



GEORGINA

ACCESSORY APARTMENT GUIDE



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1. INTRODUCTION

(a) What Is An Accessory Apartment?

An accessory apartment is a completely self sufficient and separately contained residential dwelling unit entirely within a single detached dwelling, semi-detached dwelling or townhouse dwelling. Accessory apartments are often referred to as basement apartments, second residential units or second suites, but the Town of Georgina has decided to use the term ‘accessory apartment’.

At this time an accessory apartment is not permitted in accessory structures such as detached garages and boathouses.

(b) All Accessory Apartments Must Be Registered To Be Considered Legal

As of August 20, 2012, the only accessory apartments that are considered legal are those registered with the Town according to the Town’s Registration By-law (By-law No. 2013-0053). Once an accessory apartment is registered, the owner will receive a Letter of Registration from the Town. The Clerk’s Division maintains an inventory of all registered accessory apartments and this information is available to the public from the Clerk’s Division through a Freedom of Information request.

For an accessory apartment to be eligible for registration, it is either created:

- under authority of the Residents’ Right Act, built prior to November 16, 1995 and can satisfy the Town by providing the documents outlined in Section 2(a)(i) of this Guide; or,
- prior to May 9, 1977 (being the date of passing of Zoning By-law No. 911, as amended) and legal non-conforming status has been confirmed with the Town’s Planning Division; or,
- with a Building Permit that has been issued for an accessory apartment, meets the requirements of Zoning By-law No. 500, as amended, and satisfactory final inspections are completed; or,

- by a Site-Specific Zoning By-law Amendment and Building Permit with satisfactory final inspections completed.

(c) About the Registration By-law

The purpose of the Registration By-law is to ensure that all accessory apartments in the Town of Georgina are safe and legal. The Registration By-law allows the Town to maintain a complete inventory of all single detached dwellings, semi-detached dwellings and townhouse dwellings that contain accessory apartments, which will be used, for example, by emergency services agencies (i.e. – Fire, Police, EMS) when responding to emergencies, the Town’s Operations Division when picking up garbage, and the Town’s Planning Division when calculating dwelling unit densities of neighbourhoods.

The Registration By-law requires inspections to ensure the safety of the owner and tenants of the accessory apartment. Depending on the year the accessory apartment was created, inspections will be required to ensure compliance with the Ontario Fire Code, Ontario Building Code and Ontario Electrical Code.

There are different requirements for registration based on when and how the accessory apartment was created. Section 2 of this Guide assists owners to determine what process and/or documents are needed to register an accessory apartment.

(d) Advisement about Parking

Please be aware that vehicles illegally parked on the street will be ticketed and no exceptions will be made for accessory apartments. Before creating an accessory apartment, please consider the parking needs for both units (i.e. – how many cars will there be for each household) and ensure the combined parking needs can be accommodated on the subject property, in compliance with Zoning By-law No. 500, as amended.

2. HOW TO CREATE, LEGALIZE AND REGISTER AN ACCESSORY APARTMENT

(a) Register an Existing Accessory Apartment Created Prior to November 16, 1995

If an accessory apartment was created prior to November 16, 1995 in a dwelling connected to municipal services, and is in compliance with the Ontario Fire Code and Ontario Electrical Code, it may be considered 'legal' under the Residents' Rights Act, but is still required to be registered with the Town of Georgina. The current provisions in Zoning By-law 500, as amended relating to accessory apartments do not apply to accessory apartments created prior to November 16, 1995.

(i) The following documents must be submitted to the Town's Building Division to register an accessory apartment created before November 16, 1995 (the sufficiency of documents required, as outlined below, is determined by the Town's Zoning Examiners):

- A completed Accessory Apartment Registration Application; and,
- Written confirmation from the Fire Department and the Electrical Safety Authority that inspections have been completed and that the building complies with the Ontario Fire Code and Electrical Safety Code. Please note:
 - The onus on arranging these inspections is the owner's responsibility. Important contact information is contained within Section 4 of this Guide.
 - Depending on the results of the above inspections, building permits may be required; and,
- Solemn Declaration from the owner who established the accessory apartment or owner or tenant who owned/occupied the accessory apartment prior to November 16, 1995; or a neighbour who has resided in the area since prior to November 16, 1995 and who has direct knowledge of the existence and occupancy of the accessory apartment; and,

- One additional piece of supporting documentation (i.e. – utility receipts, income tax forms, rental receipts, mail with postal address, etc.) that affirms the continued existence of the accessory apartment since prior to November 16, 1995.

(ii) After the conditions for registration of the accessory apartment are satisfied, the Registrar will send a Letter of Registration to the owner.

If the required documents (outlined in Section 2(a)(i) of this Guide), cannot be provided by the applicant to the satisfaction of the Town’s Zoning Examiners, then the accessory apartment cannot be considered legal under the Residents’ Rights Act, and therefore the steps in Subsection 2(c) of this Guide (i.e. – a building permit will be required) must be followed.

(b) Register an Existing Accessory Apartment created on or after November 16, 1995

(i) With Site-Specific Zoning By-law Amendment

If an accessory apartment was created on or after November 16, 1995 and has an approved site-specific Zoning By-law Amendment, and a building permit was obtained with satisfactory final inspections, then an Accessory Apartment Registration Application must be filled out and submitted to the Building Division. The Registrar will send a Letter of Registration to the owner.

