



## Accessory Dwelling Unit Guide

### 1. Introduction

#### (a) What is an Accessory Dwelling Unit?

An Accessory Dwelling Unit is a completely self-contained, self-sufficient residential dwelling unit located entirely within a single detached, semi-detached, townhouse or row house dwelling, which contains no more than one other dwelling unit. Accessory dwelling units are also referred to as "basement apartments", or "secondary suites", but the City of Kawartha Lakes has decided to use the term "Accessory Dwelling Unit".

An Accessory Dwelling Unit:

- is comprised of a set of self-contained rooms capable of being occupied as an independent dwelling unit;
- contains kitchen, sleeping, and bathroom facilities designated for the exclusive use of the unit;
- has a means of access/egress that may be separate or shared with the other unit; and
- may be installed on any floor of the principle dwelling.

Zoning By-law 2014-283 permits Accessory Dwelling Units to be located in single detached, semi detached, townhouse or row house dwellings within the City of Kawartha Lakes, serviced by full municipal services, where the dwelling is attached thereto.

The subject property must be located within the urban settlement boundaries, outlined in the City of Kawartha Lakes Official Plan, of Lindsay, Bobcaygeon, Fenelon Falls or Omemee.

Accessory dwelling unit must be connected to full municipal services.

Accessory dwelling unit cannot be within an accessory building (ex. detached garage, boat house).

#### (b) All Accessory Dwelling Units must be registered to be considered legal

As of November 4, 2014, the only accessory dwelling units that are considered legal are those registered with the City according to the Registration By-law 2014-305. Once an accessory apartment is registered, the owner will receive a Letter of Registration from

the City. Units previously registered under Town of Lindsay By-law 97-169 will be deemed compliant.

The Building Division maintains an inventory of all registered Accessory Dwelling Units and this information is available by request to the Registrar.

For an accessory dwelling unit to be eligible for registration, it is either created:

- under authority of the Residents' Rights Act, built prior to November 16, 1995 and can satisfy the City by providing the documents outlined in Section 2(a)(i) of this Guide; or,
- prior to date of passing of the original zoning by-law, as amended, for the applicable settlement area and legal non-conforming status has been confirmed with the City's Planning Division
  - Town of Lindsay Zoning By-law 2000-75, date of passing October 23, 2000;
  - Village of Bobcaygeon Zoning By-law 16-78, date of passing October 16, 1978;
  - Village of Fenelon Falls Zoning By-law 89-25, date of passing November 20, 1989;
  - Village of Omemee Zoning By-law 1993-15, date of passing June 14, 1993; or,
- with a building permit that has been issued for an accessory dwelling unit, meets the requirements of Zoning By-law 2014-283, as amended, and satisfactory final inspections completed; or,
- by a site-specific Zoning By-law amendment and building permit with satisfactory final inspections completed.

### **(c) About the registration by-law**

The purpose of the Registration By-law is to ensure that all accessory dwelling units in the City of Kawartha Lakes are safe and legal. The Registration By-law allows the City to maintain a complete inventory of all single detached dwellings, semi-detached dwellings, townhouse dwellings and row house dwellings that contain accessory dwelling units, which will be used, for example, by emergency services agencies (i.e. Fire, Police, EMS) when responding to emergencies, the City's Solid Waste Division for garbage pick up and the City's Planning Division when calculating dwelling unit densities of neighbourhoods.

The Registration By-law requires inspections to ensure the safety of the owner and tenants of the accessory dwelling unit. Depending on the year the accessory dwelling unit was created, inspections will be required to ensure compliance with the Ontario Fire Code, Ontario Building Code and Ontario Electrical Code.

There are different requirements for registration based upon when and how the accessory dwelling unit was created. Section 2 of this Guide assists owners to determine what process and/or documents are needed to register an accessory dwelling unit.

#### **(d) Advisement about parking**

Please be aware that vehicles illegally parked on the street will be ticketed and no exceptions will be made for accessory dwelling units. Before creating an accessory dwelling unit, please consider the parking needs for both units and ensure the combined parking needs can be accommodated on the subject property, in compliance with Zoning By-law 2014-283, as amended.

## **2. How to create, legalize and register an accessory dwelling unit**

### **(a) Created prior to November 16, 1995:**

If an accessory dwelling unit was created prior to November 16, 1995 in a dwelling connected to municipal services and is in compliance with the Ontario Fire Code and Ontario Electrical Code, it may be considered “legal” under the Residents’ Rights Act, but is still required to be registered with the City. The current provisions in Zoning By-law 2014-283, as amended relating to accessory dwelling units do not apply to accessory dwelling units created prior to November 16, 1995.

- (i) The following documents must be submitted to the Building Division to register an accessory dwelling unit created prior to November 16, 1995 (the sufficiency of the documents required, as outlined below, is determined by the Registrar):
  - A completed Application for Registration of an Accessory Dwelling Unit Form
  - Written confirmation from the Fire Department and the Electrical Safety Authority that inspections have been completed and that the building complies with the Ontario Fire Code and Electrical Safety Code. **Please note: it is the owner’s responsibility to arrange for all required inspections.** Important contact information is contained within Section 4 of this Guide. Depending on the results of the above inspections, building permits may be required, and
  - Sworn Declaration from the owner who established the accessory dwelling unit or owner or tenant who owned/occupied the accessory dwelling unit prior to November 16, 1995; or a neighbour who has resided in the area since prior to November 16, 1995 and who has direct knowledge of the existence and occupancy of the accessory dwelling unit; and
  - One additional piece of supporting documentation (i.e. utility receipts, income tax forms, rental receipts, mail with postal address, etc.) that affirms the continued existence of the accessory apartment since prior to November 16, 1995.

- (ii) After the conditions for registration of the accessory dwelling unit are satisfied, the Registrar will send a Letter of Registration to the property owner.

If the required documents (outlined in Section 2(a)(i) of this Guide), cannot be provided by the applicant to the satisfaction of the Registrar or if the dwelling was not connected to municipal services prior to November 16, 1995 then the accessory dwelling unit cannot be considered legal under the Residents' Rights Act, and therefore the steps in Subsection 2(c) of this Guide (i.e. a building permit will be required) must be followed.

**(a) Created on or after November 16, 1995:**

- (i) With site specific zoning by-law amendment:

If an accessory dwelling unit was created on or after November 16, 1995, in compliance with an approved site-specific zoning by-law amendment, and a building permit was obtained with satisfactory final inspections, then an Application for Registration of an Accessory Dwelling Unit form must be filled out and submitted to the City Building Division. The Registrar will send a Letter of Registration to the owner.

- (ii) Without site-specific zoning by-law amendment:

If an accessory dwelling unit was created on or after November 16, 1995 without an approved site-specific zoning by-law amendment, then the accessory dwelling unit is considered to be illegal. To legalize the accessory dwelling unit, the steps outlined in Subsection 2(c) of this Guide must be completed.

**(b) Newly created (not constructed yet):**

- (i) Confirm that the proposed accessory dwelling unit is permitted by the City Zoning By-law 2014-283, as amended.
- (ii) Once confirmed, submit a design of the building prepared by a qualified designer and a building permit application to the City Building Division. The design must show how the proposed accessory dwelling unit complies with the Ontario Building Code and Zoning By-law 2014-283, as amended. The building permit process will require compliance with applicable health and safety standards. Additionally, fill out an Application for Registration of an Accessory Dwelling Unit form at the time of submitting the building permit, along with all applicable fees.
- (iii) After the building permit process is completed, the accessory dwelling unit is constructed and final inspections are complete and satisfactory to the City, the Registrar will send a Letter of Registration to the property owner.

**(c) Municipal Water and Wastewater Service Billing**

All secondary units will be serviced by municipal water and sewer. The service connection will be shared with the primary service connection to principal residence.

#### **(d) Addressing and Signage**

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.

### **3. Overview of Regulations relating to accessory dwelling units**

#### **(a) Ontario Building Code:**

Please refer to the Ontario Building Code for exact provisions relating to accessory dwelling units. The following is for information purposes only.

Items associated with an accessory dwelling unit, including but not limited to the following, must comply with the Ontario Building Code:

- Fire separations between dwelling units, between dwelling units and common spaces such as exit corridors, laundry rooms and other spaces that are accessible by both dwelling units;
- Exits from each dwelling unit;
- Smoke alarms on each floor level in each dwelling unit, and carbon monoxide detectors; and
- Heating and ventilation system requirements

#### **(b) Zoning By-law:**

Please refer to City of Kawartha Lakes Zoning By-law 2014-283 for exact provisions relating to accessory dwelling units. Below is for information purposes only.

- Only one accessory dwelling unit is permitted per lot;
- The accessory dwelling unit must be located in a single detached, semi-detached, townhouse or row house dwelling, provided such use is permitted in the zone within which it is located;
- An accessory dwelling unit is not permitted to be located within an accessory building;
- An accessory dwelling unit shall only be permitted within a dwelling that has frontage on a municipally maintained street;
- An accessory dwelling unit shall only be permitted within a dwelling that is connected to municipal water and wastewater services;
- A dwelling containing an accessory dwelling unit shall not contain a home occupation use;
- On-site parking shall be provided for both dwelling units in compliance with Zoning By-law 2014-283; and

- All accessory dwelling units must comply with any other applicable by-laws and legislation, including, but not limited to, CKL Registration By-law 2014-305, Ontario Building Code, Ontario Fire Code and Ontario Electrical Code.

### **(c) Ontario Fire Code:**

Please refer to the Ontario Fire Code for exact provisions relating to accessory dwelling units. Below is for information purposes only.

Accessory dwelling units created prior to November 16, 1995 must comply with the following items under the Ontario Fire Code, including but not limited to:

- Fire separation from each dwelling unit;
- Means of escape from each dwelling unit;
- Smoke alarms; and
- Electrical safety

Property owners should be aware that bringing existing dwellings that contain an accessory dwelling unit into compliance with the Ontario Fire Code regulations may require alterations for which a building permit is required under the Building Code Act.

## **4. Application Documents Required**

- Completed Application for Registration of an Accessory Dwelling Unit
- Two copies of a site plan showing the lot configuration, the dimension of each lot line, the house location and the location and dimensions of on-site parking spaces in compliance with current zone provisions applicable to the subject lot
- Two sets of drawings showing all exterior entrances to the house, the secured entrances to each dwelling unit, room uses and sizes including each room area calculation, ceiling heights in each room, window sizes including all window area calculations and what percent of the room floor area the window is, the total floor area of the second unit and the exterior dimensions of the house. The common areas of the dwelling are to be shaded.

## **5. Agency Contact Information**

Building Division: 705-324-9411 ext. 1288

Fire Department: Fire Prevention Division – 705-324-5731 ext. 545

Electrical Safety Authority: 877-372-7233

Registrar: Building Division – 705-324-9411 ext. 1200

To locate a qualified designer, contact the Building Division to obtain a list of House and Small Buildings designers.