

City of MARKHAM

Task 13B: Review & Assessment of Student Housing

Comprehensive Zoning By-law Project



Markham Zoning By-law Consultant Team

Gladki Planning Associates, R. E. Millward and Associates,
Woodfield Consulting, Clarion Associates and Anthony Usher
Planning Consultant

September 2, 2015

CONTENTS

1.	Introduction	1
2.	Legislative Context	3
2.1	Planning Act, 1990	3
2.2	Provincial Policy Statement, 2014	4
2.3	Ontario Human Rights Code, 1962	5
2.4	Municipal Act, 2001	6
2.5	Regional Official Plan	6
2.6	Markham 2014 Official Plan	7
2.7	Existing Zoning By-laws	8
2.8	Non-zoning specific Acts	9
3.	Student Housing: Key Zoning Issues and Approaches	11
3.1	Understanding Student Housing	11
3.2	Key Zoning Issues	12
3.3	Review of Municipal Approaches to Student Housing Regulations	14
3.4	Summary	24
4.	Conclusion	27
	APPENDIX Municipal Case Studies	32
	City of Kingston	33
	City of Guelph	36
	City of Oshawa	40
	City of Waterloo	46
	City of Peterborough	57
	City of London	60

1. INTRODUCTION

This paper reviews zoning issues related to the provision of housing for post-secondary students and assesses options for the City of Markham to consider in the implementation of its new comprehensive zoning by-law. Markham is currently home to one post-secondary institution, Seneca College, and the Province of Ontario has recently approved a proposal that will bring a new satellite York University campus to Markham Centre. The new campus is expected to accommodate 4,000 students in the initial phase, with the potential for additional students over time. Markham's comprehensive zoning by-law review process provides an opportunity for assessing options to address the current and future accommodation needs of students in the City, and implement a regulatory zoning framework that responds to these needs while supporting Markham's broader city-building objectives.

A number of municipalities in Ontario have welcomed college and university campuses as a vital part of their communities, acknowledging that post-secondary institutions play a crucial role in creating jobs, promoting the knowledge sector and sustaining a healthy economy. Most municipalities, however, have faced challenges in adequately responding to student demand for housing and have struggled to balance the needs and interests of existing residents, students and other stakeholders. In most cases, measures have been undertaken on an incremental basis, in response to emerging land use conflicts and policy changes over the years. This long history of planning efforts to address students' housing needs, however, has led municipalities to develop responsive policy frameworks that rely on municipal regulatory tools, as well as the engagement of post-secondary institutions and the community through collaborative town and gown¹ relationships. Markham can learn from these experiences and dedicate efforts towards developing proactive

1 "Town and Gown" is a term that conveys the relationship between Universities/Colleges and the communities in which they are located. Source: Town and Gown Association of Ontario - <http://www.tgao.ca/>

approaches to effectively respond to student housing demand and leverage the benefits associated with a growing student population.

Under provincial legislation, zoning by-laws can only regulate housing from a land use perspective. Zoning by-laws cannot distinguish between types individuals who may choose to live in various forms of housing, whether they are students or non-students. Therefore, from a zoning perspective, the only instance in which zoning by-law regulations specific to student housing may be required is in order to regulate purpose-built student accommodation, such as on- or off-campus residences, which may have certain characteristics that distinguish their built form from other buildings. Students may choose to live in other types of housing which are available to anyone, including in detached, semi-detached and townhouse dwellings or other dwelling units as a single housekeeping unit of unrelated individuals. There is no possible way of regulating this type of activity specific to students.

Students attending post-secondary institutions often require affordable housing options, preferably in close proximity to campus or in accessible locations (such as along transit routes). Planning for the provision of housing for students, therefore, is largely about responding to these needs through the provision of a range of housing options to meet the demands of a diverse population.

Methodology

Beginning with an overview of the applicable legislative context to be considered in the development of zoning by-laws affecting student housing, the paper highlights key issues and zoning approaches by drawing on six case studies of Ontario municipalities that have addressed student housing issues in their zoning by-laws: Guelph, Waterloo, Kingston, Peterborough, Oshawa and London. Based on the experiences of these municipalities, the paper provides options for the City of Markham to consider in the development of the new comprehensive zoning by-law.

This paper is part of a series of papers being prepared to inform Markham's New Comprehensive Zoning By-law review process and is intended to be read in conjunction with Task 13: Review & Assessment of Affordable Housing. The paper may be revised to incorporate comments obtained through a public consultation scheduled to take place in the Fall of 2015.

2. LEGISLATIVE CONTEXT

2.1 Planning Act, 1990

Zoning by-laws in Ontario cannot distinguish between students, non-students or any individuals or groups of related or unrelated individuals sharing a single household.

The Planning Act² sets out the ground rules for land use planning and development in Ontario and provides a range of land use planning tools that municipalities can use to promote housing choices, such as the authority to pass zoning by-laws. In 1994 the Planning Act was amended to prohibit municipalities from distinguishing land uses based on the relationship between building occupants, rendering the definition of *family* and any development standard that referred to this definition as unenforceable. As a result, municipalities cannot use zoning as a tool to regulate individuals or groups occupying a dwelling or renting accommodation in a community or neighbourhood. According to Section 35(2) of the Planning Act:

No distinction on the basis of relationship

35 (2) The authority to pass a by-law under section 34, subsection 38 (1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit. 1994, c. 2, s. 43.

Given that zoning provisions regulating housing must apply equally to buildings and structures regardless of the individuals or groups who may occupy it, municipalities have taken steps to

² Government of Ontario. (1990). Planning Act. R.S.O. 1990, c.P.13.

ensure their policies conform to this requirement. This includes removing references to the term *family* from their zoning by-laws, such as by removing the term *single family household* and replacing it with alternative terms such as *dwelling unit*³.

The Planning Act also contains key policies that aim to promote the availability of affordable and shared housing. Under Sections 16.3 and 35.1(1), municipalities are required to authorize secondary units in detached, semi-detached and row houses in their official plans in order to increase rental housing opportunities⁴.

2.2 Provincial Policy Statement, 2014

Under the Planning Act, all municipal decisions affecting land use planning matters shall be consistent with the Provincial Policy Statement, which directs municipalities to provide an appropriate mix of residential secondary units and affordable housing opportunities to meet the projected requirements of current and future residents.

The Provincial Policy Statement⁵ (PPS) contains overall policy directions on matters of provincial interest related to land use planning and development. Municipalities use the PPS to develop official plans and to guide and inform decisions on other planning matters. Relevant policies outlined in the PPS include:

1.1.1 Healthy, liveable and safe communities are sustained by:

- 1.1.1 (b): accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and
- 1.1.1. (f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

3 City of Mississauga. Proposed Zoning By-law Amendments – Definitions of Lodging House and Lodging Unit – Supplementary Report. Corporate Report to Chair and Members of Planning and Development Committee. Meeting date: March 2, 2009. Retrieved on June 1, 2015 from: http://www.mississauga.ca/file/COM/DefinitionsOfLodgingHouseandLodgingUnit_.pdf

4 These requirements were introduced through *Bill 140: Strong Communities through Affordable Housing Act*, which was passed on May 4, 2011 and came into effect on January 1, 2012. These requirements are discussed in detail in Task 13: Review & Assessment of Affordable Housing.

5 Ministry of Municipal Affairs and Housing. Provincial Policy Statement. Issued under section 3 of the Planning Act. April 30, 2014.

- permitting and facilitating:
 - a. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and
 - b. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

In addition, the following policy is outlined under Section 4.6:

4.6 This Provincial Policy Statement shall be implemented in a manner that is consistent with the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

2.3 Ontario Human Rights Code, 1962

Municipalities in Ontario must ensure that their by-laws, processes and decisions do not target or disproportionately affect groups protected by the Ontario Human Rights Code

The Ontario Human Rights Code⁶ (the Code) aims to protect and promote human rights and ensure that every individual receives equal treatment, including equal opportunity to access housing and the benefits associated with it, without discrimination. The code takes precedence over all other legislation unless the legislation specifically states differently.

The Code prohibits actions that discriminate against people based on a protected ground in a protected social area. Key protected grounds that apply to students seeking accommodation include: age, family status, marital status, place of origin, citizenship, and receipt of public assistance; while the protected social area is housing. Thus, denial of accommodation would be discriminatory if, for instance, it prevented a student from renting an apartment (protected social area) because they are single (protected ground). While the Code is clear in this example (housing discrimination based on marital status), other instances are not always so apparent. Many students use federally and provincially funded social assistance⁷, and as lower-income tenants, they may have few cost-effective options in the rental market. Consequently, student status could be a proxy for two protected grounds under the Code: age and receipt of public assistance. As such, a municipality's actions that directly or indirectly restrict or reduce the availability of low-cost market

6 Government of Ontario. (1990). Human Rights Code, R.S.O. 1990, c. H.19. There are a total of 17 Code-protected grounds, among which are age, ancestry, colour, race, citizenship, ethnic and place of origin, creed, disability, family status, marital status, gender identity and expression, receipt of public assistance, sex and sexual orientation.

7 According to Statistics Canada (2010-2011), approximately 34% of post-secondary students in Canada receive a Canada Student Loan. Statistics Canada. Canada Student Loan Program Annual Report (2010-2011). Retrieved on June 1, 2015 from: http://www.esdc.gc.ca/en/reports/cslp_cesp/cslp_2011.page

rental and other affordable housing could have an adverse impact on students, and potentially contravene the Code.

Municipal residential rental licensing and zoning by-laws, policies, and practices may unintentionally create barriers and discrimination against student housing, perpetuating a position of relative disadvantage for students. Examples of municipal policies that may have the effect of reducing student housing availability include the imposition of minimum separation distances or restrictions on the number of housing projects allowed in an area, arbitrary caps on the number of residents in small-scale (i.e. secondary suites) and large-scale (i.e. lodging houses) residential buildings, and zoning by-laws that restrict affordable housing developments. A number of municipal by-laws have faced challenges before the Ontario Municipal Board and complaints to the Human Rights Tribunal of Ontario in recent years when trying to limit the number of lodging houses or prescribe minimum distance requirements⁸. Recent studies prepared by other municipalities in Ontario addressing these issues have concluded that the establishment of minimum distance separation provisions for lodging houses is not recommended⁹.

2.4 Municipal Act, 2001

The Municipal Act gives municipalities the specific authority to license, regulate and govern businesses operating within the municipality, including those related to rental housing

The Municipal Act sets out the responsibilities of municipalities in Ontario and the authorities through which these responsibilities can be carried out. It establishes a broad legislative framework that provides municipal governments with powers to pass by-laws. Among the provisions in the Municipal Act that may be considered in the development and preparation of housing strategies are those related to the licensing of rental housing. The Municipal Act gives municipalities the specific authority to license, regulate and govern businesses operating within the municipality. This includes the authority to pass licensing by-laws covering the business of renting residential units and operating lodging houses and group homes. Such actions, as required by the Ontario Human Rights Code, must not have a disproportionate adverse impact on or target people or groups.

2.5 Regional Official Plan

The Regional Municipality of York's guiding policy document, the Regional Official Plan (ROP) was approved in 2010 and outlines a number of key policies related to the provision of housing¹⁰.

Section 3.5.4 of the ROP requires local municipal official plans and zoning by-laws to permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community, which are to be consistent with Regional forecasts, and intensification and density requirements. Section 3.5.22 requires that secondary suites be authorized in official plan policies

⁸ These cases are described in detail in Task 13: Review & Assessment of Affordable Housing.

⁹ Town of Ajax. Lodging Houses Review Discussion Paper. Options to Address Lodging Houses. Town of Ajax Planning and Development Services. June, 2013 and Town of Oakville. Technical Paper: Residential Zones. Received by the inZone Subcommittee February 4, 2013.

¹⁰ The Regional Municipality of York. (2012). Housing Matters: A Review of the Housing Market in York Region. Newmarket, Ontario. Retrieved on May 25, 2015 from: <http://www.york.ca/wps/wcm/connect/yorkpublic/41ffd21d-b652-46eb-b39f-17ccfb1b8782/Housing+Matters.pdf?MOD=AJPERES>

and zoning by-law provisions, consistent with provincial directives¹¹. The ROP directs municipalities to adopt measures such as:

- Include an affordable housing implementation strategy as part of all new secondary plans
- Ensure that 25 percent of all new housing developments are affordable, with a portion accessible for people with disabilities. Units should provide opportunity for all household types, including larger families, seniors, and residents with special needs;
- 35 percent of all new housing developments in areas designated as Centres and Key Development Areas are to be affordable;
- Optimal sites for social and affordable housing should be identified early in the development process;
- Special needs housing, emergency, affordable, and seniors' housing are to be located in proximity to rapid transit and other human services;
- The creation of intrinsically affordable housing and secondary suites should be encouraged; and
- There should be consideration of the use of innovative financial arrangements to encourage social and affordable housing development.

2.6 Markham 2014 Official Plan

The Official Plan provides guidance for future development and growth management in the City of Markham as an urban, sustainable, diverse and socially responsible municipality.

The new Official Plan (OP) was adopted by City Council in 2013 and was approved, in large part, by York Region in June 2014. The OP outlines housing policy objectives in Chapter 4 - Healthy Neighbourhoods and Communities¹². These policies promote:

- The diversification of the housing stock through a greater share of apartment and multi-unit dwellings;
- A mix of unit sizes;
- The establishment of secondary suites,
- The identification of housing targets and annual monitoring processes;
- The equitable distribution of affordable and shared housing across Markham's neighbourhoods within permitted building forms;
- Locating affordable and shared housing in proximity to rapid transit and accessible to other human services; and
- The identification of opportunities and optimal locations for affordable and shared housing early in the development process, among others.

11 York Region Official Plan Package. The Modified York Region Official Plan – 2010. June 20, 2013 Office Consolidation. Ontario Municipal Board File PL101128. The full set of provisions is contained in Section 3.5: Housing Our Residents, under Chapter 3: Healthy Communities of the Regional Official Plan. Retrieved on May 25, 2015 from: https://www.york.ca/wps/wcm/connect/yorkpublic/0dc3cfc2-2e0f-49d2-b523-dc7c14b08273/3a%2B-%2BModified%2BYROP%2B2010%2B-%2BAll%2BText_20June13.pdf?MOD=AJPERES

12 Task 13: Review & Assessment of Affordable Housing provides a full outline of these policies.

Markham's Official Plan outlines policies associated with land use designations and housing in Chapter 8 - Land Use. The specific policies applying to affordable housing, shared housing small scale and shared housing large scale, which may provide accommodation for students, can be summarized as follows:

- **Shared housing small scale** to be provided in Residential Low Rise, Residential Mid Rise, Residential High Rise, Mixed Use Low Rise, Mixed Use Mid Rise, Mixed Use High Rise, and Mixed Use Heritage Main Street land use designations (as outlined in Sections 8.2 and 8.3). Shared housing small scale shall be accommodated within a permitted building type in accordance with all applicable codes, by-laws and regulations (as outlined in Section 8.13.9);
- **Shared housing large scale** to be provided in Residential Mid Rise, Residential High Rise, Mixed Use Mid Rise, Mixed Use High Rise, and Mixed Use Office Priority land use designations (as outlined in Sections 8.2 and 8.3). Shared housing large scale to be permitted only on arterial or collector roads and built in accordance with all applicable codes, by-laws and regulations (as outlined in Section 8.13.9).
- **Secondary suites** to be provided for in all Residential, Mixed Use, Greenway and Countryside land use designations (as outlined in Sections 8.2, 8.3, 8.6, 8.7 and 8.8)¹³, according to the Specific Use Policies outlined in Section 8.13.8 of the Official Plan.

Chapter 8 (Section 8.5.3) also contains land use provisions for Business Park Office Priority Employment areas, which are intended to support new major office development and higher order educational institutions, including community colleges and universities, with an emphasis on access to rapid transit service. The Business Park Office Priority Employment areas are not intended to allow residential uses of any sort.

