



Building Services

Registration of Two-Unit Houses Guide



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Introduction

What is a Two-Unit House?

In the Town of Halton Hills a Two-Unit house means a detached house, semi-detached house or a row house 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 designed for the exclusive use of the unit, and has a means of exit from the building (which may be shared with another residential unit). A common example is a basement apartment.

Why does a Two-Unit House need to be registered?

The Town of Halton Hills By-law 96-174 requires registration. The by-law states “No person shall operate or permit the occupancy of more than one Residential Unit in a Two-Unit House unless the house is registered as required by this by-law”. Accordingly, these dwelling units must be inspected by the Town and the Electrical Safety Authority to ensure compliance with all applicable codes and standards. The process is designed to protect the owner, as well as the inhabitants, of the Two-Unit house from unnecessary hazards. Registration of a Two-Unit house legalizes its existence and ensures that a home complies with all applicable codes and standards.

How does the zoning for a property apply to the registrations of a Two-Unit House?

Prior to making application to register a Two-Unit House with the Town of Halton Hills the property owner needs to confirm that the Town of Halton Hills Zoning By-law permits Two-Unit Houses as a land use for their property.
Contact the Town’s Zoning Officer at 905-873-2601 ext. 2320.

Note:

If the two-unit house existed on or before November 16, 1995, the following must be submitted to the Registrar of Two-Unit Houses for review:

- (i) Documentation confirming the existence of the two dwelling units on or before November 16, 1995:
 - a. Affidavits from the tenants who occupied the units on November 16, 1995 describing the details of his/her tenancy,
 - b. A copy of a tenancy agreement and pertinent cancelled rental cheques,
 - c. Tax statement of rental income and/or assessment information, indicating that two dwelling units existed on November 16, 1995 may be considered;or
- (ii) A Planning approval permitting the structure to be used as a Two-Unit House.

Upon acceptance of the submissions above by the Registrar, an application to register a Two-Unit House may be made.

Is there a fee for registering a Two-Unit House?

Yes there is a fee for the required inspections by the Town. Payment of the applicable fee by cash, cheque or debit is required at the time of application. The fees are listed in the “Rates & Service Charges” document, under “Registration of Two-Unit Houses”, which is available on the Town’s website and at the Building Services counter at the

Town Hall. There is an additional fee for the required inspection by the Electrical Safety Authority (E.S.A.), which is paid directly to them. Additional fees are required for either a Change of Use Permit or a Building Permit, whichever is applicable.

