

Student Accommodation Strategy



March 31, 2010

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1. Draft By-law outlining recommended changes to the following municipal by-laws:
 - Licensing By-law 120-2005
 - Hearing Officer By-law 26-2008
 - General Fees and Charges By-law 13-2003

1.0 PURPOSE AND THEMES

The overall purpose of this Student Accommodation Strategy is to identify, plan for and facilitate a sufficient mix of quality student accommodations that integrates with the community and advances sound planning and City building principles.

The Strategy has five themes:

- Understanding and quantifying the demand for student accommodations.
- Ensuring there are sufficient opportunities to physically accommodate the demand in the right locations.
- Facilitating the actual supply and creation of student accommodations in the right locations.
- Advancing compliance with City by-laws that regulate such matters as safety, health and welfare, property standards, zoning and land use compatibility.
- Establishing Oshawa, its post secondary institutions and student association as leaders in the monitoring, planning and provision of appropriate student accommodations, land use compatibility and best practices.

Post secondary education is an important part of Oshawa's future. Both the City's Community Strategic Plan and the Community Adjustment Strategy recognize post secondary education as critical in diversifying and growing the City's economy into one which is more knowledge based and capable of capitalizing on future trends and opportunities.

Integral to the growth of post secondary education in Oshawa is the provision of an adequate supply of accommodations for students, both off-campus and on-campus, in appropriate locations and land use compatibility amongst the institutions, the student body and the community generally.

This Student Accommodation Strategy is intended to put in place a go forward strategy that is practical and achievable and which will appropriately accommodate and integrate student housing within the community.

The area around UOIT and Durham College's main north campus includes land along the Simcoe Street North corridor that is largely underdeveloped or vacant. This area can accommodate most, if not all, of the student housing needs of the north campus for many years. This Strategy focuses on accommodating students in this corridor. This approach:

- Is consistent with Provincial, Regional and City planning policy;
- Is consistent with widely held planning principles;
- Is supportive of transit;
- Will relieve pressure on the R1 Residentially zoned areas near the main campus;
- Will reduce land use conflicts;
- Will provide a mix and choice of housing for students, including a broader range of housing types and the opportunity for more affordable housing;
- Allows students to live close to UOIT and Durham College, in most cases within walking distance; and
- Has the potential to create a type of "Main Street North": a modern, walkable corridor of mixed uses (housing, retail, food and beverage, office, services, etc.).

The corridor on the east side of Thornton Road and the south side of King Street, around Trent's new Thornton Road campus, also includes vacant or underdeveloped land that can easily

accommodate the modest off-campus housing needs of Trent's students. Again, a corridor focused strategy represents good planning and is consistent with Provincial, Regional and City planning policies.

UOIT made a very recent decision to establish a major downtown stand alone campus with $\pm 5,500$ students by 2014/2015. Although it was possible to adjust this Strategy and its projections for the north campus to recognize the move downtown, it was not possible within the timelines to create a student accommodation strategy for the new downtown campus. This strategy will be prepared separately and presented at a later date.

In respect to student accommodations in the central core, there are existing and future opportunities for rental housing in and around the downtown. This area is zoned to permit a range of housing options and there are financial incentives in place in the Central Business District (such as development charge exemptions) and in the Shoulder Area which help facilitate the development of more affordable housing.

Some exciting opportunities could be the revitalization of second and third floor flats above the retail, office and other uses that line the City's major downtown streets, Medican/Fittings site, etc.

2.0 CONSULTATION

In preparing this Strategy, the following were consulted directly:

- UOIT
- Durham College
- Trent University
- Student Association representatives
- Ontario Human Rights Commission
- Landlords
- Neighbourhood Association representatives
- Development community including Windfields/Tribute, Dundurn, London Properties and Durham Home Builders Association
- All community members of the Student Housing Task Force
- John Gladki, a consulting planner with GHK Consultants, retained by the Development Services Department

Other municipalities were consulted in order to review Official Plan policy, zoning provisions and community improvement incentives around other universities and colleges.

3.0 FRAMEWORK

3.1. General

This Strategy was prepared within the extensive framework for land use planning in Ontario, relies on several studies previously undertaken in respect to student accommodations in Oshawa, has regard for a relevant decision by Justice Howden and reflects the appropriate principles of Human Rights in Ontario.

3.2. Planning Framework in Ontario

Within Ontario, land use planning and related studies are undertaken within an extensive framework and hierarchy of policy and planning instruments. The land use recommendations within this study have taken into account this framework which includes:

- Planning Act
- Provincial Policy Statement
- Provincial Growth Plan
- Durham Regional Official Plan
- Oshawa Official Plan, including relevant Part II Plans and the Samac Secondary Plan

3.3. Relevant Previous Studies

3.3.1 2004 Simcoe Street North Corridor Study

In July 2004 the City initiated a study to provide a land use and urban design planning framework to guide development and urban design decisions in the Simcoe Street North corridor from the Oshawa Creek to Conlin Road. It was an initial response to the need to consider more density in the corridor and, to a large extent, paved the way for Dundurn's student housing project.

A consultant team led by John Gladki was retained and an extensive public consultation process occurred throughout the study. The study included recommended changes to the City's Official Plan and Zoning By-law. It also includes a student accommodation report that overviewed other municipal experiences and observations.

On July 17, 2006 City Council approved amendments to the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law No. 60-94 for most of the lands addressed in the Simcoe Street North Corridor Land Use, Urban Design and Transportation Study. The amendments advanced mixed use development along most of the corridor and included a restriction on the number of bedrooms in dwelling units in the study area to a maximum of four.

Official Plan and Zoning By-law changes to permit mixed use and medium density residential developments at 2015 to 2043 Simcoe Street North (east side of Simcoe Street North, north of Taylorwood Road) were not dealt with at that time and on October 27, 2008 City Council passed a resolution which tabled the proposed amendments for the lands at 2015 to 2043 Simcoe Street North until such time as the Student Housing Task Force report and the UOIT and Durham College Master Plan were finalized.

UOIT and Durham College initiated a process in 2008 to prepare a UOIT and Durham College Master Plan but it was never completed. UOIT and Durham College staff advise that no timeline has been established to complete the Master Plan exercise.

3.3.2 2007 North Oshawa Residential Land Use Study

On May 22, 2007 Oshawa City Council approved undertaking the North Oshawa Residential Land Use Study (NORLUS) to review land use policies, including the Official Plan, Part II/Secondary Plans and zoning by-law for certain lands in North Oshawa. A related Interim Control By-law was also passed by Council to restrict certain development during the study process.

An extensive public consultation process occurred throughout the study.

The Study Area is shown in Figure 1.

The purpose of the NORLUS was to:

- Review the land use policies, including the Official Plan, Part II Plan, Samac Secondary Plan and zoning by-law, related to such matters as: appropriate levels of residential use in the study area; and to recommend, as necessary, any changes to these Plans and/or zoning by-law; and
- Review the appropriate opportunities for further residential intensification and to recommend, as necessary, any changes to the Official Plan, Part II Plan, Samac Secondary Plan and/or zoning by-law.

The NORLUS recommended that the City initiate the public process for Council to consider various amendments to the Samac Secondary Plan and the zoning by-law to limit the number of bedrooms in a dwelling unit to 4 in the City, to allow a maximum of 6 bedrooms on a temporary basis on certain streets (e.g. Dalhousie Crescent, Concordia Court and McGill Court) and to permit Medium Density I and Medium Density II residential uses in certain areas.

The Study also recommended that the City investigate the possible acquisition of the former school site to the east of Niagara Park for park purposes.

On October 15, 2008 City Council referred the NORLUS to the Student Housing Task Force for review and comment.

On March 4, 2009 the SHTF supported advancing the proposal to restrict the number of bedrooms in any dwelling unit on a City-wide basis to a Planning Act public meeting.

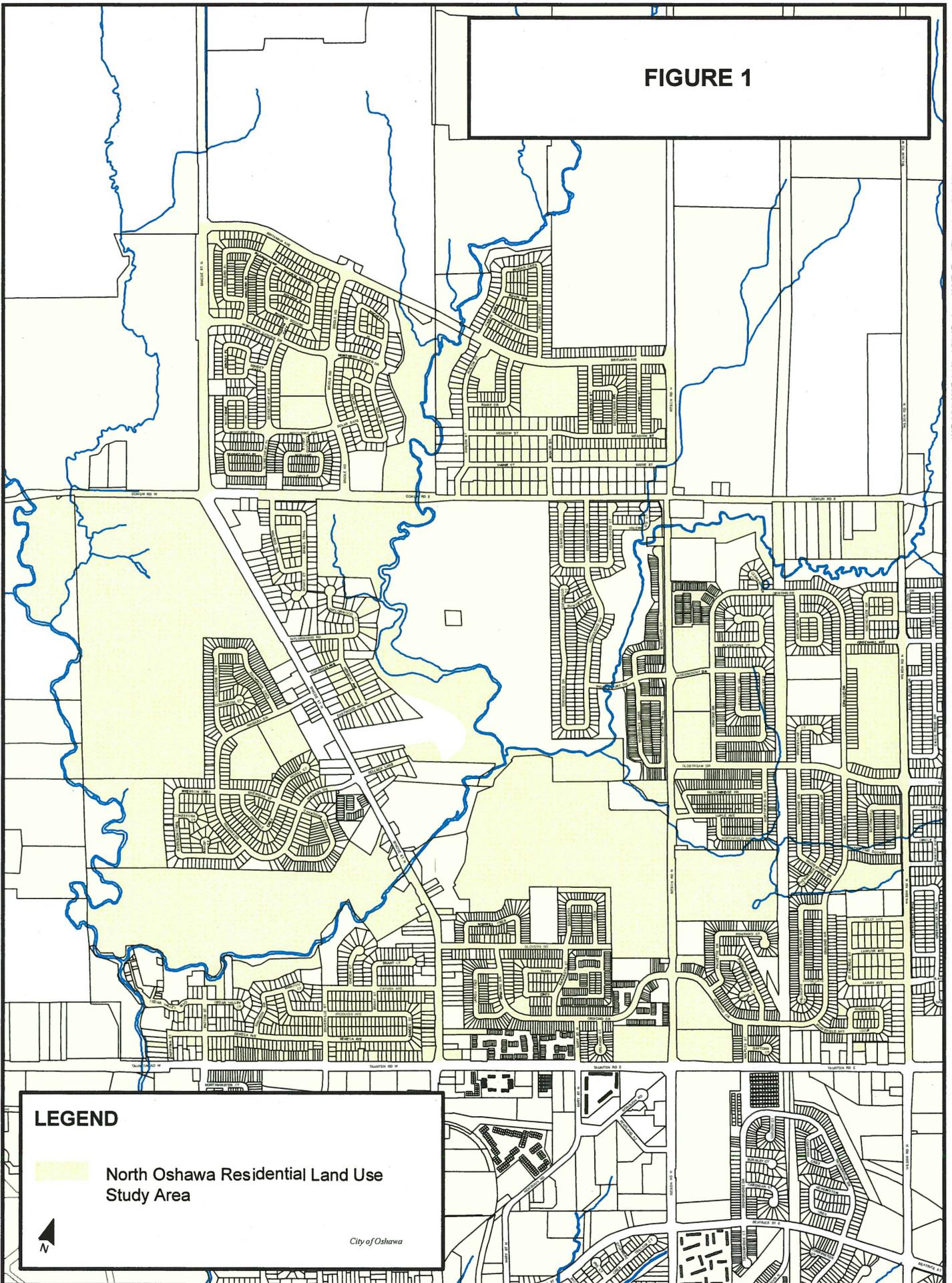
On March 9, 2009 City Council authorized the Development Services Department to initiate the public process under the Planning Act for City Council to consider the following proposed amendments to Zoning By-law No. 60-94:

- Restricting the number of bedrooms permitted in any dwelling unit to 4 in the entire City. Existing zoning exceptions to this requirement in the Simcoe Street North Corridor Study Area (e.g. Dundurn's apartment building and the townhouses at Units 12 and 22 at 19 Niagara Drive) were to continue to be recognized; and
- Passing a temporary use by-law for the Dalhousie Crescent and Concordia Court area and the McGill Court area to allow single detached dwelling units with up to 6 bedrooms until 2011 and 2010 respectively.

