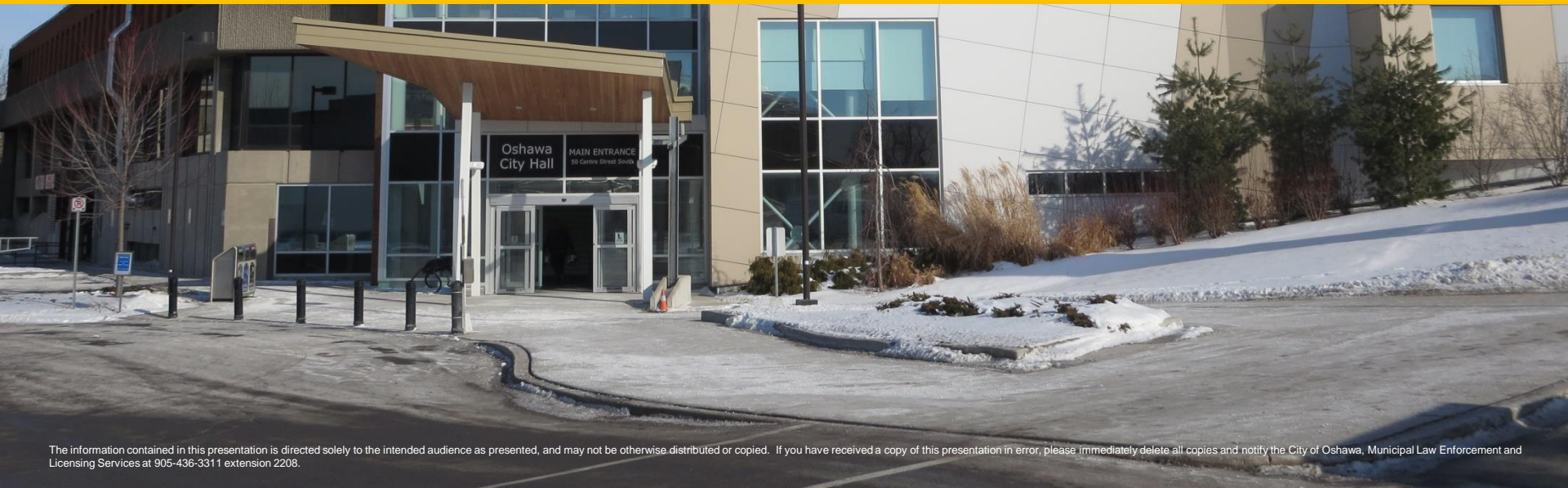




City of Oshawa

Accessory Apartment and Rental Housing Information Session



Information Session Overview

1. Accessory Apartments

- Background
- Legislation and Standards (Provincial and Municipal)
- Registration
- Different processes involved
 - Existing Accessory Apartments
 - New Construction
 - Excluded area

Discussion

2. Residential Rental Housing Licensing

- Background
- Municipal By-law
- Application Process
- Exemptions

Discussion



Accessory Apartments

Why Register?

1. Registration is a means to keep track of lawful and approved Accessory Apartments. The process also includes provisions for inspections relating to basic safety and residential occupancy standards, including:
 - Fire Code Inspections
 - Property Standards Inspections
 - Building Code Inspections, as applicable, and
 - Electrical safety/Furnace Inspections
2. Registration helps the municipality defer complaints about illegal Accessory Apartments.
3. It assists with municipal planning and services (i.e. waste collection, emergency services planning).
4. It is an education process for owners and tenants.



Accessory Apartment

What is it?

What is an Accessory Apartment?

- It is a self contained dwelling unit that has been added to a building originally constructed with only one self contained dwelling unit.
- An Accessory Apartment is not contained in a Duplex

Common terms also used to describe an Accessory Apartment

- Second unit
- Basement apartment
- Secondary apartment
- Secondary suite
- In-law suite
- Apartments in Houses



Accessory Apartment vs Two Unit House

What is a Two Unit House?

- It is a term that evolved from Bill 120 in the early 1990's
- A residential building originally constructed with only one dwelling unit; and
- Where a self contained dwelling unit has been added after original construction (creating two units)

Under Bill 120 Two Unit Houses are permitted in:

- A Single Detached Dwelling
- A Semi Detached Dwelling and
- A Rowhouse (street townhouse)



Two Unit House Evolution

Two Unit House

- Bill 120 permitted Apartments in Houses with no start or end points in relation to eligibility
- Bill 20 (passed after Bill 120) established a cut off date of November 16, 1995 for houses to have Accessory Apartments added to an existing single, semi or townhouse
- Bill 20 also created the process for registration.



