



**Report**  
**Staff Report**  
The Corporation of the City of Brampton  
10/16/2024

**Date:** 2024-10-10

**Subject:** **Recommendation Report - City Comments on ERO 019-9210 Amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, under the Planning Act**

**Contact:** Steve Ganesh, Commissioner, Planning, Building & Growth Mgmt.  
Henrik Zbogar, Director, Integrated City Planning

**Report number:** Planning, Bld & Growth Mgt-2024-803

**RECOMMENDATIONS:**

1. That the report from Connor Cowan, Planner I, Integrated City Planning to the City Council Meeting of October 16, 2024, re: **Recommendation Report - City Comments on ERO 019-9210 Amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, under the Planning Act**, be received;
2. That the City's comments and proposed recommendations to the Province contained and appended to the report be endorsed;
3. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing;
4. That Council not endorse the proposed changes prescribed in ERO 019-9210 in their current iteration for the reasons summarized below, and as further articulated in this report and the appended comment letter:
  - i. Increasing the maximum lot coverage to 45% for lots containing ARUs will facilitate and encourage inappropriate development patterns in existing and sensitive neighbourhoods. This includes downstream negative effects on municipal stormwater systems and other services (i.e. property standards).
  - ii. Removal of angular plane requirements will lead to privacy concerns and increased strain on the City's building and enforcement teams.
  - iii. Removal of FSI requirements will undermine community character and will lead to broader enforcement issues related to property standards. This could undermine the City's outcome(s) associated with the Residential Rental License (RRL) pilot program.

- iv. Language within the ERO is unclear and does not provide City staff with direction on how similar zoning provisions (i.e. building height, gross floor area requirements) may be applied.
5. That Council request the Province to continue further dialogue with municipal partners including the City of Brampton prior to final approval of the proposed legislative changes given the potential enforcement and development impacts precipitated by ERO 019-9210. This will result in a more balanced approach to align with Brampton's objectives rather than a universal approach as per the proposed legislation.

**OVERVIEW:**

- **On September 23, 2024, the provincial government introduced ERO 019-9210: Proposed amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, made under the Planning Act.**
- **The proposed changes through ERO 019-9210 significantly reduce the City's ability to regulate the size and configuration of Additional Residential Units, which will result in undesirable built forms and growth in established neighborhoods.**
- **The provincial government is currently soliciting input on the proposed legislative changes on ERO 019-9210 prior to October 23<sup>rd</sup>, 2024.**

**BACKGROUND:**

On September 23, 2024, the provincial government introduced ERO 019-9210: Proposed amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, made under the Planning Act (hereinafter referred to as "the ERO"). This is part of an ongoing effort by the Province to encourage the development of ARUs to help achieve the Province's goal of constructing 1.5 million new homes in Ontario by 2031. The ERO seeks to relax zoning regulations for ARU's pertaining to lot coverage, angular plane, lot area requirements, and floor space index.

The Province of Ontario is currently soliciting comments on the proposed legislative changes through the Environmental Registry of Ontario. The commenting deadline is October 23<sup>rd</sup>, 2024.

## CURRENT SITUATION:

The proposed regulation under the *Planning Act* amends municipalities' authority to regulate a number of zoning provisions. The proposed amendments to O.Reg 299/19 under the *Planning Act* are as follows:

- **Angular plane requirements:** Override all angular plane requirements in zoning by-laws for buildings with ARUs.
- **Maximum lot coverage:** Allow at least 45% lot coverage for all buildings and structures on parcels with ARUs.
- **Floor Space Index (FSI):** Override all FSI requirements in zoning by-laws that apply to parcels with ARUs.
- **Minimum Lot Size:** Override all minimum lot size/lot area requirements that are specific to parcels with ARUs.
- **Building Distance Separation:** Restrict building distance separation requirements associated with any building containing ARUs to a maximum of 4 metres.

As of September 2024, the City has over 22,200 registered ARUs and 47 active garden suite applications. The City's overall housing target is 113,000 new residential units by 2031. In 2023, 58% of our housing starts were ARUs. For the first half of 2024 (Jan-June), 93% of our housing starts were ARUs. While the City aims to provide a range of housing types, the sole reliance on ARUs to support housing targets can have unintended consequences if they are not accompanied with necessary funding for support programs and legislative tools to maintain community character (i.e. property standards, building inspections, etc.). Of note, the City has approximately 43,858 unbuilt residential units (i.e. housing units in the pipeline) with planning approvals issued, but no building permits.

The proposed regulation as prescribed in the ERO would hamper the City's ability to maintain the standards. Specifically, there are several existing zoning designations within the city that permit 25-35% lot coverage, including sensitive mature neighbourhoods that permit 30% lot coverage. Allowing greater coverage, as proposed by the Province, would encourage undesirable development patterns and adversely affect the character of these stable neighbourhoods. Similarly, there are many areas with shallow or narrow lots that could not feasibly accommodate the additional coverage without effectively removing any green/amenity space in the rear yards. This is also true for parcels containing semi-detached or townhome type dwellings (see Appendix 1 – Urban Design Lot Coverage Visualization). The reduction in greenspace will also negatively impact the already overworked stormwater system as there will be less permeable landscaping to divert runoff.