On May 4, 2009 a public meeting was held to provide background information on these proposed zoning amendments.

On May 19, 2009 City Council chose not to approve proposed amendments to Zoning By-law No. 60-94 concerning the maximum number of bedrooms in a dwelling unit and a related temporary use by-law for 6 bedroom units on certain streets.

FIGURE 1



LEGEND

 North Oshawa Residential Land Use Study Area



City of Oshawa

3.3.3 2008 Scion Report

The Scion Group LLC was retained by UOIT and Durham College to prepare an on-campus Student Housing Master Plan.

Although the comprehensive Student Housing Master Plan was never completed, the data gathering phase of Scion's work is available and offers important observations. This information is included in a Scion Report dated July 2008.

Scion conducted an on-line survey of both Durham College and UOIT students. The survey had 428 respondents.

Key findings from the Scion report are:

- (a) The following factors (from a list of 25) are the most important for students when deciding to live off-campus: cost, have own bedroom, access to amenities (i.e. laundry, food), ability to cook meals and privacy.
- (b) On-campus student housing at UOIT and Durham College totals 1513 beds or approximately 11% of the full time equivalent students. This percentage is consistent with the University of Toronto (12%) and Fleming College (13%) but lower than both McMaster (16%) and Waterloo (20%).
- (c) The development of additional student housing with the design, amenities, location and pricing students find attractive is the most effective way to encourage students renting single detached homes around the campus to migrate elsewhere.
- (d) Recommendations to UOIT and Durham College to add a new residence hall (suite with kitchen) accommodations, to partner with third parties to deliver campus affiliated apartment beds and for UOIT and Durham College, the City and prospective student housing developers to work together to implement incentives for new student housing development.

3.3.4 2009 ALTUS Study

In March 2009 ALTUS prepared a student housing study for the private development consortium Neighbourhoods of Windfields LP "...to assess the existing and expected future demand for off-campus housing in North Oshawa from students attending UOIT, Durham College and Trent University at Oshawa and the extent to which new student housing being proposed by Neighbourhoods of Windfields LP, and other student housing projects in the pipeline can help address this demand thereby facilitating the phasing out of illegal lodging houses in North Oshawa."

The ALTUS Study was not vetted by UOIT and Durham College in terms of its critical assumptions about student growth projections and other assumptions that involve UOIT (e.g. possible move to downtown, etc.).

The results of the ALTUS study are set out in Section 5.3.3.

3.4 2008 Residential Rental Licensing By-law

In February 2008 the City adopted a Residential Rental Licensing By-law for the rental area generally shown on Figure 2 around the UOIT and Durham College campus.

Public consultation on the by-law was quite broad with all stakeholder groups and many individuals having input into its final form and function.

The development of the Licensing By-law and the associated Administrative Penalty By-law and Hearings Officer By-law was driven by several main factors:

- The uncontrolled growth of rental housing in the vicinity of Durham College and UOIT;
- The fact that many homes were being converted haphazardly with little or no concern for quality or safety;
- Licensing is a better tool to coordinate enforcement of various City by-laws and provincial health and safety legislation;
- The City's Zoning By-law does not address the rental of bedrooms;
- Landlords and investors did not need to meet any performance criteria in order to rent their property; and
- The need to place the onus on the landlords and investors to manage their properties wisely and in conformity with City standards.

The approved by-law(s) implemented the newer authorities afforded to municipalities under the Municipal Act, and specifically with the passage of Bill 130. The Province now recognized municipalities as a responsible level of government which should be empowered to pass by-laws for the betterment of their respective communities and good government, and this included the ability to licence and regulate Residential Rental Housing.

The Residential Rental Licensing By-law was developed as an "umbrella by-law" for other applicable law, and includes specific regulations related to:

- The maximum number of rental bedrooms permitted; and
- The amount of floor space permitted to be used for bedroom space on the main floor of a dwelling and in the basement area.

All other applicable standards already existed in the:

- Zoning By-law
- Property Standards By-law
- Lot Maintenance By-law
- Boulevard By-law
- Noise By-law
- Nuisance By-law
- Building Code
- Fire Code
- Electrical Code

The maximum bedroom cap of four was based on two primary criteria:

- The majority of homes in the UOIT and Durham College area were built as Single Detached Dwellings with three (3) or four (4) bedrooms thus establishing a "built form" to measure and control the level of intensity of rental residential uses.

- The use or creation of bedrooms exceeding four could support a claim that the homes may have been converted to Lodging House type uses, contrary to the Zoning By-law.

In February 2008 there was a general understanding that the Residential Rental Licensing By-law would enable landlords/investors to:

- Rent residential dwellings in the UOIT and Durham College area;
- Rent a maximum of four (4) rental bedrooms generally throughout the Rental Area; and
- Rent a maximum of six (6) rental bedrooms for time limited periods on McGill Court, Dalhousie Crescent and Concordia Court.

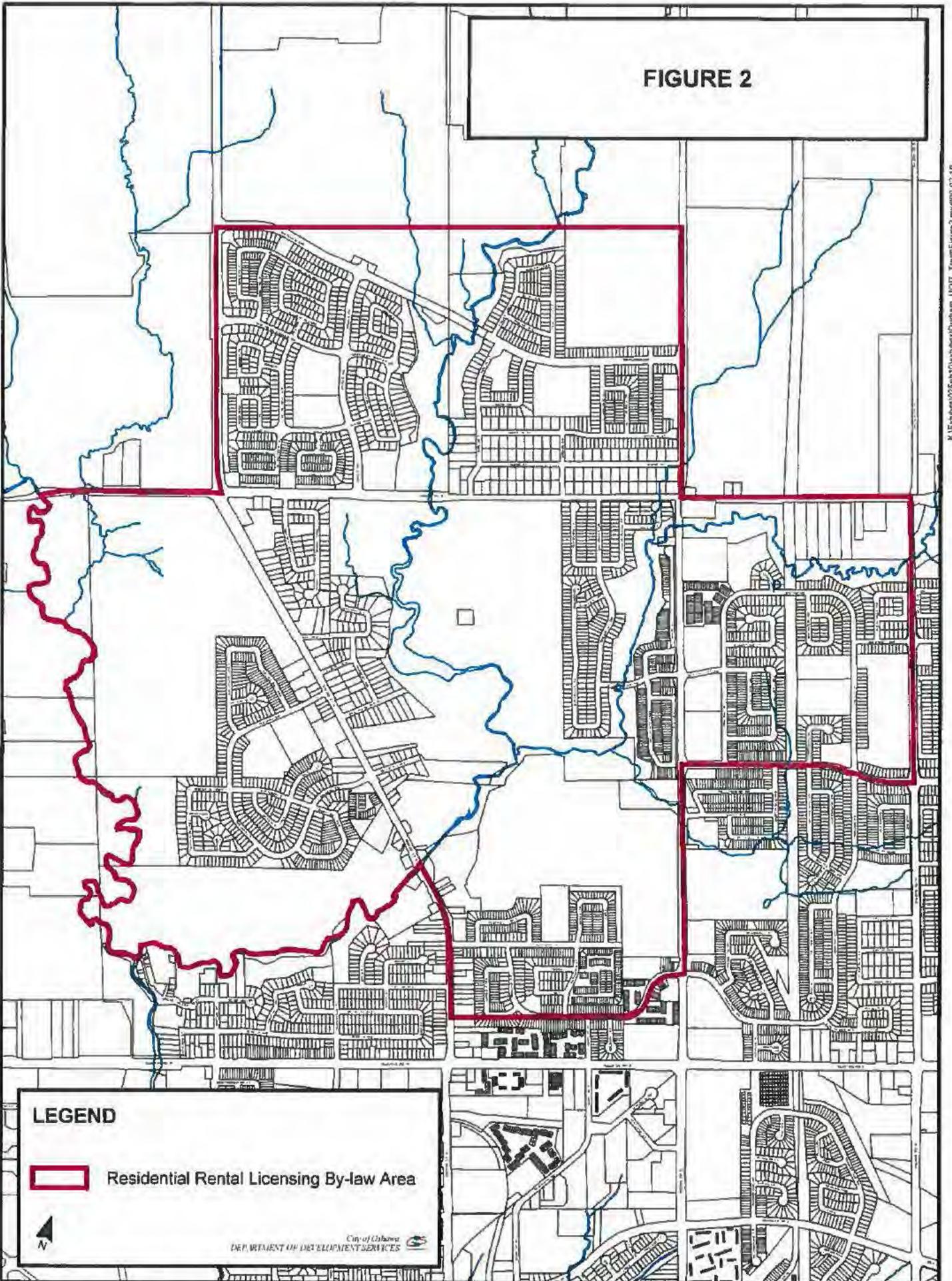
The By-law also put into place a series of conditions for owners to satisfy as part of operating a Residential Rental Housing business. They are:

- A Residential Rental Housing Licence must be obtained to operate the business;
- The landlords/investors had to satisfy various standards, including zoning, to obtain a licence;
- The landlords/investors had to ensure that they continued to comply with the licensing standards throughout the term of the licence; and
- An understanding that if the terms and conditions of the licence are not satisfied throughout the term of the licence, progressive action can be taken to fine, suspend, or even revoke a licence.

Since 2008 there have been a series of legal arguments and proceedings regarding the Zoning By-law, not the Residential Rental Housing Licensing By-law. Throughout this time period considerable time has been spent with all stakeholder groups explaining the by-laws and in introducing workable application and inspection criteria. The City's Municipal Law Enforcement and Licensing Services Branch has created an effective means of processing and inspecting applications through internal reorganization of staff and an open and unfettered clarification about what constitutes a Single Housekeeping Establishment.

Clearly there are a variety of views on what is and is not a Single Housekeeping Establishment but it is the position of the City of Oshawa that licences can be issued for up to four bedrooms as long as the dwelling is designed as and is functioning as a Single Housekeeping Establishment.

FIGURE 2



3.5 Ontario Human Rights

In preparing this Strategy, the City consulted the Ontario Human Rights Commission as directed by Council. The Commission has expressed an interest in student accommodations generally and in Oshawa for several years.

The Ontario Human Rights Commission communicated the following principles which it considers to be relevant to the recommendations in this Strategy and which Oshawa staff consider to be consistent with the recommendations in this Strategy:

- Students could be considered part of a *Code*-protected group if they are treated differently from others based on age. Differential treatment could be based directly on stereotypes or it could include neutral rules, policies or regulations that have an adverse effect on people based on age;
- People should be able to live in the community of their choice without discrimination;
- People do not have the right to choose their neighbours;
- Eliminating housing that benefits students results in negative effects for others protected by the *Human Rights Code* as well, including people in receipt of social assistance, people with disabilities, racialized people, single people, immigrants, and potentially families. The effects include decreased affordability, decreased choice, decreased access to housing, and decreased ability to fully participate in the life of Oshawa;
- Landlords, housing providers, neighbourhood associations, municipalities and appeal bodies like the Ontario Municipal Board all have an obligation to ensure that people are not exposed to discrimination in housing;
- Although it is positive to build dedicated housing for students, doing so should not form a rationale for eliminating other types of housing that students may occupy, or restricting other types of housing for students from certain areas of a city;
- Landlords should not have to ask questions that may violate the *Code* (e.g. questions that may elicit the ages of people living there, whether or not they are part of a family) before renting to individuals;
- The number of bedrooms allowed in a rental property should be based on legitimate rationale, such as occupancy and health and safety standards, rather than on an arbitrary cap. This includes basements;
- Zoning by-laws should not be used to regulate behaviour. Existing enforcement by-laws, such as noise and property standards by-laws, could be used to address any behaviour issues; and
- Oshawa has an opportunity to promote respect within the community by clearly denouncing discrimination and promoting community engagement between landlords, residents, and students.

When the municipality engages in land use planning exercises that will affect code-protected groups, the Code should be considered.

