

Authority: Item ,
 Report (PED23072)
 CM:
 Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS; Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That By-law 17-225 be amended by adding the following table to Schedule A:

TABLE XX: BY-LAW 23-XXX Renovation Licence and Relocation By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-XXX	7	Landlord fail to submit an application for a licence within 7 days of serving notice of termination	\$400.00
2	23-XXX	7	Operator fail to submit an application for a licence within 7 days of serving notice of termination	\$400.00
3	23-XXX	8	Landlord fail to obtain a licence	\$400.00
4	23-XXX	8	Operator fail to obtain a licence	\$400.00
5	23-XXX	10	Landlord perform or cause to perform repairs or renovations after licence expired or suspended	\$400.00
6	23-XXX	10	Operator perform or cause to perform repairs or renovations after licence expired or suspended	\$400.00
7	23-XXX	11	Landlord hold themselves out to be licensed when they are not licensed	\$400.00
8	23-XXX	11	Operator hold themselves out to be licensed when they are not licensed	\$400.00
9	23-XXX	12	Landlord fail to comply with terms and conditions of their licence	\$400.00
10	23-XXX	12	Operator fail to comply with terms and conditions of their licence	\$400.00
11	23-XXX	13	Landlord transferred or assigned their licence	\$400.00

TABLE XX: BY-LAW 23-XXX Renovation Licence and Relocation By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
12	23-XXX	13	Operator transferred or assigned their licence	\$400.00
13	23-XXX	15	Person hindered or obstructed or attempted to hinder or obstruct Officer	\$400.00

3. That By-law 17-225 be amended by adding the following table to Schedule A:

TABLE XX: BY-LAW 23-XXX Safe Apartment Buildings By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-XXX	6	Owner operate or allow the operation of Apartment Building without registration	\$400
2	23-XXX	11	Owner fail to notify Director within 7 days of change in information	\$400
3	23-XXX	14	Owner fail to display registration in Common Area visible to tenants	\$400
4	23-XXX	26	Owner fail to erect or install a notification board in prominent location inside Common Area	\$400
5	23-XXX	26	Operator fail to erect or install a notification board in prominent location inside Common Area	\$400
6	23-XXX	29	Owner fail to provide a copy of Evaluation upon request	\$400
7	23-XXX	29	Operator fail to provide a copy of Evaluation upon request	\$400
8	23-XXX	41	Owner fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400
9	23-XXX	41	Operator fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400
10	23-XXX	42	Owner fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400
11	23-XXX	42	Operator fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400
12	23-XXX	43	Owner fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400
13	23-XXX	43	Operator fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400
14	23-XXX	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400
15	23-XXX	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400
16	23-XXX	77	Owner rent out Rental Unit when active property standards order against that Rental Unit	\$400
17	23-XXX	77	Operator rent out Rental Unit when active property standards order against that Rental Unit	\$400

TABLE XX: BY-LAW 23-XXX Safe Apartment Buildings By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
18	23-XXX	78	Owner rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400
19	23-XXX	78	Operator rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400

4. That By-law 17-225 be amended by repealing Table 28 in Schedule A and replacing it with the following Table:

TABLE 28: BY-LAW 23-XXX Vital Services By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-XXX	12	Landlord fail to provide adequate and suitable Vital Services	\$400.00
2	23-XXX	11	Landlord fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
3	23-XXX	11	Operator fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00

5. That By-law 17-225 be amended by repealing Table 14 in Schedule A and replacing it with the following Table:

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-XXX	5(7)	Owner fail to disconnect utilities in vacant building that has been vacant for more than 90 days	\$200
2	23-XXX	7(1)	Owner fail to keep water in private swimming pool clean and in a sanitary condition	\$150
3	23-XXX	7(1)	Occupant fail to keep water in private swimming pool clean and in a sanitary condition	\$150
4	23-XXX	7(3)	Owner - principal entrance of building not have a walkway/driveway/hard surface leading to road	\$150
5	23-XXX	7(4)	Owner fail to have concrete wheel stops at parking spaces	\$200
6	23-XXX	7(5)	Owner - area used for vehicular traffic/parking not surfaced with suitable dust free material and maintained	\$200
7	23-XXX	7(6)	Owner - surface of walkways/driveways/parking lots not maintained safe	\$200
8	23-XXX	7(7)	Owner - crushed stone surface not maintained free of dust	\$200
9	23-XXX	7(7)	Occupant - crushed stone surface spillover onto sidewalk/grass	\$150