Single Family Dwelling w/Accessory Apartment



Accessory Apartments

“Provincial Legislation Timelines”

Bill 120

Resident's Rights Act, 1994

- Establishes policies, provisions and standards
- Basic expectations set out in provincial legislation
- Expands the opportunity for two units in existing houses

Bill 140

Strong Communities through Affordable Housing Act, 2011

- Requires the establishment of Official Plan and Zoning criteria to provide for second units (sheltered from OMB appeal)
- May allocate suitable areas

Bill 20

Land Use Planning and Protection Act, 1995

- Provincial Standards applied to Apartments in Houses
- Restores ability to restrict where apartments are permitted
- Units occupied on or before November 16, 1995 and which meet standards may qualify to remain based on specific criteria

Accessory Apartments

“City of Oshawa Timeline”

Generally Legal Non Conforming Use has been considered as being 1957 and prior

Accessory Apartments created from 1957 to early 1994 must comply with Zoning

Two-Unit House Registration By-law Approved September 2001

Zoning By-law permitted as “Converted Dwellings” in certain zones 1994-2014

New Accessory Apartment Zoning Regulations Passed in 2014 By-law 89-2014



What do I need to know if I want to Register my Two-Unit House/Accessory Apartment?

Will my second unit qualify for registration?

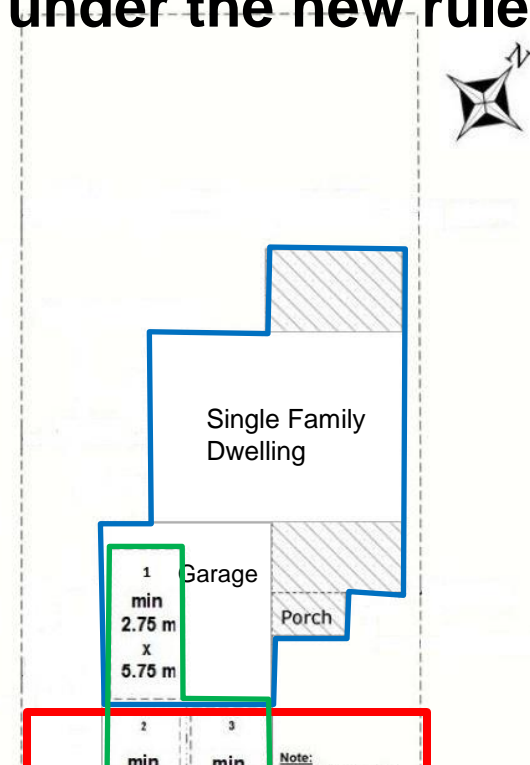
- Does it comply with the standards created by Bill 120 and Bill 20 (1994-2014)?
- Does it comply with Fire Code?
- Does it comply with the Zoning By-law (as amended in 2014)?
- If it is an existing two unit house can I provide proof regarding how long that the second dwelling unit existed?
- Can I describe how both dwellings were designed/laid out in the building (including exits)?
- Was there a building permit to change the use? (if the unit exists presently)?
- If you are creating a new Accessory Apartment the Registration will be the end result of a successful Building Permit process.

Registering a Two-Unit House

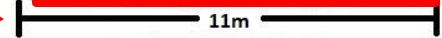
New Zoning Regulations (2014 and forward)

Will a second unit qualify for registration under the new rules?

- ✓ The house is a single detached or semi-detached house and is used for residential purposes; **This is a change**
- ✓ Three vehicles can be parked on the property in compliance with Zoning By-law 60-94, as amended; **This is a change**
- ✓ The property has a minimum 11m frontage; **This is a change**
- ✓ The house is connected to the municipal sewer system or a septic system that has capacity for such a use; **This is a change**



- If the second unit existed on June 23, 2014, the previous parking and frontage regulations (2 spaces) will be applied if the two-unit registration application is submitted during the transition period ending June 23, 2016.

