



Planning & Strategic Initiatives Committee Agenda

Monday, June 3, 2024, 5:30 p.m. - 7:30 p.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

People interested in participating in this meeting can register online using the delegation registration form at www.kitchener.ca/delegation or via email at delegation@kitchener.ca. Please refer to the delegation section on the agenda below for in-person registration and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

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Chair: Councillor P. Singh

Vice-Chair: Councillor D. Chapman

Pages

1. Commencement

2. Disclosure of Pecuniary Interest and the General Nature Thereof

Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared, please visit www.kitchener.ca/conflict to submit your written form.

3. Consent Items

The following matters are considered not to require debate and should be approved by one motion in accordance with the recommendation contained in each staff report. A majority vote is required to discuss any report listed as under this section.

3.1 Culture and Entertainment - Delegated Authority for Talent Purchases and Agreements, DSD-2024-259

4. Delegations

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 3:30 p.m. on June 3, 2024, in order to participate electronically.

4.1 None at this time.**5. Discussion Items**

5.1	Shared Accommodation By-law, COR-2024-233	45 m	19
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(Staff will provide a 10-minute joint presentation related to Item 5.1 Shared Accommodation By-law and Item 5.2 City-wide Lodging House Review.)

5.2	Supplemental Report to DSD-2023-446, City-wide Lodging House Review, DSD-2024-249	30 m	59
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(Please be advised this matter was previously considered at the Planning and Strategic Initiatives Committee meeting on October 30, 2023, as well as the Council Meeting on November 6, 2023, and was referred to a Standing Committee of Council, to allow consideration of the Official Plan and Zoning amendments to be considered concurrently with a new Lodging House Licensing By-law.)

6. Public Hearing Matters under the Planning Act (advertised)

This is a formal public meeting to consider applications under the Planning Act. If a person or public body does not make oral or written submissions to the City of Kitchener before the proposed applications are considered, the person or public body may not be entitled to appeal the decision to the Ontario Land Tribunal and may not be added as a party to a hearing of an appeal before the Ontario Land Tribunal.

6.1 None.**7. Information Items**

7.1	Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update, DSD-2024-244		103
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8. Adjournment

Marilyn Mills
Committee Coordinator

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 3, 2024

SUBMITTED BY: Cory Bluhm, Executive Director, Economic Development (ext. 7065)

PREPARED BY: Jeremy Dueck, Director, Culture & Entertainment (ext. 5264).

WARD(S) INVOLVED: ALL

DATE OF REPORT: March 16, 2024

REPORT NO.: DSD-2024-259

SUBJECT: Delegated Authority for Talent Purchases and Other Agreements

RECOMMENDATION:

That the Director of Culture & Entertainment, Manager of Special Events, Manager of Arts & Creative Industries, and Manager of Downtown Development and Innovation be authorized to execute legal agreements relevant to the business functions of the Culture & Entertainment division, in accordance with the approval parameters set out in DSD-2024-259, with said agreements to be to the satisfaction of the City Solicitor; and further,

That the Director of Culture & Entertainment be authorized to execute sponsorship agreements, pertaining to Culture & Entertainment, in accordance with the approval parameters set out in DSD-2024-259, with said agreements to be to the satisfaction of the City Solicitor.

REPORT HIGHLIGHTS:

- The purpose of this report is to modify existing delegated authority provisions related to executing legal agreements relevant to the Culture & Entertainment division – Arts & Creative Industries, Special Events, and the Centralized Service Provider (i.e., supporting City-owned culture and entertainment venues).
- The key finding of this report is that the Director of Culture & Entertainment and various managers within Economic Development should be added to the roster of authorized individuals to execute the following agreements within the scope of the Culture & Entertainment division: talent offers and purchase agreements, special event and performer agreements, and sponsorship agreements. All said agreements to be to the satisfaction of the City Solicitor.
- Extending authority for these key legal agreements improves staff's ability to lead and set expectations with venue operators, arts organizations, and community partners, secure live entertainment, improve business operations, create revenue generating opportunities, operate with transparency and accountability, and align with standard

operating procedures that are considered best practice in the culture and entertainment industry.

- This report supports the delivery of core services.

BACKGROUND:

Culture & Entertainment is a newly formed sub-division that sits within Economic Development and includes 3 units: Arts & Creative Industries, Special Events, and the Centralized Service Provider (CSP), whose team is tasked with providing business services and operational support to the City-owned culture and entertainment venues (i.e., The Centre In The Square, The Registry Theatre, The Conrad Centre for the Performing Arts and The Aud). Collectively, these teams also support numerous City-owned facilities and their operators, including the 44 Gaukel Creative Hub, Victoria Park Pavilion, THEMUSEUM, and the Homer Watson House & Gallery.

As staff review current business practices and work with internal departments to improve operational efficiencies, it is evident that delegated authority for a defined scope of legal agreements will provide clarity for staff as well as for invested groups who interact with the Culture & Entertainment team and conduct business with the City. Signing authority for the agreements described in this report have already been delegated to staff. The proposed changes refine which staff member is delegated to sign agreements.

REPORT:

Culture & Entertainment staff have identified the following agreements for which modified delegated authority would allow the team to function more efficiently and create the necessary infrastructure to scale up business services and operational supports:

1. Talent offers and purchase agreements;
2. Special event and performer agreements; and,
3. Sponsorship agreements.

1. Talent Offers and Purchase Agreements:

The Culture & Entertainment division currently purchases major performers/entertainment, often associated with festivals and events, such as Canada Day. These are often procured through talent agencies. The process for purchasing a show usually consists of two steps:

- a) Submitting a talent “offer sheet” to the agent, and then,
- b) Signing a talent purchase agreement after the agent accepts the talent offer.

Note: The terms of the talent purchase agreement align with the talent offer sheet.

In these instances, purchase agreements have been prepared by third parties (e.g., agents, promoters, artists, etc.) for the City to sign. Talent agencies consider the offer sheet to be a binding proposal. The offer sheet outlines the basic financial deal points, and the purchase agreement adds additional terms and conditions, such as the technical/production rider.

Given the expanded mandate to support all performing arts venues, it is likely that the requirement to purchase talent will increase. Having delegated authority clarity will allow staff to act when talent offer and talent purchase opportunities arise.

Talent Offers and Purchase Agreements	
Current Delegated Authority	Proposed Delegated Authority
<u>July 4, 2000</u> “That the Manager of Purchasing be designated to sign contracts generated by performers or their agents providing Legal counsel has been given.” Note: On November 9, 2021, Manager of Purchasing designated Manager of Special Events and Manager of the Kitchener Market to sign as well.	<u>Add:</u> Manager of Arts & Creative Industries Director of Culture & Entertainment
All Agreements are to the satisfaction of the City Solicitor	

Like the delegated authority process recommended and approved in CSD-2023-233, “Execution of Talent, Suite, and Sponsorship Agreements at The Aud,” the Manager of Arts & Creative Industries or Manager of Special Events would execute the talent offer sheet and subsequent talent purchase agreement upon receipt of approval from one of the following persons based on the risk value of the show (i.e., the artist guarantee):

Artist Guarantee	Delegated Authority	Approval Required
Less than \$150K CDN	Manager, Arts & Creative Industries Manager, Special Events	Director, Culture & Entertainment
Greater than \$150K CDN	Manager, Arts & Creative Industries Manager, Special Events Director, Culture & Entertainment	One of the following: Executive Director of Economic Development, GM of Development Services, or CAO

For free festivals and events, the upset limits of performer costs are often determined by the event budget. Where staff may seek to host a ticketed event (such as those that currently occur at The Aud), managers in the Culture & Entertainment division will complete a pro forma/business case to assess the breakeven point for ticket sales and ancillary revenue generation opportunities with each talent purchase.

2. Special Event and Performer Agreements:

When supporting festivals and events on City property, the City often requires two types of contracts to be signed: i) special event agreements, signed by a third-party organization seeking to host/partner on an event on City lands; and, ii) performer agreements, signed by artists who the City has contracted to perform. Unlike Talent Offers, these agreements are generated by City staff.

Following a similar process used at The Aud (Community Services Department Report CSD-02-208), staff have been working with Legal Services to revise an outdated event partnership agreement template previously approved by Council in 2006. The resulting revised special event agreement can be used for Culture & Entertainment events. This report recommends that the Director of Culture & Entertainment, Manager of Arts & Creative Industries, or the Manager of Special Events be authorized to sign the Agreement on behalf of the City.

Staff have also been working with Legal Services to revise an outdated performer agreement template which was initially approved by Council in 1999. In 2000, Council delegated authority to sign same to the Manager of Purchasing or designate, to a monetary limit of \$7,000. In 2000, Council also delegated signing authority to Facilitators in Community Programs and Services, the Facilitator of Special Events, and the Director of Community Programs and Services, with the same \$7,000 monetary limit. In 2006, Council increased the monetary limit of the Facilitator of Special Event's delegated authority to \$20,000. The proposed changes would authorize additional Managers within Economic Development to sign said agreements.

Current Delegated Authority	Proposed Delegated Authority
Pre-Approved Special Event Agreement Template	
<u>September 25, 2006</u> "That the Event Partnership Agreement template, as attached to Community Services Department report CSD-06-098, be approved; and further, That the Manager of Special Events be authorized to execute the pre-approved Event Partnership Agreements, subject to the approval of the City Solicitor."	<u>Add:</u> Manager of Arts & Creative Industries Director of Culture & Entertainment
Pre-Approved Performer Agreement Template	
<u>May 8, 2006</u> "That the Facilitator of Special Events be authorized to execute the pre-approved Entertainment and Service Provider contracts, to a limit of \$20,000, subject to the satisfaction of the City Solicitor and adherence to all Purchasing Guidelines."	<u>Adjust/Add:</u> Manager of Special Events Manager of Arts & Creative Industries Manager of Downtown Development & Innovation Director of Culture & Entertainment

All Agreements are to the satisfaction of the City Solicitor

3. Sponsorship Agreements:

On various occasions, City staff have been able to secure sponsorships for festivals and events. These are often one-time sponsorships, and typically relate directly to the programming delivered at an event. In 2016, Council approved the City's Municipal Sponsorship Policy (GOV-COR-2000) which grants the CAO or DCAO the delegated authority to enter into agreements for amounts up to \$125,000 for the term of the agreement, subject to the satisfaction of the City Solicitor. As most sponsorship agreements are often for lesser amounts (e.g., sponsorship agreements worth \$5,000) it is more appropriate that signing authorities be delegated from the CAO and DCAO to the appropriate Director and Manager as noted in the table below.

The delegated authority recommended would be exercised upon the approval set out below, and is consistent with the City's overall sponsorship policy and approval authorities:

Delegated Authority	Value of Sponsorship Agreement pertaining to Culture & Entertainment
Manager of Arts & Creative Industries Manager of Special Events Manager of Downtown Development & Innovation	Less than \$50,000 for the term, less than 10 years in duration and not for naming rights of an entire complex.
Director of Culture & Entertainment	Less than \$125,000 for the term, less than 10 years in duration and not for naming rights of an entire complex.
City Council based on City's Municipal Sponsorship Policy (GOV-COR-2000)	Greater than \$125,000 for the term, longer than 10 years, and naming an entire complex.

All Agreements are to the satisfaction of the City Solicitor

Updating this delegation of authority will allow for sponsorship agreements pertaining to Culture & Entertainment to be expedited, creating a better customer experience through efficient business operations. All sponsorship agreements will continue to abide by the City's overall Sponsorship Policy and will be subject to review by Legal, as appropriate.

Conclusion

Approving these delegated authority recommendations will allow the Culture & Entertainment division to achieve greater operational efficiency and provide an improved ability to respond to emerging, time-sensitive opportunities.

STRATEGIC PLAN ALIGNMENT:

The recommendation outlined in this report supports the achievement of the City's strategic vision through the delivery of core service.

FINANCIAL IMPLICATIONS:

No direct impact. Purchasing of performances for free events are made within the scope of approved budgets. The financial risks of solely purchasing a show or buying cooperatively with a promoter include event cancellation, low ticket sales, and negative publicity. In these instances, staff will complete a pro forma/business case for each event and ensure there is appropriate budget capacity to cover any losses. The direct financial liability of cancelling a show is outlined in the offer sheet and talent purchase agreement with the agent (i.e., the "artist guarantee").

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- CSD-2023-233, Execution of Talent, Suite, and Sponsorship Agreements at The Aud
- CSD-02-208, Licence to Operate an Event Agreement at the Kitchener Memorial Auditorium Complex
- GOV-COR-2000, Municipal Sponsorship Policy

APPROVED BY: Dan Chapman, CAO

ATTACHMENTS: NA

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 3, 2024

SUBMITTED BY: Barry Cronkite, Director, Transportation Services, 519-741-2200 ext. 7738

PREPARED BY: Darren Kropf, Manager, Active Transportation and Development, 519-741-2200 ext. 7314

WARD(S) INVOLVED: All Wards

DATE OF REPORT: May 23, 2024

REPORT NO.: DSD-2024-154

SUBJECT: Cycling and Trails Master Plan spot fixes in 2024

RECOMMENDATION:

That staff be directed to implement the proposed 2024 Cycling and Trails Master Plan spot fixes as described in DSD-2024-154; and,

That pedestrian crossovers (PXOs) be installed on the Laurentian Trail at Laurentian Drive, Williamsburg Road, Strasburg Road, and Lucerne Drive; and,

That stopping be prohibited at any time 15 metres from the crossing at each approach, and ten (10) metres immediately following each crossing; and,

That a raised crossing be constructed at the Laurentian Trail at Lucerne Drive; and further,

That the Uniform Traffic Bylaw be amended accordingly.

REPORT HIGHLIGHTS:

- The purpose of this report is to share with City Council the identified spot fixes that are recommended for installation in 2024 to improve cycling and trail safety and connectivity.
- The key finding of this report is staff is proposing trail access upgrades (curb cuts), trail signing and marking upgrades, trail crossing upgrades, bike parking, trail counters, and wayfinding and navigational sign installations in an effort to improve safety for all modes of travel.
- The financial implications are that \$200,000 will be dedicated to spot fixes for safety and route connectivity, with an additional \$50,000 dedicated for wayfinding installations and additional spot fix improvements in 2025.

- Community engagement included consulting with over 3,200 residents during the development of the Cycling and Trails Master Plan (CTMP). People identified locations that are uncomfortable and/or unsafe for people walking, rolling and cycling. Staff also received individual spot fix suggestions since Council's approval of the CTMP and has had on-going engagement with the Active Transportation and Trails Advisory Committee (ATTAC).
- This report supports the delivery of the Strategic Plan action item "Building a Connected City Together" through implementing "Localized Transportation Safety Improvement Program".

BACKGROUND:

In October 2020, Kitchener Council adopted the City of Kitchener's Cycling and Trails Master Plan through report INS-20-015. The CTMP includes 35 strategic actions in three areas of focus: Connections, Experience and Culture. **Action 1A-4** calls for the City of Kitchener to develop a spot improvement program and make safety and network connectivity improvements throughout the City of Kitchener. Information gathered during the engagement phase of the Cycling and Trails Master Plan, public and stakeholder input was used to identify trail deficiencies, intersections and crossing locations that are uncomfortable and/or unsafe for people walking, cycling, and rolling. The CTMP also identified a timeline for these spot fix improvements; defined by short, medium and long term; as can be seen in figure ES-2 – "Cycling and Trail Network Priorities" of the plan.

In the 2024 budget process, and in support of the CTMP and Vision Zero, Kitchener City Council allocated additional funding for seasonal council-directed traffic calming measures and improvements in the safety and connectivity of road, active transportation and trail networks. Staff prioritized potential projects based on Vision Zero risk factors, public feedback, and route connectivity priorities identified during public engagement for the Cycling and Trails Master Plan (2020).

REPORT:

To support safety and connectivity improvements, several site-specific "spot fixes" have been identified that focus on improved trail crossings and trail connectivity. In addition to the spot fixes recommended in the CTMP, locations were also identified by the Active Transportation & Trails Advisory Committee (ATTAC), as well as by City Councillors during bike rides in their respective wards in 2023.

Transportation Services staff also worked with ATTAC to develop a "Request a Bike Rack" program where community members can identify short-term bike parking locations on City property to help people make their everyday journeys by bike. The online form can be found at bikekitchener.ca and the recommended install locations are included within the 2024 spot fix program.

The table below summarizes the recommended spot fix program for installation in 2024:

Recommended Spot Fix Improvements - 2024

Ward	Location	Description	Cost
1	Trail access at Rothsay Avenue and Matthew Street	Install curb cut for accessible access to trail	\$7,000

2	Trail access at Idle Creek Drive	Install curb cut for accessible access to trail	\$7,000
2	Dom Cardillo Trail at River Road	Install an eco-counter to gather year-round pedestrian and cyclist data	\$2,000
2	Dom Cardillo Trail accesses	Install streetname blades for better orientation within the neighbourhood trail network	\$3,000
3	Homer Watson Boulevard multi-use trail	Install additional signs and markings to bring greater awareness to trail and driveway conflicts with poor visibility	\$2,000
3	Franklin Road at Kingsway Drive	Pavement marking adjustments to improve traffic operations following bike lane installation	\$10,000
4	Streetname blades in Willowlake Park and Homer Watson Park	Install streetname blades for better orientation within the neighbourhood trail network	\$2,000
5	Streetname blades in Parkvale Park	Install streetname blades for better orientation within the neighbourhood trail network	\$2,000
5	Trail connection between Watercress Court and Ottawa Street	Install curb cut for accessible access to trail	\$7,000
6	Laurentian Trail crossings	Install pedestrian crossovers at all city-owned crossings, upgrade refuge island to meet accessibility requirements at Strasburg Road, install a raised crossing at Lucerne Drive and install streetname blades	\$100,000
6	Trail access at Country Hill Drive	Install curb cut for accessible access to trail	\$7,000
8	Trail access at Cloverdale Crescent	Install curb cut for accessible access to trail	\$7,000
8	Henry Sturm Trail at Lawrence Avenue	Install an eco-counter to gather year-round pedestrian and cyclist data	\$2,000
8	Belmont Village	Install five bike racks on north-end of business district	\$5,000
9	Iron Horse Trail at Cherry Street	Repair broken counter and upgrade to model that can count e-scooters in addition to pedestrians and cyclists	\$3,000
9/10	King Street boulevard multi-use trail between Wellington Street and Victoria Street	Install signage and markings to better delineate the trail from the transit stations and reduce conflicts between pedestrians and cyclists	\$11,000
10	Weber Street boulevard multi-use trail between Victoria Street and Wilhelm Street	Install signage, markings and crossrides to bring greater awareness to conflicts at driveways and minor street crossings	\$22,000

10	Wellington Street at Ahrens Street	Install a bike rack to serve transit and local businesses	\$1,000
	TOTAL		\$200,000

A map of all proposed locations can be found in Appendix A.

In addition to the recommended spot fix program, staff are recommending that approximately \$50,000 of the dedicated funding be used for wayfinding projects that would contribute to the Strategic Plan action item for city-wide active transportation routes. This work is underway and draft routes will be shared for public input and with City Council this fall. The initial route for wayfinding sign deployment is planned for Wards 7, 8 and 9, between the Boardwalk and Downtown. Spot fix projects along this route would also be identified and prioritized in 2025, to ensure the route is safe and comfortable for all ages and abilities.

Laurentian Trail Crossing Upgrades

Laurentian Trail is an open space trail providing recreational opportunities and transportation options, serving several high pedestrian and cyclist destinations, including schools, McLennan Park, and retail. Improving the trail crossings was identified by the community as an important “spot fix” during the engagement phase of the Cycling and Trails Master Plan and is supported by the Vision Zero network screening analysis. More specifically pedestrian crossovers (PXOs) were requested.

Ontario Traffic Manual (OTM) Book 15: Pedestrian Crossing Treatments provides guidance for the selection and design of PXOs. Pedestrian Crossovers (PXOs) provide pedestrians with crossing opportunities by requiring motorists to yield to pedestrians within the crosswalk. The presence of a pedestrian in the crosswalk requires the driver of a vehicle approaching the crossover to stop before entering the crossover. See Appendix C for PXO types proposed in this report.