2.7 Existing Zoning By-laws¹⁴

Following the submission of York University's proposal for a new campus in Markham in 2014, the Markham Centre Zoning By-law (2004-196), the Urban Expansion Area By-law, and zoning by-laws 122-72, 165-80, 304-87 were amended through the enactment of Zoning By-law 2014-138. The amendment introduced definitions and zoning permission for universities and colleges, as follows:

"Notwithstanding any other provisions of this By-law, a college or a university shall be permitted on any lands located within the boundary shown on Schedule 'A' attached to By-law 20 14-138; provided that it is in general conformity with the character of the area. The location and amount of parking to be provided for such uses shall be determined to the satisfaction of the City prior to Site Plan Approval. Parking may be provided both on-site and off-site in the vicinity of the college or university. Residential uses associated with a college or university are permitted only in a zone where residential uses are permitted as a primary use."

13 The Official Plan also establishes that an accessory dwelling must be provided for in lands designated Hamlets, in association with a principal dwelling provided that adequate parking is provided and it is serviced by an individual on-site wastewater system and private well.

14 A review of Markham's existing zoning by-laws that pertain to housing is provided in Task 13: Review & Assessment of Affordable Housing. Note that the city's existing by-laws do not make reference to lodging houses.

“COLLEGE: Means a publicly funded or publicly assisted college that receives ongoing operating funding and/or grants from the Province of Ontario, and including any accessory and/or ancillary uses thereto.”

“UNIVERSITY: Means a publicly funded or publicly assisted university that receives ongoing operating funding and/or grants from the Province of Ontario, and including any accessory and/or ancillary uses thereto.”

The Markham Centre Zoning By-law contains zoning provisions that aim to facilitate intensification in the downtown core of Markham, enabling flexibility by permitting a wide range of uses, specifying minimum height requirements to direct intensification along key intersections and gateways, reducing the amount of parking that needs to be provided with any use, and establishing caps on the amount of non-residential floor space and the number of dwelling units permitted in the downtown core. It is relevant to note that this approach is in line with the approach of other municipalities in Ontario that are working to promote increased housing opportunities and the provision of a range of housing options to benefit diverse populations, including students.

2.8 Non-zoning specific Acts

Other non-zoning specific Acts that should be considered when planning for the provision of housing options for students include:

2.8.1 Residential Tenancies Act, 2006

The Residential Tenancies Act (RTA) governs rental housing in Ontario¹⁵. Under the RTA, when selecting prospective tenants, landlords can only consider information that complies with the Human Rights Code and related regulations. They may not discriminate on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance. A landlord cannot reject a prospective tenant based on that individual's student status.

2.8.2 Building Code Act, 1992

The Building Code Act (BCA) governs the construction, renovation, demolition and change of use of buildings. The Building Code (2012)¹⁶ is a regulation under the BCA that sets minimum standards for construction to minimize the risk to the health and safety of the occupants of a building. Municipalities (among other principal authorities¹⁷) are responsible for enforcing the BCA and Building Code. The Building Code sets building design requirements such as those relating to energy efficiency and barrier-free design, including specific dimensions and placements for barrier-free entrances, paths of travel and washrooms, requiring new tactile signs for people with visual disabilities and requiring that a percentage of units in new apartment buildings or hotels include

15 Note that some types of housing are not covered by the Residential Tenancies Act including some types of non-profit housing, some types of student residences, and accommodation where occupants are required to share a bathroom or kitchen facility with the owner, among others. Source: Canada Mortgage and Housing Corporation, Provincial Fact Sheets. Retrieved from: http://www.cmhc-schl.gc.ca/en/co/reho/yogureho/fash/fash_009.cfm

16 The new 2012 Building Code amends the 2006 Building Code. It came into force on January 1, 2014, however some energy efficiency provisions came into effect on January 1, 2015 and others will come into effect in 2017; and certain changes related to on-site sewage systems will take effect on December 31, 2016.

17 Including the Crown, Councils, Counties, Boards of Health, Planning Boards and Conservation Authorities.

accessible features. These accessibility requirements are minimum standards, which may be exceeded.

Building and occupant safety are paramount in the Building Code. To prevent tragedy caused by fire, structural collapse and general deterioration of structures, enforcement of the building code generally involves a review prior to construction, and inspections during construction, to ensure compliance with standards (such as minimum room areas, standards for fire separation and egress, etc.).

2.8.3 Fire Protection and Prevention Act, 1997

Fire safety in Ontario is governed by the Fire Protection and Prevention Act, under which the Ontario Fire Code is issued. The most recent version of the Ontario Fire Code came into effect in May, 2007, setting out minimum requirements related to fire safety in buildings and their surrounding properties. Except where otherwise specified, the property owner has the responsibility of complying with the Fire Code.

Draft

3. STUDENT HOUSING: KEY ZONING ISSUES AND APPROACHES

3.1 Understanding Student Housing

Students attending post-secondary institutions seek a variety of accommodation options ranging from on-campus housing in facilities owned and operated by post-secondary institutions, to off-campus choices including living at home, with relatives, or in market rental housing such as apartments, houses, secondary suites, lodging houses, among others. Many students attending post-secondary educational institutions require housing for a temporary period of time, and prefer affordable options that are within walking distance to campus or in accessible locations along transit routes, with convenient access to campus.

Planning for the adequate provision of housing to meet student demand requires acknowledging that students are diverse individuals who may also be parents, workers, immigrants, young and older people, individuals with disabilities, couples or singles, and often people with a combination of these and other characteristics. As students, these individuals may have needs that are specific to students (i.e. finding housing near the campus) or that align with the needs of other groups in the community (i.e. housing affordability, child care). As a result, planning for the provision of student housing is the same as planning for the provision of different types of housing options to meet the demands of a diverse population.

From a zoning perspective, defining student housing as a distinct form of housing may not be relevant or necessary. As established by the Planning Act, zoning by-laws are deemed invalid if their purpose is to regulate the user, as opposed to the use of the land. Therefore, zoning by-laws addressing the types of housing where students may choose to live in (i.e. apartments, detached or semi-detached dwellings, secondary suites, lodging houses, etc.) cannot be concerned with whether potential residents are students or non-students. Purpose-built student residences,

whether on or off-campus, may have certain characteristics that distinguish the built form from other buildings, in particular a lower provision of parking spaces, common rooms or other communal facilities, which may provide a sound planning basis and rationale for defining this use separately from other uses¹⁸. Only public authorities that build and operate purpose-built student accommodation can set out rules such as restricting building occupancy to students enrolled in a certain post-secondary institution. Private developers and operators cannot select potential renters based on whether or not they are students, as this would contravene the Code.

3.2 Key Zoning Issues

The planning approach to student housing in Ontario has been evolutionary¹⁹. Many municipalities have a long history of efforts to deal with student accommodation, which have generally focused on addressing conflicts resulting from residential intensification within neighbourhoods adjacent to post-secondary institutions. Recently, municipalities have recognized the importance of adopting comprehensive measures that focus on the use of multiple regulatory tools interchangeably, as well as establishing partnerships with post-secondary institutions and the private sector and fostering collaboration with students and other stakeholders.

This approach recognizes that there are limitations in terms of what zoning can do to address the housing needs and challenges of students. The primary zoning measure adopted by municipalities in Ontario is to regulate lodging houses. Other examples of zoning measures include establishing specific zones for uses related to post-secondary institutions, directing intensification to specific areas, establishing lower parking requirements for certain uses, and requiring licensing for rental housing. Other restrictions, such as limiting the maximum number of bedrooms in specific neighbourhoods and establishing minimum separation distance requirements have also been adopted in some cases, although these measures are discouraged since they may contravene the Ontario Human Rights Code.

3.2.1 Zoning regulations applying to lodging houses

Lodging houses, alternatively referred to as boarding or rooming houses, are a form of rental accommodation that contain some private and some shared facilities. They are generally defined as a permanent form of housing with at least four separate habitable rooms, each containing either food preparation or bathroom facilities, but not both²⁰. Under the Fire Code (Division B, Part 9, Section 9.3) and the Building Code (Division A, Part 1), lodging houses are defined as follows:

-
- 18 The City of Oshawa defines University Residences in By-law 60-94 (as discussed in the next section of this paper). Other examples of municipalities in Ontario that have adopted a definition of student residences include Hamilton and Mississauga. Mississauga's Zoning By-law 0050-2013 defines it as follows: "*Staff/Student Residence means accommodation owned or operated by or on behalf of a university, college or hospital consisting of dwelling units or rooms, or both*". Hamilton's Zoning By-law 6593 defines it as follows: "*Student Residence shall mean a building used for the purpose of accommodating students in dwelling units or other separate quarters and erected under the provisions of the National Housing Act, provided that such building may include common areas and cooking and dining facilities*".
- 19 City of London. Near Campus Neighbourhoods Planning Amendments. Public Participation Meeting on Monday, June 18, 2012. Report to Chair and Members of the Planning & Environment Committee. Retrieved on May 25, 2015 from: <https://www.london.ca/business/Planning-Development/current-topics/Documents/June%2018%2c%202012%20-%20OZ-7663%20%28MT%29.pdf>
- 20 City of Toronto. Approach for Proposed Zoning Regulations for Rooming Houses. Staff Report to Planning and Growth Management Committee. December 14, 2009.

- A building that does not exceed 3 storeys, with a building area not exceeding 600m², where lodging is provided for more than 4 persons in return for remuneration or the provision of services (or both); and where rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants²¹.

According to the Fire Code, a residential dwelling unit with less than 3 lodgers is not considered a lodging house. The most significant difference between a lodging house and a detached house with more than 4 bedrooms, for example, is that the detached house operates as a single housekeeping unit with occupants sharing the entire unit, whereas a lodging house provides independent living, with some facilities being shared among residents²².

Given the higher level of intensity associated with lodging houses, most municipalities define and regulate lodging houses in their zoning by-laws, permitting it them specific zones (often in zones that are intended to accommodate multiple unit residential buildings), restricting the number of units (often sub-categorizing and regulating lodging houses according to size) and requiring an operating license. Licensing is used as a way to require the owner to comply with the zoning by-law and also with other regulations such as the property standards by-law, and the Building Code and Fire Code, in order to promote compliance with minimum health and safety requirements.

As discussed below, some municipalities, such as the City of Kingston and the City of Oshawa, regulate fraternity and sorority houses associated with education institutions under licensing by-laws that regulate lodging houses.

3.2.2 Zoning provisions applying to University zones and related uses

Some municipalities define “university” zones and/or zones adjacent to post-secondary institutions (near-campus neighbourhoods) in the zoning by-law in order to apply specific zoning regulations to these areas. Some municipalities, such as the City of Peterborough, have specific zoning provisions applying to purpose-built student housing in these areas. This approach enables municipalities to address built form, density, parking and other building features in accordance with specific contexts on or near university campuses.

3.2.3 Directing intensification to specific areas

The increase in housing demand associated with post-secondary institutions often causes pressure for housing options in certain neighbourhoods, particularly those that are adjacent to the campus. To encourage intensification in areas that can support it, many municipalities have implemented zoning provisions to encourage intensification in specific locations, such as along arterial roads with access to transit, and in mixed-use areas near the downtown core. Some municipalities have also adopted measures to restrict intensification in other areas, such as by designating Heritage Districts and adopting restrictive zoning regulations²³ in near-campus low rise neighbourhoods.

21 Town of Ajax. Lodging Houses Review Discussion Paper. Options to Address Lodging Houses. Town of Ajax Planning and Development Services. June, 2013

22 City of Toronto. Approach for Proposed Zoning Regulations for Rooming Houses. Staff Report Pg10004. December 14, 2009. Retrieved on June 1, 2015 from: <http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-26014.pdf>

23 The City of London has adopted restrictive zoning regulations such as regulating the number of bedrooms by dwelling type in near-campus neighbourhoods, and excluding near-campus neighbourhoods from areas where secondary suites are permitted as-of-right. Note that these approaches may contravene the Ontario Human Rights Code and the Planning Act.

3.2.4 Adjusting parking requirements

Parking demand may vary according to the characteristics of the population. The demand for parking is often lower among students residing in residence, for example. On the other hand, areas that are undergoing intensification may face irregular parking issues, which arise when dwellings do not have sufficient parking area to accommodate incoming residents. This may require adjusting parking, driveway and open space regulations to ensure they reflect changing neighbourhood dynamics.

3.2.5 Other regulatory tools

Whereas zoning can be used to regulate land use and buildings, other regulatory tools are available to address operating requirements, which can be implemented along with zoning as part of a responsive approach to student accommodation. These include the enforcement of by-laws such as property standards and noise control, rental housing licensing, the implementation of town and gown committees and support for other housing-related programs administered by post-secondary institutions.

3.3 Review of Municipal Approaches to Student Housing Regulations

Issues related to housing for students are relatively new for Markham, providing an opportunity for the City to establish parameters for appropriate locations and forms of intensification that can meet the needs of students while minimizing potential land use conflicts in the future. This section provides an overview of regulatory tools that have been used by municipalities to meet the housing needs of students. Detailed case studies are included in the Appendix.

3.3.1 City of Kingston

The City of Kingston is home to three major universities and colleges, including Queen's University, which is the largest, as well as two teaching hospitals. Over three quarters of the full time student population at Queen's University reside within 1.5 kilometers of the main campus. Kingston has a long history of dealing with issues associated with its growing student population. The City's approach to dealing with student housing is summarized below:

Tool	Approach
<p>Zoning By-laws (8499 and 96-259)</p>	<p>Applying regulations to Special Education (university campus) zones</p> <ul style="list-style-type: none"> • Zoning By-law 8499 sets maximum density, height limits, yard and lot dimensions applicable to Special Educational Zones (E1 and E2) and certain restrictions on uses in Commercial zones near Queen’s University campus: <ul style="list-style-type: none"> - The maximum density of the E and E2 zones of land owned by a higher educational or medical institution and occupied by students’ housing shall not exceed 519 habitation units per net hectare¹; - Lay or religious fraternity houses or boarding houses where occupied by students, used exclusively for the purposes of habitation or congregational meetings and supervised by the authorities of a public educational institution, are permitted in Residential Zone B (Three to Six Family Dwelling), and Commercial Zones C and C4 (Central Business District and certain main streets). - Minimum front, side and rear yard provisions vary according to the street. Off-street parking is not required in the E zone. <p>Defining Fraternity Houses</p> <ul style="list-style-type: none"> • By-law 8499 defines “Fraternity House” as follows: FRATERNITY HOUSE means a building or a portion thereof, used for the purposes of habitation or congregational meetings, which is supervised by a religious body, a fraternal organization, a public authority, a public educational institution or a chapter of a university fraternity or sorority and which is operated on a non-profit basis and occupied by members affiliated with the supervising body, organization, authority, institution or fraternity. <p>Directing intensification to target areas</p> <ul style="list-style-type: none"> • By-law 96-259 applies to the Downtown and Inner Harbour Area. The by-law promotes intensification in the Central Business District. <p>Kingston is currently undertaking a comprehensive zoning by-law review, which may lead to modifications to its current zoning framework.</p>
<p>Queen’s University Off-Campus Response Program</p>	<p>Supporting off-campus housing-related programs administered by Queen’s University</p> <ul style="list-style-type: none"> • Queen’s University has a Campus Security Off-Campus Response Program that aims to ease the strain on city resources and minimize official noise complaints. Residents who wish to file a complaint can call a hotline. The off-campus response team forwards incident details to the Alma Mater Society’s non-academic discipline system. The Alma Mater Society may pursue a discipline process relating to the complaint.

Tool	Approach
Property Standards, Noise and Parking By-laws	<p>Enforcing City by-laws</p> <ul style="list-style-type: none"> In cases where the off-campus response team can't resolve a complaint, the complaint is forwarded to the Police or City By-law Enforcement. The City will then enforce the municipal by-law by issuing a warning or a fine, and fines may increase with subsequent violations.
Near Campus Neighbourhoods Advisory Committee	<p>Advisory Committee</p> <ul style="list-style-type: none"> The City of Kingston Near Campus Neighbourhoods Advisory Committee provides a means for communication on issues encompassing neighbourhood relations in the near campus neighbourhoods, addressing the concerns of residents and fostering relationships between students and non-students. The committee is comprised of a Council Member and Citizen Appointees.
Designation of Heritage Conservation Districts	<p>Designating Heritage Districts</p> <ul style="list-style-type: none"> The City is currently in the process of designating the Old Sydenham Heritage Area Heritage Conservation District, which will limit the extent and form of the residential intensification that can occur and will help to preserve the character of the area. The neighbourhood is located adjacent to the university campus.

