

Clarification on the proposed Zoning Permissions for Short-term Rentals in Secondary Suites

Date: November 28, 2017

To: City Council

From: Acting Chief Planner and Executive Director, City Planning Division

Wards: All

SUMMARY

Staff recommended proposed zoning by-law amendments to permit short-term rentals to the Planning and Growth Management Committee on November 15, 2017.

The staff proposal would allow short-term rentals across the city in the principal residence of an owner or tenant in residential and mixed use zones. Within their principal residences, people could rent: up to three rooms within a dwelling unit; the entire dwelling unit; and one lawful secondary suite. The Planning and Growth Management Committee adopted a motion to not allow secondary suites to be used as short-term rentals.

This report provides further clarity regarding the staff proposed zoning permissions for short-term rentals in secondary suites.

FINANCIAL IMPACT

There are no financial impacts associated with this report.

DECISION HISTORY

On November 15, 2017, Planning and Growth Management Committee recommended that City Council enact the zoning by-law and related amendments proposed by staff, and adopted motions to not allow Secondary Suites to be used as Short-term Rentals and requested the Acting Chief Planner and Executive Director, City Planning report to City Council on December 6, 2017 if he wishes to clarify or modify any recommendations:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.8>

COMMENTS

Secondary Suites

Discussion at Planning and Growth Management Committee included reference to the many ground related housing types that occur in Toronto, the many hybrid types that can be created, and how they are reflected by zoning regulations, especially with respect to secondary suites.

Secondary suites are often referred to as second units, accessory apartments, attic apartments, an apartment in a house, and basement apartments. They are self-contained, separate units created through internal alterations or renovations within a dwelling originally built to accommodate a single housekeeping unit.

Secondary suites do not require a licence or registration in the City of Toronto and are permitted across the city in all detached houses and semi-detached houses, and in some residential areas they are also permitted in townhouses. The current zoning regulations require the original house to be more than five years old prior to the creation of a secondary suite.

The city-wide Zoning By-law 569-2013 defines a **secondary suite** as a "self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a dwelling unit."

Duplexes

Unlike secondary suites, duplexes are originally constructed as two separate dwelling units, one above the other. A secondary suite is created within a dwelling unit at least five years after the construction of the entire building, and may be anywhere inside the original building.

A duplex has no internal connection between the two dwelling units, whereas a secondary suite may, and often does, have an internal connection with the main dwelling unit. Duplexes are only permitted in some zones (the "R", "RM" and "CRE" zones of By-law 569-2013).

Zoning By-law 569-2013 defines a **duplex** as a "building that has two dwelling units, with one dwelling unit entirely or partially above the other. A detached house that has a secondary suite, is not a duplex."

Lawful Secondary Suites

Shortly after amalgamation, the City of Toronto passed amendments to all the comprehensive zoning by-laws of the former municipalities in order to widely permit secondary suites. This permissive approach was approved as modified on July 6, 2000, after a lengthy hearing by the Ontario Municipal Board (see by-law 493-2000(OMB)).

The amendments allowed secondary suites in detached houses and semi-detached houses in all zones across the city, and in some residential areas in townhouses, provided they met certain criteria, including the Building Code and Fire Code. The City's records indicate that 1,759 building permits were issued for lawful secondary suites between 2002 and 2016, inclusive.

Prior to that, secondary suites were created in the pre-amalgamation municipalities under various regulations. Although the City does not have a consolidated record of these units, they are considered lawful secondary suites if they complied with the Building Code and Fire Code at the time of construction.

Over the years, many residents have also informally created secondary suites without the appropriate permits to meet the Building Code and Fire Code. The City does not have a record of these units and they are not considered lawful secondary suites.

Use of Secondary Suites

Secondary suites are an important component of the rental market and are often an affordable source of housing. They contribute to meeting the affordable housing goals of the Province and the City.

Permitting secondary suites nearly everywhere allows for a private market response to help increase the supply of housing. However, it is the homeowner's discretion whether they create or remove a secondary suite in their home.

Zoning by-laws regulate land uses and cannot distinguish between the users of a building. Both owners and tenants may occupy a secondary suite. As a secondary suite is part of, and subordinate to, the main dwelling unit, it is the owner's discretion how they use a secondary suite. Many use them for visiting family or to house childcare providers, while others rent them to tenants. Some homeowners also choose to convert the units back into the main dwelling unit as part of the whole house.

If homeowners choose to convert units back into the whole house when there is a tenant in the unit, they must comply with the Residential Tenancies Act (RTA). Recent changes to the RTA through the Rental Fairness Act, 2017 introduced additional protections for tenants, including protecting tenants from eviction due to abuse of the landlord's personal use provision.

CONTACT

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SIGNATURE

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