



BY-LAW NO. 2023-0060

A By-law to provide for the Registration of an Additional Residential Unit (ARU) and Appointing a Registrar to Register an Additional Residential Unit (ARU) in a Public Registry and to repeal the Town of Halton Hills By-law No. 2016-0005

WHEREAS Section 8 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 ability to respond to municipal issues;

AND WHEREAS Section 11 of the Municipal Act 2001 authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of person and property;

AND WHEREAS Council of the Corporation of the Town of Halton Hills deems it necessary to enact a by-law

- (a) Providing for the registration of an Additional Residential Unit (ARU), and the revocation of registrations; and
- (b) Appointing a Registrar to register an Additional Residential Unit (ARU) in a Public Registry, to revoke registrations and to perform such other duties related thereto as may be set out in the by-law;

AND WHEREAS such a by-law may specify standards which must be met to register an Additional Residential Unit.

AND WHEREAS on June 19, 2023, Council for the Town of Halton Hills approved Report No. TPW-2023-016 dated May 29, 2023, in which certain recommendations were made relating to Additional Residential Unit (ARU) By-Law and Public Registry.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

- (a) "Accessory" means a use, building or structure located on the same lot as the principal building or use, the use of which is incidental or secondary to that of the main building or use.
- (b) "Additional Residential Unit (ARU)" means a self-contained residential dwelling unit, with its own cooking facility, sanitary facility, living and sleeping area, and that it is located either within the principal dwelling, or within an accessory building or structure on the same lot as the principal dwelling;
- (c) "Applicant" means a person applying for the registration of an ARU;
- (d) "Application" means an application for registration of an ARU;

- (e) "Council" means the Council of The Corporation of the Town of Halton Hills;
- (f) "Dwelling unit" means a suite that:
 - i. is used or intended to be used by one or more persons living together,
 - ii. is operated as one housekeeping unit in which an occupant has exclusive possession of any part of that unit,
 - iii. contains cooking, eating, living, sleeping and sanitary facilities that are used only by the occupants of the unit;
- (g) "Inspector" means a person authorized to conduct inspections within the Town pursuant to the provisions of the Building Code Act, S.O. 1992, c. 23, as amended, and regulations thereunder; the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended, and regulations thereunder; and the Town of Halton Hills Property Standards By-law 2008-0137, as amended;
- (h) "Operate" means to rent, lease, license or endorse an occupancy and includes arrangements in the nature of sub-rentals and sub-leases;
- (i) "Owner" means the registered owner of a house which is the subject matter of an Application or a person authorized in writing to act as agent for the registered owner of house;
- (j) "Person" includes, but is not limited to, a firm, corporation, partnership, proprietorship or association;
- (k) "Public Registry" means a list of Two-Unit Houses registered in accordance with the provisions of By-law;
- (l) "Principal Dwelling" means a single detached house, semi-detached house or townhouse.
- (m) "Registrar" means the Chief Building Official, his or her designate, or any person specifically appointed as such by Council;
- (n) "Registration" means the registration of an ARU pursuant to the provisions of this By-law;

TITLE

- 2. This By-law may be cited as the Additional Residential Unit (ARU) Registration By-law.

PROHIBITION

- 3. No person shall operate or permit the occupancy of an Additional Residential Unit ARU within a principal dwelling or as an accessory to a principal dwelling unless the ARU(s) are registered in accordance with the requirements of this By-law.
- 4. A maximum of two (2) ARUs may be located within a principal dwelling provided no building or structure ancillary to the principal dwelling contains any residential dwelling units; or,
- 5. A maximum of one (1) ARU may be located within a principal dwelling and one (1) ARU may be located within an accessory building or structure on the same property ancillary to the principal dwelling.

ADMINISTRATION AND ENFORCEMENT

6. (1) The Registrar shall,
 - (a) receive and process all Applications;
 - (b) administer the registration of ARU(s) pursuant to the provisions of this By-law;
 - (c) maintain and keep records of all Applications and Registrations, including Public Registry of ARU(s) in the Town of Halton Hills;
 - (d) refuse to accept any Application which does not comply with the requirements of this By-law;
 - (e) refuse any Application if, after four months of the acceptance of an Application, the necessary inspections have revealed non-compliance with any of the applicable standards listed in section 6.(1) hereof and the rectification of that non-compliance has not been seriously pursued;
 - (f) revoke the Registration of any ARU which ceases to meet the requirements of this By-law;
 - (g) revoke any Registration which was obtained on mistaken, false or incorrect information, and
 - (h) revoke any Registration that was completed in error.
- (2) The Registrar may designate such persons as are deemed necessary to administer this By-law.
- (3) 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 four (4) months from the date the Registrar received the application.
- (4) Any Inspector shall be responsible for inspecting ARU(s) in respect of which an Application has been received, in order to determine, before Registration, if they comply with the standards specified in this By-law.
- (5) Any Municipal Law Enforcement Officer appointed by Council under the Municipal Act, 2001 shall be responsible for the enforcement of this By-law.
- (6) The decision of the Registrar to refuse an Application or to revoke a Registration is subject to an appeal to the Ontario Court (General Division) and the decision of the Court is final.

