

## Request for Decision

### Registration of Secondary Dwelling Units in the City of Greater Sudbury

Presented To:	Planning Committee
Presented:	Monday, Dec 12, 2016
Report Date	Thursday, Nov 24, 2016
Type:	Routine Management Reports

#### Resolution

WHEREAS the Council for the City of Greater Sudbury, on June 27, 2016, directed staff to bring forward a Second Dwelling Unit Registration By-law for Council adoption as described in the Request for Decision Report dated June 8, 2016, from the General Manager of Infrastructure Services;

AND WHEREAS staff have prepared a report on the parameters of a Second Dwelling Unit Registration By-law;

NOW THEREFORE BE IT RESOLVED THAT staff be directed to bring forward a Registration of Secondary Units By-law for Council adoption as per the report from the General Manager of Infrastructure Services dated November 24, 2016.

#### Background

The Official Plan policies and Zoning By-law were amended to authorize the use of second units as required by the Planning Act on July 12, 2016. The *Strong Communities through Affordable Housing Act, 2011*, required municipalities to establish Official Plan policies and zoning by-law provisions to allow second units in single family dwellings, semi detached dwelling, row dwellings and street townhouse dwellings as well as in accessory structures for new and existing developments.

#### Purpose

The purpose of a "Registration of Secondary Units" By-law is to ensure that secondary units meet CGS Zoning By-law 2010-100Z land use requirements, as well as Ontario Building Code or Fire Code requirements so to ensure that the tenants live in a healthy and safe environment. It will also provide clear title to property owners of secondary units when selling properties or arranging financing. Further it will allow the City to maintain an inventory of single detached dwellings, semi-detached dwellings, row dwellings and street townhouse dwellings that contain secondary dwelling units to be shared through a public registry for consumer use.

Voluntary registration of dwelling units created by site specific zoning amendment would be permitted if a

#### Signed By

**Report Prepared By**

Sherri Budgell  
Manager of Plans Examination  
*Digitally Signed Nov 24, 16*

**Recommended by the Division**

Guido Mazza  
Director of Building Services/Chief  
Building Official  
*Digitally Signed Nov 24, 16*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Nov 24, 16*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Nov 25, 16*

valid building permit was obtained, at the discretion of the Registrar. This would capture units that are also legal dwelling units but do not fall under the definition of secondary dwelling units in Zoning By-law 2010-100Z.

Address identifiers will also be required at registration and the information would be used by Fire, Police and EMS when responding to emergencies as well as the City's Solid Waste Division for garbage pickup. The City's Planning Department would use the public registry information for Affordable Housing and Intensification objectives.

### **Registration**

The Registration of Secondary Units By-law would state that "No person shall establish, operate or permit the occupancy or continuing occupancy of a Secondary Unit in a Two-Unit House or in a building accessory to a Two-Unit House unless the Secondary Unit is registered in accordance with the requirements of the By-law". This would allow for the creation of new secondary units as well as capture illegal units within the City of Greater Sudbury.

### **Compliance Prior to Registration**

Prior to an owner offering a second unit for occupancy or continued occupancy, registration of the secondary unit must occur. There are several ways to obtain registration of a secondary dwelling unit;

1. Obtain a building permit and be in compliance with Ontario Building Code requirements;
2. Obtain legal non-conforming status from the Chief Building Official and have complied with a Fire Retrofit inspection within the last year; or,
3. Voluntarily register a dwelling unit created by site specific zoning amendment and obtained a building permit in compliance with Ontario Building Code requirements with no outstanding issues.

The secondary unit must also be ready for occupancy and all required inspections completed. In addition, all aspects of Zoning By-law 2010-100Z related to secondary units will need to be in compliance (e.g. parking and exterior façade).

### **Registry**

Once the secondary unit is approved for registration, and the required fees paid, the owner will be notified that the secondary unit is registered and can then offer occupancy to a tenant. The secondary unit will be put on a public register that will be available to the public to confirm whether or not a unit is legal and that it complies with all health, fire and life safety standards.

### **Fees**

The required fee to register a secondary unit is proposed to be \$200 which will cover administration costs associated with the Registry. Additional cost for creating a second unit or legalizing a second unit will involve the issuance of a building permit, the issuance of a Letter of Opinion for legal non-conforming status and/or a fire retrofit inspection.

### **Development Charges**

The City's Development Charge By-law (2014-151) provides rules with respect to exemptions for intensification of existing housing, in accordance with the Development Charges Act, 1997. Specifically, the addition of a dwelling unit in an existing single-detached, semi-detached, and other residential buildings, is exempt from paying development charges provided that the residential gross floor area of the additional unit does not exceed the residential gross floor area of the existing dwelling. This means, that, in general, second units added to the principal dwelling are exempt from development charges.

The City's Development Charge By-law further exempts garden suites from paying development charges, provided that the garden suite is removed within 10 years or such longer period authorized by By-law.

Currently, should a proponent wish to build a second unit in an accessory structure or in a new dwelling, the unit would be subject to development charges. Bill 7 (*Promoting Affordable Housing Act, 2016*) proposes to prohibit municipalities from imposing development charges when a second unit is created in a new residential building. Bill 7 is currently in second reading in Parliament.

Should Bill 7 pass, the only remaining type of second unit that would not be exempt from development charges are second units in accessory structures. Staff is in the process of reviewing the impact of second units and development charges with Hemson Consulting, and will report back to Council in the first quarter of 2017 with findings and recommendations.

### **Summary**

In summary, it is recommended that a new "Registration of Secondary Units" By-law containing among other matters, the new regulations as described in this report be brought forward for adoption by Council. The registry will bring certainty to owners that they have clear title to their home and certainty for tenants that they are living in a safe secondary unit.

Staff is preparing an "Information Guide for Homeowners" and "Frequently Asked Questions" to help owners through the process of creating Secondary Dwelling Units that will conform to Zoning-By-law 2010-100Z, Ontario Building Code Requirements and Fire Code Requirements. A draft copy has been provided attached to this report for Planning Committee review.

