



## AGENDA

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THE CORPORATION OF THE CITY OF MISSISSAUGA

### PLANNING & DEVELOPMENT COMMITTEE

**MONDAY, MAY 25, 2015 - 7:00 P.M.**

COUNCIL CHAMBER, 2<sup>ND</sup> FLOOR - CIVIC CENTRE  
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1  
<http://www.mississauga.ca>

#### Members

|                            |                |
|----------------------------|----------------|
| Mayor Bonnie Crombie       |                |
| Councillor Jim Tovey       | Ward 1         |
| Councillor Karen Ras       | Ward 2         |
| Councillor Chris Fonseca   | Ward 3         |
| Councillor John Kovac      | Ward 4         |
| Councillor Carolyn Parrish | Ward 5         |
| Councillor Ron Starr       | Ward 6         |
| Councillor Nando Iannicca  | Ward 7         |
| Councillor Matt Mahoney    | Ward 8         |
| Councillor Pat Saito       | Ward 9 (Chair) |
| Councillor Sue McFadden    | Ward 10        |
| Councillor George Carlson  | Ward 11        |

Mumtaz Alikhan, Legislative Coordinator, Office of the City Clerk  
905-615-3200 ext. 5423 / Fax 905-615-4181  
email: [mumtaz.alikhan@mississauga.ca](mailto:mumtaz.alikhan@mississauga.ca)

**LIVE STREAMING:** <http://www.mississauga.ca/videos>



## **PLANNING & DEVELOPMENT COMMITTEE – MAY 25, 2015**

**PUBLIC MEETING STATEMENT:** In accordance with the *Ontario Planning Act*, if you do not make a verbal submission to the Committee or Council, or make a written submission prior to City Council making a decision on the proposal, you will not be entitled to appeal the decision of the City of Mississauga to the Ontario Municipal Board (OMB), and may not be added as a party to the hearing of an appeal before the OMB.

***Send written submissions or request notification of future meetings to:***

Mississauga City Council  
c/o Planning and Building Department – 6<sup>th</sup> Floor  
Att: Development Assistant  
300 City Centre Drive, Mississauga, ON, L5B 3C1  
Or Email: [application.info@mississauga.ca](mailto:application.info@mississauga.ca)

### **CALL TO ORDER**

### **DECLARATIONS OF CONFLICT OF INTEREST**

### **APPROVAL OF PREVIOUS MINUTES**

Planning and Development Committee Meeting – May 4, 2015.

### **MATTERS TO BE CONSIDERED**

1. Sign Variance Application - Sign Variance By-law 0054-2002, as amended  
File: BL.03-SIG (2015)
2. **PUBLIC MEETING**  
Information Report on Official Plan Amendment and Rezoning Proposals -  
Special Site and Mapping Conformity (Wards 1-11)  
File: BL.09-MOP
3. Provincial Coordinated Land Use Planning Review  
File: LA.07.PRO
4. Provincial Bill 73 – *Smart Growth for Our Communities Act, 2015*  
File: LA.07.PRO
5. **PUBLIC MEETING**  
Information Report on applications to permit two new condominium apartment  
buildings of 12 and 15 storeys in addition to the two existing rental apartment  
buildings, 1850 Rathburn Road East and 4100 Ponytrail Drive, Northwest of  
Burnhamthorpe Road East and Ponytrail Drive  
Owner: Forest Park Circle Ltd.  
File: OZ 12/009 W3

6. Second Unit Implementation Strategy – Update Report  
File: CD 06 AFF
7. Second Unit Licensing Update

## **ADJOURNMENT**



# Corporate Report

Clerk's Files

Originator's  
Files

BL.03-SIG (2015)

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**DATE:** May 5, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Ezio Savini, P. Eng.  
Director, Building Division

**SUBJECT:** **Sign By-law 0054-2002, as amended**  
**Sign Variance Applications**

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**RECOMMENDATIONS:** That the report dated May 5, 2015 from the Director of the Building Division regarding Sign By-law 0054-2002, as amended, and the requested one (1) Sign Variance Applications described in Appendix 1, be adopted in accordance with the following;

1. That the following Sign Variances **not be granted**:

- (a) Sign Variance Application 15-04866  
Ward 5  
2215296 Ontario Inc.  
7280 Dixie Rd.

To permit the following:

- (i) Two (2) billboards each with changing copy sign faces.

The proposed signage is not in keeping with the intent of the Sign By-law and does not have design merit. Planning and Building Department cannot support the requested variance as it would set an undesirable precedent within Mississauga.

**COMMENTS:**

The Planning and Building Department has received one (1) Sign Variance Applications (see Appendix 1) for approval by Council. The application is accompanied by a summary page prepared by the Planning and Building Department which includes information pertaining to the site location; the applicant's proposal; the variance required; an assessment of the merits (or otherwise) of the application; and a recommendation on whether the variance should or should not be granted.

**FINANCIAL IMPACT:**

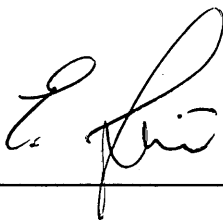
Not applicable.

**CONCLUSION:**

Council may authorize minor variances from Sign By-law 0054-2002, as amended, if in the opinion of Council, the general intent and purpose of the By-law is maintained. Sign By-law 0054-2002, as amended, was passed pursuant to the *Municipal Act*. In this respect, there is no process to appeal the decision of Council to the Ontario Municipal Board, as in a development application under the *Planning Act*.

**ATTACHMENTS:**

2215296 Ontario Inc.  
Appendix 1-1 to 1-6



Ezio Savini, P. Eng.  
Director, Building Division

*Prepared By: Darren Bryan, Supervisor Sign Unit*



**SIGN VARIANCE APPLICATION REPORT**  
**Planning and Building Department**

May 5, 2015

**FILE:** 15-04866

**RE:** 2215296 Ontario Inc.  
7280 Dixie Rd - Ward 5

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The applicant requests the following variance to Section 4(6) of Sign By-law 0054-2002, as amended.

| Section 4(6)                                  | Proposed  |
|---|---|
| A sign not expressly permitted is prohibited. | Two (2) billboard signs each with changing copy sign faces. |

**COMMENTS:**

The requested variance is to permit two (2) billboard signs each with changing copy sign faces. The site currently contains 2 billboard signs (double faced) that are not illuminated. It is our understanding that these billboard signs received a permit in 2001. The applicant is proposing to illuminate both sides of each of the existing billboard signs.

The proposed signage is not expressly permitted in Sign By-law 0054-2002, and is therefore prohibited. The proposed signage is not in keeping with the intent of the Sign By-law and would be seen as a visual distraction along Dixie Road. The Planning and Building Department cannot support the requested variance as it would set an undesirable precedent within Mississauga.

The Chief Building Official also contacted the applicant and raised several questions pertaining to the sign usage, brightness, technical matters and indemnification of liability; however did not received a response to these questions.

**Permit World Inc.**

12 Rock Avenue, Unit B, Kitchener ON N2M 2P1 T: (519) 585-1201 F: (519) 208-7008

March 3, 2015

City Hall  
Planning & Building Department, Sign Unit  
300 City Centre Drive  
Mississauga, ON  
L5B 3C1

Attn: Darren Bryan

**Re: Sign variance application for 7280 Dixie Road**

Please accept this letter as a formal request for a sign variance to allow the existing two double-sided billboard signs located at the above address to be changed to digital changing copy signs displaying graphics, images and text covering 100% of the sign area.

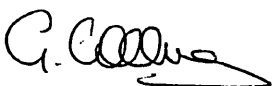
The existing billboards have permits dating back to 2001.

The sign by-law does not currently address electronic displays on billboards. There are no neighbouring residential areas as this is primarily an industrial area on a major arterial road, and thus this type of copy will have no adverse effect on nearby properties.

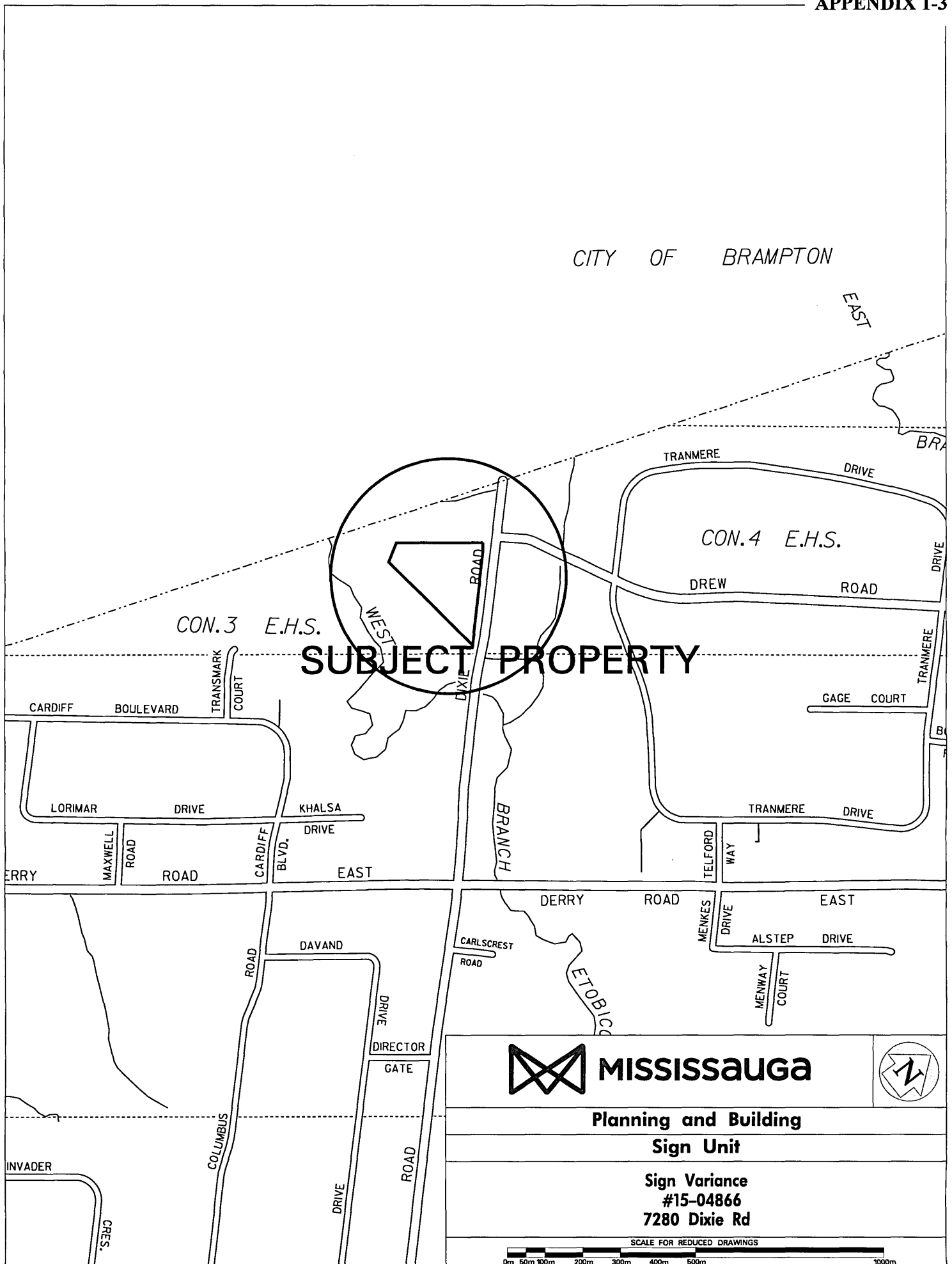
The use of this state-of-the art technology will enhance the image of a progressive, forward-thinking city. In addition, there is a safety factor where installing static material to the existing boards presents a possible hazard to installers in Canada's varied weather conditions.

We are respectfully requesting your support and approval in this matter. If you require additional information or have any questions, feel free to contact the undersigned.

Yours sincerely,



Gilda Collins  
Senior Project Manager  
[admin@permitworld.ca](mailto:admin@permitworld.ca)





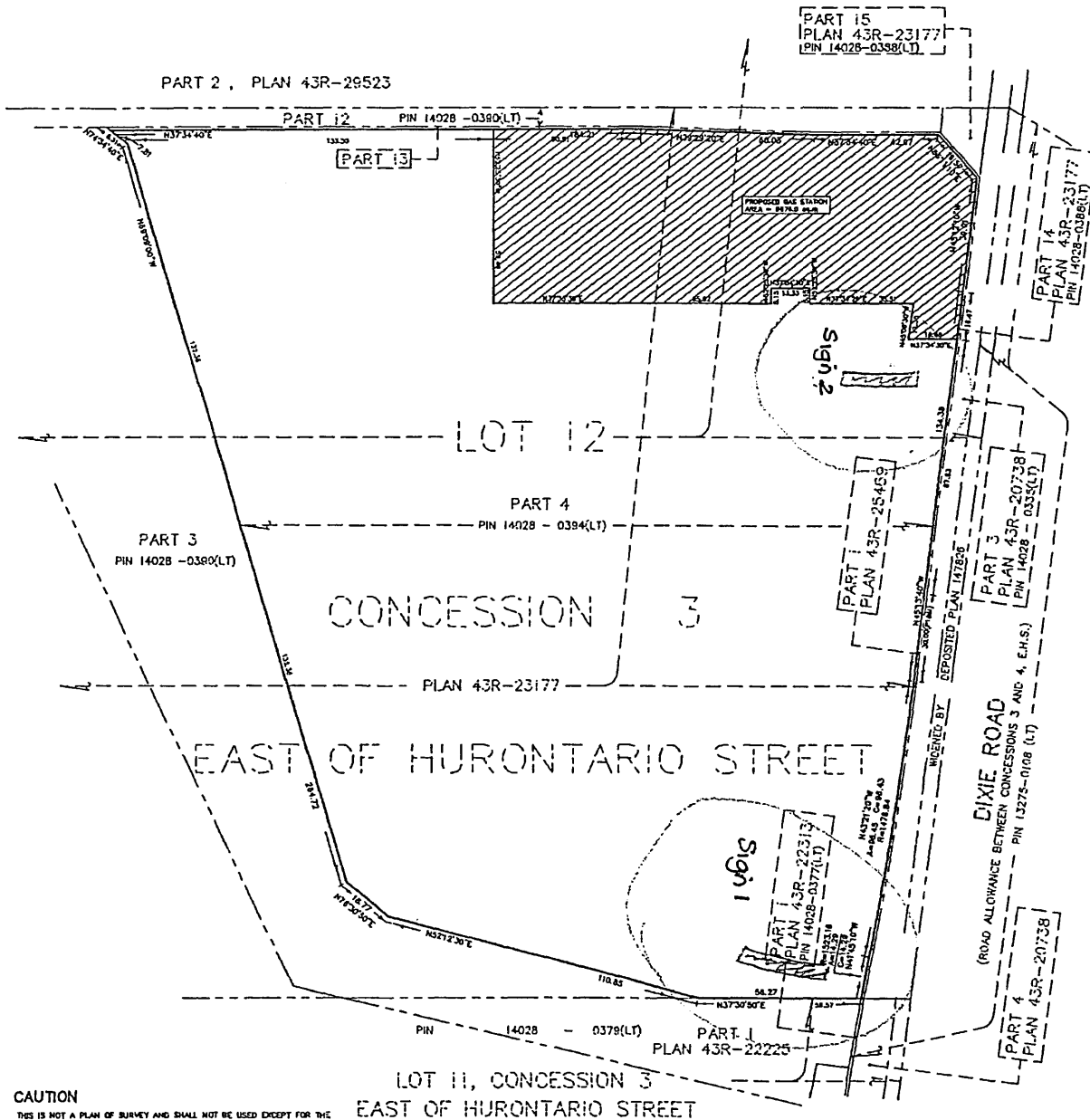
SKETCH ILLUSTRATING  
PROPOSED GAS STATION LEASE LIMIT  
7280 DIXIE ROAD  
CITY OF MISSISSAUGA

SCALE 1: 1000



David B. Searles Surveying Ltd.  
ONTARIO LAND SURVEYORS

METRIC  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN  
METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

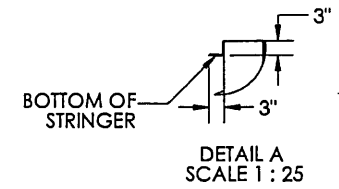
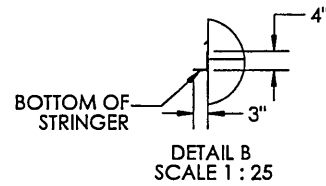
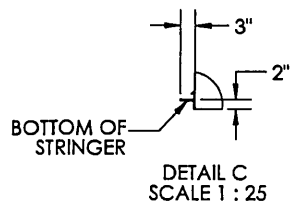
NOTE

PROPERTY INFORMATION SHOWN HEREON IS GRID BEARING AND COMPILED FROM SURVEYOR'S REAL PROPERTY REPORT BY DAVID B. SEARLES SURVEYING LTD. DATED SEPTEMBER 12, 2007 (FILE 149-0-07)

PROPOSED GAS STATION LIMITS SHOWN HERE ARE COMPILED FROM PROPOSED SITE PLAN DRAWING NO. 4-1-0, REVISION DATED: 31-09-11

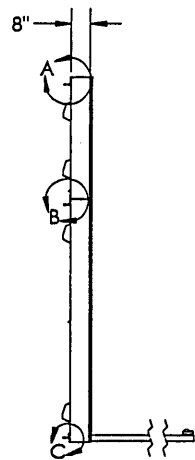
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| David B. Searles Surveying Ltd.                         |              | Calculator | Professional |
|---|--------------|------------|--------------|
| ONTARIO LAND SURVEYORS                                  |              | BC         | BC           |
| 4324 VILLAGE CENTRE COURT, MISSISSAUGA, ONTARIO L4Z 1S2 |              | Editor     | Plan Index   |
| Tel: (905) 273-8840 Fax: (905) 806-4410                 |              | APS        | 115          |
| Email: info@dsurveying.com                              |              |            |              |
| Calculation File  | Drawing File | File No.   |              |
| 149-07col(UTM).dwg                                      | 149-4-07.DWG | 149-4-07   |              |

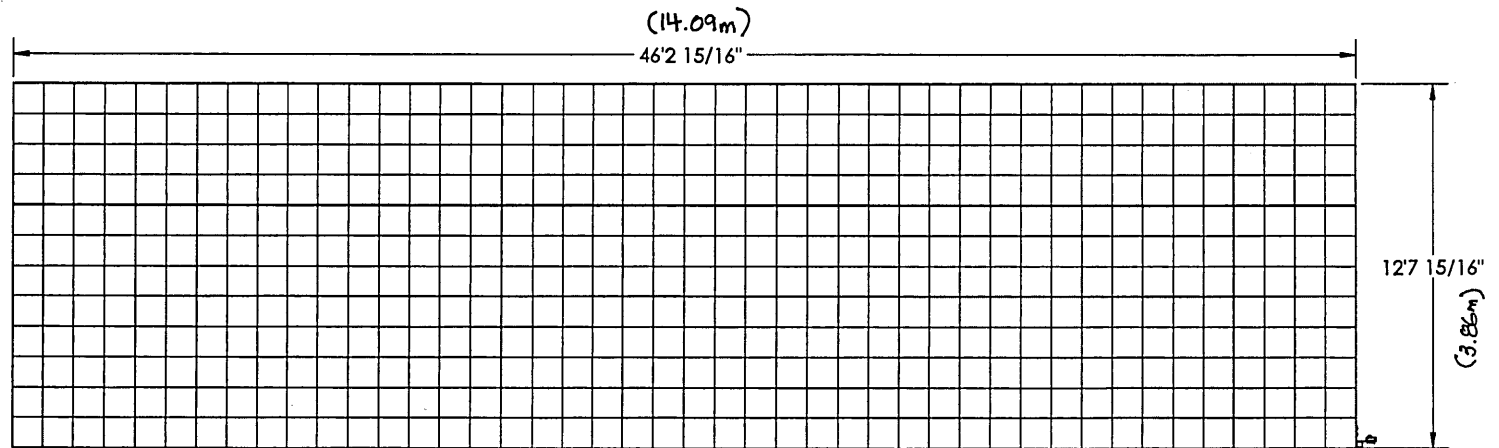


5/8" X 1 3/8" SLOTS  
TOP MOUNTING SLOTS SHOWN  
MIDDLE AND LOWER MOUNTING  
SLOTS SIMILAR

TOP VIEW



SIDE VIEW



FRONT VIEW

Sign face area =  $14.09\text{m} \times 3.86\text{m} = 54.37\text{m}^2$   
face

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DO NOT SCALE DRAWING  
INTERPRET DIMENSIONS AND TOLERANCES  
PER ASME Y14.5M-1994  
DIMENSIONS ARE IN INCHES  
TOLERANCES APPLY AS SHOWN BELOW

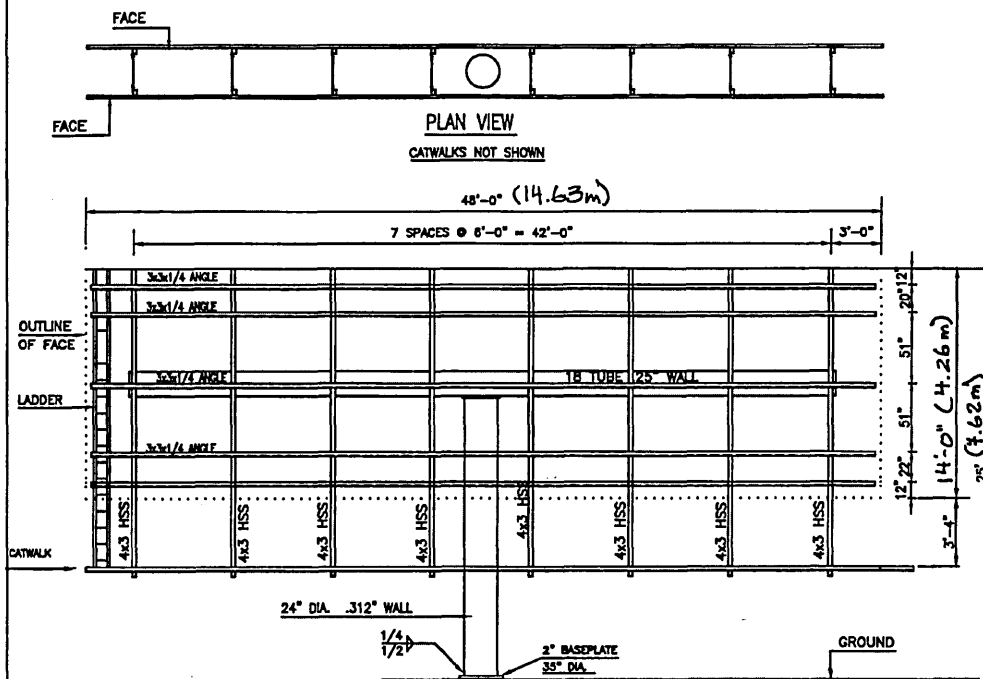
|                   |        |
|-------------------|--------|
| Ø PL DEC          | ±0.2   |
| 1 PL DEC          | ±0.1   |
| 2 PL DEC          | ±0.05  |
| 3 PL DEC          | ±0.005 |
| ANGLES            | ±1°    |
| SURFACE ROUGHNESS | 32 µin |



|            |      |
|------------|------|
| CUSTOMER   |      |
| PROJECT    |      |
| DRAWN BY   | DATE |
| CHECKED BY | DATE |
| APPROVED   | DATE |

