



Minutes
Development Services Public Meeting
October 3, 2017 - 7:00 PM
Council Chamber
Meeting No. 10

All Members of Council

Development Services

Chair: Regional Councillor Jim Jones

Vice-Chair: Councillor Don Hamilton

Attendance

Mayor Frank Scarpitti
Deputy Mayor Jack Heath
Regional Councillor Joe Li (7:40)
Regional Councillor Nirmala Armstrong
Councillor Valerie Burke
Councillor Alan Ho (left 8:00)
Councillor Don Hamilton
Councillor Karen Rea
Councillor Colin Campbell
Councillor Amanda Collucci
Councillor Logan Kanapathi
Councillor Alex Chiu (left 9:00)

Chris Alexander, Acting Manager, By-law Enforcement
and Regulatory Services
Ron Blake, Senior Development Manager
Geoff Day, Senior Planner, Zoning & Special Projects
Bradley Roberts, Supervisor, Zoning
Tom Vilella, Manager, Zoning and Special Projects
Kitty Bavington, Council/Committee Coordinator

Regrets

Regional Councillor Jim Jones

The Development Services Public Meeting convened at 7:06 PM in the Council Chamber with Councillor Don Hamilton in the Chair.

DISCLOSURE OF PECUNIARY INTEREST

- None Declared

**1. INFORMATION REPORT
UPDATE ON PHASE 3A OF
MARKHAM'S NEW COMPREHENSIVE
ZONING BY-LAW PROJECT – ROOMING HOUSES
AND SHORT-TERM ACCOMMODATIONS
FILE NO. PR 13 128340 (10.5)**
[Report](#)

The Public Meeting this date was to consider Official Plan and Zoning By-law amendments for rooming houses and short-term accommodations.

The Committee Clerk advised that Notice was city-wide and placed in the September 14, 2017 editions of both Markham Economist and Sun, and Thornhill Liberal newspapers. Interested parties were also notified by mail or email. Two written submissions were received regarding this proposal.

Tom Villella, Manager, Zoning and Special Projects, provided a brief overview of Phase 3A of Markham's New Comprehensive Zoning By-law Project, specifically with respect to rooming houses and short-term accommodations, and to outline next steps.

John Gladki of Gladki Planning Associates, consultant for the City, gave a presentation on rooming houses and short-term accommodations with respect to policies, issues, and recommendations.

The Committee discussed the following:

Rooming Houses

- Clarify the definition of 'small scale' criteria for rooming houses.
- The home owner would not be required to inhabit the residence; the occupants or 'principle occupant' would be responsible for maintenance and care of the building and property. This cannot be specified in a Zoning By-law but can be specified through licensing.
- Clarify that the criteria in the Official Plan is to assist in evaluating applications within specific zones where the use may be permitted.
- As long as the definition is in the by-law for enforcement purposes, criteria are not essential.
- Differentiate between lodging rooms, dwelling units, rooming houses, and shared housing, using terminology that is enforceable.
- The definition of collector road was questioned with respect to the criteria of 'adequately served by public transit'. It was suggested that 'collector' be removed and that maps be attached to identify which roads are arterial or collector roads.
- Fire safety issues for rooming houses were discussed.
- It was suggested that micro-apartments could be an alternative to rooming houses, to ensure proper maintenance of the individual units.

Short-Term Accommodations (STA)

- Clarify the definitions of Bed & Breakfast, and short term accommodations.
- Clarify the criteria to permit the use in Main Street Heritage areas.
- A review of the correspondence received will be included in the staff report.

Perry Mark, an AirBnB host, spoke in opposition to proposed restrictions placed on the use, outlining his experience as a successful host with no complaints. Mr. Mark suggested that it is the responsibility of the property owner to ensure proper checks and balances are in place, and he explained screening processes and some parking options. Income statements are provided from AirBnB for income tax reporting purposes.

It was noted that some Condo Corporations do not permit such subletting arrangements.

Angie Dornai, an AirBnB host, supports the use as it that enables her to afford to live in Markham and provides companionship.

Alan Adams spoke in opposition to both rooming houses and STAs, with respect to absent owners and the lack of maintenance and care and impacts on municipal services. Mr. Adams supports restrictions on collector roads and the 60 day limit, and suggests a limitation on the number of people per room. These are businesses and should be taxed as such, with registration and fees to cover enforcement costs.

Staff advised that the Zoning By-law cannot regulate the number of people per room. The Committee commented on the burden to infrastructure that the additional residents-per-household can cause.

Billy V. Gardanis, spoke in opposition to rooming houses, suggesting that that not all owners are as conscientious as the previous speakers, and that they can result in overcrowded residences. Mr. Gardanis suggested researching the regulations adopted by other municipalities with respect to rooms being restricted to the exclusive use of the renter, and identifying the use as a single housekeeping suite. He recommended that the City enforce returning non-compliant units back to the original layout, and ensure that they are safe for the neighbours as well as the occupants.

Staff advised that non-compliance is difficult to enforce as they cannot enter a premises without a warrant.

