

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2014-305

Consolidated on December 16, 2014

Passed by Council on December 9, 2014

Amendments:

- 1) By-law 2014-326 December 9, 2014 Recitals, Sections 1 & 2
- 2) By-law 2016-209 November 22, 2016 Section 1.01, 2.04

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2014 - 305

A By-Law to Provide for the Registration of Accessory Dwelling Units in the City of Kawartha Lakes

Recitals

1. The Municipal Act, 2001, Section 10(2)8, authorizes municipal councils to pass by-laws respecting the health, safety and well-being of persons for the protection of persons and property, including consumer protection.
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, by resolution number CR2014-975, deems it appropriate to regulate and register accessory dwellings units, in accordance with By-law 2014-283, being a By-law to allow accessory dwelling units.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-305.

Section 1.00: Definitions and Interpretation

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

- (a) **“Accessory Dwelling Unit”** means a self-contained dwelling unit which is created by converting part of, or adding to, an existing residential detached, semi detached, townhouse, or row house dwelling. An accessory dwelling unit is a second, self-contained unit supplemental to the primary use of the property.
- (b) **“Chief Building Official”** means the Chief Building Official of the City of Kawartha Lakes, or the Chief Building Official’s designate.
- (c) **“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.
- (d) **“Consolidated Fees By-law”** means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.

- (e) **“Council” or “City Council”** means the municipal council for the City.
- (f) **“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;
- (g) **“Dwelling”** means a residential building.
- (h) **“Dwelling Unit”** means one or more habitable rooms, occupied or capable of being occupied as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- (i) **“Registrar”** means the Chief Building Official for the City of Kawartha Lakes, or his/her designate for the purpose of administering this By-law.
- (j) **“Municipal Law Enforcement Officer”** means a person appointed by Council under the *Police Services Act*, as amended, to enforce the by-laws of the City.
- (k) **“Semi-Detached Dwelling”** means one of a pair of two attached single-family dwelling houses with a common masonry wall dividing the pair of single-family dwelling houses vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.
- (l) **“Single Detached Dwelling”** means a completely detached dwelling unit, but shall not include a mobile home.
- (m) **“Townhouse Dwelling ” or “Row House Dwelling”** means a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit and each unit has frontage and direct access to a public street. For the purposes of this by-law Townhouse Dwelling will refer to both Townhouse Dwelling and Row House Dwelling.

1.02 **Interpretation Rules:**

- a) The Schedules attached to this by-law shall form part of this by-law and shall be enforceable as such.
- b) 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.

1.03 **Areas Affected:** This By-Law affects properties serviced by municipal water and wastewater within the Town of Lindsay and the Villages of Fenelon Falls, Bobcaygeon and Omemee, and connected thereto.

1.04 Notwithstanding 1.03, if the accessory dwelling 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.

1.05 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.06 **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 Every owner of a single detached dwelling, semi-detached dwelling or townhouse dwelling containing an accessory dwelling unit must register the accessory dwelling unit with the Registrar in accordance with this By-law. Units previously registered under Town of Lindsay By-law 97-169 shall be deemed to be compliant with this by-law.
- 2.02 The onus of providing proof that an accessory apartment meets the requirements for registration in accordance with this By-law is on the owner.
- 2.03 Prior to registration:
- a) Owner(s) of an accessory dwelling unit created prior to November 16, 1995 shall:
 - i) provide documentation that establishes, to the satisfaction of the Registrar, that the accessory dwelling unit was created and existed prior to November 16, 1995, which documentation shall include a copy of a lease, an affidavit of a tenant, and/or such other document as is acceptable to the Registrar for this purpose; and
 - ii) provide documentation confirming, to the satisfaction of the Registrar, the accessory dwelling unit was inspected and is in compliance with all relevant standards set out in the Ontario Fire Code, as amended, Ontario Electrical Code, as amended, and where necessary, the Ontario Building Code, as amended.
 - b) Owner(s) of an accessory dwelling unit created on or after November 16, 1995 shall:
 - i) obtain a building permit under the Building Code Act, as amended, for an accessory dwelling unit with satisfactory final inspections completed. The accessory dwelling unit must comply with the relevant provisions set out in Zoning By-law 2014-283.
- 2.04 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
- 2.05 The owner(s) shall submit a completed application form as provided in Schedule "A" attached hereto, which forms part of this By-law.
- 2.06 Addressing and Signage:
- a) Upon completion of registration a municipal address will be assigned to the accessory dwelling unit and it is the owner's responsibility to display the address for the accessory dwelling unit so that it is visible from the street.

Section 3.00: Offences

- 3.01 No person shall establish, operate or permit the occupancy of an accessory dwelling unit within a single detached dwelling, semi-detached dwelling unit, or townhouse dwelling unit, unless the accessory dwelling unit is registered in accordance with this By-law.

Section 4.00: Enforcement and Penalties

- 4.01 **Enforcement:** This By-law may be enforced by every Municipal Law Enforcement Officer or Police Officer.
- 4.02 **Penalty:** Any person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, 1990 c. P33 and to any other applicable penalty.
- 4.03 **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 5.00: General Provisions

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

By-law read a first, second and third time, and finally passed, this 4th day of November, 2014.

Ric McGee, Mayor

Judy Currins, City Clerk

Application for Registration of an Accessory Dwelling Unit

1. Owner/Applicant Information

1.1 Registered Owner(s) Information:	
Name:	_____
Mailing Address:	_____
City:	_____ Postal Code: _____
Phone:	_____ Email: _____

2. Location And Description Of The Subject Land

2.1 Property Information:	
Municipal Address:	_____
Roll #:	_____
Zoning:	_____

3. Description of Secondary Unit

3.1 Location:	
Is the accessory dwelling unit located within the main house?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.2 Features:	
Is the accessory dwelling unit existing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the parking configuration comply with the zoning by-law?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the accessory dwelling unit been continuously occupied since creation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date of creation of accessory dwelling unit?	_____

4. Declaration of Owner

I, _____ certify that:
I am the registered owner of the land that is the subject of this application for approval of this document and, for the purpose of the Municipal Freedom of Information and Protection of Privacy Act, I authorize and consent to use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Municipal Act, 2001 for the purposes of processing this application.
_____ Signature of Owner
_____ Date

5. Department Approval (Internal use only)

5.1 Planning Division:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signature: _____ Date: _____	
5.2 Building Division:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Signature: _____	Date: _____
5.3 Fire Prevention:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signature: _____	Date: _____