

## Information Guide to Legalizing Existing Units

In 2018, the City of Orillia changed the Zoning By-law to allow most residential properties with one or more existing Dwelling Units that are located on the east side of Highway 11 to be legalized. To legalize existing Dwelling Units, Building Permits are required for units constructed after December 31, 1975.

**It is very important that you establish when the existing Dwelling Units were constructed. Generally, the older the existing units, then the lower the cost associated with obtaining a Building Permit.**

The dates are significant to ensure the appropriate legislation is applied to your building.

The following are the steps involved with legalizing existing Dwelling Units east of Highway 11:

 1. **Verify that your property is on the east side of Highway 11**

Buildings with existing Dwelling Units are only able to be legalized provided the property is located east of Highway 11.

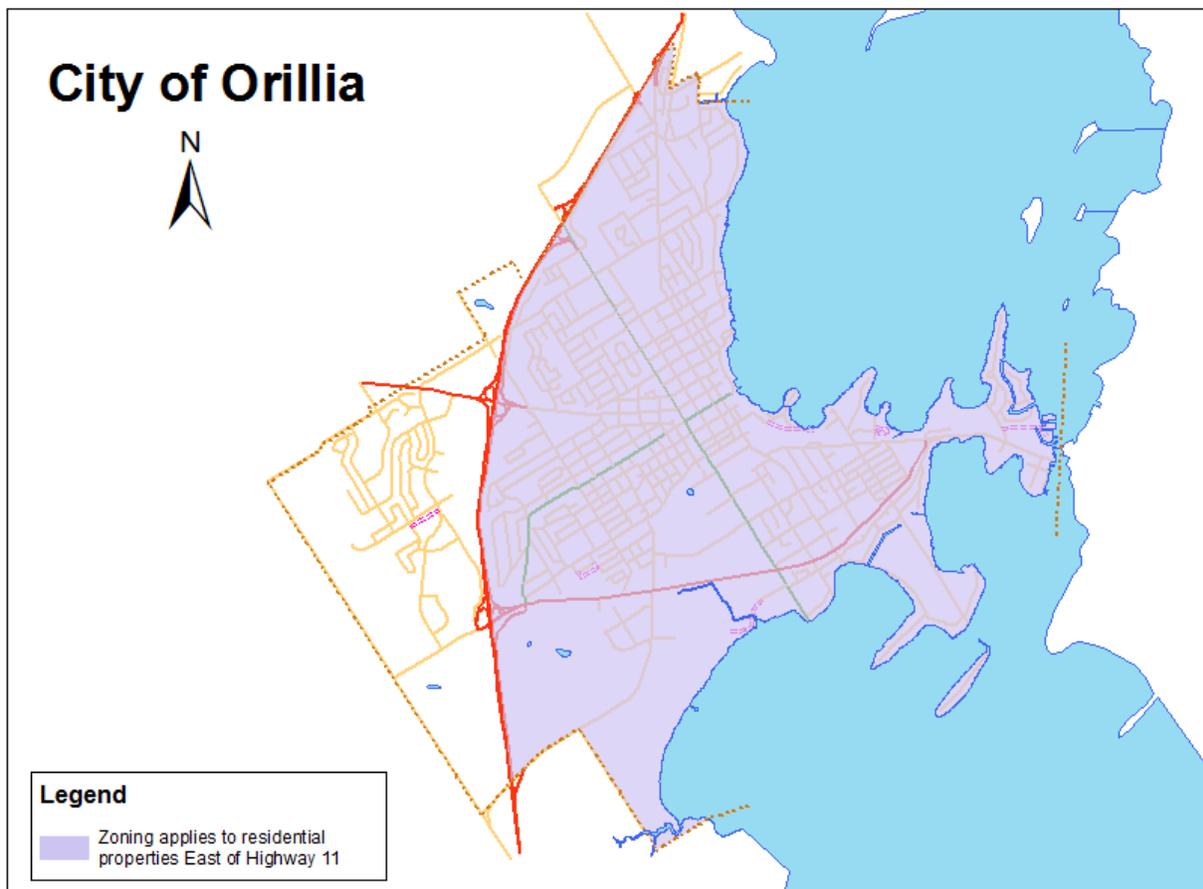


Figure 1





2. Determine if your property is in the right zone

Buildings with existing Dwelling Units are only able to be legalized provided the property is located east of Highway 11 and provided the property is located in one of the following zones:

