

**Communication C2**

**Item 2**

Task Force on Secondary Suites

Date: January 30, 2014

# CITY OF VAUGHAN SECONDARY SUITES POLICY DEVELOPMENT

## SUMMARY OF KEY ISSUES AND DRAFT POTENTIAL APPROACHES – FOR DISCUSSION PURPOSES ONLY – SECONDARY SUITES TASK FORCE JANUARY 30<sup>TH</sup> 2014

**Legend for Potential Approaches:**

P = Policy      ZBL = By-Law (i.e. zoning, licensing)      EM = Enforcement and Monitoring      EP = Education Program

| Areas of Focus          | Key Issues Raised   | What We've Learned & Heard  | DRAFT Potential Approaches and Tools  | Rationale  | P | ZBL | EM | EP |
|-------------------------|---|---|---|--|---|-----|----|----|
| Neighbourhood Character | <p>1. Location – where will secondary suites be located</p>   | <ul style="list-style-type: none"> <li>Some stakeholders are concerned with secondary suites within higher density neighbourhoods (mainly a concern with entrances and parking – see below)</li> <li>Province has set the direction for secondary suites to be permitted as-of-right</li> </ul>   | <ul style="list-style-type: none"> <li>Secondary suites will be permitted in buildings where the primary use is a single detached, semi-detached, street townhouse or block townhouse dwelling with a maximum 1 secondary suite per dwelling</li> </ul> | <ul style="list-style-type: none"> <li>This policy follows the general guideline required by the Province and adhered to by other municipalities (i.e. Mississauga, Brampton)</li> </ul>   |   |     |    |    |
|                         | <p>2. Parking – on-street parking, parking (or paving over) on front lawns, increased street congestion</p> | <ul style="list-style-type: none"> <li>Major concern for residents is parking – both street congestion and paving over front yards</li> <li>Parking in higher density neighbourhoods is already a concern for many residents</li> <li>There is currently a parking study underway at the City</li> <li>The City of Vaughan has a requirement for minimum parking set out in the zoning by-law (e.g. 3 spaces per detached / semi-detached dwelling unit; 2 spaces per street townhouse)</li> <li>The zoning by-law regulates driveway width and minimum soft landscaping</li> </ul> | <ul style="list-style-type: none"> <li>No additional parking space requirement for secondary suites; parking standards for principal dwelling will adhere to zoning requirements for applicable housing type</li> </ul>                                 | <ul style="list-style-type: none"> <li>Most dwellings within the City of Vaughan already have a minimum of 3 parking spaces per dwelling and in many cases 4+</li> <li>The Zoning By-law's standards for maximum driveway widths, number of driveways, and minimum soft surfaces limit the amount of permissible parking area</li> <li>Leaving parking standards as they are allows for some flexibility to landlords and tenants. For example, if there is a single owner and a single tenant each with a car, or if the home is near a transit corridor and the tenant does not have/require a car</li> <li>Some homes that would otherwise be good candidates for secondary suites (e.g. given location, household situation, etc.) may be unable to</li> </ul> |   |     |    |    |

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|                |   |  |  | accommodate a third or fourth parking space without comprising landscaping, if an additional space was required per secondary unit   |   |     |    |    |
|                |   |  | <ul style="list-style-type: none"> <li>Through the parking study and other City-wide strategic initiatives, evaluate options to address parking issues across City neighbourhoods</li> <li>Clear guidelines for potential landlords</li> </ul>   | <ul style="list-style-type: none"> <li>Parking concerns within the City of Vaughan are not only an issue related to secondary suites; there are a number of existing concerns</li> <li>See also 'Community Awareness' approaches below</li> </ul>  |   |     |    |    |
|                | 3. Absentee landlords – decline to neighbourhood appearance | <ul style="list-style-type: none"> <li>Concerns by stakeholders were raised around absentee landlords and the potential impact that would have on neighbourhood appearance</li> <li>Some stakeholders also cited their concerns about residing next to 'strangers' who are perceived to be more transient (e.g. tenants in largely owner-occupied neighbourhoods)</li> </ul> | <ul style="list-style-type: none"> <li>No policy to regulate 'absentee landlords'</li> <li>A secondary suite will not alter the existing use of the dwelling</li> <li>Clear guidelines for potential landlords</li> <li>Registration of unit – refer to 'Health and Safety' below</li> </ul> | <ul style="list-style-type: none"> <li>Initial input from City Legal services is that the City cannot under the Municipal Act regulate which individuals occupy a specific dwelling</li> <li>Municipalities (i.e. Mississauga) have tried to include a requirement in their secondary suite policy that units must be owner occupied – however, following legal consultation this was not included in their policy</li> <li>Including a policy outlining that the use of dwelling cannot change with the addition of a secondary suite may help ensure overall neighbourhood character remains the same</li> <li>See 'Community Awareness' approaches below</li> </ul> |   |     |    |    |
|                |   |  | <ul style="list-style-type: none"> <li>Registration of unit – refer to 'Health and Safety' below</li> </ul>  | <ul style="list-style-type: none"> <li>Registration/licensing (as outlined below) should provide greater awareness of secondary suites and any non-compliance can be addressed through enforcement of the licensing by-law</li> </ul>  |   |     |    |    |

