



## Committee of the Whole Meeting

### Agenda

**Date:** January 13, 2025  
**Time:** 9:30 am  
**Location:** Council Chambers, City Hall, second floor

Pages

**1. Call to Order**

**2. Land Acknowledgement**

Burlington as we know it today is rich in history and modern traditions of many First Nations and the Métis. From the Anishinaabeg to the Haudenosaunee and the Métis – our lands spanning from Lake Ontario to the Niagara Escarpment are steeped in Indigenous history.

The territory is mutually covered by the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy, the Ojibway and other allied Nations to peaceably share and care for the resources around the Great Lakes.

We acknowledge that the land on which we gather is part of the Treaty Lands and Territory of the Mississaugas of the Credit.

**3. Approval of the Agenda**

**4. Declarations of Interest**

**5. Delegations**

Requests to delegate to this meeting can be made by completing the online delegation registration form at [www.burlington.ca/delegate](http://www.burlington.ca/delegate), by noon the business day before the meeting is to be held.

**6. Presentations**

## 7. Consent Items

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to questions on items contained in the Consent Agenda.

- 7.1 Burlington Canal Pier – Public Access and Maintenance Agreement update (PWS-08-25) (PW) 1 - 9

Authorize the Commissioner, Public Works to take all steps necessary to approve and enter into an agreement with Hamilton-Oshawa Port Authority (HOPA), and His Majesty the King in Right of Canada as represented by the Minister of Public Works and Government Services Canada (PWGSC), the Minister Natural Resources (MNR), or such other Minister as the federal government directs, to construct improvements, maintain and access the Burlington Pier, with content satisfactory to Director of Roads, Parks and Forestry and form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor as outlined in public works report PWS-08-25; and

Authorize the Mayor and City Clerk to execute agreements to give effect to the recommendations approved in this report, with content satisfactory to the Director of Roads, Parks and Forestry, and in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor.

- 7.2 Transmittal of Investigation report from ADR Ombudsman (LLS-06-25) (CCS) 10 - 36

Receive for information legal and legislative services report LLS-06-25 regarding the investigation from the Ombudsman, file MUN-28167-1223.

- 7.3 Appointment to Downtown BIA Board of Directors (LLS-11-25) (CCS) 37 - 40

Appoint the following member to the Burlington Downtown Business Association (BDBA) Board of Directors for a term to expire January 2033 or upon appointment of their successor:

- Julie Folch

## 8. Community and Corporate Services

8.1 Halton Court Services business plan and budget (LLS-01-25) 41 - 59

Approve the 2025 Halton Court Services (HCS) budget attached as Appendix A to legal and legislative services report LLS-01-25; and

Authorize the Manager of Prosecutions and Manager of Court Administration to approve and execute any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice, within the parameters of the City's Procurement By-law and other applicable policies, provided no expense beyond that approved as part of the existing budget is expended, in such form as is approved by the City Solicitor.

8.2 Council Remuneration (HRS-02-25) 60 - 66

That Council vote to decide whether or not to amend Mayor and Council remuneration to provide a payment-in-lieu to a Mayor or Members of Council who are 71 years of age and older, equal to the amount that the City contributes to OMERS for a Mayor or Members of Council who are 70 years of age and under as outlined in human resources report HRS-02-25; and

That if Council decides to amend Mayor and Council remuneration to provide a payment-in-lieu of the City's OMERS contribution for a Mayor or Members of Council who are 71 years of age and older, that Council identify the effective date of the change to Mayor and Council remuneration.

**9. Confidential Items and Closed Meeting**

Confidential items will be discussed at 1:00 p.m. on Monday, January 13, 2025.

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

9.1 Confidential update on a labour relations matter (HRS-01-25)

Pursuant to Section 239(2)(d) of the Municipal Act, labour relations or employee negotiations.

9.2 Confidential legal update on a litigation matter regarding Nelson Aggregates (LLS-12-25)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

9.3 Confidential update to report CL-28-24 Appointments to Advisory Committees (LLS-07-25)

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

10. Rise and Report

11. Public Works

12. Growth Management

12.1 Implementation of a Short-Term Accommodation By-law (DGM-04-25) 67 - 103

**Note: this item will be considered at a Special Council meeting immediately following this Committee of the Whole meeting**

Approve the Short-Term Accommodation By-law, a by-law to regulate short term accommodation businesses in the City of Burlington, attached in draft form as Appendix B to development and growth management report DGM-04-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor; and

Approve a Short-Term Accommodation Licence fee of \$300 to be included in the 2025 Rates and Fees By-law.

12.2 City-initiated Official Plan and Zoning By-law Amendments to increase housing options (DGM-01-25) 104 - 191

**Note: Appendix A was revised on January 9, 2025**

Approve Official Plan Amendment No. 3 to the City of Burlington Official Plan, 2020 as provided in Appendix A of development and growth management report DGM-01-25; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting the Official Plan Amendment No. 3, as contained in Appendix A of development and growth management report DGM-01-25; and

Enact By-law 2020.494 as contained in Appendix B of development and growth management report DGM-01-25; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 3 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan Amendment No. 3 is approved; and

Approve modification of Schedule C: Land Use – Urban Area and Schedule E: Land Use – Uptown Urban Centre of the Burlington Official Plan 2020 to reflect the revised names of the designations of the Urban Residential Area, as contained in Appendix C; and

Withdraw the policies of Subsection 8.3.6 “Neighbourhood Character Areas” of the Official Plan, 2020; and

Instruct the City Clerk to prepare the necessary by-law to amend by-law no. 24-2018 that adopted the Burlington 2020 Official Plan, to repeal Subsection 8.3.6 “Neighbourhood Character Areas”; and

Authorize the Commissioner, Legal & Legislative Services/City Solicitor, or his designate, to advise the OLT of the withdrawal of the policies of Subsection 8.3.6 “Neighbourhood Character Areas” of the Official Plan, 2020; and

Direct the Director of Community Planning to prepare a City-initiated Official Plan Amendment to the 1997 Burlington Official Plan to remove Part III Subsection 2.12 - Neighbourhood Character Areas.

### **13. Statutory Public Meetings**

**Note: There are no Statutory Public Meetings scheduled for Tuesday, January 14, 2024**

### **14. Information Items**

14.1 Legislative Services forecast of standing committee reports (COW-01-25) 192 - 192

15. **Staff Remarks**

16. **Committee Remarks**

17. **Adjournment**

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**SUBJECT:** Burlington Canal Pier – Public Access and Maintenance Agreement Update

**TO:** Committee of the Whole

**FROM:** Public Works  
Roads, Parks and Forestry

Report Number: PWS-08-25

Wards Affected: Ward 1

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

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## **Recommendation**

Authorize the Commissioner, Public Works to take all steps necessary to approve and enter into an agreement with Hamilton-Oshawa Port Authority (HOPA), and His Majesty the King in Right of Canada as represented by the Minister of Public Works and Government Services Canada (PWGSC), the Minister Natural Resources (MNR), or such other Minister as the federal government directs, to construct improvements, maintain and access the Burlington Pier, with content satisfactory to Director of Roads, Parks and Forestry and form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor as outlined in public works report PWS-08-25; and

Authorize the Mayor and City Clerk to execute agreements to give effect to the recommendations approved in this report, with content satisfactory to the Director of Roads, Parks and Forestry, and in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor.

## **Executive Summary**

In September 2022, Report ES-43-22 authorized staff to proceed with negotiating an agreement with the Hamilton-Oshawa Port Authority for public use, municipal access, and ongoing maintenance of the Burlington Canal shipping pier. Staff have met regularly with the Hamilton-Oshawa Port Authority, along with the City of Hamilton, to determine the conditions and terms necessary for such an agreement.

Through these discussions it was determined that Hamilton-Oshawa Port Authority, Public Works and Government Services Canada, and Ministry of Energy and Natural Resources have stewardship over different parts of the Burlington Pier. Accordingly, it was determined that three separate agreements are necessary to allow access for both capital improvements and ongoing maintenance of the pier by the city.

In addition to maintenance operations, proposed capital improvements were discussed with both Hamilton-Oshawa Port Authority and Public Services and Procurement Canada as ultimately both agencies are responsible for the state of good repair of pier infrastructure and their approval is necessary to ensure any conflict with lift bridge operations is avoided. Proposed improvements include pier resurfacing, the installation of barrier railings, benches, and waste receptacles.

The recommendations of Report PWS-08-25 provide staff the direction needed to proceed with finalizing access agreements and implement pier improvements with the intention to have the Piers open for use mid-2025.

Purpose of report:

- Provide a status update on access and maintenance agreement negotiations with the Hamilton Oshawa Port Authority for public use and ongoing maintenance of the Burlington Lift Bridge Canal pier; and
- Authorize staff to take all steps necessary to approve and enter into agreements with the appropriate authorities to access, construct improvements, and maintain the Burlington Pier.

Key findings:

- The Burlington Pier is under stewardship of Hamilton-Oshawa Port Authority, Public Works and Government Services Canada, and the Ministry of Natural Resources.
- HOPA is generally responsible for the pier that extends into the lake and PWGSC and MNR are generally responsible for the remaining sections of the pier.

Implications:

- Authorization is required to enter into the agreements necessary for pier improvements to facilitate public access to the Burlington Pier.
- Legal, Realty, and administrative resources will be required to negotiate and prepare the necessary agreements between City of Burlington, HOPA, PWGSC and MNR.

# Recommendation Report

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## Background

The Burlington Canal Piers (both Burlington and Hamilton sides) are held in federal ownership. Both piers have a long history of recreational use by the public for walking, cycling, and watching the ship activity. In the fall of 2020, Transport Canada formally advised both the City of Burlington and the City of Hamilton of their intention to restrict public access to the portion of the piers projecting into Lake Ontario. Transport Canada indicated that the piers were intended to be used solely for the commercial use of the channel for lift bridge operation, rather than for recreational public access. In December 2021, Transport Canada installed a lockable gate on both piers to restrict public access, in order to mitigate risks associated with recreational usage. A gate for the same purpose was also installed on the Hamilton pier. Both gates have remained closed since their installation.

Recognizing the strong desire to maintain public access, both cities have worked closely with Transport Canada to determine a strategy for the re-opening. Transport Canada has agreed in principle that the pier could be re-opened if each city assumes liability and ongoing minor maintenance responsibilities for recreational use of the pier.

In July 2021, a risk assessment of both piers was prepared by the City of Hamilton providing an overview of identified risks and recommendations for improvements to mitigate risk to public safety. The risks identified include trip hazards related to uneven surfacing, water hazards due to the unencumbered pier edge, requirements for rescue equipment, and other issues.

In July 2022, Transport Canada transferred responsibilities for management of the piers to HOPA. Accordingly, both cities were now required to work directly with HOPA to negotiate and develop a formal public access and ongoing maintenance agreement. A similar agreement was developed between the City of Oshawa and HOPA and was to be used as a basis for developing the terms of an agreement between HOPA and the City of Burlington.

In September 2022, Council authorized the City Manager to proceed with negotiations/execution of an agreement with the HOPA for public use and ongoing maintenance of the Burlington Bay Canal shipping pier under terms as generally outlined in report [ES-43-22](#).

Several meetings have taken place, both with HOPA, PWGSC, and with City of Hamilton staff since October 2022, inclusive of site meetings and condition assessment walks. Clarity of ownership for the various land parcels necessary for site access has been problematic and was a major contributor to the delay's experienced in finalizing the agreement details.

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## **Analysis**

The Burlington Pier is under stewardship of HOPA, PWGSC, and MNR. HOPA is generally responsible for the pier that extends into the lake and PWGSC and MNR are generally responsible for the remaining sections of the pier. Please refer to Appendix A for a general concept plan of proposed pier improvements and extent of work. Accordingly, three agreements are required with each agency to construct improvements, maintain, and access the Burlington Pier.

The pier capital improvements and ongoing pier maintenance proposed by the City will be subject to approval of both HOPA and PWGSC as, ultimately, both agencies are responsible for the state of good repair of pier infrastructure and for lift bridge operation. In addition, both agencies have plans for future improvements and rehabilitation of pier and lift bridge infrastructure which may occasionally restrict public and municipal access.

With respect to proposed Burlington Pier improvements, staff are recommending the installation of a barrier railing along the pier perimeter to enhance safety for public use. The barrier railing was a recommendation arising out of a Risk Management report prepared by City of Hamilton, in analysis of both the Hamilton and Burlington pier. HOPA has advised that it will not fund the railings proposed. Instead, HOPA has committed to either installing a bullnose rail (ankle height) or contribute the funds it would have spent on that bullnose rail towards the City's installation of a pedestrian railing. In addition to this contribution, HOPA has undertaken minor surface repairs to address trip hazards to their portion of the pier and has also installed marine access ladders. As part of pier improvement works, the City also intends to resurface the sections of pier under PWGSC and MNR control to provide suitable walking surface conditions.

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## **Recommendation Details**

Historically, the public has enjoyed access to the two canal piers extending into Lake Ontario, that are on federal lands and managed by Transport Canada. In the past, there has been no formal agreement between Transport Canada and the City of Burlington or the City of Hamilton regarding access.

When Transport Canada advised both cities of their intention to install gates and restrict public access to the piers, one option would have been to accept this restriction. However, as access has long been enjoyed and appreciated by the public, preserving and enhancing this experience is the preferred option and is consistent with principals of the proposed Beachway Master Plan. As such, a dialogue was established with federal political representatives through the Mayor's Office, in partnership with Halton Region and City of Hamilton staff, in order to work with Transport Canada and HOPA to establish an arrangement that would seek to permit

the continued public access to the piers while at the same time addressing any safety issues and concerns.

The report therefore recommends that staff be authorized to take all steps necessary to approve and enter into an agreement with Hamilton-Oshawa Port Authority, Public Works and Government Services Canada, and Ministry of Natural Resources to access, construct improvements, and maintain the Burlington Pier.

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### **Key Dates & Milestones**

Transport Canada restricted pier access in December 2021. Shortly thereafter in July 2022, Transport Canada transferred responsibilities for management of the piers to HOPA, requiring both the City of Hamilton and Burlington to work directly with HOPA to negotiate and develop a formal public access and ongoing maintenance agreement.

In September 2022, Council authorized the City Manager to proceed with negotiations and execution of an agreement with the HOPA for public use and ongoing maintenance of the Burlington Bay Canal shipping pier under terms as generally outlined in report ES-43-22.

Several meetings have taken place with HOPA, PWGSC, and with City of Hamilton staff since October 2022, inclusive of site meetings and condition assessment walks. The lack of clear ownership for the various land parcels required for site access has been a significant factor in the delays encountered in securing an arrangement for continued public access to the Burlington Canal Piers.

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### **Implications**

The right of municipal use of the pier in the form of an access and maintenance agreement with HOPA, PWGSC and MNR would be at nominal operating cost to the city. HOPA would continue to be responsible for the cost of capital rehabilitation and maintenance of the pier for commercial shipping as well as any major improvements to the pier surface and substructure. Furthermore, HOPA would be responsible for access ladders, pier, and navigational lighting.

The city would be responsible for minor surface maintenance of the pier including inspection, surface cleaning as required and waste removal. The city would also be responsible for the provision of barrier railings, life safety equipment, benches, and waste receptacles. The Region of Halton has indicated a willingness to fund the capital costs associated with these aforementioned amenities however, they intend to confirm Council support based on the barrier railing costs.

As an offset to the cost of pier improvements, HOPA has agreed to provide a financial contribution towards the new handrail barrier in the amount that would be incurred for the supply and installation of a bull rail that would normally be installed at the edge of the pier for boat tie-off.

**Total Financial Impact**

The total estimated construction and amenity costs for pier improvements works is estimated as follows:

Walking Surface Improvements	\$ 275,000
Barrier Railing	\$ 900,000
Benches and Life Safety Equipment	\$ 25,000
<b>Total</b>	<b>\$ 1,200,000</b>
HOPA Barrier Railing Cost Contribution (In lieu of Bull Rail Installation)	\$ 320,000
<b>Net Total</b>	<b>\$ 880,000</b>

The estimated annual operating impact associated with maintaining approximately 450m of pier infrastructure by the city will be approximately \$75,000 and involves the following maintenance activities:

- Daily inspection, sweeping, and litter cleanup
- Twice a season trimming of vegetation adjacent to walkway/pier
- Minor repairs to site furnishings including occasional graffiti removal
- Seasonal and intermittent closing/opening of pedestrian gate.

The pier will be maintained at the same service level as the Brant Street Pier/Spencer Smith Promenade from mid-March to mid-November (dates are weather dependent), with access fully closed off for the winter season.

**Source of Funding**

Funding for improvement pier works is intended to be provided by Halton Region through capital funding previously identified for the Burlington Beach Regional Waterfront Master Plan which includes enhancement on the south end of Beachway Park including the pier. However, given significant amount of the barrier railing costs, Regional staff plan to confirm Council support through a report to Regional Council planned for early 2025.

Operational funding of \$75,000 for light duty maintenance of the pier from mid-March to mid-November (weather dependent) has been approved through report [ES-43-22](#) and was incorporated within the Roads, Parks and Forestry Department’s operating budget as part of the 2024 budget process.

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## References

Environment, Infrastructure & Community Services Committee Report ES-43-22, 'Proposed public access/ongoing maintenance agreement for Burlington Canal Pier with Hamilton Oshawa Port Authority (HOPA)' dated September 15, 2022, with the following recommendations:

Authorize the City Manager to proceed with negotiating an agreement with the Hamilton-Oshawa Port Authority for public use and ongoing maintenance of the Burlington Bay Canal shipping pier under terms as generally outlined in engineering services department report ES-43-22; and

Direct the City Manager to report back to the Environment, Infrastructure & Community Services Committee following negotiations to provide a status update and recommendations related to the proposed public access and maintenance agreement.

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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Enrico Scalera P.Eng.  
Director, Roads Parks and Forestry  
905-335-7777 ext.6134

## Appendices:

A. Burlington Pier Improvement Concept Plan

## Draft By-laws for Approval at Council:

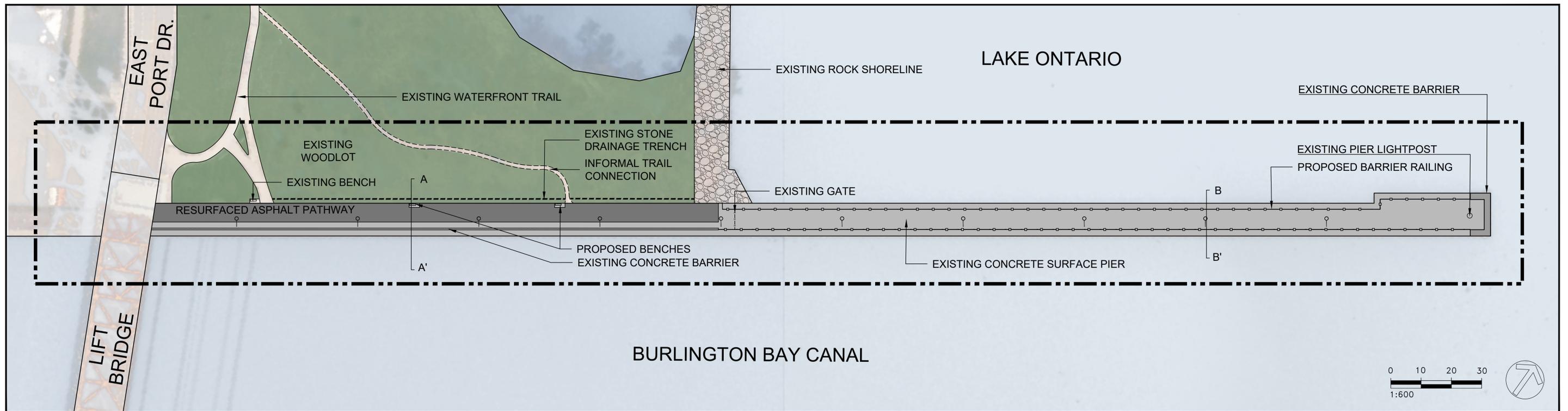
None

## Notifications:

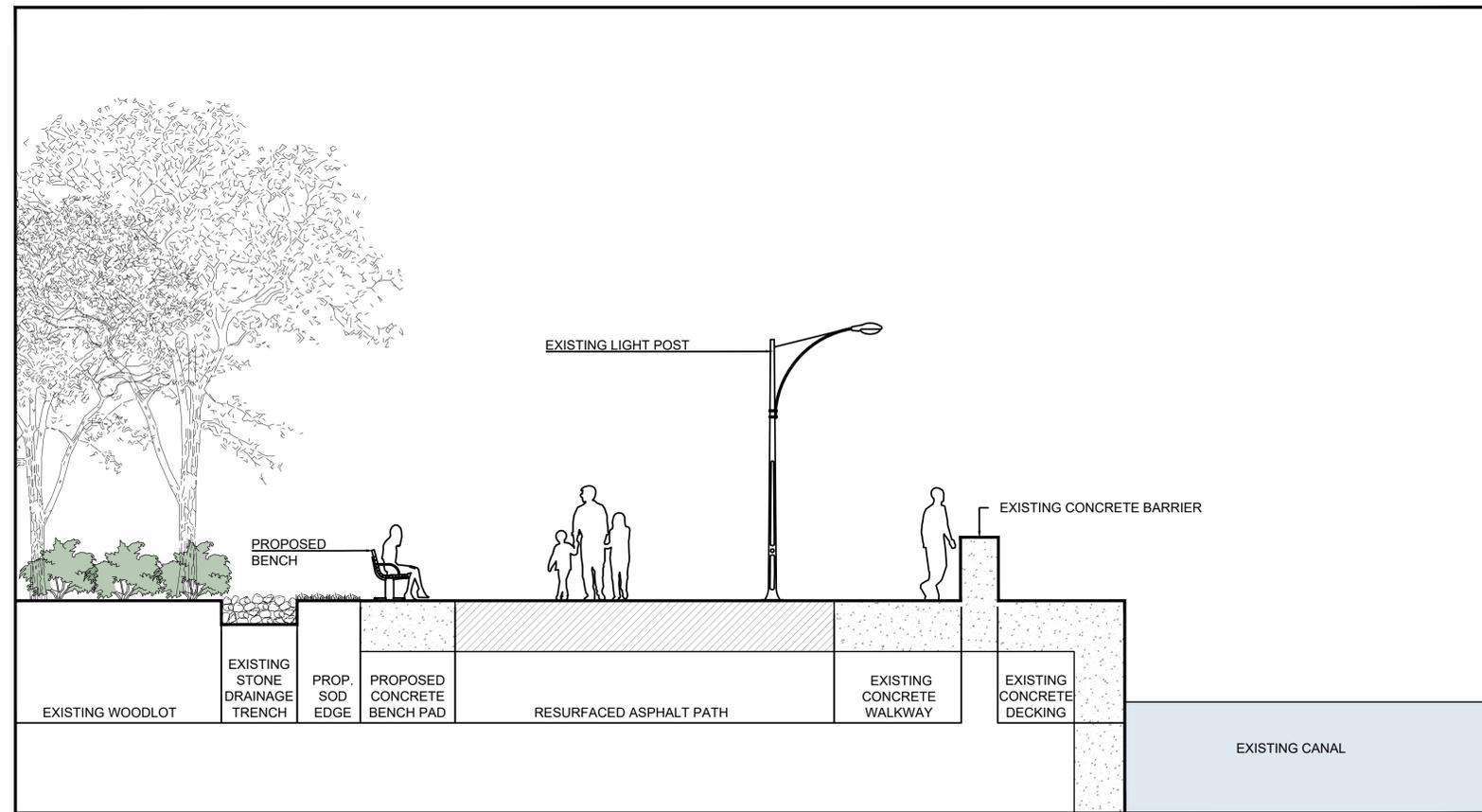
Kristen DeLong  
Manger Strategic Initiatives, Halton Region  
[Kristen.Delong@halton.ca](mailto:Kristen.Delong@halton.ca)

**Report Approval:**

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.

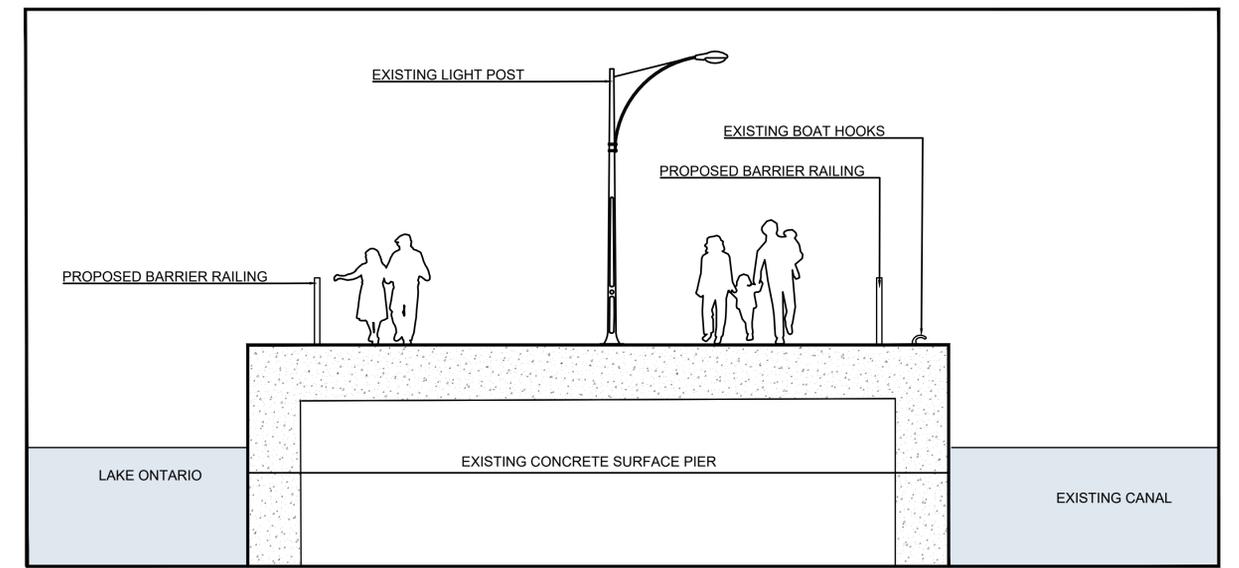
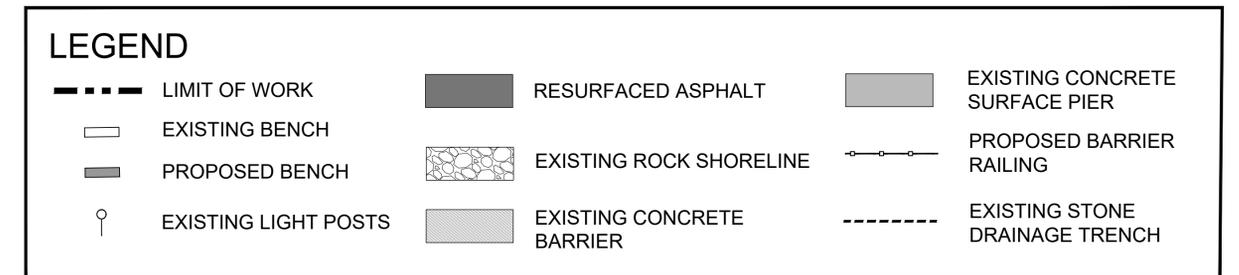


PLAN



SECTION A - A'

1:50



SECTION B - B'

1:50

# APPENDIX A to PWS-08-25 - BEACHWAY PIER IMPROVEMENTS

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**SUBJECT:** Transmittal of Investigation report from ADR Ombudsman, MUN-28167-1223

**TO:** Committee of the Whole

**FROM:** Legal and Legislative Services  
Legislative Services

Report Number: LLS-06-25

Wards Affected: All

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

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### **Recommendation**

Receive for information legal and legislative services report LLS-06-25 regarding the investigation from the Ombudsman, file MUN-28167-1223.

### **Executive Summary**

Purpose of report:

- This report provides an investigation report from ADR Chambers regarding communications for the Robert Bateman School project.

Key findings:

- The Investigator has concluded that they are satisfied that City staff followed City policies, and professional practices in the communications field.
- The Investigator notes that it is not in their jurisdiction to address complaints directed towards the decision-making processes of Council in this context.

Implications:

- There is no financial impact associated with the proposed recommendation.

# Recommendation Report

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## Background

The *Public Sector and MPP Accountability and Transparency Act* came into force on January 1, 2016. This legislation expanded the function of the provincial Ombudsman to include investigation of decisions or recommendations with respect to the administrative actions of a municipality. The *Municipal Act, 2001* enables a municipality to appoint their own local Ombudsman, who is tasked with conducting investigations with respect to the administrative actions of the municipality.

In June 2023, Council re-appointed ADR Chambers as the Ombudsman for the City of Burlington. The established procedures require that any investigative reports with recommendations must be considered by Council.

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## Analysis

A complaint was filed with the City's Ombudsman, ADR Chambers, in February 2024 by a publication that alleged the City insufficiently communicated with the public in 2022 with respect to the Robert Bateman School project. The complaint was assigned for investigation on May 24, 2024. The investigation included interviews with the complainant and city staff. On December 11, 2024, the City received a final investigation report from ADR Chambers, attached as Appendix A.

Ultimately, the Investigator concluded that:

*"I am satisfied from the evidence that the City's Communications staff followed City policies, and professional practices in the communications field. I further accept that City staff can only publish information they are authorized to share. I interpret that the remainder (and bulk, frankly) of Complainant's concerns are directed to the City's political processes or decision-making – which isn't appropriately within this Office's jurisdiction to address. Such questions must be addressed within the political process itself."*

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## Recommendation Details

There are no actionable recommendations resulting from this investigation. As such, staff are recommending that the report be received for information.

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## Key Dates & Milestones

N/A

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## Implications

- There is no financial impact associated with the proposed recommendation.
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## References

- [City of Burlington Get Involved webpage – Robert Bateman Community Centre](#)
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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

### Author:

Samantha Yew

City Clerk/Director of Legislative Services

Ext. 7490

### Appendices:

A. Final Report regarding MUN-28167-1223 with findings from ADR Chambers

### Draft By-laws for Approval at Council:

None

### Notifications:

None

### Report Approval:

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.



## ADRO INVESTIGATION REPORT

<b>Complainant:</b>	Complainant
<b>Complaint Reference Number:</b>	MUN-28167-1223
<b>Complaint Commenced:</b>	February 5, 2024
<b>Date Complaint Assigned to Investigator:</b>	May 24, 2024
<b>Date All Required Information Received:</b>	August 14, 2024
<b>Report Date:</b>	December 11, 2024
<b>Investigator:</b>	Ben Drory

### Terms of Reference

This report has been prepared pursuant to the ADR Chambers Ombuds Office (ADRO) Terms of Reference, which describe the scope of ADRO's mandate, its process upon receiving Complaints, and the authority and responsibilities of an ADRO Investigator. Defined terms used below have the same meaning as in the Terms of Reference.

### Complaint – History of Proceedings

Complainant is a journalist for a local news publication (the “Publication”), and argued that the City of Burlington (the “City”) insufficiently communicated with the public in 2022 respecting its project at the former Robert Bateman School. He submitted the following in his Complaint Submission Form (“CSF”), with diverse supplemental information:

*My complaint relates to the genesis of the Bateman project, specifically the failure by council to provide the public with any sense of the size and scope of a plan to spend tens of millions of dollars on renovations to the former Robert Bateman School for use as a community centre as they were conducting public consultation throughout 2022. In fact, I submit that the city engaged in deliberate obfuscation of the financial scope of the project, as they engaged in public consultation. Indeed, those members of the public who participated in surveys and town halls had no idea for what they were actually providing buy-in, making the public consultation piece a sham. The project was essentially presented to the public as a simple land swap, with the end goal providing space for a Brock University satellite campus, a city economic division known as Tech Place and the Library. The community centre aspect was only alluded to in the most vague terms throughout the public consultation period, when in fact every member of council had known it was a major capital project costing at least \$50 million (December 2021). As soon as the election was over the price was announced at \$80 Million and has now grown to \$100 Million. A decision to embark on a project of this magnitude while giving the public at least a ballpark sense of the cost would not have frustrated subsequent tendering. The fact that this communications process was followed in an election year is particularly concerning as it*

*was a legitimate item for public discussion. Large municipal projects are frequently presented to the public for comment with an approximate price tag attached, in fact plebiscites are often framed with this information.*

*... I attach a story I published in Publication, along with a series of notes, to give you a general sense of how I view the issue.*

*The project was presented to the public in late 2022 was essentially a fait accompli. I don't see a remedy, as the real nature and cost of the project were already settled upon by the time the public had any awareness. What I am looking for is a ruling or opinion on the propriety of the manner in which the public communications was handled throughout the election year 2022 and depending on the outcome an explanation and if, warranted, expression of regret to the residents of Burlington.*

...

*... The public has a right to know whether the city's public engagement policy during 2021-22 was appropriate.*

Complainant also provided the following opinion article that he published in Publication on December 11, 2022:<sup>1</sup>

**Opinion: Public kept in dark about magnitude of Bateman project**

*Burlington Councillors have given the green light to a plan to renovate the former Robert Bateman School at a cost, including land, of approximately \$80 Million. It's a project that has been in the works for well over a year, but the public only got a clear sense of what was involved after Burlington Council was safely re-elected in October. An examination by Publication of relevant staff reports and city news releases, suggests the public was deliberately kept in the dark about the magnitude and cost of the project until a point of no return (and the 2022 Municipal Election) had passed.*

**Council likely informed of mega project in December 2021**

*Until the city released its detailed plans for the property a month after the recent municipal election, the public had no idea of the magnitude of the project being contemplated, however it now appears council were likely given significant details, including a ballpark cost estimate, at an in-camera meeting in December 2021. It was the December 2021 meeting that led to an integrity commissioner report that found Councillor One had breached the code of conduct by stating in an open meeting the Bateman project "could cost in excess of \$50 Million." In light of what transpired in the ensuing year Councillor One's comment takes on additional significance. The fact that the integrity commissioner made a finding that Councillor One had revealed information that was discussed in Camera is also an acknowledgement that the \$50 million figure was*

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<sup>1</sup> "Opinion: Public kept in dark about magnitude of Bateman project", Publication (December 11, 2022) [https://bayobserver.ca/opinion-public-kept-in-dark-about-magnitude-of-bateman-project/#google\\_vignette](https://bayobserver.ca/opinion-public-kept-in-dark-about-magnitude-of-bateman-project/#google_vignette)

*presented at that meeting. Two Councillors, Councillor Two and Councillor Three moved quickly to launch a complaint to the IC which released its report in April confirming Councillor One's breach of the code. At that time the councillor pushed back against what she termed excessive secrecy by Burlington Council writing, "I chose to share as much information as possible on issues where I strongly believed that important information was being inappropriately withheld from the public." Councillor One has not responded to questions from Publication about what she meant when she made her \$50 million statement.*

*In the ensuing months following the Dec 6 2021 council meeting, as the project proceeded through its various stages, the public was never informed of the size or scope of what was being contemplated. Staff were allotted \$3 million for what a report termed "ongoing due diligence, environmental, preliminary design, architectural, engineering and project management services for the phased adaptive re-use of the Robert Bateman High School Site." There was no mention of what the adaptive re-use would entail, and indeed later in the report it was suggested that the work was being done in partnership with Brock University and would support the move of Brock's satellite campus to Burlington which had been previously announced.*

#### ***Public not given full picture of project***

*In January 2022 Council voted to formally authorize staff to pursue the purchase of the school. A City news release read, "In addition to the partnership with the HDSB and Brock University, the City also plans to partner with other institutions, ensuring that there is an adaptive reuse strategy for the site and to create a sustainable community hub. This includes the Burlington Library relocating its Appleby Line branch to this location to develop a place for learning and education and the relocation of TechPlace, a hub led by Burlington Economic Development, where the tech community can connect, develop and grow their business." Arguably, the impression created was that Brock, HDSB, the Library and Tech Place would be the only components of the hub. A public consultation on the property was undertaken. 120 persons participated in an online poll that confined itself to asking if respondents were in favour of the acquisition of the school, not mentioning the contemplated massive re-build. To the question, "Do you agree with the proposed land exchange where the city will transfer the Central high school football field to the HDSB and the HDSB will transfer Bateman High School to the city," more than 80 percent were in favour. The question implied a straight swap, but as it turned out the "exchange" actually would cost the city nearly \$8 million.*

*A slide deck made available to the public in June continued to make no reference to the magnitude or cost of the project. It showed the relocation of the Library, Brock, Tech Place and the leaseback of the shop portion of the school to the HDSB. The only bullets that gave a hint of the future plans were two that, under the heading "City of Burlington Needs," were worded, "Provide flexible programming area (i.e. expanded community center" and another that read "create a sustainable signature community hub-focus on learning and active living." There was no reference to the multi-million dollar construction that was actually being planned.*

*Around that time a list of frequently asked questions about the project on the mayor's website. One question asked about the \$50 million figure referred to by Councillor One asking if the figure was accurate. The Mayor's answer read, "This does not reflect the actual dollar figure. Per the Integrity Commissioner's report Council received in April 2022 concerning the Council-approved sanction of the Council member who inappropriately released a dollar figure related to this deal, that number released "does not reflect the specific actual dollar figure" and further, "risks misleading the public." Indeed the \$50 million figure did not reflect the actual dollar figure – it was short by \$30 Million. Another questioner asked. "What has the public been told by the City of Burlington or Mayor's Office?" The answer: "the Mayor and the City have been releasing every bit of information available to be released publicly when they have been able to ... other pieces of information have been kept confidential in order to protect the public's interest in the process. As soon as any details can be released the publicly, they'll be done so by the City."*

### ***Deal finalized***

*Later that month Council gave the go-ahead to complete the purchase of the school. Again, the city news release confined itself to talking about the land swap with the Board of Education, the Brock relocation, the relocation of the Library, Tech Place, and the leaseback to HDSB.*

*A week after the Municipal election the city announced the completion of the purchase of the school and land swap, again without mentioning the re-build and further promising there would be a public consultation in 2023 to determine uses for the parts of the building not occupied by the tenants.*

*Finally on the 25<sup>th</sup> of November, the city finally announced the full scale of the project and the nearly \$80 Million price tag.*

### ***Conclusions***

*There are several conclusions that can be drawn from the handling of this project:*

- *Burlington council knew there was a big ticket construction project in the works throughout 2022 and made a decision not to share the plan with the public.*
- *Staff reports and news releases on the Bateman project throughout 2022 deliberately obfuscated the actual plan which was to create a state-of-the-art community centre costing tens of millions of dollars. The justifiable requirement to keep the sale price of the school confidential until the deal was done, was expanded to also shield the existence and magnitude of the community hub project from the public. The public had a right to know about the real nature of the hub plan. Knowing the cost of the renovations should not have had any bearing on the negotiations to purchase the building.*

- *The public consultation process was misleading, in that it confined itself to the acquisition of the school building only, which ended up being a small percentage of the overall cost of the proposed project.*
- *Arguably the Integrity Commissioner was weaponized to ensure that Councillor One would not say anything further that would reveal the actual size and scope of the project. It would be interesting to see what the Integrity Commissioner might have to say about the lack of transparency that has accompanied this project.*
- *It was reasonable to expect that there would be some costs related to making the Bateman building suitable for its tenants – indeed the tenants are contributing \$7 million of their own money for retrofitting – but a project of the size that it has now been announced was a major strategic decision for a city the size of Burlington and there should have been much more fulsome disclosure. The public has now been presented with a fait-accompli that regardless of its merit and justification, shows a lack of trust in the taxpayers of Burlington.*

### ***Next Steps***

*Staff are proposing an ambitious construction schedule that would see the building ready for occupancy in the fall of 2024, which means the project needs to go to tender as quickly as possible. The staff timetable calls for the contractor to be prequalified next month and the project tendered by next March.*

*In the presentation to council this week, staff acknowledged that the city's borrowing power will be strained at times to flow the necessary funds and that it might be necessary for council to raise its self-imposed ceiling on debt.*

Complainant relied upon a variety of additional materials, which are presented in chronological order over the next several pages.

