



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2024
SUBJECT/REPORT NO:	Detached Additional Dwelling Unit Building Permit Process (PED24036) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On May 24, 2023, Council provided the following direction to staff:

- (a) That to encourage more homeowners to pursue Detached Secondary Dwelling Units (SDU-D's), that staff report back in Q1 of 2024 on a program to assist homeowners in the SDU-D design and permitting processes, including consideration of measures such as:
 - (i) Expediting the permitting and approvals process for SDU-Ds through a "one window" dedicated approvals team;
 - (ii) Providing access to a library of permit-ready design templates for SDU-Ds;
 - (iii) Developing a one-stop SDU-D website that provides a comprehensive inventory of SDU-D information, guidance, resources and summarizes SDU-D regulations and permitting steps;
 - (iv) Facilitating connections among prospective SDU-D owners and residents and relevant experts in the design and construction community; and

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

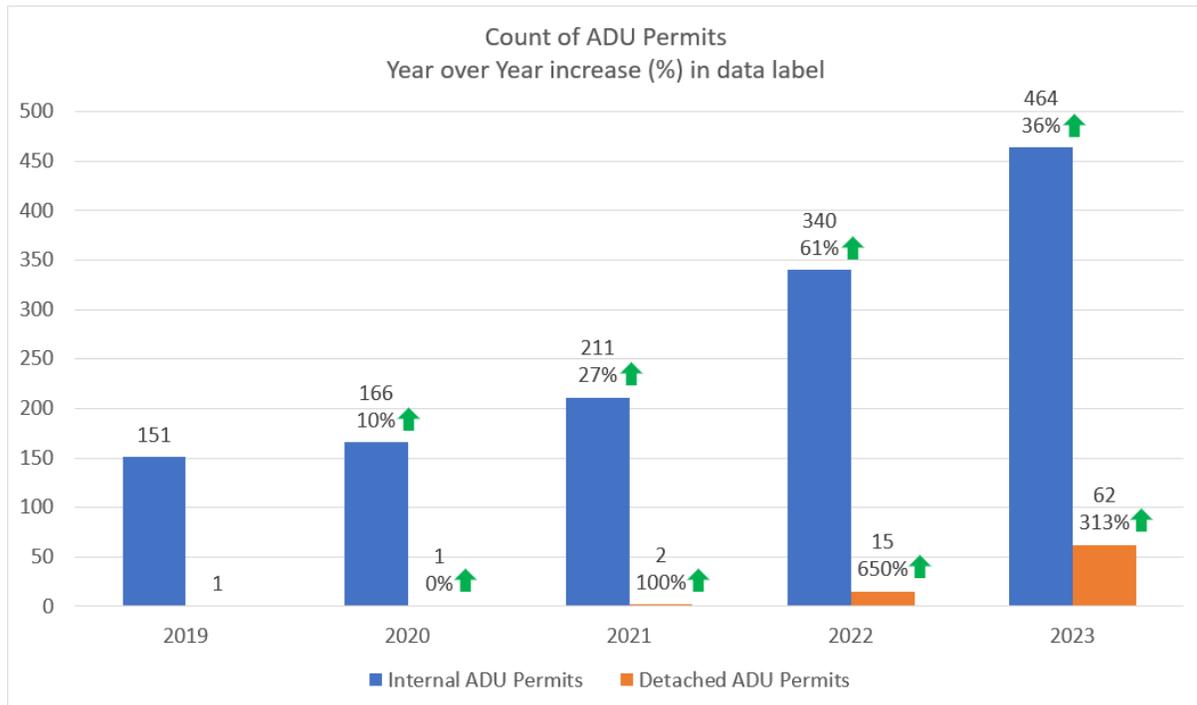
**SUBJECT: Detached Additional Dwelling Unit Building Permit Process (PED24036)
(City Wide) - Page 2 of 6**

- (v) Partnering with nonprofits, public agencies, and private organizations to develop models for affordable SDU-D construction, using best practices gleaned from other jurisdictions.

This report will address the above noted direction.

BACKGROUND

In 2021 the City of Hamilton amended Hamilton’s zoning by-laws, which were further amended in 2022, allowing for the creation of additional dwellings units to an existing single-family dwelling (up to two internal units & one detached unit). Since these changes came into effect our Division has seen an increase in both the number of inquiries and permit applications for the creation of an additional dwelling unit in a house and for a detached dwelling in the rear yard. The chart below provides a breakdown of the number of additional dwelling unit permits (ADU), both internal and detached, issued by our Division from 2019 to 2023.



As can be seen from the chart above most ADUs have been internal, however, since the zoning by-law was amended to allow detached ADUs our Division has seen a steady increase in the past 2 years. The next chart provides a breakdown of number of ADU permits issued by ward number.

2019-2023 ADU Permits by Ward			
Ward	Internal ADU	Detached ADU	Total
1	66	11	77
2	37	7	44
3	159	5	164
4	93	11	104
5	67	3	70
6	176	6	182
7	200	15	215
8	200	10	210
9	77		77
10	36	4	40
11	23	1	24
12	48		48
13	12	2	14
14	76	6	82
15	62		62
Total	1332	81	1413

This chart shows that wards 6, 7 and 8 had the most ADU permits issued (internal and detached) from 2019 to 2023, followed by wards 3 and 4.

INFORMATION

Below is the response from the Building Division to each of the directions given by Council on May 24, 2023.