MEDIA RESOURCES INTERNATIONAL  
1387 CORNWALL ROAD OAKVILLE ONTARIO  
TEL: 1.800.667.4554 FAX: 1.905.337.9531

| TITLE            |                           |              |      |
|------------------|---------------------------|--------------|------|
| MOUNTING DETAILS |                           |              |      |
| SIZE             | DRAWING NO                | REVISION     |      |
| B                | D0034-05-MOUNTING DETAILS | B            |      |
| WORK ORDER NO    | D0034-05                  | SCALE        | 1:64 |
| WEIGHT           | 6018 lbs                  | SHEET 1 OF 1 |      |



# NOTE

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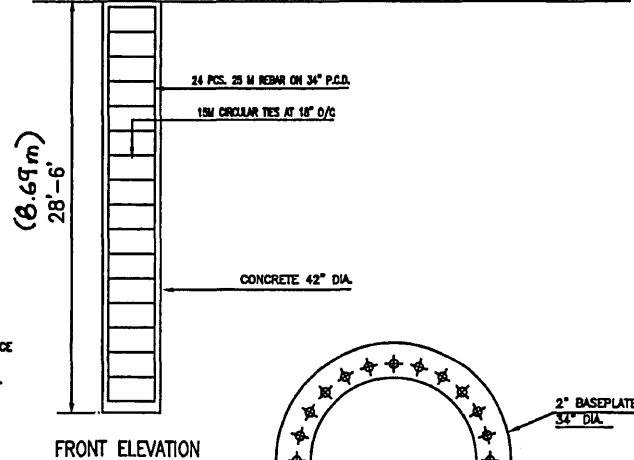
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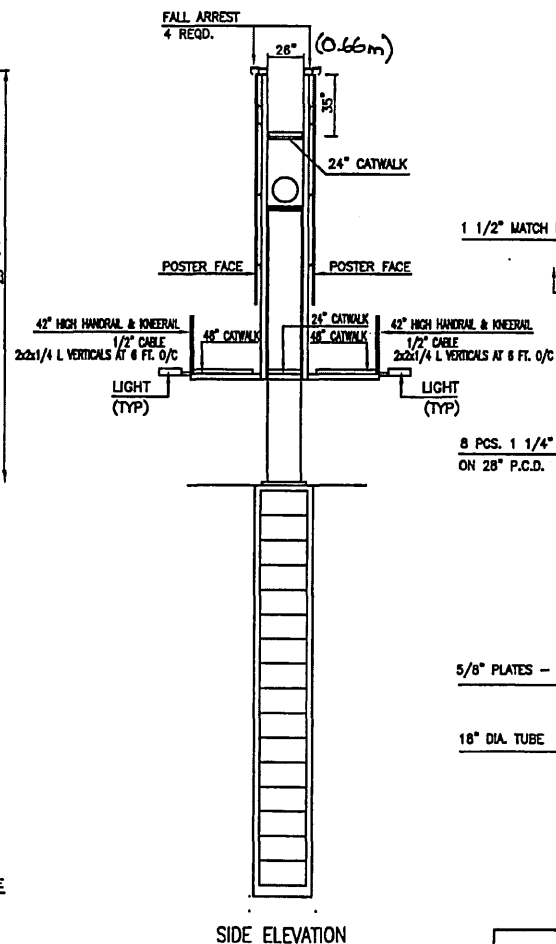
# NOTES

1. STEEL REBAR .... DEFORMED.. 400 MPa
2. STEEL HSS ..... 50 KSI YIELD
3. STEEL TUBE ..... 50 KSI YIELD
4. STEEL STRUCTURAL TO C.S.A. C44.21-44W
5. ANCHOR BOLTS ..... 44 KSI YIELD
6. WELDING TO BE TO C.S.A. W59-1989
7. CONCRETE 30 MPa
8. DESIGN WIND PRESSURE ..... 30 PSF
9. BOLTS (UNLESS NOTED) ..... ASTM A 325
10. CONCRETE MATERIALS AND CONSTRUCTION TO BE TO CAN/CSA-A23.1-M90 AND TO CAN/CSA-A23.2-M90.
11. STEEL BASEPLATE.....50 KSI YIELD



BASEPLATE & ANCHOR BOLT LAYOUT

Double-sided sign



SECTION B-B

LEN MAILE

P.ENG. STRUCTURAL ENGINEER

28 RIVERSIDE BLVD. THORNHILL ONTARIO L4J 1H3  
TELEPHONE 905-881-3728 FAX : 905-881-3431

STRUCTURE FOR 14' x 48' FACES BACK TO BACK

05FEB01

4266-115

NOTE: THIS DRAWING APPLIES FOR SINGLE AND BACK TO BACK FACES



# Corporate Report

Clerk's Files

Originator's  
Files BL.09-MOP

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**DATE:** May 5, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Official Plan Amendment and Rezoning Proposals**  
**Special Site and Mapping Conformity**

**Public Meeting/Information Report****Wards 1-11**

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**RECOMMENDATION:** That the Report dated May 5, 2015, from the Commissioner of Planning and Building regarding proposed amendments to Mississauga Official Plan (MOP) and/or the Zoning By-law, to bring the zoning and land use designations into conformity for various properties, be received for information, and notwithstanding planning protocol, that the Recommendation Report be brought directly to a future Council meeting.

**BACKGROUND:** The *Planning Act* requires that zoning by-laws be in conformity with the policies of municipal Official Plans within three years of adopting the Official Plan. This is the second of a series of Corporate Reports, zoning by-law revisions and/or official plan amendments that will be brought to Planning and Development Committee to meet this requirement and to ensure the Zoning By-law is kept up to date.

**COMMENTS:** This Report addresses two issues, namely the need to amend the zoning provisions to be consistent with MOP policies and the need to amend both MOP and the Zoning By-law if neither the land use designation nor the zone category reflect the actual use of the site.

Mississauga Official Plan (MOP) contains a number of Special Sites. These are properties with unique circumstances, but complement and support the long term vision of MOP. They are reviewed during the preparation of Local Area Plans. For this study, each site policy was compared to its zone category in the Zoning By-law and the actual use of the property. For those sites where the zoning or use is not in conformity, new provisions are proposed.

Mapping for the remainder of the City was also reviewed for inconsistencies between zone categories, land use designations and actual uses on the sites. Through this review, sites have been identified which need to be amended to bring the two planning documents into alignment and to reflect the current land uses.

Approximately half of the properties subject to change are City owned lands. Most of these were redesignated as part of Mississauga Official Amendment Number 23, General Amendments (MOPA 23 and 27) and Natural Heritage and Urban Forest Strategy (MOPA 27) and only require a rezoning. Some other properties are owned by other public agencies, and still others are in private ownership. Where a change in the land use designation or zoning is proposed for the non-City owned lands, a letter has been sent to the agency/owner to inform them of the proposed change(s).

Appendix I-1 is a location map that identifies each property, with a corresponding number to the summary chart. Appendix I-2 is a chart that summarizes all of the amendments, sorted by Ward.

## **COMMUNITY ISSUES**

No community meetings were held, and no written comments have been received by the Planning and Building Department. There was community consultation held for MOPA 23 and MOPA 27.

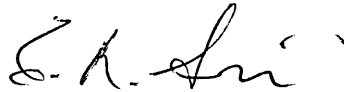
**DEVELOPMENT ISSUES**

Relevant City Departments were consulted throughout the site review process, and they concur with the proposed amendments.

**FINANCIAL IMPACT:** There is no financial impact.

**CONCLUSION:** After the public meeting has been held, all comments received will be reviewed and addressed. Amendments to Mississauga Official Plan and the Zoning By-law will be brought forward with a recommendation for approval from the Planning and Building Department.

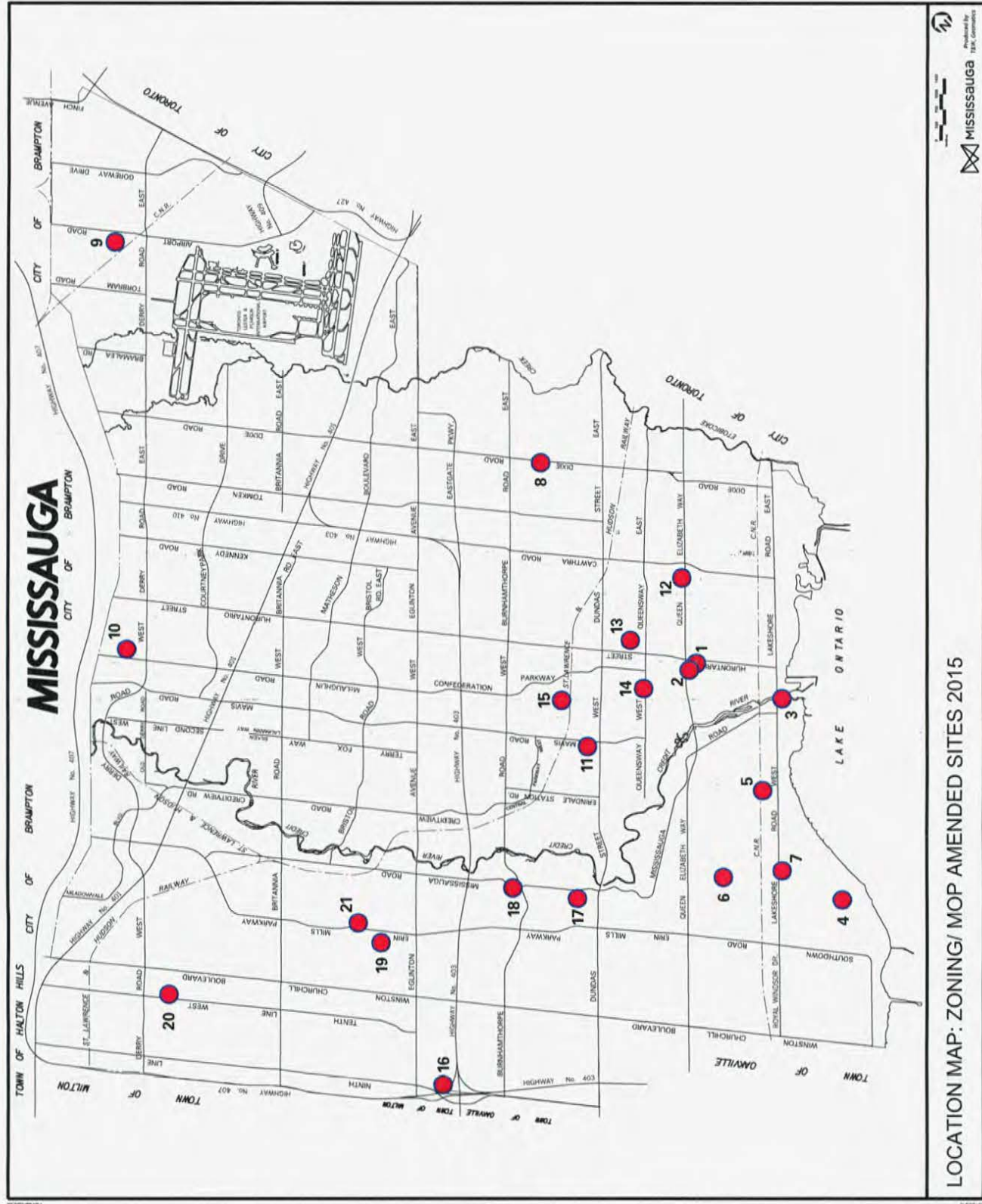
**ATTACHMENTS:** Appendix I-1: Location Map: Zoning/MOP Amended Sites 2015  
Appendix I-2: Summary Chart of Proposed Amendments



Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Lisa Christie, Zoning By-law Review Planner*





# Summary Chart of Proposed Amendments

| Site Location                        | Character Area                    | Current Use                     | Current MOP Designation    | Proposed MOP Amendments | Current Zoning   | Proposed Zoning Change                       | Notes   |
|--------------------------------------|-----------------------------------|---------------------------------|----------------------------|-------------------------|--|--|---|
| 1) Hurontario Street/Pinetree Way W1 | Mineola Neighbourhood             | Vacant lot                      | Residential Medium Density | n/a                     | "H-RM4-50" (Townhouse dwellings – Exception)           | "RM4" (Townhouse dwellings)                  | Exception zone no longer relevant. Owned by Ministry of Transportation.                   |
| 2) Pinetree Way/QEW W1               | Mineola Neighbourhood             | Queen Elizabeth Way Interchange | Residential Low Density II | Remove designation      | "R2-4" (Detached dwellings – Typical lots – Exception) | Remove zoning                                | Interchange lands do not have zones or designations. Owned by Ministry of Transportation. |
| 3) 105 Lakeshore Road West W1        | Port Credit Community Node        | Lighthouse                      | n/a                        | Public Open Space       | n/a  | "H-OS2-9" (Open Space - City Park-Exception) | Extend adjacent zone and designation to permit uses on-site. City owned.                  |
| 4) 484 Apple Lane W2                 | Clarkson-Lorne Park Neighbourhood | Woodlot                         | Greenlands                 | n/a                     | "OS2" (Open Space – City Park)                         | "G2" (Greenbelt – Natural Features)          | Site was re-designated to Greenlands in MOPA 27. City owned.                              |
| 5) Lornewood Creek/CNR W2            | Clarkson-Lorne Park Neighbourhood | Woodlot                         | Residential Medium Density | Greenlands              | "G1" (Greenbelt – Natural Hazards)                     | "G2" (Greenbelt – Natural Features)          | Rezone to recognize existing woodlot. City owned.   |



Summary Chart of Proposed Amendments

| Site Location                       | Character Area                    | Current Use                          | Current MOP Designation                  | Proposed MOP Amendments  | Current Zoning                             | Proposed Zoning Change                                    | Notes  |
|-------------------------------------|-----------------------------------|--------------------------------------|--|--|--|---|--|
| 6) Truscott Drive/Elite Road W2     | Clarkson-Lorne Park Neighbourhood | Woodlot                              | Greenlands                               | n/a  | "OS1" (Open Space – Community Park)        | "G2" (Greenbelt – Natural Features)                       | Site was re-designated to Greenlands in MOPA 27. City owned.   |
| 7) 1010 Cristina Court W2           | Clarkson-Lorne Park Neighbourhood | Townhouse development                | Residential High Density; Special Site 6 | Delete Special Site 6, redesignate to Medium Density Residential | "RM4-24" (Townhouse dwellings – Exception) | "RM4-24" (Townhouse dwellings – Exception, as amended)    | Remove maximum number of units as the site is built out.   |
| 8) 3450 Dixie Road W3               | Applewood Neighbourhood           | Former fire station, vacant building | Residential Medium Density               | n/a  | "RM4-59" (Townhouse dwellings – Exception) | "RM4" (Townhouse dwellings)                               | Delete the provision that the lands can only be used for an essential emergency service. City owned. |
| 9) 39 Beverly Street W5             | Malton Neighbourhood              | Future park                          | Residential Low Density II               | Public Open Space  | "R3" (Detached dwelling – Typical lots)    | "OS1" (Open Space – Community Park) and Greenbelt Overlay | Site is being redeveloped into Malton Village Park. City owned.                                      |
| 10) Acumen Court/Derrydale Drive W5 | Meadowvale Village Neighbourhood  | Park                                 | Open Space                               | n/a  | "G2" (Greenbelt – Natural Features)        | "OS1" (Open Space – Community Park)                       | Part of the site was re-designated in MOPA 27. City owned.   |

Summary Chart of Proposed Amendments

| Site Location                    | Character Area                 | Current Use              | Current MOP Designation                    | Proposed MOP Amendments                             | Current Zoning   | Proposed Zoning Change  | Notes  |
|----------------------------------|--------------------------------|--------------------------|--|---|--|---|--|
| 11) 3092 Mavis Road W6           | Mavis-Erindale Employment Area | Commercial development   | Mixed Use; Special Site 1                  | n/a   | "C3-41" (General Commercial – Exception)               | "C3-41" (General Commercial – Exception as amended)                                       | Uses not permitted in Mississauga Official Plan include department store and food supermarket. |
| 12) 589 North Service Road W7    | Cooksville Neighbourhood       | Commercial plaza         | Convenience Commercial                     | n/a   | "C1-8" (Convenience Commercial – Exception)            | "C1" (Convenience Commercial)   | Remove permission for a gas bar.   |
| 13) 95 Paisley Boulevard East W7 | Downtown Hospital              | Undeveloped land/creek   | Residential Low Density                    | Greenlands; Remove lands from Downtown Hospital SS1 | "R1" (Detached dwelling – Typical lots)                | "G1" (Greenbelt – Natural Hazards)  | Site recently purchased by City, in Cooksville Creek hazard lands.                             |
| 14) 255 Queensway West W7        | Cooksville Neighbourhood       | Vacant detached dwelling | Residential Low Density II; Special Site 5 | Delete Special Site 5                               | "R3-63" (Detached dwelling – Typical lots – Exception) | Delete the provision of the Exception that permits the temporary use of a dental practice | Approval from Committee of Adjustment for creation of 2 new lots.                              |

Summary Chart of Proposed Amendments

| Site Location                 | Character Area                    | Current Use                                | Current MOP Designation                                 | Proposed MOP Amendments                                 | Current Zoning  | Proposed Zoning Change   | Notes   |
|-------------------------------|-----------------------------------|--|---|---|---|--|---|
| 15) 465 Fairview Road West W7 | Fairview Neighbourhood            | Elementary school                          | Residential Low Density II<br><br>and<br><br>Greenlands | Greenlands<br><br>and<br><br>Residential Low Density II | "R4-22" (Detached dwelling – Typical lots – Exception)<br><br>"R4" and "R4-22" (Detached dwelling – Typical lots) | "R4" (Detached dwelling – Typical lots) and "G1" (Greenbelt – Natural Hazards)<br><br>"G1" (Greenbelt – Natural Hazards) | Realign zones to match the new top of bank and the new land use. Peel District School Board and City owned. |
| 16) 4525 Ninth Line W8        | Churchill Meadows Employment Area | Hydro substation                           | Business Employment                                     | Utility   | "E2" (Employment)   | "U" (Utility)  | Reflect current use of the site for a hydro substation. Owned by Hydro One.                                 |
| 17) 1695 The Collegeway W8    | Erin Mills Neighbourhood          | Glen Erin Inn and high density residential | Mixed Use Special Site 3                                | n/a   | "C3-9" (General Commercial – Exception)   | "C3-9" (General Commercial – Exception, as amended)  | Remove permission for real estate office.   |
| 18) 3669 Mississauga Road W8  | Erin Mills Neighbourhood          | Tableland near Credit River                | Parkway Belt West                                       | n/a   | "PB1-10" (Parkway Belt – Exception)   | "PB1" (Parkway Belt)   | Remove permission for demolished dwelling. City owned.  |

Summary Chart of Proposed Amendments

| Site Location                                | Character Area                   | Current Use             | Current MOP Designation    | Proposed MOP Amendments | Current Zoning                      | Proposed Zoning Change                   | Notes   |
|--|----------------------------------|-------------------------|----------------------------|-------------------------|-------------------------------------|--|---|
| 19) Erin Mills Pkwy/Erin Centre Boulevard W9 | Central Erin Mills Neighbourhood | Woodlot                 | Greenlands                 | n/a                     | "OS1" (Open Space – Community Park) | "G2" (Greenbelt – Natural Features)      | Recognize existing woodlot. City owned.                       |
| 20) 6855 Tenth Line West W9                  | Meadowvale Neighbourhood         | Plum Tree Public School | Residential Low Density II | n/a                     | "OS1" (Open Space – Community Park) | "R3" (Detached dwellings – Typical lots) | Recognize land exchange. Owned by Peel District School Board. |
| 21) Erin Mills Pkwy/McFarren Blvd W11        | Central Erin Mills Neighbourhood | Park                    | Public Open Space          | n/a                     | "G2" (Greenbelt – Natural Features) | "OS1" (Open Space – Community Park)      | Recognize park use. City owned.                               |

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# Corporate Report

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**DATE:** May 5, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Provincial Coordinated Land Use Planning Review**

**RECOMMENDATION:** That the report titled "Provincial Coordinated Land Use Planning Review", dated May 5, 2015, from the Commissioner of Planning and Building, be approved and forwarded, by the City Clerk, to the Ministry of Municipal Affairs and Housing, the Association of Municipalities of Ontario (AMO), the Region of Peel, the City of Brampton and Town of Caledon.

## REPORT HIGHLIGHTS:

- The Province initiated a review of the Growth Plan, the Greenbelt Plan the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan.
- This report is in response to the first phase of the review and provides comments on how to improve the Plans, with a focus on the Growth Plan.
- Public comments are due on May 28, 2015. At which time all recommendations will be reviewed by an Advisory Panel, chaired by David Crombie. The Panel will recommend amendments to the Plans, which will then be circulated for a second round of comment.
- It is expected that a final amendment will be presented to the Government for approval in early 2016.

**BACKGROUND:**

The Growth Plan for the Greater Golden Horseshoe was adopted by the Province in 2006. The City of Mississauga must comply to the Plan which establishes a detailed policy framework for managing growth. The Plan is very important to the City. Not only does it establish growth allocations, but it ultimately directs all future land use planning matters related to: economic development, transportation, infrastructure, urban form, housing, and natural resources.

On February 27, 2015 the Province launched a coordinated review of the Growth Plan, the Greenbelt Plan, the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. The latter two Plans do not apply to lands within Mississauga. The purpose of the review is to identify how to make the Plans work better. The Province would like to know what is working well and what should remain the same?

The coordinated review consists of two phases. The first is to seek input to inform the development of amendments to the Plans, and the second phase is to consult on proposed amendments.

A provincial Advisory Panel has been formed consisting of six advisors, chaired by David Crombie, to develop recommendations on how to amend and improve the Plans. The Panel will deliver a report to the Minister of Municipal Affairs and Housing and the Minister of Natural Resources and Forestry by September 1, 2015.

Additionally, in order to facilitate feedback, the Province prepared and released a discussion document titled "*Our Region, Our Community, Our Home*". It focused on six key themes.

