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PLANNING & DEVELOPMENT COMMITTEE

DEC 01 2008

DATE: November 11, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: December 1, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Proposed Zoning By-law Amendments -
Definitions of Lodging House and Lodging Unit
PUBLIC MEETING**

RECOMMENDATION: That the report titled "Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit" dated November 11, 2008 from the Commissioner of Planning and Building be received for information.

BACKGROUND: City Council, on September 10, 2008 adopted resolution 0236-2008:

" WHEREAS City Council supports and is actively encouraging post secondary facilities to locate in the City of Mississauga;

AND WHEREAS the University of Toronto Mississauga is an invaluable asset to the City of Mississauga in terms of providing post secondary opportunities for residents within the City of Mississauga and in the Greater Toronto Area;

AND WHEREAS concerns have been brought to the attention of the City regarding potential negative impacts on the existing, planned character of the residential community arising from the development

of student housing in detached dwellings on residential streets in proximity to the University of Toronto Mississauga;

AND WHEREAS student housing for additional post secondary facilities in the City of Mississauga may have impacts on surrounding communities;

THEREFORE BE IT RESOLVED that City Council direct the Planning and Building Department to commence a study of student housing across the City to consider among other matters, its planning impact, Official Plan policies and Zoning By-law regulations related to student housing and its appropriate placement within existing residential communities; and that the University of Toronto Mississauga be consulted regarding this review along with the City of Mississauga community at large.”

Subsequently, on October 22, 2008 City Council adopted resolution 0264-2008 (Appendix 1), which reads in part:

“..... City Council directs the Planning and Building Department to prepare an amending by-law to By-law 0225-2007 to define boarding, lodging or rooming houses, to be brought forward to a public meeting of Planning and Development Committee and subsequent consideration by City Council, all in accordance with the requirements of the *Planning Act*, as amended.”

The purpose of this report is to provide preliminary information on the proposed zoning amendments to seek comments from the community.

A community meeting was held on November 5, 2008 to discuss the issues and the draft zoning by-law amendments discussed in this report.

COMMENTS:

1. Report Scope

This report has been prepared in accordance with City Council's resolution directing the Planning and Building Department to prepare an amending by-law to By-law 0225-2007 to define boarding, lodging

or rooming houses (hereafter referred to as lodging houses), to be brought forward to a public meeting of Planning and Development Committee.

This report deals with what has been referred to as “student housing”, i.e. private housing which has been converted to an income property shared by students who rent individual bedrooms, often from an absentee landlord. In some cases, it may contain more than the number of bedrooms than was originally intended in the design of the house when a building permit was issued. While the marketing of these properties has been directed at students due to the proximity of University of Toronto Mississauga, they are essentially lodging houses.

Although students live in other forms of off-campus housing such as a rented room in a house, accessory suites (i.e. basement apartments), and shared accommodation, this report deals only with lodging houses.

Funds have been identified in the City’s 2009 budget for an Affordable Rental Housing Strategy which, among other matters, will address the issue of student housing and other affordable rental housing issues in a comprehensive manner. Until that study is completed, there is a need to define lodging houses in By-law 0225-2007 so that they are distinct from other dwelling forms. This will result in the assessment of proposed lodging houses on a site-by-site basis through applications to amend the zoning by-law until the study directed by Resolution 0236-2008 has been completed through the Affordable Rental Housing Strategy.

2. Mississauga Plan (the Official Plan)

Mississauga Plan does not specifically address lodging houses – since it is housing, it is permitted in the relevant residential designations contained in the District Policies.

The Residential-Designations policies in Section 3.2.2.2 states that in the Low Density I and II categories, detached, semi-detached and other forms of low rise dwellings will be permitted. As this is an

inclusive policy, lodging houses would be permitted, subject to the District Policies.

3. Zoning By-law 0225-2007

Under Section 35 (1) of the *Planning Act*, municipalities do not have the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building, including the occupancy or use of a single housekeeping unit.

Hence, the term “single-family detached” is no longer used in Mississauga planning documents, and has been replaced with “detached dwelling”.

The various types of dwellings in the zoning by-law are defined with respect to the number and arrangement of the dwelling units contained in them. A detached dwelling is defined as a building containing one dwelling unit, while a semi-detached dwelling contains two attached dwelling units divided vertically by a party wall.

