



# Corporate Report

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**DATE:** March 16, 2009

**TO:** Mayor and Members of Council  
Meeting Date: April 8, 2009

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

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

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- RECOMMENDATION:**
1. That the amendments to Zoning By-law 0225-2007 prepared in accordance with the report titled "Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit" dated March 16, 2009 from the Commissioner of Planning and Building be adopted by City Council.
  2. That notwithstanding that subsequent to the public meeting, changes to the zoning by-law amendment have been proposed, City Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, any further notice regarding the proposed amendment is hereby waived.

**BACKGROUND:** City Council, on March 11, 2009 considered 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 and adopted the following:

"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.”

**COMMENTS:**

Zoning By-law amendments have been prepared in accordance with above recommendation. However, upon further review, revisions are required to the amendments pertaining to Section 1.1.13 Zoning Certificate of Zoning By-law 0225-2007.

In this regard, it was determined that, pursuant to the proposed by-law, a zoning certificate would only be required if an existing lodging house were to be changed to a different use. The requirement for a zoning certificate would not apply if an existing detached dwelling were to be converted into a lodging house.

In order to incorporate lodging houses into Section 1.1.13 and, thereby, require all lodging houses to obtain a zoning certificate, the wording of Section 1.1.13 should be amended to read:

**1.1.13 Zoning Certificate**

1.1.13.1 The type of **use** made of any land, **building** or **structure** within any zone category, except residential, shall not be changed to another type of **use** without first having applied for and obtained a Zoning Certificate from the Zoning Administrator. A Zoning Certificate shall also be applied for and obtained from the Zoning Administrator where the type of **use** made of any land, **building** or **structure** changes to a **lodging house** within any zone category.

1.1.13.2 A Zoning Certificate shall also be applied for and obtained from the Zoning Administrator where the type of **use** made of any land, **building** or **structure** changes from vacant to a **use** identified in 1.1.13.1.

Staff considers the proposed change to be minor, and that it will not alter the intent of the proposed by-law. Consequently, pursuant to subsection 34(17) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, further public notice should not be required.

At the Planning and Development Committee meeting on March 2, 2009, two additional questions were raised. What about Lodging Houses that have more than four units and will this definition capture Fraternity and Sorority Houses? Because the definition limits the number of units to a maximum of four, a lodging house with greater than four units would be illegal. The issue of Fraternity and Sorority Houses is one of lifestyle more than building form, however, the same definition would apply by limiting the number of units to four.

**FINANCIAL IMPACT:** Not applicable.

**CONCLUSION:** The amendments to Zoning By-law 0225-2007 prepared in accordance with this report and the recommendations of the report titled “Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit” dated March 16, 2009 from the Commissioner of Planning and Building should be adopted by City Council.

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Ron Miller, Policy Planner, City Wide Planning*