

Date: 2023-03-21

Subject: **Recommendation Report - City-initiated Official Plan Amendment and Zoning By-law Amendment to Amend Additional Residential Units Regulations to Conform to Bill 23**

Contact: Shahinaz Eshesh, RPP, MCIP, Policy Planner III, Planning, Building and Growth Management Department

Report Number: Planning, Bld & Growth Mgt-2023-296

Recommendations:

1. **THAT** the report titled, “**Recommendation Report - City-initiated Official Plan Amendment and Zoning By-law Amendment to Amend Additional Residential Units Regulations to Conform to Bill 23**” to the Planning and Development Committee meeting of April 24, 2023, be received;
2. **THAT** the proposed City-initiated Official Plan Amendment and Zoning By-law Amendment attached hereto as Appendices 4 and 5 respectively, be adopted on the basis that they represent good planning, including that are consistent with the Provincial Policy Statement, conform to the 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 this Report;
3. **THAT** the Additional Residential Unit (ARU) Registration By-law 157-2022 Amendment, attached hereto as Appendix 6, be adopted; and,
4. **THAT** it is hereby determined that in adopting the attached Official Plan Amendment, Council has had regard for all matters of Provincial Interest and the Provincial Policy Statements as set out in Section 2 and 3(5) respectively of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

Overview:

- **Bill 23 – More Homes, Built Faster Act, 2022 received Royal Assent in November 2022. The Bill made changes to several pieces of legislation, including the *Planning Act*.**
- **In accordance with Provincial legislation and changes to the *Planning Act*, which are in effect, all municipalities in Ontario are required to**

implement policies that authorize the use of a third additional residential unit within a detached, semi-detached or townhouse dwelling. The City of Brampton Official Plan and Zoning By-law currently do not permit this.

- **In August 2022, the City adopted amendments to the Official Plan and Zoning By-law to conform to Bill 108 More Homes, More Choice Act, 2019 to implement and facilitate the construction of additional residential units (ARUs) city-wide in the form of second units and garden suites.**
- **The proposed changes to the ARU policy framework to conform to Bill 23 were presented at a statutory public meeting on February 13, 2023 to introduce the term “attached ARU” which will replace “second unit” and allow up to two attached ARUs per residential lot. A total of two ARUs are permitted per residential lot.**
- **This report presents for Council adoption the amendments that will amend the ARU policies to conform to Bill 23, and an updated Registration By-law that will apply to all ARUs including attached ARUs and garden suites. The existing ARU Registration By-law will be amended. The amendments aim to support the supply and range of affordable rental housing accommodations in the City.**

Background:

Bill 23, the *More Homes Built Faster Act, 2022*, received Royal Assent on November 28, 2022. The stated intent of *Bill 23* is to implement some of the actions contained in Ontario’s Housing Supply Action Plan, including increasing housing supply in Ontario by building 1.5 million new homes by 2031. *Bill 23* made changes to several pieces of legislation, including the *Planning Act*. Staff presented, the report titled “Bill 23 – More Homes Built Faster Act and Implications for the City of Brampton” at the November 23, 2022 Committee of Council meeting, which outlined a preliminary analysis of the most significant impacts that the changes will have on the City of Brampton.

Included with the sweeping legislative changes, were the changes to the Additional Residential Unit provisions of the *Planning Act*, which had originally been introduced through Bill 108, the *More Homes, More Choice Act, 2019*. The Province indicated that *Bill 108* was intended to increase housing options and boost housing supply in order to address Ontario’s housing crisis. Under this legislation, municipalities were required to adopt policies in Official Plans and Zoning By-laws to permit the use of additional residential units city-wide within detached, semi-detached, or townhouse units, and within an accessory structure located on the same property. This had the effect of allowing up to three dwelling units per residential lot.

The City expeditiously responded to *Bill 108* by adopting an Additional Residential Unit policy framework including zoning requirements, registration process, and numerous other amendments in August 2022. Brampton has permitted second units since 2015 and garden suites since August 2022, subject to the applicable Zoning By-law requirements

and the Registration By-law. The amendments introduced the term “Additional Residential Units (ARU)” which applied to both second units and garden suites. Garden suites are defined as a self-contained residential dwelling unit within an accessory building or structure, with its own cooking facilities, sanitary facility and sleeping area, and located on the rear or side yard of a detached, semi-detached, townhouse dwelling.