The main issue is the definition of a “dwelling unit” – which is defined as containing one or more bedrooms, sanitary facilities and not more than one kitchen. There are no restrictions on the number of bedrooms. Consequently, the conversion of houses to contain any number of bedrooms is in conformity with the zoning by-law.

Because Zoning By-law 0225-2007 contains no definition of lodging houses, so that they are distinct from other forms of dwellings, these uses comply with the definition of “dwelling unit” and, therefore, are permitted as-of-right in residential zones.

4. Fire and Building Code

The Ontario Building Code contains a definition for a lodging house. There are specific Fire and Building Code provisions that apply to rooming houses where lodging is provided for more than four persons in return for remuneration. If there are five or more persons renting rooms in the house, a building permit may be required to upgrade the

properties to meet applicable standards for this type of use. If a building permit is required, this may necessitate a change in use, for the purposes of the *Building Code Act*. Because the use of the properties complies with the existing zoning by-law, a change of use would be allowed under the *Building Code Act*, and the necessary permits would need to be issued.

Even though the use, for the purpose of the Ontario Building Code, may change to a lodging house, it is still considered a detached dwelling by the current zoning by-law because it does not contain a definition of lodging house.

5. Other Municipalities

Various forms of off-campus student housing exist in towns and cities across Ontario. The main planning tools used by five cities (London, Guelph, Hamilton, Waterloo and Oshawa) with post secondary institutions to regulate, monitor and implement city-wide student housing policies were reviewed.

These five Ontario municipalities have shown that in order to regulate and monitor the issue of student housing, planning tools must be put in place that make it possible to clearly define lodging houses, in order to protect detached houses from being converted into student housing rental units.

All five municipalities currently have a large student population, with neighbourhoods occupied by numerous student housing units. In all cases, these municipalities found it was important not only to protect stable residential neighbourhoods, but also not to neglect their student population, by planning for safe, affordable and regulated off-campus student housing options. The most common ways these municipalities have responded to balancing the interests of neighbourhood stability with the provision of available, regulated, student housing, include amending the zoning by-law to limit the number of bedrooms in a detached dwelling, differentiating in the zoning by-law between boarding, lodging or rooming houses and other dwellings, and enacting a licensing by-law so as distinguish between boarding, lodging or rooming houses and different types of dwellings. In

addition to the foregoing, the approval of a site development plan is also required in some cases.

Notwithstanding the foregoing, some of the surveyed municipalities make it explicitly clear that these land use policies and new zoning by-law can only address issues such as land use, residential densities, and parking supply and can not deal with matters related to human behaviour, or the relationships that occur within these units.

6. Proposed Zoning By-law Amendments

To prevent the conversion of detached dwellings and other forms of housing to a lodging house without municipal review, it is necessary that the zoning by-law define lodging houses so as to be distinct from other housing. This will result in rezoning applications for proposed lodging houses, which will be assessed on their individual merits on a site-by-site basis until the Affordable Rental Housing Strategy is completed.

The *Municipal Act* provides the authority to license lodging houses, which would give Mississauga further control over the conditions of the facilities and standards of conduct, but first they must be recognized in the zoning by-law to form the basis of a licensing regime. A condition of licensing could also require inspections to ensure compliance with the Building and Fire Codes.

The other municipalities surveyed found that a Licensing By-law is necessary for regulating and controlling the location of lodging houses, in conjunction with the zoning by-law.

In view of the foregoing, it is suggested that By-law 0225-2007 be amended to contain the following definitions:

“Lodging House” means a **building** containing four (4) or more **lodging units** each designed or intended for the lodging of one (1) or more residents in return for remuneration. A lodging house shall contain shared and/or individual sanitary facilities and may contain shared kitchen facilities.

“**Lodging Unit**” means one (1) or more rooms in a **lodging house** for the exclusive use of the resident or residents for living accommodation. A lodging unit may contain sanitary or kitchen facilities but shall not contain both.”

These proposed definitions will not prevent owners from renting up to three rooms in their house.

7. Approval Criteria

The conversion of existing dwellings to a lodging house, or the construction of a lodging house is considered intensification by Mississauga Plan and, as such, is subject to Section 3.2.4 Residential Intensification, Interim Policies of the Plan, attached as Appendix 2, as well as all other applicable policies of the Plan.

