

**THE MUNICIPALITY OF NORTH PERTH**

**BY-LAW NO. 37-2023**

**BEING A BY-LAW TO PROVIDE FOR THE REGISTRATION OF ADDITIONAL  
RESIDENTIAL UNITS.**

**WHEREAS** under subsections 8(1) of the Municipal Act, 2001, S.O. 201, c.25 (the “Municipal Act, 2001”) provides that the powers of a municipality under the Municipal Act, 2001 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 10(2) 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** under section 425 of the Municipal Act, 2001 the Municipality may pass by-laws providing that a person who contravenes a by-law of the Municipality passed under the Municipal Act, 2001, or a director or officer of the corporation who knowingly concurs in the contravention of a by-law, is guilty of an offence;

**AND WHEREAS** under section 429 of the Municipal Act, 2001 the Municipality may establish a system of fines for offences under a by-law;

**NOW THEREFORE** the Council of the Municipality of North Perth enacts as follows:

**1. Definitions**

For the purposes of this By-law:

**“Additional Residential Unit” (ARU), or “Additional Dwelling Unit” (ADU)** means a dwelling unit situated within, attached to or on the same property as a Primary Dwelling having a floor area that is less than the floor area of the Primary Dwelling, and:

- a) Consists of a self-contained set of rooms located in, attached to, or on the same property as the Primary Dwelling;
- b) Is used for residential purposes;
- c) Contains kitchen and bathroom facilities that are used only by the occupants of the Additional Residential Unit;
- d) 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;
- e) 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) Meets the definitions of a Dwelling Unit and Garden Suite, Dwelling Unit Single-Detached and Dwelling Unit Second Unit as defined in the North Perth Zoning By-law; and
- g) Is not located within, attached to or on the same property as a Primary Dwelling that has an existing accessory business use.

**“Council”** means the Council of the Municipality of North Perth;

**“Dwelling”** means a detached dwelling, or semi-detached dwelling, or a townhouse dwelling;

**“Emergency Services”** means services including Fire, Police and Ambulance;

**“Fee”** means the applicable fee prescribed by the Municipality’s Fees and Licences By-law No. 160-2015, as amended or replaced from time to time;

**“Inspector”** includes an employee of the Municipality whose duties include the inspection(s) of buildings and the enforcement of the Ontario Building Code, Ontario Fire Code, and the Municipality’s Zoning By-law and/or Municipality’s Property Standards By-law and who are appointed pursuant to section 2 of this By-law;

**“Municipality”** means the Municipality of North Perth;

“**Owner**” means the Person who holds legal title to the property and shall include, any person managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee;

“**Person**” includes an individual, a corporation and its directors and officers, or a partnership;

“**Registrar**” means the Chief Building Official of the Municipality or the Chief Building Official’s designate;

“**Registry**” means the written or computerized public record established and maintained by the Registrar in which information is set out in respect of Additional Residential Units that are registered with the Municipality.

## **2. Appointment of Inspectors**

The following persons and classes of persons employed by the Municipality are appointed as inspectors for the purposes of this By-law:

- a) Chief Building Official;
- b) 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;
- c) A Building Inspector pursuant to the Ontario Building Code Act, 1992; and
- d) A By-law Enforcement Officer appointed by Council.

## **3. Requirement to Register**

Every Owner shall register each Additional Residential Unit located on the property. No person shall own, operate or permit the occupancy of an Additional Residential Unit unless it is registered under this By-law.

No person other than the Owner of a Dwelling, or the Owner’s Agent, may submit an Application in the form prescribed by the Registrar for the registration of an Additional Residential Unit.

The onus of proof that an Additional Residential Unit meets the requirements of registration in accordance with this By-law is on the Owner(s).

Property owner(s) of an Additional Residential Unit shall obtain a building permit under the Building Code Act, as amended, and as deemed necessary by the Chief Building Official for each additional residential unit on the property with satisfactory final inspections completed. The additional residential unit(s) must comply with the relevant provisions set out in the accompanying Zoning By-law.

## **4. Application Requirements**

Every Owner shall submit to the Registrar:

- a) The completed Application for registration of an Additional Residential Unit;
- b) The application registration fee as set out in the Municipality’s Fees and Licences By-law as may be amended from time to time;
- c) All the information and documents as set out in the Application form and as the Registrar may, in the Registrar’s sole and absolute discretion, deem necessary.

The Additional Residential Unit will be registered by the Registrar for a period of three (3) years upon the Registrar being satisfied, in their sole and absolute discretion, that the Additional Residential Unit complies with the requirements of this By-law and all other Applicable Law.

On an annual basis, the Owner of a Additional Residential Unit registered under this By-law will be required to self-attest that the Additional Residential Unit has maintained adherence to all requirements set out under this By-law through a form prescribed by the Registrar.

Failure to complete the self-attestation and/or adhere to the requirements set out under this By-law will result in registration being revoked.

## **5. Inspection**

Prior to registration, every Additional Residential Unit and Dwelling shall be inspected by an Inspector and be in full compliance with all Applicable Law and the standards applicable to the Additional Residential Unit including but not limited to:

- a) the Municipality's Zoning By-law, as amended;
- b) the Municipality's Property Standards By-law, as amended;
- c) the Building Code Act, 1992, SO 1992, c 23, as amended, where applicable;
- d) the Building Code, O Reg 332/12, as amended, where applicable;
- e) the Fire Protection and Prevention Act, 1997, SO 1997, c 4, as amended, where applicable; and
- f) the Fire Code, O Reg 213/07, as amended, where applicable.

