

# **Appendix 2**

# **Proposed Zoning By-law Amendments to Address Secondary Suites**

**City of Markham**

**Gladki Planning Associates**

**February, 2018**

## 1. Introduction

At its meeting of June 12, 2017 Council considered recommendations contained in the “Information Report, New Comprehensive zoning By-law Project, Phase 3A-Strategy for implementation of Secondary Suites and Update on Rooming Houses and Short Term Accommodations PR 13 128340 (10.5)”. Council approved the report in principle and adopted the following recommendation:

“That staff report back to a special meeting of Development Services committee in the Fall of 2017 with the following:

- ii) a final recommendations report and zoning by-law amendment for secondary suites and all related matters...”

The date for reporting back was subsequently moved to the Spring of 2018 following a statutory meeting of the Development Services Committee regarding rooming houses and short term accommodations on October 3, 2017.

This report addresses zoning and registration by-laws for secondary suites as part of the Markham New Comprehensive Zoning By-law Project.

Prior to the June 12, 2017 Council decision, the Development Services Committee held a statutory public meeting on December 6, 2016 to consider Zoning By-law amendments for rooming houses, secondary suites and short-term accommodations as part of phase 3A of the Comprehensive Zoning By-law project. At that meeting the Committee heard a number of deputations from members of the public and referred the matter back to staff for a report and recommendations.

Draft reports containing recommended amendments to address secondary suites in Markham’s zoning by-laws had initially been presented to the Development Services Committee on July 19, 2016. At that time the Committee recommended that the draft reports and options be presented and discussed at an open house for residents. The first open house was held on October 11, 2016, giving participants with an opportunity to provide feedback on the draft preliminary recommendations. The December 2016 statutory open house provided an additional opportunity for comment.

## 2. Background

### 2.1 Planning Act

In 2012, The Strong Communities Through Affordable Housing Act (Bill140) amended various sections of the Planning Act by:

- requiring municipalities to establish Official Plan policies and zoning by-law provisions permitting secondary suites in detached, semidetached and row houses, as well as in ancillary structures;
- removing the opportunity to appeal Official Plan policies and zoning by-law provisions regarding secondary suites to the Ontario Municipal Board except where such Official Plan policies are included as part of the required five-year municipal update; and
- authorizing the Minister of Housing to make regulations authorizing the use of, and prescribing standards for, secondary suites.

The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with secondary suites playing an important role in the provision of affordable housing. In addition, the legislation requires municipalities to pass zoning by-laws to permit secondary suites in a single detached house, semi-detached houses or row houses, either within the building or in an ancillary structure.

## 2.2 Region of York Official Plan

Section 3.5.22 of the Regional Official Plan requires local municipalities to adopt official plan policies and zoning by-law provisions that facilitate secondary suites by authorizing:

- a. the use of two residential units in a house if no ancillary building or structure contains a residential unit; and,
- b. the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.

## 2.3 Markham Official Plan (partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 21, 2017)

Markham's new Official Plan defines secondary suite as:

*"a second residential unit in a detached house, semi-detached house or row house that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons".*

Section 4.1.2.6 of Markham's new Official Plan (in force City-wide) states that "it is the policy of Council to support the diversification of housing tenure by providing for the establishment of secondary suites within existing and new permitted dwellings."

Chapter 8 outlines Residential, Mixed Use, Greenway and Countryside land use designations which provide for secondary suites (residential designations are currently in force City-wide, mixed use and countryside designations are in force City-wide, subject to area/site specific appeals, and greenway designations are under appeal City-wide). In addition, section 8.13.8 (in force City-wide) outlines specific uses policies that are to be considered when amending the zoning by-law to permit secondary suites. More specifically, Council must be satisfied that an appropriate set of development standards are included in the zoning by-law including:

- a. The building type in which the secondary suite is contained;
- b. The percentage of the floor area of the building type devoted to the secondary suite;
- c. The number of dwelling units permitted on the same lot;
- d. The size of the secondary suites;
- e. The applicable parking standards; and
- f. The external appearance of the main dwelling.

