



External Briefing Note

GEORGINA

Subject: Additional Residential Units

To: Mayor and Council

From: Alan Drozd, Manager of Planning Policy

Date: January 22, 2025

Briefing:

The purpose of this briefing note is to update Council on Provincial legislation and regulations related to Additional Residential Units (ARUs) and their implications for ongoing initiatives at the Town.

1. Background

Since 2019, the Province has passed various pieces of legislation and associated regulations to authorize and encourage the creation of Additional Residential Units (ARUs) on residential properties with single detached, semi-detached and rowhouse dwellings. Below is a brief chronology of events.

On June 6, 2019, Bill 108 – *More Homes, More Choices Act, 2019* received Royal Assent. The Bill amended the *Planning Act* to require Official Plans to include policies allowing for an ARU in a building or structure ancillary to a detached house, semi-detached house or rowhouse, for a total of 3 possible dwelling units on a residential lot. Previously, the *Planning Act* only required Official Plans to include policies allowing for 1 residential unit in either a detached house, semi-detached house or rowhouse or an ancillary building for a total of 2 possible dwelling units on a residential lot.

On September 14, 2019, Ontario Regulation 299/19 (Additional Residential Units) came into force and required that each ARU have one parking space for the sole use of the occupant(s) of the ARU. The regulation provided that the required parking space can be a “tandem” space (i.e. located one behind another on a driveway).

On November 28, 2022, Bill 23 – *More Homes Built Faster Act, 2022* received Royal Assent. The purpose of Bill 23 was to advance and accelerate housing supply production as part of the Ontario Housing Supply Action Plan. The Bill amended Acts that effect the planning and development process and financing for development in Ontario. Bill 23 was the subject of Staff Report [DS-2023-0016](#) which was received by Council on March 29, 2023.

Bill 23 amended the existing ARU provisions of the *Planning Act* to allow for up to 3 dwelling units in a building (single detached, semi-detached or rowhouse) or 2 units in a primary building and 1 unit in an ancillary structure on any parcel of “urban residential land” (i.e. land serviced with municipal water and sanitary sewers). The *Planning Act* now overrides any Official Plan or Zoning Bylaw related to ARUs, including the requirement for any minimum unit floor area, or requiring more than one parking space for an ARU beyond the principal dwelling unit requirement.

2. Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*

The most recent piece of legislation affecting ARUs, being Bill 185, received Royal Assent on June 6, 2024 and authorizes the Minister to enact regulations establishing requirements and standards with respect to any ARUs in a detached house, semi-detached house or rowhouse, a residential unit in a building or structure ancillary to such a house, a parcel of land where such residential units are located or a building or structure within which such residential units are located. This widens the scope of the Minister’s authority to regulate an ARU in a house, as well as the land, building or structure on which such ARUs are located.

On November 28, 2024, the Minister of Municipal Affairs and Housing advised municipalities that further amendments to Ontario Regulation 299/19 were enacted respecting ARUs. A copy of the Minister’s letter is included as Attachment 1. The subject regulation now includes the following additional restrictions/requirements:

Angular Plane

Regulation:

This provision stipulates that subject to compliance with any maximum height and minimum setback requirements, a building with an ARU may penetrate any angular plane requirement described in a zoning bylaw.

Comment:

An angular plane is an imaginary line projected from an established point at a defined angle across a lot beyond which buildings are not typically permitted to encroach (e.g. a 45 degree angle projected across a lot from the midpoint of an abutting street or property line). This type of provision is commonly used in denser urban environments to prevent building height and massing from imposing on the streetscape at the pedestrian level or negatively impacting abutting lands (e.g. privacy, shadowing, transition).

There are no concerns with this provision as there are currently no angular plane provisions in the Town’s Zoning Bylaw(s).

Maximum Lot Coverage

Regulation:

This provision stipulates that up to 45% of the surface of a parcel with an ARU is permitted to be covered by buildings and structures.

Comment:

This is unlikely to be an issue in Georgina given the established density of existing development and typical lot coverage provisions of 35% or greater for the main building. The regulation does not govern the specific coverage of accessory buildings. Zoning Bylaws 500 and 600 typically restrict the cumulative coverage of all accessory buildings on a lot to 10% of the total lot area. Zoning Bylaw provisions concerning lot coverage will need to be reviewed going forward to ensure they are consistent with the regulation and appropriate for the implementation of ARUs.

Floor Space Index (FSI)

Regulation:

This provision stipulates that subject to any maximum height and minimum setback requirements in a zoning bylaw applicable to buildings and structures on the parcel, there is no limit to the floor space index of the parcel.

Comment:

FSI is a ratio of the floor area on a lot to the area of a lot. A lot with an area of 1,000 square metres and building(s) with a floor area of 500 square metres would have a floor space index of 0.5. This is not currently an issue as the Town's Zoning Bylaws do not contain provisions related to FSI. This regulation is more often used in relation to large scale and dense urban development. Building height and setback provisions are alternatively used to ensure compatibility between land uses for ground-related development.

Minimum Lot Size

Regulation:

This provision stipulates that the minimum area of the parcel is the minimum area that would be required in the zoning bylaw in respect of the same parcel if no ARUs were located on the parcel.

Comment:

The minimum lot area of a parcel with or without an ARU are the same. The provision of on-site parking, lot coverage and building setbacks tend to be the main factors driving lot size. On that basis there are no concerns with this restriction.

Building Distance Separation

Regulation:

This provision restricts the building distance separation requirements associated with any building containing ARUs from another building containing a residential unit to a maximum of 4 metres.

Comment:

Zoning Bylaw 500 has provisions requiring a lesser, 2 metre minimum distance separation for an accessory building 10 square metres and larger, from a main building containing a dwelling. On that basis, there are no implications in relation to the existing provisions of the Town's Zoning Bylaws.

Other Existing Provisions Related to ARUs

In summary, the new restrictions included in the amendment to Ontario Regulation 299/19 are in addition to existing provisions that prevent municipalities from:

- requiring more than 1 additional parking space per ARU.
- imposing minimum floor area requirements for an ARU.
- restricting occupancy of an ARU based on relationship to the person who occupies the primary residential unit or who owns the lot.
- restricting the opportunity for an ARU to be established based on the date of construction of the primary residential unit.

3. Analysis

The introduction of mandatory provisions for ARUs by the Province has taken place in a relatively fast and incremental manner. Additional regulatory provisions related to ARUs may be forthcoming.

Zoning Bylaw 600, reflecting Phase I of the Town's Zoning Bylaw Update for the Countryside Area already contains "as of right" provisions for up to 3 dwelling units per lot in Rural (RU) and Agricultural Protection (AP) zones. Zoning Bylaw 600 remains under appeal and is not yet in force and effect.

The Town is commencing Phase II of the Zoning By-law Update in 2025 for Settlement Areas. A portion of this update will involve the inclusion of provisions reflecting the prescribed regulations from the Province as outlined above. Ultimately the new provisions related to the permissibility of up to three (3) dwelling units on urban serviced lots will need to be incorporated into the Town's Zoning Bylaws together with the mandated *Planning Act* provisions.

Staff will be updating Council on these ongoing activities later in 2025 as they progress.

Should you have any comments or questions related to this briefing note, contact me via telephone at 905-476-4301 ext. 2221 or via email at adrozd@georgina.ca.

Attachment 1: Letter from Minister of Municipal Affairs and Housing – November 28, 2024.