



Report
Staff Report
 The Corporation of the City of Brampton
 1/15/2025

Date: 2025-01-08

Subject: **Proposed Amendments to By-law 165-2022, Occupancy Standards**

Secondary Title: **Supplementary Report to, “Staff Report re. Occupancy Standards and Overcrowding in Rental Accommodations (RM 63/2024)”**

Contact: Allyson Sander, Strategic Leader Project Management, Office of the Commissioner, Legislative Services

Report number: Legislative Services-2025-019

RECOMMENDATIONS:

1. That the report from Allyson Sander, Strategic Leader Project Management, Office of the Commissioner, Legislative Services to the Committee of Council Meeting of January 15, 2025, re: **Proposed Amendments to By-law 165-2022, Occupancy Standards**, be received.

OVERVIEW:

- In December 2024, staff proposed important amendments to Property Standards By-law 165-2022, aimed at preventing unsafe overcrowding in residential dwellings and ensuring access to safer affordable housing.
- Following Council discussion on December 11, 2024, key amendments were made to the proposed provisions that consider the age of the occupant so that scalable standards are flexible and accommodate a wide range of tenancies.
- These amendments introduce another measure to help prevent landlords from exploiting the demand for affordable housing and protect marginalized and low-income residents who might otherwise be subject to overcrowding conditions. These changes balance residents’ right to cohabitate without compromising health and safety.
- There is no financial impact resulting from the adoption of the recommendations in this report.

Background

In December 2024, staff proposed amendments to [Property Standards By-law 165-2022](#), aimed at preventing unsafe overcrowding in residential dwellings. These amendments reflect a growing concern in the community and the City's commitment to ensuring access to affordable and safe housing across Brampton.

Today, under the Property Standards By-law and the *Ontario Building Code*, bedrooms must have a minimum of seven square-metres (7m²) of floor area. In accordance with the *Ontario Building Code*, the occupant load for the construction of a bedroom is, generally, reviewed by the Building Division based on two (2) occupants. Rather than establishing an arbitrary cap on bedroom occupancy, amendments were proposed to enhance the standard for multiple occupancies (3+) to mitigate the risks associated with overcrowding such as poor ventilation and air quality, obstructed egress, strain on property infrastructure and occupant wellness.

Current Situation

Following Council discussion on December 11, 2024, key amendments were made to the proposed provisions that consider the age of the occupant so that the scalable standards are flexible and accommodate a wide range of tenancies, including different family sizes and compositions. The amendments remain focused on preventing landlords from exploiting the demand for affordable housing and protecting marginalized and low-income residents who might otherwise face overcrowded living conditions

Proposed Amendments

Where a bedroom is provided to three adult occupants, it is proposed to establish a minimum total floor area of 14 square-metres (i.e., approx.150 square-feet). This aligns with the requirements under the *Ontario Building Code* for rooms such as dormitories (4.6. square-metres per occupant). Further, where a bedroom is provided to four or more adult occupants, it is proposed to establish a minimum floor area per occupant of seven square-metres (i.e. approx. 75 square-feet).

These amendments will only apply to persons aged 18 and over and will apply to all residential dwellings in Brampton, including houses, condominiums and apartments. These changes balance residents' right to cohabitate without compromising health and safety. In application these provisions, if adopted, would permit:

| Minimum Floor Area | Typical Room Size (ft) | Permitted Occupancy |
|--|------------------------|---------------------|
| 7 m ² (75 ft ²) | 10 ft x 7.5 ft | 2 |
| 14 m ² (150 ft ²) | 10 ft x 15 ft | 3 |
| 28 m ² (300 ft ²) | 15 ft x 20 ft | 4 |
| 35 m ² (377 ft ²) | 20 ft x 20 ft | 5 |
| 42 m ² (452 ft ²) | 20 ft x 23 ft | 6 |

Table - Examples of occupancies that would be permitted if the proposed standards are adopted as proposed

Enforcement of Occupancy Standards

If adopted, these standards would form part of the existing interior-inspection process for rental-related concerns such as additional residential units, lodging houses and residential rental licence inspections. Evidence of occupancy levels will be based on observable and/or objective documentary factors available to the officer at the time of inspection. If sufficient evidence is available to substantiate a contravention, progressive enforcement may be applied with consideration to the history of contraventions and severity of situation (education, warnings, orders, fines, charges, etc.).

Where enforcement action is taken, the landlord and/or owner (if applicable) is always directed to comply with all provincial legislation governing residential tenancies, including provisions for evictions under the *Residential Tenancies Act*.