3.3.2 City of Guelph

The City of Guelph is home to the University of Guelph, which has 20,000 full-time students who represent 17% of the city's population. Guelph deals with shared rental housing primarily through its Lodging House and Accessory Apartment zoning regulations in combination with the enforcement of other regulations including the Property Standards By-law, Nuisance Party By-law, Yard Maintenance By-law, Noise Control By-law, and Fire Code Requirements. These regulations are summarized in the table below:

Tool	Approach
Zoning By-law (1995-14864)	<p>Regulating Lodging Houses and Accessory Apartments</p> <ul style="list-style-type: none"> Lodging Houses are categorized as Type 1 (accommodating more than 5 occupants) or Type 2 (townhouse or apartment accommodating more than 5 occupants; subject to a zoning amendment). They are permitted in Residential (R1) and Commercial (CBD) zones and may contain a maximum of 12 lodging units. Accessory apartments are permitted in most single detached and semi-detached houses located within R1, R2, CBD2 and OR (Office Residential) zones. Accessory apartments must be inspected and registered by the City as a two unit house.

Tool	Approach
Other By-laws	<p>Enhancing by-law enforcement activities</p> <ul style="list-style-type: none"> Inspectors are trained to enforce both building and zoning regulations as well as the Property Standards By-law, Noise Control By-law and Nuisance Party By-law. The City may pursue search warrants to access properties suspected of non-compliance and increase fines for code violations.
Collaboration with the police, community groups and post-secondary institutions	<p>Supporting the University of Guelph Off-Campus Living Office Programs</p> <ul style="list-style-type: none"> The City works in partnership with the University of Guelph and the Guelph Police Service to reduce the number and severity of complaints and disruptive behaviour through programs such as Right Foot Forward, Move-In-Out Madness, and the Restorative Alternatives Pilot Program administered by the University of Guelph Off-Campus Living Office. The University of Guelph has also instituted a Community Standards Protocol to appropriately address community complaints against students living off-campus.

In 2014, the City of Guelph considered implementing a licensing program for rental housing, however, the program was not implemented as the City concluded that licensing would not necessarily address concerns expressed by those living in neighbourhoods with high concentrations of rental housing. The City concluded that these problems would be better addressed through improved enforcement of the existing by-laws. The City also stated that the cost of administering the program would likely be passed on to tenants, and licensing could potentially lead to more rentals going underground²⁴.

3.3.3 City of Oshawa

The City of Oshawa is home to three post-secondary institutions, all of which are located within a 6km radius and bounded by low to medium-density residential and mixed-use areas, as well as some open space parklands. Oshawa developed a Student Housing Strategy in 2010, which informed the development of a rental licensing by-law as a key instrument to regulate rental accommodation in the near-campus area. The rental licensing by-law restricts the number of bedrooms, sets gross floor area requirements and rental standards. The City also has a Lodging House By-law intended to promote and regulate student rental accommodation in proximity to the campus area, particularly in mixed use zones. Oshawa’s approach to dealing with student housing is summarized below:

24 City of Guelph. Shared rental housing. Retrieved on May 25, 2015 from: <http://guelph.ca/city-hall/planning-building-zoning/community-design/housing/shared-rental-housing/>

Approach	Description
Zoning By-law 60-94 ⁱⁱ	<p>Designating a special zone for Lodging Houses</p> <ul style="list-style-type: none"> The zoning by-law designates Residential Zone 7 (R7) as a zone where the only permitted use is a lodging house, and specifies building, lot and yard dimensions applicable in the R7 Zone. Lodging houses are also permitted in the Central Business District and selected Commercial zones, and as an interim use in certain areas, provided it contains no more than 5 lodging units. Zoning by-law 60-94 contains a detailed and descriptive definition of lodging houses: “Lodging House is a building or a part of a building, containing three to ten lodging units, which does not appear to function as a dwelling unit, although one may be included with the lodging units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. It does not include a hotel, (...), an apartment building or a block townhouse. A lodging house may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided.” <p>Defining and regulating Student Residences</p> <ul style="list-style-type: none"> Zoning By-law 60-94 defines purpose-built student accommodation as follows: “University Residence” means a building or part of a building that is owned, leased or operated by a university or community college, that contains residential accommodation for students, employees or persons in short-term residence at such university or community college, whether or not shared cooking facilities are provided in the building. University Residences are permitted in Mixed Use Zones (MU-B and MU-C). Supervised student residences are permitted in Major Institutional Zones (the zoning by-law does not contain a definition of supervised student residence). The parking requirement for University Residences is 0.5 spaces per bed.
Licensing By-law 120-2005	<p>Licensing process for residential rental housing</p> <ul style="list-style-type: none"> Residential Rental Housing Licensing By-law is included as Schedule K in Oshawa’s Licensing By-law 120-2005. Schedule K requires that residential rental houses in the vicinity of post-secondary campuses be licensed and comply with various standards and by-laws, including the Fire Code, Electrical Code, Building Code and the City’s Zoning and Property Standards By-laws. Rental houses in R1 zones must be used as single housekeeping establishments, and may not have more than four bedrooms (with the exception of some areas near campus, in which up to six bedrooms are permitted). The by-law establishes that no more than 40% of the gross floor area of the rental unit’s ground floor may be used for bedroom floor space.

Approach	Description
Licensing By-law 94-2002	<p>Licensing process for Lodging Houses</p> <ul style="list-style-type: none"> By-law 94-2002 establishes licensing standards for lodging houses containing 4 to 10 lodging units, including gross floor area requirements, building standards, parking, and health and safety requirements.

3.3.4 City of Waterloo

The City of Waterloo has faced significant pressure for student accommodation given that two major university campuses, the University of Waterloo and Sir Wilfred Laurier, are located within 2 km of one another. Neighbourhoods adjacent to the campuses consist primarily of low to medium-rise residential areas and a conservation area. To advance student housing issues, the City of Waterloo relies to some extent on Zoning By-law regulations, including lodging house regulations and provisions applying to uses associated with universities and colleges. These provisions are summarized below:

Tool	Approach
Zoning By-laws 1108 ^{III} and 1418 ^{IV}	<p>Designating a special Universities Zone</p> <ul style="list-style-type: none"> Zoning By-laws 1108 and 1418 contain extensive requirements including lot area and building height requirements, and other detailed provisions applying to uses associated with universities and colleges that are located in the Universities “BI” Zone. The BI Zone encompasses the universities and some adjacent lands. <p>Establishing Lodging House categories</p> <p>Zoning By-laws 1108 and 1418 establish two classes of lodging houses:</p> <ul style="list-style-type: none"> “Lodging House Class One” consists of lodging houses occupied by four or more persons in addition to the proprietor, or occupied by 6 or more persons without a proprietor. “Lodging House Class Two” consists of dwelling units occupied by 4 or 5 persons without a proprietor. <p>Both Zoning By-laws establish a minimum separation distance of 150 metres from a Lodging House Class Two to any other Lodging House Class Two located within certain Residential and Mixed Use zones, or 75 metres in Medium Density Zones. A report was prepared by the Ontario Human Rights Commission, which concluded that Waterloo’s arbitrary separation distances can contravene the Code and should be eliminated^V. Recent studies prepared by other Ontario municipalities that are in the process of updating their zoning by-laws have also discouraged the use of minimum separation distances^{VI}.</p>

Tool	Approach
Licensing By-law	<p>Residential Rental Housing licensing process</p> <ul style="list-style-type: none"> The City of Waterloo’s residential rental housing licensing by-law 2011-047 aims to manage low-rise residential rental housing in the city, limiting the impact of large rental housing units on residential neighbourhoods and promoting safe, adequate and properly maintained rental accommodations. A former Lodging House By-law has been repealed, and owners of lodging houses must apply for a rental housing license instead.
Collaborative efforts between the City of Waterloo and post-secondary institutions	<p>Supporting town and gown relations and students residing off-campus</p> <ul style="list-style-type: none"> The University of Waterloo has an active Off-Campus Housing Office. Resources are provided for students and landlords. Landlords who list their properties through the University’s website are bound to terms and conditions established by the University, and students are able to file complaints against housing providers. Wilfrid Laurier University offers an Off-Campus advisor program to provide support to students living off-campus.

3.3.5 City of Peterborough

The City of Peterborough addresses student housing in its Zoning by-law 1997-123²⁵ by defining the University and College District (UC) zone. The provisions are summarized below:

Tool	Approach
Zoning By-law 1997-123	<p>Provisions regulating development associated with the university</p> <ul style="list-style-type: none"> The Zoning by-law designates the University and College District (UC) zone, and regulates student residences and commercial uses in this zone. Regulations applying to UC zones include restrictions on lot dimensions, open space requirements and building setback and coverage. The zoning by-law also contains specific provisions regulating student residences, including minimum floor area of student residence bedrooms and habitable rooms (a case study outlining these provisions is included in Appendix). Bylaw 1997-123 does not contain a definition of student residences. It contains definitions of Lodging Houses and Group Dwellings, as follows: BOARDING, LODGING or ROOMING HOUSE means a dwelling in which the proprietor, or his authorized agent, resides and provides furnished lodgings, with or without meals, for profit, to three (3) or more persons. GROUP DWELLING means a building consisting solely of four or more dwelling units, each dwelling unit having at least one private entrance, at grade, from a separate yard.

25 City of Peterborough. Zoning By-law 1997-123. Consolidated December 31, 2010. Retrieved on June 1, 2015 from: <http://www.peterborough.ca/Assets/City+Assets/By-Laws/Zoning+By-Law+Index.pdf>

Tool	Approach
Lodging House and Business Licensing	<p>Considering a licensing program</p> <ul style="list-style-type: none"> • Peterborough does not currently have a lodging house licensing program in place. However, the city is considering the implementation of a new system that would require a business license in cases where a house has 5 bedrooms and 4 bedrooms are rented to tenants; and a lodging house license would be required in cases where a house has more than 5 bedrooms for rent. In such cases, special parking requirements and Building and Fire Code regulation would apply.

3.3.6 City of London

The City of London engaged in a major policy initiative between 2007 and 2008 to address residential intensification in near-campus neighbourhoods entitled *Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges*. The initiative led to official plan and zoning by-law amendments that were passed in 2012. London’s approach to dealing with student housing is summarized below:

Tool	Approach
Zoning By-law Z.-1 ^{vii}	<p>Defining near-campus neighbourhoods and identifying them geographically in the zoning by-law</p> <ul style="list-style-type: none"> • Near campus neighbourhoods are defined as neighbourhoods whose proximity to the post-secondary institution has had an influence, or has the potential to influence, the neighbourhoods’ planned function^{viii}. <p>Regulating the number of bedrooms by dwelling type in the near-campus neighbourhood</p> <ul style="list-style-type: none"> • The maximum number of bedrooms per dwelling unit was reduced from 5 to 3 for apartment buildings, converted dwellings, duplex dwellings, triplex dwellings, fourplex dwellings, semi-detached dwellings and all forms of townhouse dwellings through amendments to the definition of these terms. <p>The Ontario Human Rights Commission recommends avoiding arbitrary bedroom caps, which can have an exclusionary impact on large families with children, extended families, among other Code-protected groups. If adopted, bedroom caps should be consistent with other housing in the area and should be based on the original floor plan of the house. If based on medians and averages of demographic data, such caps may penalize households that are not “an average household”.</p>

Tool	Approach
	<p>Defining Residential Intensity</p> <ul style="list-style-type: none"> A new definition was added to the Near-Campus Neighbourhoods Policies that define “Residential Intensity” as follows: Residential Intensity refers to the increase in the usability of an existing dwelling, building, or site to accommodate additional occupancy including, but not limited to, building construction or additions, increasing the number of bedrooms, and expanding parking areas, but does not include the development of a property, site or area at a higher density than currently exists. The definition aims to help encourage additional residential intensification proposals that are located in appropriate areas. <p>Excluding near-campus neighbourhoods from areas where secondary suites are permitted as-of-right</p> <ul style="list-style-type: none"> The City of London has proposed a by-law amendment that would allow secondary dwelling units as-of-right in all areas of the City except for those defined as the Near Campus Neighbourhood Area. <p>Establishing two classes of Lodging Houses</p> <ul style="list-style-type: none"> The City of London defines Lodging House Class 1 as “a residential building which is used to provide lodging units for hire or gain directly or indirectly to three or fewer persons with or without meals. A lodging house, class 1, shall not include a nursing home, hotel, motel, hostel, group home, bed and breakfast establishment, emergency care establishment, or a residence of an educational institution”. Lodging House Class 2 is defined similarly, with the exception that it is intended to provide lodging for more than three persons. Although student residences are excluded in the definition <p>Enhancing parking, driveway and open space standards to encourage appropriate intensification</p> <ul style="list-style-type: none"> The zoning by-law establishes a maximum parking area coverage to ensure, fraternity houses fall under the definition of Lodging Houses in the zoning by-law. that parking areas do not cover excessively large portions of residential lots and minimum landscaped open space requirements to ensure that usable outdoor amenity areas are preserved. Exceptions for minimum interior side yard setbacks were removed from the zoning by-law in order to promote the establishment of mutual driveways.
Licensing By-law	<p>Implementing a licensing by-law for rental properties with 4 units or less</p> <ul style="list-style-type: none"> The City of London implemented a Residential Rental Units Licensing By-law in 2010, which requires that any rental property of 4 units or less be licensed by the City.

Tool	Approach
Near Campus Neighbourhood Strategy	<p>Encouraging residential intensification in specific locations</p> <ul style="list-style-type: none"> • The Great Near-Campus Neighbourhoods Strategy Implementation Plan directs the City to “identify opportunities for medium and high density development at strategic locations”, enabling City staff to undertake a comprehensive study, in consultation with the community, to identify opportunities for higher density development. • Policies applying to Multi-Family, Medium Density Residential and Multi-Family High Density Residential Designations located along arterial roads were revised to encourage residential intensification in these locations.
Collaborative efforts between the City of London and Western University	<p>Mediating town and gown relations and supporting students residing off-campus</p> <ul style="list-style-type: none"> • Western University’s Off-Campus Housing Service division offers a Housing Mediation Service to assist in the resolution of problems arising between students, landlords and residents. The division also offers an advisor program to support students residing off-campus. A website is available containing resources including information on City by-laws, the Residential Tenancies Act among others.
Town and Gown Committee	<p>Advisory Committee</p> <ul style="list-style-type: none"> • The London Town and Gown Committee seeks to develop and enhance relationships and communication among the City of London, Fanshawe College, London Police and Fire Services, Western University, residents, students and landlords. The Committee works collaboratively and helps to solicit feedback in order to improve near-campus neighbourhoods and relationships between members of the committee.

3.4 Summary

The experiences of other municipalities in Ontario in dealing with student housing issues provides insights into a number of considerations that can inform the development of responsive zoning regulations as part of a broader regulatory framework to effectively accommodate and meet the demand for adequate, safe and affordable rental housing for students, families and other types of tenants in Markham. A summary of key issues and common approaches adopted by municipalities to deal with these issues is provided below.

Summary of regulatory approaches adopted by municipalities in Ontario to address housing options for students

Issue	Potential zoning options and other applicable regulatory approaches	Considerations
<p>Housing pressure on neighbourhoods adjacent to post-secondary campuses is associated with an overall lack of adequate housing availability to meet student demand for housing.</p>	<ul style="list-style-type: none"> • Encourage residential intensification in specific locations, such as arterial corridors, mixed-use areas and Central Business Districts through zoning by-laws that direct intensification to these areas • Implement zoning provisions to regulate development associated with the university on university campuses and some adjacent lands • Implement zoning provisions to regulate the development of purpose-built student accommodation such as student residences 	<ul style="list-style-type: none"> • The Markham Centre Zoning By-law already provides a solid zoning framework to promote residential intensification in specific areas in Markham. • Only public authorities that build and operate purpose-built student accommodation can set out rules such as restricting building occupancy to students enrolled in a certain post-secondary institution. Private developers and operators cannot select potential renters based on whether or not they are students, as this would contravene the Ontario Human Rights Code.

