

**Date:** 2020-09-30

**Subject:** **Recommendation Report: City-initiated Zoning By-law Amendment to Align Lodging House Definition with Provincial Legislation**

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**Report Number:** Planning, Building and Economic Development-2020-175

**Recommendations:**

1. **THAT** the report titled “**Recommendation Report: City Initiated Zoning By-Law Amendment to Align Lodging House Definition with Provincial Legislation**” to the Planning and Development Committee meeting of October 26, 2020, be received;
2. **THAT** the Zoning By-law Amendment attached hereto as Appendix 1 be adopted, on the basis that it represents good planning, including that it is consistent with the Provincial Policy Statement, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan and the City’s Official Plan for the reasons set out in the Planning Recommendation Report dated September 30, 2020;
3. **THAT** staff be directed to prepare an amendment to Schedule 17 of Business Licensing By-law 332-2013 to amend the definition of “Lodging House” to generally correspond with the proposed Zoning By-law amendment attached as Appendix 1; and
4. **THAT** Council hereby determines that no further public notice is to be given pursuant to Section 34(17) of the *Planning Act*.

**Overview:**

- **Currently, the Zoning By-law defines a Lodging House as consisting of “more than 3 lodging units” and “more than 3 persons”, whereas, the Ontario Building Code and Fire Code define a Lodging House as “providing lodging for more than 4 persons”.**
- **This report recommends that the Zoning By-law be amended to change the definition of a “Lodging House” to align with the Ontario Building Code and Fire Code.**
- **The proposed change to the definition of a “Lodging House” in the Zoning By-law keeps the Zoning By-law consistent with the regulatory requirements of the Ontario Building Code and Fire Code and avoids potential conflicts in making provision for a lodging house which is a necessary, appropriate and affordable form of accommodation.**
- **The amendment is not proposing to change the Lodging House Zoning By-law provisions nor is it proposing to add a “Lodging House” use to any other parent zones in the Zoning By-law.**
- **This report also recommends that the definition of a “Lodging House” in Schedule 17 of Business Licensing By-law 332-2013 be amended to change the number of lodgers from “more than 3” to “more than 4” to correspond with the proposed change to the Zoning By-law and align the definition with the Ontario Building Code and Fire Code.**
- **The proposed Zoning By-law amendment was presented at a statutory public meeting on July 6, 2020.**

**Background:**

The Land Use Policy Division is currently preparing a City-wide Housing Strategy that will help inform both the on-going Official Plan Review and Comprehensive Zoning By-law Review. Prior to completion of the Housing Strategy, staff is recommending that the definition of a “Lodging House” in the Zoning By-law be amended so that it aligns with the “Lodging House” definition in the Ontario Fire Code and Building Code.

## **Current Situation:**

### *Purpose*

The purpose of this report is to present final recommendations for an amendment to the “Lodging House” definition in the Comprehensive Zoning By-law and an associated amendment to the definition of a “Lodging House” in Schedule 17 of Business Licensing By-law 332-2013.

### *Brampton’s Comprehensive Zoning By-law 270-2004, as amended*

A Lodging House is permitted in a limited number of residential (R2B(1), R4A, R4A(1), R4A(2), R4A(3), R4B) and commercial zones (CRC, DC) and is currently defined in the Comprehensive Zoning By-law as follows:

“**LODGING HOUSE** shall mean a single detached dwelling in which residential accommodation is provided, or is intended to be provided in which each lodger does not have access to all of the habitable areas of the building and consists of more than three (3) lodging units; or a single detached dwelling in which lodging is provided for more than three (3) persons with or without meals.”

The Zoning By-law also includes the following Lodging House provisions (Section 10.15):

- (a) a lodging house shall be located in a single detached dwelling;
- (b) the lodging house shall occupy the whole or part of the single detached dwelling;
- (c) a minimum separation distance of 305 metres shall be maintained between a lodging house and any other lodging house; and
- (d) a lodging house shall comply with the requirements of the Lodging House Licensing Bylaw.

The amendment is not proposing any changes to the above noted Lodging House provisions nor is it proposing to add this use to any other parent zones in the Zoning By-law.

### *Ontario Fire Code and Ontario Building Code*

Under the Ontario Fire Code (Division B, Part 9, Section 9.3) and the Ontario Building Code (Division A, Part 1), which are regulatory documents administered by the City of Brampton, “Lodging Houses” are defined as follows:

“A building that does not exceed 3 storeys, with a building area not exceeding 600m<sup>2</sup>, where lodging is provided for more than 4 persons in return for remuneration or the provision of services (or both); and where rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.”

## *Benchmarking*

Based on a best practice review of definitions for a “Lodging House”, or similar types of houses (e.g. rooming house, boarding house) in other municipalities across Ontario, it has been determined that approximately 50% of the municipalities benchmarked define a “Lodging House” as providing lodging for more than four (4) lodgers.

A summary of the lodging house definition benchmarking can be found in Appendix 3.

