

Policy Planning Context and Analysis Summary

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 23 *More Homes Built Faster Act, 2022*, amended the *Planning Act*, and received Royal Assent on November 28, 2022. The changes to the *Planning Act* with respect to Additional Residential Units (ARUs) came into force on November 28, 2022, which included changes to the following section:

Additional Residential Unit Regulations and Conformity to Provincial Regulations

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

Section 16 (3) Restrictions for residential units

16 (3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 4 (1).*

Section 16 (3.1) Same, parking

16 (3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

Section 16 (3.2) Same, minimum unit size

16 (3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

Section 16 (3.3) Policies of no effect

16 (3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2). 2022, c. 21, Sched. 9, s. 4 (1).

Section 35.1 (1) Restrictions for residential units

35.1 (1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.*

Section 35.1 (1.1) Same, parking

35.1 (1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.

Section 35.1 (1.2) Same, minimum area

35.1 (1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.

Section 35.1 (1.3) Provisions of no effect

35.1 (1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it

contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section. 2022, c. 21, Sched. 9, s. 9.

Section 35.1 Regulations

35.1 (2) The Minister may make regulations establishing requirements and standards with respect to,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.

The City-Initiated Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) are intended to conform to applicable policies related to ARUs of the *Planning Act*, to authorize and regulate the use of additional residential units. The draft OPA conforms with Section 16(3) to (3.3) with respect to minimum floor area and parking requirements. The proposed ZBLA conforms to Section 34 and Section 35.1(1) to (1.3) by prescribing appropriate requirements and standards for ARUs that are in conformity with the regulations of the *Planning Act* with respect to minimum floor area and parking requirements.

In accordance with Section 35.1(2) of the *Planning Act*, should a municipality not adopt policies and regulations with respect to ARUs, the Minister is authorized to intervene and establish requirements and standards for ARUs.

No appeal period

Section 17(24.1) appeal re additional residential unit policies

17 (24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures

ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (6).

Section 17(24.1.1) Exception re Minister

17 (24.1.1) Subsection (24.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (1).

Section 17(36.1) No appeal re additional residential unit policies

17 (36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (7).

Section 17(36.1.1) Exception re Minister

17 (36.1.1) Subsection (36.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (3).

Section 34 (19.1) No appeal re additional residential unit by-laws

34 (19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 8 (2).*

Section 34 (19.2) Exception re Minister

34 (19.2) Subsection (19.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (3).

In accordance with Section 17(24.1), 17(36.1), and 34(19.1) of the *Planning Act*, ARUs are permitted as-of-right across Ontario and appeals to authorize the use of ARUs are not permitted. The proposed OPA and ZBLA are not subject to appeals, therefore the policies will be in effect upon Council adoption.

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. In addition, ARUs 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.

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, which will encourage the supply of this housing form. The OPA and ZBLA encourages gentle densification within the Residential area of the City, while appropriately addressing public health and safety concerns. 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, 2022

The proposed amendments conforms with the recently adopted Region of Peel Official Plan (2022) to meet local housing needs including housing location, form, tenure and affordability. The Regional OP sections applicable to these amendments include, but are not limited to:

5.9.14 Direct the local municipalities to include policies in local municipal official plans that permit additional residential units, including:

- 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.*

5.9.15 Support the initiatives of local municipalities to promote additional residential units to achieve Regional and local housing objectives.

5.9.16 Encourage the local municipalities to utilize tools such as licensing and registration to promote the legalization of new and existing additional residential units and ensure compliance with health and safety standards.

The proposed OPA and ZBLA conforms to the Regional OP with respect to facilitating and permitting additional residential units across the City to conform to Bill 23. The City utilizes a registration process to ensure ARUs comply with health and safety standards. Future implementation methods shall be considered in a separate process.

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. Section 4.2.5.6 Additional Residential Units is proposed to be amended to facilitate the use and creation of a third residential unit. 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.

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.