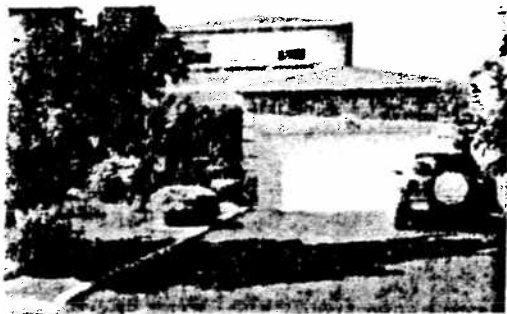


## **Appendix D:**

### **Frequently Asked Questions**



# Markham's Proposed Policy for Second Suites

## FAQ'S Frequently Asked Questions



## **General facts about second suites and Markham's current policy**

### **What is a second suite?**

A second suite is a common name for a basement apartment, an accessory apartment or another form of secondary residential unit in a house that contains no more than one other unit.

A second suite:

- consists of a self contained set of rooms that can be used as an independent unit;
- contains kitchen and bathroom facilities designated for the exclusive use of the unit;
- has a means of access that may be separate or shared with the other unit; and
- can be installed on any floor of a house.

A second suite is a single self contained (with a locked door) additional unit to a house and is *not* considered part of a rooming, boarding or lodging house, where multiple households share kitchen and bathroom facilities.

To be considered legal, a second suite must be permitted in the Town's zoning by-law and inspected and registered under the Town's Registration By-law.

### **What are the benefits of second suites?**

Second Suites:

- add to the stock of private rental accommodation
- provide rental housing opportunities for small households including young adults, seniors, etc.
- provide homeowner with a greater sense of security by having another person living in the home
- provide rental income to homeowners and flexibility to offset ownership and maintenance costs
- have less physical and visual impact on neighbourhoods than apartment buildings
- contribute to the "sustainability" of the existing housing stock and service delivery in Markham

### **What authority does the Town have in controlling or regulating second suites?**

The Town's control over second suites is limited by provincial legislation to zoning standards, certain building types, development, property and safety standards and registration requirements.

The Town has authority to establish:

- where second suites shall be permitted in the Town and in what type of dwellings;
- development standards such as minimum unit size, parking standards, external appearance of main dwelling, etc.;
- Building Code (where applicable) and Fire Code and Property Standards By-law Requirements; and
- inspection and registration requirements (ie. a Registration By-law for second suites can increase landlord accountability for compliance with Codes and By-laws).

### **Where are second suites currently permitted in Markham?**

The Town of Markham Official Plan permits second suites in single detached and semi-detached houses provided zoning to permit second suites is in place.

Houses with second suites are generally *not* permitted in Markham except where:

- the zoning is in place (eg. Markham Centre), or
- a second suite existed on November 16, 1995 and is recognized (grandfathered) as a permitted use under provincial legislation.

### **How many second suites can a homeowner add to house?**

Where permitted in Markham, a homeowner is only allowed to add one second suite to a single detached, semi-detached or row house.

### **What are the standards that currently permitted second suites have to meet?**

In general, new second suites must comply with the Ontario Building Code, and existing second suites must comply with the Ontario Fire Code. Both new and existing second suites must comply with the Town's zoning and property standards.

### **Does the Landlord and Tenant Act apply to second suites?**

Yes, second suites are covered by the Landlord and Tenants Act, except in cases where no rent is charged (eg. a unit is occupied by a family member)

### **Is there currently a requirement to register a second suite in Markham?**

In Markham, permitted second suites must be inspected and registered with the Town and comply with building and fire safety codes and zoning and property standards.

Inspection and registration may result from a request from the landlord/owner or tenant or as a result of a complaint from tenants, neighbours, etc.

Fire Services determine if a second suite is permitted by zoning and then initiate inspection of both units in the house for a fee of \$300.

When a house with a second suite fully complies with the Fire Code, Building Code (where applicable), and the Zoning By-law and Property Standards By-law, it can be registered with the Town for a fee of \$150.

### **What are the benefits of legalizing a second suite?**

The best reason to legalize a second suite is to reduce landlord/owner liability. The liability can be reduced if the homeowner:

- ensures that both units in the house meet all required fire, building and housing standards;
- makes their insurance provider aware of the second suite and enhances the insurance coverage; and
- ensures the mortgage holder is informed about the second suite.

Taking these steps will also eliminate the worry of neighbours or an unhappy tenant filing a complaint with the Town that the suite is illegal. A legal and safe second suite is likely to improve a landlord/homeowner's relationship with tenants, neighbours and the Town.

By having a second suite inspected and registered with the Town the landlord/owner will know that all requirements have been met to ensure a safe healthy home for themselves and their tenants

### **What are the risks to a landlord/homeowner of an illegal or unsafe second suite?**

**Increased Liability:** The onus is on a homeowner to meet established standards for a second suite. If anything should happen, such as a fire, the homeowner may be found liable due to the failure to meet legal requirements.

**Loss of Insurance Coverage:** Having a rental unit in your home is a material change to your home. Non-disclosure of this change of use may make your insurance coverage null and void.

**Limited recovery of damage:** An insurance policy is not typically responsible for rebuilding costs related to meeting current established standards: Your insurance company may only be required to cover the costs of fixing your home back to the state that existed at the time your policy commenced prior to any damage.

**Prosecution:** If you do not meet the Building and Fire Code and Town zoning and property standards it means that you are breaking the law. You run the risk of being charged and may face fines with a maximum penalty of \$50,000 and/or a year of imprisonment on each count.

**Financing:** Income from an illegal basement apartment may not be considered when applying for a mortgage loan.

**Tenants:** As a landlord you are obliged to maintain your basement apartment in good operating order and you must follow all fire safety laws. Tenants may apply for rent reduction where the unit fails to meet the prescribed municipal health, safety, maintenance and property standards.

**Tenant Insurance:** Your homeowner's policy will not cover property owned by a tenant.

### **Can municipalities license a second suite in a house?**

The authority of municipalities to license private self-contained dwelling units is currently before the Provincial Court system. Markham's proposed new policy for second suites does not include a licensing component.

### **Are municipalities able to require owner occupancy of one of the units in a house with a second suite?**

The provincial Planning Act does not give municipalities the power to restrict second suites to cases where the owner lives on the premises. An owner-occupancy requirement would be unworkable in practice.

## **A proposed new policy to permit second suites throughout Markham**

**Why is the Town considering wider zoning permission for second suites? What are the benefits of a wider zoning permission for second suites?**

- To maximize the opportunity for improving the life safety of the homeowner and tenants, and their neighbouring homeowners.
- To offer the highest and most equitable level of customer service to Markham residents by providing equitable zoning permission for second suites across Markham.
- To increase the accountability of landlords for compliance with regulations.
- To allow more Markham homeowners and tenants to realize the potential benefits of second suites if they choose.
- To maximize the potential use of existing and future housing stock and community infrastructure.
- To acknowledge that second suites are presently found across Markham and to ensure that proper fire safety is paramount across the municipality.

**What is the proposed new strategy for permitting second suites throughout Markham?**

A Subcommittee of Markham Council has recommended a proposed new strategy for second suites for public review and input.

The key strategy components are:

- a second suites zoning by-law
- amendments to the Town's Registration By-law and Property Standards By-law
- a comprehensive public education/communication program
- an 18 month monitoring program

**What is the proposed zoning permission for second suites in Markham?**

The new strategy for second suites proposes Town-wide zoning permission for second suites in single detached and semi-detached houses across Markham, subject to specified standards, including:

- the second suite must be secondary to the principal unit
- the second suite must meet a minimum gross floor area requirement
- the second suite shall not be conspicuous from the street or change the appearance of the dwelling or the character of the neighbourhood

**What are the driveway and parking standards that would apply to second suites?**

The Town's driveway and parking standards are a key component of the proposed strategy. A house with a second suite must comply with the driveway width standards of the Town's Extended Driveway By-law and the Parking Space requirements of the Town's Parking Standards By-law.

The Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage. The maximum driveway width is equal to the greater of:

- i) the garage door width plus 2.0 metres, provided:
  - a) in the case of a lot with a lot frontage less than 10.1 metres, a minimum 25% soft landscaping is provided in the front or exterior yard in which the driveway is located; and
  - b) in the case of a lot with a lot frontage 10.1 metres or greater, a minimum 40% soft landscaping is provided in the front or exterior side yard in which the driveway is located; or
- ii) up to 6.1 metres, provided a minimum 40% soft landscaping is provided in the front or exterior side yard in which the driveway is located.

### **Why amend the Town's Property Standards By-law?**

The Town currently does not regulate internal property standards but instead has an arrangement with the Ministry of Municipal Affairs and Housing to complete internal property standards inspection.

Amending the Town's Property Standards By-law to incorporate new internal property standards will allow Town staff to better regulate property standards as they relate to second suites and in particular, the activities of absentee landlords.

### **Why amend the Town's Registration By-law for Second Suites?**

There is a concern that once a house with a second suite is inspected and registered with the Town, building and fire safety codes and zoning and property standards may not continue to be upheld, particularly if there are absentee landlords or new owners unaware of the registration requirements,

By amending the Town's Registration By-law to:

- require re-inspection and registration renewal (every 3 years or upon change in property ownership)
  - revoke any registration where the property is not in compliance with the registration by-law
- the opportunity for improving life safety of residents in houses with second suites is maximize and the accountability of landlords for compliance with building and fire safety codes is increased .

### **What are the benefits of a public education/communications program on second suites?**

A public education program will increase public knowledge of second suites by:

- educating residents about second suites and the benefits of registration
- provide information on how to register a second suite and comply with building and fire safety codes and zoning and property standards
- promote the method for registering second suites (including a one year incentive program that would waive fees for a landlord/homeowner who voluntarily requests inspection and registration of a house with a second suite)
- promote life safety and encourage compliance

The public education/communication program may include media announcements of legislative changes, public information posted on the Markham website, a public information brochure and promotion of public information via newsletters, homeowner information packages, postings in community centres and libraries to ensure the highest and most equitable level of customer service to Markham residents.

### **Why introduce a monitoring program?**

It is recognized that the success of any proposed new strategy for second suites will be reliant on an effective monitoring program to track, among other things:

- voluntary inspection and registration of second suites including the effect of the one year' incentive program;
- internal property inspections;
- the registration renewal program; and
- whether there is a need for introducing a licensing program in the future

It is proposed that the monitoring program should be established for a period of 18 months if the new strategy is adopted to monitor the implementation of the strategy and report on any further changes required to the strategy.

### **What opportunities are there for the public to provide comment on the proposed new strategy for second suites?**

There are several opportunities for public input on Markham's proposed new strategy for Second Suites:

- attend an open house/presentation on April 16<sup>th</sup>, 2008 at the Markham Civic Centre (6-8:30pm) and participate in the discussion or fill out a comment sheet
- logon on to the Markham website and submit your comment electronically
- contact Town staff or members of the Subcommittee on Second Suites by phone or email
- attend a future Development Service Committee Public Meeting (date to determined in future) and provide a deputation or written submission



## **Responding to common concerns with permitting second suites**

### **"Second suites are going to change my low density single family residential neighbourhood"**

#### **Will zoning permission for second suites change the concept of single family neighbourhoods?**

The concept of single family housing, or a single family neighbourhood, was commonplace at one time when some municipalities attempted to control residential occupancy through zoning restrictions on the number of persons, or their relationship to each other. Court decisions and provincial legislation now prevent municipal control over who may choose to form a household and live in a dwelling, and there is a clear distinction between a dwelling unit and the living arrangements of the people who occupy it.

In addition, the evolving demographics of Canadian Society reflect an ever-widening range of household preferences, in terms of residents' personal relationships and their choices in how they organize their living arrangements. Many new forms of dwellings have emerged to respond to new housing needs and preferences, including the use of existing dwellings to accommodate different household arrangements. Second suites are one such response.

The choice to introduce a second suite into an existing dwelling will continue to be the owner's decision, not the result of whether the suite is permitted or not.

#### **Will the introduction of zoning to permit second suites result in a sudden influx of additional residents that will overwhelm my single family residential neighbourhood?**

Where municipalities have permitted second suites as-of-right in single family residential neighbourhoods there is no evidence to suggest that they have experienced a deluge of second suite requests or experienced any significant problems in any given neighbourhood.

The Town did not experience any significant problems when second suites were permitted as-of-right throughout the Province under Bill 120 legislation between 1994-1996.