Public Engagement:

Statutory Public Meeting

A Statutory Public Meeting to present the draft Official Plan and Zoning By-law Amendments for public review and comment was held on February 13, 2023. There were about five members of the public in attendance, one delegation and no written correspondence was received prior to the meeting. The minutes of the public meeting are attached as Appendix 1 to this report. A summary and response to all comments, including the delegation received during the consultation period are attached as Appendix 2.

Current Situation:

Proposed Amendments

This report presents a final Official Plan Amendment (OPA), Zoning By-law Amendment (ZBLA), and an implementing Registration By-law which amends the recently adopted regulations for Additional Residential Units. The documents introduce “attached ARU” as a new term, and permits two attached ARUs on applicable residential lots in the City. Both attached ARUs and garden suites will be a permitted form of ARUs.

The existing second unit (Two-Unit Dwelling) provisions are proposed to be amended, to adopt new terms and facilitate the creation of an additional unit within a principal dwelling.

The existing garden suite 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.

In accordance with Bill 23, single-detached, semi-detached, and/or townhouse lots may be permitted up to a maximum of two ARUs per lot. Either:

- (1) A maximum of one attached ARU located within the single-detached, semi-detached, and/or townhouse dwelling, AND a maximum of one garden suite in an accessory structure; OR,
- (2) A maximum of two attached ARUs located within the single-detached, semi-detached, and/or townhouse dwelling (i.e. two basement apartments)

It is noted that two garden suites are not permitted to locate in two separate accessory structures on the same lot. There is no prerequisite to have an attached ARU within the

principal dwelling to be able to construct a garden suite in a detached building, or vice versa.

Staff have revised the OPA and ZBLA presented at the public meeting based on public input and agency comments received through the circulation of the documents, and the changes are summarized below:

Official Plan Amendment (OPA)

The proposed OPA (Appendix 4) includes the following key changes:

1. Replace all references for “second unit” with “attached ARU”.
2. Revise Policy 4.2.5.6.3 – custom home review process for garden suites includes a zoning, design and engineering review.
3. General grammatical revisions and formatting changes.

Zoning By-law Amendment (ZBLA)

The proposed ZBLA (Appendix 5) includes the following key changes:

1. Replace all references for “second unit” with “attached ARU”.
2. Revisions to Section 5 Definitions to amend terms to reflect the intent and interpretation for ARUs: Additional Residential Unit (ARU), Garden Suite, Attached ARU, Three-Unit Dwelling, Two-Unit Dwelling, Second Unit, Duplex, Triplex, Multiple Residential Dwelling, and Supportive Housing Residence (Type 1 and 2).
3. The definition for Supportive Housing Residence (Type 1 and 2) was amended to provide clarity, consistent to Section 10.16 that Supportive Housing Residences are not permitted in an ARU. This is consistent with previously adopted ARU provisions which did not permit supportive housing residences within or on the same lot as an ARU.
4. Amend Section 10.16 Provisions for Additional Residential Units to facilitate attached ARUs in the City and provide greater clarity to “principal dwelling”.
5. Minor grammatical revisions and formatting changes to 10.16(f)-(h) to improve readability on parking requirements for ARUs.
6. Rename Section 10.16.1 Provisions for Two-Unit Dwellings to “Section 10.16.1 Provisions for Two-Unit and Three-Unit Dwellings”.
7. Amend Section 10.16.2 Provisions for Garden Suites subsections 10.16.2(a) and 10.16.2(k) to improve wording and reformat section references.
8. General grammatical revisions and formatting changes.

