental housing licensing model following the implementation of proactive enforcement efforts in a pilot program conducted between July 2010 and October 2012 that identified 2,349 rental property standard deficiencies.³¹ The proposed licensing model, which is also discussed above, included: the requirement for a license for any rental building in the city containing from one to six dwelling units, including single-detached dwellings; proof of ownership and contact information; provision of a premises plan identifying the locations of structures, parking, walkways, and exits, as applicable; provision of a property maintenance plan; proof of insurance; a completed 'self-certification checklist'; zoning verification; and proof of compliance with the Electrical Safety Authority.³² Hamilton staff proposed that the regulations would apply to owner-occupied buildings but excluded social housing units that are already subject to Provincial regulations, bed and breakfasts, hotels and motels, and residential care facilities. Staff proposed a proactive by-law enforcement program to supplement the licensing model and ensure effective regulation of rental housing. The proposal also included audits of multi-residential buildings with seven or more units to address safety/quality issues.³³

²⁹ da Rosa, *op cit.*, Toronto ACORN, *op cit.*

³⁰ Dingwell, *op cit.*

³¹ City of Hamilton, "Rental Housing Licensing Model (PED10049(j))," December 11, 2012, p. 6, <http://www2.hamilton.ca/NR/rdonlyres/63327BE5-71D5-4E3F-83B5-DB7CBAD2C753/0/Dec11Item61.pdf>

³² *Loc cit.*

³³ *Ibid.*, p. 8.

3.3 ARGUMENTS OPPOSED TO LICENSING

Opponents of rental property licensing cite bureaucracy and costs as leading reasons to avoid such measures. Most argue that existing regulations are enough to ensure landlords properly maintain and operate rental units. Unquestionably, building and electrical codes, unsightly premises by-laws, and similar requirements are in place that municipal governments can apply to compel owners to upgrade rental properties. A written submission from the Investment Property Owners Association of Nova Scotia (IPOANS), which is a voluntary association to which Nova Scotia landlords may choose to belong, emphasized this point.³⁴ Insurance companies and banks have also taken an increasing role in requiring compliance with these standards as conditions of their services.

Each province also has legislation regulating landlord-tenant relations that many would argue deals with the concerns that tenant advocates cite in support of licensing. Nova Scotia's *Residential Tenancies Act*, for example, fixes the maximum deposit for a unit, prohibits a landlord from imposing any additional consideration for occupancy, and requires the deposit to be held in trust and refunded with interest on termination of the tenancy. The Act also regulates the terms on which a landlord can increase rent and on which he or she may issue a notice to quit. It also gives the tenant the right to quit if their income is reduced owing to health reasons, if they are transferred to a nursing home, or if they have been subject to domestic violence.

1. All occupancies, furthermore, are subject to strict Statutory Conditions. Landlords must keep units in "a good state of repair and fit for habitation," maintain all services related to a tenancy, and conduct themselves "in such a manner as not to interfere with the possession or occupancy of the tenant." Tenants, for their part, must ensure their unit is kept clean and must repair damage caused by themselves, co-occupants, and guests. To ensure the privacy of tenants, landlords are not permitted to enter a rented unit during the course of a tenancy without the consent of the tenant.

Both landlords and tenants may appeal a contravention of the Act to the Residential Tenancies Board. A landlord must apply to the Board to evict a tenant for reasons other than failure to pay rent. A tenant may apply to the Board to oppose the imposition of a notice to quit within 15 days of their landlord's application.³⁵ Either the landlord or the tenant may appeal a decision of the Tenancies Board to Small Claims Court.³⁶

³⁴ Kevin Russell, Landlord Licensing Chair, IPOANS, to Ms. Quin MacKenzie, Consultant, Sustainable Development, Stantec, undated, p. 1.

³⁵ Dalhousie Legal Aid, *op cit.*, p. 17.

³⁶ *Ibid.*, p. 53.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Regulatory Comparison
February 12, 2017

Other legislation and by-laws are also in place that opponents to licensing contend protect tenants. Waterloo lawyer Joe Hoffer has pointed out that staff with the City of Guelph, Ontario, recommended against licensing of rental property in 2014, opting instead to advocate a proactive, results-based enforcement program of inspections and directives using existing Building Code, Fire Code, and Property Standards regulations.³⁷ Following review of the licensing program, staff expressed concerns that licensing would not necessarily ameliorate maintenance issues and the cost of the program would likely be passed on to the tenants.³⁸ Guelph has largely adopted the approach urged by Hoffer; however, the City does now require the registration of accessory apartments.

While praising the recommendations of Guelph staff, Hoffer strongly criticized the approach of the nearby City of Waterloo, which has adopted rental licensing and is one of the four municipalities whose licensing provisions are included in **Appendix A**. According to Hoffer, the Municipality has used licensing as a revenue generator and has applied it illegally and unfairly:

Waterloo's licensing program has generated surplus revenues of \$1.3 Million and counting. Much of the surplus has been transferred into "reserves" and can be spent by the City for any purpose it chooses. Meanwhile, Waterloo is involved in litigation with larger townhouse rental operators who have challenged the by-law on the basis that it is, in fact, a "tenant tax" and therefore void. The by-law has also been challenged on the grounds that it discriminates against townhouse tenancies v. apartment tenancies (which are exempt) on the basis of "family status", since more "families" with children reside in townhouse tenancies than in apartment tenancies, yet only townhouse tenants face the financial burden of the tenant tax, with no added municipal service provided. Townhouse tenants face substantial rent increases via Above Guideline Rent Increases based on "municipal charges" whereas the apartment tenants face none.³⁹

Hoffer contends that licensing charges have increased rents for townhome tenants in Waterloo by 5% to 7% "to pay for the hiring of more municipal staff."⁴⁰

The City of Hamilton proposal appears to have fallen by the wayside in the face of similar concerns. Hamilton staff identified the following issues and challenges associated with licensing:

³⁷ Joe Hoffer, "A tale of two cities – Landlord licensing in Waterloo V. Guelph update," 2014 <http://cohenhighley.com/articles/rent-control-bulletins/a-tale-of-two-cities-landlord-licensing-in-waterloo-v-guelph-update/>

³⁸ City of Guelph, "City staff does not recommend licensing rental housing in Guelph: Committee to consider enhanced enforcement to address rental housing issues," April 24, 2014, <http://guelph.ca/2014/04/city-staff-recommend-licensing-rental-housing-guelph/>. See also: City of Guelph, "Rental Housing Licensing Recommended Approach," Staff Report 14-29, May 5, 2014, http://guelph.ca/wp-content/uploads/050514_Rental_Housing_Licensing_ReportandAttachments.pdf. Guelph's assessment of licensing included a public consultation program.

³⁹ *Loc cit.*

⁴⁰ *Loc cit.*

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Regulatory Comparison
February 12, 2017

- Landlords may transfer costs to their tenants (although well-maintained, compliant properties should have minimal financial costs)
- Potential loss of an estimated 30% of rental housing that is not compliant with zoning
- An unfounded fear of increased taxation as buildings and the number of dwelling units per building are identified
- Increased workload and resources needed for licensing and enforcement.⁴¹

With respect to the last point, Hamilton staff calculated that 17 more full-time equivalent staff "would be required to effectively administer and enforce" the proposed by-law. They estimated the cost to be recovered from landlords at \$600,000 in the first year of the program and \$450,000 per year thereafter, which would cover 30% of the total cost.⁴²

Kitchener is another Ontario city that opted not to introduce a residential rental licensing by-law. The City, which abuts Waterloo, is instead implementing targeted enforcement of residential rental housing. Leading initiatives include developing a formal relationship between City staff and the landlord association in the Doon area of Kitchener, which is apparently the city's main area of concern; continuing to strengthen the relationship between City staff and police services to coordinate enforcement initiatives; and investigating ways to increase the effectiveness existing in zoning and lodging house requirements.⁴³

Even some agencies involved in social housing have reservations with licensing proposals. Toronto non-profit housing providers identified several concerns with licensing landlords for non-profit housing. These included limitations of current budgets to meet the requirements, overlapping regulatory regimes with current regulatory standards, lack of funding to develop and carry out recommended plans such as waste management and maintenance plans, inability to borrow additional capital funds, and the cost of the licensing fee. Unlike the private rental sector, non-profit housing agencies are unable to increase rents to meet the additional costs required to satisfy the terms of the licensing agreement. The same group raised other concerns with the enforcement and expected effectiveness of the proposed licensing regime.⁴⁴

⁴¹ City of Hamilton, *op cit.*, p. 8-9.

⁴² *Ibid.*, pp. 2-3. According to data in Appendix A to the Hamilton report, the proposed program would have applied to 13,532 of 61,645 rental units in Hamilton or 22.0%. By comparison, Halifax had 55,850 rental units at the same time.

⁴³ City of Kitchener, "City says no to residential rental licensing," June 17, 2013
<http://kitchener.ca/en/News/index.aspx?newsId=bd704479-f365-46c0-ba2e-8cbeba6fa445>

⁴⁴ Memo from Toronto Network of Non-Profit Housing Providers to Amy Buitenhuis, City of Toronto, "Multi-Residential Apartment Building (MRAB) License in the City of Toronto," October 12, 2016, pp. 3-9.

3.4 BALANCING PERSPECTIVES

Participants in the rental property licensing debate have strongly diverging opinions. Advocates of licensing cite multiple horror stories of sub-standard building conditions and unacceptable landlord behavior. Even the small number of publications we have consulted included descriptions of landlords as unresponsive, indifferent, and “shitty.” Licensing opponent Joe Hoffer, for his part, referred to the City of Waterloo and other municipalities pursuing licensing as “greedy.” References to red tape and interfering bureaucrats are frequent among opponents to such initiatives.

Nevertheless, common ground does exist:

The Wellesley Institute [in 2011] released a survey with rooming house residents and landlords in Toronto, in order to gauge what kinds of community agency supports would be most useful to both tenants and landlords in making rooming houses safe, stable, and enjoyable places to live. Recommendations from tenants included assistance from support workers, additional maintenance services or improvement of current practices, mediation and advocacy services to help tenants resolve conflict with landlords and other tenants, workshops on tenant rights, and regular visits from a health practitioner to improve access. Recommendations from landlords, interestingly, were very similar. They generally requested support with mediation (between tenants, between landlords and tenants, and between landlords and neighbours), financial aid, crisis support and respectful community support for tenants with mental health and addictions issues.⁴⁵

We would add, as well, that none of the writers opposed to licensing who we have reviewed have suggested that governments should not enforce standards or that inspection to support enforcement is inappropriate. IPOANS, in fact, states that “**strengthening** existing by-laws ... [is] the best alternative in protecting tenants, surrounding neighbours, and income property owners.”⁴⁶ The IPOANS representative added that increased police attention to tenant violations such as unruly behavior “outside business hours” would be beneficial.

