Date

Councillor, <https://www.cityofkingston.ca/city-hall/city-council/mayor-and-council>

Re: [Proposed Residential Rental Licensing Program](https://www.cityofkingston.ca/city-hall/projects-construction/archived-projects/residential-rental-licensing)

The Kingston Rental Property Owners Association (KRPOA) is comprised of landlords in Kingston with both large and small portfolios. The purpose of the KRPOA is to provide educational and networking opportunities for landlords, as well as to be an advocate for issues that landlords in Kingston face.

Municipalities throughout Ontario are examining or have implemented residential rental licensing to address concerns regarding substandard housing and to create new revenue streams. Currently the [Windsor Housing Providers are taking the city to court](https://windsorstar.com/news/local-news/landlords-take-windsor-to-court-over-rental-licensing-bylaw) citing a rental licensing bylaw goes beyond the powers of a municipality. [Both sides have agreed to a divisional court order that pauses penalties accompanying the bylaw](https://windsor.ctvnews.ca/penalties-paused-for-windsor-s-residential-rental-bylaw-1.6420000) until the motion is heard.

The City of Oshawa voted against a new city-wide licensing proposal, 3 for and 5 against. Many considerations were considered, including whether licensing conflicts with recent provincial legislation. The current Oshawa RRHL (student housing) program was not voted to be terminated, although that recommendation was put forward. It was proposed by a vote of 7 to 1 to have city staff investigate the pros and cons of terminating the existing RRHL program, recommending what do with those resources if the program was terminated.

Under the [*Ontario’s Residential Tenancies Act*](https://www.ontario.ca/laws/statute/06r17), a landlord already has a responsibility to ensure that a rental unit is in a good state, fit for occupancy, and complies with relevant property standards. The legislation creates a baseline to ensure that no rental units are supposed to fall under. Kingston landlords comprehend the *Act* and are advanced enough to comply, many own several properties and have been doing so for years.

The City of Kingston **currently** has the following authorities for dealing with property standards infractions:

* [Bylaw 2010-217 Site Plan Control 3(3) Any residential development containing four (4) or more dwelling units.](https://www.cityofkingston.ca/documents/10180/16904/Site%2BPlan%2BControl%2BBy-Law/7a00a220-ec3c-48e5-bbeb-3c52be22d843) A unregistered site plan agreement with the city currently gives the authority over the inspection of substandard housing containing 4 or more units.
* [Bylaw 2005-100 For Prescribing Standards for the Maintenance and Occupancy of Property with the city of Kingston.](https://www.cityofkingston.ca/documents/10180/16904/Property%2BStandards%2BBylaw.pdf/703dbda5-61ce-4a37-b3f4-57f64d3966f8?t=1686059860680)

 8.1 An Officer who determines that a Property does not confirm with any of the Standards prescribed in this By-law may issue an order pursuant to Section 15.2 of the [*Building Code Act, 1992, S.O. 1992,c. 23*](https://www.ontario.ca/laws/statute/92b23) as amended.

 8.3 The remedial work necessary to meet the requirements of this Bylaw may be undertaken by the city and the Owner will be responsible for the payment of the cost of such work, including an administrative fee as set out in [Bylaw 2005-10](https://www.cityofkingston.ca/documents/10180/16904/Fees%20%26%20Charges%20Bylaw), with the cost added to their municipal tax bill.

* [*Fire Protection and Prevention Act,*](https://www.ontario.ca/laws/statute/97f04) 1997, S.O. 1997, c. 4

 30. Offence, failure to comply with inspection order

 31. Order to close premises, etc.

 32. Compliance order

 33. Fire Marshal to carry out inspection order

 34. Warrant authorizing entry

Kingston’s Council [2023-2026 Strategic Plan](https://www.cityofkingston.ca/city-hall/city-council/council-priorities) theme is to support housing affordability, to promote and increase supply and the affordability of housing.

**If the licensing proposal is *carried* by Council, the tenants could see increased rents to pay for the costs of licensing, while at the same time reducing the rental housing inventory.**

KRPOA is kindly requesting the City’s **responses** to the following questions:

1. 1.2.2 of the 2023-2026 Strategic Plan is to “Develop Residential Tenancies Act educational materials for the public (Q3 2023)” Has this initiative been completed by staff?
2. Will there be enough bylaw enforcement officers and building inspectors to cover off the licensing and inspections?
3. Is there an appeal process if an applicant is denied a rental license?
4. How will the public be consulted for feedback once the draft residential rental licensing program is finalized?
5. What is the tenant eviction procedure for unregistered rental units?
6. Where will these newly evicted tenants move to? Are you up to date on what happened in Hamilton?
7. How many Landlords and properties are there in Kingston? What is the number of “bad” properties as a percentage? If it is a small percentage, is this the best and proven method to do accomplish the desired result? Please provide the locations and cost effectiveness where there is a real net success.
8. The City of Kingston is currently managing short term rental licensing; has this management been cost effective and with a net positive result? As the Licensing proposal is more complicated and potentially much larger, what assurances are there that it will have a positive effect and not impede housing growth?
9. Will a more diligent effort in utilizing current bylaws have a desired effect regarding safety for tenants?

Participants in a [Wellesley Institute research project](http://www.wellesleyinstitute.com/healthyhousinglab/) on Toronto rental-housing conditions [noted that](https://www.wellesleyinstitute.com/wp-content/uploads/2021/01/5-Culminating-Report.pdf) inspections under the RentSafeTO program “are not addressing all issues, likely because resources remain modest, compared to the scale of the problem” and because many of its components — such as “widespread” building-condition audits — haven’t yet been implemented.

KRPOA will remain an active voice for landlords to further the City's initiatives to enact real solutions that will effectively address the challenges of our housing issues in a concerted manner. KRPOA looks forward to being a positive contributor to a resolution for the benefit of all concerned and is committed to sustainability as housing providers.

Respectfully,

KRPOA Member