



# Corporate Report

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**DATE:** February 10, 2009

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: March 2, 2009

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

**SUBJECT:** **Proposed Zoning By-law Amendments -  
Definitions of Lodging House and Lodging Unit -  
Supplementary Report**

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**RECOMMENDATION:** That the report titled "Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit - Supplementary Report" dated February 10, 2009 from the Commissioner of Planning and Building be adopted in accordance with the following:

1. That Section 1.2, Definitions, of Zoning By-law 0225-2007 be amended to include the following definitions:

**"Lodging House"** means a dwelling unit containing more than three (3) **lodging units** each designed or intended for the lodging of persons in return for remuneration. A **lodging house** shall only be permitted in a **detached dwelling** and no **lodging unit** shall be contained in a **basement**. A maximum of four (4) **lodging units** shall be permitted within a **lodging house** and each **lodging unit** shall be occupied by a maximum of one (1) person. A maximum of 40% of the **Gross Floor Area – Residential** of a **Lodging House** shall contain **Lodging Units**.

“**Lodging Unit**” means a room designed or intended to contain accommodation for sleeping. A lodging unit may contain sanitary facilities but shall not contain equipment or appliances for storing, cooking, or heating food, and shall not contain equipment or appliances for washing clothes or washing dishes.

2. That Section 1.1.13 Zoning Certificate of Zoning By-law 0225-2007 be amended to read:

“The use of land, **buildings** or **structures** for a **lodging house**, or industrial, commercial, public or institutional purposes within the Planning Area, shall not be changed without having first applied for and obtained a Zoning Certificate from the Zoning Administrator.”

3. That proposals for a lodging house require the approval of a rezoning application by City Council subject to the following:
  - the site should be located in proximity to transit facilities and a minimum of 400 m (1,312 ft.) from another lodging house;
  - as a standard, the provision of 0.5 parking spaces per lodging unit (rounded up) except where the lodging house is not located within 500 m (1,640 ft.) of a bus stop, in which case parking will be supplied at the rate of one (1) space per lodging unit;
  - the lodging house must be a detached building;
  - an amendment to the site plan control by-law to require the approval of a site development plan; and
  - compliance with the provisions of the zoning by-law and the zone regulations of the zone it is proposed to be located.

**BACKGROUND:**

A public meeting was held by the Planning and Development Committee on December 1, 2008 at which time a Planning and Building Department information 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, (Appendix 1) was presented and received for information.

On December 10, 2008, City Council considered the attached report (Appendix 1) and adopted the following:

- “1. 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.
2. That the letters dated November 30, 2008 from John McGlone, President of Oakridge Residents Association, with respect to Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit, be received for information.”

## **COMMENTS:**

### **1. COMMUNITY ISSUES**

A community meeting was held on November 5, 2008 and a focus group meeting was held on December 16, 2008. At the Planning and Development Committee on December 1, 2008 a number of residents spoke expressing concerns with the proposed amendments.

The following is a summary of the issues raised by the community together with corresponding responses.

#### **Comment**

Expand the definition of lodging house to prohibit the conversion of semi-detached and townhouse dwellings to a lodging house.

#### **Response**

The definition of lodging house, as originally proposed, means “a building containing four (4) or more lodging units.” As most semi-detached and townhouse dwellings would have less than four (4) bedrooms, this provision was intended to prevent their or any other dwelling type from conversion to a lodging house.

However, for greater clarity, the definition has been revised to specifically permit a lodging house only in a detached dwelling, as described below in Section 2.

### **Comment**

Concerns were expressed with the number of potential lodging units which may be permitted in a house, the number of renters, and that common areas such as living rooms should not be allowed to convert to a lodging unit.

### **Response**

The by-law, as originally proposed, would permit the rental of a maximum of three (3) bedrooms without being considered a lodging house, and did not contain a maximum number of lodging units or renters. Staff is of the opinion that permitting the rental of three (3) bedrooms, without being considered a lodging house, is reasonable. Reducing the number of rented rooms to two (2) is restrictive, and, when combined with a distance separation, will severely limit opportunities for the development of a regulated, licensed lodging house.

