

Planning Analysis

Planning Act R.S.O, 1990

The City-Initiated Official Plan Amendment and Zoning By-law Amendment have been reviewed for consistency with matters of provincial interest as identified in the Planning Act R.S.O 1990 in terms of:

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems (Section 2.(f));
- the orderly development of safe and healthy communities (Section 2.(h));
- the adequate provision of a full range of housing, including affordable housing (Section 2.(j));
- the appropriate location of growth and development (Section 2.(p));
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians (Section 2.(q)); and,
- the promotion of built form that is well-designed, encourages a sense of place and provides for high quality public spaces (Section 2.(r)).

Bill 108, the *More Homes, More Choice Act, 2019*, amended the *Planning Act*, and 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, which included changes to the following section:

Additional Residential Unit Regulations

Section 16(3) 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. 2019, c. 9, Sched. 12, s. 2 (1).*

The following provisions of the *Planning Act* also apply to the City's obligation to authorize additional residential units:

Section 35.1(1) By-laws to give effect to additional residential unit policies

35.1(1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.

Section 35.1(2) Regulations

- 35.1(2) The Minister may make regulations,*
 - (a) authorizing the use of residential units referred to in subsection 16 (3);*
 - (b) establishing requirements and standards with respect to residential units referred to in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.*

Section 35.1(3) Regulation applies as zoning by-law

35.1(3) A regulation under subsection (2) applies as though it is a by-law passed under section 34. 2011, c. 6, Sched. 2, s. 6.

Section 35.1(4) Regulation prevails

35.1(4) A regulation under subsection (2) prevails over a by-law passed under section 34 to the extent of any inconsistency, unless the regulation provides otherwise. 2011, c. 6, Sched. 2, s. 6.

Section 35.1(5) Exception

35.1(5) A regulation under subsection (2) may provide that a by-law passed under section 34 prevails over the regulation. 2011, c. 6, Sched. 2, s. 6.

Section 35.1(6) Regulation may be general or particular

35.1(6) A regulation under subsection (2) may be general or particular in its application and may be restricted to those municipalities or parts of municipalities set out in the regulation. 2011, c. 6, Sched. 2, s. 6.

The City-Initiated Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) are intended to conform to Sections 16(3) and 35.1(1) to 35.1(6) of the *Planning Act*, which mandate municipalities to have Official Plan policies and Zoning By-law regulations to authorize and regulate the use of additional residential units (garden suites) within an ancillary building or structure located on the same lot as a single detached, semi-detached or townhouse dwelling. The draft OPA conforms to Section 16(3) of the *Planning Act* because it proposes the following regulations:

1. A maximum of one garden suite is permitted per residential lot;
2. Garden suites are intended to be accessory in scale and function to the principal dwelling;
3. Garden suites are to be located on full municipal services, unless it can be demonstrated to the satisfaction of the Chief Building Official that the sewage system on private sanitary servicing has been upgraded to meet the regulations of the Ontario Building Code (OBC) for an additional residential unit.
4. Garden suites must be in compliance with the Ontario Building Code and/or Fire Code, Registration By-law and Property Standards By-Law, and other applicable approval requirements;
5. The exterior design of the garden suite must be consistent and compatible with the character of the principal dwelling, in terms of design, style and materials;
6. A garden suite shall not be permitted on a property located within a floodplain;
7. A garden suite shall have no negative impact on stormwater management and site drainage; and,
8. Adequate on-site parking is to be provided in accordance with the requirements of the Zoning By-law.

The proposed ZBLA conforms to S. 35.1(1) by prescribing the requirements and standards for garden suites. The proposed amendments include appropriate zoning

requirements for garden suites, such as 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 and ensure compliance with the Ontario Building Code.

Conformity to Provincial Regulations

Section 26(2.1) Provincial plan conformity exercise

26(2.1) For the purposes of subsection (2), a provincial plan conformity exercise is the process whereby the council amends the official plan, in accordance with another Act, to conform with a provincial plan. 2015, c. 26, s. 24 (2).

Section 27(2) Failure to make amendments

Section 27(2) If the official plan of an upper-tier municipality comes into effect as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year from the day the plan comes into effect as the official plan, the council of the upper-tier municipality may amend the official plan of the lower-tier municipality or zoning by-law, as the case may be, in the like manner and subject to the same requirements and procedures as the council that failed to make the amendment within the one-year period as required. 2002, c. 17, Sched. B, s. 7.

