



CITY OF
ST. CATHARINES

Deferred by General Committee
on Dec 10, 2012 to Jan 21, 2013

Corporate Report

Report from Planning & Development Services, Implementation

Date of Report: November 20, 2012 **Date of Meeting:** December 10, 2012

Report Number: PDS-677-2012 **File:** 35.31.87

Subject: Bill 140, Strong Communities through Affordable Housing Act, 2011

Recommendation

That Council receive for information purposes the report from Planning and Development Services dated November 20, 2012 regarding The Strong Communities through Affordable Housing Act. FORTHWITH

Summary

This report outlines the requirements of Bill 140, The Strong Communities through Affordable Housing Act, 2011, and how the City of St. Catharines will satisfy these requirements.

Background

On October 12, 2012, Council requested a report on Bill 140, Strong Communities through Affordable Housing Act, 2011.

Report

Bill 140, the Strong Communities Through Affordable Housing Act, 2011

Bill 140, the Strong Communities Through Affordable Housing Act, 2011 (SCTAHA) is the foundation for Ontario's long-term commitment to affordable housing. The Act includes a wide range of actions to improve the affordable housing system, including amendments to the Planning Act. The changes for second units came into effect on January 1, 2012. Second units, also known as accessory or basement apartments, secondary suites and in-law suites, are self-contained residential units with kitchen and bathroom facilities within a dwelling or within structures accessory to a dwelling (such as a detached garage). Identified benefits of second units include: an increase in affordable housing stock; opportunities for additional income for homeowners; creation of a variety of housing types; and, increased densities in established neighbourhoods.

The SCTAHA amended various sections of the Planning Act to facilitate the creation of second units by:

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

While the SCTAHA requires municipalities to permit second units, municipalities are responsible for determining what standards or zoning provisions should apply to second units. These provisions may include minimum or maximum unit size or parking requirements. The SCTAHA does not change any requirements under the Building Code, nor does it grandfather second units which were constructed without the necessary planning or Building Code approvals.

Implementation the SCTAHA in St. Catharines

In St. Catharines, Section 7.10 of the Garden City Plan permits accessory apartments in single detached, semi-detached and townhouse dwelling units, or in a detached structure accessory to a single detached, semi-detached and townhouse dwelling unit in accordance with applicable by-law requirements and other applicable laws and requirements, including the Building Code, Fire Code and Property Standards By-law.

Currently, the City's Zoning By-law permits duplex dwellings and second units in some but not all residential zone categories. Planning and Development Services is preparing a new comprehensive zoning by-law for Council consideration in 2013. The new comprehensive zoning by-law will implement the policies of the Garden City Plan and implement the requirements of the SCTAHA.

Existing Second Units

The SCTAHA does not grandfather existing illegal second units which do not have planning and building permits. Zoning compliance and Building Code compliance are still required to have illegal units permitted. Future changes to the comprehensive zoning by-law will not retroactively permit illegal second units which have been established without necessary approvals. Once the new comprehensive zoning by-law takes effect, it may be easier for homeowners to obtain the necessary planning approvals to permit a second unit, although compliance with the Building Code will still have to be demonstrated and a permit issued.

Conclusion

The SCTAHA includes a wide range of actions to improve the affordable housing system, including amendments to the Planning Act. These changes have been incorporated into the Garden City Plan and greater permission for second units will be included in the new comprehensive zoning by-law. These changes will not

legalize existing illegal units. Legalization of existing units requires compliance with the applicable zoning, and applicable building permits.

Financial Implications

Not Applicable.

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