

## Tammy Lepage

---

**From:** Minister MMA <CSC\_Minister.mma@ontario.ca>  
**Sent:** January 17, 2017 11:16 AM  
**Subject:** Promoting Affordable Housing Act, 2016  
**Attachments:** Promoting Affordable Housing Act Letter (English).pdf; Promoting Affordable Housing Act Letter (French).pdf

Dear: Heads of Council

The *Promoting Affordable Housing Act, 2016* received Royal Assent on December 8, 2016. The Act amends the *Planning Act*, the *Development Charges Act, 1997*, the *Housing Services Act, 2011* and the *Residential Tenancies Act, 2006*.

### **Inclusionary Zoning**

Inclusionary zoning would help to serve more people in need of housing by increasing the supply of affordable units based on local/municipal needs. When proclaimed, the *Planning Act* will give municipalities the option of requiring affordable housing units as part of residential developments. The government plans to consult on a proposed regulation for inclusionary zoning before the *Planning Act* amendments are proclaimed.

When proclaimed, the inclusionary zoning framework will provide that:

- A municipal assessment report is to be prepared prior to adopting official plan policies for inclusionary zoning, subject to any criteria set out in regulation, which is to be reviewed every five (5) years.
- Municipal inclusionary zoning requirements must be set out in municipal official plan policies.
- While inclusionary zoning by-laws cannot be appealed to the Ontario Municipal Board, except by the Minister, appeals of typical zoning matters, such as building height and density, are permitted even when used as measures and incentives.
- Municipalities may permit affordable housing units to be located on another site, subject to criteria set out in regulation.
- Municipalities cannot accept cash in lieu of affordable units.
- Municipalities may use section 37 of the *Planning Act* (building height and density in exchange for community benefits) in combination with inclusionary zoning, subject to criteria set out in regulation.
- Landowners must enter into agreements with the municipality that are to be registered on title and enforceable against subsequent owners to ensure the units remain affordable over time.
- The Minister is provided with regulatory authority to exempt certain developments from inclusionary zoning.

- Municipalities must establish procedures for the administration of affordable housing units so that they remain affordable over the long term and for reporting on affordable housing units.

I would like to take this opportunity to thank you for your efforts, input and advice in helping us develop an inclusionary zoning framework for Ontario. I anticipate that proposed regulations will be posted on the Environmental Registry in early 2017 for public consultation. I look forward to your continued involvement in this upcoming consultation.

If you have any questions related to the *Planning Act*, please contact Thelma Gee at 416-585-6330 or send an e-mail to [InclusionaryZoning@ontario.ca](mailto:InclusionaryZoning@ontario.ca).

### **Secondary Suites**

Secondary suites are a potential source of affordable rental housing and could allow homeowners to earn extra income. As noted in my letter dated November 1, 2016, the ministry is working on a number of initiatives to support the creation of second units, including through the *Promoting Affordable Housing Act, 2016*.

When proclaimed, changes to the *Development Charges Act, 1997* will require municipalities to exempt development charges for second units in new homes. This could help reduce the cost of constructing second units in new homes by exempting such developments in the same manner as second units in existing homes are exempted.

These changes would also require enabling regulatory amendments that may be proposed in the new year.

If you have any questions related to the *Development Charges Act, 1997*, please contact Ruchi Parkash at 416-585-6348 or send an e-mail to [Ruchi.Parkash@ontario.ca](mailto:Ruchi.Parkash@ontario.ca).

### **Residential Rental Maintenance Standards**

With *Promoting Affordable Housing Act, 2016* proclamation, municipalities not currently enforcing residential rental maintenance standards would be required to do so by July 1, 2018. In early 2017, the ministry will provide further details on how it will partner with your municipalities to develop training and capacity-building plans. This work will draw upon existing best practices and shared services approaches used throughout the province.

For more information on the amendments, please contact your local Municipal Services Office at:

#### **Central Municipal Services Office**

General Inquiry: 416-585-6226  
Toll Free: 1-800-668-0230

#### **Eastern Municipal Services Office**

General Inquiry: 613-545-2100  
Toll Free: 1-800-267-9438

#### **Municipal Services Office - North (Sudbury)**

General Inquiry: 705-564-0120  
Toll Free: 1-800-461-1193

#### **Municipal Services Office - North (Thunder Bay)**

General Inquiry: 705-564-6862  
Toll Free: 1-800-465-5027

#### **Western Municipal Services Office**

General Inquiry: 519-873-4020  
Toll Free: 1-800-265-4736

## Tammy Lepage

---

**From:** Brown, Christopher (MMA/MHO) <Christopher.R.Brown@ontario.ca>  
**Sent:** September 29, 2017 3:05 PM  
**To:** Tammy Lepage  
**Subject:** RE: Terms of Reference  
**Attachments:** OP Terms of Reference - V14.pdf

Hi Tammy,

I hope you're enjoying the great indoors (if it's raining like it is here in Sudbury).

Further to your request, please find attached a generic terms of reference to help guide you in preparing a ToR for Temagami's official plan review. When you have a draft prepared, we would be happy to look it over if you would like comments on such matters as process and scope.

Regarding your question about second units, MMA's [Info Sheet](#) defines them as "self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling (e.g. above a detached garage).

Subsection 16(3) of the Planning Act requires all municipalities to include in their official plans policies that authorize the use of a second residential unit as detailed in that subsection of the Act. A by-law (amendments thereto) that gives effect to the policies described in §16(3) is shielded from appeals to the OMB. See §34(19.1) of the Act. An amendment to the Temagami zoning by-law to permit second units is appropriate at any time. However, you should consider first amending the official plan, so that the zoning by-law amendment will have the protection of §34(19.1).

Temagami is exempt from Minister's approval of official plan amendments (except where the OPA is for purposes of fulfilling the requirements of a 5-yr/10-yr update under Section 26 of the Act). Therefore the process to amend the official plan to permit second units should be a relatively short and easy one. Like the zoning amendment, the OPA is shielded from appeal by §17(24.1) of the Act.

Keep in mind that, as with any OPA, despite Temagami's exempt status, a copy of all notices required under Section 17, as well as a copy of the proposed amendment, must be sent to MMA.

As regards 2-storey boathouses, from an MMA perspective this is a local matter. There may be implications for the owners of such boathouses in terms of entering into a lease with MNRF. Therefore I would encourage you to contact MNRF and obtain information that may be useful for the public and council in considering how to deal with such structures in terms of OP policies, zoning provisions, and the building permit process. The MNRF planner for your area is Julie Robinson: [Julie.Robinson@ontario.ca](mailto:Julie.Robinson@ontario.ca), tel: (705) 475-5546

I trust the above information is helpful. Please do not hesitate to contact me if you have any further questions.

Regards,

Christopher



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Resolution Number:** 17-704  
**Title:** Memo 2017-M-103 - PAC re Second Units  
**Date:** 11/23/2017  
**Time:** 8:07 PM

---

**MOVED BY:** D. Burrows  
**SECONDED BY:** R. Prefasi

WHEREAS the Planning Advisory Committee (PAC) passed resolution 17-25 at their October 30, 2017 meeting, which PAC recommends to Council to initiate a housekeeping amendment to the Official Plan and Zoning By-Law to incorporate the existing legislation dealing with second units; NOW THEREFORE BE IT RESOLVED THAT that Council receive Memo 2017-M-103. AND FURTHER THAT Council adopt the recommendation of the PAC and direct Staff to commence an Official Plan Amendment application.

**YES: 5**

**NO: 1**

**ABSTAIN: 0**

**ABSENT: 1**

**CARRIED**

**YES: 5**

D. Burrows  
R. Prefasi

J. Harding

B. Koski

D. O'Mara

**NO: 1**

C. Lowery

**ABSTAIN: 1**

L. Hunter

Declaration of Conflict of Interest:

---

A true copy of the resolution by the Council of the Municipality of Temagami



Corporation of the Municipality of Temagami

Memo No.  
2017-M-103

Memorandum to Council

☐

Staff

☒

Committee

Subject:

PAC recommendation regarding Second Units

Agenda Date:

November 23, 2017

Attachments for  
Information:

- Second Units info Sheet from MMA
- Second Unit Info Sheet Release Spring 2017
- S.16(3) Excerpt of the Planning Act – Second Unit
- Excerpt from the September 6, 2017 MMA PPT Presentation
- Excerpt from the September 6, 2017 MMA PPT Presentation Bill 73 – No Appeal on Second Units

**RECOMMENDATION**

This memorandum is to recommend that Council consider the following motion:

WHEREAS the Planning Advisory Committee (PAC) passed resolution 17-25 at their October 30, 2017 meeting, which PAC recommends to Council to initiate a housekeeping amendment to the Official Plan and Zoning By-Law to incorporate the existing legislation dealing with second units;

NOW THEREFORE BE IT RESOLVED THAT that Council receive Memo 2017-M-103.

AND FURTHER THAT Council adopt the recommendation of the PAC and direct Staff to commence an Official Plan Amendment application.

**INFORMATION**

In 2011 the *Strong Communities through Affordable Housing Act, 2011* amended the Planning Act to require that municipalities permit second units in their official plans & zoning by-laws. These changes took effect on January 1, 2012. This amendment helps the housing development initiative and employment securement, by reducing costs for construction of a new dwelling that has a second unit. In 2016, the province updated the Long-Term Affordable Housing Strategy amending the *Development Charges Act, 1997*. This amendment releases second units in new dwellings from development charges, as currently existing second units within an existing dwelling are exempted.

At the Planning 101 Training Session held September 6, 2017, Christopher Brown, Planner with the Ministry of Municipal Affairs along with his associate Caitlin Carmichael made a presentation to Council, the Committee of Adjustment and PAC on the legislative updates and changes to the *Planning Act*.

A second unit can be defined as a self-contained residential unit, with a private kitchen, bathroom facilities and sleeping areas, the dwelling or structure must be ancillary to the main dwelling. Some of these second units can be basement apartments, granny flats, in-law apartments. Second units are used to increase efforts in affordable rental accommodation and to help with ageing communities like Temagami.

Second Units must comply with all applicable law such as: Ontario Building Code, Fire Code, Municipal Property Standards by-laws etc. The location of these units will depend on the size of the house and lot to ensure that the unit is suitable for the location and property. Subsection 16 (3) of the *Planning Act* includes the “No appeal of Second Units” policies at the time of an official plan update.

The *Planning Act* provides that OP policies and ZBL implementation should allow second units in detached, semi-detached and row houses if an ancillary (secondary) building or structure, which does not already have a second unit. **(Refer to S.16 (3) Excerpt of the Planning Act – Second Unit)**

Within the **attached** “Spring 2017 Second Units Info Sheet” it explains that in some municipalities second units may not be suitable in certain areas, such as: waterfront areas/ development on private roads, limited lake capacity, and seasonal residences.

The OP designation can set the goals as shown by several examples within the sheets, all the while, the ZBL sets out the specifics of which zones second units can apply too, and size of the units. Another concern would be for parking you may only have one permitted parking space for this second unit.

Second Units are also used for increasing affordable rental accommodations, within the info sheet it mentions that the municipality must monitor the rental income properties, by way of a registry form. This could potentially be implemented at staff level when a building permit application is initiated for second units.

Section 2.2.2 Housing of the Municipality of Temagami’s Official Plan (OP) has set out policies in place to promote affordable housing. While promoting affordable housing within our community the Municipality will also face challenges of lots sizes, severances and also availability of municipal services. The long term goal of the Municipality is to ensure that municipal services such as: water and sewer are continued. It is also the goal of the municipality to encourage and provide facilities to meet the aging population growth within our community.

The Provincial Policy Statement, 2014 (PPS) gives direction and promotes the growth of vigorous communities as noted in s.1.1.1. Section 1.4.3 of the PPS gives direction to municipalities to allow all types of housing and give a variety of mixed housing types, including second units.

PAC has had several discussions regarding the second unit legislation, and why this wasn’t incorporated during the 2013 OP Review, and if this item should wait until the upcoming OP review in 2018. At the Committee meeting held on October 30, 2017, PAC decided to recommend doing a housekeeping amendment prior to the comprehensive review by the following resolution:

17 – 25

MOVED BY: B. Leudke

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT *the Planning Advisory Committee recommends to Council to perform a housekeeping amendment in the official plan and zoning by-law to incorporate the existing legislation dealing with second units;*

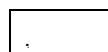
AND WHEREAS *the benefits of second units are to allow homeowners to earn additional income to help meet the cost of homeownership; support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver; help create mixed-income communities, which support local businesses and local labour markets; make more efficient use of the existing infrastructure, including public transit where it exists or is planned; make more efficient use of the existing housing stock; create jobs in the construction/renovation industry and assist municipalities in meeting their goals regarding affordable housing, intensification and density targets and climate change mitigation and greenhouses gas emissions reduction;*

AND WHEREAS *however; they may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment.*

YEAS

NAYS

C. Dwyer



J. Hasler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Kenrick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Leudke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
L. Hunter	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Rannie	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Graham	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chair D. Burrows	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CARRIED**

The Municipality of Temagami is exempt from the Minister's approval of Official Plan Amendments (except for 5 or 10 year reviews); however, the Ministry of Municipal Affairs must receive a draft copy of the proposed plan and all notices required under section 17, at least 90 days prior to the notice of the public meeting. Notice of the Public Meeting, information and material shall be made available to the public at least 20 days prior to the public meeting. Written Notice of the decision must be given within 15 days after the date of adoption followed by the 20 day appeal period process.

*These recommendations have not been reviewed by staff.*

*When reviewing a request and preparing a recommendation for Council consideration, staff would typically consider the following factors:*

- *Operating and capital budget,*
- *Staff resources,*
- *Material costs*
- *Recurring and future maintenance costs,*
- *Subsidies,*
- *Municipal policies,*
- *Risk Assessment*
- *Legislation*
- *Status of related Initiatives*

Prepared by:

Reviewed By:

Approved for Council consideration by:

<b>Tammy Lepage, Planning Assistant</b>	<b>Elaine Gunnell, Municipal Clerk Debby Burrows, Chair (PAC)</b>	<b>Patrick Cormier, Chief Administrative Officer</b>
Name, Position	Name, Position	Name, Position
<b>On behalf of the Planning Advisory Committee</b>		



## Ministry of Municipal Affairs and Ministry of Housing

[ABOUT](#) | [NEWSROOM](#) | [JOB OPPORTUNITIES](#) | [CONTACT US](#)

You are here > [Home](#) > [Your Ministry](#) > [Land Use Planning](#) > [Related Legislation](#) > [Strong Communities through Affordable Housing Act, 2011](#) > [Secondary Units](#) > Second Units Info Sheet

## Second Units Info Sheet

[Email this page](#)

### Purpose

This document is to assist municipalities and the general public to better understand what second units are, why they are important, and the legislative authority behind second units. It provides some examples of specific second unit policy and zoning best practice approaches currently in use in official plans or zoning by-laws by Ontario municipalities.

### What are second units?

Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling (e.g., above laneway garages).

Second units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.

### What are the benefits of second units?

Second units increase the supply and range of affordable rental accommodation. In addition, they benefit the wider community in many ways as they:

- Allow homeowners to earn additional income to help meet the cost of homeownership
- Support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver
- Help create mixed-income communities, which support local businesses and local labour markets
- Make more efficient use of existing infrastructure, including public transit where it exists or is planned
- Make more efficient use of the existing housing stock
- Create jobs in the construction/renovation industry
- Assist municipalities in meeting their goals regarding affordable housing, intensification and density targets, and climate change mitigation and greenhouse gas emissions reduction.

### Where are Second Units Located?

The majority of second units are created through internal alterations, although some are built as additions to the main house or in/above ancillary structures like garages. The size, type (e.g., internal, addition, ancillary structure) and location of the second unit will depend on the size and design of the house as well as its location on and the size of the lot.

Regardless of where they are located second units must comply with health, safety and municipal property



- [Download a printer-friendly version of the info sheet \(PDF\)](#)



standards, including but not limited to, the Ontario Building Code, the Fire Code and municipal property standards by-laws.

## Background

The *Strong Communities through Affordable Housing Act, 2011*, amended the *Planning Act* to require that municipalities authorize second units in their official plans and zoning by-laws. The changes took effect on January 1, 2012.

Ontario's updated Long-Term Affordable Housing Strategy, 2016 continues this effort, with a focus on reducing the cost of constructing second units by:

- proposing changes to the Building Code to reduce the cost of construction of a new dwelling with a second unit, while maintaining occupant health and safety
- amending the *Development Charges Act, 1997* that, when in effect, would exempt second units in new dwellings from development charges in the same manner as second units in existing dwellings are exempted, as specified in a regulation.



