



Infrastructure Services

GUIDE TO REGISTRATION OF TWO-UNIT HOUSES



**Town of Halton Hills
1 Halton Hills Drive
Halton Hills ON L7G 5G2**

General Inquiries: 905-873-2601 ext. 2923

**Website: <http://www.haltonhills.ca/inf>
Email Address: inf@haltonhills.ca**

TABLE OF CONTENTS

1.0	PROCEDURE FOR REGISTERING A TWO-UNIT HOUSE.....	1
2.0	FLOW CHART	4
3.0	SAMPLE APPLICATION FORM.....	5
4.0	PROPERTY STANDARDS REQUIREMENTS.....	7
5.0	BY-LAW NO. 96-174.....	11

Readers should note that this document has been prepared by the Town of Halton Hills for the purpose of providing general information only. It is not intended to provide a legal interpretation of any statute or Provincial regulation. The reader should refer to the legal text of the applicable statute or Provincial regulation. If legal advice is required, the reader should consult a solicitor.



WHAT IS A TWO-UNIT HOUSE

In the Town of Halton Hills a two-unit house means a detached house, semi detached house or a row house containing two residential units. A residential unit consists of a self-contained set of rooms located in a building or structure that is used or can be used, as a unit. A residential unit contains kitchen and bathroom facilities designed for the exclusive use of the unit, and has a means of exit from the building (which may be shared with another residential unit). A common example is a basement apartment.

WHY DOES A TWO-UNIT HOUSE NEED TO BE REGISTERED?

The Town of Halton Hills By-law 96-174 requires registration. The by-law states “No person shall operate or permit the occupancy of more than one Residential Unit in a Two-unit House unless the house is registered as required by this by-law”. Accordingly, these dwelling units must be inspected by the Town and the Electrical Safety Authority to ensure compliance with all applicable codes and standards. The process is designed to protect the owner, as well as the inhabitants, of the two-unit house from unnecessary hazards. Registration of a two-unit house legalizes its existence and ensures that a home complies with all applicable codes and standards.

IS THERE A FEE FOR REGISTERING A TWO-UNIT HOUSE?

Yes there is a fee for the required inspections by the Town and an additional fee for the inspection by the Electrical Safety Authority (E.S.A.)

PROCEDURE FOR REGISTRATION OF TWO-UNIT HOUSES

1. Prior to making an application for Registration of a Two - unit House, the following must be ensured:
 - a) Applications for two-unit houses, existing or new, created **after November 16, 1995**, must be accompanied by a **planning approval** permitting the structure to be used as a two-unit house or
 - b) Applications for two-unit houses existing **on or before November 16, 1995**, must be accompanied by:
 - (i) **Documentation confirming the existence of the two dwelling units on or before November 16, 1995:** affidavits from the tenants who occupied the units on November 16, 1995 describing the details of his/her tenancy, a copy of a tenancy agreement and pertinent cancelled rental cheques, tax statement of rental income and/or assessment information, indicating that two dwelling units existed on November 16, 1995 may be

- considered; or
 - (ii) Information verifying that a Building Permit was issued for the creation of two dwelling units prior to May 22, 1996; or
 - (iii) A Planning approval permitting the structure to be used as a Two-Unit House.
- 2. The top portion of the application form must be completed and submitted to the Building Services Department together with the following:
 - Dimensioned site plan showing the lot configuration, house location and at least two parking spaces, 9' x 18' in size (spaces can be either side by side or in tandem);
 - One set of floor plan drawings showing the location of the two-dwelling units, detailing the following:
 - entrances
 - room uses and sizes
 - ceiling heights in each room
 - window sizes (shown as % of the room floor area, as well as height and width of windows)
 - details of existing ceiling, floor and wall assemblies.
- 3. Payment of the applicable fee by cash, cheque or debit is required at the time of application.
- 4. Once the above have been submitted and accepted by the Building Services, staff will sign the form. Copies of the application and drawings will be forwarded to Fire or Building and Enforcement Services Inspection staff. Applicants must call and arrange for the required inspections of both dwelling units by the appropriate Town staff as directed by the Registrar. Electrical Safety Authority (E.S.A) inspections are also required (these E.S.A. inspections are not covered by the registration fee paid to the Town).
- 5. Once these inspections have been completed, the applicant may be required to make some changes to upgrade the building to comply with minimum code/standard requirements, and a building permit may be required prior to making these modifications. A separate fee will be paid for a building permit, if required. Relevant inspection reports and the details of the proposed work shall be submitted in support of a building permit application.
- 6. After a Building Permit has been issued, all work has been completed and all required Inspections have been performed by the Building Inspectors, re-inspection of the dwellings may be required by the Fire Prevention, Property Standards and/or E.S.A. inspectors.
- 7. Once the Fire/Building, E.S.A. and Property Standards Inspectors provide their final reports to the Registrar, the property will be placed in the registry and the owner will be advised accordingly.

