



Short Term and Shared Accommodation Zoning By-law Technical Paper

Final Study

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1 Introduction

Scope

In July 2010, Council adopted the City of Richmond Hill Official Plan (OP), which was partially approved by the former Ontario Municipal Board (now the Local Planning Appeals Tribunal). The Official Plan sets out a “new kind of urban” policy direction for the City. Accordingly, the City is presently undertaking a comprehensive City-wide zoning by-law review (zoning review) with the intent of developing one comprehensive and modern zoning by-law to implement the Official Plan, and repealing the multiple parent by-laws that were enacted from various periods in the City’s history that presently apply throughout the City. In support of the zoning review, a number of technical discussion papers on specific topical matters will be prepared.

The present paper addresses short term and shared accommodations. It is separated into two sections, Short Term Accommodations (1) and Shared Accommodations (2). Each section will include an overview on the issue background in the Richmond Hill context, legislative and policy contexts, zoning and built-character contexts, area municipality approaches, a consultation summary, and a list of recommendations for potential policy and zoning approaches for Richmond Hill.

Short term accommodations (STAs) are rental accommodations provided for a period of less than 30 days in existing residential homes (most often provided through AirBnB or VRBO platforms). The City of Richmond Hill is seeking to determine if there is a need to regulate these forms of STAs. Among others, this section of the technical paper will address whether these forms of short-term accommodations are commercial uses or are part of the existing residential use and whether regulations are required.

Shared accommodations are forms of housing such as boarding, lodging and rooming houses, group homes, and institutional housing that offer affordable housing and needed services. Shared accommodations are where residents live within a building comprised of units or suites, where either cooking facilities, bathroom facilities, or both are shared. This technical paper will explore this form of accommodation and determine how it fits in with the character of the surrounding neighbourhoods and whether regulations are required.

Study Objectives

The main goal and objectives of this paper are to:

- Inform a zoning approach to address short term and shared residential accommodations in a manner relevant to the City of Richmond Hill;
- Establish a framework for developing appropriate performance standards in conformity with the City’s Official Plan; and

- Inform an implementation framework.

Methodology

The work for this paper will proceed in four (4) phases.

1. Project Kick-off
 - Project initiation meeting
 - Work plan and schedule
2. Information Gathering
 - Research and review
 - Community and stakeholder consultation
 - What We Heard Report
3. Draft Study Development
 - Draft study
 - Public open house
 - Meeting with City staff
4. Final Study Development
 - Final study
 - Council meeting

Short Term Accommodation

2 Background

The City is seeking to determine if there is a need to regulate STAs and if so, find a balance between encouraging these forms of accommodations and placing limits on their scope in order to preserve the residential character of the neighbourhood and local community. Over the past decade, there has been an increase in the use of various forms of STAs in municipal jurisdictions across Ontario.

It is estimated¹ that there were approximately 750 STAs registered in Richmond Hill in the first quarter of 2020, dropping to 582 in the second quarter, likely due to COVID-19. However, registration does not necessarily reflect availability and active use of units as STAs. Research conducted by Host Compliance² in early 2020 found that there was a 31% growth in STAs between 2019 and 2020 which were shared across AirBnb (90%+), Expedia, TripAdvisor and Bookings.com. The estimated cost of a STA in Richmond Hill is \$74 per night with an average length of stay per guest 5.5 nights; This is a longer average stay than typical of other jurisdictions and they speculated that it is likely the result of visits to see relatives.

STAs connect homeowners with extra space for the vacationing public, short term workers, local residents who are in need of short-term accommodation for various other reasons (e.g. home renovations), and those who feel traditional hotel and motel options do not accommodate their needs. It is estimated³ that around 50% of STAs in Richmond Hill offer a room in a currently occupied home while the remaining offer the entire home.

Some STAs are operated by businesses that make the unit available for year-round, short-term accommodation. Other STAs are operated by occupants who make the unit available from time to time or who have extra space available to rent out temporarily while they continue to occupy the balance of their home.

3 Character of STAs

STAs provide an alternative to hotels. They provide a form of short-term accommodation that is not supported by the current hotel/motel industry, providing home-like amenities such as on-site kitchens, laundry, separate bedrooms for family members, etc.

STA dwellings that are comprised of full rental dwelling units may impact housing affordability by decreasing the number of long-term rental units on the market, particularly if they are operated as full time short term rentals year round. As stated in the 2019 OMB decision PL 180082[147] regarding Short Term Rental Accommodation

¹ City of Richmond Hill. (2021). Affordable Housing Strategy: Background Report

² City of Richmond Hill. (2020). Staff Report for Council Meeting: SRCS.20.03

³ City of Richmond Hill. (2021). Affordable Housing Strategy: Background Report

in Toronto: "...one fact is indisputable: each dedicated STR unit displaces one permanent household. That household must find another place to live." The Toronto By-law, which was the subject of this decision, requires that the short term rental accommodation be provided in a dwelling unit, including a secondary suite, that is the principal residence of the operator. This, in effect, does not provide permission for an entire unit to be used as a STA unit by an absentee operator. The LPAT decision is reviewed more fully in section 6.1 of this report.

STAs, which are part of a dwelling unit, can contribute to the mix and range of housing, by providing a means for occupants to earn income to offset the cost of housing, while also providing short term accommodation for the travelling public, visiting relatives and guests. STAs potentially make up only 3.5% of the Secondary Rental Housing in Richmond Hill, and are not expected to significantly impact the housing market. Nevertheless, in order to address issues that may arise over time, this paper provides a framework for STAs, provided they are the principal residence of the operator, to address problems, such as safety and noise issues and potential impact on supply of long term rental housing, experienced in other municipalities by non resident operators of year round STAs.

4 Summary of legislative and policy context

This policy review focuses on STAs through the lens of commercial uses. A focused review of housing policies can be found in the second section of this report (see Chapter 10).

Planning Act, 1990, c. 2021

The Planning Act ("The Act") sets out the rules for land use planning and development in Ontario and provides a range of land use planning tools that municipalities can use to promote housing choices in their communities, including affordable and shared housing. The Act provides no specific direction relative to STAs.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), issued in 2020 under Section 3 of the Planning Act, contains overall policy direction on matters of provincial interest related to land use planning and development. Municipalities use the PPS to develop their official plans and to guide and inform decisions on other planning matters. Under the Act, all municipal decisions affecting land use planning matters shall be consistent with the PPS.

The PPS has no specific direction relative to STAs. However, STAs relate indirectly to policies in the PPS that require a range and mix of housing types (Section 1.4.3). STAs help make ownership more viable through rental income, supporting the viability of ownership housing as a part of the overall housing supply.

The PPS has policies on tourism, which indirectly relate to STAs as they provide temporary accommodation for the travelling public:

- Healthy, integrated and viable rural areas should be supported by providing opportunities for sustainable and diversified tourism (Policy 1.1.4.1g);
- Recreational, tourism and other economic opportunities should be promoted in rural lands in municipalities (Policy 1.1.5.3); and,
- Long-term economic prosperity should be supported by providing opportunities for sustainable tourism development (Policy 1.7.1h).

Growth Plan for the Greater Golden Horseshoe (2010, c. 2020)

The Growth Plan for the Greater Golden Horseshoe (“The Growth Plan”) informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe.

The Growth Plan has no specific direction relative to STAs. However, STAs relate indirectly to policies in the Growth Plan that support creating a mix and range of housing (Policies 2.2.1(4) and 2.2.6(1)(i)). STAs support ownership housing as part of the overall supply of housing.

The Growth Plan has policies on tourism, which indirectly relate to STAs as they provide temporary accommodation for the travelling public who engage in resource-based recreational uses and who visit cultural heritage resources:

- Where permitted on **rural lands**, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include, where appropriate, resource-based recreational dwellings for seasonal accommodation (Policy 2.2.9.4b); and
- The Growth Plan contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities (Policy 4.1).

York Region Official Plan (2010, c. 2019)

The York Region Official Plan (YROP) was approved by the Ministry of Municipal Affairs and Housing in September 2010, consolidated in 2019 and is currently going through a Municipal Comprehensive Review. The YROP gives guidance on managing land use and growth within the region of York. The policies in the YROP strengthen the connection between the natural and built environment, job opportunities, human services, transportation, public health and fiscal capacity.

The YROP has no specific direction relative to STAs. However, STAs relate indirectly to policies that speak to provision of a mix and range of housing (Policy 3.5.4). STAs support ownership housing as part of the overall supply of housing.

The YROP has policies on tourism, which indirectly relate to STAs as they provide temporary accommodation for the travelling public:

- Industry needs will increasingly be tied to continuous improvement and education, cultural, environmental, recreational and tourism opportunities and the development of a greener economy (Policy 4.1);
- To encourage and support cultural, recreational, institutional and tourism opportunities that enhance the Region as a place to work, live and visit (Policy 4.1); and
- It is the policy of Council to work with local municipalities to establish and promote destinations for recreation and tourism and implement York Region's Long-Term Tourism Destination Development Strategy (Policy 4.1.13).

