



# Corporate Report

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**DATE:** June 4, 2013

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: June 24, 2013

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **REPORT ON COMMENTS**  
**Housing Choices: Second Units Implementation Strategy**

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**RECOMMENDATION:** That the report titled "*REPORT ON COMMENTS Housing Choices: Second Unit Implementation Strategy*" dated June 4, 2013 from the Commissioner of Planning and Building, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting changes to the zoning by-law have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That the amended Second Units Implementation Strategy, as outlined in the report titled "*REPORT ON COMMENTS Housing Choices: Second Unit Implementation Strategy*" dated June 4, 2013 from the Commissioner of Planning and Building, be endorsed.

3. That the Official Plan and Zoning By-law amendments, as outlined in the report titled “*REPORT ON COMMENTS Housing Choices: Second Unit Implementation Strategy*” dated June 4, 2013 from the Commissioner of Planning and Building, be approved.

**REPORT  
HIGHLIGHTS:**

- Legalizing second units will assist in addressing existing unsafe second units in the City.
- Provincial legislation requires municipalities to have official plan policies and zoning by-laws to permit second units.
- Second units are one component of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan*.
- Legal second units will add to the City's housing choices and be a source of safe, affordable, rental housing for both owners and tenants.
- A Statutory Public Meeting was held on February 25, 2013 to receive comments on the proposed Second Unit Implementation Strategy.
- Public comments were generally in support of second units with concerns centred on second units in condominium townhouses, owner occupancy, and neighbourhood impact.
- Planning and Development Committee comments focussed on pressure on infrastructure and services, and the lack of Provincial funding to address financial impacts.
- The requirement for owner occupancy is proposed to be included in licensing requirements rather than through zoning regulations.
- Annual licensing of second units is proposed.
- The Second Unit Implementation Strategy will be monitored and a report will be brought back in one year.

**BACKGROUND:**

Legalizing second units will assist in addressing existing unsafe second units in the City.

Provincial legislation requires municipalities to have official plan policies and zoning by-laws permitting second units in detached, semi-detached and townhouse dwellings.

Second units are one component of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan* being undertaken to address the challenges related to the increasing need for affordable housing. They are self-contained living units in dwellings which are also referred to as secondary suites, basement apartments, in-law suites, or accessory dwelling units.

Second units meet the housing needs of households facing financial challenges. They can assist first time home buyers with limited equity in carrying a mortgage; older adults to remain in their homes and age in place; or youth to stay in their communities.

The Second Unit Implementation Strategy was proposed at the December 3, 2012 meeting of the Planning and Development Committee including:

- Official Plan policies;
- Zoning By-law regulations;
- Licensing requirements;
- Education program; and,
- Partnerships with key stakeholders.

The statutory public meeting to fulfill the requirements of the *Planning Act* was held by the Planning and Development Committee at its meeting on February 25, 2013. The meeting was attended by stakeholders and residents. There were nine delegations at this meeting and eleven pieces of correspondence were received. There were also a number of inquiries from Planning and Development Committee on the Strategy.

On March 6, 2013 City Council considered the report titled "PUBLIC MEETING, Housing Choices: Second Unit Implementation Strategy" dated February 5, 2013 from the Commissioner of Planning and Building (Appendix 1) and adopted the following recommendations:

1. That the report titled "PUBLIC MEETING *Housing Choices: Second Units Implementation Strategy*" dated February 5, 2013 from the Commissioner of Planning and Building be received for information.

2. That the submissions made at the public meeting held at the Planning and Development Committee meeting on February 25, 2013 to consider the Second Units Implementation Strategy be received.
3. That Planning and Building Department staff report back on the submissions made with respect to the Second Unit Implementation Strategy in the report titled "*Housing Choices: Second Units Implementation Strategy*" attached as Appendix 1.

**COMMENTS:**

This report summarizes and responds to the comments received from the public and Planning and Development Committee and recommends Official Plan and Zoning By-law amendments (Appendix 2 and Appendix 3). It is accompanied by an In Camera report from Legal Services on owner occupancy and a report from the Transportation and Works Department on licensing.

**1. Comments from the Public**

The comments received from the public were generally in support of legalizing second units. Concerns from the public centred around:

- second units in condominium townhouses;
- owner occupancy; and
- neighbourhood impact.

Comments from the public are summarized in Appendix 4.

**Condominium Townhouses**

Concerns were raised regarding permitting second units in condominium townhouses. Municipalities are required to permit second units in townhouses.

In addition to zoning and licensing requirements, a second unit in a condominium townhouse would need to comply with applicable requirements of the condominium corporation. The *Condominium Act* places restrictions on owners of condominium units. A provision where the condominium unit could not be leased without the condominium corporation's prior approval has been upheld by the Courts. A letter with permission of the condominium corporation will be required before a Building Permit/Licence is issued for a second unit in a condominium townhouse.

### **Owner Occupancy**

The proposed Second Unit Zoning By-law presented at the Statutory Public Meeting on February 25, 2013 included a regulation requiring owner occupancy for dwellings with second units. This regulation received considerable support from the public as a way to assist in protecting the character of existing neighbourhoods.

Requiring owner occupancy was also recommended because it can assist both the owner to enter the home ownership market and/or remain in their home, and the renter to afford rental housing. If a dwelling with a second unit is not owner occupied, it is an investment dwelling where the owner is more likely to be an investor benefitting from the business of renting out two units.

An owner occupied zoning regulation would allow the City to address community concerns with investment dwellings on a case-by-case basis through the minor variance process, as is currently done for home occupations.

Objections to the owner occupancy regulation in the Zoning By-law were received from BILD (Toronto GTA Building Industry and Land Development Association) and the Mississauga Real Estate Board (MREB). They have stated that requiring owner occupancy is discriminatory and runs contrary to the *Planning Act*, Section 35 (2). Legal Services was asked to comment on this matter.

Upon further review, it is proposed that owner occupancy be removed from the proposed Zoning By-law. It is recommended that owner occupancy be included instead as a licensing requirement with two types of licences, one for owner occupied dwellings and one for investment dwellings. Including owner occupancy as a licensing requirement does not require investment dwellings to obtain a minor variance; however, this process will allow Enforcement Staff to consider City and community concerns on a case-by-case basis. Specific requirements can be established for owners and investors. Requirements that can be established to provide safeguards to address concerns include:

- conformity with any applicable law (Zoning By-law, Property Standards By-law, Noise By-law);
- outstanding fines/complaints;
- proof of insurance; and,
- right-of-entry for inspections.

### **Neighbourhood Impact**

Concerns around parking, noise, garbage and traffic were raised. The proposed Zoning By-law for second units includes a number of regulations intended to protect neighbourhood character including the requirement for one on-site parking space for the second unit. In addition, second units will require a licence. Licensing will depend on compliance with applicable City by-laws including noise and property standards.

## **2. Comments from Planning and Development Committee**

The comments from Planning and Development Committee focussed on:

- infrastructure, services and financial impacts; and,
- fees to address impacts on public services.

Comments from Planning and Development Committee are summarized in Appendix 5.

### **Infrastructure and Financial Impacts of Second Units**

Planning and Development Committee expressed concern regarding the pressure on infrastructure and services resulting from second units, and the lack of Provincial funding to address financial impacts.

The impact of existing and additional second units on services was discussed with service providers, including Community Services, Transportation and Works and the School Boards (Appendix 6 includes correspondence received from the School Boards). It was indicated that second units do not significantly burden public services beyond the original design capacity and that public services are planned with some flexibility for demand fluctuations. Some service providers also indicated that permitting second units would provide information on their locations so that public services can be more accurately planned.

The information on the impacts of second units is limited. A study by Canada Mortgage and Housing Corporation (CMHC) concludes that second units do not “double load” services but can result in between 35-65% more demand than a dwelling without a second unit. The City is currently absorbing the public service needs of second unit households.

In addition, a survey of other municipalities found that legalization of second units does not result in a significant increase of new legal second units created with building permits.

Planning and Development Committee suggested introducing a business tax for second units as a way of covering costs of supporting infrastructure. Municipalities do not have the authority to impose such a tax under the current *Municipal Act*, 2001. If the *Municipal Act* was amended to be in line with the taxation authority in *The City of Toronto Act*, municipalities could consider additional taxation options such as a business tax for second units.

Another legislative change which could allow for obtaining funding would be amending the *Development Charges Act* to include a category for second units in existing dwellings. Currently, the

*Development Charges Act* only allows municipalities to collect development charges for developments that have more than six units, so second units in existing dwellings are not eligible. A legislative change would be required should Council wish to pursue this option.

### **Fees for Impacts on Public Services**

Planning and Development Committee also commented that proposed licensing fees for second units were too low and requested additional information on possible annual licensing to provide more revenue to address impacts on public services.

Higher fees are not recommended. If the licensing fees are set too high, they will likely act as a deterrent to legalizing second units when added to building permit fees, fire inspection fees and renovation costs.

Legal Services has advised that licensing fees are required to be tied to the administrative costs of the licensing process. Revenues from licensing fees cannot be used to support or upgrade infrastructure.

Additional review of licensing practices in other municipalities found different approaches with approximately half of the municipalities requiring some type of renewal for the registration or licensing of second units. It is recommended that the proposed requirement for licensing be revised from one-time licensing to annual licensing for second units. Initial fees of \$500 for second units within owner occupied dwellings and \$1,000 for investment dwellings continue to be recommended. The fees should be reduced in subsequent years to \$250 for second units within owner occupied dwellings and \$500 for investment dwellings.

### **STRATEGIC PLAN:**

The need for an affordable housing strategy is identified in the City's Strategic Plan as part of the *Belong Pillar: Ensuring Youth, Older Adults and Immigrants Thrive*. Legalizing second units is identified as Action Item 7 "Legalize Accessory Units".




**FINANCIAL IMPACT:** The full extent of the number of licence applications that may be received is unknown. If the number of licence applications received is substantial, and staff are unable to process applications and/or investigate complaints in a timely manner, staff will bring forward a report to Council identifying any increased resources that may be required to effectively administer and enforce the by-law.

**CONCLUSION:** The Province has required municipalities to permit second units and, more importantly, Mississauga needs to take action to address the issue of the existing unsafe second units. The recommended Second Unit Implementation Strategy includes Official Plan policies, Zoning By-law regulations, licensing requirements, an education program and partnerships with stakeholders. Its success will be monitored and reported on in one year.

**ATTACHMENTS:**

- Appendix 1: PUBLIC MEETING Housing Choices: Second Units Implementation Strategy
- Appendix 2: Proposed Official Plan Amendment
- Appendix 3: Proposed Zoning By-law Amendment
- Appendix 4: Comments from the Public
- Appendix 5: Comments from Planning and Development Committee
- Appendix 6: Correspondence from the School Boards



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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Emily Irvine, Planner*



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## Corporate Report

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**DATE:** February 5, 2013

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: February 25, 2013

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **PUBLIC MEETING**  
**Housing Choices: Second Units Implementation Strategy**

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- RECOMMENDATION:**
1. That the report titled "PUBLIC MEETING *Housing Choices: Second Units Implementation Strategy*" dated February 5, 2013 from the Commissioner of Planning and Building be received for information.
  2. That the submissions made at the public meeting held at the Planning and Development Committee meeting on February 25, 2013 to consider the Second Units Implementation Strategy be received.
  3. That Planning and Building Department staff report back on the submissions made with respect to the Second Unit Implementation Strategy in the report titled "*Housing Choices: Second Units Implementation Strategy*" attached as Appendix 1.

**REPORT****HIGHLIGHTS:**

- *Housing Choices: Second Units Implementation Strategy* in the report attached as Appendix 1 includes an Official Plan amendment; Zoning By-law regulations; Licensing requirements; an education program; and, partnerships with key stakeholders.
- On December 3, 2012 Planning and Development Committee authorized that a statutory public meeting be held on the Second Unit Implementation Strategy, which is the next step in the process to expand permissions for second units in the official plan and amend the Zoning By-law to permit second units (Appendix 2 and Appendix 3).

**BACKGROUND:**

A statutory public meeting on the Second Units Implementation Strategy, as proposed in *Housing Choices: Second Unit Implementation Strategy* (Appendix 1), was authorized by Planning and Development Committee, at its meeting on December 3, 2012. This was subsequently approved by Council Resolution 0281-2012 on December 11, 2012.

**COMMENTS:**

1. Purpose and Description of Second Unit Policies and Zoning By-law

Second units are one component of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan* being undertaken to address the challenges related to the increasing need for affordable housing. Second units are self-contained living units in dwellings which are also referred to as secondary suites, basement apartments, in-law suites, or accessory dwelling units.

Provincial legislation requires municipalities to have official plan policies and zoning by-laws permitting second units in detached, semi-detached and townhouse dwellings.

Research and a comprehensive consultation program have been completed. A Second Units Implementation Strategy that addresses the issues and concerns identified through research and the input received was developed and includes:

- Official Plan policies;
- Zoning By-law regulations;
- Licensing requirements;
- Education program; and,
- Partnerships with key stakeholders.

A statutory public meeting is the next step in the process to expand permissions for second units in the official plan and amend the Zoning By-law to permit second units (Appendix 2 and Appendix 3).

## 2. Circulation and Public Consultation

The report *Housing Choices: Second Unit Implementation Strategy* was circulated to:

- participants and contacts from the consultation program including the Stakeholder Forum, the five Public Consultation Workshops and the Design Workshop;
- ratepayer associations and community groups; and,
- municipal and public sector contacts.

Staff has also held discussions with various stakeholders including City Departments, Region of Peel, the School Boards and representatives of the real estate industry.

In addition, staff has used Facebook and Twitter to engage others that may not have participated in the public consultation program.

The public meeting of the Planning and Development Committee on February 25, 2013 is the statutory public meeting to fulfill the requirements of the *Planning Act*. The purpose is to obtain comments from the public regarding the proposed official plan policies and zoning by-law amendments.


**STRATEGIC PLAN:** The need for an affordable housing strategy is identified in the City's Strategic Plan as part of the *Belong Pillar: Ensuring Youth, Older Adults and Immigrants Thrive*. Legalizing second units is identified as Action Item 7 for this pillar.

**FINANCIAL IMPACT:** Not applicable.

**CONCLUSION:** Following the statutory public meeting, a report on comments will be prepared for consideration by Planning and Development Committee, which will address the comments received from the public and from the circulation of the Second Units Implementation Strategy.

**ATTACHMENTS:**

- Appendix 1: Housing Choices: Second Units Implementation Strategy
- Appendix 2: Proposed Mississauga Official Plan (2011) Amendment for Second Units
- Appendix 3: Proposed Zoning By-law 022-2007 Amendment for Second Units

  
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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Emily Irvine, Planner*



# Corporate Report

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**DATE:** November 13, 2012

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: December 3, 2012

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Housing Choices: Second Units Implementation Strategy**

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**RECOMMENDATION:** That the report titled "*Housing Choices: Second Units Implementation Strategy*" dated November 13, 2012 from the Commissioner of Planning and Building be received for information and that a statutory public meeting be scheduled.

**REPORT  
HIGHLIGHTS:**

- Second units are one component of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan* being undertaken to address the challenges related to the increasing need for affordable housing.
- Provincial legislation requires municipalities to have official plan policies and zoning provisions in place permitting second units.
- Research, including a review of practices in other municipalities has been completed.
- A comprehensive consultation program was undertaken to gather thoughts and ideas on issues to be considered and how to permit second units.

- This report recommends an implementation strategy that addresses the issues and concerns identified through research and the input received. It includes an Official Plan amendment; Zoning By-law regulations; Licensing requirements; an education program; and, partnerships with key stakeholders.

**BACKGROUND:**

Second units are one component of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan* being undertaken to address the challenges related to the increasing need for affordable housing. The need for an affordable housing strategy is identified in the City's Strategic Plan under the Belong Pillar to enable youth, seniors and immigrants to thrive.

Second units are self-contained living units in dwellings which are also referred to as secondary suites, basement apartments, in-law suites, or accessory dwelling units. Provincial legislation requires municipalities to have official plan policies and zoning by-laws permitting second units in detached, semi-detached and townhouse dwellings. Provincial regulations did not accompany this Legislation. Municipalities are to develop their own regulations based on local conditions.