(ii) Without Site-Specific Zoning By-law Amendment

If an accessory apartment was created on or after November 16, 1995 without an approved site-specific Zoning By-law Amendment, then the accessory apartment is considered to be illegal. To legalize the accessory apartment, the steps outlined in Subsection 2(c) of this Guide must be completed.

(c) Create and Register a New Accessory Apartment (i.e. – not constructed yet)

(i) Confirm that the proposed accessory apartment is permitted by the Town's Zoning By-law No. 500, as amended.

(ii) Once (i) above is confirmed, submit a design of the building prepared by a qualified designer and a building permit application to the Town's Building Division. The design must show how the proposed accessory apartment complies with the Ontario Building Code and Zoning By-law No. 500, as amended (see Section 3 of this Guide for more information on the Zoning By-law Provisions). The building permit process will require compliance with applicable health and safety standards. Additionally, fill out an Accessory Apartment Registration Application at the time of submitting the building permit, along with all applicable fees.

(iii) After the building permit process is completed, the accessory apartment is constructed and final inspections are completed satisfactory to the Town, the Registrar will send a Letter of Registration to the owner.

3. OVERVIEW OF REGULATIONS RELATING TO ACCESSORY APARTMENTS

(a) Ontario Building Code

PLEASE REFERENCE THE ONTARIO BUILDING CODE FOR EXACT PROVISIONS RELATING TO ACCESSORY APARTMENTS. BELOW IS FOR INFORMATION PURPOSES ONLY.

A house that contains an accessory apartment must comply with Building Code provisions including:

- fire separations between apartments and common spaces such as exit corridors, laundry rooms and other spaces that are accessible by both apartments,
- exits from each apartment,
- smoke alarms on each floor level in each apartment,
- heating and ventilation system requirements, and
- sufficient sizing of existing septic system.

(b) Zoning By-Law No. 500, as amended

PLEASE REFERENCE ZONING BY-LAW 500 FOR EXACT PROVISIONS RELATING TO ACCESSORY APARTMENTS. BELOW IS FOR INFORMATION PURPOSES ONLY.

- Only one accessory apartment permitted per lot.
- The accessory apartment must be located in a single detached, semi-detached or townhouse dwelling, provided such use is permitted in the zone within which it is located.
- An accessory apartment shall only be permitted within a dwelling that has frontage on a public road or street or access road or street.
- Accessory apartments shall not be permitted within a semi-detached dwelling or townhouse dwelling which is serviced by a private septic system and/or a private well.

- An accessory apartment shall not be permitted within an Urban Service Boundary (as defined by the Town's Official Plan) if it is serviced by a private septic system and/or a private well.
- An accessory apartment shall not be permitted within any dwelling serviced by a private septic system which is located within 100 metres of the Lake Simcoe Shoreline or any permanent stream.
- Only one unit of a dwelling containing an accessory apartment is permitted to contain a home occupation.
- An accessory apartment is not permitted on lands affected by flooding, erosion, or located within hazardous lands identified by the Lake Simcoe Region Conservation Authority, unless a permit is issued by the Lake Simcoe Region Conservation Authority under the Conservation Authority Act, as amended.
- The maximum driveway width of parking area shall not exceed 55% of the lot frontage.
- Minimum of 3 parking spaces must be provided, as follows:
 - 2 of the 3 parking spaces must have direct access to a public road or street or access road or street.
 - Only 1 of the 3 parking spaces can be within a garage.
- 1 additional parking space must be provided for a home occupation regardless of the size, and it can be located within the required front yard.
- All accessory apartments must comply with any other applicable restrictions or by-laws, including, without limitation, the Registration By-law, Ontario Building Code, Ontario Electrical Code, and the Ontario Fire Code.

(c) Ontario Fire Code

PLEASE REFERENCE THE ONTARIO FIRE CODE FOR EXACT PROVISIONS RELATING TO TWO UNIT DWELLINGS (ACCESSORY APARTMENTS). BELOW IS FOR INFORMATION PURPOSES ONLY.

In general, the regulation contained in the Ontario Fire Code addresses four fire safety issues including:

- fire separation from each dwelling unit,
- means of escape from each dwelling unit,
- smoke alarms, and,
- electrical safety.

An owner should be aware that bringing existing houses that contain an accessory apartment into compliance with the Fire regulations may require alterations for which a building permit is needed under the Building Code Act.

Requirements for Smoke Alarms and Carbon Monoxide (CO) Alarms:

Ontario Fire Code Division B, 2.13.2.1. requires operating smoke alarms on every storey of each dwelling unit and located outside of each sleeping area.

Town of Georgina By-Law 98-158 as amended, requires CO Alarms be installed outside of sleeping areas in each dwelling unit of a house that contains a fuel-fired appliance and dwellings where there is an enclosed attached garage.

4. IMPORTANT CONTACT INFORMATION

Building Division:

905-476-4301

Extensions 2252 or 2263

Fire Department:

Fire Prevention Division

905-476-5167

Electrical Safety Authority:

1-877-372-7233

Accessory Apartment Deputy Registrar:

Teri Frankland, Licensing Coordinator

905-476-4305

Extension 2291

To find a designer or contractor, refer to the Town's Business Directory at:

- www.ylm.ca