This Strategy does not recommend the following approaches recommended by the Ontario Human Rights Commission staff:

- Affordable and supportive housing (including lodging houses) should be allowed to be built in all neighbourhoods throughout the municipality. The Federation of Canadian Municipalities (FCM) supports this principle, indicating that as-of-right zoning should be established to implement strategies for housing affordability throughout the municipality. FCM's Anti-NIMBY guide provides more details; and
- Implement any licensing by-law city-wide to ensure the good management of all rental properties, instead of solely focusing on students and the area surrounding the universities.

4.0 THE CAMPUSES

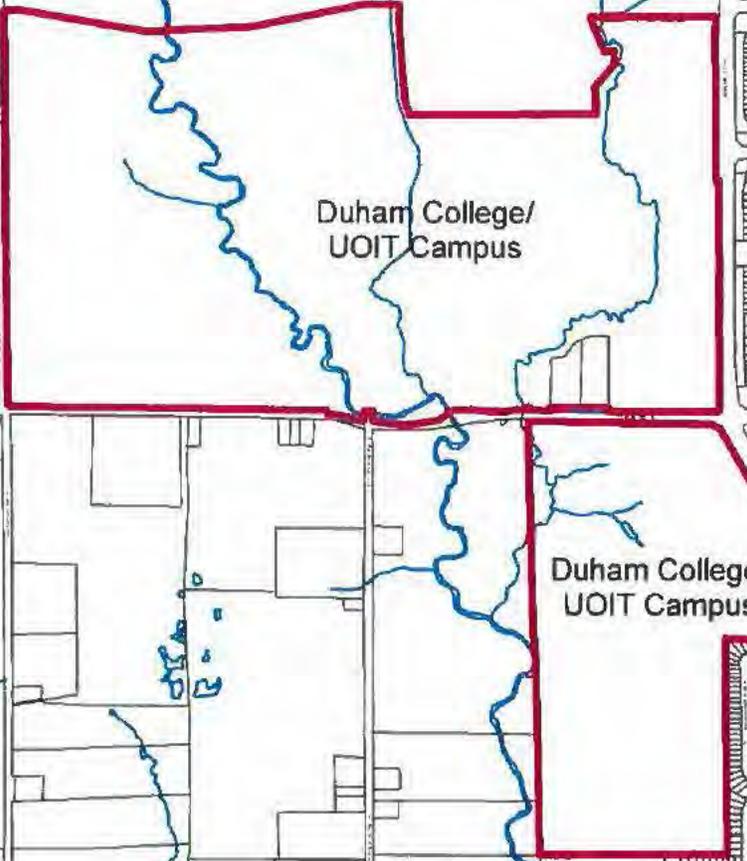
The main campus for Durham College, the University of Ontario Institute of Technology (UOIT) and Trent University is located at the southwest and northwest corners of Simcoe Street North and Conlin Road West in north Oshawa (see Figure 3).

The UOIT Faculty of Education is located in Downtown Oshawa at 11 Simcoe Street North. UOIT also owns the Regent Theatre which will be used for lectures and theatre uses. In September 2010 UOIT's Faculty of Social Science and Humanities will move downtown into a new 5 storey building at 55 Bond Street East, the former Alger Press building at 61 Charles Street and labs in the former Genosha Hotel (see Figure 4). UOIT also intends to bring an additional programs, staff and students downtown for September 2011-2012.

UOIT has advised that the very recently announced downtown campus will not be a satellite campus but, rather, will be a full service, stand alone campus. In this regard, UOIT expects that there will be little need for students at the downtown campus to attend the north campus for academic purposes. The recent decision by UOIT to establish a stand alone downtown campus and the related transfer of students and faculties to the central core, will have a profound impact on student housing patterns and could relieve pressure in the City's north end.

Trent University will open its own new campus in September 2010 at 55 Thornton Road South (north of the Civic Complex) (see Figure 5).

FIGURE 3



LEGEND

 Durham College/UOIT



FIGURE 5

KING ST W

FROBISHER CT

VANCOUVER CT

VALDEZ CT

HARLOW AVE

HAR

W AVE

ANNY CT

THORNTON RD S

CAVAN CT

MARKLOW AVE

WAVERLY ST S

VANCOUVER ST

LEGEND

Trent University Oshawa Campus



5.0 **UNDERSTANDING AND QUANTIFYING THE FUTURE DEMAND FOR STUDENT HOUSING**

5.1 **General**

As a first step in planning and providing for an appropriate supply of student housing opportunities, it is critical to understand and quantify the demand.

Demand is established using enrolment projections and an estimate of that portion of the total enrolment that will require local accommodation.

5.2 **Future Enrolment Projections**

5.2.1 **Durham College Enrolment Projections**

Durham College estimates its enrolment projections for the main campus as follows:

Year	No. of Students
2010	6,399
2011	6,911
2012	7,464
2013	8,061
2014	8,706
2015	9,402

5.2.2 **UOIT Enrolment Projections**

UOIT estimates its enrolment projections for the main campus and downtown campus as follows:

Year	No. of Students		
	Main Campus	Downtown Campus	Total
2009-2010	5,101	1,400	6,501
2010-2011	6,133	1,700	7,833
2011-2012	4,976	4,000	8,976
2012-2013	5,575	4,600	10,175
2013-2014	6,079	5,100	11,179
2014-2015	6,612	5,500	12,112

The above-noted projections by UOIT show the profound impact of its recent decision to create a major stand alone campus downtown with a related transfer of students from the north campus to the downtown.

5.2.3 Trent University Enrolment Projections

Trent University estimates its enrolment projections on its Thornton Road campus as follows:

Year	No. of Students
2010	±700
2012	1,300
2015	2,000

5.3 Demand for Student Accommodations

5.3.1 General

To quantify the need for student accommodations, it is necessary to “convert” the projected enrolments into demand. This is not an exact science but can be done using a variety of information.

It is important to note that UOIT and Durham College do not keep records of where students live locally. This is a shortcoming that should be addressed and is dealt with in a later recommendation.

5.3.2 Field Observations

Clearly, at this time the exact number of off campus rental properties located in the “Rental Area” in which licenses are required cannot be definitively stated but it is assumed that there are approximately 300 Rental Houses.

For the 2009-2010 licensing period, the following is noted:

Applications under review:	53 (Still being processed, could be approved or denied)
Applications abandoned:	19 (Applicants did not complete their application)
Conditional Licences:	11 (Corrective action was required to bring the use into compliance but a licence could still be issued)
Licences Issued:	44 (Satisfied requirements)
Licences Denied:	71 (Did not satisfy requirements)
Applications Withdrawn:	3 (Applicants decided not to proceed)
TOTAL:	201

Properties for which applications that have been abandoned, denied with no resubmission which indicates compliance withdrawn, have been referred to Municipal Law Enforcement for investigation, enforcement and prosecution, if the properties remain in non-compliance.

It should be said that for applications that have denied, the majority of the denials have been based on application materials that would lead to an interpretation that the dwelling was not being used as a Single Housekeeping Establishment. Some owners of these properties are now submitting new applications. Each application will be reviewed on a case by case basis before a licence is issued or denied.

5.3.3 2009 ALTUS Projections

In 2009, the previously discussed ALTUS Study estimated a demand for approximately ±1312-3702 beds within walking distance of the north campus in 2011-2012 depending on such variables as actual enrolment growth, possible new UOIT downtown campus, Dundurn opening for September 2010, etc. This projection is dated and does not have the benefit of the most recent information available.

However, if you use the assumptions and percentages in the ALTUS Report in respect to percentage of the enrolment that will live off-campus generally and that will live off-campus within walking distance and apply these to the most recent enrolment projections, a requirement for 5,606-7,306 off-campus beds is projected in 2014-2015 with 3,370-5,055 beds within walking distance.

5.3.4 2010 Scion Projections

In early 2010 UOIT and Durham College engaged Scion (the consulting firm that undertook a previous on-campus housing study) to estimate student demand for off-campus rental housing near the main campus using the most recent enrolment projections. Based on its previous work and extensive experience, Scion estimates that 22% of the full time enrolment will require off-campus housing in 2014-2015. This translates into the following demand calculation:

Year	Off-campus Rental Housing Demand near Main Campus (e.g. beds)
2010-2011	2,885
2011-2012	2,627
2012-2013	2,882
2013-2014	3,113
2014-2015	3,361

As part of its analysis, Scion took into account the following:

- 1,576 existing beds on the UOIT and Durham College campus (1,360 beds in residences operated by UOIT and Durham College and a total of 216 bedrooms in two 27 unit apartment buildings operated by London Properties).
- That UOIT and Durham College will build additional on-campus housing in the future to satisfy their guarantee to provide on-campus housing for each first year student that requests it. It is expected that the private sector will respond to the housing demand for second year and beyond students.

For the purposes of this Strategy, the March 2010 demand projections by Scion for the area around the north campus are considered appropriate.

5.3.5 Trent University on Thornton Road South

Trent has very detailed information on where students using the Oshawa campus live. Trent advises that a large percentage of its students currently live and will continue to live locally with family and will not require rental housing in the vicinity of its Thornton Road campus.

Using this information, Trent estimates that the demand for student accommodations near the Thornton Road campus will be:

Year	Off-campus Housing (e.g. beds) Rental Demand
2012	260
2015	400

Trent has no plans to build any on-campus housing on its Thornton Road campus.

5.3.6 UOIT Downtown Campus

As stated, a separate demand calculation and strategy will be prepared for student housing around UOIT's downtown campus. The decision by UOIT to locate a major stand alone campus downtown came too late to be accommodated in this Strategy.

6.0 ENSURING THERE ARE SUFFICIENT OPPORTUNITIES TO PHYSICALLY ACCOMMODATE THE DEMAND IN THE RIGHT LOCATIONS

6.1 General

In the previous section, it was determined that 2,885 to 3,361 off-campus beds are required around the north campus between 2010/2011 and 2014/2015.

About 400 off-campus beds will be required around Trent's Thornton Road campus in 2015/2016.

This section of the Strategy identifies ways to ensure that the demand can be physically accommodated in the right locations.

The Oshawa Official Plan currently does not contain any policies specifically directed towards student housing. However, creating opportunities for student housing is a significant policy issue that should be addressed in the Oshawa Official Plan.

Recommendation No. 1:

That the Development Services Department be authorized to initiate the public process under the Planning Act for City Council to consider a proposed policy amendment to the Oshawa Official Plan which would:

- Encourage a range of housing accommodation for students;
- Encourage an appropriate supply of off-campus student housing in appropriate locations;
- Encourage student accommodations predominantly in arterial road corridors, in the Downtown and a purpose-built north student village area;
- Encourage a balanced use of low density housing forms (e.g. singles and semis) for student housing in near campus neighbourhoods;
- Support financial incentives for multi-unit housing in the corridors near UOIT and Durham College and Trent; and
- Encourage the post secondary institutions to develop a student housing policy for the development of future on-campus housing.

6.2 CMHC Rental Vacancy Rates

Canada Mortgage and Housing Corporation (CMHC) divides the City of Oshawa into two zones for the purposes of collecting and reporting rental housing data. Zone 1 is generally north of Rossland Road and Zone 2 is generally south of Rossland Road.

In October 2009 the overall vacancy rate for townhouses and apartments in the City was 4.8%. The vacancy rate for townhouses and apartments in Zone 1 was 2.5% and for Zone 2 was 6.4%.

For the purposes of this Strategy, it is assumed that the vast majority of students attending the main campus will reside in Zone 1. It is also assumed that the existing supply in Zone 1, based upon the October 2009 CHMC data, does not have the ability to absorb much of the expected new demand for off-campus student housing.

6.3 Existing Housing Opportunities Near North Campus

At this time, the near north campus area provides an existing supply of housing for students largely in the form of single detached dwellings, semi-detached dwellings and townhouses.

It has been demonstrated that students and others can live in a variety of rental units, including single detached dwellings, in compliance with the City's by-laws.

As of March 16, 2010 the City had issued 44 residential rental licenses (178 beds) for single housekeeping units in single detached dwellings that comply with Zoning By-law No. 60-94.

