

# Council Workshop

Rental Accommodations in Brampton

November 4, 2024





# RENTAL ACCOMMODATIONS IN BRAMPTON

**BACKGROUND:** As a rapidly growing city, Brampton faces challenges associated with population growth, including ensuring an adequate supply of safe and affordable housing. The City is managing an increasing number of complaints regarding unauthorized construction and occupancy of rental accommodations, absentee landlords and overcrowding.

**PURPOSE:** To provide an overview of the existing policy framework, how it is implemented through various programs and what the limitations are.





# WORKSHOP AGENDA

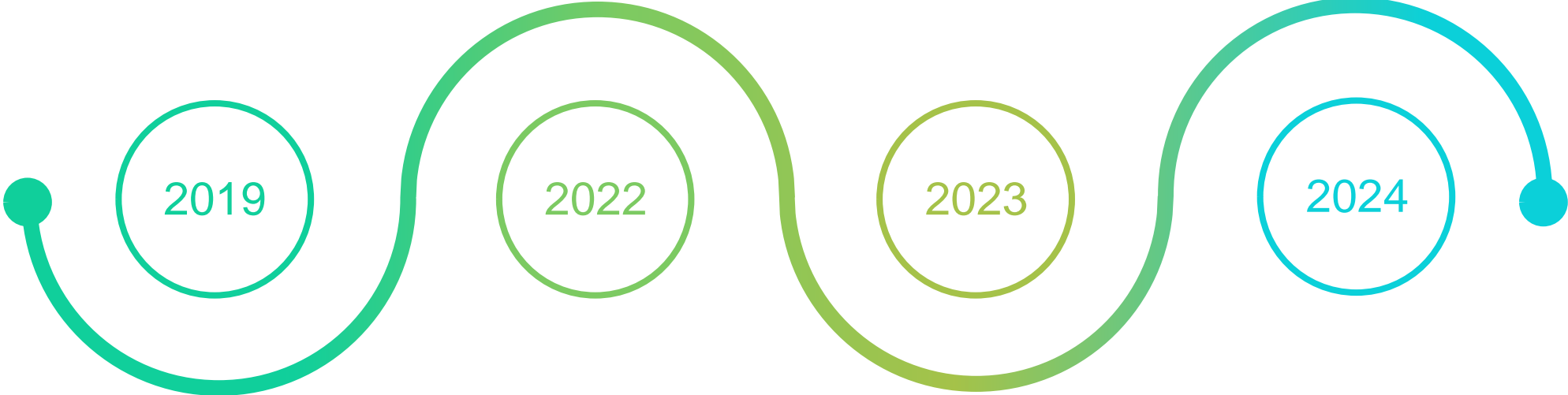
- **PART 1** | Current State of Rental Accommodations in Brampton – Legislative Drivers and Policy Goals
- **PART 2** | Implementation of Rental Housing Programs and Improvements to Service Delivery
- **PART 3** | Provincial Legislation – Challenges and Considerations
- **PART 4** | Next Steps and Discussion

# PART 1

Current State of Rental Housing in Brampton –  
Legislative Drivers and Policy Goals



# PROVINCIAL DRIVERS AND LEGISLATIVE CHANGES WITH IMPACTS ON LOCAL PLANNING POLICY



**BILL 108**

More Homes More Choice Act

**BILL 23 & NEW TARGETS**

More Homes Built Faster Act

**BILL 97 & NEW PPS**

Helping Homebuyers, Protecting Tenants Act

**ERO 019-9210**

Amendments to Ontario Regulation 299/19 Additional Residential Units



# Ongoing Advocacy

**RE: Environmental Registry of Ontario Posting 019-1920 – Proposed amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, under the *Planning Act***

**From: Steve Ganesh, Commissioner – Planning, Building and Growth Management Department, City of Brampton**

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To Whom It May Concern,

The City of Brampton (hereinafter referred to as 'the City') appreciates the opportunity to provide comments on the proposed changes outlined in the Environmental Registry of Ontario posting 019-1920 – Proposed amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, made under the Planning Act.

