

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 30, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7073

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078
Natalie Goss, Manager Policy & Research, 519-741-2200 ext.7648

WARD(S) INVOLVED: ALL

DATE OF REPORT: October 17, 2023

REPORT NO.: DSD-2023-446

SUBJECT: DSD-2023-446 City-wide Lodging House Review
(OPA21/004/COK/AR, ZBA21/040/K/NG)

RECOMMENDATION:

That Official Plan Amendment OPA21/004/COK/AR proposing amendments to Kitchener's 1994 and 2014 Official Plan to permit lodging houses city-wide everywhere residential uses are permitted be adopted, in the form shown in the Official Plan Amendments attached to Report DSD-2023-446 as Attachment 'A' and Attachment 'B', and accordingly forwarded to the Region of Waterloo for approval; and,

That Zoning By-law Amendment ZBA21/040/K/NG be approved in the form shown in the 'Proposed By-law to Zoning By-law 85-1' and 'Proposed By-law to Zoning By-law 2019-051' attached to Report DSD-2023-446 as Attachment 'C' and Attachment 'D' respectively.

REPORT HIGHLIGHTS:

- The purpose of this report is to bring forward a planning recommendation regarding Official Plan amendments and Zoning By-law amendments to permit lodging houses city-wide.
- Community engagement included:
 - A Housing for All Lodging House sub-committee was formed with members of the community, staff and Council. The sub-committee prepared an Issues and Options report about lodging houses and in summer 2023 met with staff to review preliminary directions on Official Plan and zoning updates;
 - An update on the recommended approach for lodging houses was provided to the Lived Expertise Working Group on October 4, 2023, and;
 - Notice of the public meeting was published in the Record on October 6, 2023.
- This report supports the delivery of core services.

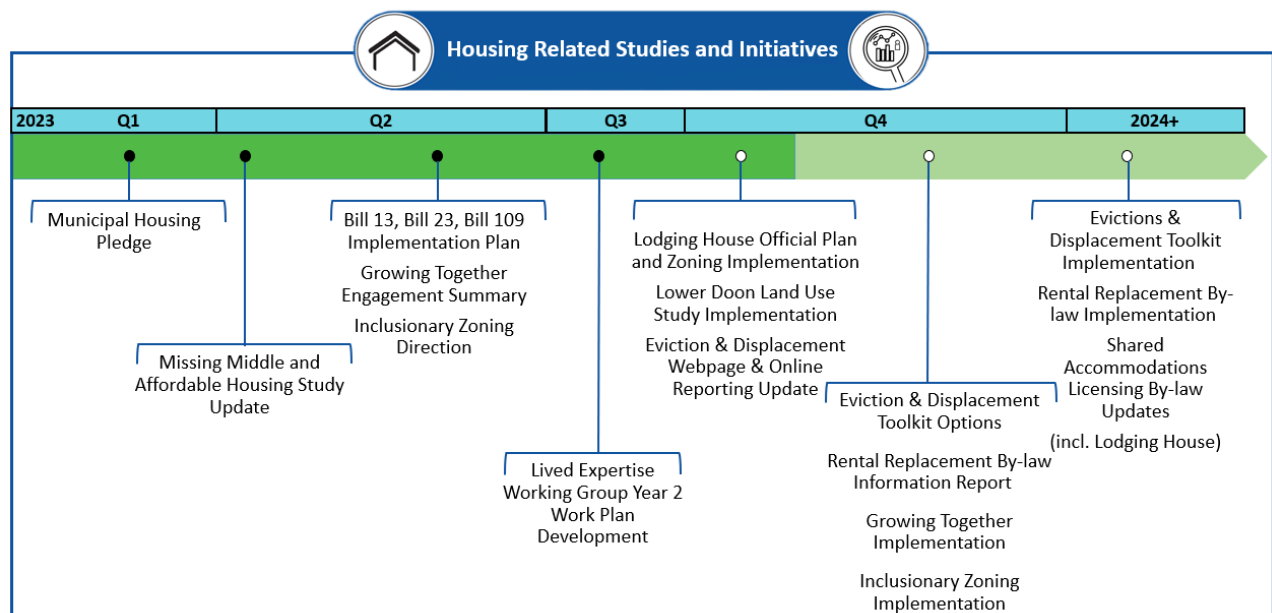
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EXECUTIVE SUMMARY:

Council approved Housing for All, the City's first housing strategy which focused on what the city can do to address housing issues. One of the strategy's actions is to report on the feasibility and implications of reviewing and updating current lodging house policies. As part of Housing for All, a Lodging House sub-committee was formed comprised of community members, staff and a member of Council. Together they drafted an Issues and Options paper that recommended removal of references to minimum distance separation and expanding permissions for lodging houses city-wide where residential uses are permitted. They also recommended advancing updates on licensing for lodging houses and engaging with people with lived expertise. Additionally, the Ontario Human Rights Commission has advised all municipalities to avoid the discriminatory impacts of regulations regarding rental housing, including the use of a minimum distance separation. Planning staff is recommending approval of Official Plan amendments and Zoning By-law amendments that will permit lodging houses city-wide.

BACKGROUND:

This report is one of many reports being presented to Council for consideration in 2023-2024+ which focuses on housing related studies and initiatives. The graphic below depicts the planned updates to Council over the next 12+ months.



In October 2019, Council approved report DSD-19-233 – New Zoning By-law (Stage 2a) – Residential Base Zones Comprehensive Review of the Zoning By-law (CRoZBy) Project which included staff's recommendation that the issue of regulating lodging houses in the Official Plan and Zoning By-law be referred to the Affordable Housing Strategy for further consideration.

On December 14, 2020 as a part of report DSD-20-214 Council approved Housing for All, the City's first housing strategy which focused on what the city can do to address housing

issues including increasing and maintaining the supply of housing within the City of Kitchener while supporting the Region of Waterloo. Housing for All contained over 40 actions the city can take to help realize the right to housing. One of the strategy's actions is to report on the feasibility and implications of reviewing and updating current lodging house policies.

In March 2021, staff brought forward a consultant report and recommendations on the Lower Doon Land Use Study as a part of report DSD-2021-11. One recommendation in the consultant report was to allow lodging houses in all residential zones in Lower Doon and to subsequently revise the City's licensing by-law for Lodging Houses. Further, the consultants' report noted that minimum distance separation regulations are an indefensible form of "people zoning" which the Ontario Human Rights Commission has directed municipalities not to use due to its discriminatory and exclusionary nature and impacts.