With respect to the number of occupants, the proposed by-law was amended to permit a maximum of four (4) lodging units, each containing a maximum of one (1) resident. This approach will help maintain the integrity of detached dwelling neighbourhoods, will limit on-site activity, and will reduce demands for both on and off-street parking. Both the City of London and the City of Oshawa limit the total number of persons occupying a lodging house, by limiting the occupancy of each bedroom to a maximum of one (1) person.

With respect to the maintenance of common areas in the lodging house, it is recommended that no lodging unit be permitted in a basement, and that a maximum of 40% of the gross floor area of the dwelling may be comprised of the lodging units, as per the City of Oshawa By-law. This approach will:

- ensure a satisfactory living environment for the residents;
- reduce potential for conversion to basement apartments;
- maintain the integrity of the house as a detached dwelling;
- minimize physical changes to the structure of the dwelling; and
- provide for the easy conversion of the lodging house back to a detached dwelling.

To further reduce the potential for conversion of lodging units to illegal accessory apartments, the definition of lodging unit, as described in Section 2 below, was revised to prohibit appliances for storing, cooking, or heating food, and equipment or appliances for washing clothes or washing dishes.

The Licensing By-law will also permit a maximum of 40% of the gross floor area of the dwelling to be comprised of the lodging units.

### **Comment**

The proposed distance separation of 120 m (394 ft.) is insufficient to prohibit the concentration of lodging houses in a neighbourhood. It should be increased to 400 m (1,312 ft.) or 800 m (2,624 ft.) to be consistent with the distance for group homes. The location of group homes should also be considered.

### **Response**

Appendix 2 is a map showing separation distances, i.e. circles with radii of 120 m (394 ft.), 400 m (1,312 ft.) and 800 m (2,624 ft.) around one of the lodging houses in Sir John's Homestead.

The map illustrates that, while a 120 m (394 ft.) separation distance would be insufficient to prevent a concentration of lodging houses in neighbourhoods such as Sir John's Homestead, a distance of 800 m (2,624 ft.) appears to be too restrictive as it would allow only two (2) lodging houses in the vicinity of University of Toronto Mississauga (UTM), i.e. lands east of Erin Mills Parkway and south of Burnhamthorpe Road.

Staff consider a 400 m (1,312 ft.) separation to be a reasonable balance between preventing a concentration of lodging houses in a neighbourhood, and providing for the regulated off-campus affordable housing needs of students in the vicinity of UTM.

Group homes provide a supervised living environment, and are substantially different than a lodging house. Further, as group homes and lodging houses are unlikely to have an impact on each other, there is no planning rationale to support the inclusion of group homes in the separation distance.

**Comment**

Concerns were expressed with respect to the impact on on-street parking and that the proposed parking guideline of 0.5 spaces per lodging unit was insufficient.

**Response**

Regulation of on-street parking is an enforcement matter dealt with through the Traffic By-law.

The proposed parking standard of 0.5 spaces per lodging unit is based on the premise that lodging units would be located in proximity to transit facilities, and that the renters may have a lower income and, therefore, would be less likely to own a car. Further, staff were concerned that requiring one (1) space per unit may instigate owners to increase front yard pavement, with a detrimental impact on neighbourhood character, streetscape, and possibly vegetation.

The proposed parking standard of 0.5 spaces should be retained, except where the lodging house is not located within 500 m (1,640 ft.) of a bus stop, in which case parking should be provided at the rate of one (1) space per lodging unit.

**Comment**

Require owner occupancy as per the requirement that permits doctors and dentists to have a clinic in their owner occupied dwelling.

**Response**

The permission for doctors and dentists to have a clinic in their occupied dwelling is a unique circumstance based on the premise that a medical office was a benefit to the neighbourhood, and was intended to ensure it would not result in a free-standing medical office. Requiring owner occupancy for lodging houses would be too restrictive and would limit the provision of regulated lodging houses.

