

City of Vaughan

Secondary Suites Policy Development

Phase 1 Summary Report: Policy Context

Revised July 2013

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For Discussion

Introduction

Secondary suites are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings. (MMAH, 2012). Secondary suites, also referred to as accessory suites or dwellings, can provide an effective form of affordable housing and increase the availability of affordable housing choices for residents. They can also offer a home owner the opportunity to earn additional income to help meet the costs associated with owning a home.

The City of Vaughan has begun the process of developing a Secondary Suites Policy. The study is being developed within the context of existing policy environment as established by the Province of Ontario and Region of York. The main outcome of the work will be a recommended secondary suites policy including Official Plan policies, zoning standards and other related measures or tools required to regulate secondary suites in the City of Vaughan.

As an initial component of this study, the following report presents a summary of the current historical and political context in the development of secondary suites policy, an overview of the role of secondary suites in the provision of affordable housing, and an introduction to the experiences and policies in other jurisdictions.

Historical and Political Context

For a period in the early 1990s municipalities were prohibited from preventing two unit houses (secondary suites) in their zoning bylaws. When a new provincial government was elected this was repealed and grandfathered units in existence on the date the new legislation was introduced. As a result, municipalities including the City of Vaughan have some legal secondary suites that were in existence on November 16th 1995. In the City of Vaughan, secondary units built after 1996 are illegal and individuals do not have as of right permission to add secondary suites to current housing stock.

The Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51), later provided municipalities with the ability to adopt second suite official plan policies without being subject to appeal at the Ontario Municipal Board. The Provincial Growth Plan (2006) specifically requires municipalities to “encourage the creation of secondary suites throughout the built-up area”. The Provincial Policy Statement (PPS) speaks to providing an appropriate range of housing types and densities to meet current and future needs of residents and to facilitate residential intensification. The PPS defines residential intensification to include “the

conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses”.

In 2010, the provincial government released Building Foundations: Building Futures, Ontario’s Long-Term Affordable Housing Strategy (LTAHS). As part of the strategy, amendments to the Planning Act through Bill 140 Strong Communities through Affordable Housing Act (enacted in January 2012) required municipalities to establish policies allowing second suites in new and existing developments and added affordable housing as a matter of provincial interest. Specifically, Section 16(3) now requires an official plan to have policies that authorize the use of second residential units in detached, semi-detached and row houses, as well as in ancillary structures. Provisions allow for two units, located in either a single residential building, or one unit inside a residential building and a second unit located in an ancillary structure on the same property (i.e. above laneway garage). Amendments to the Act also prevent any appeal of zoning by-laws passed to support the creation of secondary suites which implement Official Plan policies. Appendix A further outlines changes to the Planning Act made through Strong Communities through Affordable Housing Act (2011) regarding second units.

The York Region Official Plan (YROP) (2010) Policy 3.5.22 “requires local municipalities to adopt official plan policies and zoning by-law provisions that authorize secondary suites as follows:

- a) the use of two residential units in a house if no ancillary building or structure contains a residential unit; and,
- b) the use of a residential unit in a building or structure ancillary to house if the house contains a single residential unit”.

The YROP further supports the permission of a broad range of housing forms, types and tenures including second suites in houses except in locations serviced by individual septic systems or communal sewage disposal. The YROP defines secondary suites as “a single accessory dwelling unit in a house, or building ancillary to a house, that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