The strongest argument against increased inspection and more rigorous enforcement is the cost and its implications. Opponents of licensing, and inspection and enforcement programs argue that landlords will necessarily pass the costs on to tenants and/or units will be withdrawn from the market if their rehabilitation is not economically justifiable. The implied outcome is fewer, more expensive rental units, the impact of which will fall most heavily on the low income and transient tenants who traditionally occupy sub-standard units.

⁴⁵ Federation of Metro Tenants Associations, *State of the Unit – Rental Housing in Toronto 2011*, September 2011, p. 10.

⁴⁶ Kevin Russell, *op cit.*, p. 1. Emphasis added.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Regulatory Comparison
February 12, 2017

Several HRM staff interviewed for this assignment acknowledged that the creation of a licensing regime and enforcement of its requirements would involve the expansion of inspection staff. Licensing fees would presumably cover most if not all of the cost. Adjustments to the program such as the suggestion that re-inspection of properties without deficiencies could be delayed might mitigate costs.

Tenant advocates criticize tenancies legislation and its application in any case. Stakeholders on both sides of the issue, would likely concede that acts such as Nova Scotia's *Residential Tenancies Act* are insufficient to ensure the proper maintenance of rental properties by themselves. Tenants, by their nature, are mobile and will usually seek alternative accommodation before resorting to the Tenancies Board to correct deficiencies in their current accommodations. Even where alternatives are not available, the time and expense of going to the Board may be more than some tenants can handle. Students, in particular, tend to have a limited term of occupancy and may have more pressing priorities with which to deal. Students and low income tenants may also feel that they lack the capability and/or financial resources to make their case effectively before the Board.

Tenant support groups see licensing as promoting a proactive system to protect their clients; however, it is not without potential drawbacks for disadvantaged renters. The Ontario Human Rights Commission has produced a useful manual to help municipalities in their province craft licensing by-laws to avoid harming disadvantaged groups. In the manual, the Commission notes concerns with municipal measures that regulate rental housing raised in its 2007 consultations concerning discrimination in housing:

During the consultation, the OHRC heard that certain Code-protected groups rely on rental housing, and can be disadvantaged by measures that limit it. Examples of groups that may be affected include:

- Aboriginal people (ancestry)
- Racialized groups (race, colour, ethnic origin)
- Newcomers (place of origin, citizenship, ancestry)
- Lone parents (family status and marital status)
- Seniors (age, sometimes disability or receipt of public assistance)
- Large families (family status, sometimes creed, ancestry or ethnic origin).⁴⁷

The input suggests a real concern that such measures may limit the number of rental units available and their cost to tenants. Later in the manual, the Commission notes the sensitivity to price of protected groups that often have lower incomes:

⁴⁷ Ontario Human Rights Commission, *Room for everyone: Human rights and rental housing licensing*, 2013, p. 7.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Regulatory Comparison
February 12, 2017

The OHRC has heard that increased costs associated with housing can have a particularly adverse impact on Code-protected groups. For example, in its Right at Home consultation, the OHRC heard from the Children's Aid Society of Toronto that a mandatory \$30 apartment insurance fee has an adverse impact on lower-income people, households on social assistance, poor single parents, youth and newcomer families. The OHRC also heard from the Centre for Equality Rights in Accommodation and the Social Rights Advocacy Centre that the same fee could pose a financial barrier for Aboriginal people and members of racialized communities.⁴⁸

While low income groups and students, as such, do not concern the Commission as subjects of human rights concerns, the manual notes that members of either group may coincide with one of the 17 code-protected categories recognized by the Province of Ontario (e.g., students are typically young and may enjoy protection from discrimination based on age). The Commission reinforces the well-established principle that planning regulations should regulate buildings and not the people in them. The manual recommends against limitations on the number of bedrooms in a unit, gross floor area requirements, and floor area per person minimums, all of which may exclude large families or extended families. The Commission is also critical of minimum separation distances intended to prevent concentrations of accommodation types such as rooming houses.

Nova Scotia human rights legislation is different from Ontario's; however, discrimination in providing access to housing is also well-recognized here. The Ontario Commission's concerns with the possible influence of licensing on supply applies, in any case, to all markets. Demand in excess of supply will increase price. Higher rents, furthermore, can be expected to have the most direct impact on low income groups. That being said, the market can be expected to adjust to licensing costs.

⁴⁸ *Ibid.*, p. 21.

4.0 CONSULTATION SUMMARY

The core of project work for this assignment was the consultation of stakeholders with interests in rental property licensing. The broad stakeholder groups were identified as regulators (largely HRM staff involved in planning, development, and building inspection as well as fire and emergency), landlords, representatives of tenant associations, and tenants themselves. Stantec and HRM worked with IPOANS to identify landlords to participate in consultation. Similarly, we worked with AHANS (Affordable Housing Association of Nova Scotia) to find tenant participants.

Consultation took three forms. It began with strategic interviewing of key stakeholders including HRM staff, and leaders with IPOANS and ACORN among others that, along with research presented in the preceding two chapters of this report, helped us to define project issues and questions. We then held separate focus groups with members of each of the four identified stakeholder groups. The focus groups were designed to draw out the views of each group without the influence of others. We concluded the consultation process with a workshop that mixed representatives of all four groups so that they could share their views and work on a consensus concerning rental property licensing and associated issues.

4.1 STRATEGIC INTERVIEWS

In February 2017, Stantec conducted 12 interviews with HRM staff, landlords, tenant representatives and tenants. Interviews were approximately an hour long and consisted of eight questions about current issues associated with rental properties, the interview subject's familiarity and experience with the M-200 By-law, how licensing of residential property would affect them, and the quality of current safety standards in smaller rental units.

Rental issues and concerns raised during the interviews are consistent with those identified in **Section 2.0** of this report. The interviews identified pros and cons for the implementation of residential licensing. Positive expectations included raising the quality of rental units, creating a rental housing database, developing incentive programs for the rental market, addressing health and safety, and developing a system for compliance checks. On the other hand, respondents were concerned about the cost of a comprehensive program and the ability of HRM to devote the necessary resources to license and inspect all rental units, and to address many of the issues are associated with Provincial housing, which is not within the Municipality's jurisdiction. Information gathered during the interviews helped the consultants to identify potential focus group participants and define lines of inquiry for the focus group sessions.

4.2 FOCUS GROUPS

Stantec conducted four focus groups in March 2017 to investigate the positions of four distinct groups of stakeholders interested in rental property licensing in the municipality: regulators, landlords, tenant representatives/advocates, and tenants themselves. Each focus group took two hours and followed an outline prepared by Stantec. Stantec consultants did not define the components of a licensing regime as the focus groups worked through the identification of issues with the current residential rental system in HRM; hoped for outcomes in response to these issues; and the potential of licensing to facilitate desired outcomes. We sought to explore perceptions, aspirations, and objections to help decide how the Municipality might design a practical and effective licensing system.

The following summaries report input from focus group participants. Statements in the bullets under each heading reflect the opinions of participants and may include misperceptions and exaggerations in some cases. They do not reflect the views of Stantec's consulting team and are reported in the paraphrased language of participants to reflect their attitudes and arguments on the subjects presented.

4.2.1 Regulators

Stantec held a focus group involving HRM staff involved in housing and rental accommodation on March 21st, 2017. Staff were drawn from planning and development and fire and emergency.

Feedback

- The number of rooming houses is declining. Because new rooming houses are not permitted investors are buying large homes around Dalhousie and converting them for multiple occupancy. As minimal conversion is required to the structures, these units are "under the radar."
- Tenants sleep on floors, occupy storage rooms, and are exposed to unsafe and unhealthy conditions in rental units.
- It is difficult to get access to a rental unit without the permission of the tenant.
- Participants do not view self-compliance as a suitable model. Past experience gives little reason to trust that requirements will be met.
- Currently, staffing is inadequate to handle the number of inspections required should licensing come into effect. Several departments currently do different inspections (Fire Safety, M-200, and Building Code) and the broad range of inspections implied by licensing will require a coordinated process.
- Licensing cannot resolve all issues.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Consultation Summary
February 12, 2017

- HRM is currently streamlining and standardizing senior/shared housing policies. Policy will focus on shared housing in general and the number of occupants in a house, not the age of the tenants. Unsure how rooming houses fit into this, still in progress.
- HRM receives many M-200 complaints from callers who will not give their name so it is difficult to respond. Sometimes tenants are just trying to terminate their lease.

Implementation

- Licensing was thought to be one of the only options to know where the rental units were located.
- Additional resources would be required to coordinate the process, process applications, increased training, and inspections. It was suggested the inspections could occur every three to five years and noted that rooming houses are inspected on an annual basis. Would need more staff as the Municipality would become liable if they create regulations they cannot enforce.
- Larger fines would encourage landlords to meet regulations.
- Education is critical to understanding tenant rights as well as disseminating information about licensing.
- Should provide database of licensed landlords/properties online with inspection information.
- Important to choose a program that will be successful and can be expanded in the future. Need to deal with unsafe conditions. Should focus on rentals that are not owner occupied.
- Need to develop strategies for affordable housing.

4.2.2 Landlords

The landlord focus group was held on March 22nd, 2017. Attendees included small and large landlords referred by IPOANS as well as representation from Dalhousie University Housing.

Feedback

- Participants suggested the vacancy rate is 3.9 to 4.9%, so if tenants are unhappy, there are other housing options.⁴⁹

⁴⁹ The most recent rental vacancy rate for HRM published by CMHC in late 2016 was 2.6%. The rate reached 3.9% in 2014 but has rarely been that high in the past 20 years.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Consultation Summary

February 12, 2017

- Some participants suggested licensing would increase rents by 8%.
- Landlords feel vulnerable tenants have a lot of support. Landlords are typically up against lawyers from Legal Aid. When vulnerable tenants sign leases, they are walked through it all. Many support groups out there.
- International students are aware of what they are doing and know what to ask for. Support groups for immigrants know tenant support options.
- They feel HRM's 311 call centre often provides misguided information.
- Landlords are already heavily monitored (e.g., need insurance to have a mortgage, inspections for financing).
- Most property owners don't want pest problem and have pest control companies and maintenance companies to take care of the issues before they become bigger problems.
- Licensing is not a solution for the 'underground' rental properties as these landlords are unlikely to get a license.
- Licensing may provide false sense of security to the tenant.
- Fees are high now but there is no enforcement.
- A need for more rooming houses was identified.

