

Renting Out Your House? Renting A Room? Living Off-Campus?

WHAT YOU NEED TO KNOW ABOUT
STUDENT HOUSING IN THE CITY OF ORILLIA



NO MORE THAN

4

A DWELLING UNIT **CANNOT** HAVE
MORE THAN 4 RENTERS.

What is a Dwelling Unit?

- Designed or used for a single household unit
- Contains both washroom and cooking facilities
- Accessed from a private entrance from outside or inside the building

Why No More Than 4 Renters in a Dwelling Unit?

It's for your safety. It's the rules of the:

- City's Zoning By-law
- Ontario Building Code
- Ontario Fire Code

Considering renting your house? Already renting your house?

Contact the Department of Planning & Development to have your questions answered.

Planning Tel: 705-325-7471 Email: planning@orillia.ca
Building Tel: 705-329-7258

UP TO **4** BUT NO
MORE

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Thinking of Converting Your Home to a Boarding, Lodging or Rooming House?

Plan Carefully.

A Boarding, Lodging or Rooming House must comply with Planning and Building requirements.

PLANNING REQUIREMENTS

- ✓ MAY ONLY BE ESTABLISHED IF THE PROPERTY IS ZONED IN A MANNER THAT PERMITS A BOARDING, LODGING OR ROOMING HOUSE
- ✓ MUST BE CONNECTED TO FULL MUNICIPAL SERVICES
- ✓ ON-SITE PARKING MUST BE PROVIDED (1 PARKING SPACE PER LODGING ROOM)
- ✓ PARKLAND DEDICATION FEE IS REQUIRED IF DESIGNED FOR MORE THAN 5 PERSONS
- ✓ SITE PLAN APPROVAL IS LIKELY REQUIRED

NOTE: When more than 4 on-site parking spaces are required, the parking area must be PAVED and a minimum driveway width of 6 metres must be provided. Each parking space must be 2.7 metres by 6 metres. Tandem parking is not permitted.

For details, contact the Planning Division at 705-325-7471 or planning@orillia.ca

ONTARIO BUILDING CODE

- ✓ CONVERSION OF AN EXISTING BUILDING TO A BOARDING, LODGING, OR ROOMING HOUSE WILL REQUIRE IMPROVEMENTS TO THE BUILDING TO MEET THE *ONTARIO BUILDING CODE*

**For details on the building improvements required:
contact the Building Division at 705-329-7258**

ALSO REQUIRED ARE:

- ✓ ARCHITECTURAL DRAWINGS FROM A QUALIFIED DESIGNER OR ENGINEER
- ✓ A NEW BUILDING PERMIT
- ✓ A CHANGE OF USE BUILDING PERMIT

IS THE PROPERTY ZONED IN A MANNER THAT PERMITS A BOARDING, LODGING OR ROOMING HOUSE? IF NOT, THEN A ZONING BY-LAW AMENDMENT IS REQUIRED.

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Zoning By-law Amendment Process

If the property is not zoned in a manner that permits a Boarding, Lodging or Rooming House, then a complete Zoning By-law Amendment application must be prepared, submitted, reviewed and approved by the City.

The Zoning By-law Amendment process takes approximately 6 months. Expenses include the City's application and engineering review fees in addition to the costs incurred by the applicant to prepare and revise plans, post signs, attend public meetings, and retain consultants.

The decision to approve or deny a Zoning By-law Amendment is made by City Council. The decision may be appealed to the Ontario Municipal Board.

WHEN IS SITE PLAN APPROVAL REQUIRED? WHAT IS THE PROCESS?

Site Plan Approval Process

If paving results in the need for on-site Stormwater Management, then Site Plan Approval is required.

Site Plan Application and Engineering Review Fees are payable to the City. Securities for the site works (such as grading, paving and landscaping) must be posted with the City to ensure the works are completed in accordance with the City's requirements. You must retain a Consulting Engineer experienced in stormwater management and site servicing to prepare the plans. Plans must be based on an accurate survey of the property and designed in accordance with the City's standards.

The Site Plan Approval process can take several months. Site Plan Approval is required before a Building Permit can be issued.

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WHEN IS A CHANGE OF USE PERMIT REQUIRED?

A Change of Use Building Permit is required when a Dwelling Unit is converted to a Boarding, Lodging, Rooming House. The current fee is \$75.00. Additionally, if any construction is proposed then a Building Permit is also required.

HOW MUCH DOES A BUILDING PERMIT COST?

In addition to having a qualified engineer or designer prepare and revise the building permit drawings, the current Building Permit fees are based on \$8.00 per \$1000.00 spent on design, construction and labour (with a minimum fee of \$75.00). Plumbing Permit Fees may also apply.

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Is the Apartment in my House Legal?

