

Building & Planning Information for **Garden Suites**



The information contained within this guide is provided to assist homeowner's, contractors and do-it yourselfers with the process of applying for and obtaining a building permit to construct a garden suite.

What is a garden suite?

The Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended, defines a garden suite as a one-unit detached dwelling containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

An accessory apartment is a separate dwelling unit, which is located within and subordinate to a detached, a semi-detached, or townhouse dwelling. This is different from a garden suite. For information on accessory apartments, please see the Accessory Apartment Information Sheet.

Where are garden suites permitted?

A garden suite may only be permitted through a [Temporary Use By-law](#) as an accessory use to an existing single detached dwelling in the following zones: (UR1), (RR), (HR), (CMU1), (CMU2), (CMU3), (A) and (RU).

In the (NC) and (NL) Zones a garden suite may only be permitted through a [Temporary Use By-law](#) as an accessory use to an existing single detached dwelling and subject to meeting any additional environmental requirements (S. 11.4.2 (b)(iv) & Table 8A Additional Regulations, footnotes (2) and/or (3)).

What other regulations apply to garden suites?

- A maximum of one garden suite is permitted per lot (S. 11.11 (a)).
- Driveway access to both the principal dwelling and the garden suite shall be limited to one (S. 11.11 (b)).
- The minimum setback of the garden suite shall be equal to the required rear and interior side yard requirements for the principal building (S. 11.11 (c)).
- The garden suite must not be located any closer to the front or exterior lot line than the main wall of the principal building (S. 11.11 (d)).
- The maximum height of a garden suite shall be 5.0 metres and no more than one storey (S. 11.11 (e)).
- No garden suite shall be located closer than 3.0 metres to the principal residence on the lot or any building on an abutting property (S. 11.11 (f)).
- The gross floor area of any garden suite shall not be less than 50 square metres (S. 11.11 (g)).
- The gross floor area of any garden suite shall not exceed 100 square metres or 40 percent of the gross floor area of the single detached dwelling on the lot (S. 11.11 (h)).

- All garden suites shall be provided with adequate water and sewage disposal systems acceptable to the appropriate approval agency (S. 11.11 (i)). For those areas without municipal water and sewer, the garden suite should be serviced through an extension from the existing dwelling unit (Official Plan S. 3.9 (b)).
- A minimum of 1 parking space must be provided for a garden suite (S. 12.2.2, Table 12B).
- Parking spaces must be provided in accordance with Section 12.2 of By-law No. 2018-58, as amended.
- An agreement regarding maintenance, alterations, improvements and eventual removal of the garden suite will be required between the landowner and the Township (Official Plan, S. 3.9).

What is a Temporary Use By-law?

A Temporary Use By-law may be passed under Section 39 of the Planning Act to allow the temporary use of lands. For garden suites, a Temporary Use By-law may be enacted for up to 20 years and may be extended for up to 3 years (Official Plan, S. 8.6.1 (c)). A Temporary Use By-law is applied for by the landowner wishing to construct a garden suite and is subject to the fees outlined in the Township User Fees and Charges By-law.

Is a building Permit required?

- Garden suites require a building permit which will also include the plumbing permit.
- An Electrical permit will also be required which will be available through a licensed electrician or the Electrical Safety Authority.

Why is a building permit required?

- As defined above, a garden suite is a temporary, portable structure designed for residential occupancy. As such, the Ontario Building code outlines regulations that apply to such structures (OBC 9.38. 1 – 4).
- A non-portable structure may be erected with the understanding that it will have to be removed after the allotted time and that the site will be remediated. In this case, compliance with all regulations in the Ontario Building Code applicable to residential occupancy will be required.

What information is required to be submitted for a building permit?

Submission for a building permit shall include the following information:

- Complete building permit application form, including property location and description, value of proposed work, address of owner/applicant and relevant phone numbers and email.
- Permit application forms must be signed and dated.
- One copy of detailed construction drawings.
- Permit or letter of compliance from [Peterborough Public Health](#) if a septic system has been installed in order to ensure it is allowed to be used for the Garden suite and is also of adequate size. If another septic system is required, a permit will be required.
- A Site Plan showing parking spaces and proposed means of ingress and egress for the garden suite along with site drainage if required due to any proposed changes to the landscape.

Should you have any questions regarding the information contained within this guide or require additional information with regard to building permits or zoning, please contact the Building & Planning Departments:

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