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The Corporation of the Municipality of Clarington

By-law 2021-081

Being a By-law to license and regulate additional dwelling units in the Municipality of Clarington.

WHEREAS Subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), provides that the Municipality may pass by-laws for the health, safety and well-being of Persons;

AND WHEREAS Subsection 8(3) of the Act authorizes the Municipality to enact a by-law that provides for a system of licences in respect of a matter;

AND WHEREAS Section 151 of the Act provides that the Municipality may provide for a system of licences with respect to a business, or to any activity, matter or thing;

AND WHEREAS the Council of The Corporation of the Municipality of Clarington has determined that it is appropriate and desirable to license Additional Dwelling Units for the purpose of ensuring the health, safety and well-being of Persons;

NOW THEREFORE, the Council of The Corporation of the Municipality of Clarington hereby enacts as follows:

DEFINITIONS

1. In this by-law,

"Additional Dwelling Unit" means a self-contained dwelling unit located within a permitted residential dwelling or an accessory building secondary to the principal residential building on the same lot;

"Director" means the Director of Planning and Development Services or his/her designate;

"Enforcement Officer" means a Provincial Offences Officer as defined under the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

"Municipality" means The Corporation of the Municipality of Clarington, or its geographical area as the context requires;

"Owner" means the registered owner of the property on which an Additional Dwelling Unit is situated;

"Person" means an individual or a corporation, and "Persons" has a corresponding meaning;

“Registration” means a registration approved under this By-law;

“Registrant” means an Owner in possession of a Registration approved in accordance with this By-law;

APPLICATION OF BY-LAW

2. The provisions of this By-law apply to every Owner within the Municipality.

PROHIBITIONS

3. Every Owner shall obtain a Registration for an Additional Dwelling Unit in accordance with this By-law.

REGISTRATION

4. Every application for a Registration shall be completed and submitted in the form established by the Director and shall be accompanied by the application fee established by the Municipality.
5. The Director shall approve a Registration for an Owner provided that the Additional Dwelling Unit meets the following conditions:
 - (a) compliance with the current zoning by-laws of the Municipality;
 - (b) compliance with the Ontario Fire Code where applicable; and
 - (c) compliance with the Ontario Building Code where applicable.
6. A Registration is valid from the date of issuance until cancelled or revoked.
7. The Director may cancel or revoke a Registration if it was issued in error, based on false information, if the Registrant fails to comply with any provision of this By-law, or if the Additional Dwelling Unit is no longer in existence.

ENFORCEMENT

8. Where any Person contravenes any provision of this By-law, an Enforcement Officer may direct such Person to comply with this By-law. Every Person so directed shall comply with such direction without delay.

POWERS OF ENTRY

9. An Enforcement Officer, whether alone or accompanied by an individual possessing special or expert knowledge or skills, may enter on land that is occupied by a Person who requires a Registration under this By-law at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) this By-law;
 - (b) a direction or order of the Municipality made under the Municipal Act, 2001, S.O. 2001, c. 25 or this By-law; or
 - (c) an order made under section 431 of the Municipal Act, 2001, S.O. 2001, c. 25.
10. For the purposes of an inspection under this By-law, an Enforcement 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.
11. In addition to any other provision of this By-law, and subject to the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, a provincial judge or justice of the peace may issue an order authorizing the Municipality to enter on land, including a room or place actually being used as a dwelling, for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (d) this By-law;
 - (e) a direction or order of the Municipality made under the Municipal Act, 2001, S.O. 2001, c. 25 or this By-law; or
 - (f) an order made under section 431 of the Municipal Act, 2001, S.O. 2001, c. 25.

OBSTRUCTION

12. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Enforcement Officer from lawfully carrying out a power, duty or direction under this By-law.

OFFENCES

13. Every Person, other than a corporation who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every occurrence, day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence; and not more than \$25,000 for any subsequent conviction.
14. Every corporation which contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every occurrence, day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence, and not more than \$100,000 for any subsequent conviction.
15. Without limiting any other section of this By-law, every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33.
16. If any Person is in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
17. Where any Person contravenes any provision of this By-law, such Person shall be responsible for all costs incurred by the Municipality directly related to the contravention.

SEVERABILITY

18. If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of the Municipal Council to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

CONFLICT

19. In the event of a conflict between any provision of this By-law and any applicable Act or regulation, the provision that is the most restrictive prevails.

SCHEDULES

20. The following Schedules are attached to and form an integral part of this By-law:

- Schedule “A” – Set Fines

EFFECTIVE DATE

21. This By-law shall come into force and take effect on the date it is enacted.
22. By-law 97-77, as amended, is repealed on the date this By-law comes into force and effect.

SHORT TITLE

23. This by-law may be referred to as the “Additional Dwelling Unit Registration By-law”.

Passed in Open Council this XX day of XXXX, 2021.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

Schedule "A"

MUNICIPALITY OF CLARINGTON

PART I Provincial Offences Act

By-law #2021-0XX: Additional Dwelling Unit Registration By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to obtain Registration for Additional Dwelling Unit	s. 3	\$250.00
2	Fail to comply with an order	s. 8	\$250.00
3	Hinder/obstruct or attempt to hinder/obstruct	s. 12	\$250.00

"NOTE: The penalty provision for the offences indicated above is section 15 of by-law no. 2021-0XX, a certified copy of which has been filed".