## Legislative Framework

### Planning Act

Section 16(3) of the *Planning Act* requires municipal official plans to authorize second units:

- in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit; and
- in a building or structure ancillary to these housing types provided that the primary dwelling does not contain a second unit.

Section 35.1 requires that each local municipality ensure that its zoning by-law gives effect to the policies described in Section 16.3.

### No appeals to the Ontario Municipal Board

The *Planning Act* restricts appeals of second unit official plan policies and zoning by-law provisions to the Ontario Municipal Board except by the Minister.

### Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement, 2014 (PPS) directs and promotes the development of healthy and complete communities. The goal is to create strong, livable, healthy and resilient communities through efficient land use (s.1.1.1).

Section 1.4.3 of the PPS directs municipalities to permit all forms of housing to provide an appropriate range and mix of housing types and densities – including affordable housing. Further, municipalities should permit and facilitate all forms of residential intensification and redevelopment, including second units.

## Provincial plans

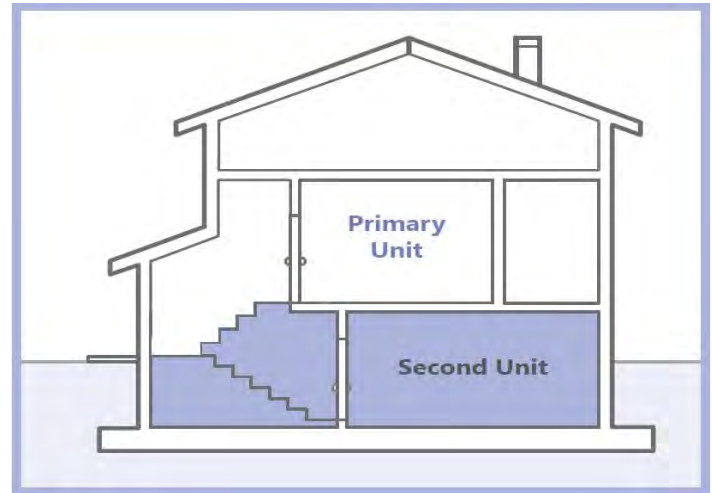
Some provincial plans contain specific policy which directly or indirectly relates to second units in the geographic areas they apply to (eg. the Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan). Municipalities need to consider and reflect any such policies in developing their official plans and zoning by-laws.

## Official Plans

Municipal official plans outline a community's vision and priorities. They contain policies to guide development in order to achieve land use goals. Official plans must reflect any legislative requirements, be consistent with the PPS and conform to any applicable provincial plans.

## Zoning By-laws

A zoning by-law sets standards for development and must conform to a municipality's official plan. Zoning by-laws must be updated within three years of a new or amended official plan and must also reflect any requirements of the *Planning Act*, be consistent with the PPS and conform to any applicable provincial plan.



## Best Practices

The Planning Act provides a broad legislative foundation for permitting second units by requiring that they be authorized in single detached, semi-detached and row dwellings, and in ancillary structures. In practice though, there are circumstances where second units are not appropriate based on good land use planning principles, including health and safety and environmental considerations. So while official plan policies should be permissive and zoning by-laws should generally allow second units to be established "as of right", there may be situations where second units should not be allowed and/ or require some specific assessment prior to their establishment. The following are some examples of best practices in official plan policies and zoning by-laws, including specifics which relate to a number of these circumstances.

### "As of right"

For the purposes of this document, "as of right" is a phrase used to refer to the ability to apply for a building permit without having to make a development application (e.g., an official plan or zoning bylaw amendment, a minor variance or a site plan). Similarly, homeowners generally should not need to produce any type of study to demonstrate that they conform to any policy or zoning provisions.

## Housing types and ancillary building structures

The *Planning Act* provides that official plan policies and implementing zoning by-laws should permit second units in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit; and, in a building or structure ancillary to these housing types provided that the primary dwelling does not contain a second unit.

In municipalities with limited housing types (e.g. only single detached dwellings), second units would only need to be authorized for that housing type.

## Township of Wainfleet Official Plan, August 14, 2014

### 3.3.1.4 Secondary suites

*Secondary suites* shall be permitted in all Residential Area designations, and shall be subject to the following criteria and the regulations of the Zoning By-law:

- a. Only one *secondary suite* per single detached, semi-detached, or townhouse dwelling is permitted;
- b. The secondary suite may be contained within the primary residential dwelling or in a building or structure accessory to the residential dwelling, but not in both;

## Official plan designations

Municipalities should allow second units in designations or zones that permit detached, semi-detached, or row dwellings.

There may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment. For example:

- areas that are prone to flooding
- waterfront areas/developments on private roads that are not maintained and where emergency access may be limited
- areas adjacent to lakes with limited lake capacity
- areas of recreational dwellings where there may be a lack of year round roads and/or which lack other daily needs and services residents may require.

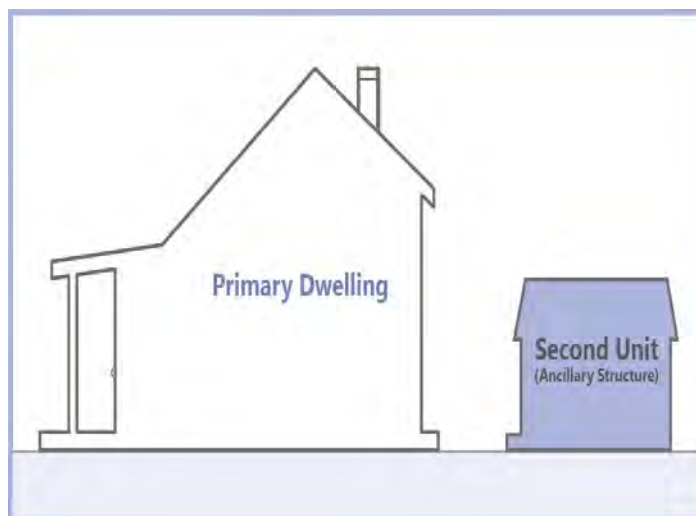
## Tay Valley Township Official Plan, 2016

### 3.6.4(1)

...an accessory apartment (secondary suite) is permitted in residential areas within a four-season single detached, semi-detached, or row-house dwelling unit, or attached to a detached garage, located on a road maintained year-round and accessible by Emergency Services, subject to considerations of carrying capacity of lakes and hydrological capacity....

## Second Units in existing dwellings and new dwellings

Second units should be allowed in both newly built and existing dwellings. Designing new houses to accommodate a second unit at the outset can be more efficient than retrofitting an existing home to have a second unit. Recent changes to the *Development Charges Act, 1997* and a potential regulation to exempt second units in new homes from development charges (once in effect), and proposed changes to the Building Code, if approved, are expected to reduce the cost of constructing second units in new dwellings. A proposed regulation under the *Planning Act*, if made, would permit second units without regard to the date of construction of the primary building.



## Town of Smiths Falls Official Plan, October 2014

### LU-2.14 Second Residential Units

The Town will permit the addition of one self-contained residential dwelling unit (i.e. second unit), within single-detached and semi-detached and row house dwellings in both existing and newly developing residential neighborhoods.

---

## Parking

The maximum parking required per second unit should be one space. In some jurisdictions where transit is available, some municipalities have eliminated parking requirements for second units. Tandem parking (a parking space that is only accessed by passing through another parking space) should also be permitted. A proposed regulation under the *Planning Act* would, if made, restrict the maximum parking requirement for a second unit to one space while also requiring that tandem parking be allowed.

---

### City of Ottawa Zoning By-law 2012-147 (June 10, 2015)

#### Secondary Dwelling Units

Sec. 133 (14)

Where a secondary dwelling unit is located on a lot subject to Section 139 - Low Rise Residential Development in Mature Neighbourhoods, no parking is required for the secondary dwelling unit.

---

### Mississauga Zoning By-law 0158-2013 (July 2013)

4.1.20.10

Tandem parking spaces to accommodate a second unit shall be permitted.

---

### City of Toronto Zoning By-law 569-2013

800.50 Defined Terms

(850) Tandem Parking Space means a **parking space** that is only accessed by passing through another **parking space** from a **street, lane, drive aisle** or **driveway**.

---

## Servicing

In areas with municipal services, second units should be permitted without a requirement to demonstrate sewer or water capacity, unless there are previously documented servicing constraints.

For second units in dwellings serviced by septic systems and private wells, there should be a demonstration of capacity to the satisfaction of the municipality. This is because Building Code permits for septic systems are, in part, based on the number of bedrooms and plumbing fixtures, because septs may be old and/or in order to ensure there is sufficient potable water from the private well.

---

### Howick Township OP, 2016

5. Settlement Areas

D. Policies and Actions

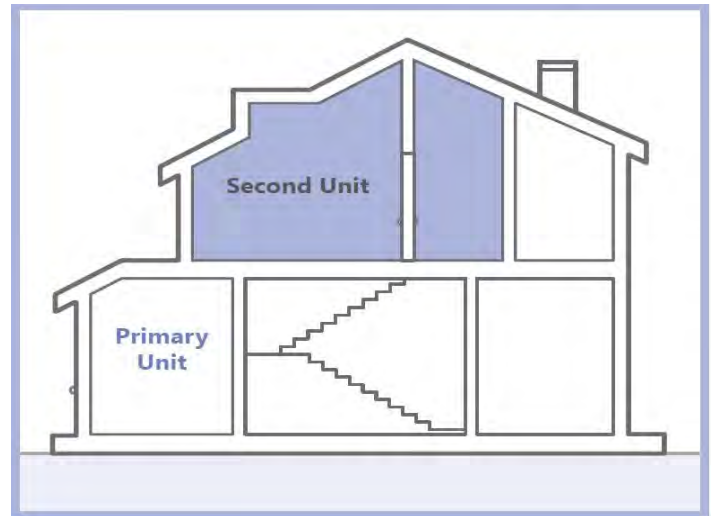
10.1 ... Second residential units are permitted in settlement areas and rural areas of the Township provided that:

f) It must be demonstrated that on-site servicing (e.g. water, sewage) have sufficient capacity for the additional dwelling unit.

## Unit Size

The size of second units and the number of bedrooms should solely be regulated by the Building Code. The Building Code establishes health and safety standards for second units. As such, municipal by-laws should not seek to impose size or other standards that are regulated by the Building Code.

The *Development Charges Act, 1997* (via Ontario Regulation 82/98) states that, in order for second units in existing homes to be exempt from development charges, they must be less than or equal to the size of the primary dwelling. This is the only potential size standard a municipality should contemplate including in a by-law.



## Egress

Requirements for entrances or means of egress for second units are set by the Ontario Building Code and Ontario Fire Code (which need to be referred to for specific standards). In general, second units can share a joint entrance with the primary unit, subject to having a fire separation with appropriate fire resistance rating, and at least two means of egress (exit) that may include windows of an appropriate size. Therefore, there is a need to ensure that by-laws do not contain any standards/provisions that differ from those in the Codes.

## Streetscape and Architectural Design

Given most second units are internal to a primary dwelling, second units should have limited impact on streetscape and architectural design. In the case of an addition to a primary dwelling, there may be valid design considerations, particularly in heritage areas. If municipalities establish design standards in relation to streetscape or architectural design, they should be clearly set out in the zoning by-law so a second unit can be planned in accordance with the by-law and a homeowner can proceed directly to obtain a building permit.

## Owner occupancy

The *Planning Act* does not allow zoning to have the effect of distinguishing on the basis of relationship. Zoning by-laws should permit occupancy of the primary or second unit regardless of whether or not the owner of the home is a resident of either unit. A proposed regulation under the *Planning Act*, if made, would establish a provision which precludes establishing occupancy requirements for either the primary or second unit.

## Tracking and monitoring

A municipality should have a means for tracking and monitoring second units. A registry, in some form, could help the municipality be aware of where second units existed. This could assist in establishing inspection processes to help ensure public safety. It could also provide emergency services with the knowledge that there are two units in the home.

A registry could be established through a mandatory enrollment by the applicant when constructing a second unit or by having the municipal building official inform the appropriate office that a building permit has been issued for a second unit on a property. Ideally, there would be no or only modest fees for registration in order to encourage the creation and registration of second units.

---

## City of Brantford OP

### 13.1.8

The City shall permit the creation of a self-contained second unit dwelling on lands designated to permit single detached dwellings, semi-detached dwellings, street townhouse dwellings, or accessory structures in accordance with the applicable zoning bylaw regulations and the following provisions: OPA #125 Dec. 3/08 OPA #180 Dec. 17/12

6. Second unit dwellings shall be registered with the Building Department.

---

## Additional Sources

- [Landlord Self Help Centre website](#)
- Canada Mortgage and Housing Corporation – [Second Unit Policies](#)

## For More Information, Contact:

Ministry of Municipal Affairs, Provincial Planning Policy Branch, (416) 585-6014

Municipal Services Offices:

- Central (Toronto), 416-585-6226, Toll Free: 1-800-668-0230
- West (London), (519) 873-4020, Toll Free: 1-800-265-4736
- East (Kingston), (613) 545-2100, Toll Free: 1-800-267-9438
- Northeast (Sudbury), (705) 564-0120, Toll Free: 1-800-461-1193
- Northwest (Thunder Bay), (807) 475-1651, Toll Free: 1-800-465-5027

## Note to User

This Info Sheet summarizes complex matters and reflects legislation, policies and practices that are subject to change. It should not be a substitute for specialized legal or professional advice in connection with any particular matter and should not be construed as legal advice. The user is solely responsible for any use or the application of this information. As such, the Ministry of Municipal Affairs does not accept any legal responsibility for the contents of this Info Sheet or for any consequences, including direct or indirect liability, arising from its use.

---

**CONTACT-US | ACCESSIBILITY | PRIVACY | TERMS OF USE | SITE MAP**

**TO REQUEST AN ALTERNATE FORMAT OF THE CONTENT FOUND ON THIS PAGE, CONTACT: [MININFO@ONTARIO.CA](mailto:MININFO@ONTARIO.CA)**

**COPYRIGHT © QUEEN'S PRINTER FOR ONTARIO, 2008-2017 - LAST MODIFIED: MONDAY, JUNE 12, 2017**



# SECOND UNITS

## Info Sheet - Spring 2017

### Purpose

This document is to assist municipalities and the general public to better understand what second units are, why they are important, and the legislative authority behind second units. It provides some examples of specific second unit policy and zoning best practice approaches currently in use in official plans or zoning by-laws by Ontario municipalities.

### What are second units?

Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling (e.g., above laneway garages).

Second units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.

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



Neighbourhood visualization of second units.

### What are the benefits of second units?

Second units increase the supply and range of affordable rental accommodation. In addition, they benefit the wider community in many ways as they:

- Allow homeowners to earn additional income to help meet the cost of homeownership
- Support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver
- Help create mixed-income communities, which support local businesses and local labour markets
- Make more efficient use of existing infrastructure, including public transit where it exists or is planned
- Make more efficient use of the existing housing stock
- Create jobs in the construction/renovation industry
- Assist municipalities in meeting their goals regarding affordable housing, intensification and density targets, and climate change mitigation and greenhouse gas emissions reduction.

## Where are Second Units Located?

The majority of second units are created through internal alterations, although some are built as additions to the main house or in/above ancillary structures like garages. The size, type (e.g., internal, addition, ancillary structure) and location of the second unit will depend on the size and design of the house as well as its location on and the size of the lot.

Regardless of where they are located second units must comply with health, safety and municipal property standards, including but not limited to, the Ontario Building Code, the Fire Code and municipal property standards by-laws.

## Background

The *Strong Communities through Affordable Housing Act, 2011*, amended the *Planning Act* to require that municipalities authorize second units in their official plans and zoning by-laws. The changes took effect on January 1, 2012.

Ontario's updated Long-Term Affordable Housing Strategy, 2016 continues this effort, with a focus on reducing the cost of constructing second units by:

- proposing changes to the Building Code to reduce the cost of construction of a new dwelling with a second unit, while maintaining occupant health and safety
- amending the *Development Charges Act, 1997* that, when in effect, would exempt second units in new dwellings from development charges in the same manner as second units in existing dwellings are exempted, as specified in a regulation.

## Legislative Framework

### *Planning Act*

Section 16(3) of the *Planning Act* requires municipal official plans to authorize second units:

- in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit; and
- in a building or structure ancillary to these housing types provided that the primary dwelling does not contain a second unit.

Section 35.1 requires that each local municipality ensure that its zoning by-law gives effect to the policies described in Section 16.3.

## No appeals to the Ontario Municipal Board

The *Planning Act* restricts appeals of second unit official plan policies and zoning by-law provisions to the Ontario Municipal Board except by the Minister.

## Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement, 2014 (PPS) directs and promotes the development of healthy and complete communities. The goal is to create strong, livable, healthy and resilient communities through efficient land use (s.1.1.1).

Section 1.4.3 of the PPS directs municipalities to permit all forms of housing to provide an appropriate range and mix of housing types and densities – including affordable housing. Further, municipalities should permit and facilitate all forms of residential intensification and redevelopment, including second units.

## Provincial plans

Some provincial plans contain specific policy which directly or indirectly relates to second units in the geographic areas they apply to (eg. the Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan). Municipalities need to consider and reflect any such policies in developing their official plans and zoning by-laws.



## Official Plans

Municipal official plans outline a community's vision and priorities. They contain policies to guide development in order to achieve land use goals. Official plans must reflect any legislative requirements, be consistent with the PPS and conform to any applicable provincial plans.

## Zoning By-laws

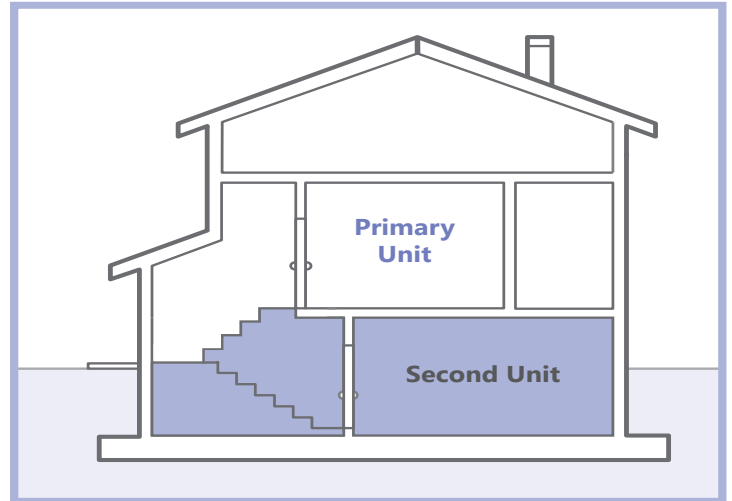
A zoning by-law sets standards for development and must conform to a municipality's official plan. Zoning by-laws must be updated within three years of a new or amended official plan and must also reflect any requirements of the *Planning Act*, be consistent with the PPS and conform to any applicable provincial plan.

## Best Practices

The *Planning Act* provides a broad legislative foundation for permitting second units by requiring that they be authorized in single-detached, semi-detached and row dwellings, and in ancillary structures. In practice though, there are circumstances where second units are not appropriate based on good land use planning principles, including health and safety and environmental considerations. So while official plan policies should be permissive and zoning by-laws should generally allow second units to be established "as of right", there may be situations where second units should not be allowed and/or require some specific assessment prior to their establishment. The following are some examples of best practices in official plan policies and zoning by-laws, including specifics which relate to a number of these circumstances.

### "As of right"

For the purposes of this document, "as of right" is a phrase used to refer to the ability to apply for a building permit without having to make a development application (e.g., an official plan or zoning bylaw amendment, a minor variance or a site plan). Similarly, homeowners generally should not need to produce any type of study to demonstrate that they conform to any policy or zoning provisions.



Second unit - Contained within primary dwelling.

## Housing types and ancillary building structures

The *Planning Act* provides that official plan policies and implementing zoning by-laws should permit second units in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit; and, in a building or structure ancillary to these housing types provided that the primary dwelling does not contain a second unit.

In municipalities with limited housing types (e.g. only single detached dwellings), second units would only need to be authorized for that housing type.

### Township of Wainfleet Official Plan, August 14, 2014

#### 3.3.1.4 Secondary suites

*Secondary suites* shall be permitted in all Residential Area designations, and shall be subject to the following criteria and the regulations of the Zoning By-law:

- Only one *secondary suite* per single detached, semi-detached, or townhouse dwelling is permitted;
- The secondary suite may be contained within the primary residential dwelling or in a building or structure accessory to the residential dwelling, but not in both;

## Official plan designations

Municipalities should allow second units in designations or zones that permit detached, semi-detached, or row dwellings.

There may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment. For example:

- areas that are prone to flooding
- waterfront areas/developments on private roads that are not maintained and where emergency access may be limited
- areas adjacent to lakes with limited lake capacity
- areas of recreational dwellings where there may be a lack of year round roads and/or which lack other daily needs and services residents may require.

### Tay Valley Township Official Plan, 2016

3.6.4(1)

...an accessory apartment (secondary suite) is permitted in residential areas within a four-season single detached, semi-detached, or row-house dwelling unit, or attached to a detached garage, located on a road maintained year-round and accessible by Emergency Services, subject to considerations of carrying capacity of lakes and hydrological capacity....

## Second Units in existing dwellings and new dwellings

Second units should be allowed in both newly built and existing dwellings. Designing new houses to accommodate a second unit at the outset can be more efficient than retrofitting an existing home to have a second unit. Recent changes to the *Development Charges Act, 1997* and a potential regulation to exempt second units in new homes from development charges (once in effect), and proposed changes to the Building Code, if approved, are expected to reduce the cost of constructing second units in new dwellings. A proposed regulation under the *Planning Act*, if made, would permit second units without regard to the date of construction of the primary building.

### Town of Smiths Falls Official Plan, October 2014

LU-2.14 Second Residential Units

The Town will permit the addition of one self-contained residential dwelling unit (i.e. second unit), within single-detached and semi-detached and row house dwellings in both existing and newly developing residential neighborhoods.

## Parking

The maximum parking required per second unit should be one space. In some jurisdictions where transit is available, some municipalities have eliminated parking requirements for second units. Tandem parking (a parking space that is only accessed by passing through another parking space) should also be permitted. A proposed regulation under the *Planning Act* would, if made, restrict the maximum parking requirement for a second unit to one space while also requiring that tandem parking be allowed.

### City of Ottawa Zoning By-law 2012-147 (June 10, 2015)

Secondary Dwelling Units  
Sec. 133 (14)

Where a secondary dwelling unit is located on a lot subject to Section 139 - Low Rise Residential Development in Mature Neighbourhoods, no parking is required for the secondary dwelling unit.

### Mississauga Zoning By-law 0158-2013 (July 2013)

4.1.20.10

**Tandem parking spaces** to accommodate a **second unit** shall be permitted.

## City of Toronto Zoning By-law 569-2013

### 800.50 Defined Terms

(850) Tandem Parking Space means a **parking space** that is only accessed by passing through another **parking space** from a **street, lane, drive aisle** or **driveway**.

## Servicing

In areas with municipal services, second units should be permitted without a requirement to demonstrate sewer or water capacity, unless there are previously documented servicing constraints.

For second units in dwellings serviced by septic systems and private wells, there should be a demonstration of capacity to the satisfaction of the municipality. This is because Building Code permits for septic systems are, in part, based on the number of bedrooms and plumbing fixtures, because septs may be old and/or in order to ensure there is sufficient potable water from the private well.

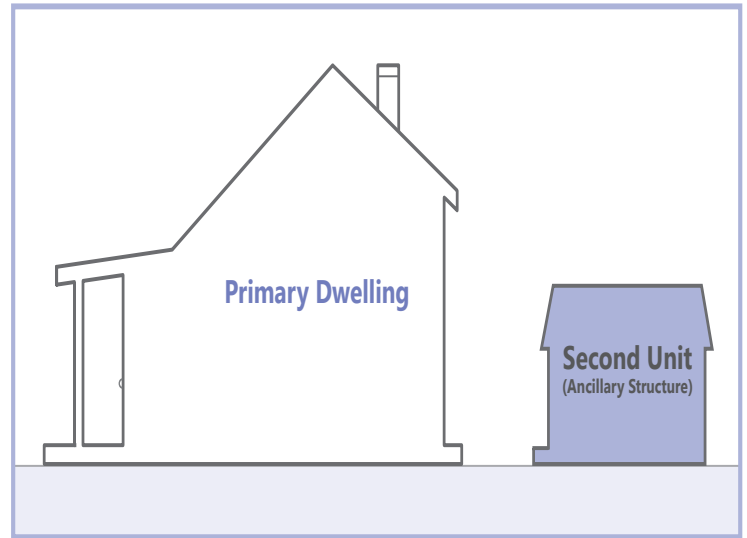
## Howick Township OP, 2016

### 5. Settlement Areas

#### D. Policies and Actions

10.1 ... Second residential units are permitted in settlement areas and rural areas of the Township provided that:

f) It must be demonstrated that on-site servicing (e.g. water, sewage) have sufficient capacity for the additional dwelling unit.

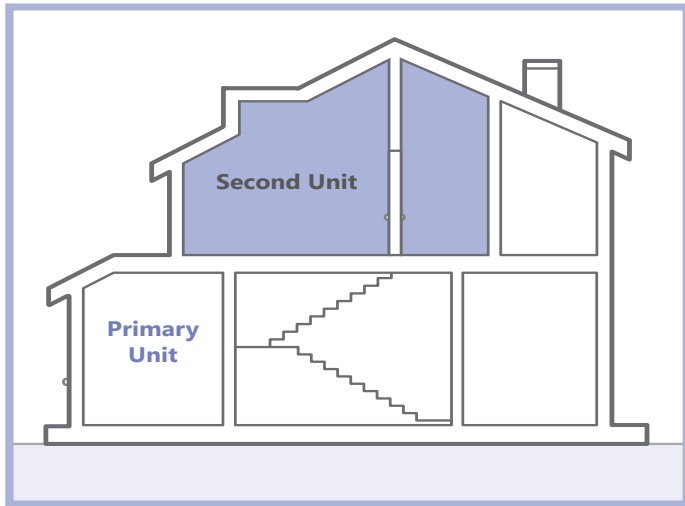


Second unit - Ancillary structure located on property.

## Unit Size

The size of second units and the number of bedrooms should solely be regulated by the Building Code. The Building Code establishes health and safety standards for second units. As such, municipal by-laws should not seek to impose size or other standards that are regulated by the Building Code.

The *Development Charges Act, 1997* (via Ontario Regulation 82/98) states that, in order for second units in existing homes to be exempt from development charges, they must be less than or equal to the size of the primary dwelling. This is the only potential size standard a municipality should contemplate including in a by-law.



**Second unit** - Contained within primary dwelling  
(Above ground-level unit).

## Egress

Requirements for entrances or means of egress for second units are set by the Ontario Building Code and Ontario Fire Code (which need to be referred to for specific standards). In general, second units can share a joint entrance with the primary unit, subject to having a fire separation with appropriate fire resistance rating, and at least two means of egress (exit) that may include windows of an appropriate size. Therefore, there is a need to ensure that by-laws do not contain any standards/provisions that differ from those in the Codes.

## Streetscape and Architectural Design

Given most second units are internal to a primary dwelling, second units should have limited impact on streetscape and architectural design. In the case of an addition to a primary dwelling, there may be valid design considerations, particularly in heritage areas. If municipalities establish design standards in relation to streetscape or architectural design, they should be clearly set out in the zoning by-law so a second unit can be planned in accordance with the by-law and a homeowner can proceed directly to obtain a building permit.

## Owner occupancy

The *Planning Act* does not allow zoning to have the effect of distinguishing on the basis of relationship. Zoning by-laws should permit occupancy of the primary or second unit regardless of whether or not the owner of the home is a resident of either unit. A proposed regulation under the *Planning Act*, if made, would establish a provision which precludes establishing occupancy requirements for either the primary or second unit.

## Tracking and monitoring

A municipality should have a means for tracking and monitoring second units. A registry, in some form, could help the municipality be aware of where second units existed. This could assist in establishing inspection processes to help ensure public safety. It could also provide emergency services with the knowledge that there are two units in the home.

A registry could be established through a mandatory enrollment by the applicant when constructing a second unit or by having the municipal building official inform the appropriate office that a building permit has been issued for a second unit on a property. Ideally, there would be no or only modest fees for registration in order to encourage the creation and registration of second units.

### City of Brantford OP

#### 13.1.8

The City shall permit the creation of a self-contained second unit dwelling on lands designated to permit single detached dwellings, semi-detached dwellings, street townhouse dwellings, or accessory structures in accordance with the applicable zoning bylaw regulations and the following provisions: OPA #125 Dec. 3/08 OPA #180 Dec. 17/12

6. Second unit dwellings shall be registered with the Building Department.

## Additional Sources

Landlord Self Help Centre website  
<http://www.landlordselfhelp.com/intro.htm>

Canada Mortgage and Housing Corporation –  
Second Unit Policies –  
<https://www.cmhc-schl.gc.ca/en/inpr/afhoce/afhoce/afhostcast/afhoid/pore/pesesu/index.cfm>

## For More Information, Contact:

Ministry of Municipal Affairs, Provincial Planning  
Policy Branch, (416) 585-6014

Municipal Services Offices:

Central (Toronto), 416-585-6226,  
Toll Free: 1-800-668-0230

West (London), (519) 873-4020,  
Toll Free: 1-800-265-4736

East (Kingston), (613) 545-2100,  
Toll Free: 1-800-267-9438

Northeast (Sudbury), (705) 564-0120,  
Toll Free: 1-800-461-1193

Northwest (Thunder Bay), (807) 475-1651,  
Toll Free: 1-800-465-5027

## Note to User

This Info Sheet summarizes complex matters and reflects legislation, policies and practices that are subject to change. It should not be a substitute for specialized legal or professional advice in connection with any particular matter and should not be construed as legal advice. The user is solely responsible for any use or the application of this information. As such, the Ministry of Municipal Affairs does not accept any legal responsibility for the contents of this Info Sheet or for any consequences, including direct or indirect liability, arising from its use.

## Ministry of Municipal Affairs

© Queen's Printer for Ontario, 2017

ISBN 978-1-4606-8976-9 (PDF)

ISBN 978-1-4606-8975-2 (HTML)

Disponible en français

**Section Amendments with date in force (d/m/y) [ + ]****Deemed council, municipality**

**14.8** (1) Sections 2 and 3, subsections 4 (1), (4) and (5), 5 (1), (2), (4) and (5), 6 (2), 8 (1) and (3), sections 16, 16.1, 17, 20, 21, 22, 23 and 26, subsection 51 (37) and (45), sections 62.1, 65, 66, 68 and 69 apply to a municipal planning area or a municipal planning authority, as appropriate, and the municipal planning area and municipal planning authority shall be deemed to be a municipality or a council of a municipality, respectively, for those purposes. 1994, c. 23, s. 8.

(2) Repealed: 1996, c. 4, s. 7.

**Section Amendments with date in force (d/m/y) [ + ]****Upper-tier municipalities, planning functions**

**15.** The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may,

- (a) assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act; or
- (b) provide advice and assistance to the lower-tier municipality in respect of planning matters generally. 2002, c. 17, Sched. B, s. 4.

**Section Amendments with date in force (d/m/y) [ + ]**

**PART III**  
**OFFICIAL PLANS**

**Official plan****Contents of official plan**

**16.** (1) An official plan shall contain,

- (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of,
  - (i) proposed amendments to the official plan or proposed revisions of the plan,
  - (ii) proposed zoning by-laws,
  - (iii) proposed plans of subdivision, and
  - (iv) proposed consents under section 53; and
- (c) such other matters as may be prescribed. 2015, c. 26, s. 17.

**Same**

(2) An official plan may contain,

- (a) a description of the measures and procedures proposed to attain the objectives of the plan;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of planning matters not mentioned in clause (1) (b); and
- (c) such other matters as may be prescribed. 2015, c. 26, s. 17.

**Second unit policies**

(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,

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (3) of the Act is amended by

**striking out “Without limiting what an official plan is required to or may contain under subsection (1) or (2)” at the beginning of the portion before clause (a). (See: 2016, c. 25, Sched. 4, s. 1 (1))**

- (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. 2011, c. 6, Sched. 2, s. 2.
- (4) REPEALED: 1996, c. 4, s. 8 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 1 (2))**

#### Inclusionary zoning policies

- (4) An official plan of a municipality that is prescribed for the purpose of this subsection shall contain policies that authorize inclusionary zoning by,
- (a) authorizing the inclusion of affordable housing units within buildings or projects containing other residential units; and
  - (b) providing for the affordable housing units to be maintained as affordable housing units over time. 2016, c. 25, Sched. 4, s. 1 (2).

#### Same

- (5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4). 2016, c. 25, Sched. 4, s. 1 (2).

#### Goals and objectives

- (6) The policies described in subsection (4) shall include goals and objectives and a description of the measures and procedures proposed to attain those goals and objectives. 2016, c. 25, Sched. 4, s. 1 (2).

#### Prescribed provisions and matters

- (7) The policies described in subsection (4) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 1 (2).

