

Memo

To: Minister of Municipal Affairs and Housing
From: Planning and Development Department, Town of Oakville
CC: Gabe Charles, Director, Planning & Development
Date: October 23, 2024
**Subject: Town of Oakville Comments re:
ERO 019-9210 – Proposed amendment to Ontario Regulation 299/19
ADDITIONAL RESIDENTIAL UNITS, made under the *Planning Act***

This memo provides comments in response to the Environmental Registry of Ontario posting (ERO 019-9210) that seeks feedback on proposed regulation under the *Planning Act* to facilitate the creation of additional residential units (ARUs), which would make amendments to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS.

The province is proposing to introduce performance standards in the Minister's regulation that would apply to the same lands as the current ARU framework (i.e. urban residential land permitting up to 3 units per lot). The performance standards would override local zoning by-law regulations.

The Town of Oakville understands the need to enable more housing opportunities to address the housing crisis in the province and nation-wide. The Town of Oakville appreciates the province is taking steps to encourage the creation of more additional residential units and examining ways to eliminate barriers to their creation. To that end, the Town wants to ensure that any proposed performance standard would be effective in creating more additional residential units and does not undermine local zoning by-law regulations without the intended effect of creating more housing units. As such, the Town of Oakville offers the following comments:

1) Ensuring ARUs get built

Overriding local zoning by-law regulations controlling built form is likely to have unintended consequences. As proposed, the performance standards will create opportunities for building larger homes without any assurance that an ARU will be built as a result. There is nothing in the proposed performance standards to

suggest that overriding local zoning by-law regulations for ARUs will guarantee that an ARU must be built. At present, the Town is not aware of any requirement it can put in place to require that an ARU is built as a result of expanded built-form permissions.

To this end, the Town of Oakville is concerned the performance standards will not be effective in creating ARUs, but rather, will create a loophole for applicants to build larger homes without the intended purpose of creating more housing.

Should the province continue with proposed built-form performance standards to encourage the creation of ARUs through the relaxation of zoning regulations, there must be a mechanism/requirement to ensure the performance standards are used expressly for the creation of an ARU, with a guarantee that the ARU is built.

2) Maintaining ARUs over the long-term

In addition to item 1 above, there should also be a mechanism to ensure that an ARU created as a result of the proposed performance standards, are maintained over the long-term to ensure the increased housing supply has lasting impact. At present, there is nothing in the proposed performance standards to suggest that overriding local zoning by-law regulations for ARUs will ensure that the ARU would be built or kept for any length of time. The Town is not aware of any requirement it can put in place to require that an ARU is built as a result of expanded built-form permissions, and further that the ARU is kept for any length of time once it is built.

To this end, the Town of Oakville is concerned the proposed performance standards will not be effective in creating ARUs to increase housing supply over the long-term, but rather, will create a loophole for applicants to build larger homes without the intended purpose of creating more long-term housing options.

Should the province continue with proposed built-form performance standards to encourage the creation of ARUs by overriding local zoning regulations, there must be a mechanism/requirement to ensure the performance standards are used expressly for the creation of an ARU, with a guarantee that the ARU is built and maintained over the long-term.

3) Performance Standards

Should items 1 and 2 above be addressed, the proposed performance standards identify ways that may assist to enable the creation of ARUs. The Town of

Oakville notes that several of the proposed performance standards would not apply in the town as we currently do not regulate ARUs in this manner.

A balance must be struck with proposed built-form performance standards of this nature. While the Town of Oakville strives to make efforts not to over-regulate ARUs to ensure implementation is possible, there is a strong history and community desire in Oakville to ensure maintaining neighbourhood character is considered in all decision making. Often, a one-size-fits-all approach to built-form zoning regulation poses challenges for many communities with distinct community character that is worthy of consideration.

4) Delegation of Authority

The town has already implemented new official plan policies introducing a process whereby it can delegate minor zoning by-law amendments to staff, which meet the test of a minor variance and are for the purpose of accommodating new dwelling units greater than the current number of dwelling units that exist on a site, including affordable housing and modular housing (e.g. ARUs). This process allows applicants to avoid having to go to the Committee of Adjustment for the creation of ARUs where “minor variances” (i.e. minor zoning by-law amendments that meet the test of a minor variance) may be required.