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|                | 4. Property standards – decline to exterior appearance of dwelling (i.e. entrances, landscaping), increased noise, increased garbage | <ul style="list-style-type: none"> <li>Stakeholders are concerned with the overall impact secondary suites will have on neighbourhood appearance in particular with regard to parking and landscaping to accommodate for additional vehicles. See also parking above.</li> <li>City has many existing By-laws in place (see below)</li> <li>City of Vaughan has a 3 bag limit for garbage requiring households to pay for additional garbage bag tags</li> <li>Residents generally agree that secondary suites should have a separate exterior entrance located at the back or side (with proper setbacks in place for privacy)</li> </ul> | <ul style="list-style-type: none"> <li>Definition in ZBL: "A self-contained unit within a house. A secondary suite has its own kitchen and bathroom."</li> <li>Secondary suites will adhere to Ontario Building Code, Fire Code and City by-laws</li> <li>Maximum Gross Floor Area (GFA): secondary suite shall be equal to or smaller than the GFA of the primary dwelling</li> <li>Minimum Gross Floor Area: secondary suite will have a minimum GFA of 35m2</li> </ul>   | <ul style="list-style-type: none"> <li>Generally follows the Ministry of Municipal Affairs and Housing definition</li> <li>There is an existing regulatory framework to promote the safety of units and up hold property standards that (will) apply also to secondary suites</li> <li>Mississauga and Markham use a Min. GFA of 35m2. Other areas have min. GFA of 30m2 (Edmonton), 42m2 (Burlington), 55m2 (Toronto)</li> <li>Mississauga and Toronto use a max GFA of 50%, Markham uses max of 45%, Newmarket and Ottawa use max of 40%</li> <li>Not all municipalities include min. GFA while most include a max GFA</li> <li>Rationale is based on having secondary suite secondary in size to principal unit</li> </ul> |   |     |    |    |
|                |  |  | <ul style="list-style-type: none"> <li>Secondary suite entrances must be separate from the entrance to the principal dwelling, either exterior entrances or from a common indoor landing, and must be accessible from the street via a paved walkway</li> <li>New entrances (for secondary suites) to existing dwellings at the front of dwelling (i.e. facing street) will not be permitted</li> <li>Entrances for secondary suites at the front of a dwelling may be permitted in new development or where two entrances already exist in a building's front façade, based on staff approval of building permit</li> <li>Sideyard entrances on flanking lots (i.e. facing the street) shall be</li> </ul> | <ul style="list-style-type: none"> <li>Several other municipalities prohibit entrances facing a street (i.e. Mississauga, Newmarket, Toronto, Ottawa)</li> <li>Rationale to permit front secondary suite entrances on new developments is that the design can be approved by staff on case by case basis at the time of approval</li> <li>Mississauga uses minimum setback of 1.2m for new entrances for secondary suites</li> </ul>  |   |     |    |    |

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|                |  | <ul style="list-style-type: none"> <li>designed in keeping with the character of a principal entrance</li> <li>Secondary suite entrances located at the side or rear will have minimum setbacks of 1.2m</li> <li>A home occupation use or day care shall be conducted in the primary dwelling unit and shall not occupy the secondary suite</li> </ul> | <ul style="list-style-type: none"> <li>The ZBL only permits offices of regulated health professionals to operate as home occupations, employing up to three people in no more than 25% of a building's GFA</li> <li>While home occupations should be permitted to take place in a building with a secondary suite (in compliance with other ZBL provisions), home occupations and day cares occupying secondary suites, in particular basement units, should be deterred</li> <li>Home occupations and day cares have minimum parking requirements</li> <li>See 'Community Awareness' approaches below</li> </ul> |   |   |     |    |    |
|                | <p>5. Ensuring local by-laws are being enforced</p> <ul style="list-style-type: none"> <li>There are many By-laws in place for noise, property standards (including regulations around minimum requirements for landscaping), parking but often monitoring/enforcement is complaint based and becomes a resource issue</li> <li>City By-law enforcement do not have power of entry creating additional challenges for enforcement</li> </ul> | <ul style="list-style-type: none"> <li>Clear guidelines for potential landlords</li> <li>Consider increasing resources to enforce new and existing By-laws (zoning, property standards, noise) in particular at onset of policy implementation</li> </ul> <p><i>Note: requires further discussion with Municipal Staff</i></p>                         | <ul style="list-style-type: none"> <li>Secondary suites will be required to have an inspection at time of registration/licensing (see Health and Safety below)</li> <li>Clear guidelines for potential landlords</li> </ul>   | <ul style="list-style-type: none"> <li>It is suggested that existing property standards By-law be used to address issues related to the appearance of properties that fall into disrepair; the Noise By-law be used to address concerns related to noise, and Traffic and Parking By-law be used to address concerns related to parking in prohibited areas</li> <li>Inspections will provide an opportunity for staff to ensure units are safe and in keeping with existing By-laws and codes</li> <li>See 'Community Awareness' approaches below</li> </ul> |   |     |    |    |