To date, planning staff have conducted internal consultation with departments across the City to obtain feedback. Additionally, staff have participated in the following activities:

- A public meeting held by the Province on April 22, 2015.
- Interview conducted by the Canadian Urban Institute (CUI), who were retained by the Ontario Growth Secretariat to meet with municipalities to gather information on Growth Plan policies.

- Facilitated workshops hosted by the Ontario Professional Planners Institute (OPPI).

This report is to provide input into the first phase of the review. The last day to submit comments to the Province is May 28, 2015.

## COMMENTS:

From the City's perspective, growth is beneficial. As the city grows its revenues (taxation, user fees and potentially Provincial grants) will increase which enables the City to improve existing services and provide new services to support new residents and businesses. However, with growth come challenges, some of which are unique to Mississauga by comparison to abutting municipalities.

In consideration of the Growth Plan, it is important to understand the critical elements of a successful growth plan. Based on best practices, the following criteria are considered important for success:

- a clear vision, goals and targets;
- adequate tools for implementation;
- commitments to the plan by all parties;
- a high degree of collaboration among stakeholders; and
- financial commitments to support growth management.

The following section provides an overview of what is working well and what should be changed to improve the overall approach to growth management based on these criteria. Detailed comments are attached as Appendix 1.

### What is Working Well?

When the Growth Plan was approved in 2006 its purpose was to guide planning in the fast growing Greater Golden Horseshoe by curtailing the urban sprawl that was undermining the region's economic competitiveness and quality of life. By directing a larger share of growth to built-up areas and developing criteria for greenfield expansions the Plan sought to create vibrant mixed use communities that are transit supportive, preserve employment areas for future economic growth, responsibly plan for infrastructure investments, and conserve natural systems and prime agricultural land.

The Province is to be commended for its initiative and the Growth Plan's many successes. The dialogue around creating complete communities and planning for major infrastructure investments such as higher order transit has helped shape planning documents such as Mississauga Official Plan. The Growth Plan and municipal plans that refine its policies to respond to local circumstances, have established a policy framework that will serve the region well as it continues to grow.

In the world of policy planning and land development, ten years is not a long time. Many of the benefits of the Growth Plan are still working their way through the system. That said, there are lessons that have been learned that can strengthen the Growth Plan and its implementation. The comments in this report recognize that the basic premise of the Growth Plan remains sound and serves as a strong foundation to be built upon.

### **What Needs to be Changed?**

Matters of particular concern that should be addressed by the Province as part of this important review include the following:

- The Growth Plan should exempt lands within the built boundary from the 20 year planning time horizon identified in Policy 1.1.2 of the Provincial Policy Statement. Lands within the built boundary should be able to protect lands for long term intensification and to coordinate the land use vision with major infrastructure investments (e.g., higher order transit).
- Essential to achieving the intensification vision contained in the Growth Plan is the need to obtain and finance basic community infrastructure such as roads, parks and schools. The planning and financial regime that exists works well in obtaining community infrastructure in greenfield situations, but not for intensification within developed areas. The Province should undertake a comprehensive review of planning tools and funding mechanisms to ensure that greenfield development is not incentivized over intensification within the built boundary. This has been a point of concern for a number of City Councillors, as members of the Regional Growth Management Committee.



- The employment and population density targets should be separated, for both greenfields and urban growth centres.
- The Growth Plan, the Greenbelt Plan, the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan should be harmonized to ensure consistent definitions, designations and technical guidelines. Further, The Parkway Belt West Plan should be incorporated into the Growth Plan, in order to update its policies and ensure a consistent policy direction.
- Official plan policies that conform to Growth Plan policies, particularly intensification requirements, should not be appealable. Appeals should also be prohibited where there has been large infrastructure investment and for policies that protect employment lands.

#### **Next Steps for the Review**

Provincial staff has advised that by the end of the summer the Advisory Panel will provide advice/recommendations to the Government for consideration. In the fall of 2015 phase two of the consultation will commence which will include draft amendments. In early 2016 (winter/spring) an amendment will be presented to the Government for approval.

Staff will report back to Council on the proposed amendments and implications for Mississauga after they are released.

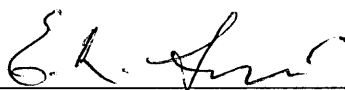
**FINANCIAL IMPACT:** Not applicable.

#### **CONCLUSION:**

This report provides input into the first phase of the Provincial review of the Growth Plan, the Greenbelt Plan, the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. A second round of comments will be sought once the Provincial Advisory Panel has reviewed comments received and proposes draft amendments to the Plans. It is expected that a final amendment will be presented for Government approval in early 2016.

It is recommended that this report be approved and forwarded to the Ministry of Municipal Affairs and Housing so that the City's position can be considered by the Province.

**ATTACHMENTS:**      Appendix 1:   City of Mississauga Response to the  
   Provincial Coordinated Land Use Planning Review



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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Shahada Khan, Planner, Policy Planning*

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## **City of Mississauga Response to the Provincial Coordinated Land Use Planning Review**

The following comments are to be considered as input into the Provincial Coordinated Land Use Planning Review from the City of Mississauga. The comments are organized by theme area and apply to all Plans under review, with emphasis on changes to the Growth Plan.

### **What is Working Well?**

When the Growth Plan was approved in 2006 its purpose was to guide planning in the fast growing Greater Golden Horseshoe by curtailing the urban sprawl that was undermining the region's economic competitiveness and quality of life. By directing a larger share of growth to built-up areas and developing criteria for greenfield expansions the Plan sought to create vibrant mixed use communities that are transit supportive, preserve employment areas for future economic growth, responsibly plan for infrastructure investments, and conserve natural systems and prime agricultural land.

The Province is to be commended for its initiative and the Growth Plan's many successes. The dialogue around creating complete communities and planning for major infrastructure investments such as higher order transit has helped shape planning documents such as Mississauga Official Plan. The Growth Plan and municipal plans that refine its policies to respond to local circumstances, have established a policy framework that will serve the region well as it continues to grow.

### **What Needs to be Changed?**

In the world of policy planning and land development, ten years is not a long time. Many of the benefits of the Growth Plan are still working their way through the system. That said, there are lessons that have been learned that can strengthen the Growth Plan and its implementation.

#### **Planning Horizon**

- The Growth Plan should exempt lands within the built boundary from the 20 year planning time horizon identified in Policy 1.1.2 of the Provincial Policy Statement. Lands within the built boundary should be able to protect lands for long term intensification and to coordinate the land use vision with major infrastructure investments (e.g., higher order transit).
- A fixed time horizon is appropriate for greenfield lands. To address issues of oversupply of greenfields, a time horizon of less than 20 years with well-established review periods may be appropriate.

### **Growth Allocations**

- Criteria for the allocation of growth to lower tier municipalities should be specified. For example, in Peel Region the following criteria were developed to guide the allocation of the Amendment 2 forecasts:
  - Protection of agricultural lands
  - Support “growth pays for growth” concept; minimize the impact on existing taxpayers
  - Efficient utilization of the Region’s existing and planned infrastructure
  - Densities that support transit and complete communities
  - Planning for a range of employment over the long term to adjust to market cycles
- The employment forecast methodology should be reviewed to better reflect what is being achieved.

### **Greenfield Expansions**

- Greenfield expansions have a direct impact on urban areas, specifically on infrastructure servicing and expansions. This can result in large costs to municipalities. As well, greenfield expansions can result in the loss of prime agricultural lands, that are needed to support the food production in local communities. The Province should clarify the purpose of the “white belt” and its intended long term role. Should this boundary be fixed in certain areas to protect critical resources (e.g., prime agricultural land)?
- As part of the land budget exercise to determine where growth will occur and by how much, this includes urban areas and greenfields. Take-outs are identified within greenfield areas, that are sometimes necessary in order to identify areas where growth cannot happen. These could include natural features for example. It is important that the Province articulate what are appropriate greenfield take-outs and also provide guidance on preparing land budgets. This will make it easier for upper and lower tier governments when trying to allocate the Provincially assigned population and employment forecasts.

### **Targets**

- The Province should re-evaluate the intensification targets and customize them to fit with community context. Once established, exemptions which undermine the Growth Plan and create an unlevel planning field, should not be permitted.
- The employment and population density targets should be separated, for both greenfields and urban growth centres.
  - In greenfield situations, the employment densities being achieved are far lower than the target and drive up residential densities to levels that might not be acceptable to the

community or reflect good planning. Are the residential densities required appropriate in areas without supportive community infrastructure and transit services? Will municipalities restrict lands designated for employment uses out of concern for the implications on residential development?

- In urban growth centres the challenge is about getting employment to create mixed use live-work environments. Lands for employment uses, specifically office, need to be protected as they are not competitive with other uses such as high density residential.
- Consideration should be given to including additional density targets, such as for Major Transit Station Areas.
- The Province should clarify if the density targets are to be “planned for” or achieved by the horizon year.

#### **Protecting Stable Neighbourhoods**

- Develop a policy framework for non-intensification areas. Once municipalities have appropriately developed growth management plans that provide for intensification, they should be able to identify the type and scale of development in non-intensification areas to protect the character of stable residential communities.

#### **Greenbelt Plan**

- The Greenbelt policies should be strengthened ensure that certain uses are not permitted that would cause disturbances to the natural environment.
- Develop a policy framework encourages municipalities to brings food production uses back into the urban area.
- Clarify the purpose of the urban river valley (URV) designation. If the designation is to be retained, extend it to privately owned lands to provide connections and apply it to all major rivers draining into Lake Ontario.

#### **Environment Policies in the Growth Plan**

- The Growth Plan should include policies that make linkages between public health and public open spaces.
- Climate change will have a direct impact on how municipalities plan now and into the future, in order to mitigate flooding and the damage caused to homes, trees, the natural environment, etc. In urban areas, climate change can have a significant impact with regard to infrastructure that will be affected by extreme weather and what can be done to adapt to climate change. The Growth Plan needs to examine the impact that climate change will have on communities with attention to its

connection to land use planning and impacts to communities. The Plan should also define the term “resilient communities”.

- Direction or guidance on use of green infrastructure and other types of infrastructure that are resilient in light of climate change
- The Growth Plan should include a specific section for energy with policies that link energy to development and land use. Infrastructure to support growth should include energy infrastructure. These policies should encourage the integration of energy types (e.g. district energy, smart grid, etc.) and promote renewable energy sources.
- Policies should be added with regard to the modal split supporting the reduction of greenhouse gas emissions.
- Require and provide municipalities with tools to implement stormwater quality control via innovative technologies. This will protect and enhance natural area systems and provide pollution protection and green infrastructure to treat stormwater run-off before it flows into the Region's natural water bodies.

#### **Healthy Development**

- The Growth Plan should support the achievement of healthy communities by requiring that health impacts be taken into consideration in the development of plans and review of development proposals.
- Partnerships are needed between the Province, municipalities and school boards to develop policies/plans that focus on the location of schools and prepare school travel plans to get more students to walk and bike to/from school.

#### **Harmonization of Plans and Policy Alignment**

- The Growth Plan, Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan and Greenbelt Plan should be harmonized to ensure consistent definitions, designations, and technical guidelines between the plans.
- Harmonize the Parkway Belt West Plan with the Growth Plan.
- The Province needs to ensure that the Plans coordinate with and are in alignment with work of other agencies, such as Metrolinx (The Big Move) and conservation authorities.

### **Implementation**

- The Provincial Policy Statement, when released in April 2014, came into effect on the same day with no transition period. The Province should review the transition policies of the Growth Plan as well as municipal official plans. Specifically, the premise of the “clergy principle” should be reviewed.
- Official Plan policies that conform to Growth Plan policies, particularly intensification requirements, should not be appealable. Appeals should also be limited for policies that support large infrastructure investments and for policies that protect employment lands.
- The Province should undertake the sub-area assessments identified in the implementation section of the Growth Plan.
- The Province needs to review the issue of pre-existing planning approvals (e.g. plans of subdivision in rural areas that are unbuilt but approved prior to Growth Plan) and the impact they may have on implementing the Growth Plan policies.

### **Definitions**

- The Growth Plan should define mixed use and major retail uses.

### **Realizing the Vision**

- Essential to achieving the intensification vision contained in the Growth Plan is the need to obtain and finance basic community infrastructure such as roads, parks and schools. The planning and financial regime that exists works well in obtaining community infrastructure in greenfield situations but not for intensification within developed areas. The Province should undertake a comprehensive review of planning tools and funding mechanisms to ensure that greenfield development is not incentivized over intensification within the built boundary.
- The Province should link infrastructure funding to intensification. Municipalities that comply with or exceed the intensification targets should be a priority for infrastructure investments.
- The next iteration of the Growth Plan needs to tackle the complex set of issues related to employment. This includes issues related to locating employment to support mixed use communities and transit investments, achieving the employment growth forecasts, addressing employment densities and attracting businesses that provide secure jobs with liveable wages.
- Funding/incentives should be provided to land owners as a tool to protect agricultural lands, water and natural areas.
- The Province should develop minimum design guidelines that are intensification supportive, address the public realm and speak to how to create active, healthy communities including work places in employment areas.

- The Province should coordinate the development of sustainable design guidelines and minimum standards to address energy, noise, urban design, etc., and recommend changes to the *Building Code Act*. The *Act* should require new developments be built with higher energy efficiency.

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# Corporate Report

Clerk's Files

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**DATE:** May 5, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Provincial Bill 73 – *Smart Growth for Our Communities Act, 2015***

**RECOMMENDATION:** That the report titled “Provincial Bill 73 – *Smart Growth for Our Communities Act, 2015*”, dated May 5, 2015, from the Commissioner of Planning and Building, be approved and forwarded, by the City Clerk, to the Ministry of Municipal Affairs and Housing (EBR Registry Number: 012-3651), the Association of Municipalities of Ontario (AMO) and the Region of Peel.

## REPORT HIGHLIGHTS:

- The Minister of Municipal Affairs and Housing introduced Bill 73 – *Smart Growth for Our Communities Act, 2015* following province-wide consultations on the Land Use Planning and Appeal and Development Charges systems that was conducted in the fall of 2013.
- This report deals with the proposed amendments to the *Planning Act*. A companion report from the Commissioner of Corporate Services and Chief Financial Officer dealing with the proposed changes to the *Development Charges Act* will be considered by General Committee on May 20, 2015.

- Changes to the *Planning Act* would extend the review of Provincial policy statements and new official plans from five to ten years, limit certain appeal rights, not permit amendments to new planning documents for a two-year period after their adoption, strengthen the development permit system, strengthen public input in decision making and expand the use of dispute resolution options, among other matters.
- The 90 day public consultation period on Bill 73 began March 5, 2015 and all comments received prior to June 3, 2015 will become part of the public record and considered as part of the decision making process by the Ministry.

**BACKGROUND:**

From October 2013 to January 2014, the Province consulted with municipalities, stakeholders and the public on changes needed for the land use planning and appeal system and the development charges system. The outcome of this consultation is Bill 73 – the proposed *Smart Growth for Our Communities Act, 2015*, which received its first reading in the Ontario Legislature on March 5, 2015.

Bill 73 will amend both the *Development Charges Act, 1997*, and the *Planning Act*, creating significant changes to the existing planning framework. To date, the Bill has gone through second reading and is currently being debated. The last day to submit comments on the Bill to the Province is June 3, 2015.

As part of this process, Council approved two reports for submission (Resolutions 0224-2013 and 0225-2013<sup>1</sup>). These included reference to Council Resolution 0048-2013 (see Appendix 1) which sought an amendment to the *Planning Act* to prohibit appeals of applications that request additional density outside of areas identified in the official plan and of planning policies adopted to conform to the growth management policies of the Growth Plan and related Provincial regulations and policies.

<sup>1</sup>[http://www5.mississauga.ca/research\\_catalogue/reports/PDC\\_Reports/Land\\_Use\\_Planning\\_Report.pdf](http://www5.mississauga.ca/research_catalogue/reports/PDC_Reports/Land_Use_Planning_Report.pdf)  
and

[http://www7.mississauga.ca/documents/agendas/committees/council/2013/12\\_11\\_2013\\_Council\\_Agenda.pdf](http://www7.mississauga.ca/documents/agendas/committees/council/2013/12_11_2013_Council_Agenda.pdf)  
Corporate Report R10

A staff team comprising representatives from Policy Planning, Development and Design, Park Planning, Transportation Planning, Legal Services and Finance was struck to review Bill 73. This report addresses the proposed changes to the *Planning Act*. A companion report from the Commissioner of Corporate Services and Chief Financial Officer will be considered by General Committee on May 20, 2015 which addresses the proposed changes to the *Development Charges Act*.

#### COMMENTS:

Bill 73 – the proposed *Smart Growth for Our Communities Act, 2015* will have direct implications to the City of Mississauga if passed. Generally, the City might anticipate the following outcomes:

1. *Greater predictability for future land development by providing increased protection from changes to the City's land use plans.*
2. *More incentive for the City to encourage innovative land use development tools through official plan policy.*
3. *More authority and time to proactively resolve potential land use planning disputes beyond the traditional Municipal Ontario Board process.*
4. *A greater expectation and role for the City to facilitate meaningful public participation in the planning process.*

#### **How Will the *Planning Act* Change if Bill 73 Is Approved?**

A comprehensive overview of proposed changes to the *Planning Act* as a result of Bill 73 is provided as Appendix 2. The following provides some key highlights:

Bill 73 would result in the following amendments to the *Planning Act* ensuring greater predictability for land use planning and development:

##### Extension of the Mandatory Review Period for Official Plans

- The proposed legislation would extend the requirement for a city to undertake a review of Provincial policy statements and new official plans from five to ten years.

New Limitations on the Rights to Appeal Planning Documents

- An appeal to an official plan in its entirety (a “global appeal”) would be prohibited.
- Appeals in connection to specific matters (e.g. population and employment forecasts that conform to the Growth Plan and settlement area boundaries) would be prohibited.
- Allow for the option of an extension by 90 days to the 180 day requirement for an approval authority (the Region in case of the City of Mississauga) to make a decision on an official plan once approved by Council.

New Conditions For Seeking Amendments to Planning Documents

- Applications to amend a new official plan or comprehensive zoning by-law are prohibited for two years following the documents coming into effect.
- Following the approval of a rezoning application initiated by or on behalf of a property owner, minor variances would not be permitted for a two-year period without Council’s authorization.
- In addition to the four tests in the *Planning Act*, Committees of Adjustment will be required to apply prescribed criteria when making decisions on minor variances.

Bill 73 would also facilitate changes to the Planning Act to encourage municipalities to readily utilize land use development tools, other than traditional zoning by-laws:

Strengthening the Development Permit System

- Municipalities will be able to prohibit any applications to amend a development permit system by-law (which sets out development standards, similar to a zoning by-law) for a period of five years after the date of its passing.
- The Region may require the City of Mississauga to adopt a development permit system.

Bill 73 would provide the City greater opportunity to resolve land uses planning disputes outside of the traditional avenues (i.e. Ontario Municipal Board):

Dispute Resolution Opportunities

- Mediation, conciliation and other dispute resolution techniques before an Ontario Municipal Board (OMB) hearing are permitted. If these techniques are utilized, the Bill would extend the time that an appeal must formally be submitted to the OMB by 60 days after the appeal period expires.

Lastly, Bill 73 would require changes to the *Planning Act* placing greater emphasis on meaningful public participation:

New Requirement to Detail Public Participation Process

- Municipalities will be required to set out in its official plans how and when the public will be consulted on land use planning matters.

Identifying How Public Input Considered in Decision Making

- Council will be required to explain how public input affected its planning decisions.

**How should Bill 73 be revised?**

While Bill 73 would strengthen the planning process, as it is written, the City's recommendations within the original submission have not been fully addressed. For instance, the Bill incorporates part of the recommendations of Resolution 0048-2013, but it has not addressed prohibiting appeals for increased density outside of those areas identified for intensification in a municipality's official plan. (See Appendix 1.)

The following highlights specific areas of Bill 73 which might be considered in order to further enhance its overall impact:

- Expanding the official plan policies that are not appealable is supported. However, further protection of official plans that conform to Provincial policy and have been reviewed in accordance with required timeframes should be given.
- The intent of protecting new official plan and zoning by-laws for two years following their coming into effect by not allowing amendment applications is supported. However, there may be situations where an amendment application would result in good

planning and could be supported. A preferred approach would be to allow amendment applications but remove the right of appeal should Council not support the application. Extending the time period that applications are not appealable, particularly for new official plans and comprehensive zoning by-laws (e.g., to five years), would also be recommended.

- The “Clergy principle” requires that development applications submitted prior to new official plan policies coming into effect be considered under the policy framework that existed when the application was submitted. This encourages appeals and delays the implementation of new policies. The Province should amend the *Planning Act* to define rights under the “Clergy principle.”

### **Next Steps**

The Bill has proceeded to second reading and is being debated. If passed, it will be forwarded to a Standing Committee for public hearing and to consider amendments. At this point staff will request that the City be added to the list of deputants to ensure that the City’s position is considered. In line with this process, Provincial Working Groups will be established to provide input into the Bill and its implementation. The final steps will be for the Committee to report back to the House with any amendments. The Bill will proceed to third reading for final approval and Royal Assent (signing of the Bill).

Staff will be engaging other organizations, such as Association of Municipalities of Ontario (AMO) and the Region of Peel, to ensure that proposed changes are uniform where possible.

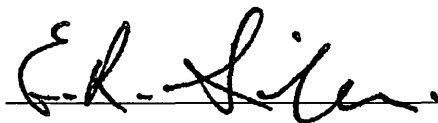
### **Provincial Working Group**

The working group for the development permit system will provide advice on implementing this system. This group would also be charged with providing recommendations on what makes up a minor variance and when local appeal bodies could be used for land use planning issues. Staff will monitor the outcomes of this working group and provide comments to the Province.

**FINANCIAL IMPACT:** Not applicable at this time.

**CONCLUSION:** Overall, Bill 73 provides a number of benefits to municipalities related to land use planning. This report should be sent to the Province for consideration as the Bill is debated. Further, this report should be forwarded to AMO and the Region of Peel.

**ATTACHMENTS:** Appendix 1: Resolution 0048-2013  
Appendix 2: Bill 73 – Proposed Changes to the *Planning Act* and Recommended Revisions



Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Shahada Khan, Planner, Policy Planning*





RESOLUTION 0048-2013  
adopted by the Council of  
The Corporation of the City of Mississauga  
at its meeting on March 27, 2013.

