



By-Law 2004-025

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To establish a registration by-law for Two-Unit Houses in the City of Barrie.

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BY-LAW NUMBER 2004-025

A By-law of The Corporation of the City of Barrie to establish a Registration By-law for Two-Unit Houses in the City of Barrie.

WHEREAS Section 167 of the Municipal Act, 2001 S.O. 2001, c.25 allows a municipality to pass by-laws to provide for the registration of two-unit houses and the appointment of a registrar to register two-unit houses in a public register;

AND WHEREAS the Council of The Corporation of the City of Barrie, by motion 03-G-123 deems it expedient to establish a registration by-law for Two-Unit Houses and to appoint a Registrar;

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1.0 DEFINITIONS

1.1 For the purposes of this By-law;

- a) **CITY** - means the Corporation of the City of Barrie.
- b) **INSPECTOR**- includes an employee of the City whose duties include the inspection(s) of buildings and the enforcement of the Ontario Building Code, the Ontario Fire Code, the City's Zoning By-law or the City's Property Standards By-laws.
- c) **OPERATE** - means to rent, lease, license or endorse an occupancy, and includes arrangements in the nature of sub-rentals and sub-leases.
- d) **OWNER** – means the person in whom is vested the legal title to 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 of any other person who would receive the rent if the land and premises were let.
- e) **PERMIT** – means a building permit issued pursuant to the Building Code Act or any predecessor thereof.
- f) **REGISTRY** - means the written or computerized public record established and maintained by the Registrar in which information is set out in respect of Two-Unit Houses that are registered with the City.
- g) **REGISTRAR** - means the City's Manager of Zoning or a person(s) designated by the Manager of Zoning to carry out the duties of the Registrar.
- h) **RESIDENTIAL UNIT** - includes a dwelling unit as set out in the City's Zoning By-law and 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 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.
- i) **TWO-UNIT HOUSE** - means a detached house, a semi-detached house or a row house which contains two residential units.

2.0 PROHIBITION

- 2.1 No person shall operate or permit the occupancy of more than one Residential Unit in a Two-Unit House unless such house is registered in the City's Registry in accordance with this by-law

3.0 REGISTRATION PROCEDURES

- 3.1 Every Owner of a Two-Unit House shall complete and submit an application for the Registration of any Two-Unit House to the Registrar in a form prescribed by the Registrar containing the following information:
- a) Name, address and phone number of the property owner;
 - b) Name and phone number of occupants of each unit;
 - c) Property address, roll number and legal description;
 - d) Permit number and date of first occupancy of original dwelling unit;
 - e) Permit number and date of first occupancy of second dwelling unit;
 - f) Property sketch showing dimensions of the property, location and setbacks of all buildings and location and dimensions of parking spaces; and
 - g) Floor plan sketches showing all walls, doors, windows, stairs, kitchen facilities, bathroom facilities, heating systems and smoke alarms.
- 3.2 Every Owner shall deposit with the Registrar a registration fee as prescribed in the City's General Fee By-law at the time of application.
- 3.3 Every Two-Unit House to be registered must be in full compliance with the applicable standards from;
- a) Except as noted in Section 3.4, the City's Zoning By-law 85-95 as amended,
 - b) The Ontario Building Code, Ontario Regulation 403/97 as amended,
 - c) The Ontario Fire Code, Ontario Regulation 388/97 as amended ,and
 - d) The City's Property Standards By-laws 84-200, 90-355 and 82-137, as amended,
- to the satisfaction of the City's Inspectors and the Registrar.
- 3.4 Where the Owner can provide proof of legal non-conforming status, the property will be deemed to comply with the City's Zoning By-law 85-95.
- 3.5 The Owner shall provide all information as requested and required by the Registrar for the Registrar to verify the compliance of the Two-Unit House with the City's Zoning By-law.
- 3.6 Every Owner shall arrange for and ensure that every Two-Unit House owned by such Owner is inspected by an Inspector of the Fire and Emergency Services Department and the Building Services Department to confirm compliance with the standards listed in Section 3.3 of this By-law.
- 3.7 Where the inspections by the Inspectors determines any non-compliance with the required standards, the Owner shall make the necessary repairs to comply with the required standards and arrange for a re-inspection by the appropriate Inspectors.
- 3.8 A Two-Unit House will be registered by the Registrar when the Registrar is satisfied that the Two-Unit House complies with the requirements of this By-law.
- 3.9 A Two-Unit House, once registered, remains registered without payment of any renewal or other fees, unless the registration is revoked.