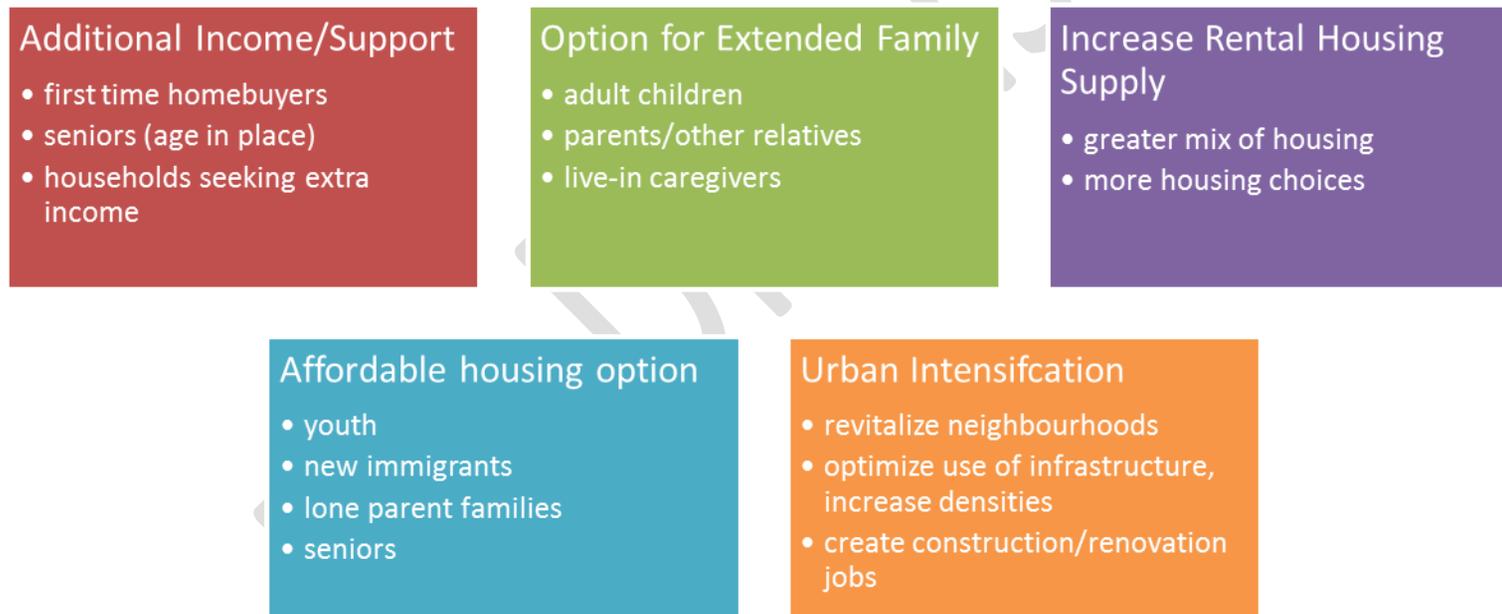
Currently, secondary suites are not permitted as-of-right in the City of Vaughan. The only legal secondary suites are those that were grandfathered by the province between 1994 and 1996.

The City of Vaughan Official Plan (VOP), which was adopted by Council on September 7th 2010 (currently subject of appeals at the Ontario Municipal Board) does address affordable housing and secondary suites policy. The VOP states that it is the Policy of Council

to support and prioritize several housing initiatives including “allowing secondary suites where deemed appropriate by a City-Initiated study” (7.5.1.4).

Role in Achieving Affordable Housing

It is widely recognized that second suites can play an important role in the provision of affordable rental housing for a wide range of residents including small households, young adults, seniors, modest income families and residents with special needs. In addition, second suites provide rental income to homeowners and flexibility to offset costs of home ownership or home maintenance. For example, a secondary suite can provide a first time homebuyer to afford their mortgage, allows a senior to remain in their home longer by having someone to help with maintenance or supplement their income, and can provide income to persons and families on a fixed income. Overall, secondary suites contribute to a greater mix of housing.



In addition, in areas such as the City of Vaughan, secondary suites offer a greater opportunity to add to the affordable housing stock compared with building new as cost of land and construction is high and achieving true affordability is challenging. Outward growth

is also increasingly limited within the municipality and secondary suites can help areas meet intensification goals. Secondary suites can also contribute to neighbourhood revitalization by increasing demand for amenities and services and contribute to social diversity, in particular within neighbourhoods that have experienced a decline in population.

A report prepared for the City of Toronto (SHS Consulting, 2004) compared average rents for second suites and rents for conventional units and found that rents are lower for second suites. For example, a total of 90.9% of second suite bachelor units rent for less than \$800 per month compared to only 74.6% of bachelor units surveyed by the CMHC. This report also showed that, as a whole, 60.8% of second suites have rents that are less than \$800 per month compared to only 23.1% of conventional units.

There are, however, several factors which may account for the reduced rental rate of secondary units that concern the living conditions of some units. Many secondary suites are located in basements, which often have reduced natural sunlight, and less ventilation. There is also variations in the size of secondary units and can be reflected in a reduced rental rate compared to traditional apartment units. In the absence of an enforcement program, secondary units may also not meet all required building, health and safety codes. Homeowners may avoid the costly renovations, and instead, offer the secondary suites at a reduced rate.