Issue	Potential zoning options and other applicable regulatory approaches	Considerations
<p>Lodging houses are associated with a high level of intensity of use. In order to promote compliance with minimum health and safety requirements, most municipalities establish specific zoning by-law regulations for lodging houses and enforce other regulations such as the property standards and noise by-laws, and the Building Code and Fire Code.</p>	<ul style="list-style-type: none"> • Define lodging houses • Establish lodging house categories • Designate a special zone for lodging houses or restrict lodging houses in certain locations • Implement a licensing program for lodging houses and residential rental housing • Enhance enforcement of by-laws such as property standards, noise control, parking, etc. 	<ul style="list-style-type: none"> • Approaches such as municipal licensing programs and the restriction of lodging houses in certain locations have been subject to inquiries by the Ontario Human Rights Commission and require careful consideration to ensure compliance with the Code. • Guelph has recently evaluated the potential benefits and negative impacts associated with licensing of lodging houses and has decided not to adopt it. The City concluded that licensing would not address the concerns expressed by residents in areas with high concentrations of rental housing, and the cost of administering the program would likely be passed on to tenants, which could undermine the provision of affordable housing.
<p>Irregular parking issues arise when dwellings do not have sufficient parking area to accommodate incoming residents, particularly in low-rise residential areas undergoing intensification. On the other hand, student demand for parking is often lower than the average demand in mid and high-rise areas.</p>	<ul style="list-style-type: none"> • Implement lower parking requirements for purpose-built student accommodation • Enhance parking, driveway and open space standards in low-rise residential neighbourhoods adjacent to post-secondary institutions^{ix} 	<ul style="list-style-type: none"> • The Markham Centre Zoning By-law already incorporates much of the new thinking on how to develop parking standards to help achieve the successful implementation of planned, transit-oriented, mixed-use areas.

Issue	Potential zoning options and other applicable regulatory approaches	Considerations
<p>An increase in the demand for student housing often affects different areas in the City and encompasses distinct neighbourhoods. It is important to consider these areas comprehensively rather than adopting an incremental approach.</p>	<ul style="list-style-type: none"> Define near-campus neighbourhoods and identify these areas geographically in the zoning by-law. This provides a framework for dealing with student housing in these areas, which may include the use of tools (i.e. zoning, site plan review) to address issues in accordance with specific contexts. Develop a Student Housing Strategy to assess projected demand and available housing options and establish student housing objectives.^x 	<ul style="list-style-type: none"> A Student Housing Strategy would enable the City to adopt a strategic approach to dealing with accommodation for students in Markham, taking into account a broader range of planning considerations in addition to zoning.
<p>A collaborative relationship between post-secondary institutions, the city, the police, students and the broader community can bring different stakeholder together to help deal with common issues, promoting cohesive communities.</p>	<ul style="list-style-type: none"> Set up an Advisory/Town and Gown Committee within the municipality. Support off-campus housing-related programs administered by post-secondary institutions. 	<ul style="list-style-type: none"> Collaborative approaches between municipalities, residents and post-secondary institutions have proved critical to the success of strategies to promote housing options for students while benefitting the broader community.
<p>Regulatory approaches that may contravene the Ontario Human Rights Code or the Planning Act</p>		
Issue	Potential zoning options and other applicable regulatory approaches	Considerations
<p>Negative land use impacts within neighbourhoods near post-secondary campuses are attributed to an increase in the occupancy of existing dwelling units by way of building additions or by converting basements and other common rooms into additional bedroom space.</p>	<ul style="list-style-type: none"> Regulate the number of bedrooms by dwelling type in near-campus neighbourhoods. 	<ul style="list-style-type: none"> The Ontario Human Rights Commission recommends that municipalities avoid arbitrary bedroom caps, given that they can reduce the availability of housing for certain groups, such as large families with children, extended families or other large households.

4. CONCLUSION

This paper provides an assessment of regulatory zoning approaches to be considered by the City of Markham as part of its new comprehensive zoning by-law review process. The review was based on relevant experiences of Ontario municipalities that have addressed zoning issues affecting student accommodation.

The most effective means of dealing with land use conflicts is by preventing them from happening in the first place. This requires considering ways to adequately meet the demand for housing associated with the projected student demand and addressing the issue in a comprehensive manner to prevent land use problems from migrating from one location to another.

The City of Markham Zoning By-law 2004-196 already anticipates the type of intensification required to accommodate a range of housing options for diverse populations, including students, in Markham Centre. This provides a supportive regulatory framework to help the City achieve its housing objectives. Nevertheless, housing for students is a relatively new topic for Markham, and a number of municipalities in Ontario have dedicated extensive efforts to developing strategies and zoning frameworks to respond to students' housing demand. Markham can draw on these lessons as it plans to accommodate a growing number of students in future years.

The assessment of other municipal experiences in dealing with housing opportunities for students provides the City of Markham with some options for moving ahead. Approaches to be considered include defining and establishing a zoning framework for lodging houses, implementing zoning provisions to regulate development associated with the university on university campuses and adjacent lands, and adopting a definition of purpose-built student accommodation such as student residences in these areas. The City may also consider options such as preparing a detailed plan for the university campus, as well as the implementation of a Town and Gown Advisory Committee.

Zoning is only one among the range of tools available for municipalities to plan for and facilitate a sufficient mix of quality of housing, in various forms that meet the needs of diverse populations and advances broader planning and city-building principles. There are a number of regulatory tools, including fire, building, parking, noise and property standards by-laws, as well as collaborative approaches to be undertaken in partnership with post-secondary institutions and the community, that the City of Markham will need to consider in addition to zoning regulations, as part of a comprehensive approach to dealing with housing options for students.

Draft

Endnotes

- I “Habitation Unit” means the space, area, furniture, equipment and parts of any building used and occupied by one individual within and without a building designed or converted for the purpose of providing primarily sleeping accommodation for individuals or for a group or groups of individuals. City of Kingston Zoning By-law No. 8499. Updated September 10, 2014. Retrieved on June 1, 2015 from: <https://www.cityofkingston.ca/documents/10180/139730/City+of+Kingston+Restricted+Area+Zoning+Bylaw>
- II City of Oshawa Zoning By-law 60-64. Retrieved on June 1, 2015 from: <http://www.oshawa.ca/uploads/18/ZoningBy-law60-94.pdf>
- III City of Waterloo. Zoning By-law 1108. Date of Consolidation: August 23, 2012. Retrieved on June 1, 2015 from: http://www.waterloo.ca/en/contentresources/resources/government/1108_zoning_bylaw.pdf
- IV City of Waterloo. Zoning By-law 1418. Date of Consolidation: August 23, 2012. Retrieved on June 1, 2015 from: http://www.waterloo.ca/en/contentresources/resources/government/1418_zoning_bylaw.pdf
- V The Ontario Human Rights Commission defines By-laws that are arbitrary as by-laws that have no clear connection to their stated goal. Ontario Human Rights Commission. Report on the inquiry into rental housing licensing in the City of Waterloo. May 27, 2013. Retrieved on June 1, 2015 from: http://www.ohrc.on.ca/sites/default/files/report%20on%20the%20inquiry%20into%20rental%20housing%20licensing%20in%20the%20city%20of%20Waterloo_accessible_0.pdf
- VI City of Kingston. City of Kingston Zoning Issues and Strategy Study. Technical and Discussion Papers Report. Prepared by MMM Group and Lehman & Associates. 10 August 2012, page 74. Retrieved on June 1, 2015 from: <https://www.cityofkingston.ca/documents/10180/39540/Discussion+Paper/4ef5b480-5e09-49c1-86b5-d43edfb844fa>
- VII City of London. Zoning By-law No. Z.-1. Office Consolidation October 2011. Retrieved on June 1, 2015 from: <https://www.london.ca/business/Planning-Development/zoning-by-law/Pages/Z1-Zoning-Contents.aspx>
- VIII The boundaries of the near-campus neighbourhoods were identified by Planning staff.
- IX The City of London’s zoning by-law establishes a maximum parking area coverage to ensure that parking areas do not cover excessively large portions of residential lots, and minimum landscaped open space requirements to ensure that usable outdoor amenity areas are preserved.
- X Examples of municipalities that have developed a Student Housing Strategy include Oshawa and Kitchener. See City of Oshawa Student Accommodation Strategy, March 2010: http://www.oshawa.ca/residents/resources/student_accommodation_strategy_2010.pdf and Downtown Kitchener Student Housing Strategy (in progress): http://app.kitchener.ca/living_kitchener/downtown_kit_student_housing_strategy.htm

REFERENCES

City of Barrie. Affordable Housing Strategy. Prepared by City of Barrie Planning Services Department. February 2015. Retrieved on May 25, 2015 from: <http://www.barrie.ca/Doing%20Business/PlanningandDevelopment/Documents/Affordable%20Housing%20Strategy.pdf>

City of Guelph. Shared rental housing. Retrieved on May 25, 2015 from: <http://guelph.ca/city-hall/planning-building-zoning/community-design/housing/shared-rental-housing/>

City of Kingston. City of Kingston Zoning Issues and Strategy Study. Technical and Discussion Papers Report. Prepared by MMM Group and Lehman & Associates. 10 August 2012, page 74. Retrieved on June 1, 2015 from: <https://www.cityofkingston.ca/documents/10180/39540/Discussion+Paper/4ef5b480-5e09-49c1-86b5-d43edfb844fa>

City of Kingston Zoning By-law No. 8499. Updated September 10, 2014. Retrieved on June 1, 2015 from: <https://www.cityofkingston.ca/documents/10180/139730/City+of+Kingston+Restricted+Area+Zoning+Bylaw>

City of London. Zoning By-law No. Z.-1. Office Consolidation October 2011. Retrieved on June 1, 2015 from: <https://www.london.ca/business/Planning-Development/zoning-by-law/Pages/Z1-Zoning-Contents.aspx>

City of London. Near Campus Neighbourhoods Planning Amendments. Public Participation Meeting on Monday, June 18, 2012. Report to Chair and Members of the Planning & Environment Committee. Retrieved on May 25, 2015 from: <https://www.london.ca/business/Planning-Development/current-topics/Documents/June%2018%2c%202012%20-%20OZ-7663%20%28MT%29.pdf>

City of Mississauga. Proposed Zoning By-law Amendments – Definitions of Lodging House and Lodging Unit – Supplementary Report. Corporate Report to Chair and Members of Planning and Development Committee. Meeting date: March 2, 2009. Retrieved on June 1, 2015 from: http://www.mississauga.ca/file/COM/DefinitionsOfLodgingHouseandLodgingUnit_.pdf

City of Oshawa Zoning By-law 60-64. Retrieved on June 1, 2015 from: <http://www.oshawa.ca/uploads/18/ZoningBy-law60-94.pdf>

City of Peterborough. Zoning By-law 1997-123. Consolidated December 31, 2010. Retrieved on June 1, 2015 from: <http://www.peterborough.ca/Assets/City+Assets/By-Laws/Zoning+By-Law+Index.pdf>

City of Toronto. Approach for Proposed Zoning Regulations for Rooming Houses. Staff Report to Planning and Growth Management Committee. December 14, 2009.

City of Toronto. Approach for Proposed Zoning Regulations for Rooming Houses. Staff Report Pg10004. December 14, 2009. Retrieved on June 1, 2015 from: <http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-26014.pdf>

City of Waterloo. Zoning By-law 1108. Date of Consolidation: August 23, 2012. Retrieved on June 1, 2015 from: http://www.waterloo.ca/en/contentresources/resources/government/1108_zoning_bylaw.pdf

City of Waterloo. Zoning By-law 1418. Date of Consolidation: August 23, 2012. Retrieved on June 1, 2015 from: http://www.waterloo.ca/en/contentresources/resources/government/1418_zoning_bylaw.pdf

Gladki Planning Associates et. al. Task 13: Review & Assessment - Affordable Housing, Secondary Suites, Supportive and Shared Housing. Draft Report Prepared for the City of Markham. April 30, 2015.

Government of Ontario. (1990). Planning Act. R.S.O. 1990, c.P.13.

Institute of Urban Studies, University of Winnipeg. University of Winnipeg Student Housing Overview: Assessing Issues and Options. September 2005. Retrieved on May 25, 2015 from: <http://winnspace.uwinnipeg.ca/xmlui/bitstream/handle/10680/778/2005%20UofW%20Student%20Housing%20Overview%20Final%20Report.pdf?sequence=1>

London Property Management Association (LPMA). Comments and Suggestions to City Staff: Terms of Reference for Review of Great Near Campus Neighbourhood Review Strategy. April 2015. Retrieved on May 25, 2015 from: <http://lpma.ca/wp-content/uploads/2015/04/LPMA-Submissions-Terms-of-Reference-Apr-15.pdf>

Ministry of Municipal Affairs and Housing. Provincial Policy Statement. Issued under section 3 of the Planning Act. April 30, 2014.

Task 13B: Student Housing

Planning for Near-campus Neighbourhoods in Ontario: Challenges and Planning Responses by Yinzhou Xiao. Thesis submitted in fulfilment of the thesis requirement for the degree of Master of Arts in Planning. Waterloo, 2013. Retrieved from: https://uwspace.uwaterloo.ca/bitstream/handle/10012/7912/Xiao_Yinzhou.pdf?sequence=1

Residential Intensification in Kingston's Near-University Neighbourhoods. Prepared for the City of Kingston by members of the 2009 Land Use Project Course at Queen's University. Retrieved on May 25, 2015 from: [http://www.queensu.ca/surp/sites/webpublish.queensu.ca.surpwww/files/files/Project%20Courses/SURP-824-2009-Residential%20Intensification%20Main%20comp%20\(1\).pdf](http://www.queensu.ca/surp/sites/webpublish.queensu.ca.surpwww/files/files/Project%20Courses/SURP-824-2009-Residential%20Intensification%20Main%20comp%20(1).pdf)

Statistics Canada. Canada Student Loan Program Annual Report (2010-2011). Retrieved on June 1, 2015 from: http://www.esdc.gc.ca/en/reports/cslp_cesp/cslp_2011.page

The Ontario Human Rights Commission defines By-laws that are arbitrary as by-laws that have no clear connection to their stated goal. Ontario Human Rights Commission. Report on the inquiry into rental housing licensing in the City of Waterloo. May 27, 2013. Retrieved on June 1, 2015 from: http://www.ohrc.on.ca/sites/default/files/report%20on%20the%20inquiry%20into%20rental%20housing%20licensing%20in%20the%20city%20of%20Waterloo_accessible_0.pdf

The Regional Municipality of York. (2012). Housing Matters: A Review of the Housing Market in York Region. Newmarket, Ontario. Retrieved on May 25, 2015 from: <http://www.york.ca/wps/wcm/connect/yorkpublic/41ffd21d-b652-46eb-b39f-17ccfb1b8782/Housing+Matters.pdf?MOD=AJPERES>

Town of Ajax. Lodging Houses Review Discussion Paper. Options to Address Lodging Houses. Town of Ajax Planning and Development Services. June, 2013.

Town of Oakville. Technical Paper: Residential Zones. Received by the inZone Subcommittee February 4, 2013.