- (i) *Expediting the permitting and approvals process for SDU-Ds through a “one window” dedicated approvals team;*

On June 12, 2023, the Building Division created a new ADU (Additional Dwelling Unit) team that aids those applicants wishing to create an additional dwelling in their home or construct a detached secondary dwelling in their backyard. This team originally comprised of 5 full time Plan Examiners, however, due to the increase in inquiries and permit applications this team has just recently been increased to 6. This team handles all ADU (internal and detached) permit applications. By having this dedicated team, the Building Division can develop a group of specialized staff members that can answer ADU inquiries in a timely manner and that are able to expedite ADU building permit applications. A dedicated phone extension (905-546-2424 ext. 5117) and email address, aduteam@hamilton.ca, have also been created so that customers can inquire directly with the ADU Team.

(ii) Providing access to a library of permit-ready design templates for SDU-Ds;

The Ontario Building Code (OBC) is very specific on who can prepare a design for a building permit. Basically, the OBC requires a designer to be qualified, and registered, with the Ministry of Municipal Affairs and Housing or to be an Architect or Professional Engineer. These designers are also required to have insurance. Additionally, under provincial legislation building officials responsible for administering and enforcing the OBC cannot be registered as designers. From a risk management point of view the City may be putting itself in a liability situation by appearing to be referring homeowners to one specific designer over another. Concerns were also raised by Procurement on advertising a specific designer on the City's website without following Procurement policy.

While some jurisdictions (mainly in the United States) do provide access to pre-approved plans, most of them require the owner to contact the designer to purchase the drawings required to apply for a permit. It should also be noted that permit regulations in the United States differ from those in Ontario.

One innovative approach in Canada that appears to address this issue is the "Standardized Housing Design Project" that the Ministry of Housing in British Columbia is currently working on. Basically, the British Columbia government has decided to develop standardized designs for small-scale development, including laneway homes (detached additional dwelling unit). They have done this to address the housing crisis in British Columbia and to ensure consistency across municipalities in British Columbia. They are currently in the process of engaging a consultant to provide expert advice. Once the consultant is hired the Ministry of Housing would select a designer to create as many as 10 designs (including 4 for detached ADUs) based on design parameters determined by the consultant team. These designs would be compliant with the British Columbia Building Code and would then be made available to local municipalities in British Columbia. If Council feels this is something that should also be made available in Ontario, Council could direct staff to draft a letter to the Ministry of Municipal Affairs and Housing requesting that a similar project be implemented in Ontario and that the approved designs for Detached Additional Dwelling Units be made available to all Municipalities. Since the Ontario Building Code is applicable to all of Ontario this would ensure a consistent approach for all municipalities.

Although staff cannot support providing permit-ready designs to homeowners at this time, the Building Division will allow designers to have their detached ADU plans reviewed and pre-approved for Building Code compliance prior to making a formal building permit application. These pre-approved "stock" plans could then be used multiple times, provided there are no changes to the floor plan, when applying for a building permit. This would result in an expedited issuance of the building permit since the drawings would already have been reviewed for OBC compliance and staff would

**SUBJECT: Detached Additional Dwelling Unit Building Permit Process (PED24036)
(City Wide) - Page 5 of 6**

only have to ensure compliance with the Zoning By-law and any other applicable law. Designers who get their plans for detached additional dwelling units pre-approved as “stock” plans by our Division could then advertise this fact to the general public on their websites.

(iii) Developing a one-stop SDU-D website that provides a comprehensive inventory of SDU-D information, guidance, resources and summarizes SDU-D regulations and permitting steps;

A website has been developed for Additional Dwelling units (both internal and detached). The site has just gone live and can be found at the following link:

www.hamilton.ca/AdditionalDwellingUnits

This website will provide information on ADUs and how to apply for a building permit.

Additionally, staff are currently working with the GIS team to have the Zoning requirements for ADUs (internal and detached) available by just clicking on a property. Staff have also developed brochures for the general public (see Appendix “A” to Report PED24036 and Appendix “B” to Report PED24036). These brochures are updated on a regular basis.

(iv) Facilitating connections among prospective SDU-D owners and residents and relevant experts in the design and construction community;

Staff reached out to the Hamilton ADU Facebook Group to advise them of our Division’s new ADU team and that our Division’s ADU website is up and running. This Group has included this information on their site. This website has been used by owners and residents to communicate with each other to obtain information on experts in the design and construction of detached ADUs. Staff will continue to work with this group to ensure ADU information is made available to as many people as possible.

(v) Partnering with nonprofits, public agencies, and private organizations to develop models for affordable SDU-D construction, using best practices gleaned from other jurisdictions.

The Building Division is constantly in touch with other Municipalities as it relates to the Ontario Building Code, including additional dwelling units. Staff are currently involved in a project with other Divisions to coordinate our various Housing initiatives in the City of Hamilton. Staff are also working with Finance and the Housing Secretariate’s office to highlight funding/grant programs.

**SUBJECT: Detached Additional Dwelling Unit Building Permit Process (PED24036)
(City Wide) - Page 6 of 6**

Our Division is always willing to listen to homeowners, designers, builders, etc. and provide feedback on their issues/concerns.

Given this information, it is recommended that this item be removed from the Outstanding Business List.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24036 - Additional Dwelling Units - Internal – Brochure

Appendix "B" to Report PED24036 - Additional Dwelling Units - Detached – Brochure

JMC:ll