- Residential Zones
  - R1, R2, R3, R4, & R5
- Commercial Intensification Zones
  - C2i, C3i & C4i
  - Only Commercial Intensification (i) Zones recognize residential buildings with existing Dwelling Units.
- Downtown Shoulder Zones
  - DS1 & DS2
- Health Care Zones
  - HC1 & HC2

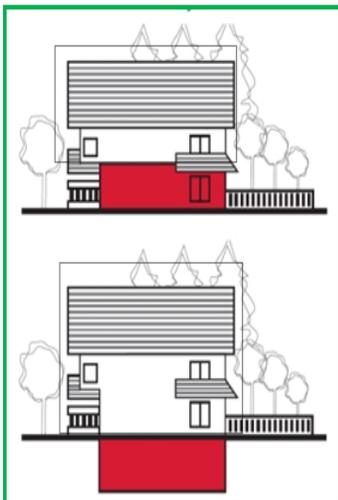
**Note: Existing Dwelling Units located in detached structures (such as garages, boathouses, or accessory buildings) are not permitted in the City's Zoning By-law.**



3. Provide evidence on the age of the existing Dwelling Unit(s)

To legalize existing Dwelling Units located on the east side of Highway 11, the Dwelling Units must have been in existence since prior to December 11, 2017. **Generally, costs associated with legalizing existing units are lower the longer the units have been in existence. It is very important that your evidence indicates the age of the existing units.** For example, if the units were constructed prior to December 31, 1975, then no parkland dedication fee and no Building Permits are required. However, Fire Inspection and associated fees are required.

The City will require proof of the age of the existing Dwelling Units. Example of types of evidence that you can submit to the City to prove the Dwelling Units existed prior to December 11, 2017 include:



**No Additional Parking Required**

If you're able to prove that the Dwelling Units have been in existence since before December 11, 2017, you don't have to provide any additional parking in order to legalize.





- MLS Real Estate Listing documenting evidence of the Dwelling Units.
- Lease Agreement or other written documentation confirming the existence of the tenancy in the existing Dwelling Units.
- Receipts or cheques for rent for the existing Dwelling Units for the period.
- Landlord's Income Tax Return with the required Statement of Rental Income for the existing dwelling units.
- Invoices for work or repairs completed on the existing Dwelling Units.
- Notice of Property Valuation from MPAC (Municipal Property Assessment Corporation) confirming occupancy of the existing Dwelling Units.
- Mortgage documents and/or homeowner's insurance policy indicating existence of the existing Dwelling Units.
- Affidavit **prepared by a lawyer** from the current owner/tenant, former owner/tenant or neighbour confirming the Dwelling Units existed.
- Vernon Street directory indicating the number of existing dwelling units.

Only one piece of evidence is required to be submitted with your Building Permit application.

If you don't have any of your own evidence, you can submit a Multiple Unit Inquiry Form, together with the fee, and the City will check its records for any evidence on the age of the Dwelling Units.

#### 4. **Determine the Building Permit requirements**

Once the evidence for the age of the existing Dwelling Units has been obtained, the next step is determining the Building Permit requirements.