Where second suites are not permitted by zoning, many second suites have gone unreported, most blending into the physical appearance of neighbourhoods in the Town. In view of this fact, it is not expected that new zoning provisions to permit second suites will result in an overwhelming demand for second suites, but rather an incremental increase in existing suites being inspected and registered and new suites being created over time. Zoning to permit second suites neither creates market demand nor dictates timing of homeowner decisions to introduce second suites.

#### **Will the introduction of zoning to permit second suites increase the density of dwelling units (i.e. allow two unit households) and have a negative impact on my neighbourhood?**

Low density residential neighbourhoods in Markham are generally designed to accommodate a mix of dwelling types, controlled and limited in order to achieve the desired low density character. Experience in other municipalities has shown there is no noticeable change before and after a second suite by-law. Even a small increase in dwelling units attributed to second suites would not increase the density or alter the built form of existing dwellings in low density residential neighbourhoods and would have less physical impact than introducing a new apartment building.

Depending on the demographics and life cycle of the residents of Markham neighbourhoods, the average persons per unit is not expected to noticeably increase significantly as a result of second suites in comparison to increases attributed to the addition of new housing stock. Neither community groups nor government may regulate the living arrangements of Markham residents. However, a dwelling with a second suite tends to have only marginally more people than single unit dwellings since the households in second suites tend to be very smaller (seniors, young adults, singles, single parent families, etc).

The average persons per unit in Markham have been declining, and will continue to, decline over time. Generally, additional residents in second suites would offset such a decline.

**Why should I consider supporting second suites in my single family neighbourhood, which does not appear to have any second suites?**

A record of second suites identified and registered within the Town generally indicates that second suites are located in most if not all neighbourhoods throughout the Town. It is likely that second suites will continue to be present in Markham whether or not they are permitted. The Town has greater control regarding second suites, especially for safety purposes, if they are permitted.

Although concerns exist respecting aspects of second suites (ie. parking, exterior appearance); second suites occur in most if not all neighbourhoods without being generally known or identified. Second suites can be found in all Town wards.

There is no rationale to suggest that if second suites can be permitted in one single family neighbourhood they should not be permitted in another.

**“Second suites will introduce new problems into my single family neighbourhood”**

**Will second suites increase the demand for on-street parking and front yard parking resulting in parking congestion and negative effects on the streetscape and character of my neighbourhood?**

Illegal on-street parking and front yard parking on illegally extended parking pads are common problems to all Town neighbourhoods and are a function of the manner in which communities respond to development standards and/or property standards rather than a necessary characteristic of second suites.

In June 2006, Council adopted new standards for front and exterior yard parking to address:

- concerns about excessive width of driveways
- the impacts of front and exterior yard parking on the character of a dwelling and a neighbourhood

The Town's new Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage.

It is recognized that any policy to permit second suites must not contribute to neighbourhood parking problems. For this reason, second suites should only be permitted where there is sufficient on-site parking to accommodate storage of automobiles for both the principal dwelling unit and the second suite. Furthermore, second suites should only be permitted where the required parking spaces are maintained and accessible at all times.

With new driveway standards in place, the appearance of homes with or without second suites, will be comparable.

**Will second suites result in changes to the exterior of dwelling units and changes to the physical appearance of neighbourhoods?**

The physical appearance of neighbourhoods can suffer if additions or alterations to the exterior of dwelling units are not properly controlled.

Exterior changes to dwellings with second suites in Markham have not generally been significant.

It is recognized that any policy to permit second suites must not contribute to a negative physical appearance of neighbourhoods. For this reason, second suites should only be permitted where there is no significant alteration to the exterior appearance of the dwelling and where an exterior entrance to the second suite can be accommodated within existing development standards in the side and rear yards only.

**Will second suites lead to a decline in property standards as result of absentee landlords, the transient nature of tenants, and reduced property maintenance?**

The Planning Act provides the Town with the authority to regulate land use (ie. the type and number of dwelling units permitted), but not tenure (ie. whether the residents of the dwelling units own or rent). Landlord/tenant issues are outside of the jurisdiction of the Town and are governed by the Provincial Landlord and Tenant Act and the Rental Control Act. There is no evidence to suggest that second suites will result in an increase in landlord/tenant issues.

Given the small rental housing stock and low vacancy rate there is a demand for rental opportunities of all kinds (ie. rental of individually owned single, semis and townhouse dwellings, rented condominium units, second suites and coach houses). Other municipalities with similar by-laws have not seen a greater number of absentee landlords, a more transient nature of tenants or an increase in neighbourhood safety concerns related to tenant occupancy. The Town has no authority to control where a landlord lives including the owner of a dwelling with a second suite. However, it is more likely that a landlord will reside in the main unit of a dwelling with a second suite, and may therefore be more involved in the selection and supervision of a tenant.

It is recognized that any policy to permit second suites must uphold the property standards of the Town's Property Standards By-law. A decline in property standards can result from a lack of owner/occupant responsibilities respecting repair (unit facilities), maintenance (landscaping), and cleanliness (ie. garbage storage) etc. and the failure to comply with Town property standards. For this reason, second suites should only be permitted where there is full compliance with the Town's property standards. Zoning to permit second suites may increase the accountability of the landlord to comply with development standards.

**"Second suites will have an impact on the value of my property as well as Town revenues & services"**

**Will second suites have an impact on property values in my neighbourhood?**

Adding a legal second suite may increase the property value slightly, similar to the value added for a finished basement, however, current market value assessment would likely not capture the additional value.

Improvements are tracked through building permits and the reassessment process. Assessment of residential class properties takes account of improvements, but does not include a consideration of rental income.

There are no records of property value assessments declining as a result of second suites.

**Will second suites place a burden on my local services such as roads, sewers, water systems, parks, day care facilities and schools?**

Adding a legal second suite does not mean doubling the number of people, the principal determinant of service use. Most service charges are based on household consumption.

A dwelling with a second suite tends to have only marginally more people than single unit dwellings since the households in second suites tend to be smaller (seniors, young adults, singles, single parent families, etc.) Second suites also tend to have fewer school-age children living in them than single family dwellings.

Consumption of services such as water and sewage for a second suite is unlikely to differ from services consumed for a finished basement in a single unit house. The service consumption for a household with a second suite does not result in a demand beyond the design capacity of the average household.

Residents of second suites may, in part, offset the normal decline in average household sizes as the demographics of the Town's population change over time. Maintaining neighbourhood populations ensures full use of the housing stock, supporting infrastructure and community services.

**Will second suites "pay their way" in terms of municipal taxes?**

Adding a legal second suite may result in a modest increase in a dwelling's market value, which property tax is based on. Improvements are tracked through building permits and the reassessment process.

If the improvements are identified through reassessment it is likely that there would be a corresponding increase in taxes, similar to improvement of a finished basement for a single unit household.

**Will Development Charges apply to second suites?**

Development Charges are not applicable to improvements to existing dwellings. For newly constructed dwellings, the Town applies a development charge on main dwelling unit based on the lot size/house size but there is no development charge on additional secondary units.

**Will every second suite be inspected to ensure fire safe accommodation is provided within my neighbourhood?**

In Markham there is a Registration By-law for second suites that requires that all two-unit residential dwellings must be inspected to ensure compliance with all relevant standards as set out in the Ontario Building Code and Fire Code.

New second suites permitted through zoning would require a building permit, which automatically requires compliance with Building Code and Fire Code regulations. Introducing new zoning provisions to permit second suites will increase the likelihood that unknown existing second suites will be inspected and included in the Town's registry of fire safe accommodation.

**S U M M A R Y**

**PUBLIC MEETING HELD ON TUESDAY, MAY 20, 2008**

**SUBJECT:**

Neamsby Investments Inc.

Northwest corner of Markham Road and Steeles Avenue

The proposal is to amend the existing Hold provision on the property to prevent development unit new servicing allocation is available. The applicant is proposing to transfer the servicing allocation for these lands (299 units) to Phase 1 of Remington's Downtown Markham project, which is under the same ownership.

**NOTICES SENT:**

128 notices were mailed on April 30, 2008

Public Meeting sign was posted April 30, 2008 and confirmation was executed April 30, 2008.

**WRITTEN SUBMISSIONS RECEIVED:**

None

## **Suggested Draft Resolution for Consideration of Council**

Resolution if proposed amendments are to be adopted and enacted by Council:

- A. THAT the record of the Public Meeting held on May 20, 2008, with respect to "Neamsby Investments Inc., Zoning By-law Amendment (ZA 08 107413) to amend the existing Hold provision on certain lands near the northwest corner of Markham Road and Steeles Avenue", be received;
- B. AND THAT the Zoning By-law Amendment application (ZA 08 107413) to amend By-law 90-81, as amended, submitted by Neamsby Investments Inc. to amend the existing Hold provision on certain lands near the northwest corner of Markham Road and Steeles Avenue, be approved and the draft Zoning By-law amendment be enacted without further notice.

**S U M M A R Y**

**PUBLIC MEETING HELD ON TUESDAY, MAY 20, 2008**

**SUBJECT:**

Attilio Vettsses

South side of 14th Avenue, west of the CP Railway tracks within the Box Grove Community

The proposed plan of subdivision includes 60 lots consisting of 58 townhouse lots and 2 single-detached lots intended to contain the heritage house and the other existing dwelling on the property. In addition, the owner has reserved a block at the northeast quadrant of the property for a future development. The two single detached lots are large irregular lots intended to accommodate the existing houses. Also proposed is a park block located at the southwest corner of the property adjacent to the watercourse.

**NOTICES SENT:**

60 notices were mailed on April 30, 2008

Public Meeting sign was posted April 30, 2008 and confirmation was executed April 30, 2008.

**WRITTEN SUBMISSIONS RECEIVED:**

None

## **Suggested Draft Resolution for Consideration of Council**

Resolution if applications are referred back to staff for a report and recommendation:

- A. THAT the record of the Public Meeting held on May 20, 2008, with respect to “Attilio Vettese: Applications for Zoning By-law Amendment and Draft Plan of Subdivision Approval (19TM-0800001) to permit residential development at 7085 14<sup>th</sup> Avenue”, be received;
- B. AND THAT the applications be referred back to staff for a report and recommendation.



## S U M M A R Y

### PUBLIC MEETING HELD ON TUESDAY, MAY 20, 2008

#### SUBJECT:

Town initiated

Town Wide

This Public Meeting will provide information about the Town initiated proposed zoning By-law amendment to permit second suites Town-wide in single detached and semi-detached houses. The By-law will also include development standards, such as a minimum unit size, a requirement that second suites be secondary to the principal dwelling unit, and that there be no change to the exterior of a dwelling facing a public street.

The proposed Zoning By-law amendment is a key component of Markham's proposed new strategy for regulating second suites. In addition to zoning permissions the strategy includes:

- mandatory inspection and registration of second suites;
- enforcement of driveway/parking standards and property standards;
- educating landlords, tenants and the general public on regulatory procedures; and
- monitoring the re-inspection and renewal of registration of second suites at regular intervals.

#### NOTICES SENT:

755 notices were mailed on April 30, 2008

Notice was posted in the May 1, 2008 edition of the Economist & Sun and Thornhill Liberal.