#### No limitation

- (8) Each subsection of this section shall be read as not limiting what an official plan is required to or may contain under any of the other subsections. 2016, c. 25, Sched. 4, s. 1 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of the Act is amended by adding the following subsections: (See: 2016, c. 25, Sched. 4, s. 1 (3))**

#### Assessment report

- (9) Before adopting the parts of an official plan which contain policies described in subsection (4), the council of the municipality shall ensure that an assessment report has been prepared. 2016, c. 25, Sched. 4, s. 1 (3).

#### Updating of assessment report

- (10) Within five years after the parts of its official plan which contain policies described in subsection (4) come into effect, the council of the municipality shall ensure that an updated assessment report is prepared for the purpose of determining whether any of those parts of the official plan should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

#### Periodic updating

- (11) As long as its official plan contains policies described in subsection (4), the council of the municipality shall ensure that an updated assessment report is prepared within five years after the date of the most recent updated assessment report, for the purpose of determining whether any of the parts of the official plan which contain policies described in subsection (4) should be amended. 2016, c. 25, Sched. 4, s. 1 (3).



# No Appeal of Second Units

Subsections  
17(24.2) and  
17(36.2)

## Changes remove ability to appeal second unit policies at time of an OP update

### Intended Outcomes

- Removes ability to appeal second unit policies at time of an official plan update
- Provide municipalities with increased ability to facilitate second units (i.e., basement apartments)

### Previously

- Municipal second unit policies included in an update of the official plan could be appealed by any party

### Implementation Considerations

- Provides municipalities with control over second unit policies / standards
- Changes made to Planning Act in 2011 require municipalities to permit second units, while enabling municipalities to consider any constraints (e.g., flood-prone areas or those with inadequate servicing) in developing or reviewing second unit policies or standards
- Second unit policies should continue to be reviewed during the regular OP policy updates
- No change to non-appealability of second unit policies at all other times





# Bill 73 Highlights

(Please see Handouts)

## Smart Growth for Our Communities Act 2015



**Strong Communities**

**A Better Land Use System**

## Highlights of Changes to the Planning Act

# Ontario's Long Term Affordable Housing Strategy: Second Units and Garden Suites

- All municipalities must have policies for second units
- Second unit policies, cannot be appealed to the Ontario Municipal Board except at the time of an official plan five-year update
- Garden suites are temporary one-unit, detached residences containing housekeeping facilities that are ancillary to existing houses and that are designed to be portable
- Garden suites can be permitted on a temporary basis for up to 20 years (renewable)

## Second Units



# Garden Suites



## Tammy Lepage

---

**From:** Jamie Robinson <jrobinson@mhbcplan.com>  
**Sent:** January 31, 2018 7:54 AM  
**To:** Tammy Lepage  
**Subject:** RE: OPA Second Units - Housekeeping Amendment

Hi Tammy,

These are my recommendations:

- 1) You do not need an application form if it is a Municipal initiated OPA. Section 21 of the Planning Act is for Municipal initiated OPA's and it defers to Section 17 for the processing requirements. Whereas Section 22 establishes the "prescribed information" that is required in the application form for OPA's that are initiated by another person or body.
- 2) Do not characterize as a housekeeping amendment. It is an OPA to establish Secondary Unit policies in the Official Plan.
- 3) Is there a resolution from Council directing staff to initiate an OPA for second units?
- 4) If there isn't, I would suggest a staff report be prepared to outline why the OP should be updated to include second unit policies. Further, I would recommend that an open house meeting be held to review the draft policies with the public prior to a statutory public meeting.
- 5) The draft policies should be prepared along with a technical memo or background report summarizing the basis for the proposed policies.
- 6) The draft policies should:
  - a) Establish where second units are appropriate and where they are not appropriate.
  - b) Whether second units should be permitted as-of-right in these areas or only through a Zoning By-law Amendment.
  - c) Establish criteria that must be met in order for a secondary unit to be permitted by ZBA.
  - d) Establish policy direction for the establishment of permitted locations and regulations to be included in the Zoning By-law.

I look forward to discussing with you.

**JAMIE ROBINSON**, BES, MCIP, RPP | Partner

**MHBC** Planning, Urban Design & Landscape Architecture

113 Collier Street | Barrie | ON | L4M 1H2 | T 705 728 0045 x 222 | F 705 728 2010 | C 705 715 2878  
| [jrobinson@mhbcplan.com](mailto:jrobinson@mhbcplan.com)

Follow us: [Webpage](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Vimeo](#)



This communication is intended solely for the named addressee(s) and may contain information that is privileged, confidential, protected or otherwise exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, please advise us immediately and delete this email without reading, copying or forwarding it to anyone.

# Memorandum

## To: The Planning Advisory Committee

FROM: Tammy Lepage, Planning Assistant

DATE: February 16, 2018

---

RE: Second Unit Official Plan Amendment

PAC recommended to Council to initiate an Official Plan Amendment to incorporate the legislation dealing with second units.

Council passed the recommendation from PAC on November 23, 2017 as Resolution No. 17-704. An application was prepared and submitted to the Planning Consultant on January 19, 2018, a follow up email was sent on the 29<sup>th</sup> of January.

Correspondence received from Jamie on the 31<sup>st</sup> of January he recommends that the OP amendment should not be characterized as a housekeeping amendment; however, to establish Secondary Unit policies within the OP. He also recommends that an open house meeting be held to review the draft policies with the public prior to a statutory public meeting. Jamie will have a report to Council for the next Committee of the Whole meeting scheduled March 13<sup>th</sup>.

Second Unit Policies are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or ancillary structures.



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI  
Special Council- CoW**

**Agenda Number:** 17.4  
**Legislative Number:** 18-081  
**Title:** Second Units  
**Date:** 03/13/2018

---

**MOVED BY:** R. Prefasi  
**SECONDED BY:** D. Burrows

WHEREAS PAC has requested that Council deal with the issues of second units by allowing them in all neighbourhoods therefore BE IT RESOLVED THAT that Council direct staff to begin the process of amending Temagami's Official Plan to allow second units in all neighbourhoods

**YES: 3**

**NO: 2**

**ABSTAIN: 0**

**ABSENT: 2**

**CARRIED**

**YES: 3**

D. Burrows

J. Harding

R. Prefasi

**NO: 2**

L. Hunter

C. Lowery

**ABSTAIN: 0**

**ABSENT: 2**

B. Koski

D. O'Mara

Declaration of Conflict of Interest:

---

A true copy of the resolution by the Council of the Municipality of Temagami



<b>MUNICIPALITY OF TEMAGAMI</b>	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP
<b>Subject:</b>	Information Report Municipal Wide Official Plan Amendment regarding Secondary Suites
<b>Report Date:</b>	March 13, 2018

## **A. BACKGROUND**

At the regular Council meeting held on November 23, 2017, Council received Memo 2017-M-103 from the Planning Advisory Committee (PAC) and adopted the recommendation of the PAC. Council directed Staff to commence an Official Plan Amendment application pertaining to permissions for second units.

A second unit can be defined as a self-contained residential unit, with a private kitchen, bathroom facilities and sleeping areas, the dwelling or structure must be ancillary to the main dwelling. Some of these second units can be basement apartments, granny flats, in-law apartments. Second units are used to increase efforts in affordable rental accommodation and to help with ageing communities like Temagami.

The first task in the process is to review the applicable legislative and policy framework. This review is to provide the PAC with this information, so that direction can be provided regarding the scope of any Official Plan Amendment.

### **Provincial Policy Framework**

#### 2014 Provincial Policy Statement (PPS)

Section 1.1.1 of the 2014 Provincial Policy Statement (PPS) speaks to the accommodation of an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

Section 1.4.3 of the PPS goes on to state that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all forms of residential intensification, including second units.



## The Strong Communities through Affordable Housing Act, 2011

Bill 140, The Strong Communities through Affordable Housing Act, 2011 came into effect on January 1, 2012. The Strong Communities through the Affordable Housing Act amended various sections of the Planning Act to facilitate the creation of second units by:

- requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures;
- removing the ability to appeal the establishment of these official plan policies and zoning by-law provisions except where such official plan policies are included in five- year updates of municipal official plans; and,
- providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Bill 140, made changes to the Planning Act including the expansion of affordable housing options by requiring that municipalities establish policies that would allow second units in new and existing developments provided that they are in appropriate areas. This Bill amended Section 16 of the Planning Act to require that municipalities include policies that allowed for second units by authorizing: a) the establishment of a secondary unit in an existing dwelling; or b) use of a residential unit in a building or structure accessory to an existing dwelling.

While providing for second units as one tool to promote affordable housing initiatives, the Province also recognized that there is a need for municipalities to assess several considerations in developing and implementing these types of official plan policies and zoning provisions. Provincial documentation (<http://www.mah.gov.on.ca/Page9575.aspx>) notes that:

- *Second units should be permitted in both existing residential communities and in newly developing areas. Newly developing areas offer the opportunity to plan proactively for second units. This includes the design of the actual houses and in the lot fabric or neighbourhood layout where ancillary structures like laneway garages could be integrally incorporated into the design. Municipalities and development proponents should specifically consider second units in the planning of new neighbourhoods.*
- *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 requires municipalities to permit second units in detached, semi-detached and row housing, and in ancillary structures, the provisions permit one additional unit (i.e., a second unit) either in a house (e.g., basement) or in an ancillary structure (e.g., above laneway garage) on the*

*same lot. Municipalities should assess where second units may be appropriate in the primary dwelling versus the ancillary structure. In some instances, municipalities may conclude it is appropriate to allow a second unit in both. However, in these situations, the sheltering of appeals does not extend to the third unit. Any party would be able to appeal the authorization of the third unit to the Ontario Municipal Board.*

- *Municipalities that currently permit second units will need to review their official plans and zoning by-laws to assess whether they are permitted in the range of housing types listed in the Act.*
- *While the Act introduced a regulation-making ability for the Minister of Municipal Affairs and Housing 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.*

#### The Promoting Affordable Housing Act, 2016

Bill 7, The Promoting Affordable Housing Act, 2016, amends four Acts to help increase the supply of affordable housing and modernize social housing by:

- Giving municipalities the option to implement inclusionary zoning, which requires affordable housing units to be included in residential developments.
- Making secondary units such as above-garage apartments or basement units in new homes less costly to build, by exempting them from development charges. Secondary units are a potential source of affordable rental housing and allow homeowners to earn additional income.
- Giving local service managers more choice in how they deliver and administer social housing programs and services to reduce wait lists and make it easier for people in Ontario to access a range of housing options.
- Encouraging more inclusive communities and strengthening tenant rights by preventing unnecessary evictions from social housing and creating more mixed-income housing.
- Gathering data about homelessness in Ontario by requiring service managers to conduct local enumeration of those who are homeless in their communities, so that Ontario can continue to work towards its goal of ending chronic homelessness by 2025.

#### **Municipality of Temagami Official Plan**

Section 2.2.2 Housing of the Municipality of Temagami's Official Plan (OP) has set out policies to promote affordable housing. While promoting affordable housing within the community, the Municipality will also face challenges of lot sizes, severances and also availability of municipal

services. The long term goal of the Municipality is to ensure that municipal services such as: water and sewer are continued. It is also the goal of the municipality to encourage and provide facilities to meet the aging population growth within the community.

As it relates to second units, the current Official Plan includes policies regarding accessory apartments, including,

*Accessory apartments may be permitted in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse provided that:*

- *Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;*
- *All requirements of the Zoning By-law, including the provision of adequate parking, of the Building Code and other relevant municipal and provincial regulations can be satisfied;*
- *It has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.*

The Official Plan also makes provision for the establishment of a “garden suite” through the use of temporary use by-laws.

Section 4.4.1.1 of the Official Plan speaks to Low Density Residential uses and states that such uses include single detached, semi-detached, duplex dwelling units, “garden suites” and accessory apartments, in accordance with Section 2.2.2 of the Plan.

It is noted that garden suites and apartments in houses are not permitted in the Rural area. The Housing policies of Section 2.2 state the following with respect to Rural Areas,

*Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and apartments in houses are not permitted in the rural area. New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.*

### **Municipality of Temagami Zoning By-law**

Section 6 of the Municipality’s Zoning By-law relates to General Provisions for All Zones. Subsection 6.03 states,

*An accessory apartment for the use of the owner or operator is permitted in certain commercial buildings, in accordance with the provisions of this By-law. Rental apartment units are permitted on the upper floor or floors of certain commercial buildings, in accordance with this By-law.*

*Apartments in houses shall be subject to the Ontario Regulation Number 384/94 of the Ontario Planning Act.*

Subsection 6.19 relates to Garden Suites and states,

*The gross floor area of the garden suite shall not exceed thirty percent (30%) of the existing living area of the primary residence or seventy one (71) square metres in gross floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site. (By-law 13-1121).*

Subsection 7.7 of the Zoning By-law pertains to Low Density Residential (RL) Zone. Subsection 7.7.3 outlines restrictions within the Low Density Residential Zone, as follows:

*Only one accessory building is permitted on a divided semi-detached lot.*

*A garden suite is permitted on a single detached lot, subject to the passage of a temporary use by-law.*

*An accessory apartment in a single detached or semi-detached dwelling unit is permitted, subject to a rezoning.*

*A garden suite is not permitted in conjunction with a bed and breakfast establishment.*

## **B. COMMENTS**

Provincial legislation is in place which promotes second units as a form of affordable housing. Such second units could be in the form of an accessory apartment (either in a dwelling or an accessory building), or the establishment of a “garden suite”.

The Municipality's Official Plan and Zoning By-law provides policies and regulations that are appropriate for the establishment of garden suites through the application of a temporary use by-law. This is in-keeping with Provincial legislation.

The Municipality's Official Plan has taken steps towards facilitating the establishment of accessory apartments, however, the current policies may be seen as somewhat restrictive and perhaps not fully implementing Provincial policies. The Official Plan provides for accessory apartments in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse, however, this appears to be limited to those properties which are designated Low Density Residential.

Medium and High Density Residential Areas have specific permissions/provisions relating to multi-unit residential buildings which would be beyond what would fall within the category of an “accessory apartment”. The Municipality must ensure that such second units can be adequately serviced (water, sewer/septic, roads, parking, etc.).

As noted previously, the Province recognizes that there may be inherent constraints within portions of a municipality or community, which would make those areas inappropriate for second units; flood-prone areas, waterfront areas/developments on private roads that are not maintained and where emergency access may be limited, areas adjacent to lakes with limited lake capacity, areas of recreational dwelling where there may be a lack of year round roads and/or which lack other daily needs and services residents may require. It is possible, however, to extend permissions relating to accessory apartments beyond just lands designated Low Density Residential while still addressing such types of constraints in a reasonable manner. For example, an accessory apartment may be able to be accommodated within a single detached residential unit within the rural area; appropriately serviced via private well and septic and with access via a public road. Provisions would still be needed to ensure that such accessory apartments are limited in scale so as to maintain the residential character of the property.

Accessory apartments are to be truly “accessory” to the main residential use of the property and it would be important to ensure that provisions were in place to maintain that appearance.

Accessory apartments are to be a tool to assist municipalities in addressing the provision of affordable housing. It is not intended to extend to seasonal, recreation uses.

It is recognized that a goal of the Municipality is to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The Official Plan speaks extensively about the importance of protecting the wilderness and semi-wilderness values of Lake Temagami. In-keeping with this, it would be recommended that permissions for secondary units not be extended to those lands along shoreline areas.

## **C. CONCLUSION AND RECOMMENDATION**

Based on the research that has been completed, the Municipality of Temagami has policies in the Official Plan that permit accessory apartments (second units) to be developed within Urban Areas.

The Official Plan does not have policies in place to permit second units in Rural and Shoreline Area.

Based on the information contained in this Report, there does not appear to be support to permit second units on shoreline properties outside of the Urban Area as these properties are generally used for recreational purposes. The Municipality would be best served, to focus second units first

in the Urban Area and secondly in Rural Areas. There are two options to consider. They are as follows:

- 1) OPA - Undertake an OPA to update the Urban Accessory Apartment policies and establish Rural Area policies to permit accessory apartments.
- 2) Status quo – Do not undertake an OPA at this time, and continue to permit accessory apartments in Urban Areas.

It is recommended that Staff be directed to prepare an Official Plan Amendment to update the second unit (accessory apartment) policies of the Official Plan to permit accessory apartments in Rural Areas and to update the current policies pertaining to Urban areas.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP  
Partner

**The Corporation of the Municipality of Temagami**  
**Planning Advisory Committee**

Motion Number: 18-20  
Moved By: BC.

Date: March 13, 2018  
Seconded by: BD

BE IT RESOLVED THAT the second unit policies be included in all five neighbourhoods in the Official Plan Amendment.

AND FURTHER THAT the policies regarding second units be drafted and implemented as part of the official plan review.

