December 19, 2008

Mayor Fred Eisenberger and Members of Hamilton City Council
Hamilton City Centre
Clerk’s Department
77 James St. North
Suite 220
Hamilton, ON
L8R 2K3

Dear Mayor Eisenberger and Members of Council:

**Re: Rental housing licensing by-law**

Please see the attached letter recently sent to the City of Oshawa, outlining the potential human rights implications of their rental housing licensing by-law. I understand that the City of Hamilton has endorsed the concept of a city-wide residential rental housing licensing by-law. I wanted to share this letter with you to raise awareness of the human rights issues to consider in your planning, and to ensure that the City of Hamilton does not adversely affect people from *Human Rights Code*-protected groups by limiting accessible or affordable housing options.

If you need further details, please do not hesitate to contact me or my office at (416) 314-4537.

Yours truly,

[Signature]

Barbara Hall, B.A, LL.B, Ph.D (hon.)
Chief Commissioner
December 11, 2008

Councillor Louise Parkes
Chair, UOIT/Durham College Student Housing Task Force
c/o Sandra Kranc, City Clerk
5th Floor, Rundle Tower, City Hall
City of Oshawa
50 Centre St. South
Oshawa, ON L1H 3Z7

Dear Councillor Parkes:

Re: Meeting regarding Oshawa’s landlord licensing by-law

Thank you for speaking with my staff and me on such short notice about the student housing situation in Oshawa. We appreciated the opportunity to share our concerns about the human rights impact of the landlord licensing by-law and to talk about the efforts the City of Oshawa is making in working with constituents to identify housing solutions. We understand that this is an issue of great concern to students, homeowners and landlords alike, and can see that Oshawa, through its UOIT/Durham College Student Housing Task Force, is attempting to tackle all of these perspectives head-on to address the needs of the community.

The Ontario Human Rights Commission ("Commission") commends the City of Oshawa for working with the UOIT and Durham College to identify and support the development of additional student housing units on and off campus. We also encourage your efforts to promote and develop more affordable housing options across the City, which will benefit not only young people, but other people protected by Human Rights Code ("Code") grounds, including families, newcomers, people with disabilities, older persons, and people receiving public assistance.

With respect to the landlord licensing by-law, I understand that its intent is to reinforce existing standards and encourage compliance with various safety regulations in a geographic area that has been the subject of numerous complaints. I agree that the by-law allows Oshawa to address overcrowding, housing that has been renovated illegally, and health and safety violations, and that these are worthy goals. However, there are elements of the by-law that can give rise to human rights concerns.

For example, setting a cap of four legal bedrooms for use in each rental house in the designated area may result in the exclusion or restriction of young people from the neighbourhood, and result in a loss of housing. Where houses have been built with more than four bedrooms, or have been legally renovated, there remains the question of why these bedrooms cannot be used. If it is because of the types of tenants who are likely to live there (i.e. students), the by-law could be seen to have the effect of stereotyping young people as
being less responsible and less likely to look after their property than others. This could be seen to violate the Code.

The Commission has a mandate under section 29 of the Code to initiate inquiries into conditions of tension or conflict in communities and encourage recommendations and activities to reduce or prevent these conditions. As part of this mandate, we would like to assist Oshawa in finding non-discriminatory ways to resolve its housing issues.

To this end, we suggested in our meeting that Oshawa consider amending the by-law to ensure that houses that had four or more bedrooms as part of their original plan, or are legally renovated to include more than four bedrooms (whether in the basement or not), are protected under the by-law. Further, as one possibility, we suggested that Oshawa might consider implementing any such by-law City-wide.

I also recognize that the Task Force is considering long-term plans to return various neighbourhoods to their intended planning purpose. However, if this results in zoning out certain types of shared accommodation, such as lodging houses, it could again have an adverse impact on Code-protected groups.

In the Commission’s consultation on housing, we heard that zoning by-laws and policies in municipalities that restrict certain types of housing developments (rooming houses, lodging houses, or group homes, for example), while allowing other residential development of a similar scale, adversely restrict people from Code-protected groups, because they are more likely to rely on these establishments. This could be viewed as discriminatory. I urge you to consider this issue in your planning in order to promote inclusive and diversified neighbourhood environments from which everyone can benefit.

One of the commitments the Commission made in its recent housing report was to educate the public and key stakeholders on human rights issues in housing. Part of this commitment will be sharing letters such as this one so a wider audience can benefit from the issues considered and the resolutions achieved.

It is my hope that the City of Oshawa and the Commission can continue to work together positively on this matter as it unfolds. I recognize the opportunity for the City of Oshawa to be seen as a leading example in the development of affordable housing and that it is poised to set a precedent for other municipalities to follow. I look forward to discussing this issue further and collaborating with the City to promote safe and affordable housing that addresses human rights concerns.

Yours truly,

Barbara Hall, B.A, LL.B, Ph.D (hon.)
Chief Commissioner

CC: Mayor John Gray, Oshawa City Council