The City is supportive of efforts by the Province to address housing supply and development challenges, and remain committed to working with the Province towards their ambitious goal of delivering more housing. However, the City provides a number of recommendations below in response to the proposed changes.

Overall, the City is concerned about the impact of a "one-size-fits-all" approach for regulating ARU's across the province. This approach does not take into account the individual context of each municipality. Within Brampton, the proposed changes are expected to impact the character of neighborhoods by permitting a greater density of ARUs in sensitive areas, such as Mature Neighborhoods, than is intended through current municipal standards.

# BRAMPTON PLAN

## BRAMPTON'S OFFICIAL PLAN (2024)

- Sets out a plan for guiding growth and development to 2051+.
- Establishes an integrated land-use and transportation network – planning for density in areas supported by a mix of services, community amenities, jobs and transportation options to reduce car dependency.
- Addresses the need for a full mix and range of housing options, including diverse housing typologies and affordable options for residents at all income levels.





# HOUSING BRAMPTON

## STRATEGY AND ACTION PLAN (2021)

### BRAMPTON'S HOUSING CHALLENGES

1. Housing Affordability
2. Low Supply of Purpose-Built Rental Housing
3. Low Supply of Student Housing
4. Ensuring a Full Mix and Range of Housing Options

### HOUSING ACTION ITEMS

1. Increase Supply of Purpose-Built Rental Housing
2. Support Use of Public Land for Affordable Housing
3. Expand Home Ownership Options
4. Set Clear Targets and Monitor Progress

# HOUSING BRAMPTON

Housing Strategy and Action Plan  
April 2021



City Planning and Design  
Planning, Building and Economic Development  
City Of Brampton





# REGULATED RENTAL ACCOMMODATIONS

## HOUSING PROGRAMS & IMPLEMENTING BY-LAWS

1. Additional Residential Unit Registration Program (By-law 157-2022)
2. Lodging Houses Licensing Program (By-law 184-2023)
3. Short-Term Rental License Program (By-law 165-2021)
4. Supportive Housing Residence Registration Program (By-law 254-2021)
5. Residential Rental Licensing Pilot Program-Wards 1, 3, 4, 5, 7 (By-law 216-2023)

**HOUSING TYPOLOGIES NOT INCLUDED IN TODAY'S PROGRAMS:** Long-term shared accommodations and co-living arrangements (not in an ARU) that are outside of the RRL pilot wards.



# PART 2

Implementation of Rental Housing Programs and  
Improvements to Service Delivery





# ENFORCEMENT OF STANDARDS

## LICENSING AND REGISTRATION BY-LAWS

1. Business Licensing By-law (Lodging Houses)
2. Additional Residential Unit Registration By-law
3. Short-Term Rental License By-law
4. Supportive Housing Residences Registration By-law
5. Residential Rental Licensing By-law (Pilot Program)

## PROVINCIAL AUTHORITIES

1. Residential Tenancies Act (Subletting and Eviction)
2. Rental Housing Enforcement Unit (RTA Enforcement)
3. Fire Protection and Prevention Act and Fire Code
4. Planning Act, Building Code Act, Building Code