A January 2, 2022 article from a competing local news publication (“Competing Publication”)<sup>2</sup> included the following:

### ***Challenges, concerns and hopes: Burlington looks ahead at what's to come in 2022***

...

*There are also some significant reasons to be excited for 2022, according to the Mayor. Notably, an opportunity has come forward that would see a major new public asset in the city.*

*“We have put in an offer to buy Robert Bateman High School. That is a very exciting project for the community because it will become the biggest community centre in the city, plus a university, plus have some adult education in it, plus likely a Techplace, and*

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<sup>2</sup> [https://www.insidehalton.com/news/challenges-concerns-and-hopes-burlington-looks-ahead-at-what-s-to-come-in-2022/article\\_90ee7683-d184-5826-a61c-3f388c1f19a5.html](https://www.insidehalton.com/news/challenges-concerns-and-hopes-burlington-looks-ahead-at-what-s-to-come-in-2022/article_90ee7683-d184-5826-a61c-3f388c1f19a5.html)

*still have some pieces for community facilities, meeting rooms and things of that nature,” said Mayor.*

A February 9, 2022 Competing Publication article read:<sup>3</sup>

***Burlington moves ahead with potential purchase of Robert Bateman High School***

*Another hurdle has been passed.*

*On Feb. 3, the City of Burlington endorsed the next steps for a potential acquisition of the Robert Bateman High School site from the Halton District School Board (HDSB). City staff now have direction to submit a formal offer of purchase for the property and will report back in the coming months.*

*On June 23 of last year the HDSB announced it had declared Robert Bateman High School surplus. The next day, the city expressed interest in purchasing the property through a partnership with Brock University.*

*The city has made public a number of plans for the property including intentions to bring university programming to the site and relocating a branch of the Burlington library.*

An April 19, 2022 Competing Publication article<sup>4</sup> described a Report from the City’s Integrity Commissioner:

***Burlington Coun. One breached code of conduct, pay suspended for five days***

*A Burlington councillor has been found in violation of the city’s code of conduct.*

*Councillor One has had her pay suspended for five days following a report from the integrity commissioner. The penalty was approved at the April 19 Burlington council meeting and followed complaints made back in January against Councillor One by fellow councillors Councillor Three and Councillor Two.*

*Councillor One was found to have contravened the code of conduct in two of the four complaints brought against her.*

*She characterized her actions as being the result of long-running concerns over transparency at the municipality.*

*“I’m not prepared to apologize. I have been open and transparent throughout this whole year about my concerns about us going into closed session and not giving appropriate transparent information to the public,” said Councillor One.*

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<sup>3</sup> [https://www.insidehalton.com/news/burlington-moves-ahead-with-potential-purchase-of-robert-bateman-high-school/article\\_bc57afb6-e84f-514d-b7a4-98735a4156da.html](https://www.insidehalton.com/news/burlington-moves-ahead-with-potential-purchase-of-robert-bateman-high-school/article_bc57afb6-e84f-514d-b7a4-98735a4156da.html)

<sup>4</sup> [https://www.insidehalton.com/news/burlington-coun-shawna-stolte-breached-code-of-conduct-pay-suspended-for-five-days/article\\_1d56249e-3f95-5ced-ad5f-20d63c349bbe.html](https://www.insidehalton.com/news/burlington-coun-shawna-stolte-breached-code-of-conduct-pay-suspended-for-five-days/article_1d56249e-3f95-5ced-ad5f-20d63c349bbe.html)

*In the first complaint, the integrity commissioner found that Councillor One revealed confidential information at the Dec. 6, 2021 Corporate Services, Strategy, Risk and Accountability Committee. In public comments on the potential sale of the Robert Bateman High School Site, she stated, "The reality is that the final cost will be well above \$50 million dollars to see that vision realized."*

*Specific dollar amounts for that project had only been discussed in private, and as a result, that statement was found to be breaching confidentiality.*

...

*Mayor said that the actions of Councillor Two and Councillor Three to come forward with the complaint showed courage. She said by violating the code of conduct, Councillor One could have done everything from misleading the public to compromising the city's ongoing negotiations.*

...

The City's "Get Involved Burlington" page sought public feedback in May 2022:<sup>5</sup>

***Resident feedback wanted on Robert Bateman High School proposals***

*17 May 2022*

*The City of Burlington is looking for residents' feedback on a proposed land transaction with the Halton District School Board (HDSB) and leasing arrangements with the HDSB and Brock University for the City's planned acquisition of the Robert Bateman High School building and property.*

*The proposed transaction with the HDSB would see the City transfer ownership of approximately five acres of City owned land to the HDSB as a component of a land exchange for the Robert Bateman site. The City owned land in question is located near Burlington Central High School and includes the high school football field and running track.*

*Securing the lands near Burlington Central High School in HDSB ownership has been consistent with the HDSB's long term intention to continue operating Burlington Central as a school. This land exchange component will advance the City's efforts to secure the Robert Bateman site in continued public ownership, ensuring that the Robert Bateman site is available for continued educational and community-oriented uses.*

*Feedback will also be sought on securing leases with the HDSB and Brock University for portions of the Bateman Site. The HDSB intends on leasing space back at Bateman for*

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<sup>5</sup> [https://www.getinvolvedburlington.ca/bateman-highschool/news\\_feed/resident-feedback-wanted-on-robert-bateman-high-school-proposals](https://www.getinvolvedburlington.ca/bateman-highschool/news_feed/resident-feedback-wanted-on-robert-bateman-high-school-proposals)

*educational purposes. Brock University also seeks to lease space at Bateman for their long-term educational needs.*

*Both leases at Bateman are expected to be long term leases not to exceed 25 years.*

*Burlington City Council directed staff to gather feedback from the public on these proposals. Public feedback can be provided at the City's online engagement portal, Get Involved Burlington.*

*This engagement opportunity will be open to Burlington residents until June 13, 2022.*

*Following public input, staff will report back to Burlington Council with a final report and recommendations at the June 21, 2022 Council meeting.*

The City issued a news release two days later (May 19, 2022), temporarily pausing the survey:<sup>6</sup>

*The City of Burlington's intention to purchase Robert Bateman is a significant and long-term strategic matter that requires the City continue to share as much information as we can, and to make certain that the public is informed enough to provide feedback. A survey had been made available to seek input into the proposed land transaction and lease arrangements, however, we believe more background information should be shared with residents on the City's interest in purchasing Robert Bateman.*

*We will therefore pause the survey while a public meeting can be arranged where City and the Halton District School Board staff will share information about the proposed land transaction. Meeting details will be shared on this page and communicated to the public once confirmed.*

*Once the public meeting has been held, we will seek additional feedback from the public.*

...

The City conducted the public information session on May 31, 2022. Complainant directed me to the City's slides from it.<sup>7</sup>

The City issued a news release on June 24, 2022 following Council's approval of the purchase:<sup>8</sup>

***Burlington City Council Gives Go Ahead to Purchase Robert Bateman High School Site***

***Burlington, Ont. – June 24, 2022 – At the June 21 Burlington City Council meeting,***

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<sup>6</sup> <https://www.burlington.ca/en/news/survey-paused-resident-feedback-wanted-on-robert-bateman-high-school-proposals.aspx>

<sup>7</sup> [https://mariannemeedward.ca/wp-content/uploads/2022/06/Robert-Bateman-Public-Meeting-Presentation\\_May-31-2022\\_FINAL.pdf](https://mariannemeedward.ca/wp-content/uploads/2022/06/Robert-Bateman-Public-Meeting-Presentation_May-31-2022_FINAL.pdf)

<sup>8</sup> <https://www.burlington.ca/en/news/burlington-city-council-gives-go-ahead-to-purchase-robert-bateman-high-school-site.aspx>

*Council authorized City staff to take steps to complete the purchase of the Robert Bateman High School site. In addition to the direction to purchase the site, City staff were also authorized to:*

- *Transfer ownership of approximately five acres of City owned-land to the Halton District School Board (HDSB) as a component of the land exchange for the Robert Bateman site. The City owned-land in question is located near Burlington Central High School and includes the high school football field and running track*
- *Proceed with a long-term lease of a portion of the Bateman site to the HDSB*
- *Proceed with the long-term lease of a portion of the Bateman site to Brock University*

*All matters related to the land transactions and lease arrangements are expected to be closed and completed this fall. Once all components are finalized at that time, the purchase prices will be publicly registered and released.*

*This acquisition would push forward key objectives laid out in the City of Burlington 25-year strategic plan. Key pillars of this Plan include making Burlington a City that grows through attracting talent, good jobs and economic opportunity to the community.*

*In addition to the partnership with the HDSB and Brock University, the City also plans to partner with other institutions, ensuring that there is an adaptive reuse strategy for the site and to create a sustainable community hub. This includes the Burlington Library relocating its Appleby Line branch to this location to develop a place for learning and education and the relocation of TechPlace, a hub led by Burlington Economic Development, where the tech community can connect, develop and grow their business.*

*Public engagement will take place in early 2023 to seek community feedback on possible uses for the remaining space.*

### ***Quick Facts***

- *In June 2021, HDSB announced that it has declared Robert Bateman High School surplus to its needs.*
- *In December 2021, Council provided direction to staff to submit a formal offer to purchase the Robert Bateman High School site*
- *On Feb. 3, 2022, Burlington City Council endorsed next steps to advance the potential acquisition of the Robert Bateman High School site from the HDSB.*
- *Shortly after, also in June 2021, the City of Burlington announced that an expression of interest would be submitted to the HDSB to purchase the Robert Bateman site through a partnership with Brock University.*

A municipal election was held on October 24, 2022; all seven members of City Council were re-elected.<sup>9</sup>

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<sup>9</sup> “Burlington mayor re-elected in landslide victory, along with all 6 city councillors” (CBC News, October 25, 2022) <https://www.cbc.ca/news/canada/hamilton/burlington-municipal-election-2022-1.6628380>

The City completed the purchase of the former Bateman High School on November 1, 2022, and issued a news release:<sup>10</sup>

***City of Burlington completes deal to purchase Robert Bateman High School***

***Burlington, Ont. – Nov. 1, 2022*** – *The City has completed a purchase agreement and land exchange transaction with the Halton District School Board (HDSB) involving the Robert Bateman High School property. In the agreement, the City purchased the Bateman property for \$29.6 million, while the HDSB purchased a City owned property near Burlington Central High School, which includes the high school football field and running track, for \$21.7 million. The difference in price of \$7.9 million will be debt financed, with annual debt payments recovered from the City’s capital reserve funds.*

*This acquisition would push forward key objectives laid out in the City of Burlington’s 25-year strategic plan. Key pillars of this Plan include making Burlington a City that grows through attracting talent, good jobs and economic opportunity to the community.*

*Within the Bateman space, the HDSB will retain a long-term interest at the school to accommodate the Gary Allan Learning Centre. And as previously announced, Brock University will offer their Teachers Education and Applied Disabilities Studies Programs and will be developing professional and continuing studies specifically to the needs of Burlington.*

*In addition to the partnership with the HDSB and Brock University, the City has partnered with other institutions, ensuring that there is an adaptive reuse strategy for the Bateman site and to create a sustainable community hub which will include community rooms, a triple gym and the existing City pool. The Burlington Public Library will relocate its Appleby Line branch to this location to develop a place for learning and education and the relocation of TechPlace, a hub led by Burlington Economic Development, where the tech community can connect, develop and grow their business.*

*Public engagement will take place in early 2023 to seek community feedback on possible uses for the remaining space.*

...

Mayor published an opinion piece in Competing Publication nine days later (November 10, 2022):<sup>11</sup>

***Deal closes for purchase of Bateman high school***

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<sup>10</sup> “City of Burlington completes deal to purchase Robert Bateman High School” (November 1, 2022) <https://www.burlington.ca/en/news/city-of-burlington-completes-deal-to-purchase-robert-bateman-high-school.aspx>

<sup>11</sup> [https://www.insidehalton.com/opinion/deal-closes-for-purchase-of-bateman-high-school/article\\_3c6cc0a0-0270-50d4-88d6-48d5cd6ed8dd.html?](https://www.insidehalton.com/opinion/deal-closes-for-purchase-of-bateman-high-school/article_3c6cc0a0-0270-50d4-88d6-48d5cd6ed8dd.html?)

*Thank you to everyone who put their trust in me once again during the municipal election. I'm honoured to be back serving as your mayor.*

*I continue being committed to working together with our whole community and council to make this city the best it can be. ...*

*Recently, the city closed the purchase agreement and land transaction with the Halton District School Board for Robert Bateman High School – preserving and protecting it as the largest community centre in Burlington.*

*In the agreement, the city purchased the property for \$29.6 million, while the HDSB purchased a city-owned property near Burlington Central High School that includes the football field and running track, for \$21.7 million.*

*The difference in price of \$7.9 million will be debt-financed, with annual debt payments recovered from the city's capital reserve funds.*

*The decision to direct city staff to take all the necessary steps to complete this deal was a unanimous one at council and I thank my council colleagues for their support.*

*The support from residents for the city working to retain this site as a community hub and park space has also been overwhelmingly positive.*

*Our partnerships with the HDSB, Brock University, Burlington Public Library, and Burlington Economic Development ensures multiple uses and offerings on this site, including a university satellite campus, the Appleby library branch and a relocated TechPlace where the tech community can connect, develop, and grow their businesses.*

*I look forward to the next steps in this new community centre coming to life, including engaging the public for their feedback in 2023 on possible uses for the remaining available spaces left on the site.*

Finally, Complainant provided a December 2022 Report (“EICS-20-22”) from the City’s Environment, Infrastructure, and Community Services (“EICS”) Committee,<sup>12</sup> which recommended approving the proposed Phase 1 budget with an estimated gross construction cost of \$72.75 million.

### **Administrative Note Respecting Limitation Period**

ADRO and I accepted that this matter was appropriately brought to our attention within the applicable limitation period pursuant to our Terms of Reference. The Terms of Reference state:

*17. The Ombudsman may refuse to investigate a complaint or to continue an investigation of a complaint when the Ombudsman believes on reasonable grounds that:*

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<sup>12</sup> “Bateman High School Adaptive Re-use Project”, EICS-20-22 (submitted to Council December 13, 2022) <https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=64637>

...

*(f) at the time the complaint is received, more than one year has elapsed since the Complainant learned of the facts on which the Complaint is based, unless the Complainant establishes exceptional circumstances that justify the delay to the satisfaction of the Ombudsman.*

Complainant first reached out to ADRO seeking to initiate this complaint on November 30, 2023. He previously attempted to initiate this complaint through Ombudsman Ontario, who directed him to our Office, as appropriate. On our Office's advice, Complainant then attempted to formally submit his complaint through the former City Clerk – but that individual was no longer employed by the City at that time. Complainant then reached out to us again in February 2024 after, as he described it, not receiving a response from the Acting City Clerk over a four-week period. We believe it is fair to consider Complainant as having initiated the Complaint on November 30, 2023.

Complainant relied on, among other things, Report EICS-20-22 – which was considered at the December 8, 2022 EICS meeting and the December 13, 2022 City Council meeting. Accordingly, Complainant's November 30, 2023 submission was within a year of EICS-20-22 being publicly considered.

### **ADRO Investigation**

I spoke with:

- Complainant
- For the City: Director, Corporate Communications & Engagement, and Manager, Engagement & Volunteers

Before we spoke, the City referred to its 'Get Involved Burlington' webpage respecting the Robert Bateman Community Centre<sup>13</sup> – which they said has all relevant documentation, and provides the most comprehensive overview, including a document library with Council and similar Reports. I observed that the site includes news releases, a project history, Frequently Asked Questions, staff reports, presentation slides, City policies, tender awards, and updates.

The webpage describes:

*The City of Burlington has purchased the former Robert Bateman Highschool building and greenspace.*

*With sustainability and community-building in mind, the City of Burlington is repurposing the existing Robert Bateman High School into a City-owned multi-purpose community-focused asset that will align with the City's objective of being net-zero carbon by 2040. The reuse and conversion of the former secondary school will have interior*

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<sup>13</sup> <https://www.getinvolvedburlington.ca/bateman-highschool>

*renovations, exterior building changes and minor site plan modifications as part of Phase 1.*

*When the renovation is complete, tenants such as Brock University, Burlington Public Library, Halton District School Board, Tech Place and City of Burlington will move into the building and begin offering services.*

*Subscribe to this project page to be notified of important news updates and opportunities to provide input.*

## **Interviews**

### *City of Burlington*

I spoke with the City’s Director of Corporate Communications & Engagement (“Director”) and Manager of Engagement & Volunteers (“Manager”). Director said the *Municipal Act, 2001* doesn’t explicitly regulate public engagement, but the City follows a Public Engagement Charter, which regulates how it engages with the public, and how City staff can engage with candidates during an election year.

Manager said the Community Engagement Charter<sup>14</sup> is the City’s foundational engagement document, and the City also developed a specific communication plan for the Bateman project. She said the City utilized the IAP2 (International Association for Public Participation) engagement spectrum,<sup>15</sup> which helps all stakeholders understand the City’s promises to consult or empower the public – with the Bateman project being at the “inform/consult” level of the Spectrum. She said the City also has an engagement portal,<sup>16</sup> and that the City’s Bateman webpage<sup>17</sup> has been public since May 2022, including the Engagement & Communication Plan, key dates, news, surveys, public meeting information, Council reports, and FAQs.

Manager said the City’s goal for the Bateman project was to inform and engage residents and community partners on uses for the high school and green space. She said the City adheres to its Public Notice Policy,<sup>18</sup> and its Corporate Policy for Council, Boards, and Committees on Use of Corporate Resources during an Election<sup>19</sup> – which requires City staff to abstain from work that could influence the outcomes of a political campaign during an election year, and which the City complied with in 2022.

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<sup>14</sup> <https://www.getinvolvedburlington.ca/burlington-community-engagement-charter>

<sup>15</sup> [https://www.getinvolvedburlington.ca/IAP2\\_Spectrum](https://www.getinvolvedburlington.ca/IAP2_Spectrum)

<sup>16</sup> <https://www.getinvolvedburlington.ca/>

<sup>17</sup> <https://www.getinvolvedburlington.ca/bateman-highschool?page=2>

<sup>18</sup> <https://www.burlington.ca/en/council-and-city-administration/resources/Corporate-Policies/Public-Notice-Policy.pdf>

<sup>19</sup> <https://www.burlington.ca/en/council-and-city-administration/resources/Corporate-Policies/Use%20of%20Corporate%20Resources%20during%20an%20Election%20-%20Under%20Review.pdf>

Manager noted that a number of media releases were issued between 2021 to 2023. Among them, a June 2021 media release<sup>20</sup> signaled that the City was going to submit an Expression of Interest with Brock University. She said in 2022 there were media releases regarding the purchase approval,<sup>21</sup> the final transaction,<sup>22</sup> and a breakdown of the project's costs,<sup>23</sup> and a February 2023 media release<sup>24</sup> addressed the budget approval. Director noted that Complainant was on the City's media list, and would have received those news releases then. Manager continued that a public kick-off meeting with the City, Brock University, and the Halton District School Board was held on May 31, 2022, and the Q&A included financing questions. She said the actual costing had to be kept confidential, but the City had a financing plan in place, as outlined in the Legal Department's May 2022 Report to Council L-22-22.<sup>25</sup> She said the City completed the deal to purchase Robert Bateman High School on November 14, 2022, and 30 newsletters have been sent out with information about the Bateman project, with the November 25 and 28, 2022 newsletters being very specific about its costing – including a link to the staff report (EICS-20-22) that broke down what was known about the \$72.75 million cost.<sup>26</sup>

Director said the City shared reports and figures with the public as they became available to staff. She noted that section 239 of the *Municipal Act, 2001* allows certain information about land acquisition deals to be kept confidential, and that City policies address the notice requirement from section 270(1)5 of the Act. But she said it isn't the Communications team's place to make those decisions – City Council and administration shares information with them, which they then share with the public. Director didn't believe anything was untoward, from ethical or integrity standpoints, in the City not releasing the November 2022 information prior to the October 2022 election – she said the City's Election Corporate Resources Policy is fairly specific about how candidates can engage with City staff and property, and the City followed it. She added that Communications followed the City's policies and Engagement Charter, and best practices for communications on projects like Bateman, as well as professional standards in their sector, including the IAP2 spectrum.

### *Complainant*

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<sup>20</sup> "City of Burlington to submit expression of interest to purchase surplus Bateman High School site; partner with Brock University" (June 24, 2021) <https://www.burlington.ca/en/news/city-of-burlington-to-submit-expression-of-interest-to-purchase-surplus-bateman-high-school-site-par.aspx>

<sup>21</sup> "Burlington City Council gives go ahead to purchase Robert Bateman High School site" (June 24, 2022) <https://www.burlington.ca/en/news/burlington-city-council-gives-go-ahead-to-purchase-robert-bateman-high-school-site.aspx>

<sup>22</sup> "City of Burlington completes deal to purchase Robert Bateman High School" (November 1, 2022) <https://www.burlington.ca/en/news/city-of-burlington-completes-deal-to-purchase-robert-bateman-high-school.aspx>

<sup>23</sup> "Redesign, adaptive re-use and costing plan proposed for former Robert Bateman High School building" (November 25, 2022) <https://www.burlington.ca/en/news/redesign-adaptive-re-use-and-costing-plan-proposed-for-former-robert-bateman-high-school-building.aspx>

<sup>24</sup> "Council approves 2023 budget focused on improving and protecting the future of our growing city" (February 14, 2023) <https://www.burlington.ca/en/news/council-approves-2023-budget-focused-on-improving-and-protecting-the-future-of-our-growing-city.aspx>

<sup>25</sup> "Update on a Real Estate Matter – Robert Bateman High School Property Acquisition – Direct to Council" (May 17, 2022) <https://burlingtonpublishing.escrimemeetings.com/filestream.ashx?DocumentId=59349>

<sup>26</sup> "Bateman High School Adaptive Re-use Project" (EICS-20-22 – to Committee December 8, 2022) [https://burlingtonpublishing.escrimemeetings.com/filestream.ashx?utm\\_source=ehq\\_newsletter&utm\\_medium=email&utm\\_campaign=ehq-Newsletter-for-the-week-of-Nov-28&DocumentId=64637](https://burlingtonpublishing.escrimemeetings.com/filestream.ashx?utm_source=ehq_newsletter&utm_medium=email&utm_campaign=ehq-Newsletter-for-the-week-of-Nov-28&DocumentId=64637)

I spoke with Complainant. He said he has been a journalist for almost 50 years, and understands the business pretty well and the need for Council to consider certain matters in-camera. However, he opined that the City not only grossly concealed their intentions for the Bateman project from the public, but almost misrepresented them – by only really focusing on aspects that involved third-parties like Brock University and the library setting up there. He said staff laid out the real purpose of acquiring the school during an in-camera City Council meeting in December 2021 – i.e., that it would require spending roughly \$50 million to turn the Bateman School into a community centre. He acknowledged that the cost would be heavily supported by the moves of Brock University and the library, but the project was presented to the public throughout 2022 as predominantly a land swap, with only the vaguest references to the community centre aspect, and no reference to the fact it would involve a significant capital expenditure.

Complainant said he wasn't aware of another major project whose major purpose was fundamentally concealed to the public until after the documents were signed, and the 2022 election was concluded – he said the obfuscation and low-balling of the project's purpose and financial magnitude were completely concealed until two weeks after the election, when all of Council was re-elected, and what was presented as \$50 million at the December 2021 closed meeting was revealed as \$70 million shortly after the election, and then ballooned to \$100 million a few months after that. So he said his complaint was that the City basically deceived the community – usually the public is at least given some sense of the magnitude of a project that size.

Complainant said the City's public consultation was basically about what the public thought about the land swap – which only cost the City about \$9 million, and wouldn't be an eyebrow-raising transaction, but the ballooning of the costs from \$50 million to \$70 million and then \$100 million wasn't shared, and was almost deliberately obscured. He thought the public was taken through a consultation exercise that didn't reflect what was really contemplated, and that it was Council-directed – i.e., that Mayor and the former City Manager developed that policy.

Complainant added that the City's former head of Communications (“Former Communications Head”) left the City at the end of 2022 – but the public only knew he was gone because his replacement was announced. Complainant speculated (with no supporting evidence) that Former Communications Head might have left the City because he was uncomfortable with how the communications rollout for the Bateman project was handled. I told Complainant I'd be willing to speak with Former Communications Head if Former Communications Head reached out through him confirming that he was willing to speak with me about the circumstances.

Complainant also told me that two Members of Council opposed the Bateman project in the December 2021 in-camera meeting – one of whom subsequently blurted out the \$50 million number publicly – which led to a Code of Conduct investigation by the Integrity Commissioner that he speculated was probably a humiliating experience for her. He provided me the name and contact information for one of the two councillors he named, who apparently told him they were interested in speaking with me. However, I subsequently reached out to that councillor twice – a month apart in August and September 2024 – offering an opportunity to discuss this matter, but I received no response back either time. Complainant also never subsequently provided me

contact information for either Former Communications Head or the other of the two councillors he referenced, which would have indicated (based on our understanding) that they were interested in speaking with me.

Complainant concluded that his issue wasn't an absence of information – rather, it was the distortion and manipulation of information, to make the project appear like something other than it was, with its purpose having been concealed throughout 2022. But he thought City staff were simply following orders from Former City Manager and Mayor in the execution of the program. He said Staff Report L-22-22<sup>27</sup> (May 17, 2022) completely obfuscated the purchase's actual purpose – it never mentioned the project's real magnitude or scope, which he speculated councillors knew at the time, and focused entirely on the land swap, which he felt was a minor piece of a \$100 million project.

The following were portions of Staff Report L-22-22:

***Recommendation:***

...

*Direct the City Manager to proceed with a process of public consultation regarding: (1) the proposed disposition to the Halton District School Board of approximately 4.92 acres of City owned land ... by way of land exchange and; (2) the proposed long-term leaseback and lease of portions of the Robert Bateman High School site to the Halton District School Board and Brock University, all of which are proposed in connection with the planned acquisition of the Robert Bateman High School site by the City of Burlington; and*

*Direct that the City Manager report back on status of public consultation at the Corporate Services, Strategy, Risk and Accountability meeting of June 6, 2022, with a further detailed report and recommendations to Council at the Regular Meeting of Council on June 21, 2022.*

...

***Background and Discussion:***

...

*This report is being brought forward in relation to the planned acquisition of the Robert Bateman High School site (the "Bateman Campus") from the Halton District School Board ("HDSB"). In connection with that planned acquisition, the City proposes to convey, by way of land exchange, certain City owned lands to the HDSB as furthermore described in this report. The City also proposes to enter into a long-term leaseback and lease of portions of the Bateman Campus to HDSB and Brock University.*

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<sup>27</sup> "Update on a Real Estate Matter – Robert Bateman High School Property Acquisition – Direct to Council" (May 17, 2022) <https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=59349>

*Approval of the recommendations in this report will allow staff to initiate a formal process of public consultation, inviting public input and comments on the proposed disposition of City land through land exchange and leaseback of a portion of the Bateman Campus. Staff would report back with a status update on public consultation ...*

### ***Bateman Campus and Land Exchange Proposal***

*As previously reported to Committee and Council, the Bateman Campus is an approximately 12.79 acre site ... Until 2020, the site was the location of Robert Bateman High School. The site is also the location of Centennial Pool, a City operated facility. The school was declared surplus by the HDSB in June 2021. The City of Burlington subsequently submitted a conditional offer to purchase the Bateman Campus, which has been accepted by HDSB subject to ongoing efforts by both parties to satisfy conditions ...*

*... The portion of the City owned Central Field that is subject of this proposed land exchange is currently improved with facilities supporting the Central High School property including a football field, running track, driveway and a small portion of the school buildings. ...*

*With regard to the future of the Burlington Central High School, the Board has assured the City that it has no plans to cease operating the facility for the foreseeable future. ...*

*Upon completion of a transaction to acquire the Bateman Campus, the City would lease back a portion of the Bateman Campus to the HDSB, for an initial duration not to exceed 25 years, with opportunity for future renewals. Additionally, the City proposes to lease a portion of the Bateman Campus to Brock University to support its post-secondary educational use planned for the site.*

*The acquisition of the Bateman Campus and long term leaseback and lease of a portion of that facility will secure this valued community asset in City ownership, ensuring continued opportunities for community and educational uses at the Bateman Campus. ...*

### ***Financial Matters:***

*Financial matters related to this real property transaction have been previously reported to Council through separate earlier confidential reports.*

### ***Engagement Matters:***

*This matter has been the subject of previous public process including the following:*

- June 23, 2021: HDSB announcement declaring Robert Bateman High School facility surplus to its need and to circulate it for purchase;*
- June 24, 2021: City of Burlington announcement regarding intention to submit expression of interest for purchase of the Bateman Campus;*

- November 15, 2021 – Report CM-26-21 providing an update on the proposed acquisition of the Bateman Campus;
- December 14, 2021 – Report EICS 20-21: Robert Bateman Building – Preliminary Design, Environmental, Architectural and Engineering Services
- February 7, 2022 – City of Burlington announcement regarding Council approval of next steps for the potential purchase of the Robert Bateman High School site.

*Following approval of the recommendations in L-22-22, community engagement will be invited through formal written public notice of this proposed land exchange and leaseback transaction. ...*

**Conclusion:**

*Approval of the recommendations contained in this report will endorse next steps to advance the proposed acquisition of the Bateman Campus, including notice of intention to convey City owned lands to the HDSB as a land exchange component, and intention to enter into long-term lease arrangements for the Bateman Campus.*

*Approval of these recommendations will also initiate a formal process of public input and consultation with a reporting back to Committee and Council during the upcoming cycle of meetings in June 2022.*

The Integrity Commissioner Report Complainant referred to was germane to the history. That Report (April 8, 2022) stated:<sup>28</sup>

...

*[6] On January 30, 2022 we received a complaint filed by Councillors Three and Two alleging that Councillor One ... breached the confidentiality obligations under the City's Code of Good Governance.*

*[7] In particular, it was alleged that:*

- *On December 6, 2021, at the Corporate Services, Strategy, Risk and Accountability Committee (CSSRA), the Councillor publicly stated “the reality is that the final cost will be well above \$50M...”, referencing an actual dollar figure for the purchase and redevelopment of Robert Bateman High School, whereas all discussion of costs were confidential; ...*

*Three of the four matters ... related to a major initiative of the City of Burlington related to the Robert Bateman High School surplus school site.*

...

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<sup>28</sup> “Code of Conduct Complaint Against Councillor One – Recommendation Report” (April 8, 2022) <https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=57220>

*[12] The provision of the Code which is most relevant to the conduct alleged ... is found in paragraph 14...:*

*14. We will hold in strict confidence all information concerning matters dealt with in Closed Council meetings, matters subject to solicitor client privilege, personal information, or information that is otherwise determined to be confidential.*

*[13] Highly relevant to our review are the provisions set out in section 239 of the Municipal Act, which requires that Council's meetings be held in public, except in certain restricted circumstances.*

***Meetings open to public***

***239 (1) Except as provided in this section, all meetings shall be open to the public.***

***Exceptions***

*(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,*

*...*

*(c) a proposed or pending acquisition of land by the municipality or local board; ...*

*...*

*[15] Councillor One ... wants to see a less frequent utilization of closed session, particularly for matters she believes ought to be publicly deliberated.*

*[16] She perceives that, on occasion, closed session meetings are used to inappropriately obscure or block public knowledge and awareness of matters being considered.*

*[17] The Councillor asserts that she has attempted unsuccessfully to move the administration and her Council colleagues towards what she believes is a better standard for greater transparency.*

*[18] She challenged what she perceived as a paucity of information provided on the City's Agendas regarding confidential/closed meetings, as lacking in appropriate transparency and falling short of established standards.*

*[19] ... [S]he has taken it upon herself to review and compare the public meeting agendas of other municipalities.*

...

*[21] Her survey of municipal practices and her understanding of the Ombudsman's conclusions on best practices only served to reinforce her concern that the City's practices were falling short.*

...

*[23] She has conceded, during the course of this investigation, that in attempting to highlight this issue, and in an effort to force a discussion of the issue, she may have run afoul of the 'confidentiality' provisions of the Code.*

...

*[25] ... [W]e find that for two of the four complaints the Councillor has contravened the Code provision regarding confidentiality. Whether or not justification exists for greater transparency, it is not the case that one member of Council can determine that information should be publicly disclosed before Council as a whole has taken a stance on the issue. Maintaining confidentiality around confidential information and closed session deliberations is a cardinal rule for members of council.*

...

*[34] At its meeting of December 6, 2021, the City's Corporate Services, Strategy, Risk and Accountability Committee had on its agenda a confidential item described as follows:*

*5.4 Confidential real estate matter – Robert Bateman High School (L-32-21)*

...

*[35] Following the in-camera session a public motion was presented on the item ...*

*[36] In comments to the motion Councillor One said as follows:*

*Certainly in keeping in very good consideration that there was a long discussion held in confidential session, I would just like to comment that the only way that I can in good conscience justify this very large price tag to purchase Robert Bateman High School is to commit to developing the property in the manner in which the community expects us to as a fully developed community centre for the residents of the city.*

*To purchase Bateman and not develop it as a community centre just does not make sense to me. The reality is that the final cost will be well above 50 million dollars to see that realized. A lot of information has not been shared with the*

*community, including how this purchase may impact the acquisition of other lands. I believe that information is critical to be able to have in open conversations as much as possible so that each and every one of us is genuinely able to represent the interests of our constituents.*

*The only way that I can support this motion in regards to exploring conditions of an offer is after having great assurances that there will be much more information coming forward before a final decision will be made in March of 2022.*

...

*[39] The Councillor readily admitted to publicly stating that the “final cost [for the Bateman project] will be well above \$50 million dollars...”*

*[40] She states that the dollar figure of 50 million does not reflect any dollar amount ever discussed in closed session with respect to the purchase negotiations.*

*[41] Nevertheless, it is recognized that reference to a specific dollar amount, where all negotiations and related costs have only ever been discussed in closed session, would reasonably be understood by the public to reflect the actual costs discussed. This has the affect of leaving the public with an erroneous or mistaken impression that other members of Council would feel must be corrected.*

*[42] Those other members are however prevented from contradicting or correcting her statements without themselves breaching the confidentiality provisions of the Code. The misstating of information, purportedly discussed in closed session, therefore can be as inappropriate as stating actual factual information.*

*[43] We find that the Councillor’s statement, although not actually disclosing real dollar amounts discussed in closed session, is fairly perceived as revealing confidential information, risks misleading the public, and compromises the ability of any other member of Council to contradict or correct the information.*

...

*[45] Accordingly we find that the Councillor’s reference to an actual dollar figure, where by implication the only source of that information is in closed session, constitutes a contravention of the confidentiality provisions of the Code.*

...

*[76] Disclosure of confidential information is the kind of transgression that attracts a monetary sanction because the act fundamentally undermines the trust required for Councils to function properly and for the public to maintain respect for Council’s adherence to ethical standards.*

...

[78] ... [W]hether or not justification exists for greater transparency, it is not the case that one member of Council can determine that information should be publicly disclosed before Council as a whole has taken a stance on the issue.

...

[81] In light of the Councillor's acknowledgement, in the course of our investigation, we do not believe a significant penalty is warranted.

[82] ... Taking into account all of the circumstances, we believe that a 5-day suspension of pay is warranted.

...

Finally, I asked Complainant if any City staff reports corroborated that the Bateman project's cost had risen to the \$100 million range. He directed me to page 13 of EICS-20-22,<sup>29</sup> which stated:

**Asset Management:** ... The acquisition of Bateman is a new asset to the City of Burlington. Phase 1 will increase the replacement value of the City's asset inventory, by approximately \$72.75 million, thereby increasing the overall annual need. ...

**Phase 2:** Subject to further design and community consultation timelines, cost for phase 2 construction of a City community centre is not yet determined. The range for phase 2 is tentatively estimated at \$15 to \$20 million. ... In total, Phases 1 and 2 combined will result in the investment of approximately \$100 Million in the adaptive re-use of the Robert Bateman High School into a new City-owned community hub.

## ADRO Analysis

Broadly speaking, there are two sets of 'actors' in this case – (1) City staff, in communicating material aspects of the Bateman project, and (2) City Council, in the methods of its pursuit and oversight of the Bateman project throughout its life. The former's actions fit well within our Office's jurisdiction, but the latter's actions do not; unfortunately, though, the latter strikes me as the bulk of Complainant's concerns on this topic.

I consider the actions of City staff straight-forward. Manager said the City utilized the International Association for Public Participation (IAP2) engagement spectrum, and the City's goal was to inform and engage residents and community partners on uses for the high school and green space, while adhering to the City's Public Notice Policy. The City has an "engagement portal," and its Bateman webpage has a variety of diverse information. Director said any published reports the City released to staff were shared with the public as they received them, but section

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<sup>29</sup> "Bateman High School Adaptive Re-use Project", EICS-20-22 (submitted to Council December 13, 2022) <https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=64637>

239 of the *Municipal Act, 2001* allows some information about land acquisitions to be kept confidential – which isn't the Communications team's role to decide. She said Communications followed City policies and the Engagement Charter, and best practices for communications on projects like Bateman. Members of the public can develop their own opinions about whether the information the City shared was sufficient, but it can clearly at least be concluded that that some meaningful information was provided. I take no issue with how the City's Communications staff performed their jobs.

Complainant's larger issue in this case seems to concern City Council's overall approach to the Bateman project. But that is a political question – which is inappropriate for our Office to interject into. In a previous Report,<sup>30</sup> I noted that I am also an Integrity Commissioner for some Ontario municipalities – which is a different “accountability and transparency” office under Part V.1 of the *Municipal Act, 2001*. However, while its specific focus is different, I believe there are some similarities respecting the intervention by similar offices into political debates that should be appropriately left to politicians. I have frequently cited, in the Integrity Commissioner context, the following from the Integrity Commissioner for Centre Wellington:<sup>31</sup>

68. ... *I wish to comment briefly on the role of municipal councillors.*

69. *Centre Wellington is a democracy. Council Members are elected to office. The democratic nature of the office means that Council Members have political and representational roles in addition to their legislative (law-making) role. ... The Municipal Act confirms that a role of the Council is “to represent the public”.*

70. ... *As part of the political process, a Council Member is entitled to form views, to hold views, to express views and, once in office, to give effect to those views.<sup>32</sup> ... Provided that a Council Member proceeds lawfully and in a manner consistent with the Municipal Act, the Code and other legislation and by-laws, nothing prevents a Council Member from taking, defending and seeking to implement a position would alter the status quo. Indeed, the Courts have clearly stated that as an elected representative of the public a municipal councillor is entitled to take “an open leadership role” on an issue.<sup>33</sup>*

71. ... *I adopt the following observation from Farr v. Murphy, 2017 ONMIC 19 (at para. 39):*

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<sup>30</sup> MUN-26078-0823 (April 1, 2024)

<sup>31</sup> *Linton v. Kitras*, 2020 ONMIC 1 (Township of Centre Wellington)

<https://www.canlii.org/en/on/onmic/doc/2020/2020onmic1/2020onmic1.html>

<sup>32</sup> *Re Cadillac Development Corp. Ltd. And City of Toronto* (1973), 1 O.R. (2d) 20 at 43, cited with approval by *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, [1990] 3 S.C.R. 1170 at 1193-4

<sup>33</sup> *Old St. Boniface Residents Assn. v. Winnipeg (City)* (1989), 58 Man. R. (2d) 255 9C.A.) at 264, affirmed [1990] 3 S.C.R. 1170.

*... As long as the conduct is lawful and inside the ethical boundaries of the Code of Conduct, individual political judgements are beyond the purview of an Integrity Commissioner. Subject to the law and rules of ethics, accountability for the exercise of political judgment resides in the political process, not in an Integrity Commissioner investigation.*

...