Procedure for registration of Two-Unit Houses

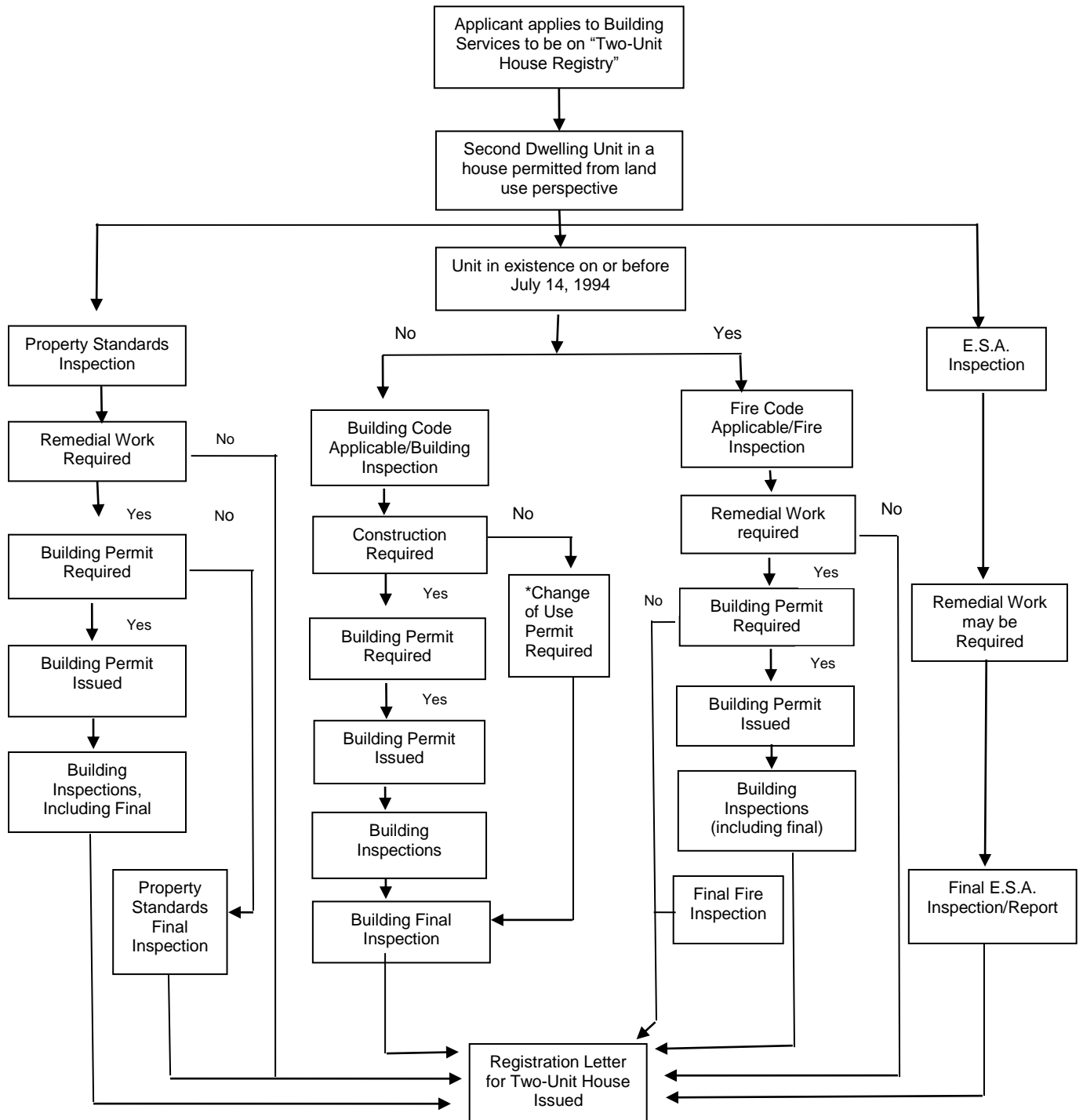
1. The top portion of the application form must be completed and submitted to Building Servicest together with the following:
 - a. Two (2) copies of a site plan showing the lot configuration, the lot frontage measurement, the house location and parking spaces in the driveway including one unobstructed space for the second unit in addition to the requirement for the single detached dwelling unit, with a minimum width of 2.75 metres and a minimum length of 5.5 metres
 - b. Two (2) sets of floor plan drawings showing the location of the two dwelling units and detailing the following:
 - i. All exterior entrances to the house
 - ii. Ceiling heights in each room
 - iii. Room uses, sizes and areas (measurements are to be taken to the exterior side of each wall face)
 - iv. The common areas of the dwelling, indicated by shading them
 - v. The exterior dimensions of the dwelling
 - vi. The floor area of the second unit
 - vii. The secured entrances to each dwelling unit
 - viii. The total floor area in which the second unit is located
 - ix. Window sizes (include all window area calculations, and what % of the room floor area the window is). Note: All required windows must be capable of being opened
2. Payment of the applicable fee by cash, cheque or debit is required at the time of application.
3. After the above have been submitted and accepted and reviewed by the Registrar of Two-Unit houses, copies of the application and drawings will be forwarded to Fire or Building and Enforcement Services Inspection staff.
4. Applicants must call and arrange for the required inspections of both dwelling units by the appropriate Town staff as directed by the Registrar. Electrical Safety Authority (ESA) inspections are also required.
5. When all required inspections have been completed, the applicant may be required to make some changes to upgrade the building to comply with minimum code/standard requirements. A Building Permit, the cost of which is separate from the fee paid for the registration of a Two-Unit house, may be required prior to making these modifications. Relevant inspection reports and the design detailing the proposed work shall be submitted in support of a building permit application. If no additional work is proposed, a change of use permit will be required to confirm compliance with the Ontario Building Code. Contact Permit Intake Analyst at 905-873-2601 ext. 2960 for further information regarding a Building Permit or Change of Use Permit application.
6. Once the Fire/Building, E.S.A. and Property Standards Inspectors provide their final reports to the Registrar, the property will be placed in the registry and the

owner will be sent a letter stating that the property is registered as a two-unit house.