✓ Carried      \_\_\_\_\_ Amended      \_\_\_\_\_ Defeated

Declaration of Conflict of Interest:

Chairperson: [Signature]

## RECORDED VOTE

	YEAS	NAYS
C. Dwyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Hasler	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Kenrick	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Leudke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
L. Hunter	<input type="checkbox"/>	<input type="checkbox"/>
C. Rannie	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Graham	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chair D. Burrows	<input checked="" type="checkbox"/>	<input type="checkbox"/>





**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Resolution Number:** 18-175

**Title:** MHBC - Planning Report - Secondary Suites and Summary of OPA Process - 11 April

**Date:** 05/24/2018

---

**MOVED BY:** B. Koski

**SECONDED BY:** J. Harding

BE IT RESOLVED THAT Council receive MHBC - Planning Report - Secondary Suites and Summary of OPA Process - 11 April 2018; AND FURTHER THAT Council direct staff to continue with the preparation of the draft Official Plan Amendment, which will include policies to be implemented into the Municipality's Official Plan to permit second units, in anticipation of a Public Meeting to be held at a Council Meeting in June of 2018.

**ABSTAIN: 0**

**CARRIED**

Declaration of Conflict of Interest:

---

A true copy of the resolution by the Council of the Municipality of Temagami

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP
<b>Subject:</b>	Second Unit Official Plan Amendment Update and Summary of Process
<b>Report Date:</b>	April 11, 2018

## **A. OVERVIEW**

This Report has been prepared to provide details regarding the processing of a Municipally initiated Official Plan Amendment to include secondary unit policies in the Official Plan.

At a Special Meeting of Council held on March 13, 2018, Committee of the Whole passed a resolution regarding an Official Plan Amendment to implement policies regarding second units as follows:

*WHEREAS PAC has requested that Council deal with the issues of second units by allowing them in all neighbourhoods therefore BE IT RESOLVED THAT that Council direct staff to begin the process of amending Temagami's Official Plan to allow second units in all neighbourhoods.*

Following the resolution passed on March 13, 2018, we have commenced the drafting of Official Plan policies that will implement the inclusion and permissions for second suites on properties within the Municipality. A draft Official Plan Amendment is expected to be completed by the end of April. Once prepared, there will be opportunity for PAC, Council, Staff and members of the public to review the document and to provide comments.

## **B. APPLICATION PROCESS**

Regulation 525/97 of the *Planning Act* includes municipalities that are exempt from approvals from the Ministry of Municipal Affairs for Official Plan Amendments. As of January 1, 2015, the Municipality of Temagami is considered to be exempt from approvals from the Ministry of Municipal Affairs for Official Plan Amendments, under Section 17 of the *Planning Act*.

The processing of the Official Plan Amendment Application requires that a Public Meeting be held.

Notice for a Public Meeting concerning an Official Plan Amendment is required to be issued 20 days prior to the Public Meeting.

As part of the circulation of the Notice, the Notice, along with a copy of the draft Official Plan Amendment, will be circulated to commenting agencies including the Ministry, Health Unit and MTO.

Following the Public Meeting, comments that have been provided will be reviewed and evaluated. The draft Official Plan Amendment will be revised as necessary prior to the final Official Plan Amendment and a recommendation report will be provided to Council for consideration.

**C. SUMMARY**

Following preparation of the draft Official Plan Amendment, which will include policies to be implemented into the Municipality's Official Plan to permit second units, the Municipality will schedule a Public Meeting as required under the *Planning Act*. It is anticipated that a Public Meeting would be able to be held at a Council Meeting in June of 2018.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP  
Partner

## Tammy Lepage

---

**From:** Brown, Christopher (MMA/MHO) <Christopher.R.Brown@ontario.ca>  
**Sent:** April 19, 2018 8:59 AM  
**To:** Tammy Lepage  
**Subject:** RE: exempt status for the Official Plan Amendment

Hi Tammy,

Because this concerns an official plan update for purposes of section 26 of the Act (i.e. 5-yr/10-yr review), an open house under sub-section 17(16) is required, at least 7 days before the statutory public meeting. Typically the open house is held well in advance.

For a section 26 update, the municipality is required to provide the draft to MMA at least 90 days before the notice of open house, pursuant to subsections 17(17) and (17.1).

In cases where an amendment to the official plan (OPA) is proposed for purposes other than a s.26 update, there is no open house requirement. In such cases, the municipality will provide the draft 90 days before the public meeting, except in cases where an OPA is exempt from the requirement for minister's approval, in which case the requirement under sub-section 17(17.1) does not apply, and the municipality simply needs to send us the notice together with a copy of the amendment, at the same time notice of meeting is given to the public; see O.Reg. 543/06 sub-sections 3 (11) and (13)-(14).

Please note that for a section 26 update, whether by OPA or by adoption of a new OP, there is no exemption from minister's approval.

I trust the above information is helpful. If you require any clarification or have further questions, please do not hesitate to contact me.

Regards,

Christopher



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Resolution Number:** 18-186 (As Amended)  
**Title:** MHBC Report and Draft OPA By-Law re Second Unit Policies  
**Date:** 05/24/2018

---

**MOVED BY:** B. Koski  
**SECONDED BY:** C. Lowery

BE IT RESOLVED THAT Council receive the MHBC Report and Draft OPA By-Law re Second Unit Policies dated May 10, 2018; AND FURTHER THAT the report be sent to PAC for their comments back to the Committee of the Whole meeting.

**ABSTAIN: 0**

**CARRIED**

Declaration of Conflict of Interest:

---

A true copy of the resolution by the Council of the Municipality of Temagami

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP
<b>Subject:</b>	Municipal Wide Official Plan Amendment regarding Secondary Suites
<b>Report Date:</b>	May 10, 2018

## **A. BACKGROUND**

At a Special Meeting of Council held on March 13, 2018, Committee of the Whole passed a resolution regarding an Official Plan Amendment to implement policies regarding second units as follows:

*WHEREAS PAC has requested that Council deal with the issues of second units by allowing them in all neighbourhoods therefore BE IT RESOLVED THAT that Council direct staff to begin the process of amending Temagami's Official Plan to allow second units in all neighbourhoods.*

On March 13, 2018, an Information Report was prepared to provide background on second units (accessory apartments) and to provide an overview of Provincial policy framework that provides the basis for municipalities to include policies and regulations in their planning documents to permit second units. Provincial legislation is in place which promotes second units as a form of affordable housing. Such second units could be in the form of an accessory apartment (either in a dwelling or an accessory building), or the establishment of a "garden suite".

Following a review of the current policies regarding second units, it was recommended that the Municipality incorporate policies to only permit second units within the Urban and Rural areas, and not to permit second units within Shoreline areas. The recommendation was that Shoreline areas be reserved for seasonal and recreational uses, and not for second units.

Following the resolution from Council on March 13, 2018, a second Information Report was prepared on April 11, 2018, and was received by Council, which set out the process for amending the Official Plan.

A draft Official Plan Amendment has been prepared and is attached to this Report as Appendix 1. The purpose of this Report is to provide information relating to the draft Official Plan Amendment to permit second units (accessory apartments) in all neighbourhoods within the Municipality, and to make recommendations as to next steps in the process.

## **B. POLICY REVIEW**

The Municipality of Temagami's Official Plan includes policies to promote affordable housing and to establish where accessory apartments are to be permitted within the Municipality. The current

policy framework only permits accessory apartments within the Urban area. Section 2.2.2 of the Official Plan includes policies regarding Housing, and includes the following regarding accessory apartments in the Urban area:

*Accessory apartments may be permitted in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse provided that:*

- *Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;*
- *All requirements of the Zoning By-law, including the provision of adequate parking, of the Building Code and other relevant municipal and provincial regulations can be satisfied;*
- *It has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.*

The Official Plan also makes provision for the establishment of a “garden suite” through the use of temporary use by-laws.

Section 4.4.1.1 of the Official Plan speaks to Low Density Residential uses and states that such uses include single detached, semi-detached, duplex dwelling units, “garden suites” and accessory apartments, in accordance with Section 2.2.2 of the Plan.

It is noted that garden suites and apartments in houses are not permitted in the Rural area. The Housing policies of Section 2.2 for the Rural area state the following:

*Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. **Garden suites and apartments in houses are not permitted in the rural area.***

*New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.*

The Official Plan also identifies permitted accessory uses for various designations in Section 4.3.3, 5.3.3, 6.3.3, 7.3.3 and 8.3.3. Accessory Apartments are not identified as a permitted accessory use within these sections of the Official Plan.



The Official Plan also includes a Glossary of Terms at the end of the document. The glossary includes a definition for 'Apartments-in-House' which is defined as the following:

*Apartments-in-House – These are second self-contained units in detached or semidetached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.*

## **C. PROPOSED OFFICIAL PLAN AMENDMENT**

In order to implement the direction from Council, the Official Plan is proposed to be amended in order to permit garden suites and accessory apartments in all neighbourhoods. The following revisions are proposed to Section 2.2 of the Official Plan, for the Rural area:

*Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and accessory apartments ~~in houses~~ are ~~not~~ permitted in the rural area.*

*Accessory apartments may be permitted in single detached dwellings or in a building or structure ancillary to a single detached dwelling within the rural area (including shoreline properties) provided that:*

- Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;*
- All requirements of the Zoning By-law, including the provisions to govern compatibility with the principal dwelling and surrounding land uses, as well as the size of the accessory apartment and other standards including the Building Code and other relevant municipal and provincial regulations can be satisfied;*
- It has been determined that on-site servicing, including a septic system and private wells, have sufficient capacity for the accessory apartment.*
- An accessory apartment shall not be permitted in the front yard as defined by the Zoning By-law.*

*The Zoning By-law shall contain provisions to regulate the establishment of accessory apartments.*

*New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.*

Further to the revisions to Section 2.2.2 of the Official Plan noted above, it is also recommended that Sections 4.3.3, 5.3.3, 6.3.3, 7.3.3 and 8.3.3 be updated to include an accessory apartment as a permitted accessory use in each of these designations.

Lastly, a new definition is recommended to be added to the Glossary of Terms to replace the current definition of 'Apartments-in-House'. A new definition for an 'Accessory Apartment' will be added to the Official Plan that states:

*Accessory Apartment - A self-contained dwelling unit created by either an interior renovation within an existing dwelling, or as an exterior addition, provided that one entire face of the addition is attached to the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law; or a self-contained dwelling unit located within an accessory building.*

#### **D. CONSIDERATION FOR ACCESSORY APARTMENT REGULATIONS**

Accessory apartments are to be truly “accessory” to the main residential use of the property and it would be important to ensure that provisions were in place to maintain that appearance. It is also recognized that a goal of the Municipality is to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes.

Following completion of the Official Plan Amendment, it is recommended that the Zoning By-law also be amended to include regulations and standards that would apply to accessory apartments. Separate regulations and standards could be implemented for both accessory apartments within dwellings, or within accessory buildings.

Examples of regulations and standards that could be implemented include the following:

- Ensuring adequate parking is provided for the principal and accessory units.
- Restrict the maximum size of the accessory apartment.
- Establish locations on a property where an accessory apartment would be permitted, or not permitted (ie. minimum distance from the shoreline, located within the front yard of a shoreline property).
- Minimum lot size to be eligible for a second unit.

## **E. SUMMARY AND NEXT STEPS**

The Official Plan currently does not have policies in place to permit second units in the Rural and Shoreline Area. The revisions to Section 2.2.2 included in Section C of this Report provide the policy framework for second units to be permitted within the Rural area, including Shoreline properties.

Following completion of the Official Plan Amendment, it is recommended that the Zoning By-law also be amended to include provisions to limit the scale of accessory apartments and their location, especially within Shoreline areas.

In order to implement the direction of Council, it is recommended that Staff be directed to schedule a Public Meeting for the Official Plan Amendment to update the second unit (accessory apartment) policies to permit accessory apartments in all neighbourhoods.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP  
Partner

**Official Plan Amendment No. 3**

**Municipality of Temagami**

**DRAFT**

**Amendment No. 3 to the  
Official Plan of the  
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number 3 to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2018-       in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

---

Lorie Hunter, Mayor

---

Elaine Gunnell, Municipal Clerk

**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 2018-\_\_**

**A By-law to adopt Amendment No. 3 to the  
Official Plan for the Municipality of Temagami.**

**WHEREAS** The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

**AND WHEREAS** Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

**AND WHEREAS** the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

**AND WHEREAS** the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No. 3 to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Lorie Hunter, Mayor

\_\_\_\_\_  
Elaine Gunnell, Municipal Clerk

**Certification**

Certified that the above is a true copy of By-law No. 2018-\_\_\_\_ as enacted and passed by Council of the Municipality of Temagami on the \_\_\_\_th day of \_\_\_\_\_, 2018.

---

Elaine Gunnel, Municipal Clerk



## **THE CONSTITUTIONAL STATEMENT**

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

**Part A** – THE PREAMBLE does not constitute part of this Amendment.

**Part B** – THE AMENDMENT, consisting of the text of Amendment No. 3 to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

**Part C** – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

## **Part A – Preamble**

### **Purpose**

The purpose of this amendment is to include policies in the Municipality of Temagami Official Plan to implement Provincial policies regarding second units, and to permit second units within all neighbourhoods in the Municipality following direction from Council.

This amendment implements the goals and objectives of the Official Plan by providing opportunities for a range of housing types and densities to accommodate a diversity of lifestyles, age groups, income levels and persons with special needs.

### **Location**

Amendment No. 3 is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

### **Basis**

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to provide for opportunities for the development of affordable housing in the form of second units in their planning documents, Official Plans and Zoning By-laws.

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) which speaks to the accommodation of an appropriate range and mix of residential, including second units, affordable housing and housing for older persons;
- Bill 140, The Strong Communities through Affordable Housing Act, 2011 which came into effect on January 1, 2012. This Bill made changes to the Planning Act, expanding on the affordable housing options by requiring that municipalities set policies that would allow second units in new and existing developments provided that they are in appropriate areas;
- Bill 7, The Promoting Affordable Housing Act, 2016, and Ontario's Long Term Affordable Housing Strategy Update, which expanded and enhanced the range of land use planning and municipal finance tools that municipalities can use to build more affordable market housing; and
- The Municipality of Temagami's Official Plan which sets out policies to promote affordable housing.

The Provincial policy framework related to promoting affordable housing encourages and requires Municipalities to permit second units in some form, at the discretion of the Municipality within their planning documents. Council has provided direction to permit second units in the form of accessory apartment in all neighbourhoods of the Municipality, including shoreline properties.

## **Part B – The Amendment**

### **1.0 Introductory Statement**

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

### **2.0 Details of the Amendment**

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

#### **A) Revision to text within Section 2.2.2 Housing as follows:**

(red text represents additions or deletions)

Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and accessory apartments ~~in houses~~ are not permitted in the rural area.

Accessory apartments may be permitted in single detached dwellings or in a building or structure ancillary to a single detached dwelling within the rural area (including shoreline properties) provided that:

- Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;
- All requirements of the Zoning By-law, including the provisions to govern compatibility with the principal dwelling and surrounding land uses, as well as the size of the accessory apartment and other standards including the Building Code and other relevant municipal and provincial regulations can be satisfied;
- It has been determined that on-site servicing, including a septic system and private wells, have sufficient capacity for the accessory apartment.
- An accessory apartment shall not be permitted in the front yard as defined by the Zoning By-law.

The Zoning By-law shall contain provisions to regulate the establishment of accessory apartments.

New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown

land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.

**B) Include Accessory Apartment as a permitted use in various designations**

Sections 4.3.3, 5.3.3, 6.3.3, 7.3.3 & 8.3.3 shall be amended by including “accessory apartment” as a permitted accessory use.

**C) Delete definition of ‘Apartments-in-House’ from Appendix C**

~~Apartments-in-House — These are second self-contained units in detached or semidetached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.~~

**D) Add new definition of ‘Accessory Apartment’ from Appendix C**

Accessory Apartment - A self-contained dwelling unit created by either an interior renovation ~~within an existing dwelling~~, or as an exterior addition to a dwelling or accessory building.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

### **3.0 Implementation and Interpretation**

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

### **Part C – The Appendices**

1. Planning Information Report, prepared by MHBC, March 13, 2018
2. Resolution of Committee of the Whole regarding Second Units, March 13, 2018.
3. Planning Information Report, prepared by MHBC, April 11, 2018
4. Planning Report regarding Second Units OPA, prepared by MHBC, May 10, 2018

<b>MUNICIPALITY OF TEMAGAMI</b>	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP
<b>Subject:</b>	Information Report Municipal Wide Official Plan Amendment regarding Secondary Suites
<b>Report Date:</b>	March 13, 2018

## **A. BACKGROUND**

At the regular Council meeting held on November 23, 2017, Council received Memo 2017-M-103 from the Planning Advisory Committee (PAC) and adopted the recommendation of the PAC. Council directed Staff to commence an Official Plan Amendment application pertaining to permissions for second units.

