

APPENDIX A

A Strategy for Second Suites

Presentation to Development Services Committee
May 15, 2007

What is a Second Suite?

For the purpose of this presentation, a second suite shall be a common name for a basement apartment, an apartment in a house, an accessory dwelling unit or a second unit within a two unit house.

Two unit House means a detached house, semi detached house and rowhouse containing two residential units with each unit:

- consisting of a self contained set of rooms located within a residential structure;
- used as a residential premise;
- containing kitchen and bathroom facilities designated for the exclusive use of its occupants; and
- having a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit

Request for update on Current Strategy

March 8, 2005 Council action:
That staff from the Development Services Commission, Corporate Services Commission and Community Services Commission, provide a status report on the delivery of enhanced procedural changes for "grandfathered" two unit houses to DSC in six months time or as otherwise determined by the CAO and Commissioners

Council adopts Affordable Housing Strategy

In Feb 2003 Council endorsed Town role in support of the provision of rental and affordable housing:

- Advocacy/Partner: with senior governments, the community and the development industry in the application of supporting policy and financial initiatives
- Policy: initiatives (ie. intensification, housing mix, govt. lands inventory, a strategy for second suites)
- Financial: initiatives (ie. complementary financial incentives, surplus lands).
- Community Rental Housing Program: fast-track process

Council adopts Strategy for Second Suites

In March 2004 Request for DSC direction on preferred option for Town's Strategy for Second Suites:

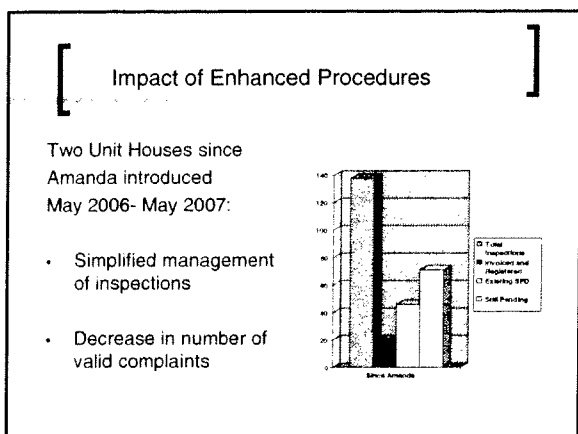
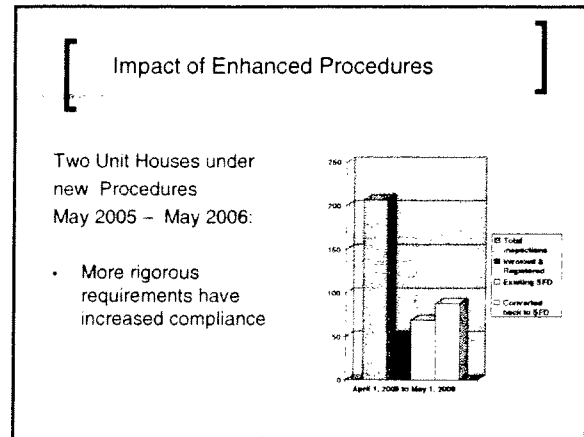
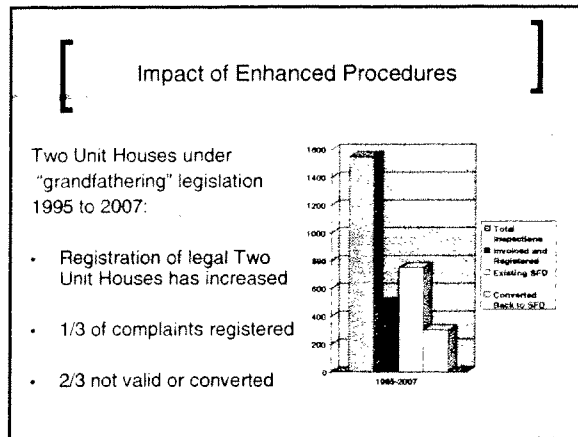
- Option 1: No new zoning provisions; enhance current procedures as a base condition.
- Building on Option 1 Procedural Enhancements:
- Option 2: New zoning provisions for certain Wards.
 - Option 3: New zoning provisions for certain Wards & Town-wide for certain new development.
 - Option 4: New zoning provisions Town-wide.

