



Advocacy Centre for Tenants Ontario  
Centre ontarien de défense des droits des locataires

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Chair and Members,  
Planning and Environment Committee  
City of London, P.O. Box 5035  
London, Ontario N6A 4L9

Attention: Heather Woolsey, Committee Secretary

Dear Sirs/Mesdames:

**Re: Official Plan and Zoning By-law Amendments – Secondary Dwelling Units**

The Advocacy Centre for Tenants Ontario is a community legal clinic funded by Legal Aid Ontario, mandated to improve the housing rights of low-income Ontarians, including security of tenure, affordability, and adequacy. We are following up on a letter we wrote to you two years ago when this matter was previously before your Committee. A copy of that letter is attached.

In that letter, we pointed out that an adequate supply of housing that is affordable to low-income people is key to ensuring the success of Ontario's Long-term Affordable Housing Strategy and that the primary means envisioned in that strategy to increase the supply of such housing is to facilitate the creation and maintenance of secondary suites in existing homes. The 2011 *Planning Act* amendments - requiring municipalities to amend their Official Plans to authorize the use of second residential units and restricting the ability of parties to frustrate municipalities' efforts to carry out this direction through Ontario Municipal Board appeals - were directed to that end.

We understood the decisions of your Committee and of Council to defer consideration of this matter two years ago to be a recognition that the approach recommended by City staff was inadequate to meet these goals. We know that a number of voices from across the City were raised, seeking a more constructive approach than the highly restrictive one recommended by the Managing Director, Planning and City Planner. However, it would appear that very little attention was paid to those voices. After two years, the Director has come back to you with the same recommendations with the sole exception of a relaxation of parking requirements.

We continue to believe that these recommendations are directly contrary to the policy direction set out in the *Planning Act*. That direction includes having regard to the provincial interest in the adequate provision of affordable housing (s. 2 (j)). The unreasonable restrictions proposed on the permissible locations for secondary suites

are inconsistent with the housing policies contained in the Provincial Policy Statement 2014 (PPS) and thus contrary to the City's obligations under the *Act*. In particular the City is obliged by the PPS (at para. 1.4.3) to:

- “... provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by ...permitting and facilitating:
1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
  2. all forms of residential intensification, including second units...”.

The prohibition of secondary suites in buildings not occupied by their owner or in buildings within the “Near-Campus Neighbourhood Area” as well as the prohibition of units containing more than one bedroom, ignores the desperate need for this type of housing in the City of London. With no other plans for addressing the housing needs of people who are, or would be, living in these units, your open defiance of the governing legislation in this area is adding to the hardship of vulnerable and marginalized people.

These proposals must be rejected once again. Official plan policies and zoning by-laws must be developed that will address the critical need for affordable housing in London and conform with provincial laws. Removal of the three restrictions referred to above would, in our opinion be sufficient to meet these goals.

As you are no doubt aware, the province has not granted the City of London the unrestricted power to pass laws that do not comply with its planning objectives. The Minister of Municipal Affairs has the power, if so advised, to authorize the use of second suites anywhere in the province or to establish appropriate requirements and standards with respect to these units by regulation. Such a regulation would apply as though it were a zoning by-law and would prevail over any restrictive by-law Council may enact in regard to second suites. If the measures proposed by the Managing Director, City Planning and Chief Planner are adopted by Council, we intend to immediately ask the Minister to exercise this power and eliminate these restrictions by regulation.

The needs of those seeking an affordable rental unit must prevail over the narrow interests that are being served by the proposed measures. We ask that you meet your obligations to all your constituents and adopt Official Plan provisions and zoning by-law amendments that conform with the City's *Planning Act* obligations and with good land use planning.

Yours very truly,  
**Advocacy Centre for Tenants Ontario** per:



Kenneth Hale,  
Director of Advocacy and Legal Services