**Comment**

Enact an Interim Control By-law to prohibit new lodging houses.

**Response**

An Interim Control By-law is legislation that allows municipalities to prohibit the use of land, buildings or structures for, or except for, such purposes as set out in the by-law while the municipality completes a planning study. The by-law is in effect for a maximum period of one year, and may be extended for another year.

Because lodging houses are not a defined use in the zoning by-law, there is no zoning framework in place to attach an Interim Control By-law.

**Comment**

Implement a retroactive requirement to ensure that existing lodging houses comply with the by-law.

**Response**

Zoning by-laws cannot be made retroactive - the use may continue as a legal non-conforming use until it is terminated. A licensing by-law will still apply, and existing lodging houses will be brought into compliance with it.

The introduction of a licensing regime will require a communications plan to advise owners of existing lodging houses that an application for a licence is required, and to afford them a reasonable time period in which to gain compliance with the various regulations that are to be imposed. Staff is considering a six-month grace period from the date of passage of the amendment to the Business Licensing By-law to require licences for this type of business. During this time, owners of an existing lodging house will be made aware of the zoning and business licensing requirements, and can apply for, and obtain the necessary licence prior to full enforcement being instigated.

To ensure a transparent public record once this grace period expires, it will be necessary for the lodging house owner to prove, through the submission of various documents, that the lodging house existed prior to the passing of the Zoning By-law and Business Licensing By-law amendments. If the owner is unable to provide proof that the lodging house existed prior to the passing of the by-laws, it will be illegal without the necessary zoning and licence, and will have to cease to exist.

### **Comment**

Fire and building inspections should be conducted semi-annually and permits should be denied until the inspections take place.

### **Response**

This matter will be dealt with in the Licensing By-law which will require inspections as a condition of the licensing process.

## **2. PROPOSED REVISED ZONING BY-LAW AMENDMENTS**

The Planning and Building Department report dated November 11, 2008 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.”

Pursuant to the proposed revisions identified in Section 1 of this report, it is suggested that the definitions of Lodging House and Lodging Unit be amended to read:

**“Lodging House”** means a dwelling unit containing more than three (3) **lodging units** each designed or intended for the lodging of persons in return for remuneration. A **lodging house** shall only be permitted in a **detached dwelling** and no **lodging unit** shall be contained in a **basement**. A maximum of four (4) **lodging units** shall be permitted within a **lodging house** and each **lodging unit** shall be occupied by a maximum of one (1) person. A maximum of 40% of the **Gross Floor Area – Residential** of a **Lodging House** shall contain Lodging Units.”

**“Lodging Unit”** means a room designed or intended to contain accommodation for sleeping. A lodging unit may contain sanitary facilities but shall not contain equipment or appliances for storing, cooking, or heating food, and shall not contain equipment or appliances for washing clothes or washing dishes.

Because the Licensing By-law will require an applicant to obtain a Zoning Certificate, it is necessary to amend Section 1.1.13 of Zoning By-law 0225-2007 to require a Zoning Certificate for a lodging house as follows:

“The use of land, **buildings** or **structures** for a **lodging house**, or industrial, commercial, public or institutional purposes within the Planning Area, shall not be changed without having first applied for and obtained a Zoning Certificate from the Zoning Administrator.”

### 3. APPROVAL CRITERIA

The definitions of lodging house and lodging unit proposed in this report are not intended to prohibit the conversion of detached dwellings to lodging houses. Instead, it is intended to define a lodging house as a distinct form of land use so as to require the submission of a rezoning application for proposed lodging houses to enable a public process and review by City Council. The approval criteria proposed in this report, together with applicable Official Plan policies, will be used by City Council in considering such applications.

To achieve a reasonable balance between preventing a concentration of lodging houses in a neighbourhood, and providing for the regulated off-campus affordable housing needs of students in the vicinity of UTM, it is recommended that the approval criteria be revised to require a 400 m (1,312 ft.) separation distance between lodging houses. In addition, the parking standard should be increased to require one (1) space per unit where the lodging house is not located near transit.