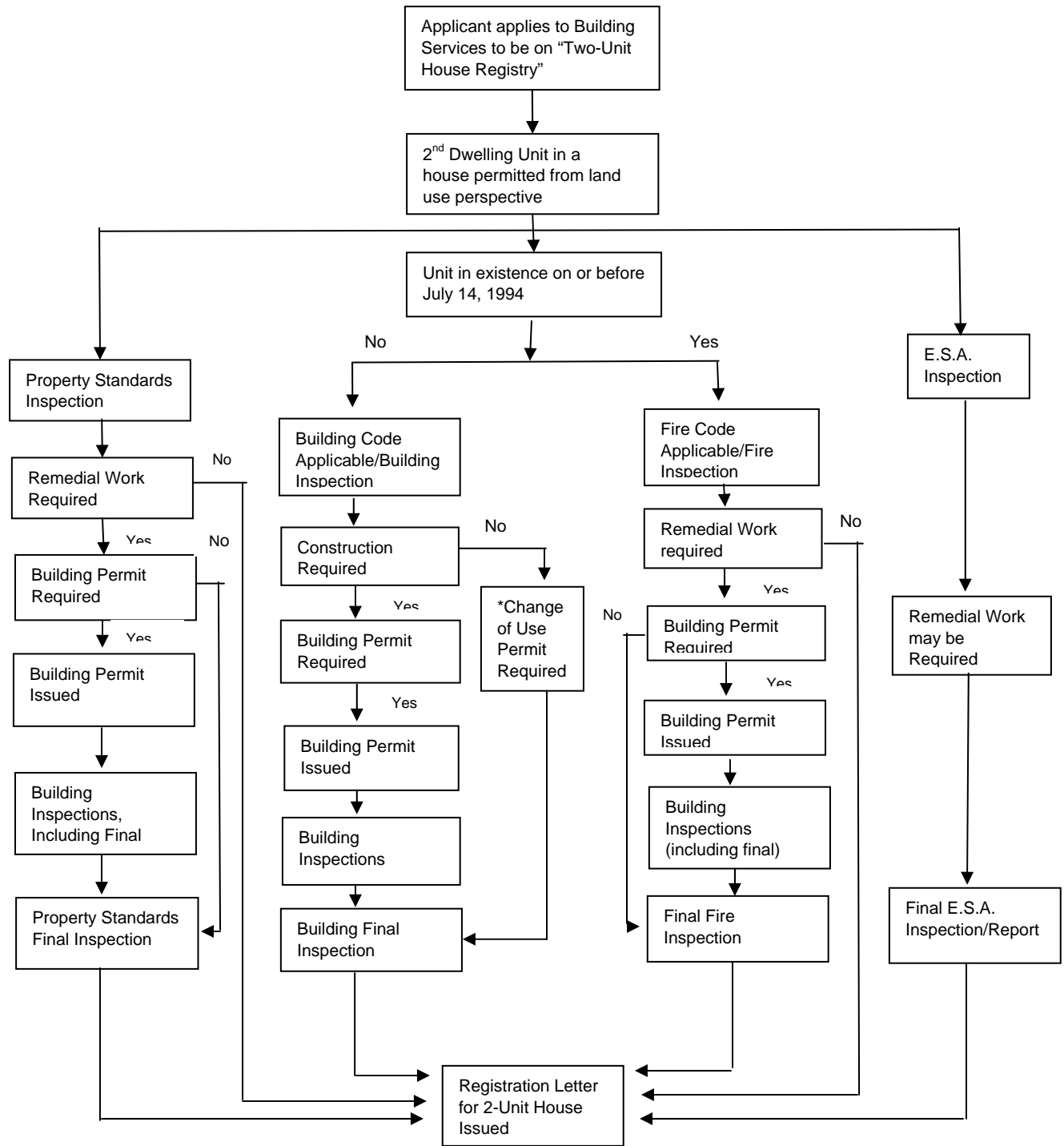
8. Illegally created 2–unit house that cannot be permitted from land use perspective must be converted back to a single dwelling.