Implementation

- It would be easier to revamp the M-200 By-law. Policy is in place but not the enforcement.
- If licensing is to be adopted, there could be a soft introduction with an 'opt in' or 'opt out' process.
- Would like to see more robust by-law and education before licensing. The programs are in place, and don't want to see redundancy.
- Education is very important. Suggested a sticker inside the door of every rental unit with the information of the options if a tenant has a problem with their unit. Need a sustainable education program.
- Issues are related to a small group of rentals. A simpler solution is required than licensing everyone.

4.2.3 Tenant Representatives

Stantec held a focus group on March 28th, 2017, for representatives from organizations such as the AHANS, ACORN, Navigator Street Outreach, Dartmouth Housing Help, and Metro Non-Profit Housing that accommodate and/or advocate on behalf of tenants.

Feedback

- Co-signer, reference check, and criminal record check requirements can be limiting for some tenants (especially low-income tenants).
- Tenants may only have access to a small selection of the housing stock within their price range. Even housing considered “affordable” is not actually affordable for those on social assistance or disability. There is a lack of communication between HRM and the Province on affordable housing.
- The quality of Provincial Housing is poor, with many maintenance problems. There are no proper procedures for HRM to inspect Provincial Housing.
- Repairs give landlords an excuse to increase rent and tenants are helpless because they have no other place to go.
- The Tenancies Board is difficult for tenants to navigate on their own.
- The housing issue is a symptom of low-income. Low income is the underlying issue that needs to be addressed.
- HRM needs to be more responsive to complaints and follow up immediately.

Implementation

- 30% of new rental housing should be affordable housing. HRM needs more low-income housing. New developments in HRM need to be mixed-income and should have units that have below-market rent.
- Consequences for landlords who break the regulations should be more severe (e.g., higher fines).
- Basic or livable income should be piloted in HRM. If people could afford housing, then they would have more flexibility and options. There should be an HRM rent subsidies program to bridge the gap between what is already provided by the Province and the rent (\$200-300). This should be secured for 10 years and be tied to the tenant not the unit. HRM and the Province need to collaborate. The Federal Government could also be engaged.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Consultation Summary
February 12, 2017

- There should be a circle of care for those on social assistance that includes support and resources beyond income and housing. There should be mandatory training for landlords on tenant care.
- Residential licensing on its own will not resolve tenant issues. It may result in increases in rent. Rent control is necessary to limit rent increases.
- The current system needs to be improved before licensing can be introduced. HRM should focus on education, enforcement, and improving response times to complaints. The 311 service is not effective. There should be a direct line that can be reached via 311 and responding HRM staff should be educated and prepared to address tenant issues on the phone.
- If licensing were imposed tomorrow, a lot of low-income housing stock would disappear and current occupants of those units would have nowhere to go.
- There should be a third-party reporting option and tenants should be able to make anonymous complaints.

4.2.4 Tenants

Stantec invited selected tenants from throughout HRM to a focus group on March 29th, 2017. A substantial proportion of participating tenants were from North Dartmouth.

Feedback

- Maintenance and upgrades to units are not conducted in a timely fashion.
- Provincial social assistance sent rent money and damage deposit to wrong landlord and would not fix the issue.
- Although there is some knowledge of resources that can support tenants in HRM, tenants do not use the resources because they do not have the time and feel that their issues will not be resolved. Also, tenants fear repercussions for complaining from their landlords. If they get evicted (even illegally) most do not have another place to go. Many landlords in the same neighbourhood know each other.
- It is easier for tenants to move than deal with the Tenancies Board. Those who have gone to the Board have had to represent themselves and have lost. Lack of financial resources to hire a lawyer or support. It is also mentally stressful to deal with the Board. Tenants are unaware of their rights or unable to exercise their rights.
- Landlords may charge tenants money under the table in addition to the amount outlined in their rent agreement.

Implementation

- Tenants would feel more empowered and able to make a complaint if they could do so anonymously or have a third party file a complaint on their behalf.
- HRM needs to address complaints in a timely fashion (within a month) and tenants should receive notice of the results of an inspection (not just the landlords).
- Residential licensing inspections would only make a difference if they were performed on an annual basis, or more frequently.
- Rent allowances for low-income tenants should be increased so they have more flexibility and ability to move.
- There is demand for licensed rooming houses and illegal rooming houses pose challenges and threats to tenants (being unable to lock their room, lack of inspections/standards).
- Increase resources to enforce existing regulations and provide support for tenants (particularly low-income).

4.3 WORKSHOP

To integrate the views of the diverse groups that took part in the four focus groups, Stantec held a half-day workshop on Tuesday, May 16, 2017. Twenty representatives from all four groups were invited to work together to develop a consensus on the licensing issue. Individuals were distributed among four tables so that at least one representative of each group was present and regulators, landlords, tenant representatives, and tenants could all share their perspectives.

Stantec's facilitator posed three questions to all four tables in succession:

1. What issues exist with the current residential rental system in HRM? *Context: During the consultation conducted thus far, several issues were identified, including: a lack of enforcement of regulations (including M-200), lack of awareness and knowledge of tenant rights, lack of affordable housing and rooming houses, the presence of unsafe conditions in some rental units.*
2. What outcomes are required to address the issues you identified in Question 1? *Context: Outcomes could include items such as increased tenant awareness of rights, increased availability of affordable housing, and/or increased enforcement of existing regulations.*
3. Do you think residential licensing will facilitate the achievement of the outcomes discovered in Question 2? Why or why not? Are there other systems or initiatives that should be put in place instead of or to supplement licensing?

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Consultation Summary
February 12, 2017

Participants were asked to discuss each question or, in the last case, the group of questions at their table. Once their discussion of the first two questions was complete, each table was asked to rank their top five responses, and write them down on large sticky notes so that they could be posted for the consultants and all participants to review. Respondents gave more of a summation in response to the third and final question.

Input largely echoed the results of the focus groups. Regardless of the interest that participants represented, they questioned the fit between licensing and the problems that need to be addressed. All four tables rejected licensing of rental properties.

Table 4-1 Annual Average Vacancy Rates, HRM and Canadian Metropolitan Areas, 1996-2015

Table 1	Table 2	Table 3	Table 4
1. What issues exist with the current residential rental system in HRM?			
2. Education	1. Education (by-law comprehensibility)	1. Lack of affordable housing	1. Anonymity/Timeliness of complaints (due process)
3. Safety	2. Limited housing choices	2. Inconsistent by-law enforcement	2. Illegal rooming houses and units
4. Costs	3. Unsafe premises	3. Education (tenant rights and landlord obligations)	3. Targeted, proactive inspections
5. Enforcement	4. Inspection procedures, lack of resources	4. Accessibility and readability of by-laws	4. More inspections
6. Relationships – Coordination between agencies	5. Fair reporting (advocacy)	5. Fear of reporting (need for outreach/ advocacy)	5. Lack of affordable housing
<ul style="list-style-type: none"> • Creating opportunities for diverse housing (LUB provisions) 			
2. What outcomes are required to address the issues you identified in Question 1?			
1. Streamline tenant guide	1. Better education beyond brochures.	1. Financial support to landlords to create affordable housing and/or renovate existing stock	1. Recommend ombudsman/rentalsman system used in NB. Rentalsman can inspect, authorize work, and charge the landlord.
2. <i>Tenancies Act</i> needs to be updated	2. Assessment of standards (are they sufficient)	2. Analyze the current system to identify gaps	2. Takes a long time to get a hearing. Needs to be sped up.
3. Difficulty in obtaining contractors for repair and maintenance		3. Broaden stakeholder involvement. Suggests Province, universities, and police.	3. Support anonymity. Regular inspection
4. Property taxes rising			4. Pessimistic about Province's capacity to respond and reform its legislation.
<ul style="list-style-type: none"> • Variety of languages among landlords and tenants. Need translators and translated guides. Suggestion that many immigrant groups could provide support given that translation services are expensive. Coordination of guides among landlord, tenant, advocacy groups would save. BC has very good examples. • The issue is the "most vulnerable." Can't deal with current inspection/enforcement requirements. Need to target "bad landlords," support disadvantaged tenants. It is low income tenants who don't have choice. Competition forces landlords to serve middle and upper income tenants but is not there for the low-income market. • Need for coordination of by-laws and legislation. Public database for all rental unit complaints. • 5,000 public housing units. Not as well managed as private sector housing. 			

Table 1	Table 2	Table 3	Table 4
3. Do you think residential licensing will facilitate the achievement of the outcomes discovered in Question 2?			
No to licensing. Resourcing demands are too high. Emphasize modernization of LUBs. Insurers inspect buildings regularly. You can't have 100-unit building without insurance because you won't be financed (and nobody owns a large apartment building outright). You cannot eliminate all risks even in that context (insurance, banks, municipalities, etc. all inspect and regulate).	No to licensing (to an extent). Recognize that there are issues that current inspections don't address (e.g., fungus and pests). Are sub-groups (low income) that should have mandatory inspections. Fire Dept. doesn't have jurisdiction over Provincial housing, which comprise 5,000 of 10,000 low income units in HRM.	No to licensing. The problem is Provincial policy and legislation. The problem landlords won't register. A simple publicly accessible database of rental units would provide a baseline. There are no "great stories" from jurisdictions that have adopted licensing of rental properties.	Rental property licensing is a shotgun where a rifle would do. Believe that good big landlords will be caught but the bad landlords will avoid it. There are lots of inspections being done. Where problems with students exist focus on students. The problem is noise, not landlords. Besides the student market is becoming over supplied and bad units are not leasable.
<ul style="list-style-type: none"> • A landlord suggested that it is very unlikely that inspectors can find typical tenant complaints. (e.g., leaking windows can only be identified when it's raining or blowing). • Another participant working with a tenant group, urged that, while groups did not see licensing as a solution, the issues should not be put to the side. There is a reason for this study. There are issues. Lack of support for licensing should not dismiss the issues and the need to respond to the issues. 			

4.4 SUMMARY

The generally rejection of rental property licensing through the consultation process came as a surprise. The strong arguments noted above between landlords and tenants suggested that the latter group would back licensing strongly. Landlords were consistently and strongly opposed to licensing throughout the consultation process. At most, they conceded that the current regulation of rooming houses under By-law M-200 was appropriate. They more generally accept existing regulations and, in fact, made the argument that proper enforcement of regulations would resolve current issues with rental conditions. To that end, they support regulation as strongly as any of the other groups Stantec consulted.

