



## Planning & Infrastructure Building Services

### Registration of Two-Unit Houses Guide



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## Table of Contents

|   |    |
|---|----|
| Introduction .....  | 3  |
| What is a Two-Unit House? .....   | 3  |
| Why does a Two-Unit House need to be registered?.....                         | 3  |
| Zoning requirements applicable to the registrations of a Two-Unit House ..... | 3  |
| Fee for registering a Two-Unit House .....                                    | 4  |
| Procedure for registration of Two-Unit Houses .....                           | 4  |
| Property Standards Requirements for Two-Unit Houses.....                      | 5  |
| Ontario Fire Code Requirements for Two-Unit Houses.....                       | 6  |
| Ontario Building Code Requirements for Two-Unit Houses.....                   | 6  |
| Illegal Accessory dwelling units/two-unit houses .....                        | 7  |
| Appendix: Two-Unit House Registration Application .....                       | 8  |
| Appendix: Owners Authorization .....  | 9  |
| Appendix: By-law No. 2016-0005 .....  | 10 |

## Introduction

On February 01, 2016 the Town of Halton Hills passed the amended By-law 2016-0005 which requires all houses containing accessory dwelling units to be registered through a one-time application process. Accessory dwelling units are also referred to as secondary suites, basement apartment or accessory apartments. They can be created by converting part of an existing dwelling or they can be constructed as part of new house.

A copy the By-law 2016-0005 is included in this Guide.

### What is a Two-Unit House?

In the Town of Halton Hills, a Two-Unit house means a detached house containing two dwelling units, one of which is an accessory dwelling unit, or a detached house, semi-detached house or a row house that contains two dwelling units one of which is an accessory dwelling unit constructed prior to November 16, 1995 or for which a building permit was issued on or before May 22, 1996.

Each dwelling unit contains cooking, eating, living, sleeping and sanitary facilities that are used only by the occupants of the unit, and has a means of egress to the outside of the building in which it is located, which may be a common hallway or interior stairway.

### Why does a Two-Unit House need to be registered?

The Town of Halton Hills By-Law 2016-0005 requires registration. The By-law states that **“no person shall operate or permit the occupancy of an accessory dwelling unit in a Two-Unit house unless the house is registered in accordance with this By-law”**. The process is designed to protect the owner and the inhabitants of the Two-Unit house from unnecessary hazards. Registration of a Two-Unit house legalizes its existence and ensures that a home complies with all applicable codes and standards.

### Zoning requirements applicable to the registrations of a Two-Unit House

Prior to making application to register a Two-Unit House with the Town of Halton Hills the property owner needs to confirm that the Town of Halton Hills Zoning By-law permits Two-Unit Houses as a land use for their property.

The Town’s current **Zoning By-law 2010-0050** allows accessory apartments within **certain zones** providing that:

- Accessory unit is contained within **a single detached house**;
- Accessory unit does not occupy more **than 70.00m<sup>2</sup> of the floor area**;
- **Lot frontage is 11.0 m**, or more, and
- **One additional parking space\*** is provided for the accessory unit.

\*Parking space must meet minimum dimensions required by the Zoning By-law (2.75m x 5.5 m).

If the two-unit house existed on or before November 16, 1995, the owner of the house must submit documentation in order to prove the existence of the two dwelling units on or before the said date to the Registrar of Two-Unit Houses. The following documentation may be considered acceptable:

- Affidavits from the tenants who occupied the units on November 16, 1995 describing the details of his/her tenancy,
- A copy of a tenancy agreement and pertinent cancelled rental cheques,
- Tax statement of rental income and/or assessment information, indicating that two dwelling units existed on November 16, 1995
- Building permit
- Statements from accountants and/or lawyers.

Contact the Town's Zoning Officer at 905-873-2601 ext. 2320 for more information.

### **Fee for registering a Two-Unit House**

There is a **registration fee** and it is listed in the "Rates & Service Charges" document, under "Registration of Two-Unit Houses", which is available on the Town's website and at the Infrastructure Services Department counter at the Civic Centre. Payment of the applicable fee by cash, cheque or debit is required at the time of application.

