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Subject: **Recommendation Report – Bill 108 – Amendments to the Planning Act requiring municipalities to authorize the use of Additional Residential Units in detached, semi-detached and townhouse dwellings**

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Report Number: Planning, Building and Economic Development-2021-021

Recommendations:

1. **THAT** the report titled “**Recommendation Report – Bill 108 – Amendments to the Planning Act requiring municipalities to authorize the use of Additional Residential Units in detached, semi-detached and townhouse dwellings**” to the Planning and Development Committee meeting of January 18, 2021, be received;
2. **THAT** staff be directed to hold a Statutory Public Meeting to present the proposed amendments to the Official Plan and Zoning By-law, implementing Bill 108 requirements.

Overview:

- **Bill 108 – More Homes, More Choice Act, 2019** received Royal Assent in June 2019. The Bill made changes to several pieces of legislation, including the *Planning Act*.
- The changes to the *Planning Act*, which came into effect in September 2019, require municipalities to authorize the use of a second residential

unit in a detached, semi-detached or townhouse dwelling, as well as an additional residential unit in a building or structure ancillary to the principal dwelling. These changes are intended to increase housing options and boost housing supply in Ontario.

- **The City of Brampton Official Plan and Zoning By-law currently permit second units only within the principal dwelling.**
- **Staff has initiated a policy review with the intent of bringing the Official Plan and Zoning By-law in conformity with Bill 108, and are requesting direction to hold a public meeting to present the proposed amendments**

Background:

Bill 108, the *More Homes, More Choice Act, 2019*, which amended 13 different pieces of legislation, including the *Planning Act*, was introduced on May 2, 2019 and received Royal Assent on June 6, 2019.

The changes to the *Planning Act* came into force on September 3, 2019, and are intended to increase housing options and boost housing supply in order to address Ontario's housing crisis.

Through the consultation process undertaken to prepare "More Homes, More Choice: Ontario's Housing Supply Action Plan", the Province heard support from stakeholders to bring forward changes that would facilitate the creation of a range and mix of housing options, by requiring municipalities to authorize an additional residential unit in both the primary dwelling and an ancillary building or structure.

These legislative changes build on the previous second unit framework that was brought forward in 2011 through Bill 140, expanding the options municipalities have for providing a range of affordable housing in their communities.

Bill 140 required municipal Official Plans and Zoning By-laws to permit second units in detached, semi-detached and townhouse dwellings, as options for delivering affordable housing.

On April 22, 2015, Council adopted an Official Plan Amendment, Zoning By-law Amendment and a Registration By-law, permitting second units in detached, semi-detached and townhouse dwellings, subject to specific zoning requirements. In order to be legal, second units must be registered with the City.

It is noted that in accordance with Official Plan policies, in order to vary any of the Zoning By-law provisions for second units, a rezoning application is required. On

October 28, 2020, Council directed staff to amend the Official Plan policies for second units, to enable the Committee of Adjustment to consider minor variance applications involving the implementing provisions for Two-Unit Dwellings set out in the Zoning By-law (Resolution PDC122-2020). A Staff Report will be presented at a statutory public meeting in January 2021 that will address the Official Plan regulations with regards to second units and rezoning applications through a proposed amendment to the Official Plan.

Housing Brampton:

The City of Brampton continues to advance the development of its comprehensive housing strategy, *Housing Brampton*, which will address housing affordability, diversity and innovation.

Housing Brampton aims to support the provision of age-friendly and inclusive housing that is affordable and accessible to all. It will recommend policies, identify actions that the City and various stakeholders can undertake to improve the supply of affordable ownership and rental housing, as well as implement city wide initiatives in terms of policy and process improvements stemming from the recommendations.

Various early-impact opportunities have been identified to advance the objectives of the City's emerging housing strategy. This policy review for additional residential units is also an early deliverable of *Housing Brampton*.

Infrastructure Capacity Analysis:

Planning, Building and Economic Development is currently undertaking an Infrastructure Capacity Analysis as part of *Housing Brampton*. The analysis reviews the carrying capacity of existing built up areas for gentle intensification such as additional residential units. A range of potential impacts (water, wastewater, storm water, traffic and parking, school capacity, property tax assessments, etc.) will be analyzed for a sample of residential neighbourhoods in Brampton.

The outcome of the Infrastructure Capacity Analysis will inform the work undertaken as part of the policy review to permit additional residential units and will review potential implications to existing municipal infrastructure and services. The results of this analysis are expected to be completed by January 2021 and will assist staff in the formulation of appropriate policies to implement permissions for Additional Residential Units in the City.

Current Situation:

Through the proclamation of Bill 108 and amendments to the *Planning Act*, municipalities are required to amend their Official Plan policies and Zoning By-law provisions to permit the use of two residential units, as well as an additional unit within a building or structure accessory to a detached, semi-detached, or townhouse dwelling.

