



The Latest News in Planning

Thursday, September 21, 2017

Outline

- Secondary Suites
- Inclusionary Zoning
- Ontario Municipal Board Review – Local Planning Appeal Tribunal

Second Units



2ND SESSION, 39TH LEGISLATURE, ONTARIO
60 ELIZABETH II, 2011

Bill 140

*(Chapter 6
Statutes of Ontario, 2011)*

**An Act to enact the
Housing Services Act, 2011,
repeal the Social Housing Reform
Act, 2000 and make complementary
and other amendments to other Acts**

2^e SESSION, 39^e LÉGISLATURE, ONTARIO
60 ELIZABETH II, 2011

Projet de loi 140

*(Chapitre 6
Lois de l'Ontario de 2011)*

**Loi édictant la Loi de 2011
sur les services de logement,
abrogeant la Loi de 2000
sur la réforme du logement social
et apportant des modifications
corrélatives et autres
à d'autres lois**

Second Units

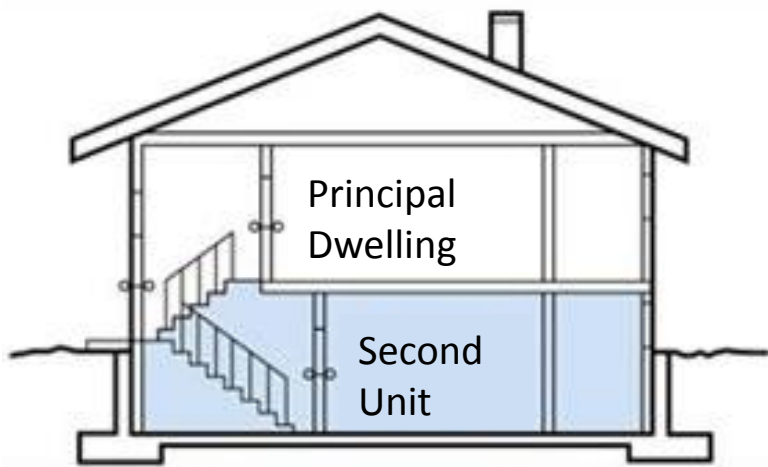
- Second Units are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).
- also known as:
 - accessory or basement apartments;
 - secondary suites; and
 - inlaw flats.

Secondary Units: Official Plans

- 16.(3) states that “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.”

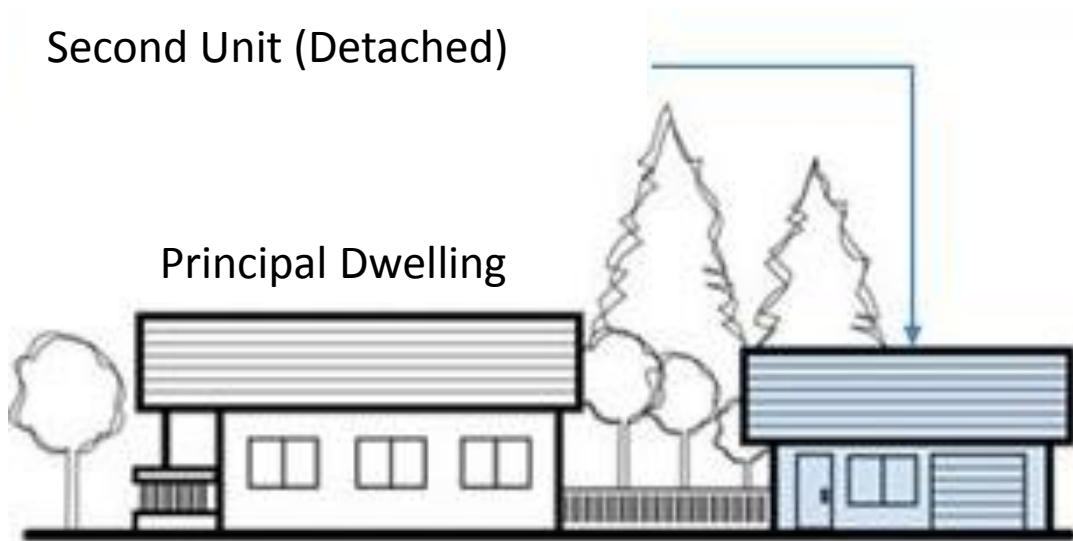
Secondary Units: Zoning By-laws

- 35.1(1) states *“The council of each local municipality **shall** ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3)”*



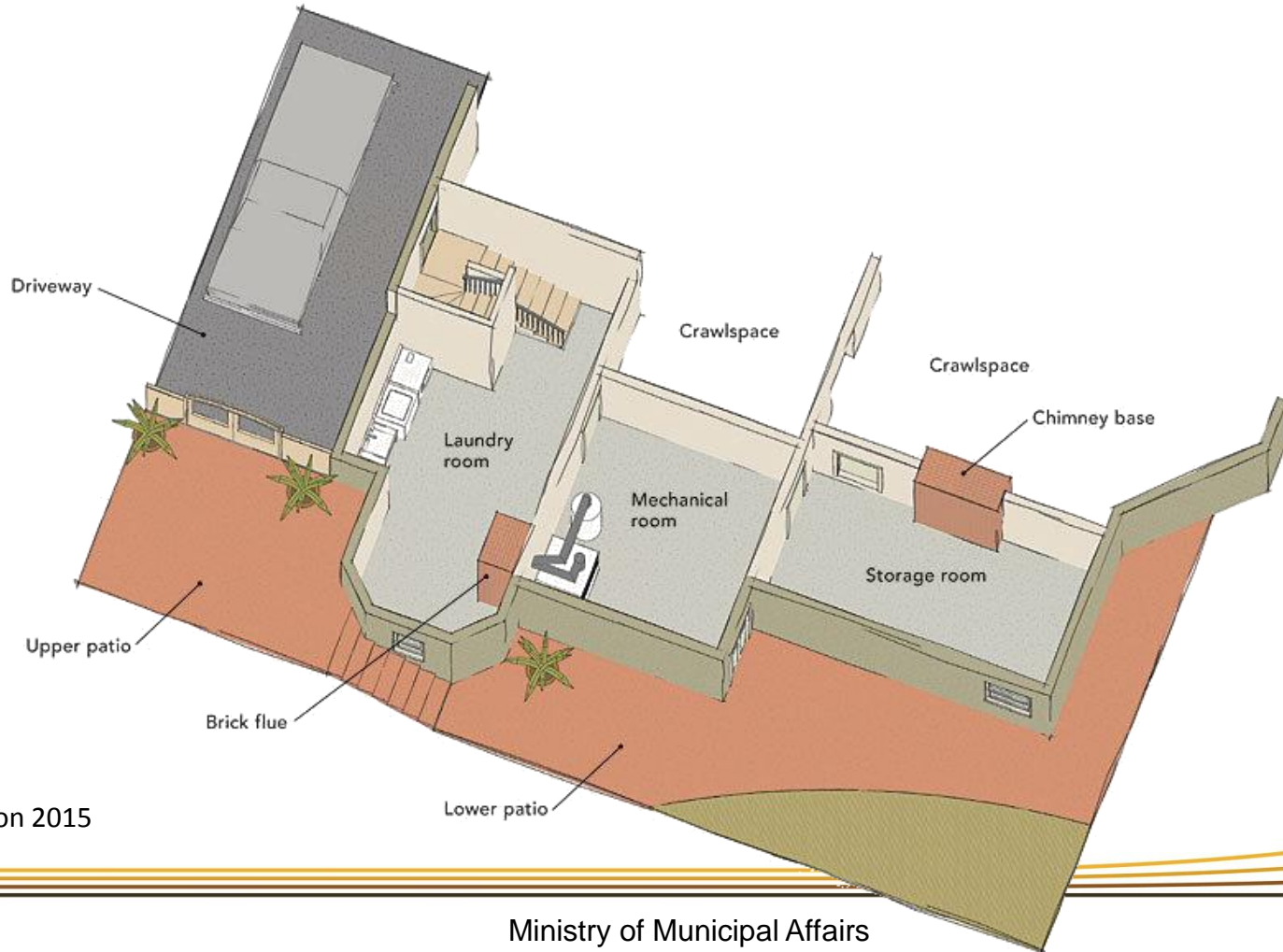
Source: Innisfil.ca

Second Unit (Detached)

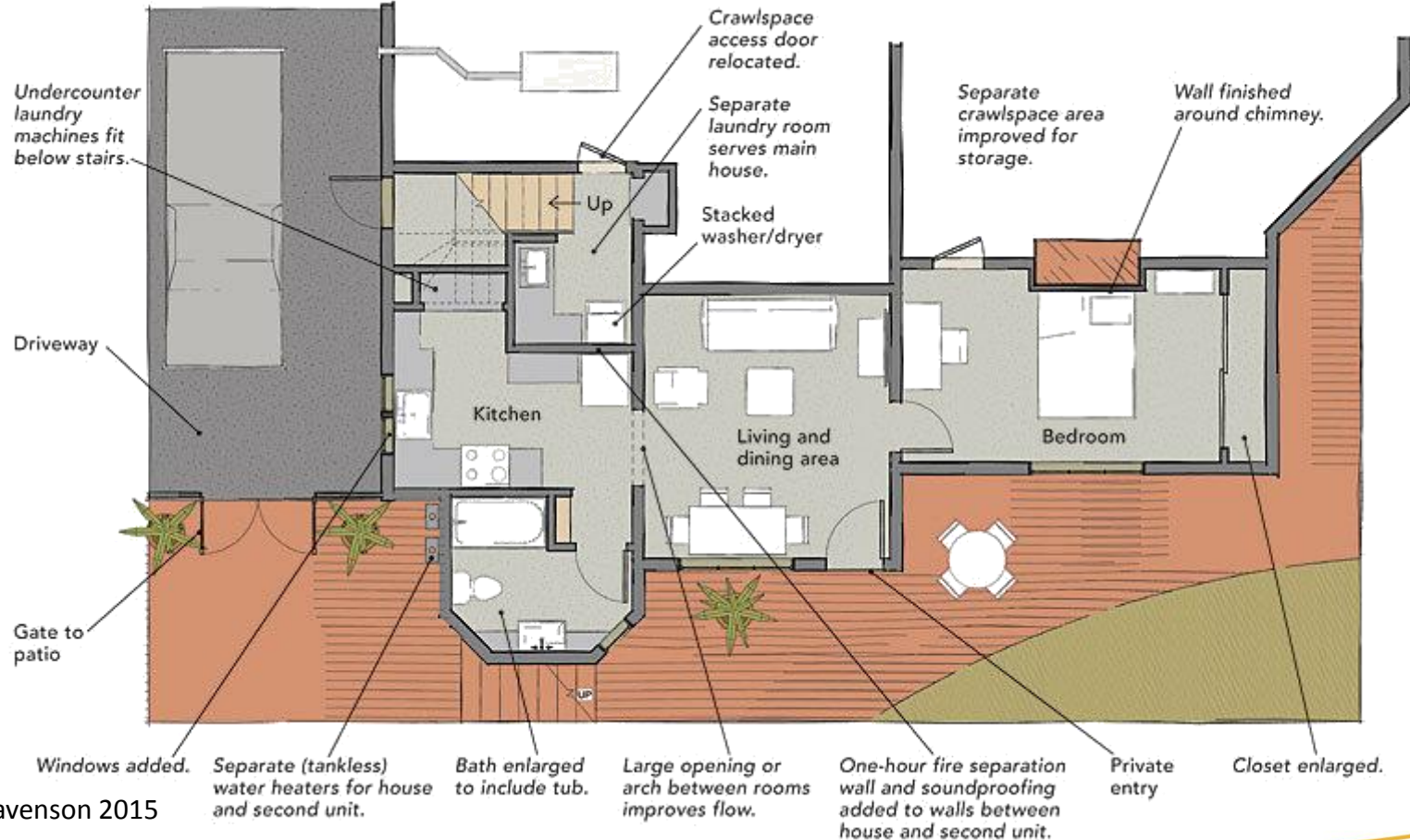




Source: MMA/MAH



Source: Lavenson 2015



Source: Lavenson 2015

Second Units: Municipal Considerations

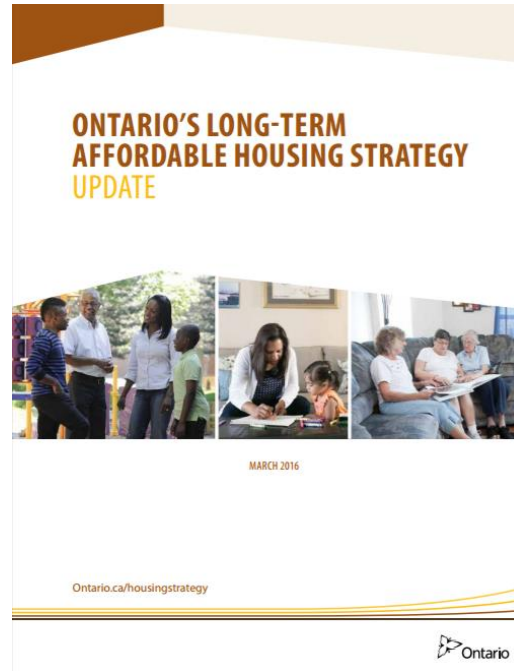
- *“While the Act requires municipalities to permit second units, the government recognizes there may be inherent constraints within portions of a municipality or community which would make those areas inappropriate for second units (such as flood-prone areas or those with inadequate servicing). Municipalities should consider any such constraints in developing or reviewing second unit policies.”*
- *“While the Act introduced a regulation-making ability for the Minister of Municipal Affairs to prescribe minimum standards for second units, a regulation has not been issued under this authority. As such, municipalities are responsible for determining what standards or zoning provisions should apply to second units in relation to matters such as minimum unit size or parking requirements. Standards should support the creation of second units.”*

Source: MAH Second Units Webpage

Second Units: Proposed Regulation

- *It is proposed that a regulation under s. 35.1(2)(b) of the Planning Act could, if made, set out requirements and standards with respect to second residential units referred to in s. 16 (3) of the Planning Act as follows:*
 - *A maximum of one parking space would be required for a second residential unit, where second residential units are permitted, which includes “tandem parking”, which would be defined as a parking space that is only accessed by passing through another parking space from a street, lane or driveway;*
 - *A second residential unit, where permitted in the zoning by-law, may be occupied by any person in accordance with s. 35(2) of the Planning Act, and, for greater clarity, regardless of whether the primary unit is occupied by the owner of the property; and*
 - *A second residential unit, where permitted in the zoning by-law, would be permitted without regard to the date of construction of the primary building.*
- *The regulation purpose is to facilitate implementation and creation of second units.*

Inclusionary Zoning



Inclusionary Zoning

- Inclusionary Zoning refers to “policies, by-laws and programs that require development proposals with residential units to include affordable housing units and provide for those units to be maintained as affordable over a period of time. This approach combines housing policy and land-use planning approvals to require private-market development to include below market-rate rental and/or ownership housing.”
- Part of the recent update of the *Ontario Long-Term Affordable Housing Strategy*
- Bill 7 – *Promoting Affordable Housing Act*, 2016 given Royal Assent December 8, 2016.

