

This information is meant to serve as a guide if you are planning on developing a second unit. This guide explains what it means to operate an authorized second unit in a private home or accessory structure to that private home. It describes established standards that help ensure that houses with second units are safe and liveable both for you and your tenants.

In Ontario, municipalities are required to establish zoning by-law regulations related to second units. These regulations have changed over time, and not all homeowners may be aware of the changes, nor of the complexities of creating a second unit.

If you have questions, or if you would like more information on the development of a second unit, please contact the Building and Planning Department at (705) 292-9507.



### **What is a second unit?**

A second unit (also known as an in-law suite, a basement apartment, a granny suite, a secondary suite or an accessory apartment, etc.) is a self-contained accessory unit consisting of a private kitchen, washroom facilities, sleeping areas, and a private entrance within a dwelling or within a structure ancillary to a dwelling (e.g. an apartment above a detached garage).

A second unit can provide safe and affordable housing for Township residents. Second units can have a variety of tenants. Some house aging parents who want to remain independent, but need support. Others may house adult children who have completed their education and are starting their careers. Second units may also provide for affordable housing for tenants in established neighbourhoods, close to jobs, education facilities, and shopping. Homeowners benefit too, since the rent from a second unit can fund renovations or mortgage payments. Finally the whole community benefits because additional residents can support local businesses and services.

Provisions permitting second units in the Township came into effect in April of 2009. At that time second units were permitted in serviced areas within the municipality (i.e. Lakefield, Woodland Acres) and within the principal dwelling. Subsequently in 2019, the Township's Comprehensive Zoning By-law was amended to permit second units in expanded areas (including rural areas) and to also permit them within accessory structures.

Although second units often take the form of basement apartments, they may occupy an upper floor, or the back part of a house. And as noted above, they are now permitted within accessory structures.



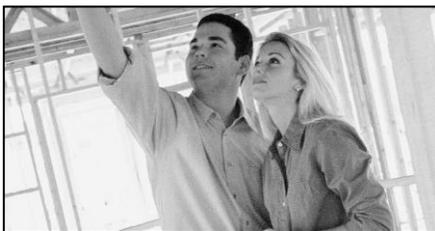
## Where are second units permitted?

Second units are permitted on properties with the following zone classifications:

- Agricultural (A)
- Rural (RU)
- Residential Type One (R1)
- Residential Type Two (R2)
- Rural Residential (RR); and
- Lakeshore Residential (LR).

Notwithstanding the above, second units are not permitted in the following areas:

- Within a dwelling located in an Environmental Protection (EP) Zone or in a floodplain;
- Within a dwelling that is permitted accessory to a permitted non-residential use (i.e. on a commercial property);
- On a lot that already contains a garden suite or a sleeping cabin; or
- On properties that front onto a private road.



## Can a second unit be located in an accessory structure?

Yes. If the zoning of the property is Residential Type One (R1), Residential Type Two (R2), Rural Residential (RR), Agricultural (A) or Rural (RU) a second unit can be located in an accessory structure.

Second units are not permitted within accessory structures in the Lakeshore Residential (LR) Zone.

Second units that are considered accessory structures cannot be in the form of a mobile home, nor can they have a basement.

Second units within accessory structures that are in a serviced area are to be connected to the municipal water and sewer services through the existing dwelling.

## Are there other requirements specific to the zone that I am located in?

Yes, there are requirements specific to the zone as well as construction type (i.e. within principal dwelling, an accessory structure). A matrix is attached to this guideline which outlines the specific requirements.

## Does my second unit need a separate access?

Yes. All second units are required to have a separate entrance from the entrance to the principal dwelling unit, either from a common indoor landing or directly from the side or rear of the structure.

## Do I need to provide parking for my second unit?

Yes. A second unit requires at least one parking space, in addition to those required for the principal residence (which is typically two (2) spaces). The parking spaces associated with the principal and second unit may be stacked provided that the number of stacked spaces does not exceed two (2).



### **Will I need to provide amenity space for the second unit?**

Yes. A second unit must have private amenity space that is located outdoors. The outdoor amenity space must be a minimum of 7.5 square metres, with no dimension being less than 1.5 metres. This space may be provided in the form of a balcony, deck, or patio.

### **Once I develop a second unit, do I have legal responsibility as a landlord?**

Yes. In Ontario, the responsibilities of landlords and tenants are covered by the Residential Tenancies Act.

Additional information may be found at [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

### **Are there any Ontario Building Code requirements I should be aware of before developing a second unit?**

Yes. Please contact the Township's Building Department for specific questions related to the Building Code. For detailed and complete building code and fire regulations refer to the Ontario Building Code and the Ontario Fire Code.



### **What second units be constructed in rural areas on private servies (i.e. well and septic)?**

A second unit may trigger the need to upgrade your current septic system, or a separate system may need to be installed. Please contact Peterborough Public Health for additional information.

You may also be required to illustrate that there is sufficient potable water to service the second unit.

### **How do I apply to have a second unit registered?**

Your application to register a second unit would be made prior to the submission of a building permit application; and will consist of:

- A completed application form;
- Proof of ownership (deed);
- Sketch of the property illustrating:
  - dimensions of the property;
  - location and setbacks of all buildings and structures;
  - location and dimensions of parking spaces (minimum size of 3 metres by 6 metres); and
  - location and dimensions of amenity space;
- Floor sketches of the principal dwelling and the second unit;
- Elevation drawings of the principal dwelling and/or second unit; and
- Payment of the registration application fee - \$250.00.

