

**Date:** 2022-06-29

**Subject:** Amendments to Schedule “B” of the Building By-law 387-2006

**Contact:** Rick Conard, Chief Building Official, Director of Building

**Report Number:** Planning, Bld & Ec Dev-2021-1109

**Recommendations:**

1. That the report from Rick Conard, Director of Building and Chief Building Official, Planning Design and Development Services, dated November 15, 2021 to the Planning and Development Committee meeting of November 15, 2021, re: **Amendments to Schedule “B” of the Building By-law 387-2006** be received; and
2. That the attached amendment to Schedule “B” of the Building By-law be enacted by Council.

**Overview:**

- The Building Code Act provides for a municipality the ability to pass a Building By-Law prescribing classes of permits, required plans, specifications and forms and establishing fees for permits as well as a number of additional administrative processes set out in the legislation.
- Bill 108, the More Homes, More Choice Act, 2019, requires all municipalities in Ontario to implement policies authorizing additional residential units (ARUs) within detached, semi-detached or townhouse dwellings (second units), as well as within an accessory building or structure located on the same lot as the principal dwelling. This has the effect of allowing up to three dwelling units per residential lot.
- The proposed amendments to Schedule “B” of the City of Brampton Building By-law implement changes to accommodate the introduction and architectural control of garden suites as a new form of housing for the City of Brampton.
- Public Notice has been provided in accordance with the provisions of the Building Code Act, 1992.

## **Background:**

### **Policy**

The City has approved an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA), and an implementing Registration By-law introducing additional residential units (ARUs) as a new term, and permitting garden suites in the City. Both second units and garden suites will be a permitted form of ARUs. The existing second unit (Two-Unit Dwelling) provisions are not proposed to be amended, except to provide further clarification to the policies, or to provide improvement to the structure of the overall sections within the Official Plan and/or Zoning By-law.

The OP permits garden suites subject to land use planning criteria and ensure compliance with the Ontario Building Code and/or Fire Code, Registration By-law and Property Standards By-Law, and other applicable approval requirements. The OP provisions are intended to ensure garden suites are accessory and compatible with the principal dwelling, and to ensure that there are no negative impacts to health and safety, servicing, storm-water management, site drainage, and flood risk. The following describes the policy of the OP that relates to the proposed Building By-law amendment:

**Policy 4.2.5.6.4 – indicates that garden suites shall be evaluated through a custom home review process, in addition to the building permit approval process.** The construction of garden suites require consideration to design (i.e. style, materials, and compatibility) and engineering (i.e. grading, servicing, and site drainage), therefore staff recommend that an engineering and urban design review is required through a custom review process prior to building permit submission.

### **Administration**

Administration of the Official Plan policy will be through the building permit and registration process.

The Building Code Act (BCA) allows the municipality to enact a by-law (the Building By-law) to require certain plans, specifications and forms and establishing fees for permits, as well as a number of additional administrative processes set out in the legislation. Those plans, specifications and forms are outlined in Schedule “B” of By-law 387-2006 as amended (the Building By-Law).

In order to ensure that OP Policy 4.2.5.6.4. is complied with prior to the issuance of a building permit, this report recommends an amendment to Schedule “B” be made to include the custom home review approval in the list of documents required to constitute a complete application under the Building Code.

## **Current Situation:**

### Summary of Proposed Amendments

#### Plans, Specifications, Documents and Forms

1. The by-law specifies the items and technical information and requirements for submission and administration of complete applications. The amended list of required documents and forms includes the custom home review process or architectural control, as applicable, for submission of an application to construct a garden suite.

## **Corporate Implications:**

#### Financial Implications:

There are no financial implications associated with the amendment to the Building By-law.

#### Other Implications:

Application volume may have an adverse affect on staff resources and review time-lines. The Building Division has taken measures to engage external consultants to assist in the scalability of the plans review operations and activity levels for the remainder of 2022 will inform the 2023 budget request for Building and Urban Design.

## **Term of Council Priorities:**

This report aligns with the following initiatives:

Brampton is a City of Opportunities – Create Complete Communities.

The proposed amendments to the Official Plan and Zoning By-law to permit Garden Suites support the implementation and recommendations of the Housing Strategy, facilitating the creation of a more inclusive and livable community. This corresponding amendment to the Building By-law ensures that the Official Plan policies are upheld through the permitting process.

## **Conclusion:**

Following the July 25<sup>th</sup> public meeting and Council approval of the amendments to the Building By-law; the custom home review process will be required as part of a complete permit application for garden suites.

Authored by:

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Rick Conard, M.Sc., C.E.T., CBCO, CRBO  
Director of Building, Chief Building Official

Approved by:

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Jason Schmidt-Shoukri, BSc. Arch. Eng. MPA  
OAA MCIP PLE  
Commissioner of Planning and  
Development Services

Reviewed by:

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N/A

Submitted by:

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Paul Morrison,  
Chief Administrative Officer

**Attachments:**

**Appendix "A" - Amendment to Schedule "B" of By-law 387-2006, as amended**

**Appendix "B" - The public notice**