The following four Laurentian Trail crossing locations were studied in 2023/2024 and staff are the installation of a PXO at minimum in each location (warrant information included in Attachment B – Laurentian Trail PXO Warrants):

Street crossing	Current conditions	Proposed improvements
Williamsburg Rd	Raised, uncontrolled crossing	Install PXO Level 2 Type D
Laurentian Dr	Raised, uncontrolled crossing	Install PXO Level 2 Type D
Strasburg Rd	Substandard refuge island, Crossing Guard location	Retrofit refuge island to meet AODA requirements, and install PXO Level 2 Type B (Crossing Guard location to remain)
Lucerne Dr	Uncontrolled crossing	Install raised crossing, improve trail alignment and install PXO Level 2 Type D

This addresses the Laurentian Trail crossings that fall within municipal jurisdiction. It is worth noting that the Laurentian Trail crossing of Westmount Road East is under the jurisdiction of the Region of Waterloo. Staff will continue to discuss this location with Regional staff for potential improvements in the future.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of the Strategic Plan action item “Building a Connected City Together” through implementing a “Localized Transportation Safety Improvement Program”.

FINANCIAL IMPLICATIONS:

Capital Budget –In the 2024 budget process, Kitchener City Council allocated an additional \$400,000, funded from the tax capital reserve, for additional seasonal council-directed traffic calming measures and improvements in the safety and connectivity of road, active transportation and trail networks. In DSD-2024-073 Vision Zero Project Update, staff reported that \$150,000 of that funding was allocated to solar powered radar signs and seasonal roadway narrowings, leaving \$250,000 for trail safety and connectivity improvements, as described within this report.

Operating Budget – The proposed improvements will have on-going operating costs related to the life cycle maintenance for signs, pavement markings, asphalt repair, etc. These costs will be referred to the 2025 budget process.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

CONSULT – Over 3,200 residents were engaged during the development of the Cycling and Trails Master Plan. This included in-person and online engagement where residents were asked to identify specific spot fix locations that reduce barriers to their cycling and trail use. Individual suggestions since the adoption of the CTMP have also been logged and investigated, and are reflected in the proposed project list.

COLLABORATE - The Active Transportation & Trails Advisory Committee shared a list of desired trail curb cuts for spot fix implementation in 2022. Also in 2022, ATTAC submitted a memo to staff proposing a “Request a Rack” program to satisfy action 2B in the CTMP to deploy more bike parking.

A draft of DSD-2024-154 was shared with the Active Transportation and Trails Advisory Committee on Tuesday May 14, and they unanimously passed the following motion: “That the Active Transportation and Trails Advisory Committee is appreciative of City Council’s additional investment in trail safety and connectivity through the 2024 Budget process and ATTAC is in full support of the list of spot fix projects presented in DSD-2024-154.”

PREVIOUS REPORTS/AUTHORITIES:

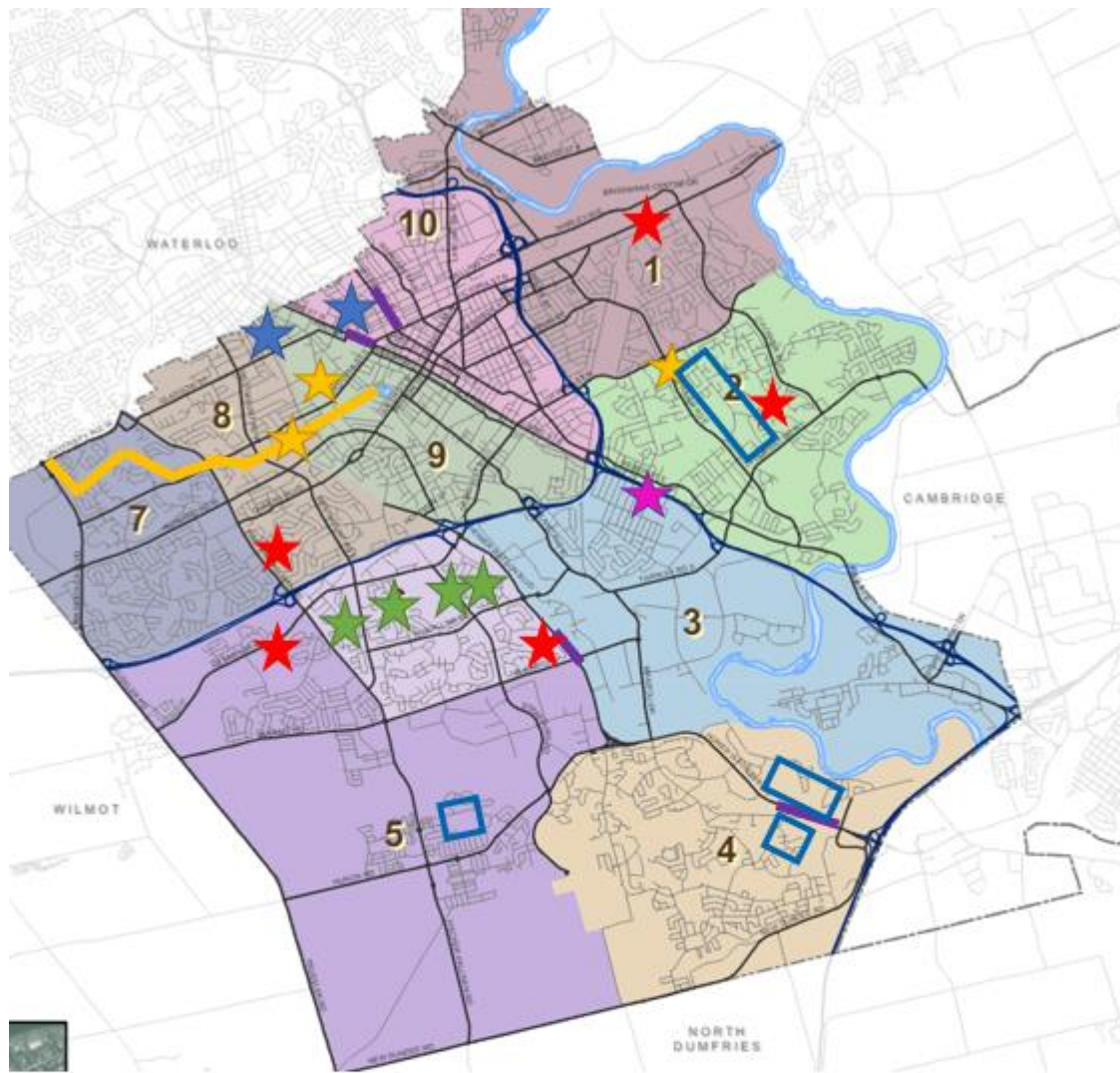
- DSD-2024-073 Vision Zero Project Update
- INS-20-015 2020 Cycling and Trails Master Plan

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

- Attachment A – Spot fix locations map
- Attachment B - Laurentian Trail PXO Warrants
- Attachment C – PXO Types

Attachment A – Spot fix locations map



- ★ Bike Parking
- ★ Trail Curb Cut Accessibility Improvement
- ★ Pedestrian Crossover (PXO)
- ★ Trail Counter
- ★ Traffic Operations Improvements
- Boulevard Multi-Use Trail Safety Improvements
- Streetname Blades
- Active Transportation Wayfinding Route (2025)

Attachment B – Laurentian Trail PXO Warrants

Ontario Traffic Manual (OTM) Book 15: Pedestrian Crossing Treatments provides guidance for the selection and design of PXOs.

PXOs are recommended when the following conditions are met:

- 100 or more pedestrians observed crossing over an 8-hour period;
- 750 vehicles per 8-hour period;
- No other controlled crossing within 200 m;
- Adherence to Ontario Traffic Manual Book 15 lane configuration and traffic volume conditions; and
- Posted speed limit ≤ 60 km/h.

There are four types of PXOs, as directed by OTM Book 15. See Attachment C for the two types recommended in this report. The distinguishing feature is Type B includes flashing beacons – activated by pedestrians with a push button – while Type D does not include the beacons. Both types grant legal right of way to pedestrians, but the flashing beacons are used on higher volume streets for greater visibility and awareness to drivers.

WILLIAMSBURG ROAD

Justification	Required Value	Actual Value	Conditions Satisfied?	Staff recommendation
8-hour Pedestrian Volume at proposed crossover location	> 100 pedestrians	102	YES	PXO Level 2 Type D
8-hour Two-way Vehicle Volume	> 750 vehicles	979	YES	
Distance from Nearest Controlled Crossing	> 200 metres	350 m	YES	

LAURENTIAN DRIVE

Justification	Required Value	Actual Value	Conditions Satisfied?	Staff recommendation
8-hour Pedestrian Volume at proposed crossover location	> 100 pedestrians	229	YES	PXO Level 2 Type D
8-hour Two-way Vehicle Volume	> 750 vehicles	1446	YES	
Distance from Nearest Controlled Crossing	> 200 metres	750 m	YES	

STRASBURG ROAD

Justification	Required Value	Actual Value	Conditions Satisfied?	Staff recommendation
8-hour Pedestrian Volume at proposed crossover location	> 100 pedestrians	178	YES	PXO Level 2 Type B
8-hour Two-way Vehicle Volume	> 750 vehicles	5238	YES	
Distance from Nearest Controlled Crossing	> 200 metres	420 m	YES	

LUCERNE DRIVE

Justification	Required Value	Actual Value	Conditions Satisfied?	Staff recommendation
8-hour Pedestrian Volume at proposed crossover location	> 100 pedestrians	231	YES	PXO Level 2 Type D
8-hour Two-way Vehicle Volume	> 750 vehicles	172	NO	
Distance from Nearest Controlled Crossing	> 200 metres	50 m	NO	

If all conditions are not met, a PXO can still be warranted based on engineering judgement and if there is a “requirement for system connectivity” or the location is “on pedestrian desire lines.” This location fits those criteria. Further, Lucerne Drive includes many vulnerable street users given the proximity to an elementary school. Given low traffic volumes, there is little risk of traffic from the stop sign at Selkirk Dr backing up into the crosswalk. City staff support a PXO at this location.

ATTACHMENT C: PXO TYPES

Level 2 Pedestrian Crossover Treatments – Type B (OTM Book 15 – Pedestrian Crossover Treatments)

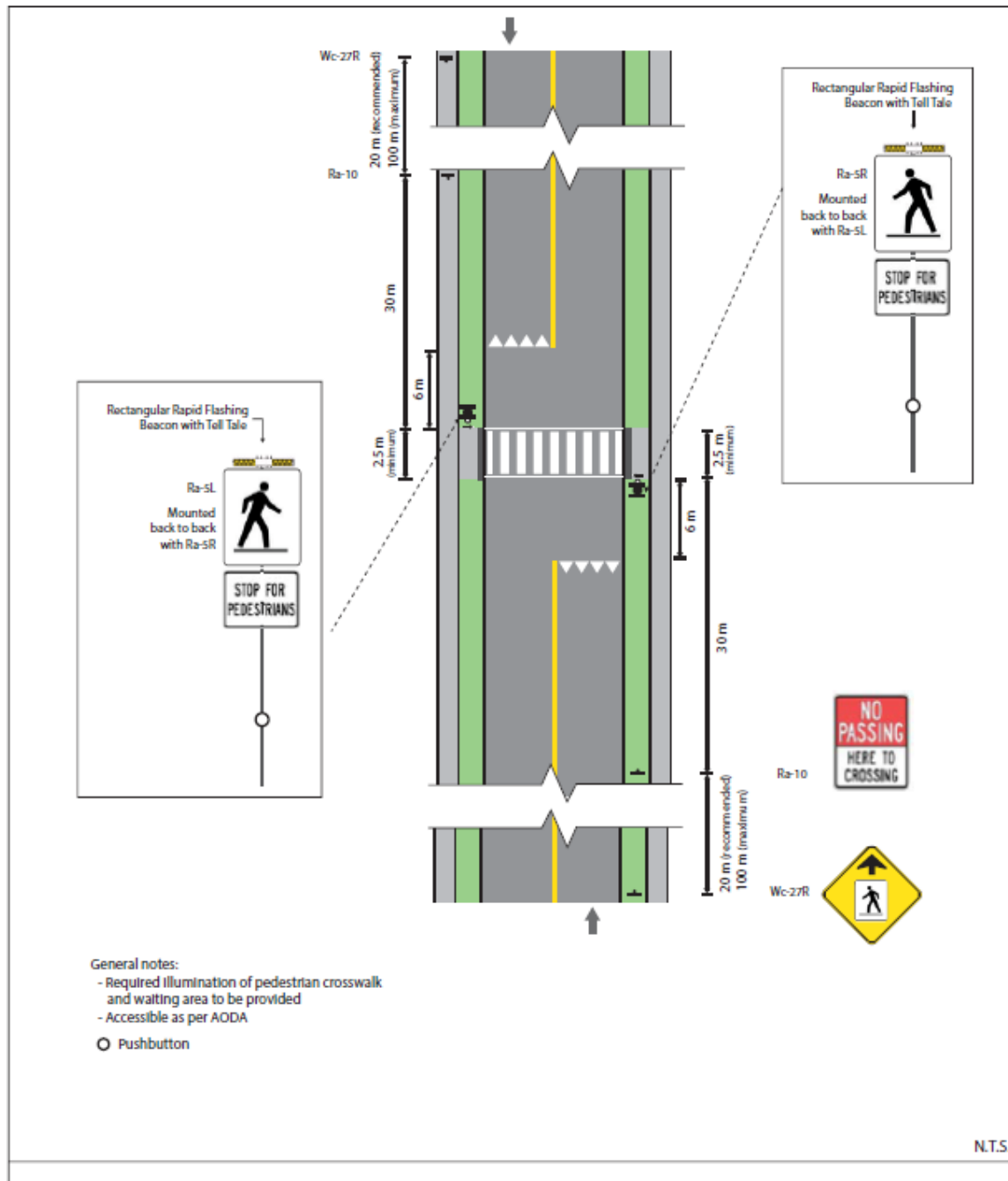


Figure 30: Pedestrian Crossover Level 2 Type C – Mid-block (2-lane, 2-way)

Level 2 Pedestrian Crossover Treatments – Type D (OTM Book 15 – Pedestrian Crossover Treatments)

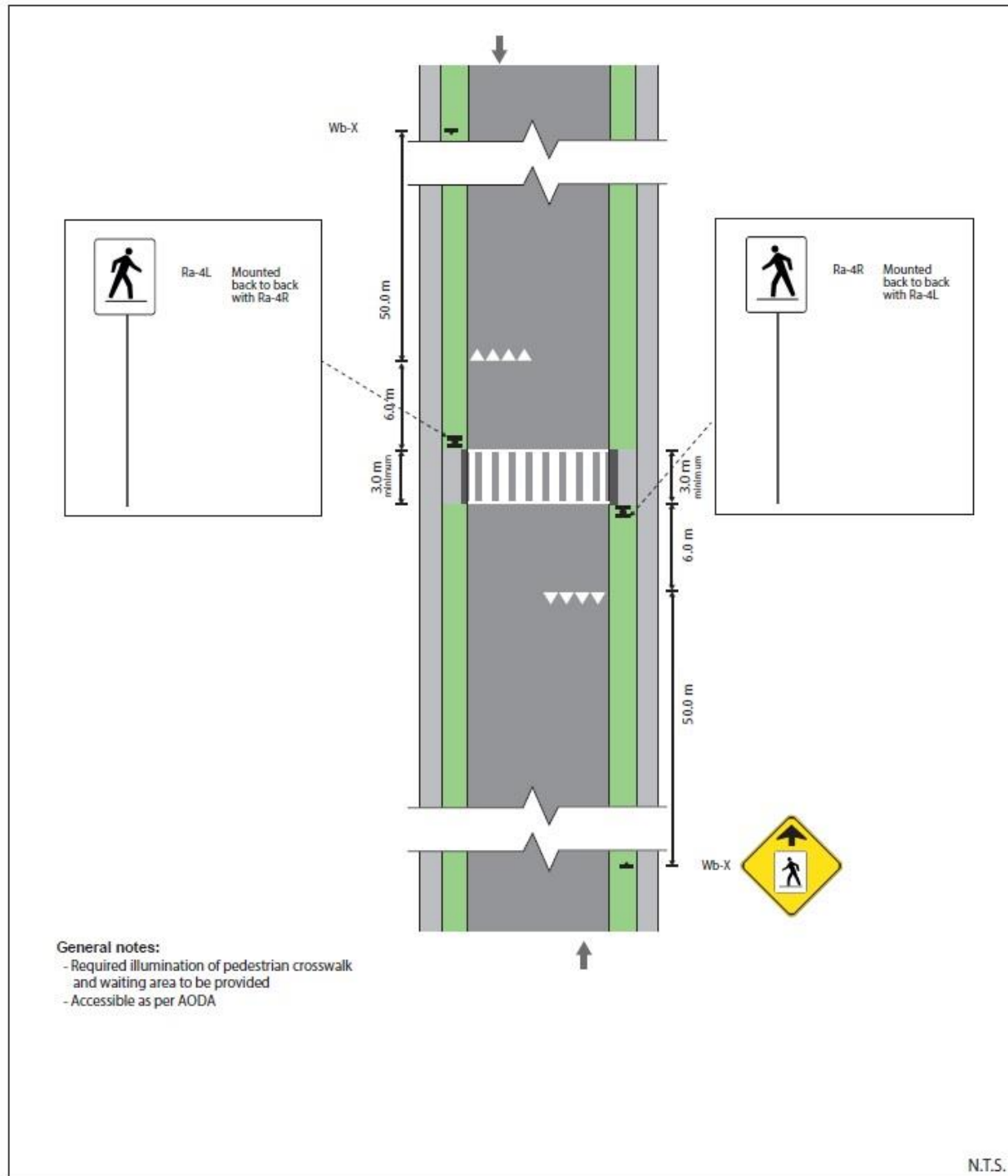


Figure 40: Pedestrian Crossover Type D – Mid-block (2-lane, 2-way)

Staff Report



Corporate Services Department

www.kitchener.ca

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 3, 2024

SUBMITTED BY: Amanda Fusco, Director, Legislated Services, 519-741-2200 ext. 7809

PREPARED BY: Kristin VanDerGeld, Manager, Licensing, 519-741-2200 ext. 7854

WARD(S) INVOLVED: All

DATE OF REPORT: May 8, 2024

REPORT NO.: COR-2024-233

SUBJECT: Shared Accommodation By-law

RECOMMENDATION:

That the new Shared Accommodation By-law be approved in the form shown attached to staff report COR-2024-233 as Appendix “A”;

That the fees set out in Appendix “B” of staff report COR-2024-233 be approved;

That the request for three (3) Full Time Equivalents (FTEs) to support the administration, inspection, and enforcement of the Shared Accommodation Bylaw be approved; and

The purchase of Granicus host compliance software to assist with ongoing monitoring and enforcement of short-term rental platforms be approved.

REPORT HIGHLIGHTS:

- The City has an existing Lodging House By-law and licenses approximately 20 lodging houses. Licence applications for a Lodging House are limited, in part, due to Minimum Distance Separation (MDS) requirements in the City’s Zoning By-law.
- A review of the existing Lodging House By-law was undertaken as part of the Lower Doon Study. Updates to the current framework are necessary due to the changing rental landscape and human rights concerns.
- Many municipalities have begun to license Short-Term Rentals (STRs) (e.g., accommodations on AirBnB, VRBO, etc.) to address consumer protection, health and safety and nuisance control.
- Staff are proposing to replace the existing Lodging House By-law with the proposed Shared Accommodation By-law which expands beyond updating the regulation for licensing Lodging Houses and will now include both the licensing of Lodging Houses and Short-Term Rental Accommodations. The By-law is a holistic approach to creating a regulatory framework for a variety of housing and rental types.
- Extensive public consultation and stakeholder engagement efforts have been undertaken that encompass both city-wide community input and targeted engagement with stakeholders directly impacted by the proposed changes.

- The proposed Shared Accommodation By-law and new fee structure have been developed with the intention of having a 3-year review period. This will allow sufficient time for staff to determine whether the program continues to be fair, accurate, relevant, and continues to reflect the needs of the community. In 2028, staff will make further recommendations to Council based on the success of the program which may include minor adjustments and expansion to the licensing framework.
- Financial implications are in the form of staffing and host compliance software to successfully administer, investigate, inspect, and enforce the new Shared Accommodation By-law.