Municipal Law Enforcement & Property Standards 905-873-2601 ext. 2960

Flow Chart

Process to Legalize Two-Unit Dwelling Units In House for Public Registry



Note: No Change of Use Permit is required for a legally built Two-Unit House, i.e. duplex.

Two-Unit House Registration Application



Application for Registration of a Two-Unit House

For use by Principal Authority		
Application Number:	Application: Abandoned <input type="checkbox"/>	Cancelled <input type="checkbox"/> Refused <input type="checkbox"/>
Date Received:	Registration Approved <input type="checkbox"/>	Date of Registration:

Application submitted to Town of Halton Hills, Building Services

A. Property Information					
Building number, street name					Lot/con.
Municipality		Postal Code		Plan number/other description	
Floor area of Principal dwelling unit	m ²	Floor area in which accessory unit is created	m ²	Floor area of Accessory unit	m ²
B. Applicant					
Last name		First name		Corporation or partnership	
Street address			Unit number		Lot/con.
Municipality		Postal code		Province	
E-mail		Tel. number		Fax	Cell number
C. Owner (if different from applicant)					
Last name		First name		Corporation or partnership	
Street address			Unit number		Lot/con.
Municipality		Postal code		Province	
E-mail		Tel. number		Fax	Cell number
D. Description of Existing & Proposed Conditions					
E. Declaration of applicant					
I _____ certify that:					
(print name)					
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.					
2. I have authority to bind the corporation or partnership (if applicable).					
Date			Signature of applicant		

Personal information is collected under the authority of the Municipal Act 2001, S.O. 2001 c.25 and will be used for the process and issuance of Building Permits, in accordance with the collection, use and disclosure of personal information governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56.

Property Standards Requirements for Two-Unit Houses

The Town of Halton Hills Property Maintenance and Occupancy Standards By-law was enacted by virtue of the provisions of The Ontario Building Code Act. This by-law applies to all properties in The Town of Halton Hills.

The standards established by this By-law are intended to be minimum standards and are not intended to derogate from the standards found in any other applicable by-law or legislation.

The Town of Halton Hills By-law 1996-0174, a by-law to provide for the registration of Two-Unit houses, requires that the entire property comply with various requirements; one of these requirements being the Town of Halton Hills Property Maintenance and Occupancy Standards By-law 2008-0137. Both by-laws are available on the Town's website at www.haltonhills.ca.

The inspection of a property by the Property Standards Officer will include, but is not limited to, the following:

Foundations and Basements

- Foundation walls, piers, basement floors and cellar floors shall be free of cracks or breaks that may create a hazardous condition
- Basements containing habitable rooms shall have floor surfaces of concrete or other finished flooring as permitted by the Ontario Building Code

Exterior Structure

- Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use
- Exterior walls, roofs, and other parts of the building shall be free from loose and unsecured objects or material and improperly secured objects or material which have been damaged or show evidence of dry rot or other deterioration shall be removed, repaired or replaced
- All canopies, marquees, signs, awnings, fire escapes, stand pipes, exhaust ducts, and similar building extensions shall be maintained in good repair, be properly anchored and shall be protected from the elements and against decay and rust by paint or other weather protective material
- All cornice, frieze, corbels and similar decorative features shall be maintained in a safe condition
- Every building shall have a sound and tight roof, adequate to carry the loads imposed thereon
- The roof of every building, including fascia, soffit, cornice and flashing shall be maintained in a water tight condition so as to prevent the leakage of water and entry of pests into the building
- Roofs equipped with suitable drains, or eaves troughs, rain water leaders or conductors, shall have the drains, eaves troughs, rain water leaders or conductors maintained in good repair