Attachment

**DRAFT**

# **Secondary Dwelling Units in Greater Sudbury**

**An Information Guide for Homeowners**



## **SECTION 1:**

### **New Provisions in the City of Greater Sudbury**

On July 12, 2016, City of Greater Sudbury Council approved the amendment to the Official Plan and Zoning By-law 2010-100Z to permit Secondary Dwelling Units within the City of Greater Sudbury. This follows The Strong Communities through Affordable Housing Act, which requires that municipalities across Ontario amend their planning documents to facilitate the creation of secondary units. Secondary dwelling units provide a form of affordable housing and help owners offset the cost of home ownership. <http://www.greatersudbury.ca/business/zoning-by-laws/>

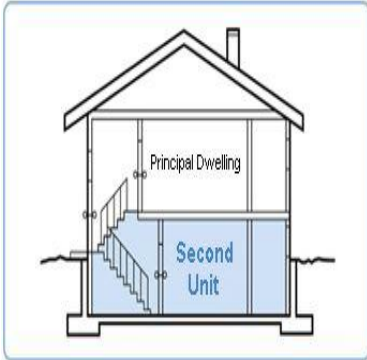


### **What is a Secondary Dwelling Unit?**

A secondary dwelling unit is a separate living space with a kitchen, bathroom, sleeping and possibly shared laundry facilities or a space with the required connections and hook-ups, that is located on the same property as your house (detached, semi-detached, row or street townhouse). You can live in it, allow your family members to live in it, or rent it out. It cannot be severed from the lot of the primary dwelling unit and/or sold. There are three different types that may be constructed in the City of Greater Sudbury:

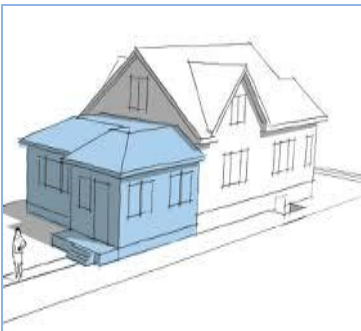
## **SECTION 2: Types of Secondary Dwelling Units**

### **2.a) Within A Primary Dwelling Unit (Interior Alteration)**



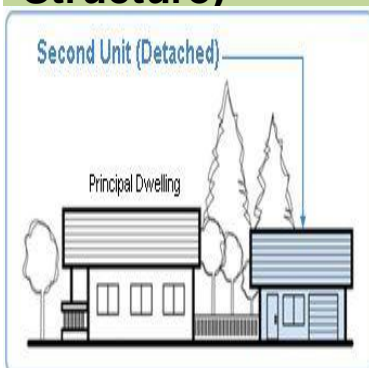
- Located within existing house
- Laundry room may be private or shared i.e. basement apartment
- Must be registered under the CGS Secondary Dwelling Units Registration By-law

### **2. b) Attached Secondary Dwelling Unit (Addition)**



- Attached to existing house
- Laundry room may be private or shared
- Must be registered under the CGS Secondary Dwelling Units Registration By-law

### **2. c) Detached Secondary Dwelling Unit (Accessory Structure)**



- Located in a detached accessory structure
- Example: a detached garage or new accessory structure
- Must be registered under the CGS Secondary Dwelling Units Registration By-law

## **SECTION 3:**

### **Zoning Requirements for Creating a New Secondary Dwelling Unit**

There are basic requirements that must be met before an authorized secondary dwelling unit can be created. Before constructing a new secondary dwelling unit, you should assess if your property meets the following requirements:

1.	The principle dwelling unit must be a single family, semi-detached, row or street townhouse dwelling or a building accessory thereto;
2.	Only one secondary dwelling unit will be permitted per lot;
3.	The exterior façade cannot have an additional entrance facing a public road or an additional exterior entrance above the first storey;
4.	No additional exterior stairs, or stairwells for entrances below finished grade along a wall facing a public road;
5.	The property must be able to accommodate an additional parking space;
6.	Secondary dwelling units in accessory buildings on Rural, Agricultural and Rural Shoreline Zones cannot exceed 45% of the gross floor area of the primary dwelling and must be located no more than 30 metres from the main house at their closest;
7.	Secondary dwelling units in accessory buildings cannot be in the form of a mobile home dwelling in all Residential, Commercial and Future Development Zones;
8.	Secondary dwelling units in accessory buildings may be in the form of a mobile home dwelling in Rural, Agricultural and Rural Shoreline Zones;
9.	On lots in residential zones that do not abut a shoreline, accessory buildings or structures containing a secondary dwelling unit shall only be permitted in a rear or interior yard;
10.	The secondary dwelling unit must be registered as stated in the “Registration of Secondary Units” By-law 2016-XX

### **3. b) When am I not allowed a Secondary Dwelling Unit?**

Secondary dwelling units are not permitted:

- 1) Within a dwelling that is deemed to be a permitted use in Section 4.16 of CGS Zoning By-law 2010-100Z;
- 2) Within a dwelling located in a EP Zone;
- 3) Within a dwelling that is permitted accessory to a permitted non-residential use in Section 4.40.2 of CGS Zoning By-law 2010-100Z;
- 4) On a lot containing a garden suite; or
- 5) Within a building or structure accessory to 1), 2) or 3) above.

### **3. c) What Is Legal Non-Conforming Status and how is it obtained?**

Legal non-conforming status is when something was constructed prior to any zoning by-law being in place. In order to apply for legal non-conforming status, a lawyer must send a letter requesting that the home be reviewed for legal non-conforming status, provide evidence to prove that the secondary unit has continued to be in existence prior to any zoning by-law being in place and provide the required fee.

Once a request for legal non-conforming status has been submitted, an investigation of all City of Greater Sudbury records and any other available records will be assessed to determine if the legal non-conforming status will be allowed by the Chief Building Official.