Research, including a review of practices in other municipalities, has been completed. In addition, a comprehensive consultation program was undertaken to gather thoughts and ideas on issues to be considered and how to permit second units.

Full documentation of what was learned and what was heard is included in *Housing Choices: Second Units Review* attached as Appendix 1.

**PRESENT STATUS:**

The Mississauga Official Plan permits second units in detached dwellings. They are not a permitted use in the City of Mississauga Zoning By-law.

**COMMENTS:**

This report summarizes the research findings, presents the consultation input and proposes an implementation strategy for permitting second units in the City.

**Research Findings**

The benefits of second units are well documented. Second units meet the housing needs of households facing financial challenges. They can also assist first time home buyers with limited equity in carrying a mortgage; older adults to remain in their homes and age in place; or, families to provide housing for adult children or other relatives in need.

They provide affordable housing choices using the existing housing stock and can sustain communities that have experienced population declines. Although there are many benefits, there are also the following challenges associated with second units.

- **Impacts on neighbourhoods** – The most common concerns regarding second units relate to their potential impact on the character of neighbourhoods including parking, dwelling appearance and property maintenance and noise. Zoning regulations and licensing are used by municipalities to address these matters.
- **Safety** – Safety of second units is regularly identified as a concern. Many second units are set up illegally and do not meet Ontario Building Code (Building Code) and Ontario Fire Code (Fire Code) requirements. Legalizing second units through a licensing process is identified by other municipalities as a way to ensure that second units are safe for tenants and occupants.
- **Providing services and infrastructure** – The impact of second units on municipal services and infrastructure is not well documented. A Canada Mortgage and Housing Corporation Study (CMHC) found that half of second units are occupied by single persons and one-third of occupants have a



close personal relationship with the owner. CMHC also found that dwellings with second units do not double the impact on services. In many municipalities, neighbourhoods have been designed to support more people than currently live in them. Second units can serve to offset population declines where the average persons per dwelling has been decreasing.

- **Funding for second units** – The Provincial requirement to permit second units in Bill 140 came with no implementation funding. Mechanisms to generate additional revenues from second units are limited. Municipalities have been providing services to second units with no additional revenue. Under new Provincial requirements, they will continue to do so.
- **Number of second units** – Limited data is available on existing second units in the absence of them being permitted and licensed. By permitting second units, municipalities such as Toronto and Ottawa are able to report that between 20 and 50 new units are being established each year.

### **Consultation Input**

Many of the concerns in the research were echoed in the City's consultation meetings. These sessions provided valuable input on the issues and gathered thoughts and ideas on how to permit second units in Mississauga. The following summarizes what was heard.

- **The Stakeholder Forum** – The Stakeholder Forum focused on gathering information about the need for second units. The stakeholders, including social service agencies, advocacy groups, and other municipalities and levels of government, stated second units can help revitalize a neighbourhood and allow older adults, immigrants, students and people with disabilities to live in established communities. A key message was that legalizing second units allows for better information and understanding and helps enforce safety standards to reduce the risk of unsafe housing.
- **Extended Leadership Team, City Staff and Service**

**Provider meetings** – These meetings focused on issues relating to potential impact on infrastructure and services such as schools, libraries, community centres and emergency services. Service providers indicated that demand for services and infrastructure is difficult to determine without information about the location and number of second units. It is not anticipated that second units will place a burden on public services beyond the original design capacity. Many communities are experiencing population decline and were originally planned to accommodate larger households than are common today. It was acknowledged that the City has numerous illegal second units which are already using City services.

- **Five Public Consultation Workshops** – Five public consultation workshops were held across the City in February and March 2012 to discuss second units. During this time an online survey was also available for public input. Three principles were developed to provide a framework for the discussions:
  - protecting neighbourhood character;
  - ensuring safety; and,
  - maintaining public services.

This consultation found that there is support for legalizing second units in Mississauga. It also found that rules are necessary to protect neighbourhood character and licensing is needed to ensure health and safety standards are met. Enforcement of the applicable by-laws and education on second units is critical. Incentives and a simple affordable process would encourage homeowners to legalize their second units. User fees would help the City with the cost of increased demand for services.

- **Design Workshop** – The Design Workshop focused on best practices and information for education materials. Key outputs included information on the upgrades often required for second units and the fact that they vary depending on the age of the

dwelling and the date the second unit was established. It was concluded that partnerships should be pursued with real estate professionals and building industry representatives to improve understanding and information. Education should focus on the benefits of legal second units and should provide information about renovating and establishing second units.

### **Implementation Strategy**

An implementation strategy is required to comply with Provincial legislation and to address the issues and concerns identified through research and the input received from an extensive consultation program. The proposed strategy includes:

- Official Plan policies;
  - Zoning By-law regulations;
  - Licensing requirements;
  - Education program; and,
  - Partnerships with key stakeholders.
- 
- **Official Plan Policies**

Mississauga Official Plan permits second units in detached dwellings, where appropriate. A new policy is proposed to permit second units in detached, semi-detached and townhouse dwellings.

- **Zoning By-law Regulations**

Second units are not currently permitted in Mississauga's Zoning By-law. An amendment to the Zoning By-law is proposed that defines second units, permits them in detached, semi-detached and townhouse dwellings and introduces regulations for them.

Second units are proposed to be defined as:

*An accessory dwelling unit with its own kitchen, sanitary facilities and bedroom(s)/sleeping area*

The following proposed Zoning By-law regulations are intended to regulate second units where the dwelling and property can accommodate them:

- require that the dwelling with a second unit be the principal residence of the owner;
- require one on-site parking space for the second unit in addition to the required parking for the dwelling;
- permit one second unit in detached, semi-detached, townhouse, street townhouse and linked dwellings (anywhere in the dwelling);
- establish a maximum and minimum gross floor area for a second unit;
- require a minimum setback of 1.2 m (4 ft.) for new entrances, stairs, stairwells and retaining walls in interior side yards or rear yards;
- prohibit new entrances facing a street for a second unit;
- prohibit stairs, stairwells and retaining walls for entrances below grade facing a street;
- prohibit exterior entrances for a second unit above the first floor (by way of prohibiting decks and exterior stairs above the first floor);
- require a minimum setback of 1.2 m (4 ft.) for porches or decks in interior side yards at or below the first floor;
- the addition of a second unit cannot change the existing use of the dwelling;
- prohibit second units in lodging houses and group homes or dwellings that contain an accessory non-residential use; and,
- permit one and only one driveway on a lot with a second unit (the driveway should not exceed permitted maximum driveway widths).

In cases where the zoning regulations cannot be satisfied, a minor variance will be required. Minor variances will be addressed on a case-by-case basis allowing the opportunity for public input, comments and review on the appropriateness of a second unit that does not meet the proposed regulations.

- **Licensing Requirements**

Licensing will assist in providing safe living conditions for owners and tenants of second units by requiring conformity with Building and Fire Codes. Licensing requirements and enforcement can also address neighbourhood impacts related to parking, property standards and noise.

A two-tiered licensing regime is proposed which acknowledges the different types of second units:

- owner-occupied; and,
- investment dwellings.

Owner-occupied dwellings that meet all zoning regulations will require a licence for a legal second unit. Dwellings that are not owner-occupied are investment dwellings. A condition of a licence being issued for an investment property will be approval of a minor variance to allow a second unit in a dwelling that is not the principal residence of the owner. This would allow input and comments from the public. Compliance with all other zoning regulations will be required.

A report and by-law from the Enforcement Division of the Transportation and Works Department will establish the licensing process. Licensing requirements will include compliance with:

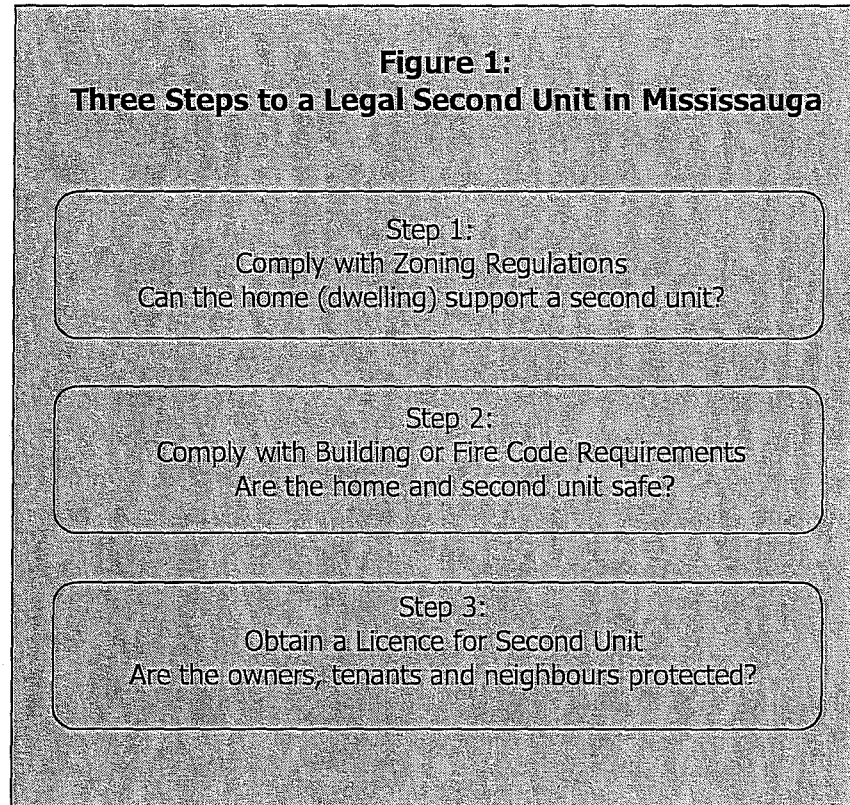
- Zoning By-law regulations;
- Ontario Building Code;
- Ontario Fire Code; and,
- Other applicable municipal by-laws.

Licensing fees proposed:

- \$500 for owner-occupied dwellings; and,
- \$1,000 for investment dwellings.

This does not include other permit and inspection fees.

A summary of the steps that will be required to legalize a second unit are outlined in Figure 1.



- **Education Program**

A comprehensive education program is key to the success of the implementation strategy. This will include information on:

- why it is beneficial for homeowners to obtain a licence;
- what the risks are to homeowners if they do not obtain a licence;
- information on tenant's rights and the benefits of renting a legal second unit;
- requirements and steps to obtain a licence; and,
- possible sources of financial assistance.

- **Partnerships with Key Stakeholders**

Ongoing partnerships with key stakeholders will assist with implementation. The Region of Peel is designated by Provincial legislation as Service System Manager for providing assisted housing. Discussions with the Region have identified the following opportunities to partner in this initiative.

- **Peel Renovates** – Renovation funding for low income residents was formerly available through the CMHC Residential Renovation Assistance Program (RRAP) program. The Region has administered this program since March 2012. The Region is considering providing funding to City home owners to assist in meeting Building and Fire Code requirements subject to a number of conditions being met.
- **Rent subsidies** – The Region administers rent subsidies for households in need. These subsidies could be used to support tenants living in legal second units.
- **Applicant referrals** - Region staff could assist in referring prospective tenants to second units.
- **Property management support** – Given the Region's extensive experience in property management, it could assist with the development of educational materials to help advise homeowners about good landlord business practices and to facilitate stable tenancies, with potential referral to community agencies where additional supports may be useful.

There are issues around property taxes, Building Code requirements, right-of-entry and funding for second units. Senior levels of government could address the following issues.

- **Property taxes** – A distinct property class could be identified by MPAC for dwellings with second units to generate additional revenues to address infrastructure and service needs;

- **Building Code** – Existing Ontario Building Code requirements for second units in new dwellings, can be onerous, and could be reviewed by the Province to determine if alternative requirements could be developed.
- **Right of Entry** – The effectiveness of enforcement efforts are frustrated by the legislation that requires consent of owner/occupant and/or search warrant to enter a dwelling to determine if a second unit exists. The Province could review the legislation to consider how admissible evidence could be obtained more easily.
- **Financial support for affordable housing** – Senior levels of government could direct more funding toward affordable housing in communities where needs are highest.

Finally, private sector professional groups can play an important role in ensuring that existing second units are made safe and legal. Real estate agents, insurance professionals, mortgage agents and building industry representatives are some of the groups which can be involved in the process.

It will be important to monitor the success of the implementation strategy and modify it as required based on experience.

**STRATEGIC PLAN:** The need for an affordable housing strategy is identified in the City's Strategic Plan as part of the *Belong Pillar: Ensuring Youth, Older Adults and Immigrants Thrive*. Legalizing second units is identified as Action Item 7 for this pillar.

**FINANCIAL IMPACT:** At this time, it is anticipated that legalizing second units will be revenue neutral with staffing costs recovered through applicable permit, inspection and licensing fees.

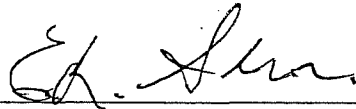


**CONCLUSION:**

The proposed official plan policies, zoning regulations and licensing requirements to permit second units, aim to balance the various stakeholder interests. Although the number of existing illegal second units in the City is unknown, it is believed that the number is in the thousands. This indicates that second units are how people with affordability issues are finding a way to live in Mississauga. It is not expected that permitting second units will lead to a great increase in the number of new units. What permitting them will do, is allow the City to know where they are and take steps to ensure compliance with the Ontario Building and Fire Codes. The result will be an increase in safe, affordable housing choices in Mississauga.

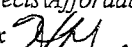
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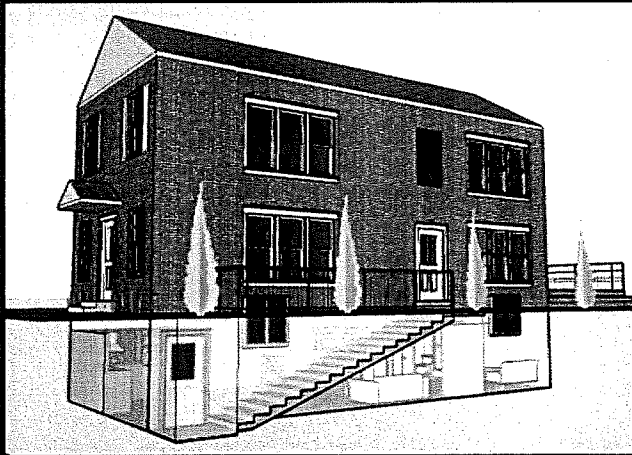
Appendix 1: Housing Choices: Second Units Review



Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Emily Irvine, Planner*

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City of Mississauga

# *Housing Choices*

Second Units Review



November 2012

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## 1.0 Introduction

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Housing is an essential building block of strong, sustainable communities. Having a place to live is a fundamental contributor to physical health and well-being. Mississauga strives to be a community that provides housing choices to meet the needs of its residents.

Second units are self-contained living units in dwellings which are also referred to as basement apartments, in-law suites, secondary suites or accessory dwelling units. Second units are a market driven solution to the unmet demand for affordable housing. They can offer affordable housing choices within the existing housing stock in established communities to assist both owners and tenants.

### 1.1 Purpose

Second Units are one component of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan*. The need for an affordable housing strategy is identified in the City's Strategic Plan as part of the Belong Pillar. This pillar focuses on the needs of youth, seniors and immigrants. In addition to the City's Strategic Plan, Provincial legislation requires municipalities to permit second units. This report summarizes the information and issues which have been identified and proposes an implementation strategy to permit second units in the City.

### 1.2 Legislation and Policy Framework

Provincial direction regarding second units has changed over time. For a short time in the 1990s, *Bill 120: The Resident's Rights Act* permitted second units in dwellings which met health and safety standards. During this time, approximately 400 second units were established in Mississauga. Second units established after this legislation was rescinded are not permitted under the City of Mississauga Zoning By-law.

*Bill 140: Strong Communities through Affordable Housing Act, 2010* (Bill 140) was part of the Province's *Building Foundations: Building Futures, Ontario's Long-Term Affordable Housing Strategy (LTHAS)*. Bill 140 amended the *Planning Act* to require municipalities to establish second unit policies in detached, semi-detached or townhouse dwelling or structures ancillary to detached, semi-detached and townhouse dwellings. This amendment came into force January 1, 2012. No regulations accompanied this legislation. Municipalities are to permit second units based on local conditions.

