

# THE CORPORATION OF THE TOWN OF MILTON

## BY-LAW NO. xxx- 2025

BEING A BY-LAW TO PROVIDE FOR THE REGISTRATION OF ADDITIONAL RESIDENTIAL UNITS.

**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“*Municipal Act, 2001*”) provides that the powers of a municipality 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** Section 11(2) of the *Municipal Act, 2001*, as amended, permits a lower-tier municipality to pass by-laws respecting matters, such as the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** Subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 426 of the *Municipal Act, 2001*, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act;

**AND WHEREAS** Subsection 429(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for a by-law passed under the Act;

**AND WHEREAS** Subsection 436(1) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

**AND WHEREAS** Section 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

**NOW THEREFORE** the Council of The Corporation of the Town of Milton hereby enacts as follows:

### 1 SHORT TITLE

1.1 This By-law may be cited as the “Additional Residential Unit Registration By-law”.

## 2 SCOPE AND INTERPRETATION

- 2.1 Where the provisions of this By-law conflict with the provision of any other By-law in force in the *Town*, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 2.2 In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

## 3 DEFINITIONS

- 3.1 For the purposes of this By-law the following terms are defined and referenced in italics within:

“Additional Residential Unit” means a self-contained dwelling unit that is subordinate to a principal dwelling unit in a detached dwelling, semi-detached dwelling, semi-link dwelling, or townhouse dwelling and is located within the same building, or within an accessory building on the same lot, as the principal dwelling unit;

“APS By-Law” shall mean the Administrative Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

“Applicant” means any *person* applying for a *Licence* under this By-law;

“Continues” or “continued” with respect to a contravention, shall have the same meaning as in the APS By-Law;

“Dwelling Unit” means a room or group of rooms designed, occupied, or capable of being occupied as a single, self-contained housekeeping unit which contains separate sanitary facilities, living quarters, and cooking facilities;

“Dwelling, Detached” means a building containing not more than one dwelling unit, exclusive of any accessory additional dwelling unit(s);

“Dwelling, Semi-Detached” means a building divided vertically by a common wall into two dwelling units above grade, exclusive of any additional dwelling unit(s);

“Dwelling, Semi-link” means two detached dwellings which are only attached below grade, exclusive of any accessory dwelling unit additional dwelling unit(s);

“Dwelling, Townhouse” means a building divided vertically by common walls into three (3) or more dwelling units above grade, exclusive of any additional dwelling unit(s), whereby each dwelling unit has an independent entrance into the unit from the outside and whereby each unit has access to the rear yard;

“Officer” means a Provincial Offences *Officer*, Municipal Law Enforcement Officer of the *Town*, Fire Prevention Inspector or any other person appointed by or under the authority of a *Town* By-law to enforce this By-law;

“Owner” means any person who is the registered or beneficial *Owner* of a *property* or who leases, rents, occupies, maintains, manages, receives rent from or otherwise controls a *property*;

“Penalty Notice” means” a notice issued pursuant to the Town’s APS By-Law

“person” includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

“Principal Residence” means a *dwelling unit* owned or rented by a natural *person*, either alone or jointly with others, where the person is ordinarily resident of the *dwelling unit*;

“Property” includes all land, buildings and structures within the legal boundary lines of a *property*, including without limitation, yards, parts of a building or structure, mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant *property*, real *property* and chattel;

“Register” means the public record of *Additional Residential Units* registered under this by-law;

“Registrar” means the Town Clerk or the Town Clerk’s Official’s designate;

“*Town*” means the Corporation of the *Town* of Milton; “*User Fees By-Law*” means the applicable *Town* by-law setting the user fees in respect of the *Additional Residential Units*;

“*Zoning By-law*” means the applicable in force zoning by-law of the *Town* as amended from time to time.

#### **4 PROHIBITION**

4.1 Every *Owner* of a *Property* with one or more *Additional Residential Unit(s)* shall register the *Additional Residential Unit(s)* under this by-law and renew the registration on an annual basis.

#### **5 REQUIREMENTS FOR REGISTRATION**

5.1 In applying to have an *Additional Residential Unit* registered or a registration renewed under this by-law, the owner shall provide the following to the Registrar:

(a) a complete application in the form required by the *Registrar*

- (b) a floor plan for all dwelling units showing existing rooms and spaces, and identifying the use of each room and space
- (c) any other documents deemed necessary by the *Registrar* to confirm compliance with applicable laws

5.2 The Owner shall bear the onus of providing to the *Registrar* that the *Owner's Additional Residential Unit* meets all applicable requirements for registration under this By-law, for greater certainty, an Additional Residential Unit may still qualify for registration under this By-law despite being part of a legal non-conforming use.

5.3 Every *Additional Residential Unit* shall be inspected as required to ensure that it complies with all relevant standards determined to be applicable, including but not limited to, the Ontario Building Code; Ontario Fire Code; applicable Zoning By-law; and Property Standards By-law, all as amended from time to time;

5.4 An *Owner* who applies to have an *Additional Residential Unit* registered under this by-law, shall pay all applicable fees or charges pursuant to the *Town's User Fees By-law* for all documentation required for registration.

## **6 REFUSAL and REVOCATION**

6.1 On an application to register an *Additional Residential Unit* or renew a registration, the *Registrar* may arrange for such inspections or make such inquiries as the *Registrar* deems necessary prior to the time of registration, or renewal of registration.

