

# THE CORPORATION OF THE TOWN OF AURORA

## By-law Number 5429-12

### **BEING A BY-LAW to repeal By-law Number 5221-10 and require the registration of Dwelling Units containing 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;

**AND WHEREAS** on April 13, 2010, the Council of The Corporation of the Town of Aurora (the "Town") enacted By-law Number 5221-10, being a By-law to require the registration of second suites;

**AND WHEREAS** the Town deems it necessary and expedient to repeal By-law Number 5221-10 and to establish new regulations for the registration of second suites with additional clarification from an administrative perspective;

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

1. THAT By-law Number 5221-10 be and is hereby repealed.

2. DEFINITIONS

In this By-law, the following definitions apply:

- (a) "Building Code" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, including all regulations made thereunder;
- (b) "Detached Dwelling", "Dwelling Unit", "Link House Dwelling", "Second Suite Dwelling", and "Semi-Detached Dwelling" shall have the meanings assigned to such terms as defined in the Zoning By-law;
- (c) "Fire Code" means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, including all regulations made thereunder;
- (d) "Inspector" means a Building Inspector, Municipal Law Enforcement Officer, or Fire Prevention Officer;
- (e) "Owner" means the current registered owner in fee simple of the Lands containing a Two-Unit House as defined in subsection (e) below;
- (f) "Registrar" means the Town's Director of Building & By-law Services, or his or her designate;

- (g) "Two-Unit House" means a residential building that contains a Second Suite Dwelling in accordance with Sections 3.42.13 and 7.9 of the Zoning By-law; and
- (h) "Zoning By-law" means the Town's Zoning By-law Number 2213-78, as amended, or successor thereto.

### 3. PROHIBITION

No person shall permit the occupancy of more than one (1) Dwelling Unit in a Two-Unit House, unless the Two-Unit House has been registered with the Registrar in accordance with this By-law or any preceding By-laws.

### 4. REGISTRATION

- (a) Every Owner of a Two-Unit House shall register the Two-Unit House with the Registrar by submitting a completed application form to the Town in the prescribed form to the satisfaction of the Registrar along with the applicable fees as set out on Schedule "A" attached hereto and forming part of this By-law.
- (b) Prior to registration:
  - (i) each Dwelling Unit in a Two-Unit House shall be inspected by the Inspector to ensure that it complies with all relevant legislation, including but not limited to the Building Code and the Fire Code;
  - (ii) the Owner shall ensure that each Dwelling Unit in a Two-Unit House 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; and
  - (iv) the Owner shall pay the Registration Fee as set out in Schedule "A" to this By-law.

### 5. 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, the Building Code, the Fire Code, or the Zoning By-law.
- (c) Evidence that each Dwelling Unit in a Two-Unit House meets the requirements set out in this By-law shall be provided by the Owner to the satisfaction of the Registrar, as required.
- (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 as determined by the Registrar.

### 6. NOTIFICATION OF REVOCATION

- (a) Prior to the revocation of the registration of a Two-Unit House, the Registrar shall notify the Owner of his or her intent to revoke and shall provide an explanation of the reasons for such revocation.

- (b) The notice of revocation shall be sent to the Owner by registered mail to the Owner's address for service shown on the application for registration.
- (c) The Owner shall have a period of no more than sixty (60) days after the date of issuance of the notice of revocation to comply with the requirements of this By-law. Where the Owner fails to comply with this By-law within the said timeframe, the registration of the Two-Unit House shall be deemed to be revoked without further notice.

7. MUNICIPAL ADDRESSING

Upon registration of the Two-Unit House, the Town shall assign a municipal address to indicate that the house contains two (2) Dwelling Units and the Owner shall be required to display the municipal address in accordance with the Town's By-law Number 4748-05.P, as amended or successor thereto.

8. 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.

9. EXCEPTION

The Owners of Detached Dwellings, Dwelling Units, Link House Dwellings, Second Suite Dwellings, and Semi-Detached Dwellings that were used or occupied as a Two-Unit House on or prior to November 16, 1995 shall not be required to pay the Registration Fees on Schedule "A" to this By-law to register the said Two-Unit House, but will be required to pay any further Registration Fees as required by this By-law or other Town fees resulting from the revocation of registration referred to in sections 5 and 6 above.

10. SEVERABILITY

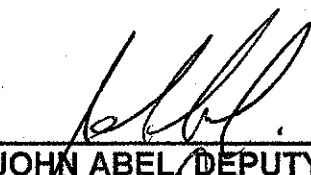
If any section of this By-law, or parts thereof, are found by any court of law to be illegal or beyond the power of Council to enact, such section, sections, part or parts shall be deemed to be severable, and all other sections or parts shall be deemed to be separate and independent therefrom and to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

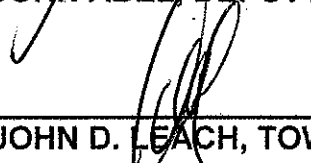
11. COMING INTO FORCE

The provisions of this By-law shall come into full force and take effect on the date of final passage hereof.

**READ A FIRST AND SECOND TIME THIS 14<sup>th</sup> DAY OF AUGUST, 2012.**

**READ A THIRD TIME AND FINALLY PASSED THIS 14<sup>th</sup> DAY OF AUGUST, 2012.**

  
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 JOHN ABEL, DEPUTY MAYOR

  
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 JOHN D. LEACH, TOWN CLERK

Approved as to Form  
 By Legal Services  
 Signature Walter Ma  
 Date: Aug. 10, 2012

**By-Law Number 5429-12  
Schedule "A"**

**Fee Schedule**

1. REGISTRATION FEE: \$150.00

Payable upon Application Submission  
(Non-Refundable)

**Notes:**

1. *See section 9 of By-law Number 5429-12 for exceptions to pay certain fees set out herein.*
2. *Any other fees required to be paid, including but not limited to Building Permit fees or any other agency's administration or inspection fees are payable by the applicant as may be required and are not included in the above noted fees.*

**Explanatory Note**

Re: By-law Number 5429-12

By-law Number 5429-12 has the following purpose and effect:

To repeal By-law Number 5221-10 and to establish new regulations for the registration of second suites with additional clarification from an administrative perspective, including the exception for owners of Two-Unit Houses that were used or occupied on or prior to November 16, 1995 to pay the Registration Fees to register their Two-Unit Houses.