

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2010-32

A By-law to establish a Registry for Secondary Suites
in single-detached dwellings

WHEREAS the Council of the Corporation of the Town of Midland deems it desirable to establish a Registration By-law for Secondary Suites in single-detached dwellings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. **DEFINITIONS:**

1.1 For the purposes of this By-law;

- a) **“Inspector”** includes an employee of the Town or a person or persons appointed by the Town whose duties include the inspection(s) of buildings or the enforcement of the Ontario Building Code, Ontario Fire Code, Town’s Zoning By-law or the Town’s Property Standards By-laws or any Regulations, Codes or Standards which are applicable under the noted regulations.
- b) **“Owner”** means the person with legal title to the property and shall include, any person managing or receiving the rent of the land, whether on the person’s own account or as agent or trustee.
- c) **“Permit”** means a building permit issued pursuant to the Ontario Building Code Act or any predecessor thereof.
- d) **“Registry”** means the written or computerized public record established and maintained by the Registrar in which information is set out in respect of Secondary Suites that are registered with the Town.
- e) **“Registrar”** means the Fire Chief of the Town of Midland or a person(s) designated by the Fire Chief to carry out the duties of the Registrar.
- f) **“Secondary Suite”** means a dwelling unit within a Single-Detached dwelling, with a floor area that is less than the floor area of the other dwelling unit in the same building, and:
 - a. consists of a self-contained set of rooms located in a building or structure;
 - b. is used as a residential premises;
 - c. is used or intended to be used as a single housekeeping unit by one or more persons and containing living, cooking, eating, sleeping and sanitary facilities; and

- d. 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.
- g) **“Two-Unit House”** means a Single-Detached Dwelling which contains two residential units, where one of the units is a Secondary Suite.
- h) **“Town”** means the Corporation of the Town of Midland.

2. **REGISTRATION**

- 2.1 Every Owner of a Two-Unit House shall complete and submit an application for the Registration of any Secondary Suite to the Registrar in a form prescribed by the Registrar.
- 2.2 Every Owner shall deposit with the Registrar a registration fee as prescribed in the Town's Composite Fee Schedule By-law at the time of application.
- 2.3 The Secondary Suite will be registered by the Registrar for a period of three (3) years when the Registrar is satisfied that the Two-Unit House complies with the requirements of this By-law.
- 2.4 Notwithstanding section 2.2 above, the registration application fee shall be waived for a period of one (1) year from the date the by-law comes into force and effect in respect of applications for existing Secondary Suites.

3. **DUTIES OF THE REGISTRAR**

- 3.1 The Registrar shall receive applications with the appropriate information and fees attached for the registration of the Secondary Suite.
- 3.2 The Registrar shall notify the Inspectors of the Fire Department, By-law Enforcement Department and the Building Department of every application for registration of a Secondary Suite.
- 3.3 Upon being notified by the Inspectors that a Secondary Suite complies with the standards listed in Section 4.1 of this By-law, the Registrar shall record in the Registry the following information:
 - (a) The municipal address of such Two-Unit House;
 - (b) The date the Secondary Suite was registered in the Registry;
 - (c) Any other relevant information deemed to be applicable to such address.

- 3.4 Upon recording a Secondary Suite in the Registry, the Registrar shall send written notice advising that the house is now registered with the Town to the following:
- (a) The Owner,
 - (b) Fire Department,
 - (c) Building Department,
- 3.5 The Registrar shall maintain and keep records of all applications and Registrations for Secondary Suites, including the Registry.

4. **STANDARDS**

- 4.1 Prior to registration, every dwelling unit in a Two-Unit house shall be inspected by an Inspector and be in full compliance with the applicable standards from:
- (a) The Town's Zoning By-Law as amended,
 - (b) The Ontario Building Code, where applicable;
 - (c) The Ontario Fire Code, where applicable; and,
 - (d) The Town's Property Standards By-law, as amended.
- 4.2 Where the inspection determines any non-compliance with the required standards, the Owner shall obtain the required permits and pay any required fees, where necessary, and make the necessary repairs to comply with the required standards and arrange for a re-inspection by the appropriate Inspector and pay any required fees for the reinspection.

6. **RENEWAL AND RE-INSPECTION**

- 6.1 The Owner shall renew the Secondary Suite registration every three years from the initial date of registration, and deposit with the Registrar a renewal fee as prescribed in the Town's Composite Fee Schedule By-law.
- 6.2 If the Owner fails to renew their Secondary Suite registration, a new application and registration fee will be required.
- 6.3 If the property is sold, the new Owner will be required to renew the Secondary Suite registration.

7. **REFUSAL AND REVOCATION OF REGISTRATION**

- 7.1 The Registrar shall refuse to register any Secondary Suite when any of the requirements set out in this By-Law are not met. A decision by the Registrar to refuse or revoke a registration shall cause the forfeiture of the fees.
- 7.2 The Registrar may revoke the registration of any Secondary Suite which;

- (a) At any time after being registered, ceases to meet any standard set out in Section 4.1 of this by-law;
- (b) Was issued based on mistaken, false or incorrect information; or,
- (c) Was issued in error.

7.3 Where the Registrar intends to revoke the registration of any Secondary Suite, the Registrar shall give notice of intent to revoke the registration of any Secondary Suite no later than sixty (60) days prior to the date of revocation. The Registrar shall send written notice by regular mail to the Owner of such Two-Unit House advising of the revocation and the reasons therefore. Copies of the written notice shall be sent to the parties listed in Section 3.4 of this By-law.

7.5 An Inspector may take the necessary steps to achieve compliance with the standards listed in Section 4.1, where a contravention of the standards exists

8. **BY-LAW ADMINISTRATION AND ENFORCEMENT**

8.1 The Registrar shall be responsible for the administration of this By-law.

8.2 The Municipal By-law Enforcement Officer shall be responsible for the enforcement of this By-law or such other person as appointed for the purpose of enforcing the Town's By-laws.

9. **OFFENCE**

9.1 Every person who contravenes any provision of this by-law is guilty of an offence pursuant to the Provincial Offences Act R.S.O. 1990 c.P.33.

10. **TITLE**

10.1 This By-law may be cited as the "Midland Secondary Suite Registry By-law."

11. **EFFECTIVE DATE**

11.1 That the By-law shall come into force and effect on the final passage thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF APRIL, 2010.

THE CORPORATION OF THE TOWN OF MIDLAND

MAYOR

CLERK