

# The Corporation of the Town of Aurora

## By-law Number XXXX-24

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

**Whereas** on November 28, 2022, the Government of Ontario approved Bill 23, the *More Homes Built Faster Act, 2022*, which introduced changes to the *Planning Act, S.O., 1990, c. P.13*, relating to Additional Residential Units;

**And whereas** section 16(3) of the *Planning Act*, prohibits municipalities from implementing official plan policies which prohibit certain additional residential units, and the Town has added policies to its Official Plan and Comprehensive Zoning By-law to comply with these requirements;

**And whereas** section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**And whereas** section 11(2) of the *Municipal Act, 2001*, authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property;

**And whereas** the Council for the Town enacted By-law Number 5429-12, being a By-law to require the registration of Dwelling Units contained in second suites;

**And whereas** the Town deems it necessary and expedient to repeal By-law Number 5429-12 and to establish new regulations for the registration of Additional Dwelling Units;

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

#### 1. Definitions

1.1. In this By-law, the following words have the following meanings:

- (a) **“Additional Residential Unit” or “ARU”** means a unit that:
  - (i) consists of a self-contained set of rooms located in a building or structure;

- (ii) is used or intended for use as a residential premises, and
- (iii) contains kitchen and bathroom facilities that are intended for the use of the unit only,

located on the same lot as a Principal Dwelling, and which may either be an Ancillary Unit or an Integrated Unit;

- (b) **“Additional Residential Units Regulation”** means O. Reg. 299/19 – *Additional Residential Units*, under the Planning Act, as amended, or successor legislation thereof;
- (c) **“Administrative Penalty By-law”** means the Town’s Administrative Penalty By-law, as amended, or its successor;
- (d) **“Ancillary Unit”** means a detached Additional Residential Unit that is ancillary to an existing Principal Dwelling, located in the rear or interior side yard of the Principal Dwelling, which is designed to be portable, and which may also be referred to as an accessory dwelling unit, laneway house, garden suite, or tiny home;
- (e) **“Application”** means an Owner’s application for the registration of one Additional Residential Unit, together with any supporting plans, documents, and drawings;
- (f) **“Building Code Act”** means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, or successor legislation thereof;
- (g) **“By-law”** means this by-law, as amended from time to time;
- (h) **“Council”** means the Council of The Corporation of the Town of Aurora;
- (i) **“Fees and Charges By-law”** means the Town’s Fees and Charges By-law, as amended, or its successor;
- (j) **“Integrated Unit”** means an Additional Residential Unit located within or attached to an existing Principal Dwelling, and which may also be referred to as a basement apartment, granny flat, or in-law suite;
- (k) **“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or successor legislation thereof, including all regulations thereto;

- (l) **“Notice of Intent to Revoke”** means a notice provided by the Registrar to an Owner of impending revocation due to false information being provided and/or due to non-compliance;
- (m) **“Notice of Refusal to Register”** means a notice provided by the Registrar to an Owner indicating a rejection of their Application;
- (n) **“Officer”** means any individual designated or appointed by the Town to enforce this By-law, and includes:
  - (i) any Municipal Law Enforcement Officer of the Town;
  - (ii) the Chief Building Official of the Town;
  - (iii) any Fire Prevention Inspectors of the Central York Fire Services;
  - (iv) any inspector appointed pursuant to the Building Code Act; and
  - (v) and any police officer;
- (o) **“Ontario Building Code”** means the building code, as amended from time to time, as defined in the Building Code Act;
- (p) **“Ontario Electrical Safety Code”** means the *Electrical Safety Code*, O. Reg. 164/99, under the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereof;
- (q) **“Ontario Fire Code”** means the fire code, as amended from time to time, as defined in the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, or successor thereof;
- (r) **“Owner”** means a Person, who is:
  - (i) the registered owner of a property containing one or more Additional Residential Units;
  - (ii) an agent for the registered owner of a property containing one or more Additional Residential Units; or
  - (iii) managing or receiving the rent from a property containing one or more Additional Residential Units whether on the Person’s own account or as an agent or trustee of any other Person who would receive the rent if the land or premises were leased;

