

The Zoning By-law includes the following definitions:

“**Lodging House**” means a building or a part of a building, containing three to ten **lodging units**, which does not appear to function as a **dwelling unit**, although one may be included with the lodging units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. It does not include a hotel, a crisis care residence, a hospital, a group home, a correctional group home, a bed and breakfast establishment nor a nursing home. A lodging house may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided.

“**Lodging Unit**” means one or more rooms within a lodging house used or designed to be used for sleeping accommodations. Lodging units may contain cooking or washroom facilities, but not both.

“**Lodger**” means any person who pays rent, fees or other valuable consideration to a proprietor for living accommodation in which cooking or washroom facilities are shared with other persons.

“**Dwelling Unit**” means a unit consisting of one or more rooms, which unit contains toilet and cooking facilities and which is designed for use as a single house keeping establishment.

A recent Court decision ^[1], reviewed the factors comprising a prohibited “Lodging House”: ^[2]

- There must be between three and ten Lodging Units or bedrooms used by individual lodgers.
- The Lodging Units are occupied by lodgers paying rent, fees or other consideration.
- The Lodging Units are rooms used or designed to be used for sleeping accommodation, with cooking or washroom facilities, not both.
- Cooking and/or washroom facilities are shared by the lodgers in the building.
- The building does not function as a Dwelling Unit.

The last factor – not functioning as a Dwelling Unit – required the Court to consider the meaning of the “single housekeeping establishment”^[3] element of the term, “Dwelling Unit”. The term, “single housekeeping establishment”, is not defined in the Zoning By-law. Further details of the Court’s consideration of “single housekeeping establishment” are available on the City’s website at www.oshawa.ca/RRHL.

UPDATED BROCHURE

Residential Rental Housing in the Vicinity of Durham College and UOIT

CONTACTS:

Oshawa - Municipal Law Enforcement & Licensing Services (MLELS)

tel: 905-436-3852; fax: 905-436-5683

email: mlels@oshawa.ca

website: www.oshawa.ca/bylaws

- zoning, licensing, property standards inquiries

Oshawa - Building Permits & Inspection Services

tel: 905-436-3852; fax: 905-436-3857

email: buildings@oshawa.ca

website: www.oshawa.ca/permits

- construction, permit inquiries

Oshawa Fire Services - Fire Prevention

tel: 905-433-1236; fax: 905-436-3883

email: fire@oshawa.ca

website: www.oshawa.ca/fire

- life, fire safety inquiries

Electrical Safety Authority

tel: 1-877-ESA-SAFE or 1-877-372-7233

website: www.esasafe.com

- electrical, permits, contractors inquiries

Overview

Residential rental properties located in the vicinity of Durham College and University of Ontario Institute of Technology (DC/UOIT) – refer to the map inside – must be licensed through the Residential Rental Housing Licensing (RRHL) By-law and comply with the City’s Zoning By-law.

This brochure is a guide for landlords or prospective landlords of residential properties in the DC/UOIT area, as well as for tenants or prospective tenants in the vicinity.

For comprehensive information, visit the City’s website at www.oshawa.ca/RRHL. In addition, please refer to the back page of this brochure for further contact information.

Residential Rental Housing Licensing (RRHL) By-law

The RRHL By-law came into effect May 2008. The by-law requires that residential rental units in the vicinity of DC/UOIT be licensed and comply with various standards and by-laws, including the Fire Code, Property Standards By-law, Electrical Code, Building Code and the Zoning By-law. For more details on these standards and by-laws, visit the City’s website at www.oshawa.ca/RRHL.

The RRHL limits the number of rental bedrooms to four bedrooms on all streets in the rental area except for a time limited exemption on Concordia Court, Dalhousie Crescent and McGill Court. These three streets currently have a six-bedroom limit. On McGill Court, this exemption expires on February 11, 2010, while Dalhousie Crescent and Concordia Court expire on February 10, 2011. At the end of each expiry date the maximum rental bedrooms is four.

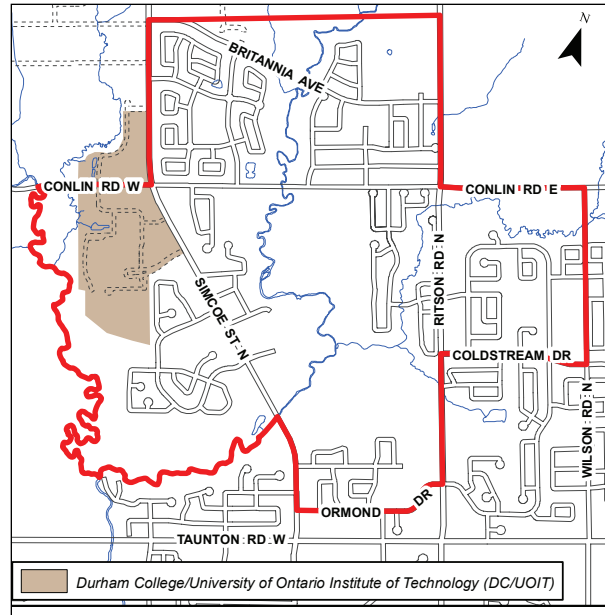
Zoning By-law

Landlords of residential rental units must comply with the City’s Zoning By-law that regulates land use within the city. Properties within the rental area depicted on the adjacent map generally only permit single detached dwellings (R1 zoning) and do not permit lodging houses, duplexes or apartments.



