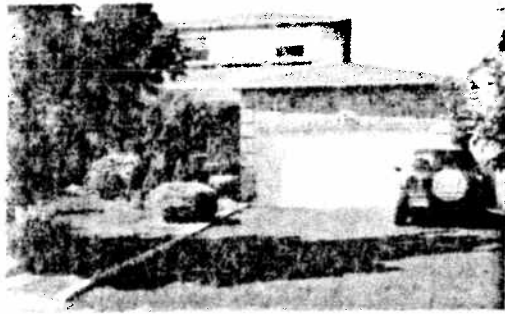


Appendix D:

Frequently Asked Questions



Markham's Proposed Policy for Second Suites

FAQ'S Frequently Asked Questions



General facts about second suites and Markham's current policy

What is a second suite?

A second suite is a common name for a basement apartment, an accessory apartment or another form of secondary residential unit in a house that contains no more than one other unit.

A second suite:

- consists of a self contained set of rooms that can be used as an independent unit;
- contains kitchen and bathroom facilities designated for the exclusive use of the unit;
- has a means of access that may be separate or shared with the other unit; and
- can be installed on any floor of a house.

A second suite is a single self contained (with a locked door) additional unit to a house and is *not* considered part of a rooming, boarding or lodging house, where multiple households share kitchen and bathroom facilities.

To be considered legal, a second suite must be permitted in the Town's zoning by-law and inspected and registered under the Town's Registration By-law.

What are the benefits of second suites?

Second Suites:

- add to the stock of private rental accommodation
- provide rental housing opportunities for small households including young adults, seniors, etc.
- provide homeowner with a greater sense of security by having another person living in the home
- provide rental income to homeowners and flexibility to offset ownership and maintenance costs
- have less physical and visual impact on neighbourhoods than apartment buildings
- contribute to the "sustainability" of the existing housing stock and service delivery in Markham

What authority does the Town have in controlling or regulating second suites?

The Town's control over second suites is limited by provincial legislation to zoning standards, certain building types, development, property and safety standards and registration requirements.

The Town has authority to establish:

- where second suites shall be permitted in the Town and in what type of dwellings;
- development standards such as minimum unit size, parking standards, external appearance of main dwelling, etc.;
- Building Code (where applicable) and 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 Codes and By-laws).

Where are second suites currently permitted in Markham?

The Town of Markham Official Plan permits second suites in single detached and semi-detached houses provided zoning to permit second suites is in place.

Houses with second suites are generally *not* permitted in Markham except where:

- the zoning is in place (eg. Markham Centre), or
- a second suite existed on November 16, 1995 and is recognized (grandfathered) as a permitted use under provincial legislation.

How many second suites can a homeowner add to house?

Where permitted in Markham, a homeowner is only allowed to add one second suite to a single detached, semi-detached or row house.

What are the standards that currently permitted second suites have to meet?

In general, new second suites must comply with the Ontario Building Code, and existing second suites must comply with the Ontario Fire Code. Both new and existing second suites must comply with the Town's zoning and property standards.

Does the Landlord and Tenant Act apply to second suites?

Yes, second suites are covered by the Landlord and Tenants Act, except in cases where no rent is charged (eg. a unit is occupied by a family member)

Is there currently a requirement to register a second suite in Markham?

In Markham, permitted second suites must be inspected and registered with the Town and comply with building and fire safety codes and zoning and property standards.

Inspection and registration may result from a request from the landlord/owner or tenant or as a result of a complaint from tenants, neighbours, etc.

Fire Services determine if a second suite is permitted by zoning and then initiate inspection of both units in the house for a fee of \$300.

When a house with a second suite fully complies with the Fire Code, Building Code (where applicable), and the Zoning By-law and Property Standards By-law, it can be registered with the Town for a fee of \$150.

What are the benefits of legalizing a second suite?

The best reason to legalize a second suite is to reduce landlord/owner liability. The liability can be reduced if the homeowner:

- ensures that both units in the house meet all required fire, building and housing standards;
- makes their insurance provider aware of the second suite and enhances the insurance coverage; and
- ensures the mortgage holder is informed about the second suite.

Taking these steps will also eliminate the worry of neighbours or an unhappy tenant filing a complaint with the Town that the suite is illegal. A legal and safe second suite is likely to improve a landlord/homeowner's relationship with tenants, neighbours and the Town.

By having a second suite inspected and registered with the Town the landlord/owner will know that all requirements have been met to ensure a safe healthy home for themselves and their tenants

What are the risks to a landlord/homeowner of an illegal or unsafe second suite?

Increased Liability: The onus is on a homeowner to meet established standards for a second suite. If anything should happen, such as a fire, the homeowner may be found liable due to the failure to meet legal requirements.

