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Town of Aurora
Committee of the Whole Report
No. PDS24-065

Subject: New Registration By-law for Additional Residential Units in Single Family Dwelling Unit

Prepared by: Wm. Jean, Manager – Building Division/CBO

Department: Planning and Development Services

Date: September 3, 2024

Recommendation

1. That Report No. PDS24-065 be received; and
2. That staff bring forward the Registration By-law for Additional Residential Units (ARUs) to a future Council meeting for enactment.

Executive Summary

This report provides information on the procedure to be adopted by the Planning and Development Department for the registration of Additional Dwelling Units to permit the use of additional residential units Town-wide within detached, semi-detached, or townhouse units, and within an accessory structure located on the same property. This has the effect of allowing up to three dwelling units per residential lot. The current By-law Number 5429-12, being a By-law to require the registration of Dwelling Units Containing Second Suites (the “Registration By-law”) in the Town of Aurora is to be repealed and replaced.

- The existing Registration By-law will be repealed and replaced with the proposed Registration By-law to require the registration of the two Additional Dwelling Units (ARUs) to a single-family dwelling unit to create three dwelling units on a lot.
- The proposed Registration By-law will include a section on inspection practices and issuance of Orders for non-compliance.

Background

Bill 23, the More Homes Built Faster Act, 2022, received Royal Assent on November 28, 2022. The stated intent of Bill 23 is to implement some of the actions contained in Ontario's Housing Supply Action Plan, including the building of 1.5 million new homes in the province by 2031. Amongst the legislative changes were those to the Additional Residential Unit provisions of the Planning Act, which had originally been introduced through Bill 108, the More Homes, More Choice Act, 2019. Municipalities are required to permit the use of additional residential units Town-wide within detached, semi-detached, or townhouse units, and within an accessory structure located on the same property. This had the effect of allowing up to three dwelling units per residential lot.

The Town of Aurora has permitted Second Units since 2010 subject to the applicable Zoning By-law requirements and the Registration By-law which was amended on August 14, 2012. The Town enforces the Ontario Building Code and has established registration requirements for Additional Residential Units to ensure they are safe, legal and livable.

Analysis

The existing Registration By-law will be repealed and replaced with the proposed Registration By-law to permit the registration of up to two Additional Dwelling Units (ARUs) on residential parcels to create three dwelling units on a lot.

Per Bill 23, Additional Dwelling Units (ARUs) are permitted as-of-right across Ontario, whether or not a municipality adopts an Official Plan Amendment and enacts zoning to recognize these units. As amended by Bill 23, the Planning Act overrides existing zoning bylaws to allow up to three residential units per lot as follows:

- Up to three residential units in the primary building, or
- Up to two residential units in the primary building and one in an ancillary building or structure

The Town established the ARU Registration By-law on August 14, 2012, which requires the registration of second units (Two-Unit Dwellings). The proposed Registration By-law will include the term "Additional Residential Units" (ARUs) which applies to both second and third units within a single-unit dwelling and additional units in an ancillary building. As per Planning Act, the by-law would permit the registration of one ancillary unit, such as a garden suite or a laneway home, with a self-contained residential dwelling unit within an accessory building with its own facilities and sleeping area, to be located at the rear or side yard of a detached, semi-detached, or townhouse dwelling.

The proposed Registration By-law will include a section on inspection practices and issuance of Orders for non-compliance.

The Town's proposed Registration By-law will include a section on inspections and enforcement which was not included in the current Registration By-law. As this by-law would be authorized pursuant to the Municipal Act, the inspection and enforcement practices would be the same as those utilized by the Town with respect to other by-laws authorized by the Municipal Act. It should be noted that while the inspection regulations allow for entry onto the property, it does not allow entry into the building without the owner's consent. Therefore, the enforcement capabilities of this by-law will be limited.

Also, it should be noted that the registration of ARUs is part of the building permit process for the creation of new ARUs. Registration and payment of registration of the ARU accompanies the building permit application. Therefore, it is not anticipated that enforcement for registration will occur. However, in circumstances where there is an illegal ARU and uncooperative landlords, provisions in the by-law could be used for enforcement.

Advisory Committee Review

Not Applicable

Legal Considerations

The Town's current Registration By-law needs to be amended and updated, given the legislative changes allowing for additional units, which override prohibitions in zoning or official plan provisions. The proposed Registration By-law will clarify registration requirements and the Town's enforcement powers. Generally, it will require that all additional units be properly registered with the Town. Additional units will be required to meet various applicable codes and standards to become registered, with the applicant being required to demonstrate such compliance to the Chief Building Official ("CBO"). The CBO would also have the authority to revoke registration in cases where units are found to no longer meet the applicable requirements or if the information provided is false. Any decisions of the CBO would be final, without a right to appeal.

The proposed Registration By-law would be authorized by the Municipal Act, pursuant to the authority to protect persons and property, and to pass by-laws with respect to the health, safety, and well-being of the Town's residents. The proposed Registration By-law will provide Building Inspectors, as well as Bylaw Officers, with enforcement powers.

However, it should be noted that it will not allow entry into any buildings or dwellings, unless consent is provided by an occupant, which limits the Town's enforcement capabilities.

Financial Implications

There are no direct financial implications as a result of this report.

Of note as per the current Development Charges Act, 1997, the creation of up to three additional residential units within a single-family dwelling unit, or the creation of up to two residential units within a single-family dwelling unit and one ancillary building or structure, are exempt from development charges.

Communications Considerations

Staff will update the current Secondary Suites Information Guide for regulations for ADUs for inclusion on the Building Division's webpage.

Climate Change Considerations

This report does not impact the Town's ability to adapt to a changing climate.

Link to Strategic Plan

This supports the Strategic Goal of Supporting Exceptional Quality of Life

Alternative(s) to the Recommendation

1. Council to provide direction.

Conclusions

On November 28, 2022, Bill 23, which allows for three residential units as of right on a residential property received royal assent.

In order to ensure ARUs in the Town are created and legalized in compliance with all regulatory requirements and in consideration of the upward trend of ARU registrations as an affordable housing option, the Building Division will continue to administer a Registration program and the Provincial compliance mandate. The current ARU by-law

needs to be updated and staff is proposing to bring forward a new by-law to address current legislation and enforcement needs.

Attachments

None

Previous Reports

N/A

Pre-submission Review

Agenda Management Team review on August 15, 2024

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer