The Corporation of the
Township of Selwyn

By-law Number 2019-040

Being a By-Law to Establish a Licensing and Registration Procedure for Second Units in the Township of Selwyn.

Whereas Section 151 (1) of the Municipal Act, 2001 S.O. 2001, c.25 allows a municipality to provide for a system of licences; and

Whereas subsection 391. (1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons; and

Whereas the Council of the Corporation of the Township of Selwyn, deems it appropriate to establish a licensing and registration by-law for Second Units;

Now Therefore the Council of the Corporation of the Township of Selwyn enacts the following:

1.0 Definitions

1.1 For the purposes of this By-law;

a) Dwelling Unit - shall mean one (1) room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment:
   1. in which food preparation and sanitary facilities are provided for the exclusive use of such occupant(s); and,
   2. which has a private entrance from outside the building or from a common hallway or stairway inside the building; but,
   3. does not mean or include a tent, cabin, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel or motel or tourist establishment.

b) Dwelling Unit, Principal - shall mean a dwelling unit as a permitted use in a residential zone.

c) Dwelling Unit, Second - shall mean a dwelling unit which is self-contained, accessory to, and situated within a Principal Dwelling Unit or within a residential accessory building.

d) Inspector - includes an employee of the Township whose duties include the inspection(s) of buildings and the enforcement of the Ontario Building Code, the Ontario Fire Code, the Township’s Comprehensive Zoning By-law and/or the Township’s Property Standards By-laws.

e) Operate - shall mean to rent, lease, license or endorse an occupancy, and includes arrangements in the nature of sub-rentals and sub-leases.

f) Owner - shall mean 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.

g) Permit - shall mean a building permit issued pursuant to the Building Code Act or any predecessor thereof.

h) Township - shall mean the Corporation of the Township of Selwyn.
2.0 Prohibition

2.1 No person shall operate or permit the occupancy of a Second Unit unless such dwelling unit is licensed in accordance with this By-law.

3.0 Licensing Procedures

3.1 Every Owner of a Second Unit shall complete and submit an application for the License of any Second Unit to the Township:

a) Name, address and phone number of the property owner;

b) Property address, roll number and legal description;

c) Property sketch showing dimensions of the property, location and setbacks of all buildings and location and dimensions of parking spaces; and

d) Floor plan sketches showing all walls, doors, windows, stairs, kitchen facilities, bathroom facilities, heating systems and smoke alarms.

3.2 Every Owner shall pay to the Township a one-time registration fee as prescribed in the Township's current Tariff of Fees By-law at the time of application.

3.3 Every Second Unit to be licensed must be in full compliance with the applicable standards from;

a) The Township’s current Comprehensive Zoning By-law, as amended,

b) The current Ontario Building Code, as amended,

c) The current Ontario Fire Code, as amended, and

d) The Township’s current Property Standards By-law, as amended, to the satisfaction of the Township’s Inspectors.

3.4 The Owner shall provide all information as requested and required by the Township so that Staff may verify the compliance of the Second Unit with the Township’s Comprehensive Zoning By-law.

3.5 Every Owner shall arrange for and ensure that every Second Unit owned by such Owner is inspected by an Inspector of the Fire Department and of the Building Department to confirm compliance with the standards listed in Section 3.3 of this By-law.

3.6 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.

3.7 A Second Unit will be licensed by the Township when the Township is satisfied that the Second Unit complies with the requirements of this By-law.

3.8 A Second Unit, once licensed, remains licensed without payment of any renewal or other fees, unless the License is revoked.

4.0 Refusal and Revocation of the License

4.1 The Township shall refuse to license any Second Unit when any of the requirements set out in this By-law are not met.
4. b) Attachment 2

4.2 The Township may revoke the licensing of any Second Unit which;

a) At any time after being registered, ceases to meet any standard set out in Section 3.3 of this By-law, or was issued based on mistaken, false or incorrect information.

b) Where the Township refuses or revokes the licensing of any Second Unit, the Manager of Building and Planning or his/her designate shall send written notice by regular mail to the Owner of such Second Unit advising such Owner of the refusal or revocation and the reasons therefore.

c) 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.

5.0 Inspection Procedures

5.1 Upon being notified by the Manager of Building and Planning or his/her designate of an application for License of a Second Unit, the Inspectors shall contact the Owner to arrange for an inspection of the Second Unit to determine if the Second Unit complies with the applicable standards as prescribed in Section 3.3 of this By-law.

5.2 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.

5.3 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.

5.4 The Inspector shall notify the Manager of Building and Planning or his/her designate when an inspection confirms the Second Unit appears to be in compliance with the regulations and standards under the Inspector’s jurisdiction.

6.0 By-Law Administration and Enforcement

6.1 The Manager of Building and Planning or his/her designate shall be responsible for the administration and enforcement of this By-law.

7.0 Offence

7.1 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.

8.0 Penalty

8.1 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.

9.0 Scope

9.1 This By-law applies to all Second Units within the territorial limits of the Township.

10.0 Severability

10.1 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.

11.0 Headings

11.1 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.

12.0 Repeal of Previous By-law

12.1 That By-law 2009-088 of the former Township of Smith-Ennismore-Lakefield is hereby repealed in its entirety.

13.0 Effective Date

13.1 This By-law comes into effect upon final passage thereof.

Read a first, second, and third time and finally passed this 9th day of April, 2019.

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Andy Mitchell, Mayor

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Angela Chittick, Clerk

Corporate Seal