

Memorandum to the City of Markham Committee of Adjustment

March 28, 2022

File: **Permission for additional dwelling units (secondary suites)**

The following comments are provided on behalf of the Planning Department.

This memo is intended supplement any Planning memo related to applications to permit additional dwelling units within single detached, semi-detached or townhouse dwellings, or, within a coach house as defined and provided for within the City's Official Plan. This memo only addresses the issue of use, and will not address any additional request for relief from other development standards such as required parking, access or, encroachments, associated with any particular application related to an additional dwelling unit.

BACKGROUND

PROVINCIAL POLICIES

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020 (PPS)

Section 1.4.3 of the *PPS*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

OFFICIAL PLAN AND ZONING

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including semi-detached dwellings. The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states:

“That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the Zoning By-law, including:

- a) the building type in which the secondary suite is contained;*
- b) the percentage of the floor area of the building type devoted to the secondary suite;*
- c) the number of dwelling units permitted on the same lot;*
- d) the size of the secondary suite;*
- e) the applicable parking standards; and*
- f) the external appearance of the main dwelling.”*

A “Secondary Suite” in the Official Plan is defined as:

“...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

Section 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Secondary Suite

Should Committee approve an application to permit an additional dwelling unit, the owner will be required to obtain a building permit which ensures the secondary suite complies with Building Code and Fire Code regulations. Compliance with the Building code includes but is not limited to: ensuring sufficient natural light is provided to living and bedrooms; ensuring there is proper egress or exiting in the event of an emergency; and, ensuring there is proper fire separation between dwelling units.

In addition, an approved additional dwelling unit must be registered with the Fire Department prior to the occupancy of the unit.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing

forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that applications to permit an additional dwelling unit within a single detached, semi-detached, or townhouse dwelling or, to permit a dwelling unit in a coach house, meets the criteria under Section 8.13.8 of the Official Plan for the establishment of a secondary suite and therefore, have no objections to their approval.

Attached as Appendix “A”, is a sample of conditions Staff would request to be appended to any approval. Staff will include any additional conditions, specific to an individual memo provided to the Committee.

REVIEWED BY:



Brad Roberts, Manager of Zoning and Special Projects

**APPENDIX “A”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF AN ADDITIONAL
DWELLING UNIT**

The variances apply only to the proposed development as long as it remains;

That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix A’ to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction with the provisions of the Ontario Building Code, and in particular relating to the change of use from a dwelling containing a single suite to a dwelling containing more than one suite.

CONDITIONS PREPARED BY:



Brad Roberts, Manager of Zoning and Special Projects