In January 2021, York Region published a report on Innovative Housing Options to Support Affordable Housing. While the Region has no position on STAs, the report notes that STAs benefit homeowners but may reduce the availability of long-term rental units.

Richmond Hill Official Plan (2010, c. 2020)

The Richmond Hill Official Plan (OP) provides clear direction for growth, balancing necessary changes and historical character and value. The OP is silent on STAs; it neither prohibits nor supports them, and has no specific definitions of STAs.

Bed and Breakfast Establishments and Hotels, which are addressed in the OP, are similar uses. Like STAs, they provide accommodation for the travelling public and may share some common concerns such as traffic, noise, and unknown people in the neighbourhood. However, bed and breakfast establishments are directed to Employment Areas and Centres and Corridors and well as the Oak Ridges Moraine, while hotels, as permanent commercial uses, are directed to Employment Areas and Centres and Corridors. On the other hand, STAs are often located in areas where residential uses are permitted such as Neighbourhoods, in addition to Centres and Corridors.

Bed and Breakfast Establishment

- Bed and Breakfast Establishment means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the traveling or vacationing public in up to three guest rooms within a **single-detached dwelling** that is the principal residence of the proprietor of the establishment (Policy 7.2);
- Bed and breakfast establishments in accordance with policy 3.2.1.1.17 of this Plan shall be permitted in the ORM Natural Core (Policy 4.10.1.1.1g), ORM

Natural Linkage (Policy 4.10.2g), ORM Countryside (Policy 4.10.3.1.1g) and Countryside designation (Policy 4.10.7.1.1h); and

- Bed and breakfast establishments shall be permitted in accordance with the permitted uses in all of the ORM land use designations provided the use is ancillary or subordinate to a lawfully existing **single detached dwelling** or a new **single detached dwelling** permitted by this Plan and the Oak Ridges Moraine Conservation Plan (Policy 3.2.1.1.17).

Hotel

- Employment uses that generate a higher concentration of workers and consumer traffic, such as hotels, shall be encouraged to locate within the Employment Corridor designation and within walking distance to public rapid transit (Policy 3.3.3.1.2);
- Hotels are permitted within the Employment Area designation and are encouraged to front on an arterial street (Policy 4.8.1.1.2d), and,
- Hotels are permitted in the Centres and Corridors.

5 Zoning By-laws

Short-term rental accommodation is not currently regulated in Richmond Hill. The City has multiple zoning by-laws dating back several decades, which do not contemplate short term accommodation. The following are examples of provisions contained in current zoning by-laws:

Hotels and Motels

- Hotel is defined as a building, part of a building, or two or more connected buildings used mainly for the purposes of catering to the needs of the travelling public by the furnishing of sleeping accommodations which do not include separate kitchen or housekeeping facilities but may include other amenities such as a restaurant, dining room, lounge, meeting rooms, retail stores, and other ancillary uses (By-law 54-15, Section 6.68);
- Motel is defined as a separate building or two or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food or other refreshments and without limiting the generality of the foregoing shall include a motor court, auto court and tourist home (By-law 38-95, Section 6.98);
- Hotels are permitted in office commercial zones (By-law 55-15) and high-performance industrial zones (By-law 55-15); and

- Hotels and Motels are permitted in the general commercial one zone and general commercial two zone (By-law 184-87).

Bed and Breakfast

- Means a single detached dwelling in which a maximum of three rooms are provided with or without meals for hire or pay, for the travelling or vacationing public (By-law 42-02, Section 6.15); and,
- Bed and Breakfasts and accessory uses are permitted in the Oak Ridges Moraine Urban Zone (By-law 128-04, Section 3.1) and are also permitted in the Oak Ridges Moraine Countryside, Oak Ridges Moraine Hamlet, Oak Ridges Moraine Natural Core and Oak Ridges Moraine Natural Linkage zones under By-law 128-04.

Parking

Note: The City is undertaking a Parking and TDM Strategy considering appropriate parking rates for different uses. This is historical context.

- In residential zones where STAs are often found, single-detached, semi-detached, duplex, quadruplex or street townhouse dwelling units require two parking spaces per dwelling unit (By-law 38-95, Section 5.14). This is intended to also address visitor parking;
- In multiple apartment dwellings and downtown blocks, 1.5 parking spaces per dwelling unit are required, of which 0.25 parking spaces per dwelling unit shall be for visitor parking (By-law 38-95, Section 5.14); and,
- Within commercial zones, hotels require one parking space per guest room plus ten parking spaces per 100 square metres of GFA devoted to uses such as lounges, taverns, meeting rooms, restaurants and banquet halls (By-law 38-95, Section 5.14).

6 Area Municipality Approaches: Case Studies

A review of other Ontario municipalities was undertaken to study their approach for STAs. The majority of municipalities sampled do not address STAs in their Official Plans (Markham, Oakville, Oshawa, Vaughan, Niagara on the Lake and Toronto). Huntsville and Town of the Blue Mountains (tourist destinations) outline specific official plan designations where STAs are permitted. This section on area municipality approaches will focus solely on zoning by-law approaches, as this is the tool in which STAs are most often regulated.

2019 Local Planning Appeals Tribunal Decision re City of Toronto By-law

In 2019, the Ontario Local Planning Appeals Tribunal released a decision regarding an appeal, launched by a group of operators, to the City of Toronto's zoning provisions

regarding Short Term Rentals (STRs), which provides useful guidance on how STAs can be appropriately regulated. The central dispute focussed on the definition of Short Term Rentals in the Zoning By-laws (ZBLs). The definition is as follows:

“ Short-term Rental means all or part of a dwelling unit, that:

(A) is used to provide sleeping accommodations for any rental period that is less than 28 consecutive days; and

(B) is the principal residence (PR) of the short-term rental operator. (ZBA 1452-2017)”

The Toronto Zoning By-law permits Short term Rentals, in up to three bed-sitting rooms in a dwelling unit, as well as a secondary suite, provided that the secondary suite is also exclusively and separately occupied as a principal residence, which effectively limits the STR to part of a secondary suite.

In its decision the Tribunal states:

“By permitting STRs as defined and regulated above, the ZBAs prohibit the use of dwelling units and secondary suites for STR purposes that are not the PR of the operator. The ZBAs intend to stop persons or companies from purchasing or leasing a dwelling unit for the sole purpose of offering STR accommodations year-round. Such operations are variously referred to as “dedicated STRs,” “commercial STRs” or “ghost hotels.” The Tribunal will use the most neutral term, dedicated STRs.”

The Tribunal ruled in favour of the City and upheld the City’s right to control Short Term Rentals as proposed in the By-law, including limiting the duration of stay and requiring that the dwelling unit be the principal residence of the operator. The decision states in part:

“These opportunities represent a reasonable balancing of several policy objectives. They assist in ensuring that housing is provided for residents, that a full range of housing is available including Short Term Rentals, and that the business and tourism economies are supported.

This Decision is consistent with similar matters considered by the courts and by the Tribunal’s predecessor, the Ontario Municipal Board. The Zoning By-laws are found to satisfy all statutory tests: regard for provincial interests; consistent with the Provincial Policy Statement; conform with the Growth Plan; and conform with and implement the Official Plan. The Tribunal has had regard for the decision of City Council and concludes that the Zoning By-laws represent good planning in the public interest.”

Zoning Permissions

A number of nearby municipalities have amended their zoning by-laws to address issues related to STAs. The scanned municipalities have been chosen based on their similarities or proximity to Richmond Hill and include Huntsville, Markham, Mississauga, Niagara on the Lake, Oakville, Oshawa, Toronto, Town of the Blue Mountains and Vaughan. A summary of their approaches is below.

Many municipalities have generally permitted STAs in zones that allow for residential uses and in the full range of housing types, including single-detached, semi-detached, townhouses, condominiums/apartments, and additional residential units. These zones often include all residential housing forms, mixed use zones, central business districts, and other zones where residential dwelling units are permitted. In many cases, provisions are included to reduce the impact of STAs on abutting residential dwellings and neighbourhoods.

A sample of permissions are as follows:

- Mississauga Zoning By-law 0225-2007, as amended: Permitted in residential zones, one commercial zone (C4), and most city centre zones (CC1-CC4);
- Oakville Zoning By-law 2014-014, as amended: Permitted in all residential, central business district, mixed- use, greenbelt and Parkway Belt Complementary Use zones. In this case, a maximum of one of the accessory uses shall be permitted in a dwelling;
- Oshawa Zoning By-law 60-94, as amended: Permitted in all zones that permit dwelling units; and
- Vaughan Zoning By-law 01-2021: Permitted in all residential, low-, mid-, and high-rise mixed use, main street mixed use, Vaughan Metropolitan Centre, and agriculture zones.

