

The Corporation of the City of Guelph

By-law Number (2021) - 20609

A by-law to provide for the registration of Small Multi-Unit Residential properties. [as amended by bylaw (2024)-20967, (2025)-21058 and (2025)-21090]

WHEREAS under subsections 8(1), 8(2), 8(3), 8(4), 10(1) and 10(2) of the Municipal Act, 2001 the City may pass by-laws providing for the registration of Small Multi-Unit Residential Properties;

AND WHEREAS the City previously passed By-law Number (2021)-20609 providing for the registration of Small Multi-Unit Residential Properties;

AND WHEREAS under section 425 of the Municipal Act, 2001 the City may pass by-laws providing that a person who contravenes a by-law of the City passed under the Municipal Act, 2001, or a director or officer of a 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 City may establish a system of fines for offences under a by-law;

The Council of The Corporation of the City of Guelph enacts as follows:

Interpretation [Amended by By-law (2024)-20967, (2025)-21058 and (2025)-21090]

1. In this By-law:

“Additional Dwelling Unit” means:

an Additional Dwelling Unit as defined in the Zoning By-Law and as permitted in the Zoning By-law or as approved by a planning application under the Planning Act; but does not include a Building with a commercial use located on lands zoned commercial as set out by the Zoning By-law;

"Building" means a building as defined in the Building Code Act, 1992, S.O. 1992, c. 23, as amended or replaced from time to time;

"Building Code" means the Building Code, O. Reg. 332/12, as amended or replaced from time to time;

"City" means The Corporation of the City of Guelph;

"Contact Information" means information about an Owner that will enable the Registrar to contact the Owner, and includes as many as possible of the following: address(es) for personal service, mailing address(es), telephone number(s), fax number(s), and email address(es);

“Duplex dwelling” means a building that is used for the purpose of two principal dwelling units functioning independently and configured in such a manner that the dwelling units are divided horizontally from one another, each of which has an independent entrance either directly to the outside or through a common vestibule, and may include an attached additional dwelling unit;

"Dwelling Unit" means a room or group of rooms occupied or designed to be occupied as a independent and separate self- contained

housekeeping unit;

"Electrical Safety Code" means the Electrical Safety Code, O. Reg. 164/99, as amended or replaced from time to time;

"Fire Code" means the Fire Code, O. Reg. 213/07, as amended or replaced from time to time;

"Fourplex" means a building consisting of four dwelling units on a lot functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors, and/or secured elevator access directly into unit(s), and/or from an internal entry vestibule and which share common facilities such as parking and driveways;

"Primary Dwelling Unit" means a dwelling contained in the main building in which the principal use of the property is carried out;

"Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended or replaced from time to time;

"Owner", in respect of a Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex, means the registered owner of the lands and premises upon which the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex is located;

"Planning Act" means the Planning Act, R.S.O. 1990, c.P.13, as amended or replaced from time to time;

"Power of Entry By-Law" means the City's Power of Entry By-Law Number (2009)-18776, as amended or replaced from time to time;

"Property Standards By-law" means the City's Property Standards By-law Number (2000)-16454, as amended or replaced from time to time;

"Provincial Offences Act" means the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended or replaced from time to time;

"Register" means the public record of proprietors containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex registered under this Bylaw;

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

"Triplex" means a building consisting of three dwelling units functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors, and/or secured elevator access directly into the unit(s), and/or from an internal entry vestibule and which share common facilities such as common amenity area, parking and driveways;

"User Fee By-law" means the City's User Fee By-Law Number (2020)-20550, as amended or replaced from time to time.

"Zoning By-law" means the City's Zoning By-law Number (1995)-14864 and Zoning By-law Number (2023)-20790 or replaced from time to time.

2. This By-law is to be construed with all changes in number and gender as may be required by the context.
3. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this By-law that

the remainder of this By-law will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

4. If the Owner of a property containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex comprises two or more persons, then a representative, comprising fewer than all of those persons, is sufficient to carry out any obligation of the Owner under this By-law, as long as such representative has the permission of all the other persons comprising the Owner.
5. The Registrar shall be responsible for the administration of this By-law, and may prescribe all forms and procedures necessary to implement this By-law, and may amend such forms and procedures from time to time as the Registrar determines necessary.
6. Where the Registrar is authorized to make any decision or determination under this By-law, the Registrar may make such decision or determination in the Registrar's sole and absolute discretion.

Requirement for Registration [Amended by By-law (2024)-20967 and (2025)-21058]

7. If a property contains an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex that is not registered under this By-law, then the Owner shall apply to the Registrar to have it registered under this By-law.
8. No person shall own, operate or permit the occupancy of an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex unless the property that contains the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex is registered under this By-law.

Initial, Automatic Registration [Amended by By-law (2024)-20967 and (2025)-21058]

9. Upon passage of this By-law every property that was registered as part of By-law (2021)-20609, shall have the property automatically registered under this By-law.

Applying for Registration – General [Amended by By-law (2024)-20967 and (2025)-21058]

10. If any property containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex is not registered under this By-law, then the Owner shall apply to the Registrar to have it registered under this By-law.
11. An Owner, who applies to have a property containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex registered under this By-law, shall pay all applicable fees or charges pursuant to the User Fee By-law for all documentation required for registration.
12. In applying to have a property containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex registered under this By-law, the Owner shall provide the following to the Registrar:
 - (a) Contact Information;
 - (b) Such drawings and other information and material as the Registrar may require; and
 - (c) The applicable fees or charges.
13. The Owner shall bear the onus of proving to the Registrar that the

Owner's Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex meets all applicable requirements for registration under this By-law. For greater certainty, an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex may still qualify for registration under this By-law despite being part of a legal non-conforming use.