A second unit can be defined as a self-contained residential unit, with a private kitchen, bathroom facilities and sleeping areas, the dwelling or structure must be ancillary to the main dwelling. Some of these second units can be basement apartments, granny flats, in-law apartments. Second units are used to increase efforts in affordable rental accommodation and to help with ageing communities like Temagami.

The first task in the process is to review the applicable legislative and policy framework. This review is to provide the PAC with this information, so that direction can be provided regarding the scope of any Official Plan Amendment.

### **Provincial Policy Framework**

#### 2014 Provincial Policy Statement (PPS)

Section 1.1.1 of the 2014 Provincial Policy Statement (PPS) speaks to the accommodation of an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

Section 1.4.3 of the PPS goes on to state that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all forms of residential intensification, including second units.



## The Strong Communities through Affordable Housing Act, 2011

Bill 140, The Strong Communities through Affordable Housing Act, 2011 came into effect on January 1, 2012. The Strong Communities through the Affordable Housing Act amended various sections of the Planning Act to facilitate the creation of second units by:

- requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures;
- removing the ability to appeal the establishment of these official plan policies and zoning by-law provisions except where such official plan policies are included in five- year updates of municipal official plans; and,
- providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Bill 140, made changes to the Planning Act including the expansion of affordable housing options by requiring that municipalities establish policies that would allow second units in new and existing developments provided that they are in appropriate areas. This Bill amended Section 16 of the Planning Act to require that municipalities include policies that allowed for second units by authorizing: a) the establishment of a secondary unit in an existing dwelling; or b) use of a residential unit in a building or structure accessory to an existing dwelling.

While providing for second units as one tool to promote affordable housing initiatives, the Province also recognized that there is a need for municipalities to assess several considerations in developing and implementing these types of official plan policies and zoning provisions. Provincial documentation (<http://www.mah.gov.on.ca/Page9575.aspx>) notes that:

- *Second units should be permitted in both existing residential communities and in newly developing areas. Newly developing areas offer the opportunity to plan proactively for second units. This includes the design of the actual houses and in the lot fabric or neighbourhood layout where ancillary structures like laneway garages could be integrally incorporated into the design. Municipalities and development proponents should specifically consider second units in the planning of new neighbourhoods.*
- *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 requires municipalities to permit second units in detached, semi-detached and row housing, and in ancillary structures, the provisions permit one additional unit (i.e., a second unit) either in a house (e.g., basement) or in an ancillary structure (e.g., above laneway garage) on the*

*same lot. Municipalities should assess where second units may be appropriate in the primary dwelling versus the ancillary structure. In some instances, municipalities may conclude it is appropriate to allow a second unit in both. However, in these situations, the sheltering of appeals does not extend to the third unit. Any party would be able to appeal the authorization of the third unit to the Ontario Municipal Board.*

- *Municipalities that currently permit second units will need to review their official plans and zoning by-laws to assess whether they are permitted in the range of housing types listed in the Act.*
- *While the Act introduced a regulation-making ability for the Minister of Municipal Affairs and Housing 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.*

#### The Promoting Affordable Housing Act, 2016

Bill 7, The Promoting Affordable Housing Act, 2016, amends four Acts to help increase the supply of affordable housing and modernize social housing by:

- Giving municipalities the option to implement inclusionary zoning, which requires affordable housing units to be included in residential developments.
- Making secondary units such as above-garage apartments or basement units in new homes less costly to build, by exempting them from development charges. Secondary units are a potential source of affordable rental housing and allow homeowners to earn additional income.
- Giving local service managers more choice in how they deliver and administer social housing programs and services to reduce wait lists and make it easier for people in Ontario to access a range of housing options.
- Encouraging more inclusive communities and strengthening tenant rights by preventing unnecessary evictions from social housing and creating more mixed-income housing.
- Gathering data about homelessness in Ontario by requiring service managers to conduct local enumeration of those who are homeless in their communities, so that Ontario can continue to work towards its goal of ending chronic homelessness by 2025.

#### **Municipality of Temagami Official Plan**

Section 2.2.2 Housing of the Municipality of Temagami's Official Plan (OP) has set out policies to promote affordable housing. While promoting affordable housing within the community, the Municipality will also face challenges of lot sizes, severances and also availability of municipal

services. The long term goal of the Municipality is to ensure that municipal services such as: water and sewer are continued. It is also the goal of the municipality to encourage and provide facilities to meet the aging population growth within the community.

As it relates to second units, the current Official Plan includes policies regarding accessory apartments, including,

*Accessory apartments may be permitted in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse provided that:*

- *Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;*
- *All requirements of the Zoning By-law, including the provision of adequate parking, of the Building Code and other relevant municipal and provincial regulations can be satisfied;*
- *It has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.*

The Official Plan also makes provision for the establishment of a “garden suite” through the use of temporary use by-laws.

Section 4.4.1.1 of the Official Plan speaks to Low Density Residential uses and states that such uses include single detached, semi-detached, duplex dwelling units, “garden suites” and accessory apartments, in accordance with Section 2.2.2 of the Plan.

It is noted that garden suites and apartments in houses are not permitted in the Rural area. The Housing policies of Section 2.2 state the following with respect to Rural Areas,

*Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and apartments in houses are not permitted in the rural area. New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.*

### **Municipality of Temagami Zoning By-law**

Section 6 of the Municipality’s Zoning By-law relates to General Provisions for All Zones. Subsection 6.03 states,

*An accessory apartment for the use of the owner or operator is permitted in certain commercial buildings, in accordance with the provisions of this By-law. Rental apartment units are permitted on the upper floor or floors of certain commercial buildings, in accordance with this By-law.*

*Apartments in houses shall be subject to the Ontario Regulation Number 384/94 of the Ontario Planning Act.*

Subsection 6.19 relates to Garden Suites and states,

*The gross floor area of the garden suite shall not exceed thirty percent (30%) of the existing living area of the primary residence or seventy one (71) square metres in gross floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site. (By-law 13-1121).*

Subsection 7.7 of the Zoning By-law pertains to Low Density Residential (RL) Zone. Subsection 7.7.3 outlines restrictions within the Low Density Residential Zone, as follows:

*Only one accessory building is permitted on a divided semi-detached lot.*

*A garden suite is permitted on a single detached lot, subject to the passage of a temporary use by-law.*

*An accessory apartment in a single detached or semi-detached dwelling unit is permitted, subject to a rezoning.*

*A garden suite is not permitted in conjunction with a bed and breakfast establishment.*

## **B. COMMENTS**

Provincial legislation is in place which promotes second units as a form of affordable housing. Such second units could be in the form of an accessory apartment (either in a dwelling or an accessory building), or the establishment of a “garden suite”.

The Municipality's Official Plan and Zoning By-law provides policies and regulations that are appropriate for the establishment of garden suites through the application of a temporary use by-law. This is in-keeping with Provincial legislation.

The Municipality's Official Plan has taken steps towards facilitating the establishment of accessory apartments, however, the current policies may be seen as somewhat restrictive and perhaps not fully implementing Provincial policies. The Official Plan provides for accessory apartments in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse, however, this appears to be limited to those properties which are designated Low Density Residential.

Medium and High Density Residential Areas have specific permissions/provisions relating to multi-unit residential buildings which would be beyond what would fall within the category of an “accessory apartment”. The Municipality must ensure that such second units can be adequately serviced (water, sewer/septic, roads, parking, etc.).

As noted previously, the Province recognizes that there may be inherent constraints within portions of a municipality or community, which would make those areas inappropriate for second units; flood-prone areas, waterfront areas/developments on private roads that are not maintained and where emergency access may be limited, areas adjacent to lakes with limited lake capacity, areas of recreational dwelling where there may be a lack of year round roads and/or which lack other daily needs and services residents may require. It is possible, however, to extend permissions relating to accessory apartments beyond just lands designated Low Density Residential while still addressing such types of constraints in a reasonable manner. For example, an accessory apartment may be able to be accommodated within a single detached residential unit within the rural area; appropriately serviced via private well and septic and with access via a public road. Provisions would still be needed to ensure that such accessory apartments are limited in scale so as to maintain the residential character of the property.

Accessory apartments are to be truly “accessory” to the main residential use of the property and it would be important to ensure that provisions were in place to maintain that appearance.

Accessory apartments are to be a tool to assist municipalities in addressing the provision of affordable housing. It is not intended to extend to seasonal, recreation uses.

It is recognized that a goal of the Municipality is to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The Official Plan speaks extensively about the importance of protecting the wilderness and semi-wilderness values of Lake Temagami. In-keeping with this, it would be recommended that permissions for secondary units not be extended to those lands along shoreline areas.

## **C. CONCLUSION AND RECOMMENDATION**

Based on the research that has been completed, the Municipality of Temagami has policies in the Official Plan that permit accessory apartments (second units) to be developed within Urban Areas.

The Official Plan does not have policies in place to permit second units in Rural and Shoreline Area.

Based on the information contained in this Report, there does not appear to be support to permit second units on shoreline properties outside of the Urban Area as these properties are generally used for recreational purposes. The Municipality would be best served, to focus second units first

in the Urban Area and secondly in Rural Areas. There are two options to consider. They are as follows:

- 1) OPA - Undertake an OPA to update the Urban Accessory Apartment policies and establish Rural Area policies to permit accessory apartments.
- 2) Status quo – Do not undertake an OPA at this time, and continue to permit accessory apartments in Urban Areas.

It is recommended that Staff be directed to prepare an Official Plan Amendment to update the second unit (accessory apartment) policies of the Official Plan to permit accessory apartments in Rural Areas and to update the current policies pertaining to Urban areas.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP  
Partner



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI  
Special Council- CoW**

**Agenda Number:** 17.4  
**Legislative Number:** 18-081  
**Title:** Second Units  
**Date:** 03/13/2018

---

**MOVED BY:** R. Prefasi  
**SECONDED BY:** D. Burrows

WHEREAS PAC has requested that Council deal with the issues of second units by allowing them in all neighbourhoods therefore BE IT RESOLVED THAT that Council direct staff to begin the process of amending Temagami's Official Plan to allow second units in all neighbourhoods

**YES: 3**

**NO: 2**

**ABSTAIN: 0**

**ABSENT: 2**

**CARRIED**

**YES: 3**

D. Burrows

J. Harding

R. Prefasi

**NO: 2**

L. Hunter

C. Lowery

**ABSTAIN: 0**

**ABSENT: 2**

B. Koski

D. O'Mara

Declaration of Conflict of Interest:

---

A true copy of the resolution by the Council of the Municipality of Temagami

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP
<b>Subject:</b>	Second Unit Official Plan Amendment Update and Summary of Process
<b>Report Date:</b>	April 11, 2018

## **A. OVERVIEW**

This Report has been prepared to provide details regarding the processing of a Municipally initiated Official Plan Amendment to include secondary unit policies in the Official Plan.

At a Special Meeting of Council held on March 13, 2018, Committee of the Whole passed a resolution regarding an Official Plan Amendment to implement policies regarding second units as follows:

*WHEREAS PAC has requested that Council deal with the issues of second units by allowing them in all neighbourhoods therefore BE IT RESOLVED THAT that Council direct staff to begin the process of amending Temagami's Official Plan to allow second units in all neighbourhoods.*

Following the resolution passed on March 13, 2018, we have commenced the drafting of Official Plan policies that will implement the inclusion and permissions for second suites on properties within the Municipality. A draft Official Plan Amendment is expected to be completed by the end of April. Once prepared, there will be opportunity for PAC, Council, Staff and members of the public to review the document and to provide comments.

## **B. APPLICATION PROCESS**

Regulation 525/97 of the *Planning Act* includes municipalities that are exempt from approvals from the Ministry of Municipal Affairs for Official Plan Amendments. As of January 1, 2015, the Municipality of Temagami is considered to be exempt from approvals from the Ministry of Municipal Affairs for Official Plan Amendments, under Section 17 of the *Planning Act*.

The processing of the Official Plan Amendment Application requires that a Public Meeting be held.

Notice for a Public Meeting concerning an Official Plan Amendment is required to be issued 20 days prior to the Public Meeting.

As part of the circulation of the Notice, the Notice, along with a copy of the draft Official Plan Amendment, will be circulated to commenting agencies including the Ministry, Health Unit and MTO.

Following the Public Meeting, comments that have been provided will be reviewed and evaluated. The draft Official Plan Amendment will be revised as necessary prior to the final Official Plan Amendment and a recommendation report will be provided to Council for consideration.



**C. SUMMARY**

Following preparation of the draft Official Plan Amendment, which will include policies to be implemented into the Municipality's Official Plan to permit second units, the Municipality will schedule a Public Meeting as required under the *Planning Act*. It is anticipated that a Public Meeting would be able to be held at a Council Meeting in June of 2018.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP  
Partner

## Tammy Lepage

---

**From:** Brown, Christopher (MMA/MHO) <Christopher.R.Brown@ontario.ca>  
**Sent:** June 4, 2018 1:25 PM  
**To:** Lorie Hunter  
**Cc:** Tammy Lepage  
**Subject:** Second Units InfoSheet

Good Afternoon Mayor Hunter:

Thank you for your phone call inquiry on Friday regarding second units. Second units represent a key opportunity to promote affordable housing, and expand the forms of housing available in order to meet the social and well-being requirements of current and future residents, including special needs requirements in an aging population.

To assist municipalities and the public, the Ministry of Municipal Affairs has published a detailed [info sheet](#), which provides direction regarding development of policies and zoning provisions for second units. In our conversation you noted the lack of an example in the info sheet for permitting a second unit as the sole use in an ancillary structure. I have relayed your comments to the appropriate ministry staff for their information.

Although clause [16\(3\)\(b\)](#) of the *Planning Act* is clear in requiring municipalities to authorize the use of a residential unit in a building/structure ancillary to a house, there is some flexibility afforded where municipalities have identified a conflict with other land-use policy objectives, such as in waterfront areas because of the potential increase in phosphorous entering the lakes that could result in negative impacts on water quality. This example is discussed on the ministry's [webpage](#) dedicated to second units. The second bullet under the sub-heading 'Municipal Considerations' reads:

"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."

The above statement is echoed in the short comparison table at the bottom of the webpage, where it says:

"Municipalities continue to have ability to identify appropriate areas for second units, and to establish appropriate standards for second units"

Given that Section 2.2.1(e) of the Provincial Policy Statement, 2014 requires planning authorities to protect, improve or restore vulnerable surface water features and their hydrologic functions, it seems reasonable to consider excluding second units from waterfront areas where a municipality has concerns about its surface water features.

Please do not hesitate to contact me if you have any additional questions about permitting and facilitating second dwelling units.

Kind regards,

Christopher

**Christopher R. Brown, MCIP, RPP**

Planner | Urbaniste

Municipal Services Office North | Bureau des services aux municipalités du Nord

Rue 159 Cedar St. Suite 401, Sudbury, Ontario, Canada P3E 6A5

Email | Courriel [Christopher.R.Brown@ontario.ca](mailto:Christopher.R.Brown@ontario.ca)

Telephone | Téléphone 705-564-6852

Toll Free | Sans frais 1 800 461-1193 Ext. 46852

MINISTRY OF MUNICIPAL AFFAIRS | MINISTÈRE DES AFFAIRES MUNICIPALES

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, BES, MCIP, RPP
<b>Subject:</b>	Municipal Wide Official Plan Amendment regarding Secondary Suites
<b>Report Date:</b>	August 14, 2018

## **A. BACKGROUND**

At its meeting of June 12, 2018, Planning Advisory Committee passed the following resolution:

*WHEREAS at the regular Council meeting dated March 13, 2018 Council passed resolution 18-081 by recorded vote to allow second units in all neighbourhoods;*

*NOW THEREFORE BE IT RESOLVED THAT the Planning Clerk and the Planning Advisory Committee Chair meet with the Planning Consultant to discuss and review the current policies for sleep cabins and develop policies for second units based on our current policies;*

*AND FURTHER THAT the Planning Consultant to provide PAC with draft policies for the official plan amendment and draft policies for a zoning by-law amendment;*

*AND FURTHER THAT the Planning Consultant attend a meeting by phone.*

Further review and discussions have occurred. The purpose of this Report is to provide additional information regarding Provincial legislation, current Municipality of Temagami policies relating to second units and sleeping cabins, and potential amendments to the Municipality's current policies.