Other municipalities have permitted STAs in specific residential zones or prohibit the use outright. The Town of the Blue Mountains permits STAs in Residential Multiple and Resort Residential Zones to direct STAs towards higher density neighbourhoods, as they are considered more suitable.

Principal Residence Requirement

Most municipal zoning by-laws include a provision that the dwelling unit in which the STA is found must be the principal residence of the host. This is intended to keep the STA use residential and as a secondary use (2019 OMB decision PL 180082⁴). In addition to zoning by-laws, this requirement is included in many licensing by-laws, as a requirement of obtaining a license. The scope of this paper will focus on the zoning

⁴ Local Planning Appeal Tribunal (2019). PL 180082

approach, but we note that for most municipalities the zoning provisions regarding STAs are often accompanied by a licensing requirement. The provision regarding the principal residence is included in the definition of an STA or as a use provision. Examples of this approach are as follows:

- Mississauga Zoning By-law 0225-2007, as amended: Definition includes “means all or part of a dwelling unit that is the principal residence of the owner or leaseholder [...]”;
- Oakville Zoning By-law 2014-014, as amended: Provision that states “[...] shall be operated by the person or persons whose principal residence is the dwelling in which the STA is located. The principal residence of an accessory dwelling shall be deemed to be the principal residence of the main dwelling unit on the lot”;
- Oshawa Zoning By-law 60-94, as amended: Provision that states “The dwelling unit in which the short-term rental is located shall be the principal residence, as defined in the Income Tax Act, of the person or persons operating and residing in the short-term rental”;
- Toronto Zoning By-law 569-2013, as amended: the STA definition “means all or part of a dwelling unit that [is] the principal residence of the short-term rental operator”; and
- Vaughan Zoning By-law 01-2021: Provision that states “A short-term rental shall only be permitted as an accessory use and where expressly permitted in this by-law” with accessory defined as “means incidental, subordinate, and devoted exclusively to a principal use, building, or structure [...]”.

Definition

Definitions for STAs and associated terms have been introduced into zoning by-laws and vary across municipalities, though many include the same key ideas. Most definitions describe STAs as a temporary accommodation with a maximum stay of 28 or 29 days. Some definitions specify whether a hotel, motel, or bed and breakfast establishment is included in the definition. Examples of definitions are below.

- Oakville Zoning By-law 2014-014, as amended: “Short-Term Accommodation” means the provision of a dwelling unit which is used for the temporary lodging of the travelling public for a rental period of not greater than 28 days;
- Oshawa Zoning By-law 60-94, as amended: “Short-Term Rental” means all or part of a dwelling unit that is used to provide temporary accommodation, not including a cancer lodge, crisis care residence or university residence;
- Toronto Zoning By-law 569-2013, as amended “Short-term Rental means all or part of a dwelling unit, that: (A) is used to provide sleeping accommodations for

any rental period that is less than 28 days; and (B) the principal residence of the short-term rental operator; and

- Vaughan Zoning By-law 01-2021: “Short-Term Rental” means a Dwelling Unit or part of a Dwelling Unit used to provide temporary accommodation for a Rental Period of not more than 29 consecutive days and shall not include a hotel, motel or Bed-and-Breakfast Establishment.

Maximum number of consecutive and combined days

All municipalities specify the maximum consecutive number of days, whether in the definition of an STA or as a provision, in their zoning by-law. This number ranges from less than 28 days (Oshawa) to “30 consecutive days or less” (Mississauga). A maximum combined number of days per year is included by some municipalities and is typically 180 days (Oshawa). The reason for these provisions is to distinguish short term rentals vacation from rentals covered by the Rental Tenancies Act.

Maximum number of rooms and STAs

Many municipalities have included provisions in their zoning by-laws that manage the impact of STAs on the dwelling unit and surrounding residential zone. Examples of this are as follows:

- Huntsville Zoning By-law, 2008-66P, as amended: “May also include a single-detached dwelling which is owner occupied and in which not more than two bedrooms are rented [...] as temporary accommodation”;
- Toronto Zoning By-law 569-2013, as amended: “No more than three bed-sitting rooms in a dwelling unit can be used for this purpose”;
- Town of the Blue Mountains Zoning By-law 2018-65, as amended: “A maximum of one accessory apartment is permitted in a single- or semi-detached, townhouse, or detached accessory building to [a primary building for] a short-term accommodation”; and
- Vaughan Zoning By-law 01-2021: “A maximum of one-short term rental per dwelling unit shall be permitted”.

Parking Requirement for STA

Some municipalities have included provisions in their zoning by-laws that the host provide parking for guests in the STA. This may be an effective tool for managing nuisance concerns surrounding parking. Oakville requires 1.0 additional parking space for an STA, though not required if it can be accommodated by visitor parking. Huntsville requires one parking space for each guest room in an STA. Other municipalities have not included a parking requirement.

Non-Zoning Approaches

Many municipalities have introduced licensing by-laws and requirements to manage concerns around STAs. With this approach, homeowners and/or STA platforms are required to obtain a license from the municipality and pay licensing fees. Requirements under the licensing by-law can include presence of a local contact available at all times to respond to issues, insurance requirements, provision of parking for the STA, and limits on number of STAs permitted on one property and number of bedrooms. Licensing by-laws can also include definitions for STAs and principal residence provisions as necessary to obtain a license. The following municipalities have implemented licensing by-laws in addition to the provisions regarding STAs in their zoning by-laws:

- Mississauga: Short-Term Accommodation Licensing By-law
- Oshawa: Business Licensing By-law 120-2005, as amended
- Vaughan: Short Term Rental Licensing By-law 158-2019
- Huntsville: Licensing By-law 2020-91
- Niagara on the Lake: licensing By-law 2634-13
- Town of the Blue Mountains: Licensing By-law 2021-70

Other non-zoning approaches include the requirement to register with the local municipality where the STA is being operated and remitting a 4% municipal accommodation tax. The City of Toronto, among others, has taken this approach.

7 Consultation Summary

Consultation for this paper included a public survey, correspondence from the community, and stakeholder one-on-one interviews, the complete findings of which make up the What We Heard report. These have been summarized to gain insight on the public and stakeholders' interests and concerns surrounding STAs.

Public Survey

The survey was shared by the City of Richmond Hill from October to November 2020, during which 262 people participated. The survey results are as follows.

- The majority of respondents (83%) do not currently rent or have plans to rent part of their homes as an STA.
- Of the 17% that do rent out STAs or have plans to rent, their reasons for doing so, in order of most common responses, are to help pay for their mortgage, additional source of income, to make use of unused resources, provide visitors with local experience, and to keep their house occupied while they are away.

- 56% of respondents did not believe STAs should be permitted in Richmond Hill, whereas the remaining 44% believe they should.
- Of the 56% that do not believe STAs should be permitted, their concerns were the following, in order of most common responses: houses used for large events where owners are not present (“party houses”), owners not caring for their property, additional traffic in neighbourhoods, loss of long-term rental accommodation, excessive garbage, and difficulty parking.
- 52% of respondents believed that STA concerns could be mitigated if the owner or tenant of the dwelling unit was present, while 40% did not think concerns could be mitigated.
- Of the municipal by-laws listed in the survey, the respondents were familiar with them in the following order of most common responses: noise, parking, property standards, waste, and zoning.
- Respondents preferred the location of STAs along Regional Corridors. After this, the preference is in the following order of most common responses: Neighbourhoods with mostly apartment buildings, Richmond Hill Centre, along Arterial Roads, Neighbourhoods with mostly single and semi-detached and townhomes, Oak Ridges Local Centre, and Local Development Areas. Some participants chose “other,” suggesting that STAs should not be permitted in Richmond Hill or that STAs should be permitted everywhere in Richmond Hill. Additional comments included locating STAs near adequate parking, accessible transit, and outside of quiet residential neighbourhoods.
- Given the options for various housing forms, respondents preferred STAs to be contained in apartment buildings. After this, the preference is in the following order of most common responses: single-detached dwellings, semi-detached dwellings, and townhouses or other attached dwellings. In the “other” category, some respondents stated STAs should not be permitted in any housing types, while others noted that there should be no restrictions on housing types, and the remainder stated that there should be a principal residence requirement.
- The preferred scenario for STAs was that the owner resides in the dwelling unit and one bedroom is rented out. After this, the preference was in the following order of most common responses: the owner resides in the dwelling unit and more than one bedroom is rented out, the whole home is rented out, the tenant resides in the dwelling unit with one bedroom rented out, and the tenant resides in the dwelling unit with more than one dwelling unit rented out.

Community Correspondence

The City of Richmond Hill has received five pieces of correspondence from members of the community voicing concerns related to STAs. Comments have included safety concerns regarding unknown neighbours, lack of community integration, noise, garbage issues, loss of affordable housing, partying, parking, traffic, owners not taking care of their property, necessity of taxation, and decreasing housing values.

