

**Adoption of Official Plan Amendment OP 2006-221 (By-law 155-2022)  
and Zoning By-law 156-2022**

**Additional Residential Units (ARUs)**

**Date of Decision: August 10, 2022**  
**Date of Notice: August 25, 2022**  
**Last Date of Appeal: September 14, 2022**

On the date noted above, the Council of The Corporation of the City of Brampton passed By-law 155-2022, to adopt Official Plan Amendment OP2006-221, and By-law 156-2022, to amend Comprehensive Zoning By-law 270-2004, for the purpose of implementing Additional Residential Units (Garden Suites) Regulations – Citywide.

There is no appeal in respect of By-law 155-2022, except by the Minister, due to sections 17(24.1) and 17(24.1.1) of the *Planning Act*, R.S.O 1990 c. P. 13.

There is no appeal in respect of By-law 156-2022, except by the Minister, due to sections 34(19.1) and 34(19.2) of the *Planning Act*, R.S.O 1990 c. P. 13.

**The Purpose and Effect of the Official Plan Amendment and Zoning By-law:** to implement policies in the Official Plan and Zoning By-law to permit additional residential units (ARUs), in conformity with changes to the *Planning Act* made by *Bill 108 More Homes, More Choice Act, 2019*, which require municipalities to permit residential units within accessory structures (to be identified as ‘garden suites’), in addition to the already permitted second units. Garden suites and second units are required to be registered through the Additional Residential Unit Registration By-law.

In accordance with Section 17(24.1) and 34(19.1) of the *Planning Act*, appeals (other than appeals by the Minister) to policies that authorize the use of ARUs are not permitted.

**Location of Lands Affected:** City-wide – a key map is not provided as the policies affect all lands in Brampton.

**Obtaining Additional Information:** A copy of the by-law is provided. The complete by-law and background materials are available for inspection in the City Clerk’s Office during regular office hours, or online at [www.brampton.ca](http://www.brampton.ca). Further enquiries or questions should be directed to Shahinaz Eshesh, Policy Planner, at 905-874-3390 or [shahinaz.eshesh@brampton.ca](mailto:shahinaz.eshesh@brampton.ca) and Claudia LaRota, Principal Policy Planner, at 905-874-3844 or [claudia.larota@brampton.ca](mailto:claudia.larota@brampton.ca).

Any and all written submissions relating to this application that were made to Council and the Planning and Development Committee before its decision and any and all oral submissions related to this application that were made at a public meeting, held under the *Planning Act*, have been, on balance, taken into consideration by Council as part of its deliberations and final decision on this matter.

**When and How to File an Appeal:** An appeal of the by-law amendments to the Ontario Land Tribunal (OLT) must be filed with the City Clerk, Peter Fay, **no later than September 14, 2022**, shown above. An appeal form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/>

**The Notice of Appeal must:**

- (1) set out the reasons for appeal; and,
- (2) be accompanied by the fee required by the Ontario Land Tribunal in the amount of \$1,100.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario. A copy of the Ontario Land Tribunal Fee Schedule may be found at <https://olt.gov.on.ca/appeals-process/fee-chart/>

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal (OLT). A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

**Notice of Appeal may be hand delivered to:**

City of Brampton  
Office of the City Clerk  
2 Wellington St. W.,  
Brampton, ON L6Y 4R2  
905.874.2114



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 155 - 2022

To Adopt Amendment Number OP 2006- 221  
to the Official Plan of the  
City of Brampton Planning Area

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The Council of The Corporation of the City of Brampton, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

1. Amendment Number OP 2006 - 221 to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.

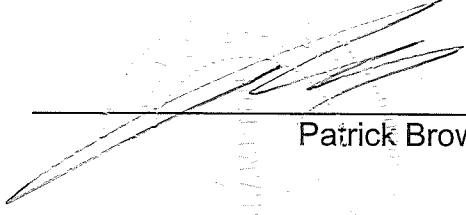
ENACTED and PASSED this <sup>10<sup>th</sup></sup>~~6<sup>th</sup>~~ day of <sup>August</sup>~~July~~, 2022.