In respect to the use of single detached dwellings by students who form a single housekeeping establishment:

1. There are many that believe that when a minimum of 3 students rent single detached dwelling it is automatically considered a lodging house. This interpretation is simply incorrect.
2. Students can and have been proven to be able to live as single housekeeping establishments in accordance with Zoning By-law No. 60-94 and the City's Residential Rental Licensing By-law. Residential rental licenses have been and must continue to be issued on this basis.

It is anticipated that additional licences will be issued for single housekeeping establishments in dwellings in the near north campus neighbourhoods.

6.4 Current Student Housing Patterns

Although no good data from UOIT or Durham College exists, anecdotal and other evidence suggests that the housing patterns of the current students around the north campus areas are:

- A large number live in R1 Zoned areas.
- Some live in the Taunton Road corridor, east and west of Simcoe Street North.
- Some live in the Mary Street/Nonquon Road area.

6.5 Focus on Simcoe Street North Corridor

6.5.1 General

The Simcoe Street North corridor in proximity to UOIT and Durham College has the capability to accommodate all of the demand for student housing and this Strategy focuses on trying to make this happen.

The Simcoe Street North corridor can physically accommodate the necessary housing, reduce land use conflict, provide convenience and choice to students and its intensification is in accordance with good planning principles.

6.5.2. Supply in Purpose Built Student Housing Development Proposals

The following off campus purpose built student housing projects are anticipated to be available for either the 2010-2011 and/or 2011-2012 academic years near the north campus on the Simcoe Street North corridor:

Dundurn proposal at 1670 Simcoe Street North	566 beds
Simcoe-Eastwood Avenue Inc. proposal at 1805 Simcoe Street North	190 beds
Total	756 beds

In 2009 Country Gate Homes submitted applications to amend the Samac Secondary Plan and Zoning By-law No. 60-94 to permit the development of 95 apartments with 445 bedrooms on a

vacant site located on Niagara Drive, east of Niagara Park. On October 5, 2009 a public meeting was held under the Planning Act on the Country Gate Homes applications. The applications were referred back to staff for further review and a recommendation. Staff are currently waiting for additional information from the applicant.

On September 22, 2009 City Council requested that staff investigate the possible City acquisition of the site owned by Country Gate Homes for park purposes and report back to the Development Services Committee.

There have also been a number of enquiries from other developers interested in building additional purpose built student housing in the Simcoe Street North corridor.

6.5.3 Potential Supply on Pre-zoned Land in Simcoe Street North Corridor Between Taunton Road and Conlin Road

A detailed assessment of properties indicates that approximately 3,690 beds can potentially be developed in the Simcoe Street North corridor between Taunton Road and Conlin Road based on the existing zoning that permits apartments, flats and townhouses. This estimate is based on the middle of the density range permitted by the existing zoning. This includes the Dundurn and Simcoe-Eastwood Avenue Inc. projects mentioned above.

This is a sufficient supply to theoretically satisfy the demand for off-campus housing near the north campus beyond 2014-2015.

6.5.4 Additional Supply on the West Side of Simcoe Street North Between the Two Legs of Niagara Drive

The area on the west side of Simcoe Street North between the two legs of Niagara Drive has the potential to carry additional density and supply. This is the area in which Dundurn is building its 6 storey purpose built student housing project. It also includes an underutilized UOIT and Durham College parking lot that should be required to contribute to the student housing solution.

Recommendation No. 2:

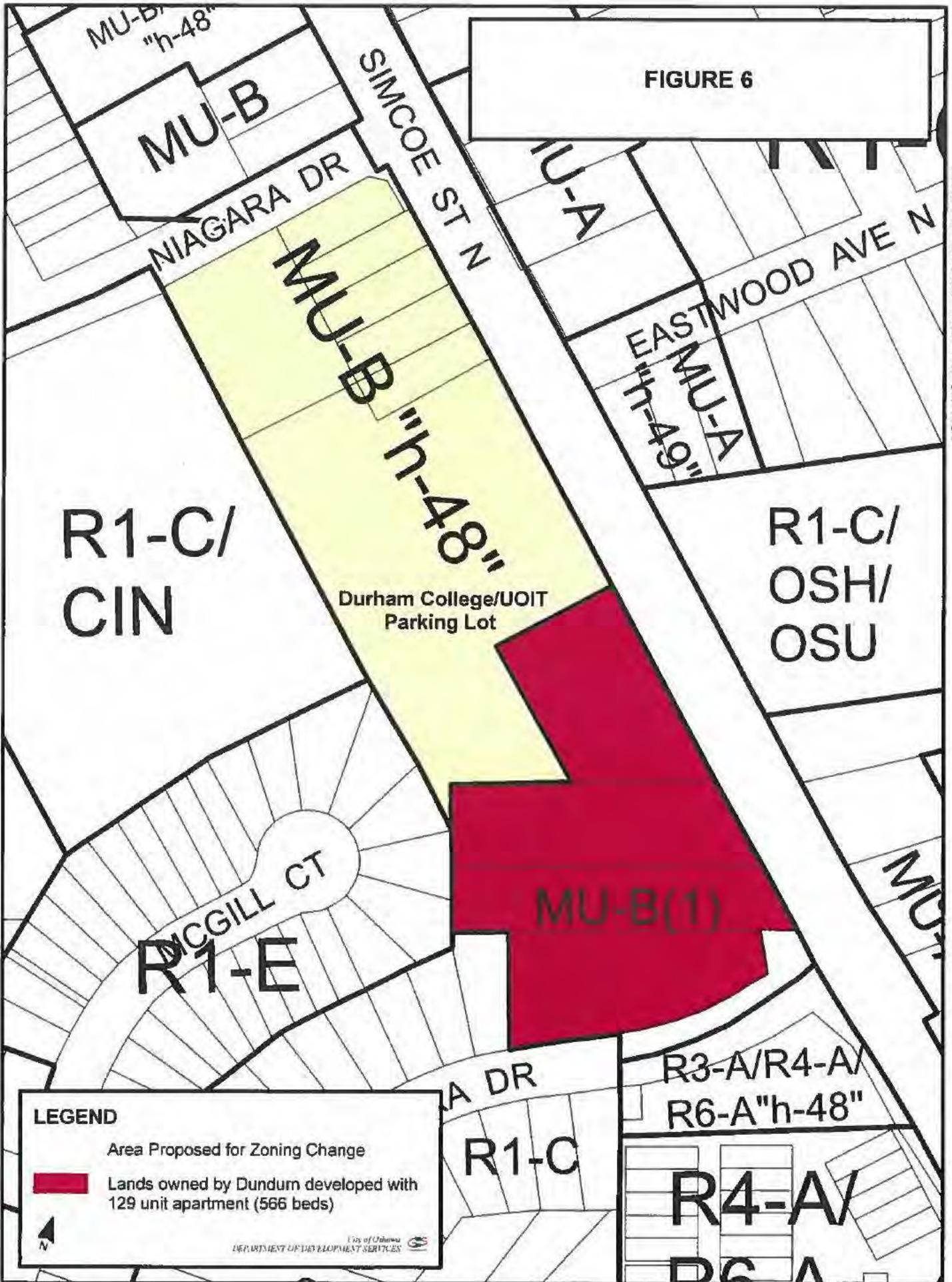
That the Development Services Department be authorized to initiate the public process under the Planning Act for City Council to consider amendments to the Samac Secondary Plan and Zoning By-law No. 60-94 to permit High Density I Residential uses at a maximum height of 6 storeys on lands located between 1700 Simcoe Street North (Dundurn's development site) and the north leg of Niagara Drive (see Figure 6).

Note: This recommendation would facilitate developments similar in density and scale to Dundurn on the land just north of Dundurn.

Recommendation No. 3:

That UOIT and Durham College cooperate with the City to investigate the sale and use of the current UOIT and Durham College parking lot on Simcoe Street North between the two legs of Niagara Drive for student housing and the acquisition by the City of all or part of the current vacant school site owned by Country Gate Homes for a park addition in light of the additional density that will develop in the Simcoe Street corridor.

FIGURE 6



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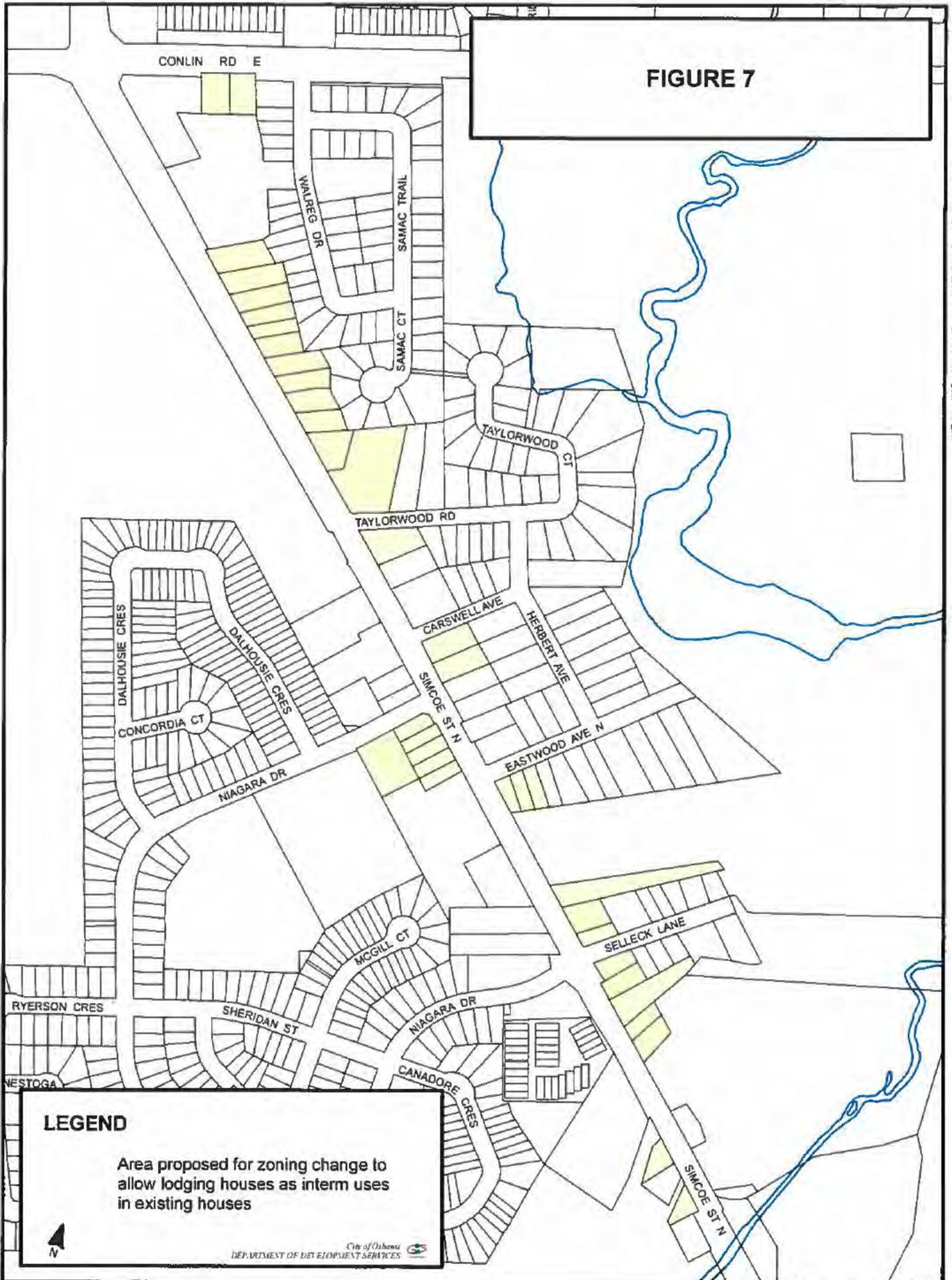
6.5.5 Lodging Houses

Lodging houses are not currently permitted in near north campus area.

In the right locations, lodging houses are a legitimate form of housing to provide student accommodations. Many other university cities permit lodging houses on arterial road corridors near their universities.

Lodging houses should be considered to be permitted as interim uses under the existing and proposed holding symbols in existing houses along the Simcoe Street North corridor until these properties are redeveloped for higher order uses (see Figures 7 and 10).

