

# CITY OF TORONTO INTRODUCES GARDEN SUITES

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**Categories:** [Insights](#), [Publications](#)

In our previous [bulletin](#) we discussed key benefits and challenges of laneway housing in Canada, focusing on their growth in popularity in the City of Toronto (the “**City**”). In addition to laneway housing, the City has now started the process to permit landowners to construct “garden suites” in areas designated as “Neighbourhoods” under the City’s Official Plan (“OP”),<sup>[1]</sup> providing further opportunity for increasing the City’s limited housing supply.

Recently, the City initiated the process to amend its OP and Zoning By-Law 569-2013 to allow garden suites to be built on Neighbourhood-designated lands. The draft OP Amendment (“OPA 554”) is found [here](#), and the draft Zoning By-law Amendment (“ZBA”) is found [here](#). A [garden suite](#) is generally a smaller detached structure and separate rental housing unit located in the backyard of a residential lot, and is defined in draft OPA 554 as:

“a self-contained residential unit, subordinate to a primary dwelling, in which both kitchen and bathroom facilities are provided, and which is located on a lot within an ancillary building that is not adjacent to a public laneway.”<sup>[2]</sup>

The draft ZBA expressly states “[a] laneway suite is not a garden suite” – the key difference being that a garden suite does not abut (i.e., border) a lane.<sup>[3]</sup> Like laneway houses, however, garden suites are “non-severable”; that is, they remain part of the property upon which they are built.<sup>[4]</sup>

Per the City Planning Final Report to the Planning and Housing Committee dated December 21, 2021, the proposed amendments to permit garden suites is, in part, a response to *Planning Act* amendments requiring authorization in municipalities’ official plans of additional residential units on certain lots, and is also an outcome of the Garden Suites Study, which is part of the City’s [Expanding Housing Options in Neighbourhoods \(EHON\)](#) work program. As discussed in our earlier bulletin on laneway suites, garden suites are being proposed in order to fill the “missing middle” in Toronto’s neighbourhoods, diversifying the types of housing available to the City’s residents.<sup>[5]</sup> Like laneway suites, the proposed OPA and ZBA regarding garden suites set out particular use and development standards to ensure minimal resulting impacts, including to health, safety and the environment. Anyone considering building a garden suite on their property should, carefully consult the final form of such documents once in force, as well as work with consultants with expertise in design, planning and the application and permitting process.

Notably, the statutory [public meeting](#) for consultation in respect of these proposed amendments is scheduled to be held this Wednesday, January 12, 2022. Stakeholders interested in, or who have concerns with, the proposed amendments may make oral or written submissions at the meeting, which will then be considered by Council in its decision to approve or reject the proposed amendments, or require further studies. For more information respecting the approvals process and timing, please see the Province's guide [here](#), or reach out to the authors for more information.

If you are looking for expert advice navigating the expanding housing options in the City of Toronto and related rules and regulations, including application processes, understanding development fees, or financing, please reach out to the authors of this bulletin to discover how McMillan LLP's real estate, construction, municipal and land use planning, and capital markets teams can assist.

[1] See City of Toronto, "Garden Suites" (last visited 7 January 2022), online: [Toronto](#).

[2] See [page 2](#) of OPA 554.

[3] See [page 1](#) of ZBA 569-2013.

[4] See City of Toronto, "Garden Suites" (last visited 7 January 2022), online: [Toronto](#).

[5] See City of Toronto, "Expanding Housing Options in Neighbourhoods" (last visited 7 January 2022), online: [Toronto](#).

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### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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