



**Subject: Lodging House Licencing By-law**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2021-116

Meeting Date: April 26, 2021

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**Recommendation:**

That Chief Administrative Office Report 2021-116 be received;

That Council request the Niagara Region's Licencing Department staff to implement licencing of lodging houses in the Niagara Region; and

That, if Regional staff does not wish to pursue Regional licencing of lodging homes, City staff are directed to initiate the process of licencing at the municipal level.

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**Purpose:**

This report is prepared at the request of Council to provide recommended options to protect vulnerable tenants of Lodging Houses in Port Colborne. Lodging houses are unregulated, and staff feel that there is an opportunity to put regulations in place to protect the occupants of these residential facilities.

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**Background:**

There are a number of lodging houses operating in Port Colborne. Lodging houses are defined in the City's Zoning By-law as:

**Boarding or Lodging House:** Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital or other establishment otherwise classified or defined in this By-law.

Lodging houses are also defined in the Building Code and the Fire Code. In many instances, lodging houses are operating as supportive living homes. Supportive living

homes often provide housing for low-income seniors and people with disabilities who need assistance to live on their own.

In the past, City staff have received complaints about the living conditions and safety conditions in lodging houses, however, the City has no enforcement tools to address these complaints because there is no existing regulation of lodging houses. Without provincial, regional, or municipal regulation, staff have no authority to enforce unsatisfactory conditions in these facilities.

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## **Discussion:**

Staff believe that it is important to regulate lodging houses in Port Colborne and see three options to introduce regulation.

### **Option 1 – Provincial Regulation**

Staff believe that the regulation of lodging houses could come in the form of Provincial legislation that licences operations of this type Province-wide. This would be in the same manner that the Province regulates rental accommodations through the Residential Tenancies Act or nursing homes through the Nursing Homes Act. The local Member of Provincial Parliament introduced legislation to regulate supportive living accommodations in the provincial legislature in 2019 (Appendix A). The proposed bill has passed two readings in 2020 and has been referred to the Standing Committee on General Government.

Staff believe that provincial legislation is the preferred method to regulate lodging houses in Ontario, however there is no indication if the Private Member's Bill will pass the legislature or what the expected timing will be. Staff do not feel that there is a likelihood of a provincial solution to the lodging house issue.

### **Option 2 – Regional Regulation**

Staff believe that another model for regulation of lodging homes is through a regional by-law that applies to the entire Niagara Region. Staff believe this model would be beneficial as it would create an operating environment that is consistent throughout the Region.

Port Colborne staff believe that, in the absence of Provincial regulation, Regional regulation is the next best option and is preferable to regulation at the City level. Staff have discussed this option with Regional staff and the initial indication is that the Region would prefer to have lodging by-laws passed at the City level rather than at the Regional level.

### **Option 3 – Municipal Regulation**

A third option to provide a regulatory environment for lodging homes is for the City to enact a by-law that applies to this type of operation within Port Colborne. For several years, staff have been working on a draft by-law with various departments at the City, other municipalities and agencies, the City solicitor, and staff at Niagara Region.

Staff have developed a draft Lodging House Licencing By-law (attached as Appendix B). Staff believe that this by-law is a reasonable choice to implement in the event that a licencing regime is not implemented at either the Province or the Regional level. Staff believe that the Provincial or Regional licencing system is preferred over the municipal licencing system.

If Council decides to direct staff to bring the draft lodging House Licencing By-law before Council for consideration, staff would recommend holding a public open house to gather public comments about the proposed by-law and to provide an opportunity for operators of lodging homes to provide comments to Council.

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#### **Internal Consultations:**

The proposed by-law has been the subject of several years of effort – both by City staff and external agencies. The Region and a number of other municipalities have worked on similar by-laws and these efforts have contributed to this draft by-law. The draft by-law has also been the subject of discussion at the City's Social Determinants of Health Committee. Likewise, the Region has administered a working group to help develop the draft by-law and the City's previous Deputy Fire Chief was an active contributor to the proposed by-law as a member of the working group.

More recently, staff have been actively working on tailoring the draft by-law to meet the City's needs. This exercise has included the Chief Administrative Officer as well as staff from the By-law Division, Fire Department, Clerk's Division, Planning Department and staff from Niagara Region Community Services.

#### **Region of Niagara Comments:**

The following background information has been provided by Niagara Region staff:

In 2017 Regional Council directed that regional staff create a working group with the mandate to explore with local area municipalities options, including commonly worded by-laws, that may better ensure the provision of basic and humane necessities of life in boarding and lodging houses in Niagara. This work was linked to the goal of Niagara's 10-year Housing and Homelessness Action Plan (HHAP) to provide safe, affordable housing options for all Niagara residents.

The challenge crossed multiple levels of government (Provincial, Regional, and Municipal) and areas of responsibility/jurisdiction (Fire, Residential Tenancies, Health, Mental Health, Police, and Food Safety). To address this, the working group engaged a variety of subject matter and sector experts from municipal government and community agencies, including: Homelessness Services, Social Assistance, municipal Fire Prevention, municipal Planning and By-law, Public Health (Mental Health and Environmental Health), Community Legal Clinic, and service providers. Differences in local context were addressed by including representatives from different local area municipalities, including Port Colborne.

Through a facilitated process the working group identified specific issues related to rooming houses to be addressed, identified the interests and needs of key stakeholders, developed a list of possible solutions, evaluated the possible solutions, and developed recommendations. The group also explored examples from different jurisdictions including Alberta, London, Ottawa, Hamilton, and local area municipalities. As a result of this process the group recommended the creation of a commonly worded By-law for Rooming Houses that could be adapted to meet the needs of local area municipalities. A draft commonly worded by-law was completed in December 2018 and shared with local area municipalities in 2019.

A staff member from Niagara Region who was involved in the regional working group and the preparation of the draft commonly worded by-law was available to the City of Port Colborne in a consultancy role during the development of the City's draft municipal by-law.

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### **Financial Implications:**

There would be a cost in staff time to implement and administer a licencing regime for lodging houses in Port Colborne. Staff would recommend implementing a licence fee to help mitigate the financial impact of administering the licencing program.

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### **Public Engagement:**

If Council chooses to direct staff to bring the draft by-law forward, staff recommend that a public meeting be held to receive comments from the community with respect to the proposed Lodging House Licencing By-law. If a public meeting is scheduled, staff will notify the proprietors of any known lodging houses in Port Colborne.

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## **Conclusion:**

Staff believe that it is important to provide protection to residents of lodging homes by regulating their operations in Port Colborne with a licencing regime. Staff are of the opinion that the most appropriate agency to establish licencing is the Province of Ontario, in the event that the Province is unwilling to regulate these activities, staff believe the Region of Niagara is the next most appropriate agency. If neither the Province, nor the Region undertakes licencing of lodging homes, staff recommend the attached licencing by-law be enacted at the City level.

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## **Appendices:**

- a. Appendix A – Article – Supporting Living Homes
- b. Appendix B – Draft Lodging House By-law

Respectfully submitted,

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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.