### **Procedure for registration of Two-Unit Houses**

An application may be made by the registered owner of the property or a person authorized by the owner. The following items are required to be submitted to the Planning & Infrastructure Department, Building Services Division:

1. Completed **application form**
2. **Two (2) copies of a site plan drawing** showing the lot configuration, the lot frontage measurement, the house location and parking spaces in the driveway including one unobstructed space for the second unit in addition to the requirement for the single detached dwelling unit, with a minimum width of 2.75 metres and a minimum length of 5.5 metres
3. **Two (2) sets of floor plan drawings** showing the location of the two dwelling units and detailing the following:
  - i. All exterior entrances to the house
  - ii. Ceiling heights in each room
  - iii. Room uses, sizes and areas (measurements are to be taken to the exterior side of each wall face)
  - iv. The common areas of the building
  - v. The exterior dimensions of the second dwelling
  - vi. The floor area of the second unit
  - vii. The secured entrances to each dwelling unit
  - viii. The total floor area in which the second unit is located
  - ix. Window locations and sizes (include all window area calculations)
4. Payment of the **applicable fee** by cash, cheque or debit
5. **Owner's authorization** where the applicant is not the registered owner of the house

Copies of Owners Authorization form and Application form are included in this Guide.

After the above listed items have been submitted, reviewed and accepted by the Registrar, the **required inspections** will be scheduled with the applicant. Every applicant will ensure that the Two-Unit house is available for inspection by the appropriate Town staff.

Municipal Law Enforcement Officers will determine compliance with the **Property Standards and Zoning By-laws**. Fire Inspectors will determine compliance with the **Fire Code** if the accessory unit **existed before July 14, 1994**. Building inspectors will ensure compliance with the **Building Code** if the accessory unit was created after July 14, 1994.

As result of the applicable inspections, the owner/applicant may be required to make some changes to upgrade the building to comply with minimum Building or Fire Code and/or By-law requirements. A **Building Permit**, the cost of which is separate from the fee paid for the registration of a Two-Unit house, may be required prior to making these upgrades/modifications. Such building permit will address the required remedial work and at the same time approve conversion from single detached house into two-unit house. If no additional work is required, a **Change of Use permit** will be issued to confirm compliance with the Ontario Building Code.

Contact Building Permit Intake Analyst at 905-873-2601 ext. 2960 for more information respecting building permit application, if applicable.

**Once the Property Standards Officer and Fire or Building Inspectors give their final approvals** to the Registrar, the property will be included in the **Two-Unit Registry**. The owner will be sent a letter stating that the property is registered as a Two-Unit House.

## **Property Standards Requirements for Two-Unit Houses**

The Town of Halton Hills By-law 2016-0005, a By-law to provide for the Registration of Two-Unit Houses, requires that the entire property comply with various requirements; one of these requirements being the Town of Halton Hills **Property Standards By-law 2008-0137, as amended**. Both by-laws are available on the Town's website at [www.haltonhills.ca](http://www.haltonhills.ca).

The Town of Halton Hills Property Standards By-law 2008-0137, as amended was enacted by virtue of the provisions of the Building Code Act. This By-law applies to all properties in The Town of Halton Hills.

The standards established by this By-law are intended to be minimum standards and are not intended to derogate from the standards found in any other applicable by-law or legislation.

The inspection of a property by the Property Standards Officer will include, but is not limited to, the following:

- Foundation wall and, piers
- exterior walls

- chimneys, smoke pipes and flues, canopies, awnings, fire escapes, exhaust ducts, and similar building extensions
- roofs including fascia, soffit, cornice, flashing, eaves troughs, and rain water leaders
- windows and exterior doors and frames and basement or cellar hatchways
- stairs, decks and ramps including handrails and guards
- walkways and driveways
- exterior lighting outlets at entrances/exits
- parking spaces

Contact Enforcement Services at 905-873-2601, ext. 2330 for further information.

### **Ontario Fire Code Requirements for Two-Unit Houses**

Accessory units created prior to July 14, 1994 have to comply with the following provisions of the **Ontario Fire Code**:

- fire separations between units
- exiting
- smoke alarms, and
- electrical safety provisions

Contact Fire Department at 905-877-1133 for further information.

### **Ontario Building Code requirements for Two-Unit Houses**

Accessory units created after July 14, 1994 have to comply with the **Ontario Building Code**. The applicable requirements include:

- structural sufficiency
- room sizes
- ceiling heights
- exits
- stairs, guards, handrails
- sound transmission,
- smoke and CO alarms
- fire separations
- plumbing.
- HVAC systems
- laundry facilities

Different provisions of the Ontario Building Code apply depending on the scenario under which an accessory unit is added to the house:

- when constructing a new house with an accessory unit, Part 9, Division B of the Building Code will be applicable
- when adding an accessory unit to an existing house there are two different sets of rules. If the house has been in existence for more than five years the accessory units will be reviewed under Part 11, Division B of the Ontario Building Code; if the house is in existence five years or less the more restrictive requirements of Part 9 will be applicable

- when adding an accessory unit to an existing house without construction (change of use), Part 10, Division B of the Building Code is applicable.

Contact Building Services at 905 873 2601, ext. 2960 for further information.

