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**TO:** GENERAL COMMITTEE

**SUBJECT:** PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT: SECOND SUITES PERMISSIONS IN THE GEORGIAN NEIGHBOURHOOD STUDY BOUNDARY AREA

**WARDS:** 1, 2 AND 3

**PREPARED BY AND KEY CONTACT:** M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES, EXT. 5466

**SUBMITTED BY:** M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES, EXT. 5466

**GENERAL MANAGER APPROVAL:** A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT, EXT. 4485

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That the proposed Official Plan Amendment to permit second suites in the Georgian Neighbourhood Study Boundary Area be approved.
2. That the proposed Zoning By-law Amendment to permit second suites in the Georgian Neighbourhood Study Boundary Area be approved.
3. That for a three (3) month period immediately following the expiration of the appeal period for the Official Plan Amendment and Zoning By-law Amendment, the registration fee for a second suite be waived.
4. That the written and oral submissions received relating to this application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application, and as identified within Staff Report PLN002-20.
5. That pursuant to Section 34(17) of the *Planning Act*, no further public notification is required prior to the passing of the By-law.

### **PURPOSE & BACKGROUND**

#### Report Overview

6. The purpose of this Staff Report is to provide recommendations to amend the permissions of second suites in the Georgian Neighbourhood Study Boundary Area (Appendix A). Staff recommend proposed amendments to the City's Official Plan (Appendix B) and Zoning By-law (Appendix C) be considered to remove the restriction of second suites in the Georgian Neighbourhood Study Boundary Area. In addition, if approved to encourage registration Staff recommend a three (3) month period where registration fees would be waived.
7. To accommodate the proposed changes to second suites that may arise should these amendments be approved an Implementation Plan is attached as Appendix D.

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8. Planning Staff Report PLN017-19 to be considered by General Committee on Tuesday, December 10, 2019 proposes changes to the second suite registration by-law that would be applicable across the City for all second suites.

#### Background

9. The *Strong Communities through Affordable Housing Act* (2011, Bill 140) includes actions to address housing affordability in the Province of Ontario. Part of those amendments requires municipalities to establish official plan and zoning by-law provisions to allow second suites in singled detached, semi-detached and townhouse dwellings.
10. The City's Official Plan, through Official Plan Amendment No. 51 passed in 2015, established the permission for second suites throughout the City of Barrie, except in the Georgian Neighbourhood Study Boundary Area.
11. The City's Zoning By-law 2009-141, as amended by By-law 2015-056 and 2017-079, established the permission of second suites throughout Barrie, except in the Georgian Neighbourhood Study Boundary Area.
12. In 2018, an external review of the City's Zoning By-law was undertaken by the consulting firm WSP. One of the elements raised to Planning Staff was the limitation of second suites in the Georgian Neighbourhood Study Boundary Area. WSP also raised the fact that the restriction not only limits the availability of safe, affordable housing options in the City, the restriction may violate the Human Rights Code with a zoning standard that is based on the people that may be accommodated in the dwelling unit, including Georgian College students and others seeking affordable accommodation in this area, including staff at RVH.
13. Planning Staff are aware of many unregistered second suites in the Georgian Neighbourhood Study Boundary Area. This may result in unsafe housing because the City has not confirmed Building Code or Fire Code requirements in these unregistered units.
14. Planning Staff understand that the restrictions placed on second suites in the Georgian Neighbourhood Study Boundary Area were in response to particular matters and interests expressed by residents and Council in 2015. Planning Staff believe it is appropriate and necessary to revisit these restrictions and the process to do so began with Staff Report PLN011-19 dated April 15, 2019 to schedule a public meeting to consider amendments that may be appropriate for second suites in the Georgian Neighbourhood.
15. In 2018, a total of 52 zoning enforcement files were related to illegal second suites in the Georgian Neighbourhood Study Boundary Area. This amounts to approximately 25% of all enforcement cases in this area.
16. Unregistered second suites are enforced by the City's Zoning Enforcement Officers. Unregistered second suites in the Georgian Neighbourhood Study Boundary Area can only be registered if the property owner can confirm the unit existed prior to the policy direction that excludes second suites in this area. New units cannot be registered.
17. Without the registration process, there is no review or inspections for Building and Fire Code compliance.
18. Generally, the standards and provisions for second suites in the City of Barrie work well and allow for second suites and their occupants to become a part of neighbourhoods across the City, while offering a more affordable housing option for Barrie residents than standalone accommodation options. By amending the Official Plan and Zoning By-law to permit second suites in the Georgian

Neighbourhood Study Boundary Area the expectation is that existing second suites will be brought up to applicable Building Code and Fire Code standards.