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0048-2013 Moved by: Jim Tovey

Seconded by: Pat Mullin

WHEREAS Municipalities are required to produce Official Plans;

AND WHEREAS Municipalities use these plans to invest large amounts of up front capital in infrastructure to service future growth according to those plans;

AND WHEREAS densities located in areas not identified in the Official Plan may require changes to long term infrastructure planning, at additional costs;

AND WHEREAS Municipalities are provided finite growth numbers and job numbers as a basis for their Official Plan;

AND WHEREAS densities approved by the Ontario Municipal Board to be located in areas not identified in the Official Plan subtract from, and limit, a Municipalities ability to implement the intensification policies of that plan;

NOW THEREFORE BE IT RESOLVED that the City of Mississauga request of the Province of Ontario to make amendments to the *Planning Act* as follows;

1. where a Municipality has an Official Plan, and
2. where that Official Plan has been approved by the Province of Ontario, and
3. where the Municipality is achieving all of their targets for densities as outlined in the Provincial Growth Plan



AND FURTHER where a Development application is submitted to the Municipality requesting densities to be located in any other area than those identified in the Municipality's Official Plan, that development application shall have no right of appeal at the Ontario Municipal Board. The decision of Council will be final;

AND FURTHER Despite subsection 22(7), there is no appeal in respect of the official plan policies of a municipality or a planning board, adopted to conform to the growth management population, intensification and employment targets and policies as set out in the *Provincial Growth Plan for the Greater Golden Horseshoe area* and related regulations and Provincial policies;

AND FURTHER that the resolution be forwarded to AMO.

|                        | YES | NO | ABSENT | ABSTAIN |
|------------------------|-----|----|--------|---------|
| Mayor H. McCallion     | X   |    |        |         |
| Councillor J. Tovey    | X   |    |        |         |
| Councillor P. Mullin   | X   |    |        |         |
| Councillor C. Fonseca  | X   |    |        |         |
| Councillor F. Dale     | X   |    |        |         |
| Councillor B. Crombie  | X   |    |        |         |
| Councillor R. Starr    | X   |    |        |         |
| Councillor N. Iannicca | X   |    |        |         |
| Councillor K. Mahoney  | X   |    |        |         |
| Councillor P. Saito    | X   |    |        |         |
| Councillor S. McFadden | X   |    |        |         |
| Councillor G. Carlson  | X   |    |        |         |

Carried (12, 0) Unanimously

### Bill 73 - Proposed Changes to the *Planning Act* and Recommended Revisions

| Proposed Changes   | Recommended Revisions   |
|--|---|
| <b>Extension of the Mandatory Review Period for Official Plans</b>   |   |
| <ul style="list-style-type: none"> <li>• Policy statements issued by the Province are to be reviewed at 10 year rather than five-year intervals.</li> <li>• The mandatory five year official plan review has been revised to 10 years for new official plans and every five years thereafter.</li> </ul>   | <ul style="list-style-type: none"> <li>• The Province should clarify if the 10 year review applies to official plans currently in effect and if so, which ones. It should also clarify the difference between a 10 year and 5 year review.</li> </ul>   |
| <b>New Limitations on the Rights to Appeal Planning Documents</b>  |   |
| <ul style="list-style-type: none"> <li>• An appeal to a new official plan in its entirety (a “global appeal”) is not permitted.</li> <li>• Appeals in connection to specific matters are not permitted (e.g. Growth Plan forecasts and settlement area boundaries).</li> <li>• Appellants, if appealing policies that conform to policy statements of the upper tier official plans, must identify the issues in their notices of appeal. If the appellant fails to do so, the OMB may dismiss all or part of the appeal without a hearing.</li> </ul> | <ul style="list-style-type: none"> <li>• The legislation can be strengthened and force more thoughtful appeals by making clear that it is not acceptable to appeal extensive sections of an official plan, as appellants may still appeal substantial sections without proper rationale.</li> <li>• Council had previously recommended that there should be no right of appeal to a Council’s refusal of an application to amend the official plan, provided that the municipality has an in-effect official plan that has been reviewed and updated in accordance with provincially established policies and timeframes. The Province should revise Bill 73 to include this recommendation.</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approval authorities have the option to extend the 180-day notice of decision period, for the approval of official plans, by up to 90 days, with written notice being given before the 180 day expires.</li> <li>• After receiving an appeal due to an approval authority not making a decision on an official plan, the approval authority may give notice for other appeals to be submitted within 20 days after the date of the notice.</li> </ul>   | <ul style="list-style-type: none"> <li>• The Bill needs to address what happens if an upper tier municipality does not make a decision within the extended timeframe.</li> </ul>  |
| <b>New Conditions For Seeking Amendments to Planning Documents</b>   |   |
| <ul style="list-style-type: none"> <li>• During the two-year period following the coming into effect of a new official plan or the global replacement of a municipality’s zoning by-laws, no application for</li> </ul>  | <ul style="list-style-type: none"> <li>• Mechanisms should be considered to thwart appeals that may be made with the intent of delaying implementation of new official plan policies. Perhaps policies are deemed to be in</li> </ul>   |

| Proposed Changes   | Recommended Revisions  |
|--|--|
| amendments are permitted.  | <p>effect (after appeal is resolved) retroactively to the Council approval date, so that the policies apply to applications submitted after this date.</p> <ul style="list-style-type: none"> <li>• The Province needs to amend the <i>Planning Act</i> to define rights under the Clergy principle.</li> <li>• The Province should remove the two year freeze on amendments to new official plans and zoning by-laws and replace it with provisions that remove the right of appeal to a Council decision for an extended period of time (e.g. five years).</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Following the approval of a rezoning application initiated by a property owner or his agent, minor variances are not permitted for a two-year period without Council's authorization.</li> <li>• In addition to the existing 'four tests'* prescribed in S. 45(1), a minor variance application must conform to "prescribed criteria".</li> </ul> <p>*The Four Tests are:</p> <ol style="list-style-type: none"> <li>1. Is the application minor?</li> <li>2. Is the application desirable for the appropriate development of the lands in question?</li> <li>3. Does the application conform to the general intent of the Zoning By-law?</li> <li>4. Does the application conform to the general intent of the Official Plan?</li> </ol> | <ul style="list-style-type: none"> <li>• The Province should consider the types of minor variances that should not be permitted for a two year period. Perhaps this requirement should apply to larger, mixed use type projects rather than applications that have gone through a rezoning and where minor variances are so minimal to not have any consequence to the site or major implications to the public or surrounding community.</li> <li>• That the City be invited to comment on the outcomes from the Provincial Working Group related to the criteria for minor variance applications.</li> </ul> |
| <b>Strengthening the Development Permit System</b>   |  |
| <ul style="list-style-type: none"> <li>• Allow municipalities to create a development permit system (newly referred to as a community planning permit). Once established amendment applications could be prohibited for five years.</li> <li>• An upper-tier municipality may require a lower-tier municipality to adopt a development permit planning system for prescribed purposes.</li> </ul>  | <ul style="list-style-type: none"> <li>• The Province should clarify for what purposes an upper-tier municipality may prescribe a development permit system.</li> </ul>  |

| Proposed Changes   | Recommended Revisions  |
|--|--|
| <b>Dispute Resolution Opportunities</b>  |  |
| <ul style="list-style-type: none"> <li>Decision makers are permitted to use mediation, conciliation and other dispute resolution techniques. When these techniques are used, the timeframe for submitting appeals to the Board is extended from 15 to 75 days.</li> </ul>  |  |
| <b>Greater Emphasis on Meaningful Public Participation</b>   |  |
| <ul style="list-style-type: none"> <li>Official Plans are required to include descriptions of the measures and procedures for informing and obtaining the views of the public for official plan amendments, zoning and subdivisions and consents.</li> <li>Ontario Municipal Board (OMB) is to “have regard to” the information and material that the municipal council or approval authority received in relation to the matter. This Bill clarifies that this includes written and oral submissions from the public.</li> <li>Decision makers and Committees of Adjustment are required to explain the effect of written and oral submissions on their decisions.</li> </ul> |  |
| <b>New Cash-in-lieu (CIL) Parkland Dedication</b>  |  |
| <ul style="list-style-type: none"> <li>A parks plan is required that examines the need for parkland in the municipality if the alternative parkland provisions of the <i>Planning Act</i> are utilized.</li> <li>The cash-in-lieu collected under the alternate requirement is changed from one hectare per 300 dwelling units to one hectare per 500 dwelling units.</li> <li>The treasurer is to make an annual financial statement regarding expenditures from the special account for parkland.</li> </ul>   |  |
| <b>Conformity to Upper-Tier Official Plans</b>   |  |
| <ul style="list-style-type: none"> <li>An approval authority shall not approve a lower-tier municipal official plan if the plan does not conform with the upper tier municipality’s existing official plan or to a new upper tier municipality’s official plan that is in its 180 day appeal period.</li> </ul>  | <ul style="list-style-type: none"> <li>Upper-tier official plans should be required to be completed and approved in sufficient time so that lower-tier municipal official plans can be completed and approved in a timely manner. [Also related to proposed mandatory 10 year official plan review policy.]</li> </ul> |

| Proposed Changes   | Recommended Revisions  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Mechanisms should be considered so that approval authorities are able to approve and retroactively modify lower tier plans, if they are moving forward through approvals at a faster rate than the approval authority.</li> </ul> |
| <b>Section 37 Reporting</b>  |  |
| <ul style="list-style-type: none"> <li>• Section 37 monies are to be kept in a special account and the treasurer is to make an annual financial statement.</li> </ul>  |  |
| <b>Alternative Planning Bodies</b>   |  |
| <ul style="list-style-type: none"> <li>• Planning Advisory Committees are mandatory for upper-tier and single-tier municipalities. These Committees would require at least one member who is neither a councillor nor a municipal employee.</li> </ul> | <ul style="list-style-type: none"> <li>• The Bill should clarify if the membership requirements of planning advisory committees are the same where these committees are mandatory and where they are optional.</li> </ul>  |

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# Corporate Report

Clerk's Files

 Originator's  
Files OZ 12/009 W3

**DATE:** May 5, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Applications to permit two new condominium apartment buildings of 12 and 15 storeys in addition to the two existing rental apartment buildings**  
**1850 Rathburn Road East and 4100 Ponytrail Drive**  
**Northwest of Burnhamthorpe Road East and Ponytrail Drive**  
**Owner: Forest Park Circle Ltd.**

Public Meeting/Information Report

Ward 3

**RECOMMENDATION:** That the Report dated May 5, 2015, from the Commissioner of Planning and Building regarding applications by Forest Park Circle Ltd. to permit two new condominium apartment buildings of 12 and 15 storeys in addition to the two existing rental apartment buildings under File OZ 12/009 W3, at 1850 Rathburn Road East and 4100 Ponytrail Drive, be received for information.

## REPORT HIGHLIGHTS:

- This report has been prepared for a public meeting on May 25, 2015 to hear from the community;
- The project does not conform with the Residential High Density land use designation and requires an official plan amendment and rezoning;
- Community concerns identified to date relate to traffic, height and density, current condition of the site, impact on the surrounding neighbourhood and servicing;

- Prior to the next report, matters to be addressed include review of the site and building layout to ensure compatibility with the surrounding neighbourhood and the resolution of technical requirements.

**BACKGROUND:**

The applications have been circulated for technical comments and a number of community meetings have been held based on different concepts for the development of the site. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

**COMMENTS:****THE PROPERTY AND THE NEIGHBOURHOOD**

| Size and Use    |   |
|-----------------|---|
| Frontages:      | 379 m (1,243.44 ft.) on Rathburn Road East  |
| Depth:          | 256 m (840 ft.) adjacent to utility corridor<br>213 m (698.82 ft.) adjacent to Shaver Trail |
| Gross Lot Area: | 3.74 ha (9.24 ac.)  |
| Existing Uses:  | Two 18 storey rental apartment buildings  |

The property is located in a mature neighbourhood, which contains mainly residential uses with retail commercial uses, a trail system and utility corridor. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North: Detached homes, townhomes and a one storey retail commercial plaza  
 East: Detached dwellings and townhomes  
 South: Shaver Trail, detached homes and townhomes  
 West: Utility corridor, Shaver Trail, townhomes

## DETAILS OF THE PROJECT

The project consists of two condominium apartment buildings: one 12 storey building with 129 units internal to the site and one 15 storey, 149 unit building along the Rathburn Road East frontage. Both buildings have a three storey podium. Two existing 18 storey rental apartment buildings will remain on the site. The proposal includes a shared outdoor amenity space for all buildings. The southerly driveway to the site is proposed to be realigned with Tapestry Trail and both driveways will connect to an internal roadway that will provide access for all of the buildings. Resident parking will be underground and visitor parking will be on the ground level.

| <b>Development Proposal</b> |   |
|-----------------------------|---|
| Applications submitted:     | Received: May 22, 2012<br>Deemed complete: June 19, 2012<br>Revised: December 12, 2012<br>Revised: May 21, 2013<br>Revised: December 5, 2014                      |
| Developer/ Owner:           | Forest Park Circle Ltd.   |
| Applicant:                  | Urban Strategies Inc./Glen Schnarr and Associates Inc.  |
| Number of Units:            | Existing: 384<br>Proposed: 278<br>Total: 662  |
| Height:                     | 12 and 15 storeys   |
| Total Lot Coverage:         | Existing: 5.35%<br>Proposed: 12.4%  |
| Floor Space Index:          | Existing: 0.96<br>Proposed: 1.6   |
| Total Landscaped Area:      | Existing: 75.9%<br>Proposed: 69.3%  |
| Gross Floor Area:           | Existing: 35 720 m <sup>2</sup> (384,486.88 sq. ft.)<br>Proposed: 24 295 m <sup>2</sup> (261,509.20 sq. ft.)<br>Total: 60 015 m <sup>2</sup> (645,996.08 sq. ft.) |



| <b>Development Proposal</b>        |   |          |
|------------------------------------|---|----------|
| Anticipated Additional Population: | 695*<br>*Average household sizes for all units (by type) for the year 2011 (city average) based on the 2013 Growth Forecasts for the City of Mississauga. |          |
| Parking                            | Required  | Proposed |
| Resident spaces                    | 373   | 373      |
| Visitor spaces                     | 56  | 56       |
| Total                              | 429   | 429      |

Additional information is provided in Appendices I-1 to I-11.

### **LAND USE CONTROLS**

The applications are not in conformity with the land use designation. The applicant has requested that the land be redesignated to "Residential High Density – Special Site" to allow the project to go forward.

A rezoning is proposed from "**RA4-1 (Apartment Dwelling-Exception)**" to "**RA4-Exception (Apartment Dwellings)**" to permit apartment dwellings with a FSI of 1.6 in accordance with the proposed zone standards contained within Appendix I-10.

Detailed information regarding the Official Plan and Zoning is found in Appendices I-9 and I-10.

### **Bonus Zoning**

On September 26, 2012, Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning. In accordance with Section 37 of the *Planning Act* and policies contained in the Official Plan, this policy enables the City to secure community benefits when increases in permitted height and/or density are deemed to be good planning by Council through the approval of a development application. Should these applications be approved by Council, staff will report back to Planning and Development Committee on the provision of community benefits as a condition of approval.

## **WHAT DID THE COMMUNITY SAY?**

Three community meetings were held by Ward 3 Councillor, Chris Fonseca - October 17, 2012; September 18, 2013 (based on previous concepts); and February 24, 2015 (based on the current, revised proposal). A petition containing 660 signatures in opposition to the proposal was submitted by the Ponytrail Development Opposition Committee on November 5, 2012.

Issues raised by the community are listed below. They will be addressed along with issues raised at the public meeting in the Recommendation Report, which will come at a later date.

- The proposed height, scale and density do not fit in with the established, residential character of the area;
- Additional development should not be permitted as it will result in a lack of green space on site and will cut off access to the surrounding trails and open space;
- The additional population will add pressure to local infrastructure and services;
- The development may cause additional flooding on the site and surrounding lands;
- The added traffic, parking demand and new entrance configuration will be unacceptable;
- The existing buildings are not well maintained and the problem would continue with additional development;
- The shadowing and overlook from the buildings will impact the surrounding homes and open space;
- The added development will adversely impact the pedestrian environment surrounding the site.

## **DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix I-7 and school accommodation information is contained in Appendix I-8. Based on the comments received and the applicable Mississauga Official Plan policies, the following matters will have to be addressed:

- Are the policies and principles of Mississauga Official Plan maintained by this project?
- Is the proposal compatible with the character of the area given the project's height, massing, density, landscaping, building configuration and technical requirements?
- Are the proposed design details and zoning standards appropriate?
- Have all other technical requirements and studies related to the project been submitted and found to be acceptable?

### **OTHER INFORMATION**

Forest Park Circle Ltd. have submitted a number of studies and reports in support of the applications. The list is below and the studies are available for review.

- Planning Justification Report
- Functional Servicing Report
- Traffic Impact and Parking Report
- Sun/Shadow Study
- Preliminary Environmental Noise Report
- Green Development Initiatives Letter
- Wind Study
- Tree Inventory Plan/Arborist Report
- Architectural Drawings and Concept Plan
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment

### **Development Requirements**

There are engineering matters including: servicing, grading, noise control, construction, and stormwater management which will require the applicant to enter into agreements with the City. The development will also require the submission and review of a draft plan of condominium and an application for site plan approval.

### **FINANCIAL IMPACT:**

Development charges will be payable as required by the Development Charges By-law of the City. Also the financial

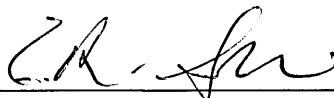
requirements of any other external commenting agency must be met.

**CONCLUSION:**

Most agency and City department comments have been received. The Planning and Building Department will make a recommendation on this project after the public meeting has been held and all the issues are resolved.

**ATTACHMENTS:**

Appendix I-1: Site History  
Appendix I-2: Aerial Photograph  
Appendix I-3: Excerpt of Mississauga Official Plan  
Appendix I-4: Existing Land Use and Proposed Zoning Map  
Appendix I-5: Concept Plan  
Appendix I-6: Exterior Views  
Appendix I-7: Agency Comments  
Appendix I-8: School Accommodation  
Appendix I-9: Summary of Existing and Proposed Mississauga Official Plan policies  
Appendix I-10: Summary of Existing and Proposed Zoning Provisions and Applicant's Draft Zoning By-law Amendment  
Appendix I-11: General Context Map



Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Aiden Stanley, Development Planner*

**Forest Park Circle Ltd.****File: OZ 12/009 W3****Site History**

- December 27, 1973 – Council adopted the recommendation in the Corporate Report dated December 6, 1973 recommending the approval of an application under File OZ-78-73 for an amendment to the Zoning By-law for the Morenish Subdivision to allow for the development of 400 acres of lands north of Burnhamthorpe Road, west of the Etobicoke Creek in accordance with Draft Plan of Subdivision T-2366 to permit detached dwellings, semi-detached dwellings, row dwellings, apartment dwellings, commercial service establishments, parks, conservation lands and a school site.
- June 20, 2007 – Zoning By-law 0225-2007 came into force and effect except for those sites which have been appealed. The subject lands are zoned "RA4-1" (Apartment Dwellings – Exception).
- November 14, 2012 – Mississauga Official Plan came into force except for those site/policies which have been appealed. The subject lands are designated "Residential High Density" in the Rathwood Neighbourhood Character Area.





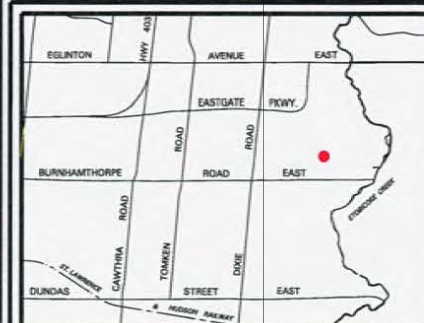
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SUBJECT LANDS

NOTE: DATE OF AERIAL PHOTO IS MAY 2014.



