



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Second Units Registration By-law 0114-2016

WHEREAS Subsection 8(1) of the *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 affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Subsection 11(2) 6 of the *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the City of Mississauga previously licensed accessory dwelling units with its own kitchen, sanitary facilities and bedroom/sleeping areas (“Second Units”);

AND WHEREAS Council of the City of Mississauga considers it desirable to replace its licensing regime for Second Units with a registration system;

NOW THEREFORE the Council of The Corporation of the City of Mississauga hereby **ENACTS** as following:

PART 1: DEFINITIONS

1. For the purposes of this By-law:

“**City**” means the Corporation of the City of Mississauga;

“**Council**” means the Council of the City;

“**Dwelling**” means a detached house, or semi-detached house or a row house;

“**Inspector**” means a Person appointed pursuant to the City’s By-law 25-2015, or its successor as a municipal law enforcement officer;

“**Owner**” means a Person who is (a) the registered owner of a Second Unit or (b) has control over or directs the operation of a Second Unit;

“**Person**” includes an individual, a corporation and its directors and officers, or a partnership;

“**Registrar**” means the City’s Director of Building or his or her designate;

“**Registry**” means the list of Second Units that are registered with the City;

“**Second Unit**” means an accessory dwelling unit with its own kitchen, sanitary facilities and bedrooms/sleeping area(s) located in a Dwelling;

PART 2: REGISTRATION OF SECOND UNITS

2. Every Person who establishes, operates or permits the occupancy of a Second Unit shall register the Second Unit as required according to this By-law.

3. Once a Second Unit has been registered according to this By-law, the Second Unit shall remain registered unless the registration is revoked.

4. All Second Units that were licenced according to the Second Unit By-law 204-13 at the time that it was repealed shall automatically be registered as a Second Unit according to this By-law.

PART 3: ADMINISTRATION OF THIS BY-LAW

5. The administration of this By-law is assigned to the Registrar who shall perform all of the administration functions (excluding maintaining the Registry) conferred upon him or her according to this By-law.
6. The Registrar may delegate any responsibilities conferred to the Registrar according to this By-law.
7. The Registrar has the authority to register, refuse to register or revoke a registration of a Second Unit.
8. The Registry shall be maintained by the City's Planning and Building Department.

PART 4: APPLICATION PROCESS

9. An application to register a Second Unit shall be made by an Owner to the Registrar using the forms provided by the Registrar.
10. Every application shall be accompanied by a confirmation that all information contained in the application for registration is true and accurate.

PART 5: REVIEW OF APPLICATION BY THE REGISTRAR

11. The Registrar shall receive, process and review all applications to register a Second Unit.
12. The City's Planning and Building Department shall maintain complete records showing all applications received regarding registered Second Units in order to create and maintain a Registry.
13. Prior to registering a Second Unit, the Registrar shall be satisfied that the Second Unit complies with all of the following:
 - (1) the *Ontario Building Code*;
 - (2) the *Ontario Fire Code*;
 - (3) the *Ontario Electrical Safety Code*, as required by the *Ontario Fire Code*;
 - (4) the City's Zoning By-law 225-2007;
 - (5) this By-law; and
 - (6) any other applicable law.
14. The Owner bears the onus of proving that a Second Unit meets the requirements of this By-law to the Registrar's satisfaction.
15. (1) The Registrar may deem an application abandoned if all requirements of the registration pursuant to this By-law have not been fulfilled to the Registrar's satisfaction eighteen (18) months from the date that the Registrar receives the application.

(2) An Owner may re-apply for registration when an application has been deemed abandoned.

PART 6: REFUSAL AND REVOCATION

16. The Registrar shall refuse to register a Second Unit or revoke a registration if:
- (1) The Second Unit is not compliant with:
 - (a) the *Ontario Building Code*;
 - (b) the *Ontario Fire Code*;
 - (c) the *Ontario Electrical Safety Code*, as required by the *Ontario Fire Code*;
 - (d) the City's Zoning By-law 225-2007;
 - (e) this By-law; and
 - (f) any other applicable law.
 - or
 - (2) An application or other document provided by an Owner contains a false statement or false information.
17. Where the Registrar intends to refuse to register or revoke a registration, the Registrar shall provide notice to the Owner according to Part 9 of this By-law which shall set out the grounds for the decision, reasonable particulars of the grounds and be signed by the Registrar.
18. The Registrar's decision under section 17 of this By-law shall be final.

PART 7: INSPECTIONS

19. By submitting an application to register a Second Unit, the Owner consents to an inspection by an Inspector who may at any reasonable time enter upon the Dwelling to make an inspection to ensure that all the provisions of this By-law are complied with.
20. For the purposes of conducting an inspection, an Inspector may, in accordance with the provisions of section 436 of the *Municipal Act, 2001*:
- (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purposes of making copies or extracts;
 - (3) require information from any Person concerning a matter related to the inspection; and
 - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
21. No Person shall obstruct an Inspector inspecting a Dwelling or withhold, destroy, conceal or refuse to furnish any information or thing required by an Inspector for the purpose of the inspection.
22. Except under the authority of a search warrant, an Inspector shall not enter any room or place actually used as a Second Unit without requesting and obtaining the consent of the occupant.

PART 8: ORDER TO DISCONTINUE

23. (1) Where an Inspector is satisfied that a contravention of this By-law has occurred, the Inspector may make an order requiring the Person who contravened the By-law, or who caused or permitted the contravention, or the Owner to discontinue the contravening activity.

- (2) An order to discontinue shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.

PART 9: NOTICE

24. Any notice or order required to be given or served under this By-law is sufficiently given or served, if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records for the Registrar.
25. When service is made by registered mail, the service shall be deemed to be effected on the tenth (10th) day after the date provided on the letter, unless the Person on whom service is being made established that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

PART 10: PENALTY

26. Every Person who contravenes any provision of this By-law including an order issued under this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as both may be amended from time to time.
27. In addition to section 26 of this By-law, any Person who is charged with an offence under this By-law in accordance with Part III of the *Provincial Offences Act* and is found guilty of the offence, is liable, in addition to any other penalties:
 - (1) if a living person, to a fine of not more than \$25,000; or
 - (2) if a corporation, to a fine of not more than \$50,000.

PART 11: MISCELLANEOUS

28. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.
29. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

PART 12: SHORT TITLE

30. This by-law shall be referred to as the Registration of Second Units By-law.

ENACTED AND PASSED this 8th day of June, 2016.
Signed by Chris Fonseca, Acting Mayor and Crystal Greer, City Clerk