4.0 DUTIES OF THE REGISTRAR

- 4.1 The Registrar shall receive applications with the appropriate information and fees attached for the registration of Two-Unit Houses.
- 4.2 The Registrar shall determine by examination of the information submitted with an application, whether the proposed Two-Unit House is in compliance with the City's Zoning By-law 85-95.
- 4.3 The Registrar may contact the Owner to make any enquiries deemed necessary and may require the furnishing of any information necessary to determine the building's compliance with the City's Zoning By-law 85-95.
- 4.4 The Registrar shall notify the Inspectors of the Fire and Emergency Services Department and the Building Services Department of every application for registration that complies with the City's Zoning By-law 85-95.
- 4.5 Upon being notified by the Inspectors that a Two-Unit House complies with the standards listed in Section 3.3 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 Two-Unit House was registered in the Registry;
 - c) Any other relevant information deemed to be applicable to such address.
- 4.6 Upon recording a Two-Unit House in the Registry, the Registrar shall send written notice advising that the house is now registered with the City as a Two-Unit House to the following:
 - a) The Owner,
 - b) The Fire and Emergency Services Department,
 - c) The Building Services Department,
 - d) The water, sewer and sanitation branches of the Leisure, Transit and Works Department, and
 - e) Barrie Hydro.
- 4.7 The Registrar shall maintain and keep records of all applications and Registrations for Two-Unit Houses, including the public Registry.

5.0 REFUSAL AND REVOCATION OF REGISTRATION

- 5.1 The Registrar shall refuse to register any Two-Unit House when any of the requirements set out in this by-law are not met.
- 5.2 The Registrar may revoke the registration of any Two-Unit House which;
 - a) At any time after being registered, ceases to meet any standard set out in Section 3.3 of this by-law,
 - b) Was issued based on mistaken, false or incorrect information, or
 - c) Was issued in error.
- 5.3 Where the Registrar refuses or revokes the registration of any Two-Unit House, the Registrar shall send written notice by regular mail to the Owner of such Two-Unit House advising such Owner of the refusal or revocation and the reasons therefore. Copies of the written notice shall be sent to the parties listed in Section 4.6 of this By-law.
- 5.4 The Owner may be entitled to a partial refund of the registration fee if, upon refusal of an application, and in the opinion of the Registrar, the processing and inspection costs of the application are less than the fee paid.

- 5.5 Where the refusal or revocation is due to a contravention of the standards listed in Section 3.3, the Inspectors may take steps to enforce said regulations as they deem necessary under their respective regulations.
- 5.6 The decision of the Registrar to refuse or revoke the registration of a Two-Unit House is subject to an appeal, under Section 167.(7) of the Municipal Act, 2001 to the Superior Court of Justice and the decision of the court is final.

6.0 INSPECTION PROCEDURES

- 6.1 Upon being notified by the Registrar of an application for Registration of a Two-Unit House, the Inspectors shall contact the Owner to arrange for an inspection of the Two-Unit House to determine if the Two-Unit House complies with the applicable standards as prescribed in Section 3.3 of this By-law.
- 6.2 The right of entry onto a property or into a dwelling unit shall be as authorized by the legislation respecting the standards prescribed in Section 3.3 of this By-law.
- 6.3 Except under the authority of a search warrant issued under Section 49.1 of the Planning Act, an Inspector shall not enter or remain in 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, if refused, entry made only under the authority of a search warrant as per Subsection 167.(6) of the Municipal Act, 2001.
- 6.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Inspector carrying out an inspection hereunder as per Subsection 426.(1) of the Municipal Act, 2001.
- 6.5 The Inspector shall notify the Registrar when an inspection confirms the Two-Unit House appears to be in compliance with the regulations and standards under the Inspector's jurisdiction.

7.0 BY-LAW ADMINISTRATION AND ENFORCEMENT

- 7.1 The Registrar shall be responsible for the administration and enforcement of this By-law.

8.0 OFFENCE

- 8.1 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.

9.0 PENALTY

- 9.1 Every person who is convicted of an offence under any provision of this by-law shall be liable to a fine of not more than \$5,000 as set out in Section 61 of the Provincial Offences Act R.S.O. 1990 c.P.33.

10.0 SCOPE

- 10.1 This By-law applies to all Two-Unit Houses within the territorial limits of the City.

11.0 SEVERABILITY

- 11.1 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.

12.0 HEADINGS

- 12.1 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.

13.0 NUMBER/GENDER

13.1 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.

14.0 LEGISLATION

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

15.0 SHORT TITLE

15.1 This By-law may be referred to as “The Registration By-law for Two-Unit Houses”.

16.0 EFFECTIVE DATE

16.1 This By-law shall take effect on January 1, 2004.

READ a first and second time this 12th day of January, 2004.

READ a third time and finally passed this 12th day of January, 2004.

THE CORPORATION OF THE CITY OF BARRIE

“ORIGINAL SIGNED”

R.J. Hamilton, MAYOR

“ORIGINAL SIGNED”

John R. Sisson, CLERK