EXECUTIVE SUMMARY:

The proposed Shared Accommodation By-law has been developed in response to a growing need for comprehensive regulation and oversight of short-term and lodging house rentals within the City. The by-law proposes to regulate short-term rentals, as well as integrating and updating the existing lodging house regulations. The proposed by-law is structured to provide opportunities for more affordable housing types throughout Kitchener and to ensure that shared accommodations are safe for occupants.

Shared accommodations have become an increasingly prevalent housing option, necessitating a well-defined framework that balances the interests of residents, property owners, and the broader community. Through staff's research effort, the City of Kitchener has approximately 300 lodging houses and 800 short-term rentals (STRs). Currently, these are unregulated by the City, and have no city inspections or requirements. Key benefits of an updated licensing framework for lodging houses and a new licensing framework for short-term rentals outlined in this report are:

- Enhanced Safety Standards;
- Community Impact and Integration;
- Quality Assurance;
- Accountability and Compliance; and
- Reasonable fees for all types of shared accommodations.

The Shared Accommodation By-law would provide a balance between protecting the interests of residents, allowing property owners to generate more opportunity and exposure, while prioritizing safety, affordability, and accountability.

BACKGROUND:

The Municipal Act, 2001 provides municipal council with the authority to licence, regulate, and govern real and personal property used for the business, and the person carrying it on or engaged in it, such as rental properties. The primary reason for licensing and regulating rental properties within a municipality is to protect the public interest as it relates to:

1. Health and Safety;
2. Consumer Protection; and
3. Nuisance Control

For the aforementioned reasons, it is important to ensure that licensing by-laws and processes align with community needs, prioritize customer service, and adhere to applicable governing

legislation. The goal of a shared accommodations licensing by-law is to ensure a safe and viable housing option for all.

Staff have reviewed our existing by-laws, completed a municipal scan of other municipal by-laws and reports including those in Waterloo, Oakville, Hamilton, Niagara-on-the-Lake, Toronto, London, and Blue Mountain, completed public engagement via stakeholder focus group sessions and Engage survey, and have developed a proposed Shared Accommodation By-law. This report is seeking Council's approval of the Shared Accommodation By-law, associated licensing fees and additional staffing resources.

REPORT:

The existing Lodging House By-law has not been reviewed since 2005, making an update imperative due to the changing rental landscape. The new Shared Accommodation By-law seeks to provide enhanced safety standards, ensure community integration, assure quality, promote accountability, and establish reasonable fees for all types of shared accommodations. Extensive public consultation and stakeholder engagement efforts have been made, encompassing city-wide community input and targeted engagement with stakeholders directly impacted by the proposed changes. Furthermore, the by-law and fees have been developed with a 3-year review period in 2028 to ensure they remain accurate, relevant, and reflective of the community's needs.

This report outlines key changes, a proactive approach to education and enforcement, the application process and fees, exclusions, and the 3-year program and by-law review period. Additionally, it highlights alignment with other city business units, including the Planning and Housing Policy Division, and the removal of minimum distance separation requirements for lodging houses.

KEY CHANGES

Proposed By-law Components

Licensing Services identified the need to modernize the Lodging House By-law and to expand the by-law to include additional types of Shared Accommodations. The new by-law aims to improve the City's ability to ensure public safety, consumer protection, and nuisance control while also reducing barriers for property owners. As well, staff saw the need to examine current lodging house fees to reflect an appropriate level of cost-recovery along with enhanced service levels and efficient processes established within the new licensing program. With that in mind, the goals of the proposed Shared Accommodation By-law are to:

- Create a clear, consistent, and concise regulatory framework;
- Create reasonable and affordable fees;
- Streamline processes and reduce redundancy;
- Remove licensing requirements that are no longer applicable; and,
- Modernize to meet the changing rental landscape.

The proposed by-law will repeal and replace the existing Lodging House By-law and will expand Shared Accommodation rentals to include Short-Term Rental Accommodations (e.g., AirBnB, VRBO, etc.). Some of the key changes include more robust licensing requirements, enhanced property maintenance measures, enhanced safety measures by way of mandatory inspections,

advertising and booking requirements, a renter code of conduct, emergency contacts and a good neighbour guide.

The Shared Accommodation By-law will exclude several categories, such as hotels, motels, group homes, nursing homes, hospitals, treatment centers, purpose-built student residences, Long-Term Care Homes, Retirement Homes, Social Housing, and Homes for Special Care Act. Additionally, the Shared Accommodation By-law will not extend to all residential rental types. The proposed By-law will only seek to regulate rental properties within the definitions of a Lodging House or Short-Term Rental, this includes:

- **Lodging House:** a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging house can include student residences but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or hotel.
- **Short-Term Rental:** means a dwelling unit or part thereof used to provide sleeping accommodations for any rental period that is less than 90 consecutive days in exchange for rent, but does not include Hotel, Lodging House, Motel, and Long-Term Rental Accommodations.

Therefore, residential rental properties that are operating as long-term rentals (more than 90-day rental agreements) or rentals designed to accommodate less than five residents in total will be excluded from the By-law. However, staff will continue to monitor and collect data on these types of rentals and will include it as part of the 3-year review.

The proposed licensing framework puts safety first for renters by way of more robust application requirements for all types of shared accommodations. These include police clearance check, proof of appropriate insurance coverage, accurate and detailed floor plans, confirmation of smoke and carbon monoxide alarms, an additional contact person that can fulfill requisite response times and proof of principal residence will be required where applicable. Inspections and/or approvals are required by Fire Prevention, Property Standards and Building to ensure the property complies with various code and by-law standards. Furthermore, a Licensee will be required to provide a “Renter’s Code of Conduct” that is posted at the property which will include agency resources and contact information for a person(s) responsible for the licensed premises. Furthermore, a public registry of all licensed shared accommodations will be posted on the City’s website which will include the date of the most recent inspection(s) conducted by the City.

Staff will continue to work in conjunction with short-term rental platforms (e.g., AirBnB) to communicate to their hosts about the new licensing framework and by-law requirements. Hosts will be required to list their City of Kitchener business licence number on all advertisements, or they will be at risk of being removed from the platform.

Permitting shared accommodations throughout the City will allow for less underground activity and will promote safety. Incentives for the property owners include eligibility for tax deductions, access to agencies for various supports, freedom to advertise their business, ability to attract

more responsible renters due to the perception of professionalism and compliance with regulations and peace of mind knowing the property meets certain safety and quality standards.

Enforcement

Following the initial implementation, phased enforcement is expected commence on January 1, 2025. Continuous proactive enforcement will be conducted by Licensing Inspectors in the field, through surveillance of on-line platforms, utilization of host compliance software, and by way of information sharing with internal and external partners. Audits of licensed properties will be conducted to ensure ongoing compliance with the City's By-laws and reactive enforcement will be conducted based on response to public complaints received through Licensing, By-law, Fire, Building or the corporate contact centre and will be investigated based on urgency and public safety risk. As a result of inspection findings or complaints received, a Licensing Inspector may escalate enforcement to the appropriate agency such as By-law Enforcement/Property Standards, Fire Prevention, Building or Police for further action and to ensure compliance with other legislation.

Licensing Enforcement will be conducted using a progressive approach which may include but is not limited to applying conditions on a licence or refusing/revoking a licence (subject to a hearing before the Licensing Appeal Tribunal) or by way of fines and/or charges under the Provincial Offences Act/Administrative Monetary Penalties System.

Rights of Entry

By-law Enforcement Officers/Licensing Inspectors are permitted to access the exterior areas of private property without consent as part of their duties to investigate potential violations of municipal regulations. However, to enter the interior, they require explicit consent from the occupant(s) to inspect any portion being used as a dwelling unit. If a unit, or property is vacant the property owner can provide the sole consent to enter.

In contrast, Fire officials have broader authority to access the interior of a property to ensure compliance with the fire safety. Similarly, Building Inspectors also have their own authorities to enter a property to enforce Building Code requirements. However, By-law Enforcement Officers/Licensing Inspectors cannot "piggyback" off another agency's inspection authorities for their own investigative purposes.

Staff will work with property owners and renters to ensure that necessary inspections can be conducted in a timely manner. However, where access is not granted for required inspections and approvals, a licence will not be issued. Continued operation of an unlicensed property will be subject to further enforcement action.

Implementation Plan

With the implementation of the new Shared Accommodation By-law, there will be an initial period of preparation, education, and consultation regarding operational requirements, system modifications, staffing recruitment/training and administrative organization. It is anticipated that Licensing staff will be prepared to commence with a public awareness campaign in Fall 2024. The purpose of the campaign will be to engage property owners, renters, landlords, community

partners, and stakeholders regarding the new regulations and provide relevant information, guidelines, and application requirements. In addition, an online presence will be established on the City's website and social media accounts to assist in getting key messaging out to the community. Application intake will begin in January 2025 for those seeking an opportunity to voluntarily comply with the new licensing regulations.

Part of staff's commitment is to continue to build a strong partnership with Conestoga College, rental agencies, property management companies, renters, neighbourhood groups as well as internal stakeholders, such as Building, By-law Enforcement, Fire and Planning. These partnerships are important to allow for continued information sharing between Licensing, other City business units, and shared accommodations about changing legislation and processes. Such connections will also enable staff to be more up to date with respect to the changing housing landscape, changes to housing strategies and policies, and what is or is not working for rental property owners. This community engagement will help with gathering input from key stakeholders on an ongoing basis in order for staff to be more proactive and responsive in making changes to the by-laws, policies, and processes as needed.

Program Fees and Bylaw Review Period

Staff undertook a scan of existing Lodging House license costs and found that the existing lodging house license fee may be cost-prohibitive. When determining fees, staff aimed to ensure that the proposed fees offset administration costs, while respecting survey feedback that fees not be too high, as the municipality is not seeking to create a profit. The proposed application and renewal fees are included in Appendix B to this report.

The Shared Accommodation By-law and fees have been developed with the intention of having a 3-year review period. This will allow staff to develop a means by which to assess the overall impacts of the licensing program. Key metrics would include number of licenses issued, permits, inspections, staff time, calls for service, impacts on housing availability and affordability (where possible), staffing implications and service impacts. Staff will also track their time to ensure the fees associated with the program continue to be fair, accurate, and reflect a full cost-recovery model. In addition, staff will ensure all aspects of the by-law continue to be relevant and make any minor revisions or undertake additional modernization as needed.

As part of the 3-year review, staff will also explore the potential expansion of the program to encompass additional, or even all types, of rentals. This expansion consideration will be including data collected through inspections, permits and service calls, and will allow us to make informed decisions about the program's scope.

Staffing

Currently, there are only 20 licensed Lodging Houses in Kitchener and Short-Term Rentals are not licensed by the City. Staff's initial projections are that there are a combined total of approximately 1,100 unlicensed Lodging Houses and Short-Term Rentals operating in the City. For the program to be successful, additional resources are required as there is currently no capacity for the existing staff to administer, inspect, or enforce the proposed by-law.

We have seen in a few instances where limited resources to implement a Short-Term Rental program has been detrimental to the success of the program in meeting its objectives and managing non-compliance. In completing a municipal scan, it becomes evident that the average addition of 3 to 10 personnel as well as the implementation of host compliance software has been requisite to effectively administer similar regulatory programs. As part of the new Shared Accommodation Program, staff are requesting the addition of three (3) new staff that will be directly associated with administering, inspecting, and enforcing the new bylaw as well as the implementation of Granicus host compliance software. It is expected that the expenses related to the FTEs and host compliance software is off set by the collection of licensing fees (Appendix B). The staffing and host compliance software request will include:

New Licensing Inspector:

Legislated Services has 1 Full-time and 1 Temporary/Full-time Licensing Inspector who conduct field inspections and investigations of persons, trades, occupations, and various brick and mortar establishments to determine compliance with business licensing regulations. The Licensing Inspectors are responsible for all proactive inspections of our existing 2500 licensed business throughout the city in addition to identifying new businesses. They are also responsible for reactive inspections and investigations based on complaints received by both internal and external customers of both licensed and unlicensed businesses. Both inspectors have a substantial caseload that would not allow them to take on the responsibility of Lodging Houses and Short-Term Rentals without the addition of a new Licensing Inspector.

New Licensing Officer:

Legislated Services has 3 Licensing Officers who provide frontline customer service relating to Marriage, Lottery and Business Licensing. Key responsibilities include ensuring compliance with lottery regulations, annually process approximately 1700 marriage licence applications and 2500 business licence renewal applications. The Licensing Officers are at capacity with their current portfolios and would not be able to accommodate the additional workload brought on by an increased 1,100 applications submitted related to Lodging Houses and Short-Term rentals without an addition to the staffing complement.

New Property Standards Officer:

Currently, By-law Enforcement has 8 Property Standards Officers on the team. Each Officer is responsible for enforcing various by-laws including Lot Maintenance, Property Standards, and Zoning which results in officers having an ongoing full caseload of various files that take a significant amount of time and effort. In addition, they assist licensing with the inspection of lodging houses and confirm compliance with the Property Standards and Lodging House By-laws. The Property Standards Officers play a crucial role in ensuring the safety and functionality of the lodging house. Their responsibility through inspections is to verify that these premises are adequately maintained and kept in good repair. These inspections involve verifying application information such as the number of bedrooms, number of occupants, the design of each shared space within the property. Additionally, Officers confirm both the interior and exterior of the property are maintained without deficiencies. With the existing high volume of files, the current staffing model cannot accommodate an increased number of lodging houses and the addition of short-term rentals unless a new staff person was added to the complement.

Further financial details regarding the projected cost of the staffing complement, to be offset by revenues, are included in the Financial Implications section of this report.

Granicus Host Compliance Software:

Staff is recommending that Granicus' Host Compliance software be sole sourced to assist with ongoing monitoring of 60+ short-term rental websites including major platforms AirBnB, VRBO, HomeAway, Booking.com, FlipKey, and Expedia. The software is currently in use by most municipalities with a short-term rental program in effect and is a valuable resource to assist with locating listings and providing address identification, owner contact information, listing activity and monitor and map trends. This software is essential as most listings don't include an address for the short-term rental which makes investigation and enforcement a cumbersome process. This software assists in the identification of listings and where found to be unlicensed, the property owner can be given a notice including photos and details of what was found to encourage them to apply for a licence. Further financial details regarding the cost of the solution are included in the Financial Implications section of this report.

Alignment with Other City Business

On December 14, 2020, as part of report DSD-20-214 Council approved Housing for All, the City's first housing strategy which focused on what the city can do to address housing issues including increasing and maintaining the supply of housing within the City of Kitchener while supporting the Region of Waterloo. Housing for All contained over 40 actions the city can take to help realize the right of housing. One of the strategy's actions is to report on the feasibility and implications of reviewing and updating current lodging house policies.

In November 2023, Council referred updates to the Official Plan and Zoning By-law regarding lodging houses to align with the timing of consideration of updates to licensing. The Official Plan and Zoning By-law updates seek to remove the minimum distance separation (MDS) requirement for lodging houses and permit lodging houses across the city where residential uses are permitted. The by-law change facilitates a greater flexibility and accommodation within our housing landscape. The removal of MDS may lead to an increase in the number of lodging houses which may have service delivery and staffing implications for Licensing Services, Property Standards and Fire Prevention. These service and staffing challenges are addressed throughout the report.

The Shared Accommodation By-law was developed in coordination with the Planning and Housing Policy Division. The collaborative approach is integral to the successful implementation of this By-law and program. The Planning and Housing Policy Division's role in coordinating changes to the Zoning By-law with the implementation of this licensing framework underscores our commitment to collaboration and the establishment of regulations that work well together within the community, reducing potential confusion.

The updates to the Official Plan and Zoning By-law as well as the creation of the proposed Shared Accommodation By-law seek to implement the action items from Housing for All Strategy.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

If supported by Council the Shared Accommodation Program would have operating budget financial implications associated with the cost of 3 full-time employees (salary and fringe benefits) and host compliance software. Staffing includes a Business Licence Inspector \$102,687., Licensing Officer \$90,973 and Property Standards Officer \$131,120. and the purchase of Granicus host compliance software \$36,475. The recruitment of 3 full-time equivalents (FTE's) to oversee the administration, inspection, and enforcement of the Shared Accommodation By-law is a minimum requirement for ensuring the success of the program.

While the Shared Accommodation By-law will not come into effect until January 1, 2025 the recruitment for these positions is expected to take place in Fall of 2024 in order to have the time to complete the appropriate staff training, prepare, educate, and consult with stakeholders, make system modifications, and implement the necessary processes and forms and make resources publicly available for the program launch. The host compliance software would also be implemented in Fall 2024 to allow for setup, configuration and online training. This will cause a negative variance in 2024 of approximately \$145,000 to be offset by other surpluses or the tax stabilization reserve.

In 2025 the expenses relating to staffing and host compliance software would be offset by the new licensing fees so there would be no budget impact.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

CONSULT – Staff used the EngageWR platform to solicit public feedback on Shared Accommodations including changes to the current regulation of lodging houses, and short-term rental accommodations. The engagement was low on these surveys but there were key themes in responses surrounding safety and security, nuisance control, a need for resource guides for tenants, the ability to submit online applications, lower licensing fees, and a necessity for short-term rental stays beyond 30 days. As well, staff reached out to specific groups including, but not limited to, as Conestoga Students Inc, House of Friendship, Lived Experience, Kitchener Housing Inc., Waterloo Regional Police Services, Leadership Waterloo Region, Housing for All sub-committee, The Working Centre, Lodging House owners, short-term accommodation owners, and members of KW AirBnB. There will be a continuation of internal and external stakeholder engagement associated with the implementation of the new Shared Accommodation By-law. Staff will continue to reach out to impacted stakeholder groups where staff has identified significant changes are needed to the licensing requirements. This will mean some properties will be newly required to obtain a licence, or some will have changes to the existing licensing requirements.

COLLABORATE – Throughout the development of the Shared Accommodation By-law, staff reached out to several internal stakeholder groups, including Building, By-law Enforcement, Fire Prevention, Licensing, and Planning to solicit feedback and to incorporate suggestions to help streamline processes. Staff also met with several external stakeholder groups to solicit feedback on what concerns and additions they would like to see regulated. As part of the implementation phase, staff will continue the partnership between Licensing Services and various stakeholders, such as those City divisions that are part of the approval process, to work together on the development of new applications and information packages, as well as being part of the public education about the changes to the by-law and processes.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2023-446 City-wide Lodging House Review (OPA21/004/COK/AR, ZBA21/040/K/NG)
- DSD-2021-11 - Lower Doon land Use Study Recommendations Report
- DSD-20-214 - Housing for All - City of Kitchener Housing Strategy
- *Municipal Act, 2001*
- *Planning Act*

REVIEWED BY: Natalie Goss, Manager, Policy & Research
Katherine Hughes, Assistant City Solicitor
Gloria MacNeil, Director, By-law Enforcement

APPROVED BY: Victoria Raab, General Manager, Corporate Services

ATTACHMENTS:

Attachment A – Shared Accommodation By-law
Attachment B – Fees

APPENDIX A TO COR-2024-233

BY-LAW OF THE CORPORATION OF THE CITY OF KITCHENER

BY-LAW NO. 2024-XXX

BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF SHARED ACCOMMODATIONS IN THE CITY OF KITCHENER.

WHEREAS it is deemed expedient to exercise the powers conferred on Council by the *Municipal Act*, 2001, S.O. 2001, c.25 (the "*Municipal Act*"), as amended;

AND WHEREAS Section 8 of the *Municipal Act*, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8(3) of the *Municipal Act*, authorizes a municipal to provide for a system of licences;

AND WHEREAS Section 11 of the *Municipal Act* authorizes a Municipality to pass bylaws responding health, safety and well-being of person, parking on property, structures includes fences and signs;

AND WHEREAS Section 151(1) of the *Municipal Act* authorizes a municipality to provide for a system of licences with respect to a business and to prohibit carrying on or engaging in the business without a licence and to take other actions with respect to such licences;

AND WHEREAS Section 151 (1) of the *Municipal Act* authorizes a municipality to license, regulate, or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Section 425 of the *Municipal Act* authorizes a Municipality to create offences;

AND WHEREAS Section 429 of the *Municipal Act* authorizes a Municipality to establish a system of fines or offences under a by-law of Municipality passed under the Act;

AND WHEREAS section 434.1 of the *Municipal Act*, 2001 authorizes the City to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law of the City;

NOW THEREFORE the Council of The Corporation of Kitchener enacts the following:

1. Definitions

“Additional Contact” means an agent, representative, or property maintenance company who act for the Owner and is responsible for managing or addressing issues in relation to the Licenced Premises.