The changes through *Bill 108* to the *Planning Act* came into force on September 3, 2019. The Provincial Policy Statement and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, were respectively amended in 2020 and 2019 (August 2020 Office Consolidation) to include regulations related to additional residential units.

Section 26(2.1) requires local municipalities to amend their Official Plans to ensure conformity with the Provincial plans, therefore the City of Brampton is mandated to implement additional residential unit provisions in the Official Plan and provide appropriate regulations through the Zoning By-law. Should the City of Brampton fail to comply with the regulations within one year from the date the Region of Peel adopts their new Regional Official Plan, the Region of Peel has authorization through Section 27(2) of the *Planning Act* to adopt regulations for the City. It is noted, that the Region of Peel is currently undertaking their Regional Official Plan Review, which is anticipated for completion in the Summer of 2022.

No appeal period

Section 17(24.1) No appeal re additional residential unit policies

(24.1) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies. 2011, c. 6, Sched. 2, s. 3 (1).

Section 17(24.1) of the *Planning Act* stipulates that the proposed amendments to authorize and implement additional residential units (garden suites) are not appealable under Section 17(24).

Provincial Policy Statement (PPS), 2020

The proposed amendments have been reviewed for consistency with the Provincial Policy Statement (PPS). The PPS policies that are applicable include, but are not limited to:

1.1.1 Healthy, liveable and safe communities are sustained by:

- *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1 (a));*
- *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (Section 1.1.1 (b));*
- *avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1 (c));*
- *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; (Section 1.1.1 (e));*

The proposed amendments are consistent with the general intent of the policy that addresses that healthy, liveable and safe communities are to be sustained with efficient range of land use development and land use patterns supported by existing servicing and infrastructure. The amendment directly addresses Section 1.1.1(b) to provide a range and mix of affordable and market-based residential housing including additional residential units. The amendment provides opportunities for homeowners to better utilize their property to include a garden suite to provide additional rental housing options in the City. The draft amendments have proposed provisions to address potential environmental, public health or safety concerns that may arise with respect to stormwater management, site drainage, flood risks, and private servicing. In addition, the garden suites are required to comply with the Ontario Building Code, Fire Code, Registration By-law, and Property Standards By-law to ensure units are safe, legal and livable. The amendment encourages gentle densification across the City to achieve cost-effective development patterns that optimize public transportation services, servicing and infrastructure.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- *efficiently use land and resources (Section 1.1.3.2(a));*
- *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (Section 1.1.3.2(b)); and,*

- are *transit-supportive*, where transit is planned, exists or may be developed (Section 1.1.3.2(f)).

The City is located within the Settlement Area Boundary, and the proposed amendments apply city-wide and particularly address the residential area. The proposed OPA and ZBLA will encourage gentle densification of residential lands to achieve cost-effective development patterns that optimize public transportation services, servicing and infrastructure. The proposed amendments support the Province's objectives by supporting modest population growth and achieving the creation of age friendly communities in our existing communities. Garden suites, as a housing option, will encourage the flexibility of housing needs for homeowners to provide additional rental housing options in the City or for the use of a family member, friend or relative. As a result, there will be more residents able to take advantage of public transportation services to maintain quality service delivery standards.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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:

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;*

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed amendments will broaden permissions for additional residential units, including garden suites, which will encourage the supply of this housing form. Additional residential units (garden suites) will provide an alternative rental and affordable housing option and increase the supply of affordable housing in the City. The OPA and ZBLA encourages gentle densification within the Residential area of the City, while appropriately addressing public health and safety concerns. Public health and safety concerns for garden suites will continue to be verified through the Ontario Building Code, Fire Code, Registration By-law, and Property Standards By-law. Planning Staff is of the opinion that the proposed amendments are consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (August 2020 Office Consolidation)

The proposed amendments have been reviewed for compliance with the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan sections applicable to these amendments include, but are not limited to:

2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

- improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes (*Section 2.2.1.4 (b)*);
- *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (Section 2.2.1.4 (c));*
- *provide for a more compact built form and a vibrant public realm, including public open spaces (Section 2.2.1.4 (e));*

2.2.6.1 Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:

- *considering the range and mix of housing options and densities of the existing housing stock (Section 2.2.6.1(c));*
- *planning to diversify their overall housing stock across the municipality (Section 2.2.6.1(d)).*

The proposed OPA and ZBLA are consistent with the Growth Plan to support the achievement of complete and age-friendly communities by providing for an additional housing option that is affordable, can accommodate people at all stages of life and supports the needs of various household income thresholds. The proposed amendments aim to reduce housing barriers, increase housing opportunity and choice for all ages, abilities, and incomes, to address social inequalities. The City of Brampton is building communities that are inclusive to all households across the income spectrum. The proposed amendments are consistent with Policies 2.2.1.4(b,c,e) and 2.2.6.1(c,d). Planning Staff is of the opinion that the proposed amendments are consistent with the Growth Plan.

