



Date: January 13, 2025
To: Mayor and Council
Author: Matthew Ducharme, Licensing Coordinator
RE: Boarding, Lodging and Rooming House By-law – One Year Review

RECOMMENDED ACTION

That Council **APPROVE** the following amendments to By-law 3-2024, being a By-law to licence Boarding, Lodging, and Rooming Houses (BLRH) in the Town of Kingsville:

1. Clarify that the By-law does not apply to long-term care homes, homes for special care, and retirement homes licensed by the Province; and
2. Clarify the provisions of the By-law related to appeals of licensing decisions.

And that the Fees and Charges By-law 89-2024 **BE AMENDED** to reflect the fees for a Boarding, Lodging and Rooming House (BLRH) Licence as noted in this report;

And that corresponding By-law 2-2025, being a By-law to amend By-law 89-2024, and corresponding By-law 3-2025, being a By-law to amend By-law 3-2024, **BE ADOPTED** during the By-law stage of this Council Agenda.

BACKGROUND

On October 10, 2023, Council passed By-law 62-2023 being a By-law to licence Boarding, Lodging, Rooming Houses (hereafter, "BLRH") in the Town of Kingsville.

During the preparation period, Administration identified several areas to improve upon the By-law to ensure that the corresponding licensing regime is both practicable and enforceable. On January 8, 2024, Council repealed the earlier version of the By-law and replaced it with By-law 3-2024, which is currently in force.

DISCUSSION

As of January 6, 2025, Administration has received 171 applications for a BLRH Licence. Of these applications, 1 application is for the Residential Classification and 170 are for the Agricultural Classification. Of the 171 applications, 52 are considered incomplete as these applicants have not submitted a Criminal Record Check.

The greenhouse industry has advocated for the removal of the Criminal Record Check requirement; however, this requirement is a tool to achieve the purpose of protecting the health and safety of vulnerable individuals residing in a BLRH. In comparison to other local municipalities with similar licensing regimes, the Municipality of Leamington requires a Vulnerable Sector Check, which is a more comprehensive type of Criminal Record Check, to obtain a licence for a Boarding/Rooming House. As far as Administration is aware, the federal Temporary Foreign Worker (TFW) program does not require a Criminal Record Check from the business owner as part of the application process.

If Council decides to retain this requirement for a Criminal Record Check, the current 52 incomplete applications will not be able to obtain a BLRH Licence until such time as a Criminal Record Check is submitted. If this document is not provided, Administration will begin enforcement measures against those operating without a BLRH Licence.

Over the last several months, Administration has been reviewing the completed applications to determine compliance with the BLRH By-law, Building Code, Fire Code and Zoning By-law. This has required substantial resources from the Municipal Governance, Building, Fire, Planning, and By-law Departments.

Of the 119 complete applications received, Administration has identified 52 structures that are not currently in compliance with the Building Code, Fire Code, and/or Zoning By-law. Where issues have been identified, Administration is actively working with the applicants to bring those structures into compliance so that a BLRH Licence may be issued.

Proposed Amendments

Administration conducted a review of By-law 3-2024 now that a full year has passed since its adoption and is recommending the following amendments be approved:

- 1. Clarify that the By-law does not apply to long-term care homes, homes for special care, and retirement homes licensed by the Province.**

The noted types of housing are not intended to be captured by this By-law and should be specifically exempted due to Provincial legislation.

- 2. Clarify the By-law related to appeals of licensing decisions.**

This amendment would clarify that only an applicant or licensee may appeal a decision to refuse to issue, suspend or revoke a Licence within 10 days. The Committee of Adjustment & Appeals would have the authority to hear appeals related to Licence refusals, suspensions and revocations, not singular charges or fines which would follow the process prescribed in the Provincial Offences Act. This amendment would also clarify that a request to appeal a decision does not alleviate the applicant or licensee from complying with the By-law.

3. Amend the application fees to include a tiered-fee system.

Administration is recommending the application fees for a BLRH Licence be amended to a tiered-fee system to provide for better cost recovery of administrative time.

The cost of on-going administration and enforcement of the BLRH licensing program is estimated to cost \$83,000 per year. This includes administrative time to process applications, perform internal departmental reviews of applications and conduct any required enforcement.

The current application fee for a BLRH Licence is \$100 per structure. In 2024, \$17,100 in BLRH licensing fees were collected.

Administration does not support having the Town's general tax base subsidize the BLRH licensing program. To provide for greater cost recovery, Administration is recommending the following fee structure be adopted:

Type	Licensing Fee (per structure)
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 10 Occupants)	\$100.00
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 25 Occupants)	\$500.00
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 50 Occupants)	\$1,000.00
Boarding, Lodging & Rooming House (BLRH) Licence (Greater than 50 Occupants)	\$1,500.00

FINANCIAL CONSIDERATIONS

Administration is proposing that the application fees for a BLRH Licence be amended to reflect the tiered-fee system outlined in this report. This system of fees would generate approximately \$83,400 in revenue, providing for greater cost recovery of administrative time. In 2024, only \$17,100 in BLRH licensing fees were collected which is well below the cost of administering this program. The increased fees would generate approximately \$66,300 of additional revenue which would offset the existing tax funded deficit of this program.

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations.

CONSULTATIONS

Kingsville Administration

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