

Corrective By-law for By-law 156-2023 Regarding Multi-Tenant Houses - Supplementary Report

Date: March 12, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Ward: All Wards

SUMMARY

This report responds to Item PH10.12 - Technical Corrections to the Multi-Tenant Housing Zoning By-law, which requested the City Solicitor and the Interim Chief Planner and Executive Director, City Planning to report directly to Council at its March 20, 21 and 23, 2024 meeting describing matters in Zoning By-law 156-2023 that require correction or clarification, including advancing a corrective by-law under Section 169-5.2(B) of the City of Toronto Municipal Code.

While operationalizing the new Multi-tenant House Framework, Staff identified some technical and non-substantive items in the zoning by-law that should be improved for ease of implementation. The zoning by-law in its current form does not include a comprehensive map of permissions, which makes it difficult to quickly understand how the new regulations apply to specific properties, and contains minor technical errors such as missing cross-references and a formatting issue with the parking table.

This report recommends technical corrections to the text of the by-law and the inclusion of an Overlay Map. All proposed corrections are technical in nature and do not affect the substance of the multi-tenant house permissions approved by Council at their meeting of December 14 and 15, 2022. This report has been prepared in consultation with the City Solicitor.

RECOMMENDATIONS

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

1. City Council amend City of Toronto Zoning By-law 156-2023 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to this Report.
2. City Council determine that the revisions are minor, technical in nature, and reflective of the intent of City Council decision in Item 2023.CC2.1, and, pursuant to subsection

34(17) of the Planning Act, no further public notice is required in respect of the proposed amendment to the Zoning By-law.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

At its meeting of February 28, 2024, the Planning and Housing Committee requested the City Solicitor and the Interim Chief Planner and Executive Director, City Planning report directly to Council at its March 20, 21 and 23, 2024 meeting describing matters in Zoning By-law 156-2023 that require correction or clarification.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH10.12>

At its meeting of December 14 and 15, 2022, City Council adopted with amendments CC2.1 “2023 Housing Action Plan” which directed that, effective March 31, 2024, a new Toronto Municipal Code Chapter 575, Multi-tenant Houses, be established. Council further adopted By-laws 155-2023 and 156-2023, amending the City’s Zoning By-laws to permit and regulate multi-tenant houses in all areas of the City. This allowed the creation of a city-wide regulatory framework for multi-tenant houses to support residents in accessing safe, secure, and affordable housing in all communities across Toronto.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.1>

At its meeting in July 2021 and then again in October 2021, City Council considered item PH25.10 “A New Regulatory Framework for Multi-tenant Houses”, an interdivisional report recommending a city-wide regulatory framework for multi-tenant houses. On October 1 and 4, 2021, City Council referred this item and requested staff to report back to the Planning and Housing Committee in 2022 on a list of 14 work items listed in Council’s motion direction, including: parking, public consultation and outreach to residents and resident groups, and an enhanced enforcement staffing plan.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH25.10>

An extensive decision history on the multi-tenant house framework can be found in the June 15, 2021 staff report “A New Regulatory Framework for Multi-tenant Houses”:

<https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-168253.pdf>

COMMENTS

Since the adoption of the new Multi-Tenant House (MTH) Framework in December 2022, City Planning, the Housing Secretariat, Municipal Licensing and Standards, Toronto Building and Toronto Fire Services have worked collectively to develop

procedures and guidance to ensure the smooth and efficient implementation of the new MTH Framework ahead of it coming into force and effect on March 31, 2024.

As part of that implementation, City Planning staff received feedback that it is difficult to understand how the new regulations apply to specific properties, as the zoning by-law in its current form does not include a comprehensive map of permissions. The wording of certain regulations could also be improved to clarify how MTHs are permitted in relation to residential building types such as multiplexes. Staff further identified minor errors such as missing cross-references and a formatting issue with the parking table that complicates incorporation into the City-wide Zoning By-law consolidation.

The proposed corrections to By-law 156-2023 are technical and non-substantive in nature, as summarized below. Attachment 2 shows the redlined changes to 156-2023.

Multi-Tenant House Overlay Map

- Under the current framework, City-wide Zoning By-law 569-2013 permits Rooming Houses in limited areas of the City, which were identified on the Rooming House Overlay Map in Section 995.40. The Rooming House Overlay Map also included information regarding the permitted maximum number of dwelling rooms.
- By-law 156-2023 deleted the existing Section 995.40 "Rooming House Overlay Map" and instead provides direction on where MTHs are permitted, as well as the permitted maximum number of dwelling rooms through both regulations and multiple diagrams attached to the by-law.
- The proposed correction would create a new Section 995.41 "Multi-Tenant House Overlay Map" which would show the permitted maximum number of dwelling rooms in an MTH in all areas.
- This would enable staff to provide a searchable web-map for use by MTH operators and tenants, as well as City divisions involved in permits, licencing and enforcement.
- There would be no change to the permitted number of dwelling rooms on any property as a result of this correction.

Parking Standards Table

- On February 3, 2022, City Council adopted By-law 89-2022, subsequently amended by By-laws 125-2022 and 1048-2022, which updated the City's parking standards by removing most parking space minimum rates and revising maximum rates, with associated changes to other parking standards, including grouping land uses into categories and removing time-of-day averaging criteria.
- By-law 156-2023 reintroduced minimum parking standards for MTHs except in the former Toronto or areas on the Policy Areas Overlay Map, and assigned a "100%" value in time-of-day columns which no longer exist in the Parking Standards Table.

- The proposed corrections would delete the unnecessary time-of-day columns and list the use as "Resident Requirement for a Dwelling Room in a Multi-tenant House". This would match the current Parking Standards Table structure and enable staff to incorporate the Council-approved parking rates into the City-Wide Zoning By-law 569-2013 consolidation.
- There would be no change to the parking space requirements for an MTH as a result of this correction.

Cross-references

- When adopting By-law 156-2023, Council directed staff to revise the draft By-law to only permit a maximum of six dwelling rooms in an MTH in the former municipalities of Etobicoke, North York and Scarborough. In revising the by-law to identify these areas, staff missed updating cross-references resulting in potential ambiguity about how the permitted maximum number of dwelling rooms are applied.
- The proposed correction would revise these cross-references to point to the correct dwelling room permissions regulations.

Residential Building Types and Dwelling Units

- Draft versions of the By-law presented to Council in July 2021 predated zoning changes to permit multiplexes (adopted by By-law 474-2023), and individually listed the permitted residential building types (i.e., detached, semi-detached, etc.) in each zone in relation to dwelling room permissions.
- The final By-law 156-2023 collapsed the list of building types to state that a multi-tenant house is permitted in "a building permitted in the applicable zone".
- This change created confusion about a MTH as a separate building type or as a land use; the ability to convert residential buildings to a MTH; and how dwelling units relate to dwelling room permissions.
- The proposed corrections clarify that a MTH may not be in a non-residential building, that dwelling unit permissions remain tied to building type, and that dwelling rooms function separately from and are not located within a dwelling unit.

Conclusion

The proposed corrections are technical and non-substantive in nature.

Amending By-law 156-2023 prior to the MTH Framework's March 31, 2024 commencement date to correct and clarify these minor issues with regulations and to provide easily interpreted mapping would help ensure the framework is implemented in accordance with Council's decision, and provide clarity for Toronto's multi-tenant house operators, tenants and their neighbours.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment
Attachment 2: Redline of By-law 156-2023 Showing Corrections