

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 24, 2015

Item 1, Report No. 13, of the Committee of the Whole (Public Hearing), which was adopted, as amended, by the Council of the City of Vaughan on March 24, 2015, as follows:

By receiving Communication C2 from Mr. David I, Via Toscano, Vaughan, dated March 3, 2015.

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**CITY-WIDE SECONDARY SUITES STUDY
DRAFT OFFICIAL PLAN POLICIES AND ZONING STANDARDS
FILE 15.112
WARDS 1 TO 5**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and Acting Director of Policy Planning, dated March 3, 2015, be approved;**
- 2) That the presentation by the Acting Director of Policy Planning and Ms. Jodi Ball, SHS Consulting, East Beaver Creek, Richmond Hill, and C10, presentation material entitled “*City of Vaughan Secondary Suites Study*”, dated March 3, 2015, be received;**
- 3) That the following deputations be received:**
 - 1. Mr. Adriano Volpentesta, America Way, Woodbridge;**
 - 2. Ms. Sonia Meucci, Blackburn Boulevard, Woodbridge;**
 - 3. Mr. Dino Di Mascio, Maple;**
 - 4. Mr. Paul Rossi, Maple;**
 - 5. Mr. Howard Kramer, Lealinds Road, Maple; and**
 - 6. Mr. Nasim Sufi, Marathon Avenue, Vaughan ; and**
- 4) That the following Communications be received:**
 - C4. Mr. Vincent Galloro, dated March 2, 2015;**
 - C5. Zohra Ali, Tuscana Boulevard, Concord, dated March 2, 2015;**
 - C6. Ms. Jackie Smith, Troyer Court, Thornhill, dated March 3, 2015;**
 - C7. Ms. Wendy Hofstatter, dated March 3, 2015; and**
 - C8. Mr. Fred Conway, dated March 2, 2015.**

Recommendation

The Commissioner of Planning and the Acting Director of Policy Planning recommend:

- 1. THAT the Public Hearing and presentation on the City-wide Secondary Suites Study BE RECEIVED; and that any issues identified be addressed in a comprehensive report to a future Committee of the Whole meeting; and**
- 2. THAT the members of the Secondary Suites Task Force be thanked for their participation and valued contribution throughout the course of the City of Vaughan City-wide Secondary Suites Study.**

Contribution to Sustainability

The Province and the Region have identified affordable housing as a key component of a sustainability strategy. Secondary Suites are an affordable housing option that meets the needs of a variety of people such as singles, students, seniors, extended family members, and people with fixed incomes. Since secondary suites are often contained within existing buildings, they help optimize the use of the existing housing stock and infrastructure and re-populate

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neighbourhoods with declining populations. Through modest intensification, secondary suites can support transit improvements, a key component of the City's Transportation Demand Management Strategy. Secondary Suites can offer a greater range of housing opportunities within the municipality allowing a broader demographic to live closer to work thus increasing Vaughan's competitiveness and attractiveness to business and industry.

Economic Impact

A total of \$45,000.00 was originally budgeted to complete this Study. This expenditure was endorsed at the February 16, 2010 Council Meeting and was again noted in the June 5, 2012 Committee of the Whole Report titled "Secondary Suites Status Update – Direction To Proceed With A Request For Proposal For Consulting Services" and the subsequent May 7, 2013 Committee of the Whole (Working Session) Report titled "Secondary Suites Status Update To Council and Terms of Reference For Establishing A Task Force". Most recently in December of 2013 a report titled "City-Wide Secondary Suites Study Status Update - Budget Amendment and Request for Additional Funding" was presented to Committee of the Whole (Working Session) on December 3, 2013. The December 3, 2013 report recommended that an additional \$30,000.00 be allocated to the City-wide Secondary Suites Study and that such funds be drawn from the 2013 Policy Planning Operating Budget Professional Fees, in the amount of \$5,000.00, and from City-wide Development Charges (CWDC) Management Studies, in the amount of \$25,000.00;...". This was ratified by Council on December 10, 2013 bringing the budget to \$75,000.00. The primary reason for increasing the funding was to accommodate further public consultation measures, including the work of the Secondary Suites Task Force.

Communications Plan

The communication plan used for the statutory Public Hearing relies on a number of channels to optimize public awareness. This included advertising in the Vaughan Citizen and the Vaughan Liberal newspapers on Thursday February 12, 2015, and Thursday February 19, 2015, providing the notice of a statutory Public Hearing by mail to all Registered Community Ratepayers Associations, and sending an e-mail blast to all those who had requested notification throughout the course of the study. Other methods of notification employed for the Statutory Public Hearing are set out below:

1. On Vaughan TV
2. In the *City Update*, the City of Vaughan's eNewsletter
3. On the *City Page Online*
4. Through the City of Vaughan's Twitter and Facebook accounts
5. On the Policy Planning departmental webpage, accessible through the City of Vaughan's Official website.
6. Placing a "Buck Slip" notice in the 2015 Interim Tax Bill to approximately 55, 000 residents, which was mailed during the week of February 16, 2015.
7. Notification sent out through the Local Councillor's Ward Newsletters.

As of February 19, 2015 no comments have been received.

Purpose

The purpose of this report is to fulfill the requirements of the *Planning Act* for a statutory Public Hearing to provide an opportunity for the public to comment on the draft amending documents including the Official Plan and Zoning By-law amendments. (See Attachments 2 and 3 of this report). The intent of both documents is to establish provisions allowing a Secondary Suite accessory to and within, or on the same lot as a residential single detached, semi-detached or street townhouse dwelling unit subject to the requirements of the Ontario Building and Fire Codes.