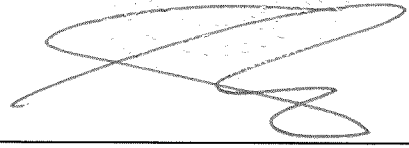
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Approved as to  
form.  
2022/06/30  
SDSR

Approved as to  
content.  
2022/06/13  
RJB

(ARUs OPA)

  
Patrick Brown, Mayor

  
Peter Fay, City Clerk

AMENDMENT NUMBER OP 2006- 221  
to the Official Plan of the  
City of Brampton Planning Area

AMENDMENT NUMBER OP 2006- 221  
TO THE OFFICIAL PLAN OF THE  
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

The purpose of this amendment is to implement policies in the Official Plan to permit additional residential units (ARUs), in conformity with changes to the *Planning Act* made by *Bill 108 More Homes, More Choice Act, 2019*. Bill 108 requires municipalities to permit additional residential units within accessory structures (to be identified as 'garden suites'), in addition to the already permitted second units. The existing policies for Second Units will be moved to the Residential section of the Official Plan under a new heading for ARUs.

2.0 Location:

This amendment affects all lands within the City of Brampton.

3.0 Amendments and Policies Relative Thereto:

3.1 The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by deleting Subsection 3.2.8.2 Second Units in its entirety and renumbering the subsequent sections.
- (2) by adding 4.2.5.6 Additional Residential Units (ARUs) as a subheading, and the following new policies:

**"4.2.5.6 Additional Residential Units (ARUs)**

The City supports the creation of affordable housing and creative housing solutions that broaden the range of housing typologies and provide gentle intensification in the Residential designation to better utilize infrastructure and services. Second units and garden suites, are a form of Additional Residential Units (ARUs), permitted City-wide subject to the provisions of this Plan, the Zoning By-law, and the Registration By-law.

ARUs aim to support the overall planning objectives of this Plan, including:

- Supporting modest population growth and densification;
- Providing a variety of housing choice;
- Supporting the supply and range of rental housing options across the City;
- Supporting changing demographics through opportunities for multi-generational living, aging in place and age friendly communities;
- Utilizing efficiencies in City and Regional infrastructure including roads, public transportation, water/wastewater and community services; and,
- Providing flexibility for homeowners to enhance the use of their property.

Additional Residential Units (ARUs), are self-contained residential dwelling units, with its own cooking facility, sanitary facility and sleeping area, and that are located either within the principal dwelling (second unit), or within an accessory building or structure (garden suite) on the same lot as a single detached, semi-detached, or townhouse dwelling. ARUs are also known as second(ary) units, garden suites, granny-flats, in-law suites, laneway suites, and/or coach houses.

- 4.2.5.6.1 Additional Residential Units (ARUs) shall only be permitted on properties where a single detached, semi-detached or townhouse dwelling is situated; and shall be subject to the following criteria:
- i. A maximum of two ARUs are permitted per residential lot, one located within the principal dwelling, known as a second unit, and one within an accessory structure or building, known as a garden suite;
  - ii. ARUs are intended to be accessory in scale and function to the principal dwelling;
  - iii. ARUs are to be located on full municipal services, unless it can be demonstrated to the satisfaction of the Chief Building Official that the sewage system on private sanitary servicing has been upgraded to meet the regulations of the Ontario Building Code (OBC) for an additional residential unit;
  - iv. ARUs must be in compliance with the Ontario Building Code and/or Fire Code, Registration By-law, Property Standards By-law, the applicable regulation approved under the Conservation Authorities Act, and other applicable approval requirements;
  - v. An ARU shall not be permitted within natural heritage or natural hazard areas regulated by the applicable Conservation Authority, or the Downtown Floodplain Special Policy Area;
  - vi. An ARU shall have no negative impact on stormwater management and site drainage;
  - vii. The exterior design of a garden suite must be compatible with the character of the principal dwelling, in terms of design, style and materials; and,
  - viii. Adequate on-site parking is to be provided in accordance with the requirements of the Zoning By-law.
- 4.2.5.6.2 The City encourages the creation of ARUs through new construction and the subdivision approval process, subject to the policies of this Plan.
- 4.2.5.6.3 Garden suites will be subject to a Custom Home review process, which includes a design and engineering review that may consider the following:
- i. Privacy and shadow impacts on adjacent properties
  - ii. Building design, style and materiality
  - iii. Accessible design features
  - iv. Sustainable building materials and technologies
  - v. Grading, servicing and site drainage
  - vi. Preservation of trees and mature vegetation
  - vii. Maintenance of an adequate open amenity space in the rear and side yards, and maximizing contiguous soft landscaping.
- 4.2.5.6.4 A deviation from the prescriptive requirements for ARUs as set out in the Zoning By-law, may be considered subject to a minor variance application under Section 45 of the Planning Act, as amended, subject to the following:
- i. Meets the intent and purpose of policies of Section 4.2.5.6.1;

- ii. It is demonstrated that the privacy of the adjacent properties is maintained; and,
- iii. Meets the intent and purpose of the requirements and restrictions of the Zoning Bylaw.