The Housing Strategy to be undertaken in 2009 will, among other matters, address the issue of student housing and other affordable rental housing issues in a comprehensive manner. Consequently, it is suggested that until the 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, and a minimum of 400 m (1,312 ft.) from another lodging house;
- as a standard, the provision of 0.5 parking spaces per lodging unit (rounded up) except where the lodging house is not located within 500 m (1,640 ft.) of a bus stop, in which case parking will be supplied at the rate of one (1) space per lodging unit;
- the lodging house must be a detached building;

- an amendment to the site plan control by-law to require the approval of a site development plan; and
- compliance with the provisions of the zoning by-law and the zone regulations of the zone it is proposed to be located in.

#### **4. DEFINITION OF “FAMILY”**

Staff was requested to research background information regarding changes to the definition of “Family” in the zoning by-laws.

Prior to 1991, By-law 5500 defined “Family” as:

“one or more human beings related by blood or marriage, legal adoption, or common law marriage, or a group of not more than two human beings who need not be related by blood or marriage, or legal adoption, living together as a single housekeeping unit and includes not more than one domestic servant or not more than one roomer or boarder”.

Consequently, the by-law allowed a maximum of three unrelated persons to reside together in a single dwelling unit.

Based on the attached report (Appendix 3) titled “*Planning Amendment Act, 1984 – definition of “family” in the City of Mississauga Zoning By-laws*” dated November 27 1990 from the Commissioner of Corporate Services, this definition, as well as other related definitions of dwelling unit or housekeeping unit were amended by By-law 104-91, adopted in 1991, to remove references to the number of unrelated persons who may live together.

**FINANCIAL IMPACT:** Not applicable

**CONCLUSION:** The proposed definitions of lodging house and lodging unit, and the approval criteria, have been revised to provide a balance between providing for regulated lodging houses, and maintaining the integrity of detached dwelling neighbourhoods. They 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: Corporate Report - *“Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit”*, dated November 11, 2008, from the Commissioner of Planning and Building  
APPENDIX 2: General Context Map  
APPENDIX 3: Corporate Report - *“Planning Amendment Act, 1984 – definition of “family” in the City of Mississauga Zoning By-laws”*, dated November 27 1990, from the Commissioner of Corporate Services

*Original Signed By:*

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Edward R. Sajecki  
Commissioner of Planning and Building

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



# Corporate Report

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**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**

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**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

- 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;

- 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).

*Original signed by:*

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Edward R. Sajecki  
Commissioner of Planning and Building

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



RESOLUTION NO: 0264-2008

APPENDIX 1

Page 1 of 3

Date: October 22, 2008

File:

Moved by:

Seconded by:

*Katig Mahoney*  
*[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;



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Date: October 22, 2008

File: \_\_\_\_\_

Moved by: Kathleen Mahoney

Seconded by: Nail

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;



RESOLUTION NO: 0264-2008 Page 3 of 3

Date: October 22, 2008

File: \_\_\_\_\_

Moved by: Katie 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



**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;

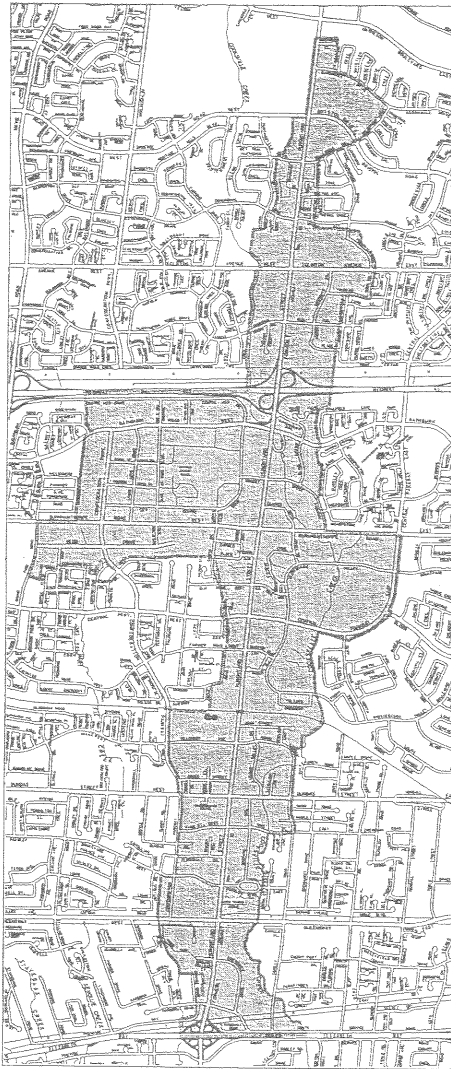
- parking.