“Adult” means an individual eighteen years of age or older.

“Administrative Penalty By-law” means the Administrative Penalty By-law of the City, as amended from time to time, or any successor thereof.

“Agent” means a Person authorized in writing by an Owner or Operator to act on the Owner's or group of Owner's behalf.

“Applicant” means the Person applying for a Licence or renewal of a Licence under this by-law.

“Application” shall include any Application for a Licence or renewal of a Licence on the form provided by the Manager of Licensing, or their designate, and such application being to the satisfaction of the Manager of Licensing.

“Application Licence Fee” means a pre-determined fee approved by Council through the User Fee Schedule that is paid by a Person as part of the Application for a Licence.

“Bed and Breakfast” means a home occupation that provides overnight accommodation of the traveling public, or temporary living accommodations, and shall not include a hotel, lodging house, group home or short term accommodation.

“Bedroom” means a room or area used, designed, equipped, or intended for sleeping.

“Building Code Act” means the *Building Code Act*, 1992, S.O. 1992. c.23

“Business” except where inconsistent with the context means any business wholly or partly carried on within the City of Kitchener even if the business is being carried on from a location outside of the City of Kitchener and includes without limitation:

- a) trades and occupations;
- b) exhibitions, concerts, festivals, and other organized public amusement held for profit or otherwise;
- c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and

- d) the display of samples, patterns, or specimens of goods for the purpose of sale or hire.

“Chapter” shall refer to a by-law of the City which has been incorporated in The City of Kitchener Municipal Code and assigned a Chapter number.

“Chief Building Official” means the Chief Building Official of the City or their designate.

“Chief Fire Official” means the Chief Fire Official of the City or their designate.

“Chief of Police” means the Police Chief for the Waterloo Regional Police Services or their designate.

“City” means The Corporation of the City of Kitchener.

“City Property” means property owned by the City.

“City Solicitor” means the City Solicitor of the City or their designate.

“Corporation” means a body incorporated pursuant to the Business Corporations Act, R.S.O. 1990 c. B.16, or the Corporations Act, R.S.O. 1990, c. C.38.

“Council” means the elected officials comprising the municipal council of the City.

“Designated Provision” means any section of this by-law designated in accordance with section 12.4 of this By-law.

“Director” means the Director of Legislated Services of the City or their designate.

“Dwelling” means a building or part thereof used or intended to be used as a residential unit.

“Floor Plan” means a scale diagram of the arrangement of rooms in one story of a building.

“Government-Issued Identification” means an official document issued by a government authority that serves as proof person’s identity and includes, but is not limited to, driver’s licence and passport.

“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 has a clear height of at least two (2) metres for any floor below grade and above which has a clear height of at least one (1) metre for any floor above grade, excluding the area of any garage, porch, veranda, sun room or stairwell;

“Group Home” means a residence licensed or funded under a federal, provincial, or regional statute for the accommodation of 3 to 10 persons, exclusive of staff, that provides a group living arrangement for their well-being. A group home shall not include a correctional group home.

“Guest” is an individual staying temporarily at a place that is not their primary residence, and for the purpose of this by-law is at least 18 years of age.

“Health Approval” means the approval of the Region of Waterloo Public Health.

“Hospital” means the use of a premises for the medical care, observation, supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, or injury; or for the convalesce of chronically ill persons, that is approved under the Public Hospitals Act or under the Private Hospitals Act

“Human Rights Code” means the *Human Rights Code*, R.S.O. 19901, c. H.19, as amended.

“Incomplete Application” means where required information is missing on the Application form; information or documentation required by the Manager of Licensing as part of the Application has not been provided; or the full Application Licence Fee is unpaid including any late fee and/or penalty fee.

“Kitchen” means a room or area in a Licensed Premises with cooking facilities, which may include a fridge, cooking devices, and sink.

“Licence” means a licence to engage in a Shared Accommodation issued under this By-law and the termed “licensed” shall have a corresponding meaning.

“Licensed Premises” means the Premises referred to on a Licence.

“Licensee” means a Person who has been issued a Licence under this By-law.

“Licensing Appeal Tribunal” means a committee designated by Council for the purpose of hearing any appeal under this By-law.

“Lodging House” a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging house can include student residences but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or hotel.

“Lodging Unit” means a room or set of rooms located in a lodging house or other dwelling designed or intended to be used for sleeping and living accommodations which:

- a) is designed for the exclusive use of the resident or residents of the unit;
- b) is not normally accessible to persons other than the residents or residents of the unit; and,
- c) does not have both a bathroom and kitchen for the exclusive use of the resident or residents of the unit

“Long-term Rental Accommodation” means any accommodation that does not fall under one of the Schedules of this By-law and does not operate as a Lodging House or a Short-Term Rental.

“Manager of Licensing” means the Manager of Licensing of the City or their designate.

“Medical Officer of Health” means the Medical Officer of Health for the Region of Waterloo Public Health or their designate.

“Officer” means an employee or agent of the City or a member of the Waterloo Regional Police Services and shall include, without limitation, the Manager of Licensing, a municipal law enforcement officer, by-law officer, or business licensing inspector, the Director, the Chief Fire Official, the Chief Building Official, the City’s Director of By-law Enforcement, or any person or inspector duly authorized on their behalf or otherwise authorized by Council.

“Ontario Fire Code” means the *Ontario Regulation 213/07: Fire Code*, under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

“Owner” includes:

- a) the registered owner of the property;
- b) the person for the time being managing or receiving rent of the property, 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.

“Owner Occupied” means occupied by a least one individual, who is the registered owner of the property, as their principal residence.

“Person” includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in their capacity as heir, trustee, executor, administrator, or other legal representative.

“Police Record Check” means a police record check or criminal record and judicial matter check issued to the Applicant by the police service in whose jurisdiction the Applicant resides.

“Premises” means land, Property or any part thereof including all Buildings or other parts thereon.

“Principal Residence” means the primary and permanent place of residence where an owner or owners of a household predominantly reside and has designated the property as their principal residence on their income tax filing, property bills, and in other government records.

“Property” means any lot, block, or other area in which land is held or into which it is subdivided, including the building and structures, and pools hereon.

“Regulations of this By-law” means the provisions of this By-law including its schedules that are applicable to a Business.

“Rent” means an amount paid or required to be paid or given by or on behalf of a Renter for the right to occupy a Rental Unit. This includes bill payments or services provided in exchange for occupancy of a Rental Unit.

“Rental Unit” means a Dwelling or part thereof offered for Rent.

“Renter” means a Person who rents a Dwelling or Rental Unit.

“Renter’s Code” means a set of guidelines and rules outlining the roles and responsibility of Renters, Tenants and landlords in a rental agreement, or other type of agreement, and shall include regulations and requirements in this By-law.

“Reservation” means a commitment or booking between a short-term rental operator and a Renter that will reserve the short-term accommodation for the person’s use for a specified period of time.

“Residential Care Facility” means a commercial enterprise which consists of a Rental Unit that offers beds and provides counselling, custodial, supervisory, personal, basic nursing and/or full-time nursing care, and is not considered a hospital, long-term care, or treatment centre.

“Shared Accommodation” means a dwelling or part thereof, accessory unit, or property that is listed for rent, intended for rent or advertised for rent, and may include a Lodging House or Short-Term Accommodation Rental.

“Shared Accommodation Owner” means the registered owner of a property in which the unit or part thereof is a Rental Unit.

“Short-term Accommodation Rental” means a dwelling or part thereof used to provide sleeping accommodations for any rental period that is less than 90 consecutive days in exchange for Rent, but does not include Hotel, Lodging House, Motel, and Long-Term Rental Accommodations.

“Student Residence” means residences that are owned and operated by post-secondary institutions.

“Temporarily” means for a limited period not exceeding 90 consecutive days.

“Zoning By-law” means all by-laws passed by Council pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, that restrict the use of land in the City.

2. Regulated Businesses

2.1 The Shared Accommodations set out in Schedule 1 are subject to the requirements of this By-law and to the requirements of the applicable schedules as shown therein.

2.2 The applicable requirements of a schedule to this By-law shall prevail over the general requirements of this By-law to the extent of any conflict.

3. Prohibitions

3.1 No Person shall:

- a) own, operate, permit to be operated, or act in the capacity of a Shared Accommodation set out in Schedule 1 without a Licence;
- b) own, operate, permit to be operated, or act in the capacity of a Shared Accommodation set out in Schedule 1 without complying with the Regulations of this By-law;
- c) operate a Shared Accommodation licensed under this By-law:
 - i. at a location other than the Licensed Premises where applicable;
 - ii. under any other name than the name(s) identified on the Licence;
 - iii. except in accordance with the Regulations of this this By-law; or
 - iv. without complying with any and all conditions or restrictions placed on the Licence by the Manager of Licensing;
- d) transfer or assign a Licence to any other Person or to any other location other than the Licenced Premises;
- e) 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;

- f) hold themselves out as Licensed under this By-law without holding the appropriate Licence;
 - g) advertise or permit the advertisement or operation of a Shared Accommodation without a licence; or
 - h) advertise a Shared Accommodation without including the current licence number in every advertisement.
- 3.2 This By-law shall not apply to the following Shared Accommodations, where not defined herein shall be defined in section 3 of City of Kitchener Zoning By-law 2019-051, as amended:
- a) Hotel;
 - b) Motel;
 - c) Group home;
 - d) Nursing home;
 - e) Hospital or treatment centre;
 - f) Bed and breakfast;
 - g) Student residence; or
 - h) any Rental Unit to which any of the following *Acts*, or their regulations apply:
 - i) *Homes for Special Care Act*, R.S.O. 1990, c.H12, as amended;
 - ii) *Long-Term Care Homes Act*, R.S.O. 1990, c.17, as amended;
 - iii) *Retirement Homes Act, 2010 S.O. 2010, c. 11, as amended; and*
 - iv) *Social Housing Reform Act, 2000, S.O. 2000, c.27, as amended.*

4. Licensing Requirements

- 4.1 An Applicant applying for a Licence shall submit the following to the Manager of Licensing:
- a) a complete Application in the form prescribed by the Manager, which shall include the following information where applicable:
 - i) the Applicant's legal name;
 - ii) the Applicant's residential and mailing address;

- iii) the address of the Shared Accommodation;
 - iv) the ownership of the Shared Accommodation;
 - v) a photocopy of Government-Issued Identification;
 - vi) the telephone number and email address for the Owner and Applicant; and
 - vii) Additional Contact information including telephone number and email address.
- b) the applicable Application Licence Fee and any documentation or forms required by the Manager of Licensing;
 - c) where the Applicant is a partnership, a list of all the names of the partners;
 - d) any other documents as required by the Regulations of this By-law; and
 - e) any documentation that may be required by the Manager of Licensing with respect to investigations required pursuant to this By-law.
- 4.2 If not prescribed by the By-law, upon receipt of an Application, the Manager of Licensing shall make or cause to be made all investigations which they deem necessary.
- 4.3 The Manager of Licensing may require the Applicant to have investigations conducted and obtain documentation from and provide to the Manager of Licensing, or to have documentation provided by any of the following or their designates: the Chief Fire Prevention Officer, Chief Building Official, Regional Medical Officer of Health, Waterloo Regional Police Services, and Director of By-law Enforcement.
- 4.4 For a renewal of a Licence, an Applicant shall submit the following to the Manager of Licensing:
- a) a renewal Application in the form prescribed by the Manager of Licensing;
 - b) the applicable Application Licence Fee; and
 - c) documents as the Manager of Licensing may require including, without limitation, the documents set out in 4.1 above and under Schedule 7.
- 4.5 Every Licensee shall:
- a) post the Licence in a conspicuous place at the Licensed Premises;

- b) have an Additional Contact who is responsible for managing or addressing issues in relation to the Owner's Licensed Premises and is available to attend at all times within a period no greater than one hour for emergency issues, and within three hours of non-emergency issues, and shall be responsible for the day-to-day operations of the Shared Accommodation;
- c) create and display the Renter's Code, which shall include the total number of bedrooms permitted where applicable;
- d) ensure that nothing is placed so as to obstruct access to the entrances and the exits from the Licensed Premises;
- e) ensure the number of cars do not exceed the legal amount of parking spaces;
- f) ensure that all containers for garbage, recyclable materials and yard waste on exterior property areas are kept in a rear or side yard in an enclosed structure with a lid or roof. The structure shall:
 - i) screen the containers from the view of streets, sidewalks, multi-use trails, and neighbouring properties;
 - ii) be kept closed at all times except when the containers contained therein are actually being filled or emptied;
 - iii) be kept in good working order, free of odours, and without any visible deterioration; and
 - iv) that any needle disposal containers are properly discarded.
- g) notify the Manager of Licensing within fourteen (14) days of any changes in the ownership of the Licensed Premises;
- h) Every Licensed Shared Accommodation shall comply with all applicable federal, provincial or municipal legislation, including, but not limited to, the *Building Code*, as amended, the *Fire Code*, as amended, and all applicable municipal by-laws, including Noise, Zoning, Parking, and Property Standards, and other applicable law, code or Act, such as the Human Rights Code and Criminal Code of Canada;
- i) All municipal taxes, licences, fines, or charges, and building permits for the Licensed Shared Accommodation must be current and not outstanding before a licence will be issued; and
- j) comply with the conditions and restrictions placed on the Licence by the Manager of Licensing or the Licensing Appeal Tribunal.

5. Issuance of Licence and Grounds for Refusal

5.1 The Manager of Licensing shall receive and process all complete Applications for a Licence.

5.2 Upon receipt of a complete Application, the Manager of Licensing shall either issue, renew, or issue with conditions a Licence.

5.3 Except where otherwise provided herein, every Licence issued or renewed pursuant to this By-law shall be issued in the name of Council by the Manager of Licensing.

5.4 Where the Manager of Licensing receives an Incomplete Application, the Manager of Licensing shall, whereas an address or other contact information has been provided, notify the Applicant that the Application is incomplete and, where applicable, any steps required to complete the Application.

5.5 The Manager of Licensing will deem an Application to be incomplete where:

- a) required information has not been provided on the Application form;
- b) information or documentation required by the Manager of Licensing as part of the Application has not been provided; or
- c) the full Application Licence Fee is unpaid including any late fee and/or penalty fee.

5.6 Where no action has been made to remedy an Incomplete Application by the Applicant in the time specified by the Manager of Licensing the Application shall be deemed abandoned. The Application will be cancelled, and any associated Application Licence Fee will be deemed non-refundable.

5.7 The Manager of Licensing shall, where an address or other contact information has been provided, notify the Applicant of the intention to refuse an Application and shall advise the Licensee of their right to appeal.

5.8 The Manager of Licensing may refuse an Application where:

- a) an unsatisfactory report regarding an investigation carried out pursuant to this By-law or any other applicable by-law of the City and any condition causing the report to be unsatisfactory has not been remedied; or

- b) the past conduct of the Applicant affords the Manager of Licensing reasonable grounds to believe that the Applicant has not or will not carry on their business in accordance with applicable law or by-laws, or with integrity and honesty; or
- c) the Dwelling specified on the Application are subject to any Order that has not been complied with made pursuant to the *Building Code Act* 1992, S.O. 1992, c. 23 or the *Fire Protection and Prevention Act* 1997, S.O. 1997, c.4, or by the Medical Officer of Health; or
- d) provided no pardon has been granted with respect to the conviction, the Applicant has been convicted of an offence that relates in any way to the business; or
- e) the Licence has been suspended or revoked by the Manager of Licensing or the Licensing Appeal Tribunal.

6. Terms of Licence

6.1 A licence issued pursuant to the provisions of this By-law shall expire one year from the date it was issued or on the expiry date listed on the licence unless it is revoked in accordance with any provisions of this By-law.

6.2 Where a Person sells or transfers ownership of a Shared Accommodation to another Person, the Licence issued for that Dwelling shall be void upon transfer.

7. Revocation and Suspension

7.1 The Manager of Licensing shall, where an address or other contact information has been provided, notify the Licensee of the intention to revoke or suspend a Licence and shall advise the Licensee of their right to appeal.

7.2 The Manager of Licensing may revoke or suspend a Licence where:

- a) the Manager of Licensing is of the opinion that the Dwelling poses a threat to the health and safety of the public, Renters, or Guests;
- b) the Licence was issued in error;
- c) the Licensee has violated any of the provisions of this By-law or any other applicable laws;
- d) any conditions placed on the Licence have been violated;
- e) the Licence was issued upon provision or receipt of false or misleading information.

7.3 If appealed, Renters residing in the Licensed Premises may continue to reside in the premises until a final decision has been rendered by the Licensing Appeal Tribunal, unless an order or other directive is issued under any other legislation or by a court of competent jurisdiction which orders or directs the removal or departure of the Renters prior to the Licensing Appeal Tribunal issuing a decision.

8. Appeal

8.1 All appeals shall be submitted in writing to the Manager of Licensing within 14 days from the notification issued by the Manager of Licensing.

8.2 The Licensing Appeal Tribunal is adjudicated by a committee designated by Council.

8.3 The decision of the Licensing Appeal Tribunal is final and binding.

8.4 If the Manager of Licensing refuses a Licence, the Applicant shall have the right to appeal the decision to the Licensing Appeal Tribunal.

8.5 The Manager of Licensing may refer an Application or a Licence to the Licensing Appeal Tribunal where:

- a) the Applicant or Licensee does not meet the requirements of this By-law or any other applicable law or by-law;
- b) there are reasonable grounds for belief that an Application or other documents provided to the Manager of Licensing by or on behalf of an Applicant or Licensee contains a false statement or provides false information;
- c) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe the Person will not carry on or engage in the Shared Accommodation in accordance with the law, or with honesty and integrity;
- d) any Licensee has contravened this By-law or any other by-law or federal or provincial statute or regulations while engaged in or conducting the business at the Shared Accommodation;
- e) the Applicant or Licensee has been convicted of an offence that relates in any way to the Licensed Premises for which a pardon has not been granted;
- f) any special conditions placed by the Manager of Licensing or Licensing Appeal Tribunal on a former or current licence of the Applicant or Licensee under this By-law have not been met; or

g) the provisions of this By-law provide grounds not to issue or renew.

8.6 When any matter has been referred or appealed to the Licensing Appeal Tribunal the Applicant or Licensee shall be given reasonable notice of the time and place of the hearing and shall be invited to make a submission either in writing or verbally.

8.7 When any matter has been referred or appealed to the Licensing Appeal Tribunal, after due consideration of the Application or Licence and after the Licensing Appeal Tribunal has heard such representations as the Applicant or Licensee and staff may care to make, may direct that the Licence be issued or renewed, or may refuse, suspend, revoke, or add conditions to a Licence where:

- a) the Applicant or Licensee does not meet the requirements of this By-law or any other applicable law or by-law;
- b) information or documentation required by the Manager of Licensing as part of the application process has not been provided;
- c) the Application is incomplete or the Application Licence Fee is unpaid including any late and/or penalty fee;
- d) the Manager of Licensing received an unfavourable report regarding an investigation carried out pursuant this By-law or any other by-law of the City;
- e) there are reasonable grounds for belief that an Application or other document provided to the Manager of Licensing by or on behalf of an Applicant or Licensee contain a false statement or provides false information;
- f) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe the person will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- g) without limiting the generality of section 8.5 (f), any Person, including the officers, directors, employees or agent of a corporation, has contravened this By-law or any other by-law of the City or federal or provincial statute or regulation while engaged in or conducting the business of the Shared Accommodation;
- h) any special conditions placed by the Manager of Licensing, on a former or current Licence of the Applicant or Licensee under this By-law have not been met;

- i) the provisions of this By-law provide grounds not to issue or renew in the circumstances; or
- j) the Applicant or Licensee has consented to the refusal, suspension, revocation, or adding of conditions to the licence.

8.8 No Person shall violate any conditions that the Manager of Licensing or the Licensing Appeal Tribunal has placed on a Licence issued under this By-law.

