

**RE: Environmental Registry of Ontario Posting 019-6197– Proposed Changes to Ontario Regulation 299/19 Additional Residential Units**

**From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton**

---

To Whom It May Concern,

The City of Brampton (hereinafter referred to as ‘the City’) appreciates the opportunity to provide comment on the Proposed Changes to Ontario Regulation 299/19. The City is supportive of efforts by the Province to address the housing affordability crisis and enable gentle intensification in the City’s existing low-density neighbourhoods. Although there may be locations in the City where the proposed changes are appropriate and provide for rental housing options in the secondary market for Brampton residents, the inability for the City to evaluate and consider the context, servicing capacity, delivery of community services for population growth, and enforcement challenges pose a concern if this is to be enabled “as-of-right” City-wide. Based on the information provided through this ERO posting, these changes would be applicable to a large portion of Brampton, as residential uses make up a significant portion of the City’s lands.

To support the aim of gentle intensification, the City proposes a scoped approach to these changes that should be left to the discretion of the City’s Comprehensive Zoning By-law. Additional Residential Units (ARUs) represent an opportunity to fill gaps in the housing supply, specifically for affordable housing, which should be addressed in the legislation. In many instances, ARUs are constructed as an investment opportunity that:

- Face issues with absent landlords that fail to take proper care of the properties and/or
- Fail to address the growing issue of affordability in the City.

This can impact the health and well-being of Brampton residents and often leads to additional enforcement challenges due to complaints from neighbours.

The City has outlined fulsome comments in **Appendix 1**. Overall, the City agrees with gentle intensification but in a manner that can be effectively managed and supported with the essential servicing of hard and soft infrastructure, providing capacity for municipalities to inform design standards and regulate the design and enforcement of safety standards for these units to ensure the overall well-being of Brampton residents. The City is concerned with the impact of all proposed exemptions to Development Charges (DCs), Parkland dedication or cash-in-lieu outlined through Bill 23 and proposes that these exemptions be left to the discretion of the City. The exemptions will significantly impact the delivery of necessary servicing to meet the amount of growth targeted to occur through this Bill, with 113,000 new units by 2031. Although ARUs in the City currently do not trigger collection of DCs, the need for this funding to deliver servicing for 58,000 additional units is a major problem that the Province will need to provide financial resources to address.



As identified, it is important that the City have the authority to determine appropriate locations that can support 3-units per lot through the Comprehensive Zoning By-law Review process. This will ensure that enforcement and servicing concerns can be addressed and managed in a coordinated manner.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on this posting. Please let us know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ganesh".

**Steve Ganesh, MCIP, RPP**

Commissioner (A),  
Planning, Building & Growth Management  
City of Brampton

**Appendix 1: Proposed Changes to the Ontario Regulation 299/19**

Proposed Changes	City Comments	Recommendations
<p>Accelerate implementation of an updated “additional residential unit” framework. The proposed changes would allow, “as-of-right” (without the need to apply for a rezoning) up to 3 units per lot in many 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)</p>	<p>On August 10, 2022, Brampton Council adopted an OPA and ZBL to permit up to 2 ARUs per residential lot (one in the principal dwelling, and one in a detached accessory structure know as “garden suite”). The City of Brampton currently faces challenges with illegal and potentially unsafe second units and inadequate resources for enforcement. The threshold to prove there is an illegal unit within the principal dwelling is extremely challenging and time consuming for Enforcement staff, taking up to two weeks per complaint. There will be significant challenges from an enforcement perspective with two ARUs being permitted in the principal dwelling. The Province should consider the impact this proposal will have on the City in terms of meeting servicing requirements and the enforcement resourcing needed. The Province should provide additional resources to address the health and safety matters relating to these past and proposed legislative changes.</p> <p>The City is concerned with the definition of “existing residential areas” and how wide-spread this could be defined in the Brampton context. In principle, the City supports this change. However, to maximize benefits and minimize any future issues, the City should be given the power to regulate essential and commonly agreed-upon zoning and design principles. Additionally, municipalities should have the power to target areas where these ADUs would be most appropriate, specifically in transit-supported locations, as applying this city-wide would cause parking challenges in the city.</p>	<p>The City recommends the Province encourage municipalities to implement the proposed increase of up to 3 units per lot where determined appropriate through a fulsome zoning review, rather than requiring that it be allowed “as of right”. If the Province decides to pursue this proposal, the City recommends limiting it to transit-supported locations that are more likely to address problems related to parking and servicing capacity.</p>
<p>Supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full</p>	<p>The City is concerned about the pressures this places on municipal servicing capacity.</p> <p>Are municipalities able to refine any zoning provisions where this may not be feasible and where servicing is limited?</p>	<p>The City recommends scoping where this is allowed and to leave zoning for up to 3 units to the discretion of municipalities to ensure sufficient servicing capacity is available.</p>

<p>municipal water and sewage services (excepting for legal non-conforming uses such as existing houses on hazard lands).</p>		
<p>Remove barriers and incent these types of units by prohibiting municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements (<b><u>Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges</u></b>), applying minimum unit sizes or requiring more than one parking space per unit.</p> <p>Remove provisions that are no longer needed, and make housekeeping edits to align with and complement the proposed legislative changes.</p> <p>The changes proposed to O. Reg. 299/19 are consequential to amendments made in the Planning Act (<b><u>Seeking Feedback on Municipal Rental Replacement By-Laws</u></b>) and would not result in any additional costs.</p>	<p>The City is supportive of removing barriers to incent these types of units but in a manner that leaves it to the discretion of the municipality to determine where appropriate. This is to ensure it is in a manner that can protect the health and safety of residents. Addressing problems of overcrowding and enforcement is critical in enabling this type of zoning change.</p> <p>The City recognizes that this will have significant parking implications, as on street parking is already a challenge in the city, with a large number of households paving the front lawn to make space for a car for tenants. The Province will need to invest in additional funding for public and active transit infrastructure to combat the parking problems and congestion arising from these changes.</p> <p>The implementation of changes required by Bill 108 resulted in financial impacts to Enforcement. Ensuring the health and safety of residents is of utmost importance to the City and must be considered by the Province before allowing 3 units as-of-right. This proposed change would lead to additional costs for the City to bear, which should be accompanied with additional provincial funding.</p> <p>The City is concerned with the overall impacts to the collection of Development Charges proposed in Bill 23. These types of exemptions to DCs and other charges are beneficial to be used as an incentive, targeting specific areas where intensification can be effectively supported (e.g., rear-lotted residential development close to Major Transit Station Areas).</p>	<p>The City recommends that municipalities that are already incentivizing residential densification through housing policies be permitted to continue doing so at their discretion, to ensure these discounts are targeted appropriately.</p> <p>The City recommends the Province provide additional funding to support enforcement and invest in public transit infrastructure across the city if the proposed changes go forward.</p>