Others seemed to accept a basic thread of the landlord's argument. Even tenants and representatives of tenant support groups complained about poor enforcement of the regulations already in place. A fundamental complaint of tenants, in fact, is that response from government agencies is too slow and the knowledge of staff assigned to help tenants is inadequate. Tenants and tenant groups are nearly as pessimistic as landlords about the ability of the Municipality to carry out the necessary inspections and enforce compliance. Several noted,

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Consultation Summary
February 12, 2017

as well, that the Province operates the bulk of subsidized housing units through the Metro Regional Housing Authority⁵⁰ and HRM has no mandate to inspect them.

Tenants also noted that housing issues are a symptom of the larger problem of poverty. Several suggested that affordability and quality issues would largely disappear if tenants had more income. Some suggested that rent control would more directly address the primary concern of tenants than licensing. While it seems likely that tenants would value proactive inspection, too few appear to believe that the Municipality can actually provide it.

Regulators from HRM offered the strongest case for licensing. They have consistently argued for its value as an organization tool. Licensing would create a record of legal rental accommodation and a tool to force compliance. Tenants who are disposed to licensing expressed that licensing could not be implemented effectively to resolve the critical challenges with which low income tenants, particularly, must deal.

⁵⁰ According to Bob Bjerke, Chief Planner & Director Planning & Development, "Halifax Housing Needs Assessment," Information Report, September 25, 2015, p. 57, the Authority operates 4,094 public housing units constituting about 6.5% of HRM's rental housing stock.

5.0 ISSUES SUMMARY

Stantec's interviewing and consultation did not find strong support for licensing of residential landlords in HRM. While regulators and tenants have expressed support as a response to issues that they face, other priorities and concerns outweighed the benefits they expected.

5.1 OPPOSITION TO LICENSING

The benefit cited in the preceding sections were balanced by the following arguments for opposition to residential rental property licensing:

- Existing regulations address all concerns (the issue is enforcement of existing legislation)
- Records of residential units already exist and another database is not needed
- The cost of services related to licensing (i.e., administration of records, conduct of inspections) is unsustainable, particularly where landlords are able to transfer costs to their tenants
- Landlords may withdraw units from the rental market with consequences for supply
- Licensing and related inspection will most strongly affect lower cost accommodation types, particularly rooming houses, and will generally diminish affordable rental options
- Licensing is most likely to affect groups subject to discrimination that frequently overlap with transient and low income groups (e.g., students, immigrants, specific racial and ethnic groups).

Landlords, in particular, asserted that the current regulatory system is sufficient. Landlord-tenant regulation in Nova Scotia certainly seems robust and, on paper at least, offers many protections for tenants. Landlords note that in addition to legislated protections, tenants have access to published guides, legal aid, and the support of advocacy groups that redress any perceived imbalance between them and their tenants.

Landlords have pointed to the Provincial Property Online system as an accessible source of property information. The property base mapping created and maintained for Property Online is already used by HRM as the foundation of the Municipality's online mapping system Explore HRM. While standard Property Online records do not indicate land use or dwelling unit information (supporting documents provided with records may provide detail on both), the system would appear to be a sound foundation on which to build municipal records. More detailed assessment data maintained by the Province and occupancy information collected by the Municipality could arguably be combined to create a publicly accessible record that would

assist HRM with regulation and emergency response, while providing tenants with information to assess landlords and the condition of units offered.

There is no question that licensing will incur costs. Recording rental units and maintaining an up-to-date database will have moderate costs by themselves. Inspection of units, particularly in a comprehensive HRM-wide program, will have substantial costs as all stakeholders acknowledge that additional municipal staff will be required. The absorption of these costs is a concern to both landlords and tenants. Certainly, we can assume that landlords will want to pass the costs on to tenants, which will impact affordability. If landlords cannot pass on costs, the profitability of property rental will suffer and landlords can be expected to withdraw units from the market or reduce the production of new units with consequences not only for affordability but also for availability. The fear of this outcome – particularly its impact on low income and disadvantaged groups – appears to be a major concern for tenants and their representatives for licensing who would otherwise support licensing.

5.2 SUPPORT FOR LICENSING

The main reasons cited to support residential licensing of rental properties were as follows:

- Will create a database recording critical features of rental properties for HRM administrators, emergency responders, and, within confidentiality restrictions, the public
- Offers a proactive, user pay-based approach to provision of inspection services
- Supports regular inspection to ensure the quality of rental accommodations and adherence to minimum standards
- Creates a convenient mechanism for enforcement through escalating fines leading to revocation of a license for repeated violations
- Creates a regulatory mechanism that does not rely on tenant initiative (recognizing that the imbalance between tenant capacities and resources often constrains their relationships with their landlords)
- Enhances tenant health and safety through preventative inspection to address building code deficiencies and maintenance issues, as well as improving the ability of fire and emergency agencies to respond appropriately and effectively
- Provides a tool to mitigate land use conflicts arising from occupancy and operation of rental accommodations as opposed to the inherent features of the land use.

Regulators with HRM are very interested in developing a reliable record of residential occupancy. Fire and Emergency staff, in particular, would highly value reliable information on the number and key features of dwelling units so as to improve their response to calls. The same records would help Planning and Development staff to better regulate occupancy.

Regular inspection would further enhance record-keeping. It would ensure records are up-to-date and would add information on condition and hazards lacking from existing occupancy records. It would also provide a device to support regulation by providing reference information needed to assess compliance and a readily invoked penalty (revocation of a license) in the event of violations.

The ability to assess accommodation without reference to the tenant would be valued by many tenants. Tenants and their representatives argue that they are at a disadvantage in the current complaint-driven system. Proactive inspection by qualified municipal authorities would circumvent the inherent inhibitions of tenants who fear that they will lose their accommodation if they “create trouble” for their landlords. A publicly posted record of landlords including complaints filed against them would also help tenants to avoid bad landlords.

5.3 OPTIONS TO CONSIDER

While support for comprehensive licensing of all rented residential units in HRM is limited, Stantec found consensus among stakeholders on several issues. As noted in the preceding chapter, one participant in our workshop noted that while licensing may not have been supported, it arose from real challenges in HRM's rental housing market. Some of these issues may be addressed through related measures.

Among options to consider:

- *Publicize and Educate* – All stakeholders agreed that education of landlords and tenants concerning their rights and obligations would be beneficial. Notwithstanding that landlords are required to provide their tenants with a copy of the *Residential Tenancies Act* and the existence of advisory documents that tenants can access, most stakeholders agreed that there would be value in a plain language guide describing the Act, tenant rights, and numbers for tenants to call for advice and assistance, most notably HRM's 311 line.⁵¹ IPOANS suggested that they would be willing to see that their members would post numbers offering assistance to tenants inside all units to ensure tenants are aware of the support available to them.⁵²

Although not strictly an education initiative, landlords and others also praised the New Brunswick's recently created ombudsman-style system, through which a Provincially appointed “rentalsman” has been empowered to deal with and resolve tenant complaints. While we have not researched the approach, the description provided by

⁵¹ British Columbia, Residential Tenancy Branch, *A Guide for Landlords & Tenants in British Columbia*, <http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/tools-and-resources/guides> was cited by some participants in our consultation process as a good example.

⁵² Guides are also important to ensure landlords are aware of their obligations to respond to tenant complaints. IPOANS should be encouraged to distribute literature to its members and HRM should maximize awareness among landlords in general, included the many who are not IPANS members.

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Issues Summary
February 12, 2017

stakeholders suggests that it could alleviate many concerns that tenants have with the timeliness and effectiveness of adjudication by the Tenancies Board.

- *Revise Land Use By-laws to Allow Rooming Houses* – Many stakeholders consider rooming houses to be an essential form of accommodation that is particularly valuable to low income tenants and students. Current provisions in HRM's Peninsula Land Use By-law effectively prohibit rooming houses, although the Municipality has grandfathered rooming houses existing as of 2005. Other LUBs do not restrict rooming houses as directly but none appears to facilitate their construction.

The Municipality is currently engaged in a project to coordinate and simplify its land use by-laws. It would be opportune in this context to recognize rooming houses as a legitimate form of housing in zones allowing higher density residential development. A consistent definition of rooming houses could be implemented with standards to ensure livable conditions.

- *Collaboration Between Regulators, Province, Landlords and Tenants* – The consultation undertaken for this project has opened communication between key groups involved in the residential rental market. Maintaining open dialogue would be beneficial to any process that might implement partial or comprehensive licensing of rental properties. Consultation has revealed many concerns among tenants as well as landlords with the potential details of licensing. Implementation of registration as opposed to licensing or the establishment of licensing within a specific geographic area of the Municipality as discussed following would raise many of the same considerations.
- *Registration Only* – A major aim of regulators is to improve records on rental units. Setting up a registry that would collect information without pursuing enforcement would achieve that basic goal. It could provide critical information needed by municipal fire and emergency staff and could assist the Municipality with regulatory functions. Information could be made accessible online, perhaps as a layer in Explore HRM, to help tenants assess potential landlords.

A registry would not include compulsory inspection. It would therefore cost considerably less to implement and maintain, although reliance on landlords to provide and update information would likely not be as effective as data collection through regular inspection by trained municipal staff. It would be important to provide incentives for landlords to register their properties and maintain the required information. Fines are an obvious negative incentive but positive inducements should be considered.

- *Pilot Program* – If HRM is determined to pursue licensing, its rollout will be complex. We would strongly advise the creation of a pilot program limited to a specific geographic area before applying the requirement to the entire region. A pilot program would allow the Municipality to try out and refine an initial concept, and gauge the likely staffing requirements and costs of extending the service to additional areas. A thorough

RESIDENTIAL BUILDING LICENSING MODEL FOR HALIFAX

Issues Summary
February 12, 2017

evaluation after a three to five-year test period would be advisable and staged implementation afterwards might well mitigate the challenges of ensuring effective service.

APPENDIX A LICENSING BY-LAW COMPARISON

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
URL	https://www.hrm.ca/legislation/by-laws/hrm/documents/By-lawM-200.pdf	https://www.london.ca/business/Permits/Licences/Residential/Rental/Pages/Rental.aspx	https://www.oshawa.ca/uplodocs/16/licensingby-law/120-2005.pdf?ts=635738520555490657	http://www.waterloo.ca/uplodocs/94/Doc_636087688400756253.pdf	http://www2.hamilton.ca/NR/rdonlyres/63327BE5-71D5-4E3F-83B5-DB7CBAD2C753/0/Dec11Item61.pdf
Rental Units (2011 Census)	55,850 (36% of dwelling units)	54,885 (37.7%)	16,525 (30.1%)	52,275 (29.4%)	61,645 (31.7%)
Definitions					
Apartment Building		"Apartment Building" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate Dwelling Units but does not include a Converted Dwelling.		Apartment Building means a Building, including a maisonette: (a) containing four (4) or more Dwelling Units; (b) where the Dwelling Units are horizontally separated; and, (c) where each Dwelling Unit has access to a common interior corridor system with a common exit at grade level.	
Applicant	"applicant" means any person who makes application for any license under the provisions of this by-law;	"Applicant" means a person applying for a licence under this By-law;	"Applicant" includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension;		
Bedroom			"Bedroom" means a room or area within a Rental Unit used, designed, equipped or intended for sleeping;	"Bedroom" means a room or area in a Dwelling Unit used, designed, equipped or intended for sleeping;	
Building		"Building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport;	"Building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport;	"Building" means: (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;	"building" means a structure, whether permanent or temporary, containing from one to six dwelling units and includes a building which is a single detached dwelling.

