

# A GUIDE TO THE INSPECTION AND REGISTRATION OF TWO-UNIT HOUSES IN MARKHAM

## *Life Safety is the First Concern*

Having a private living space within another dwelling is sometimes a choice for extended families, or for those who find it helpful to have extra income in the form of rent. These residences are referred to as “two-unit houses” – and they are generally not permitted in the Town of Markham, except in specific instances where the zoning permits them, or where the owner can prove the two-unit house was in existence on or before November 16, 1995 and is “grandfathered” under provincial legislation Bill 20.

In the interest of life safety, to ensure that dwellings comply with applicable provisions of building and fire codes, the Town of Markham has established procedures for the inspection and potential registering of legally established two-unit houses.

If you own an existing two-unit home, are in the market to purchase a home with two units in it, or you intend to renovate or repair an existing second unit within your home, it is in your best interest to consider all the necessary safety aspects, and arrange for the inspection and registration of your two-unit house.

### ■ WHAT IS A TWO-UNIT HOUSE?

In the Town of Markham, a two-unit house means a detached house, semi-detached house or a rowhouse containing two residential units. A residential unit consists of a self-contained set of rooms located in a building or structure that is used or can be used as a unit. A residential unit contains kitchen and bathroom facilities designated for the exclusive use of the unit, and has a means of exit from the building (which may be through another residential unit). A common example is a basement apartment.

### ■ WHY DO I HAVE TO REGISTER MY TWO-UNIT HOUSE?

Town of Markham By-law 308-97 requires registration. The by-law states “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 premises as required by this by-law.” Accordingly, these dwelling units must be inspected by the Town to ensure compliance with all applicable codes and standards. The process is designed to protect you as the owner, as well as the inhabitants of the two-unit home from unnecessary hazards. Registration of your two-unit house legalizes its existence and ensures your home complies with all applicable codes and standards.

### ■ IS THERE A FEE FOR REGISTERING MY TWO-UNIT HOUSE?

Yes. The fee for the initial inspection by the Fire Department is \$300. The fee for registering the two-unit house is \$150.

### ■ WHAT IF I DON'T REGISTER MY TWO-UNIT HOUSE?

Occupying a two-unit house without registering it may result in court action and fines against the owner of up to \$50,000 per charge. Owners have a legal obligation to ensure the safety of all of the inhabitants of the home.

■ **HOW CAN I REGISTER A TWO-UNIT HOUSE?**

The ideal situation is for a two-unit house landlord/owner or tenant (someone who can authorize entry) to volunteer for the inspection and registration. Alternatively, the house may be inspected as the result of a complaint from tenants, neighbours, concerned citizens, relatives of the tenant, or government agencies.

■ **TO REGISTER A TWO-UNIT HOUSE:**

1. If you are the owner of a two-unit house and haven't already registered your home, you must contact Markham Fire and Emergency Services at 905-415-7521 to arrange for an inspection. The fee for this inspection is \$300.
2. Prior to their inspection, Fire and Emergency Services will consult with internal departments to determine whether the second unit may be entitled to grandfathering provisions under Bill 20 legislation or permitted as of right under the relevant Town's zoning by-law. Second suites that are not permitted in either case must be removed. Alternatively, the owner may make an application for an amendment to the zoning by-law. The fee for a zoning by-law amendment is \$7,800.
3. To be eligible for grandfathering under Bill 20 legislation, the owner must prove that the second suite existed on or before November 16, 1995. To do this, the owner must complete a "Two-Unit House Declaration" form and provide sufficient evidence that the unit existed prior to that date. Some examples of sufficient evidence that the owner may submit include cancelled rent cheques or lease agreements between the owner and tenant.
4. During the Fire and Emergency Services inspection, the Fire Prevention Officer will review all pertinent codes and by-laws and provide the owner with a copy of the "Two-Unit House Declaration" form. They may also refer certain items to the Building Standards Inspections Section where matters governed under the Building Code Act may need to be addressed. The "Two-Unit House Declaration" form is also available online at [www.markham.ca](http://www.markham.ca).

5. The "Two-Unit House Declaration" form must be completed by the owner and submitted to the Clerks Department along with the evidence noted above. The declaration form and evidence will be considered by the Zoning Division of Building Standards. Where the evidence is acceptable, the Zoning Division will advise Fire and Emergency Services accordingly and the two-unit house will be considered 'grandfathered'.
6. If the units comply with the Fire Code, a letter of Fire Code compliance will be issued. If there are contraventions or discrepancies, the Officer will complete a Notice of Violation or an Inspection Order. Applicable matters governed by the Building Code Act must also be resolved.
7. Each Department will set compliance time periods, and will conduct re-inspections to confirm compliance when indicated on the Notice of Violation. The Town of Markham can proceed with court action if the owner fails to comply. Court action may result in fines up to \$50,000 per charge.
8. When and if your two-unit house fully complies with the Fire Code, the Building Code where applicable, and the Town's Zoning By-law and Property Standards By-law, the two-unit house can be registered subject to the payment of the registration. The fee for registering a two-unit house is \$150.

The inspection and registration of two-unit houses in the Town of Markham helps ensure the safety of both owners and tenants. For more information, contact the Town of Markham at 905-715-7521, visit [www.markham.ca](http://www.markham.ca), or 101 Town Centre Blvd., Markham L3R 9W3.