

**Frequently Asked Questions – Secondary Dwelling Units**

**Definitions**

**Q. What is a secondary dwelling unit?**

A. A secondary dwelling unit is a dwelling unit that is ancillary and subordinate to the main dwelling unit that may be contained within the main building on a lot or within an accessory building on the same lot, but not both.

**Q. Why is the City of North Bay permitting secondary dwelling units?**

A. The Strong Communities through Affordable Housing Act requires Municipalities in Ontario to permit Secondary Dwelling Units within single detached, semi-detached, townhouses (row, cluster, stacked) or within accessory buildings, but not both.

**Location**

**Q. Where are secondary units permitted?**

A. Secondary dwelling units are permitted in single detached, semi-detached, and townhouse (row, cluster, stacked) dwellings or in an accessory structure, located in the following zones: R1, R2, R3, R5, R6, Rural General (A) and Rural Residential Estate (RRE).



A secondary dwelling unit can be located within the existing dwelling (interior conversion), or can be added as an addition (attached) to the existing dwelling, or can be built in an accessory structure located on the same property (detached), or an existing structure (garage or shed) can be converted (structure conversion) to an secondary dwelling unit.

Please visit the Zoning By-law Documents and Schedules at <https://www.cityofnorthbay.ca/cityhall/department/planning-services/zoning/> or contact the City’s Zoning Administrator to determine the zone in which your property is located.

**Q.** **Can I have a Secondary Dwelling Unit located within my main dwelling and have a Secondary Dwelling Unit in my accessory building (garage/shed)?**

A. No, you are only permitted one Secondary Dwelling Unit per property.

**Q. What type of building can I have a Secondary Dwelling in?**

A. A secondary dwelling unit is permitted within a single detached, semi-

 detached, townhouse (cluster, stacked or street front), or can be

 permitted in an accessory building located on the same property, but

 not both.

**Q. Is there anywhere within the City secondary dwelling units are**

 **not permitted?**

A. Yes, secondary dwelling units are not permitted within 300 metres of

the unserviced properties of Trout Lake and major inflowing streams as identified on Schedule ‘E’ of Zoning By-law No. 2015-30. Secondary dwelling units are also not permitted within Industrial or Commercial zoned properties or properties that are subject to hazards such as steep slopes or flooding.

**Q. Can I have a secondary dwelling unit if I am located in the Rural area and service my property with a septic system?**

A. Yes, you are permitted a secondary dwelling unit within the rural area. You will be required to have a septic ‘File Review’ completed by the North Bay-Mattawa Conservation Authority to ensure there is adequate capacity for an additional unit.

**Q. Can I use my recreational vehicle (RV) as a secondary dwelling unit?**

A. No, secondary dwelling units are not permitted to be a recreational vehicle (RV), mobile home, boat house or any temporary structure.

**Permit Requirements**

**Q. What do I need to know if I decide to construct a secondary unit?**

A. You need to submit a Change of Use Permit to the Building Department in order to ensure proper fire separation and other Ontario Building Code requirements. You will be required to submit a site plan to illustrate where the parking spaces will be located on the property and also show where the proposed secondary dwelling unit and entrance to that unit will be located.

**Q. How much will the building permit and the registration of the secondary dwelling unit cost?**

A. The cost of the building permit will depend on the size and the amount of work that is required to legalize or construct the secondary dwelling unit. The City will not charge a fee for the registration of the secondary dwelling unit.

**Q. What is involved in applying for and obtaining a Secondary Unit Change of Use Permit?**

A. Your first step is to contact Planning Services to make sure your property qualifies under the Zoning By-law. If it does, your next step is to contact an In-House or Small Building Designer (SBD). The designer will conduct an inspection of your dwelling to ensure that your structure can accommodate all regulations under the relevant Provincial Legislation. The designer will then provide detailed floor plans of existing and proposed and a site plan to ensure parking can be accommodated in addition to the Change of Use Permit application. The Conservation Authority will be provided with a list of those properties on septic systems. For more information on both Change of Use Permits and In-House and Small Business Designers, please contact Building Services.

 Sample drawings and printable permit forms can also be found at <https://www.cityofnorthbay.ca/cityhall/department/building-services/>.

**Secondary Unit Regulations**

**Q. What if I don’t want a secondary unit in the main house? Can I convert or construct an accessory building on my property to use as a secondary unit?**

A. Yes, accessory buildings can be converted or constructed as secondary units BUT a secondary unit is not permitted in both the dwelling and the accessory building.

**Q. Where can the entrance to the Secondary Dwelling Unit be located on my property?**

A. The entrance to the secondary dwelling can be created at any location on the property, provided that it does not result in the creation of more than one entrance to the main dwelling that faces a public road.

**Q. What regulations apply to stand-alone secondary units?**

A. All regulations pertaining to accessory structures will apply, such as setbacks from side and rear property lines, height and lot coverage. Please contact the City’s Zoning Administrator for the specific regulations pertaining to your property.

**Q. Do I need to live in the dwelling to be able to put in a secondary dwelling unit?**

A. No, provided the property and dwelling have met the requirements to be a legal secondary dwelling unit, it is not mandatory to live within the main dwelling or the secondary dwelling unit.