#### WRITTEN SUBMISSIONS RECEIVED:

- 1) Submission received from Chris Pavlakis, 39 Carolwood Cres, Markham, L3S 4T2 – not in support
- 2) Submission received from Paul Naish, 50 Eastwood Cres, Markham, L3P 5Z7 – expressing concerns
- 3) Submission received from Al Howard, Grandview Area Residents Association, – submitting comments

- 4) Submission received from David Johnston – submitting comments
- 5) Submission received from Kamlesh Patel – in support
- 6) Submission received from Julie – not in support
- 7) Submission received from Peter Wales – not in support
- 8) Submission received from Debbie Wong, Rouge Fairways Residents' Association – majority of members are not in support
- 9) Submission received from Errol Brooks – strongly opposed
- 10) Submission received from Rajinder Bali – submitting comments
- 11) Submission received from Trevor Dantas – not in support
- 12) Submission received from Jayaram Shetty – submitting comments
- 13) Submission received from Carmen Lee – totally opposed
- 14) Submission received from Jim Robertson – submitting comments
- 15) Submission received from Elsa Burton – in support
- 16) Submission received from Jane Wedlock, York Region Alliance to End Homelessness, 194 Eagle St, Newmarket, L3Y 1J6 – in support
- 17) Submission received from Fred Webber & Marsha Winton, German Mills Ratepayers Association – expressing community's concerns

**Carroll, Judy**

**From:** Shauna Patty [shauna@nobleprecision.com]  
**Sent:** May 8, 2008 3:43 PM  
**To:** Webster, John; Carroll, Judy  
**Subject:** Zoning by-law

C. Pavlakis  
39 Carolwood Crescent  
Markham, Ont. L3S 4T2  
Phone: 905-294-6735 Fax: 416-754-2162

May 8, 2008  
Clerks Department  
Town of Markham  
101 Town Centre Blvd.  
Markham, Ontario L3R 9W3

Dear Sir/Madam,

This letter is in regards to the new by-law file M1-464. I have been a resident of 39 Carolwood Crescent for 29 years and I am not supporting this proposal, that all neighbourhoods in Markham can have the same opportunity. My neighbourhood is restricted to one acre lots and is single family homes; for the last 15 years the Town of Markham has denied me the right to subdivide my lot into two lots. In the past neighbourhood letters have indicated that I would overpopulate the area if I built a new home and had one of my children reside next door, also I was told, doing this would change the character of Carolwood Crescent. How then does this not apply to having basement apartments? Yet, the Town has issued permits for extensions on family homes and rooming houses in my neighbourhood. The south east corner of Carolwood and Chatelaine the house operates as a church. Across from my home that residence operates a Saturday & Sunday school.

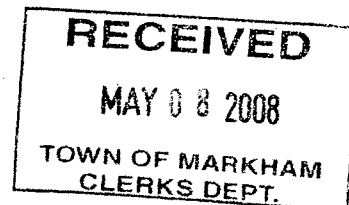
I must say to your proposal must have restriction in the Carolwood Cr. & Chatelaine neighbourhood not to have basement apartments or operate any type of business.

The economy is not at its best right now and with this new by-law you will have to increase taxes to absorb the cost of overcrowding of the schools. In the proposal it reads that the new by-law is to help relieve mortgage and tax payments, myself I pay close to \$9000.00 a year to live in my house and I am a senior citizen. The first meeting I attended, I witnessed some residents broached the issue that Markham is about to discriminate against the home owner and they have the right to the opportunity to have basement apartments. I have lived in Canada for 51 years and have worked 2 jobs to pay for my house when it was needed. I have noticed some people like a free ride and will bring up the discrimination word in order to benefit. I would like to know what Markham Town has done to me is discriminatory or how should I call it?

I also read that the new by-law may not be appealed to the Municipal Board RSO 1990C.P.13 subsection (19.1). I do not think this is very democratic. I say if Markham needs basement apartments, design a new community for your proposal. Also, the income of basement apartments should be taxable income, reported to the government as net income not just permit fees. I closing, I do not support this idea, especially in my neighbourhood.

Regards,

Chris Pavlakis



**Carroll, Judy**

---

**From:** Paul Naish [paul@naishfamily.net]  
**Sent:** May 12, 2008 12:32 PM  
**To:** Carroll, Judy  
**Cc:** Webster, John; Brenda Naish  
**Subject:** MI-464 Zoning by law Changes for Second Suites

I saw the Notice of the Public Meeting on May 20th posted in the Thursday, May 18th Markham Economist & Sun. Unfortunately, I will be unable to attend but appreciate the ability to express my concerns via email.

I have reviewed a number of the postings on the plans for the Second Suite Amendments and have the following concerns.

I did not see a provision for using this by-law to create 2 'super' suites in one house. There is a provision that a 2nd suite not be more than 45% of the total gross floor area but this does not indicate if the basement is included which is not the norm when reporting square footage of a house. Looking to the future, we are seeing an increase demand for housing. The concept of second suite could be used to convert a house into two super suites made up of the entire dwelling. Instead of supporting a 2nd suite for the home owner, this would create a new class of rental housing with absentee landlords. This could allow two large apartments to be constructed.

I would like to see a provision that the Second Suite is rented by the home owner of the principal residence would resides at the house. This will deter absentee landlords and ensure there is a home owner who is more likely interested in the up keep of their property and neighbourhood.

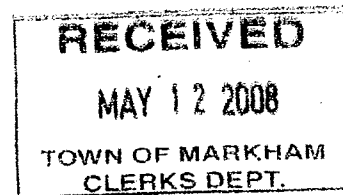
The provision for not interfering with the layout of the neighbourhood I think needs to be be clearer. The assumption is that people entertain in their backyards. I don't want to see someone convert the front yard into a 2nd backyard for use by the Second Suite.

I would like to see a density formula of allowed Second Suites in a given neighbourhood.

I appreciate that Second Suites are here and will not go away, even with legislation, so best to regulate them.

Thank you

Paul Naish  
50 Eastwood Cres  
Markham, Ontario  
L3P 5Z7  
(905) 294-5912



# G.A.R.A.

---

## Grandview Area Residents Association

*Serving residents living between Yonge and Bayview – Steeles and Proctor*

---

May 14, 2008

To: Clerk's Department  
Town of Markham  
101 Town Centre Blvd  
Markham, ON L3R 9W3

Attention: Judy Carroll

Re: Legalizing Basement Apartments

Please accept this submission for the public meeting scheduled to take place on May 20, 2008 in Markham Council Chambers as the position of the Grandview Area Residents Association on the proposed by-law amendment to permit second suites in residences. We ask that these views be taken into account when considering any amendment to the existing zoning by-laws.

### Overview of GARA Position

GARA understands the intent of the proposed Markham policy and the rationale for introducing it. We agree that if managed properly, basement suites would bring valuable benefits to the community and therefore we are supportive of the general thrust of this initiative. We do not outrightly oppose basement apartments, but feel a number of important concerns must be addressed before they are legally sanctioned.

We do not feel that the solution to the needs for significant additional, affordable housing should be met by this approach alone. Preference should be given to the construction of higher density apartment buildings, where all associated design, safety, traffic, servicing, schooling and other issues can be properly managed.

This Markham policy initiative has only recently been made known to us and we have not had a lot of time to consult with residents and research the issues. We ask that the Town of Markham proceed carefully and diligently in furthering this cause and allow for full and continuing consultation with residents and ratepayer groups going forward.

### Past Experience.

Rooming houses and basement apartments have existed in our area for many years. The transient nature of the tenants and whether or not the landlord lives on the premises significantly affect the nature and severity of problems experienced. Noisy, inconsiderate tenants and landlords who don't care about the ill-effects their tenants have on their neighbours have caused us grief. Complaints about overcrowded dwellings, such as 90? Steeles East have gone unheeded by the

Town. Nasty disagreements on the street requiring intervention of bylaw officers and the police are not experiences we wish to continue. We want legislation with teeth and adequate resources to be in place to ensure compliance before any zoning changes are approved.

### **Safety**

Safety is a big concern that must be addressed, through building code standards and inspections relating to building construction, electrical systems, plumbing and health and fire safety. Attention needs to be given to adequate fire escapes and alternative escapes from basement units, fire-proof construction techniques, electrical system design and capacity, plumbing system design and capacity and on-site parking (not on-street). We do not want neighbouring houses to suffer from increased fire risk, nor safe passage on the streets nor from the creation of an unseedy overcrowded neighbourhood and all attendant problems. Many existing homes do not have entrances and basement windows that are suitable for basement units, for example. Basement units should only be allowed where adequate design measures have been implemented.

We do not profess to know much about the issue of radon gas, but understand that it accumulates in basements and can reach levels which, with prolonged exposure, can result in lung cancer. Therefore anyone who spends considerable periods of time in basements, such as those who live in basement apartments or work in home offices or workshops, should have testing done for radon gas as a precaution. The Town needs to ensure that basement apartments are not allowed in areas where this risk is prevalent, unless adequate measures are in place to mitigate it.

### **Fair Property Taxation**

Although a provincially controlled matter, the issue of fair property taxation is relevant and needs to be addressed. If this is an issue for Markham, so is it for many other municipalities. Property taxes should be designed to ensure that property owners pay their fair share of the costs of the services provided by the Town. This should be based in large part on the potential demand placed on municipal services by the nature of the properties. The current market value assessment system does not do this. If two families share the same dwelling with double the demand for services and an insignificant change in the assessed value of the property, it makes the current approach more unfair than ever. The province should be approached to review this policy and the Town needs to ensure that properties are properly recorded and assessed where multiple families share a dwelling place.

### **Fair Income Tax Reporting**

Many basement rentals today are hidden from public view, Not only are unsafe conditions present and neighbourhood quality of life issues growing, an underground economy is thriving with a lot of unreported income. These accommodations are often provided to the disadvantaged – foreign students, immigrants, migrants etc. The Town needs to ensure that basement units cannot exist unless fully registered, inspected and approved and that all business relationships are fully public and reported. Consideration should be given to mandating the use of standard rental and lease agreements, as done in Quebec. Rent is taxable income and the Town needs to, officially at least, acknowledge this in the policy and do what it can to ensure that basement apartments are operated as true businesses, and not hidden cash cows.

### **Management of Issues**

Our principal concern with basement apartments is the nuisance factor created when tenants and landlords expect neighbours to tolerate, control and resolve issues regarding excessive noise, garbage and litter, overnight and day long on-street parking, speeding cars, blaring car radios, noisy car exhausts, inadequate property and landscape maintenance and so on. These are not issues in neighbourhoods with resident property owners, but are typical of absentee landlords and tenants with no stake in property values. We do not want the quality of life to suffer as we create new problems in resolving others. Any increased costs to the Town in dealing with such matters should be borne directly by the landlords involved.

Placing large numbers of people into basements does nothing for managing traffic and is not public transit friendly. Traffic congestion is already one of the most significant frustrations we face today. We feel that in properly designed high density apartment buildings located in proximity to public transit, all of these concerns can be addressed through intelligent practical design.

### **Existing Communities and New Developments**

If future developments and subdivisions were zoned, designed and built with second suites in mind, the houses would conform with all required standards from the beginning. We would suggest a limit be established, such as 25%, as to how many homes in a neighbourhood would be permitted to have basement units. Those buying into a subdivision need to know ahead of time what they are buying into. Those who don't want to live among numerous second suites could choose to buy a home in areas created as single family residential. This would be preferable to the Town encouraging second suites on everyone in every area. It would allow for choice while still meeting the need for affordable housing. Having specific areas zoned for basement apartments would also facilitate enforcement of the relevant bylaws, given that those areas will require increased inspection and vigilance.

### **Closing Remarks**

In summary, the zoning changes being contemplated by the Town of Markham are very significant and not at all understood by most residents. Implemented properly and with adequate enforcement, the changes will help address a critical need for affordable housing. Implemented hastily without adequate controls and input from residents, they will reduce the quality of life for everyone and achieve nothing. The Grandview area is an older, well established neighbourhood and GARA is anxious to ensure that it remains a desirable neighbourhood in which to live and play. The Town Council must not be allowed to think that it can simply enact zoning changes without also increasing the budget and resources to ensure that they are properly followed on this critical issue.

Respectfully,

Al Howard  
Co-Chair

Marilyn Ginsburg  
Co-Chair

cc: Valerie Burke

**Boyce, Murray**

---

**From:** [REDACTED]  
**Sent:** May 18, 2008 11:46 AM  
**To:** Boyce, Murray  
**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

The new ByLaw and Policy will enable the Town to properly track/inspect the many existing second suites within the Town. In addition from a social planning process it enables the Town to provide good accommodation for persons and families unable to purchase a home within Markham.

Name: David Johnston  
E-mail Address: [REDACTED]



**Boyce, Murray**

---

**From:** arth\_96@yahoo.ca

**Sent:** May 16, 2008 5:59 PM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

Hi, Proposed new second suites policy is the best step Markham town is taking into consideration. This will set a perfect example for others as we are together in a multicultural society. I am fully supporting this policy and looking forward to become an official and law to register the new and existing second suite for the safety of Markham community. Thanks for consideration and prompt action. Kamlesh Patel  
Canadian Citizen and Markham Resident.

Name: KAMLESH PATEL

E-mail Address: arth\_96@yahoo.ca

**Boyce, Murray**

---

**From:** [REDACTED]@yahoo.ca

**Sent:** May 19, 2008 7:34 AM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

No way!!!