If a legal non-conforming status is granted, the owner will need to contact the City of Greater Sudbury Fire Prevention Services to request a fire retrofit inspection and pay the required fee. Fire safety requirements for an existing secondary unit are found in the Ontario Fire Code, Section 9.8 "Two Unit Residential Occupancies". Further upgrading may be required and a building permit may be required to start that work.

If a legal non-conforming status is not granted, the owner will be required to obtain a building permit and follow the requirements in section 5.



## **Section 4:**

### **How Do I Legalize A Secondary Dwelling Unit**

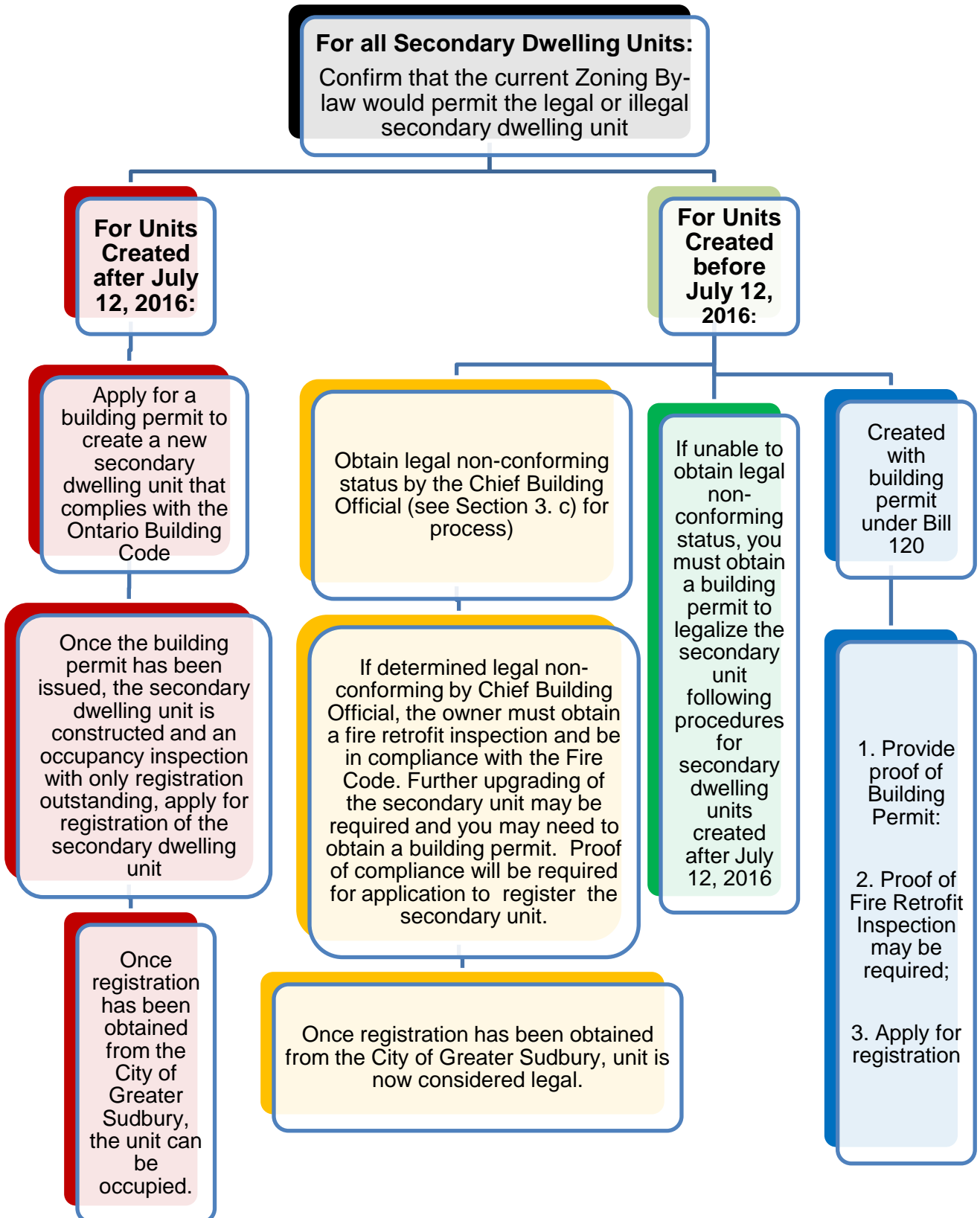
#### **4. a) For new secondary units created after July 12, 2016:**

- i. Confirm that the proposed secondary unit is permitted in Zoning By-law 2010-100Z
- ii. Apply for a building permit to create a new secondary dwelling unit that complies with the Ontario Building Code
- iii. Once the building permit is issued, the accessory dwelling unit is constructed and an occupancy inspection has been conducted and there are no outstanding items prohibiting occupancy other than registration, you can apply for registration of the secondary dwelling unit.
- iv. Once registration is obtained from the City of Greater Sudbury, the owner can obtain an occupancy permit and the unit can be occupied.

#### **4. b) For secondary units created prior to July 12, 2016:**

- i. Confirm that the current Zoning By-law would permit the illegal secondary unit
- ii. There are two ways to determine if the secondary unit is legal, one is to obtain a legal non-conforming status by the Chief Building Official or obtain a building permit to legalize the secondary unit.
- iii. If the Chief Building Official determines that the secondary unit has legal non-conforming status, the owner must obtain a fire retrofit inspection and be in compliance with the Fire Code. Further upgrading of the secondary unit may be required and you may need to obtain a building permit. Proof of compliance will be required for registration of the secondary unit.