*87. In my view, utilizing the tools of political debate to respond to unfairness and inaccuracy in political debate is far more appropriate than having Integrity Commissioners police the truth and fairness of political speech: Re Maika, 2018 ONMIC 11, at para. 139.*

I believe the same philosophy applies to the Ombudsman’s role. Questions like whether the City should have undertaken the Bateman project to begin with, and whether it is “going well,” are political questions for the City’s decision-makers (i.e., City Council.) Our Office’s role isn’t to question their substantive decisions. Any City stakeholder can question City Council about the effectiveness of the project, or the City’s stewardship of public funds – that is fairly part of the political process, too. But the decision-making must be left to the elected officials, without asking an accountability office to substitute an outside judgment in their place. This Office is intended to be politically neutral. I accept that it is indisputable that transparency is desirable where possible, and that effective stewardship of public funds should be strived for – nobody would probably question that – but the pragmatic achievement of such goals is left to City Council itself to make decisions about case by case.

### **Conclusion and Recommendation**

I am satisfied from the evidence that the City’s Communications staff followed City policies, and professional practices in the communications field. I further accept that City staff can only publish information they are authorized to share. I interpret that the remainder (and bulk, frankly) of Complainant’s concerns are directed to the City’s political processes or decision-making – which isn’t appropriately within this Office’s jurisdiction to address. Such questions must be addressed within the political process itself.

Respectfully submitted,

Ben Drory  
ADRO Investigator

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**SUBJECT:** Appointment to Downtown BIA Board of Directors

**TO:** Committee of the Whole

**FROM:** Legal and Legislative Services  
Legislative Services

Report Number: LLS-11-25

Wards Affected: N/A

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

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### **Recommendation**

Appoint the following member to the Burlington Downtown Business Association (BDDBA) Board of Directors for a term to expire December 2032 or upon appointment of their successor:

- Julie Folch

### **Executive Summary**

The purpose of this report is to provide Council with the name of the individual recommended to fill the vacancy on the Burlington Downtown BIA Board of Directors. The Municipal Act, 2001 states in section 204 (3) that anyone selected by the BIA for the Board must be appointed by the municipality.

# Recommendation Report

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## Background

The Burlington Downton Business Association (BDBA) was established in 1979 with 7 board members. In July 2023 the membership composition was amended to up to twelve members, including one member of Council.

The Municipal Act, 2001 states in section 204 (3) that anyone selected by the BIA for the Board must be appointed by the municipality:

### “Composition

- (3) A board of management shall be composed of,
- (a) one or more directors appointed directly by the municipality; and
  - (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality. 2001, c. 25, s. 204 (3).”

Due to the recent retirement of a Board Director, the Board has elected to fill the vacancy with a new resource. At the December 4, 2024 meeting for the Board of Directors the following individual was approved by the Board:

- Julie Folch

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## Analysis

The Board appointments are conducted by the Burlington Downtown Business Association and require Council endorsement. The board will be informed once the member has been approved by Council. Further communications regarding membership is the responsibility of the Board. Through the work to review and develop this report, staff have connected with the BIA administration. Maintaining this working relationship will support the day-to-day governance of this board.

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## Recommendation Details

Directors are appointed to the BDBA Board for a term of two consecutive 4-year terms from the time of appointment, per the terms of the BDBA Constitution.

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## Key Dates & Milestones

At the December 4, 2024 meeting of the Board Directors Julie Folch was approved for Directorship by the Board. The term will come into effect at the time of appointment and will end December 2032.

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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

### Author:

Lisa Palermo  
Manager of Committee Services  
Lisa.palermo@burlington.ca

### Appendices:

A. Letter from Downtown BIA regarding member appointments

### Notifications:

Brian Dean, Executive Director, Burlington Downtown Business Association  
brian@burlingtondowntown.ca

### Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.



## BURLINGTON DOWNTOWN

Wednesday, December 18, 2024

Lisa Palermo  
Clerk's Department, City of Burlington  
426 Brant Street, Burlington. L7R 3Z6

Dear Ms. Palermo,

I'd like to advise you of the recent decision by the Burlington Downtown Board of Directors at their meeting of Wednesday December 4<sup>th</sup>, 2024.

At that meeting the following individual was approved for Board Directorship:

**Julie Folch**  
Loft Financial  
1455 Lakeshore Rd, Unit 8,  
Burlington, ON. L7S 2J1

We appreciate this Board-approved Director being considered for appointment by City Council. Please reach out if you have additional questions.

With thanks,

A handwritten signature in blue ink that reads "Brian Dean". The signature is written in a cursive, flowing style.

Brian Dean Executive Director  
BDDBA

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**SUBJECT:** Halton Court Services business plan and budget

**TO:** Committee of the Whole

**FROM:** Legal and Legislative Services  
Halton Court Services

Report Number: LLS-01-25

Wards Affected: All

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

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### Recommendation

Approve the 2025 Halton Court Services (HCS) budget attached as Appendix 'A' to legal and legislative services report LLS-01-25; and

Authorize the Manager of Prosecutions and Manager of Court Administration to approve and execute any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice, within the parameters of the City's Procurement By-law and other applicable policies, provided no expense beyond that approved as part of the existing budget is expended, in such form as is approved by the City Solicitor.

### Executive Summary

Purpose of report:

- To provide an overview of Halton Court Services 2024 performance and projections for 2025.

Key findings:

- After years of pandemic recovery Halton Court Services shows signs of growth and stability.

Implications:

- The stability of growth provides positive revenue shares.

## **Background**

As required by the Inter-municipal Agreement between the City of Burlington (the City), the Towns of Halton Hills, Milton, Oakville and the Region of Halton, the City is required to provide its partners with an annual Business Plan and Budget for HCS. The 2025 Business Plan and Budget have been reviewed and approved by the Area Treasurers and Joint Management Board. A copy of the 2025 Business Plan and Budget is attached as Appendix 'A'.

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## **Analysis**

### Overview of 2024 Financial Performance

#### **Budget**

Following are the financial results for HCS at the end of the second quarter:

- Gross revenues of \$4,583,610 (51.6% of budget)
- Overall expenditures of \$3,464,069 (49.4% of budget)
- Year-to-date net revenue of \$1,119,540 (59.8% of budget)
- There is an expected increase of approximately 1% in net revenue in 2024.

#### **Audits**

KPMG performed an audit of HCS for the period ended December 31, 2023. There were no items of concern to report to the Partnership.

*Refer to Appendix A – to Report LLS-01-25-2025 HCS 2025 Business Plan and Budget – Page 6*

#### **Charges Filed**

At the end of Q2 2024 there were 25,666 (51%) charges filed of the projected 50,000 total for 2024. The current projection for Q4 is that charges may reach 51,328 (103% of projected total).

*Refer to Appendix A – to Report LLS-01-25-2025 HCS 2025 Business Plan and Budget – Page 4*

### 2025 Performance Projections and Proposed Budget

#### **Overall Revenues**

Gross revenue for HCS in 2025 is budgeted at \$9.1 million as compared to the \$8.9 million originally budgeted for during 2024.

## **Overall Expenditures**

Total expenditures in 2025 are budgeted at \$7.1 million compared to the \$7 million originally budgeted for 2024.

*Refer to Appendix A to Report LLS-01-25 2025 HCS Budget and Business Plan for a copy of the overall 2025 HCS Budget.*

## **Writing-off of Uncollectable Defaulted Fines**

Write-offs scheduled during 2024 will total approximately 117 cases with a total value of approximately \$46,348.

*Refer to Appendix A – to Report LLS-01-25-2025 HCS 2025 Business Plan and Budget – Page 8*

## **Stabilization Fund**

The balance in the Stabilization Reserve Fund is \$776,486 at the beginning of 2024.

*Refer to Appendix A – to Report LLS-01-25-2025 HCS 2025 Business Plan and Budget – Page 6*

## **Reserve Fund**

### *Expenditures During 2024*

Approximately \$20k was drawn for the 5 year computer refresh project to provide HCS with new courtroom computers.

### *Contribution During 2025*

The Municipal Partners are recommending that the minimum contribution of \$50,000 continue to be made to the Capital Reserve Fund during 2025 to ensure that future capital cost requirements are reflected and that the required minimum balance of \$300,000 is maintained.

### *Requirements for 2025*

HCS does not have any planned requirements to pull funds from the Reserve Fund in 2025.

*Refer to Appendix A – to Report LLS-01-25-2025 HCS 2025 Business Plan and Budget – Page 9 to view the Reserve Fund table.*

## **Authority to Enter into Agreements**

In the administration of Halton Court Services, matters arise that, on occasion, require formal agreements to be executed. In recent years, these agreements included, but were not limited

to, software agreements relating to the use of CAMS, Axon documentary disclosure service, the use of legal research engines such as Westlaw / Quicklaw, agreements with educational institutions in relation to student internship placements, among other things. When it is anticipated that an agreement will be required, Burlington Legal staff is engaged for the review and negotiation of the agreement. That review includes the determination of what authority exists for the execution of such agreements. This authority is often scattered and rests with various Burlington positions, including the City Solicitor, Procurement Manager, Chief Information Officer, and/or others.

Delegating authority in the manner proposed will enhance organizational efficiency and responsiveness. The proposed delegation will reduce bottlenecks, speed up and clarify the process, and ensure the court's services are managed effectively. The delegation will not alter the process of reporting to and seeking direction from the Joint Management Board in all cases that have significant implications or budgetary impacts.

## **Emerging Issues**

### **1. Justice of the Peace Shortages**

The shortage in judicial resources has lessened in 2024 due to Justice of the Peace appointments made in recent years.

### **2. Backlog**

There are currently approximately 13,000 (last year at this time it was 19,000) Part I charges that require court dates.

### **3. Increased Workload Demands Relating to Video**

Workload demands with respect to review of video for disclosure have increased significantly.

### **4. Delegated Authority**

In the administration of Halton Court Services, matters arise that, on occasion, require formal agreements (contracts) to be executed.

### **5. External Service Review from 2023**

Halton Court Services Administration has implemented and completed numerous recommendations that came out of KPMG's 2023 service review

### **6. Sustainability Review**

At its November 20, 2023, meeting, the Joint Management Board requested that the Area Treasurers undertake a review of the long-term sustainability of the Provincial Offences Court. At its November 26, 2024 meeting the Joint Management Board directed that no further action is required at this time with respect to this recommendation due to the growth and signs of stability at Halton Court Services.

*Refer to Appendix A – to Report LLS-01-25-2025 HCS 2025 Business Plan and Budget – Page 9 for full details on Emerging Issues.*

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### **Recommendation Details**

Staff request that the recommendations as set out in the 2025 HCS Budget and Business Plan be approved.

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### **Key Dates & Milestones**

N/A

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### **Implications**

- The 2025 HCS budget includes a net revenue projection of \$1.874 million.
  - With interest income it is projected that there will be a Capital Reserve Fund balance of approximately \$445,582 at the end of 2024. The Municipal Partners are proposing that the minimum contribution of \$50,000 be made during 2025.
- 

### **References**

A copy of the 2025 Halton Court Services Business Plan and Budget is attached as Appendix 'A' to this report.

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### **Strategic Alignment**

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

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### **Appendices:**

A. 2025 HCS Business Plan and Budget

### **Draft By-laws for Approval at Council:**

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- None

**Notifications:**

N/A

**Report Approval:**

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.

**ONTARIO COURT OF JUSTICE  
PROVINCIAL OFFENCES OFFICE  
HALTON COURT SERVICES**

**2025 BUSINESS PLAN AND  
BUDGET**

**City of Burlington  
Town of Halton Hills  
Town of Milton  
Town of Oakville  
Regional Municipality of Halton**

**September 2024**

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## RECOMMENDATIONS

1. Approve the 2025 Halton Court Services budget as presented.
2. Write off defaulted fines totaling \$46,348 that have accumulated during 2024 where it has been determined there are no viable means of collection.
3. A contribution of \$50,000 from net revenues is to be made to the Capital Reserve Fund during 2025 to ensure that requirements of the Reserve Fund Policy are maintained.
4. Within the parameters of existing Burlington Procurement By-law and other applicable Burlington policies, and provided no expense beyond that approved as part of the existing budget is expended, that the Manager of Prosecutions and the Manager of Court Administration, as the case may be, be authorized to approve and execute any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice, in such form as is approved by the City Solicitor for The Corporation of The City of Burlington.

## OVERVIEW OF 2024 PERFORMANCE

### 1. BUDGET PERFORMANCE

#### Revenues to End of June

The Municipal Partners had budgeted gross revenues of \$8.9 million for 2024. The chart below summarizes results by end of June and projections for the remainder of the year.

There is an expected increase of approximately 1% in net revenue in 2024.

<b>COMPARISON OF OVERALL PERFORMANCE TO BUDGET for the year ending December 31, 2024</b>					
	<b>2024 Budget</b>	<b>Actual June 30/24</b>	<b>Actual % of Budget</b>	<b>Projection Dec 31/24</b>	<b>Projection % of Budget</b>
Gross Revenue	(\$8,886,327)	(\$4,583,610)	51.6%	(\$8,846,478)	<b>99.6%</b>
Operations	\$7,013,667	\$3,464,069	49.4%	\$6,954,674	<b>99.2%</b>
<b>Net Revenue</b>	<b>(\$1,872,660)</b>	<b>(\$1,119,540)</b>	<b>59.8%</b>	<b>(\$1,891,805)</b>	<b>101.0%</b>

<b>COMPARISON OF 2025 BUDGET TO 2024 BUDGET</b>						
	<b>REVENUE</b>			<b>EXPENSES</b>		
	<b>2024 Budget</b>	<b>2025 Budget</b>	<b>% Difference</b>	<b>2024 Budget</b>	<b>2025 Budget</b>	<b>% Difference</b>
Administration	(\$6,485,827)	(\$6,759,280)	4.2%	\$5,410,794	\$5,421,541	<b>0.2%</b>
Collections	(\$2,400,500)	(\$2,340,500)	-2.5%	\$496,732	\$593,292	<b>19.4%</b>
Prosecution	N/A	N/A	N/A	\$1,106,146	\$1,160,210	<b>4.9%</b>
<b>TOTAL</b>	<b>(\$8,886,327)</b>	<b>(\$9,099,780)</b>	<b>2.4%</b>	<b>\$7,013,662</b>	<b>\$7,175,043</b>	<b>2.3%</b>

### 2. OPERATIONAL PERFORMANCE

#### Provincial Offences Charges

Charge volumes are entirely driven by enforcement agencies and their initiatives, these charges volumes are the main influence on the revenues that are generated through HCS. At the end of Q2 2024 there were 25,666 (51%) charges filed of the projected 50,000 total for

2024. Therefore, the current projection for Q4 is that charges may reach 51,328 (103% of projected total).

The following chart provides the trend in number of filed charges since 2019 and includes totals for Q2 2024 and projected totals for the end 2024:

	2019	2020	2021	2022	2023	2024 Q2	2024 Projected
<b>PART I</b>	53,537	48,269	33,477	30,486	29,630	16,087	32,174
<b>PART III</b>	3,600	3,054	2,972	2,562	2,562	2,053	4,106
<b>RLC</b>	12,513	9,761	17,993	11,589	13,762	7,524	15,048
<b>TOTAL</b>	<b>66,618</b>	<b>69,650</b>	<b>61,084</b>	<b>54,442</b>	<b>47,977</b>	<b>25,664</b>	<b>51,328</b>

The following chart provides the number of charges by enforcement agency that were refused for filing with the reasons for refusal through Q2 2024:

AGENCY	REASON					TOTAL
	Late Filing	Date Error	Young Offender	Wrong Juris	Old / Wrong PON	
HRPS	68	81	7	0	0	156
OPP	3	0	0	0	0	3
MTO	32	0	0	0	2	34
OTHER	272	0	0	0	0	272
<b>Q2 2024 TOTALS</b>	<b>375</b>	<b>81</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>465</b>

The following charts provide charge volumes for both Part 1 and Part 3 by enforcement agency through Q2 2024.

PART 1	JAN	FEB	MAR	APR	MAY	JUN	Totals
By-laws	6	3	5	1	4	12	31
OTHER ENF.	28	20	39	27	20	25	159
Halton Regional Police	1,996	1,755	1,795	1,958	1,942	1,821	11,267
MTO	261	368	224	331	452	402	2,038
OPP	387	548	423	462	435	337	2,592
Red Light Camera	1,019	1,203	1,076	1,432	1,517	1,277	7,524
<b>Totals</b>	<b>3,697</b>	<b>3,897</b>	<b>3,562</b>	<b>4,211</b>	<b>4,370</b>	<b>3,874</b>	<b>23,611</b>

<b>PART 3</b>							<b>Totals</b>
By-laws	11	12	61	9	9	3	105
OTHER ENF.	33	3	31	-	48	37	152
Halton Regional Police	225	201	163	194	232	233	1,248
MTO	9	11	12	8	35	51	126
OPP	69	43	66	137	89	20	424
<b>Totals</b>	<b>347</b>	<b>270</b>	<b>333</b>	<b>348</b>	<b>413</b>	<b>344</b>	<b>2,055</b>

### 3. AUDITS

#### External Audit

KPMG performed an audit of HCS for the period ended December 31, 2023. There were no items of concern to report to the Partnership by way of an auditors' management letter. KPMG maintains a practice of issuing qualified opinions for all its POA court clients due to the inability to review cash procedures at other POA courts accepting fine payments on behalf of HCS, and to review controls of the provincial ICON system utilized by all POA courts across the province.

### 4. REVENUE STABILIZATION FUND

Following the request of the Area Treasurers, a Municipal Partner Revenue Stabilization Fund (MPRSF) was created in early 2014 to assist the partners in protecting against the impact of volatility in fine revenue, and to provide a source of funding to stabilize revenue sources annually, including the impacts related to the new court facility. Per policy, an annual review of the MPRSF is carried out by the Area Treasurers.

#### Flat-Lining Net Revenue Distribution

Net revenue surplus was transferred to the MPRSF between 2013 and 2017. Interest is allocated to the MPRSF on an annual basis.

The Area Treasurers directed that contributions to the MPRSF end as of 2018 given the healthy balance of the MPRSF. In 2021, the JMB directed to only distribute to the Partners the actual net revenue earned from operations going forward. The balance in the Stabilization Reserve Fund is \$776,486 at the beginning of 2024.

<b>Stabilization Fund</b>			
<b>Year</b>	<b>Use of Funds</b>	<b>Interest (net of Admin Fee)</b>	<b>Balance</b>
<b>Balance Forward</b>			\$776,486
<b>2024*</b>	\$0	\$16,006	\$792,492
<b>2025*</b>	\$0	\$16,342	\$808,835
<b>2026*</b>	\$0	\$16,686	\$825,520
<b>2027*</b>	\$0	\$17,336	\$842,856
<b>2028*</b>	\$0	\$17,700	\$860,556

## 5. REVENUE SHARING

According to the established revenue-sharing agreement, the Region receives 50% while the Municipal Partners receive a percentage of the 50% balance based on assessment rates.

Following is a five-year overview of net revenue distribution since 2020 including the estimated annual distribution for 2024:

<b>Historical Annual Revenue Sharing % Based on Tax Assessment</b>					
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Burlington	15.60%	15.44%	15.32%	15.20%	15.08%
Halton Hills	4.60%	4.60%	4.57%	4.54%	4.52%
Milton	8.40%	8.55%	8.64%	8.72%	8.78%
Oakville	21.40%	21.43%	21.48%	21.55%	21.62%
Region of Halton	50.00%	50.00%	50.00%	50.00%	50.00%
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

<b>Historical Annual Revenue Distribution to Partnership</b>					
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024*</b>
Burlington	726,280	299,980	296,601	373,252	277,744
Halton Hills	214,159	89,430	88,438	111,484	83,250
Milton	391,074	166,029	167,293	214,006	161,710
Oakville	996,307	416,627	415,752	529,183	398,198
Region of Halton	2,327,820	972,066	968,085	1,227,680	920,902
<b>TOTAL</b>	<b>\$4,655,640</b>	<b>\$1,944,132</b>	<b>\$1,936,169</b>	<b>\$2,455,605</b>	<b>\$1,841,805</b>

\*2024 budget to be realized

### **Overall Revenues**

The Municipal Partners are projecting gross revenues based on current trends and although population continues to grow at a fair rate across Halton, the number of charges filed has not been reflected in the population growth for the last several years. A modest increase is projected to 52,000 charges for 2025 over the current projection of 51,328 for 2024. Gross revenue for HCS in 2025 is budgeted at **\$9.1 million** as compared to the **\$8.9 million** originally budgeted for during 2024.

Total expenditures in 2025 are budgeted at **\$7.1 million** compared to the **\$7 million** originally budgeted for 2024.

*See Appendix A for a copy of the overall 2025 POA Budget.*

**Recommendation #1: Approve the 2025 Halton Court Services budget as presented.**

### **6. WRITING-OFF OF UNCOLLECTABLE FINES**

In accordance with the Write-Off Policy, the Municipal Partners are seeking approval from the Area Treasurers and the Joint Management Board to write-off those defaulted fines that have accumulated during 2024 where it has been determined there are no viable means of collection. Write-offs scheduled during 2024 will total approximately 117 cases with a total value of approximately \$46,348

**Recommendation #2: Write off defaulted fines totaling \$46,348 that have accumulated during 2024 where it has been determined there are no viable means of collection.**

## 7. CAPITAL RESERVE FUND

### Expenditures During 2024

Approximately \$20k was drawn for the 5 year Courtroom computer refresh project to provide HCS with new laptops and docking stations.

### Contribution During 2025

The Municipal Partners regularly conduct an annual review of the Capital Reserve Fund to ensure that future capital cost requirements are reflected and that the required minimum balance of \$300,000 is maintained. The Municipal Partners are recommending that the minimum contribution of \$50,000 continue to be made to the Capital Reserve Fund during 2025.

### Reserve Fund Forecast

Following is the Capital Budget Forecast over the next five years:

Capital Budget Forecast				
Year	Requirements	Use of Funds	Annual Contributions Including Interest	Projected Year-End Balances
	Balance Forward			<b>\$407,629</b>
<b>2024</b>	Courtroom Computer Hard/Soft Replacements	(\$20,000)	\$57,953	\$445,582
<b>2025</b>	None		\$58,712	\$504,293
<b>2026</b>	TBD		\$59,886	\$564,179
<b>2027</b>	TBD		\$61,084	\$625,263
<b>2027</b>	TBD		\$62,505	\$687,768

***Recommendation #3: A contribution of \$50,000 from net revenues is to be made to the Capital Reserve Fund during 2025 to ensure that requirements of the Reserve Fund Policy are maintained.***

## 9. EMERGING ISSUES

### 1. Justice of the Peace shortages

The shortage in judicial resources is anticipated to see improvements in 2025 due to Justice of the Peace appointments made in 2024 which allowed for an additional court opening on

Wednesdays in 2025 and the possibility of even more courts added as the year progresses, and as even more Justice of the Peace appointments are made.

## **2. Backlog**

There are currently approximately 13,000 (last year at this time it was 19,000) Part I charges that require court dates and HCS Administration continues to collaborate with HCS Prosecution to make every effort to have matters scheduled in a timely fashion and have scheduled early resolution meetings outside of court sitting days which allow meetings to take place with prosecution and only those that require a Justice of the Peace for either plea resolution or trial to be scheduled into court sittings, thereby maximizing the court sittings allotted to HCS.

## **3. Increased Workload Demands Relating to Video:**

Workload demands with respect to review of video for disclosure have increased significantly. In the past, video disclosure was reviewed and redacted before it was forwarded to Halton Court Services as part of the evidentiary package for further handling and disclosure to the defendants. Currently, Halton Regional Police send all video content directly to HCS without prior vetting of the video content. The task of reviewing and vetting the video content prior to sending it as part of the disclosure package, accordingly, rests with the Prosecution Unit. Similar process is involved related to statements taken via audio, which requires review by the Prosecution Unit. The process is extremely time consuming and requires a lot of back and forth where issues noted or, in case of audio statements, where transcript request is required. Change in the format of the evidence has also increased the steps and time required in accessing the footage for the review.

Staff are currently assessing the full impact of this new audio/video disclosure development on resources and will report back to the Joint Management Board with the findings in the future. Due to workload demands, additional staffing may be required to ensure the integrity of the disclosure process going forward.

## **4. Delegated Authority:**

In the administration of Halton Court Services, matters arise that, on occasion, require formal agreements (contracts) to be executed. In recent years, these agreements included, but were not limited to, software agreements relating to the use of CAMS, Axon documentary disclosure service, the use of legal research engines such as Westlaw / Quicklaw, agreements with educational institutions in relation to student internship placements, agreement with the Region relating to articling placements, and agreement with per diem French prosecutor who assists HCS in prosecuting matters requiring a French speaking prosecutor. When it is anticipated that an agreement will be required, Municipal Partners engage Burlington Legal Services staff for the review and negotiation of the agreement. That review includes the determination of what authority Municipal Partners will rely on for the execution of such agreements. Ultimately,

staff have found that the authority is often scattered and rests with various Burlington positions, including the City Solicitor, Procurement Manager, Chief Information Officer, and/or others.

Municipal Partners propose that the authority to enter into any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice be delegated to the Manager of Prosecutions and/or the Manager of Court Administration, as the case may be (the subject matter of the agreement would determine which of the Manager's will execute the agreement). Delegating authority in this manner is vital for enhancing organizational efficiency and responsiveness. It will allow staff to address day-to-day operation tasks, such as managing contracts, vendor relationships, and facility needs, without requiring the involvement of unrelated parties in the decision making and the execution of the contracts, which on occasion has been the case. This proposed delegation will reduce bottlenecks, speed up and clarify the process, and ensure the court's services are managed effectively. This proposed delegation will not alter the process of reporting to and seeking direction from the Joint Management Board in all cases that have significant implications or budgetary impacts.

***Recommendation #4: Within the parameters of existing Burlington Procurement By-law and other applicable Burlington policies, and provided no expense beyond that approved as part of the existing budget is expended, that the Manager of Prosecutions and the Manager of Court Administration, as the case may be, be authorized to approve and execute any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice, in such form as is approved by the City Solicitor for The Corporation of The City of Burlington.***

## **5. External Service Review from 2023**

To date, Halton Court Services Administration has implemented and completed numerous recommendations that came out of KPMG's 2023 service review. We will continue to implement additional recommendations as we strive to increase efficiency within court operations.

## **6. Sustainability Review**

At its November 20, 2023 meeting, the Joint Management Board requested that the Area Treasurers undertake a review of the long term sustainability of the Provincial Offences Court given the ongoing reduced judicial resources provided by the Province to the Court and potential changes resulting from the Administrative Penalty Program. The JMB provided authorization to the Area Treasurers for funding this further study from HCS Revenues and directed the Area Treasurers report back to JMB with the study results.

The sustainability review has not yet been undertaken. The Municipal Partners would like to obtain further direction given that Halton Court Service is a legislated service, required to be in place to prosecute Part I and Part III offences under the *Provincial Offences Act*. Where Part I and Part III POA offences are issued, the service must be provided whether or not it results in positive revenue. As is set out in this report, however, currently, and historically,

HCS has generated positive net revenues that are shared between the partners. Even with reduced judicial resources, backlogs, lower charge volume and other issues outlined, operations from HCS continues to generate positive net revenue for the Partners. It is anticipated that these issues will improve over time and the net revenues generated for the Partners of Halton Region will remain positive.

The level of revenue is most significantly driven by charge volumes and the availability of court time. In turn:

- (i) charge volumes are entirely driven by enforcement agencies and their initiatives, which are not within the control of Halton Court Services staff; and,
- (ii) court time is mainly driven by availability of judicial resources, which are determined by the Province and are not within the control of Halton Court Services staff.

It is not expected that the transition of the municipal by-law offence matters to Administrative Penalty System (“APS”) will have a significant impact on revenue generated by HCS given that those charges represent the minority of the charges before the court and do not result in a revenue split between the partners. Should the regional red light camera matters enter the APS stream, however, the impact on the revenues may be significant. We understand that at this time the Region of Halton does not intend to implement that change for red light camera offences. If red light camera offences enter the APS stream, the requirement to operate HCS for the other Part I and Part III offences will remain as otherwise legislated.

Another option available to the partners is for each of the municipalities to operate individual provincial offences courts, which due to the nature and scale of the operation, would result in duplication of capital and staff, which would likely make it not financially feasible.

For all of the above reasons, staff seek further direction or confirmation that no further action is required with respect to this recommendation.

## **APPENDIX A – 2025 OVERALL BUDGET**

**HALTON COURT SERVICES**

**2025 OVERALL POA BUDGET**

20-Sep-24

OVERALL 2024 BUDGET	Projection to Dec 31/24	Expenditures	Cost Element	ADMINISTRATION		PROSECUTION	TOTAL	2025 vs 2024
				Admin/Court Support 461110	Collections 461113	461140		
2,561,048	2,547,266	F/T Salaries	11111	1,528,304	304,301	820,300	2,652,905	3.6%
-	-	Part-time/Temp	11122	-	-	-	-	
-	-	Overtime	11131	-	-	-	-	
-	30,259	Vacation Pay - PT	11248	-	-	-	-	
441,363	472,013	Fringe benefits - FT/PT	11300	274,070	54,248	135,585	463,903	
250,487	240,165	Additional Benefits - FT/PT	11302	152,662	31,192	70,663	254,517	
29,130	22,663	Professional development	11410	12,530	3,450	11,300	27,280	
9,900	9,542	Employee memberships	11412	1,700	300	9,462	11,462	
<b>3,291,929</b>	<b>3,321,909</b>	<b>Total Human Resources</b>		<b>1,969,266</b>	<b>393,491</b>	<b>1,047,310</b>	<b>3,410,067</b>	
9,279	9,115	Books and subscriptions	22220	1,100	200	8,678	9,978	
1,000	800	Meeting expenses	22223	950	-	-	950	
-	-	COVID-related expenses	22226	-	-	-	-	
66,380	67,248	Printing and reproduction	22233	64,180	1,000	1,000	66,180	
12,200	13,945	General office supplies	22242	11,000	600	1,800	13,400	
51,707	52,729	Hydro/Water/Heat	22511	51,864	-	-	51,864	
5,000	5,000	Furniture and office equipment	37102	3,000	-	-	3,000	
100,380	103,397	Comp Software/Hardware/Maintenance	37105	62,719	9,167	19,876	91,762	
1,606,388	1,653,426	Building facility lease	33115	1,700,000	-	-	1,700,000	
17,612	37,731	IT lines	33150	19,261	5,872	12,672	37,805	
11,894	11,273	Equipment rental	33172	8,100	950	2,250	11,300	
4,000	4,130	Bldg repair and maintenance	33210	3,500	-	-	3,500	
13,120	12,992	Equipment maintenance	33240	12,316	-	-	12,316	
45,643	47,109	Courier/Postage services	33250	33,060	10,500	800	44,360	
16,197	17,931	Telephones/Cell Phones	33253	15,592	3,092	2,577	21,261	
-	-	Corporate Communications	33255	-	-	-	-	
1,883	2,886	Travel Exp/Mileage	33320	1,300	100	2,200	3,600	
9,000	9,200	External audit	33359	10,000	-	-	10,000	
2,400	3,141	Security/Armoured car services	33366	3,204	-	-	3,204	
80,000	96,342	Interpreters	33367	97,000	-	-	97,000	
412,086	412,089	Cost recoveries	45701	364,749	-	53,807	418,556	
881,500	702,361	Provincial Recoveries	33369	732,350	-	-	732,350	
137,140	178,871	Contract/External services	33450	50,900	163,320	7,240	221,460	
91,130	44,310	Janitorial Services	33467	43,130	-	-	43,130	
800	5,136	Court Related Fees	33510	-	5,000	-	5,000	
5,000	5,008	Witness fees	33516	5,000	-	-	5,000	
160,000	156,596	Point of sale-service charges	36194	158,000	-	-	158,000	
(20,000)	(20,000)	Reserve Fund offset for expenses	96306	0	0	0	0	
<b>3,721,738</b>	<b>3,632,765</b>	<b>Total Other Expenditures</b>		<b>3,452,274</b>	<b>199,801</b>	<b>112,900</b>	<b>3,764,976</b>	1.2%
<b>7,013,667</b>	<b>6,954,674</b>	<b>TOTAL EXPENDITURES</b>		<b>5,421,541</b>	<b>593,292</b>	<b>1,160,210</b>	<b>7,175,043</b>	2.3%
-	(300)	Parking Fees	90852	(400)	-	-	(400)	2.4%
(6,400,000)	(6,504,715)	Fines (Gen)	91122	(6,640,000)	-	-	(6,640,000)	
(2,400,000)	(2,266,960)	Fines (Collections)	91122	-	(2,340,000)	-	(2,340,000)	
135,000	144,095	Bylaws Distributed	91124	100,000	0	-	100,000	
(500)	(405)	External recoveries	91410	-	(500)	-	(500)	
(4,400)	(1,500)	Miscellaneous Revenue	91154	(2,000)	0	0	(2,000)	
(10,000)	(23,621)	Transcripts	91207	(20,000)	-	-	(20,000)	
(206,427)	(193,072)	Federal subsidy	92705	(196,880)	0	-	(196,880)	
<b>(8,886,327)</b>	<b>(8,846,478)</b>	<b>TOTAL REVENUE</b>		<b>(6,759,280)</b>	<b>(2,340,500)</b>	<b>0</b>	<b>(9,099,780)</b>	
<b>(1,872,660)</b>	<b>(1,891,805)</b>	<b>Net Operating Budget before Reserve Fund</b>		<b>(1,337,739)</b>	<b>(1,747,208)</b>	<b>1,160,210</b>	<b>(1,924,737)</b>	
50,000	50,000	Contribution to Reserve Fund	45100	50,000	-	-	50,000	2.9%
-	-	Contribution to Stabilization Fund	45100	0	-	-	0	
<b>(1,822,660)</b>	<b>(1,841,805)</b>	<b>NET OPERATING BUDGET</b>		<b>(1,287,739)</b>	<b>(1,747,208)</b>	<b>1,160,210</b>	<b>(1,874,737)</b>	

2025 Requisitions  
(Partnership Sharing based on 2024  
weighted average assessment)

Region		(937,369)
Burlington		(282,710)
Halton Hills		(84,738)
Milton	59	(164,602)
Oakville		(405,318)
<b>Total</b>		<b>(1,874,737)</b>

**SUBJECT:** Council Remuneration  
**TO:** Committee of the Whole  
**FROM:** Human Resources  
N/A

Report Number: HRS-02-25  
Wards Affected: not applicable  
Date to Committee: January 13, 2025  
Date to Council: January 28, 2025

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### Recommendation

That Council vote to decide whether or not to amend Mayor and Council remuneration to provide a payment-in-lieu to a Mayor or Members of Council who are 71 years of age and older, equal to the amount that the City contributes to OMERS for a Mayor or Members of Council who are 70 years of age and under as outlined in human resources report HRS-02-25; and

That if Council decides to amend Mayor and Council remuneration to provide a payment-in-lieu of the City's OMERS contribution for a Mayor or Members of Council who are 71 years of age and older, that Council identify the effective date of the change to Mayor and Council remuneration.

### Executive Summary

#### Purpose of report:

This Report is a follow-up to Report HR-09-24, and provides information related to OMERS remuneration for Mayor and Council members in order for Council to make an informed decision.

#### Key findings:

December 10, 2024 - Council voted to repeal By-law No. 129-2006, a by-law requiring that the Mayor and Members of Council remuneration be determined in accordance with Council resolutions accepting recommendations of the Remuneration Committee, in

order to permit Council to consider amending OMERS-related remuneration for Mayor and Council members that are 71 years of age or older.

Implications:

- On a move forward basis, any payments-in-lieu of OMERS employer contributions, paid directly to members aged 71 or older, would not be higher than approved budgeted amounts for Mayor and Council members, however if an effective date is selected prior to 2025, then any retro payments would be funded from the tax stabilization reserve.

## Recommendation Report

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### Background

The City of Burlington is unable to make employer contributions to OMERS for Mayor and Council members over the age of 71, nor can these members continue to make employee contributions to OMERS as they are required by the Income Tax Act to start collecting their pension by December 1st of the year in which they reach age 71.

OMERS was not considered by Human Resources as part of the council remuneration age-related benefits review in 2022.

Compensation (including the eligibility for and availability of benefits plans), is determined by vote of the Council, in accordance with the Municipal Act. City staff do not determine Council compensation.

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### Analysis

Pay-in-lieu of OMERS considerations:

- Mayor and Council who meet the age eligibility requirements must be enrolled in OMERS as soon as they are sworn in. (Appendix A - By-Law Number 4337)
- Eligible Mayor and Council members do not have the option to opt out of OMERS, they must stay enrolled while they remain an elected official and pay contributions.
- Once a member turns 71, all OMERS employer and employee contributions must stop and the member must start to collect their pension.
- As per the Municipal Act, Mayor and Council are responsible for approving their remuneration, inclusive of benefits.
- Annually Halton Region informs the City's Human Resources department the amount to pay Mayor and Council for the Region-specific portion of their salary.
- Each term, Mayor and Council decide the City's portion of their salary, based on the recommendations made by the Council Remuneration Review Working Group.
- Below is a table showing regular Council member annual OMERS contributions:

2024 OMERS Contributions for Council members under 65:

Total Employer Contributions	Total Council Member Contributions
\$14,335.42	\$14,335.42

- Pay-in-lieu of the employer OMERS contribution to Council members, over the age of 71, would result in a higher gross salary as pay-in-lieu is considered taxable income and processed accordingly. These members would also have a higher net salary because they are unable to contribute the employee portion to OMERS (i.e.: \$14,335.42). Additionally, they would be receiving their pensions from OMERS. The table below shows an example of the amount that could be considered for pay-in-lieu of OMERS employer contributions, exclusive to the City:

\*2024 OMERS Employer Contributions:

Total OMERS Employer Contribution	*City of Burlington portion for pay-in-lieu consideration	Halton Region portion
\$14,335.42	<b>\$7,875.98 (less EHT)</b>	\$6,459.44

Important: Only the City of Burlington portion of the OMERS-employer contributions less applicable taxes, could be considered for a pay-in-lieu remuneration option.

**Recommendation Details**

Mayor and Council to vote to determine whether or not to pay Mayor and Council members, over the age of 71, a payment in-lieu of the OMERS employer contribution amount, exclusive to the City of Burlington portion, less applicable taxes.

**Key Dates & Milestones**

If Council decides to amend OMERS-related remuneration for members over the age of 71, an effective date for this change would also need to be determined.

**Implications**

- Any payments-in-lieu of OMERS contributions, paid directly to members aged 71 or older, would not be higher than what is budgeted by the City for Mayor and Council members.
- If an OMERS pay-in-lieu remuneration amendment is approved on a move forward basis, then the funding would come from the regular Mayor and Council operational budgets for OMERS. If an effective date is selected prior to 2025, then any retro payments would be funded from the tax stabilization reserve.
- Making payments-in-lieu of OMERS-employer contributions to members 71 years of age and older is not a normative practice for municipalities.

## References

- [Report HR-09-24](#)
  - [Report F-17-22](#)
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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

### Author:

Sue Evfremidis  
Chief Human Resources Officer

### Appendices:

Appendix A - By-Law Number 4337, a by-law to authorize participation by the municipality in OMERS in respect of its councillors.

### Report Approval:

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.

072000

## Bill Number 16/73

## THE CORPORATION OF THE TOWN OF BURLINGTON

## BY-LAW NUMBER 4337

A By-Law to authorize participation by the Municipality in the Ontario Municipal Employees Retirement System in respect of its councillors.

WHEREAS, pursuant to section 14 of The Ontario Municipal Employees Retirement System Act, R.S.O., 1970, as amended, a municipality may, by by-law, elect to participate in The Ontario Municipal Employees Retirement System in respect of its councillors and pay to the Fund the total of the employer and member contributions and has all the powers necessary and incidental thereto:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BURLINGTON (herein called the Employer) ENACTS AS FOLLOWS:-

1. The Employer hereby elects to participate in The Ontario Municipal Employees Retirement System in respect of its councillors as of the first day of January 1973 (herein called the effective date) and authorizes the Clerk to submit this election in writing by provision of a certified copy of this by-law, to the Executive Director of the Ontario Municipal Employees Retirement Board.
2. Every person who, on the effective date, is a councillor of the Employer shall become a member on the effective date.
3. Every person who becomes a councillor after the effective date shall become a member on the date on which he becomes a councillor.