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| Health and Safety | 6. Ensuring units are safe for tenants | <ul style="list-style-type: none"> <li>Secondary suites must comply with Fire Code, Building Code and property standards (landscaping, parking, noise, garbage collection – see above); however, City By-law enforcement does not have power of entry (Fire does)</li> <li>Building Code requirements include standards for sound, fire separation, stairwells, plumbing, mechanical and electrical and regulations vary for homes more than five years old.</li> <li>All construction requires a building permit</li> <li>There are minimum Fire Code requirements for on-street parking</li> <li>Fire Prevention officials advocate for easy access to secondary suites to ensure safety of tenants</li> <li>Community residents and stakeholders generally agree that there should be a registration/licensing process in place with a requirement for inspections</li> <li>Stakeholders generally agree that while a fee may be necessary it should not be too onerous</li> </ul> | <ul style="list-style-type: none"> <li>Landlords of secondary suites are required to register/license a secondary suite</li> <li>A registration/licensing fee will be imposed for all landlords/owners of secondary suites</li> <li>Registration/licensing of a secondary suite will include a requirement that all new units are inspected to meet requirements of the Ontario Building Code, Fire Code and other Codes (i.e. Ontario Electrical Safety Code)</li> </ul> <p><i>Note: Further research among City Staff on the implications of a registration/licensing process is underway.</i></p> <ul style="list-style-type: none"> <li>Adherence to Ontario Building Code, Fire Code and municipal by-laws</li> <li>Clear guidelines for landlords/owners and tenants</li> </ul> | <ul style="list-style-type: none"> <li>A licensing system can help ensure safety of tenants (i.e. City services are aware of the secondary suite in cases of emergency) and can help protect the rights of tenants by ensuring units meet all regulatory requirements (i.e. Building Code, Fire Code)</li> <li>A licensing program can be costly to the City and therefore a fee would be appropriate to help cover such additional costs</li> <li>Keeping in mind, the less onerous a process (and fee) the more likely owners will come forward to register their units</li> <li>Some municipalities have implemented comprehensive licensing by-laws requiring all secondary suites have a license (i.e. Mississauga), while others (i.e. Markham) have suggested registering only new units – as part of building permit process - to help save on the costs of administration</li> <li>For new units, this can be confirmed as part of building permit process and for existing unit this can be confirmed during the registration/licensing process</li> <li>See 'Community Awareness' approaches below.</li> </ul> |   |     |    |    |
|                   | 7. Insurance for tenants               | <ul style="list-style-type: none"> <li>Requiring tenants to have insurance is not something enforceable by the City; however, the City can require, through a Licensing By-law, that the landlord/owner have general liability insurance to cover a secondary suite</li> </ul>  | <ul style="list-style-type: none"> <li>Consider requiring proof of appropriate insurance by landlords/homeowners as part of building permit submission to develop a secondary suite</li> </ul> <p><i>Note: Further research among Staff is required on authorities to require insurance</i></p>   | <ul style="list-style-type: none"> <li>Including a requirement that the dwelling has appropriate insurance can help protect both landlord and tenant</li> </ul>   |   |     |    |    |