Stakeholder Consultation

One-on-one stakeholder interviews were held in June 2021 with representatives of AirBnB and Booking.com. The main findings are as follows.

- There was agreement that each municipality will have a unique STA context and ultimately they must make the best decision for their constituents. In Richmond Hill, there is a small STA market with minimal listings, so how Richmond Hill responds will be different than other municipalities that are larger (e.g. Toronto) or are significant tourist attractions (e.g. Town of the Blue Mountains).
- It was agreed that the City should regulate STAs in a manner that is streamlined and workable for property owners, making it easy for property owners to comply. In municipalities where STA regulation has not been workable for property owners (through high licensing fees, inconvenient procedures such as having to go in person to get licenses, etc.) the stakeholders have seen less compliance and the prevalence of illegal STAs.
- It was suggested that requiring the registration of STAs could be an effective way to monitor and control potential negative impacts. Many municipalities have required hosts to register their STAs and obtain a license which is dependent upon abiding by the rules and requirements. Nuisance concerns such as noise are subject to the by-laws and if there are repeated nuisances, the municipality can take the license away.

Public Information Centre

A joint Public Information Centre (PIC) was held on Friday, November 26 from 6:30-8:30pm to provide members of the Richmond Hill community with information on the Zoning By-law Technical Papers on Short-Term and Shared Accommodations and Automotive Commercial Uses. In accordance with public health guidelines related to COVID-19, the PIC was held virtually on Zoom. Opportunities for public input included poll questions, a question and answer period, and comments submitted via the chat function. 15 community members (excluding City staff and consultants) attended the PIC.

One participant posed a question about how the City will know where short-term accommodations are located if no licensing or registration is required. The Study

consultants and City staff responded that under the proposed zoning approach, STAs would be treated as residential uses and permitted in all zones that permit residential uses. There is no identified need to know exactly where these uses are operating. However, by-law complaints (zoning, noise, etc.) would be monitored and responded to.

When polled, 60% of participants did not think the proposed zoning approach was the right balance between permitting STAs while addressing the common concerns. However, no comments identifying concerns with specific policies/regulations or suggestions to improve the framework were received.

8 Recommended Zoning Framework for STAs in Richmond Hill

The trend among municipalities across Ontario is to introduce regulatory levers, whether through zoning by-laws, licensing or regulation, or a combination of these measures that nest STAs within existing residential uses. As was identified in the 2019 OMB decision PL 180082⁵, this type of use can fall along a spectrum between a residential and commercial use, depending on how the municipalities regulate them. Left unregulated, STAs can function like hotels, with a constant circulation of the travelling public which can result in the concerns identified through the public survey and correspondence. Many of the concerns are related to STAs functioning as a commercial use, with increased noise, traffic, garbage, and large number of people using the STA.

The following recommendations are rooted in the belief that STAs should function as a residential use, provided the primary underlying residential use remains, but require municipal regulation to do so. STAs should be like bed and breakfast establishments (an accepted residential use) in which resident operators welcome a limited number of visitors to share their homes in a residential setting. This aligns with the approach in several comparable municipalities.

The following recommendations are based on research conducted on existing policy, area municipality approaches, public and stakeholder consultation and our professional opinion. The recommendations are focused on zoning by-law approaches, as this is the tool commonly used to regulate STAs. This does not include Official Plan considerations as no existing policies exist for STAs in Richmond Hill's OP and the majority of municipalities sampled do not address STAs in their OPs.

Zoning Permissions

STAs are considered residential uses as determined by the Tribunal in its 2019 decision reviewed earlier. For this reason, we recommend that STAs be permitted in all zones that permit residential uses in Richmond Hill in the full range of housing types, including single-detached, semi-detached, townhouses, condominiums/apartments, and secondary suites (also referred to as Additional Residential Units). We see no planning rationale that would serve as a basis to prevent these uses in one residential zone over

⁵ Local Planning Appeal Tribunal (2019). PL 180082

another. This recommended approach has already been adopted by a number of nearby municipalities (Toronto, Mississauga, Oakville, Oshawa and Vaughan).

While the public survey and correspondence highlighted concerns related to STAs in residential areas, the requirement that it be a primary residence of the operator, as outlined below, will address concerns regarding nuisance and safety. We recommend STAs be permitted in all residential zones.

Definition

We recommend creating a zoning by-law definition that requires the dwelling unit in which the STA is located to be a principal residence of the short-term accommodation operator. This approach has been taken by most other municipalities that we have reviewed, in order to ensure the use of the STA remains residential and accessory to the main habitation use. Mississauga, Oakville, Oshawa, Toronto and Vaughan have taken this approach.

We also recommend including in the definition for the term Short-Term Accommodation a provision that clarifies the length of stay permitted in order to separate STAs from other residential uses that are subject to the Residential Tenancies Act. Nearby municipalities with similar contexts to Richmond Hill have taken this approach.

The following is our proposed definition:

“Short-term accommodation means all or part of a dwelling unit, of which up to three bed sitting rooms are used to provide sleeping accommodation for any rental period that is less than 28 consecutive days, is the principal residence of the short-term accommodation operator, and does not include a hotel, motel, or bed and breakfast establishment or any other use defined herein”.

Non-Zoning Approaches

Some municipalities employ a combination of zoning and licensing approaches as tools for regulating STAs. The majority of municipalities reviewed have a licensing by-law that requires adherence to the requirements to maintain a license (Huntsville, Niagara on the Lake, Oshawa, Town of the Blue Mountains and Vaughan). Toronto requires the STA company to be licensed with the City and the STA operator to register with the City.

An in-depth review of licensing and registration approaches is beyond the scope of this discussion paper.

9 Conclusion

Short Term Accommodation provides alternative accommodation for the travelling public and additional income for operators. However, nuisance issues can arise, prompting the need for regulation. We recommend a zoning approach that treats STAs as a residential use permitted in all zones that permit dwelling units, provided the STA is the principal residence of the operator.

Shared Accommodation

10 Background

Shared accommodation can provide affordable housing and needed services. The City is determining how shared accommodations fit with the character of the neighbourhoods and whether the new Comprehensive Zoning By-Law will need to address this form of accommodation.

Shared accommodations fall into three categories: (1) group homes where support and care are offered, (2) rooming houses, lodging houses, and boarding houses where no support is offered, and (3) institutional housing, such as student residences and religious settings.

Group homes are defined by the City of Toronto by-law 569-2013 as premises used to provide supervised living accommodation, licensed or funded under the Province of Ontario or the Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement⁶. Group homes in Richmond Hill are distributed fairly evenly in the City with 21 homes identified by the Municipal Property Assessment Corporation.

The Fire Protection and Prevention Act⁷ and Building Code Act⁸ define **rooming houses, lodging houses, and boarding houses** as places where residents do not require care or treatment because of age, mental or physical limitations, where the building height does not exceed 3 storeys and the building area does not exceed 600 square metres, where lodging is provided for more than four persons in return for remuneration or the provision of services or both, and where lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

Institutional housing includes religious and student residences that are operated by their respective organizations or facilities and consist of dwelling units or rooms used for student accommodation⁹. Historically, Richmond Hill has dealt with these forms of housing on a one-off basis as applications have been submitted. There are no post secondary or new significant religious institutions planned for the area. Given this, institutional housing will not be further explored in this paper.

⁶ <https://www.toronto.ca/home/311-toronto-at-your-service/find-service-information/article/?kb=kA06g000001cvnyCAA>

⁷ <https://www.ontario.ca/laws/statute/97f04>

⁸ <https://www.ontario.ca/laws/regulation/120332>

⁹ https://www.toronto.ca/zoning/bylaw_amendments/ZBL_NewProvision_Chapter800.htm

11 Summary of Legislative and Policy Context

Planning Act, 1990, c. 2021

The Planning Act¹⁰ sets out the rules for land use planning and development in Ontario and provides a range of land use planning tools that municipalities can use to promote housing choices in their communities, including affordable and shared housing.

- Shall have regard to matters of provincial interest such as, adequate provision of a full range of housing including affordable housing is in the provincial interest (Policy 1.2j), which may have importance for shared housing; and
- The authority to pass a by-law under section 34, subsection 38 (1) does not include the authority to pass a by-law that has the effect of distinguishing between persons who are unrelated in respect of the occupancy or use of a building or structure, or a part of a building or structure, including the occupancy or use as a single housekeeping unit (Policy 35(2)).

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), issued in 2020 under Section 3 of the Planning Act contains overall policy direction on matters of provincial interest related to land use planning and development. Municipalities use the PPS to develop their official plans and to guide and inform decisions on other planning matters. Under the Planning Act, all municipal decisions affecting land use planning matters shall be consistent with the PPS.

- Healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older people) (Policy 1.1.1b);
- Planning authorities are encouraged to permit and facilitate a range of housing options including residential intensification, which means intensification of a property, site or area which includes rooming houses (Policies 1.4.1, 1.4.3); and
- Planning authorities shall provide an appropriate range and mix of housing options required to meet the social, health, economic, and well-being requirement of current and future residents, which includes housing for people with special needs (Policy 1.4.3).