Policies permitting second units in detached dwellings were included in Mississauga's Official Plan Amendment 95 (OPA 95) that was approved in December 2009. The new Mississauga Official Plan also permits second units in detached dwellings. Amendments to these policies are required to conform to Bill 140 requirements.<sup>1</sup>

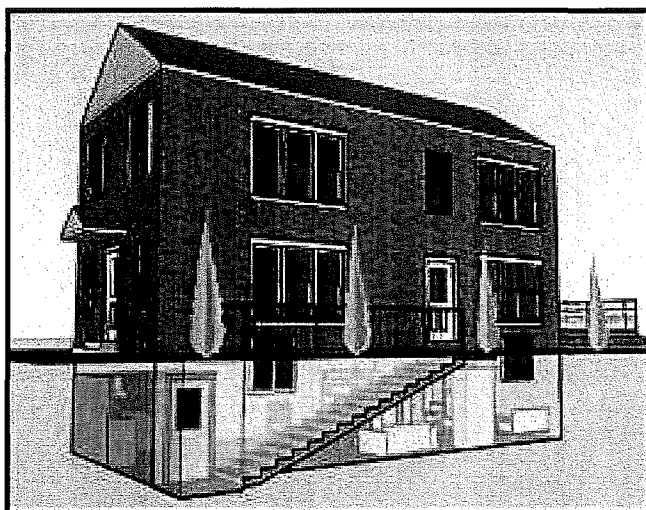
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<sup>1</sup> Official Plan policies are required to permit second units in additional dwelling types. Zoning regulations must be brought forward to implement the second unit policies by December 13, 2014.

### 1.3 Organization of this Report

This report is organized as follows:

- Section 2: Research and Comparative Municipal Review;
- Section 3: Second Units Consultation; and,
- Section 4: Implementation Strategy.



**Figure 1.1:**  
**Two Residential Units**

## 2.0 Research and Comparative Municipal Review

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This section reviews the most common benefits and concerns identified in the research and from other municipalities on second units (Appendix 1).

### 2.1 Benefits of Second Units

The research highlights a number of benefits of second units.

- **Addressing the need for affordable housing** – The Region of Peel has one of the longest waiting lists for affordable housing in the Province. Second units provide a solution to meet some of the demand for affordable rental housing from:
  - households facing financial challenges such as youth, older adults; new immigrants and lone-parent families;
  - home buyers with limited equity, particularly for first time buyers, requiring assistance in carrying a mortgage to make home ownership viable;
  - homeowners on fixed incomes needing additional income to help cover costs;
  - older adults requiring assistance to remain in their homes and age in place; and,
  - families wanting to provide housing for adult children or other relatives in need.
- **Providing increased housing choices within the existing housing stock** – Second units increase the supply of affordable rental housing within established residential neighbourhoods. They have less impact on neighbourhoods and cost less than a public sector funded assisted housing often developed as multi-unit buildings. They add to the housing choices in areas with limited intensification potential.
- **Revitalizing and sustaining the community** – Second units can reinvigorate communities by allowing neighbourhoods to accommodate the number of people they were planned for instead of the smaller households that currently prevail in many mature communities. New residents from second units can help increase the demand for facilities and services that might have declined in use with changing neighbourhood demographics. They can also contribute to social diversity by allowing people from a wide range of economic levels and age groups to live in the community.

### 2.2 Concerns with Second Units

There are a number of common concerns regarding potential impacts of second units. The key issues found in the research and the comparative municipal review are outlined in this section along with approaches that have been taken to address them. The major areas of concern are as follows:

- impacts on neighbourhoods;
- ensuring safety;
- providing services and infrastructure;
- occupants and owners of second units;

- funding for second units; and,
- determining the number of second units.

### 2.2.1 Impacts on Neighbourhoods

Residents want stability in their neighbourhood. Impacts of second units on the character of neighbourhoods are the most common concerns raised. Concerns are related to matters such as changes in the appearance of the exterior of dwellings, parking, property maintenance, garbage and noise. The issues and potential means to address them are below.

- **Parking** – On street parking associated with second units is the most common concern. This issue has been addressed in many municipalities through the introduction of parking standards for dwellings with second units which require accommodation of parking on site. Another approach is using a permit system for on-street parking. A permit system can be used to control parking and can act as a source of revenue.
- **Neighbourhood Appearance** – Exterior alterations to dwellings are commonly associated with changing neighbourhood character. Second units are most accepted when they do not impact a neighbourhood's look and feel. Zoning by-laws in other municipalities include regulations to restrict changes to dwelling facades.
- **Property Maintenance** – Properties that fall into disrepair and where garbage is not properly stored can negatively impact the character of a neighbourhood. A common belief is that dwellings with second units are not kept in a state of good repair particularly if the owner does not live on the property. Investigation shows that property maintenance issues are as prevalent in dwellings with second units as they are in dwellings without them and that accountability for property maintenance is generally greater when the owner resides on the property. These concerns are addressed through enforcement of property standards by-laws in other municipalities. Adherence to the property standards by-law can be tied with licensing of second units.
- **Noise** – Excessive noise is often associated with second units. This association has been difficult to confirm in case studies. Municipal noise by-laws are intended to address noise concerns.
- **Property Values** – The presence of second units is believed to result in declines to property values in the surrounding neighbourhood. Property values may be impacted when the property or dwelling is poorly maintained. Research indicates, however, that these conditions are not exclusively associated with properties that have a second unit. Renovations to include second units generally increase property values.

### 2.2.2 Ensuring Safety

Safety is regularly identified as a concern by public and emergency service providers regarding second units. Many second units are set up illegally. It is unlikely that these second units meet applicable requirements in the Ontario Building Code (Building Code) and Ontario Fire Code



(Fire Code) and there is no mechanism in place to ensure that they are safe for occupants. Legalizing second units is often identified as a remedy to this situation. Legalization grants second units the right to exist and sets up procedures to bring them up to health and safety standards.

### **2.2.3 Providing Services and Infrastructure**

The service needs of the population in second units, the impacts of these needs on the existing capacity of public services, and the costs associated with this additional demand are not well documented.

An accurate assessment of these impacts is difficult as the number of second units is unknown and not directly accounted for in infrastructure planning. The fact that they are not legal means that the occupants of second units are not likely to respond to inquiries on the services they need. Canada Mortgage and Housing Corporation (CMHC) has undertaken studies on second units. The results of this work, combined with interviews of City, Region and School Board staff and independent research, provide some information on the public service needs of second unit occupants.

A CMHC study found the addition of a second unit does not double the amount of municipal services the household consumes. It found that dwellings with second units consumed on average between 35-65% more than a dwelling without a second unit.<sup>2</sup>

Other research provided some information on the public service needs of two types of second unit households in Mississauga. At one end of the spectrum, the needs of single person households were reviewed. For single person households, it was found that public transit is the principal public service used. At the other end of the spectrum, a study of new immigrant families of four people or more was conducted. This study found that schools, parks and public transit were critical public service needs for new immigrant households. Community recreation programs proved financially inaccessible. This group also needed social and settlement services. Second units were a preferred accommodation as they provided access to neighbourhood networks that aid the transition to Canada.<sup>3</sup>

Other reviews conclude that second units can serve to offset population declines in some areas and sustain neighbourhoods where the average persons per dwelling have been decreasing. In many municipalities, neighbourhoods have been designed to support more people than currently live in them.

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<sup>2</sup> CMHC. The Impact of Municipal User Fees on Secondary Suites. Socioeconomic Series 91. October 2001. This study looked at municipal water, sewer and garbage collection.

<sup>3</sup> Discussions with Peel Region staff. Ali, Nadia. Second Units: Means of Socio-Economic Integration of New Immigrants in Mississauga. Ryerson University: Major Research Paper, 2012.

This is occurring in parts of Mississauga where household sizes have been getting smaller due mainly to the age structure of the population. During the City's rapid growth period, the City was dominated by young families with children, peaking in the late 1990s. With the shift in demographics, the population is aging in areas of the City and, as a result, household sizes are smaller. This is illustrated in the historic and projected persons per unit in Figure 2.1.

#### 2.2.4 Occupants and Owners of Second Units

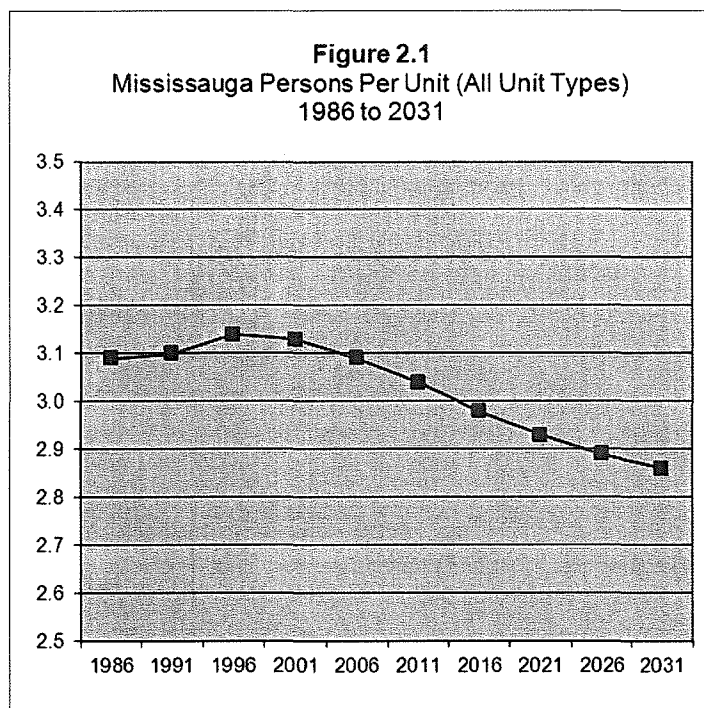
Research shows that there are a number of preconceptions around occupants of second units which result in community concerns. These include ideas regarding household size, the "fit" of new residents in the community or that neighbourhood safety will be a greater issue as second units are established. The most reliable data on second unit occupants finds:

- over half of second units were occupied by a single person;
- across the country just under half of second unit occupants were a relative or close friend of the second unit owner;
- in Toronto one-third of occupants had a close personal relationship with owners (a summary table is included in Appendix 2); and,
- they are categorized as the working poor.<sup>4</sup>

This information can assist dispelling common misconceptions about second unit occupants.

Studies found that nearly one in five Canadian households rent out part of their home. Financial reasons (paying mortgage, increasing income, retirement income) are listed by three quarters of owners as the reason for renting a unit. In addition to financial reasons, many owners identified the following reasons for renting part of their residence:

- to avoid living alone;
- to provide a home for adult children or elderly relatives; and,
- for assistance with home maintenance services.<sup>5</sup>



<sup>4</sup> CMHC. Housing Facts (Volume 8, Number 10) October 2003. pp. 4-5, PMB 2002 Fall RTS and The Corporation of the District of North Vancouver. Secondary Suites. 1989.

Finally, it should be noted that many of the preconceptions regarding owners and occupants of second units relate to the larger issue of discrimination. The Ontario Human Rights Commission recently released *In the Zone: Housing, Human Rights and Municipal Planning*. It is a guide that offers an overview of the human rights responsibilities of municipalities with regard to housing. It reiterates the fact that that official plan policies and zoning by-laws can only deal with land use and built form and not occupants. The Human Rights Code is quasi-constitutional and as a result takes precedence over provincial and municipal legislation.

### 2.2.5 Funding for Second Units

The Provincial requirement to permit second units in Bill 140 came with no implementation funding. Earlier discussion in this section identified the concern regarding the costs associated with the provision of services and infrastructure for second units. Mechanisms to generate additional revenues from second units for service demands are limited.

- **Property Taxes** – Property taxes are based on property value and not number of occupants. They are paid directly by owners of rental properties and included in rents. Municipal Property Assessment Corporation (MPAC) has advised that a second unit adds approximately \$140 per square metre (\$13 per sq. ft.) in value to the assessment. MPAC does not have a distinct classification for dwellings with second units. It has advised that no new category is being considered.
- **Licensing and Building Permits Fees** – Fees can be charged to review plans and administer a licensing regime for second units.
- **User Fees** – User fees are used to partially recover some public services such as hydro, water, sewer, garbage and recreation programs. Second units are subject to user fees based on consumption.
- **Development Charges** – The City collects development charges for growth related infrastructure and services. Second units are exempt from development charges.

Municipalities have been providing services to second units with no additional revenue. Under new Provincial requirements, they will continue to do so.

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<sup>5</sup> The Corporation of the District of North Vancouver. *Secondary Suites*. 1989.

### 2.2.6 Determining the Number of Second Units

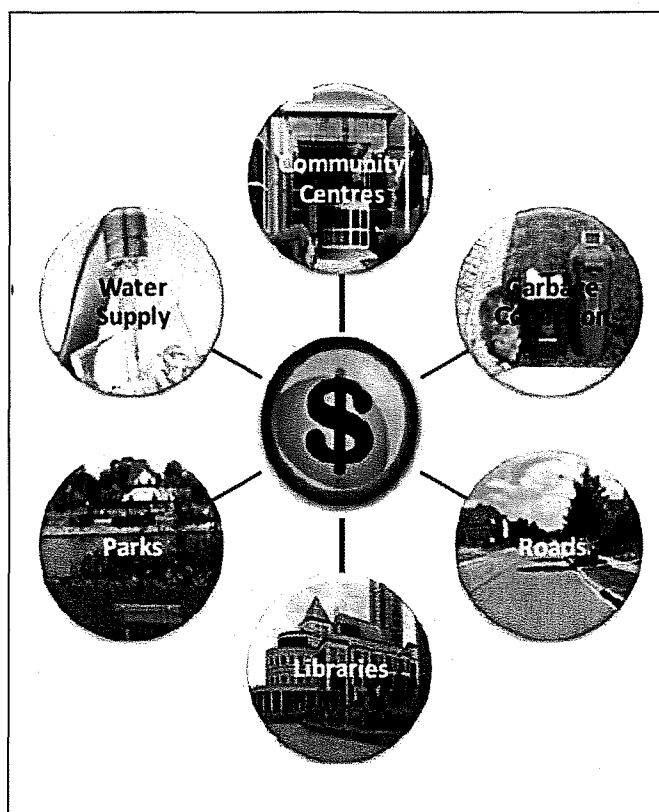
The number of second units in Mississauga at this time is unknown. Based on limited information, approximately 400 units were established before 1994 under previous Provincial legislation. The City is aware of approximately 3,500 possible additional second units identified through complaints. (See Figure 2.2)

Speculation and research have not been able to yield reliable information on existing illegal second units. A CMHC report found that the number of second units in municipalities can range from between 6% to 25% of the existing housing stock. A report by the Region of Peel states second units can be found in between 4% and 6% of the residential dwellings in the Region.

Permitting second units does not typically result in a large influx of new units and residents. A review of municipalities where second units are permitted, including Toronto and Ottawa, found that between 20 and 50 new second units are established each year.<sup>6</sup>

**Figure 2.2**  
**Second Units in Mississauga**

Unit Type	# of Second Units (Approx.)
Existing second units established with Building Permits	400
Existing units (information from residents)	3,500
Other second units in the City (illegal)	unknown



**Figure 2.3: Public Services**

<sup>6</sup> Selected smaller rural municipalities have below 20 units a year.

### 3.0 Second Units Consultation

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A consultation program was undertaken to gather thoughts and ideas on second units and contribute to a “made in Mississauga” approach to permit second units as required by the Province. This program consisted of a Stakeholder Forum; Extended Leadership Team, City staff and service providers meetings; five Public Consultation Workshops; and a Design Workshop. Three principles were developed to provide a framework for the discussions:

- protecting neighbourhood character;
- ensuring safety; and,
- maintaining public services.

Different parts of the consultation focused on different issues, however; these principles were carried through all of the consultation sessions. Many of the same themes and conclusions were heard in different meetings. (Appendix 3 lists the consultation sessions and the attendance.) The following summarizes what was heard.

#### 3.1 Stakeholder Forum

The Stakeholder Forum focused on the need for second units. This forum also provided an opportunity to share information on effective implementation practices in other municipalities. This forum was attended by over 70 stakeholders from social service, advocacy groups, other municipalities and levels of government.

The stakeholders identified both homeowners and tenants as benefiting from legal second units. They also stated second units can help revitalize an area. It was agreed that second units will allow people such as older adults, immigrants, students and people with disabilities to live in established communities. Stakeholders stated that legalizing second units can allow monitoring, help enforce safety standards and reduce risks of unsafe housing.

The stakeholders cautioned against excessive fees and regulations as this will lead to enforcement challenges and result in second units staying underground.

#### 3.2 Extended Leadership Team, City Staff and Service Providers

The consultation with the City’s Extended Leadership Team focused on issues relating to providing and maintaining public services while permitting second units. The possible impacts explored included congestion on roads, transit use and school accommodation as well as the need for emergency services such as fire and ambulance.

Maintaining infrastructure and delivery of services is one of the most critical issues for the City moving forward. Although no significant infrastructure pressures were identified during this consultation, it was suggested that localized pressures could exist in individual neighbourhoods. These pressures are difficult to determine without information on the location of second units.

It is not anticipated that second units will place a burden on public services beyond the original design capacity as many communities are experiencing population decline and planned to accommodate larger households than are common today.

It was acknowledged that the City has numerous illegal second units which are already using City services.

### **Service Providers Review**

Discussions with providers of local and regional services and the school boards serving Peel Region were conducted to explore the issue of pressure on existing services and infrastructure.

No serious issues regarding capacity were raised. It is not anticipated that second units will place a burden on municipal infrastructure or services beyond the original design capacity. This is related to the fact that many communities are experiencing population declines and, as services were planned to accommodate larger households, there is service and infrastructure capacity.

Another common theme in these discussions was that second units could only be serviced properly with information on where they were located. It was acknowledged that there are thousands of existing second units using services.

## **3.3 Public Consultation Workshops**

Five public consultation workshops were held across the City in February and March 2012 to discuss second units. The final workshop held at the Civic Centre was broadcasted live by Rogers Cable. A survey was used to guide the table discussions and participants could fill out the survey individually. The survey was also available online. There were approximately 200 participants at the workshops and approximately 300 surveys were completed. (Appendix 4 includes the invitation and survey.) The survey discussion was divided into four segments and included the second unit principles:

- who benefits from second units;
- protecting neighbourhood character;
- ensuring safety; and,
- maintaining public services.

### **3.3.1 Who Benefits from Second Units**

The public consultation sessions began with a discussion on who benefits from legal second units. The following groups were identified:

- homeowners – provides additional income;
- tenants – affordable rental housing options;
- older adults – allows them to stay in their community;
- investor/realtors and contractors – investment in homes; and,
- municipal government – increasing tax revenues while providing affordable housing.

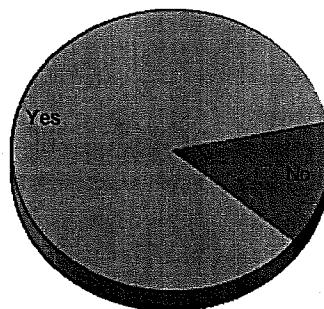
### 3.3.2 Protecting Neighbourhood Character

Maintaining neighbourhood character is one of the most important issues relating to second units. Many people choose to live in Mississauga because of the character of the neighbourhood. They want this character maintained as well as stability in their neighbourhood. Second units should not impact the look and feel of the neighbourhood. Changes to the exterior of dwellings, property standards, parking and noise can impact neighbourhoods. These issues were discussed at the workshops.

#### Exterior of Dwellings

Regulations to protect for the exterior of dwellings emerged as a critical part of maintaining neighbourhood character as second units are generally most accepted when they are not immediately apparent from the street. Over 80% of participants agree (Figure 3.1) that the exterior of dwellings should be protected as an important part of neighbourhood character.

**Figure 3.1**  
Support for Rules Regarding Exterior Changes



#### Property Standards

The impacts of poor property maintenance, the removal of landscaping and presence of garbage on properties can change the character of neighbourhoods and detract from the streetscape.

Owner occupancy was widely supported as a means to address these issues. Three-quarters of participants supported this strategy. Some participants suggested that this issue might be addressed differently if there was another way to maintain accountability.

#### Parking

On-street parking is one of the major issues identified relating to neighbourhood character. Generally, the workshop group discussions and the majority of surveys supported on-site parking. There were, however, concerns regarding driveway widening and removal of landscaping to accommodate parking.

Some participants were also open to on-street parking if the street was wide enough and suggested the City should investigate permit parking.

#### Noise

Excessive noise was raised as a concern associated with second units. This was identified as an issue to be addressed through by-law enforcement.

### 3.3.3 Ensuring Safety

Ensuring safety of second units was recognized as a critical issue for the people that live in them, the homeowners and the community. Licensing and inspections of units were seen as ways to ensure safety standards were met with nearly three-quarter of workshop participants supporting these strategies.

Information and education for the public on Building and Fire Code requirements, self-assessment checklists and contact information at the City were suggested to ensure this principle is maintained. Other ideas that emerged were:

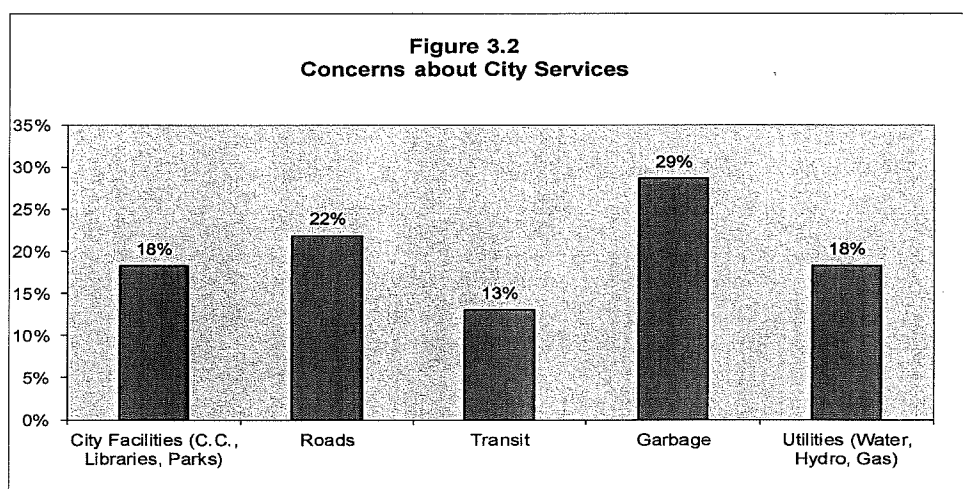
- reduced fees;
- a simple legalization process;
- fines and penalties; and,
- issuing certificates that could be displayed for legal second units.

### 3.3.4 Maintaining Public Services

Maintaining the City's excellent quality of life and current levels of service is one of the Mississauga's core values. As the City's population grows, the City must find ways to provide the same services to more people at a reasonable cost. Given that the number of second units is unknown, it is difficult to plan for the services they require. The following comments were provided in relation to public services:

- communities were planned to accommodate larger populations than they currently support so capacity should exist to support the population in second units; and,
- illegal second units already exist in the City and a large increase in population should not be anticipated.

Participants identified schools, police, emergency and health care as services that would be impacted by second units (summarized in Figure 3.2).





### 3.3.5 Key Messages from Public Consultation Workshops

The following are the key messages that were heard throughout the five public consultation workshops:

- There is considerable support for legalizing second units in Mississauga;
- Rules are necessary to ensure that the neighbourhood character is preserved;
- Licensing of second unit should be used to ensure that safety standards are met;
- Enforcement of rules is vital;
- Education is key including information in libraries, community centres and hosting public information sessions;
- Incentives, and a simple affordable process would encourage homeowners to legalize their second units; and,
- User fees would help the City with the cost of increased demand on services.

## 3.4 Design Workshop

A Design Workshop was held to obtain information on best practices and information which could contribute to the development of education materials for second units. Professionals and volunteers from a variety of backgrounds were assembled to review the following issues.

- **Exterior design** - The exterior design team was asked to consider external aspects of homes including entrances, parking and property maintenance;
- **Interior design** – This team focused on the designs within dwellings looking at living space, safety requirements and universal design elements; and,
- **Communications and education** – This team looked at the benefits and challenges of second units, pursuing partnerships with other professionals and experts involved and the design of an education program.

### 3.4.1 Recommendations from Design Workshop

The following are the conclusions that emerged from the Design Workshop:

- existing side or rear entrances accommodate second entrances affordably;
- driveways should not expand beyond existing maximum permission and use permeable pavements to address surface water runoff;
- garbage should be screened from the street;
- upgrades to meet Fire and Building Code requirements depend on the age of the dwelling and the date the second unit was established;
- renovations are an opportunity to incorporate energy efficient and universal design elements;
- partnerships with professionals and industry representatives such as real estate and building industry professionals could assist in delivering key messages;

- education should focus on benefits of legal second units for various stakeholders including homeowners and tenants; and,
- a comprehensive education outreach program should be undertaken to provide assistance and information on renovating or establishing second units.



**Figure 3.3: Side Entrance**

## 4.0 Implementation Strategy

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Second units can provide housing choices that address affordability issues and meet the housing needs of a number of households. This implementation strategy aims to balance various stakeholder interests while addressing the Provincial requirement for permitting second units and supports their development where appropriate. The strategy involves:

- official plan policies to permit them;
- zoning regulations to identify where they are appropriate;
- licensing requirements to ensure health, safety and property standards are met;
- an education program; and,
- support from key stakeholders/partners.

### 4.1 Official Plan Policies

Mississauga Official Plan guides development of the City, identifies the land uses that are permitted and sets parameters as to where these uses are permitted.

Mississauga Official Plan permits second units in detached dwellings, where appropriate. Provincial direction now requires that second units be permitted in detached, semi-detached and townhouses. The existing policies state:

*7.2.10. Regulations for secondary suites will be determined through the preparation of an affordable housing strategy. The affordable housing strategy will be developed in consultation with the community and will consider, among other matters, zoning provisions, licensing requirements and health, safety and property standards.*

*11.2.5.2 In addition to the Uses Permitted in all Designations, residential designations will also permit the following uses:*

*11.2.5.9 Secondary suites within detached dwellings will be permitted, where appropriate.*

Policy 7.2.10 is proposed to be removed as this has been completed. Policy 11.2.5.9 is proposed to be replaced with the following:

*11.2.5.9 Second units within detached dwellings, semi-detached dwellings and townhouse dwellings, where appropriate.*

At this time second units are proposed to be located within dwellings and not in accessory structures. Given the smaller lots that dominate the City's property fabric and the fact that Mississauga is nearly built out, it is anticipated that demand to establish second units in accessory units will be limited.

## 4.2 Zoning By-law Regulations

Second units are not currently permitted in Mississauga's Zoning By-law. A review of policies and regulations from over twenty municipalities was conducted to obtain information on practices.<sup>7</sup> (Appendix 1 summarizes regulations in selected comparable municipalities.) Despite diverse municipal contexts, there are a number of similarities in second unit regulations:

- one second unit per dwelling;
- minimum and maximum size regulations;
- restrictions on modifications to dwelling exterior;
- parking provisions; and,
- driveway width or landscaping requirements.

Where permissions exist for second units, they are generally permitted across the whole municipality. Consistency across the municipal jurisdiction not only creates a sense of equity and fairness, but is simpler and easier to implement.

This implementation strategy proposes the following amendments to the Zoning By-law that define second units, permit them in detached, semi-detached and townhouse dwellings, and introduce regulations for them.

### Definition for Second Units

A second unit is defined as:

*An accessory **dwelling unit** with its own kitchen, sanitary facilities and bedroom(s)/sleeping area*

### Regulations for Second Units

Second units may not be appropriate everywhere. The regulations proposed in the Zoning By-law are intended to regulate second units where the dwelling and property can support them. If these regulations cannot be met, it may not be appropriate to have a second unit.

The regulations are also intended to protect neighbourhoods. Mississauga's existing neighbourhoods are amongst the City's most valued assets. Maintaining neighbourhood character emerged as one of the biggest concerns in the public consultation regarding second units. While neighbourhoods evolve over time, the addition of second units needs to maintain the look and feel of neighbourhoods. The regulations proposed are intended to maintain stability in neighbourhoods while allowing them to accommodate second units.

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<sup>7</sup> The majority of these were in the Greater Toronto Area and Hamilton (GTAH), although research on municipalities in the Province and in other Provinces was undertaken for additional strategies to address common challenges.

The regulations proposed are as follows:

- require that the dwelling with a second unit be the principal residence of the owner
- require one on-site parking space for the second unit in addition to the parking for the dwelling;
- permit one and only one second unit in detached, semi-detached, townhouse, street townhouse and linked dwellings;
- permit second units anywhere in the dwelling;
- establish a maximum and minimum gross floor area for a second unit;
- the addition of a second unit cannot change the existing use of the dwelling in which it is located;
- prohibit new entrances facing a street for a second unit;
- prohibit stairs stairwells and retaining walls for entrances below grade facing a street;
- require a minimum setback of 1.2 m (4 ft.) for new entrances, stairs, stairwells and retaining walls in interior side yards or rear yards;
- require a minimum setback of 1.2 m (4 ft.) for porches or decks in interior side yards at or below the first floor;
- prohibit exterior entrances for a second unit above the first floor (by way of prohibiting decks and exterior stairs above the first floor);
- prohibit second units in lodging houses and group homes or dwellings that contain an accessory non-residential use; and,
- permit one and only one driveway, existing maximum driveway widths are already specified in the Zoning By-law.

An application for a minor variance will be required to establish a second unit in a dwelling that cannot support these regulations. These will be addressed on a case-by-case basis allowing the opportunity to provide input and comments.

### **4.3 Licensing Requirements**

To ensure that dwellings with second units meet health, safety and property standards, many municipalities have introduced licensing for second units. Licensing can ensure safe living conditions are established for tenants of second units. Licensing can also address commonly identified neighbourhood impacts such as property standards violations and excessive noise. Finally, licensing provides a list of legal second units within the City.

This strategy proposes the licensing of second units to protect second unit owners, tenants and the neighbourhoods within which they are located. Before a licence can be issued, the second unit must comply with Zoning By-law regulations as well as Building and Fire Code requirements. This may require a Fire Inspection and/or an application for a building permit and payment of applicable fees.

Licensing is proposed to ensure dwellings with second units are safe, have met applicable Building and Fire Code requirements, as well as meeting standards in the City's other applicable by-laws including:

- Debris and Anti Littering;
- Encroachment;
- Fence;
- Noise Control;
- Nuisance Type Noise;
- Property Standards; and,
- Swimming Pool Enclosure.

A licence could be revoked for non-compliance with these by-laws requiring removal of the second unit.

The proposed licensing strategy for second units acknowledges the two types of second units. In response to community support for owner occupancy of second units, a regulation for owner occupancy is introduced in the zoning regulations. The two types of second units are:

- **Owner-occupied dwellings** – Those dwellings where the dwelling is the residence of the property owner and a portion of the dwelling that is the second unit is rented; and,
- **Investment Dwellings** – Those dwellings where the property owner does not reside in the dwelling, rents both the dwelling and one and only one second unit in the dwelling as a business investment.<sup>8</sup>

Owner-occupied dwellings that meet all zoning regulations will require a licence for a legal second unit. Dwellings where the owner does not live in dwelling will be considered investment dwellings. A condition of a licence being issued for an investment property will be approval of a minor variance to allow a second unit in a dwelling that is not the principal residence of the owner. This process would allow input and comments from the public before a decision is made. Compliance with all other zoning regulations will also be required.

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<sup>8</sup> Residences that contain more than two dwelling units are not second units but may be lodging units and are not the subject of this work.

A licence fee of \$500 is proposed. This is in line with the costs of a home inspection. In relation to investment dwellings, two units are inspected and therefore a licensing fee of \$1,000 is proposed. (This does not include other applicable permit and inspection fees.) This is summarized in Figure 4.1.

<b>Figure 4.1 Licensing Framework for Second Units, Owner Occupied and Investment Dwellings</b>		
<b>Types of Dwellings where Second Units are Located</b>	<b>Owner Occupied Dwellings with Second Units</b>	<b>Investment Dwelling with Second Units</b>
Compliance with Zoning	Required	Minor Variance Required
Compliance with applicable Building and Fire Codes	Required Subject to applicable permit and inspection fees	Required Subject to applicable permit and inspection fees
Licence Fee	\$500	\$1,000
Requirements for Maintenance of Licence	Ongoing compliance with property standards, Building and Fire Codes	Ongoing compliance with property standards, Building and Fire Codes

The licensing process will be administered through:

- self-identification;
- responding to new complaints; and,
- mail-out to dwellings with existing complaint files.

