

**THE CORPORATION OF THE
TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

BY-LAW NUMBER 2009-088

**BEING A BY-LAW TO ESTABLISH A LICENSING PROCEDURE FOR SECONDARY
DWELLING UNITS IN THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD.**

WHEREAS Section 151.(1) of the Municipal Act, 2001 S.O. 2001, c.25 allows a municipality to pass by-laws requiring the licensing of rental units;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons;

AND WHEREAS the Council of The Corporation of the Township of Smith-Ennismore-Lakefield, deems it appropriate to establish a licensing by-law for Secondary Dwelling Units;

NOW THEREFORE the Council of The Corporation of the Township of Smith-Ennismore-Lakefield enacts the following:

1.0 DEFINITIONS

1.1 For the purposes of this By-law;

- a) **DWELLING UNIT, SINGLE DETACHED** – Shall mean one (1) room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment:
 - 1) in which food preparation and sanitary facilities are provided for the exclusive use of such occupant(s); and,
 - 2) which has a private entrance from outside the building or from a common hallway or stairway inside the building; but,
 - 3) does not mean or include a tent, cabin, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel or motel or tourist establishment or a garden suite.
- b) **DWELLING UNIT, SECONDARY** – Shall mean development consisting of a dwelling unit located within, and accessory to, a structure in which the principal use is a single detached dwelling. A Secondary Dwelling Unit has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within a structure. The Secondary Dwelling Unit also has an entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use can only occur as a conversion of the basement or above grade floor area of an existing dwelling, or the addition of new floor space to an existing dwelling.
- c) **INSPECTOR**- includes an employee of the Township whose duties include the inspection(s) of buildings and the enforcement of the Ontario Building Code, the Ontario Fire Code, the Township's Comprehensive Zoning By-law and/or the Township's Property Standards By-laws.
- d) **OPERATE** - means to rent, lease, license or endorse an occupancy, and includes arrangements in the nature of sub-rentals and sub-leases.

- e) **OWNER** – means the person in whom is vested the legal title to property and shall include, any person managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person who would receive the rent if the land and premises were let.
- f) **PERMIT** – means a building permit issued pursuant to the Building Code Act or any predecessor thereof.
- g) **TOWNSHIP** – means the Corporation of the Township of Smith-Ennismore-Lakefield.

2.0 PROHIBITION

- 2.1 No person shall operate or permit the occupancy of a Secondary Dwelling Unit unless such dwelling unit is licensed in accordance with this by-law
- 2.2 No person shall operate or permit the occupancy of a Secondary Dwelling Unit unless such person resides in the dwelling.
- 2.3 No Secondary Dwelling unit shall be permitted in areas which are not serviced via municipal services.

3.0 LICENSING PROCEDURES

- 3.1 Every Owner of a Secondary Dwelling Unit shall complete and submit an application as per Schedule ‘A’ for the License of any Secondary Dwelling Unit to the Township:
 - a) Name, address and phone number of the property owner;
 - b) Name and phone number of occupants of each unit;
 - c) At such time as the occupants of the secondary dwelling unit changes, the owner shall notify the Township in writing of said change;
 - d) Property address, roll number and legal description;
 - e) Permit number and date of first occupancy of original single detached dwelling unit;
 - f) Permit number and date of first occupancy of second dwelling unit;
 - g) Property sketch showing dimensions of the property, location and setbacks of all buildings and location and dimensions of parking spaces; and
 - h) Floor plan sketches showing all walls, doors, windows, stairs, kitchen facilities, bathroom facilities, heating systems and smoke alarms.
- 3.2 Every Owner shall pay to the Township a licensing fee as prescribed in Schedule ‘A’ of this By-law at the time of application.
- 3.3 Every Secondary Dwelling Unit to be licensed must be in full compliance with the applicable standards from;
 - a) The Township’s Comprehensive Zoning By-law 2009-021, as amended,
 - b) The Ontario Building Code, Ontario Regulation 403/97 as amended,
 - c) The Ontario Fire Code, Ontario Regulation 388/97 as amended ,and
 - d) The Township’s Property Standards By-law 2002-72, as amended,
 to the satisfaction of the Township’s Inspectors.
- 3.4 The Owner shall provide all information as requested and required by the Township so that Staff may verify the compliance of the Secondary Dwelling Unit with the Township’s Comprehensive Zoning By-law.
- 3.5 Every Owner shall arrange for and ensure that every Secondary Dwelling Unit owned by such Owner is inspected by an Inspector of the Fire and Emergency Services Department and the Building Department to confirm compliance with the standards listed in Section 3.3 of this By-law.

- 3.6 Where the inspections by the Inspectors determines any non-compliance with the required standards, the Owner shall make the necessary repairs to comply with the required standards and arrange for a re-inspection by the appropriate Inspectors.
- 3.7 A Secondary Dwelling Unit will be licensed by the Township when the Township is satisfied that the Secondary Dwelling Unit complies with the requirements of this By-law.
- 3.8 A Secondary Dwelling Unit, once licensed, remains licensed without payment of any renewal or other fees, unless the License is revoked.

4.0 REFUSAL AND REVOCATION OF THE LICENSE

- 4.1 The Township shall refuse to license any Secondary Dwelling Unit when any of the requirements set out in this by-law are not met.
- 4.2 The Township may revoke the licensing of any Secondary Dwelling Unit which;
 - a) At any time after being registered, ceases to meet any standard set out in Section 3.3 of this by-law, or
 - b) Was issued based on mistaken, false or incorrect information.
- 4.3 Where the Township refuses or revokes the licensing of any Secondary Dwelling Unit, the Manager of Building and Planning or his/her designate shall send written notice by regular mail to the Owner of such Secondary Dwelling Unit advising such Owner of the refusal or revocation and the reasons therefore.
- 4.4 Where the refusal or revocation is due to a contravention of the standards listed in Section 3.3, the Inspectors may take steps to enforce said regulations as they deem necessary under their respective regulations.

5.0 INSPECTION PROCEDURES

- 5.1 Upon being notified by the Manager of Building and Planning or his/her designate of an application for License of a Secondary Dwelling Unit, the Inspectors shall contact the Owner to arrange for an inspection of the Secondary Dwelling Unit to determine if the Secondary Dwelling Unit complies with the applicable standards as prescribed in Section 3.3 of this By-law.
- 5.2 The right of entry onto a property or into a dwelling unit shall be as authorized by the legislation respecting the standards prescribed in Section 3.3 of this By-law.
- 5.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Inspector carrying out an inspection hereunder as per Subsection 426(1) of the Municipal Act, 2001.
- 5.4 The Inspector shall notify the Manager of Building and Planning or his/her designate when an inspection confirms the Secondary Dwelling Unit appears to be in compliance with the regulations and standards under the Inspector's jurisdiction.

6.0 BY-LAW ADMINISTRATION AND ENFORCEMENT

- 6.1 The Manager of Building and Planning or his/her designate shall be responsible for the administration and enforcement of this By-law.

7.0 OFFENCE

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence pursuant to the Provincial Offences Act R.S.O. 1990 c.P.33.

8.0 PENALTY

8.1 Every person who is convicted of an offence under any provision of this by-law shall be liable to a fine of not more than \$5,000 as set out in Section 61 of the Provincial Offences Act R.S.O. 1990 c.P.33.

9.0 SCOPE

9.1 This By-law applies to all Secondary Dwelling Units within the territorial limits of the Township.

10.0 SEVERABILITY

10.1 In the event that any of the provisions of this By-law are deemed invalid or void, in whole or in part, by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

11.0 HEADINGS

11.1 The headings of sections, paragraphs, clauses and/or sentences in this by-law are inserted for ease of reference only and do not affect the interpretation of this By-law.

12.0 NUMBER/GENDER

12.1 All words and personal pronouns relating to words contained in this By-law shall be read and constructed with the number and gender of the person referred to in each case.

13.0 LEGISLATION

13.1 References in this By-law to legislation, including regulations and municipal by-laws, shall be deemed to include legislation as amended, including successor legislation.

14.0 SHORT TITLE

14.1 This By-law may be referred to as "The Licensing Procedure for Secondary Dwelling Units".

15.0 EFFECTIVE DATE

15.1 This By-law comes into effect upon final passage thereof.

READ a first, second & third time and finally passed this 27th day of October, 2009.

**THE CORPORATION OF THE TOWNSHIP OF
SMITH-ENNISMORE-LAKEFIELD**



**REEVE
Ron Millen**



**CLERK
Angela Chittick**

SCHEDULE "A"

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-
LAKEFIELD**

BY-LAW NUMBER 2009-088

Enacted this 27th day of October, 2009

Being a By-Law to Establish a Licensing By-Law for Secondary Dwelling Units in the Township of Smith-Ennismore-Lakefield.

Secondary Dwelling Unit Licensing Fee.....\$250