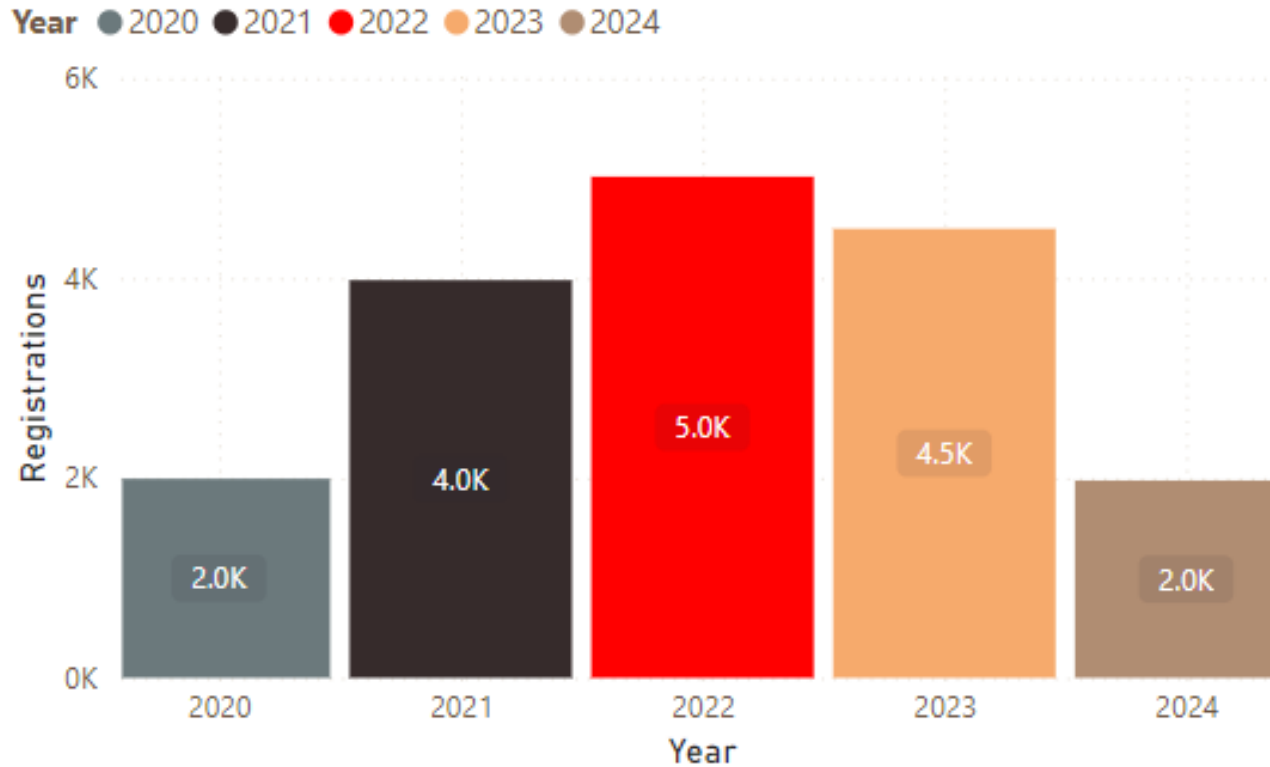
## OTHER MUNICIPAL BY-LAWS

- |                                |  |
|--------------------------------|--|
| 1. Property Standards By-law   | 1. Refuse By-law                       |
| 2. Unauthorized Parking By-law | 2. Public Nuisance By-law              |
| 3. Traffic By-law              | 3. Noise By-law                        |
| 4. Grass and Weeds By-law      | 4. Zoning By-law Performance Standards |

