

Policy No.: P01 - Approach to Existing Boarding Houses
Date Enacted: April 29, 2021
Amended By: No. C-02-22 on January 11, 2022

Subject

This Policy sets out the Municipality's approach to boarding houses which existed as of April 29, 2021.

Purpose

The Building Code and the Fire Code define a "boarding, lodging or rooming house" as a building,

- that has a building height not exceeding three storeys and a building area not exceeding 600 m²;
- in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both; and
- in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

The distinguishing characteristic as between a boarding house and a single dwelling unit is the control of the premises. Control in a boarding house is between the owner and the occupants on an individual basis, whereas in a single dwelling unit it is by the group operating as a single tenancy.

Given the growth within the greenhouse and agricultural industry, the utilization of single dwelling units to house temporary and seasonal workers in both the urban and the rural areas of the Municipality has exponentially increased. The use of these premises by individuals, couples or small families and by farm workers as a form of affordable housing is as a boarding house as it is not under a single tenancy.

Although some farm worker accommodations located on the same site as the agricultural use and generally constructed as a dormitory style bunkhouse are also constructed and utilized for worker housing, greenhouse and agriculture industry

leaders have continued to take the position that the use of boarding houses is necessary in order to accommodate the several thousand workers that are required annually to fill the positions required within the sector. Further, the cost of housing in the region has risen significantly within the last 3 years and the availability of affordable housing for single people, couples and small families is very difficult to secure.

The conversion and use of existing dwelling units as boarding houses required attention as the practice did not adequately address the safety of the occupants of these dwellings; was not always appropriate due to the capacity of available services; and was not in keeping with the provisions of the Municipality's Official Plan or the Zoning By-law. Specifically, the Zoning By-law did not permit boarding houses to be located in any zone.

On April 29, 2021, Council considered and approved an amendment to the Zoning By-law which permits boarding houses to be located in various zones within the Municipality.

Scope

This Policy provides direction to Administration regarding the enforcement of the Zoning By-law with respect to boarding houses that existed as of April 29, 2021.

Definitions

"Boarding/Rooming House" means a boarding house (urban and rural) existing as of April 29, 2021 not approved by the WECHU as a requirement of the Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program.

"Building Code" means the Building Code, O. Reg. 332/12.

"Business Licensing By-law" means Business Licensing By-law 05-19, as may be amended from time to time.

"Farm Worker Dwelling" being a boarding house (urban and rural) approved by the WECHU as a requirement of the Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program, excluding temporary housing used for the quarantining of workers.

"Fire Code" means the Fire Code, O. Reg. 213/07.

"Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program" means the programs administered by the federal government used by employers to hire foreign workers to fill labour or skills shortages on a temporary basis.

“WECHU” means the Windsor-Essex County Health Unit.

“Zoning By-law” means Comprehensive Zoning By-law 890-09, as may be amended from time to time.

Policy

Farm Worker Dwellings

1. All Farm Worker Dwellings existing as of April 29, 2021 may continue to exist until December 31, 2022, notwithstanding that the use does not comply with the Zoning By-law.
2. The following conditions shall apply to Farm Worker Dwellings described in section 1:
 - a) The accommodation must be identified as being approved by the WECHU as a requirement of the Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program as of April 29, 2021.
 - b) The use may continue to exist only for as long as the accommodation is identified as being approved by the WECHU as a requirement of the Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program. If the accommodation ceases to be so identified, the use of the accommodation must thereafter comply with the Zoning By-law.
 - c) The use may not be expanded upon through the increase in the number of occupants as approved by the WECHU, nor the size of the accommodation.
 - d) The accommodation must be retrofit to comply with the boarding house provisions of the Building Code and Fire Code by March 15, 2022 (eg. if the use is within a single unit residential dwelling, a building permit must be obtained and the work required completed) which would ensure the safety of the occupants.

Boarding/Rooming Houses

3. All Boarding/Rooming Houses existing as of April 29, 2021 may continue to exist until April 29, 2022 notwithstanding that the use does not comply with the Zoning By-law.

4. The following conditions shall apply to Boarding/Rooming Houses as described in section 3:
 - a) The accommodation must be identified as a Boarding/Rooming House as of April 29, 2021.
 - b) The use may continue to exist only for as long as the accommodation is identified as a Boarding/Rooming House through the Business Licensing By-law. If the operator fails to maintain a business licence or if the business licence is refused or revoked, the use of the accommodation must thereafter comply with the Zoning By-law.
 - c) The use may not be expanded upon through the increase in the number of occupants nor the size of the accommodation.
 - d) The accommodation must be retrofit to comply with the boarding house provisions of the Building Code and Fire Code by October 29, 2021 (eg. if the use is within a single unit residential dwelling, a building permit must be obtained and the work required completed) which would ensure the safety of the occupants.
 - e) The operator must apply for and be granted a business licence pursuant to the Business Licensing By-law by October 29, 2021.

Repeal

5. Sections 1 and 2 of this Policy shall be repealed effective December 31, 2022.
6. Sections 3 and 4 of this Policy shall be repealed effective April 29, 2022.

Attachments

Decision Tree - Farm Worker Dwelling

Decision Tree - Boarding/Rooming House

Farm Worker Dwelling

BOARDING HOUSE

Is this a Farm Worker Dwelling?

Yes

No

Did the FWD exist on April 29, 2021?

Yes

No

May continue to exist with conditions

Enforcement

Has a building permit been issued within 6 months?

Yes

No

May continue to exist as long as conditions continue to be met

Enforcement

Did use cease on or before December 31, 2022

Yes

No

No further action

Enforcement

See Boarding/Rooming House Decision Tree

Boarding/Rooming House