APPLICATION FOR REGISTRATION

7. (1) An Application will be submitted by an Owner;
- (2) An Application shall be completed on the forms provided by the Town and shall be accompanied by,
 - (a) a registration fee determined in accordance with the Town of Halton Hills User fees By-law, as amended from time to time;
 - (b) owner's authorization where the applicant is not the registered owner;

and

- (c) two (2) sets of required drawings, details, calculations, design details and specifications for ARU(s).
- (3) Every applicant shall ensure that the ARU(s) is available for inspection by Inspectors, subject to the provisions of Section 6. hereof.
- (4) The Registrar shall accept an Application unless:
 - (a) the Application is incomplete;
 - (b) the Application contains mistaken, false or incorrect information;
 - (c) the fees due in respect of the Application have not been paid; or
 - (d) the ARU(s) disclosed in the Application contravenes any of the provisions of this by-law, any other applicable By-law of the Town or any applicable statute or regulation.

INSPECTIONS AND REGISTRATION

- 8. (1) Upon acceptance of an Application, the Registrar shall direct Inspectors to conduct such inspections of the ARU(s) as are necessary to determine if the ARU(s) complies with the applicable standards set out in:
 - (a) the Ontario Building Code
 - (b) the Fire Code
 - (c) the Town of Halton Hills Property Standards By-law 2008-0137, as amended.
 - (d) the Town of Halton Hills Zoning By-Law 2010-0050, as amended;
and
 - (e) this By-law
- (2) Notwithstanding subsection 6. (1) of this By-law:
 - (a) pre-registration inspections for the purpose of compliance with the Ontario Building Code shall not be required where a building permit has been issued for the construction of a new ARU(s) providing that the registration is approved no later than three months after the time when all inspections associated with that building permit have been conducted and passed;
 - (b) pre-registration inspections for the purpose of compliance with the Fire Code shall not be required unless an accessory dwelling unit has been constructed prior to July 14, 1994;
 - (c) pre-registrations inspection for the purpose of compliance with the Property Standards By-law shall not be required where a building permit has been issued for the construction of a new ARU(s) providing that the registration is approved no later than three months after the time when all inspections associated with that building permit have been conducted and passed.

- (3) An Inspector acting pursuant to this By-law may, at any reasonable time, and upon producing proper identification may 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.
- (4) Except under the authority of a search warrant issued under the authority of the Municipal Act, 2001, as amended, an Inspector shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, having first informed the occupier that the right of entry may be refused and entry made under the authority of a search warrant:
- (5) No person shall hinder or obstruct an Inspector or attempt to hinder or obstruct an Inspector who is performing a duty under this By-law;
- (6) Any person who provides false information to an Inspector shall be deemed to have hindered or obstructed the Inspector in the execution of his or her duties.
- (7) In the event that all necessary inspections disclose that the ARU(s) complies with the applicable standards set out in Paragraph 6 (1) of this by-law, the Registrar shall register the ARU(s) in a Public Registry of Additional Residential Unit (ARU) in the Town of Halton Hills

REFUND OF APPLICATION FEE

9. (1) In respect of an Application for which the prescribed registration fee has been paid, if the Application is withdrawn by the Applicant, or is refused by the Registrar the applicant shall be refunded the portion of the fees, as follows:
 - (a) 35% of the registration fee where the administrative functions and any of the required inspections were carried out;
 - (b) 75% of the registration fee where the administration functions only where carried out.

NOTIFICATION

10. (1) Where the Registrar refuses or cancels an Application or revokes a Registration he or she shall notify the Applicant and provide a brief explanation of the reasons for refusal/cancellation/revocation. Service of any document, including reasons for refusal or a notice of 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 registered owner of the house;
 - (b) on the seventh (7th) day after a copy is sent by registered mail to the owner's last known address; or
 - (c) where service is unable to be effected as above, notice may be given by posting a document in a conspicuous place on the property to which the document is related.

PENALTIES

11. (1) Every person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence and upon conviction is liable to a fine not exceeding Fifty Thousand Dollars (\$50,000.00) as provided for in the *Municipal Act, 2001*, as amended;
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is One Hundred Thousand Dollars (\$100,000.00) as provided for in the *Municipal Act, 2001*, as amended;
- (3) Notwithstanding subsection 9.(1), every person who is guilty of a continuing offence, on conviction is liable to a fine of no less than five hundred dollars (\$500.00), and no more than ten thousand dollars (\$10,000.00) for each day or part of a day that each offence continues, and the total of all fines for each offence is not limited to one hundred thousand dollars (\$100,000.00) as provided for in the *Municipal Act, 2001*, as amended;

TRANSITION RULES

12. After the date of passing of this By-law, the By-law 16-0005 applies only to the properties in respect to which an application for registration of an Two-Unit House has been made, or an order has been issued prior to the date of the passing of this By-law.
13. A Two-Unit House previously registered pursuant to repealed By-law 16-0005, as amended, continue to be registered under this By-law.

REPEAL

14. Except for the purpose as set out in section 10. of this By-law, By-law 16-0005, as amended is hereby repealed.

BY-LAW read and passed by the Council for the Town of Halton Hills this 19th day of June, 2023.

MAYOR – ANN LAWLOR

TOWN CLERK – VALERIE PETRYNIAK