4.2.5.6.5 The severance of a garden suite from the lot where the principal dwelling is located shall not be permitted.”



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 156 - 2022

To amend Zoning By-law 270-2004, as amended

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The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

(1) By-law 270-2004, as amended, is hereby further amended:

1. by amending Section 5.0 Definitions, as follows:

a) by adding the following defined terms and definitions:

“ADDITIONAL RESIDENTIAL UNIT (ARU)” shall mean a self-contained residential dwelling unit, with its own cooking facility, sanitary facility and sleeping area, and that it is located either within the principal dwelling (Second Unit), or within an accessory building or structure (Garden Suite) on the same lot as the principal dwelling;

“GARDEN SUITE shall mean an Additional Residential Unit (ARU) accessory to a single detached, semi-detached or street townhouse dwelling unit located in a building that is detached from the principal dwelling and is located in the rear or interior side yard, and which may be freestanding or attached to a private detached garage;

b) by deleting the definition for “SECOND UNIT” in its entirety and replacing it with the following:

“SECOND UNIT shall mean an Additional Residential Unit (ARU) located within a single detached, semi-detached or townhouse dwelling resulting in a two-unit dwelling.”

c) by re-organizing the definitions in alphabetical order accordingly.

2. by deleting Section 6.27 One Dwelling Per Lot in its entirety and replacing it with the following:

“6.27 Dwellings Per Lot



Where a single detached, semi-detached, or townhouse dwelling is permitted, a second unit and/or a garden suite may also be permitted subject to the requirements and restrictions of Section 10.16 of the Bylaw.”

3. by adding to Section 10.2 One Dwelling Per Lot, the phrase “or garden suite” following the text “second unit”.
4. by adding to Section 10.27(c) Older, Mature Neighbourhoods, the text “except for a garden suite” immediately following the text “excluding permitted accessory structures”.
5. by deleting Section 10.16 Provisions for Two Unit Dwellings in its entirety and replacing it with the following:

“10.16 Provisions for Additional Residential Units (ARUs)

The following requirements and restrictions shall apply to all ARUs:

- (a) An ARU shall only be permitted on the same lot as a single detached dwelling, a semi-detached dwelling, or townhouse dwelling;
- (b) An ARU shall not be permitted within or on the same lot as a lodging house or supporting housing residence;
- (c) A maximum of one second unit and one garden suite is permitted per residential lot;
- (d) An ARU shall not be permitted on properties located within a Floodplain Zone or Open Space Zone, or on lands identified in Schedule B-6: Downtown Floodplain Regulations area;
- (e) Lots containing both a second unit and a garden suite are required to provide one additional parking space in addition to the parking required under Section 10.9 for the principal dwelling unit located on the same lot. All required parking spaces shall be located entirely within the boundaries of the subject lot;
- (f) Notwithstanding Section 6.17, each parking space on a residential lot containing both a second unit and a garden suite shall be not less than 2.6 metres in width and 5.4 metres in length. Tandem parking spaces shall be permitted and, the maximum width for a driveway shall not exceed the permitted width as specified in Section 10.9 of this By-law. For the purposes of this section, tandem parking shall mean a parking space that can only be accessed by passing through another parking space from a street, lane or driveway; and,
- (g) Shall be subject to the applicable Registration By-law.

