Mayor & City Council  
City of Hamilton

RE: City of Hamilton’s review of Licensing

Good afternoon,

The Hamilton and District Apartment Association is a long established industry organization that represents residential rental properties owners and managers across Hamilton (and throughout the golden horseshoe area). We have been communicating with the City of Hamilton regarding this issue since last fall on behalf of our members. Our membership ranges from large corporate landlords to managers/owners of single family rental homes in the four wards mentioned.

The Hamilton & District Apartment Association would like to take this opportunity to express its opposition to licensing. We understand that the city is formally stating that it hasn’t chosen a course of action yet. However the city appears to be focusing on this ‘solution’. Licensing was actually raised in the first CLC meeting before even addressing the question of “What are the issues related to residential single/semi detached rental housing in the CLC study areas”? The ‘problem’ was discussed in the second meeting. Additionally one councillor publically made comments that some form of licensing will occur.

There are a number of issues with licensing. These issues range from simple economics to complex existing regulations. We have summarized these issues into a few major groups for simplicity. All of these concerns require a more in-depth analysis and discussion prior to adopting any form of licensing.

**Necessity** – It is a duplication of existing powers in an already over regulated industry. Property managers are already regulated to maintain property standard and safety. If there are a small group that will not do it through the existing regulation by city and province, what will ensure they do it through this new regulation? Also there is no justification for duplicating the regulation of those who maintained these original standards. Tenants who have property standard concerns currently have a number of venues to utilize to address those concerns. If resident in communities have concerns they have a venue to address their concerns.

**Effectiveness** – There has been no demonstration that implementing licensing will solve the problems that currently exist in the city. Originally we were told the CLC was created to respond to residents’ complaints of problems of noise, parking, garbage, and curb appeal. All of these issues stem from occupant behaviour (home owners and tenants) and licensing a property does not motivate behavioural change in tenants. Additionally landlord notices to tenants regarding disruptive behaviour are regulated by the Residential Tenancies Act and therefore licensing will not alter how landlords can control behaviour on their properties. Since then, the city has listed a number of other benefits and issues licensing will address. Unfortunately the city has not shown how these items will be accomplished through licensing and most will not be. These benefits include: education of by-laws (this is not a direct result of licensing and could be implemented in conjunction with any solution), becoming aware of unlicensed units (Currently the city claims not to know all the rental housing so it seems unlikely further regulation will allow the city to become aware of unlicensed units unless someone comes forward), protect neighbourhood amenities (there is no link between licensing and this result). We will not touch on all of the issues to keep this letter from becoming too lengthy.

**Equity** – There has been no formal evidence presented to date which indicates that renters are causing all of the issues in these neighbourhoods. In order to justify licensing of rental properties there should be data, including statistics demonstrating that this problem stems from renters. We would request that data also be collected from areas that are mainly owner occupied to compare the number of reported problems in those communities to areas with a mix and also areas that are highly residential rental. Logically, problems could be caused by home owners as easily as they are by renters. It is prejudicial to look at one aspect of an individual and classify them into a larger group in order to subject them to more stringent regulation that the rest of society.
Accessibility – The multiplication of powers will create blurred lines of which departments are responsible. Residents may feel as though their concerns are just shifted between departments or may not know which department to contact if multiple departments are maintained. (Even if the decision is made to have all rental property concerns addressed through a centralized licensing department it would require residents to know whether a property is owner occupied or rented prior to knowing which department they would need to contact – again causing an impediment to creating a user friendly system.) Enforcing the current system doesn’t require any re-education of active citizens.

Financial Implications – Licensing will raise the costs of providing affordable housing. Property managers will pass the costs on to the tenant either in increased rents or a reduction of services. Affordable housing is the number one concern of many renters.

We would be happy to elaborate on all or any of these concerns against licensing. We understand that we have not provided a detailed amount of information regarding these issues. However we have repeatedly attempted to provide our insight on the issues with residential rental properties. Repeatedly our input was rejected.

Originally, we had requested a position on the first CLC. We were refused. A rational wasn’t provided to us or to other property managers who were rejected. Since this process is meant to be public, rationale should be given to those denied and/or the city should provide a basic guideline on what criteria was used to choose applicants.

Once we were refused a position on the CLC we attempted to start a dialogue with the city councillors to better understand what the concerns were. Only one councillor out of the four attended. We did not even receive a response from all of the councillors.

In January we were asked if we would be interested in preparing an informative presentation on the industry for the CLC. As subject matter experts with practical experience, continuous industry education, and a history of community involvement regarding residential rental properties, we were happy to provide an educational background to this industry so that a feasible solution could be attained. The purpose of this presentation was to outline the current regulations and parameters of the industry. This presentation was discussed on two other dates in February and April. Finally, we were told that we would not be able to speak to the CLC.

The first reason we were given was a tight deadline (please note that we have been in contact with the city since last fall and this presentation was discussed as early as January and when we followed up in February and in April we were not told about this tight deadline. Also a number of other presentations were made to the CLC and no reason was given as to why those groups were granted an opportunity over us. The City of London made a presentation. If the City has a tight deadline it would seem rational to include all of the invested groups from this city before requesting input from another city). The second reason was that our membership did not fit in this scope of this CLC (this is not accurate). We were told we could submit something in writing to the CLC however we are still seeking clarification on what would be done with those comments.

On April 22nd we were still discussing making the presentation on May 26th. After April 22nd, our request was formally denied and we were told that the meeting on April 22nd was our opportunity to share our opinion. At the very least the city is unorganized if it is suggesting that we would be able to present all of our comments on April 22nd if up to and including that evening we were given the impression that we will have a chance to make detailed comments at a future date. If we were going to be limited to one evening it should have been made clear before and not after that evening that our input will be limited to that date. It certainly should not have been repeatedly suggested that we will have an opportunity at the later date.

Even our notification of the meeting on April 22nd was not received well in advance due to an inability to book an appropriate location with enough notice. Additionally it was not publicly advertised and the City’s website regarding this process was one paragraph at this point and did not include any information on this meeting. (Since then (mid-May) there have been some updates made to the page). Once we were refused, we formally requested that our request be reconsidered and we provided detailed rational. None of these comments were directly addressed. Instead we were told that because of the tight deadline that the committee needed to move
forward with these findings. According to the meeting minutes that have been made available to us, there have been no cohesive information provided to the CLC to thoroughly educate them about the industry that they are evaluating a licensing process for. To make a decision based on incomplete facts in order to meet a tight deadline will ultimately be detrimental. It is a waste of city's resources and the industries' to implement a solution quickly without ensuring that it is the correct one. It is also unfair to residents and renters to implement a solution that will not resolve the problem – it is an insult to try to expedite a solution if there is significant doubt that it addresses their concerns.

We were given an opportunity to speak to some city staff and the Mayor for a short period in February and have been invited to have a place on the city wide CLC however this is really not sufficient input into the process.

I would be happy to discuss this further with any of you who are willing to grant our membership of hardworking citizens an opportunity to speak. There is a reason that we have all chosen to invest in Hamilton and I hope that we can continue to feel like a valued part of the community we are helping to house.

Thank you,

Arun Pathak
President
Hamilton & District Apartment Association