

APPENDIX 1: Policy Planning Context and Analysis

The City-Initiated Official Plan Amendment has been reviewed for consistency with matters of provincial, regional, 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.

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

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) 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.

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

1.3 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 directs planning authorities to provide for a range and mix of housing types and densities, particularly as it relates to affordable housing.

1.4 Housing

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

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

2. REGIONAL ALIGNMENT

2.1 Region of Peel Official Plan (Office Consolidation Dec. 2018)

The *Region of Peel Official Plan (Office Consolidation Dec. 2018)* encourages municipalities to develop official plan policies with criteria to regulate conversion and demolition of residential rental units to ensure an adequate supply of rental housing stock.

5.8.4 Retention of Existing Rental Housing Stock

5.8.4.1 Objective

- 5.8.4.1.1 To ensure an adequate supply of rental housing stock to meet the existing and projected needs of all households in Peel

5.8.4.2 Policies

It is the policy of *Regional Council* to:

- 5.8.4.2.1 Encourage the area municipalities to develop official plan policies with criteria to regulate the conversion of residential rental to ownership units.
- 5.8.4.2.2 Encourage the area municipalities to develop official plan policies with criteria to prohibit the demolition of existing residential rental units without replacement of the same or higher number of residential rental units.

2.2 Region of Peel Draft Official Plan (Peel 2051)

The draft *Peel 2051* directs local municipalities to develop official plan policies with criteria to regulate conversion and demolition of residential rental units. Municipalities are also directed to use a minimum threshold vacancy rate of 3% and are encouraged to establish replacement criteria that considers unit size, type, and affordability, and tenant relocation and assistance.

The Region continues to consult on draft policies with local municipalities, industry partners, and the general public. It is expected that final Regional Official Plan policies will be recommended for adoption by Regional Council

in early 2022. If endorsed by Regional Council, these policies would be sent to the Province for their approval by July 2022.

5.9 Housing – Housing Unit Targets, Density and Tenure

Objectives

- 5.9.2 To ensure an adequate supply of rental housing stock to meet the existing and projected needs of all households in Peel.
- 5.9.6 To increase the supply of affordable rental and affordable ownership housing.

Policies

It is the policy of Regional Council to:

- 5.9.27 Support the initiatives of the local municipalities in the construction and retention of rental housing.
- 5.9.28 Direct the local municipalities to develop official plan policies and by-laws as applicable with criteria to regulate the conversion of residential rental units to ownership tenure in properties with six or more dwelling units.
- 5.9.29 Direct the local municipalities to develop official plan policies and by-laws as applicable with criteria to regulate the demolition of existing residential rental units in properties with six or more dwelling units.
- 5.9.30 Direct the local municipalities to establish a local municipal rental vacancy rate, or if data is not available, Regional rental vacancy rate of 3 per cent for the preceding 3 years as reported by the Canada Mortgage and Housing Corporation shall be used as a minimum threshold to permit the conversion of residential rental units to ownership tenure or demolish residential rental units, unless replacement rental units are provided.
- 5.9.31 Encourage the local municipalities to establish that, if the replacement of rental units is permitted under the local municipal criteria to regulate rental demolition and

conversion, replacement rental units should include the same or higher number of units of comparable types and affordability, and tenant relocation and assistance should be considered.

6.3 Human Services

Policies

- 6.3.19 Encourage the provision and maintenance of an adequate supply of affordable rental and ownership housing to meet the diverse needs of all Peel residents, in partnership with the local municipalities, non-profit and private providers, and through the effective use of all available and appropriate affordable housing programs and housing rehabilitation funding sources.

3. MUNICIPAL ALIGNMENT

3.1 City of Brampton Official Plan (Office Consolidation Sept. 2020)

The City of Brampton's Official Plan encourages the maintenance of a minimum rental vacancy rate of two percent (2%) and states that applications for conversion of rental tenure buildings shall be evaluated in the context of relevant policies and standards of the City and the Province.

4.2.1 Residential – General Policies

- 4.2.1.12 The City shall encourage the maintenance of a minimum rental vacancy rate of two percent (2%). To this end, the City shall encourage the rehabilitation and provision of rental housing in appropriate forms and locations by practical and realistic means.

4.2.5 Affordable Housing

- 4.2.5.4 Applications for the construction of condominium projects or for the conversion of rental tenure buildings to condominium tenure shall be evaluated in the context of any relevant policies and standards of the City and in the context of any applicable Provincial legislation.

5.19 Demolition Control

5.19.1 The City may enact a by-law creating an area or areas of demolition control as authorized by Section 33 of the Planning Act if and when it appears that premature demolition of residential buildings may occur.