

## THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2017) - 20199

A by-law to provide for the registration of Two-unit Houses and to repeal by-law numbers (1997)-15392, as amended by by-law number (2004)-17380, and by-law number (2004)-17402.

**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 Two-unit Houses;

**AND WHEREAS** the City has previously passed By-law Number (1997)-15392, as amended by By-law Number (2004)-17380, providing for the registration of Two-unit houses, and By-law Number (2004)-17402 in respect of the appointment of persons to enforce the provisions of By-law Number (1997)-15392;

**AND WHEREAS** the City wishes to replace its by-law providing for the registration of Two-unit houses with a new by-law providing for the registration of Two-unit Houses;

**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 Act, 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

1. In this 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);

"Dwelling Unit" means a dwelling unit as defined in the Zoning By-law;

"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;

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

"Owner", in respect of a Two-unit House, means the registered owner of the lands and premises upon which the Two-unit House is located;

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

“Register” means the public record of Two-unit houses registered under this By-law;

“Registrar” means the Chief Building Official of the City or his or her designate;

“Two-unit House” means a Building containing only two Dwelling Units on the same lands and premises, but does not include a building with a commercial use on commercially zoned lands and premises as set out by the Zoning By-law; and

“Zoning By-law” means the City’s Zoning By-law Number (1995)-14864, as amended 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 Two-unit House 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 he or she determines necessary.
6. Where the Registrar is authorized to make any decision or determination under this By-law, he or she may make such decision or determination in his or her sole and absolute discretion.

#### Requirement for Registration

7. No person shall own, operate or permit the occupancy of a Two-unit House unless it is registered under this By-law.

#### Initial, Automatic Registration

8. Upon passage of this By-law, every Two-unit House registered under By-law Number (1997)-15392, as amended by By-law Number (2004)-17380, is automatically registered as a Two-unit House under this By-law.

#### Applying for Registration – General

9. If a Two-unit House is not registered under this By-law, then the Owner shall apply to the Registrar to have it registered under this By-law.
10. An Owner, who applies to have a Two-unit House registered under this By-law, shall pay all applicable fees or charges for all documentation required for registration.

11. In applying to have a Two-unit House 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.
12. The Owner shall bear the onus of proving to the Registrar that the Owner's Two-unit House meets all applicable requirements for registration under this By-law. For greater certainty, a Two-unit House may still qualify for registration under this By-law despite being part of a legal non-conforming use.

#### Applying for Registration – Older Two-unit House

13. An Owner, applying for registration of a Two-unit House on the basis that the Two-unit House 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 Two-unit House existed prior to July 1, 1993;
  - (c) The Two-unit House has remained in existence since July 1, 1993; and
  - (d) The Two-unit House 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.
14. An Owner, applying for registration of a Two-unit House on the basis that the Two-unit House 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 Two-unit House qualifies for such registration, shall satisfy the requirements of this By-law relating to a Two-unit House that was created on or after July 1, 1993.

#### Applying for Registration – Newer Two-unit House

15. An Owner, applying for registration of a Two-unit House that was created on or after July 1, 1993, or which does not qualify for registration on the basis that the Two-unit House was created prior to July 1, 1993, shall provide to the Registrar documentation that establishes, to the satisfaction of the Registrar, that the Two-unit House 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

16. 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.
17. 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 so notify the applicant. Despite such denial, the Registrar shall retain the fees or charges received.

18. 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 Two-unit House in the Register and shall so notify the applicant.

#### Compliance after Registration

19. The Owner of a registered Two-unit House shall ensure compliance of the Two-unit House 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

20. If a Two-unit House is registered, but information or material suggests that the Two-unit House may no longer comply with the requirements of this By-law, then the Registrar may so notify the Owner.

21. If an Owner is notified by the Registrar that information or material suggests that the Owner's Two-unit House may no longer meet the requirements of this By-law for registration, then the Owner shall satisfy the Registrar that the Two-unit House meets the requirements of this By-law for registration. In order to be satisfied that the House meets the requirements of this By-law for registration, 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.

22. 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 Two-unit House, and, if the Registrar revokes the registration, the Registrar shall so notify the Owner. Despite such revocation, the Registrar shall retain the fees or charges received.

#### Contact Information

23. Every Owner of a registered Two-unit House shall maintain the Owner's current, correct Contact Information with the Registrar.

#### Change of Owner

24. If the ownership of a registered Two-unit House changes, then the outgoing Owner and incoming Owner shall so notify the Registrar within one month after such change.

#### Enforcement

25. Every person who contravenes any provision of this By-law is guilty of an offence.
26. Every director or officer of a corporation that contravenes any provision of this By-law is guilty of an offence.

27. A person, other than a corporation, convicted of an offence under this By-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.
28. A corporation, convicted of an offence under this By-law, is liable, on a first conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$100,000.
29. Upon conviction for an offence under this By-law, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Short Title

30. The short title of this By-law is "Two-unit House Registration By-law".

Repeals

31. The following By-laws are repealed: (1997)-15392, (2004)-17380 and (2004)-17402.

**PASSED this TWENTY-FOURTH day of JULY, 2017.**



A handwritten signature in blue ink, appearing to read "Cam Guthrie", written over a horizontal line.

**Cam Guthrie – Mayor**

A handwritten signature in blue ink, appearing to read "Stephen O'Brien", written over a horizontal line.

**Stephen O'Brien – City Clerk**