Council adopts Option 1 Base Condition as Strategy for Second Suites – Mar 2005

Delivery of Enhanced Procedures

Since March 2005:

- Fire Services designated as "Lead" Department
- Registration By-law and Declaration Form updated
- Amanda database
- New procedures for inspecting and registering "grandfathered" two unit houses only and enforcement of illegally established units
- Public information sheet
- Fire Services and By-law Enforcement resources in place



- ### Legislation and Policy Changes
- Since March 2005:
- Legislation:
- Bill 51 Planning Reforms – No appeal on zoning to permit second suites under Town's current OP policies
- Policy:
- Provincial Growth Plan and emerging Regional Growth Management Strategy encourage second suites in the built-up area to facilitate intensification
 - Front and Exterior Yard Parking in Residential Areas
 - Markham Centre and Cornell already have zoning in place to permit second suites
 - Pickering, Burlington latest to permit second suites

- ### Revisiting the Strategy Options?
- Comparing the Strategy Options:
Impact of Strategy Options on Markham Communities
PROCESS ONLY OPTION vs. TOWN-WIDE ZONING OPTION
- | | |
|---------------------------------------|--|
| - Limited Approval Process | - Standard Approval Process |
| - Inequitable Zoning | - Equitable Zoning |
| - Limited Public Information | - Public Better Informed |
| - Unreported/illegal suites | - Opportunity for legal suites |
| - Potential life safety issues | - Life Safety aspects improve |
| - Development Standards not addressed | - Development Standards updated and maintained |

- ### Building on Strategy for Second Suites
- If Council were to consider zoning to permit second suites there are previously identified issues that need to be addressed:
- Life Safety
 - Customer Service
 - Standards and Use of Housing Stock including absentee landlords, adequate parking, property standards, contribution to intensification, etc.
 - Provision of Rental and Affordable Housing
 - Impact on Resources

Moving Forward Strategy for Second Suites

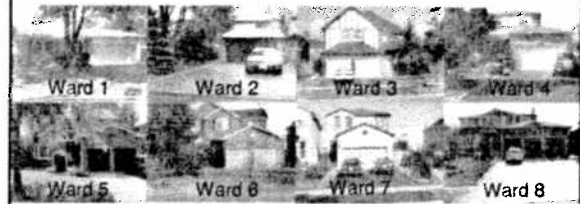
Council direction required on either:

- Maintaining current Strategy of enhanced procedures for "grandfathered" two unit houses and request staff to provide status report updates to DSC as required

OR

- Building on the current Strategy by considering options for a Strategy that would apply zoning provisions for second suites Town-wide and request a Subcommittee of DSC and staff to report back on Strategy including involvement of the community in public open houses and/or workshops

A Strategy for Second Suites



Discussion

Defining Affordability?

- CMHC, the Federal Governments housing agency defines affordable housing as, "that which is of appropriate size and having adequate facilities where no more than 30% of the individual's or family's household income is required to manage its housing costs." This definition is the benchmark used by academics, government and industry.
- Definition based on "gross" not "net" income

Applying Affordability Guideline

For Purchasing Affordable Housing:

- CMHC recommends a household limit of no more than 30% of gross income should be spent on annual household expense relating to payment of principal, interest and taxes, excluding utilities

For Rental Affordable Housing:

- CMHC recommends a household limit of no more than 30% of gross income should be spent on annual rent, excluding utilities

"Affordable Rental Housing" Defined

Affordable Housing Rental Housing:

- CMHC defines it as the average rent for a unit type, exclusive of utilities, in the area municipality in which it is located

CMHC Avg Market Rent Markham – Oct 2006

Bachelor	\$621 (\$625 – Oct 2005)
1 Bedroom	\$924 (\$903)
2 Bedroom	\$1083 (\$1037)
3 Bedroom	\$1249 (\$1218)
All units	\$1019 (\$ 975)

