

TOWN OF MARKHAM
Ontario



BY-LAW 308-97

**A BY-LAW TO PROVIDE FOR THE REGISTRATION OF TWO UNIT
RESIDENTIAL OCCUPANCIES**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to April 18, 2006)

AS AMENDED BY:

By-law No. 2002-283 – December 10, 2002

By-law 2006-79 – April 11, 2006

308-97

BY-LAW FOR REGISTRATION OF TWO-UNIT RESIDENTIAL OCCUPANCIES

WHEREAS s. 207.3(2) of the Municipal Act, R.S.O. 1990,c. M.45, as amended, authorizes the municipality to pass by-laws providing for the registration of residential units in houses;

NOW THEREFORE the Council of The Corporation of the Town of Markham enacts as follows:

1. DEFINITION

- (a) "detached house" means a single residential structure which contains not more than two dwelling units.
- (b) "residential unit" means a unit which,
- (i) consists of a self contained set of rooms located in a building or structure;
 - (ii) is used as a residential premise;
 - (iii) contains kitchen and bathroom facilities that are intended for the use of the unit only;
 - (iv) is used as a single housekeeping unit, which includes a unit in which no occupant has exclusive possession of any part of the unit; and
 - (v) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.
- (Amended by By-law No. 2006-79)
- (c) "row house" means a residential structure which,
- (i) is one of a group of three or more horizontally attached residential structures and
 - (ii) is separated vertically from one or two of the other structures by common walls which do not provide for internal access from the living space in one structure to another.
- (d) "semi-detached house" means a residential structure which,
- (i) is one of two horizontally attached residential structures, and
 - (ii) is separated vertically from the other residential structure by a common wall which does not provide for internal access from the living space in one structure to the other.
- (e) "two unit house" means a detached house, semi-detached house or a rowhouse which contains two residential units.
- (Amended by By-law No. 2006-79)
- (f) "Chief Fire Official" means the Municipal Fire Chief or a member or members of the fire department designated by the Municipal Fire Chief or a person appointed by the Fire Marshal under Subsection 1.1.9. of Ontario Regulation 454/90 The Ontario Fire Code as amended.

2. APPLICATION

This by-law applies to a detached house, two unit house, semi detached house or rowhouse, containing two residential units where permitted by Section 76 of the Planning Act, as amended.

(Amended by By-law No. 2006-79)

3. PROHIBITION

No person shall occupy or permit the occupancy of more than one dwelling unit in a detached, semi-detached or row house unless the house is registered as required by this by-law.

4. REGISTRATION

Every person who intends to occupy or permit the occupancy of more than one residential unit in a house shall ensure that the house is registered as a two unit house as required by this by-law.

Prior to registration:

- (1) every residential unit in a two unit house shall be inspected to ensure that it complies with all relevant standards determined to be applicable, as set out in:
 - (a) the Ontario Building Code;
 - (b) the Ontario Fire Code;
 - (c) the Fire Protection & Prevention Act;
 - (d) the applicable Zoning By-law; and
 - (e) the Property Standards By-lawall as amended from time to time;
(Amended by By-law No. 2006-79)
- (2) the owner shall ensure that every dwelling unit in a two-unit house complies with all relevant standards, as set out in subsection 4(1);
- (3) the owner shall pay a one-time, non-refundable registration fee together with the applicable inspection fees, as set out in Schedule A to this by-law.

5. REFUSAL AND REVOCATION

The Fire Department may refuse to register any dwelling unit which does not meet the requirements set out in this by-law.

The Fire Department may revoke the registration of any dwelling unit which, at any time after registration, ceases to meet the requirements set out in this by-law and the Ontario Fire Code as amended.

The onus of proving that a dwelling unit meets the requirements set out in this by-law is on the owner of the dwelling unit.

6. NOTIFICATION OF REVOCATION

- (1) Where the Chief Fire Official revokes the registration of a dwelling unit, he/she shall notify the Owner of the two-unit house of such revocation, and provide a brief explanation of the reason for the revocation.
- (2) Notice may be sent by regular mail to the address of the house.

7. REGISTRAR

- (1) The Chief Fire Official of the Fire Department is hereby appointed as registrar for the purposes of this by-law.
- (2) The Chief Fire Official may designate such persons as are necessary to administer this by-law.

8. OFFENCE

Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
28TH DAY OF OCTOBER, 1997.

BOB PANIZZA, TOWN CLERK

DON COUSENS, MAYOR

SCHEDULE 'A' TO BY-LAW 308-97

Deleted

(Amended by By-law No. 2002-283)