Appendix A:

March 4, 2008 Council Resolution

Feb 5, 2008 Subcommittee on Second Suites Recommendations Report

MARKHAM

RESOLUTION OF COUNCIL MEETING NO. 3 DATED MARCH 4, 2008

REPORT NO. 9 - DEVELOPMENT SERVICES COMMITTEE (Feb. 19, 2008)

(3) SUBCOMMITTEE ON SECOND SUITES
RECOMMENDATIONS (10.0)
Report Attachment

That the Report dated February 5, 2008 entitled "Subcommittee on Second Suites Recommendations" be received; and,

That Staff be authorized to schedule a Public Open House and a Statutory Public Meeting to receive input on a new Strategy for Second Suites, which addresses the directions of the Subcommittee on Second Suites for a broader strategy as outlined in Appendix 'D', and includes:

a) the introduction of Town-wide zoning permissions for second suites in single detached and semi-detached dwellings, subject to certain development and property standards;
b) the requirement for registration and registration renewal (every 3 years or upon change in property ownership) of any house with a second suite to ensure compliance with all applicable codes and standards;
c) development of a comprehensive public education program (following approval of Town-wide zoning permission) to communicate changes to Markham's policy on second suites and support implementation of the strategy, including an incentive program to encourage voluntary registration of a second suite; and
d) the establishment of an 18 month monitoring program to monitor the implementation of the strategy and report on any further changes required to the strategy components.

That Staff report back to Development Services Committee following the Statutory Public Meeting on actions required to implement the new Strategy for Second Suites, including:

a) a draft zoning by-law amendment to permit second suites;
b) required amendments to the Town's Registration By-law and Property Standards By-law;
c) any further changes required to the Town's procedures for inspecting and registering second suites;
d) preparation of a comprehensive public education program; and
e) any financial implications associated with implementing the strategy;

That a "most frequently asked questions" document be included with notices distributed to the public on second suites and also added to the Town's web site; and further,

That notification of the public meeting be sent to those residents who participated in the extended driveway and who indicated an interest in second suites discussions.

MARKHAM

Report to: Development Services Committee Report Date: February 5, 2008

SUBJECT: Subcommittee on Second Suites Recommendations
PREPARED BY: Murray Boyce, Senior Policy Coordinator

RECOMMENDATION:

THAT the Report dated February 5, 2008 entitled "Subcommittee on Second Suites Recommendations" be received;

THAT Staff be authorized to schedule a Public Open House and a Statutory Public Meeting to receive input on a new Strategy for Second Suites, which addresses the directions of the Subcommittee on Second Suites for a broader strategy as outlined in Appendix 'D', and includes:

a) the introduction of Town-wide zoning permissions for second suites in single detached and semi-detached dwellings, subject to certain development and property standards;
b) the requirement for registration and registration renewal (every 3 years or upon change in property ownership) of any house with a second suite to ensure compliance with all applicable codes and standards;
c) development of a comprehensive public education program (following approval of Town-wide zoning permission) to communicate changes to Markham's policy on second suites and support implementation of the strategy, including an incentive program to encourage voluntary registration of a second suite; and
d) the establishment of an 18 month monitoring program to monitor the implementation of the strategy and report on any further changes required to the strategy components.

THAT Staff report back to Development Services Committee following the Statutory Public Meeting on actions required to implement the new Strategy for Second Suites, including:

a) a draft zoning by-law amendment to permit second suites;
b) required amendments to the Town's Registration By-law and Property Standards By-law;
c) any further changes required to the Town's procedures for inspecting and registering second suites;
d) preparation of a comprehensive public education program; and
e) any financial implications associated with implementing the strategy.

EXECUTIVE SUMMARY:

The Subcommittee on Second Suites, together with staff from across Town Departments, has undertaken considerable research and analysis. As well, the Subcommittee has consulted with representatives from other GTA municipalities, which already permit second suites, regarding the investigation of options for wider zoning permissions for second suites in Markham.

The current zoning prohibition of second suites in Markham is an ineffective deterrent to the establishment of second suites and does not properly address Town efforts to ensure life safety.

Though it is difficult to estimate the exact number of second suites Town-wide, what is known from Fire inspection records is that only a small percentage of inspected two unit houses are able to be registered under the "grandfathered" zoning permissions (existing prior to November 16, 1995). As a result of the "underground" approach to establishing second suites, life safety measures are likely compromised by the zoning prohibition and there is no incentive for the owner, and a reluctance on the part of a tenant, of an illegal two unit house to voluntary apply for inspection and registration of the two unit house to ensure the life safety of the occupants.

Having regard for the detailed review of second suites in Markham, and the procedural and policy changes which have taken place since the Town's current strategy was adopted in 2005, the Subcommittee has determined it is appropriate to now implement wider zoning permissions for second suites within the context of a new broader Strategy for Second Suites.

The Subcommittee directions for a new comprehensive Strategy for Second Suites are attached as Appendix 'D'. They reflect a level of commitment to improving life safety, to equitable zoning permissions and standards, to customer service within the Town, and to efficient and effective corporate approvals processes.

The key Strategy components are:
1. A new Second Suites Zoning By-law
2. Amendments to the Town's Registration By-law and Property Standards By-law
3. A comprehensive Public Communication/Education Program; and
4. An 18 month Monitoring Program

It is the opinion of the Subcommittee that a Town-wide zoning permission for second suites in single detached and semi detached dwellings in existing and new development within the urban, rural and rural residential areas of Markham will:
- maximize the opportunity for improving life safety;
- offer the highest and most equitable level of customer service;
- provide equitable zoning for all residents;
- maximize the potential use of appropriate existing and future housing stock and community infrastructure;
- increase accountability of landlords for compliance with regulations; and
- provide for the most efficient use of staff resources.

For municipalities like Markham, that already have Official Plan policies in place, the Province has also provided that zoning by-laws to implement second suites policies cannot be appealed to the Ontario Municipal Board.

The Subcommittee is recommending that staff be authorized to schedule a Public Open House and a Statutory Public Meeting to receive input on the recommended new Strategy for Second Suites.

The Subcommittee is also recommending that staff report back to Development Services Committee following the Statutory Public Meeting regarding actions required to implement the recommended Strategy for Second Suites.

PURPOSE:
To recommend a preferred option for moving forward with a new Strategy for Second Suites, including a public consultation/engagement program.

BACKGROUND:

A Second Suite is located in a Two Unit House
For the purpose of this report, a second suite shall be a common name for a basement apartment, an accessory apartment or another form of secondary residential unit which is located in a two-unit house, a two-unit dwelling, or a two-unit residential occupancy.

By definition, a Two Unit House means a detached house, semi detached house and rowhouse containing two residential units, with each unit:
- consisting of a self contained set of rooms located within a residential structure;
- used as a residential premise;
- containing kitchen and bathroom facilities designated for the exclusive use of its occupants; and
- having a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

Town's current Strategy for Second Suites
Two unit houses or houses with a second suite are generally not permitted in the Town of Markham, except in specific instances where the zoning permits them, or where the two unit house was in existence on Nov. 16, 1995 and was grandfathered under provincial legislation, Bill 20.

The Official Plan provides that accessory apartments may be permitted in association with single detached or semi-detached dwellings, provided all of the provisions of the zoning by-law can be met. The majority of Markham's zoning by-laws currently do not permit second suites. For a brief period in the early 1990's, the provincial government passed legislation to prevent municipalities from prohibiting two unit houses in their zoning by-laws. When a new provincial government was elected it repealed the previous legislation and grandfathered units in existence on the date the new legislation was introduced. As a result, Markham does have a process for inspecting and registering two unit houses that were in existence on Nov. 16, 1995. There is a mandatory $300 inspection fee and $150 registration fee for a "grandfathered" second suite.

In March 2005, Council adopted improved inspection and registration procedures for legally established grandfathered two unit houses as the Town's current Strategy for Second Suites.

Bill 51 Amendment to the Planning Act
In October of 2006, Bill 51(An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts) received royal assent. In an effort to promote a range and mix of housing types, the Province has provided municipalities with the ability to adopt second suite official plan policies without being subject to appeals, except at the time of a five year comprehensive Official Plan Review.

For municipalities like Markham, that already have Official Plan policies in place, the Province has also provided that zoning by-laws to implement second suites policies cannot be appealed to the Ontario Municipal Board.

Subcommittee to investigate wider zoning permissions for Second Suites
Having regard for the policy and procedural changes that have taken place since March 2005, on June 26, 2007 Council recommended that a Subcommittee of Development Services Committee be established to review the continued appropriateness of the Town's current Strategy for Second Suites. The Subcommittee was asked to investigate whether options for a strategy that would apply wider zoning permissions for second suites should be considered for public review and input.

The Subcommittee was directed to report back to Development Services Committee on a preferred option(s) for moving forward with a Strategy for Second Suites including a public consultation/engagement program.

On September 4, 2007 the Subcommittee provided a status report on the establishment and proceedings of the Subcommittee and invited all members of Development Services Committee to attend a PART A DSC presentation and discussion of other municipal experiences with permitting second suites.

On October 23, 2007, the Development Services Committee welcomed staff and political representatives from the Region of York, the Town of Newmarket, the City of Pickering, and a former staff member from the City of Toronto, to share their experiences with permitting second suites. A copy of the DSC action and staff meeting notes is attached as Appendix 'C'.

OPTIONS/DISCUSSION:
The Subcommittee on Second Suites including Regional Councillor Tony Wong as Chair, Regional Councillor Jack Heath as Vice-Chair, Councillor John Webster, and Councillor Logan Kanapathi, met ten times over the summer and fall of 2007.

The Subcommittee undertook to consult with Town staff and representatives of other GTA municipalities to investigate options for a strategy that would apply wider zoning permissions for second suites. In particular, staff from Fire, Building, Planning, Legal, By-law Enforcement, Clerks and Corporate Communications participated in the Subcommittee meetings.

Detailed Review of Second Suites in Markham

A detailed chronology and review of second suites in Markham is attached to this report as Appendix 'A'. Issues respecting approval of second suites, if permitted by zoning, are very complex and require a thorough response. This response must examine the implications of a limited zoning permission vs. Town-wide zoning permission for second suites.

As a result, over the past five years staff have approached a review of second suites from several perspectives including that:

- second suites exist Town wide, even without zoning permission;
- the potential for second suites is available in existing housing stock and new housing stock ;
- establishment without zoning permission and municipal regulation results in life safety concerns (ie. Lack of Building Code and Fire Code compliance);
- a permissive regulatory regime, including registration and inspection of second suites, will increase landlord accountability;
- permission for second suites requires both technical zoning changes and organizational process changes;
- procedural changes respecting second suites will improve customer service; and
- second suites can be promoted as a form of affordable housing through public information and education.

Current legislation limits the Town's control over second suites to zoning standards, certain building types, development, property and safety standards and inspection and registration requirements. The Town has authority to establish:

- where second suites shall be permitted in Town and in what type of dwellings;
- Development standards such as minimum size, parking standards, external appearance of main dwelling, etc.; Fire Code and Property Standards By-law requirements; and
- Inspection and registration requirements (ie. a Registration By-law for second suites can increase landlord accountability for compliance with applicable Codes and By-laws).

Guiding Principles for Investigation of Options to update Strategy for Second Suites

After reviewing the five year chronology and detailed review of second suites in Markham, and the procedural and policy changes which have taken place since the Town's current strategy was adopted in 2005, the Subcommittee determined it was appropriate to consider wider zoning permissions to permit second suites within the context of a new broader Strategy for Second Suites.

The Committee also determined that given the Official Plan already has polices to permit accessory apartments subject to zoning provisions, it was not necessary to address the wider zoning permissions in the context of a comprehensive Official Plan Review.