- (s) **“Person”** includes an individual, corporation, partnership, or limited liability partnership;
- (t) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or successor legislation thereof, including all regulations thereto;
- (u) **“Principal Dwelling”** means a detached house, a semi-detached house, or a rowhouse on a parcel of residential land;
- (v) **“Property Standards By-law”** means the Town’s Property Standards By-law, as amended, or its successor;
- (w) **“Registrar”** means the Town’s Chief Building Official or their designate;
- (x) **“Three-Unit Dwelling”** means a Principal Dwelling containing two Integrated Units;
- (y) **“Town”** means The Corporation of the Town of Aurora or the land within the municipal boundaries of the Town of Aurora, as the context requires;
- (z) **“Two-Unit Dwelling”** means a Principal Dwelling containing one Integrated Unit;
- (aa) **“Unit”** means any Principal Dwelling, Ancillary Unit, or Integrated Unit;
- (bb) **“Zoning By-law”** means The Zoning By-law of the Town of Aurora, as amended, or its successor.

## 2. Requirements

- 2.1. A maximum of up to three Units, inclusive of the Principal Dwelling, are permitted to be located on any given parcel of residential land, provided it is in the following configuration:
  - (a) it is the Principal Dwelling with one (1) or two (2) Integrated Units and no Ancillary Unit; or
  - (b) it is the Principal Dwelling with no more than one (1) Integrated Unit and/or no more than one (1) Ancillary Unit.
- 2.2. Owners shall ensure that parking spaces for ARUs, if any, are in compliance with all applicable laws, including the Planning Act, the Building Code Act, and the Ontario Building Code.

2.3. All lots containing ARUs shall provide a minimum of a 1.2-meter-wide path of travel from the entrance of each ARU to a public or private street, driveway, or parking area. No encroachment is permitted to obstruct this path of travel. The path may be shared and used jointly by more than one (1) Unit on the lot.

**3. Registration**

3.1. Every Owner shall register their ARU with the Town as required by this By-law. Where more than one ARU is located on the same property, every ARU shall be registered separately.

3.2. An Application for the registration of an ARU shall be accompanied by:

- (a) a complete Application on the form prescribed by the Registrar;
- (b) any supporting plans, documents, and drawings, as required or requested by the Registrar; and
- (c) the applicable registration fee as set out in the Fees and Charges By-law.

3.3. An Application shall be submitted to the Town in accordance with the requirements set out in this By-law and as required by the Registrar. The form, content, terms, conditions, and requirements of the Application for an ARU shall be as prescribed by the Registrar from time to time and as required under this By-law.

3.4. Upon receipt of an Application for an ARU and the requisite fee, the Registrar shall make investigations as necessary to assess the Application and shall, in accordance with and subject to the criteria, requirements, and grounds set out in this By-law:

- (a) approve the Application and register the ARU;
- (b) in the case of an approved Application, impose such terms and conditions on the Registration as deemed appropriate by the Registrar:
  - (i) for the protection of health, safety, and well-being of persons and the economic, social, and environmental well-being of the municipality;
  - (ii) to address concerns and opportunities presented by ARUs in the municipality;

- (iii) for the protection of any public infrastructure and private properties;
  - (iv) for the purposes of administration of and compliance with the ARU program and the operations of the Town, or
  - (v) to satisfy any requirements of this By-law or any other applicable legislation; or
- (c) refuse the Application for the registration of the ARU if:
- (i) the Application is incomplete;
  - (ii) all of the information as required under this By-law is not provided to the Town; or
  - (iii) the Application does not meet all the requirements of this By-law;
- and provide written notice of such a decision to the Applicant.

- 3.5. If an Application is submitted which is incomplete or which does not include the requisite applicable fees, the Town has no obligation to review or consider such Application until such time as the Application is complete as required under this By-law and the applicable fees are provided.
- 3.6. The Owner bears the onus of proving that an ARU meets the requirements of this By-law and any other applicable laws to the Registrar's satisfaction.
- 3.7. The Registrar may deem an Application to be abandoned if all requirements of registration pursuant to this By-law have not been fulfilled to the Registrar's satisfaction within eighteen (18) months from the date that the Application was submitted.
- 3.8. An Owner may re-apply for registration where an Application has been deemed abandoned, subject to the requirements of this By-law, including payment of all applicable fees.
- 3.9. The Registrar shall establish and maintain a record of all Applications filed, and a registry of all Two-Unit Dwellings, Three-Unit Dwellings, and Ancillary Units registered pursuant to this By-law.

