



## **Garden Suites – Summary of Rules and Regulations**

Interested in building a garden suite? The City of Toronto allows the construction of garden suites across the City in the rear yards of residential properties that are not next to a public laneway.

The purpose of this summary is to provide assistance and guidance to individuals in the understanding of the general garden suite provisions of Zoning By-law 569-2013, and is not intended to be planning or legal advice: nor is this summary intended to be an exhaustive list of all situations which may arise in the permitting of a garden suite. It is emphasized that each garden suite will have to be carefully reviewed against the specific provisions of the By-law and other applicable laws. In other words, this summary is intended to be a general preliminary aide for individuals, and is not intended to replace a thorough review of the By-law itself.

Before you apply to build a garden suite you must consider the following:

### **Emergency Access and Ontario Building Code**

In order for the Chief Building Official to issue a building permit for a garden suite, a garden suite must comply with the relevant Ontario Building Code regulations, the Zoning By-law, and other applicable laws. Providing appropriate access for emergency services, minimum building area and room sizes, as well as minimum required floor heights, are components of the Ontario Building Code review.

To ensure access to a garden suite in the case of an emergency, Toronto Fire Services, Emergency Services and the Building Code require a firefighting access with:

- a maximum 45-metre travel distance measured from a public street to the entrance of the garden suite; and
- a minimum width of 1.0 metre, and a 2.1 metre vertical clearance from the fronting public street. The 1.0 metre minimum width must be unobstructed with the exception of hydro and gas meters.

The access and travel distance requirements are not contained in the Zoning By-law provisions and are rather determined through a compliance review of the Ontario Building Code by Toronto Building and Toronto Fire and Emergency Services. These

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requirements cannot be altered by way of a Minor Variance application to the Committee of Adjustment, and are applicable law for the purposes of obtaining a building permit.

### **Existing Trees on and adjacent to your property**

Garden suites should not result in the removal of healthy by-law protected trees. An important part of the City's work to increase options for housing in *Neighbourhoods* is the development of regulatory approaches to protect and enhance the City's tree canopy for all types of residential construction, including garden suites.

Where a proposed garden suite design would lead to the injury or removal of a by-law protected tree, the General Manager of Parks, Forestry, and Recreation may refuse the tree permit, in accordance with Municipal Code Chapters 608, 658, and 813 and the Official Plan. Where there is a potential for damage to private trees due to the proposal of a garden suite, contact City Planning and Urban Forestry staff to discuss how the design of the suite can be accomplished to [protect the healthy tree\(s\)](#) in question.

### **Severances**

Properties with a garden suite are not intended to be divided, or "severed". Garden suites are intended to function as a rental housing unit.

### **Summary of Zoning By-law permissions**

A summary of the key rules and regulations for building garden suites are set out below.

### **Permitted Uses**

A garden suite may be used for living accommodations and home occupations. Short-term rentals are permitted only in accordance with the Short-Term Rental By-law. For more information about the Short-Term Rental By-law, visit <https://www.toronto.ca/community-people/housing-shelter/short-term-rentals/>.

### **Number of Units**

A single garden suite containing a single unit is permitted on a property provided it meets all the applicable rules and regulations. The term "garden suite" is defined as a self-contained living accommodation for a 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, and is in an ancillary building not abutting a lane.

### **Basements**

Basements are permitted in garden suites.

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## **Garden Suite Footprint and Lot Coverage**

The maximum footprint (area the building covers) of a garden suite is the smaller of 40% of the rear yard area, and 60 square metres.

The total area of a lot that all ancillary buildings and structures may cover, including a garden suite and any other sheds or garages, cannot exceed 20% of the lot area.

## **Floor Area**

The interior floor area of a garden suite must be less than the gross floor area of the main residential building on the lot. The interior floor area of a garden suite includes the area of all floors of a garden suite.

## **Height and Separation Distance**

A garden suite may be built up to a maximum height of 4.0 metres where the garden suite is located a minimum of 5.0 metres from the main residential building on the lot.

If a garden suite is at least 7.5 metres from the main residential building on the lot, the garden suite may be built up to a maximum of 6.0 metres. However, this is subject to additional angular plane rules.

For an existing garage or shed (i.e. lawfully existing ancillary buildings), if the existing separation distance between the principal residential building and the existing building is less than the required minimum separation, then the existing separation distance is permitted to remain.

## **Side Yard Setback**

The minimum required side yard setback for a garden suite is generally the greater of 0.6 metres and 10% of the lot frontage, to a maximum of 3.0 metres.

Where openings such as windows or doors are proposed, the minimum side yard setback is the greater of 1.5 metres and the amount that is 10% of the lot frontage.