On this basis, the Subcommittee identified guiding principles for the Subcommittee's investigation of options for a new Strategy for Second Suites with wider zoning permissions, notably,

- Improving life safety aspects is a priority;

- Investigating only Town-wide zoning options will ensure more equitable zoning;
- Opportunity for legal suites is increased with wider zoning permissions;
- Council and Public need to be better informed and educated on second suites;
- Development and Property Standards for two unit houses with second suites need to be updated and maintained;
- Driveway By-law and Parking Standards By-law requirements are a key component of wider permission; and
- Re-inspection and registration renewal will increase landlord accountability for compliance with applicable Codes and By-laws.

Review of Town-wide Options

The Subcommittee reviewed the Pros and Cons of two options for Town-wide permission for second suites:

Option A – Town-wide (Existing and New Development):

- New zoning provisions Town-wide.
- Establish development standards – ie. Singles/semis only.
- Introduce new procedures – building permit approvals where zoning permissive and rezoning requirements where second suites not permitted.
- Second suite must be registered and re-inspected.
- Increase public information and promotion to encompass Town-wide audience.
- Accommodate 2 concurrent approval processes: grandfathering and zoning permission, but zoning permission reduces reliance on grandfathering.

Pros:

- Opportunity to enhance life safety Town-wide.
- Highest and most equitable level of customer service.
- Equitable zoning for all residents.
- Highest potential use of existing and future housing stock and community infrastructure.
- Most efficient use of staff resources and the most cost effective with greatest return on investment.
- Promotes compact communities, sustainability of housing stock & infrastructure, live/work solutions.
- Best response to Town's identified housing role; consistent with Growth Plan and Region's emerging growth strategy.

Cons:

- Potential resistance from some residents.

Option B – Town-wide (New Development Only):

- New zoning provisions for certain new development (ie. New plans of subdivision under review/draft approval).
- Establish development standards.
- Introduce new procedures – building permit approvals where zoning permissive and rezoning requirements where second suites not permitted.
- Second Suite must be registered and re-inspected.
- Increase public information with a promotional focus for new developments but maintain regulatory focus for existing development.

- Maintain 3 concurrent approval processes: grandfathering, zoning permissive and rezoning requirement.

Pros:

- Provides greater opportunity for second suites in new construction.

Cons:

- Improved but inequitable customer service.
- Limited opportunity for safety inspections of "underground" units in existing development.
- Ability to introduce and maintain new standards is not comprehensive in application
- 3 concurrent processes confusing; inequitable zoning permission.
- Limited opportunity to use existing housing stock and infrastructure.
- Very little opportunity remaining in Greenfield areas within the current settlement area.
- Greater affordable housing benefits but limited response to Town's housing role, Growth Plan, and Region's emerging growth strategy, given resources invested.

After considering the pros and cons of both Town-wide options, the Subcommittee agreed that the best option would be to permit second suites Town-wide in single detached and semi-detached dwellings in existing and new development and urban and rural/rural residential areas. This option was also found to be consistent with seven of the eight Greater Golden Horseshoe communities surveyed that permit second suites.

The Subcommittee felt that second suites should be permitted in townhouses as well provided they can meet the applicable life safety and development standards. However, it was recognized that this permission would require an amendment to the Official Plan and that it would be more appropriate to introduce the townhouse permission in future as part of a comprehensive Official Plan Review.

Review of Development Standards

The Subcommittee completed an in depth survey of eight other Greater Golden Horseshoe communities with Town-wide permission for second suites to gather input on appropriate development standards/zoning requirements. The eight municipalities included Newmarket, Pickering, Toronto, Clarington, Ajax, Guelph, Barrie, and Burlington (where second suites policies are under review). A copy of the survey is attached as Appendix 'B'. This was followed by a review and discussion of other municipal experiences with permitting second suites at Development Services Committee on October 23, 2007.

Common development standards and zoning requirements identified in other Greater Golden Horseshoe municipalities were:

- Municipal wide permission in existing and new development.
- Permission in Single detached and Semi-detached dwellings only.
- Second Suite must be secondary in size to principal dwelling unit.
- Second suite must meet a minimum gross floor area requirement.
- 1 parking space for second suite.
- No addition or substantial alteration to exterior appearance from street.

In considering additional development standards to include in a Markham Town-wide zoning by-law to permit second suites in singles and semis, the Subcommittee agreed that:

- the second suite must be secondary to the principal dwelling unit;
- the second suite must meet a minimum gross floor area requirement; and
- the second suite shall not be conspicuous from the street or change the appearance of the dwelling or character of the neighbourhood.

Review of Driveway and Parking Standards

It was agreed that in addition to new zoning development standards, driveway and parking standards were a key component of a new Strategy for Second Suites. As such, the two unit house containing the second suite must comply with the driveway width standards of the Town's Extended Driveway By-law and the parking space requirements of the Town's Parking Standards By-law.

Driveway Standards revised in 2006

In June of 2006, Markham Council passed an amendment to the Town's By-laws to strengthen the zoning provisions which regulate front and exterior yard parking. This By-law was passed by Council to mitigate concerns about the excessive width of driveways on some residential lots, and the impacts front and exterior yard parking potentially has on the character of a dwelling and a neighbourhood. All parking, with direct access from a public street, associated with ground oriented residential dwellings, including houses containing a second suite, will have to comply with these driveway width standards.

The By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage. Details relating to the maximum permitted driveway width can be found in Appendix 'A' attached to this report. The By-law also has provisions to regulate parking on non-typical driveways, such as circular drives and driveways with no garage. These zoning provisions provide a sound way to regulate driveway widths and ensure that the exterior appearance of the home and the character of the community will not be altered by excessive paving in front or exterior yards, regardless of the existence of a second suite.

Parking Considerations

The Town's Parking Standards By-law currently requires two parking spaces per dwelling unit, plus one additional space for accessory apartments. Consequently, a home with a second dwelling unit requires a minimum of three parking spaces.

After reviewing the options of :
i) maintaining the additional parking space requirement, or
ii) amending the by-law to only require two parking spaces total,
the Subcommittee is recommending that the existing parking standards be modified so that no additional parking space is required for a second suite. The Subcommittee maintains that all parking should be contained within the maximum allowed by the Parking By-law, as amended in 2006.

Not all tenants, particularly those choosing to occupy a second suite close to transit will have cars, and require parking. Consequently, to have a blanket requirement for a parking provision for all separate units is excessive, and may require the provision of more on-site parking than is necessary. Therefore a tenant can only have a parking space, if there is space available on-site, within the area permitted by the Parking By-law (ie. in a garage or on a legal driveway). If there is only space to accommodate parking for two cars on the property, and the homeowner has two cars, a second suite can only be rented to a tenant who does not require parking. This will be self-regulating and does not require a standard in the zoning by-law.

The By-law Enforcement Division is actively enforcing the overnight on-street parking restrictions and the new driveway zoning provisions. This enforcement regime will also apply in the case of any zoning permission for second suites.

Review of Property Standards

The Subcommittee recognizes the need for the Town to address internal property standards, particularly as it relates to the regulation of the activities of absentee landlords regarding upkeep of two unit houses. At its meeting of September 11, 2007 Council requested an initial presentation from the Town Clerk to the Subcommittee regarding the possible implementation of an Internal Property Standards By-law for Markham.

Markham regulates external property standards via By-law 248-1999. The Town currently does not regulate internal property standards but instead has an arrangement with the Ministry of Municipal Affairs and Housing to complete internal property standards inspections.

Although Vaughan and Richmond Hill each received 75 internal property standards inspection requests last year, Markham received only 6 internal property standards inspection requests last year.

The Subcommittee supports a Town staff inspection of internal property standards for two unit houses, particularly those owned by absentee landlords. They recognize that the number of annual internal property standards inspection requests may rise as a result of wider zoning permissions to permit Second Suites but do not believe it will result in a significant impact on existing Town enforcement resources.

The Subcommittee supports an amendment to the Town's current Property Standards By-law to incorporate new interior property standards. At the request of Council, the Clerk will reporting back to Development Services Committee on the implementation of Internal Property Standards for Markham in early 2008.

Review of Regulatory Options

In addition to the introduction of Internal Property Standards, the Subcommittee also reviewed other regulatory options that might be introduced as a component of a new Strategy for Second Suites: Re-inspection of Registration under the Town's Registration By-law and enactment of a Licensing By-law for Second Suites.

Changes to Registration By-law

Currently, the Town's By-law for Registration of Two Unit Residential Occupancies, By-law 308-97 as amended, has a mandatory requirement that every second dwelling unit in a two unit house be inspected and registered as required by the by-law. However, the Subcommittee expressed concern that the registration requirement of compliance with all relevant standards determined to be applicable as set out the Building Code, Fire Code, the Fire Protection & Prevention Act, the applicable Zoning By-law, and Property Standards By-law, all as amended for time to time, may not continue to be upheld by two unit house owners after registration, particularly if they are absentee landlords or new owners are unaware of the registration requirements.

After learning more about the Town of Newmarket's experience with re-inspection and revocation of registration if compliance with relevant standards is not maintained, the Subcommittee reviewed the pros and cons of re-inspection under the Town's Registration By-law.

Pros:

- Develop a protocol for pro-active re-inspection by Fire Services which would be an effective tool for monitoring ongoing compliance with the Registration By-law.
- Fire Services staff would note potential property standards violations during inspections and report them to By-law Enforcement staff for follow up.
- Registration could be revoked if property not in compliance with registration by-law.
- Renewal of registration could be required upon change in property ownership.

Cons:

- A pro-active inspection will increase work for the Fire & By-law Enforcement staff.

The Subcommittee agreed that registration of a second suite should continue to be mandated in the Registration By-law and that the by-law should be amended to include the requirement for re-inspection and registration renewal, and revocation of any registration where the property is not in compliance with the registration by-law.

Introduction of a Licensing By-law for Second Suites

There was a significant amount of discussion of the Town's ability to license second suites and regulate the activities of two unit house owners, particularly absentee landlords, with respect to maintenance of development and property standards.

After consulting with the Town Solicitor and the Clerk on the ability of municipalities to enact a licensing by-law for second suites at this time, the Subcommittee agreed to monitor other test case municipalities such as the City of Oshawa over the next 18 months to confirm whether municipalities are able to license second suites and whether a licensing program for second suites should be introduced in Markham.

Public Communication/Education Program

It is the intention of the Subcommittee members to involve all members of Council on how to engage and consult with the public on a proposal for a new Strategy for Second Suites and to review any public communication material to be prepared on the strategy.

A key component of a new Strategy for Second Suites would be a public communication /education program:

1. To provide accurate information and education about second suite legislation and changes to Markham's policy and procedures respecting second suites;
2. To elaborate on each of the Strategy components including all relevant applicable laws, codes, and programs including Zoning, Registration, Property Standards Driveway, and Parking Standards by-laws; Fire and Building Codes; Incentive and Monitoring Programs, etc; and
3. To use plain language to:
   a) Educate residents about second suites and the benefits of registration,
   b) Promote the method for registering second suites (including a one year incentive program that would waive fees for a voluntary inspection and registration of a two unit house), and
   c) Promote life safety and encourage compliance.

The public communication/program may include media announcements of legislative changes, public information posted on the Markham website, a public information brochure and a promotion of public information via newsletters, homeowner information packages, postings in community centres and libraries.

The Subcommittee supports the development of a comprehensive public communication /education program to communicate the changes to Markham's policy on second suites and support the implementation of a new Strategy for Second Suites including an incentive program to encourage voluntary registration of a second suite.

It is recommended that a Public Open House and a Statutory Public Meeting be scheduled to receive input on the Subcommittee recommendations for a new Strategy for Second Suites.

Monitoring Program

It is recognized the success of any new Strategy for Second Suites will be reliant on an effective monitoring program to track, among other things:

- voluntary inspection and registration of second suites including effect of one year incentive program
- internal property standards inspections
- the registration renewal program
- the need for introducing a licensing program in the future

The Subcommittee agreed that a monitoring program should be established for a period of 18 months after the Strategy is adopted to monitor the implementation of the Strategy and report on any further changes required to the Strategy components

FINANCIAL CONSIDERATIONS:

There are no direct financial considerations at this time. If the Development Services Committee determines that further action is to be recommended to Council, based on the recommendations of the Subcommittee, further budget approvals may be required before the actions required to implement a new Strategy for Second Suites may proceed.

