



**City of Kingston  
Administrative Policies Committee  
Special Meeting Number 02-2024  
Minutes**

**Wednesday, January 24, 2024 at 6:00 p.m.  
Hosted at City Hall in Council Chamber**

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**Committee Members Present**

Councillor Ridge, Chair  
Councillor Amos  
Councillor Chaves  
Councillor Glenn  
Councillor Hassan  
Councillor McLaren (joined meeting at 6:05 p.m.)

**Regrets**

There were none.

**Others Present**

There were members of the public present.

**Staff Members Present**

Paige Agnew, Commissioner, Growth & Development Services  
Lisa Capener-Hunt, Director, Building Services & Chief Building Official  
Kyle Compeau, Manager, Enforcement  
Jenna Morley, Director, Legal Services & City Solicitor  
Christine O'Connor, Committee Clerk  
Curtis Smith, Director, Licensing and Enforcement  
Iain Sullivan, Committee Clerk

**This is not a verbatim report.**

### **Meeting to Order**

The Chair called the meeting to order at 6:00 p.m.

### **Approval of the Agenda**

Moved by Councillor Glenn

Seconded by Councillor Chaves

**That** the agenda be approved.

**Carried**

### **Confirmation of Minutes**

There were none.

### **Disclosure of Pecuniary Interest**

There were none.

### **Delegations**

- a)** Michael Judd was present to speak to the Committee regarding the Residential Rental Licensing.

Mr. Judd spoke to the Committee regarding the Residential Rental Licensing report.

Councillor Chaves asked if the delegate believes people have a right to live in homes that have working appliances and are not infested with rodents. Mr. Judd stated that he does believe people have that right but added that there are already policies and boards in place to ensure proper standards of living.

- b)** Janet Trost was present to speak to the Committee regarding the Residential rental Licensing.

Ms. Trost spoke to the Committee regarding the Residential Rental Licensing report.

Councillor Glenn asked if the delegate is required to report her income as a landlord and if being a landlord is considered a business. Ms. Trost confirmed that she is required to report her income and agreed that it is considered a business.

Councillor Chaves asked if the delegate believes that everyone has a right to live in a residence that is hospitable with no fire regulation violations, black mould, or infestations. Ms. Trost stated that everyone should live in a safe, clean environment.

- c) Robert Melo, President, Kingston Rental Property Owners Association, was present to speak to the Committee regarding the Residential Licensing.

Mr. Melo spoke to the Committee regarding Residential Rental Licensing report.

Councillor Chaves asked Mr. Melo if he believes the current system for enforcing property standards is broken. Mr. Melo explained that the Kingston Rental Property Owners' Association has a good leader for enforcement that is helping deal with the notoriously bad landlords. He added that the industry and the City need to work together to take a more focused approach and provide education.

- d) Jordan Morelli, Director, Kingston Rental Property Owners Association, was present to speak to the Committee regarding the Residential Rental Licensing report.

Mr. Morelli conducted a PowerPoint presentation regarding Residential Rental Licensing report. A copy of the presentation is available upon request through the City Clerk's Department.

Councillor Hassan asked if the delegate agrees that there are bad property owners and asked why they may exist. Mr. Morelli agreed that there are bad property owners and stated that he does not know why as he does not associate with them.

- e) Lindsey Foster, Kingston Rental Property Owners Association, was present to speak to the Committee regarding the Residential Rental Licensing report.

Ms. Foster spoke to the Committee regarding the Residential Rental Licensing report.

Councillor Hassan asked if the delegate was concerned about the cost of licensing. Ms. Foster stated that based on costing from licensing in other municipalities, the cost could be prohibitive.

Councillor Chaves asked Ms. Foster if being a landlord is more work than most people realize. Ms. Foster agreed that it is more work than most people realize and added that that is why there is a rental association. Councillor Chaves mentioned that interest rates have come down and asked whether Ms. Foster would be making more now than she

would have 10 years ago. Ms. Foster explained that with a lot of properties tenants will stay in them for a long time resulting in rents that are far lower than they need to be.

Councillor Amos asked Ms. Foster if she thought any cost from a licensing program would be transferred to the tenant. Ms. Foster stated that the cost would fall on the landlords because an above guideline increase would not allow enough of an increase to cover additional licensing costs in addition to the market costs.

Moved by Councillor Amos

Seconded by Councillor Hassan

**That Clause** 4.9 of the City of Kingston By-Law Number 2023-204, Committee By-Law, be waived to allow Ian Clark to appear before the Committee to speak to the Residential Rental Licensing report.