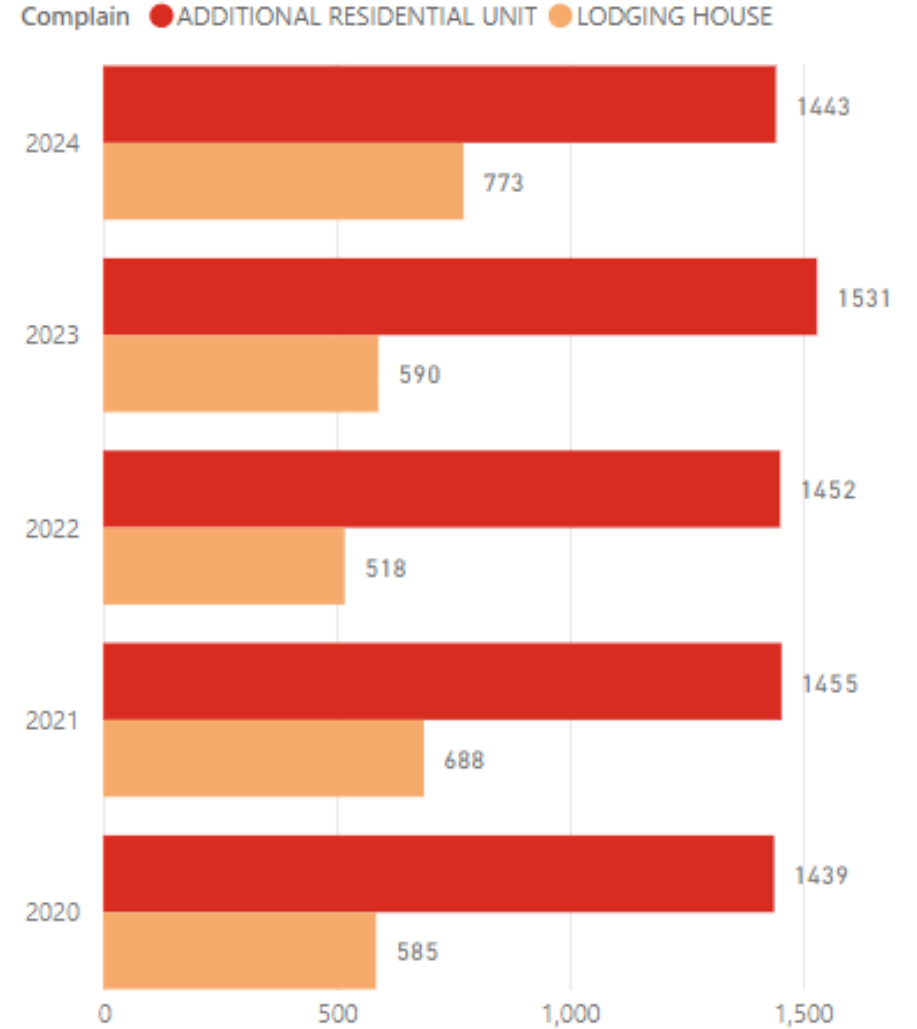


# STATISTICS AND TRENDS

## Additional Residential Unit Registrations



## Service Request Trends





# STANDARDS FOR OCCUPANCY

## ALL HOUSING FORMS

1. Cannot permit a room or area to be provided for sleeping purposes unless:
  1. it has been constructed with a building permit
  2. it has been reviewed for sleeping purposes
  3. it is in conformance with the Ontario Building Code requirements for the construction of a bedroom; including that there is a minimum floor area of seven (7) square metres
2. Cannot permit a person to occupy a cellar or space used as a lobby, hallway, closet, bathroom, laundry, stairway, kitchen, or any accessory building or shed for sleeping purposes
3. Cannot permit to be used a cooking appliance of any kind in any room used for sleeping purposes (Property Standards By-law 165-2022)
4. **\$65,000 in fines (266 penalty notices issued)**