FURTHER INFORMATION

For further information regarding registration of Two-Unit Houses fees please refer to the Town of Halton Hills Municipal Rates and Service Charges. Further details can be obtained from the Town of Halton Hills website: www.haltonhills.ca

To discuss the specifics of the registration of a two-unit house, please contact:
Ron Stein at 905-873-2601 ext. 2334 or by e-mail at rons@haltonhills.ca or
Cathy Sinclair at 905-873-2601 ext. 2277 or by e-mail at cathys@haltonhills.ca.

Flow Chart Process to Legalize Two Unit Dwelling Units In House for Public Registry



*** No Change of Use Permit is required for a legally built Two-Unit House, i.e., duplex.**



Town of Halton Hills
 1 Halton Hills Drive
 Halton Hills ON L7G 5G2
 www.haltonhills.ca

TWO-UNIT HOUSE REGISTRATION APPLICATION

NOTE:

In order for a property to be "grandfathered" for land use purposes, proof must be provided by means of statutory declarations from the tenants of both dwelling units, cancelled rental cheques, assessment records, etc., showing two units existed on November 16, 1995, or that a Building Permit had been issued prior to May 22, 1996 for the creation of two dwelling units within the building. Otherwise, zoning approval for two units must be obtained prior to the application for registration. Registration process must be completed **within four months of the date of application** as required by Town of Halton Hills

By-law No. 96-174 (Registration for Two-Unit Houses).

Contacts for inspections/approval:

Zoning Approval	905-873-2601 Ext. 2334
Area Fire Prevention Officer	905-873-2601 Ext. 2107
Property Standards Officer	905-873-2601 Ext. 2334
Electrical Safety Authority	1-877-372-7233 (Business Hrs 7:30am – 4:30pm)

For Office Use Only

Zoning Approval: _____	Date: _____ (YY/MM/DD)
Bill 120/20 Criteria Compliance: _____ Signature	Date: _____ (YY/MM/DD)
Fire Department Approval: _____ Signature	Date: _____ (YY/MM/DD)
Property Standards Approval: _____ Signature	Date: _____ (YY/MM/DD)
Building Section Approval: _____ Signature	Date: _____ (YY/MM/DD)
Registrar's Approval: _____	Date: _____ (YY/MM/DD)

The personal information on this form is collected under the authority of the Municipal Act, as amended, the Fire Protection and Prevention Act, as amended and By-law No. 1996-0174, as amended. The information is used for the purpose of processing this application and administering the legislation. Questions regarding the collection of this information should be directed to the Town's Records/FOI Coordinator at 905-873-2601 ext. 2356 or foi@haltonhills.ca.

PROPERTY STANDARDS REQUIREMENTS FOR TWO-UNIT HOUSES AS IT APPLIES TO THE PROVISIONS OF

BILL 120/20 Passed May 31, 1994

Bill 20 Passed May 22, 1996

The Town of Halton Hills Property Maintenance and Occupancy Standards By-law was enacted by virtue of the provisions of The Ontario Building Code Act. This by-law applies to all properties in The Town of Halton Hills.

The standards established by this By-law are intended to be minimum standards and are not intended to derogate from the standards found in any other applicable by-law or legislation.

The Town of Halton Hills By-law 2008-0137, a by-law to provide for the registration of two-unit houses, requires that the entire property comply with various requirements; one of these requirements being the Town of Halton Hills Property Maintenance and Occupancy Standards By-law.

