

The Corporation of the City of Pickering

By-law No. 7579/17

Being a by-law to provide for the registration of two-dwelling unit properties in the City of Pickering.

Whereas Section 16(3) of the *Planning Act, S.O., 1990, c. P.13*, as amended, requires municipalities to implement official plan policies authorizing the use of second residential units;

And Whereas Section 35.1(1) of the *Planning Act, S.O., 1990, c. P.13*, as amended, requires that by-laws passed under section 34 give effect to the policies described in subsection 16(3) of that Act;

And Whereas Section 8(1) of the *Municipal Act, 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(2) (6) 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 Pickering considers it important to enact a by-law to require the registration of second residential units in the City of Pickering in order to protect persons, property and the health, safety and well-being of Pickering residents;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

**1. Definitions**

In this By-law;

- (1) "Accessory" means a use or building naturally or normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot as the principal use or building;
- (2) "Applicant" means a person who applies for registration of a two-dwelling unit property and includes any person authorized in writing by an owner to apply for a two-dwelling unit property registration certificate on the owner's behalf;

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- (3) "Building" means a structure occupying an area greater than 10.0 square metres and consisting of any combination of walls, roof and floor but shall not include a mobile home;
  - (4) "City" means The Corporation of the City of Pickering or the geographical area, whatever the context requires;
  - (5)
    - (a) "Dwelling, Detached" means a building containing only one primary dwelling unit;
    - (b) "Dwelling, Semi-Detached" means a building that is divided vertically into two primary dwelling units that share a common wall above grade and where each dwelling unit is located on an individual lot;
    - (c) "Dwelling, Street Townhouse" means a building that is vertically divided into a minimum of three dwelling units, each of which has an independent entrance from grade to the front and rear of the building, and each of which are divided vertically above grade by a common wall adjoining dwelling units or a private garage above grade and where each dwelling unit is located on an individual lot;
    - (d) "Dwelling Unit" means a residential unit that:
      - i) consists of a self-contained set of rooms located in a building or structure;
      - ii) is used or intended for use as a residential premises;
      - iii) contains kitchen and bathroom facilities that are intended for the use of the unit only;
      - 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) is not a mobile home or any vehicle;
  - (6) "Inspector" means a Building Inspector, Municipal Law Enforcement Officer or Fire Inspector employed by the City of Pickering;
  - (7) "Owner" means the registered owner of the land on which the two-dwelling units are situated;
  - (8) "Registrar" means the Fire Chief of the City of Pickering;
  - (9) "Structure" means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or other structure but excludes in-ground swimming pools;
  - (10) "Two-Dwelling Unit Property" means a parcel of land containing a maximum of two dwelling units within a detached dwelling, a semi-detached dwelling, a street townhouse dwelling, or an accessory building, subject to the provisions of the applicable City Zoning By-law.

## 2. Prohibition

No person shall occupy or permit the occupancy of a two-dwelling unit property unless the owner registers the property as required by this By-law.

## 3. Registration Applications

- (1) To obtain registration, the owner or applicant shall:
  - (a) submit a completed application on a form provided by the City;
  - (b) pay the prescribed fee in the amount as set out in Schedule "A" to this by-law, or as amended by the approved Summary of Fees and Charges By-law;
  - (c) arrange for an inspection of the two-dwelling unit property by an Inspector, and demonstrate compliance with all relevant standards set out in the *Building Code Act*, Ontario Building Code, *Fire Protection and Prevention Act*, Ontario Fire Code, as amended from time to time; and
  - (d) provide bona-fide evidence that the use of the property for the purposes of more than one dwelling unit meets the applicable zoning provisions, or are exempt from such provisions under the terms of the *Planning Act, 1990*;
- (2) A property which has received approval for two-dwelling units through the issuance of a building permit or change of use permit under the *Building Code Act* and Ontario Building Code, is exempt from the requirements of (1)(c) and (d) of this section where such permit explicitly authorized such use and satisfactory final inspections have been completed.
- (3) The issuance of a building permit for structural or material alterations in accordance with the *Fire Protection and Prevention Act* and Ontario Fire Code, is applicable to the requirements of (1)(c) and (d) of this section.
- (4) The Registrar shall issue a registration certificate for a two-dwelling unit property except where the property proposed for registration does not comply with the requirements of 5(1) of this by-law or any other applicable law, as determined by the Registrar.

## 4. Register

- (1) The Registrar shall maintain a written or electronic record respecting each two-dwelling unit property for which a registration certificate has been issued. Each record shall include, at a minimum, the following particulars:
  - (a) the municipal address of the two-dwelling unit property; and
  - (b) the registration date of the two-dwelling unit property.

## 5. Refusal and Revocation of Registration

- (1) The Registrar may refuse to register a two-dwelling unit property unless the Registrar is satisfied that the following conditions have been met:
  - (a) the application for registration has been prepared and submitted, including payment of registration fees;
  - (b) the two-dwelling unit property complies with all standards applicable at the time of registration, and which may be prescribed by any of the following:
    - the City's Zoning By-law;
    - the City's Property Standards By-law;
    - the *Building Code Act, 1992, SO 1992, c 23*;
    - the Ontario Building Code, O Reg 332/12;
    - the *Fire Protection and Prevention Act, 1997, SO 1997, c 4*; and
    - the Ontario Fire Code, O Reg 213/07;
- (2) The Registrar may revoke the registration of a two-dwelling unit property which, at any time after registration, ceases to meet the requirements set out in this By-law or other applicable law, or where the Registrar determines that the registration certificate was issued based on false or misleading information.
- (3) Where the Registrar refuses or revokes the registration of a two-dwelling unit property, notice stating the reason for the refusal or revocation shall be given to the owner of the property by regular mail.

## 6. Administration of this By-law

The Registrar may designate such persons as are necessary to administer this By-law.

## 7. Offences and Penalties

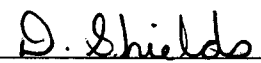
- (1) Any person, other than a corporation, who contravenes the provisions of this By-law is guilty of an offence, and upon conviction, is liable:
  - (a) on a first conviction, to a fine of not more than \$10,000.00; and
  - (b) on any subsequent conviction, to a fine of not more than \$25,000.00.
- (2) A corporation that contravenes any provision of this By-law, is guilty of an offence, and upon conviction, is liable:
  - (a) on a first conviction, to a fine of not more than \$25,000.00; and
  - (b) on any subsequent conviction, to a fine of not more than \$50,000.00.

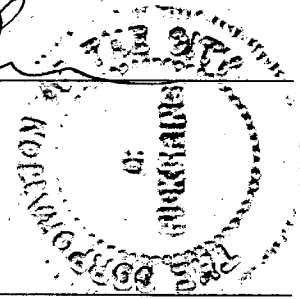
8. **Repeal**

- (1) By-law No. 6399/04, as amended, is repealed.

By-law passed this 11<sup>th</sup> day of September, 2017.

  
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David Ryan, Mayor

  
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Debbie Shields, City Clerk



**Schedule "A" to  
By-law 7579/17**

Registration Fee of a Two-Dwelling Unit Property:

\$500.00