19. Permitting new second suites to be created and registered will increase the housing supply in an area of the City that needs a variety of housing options for a variety of residents, not just students.

#### Location

20. The lands subject to the proposed amendments are shown on Appendix A and span portions of Wards 1, 2 and 3. The lands are bound to the north by Little Lake Drive and Cundles Road East, to the east by Penetanguishene Road, to the south by Steele Street and Wellington Street East and to the west by St. Vincent Street.

#### Proposed Amendments

##### Proposed Official Plan Amendment

21. Policy 3.3.2.2 (e) of the City's Official Plan states: "*Second Suites are permitted in single detached, semi-detached and street townhouses subject to the standards and provisions of the Comprehensive Zoning By-law. Second suites are not permitted in the area of the Georgian College Neighbourhood Community Improvement Plan on the basis that the City has taken significant initiatives to encourage purpose built student housing within this area in order to maintain the stability of existing neighbourhoods and minimize the impact of an undue concentration of second suites within this area.*"
22. To consider changes to the Official Plan to permit second suites in residential zones in the Georgian Neighbourhood Study Boundary Area the details of the proposed amendment include:

1. That Section 3.3.2.2 (e) be amended as follows:  
"Second Suites are permitted in single detached, semi-detached, duplex dwellings and street townhouses subject to the standards and provisions of the Comprehensive Zoning By-law. Second suites are not permitted ~~Georgian College Neighbourhood Community Improvement Plan on the basis that the City has taken significant initiatives to encourage purpose built student housing within this area in order to maintain the stability of existing neighbourhoods and minimize the impact of an undue concentration of second suites within this area. (OPA 51 By-law 2015-055)~~ in the all areas of the City to encourage affordable, safe housing".

And will be replaced with the following wording:

"Second Suites are permitted in single detached, semi-detached, duplex dwellings and street townhouses subject to the standards and provisions of the Comprehensive Zoning By-law. Second suites are permitted in all areas of the City to encourage affordable, safe housing".

##### Proposed Zoning By-law Amendment

23. To consider changes to the Zoning By-law to permit second suites in residential zones in the Georgian Neighbourhood Study Boundary Area the details of the proposed amendment include:
  1. That Section 5.2.9.1 (a) be deleted;  
~~"A second suite shall not be permitted in the Georgian Neighbourhood Study Boundary Area identified in Schedule "A".~~
  2. Schedule "A" be amended to remove the 'Georgian Neighbourhood Study Area' boundary, and;

3. Appendix "D" Second Suites Exclusion (Georgian Neighbourhood Study) Area of Zoning By-law 2009-141 be deleted.

Public Meeting and Written Comments

24. A statutory public meeting was held on June 10, 2019 to present the proposed amendments to General Committee. A number of written and verbal comments were received about the proposed amendments both in support and against. The following comments were received:
  - Landlords and Tenants not taking care of properties:  
Property standards is an important matter across the City and not only related to second suites. New second suites will require a property standards inspection prior to registration and the registration by-law speaks to the ability to revoke a registration if repeated infractions of City standards are received.
  - Would like stronger enforcement:  
Currently the City mainly enforces on a complaints driven basis for many zoning and property standards matters. The City does enforce matters that are visible from the exterior of the property, such as structures in the front yard or parking violations both proactively and reactively. The implementation plan in Appendix D references a shift to a proactive approach to enforcement. A City-wide enforcement report will be presented to Council in Q1 2020 that will discuss enforcement options for the City for various infractions.
  - Noise, Traffic, Crime:  
These matters do not relate to removing restrictions on second suites. Noise may have the potential to be mitigated if a second suite is constructed in accordance to building code standards. External noise, disturbances and crime are matters that Barrie Police can provide assistance to residents. Traffic patterns in neighbourhoods are impacted by many factors and may not be directly related to second suites.
  - No second suites in Townhouses:  
The Province of Ontario requires that second suites are permitted in townhouse units. The City of Barrie requires that second suites must have frontage on a public road. This requirement would limit some townhouse developments from having second suites if the unit is serviced by a private road, which is common in condominium developments.
  - Safety of un-registered units:  
The safety of residents in unregistered second suites is a real concern for Staff. Unregistered second suites do not have the required inspections and there is a real risk that the unregistered second suites do not meet code and by-law standards and may be unsafe.
  - Landlords be required to live in the house:  
The City cannot require that dwelling units with second suites be owner occupied. It is not permitted or enforceable by the Planning Act, specifically under the Ontario Regulation 299/19. This regulation stipulates that people who occupy additional dwelling units do not have to be family or owners of the property.
  - City obtain landlord information / registry to be held accountable:  
The City has information on registered property owners already. Compliance matters are directed to property owners and not tenants. Second suite registrations will obtain current contact information to be able to reach out to the property owner in the case of a by-law infraction, as well as the provision to revoke the registration after repeated, valid, infractions.