**APPLICABLE TO ALL FORMS OF HOUSING, UNLESS OTHERWISE SPECIFIED (I.E. SHORT-TERM RENTALS)**



# ONGOING IMPROVEMENTS

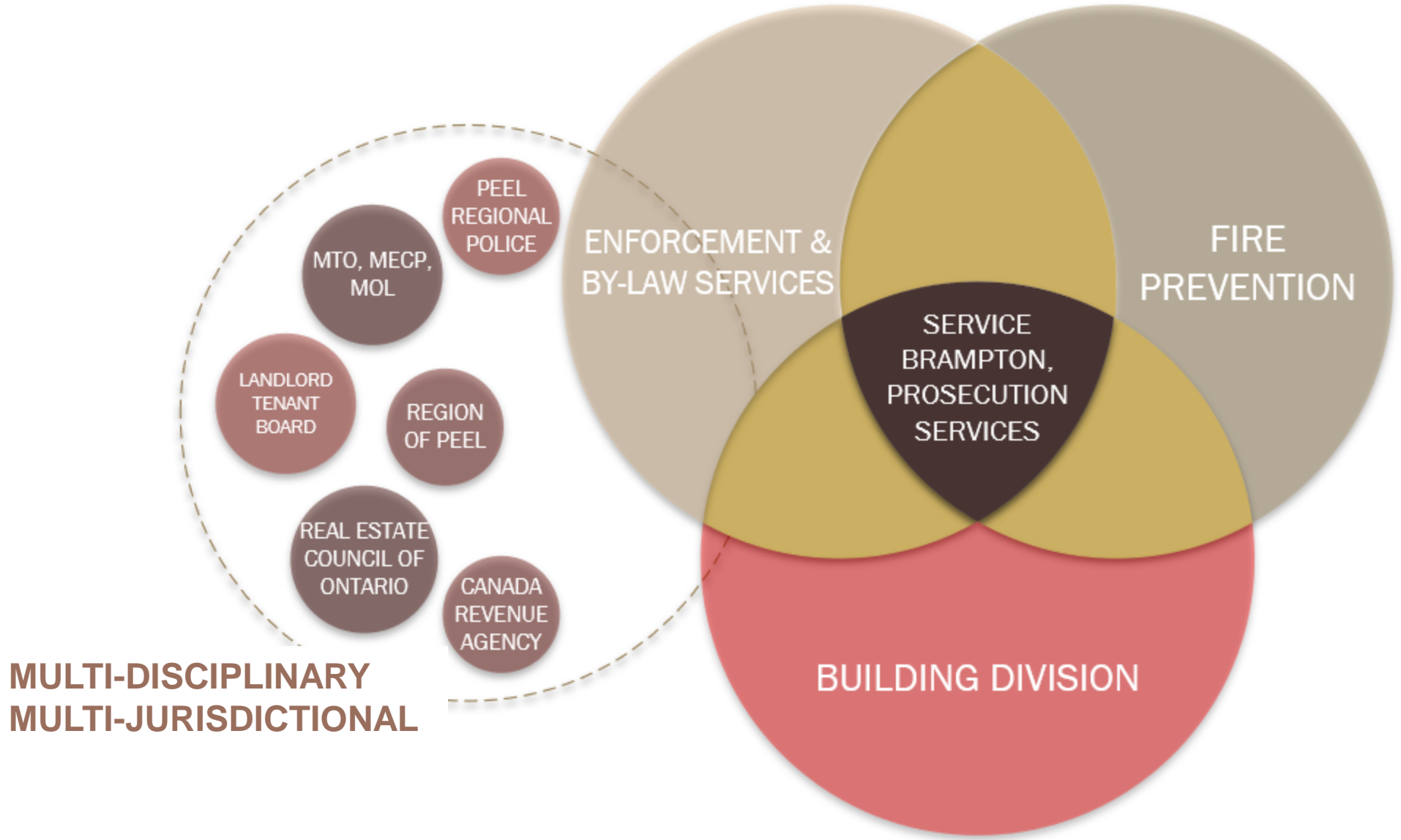
## PROCESS EFFICIENCY AND SERVICE DELIVERY

- In Enforcement, **71% of the leadership team** and direct reports to the Director are new to their current roles
- **ARU/RRL Efforts:** Multifaceted and Multi-disciplinary approach to address all aspects of non-compliant properties with a 360-lens
- **Community Standards Enforcement Blitz Model:** Scheduled intelligence-led efforts in high complaint zones, maximizing resource use and community compliance (Including ALPR parking enforcement and streetscape maintenance)
- **Standard Operating Procedures:** Strengthened with performance metrics and service delivery expectations
- **Closing the Customer Service Loop:** Enhanced access to investigative status and outcomes for Service Brampton call takers and the public, reducing callback requests and providing meaningful updates





# INTERNAL & EXTERNAL COORDINATION



# COMMUNITY PARTNERSHIPS

## INFORMATION-SHARING RELATIONSHIPS WITH EXTERNAL AGENCIES

1. **Integrated Municipal Enforcement Team (IMET):** Fire and Emergency Services, Legal Services, Region of Peel , Peel Regional Police, AGCO, Enforcement and By-law Services
2. **Provincial Ministry Partners:** Ministry of Labour, Ministry of Environment, Conservation and Parks, Ministry of Transportation, Ministry of Colleges and Universities
3. **Other:** CRA, TSSA, CBSA, Ontario One Call

## COMMUNITY OUTREACH AND EDUCATION – RENTAL ACCOMMODATIONS

1. Brampton Multicultural Community Centre Newcomer Orientation
2. Sheridan College New Student Orientation
3. Sheridan College Off-Campus Housing Community Safety and Settlement Workshop
4. Sheridan College Be a Good Neighbour Program and Community Fairs
5. Community Town Halls
6. Fire Prevention Week Open House