**Carried**

- f) Ian Clark was present to speak to the Committee regarding the Residential Rental Licensing.

Mx. Clark spoke to the Committee regarding the Residential Rental Licensing report.

Councillor Glenn asked the delegate to list some of the living conditions that they or is friends have experienced as renters in Kingston. Mx. Clark stated that their worst experience was waiting a year for an oven repair. They listed pests, cockroaches, rats, and broken windows for months at a time as the worst living conditions they had seen. Councillor Glenn asked if the small size of Kingston prohibits tenants from making complaints. Mx. Clark explained that tenants are afraid of losing their unit due to complaints, as it is often the only unit they can afford due to renting at the same place for a long period of time.

Councillor Hassan asked what the delegates' thoughts were on landlords moving tenants out of properties to renovate and renting for double the amount once renovations are complete. Mx. Clark commented that some jurisdictions do have regulations to ensure the unit is made available to the previous tenant for the same rent they were paying. They added that this is typically not feasible as the tenant has already signed a lease elsewhere to live while renovations are ongoing.

Moved by Councillor Amos

Seconded by Councillor Hassan

**That Clause** 4.9 of the City of Kingston By-Law Number 2023-204, Committee By-Law, be waived to allow Oren Nimelman to appear before the Committee to speak to the Residential Rental Licensing report.

**Carried**

- g)** Oren Nimelman was present to speak to the Committee regarding the Residential Rental Licensing report.

Mr. Nimelman spoke to the Committee regarding the Residential Rental Licensing report.

Councillor Hassan asked why the delegate thinks licensing will achieve the goals of the tenant for proper living standards if complaints to City by-law enforcement have historically not achieved successful results. Mr. Nimelman stated that very few tenants file complaints and therefore tracking the properties to ensure compliance without the need for a complaint from the tenant would make it easier to enforce property standards.

Moved by Councillor Glenn

Seconded by Councillor McLaren

**That Clause** 4.9 of the City of Kingston By-Law Number 2023-204, Committee By-Law, be waived to allow Dylan Reid Davies to appear before the Committee to speak to the Residential Rental Licensing report.

**Carried**

- h)** Dylan Reid Davies was present to speak to the Committee regarding the Residential Rental Licensing report.

Mx. Reid-Davies spoke to the Committee regarding the Residential Rental Licensing report.

There were no questions from the Committee.

Moved by Councillor Glenn

Seconded by Councillor McLaren

**That Clause** 4.9 of the City of Kingston By-Law Number 2023-204, Committee By-Law, be waived to allow Kelsey Tucker to appear before the Committee to speak to the Residential Rental Licensing report.

**Carried**

- i) Kelsey Tucker was present to speak to the Committee regarding the Residential Rental Licensing report.

Ms. Tucker spoke to the Committee regarding the Residential Rental Licensing report.

Councillor Glenn asked what barriers exist for tenants with respect to filing property standards complaints. Ms. Tucker explained that some tenants do not have access to the internet to use supports offered on the City website. She added that some tenants do not have the necessary level of literacy skills to navigate political systems to have their needs met. She noted that fear of retaliation is a significant barrier. Councillor Glenn asked what barriers would be present for an individual with an intellectual disability. Ms. Tucker stated that there are executive skills that many people take for granted that are required to file property standard complaints.

Councillor Hassan noted that the delegate mentioned seeing cockroaches, rats, and mold in the house of her client. He asked if it is the landlord's responsibility to clean up these issues. Ms. Tucker confirmed that these issues would fall under the landlord's responsibility.

### **Briefings**

- a) Curtis Smith, Director Licensing & Enforcement, was present to speak to the Committee regarding the Residential Rental Licensing Report.

Mr. Smith provided an overview of the Report.

Councillor Amos referred to the report stating that there are limited tools available to enforce property standards. He asked why only one to four units were chosen. He asked if other municipalities in the province with similar programs had seen a reduction in rental units. Mr. Smith stated that not being able to proactively enter properties to ensure standards are being met is limiting. He added that the last major revision to the Property Standards By-Law occurred in 2015 and suggested that it is due for another revision as housing inventory and technology have changed dramatically since that time. He noted that changes in the Planning Department suggest that four units could become as-of-right on a property. He added that with one to four units in the districts proposed for enforcement would equate to approximately 1600 properties and would allow for enough experience to contemplate expansion. He stated that there was no evidence to suggest a loss of units in other municipalities but that a loss of units could be expected.