- 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;

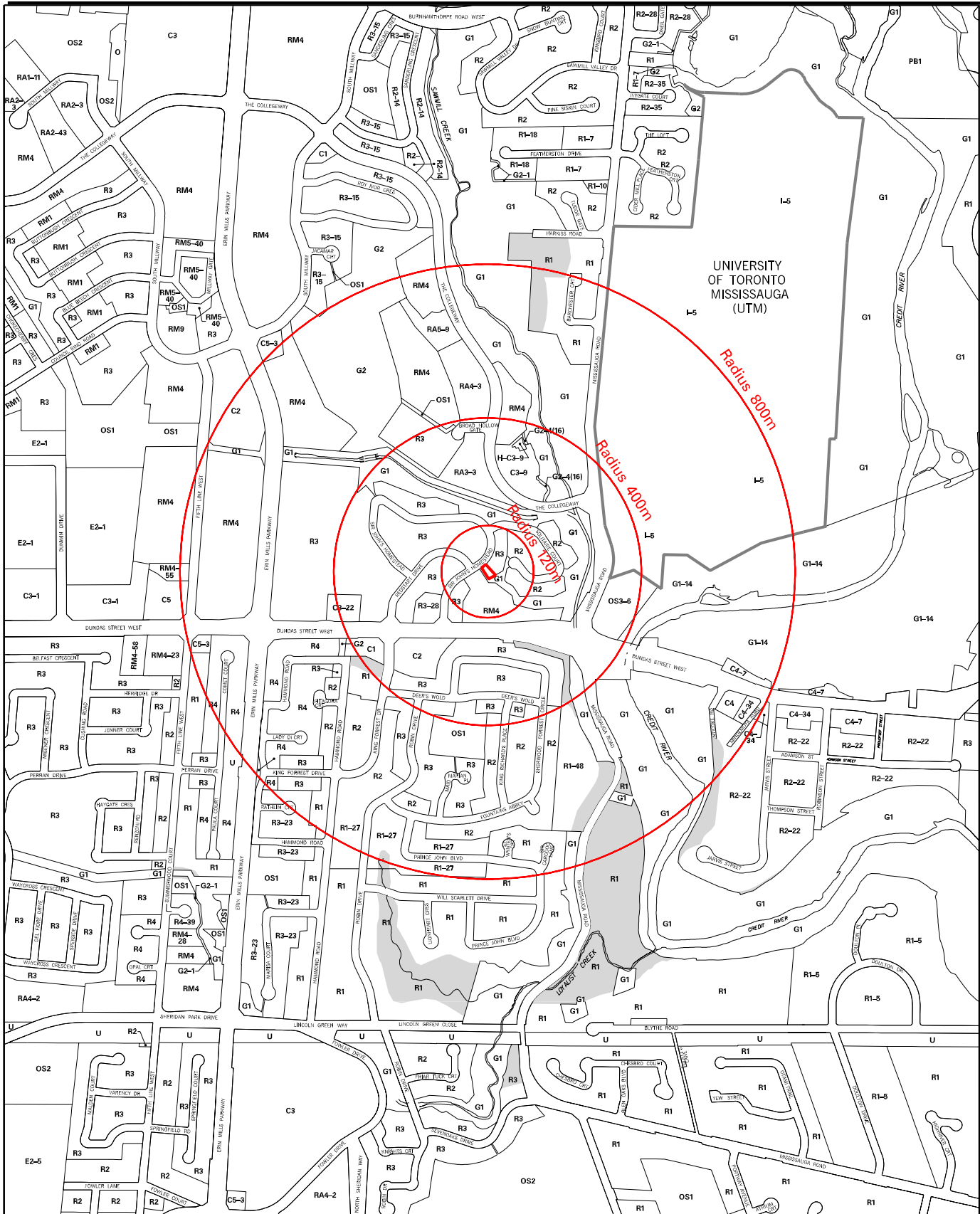
- identification of the limits of allowable *intensification* without any unacceptable impact on both the downstream *watercourse* and infrastructure.