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Furthermore, this report will provide information and identify the issues that shaped the development of the draft OPA policies and Zoning regulations for the City-wide Secondary Suites Study. The report will also identify implementing resourcing issues that will have to be considered in completing the regulatory regime, beyond the matters covered by the *Planning Act*.

Background - Analysis and Options

1. The Secondary Suites Policy Context

The Province, Region and City have all committed to addressing the issue of housing affordability through various policies.

- a. Bill 140, the *Strong Communities through Affordable Housing Act* affirms the Province's interest in pursuing a range of affordable housing options. It identified the private sector as playing a significant role in increasing the stock of market rental units. Secondary suites are identified as one way of meeting these needs. The Act further clarifies the roles and responsibilities of both the provincial and municipal governments in providing for greater production of affordable housing at the local level.
- b. The York Region Official Plan (ROP) adopted on December 16, 2009 and subsequently approved by the Ministry of Municipal Affairs and Housing on September 7, 2010, has been substantially approved by the Ontario Municipal Board as of June 2013.

The Plan addresses issues of housing affordability and specifically speaks to secondary suites in Sub-section 3.5.22 by requiring,

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

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

It should be noted that sub-section 3.5.22 is subject to an area/site specific appeal.

- c. In keeping with the policies outlined in the ROP requiring local municipalities to incorporate affordable housing where opportunities exist, VOP 2010 has addressed the affordable housing issue and directly references secondary suites. Section 7.5 *Housing Options* states “It is the Policy of Council: ...7.5.1.2 to work with York Region in implementing its affordable housing policies as follows: ...” The section further references secondary suites specifically by stating, “It is the policy of Council: ... 7.5.1.4 to support and prioritize the following housing initiatives: allowing secondary suites where deemed appropriate by a City-initiated study.”

Section 7.5.1 of VOP 2010 has been approved by the Ontario Municipal Board. This provides the City's policy basis for undertaking this study. As such, an amendment to VOP 2010 will be required to introduce the new Secondary Suites policies into VOP 2010. (See Attachment 2 *Draft Official Plan Amendment*).

2. Zoning

Currently, By-law 1-88 the City's comprehensive zoning by-law does not permit secondary suites. However, as a result of the Provincial, Regional, and Municipal direction on housing affordability

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and specifically the requirement to accommodate secondary suites, the Secondary Suites Study also addresses zoning standards. The Study findings result in amendments to By-law 1-88 (see Attachment 3, *Draft Zoning by-law Amendment*). The Policy Planning staff has circulated a draft by-law to the Zoning Section of the Building Standards Department. Ultimately, such zoning standards will be incorporated into the future Comprehensive City of Vaughan Zoning By-law, which is required to implement VOP 2010.

3. Consultation Strategy and Study Structure

From the outset, the Secondary Suites work plan included an extensive public and agency consultation strategy. Participants included: A Project Team made up of representation from the affected City departments and the consulting team; the Secondary Suites Task Force; the broader community; and external stakeholders (e.g. governments and agencies) through a Technical Advisory Committee. The consultation strategy had two purposes: First, it is intended to educate and inform the community on the topic of Secondary Suites by introducing the issues surrounding such matters as the reasons for permitting Secondary Suites (e.g. Provincial Legislation), the issues to be addressed in the development of Secondary Suite policies and standards, and the resulting approaches to permitting Secondary Suites. Second, it provided an opportunity to gather feedback from all affected and to identify their concerns respecting the options for allowing Secondary Suites. The consultation measures taken to-date are discussed below.

a. Methods of Notification

A major component of the consultation strategy was the outreach/public notification. Staff undertook an extensive notification protocol to ensure an optimal outcome respecting public outreach and involvement. Notification was provided through the following channels:

- i. On the landing page of the City of Vaughan's official website;
- ii. On Vaughan TV at City Hall;
- iii. In the *City Update*, the City of Vaughan's newsletter;
- iv. On the *City Page Online*;
- v. Through the City of Vaughan's Twitter and Facebook accounts;
- vi. On the Policy Planning departmental webpage, accessible through the City of Vaughan's Official website;
- vii. Through material placed at the City's 10 Community Centres and 7 Public Libraries;
- viii. Through telephone calls and mail-outs to the Registered Community Ratepayer Associations;
- ix. Through the Secondary Suites Task Force (word-of-mouth);
- x. E-blasts to persons requesting notification of the study milestones; and,
- xi. Advertising in the Vaughan Citizen and the Vaughan Liberal newspapers.
- xii. Notice in the Interim Tax Assessment through inclusion of a buck slip.

At the December 3, 2013 Committee of the Whole (Working Session) meeting, concerns were expressed respecting the methods of public notification being used and the resulting attendance at the public meetings. Council requested that additional methods be considered. In response, Policy Planning staff, with the cooperation and assistance of the Financial Services Department, arranged for an additional method of notification, which substantially broadened the notification base for the April 2, 2014 Public Open House.