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
				(b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto; or, (c) structures designated in the <i>Building Code</i> .	
Chief Building Official		"Chief Building Official" means the Chief Building Official as appointed by Council pursuant to the Building Code Act;		"Chief Building Official" means the Chief Building Official for the City appointed or constituted under section 3 or 4 of the <i>Building Code Act, 1992</i> , S.O. 1992, c.23, as amended (the " <i>Building Code Act, 1992</i> ");	
Converted Dwelling		"Converted Dwelling" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of Dwelling Units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.			
Dwelling					"dwelling" , except in subsection 31 (5) where it has the ordinary meaning given to the term, means a lodging house or residential care facility both as defined in the City's zoning by-laws.

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
Dwelling Unit	<p>"dwelling unit" means a suite operated as a house keeping unit, used or intended to be used as a domicile by one or more persons containing cooking, eating, sleeping and bathroom facilities, and includes habitable rooms;</p>	<p>"Dwelling Unit" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment.</p>		<p>"Dwelling Unit" means a unit, whether in whole or in part, that: (a) consists of a self-contained set of rooms located in a Building; (b) is used, or is intended to be used, as a residence; and, (c) contains a Kitchen and bathroom facilities.</p>	<p>"dwelling unit" means a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from the outside or the building or from a common interior hallway, vestibule or stairway;</p>
Fire Chief		<p>"Fire Chief" means the Chief of London Fire Services of the City or a person delegated by him or her for the purposes of this By-law;</p>	<p>"Fire Chief" means the Fire Chief of the City of Oshawa Fire Services or the Deputy Fire Chief acting in place of the Chief;</p>		
Gross Floor Area			<p>"Gross Floor Area - Residential" means the area of a floor, measured to the inside of all outside walls enclosing any floor or part of a floor that complies with all applicable law for the shelter, accommodation or enclosure of persons, above which is a clear height of at least two (2) metres and excluding the area of any garage, porch, veranda, sun room or stairwell;</p>	<p>"Gross Floor Area" means the area of a floor, measured to the inside of all outside walls enclosing any floor or part of a floor that complies with all applicable law for the shelter, accommodation or enclosure of persons, above which is a clear height of at least two (2) metres for any floor below grade and above which is a clear height of at least one (1) metre for any floor above grade, excluding the area</p>	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
				of any garage, porch, veranda, sun room or stairwell;	
Habitable Room	"habitable room" means a room designed for or which may be used for living, sleeping, eating or cooking;				"habitable room" means a bedroom, living room, dining room, kitchen, family room, recreation room, basement, bath or shower room, toilet room, laundry room and any other room or space in a dwelling or dwelling unit used for living, eating or sleeping;
Kitchen	(k) "kitchen" means a habitable room containing a sink, storage area(s), a counter or work area(s) and space provided for cooking and refrigeration appliances including suitable electrical or gas connections;			"Kitchen" means a room or area in a Dwelling Unit used, designed, equipped or intended to contain cooking facilities including any two or more of a refrigerator, stove and sink;	
Landlord			"Landlord" includes: (a) each owner of a Rental Unit; (b) each person who permits occupancy of a Rental Unit; and (c) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses (a) and (b);		"landlord" means: (a) a registered owner of a dwelling unit in a building; (b) a person: (i) for the time being managing or receiving rent for a dwelling unit in a building whether on the person's own account or as agent or trustee; or (ii) who would receive rent for a dwelling unit in a building if it were rented;
Licensee		"Licensee" means any person licensed under this By-law;			
License Manager	"License Administrator" means the person or persons designated by the Chief Administrative Officer and includes a	"License Manager" means the Manager of Licensing & Municipal Law Enforcement or his or her designate;			

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	person acting under the supervision and direction of the License Administrator;				
Local Contact				"Local Contact" means an agent or representative of an Owner who does not reside in the Regional Municipality of Waterloo, who is responsible for managing or addressing issues in relation to the Owner's Rental Unit;	"local contact" means an individual who resides in the City of Hamilton and who is authorized by a landlord to act on their behalf with respect to their dwelling unit, including to ensure compliance with this By-law, but does not include a tenant of the dwelling unit;
Lot		"Lot" means a parcel of land which is; (i) shown on a registered plan of subdivision; or (ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Middlesex.	"Lot" means a parcel of land which is: (a) Shown as a lot or block on a registered plan of subdivision; or (b) Described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham.	"Lot" means a parcel of land which is: (a) shown as a lot or block on a registered plan of subdivision; or, (b) described in a single Transfer/Deed of Land that is registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Waterloo;	
Manager of By-law Enforcement		"Manager of By-law Enforcement" means the Manager of Licensing & Municipal Law Enforcement of the City or his or her designate;			
Medical Officer of Health		"Medical Officer of Health" means the Medical Officer of Health for the Middlesex-London District Health Unit or a person delegated by him for the purposes of this By-law;	"Medical Officer of Health" means the Medical Officer of Health of the Durham Regional Health Unit or his representative;	"Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Waterloo or his or her designate(s);	"Medical Officer of Health" means the City's Medical Officer of Health or his or her designate;
Occupant					"occupant" means any person or persons over the age of 18 years in possession of a property;

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
Occupancy					" occupancy " means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
Officer	"Inspector" means a person appointed by the Municipality as a Building Official or a Municipal Fire Inspector;		" Officer " means each person authorized by the City's Inspection By-law 64-2008 as from time to time amended to inspect;	" Municipal Law Enforcement Officer " means an individual appointed by the Council of the City pursuant to s. 15 of the <i>Police Services Act</i> , R.S.O. 1990, c. P. 15, as amended;	" officer " means a person appointed by the City of Hamilton or assigned by the Director to enforce this By-law and, for the purposes of section 26, means a Public Health Inspector or any other person assigned or appointed by the Medical Officer of Health to enforce that section;
Owner	"owner" includes any one or combination of the following as defined in the <i>Halifax Regional Municipality Charter</i> : (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building; (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and (iii) in the absence of proof to the contrary, the person assessed for the property.	"Owner" includes: (i) each owner of a Rental Unit; (ii) each person who permits occupancy of a Rental Unit; and, (iii) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses (i) and (ii).		" Owner " includes a person who, alone or with others, owns premises containing a Rental Unit;	"owner" includes: (i) an owner in fee simple; (ii) the person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on the person's own account, or as agent or trustee of any other person, or who would receive the rent if the property were let; (iii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
Owner Occupied				" Owner Occupied " means occupied by persons holding at least fifty per	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
				cent (50%) of the title to the property as identified in the Ministry of Government and Consumer Services Parcel register;	
Person	(p) "person" means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in subsection 3(bc) of the <i>Halifax Regional Municipality Charter</i> , and includes the heirs, executors or other legal representatives of a person, or owner;		" Person " includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person, and "Persons" has a corresponding meaning;	" person " means an individual, sole proprietorship, partnership, unincorporated association, organization, including a charitable organization, or a corporation;	
Property					" property " means a parcel of land which can be legally conveyed pursuant to the provisions of the <i>Planning Act</i> and does not include road allowance;
Registered Owner					" registered owner " means an owner of a dwelling unit whose interest in the dwelling unit is defined and whose name is specified in the proper land registry office;
Rent			" Rent " includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of	" Rent " includes the amount of any consideration paid or required to be paid for the right to occupy a Dwelling Unit and for any services and facilities and any privilege, accommodation or thing provided in respect of the occupancy of the Rental Unit; and, for greater certainty, "Rent" includes	" rent " includes consideration paid or required to be paid by a tenant to a landlord for the right occupy a dwelling unit when used as a noun and has a corresponding meaning when used as a verb; and

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
			the occupancy of the Rental Unit;	the amount of any such consideration paid or required to be paid by (i) an Owner to another Owner, and (ii) by a shareholder of a corporate Owner to the corporate Owner or another Owner;	
Rental Area			"Rental Area" means each Lot that abuts or is accessed from any of the roads or parts of roads specified in section 9 of Schedule "K" to this Licensing By-law as depicted in the sketch in section 10 of Schedule "K" to this Licensing By-law provided that in the event of any conflict between the said sections 9 and 10, the said section 9 shall prevail;		
Rental Property		"Rental Property" includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate.	"Rental Property" includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate;		
Rental Unit		"Rental Unit" means a Building or part of a Building: (i) consisting of one or more rooms; (ii) containing toilet and cooking facilities; (iii) designed for use as a single housekeeping establishment; and (iv) used or intended for use as a rented residential premises.	"Rental Unit" means a Building or part of a Building: (a) consisting of one or more rooms; (b) containing toilet and cooking facilities; and (c) designed for use as a single housekeeping establishment;	"Rental Unit" means a Dwelling Unit offered for Rent;	
Residential Rental Business				"Residential Rental Business" means the operation of a Rental Unit;	
Rooming, Boarding, and Lodging House	"rooming, boarding, and lodging house" means any building in which four				

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	(4) or more rooms providing occupancy are rented for remuneration as separate units of residential accommodation whether or not meals or kitchen facilities are provided, but does not include: (i) apartment buildings or multiple unit dwellings as defined by various Land Use By-laws of the HRM; or (ii) a hotel licensed under the <i>Hotel Regulations Act</i> ; an institution licensed under the <i>Homes for Special Care Act</i> or any other general or special Act.				
Stacked Townhouse		"Stacked Townhouse" means a building designed to contain three or more Dwelling Units attached side by side, two units high, with each Dwelling Unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.			
Townhouse		"Townhouse" means a building divided vertically into three or more attached Dwelling Units by common walls extending from the base of the foundation to the roof line, each Dwelling Unit having a separate entrance at grade, and so located on a lot that individual units may not			