6.2 *The Registrar* may refuse to register, or register renewal, any *Additional Residential Unit* which does not meet the requirements set out in this By-law, the Ontario Building Code; Ontario Fire Code; applicable Zoning By-law; and Property Standards By-law. The *Registrar* may revoke the registration, or registration renewal, of any *Additional Residential Unit, which*, at any time after registration, ceases to meet these requirements.

6.3 *The Registrar may set conditions* in approving a registration or renewal.

## **7 NOTIFICATION of REVOCATION**

7.1 Where the *Registrar* revokes the registration, or registration renewal, of an *Additional Residential Unit*, they shall notify the *Owner* of the *Additional Residential Unit* of such revocation and provide a brief explanation of the reason for the revocation.

7.2 Prior to revocation under s. 7.1, the *Registrar* shall provide written notice to the *Owner* describing the nature of the deficiency that gives rise to the potential revocation and allowing 30 days for the deficiency to be corrected.

7.3 Notice may be sent by regular mail to the address of the *Additional Residential Unit*, or the address of the *Owner* of the *Additional Residential Unit*.

## **8 INSPECTIONS AND ORDERS**

8.1 An Officer may at any reasonable time, enter upon and inspect the land of any person to ensure that the provisions of this By-law are complied with, in accordance with section 436(1) of the Municipal Act, 2001, S.O. 2001, c. 25 .

8.2 For the purposes of conducting an inspection pursuant to this By-law, an *Officer* may:

- (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.

8.3 Any cost incurred by the *Town* in exercising its authority to inspect, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the *owner* of the *property* where the inspection takes place.

8.4 No *person* shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an *Officer* who is lawfully exercising a power or performing a duty under this By-law.

8.5 Where an *Officer* has reason to believe that any provision of this By-law has been contravened, the Officer may issue an Order requiring the *Owner* to do work or take action to correct the contravention.

8.6 An Order under subsection 8.5 shall include:

(a) the 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 and the work to be done or the conduct to be discontinued by that date.

8.7 Every person shall comply with an Order made pursuant to subsection 8.6.

8.8 No person who has notice or knowledge of an Order shall assist in any way in the violation contravention of the terms of an Order, regardless of whether said person

is named in the Order. Where the person or persons to whom an Order is issued fails to perform the work or action required by the Order within the time stipulated in the Order, the Town may without further notice perform such work or action as it deems appropriate.

8.9 Where the Town undertakes work or any action or work pursuant to subsection 8.8, the person or persons shall be jointly and severally responsible for all costs of the Town incurred in the exercise of the powers thereunder, including administrative costs and interest. Such costs, as determined by the Town, shall constitute a charge under the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, and may be added to the tax roll of any property held by the Licensee the owner, or other person in the manner provided for therein.

## **9 SERVICE**

9.1 Any notice, Order or other document under this By-law may be served by any of the following means:

- (a) delivered personally;
- (b) in the case of an Order, posted on the property that is subject to the Order;
- (c) emailed to the last known email address of the person to whom the notice, Order or document is directed;
- (d) deposited in the mailbox or mail slot of the person to whom the notice, Order or document is directed;
- (e) sent by prepaid regular mail to the last known address of the person to whom notice, Order or document is directed; or
- (f) sent by registered mail to the last known address of the person to whom notice, Order or document is directed.

9.2 Where service is effected by:

- (a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
- (b) registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- (c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited; or
- (d) service by multiple means, it shall be deemed effective on earliest applicable date set out in this section.

9.3 Where an Order is posted, no person may remove the Order without the written authorization of the Town.

## **10 PENALTY**

10.1 Any *person* who contravenes any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine of not less than \$500 and not more than \$50,000, except as provided in subsection 10.2.

10.2 Where the contravention *continues* for more than one day, a Person convicted of a continuing offense is liable to a fine of no less than \$500 and no more than \$10,000 for each day or part of a day on which the offence occurs or continues.

## 11 ADMINISTRATIVE MONETARY PENALTIES

11.1 An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a registration, or order, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 1 of the following table for the applicable contravention:

<b>Column</b>	<b>1</b>	<b>2</b>
<b>Occurrence</b>	<b>Administrative Penalty <i>per</i> Contravention</b>	<b>Minimum Penalty <i>per</i> Contravention</b>
First Penalty Notice	\$ 600.00 for each day that the contravention occurred or <i>continued</i>	\$150.00 for each day that the contravention occurred or <i>continued</i>
Second Penalty Notice	\$1,000.00 for each day that contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i>	\$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i>
Third and subsequent Penalty Notice	\$2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i>	\$500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i>

- 11.2 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 30 days of the date of *issuance*.
- 11.3 *Where a Penalty Notice* has been canceled under the *APS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 11.1 of this By-Law.
- 11.4 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.
- 11.5 Other than as set out in subsection 11.4 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

## **12 SEVERABILITY**

- 12.1 If a court of competent jurisdiction declares any section or part of this by-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

## **13 EFFECT**

- 13.1 This By-law shall come into force and effect on March 17, 2025.

**PASSED IN OPEN COUNCIL ON MARCH 17, 2025.**

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Gordon A. Krantz Mayor

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Meaghen Reid Town Clerk