- 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.

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.





# Corporate Report

Received by  
Clerks's Dept.

APPENDIX 3

Clerk's Files

Originator's  
Files

COM.PLNG/DEV Dec 10 1990

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**DATE:** November 27, 1990

**TO:** CHAIRMAN AND MEMBERS OF COMMUNITY PLANNING & DEVELOPMENT COMMITTEE

**FROM:** Bruce E. Thom, Q.C., Commissioner of Corporate Services

**SUBJECT:** Planning Amendment Act, 1984 - definition of "family" in City of Mississauga Zoning By-laws

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**ORIGIN:** Office of the City Solicitor Report Request #37-90

**BACKGROUND:** On February 27, 1989 the Planning Amendment Act, 1989 S.O. 1989, c. 5 came into force. Section 15 of this Act amended Section 34 of the Planning Act, 1983 S.O. 1983, c. 1 (hereinafter referred to as "the Act") by adding thereto a new section, being section 34a. This new section provides as follows:

- 34a(1) The authority to pass by-laws under subsection 34(1) and 37(1) does not include the authority to pass by-laws that distinguish between persons who are related and persons who are unrelated in respect of the occupancy of a building or structure.
- (2) A provision in a by-law that distinguishes between persons who are unrelated in respect of the occupancy of a building or structure ceases to have effect on the day this section comes into force.

The Council of the City of Mississauga has passed by-laws under the authority of Section 34 of the Act. Currently all such by-laws define the term "family" to mean:

one or more human beings related by blood or marriage legal adoption, or common law marriage or a group of not more than two human beings who need not be related by blood or marriage, or legal adoption, living together as a single housekeeping unit and includes not more than one domestic servant or not more than one roomer or boarder.

The Office of the City Solicitor advised that it was their opinion that the "family" definition as referenced in the by-laws is therefore no longer valid and in fact ceased to have effect on February 27, 1989 by virtue of the recently-enacted subsection 34a(2) of the Act.

Further complications have arisen in the interpretation and enforcement of the Zoning By-laws as other defined terms namely, "dwelling unit", "housekeeping unit", "one-family detached dwelling" and "single family dwelling" all incorporate as an integral element of their definition the term "family". The recent amendment to the Act casts a further shadow of considerable doubt on the validity of any of these terms as they are defined under the provisions of the Zoning By-laws.

**PRESENT STATUS:**

The City's Zoning By-laws have not as yet been amended to reflect the directive of the Province as stated in the Planning Amendment Act, 1989. Prior to any by-law amendments being proposed, it was necessary to conduct a comprehensive review of the issues surrounding the initiative of the Province and the ramifications thereof on the City's Zoning By-laws. To this end, there have been public meetings held with representatives of the Province and the City as well as interdepartmental meetings amongst City staff. The Office of the City Solicitor also sought and received an outside legal opinion on the issue of the validity of the City's by-laws as presently constituted with the aforementioned "family" definition. That opinion confirmed both the above-noted opinion of the Office of the City Solicitor and their recommendation that revisions to the Zoning By-laws are necessary.

**COMMENTS:**

As a result of the amendment to the Act and its consequential impact on the City's Zoning By-laws, serious consideration should be given to presently amending the Zoning By-laws. Such amendments are recommended as they would provide fortification of the City's legal position when enforcing the Zoning By-laws.

