



# SECOND UNITS POLICY REVIEW

## Open Houses

27 May 2013  
4 June 2013

Strong Communities Through  
Affordable Housing Act, 2011  
Implementing Bill 140 in Brampton

## Purpose

- Present a refined approach to permit Second Units in Brampton for public comment
- Receive additional public input before holding a statutory public meeting later this year.



## Background

- Bill 140, the Strong Communities through Affordable Housing Act, was approved by the Province in 2011
- Purpose is to expand affordable housing opportunities, including second units
- The Bill 140 amendments to the Planning Act have been in effect since January 2012
- The Planning Act now requires municipalities to implement official plan policies and zoning regulations to permit second units in single, semi-detached, and townhouse dwellings



## What are second units?

- **Second units** (also known as accessory or basement apartments, secondary suites/units, two-unit housing, “granny flats” and inlaw flats) are self-contained residential units with kitchen and bathroom facilities within a dwelling or within a structure accessory to a dwelling.





## Major undertakings to date

Status Report to Planning,  
Design & Development Committee

**April 4, 2011**

Status Report to Planning,  
Design & Development Committee

**Nov 21, 2011**

Council Workshop

**April 2012**

Recommendation Report to Committee  
of Council

**May 16, 2012**

Public Consultation sessions

**June 2012 (x5)**

Working session with councillors

**Jan 13, 2013**

Council Workshop

**May 7, 2013**



## Recent issues raised by Council

- Limiting second units to single-family dwellings
- Executive Housing Areas
- Separation distance criteria for second units
- Status of legal non-conforming second units
- Right of entry
- Permit second units on private servicing



## Issues/concerns

**Q. Could the City choose to restrict second units in detached and semi-detached homes but not in row houses?**

**A. Not recommended**

The intent of the Bill 140 legislation changes is for municipalities to have official plan policies and zoning regulations that permit second units in detached and semi-detached dwellings, and rowhouses.



## Issues/concerns

**Q. Could the City prohibit second units from being permitted in designated executive housing areas?**

**A. Not recommended**

- A City-wide application of second unit policies is the most fair and equitable approach for implementing Bill 140.
- Designated executive housing areas are prime hosts for second units as they are likely to satisfy the second unit zoning regulations.





## Issues/concerns

**Q. Is a separation distance to regulate second units recommended?**

**A. Not recommended**

Separation distances are potentially discriminatory. Furthermore, applying separation distances to regulate second units would be difficult to monitor or enforce, given the number of second units in Brampton.



## Issues/concerns

**Q. Would the registration by-law capture legal non-conforming status units?**

**A. Yes**

- Second units in Brampton will need to be registered regardless of zoning status.
- The Registration by-law would be passed pursuant to the powers in the Municipal Act, 2001 to protect the health, safety, and well-being of Brampton residents.
- Legal non-conforming status is a zoning matter, which is not affected by the registration by-law.



## Issues/concerns

**Q. Will the City have a right of entry under the registration by-law?**

**A. No**

- Under the Planning Act and the Municipal Act, 2001, municipal officers are prohibited from entering a dwelling (incl. a second unit) without the consent of the occupier.
- If consent is withheld, a court-issued warrant may be obtained to allow entry.
- Applicants seeking registration of a second unit will be expected to consent to a property inspection prior to registration.



## Issues/concerns

**Q.** Will second units be permitted on private servicing (septic system) where they currently exist in rural areas?

**A. Not recommended**

Second units should be directed to urban areas where there is capacity to accommodate additional servicing demands generated by such units.



# Proposed approach

## Registration by-law

- Does not apply to existing registered second units
- All legal non-conforming second units to be subject to registration By-Law, Building and Fire Codes
- No licensing or additional registration fee to be required for non-owner occupied dwellings





# Proposed approach

## Administration of registration and permit process

- Building Division to administer program
- Applicant to provide evidence of date of construction of the second unit, as different legislation applies
  - Pre July 1994: Fire Code
  - Post July 1994: Building Code



# Proposed approach

## Fees & permitting

- Non-refundable fee of \$200 to be paid for all existing and new units at registration – revenue neutral
- Building staff to administer the registration program
- Fire inspection fee of \$400 for units built before July 1994, plus additional fees for any building permit required for upgrades
- No additional fee for Property Standards inspection of units built before July 1994



# Proposed approach

## Fees & permitting

- Property Standards inspection: not required for units built after July 1994
- Change of Use Permit: req'd for units built after July 1994
- Permit fees are prescribed by the Building By-law and include mandatory inspections for compliance with the Building Code
- Estimated Building Permit fee: \$1,000
- Proof of insurance for new second unit will be required prior to completing the registration process with the City



# Proposed approach

## Policies and regulations

- Permitted in detached, semi-detached or row houses including Executive Housing Areas
- Full municipal services
- Meet all Building and Fire Code regulations
- Size of second unit cannot be more than 40% of primary dwelling
- Require 1 on-site parking space for the second unit in addition to required parking



# Proposed approach

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## Policies and regulations

- Rear yard entrance setback or continuous side yard of 1.2m (4 ft.) for below or at grade entrance
- Access for a second unit may be through a common vestibule
- No new entrances for second units facing a public street or above the first floor
- Only one driveway on a lot with a second unit





# Proposed approach

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## Policies and regulations

- Prohibit stairs and retaining walls for entrances below grade facing a public street
- Garage access to be permitted subject to satisfying all building & fire codes
- Minor Variances discouraged – rezoning required to change Council approved regulations



# Corporate implications

## Second units dedicated fee to fund Peel Memorial Health Centre

- Tax regime in Ontario prohibits a tax levy to apply for second units
- Municipal Act permits only one tax rate for each tax class
- Only way additional taxes can be generated if there is an increase in assessment from the second unit as determined by MPAC



# Corporate implications

## Advocacy strategy

- Feedback from the public consultation suggests the residents are also concerned about the fair payment of property taxes and the City's ability to have right of entry to inspect second units to safeguard the public
- Brampton staff will continue to advise Council on opportunities to advocate to the Province for property tax reform and for the right of entry



## Next steps

Report to Committee of Council

**June 12**

Begin drafting planning amendments  
and registration by-law and circulate  
for public & agency comments

**Summer 2013**

Statutory Public Meeting

**Fall 2013**

Recommendation Report with  
communications/education strategy

**December 2013**

Council adoption of  
planning amendments

**Early 2014**



## Your thoughts?

**Should owners of second units be charged a one-time special user fee at time of registration to help fund the new Peel Memorial Health Centre?**





## Other comments?

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Flower City is our heritage. City-building is our business.

## Get involved!

- Complete and submit a comment sheet today
- Fax comments: 905-874-2099
- Phone: 905-874-2050
- Visit [www.brampton.ca](http://www.brampton.ca) for updates on Brampton's Second Units Policy Review