#### **4.3.1 Implementation Timeline**

The timeline envisioned to implement a full licensing strategy for second units is outlined in Figure 4.2. It is based on approval of the Official Plan, Zoning By-laws and Licensing By-law and these being in full force and effect.

**Figure 4.2**  
**Second Unit Implementation Timetable**

<b>Rollout Timeline Event</b>	<b>Tentative Timeline</b>	<b>Phase</b>	<b>Staff Actions/Response</b>
Official Plan and Zoning and Licensing in Force and Effect	Spring 2013	Education Campaign	Provide information online and brochures about process to legalize in Mississauga, staff from Planning, Enforcement, Fire, Zoning involved. A mail-out to units with complaints regarding second units explaining the risks of illegal units and providing information on licensing process. Information brochures widely available and distributed by Fire Prevention and Enforcement staff.
Licensing and Inspections	Spring 2013	Licensing	Licensing of second units begins, different process for owner-occupants and investors. Licensing involves: compliance with the Zoning By-law, Building and Fire Codes and other applicable by-laws. Owners are given a certificate for proof of legal second unit.
Ongoing	2014	Licensing/Monitoring	Once licenced, owners are required to continue to meet the conditions of the licence. A licence can be revoked and fines imposed for breaching the conditions of the licence. Fees and resource requirements to be reviewed.

#### **4.3.2 Enforcement and Compliance Issues**

The right to enter into a dwelling unit is required to determine if a second unit exists. This is a major challenge for staff. Under existing legislation, Enforcement staff cannot enter a dwelling unless permitted to do so by the owner or occupant. This will continue to be a challenge even with regulations to permit second units; however, it is expected that when second units are permitted, tenants will be more likely to allow entry. It should also be noted that neighbourhood concerns regarding property standards and maintenance, garbage and parking issues do not



require entry into the unit. These can be enforced independent of the determination if the second unit exists. These are investigated on a complaint basis.

#### 4.4 Education Program

A comprehensive education program is key to the success of the implementation strategy. This will include information on:

- why it is beneficial for homeowners to come forward and obtain a licence;
- what the risks are to homeowners if they do not come forward and obtain a licence;
- requirements and steps to be followed to obtain a licence; and,
- possible sources of financial assistance.

##### 4.4.1 Benefits of a Legal Second Unit

- **Healthy and Safe** – A legal second unit is healthy and safe for the owner and tenant allowing all involved peace of mind;
- **Financing** – Owners may qualify for additional mortgage financing to help with costs and upgrades to legal second units;
- **Taxation** – The additional revenue to be declared can be by the tax deductions available to owners of legal second units;
- **Empowerment** – Owners and tenants of legal second units are empowered in their dealings with each other, neighbours and the municipality;
- **Right thing to do** – Legalizing a second unit is the right thing to do; and,
- **Peace of Mind** – Tenants will know their rights and be confident they are renting a safe unit.

##### 4.4.2 Risks with Illegal Second Units

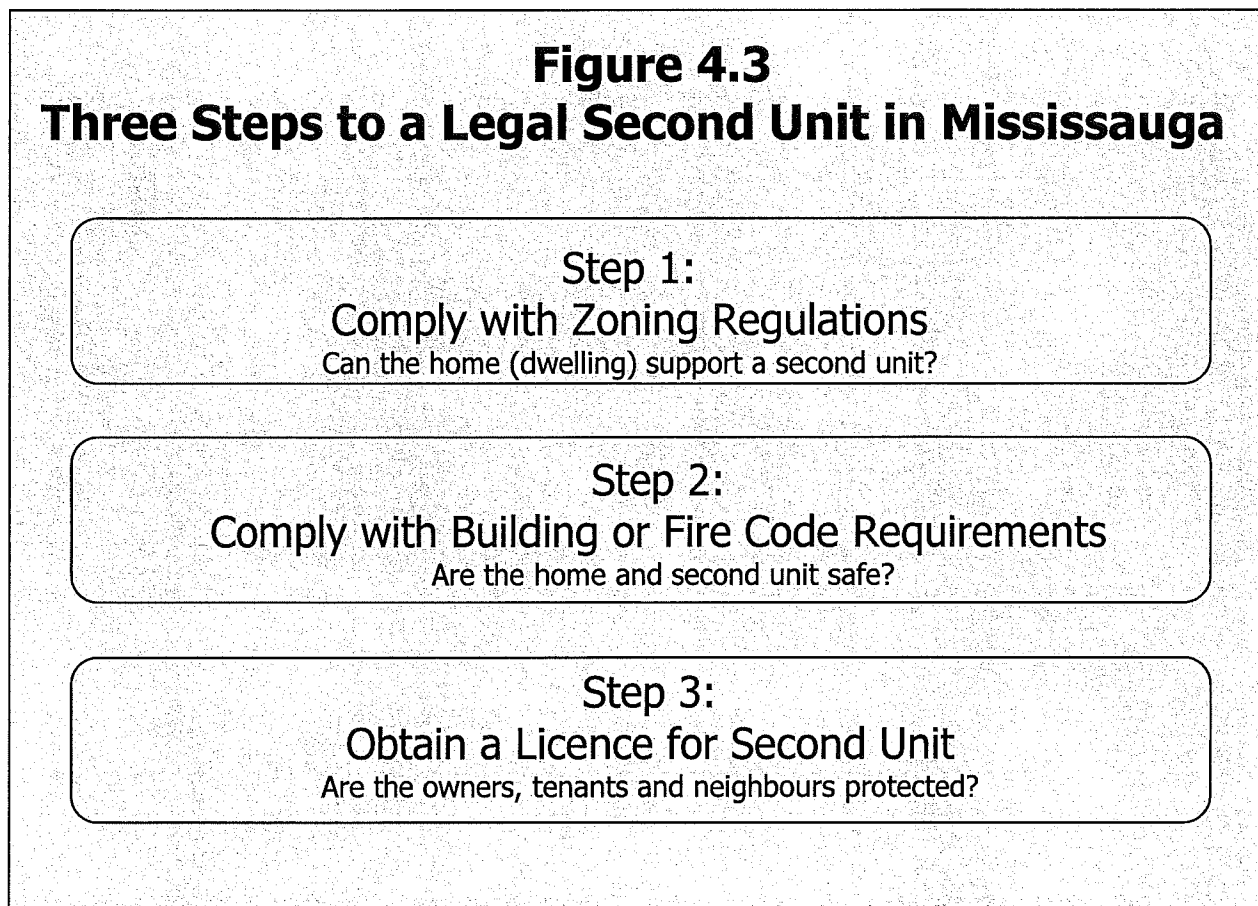
There are also risks associated with illegal second units which will be highlighted in information provided to the public.

- **Responsibility**– Homeowners are responsible for meeting health and safety standards in homes and complying with applicable laws and codes;
- **Insurance** – Failure to report a legal second unit could result in the inability to recover the costs in the event of an insurance claim;
- **Liability** – The homeowner may be liable for damages if there is an accident involving an illegal second unit;

- **Prosecution** – Charges can be issued resulting in fines being imposed for failing to meet applicable Building and Fire Codes, City regulations and licensing requirements; and,
- **Tenant insurance** – Tenants should be aware that homeowner’s insurance will not cover property of a tenant of an unauthorized unit. Tenants should also obtain insurance for furniture, equipment and personal possessions.

#### 4.4.3 Requirements and Steps to a Legal Second Unit

An education campaign will need to clearly outline the requirements and steps for a new legal second unit. Figure 4.3 is a proposed graphic that outlines the steps.



#### 4.4.4 Possible Sources of Financial Assistance

The costs of upgrades required to meet Building and Fire Codes can be a deterrent to establishing a legal second unit. Some key typical safety upgrades include:

- installation of fire separation barriers;
- creation of separate means of exit for the second unit;

- enlargement/installation of windows for rooms intended as bedrooms; and,
- installation of smoke/carbon monoxide detectors.

The required upgrades for a second unit vary depending on the age of the dwelling and the date the second unit was established. The requirements depend on whether there is an:

- existing second unit (permitted under former legislation and previously inspected or approved by the City);
- existing second unit (not previously inspected or approved by City);
  - second unit existed before July 14, 1994
  - second unit existed after July 14, 1994
- a new second unit in a dwelling; and,
- the intent to build a new home with a second unit.

The costs to establish a second unit are linked with the current state of the dwelling and the choice of materials for the upgrades.

#### 4.4.5 Other Elements of the Education Campaign

Other initiatives that could be included in an education campaign include the following.

- **Webpage** – Updated information on the Housing Choices web page consisting of downloadable brochures and fact sheets on regulations and processes for legal second units in the City.
- **Mail-out** – Mail-out to residents which may have a second unit informing of the change in regulations and the requirements for a legal second unit in the City and offering to assist with these changes.
- **Media** – News releases and articles with information on the City’s initiative.
- **Information Sessions** – Information evenings with City staff on hand to provide information on requirements.
- **Printed Material** – Information made available in community facilities such as libraries and community centres and, with permission, in building and home renovation outlets. Materials also distributed by Fire Prevention and Enforcement Staff.

### 4.5 Partnerships with Key Stakeholders and Senior Levels of Government

#### 4.5.1 Partnering with Region of Peel

An essential part of the implementation of the second unit initiative will be partnerships and support from other levels of government and the private sector. The Region of Peel is designated by the Province as the Service System Manager for housing and homelessness. As such it is delegated under the *Housing Services Act*, the same Act which has imposed obligations

regarding second units, to develop a “Housing and Homelessness Plan.” This Plan, amongst other matters, will explicitly “provide for partnerships between different levels of government.” Some of the opportunities for Peel to participate in this initiative follow.

- **Peel Renovates** – Renovation funding for low income residents. This funding was formerly available through the CMHC (Residential Renovation Assistance RRAP Program). The Region has administered this program since March 2012. In the past, Mississauga residents have used this funding source for accessibility upgrades. As second units were not permitted in the City, residents have not been able to access this funding for upgrades to second units. The Region is considering providing funding to City homeowners to assist in meeting Building and Fire Code requirements subject to a number of conditions being met.
- **Rent subsidies** – The Region administers rent subsidies for households in need. These subsidies could be used to support tenants living in legal second units.
- **Applicant referrals** - Region staff could assist in referring prospective tenants to second units, possibly supporting the general marketing of second units and possibly engaging in “matchmaking” between applicants (including people on Peel’s own waiting list) and suitable units, and with referrals from appropriate community agencies and enhanced use of the 2-1-1 access.
- **Property management support** – Given the Region’s extensive experience in property management, it could assist with the development of educational materials to help advise homeowners as to good landlord business practices and to facilitate stable tenancies, again with potential referral to community agencies where additional support may be useful.

It is recommended that the Region of Peel include partnerships such as described in its pending ten year local Housing and Homelessness Plan. Discussions are underway to explore all of these options as part of the implementation for second units.

#### 4.5.2 Senior Levels of Government

Some implementation challenges for second units cannot be addressed as there is no municipal authority to do so. The following are supports from senior levels of government that could address these issues.

- **Property taxes** – A distinct property class could be identified by MPAC for dwellings with second units to generate additional revenues to address infrastructure and service needs.
- **Building Code** – Existing Ontario Building Code requirements for second units, which can be onerous, could be reviewed by the Province to determine if alternative requirements could be developed.

- **Right of Entry** – An enforcement officer must obtain evidence that a second unit exists. The effectiveness of enforcement efforts is frustrated by the legislation<sup>9</sup> that requires consent of owner/occupant and/or search warrant to enter a dwelling to determine if a second unit exists. The Province could review the legislation to consider how admissible evidence could be obtained more easily.
- **Financial support for affordable housing** – Senior levels of government could direct more funding toward affordable housing in communities where needs are highest. A National Housing Strategy to affordable housing is needed.

#### 4.5.3 Private Sector Support

Private sector professional groups can also play an important role in ensuring the existing second units in Mississauga are made safe and legal. The consultation for second units has drawn in a number of stakeholders with different interests. Real estate agents, insurance professionals, mortgage agents and building industry representatives are some the groups which can be involved in the education program. Providing them with information on the processes adopted by the City regarding second units as well as the benefits of a legal second unit will assist in converting existing second units to legal, safe, rental housing.

### 4.6 Conclusion and Recommendations

The proposed official plan policies, zoning regulations and licensing requirements aim to balance needs of various stakeholders' interests while meeting the Provincial requirement to permit second units. The implementation strategy reflects the research findings and ideas that were brought forth during the consultation as well as key City priorities. This approach should be reviewed to determine its success and whether modifications are required.

Second units can be a source of safe affordable housing in Mississauga. The City's objective is to establish a framework by which second units provide a choice of safe affordable housing while meeting the Provincial requirements.

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<sup>9</sup> *Planning Act* Provisions Related to Power of Entry on to Property -Section 49.(2) and into a Dwelling - Section 49.(3).

## Appendix 1: Municipal Comparative Review

**Table 1**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Toronto</b>	<b>Ottawa</b>	<b>Caledon</b>	<b>Burlington</b>	<b>Oakville</b>	<b>Guelph</b>
<b>City Wide or Ward Specific</b>	City Wide	City Wide (with the exception of Rockcliffe Park)	Residentially designated lands in Rural Service Centres, Villages & Hamlets, Agriculture Area, Rural Area, Rural Estate Residential Area, Policy Area 1, 2 or 3 within Palgrave Estates or Environmental Policy area	City Wide	Very limited - in selected areas by site specific by-law (regulations are subject to area where permitted)	City Wide
<b>Dwelling Type</b>	Singles/Semis but must be at least 5 years old	Detached dwelling, semi-detached dwelling unit, or duplex building	Singles/Semis/ Duplex/ Link	Singles	Depending on zone; singles, semis and townhouses	Singles/Semis
<b>Min. GFA</b>	No less than 55 m <sup>2</sup> (592 sq.ft.)	No	32.5 m <sup>2</sup> (350 sq.ft.)	42 m <sup>2</sup> (452 sq.ft.)	55.5 m <sup>2</sup> (592 sq.ft.)	32 m <sup>2</sup> (344 sq.ft.)
<b>Max. GFA</b>	No – must be	At grade or	30% of dwelling	100 m <sup>2</sup>	40% of total floor	Not greater than

**Table 1**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Toronto</b>	<b>Ottawa</b>	<b>Caledon</b>	<b>Burlington</b>	<b>Oakville</b>	<b>Guelph</b>
	secondary in size to principal unit	above grade – 40% of dwelling, if located in basement, may occupy whole basement		(1,076 sq.ft.).Not greater than 40% of total floor area	area	45% of total floor area – Maximum 100m <sup>2</sup> (1,076.4 sq.ft.) Maximum 2 bedrooms
<b>Min. Frontage</b>	No	13.0m (42.7 ft)	Yes varies depending on residential zone 15m (49 ft ) to 45m (148 ft)	15 m (49 ft)	Depending on zone	No
<b>Min. Lot Area</b>	No	No	Yes range from 0.8 ha (1.97 ac) to 650 m <sup>2</sup> (6,997 sq.ft.)	No	No	No
<b>Parking No. of spaces On-site/off-site</b>	1 space per unit and where 2 parking spaces required for property 1 space can be used for second unit	The principal and secondary dwelling units must share the parking area and yards provided for the principal dwelling unit, and no new driveway may be created, except in the case of corner lots	1 parking for each 70 m <sup>2</sup> (735 sq.ft.) maximum of 2 parking in addition parking required for dwelling	2 spaces per accessory unit, 2 spaces per principal dwelling unit	1 off-street surfaced parking space for each dwelling unit established	Principal dwelling 2 spaces plus 1 space (not tandem) for second unit