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|                          | 8. Ensuring neighbourhood safety                                | <ul style="list-style-type: none"> <li>Some stakeholders expressed a general concern over ensuring neighbourhoods remain safe (as a result of secondary suites)</li> </ul>  | <ul style="list-style-type: none"> <li>Recommended approaches identified throughout this document (i.e. registration, enforcement of local by-laws, education program, monitoring program) are aimed at ensuring secondary suites do not have a negative impact on neighbourhoods or the safety of residents</li> </ul> | <ul style="list-style-type: none"> <li>The City has existing policies and regulations in place to ensure neighbourhood safety (i.e. police services, fire services, by-law enforcement)</li> <li>Additional policies are recommended within other sections (i.e. registration, education program, monitoring program and enforcement of local by-laws)</li> </ul>  |   |     |    |    |
| Strain on infrastructure | 9. Potential for strain on existing infrastructure and services | <ul style="list-style-type: none"> <li>Based on information from the City's Engineering and Public works department the City's water and wastewater capacity is sufficient to accommodate secondary suites</li> <li>The City has no limit on household organic waste or recyclables and has a 3 bag limit on waste (for extra items, must purchase additional bag tags)</li> <li>Traffic capacity of residential streets is performed by Engineering Services on a regular bases</li> <li>There is currently no overnight on-street parking</li> <li>The City is currently completing a parking study in designated neighbourhoods</li> <li>Residents have expressed concern regarding impact to not only hard services but also soft services such as schools and community centres</li> <li>Research conducted as part of the City of Mississauga Second Units Implementation Study found that secondary suites do not significantly burden public services (community services, transportation and schools) beyond the original design capacity and that public services are planned with some flexibility (City of Mississauga Planning and Building, June 2013)</li> </ul> | <ul style="list-style-type: none"> <li>As part of Education Program (see below), develop resources highlighting impact of secondary suites on infrastructure</li> <li>Long-term monitoring of secondary suites and potential impacts</li> </ul>   | <ul style="list-style-type: none"> <li>In general, the impact of infrastructure as a result of secondary suites is minimal</li> <li>Additional education is required to further residents' understanding of secondary suites and their impact on the community. Education and consultation regarding secondary suites – supported by monitoring data – will be an ongoing process</li> <li>On-going monitoring of secondary suites and their impact on infrastructure will help the City address residents' concerns with quantified reporting as well as make any necessary changes/adjustments to its secondary suites policies</li> </ul> |   |     |    |    |

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| Community Awareness | <p>10. Public education of secondary suites (general)</p> <p>11. Understanding legislation/regulatory framework including the rights and responsibilities of landlords and tenants</p> <p>12. Understanding the costs of legalizing a secondary suite (i.e. impact to property values and property taxes)</p> | <ul style="list-style-type: none"> <li>Residents and stakeholders have expressed the importance of incorporating an education campaign as part of the secondary suite policy implementation</li> <li>There are standards for landlord and tenants within the Residential Tenancies Act</li> <li>CMHC has information on their website on the design of secondary suites (case studies etc.)</li> <li>There is a desire to have information available for potential landlords (i.e. 'what it takes' to be a landlord), for tenants (rights and responsibilities), as well as information that addresses the misconceptions and realities of secondary suites (i.e. impact on infrastructure, impact to property values)</li> <li>Based on a presentation by MPAC a secondary suite landlord can expect their property taxes to increase by approximately \$210 (based on an increased assessment value), approximately \$60 of this is municipal tax</li> <li>Based on the same MPAC presentation the estimated value of a secondary suite would be approximately \$13 sq/ft compared to a finished basement with assessed value at approximately \$7.80 sq/ft</li> </ul> | <ul style="list-style-type: none"> <li>Develop a Secondary Suite Education Program – including developing City educational resources (e.g. on new policy, what is permitted and not permitted, steps to registration, enforcement measures / schedule)</li> <li>Resources should include web-based resources, hard copy formats and ensure information is easily accessible</li> <li>Prepare to host educational neighbourhood-level focus groups in any high-impact neighbourhoods</li> <li>As part of Secondary Suite Education Program, develop guidelines/information kit for landlords– including all requirements (Fire, Building Code, Zoning, Property Standards, other) and required steps to register the unit</li> <li>As part of Education Program include guidelines outlining the rights and responsibilities of tenants (include RTA regulations)</li> <li>As part of Education Program include developing education resources around impact to property values – realities &amp; misconceptions</li> </ul> | <ul style="list-style-type: none"> <li>Increasing everyone's awareness of secondary suites as well as the responsibilities of having a secondary suite will contribute to the success of the City secondary suite policy once it is implemented</li> <li>Several other municipalities have included recommendations to develop educational programs when implementing their secondary suites policies (Mississauga, Brampton, Markham)</li> <li>Such resources help create clarity for new and existing landlords of secondary suites as well as provide tools for tenants</li> <li>As above, such resources provide an overall greater understanding of secondary suite and their impact</li> </ul> |   |     |    |    |

*Of particular note. Several suggested approaches/recommendations will require further consultation with the City's Legal Services.*

#### ELEMENTS FOR FURTHER DISCUSSION AND INPUT

1. Given your experience and what you have learned through the Secondary Suite Task Force process, and keeping in mind this is a *City planning* initiative, what are your general thoughts on the potential approaches identified so far? Please consider the overall 'package of approaches' as well as more specific items such as:
  - a. General permissions
  - b. Property standards (i.e. entrances, parking) – e.g. do the property standards match your ideas of what a secondary suite should and should not include?
  - c. Registration/licensing – e.g. do you think the proposed registration/licensing regime is appropriate for landlords looking to regularize current secondary suites or is it too demanding?
2. Within each of the 4 Areas of Focus (Neighbourhood Character, Health and Safety, Infrastructure, Community Awareness), are there other potential approaches and/or tools that should be considered?