

July 10, 2020

Submission to: Mayor and Members of Council
City of Guelph
By e-mail to: clerks@guelph.ca

Subject: Statutory Public Meeting Report Additional Residential Unit
Review: Planning Act Update Proposed Official Plan and Zoning
Bylaw Amendment. File: OZS20-02 - 2020-73

Council Meeting: July 13, 2020

- SUBMISSION:**
- (a) We the owners and residents of residential property within the existing "Residential Single Detached (R.1A) Zone" do not support the proposal to amend the Guelph Official Plan and Guelph Zoning Bylaw (1995) - 14864 that would allow the development of up to three residential units on a single residential property in the "R.1A Zone".
 - (b) We propose that an "Additional Residential Dwelling Unit" not be included as a Permitted Use in the "R.1A Zone".
 - (c) We agree that proposed official plan amendment Items 5, 6 and 9 allow flexibility to implement the policies in the zoning bylaw amendment as proposed in (a) and (b).

- REASONS:**
- 1. The result of these two planning amendments would be to allow every residential property owner in this Zone to construct a residential unit within a dwelling on the property and to construct a separate residential unit elsewhere on the property.
 - 2. We oppose the City's intent to use this mechanism to create rental housing on properties that are owner-occupied. We do not support the City's position that residential property owners will also become landlords for rental housing within their own property.
 - 3. Although the "R.1A Zone" allows for an Accessory Apartment in this zone, there has never been a desire to establish an apartment within the dwelling, particularly in the basement. This land use arose out of an amendment to the *Planning Act* in 1994.

4. If Council proceeds with these amendments in all residential zones contrary to the opinions of owners and residents, there is no further opportunity, under the *Planning Act*, to appeal Council's decision to the Local Planning Appeal Tribunal for both proposed amendments. This limitation on the appeal has existed since 2012. Consequently, Council should proceed carefully with the knowledge that its decision is final and binding on property owners.

RATIONALE:

1. We understand that, on June 16, 2019, the Ontario Legislature enacted the *More Homes, More Choice Act, 2019* (Bill 108) to amend the *Planning Act* to change Subsection 16(3) to allow for 'Additional residential unit policies'. This provision reads:

An official plan shall contain policies that authorize the use of additional residential units by authorizing;

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

2. The City's discussion paper and staff report include the interpretation that this provision allows for up to three residential units on every residential property in the City. This interpretation is misleading since it assumes that the City of Guelph has no discretion in creating a policy. We disagree with the intent that the City is required to permit three residential units on every residential property in the City of Guelph.

The City of Guelph is required to tailor additional residential unit policies according to the public interest of the community and to establish provisions and standards in the zoning bylaw reflecting the interest of residents. Subsection 35.1 (1) of the *Planning Act* states:

The Council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16(3).

3. Prior to this latest amendment to the *Planning Act*, Subsection 16(3) read:

An official plan shall contain policies that authorize the use of a second residential unit by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.

This latter provision came into effect on January 1, 2012. There is no indication that the City of Guelph amended its official plan and zoning bylaw to allow for Second Units. If the City used its authority, then the official plan and zoning bylaw would allow a second residential unit in a house or a second residential unit in a separate building on the property.

4. Now, Council is considering moving from allowing an accessory apartment in a dwelling to up to three residential units on a property in the "R.1A Zone". We believe that this move is harmful to property owners and neighbourhoods. Extreme pressure will be put on existing property owners from prospective purchasers who see this zoning as an opportunity to create rental units throughout the City.
5. We understand the need for intensification and the prospect of creating affordable housing in the City, but not everywhere. Although the zoning still allows discretion to existing residential owners to not create more residential units on their property, it will create irresistible pressure to conform and certainly this will create uncertainty in all residential neighbourhoods.
6. The Government of Ontario promotes this approach as a method to add to the supply of affordable housing in all communities in this province. The latest expression of this provincial desire is found, in part, in the May 2019 "Housing Supply Action Plan". The rationale for the Bill 108 amendments is found in this document:

We're proposing changes to the Planning Act to:
Make it easier for homeowners to create
residential units above garages, in basements and
in laneways. (Page 8)

7. We understand that it is in the Provincial Interest, as stated in Provincial Policy Statement 2020, that "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area". One of the provincial directions to the municipality is "permitting and facilitating all types of residential intensification, including additional residential units". [Policy 1.4.3 b)].
8. In the municipal interest, the City of Guelph should carefully select neighbourhoods where additional residential units shall be encouraged and permitted.

For all of these reasons and our understanding, we request that Council reject the recommendation that up to three residential units be permitted in the existing "Residential Single Detached (R.1A) Zone".

Respectfully Submitted:

Linda E. Clay



Michael K. Hoffman