## **B. PROVINCIAL POLICY FRAMEWORK**

Previous Reports have been received by Council which provided information on Provincial legislation related to second units. The Provincial Policy Statement (PPS) speaks to the accommodation of an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

The Strong Communities through Affordable Housing Act, 2011 (Bill 140) set out requirements and tools for municipalities to establish policies that would allow second units in new and existing developments, provided that they are in appropriate areas.

Such policies were to allow for second units through the establishment of a secondary unit in an existing dwelling or the use of a residential unit in a building or structure accessory to an existing dwelling. It was recognized that these policies would also need to deal with such matters as appropriate locations and constraints. As set out in Ontario's Long-Term Affordable Housing Strategy, the Province seeks to support social and economic inclusion, end chronic homelessness and meet the housing needs of all Ontarians.

In keeping with Provincial legislation and policies, the Municipality of Temagami's Official Plan includes policies to promote affordable housing through permissions for accessory apartments and garden suites.

### **C. MUNICIPAL OFFICIAL PLAN POLICIES**

Within the Urban area, the Municipality permits a wide variety of housing by type, size and tenure including single detached, semi-detached, mobile home units in mobile home parks and other forms of low, medium and high density residential development.

Housing within the Rural area is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints.

The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and apartments in houses are not permitted in the rural area.

The current policy framework permits accessory apartments and makes provision for garden suites within the Urban area. As per Section 2.2.2 of the Official Plan,

*Accessory apartments may be permitted in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse provided that:*

- *Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;*
- *All requirements of the Zoning By-law, including the provision of adequate parking, of the Building Code and other relevant municipal and provincial regulations can be satisfied;*
- *It has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.*

*In addition, the Municipality may permit a small self-contained dwelling known as a 'garden suite' on the same lot as an existing single detached dwelling unit. Each application will be reviewed for eligibility and other considerations on a case by case basis, including:*

- *Located on a sufficiently large lot to ensure appropriate siting and buffering of the 'garden suite';*
- *Located where municipal or existing private services and community facilities are adequate to meet demand;*
- *Anticipated that the occupant(s) will generally be elderly relatives of the owners/occupants of the main dwelling; and*
- *Permitted on a temporary basis through a site specific, temporary use by-law.*

As noted in Section 2.2 of the Municipality's Official Plan,

*The Municipality also serves a seasonal resident and tourist population. The Municipality of Temagami acknowledges that the overall tourism and recreation sectors of the provincial economy are strengthening and that the Temagami area has many of the attributes that seasonal residents and tourists find attractive.*

With regard to population within the Municipality, the Official Plan anticipates that some of the new permanent population in the rural areas may take the form of conversion from seasonal to permanent residences and that seasonal population growth may be accommodated in new cottages on new or existing lots, additional dwellings on existing lots and expansions in the tourism market.

To recognize the diversity of areas within the Municipality while setting out clear principles and policies for the consideration of development, or lack of, land use designations within the Municipality are structured into Neighbourhood Planning Areas. The chart below provides a summary of Official Plan policies regarding permitted uses and the residential units (year-round or seasonal) which would be permitted per lot.

NEIGHBOURHOOD AND SUMMARY OF RELEVANT POLICIES		
URBAN		
	4.3.2	- Permitted uses include a broad range of residential, commercial, industrial, institutional and community uses
	4.3.3	- Some Rural Residential and Remote Residential development
	2.2.2	- <i>one accessory apartment unit associated with the principal dwelling on the same lot;</i>
	2.2.2	- Garden Suites subject to temporary use by-law provisions
	4.3.3	- Accessory uses in addition to boathouse including sleep cabins, a home occupation, a home industry, a bed and breakfast, a detached garage, in accordance with Zoning By-law.
	4.3.4	- Sleep cabins are permitted on lots where a residential dwelling exists - Sleep cabin may have either bathroom or kitchen facilities or both subject to specific policies - Cabins to provide additional sleeping accommodation are only permitted in association with remote residential and rural residential development
	4.3.5	- Maximum number of sleep cabins permitted on remote residential or rural residential lots is set out in Zoning By-law - Total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot - A boathouse with sleeping accommodations, as set out in Section 4.3.8, is deemed to be a sleep cabin
	4.3.8	- Sleeping quarters in the upper level of a boat house on remote residential and rural residential lots. - A boathouse with sleeping accommodations shall be deemed to be a sleeping cabin for the purpose of Section 4.3.5. - Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. Boathouses are not intended to function as a self-contained living unit.

<b>LAKE TEMAGAMI</b>		
	5.1	- Wilderness values on the mainland and semi-wilderness values on the islands characterise the Lake Temagami Neighbourhood
	5.2	- Land use strategies for this Neighbourhood based on the Tenets for Temagami and MNR policies - call for the conservation of wilderness and semi-wilderness values through the preservation of the skyline and its vegetation, island only development, restricted mainland development and restricted access
	5.3.2	- Permitted uses focus on recreational, residential and tourist commercial uses - Residential uses limited to: <ul style="list-style-type: none"> <li>• permanent or seasonal single detached dwelling units on islands in Lake Temagami;</li> <li>• residential condominiums or timeshare facilities converted from an existing tourist commercial facility;</li> <li>• sleep cabins (in conformity with Official Plan and Zoning By-law);</li> <li>• Accessory uses such as boat houses, docks and storage sheds.</li> </ul>
	5.3.3	- Development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. - Accessory uses permitted on Remote Residential dwelling lots in addition to a boathouse including sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with Zoning Bylaw.
	5.3.4	- Sleep cabins in conformity with Official Plan and Zoning By-law - Sleep cabin may have either bathroom or kitchen facilities - Sleep cabin may have both bathroom and kitchen facilities or both subject to specific provisions
	5.3.5	- Maximum number of sleep cabins permitted on a residential lot is set out in the Zoning By-law. - Total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot. - A boathouse with sleeping accommodations that lawfully existed as of the date this Plan came into effect is deemed to be a sleep cabin.
		- No sleeping cabin provisions to allow residential use in boathouses
<b>MARTEN RIVER</b>		
	6.2.1	- Fundamental goal to encourage Tourist Commercial development throughout the Neighbourhood and rural and remote residential development in appropriate locations.
	6.3.2	- Permitted uses focus on recreational, residential and Tourist Commercial uses - Residential uses limited to: <ul style="list-style-type: none"> <li>• Permanent or seasonal single detached dwelling units;</li> <li>• Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;</li> <li>• Sleep cabins (in conformity with Official Plan and Zoning By-law); and</li> <li>• Accessory uses such as boathouses, docks and storage sheds.</li> </ul> - Commercial uses include Tourist Commercial uses, in conformity with policies of Official Plan.
	6.3.3	- Some Rural Residential and Remote Residential development exists and more is anticipated in the Special Management Area and the Integrated Management Area. - Accessory uses permitted on Remote Residential dwelling lots in addition to a boathouse including sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with Zoning Bylaw.
	6.3.4	- Sleep cabins permitted in conformity with Official Plan and Zoning By-law - Sleep cabin may have either bathroom or kitchen facilities or both subject to specific provisions
	6.3.5	- Maximum number of sleep cabins set out in Zoning By-law

		<ul style="list-style-type: none"> <li>- Total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.</li> <li>- Boathouse with sleeping accommodations is deemed to be a sleep cabin</li> <li>- Sleep cabin may have bathroom and kitchen facilities subject to specific provisions</li> </ul>
	6.3.10	<ul style="list-style-type: none"> <li>- A boathouse with sleeping accommodations shall be deemed to be a sleeping cabin</li> <li>- Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities</li> <li>- Boathouses are not intended to function as a self-contained dwelling unit</li> </ul>
<b>MATABITCHUAN</b>		
	7.2.1	<ul style="list-style-type: none"> <li>- Goal to preserve the wilderness and semi-wilderness values and that it continues to be characterised by dispersed residential development, tourist commercial activities and resource extraction</li> <li>- Linked to a less developed hinterland by existing roads, trails, portages and waterways</li> </ul>
	7.3.2	<ul style="list-style-type: none"> <li>- Permitted uses in the Matabitchuan Neighbourhood focus on recreational residential and Tourist Commercial uses</li> <li>- Residential uses limited to: <ul style="list-style-type: none"> <li>• permanent or seasonal single detached dwelling units</li> <li>• residential condominiums or timeshare facilities converted from an existing tourist commercial facility;</li> <li>• sleep cabins (in conformity with Official Plan and Zoning By-law)</li> </ul> </li> </ul>
	7.3.3	<ul style="list-style-type: none"> <li>- Accessory uses permitted on Remote Residential dwelling lots in addition to a boathouse including sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with Zoning Bylaw.</li> </ul>
	7.3.4	<ul style="list-style-type: none"> <li>- Sleep cabins permitted in conformity with Official Plan and Zoning By-law</li> <li>- Sleep cabin may have either bathroom or kitchen facilities or both subject to specific provisions</li> </ul>
	7.3.5	<ul style="list-style-type: none"> <li>- Maximum number of sleep cabins permitted on a residential lot set out in Zoning Bylaw</li> <li>- Total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot</li> <li>- Boathouse with sleeping accommodations deemed to be a sleep cabin</li> </ul>
	7.3.10	<ul style="list-style-type: none"> <li>- Portions of boathouses may be used for sleeping quarters in the upper level</li> <li>- Boathouse with sleeping accommodations deemed to be a sleep cabin</li> <li>- Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities</li> <li>- Boathouses are not intended to function as a self-contained dwelling unit.</li> </ul>
<b>BACKCOUNTRY</b>		
	8.2.1	<ul style="list-style-type: none"> <li>- Goal that only a small amount of new remote residential and non-intensive tourist commercial development consistent with the existing character of the area, while maintaining the wilderness values</li> <li>- No development on Cross Lake.</li> </ul>
	8.3.2	<ul style="list-style-type: none"> <li>- Permitted uses focus on remote residential and tourist commercial uses</li> <li>- Residential uses limited to: <ul style="list-style-type: none"> <li>• A remote seasonal single detached dwelling unit, (in accordance with Official Plan and Zoning By-law);</li> <li>• Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;</li> <li>• Sleep cabins (in conformity with Official Plan and Zoning By-law); and</li> <li>• Accessory uses such as boathouses, docks and storage sheds.</li> </ul> </li> </ul>
	8.3.3	<ul style="list-style-type: none"> <li>- Accessory uses permitted on Remote Residential dwelling lots in addition to a boathouse including sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance Zoning By-law.</li> </ul>
	8.3.4	<ul style="list-style-type: none"> <li>- Sleep cabins permitted in conformity with the Official Plan and Zoning By-law</li> <li>- Sleep cabin may have either bathroom or kitchen facilities or both subject to specific provisions</li> </ul>



	8.3.5	<ul style="list-style-type: none"> <li>- Maximum number of sleep cabins permitted on a residential lot set out in the Zoning By-law</li> <li>- Total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot</li> </ul>
	8.3.10	<ul style="list-style-type: none"> <li>- Portions of boathouses may be used for sleeping quarters in the upper level.</li> <li>- Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities</li> <li>- Boathouse with sleeping accommodations shall be deemed to be a sleep cabin</li> <li>- Boathouses are not intended to function as a self-contained dwelling unit</li> </ul>

In each of the cases noted above, Official Plan policies consistently speak to the impact of the size and number of sleep cabins on a lot which can affect the intensity of use on the property and speaks to sleep cabins being located in such a way as to reduce their visual impact.

Current Official Plan policies do not permit garden suites and accessory apartments in the Rural area. As noted in previous Reports, it is recommended that garden suite and accessory apartment policies be expanded to include lands within the Rural area.

There have been discussions about expanding the above noted permissions to potentially allow for additional secondary units; whether these be in the form of apartments, garden suites or potentially cottages.

The goals, objectives and policies of the Official Plan consistently speak to the conservation of wilderness and semi-wilderness values and characteristics of the Municipality as well as the community's natural and cultural heritage. With this in mind, the question of expanding permissions for secondary dwelling units, must consider the cumulative effect of such additional dwelling units; whether they be year-round or seasonal units.

## **D. ANALYSIS**

The provision of a range and mix of housing, along with the promotion of affordable housing, is both desirable and beneficial to communities in that it seeks to ensure that housing is available for a wide spectrum of individuals.

Provincial legislation regarding the provision of an appropriate range and mix of residential uses (including second units, affordable housing and housing for older persons) fundamentally relates to the provision of year-round housing. The Municipality's Official Plan policies regarding accessory apartments and garden suites also relate to the provision of year-round housing.

As set out in the Ontario Planning Act,

“residential unit” means a unit that,

- (a) consists of a self-contained set of rooms located in a building or structure,
- (b) is used or intended for use as residential premises, and
- (c) contains kitchen and bathroom facilities that are intended for the use of the unit only.

These are self-contained dwelling units for year-round accommodation. They are built to the standards of the Ontario Building Code which relate to year-round occupancy.

In order for secondary dwelling units to fall within the category of “affordable housing” they would need to be consistent with Provincial legislation, conform with the Municipality’s Official Plan and Zoning By-law and they would need to be constructed to the provisions of the Ontario Building Code and the Fire Code.

The Municipality’s Official Plan includes definitions of both year-round and seasonal accommodations including:

***Apartments-in-House*** – These are second self-contained units in detached or semidetached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.

***Cottage*** – A building or structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for temporary occupancy during vacation periods and not for year-round or permanent human habitation.

***Dwelling Unit*** – A building or part of a building that may be used as a permanent residence excluding a mobile home, but including a factory-built home that is fully serviced with sleeping accommodations, cooking facilities and plumbing fixtures.

***Garden Suite*** – An additional temporary dwelling unit intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. The floor area of the garden suite shall not exceed 30 percent of the existing living area of the primary residence or 1,200 square feet in a floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site.

***Sleep Cabin*** – A non-commercial structure for sleeping accommodation, which may have bathroom facilities, if approved and connected to a sewage disposal system. Cooking facilities may be permitted in one sleep cabin that is accessory to a dwelling unit on the same lot.

Apartments-in-House, Dwelling Unit and Garden Suite all relate to year-round residential units. Technically, if a Sleep Cabin is approved which includes both bathroom and cooking facilities, and is constructed to the appropriate standards of the Ontario Building Code, a Sleep Cabin could also accommodate year-round occupancy.

A Cottage is limited to temporary, or seasonal, occupancy. Section 9.36.1 of the Ontario Building Code sets out requirements for buildings of residential occupancy used or intended to be used as seasonal recreational buildings. When used for seasonal recreational buildings, there are different specifications for such matters as flooring, insulation and vapour barriers, and plumbing and heating and electrical facilities.

As noted in Section 2.16 of the Official Plan,

The Municipality has many characteristics deemed desirable for residential and recreational uses and for casual visitor uses. It is recognised that there is potential for carefully planned residential, commercial, industrial and institutional development throughout the Municipality. However, development potential does not necessarily equate to the right to develop. Substantial care must be exercised in approving new developments in order to preserve a sustainable natural environment as well as to ensure a positive economic environment while conserving wilderness and semi-wilderness values.