THE CITY OF ORILLIA'S GUIDE TO APARTMENTS IN HOUSES

Legal Means:

- Complies with the Planning Act and/or City's Zoning By-law**
- Building Permit for the apartment has been issued under the Ontario Building Code and Complies with the Ontario Fire Code**

BENEFITS OF A LEGAL APARTMENT

- **ENHANCES AFFORDABILITY**
Rental revenue improves the affordability of home ownership.
- **PEACE OF MIND** - Safe home for you and your tenants.
- **PROPER INSURANCE COVERAGE**
You can get adequate insurance coverage.
- **GOOD NEIGHBOUR** - A legal and safe apartment is likely to improve relationships with your tenants, your neighbours, and with the City.

Before you buy...

Before you rent...

Before you renovate...

MAKE SURE IT'S LEGAL

RISKS OF AN ILLEGAL APARTMENT

- **LIFE SAFETY CONCERNS-** There may be fire risks associated with unsafe utility connections and building renovations.
- **INCREASED LIABILITY** - You are responsible for meeting building and fire code standards. If there is a fire, you may be liable because you failed to meet the requirements.
- **INSURANCE COVERAGE AT RISK** - Your insurance coverage may be compromised if you don't let your insurance company know that you have changed how you are using your home.
- **RISK OF PROSECUTION-** If you don't follow Provincial and Municipal regulations, then you are breaking the law. You run the risk of being charged and can face fines.
- **FINANCING MAY BE COMPROMISED** - Lenders generally don't consider income from an unauthorized apartment in your house when you try to qualify for a mortgage or you may not qualify for a mortgage if you aren't able to prove the apartment is legal.

For a copy of the complete Guide Book, contact the City of Orillia

Planning at 705-325-7471

Building at 705-329-7258

Fire at 705-325-5215



www.orillia.ca

March 2011



Is the Apartment in my House Legal?

The City of Orillia's Guide to a House with Two Dwelling Units

Q.1: Was a Building Permit issued for the apartment in my house?



YES



NO



Q.2: Has the apartment been maintained to meet the *Ontario Fire Code*?

STOP RENTING & SEEK LEGAL ADVICE
Renting an illegal apartment places you and your tenants at risk.

For More Info,
See Pages 2-4



YES



NO

COMPLY WITH PLANNING



For More Info,
See Page 5

ILLEGAL

APPLY FOR BUILDING PERMIT AND COMPLY WITH THE ONTARIO BUILDING CODE



For More Info,
See Page 6

COMPLY WITH THE ONTARIO FIRE CODE AND MAINTAIN AS PER THE ONTARIO FIRE CODE



LEGAL

Is the Apartment in my House Legal?

THE CITY OF ORILLIA'S GUIDE TO A HOUSE WITH TWO DWELLING UNITS

The apartment in your house is either **LEGAL** or **ILLEGAL**.

It is legal if:

LEGAL	<p><input checked="" type="checkbox"/> A Building Permit for the apartment has been issued.</p> <p>Contact Building at 705-329-7258 to determine if there is record of this building permit.</p> <p>AND</p> <p><input checked="" type="checkbox"/> The apartment has been maintained in accordance with the <i>Ontario Fire Code</i>.</p> <p>Contact the Fire Department at 705-325-5215 to determine if the apartment has been maintained.</p>
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It is not legal if:

ILLEGAL	<p> No Building Permit for the apartment has been issued.</p> <p>What do I need to do to legalize the apartment in my house?</p> <p><input checked="" type="checkbox"/> Comply with the Planning Act and/or City's Zoning By-law</p> <p><input checked="" type="checkbox"/> Apply for a Building Permit and Comply with the Ontario Fire Code</p> <p>See Pages 2-6 for steps to legalizing an apartment in a house.</p>
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For the Safety and Security of You and Your Tenants,
Legalizing the Apartment in Your House is Worth it.

Comply with Planning

THE CITY OF ORILLIA'S GUIDE TO A HOUSE WITH TWO DWELLING UNITS

In order to ensure that the apartment in your house complies with planning, you must:

Prove the apartment existed prior to [November 16, 1995.](#)

OR

Ensure that the property is [zoned](#) in a manner that permits an apartment in a house and the compliance with all applicable zone regulations is achievable.

For More Information, See Pages 3 & 4.

QUESTIONS? Contact Planning at 705-325-7471 or planning@orillia.ca

How to Prove Your Apartment Existed Prior to November 16, 1995

Question 1: Did the apartment in your house exist prior to November 16, 1995?

YES. The apartment in my house existed prior to November 16, 1995.

NO. The apartment was built after November 16, 1995.

Provide evidence to the Department of Planning & Development that the apartment existed prior to November 16, 1995.

