



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2007-63

A BY-LAW TO AMEND BY-LAW 2003-106 BEING A BY-LAW FOR THE REGISTRATION OF TWO UNIT HOUSES (ACCESSORY DWELLING UNITS).

WHEREAS Section 8 the *Municipal Act*, 2001, S.O. 2001 c. 25 as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate;

AND WHEREAS Sections 8 and 11 of the *Municipal Act*, 2001, S.O. 2001 c. 25 as amended provides 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, including consumer protection;

AND WHEREAS it is deemed advisable to amend By-law 2003-106 in order to ensure that Two Unit Houses do not cause an additional burden or public nuisance for the residents of Newmarket, by requiring that all owners of Two Unit Houses comply with all regulatory and Municipal by-laws as a condition of registration and a condition of maintaining registration of a Two Unit House;

AND WHEREAS it is deemed desirable to mitigate public nuisances including, but not limited to, noise, odour, garbage, traffic, activities that have a significant impact on property values, an increase in harassment or intimidation, the presence of graffiti, or non-compliance with property or safety standards;

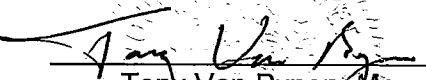
THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:


THAT By-law Number 2003-106 be and the same is amended by:

1. Deleting Section 3(b) and adding Section 3(b) to By-law 2003-106 as follows:
  3. (b) Prior to registration:
    - (i) Each dwelling unit in a two unit house shall be inspected by an inspector to ensure that it complies with all relevant standards set out in (a) the Ontario Building Code, (b) the Ontario Fire Code, (c) the Town's Zoning By-law 1979-50, as amended, (d) the Town's Property Standards By-law 1999-34, as amended, (e) the Ontario Electrical Code. In the event a dwelling unit has previously been inspected, only material changes completed after the initial inspection will be inspected.
    - (ii) The Registrar must be satisfied that, in the 12 months prior to the application for registration, there have been no outstanding orders, notices or charges under any municipal or regulatory by-law against the registered owner of the two unit house or against the property where the two unit house is located. Notwithstanding this provision, in the event of a change of registered ownership of the property, the Registrar may register any two unit house upon the applicant demonstrating that any order, notice or charge under any municipal or regulatory by-law has been complied with and that the non-compliance is not likely to reoccur. In all such cases, the applicant must meet all other requirements for registration as set out in this by-law.
    - (iii) The Owner shall pay a non-refundable registration fee, as set out in Schedule "A" to this by-law, together with any applicable inspection fees as set out in the Town's Fees and Charges By-law, as amended.

- (iv) The Owner shall submit a completed application form provided by the Town
- 2. Deleting Section 4(b) and adding Section 4(b) to By-law 2003-106 as follows:
  - 4. (b) The Registrar may revoke the registration of any two unit house which, at any time after registration, ceases to meet the requirements for registration of a two unit house as set out in this by-law. In the case of any orders, notices or charges under any municipal or regulatory by-law against the registered owner of the two unit house or against the property where the two unit house is located, no proceedings for revocation shall commence more than 12 months following the date of issuance of the order, notice or charge in question.

ENACTED THIS 11TH DAY OF JUNE, 2007.

  
Tony Van Bynen, Mayor

  
Liz Gibson, Deputy Clerk