Among other matters, these policies require development to be compatible with the scale and character of a residential area by having regard for such elements as lot frontages and areas, building height, coverage, and massing, and architectural character. Additional approval criteria should be considered to address location, parking, zoning and site development matters. Further, to ensure lodging houses are not concentrated in one neighbourhood, a separation distance of 120 m (400 ft.) from another lodging house should be required, this being the distance for giving notice of public meetings pursuant to the *Planning Act*.

Consequently, it is suggested that until the Affordable Rental Housing Strategy is completed, proposals for a lodging house require the approval of a rezoning application subject to the following:

- the site should be located in proximity to transit facilities, 120 m (400 ft.) from another lodging house;
- as a guideline, the provision of 0.5 parking space per lodging unit;
- the lodging house should be a detached building;
- an amendment to the site plan control by-law to require the approval of a site development plan; and

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- compliance with the provisions of the zoning by-law and the zone regulations of the zone it is proposed to be located in.

8. Affordable Rental Housing Strategy

Funds have been identified in the City's 2009 Budget for an Affordable Rental Housing Strategy. As redevelopment and intensification takes place, affordable rental housing could be lost through conversion of rental properties to condominiums or a non-residential use and the redevelopment of underdeveloped apartment sites to higher densities in support of higher-order transit. This study will focus on maintaining and increasing the supply affordable rental housing as intensification occurs.

It is intended to develop a strategy to identify and implement Official Plan policies, economic incentives and other means to maintain and increase the supply of affordable rental housing. This strategy will also address the political, legal and economic barriers of increasing this supply by permitting accessory suites (i.e. basement apartments) and will also address the issue of student housing and other affordable rental housing issues in a comprehensive manner.

To comply with the requirements of the Provincial Growth Plan, the Region of Peel is preparing a comprehensive Housing Strategy as part of the Regional Official Plan Review. The Housing Strategy will identify the range of housing needs in the Region and recommend policies to meet the targets in Places To Grow.

The project's objectives are:

- to identify current housing needs and supply demand gaps related to affordable housing (ownership and rental), special needs housing and social housing needs;
- to identify and recommend options for a full range of safe, affordable, accessible and appropriate housing for Peel's current and future residents;
- identify and recommend opportunities for a range of housing types and densities to support intensification and density targets set by the Growth Plan;

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- promote housing issues;
- propose policy directions; and,
- identify areas where changes to provincial legislation or programs could be proposed.

FINANCIAL IMPACT: Not applicable

CONCLUSION: The proposed definitions of lodging house and lodging unit will provide a distinction in the zoning by-law between a lodging house and other forms of dwellings, until the Affordable Rental Housing Strategy is completed, and will provide the necessary zoning framework to enable the future enactment of a licensing regime.

ATTACHMENTS: APPENDIX 1: Resolution 0264-2008
APPENDIX 2: Mississauga Plan excerpt Section 3.2.4 Residential Intensification (Interim Policies).



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Ron Miller, Policy Planner, Planning and Building Department



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RESOLUTION NO: 0264-2008 Page 1 of 3

Date: October 22, 2008

File: _____

Moved by: Kathy Mahoney

Seconded by: [Signature]

WHEREAS pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, on June 20, 2007, City Council adopted By-law 0225-2007, being a new Mississauga Zoning By-law for all of the City of Mississauga;

AND WHEREAS City Council adopted Resolution 0236-2008, which directed the Planning and Building Department to commence a study of student housing across the City;

AND WHEREAS the University of Toronto Mississauga is an invaluable asset to the City of Mississauga in terms of providing post secondary opportunities for residents within the City of Mississauga and in the Greater Toronto Area;

AND WHEREAS the City of Mississauga supports and is actively encouraging additional post secondary facilities to locate in the City of Mississauga, and is aware of the need to permit a variety of residential forms of housing in appropriate locations to accommodate students and support post-secondary educational facilities;

AND WHEREAS some detached dwelling units on residential streets in proximity to the University of Toronto at Mississauga have been converted to student housing;

AND WHEREAS under the Ontario Building Code and the Ontario Fire Code certain forms of student housing occurring in detached dwelling units may constitute a boarding, lodging or rooming house;



RESOLUTION NO: 0264-2008 Page 2 of 3

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Date: October 22, 2008

File: _____

Moved by: Kabir Mahorey

Seconded by: [Signature]

AND WHEREAS housing for students should comply with applicable requirements of the Ontario Fire Code and the Ontario Building Code, including requirements pertaining to safety;