- Where drains, leaders, conductors or storm sewer connections do not exist, roof drainage shall be disposed of in a manner acceptable to the Town
- Every chimney, smoke pipe and flue shall be maintained so as to prevent any gases from leaking in the building and so that under conditions of use any combustible material adjacent thereto, insulated there from, or in contact herewith, shall not be heated to unsafe conditions
- Every fireplace and other solid fuel burning appliance shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed and maintained in Good Repair so as to be free from leaks, defects and obstructions
- Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to prevent the entrance of wind or rain into the building
- No window, door or other exterior opening shall be permanently covered with plywood or any other material except for a reasonable period to enable a damaged window, door or other opening to be repaired, replaced or the building demolished

Interior Structure

- Interior floors, ceilings and walls shall be dry, without any evidence of dampness
- Walls and ceilings shall be free from loose plaster or other covering material
- Floor coverings shall be smooth and level, and maintained free of warped, protruding, broken or rotted material

Stairs and Ramps

- Exterior stairs with more than three risers and ramps rising over 40 centimetres (15.75") in height shall be equipped with handrails and guards, as required
- Interior stairs with more than two risers shall be equipped with handrails and guards, as required
- Stairs shall be free from defects that may constitute an accident hazard

Bathrooms and Washrooms

- Each bathroom shall contain a toilet, washbasin and bathtub or shower
- Every Washroom shall:
 - Be enclosed
 - Have a water resistant floor
 - Have a door that can be secured from the inside
 - Have a door that can be opened from the outside in an emergency
- No toilet, urinal or bidet shall be located in a room used for, or intended to be used for, sleeping or preparing, consuming or storing food
- A bathroom window shall be capable of being opened for ventilation or the bathroom may be equipped with adequate mechanical ventilation fan

Habitable Room/Headroom Requirements

The heights of ceilings shall be 1.95 metres (6'5") over required floor area or 2.03 metres (6'8") over minimum of 50% of the floor area provided that any part of the floor having a clear height of less than 1.4 metres (4'7") shall not be considered in computing the required floor area. Headroom at access to egresses may need to comply with Ontario Building Code requirements.

Occupancy Standards

The maximum number of Occupants in a Dwelling Unit shall not exceed one person per 9 square metres (96.88 square feet) of Habitable Space floor area. Any child under one (1) year of age shall not be counted when computing the number of Occupants. Any child over one (1) year but less than twelve (12) years shall be deemed one-half person for the purpose of determining compliance with this section.

Kitchen Facilities

A kitchen shall be equipped with:

- A sink served with hot and cold potable water
- An approved, connected and operating gas or electrical supply for cooking and refrigeration appliances
- Cupboards or pantry, excluding the area under the sink, for the storage of food, dishes and cooking utensils

Plumbing and Sanitary Facilities

- There shall be an adequate supply of potable water
- There shall be no leaks and defects
- Pipes shall be protected from freezing
- Every fixture supplied with separate hot and cold running water controls shall have the hot water control on the left and the cold water control on the right

Ventilation

- Required ventilation - minimum unobstructed free flow of 0.3 square metres (3.23 square feet) unless mechanically ventilated
- All apertures used for ventilation shall be in good working order

Lighting

- Minimum requirement of unobstructed natural light transmitting into a room - 5% of floor area for living/dining rooms and 2.5% of floor area for bedrooms
- Every Habitable Space and every Washroom, hallway, furnace room, service room, stairway, passageway, Basement, and laundry room shall be provided with at least one light fixture providing sufficient illumination for the size of the room or space
- An exterior lighting outlet with fixture controlled by a wall switch located within the Building shall be provided at every entrance to Buildings of residential occupancy

Heating Facilities

- Heat shall be provided in a dwelling unit and maintained so that the room temperature at 1.50 metres (5 feet) above floor level and 1 metre (3 feet 3 inches) from exterior walls in all Habitable Spaces and in any area intended for normal use by tenants, including recreation rooms and laundry rooms, but excluding locker rooms and garages, is at least 210 Celsius (700 Fahrenheit).
- Heat source - no open flame type of appliance can be used as a primary heat source in rooms intended or used for sleeping accommodation
- Auxiliary portable heaters cannot be used as a primary source of heat in a dwelling unit

Electrical

- Electrical wiring and all electrical fixtures and equipment shall be installed and maintained at all times in a safe condition and serviceable condition as required by the Electrical Safety Authority (E.S.A.)