Lodging House Sub-committee

As part of the Affordable Housing Strategy, a Lodging House sub-committee was formed in early 2021, comprised of four members of the Housing for All Advisory Committee and together formed a working group which helped draft the Issues and Options paper on lodging houses (Attachment E) in Kitchener. The Issues and Options paper included the following recommendations that are appropriate to be addressed through planning tools or processes:

- Removal of references to minimum distance separation in the Official Plan and Zoning By-law;
- Allow lodging houses as of right in all residential zones across the City;
- Advance updates on the licensing framework for lodging houses, and;
- Engage with people with lived expertise of lodging houses through the City's Lived Expertise Working Group

Lodging Houses in the City of Kitchener

Currently there are about 20 licensed lodging houses located across the City of Kitchener. Through investigations conducted by Kitchener's licencing, by-law enforcement and fire prevention staff, discussions with affected parties, and data-mining, staff are aware that there are many more unlicensed properties operating as lodging houses. Unlicensed properties are not annually inspected and operate outside of the requirements and regulations of the city's bylaws.

To complete the action item from Housing for All, advance the work of the Housing for All Lodging House Sub-committee, and implement direction from the Ontario Human Rights Commission, planning staff are proposing amendments to Kitchener's Official Plan and Zoning By-laws that seek to permit lodging houses across the city.

REPORT:

Many municipalities have regulated the form and location of lodging houses and group homes to prevent or reduce perceived over-concentration of lodging houses and group homes and to "protect" neighborhoods. Many municipalities, including Kitchener, implemented zoning and licensing restrictions and separation requirements for these housing types. As part of Official Plan and zoning updates in the mid 2000s, Kitchener sought to limit the creation of new lodging houses, residential care facilities and social service establishments within the Cedar Hill neighbourhood. The Ontario Municipal Board ruled against the City on the basis that imposing by-laws that limit housing availability for Code protected groups is discriminatory, an encroachment on human rights, and is an

overall breach of planning principles. Additionally, at that time Kitchener and three other municipalities were challenged by the Ontario Human Rights Tribunal on their use of minimum separation distances and zoning restrictions on group homes and supportive housing. The City subsequently removed the minimum separation distances and restrictions for group homes as a result of the Tribunal's direction.

Since that time, the Ontario Human Rights Commission (OHRC) has advised all municipalities, through their report titled ["Room for everyone: Human rights and rental housing licensing"](#) to avoid the discriminatory impacts of regulations regarding rental housing, including the use of minimum separation distances (OHRC, 2013). Minimum separation distances are arbitrary and mean that if one lodging house is established in a neighbourhood, others cannot locate. This particularly affects groups that may already be the most vulnerable, since the lodging houses they live in cannot be brought into conformity and licensing standards, they are often afraid to report property neglect and standards due to fear of being evicted.

The Role of Lodging Houses in the Continuum

Housing for All is Kitchener's first housing strategy, and it contains over 40 actions that take a comprehensive approach to meeting supply all around the housing continuum. One of the actions was to report to Council on the feasibility of reviewing the City's lodging house policies.

Lodging houses also known as 'Multi-Tenant Houses, and historically as 'Rooming Houses', and 'Boarding Houses', fill an important gap in the provision of housing as it tends to be a more affordable option than other options in the private market. Lodging houses can also encompass some forms of student housing and seniors co-housing. They add to a mix and range of housing options and contribute to stronger and more diverse neighbourhoods. Figure 1 below shows the Wheelhouse which sets the targets for each housing type around the continuum and shows where the market is failing to provide adequate stock.



Figure 1: Wheelhouse - Kitchener's reimagined understanding of the housing continuum.

As part of the implementation of one of the action items of Kitchener's Housing for All, Kitchener's housing strategy, planning staff are proposing and recommending a series of amendments to permit lodging houses city-wide.

Building on the Issues and Options prepared by the Lodging House sub-committee (Appendix E) planning staff conducted supplemental research to better understand ways in which lodging houses are defined in Official Plans and Zoning By-laws; consider how lodging houses can be permitted throughout the city in mixed use and commercial zones; and, considered minimum parking rates. Planning and Licensing staff met with the Lodging House Sub-committee several times throughout Summer 2023 on the supplemental research conducted by staff, and draft directions to amend the Official Plan, Zoning By-law and licensing by-law.

Proposed Official Plan Amendments and Zoning By-law Amendments (85-1 and 2019-051)

Planning staff are proposing amendments to Kitchener's 2014 Official Plan and the 1994 Official Plan which continues to apply to Kitchener's Secondary Plan areas in the neighbourhoods surrounding downtown, the North Ward in Ward 10, and Rosenberg in Ward 5. The Official Plan amendments will seek to:

- Permit lodging houses anywhere in the city that residential uses are permitted where the primary intent of the land is for residential or mixed use and provided that municipal servicing is available;
- Align the definition of lodging houses with the Ontario Building Code and Ontario Fire Code. The proposed definition of lodging houses is:

Lodging House – shall mean a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging house can include student residences but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.

- Remove policies and regulations that refer to the use of minimum separation distances for lodging houses.

Alternative ways to regulate and define lodging houses were contemplated, including not considering a lodging house a separate use of land and rather a form of tenure. This approach would rely on the City's licensing bylaw provisions for rules and safety mechanisms for lodging houses. At this time planning staff recommend continuing with defining and permitting lodging houses as a use to ensure clarity.

Planning Analysis:

Planning Act, R.S.O 1990, c. P. 13

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in

carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest. Among these matters are the adequate provision of a full range of housing, including affordable housing.

The matters of provincial interest outlined in Section 3 of the Planning Act are addressed and implemented through the Provincial Policy Statement, 2020, which directs how and where growth is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and growth. It encourages municipalities to permit and facilitate a range of housing options to respond to current and future needs. Section 1.1.1 b) of the PPS acknowledges that healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of affordable and market-based residential housing types as part of complete communities. Similarly, Section 1.4.3 b) states that municipalities shall permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

Based on the foregoing, staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The Growth Plan (policy 2.2.6.1a) requires that municipalities support housing choice by identifying a diverse range and mix of housing options and densities including additional residential units and affordable housing to meet projected needs of current and future residents. Further policy 2.2.6.1e) requires that municipalities implement the above through their official plan policies and designations and zoning by-laws.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the Growth Plan.