## SECTION 4. c): How Do I Make My Secondary Unit Legal?



## **Section 5:**

# **Ontario Building Code Requirements for Creating Secondary Units**

### **1. Creating a Secondary Unit in a New House or New Accessory Building**

All provisions in Part 9 – OBC are required to be incorporated in your design as listed in the “Checklist for Creating a Secondary Dwelling Unit”

### **2. Renovations to Buildings Less Than Five Years Old**

All provisions in Part 9 – OBC are required to be incorporated in your design as listed in the “Checklist for Creating a Secondary Dwelling Unit”

### **3. Renovations to Buildings More Than Five Years Old**

Part 11 – Compliance Alternatives for Residential Occupancies will apply to these houses and will provide some relief with respect to the Ontario Building Code. Part 11 provisions of the Ontario Building Code will be required in your design as listed in the “Checklist for Creating a Secondary Dwelling Unit”

### **4. New Additions to Existing Buildings**

All provisions in Part 9 – OBC are required to be incorporated in your design for the new addition as listed in the “Checklist for Creating a Secondary Dwelling Unit”

Part 11 – Compliance Alternatives for Residential Occupancies will apply to the existing building.

### **5. Designer Requirements**

In all cases, a designer with a BCIN (Building Code Identification Number) will be required to provide a design for your secondary unit, meeting all applicable Ontario Building Code requirements to the satisfaction of the Chief Building Official.

## Checklist for Converting a Single Family Dwelling Unit to Two Units Ontario Building Code (OBC) Compliance

The following items should be checked when preparing an application for a secondary dwelling unit. Although every application is different, this list should represent the bulk of the items that are to be checked.

**Note: Where compliance cannot be attained through OBC Part 9, OBC Part 11 can be utilized if the dwelling has been in existence for 5 years or more.**

ITEM	PART 9 – OBC	CODE REFERENCE	PART 11 – CA
<i>Fire Resistance Rating</i>			
1	<b>Floor</b> assembly between the two dwelling units is to be a <b>45 min</b> fire rated separation	9.10.9.14 9.10.8.1	C152 C147
2	<b>Structural elements supporting fire rated assemblies</b> are to have a <b>45 min</b> fire rating	9.10.8.3	C147
3	<b>Wall</b> assemblies around the <b>furnace and other common areas (i.e. public corridor, common laundry room)</b> are to be a <b>45 min</b> fire rated separation	9.10.9.14 9.10.9.15	C152
4	<b>Exit enclosure</b> is to be a <b>45 min</b> fire rated separation	9.9.4.2	C121
<i>Sound Transmission Rating</i>			
1	<b>Wall</b> and <b>floor</b> assemblies separating the two dwelling units are to have a <b>50 STC</b>	9.11.2.1	n/a
<b>Note: This is only if the ceiling requires renovations. If no renovation is required, then current STC is acceptable.</b>			
<i>Number of Exits and Exposure</i>			
1	Minimum of <b>one exit</b> to the exterior is to be provided	9.9.8.2 9.9.9.1 9.9.9.3	C134 C136
2	Exit stair to be protected from <b>fire exposure</b>	9.9.4.4 9.9.4.6	n/a
<i>Room Size and Dimensions</i>			
1	<b>Room</b> sizes, <b>doorway</b> sizes and <b>ceiling heights</b>	9.5	C102 C103 C104
<i>Windows and Spatial Separation</i>			
1	<b>Window</b> sizes	9.7	C107 C108
2	<b>Bedroom windows</b>	9.9.10.1	C137
3	<b>Spatial separation</b>	9.10.15	C171 C172
<i>Alarms</i>			
1	<b>Smoke alarms</b>	9.10.19	C175
2	<b>Carbon monoxide alarms</b>	9.33.4	C197
<i>Heating, Ventilation &amp; Air Conditioning (HVAC)</i>			
1	<b>Heating system</b>	9.33	C195
2	<b>Ventilation</b>	9.32	C194

## **How Do I Register My Secondary Dwelling Unit?**

In order to register your secondary dwelling unit you must first have the following;

1. Provide proof that a building permit has been obtained in compliance with the Ontario Building Code or you have obtained a Fire Retrofit inspection in compliance with the Ontario Fire Code in the past year and that an occupancy inspection has been conducted and there are no outstanding requirements for occupancy other than registration of the secondary unit. Dwelling Units created by site specific zoning by-law amendments that had a building permit issued to construct the new dwelling unit, with no outstanding building permit issues, will be considered for registration, at no cost, at the discretion of the Registrar.
2. Once that has been achieved a Secondary Dwelling Unit application form is to be completed along with the required fee.
3. Your application for registration will be processed and if eligible will be approved by the Registrar. A letter will be sent to you advising that the unit is registered and can be occupied.
4. The address of the secondary unit will be posted on a public website as an indication that the unit is legal.

### **Voluntary Registration**

If you have a dwelling unit created by site specific zoning by-law amendment, have obtained a building permit to create a unit in compliance with the Ontario Building Code and meet the criteria for secondary dwelling units, you are eligible to register your second dwelling unit as part of the Registration of Secondary Dwelling Units By-law.

This will ensure that you have the same benefits of having your legal second dwelling unit listed on the public registry as someone creating a secondary dwelling unit as defined in Zoning By-law 2010-100Z.

## Identification/Addressing for New Unit

- (1) To signify to emergency responders and wayfinders the presence of a registered Secondary Dwelling, every Owner of a property on which there is a single detached dwelling, a semi-detached dwelling, a row dwelling, a street townhouse dwelling with respect to which a Secondary Dwelling Unit has been registered, shall:
  - (a) place or cause to be placed, the letters SU in a location immediately below the municipal street number on the building,; and
  - (b) maintain in place or cause to be maintained in place, the letters SU in the the location described in 12(1)(a).
- (2) The Owner shall ensure that the letters SU required under subsection 12(1) meet the following requirements. The letters used shall be:
  - (a) no less than
    - (i) 3 inches in height if the building setback from the street line does not exceed 10 feet;
    - (ii) 4 inches in height if the building setback from the street line does not exceed 30 feet;
    - (iii) 6 inches if the building setback from the street line does not exceed 50 feet; and
    - (iv) a size approved in writing by the CBO if the building setback from the street line exceeds 50 feet.
  - (b) in printed format, not in cursive;
  - (c) in a contrasting color to the background; and
  - (d) clearly legible in both daylight and at night, when viewed from the street.