Name: Julie

E-mail Address: [REDACTED]@yahoo.ca

**Boyce, Murray**

---

**From:** ~~petervales@rogers.com~~

**Sent:** May 19, 2008 9:08 AM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

The following is the text of what I will read at the May 20th public meeting on the Secondary Suites in Markham. Let me start by saying that I understand where the need for secondary suites comes from however the idea that the place I moved to 8 years ago from North York, could now become another North York or worse, bothers me intensely. I did not pay hundreds of thousand of dollars to live in or near a neighbourhood that has basement suites regardless of what by-laws are put in place to address this accommodation. I just have to look to North York, where I spend some time tutoring students most of whom live in what so quaintly is called a "secondary suite" but what in reality is a rooming house filled to capacity with low income renters. These suites as you call them are nothing more than roughly constructed rooming houses, housing in some cases a number of families sharing a makeshift kitchen area as well as a single shower and toilet. I have conducted many a class sitting on the side of a bed which doubles as a desk since there is no other place for the student to study in the "suite". Remember, I'm speaking here from first-hand experience, not hearsay or rumor; I've been there and I've seen it with my own eyes! One other situation that has happened with regularity in these rooming houses is the incidence of conflict that none of us should be surprised about, given what often happens when you have a high concentration of people living under one roof sharing bathrooms and kitchens. These have frequently involved police being called which is no trivial matter and could lead to more serious problems in the community. The landlords care not for the well-being of these individuals and families; they care about one thing and one thing only: making as much money as they can for themselves. In many case houses have been bought up and modified exclusively for the purpose of housing as many renters as possible. If you tell me by-laws will prevent this I'll ask you why has this not been the case in North York where the problem is rampant and by-law enforcement is either unable or incapable of dealing with the situation. Councilors, you live in Markham and I ask you for an honest answer as to how you personally would feel if the house next door to you was to be converted to a tenement or excuse me ..secondary suite? Close your eyes and imagine a driveway full of cars, old bicycles everywhere, unkempt lawns and generally speaking a property that does nothing to enhance the neighbourhood or Town for that matter. And imagine a little more that that day has arrived when you plan to sail off into the sunset and sell your nest-egg taking those considerable profits you planned on to finance your golden years. Well think again when your property sells for much less than you anticipated due to the fact that you have a neighbour with a secondary suite or perhaps even a street-full of these establishments. I suspect that everyone has heard the term NIMBY but for those you who haven't it means Not In My BackYard. Each of you have to consider this as not just something that will happen elsewhere in Markham in someone else's backyard away from your expensive properties with your beautifully manicured lawns, flower beds, and freshly painted garage doors. You have to look at this issue as if it will be YOU who have the greedy landlord who is trying to squeeze every dime they can out of their property without any regard for the community or neighbours.

Name: Peter Wales

E-mail Address: ~~petervales@rogers.com~~

**Boyce, Murray**

---

**From:** [REDACTED]  
**Sent:** May 19, 2008 10:53 AM  
**To:** Boyce, Murray  
**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

The Rouge Fairways Residents' Association serves the community located at the SE side of Markham Road and 14th Avenue and I am writing to you to express the opinions of the majority of our members that are not in favour of the proposed plan to legalize secondary suites in Markham. We ask Council not to rush in its decision on this important matter. We appreciate the interest the Town has in making secondary suites legal to ensure safety and welfare of their residents. Safety is an important concern that no one can deny. Legalizing has its merits, however, a majority of the problems will still exist even after legalizing has been approved as many will choose not to legalize. This proposal of legalizing does not encourage those currently illegal to register their units, the list of incentives and costs to register do not outweigh the savings to stay illegal. To register their units a homeowner will incur costs for: - registration and inspection costs with the Town - costs to bring their units up to building code and fire standard - mostly will increase their costs of insurance - will increase costs of property taxes - and increase their taxable income on revenue collected to Revenue Canada. Thus legalizing will not change the current situation. Legalizing will only cloud the issue of identifying which unit is legal and which unit is not with neighbours and by-law enforcement officers alike. Our association feels that this proposal does not serve the residents of Markham. We feel that more studies have to be completed to ensure us that the average homeowner will not be deprived of their basic needs. - studies to ensure that our real estate values (not those with units) will not decline when secondary suites surround our home for sale - studies to ensure that adding more units will not add to the traffic problems already existing today throughout Markham - studies to ensure that when we allow more people to reside in Markham, our already over-crowded hospitals are not affected. - studies to ensure that police and fire services, school systems and waste management and the existing infrastructure will not be over burdened and make services inadequate to single family homeowners. - studies of before and after comparisons in the neighbouring communities who have already adopted this policy. Such as have they seen an increase of those registered after legalization compared to prior legalization, and proof that additional problems will not arise, such as crime - studies to ensure that municipal and regional services to the taxpayer will not be compromised. - And most importantly this proposal does not show how enforcement will be handled differently tomorrow than it is today. At the end of the day what we will see is those who choose to keep their homes as single family dwelling units suffer. It is: - their taxes will eventually rise to support the influx of the community - their services: fire, police, hospitals and school systems that will be compromised - and their real estate investments devalued. Although we understand the needs of affordable housing in Markham, the Town must look after the welfare of existing single family homeowners and not punish them by forcing a drastic policy onto them. In doing so, the Town's already stressed system will not be able to provide adequate essential services to these residents. Presently, waiting in emergency for 5 hours is not adequate services or not being able to get a bed for those critically ill; waiting for police services to arrive an hour or two later also is not acceptable. Sitting in traffic is also taxing to our infrastructure; not providing enough programs in the schools and community centers to accommodate our children is another. All these services need to be increased to support this proposal yet we do not see any of this addressed. Safety is first and foremost an important issue, allowing for an internal property standards bylaw will be a step in the right direction, not legalizing secondary suites. The Town needs to concentrate on fixing up existing problems first before they can move forward. We all know that illegal units currently run rampant in Markham and there is not enough Bylaw Enforcement Officers on staff to currently fix all the problems, so how will adding more

secondary suites to Markham improve this situation? What is needed is more time and money to bring Markham back to its quality of excellence. Cracking down on violators, imposing stricter penalties, ensuring building standards and fire codes are met, educating the public with respect to the Town's current by-laws, these points should be the priority before considering legalization. There is no mention in this proposal on how enforcement will be handled differently. Will illegal units be strictly enforced and punishable as its currently lacking in the present system? Is the Town then prepared to take action on all violators who do not register their units? Will a greater enforcement presence exist? This proposal does not address these questions and many more. We are asking that council not rush this critical decision and to look more deeply into each of these issues before they pass an amendment to the existing bylaw. Council needs to allow for more public consultations and address our concerns before they move forward. Other methods should be explored. We hope you will look into our concerns before you make a decision on this matter. Sincerely Debbie Wong President Rouge Fairways Residents Association

Name: Debbie Wong

E-mail Address: ~~debbie@rougefairways.com~~

**Boyce, Murray**

---

**From:** ~~Errol\_brooks@sympatico.ca~~

**Sent:** May 19, 2008 1:56 PM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

I am member/director of the RFRA(Rouge Fairways Residents' Association) and strongly opposed the leagalizing of so-called "secondary suites". It is a fact that comunités that allow such suites have experienced a significant drop in property values; not to mention the increase pressure that will occur on the infrastructure and municipal services such as garbage collection, health facilities etc.

Name: errol brooks

~~E-mail Address: Errol\_brooks@sympatico.ca~~

**Boyce, Murray**

---

**From:** [REDACTED]

**Sent:** May 19, 2008 3:30 PM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

Before considering second suite in Markham, please consider the amount of facilities you will be loading, road traffic, parking or impact of street packing, effect on property taxes, schooling and environmental effects due to increased vehicle movements. This second apartments will effect the life style of seniors & play area for children. I would strongly suggest to defer such move at this time.

**Name:** Rajinder Bali

**Email Address:** [REDACTED]

**Boyce, Murray**

---

**From:** ~~t.dantas@toshiba.ca~~**Sent:** May 19, 2008 4:03 PM**To:** Boyce, Murray**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

We are not in support of such legislation for Markham. Markham had a reputation for being a community in high standing and which attracted middle to high income residents. It appears that the town of Markham is more interested in generating tax dollars by increasing density of homes and issuing permits for town homes, semi detached, condominiums and Appartments. These used to be rare in the town of Markham. We are also seeing a high level of congestion on our roads and a rising crime rate which include grow-ops and violent crimes. With the introduction of legalizing Second Suites, we will be opening the doors to higher density living, lowering our property values due to rentals, and increase or crime rates further. This will not serve Markham well. This has to stop - we need to walk before we sprint.

**Name:** Trevor Dantas**Email Address:** ~~t.dantas@toshiba.ca~~



**Boyce, Murray**

---

**From:** jayshetty67@hotmail.com

**Sent:** May 19, 2008 9:45 PM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

proposed introduction by town of Markham the bylaw to legalise basement suites is definitely a matter of concern to majority of Markham residents. This approach will totally alter the demographics of the community causing enormous pressure on the existing (already scaled down) services to further cause the congestion to make Markham look like a ghetto in the making. Please tread carefully giving enough thought not to cater to political and special interest groups pushing for this by law

Name: Jayaram Shetty

E-mail Address: jayshetty67@hotmail.com

**Boyce, Murray**

---

**From:** ~~Shirley C. Rogers~~

**Sent:** May 19, 2008 10:51 PM

**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

My family has been living in Markham for more than 14 years. One of the reason we like about Markham is NO secondary suites is permitted. Recently we noticed some of our neighbours has the illegal secondary suite in their homes which has created lots of problems in our neighbourhood. Such as.... more garbages pick-up for a single home. More cars parked on the driveway/road (which has created a BIG problem for snow plowing in winter). Speeding and safety issue for the children. The tenants and their visitors pays no respect to the neighbours (eg. using other people's driveway). We totally OPPOSE to legalize secondary suites in Markham. We have already seen the problems in our neighbourhood and we don't want to see it happen to whole Markham areas. Just take a look for what happened in Scarborough!

Name: Carmen Lee

E-mail Address: ~~shirley@rogers.com~~

**Boyce, Murray**

---

**From:** ~~jim.robertson@canadadirect.net~~**Sent:** May 20, 2008 1:20 AM**To:** Boyce, Murray**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

I own property at 10617 Woodbine Ave and 59 Ashglen Way, Markham. The safety and parking regulation are all good goals for regulating second apartments. Some limitation should be put on the density per neighborhood as well. It should also be available as a declaration for adjacent property when a home is for sale. Some people have no interest in buying next to a multi unit dwelling and would not have if they knew ahead. Most second apartments I have seen are unsafe and the owners/renters have no clue what is missing for their safety. They exist though, to provide reasonable accommodation to many who do not earn enough to live elsewhere and is close to work. Homeowners need it to help pay the mortgage and make part of it tax deductible. You are going to need a lot of resources to regulate. Fire dept; by law; inspectors; potential licensing; safety inspections; enforcement; public notice for new apartments. As soon as home owners see that there will be more regulation and costs they will go even more underground than it is presently. Good luck and if you need some help with this, let me know.

Name: Jim Robertson

~~E-mail Address: jim.robertson@canadadirect.net~~

**Boyce, Murray**

---

**From:** [REDACTED]

**Sent:** May 20, 2008 7:02 AM

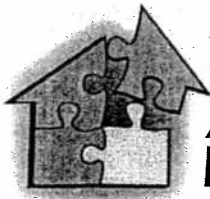
**To:** Boyce, Murray

**Subject:** Public Comment on Proposed Second Suite Policy - Comments and Suggestions

I'd like to support the Town's proposed policy on Second Suites. I've been living in a second-floor unit in a single-family home in Unionville for 8 years now. I'm a mid-40s, university-educated, professional. I live in a home owned by same. This second-suite arrangement has allowed us both to have a quality of life in this community where we work, that would otherwise not have been possible. I doubt my neighbours are even aware that the house is home to two separate households. There are two cars between us, we generate less garbage/recycling than a typical Markham family. We put no extra strain on municipal services. I am concerned that the abuse of Second Suites by some people, will result in those who use Second Suites as they should be used losing this housing option. I believe the Town is proposing a solid policy to regulate the system. The success will depend on the Town's ability to monitor and enforce the bylaw. Second Suites are a reality in this community. So let's legalize them and enforce standards that will make them work. Elsa Burton

Name: Elsa Burton

E-mail Address: [REDACTED]



York Region

## Alliance to End HOMELESSNESS

194 Eagle Street  
Newmarket, Ontario L3Y 1J6

Phone: 905 967-0539

Fax: 905 967-0097

Email: closetotheedge@bellnet.ca

16<sup>th</sup> May, 2008

Town of Markham  
Clerks Department

Re: Proposed New Policy for Second Suites

I am writing to express the strong support of the York Region Alliance to End Homelessness to the Town of Markham's proposed policy for Second Suites.