- License absentee landlords:  
The City has previously explored licensing landlords and Staff do not recommend a license process. Staff articulated this position in PLN040-19 on November 18, 2019 at General Committee. In many ways, the ability to register a second suite in the Georgian Neighbourhood Study Area Boundary will be an initial license by approving the second suite. Matters that arise following registration can be resolved through the enforcement process, up to and including fines and prosecution and the revocation of registration.
- Parking on the street:  
Parking standards and the availability of parking on site will be a requirement of the registration of second suites. This will ensure new second suites have adequate parking. While some streets do not permit on street parking, many streets do permit on-street parking and it is not a zoning violation. A parking space on the street would not be counted in the required parking. During the winter months when there is no parking on the streets residents would be expected to find alternatively parking arrangements (in driveways and garages) as front yard parking is not permitted.
- Support the proposal for safety and affordable housing options:  
Staff appreciate the time and effort some residents have taken to recognize the importance of the proposed Official Plan and Zoning By-law amendments.

#### Department and Agency Comments

25. Planning Staff circulated notice of the proposed Official Plan and Zoning By-law Amendments in accordance with the Planning Act.
26. The Simcoe Muskoka District School Board had no objection to the proposal but indicated that Educational Development Charges pursuant to the applicable Education Development Charges By-law at the time of building permit application.
27. No other comments were received from Departments and Agencies.

#### **ANALYSIS**

##### Policy Planning Framework

##### Planning Act

28. The *Planning Act* is the overarching policy framework and associated regulations to guide land use and planning policy in the Province of Ontario. The *Planning Act* and supporting regulation 299/19 require the passing of a by-law to permit additional dwelling units. Recognizing the importance of additional dwelling units is clear and the implementing zoning by-law cannot be appealed. The *Planning Act* can be found in its entirety at the following link:

<https://www.ontario.ca/laws/statute/90p13>.

29. The proposed official plan and zoning by-law amendments are consistent with the *Planning Act*.

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Provincial Policy Statement

30. The *Provincial Policy Statement* (2014) (PPS) provides overall policy directions on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS can be found in its entirety at the following link: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>.
31. Policy 1.0 of the PPS is Building Strong Healthy Communities in part by the efficient use of land and development patterns. Second suites in existing dwelling units conforms to this policy.
32. Policy 1.1.1 states that: “*Healthy, liveable and safe communities are sustained by: b) accommodating an appropriate range and mix of residential (including second suites, affordable housing and housing for older persons)...*” The proposed amendments support second suites by increasing the opportunity for second suites equally across the City.
33. Policy 1.4.3 states that: “*Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by: b) permitting and facilitating 2. All forms of residential intensification, including second suites, and redevelopment in accordance with policy 1.1.3.3.*” The PPS supports the introduction of second suites as a form of intensification.
34. The proposed Official Plan and Zoning By-law Amendments are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019) (A Place to Grow)

35. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (2019) (A Place to Grow) is the Ontario government’s initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It provides a framework for implementing Ontario’s vision for building strong, prosperous communities by managing growth and it establishes the long-term framework for where and how the region will grow. The Growth Plan can be found in its entirety at the following link: <https://files.ontario.ca/mmah-greater-golden-horseshoe-place-to-grow-english-15may2019.pdf>.
36. One of the Guiding Principles as outlined in Section 1.2.1 of A Place to Grow is to: “*support a range and mix of housing options, including second suites and affordable housing, to serve all sizes, incomes and ages of households.*” The proposed amendments are consistent with this guiding principle as it seeks to permit second suites equally across the City of Barrie.
37. Policy 2.2.1.4 states that: “*Applying the policies of this Plan will support the achievement of complete communities that: c) provide a diverse range and mix of housing options, including second suites and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*”. The proposed amendments to permit second suites across the City will provide housing options in the northern end of the City near not only Georgian College, but also the Royal Victoria Hospital and the commercial developments surrounding those areas.
38. Policy 2.2.6.1 a) i. Recognizes second suites as a way to achieve intensification and “*a diverse range and mix of housing options, including second suites and affordable housing to meet projected needs of current and future residents.*”
39. The proposed Official Plan and Zoning By-law Amendments are consistent with A Place to Grow.

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City of Barrie Official Plan

40. The City of Barrie Official Plan (OP) is the overall vision to guide policy development and land use development for a twenty year time horizon. It is the long term lens in which to evaluate current day applications and issues. The Official Plan can be found in its entirety at the following link: <https://www.barrie.ca/City%20Hall/Planning-and-Development/Documents/Official%20Plan%20-%20January%202018.pdf>.
41. The OP permits second suites and only limits second suites in the Georgian Neighbourhood Study Boundary Area. The basis for permitting second suites ties into the Housing Goals of the OP which are outlined in Section 3.3.1 of the OP (a) *“to provide for an appropriate range of housing types, unit sizes, affordability and tenure arrangements at various densities and scales that meet the needs and income levels of current and future residents.”* Second suite permissions equally across the City would address this goal.
42. The General Policies of the Official Plan in Section 3.3.2.1 (a) states: *“The City will encourage the maintenance of reasonable housing costs by encouraging a varied selection with regard to size, density and tenure. The Zoning By-law will be amended to allow for innovative housing where it is recognized to be in accordance with good land use planning principles.”* The proposed amendments are in accordance with good land use planning principles as well as a way to provide reasonable housing costs equally across the City.
43. The proposed amendment to the OP speaks directly to removing the restriction on second suites in the Georgian Neighbourhood Study Boundary Area and the remaining OP goals and policies support second suites.
44. The proposed Zoning By-law Amendment is in conformity with the goals and policies in the OP.

City of Barrie Comprehensive Zoning By-law 2009-141

45. The City's Zoning By-law outlines the standards and provisions that guide development. It establishes land use types and specific provisions for each type of development across the City. The Zoning By-law can be found in its entirety at the following link:  
<https://www.barrie.ca/City%20Hall/Planning-and-Development/Documents/Zoning-Bylaw/Zoning%20By-law%202009-141.pdf#search=zoning%20by%20law>
46. In addition to the amendments proposed to the City's zoning by-law to permit second suites in the Georgian Neighbourhood Study Boundary Area there are several standard provisions that apply to second suites across the City.
47. Section 3.0 Definitions in the City's Zoning By-law 2009-141 defines a second suite as: *“an accessory dwelling unit that is located within the principal structure on a property, and is subordinate to, a principal unit.”*
48. Section 3.0 Definitions defines a detached accessory dwelling unit as: *“an accessory unit located in a detached structure on the same property as, and is subordinate to, a principal unit.”*
49. Section 5.2.9 of the City's Zoning By-law 2009-141 outlines the general standards and parking standards for second suites.