### **Illegal Accessory dwelling units/two-unit houses**

Illegal accessory dwelling units/two-unit houses are subject to joint inspection by Fire and Enforcement staff.

If evidence of an illegal accessory dwelling units/two-unit house is found, a notice of violation will be issued requesting the owner:

- to **apply for registration, or**
- to **cease the use of the accessory apartment** and change the house back to a single family dwelling.

The Fire staff will address imminent safety of the building.

**Homeowners who do not register their accessory units with the Town of Halton Hills may be subject to** a fine of up to \$50,000 for individuals and \$100,000 for a corporation.

# Appendix: Two-Unit House Registration Application



## Application for Registration of a Two-Unit House

|                                |   |   |
|--------------------------------|---|---|
| For use by Principal Authority |   |   |
| Application Number:            | Application: Abandoned <input type="checkbox"/> | Cancelled <input type="checkbox"/> Refused <input type="checkbox"/> |
| Date Received:                 | Registration Approved <input type="checkbox"/>  | Date of Registration:   |

Application submitted to Town of Halton Hills, Planning & Infrastructure, Building Services

|   |                |   |                              |                               |                |
|---|----------------|---|------------------------------|-------------------------------|----------------|
| <b>A. Property Information</b>  |                |   |                              |                               |                |
| Building number, street name  |                |   |                              |                               | Lot/con.       |
| Municipality  |                | Postal Code                                   |                              | Plan number/other description |                |
| Floor area of Principal dwelling unit   | m <sup>2</sup> | Floor area in which accessory unit is created | m <sup>2</sup>               | Floor area of Accessory unit  | m <sup>2</sup> |
| <b>B. Applicant</b>   |                |   |                              |                               |                |
| Last name   |                | First name                                    |                              | Corporation or partnership    |                |
| Street address  |                |   | Unit number                  |                               | Lot/con.       |
| Municipality  |                | Postal code                                   |                              | Province                      |                |
| E-mail  |                | Tel. number                                   | Fax                          |                               | Cell number    |
| <b>C. Owner (if different from applicant)</b>   |                |   |                              |                               |                |
| Last name   |                | First name                                    |                              | Corporation or partnership    |                |
| Street address  |                |   | Unit number                  |                               | Lot/con.       |
| Municipality  |                | Postal code                                   |                              | Province                      |                |
| E-mail  |                | Tel. number                                   | Fax                          |                               | Cell number    |
| <b>D. Description of Existing &amp; Proposed Conditions</b>   |                |   |                              |                               |                |
|   |                |   |                              |                               |                |
| <b>E. Declaration of applicant</b>  |                |   |                              |                               |                |
| I _____ (print name) _____ certify that:  |                |   |                              |                               |                |
| <ol style="list-style-type: none"> <li>The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.</li> <li>I have authority to bind the corporation or partnership (if applicable).</li> </ol> |                |   |                              |                               |                |
| _____ Date  |                |   | _____ Signature of applicant |                               |                |

Personal information is collected under the authority of the Municipal Act 2001, S.O. 2001 c.25 and will be used for the process and issuance of Building Permits, in accordance with the collection, use and disclosure of personal information governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56.



# Appendix: Owners Authorization



Town of Halton Hills  
1 Halton Hills Drive  
Halton Hills ON L7G 5G2  
www.haltonhills.ca

## Owner's Authorization

Property Owner(s) to complete the Owner's Authorization form to allow the Agent/Applicant to prepare, submit and act on behalf of the Property Owner(s) with respect to this application.

Property Address: \_\_\_\_\_

Project Description: \_\_\_\_\_  
\_\_\_\_\_

I/We \_\_\_\_\_ the Owner(s) of the

land being subject of this Application do hereby authorize and appoint

\_\_\_\_\_ as my/our Agent to **make**

**this application** on my/our behalf and to conduct all communications on my/our behalf respecting same.

\_\_\_\_\_  
Name of Property Owner (please print)

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date of Signature

The personal information on this form is collected under the authority of Section 11 of the Municipal Act, as amended, and in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is used for the purpose of processing this document. Questions regarding the collection of this information should be directed to Planning & Infrastructure at 905-873-2601 ext. 2300.