* York Region Municipal Housing Facilities By-law definition of Affordable Rental housing is based on the CMHC Avg rent, inclusive of utilities but exclusive of parking, telephone, cable and other similar fees, for that unit type in the area municipality in which it is situated

APPENDIX “B”

HIGHLIGHTS OF PROCEDURAL CHANGES FOR TWO UNIT HOUSES

- Updated Two Unit House Declaration Form
- Amendment to Town’s Registration By-law for Two Unit Residential Occupancies
- New Public Info Sheet – A Guide to Inspection/Registration of Two-Unit Houses
- New Fire Services Inspection Procedures Flowchart
- New Fire Services Complaint Validation Checklist
- New Fire Services Single Family Dwelling Declaration

HIGHLIGHTS OF POLICY CHANGES FOR SECOND SUITES

- Excerpts from Bill 51 (An Act to amend the Planning Act and the Land Conservation Act and to make related amendments to other Acts)

TWO UNIT HOUSE DECLARATION

Address of Property with Two Unit House _____

Dwelling Type: ☐ Detached House ☐ Semi-Detached House ☐ Rowhouse

Two Unit House means a detached house, semi detached house and rowhouse containing two residential units with each unit:

- consisting of a self contained set of rooms located within a residential structure;
- used as a residential premise;
- containing kitchen and bathroom facilities designated for the exclusive use of its occupants; and
- having a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

I, _____ of _____ DO SOLEMNLY DECLARE THAT:
(name of declarant) address of declarant)

1. Two residential units were in existence on the property at the above noted address on November 16, 1995.

2. On _____ I was:
(day/month/year)

- ☐ the registered owner of the property with the two unit house
- ☐ the tenant of the second residential unit
- ☐ the contractor who completed the construction of the second residential unit
- ☐ the lawyer involved with the title history search for the property with the two unit house
- ☐ the mortgage holder who dealt with mortgage for the property with the two unit house
- ☐ the insurance broker who dealt with policy for the property with the two unit house
- ☐ the independent property assessor who assessed the property with the two unit house
- ☐ the real estate agent involved with previously listing the property with the two unit house
- ☐ other _____
(give details)

3. In support of this declaration, I am submitting one or more of the following pieces of evidence as further proof of the existence of the two unit house at the above noted property on November 16, 1995:

- ☐ a cancelled rent cheque or receipt for cheque for the two unit house
- ☐ a lease or rental contract for the two unit house
- ☐ an income tax return showing source of income from the two unit house
- ☐ a utility bill or meter hook up for gas, hydro, phone service related to the two unit house
- ☐ a receipt for contractor's service charge for construction of the second residential unit
- ☐ a photograph, video or real estate listing of the two unit house with date reference
- ☐ a Town record of permit and/or inspection of the two unit house either by request or complaint
- ☐ other _____
(give details)

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY

BELIEVING IT TO BE TRUE, AND KNOWING THAT IT IS OF THE SAME

FORCE AND EFFECT AS IF MADE UNDER OATH

DECLARED before me at the _____
_____ of _____,
in the _____ of _____, this
_____ day of _____, 200____.

Signature of Declarant

Print Name of Declarant

A Commissioner for taking affidavits, etc.



BY-LAW 2006-79

A BY-LAW TO AMEND BY-LAW NO. 308-97, BEING A BY-LAW TO PROVIDE FOR THE REGISTRATION OF TWO-UNIT RESIDENTIAL OCCUPANCIES

WHEREAS Section 167 of the Municipal Act, 2001 provides that a municipality may pass by-laws providing for the registration of residential units in houses;

AND WHEREAS The Corporation of the Town of Markham wishes to amend the by-law definitions, the by-law application, and the inspection requirements prior to registration, to maintain consistency with provincial legislation, including the *Municipal Act, 2001*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That By-law 308-97 be amended to delete the definitions of "dwelling unit" and "two unit house" and replace with the following:
 - "(b) "residential unit" means a unit which,
 - (i) consists of a self contained set of rooms located in a building or structure;
 - (ii) is used as a residential premise;
 - (iii) contains kitchen and bathroom facilities that are intended for the use of the unit only;
 - (iv) is used as a single housekeeping unit, which includes a unit in which no occupant has exclusive possession of any part of the unit; and
 - (v) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.
 - (e) "two unit house" means a detached house, semi-detached house or a rowhouse which contains two residential units."
2. That By-law 308-97 be amended to replace section 2 with the following:
 - "2. This by-law applies to a detached house, two unit house, semi detached house or rowhouse, containing two residential units where permitted by Section 76 of the Planning Act, as amended."