Loss of Insurance Coverage: Having a rental unit in your home is a material change to your home. Non-disclosure of this change of use may make your insurance coverage null and void.

Limited recovery of damage: An insurance policy is not typically responsible for rebuilding costs related to meeting current established standards: Your insurance company may only be required to cover the costs of fixing your home back to the state that existed at the time your policy commenced prior to any damage.

Prosecution: If you do not meet the Building and Fire Code and Town zoning and property standards it means that you are breaking the law. You run the risk of being charged and may face fines with a maximum penalty of \$50,000 and/or a year of imprisonment on each count.

Financing: Income from an illegal basement apartment may not be considered when applying for a mortgage loan.

Tenants: As a landlord you are obliged to maintain your basement apartment in good operating order and you must follow all fire safety laws. Tenants may apply for rent reduction where the unit fails to meet the prescribed municipal health, safety, maintenance and property standards.

Tenant Insurance: Your homeowner's policy will not cover property owned by a tenant.

Can municipalities license a second suite in a house?

The authority of municipalities to license private self-contained dwelling units is currently before the Provincial Court system. Markham's proposed new policy for second suites does not include a licensing component.

Are municipalities able to require owner occupancy of one of the units in a house with a second suite?

The provincial Planning Act does not give municipalities the power to restrict second suites to cases where the owner lives on the premises. An owner-occupancy requirement would be unworkable in practice.

A proposed new policy to permit second suites throughout Markham

Why is the Town considering wider zoning permission for second suites? What are the benefits of a wider zoning permission for second suites?

- To maximize the opportunity for improving the life safety of the homeowner and tenants, and their neighbouring homeowners.
- To offer the highest and most equitable level of customer service to Markham residents by providing equitable zoning permission for second suites across Markham.
- To increase the accountability of landlords for compliance with regulations.
- To allow more Markham homeowners and tenants to realize the potential benefits of second suites if they choose.
- To maximize the potential use of existing and future housing stock and community infrastructure.
- To acknowledge that second suites are presently found across Markham and to ensure that proper fire safety is paramount across the municipality.

What is the proposed new strategy for permitting second suites throughout Markham?

A Subcommittee of Markham Council has recommended a proposed new strategy for second suites for public review and input.

The key strategy components are:

- a second suites zoning by-law
- amendments to the Town's Registration By-law and Property Standards By-law
- a comprehensive public education/communication program
- an 18 month monitoring program

What is the proposed zoning permission for second suites in Markham?

The new strategy for second suites proposes Town-wide zoning permission for second suites in single detached and semi-detached houses across Markham, subject to specified standards, including:

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

What are the driveway and parking standards that would apply to second suites?

The Town's driveway and parking standards are a key component of the proposed strategy. A house with a 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.

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 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.

Why amend the Town's Property Standards By-law?

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 inspection.

Amending the Town's Property Standards By-law to incorporate new internal property standards will allow Town staff to better regulate property standards as they relate to second suites and in particular, the activities of absentee landlords.

Why amend the Town's Registration By-law for Second Suites?

There is a concern that once a house with a second suite is inspected and registered with the Town, building and fire safety codes and zoning and property standards may not continue to be upheld, particularly if there are absentee landlords or new owners unaware of the registration requirements,

By amending the Town's Registration By-law to:

- require re-inspection and registration renewal (every 3 years or upon change in property ownership)
 - revoke any registration where the property is not in compliance with the registration by-law
- the opportunity for improving life safety of residents in houses with second suites is maximize and the accountability of landlords for compliance with building and fire safety codes is increased .

What are the benefits of a public education/communications program on second suites?

A public education program will increase public knowledge of second suites by:

- educating residents about second suites and the benefits of registration
- provide information on how to register a second suite and comply with building and fire safety codes and zoning and property standards
- promote the method for registering second suites (including a one year incentive program that would waive fees for a landlord/homeowner who voluntarily requests inspection and registration of a house with a second suite)
- promote life safety and encourage compliance

The public education/communication program may include media announcements of legislative changes, public information posted on the Markham website, a public information brochure and promotion of public information via newsletters, homeowner information packages, postings in community centres and libraries to ensure the highest and most equitable level of customer service to Markham residents.

Why introduce a monitoring program?

It is recognized that the success of any proposed 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 the effect of the one year' incentive program;
- internal property inspections;
- the registration renewal program; and
- whether there is a need for introducing a licensing program in the future

It is proposed that the monitoring program should be established for a period of 18 months if the new strategy is adopted to monitor the implementation of the strategy and report on any further changes required to the strategy.

What opportunities are there for the public to provide comment on the proposed new strategy for second suites?