### Office use only:

Picture Identification – Administration Verified Name

Picture Identification – Administration Verified Picture

Vailtech – Administration Verified

# Appendix: By-law No. 2016-0005

## BY-LAW NO. 2016-0005

A By-law to provide for the Registration of Two-Unit Houses and Appointing a Registrar to Register Two-Unit Houses in a Public Registry and to repeal the Town of Halton Hills By-law No. 96-174

**WHEREAS** Section 8 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 ability to respond to municipal issues;

**AND WHEREAS** Section 11 of the Municipal Act 2001 authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of person and property;

**AND WHEREAS** Council of the Corporation of the Town of Halton Hills deems it necessary to enact a by-law

- (a) Providing for the registration of Two-Unit Houses, and the revocation of registrations; and
- (b) Appointing a Registrar to register Two-Unit Houses in a Public Registry, to revoke registrations and to perform such other duties related thereto as may be set out in the by-law;

**AND WHEREAS** such a by-law may specify standards which must be met to register a Two-Unit House.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

### DEFINITIONS

1. In this By-law,

- (a) "Accessory Dwelling Unit" means a second dwelling unit that is created within a single detached dwelling;
- (b) "Applicant" means a person applying for the registration of a Two-Unit House;

- (c) “Application” means an application for registration of a Two-Unit House;
- (d) “Council” means the Council of The Corporation of the Town of Halton Hills;
- (e) “Dwelling unit” means a unit that,
  - (i) consists of a self-contained set of rooms located in a building or structure;
  - (ii) is used as a residential premises;
  - (iii) contains cooking, eating, living, sleeping and sanitary 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 an occupant has exclusive possession of any part of the unit; and
  - (v) has a means of egress to the outside of the building in which it is located, which may be a common hallway or interior stairway;
- (f) provisions of the Building Code Act, S.O. 1992, c. 23, as amended, and regulations thereunder; the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended, and regulations thereunder; and the Town of Halton Hills Property Standards By-law 2008-0137, as amended;
- (g) “Operate” means to rent, lease, license or endorse an occupancy and includes arrangements in the nature of sub-rentals and sub-leases;
- (h) “Owner” means the registered owner of a house which is the subject matter of an Application or a person authorized in writing to act as agent for the registered owner of house;
- (i) “Person” includes, but is not limited to, a firm, corporation, partnership, proprietorship or association;
- (j) “Public Registry” means a list of Two-Unit houses registered in accordance with the provisions of By-law;
- (k) “Registrar” means the Chief Building Official, his or her designate, or any person specifically appointed as such by Council;
- (l) “Registration” means the registration of a Two-Unit House pursuant to the provisions of this by-law;

- (m) "Two-Unit House" means a detached house that contains two dwelling units one of which is an accessory dwelling unit, or a detached house, a semi-detached house or a row house that contains two dwelling units one of which is an accessory dwelling unit constructed prior to November 16, 1995, or for which a building permit was issued on or before May 22, 1996;

## TITLE

2. This By-law may be cited as the "Two-Unit House Registration By-law".

## PROHIBITION

3. No person shall operate or permit the occupancy of an accessory dwelling unit in a Two-Unit House unless the house is registered in accordance with the requirements of this By-law.

## ADMINISTRATION AND ENFORCEMENT

4. (1) The Registrar shall,
- (a) receive and process all Applications;
  - (b) administer the registration of Two-Unit Houses pursuant to the provisions of this By-law;
  - (c) maintain and keep records of all Applications and Registrations, including Public Registry of Two-Unit Houses in the Town of Halton Hills;
  - (d) refuse to accept any Application which does not comply with the requirements of this By-law;
  - (e) refuse any Application if, after four months of the acceptance of an Application, the necessary inspections have revealed non-compliance with any of the applicable standards listed in section 6.(1) hereof and the rectification of that non-compliance has not been seriously pursued;
  - (f) revoke the Registration of any Two-Unit House which ceases to meet the requirements of this By-law;
  - (g) revoke any Registration which was obtained on mistaken, false or incorrect information, and
  - (h) revoke any Registration that was completed in error.
- (2) The Registrar may designate such persons as are deemed necessary to administer this By-law.

- (3) The Registrar may deem an Application abandoned, if all requirements of Registration pursuant to this By-law have not been fulfilled to the Registrar's satisfaction four (4) months from the date the Registrar received the application.
- (4) Any Inspector shall be responsible for inspecting Two-Unit Houses in respect of which an Application has been received, in order to determine, before Registration, if they comply with the standards specified in this By-law.
- (5) Any Municipal Law Enforcement Officer appointed by Council under the Municipal Act, 2001 shall be responsible for the enforcement of this By-law.
- (6) The decision of the Registrar to refuse an Application or to revoke a Registration is subject to an appeal to the Ontario Court (General Division) and the decision of the Court is final.