SUBJECT: **FOREST PARK CIRCLE LTD.**



FILE NO:  
OZ 12/009 W3

DWG. NO:  
12009A

SCALE:  
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PDC DATE:  
2015 05 25

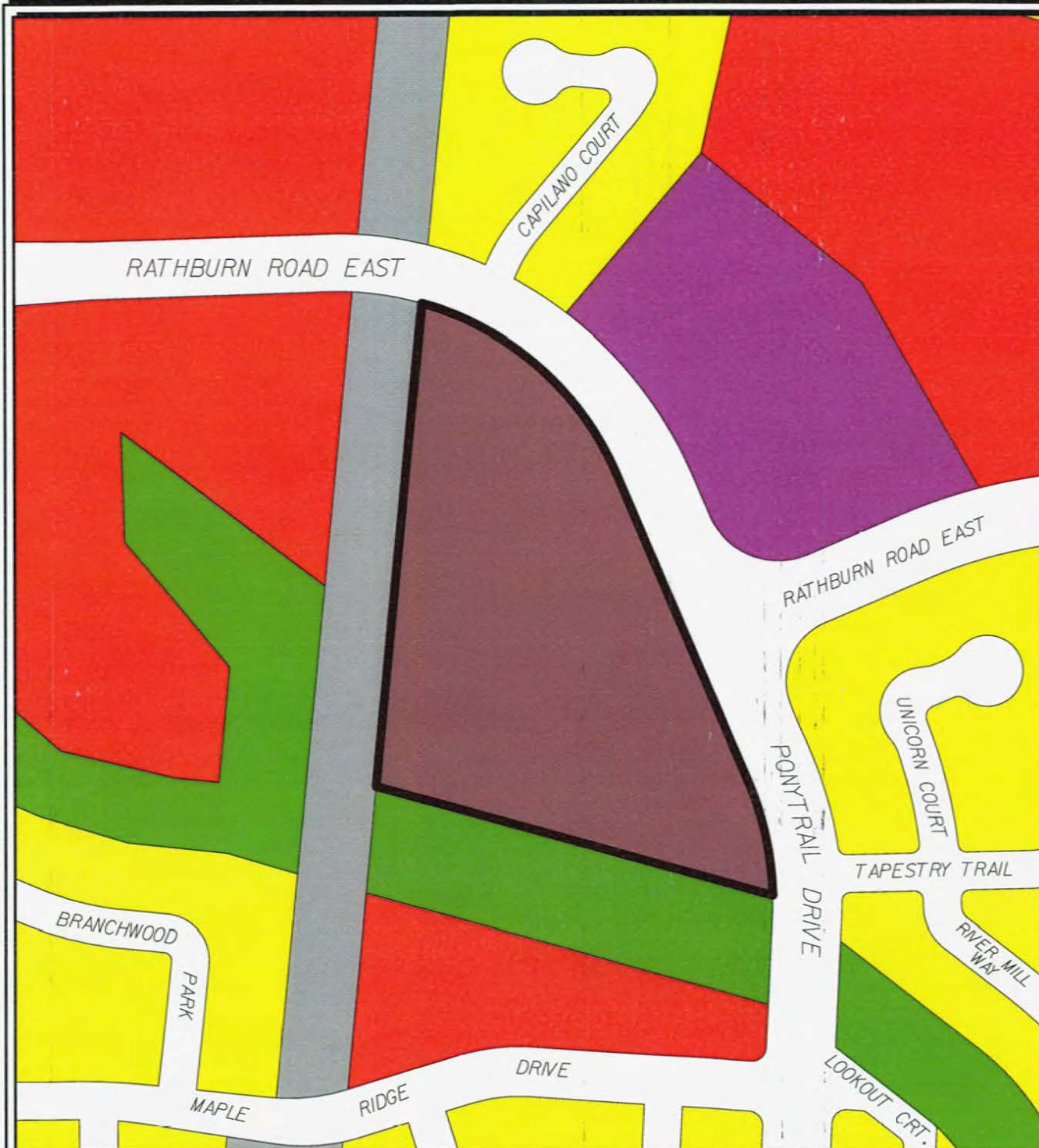
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B. KRUGER

APPENDIX I-2

**MISSISSAUGA**  
Planning and Building

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# PART OF SCHEDULE 10 LAND USE DESIGNATIONS OF MISSISSAUGA OFFICIAL PLAN

## LAND USE DESIGNATIONS

|                            |                     |
|----------------------------|---------------------|
| Residential Low Density I  | Business Employment |
| Residential Low Density II | Industrial          |
| Residential Medium Density | Airport             |
| Residential High Density   | Institutional       |
| Downtown Mixed Use         | Public Open Space   |
| Downtown Core Commercial   | Private Open Space  |
| Mixed Use                  | Greenbelt           |
| Convenience Commercial     | Parkway Belt West   |
| Motor Vehicle Commercial   | Utility             |
| Office                     | To Be Determined    |

## LAND USE LEGEND

|   |                              |
|---|------------------------------|
| Heritage Conservation District                            | Civic Centre (City Hall)     |
| 1996 NEP/2000 NEF Composite Noise Contours                | City Centre/Transit Terminal |
| LBPIA Operating Area Boundary See Aircraft Noise Policies | GO Rail Transit Station      |
| Area Exempt from LBPIA Operating Area                     | Public School                |
| Natural Hazards   | Catholic School              |
|   | Hospital                     |
|   | Community Facilities         |

## CITY STRUCTURE

|                |                  |
|----------------|------------------|
| Downtown       | Corporate Centre |
| Major Node     | Employment Area  |
| Community Node |                  |
| Neighbourhood  |                  |

SUBJECT LANDS



SUBJECT:

**FOREST PARK CIRCLE LTD.**



FILE NO:  
OZ 12009 W3

DWG. NO:  
12009L

SCALE:  
1:3000

DATE:  
2015 05 25

DRAWN BY:  
B. KRUGER

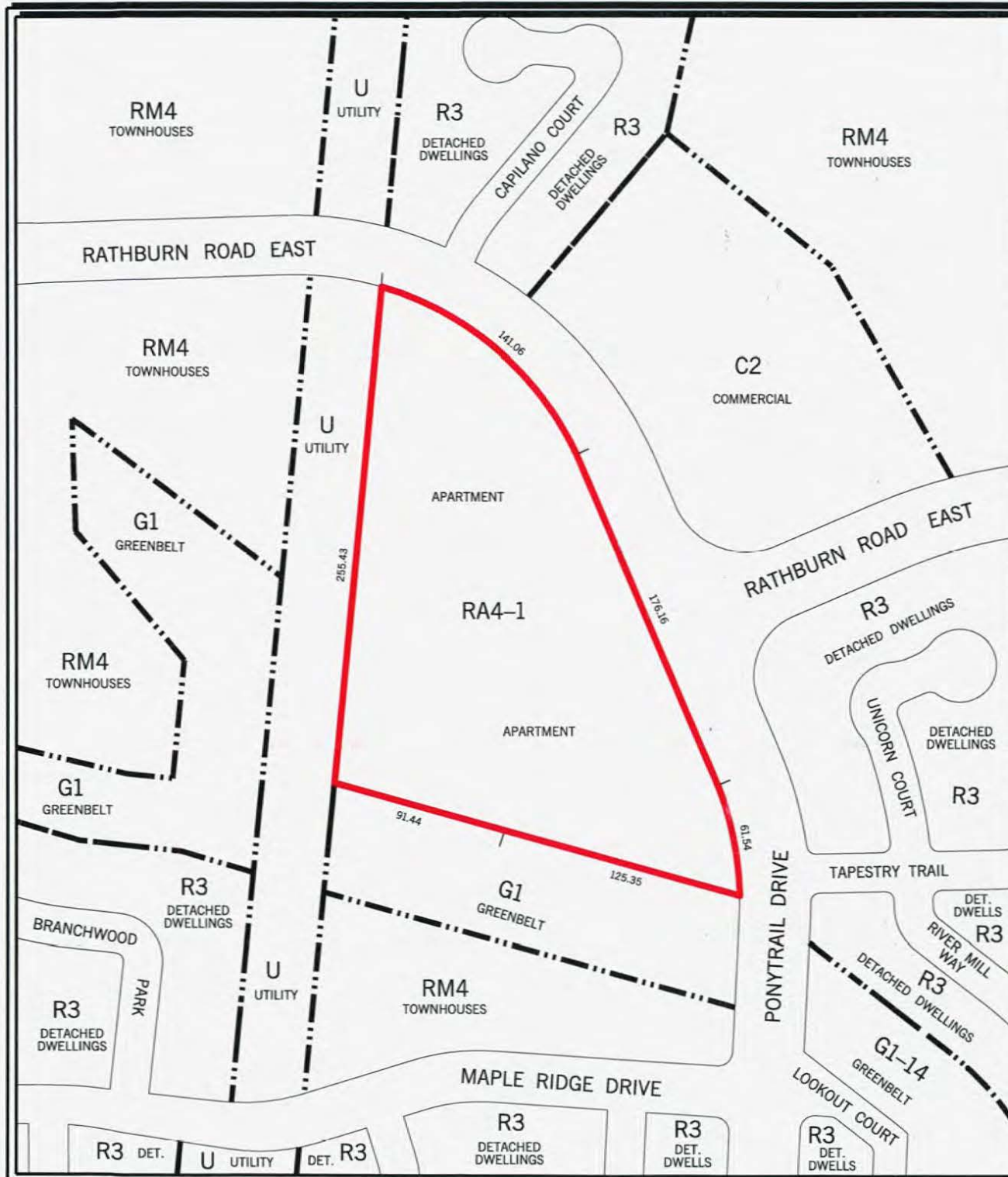
APPENDIX I-3



**MISSISSAUGA**

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# LEGEND:



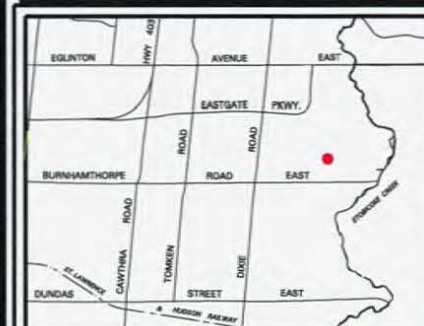
PROPOSED OFFICIAL PLAN AMENDMENT FROM 'RESIDENTIAL HIGH DENSITY' TO 'RESIDENTIAL HIGH DENSITY - SPECIAL SITE' AND PROPOSED REZONING FROM 'RA4-1 (APARTMENT DWELLINGS)' TO 'RA-4-EXCEPTION' (APARTMENT DWELLINGS) TO PERMIT A 12 STOREY CONDOMINIUM APARTMENT BUILDING AND A 15 STOREY CONDOMINIUM APARTMENT BUILDING WITH A TOTAL OF 278 RESIDENTIAL UNITS.

NOTE: THIS IS NOT A PLAN OF SURVEY.



## SUBJECT:

**FOREST PARK CIRCLE LTD.**



FILE NO:  
OZ 12009 W3

DWG. NO:  
12009R

SCALE:  
1:3000

PDC DATE:  
2015 05 25

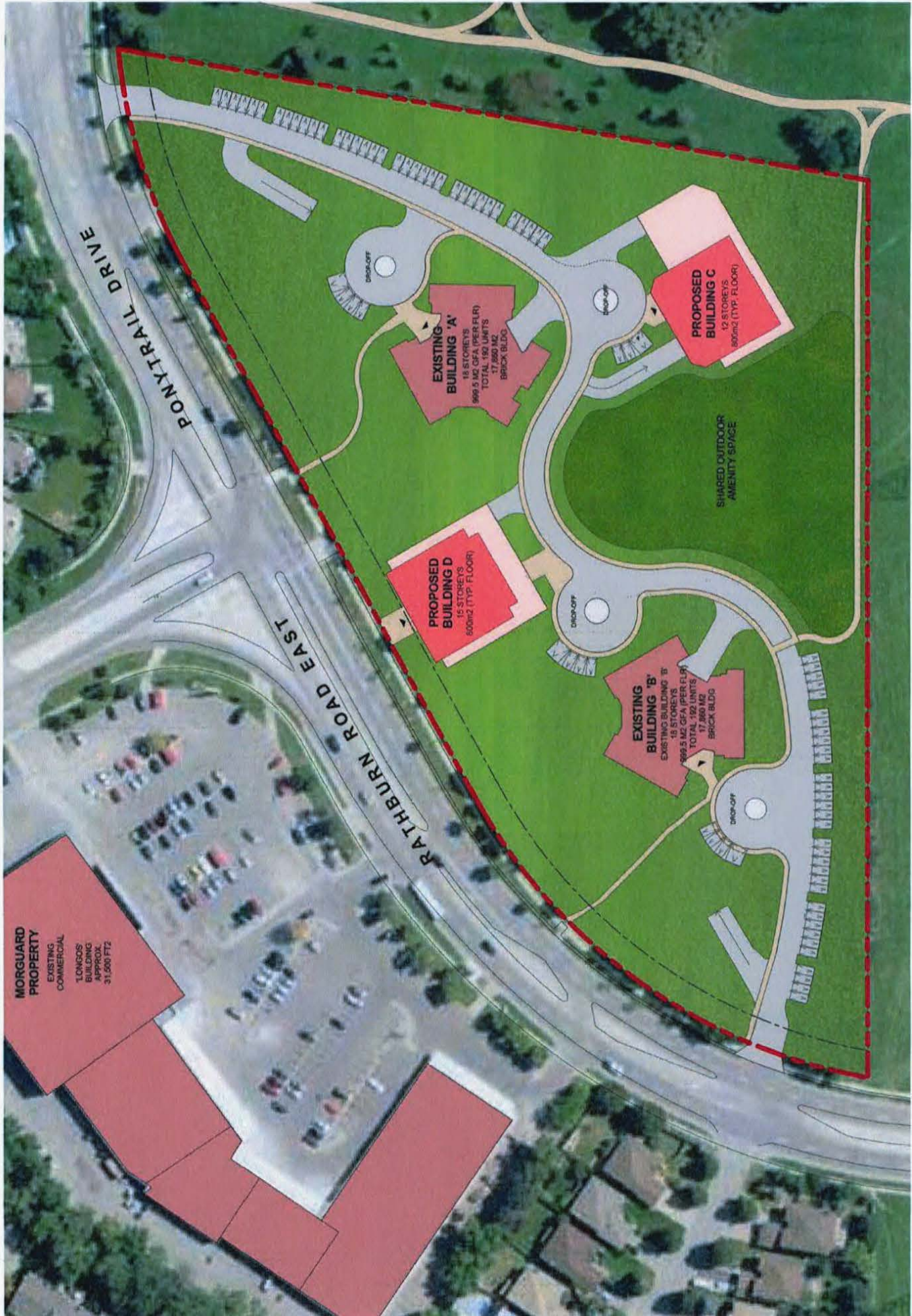
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APPENDIX 14

**MISSISSAUGA**  
Planning and Building

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Forest Park Circle Ltd.

File: OZ 12/009 W3

**Agency Comments**

The following is a summary of comments from agencies and departments regarding the applications.

| Agency / Comment Date   | Comment   |
|---|---|
| <p>Region of Peel<br/>(January 30, 2015)</p>  | <p>There is an existing 450 mm (17.71 in.) and 250 mm (9.84 in.) diameter watermain on Ponytrail Drive. There is an existing 400 mm (15.75 in.) diameter sanitary sewer and a 300 mm (11.81 in.) diameter watermain on Rathburn Road East.</p> <p>Prior to the Recommendation report, the applicant must submit an addendum to the Functional Servicing Report with a detailed calculation of the sanitary flows, demand table and hydrant flow test information.</p> <p>Front-end waste collection will be provided by the Region of Peel provided that the applicant satisfies the Region's requirements.</p>   |
| <p>Dufferin-Peel Catholic District School Board<br/>(January 26, 2015) and the Peel District School Board<br/>(December 18, 2014)</p> | <p>The Dufferin-Peel Catholic District School Board responded that it is satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for this development application.</p> <p>The Peel District School Board requested that in the event that the applications approved, the standard school accommodation condition in accordance with City of Mississauga Resolution 152-98, adopted by Council on May 27, 1998 be applied. Among other things, this condition requires that a development application include the following as a condition of approval:</p> <p>"Prior to the passing of an implementing zoning by-law for residential development, the City of Mississauga shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the</p> |

Forest Park Circle Ltd.

File: OZ 12/009 W3

| Agency / Comment Date  | Comment  |
|--|--|
|  | developer/applicant and the School Boards for the subject development."  |
| City Community Services Department – Parks and Forestry Division/Park Planning Section<br>(March 17, 2015) | <p>In the event that the application is approved, the Community Services Department - Park Planning note the following conditions.</p> <p>The subject property is adjacent to Shaver Trail (P-239) which contains a lit multi-use trail. Also, the site is approximately 100 m from Garnetwood Park (P-135) which contains 2 unlit softball diamonds, 2 basketball hoops, a natural ice rink, a leash free zone, a multi pad, a play site, a senior unlit soccer field and 4 public tennis courts.</p> <p>Should this application be approved, fencing, protective hoarding, and associated securities for the adjacent greenbelt lands will be required. Arrangements will be made to secure for any clean-up and reinstatement works that may be required within the adjacent greenbelt lands.</p> <p>Prior to by-law enactment, a cash contribution for street planting will be required. Further, prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of <i>the Planning Act</i> and in accordance with City's Policies and By-laws.</p> |
| City Community Services Department – Fire and Emergency Services Division<br>(January 27, 2015)            | Fire has reviewed the application from an emergency response perspective and has no concerns. Emergency response time to the site and available water supply are acceptable.   |
| City Transportation and Works Department<br>(February 6, 2015)   | <p>This department confirmed receipt of a Site Plan, Planning Justification Report, Functional Servicing Report, Environmental Noise Report and Traffic Impact and Parking Study.</p> <p>Notwithstanding the findings of these reports and drawings, the applicant has been requested to provide additional technical details. Development matters currently under review and</p>  |

Forest Park Circle Ltd.

File: OZ 12/009 W3

| Agency / Comment Date                        | Comment  |
|--|--|
|  | <p>consideration by the department include:</p> <ul style="list-style-type: none"> <li>• Traffic impacts and site access details;</li> <li>• Stormwater servicing design;</li> <li>• Grading details;</li> <li>• Environmental Site Assessment;</li> <li>• Compliance with City condominium standards.</li> </ul> <p>The above aspects will be addressed in detail prior to the Recommendation Report.</p> |
| Other City Departments and External Agencies | <p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <p>Canada Post<br/>Rogers Cable<br/>Greater Toronto Airport Authority</p>   |
|  | <p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Bell Canada<br/>Enersource Hydro Mississauga<br/>Conseil Scolaire de Districte Centre-Sud<br/>Conseil Scolaire Viamonde<br/>Trillium Health Partners<br/>Culture Division, Community Services Department<br/>Realty Services, Corporate Services Department</p>                  |

Forest Park Circle Ltd.

File: OZ 12/009 W3

## School Accommodation

| The Peel District School Board   | The Dufferin-Peel Catholic District School Board  |
|--|---|
| <ul style="list-style-type: none"> <li>Student Yield: <ul style="list-style-type: none"> <li>52 Kindergarten to Grade 6</li> <li>23 Grade 7 to Grade 8</li> <li>33 Grade 9 to Grade 12</li> </ul> </li> <li>School Accommodation: <ul style="list-style-type: none"> <li>Glen Forest P.S. <ul style="list-style-type: none"> <li>Enrolment: 525</li> <li>Capacity: 539</li> <li>Portables: 2</li> </ul> </li> <li>Glenhaven Sr. <ul style="list-style-type: none"> <li>Enrolment: 468</li> <li>Capacity: 559</li> <li>Portables: 0</li> </ul> </li> <li>Glenforest S.S. <ul style="list-style-type: none"> <li>Enrolment: 1,378</li> <li>Capacity: 1,023</li> <li>Portables: 10</li> </ul> </li> </ul> </li> </ul> <p>* Note: Capacity reflects the Ministry of Education rated capacity, not the Board rated capacity, resulting in the requirement of portables.</p> | <ul style="list-style-type: none"> <li>Student Yield: <ul style="list-style-type: none"> <li>5 Junior Kindergarten to Grade 8</li> <li>1 Grade 9 to Grade 12</li> </ul> </li> <li>School Accommodation: <ul style="list-style-type: none"> <li>Saints Martha and Mary <ul style="list-style-type: none"> <li>Enrolment: 354</li> <li>Capacity: 430</li> <li>Portables: 0</li> </ul> </li> <li>Philip Pocock <ul style="list-style-type: none"> <li>Enrolment: 1207</li> <li>Capacity: 1257</li> <li>Portables: 5</li> </ul> </li> </ul> </li> </ul> |

**Forest Park Circle Ltd.****File: OZ 12/009 W3**

While the applications were submitted under the policies of Mississauga Plan, the applicant has consented to the application being converted to amend Mississauga Official Plan (2012).

**Current Mississauga Official Plan Designation and Policies for the Rathwood Neighbourhood Character Area**

**"Residential High Density"** which permits apartment dwellings with a maximum Floor Space Index (FSI) of 1.0 and the following additional uses: residential dwelling, accessory offices for health professionals, home occupation, special needs housing, urban gardening and a convenience commercial facility on the ground floor of a building.

For lands within a Neighbourhood, a maximum building height of four storeys applies. For lands designated Residential High Density, development in addition to existing buildings will be restricted to uses permitted in the Residential Medium Density designation.

There are other policies in Mississauga Official Plan that are also applicable in the review of this/these applications, which are found in Appendix I-9.

**Proposed Official Plan Amendment Provisions**

The applicant is proposing to retain the **"Residential High Density"** designation while adding the following new Special Site policies for the site:

- a) additional apartment dwellings are permitted
- b) a maximum FSI of 1.6



Forest Park Circle Ltd.

File: OZ 12/009 W3

**Relevant Mississauga Official Plan Policies**

|   | <b>Specific Policies</b>   | <b>General Intent</b>  |
|---|--|--|
| <b>Section 5 – Direct Growth</b>                | Section 5.3.5<br>Section 5.4   | Neighbourhoods should be regarded as stable residential areas where the existing character is to be preserved. Residential intensifications within Neighbourhoods should generally occur through infilling and development of existing commercial sites as mixed use areas. Where higher density uses are proposed, they should be located along Corridors or in conjunction with existing apartment sites or commercial sites.<br><br>Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to the surrounding development.  |
| <b>Section 7 – Complete Communities</b>         | Section 7.2  | The provision of housing should maximize the use of community infrastructure and engineering services, while meeting the housing needs and preferences of Mississauga residents. A range of housing types, tenure and price is to be provided.   |
| <b>Section 9 – Build a Desirable Urban Form</b> | Section 9.0<br>Section 9.1<br>Section 9.2<br>Section 9.3<br>Section 9.4<br>Section 9.5 | Appropriate infill in both Intensification Areas and Non-Intensification Areas will help to revitalize existing communities by replacing aged buildings, developing vacant or underutilized lots and by adding to the variety of building forms and tenures. It is important that infill "fits" within the existing urban context and minimizes undue impacts on adjacent properties. Redevelopment projects include a range of scales, from small residential developments to large scale projects, such as the redevelopment of strip malls.<br><br>Infill and redevelopment within Neighbourhoods will respect the existing and planned character, provide appropriate transition to the surrounding context and minimize undue impacts on adjacent properties.<br><br>Tall buildings should incorporate podiums, achieve appropriate street enclosure in relation to the right-of-way width, enhance the quality of the public realm, and be appropriately spaced to permit light and sky views. |

Forest Park Circle Ltd.

File: OZ 12/009 W3

|                             | Specific Policies              | General Intent  |
|-----------------------------|--------------------------------|---|
| Section 16 – Neighbourhoods | Section 16.1<br>Section 16.1.2 | <p>A maximum building height of four storeys will apply to Neighbourhoods. Proposals for heights of more than four storeys will be considered where it can be demonstrated that the transition in heights respects the surrounding context, the proposal enhances the existing or planned development and the City Structure hierarchy is maintained.</p> <p>Proposals for additional development on lands with existing apartment buildings will be restricted to uses permitted in the Residential Medium Density Designation.</p> <p>As a condition of development, the site in its entirety must meet current site plan and landscaping requirements and existing buildings must meet current building code, fire code and property standards.</p>  |
| Section 19 - Implementation | Section 19.5.1                 | <p>This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:</p> <ul style="list-style-type: none"> <li>• the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;</li> <li>• the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;</li> <li>• there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application;</li> <li>• a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation has been provided by the applicant.</li> </ul> |

Forest Park Circle Ltd.

File: OZ 12/009 W3

**Summary of Existing Zoning By-law Provisions**

**"RA4-1" (Apartment Dwellings)**, which permits Apartment dwellings according to the "RA4" zoning regulations with a minimum floor space index of 0.5 and a maximum floor space index of 1.0.

**Proposed Zoning Standards**

|                    | <b>Required "RA4-1"<br/>(Apartment Dwellings)<br/>Zoning By-law Standards</b> | <b>Proposed "RA4" Zoning<br/>By-law Standards</b>   |
|--------------------|---|---|
| Floor Space Index  | 0.5-1.0   | 1.6   |
| Exception Schedule |   | The permitted uses and applicable regulations shall be as specified for a RA4 zone except that all site development plans shall comply with the exception schedule which will reflect the concept plan shown in Appendix I-5. |





# Corporate Report

Clerk's Files

Originator's  
Files

CD 06 AFF

**DATE:** May 5, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Second Unit Implementation Strategy - Update Report**

**RECOMMENDATION:** That the next steps identified within the body of the report titled "Second Unit Implementation Strategy - Update Report" dated May 5, 2015 by the Commissioner of Planning and Building, be approved.

## REPORT HIGHLIGHTS:

- The Second Unit Implementation Strategy (SUIS) was adopted in 2013. Licensing of second units began in January 2014.
- In 2014 and 2015, 67 second unit licenses were issued, with 97 currently under review.
- Staff have undertaken an education program and continue to partner with other professionals involved in affordable housing.
- The costs of renovations to comply with Building Code, the approvals and licensing process are among the challenges of the implementation process.
- This report identifies next steps that could be undertaken to support, document and simplify the SUIS.

