



Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, Ontario
M7A 2J3

**Re: ERO #019-9210 Proposed amendment to Ontario Regulation 299/19 ADDITIONAL
RESIDENTIAL UNITS, made under the Planning Act**

The Ontario Home Builders' Association

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario, representing 4,000 member companies organized into 28 local associations across the province. Members include builders, developers, professional renovators, trade contractors, suppliers, and manufacturers serving the residential construction industry.

Please accept the below as our submission to the government's request for feedback on a proposal for a regulation under the *Planning Act* to facilitate the creation of additional residential units (ARUs), which is being submitted on behalf of OHBA and its 28 local associations including but not limited to BILD, West End HBA, Greater Ottawa HBA, and London HBA.

Environmental Registry Background

The Ministry of Municipal Affairs and Housing is consulting on a proposed regulation under the *Planning Act* to facilitate the creation of additional residential units (ARUs).

Previously, to support the implementation of ARUs, Bill 185 made changes to the Planning Act to provide the Minister with broader regulation-making authority to align municipal by-laws in support of building more ARUs (see ERO #019-8369).

However, this regulation only addressed zoning by-law barriers under the Planning Act; public health and safety requirements, including those in the Building Code, Fire Code and other legislative instruments (e.g. Conservation Authorities Act) continue to apply. Amending the ARU regulation (O. Reg 299/19) again following this current consultation could potentially bring about the creation of additional residential units, such as basement suites and garden suites if remaining barriers are eliminated. Removing these remaining red tap hurdles could potentially reduce or eliminate the need for rezoning or minor variances, saving time and money and helping to build more homes.

OHBA Response

OHBA is encouraged that the Ministry of Municipal Affairs and Housing continues to recognize the need to take further steps to address barriers that are hindering the ability for additional residential units to be facilitated in new and existing homes across the province. Gentle intensification in new and existing residential areas is one of the many ways that the building industry, the government and the public can all play a role in bringing more housing units online. Through Bill 23, the OHBA previously commended

the government for recognizing the need for provincial intervention in local municipal planning frameworks to accelerate the implementation of an updated “additional residential unit” framework. We continue to be supportive of any additional changes that more easily and readily allow “as-of-right” (without the need to apply for a rezoning or minor variances) up to 3 units per lot in new and existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building such as a garage).

OHBA, with the support of its 28 local associations, have provided the current and previous governments with years of recommendations through submissions, deputations, research, and advocacy in an ongoing effort to modernize local zoning regulations for a more permissive framework and to put an end to exclusionary zoning. The simple fact is our communities and neighbourhoods are constantly evolving; no longer does the concept of a “stable neighbourhood” exist as it once did. Introducing small-scale housing options in these established neighbourhoods keeps the population stable, allows aging residents the ability to age in place through family and community supports, and provides the clientele needed for local businesses to thrive. Allowing more small-scale housing units in established neighbourhoods increases the supply of housing in location-efficient neighbourhoods. We have solutions available to create more small-scale affordable housing, but those housing options can not be built under current zoning rules in many neighbourhoods.

OHBA fully supports the province’s continuous efforts to get more housing built, provide access to and options of all types, and lower the cost of, housing for all Ontarians. Through Bill 185, we were supportive of the initial changes to the Planning Act to provide the Minister with broader regulation-making authority to align municipal by-laws in support of building more ARUs. We are once again strongly in support of enhancing these regulation-making powers to remove zoning barriers that actively prevent the facilitation of additional residential units like basement suites and garden suites.

Proposed Contents

We understand that feedback received through ERO #019-8369 led to the government consulting on this proposal that includes potential specific performance standards in the future Minister’s regulation. We also recognize that the proposed performance standards would not apply to rural areas, or settlement areas without full municipal servicing.

Overall, OHBA is fully in support of the proposed regulations outlined in ERO #019-9210 on: angular planes, maximum lot coverage, floor space index, minimum lot size and building distance separation. There are a couple considerations related to these proposed regulations and additional recommendations we would like the government to take into account as progress moves forward on this regulation.

1. Angular plane: Fully in support of removal of all angular plane requirements for buildings with ARUs.
2. Maximum lot coverage: Member feedback has recommended that the 45% maximum lot coverage for all buildings and structures on parcels with ARUs **should be increased to 50%**.
3. Floor space index: Fully in support of removal of all floor space index requirements that apply to parcels with ARUs.