AND WHEREAS certain forms of housing may not be consistent with the planned character of some residential communities;

AND WHEREAS Mississauga Plan allows a variety of residential forms in residential designations;

AND WHEREAS boarding, lodging or rooming houses are not currently defined in By-law 0225-2007;

AND WHEREAS it is appropriate that By-law 0225-2007 provides a framework for the establishment of boarding, lodging or rooming houses;

AND WHEREAS there is a need to define boarding, lodging or rooming houses in By-law 0225-2007 so that they are distinct from other forms of dwelling units;

AND WHEREAS the appropriate location of boarding, lodging or rooming houses should be assessed on a site-by-site basis through application to amend the zoning by-law until the study directed by Resolution 0236-2008 has been completed;

AND WHEREAS it is desirable to consider the creation of a licensing system for the regulation in the public interest of multiple occupancy dwelling units where rent is paid in order to reside at the premises, such as in the case of boarding, lodging or rooming houses, and including student housing, as part of the planning study directed by Resolution 0236-2008;

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RESOLUTION NO: 0264-2008 Page 3 of 3

Date: October 22, 2008

File: _____

Moved by: Kathleen Mahoney

Seconded by: [Signature]

NOW THEREFORE LET IT BE RESOLVED THAT

1. City Council directs the Planning and Building Department to prepare an amending by-law to By-law 0225-2007 to define boarding, lodging or rooming houses, to be brought forward to a public meeting of Planning and Development Committee and subsequent consideration by City Council, all in accordance with the requirements of the Planning Act, as amended.

2. City Council directs the By-law Enforcement Division to undertake a study in conjunction with the study directed by Resolution 0236-2008, in order to consider the implementation of a licensing system for multiple-occupancy dwelling units where rent is paid, such as in the case of boarding, lodging and rooming houses.

Carried

Mayor

MISSISSAUGA PLAN



AMENDMENT NO. 58, SECTION 3.2.4 HAS BEEN APPEALED TO THE OMB

As it applies only to the lands located at 2021-2041 Cliff Road,

(Gemini Urban Design (Cliff) Corp.),

and

As it applies only to the lands located at 1745 Thorny Brae Place,

(Berkley Homes (Mississauga RD) Inc.).

The following to be added by MPA-58

3.2.4 Residential Intensification (Interim Policies) (MPA-58)

Residential *intensification* is encouraged, subject to meeting the policies and intent of this Plan and the following additional requirements.

3.2.4.1 Location

- a. The focus of *intensification* will be directed to the Urban Growth Centre, as shown on Figure 1.
- b. *Intensification* outside the Urban Growth Centre will occur through the *development* of vacant or underutilized lands in accordance with the intent of this Plan.

3.2.4.2 Urban Growth Centre

- a. The Urban Growth Centre is planned to achieve a minimum gross density of two-hundred (200) residents and jobs combined per hectare.
- b. A minimum building height of three (3) storeys is required on lands designated Mixed Use, Retail Core Commercial, Mainstreet Commercial or General Commercial that are within the Urban Growth Centre. Where the right-of-way width exceeds 20 m a greater building height may be required to achieve appropriate street enclosure in relation to the right-of-way width.
- c. Within the Urban Growth Centre, on lands designated Mixed Use, Retail Core Commercial, Mainstreet Commercial, General Commercial, Convenience Commercial or *Office*, ground-floor retail commercial or *office* uses shall be provided.
- d. On streets within the Urban Growth Centre which through the processing of *development* applications or other studies are identified as desirable locations for

active uses, ground-floor retail commercial is encouraged to achieve an animated *streetscape*.

3.2.4.3 Outside the Urban Growth Centre

- a. Applications for residential *intensification* not in compliance with Section 3.2.4.1.b and requiring amendments to Mississauga Plan will generally be considered premature. Increases in density may be considered where the proposed *development* is *compatible* in built form and scale to surrounding *development*, *enhances* the existing or planned community and is consistent with the intent of this Plan.
- b. Where there is no restriction on the heights of buildings in the District Policies, any consideration to heights in excess of four (4) storeys will only be considered where it can be demonstrated that an appropriate transition in heights that respects the surrounding context will be achieved.