There are several opportunities for public input on Markham's proposed new strategy for Second Suites:

- attend an open house/presentation on April 16th, 2008 at the Markham Civic Centre (6-8:30pm) and participate in the discussion or fill out a comment sheet
- logon on to the Markham website and submit your comment electronically
- contact Town staff or members of the Subcommittee on Second Suites by phone or email
- attend a future Development Service Committee Public Meeting (date to determined in future) and provide a deputation or written submission

Responding to common concerns with permitting second suites

"Second suites are going to change my low density single family residential neighbourhood"

Will zoning permission for second suites change the concept of single family neighbourhoods?

The concept of single family housing, or a single family neighbourhood, was commonplace at one time when some municipalities attempted to control residential occupancy through zoning restrictions on the number of persons, or their relationship to each other. Court decisions and provincial legislation now prevent municipal control over who may choose to form a household and live in a dwelling, and there is a clear distinction between a dwelling unit and the living arrangements of the people who occupy it.

In addition, the evolving demographics of Canadian Society reflect an ever-widening range of household preferences, in terms of residents' personal relationships and their choices in how they organize their living arrangements. Many new forms of dwellings have emerged to respond to new housing needs and preferences, including the use of existing dwellings to accommodate different household arrangements. Second suites are one such response.

The choice to introduce a second suite into an existing dwelling will continue to be the owner's decision, not the result of whether the suite is permitted or not.

Will the introduction of zoning to permit second suites result in a sudden influx of additional residents that will overwhelm my single family residential neighbourhood?

Where municipalities have permitted second suites as-of-right in single family residential neighbourhoods there is no evidence to suggest that they have experienced a deluge of second suite requests or experienced any significant problems in any given neighbourhood.

The Town did not experience any significant problems when second suites were permitted as-of-right throughout the Province under Bill 120 legislation between 1994-1996.

Where second suites are not permitted by zoning, many second suites have gone unreported, most blending into the physical appearance of neighbourhoods in the Town. In view of this fact, it is not expected that new zoning provisions to permit second suites will result in an overwhelming demand for second suites, but rather an incremental increase in existing suites being inspected and registered and new suites being created over time. Zoning to permit second suites neither creates market demand nor dictates timing of homeowner decisions to introduce second suites.

Will the introduction of zoning to permit second suites increase the density of dwelling units (i.e. allow two unit households) and have a negative impact on my neighbourhood?

Low density residential neighbourhoods in Markham are generally designed to accommodate a mix of dwelling types, controlled and limited in order to achieve the desired low density character. Experience in other municipalities has shown there is no noticeable change before and after a second suite by-law. Even a small increase in dwelling units attributed to second suites would not increase the density or alter the built form of existing dwellings in low density residential neighbourhoods and would have less physical impact than introducing a new apartment building.

Depending on the demographics and life cycle of the residents of Markham neighbourhoods, the average persons per unit is not expected to noticeably increase significantly as a result of second suites in comparison to increases attributed to the addition of new housing stock. Neither community groups nor government may regulate the living arrangements of Markham residents. However, a dwelling with a second suite tends to have only marginally more people than single unit dwellings since the households in second suites tend to be very smaller (seniors, young adults, singles, single parent families, etc).

The average persons per unit in Markham have been declining, and will continue to, decline over time. Generally, additional residents in second suites would offset such a decline.

Why should I consider supporting second suites in my single family neighbourhood, which does not appear to have any second suites?

A record of second suites identified and registered within the Town generally indicates that second suites are located in most if not all neighbourhoods throughout the Town. It is likely that second suites will continue to be present in Markham whether or not they are permitted. The Town has greater control regarding second suites, especially for safety purposes, if they are permitted.

Although concerns exist respecting aspects of second suites (ie. parking, exterior appearance); second suites occur in most if not all neighbourhoods without being generally known or identified. Second suites can be found in all Town wards.

There is no rationale to suggest that if second suites can be permitted in one single family neighbourhood they should not be permitted in another.

“Second suites will introduce new problems into my single family neighbourhood”

Will second suites increase the demand for on-street parking and front yard parking resulting in parking congestion and negative effects on the streetscape and character of my neighbourhood?

Illegal on-street parking and front yard parking on illegally extended parking pads are common problems to all Town neighbourhoods and are a function of the manner in which communities respond to development standards and/or property standards rather than a necessary characteristic of second suites.

In June 2006, Council adopted new standards for front and exterior yard parking to address:

- concerns about excessive width of driveways
- the impacts of front and exterior yard parking on the character of a dwelling and a neighbourhood

The Town's new Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage.