8.9 For the purpose of section 8.6, the Person's last known address and email address shall be deemed to be those provided pursuant to section 4.1 of this By-law unless notice in writing has been given to the Manager of Licensing providing new information in which case the most recently provided information shall be deemed correct for the purpose of providing notice hereunder.

9. Inspections

9.1 Any person authorized by the Manager of Licensing may at all reasonable times and in accordance with any applicable requirements in the *Municipal Act, 2001*, as amended, inspect any premises used for the carrying on of any business in respect of which a person is required to be licensed under this By-law.

9.2 No person shall obstruct or hinder or cause to be obstructed or hindered any person or persons designated under this By-law to perform their duties.

9.3 An inspection may be conducted by an Officer to determine whether or not the following are being complied with:

- a) any by-law of the City under the *Municipal Act* including this By-law;
- b) a direction or order of the City made under the *Municipal Act* or made under a by-law of the municipality passed under the *Municipal Act*;
- c) a condition of a Licence issued under a by-law of the municipality passed under the *Municipal Act*; or
- d) an order made under section 431 of the *Municipal Act, 2001*, c. 25.

9.4 For the purpose of an inspection of any premises to which any provision of this By-law applies, an Officer may:

- a) require the production for inspection of documents or items relevant to the inspection in a timeframe prescribed by the Manager of Licensing;
- b) inspect documents or items relevant to the inspection;

- c) require information from any person concerning a matter related to the inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, samples, or photographs necessary for the purpose of the inspection.

10. Orders

10.1 Where the Manager of Licensing has reasonable grounds to believe that a contravention of this By-law has occurred, the Manager of Licensing may make an Order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner or Renter, of the land on which the contravention occurred, to do work to correct the contravention.

10.2 An Order under section 10.1. of this By-law shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) the work to be done and the date by which the work must be done, or that the activity deemed to discontinue has ceased.

10.3 An Order under section 10.1. of this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

10.4 No Person shall fail to comply with an Order under section 10.1 of this By-law.

10.5 Any Order pursuant to this By-law shall be given in writing and is effective:

- a) on the date on which it is delivered to the Person to whom it is addressed;
- b) on the fifth day after it is sent by registered mail to the Person's last known address; or
- c) upon the sending by email transmission to the Person's last known email address.

10.6 For the purpose of section 10.5, the Person's last known address and email address shall be deemed to be those provided pursuant to section 4.1 of this By-law unless notice in writing has been given to the Manager of Licensing providing new information in which case the most recently provided information shall be deemed correct for the purpose of providing notice hereunder.

11. Enforcement

- 11.1 Council hereby authorizes the Waterloo Regional Police Services or any Officer thereof to act as agent for the City, as necessary, for the purpose of enforcing this By-law.
- 11.2 The Manager of Licensing is hereby charged with the responsibility for the enforcement of this By-law and the City Solicitor, City Clerk/Director of Legislated Services, Director of By-law Enforcement, and any other municipal official are hereby required to render the Manager of Licensing any reasonable assistance in that regard.

12. Offences and Penalties

- 12.1 Every Person, excluding a corporation, who contravenes any provision of this By-law or an Order made under this By-law and every director or officer of a corporation who concurs in a contravention by the corporation is guilty of an offence and is liable, upon conviction, to a fine not exceeding Twenty-Five Thousand Dollars (\$25,000).
- 12.2 Every corporation that contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Fifty Thousand Dollars (\$50,000).
- 12.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 12.4 Sections 3.1, 8.8, 9.2 and 10.4, inclusive of all subsections thereunder, of this By-law are hereby designated as parts of this by-law to which the Administrative Penalty By-law applies.
- 12.5 Any person who contravenes any Designated Provision of this by-law shall, upon issuance of a penalty notice in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees.

13. Collection of unpaid fines

- 13.1 Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act* including any extension of time for payment ordered under that section, the Manager of Licensing may give the Person against who the fine was imposed a written notice specifying the

amount of the fine payable and the final date on which it is payable which shall be not less than twenty one (21) days after the date of the notice.

13.2 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purpose of Section 351 of the *Municipal Act*.

14. Schedules

10.2 The schedules attached to this By-law shall form part of this By-law.

15. Short Title

a. This By-law shall be known as the “Shared Accommodation By-law”.

16. Severability

a. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in full force and effect.

17. Repeal

a. By-law 2004-250 and the contents of the Chapter 553 are hereby repealed as of January 1, 2025.

18. Coming into force

a. This By-law shall come into force and effect on January 1, 2025.

19. Transitional Provisions

a. Notwithstanding any other provisions of this By-law, or the repeal prior to January 1, 2025, various City by-laws and chapters of The City of Kitchener Municipal Code respecting business licensing, such repeal shall not:

- a) affect the previous operation of the repealed Chapters and by-laws;
- b) affect any right, privilege, obligation, or liability including any licence that came into existence under the repealed Chapter or by-law;

- c) affect an offence committed against the repealed Chapter or by-law, or any penalty, forfeiture, or punishment incurred in connection with the offence; or,
- d) affect an investigation, proceeding, or remedy in respect of a right, privilege, obligation, or liability described in section 20.1.b), or a penalty, forfeiture, or punishment described in section 20.1.c).

19.2 An investigation, proceeding, or remedy described in section 20.1. d) may be commenced, continued, or enforced as if the by-law or chapter had not been repealed or revoked.

19.3 A penalty, forfeiture, or punishment described in section 20.1. c) may be imposed as if the by-law or chapter had not been repealed or revoked.

19.4 A Licence issued under any by-law or chapter of the Municipal Code, as amended, shall be deemed a Licence under this by-law and shall be subject to all provisions of this By-law, but shall expire on the earlier of the two dates:

- a) The expiry date stated on the licence; or
- b) January 1, 2025.

20 Municipal Code

20.1 The Clerk of the City is hereby directed to make this By-law a part of The City of Kitchener Municipal Code by adding it to the concordance and arranging and numbering it as a chapter so as to fit within the scheme of the Code.

SCHEDULE 1

TYPES OF SHARED ACCOMMODATION REQUIRING A LICENCE

TYPE OF SHARED ACCOMMODATION	REGULATIONS
Lodging House	Schedule 5
Short-Term Accommodation Rental	Schedule 6

SCHEDULE 2

CRIMINAL RECORD AND JUDICIAL MATTERS CHECK

1. This schedule shall apply to those Persons who are required to provide Criminal Record and Judicial Matters Check with an Application.
2. The Criminal Record and Judicial Matters accepted by the Manager of Licensing shall meet the following requirements:
 - a) must be the original version provided by the Police Department;
 - b) must be completed within the municipality that the Person resides;
 - c) must be obtained by the Applicant to whom it applies;
 - d) if the Applicant is part of a partnership, a completed Criminal Record and Judicial Matters must be obtained for each partner; and
 - e) if the Applicant is a corporation, a completed Criminal Record and Judicial Matters must be obtained for each director, officer or shareholder who holds 50% or more of the issued shares in the corporation.
2. The Criminal Record and Judicial Matters shall only be considered valid if it is completed within six (6) months of the date of Application.
3. The Criminal Record and Judicial Matters shall be completed by a Canadian Police Service, or by a police service in the country where the Applicant resides. A Criminal Record and Judicial Matters completed by a third-party agency will not be accepted.
4. Any Criminal Record and Judicial Matters that is completed in a foreign language must be translated and notarized.

SCHEDULE 3

INSURANCE

1. This schedule shall apply to any Applicant that is required to submit proof of insurance.
2. Upon submitting an Application, the Applicant shall execute the following indemnity to the satisfaction of the City:

The Licensee both during and after the term of the Licence or renewed Licence, shall at all times, and at its own cost, expense, and risk, defend, indemnify and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and all respective heirs, administrators, executors, successors, and assigns from any and all losses, damages (including, but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any Person or Business), fines, penalties and surcharges, liabilities, judgements, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind and expenses which the indemnified City may suffer or incur, howsoever caused, provided such losses, damages, fines, penalties and surcharges, liabilities, judgments, claims, demands, cause of action, contracts, suits, actions or other proceedings of any kind and expenses as defined above are due or claimed to be due to the negligence, breach of contract, and/or breach of law of the Licensee.

3. The Applicant shall maintain liability insurance acceptable to the Manager of Licensing throughout the term of the Licence if the Licence has been granted.
4. The liability insurance shall consist of a comprehensive policy of public liability and property damage insurance in an amount of not less than \$2,000,000.00 per occurrence.
5. The liability insurance shall name The Corporation of the City of Kitchener as additional insured with a cross liability endorsement and severability of interest provision.

SCHEDULE 4

FLOOR PLANS

1. This schedule shall apply to any Applicant that is required to submit Floor Plans.
2. The Floor Plans accepted by the Manager of Licensing shall be drawn to scale on graph paper or digital format and include identifying the following:
 - a) all rooms, spaces or common areas of the Shared Accommodation;
 - b) how each room, space or common area shall be used, which means specifically indicating where all Bedrooms will be located on the floor plan;
 - c) the dimensions (in meters) of all rooms, spaces or common areas;
 - d) dimensions of all windows;
 - e) location of all entrances and exits; and
 - f) location of all smoke and carbon monoxide alarms.

SCHEDULE 5

LODGING HOUSE

1. In addition to the licensing requirements set out in section 4 of this By-law; an Applicant for a Lodging House Licence shall supply the following:
 - a) Criminal Record and Judicial Matter Check;
 - b) Proof of Insurance;
 - c) Floor Plan;
 - d) Fire Approval;
 - e) Planning Approval; and
 - f) Property Standards Approval.
2. Every Lodging House Licensee Shall:
 - a) ensure the Building area shall not exceed six hundred (600) square metres and the Building shall not exceed three (3) storeys in height;
 - b) ensure that the aggregate bedroom floor area is maximum 50% of the gross floor area;
 - c) ensure that each bedroom complies with the *Building Code Act, 1992, S.O. 1992, c.23*, as amended, and any regulations thereto with regards to access to natural light and window requirements;
 - d) ensure that the each bedroom has:
 - i) a minimum floor area of 7 square metres; and
 - ii) no more than 2 Adults per bedroom;
 - e) ensure that all Renters have access to any kitchen and bathroom;
 - f) ensure that each bedroom shall have a door that is capable of being locked;
 - g) maintain written leases with only one (1) Renter per lease, unless the Renter is under the age of sixteen (16) years, in which case a parent or guardian may execute a lease on their behalf;
 - h) have a separate Licence for each Lodging House location.
3. No Lodging House Licensee shall:
 - a) permit any room to be used as a bedroom except where a bedroom has been

indicated on the licence application;

- b) permit an occupancy greater than the number of which the premises was licensed pursuant to this By-law;
- c) operate a Business within or on the Licensed property.

SCHEDULE 6
SHORT-TERM ACCOMMODATION RENTAL

1. In addition to the licensing requirements set out in section 4 of this By-law; an Applicant for a Short-Term Accommodation (STA) Licence shall supply the following:

a) for a Class “A” Licence:

- i. Proof of Principal Residence;
- ii. Criminal Record and Judicial Matters Check;
- iii. Proof of Insurance
- iv. Floor Plan;
- v. Fire Approval;
- vi. Planning Approval; and
- vii. Property Standards Approval.

b) For Class “B” Licence:

- i. Criminal Record and Judicial Matters Check;
- ii. Proof of Insurance
- iii. Floor Plan;
- iv. Fire Approval;
- v. Planning Approval: and
- vi. Property Standards Approval.

2. STA - Class “A” (Principal Residence) Licensee may:

- a) operate up to a maximum of 365 days in a calendar year;
- b) operate up to 30 days consecutive, with the option to permit two additional 30 consecutive days up to a maximum of 90 days consecutive;
- c) rent up to five (5) bedrooms; and
- d) rent up to two (2) Guests per bedroom, with a maximum of 10 Guests total; and
- e) only hold a maximum of 1 Class “A” licence.

3. STA - Class “B” (Non-Principal Residence) Licensee may:

- a) operate up to a maximum of 365 days in the calendar year;

- b) operate up to 30 days consecutive, with the option to permit two (2) additional 30 consecutive days up to a maximum of 90 days consecutive;
 - c) rent up to three (3) bedrooms;
 - d) rent up to two (2) Guests per bedroom, with a maximum of six (6) Guests total; and
 - e) rent a secondary dwelling unit.
4. A Short-term Accommodation Licence will not be granted for any accessory structure, such as a shed, garage or recreational vehicle.
5. A Short-term Accommodation Licence will only be granted where approved to the registered owner(s) of the STA.
6. Every Short-Term Accommodation Licensee shall keep a register of all guests staying at the STA that will be available upon request by the Manager of Licensing and shall include:
- i. Date(s) of entry and exit of the guest(s);
 - ii. Number of Guests per Reservation;
 - iii. Length of stay;
 - iv. Name and address of Guest(s);
 - v. Licence plate(s), if applicable; and
 - vi. ensure all records are kept for a minimum of two (2) years.
7. Every Short-Term Accommodation Licensee shall ensure that the STA is maintained in a clean and hygienic manner and in a state of good repair.
8. Every Short-Term Accommodation Licensee shall ensure that each bedroom has a minimum floor area of 7 square metres.
9. Every Short-Term Accommodation Licensee shall maintain the privacy of its guests, and where security cameras are present shall:
- a) provide notice to the guests that security cameras are in use on the premises;
 - b) place signage in a conspicuous place that security cameras are present;
 - c) ensure that security cameras are not installed or positioned in areas where individuals have a reasonable expectation of privacy, such as bedrooms, bathrooms or changing areas; and

- d) ensure compliance with all applicable municipal, provincial, and federal laws, regulations, and guidelines governing the use of security camera and protection of privacy.

SCHEDULE 7
RENEWAL REQUIREMENTS

1. In addition to the licensing requirements set out in article 4 of this Chapter, a completed Application for a Licence renewal shall be accompanied by the listed requirements and approvals and shall be submitted by the listed due date.

TYPE OF LICENCE	REQUIREMENTS/APPROVALS	DUE DATE
Lodging House	<ul style="list-style-type: none">• Fire Approval• Property Standards Approval• Planning Approval• Insurance• Criminal Record Check• Application Licensing Fee	1 calendar year after the date of issuance or the expiry date as listed on the licence.
Short-Term Accommodation Rental	<ul style="list-style-type: none">• Fire Approval• Property Standards Approval• Planning Approval• Insurance• Criminal Record Check• Application Licensing Fee	1 calendar year after the date of issuance or the expiry date as listed on the licence.

APPENDIX B TO COR-2024-233

PROPOSED SHARED ACCOMMODATION LICENSING FEES

LICENCE TYPE (NEW):	COST FOR LICENCE	PROJECTED NUMBER	TOTAL
LODGING HOUSE	\$750	150-300	\$112,500-\$225,000
SHORT-TERM RENTAL	Class A - \$450 Class B - \$750	800	\$360,000-\$600,000

LICENCE TYPE (RENEWAL):	COST FOR LICENCE	LATE
LODGING HOUSE	\$525	\$655
SHORT-TERM RENTAL – Class A	\$225	\$355
SHORT-TERM RENTAL – Class B	\$525	\$655

COMPARATOR:	FEE:
WATERLOO	\$420-\$720
LONDON	\$193
VAUGHN	\$200-\$6,637
HAMILTON	\$875-\$1006
KAWARTHA LAKES	\$150-\$1500
BLUE MOUNTAIN	\$2400
NIAGRA ON THE LAKE	\$279 (PER BEDROOM)
OAKVILLE	\$273 - \$46,300 (PLATFORM)
NORTH BAY	\$600
RAMARA	\$3000
AVERAGE FEE	\$1,560.20

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 3, 2024

SUBMITTED BY: Rosa Bustamante, Director, Planning and Housing Policy, 519-741-2200 ext. 7319

PREPARED BY: Natalie Goss, Manager, Policy & Research, 519-741-2200 ext. 7648

WARD(S) INVOLVED: ALL

DATE OF REPORT: May 16, 2024

REPORT NO.: DSD-2024-249

SUBJECT: Supplemental Report to DSD-2023-446 – City-wide Lodging House Review – DSD-2024-249

RECOMMENDATION:

That Official Plan Amendment OPA21/004/COK/AR proposing amendments to Kitchener's 1994 and 2014 Official Plan to permit lodging houses city-wide wherever residential uses are permitted be adopted in the form shown in the Official Plan Amendments attached to Report DSD-2023-446 as Attachment 'A' and Attachment 'B', and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment ZBA21/040/K/NG be approved in the form shown in the 'Proposed By-law to Zoning By-law 85-1' and 'Proposed By-law to Zoning By-law 2019-051' attached to Report DSD-2023-446 as Attachment 'C' and Attachment 'D' respectively.

REPORT HIGHLIGHTS:

- The purpose of this report is to bring forward recommended Official Plan and Zoning By-law amendments to enable lodging homes city-wide which were referred by City Council in November 2023.
- This report is being brought forward at this time to enable updates to the Official Plan and Zoning By-law to be considered at the same time as licensing by-law updated for lodging homes (COR-2024-233 – Shared Accommodation By-law).
- There are no financial implications associated with this recommendation.
- Planning staff continues to recommend the land use and zoning updates proposed through report DSD-2023-446.
- This report supports **Building a Connected City Together: Focuses on neighbourhoods; housing and ensuring secure, affordable homes; getting around easily, sustainably and safely to the places and spaces that matter.**

BACKGROUND:

At the November 6, 2023, City Council meeting, Council referred a decision on the recommendations in report DSD-2023-446 to allow them to be considered concurrently with a new Lodging House Licensing By-law. Since that time, work has advanced on a Shared Accommodation By-law, which will include updated licensing requirements for lodging houses.

REPORT:

Licensing Services has identified the need to modernize the Lodging House (licensing) By-law and to expand the by-law to include additional types of Shared Accommodations. Report COR-2024-233 – Shared Accommodation By-law, is being considered by Committee of Council on June 3, 2024. This staff report includes a new by-law that aims to improve the ability to ensure public safety, consumer protection, and nuisance control while also reducing barriers for property owners. Some of the key changes include more robust licensing requirements, enhanced property maintenance measures, enhanced safety measures by way of mandatory inspections, advertising and booking requirements, a renter code of conduct, emergency contacts and a good neighbour guide.

The proposed updates to licensing for Lodging Houses aligns with proposed updates to Official Plan policies and zoning rules. As such, staff continues to recommend the Official Plan amendments and Zoning By-law amendments as outlined in report DSD-2023-446.

STRATEGIC PLAN ALIGNMENT:

This report supports **Building a Connected City Together: Focuses on neighbourhoods; housing and ensuring secure, affordable homes; getting around easily, sustainably and safely to the places and spaces that matter.**

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O, 1990, c. P. 13
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan, 2009
- City of Kitchener Official Plan, 2014
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 85-1
- City of Kitchener Zoning By-law 2019-051

- DSD-2021-11 – Lower Doon Land Study Recommendations Report
- DSD-20-214 – Housing for All – City of Kitchener Housing Strategy
- [DSD-2023-446 – City-wide Lodging House Review](#)

REVIEWED BY: Kristin VanDerGeld, Manager, Licensing

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – DSD-2023-446 – City-wide Lodging House Review

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 30, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7073

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078
Natalie Goss, Manager Policy & Research, 519-741-2200 ext. 7648

WARD(S) INVOLVED: ALL

DATE OF REPORT: October 17, 2023

REPORT NO.: DSD-2023-446

SUBJECT: DSD-2023-446 City-wide Lodging House Review
(OPA21/004/COK/AR, ZBA21/040/K/NG)

RECOMMENDATION:

That Official Plan Amendment OPA21/004/COK/AR proposing amendments to Kitchener's 1994 and 2014 Official Plan to permit lodging houses city-wide everywhere residential uses are permitted be adopted, in the form shown in the Official Plan Amendments attached to Report DSD-2023-446 as Attachment 'A' and Attachment 'B', and accordingly forwarded to the Region of Waterloo for approval; and,

That Zoning By-law Amendment ZBA21/040/K/NG be approved in the form shown in the 'Proposed By-law to Zoning By-law 85-1' and 'Proposed By-law to Zoning By-law 2019-051' attached to Report DSD-2023-446 as Attachment 'C' and Attachment 'D' respectively.

REPORT HIGHLIGHTS:

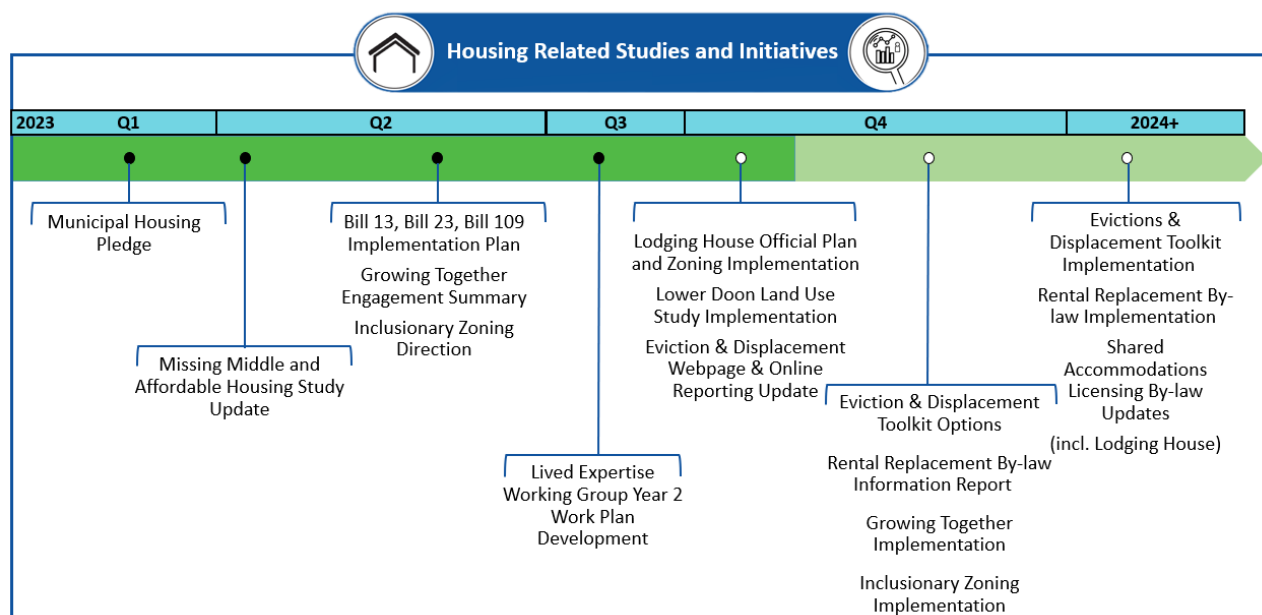
- The purpose of this report is to bring forward a planning recommendation regarding Official Plan amendments and Zoning By-law amendments to permit lodging houses city-wide.
- Community engagement included:
 - A Housing for All Lodging House sub-committee was formed with members of the community, staff and Council. The sub-committee prepared an Issues and Options report about lodging houses and in summer 2023 met with staff to review preliminary directions on Official Plan and zoning updates;
 - An update on the recommended approach for lodging houses was provided to the Lived Expertise Working Group on October 4, 2023, and;
 - Notice of the public meeting was published in the Record on October 6, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Council approved Housing for All, the City's first housing strategy which focused on what the city can do to address housing issues. One of the strategy's actions is to report on the feasibility and implications of reviewing and updating current lodging house policies. As part of Housing for All, a Lodging House sub-committee was formed comprised of community members, staff and a member of Council. Together they drafted an Issues and Options paper that recommended removal of references to minimum distance separation and expanding permissions for lodging houses city-wide where residential uses are permitted. They also recommended advancing updates on licensing for lodging houses and engaging with people with lived expertise. Additionally, the Ontario Human Rights Commission has advised all municipalities to avoid the discriminatory impacts of regulations regarding rental housing, including the use of a minimum distance separation. Planning staff is recommending approval of Official Plan amendments and Zoning By-law amendments that will permit lodging houses city-wide.

BACKGROUND:

This report is one of many reports being presented to Council for consideration in 2023-2024+ which focuses on housing related studies and initiatives. The graphic below depicts the planned updates to Council over the next 12+ months.



In October 2019, Council approved report DSD-19-233 – New Zoning By-law (Stage 2a) – Residential Base Zones Comprehensive Review of the Zoning By-law (CRoZBy) Project which included staff's recommendation that the issue of regulating lodging houses in the Official Plan and Zoning By-law be referred to the Affordable Housing Strategy for further consideration.

On December 14, 2020 as a part of report DSD-20-214 Council approved Housing for All, the City's first housing strategy which focused on what the city can do to address housing

issues including increasing and maintaining the supply of housing within the City of Kitchener while supporting the Region of Waterloo. Housing for All contained over 40 actions the city can take to help realize the right to housing. One of the strategy's actions is to report on the feasibility and implications of reviewing and updating current lodging house policies.

In March 2021, staff brought forward a consultant report and recommendations on the Lower Doon Land Use Study as a part of report DSD-2021-11. One recommendation in the consultant report was to allow lodging houses in all residential zones in Lower Doon and to subsequently revise the City's licensing by-law for Lodging Houses. Further, the consultants' report noted that minimum distance separation regulations are an indefensible form of "people zoning" which the Ontario Human Rights Commission has directed municipalities not to use due to its discriminatory and exclusionary nature and impacts.

Lodging House Sub-committee

As part of the Affordable Housing Strategy, a Lodging House sub-committee was formed in early 2021, comprised of four members of the Housing for All Advisory Committee and together formed a working group which helped draft the Issues and Options paper on lodging houses (Attachment E) in Kitchener. The Issues and Options paper included the following recommendations that are appropriate to be addressed through planning tools or processes:

- Removal of references to minimum distance separation in the Official Plan and Zoning By-law;
- Allow lodging houses as of right in all residential zones across the City;
- Advance updates on the licensing framework for lodging houses, and;
- Engage with people with lived expertise of lodging houses through the City's Lived Expertise Working Group

Lodging Houses in the City of Kitchener

Currently there are about 20 licensed lodging houses located across the City of Kitchener. Through investigations conducted by Kitchener's licensing, by-law enforcement and fire prevention staff, discussions with affected parties, and data-mining, staff are aware that there are many more unlicensed properties operating as lodging houses. Unlicensed properties are not annually inspected and operate outside of the requirements and regulations of the city's bylaws.

To complete the action item from Housing for All, advance the work of the Housing for All Lodging House Sub-committee, and implement direction from the Ontario Human Rights Commission, planning staff are proposing amendments to Kitchener's Official Plan and Zoning By-laws that seek to permit lodging houses across the city.

REPORT:

Many municipalities have regulated the form and location of lodging houses and group homes to prevent or reduce perceived over-concentration of lodging houses and group homes and to "protect" neighborhoods. Many municipalities, including Kitchener, implemented zoning and licensing restrictions and separation requirements for these housing types. As part of Official Plan and zoning updates in the mid 2000s, Kitchener sought to limit the creation of new lodging houses, residential care facilities and social service establishments within the Cedar Hill neighbourhood. The Ontario Municipal Board ruled against the City on the basis that imposing by-laws that limit housing availability for Code protected groups is discriminatory, an encroachment on human rights, and is an

overall breach of planning principles. Additionally, at that time Kitchener and three other municipalities were challenged by the Ontario Human Rights Tribunal on their use of minimum separation distances and zoning restrictions on group homes and supportive housing. The City subsequently removed the minimum separation distances and restrictions for group homes as a result of the Tribunal's direction.

Since that time, the Ontario Human Rights Commission (OHRC) has advised all municipalities, through their report titled [“Room for everyone: Human rights and rental housing licensing”](#) to avoid the discriminatory impacts of regulations regarding rental housing, including the use of minimum separation distances (OHRC, 2013). Minimum separation distances are arbitrary and mean that if one lodging house is established in a neighbourhood, others cannot locate. This particularly affects groups that may already be the most vulnerable, since the lodging houses they live in cannot be brought into conformity and licensing standards, they are often afraid to report property neglect and standards due to fear of being evicted.

The Role of Lodging Houses in the Continuum

Housing for All is Kitchener's first housing strategy, and it contains over 40 actions that take a comprehensive approach to meeting supply all around the housing continuum. One of the actions was to report to Council on the feasibility of reviewing the City's lodging house policies.

Lodging houses also known as 'Multi-Tenant Houses, and historically as 'Rooming Houses', and 'Boarding Houses', fill an important gap in the provision of housing as it tends to be a more affordable option than other options in the private market. Lodging houses can also encompass some forms of student housing and seniors co-housing. They add to a mix and range of housing options and contribute to stronger and more diverse neighbourhoods. Figure 1 below shows the Wheelhouse which sets the targets for each housing type around the continuum and shows where the market is failing to provide adequate stock.

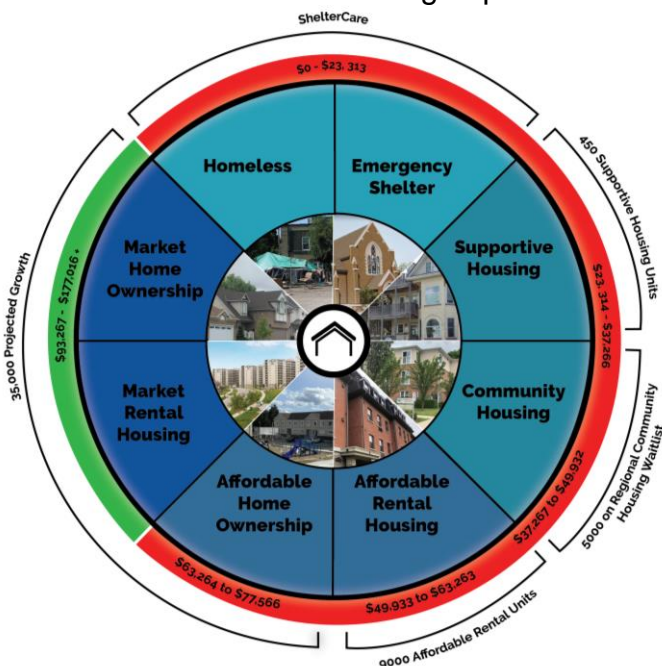


Figure 1: Wheelhouse - Kitchener's reimagined understanding of the housing continuum.

As part of the implementation of one of the action items of Kitchener's Housing for All, Kitchener's housing strategy, planning staff are proposing and recommending a series of amendments to permit lodging houses city-wide.

Building on the Issues and Options prepared by the Lodging House sub-committee (Appendix E) planning staff conducted supplemental research to better understand ways in which lodging houses are defined in Official Plans and Zoning By-laws; consider how lodging houses can be permitted throughout the city in mixed use and commercial zones; and, considered minimum parking rates. Planning and Licensing staff met with the Lodging House Sub-committee several times throughout Summer 2023 on the supplemental research conducted by staff, and draft directions to amend the Official Plan, Zoning By-law and licensing by-law.

Proposed Official Plan Amendments and Zoning By-law Amendments (85-1 and 2019-051)

Planning staff are proposing amendments to Kitchener's 2014 Official Plan and the 1994 Official Plan which continues to apply to Kitchener's Secondary Plan areas in the neighbourhoods surrounding downtown, the North Ward in Ward 10, and Rosenberg in Ward 5. The Official Plan amendments will seek to:

- Permit lodging houses anywhere in the city that residential uses are permitted where the primary intent of the land is for residential or mixed use and provided that municipal servicing is available;
- Align the definition of lodging houses with the Ontario Building Code and Ontario Fire Code. The proposed definition of lodging houses is:

Lodging House – shall mean a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging house can include student residences but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.

- Remove policies and regulations that refer to the use of minimum separation distances for lodging houses.

Alternative ways to regulate and define lodging houses were contemplated, including not considering a lodging house a separate use of land and rather a form of tenure. This approach would rely on the City's licensing bylaw provisions for rules and safety mechanisms for lodging houses. At this time planning staff recommend continuing with defining and permitting lodging houses as a use to ensure clarity.

Planning Analysis:

Planning Act, R.S.O 1990, c. P. 13

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in

carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest. Among these matters are the adequate provision of a full range of housing, including affordable housing.

The matters of provincial interest outlined in Section 3 of the Planning Act are addressed and implemented through the Provincial Policy Statement, 2020, which directs how and where growth is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and growth. It encourages municipalities to permit and facilitate a range of housing options to respond to current and future needs. Section 1.1.1 b) of the PPS acknowledges that healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of affordable and market-based residential housing types as part of complete communities. Similarly, Section 1.4.3 b) states that municipalities shall permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

Based on the foregoing, staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The Growth Plan (policy 2.2.6.1a) requires that municipalities support housing choice by identifying a diverse range and mix of housing options and densities including additional residential units and affordable housing to meet projected needs of current and future residents. Further policy 2.2.6.1e) requires that municipalities implement the above through their official plan policies and designations and zoning by-laws.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the Growth Plan.

Regional Official Plan (ROP)

The Region of Waterloo's Official Plan (ROP), as amended in 2022 through Regional Official Plan Amendment 6 – plans for growth and change in the Region to 2051. The ROP includes planning to provide for a diverse range and mix of housing options, including affordable

housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Chapter 3 of the ROP focuses on policies related to housing. Chapter 3 acknowledges that maintaining a healthy supply of rental housing, especially at affordable and mid-range rents, is critical to attracting residents and businesses to the Region and supporting a wider range of housing options that are affordable. Policy 3.A.2 requires that area municipalities, together with the Region, plan to provide a diverse range and mix of housing options with an overall target of a minimum of 30 percent of new ownership and rental housing being affordable to low- and moderate-income households. The policy also looks to provide variety in housing forms, tenures, density and number of bedrooms to accommodate the needs of all sizes, incomes and ages of households.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the ROP.

City of Kitchener Official Plan (OP)

Kitchener's Official Plan (2014) provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The vision and goals of the Official Plan strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The City's Official Plan includes an objective (4.1.1) to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure, and affordability to satisfy the varying housing needs of the Kitchener community through all stages of life. This objective is considered through the policies throughout this section and specifically relevant to the Official Plan amendments that are the subject of this report, policy 4.C.1.12 which acknowledges that the City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the intent of the Official Plan and better align the Official Plan and Secondary Plans contained within the 1994 Official Plan with advice from the Ontario Human Rights Commission.

Proposed Official Plan Amendment Conclusions

Based on the above-noted planning analysis, direction in Housing for All, subsequent research conducted by the Housing for All Lodging House sub-committee and staff, and advice from the Human Rights Commission, staff is of the opinion that the proposed Official Plan amendments represent good planning and recommends that they be approved in the form shown in Attachments "A" and "B".

Proposed Zoning By-law Amendment Conclusions

Based on the above-noted planning analysis, direction in Housing for All, subsequent research conducted by the Housing for All Lodging House sub-committee and staff, and recommendations from the Human Rights Commission, staff is of the opinion that the proposed Zoning By-law amendments represents good planning as they will permit a form of housing broadly across the city that has historically been restricted. The proposed

Zoning By-law amendments are consistent with the proposed Official Plan amendments. Staff recommends that the proposed Zoning By-law amendments be approved in the form shown in Attachments “C” and “D”.

Licensing By-law Updates

Planning staff have been working closely with the Licensing Services team on the proposed Official Plan and Zoning By-law amendments in parallel with anticipated updates to Kitchener’s licensing framework for lodging houses. Currently, Licensing Services intends to bring to Council a report with an updated licensing by-law in early 2024 for lodging houses and other shared accommodations, such as short-term rentals. Once Council has considered the proposed licensing by-law, staff will launch a comprehensive communications and education plan to ensure the successful roll out of new zoning and licensing rules for lodging houses and licensing rules for other short-term accommodations.

Prior to the implementation of an updated licensing framework for lodging houses, the city will continue to rely on its current Lodging House By-law which require any property operating a lodging house to obtain a licence and undergo annual inspections by property standards and fire prevention to ensure health and safety.

STRATEGIC PLAN ALIGNMENT:

This report supports A Caring Community.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

CONSULT - This item arose as part of the work of the creation of Housing for All. It is estimated that city staff engaged with close to 500 people including citizens, stakeholders, members of the Advisory Committee, City staff and Members of Council. Further, a Lodging House Review sub-committee worked alongside City staff helped to co-create the issues and options paper and identify potential opportunities. The Lodging House Review sub-committee also provided input on draft directions on proposed updates to the Official Plan and Zoning By-law. Finally, an overview of the proposed Official Plan and Zoning By-law amendments were presented to Kitchener’s Lived Expertise Working Group on October 4, 2023.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P. 13
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020
- Provincial Policy Statement, 2020

- Region of Waterloo Official Plan, 2009
- City of Kitchener Official Plan, 2014
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 85-1
- City of Kitchener Zoning By-law 2019-051
- DSD-2021-11 – Lower Doon Land Study Recommendations Report
- DSD-20-214 – Housing for All – City of Kitchener Housing Strategy

REVIEWED BY: Helen Fylactou, Manager, Licensing

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Proposed 1994 Official Plan Amendment

Attachment B – Proposed 2014 Official Plan Amendment

Attachment C – Proposed Zoning By-law Amendment 85-1

Attachment D – Proposed Zoning By-law Amendment 2019-051

Attachment E – Housing for All Lodging House Sub-Committee Issues and Options Paper

Attachment F – Newspaper Notice (October 6, 2023)

AMENDMENT NO. ## TO THE 1994 OFFICIAL PLAN

OF THE CITY OF KITCHENER

CITY OF KITCHENER

City-wide Lodging House Review

AMENDMENT NO. ## TO THE 1994 OFFICIAL PLAN

OF THE CITY OF KITCHENER

CITY OF KITCHENER
City-wide Lodging House Review

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SECTION 1	TITLE AND COMPONENTS
SECTION 2	PURPOSE OF THE AMENDMENT
SECTION 3	BASIS OF THE AMENDMENT
SECTION 4	THE AMENDMENT

APPENDICES

APPENDIX 1	Notice of the Meeting of Planning & Strategic Initiatives Committee of October 30, 2023
APPENDIX 2	Minutes of the Meeting of the Planning & Strategic Initiatives Committee of October 30, 2023
APPENDIX 3	Minutes of the Meeting of City Council DATE

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ## to the Official Plan (1994) of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The Ontario Human Rights Commission (OHRC) has provided direction to all municipalities to remove minimum separation distances from planning instruments as they pertain to lodging houses in order to avoid ‘people zoning’, remove impacts of exclusionary regulation imposed on tenants, and to protect the safety and viability of lodging houses as a form of housing. The purpose of the Official Plan Amendment is to address this direction of the OHRC by incorporating certain modifications to the text. These modifications support the actions in Housing for All, the City’s housing strategy which was approved on December 14, 2020. The effect of the changes are to remove reference to a minimum separation distance for lodging houses, remove exclusionary and discriminatory language and reduce undue policy regulation regarding lodging houses.

SECTION 3 – BASIS OF THE AMENDMENT

The effect of the amendment is to incorporate certain modifications to the text of the Official Plan to meet the direction of the Ontario Human Rights Commission, and to support the implementation of the City’s housing strategy, Housing for All as it pertains to lodging houses. This Official Plan amendment is consistent with and conforms to the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Region of Waterloo Official Plan (2009), and represents good planning.

Land Use Modifications

City staff are recommending that all land use designations within all Secondary Plans that permit residential uses permit lodging houses.

SECTION 4 – THE AMENDMENT

The City of Kitchener 1994 Official Plan is hereby amended as follows:

- a) Part 3, Section 13.1 Civic Centre Secondary Plan, subsection 13.1.2.1 is amended by adding the words “, lodging houses” before “or multiple dwellings to a maximum of 3 units” and after “duplexes” in the second paragraph
- b) Part 3, Section 13.2, King Street East Secondary Plan, subsection 13.2.2.1 is amended by deleting the word “small” after “three dwelling units,” and before “lodging houses”
- c) Part 3, Section 13.3 Cedar Hill Secondary Plan, subsection 13.3.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units,” and before “lodging houses”
- d) Part 3, Section 13.4 Mill Courtland-Woodside Park Secondary Plan, subsection 13.4.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three dwelling units,” and before “lodging houses”

- e) Part 3, Section 13.5 Victoria Park Secondary Plan, subsection 13.5.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units” and before “lodging houses”
- f) Part 3, Section 13.6 Victoria Street Secondary Plan, subsection 13.6.3.1 is amended by deleting the word “small” after “and multiple dwellings to a maximum of three units” and before “lodging houses”
- g) Part 3, Section 13.7 K-W Hospital Secondary Plan, subsection 13.7.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units” and before “lodging houses” in the second paragraph
- h) Part 3, Section 13.8, North Ward Secondary Plan, Subsection 13.8.2.1 is amended by deleting the word “small” after “semi-detached dwellings” and before “lodging houses”.
- i) Part 3, Section 13.8, North Ward Secondary Plan, Subsection 13.8.2.4 is amended by inserting the words “lodging houses” before “health offices” and after “multiple dwellings to a maximum of three dwell units”.
- j) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.1 is amended by deleting the word “small” after “duplex dwellings” and before “lodging houses” in the second paragraph.
- k) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.2 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units,” and before “lodging houses” in the second paragraph.
- l) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.6 is amended by inserting the words “lodging houses” before “home businesses” and after “multiple dwellings in excess of 200 units per hectare”.
- m) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.15 is amended by inserting the words “lodging houses” before “home businesses” and after “semi-detached dwellings”.
- n) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.16 is amended by inserting the words “lodging houses” before “educational establishments” and after “multiple dwellings” in paragraph 2.
- o) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.2.2.3 is amended by inserting the words “lodging houses” before “and special needs housing” and after “multiple dwelling units (not including cluster townhouses)”.
- p) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.2.3.3 is amended by inserting the words “lodging houses” before “and special needs housing” and after “multiple dwelling units (not including cluster townhouses)”.
- q) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.2.1 is amended by inserting the words “lodging houses” before “and street townhouse dwellings” and after “semi-detached dwellings”.

- r) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.3.1 is amended by inserting the words “lodging houses” before “and low-rise multiple dwellings” and after “townhouse dwellings”.
- s) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.4.1 is amended by inserting the words “lodging houses” before “townhouse and multiple dwellings” and after “including”.
- t) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.5.1 is amended by inserting the words “lodging houses” before “townhouse and multiple dwellings” and after “including”.
- u) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.6.1 is amended by inserting the words “lodging houses” before “townhouse and multiple dwellings” and after “may include”.

NOTICE OF PUBLIC MEETING to change permissions for lodging houses city-wide



City-wide
Lodging Houses



Have Your Voice Heard! **Planning & Strategic Initiatives Committee**

Date: **October 30, 2023**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
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To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

**Natalie Goss,
Manager of Policy & Research**
natalie.goss@kitchener.ca
519.741.2200 x7648

The City of Kitchener will consider an application for Official Plan Amendments and Zoning By-law Amendments to facilitate broader permissions for lodging houses as a form of housing. These changes align with action items from Housing for All, Kitchener's housing strategy and will remove exclusionary regulations like minimum separation distance rules from zoning.

APPENDIX 2 – MINUTES OF THE MEETING OF PLANNING AND STRATEGIC INITIATIVES COMMITTEE –
OCTOBER 30, 2023

APPENDIX 3 – MINUTES OF THE MEETING OF CITY COUNCIL - DATE

AMENDMENT NO. ## TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER

City-wide Lodging House Review

AMENDMENT NO. ## TO THE OFFICIAL PLAN

OF THE CITY OF KITCHENER

CITY OF KITCHENER
Lodging House Review

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APPENDIX 2	Minutes of the Meeting of the Planning & Strategic Initiatives Committee of October 30, 2023
APPENDIX 3	Minutes of the Meeting of City Council DATE

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ## to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The Ontario Human Rights Commission (OHRC) has provided direction to all municipalities to remove minimum separation distances from planning instruments as they pertain to lodging houses in order to avoid ‘people zoning’, remove impacts of exclusionary regulation imposed on tenants, and to protect the safety and viability of lodging houses as a form of housing. The purpose of the Official Plan Amendment is to address this direction of the OHRC by incorporating certain modifications to the text. These modifications support the actions in Housing for All, the City’s housing strategy which was approved on December 14, 2020. The effect of the changes are to remove reference to a minimum separation distance for lodging houses, remove exclusionary and discriminatory language and reduce undue policy regulation regarding lodging houses.

SECTION 3 – BASIS OF THE AMENDMENT

The effect of the amendment is to incorporate certain modifications to the text of the Official Plan to meet the direction of the Ontario Human Rights Commission, and to support the implementation of the City’s housing strategy, Housing for All as it pertains to lodging houses. This Official Plan amendment is consistent with and conforms to the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Region of Waterloo Official Plan (2009), and represents good planning.

Land Use Modifications

City staff are recommending amendments to the housing section of the Official Plan to enable lodging houses as a permitted use in all land use designations that permit residential uses.

SECTION 4 – THE AMENDMENT

The City of Kitchener Official Plan is hereby amended as follows:

- a) Part C, Section 4.C.1.32 is amended by deleting “Section 4.C.1.32” in its entirety and replacing it with the following:

“The City will permit lodging houses in any land use designation permitting residential uses, provided that full municipal servicing is available.”
- b) Part C, Section 4.C.1.33 is deleted in its entirety.
- c) Part C, Section 4.C.1.34 is amended by adding “permit and” after “specifically” and before “regulate”.
- d) Part C, Section 4.C.1.34 is amended by deleting “and the ability to integrate such housing forms in an acceptable and appropriate manner” after “and safety regulations”.
- e) Part C, Section 4.C.1.35 is deleted in its entirety.

- f) Part C, Section 4.C.1.36 is deleted “Section 4.C.1.36” in its entirety.
- g) Part F, Schedule A: Glossary of Terms is amended by deleting the glossary term “*Lodging House*” and replacing it with the following:

“Lodging House – means a *dwelling unit*, where five or more persons, not including a resident owner of the property, may rent a *Lodging Units* and where the kitchen and other areas of the *dwelling unit* are shared amongst the persons occupying the *dwelling unit*. Lodging house can include student residences but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.”

NOTICE OF PUBLIC MEETING to change permissions for lodging houses city-wide



City-wide
Lodging Houses



Have Your Voice Heard! **Planning & Strategic Initiatives Committee**

Date: **October 30, 2023**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

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The City of Kitchener will consider an application for Official Plan Amendments and Zoning By-law Amendments to facilitate broader permissions for lodging houses as a form of housing. These changes align with action items from Housing for All, Kitchener's housing strategy and will remove exclusionary regulations like minimum separation distance rules from zoning.

APPENDIX 2 – MINUTES OF THE MEETING OF PLANNING AND STRATEGIC INITIATIVES COMMITTEE –
OCTOBER 30, 2023

APPENDIX 3 – MINUTES OF THE MEETING OF CITY COUNCIL - DATE

PROPOSED BY – LAW

_____, 2023

BY-LAW NUMBER ____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener
- Lodging House Review)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Section 4.2 of By-law 85-1 is hereby amended by deleting the portions of the below text in the definition of “Household” with a strikethrough:

“**Household**” shall mean one or more persons living together as a single non-profit housekeeping unit, sharing all areas of the dwelling unit and may, in addition, be designed to accommodate lodging units ~~containing less than four residents.~~ (By-law 94-1, S.5[d])”

2. Section 4.2 By-law 85-1 is hereby amended by deleting the definition of “Lodging House” in its entirety and replacing thereto as follows:

“**Lodging House**” shall mean a dwelling unit, where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. A lodging house can include student residences but shall not include a group home, nursing home, hospital; or any residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel”.

3. Section 5.17A of By-law 85-1 is hereby amended by adding the portions of the below text in “Location of Lodging Houses” in grey, and deleting the portions of the below text in “Location of Lodging Houses” with a strikethrough:

LOCATION OF LODGING HOUSES

~~“Notwithstanding anything else in this By-law, only one Lodging House shall be permitted on a lot. No building or part thereof shall be used for a Lodging House on a lot that is situated within 400 metres of another lot on which a Lodging House is located, such minimum distance to be measured from the closest point of the lot lines associated with each lot. No building or part thereof shall be used for a Lodging House on a lot that is situated within 100 metres of the municipal limit of the City of Kitchener, such~~

~~minimum distance to be measured from the closest point of the lot line associated with such lot and the municipal limit.~~

A lodging house shall be connected to full municipal services.”

4. Section 6.1.2 a), Off-Street Parking Schedule for All Zones Except Downtown Zones, Column 2, of By-law 85-1 is hereby amended, as it pertains to Lodging House, by adding the portions of the below text that are highlighted in grey, and deleting the portions of the below text with a strikethrough:

~~“1 for each 25.0 square metres of the floor area devoted to lodging units.”~~ 1 for each Lodging House.”

5. Section 6.1.2c) Off-Street Parking Schedule for Downtown Zones, Column 2, of By-law 85-1 is hereby amended, as it pertains to Lodging House, by adding the portions of the below text that are highlighted in grey, and deleting the portions of the below text with a strikethrough:

~~“1 for each 25.0 square meters of lodging unit floor area.”~~ 0 for each Lodging House.”

6. Section 7, Subsection 7.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging House” after “Health Office” and before “Personal Services”.
7. Section 7, Subsection 7.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
8. Section 8, Subsection 8.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Health Office” and before “Office”.
9. Section 8, Subsection 8.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
10. Section 9, Subsection 9.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after Health Office” and before “Office”.
11. Section 9, Subsection 9.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
12. Section 10, Subsection 10.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Hotel” and before “Office”.
13. Section 10, Subsection 10.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
14. Section 11, Subsection 11.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Hotel” and before “Office”.

15. Section 11, Subsection 11.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
16. Section 15, Subsection 15.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Museum”.
17. Section 16.2 of By-law 85-1 is hereby amended by deleting “Minimum Size of Lodging House” and “9 lodging units”.
18. Section 31, Subsection 31.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging House” after “Hospice” and before “Private Home Day Care”.
19. Section 31 of By-law 85-1 is hereby amended by adding Subsection 31.3.8, titled “**For Lodging Houses**”, after subsection 31.3.7 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
20. Section 32, Subsection 32.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging House” after “Hospice” and before “Multiple Dwelling”.
21. Section 32, of By-law 85-1 is hereby amended by adding Subsection 32.3.12 titled “**For Lodging Houses**”, after subsection 32.3.11 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
22. Section 35, Subsection 35.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Private Home Day Care”.
23. Section 35 of By-law 85-1 is hereby amended by adding Subsection 35.6, titled “**For Lodging Houses**”, after subsection 35.5 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
24. Section 36, Subsection 36.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Private Home Day Care”.
25. Section 36 of By-law 85-1 is hereby amended by adding Subsection 36.2.5, titled “**For Lodging Houses**”, after subsection 36.2.4 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”

26. Section 37, Subsection 37.1 Permitted Uses of By-law 85-1 is hereby amended by adding "Lodging Houses" after "Home Business" and before "Private Home Day Care".
27. Section 37 of By-law 85-1 is hereby amended by adding a Subsection 37.2.5, titled "**For Lodging Houses**", after subsection 37.2.4 thereto as follows:
- "In accordance with the regulations of the dwelling type in which the lodging house is located."
28. Section 38, Subsection 38.1 Permitted Uses of By-law 85-1 is hereby amended by adding "Lodging Houses" after "Home Business" and before "Private Home Day Care".
29. Section 38 of By-law 85-1 is hereby amended by adding a Subsection 38.2.7, titled "**For Lodging Houses**", after subsection 38.2.6 thereto as follows:
- "In accordance with the regulations of the dwelling type in which the lodging house is located."
30. Section 47A, Subsection 47A.1 Permitted Uses of By-law 85-1 is hereby amended by adding "Lodging Houses" after "Home Business" and before "Medical Laboratory".
31. Section 47A of By-law 85-1 is hereby amended by adding Subsection 47A.3.7 titled "**For Lodging Houses**", after subsection 47A.3.6 thereto as follows:
- "In accordance with the regulations of the dwelling type in which the lodging house is located."
32. Section 53, Subsection 53.2.2 of By-law 85-1 is hereby amended by deleting "and **Lodging House having 9 residents or more**" from the subsection title and adding "**and**" before "**Residential Care Facilities**" and after "For Multiple Dwellings," in subsection title.
33. Section 53, Subsection 53.2.2.3 of By-law 85-1 is hereby amended by deleting it in its entirety and replacing it thereto as follows:
- "For Lodging Houses"**
In accordance with the regulations of the dwelling type in which the lodging house is located".
34. Section 54, Subsection 54.2.2.2 of By-law 85-1 is hereby amended by deleting "and **Lodging House having 9 residents or more**" from subsection title and adding "**and**" before "**Residential Care Facilities**" and after "For Multiple Dwellings" in the subsection title.
35. Section 54, Subsection 54.2.2.3 of By-law 85-1 is hereby amended by deleting it in its entirety and replacing it thereto as follows:

“For Lodging Houses”

In accordance with the regulations of the dwelling type in which the lodging house is located”.

36. Section 55, Subsection 55.2.2.2 of By-law 85-1 is hereby amended by deleting “and **Lodging House having 9 residents or more**” from the subsection title and adding “**and**” before “**Residential Care Facilities**” and after “For Multiple Dwellings” in the subsection title.
37. Section 55, Subsection 55.2.2.3 of By-law 85-1 is hereby amended by deleting it in its entirety and replacing it thereto as follows:

“For Lodging Houses”

In accordance with the regulations of the dwelling type in which the lodging house is located”.

38. This By-law shall become effective only if Official Plan Amendment No. XX (Lodging House Review 1994 Official Plan Amendment) and Official Plan Amendment No. XX (Lodging House Review 2014 Official Plan) come into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2023.

Mayor

Clerk

PROPOSED BY – LAW
_____, 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051, as amended,
known as the Zoning By-law for the City of Kitchener
- Lodging House Review)

WHEREAS it is deemed expedient to amend By-law 2019-051 as it pertains to lodging houses;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Section 3 of By-law 2019-051 is hereby amended by deleting the portions of the below text in the definition of “Lodging House” with a strikethrough, thereto as follows:

“Lodging House - means a *dwelling unit* where five or more *persons*, not including a resident owner of the property, may rent a *lodging unit* and where the kitchen and other areas of the *dwelling unit* are shared amongst the *persons* occupying the *dwelling unit*. *Lodging house* can include student residences ~~and convents~~ but shall not include a *group home; hospital; any small residential care facility or large residential care facility* licensed, approved, or supervised under any general or specific Act; or a *hotel*.”

2. Section 4.11 of By-law 2019-051 is hereby amended by adding the portions of the below text in “Location of Lodging Houses” in grey, and deleting the portions of the below text in “Location of Lodging Houses” with a strikethrough, thereto as follows:

“LOCATION OF LODGING HOUSES

- a) ~~Only one *lodging house* shall be permitted on a *lot*. No *building* shall be used for a *lodging house* on a *lot* that is situated within 400 meters of another *lot* on which a *lodging house* is located, such minimum distance to be measured from the closest point of the *lot lines* associated with each *lot*, and~~
- b) ~~No *building* shall be used for a *lodging house* on a *lot* that is situated within 100 meters of the municipal limit of the *city*, such minimum distance to be measured from the closest point of the *lot line* associated with such *lot* and the municipal limit.~~

A *lodging house* shall be connected to full municipal services.

3. Section 5 of By-law 2019-051 is hereby amended, as it pertains to lodging houses, by adding the portions of the below text in “Table 5-5: Regulations for Minimum and Maximum Parking Requirements” that are highlighted in grey, and deleting the portions of the below text in “Table 5-5: Regulations for Minimum and Maximum Parking Requirements” with a strikethrough thereto as follows:

Table 5-5: Regulations for Minimum and Maximum Parking Requirements

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC Zones	MIX Zones	All Other Zones
RESIDENTIAL				
<i>Lodging House;</i>	Minimum 1 parking space per: Minimum parking spaces:	No minimum	63m² GFA 1 per lodging house	63m² GFA 1 per lodging house
	Maximum 1 parking space per:	92m² GFA	48m² GFA	48m² GFA

4. Section 7 of By-law 2019-051 is hereby amended, as it pertains to lodging houses, by adding the portions of the below text in “Table 7-1: Permitted Uses within the Residential Zones” that are highlighted in grey, thereto as follows:

Table 7-1: Permitted Uses within the Residential Zones

Use	RES-1	RES-2	RES-3	RES-4	RES-5	RES-6	RES-7
Residential Uses							
<i>Lodging House</i>	✓	✓	✓	✓	✓	✓	✓

5. Section 9 of By-law 2019-051 is hereby amended, as it pertains to lodging houses, by adding the portions of the below text in “Table 9-1: Permitted Uses within the Commercial Zones” that are highlighted in grey, after “Light Repair Operation” and before “Manufacturing” thereto as follows:

Table 9-1: Permitted Uses within the Commercial Zones

Use	COM-1	COM-2	COM-3	COM-4
<i>Lodging House</i>	✓(3)	✓(3)(4)		

6. This By-law shall become effective only if Official Plan Amendment No. XX (Lodging House Review 1994 Official Plan Amendment) and Official Plan Amendment No. XX

(Lodging House Review 2014 Official Plan Amendment) come into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this day of ,
2023.

Mayor

Clerk

Housing For All
Lodging House Sub-Committee Issues and Options Paper
October 2023

Forward and Acknowledgement

This issues and options paper was co-created with the lodging house sub-committee comprised of members of the City of Kitchener's Affordable Housing Advisory Committee with support from city staff including Andrew Ramsaroop (former staff in Equity, Anti-Racism, and Indigenous Initiatives Division), Karen Cooper (former staff in the Office of the CAO), and Craig Dumart (Planning Division):

- Martin Asling – Member of the Public
- Regan Brusse – Member of the Public
- Linda Terry – Member of the Public
- Debbie Chapman – Member of Council.

This paper is meant to create a common understanding of the history of lodging houses within the City of Kitchener, the role they play on the housing continuum, the issues they face and opportunities the City can take to help ensure lodging houses can remain a viable housing form, and advance the City's commitment to realizing the right to housing.



The opportunities outlined in this paper will be used to inform the work of City staff as the lodging house policy review continues. Advancing this action will help the community move closer to more equitable, diverse and inclusive housing options. It progresses the City's strategic goal which is to create and foster a more caring community.

Introduction

Lodging houses, also known as multi-tenant housing, and historically as boarding houses, or rooming houses have long been a form of housing within Kitchener and many other urban areas throughout Canada. They provide an affordable option for both short term and long-term housing for a variety of income levels, and a variety of household types and are an important part of the housing continuum. Typically, lodging homes have multiple rooms within a singular building with shared amenity space, such as a shared kitchen, shared washrooms, or other amenities. Their typology and design is diverse and they do not necessarily have one form, and they do not necessarily have to be affordable but most often are.

Housing for All, Kitchener's housing strategy has actions that will help increase housing opportunities across the housing continuum. Updating the City's lodging house policies was one action of over 40 endorsed by Kitchener City Council. This paper examines the current state, issues and opportunities regarding lodging houses in the City of Kitchener and proposes updates to policy and regulations for consideration.

Background

Municipalities have regulated the form and location of housing to prevent or reduce perceived over- concentration of lodging houses and group homes and to "protect" neighborhoods. Many cities implemented zoning and licensing restrictions and separation requirements for these housing types and other social services.

CMHC commissioned reports that found that for cities in Ontario, zoning was the first tool to regulate and control lodging houses followed by municipal licensing (CMHC, 2000; 2002; Campsie, 2018). At issue is that these types of "dispersal" by-laws were intended to prevent an overconcentration of lodging houses in certain neighbourhoods, but by implementing these types of by-laws cities were portraying residents not as citizens but social problems that require spatial solutions (Finkler and Grants, 2011; Campsie, 2018).

A part of the City of Kitchener's Cedar Hill Land Use and Social Environment Study official plan and zoning by-law amendments were proposed that sought to limit the creation of new lodging houses, residential care facilities or social service establishment within the Cedar Hill neighbourhood. In 2010 the Ontario Municipal Board (OMB) ruled against the City of Kitchener's Official Plan Amendment No. 58 because imposing by-laws that limit housing availability for *Code* protected groups was discriminatory, an encroachment on human rights and an overall in breach of planning principles (OHRC, 2013).