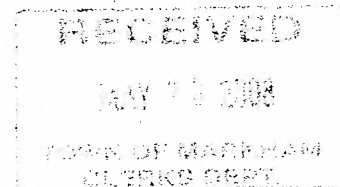
The York Region Alliance to End Homelessness is a coalition of social service providers and other stakeholders who work collaboratively to understand, develop and implement a strategic response to homelessness in York Region.

The critical lack of safe, secure, affordable housing is a contributory underlying factor to homelessness and risk of homelessness in communities across York Region. Basement apartments (secondary suites) are one of the lower cost types of accommodation that can be found by people living on low incomes. It is critical that by-laws are implemented by municipalities to ensure the safety of residents and improve the quality of affordable housing available to residents.

We commend the Town of Markham for moving forward with this policy change and strongly support the proposed change.

Yours sincerely,

Jane Wedlock  
Coordinator



German Mills Ratepayers Association Submission on Second Suites.txt  
With regard to the Statutory Public Meeting on the proposal to extend second suite zoning townwide, to be held on May 20, 2008, in Council Chambers, please find attached written comments intended to reflect the position of the German Mills Ratepayers' Association.

We ask that these views be taken into account when considering any changes to the existing zoning bylaws.

Thank you,

Fred Webber      President GMRA  
Marsha Winton    Vice President GMRA

German Mills Ratepayers Association, Thornhill.

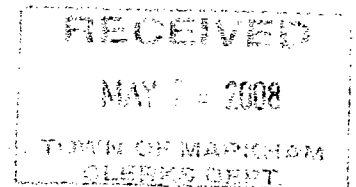
-----  
-----  
GMRA

German Mills Ratepayers' Association  
serving Thornhill residents between the 404 on the east, Settlers' Park & Quail Valley on the west, Steeles Avenue to the south and John Street to the north

May 16, 2008.

To: The Clerk's Department  
101, Town Centre Boulevard  
Markham Ontario L3R 9W3

Attention: Judy Carroll



Re: Extending Second Suite Zoning Townwide

Please accept this submission for the Statutory Public Meeting on the Town's proposal to extend second suite zoning townwide, to be held on May 20, 2008, in Council Chambers, as the position of the German Mills Ratepayers Association.

We wish to express our community's concerns, with the proposal brought forward by the Town of Markham Subcommittee on Second Suites, to extend second suite zoning townwide. We want to make it clear that the community of German Mills wishes to remain zoned single family residential. We have contacted and met with many other ratepayers associations across Markham, and we believe the great majority of communities in the town feel the same way we do. The Town's own consultants' report from Price Waterhouse Cooper, in 2001-2002, indicated that most communities across Markham were not accepting of second suites. We are surprised and disappointed that the Town should choose to bring forward such an extreme and drastic change in residential zoning when there are friendly, non-confrontational options available. We would have no objection, for example, to the Town extending second suite zoning in some of its new development.

The great majority of Markham homeowners bought their homes and moved to Markham to raise their families in single family residential neighbourhoods. The homes they bought, and paid a premium for, were marketed and sold as single family residences, in legally binding contracts. This proposal by the Town of Markham is a betrayal of the trust those homeowners placed in the hands of their municipal government and a

Page 1

German Mills Ratepayers Association Submission on Second Suites.txt  
betrayal of the Town of Markham's former commitment and obligation to provide  
single family residential zoning for those homeowners.

Basement apartments have brought many problems to some parts of our community. Our homeowners who come from all corners of the earth, from all races and from many different cultures embrace multiculturalism, we are a multicultural community, but we don't want Third World property standards tolerated by Markham. We want the Town to uphold and enforce Canadian property standards. The other half of the problem is transient tenants, moving in and out of basement apartments, disrupting neighbourhoods with their antisocial attitudes, habits and behaviour which are not compatible with families raising children. We no longer know who our neighbours are and if our children are safe.

In our opinion, basements are not suitable housing units. We do not want any level of government shirking their responsibilities to provide appropriate, fire-safe and healthy housing for the poor, sick, elderly and those with special needs. Housing responsibilities for these groups should not be left to individual landlord/homeowners renting out basement apartments. These groups have enough health problems of their own, without being subjected to lung cancer caused by radon gas or the carbon monoxide given off by furnaces and water heaters, not to mention lack of natural light and fresh air. When it comes to the spread of fires and escape from fires, basements are particularly problematic. We believe low income groups should be properly housed in safe, concrete structures such as apartment buildings, which are not subject to the fire and health problems of basements, and where special needs can be provided for. Locating public housing close to public transit and employment opportunities would reduce car travel and keep parking and traffic problems out of low density residential neighbourhoods.

Our residents have many other concerns as well, most of which cannot be adequately addressed here.

While we understand the Town's needs to address the problems surrounding second suites, we need the Town to understand that residents also have needs and problems with second suites which need addressing. Accordingly, we ask the Town to ensure that an extensive public review takes place for this important, controversial and unappealable change in zoning, through the establishment of a working group, composed of residents of Thornhill, Milliken, Unionville and Markham and representatives from all wards, to allow residents more opportunity for input and to allow representatives from all the different communities across Markham to come together to study the proposal in detail and come up with recommendations for Council.

Respectfully,

Fred Webber      President GMRA

Marsha Winton   Vice President GMRA

**Second Suites  
Zoning By-law Amendment  
File No. MI-464**

**Resolution**

**Suggested Draft Resolutions for Consideration  
of the Development Services Committee**

---

**Resolution if proposed amendment is to be enacted without further notice**

- A. THAT the Development Services Commission Report dated Feb 5, 2008, entitled "Subcommittee on Second Suites Recommendation Report" and the Development Services Committee Report dated May 20, 2008, entitled "Public Input on Proposed New Strategy for Second Suites" be received;
- B. AND THAT the Record of the Public Meeting held on May 20, 2008 with respect to the proposed amendments to the Town's Zoning By-laws, as amended, be received;
- C. AND FURTHER THAT the proposed amendments to the Town's Zoning By-laws, be enacted.

**Resolution if application is referred back to staff for a report and recommendation**

- A. THAT the Development Services Commission Report dated Feb 5, 2008, entitled "Subcommittee on Second Suites Recommendation Report" and the Development Services Committee Report dated May 20, 2008, entitled "Public Input on Proposed New Policy for Second Suites" be received;
- B. AND THAT the Record of the Public Meeting held on May 20, 2008, with respect to the proposed amendments to the Town's Zoning By-laws, as amended, be received;
- C. AND FURTHER THAT the Town initiated amendments to the Town's Zoning By-laws, be referred back to staff for a report and recommendation.





## BY-LAW 2008-\_\_\_\_\_

A By-law to amend By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended

**WHEREAS** the Town of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c. P 13.

**AND WHEREAS** By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96 as amended, are intended to provide for the orderly development of land in the Town of Markham;

**AND WHEREAS** the Town of Markham wishes to ensure that By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96 as amended, permit an accessory dwelling unit within single detached and semi detached dwellings within the Town, provided certain conditions are met;

**AND WHEREAS** Council held a public meeting on \_\_\_\_\_, for the purposes of obtaining public input;

### **THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:**

1.0 By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended be and the same is hereby further amended as follows:

1.1 For the purpose of this by-law only, the following definitions shall apply:

"Accessory Use" means a use, customarily and normally subordinate to, incidental to and exclusively devoted to a main use of land or building, and located on the same lot.

"Dwelling Unit, Secondary" means a dwelling unit that has a floor area that is less than the floor area of the other unit in the same building.

"Floor Area" means the aggregate of the areas of each floor of a dwelling unit above or below established grade, measured between the exterior faces of the exterior walls, but not including the floor area of a private garage.

"Dwelling Unit, Principal" means a dwelling unit that has a floor area that is greater than the floor area of the other unit in the same building.

"Dwelling, Semi-Detached" means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall above grade that is divided vertically into two dwelling units that shares a common wall above grade.

"Dwelling, Single Detached" means a building containing only one dwelling unit.

"Garage Door" means the door of a private garage that permits a motor vehicle to access a private garage from the outside.

"Lane" means a subsidiary thoroughfare which is not intended for general traffic circulation and which provides a public or private means of vehicular access to an abutting property.

"Main Wall" means the exterior front, side and/or rear wall of a building and all structural components essential to the support of a fully enclosed space.

"Street, Private" means a private right-of-way that is used by motor vehicles, but not owned by the Corporation or any other public authority.

"Street, Public" means a roadway owned and maintained by a public authority, and for the purposes of this By-law does not include a lane or any private street.

"Streetline" means the boundary between a public street and a lot.

1.2 Notwithstanding any other provisions contained within the aforementioned by-laws, and subject to the provisions of this by-law, one *accessory dwelling unit* is permitted in a *single* or *semi-detached dwelling* in any Zone provided:

- a) both the *principal dwelling unit* and the *secondary dwelling unit* are wholly contained within the same *single* or *semi detached dwelling*;
- b) there are no more than two dwelling units on the same lot;
- c) the maximum *floor area* of the *secondary dwelling unit* is no more than 45% of *floor area* of the *single* or *semi-detached dwelling* as it existed prior to the establishment of the *secondary dwelling unit*;
- d) the *secondary dwelling unit* has a *floor area* of no less than 35m<sup>2</sup>;
- e) no more than one dwelling entrance is contained within any *main wall* facing a *streetline*;
- f) the entrance to either the *principal* or *secondary dwelling unit* is not contained within the *garage door*; and,
- g) all other provisions of By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75,

88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended, unless specifically modified or amended by this By-law, are complied with.

- 1.3 Notwithstanding any other provisions contained within the aforementioned by-laws, and By-law 28-97, and subject to the provisions of this by-law, no parking spaces are required for an *secondary dwelling unit*.
- 2.0 Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of Markham or any other requirement of the Region of York, the Province of Ontario or the Government of Canada that may affect the use of lands, buildings or structures in the municipality.

READ A FIRST AND SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2008.

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_, 2008.

\_\_\_\_\_  
SHEILA BIRRELL, TOWN CLERK

\_\_\_\_\_  
FRANK SCARPITTI, MAYOR



## **APPENDIX B**

# **DEVELOPMENT SERVICES PUBLIC MEETING MAY 20, 2008 EXTRACT**

To: Manager of Administration  
Director of Planning and Urban Design  
Senior Policy Coordinator (M. Boyce)

---

### **3. PUBLIC INPUT ON PROPOSED NEW STRATEGY FOR SECOND SUITES (10.0)**

Report Appendix A Appendix B Appendix C Appendix D Draft By-law

#### Summary Package

The Chair advised the subject of the Public Meeting this date was to consider Town initiated amendments to the Town's Zoning By-laws to permit second suites (eg. basement apartments) in single detached and semi-detached houses, subject to requirements (MI-464).

The Committee Clerk advised that 755 notices were mailed on April 30, 2008, and that a Public Meeting notice was also published in the Markham Economist and Sun, Markham Page and Thornhill Liberal on May 1, 2008. Seventeen written submissions were received regarding this proposal.

Ms. Valerie Shuttleworth, Director of Planning and Urban Design, delivered a PowerPoint presentation regarding the strategy for second suites. She advised the purpose of this meeting is to receive public input on the proposed zoning by-law associated with the strategy for second suites. The presentation included a history of Council and Development Services Committee's considerations regarding second suites, the proposed new policy and strategy, the proposed zoning by-law amendment and public submission received with respect to the proposal.

Mr. Hugh Barnsley, Markham resident, addressed the Committee regarding second suites and spoke in support of the proposal. He advised that he has had over thirty tenants living in second suite accommodations and has never had a problem. Mr. Barnsley indicated that if you build quality units, you will attract quality tenants and he believes that second suites are an affordable alternative for citizens.

Mr. Darryl Press, German Mills Ratepayers Association, addressed the Committee regarding second suites, stating the German Mills Community would like to remain zoned for single family residences only. He suggested that the permission for second suites be incorporated into new developments areas only. Mr. Press indicated that an extensive public review of the issue is required which includes a review of alternative solutions.