There exist within the municipality two main types of multiple occupancy living arrangements which cause concern to the City because they contravene the essential intent and spirit of the Zoning By-laws. It is extremely difficult, however, at the present time to enforce the Zoning by-laws because of their inclusion of the now invalid definition of "family".

The first of such living arrangements is one where a "one-family detached dwelling" is altered to provide more than one dwelling unit and accordingly more than one family. This is often accomplished by converting the basement into, in effect, a separate residence. This situation may be referred to as a "multiple dwelling unit".

The second of such other living arrangements arises where the dwelling unit remains as one unit but a number of individuals occupy that dwelling unit, renting rooms from a landlord who, more often than not, does not reside within the premises. This situation will be referred to as a "rooming, boarding or lodging house".

Under the old definition of "family" a maximum of three individuals who were not related to each other were permitted to reside together in a single dwelling unit. Further, the effect of the previous provisions of the Zoning By-laws was to limit the use of a dwelling unit to a single family. It was illegal to subdivide an individual dwelling unit into more than one unit and, as well, it was illegal to use a dwelling unit for the purposes of a rooming, lodging or boarding house. Any amendments made to the Zoning By-laws at this time should, to as great an extent as is possible within the municipality's legislative authority, retain this planning objective.

It should also be noted that the Provincial Land Use Planning for Housing Policy Statement impacts on the Residential Zoning provisions in the City's Zoning By-laws. This policy requires municipalities to permit accessory apartments, and rooming, boarding and lodging houses as-of-right in appropriate areas in the municipality. The Province has set a deadline of August, 1991 by which time the policy statement is to be implemented by the incorporation of such uses into the Zoning By-laws.

As the sole purpose of this Report is to deal with the definition of "family" it will not discuss, at this time, the impact of this provincial policy on the Zoning By-laws. The City's Planning and Building Department has retained the planning consultants' firm of Walker, Wright, Young Associates to carry out a residential intensification study. As a part of this study, the aspect of the feasibility of licensing lodging houses will be addressed as well as other legal issues such as the right-of-entry power to be ascribed to by-law enforcement officers when investigating complaints of alleged multiple dwelling units or lodging houses.

In order for the City's Zoning By-laws to better contain valid and thereby likely enforceable definitions and provisions, the Office of the City Solicitor in consultation with the Planning and Building Department is of the opinion that the existing, unenforceable definitions in the By-laws should be amended to reflect the recent amendments to the Act.

Consequently, by-law amendments as set out hereafter are proposed and recommended:

A. By-law 5500, as amended

2. (10) “DWELLING UNIT” or “HOUSEKEEPING UNIT”

Current Definition: “means one or more habitable rooms designed and intended for use by not more than one family and in which separate culinary and sanitary facilities are provided for the exclusive use of one family.”

Proposed Definition: “means one or more habitable rooms designed, occupied or intended to be occupied as living quarters for a single family or single household and shall, as a minimum standard contain sanitary facilities, accommodation for sleeping and not more than one kitchen.”

2. (13) “FAMILY”

Current Definition: “means one or more human beings related by blood or marriage, legal adoption, or common law marriage, or a group of not more than two human beings who need not be related by blood or marriage, or legal adoption, living together as a single housekeeping unit and includes not more than one domestic servant or not more than one roomer or boarder.”

Proposed Definition: “FAMILY” or “HOUSEHOLD” means one or more persons occupying a dwelling unit or a housekeeping unit who have access to all areas of the dwelling unit or housekeeping unit but does not include a group of persons occupying a boarding, rooming or lodging house.”

B. By-law Number 65-30, as amended (Streetsville)

2. (12)(a) “DWELLING UNIT”

Current Definition: “means a room or suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation or cooking equipment, and with a private entrance from the outside the building or from a common hallway or stairway inside”;



Proposed Definition: “means one or more habitable room designed, occupied, or intended to be occupied as living quarters for a single family or single household and shall, as a minimum standard contain sanitary facilities, accommodation for sleeping and not more than one kitchen.”

