

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 044-21

A By-law of The Corporation of the Town of Innisfil to Register Accessory Dwelling Units and to repeal By-law No. 017-16

WHEREAS section 8 and 11 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that municipalities may pass by-laws respecting matters including but not limited to the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of persons and property; and

WHEREAS the Council of the Corporation of the Town of Innisfil deems it necessary to pass a by-law requiring the registration of accessory dwelling units, as permitted in the Town of Innisfil's Zoning By-Law 080-13, as amended; and

WHEREAS it is now deemed necessary to update and repeal By-Law 017-16 and replace it with this By-Law.

NOW THEREFORE the Council of the Corporation of the Town of Innisfil enacts as follows:

1.0 DEFINITIONS

"By-law" means this By-law of the Town of Innisfil to register Accessory Dwelling Units that are in full compliance with the applicable standards of the Town's Zoning By-Law, or any applicable Community Planning Permit System, the Ontario Building and Fire Code's, and the Town's Building Maintenance By-Law (No. 035-18, as amended), and may be referred to as the Accessory Dwelling Units Registration By-Law.

"Inspector" means an employee of the Town or a person or persons appointed by the Town whose duties include the inspection(s) of buildings or the enforcement of the Ontario Building Code, Ontario Fire Code, the Town's Zoning By-law or the Town's Building Maintenance By-law or any Regulations, Codes or Standards which are applicable under the noted regulations.

"Order" means an order to discontinue the use of the Accessory Dwelling Unit in accordance with Section 9 of this By-law.

"Owner" means the registered owner on title to the property.

"Principal Dwelling" means the principal residential dwelling unit on the property that the Accessory Dwelling Unit(s) will be accessory to.

"Registrar" means the Community Development Standards Branch of The Corporation of the Town of Innisfil, or any employee of the Town appointed by the Chief Building Official to administer this By-law.

"Registration" means the process to register Accessory Dwelling Units for inclusion onto the Registry, in accordance with this By-law.

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"**Registry**" means the written or computerized public record established and maintained by the Registrar which contains a list of all Accessory Dwelling Units that are registered with the Town.

"**Accessory Dwelling Unit**" is defined in the Town's Zoning By-Law, as amended and means a self-contained **dwelling unit** that is physically detached, attached, and/or within the **principal dwelling** on a **lot**.

"**Town**" means The Corporation of the Town of Innisfil.

2.0 PROHIBITION

- 2.1 No **Owner** shall establish, operate, or permit the occupancy or tenancy of an Accessory Dwelling Unit unless the Accessory Dwelling Unit is registered with the Town's Registry in accordance with this **By-law** and in compliance with the applicable standards outlined in Section 3 of this **By-Law**.

3.0 STANDARDS

- 3.1 Prior to the Registration of an Accessory Dwelling Unit, the **Owner** shall obtain a building permit from the Community Development Standards Branch and complete all required construction and inspections through to an acceptable Notice of Completion to close the building permit. This will ensure full compliance with the applicable standards of:

- (a) the Town's Zoning By-Law, as amended,
- (b) the Ontario Building Code, as amended;
- (c) the Ontario Fire Code, as amended; and,
- (d) the Town's Building Maintenance By-law, as amended.

- 3.2 Notwithstanding Section 3.1 (a) of this **By-law**, where the **Owner** has provided documentation to the Town's satisfaction and a declaration to the Town, as part of their building permit application, that the Accessory Dwelling Unit was created prior to November 16, 1995, the provisions for Accessory Dwelling Units set out in the Town's Zoning By-Law, as amended, shall not apply.

4.0 REGISTRATION

- 4.1 Every **Owner** who operates or permits the occupancy of an Accessory Dwelling Unit shall register, or cause the registration of the Accessory Dwelling Unit with the Registrar as required under this **By-law**. Once it has been registered, the Accessory Dwelling Unit shall remain registered, unless the Registration is revoked by the Town as identified under this **By-law**.

5.0 ADDRESSING AND SIGNAGE

- 5.1 Prior to requesting a Notice of Completion inspection for the building permit, an accessory municipal address of 'Unit 2', or 'Unit 3', as applicable, must be affixed to the Accessory Dwelling Unit, as specified in this section, or in any future Town Addressing

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and/or Signage By-Law(s), to indicate that it is registered in accordance with this **By-law**.

- 5.2 The **Owner** shall affix and display the accessory address of 'Unit 2', or 'Unit 3', as applicable, on the outside of the building, beside or above the primary entrance into the Accessory Dwelling Unit. It must be a minimum of four (4) inches high and clearly visible within a reasonable distance of the front, side, or rear lot line that the primary entrance faces.
- 5.3 If the primary entrance to the Accessory Dwelling Unit is accessed from a common hallway or stairway inside of the **Principal Dwelling**, the accessory address of 'Unit 2', or 'Unit 3', as applicable, shall be affixed and displayed on the outside of, either beside or above the door that provides direct access to the Accessory Dwelling Unit.
- 5.4 If the primary entrance to the Accessory Dwelling Unit is accessed from the inside of a garage, the accessory address of 'Unit 2', or 'Unit 3', as applicable, shall be affixed and displayed on the outside of and located either beside or above the vertically swinging door that provides direct outdoor access from the garage.

