



# **Phase 3A**

## **Rooming Houses**

### **Short Term Accommodations**

#### **Second Suites**

**May 14, 2018**



# Rooming Houses

- Some existing the City, however Staff estimate comparatively small numbers
- Current regulations are inconsistent making successful legal action unlikely
- Rooming houses will continue to be challenging to regulate regardless of what amendments are passed. The proposed regulations will improve the chance of successful prosecution when a rooming house is identified



# Rooming Houses

- Rooming houses will not be a permitted use, as of right, within the zoning by-law
- Permission for a Rooming House will be directed through site specific rezoning application
- Official Plan will provide direction for rezoning applications
  - Fronting/access on arterial roads
  - Within urban area
- Renting of up to two rooms in a dwelling will not be considered a Rooming House by definition



# Rooming House Recommendations

(Found on page 1 of the Staff Report)

2. THAT the Draft Zoning By-law to define Rooming Houses attached as Appendix 'A' be finalized and enacted without further notice;
3. THAT the proposed modifications to the 2014 City of Markham Official Plan to define and adopt criteria for Rooming Houses; and, to provide for, define and adopt criteria for Short-term Accommodations attached as Appendix 'B' be finalized and adopted without further notice;



# Short Term Accommodations

- They exist throughout the City, and do so in a variety of forms
- Consist primarily of four types
  1. Room/s within a dwelling unit
  2. Second dwelling unit
  3. Whole house of a primary residence
  4. Whole house of a second dwelling or investment property
- Nuisance complaints are primarily found in whole house rentals
- Use of investment properties and Second dwelling units as short term accommodations reduces available housing stock, and can reduce affordability through market competition
- Zoning regulations have limited impact on the behaviour or actions of occupants, or the Platforms that facilitate the use



# Short Term Accommodations

- Platform (i.e. Booking Agency)
  - Licensing allows Staff to work with platforms to ensure only licensed STA's are advertised
  - Licensing can improve reporting and recording of STA activities within the City
- Operator/Owner
  - Zoning and Licensing will limit the operation to a primary residence by definition
  - Licensing will allow reporting of activities through licensed platform
  - Licensing will ensure operator will be responsible for environment created for renters
  - Nuisance by-law can address operators negligence in correcting occupant issues
- Renter/Occupant
  - Nuisance by-law will have direct and immediate impact on those occupants who undertake nuisance behaviour.



# Nuisance Offences

- Disorderly conduct including spitting, screaming, yelling, shouting, or using profane or abusive language or gestures
- Public drunkenness or public intoxication;
- The unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- Carrying open liquor;
- The deposit of refuse on public or private property;
- Defacing, damaging, vandalizing or destruction of public or private property, including graffiti;
- Pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could cause public safety issues and/or interfere with the ability to provide emergency services;
- Unlawful open burning;
- The discharging of fireworks except as authorized under the Corporation of the City of Markham By-law No. 2012-158;
- Public disturbances, including public brawls or public fights;
- Outdoor public urination or defecation;
- Leaving, throwing or depositing any refuse or litter;
- Sound that is unusual, unreasonable, or excessive, or that is likely to be unwanted by or disturbing to persons, including but not limited to loud music;
- Loitering;
- Any smoke that is excessive, or that is likely to be disturbing to persons;
- A social gathering that is disturbing to persons or results in any activity that may be likely to be unwanted by or disturbing to persons; and
- Any other activity that may be likely to be unwanted by or disturbing to persons.



# Short-term Accommodations Recommendations

(Found on page 1 of the Staff Report)

3. THAT the proposed modifications to the 2014 City of Markham Official Plan to define and adopt criteria for Rooming Houses; and, to provide for, define and adopt criteria for Short-term Accommodations attached as Appendix 'B' be finalized and adopted
4. THAT the Draft Licensing By-law for Short-term Accommodations attached as Appendix 'C' be finalized and enacted without further notice;
5. THAT the Draft Public Nuisance By-law attached as Appendix 'D' be finalized and enacted without further notice;
6. THAT the Draft Zoning By-law to permit and define Short-term Accommodations attached as Appendix 'E' be finalized and enacted without further notice;
10. THAT Council approve the proposed fee increases and new fees to be implemented through future amendments to By-laws 2012-137, as amended, and 111-98, as amended, as follows;

Department	Fee	Current	Proposed
By-Laws	Short-term Accommodation Company Fee	None	\$5,000.00 one-time fee per company +\$1/night booked
	Short-term Accommodation Licensing Fee	None	\$50.00/operator/year





## Second Suites

- They exist throughout the City – some are legal, most are illegal.
- The City cannot confirm if illegal second suite have appropriate
  - Fire separations between units
  - Egress or exiting from the units
  - Natural lighting in living areas or sleeping areas
- Current enforcement limited by our ability to enter and inspect private dwellings
- Removing tenants from illegal units creates unstable housing
- The cost to owners and the City associated with the administration and legalization of a illegal second suites is far greater due to
  - Retrofitting existing construction
  - Orders issued by Fire Prevention
  - Potential court cost to both parties