Item #3

Page 2

Mrs. Rupp, Markham resident, addressed the Committee regarding second suites and spoke in opposition to legalizing second suites. She advised of an illegal second suite next to her home, indicating this has many problems such as excessive levels of noise, driveway obstruction, debris, etc. Mrs. Rupp suggested the Committee consider the safety of the existing Markham Communities prior to making their decision with respect to second suites.

Ms. Eileen Liasi, Markham resident, addressed the Committee regarding second suites, advising she is opposed to legalizing second suites. She feels this proposal is being fast tracked and that there are numerous outstanding issues that need to be addressed, including safety, flooding, sewer backup, enforcement, etc. Ms. Liasi suggested the Committee ensure that a comprehensive review of all the Markham Communities takes place prior to making a decision.

Mr. Alan Adams, Markham resident, addressed the Committee regarding second suites and spoke in opposition to legalizing second suites. He believes that second suites will degrade existing neighborhoods. Mr. Adams also stated the following concerns: overcrowding of services (such as hospital, schools) and no control over number of people per household. He suggested that if the proposal for second suites is passed, the landlord should be required to live in the residence.

Mr. Al Pickard, Legacy Community Ratepayers Association, addressed the Committee regarding second suites and asking two questions: should the proposal for legalizing second suites be Town wide or in selected areas? And, how will the Town enforce the By-law once enacted? He indicated that if the Town does legalize second suites, a proactive approach is necessary. Mr. Pickard suggested creation of a public registry of all legal/ registered second suites in Markham in order to track locations.

Mr. Tom Tse, Markham resident addressed the Committee regarding second suites, expressing his opposition to legalizing them. He indicated that if second suites are legalized, residents will lose their ability to complain about associated problems. Mr. Tse suggested second suites not be legalized and all the existing illegal ones be eliminated.

Ms. Debbie Wong, Rouge Fairways Residents Association, addressed the Committee with respect to second suites and spoke in opposition to the legalization of second suites. She stated concern with the current number of illegal second suites and advised legalizing second suites will not solve current problems. Ms. Wong suggested further study is required on the issue and suggested Committee not rush the proposal to legalize second suites.

Mr. Peter Wales, Markham resident, addressed the Committee regarding second suites advising he is not in support of legalizing them. He stated concerns with the Town not having the resources to handle the potential problems associated with second suites.

Ms. Priti Sehgal, Milliken Mills Ratepayers Association, addressed the Committee with respect to second suites and spoke in opposition to legalizing them. She believes that the Town is currently not doing enough to control the illegal second suites. Ms. Sehgal suggested the following problems could be associated with the legalization of second suites: increase in debris, lawns not properly maintained and over-populated schools and community services.

Mr. Axshay Shirodker, Markham resident, addressed the Committee regarding second suites stating he does not support the legalization of them. He suggested the report needs to address the following issues: infrastructure, possibility of second suites turning into rooming houses, and increase in residential debris.

Ms. Ruth Devor, Thornhill resident, addressed the Committee with respect to second suites and spoke in support of legalizing second suites. She advised she had three basement apartments in her house to help supplement her income. Ms. Devor indicated that each apartment was built to code and inspected and that she was never told it was illegal to have these in her basement. She stated she subsequently had to evict her tenants because of the Town's prohibition of second suites and will have to sell her home if second suites are not legalized.

Mr. Michael Fortella, Markham resident, addressed the Committee with respect to second suites, indicating he is neither in support or opposition to legalizing them. He believes some excellent points have been raised at the meeting and hopes that the Committee will consider them before making their decision.

Mr. Christos Pavlakis, Markham resident, addressed the Committee regarding second suites and spoke in opposition to legalizing second suites.

Ms. Gina Daya, Markham resident, addressed the Committee regarding second suites and suggested the Committee consider the following if the decision is to legalize second suites: limit the number of people allowed per dwelling; limit the number of legalized second suites (5% per area) and require that the landlord live in the home.

Mr. Peter Miasek, Markham resident, addressed the Committee regarding second suites and spoke in support of legalizing second suites. He suggested it would be the proper solution to alleviate future environmental challenges.

Item #3

Page 4

Mr. Nick Thompson-Wood, Markham resident, addressed the Committee with respect to second suites and spoke in support of legalizing second suites. He advised that they currently own a Bed and Breakfast in Town with three additional basement apartments and welcomes any inspections from the Town to ensure everything meets code.

The Committee discussed the following issues associated with legalizing second suites:

- Will the number of second suites increase if legalized
- Rooming houses
- Proper enforcement (be pro-active)
- Absentee landlords
- Safety for neighboring residents
- Inability to limit the number of people per dwelling
- The extent to which legalizing second suites addresses the supply of affordable housing

Mayor F. Scarpitti thanked Jim Baird, Commissioner of Planning, Valerie Shuttleworth, Director of Planning and Urban Design, Councillor John Webster, Deputy Mayor Jack Heath, Councillor Logan Kanapathi, Glen Dick, Fire Services and Murray Boyce, Senior Project Coordinator Policy & Special Projects for all their hard work with respect to the proposal to legalize second suites.

The Committee suggested that there should be another opportunity for public input to discuss all the issues raised this evening.

Moved by Councillor A. Chiu

Seconded by Deputy Mayor J. Heath

**That the correspondence from Chris Pavlakis, Paul Naish, Al Howard, David Johnston, Kamlesh Patel, Julie, Peter Wales, Debbie Wong, Errol Brooks, Rajinder Bali, Trevor Dantas, Jayaram Shetty, Carmen Lee, Jim Roberston, Elsa Burton, Jane Wedlock, Fred Webber, Marsha Winton and Shireesh Chiplunkar, be received.**

**CARRIED**

Moved by Regional Councillor T. Wong

Seconded by Deputy Mayor J. Heath

That the Development Services Commission Report dated Feb 5, 2008, entitled "Subcommittee on Second Suites Recommendation Report" and the Development Services Committee Report dated May 20, 2008, entitled "Public Input on Proposed New Policy for Second Suites" be received; and,



Item #3

Page 5

That the Record of the Public Meeting held on May 20, 2008, with respect to the proposed amendments to the Town's Zoning By-laws, as amended, be received; and further,

That the Town initiated amendments to the Town's Zoning By-laws, be referred back to staff for a report and recommendation.

**CARRIED**

**Moved by Councillor J. Virgilio  
Seconded by Deputy Mayor J. Heath**

**That the Staff recommendation report be tabled for information only at a future daytime Development Services Committee meeting and that a Public Information meeting be held in the evening of the same day.**

**CARRIED**





## BY-LAW 2008-\_\_\_\_\_

**A By-law to amend By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended**

**WHEREAS** the Town of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c. P 13.

**AND WHEREAS** By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96 as amended, are intended to provide for the orderly development of land in the Town of Markham;

**AND WHEREAS** the Town of Markham wishes to ensure that By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96 as amended, permit an accessory dwelling unit within single detached and semi detached dwellings within the Town, provided certain conditions are met;

**AND WHEREAS** Council held a public meeting on \_\_\_\_\_, for the purposes of obtaining public input;

### **THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:**

1.0 By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended be and the same is hereby further amended as follows:

1.1 For the purpose of this by-law only, the following definitions shall apply:

“Accessory Use” means a use, customarily and normally subordinate to, incidental to and exclusively devoted to a main use of land or building, and located on the same lot.

“Dwelling Unit, Secondary” means a dwelling unit that has a floor area that is less than the floor area of the other unit in the same building.

"Floor Area" means the aggregate of the areas of each floor of a dwelling unit above or below established grade, measured between the exterior faces of the exterior walls, but not including the floor area of a private garage.

"Dwelling Unit, Principal" means a dwelling unit that has a floor area that is greater than the floor area of the other unit in the same building.

"Dwelling, Semi-Detached" means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall above grade that is divided vertically into two dwelling units that shares a common wall above grade.

"Dwelling, Single Detached" means a building containing only one dwelling unit.

"Garage Door" means the door of a private garage that permits a motor vehicle to access a private garage from the outside.

"Lane" means a subsidiary thoroughfare which is not intended for general traffic circulation and which provides a public or private means of vehicular access to an abutting property.

"Main Wall" means the exterior front, side and/or rear wall of a building and all structural components essential to the support of a fully enclosed space.

"Street, Private" means a private right-of-way that is used by motor vehicles, but not owned by the Corporation or any other public authority.

"Street, Public" means a roadway owned and maintained by a public authority, and for the purposes of this By-law does not include a lane or any private street.

"Streetline" means the boundary between a public street and a lot.

1.2

Notwithstanding any other provisions contained within the aforementioned by-laws, and subject to the provisions of this by-law, one secondary dwelling unit is permitted in a single or semi-detached dwelling in any Zone provided:

- a) both the principal dwelling unit and the secondary dwelling unit are wholly contained within the same single or semi detached dwelling;
- b) there are no more than two dwelling units on the same lot;
- c) the maximum floor area of the secondary dwelling unit is no more than 45% of floor area of the single or semi detached dwelling as it existed prior to the establishment of the secondary dwelling unit;
- d) the secondary dwelling unit has a floor area of no less than 35m<sup>2</sup>;
- e) no more than one dwelling entrance is contained within any main wall facing a streetline;
- f) the entrance to either the principal or secondary dwelling unit is not contained within the garage door; and,
- g) all other provisions of By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75,

88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended, unless specifically modified or amended by this By-law, are complied with.

- 1.3 Notwithstanding any other provisions contained within the aforementioned by-laws, and By-law 28-97, and subject to the provisions of this by-law, no parking spaces are required for an *secondary dwelling unit*.
- 2.0 Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of Markham or any other requirement of the Region of York, the Province of Ontario or the Government of Canada that may affect the use of lands, buildings or structures in the municipality.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
SHEILA BIRRELL, TOWN CLERK

\_\_\_\_\_  
FRANK SCARPITTI, MAYOR



## APPENDIX D



# Markham's Proposed Policy for Second Suites

## FAQ'S

### Frequently Asked Questions

(Updated June 2008)



## **General facts about second suites and Markham's current policy**

### **What is a second suite?**

A second suite is a common name for a basement apartment, an accessory apartment or another form of secondary residential unit in a house that contains no more than one other unit.

A second suite:

- consists of a self contained set of rooms that can be used as an independent unit;
- contains kitchen and bathroom facilities designated for the exclusive use of the unit;
- has a means of access that may be separate or shared with the other unit; and
- can be installed on any floor of a house.

A second suite is a single self contained (with a locked door) additional unit to a house and is *not* considered part of a rooming, boarding or lodging house, where multiple households share kitchen and bathroom facilities.

To be considered legal, a second suite must be permitted in the Town's zoning by-law and inspected and registered under the Town's Registration By-law.

### **What are the benefits of second suites?**

Second Suites:

- add to the stock of private rental accommodation
- provide rental housing opportunities for small households including young adults, seniors, etc.
- provide homeowner with a greater sense of security by having another person living in the home
- provide rental income to homeowners and flexibility to offset ownership and maintenance costs
- have less physical and visual impact on neighbourhoods than apartment buildings
- contribute to the "sustainability" of the existing housing stock and service delivery in Markham

### **What authority does the Town have in controlling or regulating second suites?**

The Town's control over second suites is limited by provincial legislation to certain building types, development, building and fire safety codes, property standards and registration requirements.

The Town has authority to establish:

- where second suites shall be permitted in the Town and in what type of dwellings;
- development standards such as minimum unit size, parking standards, external appearance of main dwelling, etc.;
- Building Code (where applicable) and Fire Code and Property Standards By-law Requirements; and
- inspection and registration requirements (ie. a Registration By-law for second suites can increase landlord accountability for compliance with Codes and By-laws).



### **Where are second suites currently permitted in Markham?**

The Town of Markham Official Plan permits second suites in single detached and semi-detached houses provided zoning to permit second suites is in place.

Houses with second suites are generally *not* permitted in Markham except where:

- the zoning is in place (eg. Markham Centre), or
- a second suite existed on November 16, 1995 and is recognized (grandfathered) as a permitted use under provincial legislation.

### **How many second suites can a homeowner add to house?**

Where permitted in Markham, a homeowner is only allowed to add one second suite to a single detached, semi-detached or row house.

### **What are the standards that currently permitted second suites have to meet?**

In general, new second suites must comply with the Ontario Building Code, and existing second suites must comply with the Ontario Fire Code. Both new and existing second suites must comply with the Town's zoning and property standards.