## 2.4 Markham Zoning

Secondary suites are generally not permitted in Markham's current zoning by-laws, except for those that were legally in existence prior to November 16, 1995. However, there are some Markham zoning by-laws that permit secondary suites such as:

- Markham Centre By-law (2004- 196) permits secondary suites (accessory dwelling units) in some zones (MC-D 3, MC-D 4 and MC-D 5)
- Bylaw 177-96 generally permits accessory dwelling units in Cornell, Cathedral Town & Angus Glen. These units must be located above the garage and in most cases the garages are detached however, there are some that are located in garages attached to a primary dwelling unit (177-96 provisions \*5, \*145, \*162, \*190, \*196, \*197, \*237,\*241,\*432)

In the absence of City-wide zoning permissions, the creation of secondary suites, as provided for in the new Official Plan, have been approved through site specific applications to the Committee of Adjustment. Through this process, each individual site is reviewed for its suitability to support an additional residential unit, taking into consideration a variety of planning considerations including building type, size of unit, parking standards and external appearance of the building. From June 2015 to April 2017 the Committee has approved 22 applications for secondary suites.

### 3. Proposed By-laws

In response to the Council decision of June 2017, two by-laws are proposed in this report: an amendment to the zoning by-law and a registration by-law. These are briefly described below.

#### 3.1 Zoning By-law

The draft amendment to Markham's zoning by-laws to extend the permission for secondary suites in Markham is included in the Appendix to this report. The by-law includes a number of the conditions for a secondary suite as provided for in the Official Plan. These conditions also reflect feedback from the public and members of Council. The conditions are set out below.

One accessory dwelling unit is permitted in a detached house, semi-detached house or townhouse in any zone provided:

- a) both the principal dwelling unit and the secondary dwelling unit are wholly contained within the same detached, semi-detached or townhouse dwelling;
- b) there are no more than two dwelling units on the same lot and the dwelling units do not contain lodging rooms;
- c) each dwelling unit has a floor area of no less than 35m<sup>2</sup>;
- d) no more than one dwelling entrance is contained within any main wall facing a streetline;
- e) the entrance to either the principal or secondary dwelling unit is not through the garage door;
- f) no additional parking spaces are required for the secondary suites; and,
- g) all other provisions of Markham's zoning By-laws are complied with.

#### 3.2 Registration By-law

Legally existing secondary suites prior to November 16, 1995, must be registered as a two unit dwelling with the Fire and Emergency Services Department under the City's Registration By-law (308-97). The Registration By-law applies only to units that were legally in existence prior to November 16, 1995. This by-law needs to be amended in order to apply to secondary suites that would become legal once the zoning by-law amendment extending the permission for secondary suites be approved. The draft Registration By-law included in Appendix 2 requires renewal of registration once every five years to ensure continued compliance with all applicable codes and standards. The by-law includes provisions for a registration fee. Council may also wish to consider waiving registration and inspection fees for a

limited period of time once the zoning by-law amendments are approved, in order to encourage compliance. This period could coincide with a public information campaign about the importance of complying with safety requirements and the need to register a secondary suite

## 4. Planning Considerations

### 4.1 Safety

The most important reason for legalizing secondary suites is safety. Many secondary suites exist, but do not comply with zoning by-laws in most parts of Markham, unless they were legally in existence prior to November 16, 1995. By-law enforcement officers can only gain access to inspect the units that do not comply with the zoning by-law once there is a complaint filed and they have reasonable grounds to suspect that there is a secondary suite on the premises. Fire inspectors have more leeway in gaining access to units to ensure compliance with the Fire Code, but are restricted in sharing their findings with by-law enforcement officers.

Currently owners of secondary suites that are not permitted in the City cannot apply for a building permit. Making secondary suites a permitted use in residential and mixed use zones would allow owners to legally apply for building permits and to address all Building and Fire Code safety. This would protect tenants by ensuring that they are living in units that meet safety standards.

