



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2003-106

A BY-LAW FOR THE REGISTRATION OF TWO-UNIT HOUSES. (ACCESSORY DWELLING UNITS).

WHEREAS Section 167.2 of the *Municipal Act*, R.S.O. 2002, c.M25, as amended, authorizes municipalities to pass by-laws providing for the registration of two-unit houses;

THEREFORE be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1) PROHIBITION:

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

2) DEFINITIONS:

- (a) "dwelling unit" means a room or a suite of rooms operated as a separate housekeeping unit that is used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities.
- (b) "Inspector" means a Building Inspector, a By-law Enforcement Officer or a Fire Prevention Officer appointed by the Corporation.
- (c) "material change" means any change or alteration to the unit that would require a building permit under the Ontario Building Code.
- (d) "Owner" means the owner of the property as disclosed by title.
- (e) "Registrar" means the Clerk of the Corporation of the Town of Newmarket.
- (f) "two-unit house" means a detached house or a semi-detached house which contains two dwelling units.

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 by an Inspector to ensure that it complies with all relevant standards set out in (a) the Ontario Building Code, (b) the Ontario Fire Code, (c) the Town's Zoning By-law 1979-50, as amended, (d) the Town's Property Standards By-law 1999-34, as amended and, (e) the Ontario Electrical Code. In the event a dwelling unit has previously been inspected, only material changes completed after the initial inspection will be inspected.
 - (ii) The Owner shall pay a non-refundable registration fee, as set out in Schedule "A" to this by-law, together with any applicable

inspection fees as set out in the Town's Fees and Charges By-law, as amended.

- (iii) 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 as 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 two-unit house.
- (d) Where the Registrar has revoked a registration, the Owner can re-apply for registration in accordance with this by-law.
- (e) The registration of a two-unit house is automatically revoked in accordance with the following:
 - (i) 180 days following the date on which the ownership of the property changes; and/or
 - (ii) 10 years from the date of the most recent registration

5) NOTICE OF INTENT TO REVOKE REGISTRATION DUE TO NON-COMPLIANCE

- (a) The Registrar shall give notice of intent to revoke the registration of a two-unit house when the two-unit house is not in compliance with the requirements of registration as outlined in this by-law.
- (b) Such notice shall provide a brief written explanation of the reason for the intent to revoke registration.
- (c) Such notice shall be sent by registered mail and by First Class prepaid 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.
- (d) A copy of such notice shall be sent by First Class prepaid mail or hand delivered to the occupant of each dwelling unit within the two-unit house.
- (e) Upon receipt of the notice of intent to revoke registration the owner shall have a period of no more than sixty (60) days to comply with the requirements of registration as outlined in this by-law.

6) NOTICE OF INTENT TO REVOKE REGISTRATION UNDER SECTION 4 (e) (ii) OF THIS BY-LAW

- (a) The Registrar shall give notice of intent to revoke the registration of a two-unit house under Section 4 (e) (ii) of this by-law no later than sixty (60) days prior to the date of revocation.
- (b) Such notice shall be sent by registered mail and by First Class prepaid mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration.
- (c) A copy of such notice shall be sent by First Class prepaid mail or hand delivered to the occupant of each dwelling unit within the two-unit house.

7) NOTIFICATION OF REVOCATION:

- (a) Where the Registrar revokes the registration of a residential two-unit house, he/she shall notify the Owner of the two-unit house of such revocation, and provide a brief written explanation of the reason for the revocation.
- (b) Such notice shall be sent by registered mail and by First Class prepaid mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration.
- (c) The notice shall inform the Owner that he/she is entitled to a hearing before the Clerk, if he/she delivers, within five (5) days after the date of service of the written notice, a written request for a hearing before the Clerk.
- (d) A copy of such notice shall be sent by First Class prepaid mail or hand delivered to the occupant of each dwelling unit within the two-unit house.

8) HEARING:

- (a) On receipt of a written request for a hearing from an Owner, the Clerk shall convene a meeting and shall give the Owner reasonable written notice thereof.
- (b) The Owner shall have the right to make submissions in support of his/her registration or retention of his/her registration at such hearing and when the Owner who has been given written notice of the hearing, does not attend at the proper time and place, the Clerk may proceed with the hearing in his/her absence and the Owner shall not be entitled to any further notice of the proceedings. Furthermore, the Owner shall not be entitled to a further hearing on the matter and the decision of the Clerk shall be final.

9) REGISTRAR:

- (a) The Clerk is appointed as Registrar for the purposes of this by-law and has the responsibility of maintaining a register of two-unit houses.
- (b) The Registrar may designate such persons as are necessary to administer this by-law.

10) OFFENCE:

- (a) Every 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*.

11) EXCEPTION:

- (a) The Owner of a two-unit house lawfully constructed and used prior to May 22, 1996 and registered under by-law 1998-109 and continuously used as a two-unit house shall not be required to register said two-unit house as required by this by-law until 10 years from the date of its registration pursuant to by-law 1998-109 or until ownership of the two-unit house changes, whichever occurs earlier.
- (b) Eligibility for exemption shall be determined by the Registrar.

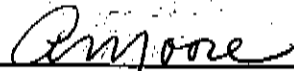
12) THAT Schedule "A" attached hereto is hereby declared to form part of this by-law;

- 13) AND THAT if any provision of this By-law, or the application thereof to any person or circumstances, is invalid, the invalidity shall not affect other provisions or application of this By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable;
- 14) AND THAT By-law 1998-109 being a by-law for the registration of two-unit residential occupancies is hereby repealed.

ENACTED THIS 18TH DAY OF AUGUST, 2003.



Tom Taylor, Mayor



Anita Moore, Town Clerk

SCHEDULE "A" TO BY-LAW 2003-106

FEE SCHEDULE

1. REGISTRATION FEE

Upon application (non-refundable)	\$100.00
Upon issuance of registration	\$400.00

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