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50. Recently, in City initiated amendments to the Zoning By-law 2009-141 provisions in Section 5.2.9 were amended through Council's consideration of report PLN026-19 on October 28, 2019. These amendments addressed conformity with several pieces of Provincial legislation.
51. Specifically related to the second suites, the following amendments were made to Section 5.2.9 of the City's Zoning By-law. The current wording of Section 5.2.9 with the recent City initiated amendments is as follows:
- 5.2.9 Second Suites
- 5.2.9.1 General
- A free standing detached dwelling unit in an (RM1-SS) Zone may be constructed or converted to include a second dwelling unit.
- Except as provided herein, a second suite and a detached accessory dwelling unit shall be permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3 and RM2-TH zones where the principal dwelling unit has frontage on a municipal street subject to the following:
- a) A second suite shall not be permitted in the Georgian Neighbourhood Study Boundary Area identified in Schedule A.
  - b) (Deleted by By-law 2017-079) for the requirement of no second entrance off the front façade of the house.
  - c) A maximum of one detached accessory dwelling unit and one second suite within the principle dwelling shall be permitted per lot.
  - d) (Deleted by the City initiated amendments) A maximum of 2 bedrooms is permitted in the second suite or detached accessory dwelling unit.
  - e) A detached accessory dwelling unit shall be permitted in a detached accessory building subject to the standards in section 5.3.5 and sections 4.5.1 and 4.5.2 of this By-law.
  - f) A second suite or detached accessory dwelling unit shall not be less than 35m<sup>2</sup> in size.
  - g) Second suites and detached accessory dwelling units are not permitted on a lot with a boarding, lodging, rooming house.
- 5.2.9.2 Parking
- That notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a second suite, a detached accessory dwelling unit, or both:
- a) A minimum of 1 parking space per dwelling unit is required in the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM3 and RM2-TH zones; and
  - b) Tandem parking is permitted.
52. Amendments as proposed in this staff report would delete item 5.2.9.1 a) referencing the restriction in the Georgian Neighbourhood Study Boundary Area.
53. In consideration of the feedback received throughout this process it was clear that the implementation of these amendments would be important to accompany any proposed changes that would permit second suites in an area experiencing property standards and nuisance complaints. Should the amendments be approved Staff have prepared an implementation plan attached as Appendix D. The implementation plan covers key messages, target audiences, consultation methods, process references and matters relating to enforcement.
54. While many elements of the implementation plan are taking place already across the corporation with the anticipated levels of interest in registering new second suites across the entire City, a comprehensive approach to the implementation of these proposed amendments across several City departments and service areas has been developed and consolidated into the implementation plan.

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## **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

55. There are no environmental and climate change impact matters related to the recommendation.

## **ALTERNATIVES**

56. The following alternatives are available for consideration by General Committee:

**Alternative #1** An alternative can be to not proceed with Official Plan and Zoning By-law amendments to remove the restrictions of second suites in the Georgian Neighbourhood Study Boundary Area. This alternative is not desirable as this approach does not support the direction of Provincial legislation to promote affordable housing through second suites. This alternative also does not address the fact that the existing policy regime in the City of Barrie does not support affordable housing fairly across the City and may be in contravention of the Human Rights Code by zoning based on the people accommodated in the dwelling. In addition, not proceeding with amendments to the Official Plan and Zoning By-law to permit and register second suites in the Georgian Neighbourhood Study Boundary Area means that there are second suites in this area that have not been inspected by the Building Department and Fire Department and may be unsafe.

**Alternative #2** An alternative can be to proceed with waiving all of the inspection and permit fees for the registration of a second suite in addition to the registration fee of \$526.43. Additional fees are as follows: Fire Inspection of \$128.10, Property Standards Inspection of \$155.00, Zoning review of building permit of \$71.79 and Change of Use Building Permit of \$3.10 per square metre. This option is available to Council to further encourage the registration of second suites during the proposed three (3) month amnesty period.

## **FINANCIAL**

57. There are no financial implications for the Corporation resulting from the proposed recommendation. Should the restrictions on second suites in the Georgian Neighbourhood Study Boundary Area be removed there would be fees generated by the inspection and registration process for the registration of second suites.
58. The current registration fee of a second suite is \$526.43. Additional fees are as follows: Fire Inspection of \$128.10, Property Standards Inspection of \$155.00, zoning review of building permit of \$71.79 and Change of Use Building Permit of \$3.10 per square metre.
59. Planning Staff would recommend that the City offer a period following any policy changes that would waive fees to register second suites coming forward to registration for a defined period of time, as three (3) months from the date of the expiration of the appeal period for the Official Plan Amendment and Zoning By-law Amendment. The total cost of waiving the registration fees will be determined by the number of applications during this time frame. At the conclusion of the three month period, Staff will report back to Council on the number of applications received and the total cost.