Regional Official Plan (ROP)

The Region of Waterloo's Official Plan (ROP), as amended in 2022 through Regional Official Plan Amendment 6 – plans for growth and change in the Region to 2051. The ROP includes planning to provide for a diverse range and mix of housing options, including affordable

housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Chapter 3 of the ROP focuses on policies related to housing. Chapter 3 acknowledges that maintaining a healthy supply of rental housing, especially at affordable and mid-range rents, is critical to attracting residents and businesses to the Region and supporting a wider range of housing options that are affordable. Policy 3.A.2 requires that area municipalities, together with the Region, plan to provide a diverse range and mix of housing options with an overall target of a minimum of 30 percent of new ownership and rental housing being affordable to low- and moderate-income households. The policy also looks to provide variety in housing forms, tenures, density and number of bedrooms to accommodate the needs of all sizes, incomes and ages of households.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the ROP.

City of Kitchener Official Plan (OP)

Kitchener's Official Plan (2014) provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The vision and goals of the Official Plan strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The City's Official Plan includes an objective (4.1.1) to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure, and affordability to satisfy the varying housing needs of the Kitchener community through all stages of life. This objective is considered through the policies throughout this section and specifically relevant to the Official Plan amendments that are the subject of this report, policy 4.C.1.12 which acknowledges that the City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law amendments are in conformity with the intent of the Official Plan and better align the Official Plan and Secondary Plans contained within the 1994 Official Plan with advice from the Ontario Human Rights Commission.

Proposed Official Plan Amendment Conclusions

Based on the above-noted planning analysis, direction in Housing for All, subsequent research conducted by the Housing for All Lodging House sub-committee and staff, and advice from the Human Rights Commission, staff is of the opinion that the proposed Official Plan amendments represent good planning and recommends that they be approved in the form shown in Attachments "A" and "B".

Proposed Zoning By-law Amendment Conclusions

Based on the above-noted planning analysis, direction in Housing for All, subsequent research conducted by the Housing for All Lodging House sub-committee and staff, and recommendations from the Human Rights Commission, staff is of the opinion that the proposed Zoning By-law amendments represents good planning as they will permit a form of housing broadly across the city that has historically been restricted. The proposed

Zoning By-law amendments are consistent with the proposed Official Plan amendments. Staff recommends that the proposed Zoning By-law amendments be approved in the form shown in Attachments “C” and “D”.

Licensing By-law Updates

Planning staff have been working closely with the Licensing Services team on the proposed Official Plan and Zoning By-law amendments in parallel with anticipated updates to Kitchener’s licensing framework for lodging houses. Currently, Licensing Services intends to bring to Council a report with an updated licensing by-law in early 2024 for lodging houses and other shared accommodations, such as short-term rentals. Once Council has considered the proposed licensing by-law, staff will launch a comprehensive communications and education plan to ensure the successful roll out of new zoning and licensing rules for lodging houses and licensing rules for other short-term accommodations.

Prior to the implementation of an updated licensing framework for lodging houses, the city will continue to rely on its current Lodging House By-law which require any property operating a lodging house to obtain a licence and undergo annual inspections by property standards and fire prevention to ensure health and safety.

STRATEGIC PLAN ALIGNMENT:

This report supports A Caring Community.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

CONSULT - This item arose as part of the work of the creation of Housing for All. It is estimated that city staff engaged with close to 500 people including citizens, stakeholders, members of the Advisory Committee, City staff and Members of Council. Further, a Lodging House Review sub-committee worked alongside City staff helped to co-create the issues and options paper and identify potential opportunities. The Lodging House Review sub-committee also provided input on draft directions on proposed updates to the Official Plan and Zoning By-law. Finally, an overview of the proposed Official Plan and Zoning By-law amendments were presented to Kitchener’s Lived Expertise Working Group on October 4, 2023.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P. 13
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020
- Provincial Policy Statement, 2020

- Region of Waterloo Official Plan, 2009
- City of Kitchener Official Plan, 2014
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 85-1
- City of Kitchener Zoning By-law 2019-051
- DSD-2021-11 – Lower Doon Land Study Recommendations Report
- DSD-20-214 – Housing for All – City of Kitchener Housing Strategy

REVIEWED BY: Helen Fylactou, Manager, Licensing

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Proposed 1994 Official Plan Amendment

Attachment B – Proposed 2014 Official Plan Amendment

Attachment C – Proposed Zoning By-law Amendment 85-1

Attachment D – Proposed Zoning By-law Amendment 2019-051

Attachment E – Housing for All Lodging House Sub-Committee Issues and Options Paper

Attachment F – Newspaper Notice (October 6, 2023)

AMENDMENT NO. ## TO THE 1994 OFFICIAL PLAN

OF THE CITY OF KITCHENER

CITY OF KITCHENER

City-wide Lodging House Review

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OF THE CITY OF KITCHENER

CITY OF KITCHENER
City-wide Lodging House Review

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APPENDIX 2	Minutes of the Meeting of the Planning & Strategic Initiatives Committee of October 30, 2023
APPENDIX 3	Minutes of the Meeting of City Council DATE

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ## to the Official Plan (1994) of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The Ontario Human Rights Commission (OHRC) has provided direction to all municipalities to remove minimum separation distances from planning instruments as they pertain to lodging houses in order to avoid ‘people zoning’, remove impacts of exclusionary regulation imposed on tenants, and to protect the safety and viability of lodging houses as a form of housing. The purpose of the Official Plan Amendment is to address this direction of the OHRC by incorporating certain modifications to the text. These modifications support the actions in Housing for All, the City’s housing strategy which was approved on December 14, 2020. The effect of the changes are to remove reference to a minimum separation distance for lodging houses, remove exclusionary and discriminatory language and reduce undue policy regulation regarding lodging houses.

SECTION 3 – BASIS OF THE AMENDMENT

The effect of the amendment is to incorporate certain modifications to the text of the Official Plan to meet the direction of the Ontario Human Rights Commission, and to support the implementation of the City’s housing strategy, Housing for All as it pertains to lodging houses. This Official Plan amendment is consistent with and conforms to the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Region of Waterloo Official Plan (2009), and represents good planning.

Land Use Modifications

City staff are recommending that all land use designations within all Secondary Plans that permit residential uses permit lodging houses.

