

Date: December 6, 2022
Prepared by: Greg Whitfield
Prepared for: City of Markham Committee of Adjustment
Subject: Bill 23 Impacts on Additional Dwelling Unit Requests

This briefing provides an overview of the impacts the passing of Bill 23 has on requests for additional dwelling units as it relates to the Committee of Adjustment (CoA).

BACKGROUND

PROVINCIAL POLICIES

More Homes, Built Faster Act, 2022

The *More Homes, Built Faster Act, 2022, S.O. 2022 – (Bill 23)* received Royal Assent on November 28, 2022. Portions of Bill 23 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended* (The Act), to limit the authority of municipalities to pass a by-law under Section 34 of The Act that would prohibit the use of additional dwelling units within a detached house, semi-detached house or rowhouse, or within a structure ancillary to a detached house, semi-detached house, or rowhouse. These amendments also limit the authority to pass a by-law which would regulate the floor area of additional dwelling units, as well as requirements for more than one parking space to be provided in connection with additional dwelling units.

OFFICIAL PLAN AND ZONING

Zoning Provisions

City of Markham by-laws generally do not permit additional dwelling units within a detached, semi-detached or rowhouse dwelling as-of-right, necessitating the need for owners and applicants to seek approval from the CoA. The implications of Bill 23 eliminate the need for variance approvals related to requests for additional dwelling units in specific instances, as outlined under [Section 35.1](#) of The Act, without requiring a formal amendment to the in force Zoning By-law.

Zoning standards including, but not limited to, height, lot coverage, setbacks, depth, or standards for ancillary buildings or structures containing a dwelling unit shall continue to apply, as required, in the prevailing By-laws.

COMMENTS

While approval to allow an additional dwelling unit(s), as outlined above, will no longer require approval from the CoA, owner's will still be required to obtain a building permit which ensures the unit(s) comply with Building Code and Fire Code Regulations. Compliance with the Building Code includes, but is not limited to: ensuring sufficient natural light is provided to living and bedrooms;

ensuring there is proper egress or exiting in the event of an emergency; and, ensuring there is proper fire separation between dwelling units.

In addition, an approved additional dwelling unit(s) must be registered with the Fire Department prior to the occupancy of the unit.

NEXT STEPS

For applications scheduled on the December 7th and December 14th Committee of Adjustment hearings that include a request for additional dwelling units, Committee will not be required to make a decision on the additional dwelling unit permission. Committee may also not be required to make a decision on an associated reduction in parking if the proposed number of spaces complies with the City's zoning by-law, and the *Planning Act* under Bill 23.

Committee may still be required to render decisions on applications where other deficiencies not addressed by Bill 23 still exist under the zoning by-law.

Staff will provide guidance to Members and the Public at upcoming meetings as to which applications will no longer require consideration.

PREPARED BY:

A handwritten signature in black ink, appearing to read 'D. Whitfield'.

Greg Whitfield, Supervisor, Committee of Adjustment

REVIEWED BY:

A handwritten signature in blue ink, appearing to read 'Brad Roberts'.

Brad Roberts, Manager, Development Facilitation Office