# CHALLENGES

## LANDLORD TENANT BOARD

- Enforcement – does not evict (owners must comply with the *Residential Tenancies Act*)
- Delays – out of municipal control

## PLANNING ACT

- Inability to administer administrative penalties (rely on POA court)
- Inability to perform remedial work and recover costs
- Inability to register orders on title
- Advocacy required



# FIRE PREVENTION

## **ROLE – ENSURING UNITS ARE COMPLIANT AND SAFE**

- Complaint-based or request
- Ensure smoke and carbon monoxide alarms are installed and maintained as per their manufacturer requirements
- Compliance with applicable sections of the Ontario Fire Code
- Collaborate and share information with Building and Enforcement as necessary

## **ACCESS AUTHORITY (*FIRE PROTECTION AND PREVENTION ACT*)**

- Access authorized for the purpose of assessing fire safety – cannot be arbitrary
- Methods of enforcement include:
  - Immediate Threat to Life (extenuating circumstances must exist)
  - Fire Marshal's Order
  - Immediate charges (Part 3)



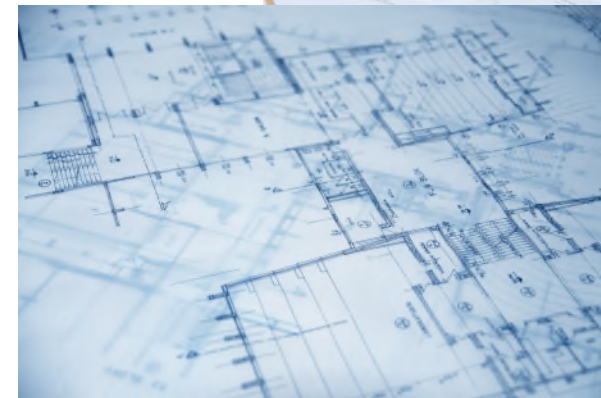
# BUILDING DIVISION

## ROLE – ENSURING UNITS ARE COMPLIANT AND SAFE

- Permit applications are reviewed for compliance with the Ontario Building Code
- The Chief Building Official must issue a permit if plans comply with the Building Code and applicable law (public notification is not required and Council and other senior leaders do not have a role)
- Conduct permit inspections to ensure compliance with OBC
- Issue occupancy permits and finalize the ARU registration process
- Investigate construction without a permit

## CHALLENGES

- Cannot stop work from continuing – limited ability to revoke permits
- Reliance on POA court for non-compliance



# BUILDING DIVISION

## PERMIT REVOCATION

**The chief building official may only revoke a permit:**

1. if it was issued on mistaken, false or incorrect information
2. if, after six months after its issuance, the construction or demolition has not been seriously commenced
3. if the construction or demolition of the building is substantially suspended or discontinued for a period of more than one year
4. if it was issued in error
5. if the holder requests in writing that it be revoked
6. If there is non-compliance with conditional permit agreement





# SHARED ACCOMODATIONS AND CO-LIVING ARRANGEMENTS



# LODGING HOUSES – ZONING & BUSINESS LICENSING BY-LAW

## WHAT THEY ARE

A single detached dwelling where residential accommodation is provided, or is intended to be provided each lodger does not have access to all of the habitable areas of the building and

- it consists of more than four (4) lodging units; or
- a single detached dwelling in which lodging is provided for more than four (4) persons with or without meals (By-law 270-2004).