Where there is insufficient evidence to substantiate a contravention, the officer will focus on educating the tenants, landlord and/or owner on the importance of protecting occupant health, safety and wellbeing. Where there are other concerns that require the intervention of another authority, such as Fire Prevention, this information will be shared appropriately. Adherence to these provisions will also be obligatory for the maintenance of a valid Residential Rental Licence.

Benchmarking

The proposed amendments are generally consistent with surrounding jurisdictions, however, tailored to the Brampton context to be flexible and accommodate various forms of tenancies.

| Municipality | Minimum Floor Area of Bedrooms - Provisions |
|------------------------------------|--|
| City of Brampton (proposed) | Minimum 7m² of floor area for 1-2 occupants. Minimum 14m² of floor area, or 4.6m² per person for 3 occupants. Minimum 7m² of floor area per person for 4 or more occupants. |
| City of Toronto | Minimum 6m ² of floor area for 1 occupant. Minimum 4m ² of floor area per person for 2 or more occupants. |
| City of Waterloo | Minimum 14m ² of floor area for 3 occupants. Minimum 7m ² of floor area per person for 4 or more occupants. |
| City of Hamilton | Minimum 5.6m ² of floor area for 1 occupant. Minimum 3.3m ² of floor area per person for 2 or more occupants. |
| City of Oshawa | Minimum 7m ² of floor area for 1 occupant. Minimum 4.6m ² of floor area per person for 2 or more occupants. |
| City of Windsor | Minimum 6m ² of floor area for 1 occupant. Minimum 4m ² of floor area per person for 2 or more occupants. |
| City of Vaughan | Minimum 6m ² of floor area for 1 occupant. Minimum 4m ² of floor area per person for 2 or more occupants. |

By-law Excerpt

For greater clarity, if adopted as proposed, the complete Occupancy Standards section of the By-law would read as follows (blue font represents proposed additions to S 24). Attachment 1 to this report reflects the amendments required to By-law 181-2024 to be considered at the January 22, 2025, City Council meeting.

24.1 No room or area shall be provided for sleeping purposes unless:

- (1) it has been constructed with a building permit and reviewed for sleeping purposes;
- (2) is in conformance with the Ontario Building Code requirements for the construction of a bedroom;
- (3) there is a minimum floor area of 7 square metres (6 square metres if the room contains built-in closets);
- (4) there is a minimum floor area of 14 square metres where the room is provided to three Occupants;
- (5) there is a minimum floor area of 7 square metres per person where the room is provided to four or more Occupants;
- (6) for the purpose of subsections (4) and (5), an Occupant shall mean any person eighteen years of age or over;
- (7) where an occupant is under eighteen years of age, the room provided for sleeping purposes must still comply with all other standards established in this By-law and all applicable legislation, including but not limited to the Ontario Building Code and Ontario Fire Code.

24.2 No room shall be converted to a bedroom without a building permit and be constructed in conformance with the Ontario Building Code requirements for a bedroom.

24.3 No Person shall permit a Person to occupy for sleeping purposes, any Cellar or space used as a lobby, hallway, closet, bathroom, laundry, stairway, kitchen, or any Accessory Building or shed, unless otherwise permitted.

24.4 No Person shall use or permit to be used a cooking appliance of any kind in any room used for sleeping purposes.

24.5 The Ceiling Height of rooms in a residential Dwelling Unit shall be:

- (1) 2.3 metres (7.6 feet) over at least fifty percent of the floor area or an average of 2.13 metres (7.0 feet) over all of the floor area; and
- (2) 2.1 metres (6.4 feet) over at least seventy-five (75) percent of the floor area, with an average of 1.95 metres (6.4 feet) over all of the floor area in a second Dwelling Unit.

24.6 All work to remedy a contravention under Section 24 shall minimize any adverse impacts on any tenants and shall comply with all federal or provincial legislation or regulations, including the Ontario Residential Tenancies Act.

24.7 All persons shall comply with all federal or provincial legislation or regulations, including the Ontario Human Rights Code, as well as all municipal by-laws, including any applicable Zoning, Licensing and Registration By-Laws.

CORPORATE IMPLICATIONS:

Financial Implications: There is no financial impact resulting from the adoption of the recommendations in this report.

STRATEGIC FOCUS AREA:

This report aligns with the City's Strategic Focus on Healthy and Well-being by protecting the health and safety of individuals in local communities.

CONCLUSION:

These amendments are reasonably necessary to safeguard occupant safety and wellbeing, reduce risks associated with current overcrowding conditions and improve local living standards. Staff acknowledge the importance of ongoing monitoring and evaluation of these amendments, and may consider further amendments, as necessary.

Authored by:

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Attachments:

- Attachment 1 – (Amended) Draft By-law to amend By-law 165-2022, as amended