

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5221-10

BEING A BY-LAW for registration of second suites.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “*Act*”) provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do so otherwise;

AND WHEREAS subsection 8(1) of the *Act* provides that the powers of a municipality under the *Act* or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS subsection 8(4) of the *Act* provides, in part, that a by-law under the *Act* may differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS, subject to the rules set out in subsection 11(4) of the *Act*, subsection 11(2) provides that a lower-tier municipality may pass by-laws respecting, among other things, the health, safety and well-being of persons and the protection of persons and property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law, the following definitions apply:

- (a) “detached dwelling”, “dwelling unit”, “link house dwelling”, “second suite” and “semi-detached dwelling” shall have the meanings assigned to such terms as defined in the Zoning By-law;
- (b) “Inspector” means a Building Inspector, Municipal Law Enforcement Officer or Fire Prevention Officer;
- (c) “Registrar” means the Director of Building & By-law Services or his or her designate;
- (d) “Town” means The Corporation of the Town of Aurora; and
- (e) “two-unit house” means a house which contains a second suite.

2. PROHIBITION

No person shall operate or permit the occupancy of more than one (1) dwelling unit in a two-unit house, unless the two-unit house is registered as required by this By-law.

3. REGISTRATION

- (a) Every person who owns a two-unit house shall register the two-unit house with the Registrar as required by this By-law.
- (b) Prior to registration:

- (i) each dwelling unit in a two-unit house shall be inspected to ensure that it complies with all relevant standards set out in the Building Code and the Fire Code;
- (ii) the owner shall ensure that each unit is equipped with an operable smoke alarm and carbon monoxide detector to the satisfaction of the Inspector;
- (iii) the owner shall provide the Registrar with a letter of compliance from the Electrical Safety Authority;
- (iv) the owner shall pay a one-time, non-refundable registration fee as set out in Schedule "A" to this By-law;
- (v) where work is required to be undertaken by the owner and said work does not require a building permit, the owner shall pay a re-inspection fee as set out in Schedule "A" to this By-law; and
- (vi) the owner shall submit a completed application form provided by the Town.

4. REFUSAL AND REVOCATION

- (a) The Registrar may refuse to register any two-unit house that does not meet the requirements set out in this By-law.
- (b) The Registrar may revoke the registration of any two-unit house, which, at any time after registration, ceases to meet the requirements set out in this By-law.
- (c) The onus of proving that each dwelling unit in a two-unit house meets the requirements set out in this By-law is on the owner of the building.
- (d) Where the Registrar has revoked the registration of a two-unit house, the owner may re-apply for registration in accordance with this By-law and will be required to pay the applicable fees.

5. NOTIFICATION OF REVOCATION

- (a) Prior to the revocation of the registration of a two-unit house, the Registrar shall notify the owner of the two-unit house of his or her "intent to revoke" and provide an explanation of the reasoning behind this intention.
- (b) Such notice shall be sent by registered mail to the owner of the two-unit house, at the address of the two-unit house and the address supplied on the application for registration.
- (c) The owner shall have a period of no more than sixty (60) days to comply with the requirements of registration as set out in this By-law. Where the owner fails to comply, the Registrar shall revoke the registration of the two-unit house.

6. MUNICIPAL ADDRESSING

Upon registration of the two-unit house, the Town shall assign a municipal address to indicate that the house contains two units and the owner shall be required to display the municipal address in accordance with By-law No. 4748-05.P.

7. OFFENCES

Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

8. EXCEPTION

The owners of two-unit houses that were occupied on or prior to November 16, 1995, or the owners of any legally existing two-unit houses, shall not be required to register said two-unit houses as required by this By-law.

9. SEVERABILITY

If any section of this By-law, or parts thereof, are found by any court of law to be illegal or beyond the power of Council to enact, such section, sections, part or parts shall be deemed to be severable, and all other sections or parts shall be deemed to be separate and independent therefrom and to be enacted as such.

10. COMING INTO FORCE

The provisions of this By-law shall come into force and take effect upon third reading.

READ A FIRST AND SECOND TIME THIS 13TH DAY OF APRIL, 2010.

READ A THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF APRIL, 2010.

**_____
PHYLLIS M. MORRIS, MAYOR**

**_____
JOHN D. LEACH, TOWN CLERK**

SCHEDULE "A" TO BY-LAW 5221-10

FEE SCHEDULE

1. REGISTRATION FEE: \$150.00
 - Upon Application (Non-Refundable)

2. RE-INSPECTION FEE: \$75.00
 - Payable if more than one inspection is required and the works do not require a building permit (payment due prior to release of registration)

Note: *Building permit fees or any other agency administration or inspection fees are not included in the above and are payable by the applicant, as required.*

Explanatory Note

Re: By-law No. 5224-10

By-law Number 5221-10 has the following purpose and effect:

To provide for the registration of two-unit houses; including setting out the conditions for registration, refusal and revocation.