

# New Comprehensive Zoning By-law Project

## *Phase 3A: Rooming Houses Short term Accommodation*

**Development Services Committee**  
July 28, 2016

## Background-Rooming Houses

- Part of Phase 3A of Markham Comprehensive Zoning By-law project
- Rooming Houses are not permitted anywhere in Markham as-of-right
- There have been concerns with some illegal rooming houses operating in Markham
- Main issues are neighbourhood compatibility and safety

# Provincial Policy—Rooming Houses

- Planning Act identifies the adequate provision of a full range of housing as a provincial interest
- Provincial Policy Statement states that planning authorities provide an appropriate range of housing types and densities
- Ontario Human Rights Code addresses discrimination regarding access to housing
- Municipal Act give municipalities authority to license housing, including rental housing and rooming houses
- Nothing specific about rooming houses in provincial policy



# Markham Official Plan—Rooming Houses



- Section 11.2 defines “shared housing small scale” as a form of housing where 3 to 10 persons share accommodation with or without supports
- “Shared housing large scale” is where more than 10 persons share accommodation
- Shared housing is also mentioned in sections 4.1.1.2, 4.1.3 and 8.13.9.1 of the Official Plan

# Shared and Supportive Housing Review 2011

Report includes a number of recommendations regarding rooming houses including:

- Make a distinction between small and large rooming houses
- Use consistent definitions with Fire Code and Building Code

## Existing Markham Zoning By-laws – Rooming Houses

Rooming Houses are not permitted in any zone in Markham:

- By-laws 90-81 and 1229 include definitions of rooming houses
- By-law 2004-196 for Markham Centre includes a definition of “suite” which incorporates rooming houses and boarding houses



## Other Ontario Municipal Zoning By-laws - Rooming Houses



- A number of municipalities permit rooming houses in certain zones, generally where other multi-residential dwellings are allowed and/or along arterial roads
- Usually distinguish between large and small rooming houses
- Small rooming houses are defined as having either more than 3 or more than 4 occupants, depending of municipality
- Parking requirements vary based on ratio of spaces to dwelling rooms (.33 or .5 per dwelling room; some include spaces if dwelling unit is provided
- Licensing is required for rooming houses in most municipalities; some municipalities require licensing for a rental housing

# Issues - Rooming Houses

Rooming houses need to be distinguished from single housekeeping units

Safety is a major concern:

- The Building Code requires fire separation for rooms, floors and roofs
- Fire rated construction
- Two exits per floor
- Smoke alarms and fire extinguishers

A number of deaths have occurred in rooming houses in the GTA including one in 2007 on Steeles Avenue and a close call on East Pine



## Issues - Rooming Houses

- Neighbourhood Character - rooming houses are considered a more intensive use than other uses in stable low rise residential areas
- There is some concern about the impact on services
- Change of appearance to the outside of the building has been raised as a concern
- Concern about poor maintenance of the exterior has been mentioned
- Parking and traffic issues have been raised potential concerns
- Potential disruptive behaviour of occupants has also been raised

# Options

## Option 1

- No Change to existing Markham By-laws

## Option 2

- Add a definition of “rooming house small scale” (3 to 8 dwelling rooms), “rooming house large scale” (more than 8 dwelling rooms) and “dwelling room” to Markham zoning by-laws, but do not permit rooming houses as-of-right in any zone

## Option 3

- Add definitions as in option 2, but permit “rooming houses small scale” in zones where other multi residential buildings are permitted

# Background - Short Term Accommodation

- The recent introduction of web based sites advertising short term rental accommodation has raised concerns in a number of municipalities across North America
- Very few municipalities have introduced by-laws to control these types of rentals
- In Markham a few houses have been rented out as party houses on weekends using these services

