



# **Phase 3A**

## **Rooming Houses**

### **Short Term Accommodations**

#### **Second Suites**

**May 22, 2018**



2) That the Draft Zoning By-law to define Rooming Houses attached as Appendix 'A' be finalized and enacted without further notice

- Zoning definitions were simplified and specific provisions were removed to eliminate gaps created by prescriptive definitions
- Overlap between STA and rooming house were eliminated.
- “Dwelling Unit” means a unit consisting of one or more rooms, which contains cooking, eating, living and sanitary facilities and is not a *rooming house*.
- “Lodging Room” means one or more rooms within a Building used for sleeping accommodations. *Lodging Rooms* may contain cooking or Washroom facilities, but not both.
- “Rooming House” means a building where 3 or more *lodging rooms* are provided in return for remuneration or services (or both) and where *lodging rooms* do not contain both bathroom and cooking facilities for the exclusive use of individual occupants, but does not include a residential use with support services, or a *Short-term rental accommodation*.

3) That the proposed modifications to the 2014 City of Markham Official Plan to define and **adopt the criteria as amended to remove the reference to townhouses for Rooming Houses** be finalized and adopted without further notice

- Proposed amendments provide criteria for approving site specific Rooming House applications. Rooming house is included in the “Shared Housing” definition of the Official Plan, and criteria creates a distinction between Rooming houses and other shared housing types
- **Existing Definition:**
  - Shared housing is a form of housing where individuals share accommodation for either economic, support, long-term care, security or lifestyle reasons.
  - Shared housing “small scale” is a form of housing where 3 to 10 persons share accommodation with or without support services.
- **Proposed policies to be included in the Official Plan:**
  - *Shared housing* in the form of a rooming house shall be restricted to detached and semi detached building types in designated residential areas that have frontage on, and sole vehicular access from an arterial road, located within the “Urban Boundary” and are built in accordance with all applicable codes, by-laws and regulations.



4) That the proposed modifications to the 2014 City of Markham Official Plan attached as Appendix 'B', as amended only to **define** Short-term Accommodations be finalized and adopted without further notice

- Short term accommodation and principal residence are defined, but not included in any category in the Official Plan. Unlike the Zoning By-law, the Official Plan is a policy document, and directs rezoning applications. Defining a term and excluding it from categories in the Official Plan is not necessary to ensure enforcement
- “Short term accommodation means an establishment that operates as or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for overnight accommodation, for one or more periods of less than 30 consecutive days, and not more than 180 total days over the duration of the calendar year, within a dwelling that is the principal residence of the proprietor of the establishment.”
- “Principal residence” is a dwelling unit where an individual lives, makes their home, and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including without limitation, income tax returns, medical documentation, driver’s licenses, personal identification, vehicle registration and utility bills.



5) That the Draft Licensing By-law for Short-term Accommodations attached as Appendix 'C' be **denied**;

- Licensing applies to permitted uses under the Zoning By-law
- If the use is not permitted, there is no licensing of operators or platforms

6) That the Draft Public Nuisance By-law attached as Appendix 'D' be **approved in principle** and enacted **as soon as possible** without further notice

- The definition of “public nuisance” is intentionally broad, to address the full extent of local issues raised by residents. For greater clarity, the following provision has been added to the By-law:

“2.3 Nothing contained in this By-law shall be construed to prohibit any person from taking part in any lawful procession, demonstration, or gathering.”

- Based on a review of the relevant case law, Staff are of the view that this By-law is a valid exercise of legislative authority, specifically the public nuisance power under the *Municipal Act, 2001*.
- The By-law also adopts the use of administrative monetary penalties (AMPS) as an option and alternative to prosecuting a contravention of the By-law as a provincial offence. The Charter does not apply to AMPS.



7) That a Zoning By-law **only to define** Short-term Accommodations attached be finalized and enacted without further notice

- Prescriptive provisions (ie. primary residence and timelines) were removed to eliminate gaps in application of definition to non-primary residences, and for operations that rent in excess of 180 days
- “Short-term rental accommodation” means an establishment that operates as or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for overnight accommodation, for one or more periods of less than 30 consecutive days, and shall not include a *bed and breakfast*, or *Hotel*.



8) That the Draft Registration By-law for Second Suites attached as Appendix 'F' be finalized and enacted without further notice

- Modernizes 1997 registration by-law
- Improves entry authorization for registered second suites
- Establishes submission requirements to improve coordination between registration and permitting processes
- Requires proof of insurance
- Adopts the use of administrative monetary penalties (AMPS) as an option and alternative to prosecuting a contravention of the By-law as a provincial offence



## 9) That the Draft Zoning By-law to permit Second Suites attached as Appendix 'G' be **denied**

### **Planning Act:**

- Section 16 (3) of the Planning Act states that official plans shall authorize the use of a second residential unit in detached, semi-detached and row houses (Bill 140, 2012 amendment).
- Section 35.1 states that zoning by-laws shall give effect to the policies referred to in 16 (3) (Bill 140, 2012 amendment)
- Section 17 (24.1) and Section 34 (19.1) state that there is no ability to appeal OP policies and zoning by-law for secondary suites unless part of 5 year review/update of Official Plan.
- Section 76 provides that all second suites that were used or occupied before November 16, 1995 shall continue to enjoy legal status.

### **York Region Official Plan**

- Section 3.5.22 requires local municipalities to adopt official plan policies and zoning by-laws to authorize secondary suites.

### **Markham 2014 Official Plan**

- Section 4.1.2.6 provides for the establishment of second suites within existing and new dwelling types (in force City-wide).
- Chapter 8 provides for second suites in all Residential, Mixed Use, Greenway and Countryside designations (in force City-wide for residential designations; other designations in force City-wide, subject to area/site specific appeals, and under City-wide appeal).
- Section 8.13.8 (in force for residential designations) states that in considering by-laws to permit secondary suites Council shall be satisfied that an appropriate set of development standards are provided for.



10) That Council **deny** an increase in the Fire Department full-time complement, for the hiring of one additional Fire Prevention Officer and associated vehicle

- Proposal of an additional Fire Prevention Officer was in anticipation of permitting second suites.
- Anticipated workload associated with the increased applications for registration of permitted second suites suggested that a full cost recovery model would only require the addition of one full time staff member



11) That the proposed fee increases and new fees **be referred to the May 29, 2018 Council meeting**

- Fee by-laws to amend Fire and By-law Enforcement fees have been drafted and attached for reference, and have been referred to Council



12) That during the next Fee By-law update, the Building Department review and adjust their Accessory Apartment Fee as necessary, to achieve full administrative cost recovery, based on volume, in accordance with the Building Code Act **subject to Council decision of the fee schedule**

- Separate public hearing is required to amend the building code fees under the Building Code Act
- Decision on fees have been referred to Council



13) That staff monitor the volumes and impacts of Second Suites and Short-term Accommodations and, if necessary, bring forward changes to staffing levels and/or fees to attempt to maintain full administrative cost recovery when deemed appropriate

- Staff have used the best information available to make predictions about potential workload associated with recommendations