It is recognized that any policy to permit second suites must not contribute to neighbourhood parking problems. For this reason, second suites should only be permitted where there is sufficient on-site parking to accommodate storage of automobiles for both the principal dwelling unit and the second suite. Furthermore, second suites should only be permitted where the required parking spaces are maintained and accessible at all times.

With new driveway standards in place, the appearance of homes with or without second suites, will be comparable.

Will second suites result in changes to the exterior of dwelling units and changes to the physical appearance of neighbourhoods?

The physical appearance of neighbourhoods can suffer if additions or alterations to the exterior of dwelling units are not properly controlled.

Exterior changes to dwellings with second suites in Markham have not generally been significant.

It is recognized that any policy to permit second suites must not contribute to a negative physical appearance of neighbourhoods. For this reason, second suites should only be permitted where there is no significant alteration to the exterior appearance of the dwelling and where an exterior entrance to the second suite can be accommodated within existing development standards in the side and rear yards only.

Will second suites lead to a decline in property standards as result of absentee landlords, the transient nature of tenants, and reduced property maintenance?

The Planning Act provides the Town with the authority to regulate land use (ie. the type and number of dwelling units permitted), but not tenure (ie. whether the residents of the dwelling units own or rent). Landlord/tenant issues are outside of the jurisdiction of the Town and are governed by the Provincial Landlord and Tenant Act and the Rental Control Act. There is no evidence to suggest that second suites will result in an increase in landlord/tenant issues.

Given the small rental housing stock and low vacancy rate there is a demand for rental opportunities of all kinds (ie. rental of individually owned single, semis and townhouse dwellings, rented condominium units, second suites and coach houses). Other municipalities with similar by-laws have not seen a greater number of absentee landlords, a more transient nature of tenants or an increase in neighbourhood safety concerns related to tenant occupancy. The Town has no authority to control where a landlord lives including the owner of a dwelling with a second suite. However, it is more likely that a landlord will reside in the main unit of a dwelling with a second suite, and may therefore be more involved in the selection and supervision of a tenant.

It is recognized that any policy to permit second suites must uphold the property standards of the Town's Property Standards By-law. A decline in property standards can result from a lack of owner/occupant responsibilities respecting repair (unit facilities), maintenance (landscaping), and cleanliness (ie. garbage storage) etc. and the failure to comply with Town property standards. For this reason, second suites should only be permitted where there is full compliance with the Town's property standards. Zoning to permit second suites may increase the accountability of the landlord to comply with development standards.

"Second suites will have an impact on the value of my property as well as Town revenues & services"

Will second suites have an impact on property values in my neighbourhood?

Adding a legal second suite may increase the property value slightly, similar to the value added for a finished basement, however, current market value assessment would likely not capture the additional value.

Improvements are tracked through building permits and the reassessment process. Assessment of residential class properties takes account of improvements, but does not include a consideration of rental income.

There are no records of property value assessments declining as a result of second suites.

Will second suites place a burden on my local services such as roads, sewers, water systems, parks, day care facilities and schools?

Adding a legal second suite does not mean doubling the number of people, the principal determinant of service use. Most service charges are based on household consumption.

A dwelling with a second suite tends to have only marginally more people than single unit dwellings since the households in second suites tend to be smaller (seniors, young adults, singles, single parent families, etc.) Second suites also tend to have fewer school-age children living in them than single family dwellings.

Consumption of services such as water and sewage for a second suite is unlikely to differ from services consumed for a finished basement in a single unit house. The service consumption for a household with a second suite does not result in a demand beyond the design capacity of the average household.

Residents of second suites may, in part, offset the normal decline in average household sizes as the demographics of the Town's population change over time. Maintaining neighbourhood populations ensures full use of the housing stock, supporting infrastructure and community services.

Will second suites “pay their way” in terms of municipal taxes?

Adding a legal second suite may result in a modest increase in a dwelling's market value, which property tax is based on. Improvements are tracked through building permits and the reassessment process.

If the improvements are identified through reassessment it is likely that there would be a corresponding increase in taxes, similar to improvement of a finished basement for a single unit household.

Will Development Charges apply to second suites?

Development Charges are not applicable to improvements to existing dwellings. For newly constructed dwellings, the Town applies a development charge on main dwelling unit based on the lot size/house size but there is no development charge on additional secondary units.

Will every second suite be inspected to ensure fire safe accommodation is provided within my neighbourhood?

In Markham there is a Registration By-law for second suites that requires that all two-unit residential dwellings must be inspected to ensure compliance with all relevant standards as set out in the Ontario Building Code and Fire Code.

New second suites permitted through zoning would require a building permit, which automatically requires compliance with Building Code and Fire Code regulations. Introducing new zoning provisions to permit second suites will increase the likelihood that unknown existing second suites will be inspected and included in the Town's registry of fire safe accommodation.