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
		have legal frontage on a public street.			
Tenant		"Tenant" includes a person who pays rent in return for the right to occupy a Rental Unit and includes the person's heirs, assigns (including subtenants) and personal representatives.	"Tenant" includes a person who pays Rent in return for the right to occupy a Rental Unit and includes the person's heirs, assigns (including subtenants) and personal representatives;	"Tenant" means a person who pays rent or is required to pay Rent in return for a right to occupy a Rental Unit;	"tenant" includes a person who pays rent to a landlord for the right to occupy a dwelling unit.
Specifications					
Prohibitions	<p>Licensing Requirements</p> <p>30. (1) No person shall operate a rooming, boarding and lodging house in the Municipality which is not validly licensed under this By-law.</p> <p>(2) No license granted under the provisions of this By-law shall be assigned or transferred by the person to whom it is issued.</p> <p>(3) Every application for a license and license renewal to operate a rooming, boarding and lodging house shall be submitted to the License Administrator on the appropriate application form, together with appropriate fee as prescribed by Administrative Order 15, and such application shall include the following documentation and information:</p> <p>(a) the name home and business street address and the telephone number of the applicant, and the name and street</p>	<p>2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-law.</p> <p>2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.</p> <p>2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.</p> <p>2.4 No person shall operate a Rental Unit while their licence issued under this By-law is under suspension.</p>	<p>2.1 Without limiting paragraph 3(a) of this By-law and subject to section 2 of this Schedule, no person shall permit the promotion or advertising of a Rental Unit as being available for occupancy or permit to be offered to any person a right to occupy a Rental Unit except a Rental Unit in respect of which a licence has been issued pursuant to this By-law.</p>	<p>2.1 No person shall do any of the following, except in accordance with a licence issued under this by-law:</p> <p>(a) carry on a Residential Rental Business;</p> <p>(b) permit a person to carry on a Residential Rental Business;</p> <p>(c) collect Rent, or permit Rent to be collected, for a Rental Unit; or,</p> <p>(d) hold themselves out as being licensed to carry on a Residential Rental Business.</p> <p>2.2 No person shall do any of the following, other than at a location for which a licence has been issued under this by-law:</p> <p>(a) carry on a Residential Rental Business;</p> <p>(b) permit a person to carry on a Residential Rental Business; or,</p> <p>(c) hold themselves out as being licensed to carry on a Residential Rental Business.</p> <p>2.3 No person shall do any of the following, under a name other than the name under which a licence has</p>	<p>No person shall rent out or offer to rent out a dwelling unit in a building without a licence issued under this Schedule.</p>

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	<p>address and the telephone number of the owner(s), if other than the applicant;</p> <p>(b) the written consent of the owner of the rooming, boarding or lodging house, if other than the applicant;</p> <p>(c) address of the rooming, boarding and lodging house for which the license is sought;</p> <p>(d) in the event that the applicant does not reside permanently in the Municipality, the name and signed consent of a person 19 years of age or over who will reside permanently in the Municipality as agent of the applicant for purposes of this By-law;</p> <p>(e) maximum number of occupants and number of rooms available for such purposes;</p> <p>(f) number of bathrooms in the premises;</p> <p>(g) location and capacity of rooms to be used for dining purposes, and</p> <p>(h) a floor plan in duplicate of such premises showing measurements and designation of each room, provided that it shall not be necessary to submit such floor plan if the application is for a renewal of a license held in the previous year for</p>			<p>been issued under this by-law:</p> <p>(a) carry on a Residential Rental Business;</p> <p>(b) permit a person to carry on a Residential Rental Business; or,</p> <p>(c) hold themselves out as being licensed to carry on a Residential Rental Business.</p> <p>2.4 No person shall do any of the following, except in accordance with the provisions as set out in this by-law:</p> <p>(a) carry on a Residential Rental Business;</p> <p>(b) permit a person to carry on a Residential Rental Business;</p> <p>(c) collect Rent, or permit Rent to be collected, for a Rental Unit; or,</p> <p>(d) hold themselves out as being licensed to carry on a Residential Rental Business.</p> <p>2.5 No person shall transfer or assign a licence issued under this by-law.</p> <p>2.6 No person shall provide false or misleading information to the City when applying for a licence under this by-law, renewing a licence or at any other time.</p>	

Item	HRM	London	Jurisdiction Oshawa	Waterloo	Hamilton*
	<p>the same premises, and if such application states that there has been no change in number, location, size and use of the rooms in such premises since the time of issue of the former license.</p> <p>(4) If the application complies with the provisions of this By-law and with all other relevant by-laws of the Municipality, the License Administrator shall issue a license specifying the number of rooms available and maximum number of occupants permitted.</p> <p>(5) The license shall be valid for two (2) years from date of issuance.</p> <p>(6) Every license issued hereunder shall be displayed in a prominent place in the main entranceway of the premises for which it is issued.</p> <p>(7) No application shall be approved and any license already issued shall be revoked if the License Administrator determines that:</p> <p>(a) any material information contained in the application is false or is incomplete in any respect;</p> <p>(b) the premises for which the application is filed do</p>				

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	not comply with the provisions of this By-law; (c) the rooming, boarding and lodging house is operated in a manner contrary to this By-law; or (d) the rooming, boarding and lodging house is in violation of any other By-law affecting such premises or is in violation of the <i>Health Protection Act</i> or any regulation thereunder.				
Application of By-law	<p>1. (1) This By-law shall be known as "By-law M-200" and shall be cited as the "Standards For Residential Occupancies By-law." It shall apply to all residential occupancies within Halifax Regional Municipality.</p> <p>(2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Municipality, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.</p>	<p>This By-law shall not apply to:</p> <p>(a) a Rental Unit in an Apartment Building, a Stacked Townhouse or a Townhouse;</p> <p>(b) a Rental Unit that meets all of the following conditions:</p> <p>(i) the Rental Unit constitutes the principle residence of the registered owner;</p> <p>(ii) the Rental Unit is temporarily rented by the registered owner for a period of time no greater than 12 consecutive months in any 24 month period;</p> <p>(iii) the Rental Unit was occupied by the registered owner immediately prior to its rental;</p> <p>(iv) the registered owner of the Rental Unit is temporarily living outside of the Municipality; and,</p> <p>(v) the registered owner intends to reoccupy the Rental Unit upon termination of the temporary rental.</p>	<p>1. Subject to section 2 of this Schedule, this Schedule applies to the Rental Area. (20-2008)</p> <p>2. This Schedule does not apply to</p> <p>(a) a "housing project" as that term is defined in the Housing Services Act, 2011, S.O. 2011, c. 6, Schedule 1; or to (69-2013)</p> <p>(b) a Rental Unit that is occupied by all owners of the Rental Unit as their sole residence and in which no more than two (2) Bedrooms are occupied by Tenants.</p>	<p>2.7 Notwithstanding any other provision in this by-law to the contrary, a licence to carry on a Residential Rental Business shall not be required for:</p> <p>(a) a Tenant subletting a Rental Unit provided that:</p> <p>(i) the Owner of the Rental Unit has obtained a licence for the Rental Unit in accordance with this by-law; and,</p> <p>(ii) the Tenant has submitted to the City the form prescribed by the Director.</p> <p>(b) a student residence operated by a University or College and zoned "BI" under the relevant Zoning By-Law;</p> <p>(c) an Apartment Building;</p> <p>(d) a Group Home;</p> <p>(e) a hotel, inn or bed and breakfast; or,</p> <p>(f) a Rental Unit to which any of the following statutes, or their regulations, apply:</p>	<p>This Schedule does not apply to:</p> <p>(a) a bed and breakfast, hotel or motel as defined in Schedule 3 of this By-law;</p> <p>(b) a lodging house as defined in Schedule 9 of this By-law;</p> <p>(c) a residential care facility as defined in Schedule 20 of this By-law;</p> <p>(d) a dwelling unit to which any of the following Acts or their regulations apply:</p> <p>(i) Homes for Special Care Act;</p> <p>(ii) Long Term Care Homes Act, 2007; or</p> <p>(iii) Social Housing Reform Act, 2000.</p>

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
				(i) the <i>Homes for Special Care Act</i> , R.S.O. 1990, c. H.12, as amended; (ii) the <i>Innkeepers Act</i> , R.S.O. 1990, c. 17, as amended; (iii) the <i>Long-Term Care Homes Act, 2007</i> , S.O. 2007, c. 8, as amended; (iv) the <i>Retirement Homes Act, 2010</i> , S.O. 2010, c. 11, as amended; and, (v) the <i>Social Housing Reform Act, 2000</i> , S.O. 2000, c. 27, as amended; (g) social housing or affordable housing that is not subject to <i>Social Housing Reform Act, 2000</i> , S.O. 2000, c. 27, as amended, but which is subject to an agreement with the Regional Municipality of Waterloo and which has been approved for exemption by the Director.	
Administration	29. The License Administrator is authorized and empowered to: (1) grant a license; (2) refuse to grant a license; (3) revoke a license; and (4) issue the owner a Notice to comply with this By-law;	License administration is done through the Licence Manager who has the power to: receive and process applications; issue licenses; impose terms and conditions; and, refuse to issue or renew a license or revoke or suspend a license	Sets out fees; requirements for posting of licences		Issuer of Licences is authorized to prescribe the format and content of any forms or other documents required under this Schedule.
Applications	30. (3) Every application for a license and license renewal to operate a rooming, boarding and lodging house shall be submitted to the License Administrator on	Every application may be subject to investigations by and comments or recommendations from the municipal or provincial department or agencies as the Licence Manager	3. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence unless the application is submitted on	There shall be six (6) types of licences to carry on a Residential Rental Business under this by-law: (a) Class "A" licences, more particularly described in Schedule 1 of this by-law,	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	<p>the appropriate application form, together with appropriate fee as prescribed by Administrative Order 15, and such application shall include the following documentation and information:</p> <p>(a) the name home and business street address and the telephone number of the applicant, and the name and street address and the telephone number of the owner(s), if other than the applicant;</p> <p>(b) the written consent of the owner of the rooming, boarding or lodging house, if other than the applicant;</p> <p>(c) address of the rooming, boarding and lodging house for which the license is sought;</p> <p>(d) in the event that the applicant does not reside permanently in the Municipality, the name and signed consent of a person 19 years of age or over who will reside permanently in the Municipality as agent of the applicant for purposes of this By-law;</p> <p>(e) maximum number of occupants and number of rooms available for such purposes;</p> <p>(f) number of bathrooms in the premises;</p>	<p>deems necessary including but not limited to:</p> <p>(a) the Chief Building Officer</p> <p>(b) the Manager of Licensing & Municipal Law Enforcement</p> <p>(c) the Fire Chief; and,</p> <p>(d) the Medical Officer of Health.</p>	<p>forms approved by the Director and includes, for each Rental Unit, the following:</p> <p>(a) the name, municipal address, telephone number of each Landlord;</p> <p>(b) the municipal address and legal description of the Rental Unit;</p> <p>(c) if a Landlord is a corporation, the name, address and telephone number of each director, officer and shareholder;</p> <p>(d) if a Landlord is a partnership, the name address and telephone number of each partner;</p> <p>(e) the number of Bedrooms;</p> <p>(f) a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and</p> <p>(g) each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.</p>	<p>which are required for all Rental Units that are not covered by any other Classes in this section;</p> <p>(b) Class "B" licences, more particularly described in Schedule 2 of this by-law, which are required for all Rental Units on residential rental properties that are Owner Occupied except those Rental Units for which another class of licence has been obtained;</p> <p>(c) Class "C" licences, more particularly described in Schedule 3 of this by-law, which are required for all Rental Units with five (5) or more bedrooms;</p> <p>(d) Class "D" licences, more particularly described in Schedule 4 of this by-law, which are required for all recognized lodging houses;</p> <p>(e) Class "E" licences, more particularly described in Schedule 5 of this by-law, which are required for all temporary Rental Units; and,</p> <p>(f) Class "Z" licences, more particularly described in Schedule 7 of this by-law, which are required for all Rental Units in Buildings that contain four (4) or more Dwelling Units, where the Dwelling Units are horizontally separated."</p>	