- 2 -

4. The Treasurer of The Corporation of the Town of Burlington is hereby authorized to arrange for the deduction from the earnings of each councillor who is a member of the System the contributions required to be made by the member and to remit such contributions together with the contributions required to be made by the employer to the Executive Director of The Ontario Municipal Employees Retirement Board, and to execute all necessary documents and to do such things as are necessary to carry out the intent of this by-law.

ENACTED AND PASSED this 22nd day of January, A.D. 1973

GEORGE W. HARRINGTON

\_\_\_\_\_  
MAYOR

"Wm. K. SIMS"

\_\_\_\_\_  
CLERK

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**SUBJECT:** Implementation of a Short-Term Accommodation By-law

**TO:** Committee of the Whole

**FROM:** Development and Growth Management  
By-law Compliance

Report Number: DGM-04-25

Wards Affected: All

Date to Committee: January 13, 2025

Date to Council: January 13, 2025

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### Recommendation

Approve the Short-Term Accommodation By-law, a by-law to regulate short term accommodation businesses in the City of Burlington, attached in draft form as Appendix B to development and growth management report DGM-04-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor; and

Approve a Short-Term Accommodation Licence fee of \$300 to be included in the 2025 “Rates and Fees” By-law.

### Executive Summary

Purpose of report:

- To approve a licensing by-law for short-term rental accommodations prior to January 24, 2025, to meet criteria of the recently announced Short-Term Rental Enforcement Fund (STREF) offered by Housing, Infrastructure and Communities Canada.

Key findings:

- The by-law has been developed with input from the public and is designed to address key issues in Burlington including loss of long-term housing stock, noise, parking, garbage, and life safety issues. Staff have built in an education and communication phase to allow time for operators to be licensed prior to commencement of enforcement.

Implications:

- Failure to approve the by-law at this time would result in a missed opportunity of accessing Federal funding of up to \$100,000 annually over 3 years to assist with enforcement.

# Recommendation Report

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## Background

At its meeting of March 30, 2023, Council directed staff to develop and implement a city-wide short-term accommodation (STA) compliance/licensing program via Motion Memo CPRM-03-23 (Staff Directions – SD-20-23, SD-21-23 SD-22-23 SD-23-23 SD-24-23). The motion was prompted for two main reasons – ongoing neighbourhood disruption due to short-term rentals which were not successfully mitigated by existing by-laws; and the need to protect long term housing stock which is often lost due to short-term rental operations.

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## Analysis

For several years, Burlington has been experiencing issues with Short-Term Rental Accommodations (STA) impacting neighbourhoods (e.g., noise, parking, garbage). Coupled with the fact that short-term rentals can impact potential long term and affordable housing stock, staff have developed a licensing by-law to aid in the enforcement of these businesses.

A preliminary review indicates Burlington has approximately 700-1000 advertised short-term rentals across the main booking platforms (e.g. Airbnb and Vrbo). In discussion with industry experts, it is normal for businesses to advertise on multiple sites which means the number of short-term rentals is likely in the range of 350-500.

Through a review of complaints and public feedback, the proposed by-law was designed to address the following:

1. **Improve Housing Stock** – the by-law requires that any property licensed as an STA must be the primary residence of the applicant (or have approval of the primary applicant) and can only be rented for a maximum consecutive 28 days and a total of 183 days per year. This is to encourage owners to consider renting for longer periods to aid in the housing crisis.
2. **Noise/Parking/Garbage** – STA owners will need to provide a ‘renter’s code’ to anyone renting the unit which outlines relevant City by-laws and behavioural expectations. They need to submit a plan for garbage and parking prior to approval and occupancy of the rentals are limited based on bedroom occupancy in the Building Code.
3. **Life Safety** – Owners will be required to submit certificates showing that the HVAC and electrical systems meet requirements prior to a licence being issued. They will also

have to sign a declaration that they will comply with the maintenance and parking plans, Building Code and Fire Code.

The by-law has been structured very similar to the Town of Oakville to allow for consistency in Halton Region. This includes the demerit point system which will be used in determining when to revoke or refuse licences. STA that are part of a condominium must have written approval of the Condo Board and staff will ask to review the by-law to ensure these types of rentals are indeed allowed to operate at that location.

Public consultation has included an online questionnaire which first opened in September 2024, participation at the Food-for-Feedback (September 14, 2024) with a focus on short-term rentals and two online public consultation sessions on November 26 and 27, 2024. Details of online participation can be found in Appendix A.

Staff are requesting that the by-law be approved prior to January 24, 2025, as it will allow Burlington to be eligible to apply for federal funding from Housing, Infrastructure and Communities Canada. The Short-Term Rental Enforcement Fund (STREF) will provide up to \$4.8 million per applicant over 3 years with a minimum funding allocation of \$100,000 in the first year to aid with enforcement of Short-Term Accommodations. Applications opened December 16, 2024, and close on January 24, 2025.

Staff have set a by-law enactment date of May 1, 2025, to allow time for staff to educate and license eligible STA owners/operators prior to enforcement commencing.

In terms of fees, staff are recommending a licensing fee of \$300. A review of surrounding areas (Oakville, Milton, Hamilton, Mississauga) showed the average fee of \$318.28. Staff chose \$300 as it is in line with existing City of Burlington licence fees.

Staff anticipate licensing short-term rental advertisers (e.g. Airbnb, Vrbo) by Q4 2025 but need additional time for consultation with these vendors prior to implementation.

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### **Recommendation Details**

Staff are recommending approval of the STA by-law prior to January 24, 2025 so that Burlington meet the deadline to apply for the Short-Term Rental Fund offered by the federal government. Enforcement would not start until May 1, 2025, to allow staff time to educate and work with current STA operators to obtain their licence.

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## Key Dates & Milestones

List significant dates and milestones related to the project/issue. Include:

- January 24, 2025 - Deadline to approve licensing regime to be eligible for federal funding.
  - January to June – Staff to conduct Short-Term Rental education and communication plan and start licensing process for those eligible to operate based on by-law requirements.
  - May 1 – End of education period. Enforcement to commence.
  - Q4 2025 – Implementation of licence for vendor such as Airbnb, Vrbo
- 

## Implications

The proposed licence fee of \$300 will result in approximately \$100,000-150,000 per year which will cover the cost of the licence administration. As with all licensing fees, they do not cover the cost of enforcement. Staff intend to apply for the Short-Term Rental Fund offered by Housing, Infrastructure and Communities Canada with the goal of dedicating 2 FTE By-law Officers to enforcement of short-term rentals. Without funding, staff will need to prioritize this enforcement over other areas in the City.

The caveat is that Council must approve this proposed licensing by-law prior to the funding application deadline of January 24, 2025. Failure to approve by this time would prevent Burlington from applying for enforcement funding of approximately \$100,000-\$4.8 million (over three years).

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## References

Information on the Federal Short-Term Rental Fund provided by Housing, Infrastructure and Communities Canada can be found at the following:

- <https://housing-infrastructure.canada.ca/housing-logement/stref-farlcd/index-eng.html>
- 

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

**Author:**

Kerry Davren  
Director By-law Compliance  
905-335-7600 Ext. 7800

**Appendices:**

- A. Public Consultation Summary – Short Term Rentals
- B. Draft Short-Term Accommodation By-law

**Draft By-laws for Approval at Council:**

- Short-Term Accommodation By-law going to Special Council meeting of January 13, 2025 and will take effect May 1, 2025.

**Notifications:**

None

**Report Approval:**

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.

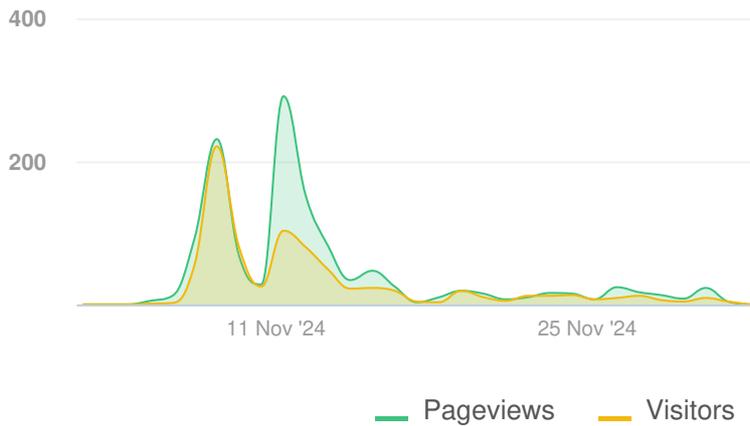
# Project Report

December 2024

## Get Involved Burlington Short Term Rentals



### Visitors Summary



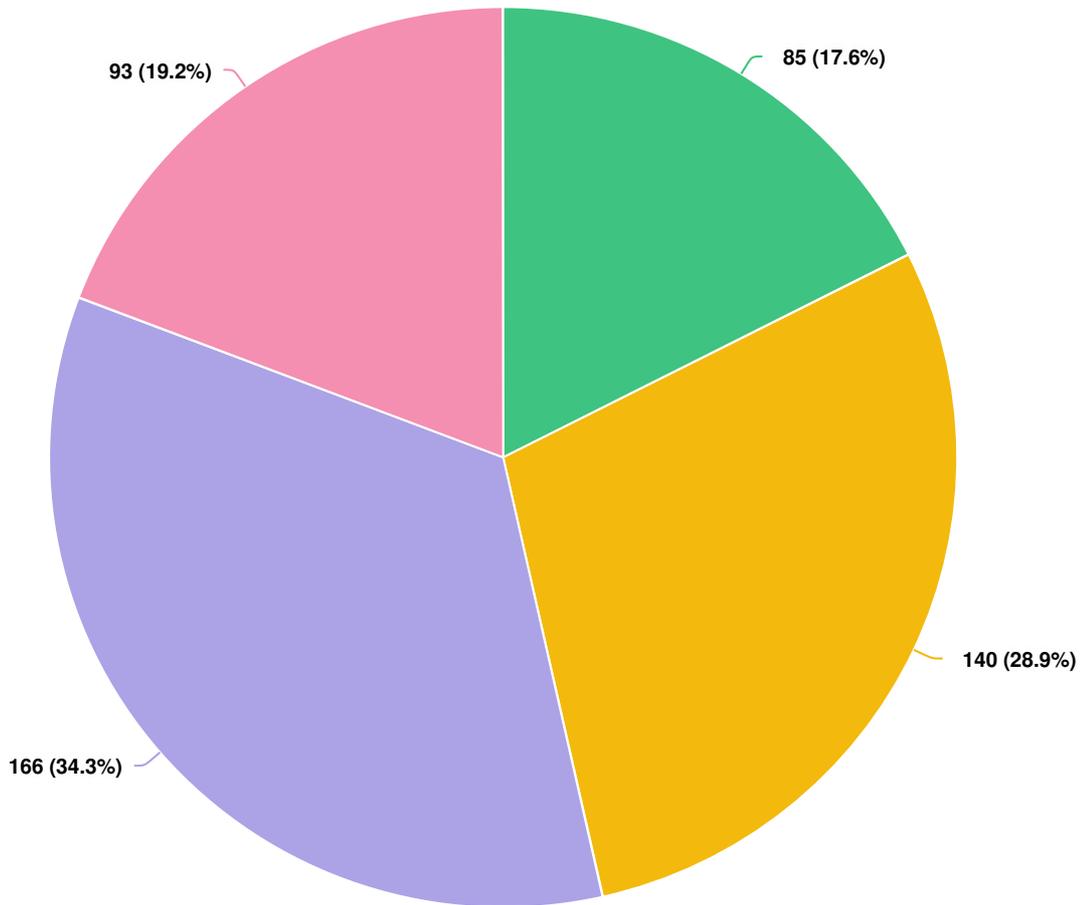
### Highlights



<b>Aware Participants</b>	<b>747</b>	<b>Engaged Participants</b>	<b>472</b>		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	747				
<b>Informed Participants</b>	<b>524</b>	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	0	0	472
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	7	Posted on Guestbooks	0	0	0
Visited the Key Dates page	0	Contributed to Stories	0	0	0
Visited an FAQ list Page	22	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	56	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	472				



Visitors <b>631</b>	Contributors <b>472</b>	CONTRIBUTIONS <b>85</b>
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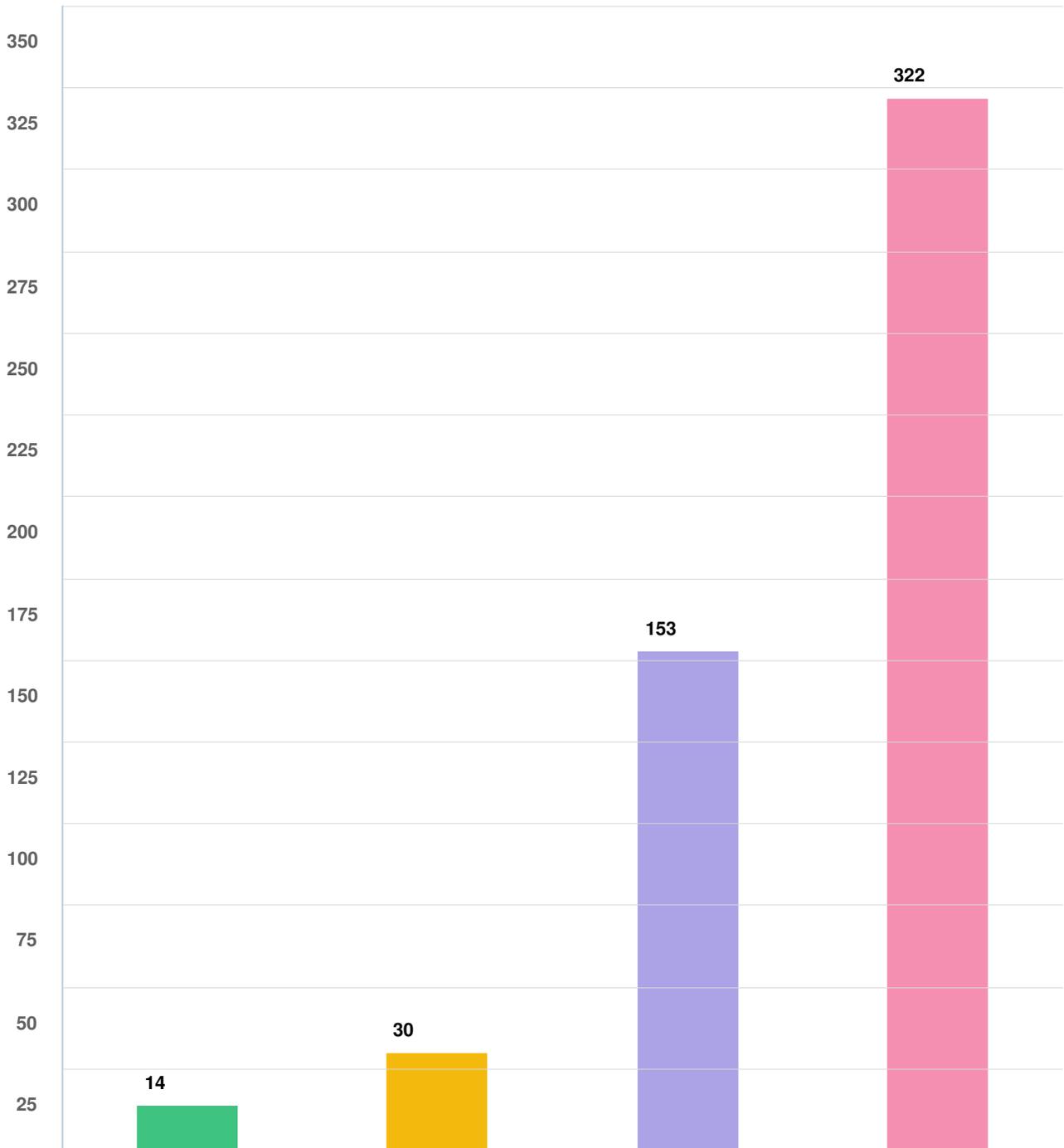
**Question options**

- Very familiar
- Familiar
- Somewhat familiar
- Not familiar at all

Optional question (484 response(s), 1 skipped)

Question type: Radio Button Question

**what is your experience with short-term rentals in Burlington? (select all that apply)**



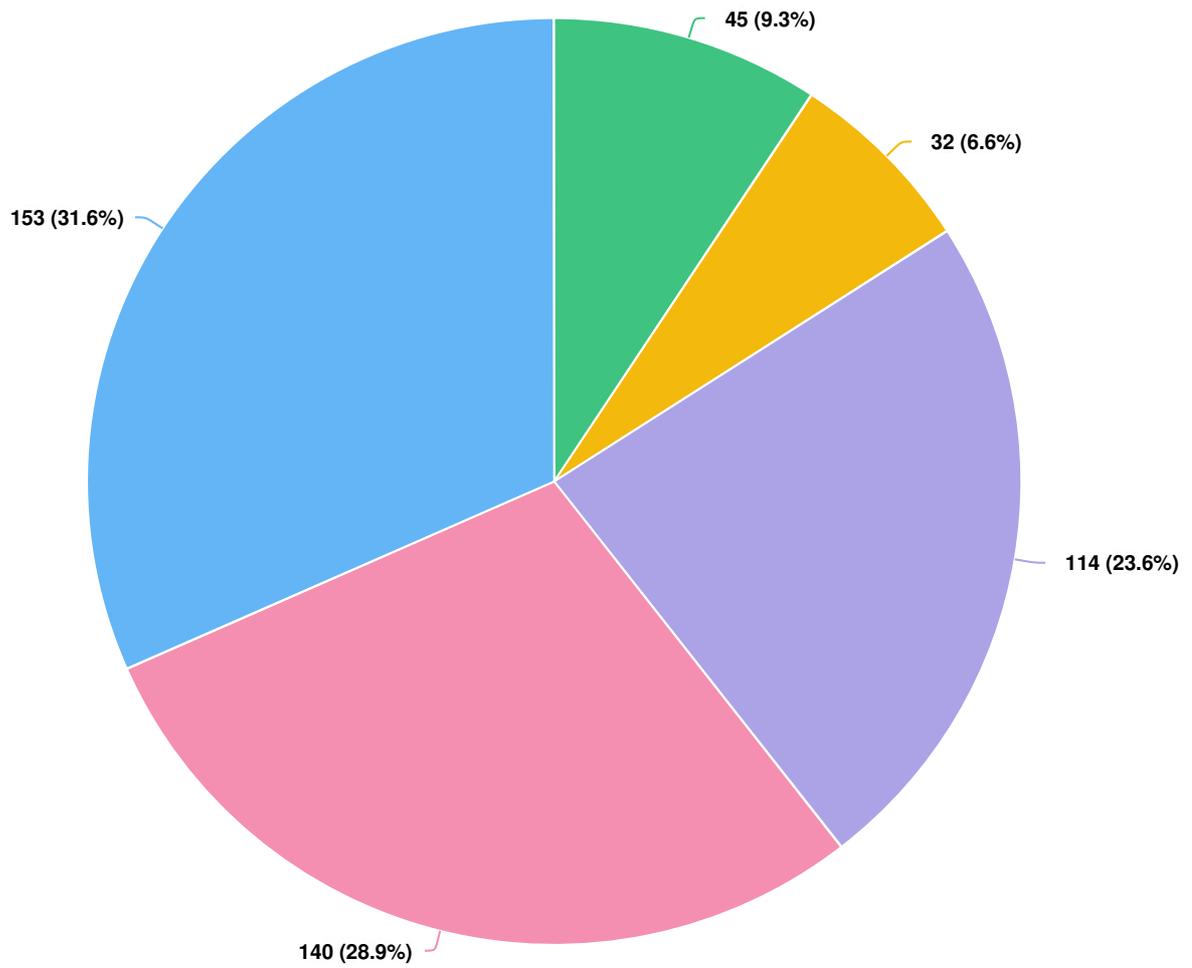
**Question options**

- I have hosted a short-term rental in Burlington
- I have stayed in a short-term rental in Burlington
- I know someone who has hosted or stayed in a short-term rental in Burlington
- I have not hosted or stayed in a short-term rental in Burlington

● Optional question (484 response(s), 1 skipped)

Question type: Checkbox Question

**What is your overall impression of short-term rentals in Burlington?**



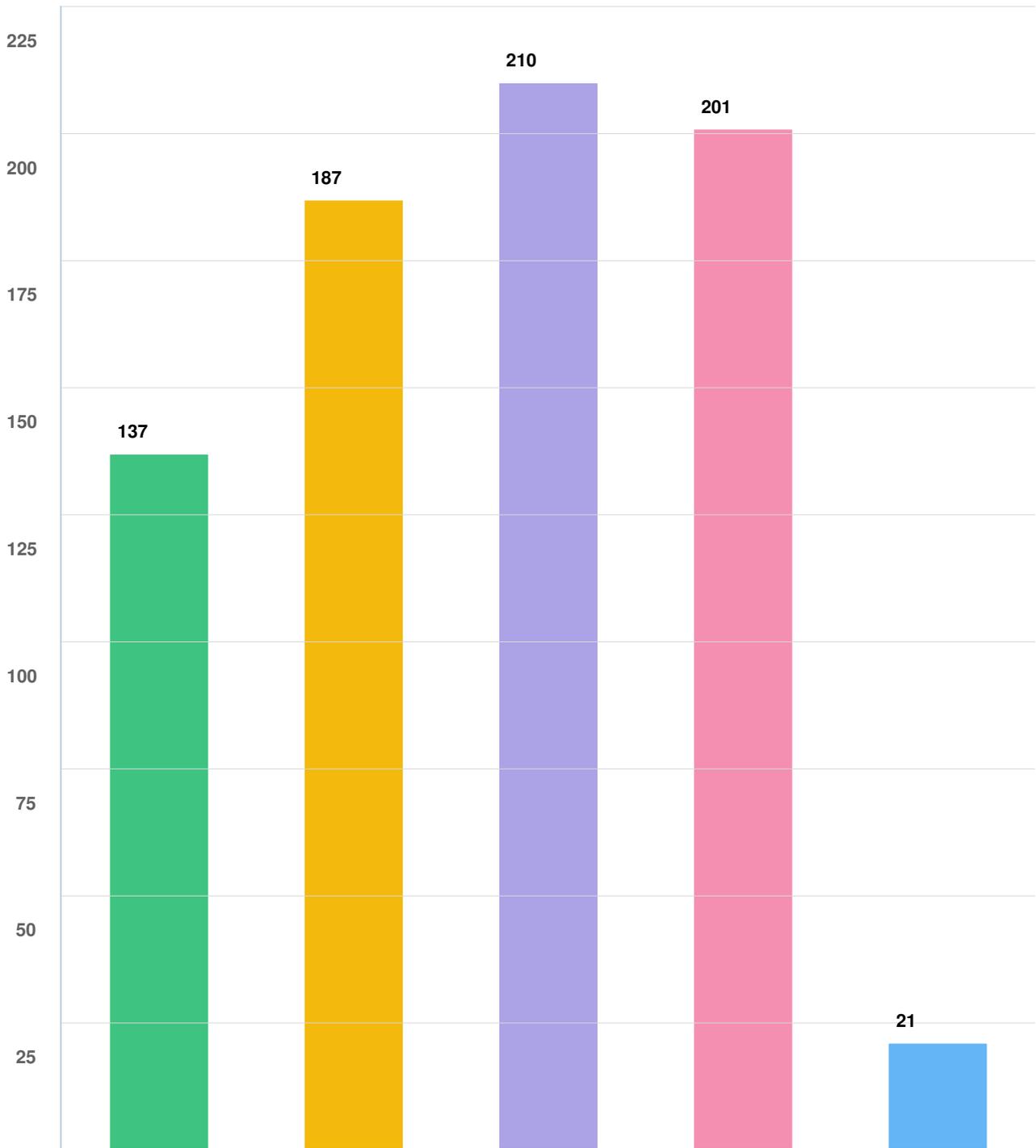
**Question options**

Very positive    Somewhat positive    Neutral    Somewhat negative    Very negative

Optional question (484 response(s), 1 skipped)

Question type: Radio Button Question

**In your opinion, what are the positive impacts of short-term rentals in Burlington?  
(Select all that apply)**



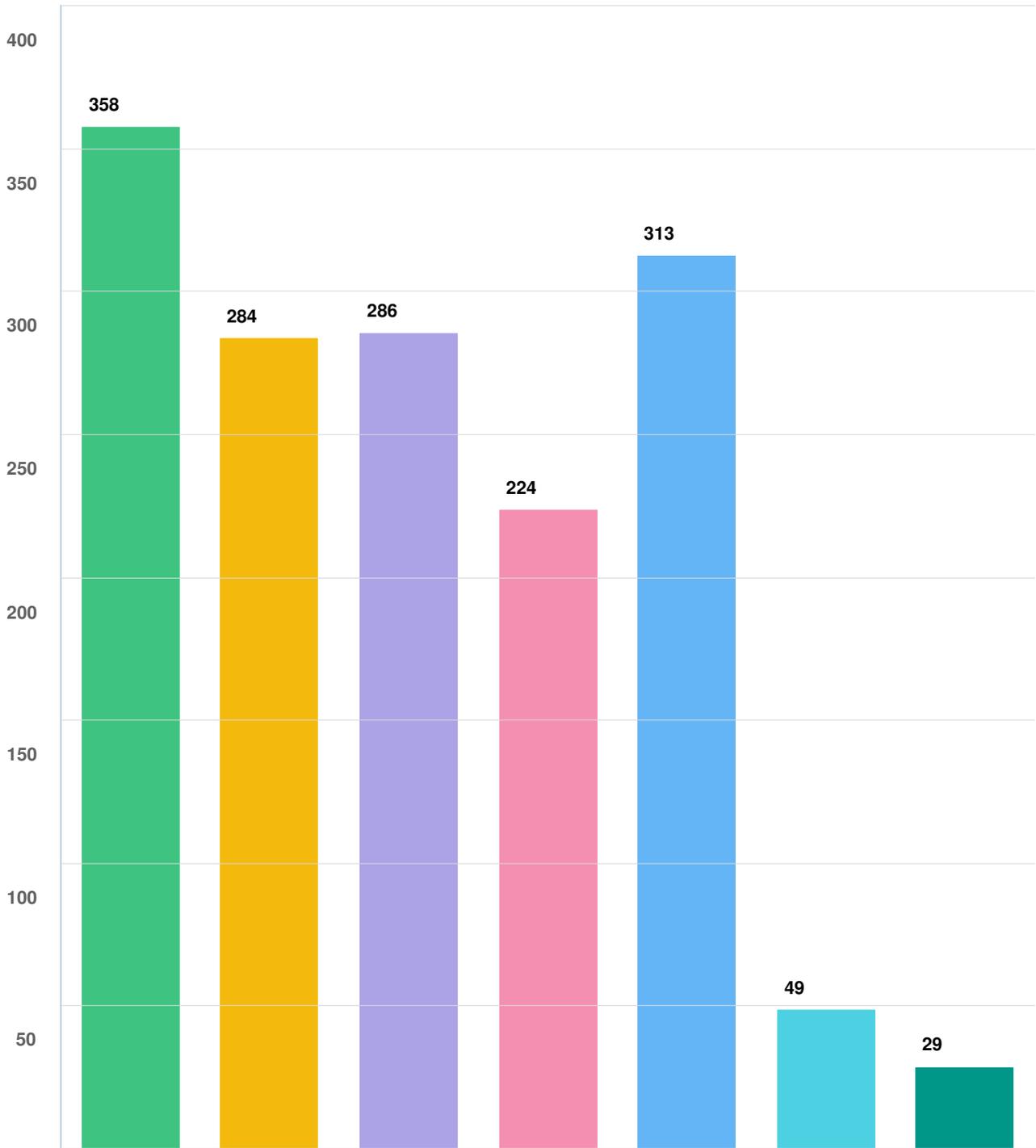
**Question options**

- Increased tourism
- Economic benefits to hosts and local business
- More accommodation options
- None
- Other (please specify)

*Optional question (483 response(s), 2 skipped)*

*Question type: Checkbox Question*

**In your opinion, what are the negative impacts of short-term rentals in Burlington?  
(Select all that apply)**



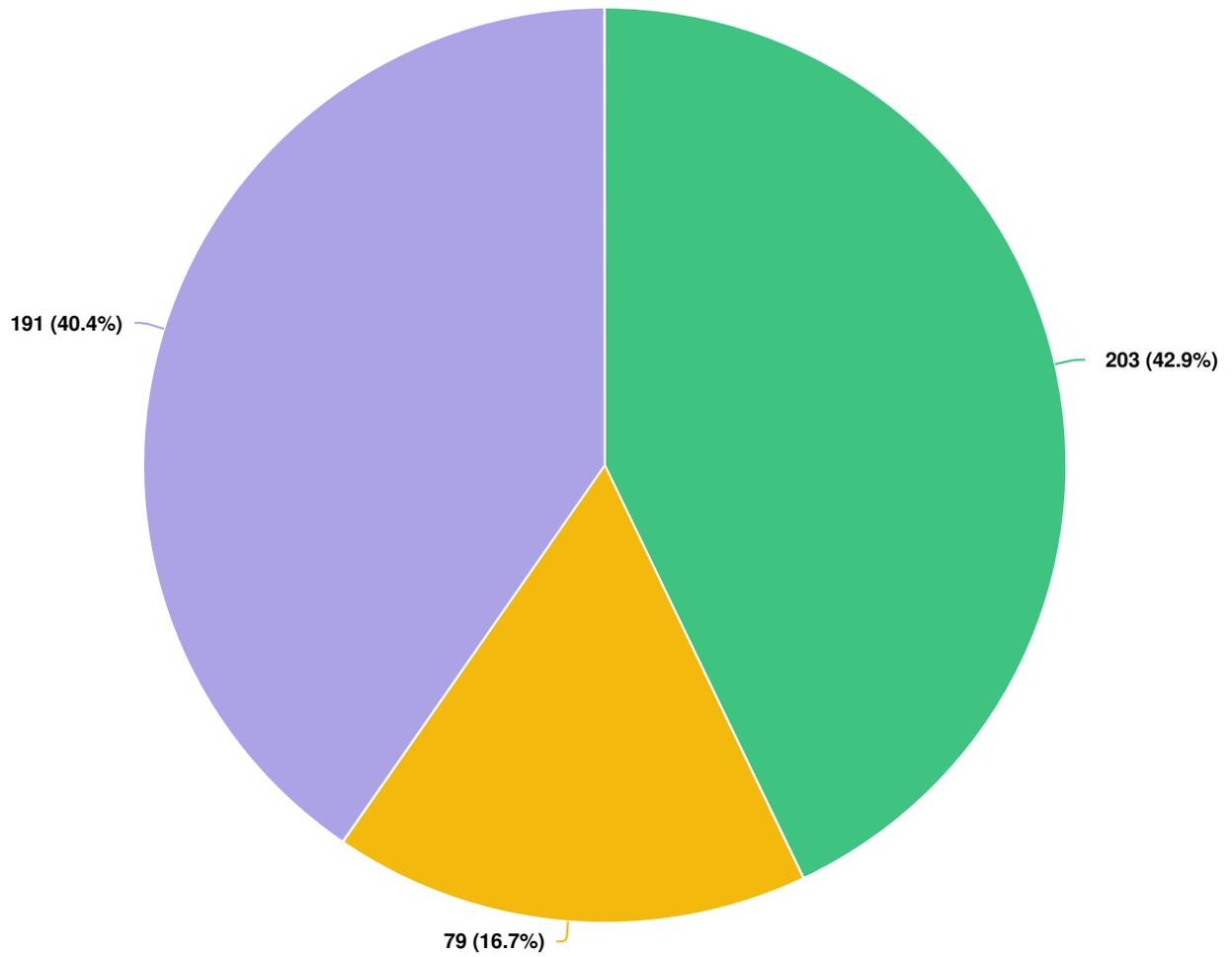
**Question options**

- Noise and disruptions
- Increased traffic and parking issues
- Decreased availability of long-term rental housing
- Impact on community safety
- Impacts to property values and rents
- No negative impacts
- Other (please specify)

*Optional question (484 response(s), 1 skipped)*

*Question type: Checkbox Question*

**If you have short-term rentals in your neighbourhood, do you think they changed the character of your neighbourhood?**

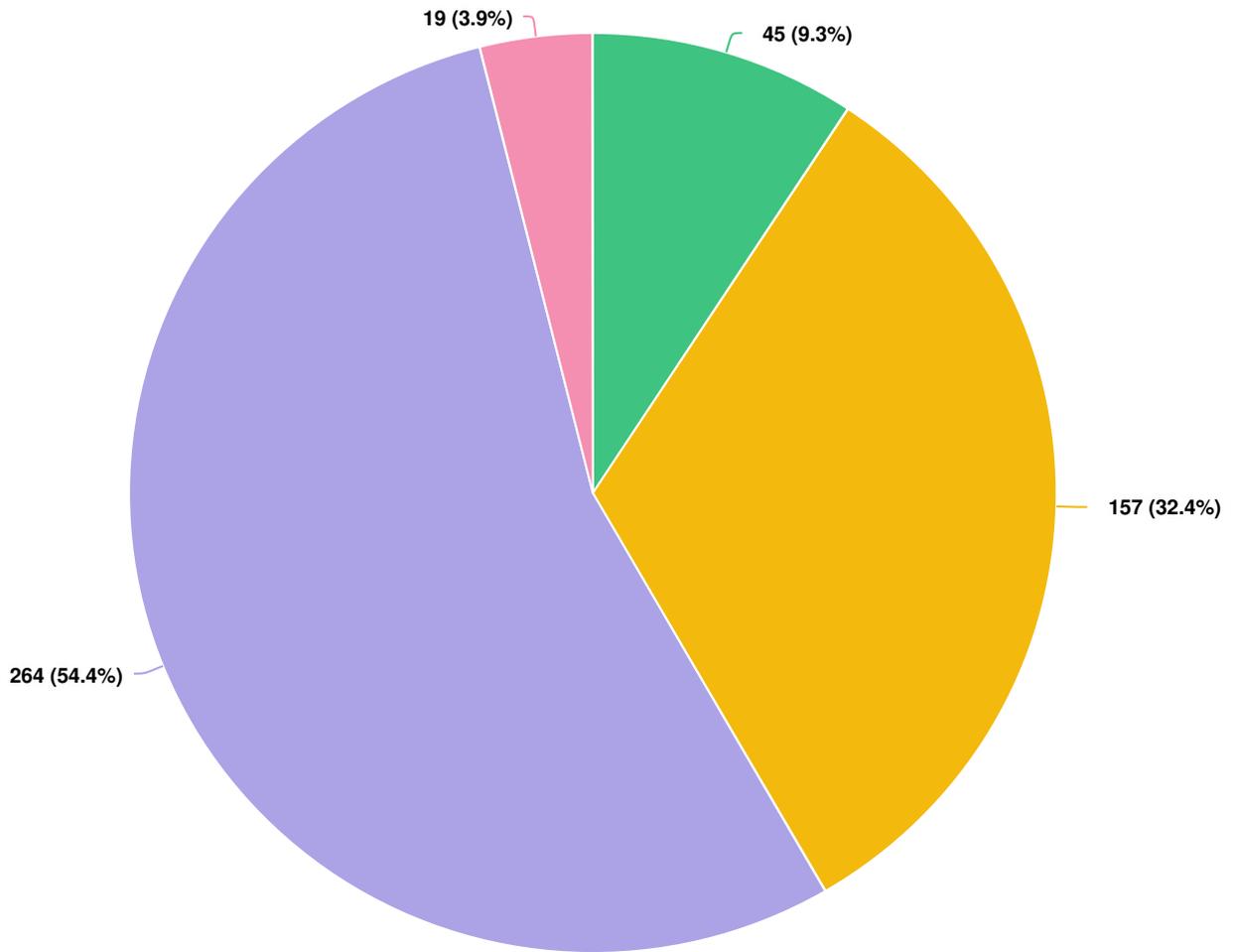


**Question options**

Yes    No    Unsure

*Optional question (473 response(s), 12 skipped)*

*Question type: Radio Button Question*

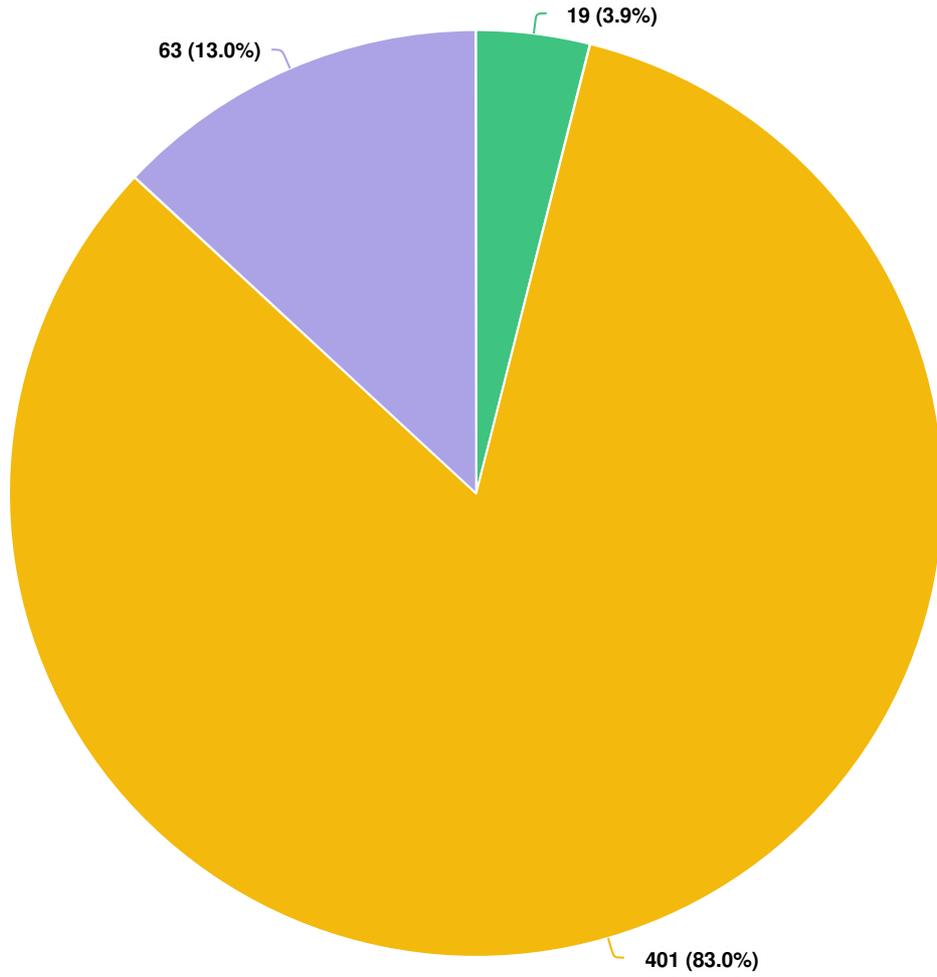


**Question options**

- Yes, without restrictions
- Yes, but with some restrictions
- No, they should not be allowed in residential areas
- I'm not sure

Optional question (485 response(s), 0 skipped)