3.2.4.4 General Policies

- a. *Development* should be *compatible* with the scale and *character* of a planned residential area by having regard for the following elements:
 - natural environment;
 - natural hazards (flooding and erosion);
 - natural heritage features/*Natural Areas System*;
 - lot frontages and areas;
 - street and block patterns;
 - building height;
 - coverage;
 - massing;
 - architectural *character*;
 - *streetscapes*;
 - heritage features;
 - setbacks;
 - privacy and overview;
 - the pedestrian environment;

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MISSISSAUGA PLAN

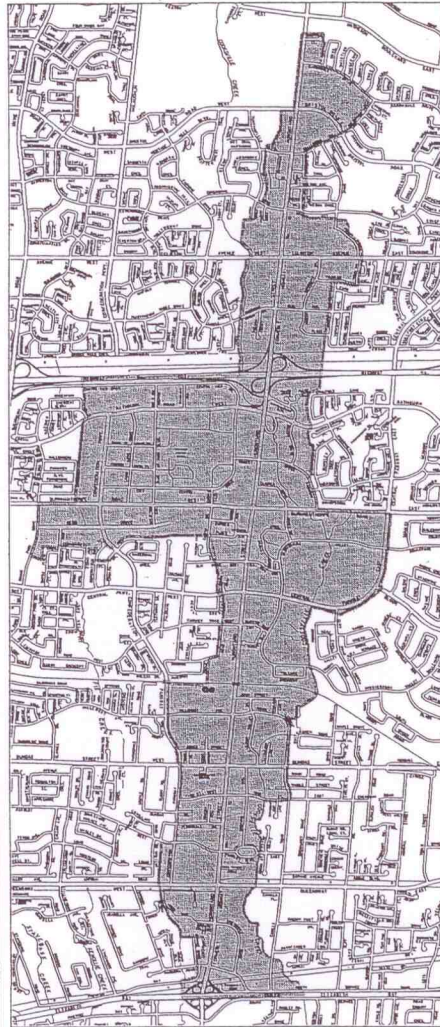


- parking.
- b. *Development* proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different *development* densities and scale. Transition in built form will act as a buffer between the proposed *development* and planned uses, and should be provided through appropriate height, massing, *character*, architectural design, siting, setbacks, parking, and open and amenity space.
- c. The proponent of an *intensification* project may be required to provide a *Community Uses* Impact Study. A *Community Uses* Impact Study will, among other things, assess the proximity to and adequacy of existing *community uses*, human services and emergency services to meet increased demand caused by proposed *intensification*.
- d. *Development* should be located on public roads.
- e. *Development* applications should complete streets and existing *development* patterns.
- f. As part of the review of *development* applications, area-wide or site specific transportation studies may be required to be carried out to identify necessary transportation improvements and the need for staging to ensure that the *development* does not precede necessary transportation improvements. Further, additional minor collector roads and local roads may be identified during the review of *development* applications.
- g. The proponent of an *intensification* project will be required to provide a Stormwater Management Study. This study may, among other things, be required to include the following:
- verification that the existing storm drainage system has the capacity to convey the increased storm flow due to *intensification* in accordance with current *City* standards;
 - identification of any impact on the downstream *watercourse* through erosion and/or flooding;
 - recommendations for any remediation works;

- identification of the limits of allowable *intensification* without any unacceptable impact on both the downstream *watercourse* and infrastructure.
- h. The *development* should maintain or improve public parkland; pedestrian, bicycle and vehicular access; and linkages to surrounding neighbourhoods.
- i. The *development* should minimize the use of surface parking in favour of underground or aboveground structured parking. All surface parking should be screened from the street and be designed to provide for surveillance from public areas. Aboveground structured parking should be lined with residential, commercial or *office* uses.
- j. Shared parking is encouraged.
- k. For multiple unit *development*, shared access is encouraged to minimize disruption to pedestrian activity.
- l. Multiple pedestrian entries are encouraged to reduce the mass of buildings and promote pedestrian activity.
- m. *Development* proposals may be required to submit micro-climate studies to demonstrate how negative impacts on the public streets, public parkland, pedestrian environments and adjacent residential areas have been ameliorated with regard to the following environmental elements:
- sun;
 - wind;
 - noise;
 - light.
- n. For projects that will be phased, applications shall be accompanied by a detailed phasing plan.

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Figure 1: Urban Growth Centre



Boundaries are approximate and are not intended to define the exact locations except where they coincide with major roads, railways, transmission lines, major *watercourses* or other bodies of water and other clearly recognizable physical features.