Section 16(3) of the *Planning Act* states:

Additional residential unit policies

16 (3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

(a) the use of two residential units in a detached house, semi-detached house or rowhouse; and

(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

Currently, the Official Plan and Zoning By-law only permit a second residential unit within a detached, semi-detached, or townhouse dwelling, subject to specific zoning provisions. The City of Brampton does not permit an additional residential unit within an accessory building or structure. Residential units within accessory structures may be located within or above a detached garage, or as a stand-alone building, and are also known as granny suites, coach houses and laneway houses.

To ensure the City's policy framework and zoning provisions conform to the recently adopted *Planning Act* amendments to permit Additional Residential Units (ARUs), amendments to the Official Plan, Zoning By-law and Second Units Registration By-law will be required to implement permissions for the third residential unit. These policies are aimed at reducing zoning barriers to the creation of ARUs and supporting the supply and range of affordable rental accommodations in the City.

Staff have undertaken the initial process of the policy review for ARUs and are currently conducting the background research and data collection to inform the review, including a benchmarking exercise across Canada of municipal Zoning By-laws that support additional residential units.

Intended Course of Action

This report describes how the work will be undertaken to implement the new legislation, primarily through two major phases: data collection and analysis, and policy directions and recommendations. The policy review will examine the City's Official Plan and Zoning By-law with a view to implementing permissions for up to three unit dwellings, subject to specific performance standards and the City's overall ability to support additional units while protecting the public interest.

The policy review will evaluate the specific performance standards required in order to implement permissions for residential units within detached buildings or structures. Staff will review applicable Ontario Building Code (OBC) provisions in terms of minimum size requirements for habitable spaces and separation distance between the main dwelling and the accessory building.

Other considerations will be incorporated as part of the policy review, including appropriate zoning requirements for additional residential units, such as residential unit size, height, setbacks, and parking. The zoning requirements will further inform building design standards to appropriately accommodate a residential unit within an accessory building or structure. It is recognized that lot sizes of newer residential subdivisions may not be designed to sufficiently support accessory residential buildings. The policy review will also explore various accessory residential building typologies, including laneway housing. To date, the City of Brampton does not have many residential lanes or laneways, therefore the number of opportunities to support laneway housing may be minimal.

City Council recently adopted an amendment to *Section 10.16 Provisions for Two-Unit Dwellings of the Zoning By-law* through *By-law 115-2020*, removing the requirement to provide an additional parking space for a second unit (10.16(d)). The policy review will consider parking requirements for ARUs beyond the second unit.

As part of the policy review, a cross departmental team has been established to oversee the policy review and contribute to the development of appropriate regulations and an updated Registration By-law to legalize ARUs.

It is anticipated that the proposed amendments will be implemented by expanding on the existing Second Unit provisions of the Official Plan (Section 3.2.8.2) and the Two-Unit Dwellings provisions of the Zoning By-law (Section 10.16), and that ARUS will follow the same registration process currently required for second units. The registration process will ensure that ARUs meet all the requirements of the Ontario Building Code and the Building Permit process to ensure residential units are safe, legal and livable.

Next Steps:

Staff will explore opportunities to engage with residents and inform the public virtually, and are anticipating holding an open house in early 2021 to inform the public about the policy review.

The proposed amendments will be presented at a statutory public meeting in Spring 2021 for public review and comment, prior to bringing forward a recommendation report for Council's consideration of the Official Plan and Zoning By-law Amendments and a revised Registration By-law.

Information regarding the policy review, date of the open house and other resources will be posted on the City's Housing Strategy webpage:

www.brampton.ca/affordablehousing

Corporate Implications:

Financial Implications:

There are no financial implications associated with this report.

Other Implications:

No other implications have been identified at this time.

Term of Council Priorities (2019-2022)

This report directly aligns with the Strategic Direction – Brampton is a City of Opportunities, in particular the Council Priority to Create Complete Communities. The proposed amendments to the Official Plan and Zoning By-law to permit Additional Residential Units support the implementation and recommendations of the Housing Strategy, facilitating the creation of a more inclusive and liveable community.

Living the Mosaic – Brampton 2040 Vision

This report and proposed policy amendments generally align with the Social Matter and Housing Vision, in particular Action #5-2 Housing, by providing additional opportunities to accommodate affordable housing units in the City.

Conclusion:

In accordance with Bill 108 requirements, staff has initiated a policy review to implement Official Plan policies and Zoning By-law provisions, authorizing the use of two residential units, as well as an additional residential unit within a building or structure accessory to a detached, semi-detached, or townhouse dwelling.

The report summarizes the approach that will be undertaken as part of the policy review to conform to Bill 108, supporting the supply and range of affordable rental accommodations in the City.

The proposed amendments will be presented at a future Statutory Public Meeting for public review and comments anticipated in Spring 2021.

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Appendices:

Appendix A: Excerpt of Bill 108 – Schedule 12: *Planning Act*- 2. (1) Subsection 16 (3) of the Act.