BUSINESS UNITS CONSULTED AND AFFECTED:
Staff from Fire, Building, Planning, Legal, By-law Enforcement, Clerks and Corporate Communications participated in the Subcommittee Meetings and were consulted on the recommendations/actions outlined in this report.

RECOMMENDED BY:

Regional Councillor Tony Wong
Chair, Subcommittee on Second Suites

Regional Councillor Jack Heath
Vice-Chair, Subcommittee on Second Suites

Councillor John Webster
Subcommittee on Second Suite

Councillor Logan Kanapathi
Subcommittee on Second Suites

Jim Baird, M.C.I.P., R.P.P
Commissioner of Development Services

Valerie Shuttleworth, M.C.I.P., R.P.P.
Director of Planning and Urban Design

ATTACHMENTS:
Appendix A - Detailed Review of Second Suites and Strategy Options
Appendix B - Second Suite Permissions in other Greater Golden Horseshoe Communities
Appendix C - DSC Presentation and Discussion of Other Municipal Experiences
Appendix D - Subcommittee Directions for a new Strategy for Second Suites

Q:Development/Planning/MISC/MI464/Second Suites/Second Suites Subcommittee Report – Feb 2008

APPENDIX 'A'

DETAILED REVIEW OF SECOND SUITES AND STRATEGY OPTIONS

BACKGROUND

The Markham Task Force on Affordable Housing was established in June 1999 to review concerns and issues related to the provision of affordable housing in Markham. As part of its review, the Task Force examined the history of the Town's affordable housing policies developed in response to the Town's 1991 Municipal Housing Statement and changes in Provincial housing policy and legislation.

The Task Force review identified that:

- more affordable housing is needed in Markham;
- rental housing is a key component of affordable housing;
- there is a severe shortage of available rental housing with <0.2% vacancy in 1998 in Markham (compared with 0.9% vacancy today) Source: CMHC Canada 1998, 2002;
- additional rental housing is required to meet the growing needs of young adults, seniors, modest income families and residents with special needs;
- second suites create new rental housing opportunities with private sector funding and do not require "program housing";
- the Town's response to changes in Provincial legislation respecting second suites has resulted in a limited number of suites being created and/or more suites going unreported; and
- the future supply of second suites and fire safety in existing second suites are common concerns

Recognizing that second suites contribute in a significant way to the creation of more affordable housing opportunities, the Task Force recommended in its final report to Council: *"That the Town of Markham develop strategies to promote the development of second suites that include the appropriate zoning by-laws to permit and financial incentives to assist in upgrading facilities to meet safety and other requirements"*

Council received the final Task Force report at its meeting of July 11, 2000 and endorsed in principle, the recommendations contained therein. The Task Force Recommendations were referred to staff for comment and in June 2001, Council approved Terms of Reference for a review by PricewaterhouseCoopers to assist Council and Staff in implementing the recommendations of the Task Force.

The work of PwC included, among other things, preliminary research and consultation with staff and community stakeholders on the impacts of the Task Force recommendation to remove restrictions and legalize second suites. Focus group sessions held across the Town provided an opportunity for representative community stakeholders to learn more about the benefits of second suites and their significant contribution to the satisfying rental housing market needs. (ie. the Secondary Rental Housing Study, completed by the Starr Group for MMAH and CMHC in April 2000, estimated that in 1996 there were

approximately 80,000 second suites in Toronto and some 51,000 second suites in the GTA accounting for over 35% of total secondary rental housing supply in GTA).

The sessions also provided an opportunity to identify stakeholder concerns over the provision of adequate parking for second suites, changes in the external appearance of dwellings with second suites, and changes to the overall character of neighbourhoods as a result of second suites. Some stakeholders expressed concern on whether permission for second suites should be applied Town-wide.

Consultations with staff identified the need to address fire safety and building code matters.

PwC concluded from their work that there was general acceptance of second suites in appropriate communities provided that adequate parking was provided; fire and building code regulations were met; and there was enforcement of the Town's by-laws.

On June 4, 2002, the Development Services Committee received PwC's draft report on the Markham Task Force on Affordable Housing recommendations and directed Staff:
" to review the consultants' recommendations and prepare a report, as soon as possible, with respect to implementation of the recommendations, a strategy for public involvement, and a strategy for second suites for Wards 7 or 8 or appropriate areas as determined."

In particular, the Development Services Committee requested that Staff review the consultants' recommendations that Council:

- *"Direct staff to prepare an appropriate secondary suites strategy and implementing by- law that permits and legalizes accessory apartments in select residential communities with required standards subject to:*
  - *a license(subject to inspection)being issued;*
  - *one on-site parking space being provided or on-street parking by permit where applicable;*
  - *the exterior appearance of the dwelling not being substantially altered; and*
  - *an inspection and enforcement program for both existing and new suites;*
- *Seek clarification with Province as to suitability of second suites for the PST grant program:*
- *Encourage the development industries in the provision of second suites and/or flexibility of conversion of space in new dwelling units."*

CHRONOLOGY

Since 2002, the chronology of a detailed review of second suites and strategy options is as follows:

- June 2002, DSC direct staff to prepare a strategy for second suites for Wards 7 or 8 or appropriate areas as determined
- March 2003, DSC receive staff presentation and requested in depth analysis of four strategy options
- May 2003, Council directs staff to pursue Option # 1: No new zoning provisions; enhance current procedures (related to "grandfathered" units)
- March 2004, DSC endorses eight recommended procedural enhancements as a base condition for the preferred strategy Option #1
- November 2004, Council defers implementation of recommended procedures pending audit of inspection and registration figures
- February 2005, Council approves recommended procedures
- November 2005-June2006 Public consultation and Council decision on Driveway By-law
- May 2007, DSC Update on current strategy
- June 2007, DSC establishes Subcommittee to review the current strategy

DETAILED REVIEW OF SECOND SUITES

Issues respecting approval of second suites, if permitted by zoning, are very complex and require a thorough response. A thorough response must examine the implications of a limited zoning permission vs. Town-wide zoning permission for second suites. As a result, staff has approached a review of second suites from several perspectives including that:

- second suites exist Town wide, even without zoning permission;
- the potential for second suites exists is available in existing housing stock and new housing stock;
- establishment without permission and municipal regulation results in life safety concerns (ie. Lack of Building Code and Fire Code compliance);
- a permissive regulatory regime, including registration and inspection of second suites, will increase landlord accountability;
- permission for second suites requires both technical zoning changes and organizational process changes;
- procedural changes respecting second suites will improve customer service; and
- second suites can be promoted as a form of affordable housing through public information and education.

Current legislation limits the Town's control over second suites to zoning authority, certain building types, development and safety standards and inspection and registration requirements.

The Town has authority to establish:

- where second suites shall be permitted in Town and in what type of dwellings;
- Development standards such as lot size, frontage, exterior appearance, parking, etc.; Fire Code and Property Standards By-law requirements; and
- Inspection and registration requirements (ie. a Registration By-law for second suites can increase landlord accountability for compliance with applicable Codes and By-laws).

An understanding of the full implications of permitting second suites on the Town's financial, legal, policy and administrative functions needs to inform any future decision making by Council on a strategy for implementing second suites.

What is a Second Suite?

For the purposes of this report, a second suite shall be a common name for a basement apartment, an accessory apartment, an apartment in house, and a two-unit dwelling, house or occupancy.

The Province's Apartment in Houses Municipal Guide provides a general description of a second suite as:

"a self contained ***dwelling unit*** *which can be created through subdividing or adding on to an existing single unit house, or which can be installed at the time of construction"*

Markham's definition of a ***dwelling unit*** is consistent with the current Building Code and Fire Code definition:

"a room or suite of rooms operated as a housekeeping unit that is used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities."

In Markham, a Coach House is also regarded as a form of a second suite that is:

"a small independent building, physically separate from the principal dwelling unit with which it is associated, which may be used as a self-contained ***dwelling unit****...."*

A Coach House shall not be permitted on a lot, at the same time that there is an occupied second suite within the principal dwelling unit.

Benefits and Positive Attributes of Second Suites

The perceived benefits of second suites are that they:

- add to the stock of affordable private rental accommodation by general intensification of the existing housing stock;
- provide affordable rental housing opportunities for small households including young adults, seniors, modest income families and residents with special needs;

- provide rental income to homeowners and flexibility to offset costs of home ownership or home maintenance; and
- provide an opportunity for the community to enhance the housing mix by choosing to add additional units; and maintain an efficient use of the existing housing stock and infrastructure in response to changing neighbourhood demographics and household size.

Also, second suites:

- offer the greatest potential to add affordable rental accommodation in Markham, compared with any other affordable housing initiative available from the public/not-for-profit/private sector;
- offer a community-based alternative to increasing the affordable housing supply with the decision to introduce a suite made by the Markham homeowner; and
- incorporated in existing and new housing stock can have less physical impact on neighbourhoods than new, separate multi-unit buildings and are virtually transparent within the neighbourhood fabric; and
- contribute to the "sustainability" of the housing stock and infrastructure in Markham.

Concerns and Clarifying Common Misconceptions with Second Suites

The perceived concerns are that permitting second suites will result in:

- additional residents that will overwhelm existing neighbourhoods;
- an increase in density of dwelling units (i.e.allowing two unit households) that will have a negative impact on neighbourhoods;
- increased on-street parking and front yard parking;
- changes to the exterior of dwelling units and changes to the physical appearance of neighbourhoods;
- declining property standards as a result of absentee landlords, transient nature of tenants, and reduced property maintenance;
- safety concerns related to tenant occupancy;
- unresolved landlord/tenant issues;
- declining property values in neighbourhoods; and
- an increased burden on municipal services without separate property tax assessment.

Clarification of some of the most common misconceptions of second suites is provided below. A full account of frequently asked questions is attached to this appendix.

Where municipalities have permitted second suites as-of-right in neighbourhoods comprised of single unit dwellings there is no evidence to suggest that they have experienced a deluge of second suites requests or experienced any significant problems in any given neighbourhood. Zoning to permit second suites neither creates market demand nor dictates the timing of a homeowner decision to introduce a second suite.

The impact of an increase in dwelling units attributed to second suites would not increase the density of existing dwellings in low density residential neighbourhoods and would have less physical impact than introducing a new separate apartment structure with an equivalent number of suites. Illegal on-street parking and front yard parking on illegal parking pads are common problems and are a function of community response to development standards rather than a characteristic of second suites. In response, the Town adopted a Front and Rear Yard Parking By-law in June 2006.

Second suites may increase the property value slightly, similar to the value added for a finished basement. A decline in property standards results from owner/occupant behavior respecting repair and maintenance of buildings/ landscaping, and cleanliness etc. relative to Town property standards. Compliance is a function of resident behavior and Town enforcement, not the presence of second suites.

Adding a legal second suite does not mean doubling the number of people, the principal determinant of service use. A given building has a potential occupancy capacity based on its total space, regardless of whether it contains one or two units. Most services are based on averages per building, not per occupant. Consumption of services such as water and sewage for a house with a second suite is unlikely to differ from services consumed by a house with a finished basement.

Origin and Control of Second Suites

Second suites have primarily originated out of an unmet demand for residents' housing needs and a decision by the individual homeowner to provide rental accommodation. They have developed in response to:

- residents' housing needs;
- an insufficient supply of affordable rental housing to meet growing community needs due to a shortage of existing rental housing, conversion of rental housing, and a lack of new rental housing being constructed; and
- homeowner interest and acceptance of second suite opportunities.

Second suites can be controlled by development and safety standards established by the Province/Town and administered by the Town such as the Planning Act, Municipal Act, Building Code and Fire Code regulations and any other legislated exemptions (ie. Bill 20 – the Land Use Planning and Protection Act). The use of second suites is subject to rental standards established and administered by Province including the Rental Control Act and Landlord and Tenant Act.