“Sounds land use planning creates opportunities for inclusiveness and supports the natural evolution of welcoming neighbourhoods that are free from restrictions”

– Ontario Human Rights Commission, 2012

Examples of Approaches in Other Jurisdictions

In developing a secondary suites policy in the City of Vaughan, the experiences and approaches in other jurisdictions can be helpful in framing the direction for the City. The following table provides a summary of approaches to secondary suites policy development in other municipalities across the Province.

Municipality	Area	Dwelling/ Lot	Parking	External Appearance	Licensing Fees	Registration/ Licensing	Incentives
Mississauga <i>Under development</i>	City wide	<ul style="list-style-type: none"> • Detached, semi, townhouse (max 1 unit) • Require the dwelling be the principle residence of owner • Min and Max GFA to be established • Min setback of 1.2m for new entrances • Second unit cannot change existing use of dwelling 	<ul style="list-style-type: none"> • 1 on-site space for second unit in addition to required parking for dwelling • Only 1 driveway/lot 	<ul style="list-style-type: none"> • Prohibit new entrances facing street • Prohibit exterior entrance above first floor • Prohibit stairs, stairwells for entrances below grade facing a street 	<ul style="list-style-type: none"> • \$500 (owner occupied) • \$1000 (investment) 	<ul style="list-style-type: none"> • Yes – owner occupied and investment unit licensing • Investment license would require minor variance 	<ul style="list-style-type: none"> • No (unknown)
Markham <i>proposed – did not get approved</i>	As of right	<ul style="list-style-type: none"> • Singles and Semis • Must be secondary to primary dwelling • No more than 2 units/lot • Max GFA: second unit not to exceed 45% of floor area of primary unit (as existed before second suite) • Min GFA: 35m² 	<ul style="list-style-type: none"> • No additional spaces required • Subject to property standards 	<ul style="list-style-type: none"> • Not be conspicuous from the street or change appearance of dwelling • No entrance through garage door 	<ul style="list-style-type: none"> • \$150 • + \$300 (fire) 	<ul style="list-style-type: none"> • Inspection and Registration every 3 years 	<ul style="list-style-type: none"> • No

Municipality	Area	Dwelling/ Lot	Parking	External Appearance	Licensing Fees	Registration/ Licensing	Incentives
Newmarket <i>Active</i>	City wide	<ul style="list-style-type: none"> • Single family or two family zone (single, Link, semi) • Only one/lot • Located within main dwelling • Primary dwelling must be serviced by full municipal water and sewer • Max GFA: not exceed 40% of total GFA located above grade • Daycare not permitted in Accessory Dwelling Unit 	<ul style="list-style-type: none"> • 2 exterior spaces per accessory dwelling unit 	<ul style="list-style-type: none"> • Front facade shall not be altered 	<ul style="list-style-type: none"> • Application fee \$110 	<ul style="list-style-type: none"> • Yes – Accessory Dwelling Unit (ADU) application • Building Permit 	<ul style="list-style-type: none"> • No/unsure
Richmond Hill <i>Under development</i>	City wide	<ul style="list-style-type: none"> • Detached and semi detached • Max GFA 265 m2 • Min frontage 9m • Min lot area 30% 	<ul style="list-style-type: none"> • 1 additional space • Only 1 driveway apron shall be permitted to a lot with a frontage of less than 18m • Driveway max – depends on lot size • Max hard surface – 55% 	<ul style="list-style-type: none"> • Any exterior changes to the existing dwelling will be in keeping with the character of the street 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • License permit 	<ul style="list-style-type: none"> • No

