



**Markham's  
Proposed Policy  
for Second Suites**

**May 12, 2009**

**Council Meeting**

### Chronology of DSC/Council Actions

- Oct 2000: Markham Taskforce Recommendations
- June 2001: PwC retained to conduct focus groups
- June 2002: Direction to prepare a strategy
- March 2003: Request for analysis of strategy options
- March 2005: Adoption of new procedures
- June 2006: Adoption of new Driveway By-law
- June 2007: Establish Subcommittee
- March 2008: Decision to hold Open House
- April 2008: Public Open House on New Strategy
- May 2008: Public Meeting on Draft Zoning By-law
- March 2009: Action Plan to implement New Strategy



### Joint Report on Action Plan

The March 3, 2009 joint report, written and signed by staff from three Commissions and the Legal Department, outlines new regulatory controls which would need to be addressed in the new Strategy and potential resource and financial impacts of:

- Zoning permission;
- Mandatory inspection and registration;
- Enforcement of property standards and driveway and parking standards by-laws;
- Educating landlords, tenants, real estate agents and the general public on regulatory procedures; and
- Monitoring the re-inspection and renewal of registration of second suites at regular intervals and whether the need and clear authority for licensing of second suites has been established

On March 3, 2009 DSC received the report and requested that a public information meeting be scheduled following a workshop with members of Council, to obtain input on the Action Plan to implement a new Strategy for Second Suites

# Action Plan: New Zoning Permission

### **Establish New Zoning Permission**

Amend Zoning By-law to permit second suites Town-wide, in single detached and semi-detached houses, subject to specific development standards

To ensure second suite is secondary to the principal dwelling unit & large enough for human habitation:

- the maximum gross floor area of the second suite shall be no more than 45% of the gross floor area of the building
- the second suite must be at least 35 m<sup>2</sup> (375 sq. ft.)

To ensure second suite is inconspicuous from the street and doesn't change the character of the dwelling:

- only one dwelling unit in the building may have a door(s) in a wall facing the street, and
- no additional parking will be required for the second suite, but all parking provided consistent with the Town's Parking By-laws

# Action Plan: New Regulatory Controls

## Establish Mandatory Re-inspection and Registration

Amend Town's Registration By-law to:

- require registration and registration renewal (every 3 years) of any house with a second suite to ensure compliance with all applicable codes
- include a provision, which requires, as a condition of renewal, that either the occupier consent to the re-inspection, or submit proof satisfactory to the Town, to ensure that the property continues to apply with all applicable standards
- Provide applicants or registrants the right to a hearing in the event that a registration or renewal is refused or revoked

Amend Town's Property Standards By-law to:

- Specify standards, equivalent to the retrofit provisions of Section 9.8 of the Ontario Fire Code, which a house with two units must meet to be eligible for registration

### Action Plan: New Regulatory Controls

#### **Fire & Emergency Services Resource Requirements to Implement New Strategy for Second Suites:**

Based on three year cycle re-inspection program as well as additional requests for new second suite inspections require:

- 2 full time additional resources
- Work space, IT Equipment including mobile tablets, telephone, cell phone and vehicle equipped with tablet brackets

**The financial impact is approximately \$270,000**

## Action Plan: New Regulatory Controls

### **Enforcement of Property Standards and Driveway and Parking Standards:**

Complete proactive inspection of:

- all registered second suites for exterior property standards and for extended driveway purposes;
- provide for an inspection of any new applications for registration; and
- Identified illegally established second suites.

Amend Town's Property Standards By-law to either:

- Option 1: provide guidance on the proper handling of garbage

or

- Option 2: incorporate comprehensive internal property standard framework including Option 1 plus basement floors, windows, stairs/landings, plumbing, electrical, heating, water, ventilation, pest prevention

Staff recommending Option 1 at this time, will monitor for 18 months to determine if Option 2 necessary

### Action Plan: New Regulatory Controls

#### **By-law Enforcement Resource Requirements to Implement New Strategy for Second Suites:**

Implementation of external property standards and external driveway inspections will require extension of existing two contract positions in 2009

Implementation of either Option 1 or 2 will require:

- Option 1: Conversion of 2 contract position to full time
- Option 2: Conversion of 2 contract position to full time + 2 additional full time

**The financial impact is approximately \$27,000 for Option 1 and \$225,000 for Option 2.**



## Action Plan: Education

### **Delivery of a Communication Strategy and Tactical Plan to Implement New Strategy for Second Suites**

The Communication Strategy objectives are:

- To increase public awareness of how second suites strategy will be implemented and enforced;
- To influence public acceptance of the second suites strategy

Key tactics include:

- General Brochure/FAQ document
- Establish Citizens Advisory Group on Implementation
- Use Town Electronic Information Boards, Town page and Various Media Outlets

**The financial impact is approximately \$4,900**

# Action Plan: Monitoring

**Establish a monitoring program for period of 18 months after the Strategy is adopted to monitor the implementation of the Strategy and report on any further changes required to strategy components, Including:**

Inspection and registration including the effect of an incentive program

- Internal property standards inspections;
- Registration renewal; and
- The need for licensing in the future

**There is no financial impact for 18 month monitoring program**

### Draft Staff Recommendations

**Staff are recommending that the following strategy be considered at the public information meeting:**

**THAT Council approve a new Strategy for Second Suites comprising:**

- a) 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;
- c) development of a comprehensive public education program (following enactment of Town-wide zoning permission); 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, including among other things, whether interior property standards should be introduced, and whether the need and clear authority for licensing second suites has been established.

### Draft Staff Recommendations

**THAT Council take the following actions required to implement a new Strategy for Second Suites:**

- a) the draft zoning by-law be enacted;
- b) the Town's By-law for Registration of Two-Unit Residential Occupancies (By-law 308-98) be amended to:
  - (i) require re-inspection and registration renewal (every three years);
  - (ii) as a condition of a renewal, require that either the occupier consent to the re-inspection of the premises by the Town to determine continued compliance with the standards in place prior to registration or the registrant submit proof satisfactory to the Town that the property continues to comply with all applicable standards;
  - (iii) revoke any registration where the property is not in compliance with all relevant standards as set out in the Ontario Building Code and Fire Code, as well as compliance with all zoning and property standards; and
  - (iv) that applicants or registrants be provided with the right to a hearing in the event that a registration or renewal is refused or revoked.

### Draft Staff Recommendations

- c) the Town's Property Standards By-law 248-1999 be amended to incorporate additional Fire Code provisions as they relate to the inspection of second suites in existing single detached and semi-detached houses;
- d) a comprehensive public education program as outlined in this report be developed; and
- e) an 18 month monitoring program be established (from the day of By-law enactment); and

**THAT Staff be directed to implement the actions outlined in The March 3, 2009 report and provide a status report on the delivery of the new Strategy for Second Suites and the results of the monitoring program in 18 months time.**

## Discussion

- Proposed New Strategy for Second Suites
- Proposed Action Plan to Implement Strategy

