**Additional Residential Units (ARUs):**

**Proposed Amendment to Ontario Regulation 299/19**

**under the Planning Act**

**(ERO 019-9210**

**DRAFT**

This proposed regulation is pursuant to Bill 185, the **Cutting Red Tape to Build More Homes Act, 2024.**  This omnibus bill with the stated intent of removing barriers to building 1.5 million homes by 2031 included changes to a range of legislation including:

* changes to development charges and
* changes to Ontario's land-use planning framework including giving the minister of the day more regulation-making powers

The regulatory proposal currently being consulted on would remove zoning barriers that discourage additional residential units on a single lot, like basement suites, laneway suites and garden suites.

**Jurisdictional overreach**

At a governance level, this provision amounts to a jurisdictional overreach of the Province into the municipal land use planning sphere. While the Province sets the land use planning framework through the Planning Act, regulations and policy statements (PPS), municipalities have been responsible for developing and implementing the municipal Official Plan and zoning bylaws, relying on community input. As such **we oppose the proposed measure in principle** as taking away the ability of the municipality to plan for local land use and housing needs within a provincial framework.

**Zoning Policy re ARUs**

Through Bill23 (the More Homes Built Faster Act, 2022), changes were made to the Planning Act to accelerate implementation of the province’s additional residential unit (ARU) framework.

These changes allow “as-of-right” the use of 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). This as-of-right permission applies province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (excepting for legal non-conforming uses such as existing houses on hazard lands). Changes were also made to remove certain barriers (i.e., development charges, parkland requirements, minimum unit sizes and parking requirements) to encourage the creation of more additional residential units.

The proposal includes the following performance standards in the 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 proposed performance standards would not apply to rural areas, or settlement areas without full municipal servicing:

1. Angular plane
2. Maximum lot coverage
3. Floor Space Index (FSI)
4. Minimum lot size
5. Building distance separation

The selected performance standards are among the most commonly regulated by municipal planning departments across the province,

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| Performance measure | Proposal | Comment | Recommendation |
| 1. Angular plane | Override all angular plane requirements in zoning bylaws for buildings with ARUs | Intent of angular plane is reduce the shadowing impacts of a building and is appropriately applied to buildings regardless of whether they have ARUs | Oppose |
| 1. Maximum lot coverage | Allow at least 45% lot coverage for all buildings and structures on parcels with ARUs | There is no argument for an increase in the case of a basement apartment  “At least” is “fuzzy” and inappropriate language | Oppose. A more rational basis would be to allow 10% additional lot coverage (for example 0.7 instead of 0.6) above the regulated FSI for a laneway suite or garden suite - but not basement suite |
| 1. Floor Space Index (FSI) | Override all FSI requirements in zoning bylaws that apply to parcels with ARUs | FSI measures density and needs to be maintained in all building types. As in (2) there is no argument for an increase in the case of a basement apartment | Oppose |
| 1. Minimum Lot Size | Override all minimum lot size/area requirements that are specific to parcels with ARUs | No argument to make an exception for this i | Oppose |
| 1. Building Distance separation | Restrict building distance separation requirements associated with any building containing ARUs to a maximum of 4 metres | Stating a specific distance reflects a remarkable level of micro-management .  A better approach would be to base it on lot size not on especially in view of #4 which removes minimum lot size | Oppose |