## Frequently Asked Questions – Secondary Dwelling Units

### 1. What is a Secondary Dwelling Unit?

A secondary dwelling unit is a dwelling unit that is ancillary and subordinate to a primary dwelling unit that may be contained within the main building on a lot or in an accessory building.

### 2. Why is the City permitting Secondary Dwelling Units?

The Strong Communities through Affordable Housing Act requires that municipalities across Ontario amend their planning documents to facilitate the creation of second suites. Secondary dwelling units provide a form of affordable housing and help owners defray the cost of home ownership.

### 3. What type of building can I have a secondary dwelling in?

A secondary dwelling is allowed within a single detached, semi-detached, row or street townhouse dwelling or a building accessory thereto provided that a maximum of one secondary dwelling unit shall be permitted on a lot.

### 4. Where are secondary dwellings not allowed?

- a) A secondary dwelling unit is not permitted in a dwelling that is deemed to be a permitted use under Section 4.16 of Zoning By-law 2010-100Z;

#### **4.16 LEGAL EXISTING DWELLINGS**

*Notwithstanding any other provision of this By-law to the contrary, all dwellings and dwelling units, other than mobile home dwellings and any dwelling located within an "EP", Environmental Protection Zone, legally existing as of the date of adoption of this By-law, shall be deemed to be permitted uses, and nothing in this By-law shall apply to prevent the rebuilding, repair, alteration or use of any such dwelling or dwelling unit in accordance herewith, provided that such use has continued uninterrupted since the date of the passing of this By-law, no additional dwelling units are created and no other changes are made except where specifically permitted hereby and in accordance with the density provisions set out in Section 2.2 of this By-law. (By-law 2014-235Z)*



## Frequently Asked Questions – Secondary Dwelling Units

- b) Within a dwelling located in an “EP” Environmental Protection Zone;

<http://www.greatersudbury.ca/content/zoningbylaws/2010/keymap2010.pdf>

- c) Within a dwelling that is permitted accessory to a permitted non-residential use in Section 4.40.2 of Zoning By-law 2010-100Z;

### **4.40.2 Accessory Dwelling Units**

*One dwelling unit on a lot shall be permitted accessory to permitted non-residential uses in any zone other than a Shopping Centre Commercial (C5) Zone, except where a dwelling unit is a permitted use in a zone, provided that no dwelling unit shall be located within a portion of a non-residential building which is used:*

- a) To house livestock;*
- b) As part of a fuel depot operation or any premises that has flammable fluids or hazardous materials stored in bulk for commercial purposes;*
- c) For a marina;*
- d) For an automotive body shop;*
- e) For an automotive repair shop;*
- f) For an automotive service station;*
- g) For a vehicle repair shop; or,*
- h) For a vehicle sales or rental establishment.*

- d) On a lot containing a garden suite; or

*Garden Suite: A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to a single detached dwelling and that is designed to be temporary and/or portable*

- e) Within a building or structure accessory to a), b) or c) above;

## **5 Do I need a building permit to put in a secondary dwelling unit and how much will it cost?**

Yes, a building permit is required. You should contact the Building Services department at (705) 674-4455 Ext. 4278 to obtain additional information on the requirements to obtain your permit for a secondary dwelling unit or consult the online Information Guide for Homeowners. Building permit fees are calculated by square footage and development charges may be applicable depending on the size of your unit as per the Development Charge bylaw.





## Frequently Asked Questions – Secondary Dwelling Units

### 6 What if I want to build an addition to my house to create a secondary dwelling unit?

An addition or exterior alteration to a primary dwelling to accommodate a secondary dwelling unit is permitted provided that it does not result in the creation of:

- a) An additional entrance to the main building facade that faces a public road;
- b) An additional exterior entrance above the first storey; and
- c) Additional exterior stairs or stairwells for entrances below finished grade along a wall facing a public road.

### 7 What if I want to put a secondary dwelling unit in another building on my property?

Secondary dwelling units are permitted in accessory structures with the following conditions:

Where a secondary dwelling unit is located in all or part of a building accessory to a primary dwelling the secondary dwelling unit:

- a) Shall not be permitted in the form of a mobile home dwelling in all Residential (R), Commercial (C), and “FD”, Future Development Zones;
- b) May be in the form of a mobile home dwelling in a (RU), Agricultural (A) or Rural Shoreline (RS) zones;
- c) In Rural (RU), Agricultural (A) or Rural Shoreline (RS) zones shall:
  - i) have a maximum net floor area of 45 percent of the gross floor area of the primary dwelling on the lot. For the purposes of this Section of Zoning By-law 2010-100Z, net floor area shall be the gross floor area of the accessory building excluding any parking areas within the accessory building; and
  - ii) be located no more than 30 metres from the primary dwelling at their closest.



## Frequently Asked Questions – Secondary Dwelling Units

**8 What if I want to build a new structure with two units on a lot that is only zoned for one unit? Do I have to rezone?**

No, rezoning is not required as long as you can meet the requirements set out in CGS Zoning By-law 2010-100Z for a secondary dwelling unit. This may require a design slightly different from what you had originally intended but doing your research ahead of time can ensure you get the result you want.

**9 Are there any other associated fees for putting in a secondary dwelling unit?**

Yes, other than the building permit fee, possible development charges and plumbing permit there is a one-time registration fee of \$ for your secondary unit.

**10 Do I have to register my secondary dwelling unit?**

Yes. Greater Sudbury Council has enacted By-law # 2016-xx requiring that all secondary units be registered and this information can be found at [www.greatersudbury.ca](http://www.greatersudbury.ca).

**11 Do I need to provide parking for my secondary dwelling unit?**

Yes, you will need to provide a minimum of one additional parking space for your secondary unit that meets the size and location requirements of CGS Zoning By-law 2010-100Z. Contact Building Services at 311 for further information regarding parking requirements.