¹⁰ Government of Ontario. (1990). *Planning Act*. R.S.O. 1990, c.P.13

Growth Plan for the Greater Golden Horseshoe, c. 2020

A Place to Grow is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan for the Greater Golden Horseshoe (“The Growth Plan”) informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe.

- The Plan defines housing options as a range of housing types that can refer to life lease housing, co-ownership housing, co-operative housing, housing for people with special needs and housing related to employment, institutional or educational uses.
- The Plan supports a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households (Policy 1.2.1);
- It provides a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (Policy 2.2.1.4c);
- Within all major transit station areas, development will be supported, where appropriate, by planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels (Policy 2.2.4.9a);
- Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will support housing choice through the achievement of the minimum intensification and density targets of this plan by identifying a diverse range and mix of housing options and densities and affordable housing to meet projected needs of current and future residents and establish targets for affordable ownership housing and rental housing (Policy 2.2.6.1a); and
- The Plan directs municipalities to support the achievement of complete communities by considering a range and mix of housing options and densities of the existing housing stock (Policies 2.2.6.2, 2.2.6.3).

York Region Official Plan, 2010, c. 2019

The York Region Official Plan (YROP) was approved by the Ministry of Municipal Affairs and Housing in September 2010 and consolidated in 2019. The YROP contains policies which guide economic, environmental and community building decisions to manage

growth and help co-ordinate and set the stage for more detailed planning by local municipalities.

- The YROP speaks directly to shared housing through the sections regarding the provision of human services (Policy 3.3);
- It promotes the provision of a full mix and range of housing including emergency shelters, affordable housing for low- and moderate-income families, and special needs accommodations (Policy 3.5);
- It requires that local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community. The mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements (Policy 3.5.4);
- It stipulates that a minimum of 25 per cent of new housing units across the region be affordable, be distributed within each local municipality and should be coordinated across applicable local planning areas including secondary plan and block plan areas (Policy 3.5.6);
- It encourages the development of intrinsically affordable housing, which includes modest amenities, standard materials, minimum details and flexibility within units (Policy 3.5.8);
- It encourages that special needs housing, emergency, affordable, and seniors' housing be located in proximity to rapid transit and other human services (Policy 3.5.14); and,
- It encourages local municipalities to adopt policies for an equitable distribution of social housing types, which include special needs housing and group, rooming, boarding and lodging homes (Policy 3.5.15).

Richmond Hill Official Plan, 2010, c. 2021

The Richmond Hill Official Plan (OP) is a planning policy and design document which provides clear direction for growth, balancing change in the City with protection of what is valued from the past.

- It is the policy of council that the City should provide a mix and range of housing types, unit sizes, functions, tenures and levels of affordability which includes families, seniors and residents with special needs (Policy 3.1.4);

- Within the Richmond Hill Centre and Key Development Areas, a minimum of 35% of new housing units shall be affordable, offering a range of affordability for low- and moderate-income households (Policy 3.1.5.2);
- A minimum of 25% of new housing units within the settlement area shall be affordable and should be coordinated across the City including secondary plan and tertiary plan areas. A portion of these units should be designed to be accessible for people with disabilities (Policy 3.1.5.3);
- The City will work with York Region to implement and monitor the York Region Housing Supply Strategy and to develop an affordable housing implementation framework (Policy 3.1.5.7); and
- Secondary plans are directed to include Strategies for affordable housing which will include policies to ensure larger sized, family units within each housing type and level of affordability and consideration of locations for non-profit developments (Policy 5.1).

Secondary Plans

The West Gormley Secondary Plan (OP, Chapter 8) outlines the need to provide a mix and range of housing types and encourage housing developments to achieve more compact residential development in the Oak Ridges Moraine Urban Zone (Policy 8.4.3). Institutional uses may be permitted in residential designations in accordance with specific provisions such as; the development has access to an arterial, major collector or minor collector street, the site can provide adequate setbacks, parking and transition from adjacent uses, and the site is adjacent to other institutional uses or community facilities (Policy 8.6.2.5.2).

The North Leslie Secondary Plan (OP, Chapter 9) outlines the need to provide opportunities for a range and mix of housing forms and types that can accommodate a wide range of household types in a form that efficiently uses land, infrastructure and community services and facilities (Policy 9.4.3)

City of Richmond Hill Affordable Housing Strategy, 2021

Background Report:

This 2021 document was developed to support the creation of an Affordable Housing Strategy and Developers' Handbook for the City of Richmond Hill. The goal of this Strategy is to outline how best to position the City to ensure the affordable housing targets are met or exceeded¹¹.

¹¹ <https://www.richmondhill.ca/en/shared-content/resources/documents/Affordable-Housing-Strategy-Background-Report.pdf>

This report outlines how encouraging shared accommodation is an effective way to generate additional affordable housing in the existing housing stock. In shared housing, multiple individuals/families who do not belong to the same household share a unit. This is particularly useful for people with disabilities who need supports, students, and seniors who intend to age in place. This report outlines how having a broader definition of shared housing allows for innovative housing forms and models and doesn't limit it to traditional models such as group homes or student housing. And while shared accommodations tend to be considered as affordable housing, the report notes that there is a growing trend to make shared accommodation a form of luxury housing - this is particularly "fashionable" for those born between 1981 and 1996 as the shared space can come with chic amenities.

Advantages to shared housing in its broadest sense includes creating affordable units in single-detached homes, the potential to provide a significant supply of affordable units to small families (where two or more family households share a house), and increasing density in neighbourhoods without adjusting the built form (p. 192). Challenges to shared housing include potential opposition from the community in fear of decreasing property values, increases in traffic/parking problems, and disregard for property maintenance standards (p. 193).

This report outlines that the promotion of shared housing can be achieved through amendments to the Official Plan. The City of Markham took this approach and introduced definitions and policies related to shared housing in their 2014 Official Plan (p. 238).

Affordable Housing Strategy

This draft Strategy Report recommends that the Comprehensive Zoning By-law ensure there are no barriers to shared housing/co-housing and co-living arrangements in appropriate areas (i.e., where residential dwellings are permitted), and that they are permitted as-of-right in Richmond Hill (Section 4.1b). The report recommends that any by-law that refers to "single-family" units should be revised to be more inclusive to unrelated people living within the same dwelling.

12 Zoning by-laws

A number of parent zoning by-laws currently cover the City of Richmond Hill: 986, 986,1275, 1703, 2325-68, 2523, 39-71, 66-71, 3-74, 150-80, 109-81, 181-81, 273-82, 108-85, 183-82, 251-82, 232-85, 88-86, 107-86, 150-86, 184-87, 190-87, 256-88, 329-89, 76-91, 38-95, 255-96, 278-96, 312-96, 313-96, 235-97, and 42-02, 85-02, 128-04, 91-13, 54-15, 55-15 and 111-17.

The approach to zoning shared accommodations has been analyzed for a sample of these parent by-laws created in different eras. This analysis looked at by-law numbers 38-95, 42-02, 54-14, 55-15, 184-87, 190-87 and 313-96.

There are provisions in various zoning by-laws for shared accommodations. Many of these zoning regulations are outdated and are no longer applicable based on case law and need to be re-examined. They are also difficult to enforce and in some cases entirely unenforceable. This section is included as a historical reference and changes will be proposed in later sections to these provisions based on current standards and best practices.

Historically, zoning by-laws have permitted group foster homes and homes for people with special needs in most residential zones. Specific provisions related to group homes included: any dwelling unit used for this purpose shall be used only for that purpose and shall contain no other use; only one group home shall be permitted in each single-detached, semi-detached or duplex dwelling; there shall be at least 23 square metres of floor area for each resident to be accommodated in a group home; and specific groups homes shall be prohibited within 500 metres of any other group home.

The latter provision has since been found to be in conflict with the Human Rights Code after the 2010 OMB Decision PL050611¹² regarding the Cedar Hill area in Kitchener, which found that zoning by-laws must follow the Human Rights Code and can not zone for people. After this decision, “The Dream Team,” a coalition of psychiatric survivors and their supporters, alongside the Ontario Human Rights Commission, subsequently challenged distancing provisions for Group Homes, in a number of Ontario municipal zoning by-laws, at the Human Rights Tribunal. Since then, a number of municipalities have eliminated their distancing provisions.

Within institutional zones, group homes require two parking spaces or one parking space per employee plus 0.25 per resident, whichever is greater. These rates will be further confirmed through the City’s Parking and TDM Study.

Currently, Richmond Hill considers group homes as single dwelling units. There are no limits in the zoning by-laws on how many people can live in a dwelling unit. Different Ontario Building Code requirements apply for group home uses if there are more than 10 persons and/or more than 2 persons require assistance to evacuate the premises.