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
10	23-XXX	7(7)	Owner - crushed stone surface spillover onto sidewalk/grass	\$150
11	23-XXX	8(1)	Owner fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200
12	23-XXX	8(1)	Occupant fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200
13	23-XXX	10 (1)	Owner - storm water discharge creating standing water	\$150
14	23-XXX	10 (1)	Occupant - storm water discharge creating standing water	\$150
15	23-XXX	10 (1)	Owner - storm water discharge creating erosion/damage to property	\$150
16	23-XXX	10 (1)	Occupant - storm water discharge creating erosion/damage to property	\$150
17	23-XXX	10 (1)	Owner - storm water discharge directed/draining onto adjoining property	\$150
18	23-XXX	10 (1)	Occupant - storm water discharge directed/draining onto adjoining property	\$150
19	23-XXX	10 (2)	Owner - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150
20	23-XXX	10 (2)	Occupant - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150
21	23-XXX	10 (3) (a)	Owner - eavestrough/downspout not watertight/free from leaks	\$150
22	23-XXX	10 (3) (b)	Owner - eavestrough/downspout not free from obstruction	\$150
23	23-XXX	10 (3) (c)	Owner - eavestrough/downspout not stable/securely fastened	\$150
24	23-XXX	10 (3) (d)	Owner - eavestrough/downspout not perform its intended function	\$150
25	23-XXX	11 (1)	Owner - fence/barrier/retaining wall not maintained to perform intended function	\$150
26	23-XXX	12 (1)	Owner - exterior surfaces not from resistant materials/coatings to protect deterioration by weather	\$150
27	23-XXX	12 (2)	Owner - fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200
28	23-XXX	12 (2)	Occupant- fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200
29	23-XXX	12 (3) (a)	Owner - exterior of building not maintained to prevent the entry of vermin/birds	\$200
30	23-XXX	12 (4) (a)	Owner - fail to maintain/prevent deterioration of exterior wall by painting/restoring or repairing wall/coping/flashing or waterproofing	\$200

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
31	23-XXX	12 (4) (b)	Owner - fail to repair vandalism/damage of exterior wall	\$150
32	23-XXX	12 (5)	Owner - fail to maintain/repair roof/all components to properly perform intended function, water-tight condition	\$200
33	23-XXX	13(4)	Owner - fail to maintain basement/crawl space in a watertight condition	\$200
34	23-XXX	14 (1) (a)	Owner - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200
35	23-XXX	14 (1) (a)	Occupant - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200
36	23-XXX	14 (1) (a)	Owner - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150
37	23-XXX	14 (1) (a)	Occupant - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150
38	23-XXX	14 (2)	Owner - fail to ensure lock on opening properly performs intended function	\$200
39	23-XXX	14 (3)	Owner - door/entrance to dwelling/dwelling unit without lock capable from securing from outside and inside	\$200
40	23-XXX	14 (4)	Owner - window not able to be locked/secured from inside	\$200
41	23-XXX	14 (5)	Owner - fail to have/maintain appropriate window screens	\$200
42	23-XXX	14 (5)	Occupant - fail to have/maintain appropriate window screens	\$200
43	23-XXX	14 (7)	Owner - voice communication system not maintained in good repair	\$150
44	23-XXX	15 (1)	Owner - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks other defects	\$200
45	23-XXX	15 (1)	Occupant - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks other defects	\$200
46	23-XXX	15 (2)	Owner - exterior stairway/landing/balcony/porch/ramp free of furniture/appliance	\$200
47	23-XXX	15 (2)	Occupant- exterior stairway/landing/balcony/porch/ramp free of furniture/appliance	\$200
48	23-XXX	15 (3)	Owner - fail to repair/replace treads and risers of exterior/interior stairway	\$200
49	23-XXX	15 (4) (a)	Owner - fail to have handrail for exterior/interior stairway	\$200
50	23-XXX	15 (4) (a)	Owner - fail to replace/repair exterior/interior handrail	\$200

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
51	23-XXX	15 (4) (b)	Owner - fail to have short wall at exterior stairway	\$200
52	23-XXX	15 (4) (b)	Owner - fail to repair/replace short wall at exterior stairway	\$200
53	23-XXX	15 (5)	Owner - fail to keep common areas clean and free of hazards	\$200
54	23-XXX	16 (4)	Owner - floor not smooth/level that may create unsafe condition/surface	\$200
55	23-XXX	16 (5)	Owner - floor covering worn/torn not repaired/replaced	\$200
56	23-XXX	16 (6)	Owner - fail to have water resistant floor covering in bathroom/kitchen/laundry or shower	\$200
57	23-XXX	16 (7)	Owner - wall/ceiling not maintained in a condition free from holes/open cracks/loose coverings other defects	\$200
58	23-XXX	16 (8)	Owner - fail to repair wall or ceiling to have a similar finish to that of the original and comparable to surrounding finishes	\$200
59	23-XXX	17 (1)	Owner - fail to have working lighting in stairway/exterior exit and entrance doorway, bath or shower room/toilet room/kitchen/ corridor/ basement/ laundry room and utility room	\$200
60	23-XXX	17 (2)	Owner - fail to have lighting in hallway/stairway/common area and underground parking	\$200
61	23-XXX	18 (2)	Owner - fail to maintain vent to prevent entry of rain, snow and vermin	\$200
62	23-XXX	19 (1)	Owner - heating system not capable of maintaining a temperature of 20 degrees C	\$400
63	23-XXX	19 (2) (a)	Owner - heating system not operating/maintained to properly perform intended function	\$400
64	23-XXX	19 (2) (b)	Owner - heating system not free from unsafe condition	\$400
65	23-XXX	19 (3)	Owner - furnace/boiler located in hallway or access/egress	\$200
66	23-XXX	19 (4)	Owner - portable heating equipment used as primary source of heat	\$400
67	23-XXX	21 (1)	Owner -plumbing system/fixture not maintained to perform its intended function	\$400
68	23-XXX	21 (1)	Owner - plumbing system/fixture not maintained and free from leaks/defects	\$400
69	23-XXX	21 (2)	Owner piping for suppling/draining water not protected from freezing	\$200
70	23-XXX	21 (3)	Owner plumbing fixture not connected by water seal trap to sewage system	\$400
71	23-XXX	21 (5) (a)	Owner fail to provide hot water at 43 degrees C	\$200
72	23-XXX	21 (5) (a)	Owner fail to provide cold water to kitchen/bath/shower/laundry room	\$200