## Second Suites

- They will continue to exist – more will be legal, many will remain illegal
- The City will be able to ensure that legal units have the required
  - Fire separations between units
  - Egress or exiting from the units
  - Smoke and CO2 detectors
  - Natural lighting in living areas or sleeping areas
- Enforcement will continue to be limited in ability to enter and inspect private dwellings, however registration will authorize entry and re-entry to inspect legal units.
- When illegal units are found, the path for property owners to bring the units up to code will be shorter, with fewer barriers
- If an owner applies for a permit prior to constructing a second suite, their administrative cost will be less than the current application process
- The City will have an opportunity to recover the administrative costs associated with second suites



# Second Suite Recommendations

(Found on page 1 of the Staff Report)

7. THAT the Draft Registration By-law for Second Suites attached as Appendix 'F' be finalized and enacted without further notice;
8. THAT the Draft Zoning By-law to permit Second Suites attached as Appendix 'G' be finalized and enacted without further notice;
9. THAT Council approve an increase in the Fire Department full-time complement, for the hiring of one additional Fire Prevention Officer and associated vehicle;
10. THAT Council approve the proposed fee increases and new fees, through amendments to By-laws 2012-137, as amended, and 111-98, as amended;

Department	Fee	Current	Proposed
Fire	Two Unit Residential Inspection Fee	\$339.50	\$1,800.00
	Two Unit Residential Registration Fee	<u>\$169.50</u>	<u>\$200.00</u>
		\$508.50	\$2,000.00
	Multiple Occupancy Residential Additional Re-inspection Fee	\$163.85/inspection	\$100.00/hour
By-Laws	Second Suite Property Inspection Fee	None	\$475.00
	Second Suite Additional Re-Inspection Fee	None	\$100.00/hour

11. THAT during the next Fee By-law update, the Building Department review and adjust their Accessory Apartment Fee as necessary, to achieve full administrative cost recovery, based on volume, in accordance with the Building Code Act;
12. THAT Staff monitor the volumes and impacts of Second Suites and Short-term Accommodations and, if necessary, bring forward changes to staffing levels and/or fees to attempt to maintain full administrative cost recovery when deemed appropriate;



## Resolutions (pg. 1)

1. THAT the report dated May 14, 2018 titled, “RECOMMENDATION REPORT: Phase 3A of Markham’s New Comprehensive Zoning Bylaw Project – Rooming Houses and Short-Term Accommodations and Second Suites – File No. PR 13 128340” be received;
2. THAT the Draft Zoning By-law to define Rooming Houses attached as Appendix ‘A’ be finalized and enacted without further notice;
3. THAT the proposed modifications to the 2014 City of Markham Official Plan to define and adopt criteria for Rooming Houses; and, to provide for, define and adopt criteria for Short-term Accommodations attached as Appendix ‘B’ be finalized and adopted without further notice;
4. THAT the Draft Licensing By-law for Short-term Accommodations attached as Appendix ‘C’ be finalized and enacted without further notice;
5. THAT the Draft Public Nuisance By-law attached as Appendix ‘D’ be finalized and enacted without further notice;
6. THAT the Draft Zoning By-law to permit and define Short-term Accommodations attached as Appendix ‘E’ be finalized and enacted without further notice;
7. THAT the Draft Registration By-law for Second Suites attached as Appendix ‘F’ be finalized and enacted without further notice;
8. THAT the Draft Zoning By-law to permit Second Suites attached as Appendix ‘G’ be finalized and enacted without further notice;
9. THAT Council approve an increase in the Fire Department full-time complement, for the hiring of one additional Fire Prevention Officer and associated vehicle;



# Resolution (pg. 2)

10. THAT Council approve the proposed fee increases and new fees to be implemented through future amendments to By-laws 2012-137, as amended, and 111-98, as amended, as follows;

Department	Fee	Current	Proposed
Fire	Two Unit Residential Inspection Fee	\$339.50	\$1,800.00
	Two Unit Residential Registration Fee	<u>\$169.50</u>	<u>\$200.00</u>
		\$508.50	\$2,000.00
	Multiple Occupancy Residential Additional Re-inspection Fee	\$163.85/inspection	\$100.00/hour
By-Laws	Second Suite Property Inspection Fee	None	\$475.00
	Second Suite Additional Re-Inspection Fee	None	\$100.00/hour
By-Laws	Short-term Accommodation Company Fee	None	\$5,000.00 one-time fee per company +\$1/night booked
	Short-term Accommodation Licensing Fee	None	\$50.00/operator/year

11. THAT during the next Fee By-law update, the Building Department review and adjust their Accessory Apartment Fee as necessary, to achieve full administrative cost recovery, based on volume, in accordance with the Building Code Act;

12. THAT staff monitor the volumes and impacts of Second Suites and Short-term Accommodations and, if necessary, bring forward changes to staffing levels and/or fees to attempt to maintain full administrative cost recovery when deemed appropriate;

13. AND FURTHER THAT Staff be authorized to do all things necessary to give effect to this resolution.