**BACKGROUND:** On July 3, 2013, City Council approved the Second Unit Implementation Strategy (SUIS) (Resolution 0118-2013). Second units are one component of *Housing Choices: Mississauga's*

*Affordable Housing Strategy and Action Plan* that was undertaken to address the challenges related to the increasing need for affordable housing. Provincial laws also require all municipalities in Ontario to permit second units.

Developing the SUIS involved research to identify common issues, a review of municipal processes and a comprehensive public consultation program. The consultation program focused on three principles: ensuring safety; protecting neighbourhood character; and, maintaining public services.

The planning process found that:

- there was support for legalizing second units in Mississauga;
- licensing was needed to ensure safety standards are met;
- rules were necessary to protect neighbourhood character;
- enforcement of by-laws and education is critical; and,
- incentives and a simple affordable process would encourage homeowners to legalize their second units.

### **Second Unit Implementation Strategy (SUIS)**

There are 3 primary components of the SUIS including:

1. **A Policy Framework:** which refers to the Mississauga Official Plan policies adopted by Council to permit second units in detached, semi-detached and townhouse dwellings;
2. **A Regulatory Framework:** which refers to Zoning By-law regulations to permit second units where the dwelling and property could accommodate them and protect neighbourhood character. Regulations include:
  - the types of dwellings where they are permitted;
  - on-site parking to prevent on-street parking;
  - setbacks to address access during an emergency; and,
  - locations of entrances and stairwells to maintain neighbourhood character.

3. **An Implementation Program:** which refers to the following three programs:

- a) **Licensing** which ensures second units meet building and fire codes and electrical safety standards. It can also be used to address concerns regarding neighbourhood impacts, parking, property standards and noise;
- b) **Education** which aims to provide information on the new process for a legal second unit; and
- c) **Partnerships** with key stakeholders have assisted in both educating the public on the new process and implementing elements of the SUIS.

**COMMENTS:**

At the time of the SUIS's approval, staff made a commitment to provide Council with a report on progress. This report provides an update on:

- How are we doing on the implementation?
- What the successes and challenges have been?
- What are our next steps?

It should be noted that in recent weeks Council has raised questions and concerns about the SUIS, mainly related to the licensing program and its success. Concerns have also been raised by the real estate industry. While this report will briefly address licensing, a companion report titled "Second Unit Licensing Update" dated May 6, 2015 from the Commissioner of Transportation and Works contains a comprehensive analysis of the licensing program.

**What Is The Status Of Program Implementation?**

The City elected to adopt a licensing program to implement and regulate second units, which was formally launched in January 2014. Additionally, an Education and Partnership program was launched simultaneously. Since the initial launch of the SUIS, there have been:

- over 500 counter inquiries in 2014;
- over 600 attendees at presentations; and
- over 20,000 website visits in 2014.

### 1. Second Unit Licensing Applications

In support of obtaining the City's approval for a legal second unit, a license is required. To obtain a license the following steps are required:

- Certificate of Occupancy for Zoning Compliance;
- Building Permit Card (Signed Off) for Building Code Compliance;
- Letter of Compliance from Fire Chief for Fire Code Compliance;
- Electrical Safety Certificate from Electrical Safety Authority;
- Proof of ownership; and,
- Insurance Certificate.

At the time of the writing of this report: 67 second unit licenses have been issued, 35 in 2014 and 32 in 2015; and 97 second unit licenses are in process. Of these, 17 are newly created second units (either licensed or in the licensing process).

| <b>Table 1</b>              |                          |                          |                       |
|-----------------------------|--------------------------|--------------------------|-----------------------|
| <b>Second Units by Type</b> |                          |                          |                       |
|                             | <b>Licensed<br/>2014</b> | <b>Licensed<br/>2015</b> | <b>In<br/>Process</b> |
| Investment                  | 8                        | 6                        | 25                    |
| Owner                       | 27                       | 26                       | 72                    |
| Total                       | 35                       | 32                       | 97                    |

#### a) Location of Second Units

The units are located across the city. Appendix 1 provides information on their location. Table 2 provides a summary of the second unit licenses by ward.



| <b>Table 2<br/>Second Unit Licenses by Ward<br/>(Issued and Pending)</b> |                          |                          |                   |
|--|--------------------------|--------------------------|-------------------|
| <b>Ward</b>  | <b>Licensed<br/>2014</b> | <b>Licensed<br/>2015</b> | <b>In Process</b> |
| 1  | 2                        | -                        | 4                 |
| 2  | -                        | 5                        | 3                 |
| 3  | 2                        | 1                        | 4                 |
| 4  | 5                        | 2                        | 11                |
| 5  | 9                        | 13                       | 30                |
| 6  | 6                        | 5                        | 18                |
| 7  | 3                        | 1                        | 4                 |
| 8  | 4                        | 1                        | 8                 |
| 9  | -                        | 1                        | 4                 |
| 10   | 2                        | 3                        | 4                 |
| 11   | 2                        | -                        | 7                 |
| <b>Total</b>   | <b>35</b>                | <b>32</b>                | <b>97</b>         |

**b) Factors influencing Licensing Approval**

The age of the dwelling and the date the second unit was established will determine which building and fire code approvals are required. (For details see Appendix 2: Licensing a Second Unit in Your Home – Brochure; and Appendix 3: Second Unit Information Package.) Compliance with the Building and Fire Codes can be the most challenging part of the second unit approval process and the most costly. A review of applications which have been withdrawn was conducted. Although this information is limited, approximately nine applications have been withdrawn at the zoning and building permit stage. (This was collected through anecdotal information.) The costs of renovations and the requirements of the Building Code were identified as the primary reason these applications were not pursued.

The current condition of an existing property will impact the process. For instance, zoning regulations for second units regulate matters such as setbacks, parking and location of additional doors and stairwells. Properties must also comply with all other applicable regulations in the Zoning By-law. Requirements for driveway widths are city-wide regulations that are not specific to dwellings with second units. Where the property owner cannot satisfy these, a minor variance could be considered. Variances are

evaluated on a case-by-case basis allowing the opportunity for public input, comments and review. There have been approximately 11 minor variance applications relating to second units summarized as follows (some applications have multiple variances):

- Driveways (7) - widening (6) two driveways (1)
- Basement entrance stairwell in side yard and/or facing a street (5)
- Side yard setback (2)
- Basement entrance stairwell in garage (1)
- Walkway width (1)
- Lot coverage (1)
- Landscaping (1)
- Number of kitchens (1); and
- Change of use duplex to triplex (1).

**c) Comparison To Other Municipalities**

The equivalent of licensed units in other municipalities would be second units that were approved through the Building Permit process (such as in Toronto) or registered (such as in Oshawa).

The number of approved second units varies in different municipalities. Oshawa has the highest number of new second units, registering an average of 70 second units per year since their permissions were put in place. Municipalities such as the Town of Aurora have registered less than 10 second units per year. Toronto has allowed second units since 2000 and approved an average of 50 building permits for second units per year.

Mississauga's process has the similar regulatory requirements of other municipalities, including Toronto which requires:

- New units to comply with Ontario Building Code, zoning by-law and property standards, fire safety and be approved by the Electrical Safety Authority.
- Existing units need to be fit for habitation, meet zoning regulations and property standards.
- Toronto also requires applicants to obtain a minor variance when zoning regulations cannot be met.

Where municipalities differ is in the requirement to register versus licensing. Toronto does not require either of these.

Many municipalities require registration to track where second units are located and confirm that, at the time of registration, the second unit was inspected for compliance with safety and building regulations. Licensing is a more rigorous process that was supported by some of the public participants and by Council. Council might wish to reconsider licensing in favour of registration.

## 2. Education Program

Recognizing that regulation is only one means to support second units, the City of Mississauga developed and launched an education program. This provides information on the new process for a legal second unit. The education program is directed at second unit owners, tenants, stakeholders, special interest groups and the general public. The education program consists of:

- a) **Communications:** including a website<sup>1</sup>, brochures on licensing (Appendix 2) and a Second Units Building Code Guide when preparing drawings for permit submissions;
- b) **Campaigns:** a mail campaign for homeowners of second units and a mail campaign for homeowners where an inquiry, complaint or permit regarding a second unit had been made;
- c) **Public Presentations and Learning Sessions:** were held with a variety of stakeholders including:
  - Town Hall meetings in May and June 2014;
  - Mississauga Real Estate Board in October and November 2014;
  - Realtors in March 2015;
  - Ontario Non-Profit Housing Federation Conference in November 2014; and
  - Provincial conference on housing and land use (February 2015).

---

<sup>1</sup> <http://www.mississauga.ca/portal/residents/housingchoicessecondunits>.

### **3. Partnerships with Key Stakeholders**

Similar to the education program, the success of the SUIS is the development of partnerships. New relationships with key stakeholders have been instrumental in educating the public on the new process and implementing elements of the strategy. The following summarizes key partnerships and activities to date:

- a) Real Estate Professionals – Real estate professionals have been active participants in the SUIS. Presentations and information shared with this group are to assist home buyers and sellers interested in establishing a legal second unit.
- b) Non-Profit Sector – Town and Gown Association Ontario and Ontario Non-Profit Housing Association conferences have provided the opportunity to exchange information with other professionals with an interest in affordable housing, including Regional Service Managers and Student Housing Officers in post-secondary institutions. (The Region of Peel is designated as Region Service Manager responsible for providing affordable housing.)
- c) Provincial, Regional and Public Sector Stakeholders – There is ongoing dialogue regarding the City's work on the affordable housing strategy. Staff are working with the Region of Peel to implement the Region's 10-Year Housing and Homelessness Plan. Staff will be providing comments on the Provincial review of the Long-Term Affordable Housing Strategy.

### **Successes and Challenges: What Have We Learned?**

Ultimately, the primary goal of any affordable housing program is to create more affordable housing. The City has tracked the number of inquiries and applications, and by all accounts, there seems to be a good level of interest and a relatively promising uptake. In fact, Mississauga is out performing other municipalities in this regard.

Generally, the following highlights the successes for 2014 and 2015:

- 67 units licensed;
- 97 second unit licenses are in process;
- the number of licenses will exceed yearly averages in other municipalities;

- 17 (10%) are new units;
- 11 (7%) of applicants sought minor variances to property; and
- the SUIIS is recognized by the Province as best practice.

The licensing and zoning process, education and partnerships have also brought forward a number of challenges:

- Approval for second units is a multi-step process which can be daunting to those interested in establishing legal second units;
- The licensing process is viewed by some applicants as a barrier to the creation of second units and can be a disincentive toward the establishment of new units or compliance of existing ones;
- The timelines for approvals posed challenges as this was the first year of implementation, and was a learning experience for the public and staff;
- Costs can be prohibitive in the establishment of new second units and bringing existing units into compliance; and
- Information on approvals and understanding of barriers is limited as there is no ongoing monitoring and limited understanding of issues with applications that have been withdrawn.

It should also be noted that 9 (5%) of the total number of applicants withdrew their second unit applications. It is staff's understanding this is in part due to the realization of the costs required to undertake a renovation.

### **What are the Next Steps?**

#### **a) Incentives for Second Units:**

The Region of Peel will launch the pilot Peel Renovates – Second Unit Renovation Assistance Program (Peel Renovates) for owners of existing second units in May 2015. The program will target a limited number of modest income homeowners and assist them with the funding for renovations that are needed to establish a safe second unit. Funding will be in the form of a loan or promissory note. Through the conditions of the funding, the program will ensure that the existing units are renovated to comply with City requirements, are safe, affordable and retain affordability over time. The value of the program is a maximum of \$25,000.

**b) Understanding Applicant Issues**

Staff will partner with the Region of Peel to establish and extend a dialogue with applicants who have gone through the process of obtaining a license to better understand barriers to the establishment of a legal second unit. With such input staff's aim is to recommend improvements to the City processes. Applicants who have abandoned the process and other stakeholders will also be invited to provide feedback to better understand the circumstances under which applicants choose to abandon an application, e.g., is there a particular section of the Building Code that is onerous for the establishment of a second unit? It would also clearly document the variance applications relating to second units.

Council may wish to explore a more localized zoning regulatory approach for second units to reflect different goals and priorities of different communities.

**c) Second Units on Open Data**

Inquiries on the location of legal second units are high, especially among prospective home buyers. Staff have been working toward providing this information as "open data", which is anticipated to go live in May 2015.

**d) Monitoring:**

Staff will continue monitoring the establishment of new second units and the upgrading of units that exist.

**STRATEGIC PLAN:** Legalizing second units is identified as Action Item 7 "Legalize Accessory Units" in the Belong Pillar of the City's Strategic Plan.

**FINANCIAL IMPACT:** The SUIs has been implemented with existing resources. The next steps identified in this report may have resource implications.

**CONCLUSION:**

Second units are one part of *Housing Choices: Mississauga's Affordable Housing Strategy and Action Plan*. This report summarizes the implementation of the SUIs and identifies next steps that could be undertaken to support, document and simplify the process.

**ATTACHMENTS:**

- Appendix 1: Second Unit Map – Licensing Status
- Appendix 2: “Licensing Second Unit In Your Home” Brochure
- Appendix 3: Second Unit Information Package



Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Emily Irvine, Planner*

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Second Units Follow-Up Planning - May.docx









**IF YOU HAVE A BASEMENT APARTMENT OR AN IN-LAW SUITE** in your Mississauga home, you need a Second Unit Licence. As of January 2, 2014 a licence is required for a second unit to be legal. (City By-law 204-13).

A second unit is a self-contained living unit within a detached, semi-detached house or townhouse. Property owners are responsible for making sure their units are up to Ontario Fire and Building Code standards, as well as City regulations and other licensing requirements. A Second Unit Licence helps keep you and your tenants safe.

#### LICENSING YOUR SECOND UNIT

To apply for your Second Unit Licence, you may need documents from:

Electrical Safety Authority  
City of Mississauga

- Planning and Building
- Building Inspections
- Fire Inspections

#### SECOND UNIT LICENCE FEES\*

- If you live in the home with the second unit, the fee is \$500 for the first year, and \$250 for each renewal year.
- If you do not live in the home with the second unit (the home is an investment property) the fee is \$1000 for the first year and \$500 upon renewal each subsequent year.
- If you own a home with a second unit, but do not live there (the home is an investment property), you must also have:
  - Business Name Registration; and
  - If a Corporation, Articles of Incorporation OR
  - If a Registered Partnership, Registered Declaration of Partnership.

\* fees subject to change



**Mississauga's Second Unit Licensing Program is part of Housing Choices: Mississauga's Affordable Housing Strategy**

#### FOR MORE INFORMATION:

##### Call:

3-1-1 or if outside city limits 905-615-4311

##### TTY:

905-896-5151  
(teletypewriter for hearing impaired)

##### Website:

[mississauga.ca/seconduits](http://mississauga.ca/seconduits)

##### In Person:

City of Mississauga, Compliance and Licensing,  
ground floor, 300 City Centre Drive, Mississauga



14014

#### Appendix 2

## Licensing a Second Unit in your Home

**Make it Safe - Get a Licence**



MISSISSAUGA





Use the **CHECKLIST Guide** to getting a licence for your new or existing second unit/in-law suite or basement apartment in your home:

| An existing Second Unit created on or before July 14, 1994 ✓  |  |
|---|--|
| 1. Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice )   |  |
| 2. Provide Letter of Compliance from Fire or Letter of Use from Compliance and Licensing (previously obtained)  |  |
| 3. Obtain Certificate of Occupancy at Planning and Building Customer Services Centre  |  |
| 4. Arrange for Fire Inspection and obtain letter from fire chief confirming compliance with Fire Code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence ) |  |
| 5. Arrange for an Electrical Safety Inspection and obtain an Electrical Safety Certificate (must be dated no earlier than 180 days from when you apply for a Second Unit Licence)             |  |
| 6. Get Insurance Certificate (\$2 million minimum)  |  |
| 7. Apply for a Second Unit Licence at the Compliance and Licensing Office   |  |



| An existing Second Unit created between July 15, 1994 and November 16, 1995 ✓   |  |
|---|--|
| 1. Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice )   |  |
| 2. Provide signed off Building Permit Card from Building (previously obtained)  |  |
| 3. Obtain Certificate of Occupancy at Planning and Building Customer Services Centre  |  |
| 4. Arrange for Fire Inspection and obtain letter from fire chief confirming compliance with Fire Code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence ) |  |
| 5. Arrange for an Electrical Safety Inspection and obtain an Electrical Safety Certificate (must be dated no earlier than 180 days from when you apply for a Second Unit Licence)             |  |
| 6. Get Insurance Certificate (\$2 million minimum)  |  |
| 7. Apply for a Second Unit Licence at the Compliance and Licensing Office   |  |



| A New Second Unit ✓   |  |
|---|--|
| 1. Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice )   |  |
| 2. Obtain Certificate of Occupancy at Planning and Building Customer Services Centre  |  |
| 3. Obtain a Building Permit at Planning and Building Customer Services Centre (if required)   |  |
| 4. Arrange for Fire Inspection and obtain letter from fire chief confirming compliance with Fire Code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence ) |  |
| 5. Arrange for an Electrical Safety Inspection and obtain an Electrical Safety Certificate (must be dated no earlier than 180 days from when you apply for a Second Unit Licence)             |  |
| 6. Get Insurance Certificate (\$2 million minimum)  |  |
| 7. Apply for a Second Unit Licence at the Compliance and Licensing Office   |  |

Transportation and Works Department  
Enforcement Division

City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

[www.mississauga.ca](http://www.mississauga.ca)



## Second Unit Information Package

Second units are part of the City's affordable housing strategy. A second unit is a self-contained living unit within a detached, semi-detached house or townhouse. They are also called basement apartments, in-law suites or secondary suites. Ontario laws now require municipalities to allow second units in homes.

As of January 2, 2014 a licence is required for a Second Unit to be legal. Licensing your unit will ensure that it is safe and that it is up to Ontario fire and building code standards as well as other City regulations and licensing requirements. Licences must be renewed annually.

This information package is provided to help guide homeowners through the process of obtaining a second unit licence. The Second Unit Information Package contains:

- Second Unit Licensing By-law 204-13, as amended
- Licensing a Second Unit in your Home Brochure
- How to Obtain your Second Unit Licence
- Application for Certificate of Occupancy (Zoning)
- Second Unit Licence Application
- Additional Resources

For more information on obtaining a Second Unit Licence:

Call Us  
3-1-1 or  
905-615-4311  
outside city limits  
TTY: 905-896-5151

Compliance and Licensing  
Ground Floor  
300 City Centre Drive  
Monday to Friday  
8:30 a.m. to 4:00 p.m.

Planning and Building  
Customer Service  
Counter  
3rd Floor  
300 City Centre Drive  
Monday to Friday  
8:30 a.m. to 4:30 p.m.



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
SECOND UNIT LICENSING  
BY-LAW 204-13**

(amended by 68-14)

**WHEREAS** Section 11 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters including the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

**AND WHEREAS** Section 11 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended further provides that a lower-tier municipality may pass by-laws respecting business licensing;

**AND WHEREAS** Section 151 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that without limiting sections 9, 10, and 11 of the Act, a municipality may provide for a system of licences with respect to a business and may licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

**AND WHEREAS** Section 436 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being complied with;

**AND WHEREAS** Section 444 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that that municipality may make an order to discontinue an activity found to be in contravention of a by-law of the municipality;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga considers it desirable and necessary to license, regulate, and govern Second Units;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga hereby **ENACTS** as following:

**DEFINITIONS**

1. For the purposes of the By-law:

**"Additional Fee"** means a fee, in addition to the Licence fee, imposed by the municipality at any time during the term of the Licence for costs incurred by the municipality attributable to the activities conducted or permitted by the Owner;

**"Agent"** means, in respect of an inspection required under this By-law, a person who is authorized by the Licensee to conduct and report inspections on the Licensee's behalf;

**"Appeal Tribunal"** means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law;

**"Applicant"** means a Person applying for a new or renewing a Licence under this By-law;



**"Certificate of Occupancy"** means a certificate duly issued by the City approving the use for which the Licence application has been made for the Dwelling;

**"City"** means the City of Mississauga;

**"Clerk"** means the Clerk of the City of Mississauga or their duly appointed Deputy;

**"Corporation"** means the Corporation of the City of Mississauga;

**"Council"** means the Council of the City of Mississauga;

**"Dwelling"** means a detached house, a semi-detached house or a row house;

**"Fire Chief"** means the Chief of City's Fire and Emergency Services Division or his designate;

**"Individual"** means a natural Person and does not include a corporation, partnership or association;

**"Investment Dwelling"** means a Two-Unit Dwelling whose Owner does not reside at the Dwelling;

**"Licence"** means the certificate issued by the Licence Manager under this By-law to an Owner of either an Investment Dwelling or an Owner-Occupied Dwelling;

**"Licensee"** means any Person licensed under this By-law;

**"Licence Manager"** means the Manager of the Compliance and Licensing Enforcement Unit of the City's Enforcement Division and includes his or her Designates;

**"Licensing Section"** means the Compliance and Licensing Enforcement Unit of the Enforcement Division;

**"Notice of Additional Fee"** means a written notice from the Licence Manager to a Licensee advising them of their requirement to pay an Additional Fee;

**"Officer"** means a duly appointed Municipal Law Enforcement Officer and includes members of the Peel Regional Police;

**"Owner"** means a Person who alone or with others, owns and/or has ultimate control over, and/or directs the operation of the business;

**"Owner-Occupied Dwelling"** means a Two-Unit Dwelling occupied by the Owner of the Dwelling;

**"Person"** includes an individual, a corporation and its directors and officers, or partnership and their heirs, executors, assignees and administrators;

**"Remuneration"** includes any one or more of the following: payment of rent, fees, or other valuable consideration or the provision of services.

**"Second Unit"** means an accessory dwelling unit with its own kitchen, sanitary facilities and bedrooms/sleeping area(s) located in a Dwelling.

**"Tenant"** means a Person, other than an Owner, who resides in a Second Unit in return for Remuneration.

**"Two-Unit Dwelling"** means a detached house, a semi-detached house or a row house which contains two residential units.

### LICENSING REQUIRED

2. (1) No Person shall own or operate a Second Unit unless the Person is licensed under this By-law.
- (2) No Person shall publish or cause to be published any representation or advertisement that the Person is licensed for a Second Unit as defined under this By-law if the Person is not so licensed.

### APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE

3. (1) An application for an Owner's Licence and an application for the renewal of an Owner's Licence shall be completed on the forms provided by the Licensing Section and in accordance with Schedule 3.
- (2) A Certificate of Occupancy is subject to any terms and conditions imposed by a Tribunal or Court of competent jurisdiction.
- (3) No refund of a fee paid as part of an application under this Section shall be granted if the application is refused.
- (4) An Owner must obtain a separate Licence for each of the Dwelling at which the Owner operates a Two-Unit Dwelling.
- (5) No individual shall be licensed under this By-law unless the individual is eighteen (18) years of age or over.