York Region Official Plan Package. The Modified York Region Official Plan – 2010. June 20, 2013 Office Consolidation. Ontario Municipal Board File PL101128. The full set of provisions is contained in Section 3.5: Housing Our Residents, under Chapter 3: Healthy Communities of the Regional Official Plan. Retrieved on May 25, 2015 from: https://www.york.ca/wps/wcm/connect/yorkpublic/0dc3cfc2-2e0f-49d2-b523-dc7c14b08273/3a%2B-%2BModified%2BYROP%2B2010%2B-%2BAI%2BText_20June13.pdf?MOD=AJPERES

APPENDIX
Municipal Case Studies

Draft

City of Kingston

Profile

Population: 123,363

Number of private dwellings occupied by usual residents: 52,413

Population density per km²: 273.4

Land area: 451,17 km²

Median after-tax income of private households: 53,331

Immigrant population: 13.0%

Background

Kingston is home to two major post-secondary educational institutions (Queen's University and St. Lawrence College) as well as to the Royal Military College and the Canadian Forces School of Communications and Electronics.

Queen's University is the largest of the educational facilities, located adjacent to Kingston's downtown and the 20,657 full-time students comprise approximately 17% of the City's population. There are two campuses for Queen's; the main campus is located just east of the downtown and the Queen's west campus is located north of the Kingston Penitentiary and east of the main campus. The Queen's campuses are generally bounded by the waterfront to the south, downtown to the east and residential areas to the north and west.



Approach to rental accommodations for students

City of Kingston Official Plan

The City of Kingston Official Plan provides some basic direction on how to best accommodate plans for student housing:

- It is recognized that housing accommodation for post-secondary school students has specific land use characteristics and impacts on surrounding areas that require regulation through zoning and other means. Therefore this form of housing may not be appropriate in all residential areas. (3.3.D.10)
- Council recognizes that the City shares a responsibility along with Queen's University, St. Lawrence College, the Royal Military College and private landowners for ensuring that students have access to accommodation that is affordable, safe, and sanitary. (3.3.D.11)
- Any new or redeveloped residential uses intended for student accommodation must be designed and built to be viable for a wider rental market. The City may therefore restrict the number of bedrooms or habitable rooms per residential unit through the zoning by-law. (3.3.D.12)

- The City will continue to use its powers of inspection, and may use its powers of legislation to license rental accommodation. (3.3.D.13)
- It is the intent of this Plan to support the following objectives with respect to Queen's University: to foster co-operation between the City and the University in terms of such matters as the provision of parking, student housing, servicing, *conservation* of heritage buildings and areas, access and *development* proposals. (3.5.13.b)

City of Kingston Zoning By-law (8499)

The City of Kingston Zoning By-law provides some regulations on how to best accommodate student housing. Some key zoning by-laws include:

- The following regulations shall apply to lands, buildings or structures erected in Special Educational (E) zones:
 - The maximum density of the E zones of land owned by a higher educational or medical institution and occupied by students' housing shall not exceed 519 habitation units per net ha. (17.3.f)
- The following regulations shall apply to lands, buildings or structures erected in Special Educational (E1) zones:
 - Height: 23.0m (18.3.a)
 - Minimum Side Yards (total both sides): 61.0m (18.3.b)
 - Minimum Front Yard: 9.0m (18.3.c)
 - Minimum Rear Yard: 15.0m (18.3.d)
 - Minimum Lot Width: 91.0m (18.3.e)
 - Minimum Lot Area: 0.8 ha (18.3.f)
 - The maximum density for land in the E1 zone owned by a higher educational or medical institution and occupied by students' housing shall not exceed 519 habitation units per net ha. (18.3.i)
- The following regulations shall apply to lands, buildings or structures erected in Special Educational (E2) zones:
 - Height: 23.0m (19.3.a)
 - Minimum Side Yards:
 - a side yard shall be provided on either side of the main building; (19.3.b.i)
 - the minimum aggregate side yard width shall be no less than 61.0m; (19.3.b.ii)
 - each side yard shall not, at any point in its length, be a lesser width than 23.0m (19.3.b.iii)
 - Minimum Front Yard: 9.0m (19.3.c)
 - Minimum Rear Yard: 15.0m (19.3.d)
 - Minimum Lot Width: 91.0m (19.3.e)
 - Minimum Lot Area: 0.8 ha (19.3.f)
 - The maximum density for land in the E2 zone owned by a higher educational or medical institution and occupied by students' housing shall not exceed 519 habitation units per net ha. (19.3.i)

Task 13B: Student Housing

- The following uses only shall be permitted in the Williamsville Main Street Commercial (C4) Zone (three blocks north of Queen's University East Campus):
 - lay or religious fraternity houses or boarding houses where occupied by students, used exclusively for the purposes of habitation or congregational meetings and supervised by the authorities of a public educational institution (23C.2.e)

Policy Direction

Municipal Housing Strategy

The goal of this project was to develop a Municipal Housing Strategy for the City of Kingston that contains projections, policies, and programs for affordable housing and unique approaches to creating a diverse housing stock in the short, medium and long term. The Strategy acknowledges that Kingston is lacking student housing which is impacting market availability for overall affordable housing for the City. Approximately 12,000 Queen's University students live off-campus and one of the issues of off-campus housing is that it is generally more expensive than on-campus housing. In addition, landlords normally require 12-month leases, which presents a problem for international and co-op students who usually do not require the accommodation for a whole year. The demand for student housing also impacts lower income households within the permanent population who have to compete for many of the same types of units and reduces the options available to these households. In addition, students may be seen by landlords as more attractive tenants compared to lower income households since they may be able to provide parental guarantees.

Consequently, the Municipal Housing Strategy has established formal recommendations on policies and programs in an actionable plan for the 2011 to 2015 period. The Strategy recommends creating a complementary regulatory environment. This can be achieved through the implementation of Official Plan policies that promote inclusive, sustainable and flexible communities. To do so, the Strategy suggests pursuing inclusionary zoning as part of the comprehensive Zoning By-law review and seeking out opportunities to appropriately integrate student housing into City plans.

Sources:

Profile of the City: <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3510010&Data=Count&SearchText=kingston&SearchType=Begins&SearchPR=35&A1=All&B1=All&Custom=&TABID=1>

University information: <http://www.queensu.ca/discover/quickfacts>

Zoning by-laws: <https://www.cityofkingston.ca/documents/10180/139730/City+of+Kingston+Restricted+Area+Zoning+Bylaw>

Municipal housing strategy: <https://www.cityofkingston.ca/documents/10180/13882/Municipal+Housing+Strategy/e264ae30-ab4b-4a28-9eec-639e91a69ad1>

Official Plan: <https://www.cityofkingston.ca/documents/10180/541790/Official+Plan/17793cad-90db-4651-8092-16c587600001>

City's webpage containing information for students: <https://www.cityofkingston.ca/residents/students>

City of Guelph

Profile

Population: 121,688

Number of private dwellings occupied by usual residents: 48,115

Population density per km²: 1,395.4

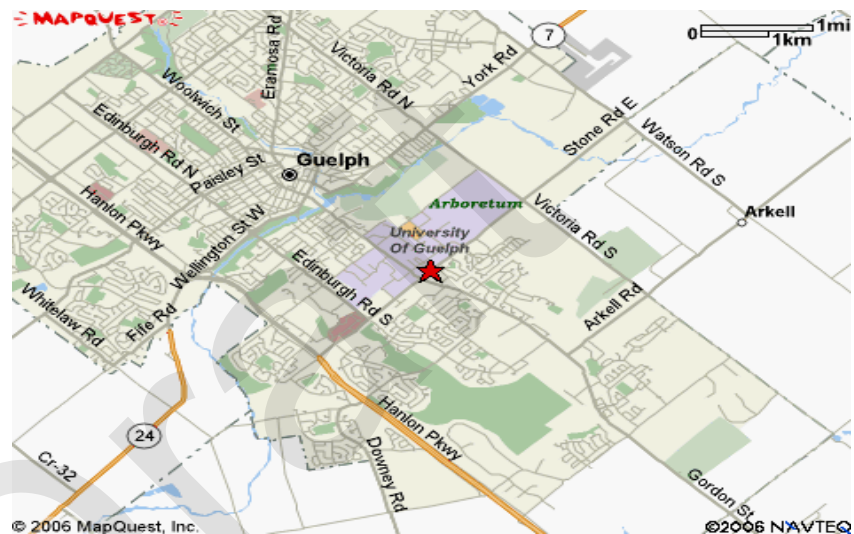
Land area: 87.2 km²

Median after-tax income of private households: 60,271

Immigrant population: 20.6%

Background

The University of Guelph (UG) has over 20,000 full-time students enrolled on an annual basis—representing 17% of the city’s population—with over 5,000 students living in campus residences. Located south of the Eramosa River, UG is bounded by the Guelph Correctional Centre to the east, a large-scale retail centre to the west and established residential areas to the south and north. Primary roads adjacent to the University are Gordon St., Stone Rd., Edinburgh Rd. and College Ave., and are all designated as arterial roads in the City’s Official Plan.



The main arterial roads support a range of land uses from low density residential in the form of single detached dwellings, to medium density residential in the form of townhouses and apartments. Strip commercial nodes with parking abutting the road are located in a few locations surrounding the campus and commercial nodes are located at key intersections. The broader area is surrounded by a large big box area directly west of the campus.

New student housing units are being developed on University lands. In 2013, the Ontario Municipal Board gave permission for an 11-storey student residence building to be built near the intersection of Gordon St and Stone Road, and nine-stories elsewhere on site. An area owned by the University located directly south of Stone Rd. was developed in 2002 into an adult lifestyle residential development, “Village by the Arboretum,” consisting of 3-4 storey apartment-styled condominium units, townhouses and single detached units.

Approach to rental accommodations for students

City of Guelph Official Plan

The City of Guelph Official Plan provides some basic direction on how to best accommodate student housing in future development. Key plans include:

Task 13B: Student Housing

- Within the built-up area a range and mix of housing will be planned, taking into account affordable housing needs and encouraging the creation of secondary suites. (2.4.5.1e)
- Downtown Guelph will be planned and designed to provide for additional residential development, including affordable housing. (2.4.6.1c)
- In order to maintain and enhance a healthy and complete community, the City will make provisions for an adequate range of housing type and affordability options by:
 - Establishing and implementing minimum housing targets for the provision of housing that is affordable to low and moderate income households (2.4.11a)
 - Permitting and facilitating all forms of housing required to meet social, health and well being requirements, including special needs requirements of current and future residents (2.4.11b)
- Encourage and assist, where possible, in the production of an adequate supply and mix of affordable housing by:
 - Encouraging the provision of affordable housing in plans of subdivisions that are designed for moderate and lower income households, and, more particularly, for large subdivisions requiring this housing form to be provided to a minimum 25% of total potential units. (7.2.2c)
 - Supporting student housing developments conveniently accessible to the University of Guelph. (7.2.2h)
- ‘Medium Density Residential’ (7.2.37) and ‘High Density Residential’ (7.2.42) designations are provided when there is clear planning intent to provide the following:
 - Medium or high density housing forms in new growth areas to assist in providing opportunities for affordable housing (7.2.37a / 7.2.42a)
 - Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network (7.2.37b / 7.2.42b)
 - A variety of housing types and forms to be situated throughout all areas of the community (7.2.37c / 7.2.42c)
- Within the ‘High Density Residential’ designation on the University of Guelph lands on the east side of Edinburgh Road South, development will comply to special standards established in the Zoning By-law to recognize this area as an integrated housing complex comprised of individual apartment buildings on separate parcels.

City of Guelph Zoning By-law (1995-14864)

The City of Guelph Zoning By-law provides some regulations on how to best accommodate affordable housing. Some key zoning by-laws include:

- A maximum of one accessory apartment shall only be permitted within a Single-detached Dwelling or a Semi-detached Dwelling. The accessory apartment shall not exceed 45% of the total Floor Area of the Building, shall not exceed a maximum of 80 square metres in floor area, and cannot contain more than two bedrooms. (4.15.1)
 - An accessory apartment is permitted in areas zoned as Residential 1, Residential 2, Central Business District 2, and Office Residential.

- Lodging Houses shall be permitted in Residential Zone 1 and the Central Business District. They will be limited to a maximum of 12 lodging units. They must have a minimum Gross Floor Area of 18m² per adult and 9m² per child. Lodging Houses must have a minimum separation distance of 100 metres with another Lodging House.
 - Lodging Houses require certification from the City of Guelph in order to provide safer and more comfortable lodging accommodations, while preserving the character of the residential neighbourhoods where they are located.

Policy Direction

Rental Housing Licensing

In 2013, an examination of whether the City of Guelph should develop a rental housing licensing program was undertaken by City staff. The report suggested that, in addition to enforcing existing by-laws and community education programs, a rental housing licensing program could increase the health, safety, and well-being of tenants, and reduce disruptive behaviour, and destabilization of neighbourhoods with high concentrations of rental housing.

Some of the key findings *supporting* rental housing licensing include:

- Concerns with the safety of some rental units
- Help address concerns with inequality amongst housing providers
- Initial costs of a licensing program could result in long term benefits (e.g. access, penalties, coordinated enforcement)
- Recognize rental properties as the business that they are
- Help address problem areas (e.g. ongoing property standards and parking issues).

Some of the key findings *not supporting* rental housing licensing include:

- Costs would be passed onto tenants and potentially create an affordability issue
- Licensing would require “good landlords” to have to pay for the shortcomings of “bad landlords”
- Landlords would be faced with an onerous process with no real benefits
- There would be an increase in non-compliance due to more rentals going underground
- Licensing would not directly address behaviour issues
- City could achieve desired results by continued/better enforcement of existing by-laws

In April 2014, City Staff recommended not to proceed with a rental housing licensing program and instead focus its efforts on continued enforcement of noise, nuisance-party and other by-laws and enhance enforcement activities.

Collaboration between the City, the Police and the University of Guelph

The City of Guelph works in partnership with the University of Guelph and the Guelph Police Service to reduce the number and severity of complaints and disruptive behaviour through a number of programs administered by the University of Guelph Off-Campus Living Office: Right Foot Forward, Move-In-Out Madness, Restorative Alternatives Pilot Program and Community Standards Protocol.

Sources:

City of Guelph Profile:

<http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CS-D&Code1=3523008&Data=Count&SearchText=guelph&SearchType=Begins&Search-PR=01&A1=All&B1=All&Custom=&TABID=1>

University of Guelph:

Off-Campus Living Programs: <https://studentlife.uoguelph.ca/ocl>

Community Standards Protocol: <https://studentlife.uoguelph.ca/ocl/neighbourhoods/community-standards-protocol>

Statistics: http://www.uoguelph.ca/analysis_planning/cudo/general/ ; <http://www.uoguelph.ca/campus/> and http://www.realestate.uoguelph.ca/projects/vba/vba_article1.html

City of Guelph Regulations:

Official Plan: <http://guelph.ca/wp-content/uploads/OPConsolidation-September2014.pdf>

Zoning by-law: <http://guelph.ca/city-hall/by-laws-and-policies-2/zoning-by-law/>

Nuisance party by-law: <http://guelph.ca/how-can-we-help-you/nuisance-party-law-enforcement/>

Noise by-law: <http://guelph.ca/how-can-we-help-you/noise-law-enforcement/>

Parking by-law: <http://guelph.ca/how-can-we-help-you/residential-parking-enforcement/>

Student Housing development: <http://guelph.ca/2013/04/ontario-municipal-board-ruling-allows-high-density-housing/>

Accessory Apartment regulations: <http://guelph.ca/city-hall/planning-building-zoning/community-design/housing/shared-rental-housing/accessory-apartment-regulations/>

Lodging House regulations: <http://guelph.ca/city-hall/planning-building-zoning/community-design/housing/shared-rental-housing/lodging-house-regulations/>

Licensing: http://guelph.ca/wp-content/uploads/050514_Rental_Housing_Licencing_ReportandAttachments.pdf; <http://guelph.ca/2014/04/city-staff-recommend-licensing-rental-housing-guelph/> and <http://guelph.ca/2013/07/guelph-considers-cost-of-licensing-rental-housing/>

City of Oshawa

Profile

Population: 149,607

Number of private dwellings occupied by usual residents: 58,797

Population density per km²: 1,027

Land area: 145.68 km²

Median after-tax income of private households: 55,977

Immigrant population: 14.6%

Background

The City of Oshawa is home to three post-secondary facilities within a 6km radius: Durham College, University of Ontario Institute of Technology (UOIT), and Trent University's Oshawa campus. All combined these three institutions have a population of almost 21,000 students. It is estimated that in 2015, all three campuses will require a total of 4,000 off-campus beds to house students.

