

Attachment 1: Policy Planning Context and Analysis

The City-Initiated By-law has been reviewed for consistency with matters of provincial, and municipal interest, as identified in the following policies.

1. Provincial Alignment

1.1 Planning Act, Section 33

In Ontario, section 33 of the Planning Act authorizes municipalities to identify areas where the demolition of residential property will be controlled. This is currently implemented in Brampton through By-law No. 203-99 which designates the whole of the City of Brampton as an area of demolition control.

Demolition Control Area

33 (1) In this section,

“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)

“residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building. (“immeuble d’habitation”) R.S.O. 1990, c. P.13, s. 33 (1).

Establishment of demolition control area by by-law

(2) When a by-law under section 15.1 of the *Building Code Act, 1992* or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council under this section. R.S.O. 1990, c. P.13, s. 33 (2); 1997, c. 24, s. 226 (4).

1.2 Municipal Act, 2001, Section 99.1

The *Municipal Act, 2001* authorizes municipalities to enact by-laws regulating the demolition of multi-unit residential rental properties, or the conversion of such rental properties to other uses such as a residential condominium.

Demolition and Conversion of Residential Rental Properties

99.1 (1) Subject to the regulations, if any, a local municipality may prohibit and regulate the demolition of residential rental properties and may prohibit and regulate the conversion of residential rental properties to a purpose other than the purpose of a residential rental property. 2006, c. 32, Sched. A, s. 40; 2023, c. 10, Sched. 5, s. 1 (1).

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Same

(2) The power to pass a by-law respecting a matter described in subsection (1) includes the power,

(a) to prohibit the demolition of residential rental properties without a permit;

(b) to prohibit the conversion of residential rental properties to a purpose other than the purpose of a residential rental property without a permit; and

(c) to impose conditions as a requirement of obtaining a permit. 2006, c. 32, Sched. A, s. 40.

Agreements

(2.1) If a condition referred to in clause (2) (c) requires an owner of land to which a by-law passed under this section applies to enter into an agreement with the municipality, the municipality may,

(a) register the agreement against the title to the land to which it applies; and

(b) enforce the agreement against the owner and any subsequent owners of the land. 2017, c. 10, Sched. 1, s. 7.

Restriction

(3) The municipality cannot prohibit or regulate the demolition or conversion of a residential rental property that contains less than six dwelling units. 2006, c. 32, Sched. A, s. 40.

Effect of building code, etc.

(4) Despite section 35 of the *Building Code Act, 1992*, in the event that the *Building Code Act, 1992* or a regulation made under that Act and a by-law prohibiting or regulating the demolition or conversion of a residential rental property treat the same subject-matter in different ways, that Act or the regulation under that Act prevails and the by-law is inoperative to the extent that the Act or regulation and the by-law treat the same subject-matter. 2006, c. 32, Sched. A, s. 40.

Same

(5) If a permit to demolish a residential rental property is issued under this section, no permit is required under section 8 of the *Building Code Act, 1992* to demolish the property. 2006, c. 32, Sched. A, s. 40.

Report

(6) The municipality shall report statistics and other information concerning the demolition and conversion of residential rental properties to the Minister and shall do so

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at the times and in the form and manner specified by the Minister. 2006, c. 32, Sched. A, s. 40.

Regulations

(7) The Minister may make regulations,

(a) governing the powers of a local municipality under this section, including regulations,

(i) imposing restrictions, limits and conditions on the powers of local municipalities to prohibit and regulate the demolition and conversion of residential rental properties,

(ii) prescribing requirements to be contained in by-laws made under this section,

(iii) prescribing conditions that local municipalities must include as a requirement for obtaining a permit, and

(iv) prescribing requirements that the local municipality must impose on owners of land to which a by-law passed under this section applies;

(b) authorizing local municipalities that pass a by-law under this section to require an owner of land to which a by-law passed under this section applies to make payments and to provide compensation;

(c) for the purposes of clause (b), prescribing the amounts to be paid, the compensation to be provided, the persons to whom payments and compensation shall be made and the circumstances in which payments and compensation shall be made, and otherwise governing the payments and compensation;

(d) prescribing steps local municipalities must take or conditions that must be met before passing a by-law under this section and governing any transitional matters with respect to the implementation of such conditions;

(e) defining, for the purposes of this section and any regulations under this section, any word or expression not defined in subsection 1 (1) of this Act. 2023, c. 10, Sched. 5, s. 1 (2).

Conflict

(8) If there is a conflict between a regulation made under this section and a provision of this Act, other than this section, or of any other Act or regulation, the regulation made under this section prevails. 2023, c. 10, Sched. 5, s. 1 (2).

1.3 Provincial Planning Statement, 2024

2.2 Housing

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Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:
 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

2. Municipal Alignment

2.1 Region of Peel Official Plan (Peel 2051)

Bill 185, the *Cutting Red Tape to Build More Homes Act*, which took effect as of July 1, 2024, removed planning authority and relevant responsibilities provided through the *Planning Act* from the Region of Peel and transferred this authority to local municipalities and the Province. Previously, legislative changes put forward through Bill 23, the *More Homes Built Faster Act* stated that, on July 1, 2024, the RPOP would become an Official Plan of the lower-tier municipality and that the Region of Peel Official Plan prevails in the event of a conflict with the lower tier municipal official plan (*Planning Act* Section 70.13 - Transition, upper-tier municipalities without planning responsibilities). As of July 1, 2024, the City is now responsible for all aspects of implementation of the RPOP until such a time that it is revoked and/or amended. As such, the City is currently required to administer the provisions of the RPOP and ensure applications conform to it.

5.9 Housing – Housing Options and Targets

Policy

5.9.18 Direct the local municipalities to establish a local municipal rental vacancy rate that shall be used as a minimum threshold to permit the conversion of residential rental units to ownership tenure or demolition of residential rental units, unless replacement rental units are provided. If a local municipal rental vacancy rate has not been established, the Regional rental vacancy rate of 3 per cent for the preceding three years as reported by the Canada Mortgage and Housing Corporation shall be used.

2.3 Brampton Plan (Policies in-effect)

Purpose-Built Market Rental Housing

Policies

3.3.1.29 An adequate and affordable supply of rental dwelling units will be provided and maintained by ensuring that, through the development approvals process, the City:

- a. Seeks to maintain a residential vacancy rate of at least 3% among all categories of rental dwelling units, as measured by the annual Canada Mortgage and Housing Corporation Rental Market Report; and,
- b. Strictly controls the diversion of long-term rental housing units and residential land to dedicated short-term rental use, including through online sharing-economy platforms that enable dwelling units to be rented to the travelling public.

Demolition Control

Objective

Demolition Control allows the City to maintain the integrity of Neighbourhoods, prevent the premature loss of housing stock, avoid the creation of vacant parcels of land, and retain existing dwelling units until new uses have been considered and redevelopment plans have been approved.

Policies

5.16.2 The City will retain and revise its Demolition Control By-law to regulate the demolition of residential rental properties.

5.16.3 The City may, by By-law, regulate the conversion and demolition of residential rental properties and impose conditions as a requirement of obtaining a permit.