Common Pattern of Second Suites
Previous provincial legislation (Bill 120), permitting second suites as-of-right in all residential areas, has established a pattern of existing second suites in all municipalities Province-wide. Grandfathering provides that second suites that were previously established can continue. With the repeal of Bill 120, some municipalities have chosen to continue to permit second suites in certain multiple residential zones only (i.e. plexes, converted dwellings), while other municipalities have chosen to permit second suites as-of-right in residential areas subject to certain restrictions on type of dwelling unit, parking, exterior appearance, etc. Where second suites are not permitted by zoning, many existing second suites have gone unreported.

Second Suites in Existing Markham Housing Stock
Based on 2001 census data, estimates place the number of known and unknown existing second suites in the range of 500 -1100 suites (1100 units = 1.7 % of total housing stock in 2001). Also, a survey conducted in August of 2007 found that 181 coach houses exist in Cornell. The known second suites can be found throughout the Town's residential areas; most blend into the physical appearance of the neighbourhood in an inconspicuous manner and are not easily recognized. Of the 550 identified second suites:

- 90% are "grandfathered" and registered (approx. 500);
- 55% are located in link dwellings;
- 45% are located in single detached dwellings;
- 55% are located in Ward 7 (0.4% of 2001 total housing stock); and
- 35% are located in Wards 1,3,4,5 & 8.

Given the occurrence of existing second suites throughout the Town and the suitability of much of the existing housing stock to accommodate second suites, it is likely that there are additional unidentified second suites existing in most neighbourhoods without Town knowledge of their existence.

Second Suites Potential in Existing and Future Markham Housing Stock
The highest potential for second suites Town wide is in existing housing stock built prior to 1996.

Single detached dwellings comprise 59% of the existing housing stock and provide the greatest potential for second suites. It is estimated that single detached dwellings will continue to contribute a significant portion of the future housing stock and provide the greatest potential for second suites. True semi-detached dwellings, comprising only 15% of the existing housing stock, provide a marginal potential for second suites.

Previous Provincial Legislation Respecting Second Suites
Changes in provincial policy and legislation respecting second suites have occurred with changes in Provincial government bodies.

In 1994, the Provincial Government passed the Residents' Rights Act (Bill 120) which took away municipal zoning authority to prohibit second suites in detached, semi-detached and townhouse dwellings located in zones which permit residential use. To be considered legal, second suites had to meet applicable building, fire and planning standards. A 2 year compliance provision was introduced in the Fire Code for second suites (July 94-July 96). The intent of the Residents Rights Act was to create more opportunities for the creation of new apartments in houses and the legalization of existing ones

In 1996, the new Provincial Government passed the Land Use Planning and Protection Act (Bill 20) which restored the municipal zoning authority to determine where second suites are permitted and what standards apply, but concurrently "grandfathered" all second suites which had been permitted as a result of Bill 120 and were "in use or occupied" on November 16, 1995.

The intent of the Land Use Planning & Protection Act was to set out a new framework for municipal planning authority over two unit houses. It repealed most of the second suite provisions of the Planning Act added by the Residents Rights Act enabling municipalities to use zoning to decide where second suites are permitted uses as well as which type of houses can have second suites and what planning standards should apply. Bill 20 also allows municipalities to set up a registration system for second suites. Registration may apply to existing second suites, new second suites or both. Inspection may be required as a precondition of registration and municipalities may charge a one-time fee to cover costs of registration and inspection.

Provincial Legislated Exemptions

Two unit houses or houses with a second suite are generally not permitted in the Town of Markham, except where the two unit house is grandfathered under provincial legislation. Bill 20 "grandfathers" second suites established under the Provincial legislation (Bill 120) prior to Nov.16,1995 (or those suites established after May 22, 1996, where the building or change of use permit for installation was issued on or before that date). Where "grandfathered", second suites continue to be permitted in all zones which permit residential use subject to Bill 120 planning rules and municipal zoning standards as modified by Ontario Regulation 384/94.

Second suites created prior to the introduction of Bill 120 in 1994 are included as being "grandfathered" as long as they were permitted by Bill 120 and the physical structure of the suite was in existence on November 16, 1995. "Grandfathering" makes a second suite a permitted use in a residential dwelling. It is not necessary for the second suite to be in existence continually for this entitlement to be preserved. Failure to meet safety standards does not affect grandfathered status, however, the owner is responsible for ensuring compliance with Building Code and Fire Code in order for the second suite to be considered legal.

Regional Planning Policy

The York Region Official Plan includes a housing policy: "to support zoning provisions that are flexible enough to permit a broad range of housing forms, types, and sizes and tenures including apartments in houses, except in locations serviced by individual septic systems or communal sewage disposal systems."

The York Region Housing Supply Strategy states that the Region will:

- work with area municipalities to encourage the creation of accessory apartments in all single and semi-detached dwellings subject to rigorous safety standards; and
- promote inclusion of second suites in new homes to assist new homebuyers and to create new affordable rental units.

Markham Planning Policy

The Official Plan permits second suites in association with single detached and semi-detached dwellings provided that, among other things, all the requirements of the zoning by-law, Ontario Building Code and property standards can be satisfied. No geographic restriction on location of second suites is identified. Density provisions respecting second suites are not addressed.

Under the Town's current zoning provisions, second suites are not permitted unless they qualify for exemption through Provincial legislation (Bill 20). One exception is Cornell where the zoning by-law permits "coach house" dwelling units accessory to a single detached, semi-detached or townhouse dwelling unit on the same lot provided there is no accessory dwelling unit in the main building on the lot, one additional parking space is provided, and the minimum frontage of a lot (served by a lane) is not less than 9.75m (32 ft).

Markham does have a process for inspecting and registering two unit houses that were in existence on November 16, 1995. In August 1999, Council endorsed an approach to qualifying/registering "grandfathered" second suites and enforcement of non-complying second suites. The approach anticipated:

- the Fire Department would inspect and register "grandfathered" second suites under the Town's Registration By-law (308-97);
- proof would be required to confirm that a second suite physically existed on Nov. 16, 1995;
- the Fire Department would also enforce the Fire Code;
- the Building Department would process permits for qualifying second suites and maintain a database on second suites; and
- By-law Enforcement would prosecute non-complying second suites.

There is a $300 inspection fee and $150 registration fee.

Procedural Changes since 2005

Since March 2005, staff from the Fire Services, Legal, By-law Enforcement, Building, Zoning, and Corporate Communications Departments, among others, formed a Two Unit House Implementation Group to move forward as quickly as possible to implement the Town's current Strategy for Second Suites. The Deputy Fire Chief and Chief Fire Prevention Officer and Fire Services took the "lead" in coordinating a corporate response to complaints and requests and to delegating a number of implementation tasks to Town staff to complete.

Some of those procedural changes that are now in place include:

- Amendments to the Town's registration by-law to provide better clarity on the definition of a residential unit and two unit house consistent with the provincial definition;
- An updated Two Unit House Declaration Form which places greater onus on the owner to demonstrate the two unit house existed under the provincial legislation and was in use or occupied prior to November 16, 1995;
- New Fire Services access to Amanda database to provide a central Town reference system of complaints, orders, request inspections, declarations, permits, registrations, etc;
- Improved procedures for inspecting and registering legally established "grandfathered" two unit houses only and enforcing illegally established units;
- An in-house public information sheet specifically for owners, landlords, architects, engineers builders, general contractors for use as a guide to inspection and registration of "grandfathered" two units houses;
- New staff in Fire Services and By-law Enforcement to distribute the workload attributed to two unit house inspections in a more balanced way.

Policy Changes since 2005

The policy regime has also undergone significant changes since Council adopted its current strategy for second suites in March 2005.

In October of last year, Bill 51(An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts) received royal assent. In an effort to promote a range and mix of housing types, the Province has provided municipalities with the ability to adopt Second Suite official plan policies without being subject to appeals, except at the time of a five year Official Plan Review. For municipalities like Markham, that already have Official Plan policies in place, the Province has also provided the ability to pass zoning by-laws to implement second suites policies that cannot be appealed to the Ontario Municipal Board.

Both the Provincial Growth Plan for the Greater Golden Horseshoe and the emerging Regional Growth Management Strategy encourage second suites in the built-up area, to facilitate intensification. In fact, York Region recognizes local infill and second suites as a contribution towards the provincial intensification target of 40% of all new residential development occurring in the built up area of York Region annually from 2015 on. The Markham Centre Zoning By-law adopted in 2004 permits second suites (accessory dwellings) in single, semi-detached, multiple and townhouse dwellings. In Cornell, second suites, in the form of coach houses above detached private garages, have historically been permitted and, more recently, coach houses above garages are now permitted within or attached to the main building, subject to special provisions.

The Town conducted an extensive public consultation process in late 2005 and early 2006 for a driveway by-law and a by-law was passed on June 27, 2006 to regulate the widening of driveways. Council also concluded that the on-street overnight parking program would not be expanded. With these two tools in place (driveway by-law & no expansion of overnight on-street parking) the appearance of homes, with or without a second suite, will be comparable.

The Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage. The maximum driveway width is equal to the greater of:

i) the garage door width plus 2.0 metres, provided:

   a) in the case of a lot with a lot frontage less than 10.1 metres, a minimum 25% soft landscaping is provided in the front or exterior side yard in which the driveway is located; and

   b) in the case of a lot with a lot frontage 10.1 metres or greater, a minimum 40% soft landscaping is provided in the front or exterior side yard in which the driveway is located; or

ii) up to 6.1 metres, provided a minimum 40% soft landscaping is provided in the front or exterior side yard in which the driveway is located.

The By-law also has provisions for parking on non-typical driveways, such as circular drives and driveways with no garage.

The By-law Enforcement Division is actively enforcing the overnight on-street parking restrictions and the new driveway zoning provisions. This enforcement regime will continue if second suites are permitted.

The Town has adapted the application of Development Charges to new housing products such as live/work townhouses and semi-detached duplexes in Cornell which could be considered *de facto* second suites.

Second Suites in Other Municipalities
Fifteen Ontario municipalities were consulted regarding their current policies or policy review for second suites including Toronto, Barrie, Pickering, Brampton, Mississauga, Newmarket, Caledon, Whitchurch- Stouffville, Guelph, Kitchener, Waterloo, London, Oshawa,Ottawa, and Windsor.

Many municipalities have taken a definitive position on second suite zoning, responding with either more permissive or less permissive zoning. Most municipalities have developed a very active, highly coordinated organizational approach to respond to second suites (ie. Toronto, Brampton).

Pickering and Burlington have in recent years joined Newmarket, East Gwillimbury, Guelph, Barrie, among other Greater Golden Horseshoe communities in adopting a policy framework to permit second suites. Many of these communities are responding to increased public interest in adaptive, accessible, affordable "Flex Housing" and there is increased development industry interest in permitting second suites in new housing developments.

A chart comparing second suite permissions in other Greater Golden Horseshoe Communities is attached to this appendix.

DETAILED REVIEW OF OPTIONS FOR A SECOND SUITE STRATEGY

Proposed Goal and Objectives:
In response to Council and Task Force direction, the Town is not just looking at zoning permission and organizational procedures in support of second suites but also promoting them as a safe, viable community based alternative to affordable housing through a public information/education campaign.

The proposed goal of the Town's strategy for second suites is:

"To permit and promote the development of second suites as a safe, viable, community-based and privately financed alternative to increasing the affordable rental housing supply in Markham."

In an effort to remove impediments to owners and landlords coming forward and registering legal second suites and increasing public health and safety, construction and property standards, and to ensure development standards and inspection/compliance procedures in place to preserve neighbourhoods and provide for sustainable housing stock and community infrastructure, and to increase public outreach/education to promote

second suites as safe, viable means of introducing affordable rental accommodation into existing housing stock, the following are proposed objectives for the strategy:

"1. To enhance Life Safety within the Housing Stock ;
2. To maintain Standards and Efficient Use of Housing Stock; and
3. To promote Affordable Housing Opportunities."