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Residential Rental Licensing Area



What Tenants Should Know

Tenants and prospective tenants in the vicinity of DC/UOIT should know that a licensed residential rental unit must function as a single housekeeping establishment.

The term, “single housekeeping establishment”, is not defined in the Zoning By-law. Further details of the Court’s consideration of “single housekeeping establishment” are available on the City’s website at www.oshawa.ca/RRHL.

- All occupants, as well as the landlord, must adhere to codes and by-laws throughout the duration of the licensing period.
- If all owners occupy a rental unit as their sole residence, they can rent a maximum of two bedrooms without having to obtain a licence.

For more details on the above, refer to the information in this brochure or visit the City’s website (www.oshawa.ca/RRHL).

Can I rent a basement apartment?

A basement apartment is only permitted if the zoning allows it and the necessary building approvals have been obtained. The zoning in the vicinity of DC/UOIT is generally R1 and does not permit the creation or use of more than one dwelling unit in a house. Accordingly, basement apartments, or any secondary dwelling unit in a house, are not permitted.

What happens if I have a landlord that does not have a RRH licence?

If your landlord does not have a licence, then you should not rent the property.

Can a landlord lose a licence?

A licence can be denied, suspended or revoked, particularly if there are by-law or code infractions (e.g., noise, property standards, snow clearing, refuse collection).

What happens if I have a landlord that does not maintain the property?

Tenants who have issues with the state of repairs or the maintenance of the rental unit or property should make a complaint to the City’s MLELS branch (refer to the back panel for contact information).

What are my responsibilities as a tenant?

Tenants are responsible for their behaviour and the behaviour of their guests, including adherence to the City’s Noise By-law, Nuisance By-law, and Parking By-law. Please visit the City’s website for copies of the by-laws at www.oshawa.ca/bylaws.

What if I would like more information?

This brochure is intended as a guide — visit the City’s website at www.oshawa.ca/RRHL for additional information. Contact information is included on the back of this brochure. For information on student housing availability, visit the DC/UOIT Student Housing Office online at www.durhamcollege.ca/studenthousing or www.uoit.ca/studenthousing.

What Landlords Should Know

There are five main criteria for obtaining a Residential Rental Housing (RRH) licence:

- The rental unit can only be used for those uses permitted under the City’s Zoning By-law.
- A rental unit in an R1 zone must function as a single housekeeping establishment. The term, “single housekeeping establishment”, is not defined in the Zoning By-law. Further details of the Court’s consideration of “single housekeeping establishment” are available on the City’s website at www.oshawa.ca/RRHL.
- The rental unit must not exceed the bedroom limits outlined in the RRHL By-law.
- The rental unit must comply with the Fire Code, Building Code, Electrical Code and Property Standards By-law.
- The landlord must obtain a minimum \$2 million liability insurance policy.

For more detailed information regarding the criteria and regulations, refer to the City’s Licensing By-law (“Schedule K”) at www.oshawa.ca/bylaws.

How do I obtain a RRH licence?

Landlords or prospective landlords must complete an RRH licence application and pay the required fee. Applications can be obtained from the Property Permits & Licences section of Municipal Law Enforcement & Licensing Services (MLELS) or can be downloaded from the City’s website at www.oshawa.ca/RRHL. Once the completed application is received and reviewed by MLELS, the landlord will be contacted regarding the required inspections, including Fire Services, Property Standards/Zoning and the Building Code. It is the landlord’s responsibility to arrange for an inspection with the Electrical Safety Authority (refer to the back panel for contact information).

What happens if my application for a residential rental unit licence is denied?

Denial of a licence may be appealed through an application to the City’s appointed Hearings Officer (through the City’s MLELS branch).

What happens if I operate a residential rental unit without a licence?

Operating without a licence is considered an offence and subject to enforcement, penalties and/or fines of up to \$50,000. Please note that the provisions of the licensing by-law will be enforced.

Will my residential rental licence expire?

RRH licences are subject to compliance with conditions and valid for up to one year (and expire on August 31 of each year). It is the responsibility of the landlord to apply for renewal of the licence annually.

Can my licence be revoked?

A licence can be suspended or revoked, particularly if there are by-law or code infractions (e.g., noise, property standards, snow clearing, refuse collection).

What happens if I have problem tenants?

This is a landlord and tenant issue which must be addressed through the Landlord and Tenant Board (formerly the Ontario Rental Housing Tribunal). For more information, visit www.ltb.gov.on.ca or call 1-888-332-3234.

What are my responsibilities as a landlord?

The landlord is responsible for adhering to various standards, City by-laws and codes, and for monitoring and managing the property. The landlord is also responsible for ensuring that building permits are obtained for all alterations to the property. For more information, contact the City’s Building Permits & Inspections Services (refer to the back panel for contact information).

What if I would like more information?

This brochure is intended as a guide — visit the City’s website at www.oshawa.ca/RRHL for additional information. Contact information is included on the back of this brochure. Landlords or prospective landlords should consult with their independent legal advisor(s) on any questions respecting their legal rights and obligations.