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**LINKAGE TO 2018-2022 STRATEGIC PLAN**

60. The recommendation(s) included in this Staff Report support the following goals identified in the 2018 - 2022 Strategic Plan:

Fostering a Safe and Healthy City

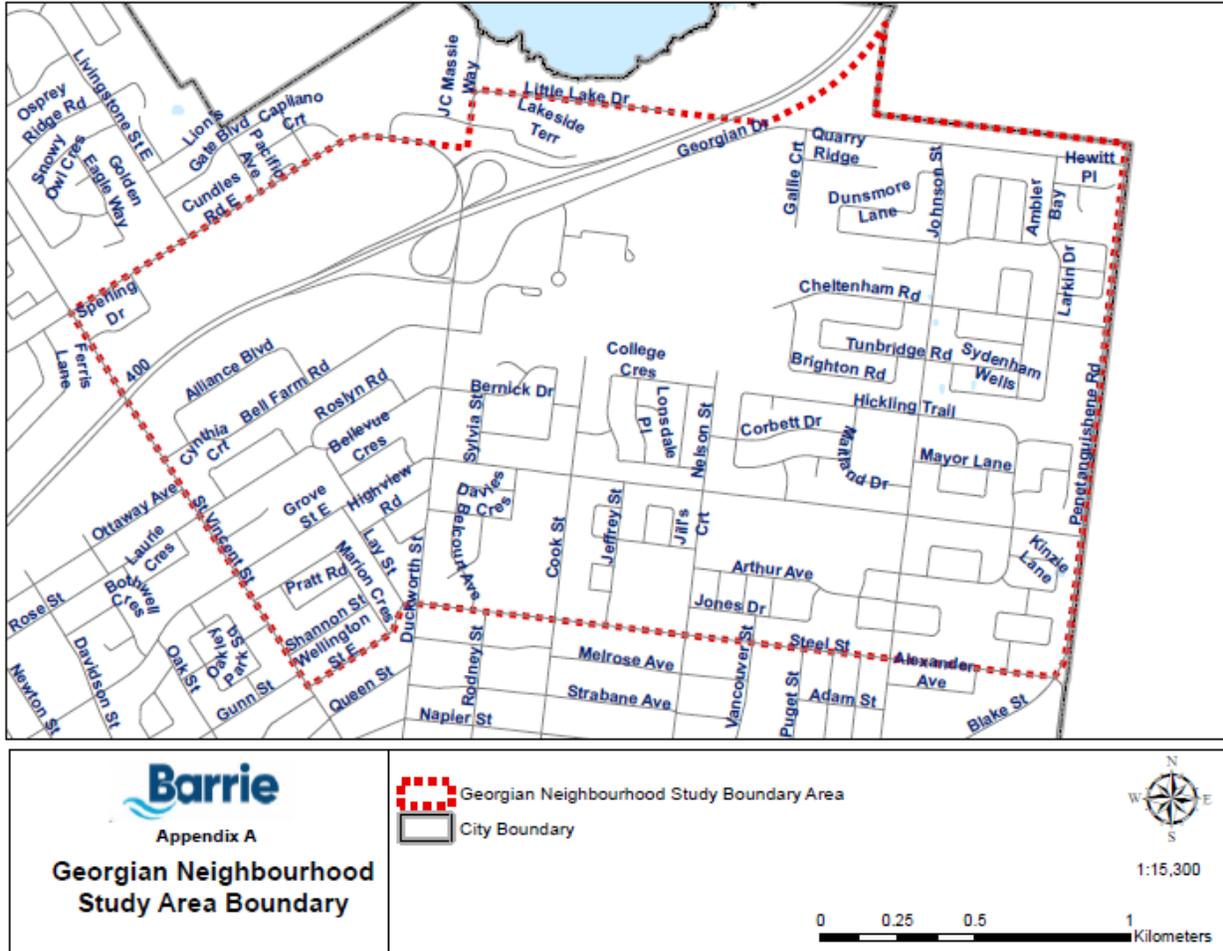
By removing restrictions on second suites in the Georgian Neighbourhood Study Boundary Area there is the ability for existing second suites to be inspected and brought up to current building code and fire code standards. This will provide safe, affordable housing options to residents in this area that would equal those the rest of the City enjoys as it relates to second suites.

Building Strong Neighbourhoods

By removing restrictions on second suites in the Georgian Neighbourhood Study Boundary Area there is the ability to recognize the need for affordable housing and providing housing options equally for residents across the City and through the public process there is the ability to identify appropriate standards to mitigate any potential impacts to neighbourhood character and provides opportunities to improve living conditions for Barrie residents.