Proposed Strategy Options:
To develop options for a second suite strategy Town staff consulted with:

- all concerned Town Departments including Fire, Building, By-law Enforcement, Planning, Legal, and Finance;
- Federal Canada Mortgage and Housing Corp. Affordability and Choice Today (ACT) program staff and website of project case studies;
- Provincial Ministry of Municipal Affairs and Housing staff and Housing Supply Working Group reports.
- Region of York staff and the reports on Housing Supply Strategy; and
- Staff from 15 other Ontario municipalities who have taken either a definitive position on second suites or are in the process of conducting a review of second suites policies and procedures;

In March 2004, options for a second suite strategy were considered by the Development Services Committee. The 4 options can be summarized as follows:

Option 1 No new zoning provisions; enhance current procedures
Option 2: New zoning provisions for certain Wards
Option 3: New zoning provisions for certain Wards & Town-wide for certain new development
Option 4: New zoning provisions Town-wide

At its meeting of March 23, 2004, the Development Services Committee received a staff presentation on the strategy options and endorsed, in principle, Option 1, enhanced procedural changes for legislated "grandfathered" two unit houses only, a base condition for a preferred strategy. These procedural changes did not alter current zoning provisions for second suites

In March 2005, Council reconfirmed its priorities for life safety, compliance with zoning and property standards, and improved customer service, by adopting improved inspection and registration procedures for legally established grandfathered two unit houses as the Town's current strategy for second suites.

Council establishes Subcommittee to review Strategy Options for wider permissions
Given that new procedures are now in place and new legislation and policies have been introduced, the Development Services Committee in June 2007 established a
and the Subcommittee on Second Suites to review the Town's current strategy for second suites and to investigate whether options for a strategy that would apply wider zoning permissions for second suites should be considered for public review and input.

Among other things, the Subcommittee's tasks included:

- A review the continued appropriateness of the Town's current strategy for second suites

- An investigation of whether options for a strategy that would apply wider zoning permissions for second suites should be considered for public review and input

- The preparation of guiding principles for Council's decision to review strategy:
  - Council must determine if they want to depart from current strategy
  - Public consultation/engagement is not required unless
  - Council is prepared to review and build on current strategy
  - Council must determine which option(s) are appropriate to consider
  - Council should propose only option(s) for public consultation that they are prepared to support
  - Council must determine if implementation of the option should proceed prior to a comprehensive Official Plan review

The Development Services Committee requested the Subcommittee on Second Suites to report back in the fall of 2007 on a preferred option(s) for moving forward with a strategy for second suites including a public consultation/engagement process.

Appendix 'B' - Second Suite Permissions in Other Greater Golden Horseshoe Communities

	Newmarket	Clarington	Burlington	Guelph	Barrie	Pickering	Toronto	Ajax
Town-wide	Since 2003	Since 1997	2007 pending	Since 1995	No	Since 2004	Since 2000 (Metro Area)	Since 2003
Town-wide New Development only	No	No	No	No	Since 2003	No	No	No
Dwelling Type	Singles/Semis/Towns	Singles/Semis only	Singles only	Singles/Semis only	Singles only	Singles/Semis only	Singles/Semis only but must be at least 5 years old	Singles/Semis only
Min GFA	No	40m2 (431 sq ft)	42m2 (462 sq ft)	32 m2 (345 sq ft) for ss 32 m2 principal unit	No	No	No	25 m2 (269 sq ft)
Max GFA	No but must be secondary in size to principal unit	No	100m2 (1075 sq ft) Floor area of second suite shall not be in excess of 40% of total floor area	Not greater than 45% of total floor area Maximum 100m2 Maximum 2 bedrooms	No	100m2 (1075 sq ft)	No but must be secondary in size to principal unit	No but must be secondary in size to principal unit
Min Frontage	No	No	15 m (50 ft)	No	12m (40 ft)	No	No	No
Min Lot Area	No	No	No but 135m2 minimum rear yard amenity area	No	400m2 (4300 sq ft)	No	No	No
Parking	4 exterior spaces on property Front yard parking restrictions	1 space for second suite	1 space (in tandem not permitted) for second suite except for certain streets where 2 spaces(in tandem permitted) required for second suite	1 space (in tandem permitted) for ecoud suite	4 internal/external spaces on property Double wide driveway including tandem parking	3 spaces on property	1 space per second suite and where 2 spaces required for property 1 space can be used for second suite	1 space for second suite
Servicing	Municipal Water/Sewer	Municipal Water/Sewer	Municipal Water/Sewer	Municipal Water/Sewer Dual Servicing permitted	Municipal Water/Sewer	Municipal Water/Sewer Not permitted in rural	Municipal Water/Sewer	Municipal Water/Sewer
External Appearance	No change to residential character of the dwelling unit or adverse impact on neighbourhood		Separate exterior entrance required except on front elevation where common vestibule only permitted	Preserve front façade Maintain single entity, ie. rear yards not to be divided	Separate entrance required		No addition or substantial alteration to exterior appearance of front or side of the dwelling facing street	
Registration	Mandatory	Mandatory	Proposed	Mandatory	Mandatory	Mandatory	Not required	Mandatory
Fee	$500	$100	Proposed	$100	Min $150, Max $775	$500	No	Building Permit Fee
Amnesty Period	Grandfathered registered units exempted from new registration by-law for period of 10 years	14 month grace period after by-law enacted 1 year from date of purchase 181 units now inspected and registered	Proposed by-law recommends fee and registration – 6 month amnesty period	5 year period without fee to encourage existing units to be legalized 75% or 650 units now inspected and registered	No 10% or 148 now inspecte and registered	6 month reduced fee of $250 after by-law adopted as incentive to register	No	No
Inspection of existing second suites	Fire	Emergency Services	Fire	Fire Prevention Office	Fire for grandfathered only	Fire	Fire	Fire
Inspection of new cond suites	Building	Building	Building	Building	Building	Building	Building	Building

APPENDIX 'C'

MINUTES
DEVELOPMENT SERVICES COMMITTEE
2007-10-23
Meeting No. 30

All Members of Council

Development Services
Chair: Regional Councillor J. Jones
Vice-Chair: Councillor J. Webster

Economic Development
Chair: Regional Councillor T. Wong

Transportation Issues
Chair: Regional Councillor G. Landon

PART A
Presentations, Major Studies, and Issues Agenda
9:00 a.m. – Canada Room

Attendance

Mayor F. Scarpitti
Deputy Mayor J. Jones
Regional Councillor J. Heath
Regional Councillor T. Wong
Regional Councillor G. Landon
Councillor V. Burke
Councillor J. Virgilio
Councillor C. Moretti
Councillor J. Webster
Councillor D. Horchik
Councillor L. Kanapathi
Councillor A. Chiu

J. Baird, Commissioner of Development Services
M. Boyce, Senior Policy Coordinator
C. Conrad, Town Solicitor
G. Day, Planner
V. Shuttleworth, Director of Planning and Urban Design
A. Tari, Committee Clerk

The Development Services Committee convened at the hour of 9:05 a.m. in the Canada Room with Deputy Mayor J. Jones in the Chair.

4. REVIEW AND DISCUSSION OF OTHER MUNICIPAL EXPERIENCES WITH PERMITTING SECOND SUITES
(10.0) M. Boyce, ext. 2094
Presentation

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John Waller, Region of York, Director of Long Range and Strategic Planning, provided a PowerPoint presentation on the issue of Second Suites in York Region, highlighting the need for such accommodations and indicating the implementation secondary suite permissions in Markham will assist in achieving affordability and intensification targets.

Dave Ruggle, Town of Newmarket, Senior Planner, provided a PowerPoint presentation on New Market's experience with Accessory Dwelling Units (ADU). He advised provided a synopsis of the process the City undertook prior granting permissions for ADUs, which included the establishment of an ADU Task Force. This cross-representative body was extremely successful in identifying and examining resident concerns (i.e. safety of units; lack of consistency in enforcement of existing policies; property standards; property values; and absentee landlords. Mr. Ruggle confirmed that Newmarket permits ADUs across the entire City and indicated they have been generally well received by residents. He further reported that since 2005, the City has one By-law Enforcement Officer dedicated to the enforcement of ADU regulations.

Tom Taylor, President, Board of Directors Habitat for Humanity and former Mayor of New Market, addressed the Committee with respect to Accessory Dwelling Units in New Market. Mr. Taylor stated he is supportive of ADUs and advised it has been successful in New Market in terms of the provision of affordable accommodation and increasing intensification levels.

Larry Blight, Ward 4 Councillor in the Town of Newmarket, addressed the Committee with respect to ADUs. He reviewed the public consultation New Market conducted prior to allowing ADUs, indicating that the Public Meeting that was held on this issue was attended by some 120 residents. Councillor Bright noted that the issues raised at the Public Meeting were ones that were already identified by the ADU Task Force.

Mr. Neil Carroll, City of Pickering, Director of Planning, addressed the Committee and provided an overview of Pickering's experience with permitting ADU's. He advised the City began discussing the permitting of ADU's in 1997 and finally passed a by-law in 2004. He indicated the City held two Public Meetings on the issue which were poorly attended. Mr. Carroll advised ADUs are permitted across the entire City in single family dwelling and semis. He stated permitting ADU's established a regulatory environment that reflected the reality of the community and improved the safety of these dwellings throughout Pickering.

Mr. Rex Heath, City of Pickering, Fire Prevention Officer, addressed the Committee with respect to ADUs in Pickering. Mr. Heath advised that the permission of ADUs has been a great success from a Fire perspective. He stated complaints are generally received by Fire via neighbours . Mr. Heath also advised that although the City did not hire additional staff to enforce the ADU By-law, the workload of Fire Prevention Officers had to be readjusted to allow them to spend more time on this issue.

Mr. Glen Dick, Town of Markham, Fire Prevention Officer, addressed the Committee regarding his experience with second suites in the City of Toronto. He advised second suites were permitted in the City of Toronto in the summer of 2000 and that residents were initially very reluctant to comply with the By-law. As a result, the City of Toronto initiated a comprehensive media campaign to advertise the benefits of operating a second suite that was in compliance with City regulations. Mr. Dick advised the City of Toronto does not charge for second suite registration.

Moved by Councillor A. Chiu
Seconded by Regional Councillor J. Heath

That the presentations by **Mr. John Waller, Tom Taylor, Dave Ruggle, Neil Carroll, Rex Heath, and Glenn Dick,** regarding second suites/**Accessory Dwelling Units (ADU),** be received.

CARRIED

ADJOURNMENT

The Development Services Committee meeting adjourned at the hour of 12:05 p.m.

