



# Town of Whitby

## By-law # 8156-25

### Additional Dwelling Unit Registration By-law

Being a By-law to require the registration of Additional Dwelling Units.

Whereas Section 8 and 11 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended provide that municipalities may pass by-laws respecting matters including but not limited to, the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of persons and property; and,

Whereas on March 29, 2010, and December 16, 2024, Council amended zoning by-laws within the Town to permit Additional Dwelling Units in a single, semi, link, or street townhouse dwelling, or in a detached structure on the property (conditions apply); and,

Whereas the Council of The Corporation of the Town of Whitby considers it appropriate to pass a by-law to require the registration of Additional Dwelling Units, and set out regulations requiring the maintenance of safety and property standards for occupancy in accordance with this by-law, the Building Code Act, the Fire Promotion and Protection Act, the Ontario Electrical Safety Code and relevant by-laws of the Town of Whitby.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. Definitions

- 1.1. "Accessory Structure" means any structure, the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such accessory structure is located but does not include a structure used for human habitation, or any occupation for gain or profit. Such accessory structure shall be separate from the main building.
- 1.2. "Additional dwelling unit(s)" or "ADUs" means a self-contained dwelling unit either located within a permitted residential dwelling or located within an accessory structure which is secondary to the main residential building on the same lot.
- 1.3. "Electrical Safety Authority" or "ESA" means the person or body designated by the regulations to the Ontario Electrical Safety Code as the Electrical Safety Authority;
- 1.4. "Electrical Safety Code" means the Electrical Safety Code adopted by Ontario Regulation made under the Electrical Safety Code;
- 1.5. "Inspector" means a Building Inspector, Municipal Law Enforcement Officer or Fire Prevention Officer appointed by the Town of Whitby;
- 1.6. "Licensed Electrical Contractor" or "LEC" means an electrical contractor licensed by the Electrical Safety Authority, who can perform electrical work for hire. LECs have their mandatory Electrical Contractors and/or Master Electricians Licence in Ontario.

- 1.7. "Owner" includes the registered owner, owner in trust, a mortgagee in possession, the person for the time being who is managing or receiving the rent of the land or premises in connection with which the land is used whether on his account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property, and includes a person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s);
- 1.8. "Registrar" means the Commissioner of Legal and Enforcement Services/Town Solicitor of the Town or their designate;
- 1.9. "Registration" means authorization under this By-law, verified by issuance of a Registration Certificate from the Town to own property containing an Additional Dwelling Units;
- 1.10. "Town" means The Corporation of the Town of Whitby.

## **2. Registration**

- 2.1. Every owner of property containing additional dwelling unit(s) shall obtain and maintain registration of the additional dwelling unit(s) with the Town.
- 2.2. The maximum number of ADU registrations permitted per property shall be in accordance with the Town of Whitby Zoning By-laws.

## **3. Application for Registration**

- 3.1. To obtain registration, the owner of property containing Additional Dwelling Unit(s) shall:
- a) Submit a completed application on the form provided by the Town for each Additional Dwelling Unit;
  - b) Pay the prescribed fee set out in Schedule "D", Legal and Enforcement Services Department Fees, of the Town's Fees and Charges By-law # 7220-17, as amended;
  - c) Arrange for relevant inspections of the property containing the additional dwelling unit, by an inspector(s);
  - d) Submit a Certificate of Acceptance from a Licensed Electrical Contractor to certify that the electrical installation at the address was done in accordance with the requirements of the Ontario Electrical Safety Code;

The Certificate of Acceptance must contain

- I. the ECRA/ESA licence number;
- II. the property address;

III. a notice/inspection date (the inspection date within 1 year of original installation);

IV. location of inspection; and,

V. a customer ID number (if applicable).

- e) Provide a valid building permit issued by the Town for the construction of the additional dwelling unit(s);
- f) Provide an occupancy certificate pursuant to the Building Code Act, 1992, as amended, issued by the Town for the additional dwelling unit(s); and,
- g) Provide any documents or information required by the Registrar to determine compliance with this By-law or any other applicable law.

#### **4. Duties of the Registrar**

- 4.1. The Registrar shall register an additional dwelling unit(s) that meet(s) the requirements set out in this By-law.
- 4.2. The Registrar shall be responsible for directing the administration and enforcement of this By-law.
- 4.3. The Registrar may revoke the registration of an additional dwelling unit (s) by giving notice of intent to revoke under the following circumstances:
  - a) The property containing the additional dwelling unit(s) ceases to meet the requirements set out in this By-law or other applicable law;
  - b) The registration certificate was issued based on false or misleading information; or
  - c) The registration was issued in error.

#### **5. General Regulations**

- 5.1. Every owner of a property containing additional dwelling unit(s) shall comply with
  - a) The requirements of this By-law;
  - b) All requirements as defined in the Ontario Electrical Safety Code;
  - c) All relevant Town By-laws;
  - d) The Ontario Building Code;
  - e) The Ontario Fire Code; and
  - f) The Planning Act, R.S.O. 1990, c. P.13.

## **6. Inspections**

- 6.1. The Owner of the property containing an additional dwelling unit(s) shall arrange inspections of the property with the occupants of the property when notified to do so by an Inspector.
- 6.2. An Inspector has the right to enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.

## **7. Offence and Penalties**

- 7.1. It is an offence for an applicant to provide false or fraudulent information on an application for Registration.
- 7.2. No person shall hinder or obstruct or attempt to hinder or obstruct an Inspector carrying out an inspection to determine compliance with this By-law.
- 7.3. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990 c. P.33, as amended.

### **Administrative Penalty System**

- 7.4. Every person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable to the penalty as set out in Schedule "A" to this By-law.

Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town's Administrative Penalty By-law for an offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If a person receives an additional Penalty Notice for the same offence within 90 calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives a subsequent Penalty Notice for the same offence within 90 calendar days or less of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives any subsequent Penalty Notices for the same offence within 180 calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law.

## **8. Severability**

- 8.1. In the event that any of the provisions of this By-law are deemed invalid or void, in whole or in part, by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## **9. Short Title**

- 9.1. This By-law may be referred to as the "Additional Dwelling Unit Registration By-law".

## **10. Effective Date**

- 10.1. This By-law shall come into force and effect on the date of passing by Council.

## **11. Application of Registration**

- 11.1. Any application made for registration of a two-unit house pursuant to By-law # 6322-10, as amended which has not been completed prior to the passing of this by-law, shall be registered pursuant to this by-law.

## **12. Repeal of existing By-laws**

- 12.1. By-law # 6322-10 and By-law # 7327-17 are hereby repealed.

By-law read and passed this 24th day of March, 2025.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk



## Schedule "A"

### **Additional Dwelling Unit Registration By-law** **Town of Whitby By-law # 8156-25**

| <b>Item</b> | <b>Description</b>                                     | <b>By-law<br/>Section</b> | <b>Tier one (1)</b> | <b>Tier two (2)</b> | <b>Tier three<br/>(3)</b> |
|-------------|--------------------------------------------------------|---------------------------|---------------------|---------------------|---------------------------|
| 1.          | Fail to obtain/maintain registration                   | 2.1                       | \$500.00            | \$750.00            | \$1000.00                 |
| 2.          | Provide false/fraudulent information<br>on Application | 7.1                       | \$250.00            | \$350.00            | \$450.00                  |
| 3.          | Hinder/Obstruct Inspector                              | 7.2                       | \$500.00            | \$750.00            | \$1000.00                 |