FIGURE 7



LEGEND

Area proposed for zoning change to allow lodging houses as interm uses in existing houses



In addition, there has been a concern expressed by developers of purpose built student housing that each apartment unit or block townhouse unit could be considered a lodging house since they do lease bedrooms on an individual basis.

The definition of lodging house should be amended to specify that the term does not include flats, apartment and block townhouses.

Recommendation No. 4:

That the Development Services Department be authorized to initiate the public process under the Planning Act for City Council to consider amendments to Zoning By-law No. 60-94 to:

- Permit lodging houses with no more than 5 lodging units in the existing and proposed Mixed Use zones and R4-A/R6-B zones in the Simcoe Street North corridor as interim uses under the holding zone provisions in existing residential buildings subject to appropriate regulations (e.g. minimum lot area and frontage) until the properties are redeveloped. A related amendment to the licensing by-law would also be advanced as it relates to lodging houses to indicate that the separation distance (45 metre separation distance criteria) does not apply to this area along the Simcoe Street North corridor, if this proposed zoning change is finally approved.
- Amend the definition of lodging house to specify that lodging houses do not include dwelling units in flats, apartments and block townhouses. Related amendments to the licensing by-law and Development Charge by-law are also required, if this proposed zoning change is finally approved.

6.5.6 Potential Supply on Land That Should Be Considered For Rezoning Within the Simcoe Street North Corridor Between Taunton Road and Conlin Road

A detailed assessment of properties indicates that another 2,056 beds can potentially be developed in the Simcoe Street North corridor between Taunton Road and Conlin Road in certain areas that should be considered for zoning changes to permit apartments and townhouses. This estimate is based on the middle of the proposed density range for these areas.

Considering a rezoning of these additional areas in the Simcoe Street North corridor is important to increase the opportunity for supply as not all properties in the corridor will redevelop.

Recommendation No. 5:

That, in accordance with the Simcoe Street North Land Use Study (Report DS-07-196), the Development Services Department be authorized to hold another public meeting under the Planning Act for 2015-2043 Simcoe Street North (see Figure 8) to:

- Propose an amendment to the Oshawa Official Plan for the lands at 2015 to 2043 Simcoe Street North to permit office, Medium Density I and Medium Density II uses (see Figure 8).
- Propose an amendment to the Official Plan for the Former Oshawa Planning Area – Secondary Plan for the Samac Community, for the lands at 2015-2043 Simcoe Street North to permit office, Medium Density I and Medium Density II uses and to include an administrative policy.
- Propose an amendment to Zoning By-law No. 60-894 for the lands at 2015 to 2043 Simcoe Street North to permit office, Medium Density I and Medium Density II uses.

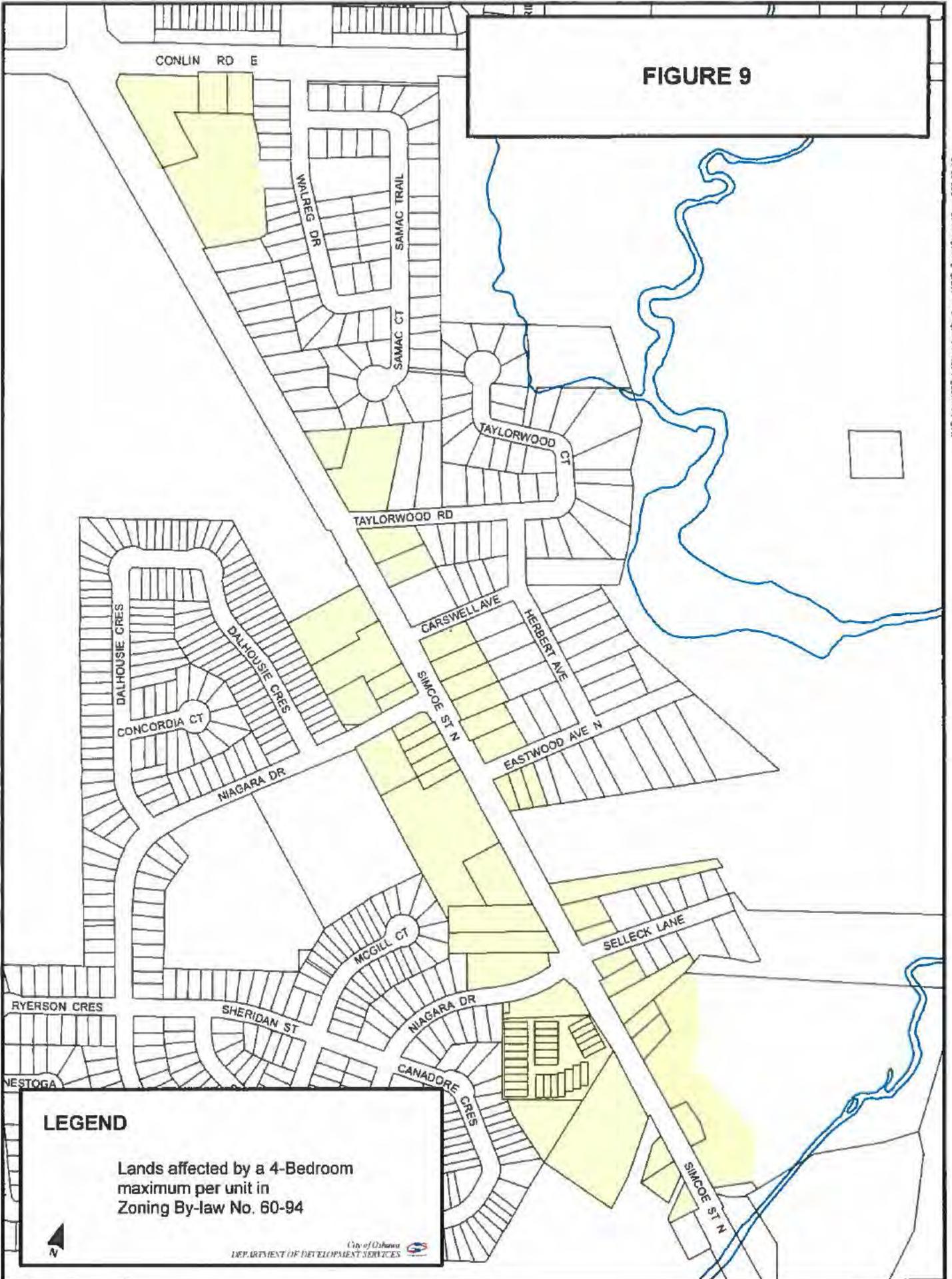
Recommendation No. 6:

That the Development Services Department be authorized to initiate the public process under the Planning Act for City Council to consider a proposed amendment to the Zoning By-law No. 60-94 to delete the 4 and 5 bedroom restrictions for the Simcoe Street North corridor, generally between the Oshawa Creek and Conlin Road.

Note: City Council approved a maximum 4 bedroom restriction in the area shown in Figure 9 in 2006/2007. There are exceptions that permit 5 bedrooms units at 1700 Simcoe Street North (Dundurn) and Units 12 and 22 at 19 Niagara Drive. Given Council's direction in 2009 not to apply the maximum 4 bedrooms restriction across the City, it is now appropriate to delete the bedroom restrictions in Zoning By-law No. 60-94 for the Simcoe Street North corridor.

The Simcoe Street North corridor is an area where student housing is encouraged and typical purpose built student housing development contain a number of dwelling units with more than 4 bedrooms (e.g. Dundurn has a number of 5 bedroom apartment units).

FIGURE 9



LEGEND

Lands affected by a 4-Bedroom maximum per unit in Zoning By-law No. 60-94



Recommendation No. 7:

That, in accordance with the recommendations of the North Oshawa Land Use Study (Report DS-08-210, dated August 15, 2008), and in order to provide additional opportunities for future medium density development in the Simcoe Street North corridor, Development Services Department be authorized to initiate the public process under the Planning Act for City Council to consider the following proposed amendments to the Samac Secondary Plan and/or Zoning By-law No. 60-94:

- Amend the Samac Secondary Plan and Zoning By-law No. 60-94 for the following areas to permit Medium Density I and Medium Density II Residential uses in the Samac Secondary Plan and R4-A/R6-B (Residential) uses with a 4 storey height limit for apartments in Zoning By-law No. 60-94 subject to a holding symbol:
 - (i) The area on the west side of Simcoe Street North, north of Cayuga Avenue. The northern portion of this area is to be rezoned to OSH (Hazard Lands Open Space) to recognize the existing Oshawa Creek floodplain/valley (see Figure 10);
 - (ii) The area on the east side of Simcoe Street North, south of Glovers Road (see Figure 10); and
 - (iii) The area on the east side of Simcoe Street North, north of Glovers Road. The north eastern portion of this area is to be rezoned to OSH (Hazard Lands Open Space) to recognize the existing Oshawa Creek floodplain/valley (see Figure 10).

6.5.7 Simcoe Street North, North of Taunton Road

Future student housing supply can also be provided on Simcoe Street North, north of Britannia Avenue. Much of this area is designated in the Official Plan and Windfields Part II Plan for medium and higher density housing (see Figure 11).

There is also a Main Central Area at Simcoe Street North and Winchester Road which will have services and activities that will serve students and which can accommodate students (see Figure 11). It is important for the City to ensure that this Main Central Area has a substantial housing component and is not just commercial.

The City should encourage the creation of a future student village area that provides a range of housing types and support services (e.g. commercial). One of the logical areas to investigate for such a use is located on the north side of future Britannia Avenue, west of Simcoe Street North (see Figure 11).

The campus for UOIT and Durham College is intended to expand up to the south side of Britannia Avenue in the future.

These lands north of Britannia Avenue are owned by Tribute. These lands are also predominately designated as Low Density Residential in the Windfields Part II Plan. The City should consider the appropriateness of permitting increased density of residential uses in this area.

Recommendation No. 8:

That the Development Services Department be authorized to meet with Tribute to consider the preparation of appropriate amendments to the Windfields Part II Plan to provide for an appropriate off-campus student village area located north of future Britannia Avenue, west of Simcoe Street North with a mix of support services (e.g. commercial) and a range of housing types and report back to Council.

Recommendation No. 9:

That the owner/developer of the lands in the Main Central Area located at Simcoe Street North and Winchester Road be advised that the Main Central Area must include the development of residential uses to the satisfaction of the City consistent with the policies of the Oshawa Official Plan and recognize its role in servicing UOIT, Durham College, students and the general community.

6.5.8 Services

One of the main issues preventing housing from being developed in the Simcoe Street North corridor is the lack of Regional services such as water and sanitary services along the corridor.

The Region plans on extending these services from generally Eastwood Avenue to Conlin Road by 2011. This timing is acceptable given the need for off-campus housing and other support services along Simcoe Street North but must remain on schedule.

The Region needs to prepare a Master Servicing Plan for the area around the UOIT and Durham College lands and advance servicing in a more timely manner consistent with the need to support UOIT and Durham College by facilitating housing developments that can accommodate students.

Recommendation No. 10:

That the Region of Durham be requested to ensure the installation of services along Simcoe Street North between Conlin Road and Eastwood Avenue occurs in 2011 to facilitate redevelopment.

Recommendation No. 11:

That the Region be requested to provide an appropriate Master Servicing Plan with timelines to advance services to accommodate areas identified by the City as appropriate for student housing (e.g. Student Village and along Simcoe Street North).

6.5.9 Supportive Commercial Development

The Simcoe Street North Corridor Study culminated in the development of Mixed Use Zone categories that contemplate the development of the corridor with a mix of residential and commercial uses.

Stakeholder consultations have indicated a need for a medium sized grocery store (12,000-15,000 sq. ft.) to meet the needs of a growing community and to support more housing in the corridor.

Recommendation No. 12:

That Economic Development Services establish a program and strategy to actively promote the retail commercial areas in the Simcoe Street North corridor to the development community with the expressed goal of securing a medium sized grocery store and other supportive commercial uses to serve the growing population, including students.

