



STAFF REPORT ACTION REQUIRED

Regulations, Policies and Guidelines Respecting Interior Bedrooms

Date:	August 16, 2016
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2016\Cluster B\PLN\PGMC\PG16113

SUMMARY

This report responds to City Council's (August 2014) direction that the Chief Planner and Executive Director, City Planning in consultation with the Chief Building Official and Executive Director Toronto Building review all design guidelines affecting the built form of development to ensure that they are consistent with the objective of Article 3.7.2.1 of the Ontario Building Code (OBC) which is to provide bedrooms with a view to the outdoors.

Council's request was submitted in response to a concern that some developments were being constructed with bedrooms located within residential units with no windows to the outside, resulting in living arrangements that could be uncomfortable and compromise the quality of the living environment for residents. The report summarizes the OBC code provisions and design guidelines and outlines ways in which City staff are approaching this concern to achieve housing and public health policy objectives.

The Chief Building Official and Executive Director Toronto Building and the Medical Officer of Health were consulted in the writing of this report.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that:

1. The Planning and Growth Management Committee receive this report for information.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 25, 26, 27 and 28, 2014, City Council adopted member motion MM55.46 requesting the Chief Planner in consultation with the Chief Building Official to report to the Planning and Growth Management Committee after reviewing all design guidelines to ensure they are consistent with the objective of Article 3.7.2.1 of the Ontario Building Code to "provide a view to the outdoors from bedrooms."

Member Motion MM55.56

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-72976.pdf>

ISSUE BACKGROUND

Planning Policy and Design Guidelines

City Planning has limited authority with respect to specifying interior design and layout of buildings. Section 41 of the *Planning Act* pertains to Site Plan Control. This Section of the *Planning Act* applies to the location of buildings, structures and related facilities and works on a site and expressly excludes the layout of interior areas of buildings other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

The Official Plan sets out policy direction regarding land use and the location, organization and fit of developments within their existing and/or planned context. The Official Plan built form policies address the exterior considerations of a development including design elements related to scale and character, massing, height and transition relative to sun, shadow and impacts on neighbouring streets, parks and open space, and adequate light and privacy for residents. The Official Plan policies do not provide direction to the interior of buildings as the *Planning Act* does not provide the legislative authority with respect to interiors of developments.

The City's approved design guidelines provide support to implement and achieve policy objectives on built-form matters by focusing on exterior architecture and the relationships of buildings to their built-form context. The design guidelines focus on building types such as tall buildings, mid-rises and townhouses.

The City's Tall Building Guidelines set out objectives to ensure adequate access to privacy, sunlight and sky-views of residents from within buildings as well as within the public realm such as streets, parks and open spaces. This includes direction regarding maximum tower floorplate size as a means to limit the impact of tall buildings on these specific policy objectives. Unit layouts and sizes can be influenced by design guidelines, such as the size and dimensions of the building floorplate and the number of units per floor.

Ontario Building Code

The Ontario Building Code (OBC) is a provincial regulation authorized under the *Building Code Act, 1992*. The purpose of the Code is to establish minimum health and safety standards for the construction of buildings in the province and also addresses other objectives. The City of Toronto has the responsibility for enforcing and issuing permits in accordance with the Act and the OBC within its boundaries. Where a building permit is submitted in accordance with the Code and applicable laws, the Chief Building Official is obligated to issue the permit.

Since 2006, the OBC has been written in an objective-based format, which provides designers, builders and building officials with greater understanding of the underlying objectives of Code requirements. Under the category of "Health – View to the Outdoors", the objective-based code provision of 3.7.2.1(1) is "to limit the probability that, as a result of the design or construction of a building, a person in the building will be unable to experience a view to the outdoors". This statement describes in qualitative terms the required outcome – a view to the outdoors – but does not provide direction or specification on how to achieve that outcome.

City Council's direction to review design guidelines asks that the review ensure compliance with the current Code provisions for windows used in bedrooms (found in OBC 3.7.2.1(1)). These provisions require that every room used for sleeping in any building be provided with windows. The Code sets out that the minimum unobstructed glass area for rooms used for sleeping be 5% of the area served. The Code does not require that bedroom windows be on the exterior of a building, nor prohibit interior bedrooms.

Ontario Public Health Standards

The Ontario Public Health Standards 2008 mandate public health units to collaborate with municipal and community stakeholders to develop policies for healthy social, built and natural environments. As described in the City of Toronto Public Health's report, *Healthy Toronto by Design (2011)*, housing is one of the important factors that influence health. Quality of housing is determined by the building's physical structure and design characteristics; psychosocial dimensions (the sense of home) such as the concept of control and attachment; and the neighbourhood's physical and social characteristics. Poor housing quality is associated with adverse health outcomes from conditions such as respiratory infections, injuries and poor mental health.

Windows in dwellings, including in bedrooms, which are a source of daylight and a view to the outdoors, are environmental factors that influence human health. Operable windows are also a means of ventilation. Adequate daylight illumination and direct daylight in houses are fundamental physiological needs. Studies conducted in hospitals, workplaces and residential settings have found that a view to the outdoors improves wellbeing through physiological calming, alertness, improved mood and satisfaction.

COMMENTS

In recent years, City Planning, in response to the concern that buildings have no windows in bedrooms has incorporated policies into both Secondary Plans and Site and Area Specific policies requiring that a portion of larger units (typically 2-bedroom and larger) be built with all bedrooms on an exterior wall with glazing in each bedroom. This policy would then be implemented through the zoning process in site-specific by-laws. Recent examples where this approach has been undertaken by City Planning includes the recently adopted Mimico Secondary Plan, Mimico Judson Regeneration Area, Tippet Regeneration Area and Lower Yonge Precinct Plan.

The *Residential Tenancies Act 2006* (S. 19 (2) 22) requires that every bedroom must have a window (which can be part of a door) to the outside of the building. As replacement rental units must be provided in accordance with the *Act*, except under very limited circumstances bedrooms in replacement units have windows to the outside.

Notwithstanding the limitations of the Building Code and the *Planning Act*, the City's policy objectives with respect to housing and adequate light and privacy, support this approach. This approach, in turn, responds to concerns regarding the number of residential units in the City being built with interior bedrooms. City staff will continue to pursue opportunities to ensure developments contain windows in bedrooms.

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SIGNATURE

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