Go to Question 2 on Page 4

EVIDENCE REQUIRED

In the absence of a Building Permit for the second dwelling unit in your house, you must submit an **Affidavit** to the City together with a copy of **two or more of the following supporting documents**:

- Copy of MLS Real Estate Listing documenting the existence of the apartment prior to November 16, 1995.
- Copy of Lease Agreement or other written documentation confirming the existence of the tenancy prior to November 16, 1995.
- Copies of receipts or cheques for rent for the period prior to November 16, 1995.
- Copy of the landlord-owner's Income Tax Return with the required Statement of Rental Income for the relevant period prior to November 16, 1995.
- Copies of invoices for work or repairs on the apartment completed prior to November 16, 1995.
- Copy of any Assessment Roll or Notice of Property Valuation confirming occupancy of the apartment prior to 1995.
- Mortgage documents and/or homeowner's insurance policy indicating existence of the apartment prior to November 16, 1995.

DID YOU KNOW?

In accordance with the Residents' Rights Act (Bill 120), if an apartment in a two-unit house existed prior to November 16, 1995, then it can be "grandfathered" provided the property was zoned residential (i.e. permitted a single detached, semi-detached or townhouse dwelling on November 16, 1995), the property is connected to full municipal services (including water and sewer) and the house has only two dwelling units.

WHAT IS AN AFFIDAVIT?

An Affidavit is a document (written by a lawyer) that must be sworn by a person who can personally attest to the fact that the apartment was in existence prior to November 16, 1995. This person may be the current owner/tenant, former owner/tenant or neighbour. An Affidavit is a written declaration or statement of facts made under oath that is commissioned by a lawyer entitled to practice law in the Province of Ontario.

PLANNING REQUIREMENTS ARE NOW SATISFIED
Apply for Building Permit – See Page 5

Does your apartment comply with the City's Zoning By-law?

Question 2: Does the Zoning By-law permit a "Duplex" on this property?

NO. The current zoning does not permit a Duplex

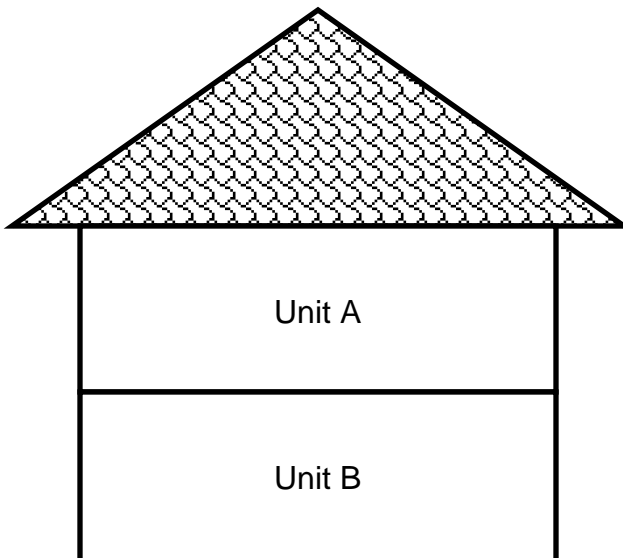
NOT ELIGIBLE FOR A BUILDING PERMIT UNLESS THE PROPERTY IS REZONED

YES, if the following criteria are met:

- The property is currently zoned in a manner that permits a Duplex (HR, R1, R2, R3, R4 Zones).
- The apartment in the house meets the definition of a Duplex.
- The property is connected to full municipal services (sewer and water).
- The property has a minimum lot frontage of 18m (59 feet).
- The property has a minimum lot area of 550m² (5,920 ft²).
- Three (3) parking spaces can be accommodated on the property (each space is 2.7m by 6m in size).

WHAT IS DUPLEX?

A Duplex is essentially an apartment in a house. But in order for the building to qualify as a Duplex, the building must be divided horizontally into two dwelling units. Each unit must have its own independent entrance either directly or through a common vestibule.



PLANNING REQUIREMENTS ARE NOW SATISFIED
Apply for Building Permit – See Page 5

DID YOU KNOW?

If your property doesn't have at least 18m of frontage and at least 550m² of lot area and at least 3 on-site parking spaces you may attempt to satisfy the Planning Requirements by applying to the Committee of Adjustment for a Minor Variance.

An application for a Minor Variance must be prepared and submitted together with the application fee. The application is circulated to neighbours within 60 metres (200 feet) of your property. The Committee of Adjustment makes the decision whether or not to approve the Minor Variance application. The Committee is comprised of three members of the public. The Minor Variance process typically takes 2 to 3 months. The decision can be appealed to the Ontario Municipal Board.

