

City of London
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Attention: C. Saunders, Clerk
Chuck Parker, Senior Planner
London Planning & Environment Committee

Comments Re: Additional Residential Unit - Official Plan & Zoning By-law Amendments
File: OZ-9176

My client (*Reed Rentals & Renovations*) has received the [Public Meeting Notice](#) for the November 30th 2020 meeting of the Planning and Environment Committee (PEC) with respect to housekeeping amendments (file: OZ-9176) proposed to the [London \(Official\) Plan](#) and [Zoning By-law No. Z.-1](#).

The City has initiated *Planning Act* applications to amend local policies and Zoning By-law regulations to permit additional residential units broadly across the residential designated areas of the City. The purpose of these applications is to exercise municipal conformity to recent *Planning Act* changes made by [Bill 108](#) (More Homes, More Choice Act, 2019), and [O. Reg 299/19](#) (Additional Residential Units) by the Provincial Legislature.

[Subsection 16 \(3\)](#) of the *Planning Act* states an Official Plan shall contain policies that authorize the use of two residential units in a detached, semi-detached or rowhouse; and the use of a residential unit in an accessory building to the foregoing.

Clause 2 (3)(b) of the [Development Charges Act](#) states development charges cannot be required to permit the creation of two additional dwelling units with an existing single detached dwelling (so long as the total gross floor area of the new units does not exceed that of the existing principle dwelling) [O.Reg 82/98, s2.\(1\)](#).

Similarly, the City's draft 2021 [Development Charge By-law](#) exempts the creation of two additional dwelling units in an existing single detached dwelling with the same GFA restriction. However, the City should consider amending Part V section 35. (2) to delete the word, "in", so that at the time of building permit, the application of local development charges cannot be misconstrued for needing to be applied to a building permit for a 3rd unit in an accessory building, just because it is not within the footprint of the existing single detached dwelling. It is quite clear that the intent of O.Reg 82/98 is to exempt the requirement for development charges to be payable for the addition of two (2) additional dwelling units, on a property that supports the existing prescribed class of building, regardless of its location. In other words, the Province does not mention the need for both of the two additional dwelling units to be located with-'in' the existing dwelling, and nor should the City.

The intent of these Provincial measures is to increase housing supply throughout Ontario, and particularly improve the affordable housing supply. Although second (or 3rd) dwelling units are not guaranteed to meet the [Provincial Policy Statement](#) definition for 'affordable', they tend to have smaller floor areas, which help, induce a ceiling on their maximum value and thus, market rent. Additional residential units help provide independent living arrangement for family members, and they can help

supplement the expensive carrying costs of a property, especially for novice homebuyers who may require additional revenue to qualify for a typical mortgage.

Recommendations

It should be noted that section 7(3) of [O. Reg. 384/94](#) states that no planning document shall regulate the size of two residential units based on their relationship.

Therefore, the proposed Zoning By-law Amendment should amend [section 4.37.5](#)) by replacing the current floor area restriction of a secondary (or additional) dwelling unit being 40% of the GFA of the primary dwelling unit, with an appropriately similar flat number. For example, a maximum GFA of 60 m², will help meet affordability objectives and ensure subordinacy to the primary dwelling unit in lieu of a percentage requirement which is based off of the relationship between the two residential unit's floor areas, conflicting with O. Reg. 384/94. The percentage restriction also negatively affects small houses by hindering their ability to enjoy as-of-right building permit permissions for reasonably sized additional dwelling units.

The proposed amendments otherwise conform to, and are consistent with the relevant Provincial planning policies and legislation. More particularly, the amendments will help:

- Increase & diversify the housing supply;
- Afford more opportunities for gentle intensification;
- The City meet its growth management and intensification goals by facilitating gentle infill opportunities within established neighbourhoods and avoiding costly, premature urban boundary expansions on sensitive agricultural / environmental lands;
- Provide entry-level housing arrangements for novice real estate investors;
- Provide more housing choice for the young and elderly with the ability to age-in-place; and
- Provide safer living accommodations by inducing the creation of more *legal* apartment units with the benefit of building permits.

The City led policy and Zoning By-law Amendments should be approved by City Council as they represent good land use planning practice and make more efficient use of existing municipal infrastructure within a finite *urban settlement* area.

Prepared by:



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