Staff are concerned with the removal of angular plane and FSI requirements. Although the City does not explicitly regulate these provisions, there are adjacent or similar regulations in place such as height restrictions (including tiered setbacks), as well as gross floor area (GFA) requirements. Staff request the Province to clarify whether these provisions will be “overridden” as stated in the ERO. The removal of these regulations will lead to privacy concerns and increased building enforcement issues and may undermine the City’s current successful Residential Rental Licensing (RRL) program, which requires landlords to maintain safe rental units that do not exceed the occupant load as prescribe in the Ontario Building Code.

Outlined below is a summary of the most significant changes to the Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, proposed through the ERO as well as corresponding staff comments.

<b>Proposed Changes</b>		<b>City Staff Comment</b>
<b>Angular Plane</b>	Override all angular plane requirements in the zoning by-law for building ARUs	<p>Staff foresee privacy concerns for ARUs greater than one storey, in particular where an ARU is located above a garage. This will lead to an increase in complaints and add additional strain on our enforcement and building teams.</p> <p>There are also daylight and visibility concerns on shallow and/or narrows lots. The City staff also notes that other jurisdictions such as Toronto and Vancouver have successfully implemented angular plane requirements for these reasons.</p> <p>City staff request clarification from the Province on whether the current height restrictions and tiered setbacks would be overridden by the proposed changes in the ERO.</p>
<b>Maximum Lot Coverage</b>	Allow at least 45% lot coverage for all buildings and structures on parcels with ARUs	<p>The zoning by-law currently regulates lot coverage in <i>mature neighbourhoods</i>, imposing a maximum lot coverage of 30% in these sensitive areas. The proposed changes would drastically inhibit the City’s ability to help maintain the character of Mature Neighbourhoods.</p> <p>Many other zoning designations (in particular R1’s) currently have maximum lot coverages ranging from 25% - 35%. An increase to 45% would negatively affect</p>

		<p>development patterns and create inconsistencies that run contrary to the Brampton Plan's complete community goals.</p> <p>City staff note that many homes in the Peel Village neighbourhood have deep front yard setbacks and the additional lot coverage would effectively eliminate any amenity space in the rear yard for both the ARU and the principal dwelling. This type of development would be undesirable and inconsistent with the neighbourhood (see Attachment 1 – Urban Design Lot Coverage Visualization).</p> <p>Moreover, the parcel fabric of other sensitive neighbourhoods with wider lot frontages and shallow lots (such as Fletcher's Meadow), and lots containing semi-detached and townhome dwellings could not feasibly increase coverages without causing undesirable development patterns that would negatively affect the vernacular and character of the neighbourhood (see Attachment 1 – Urban Design Lot Coverage Visualization).</p> <p>The increased lot coverage will cause additional strain on the already overworked municipal stormwater system as there will be less greenspace to intercept runoff.</p> <p>Finally, City staff also foresee additional complaints and strain on administrative processes related thereto.</p>
<p><b>Floor Space Index</b></p>	<p>Override all FSI requirements in zoning by-law that apply to parcels with ARUs</p>	<p>The current zoning by-law does not regulate floor space index (FSI). However, gross floor area (GFA) maximums are in place through the City's Zoning By-law. The City seeks clarification from the Province on whether these provisions will be overridden by the proposed changes within the ERO.</p> <p>City staff foresee issues with illegal lodging houses, driveway widening and additional strains on municipal services by allowing for</p>

		larger detached ARUs. The City is concerned the proposed changes will also undermine the successful Residential Rental License (RRL) pilot program and may encourage unsafe building conditions and practices.
<b>Minimum Lot Size</b>	Override all minimum lot size/lot area requirements that are specific to parcels with ARUs	City staff do not foresee any significant impacts from this change, as the City does not currently regulate minimum lot sizes for parcel's containing ARUs.
<b>Building Distance Separation</b>	Restrict building distance separation requirements associated with any building containing ARUs to a maximum of 4 metres	City staff has no objections to this change. The current zoning by-law requires a minimum separation of 3 metres from an ARU to the principal building.

### **Other Implications:**

Should the proposed legislation in ERO 019-9210 be ratified as-is, staff anticipate significant negative impacts on service delivery for our enforcement and building teams, including services such as inspections and permit delivery. City staff foresee an increase in complaints, which will put a strain on resources, resulting in poor customer service. The City's Building Division will need to allocate additional resources to address complaints and concerns from residents and those affected by the changes.

### **CONCLUSION:**

While the Province's ambition in permitting more options for ARUs is aspirational, Brampton has already been a leader in allowing and encouraging development of ARUs. However, staff see the need for smart and measured growth that considers a diversity of housing options, and that does not rely only on the development of ARUs. In this regard, the ERO's approach of forced growth is seen to be contrary to the City's currently successful pragmatic approach to growth management at large.

Staff request that the Province explore the proposed changes as an optional tool rather than a requirement. This would allow municipalities to better tailor these provisions to more appropriate areas and facilitate desirable development patterns. Should ARU built forms be so widely permitted as mandated in the ERO, the City is at risk of losing the character that makes Brampton neighbourhoods a desirable place to live, work and play.

Authored by:

Reviewed by:

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Chief Administrative Officer

**Attachments:**

- Attachment 1 – Urban Design Lot Coverage Visualization
- Attachment 2 – ERO 019-9210 Comment Letter
- Attachment 3 – Presentation: City Comments on Proposed Amendments to O.Reg 299/19