### 4.2 Contribution to Housing Affordability

Secondary suites exist in Markham because there is demand for these types of units. Legalizing secondary suites would provide a safe source of affordable rental housing for many people. This is the intent behind provincial legislation. They would also provide the flexibility to adapt some of Markham's housing stock to meet changing demographic needs. In addition, secondary suites help homeowners with mortgage payments making homeownership more affordable for some households. Providing for secondary suites will not solve housing affordability on its own, but can contribute to expanding the stock of affordable housing without the need for government subsidy.

### 4.3 Impact on Services

Roads, sewers, water services and community services are in place in existing neighbourhoods. Based on available information on population change, legalizing secondary suites is not likely to place undue additional demand on these types of existing services.

Average household sizes have been declining in Markham since 1991, when they were at 3.5 persons per household (PPH) but by 2006 had fallen to 3.4 PPH. The Region of York's 2041 Population and Employment Forecasts shows a continuing decline for average household size in 2011 to 3.31 and a further decline every 5 years thereafter to a low of 3.04 PPH in 2041. The June 2017 presentation to Markham's General Services Committee on the Development Charges Background Study Update confirms this trend. According to this presentation, in 2016 there were 3.2 PPH in Markham; by 2016 this figure is expected to fall to 3.11 PPH and by 2031 to 3.07. The decline in household size is to some extent reflected in the shift in demand for smaller units. The opportunity to provide secondary suites would respond with the shift in demand.

Based on these trends, the population in existing neighbourhoods, where little additional development is expected, will either remain the same or decline, without accounting for secondary suites. In the event of a decline, the introduction of secondary suites may partially offset a decline in population. Secondary suites will, on average, have fewer school-aged children than single and semi detached dwellings because they contain smaller units. If secondary suites contribute to a stabilization of

population in existing neighbourhoods, they could contribute to the more efficient use of existing services.

While schools in newer communities are still approaching peak enrolment as new units are occupied, some established communities may be experiencing a decline in enrolment. As with other services, secondary suites may generate some additional pupils to offset the decline in enrolment in these neighbourhoods.

#### 4.4 Parking

Dwellings containing secondary suites will need to comply with the requirements for parking spaces in Markham's zoning by-laws. In general, these by-laws require two parking spaces for each detached and semi-detached dwelling.

This report recommends that there be no additional requirement for parking to accommodate secondary suites and that zoning by-laws be adjusted to reflect this. This recommendation is based on previous work carried out by Markham and the general concern, expressed in meetings by some Council members, that requiring three parking spaces may be excessive and have a negative impact on the streetscape. In addition, evidence exists that secondary suites generally do not generate increased demand for on-street parking<sup>1</sup>. Under this approach the demand for parking spaces will be constrained by availability, particularly if on-street parking is restricted.

In addition, dwellings containing a secondary suite will need to comply with the driveway width standards of Markham's Extended Driveway By-law. The Driveway By-law prohibits parking in a front or exterior yard except on a driveway leading to a garage.

#### 4.5 Impact on Neighbourhood Character

The zoning by-law standards outlined in section 3 of this report are intended to ensure that the introduction of a secondary suite does not change the appearance of the detached, semi-detached or row house dwelling. The standards require that the both the principal and secondary unit are contained within the same building; that only two units are located on the same lot; that there is only one entrance facing the street; and that the entrance to the building is not through the garage door.

These by-law amendments ensure that the appearance of residential buildings on the street and the physical character of the neighbourhood will not be affected by the introduction of secondary suites.

## 5. Other Considerations

### 5.1 Property Standards

The City's property standards by-law will be amended to include requirements for interior property standards such as heating, plumbing, electrical, ventilation, etc.

### 5.2 Communications Strategy & Public Education

Following enactment of the zoning by-law to permit secondary suites, it is recommended that a communication and public education campaign be initiated to inform the public of by-law changes, explain registration requirements and benefits and to promote safety.

