

This consolidated by-law is made available for information and convenience purposes only. For accuracy, By-law 41-2001 along with amending By-laws 91-2014, 85-2018, 127-2022, and 57-2024 should be reviewed.

Being a by-law to provide for the registration of two-unit houses.

Recitals

Whereas Section 8(1) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, (Municipal Act, 2001) provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

And whereas Section 11 (6) and (8) of the Municipal Act, 2001, authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property;

And whereas the Council of The Corporation of the City of Oshawa considers it desirable to enact a by-law to require the registration of two unit houses including accessory apartments in the City of Oshawa in order to protect persons, property and the health, safety and well-being of Oshawa residents (91-2014, 57-2024)

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 applicable fee prescribed by the General Fees and Charges By-law 13-2003, as amended. (91-2014)
 - (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. (85-2018)
 - (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 either of the following:
 - (i) a detached house, a semi-detached house or a row house which contains two Residential Units, or
 - (ii) an Accessory Apartment as prescribed by the Zoning By-law No. 60-94. (91-2014)

2. Scope: This By-law applies to all Two Unit Houses within the territorial limits of the City of Oshawa.
3. Deleted. (91-2014)
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, and
 - (v) An Officer as prescribed by the Inspection By-law 64-2008. (91-2014)
5. Requirement to Register: No person shall fail to register a Two Unit House in accordance with the provisions of this By-law. (91-2014)
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; (91-2014)
 - (ii) the City's Property Standards By-law; (91-2014)
 - (iii) the *Building Code Act*, 1992, SO 1992, c 23; (91-2014)
 - (iv) the Building Code, O Reg 332/12; (91-2014)
 - (v) the *Fire Protection and Prevention Act*, 1997, SO 1997, c 4, and (91-2014)
 - (vi) the Fire Code, O Reg 213/07. (91-2014)
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 municipal address of the Two Unit House, and (91-2014)
 - (b) the registration date of the Two Unit House. (91-2014)

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. Offence:
- (a) Each person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of:
- (i) a minimum fine of \$500 and a maximum fine not exceeding \$100,000;
- (ii) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
- (iii) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.
- (b) An offence under this By-law may constitute a continuing offence or multiple offences as set out in the Municipal Act, 2001, S.O. 2001, c.25, as amended.
(127-2022, 57-2024)
- 12A. No Person shall fail to comply with any provision or standard of this By-law. (127-2022)
- 12B. Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (85-2018, 127-2022)
- 12C. 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. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of this By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Person receives an additional penalty notice for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350. If the Person receives a subsequent penalty notice for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$450. If the Person receives any subsequent penalty notices for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$450.
(85-2018, 127-2022)
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.

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