Municipality	Area	Dwelling/ Lot	Parking	External Appearance	Licensing Fees	Registration/ Licensing	Incentives
Pickering		<ul style="list-style-type: none"> • Singles and semis • Second suite must be smaller than primary • Max GFA: 100m² • No home-based business 	<ul style="list-style-type: none"> • 3 on site spaces per total dwelling 	<ul style="list-style-type: none"> • Not specified, subject to approval through building permit 	<ul style="list-style-type: none"> • \$500 	<ul style="list-style-type: none"> • Building Permit • Registration required • Demonstrate compliance under Ontario Fire Code 	<ul style="list-style-type: none"> • No
Toronto <i>Active</i>	City wide	<ul style="list-style-type: none"> • Singles/semis • Must be at least 5 years old • No less than 55 m² • Must be secondary in size to principle unit 	<ul style="list-style-type: none"> • 1 space/unit • Where 2 spots required, 1 may be used for second suite 	<ul style="list-style-type: none"> • No additional or substantial alteration to exterior appearance of front or side of unit facing street 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • Not required 	<ul style="list-style-type: none"> • No
Ottawa <i>Active</i>	City wide (except Rockcliffe Park)	<ul style="list-style-type: none"> • Singles/semis/ duplex • Max GFA¹ – 40% of dwelling, if located in bsmt may occupy all of bsmt 	<ul style="list-style-type: none"> • Not required – where provided must not be in front yard, can be in tandem driveway • Driveway max – 50% (yard) 	<ul style="list-style-type: none"> • No change in streetscape • Must have separate access that cannot be located in an exterior wall facing the front 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No
Hamilton <i>Active (current by-law has no regulations for second suites)</i>	Ward specific	<ul style="list-style-type: none"> • Singles and semis, varies by ward • Can be appropriately serviced 	<ul style="list-style-type: none"> • Min 2 on-site parking spaces must be provided (for dwelling) 	<ul style="list-style-type: none"> • No alteration to external appearance • Must preserve streetscape character • No impact on surrounding neighbourhood 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • Unknown 	<ul style="list-style-type: none"> • No

¹ Gross Floor Area.

Municipality	Area	Dwelling/ Lot	Parking	External Appearance	Licensing Fees	Registration/ Licensing	Incentives
Burlington <i>Active</i>	City wide	<ul style="list-style-type: none"> • Singles • Min GFA – 42m² • Max GFA – 30% of dwelling • Minimum frontage 15m • Minimum rear yard 135 m² 	<ul style="list-style-type: none"> • 1 space/ accessory unit (2 are required in some instances) • Driveway max – 7.35m on 15m lots • Max hard surface – 50% • No parking in rear yard 	<ul style="list-style-type: none"> • Separate exterior entrance required • Prohibited on front elevation 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • No
Guelph <i>Under Review</i>	City wide	<ul style="list-style-type: none"> • Singles/semis • Not greater than 45% of total floor area • Max GFA – 80 m² • Max 2 bedrooms • Double driveway 	<ul style="list-style-type: none"> • Principle dwelling must have 2 spaces • 1 additional space for secondary suite • Max 1 driveway 	<ul style="list-style-type: none"> • Preserve front facade • Maintain single entry (i.e. rear yards not to be divided) 	<ul style="list-style-type: none"> • \$100 • 5-year period without fee to encourage existing units to be legalized 	<ul style="list-style-type: none"> • Mandatory 	<ul style="list-style-type: none"> • No
Oakville <i>Under development – part of Livable Oakville Plan</i>	Town wide (currently only specific zones permit suites)	<ul style="list-style-type: none"> • Detached and semi-detached • Max 1 accessory dwelling per dwelling • Max GFA 30% of floor area 	<ul style="list-style-type: none"> • 1 per accessory dwelling 	<ul style="list-style-type: none"> • No separate entrance along the main wall of the dwelling that is oriented toward the front lot line 	<ul style="list-style-type: none"> • Yes \$300 (may change with new zoning by-law) 	<ul style="list-style-type: none"> • Yes (may change with new zoning by-law) 	<ul style="list-style-type: none"> • No

Municipality	Area	Dwelling/ Lot	Parking	External Appearance	Licensing Fees	Registration/ Licensing	Incentives
Victoria <i>Active</i>	Town wide	<ul style="list-style-type: none"> • Minimum total floors pace of dwelling - 150m2 • Max GFA – 90m2 or 40% of total floor space 	<ul style="list-style-type: none"> • No additional parking required 	<ul style="list-style-type: none"> • Cannot greatly alter house and neighbourhood character • Following exterior changes to building must not have been made five years before or five years after the date of the secondary suite: <ol style="list-style-type: none"> a) Extension creating more than 20m2 of floor area b) Raising height of building more than 0.6m c) Addition of steps/ entrance more than 1.5m in height • Second suite design guidelines 	<ul style="list-style-type: none"> • No 	<ul style="list-style-type: none"> • Building permit • Occupancy permit 	<ul style="list-style-type: none"> • Yes – 25% of construction cost to max \$5,000