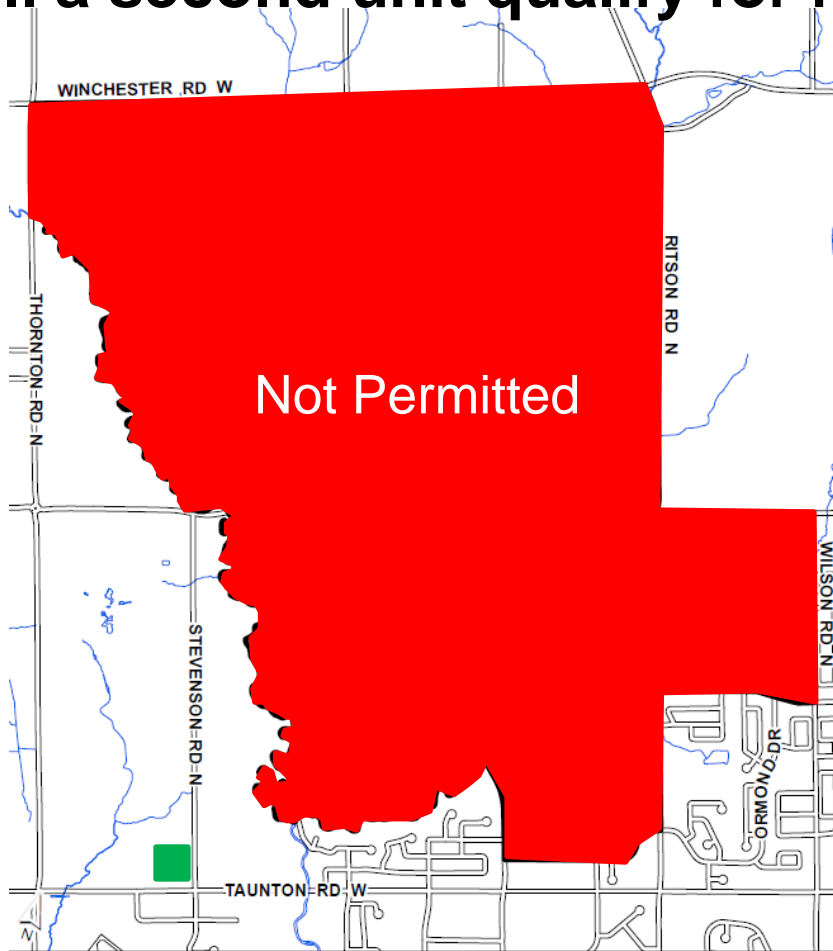


Registering a Two-Unit House

New Zoning Regulations (2014 and forward)

...continued

Will a second unit qualify for registration?



- This area does not permit the creation of new two unit houses as per **Schedule “H” of the Zoning By-law**. **This is a change**

Legend:

 Area subject to Article 5.12.5 of this By-law

Schedule H
Accessory Apartments
Restricted Area

Registering a Two-Unit House

New Zoning Regulations (2014 and forward)

Will a second unit qualify for registration?

- ☑ If new, a building permit must be obtained
- ☑ Meets minimum ceiling height(s);
- ☑ Each bedroom must have natural light;
- ☑ Existing unit must pass inspections related to Property Standards and Fire Code;
- ☑ Must be a smoke alarm in each bedroom and each hallway leading to bedrooms;



This is a one-time application

Accessory Apartment Process for Registering a Two-Unit House Post 2014

- Existing Unit

- Unit was installed with a building permit or has a Fire Code 9.8 Retrofit
 - Application completed and submitted to Licensing with a \$250 fee
 - Application reviewed for accuracy and being complete
 - Compliance inspections related to:
 - Fire Code
 - Property Standards
 - Parking
 - Electrical Safety Authority and possibly furnace
 - Final registration
 - Certificate issued and registered with the City upon satisfying all criteria

Note : There is no annual fee but the owner(s) is/are required to maintain the dwelling units in compliance with applicable standards on a go forward basis.



Accessory Apartment Process for Registering a Two-Unit House Post 2014

- Existing Unit

- Unit was installed without a building permit
 - Completed application submitted to MLELS with \$250 fee
 - Proof of existence must be provided for either:
 - November 16, 1995, or
 - June 23, 2014
 - (Responsibility of the applicant)
 - Application reviewed for accuracy and being complete
 - Compliance inspections related to:
 - Fire Code
 - Property Standards – may require a building permit to bring deficiencies into compliance
 - Parking
 - Electrical Safety Authority
 - Final registration
 - Certificate issued and registered upon satisfying all criteria

Note : There is no annual fee but the owner is required to maintain the dwellings in compliance with applicable standards.



Accessory Apartment Process for Registering a Two-Unit House Post 2014

- **New Dwelling Unit**

- Complies with new zoning provisions and standards
- Building Permit Application completed and submitted with associated fees
- Application reviewed by Building Services
 - Compliance inspections related to:
 - Building Code
 - Electrical Safety Authority
 - Other inspections by Fire Services or Property Standards will be conducted in the existing dwelling.
- Final registration
 - Certificate issued and registered upon final occupancy approved by Building Inspector

Note : There is no annual fee but the owner(s) is/are required to maintain the dwellings in compliance with applicable standards on a go forward basis.