Question type: Radio Button Question

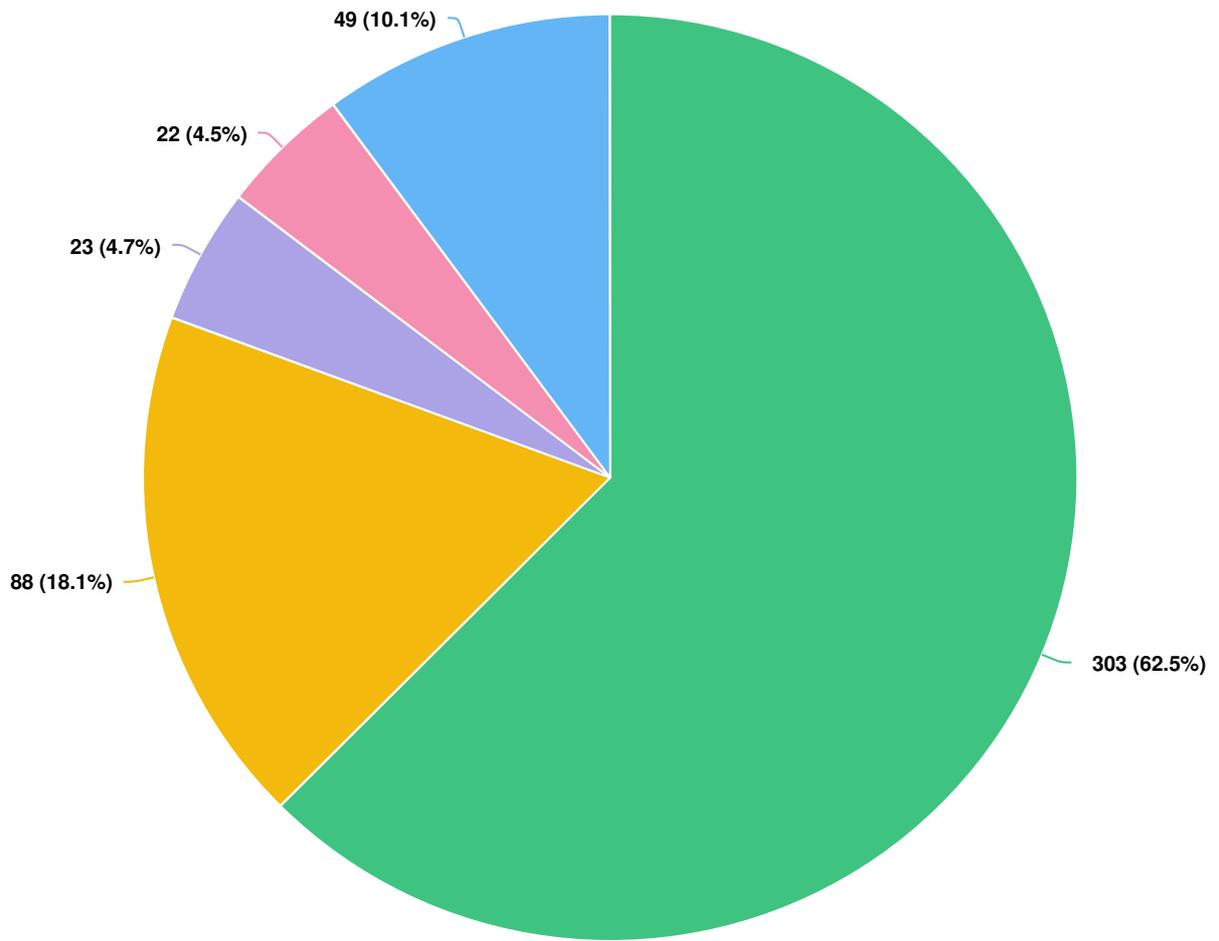


**Question options**

- Yes
- No
- Unsure

Optional question (483 response(s), 2 skipped)

Question type: Radio Button Question



**Question options**

- Very important
- Somewhat important
- Neutral
- Somewhat unimportant
- Very unimportant

Optional question (485 response(s), 0 skipped)

Question type: Radio Button Question

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to *license* and regulate short-term accommodations in the City of Burlington  
File:110-04 (DGM-04-25)

Whereas Part IV of the Municipal Act, 2001, S.O. 2001, c.25 (“Municipal Act”) allows the enactment of by-laws to licence, regulate and govern businesses, and to impose conditions on the obtaining, holding and keeping of licences to carry on such businesses;

WHEREAS pursuant to Section 11 of the Municipal Act, Council is exercising its authority with respect to business licensing in the interest of health and safety, wellbeing of persons, consumer protection and nuisance control;

WHEREAS Section 436 of the Municipal Act authorizes a municipality to pass bylaws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

**WHEREAS** Council of The Corporation of the City of Burlington has deemed it necessary to provide a by-law to regulate short-term accommodations in the City of Burlington;

Now therefore the Council of The Corporation of the City of Burlington hereby enacts as follows:

**PART I: DEFINITIONS**

1.1 For the purposes of this by-law, the following definitions shall apply:

“**administrative monetary penalties by-law**” means the Administrative Penalties By-law 40-2016 of the City, as amended or replaced from time to time;

“**administrative penalty**” means an administrative monetary penalty (AMP) established by this By-law and specified in the Administrative Monetary Penalties By-law;

“**appeals committee**” means a Committee or Tribunal duly appointed by Council to conduct hearings under this by-law;

“**City**” means The Corporation of the City of Burlington”;

**“corporation”** means a body corporate incorporated pursuant to the Business Corporations Act, R.S.O. 1990 c. B. 16, or the Corporations Act, R.S.O 1990, c. C. 38;

**“Council”** means the Council for the City;

**“criminal reference check”** means a Canadian Criminal Records Check issued by an accredited Canadian Police Service, no more than 30 days old at the time of licence application, or by a third party approved by the Licensing Administrator that provides Criminal Records Checks;

**“disturbance”** means an event where an action has commenced with respect to nuisance, noise or other disturbance;

**“fee” or “fees”** means the fees prescribed by City of Burlington Rates and Fees By-law 61-2021, as amended or replaced from time to time;

**“legal bedroom”** means rooms designated for sleeping that meet all requirements of applicable legislation such as the Building Code and Fire Code;

**“licence”** means the certificate issued under this by-law as proof of licensing under this by-law;

**“licensee”** means a person licensed under this by-law or a person required to be licensed under this by-law;

**“licensing administrator”** means the Director of the department assigned to administer licensing by-laws or designate;

**“local contact”** means an agent or representative of an Owner who does not reside in the in the City of Burlington is responsible for managing or addressing issues in relation to the Owner’s Short-Term Accommodation;

**“lodging unit”** means a room provided for rent or hire, which is used or designated to be used as a sleeping accommodation and may contain bathroom facilities;

**“lot maintenance by-law”** means the City’s Lot Maintenance By-law 49-2022 as amended or replaced from time to time;

“**officer**” means any person authorized by the City of Burlington to enforce by-laws and includes Municipal Law Enforcement Officers, Provincial Offences Officers or Police Officers.

“**operator**” means any person who operates or permits the operation of a Short-Term Accommodation;

“**owner**” means any person who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, or who has control or management of any property, land, building or structure;

“**parking management plan**” means a plan, drawn to scale, depicting the size and location of all parking spaces intended to be used for parking on the premises;

“**premises**” means any place, premises or location, or part thereof, in which a trade or business or occupation of a Short-Term Accommodation is carried on;

“**principal residence**” means a property that is owned or rented alone or jointly with another person, where the person(s) is ordinarily a resident and has designated the property as their principal residence on their income tax filing and in other government records;

“**property**” means the whole or part of any parcel of real property, including all buildings, structures, personal property, or other property located thereon;

“Residence” means any Property or address that is not clearly identified from the abutting roadway as the location of a business.

“**property standards by-law**” means the Property Standards By-law of the City enacted under s. 15.1 of the *Building Code Act, 1992*, S.O. 1992, c.23, that prescribes standards for the maintenance and occupancy of property, as amended or replaced from time to time;

“**renter**” means the person responsible for the rental of the premises by way of concession, permit, lease, rental agreement or similar commercial arrangement;

“**renter’s code**” means a document that has been prepared by the Owner that has been approved by the Licensing Administrator that sets out the roles and responsibilities of the renter, including behavioural expectations as they relate to non-disturbance, which provides a warning related to the making of a disturbance and, which identifies applicable

City of Burlington By-laws that the renter must comply with including the provisions of this by-law as they relate to the Parking Management Plan and Property Maintenance Plan;

**“short-term accommodation” or “STA”** 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 consecutive days to a maximum of 183 days per year in exchange for payment but does not include a motel, hotel, hospital or care home or other short-term accommodations where there is no payment;

**“zoning by-law”** means a By-law enacted under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, that restricts and/or regulates the use of land, as amended or replaced from time to time.

## **PART 2: BY-LAW TITLE**

2.1 The short title of this By-law shall be the “Short-Term Accommodation By-law”.

## **PART 3: APPLICATION OF BY-LAW**

3.1 This By-law applies to all short-term accommodation units in the City.

3.2 Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.

3.3 For greater certainty, the requirements of this By-law do not apply to a hotel, motel, bed and breakfast establishment, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use.

## **PART 4: PROHIBITIONS AND EXEMPTIONS**

4.1 No person shall operate or permit a person to operate or hold themselves out as being licensed to operate a STA:

(a) without a licence to do so issued under this by-law;

(b) under any other name than the one endorsed on their licence issued under this by-law; or

(c) except in accordance with the regulations of this by-law, including any applicable Schedule, all of which form part of this by-law.

4.2 No person shall,

(a) transfer or assign a licence issued under this by-law;

(b) obtain a licence by providing mistaken, false or incorrect information;

(c) enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the licence shall be the property of the Corporation of the City of Burlington; or

(d) advertise a Short-Term Accommodation without a licence.

#### **PART 5: LICENSING REQUIREMENTS**

5.1 A completed application for a licence or for renewal of a licence shall be submitted to the Licensing Administrator accompanied by the requirements prescribed in Schedule 1, and any other information that the Licensing Administrator may from time to time request.

5.2 The Licensing Administrator may, if it is reasonable to do so, waive any documentary requirements under this By-law, except that the Licensing Administrator shall not waive any requirements related to public safety or consumer protection.

5.3 Every person licensed under this by-law shall at all times:

(a) comply with this By-law and the regulations contained in any applicable Schedule; and

(b) notify the Licensing Administrator within ten (10) business days of any change in any of the particulars required to be filed with the Licensing Administrator.

#### **PART 6: ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL**

6.1 The Licensing Administrator is authorized to:

(a) receive and process all applications for licences and for renewal of licences to be issued under this By-law;

(b) issue licences and renew licences, to any person who meets the requirements of this Bylaw except where:

- i. the conduct of an applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on the business in accordance with the law or with integrity and honesty;
- ii. there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest;
- iii. the applicant has a total of seven or more demerit points in effect pursuant to Schedule 3; or
- iv. the applicant is indebted to the City in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing, including an administrative penalty

(c) with respect to subsection 6.1(b)(ii), include in the Licensing Administrator's consideration, any record of offence that occurred within the three (3) years prior to the licence application and is relevant to the nature of the business, or any record of offence that directly affects the applicant's or licensee's ability to competently and responsibly carry on the business, or any particular record of offence for any time period that may be specified in any Schedule;

(d) impose conditions as a requirement of obtaining or continuing to hold a licence under this By-law; and

(e) generally perform all the administrative functions delegated to them by this by-law.

6.2 Licences issued pursuant to this by-law are conditional on compliance by the licensee with all municipal by-laws, including, but not limited to, the applicable Zoning By-law, Lot Maintenance By-law and Property Standards By-law, any conditions imposed to the holding of the licence, and compliance with all Provincial and Federal legislation.

- 6.3 A licence issued under the provisions of this by-law shall expire one year from the date of issuance unless it is renewed or revoked in accordance with the provisions of this by-law.

## **PART 7: LICENCE REVOCATION AND SUSPENSION**

- 7.1 The Licensing Administrator shall provide notice of intention to revoke or suspend a licence and shall advise the licensee of their right to appeal where:
- (a) the licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this by-law;
  - (b) the licensee has failed to comply with the regulations required by this by-law; or
  - (c) the licence was issued in error.
- 7.2 Notwithstanding Section 7.1, the Licensing Administrator, if satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, may, with such conditions as are considered appropriate and without a hearing, suspend a licence for not more than 14 days, and, prior to suspending the licence, shall provide the licensee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.

## **PART 8: APPEAL**

- 8.1 Where the Licensing Administrator has denied an applicant a licence or a request for renewal, or suspended or revoked a licence, the Licensing Administrator shall inform the applicant or licensee by way of written notice setting out the grounds for the decision with reasonable particulars and advise of the right to appeal such decision to the Appeals Committee.
- 8.2 Persons or applicants may appeal to the Appeals Committee in relation to matters noted in Section 8.1. Appeals will not be permitted for any matters that have already been heard or are pending before the Hearings Officer under the Administrative Penalty System. A request for an appeal shall be made in writing to the Licensing Administrator setting out the reasons for the appeal within 7 business days after service of the written notice delivered in accordance with section 8.1.

- 8.3 Where no request for an appeal is received in accordance with Section 8.2, the decision of the Licensing Administrator shall be deemed to be affirmed.
- 8.4 Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened and the applicant or licensee shall be provided reasonable written notice of the appeal date.
- 8.5 After such opportunity to be heard is afforded the applicant or licensee, the Appeals Committee may make a decision in respect of which the hearing was held or the opportunity for hearing afforded. The Appeals Committee's decision is final and not subject to review. The Appeals Committee may refuse to issue or renew a licence, revoke, suspend, or impose any conditions upon a licence. The Appeals Committee may consider any matter pertaining to the licensing requirements in Part 5 the grounds for refusal in Part 6, or any other matter that relates to the general welfare, health or safety of the public.
- 8.6 Where the Appeals Committee conducts a hearing, the rules set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 shall apply.

## **PART 9: ENTRY AND INSPECTION**

9.1 A person authorized to enforce this By-law may enter on any land, including private property, at any reasonable time in accordance with the conditions set out in the *Municipal Act, 2001*, for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) an order or other requirement under this By-law, including any policy or guideline made or issued in connection to this By-law;
- (b) a certificate or a term or condition of a certificate issued under this By-law; or
- (c) an order made under section 431 of the *Municipal Act, 2001*, as amended.

9.2 For the purposes of the inspection under section 9.1 of this By-law, and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, as amended, a person authorized to enforce this By-law may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

9.3 Any person authorized to enforce this By-law may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, as amended, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under this By-law.

#### **PART 10: OFFENCE**

- 10.1 Any person who contravenes a provision of this By-law is guilty of an offence.
- 10.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.
- 10.3 Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P. 33, as amended.

#### **PART 11: ADMINISTRATIVE PENALTIES**

- 11.1 This By-law in its entirety is designated as a By-law to which the City's Administrative Monetary Penalties By-law applies.
- 11.2 Every person who contravenes this By-law when given a penalty notice, in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in the Administrative Monetary Penalties By-law, and any fees related thereto.
- 11.3 Where an administrative penalty and administrative fee(s) respecting the administrative penalty, as specified in the Administrative Monetary Penalties By-law, are not paid within sixty days after the date that they become due and payable,

the treasurer of the City may add the administrative penalty and administrative fee(s) to the tax roll for any property for which all of the owners are responsible for paying the administrative penalty and administrative fee(s), and collect it in the same manner as municipal taxes.

## **PART 12: MISCELLANEOUS**

- 12.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
- 12.2 The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".
- 12.3 If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of this By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 12.4 Any reference to legislation in this By-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

## **PART 13: COLLECTION OF UNPAID FINES**

- 13.1 Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c. P.33, including any extension of time for payment ordered under that Section, the Licensing Administrator may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may

be added to the person's tax roll and collected in the same manner as property taxes.

14. This by-law comes into force May 1, 2025.

Passed this 13<sup>th</sup> day of January, 2025

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Samantha Yew \_\_\_\_\_

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## SCHEDULE 1

### SHORT-TERM ACCOMMODATION LICENSING APPLICATION REQUIREMENTS

1. A person wishing to operate a Short-Term Accommodation (STA) shall provide the Licensing Administrator with the following, as applicable:

- (a) a completed application in the form required by the Licensing Administrator that will include each owner, applicant and/or agent's name, address, telephone number, facsimile transmission number and e-mail address;
- (b) payment of the applicable licensing Fee;
- (c) proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
- (d) proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:
  - (i) article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
  - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation,
  - (iii) the names and addresses of all officers and directors of the corporation
- (e) the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership;
- (f) a Renter's Code;
- (g) a Parking Management Plan for the property on which the STA is situated that complies with the Zoning By-Law and which outlines where all of the parking spaces shall be located and the dimensions of those parking spaces;
- (h) a floor plan of the STA, including identifying:

- i. all rooms, spaces or common areas;
  - ii. how each room, space or common area shall be used, which means specifically indicating where all lodging units will be located on the floor plan; and,
  - iii. the dimensions (in square meters) of all rooms, spaces or common areas.
- (i) a property maintenance plan which shall:
- i. specify measures to be undertaken to ensure existing and continued compliance with all relevant by-laws, including, but not limited to, those related to garbage, lot maintenance and property standards.
  - ii. identify the location of refuse and recycling containers;
  - iii. identify snow storage areas; and,
  - iv. identify who is responsible for ensuring that all necessary property maintenance is undertaken.
- (j) proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury, and identifies that a STA is being operated on the property. The insurance coverage required herein shall be endorsed to the effect that the City of Burlington shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy
- (k) a copy of the transfer/deed providing proof of ownership of the property on which the STA is situated;
- (l) if a renter, written consent of the owner of the property;

(m) a Criminal Reference Check confirming there are no outstanding criminal charges or warrants pending before any courts, or any record of offence that is less than three (3) years and relevant to the nature of the services of a STA Operator, or any record of offence that directly affects the STA owner's ability to competently and responsibly carry on the services of a STA Operator, including but not limited to: an offence under the Criminal Code, the Narcotics Control Act or the Food and Drug Act;

(n) the rental agent's or agency's name, address and telephone number;

(o) an inspection certificate from a certified HVAC technician that confirms that the HVAC system is in proper working order;

(p) for the initial application, an inspection certificate from a certified Electrical Safety Authority technician confirming the electrical system is in proper working order, which results from an inspection that was conducted within the six (6) months preceding the submission of the application; and,

(q) a sworn declaration that:

i. the applicant or Owner will comply with the maintenance plan;

ii. the applicant or Owner will comply with the parking plan;

iii. the STA is in compliance with the Building Code Act, 1992 or any regulations made under it, including the Building Code;

iv. the STA is in compliance with the "Fire Protection and Prevention Act, 1997, or any regulations made under it, including the Fire Code;

v. the STA is in compliance with the Electricity Act, 1998, S.O.1998, c. 15, Sched. A, as amended (the "Electricity Act, 1998") or any regulations made under it, including the Electrical Safety Code;

vi. the Owner or the applicant (if different from the Owner) and any Local Contacts are aware of all relevant federal and provincial

legislation, including the Ontario Human Rights Code, as well as all relevant municipal by-laws, and that they will comply with all of them; vii. the applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted;

vii. the applicant or Owner confirms they will require each renter to abide by a Renter's Code; and

viii. ix. the applicant or Owner confirms they are the principal resident of the STA.

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## **SCHEDULE 2 GENERAL REGULATIONS**

2. A Short-Term Accommodation shall:

- (a) be operated in a person's principal residence;
- (b) have a maximum occupancy of 2 adults per legal bedroom.
- (d) operate the STA in accordance with the Parking Management Plan and Property Management Plan;
- (e) keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all times by an Officer for a period of one year;
- (f) display the licence permanently in a prominent place in the STA to which it applies;
  
- (g) ensure that there is a Local Contact available to attend to the STA at all times within a period of no greater than one hour from the time of contact by way of telephone or e-mail;
  
- (h) ensure that each renter has been provided with the Renter's Code with the owner retaining a copy of the confirmation of receipt of the Renter's Code for a period of one year;
- (i) maintain the STA in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the STA. For the purposes of this subsection, adequate measures for the storage and disposal of waste shall mean a self-enclosed building, structure or container, located outside of the STA, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of;
- (j) ensure that the STA is operated and used in a fashion such that the operation or use will not cause a disturbance; and
- (k) not discriminate in the carrying on of the trade, business or occupation of STA against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

**SCHEDULE 3  
DEMERIT POINT SYSTEM**

1. A demerit point system is established as follows herein this Schedule but does not preclude the use of options otherwise available to enforce this by-law or any other by-law of the municipality or Provincial Act or Regulation including, but not limited to, administrative penalties as set out in this by-law and actions pursuant to the Building Code Act, Fire Protection and Prevention Act and the Provincial Offences Act
2. The number of demerit points referenced in Column 3 of Table 1 below will be assessed against a Short-Term Accommodation in respect of the matter noted in Column 1 upon the following event respecting a contravention:
  - i. the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
  - ii. the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
  - iii. the confirmation of an administrative penalty;
  - iv. the confirmation of an order; or,
  - v. The confirmation of an order resulting in town remediation.
3. A Licence may be Suspended for a period of no longer than six months if the total of all demerit points in effect respecting a STA is at least seven.
4. A Licence may be Revoked if the total of all demerit points in effect respecting a STA is at least fifteen.
5. Notice of the suspension or revocation of a Licence shall be provided to the Owner in accordance with Part 7 and a licensee may appeal the suspension in accordance with Part 8 of this by-law.
6. Demerit points shall remain in place until the two-year anniversary of the date on which the demerit points were assessed.

TABLE 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Infraction</b>	<b>Reference</b>	<b>Type</b>	<b>Demerit Points</b>
Fire Protection & Prevention Act/Fire Code	Fire Protection and Prevention Act, Ontario Fire Code	Confirmed Order	3
Fire Protection & Prevention Act/Fire Code	Fire Protection and Prevention Act, Ontario Fire Code	Provincial Offence Notice, Part III, Administrative Penalty Notice	7
Operating without a Licence	City of Burlington Short-Term Accommodation By-law PART 4	Confirmed Order	3
Operating without a Licence	City of Burlington Short-Term Accommodation By-law PART 4	Provincial Offence Notice, Part III, Administrative Penalty Notice	5
Building Code Act	Ontario Building Code Act	Confirmed Order	3
Building Code Act	Ontario Building Code Act	Provincial Offence Notice, Part III,	7

		Administrative Penalty Notice	
Sleeping in excess of maximum permitted	City of Burlington Short-Term Accommodation By-law Schedule 2	Confirmed Order	3
Sleeping in excess of maximum permitted	City of Burlington Short-Term Accommodation By-law Schedule 2	Provincial Offence Notice, Part III, Administrative Penalty Notice	5
Non-Availability of Responsible Person	City of Burlington Short-Term Accommodation By-law Schedule 2	Confirmed Order	3
Non-Availability of Responsible Person	City of Burlington Short-Term Accommodation By-law Schedule 2	Provincial Offence Notice, Part III, Administrative Penalty Notice	5
Noise By-law Infraction	City of Burlington Noise By-law, as amended	Confirmed Order	2
Noise By-law Infraction	City of Burlington Noise By-law, as amended	Provincial Offence Notice, Part III, Administrative Penalty Notice	5
Not providing updated information	City of Burlington Short-Term Accommodation By-law Part 5	Confirmed Order	1

Not providing updated information	City of Burlington Short-Term Accommodation By-law Part 5	Provincial Offence Notice, Part III, Administrative Penalty Notice	3
Contrary to Parking Management Plan	City of Burlington Short-Term Accommodation By-law Schedule 1	Confirmed Order	1
Contrary to Parking Management Plan	City of Burlington Short-Term Accommodation By-law Schedule 1	Provincial Offence Notice, Part III, Administrative Penalty Notice	3
Contrary to Property Management Plan	City of Burlington Short-Term Accommodation By-law Schedule 1	Confirmed Order	1
Contrary to Property Management Plan	City of Burlington Short-Term Accommodation By-law Schedule 1	Provincial Offence Notice, Part III, Administrative Penalty Notice	3
Not posting licence	City of Burlington Short-Term Accommodation By-law Schedule 2	Confirmed Order	1
Not posting licence	City of Burlington Short-Term Accommodation By-law Schedule 2	Provincial Offence Notice, Part III, Administrative Penalty Notice	3

Property Standards Infraction	City of Burlington Property Standards By-law, as amended	Confirmed Order	2
Property Standards Infraction	City of Burlington Property Standards By-law, as amended	Provincial Offence Notice, Part III, Administrative Penalty Notice	4
Lot Maintenance Infraction	City of Burlington Lot Maintenance By-law, as amended	Confirmed Order	1
Lot Maintenance Infraction	City of Burlington Lot Maintenance By-law, as amended	Provincial Offence Notice, Part III, Administrative Penalty Notice	3

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**SUBJECT:** City-initiated Official Plan and Zoning By-law Amendments to increase housing options

**TO:** Committee of the Whole

**FROM:** Development and Growth Management  
Community Planning

Report Number: DGM-01-25

Wards Affected: All

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

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### **Recommendation**

Approve Official Plan Amendment No. 3 to the City of Burlington Official Plan, 2020 as provided in Appendix A of development and growth management report DGM-01-25; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting the Official Plan Amendment No. 3, as contained in Appendix A of development and growth management report DGM-01-25; and

Enact By-law 2020.494 as contained in Appendix B of development and growth management report DGM-01-25; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 3 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan Amendment No. 3 is approved; and

Approve modification of Schedule C: Land Use – Urban Area and Schedule E: Land Use – Uptown Urban Centre of the Burlington Official Plan 2020 to reflect the revised names of the designations of the Urban Residential Area, as contained in Appendix C; and

Withdraw the policies of Subsection 8.3.6 “Neighbourhood Character Areas” of the Official Plan, 2020; and

Instruct the City Clerk to prepare the necessary by-law to amend by-law no. 24-2018 that adopted the Burlington 2020 Official Plan, to repeal Subsection 8.3.6 “Neighbourhood Character Areas”; and

Authorize the Commissioner, Legal & Legislative Services/City Solicitor, or his designate, to advise the OLT of the withdrawal of the policies of Subsection 8.3.6 “Neighbourhood Character Areas” of the Official Plan, 2020; and

Direct the Director of Community Planning to prepare a City-initiated Official Plan Amendment to the 1997 Burlington Official Plan to remove Part III Subsection 2.12 - Neighbourhood Character Areas.

## **Executive Summary**

Purpose of report:

The purpose of this report is to recommend approval of the City initiated amendments to the Burlington Official Plan, 2020 and Zoning By-law 2020, attached as Appendix A and B to this report. These amendments satisfy, in significant part, Council Motion [ADM-17-23](#) to:

*“engage with the community to implement four units as-of-right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.”*

This report provides an overview of the comments received on the Draft Official Plan Amendment No.3 and Draft Zoning By-law Amendment presented at the Committee of the Whole Statutory Public meeting on December 3, 2024.

The recommended amendments to the Official Plan, 2020 and Zoning By-law 2020, permit four units as-of-right through the Additional Residential Unit policies contained within the Burlington Official Plan, 2020 and Zoning By-law, 2020, in order to meet the requirements of the Housing Accelerator Fund. Additionally, OPA 3, amends the policies of the Residential Neighbourhood Area, BOP, 2020 to remove density requirements which will support gentle ground-oriented intensification with consideration to the context and character of Burlington’s Established Neighbourhoods. This approach provides significant opportunities to increase the diversity of housing options within the City’s existing neighbourhoods to meet the needs of all residents at all stages of life and at all income levels and to further the objectives of the City’s Housing Strategy, Housing Pledge, Housing Accelerator Fund Action Plan and Strategic Plan.

# Recommendation Report

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## Background

### **Project Background – Official Plan Amendment to Increase Housing Options Study**

The Official Plan Amendment to Increase Housing Options Study has been underway since April 2024 through the Burlington Official Plan, 2020 Targeted Realignment Exercise in close alignment with Phase 1 of the New Zoning By-law Project (NZBP). For more details on the project, please refer to [PL-66-24 Official Plan Amendment to Increase Housing Option – Preferred Approach](#) and [PL-92-24 Draft Official Plan Amendment and Zoning By-law Amendment to increase housing options](#)

The objective of the Official Plan Amendment to Increase Housing Options Study is to identify tools that support gentle ground-oriented intensification that consider the context and character of Burlington’s Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.

This project focuses on using planning implementation tools such as the [Official Plan](#), and [Zoning By-law](#) and identified opportunities to put into place a policy framework and regulations to help support a variety of housing options within the City’s Urban Area, with a particular focus on the City’s neighbourhoods.

### Council Motion ADM-17-23

At the October 17, 2023, meeting of Council, City Council declared its intention to allow four units per lot as-of-right and unanimously approved a motion that directed staff to: “*Engage with the community to implement four units as-of-right and other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.*” The motion directly supported the City’s successful application to the Housing Accelerator Fund (HAF) and falls under initiative 3 of the [Housing Accelerator Fund Action Plan](#). A decision by Council on the recommended Official Plan Amendment and Zoning By-law Amendment satisfy the requirements related to Initiative 3.

### Draft Official Plan Amendment 3 and Draft Zoning By-law Amendment Statutory Public Meeting

On December 3, 2024, staff presented [draft OPA 3](#) and [ZBLA](#) to a Committee of the Whole Statutory Public Meeting through [Staff Report PL-92-24](#) in order to hear comments and questions from members of Council and the public. Staff continued to accept questions, comments, and recommendations until December 13, 2024. Appendix E and F of this report provides a record of the comments received, staff’s responses to those comments, and any resulting modifications to the Official Plan Amendment and Zoning By-law Amendment.

## **A Note on the Recent Changes to Ontario Regulation 299/19 – Additional Residential Units**

On Sept. 23, 2024, the Province posted the proposed amendments to O. Reg 299/19 with a 30-day commenting period, closing on Oct. 23, 2024. The proposed amendments to O. Reg. 299/19 were posted through [ERO posting #019-8369](#) and propose that the regulations in O. Reg. 299/19 would override a number of regulations in local municipalities zoning by-laws to support the creation of additional residential units. Planning Staff submitted comments through the ERO posting #019-9210 as detailed in the letter attached to [Council Information Package](#) dated Oct. 25, 2024.

On November 20, 2024, the proposed amendments to O.Reg. 299/19 came into effect, which are outlined in Appendix D. The changes of note are outlined below:

- The regulation permits up to 45% coverage of the surface of the parcel where an ARU is present, superseding local Zoning By-laws; and
- There is no limit to the floor space index on a parcel where an ARU is present. However, the height and setback requirements of the City's Zoning By-law would still apply.

For more details about the impact of these changes, and the resultant modifications made to the draft Zoning By-law Amendment presented to Committee of the Whole on December 3, 2024, please see Appendix D – Detailed Planning Analysis and Justification.

OPTION 1 – Recommended Approval of Official Plan Amendment No. 3 and Zoning By-law Amendment No. 2020.494

### **Draft Official Plan Amendment No.3**

Official Plan Amendment No. 3 (Appendix A) implements Phase 1 and 2 of the Official Plan Amendment to Increase Housing Options Study by proposing amendments to the Burlington Official Plan, 2020 to:

- Amend the policies for Additional Residential Units in order to permit three Additional Residential Units per urban residential lot, for a total of four units permitted per urban lot as of right.
- Amend the policies of the Official Plan in order to support ground-oriented intensification that considers the context and character of Burlington's Established Neighbourhoods while providing opportunities for more diverse housing options to meet the needs of all residents at all stages of life and at all income levels.
- Establish built form as a metric used to describe the degree of development within the Residential Neighbourhood Areas, supported by other policy guidance to be implemented through the Zoning By-law.

- Implement permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas.

The proposed amendments will address the HAF Action Plan Initiative 3 and assist in addressing Actions 6 and 7 of the Housing Strategy. A subsequent third phase of the Official Plan Amendment to Increase Housing Options is set out in staff Report [PL-66-24](#) and will Study and identify areas along the peripheries of our neighbourhoods to evaluate additional opportunities for increased housing options but is not considered in this report.

### **Draft Zoning By-law Amendment 2020.494**

In contrast, the recommended Zoning By-law Amendment 2020.494 (Appendix B) implements phase 1 of the Official Plan Amendment to Increase Housing Options Study and will ensure alignment with recent changes to Ontario Regulation 299/19 to:

- Amend the regulations for additional residential units to permit three (3) Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right.
- Reduce parking minimums required for additional residential units from 1 per unit to zero for the first ARU and then 1 parking space for the 2<sup>nd</sup> or 3<sup>rd</sup> ARU.
- Permit up to 45% lot coverage on a lot containing at least 1 ARU.

In addition to the proposed regulations discussed above, the amendment also includes removing or adding requirements to enable conversion of existing buildings into ARUs and by doing so, eliminating the need to obtain approval such as a minor variance.

Subsequent work on the New Zoning By-law Project will incorporate the findings of the Official Plan Amendment to Increase Housing Options Study [Background Report, Engagement Feedback Report](#) and Public and Agency Feedback documents (Appendices D and E Respectively to this report) as a part of the NZBP Project though not considered in this report.

### **Community Engagement**

Engagement has been a central element to Phases 1 and 2 of the Official Plan Amendment to Increase Housing Options Project. The engagement was informed by the Official Plan Amendment to Increase Housing Options [Engagement Plan](#). A detailed Feedback Report was prepared that provided detailed information about the engagement that took place between May and October 2024. For details on the engagement tactics used, the feedback collected and how it informed the draft Official Plan Amendment to Increase Housing Options please see the feedback report attached as [Appendix C](#) to Staff Report PL-92-24. The Official Plan Amendment to Increase Housing Options Feedback Report, also provides an overview of the engagement undertaken and feedback received and how it did or did not influence the [Draft Official Plan Amendment](#) and [Draft Zoning By-law Amendment](#).

## Analysis

### Policy Framework

The proposed Official Plan and Zoning By-law Amendments are subject to review in accordance with the Planning Act; Provincial Planning Statement, 2024; the Official Plans for the City of Burlington (Region of Halton Official Plan 1995 as amended; City of Burlington Official Plan, 1997 as amended; and City of Burlington Official Plan, 2020 as amended); and the City of Burlington Zoning By-law 2020. As part of the review Staff also considered the Vision 2024 Strategic Plan; the Burlington Housing Strategy; Roseland Character Area Study; and the Indian Point Character Area Study. The detailed planning justification and policy analysis can be found within Appendix D attached to this report. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with provincial policy including the Provincial Planning Statement, 2024 and the Planning Act.

### Modifications to Draft Official Plan Amendment No.3 Informed by Public and Agency Consultation

Additional feedback was received at [the Statutory Public Meeting](#) on December 3, 2024, and was accepted until December 13, 2024. This feedback was used to refine and finalize the Official Plan Amendment and Zoning By-law Amendment attached as Appendix A and B respectively to this report. A detailed commenting table related to public feedback can be found in Appendix E. Agency comments can be found in Appendix F to this report. A summary of the resulting modifications can be found below:

- Revisions to policy 8.7.2 (2) of the Official Plan to permit units in an accessory building if deemed appropriate by the findings of phase 1 of the New Zoning By-law Project and the development of appropriate regulations and performance standards.
- Modifications to the Draft Zoning By-law Amendment to increase the maximum size of accessory buildings to enable the approach for maximum lot coverage on properties with ARUs recommending increasing the maximum size to 80m<sup>2</sup> from 50m<sup>2</sup>.
- Modifications to the Draft Zoning By-law related to recent changes to O.reg 299/19 such as but not limited to, permitting up to 45% lot coverages where an ARU is present on a parcel of urban residential land.
- Modifications to the Official Plan Amendment to reflect comments made by Conservation Halton as identified in Appendix F. Staff will continue work with Conservation Halton on these comments and others as a part of the New Zoning By-law project.

## **Recommendation Details**

Staff recommend approval of Official Plan Amendment No. 3 and Zoning By-law Amendment 2020.494, per the policy analysis and planning justification outlined in Appendix D to this report. Staff are of the opinion that the Amendments contained in Appendices A and B of this report satisfy, in significant part, Council's Motion to permit four units as-of-right and to implement certain actions of the City's Housing Strategy in a manner consistent with Provincial policy and regulations and in alignment with the objectives of the City's Housing Strategy, Housing Accelerator Fund Action Plan, Strategic Plan and Housing Pledge.

### **Amendment to the Existing Zoning By-law (By-law 2020, as amended)**

To meet the HAF timeline requirements for permitting four units as-of-right, an amendment to the existing Zoning By-law (By-law 2020, as amended) is recommended in order to align the City's ARU regulations with the new policy framework proposed by Draft OPA 3. Given scheduled delivery of Phase 1 – Residential Zones of the new Zoning By-law (Targeted for Q2, 2025), staff have elected to set initial regulations to support the development of ARUs through the City's existing Zoning By-law. The NZBP team will continue to monitor the efficacy of the regulatory framework for ARUs and will work to refine performance and parking standards to be delivered as a part of Phase 1 of the NZBP to further reduce barriers to ARUs and other missing middle housing in the City's Neighbourhoods.

### **Recommended Modifications to BOP 2020 Policies Appealed to the OLT**

While changes to appealed policies typically proceed by way of OLT modification, in some limited and specific circumstances, amendments may also be brought forward to withdraw policies. There are a small number of policies currently subject to appeal that have been identified for modification or withdrawal through Phase 2. These policies fall into the two categories listed below. These proposed changes cannot be implemented through an Official Plan Amendment. The City's current approach to advancing the appealed portions of the BOP, 2020 is through modifications through the OLT process. Staff will be seeking direction from Council to move forward with these modifications through the OLT process.

1. Policies recommended for removal from the BOP 2020
  - 8.3.6: Neighbourhood Character Areas
  - 13 Definitions: Neighbourhood Character and Neighbourhood Character Area
2. Schedules requiring modification to reflect the proposed amendments to the in-effect policies of the BOP 2020:
  - Schedule C – Land Use Urban Area
  - Schedule E – Land Use Uptown Urban Centre
  - Policy cross references and renumbering to policies currently appealed

Additionally, there are a number of policy cross references and renumbering of policies currently appealed. In this case, the remaining matters of conformity will be addressed through

the City's Official Plan realignment exercise, as noted through Report [PL-45-23](#). In addition to matters of conformity, the realignment will address housekeeping matters such as terminology changes and cross-references throughout other sections of the Official Plan.

#### Downtown Low-rise Neighbourhood Precinct Designation

Staff report PL-66-24 included the policies of the Downtown Urban Centre's Low-Rise Neighbourhood Precinct Designation for review as a part of Phase 2 of the project work to explore opportunities for increased flexibility and housing options. Staff have elected to focus on the Residential Neighbourhood Area as the primary focus of Phase 2 as the Residential Neighbourhood Area covers a substantial geography of the City of Burlington and its policies are largely in effect while the policies of the Downtown Low-Rise Neighbourhood Precinct remain under appeal. Pending a decision from the OLT and these policies coming into effect, these policies would be considered in a subsequent phase of the Official Plan Amendment to Increase Housing Options Study.

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#### **Key Dates & Milestones**

- Oct 17, 2023: Council Motion ADM-17-23 to: *“engage with the community to implement four units as-of-right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.”*
- January 2024: First installment of HAF Funding received.
- April 8, 2024: Project outline in the Targeted Realignment update
- April 4, 2024: Residential Policies of the BOP 2020 are deemed in effect
- May to October 2024: Engagement on the Official Plan Amendment to Increase Housing Options Study
- September 9, 2024: Staff Report [PL-66-24](#) Official Plan Amendment to Increase Housing Options – Preferred Approach and Background Report presented to Committee of the Whole.
- October 17, 2024: Confirmation from the Ministry that OPA 3 is exempt from Ministerial Approval.
- October 20<sup>th</sup>, 2024: PPS 2024 came into effect
- Nov 1, 2024, Statutory Public Notice for December 3<sup>rd</sup> Statutory Public Meeting
- November 20, 2024: Amendment to Ontario Regulation 299/19 – Additional Residential Units came into effect.
- December 3, 2024: Statutory Public Meeting for the draft Official Plan Amendment No. 3 and draft zoning by-law amendment through Staff Report [PL-92-24](#).
- November 25, 2024 to December 13, 2024: Engagement on proposed OPA/ZBA: delegations, agencies, technical, the public, indigenous communities and MMAH.
- January 14, 2025: Recommendation Report to Committee of the Whole, OPA No. 3 and ZBLA 2020.494.

