

Oct. 23, 2024

**Electronic Submission only**

**ATTENTION:**

Hon. Paul Calandra, MPP  
Minister of Municipal Affairs and Housing  
37 Sandiford Dr., Suite 400  
Stouffville, ON L4A 3Z2  
[Paul.Calandra@pc.ola.org](mailto:Paul.Calandra@pc.ola.org)

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

Environmental Registry of Ontario Posting [#019-9210](#)

**Background:**

In November 2022, Bill 23, the *More Homes Built Faster Act, 2022* amended the *Planning Act* to strengthen the Ontario government's additional residential unit (ARU) framework by establishing that official plans and zoning by-laws may not prohibit up to three residential units on most land in residential areas. Additionally, changes included limits on local municipalities ability to regulate minimum unit size and require more than one parking space for each ARU. New units built under this framework were also exempt from development charges, community benefits charges and parkland dedication requirements.

In September 2023, Burlington city council approved city-initiated amendments to its official plan and zoning bylaw to ensure they comply with the changes made to the *Planning Act* through Bills 23 and 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*).

In June 2024, to support implementation of ARUs, Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024* made further 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.

On Sept. 23, 2024, the province posted the proposed amendment to O. Reg 299/19 with a 30-day comment period.

## **Comments:**

Overall, the proposed amendment to O. Reg 299/19 aligns with the City's commitment to bolster the creation of more housing and the delivery of housing options. This aligns with strategic direction one of the City's strategic plan and policies of the City's new official plan. This type of gentle intensification can facilitate the delivery of affordable residential units and provide a source of additional income for homeowners and in so, improves housing affordability for homeowners.

Please find below, city staff's preliminary response to the proposed performance standards set out in ERO posting #019-9210, requesting feedback from municipalities on the specific zoning by-law requirements and/or standards that the Minister could address to facilitate the creation of ARUs through changes to provincial regulation.

### **1. Angular Plane**

#### **Proposal:**

- Override all angular plane requirements in zoning by-laws for buildings with ARUs.

#### **Comment:**

- No concern / not applicable. An angular plane requirement is not used in Burlington's existing zoning bylaw to regulate accessory or low-rise buildings, which are generally compatible in scale and form with existing homes located in residential areas.

### **2. Maximum Lot Coverage**

#### **Proposal:**

- Allow at least 45% lot coverage for all buildings and structures on parcels with ARUs.

#### **Comment:**

- Staff acknowledge that a provincial standard of 45% lot coverage for all buildings and structures on a lot with at least one ARU is an appropriate change and balanced response to incent development and make it easier to build new homes on existing lots. Additionally, staff acknowledge that this proposal would not limit a municipalities ability to determine other regulations such as building height or placement.

### **3. Floor Space Index (FSI)**

#### **Proposal:**

- Override all FSI requirements in zoning by-laws that apply to parcels with ARUs.

Comment:

- Burlington's existing zoning bylaw permits a maximum Floor Area Ratio (or FSI) for a primary building of 0.45:1 in designated residential areas, and 0.4:1 in the Shoreacres Character Area. Ancillary buildings are excluded from this measure of development intensity. Staff acknowledge that removing this requirement could make it easier to build larger primary buildings with interior ARUs with more livable space. Additionally, staff acknowledge that this proposal would not limit a municipalities ability to determine other regulations such as building height or placement.

#### **4. Minimum Lot Size**

Proposal:

- Override all minimum lot size/lot area requirements that are specific to parcels with ARUs.

Comment:

- No concern / not applicable. Burlington's existing zoning bylaw includes provisions to remove minimum lot size requirements for ARUs to ensure that the limit of one dwelling unit per lot does not apply to a house with an ARU.

#### **5. Building Distance Separation**

Proposal:

- Restrict building distance separation requirements associated with any building containing ARUs to a maximum of 4 metres.

Comment:

- No concern / not applicable. Burlington's existing zoning bylaw does not set out a minimum separation distance between a primary building and a detached ARU.

Staff recommend the following additional changes in support of the province's ARU framework:

- Consider extending protection from appeals to policies and regulations that permit more than the two ARUs per lot in municipal Official Plans. This would support municipalities going beyond provincial requirements for ARUs to allow up to four units per residential lot; and
- Consider opportunities for Provincial support for ARUs beyond regulatory changes to zoning, such as:
  - A monitoring program to evaluate the success of regulatory changes to remove barriers to the creation of ARUs;
  - An incentives program to help finance the development of ARUs for homeowners and developers; and

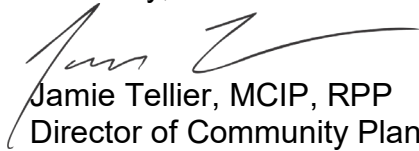
- A Provincial registry program that could support and work with municipalities in providing support to homeowners in creating ARUs and provide reliable source of information that is consistent province-wide.

It is critical to ensure that while removing barriers to the creation of additional residential units, municipalities retain the ability to protect the health and safety of residents and respond to local context. Changes to the regulation should support the role of local zoning regulations that guide development and is responsive to local planning and infrastructure context. Retaining the ability to be responsive to local context will be crucial in understanding the comprehensive and cumulative impacts of gentle intensification, including the impacts on the delivery of services, stormwater management, parks and active transportation provisioning.

### **Next Steps:**

Please accept this letter as the City of Burlington's submission on ERO posting #019-9210. Given the brief period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the province will be advised at the earliest opportunity.

Sincerely,



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Community Planning Department  
Development & Growth Management  
City of Burlington