Item	HRM	Jurisdiction			
		London	Oshawa	Waterloo	Hamilton*
	(g) location and capacity of rooms to be used for dining purposes, and (h) a floor plan in duplicate of such premises showing measurements and designation of each room, provided that it shall not be necessary to submit such floor plan if the application is for a renewal of a license held in the previous year for the same premises, and if such application states that there has been no change in number, location, size and use of the rooms in such premises since the time of issue of the former license.				
License	30. (4) If the application complies with the provisions of this By-law and with all other relevant by-laws of the Municipality, the License Administrator shall issue a license specifying the number of rooms available and maximum number of occupants permitted. (5) The license shall be valid for two (2) years from date of issuance.	Issuance – identifies what information will be included on the face of the license	Issuance – identifies what information will be included on the face of the license		
Conditions	30. (7) No application shall be approved and any license already issued shall be revoked if	Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to	Cannot transfer or assign a license issued under the by-law. No vested right in the licence.	Inspection 8.1 The City may enter on land at any reasonable time for the purpose of carrying out an inspection to	Duties of Landlord Every landlord shall: (a) post inside the front entrance to each dwelling unit in a conspicuous place:

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	<p>the License Administrator determines that:</p> <p>(a) any material information contained in the application is false or is incomplete in any respect;</p> <p>(b) the premises for which the application is filed do not comply with the provisions of this By-law;</p> <p>(c) the rooming, boarding and lodging house is operated in a manner contrary to this By-law; or</p> <p>(d) the rooming, boarding and lodging house is in violation of any other By-law affecting such premises or is in violation of the Health Protection Act or any regulation thereunder.</p>	<p>hold and renewing a licence all of which shall be performed and observed by the Applicant or the Licensee:</p> <p>(a) the Applicant or Licensee shall pay all license fees and inspection fees related to this By-law in accordance with the applicable fees and charges by-law, as may be passed and amended by the Council from time to time;</p> <p>(b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the City;</p> <p>(c) the Applicant or Licensee shall allow, at any reasonable time and when permitted by law, the City to inspect the Rental Unit and the Rental Property;</p> <p>(d) the Applicant or Licensee shall ensure that the Rental Unit and the Rental Property are not constructed or equipped so as to hinder the enforcement of this By-law;</p> <p>(e) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, shall not afford reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the Rental Unit in accordance with the</p>	<p>In addition to other requirements of the Licensing By-law, each of the following is a condition as a requirement of continuing to hold a licence in respect of a Rental Unit:</p> <p>(a) subject to paragraph 7(b) of this Schedule, the number of Bedrooms in the Rental Unit does not exceed four (4);</p> <p>(b) "the number of Bedrooms in a Rental Unit on a Lot within the Rental Area – Simcoe Street Corridor does not exceed five (5)";</p> <p>(c) intentionally deleted</p> <p>(d) no more than 40% of the Rental Unit's Gross Floor Area - Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;</p> <p>(e) no room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;</p> <p>(f) no more than 40% of the Gross Floor Area – Residential of the Rental Unit's ground floor may be comprised of Bedrooms;</p> <p>(g) each Tenant is a party to a written tenancy agreement with a Landlord;</p>	<p>determine whether or not the following are being complied with:</p> <p>(a) this by-law;</p> <p>(b) a condition of a licence issued this by-law; or,</p> <p>(c) an order made under s. 431 of the <i>Municipal Act, 2001</i>.</p> <p>8.2 For the purposes of conducting an inspection pursuant to s. 8.1 of this by-law, the City may, in accordance with the provisions of s. 436 of the <i>Municipal Act, 2001</i>:</p> <p>(a) require the production for inspection of documents or things relevant to the inspection;</p> <p>(b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;</p> <p>(c) require information from any person concerning a matter related to the inspection; and,</p> <p>(d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.</p> <p>8.3 No person exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a dwelling unless:</p>	<p>(i) a current licence; and</p> <p>(ii) a legible notice stating the name of the landlord or the landlord and the local contact and the telephone number where such landlord or the landlord and the local contact can be contacted immediately;</p> <p>(b) ensure that every advertisement of a dwelling unit for rent includes the current licence number and that the current licence number is either legible or clearly audible depending on the advertising medium used;</p> <p>(c) ensure that the property where a dwelling unit is located, including the building containing the dwelling unit and the dwelling unit, meets all requirements of the <i>Building Code Act, 1992</i> and its regulations, the <i>Fire Protection and Prevention Act, 1997</i> and its regulations and any applicable by-law including any zoning by-law;</p> <p>(d) ensure that the measures in the maintenance plan under subsection 5(c) are implemented; and</p> <p>(e) not cause, directly or indirectly, a tenant to refuse to consent to lawful entry and inspection of the property where a dwelling unit is located, including the building containing the</p>

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
		<p>law or with honesty or integrity;</p> <p>(f) the Rental Unit and Rental Property shall be in accordance with the requirements of the <i>Building Code Act</i> and the Regulations thereunder, the <i>Fire Protection and Prevention Act, 1997</i> and the Regulations thereunder, and the City's Property Standards By-law CP-16;</p> <p>(g) where the Rental Unit or Rental Property is altered and a building permit is required to carry out the alterations, the Rental Unit and Rental Property, as altered, shall be in accordance with the <i>Building Code Act</i> and the Regulations thereunder, the <i>Fire Protection and Prevention Act, 1997</i> and the Regulations thereunder, and the City's Property Standards By-law CP-16;</p> <p>(h) the use of the Rental Unit and Rental Property is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;</p> <p>(i) the Applicant or Licensee shall not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit or Rental Property for the purpose of determining compliance with this By-law;</p>	<p>(h) a Landlord does not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with the Licensing By-law;</p> <p>(i) a Landlord notifies the Director in writing within two (2) days of any change to any information provided pursuant to sections 3 and 4 of this Schedule;</p> <p>(j) a legible copy of the licence and floor plan submitted pursuant to paragraph 4(c) of this Schedule are posted and maintained prominently and visibly within one (1) metre of the interior of the Rental Unit's main entrance door.</p> <p>(k) a Landlord maintains insurance respecting the Rental Unit that:</p> <p>i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;</p> <p>ii) identifies the use as residential rental; and that</p> <p>iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;</p> <p>(l) the Landlord and the Rental Property comply with all applicable law including</p>	<p>(a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the <i>Municipal Act, 2001</i>, a warrant issued under section 439 of the <i>Municipal Act, 2001</i> or a warrant under section 386.3 of the <i>Municipal Act, 2001</i>;</p> <p>(b) an order issued under section 438 of the <i>Municipal Act, 2001</i> is obtained;</p> <p>(c) a warrant issued under section 439 of the <i>Municipal Act, 2001</i> is obtained;</p> <p>(d) a warrant issued under section 386.3 of the <i>Municipal Act, 2001</i> is obtained;</p> <p>(e) the delay necessary to obtain an order under section 438 of the <i>Municipal Act, 2001</i>, to obtain a warrant under section 439 of the <i>Municipal Act, 2001</i> or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person; or,</p> <p>(f) the City has given notice of its intention to enter to the occupier of the land as required under subsection 435(2) of the <i>Municipal Act, 2001</i> and the entry is authorized under sections 79, 80 or 446 of the <i>Municipal Act, 2001</i>.</p>	<p>dwelling unit and the dwelling unit.</p>

