

**Adoption of Official Plan Amendment OP2006-239 (By-law 68-2023)
and Zoning By-law 69-2023**

Additional Residential Units (ARUs)

Date of Decision: May 3 2023
Date of Notice: May 18, 2023
Last Date of Appeal: June 7, 2023

On the date noted above, the Council of The Corporation of the City of Brampton passed By-law 68-2023, to adopt Official Plan Amendment OP2006-239, and By-law 69-2023, 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 68-2023, except by the Minister, due to sections 17(24.1), 17(24.1.1), 17(36.1), and 17(36.1.1) of the *Planning Act*, R.S.O 1990 c. P. 13.

There is no appeal in respect of By-law 69-2023, 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 amend policies in the Official Plan and Zoning By-law to permit a third dwelling unit, or attached additional residential unit (ARU), in conformity with changes to the Planning Act made by *Bill 23 More Homes Built Faster Act, 2022*. Bill 23 requires municipalities to authorize the use of additional residential units city-wide. The existing policies for Additional Residential Units were amended to introduce “Attached ARU” which replaces the term “Second Unit” to facilitate a Two-Unit Dwelling and/or Three-Unit Dwelling. The existing garden suite provisions were not amended, except to provide further clarification to the policies, or to provide improvement to the structure of the overall sections within the Official Plan and/or Zoning By-law. All ARUs, including garden suites and attached ARUs are required to be registered through the Additional Residential Unit Registration By-law.

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. Further enquiries or questions should be directed to Shahinaz Eshesh, Policy Planner, at 905-874-3390 or shahinaz.eshesh@brampton.ca and Claudia LaRota, Principal Policy Planner, at 905-874-3844 or 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.

In accordance with Section 17(24.1), 17(36.1) 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.

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 June 7, 2023** 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/>

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 68 - 2023

To Adopt Amendment Number OP 2006- 239
to the Official Plan of the City of Brampton Planning Area

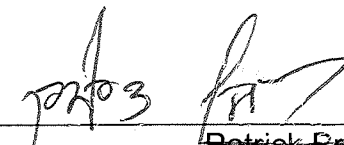
The Council of The Corporation of the City of Brampton, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:


1. Amendment Number OP 2006- 239 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 3rd day of May, 2023.

Approved as to
form.
2023/04/19
SDSR

Approved as to
content.
2023/04/19
Henrik Zbogor


Patrick Brown, Mayor
HARJIT SINGH, DEPUTY MAYOR


Peter Fay, City Clerk

AMENDMENT NUMBER OP 2006- 239
to the Official Plan of the
City of Brampton Planning Area

AMENDMENT NUMBER OP 2006- 239
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

The purpose of this amendment is to amend policies in the Official Plan to permit a third attached additional residential unit (ARU), in conformity with changes to the *Planning Act* made by *Bill 23 More Homes Built Faster Act, 2022*. Bill 23 requires municipalities to authorize the use of additional residential units city-wide. The existing policies for Additional Residential Units are amended to introduce "Attached ARU" which replaces the term "Second Unit".

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 amending Subsection 4.2.5.6 Additional Residential Units (ARUs), by replacing the term "Second units" with "Attached ARUs" in the first paragraph, and replacing the terms "(second unit)" and "second(ary) units", with "attached ARUs" in the third paragraph.
- (2) by amending Subsection 4.2.5.6 Additional Residential Units (ARUs), by adding the following at the end of the second bullet: ", including more affordable options;"
- (3) By amending Subsection 4.2.5.6.1, by deleting 4.2.5.6.1(i), in its entirety and replacing it with the following:
 - "i. Attached ARUs are permitted within a single detached, semi-detached, or townhouse dwelling;"
- (4) By amending Subsection 4.2.5.6.1, by inserting the following as 4.2.5.6.1(ii), and re-numbering all the subsequent sections as iii. to ix.:
 - "ii. Garden suites are permitted within an accessory structure or building located on the same lot as a single detached, semi-detached, or townhouse dwelling;"
- (5) By amending Subsection 4.2.5.6.3, by adding the word "zoning", after "includes a";
- (6) By amending Subsection 4.2.5.6.4(i) and (iii), by adding the word "The proposal" to the beginning of the sentence.



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 69 - 2023

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

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 deleting and replacing 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, that either forms part of the same building as the principal dwelling, or is located within an ancillary building on the same lot as the principal dwelling, as defined in Section 10.16.”

“**GARDEN SUITE** shall mean an additional residential unit (ARU) that is located in an ancillary building on the same lot as a principal dwelling as defined in Section 10.16.”

b) By adding the following defined terms and definitions:

“**ATTACHED ADDITIONAL RESIDENTIAL UNIT (ATTACHED ARU)** shall mean an additional residential unit (ARU) located within the same building as a principal dwelling as defined in Section 10.16 to create a two-unit dwelling or three-unit dwelling.”

“**DWELLING, THREE-UNIT** shall mean a single detached dwelling, semi-detached dwelling or townhouse dwelling containing two attached additional residential units.”

c) By deleting the definition for “**SECOND UNIT**” in its entirety.

d) By amending the definition for “**DWELLING, TWO-UNIT**” to delete the phrase “a second unit” and replacing it with “one attached residential unit”.

e) By amending the definition for “**DWELLING, DUPLEX**” by adding the following sentence to the end of the existing definition “A duplex dwelling

is not a principal dwelling as defined in Section 10.16 that contains an additional residential unit.”