**12 What if I purchase a house with a secondary unit, how will I know if it's legal?**

The Secondary Unit registry is available at [www.greatersudbury.ca](http://www.greatersudbury.ca). You will be able to access and search the registry to determine whether the unit has been registered or not.



## Frequently Asked Questions – Secondary Dwelling Units

**13 What if the secondary unit has been there for a long time and is not registered?**

The onus of responsibility falls upon the homeowner to provide proof of legal non-conforming status for a pre-existing unit. However, this does not automatically make the secondary unit legal and it would still need to be registered to ensure it conforms to the minimum requirements of Building, Electrical Safety Authority, Fire and life safety regulations, as well as complies with the City of Greater Sudbury Property Standards By-law #2011-277.

**14 Do I need to live in my house to be able to put a secondary dwelling unit in?**

No, as long as you own the home and it meets the criteria of the Secondary Dwelling Unit in the CGS Zoning By-law you can put in a secondary dwelling unit even if you don't reside in the house.

**15. What if I have a duplex on an R2 zone? Do I have to register it?**

No, a duplex is not captured by the Secondary Dwelling Unit Registration By-law as it is already legal by virtue of the existing zoning and building permit.

**16. What if I have a legal second unit? Can I be on the registry?**

If you have a dwelling unit created by site specific zoning by-law amendment, and meet the criteria for secondary dwelling units and have obtained a building permit to create the dwelling unit in compliance with the Ontario Building Code, you are eligible to register your second dwelling unit as part of the Registration of Secondary Dwelling Units By-law.

This will ensure that you have the same benefits of having your legal second dwelling unit listed on the public registry as someone creating a secondary dwelling unit as defined in Zoning By-law 2010-100Z.



## Frequently Asked Questions – Secondary Dwelling Units

### 17. How will delivery and emergency people know what unit to go to?

(1) To signify to emergency responders and wayfinders the presence of a registered Secondary Dwelling, every Owner of a property on which there is a single detached dwelling, a semi-detached dwelling, a row dwelling, a street townhouse dwelling with respect to which a Secondary Dwelling Unit has been registered, shall:

- (a) place or cause to be placed, the letters SU in a location immediately below the municipal street number on the building;; and
- (b) maintain in place or cause to be maintained in place, the letters SU in the the location described in 12(1)(a).

(2) The Owner shall ensure that the letters SU required under subsection 12(1) meet the following requirements. The letters used shall be:

- (a) no less than
  - (i) 3 inches in height if the building setback from the streetline does not exceed 10 feet;
  - (ii) 4 inches in height if the building setback from the streetline does not exceed 30 feet;
  - (iii) 6 inches if the building setback from the streetline does not exceed 50 feet; and
  - (iv) a size approved in writing by the CBO if the building setback from the streetline exceeds 50 feet.
- (b) in printed format, not in cursive;
- (c) in a contrasting color to the background; and
- (d) clearly legible in both daylight and at night, when viewed from the street.

**By-law 2016-\***  
**A By-law of the City of Greater Sudbury for the Registration of  
Secondary Dwelling Units in the City of Greater Sudbury**

**Whereas** subsection 16(3) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, requires municipalities to implement official plan policies authorizing the use of second residential units and subsection 35.1(1) requires that by-laws passed under section 34 give effect to the policies described in subsection 16(3) of the *Planning Act*;

**And Whereas** the City of Greater Sudbury has amended its Official Plan and its comprehensive Zoning BY-law 2010-100Z in order to comply with these requirements of the *Planning Act*;

**And Whereas** subsection 8(1) of the *Municipal Act 2001*, S.O. 2001, c. 25 provides that the powers of a municipality under the *Act* or any other act shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And Whereas** subsection 10(2)6 of the *Municipal Act 2001*, S.O. 2001, c. 25 authorizes a municipality to pass bylaws respecting the health, safety and well-being of persons and the protection of persons and property

**And Whereas** the Council of the City of Greater Sudbury deems it desirable to enact a bylaw to require the registration of secondary dwelling units in the City of Greater Sudbury in order to protect persons, property and the health, safety and well-being of its residents;

**Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:**

**Part 1**  
**Terminology / General**

Terminology

1. For the purposes of this By-law:

"By-law" means this by-law as it may be amended from time to time. The recitals to and the schedules attached to this By-law are considered integral parts of it;

"Chief Building Official" means the person appointed by the City as its Chief Building Official pursuant to the *Building Code Act*, 1992, S.O. 1992, c. 23 and includes his or her authorized designate;

"City" means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury as the context requires;

"Municipal Law By-law Enforcement Officer" includes the CBO, any Municipal By-law Enforcement Officer appointed by Council for the enforcement of this By-law and a duly sworn member of the Greater Sudbury Police Service;

"Person" includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust and a corporation;

“CBO” means the Chief Building Official and includes his or her authorized designate;

“Secondary Dwelling Unit” means a dwelling unit that is ancillary and subordinate to a primary dwelling unit that may be contained within the main building on a lot or in an accessory building, where “dwelling unit”, “primary dwelling unit”, “main building”, and “accessory” have the meaning assigned to such terms as defined in the Zoning By-law;

“User Fee By-law” means the City’s By-law to Establish Miscellaneous User Fees for Services Provided by the City of Greater Sudbury, 2015-8, as amended or replaced from time to time; and

“Zoning By-law” means the City’s Comprehensive Zoning By-law 2010-100Z as amended or replaced from time to time.

### Interpretation

- 2.-(1)** Whenever this By-law refers to a Person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (2) References to items in the plural include the singular, as applicable.
- (3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
- (4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- (5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended, restated or replaced from time to time.
- (6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a non business day, where “business day” means Monday to Friday except a statutory or civic holiday.
- (7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.
- (8) Where this By-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements have been provided in parentheses but are of no force or effect. The abbreviation “mm” stands for millimetres and “m” stands for metres.
- (9) Nothing here authorizes a contravention of the Zoning By-law.
- (10) Terms with capitals shall be read with the meaning in section 1, and other words shall be given their ordinary meaning.