A 'buck-slip' was included in the February Interim Property Tax Assessment mailed to residential landowners. Fortunately, the timing of the February Tax Bill mailing coincided with the beginning of the advertising campaign for the April 2 Public Open House. Including the

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buck-slip in the mailing provided direct hardcopy notification of the City-wide Secondary Suites Study and the final Public Open House scheduled for April 2, 2014 to approximately 60,000 households. It should be noted that the February mailing of the Tax Bill is only sent to taxpayers who do not subscribe to the automated bank withdrawal program. Copies of the 'buck-slip' were also placed at the information desk at City Hall as well as the City's Community Centres and at Vaughan Public Libraries. The use of the buck-slip inserts in the tax bills has its practical limitations. The Tax Bills are only mailed twice a year.

As mentioned above in the section titled *Communications Plan* a number of the same methods of notification used to notify for the Public Open House Meetings were also used to engage the public for this statutory Public Hearing.

b. Public Consultation and Engagement Events To-date

The following section provides a synopsis of the process and events used to secure input from both the public and technical perspectives. This included public meetings/open houses, the work with the Task Force, updates to Committee of the Whole and meetings of the Technical Advisory Committees and the staff working group.

- i. **The Kick-off Meeting-** The initial public consultation meeting/open house took place on the evening of May 27, 2013. Located at City Hall, it was attended by approximately 20 people. The Kick-Off meeting introduced the policy context and reason for its initiation, including the requirements under Provincial Law (Bill140). The presentation was followed by a question and answer session allowing those in attendance to voice their opinions and concerns. Finally, it provided an opportunity to inform the audience of the recruitment process for the members of the Secondary Suites Task Force. Those interested in joining were provided information on how to apply and the application deadline. Applicants were subsequently reviewed and approved by Council.
- ii. **Workshop Meetings -** The second Public Open House/Workshop was held in two sessions on the evenings of December 2nd and 4th, 2013. The December 2nd session was held at City Hall (for residents east of Highway 400); and, the December 4th session was held at the Vellore Community Centre (for residents located west of Highway 400). The two sessions were planned to allow attendees ease of access depending on where they resided, and as the 2nd Public Open House included a workshop component, having 2 sessions allowed for smaller groups where all participants had an opportunity to take part in the discussions. There were two main objectives to the 2nd Public Open House; first, to provide an opportunity to share information on secondary suites and second, to hear from the participants on how best to develop a "Made in Vaughan" approach to secondary suites.
- iii. **Presentation of the Draft Official Plan Policies and Zoning Regulations -** The third and final Public Open House was held on April 2, 2014 and provided staff and the consulting team with the opportunity to introduce the draft Official Plan policies and zoning standards to the public; allow for discussion and feedback; and provide comment on some of the subsequent implementation measures. Staff and the Project Team began the meeting with a presentation which introduced the study and the process undertaken to develop the draft Official Plan policies and Zoning regulations. Following the presentation an extensive question and answer session took place where the Project Team sat as a panel prepared to answer questions from the audience respecting the draft policies and regulations and the further processing of the study.

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c. Reports to Council

Throughout the study process staff provided Council with status updates mapping out the progress made throughout the course of the study. In total staff reported to Council, Committee of the Whole and Committee of the Whole Working Session on 6 separate occasions to-date: January 25, 2010; February 16, 2010; June 5, 2012; May 7, 2013; December 3, 2013; and, December 2, 2014). Aside from Council meetings, staff also provided a memorandum to the Mayor and Members of Council on March 28, 2014 notifying Council of the 'buck-slip' and draft OP policies and Zoning regulations.

d. The Secondary Suites Task Force

A key component of the City-wide Secondary Suites Study was the recruitment and operation of the Secondary Suites Task Force, which assisted in the development and evaluation of Secondary Suite options and policies. The Task Force was facilitated and supported by information provided by the consultant, City Staff (Project Team) and guest speakers (e.g. Ministry of Municipal Affairs and Housing, York Region, MPAC) and was responsible for reviewing and providing comments on a range of planning and development issues relevant to Secondary Suites. The Secondary Suites Task Force provided Council with its recommendations based on their experience and knowledge and the information that resulted from the study process and its findings. The recommendations proceeded to Council on December 2, 2014 and form Attachment 4 to this report.

As noted earlier in the report, the number of Task Force meetings was increased and budgeted for as a result of Council's action on December 10, 2013. The original work plan provided for three Task Force meetings. It was augmented by the addition of four meetings to the process to bring the budgeted total to seven.

July 25, 2013:

The initial meeting was general in its intent, providing an opportunity for the Task Force members to familiarize themselves with the operating procedures and protocols of the Task Force. In preparation for the first meeting, members of the Task Force were sent background information including the May 14, 2013 Council extract from the May 7, 2013 Committee of the Whole (Working Session) report, copies of the presentation that was given at the May 27, 2013 Public Consultation/Kick-Off meeting, and a report titled *Phase 1 Summary Report: Policy Context*. At the meeting members were provided with an overview of the City-wide Secondary Suites Study which was followed by a discussion of their concerns and issues. A list outlining the identified concerns was developed. In response to the list, the next three Task Force Meetings were primarily devoted to education sessions. These addressed the identified issues and were supported by presentations from people with expertise in the topic areas.

September 26, 2013:

This meeting focused on the policies and requirements of the senior levels of government. Presenters from the Canada and Mortgage Housing Corporation (CMHC), Ministry of Municipal Affairs and Housing (MMAH), and the Region of York, provided Task Force members with information on the legislative and policy basis governing secondary suites, from a federal, provincial, and regional viewpoint. A question and answer period followed each presentation. A joint presentation from the consulting team and Policy Planning staff was also provided on the research completed to date with respect to market analysis and demographic and income statistics.