Councillor Amos noted the number of buildings with Heritage status in the proposed districts for the program. He asked if Heritage status supersedes other considerations. He asked if the City would be taking unmanageable liability by taking this licensing by-law into effect. Mr. Smith explained that some Heritage Property Standards would have to be adhered to but noted that the program would be mainly looking at the interior of units and whether health and safety standards are being followed. Ms. Morley stated that the City would not be taking unmanageable liability due to the powers under the *Municipal Act* allowing regulation of all manners of business.

Councillor Amos asked what capacity building inspectors have to take on new programs such as the options proposed. He asked whether fire inspectors would have the capability to take on one of the proposed programs. He further asked whether these programs would provide information that the City cannot currently collect. He stated that he could not support Option 3 in the report as it would be far too expensive. He expressed support for Option 1 and consideration for Option 2 based on the information brought forward in the rest of the meeting.

Ms. Capener-Hunt noted that the Building Services Department is at capacity with development that is moving forward. She added that her team would be involved mainly in cases where illegal units are discovered. Mr. Smith stated that he was not aware of their capacity but added that the development of any program would likely involve adding fire inspector staff. He noted that an implementation plan would come to the Committee in Q3 2024. He confirmed that gathering information through a tool such as a rental license registry would allow for faster and more accurate results. Ms. Agnew added that a system like this would enable the City to document units that are otherwise undocumented and therefore provide more information for the long-term growth strategy.

Councillor Glenn noted that Option 1 and Option 2 indicate low-cost fees. She asked for an estimated figure that would be low-cost. She asked if it was safe to assume that landlords who maintain their properties would experience minimal costs through Option 1. Mr. Smith stated that they do not have an estimate at this point, but that low-cost is referring to administrative fees. He added that Hamilton's full licensing program costs approximately \$650 plus the cost of an electrical inspection. He confirmed that landlords who maintained their properties would face minimal costs.

Councillor Glenn pointed to the comments made in the questionnaire and noted that the top three concerns mentioned by residents were property standards issues. She added that there are consistent concerns coming from the community about property

standards, fire safety, and property maintenance. She stated that Option 2 is an opportunity to determine what landlords are not meeting the requirements.

Councillor Hassan asked how many days the City has to respond to property standards complaints. He inquired what the biggest challenge is for enforcement in dealing with complaints quickly. He asked what the cost to the City would be for Option 2 or 3. Mr. Smith explained that response time depends on the nature of the complaint. He noted that some complaints can take 24-48 hours to resolve, while others may take weeks or months.. He further explained that resource issues can impact how quickly complaints are dealt with. He added that tenant cooperation and communication can cause problems as well. He reiterated that he does not have cost estimate for the options at this time. Mr. Compeau added that a lack of education and knowledge on tenant's rights can take up a significant amount of time and lead to staff resource issues..

Councillor Hassan asked if most of the complaints are coming from tenants renting in undocumented properties. He further asked if housing supply would be impacted if the City were to implement Option 2 or 3. He noted his support for Option 1. Mr. Smith noted that complaints are received from all types of properties, including units with all required permits and zoning. He explained that research indicated other municipalities who have implemented similar programs have not reported a decrease in available rental housing. Ms. Agnew added that there is some anecdotal evidence suggesting availability was impacted in other municipalities but noted that staff plan to work with landlords to ensure compliance as quickly as possible. She stated that having tenants leave their unit would be a last resort. She noted that the intention would be a system that is covered by the licensing fees themselves unless an alternative direction was given from Council.

Councillor Chaves asked if the limitations indicated in the report on page seven would be present for all options. He further asked about which tools would be necessary. He inquired about how a program could be created that is not punitive to good landlords. Councillor Chaves asked for clarification on what would occur in the case that a rental unit was determined to be undocumented. Mr. Smith explained that the tools they are proposing will improve on some of the listed limitations. He noted specifically in the case of the rental registry, better data could be used to focus efforts on problematic rental properties and improve efficiency. He stated that a refreshment of the Property Standards By-Law is critical. He added that the tenant complaint property standard process should be improved and that landlord support tools are also in consideration. He suggested that the tiered program in Option 2 would focus staff efforts on problematic properties.. He stated that staff would work with the owner to bring the unit

to compliance. Ms. Agnew added that collaboration between the Building Services Department and the Planning Services Department would occur with the owner to bring the unit into compliance whenever possible. Ms. Capener-Hunt confirmed that the Building Services Department does have a rigorous system for information on all building permits since the City began issuing them.