3.10. An ARU once registered pursuant to this By-law remains registered without further payment of any renewal or other fees unless registration is revoked pursuant to this By-law.

**4. Refusal**

4.1. The Registrar may refuse to register an ARU which is not in compliance with any one or more of the following:

- (a) the Planning Act;
- (b) the Additional Residential Units Regulation;
- (c) the Ontario Building Code;
- (d) the Ontario Fire Code;
- (e) the Ontario Electrical Safety Code;
- (f) the Town's Zoning By-law;
- (g) the Town's Property Standards By-law;
- (h) this By-law; or
- (i) any other applicable laws or regulations, including municipal by-laws.

4.2. Where the Registrar refuses to register an ARU, the Registrar shall provide the Owner with a Notice of Refusal to Register, which shall include a brief written explanation of the reason for refusal.

**5. Revocation**

5.1. The Registrar may revoke the registration of an ARU if:

- (a) it was registered in whole or in part based on false information;
- (b) the Owner requests that the Registrar revoke the registration; or
- (c) it is not in compliance with one or more of the following:
  - (i) the Planning Act;
  - (ii) the Additional Residential Units Regulation;

- (iii) the Ontario Building Code;
- (iv) the Ontario Fire Code;
- (v) the Ontario Electrical Safety Code;
- (vi) the Town's Zoning By-law;
- (vii) the Town's Property Standards By-law;
- (viii) this By-law; or
- (ix) any other applicable laws or regulations, including municipal by-laws.

5.2. Where the Registrar intends to revoke registration of an ARU based on the criteria in either paragraph (a) or (c) of subsection 5.1 of this By-law, the Registrar shall provide the Owner with a Notice of Intent to Revoke which shall include a brief written explanation of the reasons for revocation.

5.3. The Registrar's Notice of Intent to Revoke shall be sent:

- (a) by electronic mail to the Owner's e-mail address included in the Application; and
- (b) in accordance with the requirements for service as stipulated in this By-law.

5.4. Upon receipt of a Notice of Intent to Revoke, the Owner shall have sixty (60) days to remedy or otherwise resolve the issue identified in the Notice of Intent to Revoke.

5.5. Where the Owner fails to remedy or otherwise resolve the issue identified by the Registrar in the Notice of Intent to Revoke, to the Registrar's satisfaction and in compliance with this By-law, the Registrar may, at any time after the prescribed sixty (60) day period outlined in subsection 5.4 has passed, provide the Owner with written confirmation of the decision to revoke registration:

- (a) by electronic mail to the Owner's e-mail address included in the Application; and
- (b) in accordance with the requirements for service as set out in this By-law.



- 5.6. If the Registrar has issued a written confirmation of revocation of registration of an ARU, the Owner may re-apply to register the ARU subject to complying with the requirements of this By-law, including providing a new Application and paying the applicable fees.

**6. Municipal Addressing**

- 6.1. Upon registration of an ARU, the Town shall assign a municipal address to indicate that the residential lot contains an ARU, and the Owner shall be required to display signage indicating the municipal address in accordance with the Town's Street Numbering By-law, as amended or the successor thereto.

**7. Service of Documents**

- 7.1. Other than an order as outlined in section 10 of this By-law, service of all other documents provided for under this By-law, including a Notice of Intent to Revoke, shall be given in writing and served in one of the following ways:
- (a) by being delivered personally to the Person to whom it is addressed, with service being deemed effective immediately upon delivery;
  - (b) by registered mail to the Person's last known address, with service being deemed effective on the 5th day after a copy is sent by registered mail; or
  - (c) where service is unable to be done under subsections (1) or (2), notice may be given by placing a placard containing the terms of the document in a conspicuous place on the property to which the document relates and this shall be deemed to be sufficient service on the Person.