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October 24, 2013:

The agenda for the third Task Force meeting focused on municipal issues. It included presentations by the Building Standards Department, the Vaughan Fire and Rescue Service, and By-law and Compliance Department on the topics of Zoning, the Building and Fire Codes, health and safety, and enforcement. Each presentation was followed by a question and answer period where all members of the Task Force were given an opportunity to speak to each presentation.

November 21, 2013:

The fourth and final Task Force Meeting for 2013 focused on impacts on services and finances. It included presentations from the Engineering and Public Works Commission respecting parking and to a lesser extent the impact of secondary suites on hard services, and from the City of Vaughan Financial Services Department and the Municipal Property Assessment Corporation (MPAC) on the impact a legal secondary suite may have on the landowners property tax assessment. Along with the presentations, the Project Team also had a discussion with the Task Force respecting the Communication Strategy, the Goals and Objectives of the Task Force and the future of the study moving into 2014.

The November 21, 2013 meeting completed the initial information sharing and education phase of the study process. Meetings commencing in 2014 were scheduled to focus on the presentation and discussion of secondary suite policies, standards and regulations.

January 30, 2014:

The first meeting of 2014 was a working session for the Task Force members. Prior to the meeting members of the Task Force were provided with a *Summary Chart of Key Issues and Draft Policy Approaches*. The purpose of the meeting was to review the information contained on the chart and provide comments. The chart was intended for discussion purposes only and the content was a summary of information gathered through the public consultation process. The chart outlined 4 Areas of Focus. The Key issues reflected what was learned from the public meetings, the Task Force meetings, Council at the Committee of the Whole (*Working Session*) meetings, the online survey, and also through the review process. Furthermore, the chart included a draft policy section and rationale outlining possible approaches and tools in response to the issues raised. The four areas of focus were: Neighbourhood Character, Health and Safety, strain on Infrastructure and Community Awareness. (See Attachment 1)

March 20, 2014:

The agenda for the March 20, 2014 Task Force meeting included a continuation of the previous meeting's (January 30, 2014) discussion respecting the *Summary Chart of Key Issues and Draft Policy Approaches*. The review of the information contained in the chart was completed allowing the Project Team to proceed with their preparation for the April 2, 2014 Public Open House. Following this discussion it was explained what would be presented at the Public Open House.

April 24, 2014:

The final Task Force Meeting was held on April 24, 2014, and provided members with an opportunity to have a final discussion and make recommendations respecting the draft Official Plan policies and zoning regulations. It is noted that the policies and standards

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had been provided to Council in a March 28, 2014 memorandum. The Task Force, taking into consideration all the work completed over the previous months, as well as input from the three Public Open Houses adopted a series of recommendations for Council's consideration (see Attachment 4). While there remained differences of opinion amongst individual Task Force members, the recommendations reflected a substantial consensus of the group. The Task Force recommendations will be discussed in further detail in Section 6 of this report titled *Task Force Recommendations*

The delivery of the Task Force recommendations to Council at the December 2, 2014, Committee of the Whole meeting concluded the Task Force responsibilities as established in the Secondary Suites Task Force Terms of Reference. Having been appointed by Council, the Task Force mandate ended with the term of the last Council.

e. The Project Team

Policy Planning with the participation of the Building Standards Department, By-law and Compliance and the Vaughan Fire and Rescue Service, working with the consulting team consisting of SHS Consulting and Planning Alliance, formed the Project Team. The Project Team was responsible for providing technical support to the Task Force on key issues and topics respecting secondary suites. The Project Team met on a monthly basis to discuss concerns raised by the Task Force and on issues related to the study. In addition to the work with the Task Force, the project team was also responsible for analyzing information respecting best practices, the review of legislation and the provision of technical input into the policy development process. This information gathering and analysis is reflected in Attachment 1 *City of Vaughan Secondary Suites Final Report* dated January 2015, prepared by SHS Consulting in association with Planning Alliance.

f. The Technical Advisory Committee (TAC)

In addition to the Task Force, a Technical Advisory Committee (TAC) was also assembled. The TAC was made up of the internal City departments and divisions including Building Standards, Development Planning, Urban Design, Fire and Rescue Services, By-law and Compliance, Development/Transportation Engineering, Accessibility Vaughan, Community Services, Legal Services, Finance and, Economic Development.

TAC membership also involved the participation of external agencies including York Region Long Range Planning, York Region Catholic and District School Boards, York Region Police, Canada Mortgage and Housing Corporation (CMHC), and Ministry of Municipal Affairs and Housing (MMAH). The first TAC meeting was held on August 20, 2013.

The role of each TAC member was to provide technical expertise in their specific area of knowledge throughout the study process. As part of the policy development phase of the study, the TAC has also had an opportunity to review and comment on the *Summary of Key issues and Draft Potential Approaches* chart and apply a technical perspective on the efficacy of the potential approaches.

4. Issues Identified through the Consultation Process Considered in Developing the Policies and Standards

The draft Official Plan policies and Zoning standards evolved from information gathered through the Task Force Meetings, the public consultation process, input from the Technical Advisory

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Committee, an online survey, comments received from Council at the Committee of the Whole (Working Session), and research conducted on best practices and market analysis.

