

# 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:

<b>LEGAL</b>	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> A Building Permit for the apartment has been issued.</li><li style="text-align: center;">AND</li><li><input checked="" type="checkbox"/> The apartment has been maintained in accordance with the <i>Ontario Fire Code</i>.</li></ul> <p>In order for staff to determine whether a Building Permit has been issued and if the apartment has been maintained in accordance with the Ontario Fire Code, an applicant must complete a Multi-Unit Inquiry form and pay the associated fee.</p>
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It is not legal if:

<b>ILLEGAL</b>	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> No Building Permit for the apartment has been issued.</li></ul> <p>What do I need to do to legalize the apartment in my house?</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Comply with the Planning Act and/or City's Zoning By-law</li><li><input checked="" type="checkbox"/> Apply for a Building Permit and Comply with the Ontario Fire Code</li></ul> <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 705-325-2622 or [planning@orillia.ca](mailto: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.

The Development Services and Engineering Department will confirm the existence of the apartment prior to November 16, 1995 using the 1995 Assessment Roll Books.

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

**Go to Question 2 on Page 4**

## EVIDENCE REQUIRED

If the second dwelling unit is not identified in the 1995 Assessment Roll Book, then the following evidence is required. You must submit an **Affidavit** to the City together with a copy of **one 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?

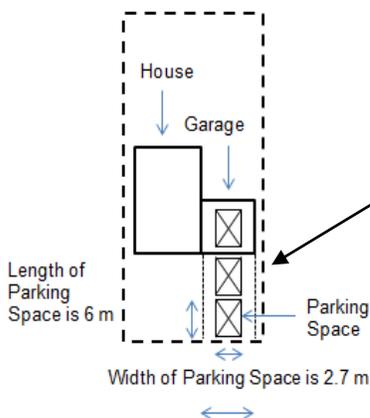
**Question 2: Is a "Secondary Dwelling Unit" permitted on this property?**

**NO.** The current zoning and/or use does not allow a Secondary Dwelling Unit

**NOT ELIGIBLE FOR A BUILDING PERMIT UNLESS THE PROPERTY IS REZONED**

## WHAT IS A SECONDARY DWELLING UNIT?

A Secondary Dwelling Unit means a self-contained Dwelling Unit that is located within a new or Existing Single Detached Dwelling, Semi-Detached Dwelling or Townhouse Dwelling that is subordinate to the principal Dwelling Unit on a property (as shown in the example).

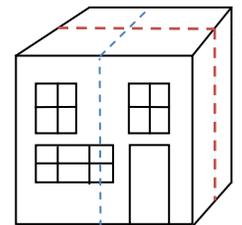
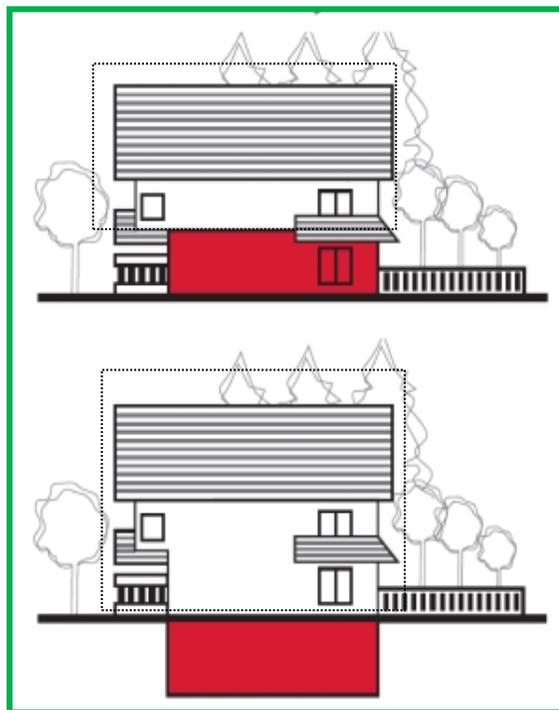


The parking spaces in this image are tandem (one in front of the other).

**YES, if the following criteria are met:**

- The property is currently zoned in a manner that permits a Single Detached Dwelling, Semi-Detached Dwelling or Townhouse Dwelling.
- The apartment in the house meets the definition of a Secondary Dwelling Unit.
- The required parking can be accommodated on the property (with each space being 2.7m by 6m in size). Parking can be tandem (as shown in the example).
- The property complies with the zone restrictions for parking area and Driveway (i.e. Maximum Driveway Width, etc.).

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



Secondary Dwelling Units can be configured in many different ways.

**QUESTIONS? Contact Planning at 705-325-2622 or [planning@orillia.ca](mailto: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, BUT IS NOT LIMITED TO:

- 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
  - A construction assembly that acts as a barrier against the spread of fire.
- Inspection by the Electrical Safety Authority

**Note: There are different regulations 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 November 16, 1995, 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

Permit fees generally range between \$97.00 and \$350.00 for the addition of a new unit within a dwelling (the average cost of a Building Permit is approximately \$260.00).

For more information, visit the City's website [www.orillia.ca](http://www.orillia.ca), or contact the Building Division at 705-329-7258 or [building@orillia.ca](mailto:building@orillia.ca) for more details.

Note: Development charges may be applicable.

**QUESTIONS? Contact Building at 705-329-7258 or Email [building@orillia.ca](mailto:building@orillia.ca)**

# 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*.