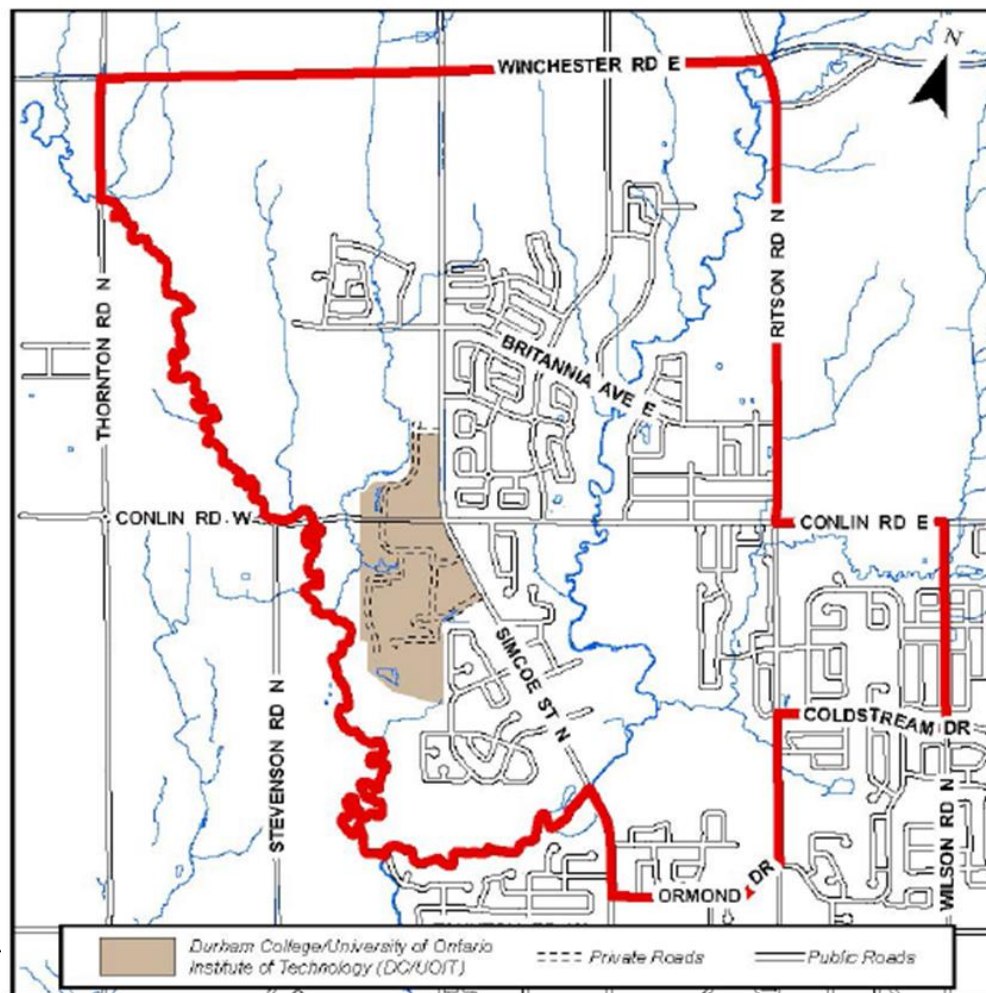
Accessory Apartments in Oshawa

Discussion?



Residential Rental Housing Licensing

Presently isolated to an area in the vicinity of Durham College and the University of Ontario Institute of Technology located in North Oshawa



Residential Rental Housing Licensing

Background

- Why was this Licensing class created?
- What evolved from the discussions and by-law development?
- When was the by-law created and implemented?
- Student Accommodation Strategy
- Evolution



Residential Rental Housing Licensing

Standards to Consider

- Operating a Rental Unit within the area noted as “Schedule K” of Business Licensing By-law 120-2005 is a business of regulated trade and each unit must be licensed
- What is a rental unit?
- Rental properties must comply with various standards and by-laws prior to being Licensed. Those standards may be found in the;
 - Fire Code
 - Building Code
 - Electrical Code
 - Zoning By-law
 - Property Standards By-law
 - Lot Maintenance By-law
 - Limits the number of rental bedrooms to four

Residential Rental Housing Licensing

Standards

continued

- Does not include lodging or rooming houses
- Licence is **not-transferrable**
- Must be renewed on annual basis
- Reduced annual fee if renewal application is submitted 60 or more days prior to expiry
- If occupied by all owners, a maximum of two rooms can be rented with no licence being required
- Must operate as a “Single Housekeeping Establishment”
 - Judicially considered by Supreme Court
 - Use must be typical of a single household unit or similar basic social unit



Residential Rental Housing Licensing

Licensing Process

Completed application submitted to MLELS with \$75 non-refundable fee

- Application review
 - Application must be complete and accurate or it will not be accepted
 - Compliance inspections related to:
 - Fire Code
 - Property Standards
 - Parking
 - Electrical Safety Authority
- **Annual** Licensing Fee collected
- Licence Issued and property registered in public database
- Monitored for compliance



Residential Rental House Licensing

Discussion?