6.5.10 Pedestrian Connections to the UOIT and Durham College Main Campus

It is critical that pedestrian routes and paths of travel from the Simcoe Street North corridor reflect good land use planning principles and promote land use compatibility. In this regard, there is room for improvement in the Niagara neighbourhood south of UOIT and Durham College.

For years, the City has received complaints concerning inappropriate behaviour in the Niagara Drive walkway between 295 and 303 Niagara Drive leading to the UOIT and Durham College campus.

The Niagara Drive walkway is shown on Figure 12. It was established prior to the creation of UOIT to provide an opportunity for neighbourhood residents to access the recreation area on the south side of the Durham College campus.

Representatives from the North Oshawa Landlords Association have advised staff of the possibility to establish a new walkway between Dalhousie Crescent and the UOIT and Durham College campus (between 1877 and 1879 Dalhousie Crescent).

The potential walkway location off Dalhousie Crescent is also shown in Figure 12.

A number of residents in this area want the Niagara Drive walkway closed.

UOIT and Durham College staff and Student Association do not support closing the Niagara Drive walkway but do support a new walkway from Dalhousie Crescent.

Community Services staff have reviewed the new Dalhousie Crescent walkway proposal and believe it is technically feasible to construct.

Students are currently accessing the campus through holes in the UOIT and Durham College fence in the Dalhousie Crescent area. This is a classic example of people taking action to implement a preferred path of travel. A pedestrian survey should be conducted during the school year to document usage of both the Niagara Drive walkway and the access points from Dalhousie Crescent.

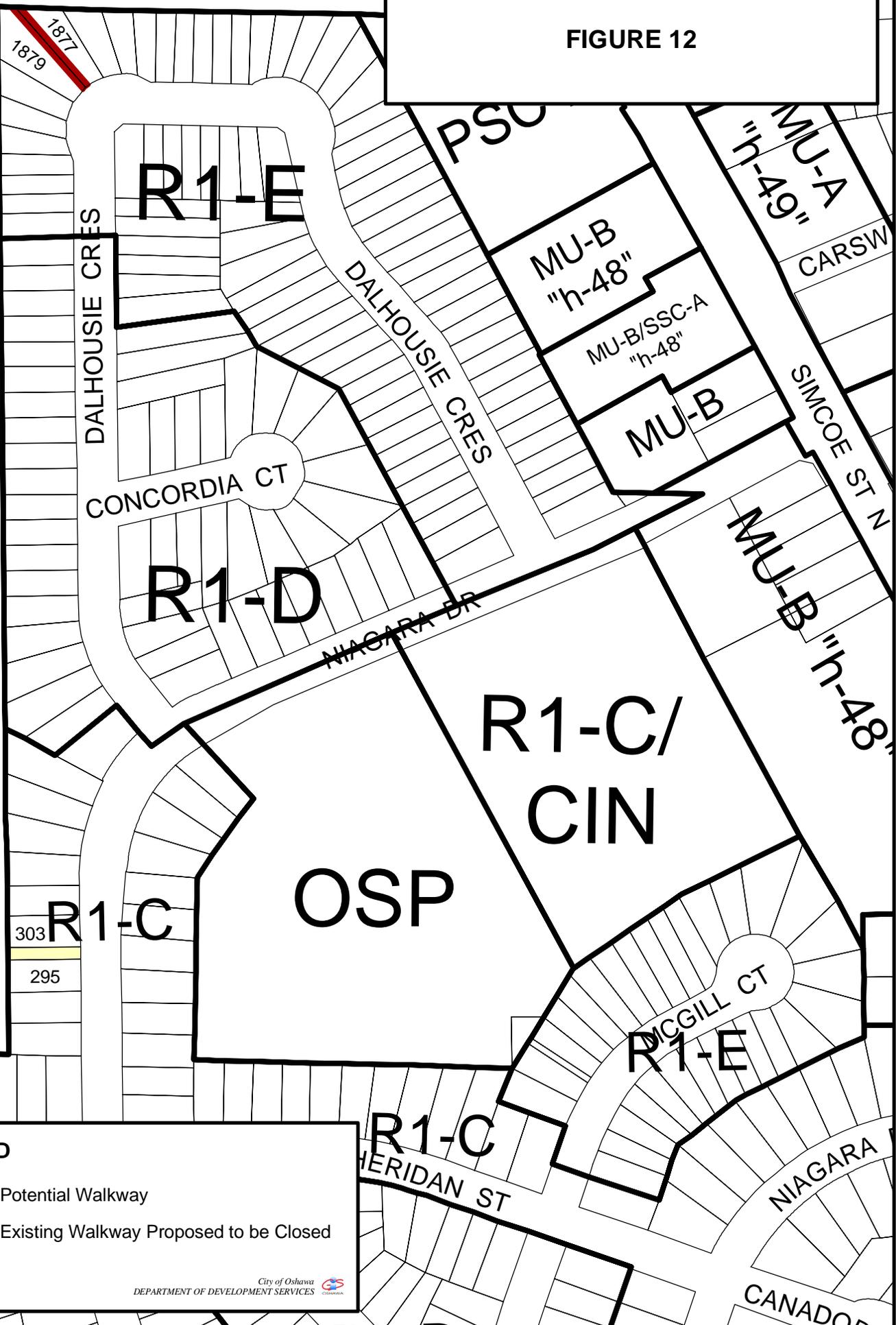
Given the opposing views on this walkway issue, it is recommended that a joint Development Services Committee and Community Services Committee meeting be held to obtain input on the walkway issue and to make an informed recommendation to Council on this matter.

Recommendation No. 13:

That Development Services Committee and Community Services Committee hold a joint public meeting to obtain input on the possible closure of the walkway on Niagara Drive and the possible construction of a new walkway on Dalhousie Crescent following the completion of an appropriate pedestrian survey.

FIGURE 12

MIN
Durham College/
UOIT
Campus



LEGEND

- Potential Walkway
- Existing Walkway Proposed to be Closed



6.6 Other North End Areas That Could Accommodate Density

There are sites in the Taunton Road/Simcoe Street Node (e.g. former cement plant behind Whites Home Hardware) that can accommodate residential redevelopment/intensification.

In addition in 2008, as part of the North Oshawa Residential Land Use Study, there was some opposition from neighbours in the Conlin Road East and Wilson Road North area to some suggested rezonings that would increase the potential density of properties in that area (see Figure 13). These lands were in the study area and were considered appropriate for intensification given the area's location adjacent to two arterial roads, on a future transit route, buffered by the Oshawa Creek and given that there are large lots with older housing stock. This area does not present an immediate opportunity for the development of apartments or townhouses. Therefore, this change to the Samac Secondary Plan and Zoning By-law No. 60-94 should be referred to the implementation of the Provincial Growth Plan exercise.

Recommendation No. 14:

That proposed amendments to the Samac Secondary Plan and Zoning By-law No. 60-94 to permit Medium Density I and Medium Density II Residential uses and R4-A/R6-B (Residential) zoning subject to a h-symbol for the area (see Figure 13) on the south side of Conlin Road East, west of Wilson Road North (as described in Report DS-08-210 dated August 15, 2008) be referred to the Provincial Growth Plan conformity exercise. The southern part of this area is to be rezoned to OSH (Hazard Lands Open Space) to recognize the existing Oshawa Creek floodplain/valley.

FIGURE 13

CONLIN RD E

WILSON RD N

ORMOND DR

DR

QUAIL RUN

ROCKCREEK DR

LEGEND

Area Considered within context of
North Oshawa Residential Land Use Study



6.7 Transit

Transit plays an important role in the student housing issue.

All students pay for transit services as part of their tuition.

The better the transit service, the more housing opportunities are available to students throughout the City. This is the experience in other university cities.

Durham Regional Transit is preparing the Durham Long Range Transit Strategy. A number of the draft recommendations in the strategy are directed at providing improved service along the Simcoe Street North corridor to UOIT and Durham College. This is a positive initiative.

Staff understand that a number of other transit authorities in other university cities (e.g. Guelph, Thunder Bay, Hamilton) use Next Bus services. Next Bus uses GPS technology to track the exact location of a bus on its route. Riders can access the Next Bus service via the internet. This service provides a more convenient bus service for everyone, including students, since transit customers do not have to wait outside at a bus stop as long for the bus to arrive. Durham Transit is investigating the use of this technology as part of the Durham Long Term Transit Strategy. This is also a positive initiative.

Recommendation No. 15:

That Durham Transit to be requested to:

- Continue to review its transit services with the goal of improving transit services for students in consultation with the Student Association and the post secondary institutions particularly on the 419 and 420 routes and investigate improved transit routes/services with UOIT and Durham College/Trent University and the Student Association to existing rental housing areas to provide more convenient housing options for students and to allow better access for students to connect to GO transit services.
- Advance the City's previous comments on the Durham Region Long Term Transit Strategy including those comments related to improved bus services along Conlin Road.

City staff are also working with Trent University to determine if more direct pedestrian connections can be provided during the site plan approval process between the Thornton Road/King Street transit services and the main door to the university building.

6.8 New Trent University Campus Area

Based on input from Trent University, the majority of its existing student enrolment live locally in their own homes and do not require off-campus housing rentals.

In respect to accommodating the future off-campus housing needs of the new Trent campus on Thornton Road South (± 400 beds in 2015), there are a number of rental apartments and townhouses around the Oshawa Centre area that are available for students. In addition, there are areas that are currently zoned to permit additional apartment and townhouse developments such as the area located on the north side of King Street West between Goodman Creek and Union Cemetery (see Figure 14).

However, in order to increase future opportunities for off-campus rental housing near the new Trent campus, it is recommended that the City consider certain zoning changes in the Thornton Road South and King Street West area to permit apartments and block townhouses (see Figure 14).

Recommendation No. 16:

That the Development Services Department be authorized to initiate the public process under the Planning Act for Council to consider amendments for the area around the new Trent University campus:

- To amend Zoning By-law No. 60-94 to permit R4-A/R6-B (Residential) uses such as apartments to a maximum of 4 storeys and block townhouses on lands north of Trent University campus along the east side of Thornton Road South and along the south side of King Street West backing onto the Trent campus subject to a holding symbol which would 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.
- To 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 along King Street West and Thornton Road South, if this proposed rezoning change is finally approved.

6.9 Demand and Supply

Assuming the above rezoning recommendations are approved the demand and potential supply calculations are as follows:

	UOIT and Durham College Main Campus Area	Trent Campus
Estimated Demand for Off-Campus Rental Housing 2014-2015	3,361 beds	400 beds
Potential Supply in pre-zoned Simcoe Street North corridor between Taunton Road and Conlin Road	3,690 beds	N/A
Potential Supply in area on Simcoe Street North corridor proposed to be rezoned between Taunton Road and Conlin Road	2,056 beds	N/A
Potential Supply in pre-zoned King Street West corridor	N/A	256 beds
Potential Supply in Thornton Road/King Street West area to be rezoned	N/A	360 beds
Potential supply in area of Simcoe Street North south of Taunton Road	±100 beds	N/A
Potential supply in area of Simcoe Street North, north of Britannia Avenue	±1,000 beds	N/A

7.0 FACILITATING THE ACTUAL SUPPLY OF STUDENT ACCOMMODATIONS IN THE RIGHT LOCATIONS

7.1 General

The previous section illustrated the physical potential of the Simcoe Street North corridor and the area on King Street West/Thornton Road South to accommodate student housing needs.

To facilitate the actual creation and delivery of student housing in these areas, the City should implement Community Improvement Plans (CIPs) and Development Charge exemptions. This will signal the City's commitment to corridor/"main street" development and its willingness to be a municipal "partner".

7.2 Community Improvement Plan Incentives and Development Charge Exemptions

The City currently has four Renaissance Community Improvement Plans (CIP):

- Central Business District (CBD) Renaissance CIP
- Downtown Shoulder Area Renaissance CIP
- Brownfields Renaissance CIP
- Simcoe Street South Renaissance CIP

In order to provide more opportunities for housing that is affordable and convenient for students, the City could adopt a CIP for new multi unit housing developments in the Simcoe Street North corridor, UOIT and Durham College lands and King Street West/Thornton Road area (see Figures 15 and 16). The proposed CIP grant program would include an Increased Assessment Grant similar to the grant contained in the City's CBD CIP. An Increased Assessment Grant provides a grant to the developer using the increased municipal tax revenue that results from the redevelopment. Accordingly, an Increased Assessment Grant leverages future tax revenues and does not require annual budget funding. City Council could impose conditions such as architectural control, an accessibility plan and the requirement for a business plan through an agreement.