**Table 1**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Toronto</b>	<b>Ottawa</b>	<b>Caledon</b>	<b>Burlington</b>	<b>Oakville</b>	<b>Guelph</b>
<b>Maximum Driveway Widths</b>	No	50%	Depending on frontage cannot exceed semi 5.2 m (17 ft) detached 6 m (20 ft) for lots 12 m (39 ft) for less, larger than 12 m (39 ft) up to 50% of lot frontage or 8.5 m (27 ft) whichever is less	7.35 m (24 ft) on 15 m (49 ft) lots	Depending on zone	Double driveway width under consideration, usually 10 m (32ft)
<b>Maximum Number of Driveways</b>	No	No	2 driveway maximum and entrance separation requirement of 2.5 m (8.2 ft)	No	No	1 driveway
<b>Maximum Hard Surface</b>	No	50% where parking provided	No	50%	No	No
<b>Minimum Landscaping</b>	Zoning provisions in Etobicoke	50% where parking provided	Range between 30% and 50%	50%	No	No
<b>Separation Distance Requirements</b>	No	No	No	No	No less than 2 m (6.6 ft)	Considering



**Table 1**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Toronto</b>	<b>Ottawa</b>	<b>Caledon</b>	<b>Burlington</b>	<b>Oakville</b>	<b>Guelph</b>
<b>External appearance</b>	No addition or substantial alteration to exterior appearance of front or side of the dwelling facing street.	No change in streetscape - must have a separate access that cannot be located in an exterior wall facing the front	No	Separate exterior entrance required. Separate entrance prohibited on front elevation	No exterior addition or major alteration to any such dwelling proposed so to be converted shall be made which will affect the exterior appearance and general character of the building as a private detached dwelling	Preserve front façade. Maintain single entry (ie. rear yards not to be divided)
<b>Registration/ Licensing</b>	Not required	Permit required to build	Registered	No	Registered	Registration
<b>Registration/ Licensing fees</b>	No	No	\$110 (registration fee)	No	\$300 (registration fee)	\$100 (registration fee)
<b>Amnesty period</b>	No	First year information sessions - ongoing information online	6 months	No	No	5 year period without fee to encourage existing units to be legalized
<b>Financial incentives</b>	No	No	No	No	No	No

**Table 1**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Toronto</b>	<b>Ottawa</b>	<b>Caledon</b>	<b>Burlington</b>	<b>Oakville</b>	<b>Guelph</b>
<b>Inspections/ Enforcement</b>	Building	Property Standards	Building /Fire/Public Works – Regulatory Services	Building/ Enforcement	Building	Building/Fire/ Zoning
<b>Comments</b>	Currently the City of Toronto is attempting to harmonize regulations across the former municipalities	Development charges issues – on new home will pay double development charges		135 m <sup>2</sup> (1,453 sq.ft.) minimum rear yard in amenity area	Must be at least 5 years old on the date of the by- laws creation in 2011 (established 2006 or earlier)	Currently under review. Consideration of renewal licensing fee and distancing requirements.

**Table 2**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Aurora</b>	<b>Hamilton</b>	<b>Richmond Hill</b>	<b>Waterloo</b>	<b>London</b>
<b>City Wide or Ward Specific</b>	City Wide	Ward Specific	City Wide	City Wide (Zones)	City Wide (Zones)
<b>Dwelling Type</b>	Detached, semi-detached and link houses (3 or more)	Detached and semi-detached	Detached and semi-detached	Single detached, townhouse, duplex, converted dwelling house, semi-detached, triplex, accessory unit	Single-detached, semi-detached or row house
<b>Min. GFA</b>	35m <sup>2</sup> (376.7 sq.ft.)	65m <sup>2</sup> (699.7 sq.ft.)	No	No	No
<b>Max. GFA</b>	No	No	265m <sup>2</sup> (2,852.4 sq.ft.)	600m <sup>2</sup> (6,458.3 sq.ft.)	No
<b>Min. Frontage</b>	12.0m (39.4 ft)	7.5m (24.6 ft)	9.0m (29.5 ft)	15.0m (49.2 ft)	12.0m (39.4 ft)
<b>Min. Lot Area</b>	450m <sup>2</sup> (4,843.8 sq.ft.)	1-3 units = 270m <sup>2</sup> (2,906.3 sq.ft.), 3+ units = 450m <sup>2</sup> (4,843.8 sq.ft.)	30%	360m <sup>2</sup> (3,875 sq.ft.)	450m <sup>2</sup> (4,843.8 sq.ft.)
<b>Parking No. of spaces On-site/off-site</b>	1 space (in addition to residential parking space requirements)	Minimum 2 on-site parking spaces must be provided	1 space (in addition to residential parking space requirements)	1 space for every two (2) lodgers plus one (1) space per proprietor if the proprietor or his/her household resides therein, 4 spaces for triplexes	Minimum of one (1) additional on-site parking space must be provided
<b>Maximum Driveway</b>	Lot width less than 9 m (29.5 ft) = 3.5m	50% of front plot line	Lot width less than 9 m (29.5 ft) = 3m	7m (22.9 ft)	Must be minimum 2.7m

**Table 2**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Aurora</b>	<b>Hamilton</b>	<b>Richmond Hill</b>	<b>Waterloo</b>	<b>London</b>
<b>Widths</b>	<i>(11.4 ft) maximum width</i>  Lot width 9m (29.5 ft) - 18m (59.0 ft) = <i>6m (19.7 ft) maximum width</i>  Lot width 18m (59.0 ft) - 30m (98.4 ft) = <i>10m (32.8 ft) maximum width</i>		<i>(9.8 ft) maximum width</i>  Lot width 9m (29.5 ft) - 18m (59.0 ft) = <i>6m (19.7 ft) maximum width</i>  Lot width 18m (59.0 ft) - 30m (98.4 ft) = <i>9m (29.5 ft) maximum width</i>	<i>Zoning By-Law requires a minimum of 2.8m (9.2 ft) x 5.5m (18.0 ft)</i>	(8.9 ft) x 5.5m (18.0 ft)
<b>Maximum Number of Driveways</b>	No	No	Only one driveway apron shall be permitted to a lot with a frontage of less than 18m (59.0 ft)	Yes (Parking Requirements)	No more than 2 for the first 100m (328 ft) of lot frontage, plus 1 for every 100m (328 ft) later
<b>Maximum Hard Surface</b>	No	50% of area in front yard	55% of the required front yard and required exterior side yard	70-80%	40%
<b>Minimum Landscaping</b>	No (By-law No.4044-99 Section 5.2 – Maintenance of Yards)	50% of area in front yard	Minimum area of 45% of the required front yard and required exterior side yard shall be landscaped	Landscaped Buffer (20%) (Lot Maintenance By-Law)	30%

**Table 2**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Aurora</b>	<b>Hamilton</b>	<b>Richmond Hill</b>	<b>Waterloo</b>	<b>London</b>
<b>Separation Distance Requirements</b>	No	No	No	Yes	No
<b>External Appearance</b>	Only one entrance facing streets (no alterations to external appearance permitted)	No exterior stairways or alteration to external appearance, must preserve streetscape character	Any exterior changes to the existing dwelling will be in keeping with the character of the street	Property Standards By-Law, Lot Maintenance By-Law, maintain the physical appearance (no structural changes)	Shall not alter the neighborhood character
<b>Registration/Licensing</b>	Registered (By-law No. 5221-10)	Registered	License (Permit)	License/Lodging License	License
<b>Registration/Licensing fees</b>	Registration fee = \$150.00, re-inspection fee = \$75.00 Permit Fees: \$3.00/m <sup>2</sup> of gross floor area (minimum fee of \$100.00)	No	No	\$68.15 - \$757.30 (depending on class of rental unit)  Admin fee/annual renewal fee (Fines up to \$5,000)	No
<b>Amnesty period</b>	60 days	None (if existing illegally)	No	No	No
<b>Financial incentives</b>	No	No	No	No	No
<b>Inspections/Enforcement</b>	Building, Fire, Electric Safety	Building, Fire	Building, Fire	Municipal Law Enforcement	Building (in accordance with

**Table 2**  
**Regulations for Second Units from Other Municipalities**

<b>Municipality</b>	<b>Aurora</b>	<b>Hamilton</b>	<b>Richmond Hill</b>	<b>Waterloo</b>	<b>London</b>
	Authority			Officers, Building Inspectors, Fire, the Medical Officer of Health or a Police Officer.	section 3.2.3.8 of the OP)
<b>Comments</b>	Second units occupied before November 16, 1995 are not required to register (grandfathered by the Land Use Planning and Protection Act – Bill 20), No units permitted in Oak Ridges Moraine or water course areas	Dwellings must be at least 5 years old, no roomers or boarders, units can only be divided horizontally	Discussions and work is still being done in order to develop Second Unit guidelines (many reports state that these accessory apartments “should be permitted”	No garbage storage shall be permitted in the front yard and no garbage storage shall be permitted in the side yard or rear yard unless it is screened from view from the street	Flex Housing is a new developer based initiative which incorporates flexible housing designs to possibly include second units, shall be owner occupied, no more than five (5) bedrooms total for both the principle and accessory dwelling units

## Appendix 2: Summary of Challenges with Second Units

Appendix 2 CMHC Survey of Canadian Households Secondary Suite Information					
	Montreal	Toronto	Calgary	Vancouver	Canada
<b>Total Households (millions)</b>	1.41	1.69	.36	.79	11.57
Households Renting out (%)	23.9	16.9	22.0	22.2	16.9
<b>Total Accessory Units (millions)</b>	.34	.28	.08	.18	1.95
Accessory Units with own address (%)	50.0	29.0	5.6	14.1	34.4
<b>Type of Tenant in Accessory Unit</b>					
Single person under 60 years of age (%)	36.6	29.9	56.9	34.6	37.5
Single person over 60 years of age (%)	16.9	20.9	6.9	17.3	19.4
Couple (%)	15.5	20.9	25.0	25.9	15.3
Couple with child/children (%)	15.5	14.9	11.1	19.8	12.5
Single Parent with child/children (%)	15.5	13.4	0.0	2.5	15.3
<b>Location of Accessory Unit</b>					
Basement	46.7	48.3	57.4	62.0	49.2
Room with separate address	6.7	15.0	1.6	8.5	10.8
Attic	0.0	1.7	11.5	8.5	6.2
Other	46.7	35.0	29.5	21.1	33.8
<b>Relationship of Household to Tenant</b>					
Relative	22.7	23.9	59.3	10.9	24.6
Close Friend	13.6	6.5	2.2	12.5	14.5
Student	6.1	13.0	18.7	21.9	8.7
Aging Parent	4.5	2.2	0.0	4.7	8.7
Disabled	6.1	0.0	0.0	3.1	5.8
Other	47.0	54.3	19.8	46.9	37.7
<b>Reason for renting</b>					
Pay mortgage and other housing costs	22.2	40.5	13.3	49.0	35.6
Increase income	62.2	35.7	50.0	23.5	31.1
Provide low rent option for children	2.2	7.1	26.7	11.8	6.7
Use surplus space	4.4	4.8	3.3	3.9	6.7
Tight rental market	2.2	2.4	1.7	9.8	6.7
Host/Care for older parents	4.4	7.1	0.0	2.0	6.7
Tax incentives	0.0	2.4	0.0	0.0	4.4
Student Housing	2.2	0.0	5.0	0.0	2.2

Source: CMHC. *Housing Facts* (Volume 8, Number 10) October 2003. pp. 4-5, PMB 2002 Fall RTS.

## Appendix 3: Consultation Program

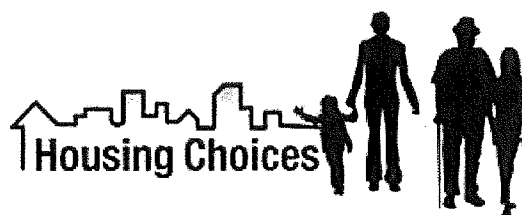
Appendix 3 Consultation Program			
Meeting	Date	Participants	Attendance (approx.)
Council Education Session	June 15, 2011	Council and Leadership Team	30
Stakeholder Forum	November 7, 2011	Community and social service agencies, federal and provincial representatives, other municipal governments, development and realtors, school boards, housing activists	70
Extended Leadership Team	January 26, 2012	Extended Leadership Team	50
Public Consultation Workshops	February 16 – Mississauga Seniors' Centre	Mississauga residents, ratepayers, representatives from other municipalities, professionals, (open to all)	200
	February 21 – South Common Community Centre		
	February 23 – Malton Community Centre		
	March 1 – Meadowvale Community Centre		
	March 6 – Civic Centre, Council Chamber		
Online Survey	February 16 to March 31, 2012	Public	300
Web Site visits	February 1 to March 6, 2012	Public	1,400
Mississauga Real Estate Board*	March 26, 2012	Real Estate Agents	70
Toronto Real Estate Board	March 27, 2012	Real Estate Agents, Planning professionals around GTA	12
Mississauga Real Estate Board*	April 11, 2012	Real Estate Agents	20
Business Connection Exchange*	April 5, 2012	Small business owners	20
Britannia Town Hall*	May 29, 2012	Mississauga residents	Na
Malton Town Hall*	May 30, 2012	Mississauga residents	40
Design Workshop	June 5, 2012 – Civic Centre	Professionals and volunteers representing the building, financing, real estate and design community	50
Ratepayer Meeting*	June 5, 2012	Mississauga ratepayers	20

\* Note: Request was made for consultation and presentation on second units.



## Appendix 4: Public Consultation Invitation and Survey

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### Mississauga's Affordable Housing Strategy and Action Plan

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#### Public Consultation Workshops – Second Units

Mississauga needs housing choices for everyone to feel they belong. Ontario laws now require municipalities to allow second units in homes. Second units are also known as basement apartments or in-law suites.

Mississauga is working on a housing strategy that includes second units.  
We want to discuss:

- preserving neighbourhood character
- ensuring safety
- maintaining City services

The City is holding five public consultation workshops to talk to you about it.

- February 16 – Mississauga Seniors' Centre, 1389 Cawthra Road
- February 21 – South Common Community Centre, 2233 South Millway
- February 23 – Malton Community Centre, 3540 Morning Star Drive
- March 1 – Meadowvale Community Centre, 6655 Glen Erin Drive
- March 6 – Civic Centre, Council Chamber, 300 City Centre Drive

All workshops will have the same schedule.

- 6:30 – 7:00 p.m. Talk to City staff about second units
- 7:00 – 7:30 p.m. Listen to a presentation
- 7:30 – 8:30 p.m. Discuss second units in groups
- 8:30 – 9:00 p.m. Listen to a workshop wrap-up

If you are interested in participating, please register to ensure your spot. You can register online at [mississauga.ca/housingchoices](http://mississauga.ca/housingchoices) or call (905) 615-3200 extension 2037 between 8:30 a.m. and 4:30 p.m.

If you can't attend, watch the March 6, 2012 Civic Centre presentation on Rogers TV and go online to have your say.

Please advise if you have any accessibility requirements. Photos or video may be taken at the workshops.



## Mississauga's Affordable Housing Strategy and Action Plan

### Public Consultation Workshop – Second Units

#### Introduction

Mississauga needs housing choices for everyone to feel they belong. Recent changes to provincial laws require all municipalities in Ontario to allow second units. Second units are also known as basement apartments or in-law suites.

We are developing a Made-in-Mississauga strategy to meet our City's needs. We would like your ideas. We want to discuss:

- preserving neighbourhood character
- ensuring safety, and
- maintaining City services

#### To complete the survey:

At our Workshops: Attend one of our workshops and participate in the group discussions or fill out your own survey before you leave.	Online: <a href="https://mississauga.ca/housingchoices">Mississauga.ca/housingchoices</a>	Mail to: Housing Choices City of Mississauga, 7 <sup>th</sup> Floor 300 City Centre Drive Mississauga, ON, L5B 3C1
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#### Need for Second Units

Our Strategic Plan Conversation identified a need for affordable housing in Mississauga. Our work on Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan found that 1 in 3 households in Mississauga have affordability issues.

#### Questions:

- 1) Who benefits from allowing second units and why?

Comments: \_\_\_\_\_

# **Principle 1 – Preserving Neighbourhood Character**

The reasons many people choose to live in second units are the same reasons people choose to own homes in Mississauga – the look and feel of the neighbourhood. Making sure that neighbourhoods maintain their look and feel is important to homeowners and to the people that choose to make second units their home.