Planning Staff Notes from October 23rd Development Services Committee Review and Discussion of other Municipal Experiences with Permitting Second Suites

John Waller, Director of Long Range & Strategic Planning, York Region
Sylvia Patterson, Director of Housing Services, York Region

- Interesting dialogue re: second suites with area municipalities
- Interest at the Region in hosting possible workshop in future
- Affordability an issue 25% of Region households pay more than 30% shelter costs, 40% of rental households pay more than 30% shelter costs
- Lower income households are increasing as a percentage of population
- 2002 Housing Supply Strategy identified acute shortage of rental housing
- Key action area work with area municipalities to encourage the creation of accessory apartments in all single and semi detached dwelling
- Newmarket and East Gwillimbury permit second suites
- 2004 employers opinion survey identified housing and transit as vital to attracting and retaining employees
- 2004 housing and economy survey highlights mismatch between the labour housing needs and the stock supplier
- In Markham 32% of in-commuters live in rental, 10% of resident labour force live in rental.....result is increased travel
- Second Suites definition typically includes private entrance, kitchen, washroom and living area
- Ads for second suites for week of Aug 30th -220 units, if vacancy rate is 3% - how many second suites overall?
- Approx. 30,000 units projected within the built up area of Markham of the 85,000 units projected for the Region to meet the minimum provincial intensification target of 40% - municipalities to develop intensification strategy to achieve target
- 238,000 additional units to be added in York from 278,000 existing today – almost double
- 55% starts are multiples today – need for broader variety
- Regional policy supports zoning to permit second suites in houses
- 2/3 of the way through Growth Management Strategy.... second suites have been included in intensification matrix
- Need to take fresh look at affordability – York has not been very successful in the area of affordable housing
- Affordable housing issues: cost of land, construction, building rental not economical
- Fed/Prov policies – no federal housing policy/national housing strategy
- Average housing prices in Markham in 2006: 495K for single, 315K for semi-detached or townhouse
- Housing York has a target of 100 units/per year which is not being met
- Some successes: equalized taxes for rental and ownership units, policy to offset development charges for non-profit suppliers
- Housing in York Region is not affordable for many residents and labour force

- Provincial growth plan requires 40% intensification
- Second suites help to achieve affordability and intensification targets
- Second suites make home ownership more affordable
- Second suites introduce a rental unit and helps make both units affordable
- Housing important to our economy
- Housing supply for required workers will continue to fall short if no additional affordable housing opportunities provided
- Housing is biggest transportation problem in York...distance from home to work
- Second suites would help provide better match of affordable housing options to York labour force and reduce travel times overall
- York finalizing updated growth forecasts, developing intensification strategy, assisting area municipalities with their intensification strategy, updating housing requirements study in 2008 to more thoroughly examine role of second suites, continuing dialogue on second suites with local municipalities, and staff will be reporting to Council on possible second suites workshop

Markham:
Playing devil's advocate...you say there is an acute shortage of rental housing in York... I want to make sure we are not just navel gazing... development industry says there are no shortage of rental units in the GTA... isn't the issue affordability and the lack of federal supplement program?

Region:
- Two components to rental housing stock: market and subsidized
- Rental housing vacancy rate 1.6% in York, over 3% in GTA
- Approximately 30,000 rental units in York
- Rental units have increased but percentage of total stock is declining
- There is more supply in certain parts of the GTA where federal programs encouraged production many years ago
- York has lowest % of rental units in GTA and lowest proportion of social housing...this is based on when we grew and the availability of federal programs and supplements
- Rent supplements may be relevant in Toronto where there is a large supply of rental units but not in York ...we currently have 500 units in York subsidized but the rental housing stock is not there to achieve a significant increase
- 6000 households with 13000 kids on waiting list in York
- 32% commuters who live in rental housing are coming into Markham, only 10% of resident labour force reside in rental units

Markham:
Looking at second suites in the context of intensification within the built area, can we provide better living space if more rental units are provided closer to transit rather than second suites? Is second suites an easy route to intensification but maybe not the proper

accommodation within the context of the community? Do we provide a better context if we design rental intensification communities vs. open up permission for second suites in existing communities?

Region:

- No silver bullet on housing...many things need to be done at the same time
- Intensification along the corridors and infill and intensification within existing communities (ie. Second suites)
- If there are provisions for second suites in new communities it makes them safe..we found a big uptake in new communities in Newmarket NW quadrant

Markham:

Looking at second suites within the affordability context....What percentage of affordable housing stock can second suites address? Concerned that less assistance in provision of affordable housing opportunities is resulting in a decline of those working and living in Markham and that Newmarket and Pickering are willing to address our shortfall in affordable housing stock opportunities.

Region:

- Difficult to come up with a number of second suites but we know they are very affordable
- Housing York has only 118 built, 50 under construction, 185 under development, and 270 allocated for a combined total of 600-700 rental units and approx 200 units through rent supplement since 2002...private rental housing far less in the low hundreds
- Although difficult to come up with a number we know from MLS listings the existing potential contribution is significant

Markham:

Cornell coach house units are not that affordable. Second suites in single family neighbourhoods has in the past resulted in bitter exchanges between residents. Permitting second suites as of right will disrupt neighbourhoods across the Town. Can we achieve affordable housing without town wide permissions for second suites?

Region:

- Looking at where 85000 target intensification units can go in York Region but no way to determine if those units will be affordable
- Recognize difficult political issues and public discussion required
- Second suites represent small percentage of target intensification units but are one of many policy solutions to affordability

Markham:

Not against second suites but permission should be applied across entire Town...creates a ghetto if applied in only one area.

My biggest concern is safety of units...I know we can learn from other municipal experiences what the appropriate development standards need to be considered...Looking forward to Newmarket's presentation on impact second suites in their municipality

Dave Ruggle, Senior Planner – Policy, Town of Newmarket

- In 2002, Newmarket established an accessory dwelling unit (ADU) task force to thoroughly examine issues related to ADU's
- Held public meeting and found that they had examined all the issues that were identified by residents (ie. Safety of units, existence of illegal units, lack of enforcement, parking standards, property values, absentee landlords, lack of requirement for re-registration
- Negative impacts of ADU's relate more to property standards and safety but these issues exist in houses without an ADU as well
- Positive impacts of permitting ADU's is safer units for residents and increased control in the conditions both inside and out of the two unit houses
- Recommended approach: Town wider permission in single and semi detached dwellings, new registration by-law with option to revoke registration under three circumstances: 1. if property ownership changes, 2. property is not in compliance with registration by-law, 3. 10 years following the registration
- Zoning permission for ADU's approved by Town Council in early fall of 2003
- Registration process required for three scenarios: 1. registration renewal, 2. building older than 5 years with an existing ADU, and 3. building less than 5 years old with an existing ADU or a proposed new ADU

Tom Taylor, President of Board of Directors for Habitat for Humanity – York Region, Former Mayor of the Town of Newmarket

- Second suites only a small part of the solution to affordable housing
- There was an urgent need to create affordable housing opportunities in Newmarket,
- The Task Force and Council looked at definition of affordability and determined how affordability would be best applied across the Town.
- The end result was to apply zoning permission for second suites Town wide
- Permission has served its purpose
- Need for affordable housing opportunities greater now then 5 years ago...reliance on the provision of rental housing units alone not viable
- Second suites provide a much needed counter balance to the provision of rental housing units only...rental housing units alone will not significantly address affordable housing unit demand

Larry Blight, Ward 4 Councillor, Town of Newmarket

- Council held one public meeting with approx. 120 people

- Task Force proceedings/findings key to diffusing adverse public reaction/resistance
- Biggest concern was safety of units...more than affordability issue
- In the end Council voted unanimously to approve Town-wide permission
- Four years later, general neighbourhood acceptance of ADUs and surprisingly smooth process for registering legal ADUs in place

Markham:

What development standards were introduced into your zoning by-law to permit ADUs (ie. parking standards)? Why not Townhouses? Was there a significant impact on resources to administer new permission/registration process? Was there any increase in property values?

Newmarket:

- Four external off-street parking spaces required...two for ADU and two for principal unit, if close to transit COA could consider minor variance to parking requirement
- No additional doors allowed on front façade
- No more than 50% of front yard used for driveway
- Townhouses not recommended given they generally can't meet parking requirement and the design of the units not conducive to ADU requirements
- One by-law enforcement officer was added to deal with ADUs...90% of his time spent on ADUs only
- Addition of ADU may increase property value by 10K but not showing up in assessment records, MLS listing suggest as much as 50K added value if legal ADU contained in dwelling listed

Neil Carroll, Director of Planning and Development, City of Pickering

- City of Pickering's experience very similar to Newmarket's experience
- ADUs on the table for many years...since they play significant role in affordable housing supply and there are safety issues related to unregistered units
- In 2004 the City of Pickering moved to a more regulatory environment for ADUs by adopting a by-law to permit them in singles and semis only subject to registration of unit under Town's registration by-law
- This has resulted in improved safety but still public resistance to register ADUs...so don't assume zoning permission will solve problem... issue of hidden units has not changed
- Prolonged public consultation program from 1997-2004...public feared government control...however, Council did not want to continue to pretend that ADUs did not exist....Council anticipated negative reaction
- Public meetings held in Council Chamber in May and November 2002...3 residents appeared and supported the by-law but Council still anguished over making a decision

- Almost 2 years later in April 2002...Council provided direction to staff to prepare OPA and Zoning by-law...public meeting held in June 2004 and 5 residents appeared and supported the by-law
- In November 2004, OPA, Zoning and Registration by-laws passed with no appeals
- It was all "much ado about nothing"...we have not heard much from the community since the by-laws were passed
- ADUs not a big issue now for Council or By-law enforcement
- Permission extends to City-wide to singles and semis
- 3 parking spaces must be provided on property of dwelling with ADU
- Maximum floor area of ADU is 100 square metres
- OPA required to deal with increased density...ADUs were excluded from the density calculation
- Registration process the only means to compel inspection...Half price $250 incentive registration fee received a positive reaction from community
- Successful but challenging enforcement program for building, by-law and fire
- Public education brochure makes its clear and easy to understand registration process
- ADUs provide an important living option to Pickering community
- ADUs fill part of the housing gap
- ADUs would have continued to exist regardless of the zoning permission...better to have a control structure...to improve safety of units

Markham:
Do you have any statistics on ADUs in your community? Do you permit them in the rural areas and have you had any?

Pickering:
- Of the 28,000 unit housing stock in Pickering 1/10 of 1% or approximately 219 ADUs have been registered so far
- They are permitted in the rural area provided the ADU is provided within the principal dwelling building...and we have had ADUs registered in the rural area...they are everywhere in the City

Rex Heath, Fire Prevention Officer, City of Pickering:
- ADUs are a success storey
- Families can't afford a home...ADUs are a way to support home costs
- Registration process very successful...process is friendly
- Fire uses registration info to monitor compliance
- Less than a dozen permit requests for ADU in new construction so far
- Construction/demand for ADUs will continue given cultural and socio-economic factors

Markham:
What about the workload for City staff?

Pickering:

- No additional staff were brought on but generally more Fire staff time spent on ADUs because of higher risk to life safety if not inspected and in compliance with Fire code
- Cost to retrofit illegal units are increasing and often illegal ADUs are converted back to single dwelling units
- Keep letter on file that unit has been converted back

Glenn Dick, Chief Fire Prevention Officer, Markham (formerly of City of Toronto – Scarborough Division

- Having worked in the City of Toronto, Scarborough Division, for several years I can provide you with a perspective on Toronto's experience in permitting ADUs
- Highest concentration of ADUs in Scarborough found in Malvern community...almost no distinction from Milliken/Armadale communities to the north of Steeles in Markham
- In 2000, zoning to permit second suites City wide within any single or semi-detached home (and in some case within a rowhouse pre 95)
- For upgrading an existing second suite – 95% of cases Fire is lead...two stage process MLS inspection and fire inspection...electrical safety is key component of fire prevention
- For creating a new suite...Building is lead...must apply for building permit
- Principal residence must be at least 5 years old
- House must be detached on semi-detached
- Exterior façade of the house cannot be significantly altered
- Second suite must occupy a smaller area than the rest of the house
- Property must meet parking requirements

Markham:
What did Toronto do to encourage registration or compliance with zoning and codes? Did they advertize?

Toronto:

- Owners are reluctant to apply for inspection and registration...as a result there is no registration process currently in Toronto...just inspection based on voluntary request or response to complaints
- Toronto does advertise the benefits of inspecting and bringing second suites into compliance with zoning and building/fire codes
- In Toronto, there are lots of existing units that are unlikely to comply with internal property standards...nor can they be brought up to fire code
- Issue for Toronto is not enough Fire personnel for inspections

Review and Discussion of Other Municipal Experiences with Permitting Second Suites

Development Services Committee
October 23, 2007

Subcommittee on Second Suites

- June 2007: Council established a Subcommittee of DSC to review Town's current strategy for second suites
- June – Oct 2007: Subcommittee has met 6 times to investigate options for a strategy that would apply wider zoning permissions for second suites
- Oct 23/2007: DSC review and discussion of other municipal experiences with permitting second suites
- Dec 2007: Subcommittee to report back to DSC on (a) preferred option(s) for strategy for second suites and recommendations for a public consultation/education process.

