



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 87-2015

A By-law to require the registration of second residential units in the City of Brampton

## **RECITALS**

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;

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;

The City of Brampton has added policies to the City's Official Plan and City's Comprehensive Zoning By-law in order to comply with these Planning Act requirements;

Section 8(1) 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 affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

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;

The Council of The Corporation of the City of Brampton considers it important to enact a by-law to require the registration of second residential units in the City of Brampton in order to protect persons, property and the health, safety and well-being of Brampton residents;

NOW THEREFORE, the Council of The Corporation of the City of Brampton ENACTS as follows:

## **PART I – TITLE, INTERPRETATION AND SEVERABILITY**

1. This By-law may be referred to as the "Second Unit Registration By-law".
2. This By-law applies to all property within the City of Brampton.
3. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.  
  
(2) Wherever a word defined in Part II of this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case;

- (3) All words in this By-law importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
4. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

## **PART II - DEFINITIONS**

5. For the purpose of this By-law:

"City" means The Corporation of the City of Brampton or the land within the municipal boundaries of the City of Brampton, as the context requires;

"Council" means the Council of The Corporation of the City of Brampton;

"Inspector" means any one of the following Persons employed by the City:

- (a) Chief Building Official or inspector appointed pursuant to the Building Code Act, 1992;
- (b) Municipal Law Enforcement Officer appointed by the City; or
- (c) City Fire and Emergency Services inspector;

"Owner" means a Person, who is:

- (a) the registered owner of a Two-Unit House;
- (b) authorized in writing to act as agent for the registered owner of a Two-Unit House; or
- (c) managing or receiving the rent of a Two-Unit House whether on the Person's own account or as agent or trustee of any other Person who would receive the rent if the land or premises were let;

"Person" includes an individual, corporation, partnership or limited liability partnership;

"Registrar" means the City's Chief Building Official or his or her designate;

"Second Unit" means an accessory self-contained residential dwelling unit with its own cooking facility, sanitary facility and sleeping area within a Two-Unit House; and

"Two-Unit House" means a detached house, semi-detached house or row house comprising two residential dwelling units.

## **PART III - PROHIBITION**

6. No Person shall establish, operate or permit the occupancy of a Second Unit, unless the Two-Unit House containing that Second Unit is registered in accordance with the requirements of this By-law.

## **PART IV - REGISTRATION**

7. Every Person who establishes, operates or permits the occupancy of a Second Unit shall register the Two-Unit House containing that Second Unit as required by this By-law.

8. (1) The Registrar is authorized to administer this By-law in accordance with the requirements of this By-law, including the power to register, refuse to register or revoke the registration of any Two-Unit House.
- (2) For the purpose of section 23.2(4) of the Municipal Act, 2001, Council considers the delegation of powers to the Registrar pursuant to this By-law, including the powers to register, refuse to register and revoke the registration of Two-Unit Houses, to be of a minor nature.
9. Prior to the registration of a Two-Unit House:
  - (a) the Owner shall:
    - (i) submit a complete application for registration to the Registrar in a form prescribed by the Registrar;
    - (ii) pay a non-refundable application fee and any applicable registration fees, as set out in Schedule A to this By-law;
    - (iii) consent to an inspection by an Inspector of each residential dwelling unit in the Two-Unit House and provide the written consent of any Second Unit or Two-Unit House occupants; and
    - (iv) certify that all information contained in the application for registration is true.
  - (b) the Registrar shall be satisfied that the Two-Unit House complies with all of the following:
    - (i) the Ontario Building Code;
    - (ii) the Ontario Fire Code;
    - (iii) the Ontario Electrical Safety Code;
    - (iv) the City's Zoning By-law 270-2004;
    - (v) the City's Property Standards By-law 104-96, as amended;
    - (vi) this By-law; and
    - (vii) any other applicable law.
10. The Owner bears the onus of proving that a Second Unit and Two-Unit House containing the Second Unit meets the requirements of this By-law to the Registrar's satisfaction.
11. (1) 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 eighteen (18) months from the date that the Registrar confirms the application is complete.
- (2) An Owner may re-apply for registration where an application has been deemed abandoned subject to the requirements of this By-law including payment of applicable fees.
12. (1) The Registrar shall establish and maintain a registry of all applications filed and all Two-Unit Houses registered pursuant to this By-law.
- (2) A Two-Unit House once registered pursuant to this By-law, remains registered without payment of any renewal or other fees unless registration is revoked pursuant to section 14 of this By-law.

**PART V – REFUSAL AND REVOCATION**

13. (1) The Registrar shall refuse to register a Two-Unit House that is not compliant with any one or more of the following:
- (a) the Ontario Building Code;
  - (b) the Ontario Fire Code;
  - (c) the Ontario Electrical Safety Code;
  - (d) the City's zoning by-law 270-2004, as amended;
  - (e) the City's Property Standards By-law 104-96, as amended;
  - (f) this By-law; or
  - (g) any other applicable law.
- (2) Where the Registrar intends to refuse to register a Two-Unit House based on the criteria in subsection (1), the Registrar shall provide the Owner with a Notice of Intention to Refuse Registration, which shall include a brief written explanation of the reasons for refusal.
14. (1) The Registrar shall revoke the registration of a Two-Unit House if:
- (a) it was registered in whole or in part based on false information;
  - (b) the Owner requests that the Registrar revoke registration because there is no longer a Second Unit in the Two-Unit House to the Registrar's satisfaction; or
  - (c) it is not compliant with any one or more of the following:
    - i. the Ontario Building Code;
    - ii. the Ontario Fire Code;
    - iii. the Ontario Electrical Safety Code;
    - iv. the City's zoning by-law 270-2004, as amended;
    - v. the City's Property Standards By-law 104-96, as amended;
    - vi. this By-law; or
    - vii. any other applicable law.
- (2) Where the Registrar intends to revoke registration of a Two-Unit House based on the criteria in subsection (1), the Registrar shall provide the Owner with a Notice of Intention to Revoke Registration which shall include a brief written explanation of the reasons for revocation.
15. (1) The Registrar's Notice of Intention to Refuse Registration or Notice of Intention to Revoke Registration as applicable, shall be sent:
- (a) by electronic mail to the Owner's e-mail address included in the application to register; and
  - (b) in accordance with the requirements for service in Part IX of this By-law.
- (2) The Owner shall have seventy (70) days from the date of service of the Notice of Intention to Refuse Registration or the date of service of the