Municipality	Area	Dwelling/ Lot	Parking	External Appearance	Licensing Fees	Registration/ Licensing	Incentives
Edmonton <i>Active</i>	Low density zones	<ul style="list-style-type: none"> • Singles • Other dwellings (i.e. row housing) is discretionary and requires approval from Development Authority • Max 1 suite/dwelling • Min site area 360m² • Min GFA – 30m² • Max GFA – not more than total floor area of first story (if bsmt) or 40% or 70m² of principle dwelling whichever is less (if suite on or above first floor) 	<ul style="list-style-type: none"> • Min 3 spaces for suite and primary dwelling 	<ul style="list-style-type: none"> • Not specified 	<ul style="list-style-type: none"> • Yes – development permit, building permit, and safety code fee 	<ul style="list-style-type: none"> • Development and Building permit • Occupancy agreement (for grant) 	<ul style="list-style-type: none"> • Yes – up to \$20,000² • Unit must be affordable to households earning less than median income

The above table provides a broad overview of current secondary suite policies within several municipalities in the Greater Toronto Hamilton Area as well as two examples from other jurisdictions in Canada. Importantly, given the recent changes to the Ontario Planning Act specifically requiring municipalities to establish policies allowing second suites in new and existing developments (in singles, semis, row houses as well as in ancillary structures), many of the above policies will likely be reviewed over time (or are currently under review). For example, while several municipalities currently restrict secondary suites to single and semis this control would no longer be permitted under today’s regulations. Other areas, such as Markham have recently revised their Official Plan policies (under review) to update their policies and reflect changes within the Planning Act, however, further policy development such as zoning requirements and other regulations are still to be developed. The City of Mississauga is currently developing a secondary suite policy and while their overall policy changes reflect the requirements of the Planning Act they are still in the process of fine tuning zoning policies and development standards to meet municipal objectives and needs.

² Funding is based on first-come-first-serve basis up to \$500,000. Requires 5-year operating agreement and must be owner-occupied.

There are, however, common elements to the policies described above that should be taken into consideration and evaluated as the City of Vaughan moves further ahead in the development of its second suites policy. Such elements include: where suites are located, how many suites are allowed, parking considerations, ensuring safety of units, and neighbourhood appearance.

Summary

Amendments to the Planning Act through Bill 140 Strong Communities through Affordable Housing Act (enacted in January 2012) require municipalities to establish Official Plan policies and zoning by-law provisions allowing for secondary suites. In addition, the City of Vaughan Official Plan states that it is the Policy of Council to support and prioritize several housing initiatives including “allowing secondary suites where deemed appropriate by a City-Initiated study” (7.5.1.4).

Secondary suites can provide an effective form of affordable housing and increase the availability of affordable housing choices for residents while also offering a home owner an opportunity to earn additional income.

While the Act requires municipalities to permit second units, municipalities continue to have the responsibility for determining what standards or zoning provisions should apply to second units. As illustrated in the above table, regulations vary by municipality based on the range of needs and requirements of their communities. Such standards and provisions will be explored, discussed and further evaluated throughout the development of a ‘built-in Vaughan’ approach to the City’s Secondary Suite Policy.

Appendix A: Changes to the Planning Act

Changes to the Planning Act: Before and After (MMAH, 2012)

	Before Changes Made Through <i>Strong Communities through Affordable Housing Act, 2011</i>	Today (With Changes Made Through <i>Strong Communities through Affordable Housing Act, 2011</i>)
Second Units	<p>Municipalities voluntarily establish second unit official plan policies and zoning by-law provisions.</p> <p><i>Planning Act</i> shelters the municipal establishment of official plan permitting second units in single, semi and row houses from appeal to the Ontario Municipal Board; municipalities may permit second unit in accessory structure but these policies for accessory structures are not sheltered from appeal.</p> <p>No standards for second units in legislation (municipalities currently establish their own standards); no ability for MMAH Minister to prescribe standards.</p>	<p>Municipalities are required to establish official plan policies and zoning by-law provisions allowing second units in single, semi and row houses, as well as in accessory structures (e.g. above laneway garages).</p> <p>Municipal establishment of official plan policies and zoning by-law provisions permitting second units in single, semi, row houses, and in accessory structures, are sheltered from appeal to the Ontario Municipal Board, except during five year review periods. Sheltering of appeals extends to municipally-determined standards for second units.</p> <p>Municipalities continue to have ability to identify appropriate areas for second units, and to establish appropriate standards for second units; Minister has regulation-making authority to prescribe standards for second units.</p>