The above noted requirements for Two-Unit houses have been prepared to assist owners who are making application to register Two-Unit houses, relating to requirements set out in the Town's Property Maintenance and Occupancy Standards By-law and not intended to be a substitute for the entire content of the By-law.

Appendix: By-law No. 96-174

THE CORPORATION OF THE TOWN OF HALTON HILLS BY-LAW NO. 96-174

A By-law to provide for the Registration of Two-Unit Houses and Appointing a Registrar to Register Two-Unit Houses in a Public Register.

WHEREAS Section 207.3 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, authorizes the municipality to pass by-laws,

- a) providing for the registration of Two-Unit Houses or such classes of them as may be set out in the by-law, and the revocation of registrations; and
- b) appointing a registrar to register Two-Unit Houses in a public register, to revoke registrations and to perform such other duties related thereto as may be set out in the by-law;

AND WHEREAS Council of The Corporation of the Town of Halton Hills deems it necessary to enact such a by-law;

AND WHEREAS such a by-law may specify standards which must be met to register a Two-Unit House or any class of Two-Unit House;

AND WHEREAS Council of The Corporation of the Town of Halton Hills deems it necessary to designate the standards contained in Town of Halton Hills Property Maintenance and Occupancy Standards By-law No. 85-147 as, inter alia, standards which must be met to register a Two-Unit House;

AND WHEREAS Town of Halton Hills Property Standards By-law No.85-147, enacted pursuant to the provisions of the Planning Act, 1983, prescribes standards for the maintenance and occupancy of properties within a Defined Area of the municipality, namely the Urban Areas and Hamlets;

AND WHEREAS Council of The Corporation of the Town of Halton Hills deems it necessary to provide for the registration of Two-Unit Houses within the Defined Area specified in By-law No. 85-147 as a class of Two-Unit Houses;

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

- (a) "Applicant" means a person applying for the registration of a Two-Unit House
- (b) "Application" means an application for registration of a Two-Unit House

- (c) "Council" means the Council of The Corporation of the Town of Halton Hills
- (d) "Inspector" means an inspector authorized to conduct inspections within the Town pursuant to the provisions of the Building Code Act, R.S.O. 1990, c.B.13, as amended, and regulations thereunder; the Fire Marshall's Act, R.S.O. 1990, c.F.17, as amended, and regulations thereunder; and the Town of Halton Hills Property Maintenance and Occupancy Standards By-law No. 85-147
- (e) "Operate" means to rent, lease, license or endorse an 2 occupancy, and includes arrangements in the nature of sub-rentals and sub-leases
- (f) "Owner" means the owner of a Two-Unit House which is the subject matter of an Application
- (g) "Person" includes a corporation, partnership, proprietorship or association
- (h) "Registrar" means the of Commissioner of Transportation & Public Works, his designate, or any person specifically appointed as such by Council
- (i) "Registration" means the registration of a Two-Unit House pursuant to the provisions of this by-law
- (j) "Residential Unit" means a unit that,
 - (i) consists of a self-contained set of rooms located in a building or structure
 - (ii) is used as a residential premises
 - (iii) contains kitchen and bathroom facilities that are used only by the occupants of the unit
 - (iv) is used as a single housekeeping unit, which includes a unit in which an occupant has exclusive possession of any part of the unit
 - (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
- (k) "Two-Unit House" means a detached house, a semi-detached house or a row house which contains two residential units located within the Defined Area specified by Section 1.2 of Town of Halton Hills By-law No. 85-147.

Title

2. This By-law may be cited as the "Two-Unit House Registration By-law".

Prohibition

3. No person shall Operate or permit the occupancy of more than one Residential Unit in a Two-Unit House unless the house is registered as required by this by-law.

Administration

4. (1) The Registrar shall,

(a) receive and process all Applications

(b) administer the registration of Two-Unit Houses pursuant to the provisions of this by-law

(c) maintain and keep records of all Applications and Registrations, including a public register of Two-Unit Houses in the Town of Halton Hills

(d) refuse any Application which does not comply with the requirements of this by-law

(e) revoke the Registration of any Two-Unit House which ceases to meet the requirements of this by-law

(f) revoke any Registration which was obtained on mistaken, false or incorrect information

(g) revoke any Registration if, after four months of the acceptance of an Application, the necessary inspections have revealed non-compliance with any of the applicable standards listed in Section 6(1) hereof and the rectification of that non-compliance either has not been completed or, in the opinion of the Registrar, has not been seriously pursued

(h) revoke any Registration that was completed in error

(2) Any Inspector shall be responsible for inspecting Two-Unit Houses in respect of which an Application has been received, in order to determine, before Registration, if they comply with the standards specified in this by-law.