The inspection of a property by the Property Standards Officer will include, **BUT IS NOT LIMITED TO**, the following:

FOUNDATIONS/BASEMENTS

- Check to see if foundation wall, piers, basement and cellar floors are free of cracks or breaks that may create a hazardous condition;
- Check to ensure that basements containing habitable rooms have floor surfaces of concrete or other finished flooring as permitted by the Ontario Building Code;

EXTERIOR STRUCTURE

- Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.
- Exterior walls, roofs, and other parts of the building shall be free from loose and unsecured objects or material and improperly secured objects or material which has been damaged or shows evidence of dry rot or other deterioration shall be removed, repaired or replaced.
- All canopies, marquees, signs, awnings, fire escapes, stand pipes, exhaust ducts, and similar building extensions shall be maintained in good repair, be properly anchored and shall be protected from the elements and against decay and rust by paint or other weather protective material.

- All cornice, frieze, corbels and similar decorative features shall be maintained in a safe condition.
- Every building shall have a sound and tight roof, adequate to carry the loads imposed thereon.
- The roof of every building, including fascia, soffit, cornice and flashing shall be maintained in a water tight condition so as to prevent the leakage of water and entry of pests into the building.
- Roofs equipped with suitable drains, or eaves troughs, rain water leaders or conductors, shall have the drains, eaves troughs, rain water leaders or conductors maintained in good repair.
- Where drains, leaders, conductors or storm sewer connections do not exist, roof drainage shall be disposed of in a manner acceptable to the Town.
- Every chimney, smoke pipe, flue or a building or dwelling shall be maintained so as to prevent any gases from leaking in the building and so that under conditions of use any combustible material adjacent thereto, insulated there from, or in contact herewith, shall not be heated to unsafe conditions.
- Fireplaces, stoves, space heaters, incinerators and similar construction intended for solid fuel burning shall be constructed, installed, maintained, and connected to proper chimneys or flues in accordance with the provisions of The Energy Act and the Building Code Act.
- Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to prevent the entrance of wind or rain into the building.
- No window, door or other exterior opening shall be permanently covered with plywood or any other material except for a reasonable period to enable a damaged window, door or other opening to be repaired, replaced or the building demolished.

INTERIOR STRUCTURE

- Check interior floors, ceilings and walls for dampness;
- Check walls and ceilings to ensure that they are clean and free from loose plaster or other covering material;
- Check floor coverings to ensure that they are smooth and level, and are maintained free of warped, protruding, broken or rotted material;

- Ensure that units below ground have second means of egress which may include operable windows of sufficient size;
- Ensure that fuel burning appliances are vented by means of a chimney or vent flue;

STAIRS AND RAMPS

- Ensure that interior and exterior stairs with more than 3 risers and ramps over 45 centimetres (18") are equipped with a handrail on the open side;
- Ensure that the stairs are free from defects that may constitute an accident hazard;

BATHROOMS/WASHROOMS

- Ensure that each bathroom containing bath/shower or water closet has a door capable of being closed for privacy;
- Ensure that there is a wash basin in the same room or adjoining room to a water closet and ensure that the water closet is in a room equipped with a door and lock to ensure privacy;
- Ensure that every dwelling unit has a water closet, wash basin and a bathtub or shower;
- Ensure that the bathroom window can be opened for ventilation or that the bathroom be equipped with adequate mechanical ventilation fan;

HABITABLE ROOM

- Check ceiling heights to ensure that they are 1.95 metres (6'5") over required floor area **or** 2.03 metres (6'8") over minimum of 50% of the floor area provided that any part of the floor having a clear height of less than 1.4 metres (4'7") shall not be considered in computing the required floor area;

KITCHEN FACILITIES

- Ensure that every self-contained dwelling unit contains a kitchen equipped with:
 1. a sink served with potable running water,
 2. sufficient space to accommodate a stove and a refrigerator,
 3. a counter or table for food preparation,
 4. cupboards or pantry, excluding the area under the sink, for the storage of food, dishes and cooking utensils.