Durham College and UOIT--which maintain the majority of the student population (20,000 annually)--are located on the same campus grounds at the corner of Simcoe Street North and Conlin Road East. As a result there are extra stresses placed on the surrounding neighbourhoods to provide affordable student accommodations. The campuses are bounded on all sides by low to medium density residential and mixed-use areas, along with open space parklands. Trent University, located near King Street West and Compton Road North, is surrounded by residential, commercial, cemetery and open space zone areas.

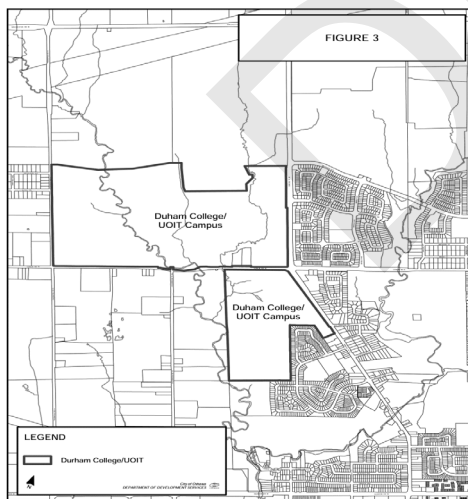


Figure 1. Location of Durham College and UOIT.

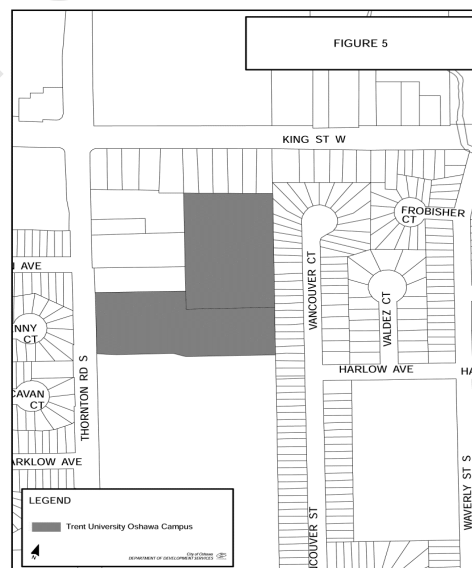


Figure 2. Location of Trent University's Oshawa campus.

Approach to rental accommodations for students

City of Oshawa Official Plan

The City of Oshawa Official Plan provides some basic direction on how to best accommodate student housing in future development. The City shall:

- Zone to permit residential infill housing, residential redevelopment, non-residential conversion, accessory apartments and lodging houses, in selected areas of the City. (6.4.4)
- Encourage a range of housing accommodation appropriate for the needs of the students attending the University of Ontario Institute of Technology, Trent University and Durham College. (6.8.1)
- Encourage the University of Ontario Institute of Technology, Trent University and Durham College to develop a student accommodation policy for the development of future on-campus housing to meet the needs of students. (6.8.2)
- Encourage an appropriate supply of off-campus student accommodation in appropriate locations including predominantly along arterial road corridors, in a purpose built north student village area and within and around the Central Business District. (6.8.3)
- Support financial incentives for multi-unit residential development along the arterial road corridors near the main north campus of Durham College and University of Ontario Institute of Technology and Trent University. (6.8.4)

Rental Housing Licensing By-law 120-2005 (Schedule K)

The City of Oshawa licenses rental accommodations in the region surrounding both Durham College and UOIT (as indicated in Figure 1). While the by-law outlines the application, issuance, and conditions to receive and maintain licensing for rental accommodations, it also incorporates some limitations to rental properties. Some of the key regulations include:

- Number of bedrooms in rental accommodation sites cannot exceed 4, except for residences on Dalhousie Crescent, Concordia Court, or McGill Court (which are in close proximity to the campus) which cannot exceed 6.
- No more than 40% of the Gross Floor Area below ground and at ground level may comprise of bedrooms.
- No room can be used as a bedroom unless it is outlined as a bedroom in the licensing application.
- Each tenant must have a tenancy agreement with the landlord.

Conditions of rental accommodation licensing for landlords:

- Rental licensing must be obtained in order to operate the business.
- Landlords must satisfy and comply with licensing standards throughout the licensing period.
- If terms and conditions of the rental business license are not maintained, the landlord can be fined, or the license can be suspended or revoked.

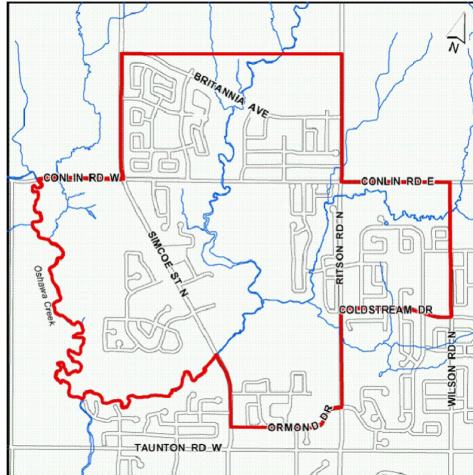


Figure 3. Rental Housing Licensing By-law 120-2005 applies to the area outlined above.

Lodging House Licensing By-law 94-2002

The City of Oshawa licenses and regulates rental accommodations in lodging houses throughout Oshawa, but also as an interim solution to allow for increased student rental accommodations in close proximity to both UOIT and Durham College in the Simcoe Road North corridor (as indicated in Figure 2). This by-law includes specific regulations on the application, issuance, and conditions of the licensing of the rental accommodations. Some key regulations include:

- A lodging house cannot be within 45 metres of another lodging house.
- Each lodging house must maintain at least 0.5 parking spaces per unit.
- Permitted interim uses with 5 units per lodging house along Simcoe Street North corridor (h-12 zone); south of King Street West and east of Thornton Road South (h-26 zone); east and west of Simcoe Street North, south of Conlin Road and southeast corner of Simcoe Street North and Conlin Road East (h-48 zone); and east side of Simcoe Street North, south of Taylorwood Road (h-49 zone).

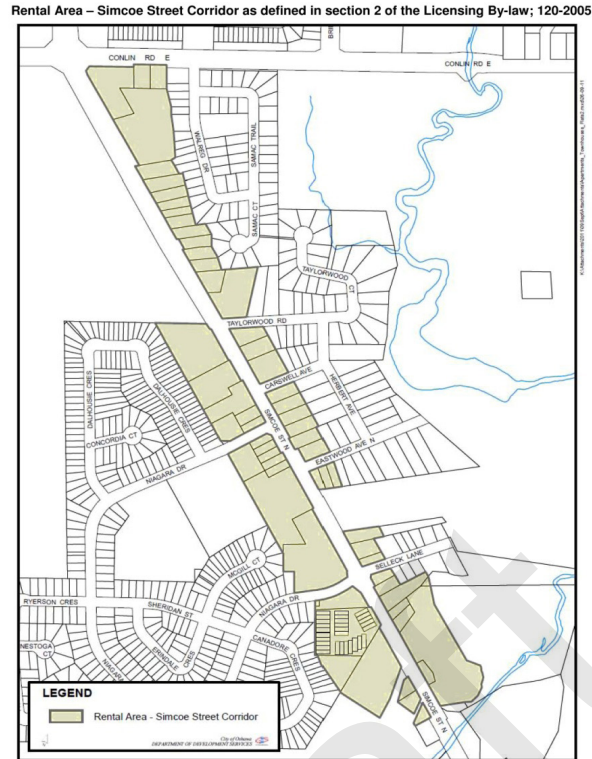


Figure 4. Rental area in the vicinity of both UOIT and Durham College.

Policy Direction

Student Housing Strategy

Examination of the existing methods for providing housing targeted to students and an investigation of new methods was undertaken by City Staff in 2010. Rental licensing by-laws were introduced due to concerns over:

- Uncontrolled growth of rental housing.
- Homes were haphazardly being converted with little to no regard for safety or quality.
- Licensing is a better tool to coordinate by-laws and health and safety legislation.
- City's by-law does not address the number of bedrooms per rental facility.
- Performance criteria were not met by landlords and investors to rent out the property.
- Onus placed on the landlord and investors to manage properties wisely and in conformity with City standards.

As a result, the Rental Licensing By-law was developed as an umbrella law to regulate the maximum number of bedrooms permitted, and the amount of floor spaces to be used for bedroom space on the main floor of a dwelling and in the basement area.

The strategy outlines some recommendations both to the City's Official Plan and Zoning By-laws in order to ensure that there are sufficient opportunities to physically accommodate student housing demand in the right locations. Some key recommendations include:

- Amend secondary plans and zoning by-laws to permit high density residential uses at a maximum height of 6 storeys.
- Investigate the use of vacant lands and parking lots as sites for student housing in and around the campus.
- Permit lodging houses with no more than 5 lodging units in the existing and proposed Mixed Use zones. Definition of lodging houses should be amended to specify that the term does not include flats, apartments and block townhouses.
- Hold public meetings to propose amendments to the Oshawa Official Plan to permit office, Medium Density I and Medium Density II in areas of Oshawa where redevelopment is unlikely to occur, but will allow for more intensification and development of student accommodations.
- Remove the 4 and 5 bedroom restrictions for the Simcoe Street North corridor.
- Propose amendments to the secondary plans or zoning by-laws to permit Medium Density I and Medium Density II Residential uses with a 4-storey height limit for apartments.
- Provide for an appropriate off-campus student village area.
- Establish a program and strategy to actively promote with the expressed goal of securing a medium sized grocery store and other supportive commercial uses to serve the growing population, including students.
- Review transit services with the goal of improving transit services for students, and investigate improved transit routes/services to existing rental housing area.
- In certain areas, amend the Zoning by-law to permit lodging houses with a maximum of 5 lodging units in existing houses as an interim use subject to appropriate regulations until the properties are redeveloped. Amend the licensing by-law as it relates to lodging houses to indicate that the separation distance (45 metre separation distance criteria) does not apply in the area, if this proposed rezoning change is finally approved.
- Initiate amendments to the Development Charge by-law to exempt the construction/creation of lodging houses, group dwellings (townhouses) and apartments in the areas of the City which coincide with the project areas for the proposed Community Improvement Plan.

Sources:

Profile of the City: <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3518013&Data=Count&SearchText=oshowa&SearchType=Begins&SearchPR=01&A1=All&B1=All&Custom=&TABID=1>

University information: http://uoit.ca/footer/about/uoit_info/fact-sheet.php, <http://www.durhamcollege.ca/about-us/corporate-links/governance/fact-sheet>, and <http://www.trentu.ca/oshowa/about-trent/glance>

Official Plan: <https://www.oshowa.ca/documents/CityofOshawaOfficialPlan.pdf>

Oshawa Student Housing Strategy: <http://www.oshowa.ca/media/student%20housing%20strategy%20for%20website.pdf>

Task 13B: Student Housing

Student Housing around Trent/UOIT Report: https://www.oshawa.ca/agendas/Development_Services/2008/10-20-Joint/DS-08-461_CM_Student_Housing_Around_UOIT_Durham_College.pdf

Business Licensing By-law (Schedule K) 120-2005: <http://www.oshawa.ca/documents/LicensingupdatedJune2014.pdf>

Oshawa Zoning By-law 60-94: <https://www.oshawa.ca/documents/ZoningBylawNo.6094.pdf>

Lodging House By-law 94-2002: <http://www.oshawa.ca/documents/LodgingHouse94-2002.pdf>

Draft

City of Waterloo

Profile

Population: 98,780

Number of private dwellings occupied by usual residents: 42,984

Population density per km²: 1,542.9

Land area: 64.02 km²

Median after-tax income of private households: 77,626

Immigrant population: 24.6%

Background

The City of Waterloo is home to two post-secondary institutions: the University of Waterloo (UW) and Sir Wilfred Laurier (SWL). It is estimated that one-half of Waterloo's population are students. Both the University of Waterloo and Sir Wilfred Laurier are located within a 2 km radius of each other and support a population of approximately 51,000 full time enrolled students. The proximity of these two schools puts an increased pressure for student accommodation on adjacent neighbourhoods.

The UW-SWL campuses are bounded on all sides by low to medium density residential areas and a conservation area. Arterial roads such as Columbia St., University Ave. W., and King St. N. bisect the surrounding communities and are lined with a range of commercial uses combined with residential uses. The UW 'north' is currently the site for approximately 300 townhouse units geared toward married graduate students and their families.

Approach to rental accommodations for students

City of Waterloo Official Plan

The City of Waterloo's Official Plan outlines the need to develop with future growth in mind within the university districts:

- It is recognized that University students who reside temporarily in the City are not accounted for in the City's overall population forecasts, and that the estimated number of off-campus students will continue to be monitored to ensure this population is accounted for in the planning and provision of accommodations. Given Northdale's proximity to the major University of Waterloo and Wilfrid Laurier campuses, it is anticipated that Northdale will continue to accommodate a significant portion of the forecasted student housing growth. (11.1.4.5(5))

City of Waterloo Zoning By-law

The City of Waterloo is divided into two separate Zoning By-laws: 1108 and 1418 (as indicated in Figure 1). Both UW and SWL fall within Zoning By-law 1108, but close to the border of 1418 (as indicated in Figure 2).

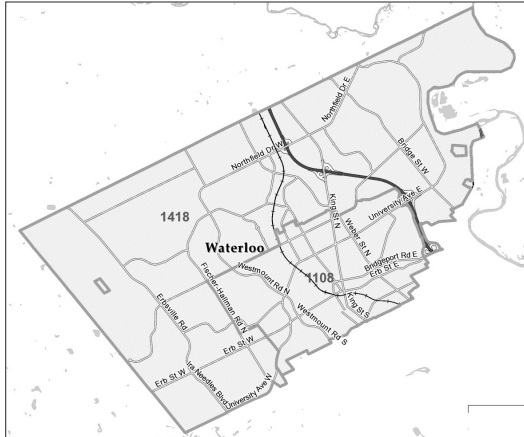


Figure 5. Map of the City of Waterloo's Zoning By-laws 1108 and 1418.

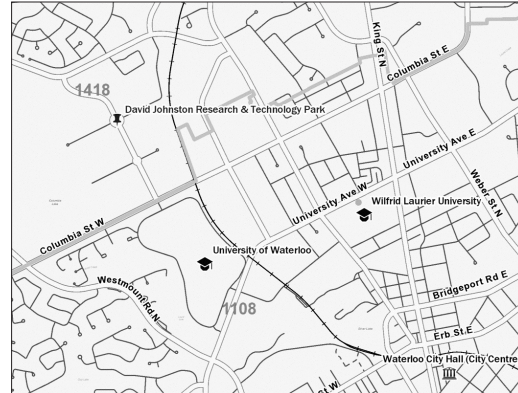


Figure 6. Map indicating the location of the UW and SWL along University Avenue.

City of Waterloo Zoning By-law 1108:

Zoning By-law 1108 provides some regulations on how to best accommodate lodging houses and universities. Key by-laws include:

Lodging Houses:

2.41.2 “Lodging House Class One”

A lodging house which is located in the whole of a building and:

- occupied by four or more persons in addition to the proprietor and his/her household; or
- occupied by 6 or more persons without a proprietor and his/her household.

2.41.3 “Lodging House Class Two”

A lodging house located within a dwelling unit occupied by 4 or 5 persons without a proprietor and his/her household.

8.30.1 Within the following zone categories, a lodging house class two shall be located at least one hundred and fifty metres (150 m.) from any other lodging house class two located within the following zone categories:

- General Residence One ‘GR1’
- General Residence Two A ‘GR2A’
- Semi-Detached ‘SD’
- Single Residence One ‘SR1’
- Single Residence One A ‘SR1A’
- Single Residence One Ten ‘SR1-10’
- Single Residence Two ‘SR2’
- Single Residence Two A ‘SR2A’
- Single Residence Three ‘SR3’

8.30.2 No person shall operate or permit to operate a lodging house class one or lodging house class two without first obtaining a licence as required under the City of Waterloo Lodging House Licensing By-law, approved under the authority of the Municipal Act.