3. That By-law 308-97 be amended to replace subsection 4(1) with the following:

"4.(1) every residential unit in a two unit house shall be inspected to ensure that it complies with all relevant standards determined to be applicable, as set out in:

- (a) the Ontario Building Code;
- (b) the Ontario Fire Code;
- (c) the Fire Protection & Prevention Act;
- (d) the applicable Zoning By-law; and
- (e) the Property Standards By-law

all as amended from time to time."

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
11TH DAY OF APRIL, 2006.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR



2002-283

**A BY-LAW TO AMEND BY-LAW 308-97
BEING A BY-LAW TO PROVIDE FOR THE REGISTRATION OF
TWO-UNIT RESIDENTIAL OCCUPANCIES
(TO DELETE FEE SCHEDULE "A")**

Whereas the Municipal Act, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;

And whereas the Town of Markham has enacted a Fee By-law 2002-276 to set fees or charges for services or activities provided by or done on behalf of it;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
ENACTS AS FOLLOWS:

1. That By-law 308-97 be amended to delete Schedule "A" attached thereto in its entirety.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
10TH DAY OF DECEMBER, 2002.

TOWN CLERK

MAYOR

MARKHAM

BY - LAW

308-97

BY-LAW FOR REGISTRATION OF TWO-UNIT RESIDENTIAL OCCUPANCIES

WHEREAS s. 207.3(2) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the municipality to pass by-laws providing for the registration of residential units in houses;

NOW THEREFORE the Council of The Corporation of the Town of Markham enacts as follows:

1. DEFINITION

- (a) "detached house" means a single residential structure which contains not more than two dwelling units.
- (b) "dwelling unit" means a room or suite of rooms operated as a housekeeping unit that is used or intended to be used as a domicile by 1 or more persons and that may contain cooking, eating, living, sleeping and sanitary facilities.
- (c) "row house" means a residential structure which,
 - (i) is one of a group of three or more horizontally attached residential structures and
 - (ii) is separated vertically from one or two of the other structures by common walls which do not provide for internal access from the living space in one structure to another.
- (d) "semi-detached house" means a residential structure which,
 - (i) is one of two horizontally attached residential structures, and
 - (ii) is separated vertically from the other residential structure by a common wall which does not provide for internal access from the living space in one structure to the other.
- (e) "two unit houses" means a residential structure where,
 - (i) the building is 3 storeys or less in building height;
 - (ii) the building area does not exceed 600m²; and

- (iii) one dwelling unit or a portion of a dwelling unit is situated above another dwelling unit or two dwelling units side by side share a common interior means of escape.
- (f) "Chief Fire Official" means the Municipal Fire Chief or a member or members of the fire department designated by the Municipal Fire Chief or a person appointed by the Fire Marshal under Subsection 1.1.9. of Ontario Regulation 454/90 The Ontario Fire Code as amended.

2. APPLICATION

This by-law applies to a detached house, semi-detached house or a row house containing 2 dwelling units, where

- (a) the building is 3 storeys or less in building height;
- (b) the building area does not exceed 600 m²; and
- (c) one dwelling unit or a portion of a dwelling unit is situated above another dwelling unit, or two dwelling units side by side share a common interior means of escape.

3. PROHIBITION

No person shall occupy or permit the occupancy of more than one dwelling unit in a detached, semi-detached or row house unless the house is registered as required by this by-law.

4. REGISTRATION

Every person who intends to occupy or permit the occupancy of more than one residential unit in a house shall ensure that the house is registered as a two unit house as required by this by-law.

Prior to registration:

- (1) every dwelling unit in a two-unit house shall be inspected to ensure that it complies with all relevant standards, set out in (a) the Ontario Building Code, and (b) the Fire Code;
- (2) the owner shall ensure that every dwelling unit in a two-unit house complies with all relevant standards, as set out in subsection 4(1);
- (3) the owner shall pay a one-time, non-refundable registration fee together with the applicable inspection fees, as set out in Schedule A to this by-law.