Schedule 4 to the *Promoting Affordable Housing Act, 2016*

- Establishes regulatory authority to:
 - Prescribe the content of inclusionary zoning policies in municipal official plans.
 - Prescribe the content of inclusionary zoning by-laws.
 - Prescribe the content of agreements that may be required to maintain the affordable units over a period of time
 - Prescribe the procedures for monitoring and ensuring affordable housing units are maintained for the required period of time
 - Prescribe the circumstances under which section 37 of the Planning Act may be used when an inclusionary zoning by-law is in effect
 - Prescribe the content, timing and distribution of municipal reports and information concerning affordable housing units
 - Prescribe a transition date in relation to matters and proceedings started before or after the effective date and/or the date of municipal adoption of inclusionary zoning policies and/or zoning.

Inclusionary Zoning

- *“12. (1) Subject to subsection (2), this Schedule [4] comes into force on a day to be named by proclamation of the Lieutenant Governor”*

Ontario Municipal Board Review

Legislative
Assembly
of Ontario



Assemblée
législativ
de l'Ontario

2ND SESSION, 41ST LEGISLATURE, ONTARIO
66 ELIZABETH II, 2017

Bill 139

**An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the
Local Planning Appeal Support Centre Act, 2017 and to amend the
Planning Act, the Conservation Authorities Act and various other Acts**

The Hon. B. Mauro
Minister of Municipal Affairs

Government Bill

October-2-17

Ministry of Municipal Affairs
Ministry of Housing

OMB Review

- Launched review of the scope and effectiveness of the Ontario Municipal Board (OMB) in June 2016
- Through the OMB Review, the government considered the board's scope (what it deals with) and effectiveness (how it operates) to determine improvements with respect to how the board works within Ontario's broader land use planning system. The review included extensive public consultation in communities across Ontario.

Review Details

- The following set of guiding principles helped frame the OMB Review:
 - Protect long-term public interests
 - Maintain or enhance access to dispute resolution
 - Provide transparency in hearing processes and decision-making
 - Minimize impacts on the court system
- The OMB Review was organized according to the following five themes:
 - OMB's jurisdiction and powers
 - Citizen participation and local perspective
 - Clear and predictable decision-making
 - Modern procedures and faster decisions
 - Alternative dispute resolution and fewer hearings

Bill 139- the proposed Building Better Communities and Conserving Watersheds Act

- Based on feedback received through the review, Ontario is proposing to overhaul the province's land use planning appeals system. [Bill 139 – the proposed Building Better Communities and Conserving Watersheds Act, 2017](#) proposes transformative changes, which include:
 - Replacing the OMB with the Local Planning Appeal Tribunal - a new tribunal which would be mandated to give greater weight to the decisions of local communities, while ensuring that development and growth occurs in a way that is good for Ontario and its future
 - Making planning appeals more accessible to the public by creating the Local Planning Appeal Support Centre, a new agency that would provide free legal and planning advice, as well as representation to citizens who may want to participate in local planning appeals
 - Leveling the playing field for communities, including free legal and planning support
 - Providing a faster, fairer and more affordable planning appeals.

Public Consultation

- The government received comments on Bill 139 – the proposed Building Better Communities and Conserving Watersheds Act, 2017 - until September 1, 2017.

Learn More:

- [Bill 139 – the proposed Building Better Communities and Conserving Watersheds Act, 2017](#)
- [News Release](#)
- [Backgrounder](#)
- [Environmental Bill of Rights Registry posting \(EBR Registry Number: 013-0590\)](#)
- [Ontario's Land Use Planning System](#)
- [Citizens' Guide to Land Use Planning: Ontario Municipal Board](#)
- [Environment & Land Tribunals Ontario: OMB Website](#)
- [Town Hall Meetings](#)
- [OMB Review - Public Consultation Document](#)

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