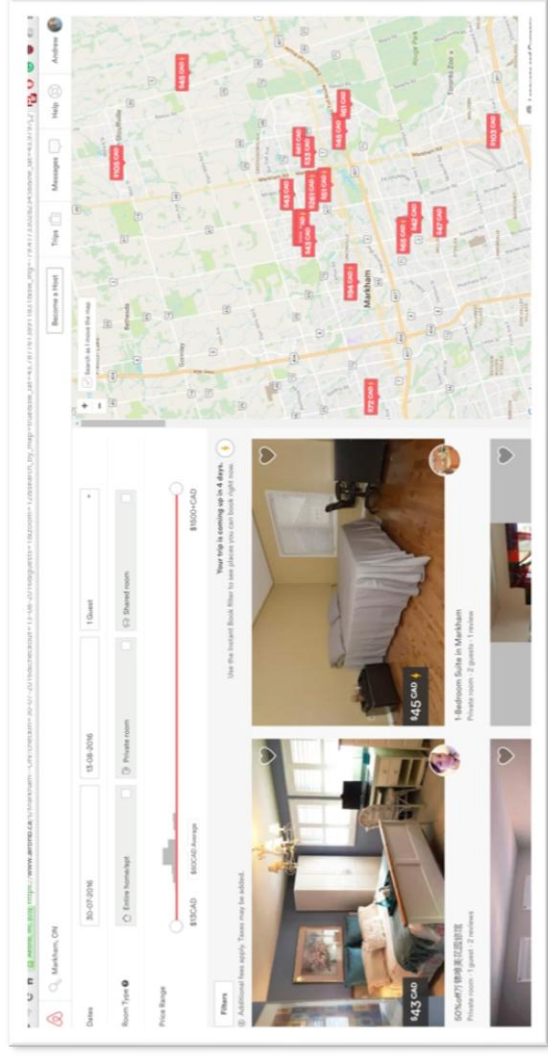


## Legislative and Policy Context-STAs

- No provincial guidance re by-laws
- Province launching project to inform homeowners of tax laws and other regulatory and safety obligations relating to STAs
- The Official Plan defines a ‘bed and breakfast establishment’
- The zoning by-law allows a “bed and breakfast inn” in the Main Street Heritage area.
- Other similar uses, such as hotel, apartment, hotel, motel and tourist establishment are defined in various Markham zoning by-laws

# STA's in Markham

- AirBnB states it has 300 listings in Markham, but a closer check reveals many of these are in other locations in the GTA; VRBO's site shows 9 listings in Markham
- The AirBnB site shows clusters of rentals in Thornhill and Unionville
- Complaints have been filed about "party houses"



## Issues - Short Term Accommodation



- AirBnB and similar sites are very popular worldwide and provide alternatives for families and visitors
- Neighbourhood quality of life negatively affected by party houses
- Impact of reducing rental housing stock
- Taxation
- Cost and effectiveness of enforcement

## Regulating STAs in Other Municipalities

- The Town of Blue Mountain successfully introduced a definition of “short term accommodation” as premises providing temporary residence for less than 30 days, limiting the use to certain multi-residential zones within the municipality
  - the issue was to control the proliferation of tourist accommodation in residential zones
- In the US, Ashland and Portland Oregon have introduced definitions and standards into their by-laws in an attempt to control short term rentals
  - the issue was the loss of rental accommodation

# STAs - Preliminary Options

## Option 1

- No change

## Option 2

- Introduce a definition of STAs for Markham zoning by-laws, using Town of Blue Mountain definition as a basis and permit in all residential and mixed use zones in Markham

## Option 3

- Introduce a definition of STAs for Markham similar to option 2, but define the specific zones in which zones these would be permitted

# Licensing Options

## **Licensing Rooming Houses, if Council chooses to permit these in certain zones**

- Pros: allows regulation of safety standards and maintenance issues
- Cons: Ontario Human Rights Code limits what can be regulated; can increase cost of housing

## **Licensing Short term Accommodation**

- Pros: Licensing would treat these as a business and regulate accordingly
- Cons: Enforcement is difficult; other by-laws exist to regulate concerns about noise, parking and neighbourhood character

## **All Rental Housing**

- Pros: Can establish a minimum standard of safety for housing city-wide
- Cons: Would significantly increase staffing and workload; fees could be a deterrent; should all rental housing be treated as a business?

## Next Steps

- Hold public open houses in September 2016
- Submit final recommendations to DSC in Fall 2016 (includes statutory public meeting)

