

Research Insight

Analysis of Municipal Accessory Apartment Regulations in Canada

The Research

CMHC commissioned a research project to analyse municipal regulations to assess how likely they were to enable or restrict the development of accessory apartments (AA). The results of this analysis will inform policy makers, municipalities and developers about the implications of municipal requirements on the provision of AAs. The project also collected data on how many AA building permits were issued from 2011 to 2013 to assess the feasibility of using building permit data to determine the number of AAs created over that period.

Overview

Regulations were documented from the 498 municipalities that allow AAs and categorized each as either “Likely,” “Somewhat Likely” or “Not Likely” to hinder the creation of AAs. For example, provisions for discretionary or conditional AAs were viewed as “Likely” to hinder their creation. A limit on the number of occupants permitted in an AA or a provision for the owner to live in either the primary or accessory residence was seen as “Not Likely” to hinder development. The context was important in many cases, so AAs permitted only in certain zones, parking requirements or architectural integration requirements were evaluated on a case-by-case basis. Once each regulation was categorized, an overall classification of “Enabling,” “Somewhat Restrictive” or “Restrictive” was applied to the overall regulatory environment based on the number of provisions and the likelihood that the provisions would hinder the creation of AAs.

Key Findings

Of the 498 municipalities where AAs are permitted:

- 42 per cent have *enabling* regulations;
- 10 per cent have *somewhat restrictive* regulations; and
- 46 per cent have *restrictive* regulations.

Based on the assessment, smaller municipalities tended to have more *restrictive* regulations than larger municipalities—meaning the combination of conditions in the regulations was likely to hinder the creation of AAs. The municipal regulatory environment was found to vary by region:

- Regulations in the Atlantic provinces were mixed, with municipalities in Newfoundland and Labrador having some of the most *enabling* regulations, while most municipalities in New Brunswick and Prince Edward Island were found to be more *restrictive*.
- The majority of municipalities in Quebec and in the Prairie provinces were categorized as *restrictive*.

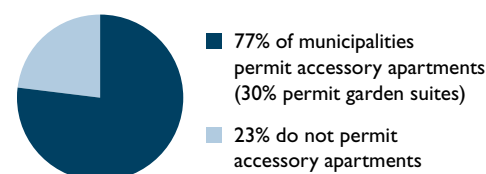
What is an accessory apartment?

A self-contained dwelling within the boundary of a principal dwelling. It can be located either *within* the principal dwelling, *attached* to it or in a *separate* building on the property.

Accessory apartments have many different names, including garden suite, coach house, basement suite, secondary suite or granny suite in English and *pavillon-jardin*, *logement supplémentaire*, *logement au sous-sol* or *logement intergénérationnel* in French.

Fast Facts

Municipal regulations on accessory apartments



42 per cent of municipalities have enabling regulations.

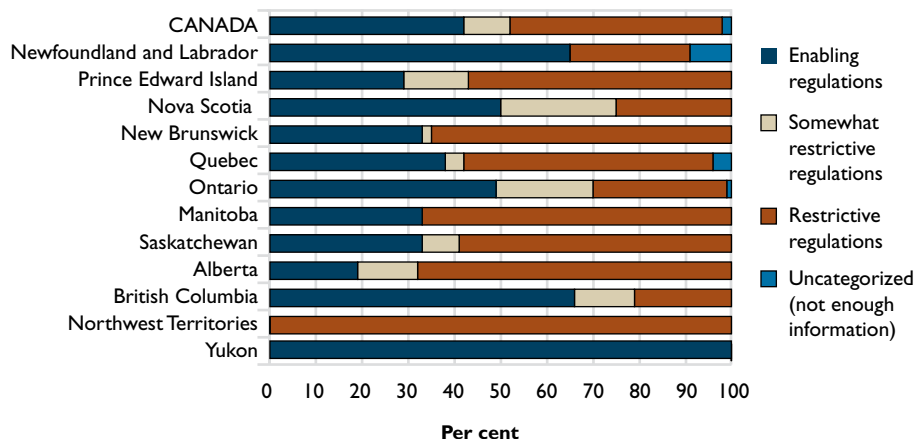
46 per cent of municipalities have restrictive regulations.

The highest proportion of enabling regulations was found in municipalities with a population of 30,000 to 99,999.

Over 15,000 building permits for accessory apartments were issued in Canada from 2011 to 2013.

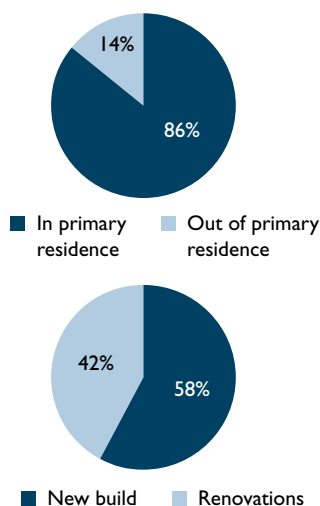
- British Columbia and Newfoundland and Labrador had the highest occurrence of municipalities with enabling regulations, and Ontario also had a relatively high proportion of municipalities with *enabling* regulations.
- Alberta, Manitoba and New Brunswick had the highest occurrence of *restrictive* regulations.

Proportion of Municipalities Permitting Accessory Apartments with Enabling, Somewhat Restrictive and Restrictive Regulations, by Province and Territory, 2014



The building permit review yielded an incomplete picture of the number of AAs created in Canada. The response rate from the 498 municipalities was 70 per cent. From the data collected from those who responded, it was estimated that over 15,000 units were constructed from 2011 to 2013 though not all municipalities that responded were able to provide complete data for the full three-year period. This data focused on AAs created legally through the building permit process—it did not account for illegally created units, or cases where a building permit was not required. From the data collected, the majority of permits were issued for new home construction AAs (rather than renovations) and were contained within the primary residence versus, for example, in a garden suite.

Percentages of accessory apartments newly built versus renovated, and within versus outside the primary residence



For further reading go to cmhc.ca

FULL REPORT

Detailed Examination of Municipal Accessory Apartment Regulations in Canada (2016)

RELATED BULLETINS

Accessory Apartment Regulations in Canadian Census Metropolitan Areas and Census Agglomerations

Literature Review and Case Studies of Local Jurisdictions that Permit Secondary Suites

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Alternative text and data for figures

Municipalities that permit secondary suites and gardens suites, or do not permit either

Municipality regulations on accessory apartments	Percentage
Permit	77
Permit garden suites also	30
Do not permit	23

Proportion of Municipalities Permitting Accessory Apartments with Enabling, Somewhat Restrictive and Restrictive Regulations, by Province and Territory, 2014

Jurisdiction	Enabling Regulations (%)	Somewhat Restrictive Regulations (%)	Restrictive Regulations (%)	Uncategorized (not enough information) (%)
CANADA	42	10	46	2
Newfoundland and Labrador	65	0	26	9
Prince Edward Island	29	14	57	0
Nova Scotia	50	25	25	0
New Brunswick	33	2	65	0
Quebec	38	4	54	4
Ontario	49	21	29	1
Manitoba	33	0	67	0
Saskatchewan	33	8	59	0
Alberta	19	13	68	0
British Columbia	66	13	21	0
Northwest Territories	0	0	100	0
Yukon	100	0	0	0

Percentages of accessory apartments—newly built versus renovated, and within versus outside the primary residence

Type	Percentage
In primary residence	86
Out of primary residence	14
New build	58
Renovations	42