Agenda

9:30 am **Introductory Remarks – Chair Tony Wong**
9:35 am **Purpose of Today's Review/Discussion – Valerie Shuttleworth**
9:40 am **Senior Government Policy Perspectives:**
Second Suites as a form of affordable housing & intensification
Region of York:
John Waller, Director of Long Range and Strategic Planning
Sylvia Patterson, Director of Housing Services
10:00 am **Discussion**
10:45 am **Local Municipal Experiences**
Town-wide permissions for Second Suites
Town of Newmarket:
Tom Taylor, President, Board of Directors Habitat for Humanity
Dave Ruggle, Senior Policy Planner
City of Pickering:
Neil Carroll, Director of Planning and Development
Rex Heath, Fire Prevention Officer
City of Toronto Perspective:
Glenn Dick, Chief Fire Prevention Officer (formerly of Scarborough)
11:15 am **Discussion**
12 noon **Concluding Remarks – Chair Tony Wong**

Purpose of Today's Review/Discussion

- Intent of Subcommittee to involve all members of Council on how to engage and consult with public on strategy options
- Today's DSC review and discussion of other municipal experiences with permitting second suites provides an opportunity for all members of Council:
  - to hear the Region of York's perspective on second suites as a form of affordable housing and intensification
  - learn more about other municipal experiences with permitting second suites
  - ask questions of other municipalities on the implications of permitting second suites (ie. neighbourhood, legislative and procedural, fiscal implications)

Second Suites in York Region

Town of Markham
October 23rd, 2007

Understanding Affordability

- York Region Housing Directions Study:
  - 25% of the Region's homeowner households were paying more than 30% of their gross income on shelter costs.
  - 40% of the Region's rental households were paying more than 30% of their gross income on shelter costs.
  - Lower income households were increasing as a percentage of the population.

Understanding Affordability

- Housing Supply Strategy (2002)
  - There is "an acute shortage of rental housing units" in the Region.
  - Key Action Area: "work with area municipalities to encourage the creation of accessory apartments in all single and semi-detached dwellings subject to rigorous safety standards."
- Employers Opinion Survey (2004)
  - housing and transit affect the ability of York Region's employers to retain and attract employees.

Understanding Affordability

- Housing and Our Economy (2004)
  - Mismatch between the labour force housing needs and available housing.
  - In the Town of Markham a significantly higher proportion of people that lived outside of York Region and worked in Markham were tenants:
    - Approximately 32% of in commuters lived in rental accommodations.
    - Approximately 10% of the resident labour force lived in rental accommodations.

Second Suites

- Typically the following elements are included in a definition:
  - Private entrance
  - Kitchen
  - Washroom
  - Living Area

Second Suites

Second Suites Advertised by the York Region Newspaper Group

(August 30, 2007)

Aurora	28
East Gwillimbury	9
Georgina	22
King	2
Markham	34
Newmarket	50
Richmond Hill	50
Vaughan	17
Whitchurch-Stouffville	8
York Region	220

Places to Grow

- A minimum of 40 per cent of all residential development occurring annually at the regional scale will be within the built-up area.
  - Approximately 85,000 units in York Region
  - Approximately 30,000 units in Markham
- All municipalities will develop and implement a strategy to phase in and achieve intensification.

Need for Affordable Housing will Increase

	2006	2031	2006-2031 Increase
Population	935,000	1,505,000	570,000
Employment	455,000	800,000	345,000
Housing	278,000	516,000	238,000

Supportive Policy Documents

- Places to Grow
  - Intensification strategies will "encourage the creation of secondary suites throughout the built-up area".
- Planning Act
  - No appeal of local and regional official plan and by-law policies adopted to permit second suites.
- Provincial Policy Statement
  - Planning authorities shall permit and facilitate all forms of residential intensification and redevelopment.

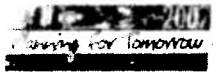
Regional Official Plan

- The Regional Official Plan recognizes that "an integrated range of affordable housing options in York Region is critical".

- As such, one of the objectives in the Plan is "to support zoning provisions that are flexible enough to permit a broad range of housing forms, types, sizes and tenures including second suites in houses..."

Growth Management Strategy

- Update Regional Official Plan, including the forecasts.
- An intensification matrix has been formulated to help identify potential intensification areas.
- Second suites have been included in the matrix.
- Fresh look at affordability



Affordable Housing Issues

- Cost
  - Land
  - Construction
  - Building Rental not Economical
- Federal and Provincial Policies
  - Tax Policy
  - Planning Policies
  - Federal/Provincial Housing Programs
  - Lack of National Housing Strategy
- Public Reaction

Average Housing Prices

	York Region	Markham
Single Family	$466,915	$495,093
Semi Detached	$314,815	$315,191
Townhouse	$319,929	$314,385
Condo/Apartment	$232,252	$266,233

Affordable Housing Successes

- Centres and Corridors approach development.
- Average production of 10,000+ units per year with an increasing mix of unit types.
- Housing York Inc. (HYI)
  - 118 Affordable Housing units built since 2002
  - 50 Apartments under construction
  - 185 units under development
- Equalized property tax rates for rental and ownership housing
- Policy to offset Development Charges for non-profit housing providers

Conclusions

- Housing in York Region is not affordable for many of our residents and labour force
- The Provincial Growth Plan requires that we achieve 40% Intensification
- The provision of secondary suites will help achieve affordability and intensification targets.

Next Steps

- Finalize updated forecasts
- Develop Regional Intensification Strategy
- Assist Local Municipalities to develop Intensification Strategies
- Update Housing Requirements Study and more thoroughly examine role of secondary suites.
- Discuss Second Suites with Local Municipalities
- Report Back to Regional Council (possible workshop/focus session)

Town of Newmarket

Accessory Dwelling Units

Accessory Dwelling Unit Task Force (ADUTF)

- First met April 30th, 2002
- Thoroughly examined the issue of accessory dwelling units (ADU's)
- Invited professionals in various fields to address the Task Force (Fire, Planning, Building, Bylaw Enforcement, Finance and Public Works Departments, Ministry of Municipal Affairs & Housing, Electrical Safety Authority
- Synthesized all of the findings from the guest speakers
- Held a public meeting in October to get public input on "issues"
- Found that they had examined the issues that were identified by residents

Issues

- Safety of units
- Existence of illegal units
- Lack of consistency in enforcement of existing policies
- Property Standards (parking, garbage, maintenance)
- Property Values
- Absentee Landlords
- Lack of requirement of re-registration as time passes

Impacts of Accessory Dwelling Units

- The ADUTF examined the issue of impacts at the end of each guest speaker's presentation
- Current negative impacts of ADU's related more to property standards and safety than the existence of ADU's i.e. property standards issues exist in houses without an ADU present as well
- Based on information gathered and research in general the act of allowing ADU's in the Town will not result in an excessive amount of ADU's being created
- Result of permitting ADU's will be safer units for residents and increased control in the conditions both inside and out of two unit houses

Recommendations

- To permit accessory dwelling units in all single detached and semi-detached dwelling units within the Town
- Establish a registration system
- Current registration bylaw be repealed and replaced with new registration bylaw
- New registration bylaw will outline criteria to permit accessory dwelling units in the Town
- Registration bylaw provides options to revoke registration under three circumstances:
  - Property ownership changes
  - Property is not in compliance with registration bylaw
  - 10 years following the registration
- Central Registrar maintains one record of all ADU's within the Town for concise record keeping

The Policies

- The policies that allow for accessory dwelling units in Newmarket were approved by Town Council in late summer early fall of 2003.

Registration

- All accessory dwelling units in Newmarket are required to be registered. After some revisions, the process to register an ADU was divided into three scenarios:
- 1. Registration Renewal
  2. Building older than 5 years with an existing ADU
  3. Building less than 5 years old with and existing ADU or a proposed new ADU

Registration Renewal

- Submit a completed and signed application form to Clerk's with registration fee.
- Arrange for Central York Fire Services to re-inspect ADU and submit approval to Clerk's for filing.
- Arrange for the Electrical Safety Authority to re-inspect ADU and submit approval to Clerk's for filing.
- If the application is complete, and approvals from Central York Fire Services and Electrical Safety Authority are included, Clerk's would re-register the unit.

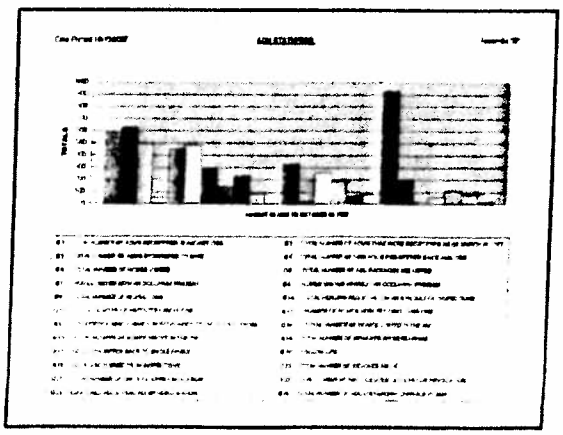
Buildings older than 5 years with an existing ADU

- Obtain a zoning compliance letter from Planning Department confirming compliance with the by-law regulating ADU's (This includes bringing a sketch of parking area with dimensions).
- Arrange a combined inspection with the Town of Newmarket Building Department and Central York Fire Services (a building permit may be required).
- Arrange for the Electrical Safety Authority to complete an inspection.
- Submit an application to the Clerks Office with approvals from the Planning Department, Central York Fire Services, Building Department, and Electrical Safety Authority. If the application is complete, registration fee has been paid, and all approvals are included, Clerks would register the unit.

Buildings Less than 5 years old with an existing ADU or any proposed ADU's

- Make an application for a building permit for the ADU (A sketch of parking area and dimensions must be included).
- Arrange for Electrical Safety Authority to inspect and obtain approval from Electrical Safety Authority.
- Submit an application for registration of the ADU, along with the registration fee at the time the building permit is issued.
- Registration of the unit will occur upon the completion of the final inspection.