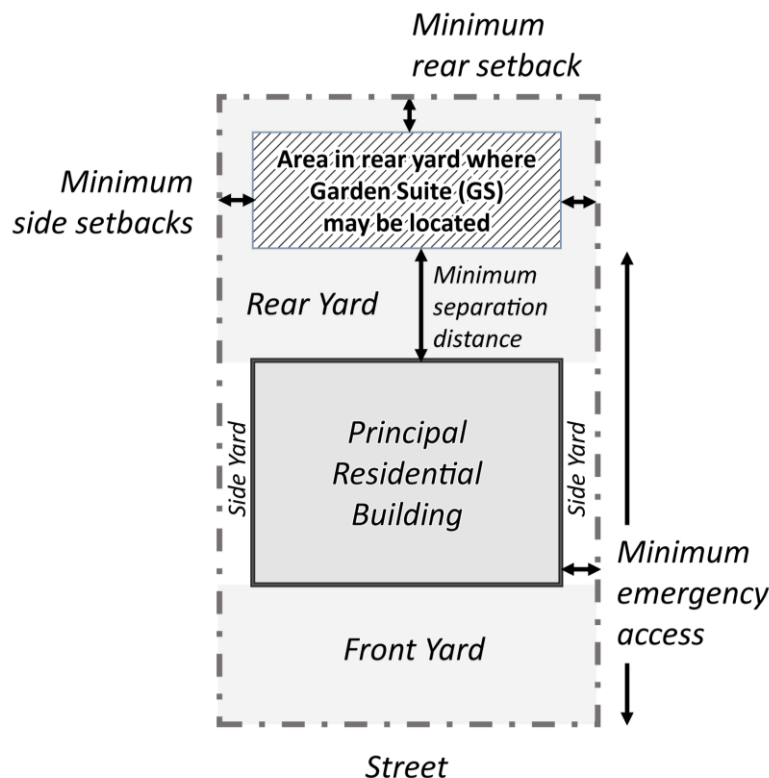
On a corner lot, the minimum side yard setback is generally the greater of 1.5 metres and the minimum required side yard setback for the main residential building on the lot.

If a garden suite on a corner lot includes a vehicle parking space, and the vehicle access is from the street abutting the side lot line, then the required minimum rear yard setback is 6.0 metres.

For an existing garage or shed (lawfully existing ancillary buildings), the minimum side yard setback is the existing setback of that building.

## **Diagram 1: Separation and Setback Locations**

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## Rear Yard Setback

The minimum rear yard setback for a garden suite is generally 1.5 metres.

On lots deeper than 45 metres, the minimum rear yard setback is the greater of half the height of the garden suite and 1.5 metres.

On through lots, where the rear property line abuts a street, the minimum rear yard setback is the required front yard setback of any adjacent houses that face the rear street. If there are no adjacent houses, and the garden suite does not include a vehicle parking space, the minimum setback is 1.5 metres.

If a garden suite on a through lot includes a vehicle parking space, and the vehicle access is from the street abutting the rear lot line, then the required minimum rear yard setback is the greater of 6.0 metres and the required minimum front yard setback for a residential building on the adjacent lot that fronts on the same street that the rear lot line abuts.

For an existing garage or shed (i.e. lawfully existing ancillary buildings), the minimum rear yard setback is the existing setback of that building.

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## Angular Planes

Angular planes are a design tool that is used to limit the impact of height and building mass. They ensure that as the height of a garden suite increases, building mass is reduced. For garden suites, the following angular planes apply:

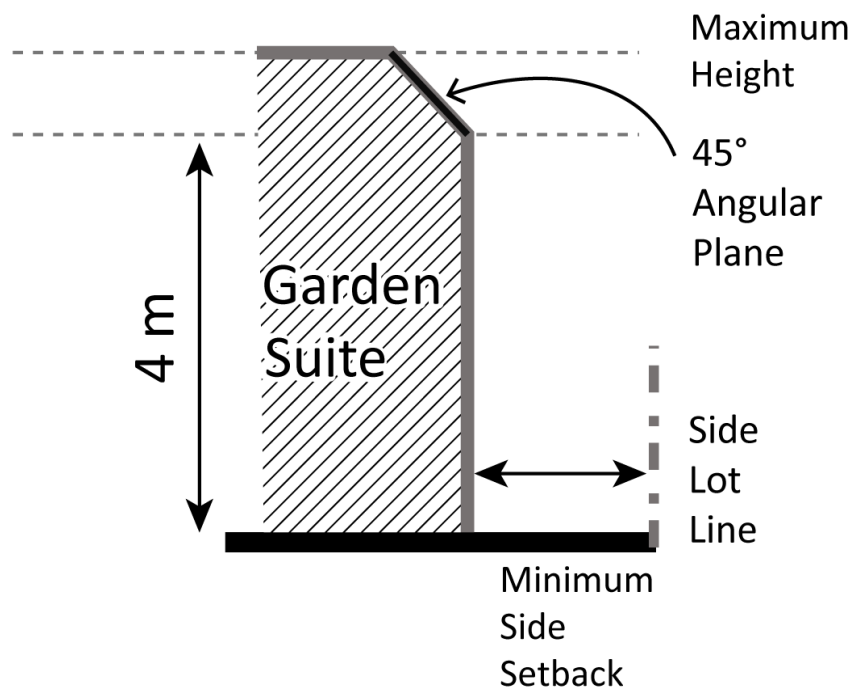
Front: 45 degrees starting at a height of 4.0m, 7.5m from the rear main wall of the principal residential building.

Rear: 45 degrees starting at a height of 4.0m from the required rear yard setback.

Side: 45 degrees starting at a height of 4.0m from the required side yard setback.

Where a lot line abuts a street no angular plane applies.

Diagram 2: Side Yard Angular Plane



## Rear Yard Landscaping

On lots with a frontage greater than 6.0 metres, at least 50% of the rear yard area, including the area covered by a garden suite, must be soft landscaping.

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On lots with a frontage of 6.0 metres or less, at least 25% of the rear yard area, including the area covered by a garden suite, must be soft landscaping.

### **Parking**

No parking spaces for cars are required to be provided for a garden suite.

A minimum of two bicycle parking spaces are required for a garden suite.