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
73	23-XXX	21 (5) (b)	Owner fail to have cold water connected to toilet/hose bib	\$200
74	23-XXX	21 (6)	Owner fail to provide potable water to dwelling/dwelling unit from approved source	\$400
75	23-XXX	21 (7) (a) (i)	Owner fail to provide a hand wash basin in lodging house	\$200
76	23-XXX	21 (7) (a) (ii)	Owner fail to provide a toilet in a lodging house	\$200
77	23-XXX	21 (7) (a) (iii)	Owner fail to provide a bathtub or shower in lodging house	\$200
78	23-XXX	21 (7) (b) (i)	Owner fail to provide a kitchen sink in a residential care facility/dwelling unit	\$200
79	23-XXX	21 (7) (b) (ii)	Owner fail to provide a toilet in a residential care facility/dwelling unit	\$200
80	23-XXX	21 (7) (b) (iii)	Owner fail to provide a hand wash basin in a residential care facility/dwelling unit	\$200
81	23-XXX	21 (7) (b) (iv)	Owner fail to provide a bathtub or shower in a residential care facility/dwelling unit	\$200
82	23-XXX	22 (1) (a)	Owner fail to provide sink serviced with potable running water and splash back in kitchen	\$400
83	23-XXX	22 (1) (b)	Owner fail to provide work surface at least .74 m ² impervious to grease/water in kitchen	\$150
84	23-XXX	22 (1) (c)	Owner fail to provide storage facilities of at least .8 m ³ in kitchen	\$150
85	23-XXX	22 (1) (d)	Owner fail to provide cooking range/countertop range/refrigerator in kitchen	\$150
86	23-XXX	22 (1) (e)	Owner fail to maintain cupboard/kitchen fixture/fitting in good repair and working order	\$150
87	23-XXX	22 (2)	Owner bath/shower/toilet room not minimum height of 0.9m, water-resistant and cleaned	\$200
88	23-XXX	22 (3) (a)	Owner bath/shower/toilet room not accessible from interior of building	\$200
89	23-XXX	22 (3) (b)	Owner bath/shower/toilet room not fully enclosed with door for privacy	\$200
90	23-XXX	22 (3) (c)	Owner bath/shower/toilet room with no working artificial lighting fixture	\$200
91	23-XXX	22 (3) (d)	Owner bath/shower/toilet room not maintained to perform intended function	\$200
92	23-XXX	22 (4)	Owner fail to provide handwash basin in same room as toilet or adjoining bath or shower room	\$200
93	23-XXX	22 (5)	Owner - toilet or urinal located in habitable room used for living, eating and sleeping	\$200
94	23-XXX	22 (7)	Landlord fail to maintain appliance in good state of repair/safe operable condition in rental unit	\$200
95	23-XXX	23 (1)	Owner - waste storage area/waste chute not kept clean/sanitary free from obnoxious odour	\$200
96	23-XXX	23 (1)	Occupant - waste storage area/waste chute not kept clean/sanitary free from obnoxious odour	\$200

TABLE 14: BY-LAW 23-XXX Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
97	23-XXX	23 (2)	Owner - waste chute not operational at all times	\$200
98	23-XXX	24 (3) (i)	Owner - fail to keep elevator clean and free of dirt and defacements	\$200
99	23-XXX	24 (3) (ii)	Owner - fail to have working lights/elevator buttons/floor indicators and ventilation in elevator	\$200
100	23-XXX	25 (1)	Owner - fail to keep dwelling or dwelling unit free of infestation of pests	\$400
101	23-XXX	25 (1)	Occupant - fail to keep dwelling or dwelling unit free of infestation of pests	\$400
102	23-XXX	25 (2)	Owner fail to keep urban property free of infestation of pests	\$400
103	23-XXX	26 (3)	Owner – one-person bedroom not having floor area of 5.6 m ²	\$200
104	23-XXX	26 (3)	Owner - two or more-person bedroom not having floor area of 3.3 m ² per person	\$200
105	23-XXX	26 (4)	Owner - bedroom fail to be 1.8m in width	\$200
106	23-XXX	27 (1) (a)	Owner - interior and exterior heritage attributes not maintained to prevent deterioration	\$375
107	23-XXX	27 (1) (a)	Occupant - interior and exterior heritage attributes not maintained to prevent deterioration	\$375
108	23-XXX	27 (1) (b)	Owner - interior and exterior heritage attributes not repaired from damage	\$375
109	23-XXX	28 (2)	Owner - vacant heritage property (more than 90 days) – fail to ensure appropriate utilities are connected	\$375
110	23-XXX	31(1) (b)	Owner - fail to comply with an order	\$400
111	23-XXX	31 (1) (b)	Occupant – fail to comply with an order	\$400

6. That in all other respects, By-law 17-225 is confirmed; and
7. That the provisions of this By-law shall become effective on the date approved by City Council.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk