

City of Guelph  
Attn: City Clerk  
1 Carden Street  
Guelph, ON N1H 3A1

9 December 2020

Dear Mr. O'Brien,

On December 14, City Council will discuss recommendations to update policies and regulations for additional residential dwelling units—known as accessory apartments, basement apartments and coach houses—in Guelph's Official Plan and Zoning Bylaw. Would you kindly provide my comments to the Mayor and City Council prior to the meeting of Council on December 14.

My comments follow my earlier letter to Council, dated July 7, 2020, on this same matter. This most recent staff report follows consultation with the community and suggests a path for City Council to approve staff recommendations. I appreciate the opportunity to have input to the debate and will restrict my input to written comments.

The recommendations, should they be adopted, will result in significant impacts on residential neighbourhoods. The Ward 5 and Ward 6 neighbourhoods are currently negatively impacted by "student rentals" and absentee owners; these neighbourhoods will be further impacted with the addition of rear yard Additional Residential Dwelling Units. The initial staff report concluded that "*Streamlined and simple to understand rules will assist with the creation of affordable housing units, ensure the health and safety of our residents, and protect the character of our residential neighbourhoods*". While the goal of affordable homes is laudable, in Wards 5 and 6 which are in close proximity to the University there is a much stronger likelihood that additional residential units will reflect the student rental market which offers a greater return to an absentee owner. So if Council is to protect the character of our residential neighbourhoods it must respect that Wards 5 and 6 already experience an overwhelming student rental presence and that any expansion of that will result in deterioration in those neighbourhoods. With regards to the staff recommendations my comments are noted in the following:

#### Additional unit within the primary building

In the initial Staff Report there was a reference to amending the two bedroom limit to a three bedroom limit. Apparently this acknowledged a lack of enforcement and the fact that 2 bedroom units are often converted to a 3 bedroom unit, albeit not legally. The staff recommendation to allow 3 bedrooms seems to acquiesce to the current state. However I recommend to Council that it be cautious with this approach so we do not have in the future a 3 bedroom unit being converted to a 4 bedroom unit.

#### Additional Residential Dwelling Units in rear yards

Staff proposes that accessory dwellings occupy up to 30% of a back yard, I would suggest 20% would be more appropriate for many backyards to allow adequate amenity space for outdoor activities and gardens and to limit the overall size of the added structure.

Staff proposes a 2 bedroom maximum for separate rear yard Additional Residential Dwelling Units. In my earlier letter to Council I recommended that Council limit the size to one bedroom and I recommend Council adopt the one bedroom limit. Staff has amended the initial proposal on setbacks to abutting properties from 0.6 meter to 1.2 and 1.5 meters depending on the lot. I note that the Additional Residential Dwelling Unit has to be minimum of 3 meters from the main primary dwelling. In my view a 1.5 meter setback is inadequate for property maintenance, does not allow for a green space buffer. In addition the potential for intrusion through noise from foot traffic, music, loud talking and illumination at night will have negative impacts on adjacent dwellings.

Staff has also recommended that a structure may be up to 2 storeys or not more than the height of the main dwelling. In my earlier letter I suggested that a single storey structure was more appropriate. I urge Council to adopt a single storey structure limit. There are several reasons :

For the majority of lots within the City a 2-story structure in a rear yard close to property lines will create privacy issues and possibly shadowing issues for adjacent properties by blocking sunlight.

There are many homes in the Ward 5 and Ward 6 neighbourhoods that are well below the grade level of the abutting property due to the slopes and grades in those areas (Keats and McElderry are but one example). Allowing a 2 storey structure would be much more obtrusive and dominant to the property at the lower grade level.

A 2 storey building close to a property line presents the possibility of an ugly backdrop for neighbours; you can't build a fence tall enough to block the view of a 2-storey extra residence so close to your own deck or patio. Staff recommends that the Additional Residential Dwelling Unit be up to 80 M2. In imperial measurement terms this is 860 square feet. That size of structure is bigger than some houses in Guelph. A single storey building with one bedroom could possibly reduce the maximum size to 500 square feet, the size of a small apartment. I suggest this would be ample room for an aging parent or young adult.

### Related Matters

The Staff Report and Presentation includes several slides of how the Additional Residential Dwelling Unit would sit on various property layouts. However the presentations are all on-grade, same level perspectives. It would be useful for Council and the public to see those same perspectives where there are significant grade differences between abutting properties which would address the comment I presented earlier.

This current review and discussion has again brought the matter of Licensing of Rental Properties to the fore. To my knowledge many cities, if not most, license rental properties to facilitate inspections and bylaw enforcement. Guelph does not have a rental property license regime and as a result the City has inadequate information with respect to rental properties. How does the City address compliance with current bylaws, the safety of rental properties, and the performance of an absentee landlord with respect to even minimal care for property standards? A license regime would bring added benefit for the City, the tenants and residents. Living in Ward 5 and Ward 6 we cannot avoid the issues that are related to absentee landlords and properties rented to students. I will not repeat the examples of issues of noise, large gatherings, property standards, parking etc. that challenge the Police and By-law enforcement as well as the local neighbourhood. With those issues in mind I question the staff recommendation that would allow the addition of a 2-bedroom dwelling in a rear yard. The scenario of an absentee landlord with a problem rental adding a further 860 square feet of rental accommodation in the rear yard is not a happy prospect for our neighbourhoods. I appreciate that the City is responding to a Provincial mandate that is to promote affordable housing. As I noted previously, a very laudable step. I also understand that it is up to the City how it responds to the requirements of the Province in regards to the how the City amends its zoning bylaws to permit backyard accessory dwellings. The City does have control over the various regulations it wishes to adopt that determine size of building, number of bedrooms, the definition of the structure. If the goal is affordable housing the reality is, at least in Wards 5 and 6 that this goal is unlikely to be achieved with the recommendations presented to Council, as the student rental market offers a greater return on investment for those who invest in income property. Adopting a one bedroom limit on Additional Residential Dwelling Units in rear yards would provide suitable accommodation for adults, both young and old, and meet the goal of affordability without the intrusions that larger units would bring to bear on neighbourhoods.

The McElderry neighbourhood is one of several that have endured issues related to student rentals and absentee owners. Recommendations in this report, if adopted, could exacerbate an already challenging situation for the McElderry community. Previously we have acknowledged the challenges of enforcement, as well enforcement resources have been a point of discussion in the past as we addressed student rentals with the City. So we would request that City Council take time to examine the enforcement capability and engage the necessary resources to make that viable. We also want to have confidence that the basic infrastructure of services (e.g. water, sanitation, parking and electricity supply) already existing in a neighbourhood are capable of meeting the additional demands that increased residents would bring.

Thank you for considering my comments.

*J. A. MacKenzie*

(Original signed by)

J. MacKenzie