Based on this information, four thematic areas emerged which included:

- a) Neighborhood Character;
- b) Health and Safety;
- c) Strain on Infrastructure; and,
- d) Community Awareness.

In addition to informing the “*Planning Act*” issues (the Official Plan and Zoning By-law), the process also identified the need to address practical considerations related to the implementation of a program to legalize secondary suites. Being administrative and regulatory in nature these matters will need to be addressed and the required measures put in place by the time that the Official Plan and Zoning By-law amendments are in effect.

- a) Neighborhood Character: In consideration of Neighborhood Character the following issues were raised; i) Location; ii) Parking; iii) Absentee Landlords; iv) Property Standards; and, v) Enforcement of Municipal By-laws:

- i. **Location** – The issue of where secondary suites should be located came about as a result of concerns over their potential location in higher density neighborhoods. In response, it was determined that secondary suites should not be restricted based on a specific land use designation or zone or exclusively on a specified existing housing type. Instead, a criteria based approach was considered to be the best solution, in other words, if a ground related dwelling unit could meet a certain set of criteria a secondary suite would be permitted.
- ii. **Parking** - was raised as a major concern by a number of stakeholders as it impacts on-street congestion and the appearance of the property where paving of front yards significantly reduces landscaping. Through presentations provided by City staff to the Task Force, the issue of parking was raised, particularly in the context of newer neighborhoods that were designed using new urbanism and alternative right-of-way standards. Consideration was given to what the appropriate number of spaces should be, or if any additional spaces would be required. Currently, single and semi-detached and townhouse dwellings require a minimum of 2 to 3 parking spaces, depending on the zoning category. The practicality of enforcement of a dedicated secondary suite parking space on private property once a secondary suite was permitted was also assessed. Providing for a minimum of three parking spaces on a lot before a secondary suite was permitted was considered to be the best response.
- iii. **Absentee Landlords** – This issue was raised as a potential cause for declines in property maintenance and appearance. Little concrete evidence other than anecdotal evidence has shown any negative impact on neighborhood character. Furthermore, neither an Official Plan policy nor a zoning by-law, the two tools available through the *Planning Act*, can address the issue of absentee landlords.
- iv. **Property Standards** – Another concern raised respecting neighborhood character is the overall impact that a secondary suite will have on neighborhood appearance by possibly altering the exterior facade of any existing residential dwelling. Concerns of increased levels of garbage and noise were raised as was the requirement for a separate exterior entrance, and where the entrance would be located or how it would be accessible.

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- v. **Ensuring Local By-laws are enforced** – There are municipal by-laws in place addressing property standards other than By-law 1-88 the City of Vaughan's comprehensive zoning by-law which addresses matters dealing with land use only. The current enforcement of municipal by-laws is dealt with on a complaint basis and enforcement officers have limited power of entry pursuant to legislation governed by the *Planning Act*. There are concerns that any additional work created by an enforcement or monitoring program established to regulate secondary suites would result in a resource issue for affected departments (e.g. staffing levels). This is beyond the scope of this land use planning exercise.
- b. Health and Safety: Concerns respecting Health and Safety are paramount and were raised respecting; i) Ensuring the Safety of Secondary Suites for Tenants; ii) Insurance for Tenants; and, iii) Ensuring Neighborhood Safety:
 - i. **Ensuring the Safety of Secondary Suites for Tenants** – Secondary suites must comply with all necessary regulations including the Fire Code, Building Code, and City By-laws. However, enforcement of City By-laws becomes an issue because enforcement officers have limited power of entry and may require additional resources and training to conduct inspections to determine whether safety matters are in keeping with standards. Furthermore, it should be clarified that only those landlords who undertake the legalization process (e.g. zoning conformity, building permit approval, and fire code compliance) and maintain their secondary suites at the required standard can be considered safe. Through the public consultation process the Project Team heard that there was a desire for a monitoring program, in the form of a registration or licensing regime, which would have an associated fee. The fee charged should not be so onerous that it works as a deterrent to identifying the suite, making it safe in accordance with all code requirements and its ultimate legalization.
 - ii. **Insurance for Tenants** – A suggestion made by the stakeholders was that tenants be required to have insurance. However, through the information gathering process it was determined that requiring tenants of secondary suites to have insurance is not enforceable by the City, as there is no current process through which the City can require or verify proof of insurance. Also should the insurance lapse or be discontinued for any reason there is no mechanism which would trigger City enforcement being notified. Requiring that either the landlord or tenant have and provide proof of insurance goes beyond the scope of the planning exercise as it is not a land use matter to be dealt with through the zoning by-law or an official plan policy. In order to implement a requirement of this nature the City would need to establish a licensing regime.
 - iii. **Ensuring Neighborhood Safety** – Stakeholders expressed a general concern over ensuring that neighborhoods remain safe.
- c. Strain on Infrastructure: The potential strain on infrastructure, including both soft and hard services was also a concern. Through the presentations and discussion with TAC members it was confirmed that the City's water and wastewater capacity is sufficient to accommodate secondary suites. Furthermore, permitting secondary suites could result in better data on the number and general location of units, which will assist in the future planning of community services and institutional uses. .
- d. Community Awareness: Community Awareness as a focus for discussion addressed the following issues; I) Public Education; ii) Understanding the Legislation/Regulatory Framework; and iii) Understanding the Costs of Legalizing Secondary Suites.