Councillor Chaves asked if landlords would be required to pay for the certification that their unit meets the standards in Option 2. He asked for confirmation that there would be an update shared with Council once the system has been implemented. Mr. Smith stated that the anticipated way of running Option 2 would be to use City assets. He suggested that operating on a cost recovery basis would be less expensive. He confirmed that the intent of staff would be to collect and provide data to bring back to Council within a year to report on the success of whichever option was chosen.

The Committee recessed from 8:17 to 8:27 p.m.

## **Business**

### **a) Residential Rental Licensing**

There were no further questions from the Committee.

The Chair provided opportunity for attending Councillors to ask questions.

Councillor Tozzo asked for an estimated implementation date for whichever option is chosen. He sought confirmation that Option 1 included only the Kingscourt-Rideau and Sydenham Districts, or if this would be implemented city-wide. He expressed concern for the state of the Landlord and Tenant Board. He stated that as the Councillor for the Kingscourt-Rideau District he is in favour of Option 1 and Option 2. Mr. Smith suggested January 1, 2025 as a potential start date for the program. Mr. Smith confirmed that all three options would be a pilot program focused only on the Kingscourt-Rideau and Sydenham Districts.

Councillor Oosterhof expressed concern for the number of units that are not in compliance and the costs to both tenants and landlords. He asked about the definition of legal non-conforming and how the City would handle instances where the owner of a unit is not the first owner and is now left with significant costs to bring the unit to compliance. Ms. Agnew explained that legal non-conforming is planning terminology that means a unit was legally established but the current zoning on the property does not permit the unit. She added that Planning policy changes over time which can cause

confusion. She stated that the City would use all possible resources to help an owner bring their unit to compliance.

Councillor Cinanni asked if the implementation of one of these options would discourage people from creating additional rental units. He further asked if there would be a grace period before the program came into affect allowing property owners with non-compliant units to receive help in ensuring compliance by the start date of the program. He stated that he may be the only member of Council who rents and based on the feedback from residents in his district he has noted many concerns. He stated support for Option 1 with the opportunity to move to Option 2 if the data suggests that is warranted. Mr. Smith stated that new units would be created meeting standards that are set by the Building Code and Zoning By-Law, so he does not anticipate this being a problem. Ms. Agnew added that there are grant programs available for setting up property owners with resources to ensure units are built to legal standards. She stated that there are programs through the Housing and Social Services Department that are focused on ensuring secondary units meet the criteria.

The Chair provided members of the public with the opportunity to ask questions.

Julian Mollot-Hill, Commissioner of External Affairs at the Alma Mater Society (AMS) at Queen's University, spoke to the student perspective on residential rental licensing. He stated that many of his peers have dealt with illegal behaviour from landlords and property managers, unsafe units upon move-in, and silence when repairs are requested for existing issues. He noted the current housing crisis and the lack of incentive for rental property owners to keep units compliant in the current market. He added that the AMS ran an anonymous survey of students to collect their renting experiences and detailed several stories of students living in units that did not meet property standards. He noted the potential for rental licensing costs to be passed on to renters such as students and suggested that costs must be sustainable. He expressed support for Option 2 and Option 3 as pilot programs.

Laura Knapp, stated that a complaint driven approach does not work for the rental market and does not work for students who are typically in rental units for one year. She expressed support for changes to the current system and noted that maintenance of the housing stock is a collective asset of the community.

Tony Hu, Vice-President Community of the Society of Graduate & Professional Students (SGPS) at Queen's University, stated that students have identified two issues with rental housing in Kingston. He noted the importance of the student perspective on this matter due to the pilot project being proposed for districts with a high proportion of

student housing. He explained that the first issue identified by students is housing availability and the second is housing affordability. He highlighted a power dynamic that exists between tenants and landlords. He stated that Option 1 is not a real option as it preserves the complaint driven system that already exists. He expressed support for a pilot residential rental licensing project.

David Trousdale, Homestead Land Holdings Limited, noted that the report does not necessarily impact Homestead as their properties contain more than four rental units. He stated that fees are an important component of the licensing program and that units that would likely be targeted by this program are the units that are more affordable. He added that it is likely the costs of such a program would be transferred to tenants. He advised the City to continue using strong enforcement to hold property owners accountable using the tools already available.