8.30.3 Within the following zone categories, a lodging house class two shall be located at least seventy five metres (75 m.) from any other lodging house class two located within the following zone categories:

- Medium Density 'MD'
- Medium Density One 'MD-1'
- Medium Density Two 'MD-2'
- Medium Density Three 'MD-3'

18.9 The following regulations shall apply to LODGING HOUSES CLASS ONE:

18.9.1 Lot Area: There shall be a minimum lot area of three hundred and sixty square metres (360sq.m) plus,

18.9.1.1 Fifty square metres (50sq.m) for each occupant of a lodging unit greater than three (3) where a proprietor resides with his/her household.

18.9.1.2 Fifty square metres (50sq.m) for each occupant greater than five (5) where a proprietor and his/her household do not reside.

18.9.4 Height : The maximum height of any building or structure shall be ten-point-five metres (10.5m).

Universities:

15.1 No *Person* shall *Erect*, alter, enlarge, or use any *Building* or *Structure* in whole or in part nor use any lands in whole or in part within the Universities 'BI' zone for any purpose other than one or more of the following *Uses*:

15.1.1 University and affiliated or Federated Colleges and *Uses* associated with or required to service a University or College and without restricting the generality of the foregoing a bank, *Variety Store*, *Restaurant*, barber shop and other similar commercial *Uses* required to service a university or college.

15.1.2 Student Residences.

15.1.3 Indoor and Outdoor Recreational facilities associated with a University or College.

15.2 Notwithstanding any other provision in By-law No. 1108, more than one main *Building* and *Accessory Building* shall be permitted on any *Lot* in this zone.

15.4 Off-Street Parking

15.4.1 There shall be one parking space provided for every two *Persons* employed full time by the University or College plus one parking space for every ten students enrolled full time.

15.5 The following regulations shall apply in respect to *Building* clearances from public *Streets* and *Abutting* property:

Task 13B: Student Housing

15.5.1 “*Building Line Setback*” - No *Building* or part of a *Building* shall be less than five metres (5.0 m) from any public *Street* or highway.

15.5.2 “*Yard adjacent to an Abutting property boundary other than the Building Line setback*” - No *Building* or part of a *Building* shall have a *Yard Abutting* a property boundary of less than five metres (5.0 m).

15.5.3 “*Low Rise Residential Area Yard Setback*” – There shall be a minimum *Low Rise Residential Area Yard Setback* of $\frac{1}{2}$ the height of the building and in no case less than 7.5 m. to any *Lot Line Abutting a Low Rise Residential Area*.

15.5.3.1 Within the *Low Rise Residential Area Yard Setback* there shall be a minimum three metre (3.0 m) *Landscaped Buffer* adjacent to any *Lot line Abutting a Low Rise Residential Area* which shall be maintained in healthy condition and good repair by the owner.

15.5.3.2 The *Landscaped Buffer* shall be an average depth of 3.0 metres and at no point less than 1.5 metres.

15.5.3.3 The *Landscaped Buffer* shall contain plant materials that form a visual screen and are not less than 1.5 metres in height.

15.5.3.4 *Buildings, Structures, enclosures, parking areas, driveways, retaining walls and Impervious Areas* shall be prohibited within the *Landscaped Buffer*.

15.5.4 Building Height

15.5.4.1 The maximum height in metres of any *Building* within the Universities ‘BI’ zone shall be defined as three (3) times the numerical suffix shown on the Zoning Map attached as Appendix “A” to the said By-law. Where no numerical suffix is provided, the maximum height of any *Building* shall be eighteen metres (18.0 m) and shall not exceed six (6) *Storeys*.

15.5.4.2 The number of *Storeys* within a *Building* shall not exceed the number of the numerical suffix.

15.5.4.3 A roof may be permitted to exceed the maximum height requirement so long as it is not habitable space or *Building Floor Area*.

15.6 Where the prefix ‘(wlu)’ is attached to the Universities ‘BI(wlu)’ zone, the following regulations shall apply:

15.6.1 Notwithstanding Section 15.4.1 of By-law No. 1108, the following parking regulations shall apply to all lands zoned Universities “BI(wlu):

(a) there shall be one parking space for every 1.75 full-time employees, plus one parking space for every 8.75 full-time students;

(b) this parking regulation shall be calculated using all University buildings and all University parking facilities zoned “BI(wlu)” within 650 metres of the Main Campus (municipally known as 75 University Avenue West and bounded by Albert Street, University Avenue, King Street and Bricker Avenue);

(c) the parking regulation in (a) may include leased parking provided:

- i. such parking is within 650 metres of the Main Campus;
- ii. such parking is long-term, being 12 months or more;
- iii. such parking is only leased to Wilfrid Laurier University;
- iv. such parking is continually available to Wilfrid Laurier University, excluding church parking;
- v. such parking does not exceed twenty-five percent (25%) of the total parking required by the Zoning By-law.

(d) the parking regulation in (a) shall be calculated using adjusted annual fall full-time employee numbers and full-time student enrollments numbers;

(e) for any lot zoned “BI(wlu)” or group of lots which are contiguous and zoned “BI(wlu)”, there shall be:

- i. a minimum 500 parking spaces provided on the Main Campus (municipally known as 75 University Avenue West and bounded by Albert Street, University Avenue, King Street and Bricker Avenue);
- ii. for lands located beyond the Main Campus (municipally known as 75 University Avenue West and bounded by Albert Street, University Avenue, King Street and Bricker Avenue):
- iii. for residential buildings, a minimum of one (1) on-site parking space per one-point-five (1.5) units or one (1) on-site parking space per seven (7) beds, whichever is greater;
- iv. for non-residential buildings, a minimum of one (1) on-site parking space per two hundred (200) square metres of gross building floor area.

15.6.2 Notwithstanding anything contained in Zoning By-law No. 1108, the following regulations shall apply to all lands zoned Universities “BI(wlu)” beyond 75 University Avenue West (Wilfrid Laurier University’s Main Campus as shown on Schedule ‘B’ attached);

(a) Lot Area:

- i. a minimum 360 square metres of *Lot Area* shall be provided per *Single-detached Dwellings*;
- ii. a minimum 540 square metres of *Lot Area* per residential *Lot*, or a minimum 135 square metres per residential unit, whichever is greater, shall be provided for all University residential *Dwellings* or *Apartment Dwellings*.

(b) Frontage :

- i. a minimum 12.0 metres of *Lot Frontage* shall be provided for University residential *Buildings* with less than 3 *Dwelling Units*.
- ii. A minimum 18.0 metres of *Lot Frontage* shall be provided for University residential *Buildings* with 3 to 8 *Dwelling Units*.
- iii. (iii)A minimum 25.0 metres of *Lot Frontage* shall be provided for University residential *Buildings* with more than 8 *Dwelling Units*.
- iv. A minimum 15.0 metres of *Lot Frontage* shall be provided for University non-residential *Buildings*.

(c) Front Yard Setback:

- i. a minimum 7.5 metres *Front Yard* setback shall be provided.

Task 13B: Student Housing

- ii. Notwithstanding (l) above, for stories above the fourth *Storey*, the *Building Line* setback along a public *Street* shall be setback a further 3.0 metres from the *Building* face of the fourth *Storey*. For stories above the eighth *Storey*, the *Building Line* setback along a public *Street* shall be setback a further 3.0 metres from the *Building* face of the eighth *Storey*.

(d) Side Yard Setback:

- i. a minimum 1.2 metre plus 0.6 metre for each additional *Storey* or half *Storey*
- ii. a minimum 3.0 metres *Side Yard* setback, or a minimum “one-fourth the *Building Height*” *Side Yard* setback, whichever is greater, shall be provided for the non-residential *Buildings*.

(e) Flankage Setback:

- i. a minimum 6.0 metre flankage setback shall be provided.
- ii. Notwithstanding (i) above, for stories above the fourth *Storey*, the *Building Line* setback along a public *Street* shall be setback a further 3.0 metres from the *Building* face of the fourth *Storey*. For stories above the eighth *Storey*, the *Building* line setback along a public *Street* shall be setback a further 3.0 metres from the *Building* face of the eighth *Storey*.

(f) Residential Setback:

- i. a minimum 7.5 metre residential setback, or a minimum “one-third the *Building Height*” residential setback, whichever is greater, shall be provided.
- ii. For the purposes of the Universities “BI(wlu)” zone, a “residential setback” shall be defined as a *Side Yard* or *Rear Yard* setback from a residential zone boundary. A residential zone boundary shall be defined as the boundary between a residential zone and Universities “BI(wlu)” zone.

(g) Rear Yard Setback:

- i. a minimum 7.5 metre *Rear Yard* setback shall be provided.

(h) Open Space:

- i. a minimum 20% of the *Lot Area* shall be provided for *Landscaped Open Space* area located behind the *Building Line*.

(i) Parking Lot Setback:

- i. a minimum 3.0 metre parking *Lot* setback shall be provided.
- ii. For the purposes of the Universities “BI(wlu)” zone, a “parking *Lot* setback” shall be defined as the setback from the *Street Line* to the boundary of the parking *Lot* surface. 15.6.3 Section 15.5.1 shall not apply to all lands zoned Universities “BI (wlu)”, being a provision to regulate the *Building* setback from a public *Street* or highway.

15.6.4 Section 15.5.2 shall not apply to all lands zoned Universities “BI(wlu)” being a provision to regulate the *Building* setback from an *Abutting* property boundary. 15.6.4.1 Notwithstanding anything contained in Zoning By-law No. 1108, the following height restrictions shall apply to lands zoned Universities “BI(wlu)”:

(a) Notwithstanding anything contained in Zoning By-law No. 1108 for lands illustrated as “Maximum Height shall be ten (10) *Storeys* for University *Uses*” on Schedule ‘C’ attached, the maximum height of any *Building* or *Structure* shall be ten (10) *Storeys* except for mechanized roof top equipment such as air conditioning and heating units, chimneys, and elevator penthouses.

(b) notwithstanding anything contained in Zoning By-law No. 1108 for lands illustrated as “Maximum Height shall be six (6) *Storeys* for University *Uses*” on Schedule ‘C’ attached, the maximum height of any *Building* or *Structure* shall be six (6) *Storeys* except for mechanized roof top equipment such as air conditioning and heating units, chimneys, and elevator penthouses.

(c) notwithstanding anything contained in Zoning By-law No. 1108 for lands illustrated as “Maximum Height shall be three (3) *Storeys* for University *Uses*” on Schedule ‘C’ attached, the maximum height of any *Building* or *Structure* shall be three (3) *Storeys* except for mechanized roof top equipment such as air conditioning and heating units, chimneys, and elevator penthouses.

(d) Notwithstanding (ii) above, the maximum height of the *Existing Library Building* as it existed on the day of the passing of this by-law shall be seven (7) *Storeys*. Should the *Existing Library Building* be removed or demolished, the maximum height of any new *Structure* shall be six (6) *Storeys* except for mechanized roof top equipment such as air conditioning and heating units, chimneys, and elevator penthouses.

City of Waterloo Zoning By-law 1418:

Zoning By-law 1418 provides some regulations on how to best accommodate lodging houses and universities. Key by-laws include:

Lodging Houses:

2.44.2 “Lodging House Class One”

A lodging house which is located in the whole of a building and:

- occupied by four or more persons in addition to the proprietor and his/her household; or
- occupied by 6 or more persons without a proprietor and his/her household.

2.44.3 “Lodging House Class Two”

A lodging house located within a dwelling unit occupied by 4 or 5 persons without a proprietor and his/her household.

8.30.1.1 Within the following zone categories, a lodging house class two shall be located at least one hundred and fifty metres (150 m.) from any other lodging house class two located within the following zone categories:

- General Residence Two A ‘GR2A’
- Semi-Detached ‘SD’
- Semi-Detached One ‘SD-1’
- Residential ‘R’
- Single Residence One ‘SR1’
- Single Residence One A ‘SR1A’

Task 13B: Student Housing

- Single Residence One Ten 'SR1-10'
- Single Residence Two 'SR2'
- Single Residence Two A 'SR2A'
- Single Residence Three 'SR3'
- Single Residence Four 'SR4'
- Flexible Residential 'FR'
- Mixed Use Commercial 'MXC'
- Mixed Use Employment 'MXE'
- Mixed Use Residential 'MXR'
- Neighbourhood Residential 'NR'

8.30.2 No person shall operate or permit to operate a lodging house class one or lodging house class two without first obtaining a licence as required under the City of Waterloo Lodging House Licensing By-law, approved under the authority of the Municipal Act.

8.30.3 Within the following zone categories, a lodging house class two shall be located at least seventy five metres (75 m.) from any other lodging house class two located within the following zone categories:

- Medium Density 'MD'
- Medium Density One 'MD-1'
- Medium Density Three 'MD-3'

15.9 The following regulations shall apply to LODGING HOUSES CLASS ONE:

15.9.1 Lot Area: There shall be a minimum lot area of three hundred and sixty square metres (360sq.m) plus,

15.9.1.1 Fifty square metres (50sq.m) for each occupant of a lodging unit greater than three (3) where a proprietor resides with his/her household.

15.9.1.2 Fifty square metres (50sq.m) for each occupant greater than five (5) where a proprietor and his/her household do not reside.

15.9.4 Height: The maximum height of any building or structure shall be ten-point-five metres (10.5m).

Universities:

13.1 No *Person* shall *Erect*, alter, enlarge or use any *Building* or *Structure* in whole or in part nor use any lands in whole or in part within the Universities 'BI' zone for any purpose other than one or more of the following *Uses*:

13.1.1 University and affiliated or Federated Colleges and *Uses* associated with or required to service a University or College and without restricting the generality of the foregoing a bank, *Variety Store*, *Restaurant*, barber shop and other similar commercial *Uses* required to service a university or college.

13.1.2 Student Residences.

13.1.3 Indoor and Outdoor Recreational facilities associated with a University or College.

13.1.4 A research and development facility associated with the University of Waterloo and which may include manufacturing as a *Use* related to the research and development facility, on lands leased by the University of Waterloo to a second party, provided that:

13.1.4.1 A minimum of two and one-half (2.5) parking spaces are provided for every one hundred (100) square metres of *Building Floor Area*;

13.1.4.2 Any *Outdoor Storage* area shall be screened from view so that it is not visible from adjacent public *Streets* or residential *Uses*.

13.2 The following regulations shall apply in respect to *Building* clearances from public *Streets* and *Abutting* property:

13.2.1 “*Building Line Setback*” - No *Building* or part of a *Building* shall be less than five metres (5.0 m) from any public *Street* or highway.

13.2.2 “*Yard adjacent to an Abutting property boundary other than the Building Line setback*” - No *Building* or part of a *Building* shall have a *Yard Abutting* a property boundary of less than five metres (5.0 m).

13.2.3 “*Low Rise Residential Area Yard Setback*” – There shall be a minimum *Low Rise Residential Area Yard Setback* of ½ the height of the building and in no case less than 7.5 m. to any *Lot Line Abutting* a *Low Rise Residential Area*.

13.2.3.1 Within the *Low Rise Residential Area Yard Setback* there shall be a minimum three metre (3.0 m) *Landscaped Buffer* adjacent to any *Lot line Abutting* a *Low Rise Residential Area* which shall be maintained in healthy condition and good repair by the owner.

13.2.3.2 The *Landscaped Buffer* shall be an average depth of 3.0 metres and at no point less than 1.5 metres.

13.2.3.3 The *Landscaped Buffer* shall contain plant materials that form a visual screen and are not less than 1.5 metres in height.

13.2.3.4 *Buildings, Structures, enclosures, parking areas, driveways, retaining walls and Impervious Areas* shall be prohibited within the *Landscaped Buffer*.

13.3 Building Height

13.3.1 The maximum height in metres of any *Building* within the Universities ‘BI’ zone shall be defined as three (3) times the numerical suffix shown on the Zoning Map attached as Appendix “A” to the said By-law. Where no numerical suffix is provided, the maximum height of any *Building* shall be eighteen metres (18.0 m) and shall not exceed six (6) *Storeys*.