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<sup>1</sup> City of Kingston. Second Residential Unit Research Report. Prepared by FoTenn Consultants Inc. March 2012.

#### 5.4 Monitoring Program

Staff will monitor the registration process for six months following the implementation of secondary suites in Markham and will report back to DSC with recommendations for improvements and/or additional resources, if required. The monitoring program will track items, including but not limited to, the number of building permit applications, complaints and inspections.

### 6. Recommendations

It is recommended that the amendments to Markham's zoning by-laws to allow for the legalization of secondary suites contained in Appendix 1 and the Registration By-law for secondary suites contained in Appendix 2 be approved.

## Appendix 1: Proposed Amendment to Markham Zoning By-laws

### BY-LAW 2017-\_\_\_\_\_

A By-law to amend By-laws 1229, 1442, 1507,1767,1914,2053,2150, 2237, 2284-8, 2402, 2489, 2551, 2571, 2612, 11-72,122-72,77-73, 83-73, 84-73, 119-73, 151-75,88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79,91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended

WHEREAS the City of Markham is empowered to pass By-Laws pursuant to the Planning Act R.S.O. 1990 c. P 13.

AND WHEREAS By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79,134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96 as amended, are intended to provide for the orderly development of land in the City of Markham;

AND WHEREAS the City of Markham wishes to ensure that By-laws 1229, 1442,1507,1767,1914,2053,2150,2237,2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81,108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96 as amended, permit a secondary dwelling unit within detached, semi detached and row houses within the City, provided certain conditions are met;

AND WHEREAS Council held a public meeting on \_\_\_\_\_ for the purposes of obtaining public input;

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1.0 By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68,2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73,119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78,72-79,91-79, 118-79, 134-79, 153-80, 165-80,72-81,90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82,47-85, 304-87, 19-94 and177-96, as amended are hereby further amended as follows:



1.1 For the purpose of this by-law only, the following definitions shall apply:

"Detached house" means a single residential structure containing no more than two dwelling units.

"Floor Area" means the aggregate of the areas of each floor of a dwelling unit above or below established grade, measured between the exterior faces of the exterior walls, but not including the floor area of a private garage.

"Garage Door" means the door of a private garage that permits a motor vehicle to access a private garage from the outside.

"Main Wall" means the exterior front wall of a building and all structural components essential to the support of a fully enclosed space.

"Principal Dwelling Unit" means a dwelling unit that has a floor area that is greater than the floor area of the other unit in the same building.

"Semi-detached house" means a residential structure which is one of two horizontally attached residential structures and is separated vertically from the other residential structure by a common wall which does not provide internal access from the living space in one structure to the other.

"Secondary Dwelling Unit" means a dwelling unit that has a floor area that is less than the floor area of the other unit in the same building.

"Streetline" means the boundary between a public street and a lot.

"Townhouse" means a residential structure which is one of a group of three or more horizontally attached residential structures and is separated vertically from one or two of the other structures by common walls which do not provide for internal access from the living space in one structure to another.

- 1.2 Notwithstanding any other provisions contained within the aforementioned by-laws, and subject to the provisions of this by-law, one *secondary dwelling unit* is permitted in a *detached house*, *semi-detached house* or *townhouse* in any Zone excluding the area shown on Schedule A attached, provided:
- a) both the *principal dwelling unit* and the *secondary dwelling unit* are wholly contained within the same *detached house*, *semi-detached house* or *row house*;
  - b) there are no more than two dwelling units in the same detached house, semi-detached house or row house and the dwelling units do not contain lodging rooms;
  - c) there are no more than two dwelling units on the same *lot*;
  - d) each *dwelling unit* has a *floor area* of no less than 35m<sup>2</sup>;
  - e) no more than one dwelling entrance is contained within any *main wall* facing a *streetline*;
  - f) the entrance to either the *principal* or *secondary dwelling unit* is not through the *garage door*; and
  - g) all other provisions of By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended are complied with, unless specifically modified or amended by this By-law,.