#### **E. MUNICIPAL ZONING BY-LAW**

The Municipality's Zoning By-law provides a number of definitions including the following:

*ACCESSORY APARTMENT shall mean a second dwelling unit in a single detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such dwelling is an accessory use to the main dwelling.*

*ACCESSORY BUILDING shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, and includes a detached garage, a boathouse or a sleep cabin on a residential lot. (By-law 07-745)*

*DWELLING UNIT, SEASONAL shall mean a single detached dwelling unit constructed as a secondary place of residence for seasonal vacations and recreational purposes and not as a principal residence of the owner or occupant thereof.*

*DWELLING UNIT shall mean one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment and,*

- (a) in which food preparation and sanitary facilities are provided for the exclusive use of the residents of the dwelling unit, and*
- (b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but*
- (c) does not mean or include a tent, or a room or suite of rooms in a bed and breakfast establishment, boarding or rooming house, hotel, motel, motor hotel, or tourist commercial establishment.*

*GARDEN SUITE shall mean an additional temporary dwelling unit temporarily located on a residential lot intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. (By-law 13-1121)*

*SLEEP CABIN shall mean an accessory building used for non-commercial sleeping accommodation accessory to a dwelling in the Special Management Area, Integrated Management Area, Remote Residential, or Rural Residential Zones. (By-law 07-745)*

Zoning permissions and specifications are set out using these definitions. Residential units (year-round or seasonal) are set out based on permitted uses within each zone. With regard to Sleep Cabins, Section 6.41 of the Zoning By-law sets out the following:

*Notwithstanding Section 6.30, sleep cabins are permitted on lots in the Remote Residential (R1), (R2) and Rural Residential (R3) Zones and on existing residential lots in the SMA and IMA Zones in accordance with the following standards. (By-law 07-745)*

- a) Sleep cabins shall not be more than one (1) storey in height. (By-law 07-745)*
- b) On any residential lot existing on the date of passing of this By-law, less than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of one (1) sleep cabin without bathroom and kitchen facilities is permitted.*
- c) On any residential lot existing on the date of passing of this By-law greater than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones and any residential lots created after the approval of this By-law in the R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of two (2) sleep cabins are permitted, in accordance with the provisions of this Section. (By-law 07-745)*
- d) The maximum gross floor area of the first sleep cabin on any lot in the SMA, IMA, R1, R2 or R3 Zone shall not exceed seventy two (72.0) square metres and where permitted, the second sleep cabin shall not exceed thirty six (36.0) square metres.*
- e) On a lot greater than or equal to four tenths (0.4) hectares in the R1 Zone and R2 Zone, one (1) sleep cabin may have bathroom or kitchen facilities, where the sleep cabin is connected to the water supply and/or sewage disposal system of the main dwelling on the lot and subject to the other provisions of this By-law while the second sleep cabin, where permitted shall have neither bathroom nor kitchen facilities.*
- f) On an existing lot greater than or equal to one and six tenths (1.6) hectares in the R1, R2, and R3 Zones, only one (1) sleep cabin with bathroom and kitchen facilities may be permitted provided that the sleep cabin is connected to approved independent, onsite water supply and sewage disposal systems. The sleep cabin with kitchen and bathroom facilities and the associated water supply and sewage disposal systems shall be located on the lot such that a lot containing the sleep cabin and water supply and sewage disposal systems can be severed from a lot containing the main cabin and associated water supply and sewage disposal systems with the severed and retained lots and buildings conforming to the lot size, lot frontage, building setback standards and all other relevant standards of this By-law. (By-law 07-745)*

*For the purposes of calculating the number of sleep cabins on a lot, a boathouse with sleeping accommodations, is deemed to be a sleep cabin.*

*For the purpose of complying with the provisions of this section, the severed sleep cabin with kitchen and bathroom facilities shall be deemed to be the main building on the new lot and shall conform to the standards for a main building on a lot.*

*Sleep cabins shall not be used to accommodate guests as part of a bed and breakfast establishment. (By-law 13-1121)*

## **C. CONCLUSION AND RECOMMENDATIONS**

Based on our review, it is clear that the Municipality's Official Plan policies and zoning regulations currently provide for a number of residential uses (dwelling units and sleeping cabins). The cumulative effect of these units has been balanced through a sliding scale approach based on property location and size. As noted in previous Reports, Official Plan policies could be amended to include provisions for accessory apartments and garden suites in the Rural area.

An increase in residential units beyond this would not appear to be in keeping with the goals and objectives of the Municipality's Official Plan relating to the protection and preservation of the wilderness and semi-wilderness characteristics of the area.

An Official Plan Amendment was drafted and is attached to this Report as Appendix 1. The Amendment includes revisions to Section 2.2.2 to provide a policy framework for second units to be permitted within the Rural area.

Following completion of the Official Plan Amendment, the Zoning By-law should also be amended to include provisions to limit the scale of accessory apartments and their location.

Respectfully Submitted,  
**MHBC Planning**

Jamie Robinson, BES, MCIP, RPP  
Partner

**Official Plan Amendment No. 3**

**Municipality of Temagami**

**DRAFT**

**Amendment No. 3 to the  
Official Plan of the  
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number 3 to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2018-       in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

---

Lorie Hunter, Mayor

---

Elaine Gunnell, Municipal Clerk

**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 2018-\_\_\_\_**

**A By-law to adopt Amendment No. 3 to the  
Official Plan for the Municipality of Temagami.**

**WHEREAS** The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

**AND WHEREAS** Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

**AND WHEREAS** the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

**AND WHEREAS** the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No. 3 to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Lorie Hunter, Mayor

\_\_\_\_\_  
Municipal Clerk



**Certification**

Certified that the above is a true copy of By-law No. 2018-\_\_\_\_ as enacted and passed by Council of the Municipality of Temagami on the \_\_\_\_th day of \_\_\_\_\_, 2018.

---

Municipal Clerk

## **THE CONSTITUTIONAL STATEMENT**

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

**Part A** – THE PREAMBLE does not constitute part of this Amendment.

**Part B** – THE AMENDMENT, consisting of the text of Amendment No. 3 to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

**Part C** – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

## **Part A – Preamble**

### **Purpose**

The purpose of this amendment is to include policies in the Municipality of Temagami Official Plan to implement Provincial policies regarding second units, and to permit second units within all neighbourhoods in the Municipality following direction from Council.

This amendment implements the goals and objectives of the Official Plan by providing opportunities for a range of housing types and densities to accommodate a diversity of lifestyles, age groups, income levels and persons with special needs.

### **Location**

Amendment No. 3 is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

### **Basis**

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to provide for opportunities for the development of affordable housing in the form of second units in their planning documents, Official Plans and Zoning By-laws.

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) which speaks to the accommodation of an appropriate range and mix of residential, including second units, affordable housing and housing for older persons;
- Bill 140, The Strong Communities through Affordable Housing Act, 2011 which came into effect on January 1, 2012. This Bill made changes to the Planning Act, expanding on the affordable housing options by requiring that municipalities set policies that would allow second units in new and existing developments provided that they are in appropriate areas;
- Bill 7, The Promoting Affordable Housing Act, 2016, and Ontario's Long Term Affordable Housing Strategy Update, which expanded and enhanced the range of land use planning and municipal finance tools that municipalities can use to build more affordable market housing; and
- The Municipality of Temagami's Official Plan which sets out policies to promote affordable housing.

The Provincial policy framework related to promoting affordable housing encourages and requires Municipalities to permit second units in some form, at the discretion of the Municipality within their planning documents. Council has provided direction to permit second units in the form of accessory apartment in all neighbourhoods of the Municipality, including shoreline properties.

## **Part B – The Amendment**

### **1.0 Introductory Statement**

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

### **2.0 Details of the Amendment**

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

#### **A) Revision to text within Section 2.2.2 Housing as follows:**

(red text represents additions or deletions)

Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and accessory apartments ~~in houses~~ are not permitted in the rural area.

Accessory apartments may be permitted in single detached dwellings or in a building or structure ancillary to a single detached dwelling within the rural area (including shoreline properties) provided that:

- Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;
- All requirements of the Zoning By-law, including the provisions to govern compatibility with the principal dwelling and surrounding land uses, as well as the size of the accessory apartment and other standards including the Building Code and other relevant municipal and provincial regulations can be satisfied;
- It has been determined that on-site servicing, including a septic system and private wells, have sufficient capacity for the accessory apartment.
- An accessory apartment shall not be permitted in the front yard as defined by the Zoning By-law.

The Zoning By-law shall contain provisions to regulate the establishment of accessory apartments.

New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown

land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.

**B) Include Accessory Apartment as a permitted use in various designations**

Sections 4.3.3, 5.3.3, 6.3.3, 7.3.3 & 8.3.3 shall be amended by including “accessory apartment” as a permitted accessory use.

**C) Delete definition of ‘Apartments-in-House’ from Appendix C**

~~Apartments-in-House — These are second self-contained units in detached or semidetached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.~~

**D) Add new definition of ‘Accessory Apartment’ from Appendix C**

Accessory Apartment - A self-contained dwelling unit created by either an interior renovation ~~within an existing dwelling~~, or as an exterior addition to a dwelling or accessory building.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

### **3.0 Implementation and Interpretation**

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

### **Part C – The Appendices**

1. Planning Information Report, prepared by MHBC, March 13, 2018
2. Resolution of Committee of the Whole regarding Second Units, March 13, 2018.
3. Planning Information Report, prepared by MHBC, April 11, 2018
4. Planning Report regarding Second Units OPA, prepared by MHBC, May 10, 2018

# Unapproved renovations catch up with property owner, council told

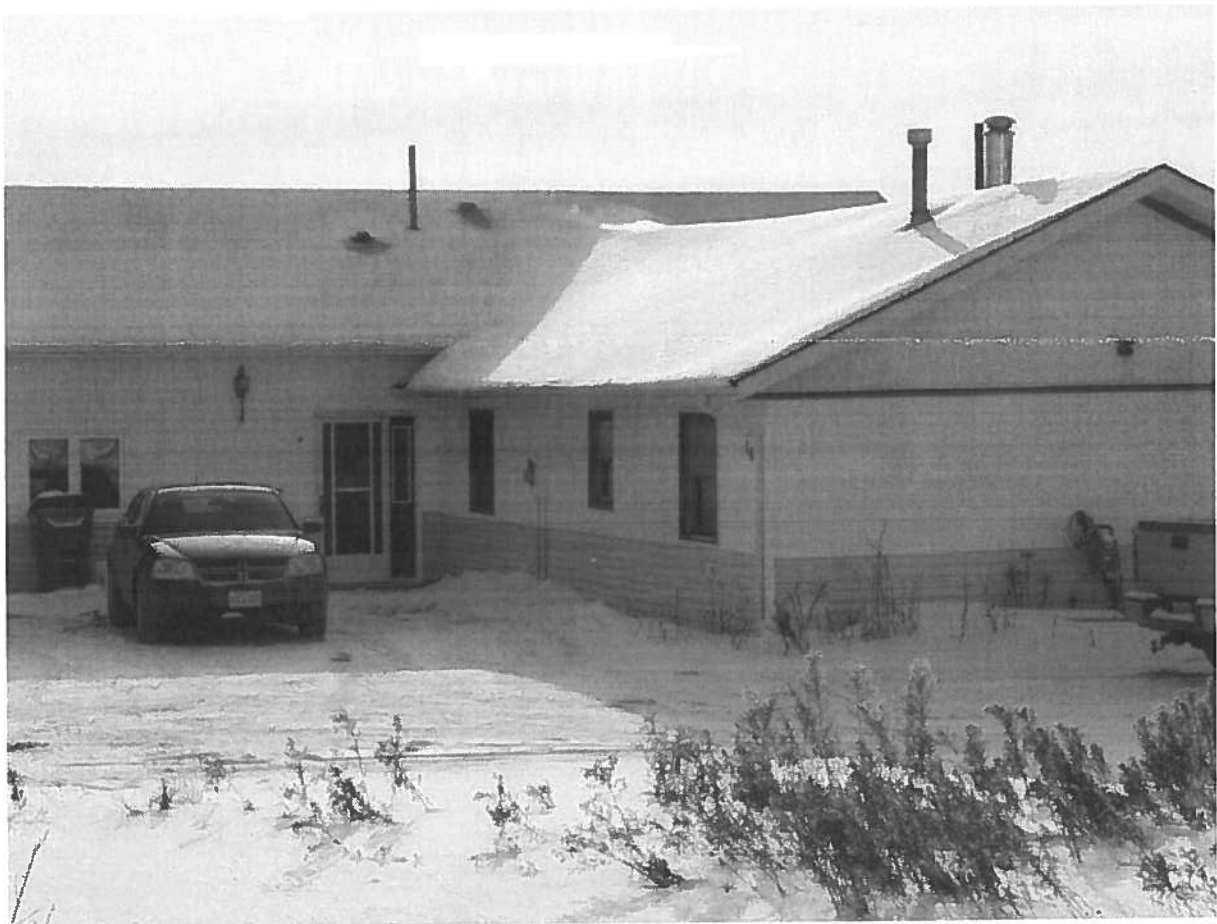
The new city council is being asked to change the zoning for a private residential property where two new residential units were created inside a building without the owner getting a building permit.



Len Gillis

**More from Len Gillis** (<https://www.timminspress.com/author/lgillis>)

**Published on:** December 12, 2018 | **Last Updated:** December 12, 2018 9:39 PM EST



City council has been asked to rezone the residential property at 1017 MacLean Dr., to allow for an additional housing unit created inside the building. The work was done without a building permit and the property owner will be facing some stiff penalties, as well as enduring the costs of any additional work required to bring into compliance with the building code and the fire code. **LEN GILLIS/THE DAILY PRESS** *LEN GILLIS / LEN GILLIS/THE DAILY PRESS*



The new city council is being asked to change the zoning for a private residential property where two new residential units were created inside a building without the owner getting a building permit.

The zoning would provide for the changes that were made, but the penalties could be hefty, council was told.

Some of the costs now being levied against the property owner include roughly \$10,000 for proper sewer and water hook-ups, along with unspecified monetary penalties, over and above that. Council was told some of the interior renovation work might have been done more than 20 years ago.

The work will have to be inspected and brought up to modern standards.

The situation was explained to council by Mark Jensen, the city's director of Community and Development Services. He said the zoning would allow for extra dwellings on the 2.3-acre property located at 1017 MacLean Dr., next to the Grace Bible Chapel.

"More specifically the zoning would recognize the conversion of an existing single-detached dwelling to a semi-detached dwelling; so one unit into two," said Jensen.

He said part of the work included the conversion of the existing garage on the property into a single residential unit. Jensen said there was also a deficiency with the set-back from the lot line.

"It is noted in the report that building permits were not issued for either of the residential conversions; that being to the main dwelling unit in the garage," said Jensen.

"This was discovered through recent bylaw enforcement efforts," he said. "Although some of the conversions appear to have occurred roughly in the early to mid-1990s."

Despite the zoning change, Jensen said staff from the building bylaw office and the fire department are looking into ensuring that the structures are brought up to spec in terms of the Ontario Building Code and the Ontario fire code.

Jensen said this is to ensure "that whoever is residing in those structures has a safe place to live."

Coun. Noella Rinaldo, looking at a map of the property, commented that it looked as if the changes could be accommodated since the property was large enough. She said her concern goes beyond that.

"I am concerned though that they had no building permits. Again, we've been down that road before. So I notice there is a \$10,000 charge. Is that the fee, is that the penalty?" Rinaldo asked.

Jensen replied, "I didn't address the fees in the report. That fee has to do with water and sewer hookup," adding the new hookups are required according to a city bylaw.

"So what are we looking at as far as fines?" Rinaldo pressed on.

"We are in the middle of that right now," Jensen said. "I think we have to bring the property into compliance with their rezoning and I think bylaw enforcement, our building inspectors and the fire department are looking at reviewing the retro-fits and a change-of-use permit, so there will be costs."

Rinaldo said, "I am comfortable with it now that they're trying to fix it. But they're only trying to fix it again because we caught them."

"So I think that message has to be loud and clear that if you're building illegally without the permits, there is a cost involved."

Rinaldo asked the city clerk Steph Palmateer if the bylaw enforcement department would be issuing a fine.

Palmateer said he would have to confirm where they are in the process, but he would assume the city bylaw enforcement office would be doing so.

"Typically it would be something we would issue a fine for," said the clerk. "I am not sure if we call it a fine, but yes, there's definitely penalties for this."

Rinaldo asked if there would be additional tax charges through higher assessment.

Jensen said the Municipal Property Assessment Corporation (MPAC) is kept up to date on all assessment changes through building permits.

Rinaldo said, "I am comfortable with trying to fix it. I am just disappointed another residential owner was repurposing this building without the proper permits. We really have to keep putting our foot down on that type of building, just for the safety concerns of our citizens."

Coun. Andrew Marks commented that given the repeat status of this particular building violation, the new members of council would benefit from a quick orientation session from the building department on the problem and how the city is stepping up to deal with it.

Jensen agreed and added there is much for new councillors to learn.

Marks said, "In light of this particular case, let's make sure that we're also informing the public as well."

Coun. Kristin Murray asked if the property owner was aware that further charges or fines are likely to be levied.

Jensen said the owners would be brought up to date and advised. He said it would be handled by the bylaw office.

Jensen added that when the interior changes were made to the original building, there were no inspections done to ensure the work was being done properly.

"Once a building is constructed, it didn't benefit from a process by which people reviewed plans and conducted inspections," said Jensen. "So we have to have someone go in there and make sure it was done properly. And there is a cost to that."

Coun. Mickey Auger suggested the property owners should be charged with bylaw violations.

"If they don't fix it the way you want, they go through the courts. If they fix it, then the charge can be withdrawn. Something has got to be done," Auger suggested.

Coun. Joe Campbell asked Jensen if the current property owner knew about the violations, suggesting it might have happened before he bought the property, based on what he had been told.

"Some of this occurred prior to his owning this property. Am I correct in saying that?"

Jensen said he could not be sure, but was aware some of the work was done as far back as the 1990s. He said he would work to get an answer for Campbell.

The city staff report said a complaint had been filed about work going on inside the building in December 2017. Bylaw inspectors investigated and found that work on a new unit was underway. In January 2018, the city issued a stop work order and an order to comply with the Ontario Building Code Act.

Council made no decision on the zoning request this week, but a decision is likely to be made in the New Year.