

Practices in other Jurisdictions

Municipalities often manage secondary and backyard suites in a way that usually reflects their policy, parcel size and housing stock history, as well as jurisdictional context and local and regional economics.

Most municipalities limit the floor area of a Secondary Suite, ranging from 50 to 90 square metres, and from 33 per cent to 50 per cent of the gross floor area, although a common number seems to be a limit of 70 square metres or 40 per cent of the gross floor area or the floor area of the main dwelling unit, whichever is smaller. Most limit floor area to reflect that Secondary Suites should be secondary to the primary dwelling unit and different from a duplex.

Some municipalities require a parking stall for a Secondary or Backyard Suite, while some do not. Rules vary by municipality and are usually unique. For example; Vancouver requires parking based on year of construction of the primary dwelling (pre-2004, no parking required); the City of Victoria does not require additional parking, but on the other hand, has large parcel sizes that generally already have the ability to accommodate extra off-street parking; the City of Toronto requires an additional parking stall, but allows tandem parking; and the City of Edmonton requires 3 parking stalls for a dwelling with a Secondary, Garage or Garden suite.

Many municipalities allow Secondary Suites in all low density residential districts, while some limit them in small parcel districts. For example, the City of Victoria allows Secondary Suites in areas, where the minimum parcel widths for parcels created after 1956 are between 15 and 24 metres. On the other hand, Vancouver allows Secondary and Backyard Suites on parcels as narrow as 7.3 metres. The City of Edmonton requires a minimum parcel area of 36 square metres and does not include suites as part of density.

Many jurisdictions require an annual business license for a rental suite, including Vancouver, Surrey, North Vancouver and Kelowna, while others do not, such as Victoria. Notably, the City of Mississauga requires an initial license for of \$1,000 for investor owners, and an annual fee of \$500 thereafter, whereas the fees are \$500 and \$250 for owner-occupants.

A notable approach, Ontario mandates all municipalities through Provincial Law (Bill 140 the *Strong Communities through Affordable Housing Act, 2011*) to address Secondary Suites and ancillary dwellings (e.g. garage suites) in their Official Plans (rough equivalent of MDP's in Alberta) and to allow them in all detached, semi-detached and row house dwellings. Rules, such as maximum or minimum floor areas, parking, appearance and licensing are left up to each municipality.

Bill 140 amended the Planning Act of Ontario which came into force January 1, 2012. In response The City of Mississauga created a new Mississauga Official Plan which had to conform to Bill 140 requirements. Their *Housing Choices: Second Units* has received national acclaim and was the recipient of the 2014 Canadian Institute of Planners Award for Planning Excellence in Social Planning.

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The strategy is held up as a model for implementation and involved:

- Official plan policies to permit them,
- Zoning regulations to identify where they are appropriate,
- Licensing requirements to ensure health, safety and property standards are met,
- An education program, and
- Support from key stakeholders/partners.

Mississauga uses a business licence regime to streamline the approvals process for the three different ages of homes that could accommodate a second unit (see below).



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 ✓ | |
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| 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 ✓ | |
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| 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 ✓ | |
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| 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 | |