5. REFUSAL AND REVOCATION

The Fire Department may refuse to register any dwelling unit which does not meet the requirements set out in this by-law.

The Fire Department may revoke the registration of any dwelling unit which, at any time after registration, ceases to meet the requirements set out in this by-law and the Ontario Fire Code as amended.

The onus of proving that a dwelling unit meets the requirements set out in this by-law is on the owner of the dwelling unit.

6. NOTIFICATION OF REVOCATION

- (1) Where the Chief Fire Official revokes the registration of a dwelling unit, he/she shall notify the Owner of the two-unit house of such revocation, and provide a brief explanation of the reason for the revocation.
- (2) Notice may be sent by regular mail to the address of the house.

7. REGISTRAR

- (1) The Chief Fire Official of the Fire Department is hereby appointed as registrar for the purposes of this by-law.
- (2) The Chief Fire Official may designate such persons as are necessary to administer this by-law.

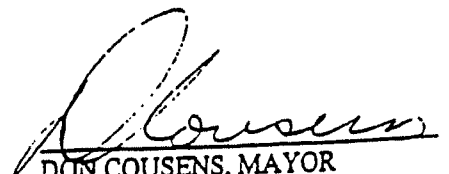
8. OFFENCE

Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
28TH DAY OF OCTOBER, 1997.



BOB PANIZZA, TOWN CLERK



DON COUSENS, MAYOR

SCHEDULE 'A' TO BY-LAW 308-97

- **INSPECTION FOR COMPLIANCE AND**
- **ALL SUBSEQUENT INSPECTIONS** **\$300.00**
- **REGISTRATION FEE (ONE TIME CHARGE)** **\$150.00**

PLUS ALL APPLICABLE TAXES
THE FEE IS TO BE PAID TO THE TOWN OF MARKHAM

A GUIDE TO THE INSPECTION AND REGISTRATION OF TWO-UNIT HOUSES IN MARKHAM

Life Safety is the First Concern

Having a private living space within another dwelling is sometimes a choice for extended families, or for those who find it helpful to have extra income in the form of rent. These residences are referred to as “two-unit houses” – and they are generally not permitted in the Town of Markham, except in specific instances where the zoning permits them, or where the owner can prove the two-unit house was in existence on or before November 16, 1995 and is “grandfathered” under provincial legislation Bill 20.

In the interest of life safety, to ensure that dwellings comply with applicable provisions of building and fire codes, the Town of Markham has established procedures for the inspection and potential registering of legally established two-unit houses.

If you own an existing two-unit home, are in the market to purchase a home with two units in it, or you intend to renovate or repair an existing second unit within your home, it is in your best interest to consider all the necessary safety aspects, and arrange for the inspection and registration of your two-unit house.

■ WHAT IS A TWO-UNIT HOUSE?

In the Town of Markham, a two-unit house means a detached house, semi-detached house or a rowhouse containing two residential units. A residential unit consists of a self-contained set of rooms located in a building or structure that is used or can be used as a unit. A residential unit contains kitchen and bathroom facilities designated for the exclusive use of the unit, and has a means of exit from the building (which may be through another residential unit). A common example is a basement apartment.

■ WHY DO I HAVE TO REGISTER MY TWO-UNIT HOUSE?

Town of Markham By-law 308-97 requires registration. The by-law states “every person who intends to occupy or permit the occupancy of more than one residential unit in a house shall ensure that the house is registered as a two-unit premises as required by this by-law.” Accordingly, these dwelling units must be inspected by the Town to ensure compliance with all applicable codes and standards. The process is designed to protect you as the owner, as well as the inhabitants of the two-unit home from unnecessary hazards. Registration of your two-unit house legalizes its existence and ensures your home complies with all applicable codes and standards.

■ IS THERE A FEE FOR REGISTERING MY TWO-UNIT HOUSE?

Yes. The fee for the initial inspection by the Fire Department is \$300. The fee for registering the two-unit house is \$150.

