

Being a by-law to provide for the registration of two-unit houses, as amended

Recitals

1. Section 207.3 of the Municipal Act provides that the Council of every municipality which has the authority to pass by-laws under Section 34 of the *Planning Act* may pass by-laws providing for the registration of two-unit houses.

The Council of the Corporation of the City of Oshawa enacts as follows:

1. Definitions: In this by-law, unless stated otherwise, certain terms shall be defined as indicated in the lettered paragraphs of this section. When the words appear with a capital letter, the meanings prescribed in this section shall apply. When the words appear without a capital letter, they should be read as having their ordinary dictionary meanings:
 - (a) "City" means The Corporation of the City of Oshawa.
 - (b) "Fee" means the sum prescribed by Schedule "D" of the General Fees and Charges By-law 13-2003.
 - (c) "Inspector" means the persons from time to time appointed pursuant to section 4 of this By-law.
 - (d) "Registrar" means each of the City's Chief Building Official and the Director, Municipal Law Enforcement and Licensing Services.
 - (e) "Residential Unit" means a unit that:
 - (i) consists of a self-contained set of rooms located in a building or structure,
 - (ii) is used as residential premises,
 - (iii) contains kitchen and bathroom facilities that are used only by the occupants of the unit,
 - (iv) is used as a single housekeeping unit, which includes a unit in which no occupant has exclusive possession of any part of the unit, and
 - (v) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.
 - (f) "Two Unit House" means a detached house, a semi-detached house or a row house which contains two Residential Units.
2. Scope: This By-law applies to all Two Unit Houses within the territorial limits of the City of Oshawa.
3. Appointment of Registrar: The City's Chief Building Official is appointed as Registrar for the purpose of the administration and enforcement of this By-law.
4. Appointment of Inspectors: The following persons and classes of persons employed by the City are appointed as inspectors for the purposes of sections 5 and 8 of this By-law:
 - (i) Chief Building Official,
 - (ii) Inspectors pursuant to Part VI of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, including, without limitation, the Fire Chief,
 - (iii) Building Inspectors,
 - (iv) Plumbing Inspectors,
 - (v) Property Standards Officers, and

- (vi) Zoning Inspectors.
5. Requirement to Register: No person shall operate or permit the occupancy of more than one Residential Unit in a Two Unit House unless the Two Unit House is registered in accordance with the provisions of this By-law.
 6. Application: No person other than the registered owner of a Two Unit House may apply to the Registrar for registration of the Two Unit House.
 7. Application Requirements: Each application for registration of a Two Unit House shall be submitted to the Registrar and shall :
 - (a) be fully completed on the form from time to time prescribed by the Registrar,
 - (b) include such information and documents as the Registrar may, in the Registrar's discretion, require for the purposes of paragraph 9(b) of this By-law, and
 - (c) be accompanied by payment of the Fee.
 8. Inspection: Without limiting the generality of paragraph 7(b) of this By-law, the Registrar may require such inspections as, in the Registrar's opinion, are necessary to determine, before registration, whether a Two Unit House complies with the standards contemplated by paragraph 9(b) of this By-law.
 9. Registration: The Registrar may refuse to register a Two Unit House unless the Registrar is satisfied that the following conditions have been satisfied:
 - (a) The application for registration has been prepared and submitted in accordance with sections 6 and 7 of this By-law.
 - (b) The Two Unit House complies with all standards which apply to the Two Unit House at the time of registration and which may be prescribed by any of the following:
 - (i) the City's Zoning By-law;
 - (ii) the City's Property Standards By-law;
 - (iii) the *Building Code Act*, 1992, S.O. 1992, c. 23,
 - (iv) the Building Code, O.Reg 403/97,
 - (v) the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, and
 - (vi) the Fire Code, O.Reg. 388/97.
 10. Public Register: The Registrar shall maintain a written or electronic record respecting each Two Unit House for which an application for registration has been made. Each record shall include, at a minimum, the following particulars:
 - (a) the name of each applicant for registration,
 - (b) the municipal address of the Two Unit House,
 - (c) the date of application for registration,
 - (d) if applicable, the date of acceptance for registration,
 - (e) if applicable, the date of refusal for registration and a brief summary of the reason(s) for refusal, and
 - (f) if applicable, the date of revocation of registration and a brief summary of the reason(s) for revocation.
 11. Revocation: The Registrar may revoke the registration of a Two Unit House if, in the Registrar's opinion, the Two Unit House ceases to comply with any of the standards contemplated by paragraph 9(b) of this By-law.

12. Penalty: Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding the maximum fine from time to time prescribed by s. 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
 - (a) Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law, and
 - (b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty in the amount of \$250 for each day on which the contravention occurs or continues.
13. Severability: 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.
14. Headings: 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.
15. Number/Gender: 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.
16. Legislation: References in this By-law to legislation, including regulations and municipal by-laws, shall be deemed to include such legislation as amended, including successor legislation.
17. Short Title: This By-law may be referred to as the Two Unit Houses Registration By-law.
18. Effective Date: This by-law shall take effect on September 1, 2001.

By-law read a first, second and third time and finally passed this eighteenth day of June, 2001.

2005 06 16