#### APPLICATION FOR REGISTRATION

5. (1) An Application will be submitted by an Owner;
  - (2) An Application shall be completed on the forms provided by the Town and shall be accompanied by,
    - (a) a one-time registration fee determined in accordance with the Town of Halton Hills User fees By-law, as amended from time to time;
    - (b) owner's authorization where the applicant is not the registered owner of the house; and
    - (c) two (2) sets of required drawings, details, calculations, design details and specifications for Two-Unit House.
  - (3) Every applicant shall ensure that the Two-Unit House is available for inspection by Inspectors, subject to the provisions of Section 6. hereof.
  - (4) The Registrar shall accept an Application unless:
    - (a) the Application is incomplete;
    - (b) the Application contains mistaken, false or incorrect information;
    - (c) the fees due in respect of the Application have not been paid; or
    - (d) the Two-Unit House disclosed in the Application contravenes any of the provisions of this by-law, any other applicable By-law of the Town or any applicable statute or regulation.

## INSPECTIONS AND REGISTRATION

6. (1) Upon acceptance of an Application, the Registrar shall direct Inspectors to conduct such inspections of the Two-Unit House as are necessary to determine if the Two-Unit House complies with the applicable standards set out in:
  - (a) the Ontario Building Code;
  - (b) the Fire Code;
  - (c) the Town of Halton Hills Property Standards By-law 2008-0137, as amended;
  - (d) the Town of Halton Hills Zoning By-Law 2010-0050, as amended; and
  - (e) this By-Law.
- (2) Notwithstanding subsection 6. (1) of this By-law, inspections by an Inspector for the purpose of compliance with the Fire Code shall only be required for dwelling units in a Two-Unit house constructed prior to July 14, 1994.
- (3) An Inspector acting pursuant to this By-law may, at any reasonable time, and upon producing proper identification may enter and inspect any property, for the purpose of carrying out an inspection to determine whether there is compliance with any one or all of the following:
  - (a) the requirements of this By-law;
  - (b) an order made pursuant to this By-law.
- (4) Except under the authority of a search warrant issued under the authority of the Municipal Act, 2001, as amended, an Inspector shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, having first informed the occupier that the right of entry may be refused and entry made under the authority of a search warrant.
- (5) No person shall hinder or obstruct an Inspector or attempt to hinder or obstruct an Inspector who is performing a duty under this By-law;
- (6) Any person who provides false information to an Inspector shall be deemed to have hindered or obstructed the Inspector in the execution of his or her duties.
- (7) In the event that all necessary inspections disclose that the Two-Unit House complies with the applicable standards set out in Paragraph 6 (1) of this by-law, the Registrar shall register the Two-Unit House in a Public Registry of Two-Unit Houses in the Town of Halton Hills.

## REFUND OF APPLICATION FEE

7. (1) In respect of an Application for which the prescribed registration fee has been paid, if the Application is withdrawn by the Applicant, or is refused by the Registrar the applicant shall be refunded the portion of the fees, as follows:
  - (a) 35% of the registration fee where the administrative functions and any of the required inspections were carried out;
  - (b) 75% of the registration fee where the administration functions only were carried out.

## NOTIFICATION

8. (1) Where the Registrar refuses or cancels an Application or revokes a Registration he or she shall notify the Applicant and provide a brief explanation of the reasons for refusal/cancellation/revocation.
- (2) Service of any document, including reasons for refusal or a notice of revocation or an order under this By-law, may be given in writing in any of the following ways and is effective:
  - (a) when a copy is delivered to the registered owner of the house;
  - (b) on the seventh (7<sup>th</sup>) day after a copy is sent by registered mail to the owner's last known address; or
  - (c) where service is unable to be effected as above, notice may be given by posting a document in a conspicuous place on the property to which the document is related.

## PENALTIES

9. (1) Every person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence and upon conviction is liable to a fine not exceeding Fifty Thousand Dollars (\$50,000.00) as provided for in the *Municipal Act, 2001*, as amended;
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is One Hundred Thousand Dollars (\$100,000.00) as provided for in the *Municipal Act, 2001*, as amended;
- (3) Notwithstanding subsection 9.(1), every person who is guilty of a continuing offence, on conviction is liable to a fine of no less than five hundred dollars (\$500.00), and no more than ten thousand dollars (\$10,000.00) for each day or

part of a day that each offence continues, and the total of all fines for each offence is not limited to one hundred thousand dollars (\$100,000.00) as provided for in the Municipal Act, 2001, as amended;

#### TRANSITION RULES

10. After the date of passing of this By-law, the By-law 96-174 applies only to the properties in respect to which an application for registration of a Two-Unit House has been made, or an order has been issued prior to the date of the passing of this By-law.

#### REPEAL

11. Except for the purpose as set out in section 10. of this By-law, By-law 96-174 is hereby repealed.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 1<sup>st</sup> day of February, 2016.