2. (17) “FAMILY”

Current Definition: “means one or more human beings related by blood or marriage, legal adoption, or common law marriage, or a group of not more than two human beings who need not be related by blood or marriage, or legal adoption, living together as a single housekeeping unit and includes not more than one domestic servant or not more than one roomer or boarder.”

Proposed Definition: “FAMILY” or “HOUSEHOLD” means one or more persons occupying a dwelling unit or a housekeeping unit who have access to all areas of the dwelling unit or housekeeping unit but does not include a group of persons occupying a boarding, rooming or lodging house.”

C. By-law 1227, amended (Port Credit)

4. (12) “DWELLING UNIT”

Current Definition: “shall mean a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment with two separate and distinct exits to the outside. In an apartment house or hotel a dwelling unit shall have access to a hallway having two separate and distinct exits to the outside.”

Proposed Definition: “means one or more habitable rooms designed, occupied or intended to be occupied as living quarters for a single family or single household and shall, as a minimum standard contain sanitary facilities, accommodation for sleeping and not more than one kitchen.”

4. (15) “FAMILY”

Current Definition: “means one or more human beings related by blood or marriage, legal adoption, or common law marriage, or a group of not more than two human beings who need not be related by blood or marriage, or legal adoption, living together as a single housekeeping unit and includes not more than one domestic servant or not more than one roomer or boarder.”

Proposed Definition: “FAMILY” or “HOUSEHOLD” “means one or more persons occupying a dwelling unit or a housekeeping unit who have access to all areas of the dwelling unit or housekeeping unit but does not include a group of persons occupying a boarding, rooming or lodging house.”

The proposed definition for “dwelling unit” and “housekeeping unit” limits the number of kitchens to one per unit. It is recognized that many “single family dwellings” contain a kitchen in the basement in addition to the main floor kitchen. In such cases where the dwelling is inhabited by one household the additional kitchen may be arguably considered to be an accessory or incidental use and accordingly permitted under the provisions of the by-laws.

If the amendments as proposed in this report are adopted, there is a strong argument that the City will be able to better regulate multiple dwelling units and lodging houses where they are currently not permitted. Furthermore, the amendments to the Zoning By-laws will not legalize the presently existing illegal dwelling units as they are not a lawful use of the lands under the current Zoning By-laws. Therefore, any concerns regarding the creation of non-conforming uses, as a result of such amendments, do not exist. It should be noted however, that other problems encountered in enforcing the Zoning By-laws, such as right-of-entry to gather the evidence, will not be resolved by these amendments.

The Commissioner of Planning and Building has reviewed this Report and has advised that he agrees with the Conclusion and Recommendation herein.

#### **OPTIONS:**

Consideration was given to amending the Zoning By-laws by deleting the definition of family and introducing into the definition of dwelling unit the concept of “living together as a family”. Under this proposal there would be no definition of “family”. However, it was determined that such an approach would provide less certainty thereby allowing for further ambiguities, misunderstandings and complications in enforcing the Zoning By-laws.

A survey of 19 municipalities conducted in the spring of 1990 indicated that:

- a) five have chosen not to define “family”;
- b) seven contain a valid definition of “family”;
- c) seven have failed to amend their definition of “family” to comply with section 34a of the Act.

- CONCLUSION:** That the proposed amendments to the City's Zoning By-laws are acceptable both from a legal and planning perspective and should be approved.
- RECOMMENDATION:** That amendments to the Zoning By-laws pertaining to the definitions of "family", "housekeeping unit", and "dwelling unit" as described in the report dated November 27, 1990, from the Commissioner of Corporate Services, be made.

Original Signed By:  
Bruce E. Thom, Q.C.  
Commissioner of Corporate Services

BET:SEP:JMB:RM:AP:MW:dr  
1476L-p.27-32

**NOTE: This document has been retyped due to file copy being of poor quality.**