Notice of Intention to Revoke Registration to resolve the Registrar's reasons to the Registrar's satisfaction.

- (3) Where the Owner fails to resolve the Registrar's reasons for refusal or revocation to the Registrar's satisfaction in compliance with subsection (2), the Registrar shall provide the Owner with written confirmation of his or her decision to refuse or revoke registration:
    - (a) by electronic mail to the Owner's e-mail address included in the application to register; and
    - (b) in accordance with the requirements for service in Part IX of this By-law.
  - (4) If the Registrar has confirmed the refusal or revocation of registration of a Two-Unit House, the Owner may re-apply to register subject to complying with the requirements of this By-law including payment of applicable fees.
16. If the Registrar determines that there is a life safety issue at a Two-Unit House, the refusal of registration contemplated in the Registrar's Notice of Intention to Refuse Registration or the revocation of registration contemplated in the Notice of Intention to Revoke Registration as applicable, shall take immediate effect and the requirements of section 15 of this By-law shall continue to apply.

#### **PART VI - PENALTY**

17. (1) Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and, upon conviction, is liable to a fine and such other penalties, as provided for in the Provincial Offences Act, S.O. 1990, c. P.33, and the Municipal Act, 2001, as both may be amended from time to time.
  - (2) In addition to subsection (1), any 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 an individual, to a fine of not more than \$25,000; or
    - (b) if a corporation, to a fine of not more than \$50,000.
18. If a Person is convicted of an offence pursuant this By-law, the potential for receiving an economic advantage from a Second Unit in a Two-Unit House that is not registered pursuant to this By-law may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the Municipal Act, 2001.

#### **PART VII - INSPECTION**

19. (1) An Inspector acting pursuant to this By-law may, at any reasonable time, 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 or the Municipal Act, 2001; or
  - (c) an order made pursuant to section 431 of the Municipal Act, 2001.
- (2) An Inspector may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act, 2001.

20. For the purposes of conducting an inspection, an Inspector may, in accordance with the provisions in section 436 of the Municipal Act, 2001:
- (a) Require the production for inspection of documents or things relevant to the inspection;
  - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) Require information from any person concerning a matter related to the inspection; and
  - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
21. An Inspector performing a duty under this By-law may be accompanied by a Person under his or her direction.
22. (1) No Person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under this By-law; and
- (2) Any Person who provides false information to an Officer shall be deemed to have hindered or obstructed the Officer in the execution of his or her duties.

#### **PART VIII – ORDER TO DISCONTINUE**

23. (1) Where an Inspector is satisfied that a contravention of this By-law has occurred, the Inspector may make an order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
- (2) An order to discontinue shall set out:
- (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - (b) The date by which there must be compliance with the order.

#### **PART IX – SERVICE OF DOCUMENTS**

24. Service of any document, including reasons for refusal or 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 Person to whom it is addressed;
  - (b) on the 7th day after a copy is sent by registered mail to the Person's last known address; or
  - (c) where service is unable to be done under subsections (a) or (b), notice may be given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relate and shall be deemed to be sufficient service on the Person.

#### **PART X – EXEMPTION**

25. (1) Two-Unit Houses previously registered pursuant to repealed City By-law 92-96, as amended, are exempt from the requirement to register pursuant


to this By-law, if the Owner provides proof of registration to the Registrar's satisfaction.

- (2) Two-Unit Houses exempted pursuant to sub-section (1), will be added to the registry and may be subject to revocation of registration and required to re-apply for registration for non-compliance with law.

**PART XI – COMING INTO FORCE**

26. This By-law shall come into effect on the 22nd day of June, 2015.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL, this 22nd day of April, 2015.

  
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 LINDA JEFFREY – MAYOR

  
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 PETER FAY - CITY CLERK

Approved as to Content:

  
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 Brenda Campbell  
 Chief Building Official

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| APPROVED<br>AS TO FORM<br>LAW DEPT.<br>BRAMPTON |          |
| MLC   |          |
| DATE  | 24 05 15 |

**SCHEDULE A  
FEES**

Application Fee

\$200 per application

Registration Fee - Owner Occupied Two-Unit House

\$500 per application

Registration Fee - Non-Owner Occupied Two-Unit House

\$1000 per application

\*For applications made on or after January 1, 2016, the Application Fee and Registration Fee shall be subject to an annual increase based upon a rate equal to the annual wage adjustment increase, effective January 1 of each year, provided that if the wage adjustment is not known on the 1<sup>st</sup> day of December of the preceding year, then the rate of increase shall be the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Province of Ontario, published by Statistics Canada during the twelve month period ending on October 1 in the year immediately preceding the rate increase and the fees shall be so adjusted on the first day of January each successive year thereafter.