Current ADU Statistics



Date Printed 29/10/2007

ADU STATISTICS
AUGUST 08 2005 TO OCT 01 2007

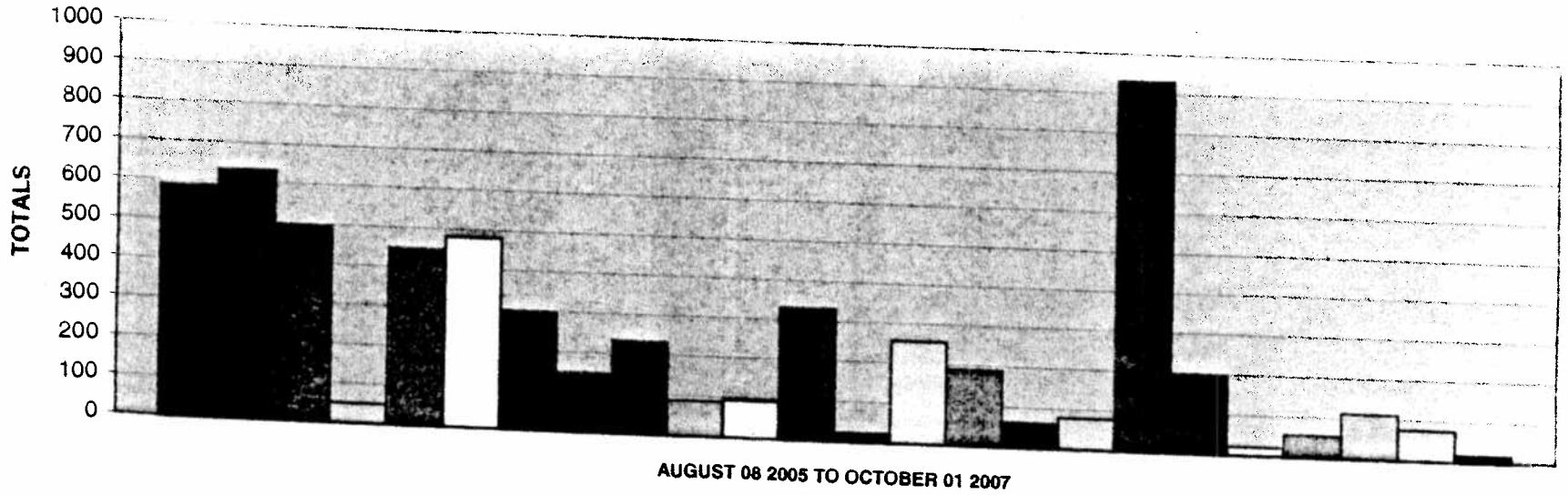
1. TOTAL NUMBER OF ADU'S REGISTERED IN AUGUST 2005	590
2. TOTAL NUMBER OF ADU'S THAT WERE REGISTERED AS OF MARCH 01, 2007	633
3. TOTAL NUMBER OF ADU'S REGISTERED TO DATE	496
NOTE DUE TO 10 YEAR RENEWAL PROCESS THE TOTAL NUMBER OF REGISTERED ADU'S HAS DROPPED	
4. TOTAL NUMBER OF NEW ADU'S REGISTERED SINCE AUG 2005	51
5. TOTAL NUMBER OF HOMES VISITED	448
6. TOTAL NUMBER OF ADU PACKAGES DELIVERED	481
7. HOMES VISITED WITH AN OCCUPANT PRESENT	298
8. HOMES VISITED WITHOUT AN OCCUPANT PRESENT	150
9. TOTAL NUMBER OF INSPECTIONS	234
10. TOTAL PENDING REGISTRATION AS A RESULT OF INSPECTIONS	88
11. TOTAL NUMBER OF ABSENTEE LANDLORDS	94
12. NUMBER OF HOMES WITH RESIDING LANDLORD	331
13. PROPERTIES WHICH HAVE NOT RESPONDED TO VISITS OR LETTERS	23

14. TOTAL NUMBER OF HOMES VISITED IN THE AM	257
15. TOTAL NUMBER OF HOMES VISITED IN THE PM	191
16. TOTAL NUMBER OF RENEWED REGISTRATIONS	63
17. ADU'S CONVERTED BACK TO SINGLE FAMILY	79
18. FOLLOW UPS	932
19. ADU'S DISCOVERED FROM INSPECTIONS	200
20. TOTAL NUMBER OF REVOKED ADU'S	21
21. TOTAL NUMBER OF UNITS PENDING REVOCATION	56
22. TOTAL NUNBER OF HAND DELIVED LETTERS FOR REVOCATION	112
NOTE REVOKATION LETTERS ARE SENT REGISTERED MAIL AND HAND DELIVERED TO EACH UNIT AS PER ADU BYLAW	
23. REGISTERED ADU's PENDING RE-REGISTRATION	77
NOTE ADU'S PENDING RE-REGISTRATIONS ARE THOSE UNITS WAITING ON FIRE, ELECTRICAL, AND BYLAW INSPECTIONS	
24. TOTAL NUMBER OF ADU OWNERSHIP CHANGES IN 2007	17

Date Printed 29/10/2007

ADU STATISTICS

Appendix "B"



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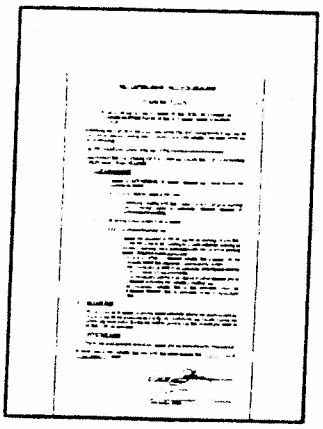
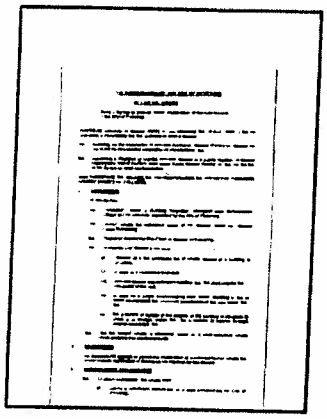
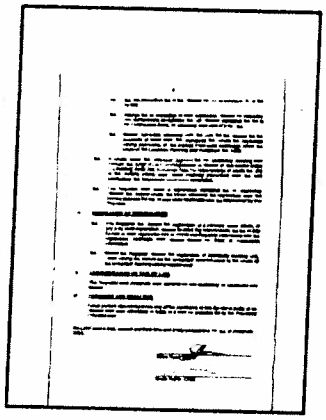
- 22. TOTAL NUNBER OF HAND DELIVED LETTERS FOR REVOCATION
- 23. REGISTERED ADU's PENDING RE-REGISTRATION
- 24. TOTAL NUMBER OF ADU OWNERSHIP CHANGES IN 2007

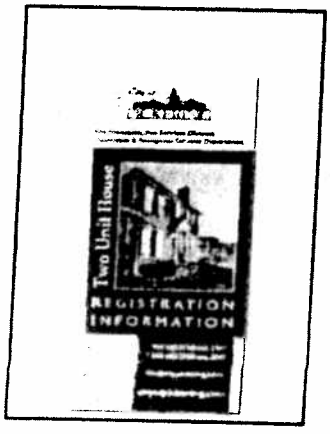
City of PICKERING

Accessory Dwelling Units Experience









City of Toronto Second Suites Guide

In Ontario, Municipalities regulate residential zoning by-laws for second suites. These regulations have changed over time, and not all home owners may be aware of the changes, nor of the complexities of creating a second suite.

Who is Involved

Building Department

- These City Officials deal primarily with newly created suites and construction. They review zoning and building plans and administer construction permits.

Who is Involved

Municipal Licensing and Standards

- These City Officials deal primarily with upgrading second suites. They review property standards and municipal codes, carry out inspections to ensure compliance with by-laws, and respond to complaints from neighbours about second suites.

Who is Involved

Fire Services

- Municipal Fire Services will perform fire safety inspections and provide confirmation letters about the fire safety of a house with a second suite.

Who is Involved

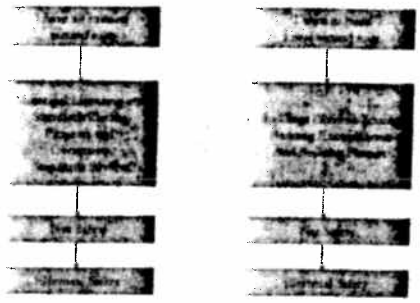
Electrical Service Authority

- This is a provincial, not for profit organization that ensures that the wiring and electrical service to second suites comply with the necessary regulations and provides confirmation letters to document this compliance

New Provisions in the City of Toronto

Provisions permitting second suites through out the City of Toronto came into effect in the summer of 2000. The legislation allows home owners within the 416/647 area code, to have a second dwelling unit in any single or semi-detached home (and in some cases, within row houses)

Step By Step Guide



Upgrading an Existing Second Suite

Getting an Inspection

- An inspection of a second suite is a two stage process, MLS Inspection and Fire Inspection.
- MLS will ensure that your second suite is fit for habitation, using the regulations in the Toronto Municipal Code – no charge for this inspection.
- Once it is approved for zoning, Toronto Fire Services will ensure compliance with the basic life safety systems defined in the Ontario Fire Code – no cost for this inspection.

Upgrading an Existing Second Suite

- Electrical safety is a key component of fire prevention. Ensuring that your home contains a safe service and wiring system will increase the safety of the property. You must arrange for your home to be inspected by the Electrical Safety Authority, and correct any deficiencies that result from this inspection before you get an approval for a fire safety inspection.

Creating A New Suite

- The principal residence must be at least 5 years old
- The house must be detached or semi-detached
- The exterior façade of the house cannot be significantly altered
- The second suite must occupy a smaller area than the rest of the house and it must be a single, self contained dwelling.
- The property must meet parking requirements.
- Toronto Fire Services will ensure compliance with the basic life safety systems defined in the Ontario Fire Code – no cost for this inspection.

Creating a New Suite

- You must apply for a building permit to create a new second suite. All new second suites must comply with the Ontario Building Code, residential zoning by-laws and property standards. Any new construction will require a permit and inspections.
- Building permits do not cover electrical safety codes. You must contact the Electrical Safety Authority and arrange for an inspection.

Second Suites

- Tenants or neighbours can contact the city about safety or maintenance concerns relating to a second suite, leading to an inspection by city staff.

Strategy for Second Suites

Appendix 'D' - Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *	
Permission for second unit in singles and semis Town-wide	✔ (1), (2)	✔ (2)	✔ (3)	✔	(1) Zoning By-law to be amended to add permission for second unit & standards e.g. floor area, parking etc. (2) Zoning & Registration By-law to be amended to use consistent terminology i.e. Dwelling Unit definition (3) To explain zoning permission and by-law requirements

* Monitoring is for an 18 month period after By-law is adopted.

APPENDIX 'D'

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *	
Second unit must be secondary to the principal dwelling unit	✔ (1)	N/A	✔	✔	(1) The maximum gross floor area of the accessory dwelling unit shall be no more than 45% of the gross floor area of the building.

* Monitoring is for an 18 month period after By-law is adopted.

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS	
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *		
Second suite must be at least 35m²(375 sq ft)	✔(1)	N/A	N/A	✔	(1)	Sets a minimum standard for health and safety concerns

* Monitoring is for an 18 month period after By-law is adopted.

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS	
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *		
Second unit shall not be conspicuous from the street or change the character of the dwelling or neighbourhood	✔ **(1)**	N/A	✔	✔	(1)	Only one dwelling unit in the building may have a door(s) in the wall facing the front yard

* Monitoring is for an 18 month period after By-law is adopted.

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *	
The building containing the second unit must comply with standards for driveway widths, etc.	**N/A**	N/A	✔	✔	

* Monitoring is for an 18 month period after By-law is adopted.

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *	
No additional parking required for the second unit	**(1)**	N/A	✔	✔	(1) Town's Parking Standards By-law must be amended to: a. delete parking space requirement for "accessory apartment" and b. wording to be added to state that no additional parking is required for the second dwelling unit

* Monitoring is for an 18 month period after By-law is adopted.

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *	
Building with second dwelling unit must be registered. **Registration can be revoked if property not in compliance with registration by-law** **Registration must be renewed every 3 years or upon change in property ownership, if sooner**	**N/A**	✔ **(1)**	✔ (2)	✔ (3)	(1) Amend registration by-law to include conditions in which registration can be revoked (2) Staff recommend including in education material ie. Both dwelling units must be registered in accordance with the Registration By-law (3) Initiate and monitor registration renewal program

* Monitoring is for an 18 month period after By-law is adopted.

Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS	
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *		
Single and semi's with second unit must be licensed	N/A	N/A	N/A	✔ (1)	(1)	To determine if licensing program should be introduced

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Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS	
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *		
Incentive program to encourage registration of second unit	N/A	N/A	✔ (1)	✔	(1)	Reference to one year grace period for voluntary inspection and registration of second suite and $450 fee elimination as incentive

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Strategy for Second Suites

Subcommittee Directions/Staff Recommendations

SUBCOMMITTEE DIRECTION	STAFF RECOMENDATION				COMMENTS
	ZONING	REGISTRATION BY-LAW	EDUCATION PROGRAM	MONITORING PROGRAM *	
Introduce Internal Property Standards	N/A	N/A	✔ (1)	✔ (2)	(1) Reference to required compliance with Internal Property Standards By-law (2) Adopt Town-wide internal property standards by-law and monitor as it relates to implementation of second suites strategy Note: Clerk to report back separately on this item to DSC and Council

* Monitoring is for an 18 month period after By-law is adopted.