SECTION 4 – THE AMENDMENT

The City of Kitchener 1994 Official Plan is hereby amended as follows:

- a) Part 3, Section 13.1 Civic Centre Secondary Plan, subsection 13.1.2.1 is amended by adding the words “, lodging houses” before “or multiple dwellings to a maximum of 3 units” and after “duplexes” in the second paragraph
- b) Part 3, Section 13.2, King Street East Secondary Plan, subsection 13.2.2.1 is amended by deleting the word “small” after “three dwelling units,” and before “lodging houses”
- c) Part 3, Section 13.3 Cedar Hill Secondary Plan, subsection 13.3.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units,” and before “lodging houses”
- d) Part 3, Section 13.4 Mill Courtland-Woodside Park Secondary Plan, subsection 13.4.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three dwelling units,” and before “lodging houses”

- e) Part 3, Section 13.5 Victoria Park Secondary Plan, subsection 13.5.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units” and before “lodging houses”
- f) Part 3, Section 13.6 Victoria Street Secondary Plan, subsection 13.6.3.1 is amended by deleting the word “small” after “and multiple dwellings to a maximum of three units” and before “lodging houses”
- g) Part 3, Section 13.7 K-W Hospital Secondary Plan, subsection 13.7.3.1 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units” and before “lodging houses” in the second paragraph
- h) Part 3, Section 13.8, North Ward Secondary Plan, Subsection 13.8.2.1 is amended by deleting the word “small” after “semi-detached dwellings” and before “lodging houses”.
- i) Part 3, Section 13.8, North Ward Secondary Plan, Subsection 13.8.2.4 is amended by inserting the words “lodging houses” before “health offices” and after “multiple dwellings to a maximum of three dwell units”.
- j) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.1 is amended by deleting the word “small” after “duplex dwellings” and before “lodging houses” in the second paragraph.
- k) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.2 is amended by deleting the word “small” after “multiple dwellings to a maximum of three units,” and before “lodging houses” in the second paragraph.
- l) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.6 is amended by inserting the words “lodging houses” before “home businesses” and after “multiple dwellings in excess of 200 units per hectare”.
- m) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.15 is amended by inserting the words “lodging houses” before “home businesses” and after “semi-detached dwellings”.
- n) Part 3, Section 13.9, Central Frederick Secondary Plan, Subsection 13.9.3.16 is amended by inserting the words “lodging houses” before “educational establishments” and after “multiple dwellings” in paragraph 2.
- o) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.2.2.3 is amended by inserting the words “lodging houses” before “and special needs housing” and after “multiple dwelling units (not including cluster townhouses)”.
- p) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.2.3.3 is amended by inserting the words “lodging houses” before “and special needs housing” and after “multiple dwelling units (not including cluster townhouses)”.
- q) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.2.1 is amended by inserting the words “lodging houses” before “and street townhouse dwellings” and after “semi-detached dwellings”.

- r) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.3.1 is amended by inserting the words “lodging houses” before “and low-rise multiple dwellings” and after “townhouse dwellings”.
- s) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.4.1 is amended by inserting the words “lodging houses” before “townhouse and multiple dwellings” and after “including”.
- t) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.5.1 is amended by inserting the words “lodging houses” before “townhouse and multiple dwellings” and after “including”.
- u) Part 3, Section 13.10, Rosenberg Secondary Plan, Subsection 13.10.3.3.6.1 is amended by inserting the words “lodging houses” before “townhouse and multiple dwellings” and after “may include”.

NOTICE OF PUBLIC MEETING

to change permissions for lodging houses city-wide



City-wide
Lodging Houses

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **October 30, 2023**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
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**[www.kitchener.ca/
PlanningApplications](http://www.kitchener.ca/PlanningApplications)**

or contact:

**Natalie Goss,
Manager of Policy & Research**
natalie.goss@kitchener.ca
519.741.2200 x7648

The City of Kitchener will consider an application for Official Plan Amendments and Zoning By-law Amendments to facilitate broader permissions for lodging houses as a form of housing. These changes align with action items from Housing for All, Kitchener's housing strategy and will remove exclusionary regulations like minimum separation distance rules from zoning.

APPENDIX 2 – MINUTES OF THE MEETING OF PLANNING AND STRATEGIC INITIATIVES COMMITTEE –
OCTOBER 30, 2023

APPENDIX 3 – MINUTES OF THE MEETING OF CITY COUNCIL - DATE

AMENDMENT NO. ## TO THE OFFICIAL PLAN

OF THE CITY OF KITCHENER

CITY OF KITCHENER

City-wide Lodging House Review

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SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ## to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The Ontario Human Rights Commission (OHRC) has provided direction to all municipalities to remove minimum separation distances from planning instruments as they pertain to lodging houses in order to avoid ‘people zoning’, remove impacts of exclusionary regulation imposed on tenants, and to protect the safety and viability of lodging houses as a form of housing. The purpose of the Official Plan Amendment is to address this direction of the OHRC by incorporating certain modifications to the text. These modifications support the actions in Housing for All, the City’s housing strategy which was approved on December 14, 2020. The effect of the changes are to remove reference to a minimum separation distance for lodging houses, remove exclusionary and discriminatory language and reduce undue policy regulation regarding lodging houses.

SECTION 3 – BASIS OF THE AMENDMENT

The effect of the amendment is to incorporate certain modifications to the text of the Official Plan to meet the direction of the Ontario Human Rights Commission, and to support the implementation of the City’s housing strategy, Housing for All as it pertains to lodging houses. This Official Plan amendment is consistent with and conforms to the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Region of Waterloo Official Plan (2009), and represents good planning.

Land Use Modifications

City staff are recommending amendments to the housing section of the Official Plan to enable lodging houses as a permitted use in all land use designations that permit residential uses.

SECTION 4 – THE AMENDMENT

The City of Kitchener Official Plan is hereby amended as follows:

- a) Part C, Section 4.C.1.32 is amended by deleting “Section 4.C.1.32” in its entirety and replacing it with the following:

“The City will permit lodging houses in any land use designation permitting residential uses, provided that full municipal servicing is available.”

- b) Part C, Section 4.C.1.33 is deleted in its entirety.
- c) Part C, Section 4.C.1.34 is amended by adding “permit and” after “specifically” and before “regulate”.
- d) Part C, Section 4.C.1.34 is amended by deleting “and the ability to integrate such housing forms in an acceptable and appropriate manner” after “and safety regulations”.
- e) Part C, Section 4.C.1.35 is deleted in its entirety.

- f) Part C, Section 4.C.1.36 is deleted “Section 4.C.1.36” in its entirety.
- g) Part F, Schedule A: Glossary of Terms is amended by deleting the glossary term “*Lodging House*” and replacing it with the following:

“Lodging House – means a *dwelling unit*, where five or more persons, not including a resident owner of the property, may rent a *Lodging Units* and where the kitchen and other areas of the *dwelling unit* are shared amongst the persons occupying the *dwelling unit*. Lodging house can include student residences but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.”