**Q. If I want to rent to a relative do I need to register the secondary dwelling unit?**

A. Yes, regardless of who you are renting the secondary dwelling unit too you would need to follow the secondary dwelling unit By-law and register your unit to be considered a legal unit.

**Q. Are secondary dwelling units included as a unit for minimum lot area and lot frontage?**

A. Permitted secondary dwelling units are not included as a unit for minimum lot area and minimum lot frontage.

**Q. What if I have a duplex in an R2 zone? Do I have to register it?**

A. No, a duplex is not captured by the secondary dwelling unit by-law as it is already legal by virtue of the existing zoning and building permit.

**Q. If I have a large lot are there any restrictions on how big, or how close I can build my secondary dwelling unit in relation to my main dwelling?**

A. Yes, the secondary dwelling can have a maximum gross floor area of 45% of the Gross Floor Area of the Main Dwelling. The secondary dwelling must be located within 30 metres of the main dwelling.

**Q. How many parking spaces will I require?**

A. Most residential areas will require to have three (3) parking spaces. The exception of this is within the ‘Intensification’ area as shown on Schedule ‘F’ of Zoning By-law No. 2015-30. Within the ‘Intensification’ area a minimum of two (2) parking spaces are required.

**Q. In order to accommodate the number of parking spaces required, does this mean I can convert my entire front yard into a parking area?**

A. Parking is encouraged in the side yard or the rear yard, or in attached or detached garages but in the event of front yard parking, Section 4.8 of Zoning By-law No. 2015-30 limits residential parking to occupying 50% or less of front yard and 62% or less if the lot has 10.5m or less of frontage.

**Q. Do garages count towards parking spaces and can you park one car in front of the other?**

A. Yes, garages count towards the required parking spaces and yes you can park one in front of the other (tandem).

**Q. What if I can’t meet the minimum requirements of Provincial Legislation or Municipal By-laws?**

A. Provincial Legislation applies minimum standards for life and safety as a priority. If minimum standards can’t be met, the secondary dwelling unit will have to be decommissioned if existing, or will not be issued a Building Permit if applying.

**Legal vs. Illegal Secondary Units**

**Q. What happens if I decide to introduce a secondary unit in my dwelling after I’ve legally constructed a stand-alone secondary unit in my backyard?**

A. You will not be permitted to introduce a third dwelling unit as the By-law only pertains to secondary units on properties with single detached, semi-detached and townhouse dwellings which essentially have only one unit to start with. Remember, a registry will be created as Secondary Units are constructed.

**Q. Will I be obligated to follow any rent control or tenant regulations?**

A. Yes, secondary units follow the Landlord & Tenant Act, just as any other residential rental accommodations across the Province would.

**Q. What if I purchased a property which has an existing secondary unit and discovered that a Building Permit was never obtained for the legal construction of this unit. Will the City allow me to keep the secondary unit?**

A. Only if you meet the criteria for secondary units and only if you apply for, and successfully obtain a Change of Use Permit from the City. All Ontario Building Code regulations shall apply.

**Q. I am purchasing a dwelling and the listing says there is an existing Granny-suite. Are granny-suites or in-law suites different than secondary dwelling units?**

A. No, the Zoning By-law does not have any regulations that define a granny-suite or in-law suites. If the dwelling is being advertised with a granny-suite or in-law suite you should ensure the unit has been registered as a secondary dwelling unit with the City.

**Q. If I bought a dwelling that had an existing secondary dwelling does this make it legal (grandfathered)?**

Not necessarily, you should always have your realtor, lawyer or yourself ensure that the secondary dwelling has been registered with the City. If there is no documentation the unit was built legally then the unit will be considered illegal until a change of use permit is applied for and obtained.

**Q. What if the secondary unit was constructed over 30 years ago, which Provincial Legislation applies?**

A. If you can provide proof the unit has existed prior to July 14th, 1994, the Ontario Fire Code, Section 9.8 Retrofit shall apply, otherwise, any construction after 1994 is subject to the current Ontario Building Code. Regardless, a Change of Use Permit will need to be obtained.

**Enforcement**

**Q. What if I decide not to obtain the proper permits and proceed with the Secondary Unit construction?**

A. The City has no means of monitoring all illegal construction on private property, however you should know that Canada Post, North Bay Hydro and Engineering & Environmental Services will be provided with a copy of the Secondary Unit Registry. Requests for additional Hydro Meters, Water Meters, Mail Delivery and Garbage Pick-up will be denied if the Secondary Unit is not legal. Enforcement will follow.

**Q. Will I be charged if a secondary unit is determined to be illegal?**

A. It is our mandate to achieve conformity and/or compliance with clients. Staff will strive to work with you to bring the property in conformity or compliance in order to avoid charges. If you decide not to bring your property into conformity or compliance the City may bring charges against you.

**Development Charges**

**Q. Will Development Charges apply to my secondary unit?**

A. No, provided the secondary unit does not exceed the Gross Floor Area of the existing dwelling unit. Gross Floor Area does not include basements or attached garages.

**Q. Will the City allow me to bring in extra sanitary or water services to facilitate my secondary dwelling unit?**

A. No, you are required to use the existing services on your property to accommodate the secondary dwelling unit.

Should you have any other questions please do not hesitate to contact the City’s Planning and Building Departments.