6.0 DUTIES OF THE REGISTRAR

- 6.1 The Registrar shall process the Registration of Accessory Dwelling Units.
- 6.3 Upon being notified by the **Inspector(s)** that an Accessory Dwelling Unit building permit has received an acceptable Notice of Completion inspection and the building permit is closed, thereby confirming the Accessory Dwelling Unit complies with the applicable standards listed in Section 3.1 of this **By-law**, the Registrar shall record in the Registry the following information:
 - (a) the name and contact information of the **Owner**;
 - (b) the municipal address of the **Principal Dwelling** that the Accessory Dwelling Unit is accessory to;
 - (c) the municipal address that has been assigned to the Accessory Dwelling Unit;
 - (d) the date the Accessory Dwelling Unit was registered in the Registry; and
 - (e) any other relevant information deemed to be applicable to the Registration of the Accessory Dwelling Unit.
- 6.4 Upon registration of an Accessory Dwelling Unit in the Registry, the Registrar shall send written notice advising that the Accessory Dwelling Unit is now registered with the Town to the following:
 - (a) the **Owner**;
 - (b) Town of Innisfil Fire Department;
 - (c) Town of Innisfil Building Department;

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- (d) Town of Innisfil Planning Department;
- (e) Town of Innisfil Engineering Department;
- (f) Town of Innisfil Information Technology Department;
- (g) South Simcoe Police Services;
- (h) County of Simcoe Waste Management Department;
- (i) Innisfil Hydro;
- (k) any other departments, agencies or organizations as deemed to be relevant by the Registrar.

6.5 The Registrar shall maintain and keep records pertaining to the Registration for Accessory Dwelling Units, including the Registry.

7.0 REFUSAL AND REVOCATION OF REGISTRATION

7.1 The Registrar shall refuse to register any Accessory Dwelling Unit when any of the requirements set out under this **By-Law** are not met. A decision by the Registrar to refuse or revoke a Registration shall cause the forfeiture of any application fees.

7.2 The Registrar may revoke the Registration of any Accessory Dwelling Unit which;

- (a) at any time after being registered, ceases to meet any standard set out in Section 3.1 of this **By-law**;
- (b) was issued based on mistaken, false or incorrect information;
- (c) was issued in error; or
- (d) at the request of the **Owner**, upon valid documentation and an inspection by an **Inspector** (if applicable) that the use and operation of the Accessory Dwelling Unit has been removed from the property.

7.3 Where the Registrar intends to revoke the Registration of any Accessory Dwelling Unit, the Registrar shall give notice of intent to revoke the Registration no later than sixty (60) days prior to the date of revocation. The Registrar shall send written notice to the **Owner** of the Accessory Dwelling Unit advising of the revocation and setting out the reason for the revocation. If the **Owner** does not make the corrections or changes as required in the written notice prior to the date identified, the Registration of the Accessory Dwelling Unit shall be revoked. The Registrar shall advise the parties listed in Section 6.4 of any Accessory Dwelling Unit that has had its Registration revoked.

7.4 Where the Registrar has revoked a Registration, the **Owner** can re-apply for Registration in accordance with this **By-law** by obtaining a new building permit.

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8.0 INSPECTIONS AND POWER OF ENTRY

- 8.1 No person shall hinder, obstruct, or attempt to hinder or obstruct, any **Inspector** who is exercising a power or performing a duty under this **By-law**.
- 8.2 An **Inspector** may enter on land at any reasonable time for the purpose of carrying out an inspection of the land, building or structures on the property to determine whether or not the following are being complied with:
- (a) this **By-law**;
 - (b) the building permit to construct the Accessory Dwelling Unit;
 - (b) a condition of a site alteration permit issued;
 - (c) an **Order** of the Town made under this **By-law**; or
 - (d) an order made under s. 431 of the *Municipal Act, 2001*, as amended.
- 8.3 For the purposes of conducting an inspection pursuant to the policies of this **By-law**, an **Inspector** may, in accordance with the provisions in s. 436 of the *Municipal Act, 2001*, as amended:
- (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 purposes of the inspection.
- 8.4 An **Inspector** may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.
- 8.5 The Town's power of entry may be exercised by:
- (a) an employee, officer or agent of the Town;
 - (b) a member of a police force having jurisdiction; or
 - (c) any person acting under the direction of a member of a police force having jurisdiction.

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9.0 ORDER TO DISCONTINUE

9.1 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 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.

9.2 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**.

9.3 Any person who contravenes an **Order** to discontinue is guilty of an offence.

9.4 The **Order** shall be served personally on the **Owner** of the Accessory Dwelling Unit or by registered mail to the **Owner** of the Accessory Dwelling Unit at the address of the **Principal Dwelling** and/or the address supplied on the Town's tax roll.

10.0 OFFENCE

10.1 Every person who contravenes a provision of this **By-law**, including an **Order** issued under this **By-law**, is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*.

10.2 If there is a contravention of any provision of this **By-law**, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.

10.3 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 or part of a day that the **Order** is not complied with.

10.4 For purposes of this **By-law**, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this **By-law**, then the offence is designated as a multiple offence.

10.5 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.

11.0 PENALTY

11.1 Every person who is guilty of an offence under this **By-law** on conviction is liable to the following penalties:

- (a) upon a first conviction, the minimum fine shall be \$350.00 up to a maximum fine of \$100,000.00;

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- (b) upon any subsequent conviction, the minimum fine shall be \$500.00 up to a maximum of \$100,000.00.
- (c) upon conviction for a continuing offence, the minimum fine shall be \$500.00 up to a maximum of \$10,000.00 for each day or part of a day that the offence continues;
- (d) upon conviction for a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500.00 up to a maximum of \$10,000.00.

12.0 EFFECT

12.1 This **By-Law** will be enacted and take effect immediately upon its adoption by the Council of the Town of Innisfil.

PASSED THIS 2ND DAY OF JUNE, 2021

Lynn Dollin, Mayor

Lee Parkin, Clerk