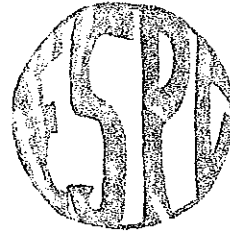


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EDMONTON
SOCIAL
PLANNING
COUNCIL



TASK FORCE ON:

MINIMUM PROPERTY STANDARDS BY-LAW

The Task Force on Minimum Property Standards By-laws has been formed in response to the proposal to pass such a by-law in Edmonton. The Task Force is sympathetic to the aims of the by-law - to prevent building deterioration for the benefit of neighbourhoods and tenants. However, there are a number of questions which should be answered by the City before committing itself to the proposed by-law. These relate to assistance for poorer home owners to bring their houses to standard, to financial protection for tenants and to enforcement procedures.

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EDMONTON SOCIAL PLANNING COUNCIL

TASK FORCE ON MINIMUM PROPERTY STANDARDS BY-LAW

INTRODUCTION

The Task Force on the Minimum Property Standards By-law has been formed in response to an invitation from the City Planning Department to the Edmonton Social Planning Council (as well as to other groups), to respond to the draft By-law and Report. The Social Planning Council approach has been to bring together into the Task Force, citizens from a wide range of interests, neighborhoods, and backgrounds to pool their knowledge and ideas on the value and consequences of the By-law as it has been drafted and as it is intended to be applied. This Task Force report represents the response of the Social Planning Council to the City. As well, we hope that knowledge gained by individuals at Task Force meetings will be useful to other groups who might be making their own submissions.

THE ISSUES

At its first meeting, the Task Force considered a number of aspects of the By-law. It was agreed that the purpose of the By-law seemed to be two-fold: (1) to protect neighborhoods from deterioration; and (2) to protect tenants from inadequate housing. A number of points were noted where the proposed By-law seems to complement existing By-laws and Provincial Statutes in carrying out this two-fold purpose. It was noted, for instance, that the Zoning By-law regulates use and density; the building code, new construction and renovation; the unsightly Premises By-law, garbage; the Public Health Act, through the Board of Health, health and safety of rented housing occupants. In addition, there are the fire by-law and by-laws dealing with electricity, plumbing, water and sewer, etc. The Minimum Standards By-law will augment these by dealing with the property around the building, with the structural soundness of it on a continuing basis, with non-residential property, with signs and possibly with standards of condominium housing.

It being agreed that the Minimum Property Standards By-law seems to have some features not found in existing legislation, two questions remain: will the By-law be useful in meeting the purposes for which it is designed (that is to say, will it be enforceable and enforced); and, what negative consequences, if any, are there of the By-law as it is now being considered?

In terms of enforceability, there are some questions as to whether the City will have adequate resources to do the job. In terms of consequences, there is concern that the By-law could lead to poor home owners being forced out of houses they cannot afford to fix up, that the By-law could actively be used to this end and hence to obliterate certain areas, and that for renters, enforcement of the By-law, in the absence of rent control measures, could lead to rent increases to the point of hardship for some renters.

INFORMATION ON MINIMUM PROPERTY STANDARDS BY-LAWS

The Task Force was concerned that it could find no one in the City who could provide information as to recent experiences of other cities with the Minimum Property Standards By-law. There seems to have been some contact with Ottawa whose own Minimum Property Standards By-law forms the basis for Edmonton's drafted by-law, but this contact seems to have been limited to questions of operations associated with such a by-law in terms of enforcement procedures, inspection staff etc.

The Task Force has attempted to find information from other cities and to review literature regarding minimum property standards. Unfortunately, the limitation of time and the highly complicated nature of the issue, prevents us from concluding such a review prior to July 9, 1973. Accordingly we can only offer to City Council, at this time, the following information:

