

The problems and consequences of illegal rentals within residential properties:

For the past 3 years an excessive number of vehicles has been noted parked along . Specifically, the number of work vans, trucks and cars owned by the tenants of is a clear indication that this house is a revolving door with too many renters! This property is a residential house and NOT an apartment! As such, the situation is causing problems for the neighborhood and its residents.

Given the evidence, there is also a strong suspicion that these tenants are running some type of businesses from this location as they are parking their work vans, on top of their regular vehicles, either on the property or on the street. At this point, it is assumed that a written lease does not exist or is being ignored by the tenants. It is also possible that the landlord has decided to accept the situation and is ignoring these violations.

It is apparent that this is a widespread issue facing the city of Barrie and other municipalities throughout Ontario and Canada. Some municipalities and condominium residential areas have resolved the problem by introducing new by-laws and controlled parking restrictions.

What are the real and potential effects of uncontrolled housing rentals?

1. Excessive and illegal parking throughout the city streets and private properties.
2. Many residential streets are simply too narrow to accommodate parking on both sides and effectively become one-way streets. In turn, this disrupts traffic and could potentially cause problems for emergency vehicles.
3. Large vehicles that remain parked near driveways, obstruct visibility and make it difficult to exit safely thus compromising roadside safety.
4. The large number of parked vehicles impedes road maintenance especially in the winter, fall and spring when snow removal and debris removal (leaves and sand) are crucial to the proper functioning of roads and storm sewers. In the event of a major storm this becomes even more important as a fully functioning storm sewer system is key in order to avoid flooding and property damage (perhaps the city could draft a creative policy that will encourage people to empty their garages and avoid parking on the streets).

5. Garbage collection is more difficult, slower and more expensive.
6. City maintenance work is less efficient and more costly.
7. An increase in crime has been documented.
8. Homeowners in the vicinity of an illegal boarding house will have difficulty selling their homes as devaluation of their property occurs.
9. Left unchecked, this will increase the number of real estate speculators and slum landlords whose sole purpose is to rent their properties to a large number of people, maximizing their revenue by breaking the rules.
10. A large number of unregistered tenants could pose difficulties for law enforcement and their investigations.
11. Many of these houses are not maintained regularly which ends up compromising the safety and health of the tenants and the neighbors (there is strong evidence that many of these rooming houses have become fire hazards and they can often be infested with termites and mice).
12. Unresolved, this problem will create bad publicity and negative impact on future city developments, employment and real estate values.

Which organizations and which people are responsible for the above issues?

The main responsibility lies with the landlords! Any new bylaw should specify their responsibility and the legal consequences of not abiding. In this case, a landlord must provide sufficient parking within the garage and driveway to accommodate all tenants. They should also make sure that tenants are not subletting the premises to other individuals not covered under the lease or operating a business prohibited under zoning bylaw. Furthermore, reconstruction or rearrangement of the household to accommodate a large number of tenants and/or unrelated people should be clearly banned under city bylaw. Finally, the potential for major problems diminishes when landlords live with their tenants as they have a vested interest in maintaining the property. When that is not the case (elderly, foreigners, living too far away, Canadians living abroad, etc.), they should be obliged to have a qualified custodian or a paid professional assigned by the city to perform regular inspections and maintenance of the home.

Although the rental act is under provincial jurisdiction, this issue is occurring entirely at a municipal level. The people involved, the areas affected and the decisions that need to be made all occur at a municipal level. Therefore, any new enforceable zoning bylaw that is specifically put forward to deal with these issues, will have to be enacted at a municipal level and may need to be ratified at the provincial level should it infringe upon the provincial rental act. In addition, the city

should perhaps consider legislating a bylaw requiring landlords that do not co-habit with their tenants, to provide a copy of the lease (a standard form provided by the municipality).

When there is a an individual or a large group of home owners experiencing property damage, devaluation, a criminal incident, a traffic accident or the disruption of regular municipal services, they become the focal point of the above process as they will look to obtain compensation.

Enforcement difficulties:

Presently, Ontario legislation allows city officials only limited access to properly inspect illegal boarding premises. Although rooming houses are illegal in most cities, without meaningful enforcement the problem is not being addressed and continues to spread. One way to start tackling this problem would be to implement the tenants' safety act, as introduced by the city of Guelph, where the city as well as fire and health officials, have the legal right to inspect premises they suspect are unsafe. However, because of the required advance notification, these inspections are less effective as tenants have the chance to hide any violations that may be occurring. Many of the tenants rooming in these locations are people that require short-term rent such as students and temporary workers. Meanwhile there are other renters who are simply trying to minimize their expenses and cannot afford higher rent. Therefore, many municipalities are faced with multiple issues; preventing the regression of the city, maintaining quality of life, creating affordable housing for the less fortunate, the **determination to get involved** and the financial cost to implement it all. As mentioned before, all of the above issues occur at the municipal level and therefore **the provincial government must allow (when required) the rental act to be amended** in order to accommodate the specific needs of municipalities.

Extreme cases :

When the municipality fails to obtain any cooperation from a landlord, they should have the legal means to evict the tenants by shutting off the house's utilities and, in extreme cases, by expropriating the property. When landlords have difficulties evicting bad tenants lawfully, the municipality should provide assistance in a similar way.

Presentation

Before we begin, I would like to state that this presentation and it's accompanying report, does not, in any way, try to impede upon the rights of anyone who has the legal right to rent their property in a way that does not infringe on any city codes or by-laws.

The exhibit shown here illustrates the problem that exists on my street and by extension, throughout the city of Barrie. At the same time, it clearly demonstrates that with its existing resources and by-laws, the city is incapable of regulating and dealing with illegal rooming houses.

If we agree that the assessment of uncontrolled housing rentals is true, then we must also conclude that we are dealing with a very big problem which effects a large portion of Canada's population.

This condition has existed for a very long time. With the multitude of federal and provincial laws (often well intended) municipalities are faced with a complex legal obstacle that will be difficult to overcome.

If there is sufficient public support, then I believe that the province along with its municipalities, owes everybody affected a constructive study that tackles and resolves the above issue.

- 1) Such a study must include people with the correct expertise and legal knowledge in order to resolve this problem. (Legal expertise, city & provincial officials, fire dept., police, road & maintenance dept., environmental experts, financial annalists and any other representative that the city council or this committee feels should be included.)
- 2) Detailed assessment of the source of the problem.
- 3) As this problem exist throughout North America, a review of other municipalities that are tackling the same issue could benefit the study (ex: Toronto's By-Laws and Municipal Code chapter 918).
- 4) What are the obstacles that prevent a resolution and how to deal with them?
- 5) What are the costs involved (to deal or not deal with the issue)?
- 6) Assessment of the existing by-laws and parking restrictions.
- 7) Proposal of the new and/or modifying existing by-laws and parking restrictions.
- 8) What is the cost to the families and people being pushed out of their neighborhoods (financial & emotional)?
- 9) The effect on a landlords and tenants.
- 10) What is the potential of a new association rising up and undertaking a class action against tenants, landlords, the municipality and the province?