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- i. **Public Education** – Residents and stakeholders expressed the need for incorporating an education campaign into the implementation program for permitting secondary suites. This would set out the process for legalization for new secondary suites; the standards that would have to be met, e.g. Code requirements, by-laws; and, application and submission requirements.
- ii. **Understanding Legislation/Regulatory Framework** – Above and beyond the Official Plan Policies and Zoning By-law being developed to permit secondary suites, there is a body of legislation related to the Residential Tenancies Act, and the rights and responsibilities of both landlords and tenants. This information should be provided through an education program.
- iii. **Understanding the Costs of Legalizing Secondary Suites** – potential secondary suite providers should be aware of the impact of a secondary suite on their property tax and property value.

5. Planning Tools to be Applied to Secondary Suites

The purpose of the City-wide Secondary Suites Study is to develop new Official Plan policies, Zoning standards, and to identify other regulatory tools necessary to permit secondary suites. The Official Plan policies and Zoning standards are the land use tools that will regulate where Secondary Suites will be permitted and their physical form, including unit size, building access, parking requirements and impact on the external aesthetics of the dwellings and hence the neighborhoods. The following policies and standards were put forward for comment at the April 2, 2014 Public Open House. The standards reflect input and advice from Task Force and findings based on a review of best practices in other jurisdictions. The Project Team and the Secondary Suites Task Force have advanced the development of the *Planning Act* measures (i.e. the OP policies and zoning) to bring them to the public for further comment and input at the statutory Public Hearing.

a. The Draft Secondary Suites Official Plan Policies

In response to the issues identified above, the following official plan policies are being put forward for further consideration. Under this approach, VOP 2010 would be amended by:

- “1. Deleting Policy 7.5.1.4 d. (“allowing secondary suites where deemed appropriate by a City-initiated study.”)
2. Adding the following new Policy 7.5.1.5 and renumbering the existing Policies 7.5.1.5, 7.5.1.6 and 7.5.1.7 accordingly:

7.5.1.5 Secondary Suites shall be subject to the following policies:

- a) Secondary Suites may be permitted in a building on lots where the principle use is a single detached, semi-detached or street townhouse dwelling provided that:
 - i. There is a maximum of one (1) secondary suite per principle dwelling unit;
 - ii. All requirements of the Ontario Building Code, Fire Code and City By-laws are satisfied.
- b) Secondary Suites will not be permitted on all single detached, semi-detached and townhouse lots. The implementing zoning by-law will

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establish standards and criteria that must be met before the Secondary Suite can be considered to be in conformity with the zoning by-law.

- c) Council may adopt further regulatory measures regarding the implementation of a program to permit secondary suites in accordance with the policies of this Plan. Such measures may include, but not be limited to, the registration, licensing, monitoring and provision of public education.

The amending zoning by-law provides more specific standards which any proposal to permit or legalize a secondary suite must adhere to.”

b. The Draft Secondary Suites Zoning Standards

In keeping with the concept of criteria based zoning standards, the following amendments to By-law 1-88 have been developed for further consideration:

“1) In Section 2.0 DEFINITIONS:

- Include a definition for a Secondary Suite: “Secondary Suite – Means a self-contained residential unit located within and accessory to a residential dwelling. A secondary suite has its own kitchen and bathroom.”
- Change the term “Dwelling, Single Family Detached” to “Dwelling, Single Detached”. Update use of this term elsewhere in the By-Law.
- Change the definition of a “Dwelling, Semi-Detached” to mean “a building containing a maximum of two (2) dwelling units.”
- Add the following clause to the definition of a “Dwelling, Duplex”: “A dwelling that includes an accessory secondary suite is not a duplex.”

Regulations and Standards:

1. In Section 3.8, “Parking Requirements”, add “Residential – Single Detached, Semi-Detached, Street Townhouse with Secondary Suite” as a type of use with a minimum of “3.0 parking spaces per dwelling unit”.
2. In Section 4.1, “General Provisions” for Residential Zones, include a new Subsection entitled Secondary Suites stating that “Secondary suites may be permitted located within or on the same lot, and accessory to a single detached, semi-detached or street townhouse dwelling unit, subject to the following provisions:
 - a) The addition of a secondary suite in a dwelling shall not change the use of the subject lands;
 - b) A maximum of one (1) secondary suite shall be permitted;
 - c) The lot frontage shall exceed 9.0 metres (i.e. minimum 9.0 metres required);
 - d) The minimum gross floor area of a secondary suite shall be 35 square metres;
 - e) A secondary suite shall not occupy more than forty-five percent (45%) of the above finished grade gross floor area of the dwelling within which it is located;
 - f) Entrances to secondary suite entrances shall:
 - Be separate from the entrance to the principal dwelling, either as separate exterior entrances or from a common indoor vestibule;
 - Be accessible from the street via a paved walkway or driveway;

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- Not be visible from or located in front of the principal entrance of the adjacent building
 - g) New entrances for secondary suites in existing dwellings shall not be permitted on the façade facing a public or private road;
 - h) A secondary suite will not be permitted in a dwelling unit accommodating boarders or containing a home occupation.
3. Add a provision to Section 4.1.5: “A home occupation will not be permitted in a dwelling unit containing a secondary suite.”

It is noted that these policies and standards have not been formatted to reflect the style of amending official plan and zoning by-law amendment documents. The information referenced above has been included in the draft Official Plan and Zoning by-law amendment documents attached to this report as Attachments 2 and 3.

