

## Homeowner Convicted (Illegal Basement Apartment)

**By Brian Madigan LL.B.**

I thought that you might find it of interest that a Brampton homeowner was charged and convicted under a by-law preventing the use of illegal basement apartments.

The homeowner will be required to pay a \$ 25,000.00 fine, which happens to be the highest fine that can be levied under the by-law.

In this case, ignorance of the law could not be used as an excuse (by the way, this never works, but people still try) since this particular homeowner had been convicted once before.

So, in essence this was a second offence.

Nevertheless, it certainly does show that Brampton is serious when it comes to basement apartments and the enforcement of its housing by-law.

In addition, the City of Brampton will seek to have the Real Estate Council of Ontario (RECO, the governing body for real estate agents) levy its own fines against the real estate agent involved. It will be the practice of the City to report any real estate agent who advertises an illegal basement apartment either for sale or for rent to RECO.

RECO, will have to determine how to handle such complaints. Obviously, some degree of censure (not censorship) will be required. It would be reasonably expected that RECO will refer all such matters to their Compliance, Complaints and Discipline department.

The agent involved in this case could face another fine.

And, this agent will not really be able to rely upon the “ignorance of the law” excuse. The agent was the homeowner!

In a press release the City has indicated that it will allocate additional resources to the enforcement of this by-law. It will continue to scrutinize MLS listings and classified ads, and will charge both buyers and sellers. The sellers are breaking the law now, and the buyers will be. The City will not provide any leniency just because the buyer claims some degree of ignorance

We'll have to follow this case and see what happens.

Brian Madigan LL.B., Realtor is an author and commentator on real estate matters Coldwell Banker Innovators Realty Inc. 905-796-8888 or visit [www.OntarioRealEstateSource.com](http://www.OntarioRealEstateSource.com)