## WHAT THEY ARE NOT

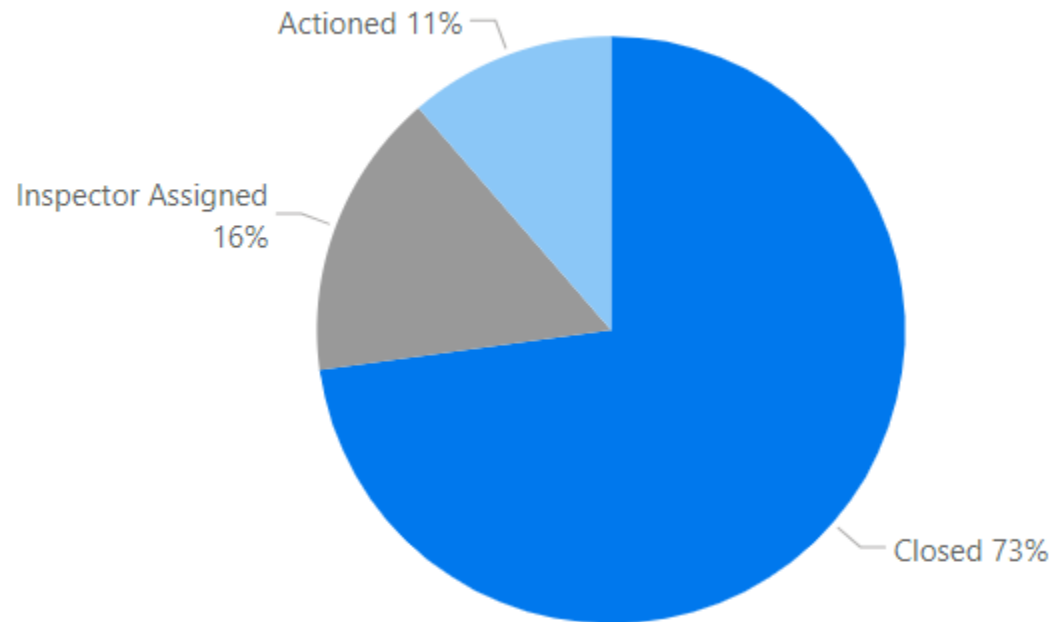
- A group of people (friends, students, co-workers) residing together as a group or single housekeeping unit.
- Shared accommodations where there is four (4) or less units or lodgers per dwelling unit.