Concurrently, the City should also amend the City's Development Charge By-law to allow for an exemption from City Development Charges in this area of the City similar to the existing approach used in the downtown area.

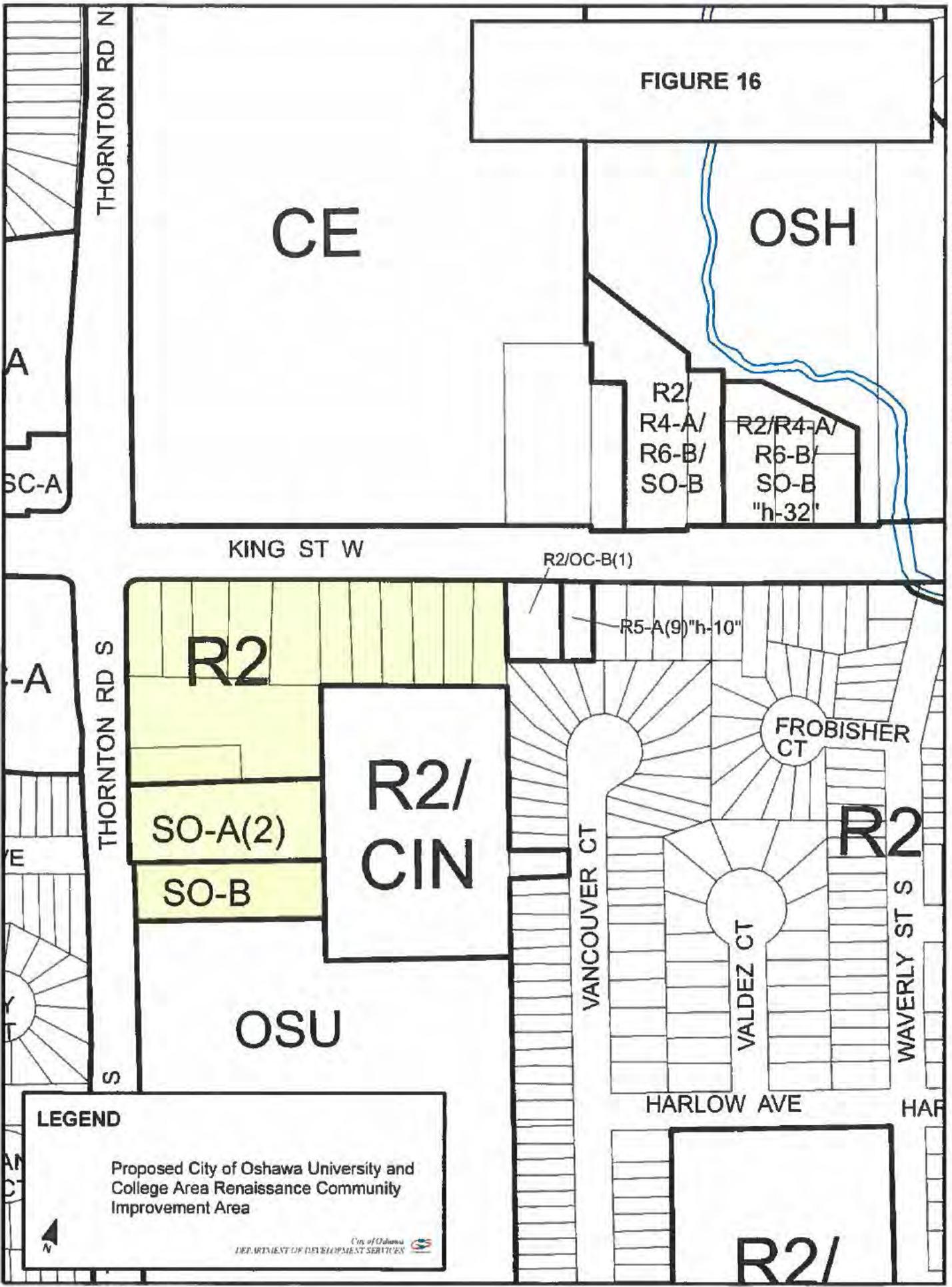
There are no "out of pocket" costs to the City under the proposed CIP program and Development Charge exemption.

These programs would only be in place for approximately 5 years. At that time, Council can assess the status of the student housing issue and determine if the programs should be extended, discontinued or expanded to include additional areas, including any potential student village area in the future.

Recommendation No. 17:

1. That the Development Services Department be authorized to initiate the public process under the Planning Act for Council to consider Official Plan policies and a Community Improvement Plan inclusive of incentives for multi unit residential development (excluding condominiums) in the Simcoe Street North Corridor Study, the UOIT and Durham College lands and the King Street West and Thornton Road South area.

2. That the Development Services Department be authorized to 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 described above.
3. That the Region be requested to participate in the proposed Community Improvement Plan by either exempting or reducing Regional development charges for lodging houses, flats, apartments and townhouses, recognizing the importance of post secondary education to the Regional economy.
4. That the requirements of the Purchasing By-law be waived and the Manager, Purchasing Services be authorized to issue a purchase order with an upset limit of \$5,000 (inclusive of disbursements but exclusive of GST) to C. N. Watson and Associates Ltd., to complete an update to the City of Oshawa Development Charge Background Study, to provide for an exemption from City Development Charges for lodging houses, group dwellings (townhouses) and apartments, with funding provided from the Development Charge Administrative Growth Studies Reserve.



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LEGEND

Proposed City of Oshawa University and College Area Renaissance Community Improvement Area



7.3 Affordable Housing Opportunities

One of the key principles of this Strategy is to increase the supply and diversify the mix of housing available in the corridor area around the campuses.

Increasing the supply of a mix of housing will lead to a more competitive market which will allow for more affordable accommodations.

The use of a CIP and development charge exemption will also assist in making housing in the corridors more affordable.

8.0 COMPLIANCE WITH BY-LAWS

8.1 General

A critical part of any successful Student Accommodation Strategy must be a compliance with City by-laws. These by-laws promote, amongst other matters, safety, health and welfare, property standards, land use compatibility and parking.

8.2 Residential Rental Housing Licensing and Enforcement

Rental housing in the vicinity of UOIT and Durham College must be licensed in accordance with the requirements of Licensing By-law 120-2005 passed by Council in February 2008.

The Residential Rental Housing Licensing (RRHL) By-Law limits the number of rental bedrooms to 4, save and except for 3 streets (Dalhousie, Concordia and McGill which have time sensitive permission to rent 6 bedrooms) and requires the owner to:

- Apply for and obtain a license to rent – failure to do so is an offence;
- Comply with the City's Zoning By-law – this would mean for example that a house could not be used as a lodging house in a R1 (Residential) low density zone;
- Comply with other applicable law including the: Property Standards By-law, Fire Code, Building Code and Electrical Code;
- Provide a floor plan depicting the use of each are in the dwelling/building and that such plan will remain in force during the term of the license;
- Provide a parking plan for the rental property in conformity with the City's by-laws;
- Provide a lot maintenance plan for the rental property;
- Post a valid licence inside the main door; and
- Ensure that the property is managed and operated in compliance with the terms of the license throughout the term of the license – failure to do so may result in license suspension, license revocation, and/or legal action.

As of 2011 all Rental Homes, located in the Rental Area in the vicinity of UOIT and Durham College will only be able to rent four (4) bedrooms, save and except for the two (2) Windfields properties granted an exemption in 2008 to permit six (6) rental bedrooms.

Since 2008 the Rental Housing Licensing process has evolved and has presented a number of challenges. More specifically, there have been many competing interpretations and opinions which have cast a shadow over licensing during this time period.

Most of the debate is not related to the structure and application of the Licensing By-law but in fact is related to the Zoning By-law definition of Lodging House and the undefined term "Single Housekeeping Establishment". Justice Howden's ruling considered the undefined term "Single Housekeeping Establishment" and pointed out that non-related people could live together as long as the household was functioning as a Single Housekeeping Establishment.

A residential rental cannot be a "lodging house" unless the number of rented lodging units exceeds two (2). The Licensing By-law limits the number of bedrooms used in a rented single housekeeping establishment to four (4). Accordingly, the debate is, for practical purposes, limited to whether 3 or 4 bedroom residential rentals are lodging houses contrary to the Zoning By-law or whether they are permitted single housekeeping establishments for which a licence may be issued.

Approximately 200 applications have been submitted and a number of them were denied because they did not meet the established criteria. The Hearings Officer has to date upheld all but two of the licence denials. It is anticipated that landlords will become increasingly educated respecting

the requirements of a “single housekeeping establishment” for the purposes of the City’s Zoning By-law.

Since 2008 the City has been moving forward to implement the new rental housing licensing tools approved by Council. It is expected that with the adoption of the proposed Licensing and Hearings By-law amendments the 2010/2011 licensing cycle will be even more effective and customer friendly than in the past.

Concurrent to the resubmitting of licence applications for the properties previously denied, staff will proactively pursue rental property owners that have not applied for a licence. These property owners will be issued fines and directed to apply for a licence. Failure to comply will be followed by further legal action as provided under the City’s By-laws.

Each application for a licence or for a renewal of licence will be assessed on its merits on a case-by-case basis pursuant to the Licensing By-law including consideration of past demonstrated poor management and lack of compliance with performance standards. The Director of MLELS has the authority to place conditions on, or deny licences if there is a history of problems or if an application indicates that the proposed rental may be operating illegally.

The Licensing By-law creates a process which not only manages performance standards for rental properties but provides a mechanism to ensure that basic safety features are monitored for the protection of the occupants. With the growth of the UOIT campus in the central core of Oshawa and the introduction of a new Trent University Campus on Thornton Road South, south of King Street West, there is an opportunity to further licence Rental Housing in these areas. Because these new near campus areas are much different than the UOIT and Durham College area, in relation to the built form of the dwellings, and the zoning of the areas for example, the Licensing approach will require modification.

MLELS has restructured services to better address the review of applications and the inspection of rental units and MLELS and Legal Services have reviewed opportunities to streamline and make the by-laws and processes more effective. In addition, staff have identified a number of housekeeping amendments that need to be made to the Rental Housing provisions of By-law 120-2005, Hearings Officer By-law, 26-2008, and General Fees and Charges By-law 13-2003. These amendments are noted below in the chart.

Subject Matter	Commentary
Permit five (5) bedroom rentals in the Simcoe Street corridor	In keeping with the planning initiative to attract multi-unit housing on the Simcoe Street corridor, that the Licensing By-law be amended to permit five (5) bedrooms in dwelling units in the Simcoe Street corridor only after the related rezoning is finally approved.
Amend Licensing By-law 120-2005	<p>It is being recommended that Licensing By-law 120-2005 be amended in the following manner (see Appendix No. 1):</p> <ul style="list-style-type: none"> ▪ General Housekeeping to clean up subject matter which was confusing or problematic; ▪ To streamline the application and review processes; ▪ To delete the current automatic referral to the Hearings Officer of a licence denial with the result that a staff decision to deny a licence would stand unless the landlord takes the initiative to appeal within a prescribed time; ▪ To delete the current Jan 1-Dec 31 licence cycle and to permit longer terms thereby permitting more effective administration and to permit harmonization of residential rental license terms to the academic year;

Subject Matter	Commentary
	<ul style="list-style-type: none"> ▪ Longer term and better reflects school year and “search times” for students and parents; ▪ To remove the Regional Health Unit as a commenting agency. ▪ To enhance the system of fines; and ▪ To permit greater flexibility to staff respecting the means by which landlords’ compliance may be ascertained for the purpose of application administration, including for example, reports of external consultants. ▪ Amend the street list to include streets that were registered since 2008 in the Rental Area.
Amend the Hearings Officer By-law	<p>It is being recommended that the Hearings Officer By-law 26-2008 be amended in the following manner (see Appendix No. 1):</p> <ul style="list-style-type: none"> ▪ Permit certain “certificate” evidence resulting in more efficient and effective deployment of MLELS staff; ▪ To establish more defined standards for representation at the hearings; ▪ To prescribe rules for the use of interpreters and for the recording of proceedings; and ▪ To provide the City with the authority to create a pool of Hearings Officers to ensure their continuing availability on an as-needed basis.
Amend the General Fees and Charges By-law	<p>Amend the General Fees and Charges By-law 13-2003 in the following manner (see Appendix No. 1):</p> <ul style="list-style-type: none"> ▪ Submission fee: \$75 ▪ Fee to Issue or Renew a Licence: \$250 ▪ Inspection fee: \$75 ▪ Establish a fee for Appeals to a Hearings Officer: \$250

Recommendation No. 18:

That Council pass a by-law to amend the Licensing By-law 120-2005, the Hearing Officer By-law 26-2008 and the General Fees and Charges By-law 13-2003 in the form of the amending by-law comprising Appendix 1 to the Student Accommodation Strategy.