- January 28, 2025: Council Meeting – Decision point
  - January 31, 2025: Housing Accelerator Fund Initiative 3 deadline
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## Implications

Through Staff Report PL-66-24 Council approved a detailed engagement plan to deliver on the objectives of the Official Plan Amendment to Increase housing Options Study to an upset limit of \$10,000 to be funded by the Housing Accelerator Fund to deliver the engagement plan. Over the course of the project, Staff identified additional opportunities to promote the project's engagement events and identified the need to have two statutory public meetings requiring promotion in the Hamilton Spectator. Staff also sought guidance and peer review from SGL and Dillon Consulting in their capacity as consultants for the New Zoning By-Law Project. As a result, the \$10,000 budget was exceeded by \$1935.68, this change to the HAF related expenditure was approved by the Corporate Strategic Lead of the Housing Accelerator Fund.

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## References

- [Motion Memorandum ADM -17-23](#)
  - [Housing Strategy, 2021](#)
  - [HAF Action Plan](#)
  - [Burlington's Official Plans Webpage](#)
  - [Zoning by-law, 2020](#)
  - [New Zoning By-law Project – Phase 1: Residential Zones Discussion Paper and Project Update](#)
  - [PL-66-24 – Official Plan Amendment to Increase Housing Options – Preferred Approach](#)
  - [PL-92-24 – Draft Official Plan Amendment and Zoning By-law Amendment to Increase Housing Options](#)
  - [Official Plan Amendment to Increase Housing Options – Engagement Plan](#)
  - [O.Reg 299/19 – Additional Residential Units](#)
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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

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**Appendices:**

- A. Official Plan Amendment
- B. Zoning By-Law Amendment
- C. Schedule C: Land Use – Urban Structure, Burlington Official Plan, 2020, Modified and  
Schedule E: Land Use – Uptown Urban Centre, Burlington Official Plan, 2020 Modified
- D. Planning Analysis and Justification
- E. Public Submissions & Responses November 25<sup>th</sup> to December 13<sup>th</sup>
- F. Agency Submissions November 25<sup>th</sup> to December 13<sup>th</sup>

**Draft By-laws for Approval at Council:**

- 2020.494 and Official Plan Amendment No. 3

**Notifications:**

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**Report Approval:**

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.

**OFFICIAL PLAN AMENDMENT  
PROPOSED AMENDMENT NO. 3 TO THE OFFICIAL PLAN  
OF THE BURLINGTON PLANNING AREA**

**CONSTITUTIONAL STATEMENT**

The Amendment contained in Part “B” of this document constitutes Amendment No. 3 to the Official Plan of the City of Burlington, 2020.

**PART A – PREAMBLE**

**1. PURPOSE OF THE AMENDMENT**

The purpose of this Official Plan Amendment is to revise certain elements of the text of the Burlington Official Plan, 2020 to implement the findings of Phases 1 and 2 of the Official Plan Amendment to Increase Housing Options project, including expanding permissions to allow up to four units on residential lots within the urban area in order to implement elements of Motion Memorandum ADM-17-23 and the Housing Strategy.

The effect of the proposed Amendment is to amend policies from the *Burlington Official Plan, 2020* to:

- Support ground-oriented intensification that considers the context and character of Burlington’s Established Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.
- Establish built form as a metric used to describe the degree of development within the Residential Neighbourhood Areas;
- Update the policies relating to the Residential Neighbourhood Areas designations;
- Expand permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas designations; and,
- Update the policies for Additional Residential Units in order to permit three Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right.

**SITE AND LOCATION**

The proposed amendment applies to Residential Neighbourhood Areas Policies within the City of Burlington subject to the Burlington Official Plan, 2020.

**2. BASIS FOR THE AMENDMENT**

- a) At the October 17, 2023, Meeting of Council, City Council declared its intention to allow four units as-of-right and to implement the other actions identified in the Housing Strategy and unanimously approved motion Memorandum ADM-17-23.

- b) Section 17 (24.1) of the Planning Act limits appeal rights for policies that permit additional residential units up to two additional residential units. As such subsection 8.7.2 “Additional Residential Units” of the *Burlington Official Plan, 2020* are currently in effect and therefore may be amended.
- c) On April 2, 2024, the Ontario Land Tribunal issued a Decision granting the City’s motion for Partial Approval of the *Burlington Official Plan, 2020*, which included the Residential Neighbourhood Area policies, amongst other policies. As such, Section 8.3 “Residential Neighbourhood Areas” of the *Burlington Official Plan, 2020* are currently in effect and therefore may be amended.
- d) The Statutory Public Meeting about the Official Plan Amendment will be held on December 3, 2024, with a final recommendation report on January 13, 2025.

**PART B – THE AMENDMENT**

**1. DETAILS OF THE AMENDMENT**

**1.1 Text Change:**

The amendment includes the changes to the text of the Burlington Official Plan, 2020 as described in the following table:

In the “Description of Change” column, text that is underlined is new text to be inserted into the Burlington Official Plan, 2020 by way of changes to the in-effect policies. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1	1.8 <b>Site Level Metrics: Density and Intensity</b>	<p>Modify Section 1.8 <b>Site Level Metrics: <del>Density, and Intensity</del> <u>Density and Built Form</u></b></p> <p>This Plan uses a number of metrics to describe the degree of <i>development</i> envisioned or required at a site level, within the various land use policies of this Plan. This is described as either <del>density</del>, <u>built form</u> or <i>intensity</i>. In each case, this Plan identifies the <i>intensity</i> or <u>built form</u> <del>density</del>-metric. There are two general categories:</p> <ul style="list-style-type: none"> <li>• In the case of both the Mixed Use Intensification Area and <i>employment</i></li> </ul>

		<p>lands a measure of <i>intensity</i> is employed. <i>Intensity</i> is described as the <i>floor area ratio</i>, the relationship between the building(s) and the <i>net</i> area of the site on which they are located.</p> <ul style="list-style-type: none"> <li>In the case of the Residential Neighbourhood Areas, a <del>measure of density and built form</del> is employed. <del>Density is described as the number of units over the net area of the site which the development is located.</del> <u>Built form is described as either <i>low-rise, mid-rise or high-rise</i> and is used to describe the <i>scale</i> of the residential building within the Residential Neighbourhood Areas.</u></li> </ul>
2	<b>Table of Contents: Land Use Policies – Urban Area</b>	<p>Modify the Table of Contents: Land Use Policies – Urban Area as follows:</p> <p><del>8.3.3 Residential Low-Density Low-Rise Neighbourhoods I</del>  <del>8.3.4 Residential – Medium Density Low-Rise Neighbourhoods II</del>  <del>8.3.5 Residential – High Density High-Rise Neighbourhoods</del></p>
3	<b>8.1.1(4.7) Uptown Residential – Medium Density Designation Low-Rise Neighbourhoods II</b>	<p>Modify Section 8.1.1(4.7) by renaming the designation as follows:</p> <p><b><u>Uptown Residential – Medium Density Low-Rise Neighbourhoods II Designation</u></b></p>
4	<b>8.1.1(4.7.2) Policies</b>	<p>Modify Section 8.1.1(4.7.2) a) as follows:</p> <p>The policies contained in Subsection 8.3.4, Subsections 8.3.7 through 8.3.10, and Subsection 8.7.2 of this Plan, <i>shall</i> apply to lands designated Uptown Residential-Medium Density <u>Low-Rise Neighbourhoods II</u>.</p>
5	<b>8.1.1(4.7.2) Policies</b>	<p>Modify Section 8.1.1(4.7.2) b) as follows:</p> <p>Notwithstanding Subsection 8.1.1(4.7.2) a) of this Plan, single-detached <del>dwellings</del> <u>dwellings</u> <i>shall</i> not be permitted on lands designated Uptown Residential - Medium Density <u>Low-Rise Neighbourhoods II</u>.</p>

<p>6</p>	<p><b>8.3 Residential Neighbourhood Areas</b></p>	<p>Modify Section 8.3 as follows:</p> <p>The lands designated as "Residential Neighbourhood Areas" on Schedule B: Urban Structure, within the Urban Area, are intended to provide for housing for <u>a full range of residential uses, and as well as other residential supportive land uses that are part of an urban residential environment and contribute to the overall well-being of its residents.</u></p> <p><u>While not recognized as an area where significant growth and development will take place, the physical character of the Residential Neighbourhood Areas will continue to evolve over time in a way that is compatible with the surrounding neighbourhood.</u></p> <p><u>All neighbourhoods change over time: through additions and renovations, people moving in and out of the neighbourhood, and infill development. Residential intensification is part of this evolution, and through compatible infill development that may not necessarily be the same as or similar to existing or planned development in the area but can co-exist without causing adverse impacts to the surrounding neighbourhood.</u></p> <p><del>Housing may take many forms ranging from single detached homes to tall buildings, and will occur primarily in the form of intensification within existing areas.</del></p> <p><u>All strictly residential based land uses are compatible with one another as the use provides the same housing function: a place to live and call home. Policies within the Neighbourhood Residential Areas will focus on ensuring the built form is compatible and context-sensitive to the surrounding neighbourhood.</u></p>
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		<p>The city's Residential Neighbourhood Area is comprised of three land use designations based on <del>density and building types</del> <u>built form</u>: <u>Low-Rise Neighbourhoods I, Low-Rise Neighbourhoods II, and High-Rise Neighbourhoods identified on Schedule C: Land Use – Urban Area of this Plan</u>, <del>are based on built form, density and building types, Residential – Low Density, Residential – Medium Density and Residential – High Density identified on Schedule C: Land Use – Urban Area, of this Plan</del> Each designation is <u>further details</u> on the function, location, <u>built form</u> <del>density</del> and <i>scale of development</i> permitted.</p> <p>New residential housing within the Residential Neighbourhood Area will be accommodated primarily through the <i>intensification</i> of existing areas, where <i>compatible</i>. The <i>City</i> will address new housing demands, through the best use of existing <i>infrastructure</i> and <i>public service facilities</i> within the Urban Area.</p>
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7	8.3.1 <b>General Objectives</b>	<p>Modify Section 8.3.1 as follows:</p> <p>a) To <i>encourage</i> new residential <i>development</i> and residential <i>intensification</i> within the Residential Neighbourhood Area in accordance with Provincial, Regional and <i>City</i> growth management objectives, while recognizing that the <del>density and</del> form of new <i>development</i> must be balanced with other planning considerations, such as the availability of <i>infrastructure</i> and <i>public service facilities</i>, and also ensuring that new <i>development</i> achieves <i>compatibility</i> and integration within existing residential neighbourhoods.</p> <p><u>b) To recognize that the Residential Neighbourhood Areas will evolve over time to accommodate population growth and changing demographics to respond to the changing needs of those who call these neighbourhoods home.</u></p> <p>b) c) To provide housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transit and <i>active transportation</i>.</p> <p>c) d) To <i>encourage</i> the accommodation of a diverse range of household sizes and incomes.</p> <p>d) e) To <i>encourage</i> a strong <i>live/work relationship</i> within the city by providing housing that reflects the existing and future socio-economic, employment and demographic characteristics of local residents.</p> <p>e) f) To provide, where <i>compatible</i>, housing opportunities in proximity to <i>Employment Areas</i> and other land uses that support residential neighbourhoods, such as commercial and recreational activities, in order to improve access to places of work and</p>
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		<p>neighbourhood amenities with a reduced dependence on private automobiles.</p> <p>f) <u>g)</u> To provide opportunities for limited small-scale commercial uses within <del>medium and high-density residential neighbourhood areas</del> <u>Low-Rise Neighbourhoods II and High-Rise Neighbourhoods</u>, where <i>compatible</i>, which serve the day-to-day needs of residents without the need for a private automobile.</p> <p>g) <u>h)</u> To <i>encourage</i> the integration of a wide range of housing types and tenures within Residential Neighbourhood Areas, including <i>assisted and special additional needs housing, affordable housing</i> and rental housing <u>in order to contribute towards meeting the needs of current and future residents at all stages of life and that are attainable at all income levels, and move the city towards the vision for housing in Burlington.</u></p> <p>h) <u>i)</u> To ensure that <i>development</i> within the Residential Neighbourhood Area is <i>compatible</i> with <u>and considers the surrounding properties the surrounding physical character.</u></p> <p>i) <u>To encourage innovative housing design that is designed to accommodate additional residential units to support the creation of new rental units and multi-generational housing that can create flexibility to respond to the changing needs of a household, at all stages of life.</u></p> <p>k) <u>Healthy mature trees contribute to physical character. Development shall be consistent with the policies of Section 4.3, Urban Forestry, of this Plan.</u></p>
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8	8.3.2 a)	<p>Modify Section 8.3.2 a)(i) as follows:</p> <p><i>assisted and <del>special</del> additional needs housing</i> such as <del>group homes</del> <i>group homes</i>, retirement homes <i>retirement homes</i> and long-term care facilities <i>long-term care facilities</i>, provided <del>compatibility</del> <i>compatibility</i> with the surrounding neighbourhood is achieved;</p>
9	8.3.2 b)	<p>Modify Section 8.3.2 b) as follows:</p> <p>Multi-unit residential <i>developments</i> in Residential Neighbourhood Areas <i>should</i> incorporate a mix of unit sizes, <u>including units that contain more than one bedroom</u>, to accommodate a diverse range of household sizes and incomes.</p>
10	<b>8.3.3 Residential Low-Density Low-Rise Neighbourhoods I</b>	<p>Modify Section 8.3.3 by renaming the Section as follows:</p> <p><u>Residential – Low Density Low-Rise Neighbourhoods I</u></p>
11	<b>8.3.3 Residential Low-Density Low-Rise Neighbourhoods I</b>	<p>Insert a new preamble as follows:</p> <p><u>The Low-Rise Neighbourhoods I designation is comprised of residential areas that consist of low-rise, ground-oriented dwellings. The Low-Rise Neighbourhoods I designation is intended to allow for gradual and compatible change in the form of infill development that respects the existing low-rise character of the city's Neighbourhoods, and allows for more housing options to exist.</u></p>

<p>12</p>	<p>8.3.3(1) <b>Policies</b></p>	<p>Modify Section 8.3.3(1) as follows:</p> <p>a) On lands designated <del>Residential—Low Density, Low-Rise Neighbourhoods I</del>, single-detached and semi-detached dwellings, and <u>duplexes</u> <i>may</i> be permitted.</p> <p><del>b) c)</del> Notwithstanding Subsection 8.3.3(1) a) of this Plan, townhouses <i>may</i> be considered by the <i>City</i> on lands designated <del>Residential—Low Density, Low-Rise Neighbourhoods I</del>, through a site-specific Zoning By-law Amendment application subject to the fulfillment of the following criteria:</p> <ul style="list-style-type: none"> <li>(i) <del>the development does not exceed the density established in Subsection 8.3.3(1) c) of this Plan;</del> <u>the development shall include up to a maximum of 4 principal dwelling units;</u></li> <li>(ii) the <i>development</i> form is <i>compatible</i> with the surrounding area;</li> <li>(iii) the <i>development</i> form is respectful of the <i>physical character</i> of the neighbourhood <u>by incorporating built form and landscape qualities that are prevalent in the surrounding area;</u> <del>and</del></li> <li>(iv) the <i>development</i> includes the provision of a functional <i>amenity area</i>, at grade;</li> <li>(v) <u>the development may be permitted to a maximum height of two (2) storeys;</u> <u>and</u></li> <li>(vi) <u>Healthy mature trees contribute to physical character. Development shall be consistent with the policies of Section 4.3, Urban Forestry, of this Plan.</u></li> </ul> <p><u>b) Notwithstanding Subsection 8.3.3(1) a) of this Plan, triplexes and fourplexes may be</u></p>
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		<p>considered by the <i>City</i> on lands designated <u>Low-Rise Neighbourhoods I</u>, where they satisfy <u>Zoning standards for those built form types</u>. The <u>Zoning regulations shall be established and shall be based on the following</u>:</p> <ul style="list-style-type: none"> <li><u>(i)-the development of triplexes and fourplexes shall be permitted at the peripheries of neighbourhoods.</u></li> <li><u>(ii) sufficient lot area and frontage;</u></li> <li><u>(iii) appropriate lot coverage; and</u></li> <li><u>(iv) development may be permitted to the maximum height of 2 storeys;</u></li> </ul> <p><del>e) On lands designated Residential – Low Density, development shall be permitted to a maximum density of twenty five (25) units per net hectare.</del></p> <p>d) On lands designated <del>Residential – Low Density</del>, <u>Low-Rise Neighbourhoods I</u>, the maximum height <i>shall</i> be established through the implementing Zoning By-law.</p> <p>e) On lands designated <del>Residential – Low Density</del> <u>Low-Rise Neighbourhoods I</u>, in addition to the criteria contained in Subsection 12.1.7(2) of this Plan, the following criterion <i>shall</i> be considered when evaluating minor variance applications for increased height:</p> <ul style="list-style-type: none"> <li>(i) the maximum building height <i>should</i> be comparable to the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application.</li> </ul>
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13	8.3.4 <del>Residential – Medium Density</del> <u>Low-Rise Neighbourhoods II</u>	<p>Modify the Section by renaming the Section as follows:</p> <p><u>Low-Rise Neighbourhoods II</u></p>
14	8.3.4 <del>Residential – Medium Density</del> <u>Low-Rise Neighbourhoods II</u>	<p>Insert a new preamble as follows:</p> <p><u>The Low-Rise Neighbourhoods II designation is comprised of mainly <i>low-rise ground-oriented dwellings</i> with opportunity for <i>low-rise non-ground-oriented dwellings</i> at the peripheries of the neighbourhoods. The intent of the Low-Rise Neighbourhoods II designation is to maintain a <i>low-rise</i> built form and character while allowing more housing options by permitting <i>compatible infill development</i>. The neighbourhoods in the Low-Rise Neighbourhoods II designation will evolve over time to include <i>non-ground oriented dwellings</i> along the peripheries of the neighbourhood and provide an appropriate built form transition in <i>scale</i> between the <i>ground-oriented dwellings</i> and <i>non-ground-oriented dwellings</i>.</u></p>

15	8.3.4(1) <b>Policies</b>	<p>Modify Section 8.3.4(1) as follows:</p> <p>a) On lands designated <del>Residential—Medium Density</del> <u>Low-Rise Neighbourhoods II</u>, <i>ground and non-ground-oriented dwellings</i> including single-detached and semi-detached dwellings, <u>duplex, triplex and fourplex dwellings, multiplexes, townhouses, street townhouses, stacked townhouses, back-to-back townhouses, and low-rise residential buildings</u> <i>may be permitted.</i></p> <p>b) <del>On lands designated Residential—Medium Density, ground and non-ground-oriented dwellings, as specified in Subsection 8.3.4(1) a) of this Plan, may be permitted at a density of twenty six (26) to seventy five (75) units per net hectare, subject to Subsection 8.3.4(1) c) of this Plan.</del></p> <p><u>b) Existing single-detached dwellings on lands designated Low-Rise Neighbourhoods II are deemed to conform to the Low-Rise Neighbourhoods II designation and policies of this Plan.</u></p> <p>c) On lands designated <del>Residential—Medium Density</del> <u>Low-Rise Neighbourhoods II</u>, <i>development may be permitted to a maximum height of:</i></p> <p style="padding-left: 40px;">(i) three (3) storeys for <i>ground-oriented dwellings</i> (not including rooftop <i>amenity / outdoor areas</i>); or</p> <p style="padding-left: 40px;">(ii) four (4) storeys for <i>non-ground-oriented dwellings</i> <u>dwellings.</u></p>
16	8.3.5 <del>Residential—High Density</del> <b>High-Rise Neighbourhoods</b>	<p>Modify Section 8.3.5 as follows:</p> <p><del>Residential—High Density</del> <u>High-Rise Neighbourhoods</u></p>
17	8.3.5 <del>Residential—High Density</del> <b>High-Rise Neighbourhoods</b>	<p>Insert new preamble as follows:</p> <p><u>The High-Rise Neighbourhoods designation is intended to accommodate limited infill development that fits into and is sensitive to</u></p>

		<p><u>the existing <i>physical character</i> of the surrounding neighbourhoods.</u></p> <p><u><i>Intensification</i> in the High-Rise Neighbourhoods designation is not limited to mid-rise and tall buildings and can take the form of <i>ground</i> and <i>non-ground oriented</i> housing. Infill <i>development</i> will be expected to enhance the street-level experience for pedestrians.</u></p>
18	8.3.5(1) <b>Policies</b>	Modify Section 8.3.5(1) as follows:

		<p>a) On lands designated Residential—High Density <u>High-Rise Neighbourhoods</u>, <i>ground and non-ground-oriented dwellings</i> including <u>triplex and fourplex dwellings, multiplexes, townhouses, street townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses, attached housing and apartments, but excluding single-detached and semi-detached dwellings, may be permitted.</u></p> <p>b) <del>On lands designated Residential—High Density, <i>ground and non-ground-oriented dwellings</i>, as specified in Subsection 8.3.5(1) a) of this Plan, may be permitted, with a density ranging between seventy six (76) and one hundred and eighty five (185) units per <i>net</i> hectare.</del> <u>On lands designated High-Rise Neighbourhoods, the maximum height of development shall be established through the implementing Zoning By-Law.</u></p> <p>c) Notwithstanding <del>density range identified in Subsection 8.3.5(1) b) of this Plan,</del> <i>development</i> with a proposed <u>height</u> <del>density</del> in excess of the established maximum height in the implementing Zoning By-law, <del>one hundred and eighty five units per <i>net</i> hectare,</del> may be considered by the <i>City</i> through a site-specific Zoning By-law Amendment, without the need for an amendment to this Plan, subject to the fulfillment of the following criteria:</p> <ul style="list-style-type: none"> <li>(i) a significant reduction of parking at grade;</li> <li>(ii) <del>the development should be located within four hundred (400) m of a frequent transit corridor;</del> and</li> <li>(iii) <del>the development shall conform with all applicable minimum and maximum height requirements as stated in the Zoning By-law.</del> <i>the development should provide a functional outdoor common amenity area at grade level for use by residents.</i></li> </ul>
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		<p>d) <del>On lands designated Residential—High Density High-Rise Neighbourhoods, the maximum height of <i>development shall be established through the implementing Zoning By-Law.</i></del></p> <p>e) <u>d) <i>Development</i></u>, except triplex and fourplex dwellings on lands designated <del>Residential—High Density High-Rise Neighbourhoods</del> <u>should</u> provide a functional outdoor common <i>amenity area</i> at grade level for use by residents.</p>
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19	8.3.9 Retail and Service Commercial Uses	<p>Modify Section 8.3.9(2) a) as follows:</p> <p>Retail and/or <i>service commercial uses</i> may be permitted within proposed residential development in <del>Residential—Medium Density Low-Rise Neighbourhoods II</del> and <del>Residential—High Density High-Rise Neighbourhoods</del> designations subject to the following criteria:</p> <p>(i) <del>on lands designated Residential—Medium Density, the proposed development shall achieve a minimum density of fifty-one (51) units per net hectare;</del></p> <p>(ii) <del>(i)</del> the property <i>shall</i> be adjacent to a Major Arterial or Multi-Purpose Arterial Street, Urban Avenue, or Main Street, as identified on Schedule O-1: Classification of Transportation Facilities-Urban Area, of this Plan;</p> <p>(iii) <del>(ii)</del> the retail and/or <i>service commercial use shall</i> be primarily intended to serve on-site residents and those located within immediate walking distance of the property;</p> <p>(iv) <del>(iii)</del> the retail and/or <i>service commercial use shall</i> be compatible with the surrounding area and respectful of the <i>physical character</i> of the neighbourhood; and</p> <p>(v) <del>(iv)</del> the retail and/or <i>service commercial uses shall</i> be located at grade level within a building containing residential uses.</p>
20	8.3.10 Day Care Centres	<p>Modify Section 8.3.10 a) (ii) a. as follows:</p> <p>Within <del>Residential—Low Density Low-Rise Neighbourhoods I</del>, the day care centre <i>shall</i> be small in <i>scale</i>. The Zoning By-law <i>shall</i> establish a maximum floor area for day care centres in this designation</p>

<p>21</p>	<p><b>8.7.2 Additional Residential Units</b> 8.7.2(2) Policies</p>	<p>Modify Section 8.7.2(2) as follows:</p> <p>a) Where one single-detached dwelling, semi-detached dwelling, townhouse unit or street townhouse unit is permitted on a <i>parcel of urban residential land</i>, <i>additional residential units</i> may be permitted in accordance with the following:</p> <ul style="list-style-type: none"> <li>(i) A maximum of <del>two</del> <u>three</u> <i>additional residential units</i> may be permitted in addition to the principal unit, for a total of <del>three</del>-four residential units.</li> <li>(ii) In all cases a maximum of one (1) <i>additional residential unit</i> may be located within a building or structure accessory to the principal unit.</li> <li>(iii) Where a <i>parcel of urban residential land</i> has an existing <i>garden suite</i>, a maximum of <del>one</del> <u>two</u> <i>additional residential units</i> may be permitted, only within the principal building.</li> </ul> <p>b) <del>The maximum density provisions of this Plan and those contained in the implementing Zoning By Law, shall not apply to the development of <i>additional residential units</i>. Notwithstanding Subsection 8.7.2(2) a) (ii) of this Plan, a second <i>additional residential unit</i> may be permitted within the same building accessory to the principal unit as the first <i>additional residential unit</i>, if determined appropriate through the work of Phase 1 of the New Zoning By-law project.</del></p> <p>c) <i>Additional residential units</i> shall not be permitted within a <i>hazardous site</i> or <i>hazardous lands</i>, <u>unless where specifically permitted by the conservation authority</u>, and shall have flood-free <u>safe</u> access.</p> <p><del>d) c)</del> <i>Additional residential units</i> shall be subject to regulations under <u>The Planning Act</u> and regulations in the implementing Zoning By-law which shall be based</p>
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		<p>on good land use planning principles, including health and safety and environmental considerations.</p> <p><u>d) The Zoning By-law shall contain parking standards for Additional Residential Units that consider alternative parking standards where appropriate.</u></p> <p><u>e) Additional Residential Units shall have adequate servicing.</u></p>
22	Chapter 13 - Definitions	<p>Add definition as follows:</p> <p><b><u>Additional Needs Housing</u></b> - means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.</p>

The Corporation of The City of Burlington

City of Burlington By-law 2020.494

A By-law to amend By-law 2020, as amended for Additional Residential Units;  
File No.: 520-13/24 (DGM-01-25)

Whereas Section 34 (1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that zoning by-laws may be passed by the councils of local municipalities; and

Whereas the Council of the Corporation of the City of Burlington approved the recommendations in report DGM-01-25 on Jan. 13, 2025, for city-initiated general amendments to Zoning By-law 2020, as amended;

The Council of the Corporation of the City of Burlington hereby enacts as follows;

1. PART 1 of Zoning By-law 2020, as amended, General Conditions and Provisions, Section 2.21 Uses Permitted in All Zones, is further amended by replacing subsection 2.21 (u) with the following:

“(u) Additional Residential Units

- (i) Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones.
- (ii) Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted.
- (iii) In addition to the principal dwelling unit, up to three Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a Townhouse are only permitted on a Parcel of Tied Land where one Townhouse is permitted.
- (iv) Only one Additional Residential Unit may be located within an Accessory Building.
- (v) Only one exterior entrance is permitted on each elevation of the principal building facing a street.
- (vi) Tandem parking spaces are permitted.
- (vii) Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces.



EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.494

By-law 2020.494 amends Part 1 of the City's Zoning By-law 2020, as amended, for the purpose of complying with changes made to the *Planning Act* regarding Additional Residential Units through O. Reg. 299/19, as amended, aligning with the City's Housing Accelerator Fund Action Plan to boost housing supply and implementing Amendment No. 3 to the Official Plan of the City of Burlington, 2020.

For further information regarding By-law 2020.494, please contact Mark Johnson of the Burlington Community Planning Department at (905) 335-7777, extension 7954.

# SCHEDULE C Land Use - Urban Area City of Burlington

## Legend

### MIXED USE INTENSIFICATION AREAS

- Urban Centres
- Mixed Use Nodes and Intensification Corridors**
  - Mixed Use Commercial Centre
  - Neighbourhood Centre
  - Local Centre
  - Employment Commercial Centre
  - Urban Corridor
  - Urban Corridor - Employment

### RESIDENTIAL NEIGHBOURHOOD AREAS

- Low Rise Neighbourhoods I
- Low Rise Neighbourhoods II
- High Rise Neighbourhoods

### EMPLOYMENT LANDS

- General Employment
- Business Corridor

### NATURAL HERITAGE SYSTEM AND MAJOR PARKS AND OPEN SPACE

- City's Natural Heritage System
- Major Parks and Open Space

### MINERAL RESOURCE EXTRACTION AREA

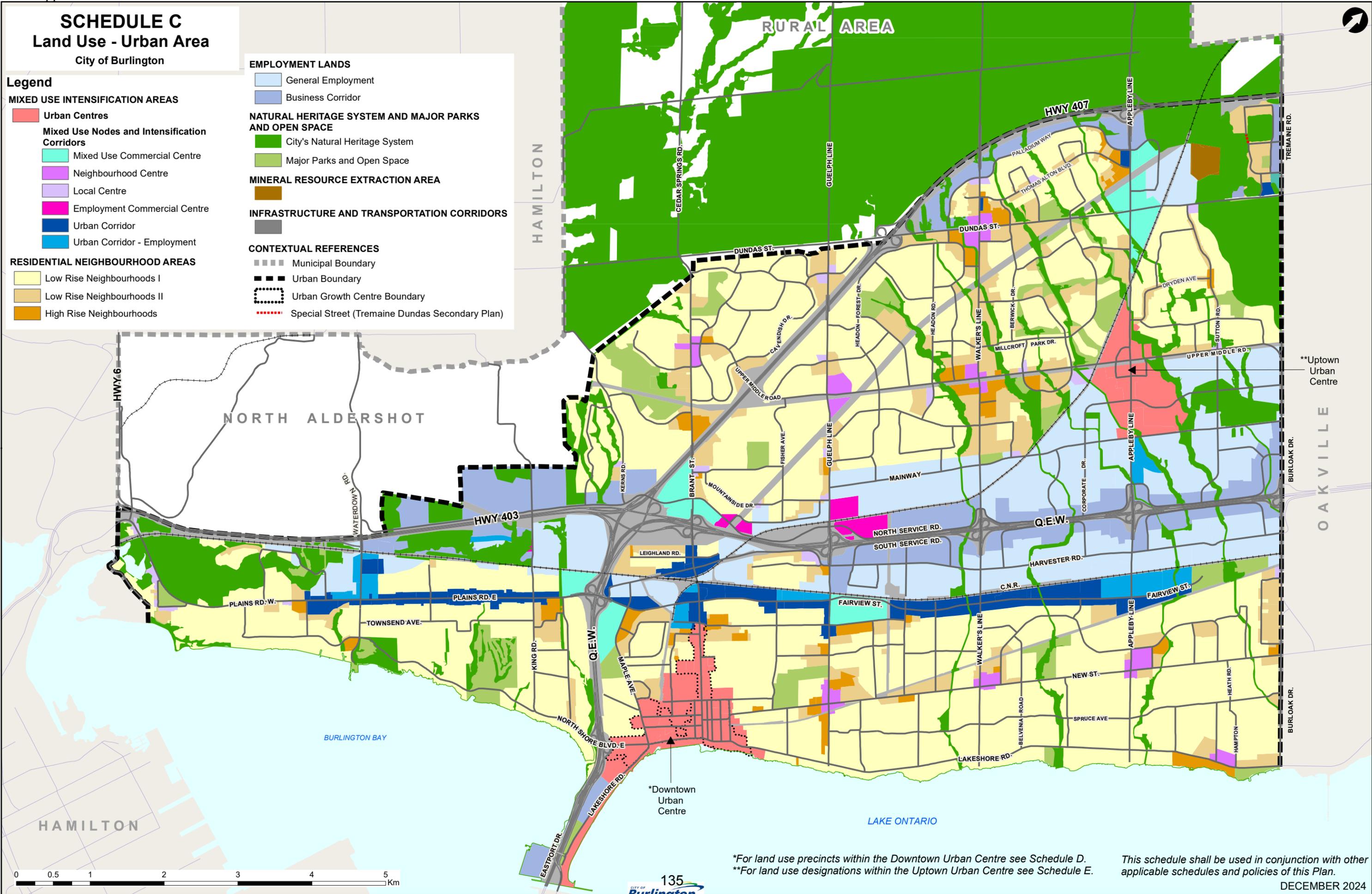
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### INFRASTRUCTURE AND TRANSPORTATION CORRIDORS

- 

### CONTEXTUAL REFERENCES

- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary
- Special Street (Tremaine Dundas Secondary Plan)



\*For land use precincts within the Downtown Urban Centre see Schedule D.  
 \*\*For land use designations within the Uptown Urban Centre see Schedule E.

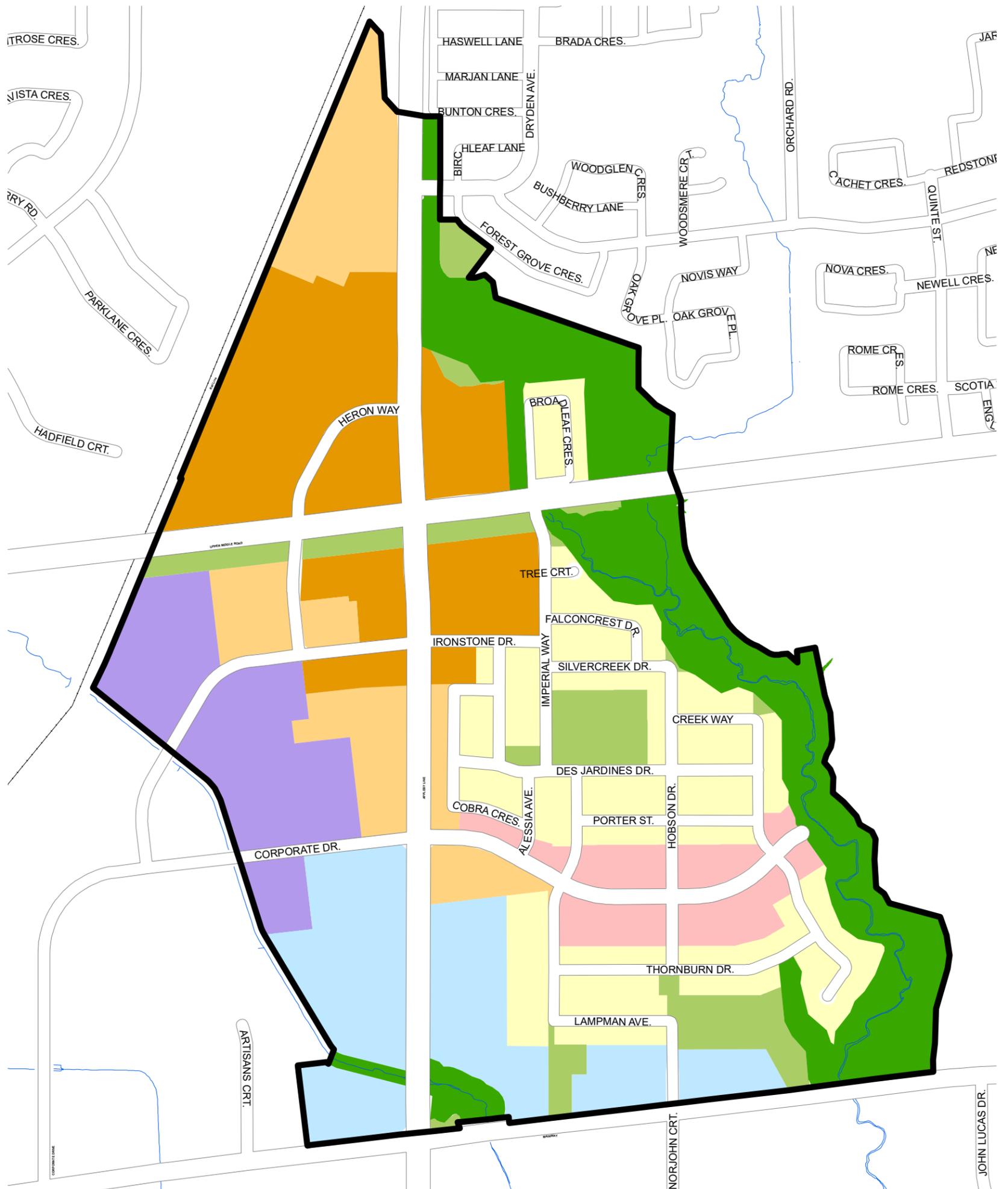
This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.



# SCHEDULE E

## Land Use - Uptown Urban Centre

City of Burlington



### Legend

- Uptown Core
- Uptown Corridor
- Uptown Local Corridor
- Uptown Residential - Low Rise Neighbourhoods II
- Uptown Business Corridor-Employment
- Uptown Business-Employment
- City's Natural Heritage System
- Uptown Major Parks and Open Space
- Utility Corridor
- Uptown Urban Centre Boundary



*This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.*

DECEMBER 2024

## **DGM- 01-25: Appendix D – Detailed Planning Analysis and Justification**

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# Planning Analysis

## Provincial Policy Framework

### Planning Act

The *Planning Act* sets out legislation guiding land use planning in Ontario. The *Planning Act* provides the basis for considering matters of provincial interest that includes, among other matters, the following:

- *The adequate provision of a full range of housing, including affordable housing;*
- *Appropriate location of growth and development;*
- *The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- *the supply, efficient use and conservation of energy and water;*
- *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *the orderly development of safe and healthy communities;*

Municipalities are required to prepare official plans and policies to guide future development and create zoning by-laws to regulate and control land use.

Planning decisions and documents such as an official plan must be consistent with the Provincial Planning Statement, 2024 and must conform to and not conflict with Provincial Plans. As detailed below, Planning Staff are of the opinion that the proposed amendments comply with provincial policies and the *Planning Act*.

The *Planning Act* also sets out regulations relating to Additional Residential Units. The *Planning Act* provides an additional residential unit framework using an “as-of-right” permission approach which supersedes local official plans and zoning provincially. The additional residential unit framework, which came into force on November 28, 2022, through Bill 23, *More Homes Built Faster Act, 2022*, applies to any parcel of urban residential land in settlement areas with full water and sewage services, where residential units are permitted. In addition to the principal dwelling unit within a detached, semi-detached, or row house, up to two additional residential units are permitted per property as either:

- two additional residential units in a detached, semi-detached, or row house;  
or
- one additional residential unit in a detached, semi-detached, or row house and one additional residential unit in an accessory building or structure.

These changes also prohibited municipalities from:

- imposing development charges or requiring parkland dedication or cash-in-lieu in connection with any additional residential units; and

- applying minimum unit sizes and requiring more than one parking space in connection with these units.

In September 2023, the City amended its Additional Residential Unit policies through City-Initiated amendments to the Burlington Official Plan, 2020 (Official Plan Amendment No.1) and Zoning By-law 2020 (Zoning By-law Amendment No. 2020.460). This amendment brought the City's Official Plan and Zoning By-law into compliance with the *Planning Act*.

The proposed amendments (attached as Appendix A and B to Staff Report DGM-01-25) further reduce barriers for Additional Residential Units by permitting a total of three Additional Residential Units, for a total of four units as-of-right. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments comply with the regulations set out in the *Planning Act*.

#### Ontario Regulation 299/19: Additional Residential Units

On November 20, 2024, under the *Planning Act*, the associated Ontario Regulation 299/19 Additional Residential Units was amended through Ontario Regulation 462/24 in order to further reduce barriers relating to the creation of ARUs. The recent amendment to O.Reg 299/19 sets out province-wide regulations that supersede more restrictive regulations within local zoning by-laws relating to certain lot elements for lots with at least one Additional Residential Unit. The regulations under the amended O.Reg 299/19 include:

- A building or structure on a parcel of urban residential land containing an additional residential unit may penetrate any angular plane that is described in the (zoning) by-law;
- A building or structure shall be at least 4 metres from another building or structure on the parcel if the other building or structure contains a residential unit;
- Up to 45 percent lot coverage is permitted for buildings and structures on a parcel of urban residential land on which at least one additional residential unit is located;
- No limit to the floor space index of the parcel of urban residential land where at least one additional residential unit is located; and
- The minimum lot area for a parcel of urban residential land with at least one additional residential unit is the same as the minimum lot area where no additional residential unit exists.