**8. Administration and Enforcement**

- 8.1. The Registrar is delegated the power and shall be responsible for administering and enforcing this By-law, including the power to register, refuse to register, and to revoke the registration of any ARU, and the authority to prescribe the content and form of the Applications, and the forms or other documents required under this By-law.
- 8.2. Any decision or notice of the Registrar pursuant to this By-law shall be final without a right to appeal to Council.

- 8.3. The Registrar and the Officers are hereby delegated the authority to enforce this By-law, including the authority to conduct inspections and investigations under this By-law, the Municipal Act, and any other applicable By-law or legislation.
- 8.4. The Registrar is authorized to delegate responsibilities for the administration and enforcement of this By-law to any Town staff or external third parties deemed to be qualified and appropriate by the Registrar for such purposes.
- 8.5. For the purpose of section 23.2(4) of the Municipal Act, Council considers the delegation of powers to the Registrar pursuant to this By-law, including the powers to register, refuse to register, and revoke the registration of an ARU, to be of a minor nature.

**9. Power of Entry, Inspection, Prohibitions**

- 9.1. By submitting an Application, the Owner consents to an inspection by an Officer who may at any reasonable, mutually-agreed-upon time, enter upon the ARU to ensure that the following are being complied with:
  - (a) this By-law;
  - (b) any permit issued pursuant to this By-law;
  - (c) any direction or order issued pursuant to this By-law; or
  - (d) an order issued under section 431 of the Municipal Act.
- 9.2. Without limiting and in addition to any other rights under this By-law, an Officer, or any other individual authorized to enforce this By-law on behalf of the Town, may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
  - (e) this By-law;
  - (f) any permit issued pursuant to this By-law,
  - (g) any direction or order issued pursuant to this By-law; or
  - (h) an order issued under Section 431 of the Municipal Act.
- 9.3. Where an inspection is conducted pursuant to this section, an Officer or any other individual authorized to enforce this By-law on behalf of the Town, 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 and 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 and/or take tests and/or photographs as necessary for the purpose of the inspection.
- 9.4. No Person shall hinder or obstruct or attempt to hinder or obstruct the Town, its employees, Officers, or agents from carrying out any powers or duties under this By-law.
- 9.5. No Person shall fail to comply with, or contravene, any order or direction issued pursuant to this By-law or the Municipal Act.
- 9.6. Where an Officer, or an individual authorized to enforce this By-law, has reasonable grounds to believe that an offence has been committed by any Person, they may require the name, address, and proof of identity of that Person, and the Person shall supply the required information.
- 9.7. No Person shall decline or neglect to give, produce, or deliver any information, document, or other thing that is requested by the Town pursuant to this By-law.
- 9.8. No Person shall knowingly make, participate in, assent to, or acquiesce in the provision of false information in a statement, affidavit, Application, or other document prepared, submitted, or filed under this By-law.
10. **Orders**
- 10.1. Where any Officer is satisfied that a contravention of this By-law has occurred, such Officer may make an order requiring the Person who caused or permitted such contravention, or the Owner of the ARU on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention.
- 10.2. An order pursuant to this section shall set out the following:

- (a) particulars identifying the location of the land on which the contravention occurred;
- (b) particulars of the contravention;
- (c) what is required of the Person subject to the order (i.e., what activity is to be seized and/or actions or work to be done to correct the contravention);
- (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be completed; and
- (e) information regarding the Town's contact person.

10.3. An order pursuant to this section shall be deemed to have been received upon:

- (a) personal service of the order on the Person subject to the order;
- (b) one day after transmission of the order through electronic means to an email or social media address provided by the Person subject to the order;
- (c) one day after posting the order in a conspicuous location on the property subject to the order; or
- (d) the fifth (5th) day after the order is sent by registered mail to the last known address of the Person who is subject to the order.

