



MEMORANDUM

TO: Community and Health Services Committee

FROM: Dino Basso, Executive Director Corporate and Strategic Planning

DATE: May 9, 2012

RE: ***Strong Communities Through Affordable Housing Act 2011***
Amendments to the Planning Act to Authorize Second Residential Units

Effective January 1, 2012, the *Planning Act, R.S.O. 1990*, was amended to include the following new section regarding secondary units:

16(3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,

(a) The use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house, or rowhouse contains a residential unit; and

(b) The use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.

The corresponding amendment in respect of zoning (the new section 35.1) requires local municipalities to ensure that zoning by-laws give effect to the policies described in subsection 16(3), and provides for regulations to establish requirements and standards with respect to second units, which regulations would apply as a zoning bylaw and prevail over a zoning bylaw passed by a local municipality to the extent of any inconsistency, unless the regulation provides otherwise.

Details on municipal considerations associated with the amendments can be found at the following MMAH web page. One point of note included is as follows:

While the Act requires municipalities to permit second units, the government recognizes there may be inherent constraints within portions of a municipality or community which would make

those areas inappropriate for second units (such as flood-prone areas or those with inadequate servicing). Municipalities should consider any such constraints in developing or reviewing second unit policies.

<http://www.mah.gov.on.ca/Page9575.aspx>

The policy being proposed through the Ontario Municipal Board process to bring the York Region Official Plan in line with the Planning amendments is in keeping with the Planning Act language as follows:

3.5.22 To require local municipalities to adopt official plan policies and zoning by-law provisions that authorize secondary suites as follows:

- a. the use of two residential units in a house if no ancillary building or structure contains a residential unit; and*
- b. the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.*

Further development of second suite policies, including consideration of any constraints, rests with the local municipalities having regard for their specific circumstances.

If you have any further questions please contact Paul Bottomley, A/Director of Long Range Planning at 905-830-4444 Ext. 1530.

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