### **Does the Landlord and Tenant Act apply to second suites?**

Yes, second suites are covered by the Landlord and Tenants Act, except in cases where no rent is charged (eg. a unit is occupied by a family member)

### **Is there currently a requirement to register a second suite in Markham?**

In Markham, permitted second suites must be inspected and registered with the Town and comply with building and fire safety codes and zoning and property standards.

Inspection and registration may result from a request from the landlord/owner or tenant or as a result of a complaint from tenants, neighbours, etc.

Fire Services determine if a second suite is permitted by zoning and then initiate inspection of both units in the house for a fee of \$300.

When a house with a second suite fully complies with the Fire Code, Building Code (where applicable), and the Zoning By-law and Property Standards By-law, it can be registered with the Town for a fee of \$150.

### **What are the benefits of legalizing a second suite?**

The best reason to legalize a second suite is to reduce landlord/owner liability. The liability can be reduced if the homeowner:

- ensures that both units in the house meet all required fire, building and housing standards;
- makes their insurance provider aware of the second suite and enhances the insurance coverage; and
- ensures the mortgage holder is informed about the second suite.

Taking these steps will also eliminate the worry of neighbours or an unhappy tenant filing a complaint with the Town that the suite is illegal. A legal and safe second suite is likely to improve a landlord/homeowner's relationship with tenants, neighbours and the Town.

By having a second suite inspected and registered with the Town the landlord/owner will know that all requirements have been met to ensure a safe healthy home for themselves and their tenants

### **What are the risks to a landlord/homeowner of an illegal or unsafe second suite?**

**Increased Liability:** The onus is on a homeowner to meet established standards for a second suite. If anything should happen, such as a fire, the homeowner may be found liable due to the failure to meet legal requirements.

**Loss of Insurance Coverage:** Having a rental unit in your home is a material change to your home. Non-disclosure of this change of use may make your insurance coverage null and void.

**Limited recovery of damage:** An insurance policy is not typically responsible for rebuilding costs related to meeting current established standards: Your insurance company may only be required to cover the costs of fixing your home back to the state that existed at the time your policy commenced prior to any damage.

**Prosecution:** If you do not meet the Building and Fire Code and Town zoning and property standards it means that you are breaking the law. You run the risk of being charged and may face fines with a maximum penalty of \$50,000 and/or a year of imprisonment on each count.

**Financing:** Income from an illegal basement apartment may not be considered when applying for a mortgage loan.

**Tenants:** As a landlord you are obliged to maintain your basement apartment in good operating order and you must follow all fire safety laws. Tenants may apply for rent reduction where the unit fails to meet the prescribed municipal health, safety, maintenance and property standards.

**Tenant Insurance:** Your homeowner's policy will not cover property owned by a tenant.

### **Can municipalities license a second suite in a house?**

The ability of municipalities to license second suites and regulate the activities of homeowners with second suites is currently being tested by the City of Oshawa. In Oshawa's case, the licensing by-law does not apply to a two unit dwelling where the owner occupies one of the two dwelling units.

Currently, Markham's proposed new strategy for second suites does not include a licensing component. However, if the new strategy were adopted, the Town would monitor the success of Oshawa's licensing by-law for rental properties over the 18 month monitoring period to determine whether a licensing program for second suites should be introduced in Markham.

### **Are municipalities able to require owner occupancy of one of the units in a house with a second suite?**

The provincial Planning Act does not give municipalities the power to restrict second suites to cases where the owner lives on the premises. An owner-occupancy requirement would be unworkable in practice.

However, if Markham were to consider introducing a licensing by-law, as an incentive for the owner to occupy one of the units in a house with a second suite, the Town could not apply the licensing requirement to owner occupied dwellings with second suites.

## **A proposed new policy to permit second suites throughout Markham**

**Why is the Town considering wider zoning permission for second suites? What are the benefits of a wider zoning permission for second suites?**

- To maximize the opportunity for improving the life safety of the homeowner and tenants, and their neighbouring homeowners.
- To offer the highest and most equitable level of customer service to Markham residents by providing equitable zoning permission for second suites across Markham.
- To increase the accountability of landlords for compliance with regulations.
- To allow more Markham homeowners and tenants to realize the potential benefits of second suites if they choose.
- To maximize the potential use of existing and future housing stock and community infrastructure.
- To acknowledge that second suites are presently found across Markham and to ensure that proper fire safety is paramount across the municipality.
- Regulating and permitting second suites will improve life safety of the tenants of an estimated 2500 illegal second suites across Markham.

**What is the proposed new strategy for permitting second suites throughout Markham?**

A Subcommittee of Markham Council has recommended a proposed new strategy for second suites for public review and input.

The key strategy components are:

- a second suites zoning by-law
- amendments to the Town's Registration By-law and Property Standards By-law
- a comprehensive public education/communication program
- an 18 month monitoring program

**What is the proposed zoning permission for second suites in Markham?**

The new strategy for second suites proposes Town-wide zoning permission for second suites in single detached and semi-detached houses across Markham, subject to specified standards, including:

- the second suite must be secondary to the principal unit
- the second suite must meet a minimum gross floor area requirement
- the second suite shall not be conspicuous from the street or change the appearance of the dwelling or the character of the neighbourhood

**What are the driveway and parking standards that would apply to second suites?**

The Town's driveway and parking standards are a key component of the proposed strategy. A house with a second suite must comply with the driveway width standards of the Town's Extended Driveway By-law and the Parking Space requirements of the Town's Parking Standards By-law.

The Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage. The maximum driveway width is equal to the greater of:

- i) the garage door width plus 2.0 metres, provided:
  - a) in the case of a lot with a lot frontage less than 10.1 metres, a minimum 25% soft landscaping is provided in the front or exterior yard in which the driveway is located; and
  - b) in the case of a lot with a lot frontage 10.1 metres or greater, a minimum 40% soft landscaping is provided in the front or exterior side yard in which the driveway is located; or
- ii) up to 6.1 metres, provided a minimum 40% soft landscaping is provided in the front or exterior side yard in which the driveway is located..

### **Why amend the Town's Property Standards By-law?**

The Town currently does not regulate internal property standards but instead has an arrangement with the Ministry of Municipal Affairs and Housing to complete internal property standards inspection.

Amending the Town's Property Standards By-law to incorporate new internal property standards will allow Town staff to better regulate property standards as they relate to second suites and in particular, the activities of absentee landlords.

### **Why amend the Town's Registration By-law for Second Suites?**

There is a concern that once a house with a second suite is inspected and registered with the Town, building and fire safety codes and zoning and property standards may not continue to be upheld, particularly if there are absentee landlords or new owners unaware of the registration requirements,

By amending the Town's Registration By-law to:

- require re-inspection and registration renewal (every 3 years or upon change in property ownership)
  - revoke any registration where the property is not in compliance with the registration by-law
- the opportunity for improving life safety of residents in houses with second suites is maximize and the accountability of landlords for compliance with building and fire safety codes is increased .

### **What are the benefits of a public education/communications program on second suites?**

A public education program will increase public knowledge of second suites by:

- educating residents about second suites and the benefits of registration
- provide information on how to register a second suite and comply with building and fire safety codes and zoning and property standards
- promote the method for registering second suites (including a one year incentive program that would waive fees for a landlord/homeowner who voluntarily requests inspection and registration of a house with a second suite)
- promote life safety and encourage compliance

The public education/communication program may include media announcements of legislative changes, public information posted on the Markham website, a public information brochure and promotion of public information via newsletters, homeowner information packages, postings in community centres and libraries to ensure the highest and most equitable level of customer service to Markham residents.

## **Why introduce a monitoring program?**

It is recognized that the success of any proposed new strategy for second suites will be reliant on an effective monitoring program to track, among other things:

- voluntary inspection and registration of second suites including the effect of the one year' incentive program;
- internal property inspections;
- the registration renewal program; and
- whether there is a need for introducing a licensing program in the future

It is proposed that the monitoring program should be established for a period of 18 months if the new strategy is adopted to monitor the implementation of the strategy and report on any further changes required to the strategy.

## **What opportunities are there for the public to provide comment on the proposed new strategy for second suites?**

There are several opportunities for public input on Markham's proposed new strategy for Second Suites:

- attend an open house/presentation on April 16<sup>th</sup>, 2008 at the Markham Civic Centre (6-8:30pm) and the May 20<sup>th</sup>, 2008 statutory public meeting at 7pm in the Council Chamber and participate in the discussion or fill out a comment sheet
- logon on to the Markham website and submit your comment electronically
- contact Town staff or members of the Subcommittee on Second Suites by phone or email
- attend a future Development Service Committee Public Meeting (September or October 2008 date to determined in future) and provide a deputation or written submission

## **Responding to common concerns with permitting second suites**

### **"Second suites are going to change my low density single family residential neighbourhood"**

**Will zoning permission for second suites change the concept of single family neighbourhoods?**

**My neighbours and I don't want houses with second suites next door to us?**

The concept of single family housing, or single family neighbourhood, was common place at one time when some municipalities attempted to control residential occupancy through zoning restrictions on the number of persons, or their relationship to each other. However, the Ontario Planning Act now specifies that municipalities may not restrict who may occupy a dwelling unit by provisions in a zoning by-law. Attempts to enact such restrictions have resulted in Court decisions that identify these measures as "oppressive and unreasonable".

*Bell v. R.* was the 1979 decision of the Supreme Court of Canada that dealt with this issue. In that case the municipality sought to restrict the occupancy of a dwelling unit to a single family, where "family" was defined as "a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption occupying a dwelling unit". The decision in the *Bell* case stands for the proposition that provisions in a by-law that purport to zone by reference to the relationship of occupants rather than the use of the building are beyond the powers of a municipality and are void.

The *Planning Act* has since been amended to specifically exclude any 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 or structure ... including the occupancy or use as a single housekeeping unit” (section 35(2)).

In addition, the evolving demographics of Canadian Society reflect an ever-widening range of household preferences, in terms of residents’ personal relationships and their choices in how they organize their living arrangements. Many new forms of dwellings have emerged to respond to new housing needs and preferences, including the use of existing dwellings to accommodate different household arrangements. Second suites are one such response. The decision by many property owners to introduce a second suite into an existing dwelling is a reality, notwithstanding zoning provisions to the contrary.

The choice to introduce a second suite into an existing dwelling will continue to be the owner’s decision, not the result of whether the suite is permitted or not. Hence, if the majority of property owners in a neighbourhood do not wish to introduce second suites into their existing dwellings, then the majority of households in that neighbourhood will not have a second suite, regardless of whether they are permitted or not.

**Will the introduction of zoning to permit second suites result in a sudden influx of additional residents that will overwhelm my single family residential neighbourhood?**

Where municipalities have permitted second suites as-of-right in single family residential neighbourhoods there is no evidence to suggest that they have experienced a deluge of second suite requests or experienced any significant problems in any given neighbourhood. The Town did not experience any significant problems when second suites were permitted as-of-right throughout the Province under Bill 120 legislation between 1994-1996.

Many people who want, or need to build a second suite, have already created the suite whether it be legal or not. Where second suites are not permitted by zoning, many second suites have gone unreported, most blending into the physical appearance of neighbourhoods in the Town. In view of this fact, it is not expected that new zoning provisions to permit second suites will result in a sudden increase in second suites, but rather an incremental increase in existing suites being inspected and registered and new suites being created over time. Zoning to permit second suites neither creates market demand nor dictates timing of homeowner decisions to introduce second suites.

The proposed policy to regulate and permit second suites is not expected to generate significant numbers of second suites but rather regulate the second suites that already exist in Markham illegally so that those that can be made safe, and legalized, and those that cannot be made safe, removed.

**Will the introduction of zoning to permit second suites increase the density of dwelling units (i.e. allow two unit households) and have a negative impact on my neighbourhood?**

Low density residential neighbourhoods in Markham are generally designed to accommodate a mix of dwelling types, controlled and limited in order to achieve the desired low density character. Experience in other municipalities has shown there is no noticeable change before and after a second suite by-law. Even a small increase in dwelling units attributed to second suites would not increase the density or alter the built form of existing dwellings in low density residential neighbourhoods and would have less physical impact than introducing a new apartment building.

Depending on the demographics and life cycle of the residents of Markham neighbourhoods, the average persons per unit is not expected to noticeably increase significantly as a result of second suites in comparison to increases attributed to the addition of new housing stock. Neither community groups nor government may regulate the living arrangements of Markham residents. However, a dwelling with a second suite tends to have only marginally more people than single unit dwellings since the households in second suites tend to be very smaller (seniors, young adults, singles, single parent families, etc).