### INSPECTIONS

4. (1) By submitting an Application for a Licence or the renewal of a Licence, the Owner consents to an inspection by the Licensing Section or Officer who may at any reasonable time enter upon the Dwelling(s) to be Licensed to make an inspection to ensure that all the provisions of this By-law have been satisfied.
- (2) Subject to Subsection 4(3), the Licence Manager or Officer may enter upon a property and into buildings without a warrant to inspect a property or building for compliance with the provisions of this By-law.
- (3) Except under the authority of a search warrant, neither the Licence Manager nor Officer shall enter any room or place actually used as a Second Unit without requesting and obtaining the consent of the Tenant.

### ISSUE OF LICENCE OR RENEWAL OF LICENCE

5. When an application for a Licence or renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant or Licensee meets all the requirements of this By-law, the Licence Manager shall issue a Licence.

### LICENCE ON TERMS AND CONDITIONS

6. (1) Notwithstanding any other provisions of this By-law, the Licence Manager may impose terms and conditions on any Licence at issuance, renewal or any time during the Licence period, including special conditions, as are necessary to give effect to this By-law.
- (2) Notwithstanding any other provisions of this By-law, the Licence Manager may impose Additional Fees on a Licensee, by way of a Notice of Additional Fee at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the Licensee.
- (3) The Notice of Additional Fee shall be sent to the Licensee by Registered Mail and shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such Notice.

**GROUND FOR REFUSAL TO LICENCE OR RENEW OR FOR SUSPENSION  
OR REVOCATION**

7. An Applicant or Licensee whose application meets all the requirements of this By-law and its Schedules is entitled to a Licence or the renewal of a Licence except where:
  - (1) There are reasonable grounds to believe that any application or other document provided to the Licensing Section by or on behalf of the Applicant or Licensee contains a false statement or provides false information; or
  - (2) The past or present conduct of the Applicant, or Licensee, or of any partner, in the case of an Applicant or Licensee which is a partnership, or of any director or officer of the corporation, if the Applicant is a corporation, affords reasonable grounds for the belief that the Applicant or Licensee will not carry on the activity for which they are to be licensed or to continue to be licensed in accordance with any applicable law and with integrity and honesty; or
  - (3) The financial position of the Applicant or Licensee affords reasonable grounds to believe that the Applicant or Licensee would not operate the Dwelling in a financially responsible manner; or
  - (4) The issuance of the Licence or the renewal of the Licence would be contrary to the public interest; or
  - (5) The Applicant or Licensee has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a by-law enacted by the City; or
  - (6) There are reasonable grounds to believe that the Applicant or Licensee does not meet all the requirements of this By-law or any other City By-law; or
  - (7) The fee payable in respect of the Licence applied for has not been paid; or
  - (8) Any Additional Fee imposed on a Licensee remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licensee; or
  - (9) The Applicant or Licensee fails or refuses to comply with any requirement set out in the By-law to obtain or maintain or renew a Licence issued under this By-law.

**THE LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A  
LICENCE, OR TO REVOKE OR SUSPEND A LICENCE**

8. The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates.
9.
  - (1) After a decision is made by the Licence Manager, written notice of that shall be given to the Applicant or Licensee.
  - (2) The written notice to be given under subsection (1), shall:
    - (a) set out the grounds for the decision;
    - (b) give reasonable particulars of the grounds;



- (c) be signed by the Licence Manager; and
  - (d) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee delivers to the Clerk, within seven (7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeal Tribunal and the appeal fee as set out in the Transportation and Works Fees and Charges By-law.
- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final.

#### **THE HEARING BEFORE THE APPEAL TRIBUNAL**

10. (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to the Appeal Tribunal.
- (2) The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, cS.22, as amended, shall apply to all hearings conducted by the Appeal Tribunal under this By-law.
- (3) When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings.
- (4) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the Applicant or Licensee and the Licence Manager.

#### **TRIBUNAL DECISION FINAL**

11. In making its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision that the Licence Manager was entitled to make in the first instance. The decision of the Appeal Tribunal issued under this By-law is final.

#### **RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION**

12. (1) When a Licence has been revoked, deemed not renewable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Section within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision of the Appeal Tribunal, and the Licence Manager or Officer may enter upon the Dwelling(s) of the Licensee for the purpose of receiving, taking, or removing the said Licence.
- (2) When a Person has had his or her Licence revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1).

#### **CANCELLATION OF A LICENCE**

13. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.

**LICENCE TRANSFERABLE**

14. A Licence issued under this By-law is not transferable.

**RIGHT OF INSPECTION OF LICENSED DWELLINGS**

15. (1) The Officer may at any reasonable time, enter upon and inspect the Licenced Dwelling(s) of any Licensee to ensure that the provisions of this By-law are complied with.
- (2) Upon an inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents and all documents required to be kept and maintained under this By-law which may be removed for the purpose of photocopying and returned to the Licensee within seventy two (72) hours of removal.
16. No Person shall obstruct the Person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the Person inspecting for the purpose of the inspection.

**DISPLAY OF LICENCE**

17. Every Licensee shall prominently display the Licence in the interior of the Licensed Dwelling directly adjacent to the main entrance, or in such a location as approved by the Licence Manager, and it shall be covered in such a fashion to protect it from the elements but ensure it is clearly legible.

**NOTIFICATION OF CHANGE OF INFORMATION**

18. (1) A Licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name.
- (2) When a Licensee changes his name or address or any information relating to his Licence, he or she shall notify the Licensing Section within three (3) days of the change of address or any other information relating to his or her Licence and shall return the Licence immediately to the Licensing Section for amendment.
- (3) When the Licensee is a corporation, and there is any change in the following information given on the application, namely: the names and addresses of officers and directors, the location of the corporate head office, and/or change of ownership of shares, the Licensee shall report the change to the Licensing Section within three (3) days of the change, and if necessary, the Licence shall be returned immediately to the Licensing Section for amendment.
- (4) When the Licensee is a corporation, where there is a change in fifty percent (50%) or more of the directors of the corporation, it shall be deemed as a new corporation and a new Licence will be required.
- (5) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modifications of their Licence or part thereof unless approved by the Licensing Manager.

### ORDER TO COMPLY

19. Where a Licensee contravenes any provision of this By-law or its Schedules, the Officer may:
- (1) Serve a written notice on the Licensee, advising of the contravention and directing compliance; or
  - (2) Direct in a written order that a thing or matter is required to be done, and in default of such thing or matter being done, the thing or matter may be done at the Licensee's expense by the City and the City will recover the expense by action or in like manner as municipal taxes

### NOTICE

20. (1) Any notice or order required to be given or served under this By-law is sufficiently given or served, if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licensing Section.
- (2) When service is made by registered mail, the service shall be deemed to be effected on the seventh (7th) day after the date of mailing, unless the Person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

### PENALTY

21. (1) Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, and the *Municipal Act, 2001*, as both may be amended from time to time.
- (2) In addition to subsection (1), any Person who is charged with an offence under this By-law in accordance with Part III of the *Provincial Offences Act* and is found guilty of the offence, is liable, in addition to any other penalties:
- (i) If a person, to a fine of not more than \$25,000; or
  - (ii) If a corporation, to a fine of not more than \$50,000.

### SEVERABILITY

22. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

### SCHEDULES

23. All schedules attached to this By-law shall form part of this By-law.

**INTERPRETATION**

24.

- (1) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

**EFFECTIVE DATE**

25. This By-law shall come into force and effect on January 2, 2014.

**SHORT TITLE**

26. This By-law may be referred to as the Second Unit Licensing By-law.

**ENACTED AND PASSED this 18<sup>TH</sup> day of September, 2013.**

**Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk**

**SCHEDULE 1  
RELATING TO FEES**

| I. <u>TYPE OF LICENCE</u>    | <u>NEW</u> | <u>RENEWAL</u> |
|------------------------------|------------|----------------|
| Second Unit (Owner Occupied) | \$500      | \$250          |
| Second Unit (Investor)       | \$1000     | \$500          |

- These rates shall automatically increase and be rounded to the nearest dollar on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12-month period ending on October 1 in the year immediately preceding the rate increase date. The fees as listed in this Schedule will be subject to Harmonized Sales Tax (H.S.T), where applicable.

**SCHEDULE 2  
LICENCE EXPIRY DATES**

1. The Licences issued pursuant to this By-law shall expire according to the name of the street on which the Dwelling is located and the Licence expiry dates shall be divided as follows:
  - (a) where the first letter of the street name begins with the letter A through and including D, the Licence expiry date shall be March 31, of each year;
  - (b) where the first letter of the street name begins with the letter E through and including K, the Licence expiry date shall be August 31, of each year;
  - (c) where the first letter of the street name begins with the letter L through and including P, the Licence expiry date shall be October 31, of each year;
  - (d) where the first letter of the street name begins with the letter Q through and including Z, the Licence expiry date shall be December 31, of each year.
2. Where a new or initial Licence has been issued 90 days or less prior to the Licence expiry date described in this Schedule, the Licence period shall be extended and the Licence shall be valid, subject to the other provisions of this By-law, until the Licence expiry date in the following year.
3. Where a new or initial Licence has been issued 91 days or more prior to the Licence expiry date described in this Schedule, the Licence period shall not be extended and the Licence shall be valid, subject to the other provisions of this By-law, only until the current year's Licence expiry date.

**SCHEDULE 3  
OWNERS OF SECOND UNITS**

(amended by 68-14)

1. In addition to the general licensing provisions contained in this By-law, every Application for a new or the renewal of a Second Unit Licence shall be completed on the forms provided by the Licensing Unit.
2. Each executed application shall be submitted to the Licensing Unit by the Owner and by accompanied by:
  - (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law;
  - (b) a Certificate of Occupancy indicating that the use for which the application has been made is approved under the Zoning By-law as an approved use of the Dwelling including section 2.1.18.2.2 of the Zoning By-law;
  - (c) if the Owner is a corporation, a copy of the Articles of Incorporation or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration;
  - (d) proof of ownership for the Dwelling;
  - (e) if applicable, proof of building permit sign-off;
  - (f) a floor plan of the building, including dimensions and proposed use of each room;
  - (g) a letter from the Fire Chief which states that an inspection has been conducted of the location and confirms that the location is in compliance with all the provisions of the *Fire Protection and Prevention Act*, S.O. 1997. This letter must be submitted by the Applicant within one hundred eighty (180) days from the date when the application for the Licence is submitted; (68-14)
  - (h) a Certificate of Inspection report issued by the Electrical Safety Authority which certifies that an inspection has been conducted on the location and confirms that there are no visible fire, shock or electrical safety hazards and the property is in compliance with the requirements of the *Ontario Electrical Safety Code*. The Certificate of Inspection must be submitted by the Applicant within one hundred eighty (180) days from the date when the application for the Licence is submitted; (68-14)
  - (i) any additional statutory declarations as may be required by the Licensing Section; and
  - (j) proof of Insurance which the Owner shall take out and keep in full force and effect throughout the term of the Licence and any renewals thereof which shall include general liability insurance with respect to the Second Unit against claims for personal injury, death or property damage or loss, indemnifying and protecting the Owner, their respective employees, servants, agents, contractors, invitees or licensees to the inclusive limit of not less than Two Million (\$2,000,000.00) Dollars on a per occurrence basis. (68-14)
    - i. In addition to the insurance requirements of this subsection 2(j) of Schedule 3, the City may require an Owner to meet further insurance requirements as determined by the City's risk manager, from time to time.

3. Notwithstanding paragraph 2 above, where an application is made for the renewal of a Licence and where the items set out in 2(b),(c),(e),(f),(g),(h) above were submitted as part of the application for the initial Licence, items 2(b),(c),(e),(f),(g),(h) need not be resubmitted with the application for a renewal Licence unless the Licensing Unit requests such documents or unless there has been a substantial and material change of the information contained therein.
4. Every Owner shall:
  - (a) Keep and maintain the following written records and shall make these records available for inspection forthwith on the request of the Licence Manager or Officer:
  - (b) The full name of the Tenant(s);
  - (c) Records of inspections every three (3) months for Investor-Dwellings.
  - (d) Post a fire safety plan, approved by the Fire Chief in a conspicuous place in the Second Unit.
  - (e) Ensure that each floor of the Dwelling is equipped with a functioning Fire Extinguisher.
  - (f) Provide written proof that the Tenants have been advised that the Licence Manager or Officer will be requesting permission to enter all Second Units on the Property (at a time and day convenient to the City, the Licensee and the Tenants) for the purposes of conducting inspections under this By-law.
  - (g) Maintain compliance with all applicable provisions of the Zoning By-law as it relates to a Second Unit, including any conditions imposed by the Committee of Adjustment for a minor variance.
  - (h) Either personally or by their Agent, conduct an inspection of the Investor-Dwellings every three (3) months to ensure compliance with this By-law and any other applicable law and file an inspection report on the form provided by the Licensing Section including all remediation action to be taken, and a time frame for gaining compliance where non-compliance is found by March 31, June 30, September 30 and December 31 of each calendar year.
  - (i) Submit in writing, the name, address and contact information for any individual that will be acting as their Agent for the purposes of conducting and reporting on inspections, where applicable.
  - (j) Ensure that the current Business Licence Number for the Licenced Dwelling appears on all advertisement for the business.
5. No Licenced Owner shall:
  - (a) Permit the occupancy of, for sleeping purposes, any basement or any space used or designed to be used as a lobby, hallway, closet, bathroom, laundry room, stairway or kitchen or any room having a floor area of less than 80 square feet or any room being less than 7 feet 6 inches from the floor to ceiling.
  - (b) Permit non-compliance with the Property Standards By-law, the Nuisance Weeds and Long Grass By-law, the Nuisance Noise By-law, the Nuisance Lighting By-law, Open Air Burning, the Noise Control By-law and all other applicable by-laws and applicable provincial laws including but not limited to *the Building Code Act*, *the Fire Protection and Prevention Act*, and *the Accessibility for Ontarians with Disabilities Act*.
  - (c) Permit the construction, renovation, alteration or addition is carried out on the Licensed Dwelling without first obtaining the necessary Building Permit as may be required.



**IF YOU HAVE A BASEMENT APARTMENT OR AN IN-LAW SUITE** in your Mississauga home, you need a Second Unit Licence. As of January 2, 2014 a licence is required for a second unit to be legal. (City By-law 204-13).

A second unit is a self-contained living unit within a detached, semi-detached house or townhouse. Property owners are responsible for making sure their units are up to Ontario Fire and Building Code standards, as well as City regulations and other licensing requirements. A Second Unit Licence helps keep you and your tenants safe.

#### LICENSING YOUR SECOND UNIT

To apply for your Second Unit Licence, you may need documents from:

##### Electrical Safety Authority

##### City of Mississauga

- Planning and Building
- Building Inspections
- Fire Inspections

#### SECOND UNIT LICENCE FEES\*

- If you live in the home with the second unit, the fee is \$500 for the first year, and \$250 for each renewal year.
- If you do not live in the home with the second unit (the home is an investment property) the fee is \$1000 for the first year and \$500 upon renewal each subsequent year.
- If you own a home with a second unit, but do not live there (the home is an investment property), you must also have:
  - Business Name Registration: and
  - If a Corporation, Articles of Incorporation OR
  - If a Registered Partnership, Registered Declaration of Partnership.

\* fees subject to change



**Mississauga's Second Unit Licensing Program is part of Housing Choices: Mississauga's Affordable Housing Strategy**

#### FOR MORE INFORMATION:

##### Call:

3-1-1 or if outside city limits 905-615-4311

##### TTY:

905-896-5151  
(teletypewriter for hearing impaired)

##### Website:

[mississauga.ca/secondunits](http://mississauga.ca/secondunits)

##### In Person:

City of Mississauga, Compliance and Licensing,  
ground floor, 300 City Centre Drive, Mississauga



14014

# Licensing a Second Unit in your Home

**Make it Safe – Get a Licence**





Use the **CHECKLIST** Guide to getting a licence for your new or existing second unit/in-law suite or basement apartment in your home:

| An existing Second Unit created on or before July 14, 1994 ✓  |  |
|---|--|
| 1. Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice )   |  |
| 2. Provide Letter of Compliance from Fire or Letter of Use from Compliance and Licensing (previously obtained)  |  |
| 3. Obtain Certificate of Occupancy at Planning and Building Customer Services Centre  |  |
| 4. Arrange for Fire Inspection and obtain letter from fire chief confirming compliance with Fire Code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence ) |  |
| 5. Arrange for an Electrical Safety Inspection and obtain an Electrical Safety Certificate (must be dated no earlier than 180 days from when you apply for a Second Unit Licence)             |  |
| 6. Get Insurance Certificate (\$2 million minimum)  |  |
| 7. Apply for a Second Unit Licence at the Compliance and Licensing Office   |  |



| An existing Second Unit created between July 15, 1994 and November 16, 1995 ✓   |  |
|---|--|
| 1. Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice )   |  |
| 2. Provide signed off Building Permit Card from Building (previously obtained)  |  |
| 3. Obtain Certificate of Occupancy at Planning and Building Customer Services Centre  |  |
| 4. Arrange for Fire Inspection and obtain letter from fire chief confirming compliance with Fire Code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence ) |  |
| 5. Arrange for an Electrical Safety Inspection and obtain an Electrical Safety Certificate (must be dated no earlier than 180 days from when you apply for a Second Unit Licence)             |  |
| 6. Get Insurance Certificate (\$2 million minimum)  |  |
| 7. Apply for a Second Unit Licence at the Compliance and Licensing Office   |  |



| A New Second Unit ✓   |  |
|---|--|
| 1. Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice )   |  |
| 2. Obtain Certificate of Occupancy at Planning and Building Customer Services Centre  |  |
| 3. Obtain a Building Permit at Planning and Building Customer Services Centre (if required)   |  |
| 4. Arrange for Fire Inspection and obtain letter from fire chief confirming compliance with Fire Code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence ) |  |
| 5. Arrange for an Electrical Safety Inspection and obtain an Electrical Safety Certificate (must be dated no earlier than 180 days from when you apply for a Second Unit Licence)             |  |
| 6. Get Insurance Certificate (\$2 million minimum)  |  |
| 7. Apply for a Second Unit Licence at the Compliance and Licensing Office   |  |

## How to Obtain your Second Unit Licence

### Step 1 Contact the Planning and Building Department to obtain a Certificate of Occupancy

- Obtain a Zoning Certificate of Occupancy - Fee: \$257.00\*
  - Obtain a Signed-Off Building Permit Card (*if required\*\**)
- The building permit fee is \$8.40 per square metre, with a minimum fee of \$225.00.\* Renovation costs will vary based on the work required.
- Planning and Building**  
300 City Centre Dr.  
3rd Floor, Parking  
Elevators

*\*\*If the existing second unit was previously approved, provide the following documents: Letter of Compliance from Fire or Letter of Use from Compliance and Licensing (on or before July 14, 1994) or Signed-Off Building Permit Card (between July 15, 1994 and November 16, 1995).*

### Step 2 Contact Fire and the Electrical Safety Authority to Coordinate an Inspection

Fire Inspection: Not applicable.\*

- Arrange for a Fire inspection and obtain a **letter from the Fire Chief** confirming compliance with the fire code (must be dated no earlier than 180 days from when you apply for a Second Unit Licence.
- Fire**  
300 City Centre Drive  
2nd Floor, Tower  
Elevators

Electrical Safety Authority Inspection Fee: \$141 per unit \* (Multi-Unit Residential)

- Arrange for an Electrical Safety inspection and obtain an **Electrical Safety Certificate** (must be dated no earlier than 180 days from when you apply for a Second Unit Licence.
- Electrical Safety Authority**  
155 Matheson Blvd. W  
1-877-372-7233

### Step 3 Contact the Compliance and Licensing Office to Make an Application

Make an application for a Second Unit Licence at the Compliance and Licensing Office (Enforcement Division).

Owner-Occupied Dwelling: New \$500\*/Renewal \$250\* Investment Dwelling: New \$1,000\*/Renewal \$500\*

The following documents are required to obtain your licence:

- Completed Second Unit Licence Application
- Provide proof of ownership (Tax Bill, Title of Property or Tax Assessment Notice)
- Certificate of Occupancy (Zoning)
- Signed-Off Building Permit Card
- Letter of Compliance from Electrical Safety Authority issued by ESA within 180 days of the date of application for a Second Unit Licence.
- Letter of Fire Code Compliance issued by Fire Chief within 180 days of the date of application for a Second Unit Licence.
- Insurance Certificate (minimum \$2 million general liability insurance).
- Payment of Applicable Second Unit Licence Fee for Owner-Occupied or Investment Dwelling.

**Compliance and Licensing Office**  
300 City Centre Dr.  
Ground Floor (west entrance)

*\*Fees subject to change without notice.*

# Certificate of Occupancy Application (Zoning)



City of Mississauga, Planning and Building Department  
300 City Centre Drive, MISSISSAUGA ON L5B 3C1  
Tel: 3-1-1 (905-615-4311 outside City limits) FAX: 905-896-5638  
www.mississauga.ca/permits

Personal information on this form is collected under authority of the Mississauga Zoning By-law 0225-2007, as amended, Subsection 1.1.13 and the Planning Act, R.S.O. 1990, c. P.13, Section 34 (6) and will be used in connection with the processing of your Certificate of Occupancy (Zoning) application. The information will only be used to compile statistics. Questions about the collection of personal information should be directed to the Manager, Customer Service, Planning and Building Department, City of Mississauga, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1, 905-615-3200, ext. 4245

## TO THE ZONING ADMINISTRATOR

The undersigned hereby applies for a Certificate of Occupancy (Zoning) and agrees to use the subject property for the use stated below, and it is expressly understood that the issuing of a Certificate of Occupancy (Zoning) does not relieve the applicant from complying with all relevant City By-Laws and Regulations and all other governmental requirements. The applicant agrees that if this certificate is revoked for any cause or irregularity or non-conformance with said By-Laws or Regulations, that in consideration of the issuing of this certificate all claims are waived arising therefrom against The Corporation of the City of Mississauga and its employees.

| APPLICATION |  |
|-------------|--|
| No.         |  |
| *Web I.D.   |  |
| Date Issued |  |

Date

PLEASE PRINT AND PRESS FIRMLY

| PROPERTY OWNER |  | Legal Name                                     |  | Phone No.   |  |
|----------------|--|--|--|-------------|--|
|                |  | Address  |  | City        |  |
|                |  | eMail address                                  |  | Postal Code |  |
|                |  |  |  | Fax No.     |  |
| TENANT         |  | Name   |  | Phone No.   |  |
|                |  | Address <td colspan="2">City</td>              |  | City        |  |
|                |  | eMail address <td colspan="2">Postal Code</td> |  | Postal Code |  |
|                |  |  |  | Fax No.     |  |
| AGENT          |  | Name   |  | Phone No.   |  |
|                |  | Address <td colspan="2">City</td>              |  | City        |  |
|                |  | eMail address <td colspan="2">Postal Code</td> |  | Postal Code |  |
|                |  |  |  | Fax No.     |  |

Send correspondence to: ☐ Owner ☐ Tenant ☐ Agent ☐ Applicant Fax No.:

\*Note: Use Web I.D. to access status online.