1. The Central Mortgage and Housing Corporation (CMHC) will not be giving money directly to municipalities under National Housing Act (NHA) amendments. A master agreement between the Federal Government and Ottawa, will establish the terms of reference under which municipalities or individuals may get rehabilitation or Neighborhood Improvement Program (NIP) grants - a maximum sum being budgeted for each province. Money will be funneled in Alberta's case, through the Alberta Housing Corporation (AHC). It will be at least this fall before such an agreement is signed with Alberta.
2. On the basis of conversations with local and Ottawa CMHC officials, it seems that most rehabilitation money seems destined for NIP areas, though the amendments provide for any building being eligible for assistance, and in the final analysis, the availability of loans and grants will be determined by the Master Agreement, by the Province's (AHC's) decision within that agreement, and by the municipality as it is given such latitude by the Province. Hence, while minimum property standards are now required for the whole municipality (or area of the Province), there is definitely no guarantee that all owners of property in the city will be assisted in upgrading that property to standard. In fact, there is a large amount of agreement that property owners in some areas of the city will probably not be assisted.
3. CMHC, at least, sees most of the money for rehabilitation going into basic items - plumbing, wiring, heating and structure. While paint say, may be added to the basic repairs and assistance given, CMHC does not, for now at least, envisage loans being given for minor repairs and upkeep.
4. It would be possible, of course, for the City itself to provide funds to poorer property owners for rehabilitating properties - in particular those properties judged inadequate under a Minimum Property Standard By-law. For instance, Ottawa provides loans of up to \$1,800., Toronto provides loans of up to \$5,000. at 6½% interest amortized on taxes over 10 years.

5. It seems to be the experience in the United States and in many Ontario cities at least, that in the absence of virtually guaranteed assistance to make home repairs and of an adequate inspection staff, that a Minimum Property Standards By-law causes a great deal of frustration for the City and sometimes hostility from the community.

6. Almost universally, where a minimum property standards by-law exists, inspection and enforcement seems to be inadequate. Vanier, in Ontario, gets around this by using the following procedures:

- Indesignated rehabilitation areas, there is comprehensive enforcement.
- In conservation areas, there is enforcement only as required.
- In renewal areas, there is no enforcement.

There are many other ways cities attempt to deal with the immense problems of enforcement and inspection.

CONCLUDING QUESTIONS

The Task Force has been unable to conclude yet what should be done about the proposed Minimum Property Standards By-law. We are in support of what seem to be the two major and explicit purposes of the by-law, namely (1) to prevent neighbourhood deterioration; (2) to protect tenants from inadequate housing. But we would like to be sure Council is convinced that this By-law will in fact achieve these two ends and that it will not lead to other deleterious consequences, deleterious to the city as a whole, to certain neighbourhoods, or to individual home owners or renters.

Accordingly, we urge City Council to satisfy itself that it has answers to the following questions prior to committing itself to adoption of a Minimum Property Standards By-law.

1. What provisions need to be made and will be made to provide money to home owners required to fix up their property to meet the standards set by the Minimum Property Standards By-law? What are the respective roles for CMHC, AHC and the City?
2. Where a home owner is forced to move because he cannot afford necessary repairs despite available assistance, what relocation assistance should and will be provided?
3. What measures will be provided to protect the tenant from taking the brunt of restrictions placed on housing by the Minimum Property Standards By-law? Should, and will, there be funds available to any tenant forced to re-locate because his building is closed down? Should, and will, there be rent control? Should, and will, there be measures to protect the tenant being forced to carry out improvements for which the landlord is responsible?
4. Since the by-law is to apply city-wide, what enforcement procedures are envisioned to ensure that the by-law is applied equitably across the city? Should the by-law be enforced uniformly across the city? If not, what criteria should be used to determine where inspections are undertaken and orders to repair issued?
5. Is it advisable for the City Planning Department to have responsibility for enforcing this by-law, given that it is also

responsible for determining which areas should be allowed to live, which should be enhanced, and which should be re-developed. A possible conflict of interest is seen here - should the City Planning Department have responsibility for enforcing the by-law?

6. What is the guarantee that the Minimum Property Standards By-law will result in any more effective action to prevent unhealthy premises when the Board of Health and the Building Inspection Branch seem unable to achieve such standards now?

In conclusion, the Task Force on the Minimum Property Standards By-law does not have the answers to a number of questions which concerned people have asked about the effects of such a by-law. We are concerned further that the City has not yet adequately dealt with these questions either. We urge it to do so before deciding whether or not to pass the proposed by-law.

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