13 Area Municipality Approaches: Case Studies

Municipalities across Ontario have provisions regarding shared accommodation in their Official Plans and Zoning By-laws.

A review of other Ontario municipalities was undertaken to study their approaches for shared accommodations. The municipalities have been chosen based on their similarities or proximity to Richmond Hill and include Barrie, Brampton, Burlington,

¹² <https://www.omb.gov.on.ca/e-decisions/pl050611-Jan-14-2010.pdf>

Guelph, Markham, Peterborough and Toronto. This section will highlight their official plan and zoning by-law approaches.

Official Plan Approaches

Shared Housing

The City of Markham has taken a progressive approach in shared accommodations. They have grouped the terms into shared housing which provides for and permits this type of use depending on scale. This example exists separately from boarding, lodging and rooming houses and group homes. Details are as follows:

- **Definition: a form of housing where individuals share accommodation either for economic, support, long-term care, security, or lifestyle reasons**
- Scales of housing: Four categories include: shared housing small scale, (3-10 persons, with or without supportive services), shared housing large scale (10+ persons, with or without supportive services), shared housing long term care (24-hour nursing care), and shared housing supervised (24-hour supervision).
- Land Use
 - Residential Low Rise – shared housing small scale
 - Residential Mid Rise – all four shared housing categories
 - Residential High Rise - all four shared housing categories
 - Mixed Use Low Rise – shared housing small scale
 - Mixed Use Mid Rise – all four shared housing categories
 - Mixed Use Office Priority – shared housing large scale, shared housing long term care and shared housing supervised
 - Mixed Use Heritage Main Street – shared housing small scale, shared housing long term care and shared housing supervised
 - In considering a zoning by-law amendment, shared housing small scale shall be accommodated within permitted building types
- Supportive Language
 - The OP directs comprehensive block plans to address the achievement of affordable and shared housing and housing mix objectives (Section 8.1);
 - The intent is to accommodate appropriate forms of affordable and shared housing in “Residential” areas (Section 8.2);
 - The OP encourages shared housing to locate within or in close proximity to Mixed-Use Centres and Corridors (Section 8.12.1.4.g.iv);
 - Where shared housing is provided for, it shall be categorized by the scale of

building type and the level of support needed (Section 8.13.9.1). In considering a zoning by-law amendment, shared housing small scale shall be accommodated within permitted building types; and,

- The location of shared housing large scale, long term care, and supervised shall be restricted to permitted building types on an arterial or collector road.

Land Use

Boarding, Lodging, and Rooming Houses

- Guelph Official Plan:
 - Lodging houses may be permitted within land use designations permitting residential uses provided adequate residential amenities and services are made available
 - In instances where a lodging house is located within a residential designation, it is of a size and land use character which is similar to, or compatible with the built form of the existing area.
- Brampton Official Plan: The City shall permit supportive lodging houses in any area designated residential in the official plan subject to provisions related to separation distances and licensing requirements.

Group Homes

- Barrie Official Plan: Group homes shall be permitted in all land use designations with the exception of lands in the natural heritage system subject to zoning by law regulations that such uses are located in existing buildings or structures.
- Brampton Official Plan: The City shall permit group homes in dwellings within areas designated as Estate Residential, Village Residential, Residential, Major Institutional, Business Corridor, Regional Retail and Office.
- Burlington Official Plan: Within residential areas, a broad range of dwelling types shall be permitted, including group homes.

Definitions

Boarding, Lodging, and Rooming Houses

- Brampton Official Plan:

Lodging house shall mean a single detached dwelling in which residential accommodation is provided, or intended to be provided in which each lodger does not have access to all of the habitable areas of the building and consists of more than 3 lodging units; or a single-detached dwelling in which lodging is provided for more than 3 persons with or without meals.

- Peterborough Official Plan:

Lodging house means any place, including but not limited to a dwelling unit, that is used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.

Group Home

- Guelph Official Plan:

A single housekeeping unit supervised by staff on a daily basis which provides special care and treatment to persons for physical or mental deficiency, physical handicap or other such cause. A group home shall be funded, licensed, approved, or supervised by the Province of Ontario under a general or specific Act, for the accommodation of not less than 6 and not more than 8 residents, exclusive of staff.

- Peterborough Official Plan:

Group home means a single housekeeping unit in a dwelling unit licensed, approved or supervised by the Province of Ontario under any general or specialized or group accommodation with responsible 24-hour supervision consistent with the requirements of its residents.

Supportive Language

Some of the municipalities surveyed had supportive language specific to boarding, lodging, and rooming houses and group homes.

Boarding, Lodging, and Rooming Houses

- Guelph Official Plan: Encourage residential intensification, including rooming houses.
- Brampton Official Plan: Council shall direct staff to review opportunities for the development of group homes and supportive lodging houses when 60% of the potential opportunities in the City have been utilized. Staff will report to Council within one year of this direction and recommend appropriate strategies regarding adequate opportunities for this type of housing.
- Burlington Official Plan: To encourage residential intensification as a means of increasing the amount of available housing stock, including rooming, boarding and lodging houses.

Group Homes

- Peterborough Official Plan: Group homes will be allowed “as-of-right” in all residential dwellings permitted within the City of Peterborough to a maximum of 6 resident persons exclusive of supervisory staff and receiving family in any dwelling or building.

- Brampton Official Plan:
 - The Estate Residential designations shown on Schedule A shall include single detached dwellings and group homes, among others.
 - The City supports the principle of integrating group homes into existing and new residential communities.

Zoning By-law Approaches

A number of municipalities are in the midst of Comprehensive Zoning By-law Reviews and their provisions on shared accommodations may reflect this transition. Where there was significant work done on new shared accommodation policy, it was included in the below review.

Zone Permissions

Boarding, Lodging and Rooming Houses

The majority of municipalities permit boarding, lodging and rooming houses in most or all residential zones. Some have chosen to permit in zones dependent on the size of the boarding, lodging or rooming house.

- City of Barrie Zoning By-law 2009-141: Permits Boarding, Lodging and Rooming Houses “Small” in all residential zones and Boarding, Lodging and Rooming Houses “Large” in residential multiple dwelling (RM2) and residential apartment (RA1, RA2) zones.
- City of Brampton Zoning By-law 270-2004: Requires lodging houses to be located in a single detached dwelling and related zones.
- City of Burlington Zoning By-law 2020: Requires lodging houses to be located in a single detached dwelling and related zones.
- City of Guelph Zoning By-law 1995-14864: Permits Lodging House Type 1 in Semi-Detached/Duplex zones (R2).
- City of Peterborough Zoning By-law 97-123: Permits in specific residential districts (3 and 4) and commercial district 6.
- City of Toronto, Draft Multi-Tenant Houses Zoning By-law: Proposes permitting in all residential and mixed-use zones in the 569-2013 zoning by-law. This would expand permissions for multi-tenant houses across Toronto. This Zoning By-law proposes different zone permissions depending on the size of the multi-tenant house. Multi-tenant houses with a maximum of 6 dwelling rooms are proposed to be permitted in residential detached (RD), residential semi-detached (RS) and residential townhouse (RT) zones. Multi-tenant houses with a maximum of 12 dwelling rooms are proposed to be permitted in residential apartment (RA), residential apartment commercial (RAC) and some residential multiple dwelling

(RM) zones. Multi-tenant houses with a maximum of 25 dwelling rooms are proposed to be permitted in commercial residential (CR) and Commercial Residential Employment (CRE) zones.

Group Homes

Most municipalities permit group homes in all residential zones and many require that they exist in a detached dwelling unit.

- City of Barrie Zoning By-law 2009-141: Permitted in all residential zones except for multiple residential (RM1-SS), in mixed use zones (MU1 and MU2), in central commercial districts (C1 and C2) and institutional (I).
- City of Brampton Zoning By-law 270-2004: Requires Group Homes Type 1 to be located in a single detached dwelling and Group Homes Type 2 to be located within a single detached dwelling or a dwelling within a mixed-use development.
- City of Burlington Zoning By-law 2020: Permitted in specific North Aldershot Residential zones (RNA1, RNA2, RNA3).
- City of Guelph Zoning By-law 1995-14864: Permitted in residential zones with single-, semi-detached, and duplex (R1 and R2), specialized service commercial (SC), neighbourhood shopping centre (NC) and downtown (D.1, D.2) zones.
- City of Peterborough Zoning By-law 97-123: Permitted in residential districts that permit a single unit, two-unit, or three-unit dwelling.
- City of Toronto Zoning By-law 569-2013: Permitted in residential (R, RD, RS, RT, RM, RA, RAC), commercial residential (CR, CRE) and institutional (I) zones.

Definitions

Boarding, Lodging and Rooming Houses

Most municipalities have existing or have recently proposed definitions of this form of housing in their zoning by-laws. Definitions typically include a minimum and maximum on the number of dwelling rooms, sometimes differentiates between categories of scale, and specifications on the forms of housing that is not included.