Certificate to be: ☐ Picked up ☐ Mailed ☐ Other (specify) \_\_\_\_\_

| PROPERTY LOCATION |                 |               |            |
|-------------------|-----------------|---------------|------------|
| Street and Number |                 | Unit No.      | Bldg. No.  |
| Lot or Block      | Registered Plan | or Concession | or 43R PCC |

| PROPOSED BUSINESS OPERATION          |                      |    |         |
|--------------------------------------|----------------------|----|---------|
| Name of Business (Legal Name)        |                      |    |         |
| Proposed Business Operation          |                      |    |         |
| Committee of Adjustment Ref. No. "A" |                      |    |         |
| CA "A" Expiry Date                   | Total Area Occupied: | M2 | SQ. FT. |
| Zoning of subject lands              |                      |    |         |

**NOTE TO APPLICANT:** A letter signed by a person named on the application preferably on company letterhead indicating the exact nature of this proposed business operation, one (1) copy of a metric site plan or survey with site statistics and parking layout, with one (1) fully dimensioned and labelled floor plan must accompany this application.

I, \_\_\_\_\_ the "Applicant" of the \_\_\_\_\_

Name (Please Print)

City/Town

in the County/Region of \_\_\_\_\_ do solemnly declare that:

PLEASE CHECK ☒ ONE

1. THAT I am the ☐ OWNER ☐ AUTHORIZED AGENT ☐ TENANT named in this application.
2. THAT the statements made herein are true and are made with the full knowledge of the circumstances connected with the same.
3. THAT I know no reason why this Certificate of Occupancy (Zoning) should not be granted in pursuance of this application.

Applicant's signature

Applicant's mailing address \_\_\_\_\_ City \_\_\_\_\_ Postal Code \_\_\_\_\_ Phone Number \_\_\_\_\_

| OFFICE USE ONLY    |  |                                   |               |
|--------------------|--|-----------------------------------|---------------|
| Zoning Reviewed By | Signature  | Date                              |               |
| OTHER REQUIREMENTS |  |                                   |               |
|                    | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Obtained | Date          |
|                    | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Obtained | Date          |
|                    | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Obtained | Date          |
| NOTES              |  | FEES                              | DATE RECEIVED |
|                    |  | Processing Fee \$                 |               |
|                    |  | Deposit \$                        |               |
|                    |  | Balance \$                        |               |

Issuance of  
Certificate authorized

Application  
accepted by

Form 265 (Rev 2011/11)

Distribution WHITE: File copy - YELLOW: File copy - PINK: Applicant

# Second Unit Licence Application



Transportation & Works Department  
Enforcement Division,  
Compliance and Licensing Section  
300 City Centre Drive,  
MISSISSAUGA ON L5B 3C1  
Tel: 905-615-4311  
Fax: 905-615-3374

Personal information on this form is collected under the authority of Sections 15 and 436 of the *Municipal Act, 2001* and City of Mississauga By-law 204-13 and will be used to license, regulate and govern businesses and ensure compliance with all laws and regulations. Questions about the collection of this information should be made to the Manager, Compliance Licensing and Enforcement, City of Mississauga, 300 City Centre Drive, Mississauga, Ontario L5B 3C1, telephone 905-896-5676.

| Application Type                             |  |  |
|--|--|--|
| Owner Dwelling <input type="checkbox"/>      | New Application <input type="checkbox"/> | Renewal Application <input type="checkbox"/> |
| Investment Dwelling <input type="checkbox"/> | Current Licence Number: _____            |  |

| Rental Property Information       |                                      |                                       |
|-----------------------------------|--------------------------------------|---------------------------------------|
| Address of Second Unit Property   |                                      |                                       |
| Location of Second Unit           |                                      |                                       |
| <input type="checkbox"/> Basement | <input type="checkbox"/> First Floor | <input type="checkbox"/> Second Floor |

| Property Owner (Applicant) Information                          |   |
|---|---|
| Property Owner's (Applicant) Name                               | Property Owner's Birthdate (YYYY-MM-DD) |
| Property Owner's (Applicant) Mailing Address                    |   |
| Operating Name of Business (if Investment Dwelling Second Unit) |   |
| Email Address   |   |
| Home Telephone No.  | Cell Phone No.                          |

| Application Checklist (Documents Required)  |     |              |
|---|-----|--------------|
| The following documents must be provided before a Second Unit Licence will be issued:                                       | New | Renewal      |
| Certificate of Occupancy  |     |              |
| Letter from Fire Chief confirming compliance with Fire Code ( <i>Issued 30 days of the date of application</i> )            |     |              |
| Certificate of Inspection issued by the Electrical Safety Authority ( <i>Issued 30 days of the date of application</i> )    |     |              |
| Floor Plan of Second Unit ( <i>Approved by Zoning including dimensions and proposed use of each room</i> )                  |     |              |
| Proof of Ownership ( <i>Tax Bill, Title of Property or Tax Assessment</i> )   |     |              |
| Insurance Certificate ( <i>\$2 million minimum</i> )  |     |              |
| If applying for an Investment Dwelling Licence, the following is also required:   |     |              |
| Sole Proprietor   |     | Any change?  |
| If a Corporation – Articles of Incorporation ( <i>If a Registered Partnership – Registered Declaration of Partnership</i> ) |     | Any changes? |
| Business Name Registration  |     | Any changes? |

## THE APPLICANT DECLARES THAT:

I, \_\_\_\_\_ of the city/town of \_\_\_\_\_ do solemnly declare:  
Print Name

- I am the ☐ applicant, ☐ authorized agent (Letter of Authorization), or: \_\_\_\_\_
- All the information and any statement contained in this application is true.

Signature

Date

## Additional Resources

### Electronic Resources:

City of Mississauga Second Unit Web Page

<http://www.mississauga.ca/portal/residents/housingchoicessecondunits>

Planning and Building – Building & Renovating

<http://www.mississauga.ca/portal/residents/permits>

Certificate of Occupancy (Zoning)

<http://www.mississauga.ca/portal/pb/zoningcertificate>

Fire Code Overview

<http://www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/FireCode/FireCode.html>

General Fire Safety Information (see “Basement Apartments/Second Units”)

<http://www.mississauga.ca/portal/residents/generalfiresafetyinfo>



# Corporate Report

Clerk's Files

Originator's  
Files

**DATE:** May 6, 2015

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 25, 2015

**FROM:** Martin Powell, P. Eng.  
Commissioner of Transportation and Works

**SUBJECT:** **Second Unit Licensing Update**

**RECOMMENDATION:** That the report from the Commissioner of Transportation and Works, dated May 6, 2015 entitled "Second Unit Licensing Update" be received for information.

**REPORT  
HIGHLIGHTS:**

- The licensing by-law for second units was approved by City Council on September 18, 2013.
- Licensing of second units began in January 2014.
- In 2014 and 2015, 67 second unit licences were issued (53 owner-occupied and 14 investment).
- The second unit licensing program was initiated to ensure that these units meet safety and property standards as well as meeting Ontario Fire Code and Building Code requirements.

**BACKGROUND:** The Province requires municipalities to amend its policies and regulations to permit second units. The City's second unit policies and regulations reflect the input received from the public and Council that were heard during the public consultation process. A summary of the public consultation program is attached to this report as Appendix 1.

The licensing of second units was outlined in the report from the Commissioner of Transportation and Works dated June 12, 2013 entitled “Licensing of Second Units” as part of the Second Units Implementation Strategy (SUIS) and was approved by Council on July 3, 2013.

The licensing by-law for second units was approved by City Council on September 18, 2013. Following approval of the by-law, a second unit public education program was implemented. A copy of the public education program is attached as Appendix 2.

Council requested staff report back on the implementation process. This report provides:

- an update on second unit licensing;
- the enforcement action plan update; and,
- responses to inquiries regarding the SUIS.

## COMMENTS:

### Second Unit Licensing

The second unit licensing program was initiated to ensure that these units meet safety and property standards as well as meeting Ontario Fire Code and Building Code requirements. The licensing system was designed so that second units may provide a safe housing option for the public. It is intended to protect the tenant and the community. It is also a mechanism through which ongoing inspections (on an audit basis) can take place in the future to ensure that second units are maintained and meet the requirements of City of Mississauga by-laws.

Although Enforcement Division and Zoning Administration requirements are components of the approval process, a second unit requires multiple approvals from various City divisions and an external agency in order to obtain licensing status. Fire Inspection Services conducts an inspection to confirm that the unit is in compliance with the *Fire Protection and Prevention Act*. The Electrical Safety Authority certifies that an inspection has been conducted and confirms that the unit is in compliance with the Ontario Electrical Safety Code. The unit must also comply with the Ontario Building Code.



Mississauga began licensing second units in January 2014. Please note the following information related to second unit licensing activity as of April 27, 2015:

- 35 second units were licensed in 2014 and 32 in 2015, for a total of 67 (53 owner-occupied and 14 investment);
- 97 applications for second unit licences are currently being processed;
- 11 Committee of Adjustment applications have been submitted relating to second units. The variances are in relation to (some applications have multiple variances):
  - driveways (seven): widenings (six), two driveways (one);
  - basement entrance stairwell in side yard and/or facing a street (five);
  - basement entrance stairwell in garage (one);
  - walkway width (one);
  - lot coverage (one);
  - landscaping (one);
  - number of kitchens (one);
  - change of use of duplex to triplex (one);
- over 500 counter inquiries in 2014;
- over 600 attendees at presentations; and
- over 20,000 website visits in 2014.

The number of second units licensed in Mississauga is comparable with the City of Toronto experience, despite the higher population in Toronto. The City of Toronto does not charge a licensing fee. Toronto has allowed second units since 2000 and approved an average of 50 building permits for second units per year. Building permits have ranged from as low as 34 to as high as 123 in selected years.

As previously mentioned, as of April 27, 2015, 67 second units have been licensed (53 owner-occupied and 14 investment). Thirty-five second units were licensed in 2014 and 32 second units have been licensed in the first four months of 2015. Should this rate of second unit licensing continue for the balance of the year, approximately 96 second units may be licensed in 2015, in addition to the 35 licensed in 2014.

The number of second units in Mississauga is unknown. Based on limited information approximately 400 were established before 1994 under previous provincial legislation. The City is aware of approximately 3,500 possible additional second units identified through complaints.

In order to obtain a licence in Mississauga, second unit owners are required to:

- comply with the Official Plan, Zoning By-law, Building and Fire Codes, and the Electrical Safety Code; and
- provide proof of ownership and an insurance certificate.

Licensing fees for second units are summarized in Table 1 below. Additional fees for review and inspections associated with zoning, building, fire and electrical safety are also required and summarized in Table 2 below. Typically the most significant expense to license a second unit is the cost to comply with the requirements of the Building, Fire, and the Electrical Safety Codes.

| <b>Table 1</b>                            |                         |                     |
|---|-------------------------|---------------------|
| <b>Licence Fee By Type of Second Unit</b> |                         |                     |
|   | Owner Occupied Dwelling | Investment Dwelling |
| Licence Fee                               | \$500                   | \$1,000             |
| Licence Renewal Fee                       | \$250                   | \$500               |

| <b>Table 2</b>                                    |  |
|---|--|
| <b>Additional Fees for Review of Second Units</b> |  |
| Certificate of Occupancy (for Zoning Compliance)  | \$262  |
| Building Permit Fee                               | \$8.80 per square metre, minimum fee of \$225 with \$140 for exterior alteration   |
| Fire Inspection Fee                               | No fee charged at this time (\$153.68 including HST is the current inspection fee.) Potential to charge this fee in 2016.) |
| Electrical Safety Authority Inspection Fee        | \$144 per unit   |

The average time to obtain a licence is approximately 10 weeks. The timeline to obtain a licence varies depending on when the application is made. If an application is made concurrent with the certificate of occupancy and a building permit is required, it will take longer for the licence to be issued as other permissions need to be obtained first before the licence can be issued. Our practice is to direct applicants to obtain other approvals before submitting the licence application.

### **Enforcement Action Plan Update**

Compliance and Licensing Enforcement staff have inspected all licensed second units. These inspections are required to ensure that the documentation provided by the applicant is accurate and meets the requirements of City by-laws. For example, the Zoning By-law 0225-2007, as amended, has regulations for second units related to type of dwelling, size of floor area, entranceway and parking. Parking space and driveway requirements were included in the by-law to address Council's concerns regarding the provision of adequate parking for the second units while preventing excessive driveway widths that negatively impact neighbourhood aesthetics and character.

Zoning Administration reviews the submitted plans including parking and driveway widths to ensure compliance with the Zoning By-law. Only those driveways that significantly differentiate from the submitted plan are inspected by Compliance and Licensing Enforcement. This is part of the inspection process in licensing a second unit. The property owner may be required to re-submit plans if the driveway width exceeds the maximum allowable in the Zoning By-law or submit a minor variance application to the Committee of Adjustment if they wish to exceed the maximum driveway width requirement. The Committee will then make a determination as to the appropriateness of the requested variance.

Although the Zoning By-law is regulated by the Enforcement Division, it is administered by the Planning and Building Department. In other words, the Enforcement Division enforces the regulations, the Planning and Building Department establishes the regulations and interprets the by-law as approved by Council.

In addition, Enforcement staff will investigate and enforce any significant by-law infractions such as debris and property standard related contraventions or any other by-law infractions that are received as a result of a complaint as per standard operating procedures.

The Second Unit Licensing By-law 204-13, as amended, is enforced on a reactive basis in response to complaints. The Enforcement Division receives numerous complaints regarding second units. Moreover, Compliance and Licensing Enforcement received 486 multiple occupancy complaints in 2014 and 129 complaints have been reported during the first quarter of 2015.

Complaints may originate from a neighbour or tenant. Neighbours may have concerns with property standard issues in addition to the alleged second unit issue: the property may be a mess, the front yard may be completely paved and many other additional issues may need to be addressed. Tenants may have concerns about the safety of the unit. All complaints are investigated and additional issues may be identified at the time of the inspection by the Municipal Law Enforcement Officer (MLEO). The responsibility of the MLEO is to deal with all issues on the property including the licensing or removal of the unit. Although MLEOs do not go looking for by-law infractions, they cannot ignore significant violations that are in plain view.

### **Responses to Inquiries on Second Unit Implementation Strategy**

There have been a number of inquiries on second units. Staff have collaborated on the response for these inquiries and provided additional information as required. The majority of inquiries have revolved around the process to establish a legal unit. As mentioned earlier in this report, an education program included a number of presentations and information on the website to respond to these inquiries. Other questions are:

- *Do I need a licence for a second unit?* A number of inquiries have been made around the need to obtain a licence. Staff response has been that in order to have a legal second unit in Mississauga a licence is required. This information is provided through the presentations, the website and in response to individual inquiries.

- *What happens when a house is sold?* Real estate professionals have requested clarification on the status of the licence when a dwelling with a legal second unit is sold. Second unit licences are not transferrable. A new owner would have to apply for a new licence, however, with documentation on the building, fire and electrical authority approvals, a new owner may not need to obtain these approvals. These would be evaluated on an individual basis.
- *How does someone know if there is a legal second unit?* The public, realtors and tenants asked for information on how to confirm whether a second unit is a legal unit. The Enforcement Division maintains an inventory of legal second units in the City and responds to inquiries regarding whether a particular address has a legal second unit. Open Data information on licensed second units is scheduled to launch in May 2015. Interested parties will then be able to look up this data on the City's website.

### **Actions of Other Municipalities**

Appendix 3 (attached) provides a benchmarking update of how other municipalities legalize second units. The municipalities referenced in Appendix 3 are Aurora, Barrie, Brampton, Caledon, Guelph, Newmarket, Oakville, Oshawa, Pickering and Whitby. Legalization of second units varies from a registry process to a licensing requirement. In addition, all municipalities apply a one-time fee for either the registry process or licence issuance, generally in the fee range of \$100 to \$250.

Aurora, Barrie, Brampton (effective June 22, 2015), Caledon, Guelph, Newmarket, Oakville, Oshawa and Whitby charge a one-time registration fee. Pickering charges a one-time licensing fee.

**STRATEGIC PLAN:** Legalizing second units is identified as Action Item 7 “Legalize Accessory Units” in the Belong Pillar of the City’s Strategic Plan.

**FINANCIAL IMPACT:** Staff are processing applications and investigating complaints with existing resources. If the number of licensing applications increases substantially, and/or Council directs the Second Unit Licensing By-

law 204-13, as amended, to be regulated on a proactive basis, staff will bring forward a report identifying the increased resources that may be required to effectively administer and enforce the by-law.

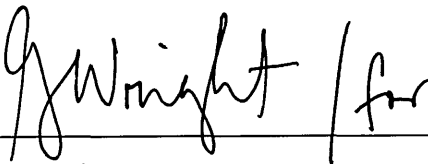
**CONCLUSION:**

Licensing of second units began in January 2014 as per the second unit licensing program. There have been 67 second unit licences issued to date (53 owner-occupied and 14 investment) and another 97 are in process. Staff are processing applications and investigating complaints with existing resources.

Typically, the most significant expense to legalize a second unit is the cost to comply with the requirements of the Building, Fire, and Electrical Safety Codes. To reduce the cost of legalizing a second unit and in keeping with the actions of other municipalities, Council may wish to consider implementing a registration system with one-time registration fees and registration approval inspections conducted by the Building Division, Fire Inspection Services and Electrical Safety Authority in lieu of the existing licensing system.

**Attachments:**

Appendix 1: Second Unit Public Consultation Process  
Appendix 2: Second Unit Public Education Program  
Appendix 3: Legalized Second Unit Municipal Benchmarking

A handwritten signature in black ink, appearing to read 'M. Wright / for', is written over a horizontal line.

Martin Powell, P. Eng.

Commissioner of Transportation and Works

*Prepared By: Mickey Frost*

*Director of Enforcement, HBA; CPA, CGA; MPA*

## Second Unit Public Consultation Process

| Second Unit Consultation Program |   |  |                      |
|----------------------------------|---|--|----------------------|
| Meeting                          | Date  | Participants   | Attendance (approx.) |
| Council Education Session        | June 15, 2011                               | Council and Leadership Team  | 30                   |
| Stakeholder Forum                | November 7, 2011                            | Community and social service agencies, federal and provincial representatives, other municipal governments, development and realtors, school boards, housing activists | 70                   |
| Extended Leadership Team         | January 26, 2012                            | Extended Leadership Team   | 50                   |
| Public Consultation Workshops    | February 16 – Mississauga Seniors' Centre   | Mississauga residents, ratepayers, representatives from other municipalities, professionals, (open to all)   | 200                  |
|                                  | February 21 – South Common Community Centre |  |                      |
|                                  | February 23 – Malton Community Centre       |  |                      |
|                                  | March 1 – Meadowvale Community Centre       |  |                      |
|                                  | March 6 – Civic Centre, Council Chamber     |  |                      |
| Online Survey                    | February 16 to March 31, 2012               | Public   | 300                  |
| Web Site visits                  | February 1 to March 6, 2012                 | Public   | 1,400                |
| Mississauga Real Estate Board*   | March 26, 2012                              | Real Estate Agents   | 70                   |
| Toronto Real Estate Board        | March 27, 2012                              | Real Estate Agents, Planning professionals around GTA  | 12                   |
| Mississauga Real Estate Board*   | April 11, 2012                              | Real Estate Agents   | 20                   |
| Business Connection Exchange*    | April 5, 2012                               | Small business owners  | 20                   |
| Britannia Town Hall*             | May 29, 2012                                | Mississauga residents  | Na                   |
| Malton Town Hall*                | May 30, 2012                                | Mississauga residents  | 40                   |
| Design Workshop                  | June 5, 2012 – Civic Centre                 | Professionals and volunteers representing the building, financing, real estate and design community  | 50                   |
| Ratepayer Meeting*               | June 5, 2012                                | Mississauga ratepayers   | 20                   |

\* Note: Request was made for consultation and presentation on second units.

**SECOND UNIT PUBLIC EDUCATION PROGRAM**

An Education Program was developed to provide information on the new process for a legal second unit. Staff from Enforcement, Building, Zoning, Fire and Planning attended events and participated in providing information on the process to for a legal second unit in the City. The Education Program was directed at second unit owners, tenants, stakeholders, special interest groups and the general public. The education program consisted of:

- a second units page on the Housing Choices website, which includes links to by-laws, forms and the process to obtain a legal second unit;<sup>1</sup>
- a brochure with checklists to get a licence;
- a Second Unit Information Package with the Second Unit Licensing By-law, the process to obtain a legal second unit, Certificate of Occupancy Application, Licence Application and other resources;
- a Second Units Building Code Guide with the main points for design consideration when preparing drawings for permit submissions;
- a mail campaign for homeowners of second units developed through permissions granted by provincial legislation in the mid-90s;
- a mail campaign for homeowners where an inquiry, complaint or permit regarding a second unit had been made;
- presentations as noted below:
  - Town Hall meetings in May and June 2014;
  - Mississauga Real Estate Board in October and November 2014;
  - Realtors in March 2015;
  - Ontario Non-Profit Housing Federation Conference in November 2014; and,
- The development of open data information on licensed second units (anticipated to go live in May 2015).

---

<sup>1</sup> Website Address <http://www.mississauga.ca/portal/residents/housingchoicessecondunits>.



**Legalized Second Unit Municipal Benchmarking**

| <b>Municipality</b> | <b>Registration/Licensing</b>                      | <b>Fee</b>   |
|---------------------|--|--|
| <b>Aurora</b>       | One-time registration                              | \$150 registration fee, and additional \$75 fee if more than one inspection is required. |
| <b>Barrie</b>       | One-time registration                              | Depending on age of dwelling and inspections required.<br>From \$165 to \$830.           |
| <b>Brampton</b>     | One-time registration<br>(effective June 22, 2015) | Owner occupied \$500<br>Non-owner occupied \$1,000                                       |
| <b>Caledon</b>      | One-time registration                              | \$119  |
| <b>Guelph</b>       | One-time registration                              | \$100  |
| <b>Newmarket</b>    | One-time registration                              | \$150  |
| <b>Oakville</b>     | One-time registration                              | \$200  |
| <b>Oshawa</b>       | One-time registration                              | \$250  |
| <b>Pickering</b>    | One-time licensing                                 | \$500  |
| <b>Whitby</b>       | One-time registration                              | \$100  |