O. Reg 299/19 does provide that buildings and structures with additional residential units would still be subject to any maximum height and minimum setback requirements established through a Zoning By-law. The Zoning By-law regulations will prevail over the O.Reg 299/19 in the situations where the local by-laws permit buildings and/or structures to be located less than 4 metres from one another; and/or where lot coverage of over 45 percent is permitted.

The amendments to Zoning By-law 2020 will address new regulations under O.Reg 299/19, as outlined in the Zoning By-law Amendment section below.

Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments comply with the *Planning Act* and address matters outlined in O.Reg 299/19.

### Provincial Planning Statement, 2024

The province introduced the Provincial Planning Statement (PPS, 2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan, 2019) while building upon housing-supportive policies from both documents. The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province;
- align development with infrastructure to build a strong and competitive economy that is investment-ready;
- foster the long-term viability of rural areas; and
- protect agricultural lands, the environment, public health and safety.

The PPS, 2024 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS (PPS 2024, Chapter 1).

In accordance with Section 2.1.6 Planning authorities should support the achievement of *complete communities* by:

- a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including schools and associated childcare facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

The proposed Official Plan and Zoning By-law Amendments align with Section 2.16 of the PPS 2024 by providing flexibility in the Official Plan policies and additional opportunities for an increase in the mix and range of housing options to be available for all within the city's existing neighbourhoods, aiming to reduce barriers for multi-

generational housing and working towards the city's vision for housing in Burlington. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are in alignment with Section 2.1.6 of the PPS, 2024. Housing is an important aspect of the PPS, 2024 as outlined in Section 2.2. In Accordance with Section 2.2.1 b) Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:

1. permitting and facilitating all *housing options* required to meet the social, health, economic and wellbeing requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3.

The PPS directs that growth and development be focused in 'Settlement Areas' which include built-up urban areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an official plan for development over the long term. Section 2.3.1(1) provides that within Settlement Areas, growth should be focused in, where applicable, strategic growth areas, including Major Transit Station Areas.

In accordance with Section 2.3.1 (2), land use patterns within Settlement Areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

The proposed Official Plan Amendment provides additional opportunities to increase housing options within the existing land-use pattern for the urban area as outlined in the Official Plan. The proposed amendments, in Planning Staff's opinion, will result in incremental growth and change that efficiently utilizes existing infrastructure within the urban area. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendment are consistent with the PPS, 2024.

Furthermore, in accordance with Section 2.3.1(3), Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

In accordance with Section 2.3.3 Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

In accordance with Section 6.1.5, Official Plans shall identify provincial interests and set out land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.

The proposed Official Plan and Zoning By-law Amendment provide opportunity for increased range and mix of housing options through infill development within the city's Residential Neighbourhood Areas. The proposed Official Plan Amendment, along with the existing policies of the Burlington Official Plan, 2020 will support future zoning regulations that will provide appropriate direction to guide further consideration of additional dwelling types in the Residential Neighbourhood Areas. In Planning Staff's opinion, the proposed will further support diversifying residential uses at a scale appropriate for the Residential Neighbourhood Areas, and consistent with the direction outlined in the PPS, 2024.

Planning staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS, 2024.

## Municipal Planning Documents

### Regional Official Plan (ROP)

Section 44 of the Regional Official Plan (ROP) provides "broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services". As of July 1, 2024, through the changes made to the *Planning Act*, the Province identified the Region of Halton as an "upper-tier municipality without planning responsibilities". As a result the Regional Official Plan is no longer an official plan of the Region of Halton, and instead it has been deemed an official plan of each of the lower-tier municipalities in Halton, including the City of Burlington, until it is revoked or amended by the respective municipality. At this time, Planning Staff continue to align planning policy with the policies outlined in the ROP.

The policies identified in the Official Plan Amendment apply to the "Urban Area" as identified on Map 1H – Regional Urban Structure of the ROP, as amended. In accordance with Section 72, the Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity.

In accordance with Section 85, some of the objectives of housing in the Region of Halton include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods; and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. Furthermore, Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

The proposed Official Plan and Zoning By-law Amendments ensure efficient use of existing developed lands by providing additional flexibility in the policies and opportunities to increase housing stock and housing within the existing Residential Neighbourhood Areas. In Planning Staff's opinion the proposed policies and regulations will result in incremental growth and change that is respectful of the surrounding neighbourhood context, including physical character. This type of change, in Planning Staff's opinion, provides efficient use of existing infrastructure as well.

As per the analysis provided, Planning Staff is of the opinion that the proposed City Initiated Official Plan Amendment and Zoning By-law Amendment aligns with the ROP.

### [Burlington Official Plan, 2020](#)

The Burlington Official Plan, 2020 sets out the City's long-term vision and establishes strategic priorities for growth management, land use and infrastructure and is a policy framework that guides the City's decision making and approval processes ensuring that all new development contributes to this long-term vision.

### [Status of the Policies of the Burlington Official Plan, 2020](#)

On November 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. A significant portion of the Burlington Official Plan was appealed in 2020 and a number of policies are subject to broad appeal and therefore not in effect. An OLT decision was issued on January 4, 2023, confirming that some portions of the new Official Plan came into effect on December 22, 2020. This means that the Plan has legal status and can be amended in accordance with the *Planning Act*.

Since January 2023, a number of additional policies have been brought into effect through approved settlements and a Partial Approval that was issued by the OLT in April of 2024 including the policies identified in Official Plan Amendment No.3, attached as Appendix A to Staff Report DGM-01-25. All of these policies are currently in effect and therefore may be amended in accordance with Sections 16,17 and 21 of the *Planning Act*.

OPA 1, an amendment to the new Burlington Official Plan which implemented the changes to Additional Residential Unit policies introduced through Bill 23, is in full force and effect following its adoption by Council in September 2023. At an OLT Case Management Conference (CMC) related to the Burlington Official Plan, 2020, held on July 7, 2023, it was identified by the City that, since the release of ROPA 48 & 49 and Bill 23, both legal and policy changes have occurred which have conformity requirements. It was noted that these changes impact the City's new OP and have resulted in the need for the City to reexamine portions of the Plan. Since July 2023, additional changes have been made to the provincial policy framework, including the new PPS 2024 coming into effect on October 20, 2024. For further information on the approach for relating to the OLT modification process please see the Process: Official Plan Amendment and modifications through the Ontario Land Tribunal section of this Report.

### City's Growth Framework

The Burlington Official Plan, 2020 outlines the City's Growth Framework which presents a built form strategy for new development and identifies locations where the City will be planning for significant population and employment growth and higher intensity of mixed uses in the coming decades. These areas where significant growth and change are identified as the Primary Growth Areas, Secondary Growth Areas and Employment Growth Areas. Examples include, the city's Urban Growth Centre and Major Transit Station Areas surrounding Burlington's three GO Stations, the Downtown and Uptown Urban Centres, as well as intensification Corridors and Mixed-Use Nodes.

While also included in the Growth Framework, the Established Neighbourhood Area, inclusive of the Residential Neighbourhood Areas outlined in the Urban Structure, are seen as areas where intensification is generally discouraged, with a number of exceptions, as stated in Section 2.4.2(3) b):

- (i) Development in accordance with the maximum density and/or intensity permitted under the applicable land use designation;
- (ii) Consents;
- (iii) Plans of subdivision;
- (iv) Lands designated Residential – High Density, in accordance with Subsection 8.3.5(1) c); and/or
- (v) Additional Residential Units.

Further, Section 2.4.2(3) c) states that in the Established Neighbourhood Area, land assembly for development applications shall be discouraged.

The amendments do not propose changes to the Growth Framework and the proposed changes to the Residential Neighbourhood Areas recognize that these areas are not areas where significant growth and change will happen, nor require land assembly in order to create the infill housing types proposed to be permitted

In Planning Staff's opinion that the proposed amendments will allow for infill and intensification lot by lot in alignment with the existing lot fabric and will result in incremental change to a neighbourhood over time, rather than larger development applications which are seen in the Primary and Secondary Growth Areas. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments align with the city's overall Growth Framework set out in the Burlington Official Plan, 2020.

## Housing

Section 3.1 outlines the Housing policies of the Burlington Official Plan, 2020, and states that:

*the City will promote an appropriate and adequate range of housing choices by type, tenure and affordability level, to accommodate the needs of all city residents and worked, regardless of age, income level, physical, sensory and mental health and ability, culture, level of support services, household structure and family composition.*

Section 3.1.1 outlines the policies and objectives relating to housing supply, with the intent to ensure there is sufficient supply of housing which promotes a mix of housing types and tenures across the city while making efficient use of existing developed lands and infrastructure.

The policies of Section 3.1.2 relate to Housing Tenure with the objective to maintain balance between rental and ownership housing stock and encouraging the provision of new rental housing.

The Official Plan Amendment proposes changes to the Residential Neighbourhood Area policies by removing density requirements and permitting additional residential uses that fit the built form under each designation, the proposed amendments provide more flexibility for the creation of additional housing and adds to the mix of housing options and tenures available.

The Official Plan and Zoning By-law Amendments also increase opportunities for Additional Residential Units by removing barriers to putting in an ARU. ARUs, in Planning Staff's opinion, also provide the opportunity to create additional new low-rise ground-oriented rental stock as well as provide opportunities for the creation of multi-generational housing. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments align with the Housing policies of the Burlington Official Plan (BOP), 2020.

## Zoning By-law

The Zoning By-law is the main planning tool that implements the objectives and policies of the City's Official Plan and controls the use of land including how land may be used, the types of buildings that are permitted and how they may be used, the lot sizes and dimensions, parking requirements, building heights and setbacks from the street and where buildings and other structures can be located.

The City is currently undertaking the New Zoning By-law Project, which is focused on comprehensively updating the City's Zoning By-law to implement the policies of the new Burlington Official Plan, 2020. The first phase of the New Zoning By-law work plan is focused on the Residential Zones portion of the Zoning By-law.

Staff have elected to set initial regulations to support the development of Additional Residential Units through the City's existing Zoning By-law in order to meet the timelines outlined by the Housing Accelerator Fund Action Plan – Initiative 3 relating to permitting four units as-of-right. The New Zoning By-law Project team will continue to monitor the efficacy of the regulatory framework for Additional Residential Units and will work to refine performance standards to be delivered as part of Phase 1 of the New Zoning By-law Project to further reduce barriers to ARUs in the City's neighbourhoods.

The proposed amendments through Official Plan No. 3 relating to changes to the Residential Neighbourhood Areas, if approved, will be addressed through Phase 1 of the New Zoning By-law Project. Through Phase 1 of the NZBP, the project team is reviewing the City's residential zones and will explore further opportunities for gentle intensification in accordance with the policy direction. This includes further study and consideration for permitting additional residential units beyond the current performance standards found in the City's existing zoning by-law, and as proposed to be amended in Appendix B to Staff Report DGM-01-25.

## Relevant Plans, Strategies and Studies

### [Vision 2040: Burlington's Strategic Plan 2015-2040](#)

[Vision 2040: Burlington's Strategic Plan 2015-2040](#) outlines the city's strategic response to address economic and demographic changes and provides guidance for long-term decision making for a twenty-five year period. It outlines four key strategic directions and objectives for Burlington: a City that Grows, a City that Moves, A Healthy and Greener City and an Engaging City. In Planning Staff's opinion, the Official Plan and Zoning By-law Amendments assist the city in achieving measurable goals of increasing the population under the *A City that Grows* strategic objective by creating opportunities for increasing housing options and housing units within the city's neighbourhoods.

### [Burlington's Plan From Vision to Focus 2022-2026](#)

Vision to Focus is the City's four-year work plan which prioritizes key strategic directions from the Strategic Plan. Vision to Focus outlines four key focus areas: designing and delivering complete communities; providing the best services and experiences; protecting and improving the natural environment and taking action on climate change; and driving organizational performance.

The city's objective under Focus Area 1 – Designing and delivering complete communities is to *create all-inclusive, thriving, vibrant, healthy connected and safe communities*, through commitment to:

- *managing change and growth, while maintaining the high quality of life experience by our residents;*
- *ensuring housing options and choices are available for all residents so they may find a home to meet their needs; and*
- *building our community for our children and grandchildren of today and those in the next generations so they can choose to live, work and play in Burlington, amongst other things.*

The Official Plan Amendment proposes to increase housing options and flexibility within the Residential Neighbourhood Areas, by reducing barriers, such as density requirements, in order to allow for more housing types and units that are compatible and fit in within the existing built form in our neighbourhoods. Planning Staff are of the opinion that the amendments will result in infill development on a lot by lot basis resulting in incremental growth and change over time in our neighbourhoods. The proposed Official Plan and Zoning By-law Amendments further assist in achieving actions 6, 7 and 11 of the Housing Strategy and support planning to deliver on Burlington's 2031 aspirational Housing Pledge Target of 29,000 units, as outlined in Action B, of Focus Area 1 of the Vision to Focus workplan. Planning Staff are of the opinion that the Official Plan and Zoning By-law amendments support the direction in Focus Area 1 of Vision to Focus.

Through reducing barriers to Additional Residential Units and creating flexibility within the policies and regulations for additional housing options, Planning Staff are of the opinion that the Official Plan and Zoning By-law Amendments may result in fewer Planning Act applications and will efficiently create more opportunities for infill development to go straight to the Building Permit process, which assists with achieving objectives under Focus Area 2 – Providing the best services and experiences.

Planning Staff are of the opinion that the Official Plan and Zoning By-law Amendments align with Vision to Focus: 2022-2026 work plan and Vision 2040: Burlington's Strategic Plan.

### [Burlington Housing Strategy](#)

The City of Burlington's [Housing Strategy](#) provides a road map and acts as a guiding document for addressing local housing needs and increasing housing options. It helps the City work towards meeting the housing needs of the community and move the City closer to the Vision for Housing in Burlington:

*Everyone is welcome in Burlington. Burlington is a city where all current and future residents have access to the housing options that meet their needs at all stages of life, and that are attainable at all income levels.*

The Housing Strategy identifies 12 recommended actions that the City can take to increase housing options across the City. It provides a set of themes that guide the strategy, a list of priority actions, quick wins and an implementation plan to put the

Housing Strategy into action. The proposed Official Plan and Zoning By-law amendments support Theme 2: Support a Broad Variety of Housing Types and Forms: Increase housing options that meet the needs of all current and future residents at all stages of life.

The Housing Strategy emphasizes the City's role and opportunity to address the "missing middle" from both the perspective of having housing options that are affordable/attainable for middle-income households and for the opportunity to diversify the spectrum of housing types and tenures.

Identifying opportunities to increase the range of housing options available aligns with and works toward implementing Housing Strategy Actions 6, 7 and 11 and the related sub-actions:

- Action 6: Build upon the policies of the Official Plan, 2020 and the findings of the Housing Strategy Project to inform the Comprehensive Zoning By-law project (now the New Zoning By-Law Project), to assist in broadening the range and mix of housing in the City and to explore tools to streamline processes.
- Action 7: Support, permit and encourage the development of alternate forms of housing, including higher density types of housing, where feasible and appropriate.
- Action 11: Encourage Additional Residential Units (ARUs) and consider a registry and monitoring program to evaluate the success of the framework and to make sure the ARUs meet health and safety standards.

The Official Plan Amendment proposes policies that encourage and support increasing housing options by creating flexibility within the Residential Neighbourhood Area policies and broadening residential use permissions in each designation that fit within the built form. The proposed Zoning By-law Amendment reduces regulatory barriers for Additional Residential Units through reducing parking requirements and permitting additional lot coverage to allow for larger Additional Residential Units.

The proposed amendments to the Residential Neighbourhood Areas aim to provide additional flexibility to increase housing options through mainly low-rise ground-oriented housing types by focusing on built form and removing density requirements.

Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law amendments align with the overall Vision for Housing in Burlington by increasing housing options and works towards accomplishing Actions 6, 7 and 11 of the Housing Strategy.

### [Roseland and Indian Point Character Area Studies](#)

Between 2012 and 2015, Council directed Planning Staff to conduct character studies of the Indian Point, Roseland and Shoreacres neighbourhoods in response to the development pressures these neighbourhoods were seeing. The *Character Area Study for Roseland (2014)* and *Character Area Study for Indian Point (2014)*, resulted in a

series of recommendations for policies relating to establishing defined character areas in the 1997 Official Plan, identifying and defining the character area components for the Roseland and Indian Point neighbourhoods, and policy tools to manage changes in these areas.

The intent of the resulting policies is to maintain, protect and enhance the neighbourhood character within the Neighbourhood Character Areas by limiting development to development that is compatible and consistent with the neighbourhood character. Policies restrict development to single-detached dwellings. The policies further aim to protect healthy mature trees by being consistent with policies under Section 4.3, Urban Forestry of the Burlington Official Plan, 2020.

Planning Staff are proposing to remove the Neighbourhood Character Area policies of the Burlington Official Plan, 2020. Planning Staff are proposing to carry forward the lessons learned through the Character Area Studies, as outlined in the Planning Justification Section of this Report.

## Planning Justification: Official Plan and Zoning By-law Amendments

### Official Plan Amendment No. 3

#### Official Plan Amendment No. 3: Amendment Overview

The proposed Official Plan Amendment No. 3 implements Phase 1 and 2 of the Official Plan Amendment to Increase housing Options Project by proposing amendments to the Burlington Official Plan, 2020 to:

- Amend the policies for Additional Residential Units in order to permit three Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right;
- Amend the policies of the Official Plan in order to support ground-oriented intensification that considers the context and character of Burlington's Residential Neighbourhoods while providing opportunities for more diverse housing options to meet the needs of all residents at all stages of life and at all income levels;
- Establish built form as a metric used to describe the degree of development within the Residential Neighbourhood Areas, supported by other policy guidance to be implemented through the development of the new Zoning By-law; and
- Implement permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas.

The proposed amendment will address the Housing Accelerator Fund Action Plan's Initiative 3 and assist in addressing Council direction and Actions 6 and 7 of the Housing Strategy. At this time the existing Zoning By-law will continue to be more restrictive than the policies of the Burlington Official Plan, 2020 until the finalization of Phase 1 of the

new Zoning By-law. The new Zoning By-law will establish regulations and performance standards for each housing type.

### Policy specific amendments and planning justification

#### Site Level Metrics: Density and Intensity (Chapter 1, Section 1.8)

Section 1.8: A General Guide to This Plan, provides an outline of the metrics used to clarify the objectives of the policies of the Burlington Official Plan, 2020. The subsection titled, Site Level Metrics: Density and Intensity, states that in the case of the Residential Neighbourhood Areas, a measure of density is employed to describe the degree of development envisioned at a site level. Density is described as the number of units measured over the net areas of the site which the development is located.

Each of the three Residential Neighbourhood Area designations applies a permitted density as either a maximum in the case of the Residential – Low Density designations, or as a density range in the case of the Residential – Medium Density and Residential – High Density designations, limiting the number of units that would be permitted on a lot, based on a lot of one (1) net hectare in size. This is then used to calculate the number of units permitted based on the size of the developable lot. In contrast, in the cases of Mixed Use Intensification Areas and Employment Lands, a measure of intensity is employed, which is described as floor area ratio, or the relationship between the building(s) and the net area of the site on which they are located.

While density can be used to limit the number of units on a lot, it does not control aspects of physical character such as scale, massing, height amongst other things that the Official Plan and Zoning By-law can control through built form regulations, through regulations such as height maximums, lot coverage percentages and more.

The proposed amendment would remove density as a site level metric for the Residential Neighbourhood Areas and instead apply built form as the site level metric. The proposed amendment describes the metric of built form as either low-rise, mid-rise or high-rise and that the intent of this metric is to describe the built form and scale of development permitted in each of the Residential Neighbourhood Area designations. The built form metric further provides more flexibility than placing an intensity measure and provides additional clarity and is easier to understand.

The intent of removing density as a metric and maximum permission within the Residential Neighbourhood Areas is to provide flexibility for more housing options within the designations. The maximum density requirements strictly limited the number of units that could be permitted per lot, based on the size of the lot. Most lots within the Residential – Low Density designation would not be able to accommodate four units per lot. By removing the density maximums or ranges, and instead focusing on built form, a development is not restricted on a site level by a maximum number of units per lot by size and would be allowed to include any number of units as long as the development fits within the permitted built form and permitted housing types for the designation.

Planning Staff are of the opinion, that by removing density as a metric for describing the type and degree of development expected in the neighbourhoods, and instead using built form to describe the type of development expected (low-rise, ground related for example) will allow for more clarity about the type of development expected while providing flexibility and reducing barriers to increasing housing options by allowing the opportunity for more units per lot, where appropriate and allowing additional housing types that fit the permitted built form and in Planning Staff's opinion are compatible with the existing built form of a neighbourhood.

**Uptown Residential – Medium Density Designation (Chapter 8, Subsection 8.1.1(4.7))**  
Section 8.1.1(4.7) of the Burlington Official Plan, 2020 provides the policies for the Uptown Residential – Medium Density designation. The Uptown Residential – Medium Density designation is within the Uptown Urban Centre, and the intent of the policies under the Residential – Medium Density designation is to preserve the existing established, lower intensity residential neighbourhood area located east of Appleby Line. The policies for the Uptown Residential – Medium Density designation rely upon the Residential – Medium Density Designation (Section 8.3.4) policies under the Residential Neighbourhood Areas.

The proposed amendment would rename the designation as Uptown Residential – Low-Rise Neighbourhoods II in order to align with the renaming convention of the Residential – Medium Density designation and the amendments to the Residential Neighbourhood Area policies. Planning Staff are of the opinion that the proposed changes to the Uptown Residential – Medium Density Designation is appropriate as the proposed changes continue the intent of the Uptown Residential – Medium Density Designation, which is to preserve the existing established, lower intensity residential neighbourhood which is low-rise in nature and continues to provide flexibility within the existing built form. There are no proposed changes to the Site-Specific policies, as these are in some cases currently being developed. A future development application requiring an Official Plan Amendment, separate from the Site-Specific policies, would be subject to the amended policies under the parent designation.

#### **Residential Neighbourhood Areas (Chapter 8, Section 8.3)**

The Residential Neighbourhood Areas, as identified on Schedule B: Urban Structure of the Burlington Official Plan, 2020, represent a significant portion of the City's Urban Area and are intended to provide for housing and other residential supportive land uses that are part of an urban residential environment.

The preamble to the Residential Neighbourhood Area policies indicates that new residential housing within the Residential Neighbourhood Area will be accommodated primarily through the intensification of existing areas, where compatible, and that the City will address new housing demands, through the best use of existing infrastructure and public services facilities with the Urban Area.

The City's Residential Neighbourhood Area is comprised of three land use designations based on density and building types: Residential – Low Density, Residential – Medium Density, and Residential – High Density, as identified on Schedule C: Land Use – Urban Area. Each of the designations is based on the function, land uses, location, density and scale of development.

The Official Plan Amendment proposes changes to the Residential Neighbourhood Area preamble. The proposed changes recognize that the Residential Neighbourhood Areas are not recognized as an area where significant growth and development will take place but will still evolve overtime through compatible infill intensification. The changes reinforce that the definition of compatible does not necessarily mean the same as the existing or planned development in the area, but nonetheless can co-exist without causing adverse impact to the surrounding area. The amended preamble further instills that all strictly residential based land uses are compatible with one another and provides that the focus will be on the compatibility of the built form and scale of the buildings with the existing neighbourhood. The intent of the amendments to the preamble for the Residential Neighbourhood Areas are to provide clarity for the reader that compatible change and growth are expected to take place within the neighbourhoods, and that there is flexibility within the designations for additional housing types and units.

#### *Built Form based policies for the Residential Neighbourhood Area and Designations*

The Official Plan Amendment proposes to set a revised policy framework for the Residential Neighbourhood Area and the three existing designations by removing the density based policies, and moving towards built form based policies, which prioritize the form and scale of buildings and the existing physical character to articulate the vision for Burlington's Residential Neighbourhood Area.

Built form can be used to describe the overall size and shape of a building. Height and massing of a building are important considerations when understanding the potential impact that a building may have on surrounding properties.

The intent of focusing policies for each of the Residential Neighbourhood Area designations on built form, is to add flexibility to increase housing options while, in the opinion of Planning Staff, still being context-sensitive to the existing surrounding neighbourhood. The proposed amendment would require new as-of-right development to fit within the prescribed built form, and associated built form regulations or where applicable, be compatible with the designation's built form and outlined criteria for potential amendments to the Zoning By-law.

The proposed amendment also provides clarity about the form of development to be expected in each of the designations. The proposed amendments are to the existing designations, exactly to the same extent as identified on Schedule C: Land Use – Urban Area, of the Burlington Official Plan, 2020. Planning Staff have reviewed each of the three density-based Neighbourhood designations and policies, and propose the following built-form alternative focus for each of the designations:

Existing Designation Name	Proposed Amended Designation Name
Residential – Low Density	Low-Rise Neighbourhoods I
Residential – Medium Density	Low-Rise Neighbourhoods II
Residential – High Density	High-Rise Neighbourhoods

The proposed amended designations focus on built form, specifically height as the defining characteristic for each of the existing designations. Low-rise buildings (up to 4 storeys), mid-rise buildings (five (5) to eleven (11) storeys) and tall buildings (12 storeys and above) all of which are currently defined terms in the BOP, 2020 and would provide a predictable built form based on the existing established designations. Further, the Burlington Official Plan, 2020 defines ground-oriented development and non-ground-oriented development which is used to describe the design of residential uses:

**Ground-Oriented Dwelling:** a *dwelling unit* which is designed to be accessible by direct access from the ground or by means of stairways. Buildings containing *ground oriented housing units* usually do not exceed three storeys in height.

**Non-Ground Oriented Dwelling:** a *dwelling unit* which is designed to be accessible primarily by indirect access through an elevator. Buildings containing *non-ground oriented housing units* usually exceed three (3) storeys in height.

In moving towards built form-based policies, Staff are proposing to remove density as a metric and requirement for future infill development within the Residential Neighbourhood Area designations. While density can be used to limit the number of units on a lot, it does not control aspects of physical character such as scale, massing, height amongst other things that the Official Plan and Zoning By-law can control through built form regulations. There are no proposed changes to the Site Specific policies.

Planning Staff are of the opinion, that by removing density as a metric for describing the type and degree of development expected in the neighbourhoods, and instead using built form to describe the type of development expected (low-rise, ground related for example) will allow for more clarity about the type of development expected while providing flexibility and reducing barriers to increasing housing options by allowing the opportunity for more units per lot, where appropriate and allowing additional residential land uses that fit the permitted built form and in Planning Staff’s opinion are compatible with the existing built form of a neighbourhood.

**General Objectives (Chapter 8, Subsection 8.3.1)**

Section 8.3.1 outlines the General Objectives for the Residential Neighbourhood Areas. The proposed amendment adds additional objectives for the Residential Neighbourhood Areas including:

- Recognizing that the Residential Neighbourhood Areas will evolve over time to accommodate population growth and changing demographics to respond changing needs of those who call these neighbourhoods home;
- Encourage innovative housing design to accommodate additional residential units to support the creation of new rental units and multi-generational housing to create flexibility to respond to the changing needs of a household, at all stages of life; and
- Protecting healthy mature trees.

#### General Policies (Chapter 8, Subsection 8.3.2)

The General Policies section of the Residential Neighbourhood Area policies are policies which apply to all three of the designations. The proposed Official Plan Amendment adds additional detail to Section 8.3.2 b) to further request that multi-unit developments incorporate a mix of unit sizes to include units with more than one bedroom. Throughout the engagement on the Official Plan Amendment to Increase Housing Options Project and earlier through the Housing Strategy, it became apparent that there is a need for larger units with more than one bedroom within multi-unit developments. In Planning Staff's opinion this policy will assist in increasing the housing options and unit sizes to encourage the accommodation of a diverse range of household sizes and incomes. Planning Staff are of the opinion that the added policy supports increasing housing options as set out as a main theme of the Housing Strategy, and towards the overall vision for housing in Burlington, and addresses Council's direction.

#### Residential – Low Density (Chapter 8, Subsection 8.3.3)

Section 8.3.3 outlines the policies for the Residential – Low Density designation. The amendments rename the designation to the Low-Rise Neighbourhoods I designation and revises the designation to focus on built form. Through removing the density requirements and focusing on a low-rise ground-oriented built form, there is, in Planning Staff's opinion, more flexibility to increase housing options within this designation.

The proposed amendment permits duplexes as-of-right, in addition to single-detached and semi-detached dwellings already considered permitted housing types within the BOP, 2020. Planning Staff are of the opinion, that by permitting duplexes as-of-right, there will be more as-of-right opportunities for development that is commonly rental tenure in comparison to semi-detached dwellings, increasing additional housing tenure options within the low-rise neighbourhoods. Zoning will continue to provide regulations in regards to setbacks, height, lot coverage parking requirements, and lot size, among other things, which will restrict which lots can functionally be used for a semi-detached dwelling or duplex dwelling.

The amendments also direct Zoning to establish regulations for triplexes and fourplexes within the Residential – Low Density designation based on the following:

- the development of triplexes and fourplexes shall be limited to the peripheries of neighbourhoods;
- sufficient lot area and frontage;
- appropriate lot coverage; and
- a maximum height of 2 storeys.

The proposed considerations will allow for, in Planning Staff's opinion, compatible development: that is low-rise and ground-oriented in nature but differs from the existing dwelling types and standard design, which will allow for the gradual growth and evolution at the peripheries of the existing Residential – Low Density neighbourhoods. Planning Staff are proposing this approach, in combination with permitting four units as-of-right through the Additional Residential Unit policies of the Official Plan, 2020, which requires the additional residential units to fit within the building envelope requirements, with some proposed modifications as outlined below, for the permitted use and/or accessory building, in order to allow for gradual change to the look and feel of the Residential – Low Density neighbourhoods that is still compatible with, and respects the overall physical character. The proposed policy will allow for an incremental increase in dwelling units and housing options over time in our Residential – Low Density neighbourhoods that is respectful of the existing built form.

The proposed amendments to permit up to fourplexes, where the zoning deems appropriate and four units as-of-right through the Additional Residential Unit policies support the overall theme of supporting a broad variety of housing types and forms of the Housing Strategy, and specifically assist in achieving Action 6 and related sub-action 43:

*Monitor how the Official Plan policies are working to deliver a broad range of ground-oriented built form housing types, and then if needed, provide more flexibility for compatible higher-intensity ground oriented built forms within the Low-Density Residential Neighbourhoods (e.g townhouses) through a potential future Official Plan Amendment that would be subject to a public process. This would include permitting this type of infill development to be considered by the Committee of Adjustment through a Minor Variance process, rather than a Zoning By-law Amendment process.*

In Planning Staff's opinion, the proposed amendment will increase opportunities for the creation of more housing options and units in the Residential – Low Density designation in a way that is compatible with the existing built form and assists in achieving Council's direction.

The Official Plan Amendment proposes changes to Section 8.3.3 b), the notwithstanding clause for the consideration of townhouses through a site-specific Zoning By-law Amendment application, without an Official Plan Amendment. The proposed changes include:

- Removing the maximum density requirement and instead capping the number of principal dwelling units to four per townhouse development;
- Including request for the development to incorporate built form and landscape qualities prevalent in the surrounding area;
- Permitting a maximum height of two storeys; and
- Ensuring that the development is consistent with the policies of Section 4.3 Urban Forestry of the Official Plan, in order to protect healthy mature trees.

While the proposed amendments require a site-specific Zoning By-law Amendment, the proposed changes do remove density as a barrier to the creation of townhouse units within the Residential – Low Density designation. The proposed amendments further ensure that townhouse development is compatible with and respectful of the existing physical character of the surrounding neighbourhood. Planning Staff are of the opinion that through the proposed criteria, there is additional opportunity for townhouse development that respects the existing physical character of the neighbourhood.

Overall, Planning Staff are of the opinion that the proposed amendments to the Residential – Low Density designation will increase housing options within the city's neighbourhoods in a way that is desirable and respects the existing physical character of the city's Residential – Low Density neighbourhoods. The proposed amendments support the Actions and Themes of the Housing Strategy and Council's direction.

#### Residential – Medium Density (Chapter 8, Subsection 8.3.4)

Section 8.3.4 provides the policies for the Residential – Medium Density designation. The Residential – Medium Density designation permits higher intensity multi-unit development such as townhouses, and low-rise non-ground oriented residential buildings at the peripheries of neighbourhoods. This designation largely reflects existing medium density forms including for example, townhomes. While the Residential – Medium Density designation permits higher intensity uses, the built form continues to be low-rise in nature, with policies outlining a maximum of three storeys for ground-oriented development and four storeys for non-ground-oriented development. The proposed amendment would rename the Residential – Medium Density designation to the Low-Rise Neighbourhoods II designation in order to focus on the expected built form for the designation. The proposed changes to the Residential – Medium Density designation include:

- Removal of the permitted density range;
- Increased permitted uses including permitting duplexes, triplexes, fourplexes and multiplexes; and
- Restricting single-detached dwellings to existing dwelling units only.

The proposed amendments will, in Planning Staff's opinion, provide additional flexibility and increased housing options and intensity within the Residential – Medium Density designation, and is in support of the Council direction and overall goals of the Housing Strategy.

### Residential – High Density (Chapter 8, Subsection 8.3.5)

The policies for the Residential – High Density designation are outlined in Section 8.3.5 of the Burlington Official Plan, 2020. The proposed amendments revise the name of the designation to High-Rise Neighbourhoods to focus on built form rather than density. This designation will continue to permit multi-unit residential uses, up to tall buildings.

The proposed amendments remove the density requirements for both as-of-right development and the notwithstanding clause to permit additional intensity under this designation (Section 8.3.5 c)) and focuses on height permissions. The proposed changes to Section 8.3.5 c) includes focusing the Notwithstanding clause to permit additional height, rather than density; and requiring functional outdoor common amenity at grade. In Planning Staff's opinion, the proposed amendments to the notwithstanding clause continue to be in alignment with the Growth Framework of the Burlington Official Plan, 2020 and will allow additional unit creation within a permitted built form.

The proposed amendments to the Residential – High Density designation also increases the permitted uses to include triplexes, fourplexes and multiplexes. The intent of permitting these additional residential uses is in order to provide additional opportunities for infill development within the Residential – High Density designation neighbourhoods, where the size of the lot may functionally not be able to accommodate a townhouse or tall building development.

Planning Staff are of the opinion that the proposed amendments to the Residential – High Density designation assist in creating opportunities for more housing options through infill development, and increasing potential units for lots which may be able to accommodate the development or redevelopment of a lot for tall buildings, which meets the intent of the Council direction to increase housing options.

### Neighbourhood Character Areas (Chapter 8, Subsection 8.3.6)

The Neighbourhood Character Area policies in the BOP, 2020 were carried forward from the Burlington Official Plan, 1997. The policies provide that development shall be restricted to single-detached dwellings and require development to respect the existing neighbourhood character built form and design elements of the neighbourhood including architectural features, building separations, lot coverage, scale, floor area ratio, and landscape qualities and characteristics that are prevalent in the Indian Point and Roseland neighbourhoods. The overall policies also provide that healthy mature trees contribute to neighbourhood character and development shall be consistent with the policies of Section 4.3 Urban Forestry of the BOP, 2020. The Site-Specific policies under Section 8.3.6(3) relate to the defining character of Indian Point and Roseland:

- a) Indian Point is a distinct historic *Neighbourhood Character Area* characterized by its lakeside location; few streets; large and mature *tree* canopy; spacious properties separated by large open spaces between housings and a variety of architectural styles. New *development shall* protect and enhance these *neighbourhood character* elements.

b) Roseland is a distinct *Neighbourhood Character Area* defined by its garden-like setting with large mature *trees*, strong historic character, and homes with varied and unique architecture styles. Lots are spacious with dwellings that are well proportioned in relation to the property size and having a *scale* that is *compatible* with adjacent dwellings and which reinforces the open space character. Streets within the *Neighbourhood Character Area* contain wide landscaped boulevards and street lamps that complement the *neighbourhood character* of private properties. New *development shall* protect and enhance these *neighbourhood character* elements.

Planning Staff are proposing to remove the Neighbourhood Character Area policies from the BOP, 2020. Since the preparation of the Neighbourhood Character Areas Studies and the approval of the 2020 Official Plan, the upper levels of government's understanding of housing and housing need has changed, as a result, the provincial policy framework has shifted significantly, making notable changes including limitations to site plan control.

Further, to the significant changes to the *Planning Act*, the City's understanding of its role in housing continues to evolve through documents like the City's Strategic Plan, Housing Strategy, HAF Action Plan and its commitment to its Housing Pledge. As a result, the way that the City approaches neighbourhood character is also evolving.

As a result of recent shifts to provincial policy, the Neighbourhood Character Area policies are now more prescriptive than the Provincial policies set out in the *Provincial Planning Statement, 2024* (PPS, 2024), the *Planning Act*, and the City's recently approved Housing Strategy. The PPS, 2024 requires that municipalities plan for efficient development patterns within the Settlement Area that efficiently use land and resources including optimizing existing and planned infrastructure and public services and support active transportation. This direction for municipalities to plan for efficient development patterns under the PPS, 2024 is similar to previous direction under the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The PPS, 2024 also requires that municipalities provide a mix of housing options including permitting and facilitating all types of residential intensification including the *development and introduction of new housing options within previously developed areas*. All land use decisions must be consistent with the PPS, 2024.

By removing the policies which restrict housing options in the Neighbourhood Character Areas to single-detached dwellings, to allow the residential uses permitted within the Residential – Low Density designation, including semi-detached and duplex dwellings, the City will be taking a more equitable approach to development in Burlington's

Residential Neighbourhood Areas, that aligns with the new provincial policy framework and the objectives of the City's Housing Strategy and Strategic Plan.

In 2017, the City of Burlington exempted single-detached and semi-detached dwellings from Site Plan Control. Further changes to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022*, further limited the application of Site Plan Control for developments with less than 10 dwelling units. As a result, the City's authority to control the appearance or aesthetic, such as design elements and architectural features like materials, colour, etc. is limited for any permitted dwelling types fewer than 10 units.

Based on the analysis and justification above Planning Staff recommend the removal of the Neighbourhood Character Area policies from the Official Plan. The proposed amendments carry-forward the lessons learned in the form of policies that can be applied to all Residential Neighbourhood Areas, and including focus on compatibility of infill development with the physical character of the surrounding neighbourhood; and an added emphasis on the importance of healthy mature trees and physical character.

Planning Staff are of the opinion that the removal of the Neighbourhood Character Area policies and the proposed amendments align with the overall direction and objectives of the City's Housing Strategy, Council direction and Provincial Legislation.

#### Retail and Service Commercial Uses (Chapter 8, Subsection 8.3.9)

Policies for retail and service commercial uses with the Residential Neighbourhood Areas, specifically the Residential – Medium Density and Residential – High Density designations and includes the following criteria under Section 8.3.9(2) a) :

- (i) On lands designated Residential – Medium Density, the proposed *development shall* achieve a minimum density of fifty-one (51) units per *net* hectare;
- (ii) The property *shall* be adjacent to a Major Arterial or Multi-Purpose Arterial Street, Urban Avenue, or Main Street, as identified on Schedule O-1: Classification of Transportation Facilities – Urban Area of this Plan;
- (iii) The retail and/or *service commercial* use *shall* be primarily intended to serve on-site residents and those located within immediate walking distance of the property;
- (iv) The retail and/or *service commercial* use *shall* be *compatible* with the surrounding area and respectful of the *physical character* of the neighbourhood; and
- (v) The retail and/or *service commercial* uses *shall* be located at grade level within a building containing residential uses.