Attachments: Appendix "A" – Map of the Georgian Neighbourhood Study Area Boundary  
Appendix "B" – Proposed Official Plan Amendment  
Appendix "C" – Proposed Zoning By-law Amendment  
Appendix "D" – Proposed Implementation Plan for Changes to Second Suite Permissions

Appendix "A" – Map of Georgian Neighbourhood Study Area Boundary



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Appendix "B" – Draft Official Plan Amendment

**Official Plan Amendment – Part B**

**PART B – THE AMENDMENT**

**DETAILS OF THE AMENDMENT**

That policy 33.2.2 (e) of the Official Plan be amended as follows:

1. That Section 3.3.2.2 (e) be replaced with the following:  
"Second Suites are permitted in single detached, semi-detached, duplex dwellings and street townhouses subject to the standards and provisions of the Comprehensive Zoning By-law. Second suites are ~~not permitted~~ **Georgian College Neighbourhood Community Improvement Plan on the basis that the City has taken significant initiatives to encourage purpose built student housing within this area in order to maintain the stability of existing neighbourhoods and minimize the impact of an undue concentration of second suites within this area. (OPA 51 By-law 2015-055)** in ~~the~~ all areas of the City to encourage affordable, safe housing".

**IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended from time to time, shall apply in this regard to this Amendment.

Appendix "C" – Draft Zoning By-law



Bill No. XXX

**BY-LAW NUMBER 2020-XXX**

**A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.**

**WHEREAS** the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 to restrict second suites in the Georgian Neighbourhood Study Boundary Area.

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted Motion 19-G-XXX.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** Schedule "A" be amended to remove the 'Georgian Neighbourhood Study Area' boundary.
2. **THAT** Appendix "D" Second Suites Exclusion (Georgian Neighbourhood Study) Area of Zoning By-law 2009-141 be deleted
3. **THAT** Section 5.2.9.1 (a) be deleted.
4. **THAT** the remaining provision of By-law 2009-141, as amended from time to time, shall apply.
5. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

**READ** a first and second time this \_\_\_ day of January, 2020.

**READ** a third time and finally passed this \_\_\_ day of January, 2020.

**THE CORPORATION OF THE CITY OF BARRIE**

\_\_\_\_\_  
**MAYOR – J. R. LEHMAN**

\_\_\_\_\_  
**CITY CLERK – WENDY COOKE**

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Appendix "D" - Proposed Implementation Plan for Changes to Second Suite Permissions

## OVERVIEW

**Name:** Implementation Plan for Second Suites in the Georgian Neighbourhood

**Date:** January 2020 start, effective following the appeal period of the Official Plan Amendment and Zoning By-law Amendment

## PURPOSE

To work together across the City and its departments to respond to changes in second suite permissions in the Georgian Neighbourhood Study Boundary Area. Previously no new second suites were permitted in this area but a recent Council decision permits second suites across the City and specifically introduces the ability to add new second suites.

There are many property owners who may wish to establish a second suite. There are many property owners who may have an existing second suite that is not registered because in the past second suites were not permitted in the Georgian Neighbourhood, unless they existed prior to 1996.

The implementation plan is to address the potential influx in new registrations based on the recent amendments to the Official Plan and Zoning By-law but will apply to all second suites in the City.

## Target Audiences and Messages

### Property Owners

- with or without second suites, those wishing to register a second suite that previously could not with the zoning restriction
- how to ensure their tenants are good neighbours and maintain high property standards
- how to deal with an investigation on your property

### Tenants

- recognizing if the unit they live in is a registered second suite and therefore meets all safety standards and City regulations
- how to be good neighbours, exploring regulations, standards and responsibilities
- how to launch an investigation if the unit is not registered / or not adhering to City by-laws

### Neighbours & Local Businesses

- How to determine if a unit is registered
- How to launch an investigation if the unit is not registered and / or not adhering to City by-laws

### City Departments

- How to prepare for new units coming on line (Staffing & Inspection expectations)  
Fee reductions (Three (3) month period, if approved)
- Enforcement procedures by giving property owners the time to register a second suite and establishing clear timelines to bring properties into compliance. Safety matters will need to be addressed immediately.
- Staff liaison group – Zoning, Building, Fire and Property Standards – joint inspections, one sheet report

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Town & Gown

- As an advisory committee to Council feedback on the implementation and communications plan and use of resources at their disposal, connections and communication channels

Georgian College

- To ensure students live in safety but that they are also good neighbours

Industry – BDAR, BCA, planning & building contacts

- Process to register

**Key Messages**

Register your second suite for safety

Keep your property clean and tidy for the entire neighbourhood

City is here to help, but we will be enforcing

Details of any Fee waiving [If approved by Council]

**Communications Plan**

A communications plan has been developed and will be implemented throughout 2020. Communications and marketing tactics will include online engagement (social media posts and information posted on barrie.ca), radio ads, *This Week in Barrie* (Barrie Advance) placement, digital monitors in City of Barrie facilities and other initiatives.