10.16.1 Provisions for Two-Unit Dwellings

The following requirements and restrictions shall apply for a second unit within a two-unit dwelling:

- (a) The gross floor area of a second unit shall not exceed the gross floor area of the principal dwelling unit;
- (b) Where the principal entrance to a second unit is provided through a door located in the side yard or rear yard, an unobstructed pedestrian path of travel having a minimum width of 1.2 metres shall be provided along any portion of the yard extending from the front wall of the building to the door used as the principal entrance to a second unit, unless the principal entrance to the second unit has direct unobstructed access having a

minimum width of 1.2 metres from a public street or private laneway at the rear of the property;

- (c) An above grade side door meeting the minimum 1.2 metre path of travel requirement of Section 10.24 and used as the principal entrance to a second unit may be accessed by a landing less than 0.6 metres above ground level having a maximum length and width of 0.9 metres. Steps shall be provided at both the front and rear of the landing as may be necessary to provide pedestrian access from the front yard to the rear yard;
- (d) Except as required by Section 10.16(e), no additional parking space is required for a second unit; and,
- (e) A maximum of one second unit shall be permitted in a two-unit dwelling.

#### 10.16.2 Provisions for Garden Suites

The following requirements and restrictions shall apply for a garden suite:

- (a) A garden suite shall only be permitted in the rear yard or interior side yard of a lot containing a single detached dwelling, a semi-detached dwelling, or townhouse dwelling;
- (b) Notwithstanding Section 10.27(c), a garden suite shall be subject to the lot coverage requirements of the site-specific zone or Section 10.27 Older, Mature Neighbourhoods, where applicable, whichever is most restrictive;
- (c) The maximum gross floor area shall not exceed:
  - i. 80 square metres on a lot in a Residential Hamlet, Residential Estate or Agricultural zone;
  - ii. 35 square metres on a lot in all other Residential zones; or,
  - iii. Notwithstanding 10.16.2(c)(i) and (c)(ii) above or Section 10.4.1(g), a garden suite located above a detached garage shall be permitted provided that the maximum gross residential floor does not exceed 48 square metres or the gross floor area of the detached garage, whichever is less. The combined gross floor area for a detached garage with a garden suite above shall not exceed 96 square metres or twice the area of the garage, whichever is less.
- (d) Minimum Rear Yard Depth: 2.5 metres;
- (e) Minimum Interior Side Yard Width: 1.8 metres;
- (f) Minimum separation distance from the principal dwelling: 3 metres;
- (g) Encroachments into the minimum required rear yard depth set out in 10.16.2(d) or into the building separation distance set out in 10.16.2(f) shall be permitted as follows:
  - i. Maximum 0.6 metres for a window bay with or without foundation
  - ii. Maximum 0.5 metres for eaves, cornices, gutters, chimneys, pilasters or parapets
  - iii. Maximum 0.9 metres for an open sided, roofed porch or deck.
- (h) The maximum building height shall not exceed:
  - i. 7.5 metres or the height of the principal building, whichever is less, on a lot in a Residential Hamlet, Residential Estate or Agricultural zone;
  - ii. 4.5 metres or the height of the principal building, whichever is less, on a lot in all other Residential zones; or,

- iii. Notwithstanding 10.16.2(h)(i) and 10.16.2(h)(ii) above, and Section 10.4(h), a garden suite shall be permitted above a detached garage provided the overall height of the building does not exceed 7.5 metres or the height of the principal dwelling, whichever is less.
  
- (i) Balconies and roof top patios shall not be permitted;
  
- (j) A minimum 1.2 metre wide unobstructed pedestrian path of travel shall be provided along any portion of the yard extending from the front wall of the principal dwelling to the main entrance of the garden suite, unless the garden suite has direct unobstructed access having a minimum width of 1.2 metres from a public street or private laneway at the rear of the property;
  
- (k) Except as required by Section 10.16(e), no additional parking space is required for a garden suite; and,
  
- (l) Notwithstanding Section 10.3(i) or 10.4(i), a garden suite is permitted within a converted intermodal shipping container.”

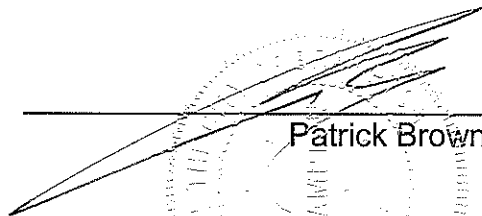
ENACTED and PASSED this <sup>10<sup>TH</sup></sup>~~6<sup>TH</sup>~~ day of <sup>August</sup>~~June~~, 2022.


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2022/06/13  
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(ARU ZBL)

  
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Patrick Brown, Mayor

  
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Peter Fay, City Clerk