## *Proposed Zoning By-law Amendment*

It is recommended that the definition of a “Lodging House” be updated to align with both the Ontario Fire Code and Building Code, which define a “Lodging House” as providing lodging for more than four (4) persons. The proposed change to the definition of a “Lodging House” in the Zoning By-law keeps the Zoning By-law consistent with the regulatory requirements of the Ontario Fire Code and Building Code and avoids potential conflicts in making provision for a lodging house which is a necessary, appropriate and affordable form of accommodation.

The new definition that is proposed to be amended in Section 5 – Definitions of the Zoning By-law is as follows:

**“LODGING HOUSE** shall mean a single detached dwelling in which residential accommodation is provided, or is intended to be provided in which each lodger does not have access to all of the habitable areas of the building and consists of more than four (4) lodging units; or a single detached dwelling in which lodging is provided for more than four (4) persons with or without meals.”

The draft Zoning By-law amendment is attached as Appendix 1.

## *Business Licensing By-law 332-2013*

Schedule 17 of Licensing By-law 332-2013 defines a “Lodging House” as a dwelling in which residential accommodation is provided, with or without meals, for hire or gain, to more than three (3) lodgers, in which each lodger does not have access to all of the habitable areas of the building. To align the definition with the proposed changes to the Comprehensive Zoning By-law noted above and the current definitions in the Ontario Building Code and Ontario Fire Code, it is proposed that the definition of a “Lodging House” in Schedule 17 be amended to change the number of lodgers from “3 or more” to “more than 4”. This change would no longer require a business license for dwellings where residential accommodation is provided, with or without meals, for hire or gain, in which each lodger does not have access to all of the habitable areas of the building where there are 4 or less lodgers.

This report recommends that staff be directed to prepare an amendment to Schedule 17 of Licensing By-law 332-2013 to amend the definition of “Lodging House” to generally correspond with the proposed Zoning By-law amendment attached as Appendix 1, should the amendment be enacted by Council.

The draft amendment to Licensing By-law 332-2013 is attached as Appendix 2.

### *Planning Analysis*

The proposed change to the definition of a Lodging House in the Zoning By-law keeps the Zoning By-law consistent with the regulatory requirements of the Ontario Building Code and Fire Code and avoids potential conflicts in making provision for a lodging house, which is identified as a necessary, appropriate and affordable form of accommodation in the policy direction provided by the Province, Region of Peel and City of Brampton.

The proposed Zoning By-law amendment is consistent with the Provincial Policy Statement and is in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as well as the Region’s Official Plan. The proposed Zoning By-law amendment is also generally consistent with Brampton’s Official Plan, and appropriately consider matters of provincial interest as set out in Section 2 of the *Planning Act*. A summary of the relevant Provincial, Regional and City policies can be found in Appendix 3 – Planning Analysis.

### *Statutory Public Meeting*

The proposed City-initiated Zoning By-law amendment was published in the Brampton Guardian on June 11, 2020 as per *Planning Act* requirements. The virtual public meeting for this application was held on Monday, July 6, 2020. There were no members of the public in attendance at the virtual public meeting (see Appendix 5).

There were two (2) pieces of correspondence that were received from members of the public. A response to the correspondence received can be found in Appendix 6 and a copy of the correspondence can be found in Appendix 7.

### **Corporate Implications:**

#### Financial Implications:

There are no financial implications associated with the proposed Zoning By-law Amendment and proposed amendment to Business Licensing By-law 332-2013.

#### Economic Development Implications:

There are no economic development implications associated with the proposed Zoning By-law Amendment and proposed amendment to Business Licensing By-law 332-2013.

Other Implications:

There are no other corporate implications associated with the proposed Zoning By-law Amendment and proposed amendment to Business Licensing By-law 332-2013.

Term of Council Priorities (2019-2022)

The proposed Zoning By-law amendment and proposed amendment to Business Licensing By-law 332-2013 will help to deliver the strategic directions outlined in the 2019-2022 Term of Council Priorities. Specifically, the proposed amendment will ensure that Brampton is a well-run City by amending the definition of a “Lodging House” in the Comprehensive Zoning By-law and Business Licensing By-law so that they align with other Ontario regulatory documents that are administered by the City.

Living the Mosaic – Brampton 2040 Vision

This Report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic.’

**Conclusion:**

This report presents for approval, a City-initiated amendment to the “Lodging House” definition in both the Comprehensive Zoning By-law and Business Licensing By-law 332-2013 so that the definitions will align with the definition of a “Lodging House” in the Ontario Fire Code and Building Code.

Staff is satisfied that the proposed Zoning By-law amendment represents good planning, including that it is consistent with the Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and the Region of Peel Official Plan and the City’s Official Plan.

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Appendices:

- Appendix 1: Lodging House Definition Draft Zoning By-law Amendment
- Appendix 2: Business Licensing By-law 332-2013 Draft Amendment
- Appendix 3: Lodging House Definition Benchmarking
- Appendix 4: Planning Analysis
- Appendix 5: Public Meeting Minutes – July 6, 2020
- Appendix 6: Summary and Response to Comments Received
- Appendix 7: Correspondence Received