PLUMBING AND SANITARY FACILITIES

- Ensure that there is an adequate supply of potable water;
- Ensure that there are no leaks and defects;
- Ensure that pipes are protected from freezing;

VENTILATION

- Ensure that all apertures used for ventilation are in good working order;
- Required ventilation - minimum unobstructed free flow of 0.3 square metres (3.23 square feet) unless mechanically ventilated;

LIGHTING

- Minimum requirement of unobstructed natural light transmitting into a room - 5% of floor area for living/dining rooms and 2.5% of floor area of bedrooms;

HEATING FACILITIES

- Heat source - No open flame type of appliance can be used as a primary heat source in rooms intended or used for sleeping accommodation;
- Auxiliary portable heaters cannot be used as a primary source of heat in a dwelling unit;
- There must be natural or mechanical means to provide combustion air, and chimney and vents to discharge exhaust gases;

ELECTRICAL

- Electrical wiring and all electrical fixtures and equipment shall be installed and maintained at all times in a safe condition and serviceable condition as required by the Electrical Safety Authority (E.S.A.)

The above noted requirements for two-unit houses has been prepared to assist owners who are making application to register two-unit houses, relating to requirements set out in the Town's Property Maintenance and Occupancy Standards By-law and not intended to be a substitute for the entire content of By-law.

This by-law is available on The Town of Halton Hills web site <http://www.haltonhills.ca/bylaws/>

THE CORPORATION OF THE TOWN OF HALTON HILLS
BY-LAW NO. 96-174

A By-law to provide for the Registration of Two-unit Houses and Appointing a Registrar to Register Two-unit Houses in a Public Register.

WHEREAS Section 207.3 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, authorizes the municipality to pass by-laws,

- a) providing for the registration of Two-unit Houses or such classes of them as may be set out in the by-law, and the revocation of registrations; and
- b) appointing a registrar to register Two-unit Houses in a public register, to revoke registrations and to perform such other duties related thereto as may be set out in the by-law;

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

AND WHEREAS such a by-law may specify standards which must be met to register a Two-unit House or any class of Two-unit House;

AND WHEREAS Council of The Corporation of the Town of Halton Hills deems it necessary to designate the standards contained in Town of Halton Hills Property Maintenance and Occupancy Standards By-law No. 85-147 as, inter alia, standards which must be met to register a Two-unit House;

AND WHEREAS Town of Halton Hills Property Standards By-law No.85-147, enacted pursuant to the provisions of the Planning Act, 1983, prescribes standards for the maintenance and occupancy of properties within a Defined Area of the municipality, namely the Urban Areas and Hamlets;

AND WHEREAS Council of The Corporation of the Town of Halton Hills deems it necessary to provide for the registration of Two-unit Houses within the Defined Area specified in By-law No. 85-147 as a class of Two-unit Houses;

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,
 - (a) "Applicant" means a person applying for the registration of a Two-unit House;

- (b) "Application" means an application for registration of a Two-unit House;
- (c) "Council" means the Council of The Corporation of the Town of Halton Hills;
- (d) "Inspector" means an inspector authorized to conduct inspections within the Town pursuant to the provisions of the Building Code Act, R.S.O. 1990, c.B.13, as amended, and regulations thereunder; the Fire Marshall's Act, R.S.O. 1990, c.F.17, as amended, and regulations thereunder; and the Town of Halton Hills Property Maintenance and Occupancy Standards By-law No. 85-147;
- (e) "Operate" means to rent, lease, license or endorse an 2 occupancy, and includes arrangements in the nature of sub-rentals and sub-leases;
- (f) "Owner" means the owner of a Two-unit House which is the subject matter of an Application;
- (g) "Person" includes a corporation, partnership, proprietorship or association;
- (h) "Registrar" means the Director of Building, Zoning and Enforcement Services, his designate, or any person specifically appointed as such by Council;
- (i) "Registration" means the registration of a Two-unit House pursuant to the provisions of this by-law;
- (j) "Residential Unit" means a unit that,
 - (i) consists of a self-contained set of rooms located in a building or structure;
 - (ii) is used as a residential premises;
 - (iii) contains kitchen and bathroom facilities that are used only by the occupants of the unit;
 - (iv) is used as a single housekeeping unit, which includes a unit in which an occupant has exclusive possession of any part of the unit; and
 - (v) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit; and
- (k) "Two-unit House" means a detached house, a semi-detached house or a row house which contains two residential units located within the Defined Area specified by Section 1.2 of Town of Halton Hills By-law No. 85-147.

TITLE

2. This By-law may be cited as the "Two-unit House Registration By-law".

PROHIBITION

3. No person shall Operate or permit the occupancy of more than one Residential Unit in a Two-unit House unless the house is registered as required by this by-law.

