

**Bill 140: shall...allow a secondary unit**

Presented by:

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To: Heather Woolsey, email: [hlysynsk@london.ca](mailto:hlysynsk@london.ca), and also to

Planning and Environment Committee **Members:**

- Councillor P. Hubert (Chair)
- Councillor M. Cassidy
- Councillor J. Helmer
- Councillor P. Squire
- Councillor S. Turner

Dear Committee members:

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- Re: OZ-8053, Planner: L. Maitland Tel 519-661-2500 x7360, [lmaitlan@london.ca](mailto:lmaitlan@london.ca)
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OZ-8053 PURPOSE AND EFFECT: The purpose of the Official Plan amendment is to adopt policies to permit secondary dwelling units within single detached, semi-detached and townhouse dwellings or ancillary structures related to those units. The purpose of the Zoning By-law amendment is to set out requirements for implementation of the Official Plan policies related to secondary dwelling units. The policies and provisions would allow owners the opportunity to create a separate and ancillary dwelling unit within an existing dwelling or an accessory structure subject to criteria set out by the Official Plan and Zoning By-law.

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- This Bill is about creating Affordable Housing
- Bill 140 will help alleviate the taxpayer's burden in supporting and paying for the capital cost of affordable housing and / or monthly rent support
- Cost of a new Secondary Dwelling Unit is born by the property owner, NOT the City
- Existing Infrastructure is employed



**Bill 140**

*(Chapter 6  
Statutes of Ontario, 2011)*

**An Act to enact the  
Housing Services Act, 2011,  
repeal the Social Housing Reform  
Act, 2000 and make complementary  
and other amendments to other Acts**

**The Hon. R. Bartolucci**  
Minister of Municipal Affairs and Housing

Bill 140 – Royal Assent May 4, 2011

SCHEDULE 2  
AMENDMENTS TO  
PLANNING ACT

1. Clause 2 (j) of the *Planning Act* is repealed and the following substituted:

(j) the adequate provision of a full range of housing, including affordable housing;

2. Section 16 of the Act is amended by adding the following subsection:

Second unit policies

(3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,

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- (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.

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Note key word in (3) is

**“shall”**,

not “may”.

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6. The Act is amended by adding the following section:

By-laws to give effect to second unit policies

35.1 (1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3).

- Note key word in 35.1 (1) is **“shall”**, not “may”.

## Bill 140 – Royal Assent May 4, 2011

- It is now November 2015
- Some 4.5 years have passed since Royal Assent
- Why has the City not complied with the “**Shall**” order?

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### What are second units?

- Second units — also known as accessory or basement apartments, secondary suites and in-law flats — are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).
- Second units must comply with any applicable laws and standards. This includes the [Building Code](#), the [Fire Code](#) and property standards bylaws.

Source: <http://www.mah.gov.on.ca/Page9575.aspx>

## Bill 140: **shall**...allow a secondary unit

Bill 140 does NOT grant the City of London the ability to develop policies and regulations to mitigate potential REAL OR PERCIEVED “impacts” created by secondary dwelling units.

“Impacts” have been dealt with via existing policies and regulations for a detached house, semi-detached house, or rowhouse

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- The City has and will continue to have the ability to develop policies and regulations re detached house, semi-detached house, or rowhouse.
- However, the City’s OP “**shall**” authorise the use of a second residential unit

## Existing Housing in London

London - 2011 Census	
Structural Type of Dwelling	Number
Single-Detached House	77,860
Semi-Detached House	5,860
Row House	19,085
<b>Total</b>	<b>102,805</b>

## Potential New Secondary Dwelling Units

Assuming Conversions to Secondary Dwelling Units at 2.5% to 10% and Secondary Dwelling Unit Value of \$100,000:				
Dwellings	102,805	102,805	102,805	102,805
%Second Unit	2.50%	5.00%	7.50%	10.00%
#Second Units	2,570	5,140	7,710	10,281
\$/Cost	\$100,000	\$100,000	\$100,000	\$100,000
\$Total = Affordable Housing	\$257,012,500	\$514,025,000	\$771,037,500	\$1,028,050,000

## Motivation: Second Dwelling Unit

How boomers plan to make up for their lack of retirement savings	
Rent out part of home for additional income	19.00%
Source: London Free Press and BMO Wealth Institute	

## Near Campus Neighbourhoods

- There will be no negative impact in the Near Campus Neighbourhood areas where the "owner" 100% fee simple ownership lives on site concurrently with the secondary dwelling.
- Owner occupied dwellings with secondary units will likely improve the neighbourhood as the owners will have additional income to maintain \ upgrade properties.

Colborne St. North of Oxford



Devonshire Avenue



### Discrimination and Fairness

- The City's proposal would discriminate against property owners in the Near Campus areas
- For example, a secondary unit would not be allowed on Colborne Street North of Oxford
- However a secondary unit would be allowed on Devonshire Avenue in South London
- This discriminates and is not fair

### Near Campus

- The perceived student problem in the near campus areas is being resolved.
- UWO as built 1000 new bedrooms on Sarnia Road in residence along with the existing residence accommodations.
- More are planned.
- The new 600 unit two bedroom suites on Richmond street north of the campus will accommodate 1300 more students.
- A site directly across from the 600 units just sold for \$7.0 Million, more student housing

UWO Campus



Richmond Street



## Near Campus

- There are a large number of absentee landlord properties that are for rent and for sale that will likely be turned back into single detached dwellings.
- There is little or no risk for secondary suites becoming a problem in the Near Campus Neighbourhood.
- In my view the management of the secondary suite tenant, management of the building and relationship with neighbours is fully addressed where the actual owner resides on site.
- People take pride in where they live and will continue to do so if they have a secondary suite.

## Near UWO Jan 12, 2014 - Lots of Vacancies



## Bill 140: shall...allow a secondary unit "shall" is IGNORED by OZ-8053

- OZ-8053 PURPOSE AND EFFECT of the Official Plan amendment is to adopt policies to permit secondary dwelling units within single detached, semi-detached and townhouse dwellings or ancillary structures related to those units.

## Bill 140: shall...allow a secondary unit

Bill 140 does NOT allow the City to  
adopt non-Bill 140 policies  
to permit secondary dwelling units, Bill 140  
**shall...allow a secondary unit.**

Policies already exists for single detached,  
semi-detached and townhouse dwellings or  
ancillary structures

**Bill 140: shall...allow a secondary unit**

The City must not pass a by-law that:

- Does not allow secondary units in certain defined areas of the city
- Limit area or bedrooms in a secondary unit
- Require a parking space for a secondary dwelling unit
- License a secondary unit
- Restrict property ownership occupancy based on secondary unit
- Is a Policy that in any way alters **Bill 140** which **shall...allow a secondary unit**

**Bill 140: shall...allow a secondary unit**

- Bill 140 Schedule 2, Amendments to Planning Act, 2. (3), states “...an official plan shall contain policies that authorize the use of a second residential unit by authorizing...”, (a) and (b).
- **Bill 140 does NOT allow the City to adopt policies other than detailed by Bill 140, Schedule 2, 2. (3), (a) and (b) detailed on a previous slide.**