- City of Barrie Zoning By-law 2009-141:

Boarding, lodging, rooming house shall mean a dwelling where lodging is provided for one or more tenants where at least one of the tenant-occupied rooms is equipped with an external locking mechanism that prevents access to said room by the other house occupants when the room is unoccupied, or; lodging is provided for more than 4 tenants but shall not include a group home, hotel, motel, hospital, children's home, assisted living facility, or a bed and breakfast establishment, or other similar establishments.

Boarding, Lodging, Rooming House (Large) shall mean a boarding, lodging, rooming house where lodging is provided for more than 6 tenants.

Boarding, Lodging, Rooming House (Small) shall mean a boarding, lodging, rooming house where lodging is provided for not more than 6 tenants.

- City of Guelph Zoning By-law 1995-14864:

Lodging House Type 1 means any place, including but not limited to a dwelling unit, that is used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.

Lodging House Type 2 means the whole of a townhouse building or apartment building where one or more dwelling units are each used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.

- City of Peterborough Zoning By-law 97-123:

Lodging House is a type of dwelling unit containing 5 or more bedrooms offered for rent. A lodging house shall be the sole use of a building. None of a multi-suite residence, nursing home, hospice, hotel, hostel, group home, bed and breakfast establishment nor an emergency shelter shall be considered a lodging house.

- City of Toronto, Zoning By-law 569-2013 (note the Draft Multi-Tenant Houses Zoning By-law is currently underway):

In Rooming House Areas B1, B2, and B3, a rooming house means a building in which living accommodation is provided for more than three persons in separate rooms, each of which may have food preparation facilities or sanitary facilities, but not both. A rooming house may have one or more dwelling units. A group home, residential care home, nursing home, retirement home, senior's community house, religious residence, student resident, tourist home, or hotel is not a rooming house.

Group Homes

Most municipalities have existing or have recently proposed definitions of this form of housing in their zoning by-laws. Some of these definitions may be outdated in the midst of Comprehensive Zoning By-law Reviews currently underway. Definitions typically include the supportive or supervised nature of the home, licensing or funding under the Provincial or Federal government, and a minimum or maximum of rooms.

- City of Barrie Zoning By-law 2009-141:

Shall mean a community-based housekeeping unit in which up to 5 individuals (exclusive of staff) live under responsible supervision consistent with the requirements of its residents.

Group homes shall mean accommodation for:

- the mentally and physically disabled, the homeless,
- mistreated or abused child or adult, but foster homes shall not be considered as group home uses
- children with behavioral and/or legal problems
- City of Brampton Zoning By-law 270-2004:

Group Home Type 1 shall mean supportive housing facility located within a dwelling unit that is occupied by 4 to 6 persons, exclusive of staff and/or receiving family, who live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved pursuant to Provincial State within the jurisdiction of the Ontario Ministry of Community and Social Services or the Ministry of Health

Group Home Type 2 shall mean a supportive housing facility occupied by 4 to 10 persons, exclusive of staff located within a single-detached dwelling or dwelling unit within a commercial building which shall be operated primarily for [...].
- City of Guelph Zoning By-law 1995-14864:

Group Home means a place used for specialized or group accommodation to 4 to 8 residents under 24-hour supervision consistent with the requirements of its residents, but does not include a Day Care Centre.
- City of Peterborough Zoning By-law 97-123:

Group Home means a single housekeeping unit in a dwelling unit in which not more than 10 persons, exclusive of supervisory or attendant staff, requiring sheltered, specialized or group care, reside under responsible supervision consistent with the particular needs of its residents.
- City of Toronto, Zoning By-law 569-2013:

Means premises used to provide supervised living accommodation, licensed or funded under the Province of Ontario or Government of Canada legislation, for up to 10 persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.

Separation Distances

Separation distances have been historically included in zoning by-laws for both boarding, lodging, and rooming houses and group homes. The 2010 challenge by the Ontario Human Rights Legal Clinic regarding separation distances for group homes resulted in three municipalities withdrawing these provisions from zoning by-laws. Since then, many municipalities have been amending their by-laws to eliminate distancing provisions for group homes.

Provisions

Boarding, Loading and Rooming Houses

- City of Toronto, Draft Multi-Tenant Houses Zoning By-law:
 - Multi-tenant housing is permitted in a building originally constructed as a multi-tenant housing, or a building permitted in the applicable zone.
 - Must have sanitary facilities, which include a toilet, wash basin, and a bath or shower, at a minimum rate of one sanitary facility for every four dwelling units.
- City of Barrie Zoning By-law 2009-141: For boarding, lodging, rooming houses small, they must have:
 - Maximum of one kitchen, at least one bathroom.
 - Each rental room must have a minimum of 7 metres squared of habitable living space.
 - Total aggregate floor area of all sleeping rooms shall not exceed 40% of the total habitable living space.
 - The occupants of the house must operate as a single housekeeping unit.
- City of Brampton Zoning By-law 270-2004: The lodging house shall comply with the requirements of the Lodging House Licensing By-law.
- City of Peterborough Zoning By-law 97-123: No cooking facilities shall be permitted in any bedroom or any room other than a kitchen in a lodging house

Group Homes

- City of Toronto, Zoning By-law 569-2013: A group home must occupy the entire building and may not be combined with any other use.
- City of Burlington Zoning By-law 2020: in apartment buildings, over 3 storeys, one group home is permitted for each 30 units and subject to one group home per floor.
- City of Peterborough Zoning By-law 97-123: the group home shall comprise the sole occupancy of the dwelling.

Scales of shared housing

Municipalities have taken a scaled approach to boarding, lodging and rooming houses and group homes. This approach can be used through including specific categories in definitions or through specific provisions. The majority of municipalities base this amount on the number of dwelling rooms.

Boarding, Loading and Rooming Houses

- City of Toronto, Draft Multi-Tenant Houses Zoning By-law: As noted above in the zone permissions, this approach proposes permitting multi-tenant houses in specific zones dependent on the amount of dwelling rooms (maximum of 6, 12, or 25).
- City of Barrie Zoning By-law 2009-141: Categorizes boarding, lodging and rooming houses into “small” and “large” with permissions related to each.
- City of Guelph Zoning By-law 1995-14864: Uses the categories of Lodging House Type 1 and Lodging House Type 2, with permissions related to each. Details are above in the definition section.

Group Homes

- City of Brampton Zoning By-law 270-2004: Categorizes group home into Group Home Type 1 and Group Home Type 2 with permissions related to each. Details are above in the definition section.

Parking

Boarding, Loading and Rooming Houses

- City of Toronto, Draft Multi-Tenant Houses Zoning By-law: Minimum rate of 0.34 parking space for each dwelling room.
- City of Barrie Zoning By-law 2009-141: Boarding, lodging, rooming house Small and Large require 1 parking space for every 2 tenants accommodated. Tandem parking will be permitted.
- City of Brampton Zoning By-law 270-2004: 0.5 parking spaces for each lodging unit, plus 2 parking spaces for the proprietor.
- City of Burlington Zoning By-law 2020: 1 space per guest room in addition to the parking requirement for a detached dwelling.
- City of Guelph Zoning By-law 1995-14864: 1 parking space per building plus 2 parking spaces per 3 lodging units.
- City of Peterborough Zoning By-law 97-123: Minimum of 1 parking space or 1 parking space per 3 bedrooms, whichever is greater.

Group Homes

- City of Toronto, Zoning By-law 569-2013: Minimum 2 parking spaces of which (A) a minimum of one parking space must comply with the regulations for the zone and building type and (B) no more than one parking space may be on the driveway.
- City of Barrie Zoning By-law 2009-141: 1 parking space per unit.

- City of Burlington Zoning By-law 2020: 2 parking spaces per group home.
- City of Guelph Zoning By-law 1995-14864: 1 parking space per building plus 1 parking space per staff.
- City of Peterborough Zoning By-law 97-123: the greater of 2 parking spaces or 0.5 parking space per staff.

14 Consultation Summary

Consultation for this paper included a public survey and an interview with stakeholders. These have been summarized to gain insight on the public and stakeholders' interests and concerns surrounding shared accommodations.

Public Survey

The survey was shared by the City of Richmond Hill from January to February 2021, during which period 98 people participated. The survey results are as follows:

- The majority of respondents (87%) do not currently, and have never lived, in a shared accommodation;
- Roughly half the respondents (54%) knew of a shared accommodation in their neighbourhood, the remaining 46% did not;
- Regarding by-laws that may be helpful in mitigating concerns related to shared accommodations, respondents were most familiar with the parking by-law. Following this in order of most common responses was the following by-laws: noise, property standards, waste, and zoning;
- Respondents preferred shared accommodations being located on regional corridors. Following this in order of most common responses was neighbourhoods with mostly apartment buildings, along arterial roads, Richmond Hill Centre, Oak Ridges Local Centre, Local Development Areas, and neighbourhoods with mostly single- and semi-detached and townhomes;
- Given the options for various housing forms, respondents preferred shared accommodations to be permitted in apartments. Following this, in order of most common responses was the following: single-detached, townhouses, and semi-detached dwellings;
- Participants agreed that parking, the size of the dwelling, the location of shared accommodations, the location of entrances and the external appearance of the dwelling should be addressed in the zoning by-law.

Further information can be found in the What We Heard report.

Stakeholder Consultation

Stakeholder organizations were contacted for one-on-one interviews. One response was received from REENA, a non-profit organization that was established in 1973. An interview was held in June 2021 with representatives from REENA.

REENA representatives discussed the importance of having clear definitions in the zoning by-law. Helpful definitions could include affordable housing options, assisted living, group homes/congregate care, and respite care. The definition should state if the use is provincially or federally licensed or licensed by a municipal body. This may be a good approach at providing a distinction.

Stakeholders stated that shared accommodations (SAs) such as Group Homes are held to compliance standards such as Ministry inspections, zoning inspections and fire inspections. If Richmond Hill is to add other standards, these would be in addition to the existing compliance standards required through SAs run through provincial or federal licensing.

Stakeholders believed that Group Homes should be permitted in all residential zones, with the potential to have their own subset as being run under the rules of the Ministry of Social Services. This process is currently being undertaken in the City of Vaughan.

For consideration of the potential provisions in the zoning by-law, REENA stakeholders discussed how minimum parking and bicycle standards often don't reflect the needs of the tenants, who generally are less likely to need access to vehicle or bicycle parking. In these facilities, staff and visitor parking are typically more important. Privacy provisions such as a minimum number of washrooms and cooking facilities in tenants' own rooms allow for privacy and dignity.

Public Information Centre

A joint Public Information Centre (PIC) was held on Friday, November 26 from 6:30-8:30pm to provide members of the Richmond Hill community with information on the Zoning By-law Technical Papers on Short-Term and Shared Accommodations and Automotive Commercial Uses. In accordance with public health guidelines related to COVID-19, the PIC was held virtually on Zoom. Opportunities for public input included poll questions, a question and answer period, and comments submitted via the chat function. 15 community members (excluding City staff and consultants) attended the PIC.

There were no comments related to Shared Accommodation during the PIC. When polled, 3/9 participants agreed the proposed zoning approach respected human rights while adequately regulating the use. Four participants were unsure and two disagreed.

15 Proposed Official Plan and Zoning Framework for Shared Accommodations in Richmond Hill

The following recommendations are based on research conducted on existing policy, area municipality approaches, public and stakeholder consultation and our professional opinion. For the purpose of this study and of particular relevance to Richmond Hill, the two types of shared accommodation discussed in this paper are defined as follows:

“Group: a housing unit that is licensed under Provincial or Federal legislation where supportive staff services are provided daily.”

“Rooming House: a housing unit wherein bedrooms are rented out separately and kitchen(s) and/or washroom(s) are shared”

Boarding, Lodging and Rooming Houses

Official Plan: Policy Direction

Presently, the Official Plan does not provide specific policy direction relative to rooming houses but does encourage provision of a broad range of housing types, tenures, and built form (i.e., single-detached, semi-detached, townhouses, apartment units, etc.).

Boarding, lodging and rooming houses address a need which has been identified through Richmond Hill’s Affordable Housing Strategy. These forms of housing are supported by policy and contribute to a range and mix of housing options, particularly for those who are most vulnerable. Nearby municipalities clearly identify in their OPs that rooming houses are part of the type of accommodations they would like to encourage.

Examples from other municipalities that Richmond Hill may consider are the following:

The OP encourages residential intensification, including rooming houses.

The OP encourages residential intensifying as a means of increasing the amount of available housing stock, including boarding, lodging and rooming houses.

Zoning By-law: Definition

Language regarding the definition of Rooming Houses needs to reflect the most current thinking as well as consistency with the Building and Fire Code. Stakeholder consultation identified the importance of clear definitions in the zoning by-law. Richmond Hill staff mentioned that by providing a general definition, the City can support various forms of shared accommodations based on the proponents needs.

The definition of rooming house in the City of Toronto provides a good starting point: “a rooming house means a building in which living accommodation is provided for more than three persons in separate rooms, each of which may have food preparation

facilities or sanitary facilities, but not both”. The Ontario Building Code and Ontario Fire Code define a boarding, lodging, or rooming house to mean that a building: “(A) has a building height not exceeding three storeys and a building area not exceeding 600 square metres, (B) in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both, and (C) in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individuals occupants”.

A sample definition that Richmond Hill may consider is the following:

A boarding, lodging or rooming house means a building that does not exceed three storeys in which living accommodation is provided for more than four persons in separate rooms, each of which may have food preparation facilities or sanitary facilities, but not both.

Zoning By-law: Provisions for number of dwelling rooms

Some municipalities have introduced categories of boarding, lodging or rooming houses based on the number of persons or dwelling rooms. The City of Barrie, as an example, categorizes large and small houses based on the over 6 persons and under 6 persons living in the house, respectively. The Multi-Tenant Houses Zoning By-law is proposing categories based on number of dwelling rooms. While it is an OP approach, the City of Markham has introduced four categories of “shared housing” which ranges across number of persons and level of service required.

We would recommend that Richmond Hill categorize boarding, lodging or rooming houses by number of dwelling rooms (not persons); over 6 and under 6 dwelling rooms being a good standard, based on similar regulations in other municipalities. This would allow rooming houses that are similar in size to other residential dwellings to be located in similar zones.

Zoning By-law: Permitted zones

Once residential and mixed-use zoning categories are established, staff will need to determine in which zones boarding, lodging, and rooming houses should be permitted. The City’s review of affordable housing initiatives has identified rooming houses as potentially providing housing for low income single persons without the need for government subsidy. Many municipalities have permitted boarding, lodging, and rooming houses in all residential and mixed-use zones, with restrictions for certain zones related to the maximum number of dwelling rooms in a boarding, lodging, or rooming house.

We recommend this approach taken by other municipalities: allowing rooming houses in all residential and mixed-use zones that permit dwellings of up to three storeys (to align with the definition suggested above), potentially with a size restriction on the number of dwelling rooms in some zones with smaller lot sizes and/or buildings.

Group Homes

Zoning By-law: Human Rights Code

A 2010 OMB decision stated that when by-laws result in restrictions for group homes protected by the **Human Rights Code**, a municipality may need to show that they are reasonably connected to municipal objectives, that they were established in good faith, and that it would be impossible to accommodate the group affected without undue hardship.

In 2012 the Ontario Human Rights Legal Clinic challenged three municipal zoning by-laws at the Human Rights Tribunal regarding distancing provisions for group homes, which resulted in the withdrawal of these provisions from the by-laws in Toronto, Kitchener, and Smith Falls. Since this, many municipalities have been amending their by-law to eliminate distancing provisions for Group Homes.

Provisions requiring minimum distances are recommended to be removed from the zoning by-law, since they violate Human Rights provisions.

Zoning By-law: Definition

Language regarding the definition of Group Homes needs to reflect the most current thinking. Stakeholder consultation identified the importance of having clear definitions in the zoning by-law, especially for group homes. The definition of a Group Home in the City of Toronto By-law is a good model: “Group Home means premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement”. Other municipalities surveyed take a similar approach and stakeholder consultation outlined the importance of stating if the use is provincially or federally licensed. We recommend Richmond Hill uses a definition in line with the above.

Zoning By-law: Regulations

The regulations within Zoning By-laws for Group Homes need to be simple and straightforward. The City’s current zoning by-laws provisions should be repealed and replaced with new simplified provisions in the new Consolidated Zoning By-law. Municipalities surveyed include the provision that a group home must occupy the entire dwelling unit and may not be combined with any other use. We recommend the City of Richmond Hill to consider this provision. Combining a group home with other uses may lead to complications regarding licensing and difficulties distinguishing between uses in the same dwelling.

Zoning By-law Permitted Zones

We recommend that Group Homes be permitted in all residential and mixed-use zones as is already required by provincial legislation. Further, a number of existing zoning by-

laws may still include the term “family” as parts of defined terms or in identifying dwelling or building types. It would appear prudent for staff to review all existing zoning by-laws as an interim measure, prior to the finalization of the comprehensive zoning by-law, and replace the term “family’ with the appropriate alternative, as required by the Planning Act.

16 Conclusion

Group homes and boarding, lodging and rooming houses are forms of shared accommodation relevant in the context of Richmond Hill. These forms of housing typically offer deep levels of affordability and/or necessary supports for independent living. We recommend that the Official Plan explicitly encourage group homes and boarding, lodging and rooming houses. We suggest definitions and standards for the zoning by-law that reflect current thinking around these housing types and respect human rights. We recommend that group homes be permitted in all residential and mixed-use zones and that boarding, lodging and rooming houses be permitted in zones that permit the appropriate building types (up to three storeys in height).