13.3.2 The number of *Storeys* within a *Building* shall not exceed the number of the numerical suffix.

13.3.3 A roof may be permitted to exceed the maximum height requirement so long as it is not habitable space or *Building Floor Area*.

Task 13B: Student Housing

13.4 Notwithstanding any other provision in By-law No. 1418 more than one (1) main *Building* and *Accessory Building* shall be permitted on any *Lot* in this Zone.

13.5 Off-Street Parking

13.5.1 There shall be one (1) parking space provided for every two (2) *Persons* employed full time by the University or College plus one (1) parking space for every ten (10) students enrolled full time.

City of Waterloo Design Guidelines

In the City of Waterloo, mid-rise student accommodation buildings range between 4-12 storeys. This form of development is diverse including tri-plex units, walk-up apartments, traditional slab apartments, apartment towers and housing geared to student accommodations. Thus, the City of Waterloo created the *City of Water Design Guidelines* for student housing accommodations to direct the design of future development.

Policy Direction

Rental and Lodging Housing Licensing

The City of Waterloo formerly regulated and licensed lodging houses through a Licensed Lodging House Program that was initiated in 1986. The former Lodging House By-law was repealed, and owners of lodging houses must apply for a rental housing licence instead, through the Rental Housing License By-law 2011-047. The City of Waterloo's residential rental housing licensing aims to manage low-rise residential rental housing in the city, limiting the impact of large rental housing units on residential neighbourhoods and promoting safe, adequate and properly maintained rental accommodations.

Lodging houses are classified as either Class 1 or 2. Class 1 are located in the whole of a building and occupied by 4 or more persons in addition to the proprietor or occupied by 6 or more persons without the proprietor. Class 2 are located within a dwelling unit occupied by 4 or 5 persons without a proprietor.

Studies and Reports

Student Housing Accommodations Study

The purpose of the 2004 municipal study was to review existing approaches and investigate new methods of providing housing targeted to students in the City of Waterloo. The study originated out of a concern over the shortage of safe, affordable housing for students and the negative impacts experienced by neighbourhoods where owner-occupied housing was being converted to rental. The result was a 25-year plan that outlined ways to accommodate growth in accommodation for students while stabilizing and maintaining low density residential neighbourhoods adjacent to the campus. *The Universities Neighbourhood Plan* (UNP) has a number of components: land use, physical design, implementation, safety and enforcement and monitoring. Some key recommendations from that study include:

- Encourage development along nodes and corridors: Within the University area, there will be areas of high, medium and low intensity use. High intensity areas are connected by medium and high density corridors. The goal of the land use component of the UNP is to encourage more student housing in areas of high intensity near the Universities and discourage conversion of low density housing to student rental housing in areas of low intensity. Medium and high density is directed to the edges of neighbourhoods to allow for retention of the low density nature in the centre of neighbourhood

- Stabilize low density residential areas: Areas outside of Nodes and Corridors are to remain as stable, low density residential neighbourhoods. To preserve the low rise nature of this neighbourhood and encourage owner occupied housing, increases to the Minimum Distance Separation (MDS) to reduce conversions to rentals and the removal of duplexing/ converted are proposed.
- Other recommendations include:
 - Improve by-law reinforcement and programming to reduce community conflict
 - Reduce setbacks and landscaped open space requirements to increase developable area.
 - Reduce parking standards in Medium Density or Medium High Density area from 1.5 to 1.25 spaces per unit and in High Density areas to 1.0 spaces per unit.
 - Investigate tax incentives for development in Nodes and Corridors.
 - Investigate incentives and section 37 requirements to achieve urban design goals.

Sources:

Profile of the City: <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3530016&Data=Count&SearchText=waterloo&SearchType=Begins&SearchPR=35&A1=All&B1=All&Custom=&TABID=1>

University information: <https://uwaterloo.ca/about/who-we-are/waterloo-facts>
<http://wlu.ca/about/campuses-locations-maps/index.html>

Student Housing Accommodation Study: <http://storage.ubertor.com/nickcarere.myubertor.com/content/document/11.pdf>

City of Waterloo Regulations

Design Guidelines: http://www.waterloo.ca/en/contentresources/resources/government/urban_design_guidelines_part_3_supplemental_design_guidelines.pdf

Zoning By-laws: http://www.waterloo.ca/en/contentresources/resources/government/1108_zoning_bylaw.pdf
http://www.waterloo.ca/en/contentresources/resources/government/1418_zoning_bylaw.pdf

Official Plan: http://www.waterloo.ca/en/contentresources/resources/government/OP_Consolidated_Version.pdf

Licensing By-law: http://www.waterloo.ca/en/contentresources/resources/government/2011-147_Rental_Housing.pdf

City of Peterborough

Profile

Population: 78,698

Number of private dwellings occupied by usual residents: 33,435

Population density per km²: 1,233.6

Land area: 63.8 km²

Median after-tax income of private households: 52,883

Immigrant population: 8.8%

Background

In the north end of the City of Peterborough is home to both Sir Sanford Fleming College and Trent University (TU). TU is the largest post-secondary institution in the city with over 7,000 full-time students in attendance annually. Split by the Otonabee River, TU's Symons Campus is on 1,450 acres bounded by residential to the west, and open space to the south, east and north, while its smaller graduate college, Catherine Parr Trill College, is located downtown. Symons Campus has four residence buildings on site, and has just completed a two-phase development project at the south end of the campus for new accommodations. The Water Street Project, recently renamed Campus Heights, included five new residential three-storey townhouse buildings and was completed in September 2015.

Approach to rental accommodations for students

City of Peterborough Zoning By-law (1997-123)

The City of Peterborough Zoning By-law provides some regulations on how to best accommodate student housing in its University and College District (UC) zone:

- No person shall within any UC District use any land or erect, alter or use any building or part thereof for any purpose other than;
 - a university (23.1.a)
 - a college (23.1.b)
 - a university or college residence (23.1.c)



- an adult retraining centre (23.1.d)
- any of the following commercial purposes when located in a building designed and forming an integral part of a university or college: (23.1.e)
 - a barber shop (23.1.e.i)
 - a beauty shop (23.1.e.ii)
 - a dry cleaning establishment - Class 2 (23.1.e.iii)
 - a drug store (23.1.e.iv)
 - a sub-post office (23.1.e.v)
 - a restaurant (23.1.e.vi)
 - a convenience retail store (23.1.e.vii)
 - a bank, financial institution or loan company (23.1.e.viii)
- No person shall within any UC District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:
 - Minimum lot width: 30 metres (23.2.a)
 - Minimum lot depth: 30 metres (23.2.b)
 - Minimum building setback: 3 metres or the height of the building, whichever is the greater (23.2.c)
 - Maximum building coverage: 40% (23.2.d)
 - Maximum lot coverage by open parking areas, driveways and vehicle movement areas: 25% (23.2.e)
 - the following regulations shall apply to the commercial purposes in section 23.1(e):
 - maximum floor area per commercial purpose: 140 square metres (23.2.f.i)
 - no curb service, drive-in service, takeout service or pick-up service shall be permitted if such service comprises the primary activity of the establishment (23.2.f.ii)
 - any such purpose shall be located only in a building on a lot having a minimum area of 4 hectares (23.2.f.iii)
 - the following regulations shall apply to a university or college residence:
 - shall form an integral part of the university or college (23.2.g.i)
 - any room used by students for sleeping accommodation shall have a minimum floor area of: 6.9 square metres (23.2.g.ii)
 - bachelor dwelling unit: 37 square metres (23.2.g.iii)
 - minimum floor area per dwelling unit other than ii), iii): 55 square metres plus 14 square metres for each habitable room in excess of 4 (23.2.g.iv)
 - landscaped open space of a minimum width of 3 metres shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways (23.2.h)

Task 13B: Student Housing

- planting strips shall be provided and maintained along a lot line abutting an R.1,R.2,R.3 or R.4 District if a building, parking space, driveway or loading space is located within 15 metres of such district (23.2.j)

Sources:

Profile of the City:

<http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CS-D&Code1=3515014&Data=Count&SearchText=Peterborough&SearchType=Begins&Search-PR=35&A1=All&B1=All&Custom=&TABID=1>

University information: <http://www.trentu.ca/about/facts.php>

Official Plan: <http://www.peterborough.ca/Assets/City+Assets/Planning/Documents/Official+Plan.pdf?method=1>

Zoning by-law: <http://www.peterborough.ca/Assets/City+Assets/Planning/Documents/Zoning+By-Law/11+-+University+and+College.pdf>

Draft

City of London

Profile

Population: 366,191

Number of private dwellings occupied by usual residents: 153,712

Population density per km²: 1,653.1

Land area: 221.52

Median after-tax income of private households: 50,678

Immigrant population: 5.5%

Background

The City of London's 2011 population was 366,191 with an estimated full-time student population of 45,000 attending the University of Western Ontario (UWO) and Fanshawe College. While most of Fanshawe College's students live off-campus, there are two on-campus residences consisting of 1,200 apartment residence rooms and almost 400 townhouse rooms. The majority of students attending UWO live off campus. UWO's campus is located in north London and is bordered by residential communities, Richmond Rd. (Hwy 4) and the Thames River.

Issues with regards to student housing in London have been ongoing for about 30 years. The city has engaged on a long list of planning initiatives addressing student housing. Impacts experienced by communities east and south of the Western campus include lack of compliance with property standards, excessive noise, loss of residential amenity space and parking concerns relating to an area where a high concentration of students are located.

Special policies were implemented in 1996 in a neighbourhood near the University, which were later expanded into additional neighbourhoods, with the objective of controlling for density and building mass. The approach utilizes a variable FAR related to lot area. It includes maximum rear lot depths to retain amenity space and maximum floor areas to ensure greater certainty to potential bulk added by proposed additions and new buildings. Parking is calculated based on gross floor area and location for parking is restricted.

Between 2004 and 2011, land use studies were undertaken in response to concerns about impacts of recent redevelopment and intensification activity on surrounding neighbourhoods. The studies targeted a main arterial road (Richmond St.), the Woodfield Neighbourhood and the BIGS Neighbourhood (Beaufort, Irwin, Gunn and Saunby Streets). A zoning by-law amendment was also adopted to change the definition of dwelling units to introduce a limit on the number of bedrooms to a maximum of five.

Recognizing this need for a comprehensive strategy to plan for great near-campus neighbourhoods, the City of London began a major policy initiative in 2007 to develop a holistic approach dubbed Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges, which applied a more comprehensive approach to resolving land use conflicts when planning for residential intensification in near-campus neighbourhoods.

Approach to Shared Rental Accommodation for Students

The City of London supports a Class 1 and 2 lodging house system. Class 1 lodging houses provide lodging for 3 or fewer residents, do not require a license and are permitted in most residential zones. Class 2 lodging houses provide housing for more than 3 lodgers and require

Task 13B: Student Housing

a license. Class 2 Lodging Houses are permitted in higher density residential zones, some commercial and mixed use zones.

In the 1980s, a task force was created and one of the results was to establish the Housing Mediation Services which is staffed by a Housing Mediation Officer out of the University of Western Ontario's Housing Department. It is jointly funded by UWO, Fanshawe College and the City and aims to assist in mediating roommate, student/landlord and student/homeowners issues. Proactive enforcement also started in the mid 1990s and a patrol officer in the community (around UWO as well as surrounding communities) deals with property standards issues. Parking control is contracted out.

Policy Direction

Great Near Campus Neighbourhoods Study (2012)

This study was a comprehensive review of issues associated with intensification in neighbourhoods adjacent to Western University and Fanshawe College. The study resulted in both an Official Plan Amendment and a series of Zoning By-law Amendments. Official Plan Amendment No. 535 (Council approved June 26-27, 2012) provides policies that apply to all Near-Campus Neighbourhoods in the City, which are shown on Appendix "A", and generally described as the residential areas surrounding Western University or Fanshawe College. The policies outline a vision and provide land use planning goals for the Near-Campus Neighbourhoods as well as policies to encourage appropriate intensification and direct preferred intensification to appropriate locations.

In addition, By-law No. Z.-1-122125, a by-law to change various sections of the City's Zoning By-law to implement OPA No. 535, has also been approved. The zoning changes approved include:

- Limiting the number of bedrooms to three bedrooms per unit for apartment buildings, converted dwellings, duplex dwellings, triplex dwellings, fourplex dwellings, semi-detached dwellings and all forms of townhouse dwellings;
- Removing the exceptions for minimum interior side yard setbacks in order to strengthen the criteria for the establishment of mutual driveways;
- Strengthening regulations for parking areas by revising the calculation of parking areas, providing an increase in parking area coverage regulations and establishing setback requirements for parking areas to the rear and side lot lines; and,
- Establishing minimum landscaped open space regulations;
- Establish new Official Plan policies which describe the vision for each near campus neighbourhood and provide a context for planning applications.

Secondary Dwelling Units (2013)

In response to amendments made to the Planning Act under the Strong Communities through Affordable Housing Act, 2077 (Bill 140), a draft Official Plan Amendment and Zoning By-law Amendment to establish new policies and regulations to provide for "as of right" secondary dwelling units in all single-detached, semi-detached and rowhouse dwelling units was presented at a Public Participation Meeting on November 26, 2013.

At the Municipal Council meeting of December 3, 2013, the matter was referred back to Staff for clarification and additional consultation with the Housing Advisory Committee and the Town and Gown Committee. The proposed amendments would allow secondary dwelling units in all single detached, semi-detached and rowhouse dwellings, or the creation of an accessory dwelling unit,

but not both, without the need for a zoning by-law amendment in all areas of the City, except the area defined as the Near Campus Neighbourhood Area, attached as Appendix “A”.

Residential Rental Units Licensing By-law

The City of London implemented a Residential Rental Units Licensing By-law in 2010. This By-law requires that any rental property of 4 units or less be licensed by the City. The process works through a “self-certification” process, whereby the property owner fills out a checklist that certifies information required for the issuance of the license. A fire inspection is also required as part of the initial license application. Licenses are required to be renewed annually. All licensed properties are subject to random exterior property standards inspections.

Other Initiatives

In addition to these planning initiatives, the Great Near Campus Neighbourhood Strategy included other initiatives that have been undertaken. These include the construction of new, on-campus student housing at both Western University and Fanshawe College. As well, the City has undertaken more proactive by-law enforcement in the Near Campus Neighbourhoods.

Sources:

Profile of the City: <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/prof/details/page.cfm?Lang=E&Geo1=POPC&Code1=0480&Geo2=PR&Code2=35&Data=Count&SearchText=London&SearchType=Begins&SearchPR=01&B1=All&Custom=&TABID=1>

Official Plan: <https://www.london.ca/business/Planning-Development/Official-Plan/Pages/OfficialPlanDocument.aspx>

Zoning by-law: <https://www.london.ca/business/Planning-Development/zoning-by-law/Pages/ZoningBy-law.aspx>

Staff Reports on Student Housing: <https://www.london.ca/business/Planning-Development/current-topics/Documents/Feb-2-15-InfoReport-GNCN.pdf> and <https://www.london.ca/business/Planning-Development/current-topics/Documents/June%2018%2c%202012%20-%20OZ-7663%20%28MT%29.pdf>

Great Near Campus Neighbourhoods Strategy: <https://www.london.ca/business/Planning-Development/current-topics/Pages/GreatNearCampus.aspx>

Town and Gown Committee: <https://www.london.ca/city-hall/committees/task-forces/Pages/Town-and-Gown-Committee.aspx>

Post-secondary institutions:

Fanshawe College: <http://www.fanshawec.ca/residence>

University of Western Ontario: <http://www.uwo.ca/about/whoweare/facts.html>

Student Housing Mediation Services: <https://www.london.ca/residents/Housing/Housing-Programs/Pages/Student-Housing-Mediation-Services.aspx>

Western’s Off-Campus Housing Services: <http://offcampus.uwo.ca/>