Paula Nichols asked what measurable results the City is trying to achieve with this program. She asked how the City would know they have achieved their goals. She asked what would occur to a tenant if their unit could not be brought up to code. Further, she asked if there would be cost sharing for the fees associated with the program or if the costs would be borne solely by the landlords.

In response to public comments, Mr. Smith stated that the measurable results are to be determined. He suggested that there will be quantitative measures such as number of complaints and qualitative measures such as the results of another survey. He noted that these measures would be outlined in the implementation plan that would come forward. He added that the Planning Services Department works diligently with property owners to bring all units to compliance. He stated that Council could consider subsidization for a program like this as a rental registry could be considered a public good.

The Chair provided an additional opportunity for members of the public to ask questions.

Sayyida Jaffer strongly encouraged the Committee to not choose Option 1 as the option does not include a commitment to proactively address issues. She stated her personal support for increasing taxes to ensure property issues are being addressed and tenant rights are upheld. She added that housing is a business for landlords, but it is a basic human right. She asked the Committee to support a residential licensing program.

Hugh Mackenzie noted the concern in Kingston for a lack of affordable housing and a lack of housing overall. He asked if there could be reporting on how the implementation of whichever option moves forward impacts the inventory of housing and affordable

housing. He asked what the timeframe for reporting back on this could be. He noted that if the program discourages the development of affordable rental housing then it would be counterproductive to the city's needs.

In response to public comments, Mr. Smith agreed that reporting back on the growth or decline of affordable housing units would be a good measurable.

Councillor Glenn stated that Committee members cannot accept residents living in substandard housing because of the low vacancy rate within the city. She added that the motion was brought forward by herself and Councillor Tozzo due to the living conditions within their districts. She explained that Option 2 would take action that would not occur in Option 1. Further, she noted this was not just a property standards issue but an equity issue and that continuing with a complaint-driven system would maintain barriers. She added that living conditions are a social determinant of health. She urged the other Committee members to consider tenants living in substandard conditions and to vote for Option 2 for piloting in the districts with the most need.

Councillor Chaves stated that Option 1 would not maintain the status quo and would provide the City with enough tools to ensure proper housing conditions for tenants without burdening good landlords. He noted that reporting back would determine whether further action is needed. He added that he would not be supporting Option 2.

Moved by Councillor Chaves  
Seconded by Councillor Amos

**That** the Administrative Policies Committee consider the following options in relation to the Residential Rental Licensing program and recommended to Council that staff be directed to proceed with implementation of one of the following:

**Option 2:**

**That** staff be directed to undertake revisions of the City's already-existing By-Laws and processes to promote the health and safety of tenants; and

**That** staff be directed to create a Residential Rental Registry system for properties with 1-4 residential rental units; and

**That** staff provide a report to Council in Q3 2024 with the details of this plan, including required resources and associated timelines; and

**That** landlords be required to complete a property standards safety self-certification checklist, and an emergency information package.

**Carried, as Amended**

Moved by Councillor Glenn  
Seconded by Councillor McLaren

**That** Option 1 of the Residential Rental Licensing Report be amended to include the following clause:

**That** landlords be required to complete a property standards safety self-certification checklist, and an emergency information package.

**Carried**

Moved by Councillor Glenn  
Seconded by Councillor McLaren

**That** the Administrative Policies Committee consider the following options in relation to the Residential Rental Licensing program and recommended to Council that staff be directed to proceed with implementation of one of the following:

**Option 1**

**That** staff be directed to create a Pilot Phased Licensing System with a Residential Rental Registry to be implemented in the Sydenham and Kingscourt-Rideau districts, including a triaged Licensing/Inspection program, for properties with 1-4 residential rental units; and

**That** staff be directed to undertake revisions of the City's already-existing By-Laws and processes to promote the health and safety of tenants; and

**That** staff provide a report to Council in Q3 2024 with the details of this plan, including required resources and associated timelines.

**Lost**

**Motions**

There were none.

**Notices of Motion**

There were none.

**Other Business**

There was none.

**Correspondence**

There was none.

**Date and time of Next Meeting**

The next meeting of the Administrative Policies Committee is scheduled for Thursday, February 8, 2024 at 6:00 p.m.

**Adjournment**

Moved by Councillor Hassan  
Seconded by Councillor Amos

**That** the meeting of the Administrative Policies Committee adjourn at 9:41 p.m.

**Carried**