ADMINISTRATION

4. (1) The Registrar shall,

- (a) receive and process all Applications;
- (b) administer the registration of Two-unit Houses pursuant to the provisions of this by-law;
- (c) maintain and keep records of all Applications and Registrations, including a public register of Two-unit Houses in the Town of Halton Hills;
- (d) refuse any Application which does not comply with the requirements of this by-law;
- (e) revoke the Registration of any Two-unit House which ceases to meet the requirements of this by-law;
- (f) revoke any Registration which was obtained on mistaken, false or incorrect information;
- (g) revoke any Registration 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 either has not been completed or, in the opinion of the Registrar, has not been seriously pursued; and
- (h) revoke any Registration that was completed in error.

(2) Any Inspector shall be responsible for inspecting Two-unit Houses 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.

(3) Any Municipal Law Enforcement Officer appointed by Council under the Police Services Act, R.S.O. 1990, c.P.15, shall be responsible for the enforcement of this by-law.

APPLICATION FOR REGISTRATION

5. (1) An Application shall be completed on the forms provided by the Town and shall be accompanied by,
- (a) the prescribed fee as set out in the Schedule to this by-law;
 - (b) where the Applicant is
 - (i) a corporation, a copy of the first page of the Articles of Incorporation and the most recent Form 1 filed with the Ministry of Consumer and Commercial Relations;
 - (ii) a partnership or a proprietorship, a copy of the Registration/Declaration filed with the Ministry of Consumer and Commercial Relations;
 - (iii) an association, a copy of the resolution endorsed by the members of the association, authorizing the Application to be submitted; and
 - (c) Two (2) sets of required drawings, details, notes and heating calculations, of the Two-unit House.
- (2) Every Applicant shall ensure that the Two-unit House is available for inspection by Inspectors, subject to the provisions of Section 6 hereof.
- (3) Any Person may submit an Application.
- (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 Two-unit House disclosed in the Application contravenes any of the provisions of this by-law, any other by-law of the Town, or any applicable statute or regulation.

INSPECTIONS

6. (1) Upon acceptance of an Application, the Registrar shall direct Inspectors to conduct such inspections of the Two-unit House as are necessary to determine if the Two-unit House complies with the applicable standards set out in:

- (a) the Ontario Building Code;
 - (b) the Fire Code;
 - (c) the Town of Halton Hills Property Maintenance and Occupancy Standards By-law; and
 - (d) Ontario Regulation 384/94.
- (2) Upon acceptance of an Application, an Inspector may, at all reasonable times and upon producing proper identification, enter upon land and into buildings without a warrant to inspect a building for compliance under Section 3 hereof, and under standards specified in Section 6(1) hereof.
- (3) Except under the authority of a search warrant issued under Section 49.1 of the Planning Act, R.S.O. 1990, c.P.13, 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.
- (4) No Person shall obstruct or attempt to obstruct an Inspector carrying out an inspection hereunder.
- (5) In the event that all necessary inspections disclose that the Two-unit House complies with the applicable standards set out in Paragraph 6(1) of this by-law, the Registrar shall register the Two-unit House in a public register of Two-unit Houses in the Town of Halton Hills.

REFUND OF APPLICATION FEE

7. (1) In respect of an Application for which the fee prescribed by Section 1 of the Schedule hereto has been paid, if the Application is withdrawn by the Applicant or is refused or the Registration is revoked by the Registrar pursuant to paragraphs 4(1) (d)-(h) hereof prior to the issuance of a building permit or a change of use permit respecting a Two-unit House, the Applicant shall be refunded the portion of the fee prescribed by Section 2 of the Schedule hereto.
- (2) 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.

NOTIFICATION OF REFUSAL AND REVOCATION

8. (1) Where the Registrar refuses an Application or revokes

a Registration, he shall notify the Applicant and provide a brief explanation of the reason for the refusal/revocation.

(2) The notice which is required to be given under Section

(3) The notice shall be deemed to have been served upon the Applicant on the seventh day after the date of mailing.

OFFENCE

9. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a penalty as provided under the Provincial Offences Act, R.S.O. 1990, c.P.33.

BY-LAW read a first, second and third time and finally passed and enacted this 11th day of November, 1996.

MAYOR

CLERK

File: