

New bylaws will register basement apartments, third suites, but Councillors question whether it goes far enough

A new bylaw coming up this fall will allow homeowners to register two additional dwellings on their property, but some lawmakers question whether the new legislation will make things safer for renters.

The bylaw in question, which is up for consideration at this week's Council meeting, is poised to come back to lawmakers for enactment this November. It's the result of the Ontario Government's More Homes Built Faster Act.

Under the new legislation, municipalities are required to allow additional residential units across the community in detached, semi-detached, and townhouse units and "within an accessory structure located on the property."

The intent, say municipal staff, is to allow up to three units on one residential lot. Current bylaws allow a total of two units per lot.

"The Town established [the bylaw] on August 14, 2012, which requires the registration of second units. The proposed Registration Bylaw will include 'additional residential units' (ARUs), which applies to both second and third units within a single-unit dwelling and additional units in an ancillary building," say staff. "As per Planning Act, the by-law would permit the registration of one ancillary unit, such as a garden suite or a laneway home, with a self-contained residential dwelling unit within an accessory building with its own facilities and sleeping area, to be located at the rear or side yard of a detached, semi-detached, or townhouse dwelling.

"The Town's proposed Registration By-law will include a section on inspections and enforcement which was not included in the current Registration By-law. As this by-law would be authorized pursuant to the Municipal Act, the inspection and enforcement practices would be the same as those utilized by the Town with respect to other by-laws authorized by the Municipal Act. It should be noted that while the inspection regulations allow for entry onto the property, it does not allow entry into the building without the owner's consent. Therefore, the enforcement capabilities of this by-law will be limited."

Council first reviewed the recommendations at the Committee of the Whole meeting earlier this month, but voted to defer it until November after Ward 1 Councillor Ron Weese brings forward another motion "potentially as early as October" that addresses the overriding concern with the draft bylaw: enforcement.

"Enforcement [is] one of the biggest problems with this particular bylaw," he said. "[The report says] it will not allow entry into buildings or dwellings unless consent is provided by an occupant, which limits the Town's [authority]. If you're creating a policy, you're creating a rule that is unenforceable, then it is really not much good to us. My direction is to look at something that has some enforcement powers to it."

These were concerns reflected by Ward 3 Councillor Wendy Gaertner, who said the licensing of second suites has "always been very problematic."

"It's really hard to get people to register their second units and it basically is a safety issue because if they're not inspected, we don't know that they are safe," she said. "If they don't get registered, we don't inspect them. Before we add a third unit to this? I would like to see what Councillor Weese has come up with."

Similar sentiments were echoed by Ward 2 Councillor Rachel Gilliland and Ward 5 Councillor John Gallo.

"I'm not so sure it is going to make a big difference on the overall outcome," said Councillor Gilliland.

On Councillor Weese's upcoming motion versus what was on the table, Councillor Gallo added, "This sounds like it could be revised in a significant way, in a positive way, where we can accomplish entry whereas this isn't allowing that. I have no issues [delaying the bylaw until after the motion] unless there is some urgency in passing this now, to wait to hear what comes out of the resolution, and

hopefully put it all together.?

Whether or not the matter was urgent was also questioned by Ward 4 Councillor Michael Thompson, who was told by Town Solicitor Patricia Desario that there was some urgency, but even if Council waited until November, enforcement powers were limited.

?We do not have authority to enter into people's homes,? she replied. ?It's very difficult to do so. We did have, from bylaw, a standard operating procedure that we did a couple of years back. At the time, we did say that one way to enter the property would be more through a search warrant because legislation does not give us the authority to enter into people's homes. While it could wait until November, it might be the same answer.?

Added Mayor Tom Mrakas, ?The legislation allows it (third units) regardless of what we do.?

By Brock Weir