- f) By amending the definition for “**DWELLING, MULTIPLE RESIDENTIAL**” by adding the following sentence to the end of the existing definition “A multiple dwelling is not a principal dwelling as defined in Section 10.16 that contains additional residential units.”
 - g) By amending the definition for “**DWELLING, TRIPLEX**” by adding the following sentence to the end of the existing definition “A triplex dwelling is not a principal dwelling as defined in Section 10.16 that contains additional residential units.”
 - h) By amending the definition for “**SUPPORTIVE HOUSING RESIDENCE TYPE 1**” by adding the following sentence to the end of the existing definition “A supportive housing residence is not permitted in a dwelling that contains additional residential unit(s) as defined in Section 10.16.”
 - i) by amending the definition for “**SUPPORTIVE HOUSING RESIDENCE TYPE 2**” by adding the following sentence to the end of the existing definition “A supportive housing residence is not permitted in a dwelling that contains additional residential unit(s) as defined in Section 10.16.”
 - j) By re-organizing the definitions in alphabetical order accordingly.
2. By deleting Section 6.27 Dwellings Per Lot in its entirety and replacing it with the following:

“6.27 Dwellings Per Lot

Where a single detached, semi-detached, or street townhouse dwelling is permitted, additional residential units may also be permitted subject to the requirements and restrictions of Section 10.16 of the By-law.”

3. By amending Section 10.2 One Dwelling Per Lot, to delete the phrase “Except where a second unit or garden suite” and replace with the following “Except where one or more additional residential unit(s)”.
4. By deleting the opening sentence in Section 10.27 Older, Mature Neighbourhoods, and replacing it with the following: “The following requirements and restrictions shall apply to lots used for the purpose of a single detached dwelling, including a single detached dwelling that contains additional residential units in accordance with Section 10.16 of this By-law.”
5. By deleting Section 10.16 Provisions for Additional Residential Units (ARUs), 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) For the purpose of this section,
 - (i) “principal dwelling” shall mean a single detached dwelling, semi-detached dwelling or townhouse dwelling; and,
 - (ii) “tandem parking” shall mean a parking space that can only be accessed by passing through another parking space from a street, lane or driveway;

- (b) An ARU shall only be permitted on the same lot as a principal dwelling;
- (c) A maximum of two ARUs are permitted per residential lot which may include either: (i) one attached ARU and one garden suite, OR (ii) two attached ARUs;
- (d) An ARU shall not be permitted within or on the same lot as a lodging house or supporting housing residence;
- (e) 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;
- (f) In addition to the parking required for the principal dwelling under Section 10.9 of this By-law, one additional parking space shall be provided on lots containing more than one ARU. All required parking spaces shall be located entirely within the boundaries of the subject lot;
- (g) No additional parking space is required for a lot containing only one ARU;
- (h) Notwithstanding Section 6.17:
 - (i) each parking space on a residential lot containing more than one ARU shall be not less than 2.6 metres in width and 5.4 metres in length;
 - (ii) tandem parking shall be permitted;
 - (iii) the maximum width for a driveway shall not exceed the permitted width as specified in Section 10.9 of this By-law; and,
- (i) Shall be subject to the applicable Registration By-law.”

6. By amending Section 10.16.1 Provisions for Two-Unit Dwellings, as followings:

- a) By deleting and replacing section title with “Section 10.16.1 Provisions for Two-Unit and Three-Unit Dwellings”;
- b) By deleting and replacing preamble as follows, “The following requirements and restrictions shall apply for attached ARUs within a two-unit dwelling or a three-unit dwelling.”;
- c) By deleting Subsection 10.16.1(a) in its entirety;
- d) By amending Subsection 10.16.1(b) to replace all references to “second unit” with “attached ARU”, as follows:

“Where the principal entrance to an attached ARU 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 an attached ARU, unless the principal entrance to the attached ARU 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;”

- e) By amending Subsection 10.16.1(c) to replace all references to “second unit” with “attached ARU”, as follows:

“(i) An above grade side door meeting the minimum 1.2 metre yard width requirements of Section 10.24 and used as the principal

entrance to an attached ARU may be accessed by a landing less than 0.6 metres above ground level having a maximum length and width of 0.9 metres; and

- (ii) Steps shall be provided at both the front and rear of the landing referred to subsection 10.16.1(b)(i) as may be necessary to provide pedestrian access from the front yard to the rear yard.”
- f) By amending Subsection 10.16.1(d) to delete and replace section reference from “Section 10.16(e)” to “Section 10.16(f)”;
- g) By deleting Subsection 10.16.1(e) in its entirety;
- h) By re-organizing and re-numbering subsections accordingly.

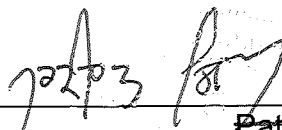
7. By amending Section 10.16.2 Provisions for Garden Suites, as follows:


- a) By amending Subsection 10.16.2(a) to delete “a single detached dwelling, a semi-detached dwelling, or townhouse dwelling” and replace with “a principal dwelling”;
- b) By amending Subsection 10.16.2(k) to delete and replace section reference from “Section 10.16(e)” to “Section 10.16(f)”.

ENACTED and PASSED this 3rd day of May, 2023.

Approved as to
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