**Registration Process**

Should the amendments be approved, due to an anticipated increase in demand to register second suites in the Georgian Neighbourhood, the City will establish a cross functional task force composed of: Zoning, Building, Fire and Property Standards officials. The intention, where practical, would be to have joint inspections of new second suites. This would result in fewer inspection appointments for applicants and would ensure all of the City standards and code requirements are identified at the start of the registration process.

Pre-Existing Second Suites, i.e. Pre-1994 “grandfathered” second suites

A Pre-1994 second suite has been able to continue to register in the Georgian Neighbourhood area even with the zoning restriction in place if the second suite has been continuously in place prior to 1994.

In some instances, documents held by the City of Barrie may demonstrate that the second suite was not continuously in existence since 1994, i.e.) the second suite was removed at some point in time. In this instance the City considers the second suite a new unit and subject to the “New Second Suites” or “Existing un-registered Second Suites” process.

Process is unchanged, apply for a second suite with evidence of a pre-existing unit, required inspections and final registration for units created prior to 1994.

New Second Suites

The usual process for a new second suite through applying for a change of use building permit would be followed.

Existing Un-registered Second Suites – NOT Pre-1994

For units that are existing yet unregistered, the process will follow the usual registration process for new second suites through the application of a change of use building permit.

*Proposed Amnesty Period* – for those property owners applying to register an existing unit, they can do so without the prospect of enforcement so long as they move through the registration process and make any required improvements to meet current Codes and standards. The City will be reasonable in this approach and depending on the complexity of the improvements required and will work with the property owner to bring the property into compliance within a reasonable amount of time, such as six months from the date of application. If

after six months if the second suite is not registered the City can commence enforcement on the unregistered second suite.

The Amnesty Period relates to enforcement against having a second suite that is not registered and is not an amnesty as it relates to not meeting current safety standards and Codes. The expectation is that safety matters will be dealt with immediately after identification with the inspections team.

After initial inspections, property owners must be prepared to move forward to perform the work required to bring the second suite up to standards and code. The nature and scope of any work will be identified at the outset, along with agreed upon timelines for compliance. These timelines must be met, however, will vary based on the scope and extent of work required. Failure to proceed with the work will result in enforcement action to remove the unit, fines and penalties will apply.

### **Enforcement**

As part of enforcement of un-registered second suites as well as zoning, property standards and building infractions, the City has always enforced on a complaints basis.

While this approach will remain the most common way complaints are received, City enforcement staff can take a more proactive approach to enforcement, in particular in 2020, as the first year of this change to second suites in the Georgian Neighbourhood. But following 2020, the effectiveness of this approach will be evaluated and considered in the overall enforcement staffing review as provided to Council in early 2020 and will be considered across the City and not specifically in the Georgian Neighbourhood.

The City will actively enforce the by-laws and standards as those properties with repeat violations may have their registration revoked.

### **Revoking Registration**

Amendments proposed to the City's Second Suite By-law stipulates that the registration of any second suite can be revoked if the current City standards and By-laws are not met. The City will be diligent in revoking the registration of second suites with repeated enforcement matters in accordance with the following:

- a) 3 infractions (complaints where one investigated an infraction has been found, not complaints that were investigated and no violations found) within a one year period and a warning shall be issued to the property owner
- b) 2 additional infractions (complaints where one investigated an infraction has been found, not complaints that were investigated and no violations found) within the same one year period will result in the registration of the second suite being revoked.
- c) If a registration is revoked, the owner shall be required to remove the second suite or complete the registration process again. Should the owner do neither action they will be subject to enforcement fines and penalties.

### **Owners Acknowledgement & Tenant Package**

Prior to the registration of a second suite the owner shall sign an Owner's Acknowledgment outlining the standards for the second suite and that violations will be enforced and penalized and registration may be revoked. The Owner's Authorization will require the Owner to provide information to the tenant about City standards and how to be a good neighbour.