6. Task Force Recommendations

The Task Force has provided a number of recommendations. Some have been accommodated through the draft *Planning Act* amendments and some will be addressed more fully through the follow-up process discussed in this report. Staff does have issues pertaining to the recommendations respecting the relative merits of a licensing or registration regime, particularly in regard to the costs of administering such programs. The relative merits of the Task Force recommendations relating to the further regulation of Secondary Suites will be addressed in the follow-up report, which will inform Council of the merits and drawbacks of the alternatives as the basis for a recommendation on staff's preferred approach.

- a. **TF Recommendation:** That the home owner wishing to create a Secondary Suite be required, as part of the approval process, to agree that the occupants of the dwelling will have one less vehicle than the number of spaces available with the result that there will be one available parking space for the occupant of the secondary suite.

Staff Response: The concern with respect to this recommendation is the enforceability of such a standard on an on-going basis.

- b. **TF Recommendation:** That restrictions are established for secondary suites with side yard entrances to ensure that the area adjacent to the entrance is not utilized as an amenity space.

Staff Response: Staff is currently considering how this recommendation can be implemented through policy and zoning regulations.

- c. **TF Recommendation:** That the staff recommended approach referencing ‘home occupation’ in section 4. be deleted.

Staff Response: The original draft recommendation was not only in reference to home occupation uses, but all uses which potentially could intensify the uses on a site by their introduction. Staff concerns include impact on parking, and the over intensification of the subject lands by allowing the primary residential dwelling, the secondary suite and an additional use such as a home occupation, private home daycare or private home tutoring.

- d. **TF Recommendation:** That each official address be required to have its own mailbox for service by Canada Post. However, this discussion must consider recent Canada Post

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business decisions towards introducing Community Mailboxes in existing established communities.

Staff Response: Staff is currently in consultation with Canada Post to determine the feasibility of introducing separate mailboxes for the secondary suite.

- e. **TF Recommendation:** That the City of Vaughan encourages developers to include roughed in secondary suites in some homes in new developments.

Staff Response: Staff is considering at which stage of the planning/development application process is it most appropriate to enter into discussions with the development industry on how they would proceed with including the option for secondary suites to potential home buyers, and what the impact on providing a roughed in secondary suite would have on the processing of building permit applications and related fees.

- f. **TF Recommendation:** That a registry of the legal secondary suites in the City of Vaughan is established and the list is accessible to the public.

Staff Response: A number of concerns have been cited respecting the development of a registry regime for secondary suites, including the potential benefits, the staff and resourcing implications, and the actual up-take of the number of registered units. Section 7 of this report titled *Issues Associated with the Implementation of a Secondary Suites Program* goes into greater detail on how the Project Team is proceeding in consideration of this recommendation.

- g. **TF Recommendation:** That a licensing process be implemented with the fees to be determined by the City of Vaughan.

Staff Response: A number of concerns have been cited respecting the development of a registry regime for secondary suites, including the potential benefits, the staff and resourcing implications, and the actual up-take of the number of registered units. Section 7 of this report titled *Issues Associated with the Implementation of a Secondary Suites Program* goes into greater detail on how the Project Team is proceeding in consideration of this recommendation.

- h. **TF Recommendation:** That a separate process be established for homeowners with existing illegal secondary suites to encourage the home owners to register and obtain licensing to meet the necessary standards and requirement.

Staff Response: A number of concerns have been cited respecting the development of a registry regime for secondary suites, including the potential benefits, the staff and resourcing implications, and the actual up-take of the number of registered units. Section 7 of this report titled *Issues Associated with the Implementation of a Secondary Suites Program* goes into greater detail on how the Project Team is proceeding in consideration of this recommendation.

- i. **TF Recommendation:** That the remainder of the recommended approaches referred to in the document submitted by Planning staff titled "City of Vaughan Secondary Suites Policy Development, Summary of Key Issues and Draft Potential Approaches – For Discussion Purposes Only (Draft 4), be approved.

Staff Response: The remainder of the recommended approaches are reflected in the draft Official Plan Policies and zoning regulations. These have been elaborated on through the creation of the Draft Official Plan and Draft Zoning By-law (see Attachments

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3 and 4). Staff will continue to refine these documents prior to moving forward with a technical report on secondary suites.

- j. **TF Recommendation:** That a cost analysis is completed and made public to determine the costs associated with secondary suite policy implementation (licensing, monitoring, and enforcement).

Staff Response: A number of concerns have been cited respecting the development of a registry regime for secondary suites, including the potential benefits, the staff and resourcing implications, and the actual program up-take and the resulting number of units. Section 7 of this report titled *Issues Associated with the Implementation of a Secondary Suites Program* goes into greater detail on how the Project Team is proceeding in consideration of this recommendation.

- k. **TF Recommendation:** That requiring insurance for tenants is considered as part of licensing requirements.

Staff Response: A number of concerns have been cited respecting the development of a registry regime for secondary suites, including the potential benefits, the staff and resourcing implications, and the actual up-take of the number of registered units. Section 8 of this report titled *Issues Associated with the Implementation of a Secondary Suites Program* goes into greater detail on how the Project Team is proceeding in consideration of this recommendation.

- l. **TF Recommendation:** That an education program be implemented.

Staff Response: Staff concurs with this recommendation and is currently developing a framework for moving forward with an education program. This information will be presented in a future report to Committee of the Whole meeting.

- m. **TF Recommendation:** That all future infrastructure review for determining development charges take into account secondary suites and report separately on the infrastructure needs and costs.