# LODGING HOUSES

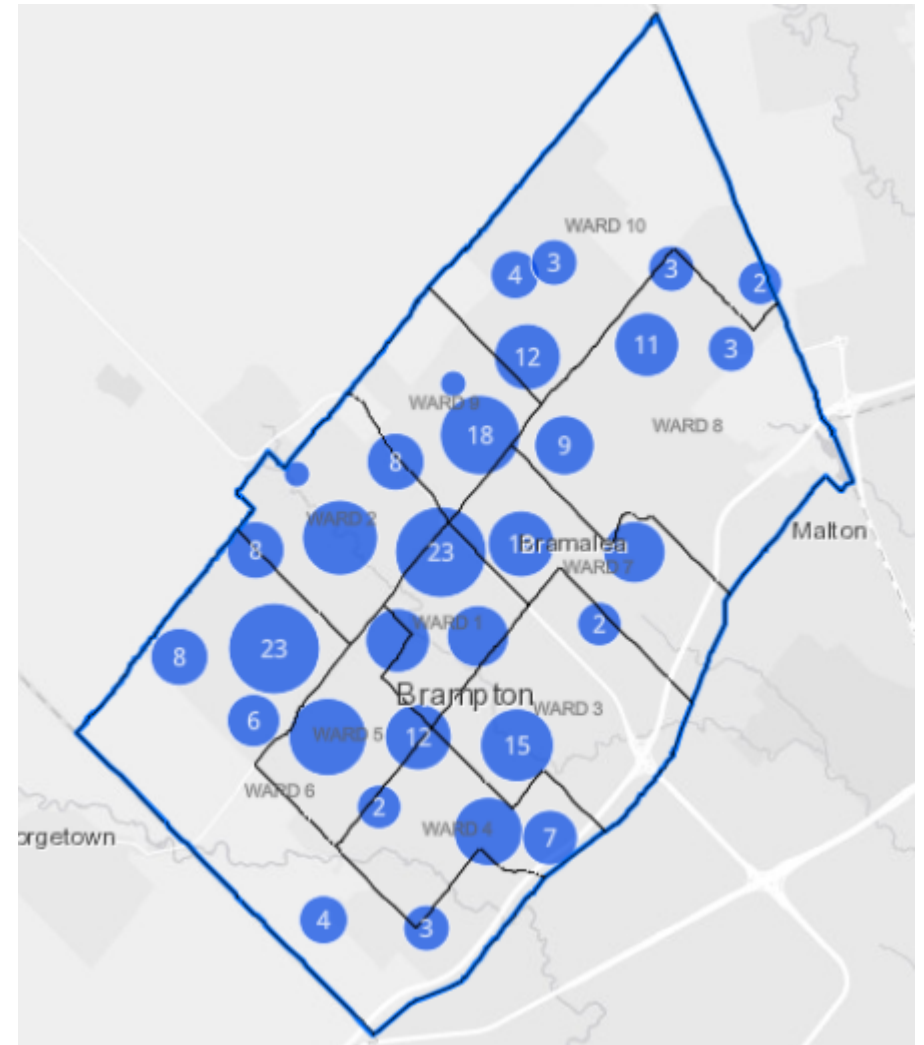
## SERVICE REQUEST TRENDS

Lodging House Service Request Status (2020-2024)



**Reasons for Closure:** Are not “lodging houses” as defined in the Zoning By-law and therefore, are not in contravention based on occupancy (i.e. single housekeeping units).

Lodging House Service Request Distribution







# LODGING HOUSES CONTINUED

## CASE LAW AND PROVINCIAL LEGISLATION

The courts have analyzed definitions of Boarding, Lodging and Rooming Houses contained within Building Code, Fire Code and municipal by-laws when determining whether a lodging house or single housekeeping unit exists, including factors such as:

- overall use of the property
- control over the property
- movement within the property
- nature of decision making
- nature of remuneration

# PART 3

Provincial Legislation – Challenges and Considerations





# PROVINCIAL LEGISLATION

## *PLANNING ACT, R.S.O. 1990, c. P.13*

### **ARUs are mandatory - s.16(3)**

- No official plan may contain any policy that has the effect of prohibiting the use of up to two ARUs in a detached, semi-detached or rowhouse on a parcel of urban residential land

### **Zone Use not User - No distinction on basis of relationship s.35(2)**

- No authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit

### **Parking Facilities – s.34(1)(6)**

- Local municipality has authority through zoning to require owners to provide and maintain parking facilities on land that is not a highway





# PROVINCIAL LEGISLATION

## *RESIDENTIAL TENANCIES ACT, 2006, S.O. 2006, c. 17*

### **Overcrowding – Landlord may terminate for too many persons – s. 67**

- A landlord may give a tenant notice of termination of the tenancy if the number of persons occupying the rental unit on a continuing basis results in a contravention of health, safety or housing standards required by law
- Notice of termination void if tenant reduces numbers within seven (7) days

### **Subletting - Landlord cannot arbitrarily/unreasonably refuse consent**

- A landlord shall not arbitrarily or unreasonably withhold consent to the sublet of a rental unit to a potential subtenant. s. 97 (2)
- Provided tenant has followed Act's process for assignment/sublet s. 100, may apply to LTB for a determination of consent. s.98
- No contracting out of assignment/sublet clause in Prov. standard form lease



# PART 4

Next Steps and Discussion







# NEXT STEPS

## ONGOING IMPROVEMENTS

- ✓ **Enforcement:** Continue implementing Operational Review recommendations and establishing strong community partnerships
- ✓ **Service Brampton:** Continue updating service level agreements, improving/modernizing procedures and enhancing public access to information
- ✓ **Strategic Communications:** Continue updating public education materials, including a Rental Maintenance and Safety Checklist and Code of Conduct
- ✓ **Integrated City Planning:** Continue building institutional stakeholder partnerships to advise on student housing projects
- ✓ **Collective:** Benchmarking and best practices research





# NEXT STEPS

## ONGOING INITIATIVES

- Organizational Performance:** Customer Experience Strategy and Action Plan
- Development Services and Design:** Comprehensive Zoning By-law Review and Draft
- Integrated City Planning/ Legislative Services:** Lodging House Review
- Region of Peel:** International Students Collaborative
- Government Relations:** Advocacy to Federal and Provincial governments



# DISCUSSION



Thank you!