QUESTIONS? Contact Planning at 705-325-7471 or planning@orillia.ca

Applying For Building Permits

THE CITY OF ORILLIA'S GUIDE TO A HOUSE WITH TWO DWELLING UNITS

Prepare and Submit Building Permit Drawings

Pay the Parkland Dedication Fee

Pay the Building Permit Fees

ONTARIO BUILDING CODE REQUIREMENTS FOR AN APARTMENT IN A HOUSE MAY INCLUDE:

- Minimum Ceiling Height
- Proper Ventilation
- Adequate Natural Lighting
- Means of Egress (i.e. Fire Exits from the apartment)
- Smoke Alarms and Carbon Monoxide Detectors
- Fire Separations Between the Units
 - *This refers to the type of material in the walls, ceiling and floor between the two dwelling units and how long it would take for a fire to burn through them.*
- Inspection by the Electrical Safety Authority

Note: There are different standards in the Ontario Building Code to create an apartment in a house depending on the age of the house.

Parkland Dedication Fee

If a building permit has been issued for the accessory apartment or it is proven that the accessory apartment has been in existence since January 1, 1964, then the Parkland Dedication Fee is NOT applicable.

The Parkland Dedication Fee is payable if a Building Permit is required to be issued to legalize the apartment. The fee is \$750.00/unit for non-waterfront lots and \$1,500.00/unit for waterfront lots.

Building Permit Fees

If renovations are required to meet the *Ontario Building Code* requirements, the current Building Permit Fees are based on \$8.00 per \$1000.00 spent on design, construction and labour (with a minimum fee of \$75.00).

Plumbing Permit Fees also apply. There is a fee per plumbing fixture (ranges from \$10.00 to \$15.00 per fixture with a minimum fee of \$30.00).

A Change of Use Building Permit is also required. The current fee is \$75.00.

QUESTIONS? Contact Building at 705-329-7258

Complying with the Ontario Fire Code

THE CITY OF ORILLIA'S GUIDE TO A HOUSE WITH TWO DWELLING UNITS

You must always maintain your building in accordance with the *Ontario Fire Code*.

Once you have your Building Permit, it is your responsibility to ensure everything constructed and installed to meet the *Ontario Building Code* is maintained.

When is an inspection from the Fire Department required?

SCENARIO 1: If the apartment in the house has been constructed in accordance with the *Ontario Building Code* and a Building Permit has been issued, it is your responsibility to ensure that there are no alterations that may affect the performance of the building's life safety features. The building must always be maintained in accordance with the *Ontario Fire Code*. To determine whether or not your building has been maintained in accordance with the *Ontario Fire Code*, an inspection by the Fire Department may be requested.

SCENARIO 2: When a second dwelling unit to a house has been added and occupied as a second dwelling unit on or before July 14, 1994, and the second dwelling unit did not meet the requirements of an *Ontario Building Code*, then the building must minimally comply with Section 9.8 of the *Ontario Fire Code*. An inspection by the Fire Department must be requested to ensure compliance.

In either scenario, a Notice will be issued to the owner indicating any identified violations of the *Ontario Fire Code*. Deficiencies must be resolved as the owner of the building would be in violation of Provincial law. A Building Permit may be required for any alterations or repairs required to meet the requirements of the *Ontario Fire Code*. In order to apply for a Building Permit, the use must comply with the Planning Act and/or the City's Zoning By-law. See pages 3 & 4 of the Guide.

For An Inspection, Contact Fire at 705-325-5215

Frequently Asked Questions

THE CITY OF ORILLIA'S GUIDE TO A HOUSE WITH TWO DWELLING UNITS

1) Do I have to pay Development Charges to put an apartment in my house?

As long as the apartment is smaller than the main unit in the house, then no Development Charges are payable.

2) Do I need a Building Permit to install an apartment in my house?

Yes, a Building Permit is required. Before getting a Building Permit, you must make sure that the Zoning By-law permits it and make sure you can meet all of the Zoning By-law's regulations. Then you can apply for a Building Permit. See pages 3 - 5 for more detail.

3) Who can prepare the Building Permit drawings if I want to install an apartment in my house?

A homeowner or qualified designer can prepare the required drawings.

4) Does the City register apartments in houses?

No, the City does not have a registry system. You are still required to comply with all planning and building regulations. See pages 3 - 5 for more detail.

5) How will adding an apartment in my house affect my property taxes?

Adding an apartment to your house will result in a modest increase in the market value of your property. The market value of your property, determined by the Municipal Property Assessment Corporation (MPAC), is what your property taxes are based on.

If you have specific questions about how adding an apartment to your house will impact your property assessment, contact MPAC at 1-866-296-6722.

6) What if the apartment in my house existed before November 16, 1995 and I have evidence to prove that it existed but the apartment has since been removed. Have I lost the right to reinstate this apartment in my house?

No. If you can prove that the apartment existed prior to November 16, 1995 by submitting an Affidavit with the required documentation stated on page 3, then your house will always be permitted to have the apartment, even if the apartment has been removed or the use of the apartment has been discontinuous over time. Renovations are also permitted provided the renovations do not violate municipal planning regulations (such as setbacks or height) and complies with the *Ontario Building Code*.