(3) Any Municipal Law Enforcement Officer appointed by Council under the Police Services Act, R.S.O. 1990, c.P.15, shall be responsible for the enforcement of this by-law.

Application for Registration

5. (1) An Application shall be completed on the forms provided by the Town and shall be accompanied by,

- (a) The prescribed fee as set out in the Schedule to this by-law
- (b) Where the Applicant is
 - (i) a corporation, a copy of the first page of the Articles of Incorporation and the most recent Form 1 filed with the Ministry of Consumer and Commercial Relations
 - (ii) a partnership or a proprietorship, a copy of the Registration/Declaration filed with the Ministry of Consumer and Commercial Relation;
 - (iii) an association, a copy of the resolution endorsed by the members of the association, authorizing the Application to be submitted
- (c) Two (2) sets of required drawings, details, notes and heating calculations, of the Two-Unit House
- (2) Every Applicant shall ensure that the Two-Unit House is available for inspection by Inspectors, subject to the provisions of Section 6 hereof.
- (3) Any Person may submit an Application
- (4) The Registrar shall accept an Application unless
 - (a) the Application is incomplete;
 - (b) the Application contains mistaken, false or incorrect information;
 - (c) the fees due in respect of the Application have not been paid
 - (d) the Two-Unit House disclosed in the Application contravenes any of the provisions of this by-law, any other by-law of the Town, or any applicable statute or regulation

Inspections

6. (1) Upon acceptance of an Application, the Registrar shall direct Inspectors to conduct such inspections of the Two-Unit House as are necessary to determine if the Two-Unit House complies with the applicable standards set out in:
 - (a) the Ontario Building Code
 - (b) the Fire Code
 - (c) the Town of Halton Hills Property Maintenance and Occupancy Standards By-law
 - (d) Ontario Regulation 384/94
- (2) Upon acceptance of an Application, an Inspector may, at all reasonable times and upon producing proper identification, enter upon land and into buildings without a warrant to inspect a building for compliance under Section 3 hereof, and under standards specified in Section 6(1) hereof.
- (3) Except under the authority of a search warrant issued under Section 49.1 of the Planning Act, R.S.O. 1990, c.P.13, as amended, an Inspector shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, having first informed the occupier that the right of entry may be refused and entry made under the authority of a search warrant.
- (4) No Person shall obstruct or attempt to obstruct an Inspector carrying out an inspection hereunder.
- (5) In the event that all necessary inspections disclose that the Two-Unit House complies with the applicable standards set out in Paragraph 6(1) of this by-law, the Registrar shall register the Two-Unit House in a public register of Two-Unit Houses in the Town of Halton Hills.

Refund of Application Fee

7. (1) In respect of an Application for which the fee prescribed by Section 1 of the Schedule hereto has been paid, if the Application is withdrawn by the Applicant or is refused or the Registration is revoked by the Registrar pursuant to paragraphs 4(1) (d)-(h) hereof prior to the issuance of a building permit or a change of use permit respecting a Two-Unit House, the Applicant shall be refunded the portion of the fee prescribed by Section 2 of the Schedule hereto.
- (2) The decision of the Registrar to refuse an Application or to revoke a Registration is subject to an appeal to the Ontario Court (General Division) and the decision of the Court is final.

Notification of Refusal and Revocation

8. (1) Where the Registrar refuses an Application or revokes a Registration, he shall notify the Applicant and provide a brief explanation of the reason for the refusal/revocation.
- (2) The notice which is required to be given under Section
- (3) The notice shall be deemed to have been served upon the Applicant on the seventh day after the date of mailing.

Offence

9. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a penalty as provided under the Provincial Offences Act, R.S.O. 1990, c.P.33.

BY-LAW read a first, second and third time and finally passed and enacted this 11th day of November, 1996.