Once cleared by the Planning Department you will be notified. A building permit may be applied for at this time. Inspections will



be arranged with the Building and Fire Departments. They need to inspect the entire house, meaning the principal dwelling unit, and the second unit. If any deficiencies are found, they will require correction, prior to the inspectors signing off. A 'Certificate of Registration' will be sent to you by the Registrar when all approvals have been granted.

Township Staff can help you determine the feasibility of creating an authorized second unit. Take advantage of the professional expertise of Building and Planning Department staff before you submit an application for a building permit. Building inspectors / plans examiners can offer suggestions to help solve construction problems, often before they occur.

### **Why is it necessary to obtain a building permit?**

Secondary dwelling units must comply with the Ontario Building Code, Zoning By-laws and Property Standards. Similarly, you will have to obtain permits for all plumbing and electrical work. There is a charge associated with each permit. Fees for each application vary depending on the type of work being done and the amount or value of work involved.

The building permit process ensures that building standards are met and protects your interests, as well as those of the community at large. Your contractor may get permits on your behalf, but it is ultimately your responsibility to comply with all requirements.

### **Who is involved?**

In creating or upgrading a home with a second dwelling unit, you will encounter Township staff, associations and community agencies. Be prepared for costs that may be associated with permits and inspections by government officials.

#### *Building & Planning Department*

Staff of the Building & Planning Department will review zoning and building plans and administer construction permits & facilitate the registration process.

#### *Fire Services*

Township fire services will perform fire safety inspections and provide confirmation letters about the fire safety of a house with a second unit.

#### *Electrical Service Authority*

This is a provincial, not-for-profit organization that ensures that wiring and electrical service to second units comply with the necessary regulations.

### **Why is it necessary to register my second?**

Concerned that unauthorized units may be illegal and/or unsafe for the occupants; the Township has adopted a by-law which requires that secondary dwelling units be registered. Through the registration process the house will be inspected to confirm compliance with the Zoning By-law, the Building Code, the Fire Code and the Property Standards By-law. Any unregistered secondary dwelling unit is in contravention of the Registration By-law.



### **How do I know if my second unit is legal?**

In order to determine whether or not the unit has been registered with the Township, please contact the Building and Planning Department.

### **What if my second unit is illegal?**

An illegal secondary dwelling unit is in contravention of the Township's Zoning By-law. Even if the house is in compliance with the Building Code and the Fire Code, it cannot be registered until staff have been able to determine compliance with the Township's zoning by-law and with the applicable provincial legislation (i.e. Building Code).

To avoid a conviction in Provincial Offences Court, the illegal second unit must be removed and the house be converted back to a single dwelling unit or you must register the unit and obtain a building permit. Please contact the Building and Planning Department for assistance with this process.

### **If I cannot construct a second unit, are there any other options?**

A garden suite is permitted by means of a temporary use zoning by-law in zones which permit single detached or semi-detached dwellings. For more information regarding garden suites, please contact the Building and Planning Department.

### **Can the Township revoke my registration?**

Yes. Although the registration does not need to be renewed, you must always continue to maintain your building in compliance with the Ontario Building Code, the Ontario Fire Code and with the Property Standards By-law and Township's Zoning By-law.

If your building is inspected, usually at the invitation of a disgruntled tenant, and contraventions of the relevant legislation / regulations are found, you will be served an order to remedy the contraventions within a specified time frame. If you do not make the repairs within the time specified, you may face penalties.

Registration can also be revoked if a second unit ceases to be used.

### **What do I do, if the second unit is no longer used?**

If a second unit is no longer in use, the homeowner has the option to decommission the unit by permanently removing cooking facilities, permanently removing washroom fixtures, or by removing any internal doors and door frames that separate the suite from the rest of the house. In the case of a unit being within an accessory structure the cooking and washroom facilities would need to be removed.



## Regulations Specific to Second Units within Accessory Structures

Zone	Maximum Setback from Principal Structure	Permitted Location of Accessory Structure	Maximum Height of Accessory Structure	Permitted Size of Second Unit
Agricultural (A)	Shall not be any further than 30 m from the principal structure.	Permitted within the rear yard or interior side yard.	Cannot exceed the height of the principal structure. If above a detached garage can be a maximum of height of 8 m or 2 storeys.	Limited to 60% of the footprint area of the principal dwelling unit.
Rural (RU)	Shall not be any further than 30 m from the principal structure.	Permitted within the rear yard or interior side yard.	Cannot exceed the height of the principal structure. If above a detached garage can be a maximum of height of 8 m or 2 storeys.	Limited to 60% of the footprint area of the principal dwelling unit.
Rural Residential (RR)	Shall not be any further than 30 m from the principal structure.	Permitted within the rear yard or interior side yard.	Cannot exceed the height of the principal structure. If above a detached garage can be a maximum of height of 8 m or 2 storeys.	Limited to 40% of the footprint area of the principal dwelling unit.
Residential Type One (R1)	Shall not be any further than 30 m from the principal structure.	Permitted within the rear yard or interior side yard.	Cannot exceed the height of the principal structure. Limited to 1-storey.	Limited to 40% of the footprint area of the principal dwelling unit.
Residential Type Two (R2)	Shall not be any further than 30 m from the principal structure.	Permitted within the rear yard or interior side yard.	Cannot exceed the height of the principal structure. Limited to 1-storey.	Limited to 40% of the footprint area of the principal dwelling unit.

\* Please note that second units are not permitted within accessory structures in the Lakeshore Residential (LR) Zone