Staff Response: Staff is currently reviewing this recommendation.

7. Issues Associated with the Administration of the Secondary Suites Program

Coincident with the *Planning Act* approvals coming into effect it will be necessary to have in place the administrative procedures required to implement the Secondary Suites program. Much of the administrative process for the regulation of Secondary Suites rests with legislation and regulation outside of the *Planning Act*. This would include the Ontario Building Code, the Fire Code and *Municipal Act*, which are applicable to solutions where licensing and/or registration may be involved. The measures the City adopts to further regulate the secondary suites have the potential to affect the operations of a number of City departments, including the Building Standards Department, the By-law and Compliance Department, and the Vaughan Fire and Rescue Service, as well as Corporate Communications with respect to any educational component.

The extent to which the each department is affected will depend on the level of regulation that is applied and the number of applications that will be submitted to permit new or legalize existing secondary suites. This would involve the submission of applications for review for Code/ By-law compliance, plan approval, and inspections.

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The level of further regulation would also need to be considered. For example: This could depend on whether:

- The City chooses to implement a proactive enforcement program designed to achieve compliance with the code requirements;
- A licensing regime is put in place where legal secondary suites are identified, licensed and inspected annually for continuing compliance, with a licensing fee;
- In the alternative, a registration process could be put in place, which lists legalized secondary suites, but carries out no further actions, except on a complaint basis.

8. The Implementation of the Secondary Suites Policy: The Three Element Approach

It became clear throughout the process that the implications of permitting secondary suites extended beyond the Official Plan and Zoning By-law, as reflected in the discussions with stakeholders and the Task Force recommendations. Both the Task Force and staff identified a number of implementation and administration issues that would need to be addressed and put in place before the required Official Plan policies and amending Zoning By-law were in effect. This mainly relates to the identification, monitoring, and regulation of secondary suites and establishing a public education program that would allow the system to operate smoothly. This resulted in a “three element” approach to regulation. This is discussed below.

- Planning Act Permissions:** It is evident that the first element of the process, being the *Planning Act* permissions for secondary suites, can be addressed through the development of the Official Plan Policies and an implementing Zoning By-law, which were set out in the previous section of this report. These may be subject to further modification resulting from the Public Hearing process, consideration of the Task Force recommendations and further staff response.
- Enforcement and Monitoring:** The second major area of implementation in response to Task Force recommendations involves the determination of the required enforcement, monitoring and administration processes. Currently staff is investigating the potential implementation, enforcement and monitoring tools. The Task Force recommendations also noted the need for implementation tools.
- Education:** The third element is the educational component. This would involve the creation of a resource based approach to information regarding secondary suites. This would include on-line sources providing the public with information and a hardcopy information package containing the same information, which can be obtained at City Hall. The package would also be made available with all building permit applications for secondary suites and grade related residential construction. Staff will consider the educational element in greater detail once it has completed its consideration of the implementation tools as the information to be provided will be impacted by Council's ultimate direction.

9. Reporting Strategy: Next Steps

The determination of the regulatory system was a key point for both the Task Force and Project Team. However, such a protocol is beyond the scope of this study. For this reason, the Project Team has developed the following approach to the next steps. The Policy Planning Department has prepared this public hearing report providing an outline of the study process to date, related background information, an outline of the issues, as well as the final consultant's report (see Attachment 1) and the draft official and plan zoning by-law amendments (see Attachments 2 and 3). Subsequently in response to the issues identified through this Public Hearing process, the comprehensive Technical Report will be prepared addressing the *Planning Act* matters for the

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purposes of their approval and finalization for adoption and enactment.

A second report will be prepared by the Legal Department, in consultation with the City Clerk's, the By-Law and Compliance, the Building Standards departments and the Vaughan Fire and Rescue Service. It will address the issues relating to the implementation of a regulatory regime. The timing of this report will be coordinated with the Technical Report on the *Planning Act* amendments and will identify resource requirements in greater detail which will inform any required budget requests.

It should be reiterated that the regulatory measures must be in place no later than the day that the implementing zoning amendment comes into effect. Therefore, staff will work to time both processes so that the regulatory measures are in place in time to receive the first application for the approval of a new secondary suite or the legalization of an existing one. It is expected that a joint report on the regulatory measures involving several departments will be provided in the fourth quarter of 2015.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

Representatives from the Long Range Planning Division at the Region of York were members of the Technical Advisory Committee (TAC) and have made presentation to the Secondary Suites Task Force Committee. This report also responds to direction provided in the York Region Official Plan in regard to the provision of affordable housing, including secondary suites.

Conclusion

Staff will continue to refine the issues pertaining to the Official Plan and Zoning by-law while taking into consideration the comments received from the public and Council at this Public Hearing. This will be reported on in a comprehensive technical report. In addition to the *Planning Act* matters it will be necessary to address a number of administrative issues resulting from the Task Force's Recommendations. Such measures will need to be resolved and be in place coincident with the Zoning Amendment coming into force. These matters will be elaborated on in a separate report to Council containing direction on recommended regulatory measures. The timing of these reports will be coordinated to ensure that the *Planning Act* instruments and the necessary regulatory measures are both in place at the same time.

Attachments

1. Final Secondary Suites Consultants Report – dated January 2015
2. Draft Official Plan Amendment
3. Draft Zoning By-law Amendment
4. Task Force Recommendations

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)