



City of
Peterborough

TO: Members of Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: April 30, 2012

**SUBJECT: Report PLPD12-022
Boarding and Lodging Houses
Interim Control By-law**

PURPOSE

A report to evaluate the merits of an interim control by-law to prohibit the creation of any new boarding or lodging house until a review and update of the Zoning By-law regulations associated with such uses is completed.

RECOMMENDATIONS

That Council approve the recommendations outlined in report PLPD12-022 dated April 30, 2012, of the Manager, Planning Division, as follows:

- a) That staff be directed to complete a review and update of the Zoning By-law regulations associated with boarding, lodging and rooming houses.
- b) That an Interim Control By-law be approved in accordance with Exhibit 'B' attached to Report PLPD12-022 to prohibit the creation of any new boarding, lodging and rooming houses for a period of one year from the date of the By-law.

BUDGET AND FINANCIAL IMPLICATIONS

No budget or financial implications would result from the decision to approve this By-law.

BACKGROUND

In response to issues and concerns that have been expressed by property owners regarding boarding house accommodations in various residential neighbourhoods, staff from the Planning and Building Divisions, Legal Services Department, Police and Fire have been considering a review of regulations affecting these types of rental accommodations. This review could include zoning by-law regulations, licensing and enforcement. Staff from these various divisions and Councillors have met with property owners residing in close proximity to some of these boarding house properties to hear issues and concerns affecting the surrounding neighbourhood. While much of the concern expressed is in regards to the behaviour of some of the residents of these properties which is more of a Police matter than a land use matter, the neighbouring property owners are looking to the City to become more involved in ensuring compliance with zoning By-law regulations, minimum property standards, health standards and fire safety requirements.

In Report PLPD12-004, approved by Council on February 21, 2012, which recommended revisions to the City's Noise By-law and Business Licensing By-law, there was also discussion regarding the need for a review of the definitions related to boarding houses and an investigation to determine the measures that other municipalities are taking from a regulation perspective.

One of the recommendations of Report PLPD12-004 approved by Council was:

“That staff be directed to actively undertake to enforce the City’s Zoning By-law with regards to non-licensed lodging houses.”

Staff have advised Council as to some of the enforcement difficulties associated with regulating boarding houses and some of the pending legal decisions in other jurisdictions. While the City is not being overrun with applications for legitimate boarding house accommodations, it is appropriate to prohibit the creation of new boarding houses until the situation is examined comprehensively and actions are recommended to address this issue, particularly the Zoning By-law definition of Boarding, Lodging or Rooming House and related zoning regulations. A second report dealing with the boarding house definition being considered at the April 30, 2012 Planning Committee meeting, Report PLPD12-022, recommends an amendment to the definition of “Boarding House” in advance of a more comprehensive review of boarding house issues, however the recommended amendment simply changes the terminology from “Boarding House” to “Boarding, Lodging or Rooming House” to be consistent with the

City's Business Licensing By-law and the terminology used in the Building and Fire Codes.

Section 38 of the Planning Act allows a municipality to pass a by-law to prohibit the use of land, building or structures for such purposes set out in the by-law. Before approving such a by-law, Council must provide direction, by by-law or resolution, that a review or study be completed in respect of those land use policies pertaining to those uses which are to be prohibited temporarily. An interim control by-law cannot exceed a period of 1 year from the date of passing, and no notice or public meeting is required prior to the passing of the by-law, however notice of decision is required to be issued and the by-law can be appealed to the Ontario Municipal Board.

Zoning regulations have not changed significantly since the 1972 Zoning By-law was put into effect. Boarding houses, however, operated differently in the past. In particular, there was an on-site owner or proprietor and therefore they were liberally permitted in residential zones. Currently, boarding houses are permitted in any R.3 or R.4 zoning district. The operation of boarding houses has evolved since 1972 and it is necessary to take a "time out" and review the issues related to the zoning definition and the appropriateness of a widespread land use permission. After a review and update of zoning regulations pertaining to boarding, lodging and rooming houses, concentrating on the definitions and appropriate zoning districts enforcement of the Zoning By-law will not be as challenging.

The adoption of an interim control by-law prohibiting the use of land, buildings or structures for new boarding house recommendations will provide sufficient time for staff to complete this review and update to the Zoning By-law.

SUMMARY

The passing of an interim control by-law will prevent new boarding houses from being established while a review of new zoning standards for this type of residential accommodations is being undertaken.

Submitted by,

Concurred with,

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Attachments:

Exhibit A: R3 and R.4 Zoned Lands
Exhibit B: Draft Interim Control By-law