The proposed amendment removes the density requirement for developments including retail and service commercial uses. Planning Staff are of the opinion that the proposed Official Plan Amendment does not have any adverse impact on the ability to add residential supportive uses, and continues to ensure that the development inclusive of retail and/or service commercial uses is respectful of the surrounding neighbourhood and compatible by still including requirements relating to being in a context-sensitive

location such as on a major street and being within a building that contains residential uses. Planning Staff are of the opinion that the proposed Official Plan Amendment provides additional opportunities for the ability for context-sensitive residential supportive land uses to exist within the Residential – Medium Density designation, which can ultimately contribute to the overall well-being of nearby residents and the provision of complete communities in our Residential Neighbourhood Areas.

#### Additional Residential Units (Chapter 8, Subsection 8.7.2)

The Additional Residential Unit policies are detailed in Section 8.7.2 of the Burlington Official Plan, 2020. The proposed amendments to the Additional Residential Unit policies increase the number of Additional Residential Units from two to three, plus the principal unit, in order to permit a total of four units as-of-right per parcel of urban residential land, where a single-detached, semi-detached or townhouse dwelling is permitted. The Official Plan Amendment also proposes additional policies for Additional Residential Units, including:

- Requiring the New Zoning By-law to contain parking standards for Additional Residential Units that consider alternative parking standards when appropriate;
- Requiring the New Zoning By-law to consider opportunities for up to two Additional Residential Units to be contained within an accessory building; and
- Ensure that Additional Residential Units have adequate servicing.

The proposed amendments to the Additional Residential Unit policies address Council's direction to permit four units as-of-right, and Initiative 3 of the Housing Accelerator Fund Action Plan.

The proposed amendments to permit four units as-of-right through the Additional Residential Unit policies will, in Planning Staff's opinion, result in a continuation of the existing physical character within the City's neighbourhoods by requiring the four units per lot to meet the policies and regulations for the principal dwelling building and/or accessory building's building envelope, save and except for the total permitted lot coverage now is permitted up to 45 percent and no limit Floor Space Index, as per the legislation changes to O.Reg 299/19. Planning Staff are of the opinion, that, while the lot coverage changes under O.Reg 299/19 will permit a higher lot coverage percentage than what is permitted under the current Zoning By-law, the change is, in Planning Staff's opinion, minor in nature as the R1, R2 and R3 Zones permit in some cases, up to 40 percent lot coverage for one storey residential uses and up to 35 percent to 40 percent for two or more storey dwellings depending on the dwelling type.

Through the consultation on the changes to the O. Reg 299/19 the Province outlined the intent of the change was to set out a provincial standard for lot coverage for buildings and structures on lots with Additional Residential Units in order to *make it easier to build ancillary buildings like garden and laneway suites on existing lots, as well as rear additions to the primary building*. Planning Staff are of the opinion that the additional lot

coverage would have a minimal impact on the overall massing and built form from the public right-of-way, as the principal building would still be required to meet the required setbacks, yard requirements, and height limitations detailed in the Zoning By-law.

Further, the Zoning By-law under Part 1, Section 2.2 b) (i) does not permit Accessory Buildings greater than 10 m<sup>2</sup> within a front yard, street side yard or the required side yard, and therefore, in Planning Staff's opinion would be in keeping with the built form massing from the public right-of-way, and still would be required to meet the rear yard setbacks posing no more of adverse impact on neighbouring lots. Planning Staff are of the opinion that even with the proposed lot coverage changes made to O.Reg 299/19, permitting four units as-of-right through the Additional Residential Unit policies will result in the continuation of the existing physical character within the City's neighbourhoods while providing opportunities for increase housing options in Burlington's neighbourhoods.

Planning Staff are of the opinion that the proposed Official Plan Amendment addresses the Council direction to permit four units as-of-right and will provide opportunities for more housing options and units within the City in a way that is compatible with the existing built form of our neighbourhoods.

#### Neighbourhood Character & Neighbourhood Character Areas (Chapter 13, Definitions)

The definition of Neighbourhood Character and Neighbourhood Character Areas specifically apply to only the Neighbourhood Character Areas. As Staff are proposing to remove the Neighbourhood Character Area policies from the Burlington Official Plan, 2020, the related terminology would be obsolete.

The term *Physical Character*, as defined in the Burlington Official Plan, 2020 is employed similarly to the definition of Neighbourhood Character but applies more broadly applying to the character or distinctive qualities seen within areas and neighbourhoods within the Residential Neighbourhood Areas. While currently under appeal, *Physical Character* is defined in the Burlington Official Plan, 2020 as:

*The distinctive qualities within a physical area which are defined by elements such as scale, massing, vegetation, topography, lotting pattern, colour, texture, material and the relation between structures, spaces and landforms.*

Planning Staff are of the opinion that the removal of the definitions of Neighbourhood Character and Neighbourhood Character Areas is in alignment with the proposed removal of the Neighbourhood Character Areas and the overall direction from Council. The term Physical Character will then be used to refer to character for all Residential Neighbourhood Areas, among others, including the neighbourhoods that were subject to the Neighbourhood Character Area policies.

### Additional Needs Housing (Chapter 13, Definitions)

The Official Plan Amendment proposes to add an additional term to Chapter 13, Definitions. The term *Additional Needs Housing* is to eventually replace the term *Special Needs Housing*, in order to align with the terminology used in the Provincial Planning Statement, 2024. The proposed definition is verbatim from the PPS, 2024:

*Additional Needs Housing – means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities and housing for older persons.*

Planning Staff are of the opinion that the added definition complies with the PPS, 2024 and therefore should be added to address the revised definition under provincial regulation.

### Process: Official Plan Amendment and Modifications through the Ontario Land Tribunal

The majority of the policies relating to Phase 1 and 2 of the Official Plan Amendment to Increase Housing Options are now in force including the Introduction to the Official Plan, Uptown Residential – Medium Density designation, the Residential Neighbourhood Area policies, and the Additional Residential Unit policies among others, and therefore may be amended in accordance with Sections 16, 17 and 21 of the *Planning Act*.

There are a small number of policies relating to Phase 2 of the Official Plan Amendment to Increase Housing Options project that remain subject to appeal, including the Schedules relating to the above-mentioned policies, and the Neighbourhood Character Areas.

While changes to appealed policies typically proceed by way of OLT modification, in some limited and specific circumstances, amendments may also be brought forward to withdraw policies. These policies fall into the two categories listed below.

#### 1. Policies recommended for removal from the Burlington Official Plan, 2020

- Neighbourhood Character Areas (Chapter 8, Subsection 8.3.6)
- Neighbourhood Character and Neighbourhood Character Area (Chapter 13, Definitions)

(Council can withdraw policies that did not come into effect)

#### 2. Schedules requiring modification to reflect the proposed amendments to the in-effect policies of the Burlington Official Plan, 2020:

- Schedule C: Land Use - Urban Area
- Schedule E: Land Use Uptown Urban Centre
- Policy cross references and renumbering to policies currently appealed

(Modifications will require consent of all of the parties through the OLT process).

These proposed changes cannot be implemented through this Official Plan Amendment. The City's current approach to advancing the appealed portions of the Burlington Official Plan, 2020 is through modifications through the OLT process. In order to move forward with the proposed changes, staff will require direction from Council to move forward with these modifications through the OLT process, as set out in the recommendations of Report DGM-01-25.

Should Council approve the recommendation to withdraw the Neighbourhood Character Area policies through the modification process from the Burlington Official Plan, 2020, the Neighbourhood Character Area policies of the Burlington Official Plan, 1997 would still be in effect. As such, Planning Staff are seeking Council direction to commence a City-initiated Official Plan Amendment to the 1997 Official Plan through Staff Report DGM-01-25 to remove the Neighbourhood Character Area policies from the Burlington Official Plan, 1997, through an additional Statutory Public process, as required by the *Planning Act*.

Additionally, there are a number of policy cross references and renumbering of policies currently appealed. In this case, the remaining matters of conformity will be addressed through the City's Official Plan Targeted Realignment Exercise. In addition to matters of conformity, the realignment will address housekeeping matters such as terminology changes and cross-references throughout other sections of the Official Plan, 2020.

## Zoning By-law 2020

### Proposed Zoning By-law Amendment

#### Amendment Overview

The proposed amendments to Zoning By-law 2020, as amended, are attached as Appendix B. The amendments will ensure alignment with the Official Plan policies, as proposed to be amended by OPA 3, and will meet HAF requirements for permitting four units as-of-right. The amendments also reflect recent changes to O. Reg 299/19 to ensure alignment with the Planning Act regulations. The proposed amendments to Zoning By-law 2020 and staff's explanation for context, can be found below under heading "Proposed Zoning By-Law Amendment and Staff Explanation".

#### Additional Residential Units – 4 units as-of-right

The City's existing Zoning By-law (Zoning By-law 2020, as amended) currently permits up to two additional residential units (previously referred to as an "accessory dwelling unit" or "ADU") on a detached, semi-detached or townhouse lot that is served by municipal sewage and water services. Both Additional Residential Units (ARUs) may be contained within the principal building. Alternatively, one ARU may be contained in a

detached accessory building on the same lot as the principal building, and the other ARU may be contained within the principal building.

The proposed amendments to the existing Zoning By-law will ensure alignment with the Official Plan policies, as proposed to be amended, by increasing as-of-right the number of additional residential units to three from two in addition to the principal dwelling unit (and allowing four residential units per property as-of-right) on all residential lands in the settlement area on full sewer and water services.

#### Reduced Minimum Parking Requirements for ARUs

The current Zoning By-law requires that a minimum of two parking spaces be provided for each principal dwelling unit plus a minimum of one parking space be provided for each ARU. For example, for a property to have three ARUs, five parking spaces total would be required. Five parking spaces would require a total area of 82.5 m<sup>2</sup> (approximately 900 square feet or the size of a 2-bedroom dwelling unit). This presents a barrier due to limited space on a residential property to achieve competing objectives of providing space for housing, protecting existing trees, usable outdoor amenity space, and cars.

Staff have heard from residents that the City's current parking requirement for ARUs is considered a barrier to their ability to add an ARU on their property. To remove this barrier and encourage the creation of more ARUs, staff is proposing a reduction in the number of parking spaces required for an ARU. If approved, no parking space is required for one ARU and one additional parking space is required for the second or third ARUs. For example, instead of five parking spaces total being required for a detached dwelling with three ARUs, three parking spaces total would be required.

This recommended approach is intended to be supported through the creation of a city-wide on-street residential parking permit system. Staff are targeting Q1 2025 to bring forward a report considering the creation of a city-wide on-street parking permit system.

#### Other Regulations

The proposed amendment also includes removing or adding requirements to enable conversion of existing buildings into ARUs and by doing so, eliminating the need to obtain approval such as a minor variance. For example, requirements for a minimum 3 metre side yard would not apply for the conversion of a lawfully existing attached garage into an ARU, a lawfully existing Accessory Building is permitted to be converted to an Additional Residential Unit., and exterior recladding of a building would be permitted to project a maximum of 0.05 metres from the existing wall of the building.

ARUs will be subject to all other existing performance standards found in the Zoning By-law for the principal building or accessory building such as height and setbacks, except as proposed to be amended.

It should be noted that it may not be feasible for all properties to accommodate three additional residential units in compliance with the proposed parking standards and other

performance standards. For example, it is expected that additional residential units will be less common on smaller lots or lots with semi-detached dwellings and townhouses due to the physical space required to house cars.

### Maximum Lot Coverage

The City's Zoning By-law currently does not contain a performance standard to regulate lot coverage for ARUs. However, lot coverage for a proposed ARU in a principal building or an accessory building would be indirectly assessed by applying Part 2, Section 4.2, Table 2.4.3 of the Zoning By-law. With the amendments to O. Reg 299/19 coming into force on November 20th, staff have been relying on the 'Compliance with Other Regulations (Part 1, Section 1.1)' section of Zoning By-law 2020 to permit additional residential units in accordance with the Planning Act provisions, as the changes supersedes local zoning. Additionally, Council has raised concerns to staff regarding the potential impacts of future infill development within neighbourhoods as a result of the Provincial changes to allow maximum lot coverage to 45% for all buildings and structures on parcels with ARUs. Acknowledging this context and that the City has taken an incremental approach for ARUs in response to previous legislative and policy changes at the Provincial level as well as other changes in City policy including the City Housing Strategy and the City's application to the Housing Accelerator Fund, staff are recommending changes to lot coverage requirements that build upon the regulatory framework that exists in the City's current Zoning By-law. It is proposed that the City amend the Zoning By-law to add a regulation for all buildings with Additional Residential Units the maximum lot coverage may be the greater of the applicable zone or 45%. This approach will provide flexibility for the property owner to determine how best to allocate the 45% lot coverage for the creation of ARUs on their lands, which support the implementation of the City's Housing Strategy and Burlington's Housing Accelerator Fund Action Plan and is anticipated to ultimately support the development of more housing in Burlington. It is noted that New Zoning Bylaw Project will study and explore opportunities to refine the ARU regulatory framework that exists in the City's current Zoning By-law to enable the shift in focus within the Official Plan towards the compatibility of the built form of buildings within residential neighbourhoods. The proposed amendment also includes an increase to the maximum size of accessory buildings to enable the recommended approach for maximum lot coverage on properties with ARUs. Staff are recommending the maximum size of accessory buildings which include an additional residential unit be increased from 50 m<sup>2</sup> to 80 m<sup>2</sup>. A review of practices in other municipalities was undertaken as it relates to maximum size of accessory buildings and it was found to range from 80 m<sup>2</sup> to 100 m<sup>2</sup>. It is noted that the approach identified above is in conformity with the changes to O. Reg. 299/19.

### Floor Space Index (FSI)

The City's existing Zoning By-law contains floor area ratios for Residential zones. To bring the Zoning By-law into conformity with O. Reg. 299/19 as it relates to the changes to FSI, it is recommended that the requirements for maximum Floor Area Ratio shall not apply to properties with ARUs. It is noted by the Province that the rationale for removing

this requirement would be to make it easier to build structures with more livable space, including ancillary buildings and laneway suites on existing lots.

### Other Changes to Performance Standards

As noted above, the Province as part of the amendments to O. Reg 299/19 has made changes to other performance standard including: angular plane, minimum lot size, and minimum building distance separation for parcels of urban residential land. With respect to these performance standards, no amendments are required as the City’s existing regulations are appropriate and not in conflict with the changes to O. Reg. 299/19, or in the case of performance standards for angular plane the City does not contain requirements for dwellings containing ARUs or accessory buildings with ARUs.

### Proposed Zoning By-Law Amendment and Staff Explanation

PROPOSED ZONING BY-LAW AMENDMENT		STAFF EXPLANATION
<b>Part 1 – General Conditions and Provisions</b>		
1.	<p>Amend Section 2.21 Uses Permitted in All Zones, Subsection 2.21 (u), as follows:</p> <p>i. Deleting:</p> <ul style="list-style-type: none"> <li>• “(u) Additional Residential Units Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones.</li> <li>• Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted.</li> <li>• In addition to the principal dwelling unit, up to two Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a Townhouse are only permitted on a POTL where one Townhouse is permitted.</li> <li>• Only one Additional Residential Unit</li> </ul>	<p>To update regulations for Additional Residential Units in all zones (Part 1, Section 2.21, Subsection (u)) to ensure consistency with the new Official Plan and compliance with the <i>Planning Act</i>.</p> <p>To remove or add requirements to enable the conversion of existing buildings into ARUs.</p> <p>To add a performance standard to regulate lot coverage for ARUs to ensure compliance with the <i>Planning Act</i>.</p> <p>To update size of an accessory building containing an ARU to enable the performance standard to regulate lot coverage.</p> <p>To remove the requirements for maximum Floor Area Ratio as it applies to properties with ARUs to ensure compliance with the <i>Planning Act</i>.</p>

	<p>may be located within an Accessory Building.</p> <ul style="list-style-type: none"> <li>• Only one exterior entrance is permitted on each elevation of the principal building facing a street.</li> <li>• Parking shall not be permitted in that portion of the rear yard defined as the area between the extension of the two lines projected backward from the two side walls of the principal building.</li> <li>• Tandem parking spaces are permitted.</li> <li>• Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces.</li> <li>• Requirements for minimum floor area per dwelling unit and Minimum Floor Area Ratio shall not apply to lots with Additional Residential Units.” and</li> </ul> <p>ii. Replacing:</p> <p>“(u) Additional Residential Units</p> <p>(i) Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones.</p> <p>(ii) Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted.</p> <p>(iii) In addition to the principal dwelling unit, up to three Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a</p>	
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	<p>Townhouse are only permitted on a Parcel of Tied Lands where one Townhouse is permitted.</p> <ul style="list-style-type: none"> <li>(iv) Only one Additional Residential Unit may be located within an Accessory Building.</li> <li>(v) Only one exterior entrance is permitted on each elevation of the principal building facing a street.</li> <li>(vi) Tandem parking spaces are permitted.</li> <li>(vii) Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces.</li> <li>(viii) Requirements for minimum floor area per dwelling unit and minimum floor area ratio shall not apply to lots with Additional Residential Units.</li> <li>(ix) Notwithstanding Part 1, Subsection 2.2 (b), the floor area of an Accessory Building containing an Additional Residential Unit is permitted up to a maximum of 80 m<sup>2</sup>.</li> <li>(x) Notwithstanding Part 1, Subsection 2.2 (b), a lawfully existing Accessory Building is permitted to be converted to an Additional Residential Unit.</li> <li>(xi) Notwithstanding Part 2, Section 4.1, Table 2.4.1, requirements for a minimum 3 metre side yard shall not apply for the conversion of a lawfully existing attached garage into an Additional Residential Unit.</li> <li>(xii) Notwithstanding anything in this By-law for all buildings with Additional Residential Units the maximum lot coverage may be the greater of the applicable zone or 45%.</li> <li>(xiii) Notwithstanding Part 2, Section 4.5, requirements for maximum floor area ratio shall not apply to properties with Additional Residential Units.</li> <li>(xiv) Exterior recladding of a building may project a maximum of 0.05 metres from the existing wall of the building.”</li> </ul>	
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2.	<p>Amend Section 2.25, Table 1.2.6: Off-Street Parking Standards, as follows:</p> <ul style="list-style-type: none"> <li>i. Deleting: “1 space per unit” under the Parking Standard for Additional Residential Unit; and</li> <li>ii. Replacing it with:  “First unit: 0 spaces  Second or third units: 1 space” under the Parking Standard for Additional Residential Unit.</li> </ul>	<p>To reduce the number of parking spaces required to encourage the creation of ARUs.</p>

**Staff Report DGM-01-25: Appendix E – Public Feedback**

Following the release of the draft Official Plan Amendment No. 3 and draft Zoning By-law Amendment on November 25, 2024, staff received feedback from the public and development industry on draft Official Plan Amendment No. 3 and Draft Zoning By-law Amendment. Staff requested feedback by December 13, 2024.

See the table below for an overview of the feedback received and staff responses.

No.	Submission Source	Submission	Theme	Response	Changes to Document
1	Daniel and Adam Segal (Delegation at Committee of the Whole Statutory Public Meeting – December 3, 2024)	Daniel Segal, Segal Construction <a href="#">presented</a> a series of <a href="#">slides</a> . <b>Recommendations:</b> <ol style="list-style-type: none"> <li>1. The city should provide access to land to build ARUs.</li> <li>2. A flexible policy and regulatory framework is needed.</li> <li>3. ARUs should be made conveyable.</li> <li>4. City commitment is needed to provide or finance essential community services such as roads.</li> <li>5. Mutual Non-Disclosure Agreements (NDAs) should be used.</li> </ol>	<ul style="list-style-type: none"> <li>- Built Form</li> <li>- Physical Character</li> <li>- Affordability and Financial Incentives</li> </ul>	<ol style="list-style-type: none"> <li>1. This comment is outside of the scope of this project. Comments forwarded to Manager of Housing Strategy and to Burlington Land Partnership</li> <li>2. Official Plan Amendment 3 provides a flexible policy framework intended to increase housing options in Burlington’s neighbourhoods.</li> <li>3. Consideration of conveyance of lands related to</li> </ol>	<b>None</b>

				<p>ARUs will be considered as a part of Phase 3 of this work.</p> <p>4. This comment is outside of the scope of this project</p>	
2	<p>Garth Brown (Delegation at Committee of the Whole Statutory Public Meeting – December 3, 2024)</p>	<p>Garth Brown <a href="#">presented</a> a series of <a href="#">slides</a>.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. Reduce or eliminate parking requirements</li> <li>2. Offer financial incentives to build ARUs</li> <li>3. Create a dedicated team and tool kit to support homeowners in developing ARUs</li> <li>4. Permit 2 units in an accessory structure.</li> </ol>	<ul style="list-style-type: none"> <li>- Built Form</li> <li>- Physical Character</li> <li>- Affordability and Financial Incentives</li> </ul>	<ol style="list-style-type: none"> <li>1. Parking requirements for ARUs were reduced through OPA 3 and the Zoning Bylaw Amendment. Further reductions will be considered through Phase 1 of the New Zoning Bylaw Project. Comments have been forwarded to the project team.</li> <li>2. Financial incentives are being considered as a part of the Housing - Focused CIP</li> </ol>	<p><b>Change:</b> Revisions to 8.7.2 (2) of Official Plan Amendment No. 3 and to Zoning By-Law Amendment 2020.xxx.</p>

				<p>project which is currently under way. Comments have been forwarded to the CIP team.</p> <p>3. This work is underway under Action 5 of the Housing Accelerator Fund Action Plan, which identifies the Housing Connection Centre as a resource to be delivered in 2025. Comments have been circulated to the HAF team.</p> <p>4. Official Plan Amendment 3 and the Zoning By-law Amendment was modified to create the flexibility to permit 2 units in an accessory</p>	
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				structure pending the development of appropriate regulations. This comment was circulated to the NZBP team.	
3	Anthony Salemi - (Written delegation at Committee of the Whole Statutory Public Meeting – December 3, 2024)	<p>December 3, 2024 From: West End Home Builders’ Association 1112 Rymal Road East Hamilton, Ontario L8W 3N7 To: Burlington Committee of the Whole 426 Brant St Burlington, ON L7R 3Z6</p> <p><b>WE HBA Letter: Draft Official Plan and Zoning By-law Amendments to Increase Housing Options</b></p> <p>The West End Home Builders’ Association (“WE HBA”) is the voice of the land development, new housing and professional renovation industries in Hamilton, Burlington, and Grimsby. WE HBA represents 320 member companies made up of all disciplines involved in land development and residential construction. WE HBA is appreciates the many actions the City is taking to support intensification and accommodating growth throughout the City, including the ongoing Community Planning Permit System</p>	<ul style="list-style-type: none"> <li>- Built Form</li> <li>- Physical Character</li> <li>- Parking</li> </ul>	<ol style="list-style-type: none"> <li>1. OPA 3 shifts away from density to built form as the metric for describing the expected development in Burlington’s neighbourhoods, height is crucial part of this description.</li> <li>2. Parking requirements for ARUs were reduced through OPA 3 and the Zoning Bylaw Amendment. Further reductions will be considered through Phase 1 of the New</li> </ol>	<b>None</b>

		<p>and New Zoning By-law projects. The City is taking ambitious action to accommodate 265,000 residents by 2051, breaking the status quo and planning differently for growth. WE HBA encourages the City, in future, to consider further action beyond the scope of actions already taken. Burlington should continue work to push the envelope on broadening permissions and increasing flexibility. WE HBA is strongly supportive of the City fulfilling its Housing Accelerator Fund commitment to permit four units as-of-right. We appreciate language changes within the OPA that acknowledge that Residential Neighbourhood Areas will change over time and accommodate a portion of growth through infill development. WE HBA appreciates the acknowledgement that “all strictly residential based land uses are compatible with one another”. WE HBA supports the removal of the Neighbourhood Character definition and language that moves towards compatibility, built form, context and intensity tests. WE HBA cautions that height not be regulated through the Official Plan such as in 8.3.3(1) Policies, as compatible low-rise townhouses may exceed a twostorey limit. WE HBA appreciates that the</p>		<p>Zoning Bylaw Project. Comments have been forwarded to the project team.</p>	
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Appendix E – DGM-01-25 Public Feedback

		<p>ZBA proposes a reduction to parking minimums, with zero spaces required for the first ARU. The City should consider further evaluation of parking requirements rates for Additional Residential Units and consider further reductions. WE HBA looks forward to continued partnership with the City as we work together to plan for growth and achieve Burlington’s ambitious housing targets.</p> <p>Sincerely, Anthony Salemi, BURPI Planner, Policy and Government Relations West End Home Builders’ Association</p>			
4	<p>Julie Sergi, Cornerstone Association of Realtors (Written delegation at Committee of the Whole Statutory Public Meeting – December 3, 2024)</p>	<p><b>Support for Draft Official Plan and Zoning By-law Amendments to Increase Housing Options</b></p> <p>Dear Mayor Meed Ward and Members of Council,</p> <p>Thank you for accepting this correspondence from the Cornerstone Association of REALTORS® (Cornerstone), formerly known as the REALTORS® Association of Hamilton-Burlington (RAHB). Cornerstone represents REALTORS® serving in the markets of Burlington, Hamilton, Mississauga, Waterloo Region, Niagara North, Haldimand County, Norfolk County and surrounding areas. We are</p>	<p>Built Form Physical Character Parking</p>	<p>None</p>	<p><b>None</b></p>

		<p>Ontario’s second-largest real estate board, comprised of just over 8,000 REALTORS®. Housing policy issues such as increasing supply options are a priority for our members. As such, we feel it is important to weigh in with our support for the proposed amendments to the Official Plan and Zoning By-law. On behalf of the Cornerstone Association of REALTORS®, I would like to express our sincere appreciation for the City of Burlington's ongoing efforts to address the critical need for increased housing options within our community. We are writing to formally express our support for the Draft Official Plan Amendment and Zoning By-law Amendment as outlined in Report Number PL-92-24, which aims to enhance housing opportunities while respecting the character of Burlington’s established neighborhoods. We are particularly encouraged by the focus on intensification, which considers the context and character of Burlington’s neighbourhoods while providing opportunities to increase the diversity of housing options. The amendments propose sensible policy changes that will increase housing options while ensuring that the integrity and character of Burlington’s</p>			
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		<p>neighborhoods are maintained. The inclusion of built form as the defining metric for development, rather than density, represents a prudent strategy that will enhance the flexibility of our neighborhoods to accommodate more housing while minimizing disruption to existing residents. Additionally, we support the proposal to reduce parking requirements, in certain areas, for additional residential units (ARUs), which can remove significant barriers to housing creation and promote the efficient use of land. This forward-thinking approach will help maximize the use of existing infrastructure and reduce the impacts of excessive parking requirements. Finally, we acknowledge and appreciate the extensive community engagement undertaken throughout this process. The City of Burlington is doing a fantastic job listening to residents. It is not possible to please everyone; however, the proposed amendments strike a thoughtful and fair balance. PL-92-24 COW Dec 3, 2024 Julie Sergi, correspondence <a href="http://www.cornerstone.inc">www.cornerstone.inc</a> We want to extend our gratitude to Mayor Meed Ward, City Council, and the City's Planning staff for their dedication to improving housing options in Burlington. We look forward to the continued</p>			
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		<p>development of this important initiative and offer our full support as these amendments progress. Thank you for your leadership in advancing this important work. Please do not hesitate to contact us if you require any further information or wish to discuss our position in greater detail.</p> <p>Sincerely, Julie Sergi Chair, Cornerstone Association of REALTORS®</p>			
5	Lori and Wayne Coleman	<p>Email correspondence from Burlington residents related to challenges they experienced trying to construct an ARU in an accessory building. Their comments and concerns are summarized below.</p> <p><b>Comments and Concerns</b></p> <ol style="list-style-type: none"> <li>1. To date, the application process to build an ARU has been costly and complex resulting in many delays.</li> <li>2. There are a number of Official Plan and Regulatory limitations that have acted as barriers.</li> <li>3. There have been challenges especially related to the obtaining permissions to build an ARU in and accessory building, in particular related to size limitations.</li> </ol>	<ul style="list-style-type: none"> <li>- Application process</li> <li>- Cost</li> <li>- Policy and regulation barriers</li> </ul>	<ol style="list-style-type: none"> <li>1. Official Plan Amendment 3 and the Zoning By-law amendment provide a more permissive policy framework to allow four units as-of-right through the ARU policies of the Burlington Official Plan and Zoning By-law, this means that many ARU projects will require only a building permit to be constructed, simplifying the application process.</li> <li>2. Official Plan Amendment No.3 and the associated Zoning By-law amendment works</li> </ol>	<p><b>Change:</b> Revisions to the Zoning By-law Amendment to increase the floor area of an Accessory Building containing an Additional Residential Unit up to a maximum of 80 m<sup>2</sup>.</p>

Appendix E – DGM-01-25 Public Feedback

				<p>to reduce barriers to the development of ARUs.</p> <p>3. The proposed changes to the Zoning By-law expand permissions related to building size of ARUs in accessory buildings.</p>	
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Hello,

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquid Pipeline Network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their liquid pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We would like to remind you to always obtain a locate request to identify the precise location of underground infrastructure. In addition, if any future planning or development work is proposed within 220 metres of Enbridge infrastructure, we request that this information be sent to [notifications@enbridge.com](mailto:notifications@enbridge.com) for our review and comment.

Do not hesitate to contact me with any questions or comments. We appreciate receiving your notifications and look forward to continuing to receive them at [notifications@enbridge.com](mailto:notifications@enbridge.com) for our review and comment.

Thank you,  
-Kevin Bailey



ENBRIDGE  
[notifications@enbridge.com](mailto:notifications@enbridge.com)  
10175 101 Street NW, Edmonton, Alberta T5J 0H3

enbridge.com  
**Safety. Integrity. Respect. Inclusion. High Performance.**

**Kevin Bailey**, BA, BEd, MPlan  
Community Planner, **B&A**  
403.692.5229 | [kbailey@bastudios.ca](mailto:kbailey@bastudios.ca)  
600, 215 – 9 Avenue SW | Calgary, AB T2P 1K3 | [www.bastudios.ca](http://www.bastudios.ca)

Good morning,

Thank you for circulating Bell Canada on the City of Burlington's OPA and ZBLA as noted above. Bell appreciates the opportunity to engage in infrastructure and policy initiatives across Ontario.

While we do not have any comments or concerns at this time, we would ask that Bell continue to be circulated on any future materials and/or decisions related to this matter.

Please forward all future documents to [circulations@wsp.com](mailto:circulations@wsp.com) and should you have any questions, please contact the undersigned.

Yours truly,

Norm Lingard  
Senior Consultant – Municipal Liaison  
Network Provisioning  
[norman.lingard@bell.ca](mailto:norman.lingard@bell.ca) | ☎ 365.440.7617



*Please note that WSP operates Bell Canada's development, infrastructure and policy tracking systems, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.*

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Good Afternoon,

Thank you for circulating draft Official Plan Amendment No. 3 (OPA) and the draft Zoning By-law Amendment (ZBA) to Increase Housing Options.

The Region has reviewed the materials and does not have any comments.

If there are any questions, please do not hesitate to contact me.

Thank you,  
Tyler Peers

**Tyler Peers**

**Policy Specialist**

Strategic Initiatives & Government Relations

CAO's Office

**Halton Region**

905-825-6000, ext. | 1-866-442-5866



halton.ca ☎ 311



December 11, 2024

Planning and Development  
City of Burlington  
426 Brant St., PO Box 5013  
Burlington ON L7R 3Z6

Housing Strategy Team::

Subject: **Official Plan Amendment - Proposed Amendment No. 3**  
Halton DSB's Comments

Thank you for the opportunity to review the report and appendices regarding the Draft Official Plan and Zoning By-law Amendments aimed at increasing housing options.

We understand that the proposed Additional Residential Unit policies will increase the maximum number of additional residential units from two to three, with one of these units permitted within a building or structure accessory to the principal dwelling.

The Halton District School Board has no objections to this proposed increase. However, please note that Education Development Charges (EDCs) are payable in accordance with the applicable Education Development Charge By-law and are required at the time of building permit issuance.

Refer to the Halton District School Board's [EDC Accessory Dwelling chart](#) for the current exemption status of Accessory Dwelling Units.

For building permits that exceed the maximum unit yield specified in a Subdivision Agreement, EDCs will apply at the rate in effect at the time of the building permit issuance. Additionally, this amendment will not result in any changes to the 2023 Education Development Charge By-law.

We appreciate your efforts to address housing needs in our community and remain committed to supporting this process.

Should you have any questions regarding our comments, please contact the undersigned.

Sincerely,

*Michelle D'Aguiar*



Michelle D'Aguiar  
Senior Planner  
905-335-3663 ext 3395  
daguiarm@hdsb.ca



**Nov 29, 2024**

Housing Strategy  
City of **Burlington**,  
Ontario

**Re: PL-92-24 - Official Plan and Zoning By-law Amendments to Increase Housing Options**  
**Rogers Reference #: M24BM75A01**

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Hi Housing Strategy,

Thank you for your letter. Rogers Communications appreciates the opportunity to review and comment on future development within the City of **Burlington**.

We have reviewed the proposed area and do not have any comments or concerns at this time.

Rogers currently has existing communications within this area. Please contact Rogers at [gtaw.newarea@rci.rogers.com](mailto:gtaw.newarea@rci.rogers.com) prior to the commencement of construction.

Should you have any questions or require further information, please do not hesitate to contact GTAW New Area, Outside Plant Engineering.

Sincerely,

Anuradha P

GTAW New Area  
Outside Plant Engineering  
[gtaw.newarea@rci.rogers.com](mailto:gtaw.newarea@rci.rogers.com)  
Rogers Communications Canada Inc.  
3573 Wolfedale Rd, Mississauga Ontario

December 13, 2024

Official Plan Amendment to Increase Housing Options Project Team  
City of Burlington  
426 Brant Street, PO Box 5013  
Burlington, ON L7R 3Z6

**BY E-MAIL ONLY ([housingstrategy@burlington.ca](mailto:housingstrategy@burlington.ca))**

To the Official Plan Amendment to Increase Housing Options Project Team:

**Re: City-led Official Plan Amendment and Zoning By-law Amendment**  
**File Number(s): Staff report to Committee of the Whole PL-92-24;**  
**OPA No. 3;**  
**ZBA 520-13/24**  
**CH File Number(s): AMPR-996**  
**City of Burlington**

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Conservation Halton (CH) staff has reviewed the above-noted amendments as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21.

Documents reviewed as part of this submission, received on November 25, 2024, are listed in **Appendix A**.

### **Proposal**

The City is proposing an Official Plan Amendment and Zoning By-law Amendment to increase housing options in the City. The staff report referenced above summarizes the work undertaken to implement phase 1 and 2 of the Official Plan Amendment to Increase Housing Option Study. Phase 1 seeks to permit four units as-of-right through the Additional Residential Unit policies within the Burlington Official Plan (BOP) 2020. This will allow the City to meet the targets of the Housing Accelerator Fund. Phase 2 proposes modifications to the policies of the Residential Neighbourhood Area, including the Neighbourhood Character Area policies of the BOP, 2020 to consider expanded permissions and to consider built form instead of density.

### **Background**

CH previously commented on OPA 1 to the Official Plan of the City of Burlington, 2020 in September 2023.

### **Regulatory Comments (Conservation Authorities Act and Ontario Regulation 41/24)**

Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. CH generally regulates 15 metres from the greater of the limit of the floodplain/stable top of bank/meander belt associated with regulated watercourses, 30 metres from the limit of regulated wetlands, and 15 metres from the greatest hazard associated with the Lake Ontario/Hamilton Harbour shoreline.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications for development are reviewed under the *Conservation Authorities Act* (CA Act), Ontario Regulation 41/24, and CH's Board-approved policies and requirements (<https://conservationhalton.ca/policies-and-guidelines>).

### **Provincial Planning Statement Natural Hazard Comments (Sections 5.1.1-5.2.8)**

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the *Planning Act* are consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement (PPS) and, when requested by a municipality or the Ministry of Municipal Affairs and Housing (MMAH), to provide technical support or information.

### **CH Review Comments**

CH staff appreciates the opportunity to review and provide comments and generally supports the direction of the policy. We offer the following comments for City staff's consideration from a regulatory and PPS natural hazard policies perspective:

#### **1. Flood-Free Access (draft OPA)**

CH notes that section 8.7.2 **Additional Residential Units** states the following: "b) *Additional residential units ... shall have flood-free access.*" (numbering per proposed amendments).

Section 5.2.3 of the PPS states that "*Development and site alteration shall not be permitted within: ... b) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards, and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard*". The standard generally applied to determine "safe access" for residential development is outlined in the *Technical Guide: River & Stream Systems: Flooding Hazard Limit* (Ontario Ministry of Natural Resources, 2002). The requirement is not flood-free access, but rather that the flood hazard be under certain thresholds for depth, velocity, and product of depth and velocity to ensure safe access is available.

Consider revising "flood-free access" to "safe access" in the draft policy as flood-free would be a higher standard for ARUs than is typically applied to other types of residential development. The policy as drafted may be unintentionally restrictive in some circumstances.

## 2. Hazardous Sites (draft OPA)

Further to the above, section 8.7.2 **Additional Residential Units** states that ARUs “shall not be permitted within a *hazardous site*”. There are certain *hazardous lands and hazardous sites* which, while regulated under the CA Act, may be appropriate for residential development under both the PPS and the CA Act/O.Reg. 41/24. These include some spill flood hazards and some unstable bedrock (karst) where the hazard has been characterized/studied, the risk is determined to be lower and can be mitigated in accordance with regulatory requirements). CH suggests that this language may be more restrictive than is intended and may prohibit ARUs where other types of residential development would be permitted. Including reference to “hazardous lands” is also recommended to ensure hazard lands not included under the more specific “hazardous sites” definition are captured in policy. Consider revising 8.7.2 to “shall not be permitted within *hazardous lands* or *hazardous sites*, unless where specifically permitted by the conservation authority”.

## 3. Safe Access (draft ZBA)

As CH staff noted in our review of OPA 1, there is no mention of safe access requirements within the draft ZBA. This may unintentionally miss situations where an ARU is proposed outside of the regulated area, but on a property that does not have safe access under regulatory flood conditions due to flooding on the right-of-way. In line with Comment 1 above, CH staff recommends that language be added to the ZBA requiring that new ARUs have safe access per provincial guidelines.

## **Recommendation**

CH staff generally supports the direction of these policies and recommends that the above comments be considered and addressed prior to the OPA and ZBA being approved. CH staff is available to discuss any of the above at your request.

We trust the above is of assistance. Please contact the undersigned with any questions.

Sincerely,

Laura Schreiner  
Environmental Planner  
905-336-1158 ext. 2230  
[lschreiner@hrca.on.ca](mailto:lschreiner@hrca.on.ca)

Cc:

Encl: **Appendix A: Materials/Technical Reports Reviewed**

### **Appendix A: Materials/Technical Reports Reviewed**

CH received the following first submission materials on [date]:

- Staff Report PL-92-24: Draft Official Plan and Zoning By-law Amendments to Increase Housing Options
- Appendix A – draft Official Plan Amendment No. 3
- Appendix B – draft Zoning By-law Amendment
- Appendix C – Official Plan Amendment to Increase Housing Options Feedback Report

## Committee of the Whole Report Forecast February 10 & 11, 2025

Note: this forecast is subject to change

### Consent Items:

### Regular Items:

- Transit Youth Fare Strategies
- Council Remuneration Committee Terms of Reference (LLS-08-25)
- Staff Direction follow-up report
- Burlington School Safety and Mobility Committee
- Citywide on-street residential parking permit
- Corporate facilities matter (CSS-01-25)
- Robert Bateman Community Centre update (CSS-02-25)

### Statutory Public Meeting:

- Zoning By-law Amendment and Official Plan Amendment for 2169-2175 Ghent Ave.