Item	HRM	Jurisdiction			
		London	Oshawa	Waterloo	Hamilton*
		<p>(j) if the Applicant or Licensee is a partnership or a corporation, any change in the composition of the partnership or of the officers and/or directors of the corporation shall be reported to the Licence Manager within ten (10) days;</p> <p>(k) the Licensee shall ensure that a legible copy of the license issued under this By-law is posted and maintained in a prominent and visible position inside the Rental Unit near the front entrance.</p> <p>The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City. Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Property. No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.</p>	<p>i) the Health Protection and Promotion Act (Ontario) and its regulations;</p> <p>ii) the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations;</p> <p>iii) the Electrical Safety Code, O.Reg. 164/99;</p> <p>iv) the Building Code Act, 1992 (Ontario) and its regulations;</p> <p>v) the City's Zoning By-law 60-94, as amended;</p> <p>vi) the City's Property Standards By-law 1-2002, as amended;</p> <p>vii) the City's Lot Maintenance By-law 127-2007;</p> <p>viii) the City's Snow and Ice Removal By-law 92-2009, as amended;</p> <p>ix) the City's Unauthorized Parking By-law 97-2009, as amended; and</p> <p>x) the City's Waste Collection By-law 113-2008.</p> <p>(m) no fine, administrative penalty or fee is owed to the City by any Landlord;</p> <p>(n) the Landlord and the Rental Property comply with the maintenance plan submitted pursuant to paragraph 4 (d) of this Schedule; and</p> <p>(o) no vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan submitted pursuant to paragraph 4 (e) of this Schedule.</p>	<p>8.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.</p> <p>(a) A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of section 8.4 unless the City is acting under an order under section 438 of the <i>Municipal Act, 2001</i> or a warrant under section 439 of the <i>Municipal Act, 2001</i> or in the circumstances described in clause 437 (d) or (e) of the <i>Municipal Act, 2001</i>.</p> <p>Order to Discontinue Activity</p> <p>9.1 Where the Director has reasonable grounds to believe that a contravention of this by-law has occurred, the Director may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.</p> <p>9.2 An order under s. 9.1 of this by-law shall set out:</p> <p>(a) reasonable particulars of the contravention adequate to identify the</p>	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
		<p>The Licensee shall notify the Licence Manager of any change in ownership of the Rental Unit or Rental Property and shall surrender his, her or its licence to the Licence Manager within seventy-two (72) hours of the completion of such change</p> <p>All licence fees and inspection fees related to this By-law shall be paid in accordance with the applicable fees and charges by-law, as may be passed and amended by the Council from time to time, and such licence fees and inspection fees paid shall be non-refundable;</p>	<p>A demerit point system is established as follows, without prejudice to options otherwise available to enforce this By-law:</p> <p>(a) The number of demerit points referenced in the second column of the table at paragraph (e) of this section ("Demerit Point Schedule") will be assessed against a Rental Unit in respect of the by-laws or specific parts of such by-laws in the same row of the first column of the Demerit Point Schedule upon each occurrence of any of the following events respecting a contravention of the by-law or specific part of such by-law respecting such Rental Unit:</p> <p>(i) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;</p> <p>(ii) the confirmation of an administrative penalty; or</p> <p>(iii) the confirmation of an administrative order.</p> <p>TRACKING</p> <p>(b) Demerit points will remain in effect until the second (2nd) anniversary of the date on which the demerit points were assessed.</p> <p>REMEDY CLAUSE? ---→</p> <p>(c) If the total of all demerit points in effect respecting a Rental Unit is at least seven (7), the Director may, on no</p>	<p>contravention and the location of the land on which the contravention occurred; and,</p> <p>(b) the date by which there must be compliance with the order.</p> <p>9.3 Any person who contravenes an order under s. 9.1 of this by-law is guilty of an offence.</p> <p>Work Order</p> <p>10.1 Where the Director has reasonable grounds to believe that a contravention of this by-law has occurred, the Director may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.</p> <p>10.2 An order under s. 10.1 of this by-law shall set out:</p> <p>(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,</p> <p>(b) the work to be done and the date by which the work must be done.</p> <p>10.3 An order under s. 10.1 of this by-law may require work to be done even though the facts which</p>	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
			<p>fewer than three (3) days' notice to the Landlord, require the Landlord to attend a meeting with the Director on the date, at the place and for the period specified by the Director. If the Landlord fails to attend or to remain at the meeting, the Director may, on no fewer than seven (7) days' notice to the Landlord, require the Landlord to attend a hearing before the Hearings Officer pursuant to section 14 of this By-law.</p> <p>(d) If the total of all demerit points in effect respecting a Rental Unit is at least fifteen (15), the Director may, on no fewer than seven (7) days' notice to the Landlord, require the Landlord to attend a hearing before the Hearings Officer pursuant to section 14 of this By-law.</p> <p>(e) Oshawa's demerit schedule is attached as Schedule "1" to this chart.</p>	<p>constitute the contravention of this by-law were present before this by-law came into force.</p> <p>10.4 Any person who contravenes an order under s. 10.1 of this by-law is guilty of an offence. Remedial Action If a person fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.</p> <p>11.2 The costs outlined in s. 11.1 of this by-law shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.</p> <p>11.3 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry</p>	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
				office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.	
Powers of License Manager	Powers of License Administrator 29. The License Administrator is authorized and empowered to: (1) grant a license; (2) refuse to grant a license; (3) revoke a license; and (4) issue the owner a Notice to comply with this By-law;	This section sets out the power of the LM to issue, renew, revoke or suspend a license and identifies the grounds under which the LM would make the determination.	Sets out the right of the Director to accept application and the conditions under which the Director may refuse to grant an application.	The Director has the power to make decision respecting whether to issue or not, renew, revoke or suspend a licence.	
Hearings	31. The owner may appeal the License Administrator's decision to refuse to issue a license or revocation of an existing license to the Appeals Committee within seven (7) days of being notified of the decision.	Any appeal of a decision of the LM would be heard by the City's Hearings Officer (established by by-law)	An appeal of the decision of the Director to not issue a licence will be heard by the City's Hearings Officer. The Hearings Officer may also revoke, suspend or impose conditions on a license. Also requires that the owners of lots within 30 meters of the Rental Property are provided with 7 days' notice of any hearing/review and are given an opportunity to be heard.	An appeal of the decision of the Director may be made to the Licensing Appeal Tribunal.	

Item	HRM	Jurisdiction			
		London	Oshawa	Waterloo	Hamilton*
Enforcement	<p>Orders by the Inspector</p> <p>32.(1) If after an inspection, the Inspector is satisfied that in some respect the building does not conform to the standards prescribed in this By-law, the Inspector:</p> <p>(a) shall serve or cause to be served to the owner(s) of the property, an Order to Comply; and</p> <p>(2) Every Order to Comply shall contain:</p> <p>(a) the standards to which the building does not comply;</p> <p>(b) the date after which the building will be subject to a re-inspection to confirm compliance with the Order to Comply; and</p> <p>(c) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the re-inspection.</p>	<p>Enforcement may be by municipal law enforcement officer or London Police Service officer</p> <p>No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.</p>		<p>Enforcement may be carried out by Municipal Law Enforcement Officers, Building Inspectors, the Medical Officer of Health or a Police Officer</p>	
Penalty	<p>Penalties</p> <p>40. (1) Failure to meet each and every standard specified in this By-law shall constitute a separate and distinct offence.</p> <p>(2) Every person who violates or fails to comply with any of the provisions of this By-law shall be liable, upon summary conviction, to a penalty of not less than One Hundred Dollars (\$100)</p>	<p>Sets out the penalty provisions</p>	<p>Sets out penalty provisions.</p>	<p>Sets out penalty provisions</p>	

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	<p>and not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding two (2) months.</p> <p>(3) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued.</p>				
Severability		Includes a provision to sever any portion of the by-law that may be declared illegal or inoperative by a court or tribunal.	Severability clause included.	Severability provision included	
General	<p>General Duties and Obligations</p> <p>3. The standards of this By-law are minimum standards.</p> <p>4. The owner of a building shall maintain the building to the standards as provided in this Bylaw.</p>		Can't advertise rental without a licence: Without limiting paragraph 3(a) of this By-law and subject to section 2 of this Schedule, no person shall permit the promotion or advertising of a Rental Unit as being available for	As there are 6 classes of licence, the conditions for each class are set out in the scheduled attached to the by-law.	No licence holder under this Schedule shall change or cause a change to be made to a premises plan or maintenance plan without first obtaining the approval of the Issuer of Licences.

Item	Jurisdiction				
	HRM	London	Oshawa	Waterloo	Hamilton*
	5. Notwithstanding section 4, the owner of a building shall maintain the building to at least the standard to which it was required to be built, unless otherwise specified in this By-law.		occupancy or permit to be offered to any person a right to occupy a Rental Unit except a Rental Unit in respect of which a licence has been issued pursuant to this By-law.		

Attachment B

Policy	Amendment	Rationale / Comment
1 Make violations public by putting them in open data		This would include violations that apply to buildings / properties. Access and Privacy is in favour of this option. It will improve our transparency which is important to owners and tenants.
2	Require all rentals to register	Transparency and fairness is important. This will ensure all rentals are included under the new rules.
3	Require registered units to disclose building characteristics	# Floors, # rooms, safety systems, etc. are all important factors in how buildings are classified, prioritized, and regulated.
4	Require out-of-province owners to designate a local representative	This is an issue that slows our ability to regulate as, we don't require this right now. Any legal action or voluntary compliance takes much longer when the owner is in Ontario, for example.
5	Require proof of insurance	Owners need to protect tenants by carrying liability insurance, as a minimum.
6	Require proof that an HRM created education package is given to tenants	Tenants need to know their rights under the By-law and also how to be a good neighbour in their community.
7	Require certain information be posted in prominent location	The process for making a complaint could go here. Also the minimum requirements for smoke alarms, how often they need to be checked, etc.
8	Require owner to report any changes from what is on registry	If the building characteristics change, we need to update the registry to ensure it remains accurate.
9 Allow a grace period for owners to register		Time needs to be provided to give owners an opportunity to prepare their information and become compliant with rules.
10 Initiate media campaign to alert owners of By-law changes		We need to make a strong effort to reach the owners. Some buildings may need to upgrade some safety systems (smoke alarms, for example)
11 Track, prioritize, and inspect based on data in registry		Evidence based decision making is a key corporate value.
12 Accept, record, and act upon third party complaints		Currently, we only act on complaints from a tenant because that is how we gain access. The new rules allow proactive inspections which is how third party complaints will be acted upon.
13 When issues are found in one unit, order them corrected in all units		A building could have an old, broken bathroom fan in one unit, and our current practice is to order it fixed in that unit. We need to Order all of the fans are checked and repaired.
14	Adjust fines so they escalate for repeat offenders	This will help achieve compliance.
15 Accept complaints from community groups		While not tenants, community groups such as ACORN can provide valuable insight to problem properties.
16 Share collected data with Halifax Fire Operations		For improved safety.
17	Remove rooming house / lodging house / boarding house	The Single Room Occupancy (SRO) will replace these definitions. It may also help with the negative stigmatism association with them.

Policy	Amendment	Rationale / Comment
18	Add Single Room Occupancy (SRO) definition to By-law	This will be used to define buildings previously classified as rooming houses but has the added benefit of including other uses such as converted dwellings with multiple renters.
19	Create regulations for SRO	SRO's have slipped through the cracks. They are a risk area that need attention through better safety rules.
20	Adapt special safety rules for 1, 2, and 3 unit buildings	These buildings do not receive regular inspections under the Fire Safety Act. They will benefit from the adaption of rules formerly applied to Rooming Houses. For example, requirements for smoke/CO alarm installations.
22	Inspections will verify all information provided by registered owner	The registry needs to be accurate to be useful.
23	Disclosed number of units checked against approved number of units	This will ensure buildings are not exceeding their allotments.
24	Create new requirements to control the buildings design and appearance	This may help prevent unsightly property complaints and help converted dwellings blend in with the neighbourhood.
25	Focus on buildings with a history of violations	Evidence based decision making is a key corporate value.
26	Define "good standing"	This provides a rule to follow. It could be a regulatory tool to ensure compliance as it would be another violation and another fine.
27	Cost recovery for emergency services	Owners or tenants who create or endorse activities could be accountable for costs relating to emergency services.
28	Increase inspection frequency on problem and high risk buildings	Evidence based decision making is a key corporate value.
29	Assign additional resources to program	More resources are needed to conduct proactive inspections.