## **Topics for discussion**

To make sure the addition of second units into a neighbourhood is done in a way that keeps the look and feel of the neighbourhood, the City is considering rules for things like:

- parking
- landscaping, and
- the outside of homes

2) These are some of examples of rules that could be put in place to preserve the look and feel of neighbourhoods.

a) Should the owner have to live in one of the units? (Please check)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_

b) Should there be rules about the changes that can be made to the outside of the home? (Please check)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_

c) How should the parking needs of those living in second units be dealt with? (Please check)

Required Parking on the Property \_\_\_\_\_ Street Parking \_\_\_\_\_

Other Parking to be arranged \_\_\_\_\_

Comments: \_\_\_\_\_

Other suggestions of rules:

\_\_\_\_\_  
\_\_\_\_\_

## **Principle 2 – Ensuring Safety**

Second units need to be safe for the people who live in them, the homeowner and the neighbourhood.

### **Topics for discussion**

Because many of the second units in Mississauga are not legal, they are not always safe. In some cases, homes with second units require upgrading. The province sets standards in the Ontario Building Code and Fire Code that ensure a building is safe for the people who live there. Unfortunately, problems with second units are often only seen after an injury or death. Things that building code inspectors and fire investigators say can be improved include:

- fire separation barriers between units
- separate exits from each unit
- windows in bedrooms, and
- smoke/carbon monoxide detectors

How do we ensure second units are safe and legal?

Legalizing second units protects homeowners and tenants. In the event of an emergency, units which are not legal may be at risk of not having the proper insurance protection.

Homeowners with legal second units may also qualify for additional mortgage financing to help with upgrades to their homes.

Legalizing second units is the right thing to do.

Questions:

3) How should the City enforce the rules that would make second units safer?

a) Should owners have to be licensed with the City to have a legal second unit?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

b) Should units be inspected regularly?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

4) How could the City encourage homeowners to improve their units?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Principle 3 – Maintaining City Services**

The City of Mississauga takes pride in the services it provides to its residents.

Maintaining the City's excellent quality of life and current levels of service is important to residents as the number of people increases.

**Topics for discussion**

When populations grow, the city must find ways to provide the same services to more people at a reasonable cost.

Questions:

5) What impacts do you think second units would have on City Services?

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6) What services are you most concerned about? (Check as many as apply)

City Facilities (Community Centres, Libraries, Parks) \_\_\_\_\_

Roads \_\_\_\_\_ Transit \_\_\_\_\_

Garbage \_\_\_\_\_ Utilities (Water, Hydro, Gas) \_\_\_\_\_

7) How should the City deal with impacts?

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Conclusion:**

8) Do you have any other comments?

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9) Do you have any concerns about second units in Mississauga? (Please check)

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please list \_\_\_\_\_

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10) How much do you support second units in Mississauga? (Check one)

1  
Don't  
support

2  
Little  
Support

3  
Don't know/  
Neutral

4  
Support

5  
Fully  
Support

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11) How did you hear about public consultation on second units? (Please check)

Newspaper ad \_\_\_\_\_

City Website \_\_\_\_\_

Newspaper article \_\_\_\_\_

Facebook/Twitter \_\_\_\_\_

Signs/Electronic Boards \_\_\_\_\_

TV/Radio \_\_\_\_\_

Notices(Community Centres/  
Libraries/Civic Centre) \_\_\_\_\_

Someone I know \_\_\_\_\_

Other: \_\_\_\_\_

## Proposed Mississauga Official Plan (2011) Amendment for Second Units

Explanation – text to explain the changes

~~Strikeout~~ – wording to be removed

*Italicized* – existing policy in Mississauga Official Plan (2011)

***Bold italicized*** – proposed new wording to be added

Policy 7.2.10 is proposed to be removed as this has been completed.

~~7.2.10. Regulations for secondary suites will be determined through the preparation of an affordable housing strategy. The affordable housing strategy will be developed in consultation with the community and will consider, among other matters, zoning provisions, licensing requirements and health, safety and property standards.~~

Mississauga Official Plan permits second units in detached dwellings, where appropriate. Policy 11.2.5.2 is proposed to be retained and Policy 11.2.5.9 is proposed to be replaced as follows:

*11.2.5.2 In addition to the Uses Permitted in all Designations, residential designations will also permit the following uses:*

~~11.2.5.9 Secondary suites within detached dwellings will be permitted, where appropriate.~~

***11.2.5.9 Second units within detached dwellings, semi-detached dwellings and townhouse dwellings, where appropriate.***



**Proposed Zoning By-law 022-2007 Amendment for Second Units**

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding to Section 1.2 the following Definition:

<b>Second Unit</b>	<i>means an accessory <b>dwelling unit</b> with its own kitchen, sanitary facilities and bedroom(s)/sleeping area</i>
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2. By-law Number 0225-2007, as amended, is further amended by deleting Article 4.1.5.8 and substituting the following therefor:

4.1.5.8 Notwithstanding the provisions of Article 4.1.5.5, stairs, stairwells or retaining walls to facilitate an entrance below grade at any point shall be permitted in required **rear yards** and **interior side yards** provided that the minimum setback to an **interior side lot line** and **rear lot line** shall be 1.2 m;

4.1.5.8.1 A **porch** or **deck**, located at and accessible from the **first storey** or below the **first storey** of the dwelling inclusive of stairs, shall be permitted in a required **interior side yard** provided that the minimum setback to the **interior side lot line** shall be 1.2 m;

3. By-law Number 0225-2007, as amended, is further amended by adding Article 4.1.5.10 as follows:

4.1.5.10 Stairs, stairwells or retaining walls to facilitate an entrance below grade at any point shall not be permitted in **front yards** or **exterior side yards**;

4. By-law Number 0225-2007, as amended, is further amended by adding Subsection 4.1.20 to Section 4.1 as follows:

**4.1.20 Second Unit**

A **second unit** shall be permitted accessory to and located within a **detached dwelling, semi-detached dwelling, townhouse dwelling unit, linked dwelling unit, street townhouse dwelling unit** and a **dwelling unit** in a **townhouse dwelling** on a CEC private road in a Residential Zone subject to the following:

4.1.20.1 The provisions of Article 4.1.1.3 of this By-law shall not apply;

4.1.20.2 Notwithstanding the provisions of Article 4.1.1.1 of this By-law, a maximum of one (1) **second unit** shall be permitted;

4.1.20.3 A **second unit** shall not be permitted in a **lodging house, a group home or dwelling unit** containing an accessory non-residential use;

- 4.1.20.4 An addition to facilitate a **second unit** shall not alter the existing **use** of the subject dwelling as defined by this By-law;
- 4.1.20.5 Notwithstanding Subsection 4.1.13 of this By-law, the minimum **gross floor area** – residential of a **second unit** shall be 35 m<sup>2</sup>;
- 4.1.20.6 A **second unit** shall not occupy more than 50% of the **gross floor area** of the dwelling within which it is located;
- 4.1.20.7 A new pedestrian entrance facing a **street**, a **private road** or a **CEC private road**, to facilitate a **second unit**, shall not be permitted;
- 4.1.20.8 A **deck** located above the **first storey** to facilitate an entrance to a **second unit** shall not be permitted;
- 4.1.20.9 The **dwelling unit** in which the **second unit** is located shall be the principal private residence of the subject property owner and they must not be an occasional or casual resident thereof;
- 4.1.20.10 In addition to the required number of **parking spaces** for the dwelling, one (1) **parking space** shall be required for a **second unit**;
- 4.1.20.11 **Tandem parking spaces** to accommodate a **second unit** shall be permitted;
- 4.1.20.12 A **lot** with a **second unit** shall have one (1) and not more than one (1) **driveway**;

ENACTED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

DRAFT

## APPENDIX "A" TO BY-LAW NUMBER \_\_\_\_\_

### Explanation of the Purpose and Effect of the By-law

This By-law amends Mississauga Zoning By-law 0225-2007 to permit second units in detached, semi-detached, townhouse, street townhouse and linked dwelling units thereby implementing recent amendments to the *Planning Act* by *Bill: 140 Strong Communities through Affordable Housing, 2011*. Amendments include the following:

- add definition for second unit;
- permit one second unit per dwelling;
- permit one second unit within detached, semi-detached, townhouse and linked dwelling units;
- permit a second unit below the first storey;
- establish a maximum and minimum gross floor area for second unit;
- prohibit an addition for a second unit from changing the existing use of the dwelling;
- prohibit second units in dwellings that have a lodging house, a group home or any other accessory non-residential use;
- permit stairs, stairwells and retaining walls for entrances below grade in rear yards and interior side yards provided a minimum setback of 1.2 m is maintained;
- prohibit stairs, stairwells and retaining walls for entrances below grade in front yards and exterior side yards;
- prohibit new entrances facing a street for second units;
- prohibit decks above the first storey to facilitate a second unit;
- establish parking requirements for second units;
- limit the number of driveways on properties with second units; and,
- require that the dwelling with a second unit be the principal residence of the owner.

### Location of Lands Affected

All Residential Zones in Mississauga where detached, semi-detached, townhouse, linked or street townhouse are permitted.

Further information regarding this By-law may be obtained from Emily Irvine of the City Planning and Building Department at 905-615-3200 ext. 5524.

## APPENDIX 2

June 4, 2013  
Planning & Development Committee

### Proposed Mississauga Official Plan (2011) Amendment for Second Units

Explanation – text to explain the changes

~~Strikeout~~ – existing wording to be removed

*Italicized* – existing wording to remain

***Bold italicized*** – new wording to be added

Policy 7.2.10 is proposed to be removed as this has been completed.

~~7.2.10. Regulations for secondary suites will be determined through the preparation of an affordable housing strategy. The affordable housing strategy will be developed in consultation with the community and will consider, among other matters, zoning provisions, licensing requirements and health, safety and property standards.~~

Mississauga Official Plan permits second units in detached dwellings, where appropriate. Policy 11.2.5.2 to remain (included for context) and Policy 11.2.5.9 is proposed to be replaced as follows:

*11.2.5.2 In addition to the Uses Permitted in all Designations, residential designations will also permit the following uses:*

~~11.2.5.9 Secondary suites within detached dwellings will be permitted, where appropriate.~~

***11.2.5.9 Second units within detached dwellings, semi-detached dwellings and townhouse dwellings, where appropriate.***

## APPENDIX 3

June 4, 2013  
Planning & Development Committee

### Proposed Zoning By-law 0225-2007 Amendment for Second Units

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding to Section 1.2 the following Definition:

<b>Second Unit</b>	<i>means an accessory <b>dwelling unit</b> with its own kitchen, sanitary facilities and bedroom(s)/sleeping area</i>
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2. By-law Number 0225-2007, as amended, is further amended by deleting Article 4.1.5.8 and substituting the following therefor:

4.1.5.8            Notwithstanding the provisions of Article 4.1.5.5, stairs, stairwells or retaining walls to facilitate an entrance below grade at any point shall be permitted in required **rear yards** and **interior side yards** provided that the minimum setback to an **interior side lot line** and **rear lot line** shall be 1.2 m;

4.1.5.8.1 A **porch** or **deck**, located at and accessible from the **first storey** or below the **first storey** of the dwelling inclusive of stairs, shall be permitted in a required **interior side yard** provided that the minimum setback to the **interior side lot line** shall be 1.2 m;

3. By-law Number 0225-2007, as amended, is further amended by adding Article 4.1.5.10 as follows:

4.1.5.10 Stairs, stairwells or retaining walls to facilitate an entrance below grade at any point shall not be permitted in **front yards** or **exterior side yards**;

4. By-law Number 0225-2007, as amended, is further amended by adding Subsection 4.1.20 to Section 4.1 as follows:

**4.1.20 Second Unit**

A **second unit** shall be permitted accessory to and located within a **detached dwelling, semi-detached dwelling, townhouse dwelling unit, linked dwelling unit, street townhouse dwelling unit** and a **dwelling unit** in a **townhouse dwelling** on a CEC private road in a Residential Zone subject to the following:

4.1.20.1 The provisions of Article 4.1.1.3 of this By-law shall not apply;

4.1.20.2 Notwithstanding the provisions of Article 4.1.1.1 of this By-law, a maximum of one (1) **second unit** shall be permitted;

4.1.20.3 A **second unit** shall not be permitted in a **lodging house, a group home or dwelling unit** containing an accessory non-residential use;



- 4.1.20.4 An addition to facilitate a **second unit** shall not alter the existing **use** of the subject dwelling as defined by this By-law;
- 4.1.20.5 Notwithstanding Subsection 4.1.13 of this By-law, the minimum **gross floor area** – residential of a **second unit** shall be 35 m<sup>2</sup>;
- 4.1.20.6 A **second unit** shall not occupy more than 50% of the **gross floor area** of the dwelling within which it is located;
- 4.1.20.7 A new pedestrian entrance facing a **street**, a **private road** or a **CEC private road**, to facilitate a **second unit**, shall not be permitted;
- 4.1.20.8 A **deck** located above the **first storey** to facilitate an entrance to a **second unit** shall not be permitted;
- 4.1.20.9 In addition to the required number of **parking spaces** for the dwelling, one (1) **parking space** shall be required for a **second unit**;
- 4.1.20.10 **Tandem parking spaces** to accommodate a **second unit** shall be permitted;
- 4.1.20.11 A **lot** with a **second unit** shall have one (1) and not more than one (1) **driveway**;

ENACTED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## APPENDIX "A" TO BY-LAW NUMBER \_\_\_\_\_

### Explanation of the Purpose and Effect of the By-law

This By-law amends Mississauga Zoning By-law 0225-2007 to permit second units in detached, semi-detached, townhouse, street townhouse and linked dwelling units thereby implementing recent amendments to the *Planning Act* by *Bill: 140 Strong Communities through Affordable Housing Act, 2011*. Amendments include the following:

- add definition for second unit;
- permit one second unit per dwelling;
- permit one second unit within detached, semi-detached, townhouse and linked dwelling units;
- permit a second unit below the first storey;
- establish a maximum and minimum gross floor area for second unit;
- prohibit an addition for a second unit from changing the existing use of the dwelling;
- prohibit second units in dwellings that have a lodging house, a group home or any other accessory non-residential use;
- permit stairs, stairwells and retaining walls for entrances below grade in rear yards and interior side yards provided a minimum setback of 1.2 m is maintained;
- prohibit stairs, stairwells and retaining walls for entrances below grade in front yards and exterior side yards;
- prohibit new entrances facing a street for second units;
- prohibit decks above the first storey to facilitate a second unit;
- establish parking requirements for second units; and,
- limit the number of driveways on properties with second units.

### Location of Lands Affected

All Residential Zones in Mississauga where detached, semi-detached, townhouse, linked or street townhouse are permitted.

Further information regarding this By-law may be obtained from Emily Irvine of the City Planning and Building Department at 905-615-3200 ext. 5524.

**Appendix 4  
Comments from the Public**

#	Respondent	Issue/Comment	Response
1	Mississauga Real Estate Board	Minor variance would discourage investors from coming forward.	Charges could be issued resulting in monetary fines for an investment dwelling with an unlicensed second unit.
2	Mississauga Real Estate Board	Object to owner occupancy regulation because income from second unit results in positive cash flow from investment and the property. It takes the numbers from two suites in Mississauga to make the numbers work.	<p>Upon further review, it is proposed that owner occupancy be removed from the proposed Zoning By-law. It is recommended that owner occupancy be included as a licensing requirement.</p> <p>The following text is proposed to be removed from the Zoning By-law: <i>The <b>dwelling unit</b> in which the <b>second unit</b> is located shall be the principal private residence of the subject property owner and they must not be an occasional or casual resident thereof;</i></p>
3	Mississauga Real Estate Board	Statistics on expected new units to be created are unreliable.	Statistics are based on the experience of other municipalities with creation of new legal second units with building permits.
4	Mississauga Real Estate Board	Prohibitive requirements result in unlawful second units.	Penalties will result if a second unit is unlicensed.
5	Mississauga Real Estate Board	Second units in condominium townhomes runs counter to existing condominium declaration by-laws. Freehold should be included to the definition.	For condominium townhouses, a proposed second unit would need to comply with applicable requirements of the condominium corporation. A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued.
6	Mississauga Real Estate Board	Include standard of occupancy per square metre.	The City's Property Standards By-law includes a minimum occupancy standard (one person per nine square meters of habitable room floor area). Compliance with the Property Standard's By-law will be a condition of licensing.
7	Mississauga Real Estate Board	Concern with proposed minimum and maximum floor area requirements.	Minimum and maximum floor areas are included to manage impacts on neighbourhoods and change of use beyond what is permitted by second units.
8	Mississauga Real Estate Board	Oppose two-tiered licensing regime.	Licensing fees reflect inspection of two units in an investment dwelling with a second unit.