In addition to enforcement of the RRHL By-law outlined above, there is the ongoing need to provide enforcement of other City By-laws in the UOIT and Durham College vicinity and eventually in the central core and Trent campus vicinity. This enforcement will continue to be guided by the following policy:

- Each September and April MLELS staff in cooperation with Durham Regional Police will conduct proactive enforcement in the neighbourhoods which have a concentration of rental housing primarily for the use of post secondary students.
- Enforcement of By-laws related to standards and behavioural issues will be conducted proactively and by complaint. Again, as stated above level of service will be based on staff resources and competing priorities. Durham Regional Police have indicated that they have the same concerns.

8.3 Entry and Inspection of Dwelling Units

Oshawa municipal law enforcement staff must comply with all applicable law respecting rights of entry and inspection including law that protects individuals' rights by prohibiting entry of dwelling units except in prescribed circumstances.

With regard to the inspection of dwelling units all legislative authorities require an Officer to; identify themselves, indicate the reason for being at the property, advising the owner or occupant that there is a need to inspect the interior of the dwelling, advising the owner/occupant that they have the right to deny entry and that an inspection may proceed only with the informed consent of the owner/occupant or by warrant.

8.4 Levels of Service

The by-law and criminal code concerns of the neighbours residing in the abutting neighbourhoods of DC/UOIT are numerous. From parking to land use infractions to noise infractions to vandalism, rowdy party's and drugs, the City and Durham Regional Police are very cognizant that problems do exist.

Municipal Law Enforcement Officers investigate based on a complaint based policy of enforcement, which has been endorsed by City Council. This policy requires the allocation of enforcement resources City wide. The only exception to this policy is when City Council directs staff to enforce by-laws proactively.

Presently the City has 2-3 Officers assigned to the DC/UOIT district. Officers typically work daytime shifts, while evenings and late night assignments are resourced for special projects in the fall and spring of each year.

These Officers are responsible for all types of investigations, enforcement, charges, court attendance and general patrols. There are numerous parking issues, property maintenance concerns, noise, and general behavioural infractions that can be addressed only with regard to available resources and other competing priorities across the City.

8.5 Resources

Municipal Law Enforcement in Oshawa is presently resourced with 17 Officers.

These Officers are responsible for investigations across the City with resources being split into different shifts.

Officers are generally responsible for:

- Animal Control
- Property Standards
- Zoning
- Parking
- Taxicabs
- Business Licensing
- Rental Housing
- Noise
- Nuisance
- Park Patrols and Enforcement
- Refuse
- Boulevard Infractions
- Lot Maintenance

To provide higher levels of service in the DC/UIT district Municipal Law Enforcement will require resources beyond those presently available.

8.6 Priorities

Complaints are investigated based on a hierarchical system of priorities. These are:

- Health and Safety – imminent issues
- Driver/Pedestrian Concerns – Sight triangles
- Community Image – debris, parking on lawns etc
- Property Standards
- Zoning (land use and associated regulations)
- Licensing
- Behaviour (noise, nuisance)

8.7 Progressive Fines

The proposed amendments to the Licensing By-law include a system of enhanced fines. Specifically, it is proposed to amend Section 16 of the Licensing By-law to establish minimum fines and fines for each day on which a “continuing offence” continues.

In addition, it is proposed to establish “special fines” where a person is convicted of operating without a licence. In addition to any other fine or penalty, the Court could impose a special fine related to the gross revenues received during the period for which a licence was required. The special fine is designed to eliminate or reduce any economic advantage or gain from contravening the Licensing By-law.

9.0 ESTABLISHING OSHAWA, ITS POST SECONDARY INSTITUTIONS AND STUDENT ASSOCIATIONS AS LEADERS IN THE MONITORING, PLANNING AND PROVISION OF APPROPRIATE STUDENT ACCOMMODATIONS, LAND USE COMPATIBILITY AND BEST PRACTICES

9.1 General

The appropriate management of student housing issues in the future will require ongoing monitoring, “course correction”, communication and best practices.

This section includes a mix of recommendations which are intended to avoid the mistakes of the past and move the student accommodation issue forward in a positive way.

9.2 Recommendations

Recommendation No. 19:

Housing Policy: UOIT, Durham College and Trent University do not have a housing policy. It is recommended that UOIT, Durham College and Trent University each advance the completion of a Housing Policy that establishes, among other matters:

- The role of UOIT, Durham College and Trent University in providing housing generally.
- The target % of the student body to be housed on-campus and target groups (e.g. first year students, etc.).
- A strategy for ensuring the availability and success of on-campus housing.
- A robust accreditation program for off-campus housing providers. The accreditation program would require that all accredited private sector providers meet all City requirements (e.g. zoning, licensing, etc.) plus any other UOIT, Durham College and Trent University requirements. Accreditation would be like the “good housekeeping seal of approval”. City and UOIT, Durham College and Trent University to agree on the conditions associated with the “good housekeeping seal of approval”, e.g., a license in the licensed area and a voluntary license outside the area.
- Support and perpetual funding for a modern and proactive Student Housing Office.
- That only accredited housing providers will be “advertised” by UOIT, Durham College and Trent University on their websites, at housing fairs, by the Student Housing Office, etc.

Recommendation No. 20:

UOIT, Durham College and Trent University only “advertise” licensed or exempted properties: That, in advance of the completion of the Housing Policy, UOIT, Durham College and Trent University immediately agree to only advertise on its website, in print and on-campus those units in the area covered by the City’s Residential Rental Licensing By-law which have a valid license or exemption as confirmed by the City.

Recommendation No. 21:

Campus Master Plan: That UOIT, Durham College and Trent University prepare a Campus Master Plan that provides for appropriate locations for on-campus housing and which indicates the direction and nature of the physical development of the campus (e.g. north of Conlin Road on Simcoe Street, infill on existing campus, north of Conlin Road, west of Oshawa Creek, etc.).

Recommendation No. 22:

Student Housing Office: That UOIT, Durham College and Trent University immediately establish a Student Housing Office that, at a minimum, has the following attributes:

- (a) Full time/year round operation and funding;
- (b) Full time/year round staff;
- (c) High profile/visibility and credibility amongst the students, community and housing providers;
- (d) Professional and equal representation of housing availability on-campus and off-campus by accredited private sector housing providers;
- (e) Facilitates communication and “connections” amongst students and on-campus and accredited off-campus housing providers;
- (f) Embodies and implements other best practices based on a survey (once every 2 years) of housing offices at other universities and colleges in Canada;
- (g) Collects and maintains information on existing and projected housing demand, housing patterns, housing issues, and where students live off-campus by housing type and area;
- (h) Issues an annual report on student housing demand and supply and student housing issues with recommendations which are intended to improve and advance appropriate student housing.

Recommendation No. 23:

Housing Fair: That a housing fair be held by UOIT, Durham College and Trent University twice per year for existing and prospective students with the goal of “connecting” students and on-campus and off-campus accredited housing providers.

Recommendation No. 24:

Code of Conduct: That UOIT, Durham College and Trent University extend the Code of Conduct to off-campus student activities and take immediate action against those who breach the Code of Conduct (previously approved by Council on June 22, 2009 but only applied to UOIT and Durham College).

Recommendation No. 25:

Town and Gown Committee:

- (a) That UOIT, Durham College and Trent University take over responsibility for the Town and Gown Committee. The Town and Gown will embrace best practices based upon consultation with other municipalities. As part of this, UOIT, Durham College and Trent University should prepare a new mandate/terms of reference for a modern, proactive Town and Gown Committee for review with the current membership of the Town and Gown Committee and for City approval.
- (b) That UOIT, Durham College and Trent University establish a community collaborative committee with representatives from each institution, students, City and Durham Regional

Policy Services to discuss and be proactive on campus safety and housing issues.

(c) UOIT, Durham College and Trent University should immediately create a staff position for a three year pilot project to work on student/community relations. The staff position would also immediately create a University/College point of contact for City residents, City staff and the police and would work with the Student Association to develop new programs to address the issues, including a community awareness program/publication, a student peer mediation program and a student volunteer program to serve in the community and support for community projects.

Recommendation No. 26:

Provincial Summit: That the City, UOIT, Durham College and Trent University show leadership by hosting a Provincial summit on the positive topic of best practices for appropriately accommodating, welcoming and integrating post secondary students into our communities and that representatives of the Human Rights Commission also be invited to participate.

Recommendation No. 27:

Review of Management Practices in On-campus Residences to advance maximum occupancy: That UOIT and Durham College immediately review its management practices for its on-campus residences with an intent to appropriately address any issues that are inhibiting full occupancy of the on-campus residences and commit to regularly survey students and the best practices of other universities and colleges to maximize the occupancy of on-campus residences given their key role in providing appropriate housing and the significant capital investment that those beds/residences represent. In this regard, in 2006 Scion identified certain management issues in the on-campus residences that have yet to be addressed.

Recommendation No. 28:

New student village on campus: That UOIT and Durham College consider re-establishing discussions with the private sector in respect to the use of a block of land on-campus, north of the campus ice centre, for a private sector townhouse/apartment project that would be attractive to students.

Recommendation No. 29:

Accommodation strategy as part of university/college funding requests to senior levels of government: That the Federal and Provincial governments be requested to require that universities and colleges include a preliminary accommodation strategy with any request for funding or support for additional students; and further, that any actual commitment of federal or provincial funding or support for additional students be made conditionally upon the acceptance by the Federal/Provincial governments of a final accommodation strategy and on-campus parking policy by the university or college that includes comments and input from the host municipality.

Recommendation No. 30:

Communication: That the City promote improved communication between the City, UOIT, Durham College, Trent University, Student Association (students), landlords, Durham Real Estate Board on student housing issues in order to provide lawful and safe housing options including connecting students to other housing opportunities during the transition period as the housing supply is being built in the corridors (e.g. Mary/Taunton/Nonquon area, areas around the Oshawa Centre and downtown).

Recommendation No. 31:

Promotion of opportunities to builders and developers: That the City's Development Services Department prepare promotional material and presentations of applicable housing opportunities options to the local and provincial development community.

Recommendation No. 32:

Use of City website: That the City continue to use and improve the City's website to provide information on student housing and various by-laws and services such as property standards, noise, parking, refuse and recycling collection.

Recommendation No. 33:

Good neighbour initiatives: That the City work with UOIT, Durham College, Trent University and the Student Association to provide information on the municipal by-laws and how to be a good neighbour.

Recommendation No. 34:

That the report being prepared by the Development Services Department on the new Oshawa Cycling and Trails identify potential bike facilities to serve students and employees at all of Oshawa's post secondary institutions.

Recommendation No. 35:

That the results of the Student Accommodation Strategy be monitored and reported on, as appropriate, in the City's Annual Housing Monitoring Report.

Recommendation No. 36:

That the Student Accommodation Strategy be revised and updated, as necessary, every five years and provided to City Council for approval.

Recommendation No. 37:

That, for monitoring and study purposes, UOIT, Durham College and Trent University be requested to establish a mechanism for identifying the local addresses of students while protecting student privacy and provide the City with aggregated data which allows housing patterns to be understood.