■ WHAT IF I DON'T REGISTER MY TWO-UNIT HOUSE?

Occupying a two-unit house without registering it may result in court action and fines against the owner of up to \$50,000 per charge. Owners have a legal obligation to ensure the safety of all of the inhabitants of the home.

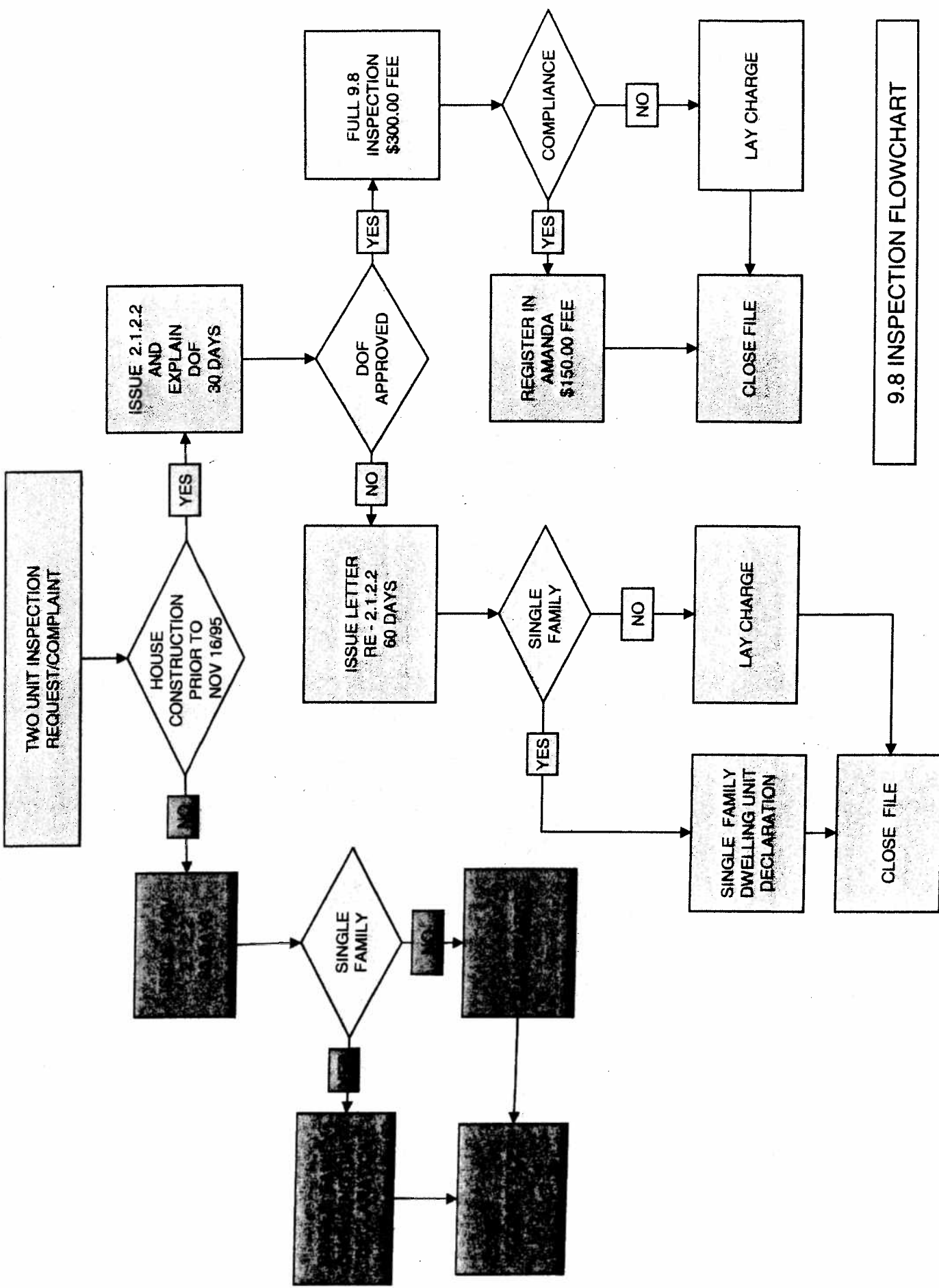
■ HOW CAN I REGISTER A TWO-UNIT HOUSE?