Region of Peel Official Plan (April 2022)

The proposed amendments have been reviewed for compliance with the recently Council approved Region of Peel Official Plan, Peel 2051 (ROP). The ROP sections that are applicable to this OPA and ZBLA include, but are not limited to:

- Encourage the local municipalities to develop policies in their official plans to support seniors to age in place within their communities, as provided for in the objectives of the Urban and Rural System sections of this Plan including the integration of community facilities and services with residential land uses (Section 6.4.5).
- In accordance with policies in Section 5.9 of this Plan, encourage the local municipalities to develop Official Plan policies to increase the supply of affordable, accessible, adequate and appropriate housing of all types, sizes, densities and tenures, to support seniors to age within their community (Section 6.4.9).
- To promote the development of compact, complete communities by supporting intensification and higher density forms of housing (Section 5.9.1).
- To make housing available for diverse populations, including the provision of accessible housing and appropriate support services (Section 5.9.5).
- Direct the local municipalities to include policies in local municipal official plans that permit additional residential units, including the use of two residential units in a detached house, semi-detached house, or rowhouse; and the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house, or rowhouse (Section 5.9.14).
- Support the initiatives of local municipalities to promote additional residential units to achieve Regional and local housing objective (Section 5.9.15).
- Support a mix of multi-unit housing, including affordable housing, rental housing and additional residential units, as appropriate in MTSAs (Section 5.6.19.5).
- To ensure development in the Designated Greenfield Area supports a range and mix of housing options and densities, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households (Section 5.6.20.7).
- To ensure development in the 2051 New Urban Area supports a range and mix of housing options and densities, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households (Section 5.6.20.14.8).

The proposed amendments are in conformity with the ROP in terms of providing for a range and mix of housing types, sizes and tenure to support the housing needs of current and future residents, and support seniors to age in their communities. The proposed

amendments introduce garden suites as a form of housing that is affordable, rentable and flexible to the needs of its residents, and promotes the development of complete communities.

Region of Peel Official Plan (Council Adoption April)Waiting Provincial Approval

Planning Staff is of the opinion that the proposed amendments are in conformity with the ROP.

City of Brampton Official Plan, 2006 (Office Consolidation Sept. 2020)

The proposed OPA and ZBLA are consistent with the objectives of the Residential Area policies (Section 4.2 Residential) of the Official Plan (OP), with respect to:

- *Establish policies that provide opportunities for the development of a broad mix of housing in terms of dwelling types, densities, tenure and cost to meet the needs of Brampton's diverse community including persons with disabilities (Section 4.2(a));*
- *Accommodate residential growth by promoting and facilitating intensification throughout the built-up area and ensuring compact, complete greenfield neighbourhoods; (Section 4.2(c));*

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.

4.2.5.2 The City shall encourage a balanced distribution of affordable housing, including non-profit or assisted housing, within the City. To this end, the City may prioritize applications for affordable housing in areas where little or no such housing exists or otherwise attempt to influence the location of affordable housing in such areas through appropriate means.

The proposed amendments are consistent with Policies 4.2.1.12 and 4.2.5.2 with respect to encouraging various forms of rental and affordable housing in the City. The proposed OPA and ZBLA conform to the OP.

Brampton Plan

The City is currently undertaking its Official Plan Review. Brampton Plan sets out a strategic and comprehensive approach to guiding growth and development in a manner that reflects the unique context of Brampton and is targeted for Council adoption in June 2022.

The ARU policies proposed with these amendments are being replicated in Brampton Plan and will be contained within the Housing and Social Matters section of the Plan.

Brampton Plan will supersede the proposed ARU policies once adopted.

Through Brampton Plan, the City supports the creation of affordable housing and creative housing solutions that broaden the range of housing typologies and provide gentle intensification in Neighbourhoods to better utilize infrastructure and services. Additional Residential Units (ARUs), will be permitted city-wide in the Neighbourhoods, subject to the provisions of the Official Plan, Zoning By-law, and Registration By-law.