### Severability / Conflict

**3.-(1)** If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

### Application

**4.** This By-law shall apply within the geographic limits of the City.

### Administration/ Delegation

**5.-(1)** The administration of this By-law is assigned to the CBO who is delegated the authority to:

- (a) make all decisions and determinations required of the CBO under this By-law;
- (b) perform all administrative functions, referred to herein and those incidental to and necessary for the due administration and implementation of this By-law;
- (c) establish and amend from time to time, such protocols, procedures and standards and such forms and documents, as the CBO may determine are required to implement and administer this Bylaw; and
- (d) develop, implement and update from time to time programs and processes to increase public awareness and understanding of secondary unit registration issues, procedures, policies and guidelines.

(2) The CBO may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The CBO may continue to exercise any function delegated during the delegation.

(3) The decisions of the CBO are final and not subject to appeal.

### Registration Required

**6.-(1)** Every Owner of a single detached dwelling, a semi-detached dwelling, a row dwelling, a street townhouse dwelling or a building accessory to any of the foregoing, which has a Secondary Dwelling Unit shall register the Secondary Dwelling Unit in accordance with this Bylaw.

(2) No Person shall establish, operate, permit the occupancy of or permit the continuing occupancy of a Secondary Dwelling Unit in a single detached dwelling, a semi-detached dwelling, a row dwelling, a street townhouse dwelling or a building accessory to any of the foregoing unless the Secondary Dwelling Unit is registered in accordance with the requirements of this By-law.

(3) For the purposes of subsections 6(1) and 6(2) “single detached dwelling”, “semi-detached dwelling”, “row dwelling”, “street townhouse dwelling”, and “accessory” each have the meaning assigned to such terms as defined in the Zoning By-law

(4) For clarity, registration pursuant to this section is permitted but not required in circumstances in which:

- (a) an additional dwelling unit was created on or before July 16, 2016 pursuant to and compliant with a site-specific Zoning By-law Amendment; and
- (b) a building permit authorizing the construction of the additional dwelling unit has been issued, final inspections have occurred and there are no outstanding issues under the building permit as it relates to the additional dwelling unit.

(5) In the event of a registration pursuant to subsection 6(4), the dwelling unit shall, for the purposes of this by-law be treated as a Secondary Dwelling Unit, and references to Secondary Dwelling Unit shall include such registered dwelling units.

#### Application for Registration

**7.-(1)** Every applicant for registration under this By-law shall file with the CBO:

- (a) an application in the form established by the CBO from time to time, fully completed and signed by the applicant, declaring the accuracy of the information provided. Where the applicant is a corporation or a partnership, the application shall be signed by a Person who has authority to bind the applicant corporation or partnership;
- (b) the applicable application fee determined in accordance with the User Fee By-law;
- (c) where the applicant is not the Owner of the property on which the Secondary Dwelling Unit is situate, consent of the Owner to the application; and
- (d) such other documents and information as may be identified in the application form, or as the Chief Building Official may require in the circumstances to assess the application or to be satisfied as to compliance with the requirements for registration.

(2) The applicant for registration of a Secondary Dwelling Unit shall bear the onus of providing evidence satisfactory to the CBO that the Secondary Dwelling Unit qualifies for registration.

(3) No application fees shall be refunded to the applicant.



### Refusal to Register

**8.-(1)** The CBO shall refuse to register the Secondary Dwelling Unit unless to the CBO is satisfied that:

- (a) the applicant has filed the application, fees, documents and information required pursuant to section 7; and
- (b) the Secondary Dwelling Unit is compliant with applicable requirements of:
  - (i) the Zoning By-law;
  - (ii) the City's By-law to Prescribe Standards for Maintenance and Occupancy of All Property, By-law 2011-277, as amended or replaced from time to time;
  - (iii) the *Building Code Act*, 1992, S.O. 1992, c. 23 as amended or replaced;
  - (iv) the *Building Code*, O. Reg 332/12 as amended or replaced;
  - (v) the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended and replaced; and
  - (vi) the Ontario Fire Code, O. Reg 213/07, as amended and replaced; and
  - (vii) the Ontario Electrical Safety Code, as amended and replaced; and
  - (viii) any other applicable law.

(2) For clarity, compliance with the Zoning By-law need not be provided where the applicant provides evidence that the CBO has made a determination that the use of the Secondary Dwelling Unit is a legal nonconforming use.

### Notice of Decision

**9.-(1)** The CBO shall provide written notification of any refusal of an application for registration under this By-law and the reasons for the application. Notice may be given in person, or mailed by registered mail to the applicant at the address for the applicant shown in the application.

(2) The decision of the CBO shall be final.

(3) Nothing prevents a Person from re-applying for registration of a Secondary Dwelling Unit after a refusal to register or revocation of a registration. A re-application shall be treated as a new application, and processed in accordance with section 7.

(4) Once registered, the Secondary Dwelling Unit shall remain registered unless the registration is revoked.

### Registry

**10-(1)** The CBO shall maintain and keep current, a register of Secondary Dwelling Units registered under this By-law, including:

- (a) the address of the property where the Secondary Dwelling Unit is situate;
- (b) a description of the where the Secondary Dwelling Unit is to be found on the property;
- (c) the date of registration;
- (d) the date and other particulars of any revocation of the registration; and

(e) such other information as the CBO shall determine.

(2) The register shall be available to the public in a form and in a manner determined by the CBO from time to time.

#### Revocation of Registration

**11.-(1)** The CBO shall revoke the registration of a Secondary Dwelling Unit:

- (a) if, in the opinion of the CBO:
  - (i) the registration was based in whole or in part on false information;
  - (ii) the registration was made in error;
  - (iii) the Secondary Dwelling Unit no longer qualifies for registration under this By-law, for any reason; or
- (b) upon written request of the Owner supported by evidence satisfactory to the CBO that the Secondary Dwelling Unit has been demolished or converted such that it can no longer be used as a Secondary Dwelling Unit.