NOTICE OF PUBLIC MEETING

to change permissions for lodging houses city-wide



City-wide
Lodging Houses

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **October 30, 2023**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

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The City of Kitchener will consider an application for Official Plan Amendments and Zoning By-law Amendments to facilitate broader permissions for lodging houses as a form of housing. These changes align with action items from Housing for All, Kitchener's housing strategy and will remove exclusionary regulations like minimum separation distance rules from zoning.

APPENDIX 2 – MINUTES OF THE MEETING OF PLANNING AND STRATEGIC INITIATIVES COMMITTEE –
OCTOBER 30, 2023

APPENDIX 3 – MINUTES OF THE MEETING OF CITY COUNCIL - DATE

PROPOSED BY – LAW
_____, 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener
- Lodging House Review)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Section 4.2 of By-law 85-1 is hereby amended by deleting the portions of the below text in the definition of “Household” with a strikethrough:

“**Household**” shall mean one or more persons living together as a single non-profit housekeeping unit, sharing all areas of the dwelling unit and may, in addition, be designed to accommodate lodging units ~~containing less than four residents.~~ (By-law 94-1, S.5[d])”
2. Section 4.2 By-law 85-1 is hereby amended by deleting the definition of “Lodging House” in its entirety and replacing thereto as follows:

“**Lodging House**” shall mean a dwelling unit, where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. A lodging house can include student residences but shall not include a group home, nursing home, hospital; or any residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel”.
3. Section 5.17A of By-law 85-1 is hereby amended by adding the portions of the below text in “Location of Lodging Houses” in grey, and deleting the portions of the below text in “Location of Lodging Houses” with a strikethrough:

LOCATION OF LODGING HOUSES

~~“Notwithstanding anything else in this By-law, only one Lodging House shall be permitted on a lot. No building or part thereof shall be used for a Lodging House on a lot that is situated within 400 metres of another lot on which a Lodging House is located, such minimum distance to be measured from the closest point of the lot lines associated with each lot. No building or part thereof shall be used for a Lodging House on a lot that is situated within 100 metres of the municipal limit of the City of Kitchener, such~~

~~minimum distance to be measured from the closest point of the lot line associated with such lot and the municipal limit.~~

A lodging house shall be connected to full municipal services.”

4. Section 6.1.2 a), Off-Street Parking Schedule for All Zones Except Downtown Zones, Column 2, of By-law 85-1 is hereby amended, as it pertains to Lodging House, by adding the portions of the below text that are highlighted in grey, and deleting the portions of the below text with a strikethrough:

~~“1 for each 25.0 square metres of the floor area devoted to lodging units.~~ 1 for each Lodging House.”

5. Section 6.1.2c) Off-Street Parking Schedule for Downtown Zones, Column 2, of By-law 85-1 is hereby amended, as it pertains to Lodging House, by adding the portions of the below text that are highlighted in grey, and deleting the portions of the below text with a strikethrough:

~~“1 for each 25.0 square meters of lodging unit floor area.~~ 0 for each Lodging House.”

6. Section 7, Subsection 7.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging House” after “Health Office” and before “Personal Services”.
7. Section 7, Subsection 7.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
8. Section 8, Subsection 8.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Health Office” and before “Office”.
9. Section 8, Subsection 8.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
10. Section 9, Subsection 9.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after Health Office” and before “Office”.
11. Section 9, Subsection 9.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
12. Section 10, Subsection 10.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Hotel” and before “Office”.
13. Section 10, Subsection 10.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
14. Section 11, Subsection 11.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Hotel” and before “Office”.

15. Section 11, Subsection 11.2 Regulations of By-law 85-1 is hereby amended by adding “and Lodging Houses” after “Location of Dwelling Units”.
16. Section 15, Subsection 15.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Museum”.
17. Section 16.2 of By-law 85-1 is hereby amended by deleting “Minimum Size of Lodging House” and “9 lodging units”.
18. Section 31, Subsection 31.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging House” after “Hospice” and before “Private Home Day Care”.
19. Section 31 of By-law 85-1 is hereby amended by adding Subsection 31.3.8, titled “**For Lodging Houses**”, after subsection 31.3.7 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
20. Section 32, Subsection 32.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging House” after “Hospice” and before “Multiple Dwelling”.
21. Section 32, of By-law 85-1 is hereby amended by adding Subsection 32.3.12 titled “**For Lodging Houses**”, after subsection 32.3.11 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
22. Section 35, Subsection 35.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Private Home Day Care”.
23. Section 35 of By-law 85-1 is hereby amended by adding Subsection 35.6, titled “**For Lodging Houses**”, after subsection 35.5 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
24. Section 36, Subsection 36.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Private Home Day Care”.
25. Section 36 of By-law 85-1 is hereby amended by adding Subsection 36.2.5, titled “**For Lodging Houses**”, after subsection 36.2.4 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”

26. Section 37, Subsection 37.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Private Home Day Care”.
27. Section 37 of By-law 85-1 is hereby amended by adding a Subsection 37.2.5, titled “**For Lodging Houses**”, after subsection 37.2.4 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
28. Section 38, Subsection 38.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Private Home Day Care”.
29. Section 38 of By-law 85-1 is hereby amended by adding a Subsection 38.2.7, titled “**For Lodging Houses**”, after subsection 38.2.6 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
30. Section 47A, Subsection 47A.1 Permitted Uses of By-law 85-1 is hereby amended by adding “Lodging Houses” after “Home Business” and before “Medical Laboratory”.
31. Section 47A of By-law 85-1 is hereby amended by adding Subsection 47A.3.7 titled “**For Lodging Houses**”, after subsection 47A.3.6 thereto as follows:

“In accordance with the regulations of the dwelling type in which the lodging house is located.”
32. Section 53, Subsection 53.2.2 of By-law 85-1 is hereby amended by deleting “and **Lodging House having 9 residents or more**” from the subsection title and adding “**and**” before “**Residential Care Facilities**” and after “For Multiple Dwellings,” in subsection title.
33. Section 53, Subsection 53.2.2.3 of By-law 85-1 is hereby amended by deleting it in its entirety and replacing it thereto as follows:

“For Lodging Houses”
In accordance with the regulations of the dwelling type in which the lodging house is located”.
34. Section 54, Subsection 54.2.2.2 of By-law 85-1 is hereby amended by deleting “and **Lodging House having 9 residents or more**” from subsection title and adding “**and**” before “**Residential Care Facilities**” and after “For Multiple Dwellings” in the subsection title.
35. Section 54, Subsection 54.2.2.3 of By-law 85-1 is hereby amended by deleting it in its entirety and replacing it thereto as follows:

“For Lodging Houses”

In accordance with the regulations of the dwelling type in which the lodging house is located”.

36. Section 55, Subsection 55.2.2.2 of By-law 85-1 is hereby amended by deleting “and **Lodging House having 9 residents or more**” from the subsection title and adding “**and**” before “**Residential Care Facilities**” and after “For Multiple Dwellings” in the subsection title.

37. Section 55, Subsection 55.2.2.3 of By-law 85-1 is hereby amended by deleting it in its entirety and replacing it thereto as follows:

“For Lodging Houses”

In accordance with the regulations of the dwelling type in which the lodging house is located”.

38. This By-law shall become effective only if Official Plan Amendment No. XX (Lodging House Review 1994 Official Plan Amendment) and Official Plan Amendment No. XX (Lodging House Review 2014 Official Plan) come into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2023.

Mayor

Clerk

PROPOSED BY – LAW
_____, 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051, as amended,
known as the Zoning By-law for the City of Kitchener
- Lodging House Review)

WHEREAS it is deemed expedient to amend By-law 2019-051 as it pertains to lodging houses;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Section 3 of By-law 2019-051 is hereby amended by deleting the portions of the below text in the definition of “Lodging House” with a strikethrough, thereto as follows:

“Lodging House - means a *dwelling unit* where five or more *persons*, not including a resident owner of the property, may rent a *lodging unit* and where the kitchen and other areas of the *dwelling unit* are shared amongst the *persons* occupying the *dwelling unit*. *Lodging house* can include student residences ~~and convents~~ but shall not include a *group home; hospital; any small residential care facility or large residential care facility* licensed, approved, or supervised under any general or specific Act; or a *hotel*.”

2. Section 4.11 of By-law 2019-051 is hereby amended by adding the portions of the below text in “Location of Lodging Houses” in grey, and deleting the portions of the below text in “Location of Lodging Houses” with a strikethrough, thereto as follows:

LOCATION OF LODGING HOUSES

- a) ~~Only one *lodging house* shall be permitted on a *lot*. No *building* shall be used for a *lodging house* on a *lot* that is situated within 400 meters of another *lot* on which a *lodging house* is located, such minimum distance to be measured from the closest point of the *lot lines* associated with each *lot*, and~~
- b) ~~No *building* shall be used for a *lodging house* on a *lot* that is situated within 100 meters of the municipal limit of the *city*, such minimum distance to be measured from the closest point of the *lot line* associated with such *lot* and the municipal limit.~~

A *lodging house* shall be connected to full municipal services.

3. Section 5 of By-law 2019-051 is hereby amended, as it pertains to lodging houses, by adding the portions of the below text in “Table 5-5: Regulations for Minimum and Maximum Parking Requirements” that are highlighted in grey, and deleting the portions of the below text in “Table 5-5: Regulations for Minimum and Maximum Parking Requirements” with a strikethrough thereto as follows:

Table 5-5: Regulations for Minimum and Maximum Parking Requirements

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC Zones	MIX Zones	All Other Zones
RESIDENTIAL				
<i>Lodging House;</i>	Minimum 1 parking space per: Minimum parking spaces:	No minimum	63m² GFA 1 per lodging house	63m² GFA 1 per lodging house
	Maximum 1 parking space per:	92m ² GFA	48m ² GFA	48m ² GFA

4. Section 7 of By-law 2019-051 is hereby amended, as it pertains to lodging houses, by adding the portions of the below text in “Table 7-1: Permitted Uses within the Residential Zones” that are highlighted in grey, thereto as follows:

Table 7-1: Permitted Uses within the Residential Zones

Use	RES-1	RES-2	RES-3	RES-4	RES-5	RES-6	RES-7
Residential Uses							
<i>Lodging House</i>	✓	✓	✓	✓	✓	✓	✓

5. Section 9 of By-law 2019-051 is hereby amended, as it pertains to lodging houses, by adding the portions of the below text in “Table 9-1: Permitted Uses within the Commercial Zones” that are highlighted in grey, after “Light Repair Operation” and before “Manufacturing” thereto as follows:

Table 9-1: Permitted Uses within the Commercial Zones

Use	COM-1	COM-2	COM-3	COM-4
<i>Lodging House</i>	✓(3)	✓(3)(4)		

6. This By-law shall become effective only if Official Plan Amendment No. XX (Lodging House Review 1994 Official Plan Amendment) and Official Plan Amendment No. XX

(Lodging House Review 2014 Official Plan Amendment) come into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this day of ,
2023.

Mayor

Clerk

Housing For All

Lodging House Sub-Committee Issues and Options Paper

October 2023

Forward and Acknowledgement

This issues and options paper was co-created with the lodging house sub-committee comprised of members of the City of Kitchener's Affordable Housing Advisory Committee with support from city staff including Andrew Ramsaroop (former staff in Equity, Anti-Racism, and Indigenous Initiatives Division), Karen Cooper (former staff in the Office of the CAO), and Craig Dumart (Planning Division):

- Martin Asling – Member of the Public
- Regan Brusse – Member of the Public
- Linda Terry – Member of the Public
- Debbie Chapman – Member of Council.

This paper is meant to create a common understanding of the history of lodging houses within the City of Kitchener, the role they play on the housing continuum, the issues they face and opportunities the City can take to help ensure lodging houses can remain a viable housing form, and advance the City's commitment to realizing the right to housing.



The opportunities outlined in this paper will be used to inform the work of City staff as the lodging house policy review continues. Advancing this action will help the community move closer to more equitable, diverse and inclusive housing options. It progresses the City's strategic goal which is to create and foster a more caring community.

Introduction

Lodging houses, also known as multi-tenant housing, and historically as boarding houses, or rooming houses have long been a form of housing within Kitchener and many other urban areas throughout Canada. They provide an affordable option for both short term and long-term housing for a variety of income levels, and a variety of household types and are an important part of the housing continuum. Typically, lodging homes have multiple rooms within a singular building with shared amenity space, such as a shared kitchen, shared washrooms, or other amenities. Their typology and design is diverse and they do not necessarily have one form, and they do not necessarily have to be affordable but most often are.

Housing for All, Kitchener's housing strategy has actions that will help increase housing opportunities across the housing continuum. Updating the City's lodging house policies was one action of over 40 endorsed by Kitchener City Council. This paper examines the current state, issues and opportunities regarding lodging houses in the City of Kitchener and proposes updates to policy and regulations for consideration.

Background

Municipalities have regulated the form and location of housing to prevent or reduce perceived over-concentration of lodging houses and group homes and to "protect" neighborhoods. Many cities implemented zoning and licensing restrictions and separation requirements for these housing types and other social services.

CMHC commissioned reports that found that for cities in Ontario, zoning was the first tool to regulate and control lodging houses followed by municipal licensing (CMHC, 2000; 2002; Campsie, 2018). At issue is that these types of "dispersal" by-laws were intended to prevent an overconcentration of lodging houses in certain neighbourhoods, but by implementing these types of by-laws cities were portraying residents not as citizens but social problems that require spatial solutions (Finkler and Grants, 2011; Campsie, 2018).

A part of the City of Kitchener's Cedar Hill Land Use and Social Environment Study official plan and zoning by-law amendments were proposed that sought to limit the creation of new lodging houses, residential care facilities or social service establishment within the Cedar Hill neighbourhood. In 2010 the Ontario Municipal Board (OMB) ruled against the City of Kitchener's Official Plan Amendment No. 58 because imposing by-laws that limit housing availability for *Code* protected groups was discriminatory, an encroachment on human rights and an overall in breach of planning principles (OHRC, 2013).

The City of Kitchener was one of four Ontario cities that were brought to the Human Rights Tribunal of Ontario and challenged on minimum separation distances (MSD) and zoning restrictions on group homes and supportive housing. The City subsequently removed the MSD and restrictions for group homes as a result of the Tribunal's direction (OHRC, 2014). While residential care facilities and social service establishment clearly serve Ontario Human Rights Code-protected groups, lodging house residents are diverse, therefore MSDs for lodging houses remained in effect.

In October 2019, City of Kitchener planning staff brought forward report DSD-19-233 – New Zoning By-law (Stage 2a) – Residential Base Zones Comprehensive Review of the Zoning By-law (CRoZBy) Project. City Council passed all of Planning staff’s recommendations including that the issue of regulation of lodging houses in the Official Plan and Zoning By-law be referred to the Affordable Housing Strategy for further consideration.

In December 2020, as a part of report DSD-20-214 Council approved its housing strategy titled, “Housing for All”. One of the strategy’s actions is to report on the feasibility and implications of reviewing and updating current lodging house policies.

In March 2021, planning staff brought forward a consultant report and recommendations on the Lower Doon Land Study as a part of report DSD-2021-11. One recommendation in the consultant report was to allow lodging houses in all residential zones in Lower Doon and subsequently revise the City’s licensing by-law for Lodging Houses.

Relevant Policies

There are three municipal policies and by-laws that govern Lodging Houses within the City of Kitchener:

- The City of Kitchener’s Official Plan, 2014
- The City of Kitchener’s Zoning By-law (85-1 and 2019-051)
- Kitchener’s Business Licensing By-law Chapter 500 – Chapter 553 Lodging House License of the Municipal Code

There are also multiple provincial policies and standards that govern lodging houses within the City of Kitchener and either empower or supersede municipal policy, including:

- Human Rights Code, R.S.O. 1990, c.H.19
- Ontario Building Code, Building Code Act, 1992 (O.Reg. 332/12: Building Code)
- Ontario Fire Protection and Prevention Act, 1997 (O.Reg. 213/07: Fire Code)
- Planning Act, R.S.O. 1990, c.P.13
- Municipal Act, 2001, S.O. 2001, c.25

Lodging Houses within the City of Kitchener.

The City of Kitchener’s Official Plan, 2014 currently defines lodging houses as:

Lodging House - a dwelling unit where four (4) or more persons may rent a room for sleeping and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit.

The City of Kitchener’s Zoning By-laws currently defines lodging houses as:

Zoning By-law 85-1

“Shall mean a dwelling unit or part thereof containing one or more lodging units designed to accommodate four or more residents exclusive of the owner or primary occupant. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a group home, nursing home,

hospital or any residential care facility licensed, approved or supervised under any general or specific Act or a hotel. This shall include, but not be limited to, student residences and convents. (By-law 2003-163, S.7) (Amended: By-law 2012- 034, S.8)”

Zoning By-law 2019-051

“Means a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging houses can include student residences and convents but shall not include a group home; hospital; and small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.”

The City of Kitchener’s Business Licensing By-law defines lodging houses as:

“means a dwelling or part thereof containing one or more lodging units which lodging units or units are designed to accommodate four or more residents in total. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a hotel, motel, group home, nursing home, hospital, or any residential care facility licensed, approved, or supervised under any general or specific Act.”

Currently within the City of Kitchener there are about 20 lodging houses that are licensed and can be inspected annually for safety compliance. Anecdotally however, the majority of lodging houses in the City are unlicensed and therefore are not regulated under the City’s business licensing bylaw. They currently exist in a variety of neighbourhoods both in the urban core and in the surrounding residential suburbs, where current zoning regulations may not allow them to become licensed.

The City only becomes aware of lodging houses through complaints, fire code violations or bylaw infractions. This means the majority of lodging houses that are currently operating in the City are not able to be inspected for safety, upkeep, and property maintenance. Further, the residents of unlicensed lodging houses are at risk to be displaced due to their unlicensed nature.

Key Issues and Opportunities

In Toronto, Maytree – a charitable foundation created to find solutions to poverty in Canada - reported that over 100 Notices of Violations were issued in Toronto annually to operators by Municipal Licensing and Standards only 7% were “based on habitability concerns, while 93% were related to “non-permitted” or “no-license” charges” (Maytree, 2020). This infers that enforcement is underutilized by tenants to support property maintenance standards and are focused on displacement in response to complaints from the public.

There are a variety of factors for lodging houses being unlicensed:

- The City’s current Official Plan includes policies suggesting that the Zoning By-law may be used to determine where lodging houses should be permitted and that the use may be subject to standards or location criteria including minimum separation distances.
- The City’s current Zoning Bylaws do not permit lodging houses as of right in all zoning categories where other residential uses are permitted and also restricts them geographically through minimum separation distances.
- The City’s current Lodging House by-law permits lodging house licenses to be obtained ONLY where a lodging house is permitted in zoning.

- Operators do not wish to go through the process of bringing lodging houses into conformity with zoning and or licensing provisions.

The opportunities within this report will focus on what the City can do to help make lodging houses a safe place to call home.

Key Issue 1: There is currently a minimum separation distance (MSD) for Lodging Homes and Correctional Group Homes in the City of Kitchener.

There has been an arbitrary minimum separation distance requirement put in place for lodging houses and correctional group homes in the City of Kitchener. This MSD is enforced through the City of Kitchener Official Plan 2014 and the City’s Zoning By-laws 85-1 and 2019-051. This prevents another lodging house or correctional group home from being established in the same neighbourhood as another and is a major impediment to ensuring an increase in affordable housing and bringing illegal lodging homes into legality.

The Ontario Human Rights Commission has advised all municipalities to eliminate minimum separation distances. The OHRC states, “Minimum separation distances are basically restrictions – and can adversely affect renters by restricting the options available to them. Municipalities should consider incentives and ways to encourage affordable housing throughout the municipality” (OHRC, 2013). Further, the OHRC states that MSDs are a form of “people-zoning” which is illegal and discriminates against code-protected groups.

- **Opportunity 1.1:** The City’s Official Plan, 2014 be amended to remove references to the minimum separation distances as it pertains to Lodging Houses
- **Opportunity 1.2:** The City’s Zoning By-law be amended to remove references to the minimum separation distances as it pertains to Lodging Houses and Correctional Group homes.
- **Opportunity 1.3:** Through Housing For All, the City’s first housing strategy and its actions the city is undergoing a number of actions to encourage more housing opportunities across all Wards and neighbourhoods in the city and across the housing continuum.

Key Issue 2: Lodging Houses are currently only permitted in multi-unit residential zones as-of-right in the current zoning by-law

The City of Kitchener is currently in the process of implementing a new comprehensive zoning by-law. Currently By-law 85-1 governs zoning in the City as well, as the partially implemented Zoning By-law 2019-051. In the residential zones of both zoning by-laws Lodging Houses are only permitted in zones which are higher density residential zones. By only allowing lodging homes in these zones as-of-right the policy does not allow lodging homes operating outside of these zones to be legalized or licensed.

Further, the Ontario Human Rights Commission consistently recommends that lodging houses be allowed as of right in all residential neighbourhoods. OHRC notes, “In limiting lodging houses only to certain residential zones, the bylaw could have a discriminatory impact”. Further, in the Lower Doon land use study final report commissioned by the City of Kitchener, the consultants recommended that lodging houses be permitted in all residential zones in Lower Doon. Understanding that this regulation could not only be limited to Lower Doon, the zoning by-law amendment would need to be a city-wide zoning by-law amendment in order to mitigate any possible discriminatory impacts.

- **Opportunity 2.1:** Amend Zoning By-laws 85-1 and 2019-051 to allow lodging houses as of right in all residential zones across the entire City of Kitchener as per the recommendations and directions from OHRC.

Key Issue 3: There are misconceptions on ‘Who’ lives in Lodging Houses, what role lodging houses have in the housing continuum.

Lodging houses play a key role in providing a diverse range of housing in the city. They provide an affordable housing option for those with lower income levels, single person households, students and other groups. In a region where housing costs are rising at an exponential rate, it is vital that we not only ensure we can make lodging houses safe places to live but that we can encourage more lodging houses to become licensed and remove barriers to increasing the uptake of lodging houses as a residential typology. This also includes addressing the issue that most residents either have misconceptions on what lodging houses look like, who lives there and how they contribute overall to healthy, diverse and strong neighbourhoods.

- **Opportunity 3.1:** Include lodging houses in the discussion, research, and potential education/communication around NIMBYism through the work of The SHIFT.
- **Opportunity 3.2:** Through Housing for All, there will be opportunities to engage people with lived experience and with those who live within lodging houses through the lived experience working group. There is the potential to include someone who either has or currently lives in a lodging house to sit on the working group. Further, through the Business Licensing Review, there is an opportunity to engage with people with lived experience and multi-tenant housing advocates.

Key Issue 4: Shutting down Lodging Houses must continue to remain the very last step. In order to avoid the displacement of tenants, more unregulated lodging houses need to become licensed.

When lodging houses are shut down and disbanded, the tenants inside are left with very little options. With asking rents out of reach for many, and a long Regional Housing waitlist, residents become displaced, homeless, or unsheltered. The City has a coordinated approach to dealing with by-law infractions which is a coordinated effort between By-law Enforcement, Licensing Services and Fire. However, more can be done and should be done to incentivize and make it easier to become a licensed lodging house. These changes start with permitting lodging houses city-wide through zoning.

Further there are opportunities to promote and elevate landlords and operators who set a high standard of maintenance and tenant relations as well as exploring systems that ensure landlord compliance.

Table 1: Programs, incentives and policies to protect and increase the number of licensed lodging houses

Municipality/Jurisdiction	Name/Incentives/Policy	Type
City of Oshawa	Lodging House Demerit Point System	Compliance
Newtown, Australia	Boarding House Good Practice Awards	Recognition

Municipality/Jurisdiction	Name/Incentives/Policy	Type
CMHC, 2001	Property tax reclassification to incentivize new stock, maintain the existing stock and keep operators active in the sector.	Incentive
City of Toronto	Demolition and Rental Replacement	Replacement

These opportunities should be leveraged to prevent the disbanding of unlicensed lodging houses, by giving them opportunities to become licensed. Kitchener is currently in the process of updating its Lodging House By-law. Through this review Kitchener should consider ways to make the lodging house licensing process streamlined, more affordable, and easier for owners, making it more appealing for owners to comply with updated rules for lodging houses.

Conclusion

Through the addressing the proposed opportunities, the City can help:

- Increase the number of licensed lodging houses and thereby help ensure safety of residents.
- Encourage good landlord practices as they pertain to lodging houses.
- Help educate the general public on the key role lodging houses play on the housing continuum.
- Improve the access to a diversity of housing types required to ensure the right to housing.
- Ensure definitions are aligned, harmonized and complementary so that they are straightforward to comply with, and
- Prevent loopholes in regulation and enforcement which would ultimately impact the safety of tenants.

NOTICE OF PUBLIC MEETING

to change permissions for lodging houses city-wide



City-wide
Lodging Houses

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **October 30, 2023**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **[kitchener.ca/meetings](https://www.kitchener.ca/meetings)**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

Natalie Goss,
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The City of Kitchener will consider an application for Official Plan Amendments and Zoning By-law Amendments to facilitate broader permissions for lodging houses as a form of housing. These changes align with action items from Housing for All, Kitchener's housing strategy and will remove exclusionary regulations like minimum separation distance rules from zoning.