

Planning Act, R.S.O. 1990, c. P.13, as amended

Section 16

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 4 (1).

Restriction, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3) other than the primary residential unit. 2022, c. 21, Sched. 9, s. 4 (1); 2023, c. 10, Sched. 6, s. 3.

Restriction, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2). 2022, c. 21, Sched. 9, s. 4 (1).

Section 17

No appeal re additional residential unit policies

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the

detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (6); 2023, c. 10, Sched. 6, s. 4 (1).

Section 34

No appeal re additional residential unit by-laws

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 8 (2); 2023, c. 10, Sched. 6, s. 6 (3).

Section 35.1

Restrictions for residential units

- (1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,
 - (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and

structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.

Restriction, parking

- (1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) other than the primary residential unit. 2022, c. 21, Sched. 9, s. 9; 2023, c. 10, Sched. 6, s. 7.

Restriction, minimum area

- (1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.

Provisions of no effect

- (1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section. 2022, c. 21, Sched. 9, s. 9.

ONTARIO REGULATION 299/19 – ADDITIONAL RESIDENTIAL UNITS

- 2. The following requirements and standards are established with respect to additional residential units:
 - 1. Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential unit, subject to paragraph 2.
 - 2. Where a by-law passed under section 34 of the Act does not require a parking space to be provided and maintained for the sole use of the occupant of the primary residential unit, a parking space is not required to be provided and maintained for the sole use of the occupant of either additional residential unit.

3. A parking space that is provided and maintained for the sole use of the occupant of an additional residential unit may be a tandem parking space.
4. An additional residential unit may be occupied by any person regardless of whether,
 - i. the person who occupies the additional residential unit is related to the person who occupies the primary residential unit, and
 - ii. the person who occupies either the primary or additional residential unit is the owner of the lot.
5. Where the use of additional residential units is authorized, an additional residential unit is permitted regardless of the date of construction of the primary residential unit.

Provincial Planning Statement, 2024

Subsection 4.3.2

5. Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:
 - a) comply with the minimum distance separation formulae;
 - b) are compatible with, and would not hinder, surrounding agricultural operations;
 - c) have appropriate sewage and water services;
 - d) address any public health and safety concerns;
 - e) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
 - f) minimize land taken out of agricultural production.

Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c).

6. For greater certainty, the two additional residential units that are permitted on a lot in a prime agricultural area in accordance with policy 4.3.2.5 are in addition to farm worker housing permitted as an agricultural use.