

Government Programs and Regulations

Second Suites Legal in Toronto

In an effort to increase the supply of affordable housing, Toronto City Council passed a by-law last year that legalized second suites, also known as accessory apartments. Several members of the public appealed this decision to the Ontario Municipal Board (OMB), and as a result the by-law could not take effect until the OMB issued a decision on the matter.

In April 2000, the OMB approved the new by-law, but refused to allow it to take effect until changes were made to address public concerns regarding the exterior appearance of homes with second suites, and the provision of parking. City of Toronto staff have made the necessary changes to the by-law, and the OMB has now issued its final order allowing the bylaw to take effect. As a result, second suites are now legal in the City of Toronto in all single family and semi-detached homes, providing they meet certain criteria, including fire and building codes (see below for details).

Following is a list of frequently asked questions regarding the legalization of existing second suites and the creation of new second suites in the City of Toronto. This background information was adapted from information provided by City of Toronto planning staff. For legal and zoning information on second suites in other Greater Toronto Area municipalities, please contact your local planning department.

Frequently Asked Questions:

What is a second suite?

A second suite is a self-contained unit (rental or rent-free) in a single-detached or semi-detached house. Most second suites are basement apartments. They have also been called granny flats, in-law suites and accessory apartments.

Are second suites new?

No! In the past, second suites were permitted in some areas of the City (York, East York, and parts of former Etobicoke, North York and Toronto). Some parts of the City have had a long experience with this form of housing. As well, provincial legislation, in force between July 1994 and November 1995, allowed for the creation of second suites in all areas of the province.

Why has it taken a year for the City's second suites by-law to come into effect?

In July 1999, City Council adopted the second suites by-law. This by-law was appealed to the Ontario Municipal Board (OMB) by a number of residents' groups and individuals. The OMB held a hearing on the appeals in February 2000. The OMB issued a decision in April approving the City's by-law but directed that two amendments be made.

For specific zoning, property standards, or fire and building code questions please contact the City of Toronto's Urban Planning and Development Services Department:

East York:	397-4591
Etobicoke:	394-8055
North York:	395-7000
Scarborough:.....	396-7071
Toronto:	392-7522
York:	394-2535

Government Programs and Regulations

Second Suites Legal in Toronto

The amendments dealt with: (1) parking provisions in some neighbourhoods in the former Toronto, and (2) building alterations. The final by-law was approved by Order of the OMB on July 6, 2000. As a result of the Order, the second suites by-law (including the amendments) is now in effect.

Where are second suites permitted in the City?

The new by-law permits second suites in all single-detached and semi-detached homes throughout the new City of Toronto – with certain conditions.

What are some of the conditions that apply to second suites?

Some of the conditions include:

- the second suite must be self-contained with its own kitchen and bathroom.
- the house, including any additions, must be at least 5 years old;
- the floor area of the second suite must be smaller than the remaining unit;
- in most cases, homes with a second suite must have at least 2 parking spaces and parking can be in tandem (one behind the other). There is an exception for parts of the former City of Toronto (R2, R3 and R4 districts) where only 1 parking space is required for a house with a second suite. Please contact the City of Toronto's Urban Planning and Development Services Department to determine if a property is located in a R2, R3, or R4 district.
- Before planning any changes to the outside appearance of a dwelling the homeowner should contact the City of Toronto's Urban Planning and Development Services Department; and
- all new second suites must comply with the Ontario Building Code and require a building permit. Existing second suites must comply with the Fire Code as well as zoning and property standards.

How can I find out if an existing second suite complies with the regulations?

The unit will have to be inspected by Fire Department staff. There is a fee for the inspection and you may be required to upgrade the suite to meet the code requirements and other standards. Contact the City's Urban Planning and Development Services Department for more information (see phone numbers below).

Does the City provide grants or loans to encourage the creation of second suites?

There is currently no grant or loan program for second suites. The City is discussing the potential for a program with senior levels of government. TREB's Government Relations staff is monitoring this initiative and will inform members if the City implements a program.

Will a second suite impact property taxes?

In most cases, there will be little impact on property taxes. A major exception would be where the second suite is created by constructing an addition, thereby significantly adding to the value of a house.

If you have comments or questions on this issue please contact TREB's Government Relations Department: Manager, Alina Oprea at (416) 443-8176, via e-mail at alina.oprea@trreb.ca.