Applying for Registration – Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex created prior to July 1, 1993 [Amended by By-law (2024)-20967 and (2025)-21058]

14. An Owner, applying for registration of an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex on the basis that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex was created prior to July 1, 1993, shall provide to the Registrar documentation that establishes, to the satisfaction of the Registrar, that:
 - (a) Applicable building permits were obtained;
 - (b) The Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex existed prior to July 1, 1993;
 - (c) The Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex has remained in existence since July 1, 1993; and
 - (d) The Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex complies with all provisions of the Electrical Safety Code, Fire Code, Property Standards By-law and Zoning By-law which the Registrar determines are appropriate.
15. An Owner, applying for registration of an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex on the basis that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex was created prior to July 1, 1993, who fails to provide to the Registrar documentation that establishes, to the satisfaction of the Registrar, that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex qualifies for such registration, shall satisfy the requirements of this By-law as set out in Section 16.

Applying for Registration – Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex created on or after July 1, 1993 [Amended by By-law (2024)-20967 and (2025)-21058]

16. An Owner, applying for registration of an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex that were created on or after July 1, 1993, or which does not qualify for registration on the basis that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex that were created prior to July 1, 1993, shall provide to the Registrar documentation that establishes, to the satisfaction of the Registrar, that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex complies with all provisions of the Building Code, Electrical Safety Code, and Zoning By-law which the Registrar determines are appropriate.

Consideration of an Application for Registration [Amended by By-law (2024)-20967 and (2025)-21058]

17. In considering an application for registration under this By-law, the Registrar may require the Owner to obtain, pay for and provide inspection reports that are satisfactory to the Registrar.
18. If an application for registration under this By-law is incomplete, the Registrar may require the applicant to make the application complete. If an applicant fails to make an incomplete application complete the Registrar may deny the application. If the Registrar denies the

application the Registrar shall retain the fees or charges received.

19. If an application for registration received by the Registrar under this By-law is complete, and satisfies all applicable requirements for registration under this By-law, the Registrar shall register the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex in the Register and shall notify the applicant.

Compliance after Registration [Amended by By-law (2024)-20967 and (2025)-21058]

20. The Owner of a registered Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex shall ensure compliance of the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex with the Building Code, Electrical Safety Code, Fire Code, Property Standards By-law, Zoning By-law and all applicable provisions of this By-law.

Reconsideration of a Registration [Amended by By-law (2024)-20967 and (2025)-21058]

21. If a property containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or Fourplex is registered, but information or material suggests that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex may no longer comply with the requirements of this By-law, then the Registrar may notify the Owner.
22. If an Owner is notified by the Registrar that information or material suggests that the Owner's Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex may no longer meet the requirements of this By-law, then the Owner shall satisfy the Registrar that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex meets the requirements of this By-law. In order to be satisfied that the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex meets the requirements of this Bylaw, the Registrar may require:
 - (a) Current Contact Information;
 - (b) Such drawings and other information and material as the Registrar may require;
 - (c) Inspection reports that are satisfactory to the Registrar; and
 - (d) Payment of any applicable fees or charges.
23. If an Owner fails to provide sufficient evidence to satisfy the Registrar under the foregoing provision, the Registrar may require the Owner to do so within one month. If the Owner fails to provide sufficient evidence within one month, the Registrar may revoke the registration of the Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex, and, if the Registrar revokes the registration, the Registrar shall notify the Owner. Despite such revocation, the Registrar shall retain the fees or charges received.

Contact Information [Amended by By-law (2024)-20967 and (2025)-21058]

24. Every Owner of a property containing an Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex shall maintain the Owner's current, correct Contact Information with the Registrar.

Change of Owner [Amended by By-law (2024)-20967 and (2025)-21058]

25. If the ownership of a property containing a registered Additional Dwelling Unit or Units or a Duplex or a Triplex or a Fourplex changes, then the outgoing Owner and incoming Owner shall notify the Registrar of the ownership change within one month after such change.

Enforcement [Amended by By-law (2025)-21058]

26. The City's Power of Entry By-law applies to enforcement of this By-law by every Inspector.
27. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act.
28. Each day on which a person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the Municipal Act.
29. Pursuant to the authority established in section 429(2) of the Municipal Act, every person or corporation who contravenes any provision of this By-law, or every director or officer of a corporation, who knowingly concurs in the contravention of any provision of this By-law, is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act, shall be subject to the following penalties:
 - (a) Upon the first conviction is liable to a fine of not more than Fifty Thousand Dollars (\$50,000.00) for each offence;
 - (b) Upon subsequent conviction, to a fine of not more than One Hundred Thousand Dollars (\$100,000.00) for each offence.

Such fines shall be recoverable under the Provincial Offences Act.

Short Title [Amended by By-law (2024)-20967]

30. The short title of this By-law is "Small Multi-Unit Residential Registration By-law".

Repeals

31. The following By-law is repealed: (2017)-20199

Effective Date

32. This By-law shall come into effect upon passage.

Passed this thirty-first day of May, 2021.

Original signed by:

Cam Guthrie, Mayor

Dylan McMahon, Acting City Clerk