

# The Corporation of the City of Kawartha Lakes

## By-Law 2020-162

### A By-law to Repeal and Replace By-law 2014-305, Being a By-law To Register Additional Residential Units in the City of Kawartha Lakes

#### Recitals

1. The Municipal Act, 2001, S.O. 2001, c. 25, Sections 10(2)6 and 10(2)8, authorize municipal councils to pass by-laws respecting the health, safety and well-being of persons, and for protection of persons and property.
2. The Municipal Act, 2001, Section 391(3) allows municipalities to establish fees to cover the costs incurred by the municipality related to administration and enforcement.
3. Council, through By-law Nos. 2020-155, 2020-157, 2020-156, 2020-158, and 2020-159, that give effect to Official Plan Amendment Nos. 39 (City of Kawartha Lakes Official Plan), 60 (Town of Lindsay Official Plan) 19 (Fenelon Falls Official Plan), 55 (Ops Official Plan), and 139 (Victoria County Official Plan), respectively, deems it appropriate to regulate and register additional residential units.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-162.

#### Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

**"Chief Building Official"** means the person appointed by Council to discharge the duties of the chief building official pursuant to the Building Code Act.

**"City", "City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to discharge the duties of the clerk described in section 228 of the Municipal Act, 2001;

**"Council" or "City Council"** means the municipal council for the City;

**"Director of Development Services"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**"Registrar"** means the Chief Building Official for the City of Kawartha Lakes, or his/her designate for the purpose of administering this By-law.

- 1.02 **Additional Definitions:** For the purposes of this By-law, the Registrar will rely on the applicable municipal Zoning By-law for Definitions of the following terms:
- (a) “Additional Residential Unit”
  - (b) “Dwelling”
  - (c) “Dwelling Unit”
  - (d) “Semi-Detached Dwelling”
  - (e) “Single Detached Dwelling”
  - (f) “Townhouse Dwelling”
- 1.03 **Interpretation Rules:** The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.04 **Areas Affected:** This By-law affects properties where the applicable Zoning By-law permits single detached, semi-detached or townhouse dwelling units and accessory buildings or structures thereto.
- 1.05 **Eligibility:** Notwithstanding 1.04, if the additional residential unit is located anywhere within the geographic area of the City of Kawartha Lakes and was created prior to November 16, 1995, and has been continuously occupied, it is eligible for registration under this by-law.
- 1.06 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.07 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Registration**

- 2.01 **Register Additional Residential Units:** Every owner of a property with an additional residential unit must first register each additional residential unit with the Registrar in accordance with this By-law.
- 2.02 **Proof:** The onus of providing proof that an additional residential unit meets the requirements for registration in accordance with this By-law is on the owner(s).
- 2.03 **Prior to Registration:** Property owner(s) of an additional residential unit shall obtain a building permit under the Building Code Act, as amended, and as deemed necessary by the chief building official for each additional residential unit on the property with satisfactory final inspections completed. The additional residential unit(s) must comply with the relevant provisions set out in the accompanying Zoning By-law.

**2.04 Fee and Application:**

- (a) The owner(s) shall pay to the City of Kawartha Lakes a non-refundable registration and administration fee in accordance with Schedule E-3 of the Consolidated Fees By-law; and
  - (b) The owner(s) shall submit a completed Application Form for Registration of Additional Residential Units, maintained in the office of the Registrar.
- 2.05 Addressing and Signage:** Upon completion of registration, a municipal address will be assigned to the additional dwelling unit(s) and it is the owner's responsibility to display the address for the accessory dwelling unit so that it is visible from the street.
- 2.06 Exemption:** A dwelling unit registered under the Registration By-law 97-169 or By-law 2014-305 is considered to be registered for the purposes Section 2.01 of this By-law.

**Section 3.00: Enforcement, Offence and Penalties**

- 3.01 Prohibition:** No person shall establish, operate or permit the occupancy of an additional residential unit on a property, unless the additional residential unit is registered in accordance with this By-law.
- 3.02 Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer or any person appointed by Council.
- 3.03 Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended and to any other applicable penalty.
- 3.04 Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25 as amended.
- 3.05 Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25, as amended.
- 3.06 Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.
- 3.07 Court Order:** If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent

jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

**Section 4.00: Administration and Effective Date**

- 4.01 **Administration of the By-law:** The Chief Building Official, or his/her designate, is responsible for the administration of this By-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

**Section 5.00: Repeals**

- 5.01 **Repeal:** By-law 2014-305 is repealed.

By-law read a first, second and third time, and finally passed, this 15 day of December, 2020.

  
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Andy Letham, Mayor

  
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Cathie Ritchie, City Clerk