4. Minimum lot size: Fully in support of removing all minimum lot size/lot area requirements for parcels with ARUs.
5. Building distance separation: OHBA is supportive of reducing this as much as possible. Member consensus has indicated that the 4-metre **maximum should be reduced to 3 metres**. Realistically, separation distances should be limited to the needs of the fire department and proper fire separation/rating, which 3 metres (or even less) would still accommodate adequately.
6. Stemming from point 5, if there is an existing garage or accessory structure that is closer than the identified maximum, allow for it to be converted or have an additional unit added so long as it maintains the same footprint.
7. Additional units in an ARU: OHBA members have suggested that additional units should be able to be built (i.e. at least 2 in any ARU) as the costs of building a new structure to only be permitted to have 1 unit in it can be debilitating to the potential of the project. Allowing at least 2 units per ARU (insomuch as allowing more flexibility as to where those units can go – like 2 in a detached ARU) would bring down costs per square foot and improve a proforma significantly. 3 (or 4 in some cases) in the existing house is often not achievable and homeowners should have flexibility to allocate the units to what makes the most sense for a particular site.
8. Allow for single egress for 3 storeys and above, like what BC has recently implemented. Similar to the point above, 3 (or 4 in some cases) in the existing house is often not achievable because of code requirements surrounding egress, so if this really is an effort to allow for more housing units to be built more efficiently and cost effectively, this aspect needs to be expedited in concert.
9. Consideration should be given to current height allowances (maximums) across municipalities for detached accessory structures. While we recognize that it would be difficult to set an arbitrary maximum height that would work in all municipalities across the province, perhaps consideration could be given to setting an 80% height allowance comparative to the main structure, so that in some instances in very dense municipalities with tight lots, a laneway suite that is two-storeys while still having an option to provide a parking spot on site could be facilitated, but the height would still be maintained as less than relative to the main structure.
10. Additional consideration could be given to setting rear and side yard setback maximums for ADUs as well. Some municipalities propose significant setbacks (up to 7.5 metres for a rear yard setback) which significantly impacts the ability to construct ADUs. OHBA recommendation would be to permit a maximum setback of either 0.6 metres to 1 metres from side and rear yards, which is aligned with typical setbacks required for accessory structures.
11. In instances where a municipality may not have a strict zoning by-law regulation (like an angular plane restriction) but treats these and other aspects/restrictions as “guidelines”, direction from the province should be given upon release of the modified O. Reg. 299/19 that instructs municipalities that any additional ‘guidance’ related to ARUs is not permitted to be mandatorily enforced when it is counter to O. Reg. 299/19.
12. OHBA continues to advocate for the reduction of parking minimums wherever possible. Requiring one parking space be provided per ARU is antiquated and contrary to other changes regarding parking that the province has recently introduced, and maintaining this requirement in the regulation counters the intent of removing barriers to getting more ARUs built, especially in instances where a municipality is principally against the addition of more residential units in existing homes. OHBA would strongly recommend a further amendment to eliminate parking requirements from being imposed. However, at an absolute minimum the province should

recognize that demanding up to three units and therefore three parking spaces on a typical residential lot in many Ontario communities will make most conversions unviable. OHBA has previously advocated that municipalities should only be allowed to require up to one parking spot for the primary unit and we continue to support this position.

13. Finally, we would encourage the government to allow for new construction in addition to conversions and renovations to permit additional residential units, as soon as possible. It is not uncommon that reasonable modifications or additions to the existing structure are denied at the local level (like a second kitchen or separate entranceway) which ultimately becomes a further barrier to bringing more units online. Limiting the construction of more units solely through the adaptive re-use of existing structures limits the opportunities to further to government's goals to facilitate as many options as possible for additional residential units to be built.

Conclusion

The Ontario Home Builders' Association and our local associations respectfully submits the feedback and recommendations contained within this submission regarding the proposed regulation under the *Planning Act* to facilitate the creation of additional residential units (ARUs). We encourage the Minister of Municipal Affairs and Housing to take into consideration all content contained within as the government deliberates the intricacies and nuances of this policy and the development of the regulation.

Overall, the OHBA is generally in support of the proposed content of the regulation. There are a few areas highlighted above that we strongly recommend additional consideration and thought be given to in terms of how the regulation is ultimately drafted, namely in regard to maximum lot coverage, building distance separation, allowing additional units in ARUs, egress, height, side and rear yard setbacks, parking requirements and ARUs in new builds. We are happy to discuss these suggestions at your convenience.

We appreciate the opportunity to comment on this proposal. We look forward to continuing our ongoing engagement with the Ministry staff to ensure that our collective efforts are fulfilling our shared goals of delivering on Ontario's housing supply targets while improving housing attainability for current and future Ontarians.