**11. Remedial Action and Cost Recovery**

11.1. Wherever this By-law or an order issued under this By-law directs or requires any matter or thing to be done by any Person within a specified time period, if the Person directed or required to take such action fails to do so, the action may be taken under the direction of the Registrar or an Officer at that Person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

11.2. For the purposes of taking remedial action under this section, the Town, its staff, and/or its agents, may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

## 12. Offences and Penalties

- 12.1. Every Person who contravenes any provision 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*, R.S.O. 1990, c. P. 33, as amended.
- 12.2. Every Person who contravenes any order issued pursuant to this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
- 12.3. If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred or acquiesced to such a contravention is guilty of an offence.
- 12.4. Pursuant to subsection 429(2) of the Municipal Act, all contraventions of this By-law or orders issued under this By-law are designated as continuing offences. If a contravention of any provision of this By-law has not been corrected, or an order issued under this By-law has not been complied with, the contravention of such a provision or an order shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected, or an order not complied with.
- 12.5. On conviction of an offence under this By-law, every Person is liable to a fine in accordance with the following rules pursuant to the Municipal Act:
  - (a) to a fine of not less than \$500.00 and not more than \$100,000.00;
  - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and despite paragraph (a), the total of all the daily fines for an offence is not limited to \$100,000.00;
  - (c) in the case of multiple offences, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and despite paragraph (a), the total of all fines for each included offence is not limited to \$100,000.00.
- 12.6. In addition to fines under this section, a Person convicted of an offence under this By-law may be liable to a special fine in the amount of the economic advantage or gain that such a Person obtained from the contravention of this

By-law. Notwithstanding subsection 12.5 above, a special fine may exceed \$100,000.00.

- 12.7. Where a Person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

**13. Administrative Penalties**

- 13.1. Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision designated under the Administrative Penalty By-law, an individual authorized to enforce this By-law on behalf of the Town may issue an administrative penalty to the person who has contravened this By-law.

- 13.2. Individuals authorized to enforce this By-law on behalf of the Town have the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*, R.S.O. 1990, c. P.33. If an administrative penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach.

- 13.3. The amount of the administrative penalty for a breach of a provision of this By-law shall be as established pursuant to the Administrative Penalty By-law, and each day on which a contravention has not been corrected shall constitute a new and separate offence.

- 13.4. A person who is issued an administrative penalty shall be subject to the procedures as provided for in the Administrative Penalty By-law.

**14. Presumption**

- 14.1. An Owner of a property on which a non-compliance or contravention has occurred shall be presumed to have carried out or caused or permitted to be carried out the non-compliance or contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

**15. Interpretation and Application of this By-law**

- 15.1. This By-law shall be known and cited as the "Additional Residential Units By-law".

- 15.2. The provisions of this By-law shall apply to all lands and premises within the Town.
- 15.3. Unless otherwise specified, references in this By-law to parts, sections, subsections, clauses, and schedules are references to parts, sections, subsections, clauses, and schedules in this By-law.
- 15.4. The part and section headings contained throughout this document are for reference purposes only and do not form a part of this By-law. This By-law is to be interpreted without reference to such headings.
- 15.5. References in this By-law to any statute or statutory provisions include references to that statute or statutory provision as it may from time to time be amended, extended, or re-enacted.
- 15.6. References in this By-law to items in the plural include the singular, and references to the singular include the plural, as applicable.
- 15.7. The words “include”, “includes”, “including” are not to be read or interpreted as limiting the words, phrases, or descriptions that precede it.
- 15.8. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this By-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses, or phrases of this By-law.
- 15.9. This By-law and the provisions contained within are intended to be complementary to other by-laws passed by Council and in the event that any other applicable law requires a higher standard than the provisions contained in this By-law, the higher standard shall apply.
16. **Repeal and Transition**
  - 16.1. By-law Number 5429-12 be and is hereby repealed.
  - 16.2. Two-Unit Dwellings or Ancillary Units previously registered pursuant to repealed By-law Number 5429-12 shall be deemed to be registered under this By-law and will be included on the registry, and thereafter will be subject to this By-law, including being subject to revocation of registration and, if applicable, the requirement to re-apply for registration.

**17. Effective Date**

17.1. This By-law comes into full force and effect on the date of final passage hereof.

**Enacted by Town of Aurora Council this 10th day of December, 2024.**

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**Tom Mrakas, Mayor**

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**Michael de Rond, Town Clerk**