#### **Buildings with 2 Dwelling Units:**

- If the 2<sup>nd</sup> Dwelling Unit was constructed prior to December 31, 1975, no Building Permits are required. However, a Fire Inspection is required. Call (705) 325-5215 in order to arrange a Fire Inspection.
- If the 2<sup>nd</sup> Dwelling Unit was constructed after December 31, 1975 but prior to or on July 14, 1994, then a Change of Use Building Permit is required. In this case, the Fire Code retrofit legislation will be applied. A sketch of the building's floor plan will be required to be submitted with the Change of Use Building Permit.
- If the 2<sup>nd</sup> Dwelling Unit was constructed after July 14, 1994, then a Building Permit with drawings is required.



### Buildings with 3 or more Dwelling Units:

- If all of the existing Dwelling Units were constructed prior to December 31, 1975, then no Building Permits are required. However, a Fire Inspection is required. Call (705) 325-5215 in order to arrange a Fire Inspection.
- If all of the existing Dwelling Units were constructed prior to or on October 9, 1992 (but on or after December 31, 1975), then a Change of Use Building Permit is required. In this case, the Fire Code retrofit legislation will be applied. A sketch of the building's floor plan will be required to be submitted with the Change of Use Building Permit.
- If any of the existing Dwelling Units were constructed after October 9, 1992, then a Building Permit with drawings will be required. The Ontario Building Code in effect at the time the existing Dwelling Units were constructed will be applied.
- If any of the existing Dwelling Units were constructed on or after January 1, 2007, then the Building Permit drawings must be prepared by a Designer with a BCIN (Building Code Identification Number).



### 5. Pay Fees

The fees depend on the age of the existing Dwelling Units. Generally, the older the Dwelling Units, the fewer fees are applicable.

### Buildings with 2 Dwelling Units:

- Prior to December 31, 1975 Fire Inspection fees apply. The cost is \$50 for inspection plus \$25 for each additional unit plus HST (\$113).
- If the 2<sup>nd</sup> Dwelling Unit was constructed after December 31, 1975, then the Building Permit fee is approximately \$250; but, the exact Building Permit fee will depend on the individual application and could range from as low as approximately \$100 to \$350. The Building Division will advise you of the required fees once the Building Permit has been submitted.
- If the 2<sup>nd</sup> Dwelling Unit was constructed after November 16, 1995, then the Parkland Dedication Fee will apply.
- Development Charges are NOT applicable if the 2<sup>nd</sup> Dwelling Unit is smaller in size than the main Dwelling Unit.

#### What is a Change of Use Building Permit?

A Change of Use Building Permit is when you are adding additional Dwelling Unit(s) but no construction is involved.



#### What is Fire Code Retrofit?

Fire Code Retrofit is legislation that requires existing buildings to meet a certain level of fire safety.





### **Buildings with 3 or more Dwelling Units:**

- Prior to December 31, 1975, Fire Inspection fees apply. The cost is \$50 for inspection plus \$25 for each additional unit plus HST.
- If the Dwelling Units were constructed on or after December 31, 1975, then the Building Permit fee per unit is approximately \$250; but, the exact Building Permit fee will depend on the individual application. The Building Division will advise you of the required fees once the Building Permit has been submitted.
- If the Dwelling Units were constructed on or after December 31, 1975, then Parkland Dedication Fees per unit are applicable and Development Charges may be applicable. Consult with the Building Division when preparing your Building Permit application.

Submit your evidence on the age of the existing Dwelling Units and your Building Permit application (if the units were constructed on or after December 31, 1975). The Building Division will advise you of the fees once the Building Permit has been submitted.



Disclaimer: This guide contains general information and is intended for reference purposes only. There are a number of variables that apply to the legalization of units. City staff will assist in determining the requirements that apply to any particular situation. Evidence of existing dwelling units must be deemed to be sufficient by city staff.

**Questions? Contact us or visit our website at [Orillia.ca](http://Orillia.ca)**

**Building Division**  
Telephone: (705)-329-7258  
Email: [Building@orillia.ca](mailto:Building@orillia.ca)

**Planning Division**  
Telephone: (705)-325-2622  
Email: [Planning@orillia.ca](mailto:Planning@orillia.ca)