The average persons per unit in Markham have been declining, and will continue to, decline over time. Generally, additional residents in second suites would offset such a decline.

**Why should I consider supporting second suites in my single family neighbourhood, which does not appear to have any second suites?**

**Permission for second suites should only be extended to new neighbourhoods, or certain existing neighbourhoods where by referendum the existing residents have agreed to it.**

A record of second suites identified and registered within the Town generally indicates that second suites are located in most if not all neighbourhoods throughout the Town. It is likely that second suites will continue to be present in Markham whether or not they are permitted. The Town has greater control regarding second suites, especially for safety purposes, if they are permitted.

Although concerns exist respecting aspects of second suites (ie. parking, exterior appearance); second suites occur in most if not all neighbourhoods without being generally known or identified. Second suites can be found in all Town wards.

Town-wide zoning in existing and new development would provide consistent zoning for second suites across Markham and maximize the potential use of existing and future housing stock and community infrastructure.

There is no planning rationale to suggest that if second suites can be permitted in one neighbourhood they should not be permitted in another.

Introducing a new zoning permission for certain wards or new development only would result in an inequitable treatment of residents across Markham and a reduced ability to regulate the condition of unsafe illegal second suites.

Previous experience with zoning based on Wards has also demonstrated problems as Ward boundaries change.

After a thorough review of the legal and planning issues raised by the suggestion of a public referendum, the conclusion reached by the Town Solicitor, is that it would be inappropriate for the following reasons: 1) a referendum is ineffective in terms of ensuring that a community consensus has been reached; 2) it is not a process permitted by or provided for in the *Planning Act*; 3) there is no demonstrable need for a referendum; and 4) a binding referendum would interfere with the legislative role assigned to Council.

It would also be resource intensive for the Clerk to administer a street referendum on a Town-wide basis.

## **“Second suites will introduce new problems into my single family neighbourhood”**

### **Will second suites increase the demand for on-street parking and front yard parking resulting in parking congestion and negative effects on the streetscape and character of my neighbourhood?**

Illegal on-street parking and front yard parking on illegally extended parking pads are common problems to all Town neighbourhoods and are a function of the manner in which communities respond to development standards and/or property standards rather than a necessary characteristic of second suites.

In June 2006, Council adopted new standards for front and exterior yard parking to address:

- concerns about excessive width of driveways
- the impacts of front and exterior yard parking on the character of a dwelling and a neighbourhood

The Town's new Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage.

It is recognized that any policy to permit second suites must not contribute to neighbourhood parking problems. For this reason, second suites should only be permitted where there is sufficient on-site parking to accommodate storage of automobiles for both the principal dwelling unit and the second suite. Furthermore, second suites should only be permitted where the required parking spaces are maintained and accessible at all times.

To ensure the second suite is inconspicuous from the street and doesn't change the character of the dwelling or the neighbourhood the proposed zoning by-law amendment to permit second suites would require no additional parking for the second suite, however, all parking must be provided consistent with the Town's Parking By-law.

With new driveway standards in place, the appearance of homes with or without second suites, will be comparable.

### **Will second suites result in changes to the exterior of dwelling units and changes to the physical appearance of neighbourhoods?**

The physical appearance of neighbourhoods can suffer if additions or alterations to the exterior of dwelling units are not properly controlled.

Exterior changes to dwellings with second suites in Markham have not generally been significant.

It is recognized that any policy to permit second suites must not contribute to a negative physical appearance of neighbourhoods. For this reason, second suites should only be permitted where there is no significant alteration to the exterior appearance of the dwelling and where an exterior entrance to the second suite can be accommodated within existing development standards in the side and rear yards only.

To ensure the second suite is inconspicuous from the street and doesn't change the character of the dwelling or the neighbourhood the proposed zoning by-law amendment to permit second suites would require that only one dwelling unit in the building may have a door(s) in a wall facing the street.



**Will second suites lead to a decline in property standards as result of absentee landlords, the transient nature of tenants, and reduced property maintenance?**

The Planning Act provides the Town with the authority to regulate land use (ie. the type and number of dwelling units permitted), but not tenure (ie. whether the residents of the dwelling units own or rent). Landlord/tenant issues are outside of the jurisdiction of the Town and are governed by the Provincial Landlord and Tenant Act and the Rental Control Act. There is no evidence to suggest that second suites will result in an increase in landlord/tenant issues.

Given the small rental housing stock and low vacancy rate there is a demand for rental opportunities of all kinds (ie. rental of individually owned single, semis and townhouse dwellings, rented condominium units, second suites and coach houses). Other municipalities with similar by-laws have not seen a greater number of absentee landlords, a more transient nature of tenants or an increase in neighbourhood safety concerns related to tenant occupancy. The Town has no authority to control where a landlord lives including the owner of a dwelling with a second suite. However, it is more likely that a landlord will reside in the main unit of a dwelling with a second suite, and may therefore be more involved in the selection and supervision of a tenant.

It is recognized that any policy to permit second suites must uphold the property standards of the Town's Property Standards By-law. A decline in property standards can result from a lack of owner/occupant responsibilities respecting repair (unit facilities), maintenance (landscaping), and cleanliness (ie. garbage storage) etc. and the failure to comply with Town property standards. For this reason, second suites should only be permitted where there is full compliance with the Town's property standards. Zoning to permit second suites may increase the accountability of the landlord to comply with development standards.

**"Second suites will have an impact on the value of my property as well as Town revenues & services"**

**Will second suites have an impact on property values in my neighbourhood?**

Altering a dwelling to create a legal suite will increase the market value of the dwelling in a manner similar to that of adding a finished basement. There is effectively no difference in the value of a dwelling with a finished basement and one with a basement finished as a second suite.

The City of Toronto publication "The Gains & Benefits of a Second Suite" identifies that under "Current Value Assessment (CVA), the assessed value of a home is based on its market value. According to the Municipal Property Assessment Corporation (MPAC), a property's CVA does not usually go up unless there is an increase in the total property value of or at least \$10,000 or 5%. A typical second suite increases the value of a home by only 2-5%, depending on the neighbourhood. Therefore, most second suites do not add enough value to meet this threshold."

Where the increase in total property value is greater than 5%, MPAC will increase the assessed value of the house for taxation purposes. Improvements are tracked through building permits and the reassessment process. Assessment of residential class properties takes account of improvements, but does not include a consideration of how the improved space is used or rental income. There are no records of property value assessments declining as a result of second suites.

## **Why not control the number of persons who can occupy a dwelling with a second suite?**

There is no legal basis for a municipality to justify placing an upper limit on the number of persons who may occupy a residential dwelling. The *Building Code Act, 1992* grants authority to municipalities to enact by-laws for the purpose of enforcing municipal property standards, however these by-laws are subject to the same condition as zoning by-laws, that they not have the effect of distinguishing between persons who are related and those who are unrelated (section 15.1). While the regulations of the *Building Code Act, 1992* include requirements for commercial buildings that limit occupancy based on a calculation of a minimum floor area per occupant, and associated requirements for a minimum number of sanitary facilities and other facilities, there are no such requirements for residential dwelling units. The regulations state that a residential dwelling unit shall have sanitary and other facilities, but no restrictions on the number of persons that may use them, or limitations of the amount of floor area that they may be said to adequately service.

“Overcrowding” complaints are often actually complaints about noise, property standards, parking problems etc., which may arise with or without second suites. These impacts are regulated by separate Town by-laws that are presently enforced and will continue to be enforced if the second suite amendments are enacted.

## **Will second suites place a burden on my local services such as roads, sewers, water systems, parks, day care facilities and schools?**

Adding a legal second suite does not mean doubling the number of people, the principal determinant of service use.

Most demand for utilities and services is based on household consumption. However, the number of persons per unit varies broadly and is not directly proportional to the existence of a second suite. A dwelling with a second suite may or may not have more people than single unit dwellings since the households in second suites tend to be smaller (seniors, young adults, singles, single parent families, etc.) Second suites also tend to have fewer school-age children living in them than single household dwellings.

The service consumption for a household with a second suite (eg. water and sewage, recycling and garbage collection) does not result in a demand beyond the design capacity of the average household.

As a structure with a second suite may have only marginally more people than single unit dwellings, it is also not anticipated that there will be an undue burden on the neighbourhood park system. With respect to recreation programs, the programs occur in locations across the Town and are community rather than neighbourhood oriented (ie. the current model is to build large scale, community wide, multi purpose recreation centres). Therefore, increases in population regardless of whether it occurs from new development, intensification, second suites, etc. will determine the demand for the for new or expanded facilities or additional program offerings at current locations. Second suites, in of themselves, will not create a situation from a recreation program standpoint that cannot be accommodated in the Town's normal course of planning for growth.

Residents of second suites may, in part, offset the normal decline in average household sizes as the demographics of the Town's population change over time. Maintaining neighbourhood populations ensures full use of the housing stock, supporting infrastructure and community services.

The phenomenon of multiple families per dwelling unit is one which the School Board is aware of in certain areas throughout the Region. If additional students are generated above the average yield, the impact can be a positive one if available pupil places exist at the local school. This can be particularly helpful in older, established communities where the local school is experiencing some decline in enrolment. Where newer communities are still approaching peak enrolment, pupil yield from second suites would have to be carefully monitored to determine impact on local schools.

The School Board undertakes its own review of pupils by housing type across the Region, particularly when changes impact the number of families per unit. This information is crucial to ensure that the appropriate school accommodation is in place should it be required. If the Town of Markham proceeds with a second suite policy, the School Board will undertake a monitoring process to identify any significant changes in student yields.

### **Will second suites “pay their way” in terms of municipal taxes?**

Adding a legal second suite may result in a modest increase in a dwelling’s market value, which property tax is based on. Improvements are tracked through building permits and the reassessment process.

If the improvements are identified through reassessment it is likely that there would be a corresponding increase in taxes, similar to improvement of a finished basement for a single unit household.

### **Will Development Charges apply to second suites?**

Development Charges are not applicable to improvements to existing dwellings. For newly constructed dwellings, the Town applies a development charge on main dwelling unit based on the lot size/house size but there is no development charge on additional secondary units.

### **Will every second suite be inspected to ensure fire safe accommodation is provided within my neighbourhood?**

In Markham there is a Registration By-law for second suites that requires that all two-unit residential dwellings must be inspected to ensure compliance with all relevant standards as set out in the Ontario Building Code and Fire Code.

New second suites permitted through zoning would require a building permit, which automatically requires compliance with Building Code and Fire Code regulations. Introducing new zoning provisions to permit second suites will increase the likelihood that unknown existing second suites will be inspected and included in the Town’s registry of fire safe accommodation.

### **Once a dwelling with a second suite is inspected and registered with the Town, will building and safety codes and zoning and property standards continue to be upheld, particularly if there are absentee landlords or new owners unaware of the registration requirements?**

By amending the Town’s registration by-law to:

- require re-inspection and registration renewal (every three years or upon change in property ownership)
- revoke any registration where the property is not in compliance

the opportunity for improving life safety of residents in houses with second suites is maximized and the accountability of landlords for compliance with building and fire safety codes is increased.

**How will the Town ensure the second suite is secondary to the principal dwelling unit and large enough for human habitation?**

The proposed zoning by-law amendment to add permissions for second suites and standards would require:

- the maximum gross floor area of the second suite shall be no more than 45% of the gross floor area of the building.
- the second suite must be at least 35m<sup>2</sup> (375 sq ft)

Room and space requirements are set out in the Ontario Building Code. These dimensions and areas would apply to new construction, where the basement was previously unfinished and to a change of use, where the basement is being converted from an existing finished space serving the occupants of the dwelling to a second and separate dwelling unit.

Section 9.5.8.1.(1) of the Ontario Building Code permits an area of 13.5 m<sup>2</sup> (145 ft<sup>2</sup>) where a living room, dining room, bedroom and kitchen are combined into one space. This would be your typical bachelor apartment arrangement. The proposed zoning by-law amendment to permit second suites would require more than double the size that the Ontario Building Code would permit.

**Should occupants of basement apartments be concerned about heightened exposure to radon gas?**

No. Markham has not been identified as a problem area for radon soil gas in the Province. Although detectable in most soil, Markham is not in a region where radon (or other soil gases) are present in concentrations known to affect human health. Normal rates of natural or mechanical ventilation are typically sufficient to maintain healthy indoor environments.