(2) Where an Owner applies under paragraph 11(1)(b), nothing herein releases the Owner from obtaining such permits as may be required to demolish or convert a former Secondary Dwelling Unit such that it is no longer a residential dwelling unit.

(3) Where the CBO revokes a registration, whether on his or her own initiative, or at the request of the Owner, the CBO shall advise the Owner in writing. Notice may be given by regular mail, mailed to the address for the Owner as shown in the tax rolls for the Two-Unit House in which the Secondary Dwelling Unit was located. The notice shall include the reason for the revocation and the effective date of the revocation. The revocation is not dependent upon notice being received.

#### Identification

**12.-(1)** To signify to emergency responders and wayfinders the presence of a registered Secondary Dwelling, every Owner of a property on which there is a single detached dwelling, a semi-detached dwelling, a row dwelling, a street townhouse dwelling with respect to which a Secondary Dwelling Unit has been registered, shall:

- (a) place or cause to be placed, the letters SU in a location immediately below the municipal street number on the building; and
- (b) maintain in place or cause to be maintained in place, the letters SU in the location described in 12(1)(a).

(2) The Owner shall ensure that the letters SU required under subsection 12(1) meet the following requirements. The letters used shall be:

- (a) no less than
  - (i) 3 inches in height if the building setback from the streetline does not exceed 10 feet;
  - (ii) 4 inches in height if the building setback from the streetline does not exceed 30 feet;
  - (iii) 6 inches if the building setback from the streetline does not exceed 50 feet; and
  - (iv) a size approved in writing by the CBO if the building setback from the streetline exceeds 50 feet.
- (b) in printed format, not in cursive;

- (c) in a contrasting color to the background; and
- (d) clearly legible in both daylight and at night, when viewed from the street.

#### Enforcement - No Obstruction Etc.

13. This By-law may be enforced by any Municipal By-Law Enforcement Officer.

#### Right of Entry - Inspection

14.-(1) A Municipal By-law Enforcement Officer acting pursuant to this By-law may, at any reasonable time, enter and inspect any property, for the purpose of carrying out an inspection to determine whether there is compliance with any one or more of the following:

- (a) the requirements of this By-law;
- (b) an order made pursuant to this By-law or the *Municipal Act, 2001*; or
- (c) an order made pursuant to section 431 of the *Municipal Act, 2001*.

(2) A Municipal By-law Enforcement Officer shall not enter a place being used as a dwelling unless:

- (a) the consent of the owner or occupant is first obtained, ensuring the owner or occupant is first advised that entry may be denied and in such circumstance, entry can only occur thereafter under authority of a warrant;
- (b) a warrant issued under section 158 of the *Provincial Offences Act* is obtained;
- (c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
- (d) a warrant is issued under subsection 386.3 of the *Municipal Act, 2001* is obtained;
- (e) an order issued under section 438 of the *Municipal Act, 2001* is obtained; or
- (f) the delay necessary to obtain a warrant or the consent of the Owner or occupant would result in the immediate danger to the health or safety of any person.

(3) For the purposes of conducting an inspection, a Municipal By-law Enforcement Officer may, in accordance with the provisions of section 436 of the *Municipal Act, 2001*:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) 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.

(4) A Municipal By-law Enforcement Officer performing a duty under this By-law may be accompanied by a Person under his or her direction.

#### No Obstruction

**15.-(1)** No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

(2) Any Person who provides false information to a Person exercising a power or performing a duty under this By-law shall be deemed to have hindered or obstructed such Person in the performance of his or her duty.

#### Offence

**16-(1)** Every Person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of subsection 16(1), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) If an order has been issued under this By-law and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day that the order is not complied with.

(4) For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.

(5) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this By-law.

(6) If a Person is convicted of an offence pursuant to this By-law the potential for receiving an economic advantage from a Secondary Dwelling Unit in a Two-Unit House that is not registered pursuant to this By-law may be considered an aggravating factor for sentencing purposes which may attract a special fine.

#### Order to Discontinue

**17.** Where the Municipal By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Municipal By-law Enforcement Officer may make an order requiring the Person who contravened this By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention, the location of the land on which the contravention is occurring and the date by which there must be compliance.

#### Service of Orders

**18.** Service of an Order issued under section 17 shall be given to each Person, by delivering personally to the Person or by mailing to an Owner by registered mail at the address shown in the tax records for the City as the address for mailing tax bills. Service will be deemed effective upon delivery, or on the fifth day after mailing, whether or not it is actually received.

#### Comply with Order

**19.** Every Person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

#### Prohibition Order

**20.** When a Person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

#### Attendance Fee

**21.-(1)** An enforcement attendance fee in an amount determined in accordance with the User Fee By-law then in effect shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a Municipal By-law Enforcement Officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
- (b) in the event that a Municipal By-law Enforcement Officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.

(2) Any fee under subsection 20.(1) shall be payable:

- (a) in accordance with the provisions of the User Fee By-law; and
- (b) in addition to any fine levied upon conviction of an offence under this By law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction.

#### Confidential Information

**22.-(1)** The CBO is authorized to collect personal information for the purposes of administering this By-law.

(2) All information submitted to and collected by the City in accordance with this By-law shall, unless the City Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(3) In the event that any Person is submitting information to the City or to the CBO in any

form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the CBO and shall provide sufficient details as to the reason for its purported exemption from disclosure.

Short Title

**23.** This Bylaw may be referred to as the “Secondary Dwelling Unit Registration By-law”.

Effective

**24.** This By-law comes into force and effect .

**READ AND PASSED IN OPEN COUNCIL this \* day of \*, 2016**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

need to amend the user fee bylaw as well to create or update the applicable fees  
advise finance of the new fees – work with them as to how the bylaw to be updated

need to create:

- application forms for application
- form of the register
- form of any letters to advise of outcome of application, etc
- procedure guidelines and process piece / standard form letters
- public education piece

draft