



February 19, 2021

Dear Councillor:

We write, under the direction of CORRA's member groups at CORRA Council, in reference to the December 2020 directive of Toronto's Planning and Housing Committee that City Planning staff return in Spring 2021 with policy options directed at allowing as-of-right construction of Garden Suites—backyard dwellings on lots not abutting a laneway.¹

Garden Suites, like Laneway Suites, are detached backyard dwellings. As you are aware, in June 2018 Council passed Official Plan Amendment 403, allowing for Laneway Suites as-of-right across the City of Toronto, subject to lot restrictions.² Planning's report registered numerous concerns with Laneway Suites—concerns exacerbated by the fact that **unlike Vancouver, Ottawa, and other municipalities permitting only one-storey laneway houses as-of-right, OPA 403 permits two-storey Laneway Suites as-of-right**. Reflecting such concerns, OPA 403 included a requirement that Planning monitor implementation of the OPA, and report to TEYCC within two years to review and recommend any necessary revisions to the Laneway Suites policy, zoning and guidelines.

No such monitoring report has been submitted, yet the City is moving full speed ahead with the Garden Suites initiative.

Such speedy motion is inappropriate for an initiative effectively aiming to **double the number of houses permitted as-of-right on a single lot across the City of Toronto**. As we detail below, many serious concerns attach to Garden Suites. **We call for the brakes to be applied to the Garden Suite initiative** to allow, first, proper assessment of the Laneway Suite initiative and potential revision of Laneway Suite as-of-right permissions in line with other municipalities, and second, comprehensive public consultation about and addressing of concerns well in advance of any proposed Garden Suite by-laws.

We start with a list of basic recommendations. Afterwards, we detail the basis for our recommendations, including reference to recent studies pertinent to both the Laneway Suites and Garden Suites initiatives.

¹See <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-158835.pdf>.

²See <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.3>.

CORRA makes the following basic recommendations:

- **Recommendation 1:** That prior to proceeding with the Garden Suite initiative, the City complete and make public its monitoring report of Laneway Suites, so that the results can inform the Garden Suite initiative.
- **Recommendation 2:** That prior to proceeding with the Garden Suite initiative and any associated changes to as-of-right permissions, the City conduct an infrastructure study or studies, to ensure that there is sufficient hard and soft infrastructure to support such changes in affected neighbourhoods.
- **Recommendation 3:** That Garden Suites be limited to one storey, with height, floor space index, and coverage provisions similar to those for other ancillary structures in R zones, and with further consideration of side and rear setbacks, given the nature of the use and impacts on adjacent properties.
- **Recommendation 4:** That the City expressly consult with designated members of CORRA about the form that surveys and future public consultation on the matter of Garden Suites should take.
- **Recommendation 5:** That the City expressly consult with designated members of CORRA about any policies pertaining to Garden Suites that are output from City deliberation and public consultation.

Our recommendations reflect the following concerns and considerations:

1. **Increasing Unaffordability.** Garden Suites, like Laneway Suites, are commonly advanced as assisting with affordable housing. However, recent research indicates that permitting backyard houses as-of-right is **more likely to increase unaffordability than not**, for three reasons:
 - (a) Recent studies show that with the exception of wealthy owners who subsidize the rents of friends or relatives, backyard dwellings typically rent for above market rent.³ This partly reflects high construction costs of laneway houses—costs higher for Garden Suites, given logistical difficulties. Hence Garden Suite rental housing will foreseeably be of the ‘luxury’ variety.
 - (b) Recent studies show that under favourable economic conditions, upzoning can lead to increased land values and speculation, driving up purchase and rental prices.⁴ Hence notwithstanding the last decade’s building boom in

³See Brown & Palmeri, 2014 (‘Accessory dwelling units in Portland, Oregon’); Salvador, 2020 (*Detached Accessory Dwelling Units—Who Benefits and Who Pays?*), esp. pp. 64–65.

⁴See Freemark, 2020 (‘Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction’): “I detect significant, robust increases in values for transactions on parcels that received a boost in allowed building size. I also identify value increases for residential condominiums, indicating that upzoning increased prices of existing housing units. I find no impacts of the reforms, however, on the number of newly permitted dwellings” (758).

Toronto, in that time the average price of a condo more than doubled, and the average cost of a house tripled, with concomitant increases in rental prices.⁵ Doubling the previously allowed number of houses on residential lots will foreseeably add fuel to the fire of Toronto's speculative real estate market—again, increasing unaffordability.

- (c) Increased land values in upzoned neighbourhoods will increase property taxes on all properties in the neighbourhood, including those whose owners cannot afford to build Garden Suites to generate compensating income. Such increases threaten to force those on fixed incomes from their homes, undercutting another stated motivation for Garden Suites—namely, of enabling seniors to stay in their familiar neighbourhoods.
- 2. **Substandard Emergency Access.** In the absence of a proximal public street or laneway, emergency access to Garden Suites must proceed via the side yard—potentially just 1 metre wide by 2.1 metre high. That seems substandard from a safety perspective. Indeed, it was on grounds of such substandard emergency access that Garden Suites were outlawed in Toronto in the 1950's.
- 3. **Infrastructure.** Toronto residents continue to experience the inadequacy of existing infrastructure first-hand, via multiple events of power outages and catastrophic flooding. Prior to COVID, transportation and transit infrastructure was already at the breaking point. Schools are frequently unable to accommodate the children of new local residents. No new as-of-right housing permissions should be added to the mix without antecedent assessment and needed improvement capacity along power, water/sewer, transit, and school dimensions.
- 4. **Loss of Permeable Green Space.** Related to the increase in serious flooding events is the need to preserve permeable green space in order to absorb heavy rain and storms. Laneway Suites typically replace garages, in which case there is at least no great loss of permeable land. Not so with Garden Suites, which will in the usual case replace grass or other permeable ground.
- 5. **Overlook, Massing, and Shadowing.** Serious concerns about overlook, massing, and shadowing on neighbouring properties are attached to Laneway Suites. In some cases these impacts may be partly mitigated for properties to the rear by the existence of a 7.5m laneway, and for properties to the sides by the fact that Laneway Suites typically replace an existing garage and so do not constitute an entirely new introduction of mass. Neither of these mitigating conditions are present for Garden Suites, and so overlook, massing, and shadowing concerns are much more serious for this form of housing.

Again, our position is that the two-storey as-of-right permissions for Laneway Suites should be walked back, in line with other municipal by-law permissions for such dwellings. In any case, to prevent undue negative impact on neighbouring properties

⁵*Financial Post*, Sept 2019, 'Toronto is now the world's second most overvalued property market'.

to the sides and rear, **under no circumstances should the by-laws for Garden Suites permit two-storey such dwellings as-of-right.**

6. **Contextually insensitive, community-excluding, as-of-right permissions.** Permitting Garden Suites as-of-right permits existing context to be completely ignored, to the detriment of appropriate design and integration of backyard houses into existing neighbourhoods. It also problematically excludes community members from providing input along these lines, even when they are likely to be directly and significantly impacted.
7. **Incompatibility with Official Plan Directive.** A case was made that Laneway Suites, at least when not exceeding one storey, do not substantially change building massing in the associated neighbourhoods, because they effectively substitute for two-car garages. Not so for Garden Suites—here what is being replaced is likely green space—yard, garden, sky.

It is unclear whether the introduction of as-of-right permission to build Garden Suites is in keeping with the requirements in Toronto's Official Plan to preserve neighbourhood character. **The character of a neighbourhood doesn't stop at the front stoop.**

Sincerely yours,

Jessica Wilson
Vice-Chair, CORRA