Impacts on Parking

As prescribed by the *Planning Act Section 16(3.1) and 35.1(1.1)*, municipalities cannot have policies or provisions in their Official Plan or Zoning By-law that requires more than one parking space per residential unit for properties that contain both ARUs and a principal dwelling. Parking requirements for the principal dwelling and ARUs shall not

exceed more than one space per unit, for a maximum of three residential units permitted per lot and a maximum of three parking spaces. Section 10.9 of the Zoning By-law regulates the parking requirements for the single detached, semi-detached and townhouse dwelling at a minimum requirement of two parking spaces. In addition, Section 10.16(f) – (h) regulates the parking requirement for ARUs, in which, no parking space is required on lots that contain one ARU or one additional parking space is required on lots containing two ARUs. The cumulative total of parking requirements are in conformity with the *Planning Act*.

Additional Residential Unit (ARU) Registration By-law

Staff proposes to amend the Additional Residential Unit (ARU) Registration By-law 157-2022 (Appendix 7) to require the registration of attached ARUs. All ARUs will be subject to a one-time registration process and non-refundable \$200 registration fee to ensure that the units meet the requirements under the Ontario Building Code and Zoning By-law, and are legal, safe and habitable.

Future Implementation Processes and Licensing

The purpose of this amendment and report is to respond to conformity requirements for Bill 23. The City will monitor the creation of ARUs, and future implementation measures and processes to address property standards, enforcement and landlord complaints may be considered separately from this report.

ADUSearch, Interactive Mapping Tool

ADUSearch, an Institute funded by the Canadian Mortgage Housing Corporation (CMHC) as part of their “Housing Supply Challenge”, developed an online interactive mapping tool that allows users to search residential properties that may support the construction of garden suites (referred to as detached additional dwelling units) through compliance with local zoning bylaws on an individual properties. The City of Brampton partnered with ADUSearch to be one of the municipalities incorporated in their 2022 launch. This free tool will allow Bramptonians, builders, and contractors to better understand zoning requirements for garden suites and complete an initial screen to determine if their residential lot could support ARUs. More information is available here: <https://adusearch.ca/>

Planning Analysis

A detailed planning analysis is provided in Appendix 7.

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. The ARU policies proposed within 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.

Corporate Implications:

Financial Implications:

There are no financial implications directly associated with this report.

Term of Council Priorities:

This report directly aligns with the Strategic Direction – Brampton is a City of Opportunities, in particular the Council Priority to Create Complete Communities. The proposed amendments to the Official Plan and Zoning By-law support the implementation and recommendations of the Housing Strategy, facilitating the creation of a more inclusive and livable community.

Conclusion:

Following the February 13, 2023 Public Meeting, staff made minor revisions to the proposed ARU amendments to provide clarity on the changes to the ARU Policy Framework from August 2022. Staff find that the proposed amendments conform with the overall intent of *Bill 23* to facilitate the creation of ARUs across Ontario, and encourage a diversity of housing options in Brampton.

Staff are of the opinion that the amendments are in the public interest and represent good planning. Therefore, staff recommends that Council authorize the adoption of the proposed Official Plan Amendment, Zoning By-law and Registration By-law, attached hereto as Appendices 4, 5 and 6, respectively.

In accordance with Section 17(36.1) of the *Planning Act*, appeals (other than appeals by the Minister) to policies that authorize the use of ARUs are not permitted, therefore the ARU policies will be in effect upon Council adoption.

Authored by:

Reviewed by:

Shahinaz Eshesh, MCIP, RPP
Policy Planner III,
Planning, Building & Growth Management

Henrik Zbogar, MCIP, RPP
Acting Director, Integrated City Planning,
Planning, Building & Growth Management

Approved by:

Submitted by:

Steve Ganesh, MCIP, RPP
Commissioner,
Planning, Building & Growth Management

Marlon Kallideen, Chief Administrative
Officer

Attachments:

- Appendix 1 – Minutes of February 13, 2023 PDC Meeting
- Appendix 2 – Summary and Response to Public Comments/Correspondence Received
- Appendix 3 – Department and Agency Comments
- Appendix 4 – Proposed Official Plan Amendment
- Appendix 5 – Proposed Zoning By-law Amendment
- Appendix 6 – Proposed Registration By-law
- Appendix 7 – Planning Analysis Summary
- Appendix 8 – Additional Residential Units (Garden Suite) Development Design Guidelines