**Appendix 4**  
**Comments from the Public**

#	Respondent	Issue/Comment	Response
9	Mississauga Real Estate Board	Online mandatory course for fee could provide information and be a revenue source.	Will be considered to be incorporated in the proposed Education Program.
10	Mississauga Real Estate Board	Distinct property class by MPAC is unwise as a legal second unit will increase the value, assessment and taxes.	MPAC has advised that an additional category for dwellings with second units is not being considered.
11	Alice Jacques	Second dwelling units should be allowed. A private homeowner should be able to supplement their income with this revenue.	One of the benefits of second units documented in the research is that they provide an income supplement and make homeownership more affordable.
12	Alice Jacques	Should be regulated to ensure neighbourhoods are not impacted.	The Second Unit Implementation Strategy proposes zoning regulations and licensing requirements for a legal second unit.
13	Alice Jacques	Registration of second units should be required to ensure the safety of tenants and provide good living conditions.	Licensing will ensure second units are safe as applicable Building and Fire Codes need to be met before a license would be issued.
14	Alice Jacques	A hot line should be set up to report suspected illegal units.	311 calls regarding complaints on second units are directed to the Enforcement Division and investigated. Callers are required to provide their contact information to register any complaint with the City. The City does not accept anonymous complaints.
15	Alice Jacques	City services are already in place and illegal units are using these services.	Legalizing second units will provide information as to the location of these units and allow the City to better plan services.
16	Henry and May Darmetko	Permitting second units will negatively impact the character of neighbourhoods and quality of life by increased noise and parking on streets and boulevards.	The proposed Zoning By-law for second units incorporates regulations intended to protect neighbourhood character including regulations for parking. Licensing of second units is also proposed to ensure compliance with the City's Property Standards By-law and Noise By-law.

**Appendix 4**  
**Comments from the Public**

#	Respondent	Issue/Comment	Response
17	Daniel Amsler Mississauga Community Legal Services	Mississauga should license larger rental properties.	This study only considers licensing for second units. Licensing of larger rental properties has significant liability issues.
18	Daniel Amsler Mississauga Community Legal Services	The requirement for an additional parking space for second units is a concern.	On street parking associated with second units is a concern. Proposed on-site parking is proposed to address this issue.
19	Daniel Amsler Mississauga Community Legal Services	Concern that a licence could be rescinded.	Zoning regulations and licensing requirements for second units are proposed to protect second unit owners, tenants and the neighbourhoods within which they are located. A license could be rescinded if a dwelling with a second unit did not meet health, safety or property standards.
20	Ben De Castro	Second units reduce home values in surrounding areas.	The proposed zoning and licensing for second units are intended to protect neighbourhood character. MPAC has indicated that a second unit can add value to a property.
21	Ben De Castro	Loss of tax revenue.	Property taxes are based on assessed value. If assessed value increases, revenues will also increase. MPAC has indicated that a second unit can add value to a property.
22	Ben De Castro	Accommodate illegal activities in second units.	The association of second units with illegal activities is prejudicial. Peel Regional Police investigate illegal activities in the City.
23	Ben De Castro	Townhomes are not designed to facilitate basement access.	It is recognized that townhouses have fewer opportunities for access. Access to a second unit can be from outside or inside the dwelling provided access meets Building and Fire Codes.
24	Paula Tenuta BILD	Objection to owner occupancy regulation based on: <ul style="list-style-type: none"> <li>Public process based on resident otherwise second units permitted as-of-right</li> <li>Zoning only deal with land use and built form not user</li> <li>Section 35 (2) of the Planning</li> </ul>	Upon further review, it is proposed that owner occupancy be removed from the proposed Zoning By-law. It is recommended that owner occupancy be included as a licensing requirement.

**Appendix 4**  
**Comments from the Public**

#	Respondent	Issue/Comment	Response
		<p>Act prohibits a zoning by-law that distinguishes between persons who are unrelated</p> <ul style="list-style-type: none"> <li>• Zones for user not the use</li> </ul>	
25	Paula Tenuta BILD	Owner occupancy difficult to enforce	Upon further review, it is proposed that owner occupancy be removed from the proposed Zoning By-law. It is recommended that owner occupancy be included as a licensing requirement.
26	Paula Tenuta BILD	Owner occupied requirement will deter many second units from being legally implemented and built to Code.	Upon further review, it is proposed that owner occupancy be removed from the proposed Zoning By-law. It is recommended that owner occupancy be included as a licensing requirement.
27	Paula Tenuta BILD	Owner occupancy will deter many second units from being legally implemented.	Charges could be issued resulting in monetary fines for an investment dwelling with an unlicensed second unit.
28	Paula Tenuta BILD	BILD RenoMark member will only work on legal units. Investment properties use underground operators that compromise construction and consumer protection.	The City will partner to address this issue through the education campaign.
29	Kim Wozniak	Oppose by-law that allows second units in condominium townhouses.	Municipalities are required to permit second units in detached, semi-detached and townhouse units. A proposed second unit would need to comply with applicable requirements of the condominium corporation in addition to City requirements for Building and Fire Codes, zoning and licensing. A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued.
30	Kim Wozniak	Extra traffic in townhouse communities.	A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued.

**Appendix 4**  
**Comments from the Public**

#	Respondent	Issue/Comment	Response
31	Kim Wozniak	Lack of parking for second units is a concern in condominium townhouse communities.	One additional parking space for the second unit is a proposed zoning regulation for a dwelling with a second unit. A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued.
32	Kim Wozniak	Safety concerns (more population with more issues).	The association of second units with illegal activities is prejudicial. Peel Regional Police investigate illegal activities in the City.
33	Kim Wozniak	Additional trash and pollution are a concern.	The Property Standards By-law will need to be met and maintained as a condition of licensing.
34	Kim Wozniak	Utility usage in condominium corporations are a concern. Some utilities included in condominium fees.	A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued. If utilities are a common element in the condominium, this will need to be addressed by the individual corporation.
35	Kim Wozniak	Safety concerns if basement apartments are not properly regulated and not safe...fire could affect neighbourhood units.	All second units will be required to meet applicable Building and Fire Codes.
36	Kim Wozniak	Existing infrastructure in older areas cannot sustain a population increase.	Legalizing second units will provide information as to the location of these units and allow the City to better plan services.
37	Kim Wozniak	Second units should be closely regulated in detached houses.	The Province requires municipalities to permit second units in detached, semi-detached and townhouses. Zoning by-law and licensing requirements will regulate second units.
38	Sherry Irwin	Concern about second units in condominium townhouses. Result in increased utility usage of condominium utilities (water) and common elements (parking).	Municipalities are required to permit second units in detached, semi-detached and townhouse units. A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued. If utilities are a common element in the condominium, this will need to be addressed by the individual corporation.

**Appendix 5**  
**Comments from Planning and Development Committee**

#	Comment/Inquiry	Response
1	Financial assistance from the Province for second units.	Implementation funding was not provided for the Provincial requirement to permit second units in Bill 140. Municipalities have been providing services to second units with no additional revenue and are required to continue to do so to provide safe affordable housing.
2	Opportunities to gain additional revenue.	<p>The following actions will continue to be pursued with the Region of Peel and other partners:</p> <ul style="list-style-type: none"> <li>• A distinct property class could be identified by MPAC for dwellings with second units to generate additional revenues to address infrastructure and service needs.</li> <li>• Senior levels of government could direct more funding toward affordable housing in communities. A National Housing Strategy to fund affordable housing is needed.</li> <li>• The <i>Municipal Act</i> could be amended to expand taxation authority to be in line with the authority in <i>The City of Toronto Act</i>. With this amendment municipalities could explore additional taxation options for dwellings with second units including a business tax.</li> <li>• The <i>Development Charges Act</i> could be amended to allow municipalities to collect development charges for developments that have less than six units.</li> </ul>
3	Proposed licensing fee is low and should be reviewed.	Staff continue to recommend a licensing fee of \$500 for owner-occupied units and a \$1000 licensing fee for investment dwellings. This fee is in line with the costs of a home inspection. If a licensing fee is set too high, it will likely serve as a deterrent to legalize second units.
4	One-time licensing fee vs. annual licensing.	It is difficult to compare processes for registration, licensing and inspections of second units because of the different approaches in other municipalities. Approximately half of the municipalities surveyed require some type of renewal for the registration and licensing of second units. Staff are recommending annual licensing fees for second units to be in line with other licenses issued by the City.



**Appendix 5**  
**Comments from Planning and Development Committee**

#	Comment/Inquiry	Response
5	Apply a business tax.	Municipalities have no authority to impose a business tax under the current <i>Municipal Act</i> , 2001. The City of Toronto has been granted broader taxation authority under <i>The City of Toronto Act</i> as compared with the taxation authority in the <i>Municipal Act</i> . If the <i>Municipal Act</i> was amended to be in line with the taxation authority in <i>The City of Toronto Act</i> , municipalities could explore additional taxation options for dwellings with second units including a business tax.
6	Licensing fee needs to reflect the increase on service demands and address financial strains on the City.	A licensing fee is required to be tied to the administrative costs related to the licensing process. As a result, revenues from a licensing fee cannot to be used to support or upgrade infrastructure.
7	Additional information on separation distance requirements.	<p>Separation distances have been commonly used in zoning by-laws in association with selected rental accommodation such as group homes or lodging homes. Current practice is to remove these where they exist as municipalities update zoning by-laws due, in part, to challenges by the Ontario Human Rights Commission on the grounds that they can be discriminatory and limit sites for affordable housing.</p> <p>The Cities of Guelph and Waterloo had incorporated separation distance regulations for various forms of rental accommodation. The City of Guelph removed the separation distance regulation through a Human Rights Commission challenge. The City of Waterloo has made a commitment to remove separation distances.</p>
8	Disclosure when a home is sold.	Realtors are governed a Code of Ethics which requires disclosure of information on properties to potential buyers, this would include information on whether a second unit is permitted. Information on a real estate listings are the responsibility of the real estate agent listing the property. False or misleading information in relation to real estate transactions are investigated by the Real Estate Council of Ontario on a complaint basis. There is no obligation to disclose information in relation to a property to any other party than those involved in the transaction.
9	Inquired about the role of the Fire Marshal has for basement apartments.	The role of Fire and Emergency Services, as it relates to second units (accessory dwelling units or basement apartments), is to ensure the fire and life safety of all persons who occupy the home. Fire officials are concerned that as long as the location and existence of second units are not known to municipal officials, they are illegal, unregulated and in many cases unsafe from a fire safety standpoint. Fire and Emergency Services currently conduct fire safety inspections on <i>known</i> second units under the Ontario Fire Code ensuring compliance with the regulations and municipal by-laws.

### Appendix 5

#### Comments from Planning and Development Committee

#	Comment/Inquiry	Response
		When second units are permitted, owners of the homes will be required to bring their buildings into compliance with fire safety regulations adopted under the Ontario Fire or Building Codes depending on the year of creation. Tenants in these buildings are entitled to live in a safe home and require that their landlords comply with fire regulations. Fire and Emergency Services will continue to ensure that fire regulations are adhered to for the safety of the residents and owners.
10	Partnership opportunities with Peel Housing.	<p>A number of partnership opportunities with the Region of Peel continue to be pursued as part of the Second Unit Implementation Strategy including:</p> <ul style="list-style-type: none"> <li>• <b>Peel Renovates</b> – Renovation funding for low income residents to assist in meeting Building and Fire Code requirements subject to a number of conditions being met.</li> <li>• <b>Rent subsidies</b> – Rent subsidies could be used to support tenants living in legal second units.</li> <li>• <b>Applicant referrals</b> - Region staff could assist in referring prospective tenants to second units.</li> <li>• <b>Property management support</b> – Support with educational materials to advise homeowners about good landlord business practices and to facilitate stable tenancies.</li> </ul>
11	Information on licensing of multi-residential units.	Municipalities do not license multi-residential buildings due to the complexities of ensuring compliance with fire safety features in multiple unit buildings. This can result in substantial liability issues.
12	Legal Opinion on second Units in condominium townhouses.	The <i>Condominium Act</i> sets up a structure with provisions restricting owners and affecting units which could include limiting the dwellings to a single residential unit. A provision where the condominium unit was only to be occupied and used as private, single-family residential dwellings and not to be leased without the corporation's prior approval has been upheld by the Courts.

**Appendix 5****Comments from Planning and Development Committee**

#	Comment/Inquiry	Response
		Municipalities are <i>required</i> to permit second units in detached, semi-detached and townhouse units. For condominium townhouses, a proposed second unit would need to comply with applicable requirements of the condominium corporation in addition to the zoning and licensing requirements. A letter with permission of the condominium corporation will be required before a Building Permit/Licensing is issued.

**peel** District  
School Board

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January 8, 2013

Ms. Emily Irvine  
Policy Planning Division  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

PLANNING & BUILDING RECEIVED			
JAN 10 2013			
Division	Action	Info	Seen
Communications			
Building			
Policy Planning			
Dev. & Budget			
Bus. Services			

Dear Ms. Irvine:

RE: **Housing Choices: Second Units Implementation Strategy, November 13, 2012**  
**City of Mississauga**

Thank you for providing the Peel District School Board the opportunity to review the above noted report and strategy report.

The Board is currently dealing with the need for school accommodation as students from existing and illegal second units already attend the Board's schools and are included in the Board's school enrolments and enrolment projections.

Based on the research findings presented in the report, the number of new units expected on a yearly basis is not that significant. In areas of the City where enrolment is declining and/or the Board has space the impact of second units will not be great. As well, there would be minimal impact on schools as it is anticipated that units would be spread throughout the City of Mississauga.

If you require any further information please contact me at 905-890-1010, ext. 2217.

Yours truly,



Paul Mountford, MCIP RPP  
Intermediate Planning Officer  
Planning and Accommodation Dept.

c. S. Hare, Peel District School Board  
J. Rogers, Dufferin-Peel Catholic District School Board

Trustees Second Units.doc

Janet McDougald, Chair  
Suzanne Nurse, Vice-Chair  
Stan Cameron  
Beryl Ford  
David Green  
Meredith Johnson

Steve Kavanagh  
Sue Lawton  
Brad MacDonald  
Harinder Malhi  
Jeff White  
Rick Williams

Director of Education and Secretary  
Tony Pontes

Associate Director,  
Instructional Support Services  
Scott Moreash

Associate Director,  
Operational Support Services  
Carla Kisko



## Dufferin-Peel Catholic District School Board

40 Matheson Boulevard West, Mississauga, Ontario L5R 1C5 • Tel: (905) 890-1221 • Fax: (905) 890-7610

January 15, 2013

Emily Irvine  
Policy Planning Division  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

Dear Emily Irvine:

RE: **Housing Choices: Second Units Implementation Strategy, November 13, 2012**  
**City of Mississauga**

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Thank you the opportunity to review and comment on the Housing Choices: Second Units Implementation Strategy report.

In general, any students from existing second units within our jurisdiction are already being accommodated at our schools, with little impact on our infrastructure. In some neighbourhoods, we are still seeing declining enrolment, despite having additional second units within the community. It is possible that additional enrolment from second units could be slowing down this enrolment decline, but certainly, not adding enough school population to create an accommodation issue.

Each community is unique, and without knowing the actual number of second units in specific school catchment areas, it is difficult to determine the actual quantitative impact these units have on our schools. In areas of new growth, there is the potential to see an increase in our pupil yield with the legalization of second units. Of course, that would depend on the number of units proposed, the make-up of these units, and the demographic of the folks occupying such units.

If you require any further information please contact me at 905-890-0708, x. 24299.

Yours truly,

A handwritten signature in black ink, appearing to read 'Joanne Rogers'.

Joanne Rogers, MCIP, RPP  
Acting Senior Planner

- c. P. Mountford, Peel DSB
- S. Hare, Peel DSB
- S. Cox, Dufferin-Peel Catholic District School Board