The ideal situation is for a two-unit house landlord/owner or tenant (someone who can authorize entry) to volunteer for the inspection and registration. Alternatively, the house may be inspected as the result of a complaint from tenants, neighbours, concerned citizens, relatives of the tenant, or government agencies.

■ TO REGISTER A TWO-UNIT HOUSE:

1. If you are the owner of a two-unit house and haven't already registered your home, you must contact Markham Fire and Emergency Services at 905-415-7521 to arrange for an inspection. The fee for this inspection is \$300.
2. Prior to their inspection, Fire and Emergency Services will consult with internal departments to determine whether the second unit may be entitled to grandfathering provisions under Bill 20 legislation or permitted as of right under the relevant Town's zoning by-law. Second suites that are not permitted in either case must be removed. Alternatively, the owner may make an application for an amendment to the zoning by-law. The fee for a zoning by-law amendment is \$7,800.
3. To be eligible for grandfathering under Bill 20 legislation, the owner must prove that the second suite existed on or before November 16, 1995. To do this, the owner must complete a "Two-Unit House Declaration" form and provide sufficient evidence that the unit existed prior to that date. Some examples of sufficient evidence that the owner may submit include cancelled rent cheques or lease agreements between the owner and tenant.
4. During the Fire and Emergency Services inspection, the Fire Prevention Officer will review all pertinent codes and by-laws and provide the owner with a copy of the "Two-Unit House Declaration" form. They may also refer certain items to the Building Standards Inspections Section where matters governed under the Building Code Act may need to be addressed. The "Two-Unit House Declaration" form is also available online at www.markham.ca.
5. The "Two-Unit House Declaration" form must be completed by the owner and submitted to the Clerks Department along with the evidence noted above. The declaration form and evidence will be considered by the Zoning Division of Building Standards. Where the evidence is acceptable, the Zoning Division will advise Fire and Emergency Services accordingly and the two-unit house will be considered 'grandfathered'.
6. If the units comply with the Fire Code, a letter of Fire Code compliance will be issued. If there are contraventions or discrepancies, the Officer will complete a Notice of Violation or an Inspection Order. Applicable matters governed by the Building Code Act must also be resolved.
7. Each Department will set compliance time periods, and will conduct re-inspections to confirm compliance when indicated on the Notice of Violation. The Town of Markham can proceed with court action if the owner fails to comply. Court action may result in fines up to \$50,000 per charge.
8. When and if your two-unit house fully complies with the Fire Code, the Building Code where applicable, and the Town's Zoning By-law and Property Standards By-law, the two-unit house can be registered subject to the payment of the registration. The fee for registering a two-unit house is \$150.

The inspection and registration of two-unit houses in the Town of Markham helps ensure the safety of both owners and tenants. For more information, contact the Town of Markham at 905-715-7521, visit www.markham.ca, or 101 Town Centre Blvd., Markham L3R 9W3.



9.8 INSPECTION FLOWCHART

Complaint Validation Checklist

Evidence to support the existence of a two unit house is required prior to visiting a premise to conduct an inspection.

Complainant Name (optional): _____

Complainant Phone # (optional): _____

Address of suspected
accessory apartment _____

The complainant must provide any one (1) of the following:

- ☐ Advertisement to rent the accessory apartment (copy required)
- ☐ Real estate sign on the property advertising accessory apartment
- ☐ Has actually seen the accessory apartment
- ☐ The complainant is the tenant living in the accessory apartment
- ☐ The owner of the home is lodging the request

OR

The complainant must provide any two (2) of the following:

- ☐ Recent construction of a separate entrance
- ☐ People exclusively using the separate entrance
- ☐ Driveway recently widened
- ☐ Two or more doorbells on one door
- ☐ Two or more mailboxes
- ☐ Second hand knowledge (discussion with the tenant or owner admitting to the existence of the accessory apartment)
- ☐ Other: _____

Date: _____ Dept: _____

Employee Name: _____ Ext. _____



Markham Fire and Emergency Services
101 Town centre Boulevard
Markham, ON L3R 9W3

SINGLE FAMILY DWELLING DECLARATION

RE: _____

I declare that the above referenced property is a single-family dwelling. No areas within the dwelling unit will be used as a separate apartment. The occupants have free access to the entire dwelling. If the basement or any other area of the dwelling is to be used as an apartment in the future, I understand that a permit under the Building Code Act must be obtained prior to occupancy of a second dwelling unit.