Where an inspection determines any non-compliance with the required standards, the Owner shall obtain all required permits and approvals, and pay any required fees, where necessary, and make any required repairs to comply with the standards and arrange for a re-inspection by the Inspector.

Any fees incurred by the Inspector for the performance of the inspection and/or re-inspection shall be paid by the Owner prior to the Registration of the Additional Residential Unit.

The Owner shall renew the Additional Residential Unit Registration every three (3) years from the initial date of registration, and deposit with the Registrar a renewal fee as prescribed by the Municipality's Fees and Licences By-law.

In the event that the Owner fails to renew their Additional Residential Unit registration for a period of three (3) months, a new application and Registration fee shall be required to be submitted to the Municipality.

If a property is sold, the new Owner shall be required to renew the Additional Residential Unit registration.

## **6. Addressing and Signage**

Upon registration of an Additional Residential Unit, the Municipality shall assign a municipal address to indicate the house contains an Additional Residential Unit registered in accordance with this by-law, and the Owner shall display the municipal address provided by the Municipality on the exterior of the house in the same manner as the numerals forming the existing municipal address. Each Additional Residential Unit will be assigned a unit letter, which shall be displayed at the entrance of the unit. Where two units share an entrance, the unit letters shall be assigned on the shared entrance, as well as on the Additional Residential Unit's door.

## **7. Public Registry**

The Registrar shall maintain a written and/or electronic record respecting each Additional Residential Unit for which an Application for registration has been approved (the "Registry"). The Registry shall include, at a minimum, the following:

- a) the municipal address of the Dwelling containing the Additional Residential Unit and the municipal address of the Additional Residential Unit if applicable;
- b) the registration date of the Additional Residential Unit.

Upon issuance of a Registration to an Additional Residential Unit on the Registry, the Registrar shall send written notice advising that the Dwelling and Additional Residential unit are registered with the Municipality as follows:

- a) the Owner;
- b) Emergency Services (Fire, Police, EMS);
- c) Protective and Development Services (Building, Planning, By-law);
- d) Public Works and Environmental Services; and
- e) Municipal Clerk

## **8. Compliance and Reconsideration of Registration**

The Registrar shall refuse to register any Additional Residential Unit when any of the requirements set out in this By-law have not been, or are not being, met. The Municipality shall retain the Application fee submitted notwithstanding if the Registrar makes a decision to either refuse or revoke a registration.

The Owner of a registered Additional Residential Unit shall ensure compliance of the Additional Residential Unit with the Building Code, Electrical Safety Code, Fire Code, Property Standards Bylaw, Zoning By-law and all applicable provisions of this By-law.

The Registrar may revoke the registration of an Additional Residential Unit that:

- a) at any time after being registered, ceases to meet any Applicable Law and/or standard;
- b) was issued based on mistaken, false, incorrect and/or misleading information; or
- c) was determined to have been issued in error

Where the Registrar intends to revoke a registration of a Additional Residential Unit, the Registrar shall give notice of intent to revoke the registration of any Additional Residential Unit no later than thirty (30) days prior to the date of revocation. The Registrar shall send written notice by either personal delivery, email or registered mail to the Owner of the Dwelling/property containing the Additional Residential Unit advising of the revocation and the reasons for the revocation. Copies of the written notice shall be sent to then parties listed in section 8 of this By-law.

Notwithstanding the above, in the event of issuance of an Order against the Dwelling under the Building Code Act and/or the Fire Protection Prevention Act, the registration shall be immediately revoked.

An Inspector may take any necessary steps deemed appropriate and necessary to achieve compliance with Applicable Law and the standards set out in section 6, where a contravention of the standards is identified.

## **10. Penalty**

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.

Every Person who is charged with an offence under this By-law in accordance with Part III of the Provincial Offences Act and is found guilty of the offence, is liable, in addition to any other penalties:

- a) if a living person, to a fine of not more than \$25,000; or
- b) if a corporation, to a fine of not more than \$50,000.

Where an owner is convicted of knowingly carrying on or engaging in a trade, calling, business or occupation on, in, or in respect of any premises or part thereof without a License required by a by-law passed under the Municipal Act, 2001, the Court shall order that the premises or part thereof be closed to any use for any period not exceeding two years.

## **11. Administration**

This By-law shall be administered by the Registrar, or their duly authorized representative.

## **12. 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.

## **13. 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.

**14. 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.

**15. Legislation**

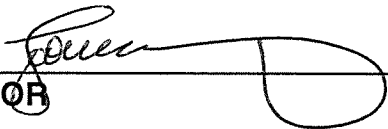
References in this By-law to legislation, including regulations and municipal by-laws, shall be deemed to include legislation as amended, including successor legislation.

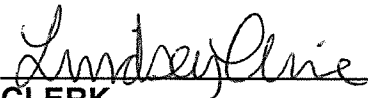
**16. Effective Date**

This By-law shall take effect on the date of its final passing.

**READ A FIRST AND SECOND TIME** this 17<sup>th</sup> day of April, 2023.

**READ A THIRD TIME AND FINALLY PASSED** this 17<sup>th</sup> date of April, 2023.

  
MAYOR

  
CLERK

**Proposed Fee Schedule**

	Administrative Fee
New ARU registration where property is occupied by the owner	\$150.00
New ARU registration where property is not occupied by the owner	\$300.00
Annual self-attestation	\$0.00
Three Year Registration Renewal	\$100.00

Notes:

- These fees reflect the administrative costs to complete the registration
- Building permit and inspection fees would be an additional cost to the applicant