1.3 Notwithstanding any other provisions contained within the aforementioned by-laws, and By-law 28-97, and subject to the provisions of this by-law, no parking spaces are required for a *secondary dwelling unit*.

2.0 Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the City of Markham or any other requirement of the Region of York, the Province of Ontario or the Government of Canada that may affect the use of lands, buildings or structures in the municipality.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
KIMBERLY KITTERINGHAM  
CITY CLERK

\_\_\_\_\_  
FRANK SCARPITTI, MAYOR

## Appendix 2: Proposed By-law For Registration Of Secondary Dwelling Units

**2017-\_\_\_\_\_**

WHEREAS Section 16(3) of the Planning Act, S.O., 1990, c. P.13, as amended, requires municipalities to implement official plan policies authorizing the use of secondary dwelling units;

WHEREAS Section 35.1(1) of the Planning Act, S.O., 1990, c. P.13, as amended, requires that by-laws passed under section 34 give effect to the policies described in subsection 16(3) of that Act;

WHEREAS the City of Markham has added policies under Section 4.1.2.6 of the City of Markham Official Plan in order to comply with these Planning Act requirements;

WHEREAS the City of Markham has amended the area zoning by-laws by By-law 2016-\_\_\_\_\_ in order to comply with these Planning Act requirements;

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;

WHEREAS Section 11(2) (6) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property;

The Council of The Corporation of the City of Markham considers it important to enact a by-law to require the registration of secondary dwelling units in detached houses, semi-detached houses, and row houses in the City of Markham in order to protect persons, property and the health, safety and well-being of Markham residents;

NOW THEREFORE the Council of The Corporation of the City of Markham ENACTS as follows:

### 1. DEFINITIONS

For the purpose of this By-law only, the following definitions shall apply:

*“Chief Fire Official”* means the Municipal Fire Chief or a member or members of the fire department designated by the Municipal Fire Chief or a person appointed by the Fire Marshal under Division C of subsection 1.1.1. of Ontario Regulation 213/07 - The Ontario Fire Code, as amended.

*“Detached house”* means a single residential structure which contains no more than two *dwelling units*.

“Dwelling Unit” means a unit consisting of one or more rooms, which contains cooking, eating, living and sanitary facilities and is not a rooming house.

“Floor Area” mean the aggregate of the areas of each floor of a *dwelling unit* above or below established grade, measured between the exterior faces of the exterior walls, but not including the floor area of a private garage.

“Owner” means a person who is the registered owner, authorized in writing to act as agent for the registered owner, or managing or receiving the rent of a building or structure that is a *detached house*, *semi-detached house*, or *row house* that contains both a *principal dwelling unit* and *secondary dwelling unit*.

“Principal Dwelling Unit” means a *dwelling unit* that has a *floor area* that is greater than the *floor area* of the other unit in the same building.”

“Secondary Dwelling Unit” means a *dwelling unit* that has a *floor area* that is less than the *floor area* of the other unit in the same building.”

“Registrar” means the *Chief Fire Official* or his or her designate.

“Semi-detached house” means a residential structure which is one of two horizontally attached residential structures and is separated vertically from the other residential structure by a common wall which does not provide for internal access from the living space in one structure to the other.

“Townhouse” means a residential structure which is one of a group of three or more horizontally attached residential structures and is separated vertically from one or two of the other structures by common walls which do not provide for internal access from the living space in one structure to another.

## 2. APPLICATION

This by-law applies to a *detached house*, *semi-detached house* or *townhouse*, containing two *dwelling units* where permitted by Section 35.1 (1) of the Planning Act R.S.O. 1990 c. P 13, as amended.

## 3. PROHIBITION

No person shall occupy or permit the occupancy of more than one *dwelling unit* in a *detached house*, *semi-detached house* or *row house* unless the building or structure is registered as required by this By-law.