The City of Kitchener was one of four Ontario cities that were brought to the Human Rights Tribunal of Ontario and challenged on minimum separation distances (MSD) and zoning restrictions on group homes and supportive housing. The City subsequently removed the MSD and restrictions for group homes as a result of the Tribunal's direction (OHRC, 2014). While residential care facilities and social service establishment clearly serve Ontario Human Rights Code-protected groups, lodging house residents are diverse, therefore MSDs for lodging houses remained in effect.

In October 2019, City of Kitchener planning staff brought forward report DSD-19-233 – New Zoning By-law (Stage 2a) – Residential Base Zones Comprehensive Review of the Zoning By-law (CRoZBy) Project. City Council passed all of Planning staff's recommendations including that the issue of regulation of lodging houses in the Official Plan and Zoning By-law be referred to the Affordable Housing Strategy for further consideration.

In December 2020, as a part of report DSD-20-214 Council approved its housing strategy titled, "Housing for All". One of the strategy's actions is to report on the feasibility and implications of reviewing and updating current lodging house policies.

In March 2021, planning staff brought forward a consultant report and recommendations on the Lower Doon Land Study as a part of report DSD-2021-11. One recommendation in the consultant report was to allow lodging houses in all residential zones in Lower Doon and subsequently revise the City's licensing by-law for Lodging Houses.

Relevant Policies

There are three municipal policies and by-laws that govern Lodging Houses within the City of Kitchener:

- The City of Kitchener's Official Plan, 2014
- The City of Kitchener's Zoning By-law (85-1 and 2019-051)
- Kitchener's Business Licensing By-law Chapter 500 – Chapter 553 Lodging House License of the Municipal Code

There are also multiple provincial policies and standards that govern lodging houses within the City of Kitchener and either empower or supersede municipal policy, including:

- Human Rights Code, R.S.O. 1990, c.H.19
- Ontario Building Code, Building Code Act, 1992 (O.Reg. 332/12: Building Code)
- Ontario Fire Protection and Prevention Act, 1997 (O.Reg. 213/07: Fire Code)
- Planning Act, R.S.O. 1990, c.P.13
- Municipal Act, 2001, S.O. 2001, c.25

Lodging Houses within the City of Kitchener.

The City of Kitchener's Official Plan, 2014 currently defines lodging houses as:

Lodging House - a dwelling unit where four (4) or more persons may rent a room for sleeping and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit.

The City of Kitchener's Zoning By-laws currently defines lodging houses as:

Zoning By-law 85-1

"Shall mean a dwelling unit or part thereof containing one or more lodging units designed to accommodate four or more residents exclusive of the owner or primary occupant. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a group home, nursing home,

hospital or any residential care facility licensed, approved or supervised under any general or specific Act or a hotel. This shall include, but not be limited to, student residences and convents. (By-law 2003-163, S.7) (Amended: By-law 2012- 034, S.8)”

Zoning By-law 2019-051

“Means a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging houses can include student residences and convents but shall not include a group home; hospital; and small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.”

The City of Kitchener’s Business Licensing By-law defines lodging houses as:

“means a dwelling or part thereof containing one or more lodging units which lodging units or units are designed to accommodate four or more residents in total. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a hotel, motel, group home, nursing home, hospital, or any residential care facility licensed, approved, or supervised under any general or specific Act.”

Currently within the City of Kitchener there are about 20 lodging houses that are licensed and can be inspected annually for safety compliance. Anecdotally however, the majority of lodging houses in the City are unlicensed and therefore are not regulated under the City’s business licensing bylaw. They currently exist in a variety of neighbourhoods both in the urban core and in the surrounding residential suburbs, where current zoning regulations may not allow them to become licensed.

The City only becomes aware of lodging houses through complaints, fire code violations or bylaw infractions. This means the majority of lodging houses that are currently operating in the City are not able to be inspected for safety, upkeep, and property maintenance. Further, the residents of unlicensed lodging houses are at risk to be displaced due to their unlicensed nature.

Key Issues and Opportunities

In Toronto, Maytree – a charitable foundation created to find solutions to poverty in Canada - reported that over 100 Notices of Violations were issued in Toronto annually to operators by Municipal Licensing and Standards only 7% were “based on habitability concerns, while 93% were related to “non-permitted” or “no-license” charges” (Maytree, 2020). This infers that enforcement is underutilized by tenants to support property maintenance standards and are focused on displacement in response to complaints from the public.

There are a variety of factors for lodging houses being unlicensed:

- The City’s current Official Plan includes policies suggesting that the Zoning By-law may be used to determine where lodging houses should be permitted and that the use may be subject to standards or location criteria including minimum separation distances.
- The City’s current Zoning Bylaws do not permit lodging houses as of right in all zoning categories where other residential uses are permitted and also restricts them geographically through minimum separation distances.
- The City’s current Lodging House by-law permits lodging house licenses to be obtained ONLY where a lodging house is permitted in zoning.

- Operators do not wish to go through the process of bringing lodging houses into conformity with zoning and or licensing provisions.

The opportunities within this report will focus on what the City can do to help make lodging houses a safe place to call home.

Key Issue 1: There is currently a minimum separation distance (MSD) for Lodging Homes and Correctional Group Homes in the City of Kitchener.

There has been an arbitrary minimum separation distance requirement put in place for lodging houses and correctional group homes in the City of Kitchener. This MSD is enforced through the City of Kitchener Official Plan 2014 and the City's Zoning By-laws 85-1 and 2019-051. This prevents another lodging house or correctional group home from being established in the same neighbourhood as another and is a major impediment to ensuring an increase in affordable housing and bringing illegal lodging homes into legality.

The Ontario Human Rights Commission has advised all municipalities to eliminate minimum separation distances. The OHRC states, "Minimum separation distances are basically restrictions – and can adversely affect renters by restricting the options available to them. Municipalities should consider incentives and ways to encourage affordable housing throughout the municipality" (OHRC, 2013). Further, the OHRC states that MSDs are a form of "people-zoning" which is illegal and discriminates against code-protected groups.

- **Opportunity 1.1:** The City's Official Plan, 2014 be amended to remove references to the minimum separation distances as it pertains to Lodging Houses
- **Opportunity 1.2:** The City's Zoning By-law be amended to remove references to the minimum separation distances as it pertains to Lodging Houses and Correctional Group homes.
- **Opportunity 1.3:** Through Housing For All, the City's first housing strategy and its actions the city is undergoing a number of actions to encourage more housing opportunities across all Wards and neighbourhoods in the city and across the housing continuum.

Key Issue 2: Lodging Houses are currently only permitted in multi-unit residential zones as-of-right in the current zoning by-law

The City of Kitchener is currently in the process of implementing a new comprehensive zoning by-law. Currently By-law 85-1 governs zoning in the City as well, as the partially implemented Zoning By-law 2019-051. In the residential zones of both zoning by-laws Lodging Houses are only permitted in zones which are higher density residential zones. By only allowing lodging homes in these zones as-of-right the policy does not allow lodging homes operating outside of these zones to be legalized or licensed.

Further, the Ontario Human Rights Commission consistently recommends that lodging houses be allowed as of right in all residential neighbourhoods. OHRC notes, "In limiting lodging houses only to certain residential zones, the bylaw could have a discriminatory impact". Further, in the Lower Doon land use study final report commissioned by the City of Kitchener, the consultants recommended that lodging houses be permitted in all residential zones in Lower Doon. Understanding that this regulation could not only be limited to Lower Doon, the zoning by-law amendment would need to be a city-wide zoning by-law amendment in order to mitigate any possible discriminatory impacts.

- **Opportunity 2.1:** Amend Zoning By-laws 85-1 and 2019-051 to allow lodging houses as of right in all residential zones across the entire City of Kitchener as per the recommendations and directions from OHRC.

Key Issue 3: There are misconceptions on ‘Who’ lives in Lodging Houses, what role lodging houses have in the housing continuum.

Lodging houses play a key role in providing a diverse range of housing in the city. They provide an affordable housing option for those with lower income levels, single person households, students and other groups. In a region where housing costs are rising at an exponential rate, it is vital that we not only ensure we can make lodging houses safe places to live but that we can encourage more lodging houses to become licensed and remove barriers to increasing the uptake of lodging houses as a residential typology. This also includes addressing the issue that most residents either have misconceptions on what lodging houses look like, who lives there and how they contribute overall to healthy, diverse and strong neighbourhoods.

- **Opportunity 3.1:** Include lodging houses in the discussion, research, and potential education/communication around NIMBYism through the work of The SHIFT.
- **Opportunity 3.2:** Through Housing for All, there will be opportunities to engage people with lived experience and with those who live within lodging houses through the lived experience working group. There is the potential to include someone who either has or currently lives in a lodging house to sit on the working group. Further, through the Business Licensing Review, there is an opportunity to engage with people with lived experience and multi-tenant housing advocates.

Key Issue 4: Shutting down Lodging Houses must continue to remain the very last step. In order to avoid the displacement of tenants, more unregulated lodging houses need to become licensed.

When lodging houses are shut down and disbanded, the tenants inside are left with very little options. With asking rents out of reach for many, and a long Regional Housing waitlist, residents become displaced, homeless, or unsheltered. The City has a coordinated approach to dealing with by-law infractions which is a coordinated effort between By-law Enforcement, Licensing Services and Fire. However, more can be done and should be done to incentivize and make it easier to become a licensed lodging house. These changes start with permitting lodging houses city-wide through zoning.

Further there are opportunities to promote and elevate landlords and operators who set a high standard of maintenance and tenant relations as well as exploring systems that ensure landlord compliance.

Table 1: Programs, incentives and policies to protect and increase the number of licensed lodging houses

Municipality/Jurisdiction	Name/Incentives/Policy	Type
City of Oshawa	Lodging House Demerit Point System	Compliance
Newtown, Australia	Boarding House Good Practice Awards	Recognition

Municipality/Jurisdiction	Name/Incentives/Policy	Type
CMHC, 2001	Property tax reclassification to incentivize new stock, maintain the existing stock and keep operators active in the sector.	Incentive
City of Toronto	Demolition and Rental Replacement	Replacement

These opportunities should be leveraged to prevent the disbanding of unlicensed lodging houses, by giving them opportunities to become licensed. Kitchener is currently in the process of updating its Lodging House By-law. Through this review Kitchener should consider ways to make the lodging house licensing process streamlined, more affordable, and easier for owners, making it more appealing for owners to comply with updated rules for lodging houses.

Conclusion

Through the addressing the proposed opportunities, the City can help:

- Increase the number of licensed lodging houses and thereby help ensure safety of residents.
- Encourage good landlord practices as they pertain to lodging houses.
- Help educate the general public on the key role lodging houses play on the housing continuum.
- Improve the access to a diversity of housing types required to ensure the right to housing.
- Ensure definitions are aligned, harmonized and complementary so that they are straightforward to comply with, and
- Prevent loopholes in regulation and enforcement which would ultimately impact the safety of tenants.

NOTICE OF PUBLIC MEETING

to change permissions for lodging houses city-wide



City-wide
Lodging Houses

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **October 30, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

www.kitchener.ca/

PlanningApplications

or contact:

Natalie Goss,
Manager of Policy & Research
natalie.goss@kitchener.ca
519.741.2200 x7648

The City of Kitchener will consider an application for Official Plan Amendments and Zoning By-law Amendments to facilitate broader permissions for lodging houses as a form of housing. These changes align with action items from Housing for All, Kitchener's housing strategy and will remove exclusionary regulations like minimum separation distance rules from zoning.

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 3, 2024

SUBMITTED BY: Chris Spere, Director of Engineering, 519-741-2200 ext. 7412

PREPARED BY: Eric Riek, Project Manager, 519-741-2200 ext. 7330

WARD(S) INVOLVED: 4

DATE OF REPORT: April 29, 2024

REPORT NO.: DSD-2024-244

SUBJECT: Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update

RECOMMENDATION:

That report DSD-2024-244 - Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update be received as information.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide Council with a status update on the Biehn Drive and Sanitary Trunk Sewer Environmental Assessment project.
- The key finding of this report is that additional studies are completed and updates to the Environmental Study Report are currently being completed.
- The financial implications are no impact to Capital or Operating budgets.
- Community engagement includes one additional PIC scheduled for June 20, 2024.
- This report supports the delivery of core services.

BACKGROUND:

Since the mid-2000's the road network and municipal servicing for the Doon South and Brigadoon areas of the City of Kitchener have planned for area development and evolving transportation needs. Several planning documents including the Official Plan and Transportation Master Plan (TMP) have identified the need to extend Biehn Drive westerly to the future Robert Ferrie Drive extension and ultimately to Strasburg Road.

The Biehn Drive Extension would be a major collector road, as identified in Schedule B of the City of Kitchener's Official Plan Amendment. This link would accommodate vehicles to and from the Brigadoon community and would help mitigate cut-through traffic on local streets within the community. A collector road collects traffic from local roads within the community and provides connectivity to high tier arterial roads including Strasburg Road.

Future development within the Doon South and Brigadoon communities requires a defined alignment for the extension of Biehn Drive to Robert Ferrie Drive as part of the area road

network and to accommodate municipal services. The sanitary sewer network must connect to Biehn Drive.

To determine the preferred alternative, this Study has considered the natural, social environments and the future land use in the Study Area. The extension of Biehn Drive and the associated municipal servicing has been a longstanding part of the integrated plan for the Brigadoon neighbourhood.

The EA Study provides the opportunity to: improve accessibility to the local community by providing additional network links; define a multi-modal transportation plan to support travel within the local neighbourhoods; accommodate the required and previously planned sanitary sewer extension; and allow development to proceed on lands that currently require the roadway ROW plan to be defined prior to developing the land use plan.

On March 20th, 2023, Council passed the following resolution:

"That Council directs staff to complete further studies to update the Biehn Drive and Trunk Sanitary Sewer Extension Class Environmental Assessment - Environmental Study Report, prepared by BT Engineering, dated January 18, 2023; and,

That Council directs staff to complete one additional consultation to be scheduled once the additional studies have been completed; and,

That Council directs staff to use the remaining balance of the budget approved in 2020 for this EA to complete the additional work; and further,

That staff reports back to Council with an updated Biehn Drive and Trunk Sanitary Sewer Extension Class Environmental Assessment (EA) Environmental Study Report in late 2023 or early 2024."

Additional transportation and geotechnical studies have now been completed and are being integrated into the evaluation considerations.

REPORT:

After receiving direction from Council, Engineering Staff have completed the following activities:

- Geotechnical Investigation – Proposed Trunk Sewer, Biehn Drive South Extension, Cambium Inc., March 14, 2024:
 - Six Boreholes installed August/September 2023. Three Boreholes converted to monitoring wells to measure groundwater level fluctuation;
 - Preliminary findings: Soils appear suitable for trenchless installation of sanitary sewer and watermain;
- Dewatering Assessment, Biehn Drive Extension, Cambium Inc., March 14, 2024;
 - Confirmed EASR registration for installation of entry/receiving pits (trenchless installation) would be required based on dewatering rates;

- Doon South Community Area Transportation Study, Paradigm Transportation Solutions Ltd., Feb. 28, 2024:
Under existing conditions, most intersections are operating at acceptable levels;
Approximately 2,841 units remain to be built in Doon South and Brigadoon areas;
Within the existing road network, Caryndale Drive continues to function as a major collector and will continue to do so if Biehn Drive is not extended to Robert Ferrie Drive extension;
Future extension of Robert Ferrie Drive to Strasburg Road and Strasburg Road to New Dundee Road will help redistribute traffic volumes on Caryndale Drive;
Extension of Biehn Drive to Robert Ferrie Drive is justified to provide a diversion route around Caryndale drive corridor for residents living on and adjacent to Biehn Drive and to ensure Caryndale Drive better serves its function as a minor collector based on existing design details (traffic calming and presence of schools in the corridor);
- Evaluation criteria is being updated based on the results of the additional studies
- Refinement of Alternative 4 to remove maintenance access path through wetland and include improvements such as traffic calming and multi-use trails along Caryndale Drive corridor.

In addition to these activities, on January 25, 2024 after a two year suspension, formal Endangered Species Act (ESA) protections for Black Ash (tree) commenced with new rules for protection of the species. There were approximately 21 confirmed candidate Black Ash trees within the proposed future road allowance. Due to these legislative changes, additional updates are being incorporated into the evaluation considerations.

One additional public consultation (PIC) will take place to present findings of updated studies; this PIC is scheduled to take place June 20, 2024 at Brigadoon Public School.

Staff require additional time and will present final updated Biehn Drive and Trunk Sanitary Sewer Extension Class Environmental Assessment-Environmental Study Report and preferred alternative to Council on September 16, 2024.

Sufficient budget remains to complete the outstanding tasks mentioned above.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget. Funds are currently available from Development Charges.

Operating Budget – The recommendation has no impact on the Capital Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

CONSULT – Community engagement included two virtual public information centres with the first meeting taking place April 20th, 2021. The second virtual public information centre took place on November 17th, 2021. In addition, the project was presented to the Kitchener Environmental Committee on June 17th, 2021 and October 21, 2021. The project was presented to the Regional Environmental Committee on November 29, 2021. Lastly, the project was presented to Community and Infrastructure Services Committee on February 13th, 2023.

One additional Public Information Centre is scheduled for June 20th, 2024, to present the updated studies and changes to report.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2022-188 Biehn Drive and Sanitary Trunk Sewer Environmental Assessment
- DSD-2023-096 Biehn Drive and Sanitary Trunk Sewer Environmental Assessment
- September 1989, City Council approved the Brigadoon Community Plan. The Community Plan was processed concurrently with amendments to the Official Plan which established a collector and arterial road network for the Community. The importance of connecting the Brigadoon Community to Strasburg Road was recognized and three collector road connections were proposed at that time including the extension of Biehn Drive. Approved transit routes included Biehn Drive, Strasburg Road and Huron Road. The Biehn Drive extension has been carried forward in all subsequent versions of the City of Kitchener Official Plan.
- February 1994, McCormick Rankin on behalf of the City of Kitchener completed the report “Doon South - Brigadoon Transportation Network and Corridor Study”. The report recognized the need to comprehensively plan a road network to accommodate growth associated with a large geographic area. The process was undertaken in the form of the Environmental Assessment Act. The report recommended several interrelated transportation corridor network improvements and reaffirmed the need for the Biehn Drive extension. Kitchener Planning and Economic Development Committee approved the report and further recommendations dated June 20, 1994 which among other matters, directs an amendment to the Kitchener Official Plan to incorporate the collector road network which includes Biehn Drive.
- The Brigadoon Community Plan was updated and approved by Kitchener City Council on June 29, 2004. The updated Community Plan provides for the extension of Biehn Drive to Strasburg Road and recognizes Strasburg Road as a 26 metre wide secondary arterial road.
- In June 2013, the final “Kitchener Integrated Transportation Master Plan” was approved. The master plan informed the approval of the City’s current “in effect” Official Plan. Biehn Drive extension is identified as a major community collector street. Biehn Drive is shown as extending in a southwesterly direction and connecting to Strasburg Road.
- City Planning Staff Report (CSD-14-037) prepared in support of the Official Plan Amendment (OPA) and environmental assessment (EA) for the Robert Ferrie Drive extension (June 2014) includes the following conclusion: *“In order to continue improving the traffic and transportation needs in the Brigadoon and Doon South communities the*

Transportation studies done as part of the Integrated EA and OPA process confirmed that the extension of Biehn Drive is necessary to meet the current and projected transportation needs of the Brigadoon/Doon South Communities. It is therefore also recommended that the EA process for the extension of Biehn Drive commence as soon as possible and further that it be concurrent with the EA for the extension of sanitary sewer services along Biehn Drive.”

- March 2019, LPAT’s partial approval of Official Plan Amendment No. 103. The integrated transportation system policies of the Official Plan are supported by the City’s Transportation Master Plan. Map 11 (Integrated Transportation System) of the in-effect Official Plan identifies the approved Robert Ferrie Drive alignment and confirms that Biehn Drive will be extended from its current terminus southerly and connect to Robert Ferrie Drive. The final alignment of Biehn Drive is to be constructed within the corridor identified on Map 11.
- *Municipal Act, 2001*
- *Planning Act*

APPROVED BY: Justin Readman, General Manager, DSD

ATTACHMENTS: N/A