David McBeth spoke in opposition to rooming houses beyond a single room and guest, with the owner being present. Mr. McBeth does not support AirBnBs, and cited incidents of fraud, suggesting that the AirBnB organization should review its screening and registration processes.

Anna Cass spoke in support of AirBnBs, a large, successful, self-regulated organization. Ms. Cass stated that Toronto is the economic engine of Canada with many visitors and immigrants needing flexible accommodations. As an empty-nester, Ms. Cass appreciates the benefits of this opportunity at her home, and described some of her renting experiences. In response to questions, Ms. Cass indicated she would not object to limiting the number of renters, but did not agree with taxing each bed the same as hotels, and suggested that having a property manager nearby would work as well as owner-occupancy.

Kal Kurm spoke in support of AirBnBs, stating that he has used the coach house at his home in Cornell for that purpose, and it is typically booked 11 months of the year. Mr. Krum questioned the need to cap the use to 60 days per year. He suggested that fraud and identity theft can occur in many instances, not just AirBnBs. In response to questions, he advised that he was made aware of this Public meeting through an email from AirBnB.

Geoff Pyne, representing the Unionville Ratepayers Association, stated support for rooming houses with stipulations, including: they should be licensed; meet all safety requirements; restricted to owner occupancy; require zoning amendments, not as-of-right except in intensification areas; and other restrictions. STAs offer benefits and should be permitted as of right provided they are in an owner-occupied primary residence, are registered with the City, pay hotel tax, there are restrictions on number of rooms rented, and other restrictions.

Kevin Finn spoke in opposition to both uses, as there is no limitation or restriction on the number of units or people in a house; there are no guarantees that all owners and tenants would be diligent and responsible; it is difficult for enforcement and police to get involved when necessary; and fire code issues. Mr. Finn stated that he bought his single-family home for his family and he wants to know who his neighbours are. He agreed that the restriction for the use on larger streets is appropriate, and he questioned insurance coverage and liability for such uses. In response to questions, Mr. Finn advised that he learned of this Public Meeting through the newspaper.

Alick Siu spoke in support of both uses and displayed figures from the 2016 Census for family income and affordable rental costs in Markham, and discussed providing affordable housing for the future. The Committee discussed City/Regional initiatives for affordable housing, and noted that STAs are not a long-term affordable housing solution.

Sam Orrico spoke of his experience coming to this country and needing an affordable place to live. Mr. Orrico supports the uses, with by-laws and regulations for safety issues.

Christian Ali spoke in support of the uses, stating that affordable housing is not getting easier and this could be a consumer-centric approach to filling the housing gap. There have been some bad experiences with AirBnBs, but most owners would need it to be a viable business and would not do anything irresponsible, and there is a lot of pride in being a super-host. Mr. Ali is in a non-resident owner situation, living in one home and renting out a second home for 45 weeks of the year. Mr. Ali has no concerns with registration, he pays proper income tax, parking is included on the site, and the townhouse condo corporation has not objected to the rental. He stated that it is the responsibility of the owner to vet renters and avoid bad situations, suggesting that Markham attracts families, while the partyers go to Toronto.

The Committee noted that a representative of the AirBnB organization at the previous Public Meeting had stated that these are not businesses, they earn a small income, and they do not want to have to pay taxes as suggested. The Committee had no concern that AirBnB emailed its associates regarding this Public Meeting, but questioned why the public that had spoken against the proposed uses in the past were not in attendance.

The Committee thanked the public for their attendance and comments, and advised that the comprehensive final report will be a cross-commission collaboration to address all the issues raised. Staff were requested to hold an optional training session for Council members.

Moved by: Councillor Amanda Collucci
Seconded by: Councillor Valerie Burke

- 1) That the written submissions from Cindy Breslin-Carere of Cachet Estates Ratepayers' Association, and Alex Dagg of AirBnB, regarding Zoning By-law amendments for rooming houses and short-term accommodations be received; and,
- 2) That the deputations by Perry Mark, Angie Dornai, Alan Adams, Billy V. Gardanis, David McBeth, Anna Cass, Kal Kurm, Geoff Pyne, Kevin Finn, Alick Siu, Sam Orrico, and Christian Ali, regarding Zoning By-law amendments for rooming houses and short-term accommodations be received; and,
- 3) That the Development Services Commission report dated September 25, 2017 titled "INFORMATION REPORT - Update on Phase 3A of Markham's New Comprehensive Zoning By-law Project – Rooming Houses and Short-Term Accommodations, File No. PR 13 128340", be received; and,
- 4) That the record of the Public Meeting held on October 3, 2017 with respect to the proposed Official Plan and Zoning By-law Amendments regarding the matter of rooming houses and short-term accommodations, be received; and further,
- 5) That the Official Plan and Zoning By-law Amendments, be referred back to staff for a **comprehensive** interim report **by appropriate departments**, for consideration by Development Services Committee **in late January, 2018, followed by a final report to** a special evening Development Services Committee meeting **in February, 2018.**

CARRIED

ADJOURNMENT

The Development Services Public Meeting adjourned at 10:35 PM.

Alternate formats for this document are available upon request.