## 4. REGISTRATION

Every person who intends to occupy or permit the occupancy of more than one *dwelling unit* in a *detached house*, *semi-detached house*, or *townhouse* shall ensure that the building or structure is registered for a *secondary dwelling unit* as required by this By-law.

Registration and Registration Renewal:

(1) every *dwelling unit* in a *detached house, semi-detached house, or townhouse* involving a *secondary dwelling unit* shall be inspected to ensure that it complies with all relevant standards determined to be applicable, as set out in the Ontario Building Code; Ontario Fire Code; Fire Protection & Prevention Act; applicable Zoning By-law; and Property Standards By-law, all as amended from time to time;

(2) every *dwelling unit* in a *detached house, semi-detached house, or townhouse* involving a *secondary dwelling unit* shall be subject to a registration renewal every five (5) years from the date of the last registration date under this By-law;

(3) every *dwelling unit* in a *detached house, semi-detached house, or townhouse* involving a *secondary dwelling unit* may be subject to investigations by and comments or recommendations from the municipal or provincial department or agencies as the *Registrar* deems necessary prior to the time of registration renewal;

(4) the *owner* shall ensure that every *dwelling unit* in a *detached house, semi-detached house, or townhouse* involving a *secondary dwelling unit* complies with all relevant standards, as set out in subsection 4(1) of this By-law;

(5) the *owner* shall pay a non-refundable registration fee together with the applicable inspection fees, and registration renewal fees, as set out in Schedule A to this By-law;

(6) every *dwelling unit* in a *detached house, semi-detached house, or townhouse* involving a *secondary dwelling unit* that exists prior to the date of the passing of this By-law and is legally permitted under the applicable Zoning By-law and registered under City of Markham By-law 308-97 shall not be required to be registered under this By-law until such time as this By-law replaces and repeals By-law 308-97. The *owner* of such *secondary dwelling units* shall not be subject to registration fees, but shall be subject to registration renewal fees and applicable inspection fees, as set out in Schedule A to this By-law;

(7) every *dwelling unit* in a *detached house, semi-detached house, or townhouse* involving a *secondary dwelling unit* that exists prior to the date of the passing of this By-law and is legally permitted under the applicable Zoning By-law, but is not registered under City of Markham By-law 308-97, shall be required to be registered under this By-law at such time as this By-law replaces and repeals By-law 308-97. The *owner* of such *secondary dwelling units* shall be subject to registration fees together with the applicable inspection fees, and registration renewal fees, as set out in Schedule A to this By-law.

## 5. REFUSAL AND REVOCATION

The *Registrar* may refuse to register, or register renewal, any *secondary dwelling unit* which does not meet the requirements set out in this By-law.

The *Registrar* may revoke the registration, or registration renewal, of any *secondary dwelling unit* which, at any time after registration, ceases to meet the requirements set out in this By-law and the Ontario Fire Code as amended or where the *owner* has not carried on the activity with honesty and integrity; has violated any law or By-law; is conducting activity in such a way that would infringe on the rights of other members of the public; or has or would endanger the health or safety of other members of the public.

The onus of proving that a *secondary dwelling unit* meets the requirements set out in this By-law is on the *owner* of the building or structure.

6. NOTIFICATION OF REVOCATION

(1) Where the *Registrar* revokes the registration, or registration renewal, of a *secondary dwelling unit*, he/she shall notify the owner of the building or structure of such revocation, and provide a brief explanation of the reason for the revocation.

(2) Notice may be sent by regular mail to the address of the building or structure, or the address of the *owner* of the building or structure.

7. OFFENCE

Every person who contravenes any of the provisions 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.

8. REPLACE AND REPEAL OF PREVIOUS BY-LAW

(1) This By-law shall replace City of Markham By-law 308-97 upon its adoption by Council of the City of Markham.

(2) By-law 308-97 shall be repealed and replaced by this By-law.

READ A FIRST AND SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

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KIMBERLY KITTERINGHAM

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FRANK SCARPITTI, MAYOR