OWNER: (print) _____
(Sign) _____

DATE: _____

WITNESS: (print) _____
(Sign) _____

DATE: _____

(One copy to be retained by owner)

Bill 51 2006**EXCERPTS**

**An Act to amend the
Planning Act and the
Conservation Land Act
and to make related amendments
to other Acts**

ROYAL ASSENT OCT 19/2006

Note: This Act amends or repeals more than one Act. For the legislative history of these Acts, see Public Statutes - Detailed Legislative History on www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**PART I
PLANNING ACT AMENDMENTS**

1. (1) Subsection 1 (1) of the *Planning Act* is amended by adding the following definition:

"area of employment" means an area of land designated in an official plan for clusters of business and economic uses including, without limitation, the uses listed in subsection (5), or as otherwise prescribed by regulation; ("zone d'emploi")

(2) Subsection 1 (1) of the Act is amended by adding the following definition:

"local appeal body" means an appeal body for certain local land use planning matters, constituted under section 8.1; ("organisme d'appel local")

(3) Subsection 1 (1) of the Act is amended by adding the following definition:

"provincial plan" means,

(a) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005*,

(b) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*,

(c) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*,

(d) a development plan approved under the *Ontario Planning and Development Act, 1994*,

(e) a growth plan approved under the *Places to Grow Act, 2005*, or

(f) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made or approved by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario; ("plan provincial")

(4) Subsection 1 (1) of the Act is amended by adding the following definition:

(19.4) If subsection (19.3) applies and the plan is being revised under section 26 or amended in relation to a development permit system,

(a) the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the proposed amendments; and

(b) if a public meeting is also held, the open house shall be held no later than seven days before the public meeting.

Information

(19.5) At a public meeting under clause (15) (d), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (24) and (36).

Where alternative procedures followed

(19.6) If subsection (19.3) applies, the information required under subsection (19.5) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of the proposed amendments.

(3) Subsection 17 (21) of the Act is amended by adding "and material" after "information".

(4) Subsection 17 (24) of the Act is repealed and the following substituted:

Right to appeal

(24) If the plan is exempt from approval, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Municipal Board by filing a notice of appeal with the clerk of the municipality:

1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. The appropriate approval authority.
4. In the case of a request to amend the plan, the person or public body that made the request.

No appeal re second unit policies

(24.1) Despite subsection (24), there is no appeal in respect of official plan policies adopted to permit the erecting, locating or use of two residential units in a detached house, semi-detached house or rowhouse situated in an area where residential use, other than ancillary residential use, is permitted.

Exception

(24.2) Subsection (24.1) does not apply to an official plan or official plan amendment adopted in accordance with subsection 26 (1).

Same

(16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed.

Same

(16.2) When a prescribed condition is imposed under subsection (16),

(a) the municipality may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition;

(b) the agreement may be registered against the land to which it applies; and

(c) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

(8) Section 34 of the Act is amended by adding the following subsection:

City of Toronto

(16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto.

(9) Subsection 34 (17) of the Act is amended by striking out "the meeting mentioned in subsection (12)" and substituting "the public meeting mentioned in subclause (12) (a) (ii)".

(10) Subsection 34 (19) of the Act is repealed and the following substituted:

Appeal to O.M.B.

(19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the *Ontario Municipal Board Act*:

1. The applicant.
2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
3. The Minister.

No appeal re second unit policies

(19.1) Despite subsection (19), there is no appeal in respect of a by-law that is passed to permit the erecting, locating or use of two residential units in a detached house, semi-detached house or rowhouse situated in an area where residential use, other than ancillary residential use, is permitted.

(11) Subsection 34 (23) of the Act is repealed and the following substituted: